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VIA HAND DELIVERY

May 20, 2019

Town of Farmington
Zoning Board of Appeals
1000 County Road 8
Farmington, NY 14425

RE: PROPOSED DELAWARE RIVER SOLAR PROJECT AT 466 YELLOW MILLS ROAD
ZB #0902-18 APPLICATION FOR AN AREA VARIANCE
ZB #0903-18 APPLICATION FOR AN AREA VARIANCE
ZB #0904-18 APPLICATION FOR AN AREA VARIANCE
ZB #0905-18 APPLICATION FOR AN AREA VARIANCE

Dear Zoning Board of Appeals:

We represent a group of landowners and residents in connection with the four above referenced area variance applications by Delaware River Solar, LLC ("Delaware" or "Applicant") to construct a 7 MW industrial scale solar facility at 466 Yellow Mills Road (the "Project") on approximately 30 acres of land. Please consider this letter in connection with Delaware's four area variance applications.

If granted, Applicant's area variance requests will essentially eliminate the boundaries between the three proposed parcels which Delaware seeks to create three solar facilities, eschewing the requirements of New York Public Service Commission ("PSC") tariff and Town Code to create one large solar facility, instead of three separate solar facilities sited on distinguishable tax parcels. We ask this Board to deny Delaware's area variance applications because they failed to satisfy the requirements of Town Code, Chapter 165, Section V, Section 65.3 F, and NYS Town Law § 267-b (3).

THE PROJECT

The Project will consist of a Large Scale Ground Mounted Solar PV System pursuant to Town Code 165-65.3 (E)((1)(a). Each System will include three solar plants with the capability of approximately 2.338 Mega Watts (MW) each.

Solar Facilities are regulated by the PSC which regulates and oversees New York's electrical grid and sets size caps on projects eligible to receive compensation under New York's Value of Distributed Energy Resources ("VDER") tariff. The VDER tariff is meant to incentivize small-scale community solar projects. The PSC requires projects seeking the VDER tariff to be sited on separately named and distinct tax parcels.

In order to receive compensation under the VDER tariff, the size cap of Community Solar Facilities in this Project is limited to 5 MW.[1] Accordingly, Delaware is currently seeking subdivision approval[2] from the Planning Board for the existing 135.4 acre parcel in order to reap the benefits of the VDER tariff while still constructing a larger scale 7 MW solar facility on the leased property. At 7MW, the proposed Project is a commercial-industrial scale solar project rather than small scale community solar. However, in order to maximize land use and potential production, Delaware seeks four area variances which it would otherwise not need if it did not seek subdivision approval. Applicant's decision to subdivide the existing lot and locate the project on 3 parcels is merely to circumvent the VDER tariff.

VARIANCE APPLICATION

Delaware is requesting four Area Variances to Chapter 165, Section V, Section 65.3 F. of the Town of Farmington Code. Delaware seeks to subdivide the Project area out of the existing 135.4 acre parcel, forming three parcels, and also seeks area variances to reduce the interior lot lines of the proposed parcels from 180 and 160 feet to only 20 feet. The Project will be enclosed by a single fence and have one decommissioning plan. The applications are summarized below:

> **ZB #0902-18:** The applicant seeks a variance having a setback of 20 feet from along the south property line of proposed Lot 2, whereas the Town Code requires a minimum rear setback of 160 feet.

[1] VDER Order dated February 22, 2018, p. 3.
[2] Planning Board Application PB#1003-18

ZB #0903-18: The applicant seeks a setback of 20 feet along the south property line of proposed Lot 3 whereas the Town Code requires a minimum rear setback of 160 feet.

ZB #0904-18: The applicant seeks a setback of 20 feet along the north property line of proposed Lot 3 whereas the Town Code requires a minimum front setback of 180 feet.

ZB #0905-18: The applicant seeks a setback 20 feet along the north property line of proposed Lot 4 whereas the Town Code requires a minimum front setback of 180 feet.

Delaware's requested area variances essentially eliminate the interior lot lines of the proposed Project parcels, which is inherently inconsistent with its request to subdivide the project for three solar facilities.

