

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 14, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 25-T-0262 - Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII, for the Rebuild of Approximately 50.72 Miles of Transmission Line from 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.

ORDER ADOPTING THE TERMS OF A JOINT PROPOSAL

(Issued and Effective May 15, 2026)

BY THE COMMISSION:

INTRODUCTION

In this Order, we adopt the terms of the Joint Proposal filed March 19, 2026 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid). There is no opposition to

the Joint Proposal, which is signed by all active parties to the case: National Grid, trial staff of the New York State Department of Public Service (DPS), the New York State Department of Environmental Conservation (DEC), the New York State Department of Transportation (DOT), and the New York State Department of Agriculture and Markets (AGM). The Joint Proposal and attached appendices (A through H) address all the statutory and regulatory issues surrounding National Grid's request for a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Public Service Law (PSL) Article VII for authority to construct and operate the Inghams to Rotterdam 115 kV Transmission Rebuild Project (the Project), which includes reconstruction of several 115 kilovolt (kV) transmission lines for approximately 50.72 miles between the Inghams Substation in the Town of Manheim, Herkimer County and the Town of Rotterdam, Schenectady County, as well as construction of the proposed new Saltsman Road Substation in the Town of Ephratah, Fulton County. As discussed in this Order, the Project satisfies a public need and avoids or minimizes significant adverse impacts to the extent practicable given the state of available technology, the nature and economics of various alternatives, and all other pertinent considerations. Accordingly, we grant National Grid a conditional Certificate pursuant to PSL Article VII.

BACKGROUND

Procedural History and Public Comment

On April 25, 2025, National Grid filed its application pursuant to PSL Article VII, with a motion requesting that the Commission waive certain regulations governing the content of the application. National Grid filed additional application materials on April 29, May 27, June 5, July 1, July 10, and July

11, 2025. The Commission granted National Grid's motion for waiver of certain regulations¹ on October 22, 2025, and the Secretary deemed the application to comply with PSL §122 as of that date.

On October 29, 2025, the Secretary to the Commission issued a Notice Requesting Comments and Announcing Virtual Public Statement Hearing that scheduled a virtual public statement hearing, which was rescheduled to January 8, 2026, by a Notice Rescheduling Virtual Public Statement Hearing issued November 10, 2025. National Grid filed a Notice of Impending Settlement Negotiations on November 19, 2025. At the January 8, 2026 virtual public statement hearing, there were five speakers; none expressed opposition to the Project. Two written comments filed January 14 and January 22, 2026, respectively, also did not oppose the Project.² After the Joint Proposal was filed March 19, 2026, a Notice of Joint Proposal and Opportunity for Public Comment was issued March 27, 2026. No further comment has been received.

Description of the Project

Appendix B to the Joint Proposal contains a full description of the Project. Briefly, the Project involves the reconstruction, primarily within the existing right of way (ROW),³ of five existing 115 kV transmission lines located in the Town of Manheim in Herkimer County, the Towns of Oppenheim, Ephratah, Johnstown, and Perth, and the City of Johnstown in Fulton County, the Towns of St. Johnsville, Mohawk, Amsterdam, and Florida, and the Village of Hagaman in Montgomery County, and the Towns of Princetown and Rotterdam in Schenectady County.

¹ One waiver request was denied as moot.

² The New York State Thruway Authority also filed a written comment on December 22, 2025.

³ See Joint Proposal (JP), pp. 10, 14, 15, 18-19.

The five segments are shown on the maps in Appendix B to the Joint Proposal. The Project also includes construction of the proposed new Saltsman Road Substation in the Town of Ephratah.⁴

National Grid owns a combination of fee and easement rights over the length of the Project. In some instances, as detailed in Exhibit 2⁵ and Exhibit 4, new ROW will be needed to accommodate the Project, maintain required clearances, and minimize impacts.⁶

LEGAL AUTHORITY

Pursuant to PSL §126, the Commission may grant a Certificate for the construction or operation of a major electric transmission facility if it determines the basis of the need for the facility and the nature of the facility's probable environmental impacts. The statute also requires the Commission to find that the facility avoids or minimizes to the extent practicable any significant adverse environmental impacts and that the facility avoids or minimizes to the extent practicable any significant adverse impact on active farming operations.

Further, the Commission must find that the location of the facility as proposed conforms to applicable state and local laws and regulations, except those local provisions that, as applied to the proposed facility, are unreasonably restrictive considering existing technology, factors of cost or economics, or of the needs of consumers. PSL §126 also requires the Commission to determine that the facility conforms to a long-

⁴ Appendix B to the JP, Map Index, p. 2.

⁵ Unless otherwise stated, every citation to an exhibit in this Order refers to the exhibits in Appendix A to the JP, which were moved and admitted into the evidentiary record by Ruling issued April 21, 2026.

⁶ There is also a need for danger tree easements in certain areas. See Exhibit 4, pp. 4-2 to 4-3.

range plan for expansion of the electric power grid of the State and that the facility will serve the public interest, convenience, and necessity.

The Climate Leadership and Community Protection Act (CLCPA) requires that: (1) New York's greenhouse gas (GHG) emissions be 40% below 1990 levels by 2030 and 85% below such levels by 2050; (2) the Commission consider the impact of its decisions and approvals on the State's ability to achieve these emission goals; and (3) final Commission decisions do not disproportionately burden those communities with high concentrations of low- and moderate-income households that already suffer from negative public health effects, environmental pollution, and the consequences of climate change (disadvantaged communities).⁷

Finally, where, as here, the parties present a proposed settlement, the Commission's Procedural Guidelines for Settlement require the Commission to consider whether the terms of the proposal are just and reasonable and in the public interest. The following considerations pertain to the instant determination: whether the Joint Proposal is consistent with the law and regulatory, economic, social, and environmental State and Commission policies; whether the terms of the Joint Proposal compare favorably with the likely result of a fully-litigated case and produce a result within the range of reasonable litigated outcomes; and whether the Joint Proposal provides a rational basis for the Commission's decision.

DISCUSSION

Based upon our review of the record, we find that the terms of the Joint Proposal satisfy the statutory criteria of

⁷ Environmental Conservation Law (ECL) §§75-0101(5), 75-0107(1), 75-0111(1); Chapter 106 of the Laws of 2019 §7(2), (3).

both PSL §126 and the CLCPA and conform to the Settlement Guidelines.⁸ Accordingly, we grant National Grid's petition for a Certificate, subject to the Proposed Certificate Conditions identified in Appendix D to the Joint Proposal. Appendix C to the Joint Proposal contains findings proposed by the Signatory Parties to satisfy the statutory criteria of PSL §126. Inasmuch as those proposed findings are well-supported by the evidentiary record and are reasonable, they are incorporated by reference herein and are adopted as findings of the Commission. Additional discussion with respect to certain findings follows below.

Basis of Need

The record establishes that the Project is needed to provide the necessary transmission reinforcements that have been presented to address certain limits that were identified and evaluated in submissions made to the Commission regarding needs to achieve State policy goals for 2030 and beyond.⁹ Additionally, as stated in the Joint Proposal and shown in Exhibit 13, the existing transmission line facilities have reached the end of their useful life and are in need of replacement.¹⁰ Specifically, in July 2022, the Project qualified for cost recovery upon a finding that "the circuits [are] nearly 100 years old and in relatively poor condition" and the Project "will lay the foundation for anticipated Phase 2 projects, which will significantly reduce curtailments and increase

⁸ Paragraphs 1 through 8 of the JP (the General Provision section), consisting of agreements by and among the Signatory Parties, are self-executing and do not require any Commission action.

⁹ See Exhibit 13.

¹⁰ See JP, p. 9; Exhibit 13, p. E-4-4.

headroom for renewable generation.”¹¹ Thus, the Project is needed as an electric transmission upgrade necessary to meet clean energy and climate goals and to provide needed improvements to address traditional transmission system issues including reliability.¹²

Probable Adverse Environmental and Active Farming Impacts

We agree with the Signatory Parties that the terms of the Joint Proposal, including the proposed Certificate Conditions, ensure that any significant adverse environmental impact associated with the Project, as well as any significant adverse impact on active farming operations,¹³ have been avoided or minimized to the extent practicable.¹⁴

This is due in large part to the fact that the Project will be constructed primarily within the existing transmission ROW. In addition, the Project will be subject to an Environmental Management and Construction Plan (EM&CP) to be approved by the Commission, specifications for which are included in Appendix E to the Joint Proposal.

The environmental impacts are identified in detail in documents identified in Appendix A to the Joint Proposal, including, among others, Exhibit 4 (Environmental Impacts), Exhibit 18 (Invasive Species Report), Exhibit 19 (Wetland

¹¹ Case 20-E-0197, Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act, Order Authorizing Development of Phase 1 Transmission Projects and Cost Recovery Measures (issued July 14, 2022), Appendix, p. 43.

¹² See id.; JP, pp. 10-11, 53-54.

¹³ See PSL §126(1) (d).

¹⁴ See JP, pp. 13-14; DEC’s Statement in Support of Joint Proposal; AGM’s Statement in Support of Joint Proposal; Evan Kelly’s Affidavit in Support of Joint Proposal; Jeremy Flaum’s Affidavit in Support of Joint Proposal.

Delineation Report), and Exhibit 21 (EMF Report). Certain impacts are discussed more fully below.

1. Land Use

As the Signatory Parties contend, land use impacts from the Project will be minimal.¹⁵ By rebuilding the transmission line primarily within the existing ROW, the Project is consistent with the goals of the 2016 New York State Open Space Conversation Plan and generally compliant with the priorities identified by that plan.¹⁶ Further, the Project does not conflict with the plans of the various municipalities through which it passes, including The Herkimer County Community Development Strategic Plan, The County of Montgomery Agricultural and Farmland Protection Plan, and various other comprehensive plans.¹⁷ Additionally, the proposed specifications for the development of the EM&CP include requiring a description of sensitive land uses that may be affected by construction or construction-related traffic and measures to minimize the impacts of such land uses.¹⁸

2. Visual Impacts

As discussed in Exhibit 4, National Grid evaluated the aesthetic, scenic, historical, and recreational resources within a visual study area of one mile. DEC Program Policy DEP-00-2, entitled Assessing and Mitigating Visual Impacts, was used as a framework to evaluate the potential visual impacts of the Project.¹⁹

¹⁵ See JP, pp. 14-19.

¹⁶ See id. at 15.

¹⁷ See id. at 15-17.

¹⁸ See Exhibit E to the JP, pp. 7-8, 22.

¹⁹ See JP, pp. 19-20.

The majority of the viewshed is located within rural agricultural areas where a higher percentage of the land area has historically been cleared for agricultural use. Compared to the size of the area with visibility of the existing transmission structures, the Project will increase the affected area about 3.9%.²⁰ Although the range of heights of the proposed structures for the Project will increase by five feet to eighty-four feet, and some vegetation will be removed along the edge of the existing cleared ROW in some areas, visual impacts from the Project are anticipated to be minimal as the Proposed project will be built primarily in the existing ROW.²¹ Also, the EM&CP will detail measures National Grid will implement to mitigate visual impacts.²²

3. Impacts on Historical or Cultural Resources

As detailed in Exhibit 4, in October 2023, National Grid initiated consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) through the Cultural Resources Information System.²³ After various submissions by National Grid to OPRHP, including in response to requests by OPRHP, OPRHP issued a partial "no effect" response on March 12, 2025, that stated that OPRHP would provide additional comments once OPRHP received results of the Phase 1B Evaluation of the "areas of proposed tree removal, grubbing and grading, access roads, and/or construction laydown areas associated with this Project that may require additional Phase IB investigations."²⁴ This information will be identified during

²⁰ See id. at 21.

²¹ See id. at 22.

²² See id.

²³ See id.

²⁴ Id. at 23.

the development of the EM&CP.²⁵ On March 31, 2025, a Historic Resource Methods & Zone of Visual Impact report was prepared for the Project.²⁶ Once that report is approved by OPRHP, a Trekker survey will be initiated.²⁷ The Signatory Parties agree that National Grid will avoid creating adverse impacts to the greatest extent possible on heritage resource sites, archeological sites, and historical structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.²⁸

4. Vegetation, Wildlife, and Soils

Vegetation clearing will be limited to that which is necessary for safe access to the work areas, consisting primarily of mowing brush along the Project ROW.²⁹ Such clearing will be kept to a minimum and will meet the standards identified in National Grid's Transmission Right of Way Management Plan (TROWMP), which the Commission previously approved.³⁰ The TROWMP identifies various goals associated with vegetation management, including maintaining the environmental quality of sensitive resources and areas in the ROW while maintaining the integrity of the transmission facility.³¹ Following construction, the vegetation on all segments of the Project ROW will be maintained in accordance with the TROWMP and will return to the same shrub and herbaceous vegetative cover type that presently exists on

²⁵ See id.

²⁶ See Exhibit 27.

²⁷ See JP, p. 24.

²⁸ See id.

²⁹ See id. at 25.

³⁰ See id.; Exhibit 4, p. 4-17.

³¹ See JP, p. 25.

the existing ROW.³² Accordingly, any mowing or clearing activity will result in minor, short-term changes to existing conditions, and no permanent impacts are anticipated.³³

As detailed in Exhibit 4, an initial plant species inventory was conducted for the Project for the presence and abundance of invasive species listed on the DEC Interim List of Invasive Species, which did not reveal any unusual findings for the area.³⁴ National Grid will develop a list of invasive species of special concern in consultation with DPS, DEC, and AGM during preparation of the EM&CP.³⁵

Wildlife expected to occur within the Project area includes generalist species and species adapted for early successional meadows, shrub land communities, and the deciduous forest that borders the Project ROW.³⁶ Temporary impacts on wildlife may result, including impacts associated with vegetation clearing activities during construction, but such impacts are anticipated to be brief.³⁷ Temporary disturbance to plant communities will have a negligible impact on wildlife because each new structure location is in close proximity to an existing structure, and construction activities at any single structure location will be short-term - typically lasting only three to five days.³⁸ Wildlife movement patterns are expected to

³² See id.

³³ See id.

³⁴ See Exhibit 4, pp. 4-166 to 4-168; JP, pp. 43-44.

³⁵ See JP, pp. 43-44; see also Appendix D to JP, condition 113; Appendix E to the JP, pp. 35-38.

³⁶ See JP, p. 26; Exhibit 4, p. 4-95.

³⁷ See JP, p. 27.

³⁸ See id. at 26.

return to normal following the completion of the construction activities at a given site.³⁹

As for threatened and endangered species, federally and state-listed endangered species may be affected, but DEC participated in the negotiation of the Joint Proposal and reports that any concerns with the Project's compliance with statutory and regulatory standards has been fully addressed in the Joint Proposal.⁴⁰ Specifically, the federally and state-listed endangered northern long-eared bat and tricolored bat (proposed to be federally listed as endangered, and, if listed federally, will automatically become state-listed as endangered) may be impacted by the Project, with four other federally or state-listed threatened or endangered species potentially present within the Project ROW, including the bald eagle.⁴¹ The Proposed Certificate Conditions set forth National Grid's obligations with respect to threatened or endangered species, including requirements designed to avoid, minimize, or mitigate any impacts.⁴² These conditions include requirements to consult with DEC and the United States Fish and Wildlife Service regarding protected, threatened, or endangered species. There are also conditions specifically addressed to the protection of the northern long-eared bat, tricolored bat, and bald eagle.⁴³

The Project will not permanently affect any unique geologic or topographic features or soils and will not appreciably change elevation or significantly impact existing contours.⁴⁴ The EM&CP will prescribe protective measures to be

³⁹ See id. at 27.

⁴⁰ See DEC's Statement in Support of Joint Proposal, p. 4.

⁴¹ See Exhibit 4, pp. 4-103 to 4-104; JP, p. 26.

⁴² See Appendix D to JP, conditions 86-92.

⁴³ See id. at conditions 89-90.

⁴⁴ See JP, pp. 18, 40.

taken during construction to mitigate temporary impacts such as sedimentation and erosion, as well as restoration requirements post-construction.⁴⁵

5. Agriculture

Standard Article VII certificate ordering clauses, the EM&CP, and existing agreements between local farm operators and National Grid allow for the co-existence of active farmland and transmission lines.⁴⁶ During construction, agricultural operations may be disrupted within the ROW for a single growing season, depending on the timing of construction.⁴⁷ The EM&CP will present mitigation measures to minimize impacts on agricultural operations, such as scheduling structural removal and replacement for drier or frozen periods of the year to prevent rutting of the soil surface, temporarily stripping topsoil then replacing it following completion of work, and grading and restoring areas to the farm operator's satisfaction.⁴⁸ Further, to protect and minimize impacts on agricultural areas, National Grid has designed the Project to the extent possible to avoid or limit the placement of structures on crop fields or on other active agricultural land, and where the location of a structure on such agricultural land is unavoidable, National Grid will endeavor to site the structure in a location that minimizes impact on normal farming operations.⁴⁹ Wherever existing structures are removed from agricultural fields, the immediate area will be restored to be compatible with agricultural production.⁵⁰

⁴⁵ See id. at 30-31, 35, 38, 40.

⁴⁶ See id. at 30.

⁴⁷ See id.

⁴⁸ See id.

⁴⁹ See id.

⁵⁰ See id.

National Grid is also required to provide a monitoring and remediation period of two growing seasons following completion of ROW restoration in active agricultural areas.⁵¹ As part of this requirement, National Grid will retain the services of an agricultural inspector on at least a part-time basis through this period and advise AGM and DPS regarding tentative restoration planning.⁵²

The Signatory Parties agree that National Grid will avoid creating adverse impacts to the greatest extent possible on agricultural lands in the vicinity of the Project by implementing specific location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.⁵³ To that end, the proposed Certificate Conditions extensively address agricultural resources and detail National Grid's requirements regarding agricultural resources.⁵⁴

6. Wetlands and Waterbodies

Though the Project is designed to avoid or minimize impacts on wetlands and waterbodies to the extent practicable, temporary and permanent impacts are expected.⁵⁵ Field delineation efforts identified 92 wetlands occupying 116.69 acres

⁵¹ See id. at 31.

⁵² See id. at 31-32.

⁵³ See id. at 32; Appendix E to the JP, pp. 7, 22, 26; Exhibit 4, pp. 4-18, 4-22, 4-23 to 4-24, 4-36 to 4-37.

⁵⁴ See Appendix D to JP, condition 105.

⁵⁵ See JP, pp. 118, 120-128.

within and adjacent to the Project area; DEC's jurisdictional determination identified 44 wetlands in the Project area.⁵⁶ There are 84 stream crossings identified along the Project ROW; 19 of the streams are named.⁵⁷ The Project ROW crosses 70 DEC-classified streams, and 28 delineated streams are perceived to be protected under Article 15 of the Environmental Conservation Law (ECL).⁵⁸

Permanent impacts on wetlands associated with the placement of new structures will be minimized by locating structures outside of wetlands, to the extent practicable, where the alternative of spanning the wetland exists.⁵⁹ Existing wood-pole structures that are in wetlands and scheduled for removal will be removed with the exception that certain structures may be cut at ground level and left in place if it is determined that pulling the pole would cause significant disturbance to the wetland.⁶⁰ Best management practices will be included in the Stormwater Pollution Prevention Plan (SWPPP) and EM&CP to minimize impacts on wetlands adjacent to the transmission line facilities and proposed substation during construction.⁶¹ Significant environmental impacts on wetlands and water resources

⁵⁶ See id. at 33-34; Exhibit 35. The Signatory Parties acknowledge that the regulations implementing ECL Article 24 (6 NYCRR Part 664) related to Freshwater Wetlands were amended as of January 1, 2025, and redefine what wetlands are considered to be under State jurisdiction. See JP, p. 33. The Signatory Parties further agree that if the Project is not fully constructed within five years from the date the Certificate is issued, the Certificate holder must consult with DPS and DEC to determine if another freshwater wetland jurisdictional determination is required. See id. at 34.

⁵⁷ See JP, p. 36.

⁵⁸ See id. at 37.

⁵⁹ See id. at 34.

⁶⁰ See id.

⁶¹ See id.

will be avoided by using and/or improving existing access roads or paths to the maximum extent possible and by properly locating any new access roads that may be required away from such resources.⁶² Details regarding the size and location of each work area as well as the mitigation measures that will be used to minimize impacts on the wetland will be provided in the EM&CP.⁶³

7. Noise

During construction, noise levels may be temporarily raised because of the use of diesel engine construction vehicles and equipment.⁶⁴ To mitigate noise impacts, National Grid will, among other things, use mufflers on appropriate equipment and limit construction activities to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, unless safety or other continuous operation needs require activity outside those times.⁶⁵

As the Project is primarily a rebuild and relocation of the existing line within the existing ROW, no significant increase in operational noise is anticipated as a result of the Project.⁶⁶ Thus, the operation of the Project will not result in any new permanent or long-term significant adverse noise impacts.⁶⁷ Specifically, the proposed new Saltsman Road Substation will not contain transformers or other electrical equipment that produce sound.⁶⁸ Operational noise will be generated by the heating, ventilation, and air-conditioning (HVAC) units for the proposed control house of the new substation, but the HVAC units will be located over 400 feet

⁶² See id. at 35.

⁶³ See id.

⁶⁴ See id. at 41.

⁶⁵ See id. at 41-43.

⁶⁶ See id. at 41.

⁶⁷ See id.

⁶⁸ See Exhibit 4, p. 4-166; Exhibit E-2, p. E-2-26.

from the nearest residential noise receptor.⁶⁹ As such, any operational noise impact of the proposed HVAC systems will be de minimis, and no mitigation measures are warranted or proposed.⁷⁰

8. Impacts on Transportation and Communications Systems

The Project is not anticipated to adversely impact transportation.⁷¹ Because of the proximity of the Project ROW to eight airports, an obstruction evaluation was performed pursuant to applicable Federal Aviation Administration (FAA) criteria.⁷² The relevant notice was filed with the FAA in October 2025, but the FAA has not completed their review or provided determinations.⁷³ Once the final determinations are received, they will be included in the EM&CP.⁷⁴

The Project will cross a railroad corridor and 57 interstate, state, county, and local roadways with 61 individual crossings.⁷⁵ The terms of the Joint Proposal require National Grid to develop adequate plans and protocols, including a Maintenance and Protection of Traffic Plan that is to be incorporated in the EM&CP, to ensure that all crossings and construction traffic impacts are safely and efficiently managed.⁷⁶ National Grid will also submit the appropriate permit applications to DOT and the New York State Thruway Authority and fully comply with the permit conditions and relevant traffic and

⁶⁹ See Exhibit E-2, p. E-2-26.

⁷⁰ See id.

⁷¹ See JP, p. 47.

⁷² See id. at 44-45.

⁷³ See id.

⁷⁴ See id.

⁷⁵ See id. at 45.

⁷⁶ See id.; Exhibit 2; Exhibit 15.

safety standards.⁷⁷ Because the Project crosses the Erie Canal, National Grid will obtain a work permit from the New York State Canal Corporation, and construction activities will also be subject to the Special Provisions for Work In or Over Navigable Waterways Operated by the New York State Canal Corporation.⁷⁸ Also, any work performed during the navigation season that may interfere with navigation will require prior notice to the United States Coast Guard.⁷⁹ Finally, as the Project ROW crosses six snowmobile trails, National Grid will implement appropriate construction safety practices such as signage, temporary barricades, and fencing to warn and prevent snowmobilers from entering construction work zones and avoid potential conflicts with snowmobile traffic during construction along the trails; these safety practices will be detailed in the EM&CP.⁸⁰

No impacts on communications systems are expected, but National Grid is required to contact entities with underground communication cables within or adjacent to the Project ROW to confirm the placement of their facilities within the ROW and appropriate offsets to maintain.⁸¹

9. Electric and Magnetic Fields

Results of the magnetic field study submitted by National Grid demonstrate that magnetic field levels at the edge of the Project ROW at winter normal conditions were below the 200 milligauss standard articulated in the Commission's Interim Policy Statement.⁸² In addition, the results showed no increase

⁷⁷ See JP, p. 46.

⁷⁸ See id. at 46-47.

⁷⁹ See id. at 47.

⁸⁰ See id.

⁸¹ See id. at 47-48.

⁸² See id. at 48-49; Exhibit 21, p. 1.

in edge-of-ROW electric field levels as a result of the Project as well as compliance with the Commission's standard of 1.6 kV per meter.⁸³

10. Marshalling and Laydown Yards

As detailed in Appendix G to the Joint Proposal, National Grid proposes to use two marshalling and laydown yards. The first is proposed to be located in St. Johnsville.⁸⁴ No wetlands or streams have been identified within that proposed laydown yard.⁸⁵ The second marshalling and laydown yard is proposed to be located in the City of Johnstown.⁸⁶ Two wetlands are within that proposed yard; these wetlands will be avoided and protected, and the 100-foot wetland adjacent areas will be protected with construction matting to ensure no sediment-laden stormwater enters the wetlands.⁸⁷ A DEC Class C stream as well as an unclassified ephemeral stream were also identified; the streams will be protected and impacts will be avoided.⁸⁸ A SWPPP for each of the two yards will be prepared and filed for approval by DEC prior to the start of any site preparation.⁸⁹ Both yards will be equipped with appropriate signage, lighting, fencing, and other security measures such as on-site personnel and cameras.⁹⁰

⁸³ See id.

⁸⁴ See JP, p. 49.

⁸⁵ See id.

⁸⁶ See id.

⁸⁷ See id. at 49-50.

⁸⁸ See id. at 50.

⁸⁹ See id. at 49, 50.

⁹⁰ See id. at 50.

Conformance with Long-range Plan for the Electric System,
Consideration of Alternatives, and Underground Locations

The record demonstrates that the Project conforms with both the New York Independent System Operator's (NYISO) requirements and the State's long-range plan for the bulk electric system.⁹¹

Project alternatives that were considered include no action, use of direct current (DC) electric transmission, a non-transmission alternative, and an underground option.⁹² The no action alternative does not serve the need to rebuild the Project to accommodate renewable energy generation projects or the need to replace transmission line facilities that have reached the end of their useful life.⁹³ Thus, no action is not a feasible solution. The installation of a DC circuit and associated conversion facilities would be cost prohibitive and difficult to incorporate into an alternating current (AC) system; the existing substations currently connected to the existing lines would require either a different source or significant modification and expansion to become DC-to-AC conversion facilities.⁹⁴ Although National Grid reviewed the potential for a non-transmission alternative, the essence of the Project as a transmission line rebuild renders such an alternative infeasible.⁹⁵

No part of the Project is appropriate for underground

⁹¹ See id. at 55; Exhibit 13, p. E-4-5. The NYISO determined that the Project did not necessitate a System Impact Study. See Exhibit 25; JP, p. 56.

⁹² See JP, p. 51.

⁹³ See id. at 9, 51; Exhibit 13, p. E-4-4.

⁹⁴ See JP, p. 51.

⁹⁵ See id. at 52-53.

installation.⁹⁶ An underground line rebuild option is technically inferior to the overhead solution for the Project due to the ratings requirements, constructability issues, land acquisition issues, higher costs, operational issues (including increased complexity, longer restoration times, load hogging issues, and voltage control issues), and environmental impacts.⁹⁷ Additionally, the underground alternative is substantially more expensive than the overhead option.⁹⁸

CLCPA

In accordance with Section 7(2) of the CLCPA, we have considered whether the approval of the requested Certificate will be inconsistent with or interfere with the attainment of the State's GHG emissions limits as set forth in ECL §75-105.⁹⁹ The JP acknowledges that National Grid anticipates using equipment insulated with sulfur hexafluoride (SF6), a GHG that existing regulations require to be phased out beginning January 1, 2027.¹⁰⁰ National Grid is required to comply with all applicable laws, regulations, and guidance regarding SF6, including 6 NYCRR Part 495. Any emissions of greenhouse gases from vehicles or equipment used during the construction or maintenance of the Project will be de minimis or negligible.¹⁰¹ Moreover, in addition to resolving asset condition issues and improving reliability, the Project is designed to support achievement of CLCPA goals.¹⁰² Based on the record, we are

⁹⁶ See id. at 52.

⁹⁷ See id.

⁹⁸ See id.

⁹⁹ L. 2019, ch. 106 (effective January 2020).

¹⁰⁰ See JP, p. 54; 6 NYCRR §495-1.4; Appendix D to JP, condition 104.

¹⁰¹ See JP, pp. 53-54.

¹⁰² See id. at 54.

satisfied that approval of the Joint Proposal will not be inconsistent with nor interfere with the attainment of the State's GHG emissions limits and overall climate policy goals.

Finally, Section 7(3) of the CLCPA requires us to consider whether any disadvantaged communities will be disproportionately impacted by our decision. The Project crosses a DAC in the Town of St. Johnsville and a DAC in the Town of Mohawk. The Project also crosses one Potential Environmental Justice Area (PEJA) in the City of Johnstown.¹⁰³ However, the record demonstrates that this Project will not disproportionately burden those communities. Namely, the Project supports CLCPA renewable energy goals by providing upgraded electric transmission infrastructure that will allow renewable energy to be safely and reliably transported to load centers throughout the State.¹⁰⁴ The Project also supports increased employment opportunities and new industry resulting from the increased demand and capacity for renewable energy infrastructure.¹⁰⁵ Finally, the Project also minimizes negative impacts on the two DACs and the PEJA because it proposes upgrading existing transmission lines primarily within the existing ROW and will not result in the production of greenhouse gas or co-pollutant emissions in those communities.¹⁰⁶

Local Laws

Exhibit 7 identifies, for each local jurisdiction, every substantive local legal provision (ordinance, law, regulation, standard, requirement, or resolution) potentially applicable to the Project, as well as every such local legal

¹⁰³ See id. at 54-55; Exhibit 4, Figure 4.11-1.

¹⁰⁴ See JP, p. 55.

¹⁰⁵ See id.

¹⁰⁶ See id.; Exhibit 4, pp. 4-169 to 4-170.

provision that National Grid requests that the Commission not apply, either partially or in full, because, as applied to the Project, such local legal provision is unreasonably restrictive in view of the existing technology, factors of cost or economics, or the needs of consumers.¹⁰⁷ Except for those local legal provisions National Grid specifically requests that the Commission refuse to apply, National Grid will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions applicable to the Project.¹⁰⁸

None of the affected jurisdictions has objected to the requests for waivers in Exhibit 7. Insofar as compliance with these local laws would be technologically impossible, unsafe, or impracticable from a cost and economics perspective, or the local law is otherwise unreasonably restrictive, the waiver requests contained in Exhibit 7 are granted.¹⁰⁹

Certificate Conditions

The Signatory Parties' proposed Certificate Conditions are set forth in Appendix D to the Joint Proposal. There are 18 categories of conditions, including conditions related to Public Health and Safety; the EM&CP Process; Construction, Operation, Maintenance, and Restoration; Herbicide Use; Roads and Highways; Cultural Resources; Terrestrial and Wildlife Resources; Waterbodies and Wetlands; and Agricultural Resources. In total, there are 114 conditions, some of which are multi-part. These proposed Certificate Conditions comprehensively reflect the Signatory Parties' agreements as set forth in the Joint Proposal. They adequately protect public health and are

¹⁰⁷ See JP, p. 56.

¹⁰⁸ See id.

¹⁰⁹ See PSL §126(1)(g).

otherwise in the public interest, as they minimize the Project's potential adverse impacts to the maximum extent practicable.

COMMISSION FINDINGS AND CONCLUSION

The Joint Proposal is supported by National Grid and the other Signatory Parties, all of which have been active participants throughout this proceeding. It is clear, and we so find, that the parties have adhered to the Commission's settlement rules and guidelines in producing a Joint Proposal that addresses all the statutory and regulatory issues surrounding National Grid's request for a Certificate to construct, operate, and maintain the proposed Project. In particular, the Joint Proposal considers the Project's probable environmental impacts and probable impacts on active farming operations and details the steps that will be taken to ensure that any such adverse impacts are minimized to the extent practicable given currently available technology and the nature and economics of potential alternatives.

As discussed throughout this Order, the transmission Project is necessary to enable National Grid to continue its provision of safe and reliable electric service. Further, construction and operation of the Project will not be inconsistent with nor interfere with the attainment of the GHG emissions limits set forth in the CLCPA; accordingly, a finding of public interest, need, and convenience is fully supported by the record.

As stated above, the Joint Proposal contains additional proposed findings in Appendix C. These findings are detailed and well-supported by the record; accordingly, we adopt them as our own and incorporate them here by reference.

Considering all the above, we grant National Grid a Certificate of Environmental Compatibility and Public Need

subject to the discussion in this Order and the Certificate Conditions in Appendix D to the Joint Proposal.

The Commission orders:

1. The terms of the Joint Proposal filed March 19, 2026 (Attachment A to this Order), including the findings in Appendix C and the certificate conditions in Appendix D, subject to the discussion in the body of this Order, are adopted and incorporated into and made a part of this Order.

2. National Grid's request for Commission waiver of certain local laws, as identified in Exhibit 7 and discussed herein, is granted.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

25-T-0262 – Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII, for the Rebuild of Approximately 50.72 Miles of Transmission Line from 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.

JOINT PROPOSAL

By:

Niagara Mohawk Power Corporation d/b/a National Grid
Staff of the New York State Department of Public Service
New York State Department of Environmental Conservation
New York State Department of Agriculture and Markets
New York State Department of Transportation

Dated: March 19, 2026
Albany, New York

TABLE OF CONTENTS

INTRODUCTION AND BACKGROUND	4
TERMS OF JOINT PROPOSAL	7
I. GENERAL PROVISIONS.....	7
II. EVIDENTIARY RECORD.....	8
III. DESCRIPTION OF PROJECT	8
IV. ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED	10
A. Need for the Project.....	10
B. Cost	13
C. Environmental Impact	13
D. The Availability and Impact of Alternatives	50
E. Conformance to Long-Range Plans for Expanding the Electric Power Grid and Climate Leadership and Community Protection Act Compliance.....	53
F. System Impact Study.....	56
G. State and Local Laws	56
H. Public Interest, Convenience, and Necessity	58
V. PROPOSED FINDINGS.....	59
VI. PROPOSED CERTIFICATE CONDITIONS.....	59
VII. ENVIRONMENTAL MANAGEMENT & CONSTRUCTION PLAN.....	59
VIII. WATER QUALITY CERTIFICATION.....	59

List of Appendices

Appendix A – List of Testimony, Affidavits, and Exhibits to be Admitted

Appendix B – Description and Location of Project

Appendix C – Proposed Commission Findings

Appendix D – Proposed Certificate Conditions

Appendix E – Specifications for the Development of the Environmental Management and Construction Plan

Appendix F – NYSDEC Freshwater Wetlands Jurisdictional Determination

Appendix G – Details Regarding Marshalling and Laydown Yards

Appendix H – Revised Exhibit 7 to the Application

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

25-T-0262 - Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII, for the Rebuild of Approximately 50.72 Miles of Transmission Line from 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.

JOINT PROPOSAL

This Joint Proposal, which includes Appendices A through G attached hereto and incorporated herein, is made as of the ___ day of March, 2026, by and among the following (collectively referred to as the Signatory Parties): Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid” or the “Applicant”); Staff of the New York State (“NYS”) Department of Public Service (“DPS Staff”); New York State Department of Environmental Conservation (“NYSDEC”); New York State Department of Agriculture & Markets (“NYSAGM”); and the New York State Department of Transportation (“NYSDOT”). The Signatory Parties are all parties to this proceeding.

INTRODUCTION AND BACKGROUND

On April 25, 2025, National Grid filed an application (“Application”) with the New York State Public Service Commission (“Commission”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the reconstruction of several 115 kilovolt (“kV”) transmission lines for approximately 50.72 miles between the Inghams Substation in the Town of Manheim, Herkimer County, and the Rotterdam Substation in the Town of Rotterdam, Schenectady County (hereinafter referred to as the “Inghams to Rotterdam 115 kV Rebuild Project” or the “Project”). The Project also includes the construction of the proposed new Saltsman Road Substation in the Town of Ephratah, Fulton County. The Project is located in the Town of Manheim in Herkimer County, the Towns of Oppenheim, Ephratah, Johnstown, and Perth, and the City of Johnstown in Fulton County, the Towns of St. Johnsville, Mohawk, Amsterdam, and

Florida, and the Village of Hagaman in Montgomery County, and the Towns of Princetown and Rotterdam in Schenectady County.

A Motion for Waivers, filed pursuant to 16 NYCRR §§ 3.3 and 3.6, and a Request for Protection of Confidential Information and Exception from Disclosure, filed pursuant to Part 6 of the Commission’s rules, were included with the filing of this Application.

The Application was served on all parties on the service list consistent with 16 NYCRR § 85-2.10(a). An affidavit of service was filed on April 25, 2025. Pursuant to Public Service Law (“PSL”) § 122(2)(c), the Application was served on each landowner on which any portion of the proposed facility is to be located on April 25, 2025. An affidavit of service was filed with the Commission on April 29, 2025. Public Notice of the filing of the Application was published in the *Herkimer Times* on April 8, April 15, and April 22, 2025, and in the *Daily Gazette and Leader* on April 7, 14, and 21, 2025. Affidavits of publication were filed with the Commission on May 27, 2025.

Once the Application was filed, National Grid established a “hotline” phone number for people seeking additional information about the Project: 877-551-4743. The number was included in the Project Fact Sheet, Project website, and materials shared in the Notice of Application served on landowners. National Grid also conducted outreach with individual municipalities and answered Project-related questions.

On June 5, 2025, the Applicant supplemented its application by filing correspondence dated June 2, 2025, from the New York State Independent System Operation (“NYISO”) Staff, which confirmed that the Project would not meet the System Impact Statement (“SIS”) threshold. The non-material nature of the modification, and therefore no need for a SIS, was presented to the NYISO Electric System Planning Working Group (“ESPWG”) and Transmission Planning Advisory Subcommittee (“TPAS”) on June 5, 2025, with no comments on the Project.

By letter dated June 30, 2025, the Secretary identified certain deficiencies in the Application. In partial response to the deficiency letter, the Applicant served the Application on Assembly Member Mary Beth Walsh on July 1, 2025. An affidavit of service was filed with the Commission on July 1, 2025.

The Applicant further addressed the deficiency letter in its filing of July 10, 2025. The deficiency response filing included revised Exhibit 2, including revised Figures 2-3 and 2-4, Exhibit 4, and Exhibit 7. The deficiency response filing also included (i) a revised service list, (ii)

Historic Resources Methods and Zoning of Visual Impacts, (iii) Herbicide Mix Sheet, and (iv) Soil Erodibility K-factor maps. On July 11, 2025, an affidavit of service for the deficiency response was filed with the Commission.

On July 11, 2025, the Commission issued a Notice Inviting Comments on the Motion for Waiver of Certain Application Requirements.

On September 22, 2025, after review of the Application, NYSDOT filed a letter indicating that NYSDOT is responsible for ensuring compliance with state and federal laws, regulations, and requirements on interstate highways as well as railroads.

On October 22, 2025, the Commission issued an Order on Waiver Requests, which as noted above, was filed with the Application on April 25, 2025. Thereafter, by a letter dated October 23, 2025, the Secretary found the Application, as supplemented, to be in compliance with PSL § 122 as of October 22, 2025.

A Notice Soliciting Comments and Announcing Virtual Public Statement Hearings was issued on October 29, 2025 for virtual public statement hearing on November 12, 2025. In a Notice issued on November 10, 2025, the public statement hearing was rescheduled to January 8, 2026.

Pursuant to a Notice issued on November 6, 2025, a procedural conference was held before ALJ Belsito on December 16, 2025.

On November 19, 2025, a Notice of Impending Settlement Discussions was sent to all active parties and other interested persons and filed with the Commission. An affidavit of service of the Notice of Impending Settlement was filed on November 25, 2025.

On December 24, 2025, Administrative Law Judge Nicholas Planty (“ALJ Planty”) issued a Ruling Adopting a Protective Order. The Ruling requested all parties and party representatives sign a protective order acknowledgement form. The Applicant completed and filed the Protective Order Acknowledgement Form on December 26, 2025.

A Virtual Public Statement Hearing was held before ALJ Planty at 5:30 PM on Thursday January 8, 2026.

After exploratory discussion of the issues, the Signatory Parties recognized that the parties’ various positions could be addressed through settlement and agreed that settlement is feasible. Thus, as noted above, a Notice of Impending Settlement Discussions was filed and served on all parties and landowners. Settlement conferences were subsequently held bi-weekly, via video conferencing and/or telephone, on December 3, and 17, January 7, 14, and 28, and February 11.

Extensive electronic communications and technical discussions were also utilized to facilitate settlement negotiations.

The Signatory Parties believe that this Joint Proposal gives fair and reasonable consideration to the proposed rebuild of the Inghams to Rotterdam 115 kV Rebuild Project. As detailed in this Joint Proposal, the Signatory Parties have worked towards the objective of fully permitting the Project, including the Commission issuing the Certificate, as early as practicable, in order for construction of the Inghams to Rotterdam 115 kV Rebuild Project to commence after the Environmental Management & Construction Plan (“EM&CP”) is approved.

TERMS OF JOINT PROPOSAL

I. GENERAL PROVISIONS

1. It is understood that each provision of this Joint Proposal is in consideration and support of all the other provisions of this Joint Proposal and is expressly conditioned upon approval of the terms of this Joint Proposal in full by the Commission. If the Commission fails to adopt the terms of this Joint Proposal in full, other than these General Provisions, or adds additional terms, the Signatory Parties to the Joint Proposal shall be free to accept the Commission’s terms or to individually pursue their respective positions in this proceeding without prejudice.

2. The terms and provisions of the Joint Proposal apply solely to, and are binding only in, the context of the above-captioned PSL Article VII proceeding and do not necessarily reflect the position any Signatory Party will take in any other proceeding. Each Signatory Party reserves the right in other proceedings to propose or include such terms and conditions as it may deem appropriate. Signatory Parties agree to submit this Joint Proposal to the Commission along with a request that the Commission adopt the terms and provisions of this Joint Proposal as set forth herein.

3. The Signatory Parties agree that the construction, reconstruction, operation, and maintenance of the Project described in this Joint Proposal in compliance with the Joint Proposal, including the Proposed Certificate Conditions set forth in **Appendix D** attached hereto, will comply with PSL Article VII and with the substantive provisions of applicable state law.

4. All Signatory Parties fully support approval of the Joint Proposal in its entirety. The Signatories Parties recognize that certain provisions of this Joint Proposal contemplate actions to

be taken by various parties in the future to effectuate fully this Joint Proposal. Accordingly, the Signatory Parties taking those actions agree to cooperate with all other Signatory Parties in good faith.

5. In the event of any disagreement over the interpretation of this Joint Proposal or implementation of any of the provisions of this Joint Proposal which cannot be resolved informally among the Signatory Parties, such disagreement shall be resolved in the following manner:

- a. the Signatory Parties shall promptly convene a conference and in good faith attempt to resolve any such disagreement; and
- b. if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter.

6. This Joint Proposal shall not constitute a waiver by the Applicant of any rights it may otherwise have to apply (or not apply) for additional or modified permits, approvals, or certificates from the Commission or any other agency in accordance with relevant provisions of law.

7. This Joint Proposal shall not be construed to constitute a waiver of authority by any state agency with respect to the enforcement of applicable laws and regulations that are the subject of its jurisdiction.

8. This Joint Proposal is being executed in counterpart originals and shall be binding on each Signatory Party when the counterparts have been executed. All signatories have the necessary authority to execute this Joint Proposal on behalf of the Signatory Parties that they represent.

II. EVIDENTIARY RECORD

9. **Appendix A** attached hereto lists the testimony, affidavits, and exhibits that constitute the evidence agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding (collectively, the “Evidentiary Record”).

III. DESCRIPTION OF PROJECT

10. The Signatory Parties agree that the Description and Location of the Project, set forth in **Appendix B** attached here, accurately describes the location, configuration, and components of the Project they recommend be approved by the Commission. A map of the Project is included in Appendix B.

11. The Project proposes to reconstruct several 115 kV transmission lines for approximately 50.72 miles between the Inghams Substation in the Town of Manheim, Herkimer County, and the Rotterdam Substation in the Town of Rotterdam, Schenectady. The Project also includes the construction of the proposed new Saltsman Road Substation in the Town of Ephratah, Fulton County. The Project is located in the Town of Manheim in Herkimer County, the Towns of Oppenheim, Ephratah, Johnstown, and Perth, and the City of Johnstown in Fulton County, the Towns of St. Johnsville, Mohawk, Amsterdam, and Florida, and the Village of Hagaman in Montgomery County, and the Towns of Princetown and Rotterdam in Schenectady County.

12. The existing transmission line facilities were constructed approximately 100 years ago and have reached the end of their useful life and are in need of replacement. As described below and in Application Exhibit 2 (Exhibit 2 of the Evidentiary Record and referred to herein as Exhibit 2; *see* Appendix A), the Project involves the reconstruction of five (5) existing 115 kV transmission lines that are a collection of single and double circuit: (i) Inghams to Meco #15 Line, (ii) Inghams to Stoner #9 Line, (iii) Meco to Maple #22 Line, (iv) Maple to Rotterdam #10 Line, and (v) Stoner to Rotterdam #12. Exhibit 2 provides specific detail about each segment, including the structure types proposed for each segment.

13. The Existing Lines include the approximately 47-mile west to east portion between the Inghams Substation and Rotterdam Substation, and the Inghams to Meco #15 Line and Meco to Maple #10 Line that tap off the main west to east corridor of the Project and extend approximately 3.72 miles north to Meco Substation, known as the Meco Substation Tap. The Project's total length is approximately 50.72 miles. The Project will consist of a rebuild to 115kV standards along the proposed new centerline.

14. A new Saltsman Road Substation is proposed to be constructed at existing Structure 79 of Segment 1, located in the Town of Ephratah, Fulton County. This substation will connect to the Inghams to Meco #9 Line, the Inghams to Stoner #15 Line, and the Clinton Substation Tap Line on one side of the substation.¹

¹ The proposed transmission lines will be renamed to align with the construction of the new Saltsman Road Substation. Updated line names will be included in the Environmental Management and Construction Plan ("EM&CP").

15. As described in Application Exhibit 3 (Exhibit 3 of the Evidentiary Record and referred to herein as Exhibit 3; *see* Appendix A), the proposed Project route follows the Existing ROW except for one (1) proposed alignment shift. Existing Structure 1, which carries the existing Inghams to Meco #15 Line and the Inghams to Stoner #9 Line, is located on an island surrounded by East Canada Creek. While no new ROW would be needed to utilize this structure location for the proposed Project, access for construction and operations activities would be challenging due to the slope and complexities of crossing East Canada Creek. Rebuilding a new structure at this location would require establishment of temporary access for removal of existing lattice structure, as well as installation of a new structure. The alignment shift consists of relocating a structure and spanning East Canada Creek with new near the location of Inghams Substation and existing Structure 2. The proposed route removes the necessity to establish temporary access across East Canada Creek for future operation and maintenance activities.

IV. ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

16. The Commission must consider the totality of all relevant factors in making its determination of environmental compatibility and public need pursuant to PSL § 126, including: the proposed facility's basis of need; the nature of probable environmental impacts; that the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives; the effect on agricultural lands, wetlands, parklands, and river corridors traversed; that the facility represents a minimum adverse impact on active farming operations that produce crops, livestock, and livestock products; conformance to the State's long-range plans; the Climate Leadership and Community Protection Act ("CLCPA")²; interests of electric system economy and reliability; conformance with State and local laws; and service of the public interest, convenience, and necessity.

A. Need for the Project

17. The Accelerated Renewable Energy Growth and Community Benefit Act (the "Act") requires the Commission and New York's utilities to plan the electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. The

² L. 2019, Ch. 106.

Commission has distinguished Phase 1 and Phase 2 Projects.³ Phase 2 projects are defined as projects whose driving justification is the support of the CLCPA goals.⁴ Phase 1 projects are investments needed to meet traditional reliability, safety and compliance objectives.⁵

18. On February 11, 2021, the Commission issued an Order, which among other things, provided a cost recovery process for Phase 1 projects (the “Phase 1 Order”).⁶ In order to encourage utility companies to undertake Phase 1 projects on a schedule that supports the CLCPA targets, the Phase 1 Order recognized the potential need to allow cost recovery for projects needed to meet CLCPA deadlines. The development of Phase 1 projects presents an important opportunity to support CLCPA objectives at little to no incremental cost to ratepayers.⁷

19. On September 9, 2021⁸, the Commission determined that there were numerous Areas of Concern that were in critical need of Phase 2 local transmission investment under the CLCPA. On March 8, 2022⁹, National Grid and other utilities proposed transmission investment within the Areas of Concern to address this critical need (“Utility Proposed Areas of Concern”). On February 16, 2023, the Commission approved National Grid’s proposed investments. Included within the filing proposing Phase 2 investments was an evaluation of Phase 1 investments, including the project that is the subject of this filing.

20. The Porter-Rotterdam Region is a two-circuit path from Porter to Rotterdam. The system is split at Inghams, where a Phase Angle Regulator (“PAR”) is installed to control the system throughflow. At Inghams a circuit also connects to the Avangrid system extending down

³ Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Order Authorizing Development of Phase 1 Transmission Projects and Cost Recovery Measures (Issued and Effective July 14, 2022).

⁴ *Id.*

⁵ *Id.*

⁶ Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Order on Phase I Local Transmission and Distribution Project Proposals (issued and effective February 11, 2021) (Phase 1 Order).

⁷ *Id.* at 12.

⁸ Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (issued September 9, 2021).

⁹ Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Petition of Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, and Rochester Gas and Electric Corporation Identifying Area of Concern Needs and Recommended Solutions (filed March 8, 2022).

Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act* Order Approving Phase 2 Areas of Concern Transmission Upgrades (issued February 16, 2023).

to Richfield Springs and eventually Fraser. One (1) of the two (2) circuits traveling from Inghams to Rotterdam is a three-terminal line with one (1) branch of the circuit serving the Marshville area.

21. Operating in parallel with the 115kV system are bulk power circuits between Edic and Porter and Eastern NY stations Rotterdam, Princetown and New Scotland. With Porter and Rotterdam both being major network hubs and with the PAR at Inghams controlling flow between these two hubs, the Porter – Rotterdam area generally operates independent of neighboring portions of the system.

22. The Porter-Rotterdam Planning Region Proposed Phase 1 Transmission Project includes the Ingham – Rotterdam 115 kV Circuits.¹⁰ This Project, along with other Porter-Rotterdam Planning Region Phase 1 Projects, will lay the foundation for anticipated Phase 2 projects, which will significantly reduce curtailments and increase headroom for renewable generation.¹¹

23. As detailed in the Phase 2 Utility Proposed Areas of Concern filing,¹² a scope was developed to perform an assessment of system performance throughout utility systems. Based on these assumptions, National Grid performed the assessment and found that many portions of the Porter-Rotterdam network were overloaded for various generation dispatch assumptions and that renewable generation would have to be curtailed to maintain system loading and voltage within acceptable limits.

24. Based on the assessment it performed, National Grid determined that the Inghams to Rotterdam 115 kV Rebuild Project was necessary to provide the necessary transmission reinforcements that have been presented to address certain limits that were identified and evaluated in submissions made to the Commission regarding needs to achieve state policy for 2030 and beyond.

25. Because the Project replaces assets that are at or beyond their useful life, it is likely that the cost to maintain these elements in good working order, including addressing damage or failures on an as needed or annual basis, and the disruptions to service would be reduced compared to doing nothing. The increase in the capacity of the system to support renewable generation may

¹⁰ Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Order Authorizing Development of Phase 1 Transmission Projects and Cost Recovery Measures (Issued and Effective July 14, 2022).

¹¹ *Id.*

¹² *Id.*

also result in improved market efficiencies. Increasing the amount of energy available from low-cost renewable generation could displace the need to operate higher cost resources.

