Inghams to Rotterdam 115kV
Rebuild Project

Case 25-T-0262

National Grid Response to June 30, 2025 DPS Deficiency Letter

Exhibit H

Revised Exhibit 7 - Local Ordinances (Redline)

BEFORE THE
PUBLIC SERVICE COMMISSION
STATE OF NEW YORK

Application of Niagara Mohawk Power Company d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for the Rebuild of Approximately 50.72 Miles of Transmission Line from the Inghams Substation in the Town of Manheim, Herkimer County, to the Rotterdam Substation in the Town of Rotterdam, Schenectady County, Traversing the Towns of Princetown and Rotterdam in Schenectady County, the Towns of Ephratah, Johnstown, Oppenheim, and Perth, and the City of Johnstown in Fulton County, the Towns of St. Johnsville, Amsterdam, Mohawk, and Florida, and the Village of Hagaman in Montgomery County, and the Town of Manheim in Herkimer County, and the Construction of the Saltsman Road Substation in the Town of Ephratah, Fulton County, New York.	Case No.: 25-T-XXXX

NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID

INGHAMS TO ROTTERDAM 115 kV TRANSMISSION REBUILD PROJECT

EXHIBIT 7

LOCAL ORDINANCES

Revised July 2025

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7.1 Introduction

National Grid (the "Applicant") proposes to construct and operate the Inghams to Rotterdam Project (the "Project").[1] The Project consists of the rebuild of approximately 50.72 miles of 115kV transmission line from the Inghams Substation in the Town of Manheim, Herkimer County, to the Rotterdam Substation in the Town of Rotterdam, Schenectady County. The Project also includes the construction of the new Saltsman Substation in the Town of Ephratah, Fulton County. The Project is proposed to be sited in the following jurisdictions:

- County of Herkimer
  - Town of Manheim
- County of Fulton
  - Town of Oppenheim
  - Town of Ephratah
  - Town of Johnstown
  - City of Johnstown
  - Town of Perth
- County of Montgomery
  - Town of St. Johnsville
  - Town of Amsterdam
  - Town of Florida
  - Town of Mohawk
  - Village of Hagaman
- County of Schenectady
  - Town of Princetown
  - Town of Rotterdam

Pursuant to 16 NYCRR § 86.8, 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"). The Applicant researched and directly inquired about Local Laws that may be potentially applicable to the Project. To determine the existence of Local Laws for Municipalities within the proposed Right of Way ("ROW"), the Applicant contacted the town clerks and code enforcement officers and/or other appropriate officials for the published Local Laws, and updates to such Local Laws, for the above-referenced Municipalities.

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

[1] In this exhibit, the term "Project" and number other capitalized terms are defined in the Glossary included in this Application.

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 pages 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.

TABLE 7.1-1 COMPLIANCE SUMMARY TABLE

Municipality	**Subject of Ordinance**	**Applicant Will Comply or Requests PSC Relief**
County of Herkimer		
	Local Law No. 5 of 1983, Waiver of Uniform Fire Prevention and Building Code	Will Comply
	Local Law No. 1 of 1990, Solid Waste	Waiver Requested
	Local Law No. 3 of 1993, Parking	Will Comply
	Local Law No. 2 of 2016, Herkimer County Sewer Use Rules and Regulations	~~Partial Waiver Requested~~Will Comply
	Local Law No. 3 of 2022, Herkimer County Right to Farm Law	Will Comply
Town of Manheim		
	Section 313, Standards Applicable to All Special Uses	Partial Waiver Requested
	Section 431, Agricultural 120,000 AG-120, Uses Requiring Special Permit	Partial Waiver Requested
	Section 432, Agricultural 120,000 AG-120, Area, Yard, Coverage, Height, Supplementary Regulations	Partial Waiver Requested
	Section 501-504, Site Plan Review and Approval	Partial Waiver Requested
	Section 510, Off-Street Parking Requirements	Waiver Requested
	Section 511, Off-Street Load Space Requirements	Waiver Requested
	Section 512, Special Parking and Loading Space Requirements	Waiver Requested
	Section 520, Landscaping Requirements	~~Will Comply~~Waiver Requested
	Section 530, Performance Standards	Waiver Requested
	Section 546, Public Utility Structures	Partial Waiver Requested
	Sections 550 – 555, Signs	~~Will Comply~~Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
County of Fulton		
Town of Oppenheim		
	Local Law No. 1 of 2003, Regulation of All Terrain Vehicles	Waiver Requested
	Local Law No. 2 of 2016, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code	Will Comply
	Local Law No. 3 of 2016, Maintenance of Real Property	Will Comply
	Local Law No. 1 of 2022, Building Lot Requirements	Waiver Requested
Town of Ephratah		
	Local Law No. 1 of 2002, All-Terrain Vehicles	Waiver Requested
	Local Law No. 3 of 2009, Right of Way on Highway Roads	Waiver Requested
	Local Law No. 3 of 2010, Site Plan Review	Partial Waiver Requested
	Local Law No. 1 of 2021, Winter Parking on Roads	Will Comply
Town of Johnstown		
	Chapter 33, Fire Prevention	Will Comply
	Chapter 34, Fires, Outdoor	Will Comply
	Chapter 36, Flood Damage Prevention	Will Comply
	Section 36-14, General Standards	Waiver Requested
	Section 36-15, Specific Standards	Waiver Requested
	Section 36-16, Floodways	Waiver Requested
	Chapter 45, Littering	Will Comply
	Section 54-4, Prohibited Acts	Will Comply
	Chapter 59, Sewers	~~Partial Waiver Requested~~ Will Comply
	Section 61-6, Snow on Highways	Will Comply
	Chapter 63, Subdivision of Land	Will Comply
	Section 75-3, Blocking Driveways	Waiver Requested
	Section 75-4, Prohibited Parking	Waiver Requested
	Chapter 76, Recreational Vehicles	Waiver Requested
	Chapter 80, Waste Disposal and Landfills	Waiver Requested
	Section 84-10, Use Districts	Preempted
	Section 84-11, Schedule of Regulations	Partial Waiver Requested
	Section 84-12, Additional Area Regulations	Partial Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 84-13, Additional Height Regulations	Partial Waiver Requested
	Section 84-14, Off-Street Parking	Waiver Requested
	Section 84-15, Off-street Loading	Waiver Requested
	Sections 84-20 and 84-20.1, Property Maintenance and Removal of weeds and growth	~~Partial~~ Waiver Requested
	Sections 84-21 and 84-21.B, Signs – Zoning District regulations	Will Comply
	Section 84-22, Tree Removal	Partial Waiver Requested
	Article X, Special Use Permits	Partial Waiver Requested
	Article XI, Site Plan	Partial Waiver Requested
City of Johnstown		
	Article IV, Administration and Enforcement	Will Comply
	Section 22-504, Applicability of Regulations	Will Comply
	Section 22-507, Allowed Land Uses	Preempted
	Section 22-508, Prohibits Land Uses	Waiver Requested
	Section 22-812, Public Utility	Waiver Requested
	Section 22-812, Fences	Waiver Requested
	Section 22-902(A), Minimum Lot Size Requirements	Waiver Requested
	Section 22-902(B)(1), Yard Setback Requirements: Corner Lot Setbacks	Will Comply
	Section 22-902(B)(8), Yard Setback Requirements: Fences, Walls and Hedges	Will Comply
	Section 22-902(C), Height Requirements	Preempted
	Section 22-902(E), Projection	Waiver Requested
	Section 22-1102, Sign Permit	Preempted
	Section 22-1103, Application for Sign Permit	Preempted
	Section 22-1106(B)(2), Prohibited Signs	Will Comply
	Section 22-1106(B)(4), Sign Measurement	Will Comply
	Section 22-1106(B)(5), Materials	Will Comply
	Section 22-1106(B)(6), Maintenance	Will Comply
	Section 22-1106(B)(7), Illumination	Waiver Requested
	Section 22-1106(B)(8), Traffic Safety	Will Comply
	Section 22-1106(B)(9), Public Right-of-Way	Will Comply
	Section 22-1106(B)(10), Obstructions	Will Comply
	Section 22-1106(C), Temporary Signs	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 22-1106(F), Sign Regulations in Industrial Zone	Waiver Requested
	Section 22-1106(G), Sign Regulations in Public Use Zone	Waiver Requested
	Section 22-1202, Compliance with Other Laws and Regulations	Waiver Requested
	Section 22-1203, Building and Zoning Permit	Preempted
	Section 22-1204(A), General Requirements	Waiver Requested
	Section 22-1204(D), Parking Lots	Waiver Requested
	Section 22-1205, Off-Street Loading	Waiver Requested
	Article XIII, Site Plan Review	Waiver Requested
	Article XIV, Special Use Permits	Waiver Requested
Town of Perth		
	Article 3, Zoning Administration and Enforcement	Will Comply
	Article 4, Town of Perth Use Districts	Will Comply
	Article 6.A, Schedule of Regulations	Partial Waiver Requested
	Article 6.B, Additional Area Regulations	Will Comply
	Article 9, Special Use Permits	Partial Waiver Requested
	Article 10, Site Plans	Partial Waiver Requested
	Article 11.C, Parking Space Area	Will Comply
	Article 11.D, Orientation	Will Comply
	Article 11.E, Residential Screening	Will Comply
	Article 11.F, Parking Lot Lighting	Will Comply
	Article 11. G, Target Number of Parking Spaces	Will Comply
	Article 12, Signage	Waiver Requested
County of Montgomery		
	Local Law No. 1 of 1976, Freshwater Wetlands Protection	Preempted
	Local Law No. 2 of 1988, Fire Prevention and Building Code	Will Comply
	Local Law No. 3 of 1992, Right to Farm	Will Comply
	Local Law No. 3 of 2021, Designating Scenic Byways	Partial Waiver Requested
Town of St. Johnsville		
	Section 7, General Regulations	Will Comply
	Section 9, A-Agricultural District	Will Comply
	Section 11, C-Commercial District	Will Comply
	Section 14, Historic Overlay	Preempted
	Section 15, Regulations in Schedule A	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 16, Area Regulations	Waiver Requested
	Section 17, Height Regulations	Waiver Requested
	Section 19, Developments requiring Site Plan Review	Preempted
	Section 20, Procedure	Preempted
	Section 21, Enforcement	Waiver Requested
	Section 22, Submission Requirements	Preempted
	Section 23, Standards for Review	Partial Waiver Requested
	Section 25, Additional Requirements	Waiver Requested
	Section 27, Special Permits	Partial Waiver Requested
	Section 33, Junkyards	Will Comply
	Section 34, Signs	Will Comply
	Section 36, Vision Clearings at Intersections	Will Comply
	Section 37, Landscaping Requirements	~~Will Comply~~Waiver Requested
	Section 42, Exterior Lighting	Will Comply
	Section 44, Public Utility Facility	Partial Waiver Requested
	Section 46, Off Street Parking and Loading	Waiver Requested
	Section 47, Off-Street Loading Facilities	Waiver Requested
	Article XI, Administration	Will Comply
Town of Amsterdam		
	Section 7, R-1 Residence District	Partial Waiver Requested
	Section 8, R-2 Residence District	Will Comply
	Section 10, A Agricultural District	Will Comply
	Section 11, B-1 Business District	Partial Waiver Requested
	Section 16, Historic Overlay District	Waiver Requested
	Section 17, Regulations in Schedule A	Will Comply
	Section 18, Area Regulations	Waiver Requested
	Section 19, Height Regulations	Will Comply
	Section 20, Site Plan Review	Partial Waiver Requested
	Section 21, Special Permits	Partial Waiver Requested
	Section 30, Dumps and Junkyards	Will Comply
	Section 31, Signs	Waiver Requested
	Section 37, Automobile Parking Facilities	Will Comply
	Section 38, Off-Street Loading	Waiver Requested
	Article XI, Administration and Enforcement	Will Comply
Town of Florida		
	Section 9, A-Agricultural District	Will Comply
	Section 14, Regulations in Schedule A	Waiver Requested
	Section 15, Walls, Fences and Hedges	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 16, Height Regulations	Will Comply
	Article VII, Site Plans and Special Permits	Partial Waiver Requested
	Section 33, Junkyards	Will Comply
	Section 34, Signs	Will Comply
	Section 35.1, Off-Premises Signage	Will Comply
	Section 36, Vision Clearance at Intersections	Will Comply
	Section 37, Landscaping Requirements	~~Will Comply~~Waiver Requested
	Section 38, Corner and Through Lots	Will Comply
	Section 42, Exterior Lighting	Will Comply
	Section 44, Public Utilities and Facilities	Partial Waiver Requested
	Section 45.2, Portable Storage Units	Will Comply
	Section 45.3, Wellhead Protection	Will Comply
	Section 46, Automobile Parking Facilities	Will Comply
	Section 47, Off-Street Loading Facilities	Waiver Requested
	Article XI, Administration	Will Comply
	Local Law No. 1 of 2006, Winter Motor Vehicles Parking Restrictions	Will Comply
	Local Law No. 2 of 2009, Motor Vehicle Parking Restrictions	Waiver Requested
	Local Law No. 3 of 2017, Flood Plain Management Regulations	Waiver Requested
	Local Law No. 1 of 2018, Right to Farm Law	Will Comply
	Local Law No. 1 of 2021, Town of Florida Road Preservation Law	Will Comply
	Local Law No. 3 of 2022, Town of Florida Road Preservation	Will Comply
Town of Mohawk		
	Local Law No. 1 of 1998, Waste Management Facilities Law	Will Comply
	Local Law No. 2 of 2002, Recycling Law	Waiver Request
	Local Law No. 2 of 2016, Sewer Use Ordinance	~~Partial Waiver Requested~~Will Comply
	Local Law No. 3 of 2021, Subdivision Law	Preempted
	Local Law No. 4 of 2021, Property Maintenance Law Section 6, Open areas and parking spaces	Waiver Requested
	Property Maintenance Law Section 9, Littering	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Local Law No. 4 of 2021, Property Maintenance Law Section 10, Outdoor Deposit or Storage of Waste and Abandoned Appliances	Waiver Requested
	Local Law No. 4 of 2021, Property Maintenance Law Section 11, Cutting and Removal	Waiver Requested
	Local Law No. 4 of 2021, Property Maintenance Law Section 12, Maintenance of Property	Waiver Requested
	Local Law No. 4 of 2021, Property Maintenance Law Section 13, Buildings and Structures	Will Comply
	Local Law No. 5 of 2021, Site Plan Review Law	Preempted
	Mohawk Zoning Law Section 9, R-2 Residential District	Preempted
	Mohawk Zoning Law Section 18A, Use Regulations Governing All Districts	Waiver Requested
	Mohawk Zoning Law Section 19, Regulations in Schedule A	Waiver Requested
	Mohawk Zoning Law Section 20(D), Visibility at Street Corners	Waiver Requested
	Mohawk Zoning Law Section 20(E), Front Yard Exceptions	Waiver Requested
	Mohawk Zoning Law Section 20(G), Project Architectural Features, Terraces, Porches, Fire Escapes	Waiver Requested
	Mohawk Zoning Law Section 20(H), Walls, Fences and Hedges	Waiver Requested
	Mohawk Zoning Law Section 21, Height Regulations	Will Comply
	Mohawk Zoning Law Section 23, Access to Improved Street	Preempted
	Mohawk Zoning Law Section 27, Commercial Excavation	Preempted
	Mohawk Zoning Law Section 28, Dumps and Junkyards	Waiver Requested
	Mohawk Zoning Law Section 29, Automobile Parking Facilities	Waiver Requested
	Mohawk Zoning Law Section 30, Off-Street Loading	Waiver Requested
	Mohawk Zoning Law Section 39, Procedure for sign permits	Preempted

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Mohawk Zoning Law Section 40, General Permits	Waiver Requested
	Mohawk Zoning Law Section 41, Specific Sign Regulations	Waiver Requested
	Mohawk Zoning Law Section 42, Districts and their uses	Will Comply
	Mohawk Zoning Law Section 44, Design Guidelines	Waiver Requested
	Flood Damage Prevention Law Section 4.0, Administration	Preempted
	Flood Damage Prevention Law Section 5.0, Construction Standards	Waiver Requested
	Local Law No. 7 of 2023, Amending Sign Regulations	Preempted
Village of Hagaman		
	Local Law No. 1 of 1998, Establishing Site Plan Review	Preempted
	Local Law No. 1 of 2000 – Zoning and Subdivision Regulations, Section 32, Purpose and Intent	Will Comply
	Local Law No. 1 of 2000 – Zoning and Subdivision Regulations, Section 34, Permits Required	Preempted
	Local Law No. 1 of 2000 – Zoning and Subdivision Regulations, Section 34a – Temporary Storage Permit	Preempted
	Local Law No. 1 of 2000 – Zoning and Subdivision Regulations, Section 35, Certificate of Occupancy and Compliance	Preempted
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.5, Establishment of Districts	Will Comply
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.7 – R-1 Residential District	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.8, R-2 Residential District	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.9, R-M Mobile Home Residential District	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.10, R-MF Multi-Family Residential District	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.11, B-1 Business District	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.13, M-1 Manufacturing District	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.15, Area Regulations	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.16, Height Regulations	Will Comply
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.27, Property Maintenance	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.28, Signs	Will Comply
	Local Law No. 1 of 2001 – Zoning Regulations, Article 7, Off-Street Parking and Loading	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Article 8, Nonconforming Uses	Waiver Requested
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.43, Building Permit	Preempted
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.44, Temporary Structure Permit	Preempted
	Local Law No. 1 of 2001 – Site Plan Review	Preempted
	Local Law No. 2 of 2009 - Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code	Preempted
	Local Law No. 1 of 2017 – Noise Pollution Law	Waiver Requested
	Local Law No. 1 of 2018 – FEMA Law for the Prevention of Flood Damage	Will Comply, Preempted
	Local Law No. 1 of 2019 – Exterior Property Maintenance	Waiver Requested
County of Schenectady		
	Chapter 85, Freshwater Wetlands' Protection, Preservation and Conservation	Will Comply

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 90, Environment: Nature and Historic Preserve	Waiver Requested
	Chapter 125.10, Wastewater Treatment and Disposal	Waiver Requested
	Section 125.11, Nuisances	Waiver Requested
	Chapter 210, Parking and Operating Motor Vehicles on Certain County Property	Waiver Requested
	Chapter 275, Storm Sewer Systems	~~Waiver Requested~~Will Comply
Town of Princetown		
	Site Plan Review Law	Partial Waiver Requested
	Zoning Law Section 5.3, Setbacks	Will Comply
	Zoning Law Section 5.4, Visibility at Intersections	Will Comply
	Zoning Law Section 5.7, Effect on Public Utilities	Will Comply
	Zoning Law Section 6.1, GR General Residential Districts	Partial Waiver Requested
	Zoning Law Section 6.2, MH Mobile Home Districts	Partial Waiver Requested
	Zoning Law Section 6.3, MF Multiple Family Districts	Partial Waiver Requested
	Zoning Law Section 7.2, Outdoor Storage of Solid Waste	Will Comply
	Zoning Law Section 7.3, Fences	Waiver Requested
	Zoning Law Section 7.7, Off-street Parking Requirements	Waiver Requested
	Zoning Law Section 7.8, Off-street Loading Requirements	Will Comply
	Zoning Law Section 7.9, Signs	Will Comply
	Zoning Law Section 7.15, Public Utilities	Partial Waiver Requested
	Zoning Law Section 7.17, Towers	Will Comply
	Zoning Law Article 8, Special Use Permits	Partial Waiver Requested
	Zoning Law Article 10, Administration and Enforcement	Will Comply
	Local Law No. 3 of 2006, Erosion, Sediment Control and Stormwater Management	Will Comply
	Local Law No. 1 of 2007, Uniform Fire Prevention and Building Code	Will Comply

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Local Law No. 8 of 2006, Stormwater Control	Waiver Requested
Town of Rotterdam		
	Chapter 73, All-Terrain Vehicles	Waiver Requested
	Chapter 89, Building Code Administration and Code Enforcement Program	Will Comply
	Chapter 130, Fires and Fire Prevention	Will Comply
	Chapter 134, Flood Damage Prevention	Waiver Requested
	Chapter 188, Noise	Waiver Requested
	Chapter 230, Sewers	~~Waiver Requested~~Will Comply
	Chapter 240, Snowmobiles	Waiver Requested
	Chapter 244, Solid Waste, Garbage, Recycling, Brush, Grass and Leaves	Will Comply
	Chapter 247, Streets and Sidewalks	Will Comply
	Chapter 265, Property Maintenance	~~Will Comply~~Waiver Requested
	Chapter 266, Vehicles and Traffic	Waiver Requested
	Chapter 267, Water	Will Comply
	Section 270-12, Visibility at Intersections	Will Comply
	Section 270-13, Minimum Floor Area	Waiver Requested
	Section 270-14, Public Utilities	Partial Waiver Requested
	Section 270-20, Maximum Building Height	Waiver Requested
	Section 270-21, Yard and property line requirements	Waiver Requested
	Section 270-22, Lot Area	Waiver Requested
	Section 270-23, Lot Coverage	Waiver Requested
	Article XV, Flood Hazard District	Waiver Requested
	Article XVIII, Site Plan Approval	Partial Waiver Requested
	Section 270-142, Outdoor Storage and Dumping of Waste	Will Comply
	Section 270-143, Fences	Waiver Requested
	Section 270-148, Towers	Waiver Requested
	Section 270-149, Off-Street Parking	Waiver Requested
	Section 270-150, Off-Street Loading	Will Comply
	Section 270-151, Signs	Will Comply
	Section 270-156, Lighting	Will Comply
	Article XIX, Special Use Permits	Partial Waiver Requested
	Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations	Will Comply
	Article XXVI, Erosion and Sediment Control	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Article XXIX, Illicit Discharges, Activities, and Connections to Separate Stormwater System	Will Comply

7.2 County of Herkimer

7.2.1 Local Law No. 5 of 1983, Uniform Fire Prevention and Building Code

In this Local Law, the County of Herkimer has waived its responsibility for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code ("NYS Uniform Building Code").