This result contravenes the Public Service Commission's (PSC) requirements, which regulates the size cap of Community Solar Facilities that can receive compensation under the Value of Distributed Energy Resources (VDER) tariff.[3]

As stated above, the Applicant's area variance requests circumvent the purpose of the Applicant's subdivision application. If granted, Applicant's area variance requests will essentially eliminate the boundaries between the three solar facilities and their proposed parcels, eschewing the setback requirements of PSC tariff and Town Code to create one large solar facility, instead of three separate solar facilities sited on distinguishable tax parcels.

TOWN CODE AND REQUIRED SETBACKS

Chapter 165, Section V, Section 65.3 (F) governs "Standards for facilities requiring a special use permit." Solar PV systems requiring a special use permit shall be subject to the following standards:

(1)(a) Setbacks. Large-scale ground-mounted solar PV systems are subject to the minimum yard and setback requirements for the zoning district in which the system is located. No part of a ground-mounted system shall extend into the required yards and/or setbacks due to a tracking system or short-term or seasonal adjustment in the location, position or orientation of solar-PV-related equipment or parts.

[3] The February 22, 2018 Public Service Commission Order increased the cap size from 2MW to 5MW per project. PSC orders also require each distinct project to be separately named and sited on a distinct tax parcel. This information was provided to the Town by DRS in their response to the Planning Board's Questions dated November 28, 2018, Question 23.

(b)(1) Large-scale ground-mounted solar PV systems located in a residential district shall be set back an additional 120 feet from the minimum yard setback along all property lines that abut a lot or parcel of land located in the A-80 Agricultural District or other residential district, unless said property contains soils classified as "prime" or "unique" (Soils Groups 1 through 4) and the land is being actively farmed. In this instance, the minimum setback shall be 40 feet from the property line. This additional setback dimension shall also apply to the front yard setback when the lot or parcel of land on the opposite side of the street is located in a residential district.

Applying Town Code would require a front set back of 180 feet and a rear setback of 160 feet from the interior lot lines. Therefore, a setback of 340 feet would be required between the interior boundaries of the 3 proposed subdivided lots for the 3 solar facilities as each lot is contiguous. However, the developer seeks a variance of 20 feet for each interior lot setback, which represents an extreme deviation from the requirements set forth in Town Code.

THE APPLICANT IS NOT ENTITLED TO AN AREA VARIANCE

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

The Applicant seeks a variance from the setback requirements set forth in section § 165-65.3 (F) of the Town Code in order to reduce the total area covered by the Project. While the area covered by the Project will be reduced if the Applicant's variance requests are granted, the request will contribute to an undesirable change in the character of the Project site as the end result will be a densely massed solar farm out of scale with the surrounding neighborhood.

Severely reducing the interior setbacks between the three proposed project sites will transform the Project Site into a massive industrial use sited in a pastoral agricultural neighborhood. The Project's 7MW densely configured site plan will impact neighboring properties and be will become an external obsolescence, driving down property values.[4] Similarly, it will fragment critical masses of farmland with an industrial, non-farm use. The fact that the solar developments are allowed as specially permitted uses does not obviate the need for the Town to review the details of the solar development to determine if it conforms to the character of the surrounding neighborhood and community.

Additionally, granting the variances will exacerbate an existing traffic problem. The Project is located several hundred feet from the well-traversed

[4] Rowe Realty letter dated March 20, 2019.

intersection of Yellow Mills Road and Fox Road. The severely reduced setback will only serve to emphasize the Project's scale and density, potentially distracting drivers and creating safety issues for drivers and pedestrians.

For these reasons, the requested variances will produce an undesirable change in the character of the neighborhood and a detriment to nearby properties.

2. Whether the relief sought by the applicant can be achieved by some feasible method other than the variance.

Applicant has not demonstrated that the relief it seeks cannot be achieved by some feasible method other than the requested setback variance. While the Applicant seeks to reduce the amount of land covered by the Project, reducing the interior lot lines of the proposed project parcels is not the only way to accomplish this goal.

The applicant could construct its solar farm with VDER tariff funding by complying the setback requirements and reducing the scale of the project and the number solar panels. It could also proceed with a 7 MW facility without the benefit of the VDER tariff. However, the economic viability of the project is not a consideration in whether or not to grant a variance.

