

TOWN OF FARMINGTON
DELAWARE RIVER SOLAR PROJECT CORRESPONDENCE RECEIVED
DELAWARE RIVER SOLAR LLC
466 YELLOW MILLS ROAD

PB #1003-18	Preliminary Four-Lot Subdivision Plat
PB #1004-18	Preliminary Site Plan
PB #1006-18	Special Use Permit
ZB #0902-18	Area Variance Application
ZB #0903-18	Area Variance Application
ZB #0904-18	Area Variance Application
ZB #0905-18	Area Variance Application

#01

June 29, 2018: *Letter and Attachment*

From Peter Dolgos, Senior Vice President, Delaware River Solar LLC, re: Soils Classified as Class 1 through 4.

With attachment dated December 13, 2017, re: no feasible alternative for the location of the proposed solar farm on the property, signed by Roger and Carol Smith on December 18, 2017.

#02

June 29, 2018: *Letter and Appendices I, II and III*

From Peter Dolgos, Senior Vice President, Delaware River Solar LLC, re: Decommissioning Plan with appendices.

#03

Dated September 11, 2018: *Toxicity Test Report*

From TestAmerica Laboratories Inc., TestAmerica Irvine, 17461 Derian Avenue, Suite 100, Irvine, Calif. 92614-5817, re: Toxicity test Report on the REC Twin Peak 2 PV Solar Panel. The full report is in the project file.

#04

October 5, 2018: *Letter*

From Ontario County Agricultural Enhancement Board, Frederick Lightfoote, Acting Chairman, re: comments on the application.

#05

October 16, 2018: *Letter*

Gordon Wilson, 427 State Route 21, Palmyra, N.Y. 14522, re: opposed

#06

October 17, 2018: *Letter*

From Caroline Heberle, for 531 Yellow Mills Road, c/o 53 Mildorf Street, Rochester, N.Y. 14609, re: opposed.

#07

October 18, 2018: *Letter*

From James Dennie, 595 Yellow Mills Road, Palmyra, N.Y. 14522, re: opposed.

#08

October 18, 2018: *Letter*

From James Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed

#09

October 18, 2018: *Letter*

From Nancy Falanga, 395 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed.

#10

October 18, 2018: *Letter*

From Christopher Progno, Reed Equine Inc., 4465 Fox Road, Palmyra, N.Y. 14522, re: opposed.

#11

October 18, 2018: *Letter*

From Lisa Reed, Reed Equine Inc., 4465 Fox Road, Palmyra, N.Y. 14522, re: opposed.

#12

October 19, 2018: *Letter*

From George [can't read last name], no address, re: opposed.

#13

October 20, 2018: *Letter*

From Robert E. Van Caesele, 520 Stafford Road, Palmyra, N.Y. 14522, re: opposed.

#14

October 20, 2018: *Letter*

From [can't read signature], no address, re: opposed.

#15

October 20, 2018: *Letter*

From [can't read signature], no address, re: opposed.

#16

October 22, 2018: *Letter*

From Karen Stratton, 5798 Clover Meadow Lane, Farmington, N.Y. 14425, re: opposed.

#17

October 22, 2018: Letter

From Jim Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed

#18

October 22, 2018: Letter

From [can't read signature], no address, re: opposed.

#19

October 22, 2018: Letter

From Jennifer D. Baxter, 266 Yellow Mills Road, Palmyra, N.Y. 14522, re: opposed.

#20

October 22, 2018: Letter

From Albert M. Baxter, 266 Yellow Mills Road, Palmyra, N.Y. 14522, re: opposed.

#21

October 23, 2018: Letter

Stacey and Arnold VanDenburgh, 259 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed.

#22

October 24, 2018: Letter

From Tammy C. Johnson, 126 Yellow Mills Road, Palmyra, N.Y. 14522, re: opposed.

#23

October 24, 2018: Letter

Richard Hyde, 811 Turner Road, Palmyra, N.Y. 14522, re: opposed.

#24

October 24, 2018: Letter

From Eric and Edith Chapman, 230 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed.

#25

October 24, 2018: Letter

From [difficult to read signature, it could be Christina Main?], no address, re: opposed.

#26

October 25, 2018: Letter

From Weston Costello, 69 Mildorf Street, Rochester, N.Y. 14609, for the corner of Rushmore Road and Yellow Mills Road, re: opposed.

#27

October 25, 2018: Letter with photos (2)

From Linda Heberle, family farm located at 531 Yellow Mills Road, re: opposed.

#28

Undated; received October 25, 2018: *Letter*

From Madeline Allen and Daniel Bieck, 4392 Fox Road, Palmyra, N.Y. 14522, re: opposed.

#29

October 25, 2018: *Letter*

From Jim Redmond, Jrlon Inc., 4344 Fox Road, Palmyra, N.Y. 14522, re: opposed.

#30

October 26, 2018: *Letter*

From Nelson and Barbara Case, 169 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed.

#31

Undated; received October 26, 2018: *Letter*

From Terence Bieck, 358 Stafford Road, Palmyra, N.Y. 14522, re: opposed.

#32

October 27, 2019: *Letter*

From James and Linda Zurich, 315 Sheldon Road, Farmington, N.Y. 14425, re: opposed.

#33

November 1, 2018: *Hard copy of e-mail*

From Farmington Town Clerk Michelle Finley to Planning Board Chairperson Ed Hemminger, re: conclusion of 30-day public review and comment period, i.e., “no one came into the Clerk’s Office to review the file or comment.”

#34

November 8, 2018: *Letter*

From Marilyn Fair, 984 Stafford Road, Shortsville, N.Y. 14548, re: opposed.

#35

November 8, 2018: *Letter*

From Jon R. Fair, 984 Stafford Road, Shortsville, N.Y. 14548, re: opposed.

#36

November 20, 2018: *Letter*

From Jim Redmond, JRLON Inc., P.O. Box 244, 4344 Fox Road, Palmyra, N.Y. 14522, re: opposed.

#37

November 20, 2018: *Letter*

From James F. Foley, 373 Ellsworth Road, Palmyra, N.Y. 14522, re: opposed.

#38**November 28, 2018: Response document**

From Delaware River Solar in response to questions; 104-page document is posted on Town of Farmington website. This includes:

Appendix A: Phase Utility Line Map, Town of Farmington

Appendix B: Solar Energy Industries Association Research Data

Appendix C: Global Horizontal Solar Resource of New York map (from the National Renewable Energy Laboratory for the U.S. Department of Energy)

Appendix D: Photos of Baer Road Solar Farm with sheep grazing
Photos of the Rochester Institute of Technology Solar Farm

Appendix E: Yellow Mills Road Solar Project Property Value Impact Analysis

Appendix F: On-site delineation of the wetlands of the Smith farm prepared by North Country Ecological Services Inc., July 24, 2018

#39**December 2018: Letter**

From Roger and Carol Smith, 4790 Fox Road, Farmington, N.Y. 14425, re: support.

#40**December 3, 2018: Letter with Cardi Reports, Number 18, May 2018**

From Marilyn Fair, 984 Stafford Road, Shortsville, N.Y. 14548, re: opposed

#41**December 5, 2018: Map**

From Barbara Case, 169 Ellsworth Road, Palmyra, N.Y. 14522, re: United States map, "Concentrating Solar Resource: Direct Normal."

#42**December 17, 2018: Soils Report**

From Schultz Associates, Engineers & Land Surveyors, P.C., 129 South Union Street, P.O. Box 89, Spencerport, N.Y. 14559, re: Soils Report for Solar Energy Facility, 466 Yellow Mills Road; full report is in the project file.

#43**December 20, 2018: Letter with article entitled "If Solar Panels Are So Clean, Why Do They Product So Much Toxic Waste" by Michael Shellenberger, www.forbes.com, May 23, 2018.**

From Marilyn Fair, 984 Stafford Road, Shortsville, N.Y. 14548, re: opposed.

#44**December 20, 2018: Hard copy of e-mail**

From Daniel Compitello (Project Developer, Delaware River Solar) to Farmington Director of Development and Planning Ronald L. Brand and Farmington Code Enforcement Officer James Morse, re: update on the status of information which was requested by the Planning Board.