The Applicant will comply with the substantive provision of this Local Law.

7.2.2 Local Law No. 1 of 1990, Solid Waste

Local Law No. 1 of 1990 provides for the collection and disposition of solid waste within Herkimer County. Section 11 of this Local Law declares its intent to regulate the throwing, dumping, depositing and placing of solid waste and recyclable materials on lands within Herkimer County.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and Environmental Management and Construction Plan ("EM&CP"). However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Local Law could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics.

7.2.3 Local Law No. 3 of 1993, Parking

This Local Law was enacted to regulate parking on County owned or County leased property. It prohibits overnight parking in county parking lots as well as day parking by persons other than officers and employees of the county.

The Applicant will comply with the substantive provision of this Local Law.

7.2.4 Local Law No. 2 of 2016, Herkimer County Sewer Use Rules and Regulations

This Local Law regulates the use of public and private sewers and drains, private wastewater disposal, installation and connection of building laterals, and the discharge of waters and wastes into the public sewer system. When sewer pipe installation is required, local utilities shall be contacted to verify construction plans and making arrangements to disconnect utility service required to undertake construction work.

~~*To the extent that this Local Law applies to the Project, the Applicant requests a partial waiver.*~~*The Applicant will comply with the substantive provisions of this Local Law.* *It is not*

anticipated that the Project will discharge into sanitary sewers regulated by this law. The Applicant will qualify for the State Pollutant Discharge Eliminating System ("SPDES") General Permit ("SPDES General Permit") for Stormwater Discharges from Construction Activity (GP-0-25-001) by making the necessary filings with the New York State Department of Environmental Conservation ("NYSDEC") and submitting a Stormwater Pollution Prevention Plan ("SWPPP") as part of its EM&CP. 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. The Applicant will file a Notice of Intent prior to commencement of the Project construction. Refer to Exhibits 4 and 8 for details.

7.2.5 Local Law No. 3 of 2022, Herkimer County Right to Farm Law

This Local Law provides that the business of farming within the County shall proceed and be undertaken free from unreasonable and unwarranted interference or restriction. The portions of the project in Herkimer County include agricultural areas in the Town of Manheim. The work in those areas will consist of work related to the Ingham Substation in the Town of Manheim and several transmission lines running from that substation.

The Applicant will comply with the applicable substantive provisions of this Local Law to the maximum extent practicable. However, there may be a limited amount of time during construction where farming and agriculture in the area of the Project may be slightly impeded by construction vehicles and activities. It is anticipated that the Certificate that is issued by the Commission will contain provisions to safeguard agricultural areas, which will require mitigation to ensure that there is no unnecessary permanent impact to agricultural areas and that potential temporary impacts are minimized. While Applicant does not anticipate any substantial negative deterrence of farming activities, Applicant requests that the Commission not apply this Local Law during the construction phase, as it is unreasonably restrictive in view of existing technology and factors of cost and economics.

7.3 Town of Manheim

7.3.1 Article III, Board of Appeals

7.3.1.2 Section 313, Standards Applicable to All Special Uses

Section 313 provides standards for the issuance of special use permits including that the use (i) will be in harmony with orderly development of the district, (ii) will not discourage appropriate development and use of adjacent land and buildings, or impair their value, (iii) shall not conflict with any master plan, or part thereof, and (iv) shall not be objectionable to nearby properties. in addition, no special permit shall be issued for use on a property where there is an existing violation.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and in the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. The location and configuration of the Project's proposed

transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.3.2 Article IV, Zoning District Regulations, Zoning Map

In the Town of Manheim, the Project is located within the Agricultural 120,000 AG 120 District. Portions of the project within this district will consist of rebuilding portions of several 115 kV transmission line, which connect to the Inghams Substation in the Town of Manheim.

7.3.2.1 Sections 430, Agricultural 120,000 AG 120

Section 430 of the Town of Manheim Code sets forth the allowed uses within Agricultural 120,000 AG 120 District. Public Utilities are not listed as allowed uses within the district.

7.3.2.2 Section 431, Agricultural 120,000 AG-120, Uses Requiring Special Permit

Section 431 of the Town of Manheim Code sets forth uses within Agricultural 120,000 AG 120 which are allowed with a special use permit. Public Utilities serving a public service are permitted within the AG 120 District with a special use permit.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and an approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. In addition, due to the preemptive effect of 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.

7.3.2.3 Section 432, Agricultural 120,000 AG 120, Area, Yard, Coverage, Height, Supplementary Regulations

Section 432 of the Town of Manheim Code establishes the requirements of (i) minimum lot area, (ii) minimum setback requirements for front, rear, and side yards, and (iii) building height maximums for "agricultural – limited development," "agricultural," "commercial," and "industrial" developments in the Town across the Town's zoning districts. The regulations are as follows:

Table 7.3-1 Agricultural 120,000 District Dimensional Requirements

Lot Area Minimum	120,000 sq. ft.
Building Line Width Minimum	200 ft.
Lot Depth Minimum	300 ft.
Front Yard Minimum	50 ft.
Rear Yard Minimum	50 ft.
Side Yard Minimum	30 ft. each side
Coverage Maximum	10 percent
Building Height Maximum	Two stores or 30 feet, whichever is less.

The sections also dictate the allowed uses within the districts. Public utilities are considered special uses in the Agricultural-Limited Development and Agricultural Districts. Public Utilities are considered allowed uses in Commercial and Industrial Districts.

In the event that the dimensional and setback requirements provided in this section applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clearance, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards (e.g., National Electric Safety Code ["NESC"]), adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.3.3 Article V, Supplementary Regulations

7.3.3.1 Sections 501 – 504, Site Plan Review and Approval

Sections 501 – 504 of the Town of Manheim Code provide Site Plan review and approval requirements within the Town of Manheim. Section 503 requires that the Planning Board take into consideration the following: (i) whether there is a harmonious relationship between proposed uses and existing adjacent uses, (ii) maximum safety of vehicular circulation, (iii) adequacy of interior circulation, and (iv) adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to adjacent residential districts.

The Applicant will comply with the substantive portions of these sections. In the event that these sections could be construed as a prohibition on the construction of the Project's proposed substation and proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York State. There is no more cost-effective way to meet this need using existing technology.

7.3.3.2 Section 510, Off-Street Parking Requirements

This section of the Zoning Law requires off-road parking space requirements for every building modified, altered or changed within the Town of Manheim. The Zoning Law defines a "building" as a "[s]tructure having a roof supported by [c]olumns or walls and intended for shelter or enclosure of persons, animals or chattels." The section requires off-street parking based on property use.

The Applicant does not believe that transmission lines fall within the definition of "building" under the Manheim Zoning Code. However, in the event that this section the transmission lines are considered a "building," the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology, factors of costs and economics, and the needs of consumers. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. The EM&CP will address parking for contractors and company personnel, which will typically be sited at approved laydown yards.

7.3.3.3 Section 511, Off-Street Load Space Requirements

This section of the Zoning Law requires adequate space for loading and unloading of vehicles off the street for buildings occupied for the purpose of business or industry.

The Applicant does not believe that transmission lines fall within the definition of "building" under the Manheim Zoning Code. However, in the event that transmission lines are considered a "building," the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of costs and economics. Construction equipment will be delivered to and removed from the Project ROW at road crossings. Delivery vehicles may not be suitable for travel on the ROW and loading and unloading may need to take place along the roadway or shoulder. While it may not be possible to provide off-street loading facilities, procedures will be implemented to protect pedestrian and motor vehicle traffic during loading and unloading when it occurs along the roadside.

7.3.3.4 Section 512, Special Parking and Loading Space Requirements

This section of the Town Code allows the Planning Board to modify requirements for parking and loading spaces, including but not limited to, requiring additional spaces if they find the requirements insufficient.

In the event that this section is applicable to the Project or the transmission lines are considered a "building," the Applicant requests that the Commission not apply this section because it may be unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction and maintenance will generally be contained at approved laydown yards, however, there may be temporary parking for access to facilitate the work on roads or highways near the ROW. Such parking restrictions would impede construction progress or should not be required as such parking will be temporary in nature. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. The procedural requirements of this section are preempted under PSL § 130.

7.3.3.5 Section 520, Landscaping Requirements

This section provides minimum landscaping requirements for development in non-residential districts. Where any non-residential use abuts a residential district, a strip of land at least fifteen feet in width shall be maintained by the owner as landscaped area in front, side and rear yards which adjoin these other districts. This section requires that landscaping be installed and

maintained in a health growing condition in front, side and rear yards and shall take the form of trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

The Project ROW generally spans at least 50 feet on either side of the transmission lines. ~~However, to the extent a buffer of fifteen feet cannot be maintained in a particular location, the Application requests a waiver of this provision.~~ The Applicant is placing its facilities to ensure safety and to ensure the minimal amount of impacts to adjacent landowners. Moving the location of the proposed facilities would be costly and burdensome and therefore a waiver is requested. The Applicant will manage its ROW in accordance with its TROWMP adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable as the Applicant will maintain the ROW in accordance with other Commission approved maintenance standards.

7.3.3.6 Section 530, Performance Standards

Section 530 of the Town of Manheim code contains provisions limiting various objectionable elements such as noise, odors, dust, fumes, vapors, and toxic or noxious matter at or beyond the property lines of the source lot.

The Applicant requests that the Commission refuse to apply this section's limiting provisions noted in the foregoing paragraph because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. During the construction phase of the project, there may be intermittent impacts from noise, dust, and fumes, which will be temporary in nature. A number of 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 Exhibit 4. The Applicant will also implement mitigation measures to address other construction impacts. 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.

7.3.3.7 Section 546, Public Utility Structures

Pursuant to Section 546 of the Town of Manheim Code, public utility substations, and similar structures, must comply with the following: (1) the facility shall be surrounded by a fence set back from property lines in conformance with district regulations, (2) a landscaped area shall be at least fifteen feet wide shall be maintained in front, rear and side yards, (3) there shall be no visible equipment from surrounding property, and (4) where practical, the low profile equipment shall be used.

To the extent that this section applies to transmission structures, such as poles, the Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards (e.g., NESC) adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.3.3.8 Sections 550, 551, 552, 553, 554, and 555, Signs

These sections of the Zoning Law regulate the placement, types, and sizes of signs permitted in the Town. Off-premises advertising signs, billboards and roof signs are not permitted within any district. Sign necessary for public safety and welfare, as well as signs identifying construction projects are permitted in any district. Signs shall be designed and located in such a manner as to: (i) not impair public safety, (ii) not restrict clear vision between a sidewalk and street, (iii) not be confused with any traffic sign or signal, (iv) not prevent free access to any door, window or fire escape, and (v) withstand a wind pressure load of thirty pounds per square foot. Signs may be illuminated with a steady light that does not illuminate adjacent properties.

While it is not anticipated that permanent signs or billboards will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. In addition, the proposed substation may also require additional signage for safety reasons. Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. To the extent these sections could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the Applicant requests that the Commission not apply such standards. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.4 County of Fulton

Project facilities and construction in the County of Fulton will generally include the rebuild of several 115 kV transmission lines. Municipalities within Fulton County are responsible for implementing the State Code as well as local codes. There are no specific laws or codes promulgated by the County of Fulton that apply to this Project.

7.5 Town of Oppenheim

7.5.1 Local Law No. 1 of 2003, Regulation of All Terrain Vehicles

This Local Law regulates the operation of All Terrain Vehicles ("ATVs") in the Town of Oppenheim and designates certain public highways for travel by such vehicles. It prohibits the operation of an ATV on public or private property without the consent of the property owners. It also prohibits the operation of an ATV in a manner that causes noises that are disturbing and bothersome to adjoining property owners.

The Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and maintenance during operations, may necessitate the use of certain utility terrain vehicles or track vehicles and such use may be outside the parameters specified in this Local Law, and may also need to be used on roadways not designated for use as provided in this Local Law. Such use shall be in compliance with the Project's Article VII Certificate and its EM&CP.

7.5.2 Local Law No. 2 of 2016, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code

This Local Law provides for the administration and enforcement of the NYS Uniform Building Code and the State Energy Conservation Construction Code (the "Energy Code") in the Town of Oppenheim. This Local Law also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

The Applicant will comply with the applicable substantive provisions of this Local Law and the Uniform Code. However, the procedural requirements of the Uniform Code, including any requirements to obtain a building permit, are preempted under PSL § 130.

7.5.3 Local Law No. 3 of 2016, Maintenance of Real Property and the Accumulation of Junk within the Town of Oppenheim

Local Law No. 3 of 2016 regulates the maintenance of real property and accumulation of junk within the Town of Oppenheim. The Local Law declares that a clean, wholesome, attractive environment is of importance to the health, safety and general welfare of the Town of Oppenheim. Pursuant to this law, it is unlawful for any person to store, deposit, place, maintain or cause or permit to be stored, deposited placed or maintained outdoors, any junk, garbage, or other materials upon private property within the Town of Oppenheim.

The Applicant will comply with the applicable substantive provisions of this Local Law.

7.5.4 Local Law No. 1 of 2022, Building Lot Requirements

Through Local Law No. 1 of 2022, the Town Board of Oppenheim replaced Local Law No. 1 of 1991 and amended Local Law No. 1 of 2006. The Town Board adopted certain building lot requirements including a minimum lot size of one acre, a minimum set back of thirty (30) feet,

and parking requirements in order to promote the health and general welfare of the Town of Oppenheim, and to promote development in a manner consistent with the rural character of the Town of Oppenheim. All uses are required to provide for adequate street parking for vehicles depending on the use and occupancy load.

In the event that the requirements provided in this section of the Local Law are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this Local Law, because it is unreasonably restrictive in view of existing technology. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. There are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.6 Town of Ephratah

7.6.1 Local Law No. 1 of 2002, All-Terrain Vehicles

This Local Law prohibits operation of ATVs on public and private property without consent of all owners of the property and establishes certain local conditions as set forth in the Local Law.

To the extent that this Local Law applies, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and maintenance during operations, may necessitate the use of certain utility terrain vehicles or track vehicles and may also need to be used on roadways not designated for use as provided in this Local Law. Such use shall be in compliance with the Project's Article VII Certificate and its EM&CP.

7.6.2 Local Law No. 3 of 2009, Right of Way on Highway Roads

This Local Law establishes a setback requirement for all roadways in the Town of Ephratah, in order to keep all roads in the Town of Ephratah free from encroachment and impediments. It limits the placement of shrubs, rocks, fences, or any other impediments within twenty-five (25) feet from the centerline of any road located in the Town.

The Project crosses County Route 140, State Route 10, and State Route 67. The Applicant requests that the Commission refuse to apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. During and following construction, vegetation within and/or surrounding the substations will be maintained according to industry standards and the Applicant's vegetative management practices to safely and reliably operate the Project.

7.6.3 Local Law No. 3 of 2010, Site Plan Review

The purpose of this Local Law is to maintain the rural, natural and scenic qualities of the Town of Ephratah and to promote the health, safety and general welfare of the Town. This Local Law establishes site plan application procedures and guidelines. The Planning Board is required to evaluate the following general considerations when reviewing site plans: (i) general site compatibility, (ii) location, arrangement, appearance and sufficiency of off-street parking and loading, (iii) adequacy of stormwater and drainage facilities, (iv) adequacy and arrangement of trees, shrubs and other landscaping, (v) protection of adjacent or neighboring properties against noise, glare, unsightliness, odors, smoke, dust or other objectionable features, and (vi) adequacy of setbacks.

The applicant will comply with the substantive provisions of this Local Law. In the event this Local Law could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. The Project will conform to a single standard for access roads set by the PSC as appropriate for the Project, in the Article VII Certificate and EM&CP, and may not always be able to comply with the requirements of this provision. Further, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, due to the preemptive effect of 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.

7.6.4 Local Law No. 1 of 2021, Winter Parking on Roads in the Town of Ephratah

Local Law No. 1 of 2021 bans parking on any town road location in the Town of Ephratah from November 1st every year until April 30th of every year.

The Applicant will comply with the substantive provision of this section.

7.7 Town of Johnstown

7.7.1 Chapter 33, Fire Prevention

With this chapter, the Town of Johnstown has adopted the New York State Uniform Code. This chapter also establishes the office of the Uniform Fire Prevention and Building Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications.

The Applicant will comply with the applicable substantive provisions of this chapter and the Uniform Code. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.7.2 Chapter 34, Fires, Outdoor

Chapter 34 of the Town of Johnstown Code prohibits kindling or maintaining any bonfire or rubbish fire or the authorization of any such sire on or in any public street, alley, road or public grounds without a permit or other proper authorization.

The Applicant will comply with the substantive provision of this section.

7.7.3 Chapter 36, Flood Damage Prevention

This chapter of the Town of Johnstown Code regulates uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities. This chapter applies to all areas of special flood hazard within the jurisdiction of the Town of Johnstown which have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of American Society Civil Engineers Standard 24 ("ASCE 24"), the Applicant will comply with the substantive provisions of this chapter. The procedural requirements of this chapter, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. However, the Applicant will provide certified drawings as part of its EM&CP submission to the Commission. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.7.3.1 Section 36-14, General Standards

This subsection of Town of Johnstown Code Chapter 36 provides general standards for all areas of special flood hazard. With respect to utilities, this section requires that electrical utilities "be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding." When designed for a location below the base flood elevation, a professional engineer's or architect's certification is required.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed substation and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, the Applicant will comply with NESC. While it is not anticipated compliance with the NESC will cause the Applicant to not be able to comply with this subsection of Chapter 36, to the extent it does, the Applicant requests that the Commission not apply this subsection.

7.7.3.2 Section 36-15, Specific Standards

This section of the Town of Johnstown Code provides standards for areas of special flood, including standards for nonresidential construction, which require that attendant utility and

sanitary facilities with the lowest floor, including the basements, elevated to or above the base elevation or be floodproofed to the base flood level. In areas of special flood hazard without base flood elevations, new construction or improvements of structures must be elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed substation and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards (such as the NESC) adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge from Construction Activity by making the necessary filings with NYSDEC and submitting a Stormwater Pollution and Prevention Plan as part of its EM&CP. The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the substation and transmission lines. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.7.3.3 Section 36-16, Floodways

This section of the Town Code regulates buildings in areas of special flood hazards designated as floodways. A flood way is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed substation and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge from Construction Activity by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the substation and transmission lines. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.7.4 Chapter 45, Littering

Chapter 45 of the Town of Johnstown Code states that no person shall dump or deposit or permit to be dumped or deposited any material or substance of any kind or nature upon or in the right-of-way of any town, county, or state highway or private property within the Town of Johnstown.

The Applicant will comply with the substantive provision of this Chapter.

7.7.4.1 Section 54-4 Property Maintenance, Prohibited Acts

Under this section of the Town Code, it is unlawful for any person to store, deposit, place, maintain, or cause, or permit to be stored, deposited, placed or maintained outdoors any junk, junk appliance, junk furniture, junk mobile home, motor vehicles, clutter, litter and debris upon private property within the Town of Johnstown.

The Applicant will comply with the substantive provision of this section.

7.7.5 Chapter 59, Sewers

This chapter seeks to control or condition discharges into the public sewers situated in the Town of Johnstown. The chapter requires that each significant industrial user and each major contributing industry must obtain an industrial wastewater discharge permit before discharging into the sewer system.

~~*To the extent that this section applies to the Project, the Applicant requests a partial waiver.*~~*The Applicant will comply with the substantive provisions of this chapter. It is not anticipated that the Project will discharge into sanitary sewers regulated by this law. The Applicant will qualify for the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) by making the necessary filings with the NYSDEC and submitting a SWPPP as part of its EM&CP. 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. The Applicant will file a Notice of Intent prior to commencement of the Project construction. Refer to Exhibits 4 and 8 for details.*

7.7.6 Chapter 61, Streets and Sidewalks

7.7.6.1 Section 61-6, Snow on Highways

Pursuant to Section 61-6 of the Town of Johnstown Code, no person shall deposit any snow onto the paved portion or shoulder of any town highway either by shoveling, snow blowing or snowplowing, including snowplowing across any town highway in such a fashion that now remains deposited on said highway.

The Applicant will comply with the substantive provision of this section.

7.7.7 Chapter 63, Subdivision of Land

Chapter 63 of the Town of Johnstown Code authorizes the Town Planning Board to approve plats, showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats and to approve, modify or disapprove preliminary plats within the Town of Johnstown. Land to be subdivided shall be of such character that it can be used safely for building purposed without danger to health or peril from fire, flood or other menace.

The Applicant will comply with the substantive provision of Chapter 63.

7.7.8 Chapter 75, Vehicles and Traffic

This Chapter of the Town of Johnstown Code sets forth regulations for the parking of vehicles within the Town of Johnstown in order to aid in the orderly and normal flow of traffic.

7.7.8.1 Section 75-3, Blocking Driveways

Section 75-3 of the Town of Johnstown Code prohibits parking any vehicle in such a manner as to block the entrance of any public parking lot or any private road or driveway.

Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such parking restrictions would impede construction progress and should not be required as such parking will be temporary in nature. To the extent that this section applies to the Project, the Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.7.8.2, Section 75-4, Prohibited Parking

Pursuant to Section 75-4 of the Town of Johnstown Code, where signs are erected giving notice thereof, no person shall (i) park or stand a vehicle at any time upon the side of the street or highway upon which the sign is erected, or (ii) park or stand a vehicle for longer than 120 consecutive minutes upon the side of the street or highway upon which the sign is erected.

Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such parking restrictions would impede construction progress and should not be required as such parking will be temporary in nature. To the extent that this section applies to the Project, the Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.7.9 Chapter 76, Article I, Recreational Vehicles, Snowmobiles

Article I of this chapter regulates the operation of snowmobiles on public streets and highways and establishes certain conditions and restrictions on operation.

The Applicant requests that the Commission not apply this chapter because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and maintenance during operations, may necessitate the use of certain utility terrain vehicles or track vehicles and such use may be outside the restrictions specified in Article I of Chapter 76, and may also need to be used on roadways not designated for use as provided in this chapter. Such use will be incompliance with the Project's Article VII Certificate and its EM&CP; procedural requirements are preempted.

7.7.10 Chapter 80, Waste Disposal and Landfills

This chapter of the Town of Johnstown Code implements the Towns police power by regulating waste disposal and recycling operations and sanitary landfills and by requiring

maximum utilization of safety and health factors to ensure continued well-being of the town citizenry.

In the event that this chapter could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP but then disposed of as part of restoration of the ROW.

7.7.11 Chapter 84, Zoning

7.7.11.1 Article III, Use Districts

7.7.11.1.1 Section 84-10, Zoning districts established

Section 84-10 establishes zoning districts within the Town of Johnstown. Figure 7.2 is the Town of Johnstown Zoning Map. The Project is located in the R-1 Residential One District, R-2 Residential Two District, and AUZ Agricultural Use Zone District. Appendix A of the Town Code indicates that public utilities require site plan review in all districts. Public utility structures and uses are permitted in the R-1, R-2, and AUZ districts with site plan review.

The procedural requirements of this chapter, including any requirement to obtain site plan review, are preempted under PSL §130.

7.7.11.2 Article IV, Minimum Area/Dimensional Requirements

7.7.11.2.1 Section 84-11, Schedule of Regulations

Section 84-11 of the Town of Johnstown Town Code provides the minimum area and dimensional requirements applicable for properties on each zoning district. Appendix B to the Town of Johnstown Town Code provides additional dimensional requirements. The Project is located in the R-1, R-2, and AUZ districts, which are subject to the following dimensional requirements:

Table 7.7-1 Town of Johnstown Schedule of Regulations

	R-1	R-2	AUZ
Minimum Lot Size (sq. ft.)	1.5 acres	1 acre	1 acre
Minimum Lot Size with Public Sewer (sq. ft.)	20.000	20,000	20,000
Minimum Lot Width (feet)	200	150	150
Minimum Lot Width with Public Sewer (feet)	100	80	80
Minimum Lot Width on Lakeshore Lots (feet)	150	150	150
Minimum Percentage of Lot Occupied by Principal Building	0.2	0.25	0.4
Maximum Height of Building (feet)	35	35	50
Front Yard (feet)	50	50	50
Side Yard (feet)	30	20	30
Both Side Yards (feet)	75	40	75

Rear Yard (feet)	50	50	30

In the event that the dimensional and setback requirements provided in this section of the section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.7.11.2.2 Section 84-12, Additional Area Regulations

Section 84-12 of the Town of Johnstown Code provides additional area regulations applicable to properties in each zoning district within the Town of Johnstown. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection. In addition, on front yard lines, fences, walls and hedges shall not be higher than four feet in height. Side and rear yard fences shall not be greater than six feet.

In the event that the dimensional and setback requirements provided in this section of the section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.7.11.2.3 Section 84-13, Additional Height Regulations

Pursuant to Section 84-13 of the Town of Johnstown Code, transmission towers and cables exceeding the zone height limitations are subject to site plan review.

In the event that the height requirements provided in this section of the section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clarence, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply.

7.7.11.3 Article V, Parking

This article requires that adequate off-road parking spaces are provides to promote the safety of both pedestrians and vehicles. The Town of Johnstown Town Code Appendix C provides

a parking schedule for the target number of off-street parking spaces. With respect to public utility structures/uses, one parking space is required. In addition, Article V requires that parking areas are reasonably screened from the view of adjacent residential areas.

7.7.11.3.1 Section 84-14, Off-street Parking

The Town of Johnstown seeks to foster the construction of parking lots that promote the safety of both pedestrians and vehicles, that create a better experience of the Town and its businesses for people walking from the parking lot surrounding destinations, and that minimizes or avoids adverse impacts to the natural environment of the Town. The code section requires landscaping between parking lots and public ways or residential areas,

The Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. The requirement that Applicant create a parking lot with screening would impede construction progress and should not be required as such parking will be temporary in nature.

7.7.11.3.2 Section 84-15, Off-street loading

Section 84-15 of the Town of Johnstown Code requires space for off-street loading in addition to space for off-street as determined by the Town of Johnstown Planning Board during the site plan review process.

The Applicant requests the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction, maintenance and delivery vehicles will be temporary for access to facilitate the work and may include parking on roads or highways near the ROW. Such parking restrictions would impede construction progress or should not be required as such parking will be temporary in nature. In addition, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability, and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. Following construction, vegetation within and/or surrounding the substation will be maintained according to industry standards and the Applicant's vegetative management practices to safely and reliability operate the facility. Due to the size and height requirements of the Project it would be unduly burdensome, in view of cost and economics, to require that any part of the Project be obscured from view during construction or operation.

7.7.11.3.3 Sections 84-20 and 84-20.1, Property Maintenance and Removal of weeds and growth

Under these sections of the Town of Johnstown Code, the Town declared that a clean and attractive environment is of vital importance to the continued welfare of its citizens, and that junk/rubbish can constitute a hazard to property, persons, and water resources, and can be a public nuisance. Further, the code notes that it is harmful to the general public to allow neglected properties to become overgrown or unsightly due to the extensive growth of grasses and/or weeds.

~~The Applicant will comply with these sections. However, to~~To the extent that, during construction, there is debris on the ROW, it will be removed as part of restoration. The Applicant will manage its ROW in accordance with its Transmission Right-of-Way Management Pan ("TROWMP") adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. The Applicant requests that the Commission not apply this provision as~~. compliance with this provision is unreasonably restrictive in view of factors of cost and economics and the needs of consumers. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.7.11.3.4 Sections 84-21 and 84-21.B, Signs – Zoning District regulations

Under this section of the Town of Johnstown Code, the size, type and location of any sign or advertising device, shall be in accordance with regulations based on zoning district and purpose.

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent these sections could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the~~The Applicant requests that the Commission not apply these standards because they are unreasonably restrictive in view of factors of costs and economics. ~~such standards.~~ This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.7.11.3.5 Section 84-22, Tree Removal

This section of the Town of Johnstown Code is intended to preserve and promote sustainable forestry practices along streams and on hillsides. During construction activities, only trees less than six inches in diameter at breast height ("DBH") may be removed from slopes in excess of 15%. In addition, only trees less than six inches DBH may be removed from ridgelines and within 25 vertical feet of a ridgeline. Trees in excess of six inches DBH may be removed to the minimum degree necessary to provide access for permitted utilities.

In the event that this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the

Applicant will comply. Following construction, vegetation within and/or surrounding the transmission lines will be maintained according to industry standards, e.g., the NESC, and the Applicant's vegetative management practices to safely and reliably operate the facility. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to the pre-existing conditions (to the extent such vegetation does not present reliability issues) and will be maintained in accordance with the Applicant's vegetative maintenance program.

7.7.11.4 Article X, Section 84-54, Special Use Permits

Article X of Chapter 84 of the Town of Johnstown Code provides standards for the issuance of a special use permit including, but not limited to, (i) harmony with the master plan, (ii) compatibility with the character of the neighborhood, (iii) safe and efficient access for pedestrians and vehicles, and (iv) sufficient infrastructure and services.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and its EM&CP, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are compatible with the character of the neighborhood. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements of this article are preempted under PSL § 130.

7.7.11.5 Article XI, Section 84-55, Site Plans

This section of the Town of Johnstown Code is potentially applicable as it applies to uses which have been determined to be suitable within a zoning district only on certain conditions. This Article provides review criteria for site plan approval.

In the event that this section could be construed as a prohibition on the construction of the Project's proposed substation and proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York State. There is no more cost-effective way to meet this need using existing technology. The procedural requirements of these sections are preempted under PSL § 130.

7.8 City of Johnstown

The City of Johnstown Zoning Ordinance was established to regulate and restrict the location, construction and use of buildings, structures and uses of land within the City of

Johnstown. The Articles discussed below are contained in the City of Johnstown Zoning Ordinance.

7.8.1 Article IV, Administration and Enforcement

Article IV of the City of Johnstown Zoning Ordinance establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications. Applicants for building permits must demonstrate compliance with the NYS Uniform Code.

The Applicant will comply with the applicable substantive provisions of this Article and the NYS Uniform Code. However, the procedural requirements of the Article are preempted under PSL § 130.

7.8.2 Article V, Districts and Regulations

7.8.2.1 Sections 22-501 and 22-502, Zoning Districts and Map

Section 22-501 of the City of Johnstown Zoning Ordinance establishes zoning districts within the City of Johnstown. The location and boundaries of each zoning district are shown on the "City of Johnstown Zoning Map." The Project is location in the Industrial and Public Use Districts.

7.8.2.2 Section 22-503, Intent of Zoning Districts

The Project is located in the Industrial and Public Use Districts. The Industrial District is intended to create, preserve and enhance two areas of the City of Johnstown to locate manufacturing, warehousing, distribution and industrial businesses integral to providing employment opportunities and tax base for the City and to stabilize and strengthen the City's economy. The Public District is intended to create, preserve and enhance areas of the City for municipal, educational and governmental and related public buildings and uses.

7.8.2.3 Section 22-504, Applicability of Regulations

Pursuant to Section 22-504 of the City of Johnstown Zoning Ordinance, no building, structure or use shall hereinafter be erected, constructed, utilized, established, created or altered unless in conformity with all regulations contained within the regulations applicable to the Zoning District. Any use not specifically permitted in a zoning district shall be prohibited.

The Applicant will comply with the applicable substantive provisions of this section. However, any procedural requirement set forth in any of the sections related to the zoning districts the Project traverses are preempted under PSL § 130.

7.8.2.4 Section 22-507, Allowed Land Uses

Section 22-507 of the City of Johnstown Ordinance notes that allowable land uses in each zoning district are contained in Schedule A: Allowable Land Uses in Zoning Districts. Pursuant to Schedule A, public utilities are allowed within the Industrial and Public Use Districts with a special use permit.

The procedural requirements of this section, including the requirement to obtain a special use permit, are preempted pursuant to PSL § 130.

7.8.2.5 Section 22-508, Prohibited Land Uses

Pursuant to Section 22-508 of the City of Johnstown Ordinance, all uses considered to be dangerous or unsafe are prohibited within the City of Johnstown. In addition, this section prohibits uses considered objectionable or a nuisance by reason of odor, soot, smoke, noise, vibration, refuse, dust matter or water carried waste.

The Applicant requests that the Commission refuse to apply this section's limiting provisions noted in the foregoing paragraph because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. During the construction phase of the Project, there may be intermittent impacts from noise, dust, and fumes, which will be temporary in nature. A number of 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 Exhibit 4. The Applicant will also implement mitigation measures to address other construction impacts.

7.8.3 Article VIII, Supplementary Use Regulations

7.8.3.1 Section 22-812, Public Utility

Pursuant to Section 22-812 of the City of Johnstown Zoning Ordinance, transmission lines shall be so constructed to not endanger the public or surrounding property. Public utility substations shall be on lots of not less than 10,000 square feet in area. In addition, suitable fencing shall be provided for the protection of the public. Where a substation abuts a residential property, suitable landscaping and screen shall also be provided.

The Project will be constructed to not endanger the public or surrounding property. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards (e.g., NESC) adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities. To the extent this section conflicts with the industry-approved standards, the Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in view of the needs of consumers. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.8.3.2 Section 22-815, Fences

Pursuant to Section 22-815 of the City of Johnstown Ordinance, the construction of any fence shall require the issuance of a Building and Zoning Permit. In addition, all fences shall comply with the requirements in Article IX.

In the event that this section could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. The procedural requirements of this section, including the requirement to obtain a building and zoning permit, are preempted pursuant to PSL § 130.

7.8.4 Article IX, Density Standards

7.8.4.1 Section 22-902, Additional Density Standards

7.8.4.1.1 Section 22-902(A), Minimum Lot Size Requirements

Pursuant to Section 22-902(A) of the City of Johnstown Ordinance, every building shall be located on a lot containing the minimum area for the Zoning District said lot is located in. The minimum dimensional requirements are set forth in Schedule B of the City of Johnstown Ordinance. The density standards applicable to the Project are set forth below.

Table 7.8-1 City of Johnstown Density Standards

	Industrial	Public Use
Minimum Lot Size	2 acres	2 acres
Min. Front Yard Setback	30 ft.	30 ft.
Min. Side Yard Setback	20 ft.	20 ft.
Min. Rear Yard Setback	30 ft.	30 ft.
Max. Lot Development	50 %	50 %
Max. Building Height	50 ft.	50 ft.
Creek Buffer Zone Setback	25 ft.	25 ft.

Creek Buffer Zone Setbacks apply to all land bordering Cayadutta, Comrie, Hae, Hall and Mathew Creek located within the City. No buildings or structures shall be constructed, placed or located within 25 feet of the centerline of the creek.

In the event that the dimensional and setback requirements provided in this section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clearance, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards (e.g., NESC), adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted

specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.8.4.1.2 Section 22-902(B)(1), Yard setback Requirements: Corner Lot Setbacks

Pursuant to Section 22-902(B)(1) of the City of Johnstown Ordinance, no fence, wall, hedge or other structure or planting more than 4 feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet from the point of intersection, measures along said lines.

In the event that the requirements provided in this section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this article, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.8.4.1.3 Section 22-902(B)(8), Yard Setback Requirements: Fences, Walls and Hedges

Pursuant to Section 22-902(B)(8) of the City of Johnstown Ordinance, all side and rear yard fences, walls and hedges shall be maintained so they do not encroach upon or over adjacent property lines. No gate shall be placed, erected or maintained which shall swing outward over any sidewalk.

The Applicant will comply with the substantive requirements of this section.

7.8.4.1.4 Section 22-902(C), Height Requirements

Pursuant to Section 22-902(C)(5) of the City of Johnstown Ordinance, transmission towers and cables exceeding the height requirements of a zoning district shall be subject to Site Plan Review.

The procedural requirements of this section, including the requirement to obtain site plan review, are preempted pursuant to PSL § 130.

7.8.4.1.5 Section 22-902(E), Projections

Pursuant to Section 22-902(E) of the City of Johnstown Ordinance, every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental features, provided that no such project shall extend more than two feet beyond any required yard.

In the event that this section could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This section is not designed for the construction or operation of major electric transmission facilities. Rather, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles

within the ROW, are a function of the reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for construction and operation of substation with which the Applicant will comply.

7.8.5 Article XI, Signs

7.8.5.1 Section 22-1102, Sign Permit

Pursuant to Section 22-1102 of the City of Johnstown Ordinance, no sign shall be erected, placed, installed, attached, hung, altered, enlarged or relocated without first obtaining a Sign Permit from the Code Enforcement Official.

The procedural requirements of this section, including the requirement to obtain a permit, are preempted under PSL § 130.

7.8.5.2 Section 22-1103, Application for Sign Permit

Pursuant to Section 22-1103 of the City of Johnstown Ordinance, any person seeking a sign permit must file an application with the City Code Enforcement Official. Each application shall contain the proposed location of the sign, the design of the sign and any other information required by the Code Enforcement Officer.

The procedural requirements of this section are preempted under PSL § 130.

7.8.5.3 Section 22-1106(B), Sign Regulations: General Regulations

7.8.5.3.1 Section 22-1106(B)(1), Exempt Signs

Pursuant to Section 22-1106(B) of the City of Johnstown Ordinance. certain signs are exempt from the City of Johnstown sign regulations. This includes address signs, directional signs, flags, government signs, and historic signs. Construction signs are also exempt from these regulations.

7.8.5.3.2 Section 22-1106(B)(2), Prohibited Signs

Pursuant to Section 22-1106(C) of the City of Johnstown Ordinance, no roof signs are allowed, no off-site signs shall be allowed except billboards, and no sign shall be attached to a mansard. In addition, no sign or part thereof shall contain or consist of pinwheels, posters, pennants, ribbons, streamers or other similar moving, fluttering or revolving devices.

The Applicant will comply with the substantive provisions of this section.

7.8.5.3.3 Section 22-1106(B)(4), Sign Measurement

Pursuant to Section 22-1106(B)(4) of the City of Johnstown Ordinance, the area of a sign shall include all lettering, wording, design, and symbols, along with the background on which they are displayed. A sign's supporting structure shall not be included in the measuring the area of the sign unless such structure is made part of the sign face. Where a sign consisting of letters, wording, and symbols is attached to a building, fascia surface, canopy, marquee, wall or window, the sign area shall be the smallest rectangular area which completely encompasses all such letters, words or symbols and any accompanying background of a different color than the natural color of the building, fascia, surface, canopy, marquee or wall.

The Applicant will comply with the substantive provisions of this section.

7.8.5.3.4 Section 22-1106(B)(5), Materials

Pursuant to Section 22-1106(B)(5) of the City of Johnstown Ordinance, all signs shall be made of durable materials and construction in accordance with the Uniform Code.

The Applicant will comply with the substantive provisions of this section.

7.8.5.3.5 Section 22-1106(B)(6), Maintenance

Pursuant to Section 22-1106(B)(6) of the City of Johnstown Ordinance, signs shall be maintained in good condition and shall not fall into disrepair, become word or dilapidated. Dilapidated signs shall be removed by the owner or as ordered by the Code Enforcement Official.

To the extent the Project does utilize any signage, the Applicant will comply with the substantive portions of this section.

7.8.5.3.6 Section 22-1106(B)(7), Illumination

Pursuant to Section 22-1106(B)(7) of the City of Johnstown Ordinance, permanent signs may be illuminated in certain districts. The illumination shall be constant and shall not be flashing, twinkling, intermittent, animated, moving or changing degrees of illumination. A sign's illumination shall not be visible beyond the boundaries on the lot on which it is located. In addition, no illuminated sign shall be placed or directed in such a way so as to illuminate a public street, sidewalk or adjacent property or to cause glare, reflection or a distraction that may cause a traffic hazard nuisance.

The Applicant does not anticipate that there will be permanent illuminated signs along the Project ROW. However, lighting may be need at substations. To the extent that the Project's lighting fixtures do not comply with this standard, the Applicant believes that this provision is unreasonably restrictive and should not be applied.

7.8.5.3.7 Section 22-1106(B)(8), Traffic Safety

Pursuant to Section 22-1106(B)(8) of the City of Johnstown Ordinance, no sign shall project into the line of vision of any traffic signal or traffic control signs.

The Applicant will comply with the substantive provisions of this section.

7.8.5.3.8 Section 22-1106(B)(9), Public Right-of-Way

Pursuant to Section 22-1106(B)(9) of the City of Johnstown Ordinance, no sign, except publicly owned signs, shall be placed, located or extended onto or over a public right-of-way.

The Applicant will comply with the substantive provisions of this section.

7.8.5.3.9 Section 22-1106(B)(10), Obstructions

Pursuant to Section 22-1106(B)(10) of the City of Johnstown Ordinance, no sign or sign structure shall obstruct or restrict ingress or egress to or from a fire exit, fire door, window or other required accessway. In addition, no sign shall project over, cover, occupy or obstruct any window surface required to provide light or ventilation by the Uniform Code.

The Applicant will comply with the substantive provisions of this section.

7.8.5.4 Section 22-1106(C), Temporary Signs

All temporary signs within the City of Johnstown require a temporary sign permit and shall be permitted for a maximum of 30 days. The placement of temporary signs shall not hinder pedestrian traffic.

Signs may be required for any substations that are part of the Project and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. There also may be temporary construction signs utilized for safety purposes. These regulations are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the~~The Applicant requests that the Commission not apply this article, as it is unreasonably restrictive in view of existing technology and factors of cost and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable The procedural requirements of this section are preempted under PSL § 130.

7.8.5.5 Section 22-1106(F), Sign Regulations in Industrial Zone

Pursuant to Section 22-1106(F) of the City of Johnstown Ordinance, signs within the Industrial Zone are subject to the following regulations:

Table 7.8-2 City of Johnstown Industrial Zone Sign Standards

Sign Type	Max #/parcel	Max. sign area (sq. ft.)	Max. height (ft.)	Permitted location
Address	1	1	N/A	--
Business	1	32	6	Attached to building or parallel to front of building

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply such standards. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.8.5.6 Section 22-1106(G), Sign Regulations in Public Use Zone

Pursuant to Section 22-1106(G) of the City of Johnstown Ordinance, signs within the Public Use Zone are subject to the following regulations:

Table 7.8-3 City of Johnstown Public Use Zone Sign Standards

Sign Type	Max #/parcel	Max. sign area (sq. ft.)	Max. height (ft.)	Permitted location
Address	1	1	-	-
Bulletin Board	1	6	6	Attached to building
Free Standing	1	24’	6	
Governmental	1	24’	6	
Ground	1	24’	6	

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply such standards. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.8.6 Article XII, Off-street Parking and Loading

7.8.6.1 Section 22-1202, Compliance with Other Laws and Regulations

Pursuant to Section 22-1202 of the City of Johnstown Zoning Ordinance, all buildings, structures and uses, with the exception of private residential properties, shall conform to the parking requirements of the Americans with Disabilities Act and the Uniform Code.

In the event that this section is applicable to the Project, the Applicant requests that the Commission not apply this section because it may be unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction and maintenance will be temporary for access to facilitate the work and may include parking on roads or highways near the ROW. Such parking restrictions would impede construction progress or should not be required as such parking will be temporary in nature. The Applicant will comply with the Uniform Code.