B. Cost

26. The economic effects of the Project are set forth in Application Exhibit 6 (Exhibit 6 of the Evidentiary Record and referred to herein as Exhibit 6; *see* Appendix A).

27. The Applicant's estimated Project cost is set forth in Confidential Application Exhibit 9 – Cost of Proposed Facilities (Exhibit 9 of the Evidentiary Record and referred to herein as Exhibit 9; *see* Appendix A). The cost estimate set forth in Exhibit 9 is based on land acquisition and ROW costs based on the area of ROW required and an estimate of the associated land value, recent historical experience of National Grid and its consultants, project contingency costs, allowances for administrative overhead based upon the anticipated scope and duration of required services including services to date, and allowances for fees and other specialized services.

28. A more refined and definitive cost estimate will occur after the Certificate is issued, taking into account all Certificate Conditions and requirements of the EM&CP as well as associated monitoring plans. Additionally, an updated cost estimate will be filed with the Commission after construction is complete.

29. The Signatory Parties reviewed the Project's estimated cost as part of negotiating this Joint Proposal. The Signatory Parties understand that the Project's cost is also considered in other Commission proceedings, such as the Applicant's rate cases and the Proceeding to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act, 20-E-0197. Accordingly, the Signatory Parties understand that the Project's cost provided in the aforementioned proceedings may differ from the cost estimate provided in this proceeding. Furthermore, the Signatory Parties have not considered cost recovery or cost allocation as part of this proceeding. The Signatory Parties do not make any recommendation to the Commission concerning cost, cost recovery, or cost allocation.

C. Environmental Impact

30. The Project has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial and wildlife, agricultural, wetland and water resources, topography and soils, noise, invasive species, transportation, communications, and electric and magnetic fields. Due to the nature of the Project as an electrical transmission facility, which will be constructed primarily

within the existing ROW and on lands where potential impacts have been analyzed and mitigated, the Signatory Parties have determined that the Project represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.

31. The Signatory Parties agree that the Project, as located and configured in this Joint Proposal, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. The proposed route, access points, and configuration are preferred because the Project makes use, to a great extent, of existing ROW, avoids or minimizes the disturbance of natural habitat, is reasonable in terms of cost, and minimizes disturbance of residential, agricultural, and commercial properties and emergency activities and traffic.

1. *Land Use Impacts*

32. As noted in Application Exhibit 4 (Exhibit 4 of the Evidentiary Record and referred to herein as Exhibit 4; *see* Appendix A), the majority of the land uses within the one-mile study area (“Study Area”) are comprised of Agricultural; Residential; Vacant Land; Commercial; Recreation and Entertainment; Community Services; Industrial; Public Services; Wild, Forested, Conservation Lands and Public Parks; and Undesignated land uses. At 31.63%, Residential land use is the most prevalent land use within the one-mile Study Area. Agricultural land use is the second most common land use at approximately 27.32% of the one-mile study area. The third most common land use is vacant land, which covers approximately 21.3% of the study area. The remaining land use types make up approximately 19.8% of the study area.

33. The most prominent land uses in Segment 1 are agricultural land (40.03%), residential land (27.38%), vacant land (14.27%), and public services (13.27%). The most prominent land uses in Segment 2 are public services (40.87%), vacant land (27.07%), residential land (14.25%), and agricultural land (13.61%). The most prominent land uses in Segment 3 are vacant land (33.45%), public services (32.35%), residential land (14.17%), commercial land (7.06%), and agricultural land (5.06%). The most prominent land uses within Segment 4 are public services (35.99%), agricultural land (28.40%), and vacant land (24.58%). The most prominent land uses within Segment 5 are public services (41.57%), residential (21.93%), and vacant land (19.68%).

34. The Project is consistent with the goals of the 2016 *New York State Open Space Conservation Plan*, which identifies four (4) actions to enhance conservation: (1) Promoting outdoor recreation; (2) Addressing climate change; (3) Ensuring clean water, air, and land for a healthy public and vibrant economy; and (4) Protecting, using, and conserving our natural resources and cultural heritage. The Project has been designed to facilitate the transportation of renewable energy generation and, in that way, assists the state in achieving the goals established in the CLCPA. The Project also supports the ongoing development and business of the region, and the Project will not adversely affect the goals of conserving open space in New York.

35. The *New York State Open Space Conservation Plan* identified 140 Priority Conservation Projects (127 Regional Priority Conservation Projects; five (5) Multi-Region Priority Conservation Projects, and eight (8) Statewide Priority Conservation Projects), including one (1) Regional Priority Conservation Project in the vicinity of the Project the Mohawk River Valley Corridor/Barge Canal (Project 52). The Project is generally compliant with the priorities identified by the *New York State Open Space Conservation Plan* by rebuilding the transmission line primarily within the existing ROW, and in particular, where the Project crosses the Mohawk River and Barge Canal the Project will not negatively impact access to the Mohawk River or the Canalway Trail System.

36. The Project ROW has sections located in Herkimer County, Fulton County, Montgomery County, and Schenectady County, none of which have adopted comprehensive plans. However, in 2022, Herkimer County adopted the Herkimer County Community Development Strategic Plan, and, in 2017, Montgomery County adopted the County of Montgomery Agricultural and Farmland Protection Plan.

37. The Herkimer County Community Development Strategic Plan – 2022 identifies visions of the future for the County, including creating attractive downtowns and community centers; having healthy, affordable, and livable communities; and having a thriving local economy and economic opportunity. The plan also lists visions of creating authentic and sustainable places, having increased diverse social and recreational opportunities, and creating/maintaining an engaged informed and inclusive culture in the County. The Project does not conflict with the goals established in this strategic plan.

38. The County of Montgomery Agricultural and Farmland Protection Plan – 2017 identifies the goals and strategies, and plan implementation pertaining to agricultural and farmland

protection in the County. The four (4) goals outlined in this plan include (i) promoting economically viable agricultural, (ii) encouraging farmland protection, (iii) increasing agricultural economic development, and (iv) expanding agricultural awareness. The Project does not conflict with the goals established in this agricultural and farmland protection plan.

39. At the time of this Joint Proposal filing, the Town of Manheim, Town of Oppenheim, Town of Johnstown, Town of Amsterdam, and the Village of Haganan do not have comprehensive plans.

40. The Town of Ephratah Draft Comprehensive Plan – 2013 provides the planning rationale to support a land use plan which offers guidance on growth, infrastructure, and natural resource protection. While the Town of Ephratah currently has no zoning, the comprehensive plan represents the desired locations for development in the future. The Project does not conflict with the vision established in this comprehensive plan.

41. The City of Johnstown Comprehensive Plan – 2008 identifies the goals, objectives, principals, guidelines, policies, and standards for the immediate and long-term protection, enhancement, growth, and development of the City. The comprehensive plan provides the planning rationale to support land use regulations such as zoning, and offers guidance in response to growth pressures, development of infrastructure, development of industrial and commercial sites, historic preservation, and natural resource protection. The Project does not conflict with any of the goals currently set by this comprehensive plan.

42. The Town of Perth Comprehensive Plan – 2013 sets forth objectives, guidelines, policies, and standards for the immediate and long-term growth and development of the Town. The comprehensive plan offers guidance on land use, growth, infrastructure, community services, and natural resource protection. The Project does not conflict with any of the goals currently set by this comprehensive plan.

43. The Town of Florida Comprehensive Plan – 1996 provides the planning rationale to support land use regulations such as zoning, and offers guidance on future growth, development, and preservation. The goal of this comprehensive plan includes the preservation of farming, the improvement of employment opportunities for residents of the area, the preservation of the Town's rural character and open spaces, the cooperation with the Town's adjacent municipalities and with Montgomery County, and the enhancement and encouragement of the town's historical character. The Project does not conflict with the goals established in this comprehensive plan.

44. The Amendments to the Town of Florida Comprehensive Plan – 2011 serve as a stand-alone document that supplements the 1996 comprehensive plan. The comprehensive plan amendments include updates to demographic data, census data, and zoning ordinances, all of which serve to strengthen the plan with the objective of protecting the goals and ideals set forth by the Town. The Project does not conflict with the goals reestablished in these amendments to the comprehensive plan.

45. The Town of Mohawk Comprehensive Plan – 2015 identifies the goals, objectives, and implementation tasks to guide the future growth and development of the Town. The goals of this plan include the preservation of rural areas, improvement to infrastructure and community facilities, and the preservation of the Town’s character in general. Overall, the goals are meant to guide any new development in the Town and prevent undesired growth or development. The Project does not conflict with the goals established in this comprehensive plan.

46. The Town of Princeton Comprehensive Plan – 2019 provides the planning rationale to support land use regulations such as zoning and offers guidance on growth; infrastructure, industrial and commercial development; historic preservation and natural resource protection. Some of the goals outlined in this plan include the preservation of the rural character of Princetown, the continued support and encouragement of agricultural opportunities, the preservation of cultural and historical lands, and achieving housing that meets the needs of residents. The Project does not conflict with the goals established in this comprehensive plan.

47. The Town of Rotterdam Comprehensive Plan Draft – 2022 provides a framework for the future of the Town regarding land use, economic development, infrastructure, and housing. The plan identifies the existing state of the Town, creates a vision for the future state of the Town, and provides recommendations for implementation. A few of the goals outlined in this plan include the protection and enhancement of historic and cultural resources, the maintenance and enhancement of the character of existing neighborhoods, and the preservation of natural resources and critical environments. The Project does not conflict with the goals established in this comprehensive plan.

48. The Project ROW does not cross any State Parks; however, it runs through a bisected portion of the Plotter Kill Preserve, which is a county-owned park in the Town of Rotterdam, Schenectady County. The Existing ROW traverses through Plotter Kill Preserve between existing Structures 314 and 321, however, when the park was established, it did not

encroach on National Grid's existing fee owned ROW. The Project will not require a ROW expansion or additional property rights where the facility passes through the park.

49. One-hundred-year flood data from the National Flood Hazard Layer ("NFHL") Flood Insurance Rate Maps ("FIRMs") were obtained through the Federal Emergency Management Agency ("FEMA") website. The Project ROW spans nineteen (19) FEMA FIRM Panels. The FIRM panels range in effective dates from June 18, 1976 to January 19, 2018. The Project ROW crosses Zone A FEMA Floodplains associated with East Canada Creek, Cayadutta Creek, and Plotter Kill. The Project ROW crosses Zone AE FEMA Floodplains associated with an unnamed tributary to North Creek, Caroga Creek, Sprite Creek, Sponable Creek, Kecks Center Creek, North Chuctanunda Creek, and Mohawk River. The remainder of the Project ROW is within Zone X, or a minimal risk zone.

50. The new structures proposed to be constructed for the Project will not have an impact on the floodplain as they will not appreciably change elevation or significantly impact existing contours. Environmental protection measures such as the use of temporary construction mats will be used as necessary during construction to protect wetland and associated floodplain areas. Protection measures will be prescribed on a site-by-site basis in the EM&CP.

51. Based on mapping obtained from Cornell University Geospatial Information Repository ("CUGIR") with agricultural districts boundary data for Herkimer, Fulton, Montgomery and Schenectady Counties, the Project ROW crosses Fulton County Agricultural District 1, Montgomery County Agricultural District 2, Montgomery Agricultural District 3, and Schenectady County Agricultural District 1.

52. Currently, the National Grid ROW varies in width and is comprised of a combination of fee-owned property and easements. The Existing ROW parcels and easements range between 20 and 570 feet wide.¹³ The Project will require the conversion and renewal of existing rights as well as the acquisition of new rights. The need to acquire new ROW for the Project will generally consist of acquiring operational easements, danger tree rights, and/or access

¹³ The minimum 20-foot width of this corridor is attributed to the language contained in one (1) existing easement conveyed in 1929, limiting rights to 10 feet on either side of the centerline. This easement impacts a portion of the lines spanning a wetland, some vegetation, and one structure located in an active agricultural field. The purchase of additional ROW at this location will establish the width required to meet current standards.

in various locations. Expanded property rights adjacent to the existing ROW will be necessary for the Project.

53. The proposed transmission structures in Segment 1 will be generally constructed along the existing centerline from Inghams Substation to existing Structure 75, except for the span between proposed Structures 1 and 2. The span eliminates existing Structure 1, which is a difficult structure to access. From existing structure 75 to the Mecos Substation, the centerline will be relocated five (5) feet to the north, so the Existing ROW will be widened. There is a need for additional easements ranging from one (1) to fifty (50) feet in width throughout Segment 1 to improve upon existing construction rights and to provide for the necessary operational clearances from new structure configurations.

54. Additional easements from five (5) to twenty-five (25) feet in width are required throughout Segment 2 to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW, particularly along the west side due to the centerline of Segment 2 being offset from the centerline of the existing ROW as it shares the corridor with a parallel National Grid 69kV line that is not part of this Project.

55. In Segment 3, additional easements from one (1) to twenty-three (23) feet in width are required throughout to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW.

56. Additional easements from one (1) to twenty-four (24) feet in width are required throughout Segment 4 to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW.

57. In Segment 5, additional easements from one (1) to forty-two (42) feet in width are required to provide for necessary operational clearances from all existing structures or structures to be located offset from the centerline of the existing ROW.

58. Based on a review of the evidence, the Signatory Parties have determined that land use impacts from the Project will be minimal.

2. Visual Resources

59. As discussed in Exhibit 4, in accordance with PSL §122(1)(c) and 16 NYCRR §§86.5(b)(2)(i), (b)(2)(ii), and (b)(8), the Applicant evaluated the aesthetic, scenic, historic, and recreational resources within a visual study area (“VSA”) of one (1) mile. NYSDEC Program

Policy DEP-00-2, entitled Assessing and Mitigating Visual Impacts, was used as a framework to evaluate the potential visual effect for the Project. The VSA includes portions of the Town of Manheim in Herkimer County, the Towns of Oppenheim, Ephratah, Johnstown, and Perth, and the Cities of Johnstown and Gloversville in Fulton County, the Towns of St. Johnsville, Palatine, Mohawk, Amsterdam, and Florida, the City of Amsterdam, and the Villages of St. Johnsville and Hagaman in Montgomery County, and the Towns of Princetown, Rotterdam, and Glenville in Schenectady County.

60. The Project lies within the Mohawk Valley subdivision of the Eastern Great Lakes Lowlands ecoregion. The Mohawk Valley separates the Glaciated Low Allegheny Plateau to the south from the Adirondack Mountains to the north. The Mohawk Valley is irregular and hilly, the flat Mohawk River floodplain is quite narrow in places. The Mohawk Valley primarily consists of a mosaic of open agricultural fields and hedgerows with agricultural support buildings and farmsteads, low density rural residential properties and isolated commercial land uses. Dairy farming, pasture and forage crops, and inactive successional old-field/scrubland is common. Mature second growth deciduous woodland typically covers areas historically unsuitable for agriculture. Other land covers include hedgerows, yards, farmsteads, low-density residential uses, streams, and small ponds. Built features typically include low-density single-family residential structures and farmsteads. Coinciding with the mix of open field and woodlots is a significant amount of secondary growth edge habitat. Secondary growth includes hedgerows, wood borders, and old fields. Most of the farming is dairy, pastureland, and forage crops.

61. Areas of higher population are concentrated in and around the cities of Johnstown, Gloversville and Amsterdam, which are regional economic centers serving the eastern Mohawk Valley. Portions of the Towns of Glenville and Rotterdam are characterized by suburban development associated with the greater Schenectady and Albany metropolitan areas. These urbanized areas are generally comprised of retail and commercial downtown centers, industrial districts, moderate to high single and multi-family density residential neighborhoods, as well as transportation and other typical urban infrastructure. Smaller village centers include the Villages of St. Johnsville and Hagaman. The communities generally include low to moderate density residential neighborhoods and an assortment of commercial establishments.

62. Elevations range from about 239 feet in the east to 1325 feet in the west. The elevation fluctuation within the VSA typically occurs over extensive distance and therefore, results in the appearance of a gentle rolling or generally flat topography.

63. The Mohawk River, which flows west to east in the eastern portion of the VSA, is the predominant water feature and an important component of the visual landscape. Other waterbodies are found in the VSA but are not widely visible and do not create a notable visual presence on the regional landscape.

64. The New York State Thruway (I-90), which bisects the southern portion of the VSA, is the most heavily traveled road in the region. The Project ROW crosses I-90 in the eastern portion of the VSA in the Town of Florida. A short segment of I-890 (AADT 18,962) connects I-90 in the Town of Rotterdam with the City of Schenectady in the easternmost portion of the VSA.

65. Four (4) landscape similarity zones (“LSZs”) are present within the VSA: Forested, Rural Residential/Agricultural/Open Land, Developed Area, and River Corridor. The Forested LSZ occupies approximately 23,501 acres (35.1%) of the VSA. Because the tree canopy precludes outward views, the Project will only be visible from road corridors and other publicly accessible lands within the previously cleared transmission ROW. The Rural Residential/Agricultural/Open Land LSZ occupies approximately 27,282 acres (55.8%) of the VSA. The Project will increase this affected area by approximately 2,120 acres (6.6%). The Developed Area LSZ occupies approximately 5,195 acres (7.8%) of the VSA. The Project will increase this affected area by approximately 326 acres (4.2%). The River Corridor LSZ occupies approximately 883 acres (1.3%) of the VSA. The Project will increase this affected area by approximately 114 acres (9.9%).

66. The majority of the viewshed is located within rural agricultural areas including portions of the Towns of Manheim, Oppenheim, St. Johnsville, Johnstown, Mohawk, and Florida where a higher percentage of the land area has historically been cleared for agricultural use. In all areas the existing transmission structures are currently visible to a similar degree. Overall, the affected area increases approximately 2,580 acres (3.9%) as compared to visibility of the existing transmission structures.

67. To create photo simulations of potential visual changes associated with the proposed Project, a rendering of a three-dimensional computer model of the Project was superimposed into the base photograph taken from each corresponding location. The photo simulations were created using the proposed Project design, which will be built on the centerline

of the Existing Lines. In most cases, the Project proposes to replace existing galvanized steel lattice frame (or in limited places wooden “H” frame) transmission support towers at or near the original tower position with simple galvanized steel davit arm monopole type support towers. The range of heights of the proposed structures for the Project will increase by five (5) feet to eighty-four (84) feet. Although some vegetation will be removed along the edge of the existing cleared ROW in some areas the resulting change in visual character is nominal. Road crossings, adjacent and nearby properties, and occasional more distant vistas across open agricultural lands that currently have views of existing transmission structures will in most cases continue to have views, but these views will be somewhat different due to new structure types, taller structures, and a wider cleared ROW in some areas.

68. Visual impacts from the Project are anticipated to be minimal as the Proposed project will be built primarily on the existing ROW. The EM&CP will detail measures the Applicant will implement to mitigate these impacts.

69. Based on a review of the evidence, the Signatory Parties have determined that visual impacts from the Project will be minimal.

3. Cultural Resources

70. As discussed in Exhibit 4, on October 18, 2023, consultation was initiated with the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP” or “SHPO”) through the Cultural Resources Information System (“CRIS”) which included the submission of the Project location and a brief description. On October 27, 2023, OPRHP requested the submission of a Phase 1A Literature Search and Sensitivity Assessment, and on October 30, 2023, OPRHP requested the submission of Project plans, a Project description memo, National Grid contacts, and agency contacts. A detailed Project description memo, and relevant Project contacts were submitted on December 7, 2023. The Phase 1A Literature Search and Sensitivity Assessment was submitted to OPRHP on December 9, 2023, and shape files with GIS data of the Project location were submitted to OPRHP on December 14, 2023. On January 16, 2024, OPRHP issued a request for revisions to the Phase 1A Literature Search and Sensitivity Assessment. The revised Phase 1A Literature Search and Sensitivity Assessment was submitted to OPRHP on July 2, 2024.

71. On July 2, 2024, a Phase 1B Cultural Resources Survey Work Plan was submitted to OPRHP. On August 19, 2024, OPRHP concurred with the Phase 1B Cultural Resources Survey

Work Plan with the caveat that the outstanding Phase 1A areas of impact mentioned in the letter were properly assessed by a contracted archeologist with the understanding that reduced internal testing is used around known archeological sites, standing historic structures, and Map Documented Structures. The Phase 1B Cultural Resources Survey testing was completed, and a report was submitted to OPRHP on December 12, 2024. On December 27, 2024, OPRHP requested revisions to the Phase 1B Cultural Resources Survey Report. These revisions were submitted on February 11, 2025. On March 12, 2025, OPRHP requested minor revisions to the Phase 1B document. These revisions were completed, and the report was resubmitted on March 12, 2025.

72. On March 12, 2025, OPRHP issued a partial “no effect” response stating that “OPRHP has no concerns for the locations of new pole locations, or pole replacements greater than 10 feet (3 m) from their original locations.” On March 12, 2025, OPRHP stated that they would provide additional comments once they received results of the Phase IB Evaluation of the “areas of proposed tree removal, grubbing and grading, access roads, and/or construction laydown areas associated with this Project that may require additional Phase IB investigations.” This information will be identified during the development of the EM&CP.

73. The Phase 1A assessment identified a total of 121 archaeological sites (OPRHP and NYSM) within the one (1) mile (1.6 km) buffer of the Project. Of these identified sites, 77 were reported as being the locations of Indigenous occupations during the precontact period and 35 are historic Euro-American occupations. Two (2) sites have both historic and precontact components. Seven (7) site files are lacking sufficient information to confirm affiliation as either historic or precontact.

74. The Project is within or immediately adjacent to five (5) archaeological sites, which are identified as generalized areas. These sites are associated with the precontact period (before European settlement, about 1609). Three (3) precontact sites within the one (1) mile (1.6 km) buffer of the Project are listed in the NRHP, and three (3) are considered eligible for inclusion in the NRHP.

75. In addition, there are 35 historic archaeological sites within the one (1) mile (1.6 km) buffer of the Project. These sites date from the 17th century to the mid-20th century. Two (2) of these historic sites have a historic or Indigenous component. Three (3) historic period sites are considered eligible for inclusion in the NRHP.

76. On March 31, 2025, a Historic Resource Methods and ZVI Report was prepared for the Project. Once the Historic Resource Methods & ZVI Report are approved by OPRHP, a Trekker survey will be initiated. The survey will be completed along with a reconnaissance-level, historic architectural survey of the buildings within the ZVI that are more than 50 years old. These buildings will be photographed and evaluated for NRHP eligibility. The final report will include recommendations of any buildings that meet the NRHP criteria.

77. Potential visual effects are highly variable with intervening trees, foliage, buildings, objects, modern intrusions, and other visual clutter, such as telephone poles and advertisement signs, impacting the line-of-sight views from a historic property toward the Project. The optical effects of distance, diminishing perspective, and atmospheric conditions can also reduce overall visual impacts on historic properties, especially those located further away from the Project.

78. Based on its review of the evidence and the particular scope of work associated with this Project, the Signatory Parties have determined that National Grid will avoid creating adverse impacts to the greatest extent possible on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.

4. Terrestrial and Wildlife Resources

79. As discussed in Exhibit 4, the terrestrial ecology that occurs within the Project ROW has been characterized based on a review of agency database review, agency correspondence, and several days of field surveys. The vegetation within the Project ROW is comprised of herbicide-sprayed roadside/pathways, areas of active agricultural production, pasture, successional old fields, emergent marshes, wetlands, shrub swamps, and upland scrub/shrub and forest communities.

80. The vegetative communities found within the Project ROW include: brushy cleared land, field crop, row crop, flower-herb garden, hemlock-northern hardwood forest, mowed yard, mowed yard with trees, successional northern hardwoods, successional southern hardwoods, pastureland, pine northern hardwood forest, shallow emergent marsh, deep emergent marsh, shrub swamp, red maple hardwood swamps, and hemlock-hardwood swamps. Based on a review of U.S. Fish and Wildlife Service (“USFWS”) Information for Planning and Consultation (“IPaC”)

website and correspondence with the New York Natural Heritage Program (“NYNHP”), there is one (1) State threatened vascular plant species (brown bog sedge [*Carex buxaumii*]) and one (1) State endangered vascular plant species (Side oats grama [*Boureloua curtipendula*]).

81. Vegetative communities within the Project ROW will be temporarily disturbed by construction activities and equipment access. However, the necessary clearing is not anticipated to significantly impact the Project ROW and surrounding areas. Clearing will be kept to a minimum and to meet standards identified in the Transmission Right of Way Management Plan (“TROWMP”). Within the Project ROW, trees and shrubs will be mowed or cleared to provide unimpeded and safe access to proposed structure work sites. This activity will result in minor, short-term changes to the existing conditions, and no permanent impacts are anticipated. The TROWMP identifies various goals associated with vegetation management along transmission ROWs, including doing so in a manner that encourages development of a rich, diverse blend of stable herbaceous and compatible shrub communities and to maintain the environmental quality of sensitive resources and areas in the ROW, all while maintaining the integrity of the transmission facility. Clearing will be minimal and will consist primarily of mowing brush along the Project ROW to provide clear and safe work areas and access to work locations. Post-construction vegetative maintenance on all segments will include the continued removal of tall growing species; however, some compatible low growing species and all low growing woody shrubs and herbaceous species will be allowed to revegetate. Following construction, the vegetation on all Segments of the Project ROW will be maintained in accordance with National Grid’s TROWMP and will return to the same shrub and herbaceous vegetative cover type that presently exists on the existing ROW.

82. Vegetation clearing will be limited to that which is necessary for safe access to the work areas. The clearing of trees and shrubs and the mowing of herbaceous species may temporarily impact potential wildlife habitat as they may be utilized for shelter, breeding, or foraging by certain species. These impacts are anticipated to be temporary because post-construction, some shrub species will be allowed to regrow, and all herbaceous vegetation will be allowed to regenerate. Additionally, the wooded areas located immediately adjacent or in close proximity to the Project ROW will be unaffected and will continue to provide habitat. Therefore, the Project is not anticipated to have long-term or permanent impacts to wildlife.

83. Due to the linear nature of rebuild activities, impacts are anticipated to be brief within any given area. Wildlife patterns of movement are expected to return to “normal” following the completion of the construction activities at a given site.

84. Wildlife species likely to occur within the Project area were determined by direct observation during field surveys, by consultation with applicable regulatory agencies, and by existing, available, online data. Existing plant communities, as well as aspects of the physical environment (e.g., climate, microclimate, hydrology, geology), will influence the wildlife species that are present in a particular habitat. Many of the species potentially present in the Project area and surrounding habitats are seasonal migrants that travel substantial distances between breeding and wintering areas.

85. The typical wildlife expected to occur within the Project area includes generalist species as well as species adapted for early successional meadows, shrub land communities and the deciduous forest that borders the Project ROW. Based on a review of USFWS IPaC website and correspondence with the NYNHP, there is one (1) federally and State listed (Northern long-eared bat), one (1) proposed federally listed (tricolored bat), one (1) State threatened (bald eagle), and one (1) federally proposed threatened species (Monarch butterfly) that may occur within or near the Project area.

86. Direct impacts to wildlife are expected to correlate with the impacts to plant communities discussed above. Temporary disturbance to plant communities will be minimal with the greatest disturbance occurring at each new structure location. This disturbance will have a negligible impact on wildlife since each new structure location is in close proximity to an existing structure and construction activities at any single structure location will be short-term, typically lasting only three (3) to five (5) days.

87. Vegetation clearing will be limited to that which is necessary for safe access to the work areas. The clearing of trees and shrubs and the mowing of herbaceous species may temporarily impact potential wildlife habitat as they may be utilized for shelter, breeding, or foraging by certain species. These impacts are anticipated to be temporary because post-construction, some shrub species will be allowed to regrow, and all herbaceous vegetation will be allowed to regenerate.

88. Any wildlife species utilizing areas of scrub-shrub or woodlands where clearing is proposed may be temporarily affected by the loss of woody species for food, shelter and nesting;

however, the wooded areas located adjacent to or in close proximity to the Project ROW will be unaffected and will continue to provide this habitat component. A large portion of the existing plant communities that are in early successional stages will remain unaltered by the Project. Therefore, wildlife species that utilize these cover types will be largely unaffected as they will continue to have a significant amount of suitable habitat available within the Project ROW. Due to the linear nature of rebuild activities, impacts are anticipated to be brief within any given area. Wildlife patterns of movement are expected to return to “normal” following the completion of the construction activities at a given site. Therefore, the Project is not anticipated to have long-term or permanent impacts to wildlife.

89. The general construction and operational impacts of the Project would also be applicable to endangered and threatened species. Due to the limited abundance and distribution of endangered and threatened species, certain activities which coincide with locations of endangered/threatened species, or their critical habitats may have the potential to adversely affect protected individual organisms or populations.

90. Mitigation measures such as the use of tracked equipment and mats will be prescribed on a site-by-site basis in environmentally sensitive areas; erosion and sediment control measures designed to maintain and protect soil and water resources both during and after construction will be prescribed for all areas where soil disturbance occurs.

91. Based on a review of the evidence, the Signatory Parties have determined that the disturbance along the Project ROW for structure replacements will have a minimal impact on wildlife since each new structure location is in relatively close proximity to an existing structure and construction activities at any single structure location will be short-term.

92. Further, based on National Grid’s commitment to implement various measures and conditions designed to promote protection and avoidance of known Threatened and Endangered species (“T&E species”) during construction, operation, and maintenance of the Project, DPS Staff and NYSDEC have determined that the Project will comply with the substantive requirements of the Environmental Conservation Law (“ECL”) governing the identification, avoidance, protection, impact minimization and, if necessary, compensation for the incidental take of listed T&E species. The proposed Certificate Conditions include measures and requirements generally applicable to T&E species as well as to those particular species in the Project vicinity, including bald eagles and their nests, and the Northern long-eared bat and their hibernaculum and tree roosts.

93. The results of agency consultation and the Applicant's review of existing conditions indicate that the Project ROW has the potential to provide suitable habitat for bald eagles. For the avoidance and protection of bald eagles, no more than two (2) weeks prior to the start of construction, National Grid will conduct a visual inspection in the area to determine if any bald eagle nests are present and consult with NYSDEC to determine if NYSDEC has records of any nests within one (1) mile of the Project area. No construction work will occur during the bald eagle breeding season within 0.25 mile (or 660 feet if there are visual barriers) of any existing known bald eagle nest except as necessary to protect human life or property necessary to maintain electric reliability; provided however, that if monitoring of the nest by a pre-approved qualified bird monitor indicates that the nest has either failed prematurely or the chicks have fledged the nest and left the area, construction work may be performed after NYSDEC confirms that the nest is no longer active, and provided further that if construction work during the bald eagle breeding season within 0.25 miles of an active nest is necessary. Such bird monitors shall monitor any active nests within 0.25 miles of the proposed work during all times when construction activities are in progress. If the bald eagle(s) show signs of distress associated with the work, then all work, except work necessary to protect human life or property necessary to maintain electric reliability must immediately cease and the area shall be avoided until DPS Staff, after consultation with NYSDEC, authorizes construction activities in such area. If any nests are discovered within 0.25 miles of the work area, National Grid shall notify NYSDEC and DPS staff within twenty-four (24) hours of discovery and, except as necessary for protection of human life or property necessary to maintain electric reliability, will avoid construction until DPS, after consultation with NYSDEC, authorizes construction activities in such area.

94. For the avoidance and protection of the Northern long-eared bat, as well as their hibernaculum and tree roosts, National Grid will consult DPS Staff and NYSDEC to comply with the substantive requirements of the ECL, and its regulations or other guidance as then applicable, should such species be identified on or near the Project ROW during construction, operation, or maintenance of the Project.

95. Should National Grid determine that blasting, drone use, or helicopter use will be needed for the Project, an appropriate plan for such activity will be provided in the EM&CP. Each such plan will detail avoidance and minimization measures for T&E species during construction of the Project.

96. Prior to filing the EM&CP, National Grid will contact NYSDEC, NYNHP, and USFWS to check for any updates or changes of known T&E species or habitat or Significant Natural Communities in the Project area.

97. National Grid will educate all personnel who work on the Project regarding the presence of T&E species in the area, and notify NYSDEC of any observations of such species, including maintaining detailed records of T&E animal species observations to be provided to NYSDEC within 30 days following the observation. For T&E species observations that occur during Project construction, National Grid will cease construction activities within 500 feet of the approximate location of the observed listed species until DPS Staff, after consultation with NYSDEC, can determine the appropriate avoidance measures are implemented, unless construction activity is necessary for protection of human life or property. If the observation of T&E animal species occurred during operation and maintenance, National Grid shall safely cease activities within 500 feet of the approximate location of the observed species until DPS Staff, in consultation with NYSDEC, can determine the appropriate avoidance measure(s) are implemented to protect such species and authorize recommencement of activities, unless such activities are necessary for protection of human life or property necessary to maintain electric reliability.

98. Based on a review of the evidence, the Signatory Parties have determined that the disturbance along the Project ROW for structural replacements will have a minimal impact on terrestrial resources.

5. *Agricultural*

99. New York State, Article 25-AA of the Agriculture and Markets Law (“AML”) authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, state certification, and county adoption. The Project will cross lands protected by AML Article 25-AA. During construction, agricultural operations may be disrupted within the ROW during growing seasons, depending upon the timing of construction. Portions of the Project ROW cross the Fulton County Agricultural District 1, Montgomery County Agricultural District 2, Montgomery Agricultural District 3, and Schenectady County Agricultural District 1.

100. Based on a review of the Record Evidence, the Signatory Parties have determined that National Grid has assessed and designed the Project to minimize any potential adverse impacts on active farming operations that produce crops, livestock, and livestock products, considering the

state of the available technology and the nature and economics of the various alternatives, and ownership and easements rights of the impacted agricultural property.

101. Standard Article VII Certificate Ordering Clauses, the EM&CP, and existing agreements between local farm operators and National Grid allow for the co-existence of active farmland and transmission lines. During construction, agricultural operations may be disrupted within the ROW for a single growing season, depending upon the timing of construction. NYSAGM provides a Construction Mitigation Standards document to be used throughout various stages of the project. If possible, structure removal and replacement will be scheduled for drier or frozen periods of the year, to prevent rutting of the soil surface. If temporary construction mat access is not practical or desirable, topsoil may be temporarily stripped and stockpiled from crop field-related work sites and access routes, then replaced following completion of work. Should some soil rutting occur, such areas will be graded and restored to the farm operator's satisfaction. The EM&CP will present mitigation measures such as these to be implemented during construction to minimize impacts to agricultural operations. Restoration measures such as rehabilitation of drainage tile fields, deep tilling of compacted areas, and thorough removal of all construction debris will also be implemented in active agricultural areas.

102. To protect and minimize impacts to these agricultural areas, National Grid has designed the Project to the extent possible to avoid or limit the placement of structures on crop fields or on other active agricultural land where the structures may significantly interfere with normal agricultural operations or activities. Where the location of a structure on such agricultural land is unavoidable, National Grid will endeavor to site the structure in a location that minimizes impact to normal farming operations.

103. All structures and guy anchors from agricultural areas as part of the construction activities will be removed to a minimum depth of forty-eight (48) inches below the soil surface. All holes or cavities created by the removal of the old facilities shall be filled to the same level as the adjacent area, plus six (6) to twelve (12) inches of additional soil to allow for settling. All material will be slightly mounded to accommodate for settling.

104. Wherever existing structures are removed from agricultural fields, the immediate area will be restored to be compatible with agricultural production. Such restoration should include the removal of concrete foundations and steel structures down to a minimum of forty-eight (48) inches below the ground surface, the removal of all vegetation from the structure area, and grading

of the ground surface to match the adjacent field. All rocks four (4) inches and greater in size shall be removed from the surface.

105. At the end of all construction, the ROW and respective work areas, including guy wire assembly and disassembly sites, shall be thoroughly cleared of debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items.

106. The Applicant shall provide a monitoring and remediation period of two (2) growing seasons following completion of ROW restoration in active agricultural areas. The Applicant shall retain the services of an agricultural inspector on at least a part-time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with ROW construction that are in need of mitigation and to implement the follow-up restoration.

107. During the monitoring and remediation period, on site monitoring shall be conducted at least three (3) times during each growing season and shall include a comparison of growth and yield for crops on and off the ROW. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected agricultural land, the agricultural inspector, in conjunction with the Applicant and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for the Applicant to implement (soil de-compaction, topsoil replacement, etc.). All affected farm operators shall be periodically apprised of the duration of remediation by the agricultural inspector during the various stages of the Project. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the end of the remediation period shall not obviate the Applicant's responsibility to fully redress all Project impacts, and the Applicant shall continue to respond to the reasonable requests of the farmland owner/operators to correct Project related effects on the impacted agricultural resources after completion of the specific remediation period.

108. The agricultural inspector shall work with the farm operators during the planning phase to develop a plan to delay the pasturing of the ROW, following construction until pasture areas are adequately revegetated. The Applicant shall be responsible for maintaining the temporary fencing on the ROW until the agricultural inspector determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Applicant shall be responsible for removal of the fences.

109. On affected farmland, restoration practices shall be postponed until favorable (i.e., workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded until plasticity, as determined by the Atterberg field test is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Applicant shall monitor and advise NYSAGM and DPS Staff regarding tentative restoration planning. Potential schedules will be determined by conducting the Atterberg field test at appropriate depths into topsoil stockpiles, and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.

110. Topsoil stockpiles on agricultural areas left in place prior to October 31 shall be seeded with Aroostook Winter Rye or equivalent at an application rate of 3 bushels (168 pounds) per acre and mulched with straw mulch at rate of 2 to 3 bales per 1000 sq. ft. Topsoil stockpiles left in place between October 31 and May 31 shall be mulched with straw pursuant to winter stabilization standards within NYSDEC *New York State Standards and Specifications for Erosion and Sediment Control* (the “Bluebook”). Straw (not hay) mulch shall be used to prevent soil loss on stockpiled topsoil from October through May.

111. Based on its review of the evidence and the particular scope of work associated with this Project, the Signatory Parties have determined that National Grid will avoid creating adverse impacts to the greatest extent possible on agricultural lands in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.

6. *Wetlands and Water Resources*

112. As described in Exhibit 4, field studies and review of aerial photography, topography, agency publications, including NYSDEC wetland digital mapping data, NYSDEC hydrological digital mapping data, New York State Freshwater Wetlands Delineation Manual, National Wetlands Inventory (“NWI”) data, USACE Wetlands Delineation Manual, and USACE Regional Supplement to the Wetland Delineation Manual, were utilized to assess the location and potential impacts of the Project on wetlands and other water resources. In addition, pursuant to 6 NYCRR Part 664, Freshwater Wetland Jurisdiction and Classification, the Standard Operating

Procedures (“SOP”) for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands Pursuant were utilized.

113. The NWI is a resource provided by the USFWS on the abundance, characteristics, and distribution of wetlands and watercourses in the United States. The NWI is a tool for natural resource managers which uses a combination of aerial imagery, geospatial technology, and data collected using the Cowardin wetland classification system. Based on a review of NWI maps and field assessment, 102 areas mapped as NWI wetlands are within the Project ROW. Of the mapped NWI wetlands, 25 are palustrine (aquatic bed, emergent, forested, scrub-shrub, or unconsolidated bottom) zero (0) lacustrine wetlands, and 77 are riverine wetlands. Not all these wetland areas were observed within the field, and some are riverine NWIs that correspond to watercourses (streams).

114. A variety of wet meadows, marshes, scrub-shrub wetlands, and forested wetlands occur within the Project ROW. A total of ninety-two (92) wetlands (116.69 acres) were field delineated within and adjacent to the Project ROW between July and October 2023. These wetlands consisted of cover type components of palustrine emergent (“PEM”), palustrine scrub-shrub (“PSS”), palustrine forested (“PFO”), and palustrine unconsolidated bottom (“PUB”) wetlands. Eighty-six (86) wetlands identified within the Project ROW are likely to be regulated by the USACE under Sections 401 and 404 of the Clean Water Act (“CWA”). These wetlands are considered to have or likely to have a shared surface water connection to other Waters of the U.S. (“WOTUS”). Nineteen (19) wetlands appear to meet the definitions described in 6 NYCRR Part 664 and were deemed NYSDEC jurisdictional pursuant to Article 24 of the ECL. Six (6) wetlands appear to be potentially non-jurisdictional.

115. As of January 1, 2025, the regulations implementing ECL Article 24 (Freshwater Wetlands), 6 NYCRR Part 664, were amended. These amended regulations redefine what wetlands are considered State jurisdictional and therefore subject to ECL Article 24 protections. Additionally, the 100-foot upland adjacent area (buffer) around the delineated boundary of any State-regulated wetland is also under State jurisdiction.

116. On November 19, 2025, the Applicant received a freshwater wetlands jurisdictional determination (“JD”) from NYSDEC pursuant to ECL Article 24 and (Freshwater Wetlands) and its regulations (6 NYCRR Part 664) for the Project ROW. The JD identified forty-four (44) wetlands in the Project area. NYSDEC has confirmed that a field delineation can be performed at

a later date for certain access roads following execution of this Joint Proposal. A copy of the JD is attached as **Appendix F** to this Joint Proposal.

117. The Signatory Parties further understand and agree that, should the Project not be fully constructed within five (5) years from the date any Certificate is issued by the Commission, the Certificate Holder must consult with DPS Staff and NYSDEC staff to determine if another freshwater wetlands JD is required.

118. Permanent impacts to wetlands associated with the placement of new structures will be minimized by locating structures outside of wetlands, to the extent practicable, where the alternative of spanning the wetland exists. The Project as proposed would site 19 new structures in wetlands and three (3) in NYSDEC freshwater wetland buffers. Existing wood-pole structures that are in wetlands and scheduled for removal will be removed from wetland areas with the exception that certain structures may be cut at ground level and left in place if it is determined that pulling the pole would cause significant disturbance to the wetland.

119. A wetland delineation on the proposed site for the Saltsman Substation was performed in August 2024. One (1) PFO wetland and one (1) mixed wetland containing PFO and PSS wetlands were delineated. Wetlands within the proposed site will be USACE jurisdictional, and state jurisdictional.

120. Impacts to wetlands associated with construction are anticipated on the proposed Saltsman Road Substation site. Proposed construction-related impacts to wetlands include the filling of approximately 0.7 acres of PFO as well as clearing of 1.95 acres of PFO, 0.05 acre of PSS, and 0.2 acre of PEM for the proposed substation footprint, post-construction stormwater management facilities, transmission line taps, and permanent access roads to the substation. Best management practices will be included in the Stormwater Pollution Prevention Plan (“SWPPP”) and EM&CP to minimize impacts to wetlands adjacent to the proposed substation and transmission line facilities during construction. As such, construction is not anticipated to have an adverse impact on water quality within the on-site and off-site wetlands or streams aside from those being directly filled due to the addition of the proposed substation, transmission lines and permanent access to the substation.

121. Proposed tree clearing in the Project ROW will result in the clearing of forested wetland primarily associated with the construction of the Saltsman Road Substation.

122. In wetlands, temporary construction work pads made of timber mats will be placed at each structure location to provide a level and stable work area to set up and operate the equipment necessary for the installation and erection of the new structures. Details regarding the size and location of each work area as well as the mitigation measures that will be used to minimize impacts on the wetland will be provided in the EM&CP.

123. Existing structures that are scheduled for removal will be completely removed from wetlands unless it is determined that pulling the pole would cause significant disturbance to the wetland, in which case the structures may be cut at ground level and left in place. Such a determination would be made in consultation with NYSDPS and NYSDEC. Significant environmental impacts to wetlands and water resources will be avoided by using and/or improving existing access roads or paths to the maximum extent possible and by properly locating any new access roads that may be required away from such resources.

124. Significant environmental impacts to wetlands and water resources will be avoided by using and/or improving existing access roads or paths to the maximum extent possible and by properly locating any new access roads that may be required. The improvement of existing access roads and/or siting of new access roads will be based primarily on factors such as the avoidance of environmentally sensitive resource areas (i.e., wetlands and streams), facilitation of future maintenance work, minimization of potential erosion problems, and maximization of the use of existing roadways. In addition, with permission from affected landowners, off-ROW access may be prescribed in certain locations to avoid or minimize impacts to streams and wetlands.

125. Mitigation measures such as the use of tracked equipment, low-ground-pressure equipment, and mats will be prescribed on a site-by-site basis in environmentally sensitive areas including streams and wetlands. In addition, erosion and sediment control measures designed to maintain and protect soil and water resources, both during and after construction, will be prescribed for all areas where soil disturbance occurs. The EM&CP will specify the work procedures in wetlands and at stream crossings and appropriate restoration and mitigation measures that will be prescribed on a site-by-site basis in accordance with NYS Standards and Specifications for Erosion and Sediment Control (“Blue Book”) best management practices.

126. While pesticide and herbicide may be applied during the course of construction, such application shall be, as applicable, performed (i) pursuant to any federally delegated permits that may be required and/or (ii) in accordance with the requirements of the ECL. Certificate

Condition 71 prohibits National Grid from applying aquatic pesticides in the ROW to maximize protection of wetland and water resources. The Signatory Parties agree that Certificate Condition 71 does not prohibit the application of pesticides labelled for aquatic and non-aquatic uses to upland areas; rather, it prohibits the application of pesticides aquatically, regardless of the label.

127. Equipment refueling, maintenance, and repair shall be conducted at least 100 feet away from any wetland or waterbody to the maximum extent practicable, unless otherwise specified in the EM&CP, which shall specify protective measures against spills.

128. Fuel tanks with storage capacities under 1,100 gallons and chemical storage shall be at least 100 feet from waterbodies and wetlands and shall include adequate secondary containment (containing at least 110% of the volume stored). Where possible from a constructability standpoint, fuel tanks with storage capacities under 1,100 gallons and chemical storage will be located more than 100 feet from wetlands and waterbodies. Fuel tanks with storage capacity over 1,100 gallons shall comply with the minimum setbacks under applicable regulations. If the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts have been avoided or minimized to the maximum extent practicable.

129. Streams and other surface waterbodies in the Project ROW were investigated using NYSDEC and USFWS GIS data and confirmed during field surveys. There are a total of 84 stream crossings identified along the Project ROW. Nineteen (19) of the streams are named. There are three (3) standalone ponds and one (1) additional wetland that contains a ponded portion within the Project ROW. Based on observed hydrological connectivity and mapping, 80 streams identified within the Project ROW are likely to be considered jurisdictional by the USACE under Section 404 of the Clean Water Act. There is one (1) significant waterbody (i.e., large ponds, lakes, or reservoirs) located near the Project ROW, the Kellogg Reservoir.

130. No State-listed Wild and Scenic Natural Rivers cross the Project ROW. According to the National Park Service, the Project ROW does not cross any federally listed rivers in their Wild and Scenic Rivers database or the Nationwide Rivers Inventory. The NYSDEC Waterbody Inventory and Priority Waterbodies List was also searched to identify and classify listed waterbodies within the Project area. One (1) waterbody (the Mohawk River) and its tributaries that cross the Project ROW are listed on the NYS 2018 Section 303(d) List of Impaired Waters in Fulton, Montgomery, and Schenectady Counties as a Class C waterbody.

131. The Project ROW crosses seventy (70) NYSDEC classified streams. Twenty-eight (28) of the delineated streams are perceived to be protected under Article 15 of the ECL due to their classification as C(T) or above.

132. Construction of the Project will not require the installation of permanent stream crossing structures in any of the named streams traversed by the Project ROW. Damaged and/or deteriorated existing culverts in Class C streams and unclassified drainages along the Project ROW will likely be proposed for replacement to facilitate construction and allow for improvements to existing access roads. In addition, it is likely that new culvert installations will be proposed in several intermittent streams and drainages to allow for cross drainage and to prevent ponding along the sides of access roads. The locations and details for all proposed stream improvements will be shown in the EM&CP.

133. Section 10 of the Rivers and Harbors Act (33 U.S.C. § 401) requires a Section 10 permit issued by the USACE to complete any work in or over navigable waters of the United States, or for work that may affect the course, location, condition or capacity of such waters. There is one (1) Traditional Navigable Waters (“TNW”) crossed by the Project ROW (the Mohawk River), therefore a Section 10 permit and Pre-Construction Notification (“PCN”) to the USACE will be required.

134. Depth to water tables or the presence of ground water in soils is published in Soil Surveys for Herkimer, Fulton, Montgomery, and Schenectady County. The depth to the water table is variable for the numerous soil classes present along the Project ROW. Where feasible, structures will be located to avoid areas with high ground water. If a structure must be located in an area of high ground water, dewatering methods will be incorporated to minimize impacts and disturbance to the site. Dewatering procedures will be specified in the EM&CP. There are no impacts to ground water resources anticipated as a result of constructing the Project.

135. The Project ROW consists of shrub and herbaceous vegetation cover conducive to soil stabilization, stormwater infiltration, and the reduction of potential erosion. During construction, the Project ROW will be mowed and cleared of trees and large brush, but an intact vegetative cover will still exist over the majority of the Project ROW, thereby minimizing the potential for significant stormwater runoff. The EM&CP will address stormwater management and prescribe erosion and sediment control measures in areas of ground disturbance resulting in exposed soils such as at work pads and access road construction and/or improvement.

136. The Project construction will disturb more than one (1) acre and will, therefore, require coverage under the NYSDEC's SPDES General Permit for Discharges from Construction Activities (GP-0-25-001) and the development of a SWPPP. There is one (1) Municipal Separate Stormwater Systems associated with the Project in the Town of Rotterdam, Schenectady County. The Project will not significantly increase impervious cover and not appreciably change topography within the Project ROW, nor will it result in a discernable increase in stormwater runoff volumes. Similarly, the potential for the Project to increase flooding is anticipated to be negligible. There will be no ongoing stormwater discharges during or after the Project construction that will affect existing recreational activities or fish and wildlife resources in the area. Following the completion of construction, National Grid will continue to maintain vegetation in the Project ROW in accordance with its TROWMP to maintain vegetative cover. There are no long-term stormwater-related impacts anticipated as a result of the Project.

137. Inadvertent discharges of stormwater and sediment to wetlands and streams from the Project area will be controlled with appropriate erosion and sediment control practices, as prescribed in the EM&CP and implemented during construction, to protect the existing water quality of wetlands and streams. Erosion and sediment control practices will adhere to the NYSDEC Blue Book.

138. Additional mitigation measures such as the use of tracked or low ground-pressure equipment as well as the use of construction mats may be prescribed in environmentally sensitive areas including streams and wetlands. Erosion and sediment control measures will be designed and implemented to maintain and protect soil and water resources during and after construction.

139. National Grid shall restore disturbed construction areas to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. As part of restoration, disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or better. Areas that are in a stable unvegetated state at the time of filing will be identified in the EM&CP and will not be required to reach 80% cover regrowth so long as National Grid can show the area has been adequately stabilized without cover.

140. Based on a review of the Record Evidence, and National Grid's obligation to comply with the Certificate conditions and environmental protection plans measures to be specified in the EM&CP, the Signatory Parties have determined that the Project avoids and

minimizes adverse impacts to streams, waterbodies, wetlands, and the 100-foot adjacent area associated with any State-regulated wetlands.

141. National Grid will comply with applicable federal and State regulations and complete any preapplication requirements for filing with the Secretary or their designee, to obtain a Water Quality Certification from the Commission pursuant to the CWA for construction work in federal jurisdiction waters and wetlands.

7. *Topography and Soils*

142. As noted in Exhibit 4, the Project ROW is located within the Hudson-Mohawk Lowlands and Appalachian Plateau physiographic regions. The Hudson-Mohawk Lowlands consists of glacial till and glacial kame deposits with portions along the Mohawk and its larger tributaries overlain with alluvium. The till deposits are derived from shale, siltstone, sandstone, or limestone, and occur as a mantle of material across the rolling topography typical for the project area. Alluvium consists of sorted sands, silts and clays. The Lowlands are underlain by bedrock consisting of shales and limestones with some granitic gneiss. Bedrock beneath the Appalachian Plateau consists of shales limestones and dolostones.