#45A and #45B**December 20, 2018: Hard copy of e-mail and photograph**

From Linda Heberle to Farmington Director of Development and Planning Ronald L. Brand, Farmington Code Enforcement Officer James Morse, and chairpersons and members of the Planning Board and the Zoning Board of Appeals, re: photograph of the Smith farm on Yellow Mills Road as seen from the Heberle property.

#46**January 7, 2019: Letter with two attachments:**

“The Monsters on the Ridge” column by Bob Lonsberry (WHAM 1180 Radio).

Article entitled “Commentary: Protect Spotsylvania from Mega Solar Industrial Complex.”

From Jim Foley, Ann Foley, Jim Falanga, Nancy Falanga, Al Baxter, Jennifer Baxter, Jim Redmond, Lisa Reed, Caroline Heberle, Linda Heberle, Edith Chapman, Eric Chapman, Gordon Wilson, Stacy Vandenburg, Arnold Vandenburg and Jim Dennie to Town Board, Zoning Board and Planning Board.

#47**January 9, 2019: Letter and Chart**

From Daniel Compitello, Project Developer, Delaware River Solar LLC, to Planning and Zoning Boards, re: application material submittal dates and updated dates.

#48**January 9, 2019: Preliminary Landscaping Plan**

From Schultz Associates Engineers and Land Surveyors, re: Preliminary Landscaping Plan

#49**January 9, 2019: Photo simulations**

From Saratoga Associates representing Delaware River Solar LLC, re: photo simulations of site from Yellow Mills Road and Fox Road; large-size hard copies in project file.

#50**January 9, 2019: Delaware River Solar Attorney’s Opinion**

From Donald A. Young, Esq., Boylan Code Attorneys at Law, Culver Road Armory, 145 Culver Road, Suite 100, Rochester, N.Y. 14620; re: Delaware River Solar attorney’s legal opinion on the “feasible alternative” provision of the Farmington Solar Law.

#51**January 10, 2019: Wetland Delineation Verification Report**

From DIEHLUX, LLC, 2434 County Road 39, East Bloomfield, N.Y. 14469, re: Wetland Delineation Review (verification at the Planning Board's request); full report is in the project file.

#52**January 11, 2019: Letter**

From Kathleen and Gary Cook, 4973 Fox Road, Palmyra, N.Y. 14522, re: support.

#53**January 14, 2019: Letter**

From Jean Parker, 345 County Road 28, Palmyra, N.Y. 14522, re: opposed.

#54**January 15, 2019: Town Attorney Response Letter**

From Farmington Town Attorney Jeffrey D. Graff, Esq., Riley & Graff, LLP, 26 East Main Street, P.O. Box 604, Clifton Springs, N.Y. 14432, re: legal opinion on the "feasible alternative" provision of the Farmington Solar Law.

#55**January 15, 2019: Hard copy of e-mail chain**

E-mail chain between Peter Dolgos, Senior Vice President, Delaware River Solar LLC, and Candace Rossi (Project Manager, NY-Sun) and Sarah Main, Esq., NYSERDA, re: Notice of Intent questions and guidance.

#56**January 15, 2019: Response document**

From Delaware River Solar in response to questions from the Planning Board for additional information after having received the response document of November 28, 2018.

#57**Received January 16, 2019: Draft Document**

Project Entity: NYS Energy and Research Development Authority

Developer: Delaware River Solar LLC (and Project Owner affiliates)

Landowners: Roger and Carol Smith, 466 Yellow Mills Road, Farmington, N.Y. 14425

Draft document prepared by Delaware River Solar to provide NYSERDA with the necessary information required to submit a Notice of Intent Notice of Intent to Undertake an Action within an Agricultural District to the New York State Department of Agriculture and Markets.

#58**Letter: Undated**

“Dear Fellow Residents of District 1,” re: attendance at Planning Board meeting on November 7, 2018; signed by a number of citizens at bottom and on sides.

#59**Letter: Undated**

“Dear Neighbors,” re: attendance at Planning Board meeting on January 16, 2019; signed by a number of citizens at bottom and on sides.

#60**January 8, 2019: Letter to Accompany Photo Simulations**

From Matthew W. Allen, RLA, Principal, Saratoga Associates Landscape Architects, Architects, Engineers and Planners P.C., Four Congress Park Center, 21 Congress Street, Saratoga Springs, N.Y. 12866, re: explanation of photo simulations (*see* #49, above).

Received by JR 1/23/2019 from Ron Brand.

#61**January 24, 2019: Citizen Petition to Town Board**

From citizens, re: request for 12-month moratorium on large-scale solar projects.

#62**January 24, 2019: News Article**

“Horseshoe Solar to Power Livingston County,” by Jasmine Willis, *Genesee Country Express*, posted January 22, 2019.

#63**January 25, 2019: News Article**

“Mega Sun: Gigantic Solar Farms Proposed for the Rochester Region,” by Steve Orr, *Rochester Democrat and Chronicle*, posted January 24, 2019.

#64**January 28, 2019: Hard copy of e-mail chain**

E-mail from Kate Tylutki, NYS Department of Agriculture and Markets, Division of Land and Water, to Ron Brand, re: Receipt of Notice of Intent (NOI) at Department of Agriculture and Markets.

#65**December 17, 2018: Letter**

From James Falanga, Jim Foley, and others, presented at Zoning Board of Appeals meeting on December 17, 2018, re: opposition to Area Variances.

#66**December 17, 2018: Page from Town of Farmington Newsletter**

Presented by James Falanga at Zoning Board of Appeals meeting on December 17, 2018, re: information on Whitestone Solar Project and Delaware River Solar Project.

#67**January 28, 2019: Letter**

From James Falanga, Jim Foley, and others to Town Board, Planning Board and Zoning Board of Appeals, re: Delaware River Solar project, new Gmail account, moratorium petition, and next Planning Board meeting.

#68**Received February 8, 2019: Court Decision**

New York State Supreme Court Decision: Cornell University vs. Town of Seneca, N.Y., decision dated January 4, 2019.

#69**Received February 25, 2019: Commentary**

From James Falanga, Jim Foley and others to Town Board, Planning Board and Zoning Board of Appeals, re: Delaware River solar project, i.e.: column by Bob Lonsberry (WHAM Raio 1180) entitled “Cuomo’s Depopulation War on Upstate NY” and article by Lauren DeBellis Appell (Fox News) entitled “Virginia’s ‘Green New Deal’ Exposes What Democrats Really Care About—and It’s Not the Environment.”

#70**Received February 25, 2019: E-mail**

From Daniel Compitello, Project Developer, Delaware River Solar, re: update on status of the Notice of Intent at the New York State Department of Agriculture and Markets.

#71**Received March 3, 2019: Letter**

From Kate Tylutki, Senior Environmental Analyst, New York State Department of Agriculture and Markets, re: notice that the Delaware River Solar “Final Notice of Intent” is complete and has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture and the Ontario County Agricultural and Farmland Protection Board.

#72**Received March 11, 2019: Canandaigua Daily Messenger News Article and e-mail from Ron Brand**

E-mail from Ron Brand, re: clarification of Canandaigua *Daily Messenger* news article (March 7, 2019) regarding the Delaware River Solar project.

#73**Received March 20, 2019: Letter**

From Kristine Carlson, Director of Environmental Permits, New York State Department of Environmental Conservation to Ronald Brand, re: Delaware River Solar Permit Jurisdiction/ Resource Screening; and associated memorandum dated April 5, 2018, from Robert Wither, Chief, South Permit Section, re: Solar Panel Construction Stormwater Permitting/SWPPP Guidance.

#74**Received March 29, 2019: Letter**

From James Falanga, Jim Foley and others to Town Board, Planning Board and Zoning Board of Appeals, re: Delaware River solar project, i.e.: photos and letter from Sandro Belpanno and Bonnie Gary of damage to solar panels in the Town of Ogden, N.Y.

#75**Received March 29, 2019: Letter**

From Rowe Realty, 4040 West Walworth Road, Macedon, N.Y. 14502, Ruth Ann Rowe, IFA, re: external obsolescence; and cover letter from James Falanga, Jim Foley and others to Town Board, Planning Board and Zoning Board of Appeals.