7.8.6.2 Section 22-1203, Building and Zoning permit

Pursuant to Section 22-1203 of the City of Johnstown Zoning Ordinance, all buildings and structures requiring the issuance of a Building and Zoning permit shall comply with the applicable provisions of Article XII. Site plans shall be submitted to the Planning Board for review and approval. Any building, structure or use requiring a Building or Zoning permit which does not fall

into any land use defined with this the article governing parking shall be reviewed by the Planning Board to determine what off-street parking and loading requirements shall apply.

The procedural requirements of this section are preempted under PSL § 130.

7.8.6.3 Section 22-1204, Off-street Parking Requirements

7.8.6.3.1 Section 22-1204(A), General Requirements

Pursuant to Section 22-1204(A) of the City of Johnstown Zoning Ordinance, off-street parking space shall be required for all buildings constructed or new uses established after the effective date of the section. Each off-street parking space shall have dimensions of at least nine (9) feet wide by eighteen (18) feet long. Spaces necessary for aisles and maneuvering areas shall be provided. Schedule C of the City of Johnstown Code does not designate a minimum number of off-street parking spaces to be provided for each land use/building. The Planning Board may require additional off-street parking if the Planning Board determines a need for said additional parking. Parking spaces in all districts shall be located in the side or rear yard on the same lot as the principal use.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of costs and economics. Construction equipment will be delivered to and removed from the Project ROW at road crossings. Delivery vehicles may not be suitable for travel on the ROW and loading and unloading may need to take place along the roadway or shoulder. While it may not be possible to provide off-street loading facilities, procedures will be implemented to protect pedestrian and motor vehicle traffic during loading and unloading when it occurs along the roadside.

7.8.6.3.2 Section 22-1204(D), Parking Lots

Section 22-1204(D) of the City of Johnstown Zoning Ordinance provides requirements for the design, construction and maintenance of parking lots for five (5) or more vehicles.

The Applicant does not anticipate that there will be permanent parking associated with the construction of the Project. Any parking locations will be described in the EM&CP. To the extent that the EM&CP does not comply with this standard, the Applicant believes that this provision is unreasonably restrictive and should not be applied. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.8.6.4 Section 22-1205, Off-street Loading

Pursuant to Section 22-1205 of the City of Johnstown Zoning Ordinance, off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served in normal parking lots. If, upon review of an application, the Code Enforcement Officer determines that off-street loading facilities are required, the Code Enforcement Officer shall refer the application to the Planning Board for its review of whether loading facilities should be provided. Off-street loading facilities shall be located on the same lot as the use, building or structure requiring off-street loading. Off-street loading facilities

shall not encroach into a required front or side yard or off-street parking lot. Off-street loading facilities shall be located as to not block or obstruct the flow of traffic to and from parking spaces. Off-street loading facilities shall be a minimum of 12 feet wide, 60 feet long and 14 feet high.

The Applicant requests the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction, maintenance and delivery vehicles will be temporary for access to facilitate the work and may include parking on roads or highways near the ROW. Such parking restrictions would impede construction progress or should not be required as such parking will be temporary in nature. In addition, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability, and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. Following construction, vegetation within and/or surrounding the substation will be maintained according to industry standards and the Applicant's vegetative management practices to safely and reliability operate the facility. Due to the size and height requirements of the Project it would be unduly burdensome, in view of cost and economics, to require that any part of the Project be obscured from view during construction or operation. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.8.7 Article XIII, Site Plan Review

Pursuant to Article XIII of the City of Johnstown Zoning Ordinance, the purpose of conducting a Site Plan Review shall be to review how certain uses and buildings shall be located, arranged, planned, developed, operated and maintained with respect to the (i) City's Comprehensive Plan, (ii) surrounding properties, (iii) surrounding neighborhoods, and (iv) protecting the public health, safety and general welfare of the City. An application for Site Plan Review shall include, but is not limited to, design drawings, a SEQR environmental assessment form, a Stormwater Pollution Prevention Plan, site access and parking arrangements, drainage, fire protection and compatibility with adjoining properties and neighborhoods.

The Applicant will comply with the substantive portions of these sections. In the event that these sections could be construed as a prohibition on the construction of the Project's proposed substation and proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York State. There is no more cost-effective way to meet this need using existing technology.

7.8.8 Article XIV, Special Use Permits

Pursuant to Article XIV of the City of Johnstown Zoning Ordinance, the City of Johnstown recognizes the importance of having the City develop in accordance with its Comprehensive Plan.

It also recognizes the importance of ensuring that certain allowable land uses do not unreasonably and adversely affect the quality and character of neighborhoods, the historic character of the City, the environment and the public, health and welfare of the residents of the City. This article requires that public utilities provide adequate security measures to prevent the public from entering public utilities. Public utilities must also provide adequate screening and/or vegetation or other measures to minimize visual impacts. The Planning Board of the City of Johnstown has the authority to impose such reasonable conditions and restrictions as are directly related to incidental and to the Application for Special Use Permit.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are compatible with the character of the neighborhood. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements of this article are preempted under PSL § 130.

7.9 Town of Perth

7.9.1 Article 3, Zoning Administration and Enforcement

This Article of the Town of Perth Zoning Law establishes the office of Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications. Applicants for building permit must demonstrate compliance with the NYS Uniform Code.

The Applicant will comply with the applicable substantive provisions of this Article and the NYS Uniform Code. However, the procedural requirements of the Article, including any requirement to obtain a zoning permit, are preempted under PSL § 130.

7.9.2 Article 4, Use Districts

Article 4 of the Town of Perth Zoning Law establishes four use districts. The location and boundaries of each zoning district are shown on the "Zoning District Map Town of Perth." The Project is located in the A-R Agricultural-Residential and C-R Commercial-Residential districts. All allowable uses in the Town of Perth are noted in the Schedule A Town of Perth Zoning Use Table. Uses not specifically listed on the table are prohibited. Public Utility Structures or uses are allowed in the A-R and C-R district with Site Plan Review.

The Applicant will comply with the substantive provisions of this Article. However, the procedural requirements are preempted pursuant to PSL § 130.

7.9.3 Article 6, Minimum Area and Dimensional Requirements

7.9.3.1 Article 6.A, Schedule of Regulations

This Article of the Town of Perth Zoning Code provides the lot area and dimensional requirements. The area/dimensional requirements for all zoning areas, other than the Business and Technology Zone, are as follows:

Table 7.9-1 Town of Perth Zoning District Regulations

	A-R	C-R
Area and Height Regulations		
Minimum Lot Size (sq. ft)[2]	1.0 acre	1.0 acre
Minimum Lot Size with Public Sewer (sq. ft)	20,000	20,000
Minimum Lot Width (ft.)	150	100
Minimum Lot Width with Public Sewer (ft.)	80	100
Maximum Percentage of Lot Occupied by Principal Building	0.25	0.50
Maximum Height of Building (ft.)[2]	35	35
Minimum Yard Distances (ft.):		
Front Yard	30	30
Side Yard	15	20
Both Side Yards	75	40
Rear Yard	30	50

In the event that this article could be construed as a prohibition on the construction of the Project's transmission lines within the Town of Perth, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and the needs of consumers. The location and configuration of the Project proposed switchyards, and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.9.3.2 Article 6.B, Additional Area Regulations

On corner lots in any district where a front yard is required, no fence, wall, hedge, sign, or other structure or planting more than 3 feet in height shall be erected or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street ROW lines and a straight line joining said lines at points 20 feet distant from the point of intersection. On non-corner lots, fences in front yards cannot exceed 4 feet and cannot exceed 6 feet on side and rear yards. On corner lots, fences closer than 10 feet to a side-street may be up to 4 feet in height and fences more than 10 feet to a side street may be up to 6 feet in height.

The Applicant will comply with the substantive requirements of this Article.

7.9.4 Article 9, Special Use Permits

Article 9 provides standards for issuance of special use permits including that the use (i) shall be in harmony with and will promote the goals and objectives of the Master Plan for the Town, (ii) shall be compatible with the character of the area, (iii) has safe and efficient access for pedestrians and vehicles and shall provide for appropriate offroad parking and loading areas, (iv) shall be compatible with, and appropriately protects environmental and natural resources, including the minimization of impacts such as emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and welfare, and (v) shall provide positive or beneficial effects on long-term stability, environmental integrity and community character of the Town of Perth.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are compatible with the character of the area unless structures already exist in the locations proposed. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements of these sections are preempted under PSL § 130.

7.9.5 Article 10, Site Plans

The purpose of this article is to allow the proper integration into the Town uses determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. It is the policy of the Town of Perth to balance the allowance of a variety of uses of land and to foster economic opportunities within the municipal boundaries of the Town. Section D of Article 10 sets forth guidelines for review of site plans related to (i) layout and design, (ii) landscaping, (iii) parking, circulation, and loading, and (iv) other miscellaneous standards.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of factors of cost and economics. The Project will conform to a single standard for access roads set by the PSC as appropriate for the Project, in the Article VII Certificate and EM&CP, and may not always be able to comply with the requirements of this provision. Further, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, due to the preemptive

effect of 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.

7.9.6 Article 11, Parking

This Article of the Town of Perth Zoning Law requires that adequate off-road parking spaces are provided to promote the safety of both pedestrians and vehicles within the Town of Perth.

7.9.6.1 Article 11.C, Parking Space Area

This Article of the Town of Perth Zoning Law requires that each parking space shall be at least 180 square feet ("sq. ft.") but no more than 200 sq. ft. in size and shall be no larger than 10 feet wide by 20 feet long.

The Applicant does not anticipate that there will be permanent parking associated with the construction of the Project. Any parking locations will be described in the EM&CP. To the extent that those locations do not comply with this standard, the Applicant believes that this provision is unreasonably restrictive and should not be applied. This request cannot be obviated by design changes, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.9.6.2 Article 11.D, Orientation

Pursuant to this Article of the Town of Perth Zoning Law, parking lots shall be placed behind or to the side of buildings as measured from the facade facing the primary road right of way.

The Applicant does not anticipate that there will be permanent parking associated with the construction of the Project. Any parking locations will be described in the EM&CP. To the extent that the EM&CP does not comply with this standard, the Applicant believes that this provision is unreasonably restrictive and should not be applied. This request cannot be obviated by design changes, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.9.6.3 Article 11.E, Residential Screening

All parking areas shall be screened from adjoining residential areas by natural landscaping.

The Applicant will comply with the substantive provision of this article.

7.9.6.4 Article 11.F, Parking Lot Lighting

All lighting fixtures in parking lots in the Town of Perth shall be fully shielded light fixtures.

The Applicant does not anticipate that there will be permanent parking associated with the construction of the Project. Any parking lot areas will be described in the EM&CP. To the extent that the Project's lighting fixtures do not comply with this standard, the Applicant believes that this provision is unreasonably restrictive and should not be applied. This request cannot be obviated by design changes, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.9.6.5 Article 11.G, Target Number of Parking Spaces

In addition, this Article of the Town of Perth Zoning Law requires a specific number of parking spaces for each use, which is indicated in Schedule B: Town of Perth Parking Standards. However, pursuant to Schedule B, there is no required number of spaces for public utility structures or uses.

The Applicant will comply with the substantive provision of this article.

7.9.7 Article 12, Signage

This Article regulates location, size, materials, and method of construction of signs, which may impact the character of the community. In addition, the proposed substation may also require additional signage for safety reasons. Temporary signs within A-R Agricultural-Residential districts shall not exceed 6 sq. ft. in area and temporary signs within C-R Commercial-Residential districts shall not exceed 40 sq. ft. The signs should not be illuminated and should be promptly removed when the circumstances leading to their erection no longer apply.

Signs may be required for any substations that are part of the Project and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of substation and transmission facilities, with which the applicant will comply. ~~To the extent these sections could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply this article, as it is unreasonably restrictive in view of existing technology and factors of cost and economics. This request cannot be obviated by design changes, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable

7.10 County of Montgomery

7.10.1 Local Law No. 1 of 1976, Freshwater Wetlands Protection Law

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act, Local Law No. 1 of 1976 provides for the protection, preservation and conservation of the freshwater wetlands within the boundaries of Montgomery County.

To the extent a permit for impacts to wetlands is required pursuant to this Local Law, this Local Law is preempted by PSL § 130. In addition, as a statutory party charged with ensuring that the Applicant complies with Article 24 of the Environmental Conservation Law ("ECL"), NYSDEC will require that any impacts to wetlands are either avoided, minimized, or mitigated to the maximum extent possible.

7.10.2 Local Law No. 2 of 1988, Fire Prevention and Building Code

This Local Law designates the Code Enforcement Officer of the County of Montgomery as the administrator and enforcer of the New York State Uniform Code for the buildings and properties which are dedicated to public use and are owned by the County of Montgomery.

The Applicant will comply with the applicable substantive provisions of this Local Law and the Uniform Code. However, the procedural requirements of the Uniform Code, including any requirements to obtain a building permit, are preempted under PSL § 130.

7.10.3 Local Law No. 3 of 1992, Montgomery County Right to Farm

This local law provides that no entity may engage in any conduct or act in any manner as to unreasonably and/or intentionally prevent or in any way deter the practice of farming within the County. Portions of the Project may cross Montgomery County agricultural areas.

The Applicant will comply with the applicable substantive provisions of this Local Law to the maximum extent practicable. However, there may be a limited amount of time during construction where farming and agriculture in the area of the Project may be slightly impeded by construction vehicles and activities. It is anticipated that the Certificate that is issued by the Commission will contain provisions to safeguard agricultural areas, which will require mitigation to ensure that there is no unnecessary permanent impact to agricultural areas and that potential temporary impacts are minimized. While Applicant does not anticipate any substantial negative deterrence of farming activities, Applicant requests that the Commission not apply this Local Law during the construction phase, as it is unreasonably restrictive in view of existing technology and factors of cost and economics.

7.10.3 Local Law No. 3 of 2021, Designating Scenic Byways

This Local Law was enacted to preserve the aesthetic resource of the scenic byways in Montgomery County that enhance the quality of life, promote tourism, and protect property values in Montgomery County. This Local Law designates fifty-one (51) roads within Montogomery County, including Pattersonville Road (CR 152), Bulls Head Road (CR 151), and Traux Road (CR 7).

~~In the event this Local Law could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the~~The Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics~~it~~. This Local Law is not designed for the construction and operation of major electric transmission facilities. Rather, the applicant will comply with industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.11 Town of St. Johnsville

7.11.1 Town of St. Johnsville Land Use Law

7.11.1.1 Article IV, Districts and Boundaries

The Town of St. Johnsville is divided into the following types of classes of districts: (i) R Residential, (ii) A Agricultural, (iii) C Commercial, (iv) I Industrial, and (v) RR Rural. There is no literal map that depicts the boundaries of these districts. The Project is located within the A-Agricultural and C-Commercial Districts. The portions of the Project within these districts will primarily consist of transmission lines

7.11.1.2 Article V, Use Regulations

7.11.1.2.1 Section 7, General Regulations

Section 7 of the Town of St. Johnsville Land Use Law states that all district classifications are subject to general appearance standards, including but not limited to no excessive exposed miscellaneous items on properties within the Town and requiring properly maintained grounds. Other property and vegetation maintenance measures, including, but not limited to run off control and building upkeep, are required by this section.

The Applicant will comply with the substantive provision of this section.

7.11.1.2.2 Section 9, A-Agricultural District

Section 9 of the Town of St. Johnsville Land Use Law establishes the permitted uses within the A-Agricultural District. The Project's transmission lines are primarily located in the A-Agricultural District. It is the intent of this code section to limit development within the Agricultural District. Farmer's rights take precedent within the district. Public Utilities are permitted within Agricultural Districts with a special permit. Land use within this district must minimize the impact and removal of acreage from active agricultural production.

The Applicant will comply with the substantive provisions of this section. The Project will minimize the impact on the surrounding area. However, the procedural requirements are preempted pursuant to PSL § 130.

7.11.1.2.3 Section 11, C-Commercial District

Section 11 of the Town of St. Johnsville Land Use Law establishes the permitted uses within the C-Commercial District. The Project's transmission lines cross over the Route 5 corridor as well as the area a span of 1000 feet north of the corridor and 1000 feet south of the corridor, which are designated as the C-Commercial District. Public Utilities are permitted as principal uses within the C-Commercial District, which are not subject to a special use permit.

The Applicant will comply with the substantive provisions of this section. The Project will minimize the impact on the surrounding area. However, the procedural requirements are preempted pursuant to PSL § 130.

7.11.1.2.4 Section 14, Historic Overlay

This section of the Town of St. Johnsville Land Use Law creates a historical overlay district encompassing all land situated between Route 5 and the CSX railroad starting with all property of the Nellis Tavern Parcel and continues east to the town line. North of Route 5, the historic overlay starts at the Easterly boundary of the La Coppola Building Supplies and extends east to the town line a depth of 1000 ft. All structures within this district should be "in keeping" with the historical genre of the area.

To the extent that the transmission line crosses any Historic Overlay District, the historic structure review that is submitted to the Office of Parks, Recreation and Historic Preservation will address any impact to the History Overlay area. The procedural requirements of these sections are preempted under PSL § 130.

7.11.1.3 Article VI, Area and Height Regulations for Lots, Yard and Buildings

7.11.1.3.1 Section 15, Regulations in Schedule A

This section of the Town of St. Johnsville Land Use Law establishes regulations governing lot area and lot width; front, side and rear yards; building cover and building heights, which are as follows:

Table 7.11-1 Town of St. Johnsville Schedule A Regulations

Districts	Minimum Area Feet or Acres	Minimum Lot Size Width	Minimum Living Area	Max Height Stories….Feet	Yard Dimensions Minimum in Ft Front	Side	Rear
R-Residential	1.5 acre	150	900	3 . . . 45	50	20	50**
A-Agricultural	1 acre*	150	900	3 . . . 45	50	15	40**
C-Commercial	1 acre	150	900	4 . . . 55	40	15	30**
I-Industrial	2 acres	200		5 . . . 60	50	40	75**
RR-Rural	1 acre	150	900	3 . . . 45	50	15	30**
NP-Natural Products	2 acres	200		4 . . . 60	100	100	100

* In Agricultural district maximum allowed lot acreage for single family residence is 2.00 acres.

** If back of nonresidential building has no points of entry (excluding windows) and property abuts vacant nonresidential property this minimum can be waived at the discretion of the CEO to a minimum not less than 5 ft if an on-site inspection warrants such action and just cause is given for such action.

The Project's ROW presently exists and is situated primarily on lots owned by the Applicant and joined in a contiguous linear path. 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 Town. The position of each structure was a function of optimal structure separation when the line was built, and most of the replacement structures proposed to be erected as part of the Project are to be positioned in close proximity of the structures they replace. The Applicant has optimized the height of the structures associated with the rebuild 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 NESC. It is technologically impossible to comply with the Town's maximum height restrictions. Therefore, to the extent these dimensions conflict with the Project design standards, the Applicant requests that the commission refuse to apply this standard. This request cannot be obviated by design changes to the proposed structures, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.11.1.3.2 Section 16, Area Regulations

Section 16 of the Town of St. Johnsville Land Use Law provides additional area regulations within the Town of St. Johnsville. On corner lots within the Town of St. Johnsville, no fence, hedge, wall or other structure or planting more than three feet in height shall be placed or maintained as to obstruct vehicular traffic.

In the event that the dimensional and setback requirements provided in this section of the Land Use Law are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.11.1.3.3 Section 17, Height Regulation

This section of the Town of St. Johnsville Land Use Law regulates the height of structures within the town. The height regulations do not apply to transmission towers or cables. Such structures are to be erected only to such height as is necessary to accomplish the purpose for which they are intended and are subject to planning board review. In addition, pursuant to this section, all non-agricultural structures over 100 feet high are subject to site plan review and require a special use permit.

The Applicant will comply with the NESC. While it is not anticipated compliance with the NESC will cause the Applicant to not be able to comply with this section, to the extent it does, the Applicant requests that the Commission not apply this subsection because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed structures, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. The procedural requirements of this section are preempted pursuant to PSL § 130.

7.11.1.4 Article VII, Site Plan Approval and Special Permits

7.11.1.4.1 Section 18, Purpose and Authorization

The purpose of site plan approval and special permit approval within the Town of St. Johnsville is to ensure compliance with objectives of the law, thereby promoting the public health, safety and general welfare within the town. This Article regulates the development of structures and sites in a manner which considers, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

7.11.1.4.2 Section 19, Developments Requiring Site Plan Review

Section 19 of the Town of St, Johnsville Land Use Law requires site plan review for non-agricultural projects in agricultural districts.

The procedural requirements of this section, including the requirement for site plan review, are preempted under PSL § 130.

7.11.1.4.3 Section 20, Procedure

Section 20 of the Town of St. Johnsville Land Use Law governs the procedure for site plan approval within the Town of St. Johnsville. An applicant may participate in a pre-submission conference with the CEO. An application must be submitted to the CEO within six months of the pre-submission conference. The CEO shall certify whether an application is complete prior to forwarding the application to the Planning Board for review. The Planning Board shall review the application, make a determination of significance pursuant to the State Environmental Quality Review Act ("SEQRA"), and issue a decision on the application.

The procedural requirements of this section are preempted pursuant to PSL § 130.

7.11.1.4.4 Section 21, Enforcement

Pursuant to Section 21 of the Town of St. Johnsville code, the Planning Board may adopt additional design guidelines and performance standards after conducting a public hearing to receive comments on any of the revisions. The board may also require a bond or other similar performance guarantee prior to approval. The code notes that no topsoil, tree, shrub, or other vegetation shall be removed until a site plan has been approved.

The location and configuration of the Project's proposed substation and proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards (such as the NESC) adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. These laws may not be consistent with the Applicant's Clearing and Slash Disposal Procedures ("Clearing Procedures") for Standard EM&CP 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 Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in view of the factors of costs and economics. This request cannot be obviated by design changes to the proposed structures, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated

to the extent practicable. The procedural requirements of this section are preempted pursuant to PSL § 130.