For these reasons, the relief sought by the applicant can be achieved by some feasible method other than the variances.

3. Whether the requested variance is substantial.

The Applicant seeks a variance reducing interior setbacks to 20 feet, which essentially eliminates interior setbacks between the 3 proposed solar facilities and the parcels on which they are sited. The Zoning Board may consider the magnitude of the variance request in light of the cumulative effects of multiple variances on the property. *Sakrel, Ltd. v. Roth,* 176 AD2d 732 (2nd Dept, 1991).

The variances requested herein are substantial when one considers the cumulative effects of the variance. *See Pecoraro v. Board of Appeals of Town of Hempstead,* 2 N.Y.3d, 608, 614 (2004). A reduction of 300 feet represents a 88% reduction in setback. This is substantial by any calculation. The Applicant's requested area variances will effectively create one contiguous 30 acre project parcel purely for financial benefit.

For this reason, the requested variances are substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

For the reasons set forth above, the proposed variance will have an adverse effect on the physical and environmental conditions in the neighborhood. The proposed action converts 30 acres of prime agricultural farmland into a 7MW industrial scale solar facility. The Project will result in the physical disturbance of at least 1.1 acres and that the project will require creation of an access road, burying of electric cables, installation of a steel post support structure for 21,000 solar arrays, construction of a concrete pad for each solar system and installation of inverter and transformer equipment.

Here, placement of an industrial solar facility on agricultural land is inconsistent with the goals and recommendations of the Town's Comprehensive Plan and County's Agricultural Enhancement Plan. The agricultural character of the Project site will be transformed by the addition of the densely packed, ground-mounted solar arrays, resulting in an industrial use sited in a pastoral agricultural neighborhood. This action will directly contravene the findings of the Ontario County Agricultural Enhancement Plan-2018 which designates the Project's land as a priority for protection.[11]

Moreover, there is no proof before this Board to refute documented concerns about site drainage and farmland preservation. The Project, as proposed, will contain 21,000 solar panels, and stormwater runoff from the panels will present substantial stormwater management challenges as the panels will concentrate the runoff. The Agricultural Enhancement Board warned that the Project may impact surface or subsurface agricultural drainage that would adversely affect the viability of the farmland remaining on the site parcel and its neighbors.[5] These concerns were also echoed by the Town Conservation Board.[6]

Additionally, there is no proof before this Board upon which it can evaluate whether the proposed variance will pose an adverse impact to environmentally sensitive, regulated wetland areas. Here, is likely that the one or more moderate to large impacts could occur because the Project site contains two federally regulated and two state regulated wetlands, which are hydrologically connected to off-site wetlands and streams. This wetland system is identified as an "environmentally sensitive area" by the Town of Farmington Comprehensive Plan Future Land Use Map (#10). Additionally, the Project site is located on top an aquifer, and the Project's dense, compacted design will potentially impact the aquifer and environmentally sensitive, regulated wetland areas on and off site.

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[5] Agricultural Enhancement Board letters dated October 5, 2018 and April 9, 2019.
[6] Town of Farmington Conservation Board October 22, 2018 meeting minutes.

This Board recognized the potential for adverse environmental impact when it classified this action as Type I under the State Environmental Quality Review Act ("SEQRA"). SEQRA review is ongoing. For these reasons, the requested variances may have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

5. Whether the difficulty was self-created.

The Applicant's difficulty was wholly self-created as its requests for area variances are based on the configuration of its site plan and the applicant's desire to obtain PSC funding for its solar project. It is, *per se,* self created.

But for the Applicant's subdivision application, it would not be required to comply with the interior set-back requirements as the property is currently one large parcel. The Applicant's difficulty has been self-created merely for financial gain and to circumvent the PSC's rules.

For this reason, the Zoning Board must deny this area variance application.

THE VARIANCE SOUGHT IS NOT THE MINIMUM REQUIRED TO RELIEVE THE APPLICANT'S ALLEGED HARDSHIP

If the ZBA elects to grant a variance, it must grant the minimum variance necessary to relieve the hardship. Town Law section 267-b(3)(c).

The Applicant claims that its requested variances are needed because they will reduce the footprint covered by the Project and provided greater undisturbed farmland for agricultural operations.