#76**Received April 5, 2019: E-mail**

From Bob King, Ph.D., CCA, Agriculture and Life Sciences Institute, 1000 E. Henrietta Road, Rochester, N.Y. 14623-5780, re: Website links to articles on “The Photovoltaic Heat Island Effect: Larger Solar Power Plants Increase Local Temperatures.”

#77**Received April 5, 2019: E-mail**

From Bob King, Ph.D., CCA, Agriculture and Life Sciences Institute, 1000 E. Henrietta Road, Rochester, N.Y. 14623-5780, re: Website links to articles on “Solar Farms Threaten Birds: Certain Avian Species Seem to Crash Into Large Scale Solar Power Arrays or Get Burned by the Concentrated Rays.”

#78**Received April 11, 2019: Letter**

From Frederick Lightfoote, Chairman, Ontario County Agricultural Enhancement Board, re: response to New York State Department of Agriculture and Markets, re: Delaware River Solar project.

#79A and #79B**Received April 12, 2019: Letters. Hard copy received April 22, 2019**

From Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, re: project determination (no unreasonably adverse effect on the continuing viability of farm enterprises); and from Max Joel, NY-Sun Program Manager, NYSERDA, re: mitigation measures.

#80**Received April 17, 2019: E-mail**

From Terry and Lisa Sanford, Canisteo, N.Y., re: supporting solar projects, opposed to windmills.

#81**Dated January 28, 2019, received on January 30, 2019: Letter**

From James Falanga, Jim Foley and others to Town Board, Planning Board and Zoning Board of Appeals, re: Delaware River solar project, i.e.: requesting studies to be conducted by independent sources: White Noise Pollution Study, Electromagnetic Field Impact Study, Energy Production Study, Traffic Study, Threatened and Endangered Species Study, E-Waste Study.

#82**Received at Planning Board meeting on April 17, 2019: Letter**

From Frances Kabat, Esq., The Zoghlin Group PLLC, 300 State Street, Suite 502, Rochester, N.Y. 14614; requesting a positive SEQR declaration for the project or deny the applications. (Letter #1 from Ms. Kabat)

#83

Dated January 11, 2019: Appendices: *Inverter Specification Sheet*
Lot Coverage Calculations
Pictures of Solar Farms—5 MW to 9 MW
Decibel Scale of Common Sources of Noise

From Delaware River Solar LLC, Solar Energy Facility, Yellow Mills Road

#84**Dated January 15, 2019: Letter and Responses**

From Delaware River Solar LLC, re: responses to the memo from Ron Brand (January 10, 2019) providing information requested by the public and the Planning Board at the Public Hearing on December 5, 2019.

#85: Questions

From Planning Board Chairperson Ed Hemminger, re: questions on Delaware River Solar project.

#86: Delaware River Solar Responses to Questions

From Daniel Compitello, Delaware River Solar (January 15, 2019), re: responses to questions from Ron Brand memo of January 10, 2019.

#87:**April 23, 2019: E-mail**

From Ron Brand to Town Attorney Jeff Graff and Town staff, re: three tax parcels, solar companies and decommissioning, i.e.: NY Farmington I LLC, NY Farmington II LLC and NY Farmington III LLC.

#88**April 24, 2019: E-mail**

From Town Attorney Jeff Graff to Ron Brand and Town staff, re: response regarding three tax parcels, solar companies and decommissioning.

#89**April 24, 2019: Letter**

From Terence L. Robinson, Esq., Boylan Code Attorneys, re: response to Frances Kabat, Esq., letter (#82 above).

#90**April 24, 2019: Letter**

From Daniel Compitello, Delaware River Solar, re: responses to residents' requests for six studies.

#91**April 26, 2019: Report**

Submitted by Delaware River Solar: Contract Report from Naval Facilities Engineering Command (Engineering and Expeditionary Warfare Center), re: "Renewable Energy, Photovoltaic Systems Near Airfields: Electromagnetic Interference."

#92**April 30, 2019: NYSEG Queue of Solar Projects, April 15, 2019—PDF file**

Submitted by James Falanga, re: PDF file of NYSEG queue of 98 solar projects across New York State (36 projects proposed by Delaware River Solar, three project completed, 33 projects scrapped with no funding by NYSERDA).

#93**May 1, 2019: Summary of Submittals**

Submitted by Daniel Compitello, Delaware River Solar, re: summary of submittals of materials to the Town.

#93A**May 1, 2019: Summary of Submittals**

Submitted by Daniel Compitello, Delaware River Solar, re: summary of submittals of materials to the Town, updated to reflect that responses to the Public Hearing comments of December 5, 2018, were submitted to the Town on January 15, 2019.

#94**May 1, 2019: Flyer**

Received from Delaware River Solar, re: flyer regarding Open House for Yellow Mills Road Community Solar, May 7, 2019.

#95**May 1, 2019: E-mail**

Received from James Foley, re: response to Delaware River open house at Town Hall.

#96**May 1, 2019: Letter**

Received from Jim Foley, Ann Foley, Jim Falanga, et. al., re: omission of web posting of letter from Frances Kabat, Esq., to Planning Board; and posting of response letter from Delaware River Solar attorney.

#97**May 1, 2019: Letter and News Articles**

Received from Jim Foley, Ann Foley, Jim Falanga, et. al., re: newspaper article on Farmington Solar (Canandaigua Daily Messenger, April 17, 2019; web article on solar and wind projects (www.Forbes.com, April 22, 2019).

#098**May 9, 2019: E-mail, Sign-in Sheet, Support Petition**

Received from Dan Compitello, re: e-mail regarding Yellow Mills Solar Open House (May 7, 2019), sign-in sheet, support petition.

#99**May 14, 2019: Letter**

Received via e-mail from Frances Kabat, Esq., re: request for a Positive Declaration of Environmental Significance. (Letter #2 from Ms. Kabat)

#100**May 15, 2019: Voice Mail**

Voice mail received by Ron Brand from Karis J. Vaillancourt, 5785 Dalton Drive, Farmington, N.Y. 14425, re: opposed to solar project due to cadmium. Following is a transcript of the voice mail. The electronic audio is retained in the correspondence file.

“Hi Ron, this is Karis Vaillancourt. I really don’t feel well and I can’t make that meeting tonight—town meeting—on this solar project. I’m totally against it, because my understanding is that a byproduct is cadmium and it is extremely dangerous to the environment. There’s no way to dispose of this cadmium. I may have it wrong because I’m old. I’m going to be 75 next month and I really don’t feel well, and so I can’t come. But I’m really strongly against this. I don’t want anything that will endanger our farmland, our food, and any chemicals that are unable to be disposed of safely. So, God bless you, and thank you. My number is (585) [not transcribed]. God bless you. Thank you Ron. Bye.”

#101**May 15, 2019: Letter**

Received via e-mail from Frances Kabat, Esq., re: request for a Positive Declaration of Environmental Significance. (Letter #3 from Ms. Kabat)

#102**May 16, 2019: E-mail with Photos**

Received via e-mail from Jim and Ann Foley, et. al., re: screen shots of Delaware River Solar photos.

#103**May 20, 2019: Letter with Attachments**

Hand Delivered—Received at the Zoning Board of Appeals meeting from Frances Kabat Esq., re: letter and attachments, i.e.:

VDER Order dated February 2, 2018

Rowe Realty letter dated March 20, 2019

Agriculture Enhancement Board letter dated October 5, 2018

Agriculture Enhancement Board letter dated April 9, 2019

Town of Farmington Conservation Board October 22, 2018, meeting minutes

#104**May 30, 2019: Submission from Delaware River Solar**

Received via e-mail from Dan Compitello, Delaware River Solar, 11:11 a.m., re: response to SEQR Full Environmental Assessment Form Part 2.

#105**May 30, 2019: Submission from Delaware River Solar**

Received via e-mail from Dan Compitello, Delaware River Solar, 11:11 a.m., re: project landscape plan.