7.11.1.4.5 Section 22, Submission Requirements

For site plan review, Section 22 of the Town of St. Johnsville Land Use Law requires that an applicant submit the following: (i) project boundary maps,(ii) property owner information for the project site and surrounding properties, (iii) all existing lot lines, easements, and ROWs, (iv) the location of all present and proposed parking areas, driveways, fences, and landscaping, (v) the location, height, and intensity of all lighting fixtures, and (vi) the plans to prevent pollution of groundwater, erosion of soil, excessive runoff and flooding of other properties.

The procedural requirements of this section are preempted pursuant to PSL § 130.

7.11.1.4.6 Section 23, Standards for Review

Section 23 of the Town of St. Johnsville Land Use Law requires that the planning board consider the following factors while reviewing site plan applications: (i) conformance with local laws, (ii) convenience and safety to both vehicular and pedestrian movement, (iii) adequacy of provisions for off-street loading and unloading of vehicles, (iv) reasonable demands on public infrastructure and utilities, (v) adequacy of methods of sewage and effuse disposal, (vi) protection of abutting properties and town amenities from any undue disturbances, (vii) minimization of vegetation removal, and (viii) how the proposed development will harmonize with the surrounding landscape and natural landscape.

The Applicant will comply with the substantive provisions of this section. In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.11.1.4.7 Section 25, Additional Requirements

Pursuant to Section 25 of the Town Land Use Law, the planning board may require additional provisions and conditions that appear necessary for advancement of the public environment such as a performance guarantee.

The Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in view of the factors of costs and economics. This request cannot be obviated by design changes to the proposed structures, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~To the extent this section could apply to the Project, the Applicant requests that the Commission not apply this section.~~ The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted

specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, due to the preemptive effect of PSL Section 130, all procedural requirements do not apply.

7.11.1.4.8 Section 27, Special Permits

Pursuant to Section 27 of the Town of St. Johnsville Land Use Law, when evaluating whether to grant a special permit, the Planning Board must consider (i) the proposed equipment must be readily accessible for fire and police protection, (ii) the proposed use shall be in harmony with the appropriate and orderly development of the district, and (iii) where the use is located next to a residential district, both pedestrian and vehicular traffic to and from the site shall not be hazardous to or incongruous with said residential district.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. However, the procedural requirements are preempted pursuant to PSL § 130.

7.11.1.5 Article VIII Supplementary Regulations

7.11.1.5.1 Section 33, Junkyards

This section of the Town of St. Johnsville Land Use Law governs all junkyards, wrecking yards, or places for the collection of recoverable materials or inoperable equipment. A junkyard may not collect or store materials on a hillside of greater than 10 percent slope, on a floodplain, or within 100 feet of any stream bed.

The Applicant will comply with the substantive provision of this section.

7.11.1.5.2 Section 34, Signs

Section 34 of the Town of St. Johnsville Land Use Law provides regulations for signs within the Town of St. Johnsville. In the A-Agricultural District, a sign must comply with the following requirements: (i) no sign shall project into or over the public right of way, (ii) if illuminated, the source of light shall not be visible, and (iii) signs may be a maximum of thirty-two (32) sq. ft. unless the road frontage for the site is over 500 feet.

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~T he Applicant requests that

the Commission not apply such standards are unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.11.1.5.3 Section 36, Vision Clearings at Intersections

This section provides that no obstructions to vision shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.

The Applicant will comply with the substantive provision of this section.

7.11.1.5.4 Section 37, Landscaping Requirements

This section requires that any non-residential land that abuts a residential parcel or vacant parcel where residential development could occur maintain a strip of land at least 20 feet wide as a landscaped area in the front, side and/or rear yard which adjoin these uses.

The Project has been designed to reflect uniform right-of-way clearing and vegetation management practices for construction, operation, and maintenance of high voltage transmission lines. Throughout the Project area there will be proposed 50' between the structures and edge of the ROW. ~~To the extent the standards set forth in the NESC or as part of the final design as shown in the approved EM&CP are contrary to this section, the~~The Applicant requests that the Commission refuse to apply this section. The Applicant will manage its ROW in accordance with its TROWMP adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable as the Applicant will maintain the ROW in accordance with other Commission approved maintenance standards.

7.11.1.5.5 Section 42, Exterior Lighting

Pursuant to this section of the St. Johnsville Land Use Law, no exterior lighting shall be directed towards the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination of adjacent lots.

The Applicant will comply with the substantive provision of this section.

7.11.1.5.6 Section 44, Public Utility Facility Personal Wireless Service Facility

Pursuant to Section 44 of the Town of St. Johnsville Land Use Law, public utility substations and similar structures shall comply with the following requirements: (i) the facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards, (ii) a landscaped area at least 20 feet wide shall be maintained in front, side and rear yards, and (iii) no equipment shall be visible from surrounding property. Public utility services' line poles and attendant lines are allowed, to the extent necessary, in all districts.

This section appears to relate to a cell tower facility, not a substation. To the extent it applies to a substation, the Applicant will comply with the landscaping requirements of this provision. However, to the extent that such landscaping could interfere with the operation of a substation or be a danger to the transmission lines coming into the substation or the structures within the fence line of a substation, the Applicant requests that the Commission refuse to apply this section. This request cannot be obviated by design changes to the proposed structures and ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.11.1.6 Article IX, Off Street Parking and Loading

7.11.1.6.1 Section 46, Automobile Parking Facilities

This section of the Town of St. Johnsville Land Use Law requires that where one or more vehicle recurrently parks by reason of the use and occupancy of the premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces in proportion to the number of vehicles.

The Applicant asserts that there may be limited recurrent parking during the construction phase. However, no recurrent parking is anticipated once the project is completed. In the event that this section may be interpreted as applicable to the project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.11.1.6.2 Section 47, Off-Street Loading Facilities

This section of the Town of St. Johnsville Land Use Law regulates off-road loading facilities and requires that off-street loading facilities shall be provided for each commercial and industrial establishment erected or substantially altered. Schedule B of this section requires one parking space for each 400 sq. ft. of floor space. In addition, Schedule B requires one off-street loading space for 5,000 sq. ft. of more gross floor area, plus one space for each additional 6,000 sq. ft. gross floor area in commercial and industrial uses.

The Applicant asserts that it is not an establishment within the meaning of this section, and thus, it does not apply to the Project. In the event that this section may be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such loading restrictions would impede construction progress and should not be required as such

loading will be temporary and nature. The procedural requirements of this section are preempted under PSL § 130.

7.11.1.7 Article XI, Administration

This Article provides guidelines for administration and enforcement of the Town of St. Johnsville Town Code.

The Applicant will comply with the applicable substantive provisions of this Article and the Uniform Code. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.12 Town of Amsterdam

7.12.1 Article III, Districts and Boundaries

7.12.1.1 Section 5, Establishment of Districts

The Town of Amsterdam is divided into eight zoning districts and has two overlay districts. The Project is located in the A-Agriculture, B-1 Business, R-1 Residential, and R-2 Residential Districts.

7.12.2 Article IV, Use Regulations

7.12.2.1 Section 7, R-1 Residence District

This section of the Town of Amsterdam Zoning Law defines the allowed uses in the R-1 Residence District. Public utility stations or structures are permitted within this district as a special permit use.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements of the Uniform Code, including review and approval of a building permit, are preempted under PSL § 130.

7.12.2.2 Section 8, R-2 Residence District

This section of the Town of Amsterdam Zoning Law defines the allowed uses in the R-1 Residence District. Public utility stations or structures are permitted within this district as a special permit use.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements of the Uniform Code, including review and approval of a building permit, are preempted under PSL § 130.

7.12.2.3 Section 10, A Agricultural District

Section 10 of the Town of Amsterdam Zoning Law defines the allowed uses in the A-Agricultural District. Public utility stations or structures are permitted within the Agricultural District.

The Applicant will comply with the applicable substantive provisions of this section.

7.12.2.4 Section 11, B-1 Business District

This section of the Town of Amsterdam Zoning Law defines the allowed uses in the B-1 Business District. Public utility substations or structures are allowed uses within the district.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.12.2.5 Section 16, Historic Overlay District

The Historic Overlay District in the Town of Amsterdam was created to ensure that future development of the former Hurricana Farm is in harmony with the preserved barns and structures. The Historic Overlay District Designation requires that any proposed development in the district should be sensitive to the scale, materials, color, massing and roof slopes of the existing farm.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.12.3 Article V, Area and Height Regulations, Lots, Yards and Buildings

7.12.3.1 Section 17, Regulations in Schedule A

Schedule A of the Town of Amsterdam Zoning Law contains regulations governing lot area and lot width; front, side and rear yards; building coverage and building height. However, Schedule A does not contain specific dimensional requirements for public utilities. Public utilities are allowed in the A Agricultural and B-1 Business Districts. Public utilities are also permitted in the R-1 Residential and R-2 Residential districts with a special use permit.

The Applicant will comply with the NESC, which is not anticipated to conflict with the Schedule A. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clarence, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.12.3.2 Section 18, Area Regulations

Section 18 of the Town of Amsterdam Zoning Law establishes regulations of (i) lots of less than required dimensions, (ii) the reduction of lot area, (iii) corner lots, (iv) visibility of street corners, (v) front yard exceptions, (vi) transition yard requirements, (vii) projecting architectural features, terraces, porches and fire escapes, and (viii) walls, fences, and hedges. On corner lots

within any district of the Town of Amsterdam where a front yard is required no fence, hedge, wall, or other structure or planting more than three feet in height shall be placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines.

In the event that this section could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This Article is not designed for the construction or operation of major electric transmission facilities. Rather, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles within the ROW, are a function of the reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for construction and operation of substation with which the Applicant will comply.

7.12.3.3 Section 19, Height Regulations

Section 19 of the Town of Amsterdam Zoning Law regulates the height of structures within the town. The height regulations do not apply to transmission towers or cables. Such structures are to be erected only to such height as is necessary to accomplish the purpose for which they are intended and are subject to planning board review.

The Applicant will comply with the substantive provision of this section.

7.12.4 Article VI, Site Plan Review

7.12.4.1 Section 20, Site Plan Review

Within the Town of Amsterdam, the purpose of the Site Plan Review is to ensure that a proposed development creates no unhealthful or unsafe conditions and does not adversely impact adjacent land uses or the health, safety or general welfare of the community.

In the event that this section could be construed as a prohibition on the construction of the Project's proposed substation and proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York State. There is no more cost-effective way to meet this need using existing technology. The procedural requirements of these sections are preempted under PSL § 130.

7.12.5 Article VII, Special Permits

7.12.5.1 Section 21, Special Permits

The purpose of this section of the Town of Amsterdam Zoning Law is to control the impact of certain uses upon areas where they may be incompatible unless conditioned in a manner suitable to a particular language.

The Applicant will comply with the substantive procedures of this section. In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. The procedural requirements of these sections are preempted under PSL § 130.

7.12.6 Article VIII, Supplementary Regulations

7.12.6.1 Section 30, Dumps and Junkyards

This section of the Town of Amsterdam Zoning Law prohibits the establishment of a dump or junkyard within the Town of Amsterdam. It also prohibits the dumping of garbage, rubbish, refuse or other water material within 500 feet from any highway, lake, stream or property line or 500 feet from an existing dwelling.

The Applicant will comply with the substantive provision of this section.

7.12.6.2 Section 31, Signs

Section 31 of the Town of Amsterdam Zoning Law was created to provide for maximum visibility, to prevent unreasonable distraction of operators of motor vehicles, to prevent confusion with regard to traffic lights, signs, or signals, to promote maximum safety, comfort and well-being of the users of the highways, to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, to preserve the scenic and natural beauty of designated areas and to provide a more enjoyable and pleasing community. Section 31 regulates existing and proposed advertising, outdoor advertising signs and signs of all types. No permit is required for signs (i) required by governmental law, order or regulation, and (ii) necessary for the identification, operation or production of public utility. However, the signs are still subject to the general regulations of Section 31, including but not limited to (i) all illuminated signs shall employ only lights emitting a light of constant intensity, and (ii) no sign shall be placed as to be a hazard to traffic or the public generally, or a nuisance or annoyance to the residents or occupants of any other building or premises.

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply such standards because they are unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable

7.12.7 Article IX, Off-Street Parking and Loading

7.12.7.1 Section 37, Automobile Parking Facilities

This section of the Town of Amsterdam Zoning Law requires that where one or more vehicle recurrently parks by reason of the use and occupancy of the premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces in proportion to the number of vehicles.

The Applicant will comply with the substantive provision of this section.

7.12.7.2 Section 38, Off-Street Loading

This section of the Town of Amsterdam Zoning Law regulates off-road loading facilities and requires that off-street loading facilities shall be provided for each commercial or industrial establishment. Pursuant to Schedule B of the section, utility offices are required to maintain 1 parking space for each 400 sq. ft. of floor space.

In the event that this section is applicable to the Project and the transmission lines are considered utility offices or a temporary construction trailer is utilized for the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such loading restrictions would impede construction progress and should not be required as such loading will be temporary and nature.

7.12.8 Article XI, Administration and Enforcement

This Article provides guidelines for administration and enforcement of the Town of Amsterdam Town Code.

The Applicant will comply with the applicable substantive provisions of this Article. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.13 Town of Florida

7.13.1 Zoning Ordinance

7.13.1.1 Article IV, Districts and Boundaries

7.13.1.1.1 Section 5, Establishment of Districts

This section of the Town of Florida Zoning Ordinance indicates that the Town of Florida is divided into eight classes of districts. The Project is primarily located in the Agricultural (A) District.

7.13.1.2 Article V, Use Regulations

This Article of the Town of Florida Zoning Ordinance defines the principal permitted uses and uses permitted by a special permit in each zoning district.

7.13.1.2.1 Section 9, A-Agricultural District

Section 9 of the Town of Florida Zoning Ordinance lists the principal permitted uses and the uses permitted by a special permit within the Agricultural District. Public utility facilities are permitted as a special permit and are subject to site plan review within the Agricultural District.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements, including review and approval of site plan, are preempted under PSL § 130.

7.13.1.3 Article VI, Area and Height Regulation-Lots, Yards and Buildings

7.13.1.3.1 Section 14, Regulations in Schedule A

Schedule A of the Town of Florida Zoning Ordinance contains regulations governing lot area and lot width; front, side and rear yards; building coverage and building height. Public Utility structures with or without a building are special uses permitted in Agricultural districts. Pursuant to Schedule A, public utilities are subject to the following dimensional requirements:

Table 7.13-1 Town of Florida Schedule A Requirements for Public Utilities

	Public Utility Facility w/Building	Public Utility Facility w/o Building
Minimum Lot Area	50,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	200 ft.	100 ft.
Maximum Lot Coverage	25 %	20 %
Building Height	1 Story	N/A
Building Height	35 ft.	N/A
Front Yard Setback	50 ft.	25 ft.
Side Yard Setback	25 ft.	25 ft.
Both Side Yards	50 ft.	50 ft.
Rear Yard Setback	50 ft.	50 ft.

The Applicant will comply with the NESC, which is not anticipated to conflict with the Schedule A. In the event that the dimensional and setback requirements provided in this section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clarence, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the

Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.13.1.3.2 Section 15, Walls, Fences and Hedges

Section 15 of the Town of Florida Zoning Ordinance provides that (1) no fence, wall or hedge shall be closer than two feet from the front lot line, and shall provide necessary visibility on corner lots and (2) a fence, wall or hedge shall be no closer than two feet from any side or rear yard property line, providing a strip of land on each side of the property line for abutting property owners to maintain their fence without trespassing on the lands of the abutting property owner.

In the event that this section could be interpreted as applicable to the Project, the Applicant request that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This section is not designed for the construction or operation of major electric transmission facilities. Rather, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles within the ROW, are a function of the reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for construction and operation of substation with which the Applicant will comply.

7.13.1.3.3 Section 16, Height Regulations

This section of the Town of Florida Town Ordinance regulates the height of structures within the town. The height regulations do not apply to transmission towers or cables. However, such structures are to be erected only to such height as is necessary to accomplish the purpose for which they are intended and are subject to planning board review and approval.

The procedural requirements of these sections are preempted under PSL § 130.

7.13.1.4 Article VII, Site Plan and Special Permits

The purpose of this Article of the Town of Florida Zoning Ordinance is to promote the public health, safety and general welfare within the Town of Florida. This Local Law establishes application procedures and guidelines. Section 22 of the article provides objectives for the review, including, but not limited to, (i) convenience and safety to both vehicular and pedestrian movement within the site, (ii) provisions for off-street loading and unloading of vehicles, (iii) protection of abutting properties and town amenities from any undue disturbances, and (iv) project harmony with the surrounding landscape and the natural landscape.

The Applicant will comply with the substantive provisions of this Article. Due to the preemptive effect of 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.

7.13.1.5 Article VIII, Supplementary Regulations

7.13.1.5.1 Section 33, Junkyards

This section of the Town of Florida Town Zoning Ordinance governs all junkyards, wrecking yards, or places for the collection of recoverable materials or inoperable equipment. Junkyards may not collect or store materials on a hillside of greater than 10 percent slope, on a floodplain, or within 100 feet of any stream bed. In addition, materials stored and collected shall not be stacked or piled to a height greater than the closest eight-foot fence. Licensing as a junkyard is required where a large number of inoperable machines, implements, or appliance are stored.

The Applicant will comply with the substantive provision of this section.

7.13.1.5.2 Section 34, Signs

This section of the Zoning Ordinance regulates the placement, types, and sizes of signs permitted in the Town. While it is not anticipated that permanent signs or billboard will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. In addition, the proposed substation may also require additional signage for safety reasons.

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply~~. To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply such standards~~.~~ because they are unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable

7.13.1.5.3 Section 35.1, Off-Premises Signage

This section of the Town of Florida Zoning Ordinance prohibits placement of any kind of signage by its owners on land not under the ownership of the person or parties owning the sign. Where an owner of land grants permission for the placement of an off-premises sign, the owner of the shall is required to obtain an Off-Premises Signage permit.

The Applicant will comply with the substantive provision of this section.

7.13.1.5.4 Section 36, Vision Clearance at Intersections

This section of the Town of Florida Zoning Ordinance prohibits obstructions to vision, such as shrubbery brush, trees, earth, or structure, at road intersections within the triangle formed by the intersections of road center lines and a lien drawn between points long such lines 20 feet distance from their point of intersection.

The Applicant will comply with the substantive provision of this section.

7.13.1.5.5 Section 37, Landscaping Requirements

Where a non-residential land use abuts an existing residential parcel or vacant parcel where residential development could occur, this section of the Town of Florida Zoning Code requires that a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.

The Applicant will manage its ROW in accordance with its TROWMP adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable as the Applicant will maintain the ROW in accordance with other Commission approved maintenance standards.~~The Applicant will comply with the substantive provision of this section, as the proposed distance between the line and edge of ROW is 50 feet.~~

7.13.1.5.6 Section 38, Corner and Through Lots

This section of the Town of Florida Zoning Ordinance requires front yard setbacks and minimum road frontages on both road fronts of corners and through lots. The remaining sides of the yard shall be designated by the property owner as to which will be the rear yard, and which will be the side yard.

The Applicant will comply with the substantive provision of this section.

7.13.1.5.7 Section 42, Exterior Lighting

Pursuant to Section 42 of the Town of Florida Zoning Ordinance, no exterior lighting shall be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle nor shall the light be directed toward any other lot or cause excessive illumination of adjacent lots.

The Applicant will comply with the substantive provision of this section.

7.13.1.5.8 Section 44, Public Utility Facility

Section 44 of the Town of Florida Zoning Ordinance requires that public utility substations and similar structures shall comply with the following: (i) the facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards, (ii) landscaped area at least 20 feet wide shall be maintained in front, side and rear yards, and (iii) there shall be no equipment visible from the surrounding property. Public utility services' line poles and attendant lines are allowed in all districts.

Applicant will comply with the landscaping requirements of this section. However, to the extent that such landscaping could interfere with the operation of a substation or be a danger to the transmission lines coming into the substation or the structures within the fence line of a substation, the Applicant requests that the Commission refuse to apply this section.

7.13.1.5.9 Section 45.2, Portable Storage Units

The parking or storage of portable storage containers, including tractor-trailer containers or any other temporary and/or portable structure within the Town of Florida is subject to regulations pursuant to Section 45.2 of the Town of Florida Zoning Ordinance. The placement of portable storage units on private property shall not exceed one container for more than forty-five days, unless an extension is granted by the Town. Portable storage units must be kept in the driveway of the property at the furthest accessible point from the street. All portable storage units used or located within the Town of Florida shall obtain a permit from the Town Clerk.

The Applicant will comply with the applicable substantive provisions of this section. In the event that this section is applicable to the Project and a temporary construction trailer is utilized for the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Such restrictions would impede construction progress and should not be required as such loading will be temporary and nature. However, the procedural requirements of the Uniform Code, including any requirements to obtain a building permit, are preempted under PSL § 130.

7.13.1.5.10 Section 45.3, Wellhead Protection

The Town of Florida Wellhead Protection Code was adopted to enable the Town to protect its watershed areas by properly controlling uses in areas that have the potential to affect the quality of water. Salt, chemicals, petroleum products, paints, pesticides, and other materials that could potentially endanger a potable water source shall not be stored within 100 feet of any wellhead. In addition, no machinery shall be stored or refueled within 100 feet of a wellhead.

The Applicant will comply with the substantive provision of this section.

7.13.1.6 Article IX, Off-Street Parking and Loading

7.13.1.6.1 Section 46, Automobile Parking Facilities

This section of the Town of Florida Zoning Code requires that where one or more vehicle recurrently parks by reason of the use and occupancy of the premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces in proportion to the number of vehicles. Schedule B of the Zoning Code provides that one space is required for each 400 feet of floor space in a utility building.