143. The Project ROW traverses a variety of terrain. The portions of the Project located north of the Mohawk River traverse rolling terrain with numerous incised damages creating steep ravines and gullies, which the project crosses. As the Project approaches the Mohawk River, it crosses a wide, steeply sided, flat-bottomed valley before it ascends up onto the Appalachian Plateau south of the Mohawk River. The Project ROW ranges from approximately 239 feet above mean sea level (“ASML”) at the Mohawk River between the Town of Florida and the Town of Amsterdam to approximately 1222 feet AMSL at a peak north of Crawford Road in the Town of Rotterdam. The Project crosses one (1) physiographic province: the Appalachian Plateau.

144. Soils along the Project ROW are derived primarily from glacial till and soil textures are generally loams and silt loams. The depth to bedrock in these soils ranges from 0 to greater than eighty (80) inches. The soils along the Project ROW range from very poorly drained to excessively drained.

145. The Project ROW contains soils that may be considered vulnerable based on the United State Department of Agriculture’s Natural Resource Conservation Service criteria. For the purposes of this Project, vulnerable soils are those that are in potential agricultural areas (defined

as soils with Farmland Classes of: “All areas are prime farmland” or “Farmland of statewide importance”) and soils that typically have slopes of 8% or greater; are poorly drained; or very poorly drained.

146. The Project ROW crosses two (2) known commercial mines or gravel pits, both in the Town of Florida: (i) Cranesville Quarry and (ii) 5S Quarry. There are ten (10) additional mines and gravel quarries within one (1) mile of the Project.

147. The Project crosses one (1) unique geologic features at the Inghams Substation at the western end of the Project: the Powerhouse Road – Ingham Mills Dam Spillway which is described as a “well known paleontological & stratigraphic locality due to the complete Trenton/Black River sections here; Dolostone.” Temporary effects during construction related to topography and soils are most likely to occur in areas of steep slopes or where the work may cause significant ground disturbance. During construction, construction mats or other appropriate environmental protection measures will be used as necessary to protect wetlands and adjacent sensitive areas from sedimentation or erosion. The protection measures will prescribed in the EM&CP. Grading for access roads, grading and excavation for structure installation, stockpiling of soils, and vegetation removal will be designed with sensitivity to slopes and soil type.

148. To the extent it becomes necessary, grading operations for access roads and for work pads will vary with soil type, current and adjacent land use, and topography, and will be designed to minimize or avoid erosion, excess compaction, and soil mixing. Construction activities will be confined to access roads, lay down areas, and work pads. Temporarily stockpiled soils will be protected to prevent erosion and minimize stormwater flowing into adjacent areas. Vegetative clearing and slash disposal techniques will be prescribed in the EM&CP and will be designed to minimize disturbance to areas of sensitive or unstable soils and steep slopes. General mitigation measures for vulnerable soils, including the use of tracked equipment, low-ground-pressure equipment, and construction mats, will be further described in the EM&CP. There are no topography or soil related impacts anticipated as a result of this Project.

149. Based on its review of the Record Evidence, the Signatory Parties have determined that the construction and operation of the Project will not appreciably change topography in the Project ROW, there are no unique geologic or topographic features that will be permanently affected by the construction or operation of the Project, and no topography or soil related impacts are anticipated as a result of this Project.

8. Noise

150. As discussed in Exhibit 4, because the Project is primarily a rebuild and relocation of the existing line within the existing ROW, no significant increase in operational noise is anticipated as a result of the Project. Thus, the operation of the Project will not result in any new permanent or long-term significant adverse noise impacts.

151. Overhead transmission line construction, including site and vegetation clearing, foundation form installation, excavation/concrete placement (as needed), structure installation, and wire stringing, will generate noise levels that are periodically audible along the Project route, access roads, structure sites, conductor pulling sites, staging areas, and marshalling yards. Based upon review of the Record Evidence, the Signatory Parties have determined that noise level changes resulting from the proposed construction activity associated with the Project are expected to be short-term and minimal and will vary according to the construction equipment in use as well as existing background or ambient noise.

152. During construction, the noise generation is typically from diesel engine construction vehicles and equipment and noise from rock drills and/or jack hammers, if necessary. Diesel equipment produces exhaust and engine noises. To manage these sounds, contractors will be required to maintain mufflers on applicable equipment. The Applicant may use blasting or helicopters during Project construction. National Grid will provide an appropriate plan for any blasting or helicopter activity in the EM&CP. The plan will detail avoidance and minimization measures for T&E species during construction of the Project. No blasting is anticipated to be used for project construction.

153. One (1) new substation, the Saltsman Road Substation, is proposed on a site that contains undeveloped forest and farmland. The background noise from this area primarily consists of traffic from the surrounding roadways, agricultural operations, vehicle operation, residential activities such as lawn mowing, aircraft traffic, and natural sounds including wind noise, birds, and insects. The existing substation sites associated with the Project are located in similar settings with additional sound generated by transformers and other electrical equipment. No changes are proposed that would result in significant changes to operational sound levels at existing substations. As such, sound resulting from substations compared to background noise levels will not have an impact on nearby receptors.

154. Sound level changes resulting from the proposed construction activity associated with the proposed transmission lines are expected to be minimal. Construction noise will be temporary and vary according to the construction equipment in use and existing background or ambient noise. Generally, temporary sound levels are mitigated by the attenuating effects of distance, the intermittent and short-lived character of the sound, the presence of existing vegetation, the presence of homes and buildings (particularly in the more suburban areas), and the use of functional mufflers on all construction equipment. Transmission line construction is generally brief at each structure and equipment is typically shifted to the next structure site along the Project ROW within three (3) to five (5) days. No singular residence will be exposed to significant sound levels for an extended period of time.

155. The sound levels from construction activities will be dominated by the loudest piece of equipment operating at the time. Therefore, at any given point, the loudest piece of equipment will be the most representative of the expected sound levels in the area. Construction equipment is generally not operated continuously at maximum load, as there is significant variation in power and usage. Actual received sound levels at a receiver will fluctuate, depending on the construction activity, equipment type, and separation distances between source and receiver. Other factors, such as terrain and obstacles, e.g., buildings, will act to further limit the impact of construction sound levels.

156. The primary background noise sources in these areas are traffic from the surrounding roadways and parking areas, railroads, local vehicular operation, lawn mowing and other residential home activities, aircraft traffic, and natural sounds (e.g., birds, insects). Construction sound at the close sensitive receptors may be louder than the existing ambient sound levels in the area, and therefore, construction sound is expected to be audible at nearby residences. However, the equipment presented above is not used in each phase of construction, and equipment is not generally operated continuously. There will often be times when no heavy equipment is operating, and sound will be at ambient levels. Furthermore, the construction sound levels presented are those which would be experienced outdoors. Structures (e.g., houses) provide significant attenuation for those who are indoors. The Certificate will contain hours in which construction can occur with any potential after hours work only being performed after notification to NYSDPS and the municipality in which construction will be occurring.

157. To minimize noise impacts, National Grid will limit construction activities to the hours of 7:00 AM to 7:00 PM Monday through Saturday, except when safety or other continuous operation requirements dictate that construction must occur on a Sunday or after 7:00 PM. If this occurs, National Grid will notify DPS Staff and any affected municipalities at least 24-hours prior to conducting the work, unless safety considerations prohibit such advance notice. Construction activities and subsequent noise level increases caused by the Project are expected to be short-term and minimal.

158. Based on their review of the Record Evidence, the Signatory Parties have determined that the construction and operation of the Project is not anticipated to impact long-term noise levels. Construction noise will be temporary and vary according to the type of construction equipment in use and existing background or ambient noise. Generally, transmission line construction is of short duration in any particular location, thus no one residence or other potentially sensitive receptor will be exposed to significant increased noise levels for an extended period of time.

9. *Invasive Species*

159. The Applicant will prepare an Invasive Species Management and Control Plan in accordance with the proposed Certificate Conditions set forth in **Appendix D** of this Joint Proposal and the Specifications contained in **Appendix E** to this Joint Proposal. This plan will ensure the Applicant's compliance with 6 NYCRR Part 575.

160. As discussed in Exhibit 4, an initial plant species inventory was conducted of the proposed Project ROW from July 2023 through October 2023 for the presence and abundance of invasive species listed on the NYSDEC Interim List of Invasive Species. The initial invasive species inventory of the Existing ROW did not reveal any findings that would be considered unusual for the area.

161. National Grid will develop a list of invasive species of special concern in consultation with NYSDPS, NYSDEC, and NYSAGM during the preparation of the EM&CP. The EM&CP will include measures to be implemented to minimize the introduction and spread of invasive species during Project construction. Based on the initial survey, it is anticipated that good construction practices such as ensuring that all equipment, tools, and materials are clean before

entering and upon leaving the Project ROW will prevent the spread of invasive species to surrounding areas.

162. Removal of any wood from the ROW will be pursuant to the NYSDEC's firewood regulations to protect forests from invasive species found in 6 NYCRR Part 192, and any applicable NYSDEC quarantine orders and/or NYSAGM quarantine regulations. Crews will be trained to identify insects that the NYSDEC identifies as a potential problem. If any evidence of these insects are found, they will be reported immediately to the appropriate NYSDEC regional forester.

163. Based on the review of the Record Evidence, the Signatory Parties have determined that the initial plant species inventory of the Project ROW did not reveal any findings that would be considered unusual for the area.

10. Transportation

164. As discussed in Application Exhibit E-6 (Exhibit 15 of the Evidentiary Record; referred to herein as Exhibit E-6), there are eight (8) airports listed in the Federal Aviation Administration ("FAA") National Airspace System Resource Aeronautical Data Product that are within five (5) miles of the Project ROW. The Schenectady County Airport (FAA id: SCH) is approximately 20,064 feet (3.8 miles) northwest of the Project ROW. The St Mary's Hospital Elevated Heliport (FAA id: NK50) is located approximately 11,616 feet (2.2 miles) south of the Project ROW. The Amsterdam Airfield Airport (FAA id: NY87) is located approximately 9,000 feet (1.7 miles) south of the Project ROW. Johnson Airport (FAA id: NY50) is located approximately 8,500 feet (1.6 miles). Murphy's Landing Strip (FAA id: 0NY7) is located approximately 15,840 feet (3.0 miles) north of the Project ROW. Hines Field Airport (FAA id: 9NY7) is located approximately 19,000 feet (3.6 miles) north of the Project ROW. Fulton County Airport (FAA id: NY0) is approximately 4,750 feet (0.9 miles) north of the Project ROW. Galway Airport (FAA id: NY37) is located approximately 22,180 feet (4.2 miles) east of the Project ROW.

165. Because of the proximity of the Project ROW to the airports, an obstruction evaluation was performed pursuant to the FAA criteria enumerated in CFR Title 14 Part 77.13 and in accordance with the *Notice Criteria Tools* on the FAA's Obstruction Evaluation website. The Notice Criteria Tool was used to determine structures requiring review. The Notice was filed with

the FAA in October 2025, but the FAA has not completed their review, or provided determinations. Once the final determinations are received, they will be included in the EM&CP.

166. The Project ROW crosses a CSX Railroad (“CSX”) corridor in (1) location in the Town of Amsterdam. While an existing Railroad License Agreement is in place with CSX for the Existing Lines, any change in height, structure location, or location of crossing requires the need to acquire new agreements. The Applicant will seek a new Railroad License Agreement from CSX for the conditional rights necessary to install, occupy, operate, access, and maintain the Project facilities on CSX property in accordance with the Project design plans and specifications as approved by CSX, and with all applicable CSX requirements and provisions.

167. Construction activities will be coordinated with the railroad companies to ensure that construction activities do not conflict with railroad operations and freight movements and to ensure that appropriate railroad safety precautions are implemented. The final designs for the Project will be set forth in the EM&CP and will incorporate appropriate transmission facility design criteria, line clearance requirements, and railroad safety clearances.

168. The Project ROW crosses fifty-seven (57) interstate, state, county, and local roadways with sixty-one (61) individual crossings. During construction, the Project work areas will be accessed from these road crossings. Construction access points will be located to maintain safe traffic operation at the road crossings. A Maintenance and Protection of Traffic (“MPT”) Plan will be developed for each construction access location in order to provide for a safe construction work zone along the edge or within a traffic lane within the ROW, as needed. The MPT Plan will identify necessary temporary signage, lane closures, barrier placement or traffic diversion patterns during construction. The MPT Plan will be developed during final design of the Project and will be incorporated into the Project’s EM&CP.

169. To minimize potential conflicts with traffic patterns and lane usage, the Applicant has located transmission structures outside of road rights-of-way and as far from road crossings as feasible. If temporary parking along the local roadways is required, all vehicles will be situated such that the safe operation of the roadway is not impeded, and appropriate safety signage will be provided.

170. The number of vehicle trips generated by the construction crews for ROW clearing, transmission structure erection, structure removal, and conductor stringing will be minimal and short-term. Construction-related truck traffic will consist of equipment and material deliveries to

the structure sites and removal of cleared vegetation and construction debris from the ROW. The location of construction marshaling yards or staging areas will be determined either prior to Certification or during EM&CP development. Construction workers will likely arrive at and depart from these areas outside of morning and evening peak travel periods. Deliveries of oversized equipment are not anticipated, but if they become necessary, they will be scheduled during off-peak periods to minimize traffic disruption.

171. The NYSDOT and the New York State Thruway Authority (“NYSTA”) require that a utility work permit application or a thruway permit application, respectively, be submitted for the installation of utilities within or adjacent to State highway or thruway ROW. Following final design, the Applicant will submit utility work permit applications and thruway permit applications for all applicable road crossings and will fully comply with the permit conditions. Best management practices, as specified in the EM&CP, will be employed during construction to prevent the deposition of materials onto local roadways. Soil washed, dropped, spilled, or tracked outside the limit of disturbance or onto public ROW will be removed in a timely manner. All work within state highway rights-of-way will be designed and performed in accordance with all applicable traffic and safety standards and other substantive requirements, including NYSDOT regulations, the design standards of the American Association of State Highway and Transportation Officials, the Manual of Uniform Traffic Control Devices, the Highway Design Manual, and the Policy and Standards for Entrances to State Highways. Construction within State highway rights-of-way cannot commence until such permits are obtained from NYSDOT.

172. All work within State highway ROWs will be designed and performed in accordance with the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled Accommodation of Utilities Within State Highway Right-of-Way, applicable design standards of the American Association of State Highway and Transportation Officials (“AASHTO”), including the Manual of Uniform Traffic Control Devices (“MUTCD”), the Highway Design Manual, and the Policy and Standards for Entrances to State Highways.

173. To protect public safety, National Grid will not park vehicles or equipment in State highway rights-of-way unless construction is actively ongoing in such locations.

174. The Project crosses the Erie Canal in the Town of Amsterdam, Montgomery County. Three (3) locks along the Erie Canal are located within five (5) miles of the Project ROW.

175. The Applicant will obtain a work permit from the NYS Canal Corporation (“NYSCC”) and construction activities will also be subject to the Special Provisions for Work In or Over Navigable Waterways Operated by the New York State Canal Corporation. Through the issuance of this permit, the NYSCC will review the Project design to ensure adequate clearances and setbacks are maintained to accommodate vessel traffic.

176. Additionally, since New York State canals are navigable waterways under the jurisdiction of the United States Coast Guard (“USCG”), any work performed during the navigation season which may interfere with navigation will require prior notice to the USCG.

177. The Project ROW intersects a State multi-use trail, the Erie Canalway Trail, one (1) time in the Town of Florida; and a County of Schenectady trail, Plotter Kill Preserve, two (2) times in the Town of Rotterdam. The Applicant will implement appropriate construction safety practices, such as temporary barricades and fencing, to prevent pedestrians from entering construction work zones and avoid potential conflicts with pedestrian traffic during construction any other paths or multi-purpose trails that are identified during the development of the EM&CP that could be impacted by Project construction.

178. The Project ROW crosses six (6) snowmobile trails, and the Applicant will implement appropriate construction safety practices, such as appropriate signage, temporary barricades, and fencing to warn and prevent snowmobilers from entering construction work zones and avoid potential conflicts with snowmobile traffic during construction along the trails. The Applicant will detail the safety practices in its EM&CP.

179. Based on the review of the Record Evidence, the Signatory Parties have determined that the Project will not adversely impact transportation.

11. Communications

180. As noted in Application Exhibit E-5 (Exhibit 14 of the Evidentiary Record and referred to herein as Exhibit E-5; *see* Appendix A), the Project is not expected to have adverse effects on communications (i.e., television, radio, microwave, etc.) during construction or operation. National Grid will comply with applicable sections of the latest version of the National Electric Safety Code (“NESC”) related to appropriate spacing between power and communication cables.

181. As part of the final design, if third parties are identified that have underground communication cables within or adjacent to the Project ROW, they will be consulted to ensure that the precise location of the communication facilities are shown on the plan and profile drawings and that the appropriate clearances are maintained. The Applicant will contact potential third party underground communication cable operators to confirm the placement of their facilities within the ROW and appropriate offsets to maintain. In addition, with the assistance of Dig Safely New York, the Applicant will conduct ground surveys for all existing underground facilities, including communication cables, to confirm placement of all underground facilities to ensure their location is accurately depicted on construction drawings, to ensure appropriate clearances and to verify that appropriate interference protections are in place. The signals transmitted along fiber optic cables are not distorted by any form of outside electronic, magnetic or radio frequency interfere. Therefore, no impacts to the operations of fiber optic cables are anticipated from the Project and its continued operation.

182. The proposed facilities are not expected to result in any interference with radio or television reception because the proposed electric transmission facilities are similar to the existing facilities and will use existing ROW where no such interference has been reported. Nevertheless, National Grid will respond to any reports of possible interference and will investigate and resolve interference from its proposed improvements.

183. The Project is not expected to result in any interference with radio, television, or cell reception and therefore no mitigation is required. The Applicant will comply with applicable provisions of the NESC related to the appropriate spacing between the proposed transmission lines and communication facilities. The Applicant will document any reports of possible interference along the Project ROW and take appropriate follow-up actions.

184. Based on its review of the Record Evidence, the Signatory Parties have determined that no impacts to the operations communication systems are anticipated from the from the Project.

12. Electric and Magnetic Fields

185. The Applicant's preconstruction Electric and Magnetic Field ("EMF") Report, which was filed with the Commission on April 25, 2025 (Exhibit 21 of the Evidentiary Record), modeled both existing and proposed transmission lines associated with the Project at 1 m (3.28 ft.) above grade for 62 representative overhead transmission line ROW cross sections. All modeling

was performed for winter normal conductor ratings, in accordance with the Commission's September 11, 1990, "Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities," ("1990 PSC Interim Policy") as well as radio noise, and audible noise associated with the Project.

186. Under the PSC Interim Policy, the peak field at the edge of the ROW as measured at one meter above ground when the circuit phase currents are equal to the winter normal conductor rating shall not exceed 200 milligauss ("mG").

187. The calculations in the EMF Report demonstrate that modeled post-Project magnetic field ("MF") values for each representative cross section comply with the Commission edge-of-ROW MF interim standard of 200 mG that modeled post-Project EF values for each representative cross section will comply with the NYSPSC edge-of-ROW EF interim standard of 1.6 kV/m. *See* Exhibit 21 of the Evidentiary Record. These EMF modeling results, which show no increase in the edge-of-ROW EF levels as a result of the Project, are supportive of the negligible impact of the Project on the edge-of-ROW EF levels for these cross sections that are predicted to be at the NYSPSC edge-of-ROW EF interim standard due to a presently-existing 345 kV transmission line.

13. Marshalling Yards

188. The Applicant has identified two (2) laydown yards, which will be utilized for the Project. The first laydown yard, known as CLCPA – 1 West LDY, is located at 7875 Route 5, Town of St. Johnsville, Montgomery County, New York. The second laydown yard, known as CLCPA - 1 Central LDY, is located at the corner of NY State Route 30A and Opportunity Drive, City of Johnstown, Fulton County, New York.

189. The Applicant anticipates utilizing CLCPA – 1 West LDY in May 2026. No wetlands or streams have been identified within the proposed laydown yard. A SWPPP will be prepared and filed for approval by the NYSDEC prior to the start of any site preparation and installing fabric and stone on the yard. Ground disturbance at the yard will be completed prior to the commencement of the Inghams to Rotterdam 115 kV Rebuild Project transmission line installation.

190. The Applicant anticipates utilizing CLCPA – 1 Central LDY in August 2026. Two (2) wetlands are located within the proposed laydown yard. These wetlands will be avoided and protected. The 100-foot wetland adjacent areas will be protected with construction matting to

ensure no sediment-laden stormwater enters the wetlands. A NYSDEC Class C stream as well as an unclassified ephemeral stream were identified on the property. The streams will be protected and impacts will be avoided. A SWPPP will be prepared and filed for approval by the NYDEC prior to the start of any site preparation and installing fabric and stone on the yard. Ground disturbance at the yard will be completed prior to the commencement of the Inghams to Rotterdam 155 kV Rebuild Project transmission line installation.

191. Both laydown yards will be equipped with appropriate fencing (i.e., chain link) and other security measures, such as on-site personnel and cameras. Signage will be at the entrance. Lighting will be installed around the fenced area, as well as construction related signage on the fence and at the site entrance.

192. Site management practices for the laydown yards will be consistent with the Certificate Conditions. National Grid has reviewed the local laws potentially applicable to this proposed laydown yard and confirmed that Project activities can and will be conducted in accordance with local requirements for a public utility facility.

D. The Availability and Impact of Alternatives

193. The Application and exhibits agreed upon by the Signatory Parties to be admitted as Record Evidence in this proceeding describe the availability and impact of alternatives to the Project and are briefly summarized below. Based on their review of the evidence and considering all factors, the Signatory Parties have determined that the Project as described in Appendix B is preferable, on balance, to any of the alternatives considered. The selected route has been designed to minimize impacts to environmental resources, wildlife, traffic, local residences and businesses, recreational uses and resources, etc.

1. Alternate Routes

194. As stated in Exhibit 3, the Applicant considered alternatives to rebuilding its existing Inghams to Rotterdam 115 kV line to address the need described in Application Exhibit E-4 – Engineering Justification (Exhibit 13 of the Evidentiary Record and referred to herein as Exhibit E-4; *see* Appendix A). Considering the specific purpose and need for the Project and the fact that the existing Line has been located on an existing ROW for approximately 100 years, alternatives that would typically be reasonable for a proposed new transmission facility, specifically on a proposed new ROW, would not be reasonable for this Project.

195. This alternatives analysis found each alternative to be inferior to the Project as proposed. The following sections discuss alternative transmission line technologies and structure types, any alternative transmission line routes, potential underground alternatives, alternative methods for fulfilling the energy requirements of the Project, and the alternative of taking no action or deferring the Project.

196. The Project ROW is approximately 50.72 miles. National Grid owns a combination of fee and easement rights over the length of the Project. The goal and the intent of the Project is to rebuild on the existing centerline to the extent practicable unless that resulted in impacts that could be avoided with an alternate route or alignment without causing significant impacts.

2. The No-Action Alternative

197. The no action alternative does not serve the need to rebuild the Project to accommodate renewable energy generation projects, which is the essence of this and other projects being proposed as part of the goals sought to be achieved by the Commission under the CLCPA. Therefore, National Grid does not consider the no action alternative an effective alternative to the Project.

3. Alternative Configurations, Technology, and Transmission Line Components

198. National Grid considered one (1) possible alternative transmission technology: use of direct current (“DC”) electric transmission. To install a new DC transmission line between the existing substations, the Applicant would need to build a new power conversion facilities and interconnect them to the existing Inghams, Meco, Stoner, Maple, and Rotterdam Substations which presently are designed to handle alternating current (“AC”) circuits. Because of the relatively short ROW distance between the existing substations, the installation of a DC circuit and associated conversion facilities would be cost prohibitive. The resulting alternative would be a short distance DC transmission line that would be difficult to incorporate into an AC system. Additionally, the existing substations currently connected to the Existing Lines would require either a different source or significant modification and expansion to become DC-to-AC conversion facilities. Accordingly, the DC alternative was not considered further for the replacement of the Existing Lines.

199. National Grid performed a quantitative comparative analysis of wood pole vs. steel pole structure types based on considerations for safety, reliability/resilience, lifespan, cost,

maintenance needs, and environmental impact. This analysis determined that, overall, steel pole structures are superior to wood-pole structures which led to an update of the Applicant's transmission line design standards for major rebuild and refurbishment capital projects, whereby the replacement of tangent structures will be with engineered steel pole structures using direct embedded foundations, or other engineered type foundations, and the replacement of angle and dead-end structures will be with engineered self-supporting steel pole structures typically using caisson foundations, or other engineered type foundations.

200. The existing structures, which the Project proposes to replace, are primarily composed of double circuit lattice structures, double circuit wood-pole structures or dead-end square base towers. The primary structure design for the Project will be double circuit steel-pole structures with davit arms on both sides, supporting a double circuit phase-over-phase configuration. Replacing the existing double circuit lattice tower structures with new double circuit lattice tower structures was deemed infeasible due to the increased ground line disturbance required for the foundations that support lattice tower structures in addition to the increase cost of assembly and materials

201. As part of its review of Project alternatives, National Grid considered if the complete reconstruction of the transmission lines for the Project as end-to-end underground transmission circuits. After considering the outlined criteria, a full underground line rebuild option is technically inferior to the overhead solution for the Project and is not the preferred alternative, due to the ratings requirements, constructability issues, land acquisition, higher costs, operational issues, and environmental impacts. Additionally, the underground alternative is substantially more expensive than the overhead option. The underground alternative also will have significant operational issues, including increased complexity, longer restoration times, load hogging issues, and voltage control issues. In this case, the 115 kV underground alternative will be technically inferior to the overhead option.

4. Non-Transmission Alternatives

202. National Grid reviewed the potential for a non-transmission alternative to the Project using the Non-Wires Alternatives ("NWAs") Suitability Criteria ("Suitability Criteria") set forth in the November 2016 Supplemental Distributed System Implementation Plan ("SDSIP"). The SDSIP recognizes that NWAs (e.g., energy efficiency, demand response, and distributed generation) "represent opportunities to defer or avoid a subset of traditional 'wires' investments,

potentially resulting in cost savings for customers and/or environmental benefits while maintaining reliability and resiliency.”

203. As discussed in Exhibit E-4, the proposed Project need is driven by the Accelerated Renewable Energy Growth and Community Benefit Act’s requirement that the Commission and New York’s utilities plan electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. On September 9, 2021, the Commission determined that there were numerous Areas of Concern that were in critical need of Phase 2 local transmission investment under the CLCPA. On March 8, 2022, National Grid and other utilities proposed transmission investment within the Areas of Concern to address this critical need (“Utility Proposed Areas of Concern”). On February 16, 2023, the Commission approved National Grid’s proposed investments. Included within the filing proposing Phase 2 investments was an evaluation of Phase 1 investments, including the project that is the subject of this filing.

204. The Project circuits are an important element of the Porter–Rotterdam Area of Concern identified in the Commission Orders for CLCPA Phase 2 and Phase 1 transmission infrastructure upgrades. This Area of Concern is a 115kV network across a large geographic area covering portions of Herkimer, Fulton, Montgomery, and Schenectady counties. The elements that are the subject of this filing are an important portion of this network. Historically the main purpose of the Porter-Rotterdam network was to serve customer load. Recently, new generators, primarily large scale solar and land-based wind, have proposed to connect to this network. The specific purpose of this Project is to rebuild 115kV elements to increase the amount of energy the circuits can transmit from generation to load or from generation to system on ramps that move the power out of the local area.

E. Conformance to Long-Range Plans for Expanding the Electric Power Grid and Climate Leadership and Community Protection Act Compliance

205. The CLCPA codified the State’s clean energy and environmental goals, including the establishment and reduction of statewide greenhouse gas emission limits. Pursuant to § 7(2) of the CLCPA, the Commission must assess whether its administrative approvals, including the issuance of Article VII Certificates, are inconsistent with or interfere with the attainment of New York’s state greenhouse gas emissions limits, as set forth in ECL § 75-105. The Project itself does not directly emit greenhouse gas emissions nor is it associated with electric generation that emits

greenhouse gas emissions. Any emissions of greenhouse gases from vehicles or equipment used during the construction or maintenance of the Project would be *de minimis* or negligible. In addition to resolving asset condition issues and to improve reliability, the Project is designed to support achievement of the CLCPA.

206. Sulfur hexafluoride (SF₆) is a potent greenhouse gas (GHG), approximately 17,500 times stronger than CO₂. Pursuant to the CLCPA, statewide GHG emissions must be reduced to 40% below 1990 levels by 2030 and 60% of such levels by 2050. ECL § 75-0101(7) and 75-0107; 6 NYCRR Part 496. SF₆ is most frequently used for electric insulation and/or arc-quenching in gas-insulated equipment such as switchgears, switches, circuit switchers, gas-insulated substations, and circuit breakers. Existing regulations require the phaseout of SF₆ containing equipment beginning January 1, 2027 with full phaseout required by January 1, 2033.

207. National Grid anticipates using SF₆ for the Project. National Grid shall comply with all applicable laws, regulations and guidance related to SF₆ then in effect, which is currently 6 NYCRR Part 495. To the extent the installation of SF₆ in GIE is prohibited by applicable law or regulation that comes into effect before GIE for the Project is placed in service, the Certificate Holder may avail itself of any applicable exception, exemption, variance or grandfathering provision provided for in such law or regulation relating to SF₆ in GIE.

208. The CLCPA also seeks to equitably reduce statewide GHG emissions. Section 7(3) of the CLCPA requires that state agencies evaluate the potential impact on GHG emissions and disadvantaged communities “in considering and issuing permits, licenses, and other administrative approvals and decisions,” which includes the approval of Article VII Certificates, and prevents such agencies from disproportionately burdening such disadvantaged communities identified pursuant to ECL § 75-0101(5).

209. As part of the CLCPA, state agencies need to consider impacts on disadvantaged communities (“DACs”) in decision making. The criteria used for determining DACs included multiple indicators that represent environmental burdens, climate risks, population characteristics and health vulnerabilities within communities. Each census tract is scored based on a relative burden, risk, vulnerability, or sensitivity, and based on the combined scores, the top 35% of the census tracts are considered DACs. The Project crosses two (2) DACs in the Town of St. Johnsville and Town of Mohawk, both in Montgomery County. The Project also crosses one (1) Potential

Environmental Justice Area (“PEJA”) in the City of Johnstown, Fulton County. Maps showing the Project area and identified DACs and PEJAs are included in Figure 4.11-1 of Exhibit 4.

210. The Project is being proposed to support the CLCPA’s renewable energy goals by providing upgraded electric transmission infrastructure that will allow renewable energy to be safely and reliably transported to load centers throughout the State. The Project will support increased employment opportunities and new industry resulting from the increased demand and capacity for renewable energy infrastructure. The Project also minimizes negative impacts to the nearby PEJA communities and DACs since it proposes upgrading existing transmission lines primarily within the Existing ROW. The Project’s operation will not result in the production of greenhouse gas or co-pollutant emissions in DACs.

211. As discussed in Exhibit E-4, the proposed Project need is driven by the Accelerated Renewable Energy Growth and Community Benefit Act’s requirement that the Commission and New York’s utilities plan electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. On September 9, 2021, the Commission determined that there were numerous Areas of Concern that were in critical need of Phase 2 local transmission investment under the CLCPA. On March 8, 2022, National Grid and other utilities proposed transmission investment within the Areas of Concern to address this critical need (“Utility Proposed Areas of Concern”). On February 16, 2023, the Commission approved National Grid’s proposed investments. Included within the filing proposing Phase 2 investments was an evaluation of Phase 1 investments, including the project that is the subject of this filing. The elements that are the subject of this filing are an important portion of this network. Historically the main purpose of this network was to serve customer load. Recently new generators, primarily large scale solar and land-based wind, have proposed to connect to this network.

212. The Project conforms to the requirements of the NYISO, is consistent with New York’s long-range plans as required by PSL § 126.1(e)(2) and will serve the interests of electric system economy and reliability.

213. The Application shows that the Commission’s grant of the Certificate will not be inconsistent with, and will not interfere with, the attainment of the statewide greenhouse gas emissions limits in Article 75 of the ECL established by Section 2 of the CLCPA.

F. System Impact Study

214. On June 2, 2025, NYISO Staff wrote National Grid that “NYISO agrees with National Grid that this project would not meet the SIS threshold and as such this request is Non-Material.” The non-material nature of the modification was presented to the NYISO Electric System Planning Work Group and Transmission Planning Advisory Subcommittee on June 5, 2025, with no comments from either. National Grid filed a letter with copies of relevant communications from NYISO with the Secretary on June 5, 2025 (Exhibit 25 of the Evidentiary Record).

G. State and Local Laws

215. Exhibit 7 identifies, for each local jurisdiction, every substantive local legal provision (ordinance, law, regulation, standard, and requirement) potentially applicable to the Project, as well as every such local legal provision that the Applicant requests that the Commission not apply because, as applied to the Project, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or the needs of consumers. Except for those local legal provisions the Applicant specifically requested that the Commission refuse to apply, the Applicant will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions that are applicable to the Project. Due to the preemptive effect of PSL § 130, procedural requirements to obtain any State or local approval, consent, permit, certificate, or other condition for the construction or operation of the Project do not apply, except for permits or approvals issued or required by NYSDEC pursuant to regulations implementing federal environmental programs.

216. The following are examples of local laws that the Applicant requests the Commission not apply, as well as the corresponding justifications for such requests: (i) time restrictions on construction noise or activities, on the grounds that exceptions may be required for safety or continuous operation requirements; (ii) minimum lot width, frontage, and depth requirements because these requirements have no necessary nexus or relevance when considered in light of the Applicant’s contiguous linear ROW lots; (iii) use prohibitions because compliance is technologically impossible; (iv) maximum height requirements also because compliance is technologically impossible; and (v) landscaping or screening requirements and prohibitions on

cutting existing vegetation on the grounds that these requirements cannot be reconciled with the Clearing and Slash Disposal Procedures in the EM&CP and the Applicant's TROWMP.

217. The Applicant has served the Application on, met with, or otherwise communicated with 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 Amsterdam, Florida, Mohawk and St. Johnsonville, and Village of Hagaman in Montgomery County, and the Town of Manheim in Herkimer County. No local jurisdiction has filed any objection to the Applicant's requests, set forth in Exhibit 7, that the Commission not apply specified local laws. The Signatory Parties agree that the justifications set forth in Exhibit 7 provide sufficient basis for the Commission to refuse to apply the identified ordinances.

218. The Applicant revised Exhibit 7 to the Application (Exhibit 7 of the Evidentiary Record) to include a request for a waiver of the Town of St. Johnsville's Local Law No. 2 of 2026. The Town of St. Johnsville recently adopted Local Law No. 2 of 2026, which establishes a permitting program and operational requirements for proposed marshaling and laydown yards. The revised version of Exhibit 7 is attached as **Appendix H** to this Joint Proposal.

219. The Applicant's public and municipal outreach conducted for the Project is summarized in Appendix C to the Application (Exhibit 17 to the Evidentiary Record). Owners of property abutting and in close proximity to the Project were sent notification letters regarding pre-Application studies in August 2023. Owners of properties abutting the geotechnical investigation sites received notification by certified mail regarding the geotechnical activities in October 2023. Owners of properties abutting the Saltsman Road Substation Site received notification letters by certified mail regarding the new substation in the area in September 2024. Owners of the directly impacted and abutting properties were sent notification letters regarding the intent to file this Application on or around April 18, 2025. Municipal leaders were also contacted in conjunction with the landowner notifications.

220. In-person meetings were held between February 4, 2025, and March 10, 2025, with local officials from municipalities which the Project ROW traverses. Around the time of the filing of the original Application, the Applicant informed officials of such local governments that the Application was being filed and served them with a copy of the Application as required by PSL § 122(2)(i).

H. Public Interest, Convenience, and Necessity

221. The Applicant conducted public outreach and information efforts in support of the Project as described in Paragraphs 219 and 220, above, and Paragraph 222 below.

222. A Public Notice of the filing of the Article VII Application was published twice in the *Herkimer Times*, which is a newspaper of general circulation, on April 8, 15 and 22, 2025. The Public Notice was also published in the *Daily Gazette and Leader* on April 7, 12, and 21, 2025.

223. Local governmental officials in the municipalities that will be affected by the Project were contacted personally notifying them of the Applicant's intention to file the Application. In addition to the outreach set forth above, at the time of the filing of the original Application, the Applicant informed officials of such local governments that the Application was being filed.

224. A local "hotline" phone number was established for people seeking additional information about the Project: (877) 551-4743. The phone number was included in the Project Fact Sheet, Project website, Project doorhanger, and materials shared in the Open Houses and Public Statement Hearings.

225. On April 25, 2025, owners of properties abutting the proposed Project ROW were sent notification letters regarding the Applicant's intention to file the Article VII Application. This notification included the Project Fact Sheet containing a map of the Project area, the Project's website URL, and the hotline number. Owners of properties abutting the proposed Project ROW received doorhangers explaining the project with contact information. At or around the time of filing of the original Application, all owners of land on which any portion of the Project is to be located were served by first-class mail with notice informing them that the Project may impact their property. Such notice included a description of the Project and an explanation of how one can seek to become a party to the Article VII proceeding. A Certificate of Service of this mailing was filed with the Commission on April 29, 2025.

226. Shortly after filing the Application, flash drives containing the Application were delivered to the following local libraries with a request that they be made available for public inspection: Johnstown Public Library, 38 South Market Street, Johnstown, New York 12095; Amsterdam Free Library, 28 Church Street, Amsterdam, New York 12010; Schenectady County

Public Library, Rotterdam Branch, 1100 North Westcott Road, Rotterdam, New York 12306; and Dolgeville-Manheim Public Library, 24 North Main Street, Dolgeville, New York 13329.

227. National Grid served copies of its July 10, 2025, response to deficiencies on all statutory and active parties and local libraries.

228. Shortly before commencement of construction, the Applicant will notify adjacent landowners and residents of construction commencement and include a safety message and the toll-free number that can be used to obtain additional information.

V. PROPOSED FINDINGS

229. The Signatory Parties agree that the record in this proceeding supports the Proposed Commission Findings set forth in **Appendix C** attached hereto.

VI. PROPOSED CERTIFICATE CONDITIONS

230. The Signatory Parties agree that the Proposed Certificate Conditions set forth in **Appendix D** attached hereto are acceptable and appropriate for the inclusion in a Certificate of Environmental Compatibility and Public Need authorizing construction and operation of the Project.

VII. ENVIRONMENTAL MANAGEMENT & CONSTRUCTION PLAN

231. The Signatory Parties agree that the Specifications for the Development of the EM&CP set forth in **Appendix E** attached hereto are acceptable and appropriate for application to the Project as described herein.

VIII. WATER QUALITY CERTIFICATION

232. The Signatory Parties agree that the record in this proceeding supports the issuance of a 401 Water Quality Certification, provided that National Grid complies with the applicable federal and state regulations and completes any applicable forms and pre-application requirements pursuant to section 401 of the Federal Water Pollution Control Act and the regulations promulgated thereunder.

[signature pages to follow]

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

A handwritten signature in cursive script, reading "Karla M. Corpus", is written over a horizontal line.

Niagara Mohawk Power Corporation d/b/a National Grid

By: Karla M. Corpus, Esq.
Senior Counsel I

Dated: March 10, 2026

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

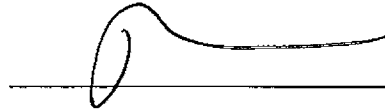


Trial Staff of the New York State Department of Public
Service

By: Russell King

Dated: 3/19/26

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

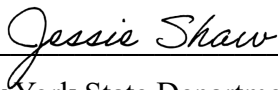


New York State Department of Agriculture & Markets

By: Tara B. Walsh, Esq.

Dated: 3/17/24

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

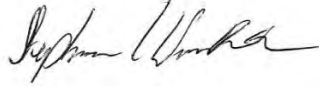


New York State Department Environmental Conservation

By: Jessie Shaw, Esq.
Senior Counsel

Dated: March 19, 2026

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



New York State Department of Transportation

By: Stephanie Winkelhake, Chief Engineer

Dated: March 17, 2025

APPENDIX A
LIST OF TESTIMONY, AFFIDAVITS AND EXHIBITS TO BE ADMITTED

Testimony:

Direct Testimony of Michael Quinn (as adopted by Keith Phillips), Sarah Kane, Seth Davis, Meredith S. Mathias, Ryan Shene, Elliot Bell, Jason Sharp, Arran Deane, Nicole Marron, and Jennifer Altschuler sponsoring Exhibits 1 through 9 (Exhibits 1 to 9 of the Application as supplemented in this proceeding (the “Application”)), Exhibits 10 through 15 (Exhibits E-1 through E-6 to the Application), and Exhibits 16 through 22 (Appendices A, C, D, E, F, and G to the Application).¹

Affidavits:

Affidavits of Keith Phillips, Sarah Kane, Seth Davis, Meredith S. Mathias, Ryan Shene, Elliot Bell, Jason Sharp, Arran Deane, Nicole Marron, and Jennifer Altschuler.

Exhibits:

- Exhibit 1 The Application as filed with the Commission on April 25, 2025 and General Information (Exhibit 1 to the Application)
- Exhibit 2 Location of Facilities (Exhibit 2 to the Application, including amendments filed with the Commission on July 10, 2025)
- Exhibit 3 Alternatives (Exhibit 3 to the Application)
- Exhibit 4 Environmental Impacts (Exhibit 4 to the Application, including amendments filed with the Commission on July 10, 2025)
- Exhibit 5 Design Drawings (Exhibit 5 to the Application)
- Exhibit 6 Economic Effects of the Proposed Facility (Exhibit 6 of the Application)
- Exhibit 7 Local Ordinances (Exhibit 7 of the Application, including amendments filed with the Commission on July 10, 2025, and as revised in the version included as Appendix H to the Joint Proposal)

¹ On DMM at: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=25-t-0262&CaseSearch=Search>

- Exhibit 8 Other Pending Filings (Exhibit 8 to the Application)
- Exhibit 9 Cost of Proposed Facilities (Exhibit 9 to the Application)
- Exhibit 10 Description of the Proposed Transmission Facilities (Exhibit E-1 to the Application)
- Exhibit 11 Other Facilities (Exhibit E-2 to the Application)
- Exhibit 12 Underground Construction (Exhibit E-3 to the Application)
- Exhibit 13 Engineering Justification (Exhibit E-4 to the Application)
- Exhibit 14 Effect on Communications (Exhibit E-5 to the Application)
- Exhibit 15 Effect on Transportation (Exhibit E-6 to the Application)
- Exhibit 16 Agency Correspondence (Appendix A to the Application)
- Exhibit 17 Public Involvement Plan (Appendix C to the Application)
- Exhibit 18 Invasive Species Report (Appendix D to the Application)
- Exhibit 19 Wetland Delineation Report (Application E to the Application)
- Exhibit 20 SHPO Reports (Appendix F to the Application)
- Exhibit 21 EMF Report (Appendix G to the Application)
- Exhibit 22 Application Transmittal Letter and Affidavit of Service of Application (filed with the Commission on April 25, 2025)
- Exhibit 23 Certificate of Service of PSL § 122(2)(c) Landowner Notice (filed with the Commission on April 29, 2025)
- Exhibit 24 Affidavit of Publication of Public Notice (filed with the Commission on May 27, 2025)
- Exhibit 25 System Impact Study (“SIS”) correspondence from New York State Independent System Operator (“NYISO”) to Applicant (filed in the Commission June 5, 2025)
- Exhibit 26 Affidavit of Service on Assembly Member Mary Beth Walsh (filed with the Commission on July 1, 2025)
- Exhibit 27 Historic Resource Method & Zone of Visual Impact (filed with the Commission on July 10, 2025)

- Exhibit 28 Herbicide Mix Sheet (filed with the Commission on July 10, 2025)
- Exhibit 29 Soil Erodibility K-factor Maps (filed with the Commission on July 10, 2025)
- Exhibit 30 Deficiency Response Letter (filed with the Commission on July 10, 2025)
- Exhibit 31 Affidavit of Service of Deficiency Response (filed with the Commission on July 11, 2025)
- Exhibit 32 New York State Department of Transportation Letter to Applicant Regarding Identified Issues (filed with the Commission on September 22, 2025)
- Exhibit 33 Notice of Impending Settlement (filed with the Commission on November 19, 2025)
- Exhibit 34 Affidavit of Service of Notice of Impending Settlement (filed with the Commission on November 25, 2025)
- Exhibit 35 NYSDEC Wetlands Jurisdictional Determination (filed as Appendix F to the Joint Proposal)
- Exhibit 36 Details Regarding Marshalling and Laydown Yards (filed as Appendix G to the Joint Proposal).

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix B

Project Description

APPENDIX B TO THE JOINT PROPOSAL
CASE 25-T-0262
DESCRIPTION AND LOCATION OF PROJECT

A. Introduction

The project (“Project”) proposed by Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid” or “Applicant”) is summarized below and described further in detail in Exhibits 2, 5, E-1 and E-2 of the Application (respectively 2, 5, 10, and 11 of the Evidentiary Record and referred to as Exhibit 2, Exhibit 5, Exhibit E-1 and Exhibit E-2).

The Project proposed by National Grid is the reconstruction of several 115 kilovolt (“kV”) transmission lines for approximately 50.72 miles between the Inghams Substation in the Town of Manheim, Herkimer County, and the Rotterdam Substation in the Town of Rotterdam, Schenectady County. The Project also includes the construction of the proposed new Saltsman Road Substation in the Town of Ephratah, Fulton County (collectively, the “Inghams to Rotterdam 115 kV Rebuild Project” or the “Project”).

B. Project Location

The location of the Project is detailed in Exhibit 2 and its figures (Exhibit 2 of the Evidentiary Record and referred to herein as Exhibit 2; see Appendix A to the Joint Proposal). The Project is located in the Town of Manheim in Herkimer County, the Towns of Oppenheim, Ephratah, Johnstown, and Perth, and the City of Johnstown in Fulton County, the Towns of St. Johnsville, Mohawk, Amsterdam, and Florida, and the Village of Hagaman in Montgomery County, and the Towns of Princetown and Rotterdam in Schenectady County. See attached Figure 2-2 from the Application.

C. Specific Project Components

As described below and in Exhibit 2, the Project involves the reconstruction of five (5) existing 115 kV transmission lines that are a collection of single and double circuit: (i) Inghams to Meco #15 Line, (ii) Inghams to Stoner #9 Line, (iii) Meco to Maple #22 Line, (iv) Maple to Rotterdam #10 Line, and (v) Stoner to Rotterdam #12. Exhibit 2 provides specific details about each segment, including the structure types proposed for each segment.

The Applicant proposes to rebuild the Existing Lines, which primarily features 1590 kcmil Aluminum Conductor Steel Supported (“ACSS”) “Falcon” non-specular conductor. The Applicant also proposes to install one (1) optical ground wire (“OPGW”), and one (1) 3/8” Extra High Strength (“EHS”) 7 strand or 19 No. 5 Alumoweld for shield-wires. The 3/8” EHS 7 strand and 19 No. 5 Alumoweld shield-wire is sized to achieve a balanced fault-current with the proposed OPGW.

As part of Segment 1, the Applicant proposes to remove the assets associated with the Existing Inghams to Meco #15 Line and Existing Inghams to Stoner #9 Line from the Inghams Substation to the Meco Substation Tap. Then, in general, the Applicant will rebuild the Existing Inghams to Meco #15 Line and the Inghams to Stoner #9 Line on new double circuit steel monopole structures,

with some use of single circuit steel pole dead-end structures, along Existing right-of-way (“ROW”).

A new Saltsman Road Substation is proposed to be constructed at existing Structure 79 of Segment 1, located in the Town of Ephratah, Fulton County. This substation will connect to the Inghams to Meco #9 Line, the Inghams to Stoner #15 Line, and the Clinton Substation Tap Line on one side of the substation.¹

In Segment 2, the Applicant proposes to remove the assets associated with the existing Inghams to Meco #15 Line and Meco to Maple #22 Line between the Meco Tap and the Meco Substation. Then, in general, the Applicant will rebuild the lines along the centerline of the existing structures on new single circuit steel monopole structures.

In Segment 3, the Applicant proposes to remove the assets associated with existing Inghams to Stoner #9 Line and Meco to Maple #22 Line. Then, in general, the Applicant will rebuild the lines on new double circuit steel monopole structures, with some use of single circuit steel pole dead-end structures, along existing ROW.

The Applicant proposes to remove the assets within Segment 4 associated with the existing Meco to Maple #22 Line and Stoner to Rotterdam #12 Line. Then in general, the Applicant will rebuild the lines on new double circuit steel monopole structures, with some use of single circuit steel dead-end structures, along existing ROW.

The Applicant proposes to remove the assets in Segment 5 associated with the existing Stoner to Rotterdam #12 Line and Maple to Rotterdam #10 Line. In general, the Applicant will rebuild the lines on new double circuit steel monopole structures, with some use of single circuit steel pole dead-end structures, along existing ROW.

D. Additional Property Rights

National Grid owns a combination of fee and easement rights over the length of the Project. In some instances, new right-of-way (“ROW”) will be needed to accommodate the Project, maintain required clearances and minimize impacts. As detailed in Exhibit 2 and Exhibit 4 (Exhibit 4 of the Evidentiary Record and referred to herein as Exhibit 4; see Appendix A to the Joint Proposal), in some instances, the Applicant will need to acquire additional ROW in the form of Operational (Gross) Easements that allow, among other rights, the construction, operation, repair and maintenance of electric transmission lines structures and related facilities.

The proposed transmission structures in Segment 1 will be generally constructed along the existing centerline from Inghams Substation to existing Structure 75, except for the span between proposed Structures 1 and 2. The span eliminates existing Structure 1, which is a difficult structure to access. From existing structure 75 to the Meco Substation, the centerline will be relocated five (5) feet to the north, so the Existing ROW will be widened. There is a need for additional easements ranging

¹ The proposed transmission lines will be renamed to align with the construction of the new Saltsman Road Substation. Updated line names will be included in the Environmental Management and Construction Plan (“EM&CP”).

from one (1) to fifty (50) feet in width throughout Segment 1 to improve upon existing construction rights and to provide for the necessary operational clearances from new structure configurations.