#106**May 30, 2019: Submission from Delaware River Solar**

Received via e-mail from Dan Compitello, Delaware River Solar, 11:11 a.m., re:

Appendix A: Pull Test Report Conducted by RBI

Appendix B: Environmental Monitor Proposal from Bergmann

Appendix C: Solar Panel Toxicity Characteristics, Leaching Procedure Test (TCLP), and Supplemental Information

Appendix D: New York State Department of Agriculture and Markets: Notice of Intent Review and Final Determination for Yellow Mills Solar

#107**May 31, 2019: Trip Generation Letter/Intersection Crash Analysis Letter**

From SRF Associates, Transportation Planning/Engineering/Design/Rochester, N.Y., re: Trip Generation Letter/Intersection Crash Analysis Letter

#108A, #108B, #108C**June 3, 2019: Newspaper clipping and smart phone screen shot**

Received via e-mail from Nancy Falanga, re: *New York Post* newspaper article, May 21, 2019, "Cuomo's Energy Plan Is a Total Delusion" by Robert Bryce (Senior Fellow, Manhattan Institute); and New York Post.com screen shot, solar farm rejected in Cambria, N.Y.

#109**June 5, 2019: Letter**

Received via e-mail from Frances Kabat, Esq., re: request for a Positive Declaration of Environmental Significance. (Letter #4 from Ms. Kabat).

#110**July 2, 2019: Photo Simulations (PDF file)**

Received via e-mail from Delaware River Solar (Dan Compitello), re: updated visual renderings of the June 2019 Landscape Plan Amendment showing stronger visual buffering.

#111**July 2, 2019: Letter**

Received via e-mail from Delaware River Solar (Dan Compitello), re: responses to e-mail dated May 16, 2019, from residents (Abstract #102) regarding visual impacts.

#112**July 11, 2019: Letter**

Received via e-mail from Delaware River Solar (Dan Compitello), re: Additional information for Question #1a of SEQR Part 2, Yellow Mills Road solar project.

#113**July 11, 2019: Geotechnical Report**

Received via e-mail from Foundation Design P.C., 46A Sager Drive, Rochester, N.Y. 14607, re: Yellow Mills Road Solar Farm, 466 Yellow Mills Road, Farmington, N.Y.: Geotechnical Evaluation, 4618.0 (Revised), signed by Jeffrey D. Netzbund, P.E., P.G., Vice President.

NOTE: Large file, total of 81 pages.

#114**July 17, 2019: Letter**

Dated July 10, 2019, sent via U.S. Mail from Terence L. Robinson Jr., Esq., Boylan Code LLP, to Jeffrey D. Graff, Town Attorney, re: Delaware River Solar SEQRA review. Forwarded to Town staff by Attorney Graff via e-mail; on July 16, 2019, via e-mail; received by clerk from Town staff via e-mail on July 17, 2019.

#115**July 17, 2019: Letter**

Received via e-mail at 4:17 p.m., July 17, 2019: Letter from Frances Kabat, Esq., re: SEQRA Determination of Significance.

#116**July 17, 2019: Attachments**

Received via e-mail at 4:19 p.m., July 17, 2019: Attachments to Correspondence #115 from Frances Kabat, Esq. NOTE: This is a PDF file of 582 pages.

#117**July 31, 2019: Letter**

Dated August 29, 2018, from Michael F. Lynch, P.E., AIA, Director, Division for Historic Preservation, New York State Parks, Recreation and Historic Preservation; to David Matt, Project Engineer, Schultz Associates P.C., re: no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

#118**July 31, 2019: Engineering Review**

Dated July 29, 2019, from Lance S. Brabant, CPESC, Director of Planning and Environmental Services, MRB Group; to Ronald L. Brand, Town of Farmington Director of Planning and Development: re: review of the Foundation Design P.C. Geotechnical Evaluation of July 9, 2019.

#119**July 31, 2019: Summary of Submittals**

Submitted by Daniel Compitello, Delaware River Solar, re: summary of submittals of materials to the Town, and public meetings, as of July 31, 2019.

#120**July 31, 2019: Letter**

Dated July 31, 2019, from Terence Robinson, Esq., Boylan Code LLP; re: response to letter of July 17, 2019, from Frances Kabat, Esq.

#121**August 1, 2019: Letter**

Dated August 1, 2019, from Frances Kabat, Esq., Zoghlin Group, re: response to letter of July 31, 2019, from Terence Robinson, Esq.; and referencing Correspondence #122 (below).

#122**August 1, 2019: Engineering Review**

Dated August 1, 2019, from Rod Prosser, P.E., President, Lakeside Engineering PC, re: Delaware River Solar LLC Energy Facility Project, Yellow Mills Road, Town of Farmington, N.Y.

#123**August 7, 2019: E-mail**

Received from Edith Chapman, 230 Ellsworth Road, re: opposed to SEQR Negative Declaration.

#124**August 8, 2019: Engineering Review**

Dated August 7, 2019, from Bergmann Associates (Robert Switala, P.E., Principal; Stephen DeMeo, P.G., Senior Professional Geologist; David Plante, AICP CEP, Practice Leader, Energy + Environment), re: Delaware River Solar response to Lakeside Engineering review (*see* Correspondence #122, above).

#125**Dated August 7, 2019: SEQR Full EAF Part 3**

State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 3— Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance. Posted August 27, 2019.

#126**Dated August 21, 2019: NYSDEC ENB Notice Bulletin**

New York State Department of Environmental Conservation Environmental Notice Bulletin, Region 8, August 21, 2019, re: Yellow Mills Solar Project Negative Declaration. Posted August 27, 2019.

#127**Dated September 6, 2019**

Article 78 Proceeding

State of New York, Supreme Court, Ontario County

Index #126079-2019

Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer),
petitioners/plaintiffs

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar Inc., Roger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations,
respondents

To view e-filed court documents:

New York State Unified Court System website. Index #126079-2019

#128A**September 25, 2019: Letter**

Received via e-mail from Dan Compitello to Farmington Planning Board, re: submission of revised Site Plan, Landscape Plan and Subdivision Plan.

#128B

September 25, 2019: *Letter*

Received via e-mail from Terence L. Robinson, Esq., to Ron Brand, re: minor plan revisions do not constitute a “substantial difference” from the original site plan.

#128C

September 25, 2019: *Table of Data*

Received via e-mail from Dan Compitello, re: New Design: Project Information table of data.

#128D

September 25, 2019: *Preliminary Plat*

Received via e-mail from Dan Compitello, re: Delaware River Solar Preliminary Plat S-1.

#128E

September 25, 2019: *Landscaping Plan*

Received via e-mail from Dan Compitello, re: Delaware River Solar Preliminary Landscaping Plan L-1.

#128F

September 25, 2019: *Preliminary Site Plan S-1*

Received via e-mail from Dan Compitello, re: Delaware River Solar Preliminary Site Plan S-1.

#128G

September 25, 2019: *Preliminary Site Plan S-2*

Received via e-mail from Dan Compitello, re: Delaware River Solar Preliminary Site Plan S-2.

#129A

October 31, 2019: *Cover Letter and Project Status Log*

Received via e-mail from Dan Compitello and David Matt (Project Engineer), re: Cover Letter for submission of revised Preliminary Plans and SWPPP; and Project Status Log.

#129B, #129C, #129D and #129E

October 31, 2019: *Revised Subdivision Plat, Site Plan and Landscape Drawings*

Received via e-mail from Dan Compitello, re:

#129B: Preliminary Plat Drawing S-1

#129C: Preliminary Site Plan Drawing S-1

#129D: Preliminary Site Plan Drawing S-2

#129E: Preliminary Landscaping Plan Drawing L-1

#129F

October 31, 2019: *Revised SEQR Full Environmental Assessment Form Part 1*

Received via e-mail from Dan Compitello, re: Revised SEQR Full Environmental Assessment Form Part 1—Project and Setting

#129G**October 31, 2019 (dated October 21, 2019): Preliminary SWPPP**

Received via e-mail from Dan Compitello, re: Preliminary Stormwater Pollution Prevention Plan (SWPPP) prepared by Schultz Associates, Engineers & Land Surveyors, P.C., completed October 21, 2019 (PDF large file, 175 pages, 9.7 MB).

#130A**November 1, 2019: Cover Letter and Project Status Log**

Received via e-mail from Dan Compitello, re: Cover Letter and Project Status Log, revised plans based on field verification of RG&E.

#130B**November 1, 2019: Revised Preliminary Subdivision Plat P-1**

Received via e-mail from Dan Compitello, re: Revised Preliminary Subdivision Plat P-1.