However, the Applicant has failed to demonstrate that another site plan configuration or fewer solar panels that satisfy the required minimum setbacks would not achieve the same goals.

There has been no showing whatsoever that the variances requested are the minimum necessary to relieve the applicant's alleged hardship.

ZBA MAY NOT DECIDE AREA VARIANCE APPLICATIONS UNTIL SEQRA REVIEW IS COMPLETE

SEQRA explicitly states that "no agency involved in an action may undertake, fund or approve the action until it has complied with the provisions of SEQR." 6 NYCRR 617.3(a). Approval of any part of an action before SEQRA review is complete is a violation of lawful procedure and, as such, is arbitrary

and capricious. *24 Franklin Ave. Corp. v. Heaship*, 43 Misc.3d 1203(A) (Sup. Ct. Westchester Co. 2014).

Accordingly, the ZBA may not make a determination on the Applicant's variance applications until SEQRA review is completed by the Planning Board.

CONCLUSIONS

The Applicant did not meet its burden of proof with respect to the requested area variances. If granted, Applicant's area variance requests will essentially eliminate the boundaries between the 3 proposed solar facilities and their proposed parcels, eschewing the setback requirements of the PSC tariff and Town Code to create one large solar facility, instead of three separate solar facilities sited on distinguishable tax parcels. Additionally, the area variances will emphasize the scale and density of the Project to detriment of neighborhood character, traffic, and sensitive environmental areas on-site.

The applicant has not established that it is entitled to a variance under the criteria set forth in Town Law section 267-b (3)(b). *See Nataro v. DeChance*, 149 A.D.3d 1081 (2d. Dept. 2017) (upholding denial of area variance where requested variances were substantial in nature, that petitioner had feasible alternatives which did not require such variances, and that granting of variances could set a negative precedent in the neighborhood); *Imhof v. Zoning Board of Appeals of Town of Islip*, 13 A.D.3d 626 (2d Dept. 2004) (upholding denial of area variance where the record demonstrated that the variances were substantial, the granting of the variances would have an undesirable effect on the character of the neighborhood and where the alleged difficulty was-self created.)

Furthermore, the Applicant cannot establish that the variance it seeks is the minimum required to relieve its alleged hardship, as required by Town Law section 267-b (3)(c).

For these reasons, this application for four area variances must be denied.

Sincerely,

Frances Kabat

Enclosures:

- VDER Order dated February 22, 2018
- Rowe Realty letter dated March 20, 2019
- Agricultural Enhancement Board letter dated October 5, 2018
- Agricultural Enhancement Board letter dated April 9, 2019.
- Town of Farmington Conservation Board October 22, 2018 meeting minutes.

cc: James Foley, Esq.
Mr. James Falanga

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on February 22, 2018

COMMISSIONERS PRESENT:

John B. Rhodes, Chair
Gregg C. Sayre
Diane X. Burman, dissenting
James S. Alesi

CASE 15-E-0751 - In the Matter of the Value of Distributed Energy Resources.

ORDER ON PHASE ONE VALUE OF DISTRIBUTED ENERGY RESOURCES PROJECT SIZE CAP AND RELATED MATTERS

(Issued and Effective February 22, 2018)

BY THE COMMISSION:

INTRODUCTION

On March 9, 2017, the New York State Public Service Commission (Commission) issued the VDER Phase One Order, which directed that the compensation for eligible distributed energy resources (DERs) transition from net energy metering (NEM) to the "Value Stack."[1] The Value Stack is a methodology that bases compensation on the actual, calculable benefits that DERs create. The VDER Phase One Order also created a transitional compensation mechanism, Phase One NEM, which offers compensation similar to NEM for a limited time period to: 1) certain eligible projects that were in a late stage of development at the time

[1] Cases 15-E-0751, et al., Value of Distributed Energy Resources, Order on Net Energy Metering Transition, Phase One of Value of Distributed Energy Resources, and Related Matters (issued March 9, 2017) (VDER Phase One Order).

the VDER Phase One Order was issued; and 2) all eligible on-site mass market projects, such as rooftop solar, interconnected before January 1, 2020.