The Applicant will comply with the substantive provision of this section.

7.13.1.6.2 Section 47, Off-Street Loading Facilities

This section of the Town of Florida Zoning Code regulates off-road loading facilities and requires that off-street loading facilities shall be provided for each commercial and industrial

establishment erected or substantially altered. Schedule B requires one off-street loading space for 5,000 sq. ft. of more gross floor area, plus one space for each additional 6,000 sq. ft. gross floor area in commercial and industrial uses.

To the extent that the Project or transmission lines constitute a commercial or industrial establishment, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such loading restrictions would impede construction progress and should not be required as such loading will be temporary and nature. The procedural requirements of this section are preempted pursuant to PSL § 130.

7.13.1.7 Article XI, Administration

This Article provides guidelines for administration and enforcement of the Town of Florida Zoning Code.

The Applicant will comply with the applicable substantive provisions of this Article and the Uniform Code. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.13.2 Local Law No. 1 of 2006, Winter Motor Vehicles Parking Restrictions

Local Law No. 1 of 2006 prohibits parking of motor vehicles on certain roads in the portion of the Town of Florida known as Fort Hunter, including on the shoulders of highways, during the months from December 1st each year to the April 1st of each year.

The Applicant will comply with the substantive provision of this section.

7.13.3 Local Law No. 2 of 2009, Motor Vehicle Parking Restrictions

Local Law No. 2 of 2009 declares that parking of a motor vehicle on certain roads within portions of the Town of Florida, known as Fort Hunter, is prohibited.

Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is restricted by this Local Law, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature. The Applicant requests that the Commission not apply this Local Law.

7.13.4 Local Law No. 3 of 2017, Flood Plain Management Regulations

The purpose of Local Law No. 3 of 2017 is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in certain areas within the Town of Florida. This law applies to all areas of special flood hazard within the jurisdiction of the Town of Florida which have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps. Section 5.2-3 of this Local Law governs the placement of new and replacement equipment for utilities. This equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an

available base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this section. The procedural requirements of this Local Law, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. The Applicant will provide certified drawings as part of its EM&CP submission to the Commission. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.13.5 Local Law No. 1 of 2018, Right to Farm Law

This Local Law provides that farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of Florida. It is the policy of the Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with farming practices. Portions of the Project in the Town of Florda Agricultural District will include transmission lines.

The Applicant will comply with the applicable substantive provisions of this Local Law to the maximum extent practicable. However, there may be a limited amount of time during construction where farming and agriculture in the area of the Project may be slightly impeded by construction vehicles and activities. It is anticipated that the Certificate that is issued by the Commission will contain provisions to safeguard agricultural areas, which will require mitigation to ensure that there is no unnecessary permanent impact to agricultural areas and that potential temporary impacts are minimized. While Applicant does not anticipate any substantial negative deterrence of farming activities, Applicant requests that the Commission not apply this Local Law during the construction phase, as it is unreasonably restrictive in view of existing technology and factors of cost and economics.

7.13.6 Local Law No. 1 of 2021, Town of Florida Road Preservation Law

This Local Law was enacted to maintain the safety and welfare of Town residents by regulating high impact commercial activities that have the potential to adversely impact roads and property. The law permanently restricts trucks from driving on Fort Hunter Road and Denice Road.

The Applicant will comply with the substantive provisions of this Local Law. However, the procedural requirements of this Local Law are preempted pursuant to PSL § 130.

7.13.7 Local Law No. 3 of 2022, Town of Florida Road Preservation Law

This Local Law was enacted to maintain the safety and welfare of Town residents by regulating high impact commercial activities that have the potential to adversely impact roads and property. The law permanently restricts trucks from driving on Main Street in the Village of Fort Hunter, which is located in Florida, New York.

The Applicant will comply with the substantive provisions of this Local Law.

7.14 Town of Mohawk

7.14.1 Local Law No. 1 of 1998, Waste Management Facilities Law

The Town of Mohawk Local Law No. 1 of 1998 regulates and restricts the operation of solid waste management facilities in the Town.

The Applicant will comply with the substantive provisions of this section.

7.14.2 Local Law No. 2 of 2002, Recycling Law

Local Law No. 2 of 2002 of the Town of Mohawk was enacted to facilitate the disposal of solid waste generated within the Town of Mohawk, to facilitate and encourage the recovery of all recyclable materials which can be marketed or used for secondary purposes and to conserve sanitary landfills. All persons owner or otherwise responsible for management of property within the Town of Mohawk shall provide for the separate collection of recyclables as distinguished from other forms of solid waste.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP. However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Local Law could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics.

7.14.4 Local Law No. 2 of 2016, Sewer Use Ordinances

The purpose of the Town of Mohawk Local Law No. 2 of 2016 is to provide for efficient, economic, environmentally safe, and legal operation of the jointly-owned Publicly Owned Treatment Works of the Village of Fonda and Village of Fultonville. The Local Law seeks to control or condition discharges into the public sewer system. Each significant industrial user and each major contributing industry must obtain an industrial wastewater discharge permit before discharging into the sewer system.

~~*To the extent that this section applies to the Project, the Applicant requests a partial waiver.*~~*The Applicant will comply with the substantive provisions of this Local Law. It is not anticipated that the Project will discharge into sanitary sewers regulated by this law. The Applicant will qualify for the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) by making the necessary filings with the NYSDEC and submitting a SWPPP as part of its EM&CP. 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. The Applicant will file a Notice of Intent prior to commencement of the Project construction. Refer to Exhibits 4 and 8 for details.

7.14.5 Local Law No. 4 of 2021, Property Maintenance Law

Town of Mohawk Local Law No. 4 of 2021 establishes the Town of Mohawk Property Maintenance Law ("Mohawk Property Maintenance Law"). pursuant to this law, All premises within the Town of Mohawk shall be maintained in conformity with the Property Maintenance Law.

7.14.5.1 Section 6, Open areas and parking spaces

Pursuant to Section 6 of the Mohawk Property Maintenance Law, surface or subsurface water shall be appropriately maintained to protect buildings and structures and to prevent the development of stagnant ponds. Fences and all other minor construction shall be maintained in a safe and substantial condition. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained as to afford safe passage under normal use and weather conditions. Section 6 of the Property Maintenance Law also requires that yards and vacant lots shall be kept clean and free of physical hazards and shall be maintained in a way to prevent dust and other particles from being blown about the neighborhood. In addition, all land must be kept free of dead or dying trees and accumulation of brush, shrubs, weeds, grass, garbage, refuse or debris which would wither tend to start a fire or increase the intensity of a fire.

~~The Applicant will comply with these sections. However, to~~To the extent that, during construction, there are~~is~~ debris on the ROW, it will be removed as part of restoration. The Applicant will manage its ROW in accordance with its TROWMP adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. The Applicant requests that the Commission not apply this provision as~~.~~ compliance with this provision is unreasonably restrictive in view of factors of cost and economics and the needs of consumers.

7.14.5.2 Section 9, Littering

Pursuant to Section 9 of the Mohawk Property Maintenance Law, residential and business premises within the Town of Mohawk shall be maintained free of litter. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse. It is unlawful to dump or deposit or permit to be dumped or deposited any garbage, refuse, rubbish, waste material or litter or filth or to allow any material subject to be carried by the wind upon any

street, highway, alley, sidewalk, park, public building or body of water within the Town of Mohawk.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP. However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Local Law could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.

7.14.5.3 Section 10, Outdoor Deposit or Storage of Waste and Abandoned Appliances

Pursuant to Section 10 of the Mohawk Property Maintenance Law, it is unlawful to store, deposit, place, maintain or cause or permit to be stored, deposited or placed any rubbish or debris within the Town of Mohawk.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP. However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Local Law could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.

7.14.5.4 Section 11, Cutting and removal

Pursuant to Section 11 of the Mohawk Property Maintenance Law, it shall be unlawful for any owner or occupant of any yard to permit or maintain on any such street, road, highway or alley adjacent to the same between the property line and the curb or middle of the alley, of for then ten (10) feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a height greater than ten (10) inches, or any accumulation of dead weed, grass or brush. Hedges, shrubs and bushed shall be trimmed and kept from being overgrown. In addition, vegetation at street intersections shall be maintained so as not to create a physical obstruction to pedestrians or vehicular traffic.

In the event that this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. ~~The Applicant will comply with these sections. However, to the extent that, during construction, there is debris on the ROW, it will be removed as part of restoration.~~ The Applicant will manage its ROW in accordance with its TROWMP adopted pursuant to 16 NYCRR Part 84 and approved by the Commission, which will ensure compliance with the Town code sections. To the extent that these sections conflict with the TROWMP, the Applicant requests that the Commission refuse to apply these sections. Further, subsequent to construction, vegetation

within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. Maintaining grass and weeds beyond conditions imposed by the Article VII Certificate and the approved EM&CP would be overly burdensome and costly and would not serve the needs of consumers. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable as the Applicant will maintain the ROW in accordance with other Commission approved maintenance standards.

7.14.5.5 Section 12, Maintenance of Property

Pursuant to Section 12 of the Mohawk Property Maintenance Law, it is unlawful for any person to throw, cast, spill or otherwise deposit any litter, rubbish, refuse, garbage, manure, offal or other decomposable organic or putrescible matter in or about any property within the Town of Mohawk. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material way of tightly covered containers or cans whenever practicable.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP. However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Local Law could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.

7.14.5.6 Section 13, Buildings and Structures

Pursuant to Section 13 of the Mohawk Property Maintenance Law, all buildings and structures shall be maintained in good repair and be structurally sound so as not to pose a threat to the public health, safety or welfare.

The Applicant will comply with the substantive provisions of this section.

7.14.6 Local Law No. 5 of 2021, Site Plan Review Law

The Town of Mohawk Local Law No. 5 of 2021 Site Plan Review Law was adopted to promote the health, safety, and general welfare of the Town. The Site Plan Review Law was adopted to ensure that proposed developments create a clean, wholesome, attractive environment which is of importance to the health and safety of the residents of Mohawk. Pursuant to this law, the Planning Board is authorized to review and approve site plans.

The Applicant will comply with the substantive provisions of this law. In the event that this article could be construed as a prohibition on the construction of the Project's proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York

State. There is no more cost-effective way to meet this need using existing technology. The procedural requirements of these sections are preempted under PSL § 130.

7.14.7 Town of Mohawk Zoning Law 2022

The Town of Mohawk Zoning Law ("Mohawk Zoning Law") was established to promote public health, safety, and general welfare.

7.14.8.1 Article IV, Districts and Boundaries

7.14.8.1.1 Section 5, Establishment of Boundaries

The Town of Mohawk is divided into nine types or classes of districts. The districts are shown on the Zoning Map of the Town of Mohawk, which is attached as Figure 7-7. The Project is located in the R-2 Residential District.

7.14.8.2 Article V, Use Regulations

7.14.8.2.1 Section 9, R-2 Residential District

Section 9(B) of the Mohawk Zoning Law provides that no premises shall be used for a public utility station structure without a special exception by the Board of Appeals.

The Applicant will comply with the applicable substantive provisions of this section. However, the procedural requirements, including site plan review and/or special use permit approval, are preempted under PSL § 130.

7.14.8.2.2 Section 18A, Use Regulations Governing All Districts

Pursuant to Section 18A of the Mohawk Zoning Law uses that are not permitted within the Mohawk Zoning Law or Schedule A are prohibited.

To the extent that this section could be interpreted as a prohibition on the Project, the Applicant requests that the Commission refuse to apply this section because it is unduly burdensome.

7.14.8 Article VI, Area and Height Regulations

7.14.8.1 Section 19, Regulations in Schedule A

Regulations governing lot area and lot width, front, side and rear yards, building coverage and building height are specified in Schedule A of the Mohawk Zoning Law. Developments within the R-2 District are subject to the following area and height regulations:

Table 7.14-1 Town of Mohawk Dimensional Regulations

	R-2
Building Height (stories)	2 ½
Building Height	35 ft.
Front Yard	130 ft
Side Yard	50 ft.
Side Yard, Total	100 ft.
Rear Yard	100 ft.

In the event that the dimensional and setback requirements provided in this Local Law applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clearance, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards (e.g., NESC), adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.14.8.2 Section 20, Area Regulations

7.14.8.2.1 Section 20(D), Visibility at Street Corners

Pursuant to Section 20(D) of the Mohawk Zoning Law, on a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three (3) feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines.

In the event that the requirements provided in this section is applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.14.8.2.2 Section 20(E), Front Yard Exceptions

Pursuant to Section 20(E) of the Mohawk Zoning Law, the minimum front yard of all buildings and structures hereafter constructed within a Residential District shall conform to Schedule A. The minimum font yard requirement is 130 feet.

In the event that the dimensional and setback requirements provided in this Local Law applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clearance, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards (e.g., NESC), adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply. In addition, the location and configuration of the

Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.14.8.2.3 Section 20(G), Projecting Architectural Features, Terraces, Porches, Fire Escapes

Pursuant to Section 20(G) of the Mohawk Zoning Law, the space in any required yard shall be open and unobstructed except of the ordinary projections of window wills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.

To the extent that this section is applicable to transmission lines and structures, the Applicant requests that the Commission refuse to apply this section because it is unduly restrictive in view of the existing technology.

7.14.8.2.4 Section 20(H), Walls, Fences and Hedges

Pursuant to Section 20(H) of the Mohawk Zoning Law, all fences erected within the Town of Mohawk will require a building permit. No fence shall be more than seven (7) feet height and all fences must be sent back from one's property line a minimum of thirty (30) inches from the property line.

To the extent that this section applies to construction fences, substations or transmission structures, the Applicant requests that the Commission refuse to apply this section because it is unreasonably restrictive in light of the safety requirements and industry-approved standards adopted specifically for the construction and operation of the transmission facilities, with which the Applicant will comply. The procedural requirements of this section, including the requirement to obtain a building and zoning permit, are preempted pursuant to PSL § 130.

7.14.8.2.5 Section 21, Height Regulations

Pursuant to Section 21 of the Mohawk Zoning Law, the height regulations of the zoning law do not apply to transmission towers and cables or towers and similar structures. Such height features shall be erected only to such a height as is necessary to accomplish the purposed for which they are intended.

The Applicant will comply with the substantive provisions of this section.

7.14.8.3 Article VIII, Supplementary Regulations

To the extent this article is applicable to the project, the Applicant will comply with the substantive requirements. However, the procedural requirements of this section are preempted pursuant to PSL § 130.

7.14.8.3.1 Section 23, Access to Improved Street

Pursuant to Section 23 of the Mohawk Zoning Law, in any district, a lot being used for building purposes shall have direct frontage to an improved street or highway. Where a development does not have the required frontage, a variance will be required.

The procedural requirements of this section are preempted pursuant to PSL § 130.

7.14.8.3.2 Section 27, Commercial Excavation

For any excavation within the Town of Mohawk, a permit is required. A written application shall be submitted to the Town and the Town Board, upon approval of a permit, may specify any reasonable requirements to safeguard the public health, safety and welfare.

The procedural requirements of this section, including the requirement to obtain a permit, are preempted pursuant to PSL § 130.

7.14.8.3.3 Section 28, Dumps and Junkyards

Pursuant to Section 28 of the Mohawk Zoning Law, no dump shall be established and no garbage, rubbish, refuse or other material shall be dumped or deposited in any area within 200 feet from any highway, lake, stream, or property line or to 500 feet from any existing dwellings. In addition, no junkyard shall be established or maintained within 200 feet from any highway or property line. A permit for a dump or junkyard shall be obtained from the Town of Mohawk Town Board.

The Applicant will comply with this section. However, to the extent that, during construction, there is debris on the ROW, it will be removed as part of restoration. The Applicant will manage its ROW in accordance with its approved TROWMP adopted pursuant to 16 NYCRR Part 84, which will ensure compliance with the Town code. To the extent that this Chapter conflicts with the TROWMP, the Applicant requests that the Commission refuse to apply this Chapter.

7.14.8.4 Article IX, Off-Street Parking and Loading

7.4.8.4.1 Section 29, Automobile Parking Facilities

Pursuant to Section 29 of the Mohawk Zoning Law, where one or more motor vehicles recurrently parks by reason of the use and occupancy of any premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces for the number and in proportion to the size of vehicles which so park. Parking requirements for specific uses are specified in Schedule B. For uses not specified in Schedule B, the Town Board of Appeals shall establish parking requirements, after recommendation of the Planning Board. Scheduled B requires one (1) space for each 400 sq. ft. of floor spaces for utility offices.

Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is restricted by this section, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature. The Applicant requests that the Commission not apply this section.

7.14.8.4.2 Section 30, Off-Street Loading

Pursuant to Section 30 of the Mohawk Zoning Law, off-street loading facilities shall be provided for each commercial or industrial establishment. Such loading area shall not interfere with pedestrian or motor traffic on the public street or highway.

In the event that this section may be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such loading restrictions would impede construction progress and should not be required as such loading will be temporary and nature.

7.14.8.5 Article XII, Sign Regulations

7.14.8.5.1 Section 39, Procedure for sign Permits

Pursuant to Section 39 of the Mohawk Zoning Law, no sign shall be erected within the Town of Mohawk without first obtaining a permit.

The procedural requirements of this section, including the requirement to obtain a permit, are preempted pursuant to PSL § 130.

7.14.8.5.2 Section 40, General Provisions

All signs within the Town of Mohawk shall be properly maintained and supports should be kept in good repair. No sign shall be permitted which rotates, flutters, or moves. The height of a sign and its structure may not exceed twenty (20) feet, except for a roof sign, which may not exceed eight (8) feet. All signs shall have sufficient horizontal and vertical clearance so as to provide clear and unobstructed visibility for vehicles entering and exiting the highway. No signs shall be erected or placed or extended into the right of way of any street or highway.

*While it is not anticipated that permanent signs or billboards will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. Signs may be required for the poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~T*he Applicant *requests that the Commission not apply such standards because it is unreasonably restrictive in view of factors of cost and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.*

7.14.8.5.3 Section 41, Specific Sign Regulations

Section 41 of the Mohawk Zoning Law provides specific regulations for signs within the Town of Mohawk.

While it is not anticipated that permanent signs or billboards will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. Signs may be required for the poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the~~The Applicant requests that the Commission not apply such standards because it is unreasonably restrictive in view of factors of cost and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.14.8.5.4 Section 42, Districts and their uses - Signs

Pursuant to Section 42(A)(6) of the Mohawk Zoning Law, signs necessary for the identification, operation of production of a public utility, not exceeding thirty-two (32) sq. ft., may be erected on the premises of such utility in the R-2 District.

The Applicant will comply with the substantive provisions of this section.

7.14.8.5.5 Section 43, Construction Standards

Pursuant to Section 43 of the Mohawk Zoning Law, all signs shall meet the appropriate standards of the Uniform Code.

The Applicant will comply with the substantive provisions of this section.

7.14.8.5.6 Section 44, Design Guidelines

Pursuant to Section 44 of the Mohawk Zoning Code, all signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them. In addition, signs should be appropriate to the types of activities they represent with respect to illumination, number, color, and design.

While it is not anticipated that permanent signs or billboards will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. Signs may be required for the poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. These sections are not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the

construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the~~The Applicant requests that the Commission not apply such standards because it is unreasonably restrictive in view of factors of cost and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.14.9 Local Law No. 3 of 2022, Flood Damage Prevention

The Town of Mohawk enacted Local Law No. 3 of 2022 for Flood Damage Prevention ("Mohawk Flood Damage Prevention Law") as authorized by the New York State Constitution Article IX, Section 2, and ECL, Article 36. The law was adopted to promote the public health, safety, and general welfare, and to minimize private and public losses due to flood conditions within the Town of Mohawk.

7.14.9.1 Section 3.0, General Provisions

The Mohawk Flood Damage Prevention Law applies to all areas of special flood hazard within the jurisdiction of the Town of Mohawk, Community Number 360452, which have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps. Based on the flood maps, the Project does not appear to be located in a special flood hazard area.

7.14.9.2 Section 4.0, Administration

Section 4 Mohawk Flood Damage Prevention Law outlines the duties and responsibilities of the Local Administrator, (ii) the application requirements, (iii) the construction requirements, and (iv) the issuance of a certificate of compliance.

The Applicant will comply with the applicable substantive provisions of this Local Law and the Uniform Code. However, the procedural requirements of the Uniform Code, including any requirements to obtain a building permit, are preempted under PSL § 130.

7.14.9.3 Section 5.0 Construction Standards

Section 5.0 of the Mohawk Flood Damage Prevention Law provides the general standards for the installation of structures in the areas of special flood hazards, including utilities and non-residential structures. Pursuant to this section, public utilities and facilities shall be located and constructed as to minimize flood damage. In addition, new construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage. Utilities shall be located at least two feet above the base flood elevation where permitted.

The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the substation and transmission lines. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains. To the extent this section conflicts with the Project design, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology.

7.14.10 Local Law No. 7 of 2023, Amending Sign Regulations

The Town of Mohawk Local Law No. 7 of 2023 amended provisions of the sign regulations within the Town of Mohawk Zoning Law. Section 39 was amended to provide that where a sign is not in compliance with the zoning law, the Enforcement Officer shall inform the applicant of noncompliance and shall inform the applicant of actions needed to make the sign compliant. This local law also amended Section 40 to allow for illuminated or flashing signs pursuant to a special use permit. Section 40 was also amended to state that in no event shall an illuminated sign or lighting device be so placed or directed so as to permit beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause distraction, glare or reflection that may constitute a traffic hazard or nuisance to adjoining properties. In residential districts, no illuminated signs shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

The Applicant will comply with the substantive provisions of this section. The procedural requirements of this local law are preempted pursuant to PSL § 130.