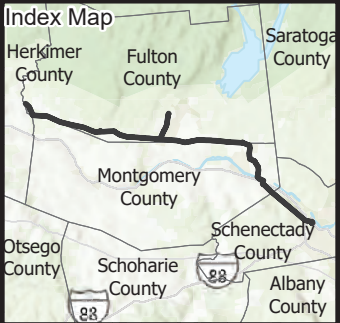
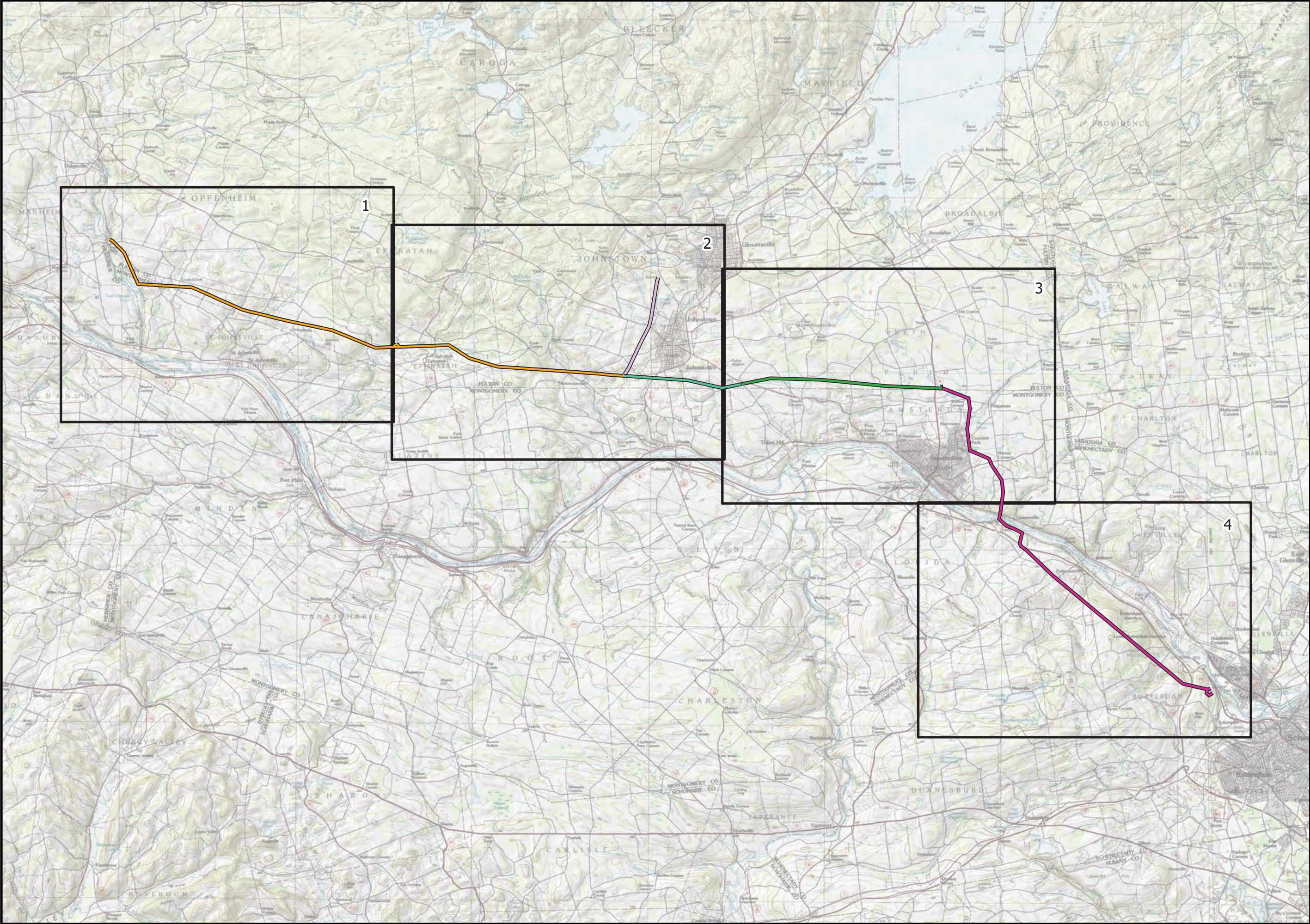
Additional easements from five (5) to twenty-five (25) feet in width are required throughout Segment 2 to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW, particularly along the west side due to the centerline of Segment 2 being offset from the centerline of the existing ROW as it shares the corridor with a parallel National Grid 69kV line that is not part of this Project.

In Segment 3, additional easements from one (1) to twenty-three (23) feet in width are required throughout to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW.

Additional easements from one (1) to twenty-four (24) feet in width are required throughout Segment 4 to provide for necessary operational clearances from all structures now or to be located offset from the centerline of the existing ROW.

In Segment 5, additional easements from one (1) to forty-two (42) feet in width are required to provide for necessary operational clearances from all existing structures or structures to be located offset from the centerline of the existing ROW.

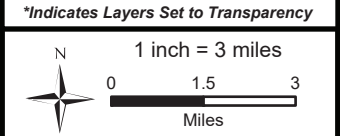
There is also a need for danger tree easements in certain areas.



- Legend**
- Segment 1
 - Segment 2
 - Segment 3
 - Segment 4
 - Segment 5
 - Mapsheet

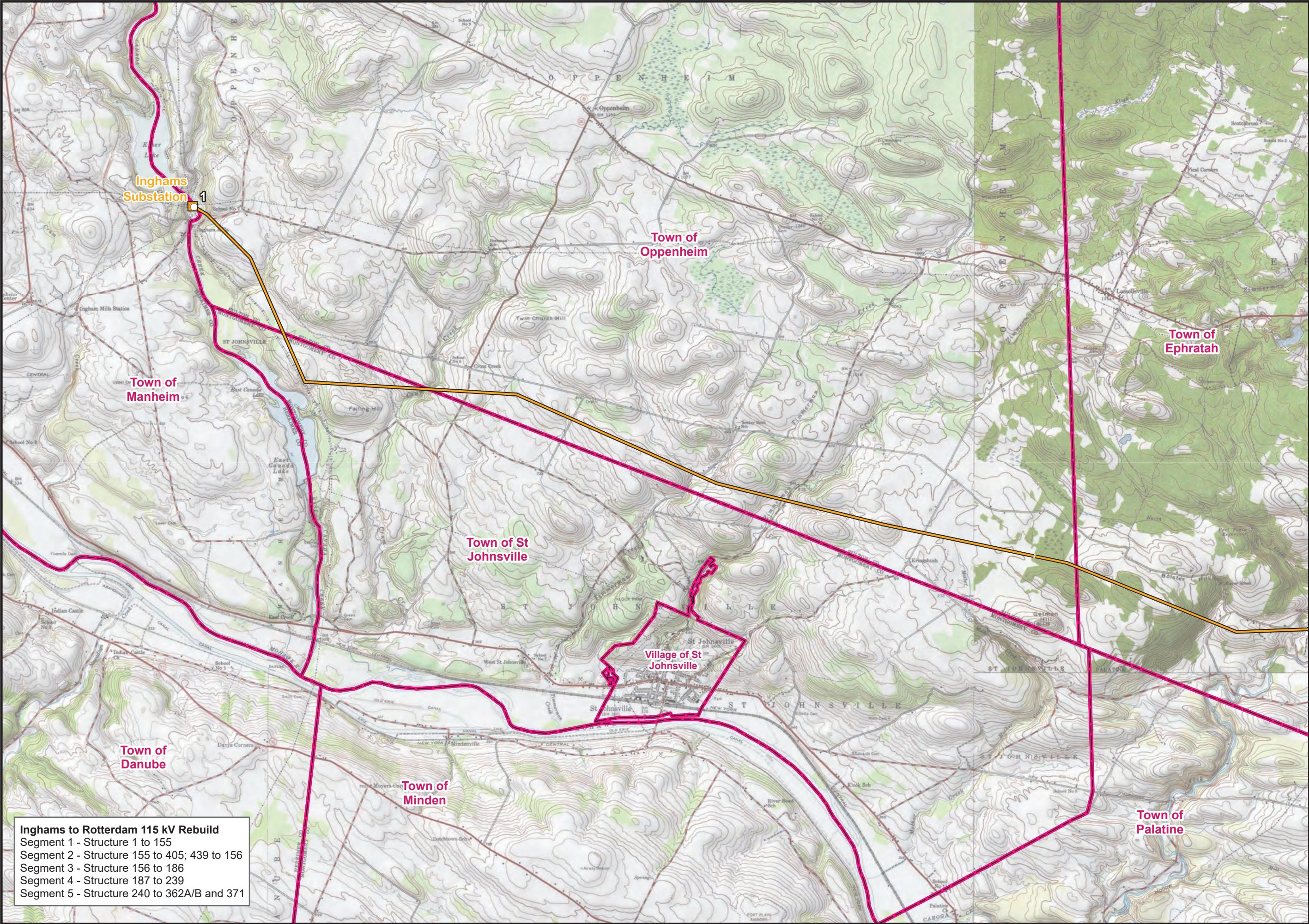
**INGHAM'S TO ROTTERDAM
115KV REBUILD PROJECT**

Project Location Map
(Appendix B to the Joint Proposal)
Map Index

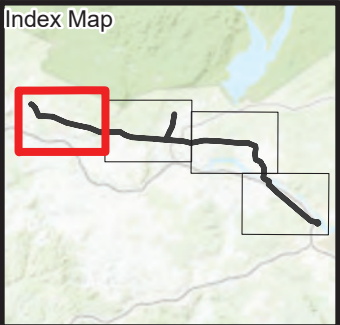


nationalgrid **LaBella**

Basemap - ESRI USA Topo Map (2023) in reference to USGS Topographic Quadrangles: Little Falls (1943), Oppenheim (1945), Lassellsville (1945), Canajoharie (1944), Randall (1980), Peck Lake (1970), Tribes Hill (1980), Amsterdam (1980), Pattersonville (1954), Rotterdam Junction (1980), and Schenectady (1980). Proposed Project Segments - Created by LaBella using information provided by the client.



Inghams to Rotterdam 115 kV Rebuild
Segment 1 - Structure 1 to 155
Segment 2 - Structure 155 to 405; 439 to 156
Segment 3 - Structure 156 to 186
Segment 4 - Structure 187 to 239
Segment 5 - Structure 240 to 362A/B and 371



- Legend**
- Existing Substation Location
 - Proposed Substation Location
 - Structure Location at Segment Change
 - Segment 1
 - Segment 2
 - Segment 3
 - Segment 4
 - Segment 5
 - Municipal Boundary

**INGHAM'S TO ROTTERDAM
115KV REBUILD PROJECT**

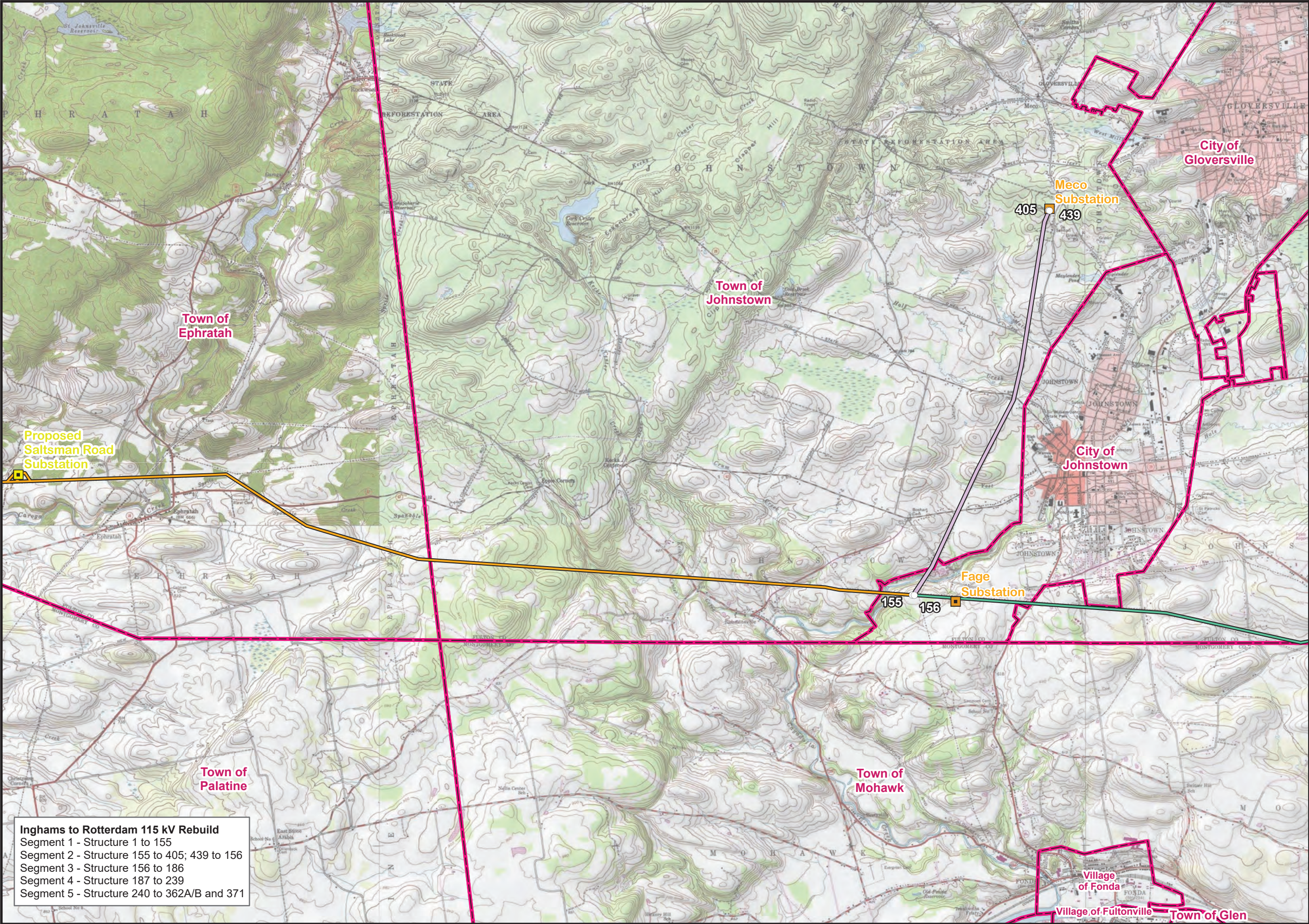
Project Location Map
(Appendix B to the Joint Proposal)
Map Index Page 1 of 4

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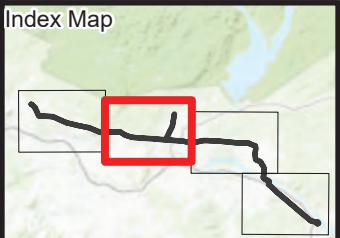
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1 inch = 4,200 feet
0 2,100 4,200
Feet

nationalgrid **LaBella**

Basemap - ESRI USA Topo Map (2023) in reference to USGS Topographic Quadrangles: Little Falls (1943), Oppenheim (1945), Lassellville (1945), Canajoharie (1944), Randall (1980), Peck Lake (1970), Tribes Hill (1980), Amsterdam (1980), Pattersonville (1954), Rotterdam Junction (1980), and Schenectady (1980). Segments - Created by LaBella using information provided by the client, 2025.



Inghams to Rotterdam 115 kV Rebuild
Segment 1 - Structure 1 to 155
Segment 2 - Structure 155 to 405; 439 to 156
Segment 3 - Structure 156 to 186
Segment 4 - Structure 187 to 239
Segment 5 - Structure 240 to 362A/B and 371

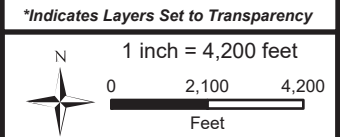


- Legend**
- Existing Substation Location
 - Proposed Substation Location
 - Structure Location at Segment Change
 - Segment 1
 - Segment 2
 - Segment 3
 - Segment 4
 - Segment 5
 - Municipal Boundary

**INGHAM'S TO ROTTERDAM
115KV REBUILD PROJECT**

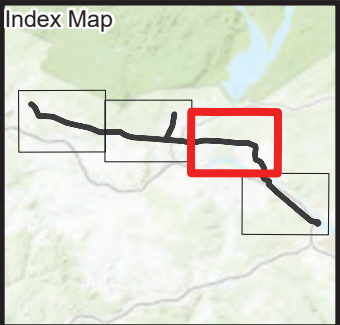
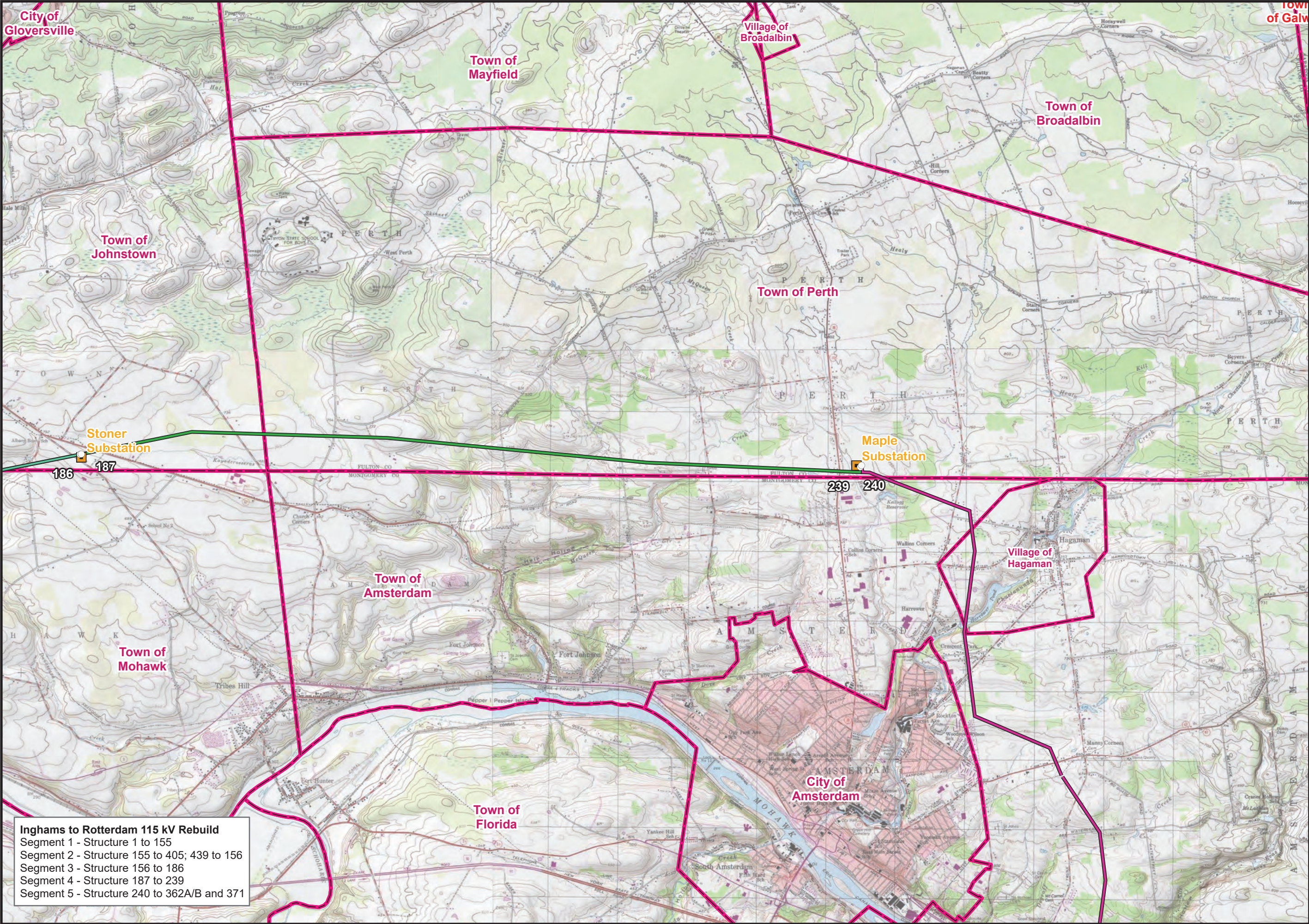
Project Location Map
(Appendix B to the Joint Proposal)

Map Index Page 2 of 4



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Legend

- Existing Substation Location
- Proposed Substation Location
- Structure Location at Segment Change
- Segment 1
- Segment 2
- Segment 3
- Segment 4
- Segment 5
- Municipal Boundary

**INGHAM'S TO ROTTERDAM
115KV REBUILD PROJECT**

Project Location Map
(Appendix B to the Joint Proposal)

Map Index Page 3 of 4

**Indicates Layers Set to Transparency*

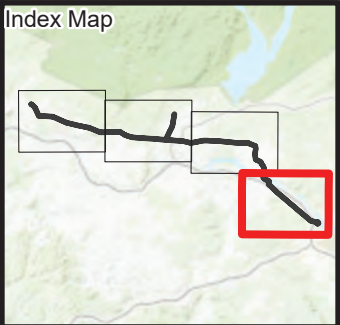
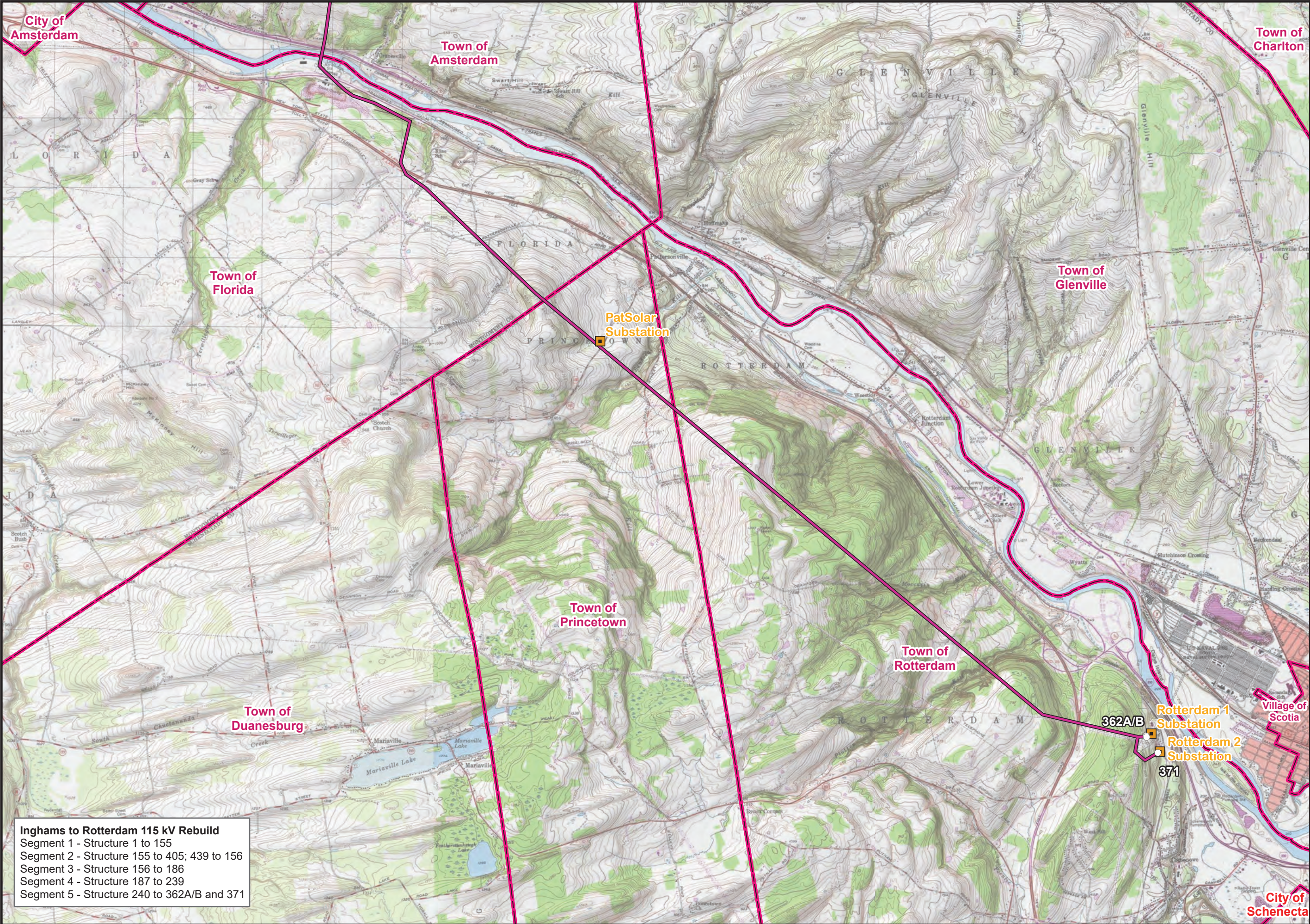
1 inch = 4,200 feet

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nationalgrid **LaBella**

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Inghams to Rotterdam 115 kV Rebuild
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Legend

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- Segment 4
- Segment 5
- Municipal Boundary

**INGHAM'S TO ROTTERDAM
115KV REBUILD PROJECT**

Project Location Map
(Appendix B to the Joint Proposal)

Map Index Page 4 of 4

**Indicates Layers Set to Transparency*

1 inch = 4,200 feet

0 2,100 4,200 Feet

nationalgrid **LaBella**

Basemap - ESRI USA Topo Map (2023) in reference to USGS Topographic Quadrangles: Little Falls (1943), Oppenheim (1945), Lassellville (1945), Canajoharie (1944), Randall (1980), Peck Lake (1970), Tribes Hill (1980), Amsterdam (1980), Pattersonville (1954), Rotterdam Junction (1980), and Schenectady (1980). Segments - Created by LaBella using information provided by the client, 2025.

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**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix C

Proposed Commission Findings

APPENDIX C
PROPOSED COMMISSION FINDINGS
Case 25-T-0262

1. Based upon the information provided in Exhibit 13 and in the testimony of Michael Quinn (as adopted by Keith Phillips) and Jeffrey Maher sponsoring such exhibit, the electric transmission rebuild project for which Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) requests certification in the instant proceeding (“Proceeding”), for the reconstruction of several 115 kilovolt (“kV”) transmission lines for approximately 50.72 miles between the Inghams Substation in the Town of Manheim, Herkimer County, and the Rotterdam Substation in the Town of Rotterdam, Schenectady County (hereinafter referred to as the “Inghams to Rotterdam 115 kV Rebuild Project” or the “Project”). The Project also includes the construction of the proposed new Saltsman Road Substation in the Town of Ephratah, Fulton County. The Project is needed to address the deteriorating conditions and age of the existing structures and conductors along the Inghams to Rotterdam Line. The Project will provide necessary transmission reinforcements which will address certain limits that were identified and evaluated in submissions made to the Public Service Commission (the “Commission”) regarding needs to achieve state policy for 2030 and beyond. In addition, the specific purpose of this Project is to rebuild 115kV elements to increase the amount of energy the circuits can transmit from generation to load or from generation to system on ramps that move the power out of the local area. The Project will improve the safety, performance and reliability of National Grid’s transmission system.
2. Based upon the information provided in Exhibit 4 as well as Exhibits 2, 3, 8, 11, 14, and in the testimony of Michael Quinn (as adopted by Keith Phillips), Meredith S. Mathias, Sarah Kane, Seth Davis, and Arran Deane, sponsoring such exhibits, the nature of the probable environmental impact includes: (a) minimal and temporary construction impacts on active agricultural and other land uses; (b) incremental visual impacts from the reconstruction of the existing line primarily along the centerline of the existing Inghams to Rotterdam Line; (c) avoidance and then mitigation for construction impacts on certain State-regulated wetlands, and protected streams and waterbodies; (d) selective clearing of undesirable woody species or saplings on some segments of the Project rights-of-way as well as some danger trees located in proximity to the Project rights-of-way; (e) avoidance and then mitigation for impacts to certain protected species; (f) noise and debris due to construction activities; and (g) maximum calculated electromagnetic fields at the edge of the Project rights-of-way that comply with the Commission’s guidelines.

3. Based upon the information provided in Exhibit 4 as well as Exhibits 2, 3, 11, and in the testimony of Keith Phillips, Meredith S. Mathias, Sarah Kane, Seth Davis, and Arran Deane, sponsoring such exhibits, the Project avoids or minimizes to the extent practicable any significant adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations including but not limited to, the effect on agricultural lands, wetlands, parklands and river corridors traversed.
4. Based upon the information provided in Exhibit 4 as well as Exhibits 2, 3, 11, and in the testimony of Michael Quinn (as adopted by Keith Phillips), Meredith S. Mathias, Sarah Kane, Seth Davis, and Arran Deane, sponsoring such exhibits, the Project avoids or minimizes to the extent practicable any significant adverse impact on active farming operations that produce crops, livestock, and livestock products, as defined in Section 301 of the Agriculture and Markets Law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property.
5. Based upon the information provided in Exhibits 3, 9, and 12 and in the testimony of Sarah Kane and Michael Quinn (as adopted by Keith Phillips) sponsoring such exhibits, underground transmission lines are not economically or operationally preferred and will not be used for any portion of the Project.
6. Based upon the information provided in Exhibit 13 and in the testimony of Michael Quinn (as adopted by Keith Phillips) and Jeffrey Maher sponsoring such exhibit, the Project conforms to the State's and the New York Independent System Operator's energy policies and long-range planning objectives and strategies and is consistent with National Grid's transmission plans.
7. Based upon the information provided in Exhibits 2 through 6, and Exhibits 10 through 16, and in the testimony of Michael Quinn (as adopted by Keith Phillips), Sarah Kane, Seth Davis, Meredith S. Mathias, Ryan Shene, Elliot Bell, and Jason Sharp sponsoring such exhibits, the location of the Project conforms to applicable state laws and regulations issued thereunder.
8. Based upon the information provided in Exhibit 7 and in the testimony of Michael Quinn (as adopted by Keith Phillips) sponsoring such exhibit, the location of the Project conforms to applicable local laws and regulations issued thereunder, except those local laws and regulations which would be otherwise applicable that, at Applicant's request, the Commission refuses to apply because it finds, based on the justifications set forth in Exhibit

7, that as applied to the Project such local laws and regulations are unreasonably restrictive in view of the existing technology, or of factors of cost or economics, or of the needs of consumers whether located inside or outside of such municipality.

9. Based on the information provided in Exhibit 4 and the testimony of Meredith S. Mathias and Seth Davis sponsoring such exhibit, the Project is compliant with the requirements of the Climate Leadership and Community Protection Act because the Project itself does not directly emit greenhouse gas emissions. Any emissions of greenhouse gases from vehicles or equipment used during the construction or maintenance of the Project would be *de minimis* or negligible.
10. Based upon all information set forth in the record as listed in Appendix A, the Project will serve the public interest, convenience, and necessity.

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix D

Proposed Certificate Conditions

APPENDIX D
PROPOSED CERTIFICATE CONDITIONS FOR NATIONAL GRID
INGHAMS – ROTTERDAM TRANSMISSION REBUILD PROJECT
PSC Case No. 25-T-0262

The Certificate of Environmental Compatibility and Public Need (the “Certificate”) for Case 25-T-0262 granted to Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid” or the “Certificate Holder”), by the New York State Public Service Commission (the “Commission”), pursuant to Article VII of the New York State Public Service Law (“PSL”), authorizing the reconstruction of approximately 50.72 miles of 115 kilovolt (“kV”) transmission lines between the Inghams Substation in the Town of Manheim, Herkimer County and the Rotterdam Substation in the Town of Rotterdam, Schenectady County (the “Project”). The Project traverses 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. The Project also includes the construction of the new Saltsman Road Substation in the Town of Ephratah, Fulton County. The Project is subject to the following conditions:

A. Conditions of the Order

1. The Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (the “Secretary”) either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.
2. If the Certificate Holder decides not to commence construction of any portion of the Facility, it shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.
3. The Certificate Holder shall construct the Project in accordance with this Certificate and the approved Environmental Management and Construction Plan (“EM&CP”) and any subsequent Commission orders.
4. If construction of the Project hereby certified is not commenced within 24 months after the Certificate Holder files a verified statement that it accepts and will comply with the Certificate, the Certificate may be vacated with notice to the Certificate Holder.
5. Except for deadlines established by the statute, the Secretary may extend any deadlines established by this order for good cause shown.

B. Description and Location of Facilities

6. Appendix B of the Joint Proposal, entitled, “Description and Location of Project,” identifies the Project description, its proposed location, and the components of

the Project. The Project is intended to rebuild approximately 50.72 miles of existing 115 kV transmission line between the Inghams Substation in the Town of Manheim, Herkimer County, and the existing Rotterdam Substation in the Town of Rotterdam, Schenectady County. The Project traverses 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. The Project also includes construction of the new Saltsman Road Substation in the Town of Manheim, Herkimer County.

C. Laws and Regulations

7. Notwithstanding any contrary provisions of the Certificate, each substantive federal, state, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly declined to apply any substantive local law or regulation as being unreasonably restrictive.

8. No state or local law, local regulation, local code, or local ordinance purporting to require any approval, consent, permit, certificate, or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except for:

- a. Those of the PSL and regulations and orders adopted thereunder;
- b. Those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of the Project;
- c. Those permits issued under a federally delegated or approved environmental permitting program.

9. The Certificate Holder shall construct the Project in accordance with the then-current Building Code of New York State, all applicable standards of the American National Standards Institute ("ANSI") and the National Fire Protection Association ("NFPA"), the National Electrical Safety Code ("NESC"), the Association of Edison Illuminating Companies ("AEIC"), and any stricter standards adopted by the Certificate Holder.

10. The Certificate Holder shall coordinate all work performed on State and municipal roads and highways with the appropriate State and municipal officials, and shall obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate. A copy of each such authorization shall be provided to the Secretary by the Certificate Holder before commencement of construction across the affected municipal road or highway.

11. The Certificate Holder shall coordinate with the appropriate municipal agencies and police departments for traffic management of roads under municipal jurisdiction.

12. The Certificate Holder shall obtain any necessary Highway Work Permits, Utility Work Permits (“UWP”), and Use and Occupancy Permits (“U&O Permits”) from the New York State Department of Transportation (“NYSDOT”) for Project-related construction and work within the NYSDOT Highway Right-of-Way as specified in the Project’s EM&CP. The Certificate Holder must obtain any such UWP, U&O Permits, and Highway Work Permits prior to commencing pre-construction or construction activities within the NYSDOT Highway Right-of-Way. Other provisions of this Certificate notwithstanding, the Certificate Holder shall design and construct the portions of the Project within the NYSDOT Highway ROW in accordance with such permits and all applicable statutes and regulations.

13. A copy of each permit or approval received by the Certificate Holder for this Project from the issuing agencies, including all necessary U.S. Army Corps of Engineers (“USACE”) permits for construction in federal wetlands affected by the Project pursuant to Section 404 of the Federal Clean Water Act, the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-25-001 or the then-effective general permit number) (“SPDES General Permit”), the New York State Department of Environmental Conservation (“NYSDEC”) Letter of Authorization for the SPDES General Permit, and NYSDOT Highway or U&O permits shall be provided to the Secretary by the Certificate Holder before commencement of any Project construction that requires such permit or approval.

14. The Certificate Holder’s maintenance of the Project Right of Way (“ROW”) will be in accordance with the Certificate Holder’s Commission-approved Transmission Right-of-Way Management Plan (“TROWMP”) pursuant to 16 NYCRR Part 84, as amended from time to time. The currently effective TROWMP is on file with the Commission in Case 10-E-0155.

15. If, after attempting to resolve any issues with the appropriate State or municipal agency, the Certificate Holder believes that any action taken, or determination made, by a State or municipal agency in connection with this Certificate is unreasonable or unreasonably delayed, it may petition the Commission, upon reasonable notice to that agency, to seek a resolution of any such unreasonable or unreasonably delayed determination. Such agency may respond to the petition within five (5) days to address the reasonableness and requirement of the delayed.

D. Public Health and Safety

16. The Certificate Holder shall design, engineer, and construct the Project such that its operation shall comply with the electric and magnetic field standard established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.

17. The Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.

18. The Certificate Holder shall take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies or sources. No dust control substances other than water will be allowed during Project construction without prior Department of Public Service (“DPS”) Staff permission.

19. The Certificate Holder shall ensure that parking for the Project construction workers’ personal vehicles shall be in designated areas where the parking of such vehicles does not interfere with normal traffic or cause a safety hazard and will minimize impacts to existing land uses to the extent practicable. These parking areas shall be designated in the EM&CP.

20. The Certificate Holder or its supplier, as the case may be, shall obtain any permits from applicable agencies required for the delivery of oversized components for the Project.

21. The Certificate Holder shall have the right to require that any person seeking to access the Project area, unescorted, first be appropriately trained in environmental protection and safety. This training shall be made available at the Project’s preconstruction meeting. DPS Staff, NYSDEC and NYS Department of Agriculture and Markets (“NYSAGM”) staff who are present at the Project site are appropriately trained for the purposes of this Condition. New York State Department of Transportation (“NYSDOT”) personnel present at the Project site(s) located within the NYSDOT Highway Right-of-way are appropriately trained for the purposes of this Condition.

E. Environmental Management and Construction Plan Process

22. The EM&CP shall be developed in accordance with these Certificate Conditions and, except where this Certificate requires otherwise, environmental protection measures contained in the Application shall be incorporated into the EM&CP. Where there is a conflict between the Certificate Conditions and those environmental protection

measures contained in the Application, these Certificate Conditions shall prevail. Applicable provisions of the Certificate, EM&CP, and Commission Order(s) approving the EM&CP shall be accommodated in any design or construction contracts associated with the Project. The EM&CP shall be prepared in accordance with the Specifications for the Development of Environmental Management and Construction Plan, attached as Appendix E to the Joint Proposal (“EM&CP Specifications”).

23. Prior to filing the EM&CP, the Certificate Holder shall contact NYSDEC and New York State Natural Heritage Program to check for any updates or changes of known protected plant species or threatened or endangered species, in New York as defined in the list at 6 NYCRR Part 182, (collectively, “T&E species”) or habitat or Significant Natural Communities in the Project area. Simultaneously the Certificate Holder shall contact the United States Fish and Wildlife Service (“USFWS”) to check for any updates of known occurrences of federally protected threatened and endangered species (“Federal species”). After the Certificate Holder learns of any updates regarding T&E species or Federal species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS Staff of such updates by including them in the EM&CP.

24. The Certificate Holder shall provide as part of the EM&CP:

- a. A final design plan that conforms to the Project design set forth in the Certificate and to applicable Federal, State, and local requirements;
- b. A discussion of the status of the Certificate Holder’s efforts to obtain permits necessary for construction of the Project from Federal agencies and State agencies with Federally delegated authority;
- c. The URL address for the Certificate Holder’s website containing Project information; and
- d. The location of document repositories.

25. The Certificate Holder shall file an electronic copy of its proposed EM&CP with the Secretary and contemporaneously inform all parties to this proceeding of such filing and of the DPS website page(s) where the proposed EM&CP is available. Additionally, unless otherwise directed by the Secretary, the Certificate Holder shall serve one electronic copy on each of: the assigned Project Manager in the Bureau of Energy Project Management of NYSDEC Central Office in Albany; Natural Resources Supervisor of the Region 4, Region 5, and Region 6 offices of the NYSDEC; the staff of New York State Department of Agriculture & Markets (“NYSAGM”; the Regional Director of the Region 1 and Region 2 offices of the New York State Department of Transportation (“NYSDOT”); any other New York State agency that requests the document; and any party on the service list who requests the document. Within seven days after the Certificate

Holder files the proposed EM&CP with the Secretary, it shall deliver two hard copies to DPS Staff. The Certificate Holder also shall place one electronic copy or one hard copy for inspection in a convenient location in each municipality in which construction will take place, which location for a given municipality may be a library or town hall in such municipality identified in the Service List for the Application. The Certificate Holder will also make the EM&CP accessible on its Project website by way of either direct PDF download(s) or a web link to the DPS website page(s) where the EM&CP is available.

26. Contemporaneously with filing and serving the proposed EM&CP, the Certificate Holder shall disseminate, in the manner specified below, a written notice, in language reasonably understandable to the average person, that the proposed EM&CP has been filed (the “EM&CP Filing Notice”):

- a. The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all parties to this proceeding (except those upon whom the foregoing paragraph requires the Certificate Holder to serve a copy of the proposed EM&CP) and on all persons required to be served with the Application by statute or regulation.
- b. The Certificate Holder shall deliver by first class mail a copy of the EM&CP Filing Notice to the owners and residents (if different from the owners) of all properties that abut the Project route and all properties on which new property rights are required for the Project. The EM&CP Filing Notice delivered to the owner and residents (if different from the owner) of each property on which property rights are to be acquired shall include a description of the type of property rights to be acquired for that property.
- c. The Certificate Holder shall include a copy of the EM&CP Filing Notice in the EM&CP.
- d. The Certificate Holder shall publish a copy of the EM&CP Filing Notice in a newspaper or newspapers of general circulation near the proposed Project, including a free newspaper where available in the vicinity of the Project.

27. The EM&CP Filing Notice shall contain, at a minimum, the following:

- a. A statement that the proposed Project EM&CP has been filed with the Secretary to the Commission in Case 25-T-0262;
- b. A general description of the certified Project, the need for the Project, and the contents of the proposed EM&CP;

- c. A listing of the locations and website URL where the Certificate Holder and DPS have made the proposed EM&CP available for public inspection, including a description of how to access the EM&CP on DMM;
- d. A statement that any person desiring additional information about a specific geographical location or specific subject may request it from the Certificate Holder;
- e. The name, address, and telephone numbers of an appropriate Certificate Holder representative;
- f. The postal address of the Secretary and the DPS website; and
- g. A statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within 30 days of the date the proposed EM&CP was filed with the Commission, or within 30 days of the date of the newspaper publication of a copy of the EM&CP Filing Notice, whichever is later.

28. A certificate of service evidencing service of the EM&CP Filing Notice as required above shall be filed with the Secretary within three (3) business days after the time the proposed EM&CP is filed, and shall be a condition precedent to approval of the EM&CP. When available, proof of publication of the newspaper notice(s) of filing the proposed EM&CP, including a copy of such notice, shall be filed with the Secretary.

29. After the EM&CP has been approved by the Commission, the Certificate Holder shall employ the following procedures for any proposed changes to the Commission approved EM&CP:

- a. The Certificate Holder shall submit a written report of any proposed changes (each a "Notice of Change") to the approved EM&CP to DPS Staff. DPS Staff will refer any Notice of Change that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided during the proceeding to the Chief of the Transmission Siting ("Transmission Siting") Section of the Office of Renewable Energy Siting and Electric Transmission, or equivalent position, or their designee ("Chief of Transmission Siting") for approval (each a "Minor EM&CP Change"). At the option of the DPS Staff representative, a Minor EM&CP Change may be verbally approved in the field prior to receiving written confirmation and approval by the Chief of Transmission Siting, their equivalent, or their designee. DPS Staff will refer all other Notices of Change to the Commission for approval.
- b. Upon being advised that DPS Staff will refer a proposed change to the Commission, the Certificate Holder shall notify all parties electronically and all property owners,

residents (if different from owners), or lessees whose property is affected by the proposed change by first class mail. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at specified locations; (3) state that the persons may comment by writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date; and (4) provide the Secretary's phone number, mailing address and instructions for electronic filing of comments. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.

- c. The Certificate Holder shall not execute any proposed change until it receives written approval from the Chief of Transmission Siting or the Commission in accordance with paragraph (a) of this condition, except in emergency situations threatening personal injury, property damage, or severe adverse environmental impact, or as specified in the approved EM&CP. Any oral approval from DPS Staff will be followed by written approval from the Chief of Transmission Siting, or the Commission, in accordance with Certificate Condition 29(a).

30. Deviations from the certificated centerline, design height, location, number of structures, and structure types shall be allowed for appropriate environmental or engineering reasons, except where a conflict with an explicit provision of the Certificate would be created. An explanation for the proposed deviation and supporting documentation shall be provided in the EM&CP.

31. The Certificate Holder shall not commence construction of any portion of the Project, the preparation of the site for the construction of any portion of the Project, or any proceedings under the Eminent Domain Procedure Law ("EDPL") to acquire property rights with respect to any portion of the Project until the Commission has approved the EM&CP for such portion of the Project. To calculate the three-year period for acquisition of property pursuant to the EDPL, the date of Commission approval of the EM&CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed. Surveying, soils testing, and other such activities as are necessary for preparation of the final design plans for the Project do not constitute the construction of any portion of the Project or the preparation of the site for construction of any portion of the Project.

32. Subject to obtaining all applicable State authorizations, the Certificate Holder is hereby authorized upon approval of these Certificate Conditions by the Commission to improve and utilize the laydown or marshalling yards described in Appendix G of the Joint Proposal. The Certificate Holder shall provide DPS Staff five (5) days' notice of its commencement of preparation of each marshalling yard.

F. Notice and Public Complaints

33. The Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of the construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project. That number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the number to be called at any time in case of emergency; (ii) the phone number and email address of the Secretary; (iii) the phone number of the Commission's Transmission Siting Section.

34. The Certificate Holder's Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (e.g., to register complaints or ask questions) through either a direct link to a complaint form or email or by providing the contact information (phone and email address) of a representative of the Certificate Holder who can respond to communications that include questions and concerns about the Project from members of the public. The Certificate Holder shall post construction notices and other publicly relevant information to the Project website.

35. The Certificate Holder shall report to DPS Staff every complaint that cannot be resolved, and describe the actions taken to address the complaint, within ten (10) business days after the receipt of the complaint. The Certificate Holder shall retain a record of complaints received, which record shall be made available to DPS Staff upon request.

36.

- a. No less than two (2) weeks before commencing site preparation, the Certificate Holder shall prepare and disseminate a Construction Commencement Notice to notify the public of the anticipated date that Project construction will commence, as follows:
 - i. Provide the Construction Commencement Notice to all parties to the proceeding and to all local officials, school districts, and emergency personnel along the entire Project route;
 - ii. Provide the Construction Commencement Notice to local media for dissemination, including local newspaper of general circulation and a free publication (if available);
 - iii. Provide the Construction Commencement Notice for display in the libraries identified on the Service List of the Application, the Certificate Holder's Project website, and other public places (such as general stores, post offices, community centers and conspicuous community bulletin boards); and
 - iv. Provide the Construction Commencement Notice to property owners and residents of properties (if different from the owner) that are in or adjacent to the Project Right-of-Way ("ROW") by first class mail or by affixing it to

the doors of the residences. If the Certificate Holder knows that the residential structure on the property is an apartment building with multiple separate dwelling units, then the notice may be affixed to the main publicly accessible door of such apartment building or prominently posted in another common area as permitted by the owner.

- b. The Construction Commencement Notice shall be written in language reasonably understandable to the average person and shall contain:
 - i. A map of the Project;
 - ii. A brief description of the Project;
 - iii. A description of where to get more information about the Project, including the Project website address and the location of the document repositories;
 - iv. The anticipated date for start of site preparation and estimated date for Project completion (inclusive of restoration);
 - v. The name, mailing address, local or toll-free telephone number, and email address of an employee or agent of the Certificate Holder who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project; and
 - vi. A statement that the Project is under the jurisdiction of the New York State Public Service Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address, email, and telephone number to be provided in the notice.
 - c. Upon distribution, and prior to the commencement of construction, a copy of the form of the notice or notices under this paragraph shall be submitted to the Secretary.
 - d. The Certificate Holder shall notify all landowners who own properties that are on or abut the certified Project route of the planned construction activities and anticipated schedule affecting the abutting properties at least seven (7) days, but no more than 45 days (or longer on the specific request of the Certificate Holder agreed to by DPS Staff), prior to the commencement of such construction. The Certificate Holder shall deliver such notice by first class mail or, at its option, may instead affix the notices to the doors of the residences. The Certificate Holder shall provide a copy of the generic form of such notice to the Secretary prior to the commencement of construction.
37. For the duration of Project construction, the Certificate Holder shall post and maintain on its Project website a schedule that includes at least general-level

information for the public about Project activities scheduled to occur during the upcoming two-week period.

38. The Certificate Holder shall provide all contractors providing services for construction of the Project (“Contractors”) with the complete copies of the Certificate, the approved EM&CP, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, the SPDES General Permit, NYSDOT Highway work permits, any permit issued pursuant to Section 404 of the Federal Clean Water Act and any Section 401 Water Quality Certification. To the extent that the listed documents are available before contracts for construction services are executed, such copies shall be provided by the Certificate Holder to its Contractors prior to execution of such contracts.

39. The Certificate Holder shall notify all Contractors that the Commission may seek to recover penalties for violation of the Certificate and other orders issued in this proceeding, not only from the Certificate Holder, but also from its contractors, and that Contractors also may be liable for other fines, penalties, and environmental damage.

40. The Certificate Holder shall inform the Secretary in writing at least five (5) days before commencing construction of the Project.

41. Each month after providing notice to the Secretary of the commencement of construction, the Certificate Holder shall provide DPS Staff, NYSAGM, and NYSDEC with weekly status reports summarizing construction and indicating construction activities and locations, including NYSDEC-regulated wetlands, adjacent areas, and streams scheduled for the next month.

42. Within ten (10) days after the Project is fully constructed and placed in service, the Certificate Holder shall notify the Secretary in writing of that fact.

43. Within ten (10) days after the completion of final restoration of the Project, the Certificate Holder shall notify the Secretary in writing that all restoration has been completed in compliance with this Certificate and the order(s) approving the EM&CP.

44. The Certificate Holder shall electronically (such as a pdf) file with the Secretary as-built plan and profile drawings within six months of Project completion. All final drawings shall be reviewed and stamped by a licensed professional engineer.

G. Construction, Operation, Maintenance, and Restoration

45. The Certificate Holder shall not proceed with construction until it has received a “Notice to Proceed with Construction” from the Chief of Transmission Siting. Construction means the beginning of tree clearing, site clearing, ground disturbance, site preparation, and grading activities related to installation of the Project. Commencement of Construction does not include:

- a. Preconstruction activities, which are activities to determine the adequacy of the site for construction and to prepare filings (including final design plans for the EM&CP) pursuant to this Certificate, including soils or groundwater testing (such as geotechnical drilling), surveying, ROW staking, limited staging, and limited tree cutting, mowing, clearing, and matting that are required to perform such activities;
- b. Receiving Project construction materials or construction equipment at a pre-existing storage location that is not specific to the Project (provided that the Certificate Holder provides notice to DPS Staff prior to EM&CP approval and then notes such storage locations in the EM&CP) or receiving project construction materials or construction equipment at the marshalling yard(s) described in Condition 32 and Appendix G of this Joint Proposal; and
- c. Routine maintenance of the existing ROW prior to construction.

46.

- a. At least two (2) weeks prior to the start of construction of the Project, the Certificate Holder shall hold a preconstruction meeting to which it shall invite its Contractors, DPS Staff, NYSAGM, NYSDOT, and the NYSDEC. An agenda, the location and an invitee list shall be agreed upon between DPS Staff and the Certificate Holder. The meeting invitation shall be distributed at least ten (10) days prior to the meeting date.
- b. Maps showing designated travel routes, construction worker parking and access road locations and a general Project schedule will be available at the meeting for the attendees.
- c. The Certificate Holder shall supply draft minutes from this meeting to a representative of DPS Staff for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees.
- d. If, for any reason, the Contractors cannot finish the construction of the Project, and one or more new Contractors are needed, there shall be another preconstruction meeting with the same format as outlined above.

47. The Certificate Holder shall confine construction and subsequent maintenance to the Project ROW or as otherwise certified and to additional work areas as detailed in the EM&CP.

48. At least two (2) weeks prior to the commencement of construction in any area, the Certificate Holder shall: (a) delineate both edges of the Project ROW; (b) mark

out or delineate all access roads and all work areas; (c) mark out or delineate all sensitive resources, including known archeological, T&E habitat, wetlands, and state-regulated adjacent area boundaries; and (d) notify DPS Staff when the above-described field mark outs and delineations are completed. After the ROW is initially cleared, all then-known danger trees on land adjacent to either edge of the ROW as certified will be marked out for removal.

49. Construction activities on the Project shall be confined to the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, except that unless otherwise approved by DPS Staff, no construction activities shall be permitted for the following holidays: Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day. If, due to safety or continuous construction requirements, construction activities are required to occur on Sundays, before 7:00 a.m. or after 7:00 p.m. Monday through Saturday, the Certificate Holder shall notify the affected municipality and request DPS Staff approval. Such notice and request for approval shall be given at least 24 hours in advance unless the construction activities are required for safety reasons that arise less than 24 hours in advance.

50. Each construction activity shall be described in detail in the EM&CP, including if those activities will take place outside of the time window specified in Condition 49.