Pursuant to the VDER Phase One Order, a project is eligible for compensation based on the Value of Distributed Energy Resources (VDER) tariff, including Phase One NEM and the Value Stack, only if, based on its size and technology, it would be eligible for NEM pursuant to Public Service Law Sections 66-j and 66-l. Specifically, solar, wind, hydroelectric, farm-based anaerobic digesters, and fuel cells with a rated capacity of 2 MW or less are eligible, subject to certain additional restrictions related to system design and fuel source. In addition, combined heat and power (CHP) units sited at residential locations with a rated capacity between 1 kW and 10 kW are eligible.

In the VDER Phase One Order, the Commission explained that reducing soft costs, including taking advantage of the economies of scale offered by larger project sizes, would play an important role in driving the deployment of DERs at scale. Subsequently, in the VDER Implementation Order, the Commission found that allowing projects with a rated capacity between 2 MW and 5 MW to receive Value Stack compensation would significantly reduce costs through economies of scale.[2] In particular, this could drive DER development in utility territories and sectors that might otherwise prove difficult for project financial viability. The Commission therefore expressed an intention to increase the maximum rated capacity eligible for Value Stack compensation to 5 MW.

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[2] Cases 15-E-0751, et al., Value of Distributed Energy Resources, Order on Phase One Value of Distributed Energy Resources Implementation Proposals, Cost Mitigation Issues, and Related Matters at 4 (issued September 14, 2017) (VDER Implementation Order).

However, the Commission recognized that several issues related to an increase in maximum project size required further process. For that reason, the VDER Implementation Order did not immediately increase the project size limit, but instead solicited input regarding policy issues described in an appendix. In addition, the Commission recognized that interconnection issues associated with a change in maximum project size that may receive Value Stack compensation could require modifications to the Standard Interconnection Requirements (SIR)[3] and directed Department of Public Service Staff (Staff) to work with the Interconnection Policy Working Group and Interconnection Technical Working Group to consider the need for such modifications. On December 20, 2017, Staff responded to this direction with a filing that proposes amendments to the SIR.

In this Order, to unlock the economy of scale and efficiency benefits that will result in the development of additional clean generation without impacting nonparticipating ratepayers, the Commission expands eligibility for participation in Value Stack tariffs to projects up to 5 MW, subject to existing VDER tariff rules on technology eligibility, and with the exception of CHP, as discussed below.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on October 4, 2017 [SAPA No. 15-E-0751SP10].

[3] While projects sized between 2 MW to 5 MW have been covered by the SIR since the Commission increased the upper threshold in the March 18, 2016 Order Modifying Standardized Interconnection Requirements in Case 15-E-0557, Staff suggested additional SIR improvements in anticipation of the expected increase in larger project applications.

The time for submission of comments pursuant to that Notice expired on December 4, 2017. The comments received are summarized and addressed below.

SUMMARY OF COMMENTS

Joint Utilities

Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) (collectively, the Joint Utilities) submitted joint comments opposing the expansion of Value Stack tariff eligibility to larger resources. The Joint Utilities argue that such an expansion is inconsistent with the principles of establishing a market where DER is competitive with other resources. They assert that projects in the 2 MW to 5 MW range already have the ability to monetize most of the components of the Phase One Value Stack tariff in the market and do not, therefore, require additional compensation. They also state that application of the Phase One Value Stack tariff to larger resources will likely provide excessive compensation and put further pressure on the previously established 2% target for bill impact on customers. Instead, the Joint Utilities suggest that an increase to the cap on Value-Stack eligible project size be reevaluated in Phase Two.

If the Commission does choose to increase the project size cap, the Joint Utilities state that the increase should be applicable to all eligible technology and project types. The Joint Utilities maintain that the market transition credit (MTC) should remain applicable only to project types previously eligible for NEM in terms of both technology and size. The

Joint Utilities argue that, for projects above 2 MW and up to 5 MW in size, distribution-system values, both the system-wide values recognized through the Demand Reduction Value (DRV) and the location-specific values addressed through the Locational System Relief Value (LSRV), should be provided through solicitations rather than tariffed values.

