

Article VII Application
Canisteo Wind Transmission Facility
Case No. 19-T-__

Exhibit 7
Local Laws and Ordinances

Invenergy

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EXHIBIT 7. LOCAL LAWS AND ORDINANCES

Public Service Law (PSL) § 130 and 16 NYCRR § 86.8 of the New York Public Service Commission (Commission) Rules of Procedure require the applicant to submit a list of local laws and ordinances applicable to the proposed facility and a discussion of whether the planned facility will comply with them.

The Transmission Facility will be located in the Towns of Jasper, Canisteo and Hornellsville and the Village of Canisteo, all in Steuben County. Listed and described below by jurisdiction are those local laws and ordinances applicable or potentially applicable to the portions of the Transmission facility located in each jurisdiction. Most of the local laws described below may be viewed at <https://www.dos.ny.gov/corps/locallaws.html>. CWE will comply with all applicable local laws and is not requesting Siting Board override of any.

7.1 Steuben County

Steuben County provides a list of all county laws on its website at <https://www.steubencony.org/pages.asp?PID=692>.

Local Law No. 1 of 1976 is Steuben County's law enforcing the State's Wetland Protection Act and was enacted pursuant to Environmental Conservation Law § 24-0501. Because this law duplicates the state law, the substantive provisions of which are applicable to the Transmission Facility pursuant to PSL § 126.1(f), there are no separate and independent local requirements of a substantive nature.

Local Law No. 19 of 2006 creates a Code Enforcement Officer (CEO) and authorizes the CEO to administer and enforce the State's Uniform Fire Prevention and Building Code. No component of the Transmission Facility is subject to the Uniform Code and therefore this law does not apply.

No other Steuben County laws are applicable to the Transmission Facility.

7.2 Town of Canisteo

Components of the Transmission Facility to be located in the Town of Canisteo include utility poles and conductors.

Local Law No. 2 of 2009 authorizes the Town to issue permits for utility work performed in Town highways and rights-of-way. Utility work in Town highways is to be performed pursuant to methods prescribed in a document to be adopted and amended from time-to-time by resolution of the Town Board. Canisteo does not currently have such a document on file, but in any event, CWE will obtain the required permit in the form of a Road Use Agreement, which will prescribe methods and requirements. CWE will comply with this law.

Local Law No. 2 of 2010 creates a Code Enforcement Officer (CEO) and authorizes the CEO to administer and enforce the State's Uniform Fire Prevention and Building Code. None of the Transmission Facility components to be located in Canisteo are subject to the Uniform Code and therefore this law does not apply.

Local Law No 2 of 2015 prohibits vehicle parking and standing on Town highways, highway shoulders and rights-of-way from November 1 to April 1 of the following year. CWE will comply with this law.

Canisteo does not have a zoning law or a wind energy permitting law.

7.3 Town of Hornellsville

Components of the Transmission Facility to be located in the Town of Hornellsville include the Point of Interconnection (POI) Substation, and utility poles and conductors. The Hornellsville Zoning Ordinance, amended most recently in 2013, is available on the Town of Hornellsville's website at http://www.townofhornellsville.com/Forms/Zoning_Laws.pdf. Subdivision 301.1.1, paragraph K provides that "[p]ublic utility uses [including] substations and transmission lines may be permitted in any zone district with a Special Use Permit." Requirements to obtain local permits, including the Hornellsville Special Use Permit, are supplanted by Public Service Law § 130. However, the Zoning Ordinance has the following substantive requirements applicable to the Transmission Facility with which CWE will comply.

301.1 No structures within 50 feet of streams; natural features to be preserved.

301.2.3 Uses in R Districts shall not produce noxious or offensive fumes, odors, noise, vibration or light.

505.7 General criteria for all Special Uses.

505.7.1 Use to be not incompatible with surrounding neighborhood.

505.7.2 Use shall not significantly and adversely affect neighboring properties.

505.7.3 Vehicle access to be safe and adequate.

505.7.4 Off-road parking to be adequate.

505.7.5 Impacts on aesthetic resources of local and statewide significance to be avoided.

505.7.6 Parking and loading areas to be screened.

505.7.7 Natural features to be preserved.

909.2 Specifies requirements for off-street parking.

910.10 Permits signs for the identification, operation or protection of public utility installations.

Note that because the Bennett Substation is an existing use, owned by New York State Electric and Gas Corporation, any alterations to the substation to accommodate CWE's POI will be subject to NYSEG's approval and will conform to the existing use in terms of appearance, fencing, and signage.

Local Law No. 3 of 2013 regulates use of town roads by "high frequency, high impact" truck traffic. The law has both procedural provisions requiring a permit from the Hornellsville Highway Superintendent and substantive provisions restricting parking, requiring that road damage be repaired and requiring maintenance of traffic during construction. Although PSL § 130 supplants the permit requirement of this local law, CWE will apply for and obtain the required permit in the form of a Road Use Agreement with the Town of Hornellsville. CWE will comply with all substantive provisions.

Local Law No. 1 of 1999 is Hornellsville's Flood Damage Prevention Law, which includes a permitting process and substantive standards governing construction of "structures" in "areas of special flood hazard." The Transmission Facility will not include any structures, as defined in Section 2.0, located in Hornellsville and therefore this law does not apply to the Transmission Facility. Note that Local Law No. 2 of 2017 purports to amend a prior Flood Damage Prevention Law, Local Law No. 1 of 1987, and that Local Law No. 2 of 1988 is yet another version of the Flood Damage Prevention Law.