#130C**November 1, 2019: Revised Preliminary Site Plan S-1**

Received via e-mail from Dan Compitello, re: Revised Preliminary Site Plan S-1.

#130D**November 1, 2019: Revised Preliminary Site Plan S-2**

Received via e-mail from Dan Compitello, re: Revised Preliminary Site Plan S-2.

#130E**November 1, 2019: Revised Preliminary Landscaping Plan L-1**

Received via e-mail from Dan Compitello, re: Revised Preliminary Landscaping Plan L-1.

#131A**November 13, 2019: Letter**

Received from Matthew W. Allen, RLA, Principal, Saratoga Associates Landscape Architects, Architects, Engineers and Planners, P.C., re: revised photo simulations of Yellow Mills Road solar installation.

#131B**November 13, 2019: Photo simulations**

Received from Saratoga Associates, re: revised photo simulations of Yellow Mills Road solar installation (various existing conditions and simulated conditions with wide angle and normal lenses).

#132**November 19, 2019: SEQR Response from NYSERDA**

Received from NYSERDA (Alison Neligan, Project Manager, NY-Sun), re: Amended Preliminary Subdivision Plat, Amended Preliminary Site Plan, Special Use Permit and Draft Stormwater Pollution Prevention Plan (SWPPP), "no additional comments."

#133A**November 20, 2019: Letter**

Dated November 19, 2019, from Frances Kabat, Esq., Zoghlin Group, re: request to rescind the August 7, 2019, Negative Declaration of Environmental Significance and issue a Positive Declaration.

#133B**November 20, 2019: Letter**

Dated November 20, 2019, from Rod Prosser, P.E., President, Lakeside Engineering PC, re: comments on Updated Site Plan and Preliminary SWPPP.

#133C**November 20, 2019: Minutes**

Draft minutes of the Ontario County Planning Board dated October 8, 2019.

#133D**November 20, 2019: Minutes**

Draft minutes of the Ontario County Planning Board dated November 12, 2019.

#134**November 27, 2019:**

Delaware River Solar Revised Narrative for Amended Negative Declaration

One PDF file containing:

1. Cover letter from Dan Compitello
2. Revised Narrative for Amended Negative Declaration (November 26, 2019)
3. Letter from Foundation Design PC, re: geotechnical evaluation update
4. Appendix B: Yellow Mills Road Solar Zoning Determination Setback Changes—Comparison Table
5. Letter from Bergmann Associates, re: responses to Lakeside Engineering comments of November 20, 2019.

#135**December 3, 2019: E-mail**

E-mail from Dan Compitello, Delaware River Solar, re: request for Planning Board action on SEQR at December 4, 2019, Planning Board meeting.

#136**December 4, 2019: E-mail**

E-mail from Planning Board Chairperson Ed Hemminger, re: response to December 3, 2019, e-mail from Dan Compitello, re: request for Planning Board action on SEQR at December 4, 2019, Planning Board meeting.

#137**December 4, 2019: Engineering Letter from MRB Group**

Engineering comment letter from MRB Group, dated November 26, 2019, discussed at Planning Board meeting on December 4, 2019.

#138**December 4, 2019: Comments from Concerned Citizens of Farmington**

Hard copy of comments delivered by James Falanga representing Concerned Citizens of Farmington at Planning Board meeting on December 4, 2019.

#139**December 10, 2019: Letter of response from Delaware River Solar (Daniel Compitello)**

Letter from Delaware River Solar (Daniel Compitello), re: response to comments delivered by James Falanga representing Concerned Citizens of Farmington at Planning Board meeting on December 4, 2019.

#140**December 11, 2019: Letter**

Dated December 11, 2019, from Frances Kabat, Esq., Zoghlin Group, re: request to rescind the August 7, 2019, Negative Declaration of Environmental Significance and issue a Positive Declaration.

#141**Dated December 18, 2019: SEQR Full EAF Part 2**

State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 2— Identification of Potential Project Impacts.

#142**Dated December 18, 2019: SEQR Full EAF Part 3**

State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 3— Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.

#143**Dated December 18, 2019: SEQR Supplemental Evaluation**

State Environmental Quality Review (SEQR) Full Environmental Assessment Form Part 3— Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance: Supplemental Evaluation

#144**Dated January 8, 2020: Decommissioning Standards**

New York Community Solar Facilities Decommissioning Plan prepared for NY Farmington I, LLC; NY Farmington II, LLC; and NY Farmington III, LLC. Received from Dan Compitello, Delaware River Solar.

#145**Dated January 8, 2020: Responses to Town Code**

Responses to Town Code Special Use Permit criteria for “Large Scale Ground-Mounted Solar PV Systems” and responses to Town Code Subdivision and Site Plan criteria for “Large Scale Ground-Mounted Solar PV Systems.” Received from Dan Compitello, Delaware River Solar.

#146**Received January 15, 2020: Comparison map showing effect of zoning determination**

Comparison map (August 15, 2018–November 1, 2019) to visually explain how the zoning determination affected the subdivisions and projects in the most recent November 11, 2019, site plan. Received from Dan Compitello, Delaware River Solar.

#147**Presented at Planning Board Meeting on January 15, 2020: Preliminary Plat**

Preliminary Plat drawing presented and discussed at the Farmington Planning Board meeting on January 15, 2020 by Dan Compitello, Delaware River Solar.

#148**Dated August 21, 2018; rec’d. for filing on the Correspondence Abstract January 21, 2020: Project Summary, Solar Facility**

“Project Summary: Solar Facility, 466 Yellow Mills Road, Farmington, N.Y.” prepared by Delaware River Solar, August 21, 2018.

#149**Received January 23, 2020: NYSDEC ENB Notice Bulletin**

New York State Department of Environmental Conservation Environmental Notice Bulletin, Region 8, posted on ENB January 22, 2020, re: Yellow Mills Solar Project SEQR Negative Declaration.

#150A**Received January 29, 2020: Project Status Letter**

Project Status Letter from Delaware River Solar, re: in response to comments received at the Planning Board meeting on January 15, 2020.

- Comment responses to January 15, 2020, Planning Board meeting.
- Annotated in-line responses to Town Code, pertinent to Special Use Permit criteria for “Large-Scale Ground-Mounted Solar PV Systems;” annotated to application materials.
- Environmental Monitor—Agricultural Soils Inspection Report Template. This template describes inspection work the EM will perform and criteria that will be reported to the Town of Farmington during construction and post-construction activities.
- Statement from Bergmann Associates on the useful life of system and restoring natural underground activities.

#150B**Received January 29, 2020: Preliminary Plat Revision, Sheet P-1**

Preliminary Plat Revision, Sheet P-1, from Delaware River Solar, re: Added note “Lot not approved for Residential Construction.”

#150C**Received January 29, 2020: Preliminary Site Plan Revision, Sheet S-1**

Preliminary Site Plan Revision, Sheet S-1, from Delaware River Solar, re: Added permanent topsoil stockpile sizes and dimensions.

#150D**Received January 29, 2020: Preliminary Site Plan Revision, Sheet S-2**

Preliminary Site Plan Revision, Sheet S-2, from Delaware River Solar, re: Revised Construction Note #12 and removed references to side swale Limited Use Pervious Access Road Section.

#150E**Received January 29, 2020: Preliminary Landscaping Plan, Sheet L-1**

Preliminary Landscaping Plan, Sheet L-1, from Delaware River Solar; re: No changes.

#150F**Received January 29, 2020: Decommissioning Plan Revision**

Decommissioning Plan Revision from Delaware River Solar, re: updated with decommissioning cost estimates for the current January 28, 2020, Site Plan, and in response to Planning Board comments.

#150G**Received January 29, 2020: Operations and Maintenance Plan DRAFT—January 2020**

Operations and Maintenance Plan DRAFT—January 2020, from Delaware River Solar; re: This plan describes the site operations and landscape maintenance work conducted during the lifetime of the solar energy projects.