7.15 Village of Hagaman

7.15.1 Local Law No. 1 of 1998 – Establishing Site Plan Review

Local Law No. 1 of 1998 established site plan review procedures in the Village of Hagaman. A site plan is required prior to the issuance of a building permit for any use in any district, except for one or two-family dwellings and related accessory uses or farm structures and related accessory uses.

The procedural requirements of this local law are preempted pursuant to PSL § 130. The Applicant is not required to undergo the site plan application process for its transmission facilities as part of its Article VII process.

7.15.2 Local Law No. 1 of 2000 – Zoning & Subdivision Regulations

Local Law No. 1 of 2000 established zoning and subdivision regulations in the Village of Hagaman.

7.15.2.1 Section 32 – Purpose and Intent

Article XI of the Zoning & Subdivision Regulations provides for the administration and enforcement of the New York State Uniform Code.

The Applicant will comply with the substantive provisions of this article.

7.15.2.2 Section 34 – Permits Required

Section 34 requires a permit from the Code Enforcement Officer for the construction, enlargement, alternation, improvement, removal, relocation, or demolition of any building or structure or any portion thereof. Exceptions are provided for low cost alternations, those that do

not materially affect structural features, fire safety features, electrical systems, or solid fuel burning appliances.

The procedural requirements of this section are preempted pursuant to PSL § 130. The Applicant is not required to obtain a building permit for the Project.

7.15.2.3 Section 34a – Temporary Structure Permit

This section requires permit for the construction, enlargement, alteration, improvement, or relocation of any temporary building or structure.

The Applicant does not anticipate requiring a temporary structure within the Village of Hagaman. However, if a temporary structure is required to facilitate Project construction, this provision is preempted by PSL § 130.

7.15.2.4 Section 35 – Certificate of Occupancy and Compliance

This section requires a certificate of occupancy and compliance pursuant to the Uniform Code.

The Applicant will comply with the provisions of the Uniform Code. However, to the extent a permit is required from the building inspector or code enforcement officer, such requirement is preempted by PSL § 130.

7.15.3 Local Law No. 1 of 2001 – Zoning Regulations (as amended by Local Law No. 1 of 2004)

Local Law No. 1 of 2001 establishes Zoning Regulations in the Village of Hagaman. Amendments to the zoning regulations were made through Local Law No. 1 of 2004.

7.15.3.1 Section 145.5 – Establishment of Districts

This section establishes five zoning districts within the Village: R-1 Residential, R-2 Residential, R-M Residential-Mobile, B-1 Business, and M-1 Manufacturing.

Despite attempts to contact the Village of Hagaman, the Applicant was unable to obtain a copy of the Village Zoning Map. Therefore, the Applicant is addressing each zoning code as if the Project is located therein.

7.15.3.2 Section 145.7 – R-1 Residential District

Public utility stations are permitted by special permit within the R-1 Residential District.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~To the extent the Project is located in the R-1 Residential District, the Applicant requests a waiver of this section.~~ The

Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Further, pursuant to PSL § 130, the Applicant is not required to obtain a special permit for the Project.

7.15.3.3. Section 145.8 – R-2 Residential District

Public utility stations are permitted by special permit within the R-2 Residential District.

~~*To the extent the Project is located in the R-2 Residential District, the Applicant requests a waiver of this section.*~~ *The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Further, pursuant to PSL § 130, the Applicant is not required to obtain a special permit for the Project.*

7.15.3.4 Section 145.9 – R-M Mobile Home Residential District

Public utility uses are not permitted in the R-M Mobile Home Residential District.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~*To the extent the Project is located in the R-M Mobile Home Residential District, the Applicant requests a waiver of this provision.*~~ *The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Moving the Project would add undue cost and time to the Project and negatively affect the Applicant's customers.*

7.15.3.5 Section 145.10 – R-MF Residential Multi-Family District

Public utility uses are not permitted within the R-MF Multi-Family Residential District.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~*To the extent the Project is located in the R-MF Residential Multi-Family District, the Applicant requests a waiver of this section.*~~ *The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Moving the Project would add undue cost and time to the Project and negatively affect the Applicant's customers.*

7.15.3.6 Section 145.11 – B-1 Business District

Public utility substations are permitted within the B-1 Business District.

To the extent the Project is located in the B-1 Business District and does not fall under the "public utility substation" use, the Applicant requests a waiver of this section. The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. Moving the Project would add undue cost and time to the Project and negatively affect the Applicant's customers. The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics.

7.15.3.7 Section 145.13 – M-1 Manufacturing District

Public utility uses are not permitted within the M-1 Manufacturing District.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~To the extent the Project is located in the M-1 Manufacturing District, the Applicant requests a waiver of this section.~~ The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Moving the Project would add undue cost and time to the Project and negatively affect the Applicant's customers.

7.15.3.8 Section 145.15 – Area Regulations

This section outlines regulations related to the size of lots and lot setbacks required in the Village. The area regulations are also contained in Schedule A, which is attached hereto as Table 7.15-1.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. ~~The Applicant requests a waiver of this section.~~ The Applicant is constructing the Project within the existing ROW and as close to the existing transmission facilities as practicable. Moving the Project to comply with setback requirements would add undue cost and time to the Project and negatively affect the Applicant's customers.

7.15.3.9 Section 145.16 – Height Regulations

This section sets out exceptions to the height requirements in the zoning law, including for "transmission towers and cables."

The Applicant will comply with this provision.

7.15.3.10 Section 145.27 – Property Maintenance

This section prohibits the outdoor storage of waste. This section also requires lawns within 100 feet of a main building to be maintained to less than 12 inches.

~~In the event that this section could be interpreted as applicable to the Project, the~~The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP but then disposed of as part of restoration of the ROW. Additionally, the Applicant will manage its ROW in accordance with its TROWMP. To the extent that this section conflicts with the TROWMP, the Applicant requests that the Commission refuse to apply this section. Further, subsequent to construction, vegetation within the ROW will be reestablished and allowed to regenerate to pre-existing conditions and will be maintained in accordance with the Applicant's vegetation maintenance plan. This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.

7.15.3.11 Section 145.28 – Signs

This section permits signs necessary for the identification, operation, or production of public utility without a permit. Additionally, temporary signs, project related signs, and "no trespassing" signs are permitted without a permit.

The Applicant will comply with this section.

7.15.3.12 Article 7 – Off-Street Parking and Loading

This section regulates off-street parking in the Village.

The Applicant does not anticipate requiring off-street parking for the Project. Parking for construction and maintenance will be temporary for access to facilitate the work and may include parking on roads or highways near the ROW. Such parking restrictions would impede construction progress or should not be required as such parking will be temporary in nature.

7.15.3.13 Article 8 – Nonconforming Uses

This Article permits the continuation of nonconforming uses within the Village. Alteration of nonconforming uses beyond 50 percent of the fair value is not permitted. Nonconforming uses of land cannot be enlarged or extended beyond the land occupied at the time of the original adoption of the zoning law.

To the extent the Applicant's current facilities in the Village constitute a nonconforming use and the Project is interpreted as an expansion of that use, the Applicant requests a waiver of this article. This request cannot be obviated by design changes to the proposed structures and ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable. The Applicant is rebuilding existing transmission facilities for improved reliability and in furtherance of New York's clean energy goals. It has located the new

facilities as close to existing facilities as practicable. To move the Project facilities would create additional property impacts and undue costs and harm to consumers.

7.15.3.14 Section 145.43 – Building Permit

This section outlines when a building permit is required for work in the Village of Hagaman.

To the extent any building permit is applicable to the Project, the requirement to apply for and obtain same is preempted by PSL § 130.

7.15.3.15 Section 145.44 – Temporary Structure Permit

This section outlines when a temporary structure permit is required for work in the Village of Hagaman.

The Applicant does not anticipate needing a temporary structure in the Village of Hagaman. To the extent any temporary structure permit is applicable to the Project, the requirement to apply for and obtain same is preempted by PSL § 130.

7.15.3 Local Law No. 1 of 2001 –Site Plan Review

Local Law No. 1 of 2001 amended Local Law No. 1 of 1998 and established additional procedures related to site plan review.

The procedural requirements of this local law are preempted pursuant to PSL § 130. The Applicant is not required to undergo the site plan application process for its transmission facilities as part of its Article VII process.

7.15.4 Local Law No. 2 of 2009 – Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code

This Local Law provides for the administration and enforcement of the NYS Uniform Building Code and the State Energy Conservation Construction Code (the "Energy Code") in the Village of Hagaman. This Local Law also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

The Applicant will comply with the applicable substantive provisions of this Local Law and the Uniform Code. However, the procedural requirements of the Uniform Code, including any requirements to obtain a building permit, are preempted under PSL § 130.

7.15.5 Local Law No. 1 of 2017 – Noise Pollution Law

Local Law No. 1 of 2017 prohibits noise of such character, intensity and duration as to be detrimental to the life or health of any individual or contrary to the public welfare. Specifically, prohibited is: the construction or repairing of buildings, the creation of noise associated with an excavation, demolition, alteration or repair of any building within the village, other than between

the hours of 7:00 AM and 9:00 PM; the creation of noise associated with generators, air compressors, lawn mowers, vacuums, leaf blowers, and other similar appliances in residential neighborhoods within the village, other than between the hours of 8:00 AM and 9:00 PM on weekdays between 10:00 AM and 9:00 PM on weekends is prohibited, except in the case of emergency, generators in the event of a power outage caused by a storm or utility blackout. This local law states that a permit is available from the Village Clerk.

The Applicant requests that the Commission refuse to apply this local law because it is unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. During the construction phase of the Project, there may be intermittent impacts from noise, which will be temporary in nature. A number of 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 Exhibit 4. The requirement to obtain a permit is preempted by PSL § 130.

7.15.6 Local Law No. 1 of 2018 – FEMA Law for the Prevention of Flood Damage

This local law regulates uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities. This local law applies to all areas of special flood hazard within the jurisdiction of the Village of Hagaman which have been identified by FEMA on Flood Insurance Rate Maps.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of American Society Civil Engineers Standard 24 ("ASCE 24"), the Applicant will comply with the substantive provisions of this local law. The procedural requirements of this local law, including any requirement to obtain review by the Village of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. However, the Applicant will provide certified drawings as part of its EM&CP submission to the Commission. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.15.7 Local Law No. 1 of 2019 – Exterior Property Maintenance

This local law establishes that all land and structures, including but not limited to that on which all dwellings, retail stores, or other business uses are situated, located in the Village of Hagaman, shall be maintained in conformity with the standards set out in this chapter so as to assure that these properties will not adversely affect the neighborhood and the community at large. No person is permitted to abandon, leave, dump, store, deposit, throw, scatter, or keep any nuisance, hazard, or litter upon any public place or on the exterior of any privately owned property within the Village.

~~*In the event that this local law could be interpreted as applicable to the Project, t*~~*The Applicant requests that the Commission not apply this local law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP but then disposed of as part of restoration of the ROW.* *This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.*

7.16 County of Schenectady

7.16.1 Schenectady County Local Laws

7.16.1.1 Part 3, Codified Local Laws

7.16.1.1.1 Chapter 85, Freshwater Wetlands' Protection, Preservation and Conservation

Pursuant to § 24-0901 of the New York State Freshwater Wetlands Act, Chapter 85 of the Laws of Schenectady County, the County of Schenectady is authorized to enter into cooperative agreements with the New York State Department of Environmental Conservation for the purpose of preserving and maintaining the freshwater wetlands within the boundaries of Schenectady County.

The Applicant will comply with the substantive provision of this section. To the extent a permit for impacts to wetlands is required pursuant to this Local Law, this Local Law is preempted by PSL § 130. In addition, as a statutory party charged with ensuring that the Applicant complies with Article 24 of the ECL, NYSDEC will require that any impacts to wetlands are either avoided, minimized, or mitigated to the maximum extent possible.

7.16.1.1.2 Chapter 90, Environment: Nature and Historic Preserve

The intent of Chapter 90 of the Laws of Schenectady County is to create a Schenectady County nature and historic preserve to ensure the preservation and maintenance of open lands, spaces, and structures.

The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. To the extent that the transmission line crosses through a historic preserve, the historic structure review that is submitted to the New York State Office of Parks, Recreation & Historic Preservation will address any impact. The procedural requirements of this Chapter are preempted under PSL § 130.

7.16.1.1.3 Chapter 125, Schenectady County Sanitary Code

7.16.1.1.3.1 Section 125.10, Wastewater treatment and disposal

This law applies to sewage disposal for on-site conventional or alternative sewage disposal system for commercial properties receiving quantities of less than 1,000 gallons per day without the admixture of industrial wastes or other wastes.

It is not anticipated that the Project will discharge into sanitary sewers regulated by this law. To the extent that this Section applies to the Project, the Applicant requests a partial waiver. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. One of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES 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.

7.16.1.1.3.2 Section 125.11, Nuisances

This section of the Schenectady County Sanitary Code authorizes the commissioner or public health director to examine all reasonable complaints made by any inhabitant of the health district concerning nuisances. The commissioner or public health director shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the health district.

The Applicant will comply with the substantive provisions of this section. The procedural requirements of this section a preempted pursuant to PSL § 130.

7.16.1.1.4 Chapter 210, Parking and Operating Motor Vehicles on Certain County Property

Chapter 210 of the Laws of Schenectady County regulates parking and operating motor vehicles on certain county property. Section 210.02 prohibits the parking, standing, or stopping of any vehicle at any place within county property except those places where parking, standing or stopping shall be permitted by order of the director of facilities, or his or her designee.

Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is restricted by this section, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature. The Applicant requests that the Commission not apply this section because it is unreasonably burdensome in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.16.1.1.5 Chapter 275, Storm Sewer Systems

Chapter 275 of the Laws of the County of Schenectady regulates non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law.

The Applicant will comply with the substantive provisions of this Chapter. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. To the extent that the County or any municipalities through which the Project transverses is an MS4 community, the Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from MS4 communities. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES 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.

7.17 Town of Princetown

7.17.1 Site Plan Review Law

This Local Law establishes site plan application procedures and guidelines for the Town of Princetown. It requires that each application is guided by considerations, including, but not limited to the following: (i) impact on adjacent properties and roads; (ii) compatibility with existing buildings; and (iii) the protection of nearby properties against noise, vibration, dust, odor, glare, unsightliness or other objectionable aspects.

The Applicant will comply with the substantive provisions of this law. In the event that this article could be construed as a prohibition on the construction of the Project's proposed substation and proposed electric transmission lines within any district, the Applicant requests that the Commission not apply this article because it is unreasonably restrictive in view of existing technology, factors of cost and economics, and all the needs of consumer. The Project meets consumers' needs by continuing to maintain reliability through the region and benefits in the event of system-wide outages and helping to meet long-term electric capacity needs and clean energy standard goals for New York State. There is no more cost-effective way to meet this need using existing technology. The procedural requirements of these sections are preempted under PSL § 130.

7.17.2 Town of Princetown Zoning Law

7.17.2.1 Article 4, Establishment of Districts and Zoning Map

7.17.2.1.2 Section 4.1, Districts

The Town of Princetown is comprised of thirteen district types. It also has four water supply protection overlay districts. The Project is located in the GR-5 General Residential, MF-2 Multi-Family Residential, and MH-5 Mobile Home Districts.

7.17.2.2 Article 5, General Provisions

7.17.2.2.1 Section 5.3, Setbacks

Pursuant to Section 5.3 of the Town of Princetown Zoning Law, no building shall be constructed, erected or altered so as to encroach on the required front, side and rear setbacks for the district the building is located. Where a commercial use abuts a residential use, a buffer shall be provided along each side of the lot which abuts a residential use.

The Applicant will comply with the substantive provisions of this section.

7.17.2.2.2 Section 5.4, Visibility at Intersections

Pursuant to Section 5.4 of the Town of Princetown Zoning Law, on corner lots in any district, no fence, hedge or other obstruction more than three and one-half feet in height above the average street elevation shall exist within the triangle formed by the intersecting streeting lines and a straight line joining said street lines.

The Applicant will comply with the substantive provision of this section.

7.17.2.2.3 Section 5.7, Effect on Public Utilities

Section 5.7 of this article notes that the law is not intended to restrict the construction or use of lines and structures used for public utility purposes. However, the establishment of public utility buildings or substations in residential districts requires a Special Use Permit subject to conditions as the Planning Board may impose in order to preserve and protect the character of the district.

The Applicant will comply with the substantive provisions of this Article. Due to the preemptive effect of PSL Section 130, all procedural requirements of this section do not apply.

7.17.2.3 Article 6, Districts

7.17.2.3.1 Section 6.1, GR General Residential Districts

Section 6.1 of the Town of Princetown Code provides the principle, accessory and special uses allowed in the General Residential District. Public Utility Installations are allowed subject to the issuance of a Special Use Permit. No building within a residential district may exceed thirty-five (35) feet in height. All buildings and impervious surfaces shall cover no more than 10 % of lot area in GR-5 Districts. Driveways shall not be located within twenty-five feet of a lot line.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. In addition, due to the preemptive effect of PSL § 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.

7.17.2.3.2 Section 6.2, MH – Mobile Home Districts

Section 6.2 of the Town of Princeton Code provides the principle, accessory and special uses allowed within Mobile Home Districts. Public Utility Installations are allowed subject to the issuance of a Special Use Permit. Buildings within the MH District are subject to the height requirements listed for the GR- General Residential District.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. In addition, due to the preemptive effect of PSL § 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

7.17.2.3.3 Section 6.3, MF Multiple Family Districts

Section 6.3 of the Town of Princetown Code provides the principle, accessory and special uses allowed in the Multiple Family Districts. Public Utility Installations are allowed subject to the issuance of a Special Use Permit. No building within multiple family district may exceed thirty-five (35) feet in height. All buildings and impervious surfaces shall cover no more than 25 % of lot area in multiple family districts. Two twenty-five (25) foot buffer areas shall be provided along each lot lin.

In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and its EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. In addition, due to the preemptive effect of PSL § 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.

7.17.2.4 Article 7, Supplementary Regulations

7.17.2.4.1 Section 7.2, Outdoor Storage of Solid Waste

Section 7.2 of the Town of Princetown Zoning Code requires that all solid waste and solid waste containers be obscured from every neighboring residential property and public right of way.

The Applicant will comply with the substantive provision of this section.

7.17.2.4.2 Section 7.3, Fences

Section 7.3 of the Town of Princetown Zoning Code permits fences on any parcel of land provided that the height does not exceed eight (8) feet measured from the ground level. However, on corner lots, no fence or other obstruction higher than three and one-half feet above an adjacent curb elevation is permitted within a triangular area encompassed by three (3) imaginary lines, two (2) of which run along the edges of the pavement of the intersecting streets, and the third being drawn between the aforementioned lines thirty (30) feet from the intersection thereof.

In the event that the height requirements provided in this section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing technology. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clarence, reliability and safety requirements. The height restriction in this section is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply.

7.17.2.4.3 Section 7.7, Off-street Parking Requirements

Pursuant to Table 7.1 of the Town of Princetown Zoning Code, in manufacturing, industrial and warehouse uses one space is required per 500 sq. ft. of floor area or one per each employee in a maximum shirt. For uses which require more than six spaces, adequate screening and surface grading is required. Public utility use is not noted in Table 7.1.

In the event that the Project is considered a manufacturing, industrial or warehouse use, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of costs and economics. Construction equipment will be delivered to and removed from the Project ROW at road crossings. Delivery vehicles may not be suitable for travel on the ROW and loading and unloading may need to take place along the roadway or shoulder. While it may not be possible to provide off-street loading facilities, procedures will be implemented to protect pedestrian and motor vehicle traffic during loading and unloading when it occurs along the roadside.

7.17. 2.4.4 Section 7.8, Off-street Loading Requirements

To ensure that vehicular traffic is impeded and to reduce traffic safety hazards, sufficient off-street loading spaces shall be provided for each business and commercial use.

The Applicant will comply with the substantive provision of this section.

7.17.2.4.5 Section 7.9, Signs

These sections of the Zoning Law regulate the placement, types, and sizes of signs permitted in the Town. Billboards are not permitted within any district in the Town of Princetown. Generally, no sign shall be illuminated in a manner which will cause undue distraction, confusion or glare to vehicular traffic or which will create a nuisance to adjoining property. All signs shall conform with the Uniform Code. No signs shall be erected within fifteen (15) feet of a property line.

While it is not anticipated that permanent signs or billboard will be needed as part of the Project, portions of the Project ROW may be marked as required by state law or regulations and there may be temporary construction signs needed and needed for longer than the time period allowed under these sections. In addition, the proposed substation may also require additional signage for safety reasons. Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, the~~ The Applicant requests that the Commission not apply such standards because they are unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.17.2.4.6 Section 7.15, Public Utilities

Section 7.15 of the Town of Princetown Zoning Law permits public utility installations in any zoning district subject to all the requirements and procedures of Article 8, special use permits. This section also requires that (i) the public utility installation provide service for the general community of the town which is necessary for the public health, convenience, and/or welfare of town residents, (ii) operation of the installation would not produce objectionable emission of

electromagnetic energy vibration or noise, or interference with radio and/or television reception, (iii) all feasible precautions to avoid unacceptable aesthetic impact on the surrounding landscape and right-of-way have been implemented, and (iv) all applicable governmental regulations have been complied with and necessary permit approvals obtained.

The Applicant will comply with the substantive provisions of this section. In the event this section could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are "in harmony with orderly development of the district" except as the location of the Project is a replacement of an existing similar facility. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements of this section, including the requirement of a special use permit, are preempted pursuant to PSL § 130.