Local Law No. 1 of 2008, the Wind Energy Facilities Law of the Town of Hornellsville, provides for the permitting of Wind Energy Facilities and Wind Energy Conversion Systems (WECS), *i.e.*, turbines. The latter are permitted only in Wind Energy Overlay Districts, which are limited to the Town's Ag Districts. The geographic restriction applicable to turbines does not apply to Wind Energy Facilities, including interconnection lines.

7.4 Town of Jasper

Components of the Transmission Facility to be located in the Town of Jasper include the Collection Substation, utility poles and conductors.

Local Law No. 2 of 2018, Jasper's Wind Energy Facility Law (Jasper Wind Law) is a comprehensive permitting law for wind farms like the Canisteo Wind Farm of which the Transmission Facility is a critical component. (The Canisteo Wind Farm, except for the Transmission Facility, is being reviewed under Public Service Law Article 10, which supplants the permitting procedures of the Jasper Wind Law.) Section 6 of the law defines "Wind Energy Facility" as including "all related infrastructure, electric lines and substations." Wind Energy Facilities are permitted in all areas of the Town of Jasper (Jasper Wind Law § 5B) and thus the Transmission Facility, including the Collection Substation is a permitted use in Jasper. Because the Transmission Facility is subject to Public Service Law Article VII, the permitting process prescribed by the Jasper Wind Law does not apply. Although Section 12A of the Jasper Wind Law is entitled *Transmission Lines* and states that "[a]ll power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable," it is apparent from the text that the requirement applies to collection lines and not to interconnection lines. No other provision of the Jasper Wind Law would apply specifically to the Transmission Facility other than Section 14, governing use of local roads for delivering construction equipment and facility components. Section 14 authorizes the Town to prescribe the traffic routes for use by construction and delivery vehicles

in the permitting process. CWE will comply with Section 14 of the Jasper Wind Law by means of a negotiated Road Use Agreement with the Town.

Local Law No. 1 of 2008, identical to Canisteo's Local Law No. 2 of 2009, authorizes the Town Board to issue permits for utility work in Town highways and rights-of-way. As discussed in connection with the Canisteo counterpart, the permit will be subsumed in the Road Use Agreement CWE will have with Jasper and will include all substantive requirements contemplated by this local law. CWE will comply with this law.

Local Law No. 1 of 2009 the Flood Damage Prevention law includes a permitting process and substantive standards governing construction of "structures" in "areas of special flood hazard." The Transmission Facility will not include any structures as defined in Section 2.0 located in Jasper and therefore this law does not apply to the Transmission Facility.

Local Law No. 1 of 2001 regulates logging through a permit process and authorizes the Highway Superintendent to impose conditions concerning the use of Town roads and highways for logging operations. Although it is not clear if this law would apply to right-of-way clearing operations, CWE will have a Road Use Agreement with the Town which will cover the types of conditions this law authorizes the Highway Superintendent to impose. CWE will comply with this law.

Local Law No. 1 of 2018 restricts vehicle parking on Town roads and public property within the Town. Parked vehicles on public roads are prohibited from obstructing or interfering with public use of the road, Town highway maintenance work, snow removal and use of roads during emergencies. CWE will comply with this law.

Jasper does not have a zoning law.

7.5 Village of Canisteo

Components of the Transmission Facility to be located in the Village of Canisteo include utility poles and conductors.

Local Law #1 of 2016, replacing Chapter 67 of the Code of the Village of Canisteo, adopts the New York State Uniform Fire Prevention and Building Code. The Transmission Facility components located in the Village are not subject to the Uniform Code.

Chapter 69 Flood Damage Prevention applies to "structures" (§ 69-8) as defined in Section 69-4, which covers walled or roofed buildings.

Chapter 75 Noise prohibits noises that disturb the peace or interfere with the health of residents. Specific provisions address barking dogs and car horns. The Facility will not produce noise levels that approach those concerns.

Chapter 93 Streets

Sections 93-1 and 93-2 prohibit operation of machinery on public streets in a manner that would destroy the street surface. CWE will comply.

Section 93-4 prohibits depositing refuse on streets. CWE will comply.

Sections 93-19 through 93-31 requires a permit to excavate in public streets and regulates the manner of excavation in streets. If the installation of the line requires excavation, CWE will obtain the required permit in the form of a road use agreement.

Chapter 107 Vehicle and Traffic (as amended by Local Law #1 of 2010) regulates, or provides for the regulation, of traffic, speed, parking and weight limits on Village streets. CWE will comply.

Chapter 109 Vehicles overlaps with Chapter 107 and regulates conditions and operations of vehicles in the Village and in general tracks New York State law requirements. CWE will comply.

Chapter 119 Zoning – In the Village of Canisteo, the Facility's poles and conductors will be located in the Flood Plain Overlay District and in the following underlying districts: Medium Density Residential (MDR), General Commercial (C), and Flood Plain Overlay (Z). The poles and electric line to be located in the Village fall within the definition of "essential services" (Code of the Village of Canisteo § 119-90) which are permitted uses in each involved district, either as of right or by special permit.