51. In connection with ROW vegetation clearing for the Project, the Certificate Holder shall:

- a. Comply with the provisions of 6 NYCRR Part 192, "Forest Insect and Disease Control," and Environmental Conservation Law ("ECL") § 9-1303, with any quarantine orders issued thereunder.
- b. Note on the EM&CP drawings the clearing and disposal techniques;
- c. Not create a maximum wood chip depth greater than three (3) inches, except for wood chip roads or for invasive species control, nor store or dispose of wood chips in floodways or agricultural lands;
- d. Utilize the wood resource generated by the clearing in accordance with sound environmental techniques;
- e. Not store or dispose of wood chips in wetlands, floodways, agricultural fields, or within 50 feet of regulated streams.
- f. Limit clearing of natural vegetation during construction to that material which poses a hazard or hinderance to the construction, operation or maintenance of the

Facility. Snags which provide shelter in streams for fish shall not be disturbed unless they cause serious obstructions, scouring or erosion;

- g. During construction, after the initial phase of tree clearing, except as part of a storm response, the Certificate Holder shall not remove any identified danger trees until it has received authorization from DPS Staff. The Certificate Holder shall report any additional danger trees it identifies to DPS Staff as soon as practicable. The Certificate Holder shall allow for a site inspection or provide materials DPS staff requires to support authorization for removal, such as photographic documentation.
- h. Not remove or grind stumps within 50 feet of streams unless construction necessitates removal below grade; and
- i. Not fell any trees into any stream or onto the immediate stream bank.

52. Neither the Certificate Holder, nor any Contractors in its employ, shall construct any new, or improve any existing, access road unless such road is described in the EM&CP. Should the need arise for additional off-ROW access, the Certificate Holder shall follow the EM&CP change procedures recited in Certificate Condition 29.

53. The following stormwater, erosion, and sedimentation conditions shall be applicable to the Project:

- a. The Certificate Holder shall submit the Stormwater Pollution Prevention Plan ("SWPPP"), developed in accordance with the requirements of the SPDES General Permit and the EM&CP Specifications contained in the Joint Proposal as Appendix E, and any acceptance form received from any municipal separate storm sewer systems ("MS4") to date, with the EM&CP. Any MS4 acceptance forms not received at the time of filing the EM&CP shall be provided before a Notice to Proceed under Condition 45 will be issued. The NYSDEC Letter of Authorization and any changes to the draft SWPPP required MS4 or NYSDEC review, shall be submitted prior to construction.
- b. The Certificate Holder shall adhere to the NYSDEC's current NYS Standards and Specifications for Erosion and Sediment Control ("NYSSESC"), also known as the "Blue Book" as well as the New York State Stormwater Management Design Manual ("DM").
- c. To the maximum extent practical prior to construction at a location requiring the installation of temporary erosion and sediment control practices (e.g., silt fences, straw bales, and structural diversions) as indicated in the EM&CP, the Certificate Holder shall install such measures, which shall be installed by no later than the end of the workday in which site disturbance occurs.

- d. Special conditions and erosion and sediment controls shall be prescribed on the EM&CP Plan & Profile drawings.
- e. All erosion control fabric or netting must be 100% biodegradable natural product, excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silt sock.

54. The Certificate Holder shall restore disturbed construction areas to original grades and conditions with permanent vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise.

- a. Disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or better.
- b. Areas that are in a stable, unvegetated state at the time of filing will be identified in the EM&CP and will not be required to reach 80% cover regrowth so long as the Certificate Holder can show the area has been adequately stabilized without cover.

55. Prior to the start of construction, the Certificate Holder shall be required to inspect, document, and photograph existing conditions of culverts. Certificate Holder shall not be responsible for repairing culverts that have been damaged prior to the start of construction. The Certificate Holder shall be responsible for checking all culverts and assuring that they are not crushed, blocked, or otherwise damaged during construction and restoration of the Project. If a culvert is crushed, blocked or otherwise damaged and nonfunctional, the Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, aquatic connectivity and stream flow, as applicable. Culvert repairs or replacements shall follow specifications in the EM&CP. These photographs and documents will be made available to Staff upon request.

56. The Certificate Holder shall, upon completion of construction Project:

- a. Conduct an assessment of the need for additional restoration work, and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Facility with respect to road crossings, residential areas or substations;
- b. Prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate except where such mitigation would be in direct violation of the Certificate Holder's TROWMP;

- c. Consult with DPS Staff on content and execution of its assessment, resultant landscaping plan specifications and material list; details shall include measures for third party or wildlife damage or other causes of damages to any landscape and vegetation plantings; and
- d. Present draft assessments and plans to DPS Staff for acceptance and file a final plan with the Secretary within one year after the completion of construction of the facility.

57. The EM&CP shall include plans to prevent unauthorized access to and along the Project ROW. Plans may include the following:

- a. Posting signs at the ROW edges in those locations where the ROW intersects public roads;
- b. Performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access;
- b. Working with local law enforcement officials in an effort to prevent future trespassing;
- c. Identifying construction and material details of gates and berms; and/or
- d. Identifying existing and proposed gate locations on the Plan and Profile drawings. Final determination of locations of gates and berms shall be made during a post-construction assessment of the Facility, in consultation with DPS Staff.

58. The EM&CP shall include a plan for removal, re-use, recycling and disposal of all existing equipment (e.g., transformers, wood poles, conductors, etc.) and respective work areas, including guying wire assembly and disassembly sites, shall be thoroughly cleared of debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items. Existing transmission facility components removed or replaced as part of the Project shall be removed from the ROW to appropriate destinations and handled appropriately for re-use as available based on conditions. To the extent allowed by easements or lease agreements, non-Project debris found in the ROW that will interfere with maintenance of the ROW is to be removed during construction. The Certificate Holder shall not bury construction debris in the ROW.

59. Unless described otherwise in the EM&CP, all trees over four inches in diameter breast height or shrubs over four feet in height damaged or destroyed by activities during construction, regardless of where located, shall be replaced maintaining species diversity of those removed (unless otherwise requested by the property owner as long as no invasive plants are requested) within one year, weather permitting, after completion of

Project construction by the Certificate Holder with the equivalent type of trees or shrubs, preferably native, (though not necessarily the same size), except if:

- a. DPS Staff and the Certificate Holder determine that equivalent type replacement trees or shrubs would be contrary to the Certificate Holder's TROWMP, or would interfere with the proper clearing, construction, operation or maintenance of the certified Project;
- b. replacement would be contrary to sound ROW management practices, the Certificate Holder's TROWMP, or to any approved long-range ROW management plan applicable to the Facility; or,
- c. after consultation with the owner, the owner (or other recorded easement or license holder with the right to control replacement of land where the damaged or destroyed trees or shrubs were located declines replacement as described above).

60. The EM&CP shall: (a) identify plans for tree protection; and (b) indicate on the drawings where tree protection measures will be applied (if any are known at the time of EM&CP preparation).

H. Oversight and Supervision

61. The Certificate Holder shall use at least five (5) inspectors (or fewer if the Certificate Holder elects to use the same individual in more than one (1) role): (a) one environmental inspector employed full-time on the Project; (b) one (1) construction inspector employed full-time on the project; (c) one (1) safety inspector who will inspect the work site from time to time; (d) one (1) quality assurance inspector who will inspect the work site from time to time; and (e) one (1) agricultural inspector employed part-time on the Project. The environmental inspector shall have stop work authority over all aspects of the Project that would create an adverse impact on the environment. If the Certificate Holder elects to use the same individual for multiple inspection roles, the Certificate Holder must consult with DPS Staff and such individual must be qualified and have sufficient time and resources to adequately fulfill each role.

62. During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by Project oversight personnel and the extent of their presence at the Project site commensurate with the decline in Project activity. Likewise, during periods of relatively high activity on the Facility, the number of inspectors and the extent of their presence at the Project site may be temporarily increased commensurate with the increase in activity levels. The Certificate Holder shall describe in the EM&CP how it will ensure adequate coverage by inspectors. Construction inspections must be performed in accordance with the applicable SPDES General Permit for Stormwater Discharges from Construction Activity (currently GP-025-001).

63. The environmental inspector(s) and the construction inspector(s) shall be equipped with sufficient documentation and transportation and communication equipment to effectively monitor each Contractor's compliance with the provisions of every order issued in this proceeding and applicable sections of the Public Service Law, the ECL and regulations issued thereunder, any Section 401 Water Quality Certification, and the EM&CP.

64. The names, qualifications, and contact information of the environmental inspector(s) and the construction inspector(s) shall be submitted to DPS Staff at least two (2) weeks prior to the start of construction. The environmental inspector's qualifications shall satisfy those of a "Qualified Inspector" pursuant to the applicable SPDES General Stormwater Permit for construction activity (currently GP-0-25-001).

65. The Certificate Holder shall provide DPS Staff and NYSDEC with the environmental inspector's daily reports within two (2) business days of completion.

66. The Certificate Holder shall provide DPS Staff, NYSAGM, NYSDOT, and NYSDEC the cell phone numbers of the Certificate Holder's environmental monitor(s) and construction inspector(s). The environmental monitor(s) and construction inspector(s) may have direct communication with DPS Staff, NYSAGM, NYSDOT, and NYSDEC throughout the duration of construction.

67. The authority granted in the Certificate and any subsequent order(s) in this proceeding is subject to the following conditions necessary to ensure compliance with such order(s):

- a. The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §§ 8 and 66(8)) as the Commission's designated representatives in the field. In the event of any emergency resulting from specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.
- b. A stop work order shall expire twenty-four (24) hours after issued unless confirmed by a single Commissioner. If a stop work order is so confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission.
- c. Before exercising such authority, DPS staff representatives will consult (wherever practicable) with the Certificate Holder's representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be brought immediately to the attention of the Certificate Holder's Project Manager and the DPS Chief of Transmission Siting. In the event that a DPS Staff representative issues a stop work order, neither the Certificate Holder nor the Contractor will be prevented from undertaking any safety-related

activities as they deem necessary and appropriate under the circumstances. The issuance of a stop work order or implementation of measures as described below may be directed at the sole discretion of the DPS Staff representative during these discussions.

- d. If a DPS Staff representative discovers a specific activity that represents a significant environmental threat that is or immediately may become a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the field crews to stop the specific potentially harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the Construction Inspector or Environmental Monitor of the action taken. The stop work order may be lifted by the DPS Staff Representative if the situation prompting its issuance is resolved.
- e. If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific corrective measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel, who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holder or its contractors to implement the corrective measures identified in the approved EM&CP. The field crews shall comply with the DPS Staff immediately thereafter inform the Certificate Holder's Construction Inspector or Environmental Monitor of the action taken.

68. The Certificate Holder shall organize and conduct site-compliance audit inspections for DPS Staff as needed during construction of the Project, but not less frequently than once per month during the site preparation, construction, and restoration phases or as otherwise agreed between the Certificate Holder and DPS Staff. Such inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP Inspector or as agreed to by the Certificate Holder and DPS Staff.

- a. The monthly inspections shall include a review of the status of compliance with all conditions contained in the Certificate and any other order issued in this proceeding and with all other legal requirements and commitments, as well as a field review of the Facility site, if necessary. The inspections also may include:
 - i. Review of all complaints received, and their proposed or actual resolutions;
 - ii. Review of any significant comments, concerns or suggestions made by the public, local governments, or other agencies, and the Certificate Holder's response(s);

- iii. Review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and,
 - iv. Other items the Certificate Holder or DPS Staff consider appropriate.
- b. The Certificate Holder shall provide a written record of the results of the inspection, including resolution of issues and additional measures to be taken, to all agencies involved in the inspection audit and as part of its scheduled construction update.

69. The Certificate Holder shall promptly notify DPS Staff of any activity that involves a violation of the Certificate. The Certificate Holder shall also promptly notify NYSDEC for NYSDEC-jurisdictional areas or SWPPP violations, and NYSAGM for active agriculture areas.

I. Herbicide Use

70. All pesticide applications shall be performed in accordance with the requirements of ECL Article 15 and 33 and 6 NYCRR Part 320.

71. The Certificate Holder shall not perform aquatic application of herbicides on the ROW. For all other pesticides, the Certificate Holder shall (i) consult with NYSDEC to determine the applicable applicator license(s) or DEC guidance letter regarding the application, and if any federally delegated permits are required and (ii) apply the pesticide consistent with its label. As applicable, the supervising certified applicator shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder's Transmission Right of Way Management Plan (TROWMP), and ROW Maintenance Procedures, as applicable.

72. Herbicide application within state-regulated wetlands and the 100-foot adjacent areas shall be performed via low volume foliar spray from backpack sprayer, cut stems, and/or stump treatment, and basal bark treatment methods consistent with approved treatment methods in the most recent versions of the Certificate Holder's TROWMP.

J. Roads and Highways

73. The Certificate Holder shall delineate on the EM&CP drawings, the location of proposed temporary roads, proposed permanent roads and existing access roads. Proposed road improvements and measures for impact minimization and access control shall be in the EM&CP. The Certificate Holder shall obtain all required NYSDOT Highway Work Permits and/or NYSDOT approvals prior to construction of any proposed temporary roads, proposed permanent roads, and/or alteration of existing access roads affecting State Highways ROWs.

74. The Certificate Holder shall minimize the impact of the construction of the Project on traffic circulation. The Certificate Holder shall ensure that traffic control personnel and safety signage are employed to ensure safe and adequate traffic flow when roadways are affected by Project construction.

75. The Certificate Holder shall coordinate all work on the Project during construction at federal, state, and municipal road and highway crossings with the appropriate state and municipal officials and shall obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate.

76. The Certificate Holder shall coordinate with the appropriate municipal agencies, including local school districts, and police departments for traffic management of roads under municipal jurisdiction.

77. The Certificate Holder shall consult periodically with municipal highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction.

78. The Certificate Holder shall minimize direct vehicular disturbance to properties by accessing the Project ROW from existing roadways or approved off-ROW access roads identified in the EM&CP. For each road crossing and location where construction vehicles will access the Project ROW from local roadways, the Certificate Holders shall implement a Maintenance and Protection of Traffic ("MPT") plan that identifies procedures to be used to maintain traffic and to provide a safe construction zone for those activities within the roadway ROW. The MPT plan shall address temporary signage, lane closures, placement of temporary barriers, and traffic diversion, and the transportation needs of emergency and school vehicles. The Certificate Holders shall ensure that:

- a. All signage utilized shall comply with the Federal Highway Administration ("FHWA") Manual on Uniform Traffic Control Devices and the NYSDOT Supplement to the Manual on Uniform Traffic Control Devices. Placement of signs shall be determined in consultation with the jurisdictional agency. At a minimum, signs shall be placed at distances in accordance with the NYSDOT Sheets and Specifications, Section 619; and
- b. Flagmen shall be present at all times when equipment is crossing any public road, when equipment is being loaded or unloaded from a vehicle parked on a public road, and where two-lane traffic has been reduced to one lane. All flagging operations shall comply with 17 NYCRR Part 131 and NYSDOT Standards Sheets and Specifications, Section 619.

79. In preparing the proposed EM&CP, the Certificate Holder shall consult with each transportation department or agency normally having jurisdiction over any roads in the Project vicinity that will be affected by Project construction.

80. The Certificate Holder shall ensure that:

- a. All Project-related work within State highway rights-of-way shall be designed and performed according to the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled *Accommodation of Utilities Within State Highway Right-of-Way*, and the NYSDOT Highway Design Manual including applicable design standards required by law or governmental regulations; and
- b. For work within roads other than state highways, if any, the EM&CP shall provide details, including provisions for minimizing the duration and extent of open excavation, if any, traffic disruptions, and work within adjoining public streets and right-of-way.

K. Cultural Resources

81. The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.

82. Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all construction activities in the immediate vicinity (i.e., 164 feet) of the find and protect the find from further damage. Within 24 hours of such discovery, the Certificate Holder shall notify and seek to consult with DPS Staff and the OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the immediate vicinity of the archeological materials, except in situations threatening human life or in an emergency situation for the protection of property, until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

83. Should human remains or evidence of human burial(s) be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity (i.e., 164 feet) of the find shall be halted immediately and the remains shall be protected from further disturbance. Within 24 hours of any such discovery, the Certificate Holder shall notify and consult with DPS Staff and the OPRHP Field Services Bureau. Treatment and disposition of any human remains that may be discovered shall be managed in a manner consistent with the OPRHP’s Human Remains Discovery Protocol.

All archeological or remains-related encounters and their handling shall be reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

84. The Certificate Holder shall avoid creating adverse impacts on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures described in the EM&CP.

85. The Certificate Holder shall have a continuing obligation during the duration of Project construction to respond promptly to complaints of negative archeological impacts and to mitigate any negative archeological impacts through on-site design modifications and off-site mitigation techniques developed in consultation with DPS Staff and the OPRHP Field Services Bureau.

L. Terrestrial and Wildlife Resources

86. Prior to the commencement of preconstruction or construction activities, the Certificate Holder shall provide all authorized on-site personnel with information on any protected T&E plant or animal species and their associated occupied habitat, as applicable, identified by the New York State Natural Heritage Program or as documented and substantiated by the NYSDEC, located within or contiguous to the Project limits of disturbance and indicate measures to avoid and minimize risks to said species. In doing so, the Certificate Holder shall refer to 6 NYCRR Part 182 for lists of threatened and endangered animal species and 6 NYCRR Part 193 for plant species that are protected by State law, and any applicable federal statute, regulation, or other requirement as well as any additional species identified in Condition(s) 87.

87. Except as may be otherwise specified in Conditions 89 and 90 herein, if any (1) T&E animal species identified in 6 NYCRR Part 182; (2) protected plant species identified in 6 NYCRR Part 193; or (3) any federally listed T&E species (i) is observed by the Certificate Holder in an area where there is active preconstruction, construction, or restoration activities for the Certificated Facility, including access roads and laydown yards or (ii) is identified by NYSDEC or DPS Staff as being in proximity to any facility components such that occupied habitat is likely to be present within the Project ROW or other work areas, the Certificate Holder or its designee shall:

- a. Secure the area and safely cease activities in that area, where the Certificate Holder has the property rights to do so, until DPS Staff, in consultation with NYSDEC, can determine the appropriate measure(s) to protect such species, including ensuring that appropriate take avoidance measures are implemented, unless such activities are necessary for protection of human life or protection of property as necessary to comply with Certificate Holder's ratepayer and reliability obligations;

- b. Notify NYSDEC, DPS Staff, and the Environmental Monitor of any State or federally protected species not otherwise previously identified within twenty-four (24) hours during pre-construction and construction activities or within forty-eight (48) hours during operation and maintenance activities, unless DPS Staff, in consultation with NYSDEC, directs otherwise;
- c. Notify USFWS and USACE of any federally protected species not otherwise previously identified within twenty-four (24) hours during pre-construction and construction activities or within forty-eight (48) hours during operation and maintenance activities; and
- d. Immediately following DPS Staff's permission to recommence activities in the secured area, the Certificate Holder shall provide all on-site personnel with pertinent information on the T&E species encountered and indicate measures to minimize risks to the species.

88. The Certificate Holder shall maintain a record of all observations of State T&E or federally protected species during preconstruction, construction, or maintenance of the Project, including any dead, injured, or damaged protected animal species, their eggs, or nest ("Protected Species Observations"). To the extent practicable, all reports of Protected Species Observations shall include the following information: species name; number of individuals; age and sex of individuals (if known); observation date(s) and time(s); GPS coordinates (as property rights allow) of each individual observed (if a GPS is not available, the report should include the nearest road or cross road location); a photo of the species if one is taken; behavior(s) observed; identification and contact number of the observer(s); the nature of and distance to any Project preconstruction, construction, restoration, or maintenance activity; and whether the death, injury, or damage to the protected species, their eggs, or nest was caused by the Certificate Holder. The Certificate Holder shall, at a minimum, provide these reports to NYSDEC and DPS Staff within 30 days of such an observation.

89. For the avoidance and protection of bald eagles, the Certificate Holder shall implement the following measures during construction:

- a. No more than two weeks prior to the commencement of construction activities in any Project area, the Certificate Holder shall conduct a visual inspection in the area to determine if any bald eagle nests are present and consult with NYSDEC to determine if NYSDEC has records of any nests within one mile of the project area that may not have been detected by visual inspection.
- b. If any bald eagle nest is discovered within 0.25 miles of the work area, the Certificate Holder shall notify NYSDEC and DPS Staff within twenty-four (24)

hours of discovery and, except as necessary for protection of human life or property necessary to maintain electric reliability: (i) the nest shall not be approached; (ii) the 0.25 mile environmentally sensitive area shall be marked, where the Certificate Holder has property rights to allow such marking; and (iii) the 0.25 mile environmentally sensitive area shall be avoided until DPS, after consultation with NYSDEC, authorizes construction activities in such area. In the presence of a visual barrier (*i.e.*, tree line, topography) that obstructs the view from the nest and shields it from work activities, the 0.25 mile environmentally sensitive area shall be reduced to 660 feet after determination by NYSDEC.

- c. Subject to subsection (d) of this Condition, no construction work (ground disturbance and construction related activities including boring, restoration and equipment staging, storing and transportation) shall occur during the bald eagle breeding season (January 1 to September 30) within 0.25 mile (or 660 feet if there are visual barriers) of any existing known bald eagle nest except as necessary for protection of human life or property necessary to maintain electric reliability. If monitoring of the nest by a bird monitor whose qualifications have been approved by DPS Staff and NYSDEC indicates that the nest has either failed prematurely or the chicks have fledged the nest and left the area, the Certificate Holder may perform construction work after NYSDEC confirms that the nest is no longer active.
- d. Alternatively, if construction work during the bald eagle breeding season (January 1 to September 30) within 0.25 miles of an active nest is necessary, a bird monitor whose qualifications have been approved by DPS Staff in consultation with NYSDEC shall monitor any active nests within 0.25 miles of the proposed work during all times when construction activities are in progress. If the bald eagle(s) show signs of distress due to noise associated with the work, then all work, except as necessary for protection of human life or property necessary to maintain electric reliability, must immediately cease and the area shall be avoided until DPS Staff, after consultation with NYSDEC, authorizes construction activities in such area.
- e. In the event that full avoidance of impacts to individual species or its habitat (*i.e.*, the setback areas around their nests identified above) is impracticable, Certificate Holder shall comply with Condition 91.

90. For the protection of the northern long-eared bat and tricolored bat, as well as respective hibernaculum and tree roosts, should such species be identified on or near the Project ROW during construction, operation, or maintenance of the Project, the Certificate Holder will consult DPS Staff and NYSDEC to ensure compliance with the substantive requirements of the ECL, and its regulations or other guidance as then applicable.

91. In the event that full avoidance of impacts to individual T&E animal species or its habitat is impracticable, Certificate Holder shall prepare a Minimization and Monitoring Plan. At a minimum, this Plan shall detail: (1) why avoidance is impracticable; (2) proposed minimization measures; and (3) mitigation, as applicable. If NYSDEC determines and informs DPS Staff and the Certificate Holder that a take will occur, then Certificate Holder shall prepare a Net Conservation Benefit Plan (“NCBP”), which, in addition to the details set forth in the Minimization and Monitoring Plan, must also include any proposed mitigation with a discussion as to how a net conservation benefit will result to the impacted species. Said Plans shall be developed in consultation with and accepted by DPS Staff, in consultation with NYSDEC. The NCBP shall be developed in consultation with DPS Staff and NYSDEC and submitted after DPS Staff approval of a final plan.

92. Should the Certificate Holder determine that blasting or helicopter use will be needed for the Project, an appropriate plan for such activity will be provided in the EM&CP. Each such plan will detail avoidance and minimization measures for T&E species during construction of the Project.

M. Waterbodies and Wetlands

93. The Certificate Holder shall perform all construction activities in a manner that avoids, then minimizes to the extent practicable, any significant adverse environmental impacts to streams, waterbodies, wetlands, and the 100-foot adjacent area associated with the State-regulated wetlands (“adjacent area”) as specified in the EM&CP. The Certificate Holder shall ensure the following provisions to protect wetlands, waterbodies, and adjacent areas are followed as specified in the EM&CP, as applicable:

- a. The Certificate Holder shall notify DPS Staff and NYSDEC within two (2) hours of observing or being made aware of a discharge to a wetland or waterbody resulting in a violation of New York State Water Quality Standards. In the event that construction results in an alteration (i.e., lowering) of wetland hydrology, then the breach shall be immediately sealed and no further activity shall take place until DPS Staff and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved by DPS Staff in consultation with NYSDEC.
- b. Wetlands and adjacent areas located within the Project ROW or crossed by the Project ROW or any off-Project ROW access road for the Project, shall be delineated in the field prior to construction in those areas and indicated in the approved EM&CP.
- c. Unless otherwise specified in the approved EM&CP, all work in protected streams (class C(T) or higher and/or navigable), as defined in 6 NYCRR Part 608.1(u) and Part 608.1(aa), is prohibited from September 15 through May 31 in cold water

fisheries, and from March 15 through July 15 in warm water fisheries. The Certificate Holder shall consult with the NYSDEC the Bureau of Ecosystem Health Office for Regions 4, 5, and 6 during the development of the EM&CP to verify cold water and warm water fisheries that may be affected by the Project.

- d. Concrete truck washout areas shall be located a minimum of 100 feet away from any wetland or waterbody. If the minimum setback cannot be achieved, the approved EM&CP shall provide demonstrable justification that impacts to wetlands and waterbodies from concrete washout areas shall be avoided or minimized to the maximum extent practicable.
- e. Notification shall be provided to the NYSDEC Regional Natural Resources Supervisor and DPS once 80% cover with restorative, Project ROW-compatible plants of appropriate indicator status has been achieved.
- f. Unless otherwise specified in the EM&CP, construction vehicle access across protected streams and waterbodies (streams classified as C(T) or higher) shall be limited to existing or temporary bridges, culverts or crossings installed in accordance with the EM&CP. If the EM&CP does provide for the installation of a new permanent crossing of a state-regulated streams (Class C(T) or higher and/or navigable), as defined in 6 NYCRR Part 608, the bridge shall span the bed and banks of the stream. If a bridge is not practicable, the EM&CP shall provide justification for a non-bridge crossing, or, if the installation of a bridge would require major re-configuration of the stream channel and banks, the permanent culvert shall be designed in accordance with the approved EM&CP.
- g. All work in regulated streams shall be conducted in the dry, using appropriate water handling measures to isolate work areas and direct stream flow around the work area, unless approved otherwise specified in the EM&CP.
- h. The Certificate Holder shall use measures to minimize soil compaction in wetlands and waterbodies, including the use of temporary matting, low-ground pressure equipment, and constructing when soils are frozen. The EM&CP shall include a plan to restore wetlands and waterbodies, including restoration of pre-construction site conditions and stabilization of disturbed wetlands and waterbodies. Such restoration should occur within 48 hours or as soon as practicable after final construction.
- i. Excavated soil material shall not be stored within 100 feet of wetlands, streams or waterbodies; provided that if soil storage is required in wetlands, the soil is to be temporarily stored on construction mats and properly contained to prevent runoff.

- j. All excess fill materials and spoils shall be completely removed to upland areas greater than 100 feet from wetlands and waterbodies.
- k. Equipment shall not be washed in any stream, waterbody, wetland or regulated 100-foot adjacent area. No runoff resulting from washing operations shall directly enter into these areas.
- l. Dewatering operations from any construction related activities must be discharged into an approved dewatering device (i.e., temporary sediment trap or filter bag) as detailed in the New York State Standards and Specifications for Erosion and Sediment Control ("Blue Book"). To the extent practicable, the dewatering device shall not be placed on or near the top of the bank of streams and shall be located a minimum of 50ft from all wetlands, streams, and waterbodies while remaining within the ROW. If discharge into a wetland or waterbody is necessary, the Certificate Holder must provide reasonable justification and appropriate mitigation for any unavoidable impacts, which must be established through consultation with NYSDEC and DPS. Return water from dewatering activities shall not be contaminated, as defined in NYSDEC regulations and guidance, and shall not cause a substantial visual contrast to natural conditions of any wetland or stream.
- m. There shall be no substantial increase in visible contrast in water clarity due to discharges from construction activities between upstream reaches of work areas and downstream reaches of work areas.
- n. Disturbed streams shall be restored to equal width, depth, gradient, length and character as the pre-existing stream channel and tie in smoothly to the profile of the stream channel upstream and downstream of the disturbance. All disturbed stream banks shall be mulched within (2) days of final grading, stabilized with 100% natural/biodegradable fiber matting, and revegetated with an appropriate riparian plant species or seed mix specified in the approved EM&CP. In areas where vegetation has been uprooted or grubbed on stream banks, the vegetation shall be replaced with ROW compatible native plantings as site conditions and facility design allow, as appropriate and consistent with the use of the Facility. A minimum of 50 feet from the bed and banks (as defined in 6 NYCRR Part 608 of the DEC regulations) of DEC jurisdictional streams will be stabilized using natural/biodegradable materials, mulching, and seed.
- o. No portion of a marshalling yard and staging area constructed on previously undisturbed lands shall be sited within wetlands, state regulated wetland adjacent areas, or within fifty feet of waterbodies or streams.
- p. Construction through wetlands shall be done with low-ground pressure equipment or on temporary mats or geotextile/gravel access roads and shall be restricted to

access roads and work areas set forth in the EM&CP. In the event that temporary matting will be placed in wetlands, those mats will be removed, and wetlands hydrology soils and vegetation will be restored to the extent practicable. Where new permanent access roads are to be constructed through wetlands, geotextile fabric or equivalent underlayment shall be used. .

- q. When installation of a bridge to span a State-regulated stream is not practicable and a culvert is the only practicable option, it shall be designed as follows:
 - i. To safely pass the 1% annual (100-year return) chance storm event;
 - ii. To contain native streambed substrate or equivalent using an open bottom arch, three-sided box culvert, or round/elliptical culvert with at least 20% of the culvert height embedded beneath the existing grade of the stream channel at the downstream invert;
 - iii. Shall be a minimum width of 1.25 times the width of the stream bank full width;
 - iv. The slope shall remain consistent with the slope of the pre-existing channel (upstream and downstream). For slopes greater than 3%, an open bottom culvert shall be used, where practicable; and
 - v. Shall facilitate downstream and upstream passage of aquatic organisms.

94. Disturbed wetlands, and regulated wetland adjacent areas, shall be (i) immediately stabilized and (ii) restored to pre-construction contours as soon as practicable. Immediately upon completion of grading, and as consistent with existing land uses, the area shall be seeded with a seed mix of native plants specified in the approved EM&CP that is appropriate for such areas. Overall vegetative cover in restored areas shall be monitored until 80% cover with Project ROW- compatible wetland vegetation as specified in the EM&CP has been reestablished over all portions of the restored area. Notification shall be provided to NYSDEC and DPS once 80% cover has been achieved. If 80% cover with Project ROW-compatible wetland vegetation as specified in the EM&CP has not been achieved at the end of the second growing season of monitoring, the Certificate Holders shall consult with NYSDEC and DPS and prepare a Wetland Planting Remedial Plan ("WPRP") in accordance with the approved EM&CP and shall submit the WPRP as a minor change notice to DPS Staff in accordance with the procedures set forth in Condition 29. Once approved by DPS Staff, in consultation with NYSDEC, the change shall be implemented according to the approved schedule.

95. The Certificate Holder shall work with NYSDEC to develop a Wetland Mitigation Plan, if necessary, following the specifications set forth in Appendix E to the

Joint Proposal and will submit the Plan within six months of the start of construction for DPS Staff and NYSDEC acceptance, subject to the Commission's continuing jurisdiction as appropriate.

96. The Certificate Holder shall take all necessary precautions to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.

97. The Certificate Holder shall inform the USACE of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and shall file a copy of such correspondence with the Secretary.

N. Petroleum and Hazardous Substances

98. The Certificate Holder shall notify NYSDEC of any fuel or chemical spill it is required to report in accordance with NYSDEC regulations and guidance, and it shall notify DPS Staff thereafter, as soon as practicable.

99. The EM&CP shall include Fuel and Chemical Handling Procedures, and a spill response and route emergency plan, including the NYSDEC spill reporting contact number and the Certificate's reporting requirements. This plan shall provide proposed methods of handling spills of petroleum products and any hazardous or controlled substance which may be stored or utilized during construction, operation, or maintenance of the Project.

100. All Certificate Holder and Contractor vehicles working on the Project shall have a spill kit that is appropriate for the volume of fuel carried by the vehicle.

101. The Certificate Holder's Contractor will retain a qualified spill response company for the duration of the Project and provide that company with maps showing access roads, marshalling yards, and other information that will facilitate response to a spill location.

102. Equipment refueling, maintenance, and repair shall be conducted a minimum of 100 feet away from any wetland or waterbody to the maximum extent practicable, unless otherwise specified in the EM&CP, which shall specify protective measures against spills.

103. Fuel tanks with storage capacities under 1,100 gallons and chemical storage shall be a minimum of 100 feet from any State or federal wetland, associated regulated adjacent area or waterbody and shall include adequate secondary containment (containing at least 110% of the volume stored). Where possible from a constructability standpoint, fuel tanks with storage capacities under 1,100 and chemical storage will be located farther than 100 feet from any State or federal wetland, associated regulated adjacent area or

waterbody. Fuel tanks with storage capacity over 1,100 gallons shall comply with the minimum setbacks under applicable regulations. If the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts have been avoided or minimized to the maximum extent practicable.

104. If and when the Certificate Holder places an order with a supplier for Gas-insulated equipment ("GIE") for the Project ("Project GIE"), the Certificate Holder shall comply with all applicable laws, regulations, and guidance relating to SF6 then in effect, which is currently 6 NYCRR Part 495. To the extent the installation of SF6 in GIE is prohibited by applicable law or regulation that comes into effect before the GIE is placed in service, the Certificate Holder may avail itself of any applicable exception, exemption, variance, or grandfathering provision provided for in such law or regulation relating to SF6 in GIE.

O. Agricultural Resources

105. The Certificate Holder shall comply with the below guidelines for the Project ROW:

The Certificate Holder shall retain a qualified agricultural inspector for each phase of Project development, including design, construction, initial restoration, post-construction monitoring and follow-up restoration. The agricultural inspector shall be available to provide site-specific agricultural information as necessary for EM&CP development through field review, as well as to have direct contact with affected farm operators, County Soil and Water Conservation Districts, NYSAGM and others. The requirement to have an agricultural inspector may be satisfied, if qualified, by the environmental inspector, required under Condition 61. The agricultural inspector (if different from the environmental inspector) shall maintain regular contact with the environmental inspector and/or the construction inspector throughout the construction phase. This inspector also shall maintain regular contact with the affected farmers and County Soil and Water Conservation Districts concerning farm resources and management matters pertinent to the agricultural operations and the site-specific implementation of the EM&CP. Whenever the Certificate Holder submits a request for an EM&CP change concerning agriculture, it shall consult with NYSAGM.

- a. As part of the line-location surveys conducted during the preparation of the EM&CP, the Certificate Holder shall locate all commercial sugarbushes maintained for maple syrup production within the ROW. The Certificate Holder shall attempt to adjust the centerline location within the ROW to avoid such operations.
- b. The Certificate Holder shall design the Project to the extent possible to avoid or limit the placement of structures on crop fields or on other active agricultural land where the structures may significantly interfere with normal agricultural operations or activities. Where the location of a structure on such agricultural land is

unavoidable, the Certificate Holder shall attempt to site the structure in a location that minimizes impact to mechanized farming.

- c. During preparation of the EM&CP, a detailed drainage line repair procedure shall be developed, in consultation with NYSAGM, for the repair of crushed/severed clay tile and plastic drain lines. Drawings showing the generic technique to be implemented for drain line repairs shall be provided by the Certificate Holder. All new plastic drain tubing shall meet or exceed the American Association of State Highway Transportation Officials (“AASHTO”) M252 specifications. The plan for the replacement of functional stone drainage systems severed during construction shall be prepared during the restoration phase, in consultation with NYSAGM, the County Soil & Water Conservation District and USDA-NRCS.
- d. Where construction entrances are required from public roadways to the ROW in agricultural fields, an underlayment of durable, geotextile fabric shall be placed over the exposed subsoil surface prior to the use of temporary gravel access fill material. Complete removal of the construction entrance upon completion of the Project and restoration of the affected site is required prior to topsoil replacement, except where retention of the construction entrance would be more conducive to the existing land use than removal, and is agreeable to the agricultural landowner.
- e. Segments of existing farm roads utilized for access shall be improved as required following consultation with the farm operator and NYSAGM prior to use. Such improvements shall include the installation of geotextile fabric and crushed stone.
- f. Farm drainage features, fences and gates affected by construction shall be rebuilt to like new condition upon completion of construction. The base of all new posts shall be secured to a reasonable depth below the surface to prevent frost heave.
- g. Mats may be installed as an alternative to topsoil stripping. If so, the mats shall be layered where necessary to provide a level access surface. Once access is no longer required across agricultural areas, the mats shall be removed and the agricultural inspector shall use a soil penetrometer to determine if soil compaction has occurred as a result of construction activities. All compacted areas shall be remediated as specified below.
- h. Where the installation of mats is not practical, such as access roads, work pads associated with pole structures, wire pulling sites, the topsoil shall be removed, including all of the “A” horizon down to the beginning of the subsoil “B” horizon, generally not to exceed a maximum of 12 inches. Topsoil removal up to a depth of 16 inches may be required in specially designated soils encountered along the route and identified in the EM&CP. All topsoil shall be stockpiled directly adjacent to the travel way on the ROW and separated from other excavated materials. The

agricultural inspector shall determine depth of topsoil stripping on each affected farm by means of the County Soil Survey and on-site soil augering, if necessary. All topsoil material shall be stripped, stockpiled, and uniformly returned to restore the original soil profile. During the clearing/construction phase, site specific depths of topsoil stripping shall be monitored by the agricultural inspector. Once topsoil stockpiles have been created they shall be marked in the field.

- i. If blasting is required in agricultural areas of till over bedrock, the blasting plan in the EM&CP shall require that: the Certificate Holder use matting or controlled blasting to limit the dispersion of blast rock fragments; all blasted rock not used as backfill shall be removed from croplands, haylands and improved pastures; the till and topsoil shall be returned in natural sequence to restore the soil profile; and the Certificate Holder give farm owners/operators timely notice prior to blasting on farm property.
- j. During the restoration phase of the Project, the Certificate holder shall remove the crushed stone and geotextile fabric, except at the landowner's written preference. In all agricultural sections of the ROW disturbed during construction, the Certificate Holder shall break up the subsoil compaction with deep tillage by such devices as a deep-ripper (subsoiler). Soil compaction results should be no more than 250 pounds per square inch ("PSI") as measured with a soil penetrometer. Following the deep ripping (with tractor drawn farming equipment), all stone and rock material 4 inches and larger in size which has been lifted to the surface shall be collected and taken off site for disposal. The topsoil that has been temporarily removed for the period of construction shall then be replaced. Finally, deep subsoil shattering shall be performed, if the decompaction requirements are not met, with a subsoiler tool having angled legs. Stone removal shall be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. In the event that subsequent construction or clean-up activities result in additional compaction, additional deep tillage should be performed to alleviate such compaction.
- k. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative soil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.

- l. After topsoil replacement and seedbed preparation, apply seed and soil amendments in accordance with the NYSAGM recommendations contained in Construction Mitigation for Projects on Agricultural Lands (initially published July 2025) or as specified by the landowner.
 - i. All structures and guy anchors removed from agricultural areas as part of the construction activities should be removed to a minimum depth of 48 inches below the soil surface. All holes or cavities created by the removal of the old facilities shall be filled to the same level as the adjacent area, plus 6 to 12 inches of additional soil to allow for settling. All material will be slightly mounded to accommodate for settling.
 - ii. Wherever existing structures are removed from agricultural fields, the immediate area will be restored to be compatible with agricultural production. Such restoration should include the removal of concrete foundations and steel structures down to a minimum of 48" below the ground surface, the removal of all vegetation from the structure area, and grading of the ground surface to match the adjacent field. All rocks 4 inches and greater in size shall be removed from the surface.
- m. At the end of all construction, the ROW and respective work areas, including guying wire assembly and disassembly sites, shall be thoroughly cleared of debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items.
- n. The Certificate Holder shall provide a monitoring and remediation period of two growing seasons following completion of ROW restoration in active agricultural areas. The Certificate Holder shall retain the services of an agricultural inspector on at least a part-time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with ROW construction that are in need of mitigation and to implement the follow-up restoration.
- o. During the monitoring and remediation period, on site monitoring shall be conducted at least three (3) times during each growing season and shall include a comparison of growth and yield for crops on and off the ROW. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected agricultural land, the agricultural inspector, in conjunction with the Certificate Holder and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for the Certificate Holder to implement (soil de-compaction, topsoil replacement, etc.). During the various stages of the Project, all affected farm operators shall be periodically apprised of the duration of remediation by the agricultural inspector. Because conditions which require

remediation may not be noticeable at or shortly after the completion of construction, the end of the remediation period shall not obviate the Certificate Holder's responsibility to fully redress all Project impacts, and the Certificate Holder shall continue to respond to the reasonable requests of the farmland owner/operators to correct Project related effects on the impacted agricultural resources after completion of the specific remediation period.

- p. The Certificate Holder shall provide all farm owners/operators with a telephone number to facilitate direct contact with the Certificate Holder and the agricultural inspector(s) through all of the stages of the Project. The farm owner/operators shall also be provided with a telephone number to facilitate direct contact with the Certificate Holder's Project Manager (or other representative of the Certificate Holder) for the Project during operation and maintenance of the transmission line.
- q. The agricultural inspector shall work with the farm operators during the planning phase to develop a plan to delay the pasturing of the ROW, following construction until pasture areas are adequately revegetated. The Certificate Holder shall be responsible for maintaining the temporary fencing on the ROW until the agricultural inspector determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Certificate Holder shall be responsible for removal of the fences.
- r. On affected farmland, restoration practices shall be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded until plasticity, as determined by the Atterberg field test, is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Certificate Holder shall monitor and advise NYSAGM and DPS Staff regarding tentative restoration planning. Potential schedules will be determined by conducting the Atterberg field test at appropriate depths into topsoil stockpiles, and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.
- s. Topsoil stockpiles on agricultural areas left in place prior to October 31 shall be seeded with Aroostook Winter Rye or equivalent at an application rate of 3 bushels (168 #) per acre and mulched with straw mulch at rate of 2 to 3 bales per 1000 sq. ft. Topsoil stockpiles left in place between October 31 and May 31 shall be mulched with straw mulch at a rate of 2 to 3 bales per 1000 sq. ft. Straw (not hay) mulch shall be used to prevent soil loss on stockpiled topsoil from October through May.

P. Contractors and Contractor Supplies/Materials

106. If an OSHA Recordable accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.

107. The Certificate Holder shall conduct a field review to determine compliance with its design on a monthly basis and prepare a written report of the Company's findings on whether the Project is being constructed in accordance with the EM&CP design for the Project. The Certificate Holder shall provide a copy of each such report to DPS Staff within three (3) business days after the Certificate Holder receives the report. The Certificate Holder shall notify DPS Staff of when the field reviews will occur.

108. To better ensure a safe working environment for all persons at each Project work site, the Certificate Holder shall require its contractors or subcontractors, before any person who is authorized by the Certificate Holder to be present at the site that day, or any representative of a regulatory agency present on official business, commences performing or observing Project activities, to give such person an on-site tailboard safety briefing. The Certificate Holder shall ensure that: (a) any document that a person participating in tailboard safety briefing is required to sign at such briefing is legible; and (b) the person conducting the briefing shall use their best efforts to give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information. If a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, they shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request.

109. The Certificate Holder's employees, contractors and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities. To ensure proper training related to safety rules and regulations, the Certificate Holder shall hold a site-specific documented tailboard meeting for site inspectors prior to entry onto the site for work on the Project. Separate training sessions are required for each job site. The Certificate Holder must ensure that: (a) the person conducting the briefing shall use their best efforts to give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information; (b) any document that a person participating in tailboard safety briefing is required to sign at such briefing is legible; (c) all necessary safety information is interpreted for non-English speaking and reading-impaired employees; and (d) that if a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, they shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request.

110. The Certificate Holder shall provide DPS Staff with a copy of any police report and any insurance claim filed in connection with any theft of Project-related materials, as well as a list of stolen items. Subsequently, the Certificate Holder shall provide DPS Staff with an accounting of all replacement materials. The Certificate Holder's accounting of replacement materials shall include documentation of the insurance company's coverage and the contractor's cost for replacement.

111. If a Contractor installs materials, structures, or components that do not conform to those specified in the EM&CP, the Certificate Holder, after becoming aware of such incident, shall prepare and deliver to the Chief of EC&C a summary report detailing the incident and the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the incident, and the manner in which such costs will be accounted for separately from other Project costs.

112. The Certificate Holder shall develop a quality control plan ("Quality Control Plan") for the Project to be included in the EM&CP describing how it will ensure that the other components it purchases for the Project conform to the specification for such components described in the EM&CP. At a minimum, the Quality Control Plan shall include:

- a. The name(s) and qualifications of the individual(s) who will conduct audits under the Quality Control Plan ("Quality Control Audits"); and
- b. The frequency with which the Quality Control Audits will be performed.

Q. Invasive Species

113. The Certificate Holder shall prepare an Invasive Species Management Plan in accordance with Appendix E to the Joint Proposal and in consultation with and accepted by DPS Staff and NYSDEC. The Certificate Holder shall provide said Invasive Species Management Plan as part of the approved EM&CP.

R. Water Quality Certification

114. To obtain a Water Quality Certification from the Commission in connection with its application(s) for permit(s) under Section 404 of the Federal Water Pollution Control Act authorizing construction work in federal-jurisdictional waters and wetlands, the Certificate Holder shall comply with applicable federal and state regulations and complete any then applicable forms and preapplication requirements for submittal to the Commission and the Chief of Transmission Siting, their equivalent, or their designee, pursuant to Section 401 of the Federal Water Pollution Control Act.

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix E

**Specifications for the Development
of the Environmental Management
and Construction Plan**

CASE 25-T-0262
SPECIFICATIONS FOR THE DEVELOPMENT OF
ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

1. Section A of the Environmental Management and Construction Plan (EM&CP) shall include a narrative addressing the location of the route, description and statement of objectives, techniques, procedures, requirements, and impacts avoidance, minimization, and mitigation. A table of contents will be included for the EM&CP and each section, appendix or exhibit containing ten or more pages.
 2. Section B of the EM&CP shall include the project's plans and profiles, details, sections and design drawings, and maps. Each drawing or figure shall be clearly titled, numbered, and dated to its version. Department of Public Service (DPS) Staff will be provided access to drawings maintained in a construction management database by the Certificate Holder. All final design drawings and figures are to be stamped and signed by a Professional Engineer.
 3. Section C of the EM&CP shall include additional plans and appendices required by the Certificate or otherwise proposed by the Certificate Holder.
 4. If any particular requirement of the EM&CP requirements is not applicable, not provided, inconsistent with the conditions of the Certificate, or otherwise not addressed, so indicate and include supporting justification.
- A. Description and statement of objectives, techniques, procedures and requirements** - Section A of the EM&CP shall include a narrative addressing the location of the route; description and statement of objectives, techniques, procedures and requirements; and impacts avoidance, minimization, and mitigation. A table of contents will be included for the EM&CP, as well as each section, appendix or exhibit containing ten or more pages. The textual portion of the EM&CP shall include, but need not be limited to, all of the following information:

- (1) *Facility Location and Description:*
 - i. Describe the location and limits of the project's Temporary ROW, Limits of Disturbance (LOD), and Permanent ROW, and explain the need for any additional property or access rights. Describe how the final facility design and location addresses any concerns raised by any Federal, State, or local agencies, and other stakeholders. Provide a rationale for the inclusion of any mid-span splice locations proposed.
- (2) *Vegetation Clearing and Disposal Methods:*
 - i. Describe the methods and rationale for the type and manner of cutting and disposition or disposal methods and locations for cut vegetation.
 - ii. Detail measures that will be employed to avoid damage to desirable vegetation, rare, threatened and endangered (RTE) species, important screening trees, and hedgerows.
 - iii. Describe any landowner agreements for retention of timber or other cut vegetation.
 - iv. Describe methods of compliance with 6 NYCRR Part 192 – Forest Insect and Disease Control, applicable New York State Department of Environmental Conservation (NYSDEC) quarantine orders, and New York State Department of Agriculture and Markets (NYSAGM) regulations.
- (3) *Soil, Sediment, and Stone Handling:*
 - i. Describe the methods and rationale for contaminated soils testing, as applicable, including field observations for visual or olfactory indicators of contamination, and laboratory analysis.
 - ii. Provide disposal locations for excess materials.
 - iii. Describe any landowner agreements or commercial facility agreements to receive such materials.
 1. Where testing confirms the presence of hazardous material, provide confirmation that the facility is licensed to accept such material.
 - iv. Describe methods of compliance with 6 NYCRR Part 360-366 and applicable New York State Department of Environmental Conservation (NYSDEC), New York State Department of Agriculture and Markets (NYSAGM) and any other federal state or local requirements.

- (4) *Wetlands, Streams, and Other Waterbodies:*
- i. Develop a summary table of wetlands, streams and other waterbodies within the project's Temporary Right-of-Way (ROW):
 1. For each stream and other waterbody, provide a table summarizing the following:
 - a. Municipality;
 - b. Facility location (mileposts);
 - c. GPS coordinates;
 - d. Stream name;
 - e. Field/Map identification name;
 - f. Stream flow designation (perennial, intermittent, or ephemeral);
 - g. NYSDEC stream classification;
 - h. Water index number;
 - i. Fishery type; and
 - j. Crossing method and length.
 2. For each Freshwater Wetland within the project LOD, provide a table summarizing the following:
 - a. Municipality;
 - b. Facility location (milepost);
 - c. GPS coordinates;
 - d. Wetland field designation;
 - e. NYSDEC and NWI Cowardin classification code;
 - f. Wetland cover type;
 - g. Wetland functions and values;
 - h. Crossing method and length;
 - i. Amount of excavation;
 - j. Amount and source of fill (if applicable);
 - k. Proposed structures located within wetland and regulated Adjacent Area;
 - l. Total area (square feet and acres) of temporary and permanent disturbance in wetland and regulated Adjacent Area; and
 - m. Total area (square feet and acres) of conversion of Forested and Scrub-Shrub Wetlands.
 3. For each Tidal Wetland within the project LOD, provide a table summarizing following:
 - a. Municipality;
 - b. Facility location (milepost);

- c. GPS coordinates;
 - d. Wetland type;
 - e. Crossing method and length;
 - f. Amount of excavation;
 - g. Amount and source of fill (if applicable);
 - h. Proposed structures located within wetland and regulated Adjacent Area;
 - i. Total area (square feet and acres) of temporary and permanent disturbance in wetland and regulated Adjacent Area; and
 - j. Existing and proposed lot coverage.
- ii. Provide a narrative description of construction activities within wetlands, State-regulated wetland Adjacent Areas, streams and other waterbodies that includes:
 - 1. A description of the measures to be taken to protect stream bank stability, stream habitat, and water quality including:
 - a. Crossing techniques;
 - b. Crossing structure types;
 - c. Timing restrictions for in-stream work;
 - d. Stream bed and bank restoration measures;
 - e. Vegetation restoration measures; and
 - f. Any site-specific measures to minimize impacts, protect resources, and manage facility construction.
 - 2. A description of all activities that will occur within wetlands or State-regulated Adjacent Areas. Describe how impacts to wetlands, State-regulated adjacent areas, associated drainage patterns, and wetland functions will be avoided and minimized. For State-regulated wetlands and adjacent area this requires an assurance that the proposed activities are consistent with the weighing standards set forth in 6 NYCRR 663.5(e) and (f) and standards for issuance of permits set forth in 6 NYCRR 661.9.
 - 3. A statement that, where new temporary and permanent access roads are to be constructed through wetlands, a layer of geotextile fabric or equivalent underlayment shall be used.
 - 4. A statement that, in the event that construction results in an alteration to wetland hydrology, the breach must be immediately sealed, and no further

activity may take place until DPS and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been agreed upon by DPS and NYSDEC.