7.17.2.4.7 Section 7.17, Towers

Pursuant to Section 7.17 of the Town of Princetown Zoning Code, towers may be established provided that they are in compliance with the requirements established in Section 7.17, including but not limited to height, setback, fencing, and buffering requirements. Public utility poles supporting wire and cable used for power transmission are exempt from the regulations found in this section.

The Applicant will comply with the substantive provision of this section.

7.17.2.5 Article 8, Special Use Permits

Article 8 of the Town of Princetown Zoning Code standards for the issuance of special use permits including that the use (i) shall not have a substantial impact upon the nature and character of the surrounding neighborhood, (ii) operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights or by the production of objectionable emissions of electromagnetic energy, or interference with radio and/or television reception than would be the operations of any permitted use not requiring a Special Use Permit; (iii) the proposed use would not result in the destruction, loss or damage of any natural, scenic, architectural or historic feature of significant importance; and (iv) the proposed use affords adequate protection to prevent contamination and depletion of groundwater resources.

The Applicant will comply with the substantive provisions of this Article. In the event this Article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are compatible with the character of the neighborhood. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span

length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements are preempted under PSL § 130.

7.17.2.6 Article 10, Administration and Enforcement

This Article establishes the office of the Enforcement Officer and defines their powers and duties, including review and approval of building permit applications.

The Applicant will comply with the applicable substantive provisions of this chapter and the Uniform Code. However, the procedural requirements of the Uniform Code, including review and approval of building permit, are preempted under PSL § 130.

7.17.3 Local Law No. 3 of 2006, Erosion, Sediment Control and Stormwater Management

Local Law No. 3 of 2006 was enacted to safeguard persons, protect property, and prevent damage to the environment in the Town of Princetown. The law was also enacted to promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any land development activity.

The Applicant will take precautions to protect persons and property as well as damage to the environment. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this Local Law. The procedural requirements of this Local Law, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. However, the Applicant will provide certified drawings as part of its EM&CP submission to the Commission, showing all erosion and sediment controls.

7.17.4 Local Law No. 1 of 2007, Uniform Fire Prevention and Building Code

Local Law No. 1 of 2007 provides for the administration and enforcement of the New York State Building Code. This Local Law also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

The Applicant will comply with the substantive provision of this section.

7.17.5 Local Law No. 8 of 2006, Stormwater Control

Local Law No. 8 of 2006 amends the Site Plan Approval Law to require that applicants prepare and submit a SWPPP with an application for Site Plan Approval.

The Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. One of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES 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. The procedural requirements of this section, including the need for Site Plan Approval are preempted pursuant to PSL § 130.

7.18 Town of Rotterdam

7.18.1 Part II: General Legislation, Town Code

7.18.1.1 Chapter 73, All-Terrain Vehicles

The purpose of Chapter 73 of the Town of Rotterdam Code is to protect the public health, welfare and safety of the residents of the Town of Rotterdam by regulating the operation of all-terrain vehicles and motorized vehicles throughout the Town of Rotterdam. This chapter prohibits the use of all-terrain vehicles on public property and on private property without the permission from the property owners. The chapter also prohibits the operation of ATVs or motor vehicles for sport during of 8:00 p.m. until 9:00 a.m.

The Project construction will primarily occur on the Applicant-owned ROW. To the extent that this Chapter of the Town of Rotterdam Code applies, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and maintenance during operations, may necessitate the use of certain utility terrain vehicles or track vehicles and such use may be outside the parameters specified in this chapter, and may also need to be used on roadways not designated for use as provided in this Local Law. However, such use shall be in compliance with the Project's Article VII Certificate and the approved EM&CP.

7.18.1.2 Chapter 89, Building Code Administration and Code Enforcement Program

This chapter of the Town of Rotterdam Town Code provides for the administration and enforcement of the NYS Uniform Code and Energy Code in the Town of Rotterdam. This chapter also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

The Applicant will comply with the applicable substantive provisions of this chapter and the Uniform Code. However, the procedural requirements, including any requirements to obtain a building permit or authorize a stop work order, are preempted under PSL § 130.

7.18.1.3 Chapter 112, Electrical Inspections

Chapter 112 of the Town of Rotterdam Code was enacted to regulate the installation, alteration, or repair of wiring for electric light, heat or power and signal systems operating on 50 volts or more or to install, alter or repair any portable electrical equipment in or on all real property within the Town of Rotterdam. All electric installations must be made in conformity with the National Electric Code, also know as the National Fire Protection Association Pamphlet No. 70, so long as it or they are approved by the New York State Fire Prevention and Building Code Council. The provisions of this chapter do not apply to electrical installations employed by an electrical utility in the exercise of it function as a utility.

7.18.1.4 Chapter 130, Fires and Fire Prevention

Chapter 130 of the Town of Rotterdam Town Code creates fire prevention standards within the Town of Rotterdam. Where the provisions conflict with any provision of the Uniform Code, the Uniform Code shall apply.

The Applicant will comply with the substantive provision of this section.

7.18.1.5 Chapter 134, Flood Damage Prevention

The purpose of Chapter 134 of the Town of Rotterdam Town Code is to promote the public health, safety, and general welfare and minimize public and private losses due to flood conditions in specific areas for the Town of Rotterdam, Community Number 360740, which are identified and defined on documents prepared by the Federal Emergency Management Agency.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this chapter. The procedural requirements of this chapter, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. Niagara Mohawk Power Corp., Opinion No. 93-17. However, the Applicant will provide certified drawings as part of its EM&CP submission to the Commission. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.18.1.6 Chapter 188, Noise

It is the policy of the Town of Rotterdam to prevent excessive, unnecessary or unusually loud noises. Any noise disturbance is prohibited. In order to prevent noise, construction, demolition, and excavation are prohibited except between 6:00 a.m. and 9:00 p.m. Monday through Friday and between 7:00 a.m. and 7:00 p.m. Saturday and Sunday. Noise from tools, machinery and heavy equipment is also prohibited outside of this period. This chapter also prohibits the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at approximately 50 feet from the source if on a public space or public right of way.

During the construction phase of the project, there may be intermittent impacts from noises, which will be temporary in nature. A number of 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 Exhibit 4. The Applicant will also implement mitigation measures to address other construction impacts. These mitigation measures will likely include certain limitations on work hours and it is likely also that there will be a Certificate Condition on this as well. 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.

7.18.1.7 Chapter 230, Sewers

Chapter 230 of the Town of Rotterdam Town Code prohibits a direct or indirect discharge into the Town's sanitary sewer system of any pollutant or wastewater which will pass through or cause interference with the operation and performance of the system.

The Applicant will comply with the substantive provisions of this chapter. ~~To the extent that Chapter 230 of the Town of Rotterdam Code applies to the Project, the Applicant requests a partial waiver.~~ It is not anticipated that the Project will discharge into sanitary sewers regulated by this law. The Applicant will qualify for the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) by making the necessary filings with the NYSDEC and submitting a SWPPP as part of its EM&CP. 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. The Applicant will file a Notice of Intent prior to commencement of the Project construction. Refer to Exhibits 4 and 8 for details The procedural requirements of this Local Law, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130.

7.18.1.8 Chapter 240, Snowmobiles

Pursuant to Chapter 240 of the Town of Rotterdam Town Code, it is unlawful for any person to drive or operate any snowmobile on private lands irrespective of zoning, within the Town of Rotterdam within 300 feet of any dwelling or dwelling house between the hours of 10:00 p.m. and 7:00 a.m., where said dwelling or dwelling house is located in any but an agricultural zone.

The Applicant requests that the Commission not apply this chapter because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and maintenance during operations, may necessitate the use of certain utility terrain vehicles or track vehicles, including snowmobiles, and such use may be outside the restrictions specified in Chapter 240, and may also need to be used on roadways not designated for use as provided in this chapter. Such use will be incompliance with the Project's Article VII Certificate and its EM&CP; procedural requirements are presented.

7.18.1.9 Chapter 244, Solid Waste, Garbage, Recycling, Brush, Grass and Leaves

This chapter of the Town of Rotterdam Code prohibits leaving or depositing any form of solid waste or any kind upon any street, avenue, highway, park or public place within the Town of Rotterdam. The purpose of this chapter is to facilitate the disposal of solid waste, garbage, brush, grass and leaves generated in the town in the most environmentally acceptable manner possible and to facilitate and encourage the recovery of all recyclable materials which can be marketed and used for secondary purposes.

The Applicant will comply with the substantive provision of this section. Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CP.

7.18.1.10 Chapter 247, Streets and Sidewalks

Chapter 247 of the Town Code prohibits the placement of any building material or obstruction in any of the public highways, streets or sidewalks of the Town of Rotterdam.

The Applicant will comply with the substantive provision of this section.

7.18.1.11 Chapter 265, Property Maintenance

The purpose of this chapter is to ensure that property within the Town of Rotterdam is maintained in a safe and sanitary conditions so as to not pose a threat to public health and property. The chapter prohibits the outside storage or accumulation of garbage, rubbish, refuse, or debris. Property owners also have a duty to maintain the fences and planting areas installed on the premises. During the development, improvement or construction of any site for any purpose, the owner shall take appropriate measures to ensure the following: (i) dust, blowing sand, dirt, and sediment shall be controlled as not to pose a nuisance, health, or safety risk to motorists or neighboring property owners, (ii) erosion and siltation shall be confined to the site being developed, and (iii) construction debris/litter shall be confined on the site so as not to impact neighboring properties and roadways.

~~The Applicant will comply with this section. However, to~~To the extent that, during construction, there is debris on the ROW, it will be removed as part of restoration. The Applicant will manage its ROW in accordance with its approved TROWMP adopted pursuant to 16 NYCRR Part 84, which will ensure compliance with the Town code. To the extent that this Chapter conflicts with the TROWMP, the Applicant requests that the Commission refuse to apply this Chapter because it is unreasonably burdensome in view of factors of costs. This request cannot be obviated by design changes, the request is the minimum necessary, and adverse impacts will be mitigated to the maximum extent practicable.

7.18.1.12 Chapter 266, Vehicles and Traffic

This chapter of the Town of Rotterdam Town Code provides regulations for the use of roads and parking of vehicles in certain portions of the Town of Rotterdam. The Department of Public Works of the Town of Rotterdam is responsible for installing and maintaining traffic control devices. Article VII of this Chapter provides schedules of regulations for parking throughout the Town of Rotterdam. Schedule XIII of this chapter prohibits parking on certain streets during certain hours and Schedule XV prohibits parking prohibits overnight parking on Carlton Street in the Town of Rotterdam.

To the extent this chapter applies to the Project, the Applicant request that the Commission not apply such restrictions because they are unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is constructed on streets listed in Schedule XIII and XV, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature.

7.18.1.13 Chapter 267, Water

The purpose of Chapter 267 of the Town of Rotterdam Town Code is to protect the public potable water supply in the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water system.

The Applicant will comply with this Chapter. In addition, the Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. One of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. Refer to Exhibits 4 and 8 for additional details. Compliance with the SPDES General Permit and the SWPPP will also contain provisions related to prevention of pollution of the public water system.

7.18.1.14 Chapter 270, Zoning

7.18.1.14.1 Article III, Zoning Districts; Zoning Map; Boundaries

7.18.1.14.1.1 Section 270-6, Districts Enumerated

The Town of Rotterdam is divided into eleven districts. Eight special purpose districts are also presented within the Town of Rotterdam. The Project is located in the A-1 Agricultural District.

7.18.1.14.2 Article VI, General Requirements

7.18.1.14.2.1 Section 270-12, Visibility at Intersections

Pursuant to Section 270-12 of the Town of Rotterdam Town Code, on a corner lot in any district, no fence, hedge or other obstruction more than 3 1/2 feet in height above the average street elevation shall be caused to exist within the triangle formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet in distance from the point of intersection measured along said street lines.

The Applicant will comply with the substantive provision of this section.

7.18.1.14.2.2 Section 270-13, Minimum Floor Area

No commercial property in the Town of Rotterdam shall contain less than 500 sq. ft. of floor area.

To the extent this section is applicable to the Project, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work. Such loading restrictions would impede construction progress and should not be required as such loading will be temporary and nature.

7.18.1.14.2.3 Section 270-14, Public Utilities

Section 270-14 of the Town of Rotterdam Town Code notes that Chapter 270 of the Town Code is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public utility purposes. However, the section requires a special permit subject to such conditions as the Planning Board may impose in order to preserve and protect the character of the district.

The Applicant will comply with the applicable substantive provisions of this chapter. However, the procedural requirements of this chapter, including review and approval of building permit, are preempted under PSL § 130.

7.18.1.14.3 Article V, A Agricultural District

7.18.1.14.3.1 Section 270-21, Yard and property line requirements

Section 270-21 of the Town of Rotterdam Town Codes requires a front yard depth of 25 feet, side yard width of 15 feet, and a rear yard depth shall be not less than 25 feet.

In the event that the dimensional requirements provided in this section of the section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this Local Law, because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.18.1.14.3.2 Section 270-22, Lot area

Section 270-22 of the Town of Rotterdam Town Code requires a minimum lot area of one acre per principal use.

In the event that this section could be interpreted as applicable to the Project, the Applicant request that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This section is not designed for the construction or operation of major electric transmission facilities. Rather, the location and configuration of the Project's proposed substation, and proposed transmission lines and poles within the ROW, are a function of the reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for construction and operation of substation with which the Applicant will comply.

7.18.1.14.3.3 Section 270-23, Lot Coverage

Section 270-23 of the Town of Rotterdam Town Code provides that lot coverage shall not exceed 30%.

In the event that the requirements provided in this section of the section are applicable to and/or include electric transmission lines and/or poles, the Applicant requests that the Commission not apply this section, because it is unreasonably restrictive in view of existing

technology. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the reliability and safety requirements and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply.

7.18.1.14.4 Article XV, Flood Hazard District

Article XV of Chapter 270 of the Town of Rotterdam Town Code creates the FH Flood Hazard District to minimize public and private losses due to flooding in areas of flood hazard. This article provides maximum building height, yard requirements, and lot area requirements for development within the district.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. By complying with the SPDES General Permit and submitting a SWPPP, as part of its EM&CP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this article. The procedural requirements of this article, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130. The Applicant will provide certified drawings as part of its EM&CP submission to the Commission. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.18.1.14.4 Article XVII, Site Plan Approval

Article XVIII of Chapter 270 of the Town of Rotterdam Town Code provides review criteria for site plan approval. It requires that each application is guided by considerations, including, but not limited to the following: (i) the impact of traffic generated on adjacent properties and roads; (ii) the location, arrangement, appearance and sufficiency of off-street parking and loading; (iii) the compatibility of buildings, structures, lighting and sounds; (iv) the adequacy, type and arrangement of landscaping, screening, buffer zones and open spaces; and (v) the protection of adjoining or nearby properties against noise, vibration, dust, odor, glare, unsightliness or other objectionable feature.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and the approved EM&CP, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. The Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. In addition, due to the preemptive effect of 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.

7.18.1.14.5 Article XVIII, Specific Use Regulations

7.18.1.14.5.1 Section 270-142, Outdoor storage and dumping of waste

Section 270-142 of the Town of Rotterdam Town Code requires that all waste, garbage and refuse resulting from the operation of a permitted business, if stored in the open are, be placed in covered metal containers located on a concrete or comparable based slab and be obscured from every adjoining residential or public parcel. In addition, it is unlawful for any person, firm or corporation to dump, deposit or store for more than two months any type of material which would be determined to be detrimental or harmful to the health, safety and general welfare of the people or future residents of the town.

The Applicant does not anticipate storing any waste that could be detrimental to human health and safety for more than two months on the property. The Applicant will comply with the substantive provisions. However, To the extent that construction debris could be interpreted as waste, the Applicant request that the Commission refuse to apply this section because it is unreasonably restrictive in view of the existing technology and cost factors.

7.18.1.14.5.2 Section 270-143, Fences

Section 270-143 of the Town of Rotterdam Town Code provides that fences shall be permitted anywhere on a lot provided that the fence does not exceed four feet in a front yard or six feet in a side or rear yard measured from the ground level. On corner lots, no fence or obstruction higher than two feet is permitted within a triangular area encompassed by three imaginary lines, one of which runs along the edge of the pavement abutting the lot on one intersecting street and another of which runs along the edge of the pavement abutting the lot of the other intersecting street, and the third formed by a line drawn between two points, one on each side of the aforesaid lines located 30 feet from the intersection thereof.

In the event that this section could be interpreted as applicable to the Project or electric transmission lines, the Applicant request that the Commission not apply this Article because it is unreasonably restrictive in view of existing technology and factors of cost and economics. This section is not designed for the construction or operation of major electric transmission facilities. The height of transmission structures within the Proposed ROW will be a function of the appropriate span length between structures as well as clarence, reliability and safety requirements. The height restriction in this Local Law is not designed for the construction or operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such transmission facilities, with which the Applicant will comply.

7.18.1.14.5.3 Section 270-148, Towers

Section 270-148 of the Town of Rotterdam Town Code provides requirements for towers within the Town of Rotterdam in order to protect property values, public safety and the scenic attractiveness of the Town.

To the extent this section applies to the Project, the Applicant request that the Commission not apply such restrictions because they are unreasonably restrictive in view of existing technology and factors of cost and economics.

7.18.1.14.5.4 Section 270-149, Off-Street Parking

This section of the Town of Rotterdam provides that for all buildings and structures erected and all land uses of land, accessory off-street parking shall be provided based on the specific use or occupancy. All parking areas with more than six spots shall be located not less than 10 feet from any residential property line. The section also requires that adequate landscaping be place around the area.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction or maintenance vehicles will be temporary for access to facilitate the work and may involve parking along the ROW or adjacent roads during the construction phase of the project. The parking restrictions would impede construction progress and should not be required as such parking will be temporary in nature, and requirements to build parking would add unnecessary cost to project construction.

7.18.1.14.5.5 Section 270-150, Off-Street Loading

This section of the Zoning Code requires adequate space for loading and unloading of vehicles off the street for buildings occupied for the purpose of business or industry.

The Applicant will comply with the substantive provision of this section.

7.18.1.14.5.6 Section 270-151, Signs

Section 270-151 of the Town of Rotterdam Town Code provides general requirements for the erection of signs within the Town of Rotterdam including but not limited to illumination, location, and area. This section also provides that no temporary or portable signs shall be placed on any premises or buildings except as otherwise provided in Section 270-151.

Signs may be required for the substation and poles or structures, for marking the ROW, and at varying heights and locations, depending on industry signage and safety requirements. This section is not designed for the construction and operation of major electric transmission facilities. Rather, there are industry-approved standards, adopted specifically for the construction and operation of such substation and transmission facilities, with which the applicant will comply. ~~To the extent this section could be interpreted as prohibiting signs that mark the ROW as otherwise may be required by applicable industry standards or PSC regulations, t~~The Applicant requests that the Commission not apply such standards because they are unreasonably restrictive in view of factors of costs and economics. This request cannot be obviated by design changes to the proposed ROW, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

7.18.1.14.5.7 Section 270-156, Lighting

Section 270-156 of the Town of Rotterdam Town Code requires that all exterior lighting accessory for any use be so arranged as to prevent direct glare of beams onto any adjacent public or private property or street.

The Applicant will comply with the substantive provision of this section.

7.18.1.14.6 Article XIX, Special Use Permits

Article XIX of the Town of Rotterdam Town Code provides standards for the issuance of a special use permit including, but not limited to, (i) the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare, (ii) the establishment of the special sue will not impede development of the surrounding area, (iii) adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion, and (iv) the special use will conform to all applicable rules, regulations and ordinances of the Town.

In the event this article could be interpreted as more restrictive than the conditions imposed by the Commission in its Article VII Certificate and its EM&CP, the Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of factors of cost and economics. It may not be possible for the Applicant to ensure that the transmission structures are compatible with the character of the neighborhood. The location and configuration of the Project's proposed transmission lines and poles within the ROW are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The procedural requirements of this Article are preempted pursuant to PSL § 130.

7.18.1.14.7 Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations

Article XXII of the Town of Rotterdam Town Code prohibits approval for any use or activity within the Town of Rotterdam which may result in the contravention of water quality standards as set forth under the authority of the New York State Public Health Law § 1100 regarding sources of water supply, and the New York State Environmental Conservation Law, Article 17, Water Pollution Control, and amendments thereto.

Applicant will comply with the substantive portions of this Article. In addition, the Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. One of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. Refer to Exhibits 4 and 8 for additional details. The Applicant will also apply for a water quality certification under the Federal Clean Water Act as part of the PSL Article VII certification process. This certificate will demonstrate that the Project will utilize environmental mitigation measures which will ensure no adverse impacts to water quality. The procedural requirements of this Article are preempted pursuant to PSL § 130.

7.18.1.14.8 Article XXVI, Erosion and Sediment Control

7.18.1.14.8.1 Section 270-215, Regulations and Requirements

The purpose of Section 270-215 of the Town of Rotterdam Town Code is to safeguard persons, protect property, and prevent damage to the environment. The article guides, regulates and controls the design, construction, use, and maintenance of any development or other land development activity.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project's proposed substation and proposed transmission lines and poles within the ROW, are a function of the appropriate span length and clearance, reliability and safety requirements, and are based on engineering design and industry-approved standards adopted specifically for the construction and operation of transmission facilities, with which the Applicant will comply. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge from Construction Activity by making the necessary filings with NYSDEC and submitting a SWPPP as part of its EM&CP. The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the substation and transmission lines. In addition, the proposed transmission structures are not prone to flood damage and will not increase flood heights or alter floodplains.

7.18.1.14.9 Article XXIX, Illicit Discharges, Activities, and Connections to Separate Stormwater System

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Rotterdam through the regulation of nonstormwater discharges of the Town of Rotterdam separate storm system to the extent practicable as required by federal and state law.

The Applicant will seek coverage from the NYSDEC under the SPDES General Permit by filing a Notice of Intent prior to commencement of the Project construction. One of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES 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.