#151A**Received February 13, 2020: Cover Letter, Project Status Log, 2/13/2020**

Project Status Cover Letter from Delaware River Solar, Dan Compitello, re:

- Decommissioning Plan, Version 3, based upon Project Review Committee comments.
- Operations and Maintenance Plan, Version 2
- Landowner Decommissioning Acknowledgement
- Environmental Monitor Qualifications and Duties

#151B**Received February 13, 2020: Decommissioning Plan, Version 3**

Received from Delaware River Solar, re: New York Community Solar Facilities Decommissioning Plan, Version 3, prepared for Town of Farmington.

#151C**Received February 13, 2020: *Operations and Maintenance Plan, Version 2***

Received from Delaware River Solar, re: New York Community Solar Operations and Maintenance Plan, Version 2, prepared for Town of Farmington.

#151D**Received February 13, 2020: *Letter: Landowners' Decommissioning Acknowledgement***

Letter from Roger Smith and Carol Smith, landowners, 466 Yellow Mills Road, re: acknowledgement of decommissioning responsibility.

#151E**Received February 13, 2020: *Designation of Environmental Monitor and Statement of Duties*****#152****Received March 4, 2020: *Flood Plain Permit Application and Map***

Received from David Matt, Project Engineer, Schultz Associates: Town of Farmington Flood Plain Development Permit and Map.

#153A**Received March 11, 2020: *Cover Letter: Project Status Log, 3/11/2020***

Project Status Cover Letter from Delaware River Solar, Dan Compitello, re:

- Letter from landowners' attorney, re: acknowledgement of decommissioning
- Photographs (2) of Washington Street (Ogden, N.Y.) comparable solar project

#153B**Received March 11, 2020: *Letter from landowners' attorney***

Letter from Scott P. Falvey, Esq., re: landowners' acknowledgement of decommissioning responsibility.

#153C**Received March 11, 2020: *Photographs (2)***

Photographs (2) of Washington Street Solar Project, Ogden, N.Y., comparable 7 MW facility. Photograph 1 shows the system at two-thirds completion. Photograph 2 shows the complete system.

#154**Received March 16, 2020: *Guidelines for Agricultural Mitigation***

Received from Ronald L. Brand, re: New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects (Revision 4/19/2018).

#155A**Received March 31, 2020: *E-mail***

E-mail from James Falanga and James Foley, re: objection to April 1, 2020, Planning Board meeting.

#155B**Received April 1, 2020: E-mail attachment**

Received via e-mail: Word file response from Ron Brand, Director of Development and Planning, to e-mail from James Falanga and James Foley.

#156**Received April 3, 2020: Special Use Permit Draft Resolution**

Received from Ron Brand: PB #1006-18 Special Use Permit Draft Resolution for May 6, 2020, Public Hearing.

#157A**Received April 14, 2020: E-mail**

Received from Dan Compitello, Delaware River Solar: Request to hold Public Hearings on Delaware River Solar applications on May 6, 2020.

#157B**Received April 15, 2020: Letter**

Received from Farmington Supervisor Peter Ingalsbe, re: Response to Dan Compitello e-mail of April 14, 2020, regarding conducting Public Hearings.

#158**Received April 17, 2020: Code Enforcement Officer Interpretation**

Received from Farmington Code Enforcement Officer Dan Delpriore, re: interpretation of Essential Services as contained in the Governor's Executive Order.

#159**Received May 21, 2020: Letter dated May 19, 2020**

Received from MRB Group D.P.C., Lance S. Brabant, CPESC, Director of Planning Board and Environmental Services, re: MRB Group engineering comment letter on Delaware River Solar Special Use Permit Review—Decommissioning Plan and Maintenance Plan.

#160**Received May 28, 2020: Draft Planning Board Resolution**

Received from Ron Brand: Draft Planning Board resolution acknowledging receipt of the "Draft Special Use Permit Approval with Conditions" resolution of April 3, 2020; and scheduling the continued Public Hearing on the Special Use Permit application for Wednesday, July 1, 2020

#161

Issued by the Supreme Court, June 16, 2020: *Decision and Order*
Decision posted on court website, June 17, 2020, 3:08 p.m.

Article 78 Proceeding

State of New York, Supreme Court, Ontario County

Index #126079-2019

Concerned Citizens of Farmington (James and Nancy Falanga, James Dennie, James Redmond, James and Ann Foley, Eric and Edith Chapman, Petrina Case and Daniel Geer),
petitioners/plaintiffs

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar Inc., Roger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations,
respondents

Proceeding dismissed without prejudice.

To view e-filed court documents:

New York State Unified Court System website. Index #126079-2019

#162A

Received June 26, 2020: *Cover Letter and Engineering Responses*

Received from Dan Compitello, Delaware River Solar: Cover Letter and Delaware River Solar responses to the MRB Group engineering letter of May 19, 2020, on the project Decommissioning Plan, and Operations and Maintenance Plan

#162B

Received June 26, 2020: *Decommissioning Plan, June 2020, Version #5*

Received from Dan Compitello, Delaware River Solar: Decommissioning Plan, June 2020, Version #5, updated as per comments from the MRB Group engineering letter of May 19, 2020.

#162C

Received June 26, 2020: *In-line responses to draft Special Use Permit resolution*

Received from Dan Compitello, Delaware River Solar: In-line responses to the draft Special Use Permit resolution.

#163

Received July 14, 2020: *MRB Group review of materials*

Received from MRB Group, re: review of the submitted Preliminary Site Plan dated July 3, 2018, last revised October 21, 2019; Stormwater Pollution Prevention Plan (SWPPP) dated October 2019 prepared by Schultz Associates; New York Community Solar Facilities Decommissioning Plan dated June 2020, Version 5; and the New York Community Solar Operations and Maintenance Plan dated February 2020, Version 2, prepared by Delaware River Solar LLC.

#164

Received July 22, 2020: *Letter from Bridget O'Toole, Esq.*

Received from Zoghlin Group, Bridget O'Toole, Esq., re: request that the Planning Board deny the developer's application for a Special Use Permit.

#165

Received July 30, 2020: *Letter from Terence L. Robinson, Esq.*

Received from Muehe Maue & Robinson LLP, Terence L. Robinson, Esq., re: request that the Planning Board approve the developer's application for a Special Use Permit.

#166A

Received August 14, 2020: *Letter to MRB Group from Schultz Associates*

Received from David Matt, Project Engineer, Schultz Associates: Letter to MRB Group, re: responses to MRB Group engineering comment letter of July 14, 2020.

#166B

Received August 14, 2020: *Subdivision Plat and Site Plan Drawings*

Received from David Matt, Project Engineer, Schultz Associates: Subdivision Plat and Site Plan drawings (5 sheets, PDF file):

PDF Page 1: Preliminary Plat P-1, revised 02/27/2020

PDF Page 2: Preliminary Site Plan S-1, revised 07/28/2020

PDF Page 3: Preliminary Site Plan S-2, revised 01/15/2020

PDF Page 4: Preliminary Landscaping Plan L-1, revised 07/28/2020

PDF Page 5: Preliminary Details D-1, revised 07/28/2020

#166C

Received August 14, 2020: *Preliminary Stormwater Pollution Plan*

Received from David Matt, Project Engineer, Schultz Associates: Preliminary Stormwater Pollution Prevention Plan (221 pages), revised July 30, 2020.

#167

Received August 26, 2020: *Letter from Peter Dolgos*

Received from Peter Dolgos, re: request for a 90-day extension of Preliminary Subdivision Plat approval (extension to November 30, 2020).

#168

Received September 2, 2020: *Draft Special Use Permit approval resolution*

Received from Michael Crosby, Esq.: PB #1006-18 Farmington Planning Board revised draft Special Use Permit approval resolution, labeled as Version 9-2.

#169A

Received September 4, 2020: *Project Status Log and Materials from Delaware River Solar*
Received from Dan Compitello, Delaware River Solar:

PDF File #169A: Project Status Log, 9/4/2020
PDF File #169B: Revised Decommissioning Plan, Version 6, September 2020
PDF File #169C: Revised Environmental Monitor Statement, September 2, 2020
PDF File #169D: Letter from MRB Group dated July 14, 2020

#170

Received September 4, 2020: *Letter from MRB Group*

Received from Lance S. Brabant, CPESC, MRB Group, re: engineering comments on revised site plan and SWPPP, September 4, 2020.