5. Measures to minimize soil compaction, including the use of temporary matting, low weight to surface area equipment, or constructing when soils are frozen.
6. Measures and details demonstrating how work areas will be isolated from flowing streams and standing water in wetlands, including the use of water handling methods such as sandbags, cofferdam, piping and pumping. The details shall include a discussion of:
 - a. Management of waters accumulated in the isolated work area to ensure settling and filtering of solids and sediments before water is returned to a wetland or waterbody;
 - b. Restoration measures for the isolated work area in streams including the complete removal of the temporary measures, reestablishment of pre-construction contours, and stabilization and seeding immediately following the completion of work; and
 - c. The manner by which low flow conditions will be maintained and water depths and velocities similar to undisturbed upstream and downstream reaches will be preserved so that the movement of native aquatic organisms is sustained;
7. Measures to minimize impacts to fish and wildlife during construction, including actions to prevent entrapment of fish and wildlife in the work area and, if entrapment occurs, actions to timely and safely move the animals to appropriate undisturbed locations outside the work area.
8. Procedures for the removal of all excess fill materials to upland areas at least 50 feet from waterbodies and outside of the State-regulated Adjacent Area, including protocols for documentation of such removal.

(5) *Wetland & Waterbody Restoration:*

- i. Include the following measures and details:

1. Restoration of pre-construction site conditions and stabilization of disturbed wetlands and waterbodies, as site conditions and facility design allow, within 48 hours or as soon as practicable after completion of construction, not to exceed seven (7) days.
2. Restoration of disturbed streams as follows:
 - a. Stabilization of stream banks above ordinary high-water elevation with natural fiber matting, seeded with appropriate perennial native riparian species, and mulched with straw, or other required stabilization measures, within two (2) days of final grading;
 - b. Unless otherwise designed as part of a site-specific grading plan stamped by a professional engineer and developed in consultation with NYSDEC and DPS Staff, streams must be equal in width, depth, gradient, length, and character as the pre-existing conditions and tie in smoothly to the profile of the stream channel upstream and downstream of the project area. The planform of any stream must not be changed; and
 - c. Woody stream bank vegetation must be replaced with ROW compatible native plantings as site conditions and facility design allow.
3. Plans for revegetation of disturbed wetlands and State-regulated Adjacent Areas with native plants. Appropriate native wetland species mixes must be described.
4. Plans for monitoring of restoration areas until an 80% cover of native plant species with the appropriate wetland indicator status has been reestablished over all portions of the restored area.

(6) *Stream Crossings:*

- i. Bridges shall be utilized for each new permanent protected stream crossing and shall span the stream bed and banks. Detailed description of all proposed stream crossing locations and methods, with reference to the Stream Crossing Plan, plans, details, profile, etc.

- ii. If a bridge is not practicable for a new permanent stream crossing, an alternatives analysis must be provided, including written justification for why a bridge is not practicable.
 - iii. For stream channels with slopes greater than 3%, an open bottom culvert must be used, unless otherwise agreed upon by DPS Staff and NYSDEC. All culverts shall be designed to:
 - 1. Contain native streambed substrate or equivalent;
 - 2. Be a minimum width of 1.25 times the width of the stream bed. The stream bed is measured bank to bank at the ordinary high-water level or edges of terrestrial, rooted vegetation;
 - 3. Include a slope that remains consistent with the slope of the upstream and downstream channel; and
 - 4. Facilitate downstream and upstream passage of aquatic organisms.
 - iv. For any proposed culverts, protocols for maintaining adequate function, including plans for maintenance, repair, and replacement.
- (7) *Agricultural Areas:*
 - i. Describe programs, policies, and procedures to mitigate agricultural impacts such as soil compaction.
 - ii. Explain how construction plans either avoid or minimize crop production losses and impacts to vulnerable soils, including lands in active agricultural production and with particular consideration of lands located within NYS Certified Agricultural Districts and containing Mineral Soil Groups 1-4.
 - iii. Indicate specific techniques and references to appropriate agricultural protection measures recommended by NYSAGM.
 - iv. Describe measures for repair of any inadvertent damages to surface or sub-surface drainage features.
- (8) *Sensitive Land Uses:*
 - i. Describe the sensitive land uses (e.g., hospitals, emergency services, sanctuaries, schools, residential areas, parks/recreational areas, local businesses, etc.) that may be affected by construction of the facility, or by construction-related traffic, and

specify measures to minimize the impacts on these land uses.

(9) *Cultural and Scenic Resources:*

- i. Describe the cultural and scenic resources that may be affected by construction of the facility or by construction-related traffic and specify measures to minimize impacts on these resources. For any areas where the Certificate Holder could not obtain access permissions prior to application filing, provide:
 1. Copies of completed Phase IB, Phase II and Phase III studies, if applicable;
 2. A description and documentation of the Certificate Holder's consultation with OPRHP, local historic preservation groups, and Consulting Indigenous Nations related to such studies; and
 3. Final OPRHP effect or impact determination letter(s) for any applicable areas.

(10) *Access Roads, Lay-down Areas and Workpads:*

- i. Discuss the proposed access to the project ROW, including the areas where temporary or permanent access is required; the nature of access improvements based on natural features, equipment constraints, and vehicles to be used for construction and maintenance; and the duration of access needs through restoration and the maintenance of the facility.
- ii. Discuss the types of access which will be used and the rationale for employing that type of access, including consideration of:
 1. Temporary installations;
 2. Permanent installations;
 3. Use of existing roads, driveways, farm lanes, rail beds, etc., and a description of any improvements required to meet applicable standards or otherwise needed for construction of the project; and
 4. Other proposed access.
- iii. Indicate the associated drainage and erosion control features to be used for access road construction and maintenance.
- iv. Indicate the type(s) of stream crossing method to be used in conjunction with temporary and permanent

access road construction, including rationale for each proposed crossing method.

- v. All diagrams and specifications should include material type and size to be placed in streams and at stream approaches.
- vi. If access and workpad areas cannot be limited to upland areas, provide justification for any access and workpad areas which are proposed to be located in a wetland, stream or waterbody.
- vii. Indicate any required temporary or permanent grading associated with accesses roads, work areas and any other grade alterations.

(11) *Construction Noise:*

- i. Specify procedures to be followed to minimize noise impacts related to ROW clearing, and construction and operation of the Facility.
- ii. Describe notifications and noise impact avoidance and minimization measures to be implemented for potentially impacted sensitive sound receptors during extended work hours, as defined in the Certificate.
- iii. Indicate the types of major equipment to be used in construction or Facility operation; sound levels at which that equipment operates; days of the week and hours of the day during which that equipment will normally be operated; any exceptions to these schedules; and any measures to be taken to reduce audible noise levels caused by either construction equipment or Facility operation.

(12) *Ecological and Environmentally Sensitive Sites:*

- i. Indicate the procedures that were followed to identify ecological and environmental resources and specify the measures that will be taken to avoid and minimize impacts to these resources. Include any survey reports or other reports prepared to identify and analyze such sites.
- ii. Provide a list of all RTE plant or animal species potentially located within the facility corridor and any other areas where construction-related activities may occur.
- iii. Describe methods for training contractors and other on-site personnel on identifying those RTE species

indicated as potentially located within the facility corridor, or evidence of the presence of those species.

- iv. Describe measures that will be taken in the event that RTE species are known to exist in the project area or are otherwise observed, including avoidance and minimization measures that will be implemented.
- v. Provide an updated list of protected native plant species, including confirmation of the locations of protected native plants listed in 6 NYCRR 193.3 that have been previously observed to occur within the facility corridor.

(13) *Invasive Species:*

- i. Summarize the invasive species known to exist within the facility corridor based on publicly available information or the results of pre-construction invasive species surveys.
- ii. Summarize the methods that will be used to minimize the spread and prevent the introduction of invasives species during construction of the project.
- iii. Describe measures to be taken if project activities are observed to cause a spread of invasives species.
- iv. Where applicable, provide cross references to the project's Invasive Species Management Plan.

(14) *Herbicides:*

- i. Specify the locations where herbicides are to be applied. Provide a general discussion of the site conditions (e.g., land use, target and non-target vegetation species composition, height, and density) and the choice of herbicide, formulation, application method, and timing.
- ii. Confirm that all herbicides that will be used have valid registrations under applicable State and federal laws and regulations.
- iii. Describe the procedures that will be followed during application to protect non-target vegetation, streams, wetlands, potable waters and other water bodies, and residential areas and recreational users on or near the ROW.

(15) *Fugitive Dust Control:*

- i. Specify appropriate measures that will be used to minimize fugitive dust and airborne debris from construction activity.
- (16) *Terrestrial Blasting:*
- i. Describe and identify on maps the proposed locations of blasting, including a characterization of the subsurface conditions at each proposed blast site and provide an explanation for why other, mechanical excavation methods are not feasible.
 1. Identify any nearby receptors that may be adversely affected by blasting operations and describe any pre-blast surveys completed and/or planned.
 2. Provide the results of any geotechnical investigations completed at proposed blasting locations.
- (17) *Environmental Supervision:*
- i. Describe protocols for supervising demolition, vegetation clearing, use of herbicides, construction, and site restoration activities to ensure minimization of environmental impact and compliance with the environmental protection provisions specified by the Certificate.
 - ii. Specify the titles and qualifications of personnel proposed to be responsible for ensuring minimization of environmental impact throughout the demolition, clearing, construction, and restoration phases, and for enforcing compliance with environmental protection provisions of the Certificate, Stormwater Pollution Prevention Plan (SWPPP), and the EM&CP. Indicate the amount of time each supervisor is expected to devote to the project.
 - iii. Specify responsibilities for personnel monitoring all construction activities, such as clearing, sensitive resource protection, site compliance, EM&CP change notices, etc.
 - iv. Explain how all environmental protection provisions will be incorporated into contractual specifications and communicated to those employees or contractors engaged in demolition, clearing, construction, and restoration.

- v. Describe the procedures to "stop work" in the event of a Certificate violation.
- vi. Identify the Certificate Holder's designated contact, including 24/7 emergency phone number, for assuring overall compliance with Certificate conditions.

(18) *Clean-up and Restoration:*

- i. Describe the Certificate Holder's program for ROW clean-up and restoration, including:
 - 1. Removal of any temporary roads; restoration of lay-down or staging areas; the finish grading of any scarified or rutted areas; and the removal of waste, scrap metals, surplus or extraneous materials or equipment used.
 - 2. Plans, standards, and a schedule for the restoration of vegetative cover, including, but not limited to, specifications to address:
 - a. Design standards for ground cover, including:
 - i. Species mixes and application rates by site;
 - ii. Site preparation requirements (soil amendments, stone removal, subsoil treatment, or drainage measures, etc.); and
 - iii. Acceptable final cover percentage by cover type.
 - b. Planting installation specifications and follow-up responsibilities.
 - c. A schedule or projected dates of any seeding and/or planting.
 - d. Plans to prevent unauthorized access to and along the ROW.
 - 3. Roadway and Guiderail restoration (if not addressed elsewhere).
 - 4. Plans for post-construction site restoration inspections and reporting.
 - 5. Name, office, and title of person(s) responsible for project site restoration.

(19) *Visual Impact Mitigation:*

- i. Provide a proposal to address visual mitigation for impacts including but not limited to road crossings, adjacent property owners, and visually sensitive areas including visually sensitive historic properties.

- ii. Discuss the use of existing vegetation or proposed landscape plantings as screening, earthwork, or site-specific requisites to provide the maximum extent of visual mitigation of facility components practicable.
 - iii. Provide plant lists comprised of appropriate native plants based on site characteristics and a reconnaissance of the native plants found within the facility corridor.
 - iv. Provide details comprised of landscape plans and specifications and an inspection and maintenance program for the life of the project, including plans for replacement of plantings where such visual screenings have failed.
- (20) *Real Property:*
- i. Provide an attestation that all real property and access rights necessary for construction of the applicable phase or segment of the project have been obtained.
 - 1. If applicable, copies of approved occupancy rights for any railway properties, including all design and construction plans, and a copy of all specifications and engineering computations for the proposed occupancy.
 - 2. If applicable, copies of crossing agreements with owners of railroad tracks or beds crossed by the project, including all design and construction plans, and all specifications and engineering computations, for the proposed crossings.
- (21) *ROW Encroachment Plan:*
- i. Provide detailed plans for identifying and resolving potential encroachments to the existing and proposed ROW.
 - ii. Provide justification for any proposed acquisition, removal, or relocation of any buildings or structures.
- (22) *Safety and Security:*
- i. Describe plans to prevent unauthorized access to and along the ROW, including but not limited to:
 - 1. Posting signs at the edges of the project ROW in those locations where the ROW intersects public roads;

2. Performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access;
3. Consulting with local law enforcement officials in an effort to prevent future trespassing;
4. Identifying construction and material details of gates, berms and landscaping if any; and
5. Conducting a post-construction assessment of the project, in consultation with DPS Staff, to provide a final determination of locations of any gates, berms and landscaping.

(23) *Electric and Magnetic Fields:*

- i. Provide a certification from a Professional Engineer licensed by the State of New York stating that, if constructed in accordance with the final design plans, the Transmission facility will comply with the applicable electric and magnetic field ("EMF") standards, established by the Commission in Opinion No. 78-13 (issued on June 19, 1978), and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities (issued on September 11, 1990).

(24) *In-Water Facilities:*

- i. For construction of in-water facilities, the EM&CP shall include:
 1. Details and manufacturers' specifications for any equipment that will be used for installation of the cable and associated facilities.
 2. A detailed description of the following construction practices for installation (as applicable):
 - a. Any site preparation activities along the installation route, including but not limited to, as applicable: pre-lay grapnel run, boulder removal/relocation, marine debris removal, unexploded ordinances (UXO) clearance, removal of existing infrastructure, pre-installation surveys, pre-sweeping, pre-lay mattress installation, utility crossing preparation, and/or pre-trenching, etc. Include a narrative and maps indicating the locations at which each method is expected to be employed.

- b. Installation methods, including but not limited to: mechanical cutter, mechanical plow (which may include a jetting system), jet sled, jet trencher, vertical injector, hydraulic/suction hopper dredging, mechanical dredging, and/or mass flow excavator. Include a narrative and maps indicating the locations at which each method is expected to be employed.
- c. The location(s) of any HDD exit pit(s).
- d. Transition methods for HDD to in-water cable.
- e. Cable pulling and splicing plans, including details associated with any proposed installation of spare conduits within the in-water ROW.
- f. Cable-laying methods including barge positioning and midline buoys, if necessary.
- g. How the use of anchoring, if any, during construction and maintenance activities will avoid and/or minimize impacts to sensitive benthic habitats, Recognized Ecological Complexes, historic and archeological resources, and impacts to existing buried assets.
- h. The parameters for the use of anchors and spuds, the limits of the anchoring corridor, and identification of discrete "No Anchor" areas, in the event anchoring is ultimately required.
- i. Measures that will be employed to minimize sediment disturbance caused by anchoring during construction.
- j. How the proposed construction equipment and methods avoid and/or minimize impacts related to the in-water environment, and why the proposed construction equipment and methods are most suitable for construction of the facility. At minimum, the EM&CP shall address the following:
 - i. How the equipment first avoids, and if avoidance is not possible, minimizes impacts related to the sediment surface, shading, and submerged aquatic vegetation (SAV);

- ii. How the chosen equipment is the minimum size practicable to conduct the work;
 - iii. Why the equipment is most suitable for the site, including the equipment's ability to handle ice loads; wind and erosion; tidal flux; and existing uses, grades, and bathymetry;
 - iv. Why the equipment is suitable for the duration required to construct the Project;
 - v. Provides a safe work area and how it reduces human safety hazards.
 - k. Details on the area and duration of any temporary in-water closures needed during project installation activities, including HDD and cable laying, and a description of how these areas have been minimized to the maximum extent practicable.
 - l. Details on how mariners, including commercial, recreational, for-hire (charter) fishermen, and other recreational boaters, will be alerted to the presence of the in-water work area, including any Private Aids to Navigation that may be required in State waters, and identification of activities that will be the subject of United States Coast Guard's Local Notice to Mariners.
3. A description of cable burial techniques and adjustments along the marine route, including:
- a. A detailed graphical representation of anticipated minimum and maximum achievable burial depths based on sediment conditions at regular intervals that are appropriate for the scale of the project;
 - b. A written evaluation of the likelihood of achieving target burial depths based on the results of the study; and
 - c. A quantitative analysis of risks to the cable and coastal users along the marine route.
4. A written evaluation of the efficacy of alternative cable protection measures that may be required along the in-water route, and justification for why the selected cable protection method is preferred at each site. The analysis shall:

- a. Include, to the extent available, technical documentation from cable protection manufacturers.
 - b. Evaluate a range of cable protection measures, including but not limited to concrete mattresses with taper edges, crushed rock, and rock bags or other appropriate protection method(s), with respect to their ability to maintain overtrawlability, minimize shifting over time, and avoid creating a discernable berm on the sediment surface.
5. A narrative discussion of any limiting factors to completing construction as proposed in the project schedule including but not limited to availability of any required vessel(s), equipment, material, specialized personnel, etc.

B. EM&CP Plan and Profile Drawings and Maps - Section B of the EM&CP shall include the project's plans and profiles, details, sections and design drawings, and maps. Each drawing or figure shall be clearly titled, numbered, and dated to its version. All design drawings and figures are to be stamped and signed by a licensed Professional Engineer and shall reflect the final design of the facility.

- (1) *Plan View Requirements:* Plan drawings at a legible common engineering scale (recommended at a scale minimum 1 inch = 200 feet) showing or otherwise including:
- i. A drawing index and drawing index (key) map.
 - ii. A legend identifying existing and proposed features shown on the plans.
 - iii. Contour lines at a minimum of 5-foot intervals. Where contours are based on recently completed on-site surveys, contours shall be taken at two-foot intervals, completed by a licensed surveyor, and referenced to the National Geodetic Vertical Datum (NGVD) or North American Vertical Datum of 1988 (NAVD88).
 - iv. Station numbering (stationing) along the centerline of proposed electric line(s) which shall be continuous along the entire length of the cable.

- v. Construction notes, including all appropriate information for the contractor.
- vi. A table showing property owner information and associated parcel number, stationing, and type of easements.
- vii. A table showing splice locations, methods, and associated stationing location.
- viii. A table showing Co-located Infrastructure information, including owner information, station location of proposed crossings, and agreement status.
- ix. The boundaries of any new, existing, and/or expanded ROW or road boundaries, and where conductors are to be constructed overhead, underground or in-water.
- x. Areas contiguous to the ROW or street within which the Certificate Holders will obtain additional property rights.
- xi. Host and adjacent property lines and associated landowner information.
- xii. Locations of each proposed structure related to the major electric transmission facility.
- xiii. Components of the major electric transmission facility complying with any applicable local setbacks, including fence, gate, down-guy anchor, any counterpoise required for the facility, conductors, insulators, location of mid-span splices, static wires, and any other components attached to facility structures.
- xiv. Unique symbols distinguishing proposed and existing overhead and underground conductors.
- xv. Proposed trenchless and in-water installation locations, including their approximate lengths.
- xvi. On- and off-ROW temporary and permanent access roads, parking areas, lay-down areas and work pads, including an indication of provisions for upgrading any existing access.
- xvii. Any required temporary or permanent grading associated with accesses roads, work areas and any other grade alterations.
- xviii. Construction contract limit lines, property lines, designated floodways and flood-hazard area limits, buildings, sheds, relocated structures, and any plans for water service, sewage and waste disposal.

- xix. Construction type, material, dimensions, and listing of any standards applied to construction of access roads.
- xx. Limits of Disturbance for the proposed major electric transmission facility, including areas requiring temporary clearing needed for construction, including language referencing danger tree provisions/rights.
- xxi. For existing utility and non-utility facilities that will be acquired or require removal or relocation, indicate methods of removal of existing facilities, and show the new locations, types and configurations of relocated facilities.
- xxii. Location of the major electric transmission facility relative to nearby fence lines, roads, trails, railways, airfields, hedgerows, surface waters, wetlands, streams, other water bodies, significant and unique habitats, associated facilities, nearby buildings or structures, areas assessed to contain cultural resources, major antennas, areas of known or suspected contamination or hazardous materials, oil, gas, and potable water wells, and major utility infrastructure.
- xxiii. The location and details of any proposed new or expanded switchyard, substation, converter station, or other terminal or associated utility or non-utility structure.
- xxiv. Type(s) of outdoor lighting, including design features to avoid off-site illumination and minimize glare, and the color and finish of all structures.
- xxv. The location and boundaries of any on- or off-ROW areas proposed to be used for fabrication, designated equipment parking, staging, access, lay-down, and conductor pulling.
- xxvi. Any planned fencing, surface improvements, and screening of storage and staging areas.
- xxvii. The location of any petroleum or chemical storage and secondary containment areas including those areas for fueling equipment and machinery.
- xxviii. The locations for ready-mix concrete or flowable fill chute washout and any other cleaning activities.
- xxix. Location of any proposed temporary concrete batch plant(s) related to facility construction.
- xxx. Location of any proposed marshalling yards.

- xxxi. Locations of all temporary and permanent stormwater management controls that are developed in accordance with the latest version of the New York State Stormwater Management Design Manual and required based on site-specific conditions or conditions of the Certificate. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice.
- xxxii. Additional requirements for in-water cables:
 - 1. Federal navigation channel locations;
 - 2. Co-located infrastructure and crossing locations;
 - 3. Bridges, piers, and other marine infrastructure;
 - 4. Location of landfall and associated infrastructure (e.g., exit point, transition joint bay, etc.);
 - 5. Defined bathymetry contours within the facility Siting corridor;
 - 6. Splice locations;
 - 7. Locations of known significant fish and wildlife habitat; RTE species or habitat; Recognized Ecological Complexes; cold-water corals; shellfish, and artificial reefs; and any other exclusion zones;
 - 8. Locations of Federal Aids to Navigation (ATONs);
 - 9. Locations of Unexploded Ordinances (UXOs);
 - 10. Locations of proposed cable protection measures;
 - 11. Anchorage areas and anchor avoidance areas;
 - 12. Areas of any temporary in-water closures needed during HDD and in-water preparation or construction; and
 - 13. Locations of any proposed sand wave leveling.
- (2) *Vegetation Clearing and Disposal Plans*: Identify on the plan drawings:
 - i. Locations of sites requiring clearing of vegetation related to the facility, including areas to be temporarily utilized during construction and the geographic limits of such clearing including danger trees;
 - ii. Specific methods for the type and manner of cutting and disposition or disposal method for cut vegetation, including areas where property owners request specific methods;
 - iii. Methods for management of vegetation to be cut or removed at each site;

- iv. Any geographical area bounded by distinctly different cover types requiring different cut-vegetation management methods including areas requiring distinctly different cut-vegetation methods due to site conditions such as land use differences, population density, habitat or site protection, soil or terrain conditions, fire hazards, or other factors; and
 - v. Location of any areas where specific vegetation protection measures will be employed and the details of those measures to avoid damage to specimen tree stands of desirable species, important screening trees, or hedgerows.
- (3) *Stormwater Management and Erosion Controls:* Plan views shall show specific controls to divert stormwater, minimize erosion, and prevent sediment transport beyond the limits of the work area, in a manner that is consistent with the project SWPPP.
- (4) *Wetlands, Waterbodies, and other Water Resources:* On the plan view, indicate:
- i. Locations of wetlands, streams, and other water bodies.
 - ii. The name, water quality classification, location, and flow regime of all rivers, streams, and drainages within or adjacent to the facility ROW.
 - iii. The location and type of any wetland, delineated locations of wetland boundaries, and the extent of State-regulated wetland Adjacent Areas located within or adjacent to the facility ROW.
 - iv. The location of all potable water sources and the precautionary measures to be taken to protect each water source, including springs and wells on the facility ROW or within: (i) 100 feet of the ROW or access roads; (ii) 500 feet of horizontal directional drilling locations; or (iii) 1,000 feet of blasting operations.
 - v. The type(s) and location(s) of measures to be taken to protect wetlands and waterbodies.
 - vi. The stream and wetland crossing method(s), with reference to the applicable crossing method details/typicals.

- vii. For each new crossing of a "protected stream" and/or "navigable waters of the state", and streams with species protected under 6 NYCRR Part 182, provide:
 - 1. Detailed plan, profile, and cross-sectional view plans;
 - 2. Drainage area and flow calculations to ensure that the design will safely pass the 1% annual (100-year return) chance storm event; and
 - 3. Location, quantity, and type of fill.
 - viii. Designated floodways or flood hazard areas to be traversed by the facility or access roads, or otherwise used for facility construction or the siting of associated facility components.
- (5) *Agricultural Areas:* On the plan view, indicate:
- i. Locations of sites under cultivation or in active agricultural use, including rotational pasture, pasture, hayland, and cropland.
 - ii. Locations of NYS certified Agricultural Districts and Mineral Soil Groups 1-4.
 - iii. Locations of any unique agricultural lands including maple sugarbushes, muckland and other organic farmland, and permanent irrigation systems, as well as areas used to produce specialty crops.
 - iv. Locations of vulnerable soils in agricultural areas that are sensitive to construction disturbance due to slope, soil wetness, and shallow depth to bedrock.
 - v. Location of all land and water management features, including subsurface drainage facilities, surface drainage, diversion terraces, buried water lines, and water supplies.
 - vi. Site-specific techniques to be implemented to minimize construction-related impacts to agricultural resources.
- (6) *Sensitive Land Uses and Resources:* Indicate the location and identification of sensitive land uses and resources that may be affected by construction of the facility or by construction-related traffic.
- (7) *Cultural and Scenic Resources:* Indicate the locations of cultural and scenic resources and specify measures to minimize impacts to these resources.

- (8) *Recreational*: Indicate the locations where recreational use areas would affect or be affected by the facility location, construction or other ROW preparation.
- (9) *Noise Sensitive Sites*: Show the locations of noise-sensitive areas within and adjacent to the facility corridor.
- (10) *Ecologically and Environmentally Sensitive Areas*:
- i. Indicate the locations of any known culturally and environmentally sensitive sites within or adjacent to the facility ROW or along the general alignment of any access roads to be constructed, improved or maintained for the facility. Specify the measures that will be taken to protect these resources. Such areas shall be delineated and labeled as "Environmentally Sensitive Areas, No Access" on the plans.
 - ii. Protected native plants stands shall be identified in the plan view drawings, which shall note any such locations where the landowner has given permission for the removal of such protected native plants.
 - iii. Locations of construction fencing to restrict access to ecologically and environmentally sensitive areas during construction, including locations of protected native plants.
- (11) *Invasive Species*: Identify the location(s) of invasive species known or identified within or adjacent to the facility ROW and measures to minimize the spread, expansion, and introduction of invasive species.
- (12) *Herbicides*: On the plan view and in the construction notes, indicate areas where herbicides will not be used.
- (13) *Profiles*: Profile View, at an appropriate scale, to be included with relevant plan sheet, showing or otherwise including:
- i. The lowest conductor of an overhead design shall be shown in relation to the ground at the maximum permissible conductor temperature for which the line

is designed to operate (i.e., normally the short-time emergency loading temperature). If a lesser conductor temperature is used for the line profile, the maximum sag increase between the conductor temperature and the maximum conductor temperature shall be indicated for each ruling span.

- ii. For underground project design, show relation of the facility to final surface grade, indicating design depth-of-cover.
- iii. Existing surface grade (ground elevation) along the facility route.
- iv. Stationing that matches the related plan view on that sheet. Stationing shall be continuous from beginning of the major electric transmission facility to its end.
- v. All components of the facility and corresponding elevations shown above or below the existing surface grade.
- vi. Existing utility or non-utility structures and related elevations within the ROW and indicate those to be removed or relocated.
- vii. Include circuit arrangements where new structures will accommodate existing circuits, indicate methods of removal of existing facilities, and show the new locations, types and configurations of relocated facilities.
- viii. Proposed trenchless installations and waterbody crossing locations, elevations of proposed cables, and direction of cable pull, including the approximate lengths of such routes.

- (14) *In-Water Transmission facility Profiles:* For in-water cables, provide installation requirements shown on profiles, including related elevations, including:
- i. Existing Surface Water Level.
 - ii. Present sediment surface.
 - iii. Proposed in-water route of major electric transmission facility shown at target burial depth.
 - iv. Federal navigation channel and proposed separation between the bottom of the channel and proposed target burial depth.
 - v. Co-located infrastructure and crossing locations.
 - vi. Locations of cable protection measures.

- vii. Bridges, piers, and other marine infrastructure.
- viii. Location of landfall and associated infrastructure.
- ix. Splice locations.
- x. Locations of ATONs.
- xi. Anchorage areas and anchor avoidance areas.
- xii. Locations of any proposed sand wave leveling.

(15) *Typical Details and Elevation Requirements:* Provide the following typical details and elevation requirements for the for final facility design and construction:

- i. Typical underground infrastructure section details with dimensions of proposed depth, trench width, level of cover, separation requirements between circuits/cables, clearing width limits for construction and operation of the facility, limits of disturbance, required permanent ROW, and a description of the cable installation processes.
- ii. Details for typical tower foundations.
- iii. Typical details of any proposed vaults, including vault dimensions, level of cover, clearing limits for construction and operation of the facility, and limits of disturbance for installation.
- iv. Details for typical overhead electric transmission lines, including a profile of the centerlines at an exaggerated vertical scale and typical elevation views including height above grade and structure layouts.
- v. Details for typical overhead structures, guy anchors, buildings, and any proposed equipment foundations including plan and section information. If multiple foundation designs are to be utilized for the facility, specify the foundation type at each location on the foundation plans, either listed in a table or indicated on corresponding plans.
- vi. Typical detail drawings for switchyards, substation, converter stations other buildings and interconnection facilities, including fencing, gates, and station equipment and infrastructure, which shall include:
 - 1. the length, width, height, material of construction, color, and finish of all buildings, structures, conductors, insulators, and other fixed equipment; and

- 2. a 'general arrangements' drawing showing elevation mark pointers with reference to associated elevation views, including views of all components of the station.
- vii. For each proposed permanent point of access or access type, a typical installation plan view, cross section, and side view with appropriate dimensions, including temporary and permanent widths, and identification of materials to be used along with corresponding material thickness.
 - 1. Provide diagrams and specifications (include plan and side views with appropriate typical dimensions) for each erosion control feature to be used for access roads.
 - 2. Provide diagrams and specifications (include plan and side view with appropriate dimensions) for each type of access road stream crossing method.
- viii. Typical details of any other proposed access (e.g., helicopter or barge placement).
- ix. Typical details of any proposed agricultural resource protection measures.
- x. Manufacturer-provided information regarding the design, safety and testing information for associated components of the facility including but not limited to inverters, transformers, cables and conductors, circuit breaker, relay protection and communication system to be installed, or as related to the transmission facility for operation.

C. Additional Plans and Appendices – Section C of the EM&CP shall include additional plans and appendices required by the Certificate or otherwise proposed by the Certificate Holder. Examples of such plans and appendices include:

- (1) *Quality Assurance and Control Plan.* A Quality Assurance and Control Plan, which shall include:
 - i. Job titles and qualifications necessary, demonstrating how the Certificate Holder will monitor and assure conformance of facility design, engineering and installation, including general concrete testing procedures with a plan outlining the monitoring and

- testing of concrete procedures in conformance with and reference to all applicable codes and standards.
- ii. The frequency with which the Quality Control Audits will be performed.
 - iii. Description of how the Certificate Holder will ensure that the transmission line structures and components it purchases conform to the specification for structures and components described in the EM&CP.
- (2) *Emergency Response Plan.* Describe emergency response procedures for construction and operation of the facility.
- (3) *Highway Work Plan.* A Highway Work Plan prepared in compliance with 17 NYCRR Part 131; NYSDOT Highway Design Manual Chapter 13 and its Appendices A – C; NYSDOT Highway Design Manual Chapter 5, Appendix A; NYSDOT Blue Book; and all other applicable permits and approvals, including NYSDOT Highway Work Permits and Use and Occupancy Permits.
- (4) *Maintenance and Protection of Traffic Plan (Traffic Control Plan).* A Maintenance and Protection of Traffic (MPT) Plan to ensure safety and minimize potential delays to local traffic during construction, which shall describe, at a minimum, the following:
- i. Maps and plans showing final haul routes developed in consultation with DPS Staff, county and municipal highway officials and local school districts. Final haul routes shall be accurately depicted in drawings submitted with the Traffic Control Plan.
 - ii. Copies of all necessary transportation Certificates from the affected State, County, and municipal agencies for such equipment and/or materials on such route. Such Certificates shall include but not be limited to: Highway Work Certificates to work within the ROW, Certificates to exceed posted weight limits, Highway Utility Certificates to construct facilities within ROW, Traffic Signal Certificates to work within ROW, Special Haul Certificates for oversize/overweight vehicles, and Divisible Load overweight Certificates.
 - iii. Copies of all necessary agreements with utility companies for raising or relocating overhead wires where necessary to accommodate the oversize/overweight delivery vehicles, if applicable.

- iv. A copy of all road use and restoration agreements, if any, between the Certificate Holder and landowners, municipalities, or other entities, regarding repair of local roads damaged by heavy equipment, construction or maintenance activities during construction and operation of the facility.
 - v. Confirmation that:
 - 1. Signage utilized at State highways shall comply with the New York State Department of Transportation ("NYSDOT") Manual of Uniform Traffic Control Devices;
 - 2. Placement of signs shall be determined in consultation with the jurisdictional agency; and
 - 3. Flaggers or an electronic traffic device in lieu of a flagger shall be present when equipment is crossing any public road, when equipment is being loaded or unloaded from a vehicle parked on a public road, and where multiple-lane traffic has been reduced to less lane(s).
 - 4. Spotters assigned to ensure the safe operation of heavy equipment shall be utilized where necessary and appropriate.
 - vi. If applicable, the MPT Plan shall include a Work Zone Traffic Control (WZTC) plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway ROW.
 - 1. WZTC plans shall also be provided for each location where construction vehicles will access the project ROW from the local roadway.
 - 2. WZTC plans shall address temporary signage, lane closures, placement of temporary barriers, and traffic diversion.
 - 3. For any proposed traffic detours, specify the duration and notification procedures.
- (5) *Stormwater Pollution Prevention Plan.* Include the SWPPP developed in accordance with the New York Standards and Specifications for Erosion and Sediment Control.
- i. The Certificate Holder shall include NYSDEC's Letter of Authorization under the SPDES General Permit for Stormwater Discharges from Construction Activity

and/or the NYSDEC-approved SPDES Individual Permit for the project.

- (6) *Wetland and Stream Delineation Report.* A wetland and surface water delineation report including a series of maps identifying the boundaries of all federal, State, and locally jurisdictional wetlands and waterbodies present within the temporary and permanent ROWs as well as those outside the ROWs, which are within 100feet of any areas to be disturbed. The report shall consist of a description of waterbody and wetland characteristics including wetland classifications and NYS water quality classifications and standards provided in the approved jurisdictional determination, Cowardin wetland classifications, the Fisheries Index Number (FIN) or Waterbody Index Number (WIN), a description of stream flow (perennial, intermittent, or ephemeral), summary of the field data collected, and associated GIS spatial data.
- (7) *Wetland Mitigation Plan.* A Wetland Mitigation Plan, intended to compensate for unavoidable loss of wetland functions and values, which shall include the following:
- i. Proposal to address wetlands mitigation for all permanent impacts to State-regulated wetlands and Federally- regulated wetlands, if prescribed by the Army Corps of Engineers. If such proposal is to prepare a detailed mitigation plan for State regulated wetlands, it shall separately address impacts to each of the wetlands benefits described in ECL § 24-0105(7). Plans shall provide for wetland mitigation in the same watershed to the maximum extent possible.
 - ii. Plans to compensate for unavoidable loss of wetland functions and values, including the following:
 1. The creation of compensatory wetlands at appropriate ratios;
 2. A construction timeline for the mitigation activities;
 3. Construction details for meeting all requirements contained in the Certificate conditions;
 4. Agreed-upon performance standards for determining wetland mitigation success;

5. Provisions for post-construction annual monitoring and reporting for a period of five years after completion of the wetland mitigation; and
6. Plans for corrective actions after each monitoring period to implement corrective actions for any areas that do not meet the required performance standards in order to increase the likelihood of meeting the performance standards after five years.

(8) *Stream Crossing Plan.* A site-specific Stream Crossing Plan shall be provided for all stream crossings using trenchless crossing methods. Each site-specific Stream Crossing Plan must be prepared and stamped by a qualified engineer licensed to work in New York State and must be approved by NYSDEC before construction begins on the project. For each proposed trenchless crossing location, the Stream Crossing Plan must include:

- i. Detailed engineering plans with plan views and cross sections that contains the stream channel, pipe locations, pipe diameter, locations of boring pits, pullback areas, laydown areas, areas of vegetative clearing/cutting, erosion and sediment control measures, and dewatering wells (if necessary).
- ii. Geotechnical data characterizing the soils for the entire depth profile of the crossing within the pipeline trajectory.
- iii. A site-specific analysis of the potential for inadvertent returns or frac-outs, including but not limited to, an evaluation of soil strength to resist drilling fluid pressure, and the likelihood to maintain borehole stability.
- iv. A site-specific analysis of the appropriate depth of pipe beneath the waterbody to assure sufficient cover is provided considering the potential for vertical and horizontal movement of the streambed. This analysis should account for the Vertical Adjustment Potential (VAP), or lower VAP line, at the point of the stream crossing. This analysis should also consider scour associated with 0.2 percent chance flow events anticipated over the life of the facility, including an appropriate design flow multiplier to account for future flows given a changing climate.

- (9) *Inadvertent Returns Plan.* A site-specific plan to address inadvertent returns or frac-outs that occur within wetlands and waterbodies that includes dedicated equipment and staff on site during active directional drilling as well as identification of downstream access points to immediately collect inadvertently returned materials released into the wetland or waterbody and halt additional spread.
- i. The plan shall establish procedures for notifying DPS Staff and NYSDEC of any inadvertent returns or other releases of inadvertently returned materials within 24 hours.
 - ii. The plan shall include:
 1. Detailed work plans, including plan views that include drilling location, bore length and depth, bore pipe specs, number and diameter of back reams, hole volume, and all equipment used for horizontal directional drilling (HDD);
 2. Description of the HDD site including physical characteristics, water supply, existing utilities and environmental resources (e.g., sensitive habitats, wetlands and waterbodies);
 3. Alternative crossing methods in the event HDD is unsuccessful; and
 4. Protocols for restoration of sites where inadvertent returns have occurred.
- (10) *Drilling Fluid Management Plan.* A Drilling Fluid Management Plan which includes the following:
1. Drilling Fluid Safety Data Sheet;
 2. Description of how drilling fluids will be managed on site, stored, and transported;
 3. Description of procedures for disposal of drilling fluids, including plans for characterization of whether drilling fluids constitute hazardous or solid waste, and when such drilling fluids are anticipated to be disposed at an off-site facility, the name and location of any offsite disposal facilities; and
 4. Description of how drilling fluids will be neutralized for disposal.

(11) *Spill Prevention Control and Countermeasures Plan.*

Provide a plan for the storage, handling, transportation, and disposal of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be used during, or in connection with, the construction, operation, or maintenance of the Facility.

- i. Address how to avoid spills and improper storage or application in the vicinity of any wetland, river, creek, stream, lake, reservoir, spring, well, or other ecologically sensitive site, or existing recreational area along the ROW and access roads;
- ii. Describe procedures for responding to and remediating the effects of any spill of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances in accordance with applicable State and Federal laws, regulations, and guidance; and
- iii. Describe the consultation that has occurred between the applicant and agencies, landowners and other local municipalities to determine the location of any springs or wells along the project route. Confirmation that refueling and/or storage of hazardous materials will not take place within 100 feet of any private water or municipal water well.

(12) *Dewatering Plan.* Provide a Dewatering Plan for onshore temporary dewatering operations associated with project construction that includes:

- i. Plans for discharging water generated from dewatering operations that does not exceed NYSDEC standards, criteria, or guidance values.
- ii. Measures to avoid direct discharges into any wetland, stream, or other waterbody, except where approved in the SPDES Certificate.
- iii. Plans for handling, treatment and disposal of water generated from dewatering operations that exceeds NYSDEC standards, criteria, or guidance values.
- iv. Description of any plans for discharge of effluent from dewatering operations into a municipal sewer system, including:

1. Procedures for prior notification to the municipality, including the timing and expected amount of effluent to be discharged.
2. Confirmation that the Certificate Holder will not discharge effluent from dewatering into any municipal sewer system during periods of precipitation, or when a precipitation event is forecasted to occur within twenty-four hours.

(13) *Geotechnical Engineering Report.* Provide a Geotechnical Engineering Report, summarizing the results of geotechnical investigations and analysis completed for final design of the project. The scope of the Geotechnical Engineering Report will be developed in consultation with DPS staff and may include:

- i. The results of any on-site field observations, borings, test pits, and any other geotechnical field investigations for the facility.
- ii. A description of the characteristics and suitability of on-site soils to support underground electrical design, structure foundations, and construction of other facility components.
- iii. Where applicable, a description of the subsurface conditions and/or stratigraphy found at foundation level, including factors such as soil corrosivity (for both steel and concrete), bedrock competence, and subsurface hydrologic characteristics, including at the locations of splice vaults, splice pits, towers, switchyards, substations, converter stations, and other facility components, as appropriate.
- iv. An evaluation of the suitability of subsurface conditions where hydraulic horizontal directional drilling is proposed.
- v. Description of mitigation measures, where recommended based on subsurface conditions.
- vi. Recommendations for construction of access roads and building and equipment foundations including, as applicable:
 1. An engineering assessment to determine the types and locations of foundations to be employed and access road design specifications.

2. If piles are to be used, a description and preliminary calculation of the number and length of piles to be driven, the daily and overall total number of hours of pile driving work to be undertaken to construct the facility, and an assessment of pile driving impacts on surrounding properties and structures due to vibration.
3. The identification of mitigation measures regarding pile driving impacts including a plan for securing compensation for damages that may occur due to pile driving.

(14) *Terrestrial Blasting Plan.* Provide a Terrestrial Blasting Plan (if applicable) that includes or otherwise addresses the following:

- i. Provide the results of any pre-blast surveys of any buildings, wells, or other structures within 500 feet of any proposed blasting locations, including, for each survey:
 1. Photos depicting the existing structural integrity of the building, well, or other structure; and
 2. Written inspection report, signed and dated by the property owner, noting both existing damage to the property and undamaged areas.
- ii. Description of proposed blasting hours, which shall be limited to the hours of 9:00 a.m. to dusk on non-holiday weekdays, unless otherwise approved.
- iii. Description of measures to control flyrock or other airborne debris, which may include rubber tire or woven steel blasting mats.
- iv. Blasting communications protocols describing procedures and timeframes for notifying host communities and adjacent property owners (and the persons residing on such properties, if different) within 1,000 feet of the blasting site. Blasting notifications to host communities and property owners shall occur at least 48 hours before blasting is initiated a specific location and shall specify:
 1. blasting locations, procedures, and schedule; and
 2. information regarding filing a complaint associated with blasting operations.
- v. Procedures for filing a complaint associated with blasting operations.

- vi. Procedures for post-blasting surveys to assess complaints or reports of blasting impacts on developed properties, including a description of how and when such post-blast surveys will performed, documented, and resolved.
- (15) *Net Conservation Benefit Plan.* An executed Net Conservation Benefit Plan that complies with the requirements of 6 NYCRR part 182.11, or proof that the required payment was made into the Endangered and Threatened Species Mitigation Bank Fund, if required.
- (16) *Invasive Species Management and Control Plan.* An Invasive Species Control and Management Plan (ISCMP) prepared in compliance with 6 NYCRR Part 575, which shall include the following information:
- i. Baseline mapping of all invasive species within the facility ROW and for 100 feet beyond the facility's LOD, to the extent the Certificate Holder has the required access rights to complete the survey. The baseline mapping and data shall include the relative abundance and distribution of each invasive species prior to the commencement of any construction activities.
 - ii. Construction Best Management Practices (BMPs) for the on-site management of invasive species, including:
 - iii. Identification of specific control, removal, and disposal measures to be implemented for each identified and mapped invasive species/plant community during construction activities.
 - iv. Detailed sequence and schedule for all mechanical and chemical control measures to be implemented during construction activities.
 - v. A detailed monitoring plan and specific sampling protocols for each identified and mapped invasive species/plant community within the Facility Corridor and for 100 feet beyond the LOD.
 - vi. Identification of specific control contingency measures to be implemented as part of the ISCMP for each identified and mapped invasive species for the duration of the facility adaptive management and monitoring period (i.e., 5 years, unless extended).

The ISCMP shall include a detailed sequence and schedule for all contingency mechanical and chemical control measures to be implemented during the monitoring period.

- vii. Specific contingency measures to be implemented to achieve the final site restoration criteria.
- viii. Details regard the responsible party or parties designated to implement the ISCMP and what financial assurances exist to ensure successful monitoring and ISCMP implementation.
- ix. Plan for post-construction invasive species monitoring, which shall require:
 - 1. Post construction surveys of:
 - 2. LOD, both within the ROW and off-ROW areas and access roads;
 - 3. Temporary off-ROW access road areas during the final SWPPP inspections; and
 - 4. LOD areas, including permanent access roads, after the second full growing season from final SWPPP signoff.
 - 5. All post-construction surveys shall utilize the same invasive species survey protocols used during the baseline pre-construction survey.
- x. The ISCMP shall include construction Best Management Practices (BMPs) for the on-site management of invasive species, including:
 - 1. Contractor/subcontractor/employee training on cleaning and other IS management procedures
 - 2. Inspection of construction materials and equipment by trained staff
 - 3. Minimization of ground disturbance in IS dominated areas
 - 4. Proper clearing and disposal practices (i.e., cut and leave in dominated area or dispose off-site in landfill-incinerator or approved disposal site)
 - 5. Equipment cleaning
 - 6. Restoration
- xi. The ISCMP shall describe procedures for minimization for invasive species propagation, including but not limited to:
 - 1. Preparing ROW travel routes to prevent IS spread through contact with equipment/vehicles by any

- practical combination of matting, IS burial, clean fill cover or IS eradication; and
2. Providing cleaning stations for equipment/vehicles whenever leaving IS dominated areas along ROW.
- xii. The initial ISMP will include an Adaptive Management Strategy Plan prepared in consultation with and accepted by DPS, NYSDEC and NYSDAM, and at a minimum, must include the following elements:
1. A project specific list of Prohibited Invasive Species, generated by NYSDEC in consultation with DPS and NYSDAM, pursuant to 6 NYCRR Part 575 and divided into two sub-lists for which management and control will be required:
 - a. Invasive Species of Special Concern (ISSC), being comprised of Prohibited IS known to be present in the project area and for which NYSDEC has deemed control is necessary such that there is no expansion as defined below. This list will be generated following the results of pre-construction surveys and an analysis of regional threat (e.g., PRISM Tier rankings).
 - b. Invasive Species of High Concern (ISHC), being comprised of invasive species not present in the project area, but which if newly identified in post-construction monitoring, eradication is required. This list will include prohibited invasive species with the highest management concern.
 2. In consultation with DPS, NYSDEC and NYSDAM, a discussion of possible adaptive management strategies and control measures (e.g., eradication) and where and when they may be required if the post-construction survey identifies an expansion of ISSC or ISHC in LOD areas caused by construction. This should include consideration of IS phenology, control methodology (mechanical techniques, pesticide use etc.) and control objectives.
 3. A discussion of conditions that may necessitate additional post construction monitoring and the extent and duration of such extended monitoring considering ongoing long-range vegetative management practices.

- xiii. Upon completion of the post-construction monitoring surveys, if the post construction monitoring report shows the aerial extent of ISSC or ISHC has expanded as defined in the Adaptive Management Strategy as a result of construction of the Project, then DPS, NYSDEC, and NYSDAM will review the final report and DPS, in consultation with NYSDEC and NYSAGM, will determine whether the goals of the post construction monitoring have been achieved or, if applicable, whether a Final Adaptive Management Strategy Plan must be implemented.

(17) *Cultural Resources Avoidance, Minimization and Mitigation Plan.* A Cultural Resources Avoidance, Minimization and Mitigation Plan (CRAMMP) for the project, *providing:*

- i. A narrative summary and demonstration that impacts of construction and operation of the facilities on cultural resources (including archeological sites and historic/ above ground resources) will be avoided or minimized to the extent practicable by selection the proposed facility's location, design and/or implementation of identified mitigation measures. At a minimum, the Cultural Resources Avoidance, Minimization and Mitigation Plan shall consist of any approved site avoidance plan, and incorporate any additional avoidance, minimization, or mitigation measures identified by DPS Staff, in consultation with OPRHP.
- ii. A Final Unanticipated Discovery Plan, which shall be updated, as necessary, to include the names, titles, and contact information of individuals within the Certificate Holder's construction organizational structure as referenced within the Plan.
- iii. A Cultural Resources Mitigation and Offset Plan, either as adopted by federal permitting agency in subsequent National Historic Preservation Act (NHPA) section 106 review, or as required by DPS Staff, in consultation with OPRHP, in the event that the NHPA section 106 review does not require that the mitigation plan be implemented. Proof of mitigation funding awards for offset facility implementation to

be provided within two (2) years of the start of construction of the facility shall be included.

- (18) *Visual Impact Minimization and Mitigation Plan.* A final Visual Impact Minimization and Mitigation Plan (VIMMP) for the project, including:
- i. Visual design feature requirements;
 - ii. Visual contrast minimization and mitigation measures;
 - iii. Final Screen Planting Plans, details, specifications, and master plant list.
 - iv. Plans for construction period oversight by a qualified landscape architect, arborist, or certified nursery and landscape professional (CNLP), to inspect the screen plantings for two (2) years following installation to identify any plant material that did not survive, appears unhealthy, is damaged, and/or otherwise needs to be replaced.
 - v. Plans for removal and replacement of such plant material that fails to provide proper mitigation in workmanship or growth within two years following the completion of the installation of the plantings.
 - vi. Long term/operational screen plantings management plans for the inspection and maintenance of plantings for the life of the project, including:
 - 1. Plans for replacement of plantings where such visual screenings have failed;
 - 2. Detailed maintenance measures for screen plantings;
 - 3. Scheduled for regular inspections of plantings throughout the life of the facility; and
 - 4. Plans for annual screening effectiveness review.
- (19) *Operational Noise Plan.* An Operational Noise Plan for the facility, which shall be submitted to DPS Staff for review and comment at least sixty days prior to the start of construction of the substation or converter station, which includes revised sound modeling with the final specifications of equipment selected for construction, any minor or major changes approved for the project, to demonstrate that the project is modeled to meet the sound design goals indicated in the application at any sensitive sound receptor as follows:

- i. For substations other than in the City of New York:
Final drawings for the substation, incorporating any changes to the design, including:
 1. Location of all noise sources and receptors identified with Geographic Information Systems (GIS) coordinates and GIS files;
 2. Proposed grading and noise source heights and ground elevations;
 3. Site plan and elevation details of substation components as related to the location of all relevant noise sources (e.g. transformers, reactors, filters, HVAC equipment, and gas, diesel or gasoline backup generators, if any);
 4. Identified mitigations, specifications, and appropriate clearances (e.g., for sound walls, barriers, enclosures);
 5. Cut sheets and sound information from the manufacturers for all noise sources (e.g. transformers, reactors, HVAC equipment, emergency generators, if any).
- ii. For converter stations other than in the City of New York: Final drawings for the substation, incorporating any changes to the design, including:
 1. Details of proposed noise control features and design requirements to achieve design goals, including prominent tone effects, at noise-sensitive receptor location.
 2. Final drawings for the Converter Station Site, incorporating any changes to the design, including:
 - a. location of all noise sources and receptors identified with Geographic Information Systems (GIS) coordinates in tabular format and GIS digital files;
 - b. proposed grading and noise source heights and ground elevations;
 - c. site plan and elevation details of the Converter Station Site components as related to the location of all relevant noise sources (e.g. Converter station building, transformers, reactors, filters, HVAC and HVDC equipment, and gas, diesel or gasoline backup generators, if any); and

- d. identified mitigations, specifications, and appropriate clearances (e.g., sound walls, barriers, enclosures, converter hall building walls, low-noise fans).
3. Sound power level information from the manufacturers. If no manufacturer's information is available, sound information can be based on pre-construction field test(s). The field test(s) will report, at a minimum, measured outdoor sound pressure levels along with clear explanations about how the test was conducted and the sound power levels were obtained.
4. Derivation of sound power levels for the converter station buildings can also be based upon sound power level information from the manufacturers for indoor noise sources, building dimensions, interior absorption coefficients, and transmission losses of envelope materials.
5. If no sound information for electric transformers from the manufacturers is available, sound power levels can be estimated by using the algorithms recommended by the Electric Power Plant Environmental Noise Guide (Volume 1, 2nd edition. Edison Electric Institute. Bolt Beranek and Newman Inc. Report 3637. 1983 Update). General dimensions and NEMA ratings will be reported.