Consumer Power Advocates

Consumer Power Advocates (CPA), a coalition of not-for-profit commercial health care and educational customers in the Con Edison service territory, argues that in areas like NYC, where the space to install large solar or other non-emitting resources is limited, CHP represents the largest opportunity for clean DER development. For this to occur, CPA states, the Commission should allow larger CHP facilities to participate in the Value Stack. CPA explains that an increase to a 5 MW limit will be beneficial but will not be sufficient to accommodate all use cases, such as larger educational and medical campuses. Ultimately, CPA asserts, for CHP to be able to fulfill a more substantial role, a 15 MW cap should be adopted.

New York City

New York City (the City) supports increasing the project size cap, and recommends that any increase in the project size cap should be technology-neutral and applicable across all resource types and project types, especially since the availability of appropriate locations to site DER could limit the siting opportunities for solar arrays above 2 MW. The City notes that there is still significant room remaining in the Tranches of Con Edison. Therefore, at least within Con Edison service territory, the City recommends that the Commission not implement an auction mechanism for DER projects larger than 2 MW, but instead treat these projects as it would smaller DER projects, so as not to potentially bias the marketplace toward

smaller solutions. The City recommends that the Commission not adopt any specific regulations requiring projects larger than 2 MW to dedicate a certain portion of their projects to low or moderate income (LMI) customers, arguing that such quotas could create unnecessary barriers for DER development and that better solutions exist for increasing LMI engagement in clean energy.

Coalition of Renewable Energy Users and Developers

The Coalition of Renewable Energy Users and Developers (CORE), a coalition of New York corporations, colleges, universities, and project developers committed to combating climate change, supports the increase in size of projects. CORE states that the proposed increase in cap size should be implemented to allow existing projects and projects currently under development to increase their potential output or to consolidate. CORE asserts that where a developer wishes to consolidate or combine multiple projects, it should be permitted to do so without having to undertake new or separate interconnection studies.

CORE argues that the 5 MW cap should be applied to existing and prospective DER resources regardless of technology or project type. CORE asserts that, for existing on-site and remote net-metered projects, if a project's output can be increased within the revised cap without any change in infrastructure and the incremental output will not have a material impact on the overall utility percentage or MW cap on the pricing regime that the project is subject to (e.g., NEM, Phase I NEM, or the Value Stack), the incremental capacity should be allowed to receive the same pricing as the existing project. CORE explains that if expansion of an existing project's output will require a material alteration to the utility interconnection or other system infrastructure, the incremental capacity should be placed in the interconnection

queue and receive the appropriate pricing based upon where the incremental capacity stands in the queue. CORE also states that the Commission should clarify that the revised size cap concurrently increases the limit on cumulative capacity of projects supporting a single satellite account through remote net metering. CORE also requests that the Commission clarify to local taxing authorities that zoning, subdivision, and permitting rules and regulations should be adjusted to reflect the revised cap size.

Clean Energy Parties

The Coalition for Community Solar Access, the Alliance for Clean Energy New York, the Natural Resources Defense Fund, Pace Energy and Climate Center, New York Solar Energy Industries Association, Solar Energy Industries Association, and Vote Solar (collectively, the Clean Energy Parties or CEP) support increasing the allowable project size, explaining that the current policy of requiring subdivisions in order to construct projects larger than 2 MW slows down DER deployment, increases costs for municipalities, and has the potential to increase land use impacts. CEP recommend that an increase in allowable capacity be extended to all eligible technologies and project types.

CEP state that proposed projects in any phase of the interconnection process should be afforded a limited opportunity to request a cost estimate for consolidation up to 5 MW, so long as the projects to be consolidated are be physically adjacent to one another and hold sequential queue positions on the feeder and substation. CEP agree that existing projects larger than 2 MW should be permitted to opt-in to the Value Stack and existing projects smaller than 2 MW should be permitted to expand their capacity. CEP argue that any compensation change, such as a reduction in the MTC, for larger projects would offset the soft

cost reductions gained from the project size increase, thus defeating the purpose. CEP also oppose the use of an auction, saying an auction would introduce numerous additional soft costs for both developers and the entity implementing the auction, potentially eliminating any gains achieved through an increased project size limit.