#171A

Received September 11, 2020: *Revised Preliminary Plat Drawings*

Received from Schultz Associates Engineers & Land Surveyors PC, 129 South Union Street, P.O. Box 89, Spencerport, N.Y. 14459:

1 PDF file of six pages:

Preliminary Plat P-1, revised 9/8/20
Preliminary Site Plan S-1, revised 9/4/20
Preliminary Site Plan S-2, revised 9/8/20
Preliminary Landscaping Plan L-1, revised 9/4/20
Preliminary Erosion and Sediment Control Plan ES-1, created 9/8/20
Preliminary Details D-1, added 7/28/20

#171B

Received September 11, 2020: *Revised SWPPP*

Received from Schultz Associates Engineers & Land Surveyors PC, 129 South Union Street, P.O. Box 89, Spencerport, N.Y. 14459:

1 PDF file of 221 pages:

Preliminary Stormwater Pollution Prevention Plan, revised 9/8/20

#172

Received September 11, 2020: *Letter*

Received from Bridget O'Toole, Esq. Zoghlin Group, 300 State Street, Suite 502, Rochester, N.Y. 14614, re: request to deny preliminary site plan application.

#173A and #173B

Received September 14, 2020: *Technical Memo*

Received from Bergmann Associates, dated September 11, 2020, re: Technical Memo responses to draft Special Use Permit conditions of approval; and attachment—Comprehensive Assessment of Soil Health, Soil Sampling Protocol Field Sheet (Cornell Soil Health Laboratory).

#174**Received September 16, 2020: Legal Memorandum Response to Bergmann Associates Technical Memo**

From Sheldon W. Boyce, Esq. to Ronald Brand, dated September 15, 2020, re: Legal Memorandum response to Bergmann Associates Technical Memo dated 9/11/2020 objecting to Special Use Permit Condition #7.

#175**Received September 16, 2020: Email**

Submitted by James Falanga, email from Bridget O'Toole, Esq., Zoghlin Group, 300 State Street, Suite 502, Rochester, N.Y. 14614, re: discussion points on the Preliminary Site Plan and Special Use Permit for the Planning Board meeting on September 16, 2020.

#176**Received September 16, 2020: Web article**

Submitted by James Falanga, web article from the Coalition to Protect Our Rural Communities Inc. (nogridsolarwny.com), "Solar Panels Produce Tons of Toxic Waste—Literally: A Closer Look at Solar Panels Opens a Wide Array of Questions That Need Answers," dated November 18, 2019.

#177**Received September 16, 2020: Web article**

Submitted by James Falanga, web article from ajmarciniak (WordPress.com site), "Solar Energy: Yes or No," by Dr. Calvin Luther Martin, dated February 18, 2019.

#178:**Received September 16, 2020: Web article**

Submitted by James Falanga, web article posted by the National Fire Protection Agency (NFPA) on 24/03/2020 in *Electric & Electronic 2020*, "Stranded Energy."

#179:**Received September 16, 2020: Email**

Submitted by James Falanga, email from James Foley, email subject line: "Calvin Martin Solar Energy Yes or No," email dated September 16, 2020.

#180**Received September 16, 2020: Engineering comment letter**

Received from Lance S. Brabant, CPESC, MRB Group, re: engineering comments on Revised Preliminary Site Plan (July 3, 2018; last revised September 8, 2020), Stormwater Pollution Prevent Plan (October 2019; last revised September 8, 2020); and Decommissioning Plan (September 2020, Version #6).

#181**Received September 23, 2020: Website**

Received from James Falanga, James Foley and James Redmond, re: web address regarding solar farms and property values: <https://solarinresidential.blogspot.com/p/blog-page.html>

#182A**Received October 1, 2020: Amendments to Special Use Permit Condition #7**

Received from Dan Compitello, Delaware River Solar, re: Updated Project Status Log, October 1, 2020; and proposed amendments to Special Use Permit Condition #7 and revisions to Condition #25 and Condition #45 (where Condition #7 is referenced)

#182B**Received October 1, 2020: Sampling and Analysis Plan (Bergmann)**

Received from Dan Compitello Delaware River Solar; prepared by Bergmann, 280 East Broad Street, Suite 200, Rochester, N.Y. 14604; re: Sampling and Analysis Plan, Yellow Mills Road Project.

#183**Received October 1, 2020: Letter**

Received from Bridget O'Toole, Esq. Zoghlin Group, 300 State Street, Suite 502, Rochester, N.Y. 14614, re: request to deny the Special Use Permit application.

#184**Received October 1, 2020: Legal Memorandum**

Received from Sheldon W. Boyce Jr., Esq., Brenna Boyce PLLC Attorney at Law, 31 E. Main Street, Suite 2000, Rochester, N.Y. 14614; re: Legal Memorandum in response to Delaware River Solar proposed amendments to Special Use Permit Condition #7 (*see* Correspondence 182A, above).

#185A**Received October 2, 2020: Email**

Email from David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC; 129 South Union Street, Spencerport, N.Y. 14459; to Lance Brabant, MRB Group; re: additional material on deer fence.

#185B**Received October 2, 2020: Engineering Drawing**

Received From David Matt, Schultz Associates; re: Perimeter Fencing and Erosion Control drawing.

#185C**Received October 2, 2020: NEC Excerpt**

Received from David Matt, Schultz Associates; re: Excerpt from NEC 70: National Electric Code, 2020 Edition—Chapter 1, General: 110.31—Enclosure for Electrical Installations.

#185D**Received October 2, 2020: Deer Fence Specification Sheet**

Received from David Matt, Schultz Associates; re: Specification Sheet—Tornado T13/190/15 Deer Fence (two-page file).

#185E**Received October 2, 2020: *Photograph***

Received from David Matt, Schultz Associates; re: photograph of deer fence in winter.

#185F**Received October 2, 2020: *Photograph***

Received from David Matt, Schultz Associates; re: photograph of deer fence in summer.

#186**Received October 5, 2020: *Engineering comment letter***

Received from Lance S. Brabant, CPESC, MRB Group, re: engineering comments on Revised Preliminary Site Plan dated July 3, 2018, last revised September 29, 2020); Stormwater Pollution Prevention Plan dated October 2019, last revised September 8, 2020; Decommissioning Plan dated September 2020 (Version 6.1); and updates to the Environmental Monitor Qualifications.

#187**Received October 8, 2020: *Planning Board resolution***

Planning Board resolution, dated October 7, 2020, re: PB #1006-18—Delaware River Solar Special Use Permit approved with conditions.

#188**Received October 16, 2020: *Letter***

Letter from Sheldon W. Boyce Jr., Esq., to Daniel Compitello of Delaware River Solar, re: DRS lease agreement with Smiths.

#189**Received October 14, 2020: *Letter, drawing and photographs***

Letter, drawing and photographs received from David Matt, Project Engineer, Schultz Associates Engineers and Land Surveyors PC, re: responses to Planning Board and Town staff comments. Full set of plan drawings on file in the Town Development Office.

#190**Received October 21, 2020: *Letter***

Letter from David Matt, Project Engineer, Schulz Associates Engineers and Land Surveyors PC, re: responses to Planning Board member Douglas Viets email.

#191**Received October 21, 2020: Revised Preliminary Plat Drawings**

Received from Schultz Associates Engineers & Land Surveyors PC, 129 South Union Street, P.O. Box 89, Spencerport, N.Y. 14459:

1 PDF file of six pages:

Preliminary Plat P-1, revised 10/14/20

Preliminary Site Plan S-1, revised 10/14/20

Preliminary Site Plan S-2, revised 10/14/20

Preliminary Landscaping Plan L-1, revised 10/14/20

Preliminary Erosion and Sediment Control Plan ES-1, revised 10/14/20

Preliminary Details D-1, revised 10/14/20

#192**Received October 22, 2020: Email**

Received from Kathleen and Gary Cook, Fox Road, re: in favor of the solar project.

#193**Dated October 31, 2020: Email**

Received from Petrina and Paul Case, 5191 Fox Road, Palmyra, N.Y. 14522, re: opposed to large-scale industrial/commercial solar; objecting to the exemption of Delaware River Solar application from the moratorium.