(20) *Complaint Management and Resolution Plan.* A Complaint Management and Resolution Plan for construction and operation of the project, which shall describe the following:

- i. The name, mailing address, local or toll-free telephone number, and email address of the appropriate facility contact for development, construction, and operations. The toll-free or local phone number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with the name of the Certificate Holder's representative as well as:
 1. the number to be called in case of emergency; and
 2. when the caller can expect a return call.

- ii. The procedure and contact information for registering a complaint.
- iii. Contact information for the Department.
- iv. Methods for registering a complaint, which shall include a phone number, email address, mailing address, project website, and a form to report complaints.
- v. A response to all inquiries or complaints, with an acknowledgement of receipt to the complainant within one business day.
- vi. Process for responding to and resolving complaints in a consistent, timely, and respectful manner.
- vii. Logging and tracking of all complaints received and resolutions achieved, with records of the following for each complaint containing:
 - 1. The name and contact information of the person filing the complaint;
 - 2. Location and owner of the property where the complaint originated;
 - 3. Date and time of the underlying event causing the complaint;
 - 4. Description of the complaint; and
 - 5. Current status and description of measures taken to resolve complaint.
- viii. Reporting to DPS Staff of any complaints not resolved within ten (10) business days of receipt.
- ix. Mediating complaints not resolved within sixty (60) days.
- x. Providing annual reports of complaint resolution tracking to the Department.

(21) *Long-Range ROW Management Plan.* The Long-Range ROW Management Plan ("LRRMP") shall:

- i. Describe methods for routine maintenance of the ROW for the operational life of the project, including management of danger trees, defined as any tree rooted outside of a project ROW that due to its proximity and physical condition (i.e., mortality, lean, decay, cavities, cracks, weak branching, root lifting, or other instability) poses a particular danger to a conductor or other key component of a transmission facility, specifications for clearances, inspection and treatment schedules, and environmental controls.

- ii. Include vegetation management recommendations, based on on-site surveys of vegetation cover types and growth habits of undesirable vegetation species.
- iii. Describe proposed chemical and mechanical techniques for managing undesirable vegetation, including herbicide use and limitations, specifications, and control measures.
- iv. Establish fence-line clearances, and overhead wire security clearance zone specifications, indicating applicable safety, reliability and operational criteria.
- v. Specify inspection and target treatment schedules and exceptions.
- vi. Describe standards and practices for inspection of facilities easements for erosion hazard, failure of drainage facilities, hazardous conditions after storm events or other incidents.
- vii. Describe landowner notification procedures for planned ROW inspection and maintenance activities.
- viii. Substantially comply with 16 NYCRR Part 84 and the final Orders issued by the Public Service Commission in Cases 04-E-0822 and 10-E-0155.

(22) *Pre-Installation Trial Plan (for In-Water Facilities).*

A Pre-Installation Trial Plan for any proposed in-water cable installation methods for which suspended sediment and water quality monitoring is required, including jetting or mass flow excavation tools. The plan shall:

- i. Establish that pre-installation trials will be conducted within representative sections or areas proximate to the proposed in-water cable route, approximately 1,000 feet in length.
- ii. Allow for evaluation of compliance with threshold limits for turbidity, total suspended solids, and water quality standards for any constituents specified in the Certificate.
- iii. Describe how the results of the trials will be used to establish operating conditions that will minimize the suspension of in-situ sediments and contaminants during in-water cable installation activities.
- iv. Describe how water quality monitoring and sampling will be completed during the trials in a manner that

is consistent with the Suspended Sediment and Water Quality Monitoring Plan.

- v. Describe how the results of the pre-installation trials will be evaluated in coordination with the Aquatic Environmental Monitor and DPS Staff to establish operational conditions and controls to minimize risks for water quality violations during construction.

(23) *Suspended Sediment and Water Quality Monitoring Plan (for In-Water Facilities)*. The Suspended Sediment and Water Quality Monitoring Plan shall establish monitoring and sampling procedures to be conducted during pre-installation trials, dredging, dewatering of dredged material, barge decanting, pre-sweeping, pre-trenching, jet trenching activities, cable installation and maintenance and decommissioning activities that involve disturbance of sediments. The plan shall:

- i. Specify sample location, depth of samples, frequency of sampling, and sampling during various tidal cycles, where applicable, including frequency of visual turbidity observations.
- ii. Describe how quality assurance and control of samples will be maintained.
- iii. Describe procedures for background (up-current) and compliance (down-current) sampling and monitoring during construction activities for which sampling and monitoring is required.
- iv. Describe the use an Acoustic Doppler Current Profiler, or similar technology, to locate the plume.
- v. Require whole water samples in the vertical water column from at least three (3) depths, as determined by DPS staff in consultation with NYSDEC, which are representative of surface, mid-depth, and bottom conditions at the edge of the applicable mixing zone. Include an up-current transect outside the influence of monitored construction activities.
- vi. Provide that during monitored construction activities, the Certificate Holder will perform real-time turbidity monitoring and water quality sample collection for total suspended solids and any constituents required by the Certificate.

- vii. Identify the analytical methods that will be used to measure each contaminant for which the Certificate requires a numeric limit.
- viii. If required by the Certificate, describe the pre-activity calibration that shall be conducted for estimating TSS using in-situ turbidity measurements, including where additional calibrations may occur based on significant variations in sediment composition.

(24) *Dredge Management Plan (for In-Water Facilities)*. The Dredge Management Plan for in-water facility construction shall:

- i. Describe methods and equipment purpose and specifications for any proposed dredging.
- ii. Establish that only vessels, barges, or scows in good operating condition shall be used and describe measures to ensure all equipment remains in such condition throughout dredging operations.
- iii. Describe procedures for dredge materials management and disposal.
- iv. Establish that washing of the gunwales of the scow or other vessels where dredged sediment is stored and transported will be avoided, except to the extent necessary to ensure the safety of workers.
- v. Prohibit sidecasting of dredged materials.
- vi. Describe the plan for dredge material dewatering or barge decant, where applicable, including:
 - 1. a minimum settling time of twenty-four (24) hours to ensure that decanting does not violate water quality standards or guidance values for TSS, turbidity, and contaminants;
 - 2. additional sampling for projects with contaminated sediments;
 - 3. completed authorization request forms for water treatment chemicals, such as flocculants, planned for use; and
 - 4. practices that will be implemented to reduce resuspension of sediments.

(25) *Anchoring Plan (for In-Water Facilities)*. The Anchoring Plan shall:

- i. Discuss how the use of anchoring, if any, during construction and maintenance activities will avoid and/or minimize impacts to sensitive benthic habitats and Significant Coastal Fish and Wildlife Habitats (e.g., use of vessels equipped with dynamic positioning systems, installing mid-line buoys) and avoid impacts to existing buried assets.
- ii. Outline the parameters for the use of anchors and spuds and identify discrete "No Anchor" areas within the Facility Corridor in the event anchoring is ultimately required.
- iii. Describe how midline buoys or alternative measures will be employed to minimize sediment disturbance caused by anchor sweeps during construction of the marine route.

(26) *Cable Monitoring and Maintenance Plan (for In-Water Facilities)*. The Cable Monitoring and Maintenance Plan shall:

- i. Provide methods for determining the actual cable location and burial depth of the in-water cables and the timing for undertaking such efforts, including, for example, the use of distributed temperature sensing (DTS) technology.
- ii. Include a requirement that the Certificate Holder establish depth of burial relative to sediment surface and the accurate level of the sediment surface relative to vertical datum during post-construction survey operations.
- iii. Describe methods for maintaining burial depth.
- iv. Establish procedures for periodic monitoring of the actual burial depth (measured from the top of the cable) of the in-water cable throughout the operational life of the project.
- v. Describe procedures for evaluating risks if any section of the in-water cable that is at least twenty-five feet long reaches an actual burial depth of less than four feet at any point during the operational life of the project.
- vi. Describe procedures for remedying cable exposures with any time-of-year restrictions.
- vii. Describe procedures for remedying cable exposures that pose a hazard to public safety, navigation, or marine

- resources outside of time-of-year restrictions, including avoidance and minimization techniques for threatened and endangered species.
- viii. Include plans for marking the location of any cable exposures and procedures for immediately notifying DPS Staff of any third-party anchor strikes of the cable.

(27) *Decommissioning Plan (for applicable projects)*. For projects that are required to file a Decommissioning Plan, the plan shall include:

- i. The anticipated life of the project.
- ii. Estimates of the decommissioning costs (in current dollars scrap and resale value cannot be used for offsetting decommissioning costs) for each of:
 1. For terrestrial projects, all facilities within New York State; and
 2. For in-water projects, including those associated with offshore wind:
 - a. that portion of the submarine cable route from the landfall locations to the boundary of New York State territorial waters or opposite landfall location; and
 - b. the onshore facilities.
- iii. Analysis of the options for decommissioning the project, including any cable protection measures used, and restoring the project area, including any decommissioning methods and potential impacts to the environment for each option.
- iv. If applicable, description of how the Certificate Holder will address impacts of leaving any portion of the project in place.
- v. Procedures and timeframes for notifying municipal officials and landowners and residents (if different from owners) of all properties that are crossed by or abut against the project ROW along the route about decommissioning activities.
- vi. Demonstrate that the Certificate Holder engaged the services of an independent trustee and entered into a Standby Trust Agreement for the administration of the funds from the letter of credit. The form of the Standby Trust Agreements shall be included, with proof of obtaining the relevant security.

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix F

**NYSDEC Freshwater Wetlands
Jurisdictional Determination**



November 19, 2025

TRANSMITTED VIA EMAIL

Claire Hartl Leonardi
Labella Associates
21 Fox Street,
Poughkeepsie, Ny 12607
cleonardi@labellapc.com

Re: Freshwater Wetland Jurisdictional Determination

Project: Inghams to Rotterdam 115 kV Rebuild Project
Location: Herkimer, Fulton, Montgomery, and Schenectady Counties
Applicant: Niagara Mohawk Power Corporation (d/b/a National Grid)
Public Service Law Article VII Case Number: 25-T-0262
Date(s) of Submittal: June 19, 2025

The New York State Department of Environmental Conservation (NYSDEC) received the Jurisdictional Determination (JD) request package for the referenced project including the Article VII Parcel JD-Consultant Option Summary Table prepared by LaBella Associates, last revised via a meeting on September 9, 2025 and the Wetland and Stream Delineation Report, prepared by LaBella Associates, and dated April 2025. Based on this submission NYSDEC has determined that the wetlands identified in the enclosed table are state regulated freshwater wetlands.

Pursuant to ECL section 24-0703, this determination is valid for a period of five (5) years from the date of this letter and is specific to the above referenced project. Please note that this determination is separate from any jurisdictional approvals/permits which may be required for this project from NYSDEC, NYSDPS, other agencies or local governments.

Questions regarding this determination should be directed to the Bureau of Energy Project Management at DEPEnergy@dec.ny.gov.

Sincerely,

Haley Gronlund
Environmental Analyst 1
Bureau of Energy Project Management

CC: Meredith Mathias, National Grid
DPS
NYSDEC DFW BOH

Division of Environmental Permits

Article VII Case #: 25-T-0262			Section Identifier: Inghams to Rotterdam 115 kV Rebuild Project			
Applicant: National Grid						
Wetland Delineation ID	Acreage within project area	Wetland Class	Latitude, Longitude	Jurisdiction Justification ²	Classification Justification ²	Comments
Wetland MM2 ¹	3.64	Class II ¹	43.049284, -74.750285	Meets or exceeds jurisdictional size	Contains Class II wetland structural groups	connects to other wetland
Wetland MM9	0.22	Class III	43.033058, -74.696581	Accepted as proposed	Accepted as proposed	
Wetland MM10 ¹	0.7	Class II ¹	43.026388, -74.67621	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM11 ¹	0.55	Class II ¹	43.025841, -74.674052	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM12 ¹	1.78	Class II ¹	43.025841, -74.674052	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM15	2.34	Class III	43.020824, -74.649281	Accepted as proposed	Accepted as proposed	
Wetland MM16	1.59	Class III	43.018566, -74.635751	Accepted as proposed	Accepted as proposed	
Wetland MM17	4.36	Class III	43.016827, -74.62477	Accepted as proposed	Accepted as proposed	
Wetland MM18	4.39	Class I	43.015051, -74.613214	Accepted as proposed	Accepted as proposed	
Wetland MM21 ¹	1.14	Class II ¹	43.005561, -74.566506	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM22 ¹	1.18	Class II ¹	43.005621, -74.562428	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland

Article VII Case #: 25-T-0262			Section Identifier: Inghams to Rotterdam 115 kV Rebuild Project			
Applicant: National Grid						
Wetland Delineation ID	Acreage within project area	Wetland Class	Latitude, Longitude	Jurisdiction Justification ²	Classification Justification ²	Comments
Wetland MM23 ¹	1.6	Class II ¹	43.005828, -74.557955	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM26 ¹	1.48	Class II ¹	43.006275, -74.541028	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	connects to other wetland
Wetland MM27	1.73	Class II	43.006434, -74.534276	Accepted as proposed	Accepted as proposed	
Wetland MM28	5.64	Class II	43.004824, -74.522799	Accepted as proposed	Accepted as proposed	
Wetland MM29	0.98	Class II	43.001354, -74.51539	Accepted as proposed	Accepted as proposed	
Wetland MM32 ¹	0.4	Class II ¹	42.995176, -74.483619	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class II wetland	
Wetland MM39	1.11	Class II	42.998051, -74.39928	Accepted as proposed	Accepted as proposed	
Wetland MM40	0.3	Class II	43.002121, -74.397031	Accepted as proposed	Accepted as proposed	
Wetland MM41	2.88	Class III	43.003739, -74.395882	Accepted as proposed	Accepted as proposed	
Wetland MM42	1.73	Class III	43.008847, -74.392515	Accepted as proposed	Accepted as proposed	
Wetland MM43	1	Class III	43.0109, -74.390953	Accepted as proposed	Accepted as proposed	
Wetland MM47	2.57	Class II	43.0298, -74.383647	Accepted as proposed	Accepted as proposed	

Article VII Case #: 25-T-0262			Section Identifier: Inghams to Rotterdam 115 kV Rebuild Project			
Applicant: National Grid						
Wetland Delineation ID	Acreage within project area	Wetland Class	Latitude, Longitude	Jurisdiction Justification ²	Classification Justification ²	Comments
Wetland MM48	1.26	Class II	42.989864, -74.386055	Accepted as proposed	Accepted as proposed	
Wetland MM49	2.14	Class II	42.989774, -74.383788	Accepted as proposed	Accepted as proposed	
Wetland MM51	0.79	Class II	42.989161, -74.372646	Accepted as proposed	Accepted as proposed	
Wetland MM52	3.05	Class II	42.988834, -74.364736	Accepted as proposed	Accepted as proposed	
Wetland MM53 ¹	0.82	Class II ¹	42.988767, -74.364373	Meets or exceeds jurisdictional size	Classification of connected wetland	connects to other wetland
Wetland MM54	2.47	Class II	42.987761, -74.366726	Accepted as proposed	Accepted as proposed	
Wetland MM58	5.43	Class II	42.986729, -74.32077	Accepted as proposed	Accepted as proposed	
Wetland MM59	5.02	Class II	42.988533, -74.308871	Accepted as proposed	Accepted as proposed	
Wetland MM63	0.77	Class II	42.986782, -74.242548	Accepted as proposed	Accepted as proposed	
Wetland MM64	3.29	Class II	42.986687, -74.239532	Accepted as proposed	Accepted as proposed	
Wetland MM65	0.87	Class II	42.986113, -74.232792	Accepted as proposed	Accepted as proposed	
Wetland MM68	0.06	Class II	42.99053, -74.399201	Accepted as proposed	Accepted as proposed	

Article VII Case #: 25-T-0262			Section Identifier: Inghams to Rotterdam 115 kV Rebuild Project			
Applicant: National Grid						
Wetland Delineation ID	Acreage within project area	Wetland Class	Latitude, Longitude	Jurisdiction Justification ²	Classification Justification ²	Comments
Wetland MM69	0.13	Class II	42.990492, -74.397027	Accepted as proposed	Accepted as proposed	
Wetland MM71 ¹	0.5	Class I ¹	42.983658, -74.181268	Meets or exceeds jurisdictional size	Contiguous to protected surface water associated with Class I wetland	connects to other wetland
Wetland MM72	10.34	Class I	42.982613, -74.178017	Accepted as proposed	Accepted as proposed	
Wetland MM73	0.72	Class II	42.972076, -74.164503	Accepted as proposed	Accepted as proposed	
Wetland MM74	0.89	Class II	42.960657, -74.165825	Accepted as proposed	Accepted as proposed	
Wetland MM75	1.2	Class I	42.954087, -74.16459	Accepted as proposed	Accepted as proposed	
Wetland MM82 ¹	0.23	Class I ¹	42.917604, -74.144177	Wetland within Floodway	Wetland within Floodway	
Wetland 1 (Saltsman Road SS) ¹	8.92	Class II ¹	43.006109, -74.561387	Meets or exceeds jurisdictional size	Contains Class II wetland structural groups	connected to other wetlands
Wetland 2 (Saltsman Road SS) ¹	1.06	Class II ¹	43.007637, -74.563715	Meets or exceeds jurisdictional size	Contains Class II wetland structural groups	connected to other wetlands

¹ Jurisdiction and or classification different from proposed

² Jurisdiction/Classification Justification notation from GIS data sets identified in Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classifications of Freshwater Wetlands.

For internal use: Excel file name: 25-T-02622 IngmansRotterdamJD09092025 Location: Herkimer County, Montgomery County and Schenectady County 06192025/06232025//07302025/8/11/2025/10012025/10152025//10162025/11132025

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix G

**Details Regarding Marshalling and
Laydown Yards**

Appendix G

Description of Laydown Yards

This Exhibit describes a laydown yards National Grid wishes to use upon issuance of a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the Inghams to Rotterdam 115 kV Rebuild Project (“Project”).

Laydown Yard 1: CLCPA – 1 West LDY Route 5, St. Johnsville

Background:

National Grid has identified a laydown yard for the Project that is located at 7875 Route 5, Town of St. Johnsville, Montgomery County, New York (Tax Parcel 8.-1-18). The property is owned by Kevin Blair (“CLCPA - 1 West LDY Owner”). National Grid is seeking to utilize approximately 22.64 acres of the 50.64 acre parcel as shown in red on the attached Figure 1. The proposed laydown yard lies within an abandoned quarry, which is used by the current owner for commercial purposes, such as storage of timber, lumber and materials. Permitted mining operations conducted by Rifenburg Construction Inc. ceased in 2002, and site reclamation was completed in 2005.

Prior to entering into a lease with the CLCPA - 1 West LDY Owner, National Grid assessed applicable local laws and performed environmental due diligence reviews, the results of which are summarized below:

Wetland and Streams:

- No wetlands or streams were identified during a field delineation within the proposed laydown yard.

Protected Species and Habitat:

- The New York State Department of Environmental Conservation (“NYSDEC”) Environmental Resource Mapper did not identify any protected species in the vicinity of the laydown yard.

Stormwater Management:

- There is a single existing entrance to the site from Snell Road that will be used for equipment access, that entrance will be improved as necessary. No additional construction entrances are proposed.
- The site has an improved gravel and hard pack surface road system throughout the yard, which National Grid may resurface with gravel as necessary. Areas of the yard

used by National Grid will be stoned or matted to avoid rutting and runoff. No vegetation, brush, or existing buildings will be removed.

- The pre-existing conditions found at the yard are largely already suitable for use as a laydown yard. Some grading is anticipated in areas of uneven terrain. A SWPPP and an eNOI will be prepared and filed for approval by the NYSDEC prior to the start of any site preparation and installing fabric and stone on the yard. Ground disturbance at the yard will be completed prior to the commencement of the Inghams to Rotterdam 115 kV Rebuild Project transmission line installation.

Operational Details:

- The laydown yard will be equipped as needed with appropriate fencing (i.e., chain link) and other security measures, such as on-site personnel and cameras. Signage will be at the entrance.
- Lighting will be sited and installed by the contractor around the fenced area, as well as construction related signage on the fence and at the site entrance. Lighting will utilize existing on-site electric and generators.
- Construction trailers, project related equipment and materials will be located within the site and located at the contractor's discretion. Existing on-site electric power will be utilized.
- Parking of construction equipment and worker vehicles will be allowed at the laydown yard as needed during the construction period.

Site management practices will be consistent with the Certificate Conditions. National Grid has reviewed the Town of St. Johnsville laws potentially applicable to this proposed laydown yard and confirmed that Project activities can and will be conducted in accordance with local requirements for a public utility facility. The proposed laydown yard is used by the current owner for commercial purposes, such as storage of timber, lumber and materials. The proposed laydown yard is in the Commercial Zoning District. Property setbacks are shown in the attached Figure 1.

Construction Schedule:

National Grid anticipates utilizing the CLCPA – 1 West LDY in May 2026 once the Certificate is issued and will start receiving materials in advance of construction. Following construction, the site will be either restored when construction is complete or left as is, as described in the Environmental Management and Construction Plan (“EM&CP”) and the contractor will demobilize.

A site diagram depicting the location and layout is provided in the attached Figure 1.

Laydown Yard 2: CLCPA – 1 Central LDY Opportunity Drive, City of Johnstown

Background:

National Grid has identified a laydown yard for the Project that is located at the corner of NY State Route 30A and Opportunity Drive, City of Johnstown, Fulton County, New York (185.6-1-2.1, 185.6-1-1, and 174.18-1-19). The property is owned by Fulton County Industrial Development Agency (“CLCPA - 1 Central LDY Owner”). National Grid is seeking to utilize approximately 23.18 acres of the 30.09 acre parcels as shown in red on the attached Figure 1. The property is currently undeveloped vacant land within an industrial park near the Inghams-Stoner segment of the transmission line.

Prior to entering into a lease with the CLCPA - 1 Central LDY Owner, National Grid assessed applicable local laws and performed environmental due diligence reviews, the results of which are summarized below:

Wetland and Streams:

- Two (2) wetlands were identified within the proposed laydown yard during a field delineation. These wetlands will be avoided and protected. National Grid believes these wetlands to be New York State Department of Environmental Conservation (“NYSDEC”) jurisdictional. The 100-foot wetland adjacent areas will be protected with construction matting. A NYSDEC Class C stream as well as an unclassified ephemeral stream were identified on the property. The streams are outside the limits of the proposed laydown yard, will be protected, and disturbance will be avoided.

Protected Species and Habitat:

- The NYSDEC Environmental Resource Mapper did not identify any protected species in the vicinity of the laydown yard.

Stormwater Management:

- A single entrance to the site from Opportunity Drive will be used for equipment access, and that entrance will be stoned. No additional construction entrances are proposed.
- The site is predominately upland field with some brush. Off-road areas of the yard used by National Grid will be stoned or matted to avoid rutting and runoff. An existing storage building exists on the eastern portion of the property outside of the proposed laydown yard. Therefore, no buildings will be removed.
- A SWPPP and eNOI will be prepared and filed for approval by the NYDEC prior to the start of any site preparation and installing fabric and stone on the yard. Ground disturbance at the yard will be completed prior to the commencement of the Inghams to Rotterdam 155 kV Rebuild Project transmission line installation.

Operational Details:

- The laydown yard will be equipped as needed with appropriate fencing (i.e., chain link) and other security measures, such as on-site personnel and cameras. Signage will be at the entrance.
- Lighting will be sited and installed by the contractor around the fenced area, as well as construction related signage on the fence and at the site entrance. Lighting will utilize on-site generators.
- Construction trailers, project related equipment and materials will be located within the site and located at the contractor's discretion. On-site generators will be utilized.
- Parking of construction equipment and worker vehicles will be allowed at the laydown yard as needed during the construction period.

Site management practices will be consistent with the Certificate Conditions. National Grid has reviewed the City of Johnstown laws potentially applicable to this proposed laydown yard and confirmed that Project activities can and will be conducted in accordance with local requirements for a public utility facility. The proposed laydown yard lies within three (3) Fulton County Industrial Development Agency owned properties which are currently marketed for new industrial development. The proposed laydown yard is in the Industrial Zoning District. Property setbacks are shown on the attached Figure 2.

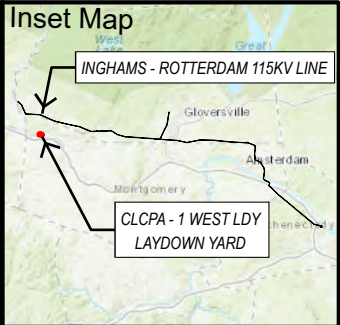
Construction Schedule:

National Grid anticipates utilizing the CLCPA – 1 Central LDY in August 2026 once the Certificate is issued and will start receiving materials in advance of construction. Following construction, the site will be either restored when construction is complete or left as is, in agreement with the property owner, and as described in the Environmental Management and Construction Plan (“EM&CP”) and the contractor will demobilize.

A site diagram depicting the location and layout is provided in the attached Figure 2.

Figure 1

**CLCPA – 1 West LDY
Laydown Yard**

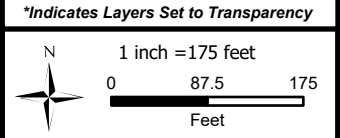


- Legend**
- Photo Point
 - Construction Entrance
 - ▭ Laydown Yard (22.64 Acres)
 - ▭ Property Setback
 - ▭ Existing Culvert
 - ▭ Access Route
- Mapped Features**
- ▭ Property Boundary
 - ▭ Municipal Boundary
 - ▭ Agricultural District
 - ▭ NYSDEC-Classified Stream
 - ▭ Informational NYSDEC Freshwater Wetlands
 - ▭ Previously Mapped NYSDEC Freshwater Wetlands
 - ▭ Railroad
 - ▭ Road

**INGHAMS TO ROTTERDAM
115KV REBUILD PROJECT**

CLCPA - 1 West LDY

7875 Route 5
Town of St. Johnsville
Montgomery County, NY



nationalgrid **LaBella**

CLCPA - 1 West LDY - Created by LaBella using information provided by the client. Basemap - Esri, DigitalGlobe, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS AeroGRID, IGN, and GIS User Community, 2022.



Photo 1



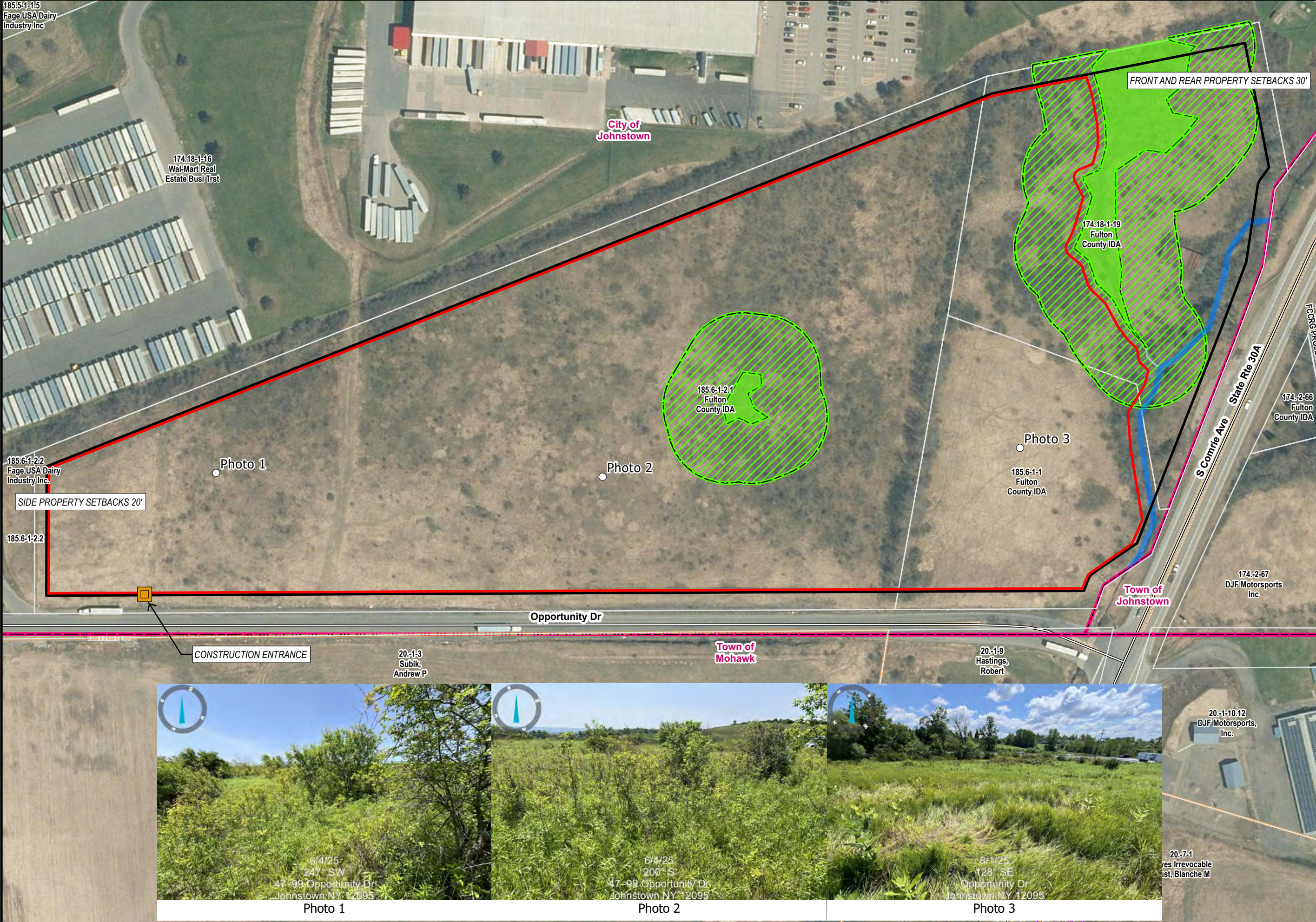
Photo 2



Photo 3

Figure 2

**CLCPA – 1 Central LDY
Laydown Yard**



INGHAMS - ROTTERDAM 115KV LINE

CLCPA - 1 CENTRAL LDY LAYDOWN YARD

Legend

- Photo Point
- Construction Entrance
- ▭ Laydown Yard (23.18 Acres)
- ▭ Property Setback
- ▭ Delineated PEM Wetland*
- ▭ Delineated Perennial Stream*
- ▭ Delineated Ephemeral Stream*
- ▭ Assumed NYSDEC 100-Foot Regulated Wetland Adjacent Area

Mapped Features

- ▭ Tax Parcel Boundary
- ▭ Municipal Boundary
- ▭ Agricultural District
- ▭ NYSDEC-Classified Stream
- ▭ Informational NYSDEC Freshwater Wetlands
- ▭ Previously Mapped NYSDEC Freshwater Wetlands
- ▭ Road

INGHAMS TO ROTTERDAM 115KV REBUILD PROJECT

CLCPA - 1 Central LDY

Opportunity Drive
City of Johnstown
Fulton County, NY

*Indicates Layers Set to Transparency

1 inch = 150 feet

0 75 150 Feet

nationalgrid LaBella

CLCPA - 1 Central LDY - Created by LaBella using information provided by the client. World Topographic Map: Esri, HERE, Garmin, FAO, USGS, NGA, EPA, NPS World Imagery: New York State, Microsoft, Vantor, 2023.

**Inghams to Rotterdam 115kV Transmission
Rebuild Project**

Case 25-T-0262

Joint Proposal

Appendix H

**Revised Exhibit 7 to the Application
(Clean and Redline Versions)**

Note that the maps previously filed with Exhibit 7 on April 25, 2025, have not been revised and therefore are not being refiled with this Appendix.

**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-0262

**NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID
INGHAMS TO ROTTERDAM 115 kV TRANSMISSION REBUILD PROJECT**

**EXHIBIT 7
LOCAL ORDINANCES**

Revised March 2026

TABLE OF CONTENTS

7.1 Introduction	1
7.2 County of Herkimer	13
7.2.1 Local Law No. 5 of 1983, Uniform Fire Prevention and Building Code	13
7.2.2 Local Law No. 1 of 1990, Solid Waste	13
7.2.3 Local Law No. 3 of 1993, Parking	13
7.2.4 Local Law No. 2 of 2016, Herkimer County Sewer Use Rules and Regulations	13
7.2.5 Local Law No. 3 of 2022, Herkimer County Right to Farm Law	14
7.3 Town of Manheim	14
7.3.1 Article III, Board of Appeals	14
7.3.1.2 Section 313, Standards Applicable to All Special Uses	14
7.3.2 Article IV, Zoning District Regulations, Zoning Map	15
7.3.2.1 Sections 430, Agricultural 120,000 AG 120	15
7.3.2.2 Section 431, Agricultural 120,000 AG-120, Uses Requiring Special Permit	15
7.3.2.3 Section 432, Agricultural 120,000 AG 120, Area, Yard, Coverage, Height, Supplementary Regulations	15
7.3.3 Article V, Supplementary Regulations	16
7.3.3.1 Sections 501 – 504, Site Plan Review and Approval	16
7.3.3.2 Section 510, Off-Street Parking Requirements	17
7.3.3.3 Section 511, Off-Street Load Space Requirements	17
7.3.3.4 Section 512, Special Parking and Loading Space Requirements	17
7.3.3.5 Section 520, Landscaping Requirements	18
7.3.3.6 Section 530, Performance Standards	18
7.3.3.7 Section 546, Public Utility Structures	18
7.3.3.8 Sections 550, 551, 552, 553, 554, and 555, Signs	19
7.4 County of Fulton	19
7.5 Town of Oppenheim	20
7.5.1 Local Law No. 1 of 2003, Regulation of All Terrain Vehicles	20
7.5.2 Local Law No. 2 of 2016, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code	20
7.5.3 Local Law No. 3 of 2016, Maintenance of Real Property and the Accumulation of Junk within the Town of Oppenheim	20
7.5.4 Local Law No. 1 of 2022, Building Lot Requirements	21

7.6 Town of Ephratah	21
7.6.1 Local Law No. 1 of 2002, All-Terrain Vehicles	21
7.6.2 Local Law No. 3 of 2009, Right of Way on Highway Roads	21
7.6.3 Local Law No. 3 of 2010, Site Plan Review	22
7.6.4 Local Law No. 1 of 2021, Winter Parking on Roads in the Town of Ephratah	22
7.7 Town of Johnstown	22
7.7.2 Chapter 34, Fires, Outdoor	23
7.7.3 Chapter 36, Flood Damage Prevention	23
7.7.3.1 Section 36-14, General Standards	23
7.7.3.2 Section 36-15, Specific Standards	24
7.7.3.3 Section 36-16, Floodways	24
7.7.4 Chapter 45, Littering	25
7.7.4.1 Section 54-4 Property Maintenance, Prohibited Acts	25
7.7.5 Chapter 59, Sewers	25
7.7.6 Chapter 61, Streets and Sidewalks	25
7.7.6.1 Section 61-6, Snow on Highways	25
7.7.7 Chapter 63, Subdivision of Land	26
7.7.8 Chapter 75, Vehicles and Traffic	26
7.7.8.1 Section 75-3, Blocking Driveways	26
7.7.8.2, Section 75-4, Prohibited Parking	26
7.7.9 Chapter 76, Article I, Recreational Vehicles, Snowmobiles	26
7.7.10 Chapter 80, Waste Disposal and Landfills	27
7.7.11 Chapter 84, Zoning	27
7.7.11.1 Article III, Use Districts	27
7.7.11.1.1 Section 84-10, Zoning districts established	27
7.7.11.2 Article IV, Minimum Area/Dimensional Requirements	27
7.7.11.2.1 Section 84-11, Schedule of Regulations	27
7.7.11.2.2 Section 84-12, Additional Area Regulations	28
7.7.11.2.3 Section 84-13, Additional Height Regulations	28
7.7.11.3 Article V, Parking	29
7.7.11.3.1 Section 84-14, Off-street Parking	29
7.7.11.3.2 Section 84-15, Off-street loading	29
7.7.11.3.3 Sections 84-20 and 84-20.1, Property Maintenance and Removal of weeds and growth ..	30

7.7.11.3.4 Sections 84-21 and 84-21.B, Signs – Zoning District regulations	30
7.7.11.3.5 Section 84-22, Tree Removal	30
7.7.11.4 Article X, Section 84-54, Special Use Permits	31
7.7.11.5 Article XI, Section 84-55, Site Plans	31
7.8 City of Johnstown	32
7.8.1 Article IV, Administration and Enforcement	32
7.8.2 Article V, Districts and Regulations	32
7.8.2.1 Sections 22-501 and 22-502, Zoning Districts and Map	32
7.8.2.2 Section 22-503, Intent of Zoning Districts	32
7.8.2.3 Section 22-504, Applicability of Regulations	32
7.8.2.4 Section 22-507, Allowed Land Uses.....	33
7.8.2.5 Section 22-508, Prohibited Land Uses.....	33
7.8.3 Article VIII, Supplementary Use Regulations	33
7.8.3.1 Section 22-812, Public Utility.....	33
7.8.3.2 Section 22-815, Fences	34
7.8.4 Article IX, Density Standards.....	34
7.8.4.1 Section 22-902, Additional Density Standards.....	34
7.8.4.1.1 Section 22-902(A), Minimum Lot Size Requirements.....	34
7.8.4.1.2 Section 22-902(B)(1), Yard setback Requirements: Corner Lot Setbacks.....	35
7.8.4.1.3 Section 22-902(B)(8), Yard Setback Requirements: Fences, Walls and Hedges	35
7.8.4.1.4 Section 22-902(C), Height Requirements.....	35
7.8.4.1.5 Section 22-902(E), Projections	35
7.8.5 Article XI, Signs	36
7.8.5.1 Section 22-1102, Sign Permit.....	36
7.8.5.2 Section 22-1103, Application for Sign Permit.....	36
7.8.5.3 Section 22-1106(B), Sign Regulations: General Regulations	36
7.8.5.3.1 Section 22-1106(B)(1), Exempt Signs	36
7.8.5.3.2 Section 22-1106(B)(2), Prohibited Signs.....	36
7.8.5.3.3 Section 22-1106(B)(4), Sign Measurement	36
7.8.5.3.4 Section 22-1106(B)(5), Materials.....	37
7.8.5.3.5 Section 22-1106(B)(6), Maintenance	37
7.8.5.3.6 Section 22-1106(B)(7), Illumination	37
7.8.5.3.7 Section 22-1106(B)(8), Traffic Safety.....	37

7.8.5.3.8 Section 22-1106(B)(9), Public Right-of-Way.....	37
7.8.5.3.9 Section 22-1106(B)(10), Obstructions	38
7.8.5.4 Section 22-1106(C), Temporary Signs	38
7.8.5.5 Section 22-1106(F), Sign Regulations in Industrial Zone.....	38
7.8.5.6 Section 22-1106(G), Sign Regulations in Public Use Zone	39
7.8.6 Article XII, Off-street Parking and Loading	39
7.8.6.1 Section 22-1202, Compliance with Other Laws and Regulations.....	39
7.8.6.2 Section 22-1203, Building and Zoning permit	39
7.8.6.3 Section 22-1204, Off-street Parking Requirements.....	40
7.8.6.3.1 Section 22-1204(A), General Requirements.....	40
7.8.6.3.2 Section 22-1204(D), Parking Lots	40
7.8.6.4 Section 22-1205, Off-street Loading	40
7.8.7 Article XIII, Site Plan Review	41
7.8.8 Article XIV, Special Use Permits.....	42
7.9 Town of Perth	42
7.9.1 Article 3, Zoning Administration and Enforcement	42
7.9.2 Article 4, Use Districts.....	42
7.9.3 Article 6, Minimum Area and Dimensional Requirements	43
7.9.3.1 Article 6.A, Schedule of Regulations.....	43
7.9.3.2 Article 6.B, Additional Area Regulations	43
7.9.4 Article 9, Special Use Permits	44
7.9.5 Article 10, Site Plans.....	44
7.9.6 Article 11, Parking	45
7.9.6.1 Article 11.C, Parking Space Area.....	45
7.9.6.2 Article 11.D, Orientation.....	45
7.9.6.3 Article 11.E, Residential Screening.....	45
7.9.6.4 Article 11.F, Parking Lot Lighting	45
7.9.6.5 Article 11.G, Target Number of Parking Spaces	46
7.9.7 Article 12, Signage.....	46
7.10 County of Montgomery	46
7.10.1 Local Law No. 1 of 1976, Freshwater Wetlands Protection Law.....	46
7.10.2 Local Law No. 2 of 1988, Fire Prevention and Building Code.....	46
7.10.3 Local Law No. 3 of 1992, Montgomery County Right to Farm	47

7.10.3 Local Law No. 3 of 2021, Designating Scenic Byways	47
7.11 Town of St. Johnsville	47
7.11.1 Town of St. Johnsville Land Use Law	47
7.11.1.1 Article IV, Districts and Boundaries	47
7.11.1.2 Article V, Use Regulations	48
7.11.1.2.1 Section 7, General Regulations	48
7.11.1.2.2 Section 9, A-Agricultural District.....	48
7.11.1.2.4 Section 14, Historic Overlay	48
7.11.1.3 Article VI, Area and Height Regulations for Lots, Yard and Buildings	49
7.11.1.3.1 Section 15, Regulations in Schedule A	49
7.11.1.3.2 Section 16, Area Regulations.....	50
7.11.1.3.3 Section 17, Height Regulation.....	50
7.11.1.4 Article VII, Site Plan Approval and Special Permits	50
7.11.1.4.1 Section 18, Purpose and Authorization	50
7.11.1.4.2 Section 19, Developments Requiring Site Plan Review.....	51
7.11.1.4.3 Section 20, Procedure.....	51
7.11.1.4.4 Section 21, Enforcement	51
7.11.1.4.5 Section 22, Submission Requirements	51
7.11.1.4.6 Section 23, Standards for Review	52
7.11.1.4.7 Section 25, Additional Requirements.....	52
7.11.1.4.8 Section 27, Special Permits	52
7.11.1.5 Article VIII Supplementary Regulations.....	53
7.11.1.5.1 Section 33, Junkyards	53
7.11.1.5.2 Section 34, Signs	53
7.11.1.5.3 Section 36, Vision Clearings at Intersections	54
7.11.1.5.4 Section 37, Landscaping Requirements.....	54
7.11.1.5.5 Section 42, Exterior Lighting	54
7.11.1.5.6 Section 44, Public Utility Facility Personal Wireless Service Facility	54
7.11.1.6 Article IX, Off Street Parking and Loading	55
7.11.1.6.1 Section 46, Automobile Parking Facilities	55
7.11.1.6.2 Section 47, Off-Street Loading Facilities	55
7.11.1.7 Article XI, Administration	55

7.11.1.8 Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville	56
7.12 Town of Amsterdam.....	57
7.12.1 Article III, Districts and Boundaries.....	57
7.12.1.1 Section 5, Establishment of Districts	57
7.12.2 Article IV, Use Regulations	57
7.12.2.1 Section 7, R-1 Residence District.....	57
7.12.2.2 Section 8, R-2 Residence District.....	57
7.12.2.3 Section 10, A Agricultural District.....	58
7.12.2.4 Section 11, B-1 Business District	58
7.12.2.5 Section 16, Historic Overlay District.....	58
7.12.3 Article V, Area and Height Regulations, Lots, Yards and Buildings.....	58
7.12.3.1 Section 17, Regulations in Schedule A	58
7.12.3.2 Section 18, Area Regulations	59
7.12.3.3 Section 19, Height Regulations	59
7.12.4 Article VI, Site Plan Review.....	59
7.12.4.1 Section 20, Site Plan Review.....	59
7.12.5 Article VII, Special Permits.....	60
7.12.5.1 Section 21, Special Permits.....	60
7.12.6 Article VIII, Supplementary Regulations	60
7.12.6.1 Section 30, Dumps and Junkyards	60
7.12.6.2 Section 31, Signs	60
7.12.7 Article IX, Off-Street Parking and Loading	61
7.12.7.1 Section 37, Automobile Parking Facilities.....	61
7.12.7.2 Section 38, Off-Street Loading.....	61
7.12.8 Article XI, Administration and Enforcement	61
7.13 Town of Florida	61
7.13.1 Zoning Ordinance	62
7.13.1.1 Article IV, Districts and Boundaries	62
7.13.1.1.1 Section 5, Establishment of Districts	62
7.13.1.2 Article V, Use Regulations.....	62
7.13.1.2.1 Section 9, A-Agricultural District	62
7.13.1.3 Article VI, Area and Height Regulation-Lots, Yards and Buildings	62

7.13.1.3.1 Section 14, Regulations in Schedule A	62
7.13.1.3.2 Section 15, Walls, Fences and Hedges	63
7.13.1.3.3 Section 16, Height Regulations	63
7.13.1.4 Article VII, Site Plan and Special Permits	63
7.13.1.5 Article VIII, Supplementary Regulations	64
7.13.1.5.1 Section 33, Junkyards.....	64
7.13.1.5.2 Section 34, Signs	64
7.13.1.5.3 Section 35.1, Off-Premises Signage	64
7.13.1.5.4 Section 36, Vision Clearance at Intersections.....	65
7.13.1.5.5 Section 37, Landscaping Requirements	65
7.13.1.5.6 Section 38, Corner and Through Lots	65
7.13.1.5.7 Section 42, Exterior Lighting	65
7.13.1.5.8 Section 44, Public Utility Facility.....	65
7.13.1.5.9 Section 45.2, Portable Storage Units	66
7.13.1.5.10 Section 45.3, Wellhead Protection.....	66
7.13.1.6 Article IX, Off-Street Parking and Loading	66
7.13.1.6.1 Section 46, Automobile Parking Facilities.....	66
7.13.1.6.2 Section 47, Off-Street Loading Facilities	67
7.13.1.7 Article XI, Administration	67
7.13.2 Local Law No. 1 of 2006, Winter Motor Vehicles Parking Restrictions	67
7.13.3 Local Law No. 2 of 2009, Motor Vehicle Parking Restrictions	67
7.13.4 Local Law No. 3 of 2017, Flood Plain Management Regulations	67
7.13.5 Local Law No. 1 of 2018, Right to Farm Law.....	68
7.13.6 Local Law No. 1 of 2021, Town of Florida Road Preservation Law	68
7.14 Town of Mohawk.....	69
7.14.1 Local Law No. 1 of 1998, Waste Management Facilities Law.....	69
7.14.2 Local Law No. 2 of 2002, Recycling Law	69
7.14.4 Local Law No. 2 of 2016, Sewer Use Ordinances	69
7.14.5 Local Law No. 4 of 2021, Property Maintenance Law	70
7.14.5.1 Section 6, Open areas and parking spaces	70
7.14.5.2 Section 9, Littering.....	70
7.14.5.3 Section 10, Outdoor Deposit or Storage of Waste and Abandoned Appliances	71
7.14.5.4 Section 11, Cutting and removal	71

7.14.5.5 Section 12, Maintenance of Property	72
7.14.5.6 Section 13, Buildings and Structures	72
7.14.6 Local Law No. 5 of 2021, Site Plan Review Law	72
7.14.7 Town of Mohawk Zoning Law 2022	73
7.14.8.1 Article IV, Districts and Boundaries	73
7.14.8.1.1 Section 5, Establishment of Boundaries	73
7.14.8.2.1 Section 9, R-2 Residential District	73
7.14.8.2.2 Section 18A, Use Regulations Governing All Districts	73
7.14.8 Article VI, Area and Height Regulations	73
7.14.8.1 Section 19, Regulations in Schedule A	73
7.14.8.2 Section 20, Area Regulations	74
7.14.8.2.1 Section 20(D), Visibility at Street Corners	74
7.14.8.2.2 Section 20(E), Front Yard Exceptions	74
7.14.8.2.3 Section 20(G), Projecting Architectural Features, Terraces, Porches, Fire Escapes	75
7.14.8.2.4 Section 20(H), Walls, Fences and Hedges	75
7.14.8.2.5 Section 21, Height Regulations	75
7.14.8.3 Article VIII, Supplementary Regulations	75
7.14.8.3.2 Section 27, Commercial Excavation	76
7.14.8.3.3 Section 28, Dumps and Junkyards	76
7.14.8.4 Article IX, Off-Street Parking and Loading	76
7.14.8.4.1 Section 29, Automobile Parking Facilities	76
7.14.8.4.2 Section 30, Off-Street Loading	77
7.14.8.5 Article XII, Sign Regulations	77
7.14.8.5.1 Section 39, Procedure for sign Permits	77
7.14.8.5.2 Section 40, General Provisions	77
7.14.8.5.3 Section 41, Specific Sign Regulations	77
7.14.8.5.4 Section 42, Districts and their uses - Signs	78
7.14.8.5.5 Section 43, Construction Standards	78
7.14.8.5.6 Section 44, Design Guidelines	78
7.14.9 Local Law No. 3 of 2022, Flood Damage Prevention	79
7.14.9.1 Section 3.0, General Provisions	79
7.14.9.2 Section 4.0, Administration	79
7.14.9.3 Section 5.0 Construction Standards	79

