

January 15, 2019

Town of Farmington Planning and Zoning Boards
1000 County Rd. 8
Farmington, NY 14425

Dear Town of Farmington Planning and Zoning Boards:

Delaware River Solar (“**DRS**”) is pleased to have the opportunity to bring the benefits of Community Solar to the Town of Farmington. DRS has proposed three Community Solar facilities that will generate, in the aggregate, approximately 7 MW AC of clean and “green” electricity that will be distributed over the existing electrical grid (the “**Projects**”).

This letter is in response to the memorandum dated January 10, 2019, “**Additional Information Request, from the Town Planning Board Members, to the responses provided in the November 28, 2018 letter from Delaware River Solar on the proposed solar farm project located on Yellow Mills Road.**”

We have copied the memo with this letter, and have responded to all questions in below each question.

We look forward to the January 16th, 2019 public hearing, and the continued review of our application.

Sincerely,

Daniel Compitello
Project Developer



DELAWARE RIVER SOLAR
130 North Winton Road #415
Rochester, NY 14610

Memorandum

TO: Daniel Compitello, Delaware River Solar

FROM: Ronald L. Brand, Director of Planning and Development *Ronald L. Brand*

DATE: January 10, 2019

RE: Additional Information Request, from the Town Planning Board Members, to the responses provided in the November 28, 2018 letter from Delaware River Solar on the proposed solar farm project located on Yellow Mills Road.

The Planning Board, does hereby request additional information be provided to three (3) questions that were asked.

1. **The applicant was asked to identify feasible alternate sites that they looked at in the Town of Farmington and give reason(s) why one of the alternate sites were not chosen.**

Additional Information Requested

- a. **Provide which specific properties were considered, both within the Town of Farmington and any adjacent to in proximity to the RG&E Substation identified, before signing a lease for this specific property and provide the reasons why those properties were not chosen.**
- b. **Identify what other tax map parcels and landowners located in the Town of Farmington and outside the County Agricultural District were approached. Were any of the other properties located within either the LI Limited Industrial District or GI General Industrial District? If no other landowners were approached please provide reason why. There are other properties located in the Town which are within the LI and GI Districts, and have been and still are listed for sale, and based upon the criteria DRS has provided for their site selection, it appears that these sites could be feasible sites (e.g. they are available, they have three phase power, etc.).**

DRS Response:

According to company policy, and to preserve the integrity of prospective neighbors rights, DRS does not disclose the identity or intention of landowners with whom we do not enter a land lease to develop a solar system.

DRS did seek prospective landowners approximately within a 2 mile radius of the Project Site, in the LI and GI Districts, and either found either no interest from landowners or such land that was not suitable for solar system development. These two factors are needed to further study and ascertain interconnection feasibility. Please refer to our November 7, 2018 Public Hearing Comment Responses for a description of the Standard Interconnection process.

2. **The applicant was asked to provide detail specifications from the manufacturer on the solar panels being proposed for the Delaware River Solar Project. In particular what hazardous chemicals are contained in the panels if they were to be damaged and the chemicals seeped into the ground water.**

Additional Information Requested

While the specific manufacturer may not have been chosen at this time due to price fluctuations please provide all potential manufacturers you are considering and the specific panel you would be using from that manufacturer, along with the corresponding MSDS Sheet for the specific panels.

DRS Response:

DRS commits to using only panels that pass the TCLP test in all solar systems we develop. There is little differentiation, except in cost, in the small range of panels we source.

Set forth below is a list of panel manufactures DRS has utilized for already constructed, or under construction projects. MSDS sheets are provided in Appendix A.

- Hanwha
- REC Solar
- Astronergy

3. **The applicant was asked to provide information on the terms of the lease with the landowners.**

DRS Response

Delaware River Solar (DRS) has a lease with the property owners at 466 Yellow Mills Road to operate a Community Solar system on the leased land for a period of 30 years. The lease provides DRS the ability to seek the appropriate permits and approvals from the Town of Farmington, and other involved agencies, to build and operate the Community Solar system to an extent approved by the Town. During the lease, once the system has reached its' useful life, there is a clause in the lease that the system will be decommissioned and removed from the land, in accordance with Town law and any requirements that are determined as part of the Site Plan and Special Use Permit review by the Planning Board. The lease also requires that any additional tax burden created from the Solar Farm is the responsibility of the system owner, not the property owner.

Additional Information Requested

If, "the lease also requires that any additional tax burden created from the Solar Farm operation is that the responsibility of the system owner, not the property owner." Who becomes the "owner" in the event that DRS goes bankrupt? If no one purchases the facility out of bankruptcy, who is the "owner" and who is responsible to pay the additional tax burden? Since there will be three (3) separate parcels of land will there be three (3) separate lease agreements? If so, will each of the agreements be connected to same start and end date?

DRS Response:

DRS has entered into a single lease with the landowner to encompass the area DRS intends to develop. Within the terms of this lease, any number of parcels that are legally possible to create and subdivide may be included, once they are subdivided, and be governed by the lease terms. Each of the three Solar Systems will have a specific project company designated as the "Project Company",

each an affiliate of DRS. The three Project Companies are NY Farmington I, LLC, NY Farmington II, LLC and NY Farmington III, LLC. The rights of the single lease will be assigned to the applicable Project Company. It is expected that all three projects will be constructed at the same time.

Each individual Project Company is a generating asset producing revenues sufficient to cover its operating expenses, including taxes, and is bankruptcy remote from DRS. In the scenario where DRS should enter bankruptcy, the financing parties will assume control of the individual Project Company and will continue to operate and/or sell the Project Company. In the event the Solar System is not generating energy, pursuant to the Decommissioning Plan, the decommissioning security may be used to decommission and remove the Solar System.

DRS will work with the Town of Farmington to address taxation parameters and does accept that issuance of Site Plan or Special Use Permit approval is conditioned on the tax assessment of the solar projects being completed.

RLB:btb

c: Farmington Planning Board Members
James Morse, Town Code Enforcement Officer
Jeffrey Graff, Attorney to the Town
Farmington Zoning Board of Appeals Members
John Robortella, Clerk of the Boards
Peter Dolgos, Delaware River Solar, New York City, New York
Donald Young, Boylan Cole Attorneys, Rochester, New York
David Matt, P.E., Schultz Associates, P.C.