#194**Received November 5, 2020: Decommissioning Plan Draft October 30, 2020**

Received from Ron Brand, re: Decommissioning Plan draft as of October 30, 2020.

#195**Received November 5, 2020: Email**

Received from Thomas and Jennifer Goodell, Hook Road, re: in favor of the solar project.

#196**Received November 6, 2020: Email**

Received from Stacey VanDenburgh, re: opposed to Delaware River Solar project, in support of the solar moratorium; in support of extending the moratorium to the Delaware River Solar project.

#197**Received November 9, 2020: Email**

Received from Tammy and Edward Johnson, re: opposed to Delaware River Solar project.

#198**Received November 16, 2020: Letter**

Received from Linda Heberle, re: opposed to Delaware River Solar project.

#199**Dated November 9, 2020**

Article 78 Proceeding

State of New York, Supreme Court, Ontario County

Index #126079-2019

Concerned Citizens of Farmington (James and Nancy Falanga, Daniel Geer and James Redmond), *petitioners/plaintiffs*

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar Inc., Roger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations, *respondents*

To view e-filed court documents:

New York State Unified Court System website. Index #126079-2019

#200A**Received December 9, 2020: Engineer's drawing**

Received from David Matt, Project Engineer, Schultz Associates, re: Watershed Culvert Crossing drawing.

#200B**Received December 9, 2020: Applicant's engineering responses**

Received from David Matt, Project Engineer, Schultz Associates, re: response to Town Engineer's Comments:

1. Drainage calculations for the proposed culvert crossing.
2. An excerpt from the SWPPP with the revisions described in Comment #3.
3. An excerpt from the Site Plan Sheet S-1 with the revision described in Comment #3.

#201**Received December 14, 2020: Letter from MRB Group (Town Engineer)**

Received from Lance Brabant, MRB Group (Town Engineer), re: all previous engineering comments have been addressed.

#202**Dated December 11, 2020; received for filing December 18, 2020: MS4 SWPPP Acceptance**
MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form for Construction Activities Seeking Authorization Under SPDES General Permit.**#203A****Dated March 10, 2021: Email chain: Ontario County Supreme Court**

Received from Ontario County Supreme Court (via email chain from Sheldon Boyce, Esq. and Ronald Brand): Ontario County Supreme Court Notification of Filing, Index #126079-2019, Concerned Citizens of Farmington et. al. v. Town of Farmington, Article 78 Proceeding.

#203B**Dated March 9, 2021; received March 10, 2021: Letter**

Received from Sheldon W. Boyce Jr., Esq., to Hon. Charles A. Schiano, Supreme Court Justice, re: proposed order changing the case caption, Index #126079-2019.

#203C**Received March 10, 2021: Proposed Order: Changing Case Caption**

Received from Sheldon W. Boyce Jr. Esq.: Proposed Order: Changing Case Caption of Index #126079-2019, to remove “Concerned Citizens of Farmington” from the caption to reflect the Court’s determination of March 5, 2021, and entered March 8, 2021 (NYSCEF Doc No 404).

#204

Filed May 11, 2021: Verified Answer of Respondents Town of Farmington and the Town of Farmington Planning Board to Petitioners’ Petition (Doc 376) with Objections in Point of aw Regarding Ontario County Supreme Court Index #126079-2019, Delaware River Solar Article 78 Proceeding.

#205

Filed May 11, 2021: Memorandum of Law of the Town of Farmington and the Town of Farmington Planning Board in support of the Town’s Answer and in opposition to Petitioners’ Petition (Doc 376) and Memorandum of Law in support thereof (Doc 389)

Regarding Ontario County Supreme Court Index #126079-2019, Delaware River Solar Article 78 Proceeding.

#206

Approved June 16, 2021: Planning Board Resolution and Decommissioning Plan Approval Delaware River Solar Decommissioning Plan approved by Planning Board resolution and referred to the Town Board.

#207A:**Dated December 11, 2020; received for filing June 23, 2021**

Decommissioning Plan Estimate, Combined Project, from Robert Switala, PE, CPESC, CPSWQ, Principal, Bergmann Architects, Engineers, Planners

#207B:**Dated December 11, 2020; received for filing June 23, 2021**

Decommissioning Plan Estimate, Solar Project #1, from Robert Switala, PE, CPESC, CPSWQ, Principal, Bergmann Architects, Engineers, Planners

#207C:**Dated December 11, 2020; received for filing June 23, 2021**

Decommissioning Plan Estimate, Solar Project #2, from Robert Switala, PE, CPESC, CPSWQ, Principal, Bergmann Architects, Engineers, Planners

#207D:

Dated December 11, 2020; received for filing June 23, 2021

Decommissioning Plan Estimate, Solar Project #3, from Robert Switala, PE, CPESC, CPSWQ, Principal, Bergmann Architects, Engineers, Planners

#208:

Dated October 18, 2021

State of New York, County of Ontario, Supreme Court, Index No. 126079-2019:

James Falanga, Nancy Falanga, Daniel Geer and James Redmond

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar LLC, Roger Smith A/K/A Rodger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations

Case dismissed by Hon. Craig J. Doran, Presiding.

#209

October 29, 2021 (date of submission to Ontario County Supreme Court)

State of New York, County of Ontario, Supreme Court, Index No. 126079-2019:

James Falanga, Nancy Falanga, Daniel Geer and James Redmond

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar LLC, Roger Smith A/K/A Rodger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations

Judgment Order (proposed) filed with Ontario County Supreme Court by Sheldon W. Boyce Jr., Esq.

#210

November 15, 2021

State of New York, County of Ontario, Supreme Court, Index No. 126079-2019:

James Falanga, Nancy Falanga, Daniel Geer and James Redmond

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar LLC, Roger Smith A/K/A Rodger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations

Judgment Order (Final) filed by Supreme Court Justice Craig J. Doran

#211

November 19, 2021

State of New York, County of Ontario, Supreme Court, Index No. 126079-2019:

James Falanga, Nancy Falanga, Daniel Geer and James Redmond

vs.

Town of Farmington, Town of Farmington Planning Board, Delaware River Solar LLC, Roger Smith A/K/A Rodger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does and ABC Corporations

Notice of Appeal

E-mail distribution:

Bellis, Adrian	Planning Board
DeLucia, Tim	Planning Board
Hemminger, Ed	Planning Board
Sweeney, Aaron	Planning Board
Douglas Viets	Planning Board
Attardi, Jill	Zoning Board of Appeals
Binnix, Jody	Zoning Board of Appeals
Marshall, Jeremy	Zoning Board of Appeals
Ruthven, Tod	Zoning Board of Appeals
Yourch, Tom	Zoning Board of Appeals
Bowerman, Nate	Town Board
Casale, Michael	Town Board
Herendeen, Ron	Town Board
Holtz, Steven	Town Board
Ingalsbe, Peter	Town Board
Wirth, Patricia	Town Rep. to OCPB

Boyce, Esq., Sheldon	Town Legal Counsel
Cheremeteff, Ariadna	Applicant's Consultant/Bergmann
Cody, Leland	Staff
Crosby, Michael	Town Legal Counsel
Graff, Esq., Jeffrey	Town Legal Counsel
Brabant, Lance	Town Engineer
Brand, Ron	Staff
Compitello, Dan (Delaware River Solar)	Applicant
Daniels, Marcy	Staff
Delpriore, Dan	Staff
Dolgos, Peter	Applicant
Falanga, James	Citizen
Finley, Michelle	Staff
Foley, James	Citizen
Giroux, Don	Staff
Gordner, August	Staff
Hargather, John	Staff
Haubenreich, Lindsey E.	Applicant's Legal Counsel
MacDonald, Robin	Staff
Matt, David	Applicant's Engineer
Mitchell, Sarah	Staff
Nason, Kimberly R.	Applicant's Legal Counsel
O'Toole, Bridget	Citizens' Legal Counsel
Plante, David	Environmental Monitor/Bergmann
Puchner, Thomas F.	Applicant's Legal Counsel
Robinson, Esq. Terence	Applicant's Legal Counsel
Smith, Roger and Carol	Applicants
Switala, Robert	Applicant's Consultant/Bergmann

Weidenborner, John
Young, Esq., Donald

Staff
Applicant's Legal Counsel