7.14.10 Local Law No. 7 of 2023, Amending Sign Regulations.....	79
7.15 Village of Hagaman	80
7.15.1 Local Law No. 1 of 1998 – Establishing Site Plan Review	80
7.15.2 Local Law No. 1 of 2000 – Zoning & Subdivision Regulations	80
7.15.2.1 Section 32 – Purpose and Intent	80
7.15.2.2 Section 34 – Permits Required	80
7.15.2.3 Section 34a – Temporary Structure Permit	81
7.15.2.4 Section 35 – Certificate of Occupancy and Compliance.....	81
7.15.3 Local Law No. 1 of 2001 – Zoning Regulations (as amended by Local Law No. 1 of 2004)	81
7.15.3.1 Section 145.5 – Establishment of Districts	81
7.15.3.2 Section 145.7 – R-1 Residential District	81
7.15.3.3. Section 145.8 – R-2 Residential District	82
7.15.3.4 Section 145.9 – R-M Mobile Home Residential District.....	82
7.15.3.5 Section 145.10 – R-MF Residential Multi-Family District	82
7.15.3.6 Section 145.11 – B-1 Business District	82
7.15.3.7 Section 145.13 – M-1 Manufacturing District	83
7.15.3.8 Section 145.15 – Area Regulations	83
7.15.3.9 Section 145.16 – Height Regulations	83
7.15.3.10 Section 145.27 – Property Maintenance	83
7.15.3.11 Section 145.28 – Signs.....	84
7.15.3.12 Article 7 – Off-Street Parking and Loading	84
7.15.3.13 Article 8 – Nonconforming Uses	84
7.15.3.14 Section 145.43 – Building Permit	84
7.15.3.15 Section 145.44 – Temporary Structure Permit	85
7.15.3 Local Law No. 1 of 2001 –Site Plan Review.....	85
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.....	85
7.15.5 Local Law No. 1 of 2017 – Noise Pollution Law	85
7.15.6 Local Law No. 1 of 2018 – FEMA Law for the Prevention of Flood Damage	86
7.15.7 Local Law No. 1 of 2019 – Exterior Property Maintenance.....	86
7.16 County of Schenectady.....	87
7.16.1 Schenectady County Local Laws.....	87
7.16.1.1 Part 3, Codified Local Laws	87

7.16.1.1.1 Chapter 85, Freshwater Wetlands' Protection, Preservation and Conservation	87
7.16.1.1.2 Chapter 90, Environment: Nature and Historic Preserve.....	87
7.16.1.1.3 Chapter 125, Schenectady County Sanitary Code	87
7.16.1.1.3.1 Section 125.10, Wastewater treatment and disposal	87
7.16.1.1.3.2 Section 125.11, Nuisances	88
7.16.1.1.4 Chapter 210, Parking and Operating Motor Vehicles on Certain County Property.....	88
7.16.1.1.5 Chapter 275, Storm Sewer Systems.....	88
7.17 Town of Princetown	89
7.17.1 Site Plan Review Law.....	89
7.17.2 Town of Princetown Zoning Law	89
7.17.2.1 Article 4, Establishment of Districts and Zoning Map	89
7.17.2.1.2 Section 4.1, Districts	89
7.17.2.2 Article 5, General Provisions.....	89
7.17.2.2.1 Section 5.3, Setbacks	89
7.17.2.2.2 Section 5.4, Visibility at Intersections	89
7.17.2.2.3 Section 5.7, Effect on Public Utilities	90
7.17.2.3 Article 6, Districts	90
7.17.2.3.1 Section 6.1, GR General Residential Districts	90
7.17.2.3.2 Section 6.2, MH – Mobile Home Districts	90
7.17.2.3.3 Section 6.3, MF Multiple Family Districts.....	90
7.17.2.4 Article 7, Supplementary Regulations	91
7.17.2.4.1 Section 7.2, Outdoor Storage of Solid Waste	91
7.17.2.4.2 Section 7.3, Fences.....	91
7.17.2.4.3 Section 7.7, Off-street Parking Requirements	91
7.17.2.4.4 Section 7.8, Off-street Loading Requirements.....	92
7.17.2.4.5 Section 7.9, Signs	92
7.17.2.4.6 Section 7.15, Public Utilities.....	92
7.17.2.4.7 Section 7.17, Towers	93
7.17.2.5 Article 8, Special Use Permits	93
7.17.2.6 Article 10, Administration and Enforcement.....	94
7.17.3 Local Law No. 3 of 2006, Erosion, Sediment Control and Stormwater Management	94
7.17.4 Local Law No. 1 of 2007, Uniform Fire Prevention and Building Code	94
7.17.5 Local Law No. 8 of 2006, Stormwater Control	94

7.18 Town of Rotterdam	95
7.18.1 Part II: General Legislation, Town Code 7.18.1.1 Chapter 73, All-Terrain Vehicles	95
7.18.1.2 Chapter 89, Building Code Administration and Code Enforcement Program	95
7.18.1.3 Chapter 112, Electrical Inspections	95
7.18.1.4 Chapter 130, Fires and Fire Prevention	96
7.18.1.5 Chapter 134, Flood Damage Prevention	96
7.18.1.6 Chapter 188, Noise	96
7.18.1.7 Chapter 230, Sewers	97
7.18.1.8 Chapter 240, Snowmobiles	97
7.18.1.9 Chapter 244, Solid Waste, Garbage, Recycling, Brush, Grass and Leaves	97
7.18.1.10 Chapter 247, Streets and Sidewalks	98
7.18.1.11 Chapter 265, Property Maintenance	98
7.18.1.12 Chapter 266, Vehicles and Traffic	98
7.18.1.13 Chapter 267, Water	99
7.18.1.14 Chapter 270, Zoning	99
7.18.1.14.1 Article III, Zoning Districts; Zoning Map; Boundaries	99
7.18.1.14.1.1 Section 270-6, Districts Enumerated	99
7.18.1.14.2 Article VI, General Requirements	99
7.18.1.14.2.1 Section 270-12, Visibility at Intersections	99
7.18.1.14.2.2 Section 270-13, Minimum Floor Area	99
7.18.1.14.2.3 Section 270-14, Public Utilities	100
7.18.1.14.3 Article V, A Agricultural District	100
7.18.1.14.3.1 Section 270-21, Yard and property line requirements	100
7.18.1.14.3.2 Section 270-22, Lot area	100
7.18.1.14.3.3 Section 270-23, Lot Coverage	100
7.18.1.14.4 Article XV, Flood Hazard District	101
7.18.1.14.4 Article XVII, Site Plan Approval	101
7.18.1.14.5 Article XVIII, Specific Use Regulations	102
7.18.1.14.5.1 Section 270-142, Outdoor storage and dumping of waste	102
7.18.1.14.5.2 Section 270-143, Fences	102
7.18.1.14.5.3 Section 270-148, Towers	102
7.18.1.14.5.4 Section 270-149, Off-Street Parking	103
7.18.1.14.5.5 Section 270-150, Off-Street Loading	103

<i>7.18.1.14.5.6 Section 270-151, Signs</i>	103
<i>7.18.1.14.5.7 Section 270-156, Lighting</i>	103
<i>7.18.1.14.6 Article XIX, Special Use Permits</i>	104
<i>7.18.1.14.7 Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations</i>	104
<i>7.18.1.14.8 Article XXVI, Erosion and Sediment Control</i>	105
<i>7.18.1.14.8.1 Section 270-215, Regulations and Requirements</i>	105
<i>7.18.1.14.9 Article XXIX, Illicit Discharges, Activities, and Connections to Separate Stormwater System</i>	105

TABLES

Table 7.1-1 Compliance Summary Table

Table 7.3-1 Agricultural 120,000 District Dimensional Requirements

Table 7.7-1 Town of Johnstown Schedule of Regulations

Table 7.8.1 City of Johnstown Density Standards

Table 7.8-2 City of Johnstown Industrial Zone Sign Standards

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

Table 7.9-1 Town of Perth Zoning District Regulations

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

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

Table 7.14-1 Town of Mohawk 2022 Dimensional Regulations

Table 7.14-2 Town of Mohawk 2022 Revised Dimensional Regulations

Table 7.15-1 Village of Hagaman Zoning Schedule A

FIGURES

Figure 7-1 Town of Manheim Zoning Map

Figure 7-2 Town of Johnstown Zoning Map

Figure 7-3 City of Johnstown Zoning Map

Figure 7-4 Town of Perth Zoning Map

Figure 7-5 Town of Amsterdam Zoning Map

Figure 7-6 Town of Florida Zoning Map

Figure 7-7 Town of Mohawk Zoning Map

Figure 7-8 Town of Princetown Zoning Map

Figure 7-9 Town of Rotterdam Zoning Map

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

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

statements in support of the Applicant’s request that the New York State Public Service Commission (“Commission”) not apply those substantive Local Ordinances identified as unreasonably restrictive. Due to the preemptive effect of Public Service Law (“PSL”) Section 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

The Compliance Summary Table set forth on the following 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
<i>County of Herkimer</i>		
	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	Will Comply
	Local Law No. 3 of 2022, Herkimer County Right to Farm Law	Will Comply
<i>Town of Manheim</i>		
	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	Waiver Requested
	Section 530, Performance Standards	Waiver Requested
	Section 546, Public Utility Structures	Partial Waiver Requested
	Sections 550 – 555, Signs	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
<i>County of Fulton</i>		
<i>Town of Oppenheim</i>		
	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
<i>Town of Ephratah</i>		
	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
<i>Town of Johnstown</i>		
	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	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	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
<i>City of Johnstown</i>		
	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
<i>Town of Perth</i>		
	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
<i>County of Montgomery</i>		
	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
<i>Town of St. Johnsville</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 15, Regulations in Schedule A	Waiver Requested
	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	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
	Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville	Waiver Requested
<i>Town of Amsterdam</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
<i>Town of Florida</i>		
	Section 9, A-Agricultural District	Will Comply
	Section 14, Regulations in Schedule A	Waiver Requested
	Section 15, Walls, Fences and Hedges	Waiver Requested
	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	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
<i>Town of Mohawk</i>		
	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	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Property Maintenance Law Section 9, Littering	Waiver Requested
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Mohawk Zoning Law Section 30, Off-Street Loading	Waiver Requested
	Mohawk Zoning Law Section 39, Procedure for sign permits	Preempted
	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
<i>Village of Hagsman</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	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
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	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
<i>County of Schenectady</i>		
	Chapter 85, Freshwater Wetlands’ Protection, Preservation and Conservation	Will Comply
	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	Will Comply
<i>Town of Princetown</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	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
	Local Law No. 8 of 2006, Stormwater Control	Waiver Requested
<i>Town of Rotterdam</i>		
	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	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	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations	Will Comply
	Article XXVI, Erosion and Sediment Control	Waiver Requested
	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.

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. 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 fire 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 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.

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 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 in compliance 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 Town's 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 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, 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 provided 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 reliably 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.

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 Plan ("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. The Applicant requests that the Commission not apply these 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.

7.7.11.3.5 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 located 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. 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. 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. 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.

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. The Applicant intends to site a laydown yard in the City of Johnstown, which will include off-street parking.

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 Certificate Conditions and/or the EM&CP. To the extent that the proposed parking 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. The Applicant intends to site a laydown yard in the City of Johnstown, which will include off-street parking.

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. The Applicant intends to site a laydown yard in the City of Johnstown, which will include off-street parking. 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 reliably 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. 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 Montgomery County, including Pattersonville Road (CR 152), Bulls Head Road (CR 151), and Traux Road (CR 7).

The Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. 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. 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. The 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. 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.

7.11.1.8 Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville

This Local Law establishes operational standards for temporary construction staging areas, laydown yards, equipment storage, job trailers, and other temporary commercial construction uses. This Local Law requires a permit for any Temporary Construction Operations, which are defined in Section 4 as, “temporary use of land for construction related staging, storage, parking, offices, trailers, containers, stockpiles, batching, or similar uses.” Section 6 of the Local Law provides exceptions from permitting requirements for certain limited operations, including public utility work that is subject to reasonable safety and restoration requirements. To obtain a permit, an applicant must submit to the Code Enforcement Officer, with referral to the Planning Board or Town Engineer, as appropriate: (1) owner authorization and contact information; (2) description of the construction project and duration; (3) scaled site/staging plan; (4) traffic and access plan; (5) erosion, dust, and stormwater controls; (6) lighting and screening details; (7) restoration plan; (8) proof of insurance; and (9) required fees and escrow deposits. The permit will contain the applicable operational standards for the proposed Temporary Construction Operations and shall be valid for a period not exceeding one year. Sections 11 and 12 of this Local Law contain fee requirements and professional review escrow requirements for Temporary Construction Operations permits. Section 13 requires applicants to maintain general liability insurance of not less than \$1,000,000 per occurrence and states that the Town may require an applicant to post a performance bond or security to guarantee restoration. Section 14 of this Local Law requires an applicant to post a road protection bond for work involving heavy truck traffic, repetitive hauling, oversized loads, or other activity reasonably likely to damage Town infrastructure. The Code Enforcement Officer, Town Superintendent of Highways, and Town Engineer have discretion to determine whether a Road Protection Bond is required. The Town may also require a pre-construction video or photographic survey of affected roads. Lastly, this Local Law includes provisions for inspections and enforcement and penalties.

National Grid requests a waiver of Local Law No. 2 of 2026 because it is unreasonably restrictive in view of existing technology and factors of cost and economics. As detailed in this response, the laydown yard in the Town of St. Johnsville will be regulated and permitted through the Article VII process. The Certificate Conditions and Joint Proposal will include and incorporate provisions for operational standards of the laydown yard, including traffic, dust and noise control, drainage and erosion control, screening and lighting, compliance with fire and safety codes, and cleanup and restoration. Additionally, the Certificate Conditions include requirements related to road use and coordination with municipal highway departments. The EM&CP will include a Maintenance and Protection of Traffic Plan which will address traffic and safety concerns on Town roads. The Town’s permitting process and standards are duplicative and will create additional costs. This request cannot be obviated by design changes to the proposed laydown yard, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

As part of the Project, National Grid proposes siting a laydown yard at 7875 Route 5 in the Town of St. Johnsville, Montgomery County. The proposed Certificate Conditions for the Project will include language allowing National Grid to use the laydown yard following issuance of the Certificate and prior to submittal of the EM&CP. National Grid conducted due diligence related to the proposed laydown yard, including wetland and stream delineation and protected species and habitat review and consultation. National Grid prepared a SWPPP for the proposed laydown yard and will seek coverage under SPDES General Permit. Site management practices will be consistent with the requirements of the Certificate Conditions. National Grid will include an Appendix to the Joint Proposal (Appendix H) which outlines the proposed use of the laydown yard in the Town of St. Johnsville. The Appendix outlines fencing and security measures, lighting, material storage plans, parking plans, and the proposed construction schedule. The Appendix also includes a detailed map of the proposed laydown yard. The Certificate Conditions include provisions related to restoration following Project activities, which will apply to the laydown yard.

Additionally, the procedural requirements of the Local Law, including review and approval of Temporary Construction Operations 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 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, 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. 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 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, 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. 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 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.

7.13.1.5.5 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.

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 Florida 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.

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.

To the extent that, during construction, there are 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 bushes 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 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 front 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 sills, 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 set 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 purposes 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. 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.

7.14.8.5.3 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. 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. 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. 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.

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. 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. 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. 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 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.

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 Hagsman 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 Hagsman, 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.

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 are 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 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, 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 shift. 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. 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. 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 in compliance 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.

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 clearance, 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. 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.

**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-XXXXT~~T-0262

**NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID
INGHAMS TO ROTTERDAM 115 kV TRANSMISSION REBUILD PROJECT**

**EXHIBIT 7
LOCAL ORDINANCES**

Revised ~~July 2025~~March 2026

TABLE OF CONTENTS

7.1 Introduction	1
7.2 County of Herkimer	13
7.2.1 Local Law No. 5 of 1983, Uniform Fire Prevention and Building Code	13
7.2.2 Local Law No. 1 of 1990, Solid Waste	13
7.2.3 Local Law No. 3 of 1993, Parking	13
7.2.4 Local Law No. 2 of 2016, Herkimer County Sewer Use Rules and Regulations	13
7.2.5 Local Law No. 3 of 2022, Herkimer County Right to Farm Law	14
7.3 Town of Manheim	14
7.3.1 Article III, Board of Appeals	14
7.3.1.2 Section 313, Standards Applicable to All Special Uses	14
7.3.2 Article IV, Zoning District Regulations, Zoning Map	15
7.3.2.1 Sections 430, Agricultural 120,000 AG 120	15
7.3.2.2 Section 431, Agricultural 120,000 AG-120, Uses Requiring Special Permit	15
7.3.2.3 Section 432, Agricultural 120,000 AG 120, Area, Yard, Coverage, Height, Supplementary Regulations	15
7.3.3 Article V, Supplementary Regulations	16
7.3.3.1 Sections 501 – 504, Site Plan Review and Approval	16
7.3.3.2 Section 510, Off-Street Parking Requirements	~~16~~ 17
7.3.3.3 Section 511, Off-Street Load Space Requirements	17
7.3.3.4 Section 512, Special Parking and Loading Space Requirements	17
7.3.3.5 Section 520, Landscaping Requirements	~~17~~ 18
7.3.3.6 Section 530, Performance Standards	18
7.3.3.7 Section 546, Public Utility Structures	18
7.3.3.8 Sections 550, 551, 552, 553, 554, and 555, Signs	19
7.4 County of Fulton	19
7.5 Town of Oppenheim	~~19~~ 20
7.5.1 Local Law No. 1 of 2003, Regulation of All Terrain Vehicles	~~19~~ 20
7.5.2 Local Law No. 2 of 2016, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code	20
7.5.3 Local Law No. 3 of 2016, Maintenance of Real Property and the Accumulation of Junk within the Town of Oppenheim	20

7.5.4 Local Law No. 1 of 2022, Building Lot Requirements	~~2021~~
7.6 Town of Ephratah	21
7.6.1 Local Law No. 1 of 2002, All-Terrain Vehicles	21
7.6.2 Local Law No. 3 of 2009, Right of Way on Highway Roads	21
7.6.3 Local Law No. 3 of 2010, Site Plan Review	~~2122~~
7.6.4 Local Law No. 1 of 2021, Winter Parking on Roads in the Town of Ephratah	22
7.7 Town of Johnstown	22
7.7.2 Chapter 34, Fires, Outdoor	~~2223~~
7.7.3 Chapter 36, Flood Damage Prevention	23
7.7.3.1 Section 36-14, General Standards	23
7.7.3.2 Section 36-15, Specific Standards	~~2324~~
7.7.3.3 Section 36-16, Floodways	24
7.7.4 Chapter 45, Littering	~~2425~~
7.7.4.1 Section 54-4 Property Maintenance, Prohibited Acts	25
7.7.5 Chapter 59, Sewers	25
7.7.6 Chapter 61, Streets and Sidewalks	25
7.7.6.1 Section 61-6, Snow on Highways	25
7.7.7 Chapter 63, Subdivision of Land	~~2526~~
7.7.8 Chapter 75, Vehicles and Traffic	~~2526~~
7.7.8.1 Section 75-3, Blocking Driveways	26
7.7.8.2, Section 75-4, Prohibited Parking	26
7.7.9 Chapter 76, Article I, Recreational Vehicles, Snowmobiles	26
7.7.10 Chapter 80, Waste Disposal and Landfills	~~2627~~
7.7.11 Chapter 84, Zoning	27
7.7.11.1 Article III, Use Districts	27
7.7.11.1.1 Section 84-10, Zoning districts established	27
7.7.11.2 Article IV, Minimum Area/Dimensional Requirements	27
7.7.11.2.1 Section 84-11, Schedule of Regulations	27
7.7.11.2.2 Section 84-12, Additional Area Regulations	28
7.7.11.2.3 Section 84-13, Additional Height Regulations	28
7.7.11.3 Article V, Parking	~~2829~~

7.7.11.3.1 Section 84-14, Off-street Parking.....	29
7.7.11.3.2 Section 84-15, Off-street loading.....	29
7.7.11.3.3 Sections 84-20 and 84-20.1, Property Maintenance and Removal of weeds and growth.....	~~29~~ <u>30</u>
7.7.11.3.4 Sections 84-21 and 84-21.B, Signs – Zoning District regulations.....	30
7.7.11.3.5 Section 84-22, Tree Removal.....	30
7.7.11.4 Article X, Section 84-54, Special Use Permits.....	31
7.7.11.5 Article XI, Section 84-55, Site Plans.....	31
<u>7.8 City of Johnstown</u>	<u>32</u>
7.8.1 Article IV, Administration and Enforcement.....	32
7.8.2 Article V, Districts and Regulations.....	32
7.8.2.1 Sections 22-501 and 22-502, Zoning Districts and Map.....	32
7.8.2.2 Section 22-503, Intent of Zoning Districts.....	32
7.8.2.3 Section 22-504, Applicability of Regulations.....	32
7.8.2.4 Section 22-507, Allowed Land Uses.....	~~32~~ <u>33</u>
7.8.2.5 Section 22-508, Prohibited Land Uses.....	33
7.8.3 Article VIII, Supplementary Use Regulations.....	33
7.8.3.1 Section 22-812, Public Utility.....	33
7.8.3.2 Section 22-815, Fences.....	34
7.8.4 Article IX, Density Standards.....	34
7.8.4.1 Section 22-902, Additional Density Standards.....	34
7.8.4.1.1 Section 22-902(A), Minimum Lot Size Requirements.....	34
7.8.4.1.2 Section 22-902(B)(1), Yard setback Requirements: Corner Lot Setbacks.....	35
7.8.4.1.3 Section 22-902(B)(8), Yard Setback Requirements: Fences, Walls and Hedges.....	35
7.8.4.1.4 Section 22-902(C), Height Requirements.....	35
7.8.4.1.5 Section 22-902(E), Projections.....	35
7.8.5 Article XI, Signs.....	36
7.8.5.1 Section 22-1102, Sign Permit.....	36
7.8.5.2 Section 22-1103, Application for Sign Permit.....	36
7.8.5.3 Section 22-1106(B), Sign Regulations: General Regulations.....	36
7.8.5.3.1 Section 22-1106(B)(1), Exempt Signs.....	36

7.8.5.3.2 Section 22-1106(B)(2), Prohibited Signs	36
7.8.5.3.3 Section 22-1106(B)(4), Sign Measurement	36
7.8.5.3.4 Section 22-1106(B)(5), Materials	37
7.8.5.3.5 Section 22-1106(B)(6), Maintenance	37
7.8.5.3.6 Section 22-1106(B)(7), Illumination	37
7.8.5.3.7 Section 22-1106(B)(8), Traffic Safety	37
7.8.5.3.8 Section 22-1106(B)(9), Public Right-of-Way	37
7.8.5.3.9 Section 22-1106(B)(10), Obstructions	~~37~~ 38
7.8.5.4 Section 22-1106(C), Temporary Signs	38
7.8.5.5 Section 22-1106(F), Sign Regulations in Industrial Zone	38
7.8.5.6 Section 22-1106(G), Sign Regulations in Public Use Zone	39
7.8.6 Article XII, Off-street Parking and Loading	39
7.8.6.1 Section 22-1202, Compliance with Other Laws and Regulations	39
7.8.6.2 Section 22-1203, Building and Zoning permit	39
7.8.6.3 Section 22-1204, Off-street Parking Requirements	40
7.8.6.3.1 Section 22-1204(A), General Requirements	40
7.8.6.3.2 Section 22-1204(D), Parking Lots	40
7.8.6.4 Section 22-1205, Off-street Loading	40
7.8.7 Article XIII, Site Plan Review	41
7.8.8 Article XIV, Special Use Permits	~~41~~ 42
7.9 Town of Perth	42
7.9.1 Article 3, Zoning Administration and Enforcement	42
7.9.2 Article 4, Use Districts	42
7.9.3 Article 6, Minimum Area and Dimensional Requirements	43
7.9.3.1 Article 6.A, Schedule of Regulations	43
7.9.3.2 Article 6.B, Additional Area Regulations	43
7.9.4 Article 9, Special Use Permits	44
7.9.5 Article 10, Site Plans	44
7.9.6 Article 11, Parking	45
7.9.6.1 Article 11.C, Parking Space Area	45
7.9.6.2 Article 11.D, Orientation	45

7.9.6.3 Article 11.E, Residential Screening.....	45
7.9.6.4 Article 11.F, Parking Lot Lighting.....	45
7.9.6.5 Article 11.G, Target Number of Parking Spaces.....	46
7.9.7 Article 12, Signage.....	46
7.10 County of Montgomery.....	46
7.10.1 Local Law No. 1 of 1976, Freshwater Wetlands Protection Law.....	46
7.10.2 Local Law No. 2 of 1988, Fire Prevention and Building Code.....	~~47~~ <u>46</u>
7.10.3 Local Law No. 3 of 1992, Montgomery County Right to Farm.....	47
7.10.3 Local Law No. 3 of 2021, Designating Scenic Byways.....	47
7.11 Town of St. Johnsville.....	47
7.11.1 Town of St. Johnsville Land Use Law.....	~~48~~ <u>47</u>
7.11.1.1 Article IV, Districts and Boundaries.....	~~48~~ <u>47</u>
7.11.1.2 Article V, Use Regulations.....	48
7.11.1.2.1 Section 7, General Regulations.....	48
7.11.1.2.2 Section 9, A-Agricultural District.....	48
7.11.1.2.4 Section 14, Historic Overlay.....	~~49~~ <u>48</u>
7.11.1.3 Article VI, Area and Height Regulations for Lots, Yard and Buildings.....	49
7.11.1.3.1 Section 15, Regulations in Schedule A.....	49
7.11.1.3.2 Section 16, Area Regulations.....	50
7.11.1.3.3 Section 17, Height Regulation.....	50
7.11.1.4 Article VII, Site Plan Approval and Special Permits.....	50
7.11.1.4.1 Section 18, Purpose and Authorization.....	50
7.11.1.4.2 Section 19, Developments Requiring Site Plan Review.....	51
7.11.1.4.3 Section 20, Procedure.....	51
7.11.1.4.4 Section 21, Enforcement.....	51
7.11.1.4.5 Section 22, Submission Requirements.....	51
7.11.1.4.6 Section 23, Standards for Review.....	52
7.11.1.4.7 Section 25, Additional Requirements.....	52
7.11.1.4.8 Section 27, Special Permits.....	~~53~~ <u>52</u>
7.11.1.5 Article VIII Supplementary Regulations.....	53
7.11.1.5.1 Section 33, Junkyards.....	53

7.11.1.5.2 Section 34, Signs	53
7.11.1.5.3 Section 36, Vision Clearings at Intersections	54
7.11.1.5.4 Section 37, Landscaping Requirements	54
7.11.1.5.5 Section 42, Exterior Lighting	54
7.11.1.5.6 Section 44, Public Utility Facility Personal Wireless Service Facility	54
7.11.1.6 Article IX, Off Street Parking and Loading	55
7.11.1.6.1 Section 46, Automobile Parking Facilities	55
7.11.1.6.2 Section 47, Off-Street Loading Facilities	55
7.11.1.7 Article XI, Administration	~~5655~~
<u>7.11.1.8 Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville</u>	~~56~~
7.12 Town of Amsterdam	~~5657~~
7.12.1 Article III, Districts and Boundaries	~~5657~~
7.12.1.1 Section 5, Establishment of Districts	~~5657~~
7.12.2 Article IV, Use Regulations	~~5657~~
7.12.2.1 Section 7, R-1 Residence District	~~5657~~
7.12.2.2 Section 8, R-2 Residence District	~~5657~~
7.12.2.3 Section 10, A Agricultural District	~~5658~~
7.12.2.4 Section 11, B-1 Business District	~~5758~~
7.12.2.5 Section 16, Historic Overlay District	~~5758~~
7.12.3 Article V, Area and Height Regulations, Lots, Yards and Buildings	~~5758~~
7.12.3.1 Section 17, Regulations in Schedule A	~~5758~~
7.12.3.2 Section 18, Area Regulations	~~5759~~
7.12.3.3 Section 19, Height Regulations	~~5859~~
7.12.4 Article VI, Site Plan Review	~~5859~~
7.12.4.1 Section 20, Site Plan Review	~~5859~~
7.12.5 Article VII, Special Permits	~~5860~~
7.12.5.1 Section 21, Special Permits	~~5860~~
7.12.6 Article VIII, Supplementary Regulations	~~5960~~
7.12.6.1 Section 30, Dumps and Junkyards	~~5960~~
7.12.6.2 Section 31, Signs	~~5960~~

7.12.7 Article IX, Off-Street Parking and Loading.....	~~6061~~
7.12.7.1 Section 37, Automobile Parking Facilities.....	~~6061~~
7.12.7.2 Section 38, Off-Street Loading.....	~~6061~~
7.12.8 Article XI, Administration and Enforcement.....	~~6061~~
7.13 Town of Florida.....	~~6061~~
7.13.1 Zoning Ordinance.....	~~6062~~
7.13.1.1 Article IV, Districts and Boundaries.....	~~6062~~
7.13.1.1.1 Section 5, Establishment of Districts.....	~~6062~~
7.13.1.2 Article V, Use Regulations.....	~~6162~~
7.13.1.2.1 Section 9, A-Agricultural District.....	~~6162~~
7.13.1.3 Article VI, Area and Height Regulation-Lots, Yards and Buildings.....	~~6162~~
7.13.1.3.1 Section 14, Regulations in Schedule A.....	~~6162~~
7.13.1.3.2 Section 15, Walls, Fences and Hedges.....	~~6263~~
7.13.1.3.3 Section 16, Height Regulations.....	~~6263~~
7.13.1.4 Article VII, Site Plan and Special Permits.....	~~6263~~
7.13.1.5 Article VIII, Supplementary Regulations.....	~~6364~~
7.13.1.5.1 Section 33, Junkyards.....	~~6364~~
7.13.1.5.2 Section 34, Signs.....	~~6364~~
7.13.1.5.3 Section 35.1, Off-Premises Signage.....	~~6364~~
7.13.1.5.4 Section 36, Vision Clearance at Intersections.....	~~6365~~
7.13.1.5.5 Section 37, Landscaping Requirements.....	~~6465~~
7.13.1.5.6 Section 38, Corner and Through Lots.....	~~6465~~
7.13.1.5.7 Section 42, Exterior Lighting.....	~~6465~~
7.13.1.5.8 Section 44, Public Utility Facility.....	~~6465~~
7.13.1.5.9 Section 45.2, Portable Storage Units.....	~~6566~~
7.13.1.5.10 Section 45.3, Wellhead Protection.....	~~6566~~
7.13.1.6 Article IX, Off-Street Parking and Loading.....	~~6566~~
7.13.1.6.1 Section 46, Automobile Parking Facilities.....	~~6566~~
7.13.1.6.2 Section 47, Off-Street Loading Facilities.....	~~6567~~
7.13.1.7 Article XI, Administration.....	~~6667~~
7.13.2 Local Law No. 1 of 2006, Winter Motor Vehicles Parking Restrictions.....	~~6667~~

7.13.3 Local Law No. 2 of 2009, Motor Vehicle Parking Restrictions	~~666~~ 7
7.13.4 Local Law No. 3 of 2017, Flood Plain Management Regulations	~~666~~ 7
7.13.5 Local Law No. 1 of 2018, Right to Farm Law	~~676~~ 8
7.13.6 Local Law No. 1 of 2021, Town of Florida Road Preservation Law	~~676~~ 8
7.14 Town of Mohawk	~~686~~ 9
7.14.1 Local Law No. 1 of 1998, Waste Management Facilities Law	~~686~~ 9
7.14.2 Local Law No. 2 of 2002, Recycling Law	~~686~~ 9
7.14.4 Local Law No. 2 of 2016, Sewer Use Ordinances	~~686~~ 9
7.14.5 Local Law No. 4 of 2021, Property Maintenance Law	~~697~~ 0
7.14.5.1 Section 6, Open areas and parking spaces	~~697~~ 0
7.14.5.2 Section 9, Littering	~~697~~ 0
7.14.5.3 Section 10, Outdoor Deposit or Storage of Waste and Abandoned Appliances	~~707~~ 1
7.14.5.4 Section 11, Cutting and removal	~~707~~ 1
7.14.5.5 Section 12, Maintenance of Property	~~717~~ 2
7.14.5.6 Section 13, Buildings and Structures	~~717~~ 2
7.14.6 Local Law No. 5 of 2021, Site Plan Review Law	~~717~~ 2
7.14.7 Town of Mohawk Zoning Law 2022	~~727~~ 3
7.14.8.1 Article IV, Districts and Boundaries	~~727~~ 3
7.14.8.1.1 Section 5, Establishment of Boundaries	~~727~~ 3
7.14.8.2.1 Section 9, R-2 Residential District	~~727~~ 3
7.14.8.2.2 Section 18A, Use Regulations Governing All Districts	~~727~~ 3
7.14.8 Article VI, Area and Height Regulations	~~727~~ 3
7.14.8.1 Section 19, Regulations in Schedule A	~~727~~ 3
7.14.8.2 Section 20, Area Regulations	~~737~~ 4
7.14.8.2.1 Section 20(D), Visibility at Street Corners	~~737~~ 4
7.14.8.2.2 Section 20(E), Front Yard Exceptions	~~737~~ 4
7.14.8.2.3 Section 20(G), Projecting Architectural Features, Terraces, Porches, Fire Escapes	~~747~~ 5
7.14.8.2.4 Section 20(H), Walls, Fences and Hedges	~~747~~ 5
7.14.8.2.5 Section 21, Height Regulations	~~747~~ 5
7.14.8.3 Article VIII, Supplementary Regulations	~~747~~ 5

~~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.~~	~~74~~
7.14.8.3.2 Section 27, Commercial Excavation	<u>7576</u>
7.14.8.3.3 Section 28, Dumps and Junkyards	<u>7576</u>
7.14.8.4 Article IX, Off-Street Parking and Loading	<u>7576</u>
7.4.8.4.1 Section 29, Automobile Parking Facilities	<u>7576</u>
7.14.8.4.2 Section 30, Off-Street Loading	<u>7677</u>
7.14.8.5 Article XII, Sign Regulations	<u>7677</u>
7.14.8.5.1 Section 39, Procedure for sign Permits	<u>7677</u>
7.14.8.5.2 Section 40, General Provisions	<u>7677</u>
7.14.8.5.3 Section 41, Specific Sign Regulations	<u>7677</u>
7.14.8.5.4 Section 42, Districts and their uses - Signs	<u>7778</u>
7.14.8.5.5 Section 43, Construction Standards	<u>7778</u>
7.14.8.5.6 Section 44, Design Guidelines	<u>7778</u>
7.14.9 Local Law No. 3 of 2022, Flood Damage Prevention	<u>7879</u>
7.14.9.1 Section 3.0, General Provisions	<u>7879</u>
7.14.9.2 Section 4.0, Administration	<u>7879</u>
7.14.9.3 Section 5.0 Construction Standards	<u>7879</u>
7.14.10 Local Law No. 7 of 2023, Amending Sign Regulations	<u>79</u>
7.15 Village of Hagaman	<u>7980</u>
7.15.1 Local Law No. 1 of 1998 – Establishing Site Plan Review	<u>7980</u>
7.15.2 Local Law No. 1 of 2000 – Zoning & Subdivision Regulations	<u>7980</u>
7.15.2.1 Section 32 – Purpose and Intent	<u>7980</u>
7.15.2.2 Section 34 – Permits Required	<u>7980</u>
7.15.2.3 Section 34a – Temporary Structure Permit	<u>8081</u>
7.15.2.4 Section 35 – Certificate of Occupancy and Compliance	<u>8081</u>
7.15.3 Local Law No. 1 of 2001 – Zoning Regulations (as amended by Local Law No. 1 of 2004)	<u>8081</u>
7.15.3.1 Section 145.5 – Establishment of Districts	<u>8081</u>
7.15.3.2 Section 145.7 – R-1 Residential District	<u>8081</u>
7.15.3.3. Section 145.8 – R-2 Residential District	<u>8182</u>
7.15.3.4 Section 145.9 – R-M Mobile Home Residential District	<u>8182</u>

7.15.3.5 Section 145.10 – R-MF Residential Multi-Family District	<u>8182</u>
7.15.3.6 Section 145.11 – B-1 Business District	<u>8182</u>
7.15.3.7 Section 145.13 – M-1 Manufacturing District	<u>8283</u>
7.15.3.8 Section 145.15 – Area Regulations	<u>8283</u>
7.15.3.9 Section 145.16 – Height Regulations	<u>8283</u>
7.15.3.10 Section 145.27 – Property Maintenance	<u>8283</u>
7.15.3.11 Section 145.28 – Signs	<u>8384</u>
7.15.3.12 Article 7 – Off-Street Parking and Loading	<u>8384</u>
7.15.3.13 Article 8 – Nonconforming Uses	<u>8384</u>
7.15.3.14 Section 145.43 – Building Permit	<u>84</u>
7.15.3.15 Section 145.44 – Temporary Structure Permit	<u>8485</u>
7.15.3 Local Law No. 1 of 2001 – Site Plan Review	<u>8485</u>
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	<u>8485</u>
7.15.5 Local Law No. 1 of 2017 – Noise Pollution Law	<u>8485</u>
7.15.6 Local Law No. 1 of 2018 – FEMA Law for the Prevention of Flood Damage	<u>8586</u>
7.15.7 Local Law No. 1 of 2019 – Exterior Property Maintenance	<u>8586</u>
7.16 County of Schenectady	<u>8687</u>
7.16.1 Schenectady County Local Laws	<u>8687</u>
7.16.1.1 Part 3, Codified Local Laws	<u>8687</u>
7.16.1.1.1 Chapter 85, Freshwater Wetlands’ Protection, Preservation and Conservation	<u>8687</u>
7.16.1.1.2 Chapter 90, Environment: Nature and Historic Preserve	<u>8687</u>
7.16.1.1.3 Chapter 125, Schenectady County Sanitary Code	<u>8687</u>
7.16.1.1.3.1 Section 125.10, Wastewater treatment and disposal	<u>8687</u>
7.16.1.1.3.2 Section 125.11, Nuisances	<u>8788</u>
7.16.1.1.4 Chapter 210, Parking and Operating Motor Vehicles on Certain County Property	<u>8788</u>
7.16.1.1.5 Chapter 275, Storm Sewer Systems	<u>8788</u>
7.17 Town of Princetown	<u>8889</u>
7.17.1 Site Plan Review Law	<u>8889</u>
7.17.2 Town of Princetown Zoning Law	<u>8889</u>
7.17.2.1 Article 4, Establishment of Districts and Zoning Map	<u>8889</u>

7.17.2.1.2 Section 4.1, Districts.....	<u>8889</u>
7.17.2.2 Article 5, General Provisions.....	<u>8889</u>
7.17.2.2.1 Section 5.3, Setbacks.....	<u>8889</u>
7.17.2.2.2 Section 5.4, Visibility at Intersections.....	<u>8889</u>
7.17.2.2.3 Section 5.7, Effect on Public Utilities.....	<u>8990</u>
7.17.2.3 Article 6, Districts.....	<u>8990</u>
7.17.2.3.1 Section 6.1, GR General Residential Districts.....	<u>8990</u>
7.17.2.3.2 Section 6.2, MH – Mobile Home Districts.....	<u>8990</u>
7.17.2.3.3 Section 6.3, MF Multiple Family Districts.....	<u>90</u>
7.17.2.4 Article 7, Supplementary Regulations.....	<u>9091</u>
7.17.2.4.1 Section 7.2, Outdoor Storage of Solid Waste.....	<u>9091</u>
7.17.2.4.2 Section 7.3, Fences.....	<u>9091</u>
7.17.2.4.3 Section 7.7, Off-street Parking Requirements.....	<u>9091</u>
7.17.2.4.4 Section 7.8, Off-street Loading Requirements.....	<u>9192</u>
7.17.2.4.5 Section 7.9, Signs.....	<u>9192</u>
7.17.2.4.6 Section 7.15, Public Utilities.....	<u>9192</u>
7.17.2.4.7 Section 7.17, Towers.....	<u>9293</u>
7.17.2.5 Article 8, Special Use Permits.....	<u>9293</u>
7.17.2.6 Article 10, Administration and Enforcement.....	<u>9394</u>
7.17.3 Local Law No. 3 of 2006, Erosion, Sediment Control and Stormwater Management.....	<u>9394</u>
7.17.4 Local Law No. 1 of 2007, Uniform Fire Prevention and Building Code.....	<u>9394</u>
7.17.5 Local Law No. 8 of 2006, Stormwater Control.....	<u>9394</u>
7.18 Town of Rotterdam.....	<u>9495</u>
7.18.1 Part II: General Legislation, Town Code 7.18.1.1 Chapter 73, All-Terrain Vehicles.....	<u>9495</u>
7.18.1.2 Chapter 89, Building Code Administration and Code Enforcement Program.....	<u>9495</u>
7.18.1.3 Chapter 112, Electrical Inspections.....	<u>9495</u>
7.18.1.4 Chapter 130, Fires and Fire Prevention.....	<u>9596</u>
7.18.1.5 Chapter 134, Flood Damage Prevention.....	<u>9596</u>
7.18.1.6 Chapter 188, Noise.....	<u>9596</u>
7.18.1.7 Chapter 230, Sewers.....	<u>9697</u>
7.18.1.8 Chapter 240, Snowmobiles.....	<u>9697</u>

7.18.1.9 Chapter 244, Solid Waste, Garbage, Recycling, Brush, Grass and Leaves	~~96~~ <u>97</u>
7.18.1.10 Chapter 247, Streets and Sidewalks	~~97~~ <u>98</u>
7.18.1.11 Chapter 265, Property Maintenance	~~97~~ <u>98</u>
7.18.1.12 Chapter 266, Vehicles and Traffic	~~97~~ <u>98</u>
7.18.1.13 Chapter 267, Water	~~98~~ <u>99</u>
7.18.1.14 Chapter 270, Zoning	~~98~~ <u>99</u>
7.18.1.14.1 Article III, Zoning Districts; Zoning Map; Boundaries	~~98~~ <u>99</u>
7.18.1.14.1.1 Section 270-6, Districts Enumerated	~~98~~ <u>99</u>
7.18.1.14.2 Article VI, General Requirements	~~98~~ <u>99</u>
7.18.1.14.2.1 Section 270-12, Visibility at Intersections	~~98~~ <u>99</u>
7.18.1.14.2.2 Section 270-13, Minimum Floor Area	~~98~~ <u>99</u>
7.18.1.14.2.3 Section 270-14, Public Utilities	~~99~~ <u>100</u>
7.18.1.14.3 Article V, A Agricultural District	~~99~~ <u>100</u>
7.18.1.14.3.1 Section 270-21, Yard and property line requirements	~~99~~ <u>100</u>
7.18.1.14.3.2 Section 270-22, Lot area	~~99~~ <u>100</u>
7.18.1.14.3.3 Section 270-23, Lot Coverage	~~99~~ <u>100</u>
7.18.1.14.4 Article XV, Flood Hazard District	~~100~~ <u>101</u>
7.18.1.14.4 Article XVII, Site Plan Approval	~~100~~ <u>101</u>
7.18.1.14.5 Article XVIII, Specific Use Regulations	~~101~~ <u>102</u>
7.18.1.14.5.1 Section 270-142, Outdoor storage and dumping of waste	~~101~~ <u>102</u>
7.18.1.14.5.2 Section 270-143, Fences	~~101~~ <u>102</u>
7.18.1.14.5.3 Section 270-148, Towers	~~101~~ <u>102</u>
7.18.1.14.5.4 Section 270-149, Off-Street Parking	~~102~~ <u>103</u>
7.18.1.14.5.5 Section 270-150, Off-Street Loading	~~102~~ <u>103</u>
7.18.1.14.5.6 Section 270-151, Signs	~~102~~ <u>103</u>
7.18.1.14.5.7 Section 270-156, Lighting	~~103~~
7.18.1.14.6 Article XIX, Special Use Permits	~~103~~ <u>104</u>
7.18.1.14.7 Article XXII, Schenectady Intermunicipal Watershed Rules and Regulations	~~103~~ <u>104</u>
7.18.1.14.8 Article XXVI, Erosion and Sediment Control	~~104~~ <u>105</u>
7.18.1.14.8.1 Section 270-215, Regulations and Requirements	~~104~~ <u>105</u>

TABLES

Table 7.1-1 Compliance Summary Table

Table 7.3-1 Agricultural 120,000 District Dimensional Requirements

Table 7.7-1 Town of Johnstown Schedule of Regulations

Table 7.8.1 City of Johnstown Density Standards

Table 7.8-2 City of Johnstown Industrial Zone Sign Standards

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

Table 7.9-1 Town of Perth Zoning District Regulations

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

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

Table 7.14-1 Town of Mohawk 2022 Dimensional Regulations

Table 7.14-2 Town of Mohawk 2022 Revised Dimensional Regulations

Table 7.15-1 Village of Hagaman Zoning Schedule A

FIGURES

Figure 7-1 Town of Manheim Zoning Map

Figure 7-2 Town of Johnstown Zoning Map

Figure 7-3 City of Johnstown Zoning Map

Figure 7-4 Town of Perth Zoning Map

Figure 7-5 Town of Amsterdam Zoning Map

Figure 7-6 Town of Florida Zoning Map

Figure 7-7 Town of Mohawk Zoning Map

Figure 7-8 Town of Princetown Zoning Map

Figure 7-9 Town of Rotterdam Zoning Map

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

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

technology; (ii) factors of costs or economics; or (iii) the needs of consumers. This Exhibit 7 contains justification statements in support of the Applicant’s request that the New York State Public Service Commission (“Commission”) not apply those substantive Local Ordinances identified as unreasonably restrictive. Due to the preemptive effect of Public Service Law (“PSL”) Section 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

The Compliance Summary Table set forth on the following 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
<i>County of Herkimer</i>		
	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	Will Comply
	Local Law No. 3 of 2022, Herkimer County Right to Farm Law	Will Comply
<i>Town of Manheim</i>		
	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	Waiver Requested
	Section 530, Performance Standards	Waiver Requested
	Section 546, Public Utility Structures	Partial Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Sections 550 – 555, Signs	Waiver Requested
<i>County of Fulton</i>		
<i>Town of Oppenheim</i>		
	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
<i>Town of Ephratah</i>		
	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
<i>Town of Johnstown</i>		
	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	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	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
<i>City of Johnstown</i>		
	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
	Section 22-1106(F), Sign Regulations in	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Industrial Zone	
	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
<i>Town of Perth</i>		
	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
<i>County of Montgomery</i>		
	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
<i>Town of St. Johnsville</i>		
	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	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
	<u>Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville</u>	<u>Waiver Requested</u>
<i>Town of Amsterdam</i>		
	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
<i>Town of Florida</i>		

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Section 9, A-Agricultural District	Will Comply
	Section 14, Regulations in Schedule A	Waiver Requested
	Section 15, Walls, Fences and Hedges	Waiver Requested
	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	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
<i>Town of Mohawk</i>		
	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	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,	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Littering	
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Mohawk Zoning Law Section 39, Procedure for sign permits	Preempted
	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
<i>Village of Hagaman</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Local Law No. 1 of 2001 – Zoning Regulations, Section 145.10, R-MF Multi-Family Residential District	Waiver Requested
	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	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Property Maintenance	
<i>County of Schenectady</i>		
	Chapter 85, Freshwater Wetlands' Protection, Preservation and Conservation	Will Comply
	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	Will Comply
<i>Town of Princetown</i>		
	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

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Local Law No. 1 of 2007, Uniform Fire Prevention and Building Code	Will Comply
	Local Law No. 8 of 2006, Stormwater Control	Waiver Requested
<i>Town of Rotterdam</i>		
	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	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	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	Waiver Requested

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Control	
	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.

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. 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 fire 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.

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 in compliance 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 Town's 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 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, 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 provided 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.

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 Plan ("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. The Applicant requests that the Commission not apply these 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.

7.7.11.3.5 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. 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. 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. 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*~~*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. The Applicant intends to site a laydown yard in the City of Johnstown, which will include off-street parking.

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 Certificate Conditions and/or the EM&CP. To the extent that the EM&CP proposed parking 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. The Applicant intends to site a laydown yard in the City of Johnstown, which will include off-street parking.

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. The Applicant intends to

site a laydown yard in the City of Johnstown, which will include off-street parking. 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. 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 Montgomery County, including Pattersonville Road (CR 152), Bulls Head Road (CR 151), and Traux Road (CR 7).

The Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. 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. 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. The 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. 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.

7.11.1.8 Local Law No. 2 of 2026, Temporary Construction Operations and Staging Permit Law of the Town of St. Johnsville

This Local Law establishes operational standards for temporary construction staging areas, laydown yards, equipment storage, job trailers, and other temporary commercial construction uses. This Local Law requires a permit for any Temporary Construction Operations, which are defined in Section 4 as, “temporary use of land for construction related staging, storage, parking, offices, trailers, containers, stockpiles, batching, or similar uses.” Section 6 of the Local Law provides exceptions from permitting requirements for certain limited operations, including public utility work that is subject to reasonable safety and restoration requirements. To obtain a permit, an applicant must submit to the Code Enforcement Officer, with referral to the Planning Board or Town Engineer, as appropriate: (1) owner authorization and contact information; (2) description of the construction project and duration; (3) scaled site/staging plan; (4) traffic and access plan; (5) erosion, dust, and stormwater controls; (6) lighting and screening details; (7) restoration plan; (8) proof of insurance; and (9) required fees and escrow deposits. The permit will contain the applicable operational standards for the proposed Temporary Construction Operations and shall be valid for a period not exceeding one year. Sections 11 and 12 of this Local Law contain fee requirements and professional review escrow requirements for Temporary Construction Operations permits. Section 13 requires applicants to maintain general liability insurance of not less than \$1,000,000 per occurrence and states that the Town may require an applicant to post a performance bond or security to guarantee restoration. Section 14 of this Local Law requires an applicant to post a road protection bond for work involving heavy truck traffic, repetitive hauling, oversized loads, or other activity reasonably likely to damage Town infrastructure. The Code Enforcement Officer, Town Superintendent of Highways, and Town Engineer have discretion to determine whether a Road Protection Bond is required. The Town may also require a pre-construction video or photographic survey of affected roads. Lastly, this Local Law includes provisions for inspections and enforcement and penalties.

National Grid requests a waiver of Local Law No. 2 of 2026 because it is unreasonably restrictive in view of existing technology and factors of cost and economics. As detailed in this response, the laydown yard in the Town of St. Johnsville will be regulated and permitted through the Article VII process. The Certificate Conditions and Joint Proposal will include and incorporate provisions for operational standards of the laydown yard, including traffic, dust and

noise control, drainage and erosion control, screening and lighting, compliance with fire and safety codes, and cleanup and restoration. Additionally, the Certificate Conditions include requirements related to road use and coordination with municipal highway departments. The EM&CP will include a Maintenance and Protection of Traffic Plan which will address traffic and safety concerns on Town roads. The Town's permitting process and standards are duplicative and will create additional costs. This request cannot be obviated by design changes to the proposed laydown yard, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the extent practicable.

As part of the Project, National Grid proposes siting a laydown yard at 7875 Route 5 in the Town of St. Johnsville, Montgomery County. The proposed Certificate Conditions for the Project will include language allowing National Grid to use the laydown yard following issuance of the Certificate and prior to submittal of the EM&CP. National Grid conducted due diligence related to the proposed laydown yard, including wetland and stream delineation and protected species and habitat review and consultation. National Grid prepared a SWPPP for the proposed laydown yard and will seek coverage under SPDES General Permit. Site management practices will be consistent with the requirements of the Certificate Conditions. National Grid will include an Appendix to the Joint Proposal (Appendix H) which outlines the proposed use of the laydown yard in the Town of St. Johnsville. The Appendix outlines fencing and security measures, lighting, material storage plans, parking plans, and the proposed construction schedule. The Appendix also includes a detailed map of the proposed laydown yard. The Certificate Conditions include provisions related to restoration following Project activities, which will apply to the laydown yard.

Additionally, the procedural requirements of the Local Law, including review and approval of Temporary Construction Operations 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 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, 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. 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 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, 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. 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 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.

7.13.1.5.5 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.

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 Florida 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.

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.

To the extent that, during construction, there are 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 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 front 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 sills, 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 set 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 purpose 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. 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.

7.14.8.5.3 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. 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. 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. 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.

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. 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. 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. 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 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.

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 Hagsman.

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 Hagsman.

The Applicant does not anticipate needing a temporary structure in the Village of Hagsman. 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 Hagsman. 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 Hagsman 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 Hagsman, 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.

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 are 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 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 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 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, 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 shift. 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. 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 known 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 its 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. 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 in compliance 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.

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 clearance, 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. 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.