Utility Intervention Unit

The Utility Intervention Unit (UIU) of the New York State Department of State's Division of Consumer Protection notes that on November 20, 2017 the Solar Energy Industries Association (SEIA) filed a petition for rehearing of the Commission's Order Establishing Oversight Framework and Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS Order), issued on October 19, 2017. As UIU explains, the UBP-DERS Order established a set of rules, the UBP-DERS, and an oversight framework for DER Suppliers (DERS), some of whom receive VDER tariff compensation, and the SEIA Petition claims the Commission made errors of law by asserting jurisdiction over DERS. The SEIA Petition is currently pending before the Commission.

UIU argues that it is inappropriate for SEIA to argue that DERS are not subject to the Commission's regulatory jurisdiction while simultaneously arguing, on the instant matter, that the Commission should allow larger projects to participate in the Commission-authorized Value Stack compensation, including the MTC, given the recognition in the VDER proceeding that the MTC imposes cost shifts on non-participating ratepayers. Given the pendency of the SEIA Petition and the resulting regulatory uncertainty, as well as the long-term commitment implied in the MTC, UIU argues that the Commission should either limit the MTC to projects sized at 2 MW or smaller or retain the current overall project size cap of 2 MW.

LEGAL AUTHORITY

As described in the VDER Phase One Order, the Commission has the authority to direct the treatment of DERs by electric corporations pursuant to, inter alia, Public Service Law (PSL) §§ 5(2), 66(1), 66(2), and 66(3). Pursuant to the PSL, the Commission determines what treatment will result in the provision of safe and adequate service at just and reasonable rates consistent with the public interest and the efficiency of the electric system.

DISCUSSION

Unlocking the advantages of economies of scale and other soft cost reducing measures is key to driving deployment of clean generation and other DERs at the scale needed to meet the objectives of the Reforming the Energy Vision initiative (REV) and to create a modern, integrated grid. As recognized in the VDER Phase One Order and the VDER Implementation Order, the 2 MW limit on participation in VDER tariffs, including the Value Stack, limits the ability of developers and customers to take full advantage of some of those economies of scale. As the Joint Utilities state, for large clean generation projects, appropriate compensation may be available through the wholesale market, including the market for attributes of Tier 1 eligible resources and the associated procurements conducted by the New York State Energy Research and Development Authority (NYSERDA). However, Commission and NYSERDA experience with the procurement of large scale clean generation resources demonstrates that projects between 2 MW and 5 MW rarely participate in those procurement and wholesale market programs, likely both due to their complexity and because greater economies of scale available for even larger projects make it difficult for projects between 2 MW and 5 MW to compete. The Joint Utility

comments claiming that those mechanisms are sufficient for the development of projects with capacity between 2 and 5 MW fail to demonstrate that any such development has occurred under the existing conditions, nor do they offer any reason to believe that projects between 2 MW and 5 MW cannot be a beneficial part of the DER ecosystem or any alternative method for enabling development of those projects.

By opening up Value Stack participation to projects between 2 MW and 5 MW, subject to the same terms, compensation mechanisms, and Tranche system as projects smaller than 2 MW, the Commission can open up opportunities for customers and developers to take advantage of those economies of scale and efficiencies without increasing the costs on non-participating ratepayers. In that way, projects can be built in utility territories where a project sized at 2 MW or lower might not be financially viable, given Tranche status and project economics. Furthermore, in some cases developers are currently planning multiple 2 MW projects next to each other. Enabling some of those projects to be combined will create efficiencies by eliminating the need for multiple interconnection points, setbacks between projects, and other unnecessary or duplicative costs. As the existing SIR requires technical impact review for such projects and payment for any necessary system upgrades by the applicant prior to interconnection, the integration of larger projects onto the distribution system will not create reliability impacts or costs for utilities or nonparticipating ratepayers.

For these reasons, to render more projects viable and to unlock the economy of scale and efficiency benefits that will result in the development of additional clean generation without impacting nonparticipating ratepayers, the Commission will expand eligibility for participation in Value Stack tariffs to

projects up to 5 MW, subject to existing VDER rules on technology eligibility, and with the exception of CHP, as discussed below. Specific policy issues related to the implementation of this expanded eligibility are discussed below.

The Commission believes that customers of DERS must be protected by appropriate regulations and appreciates UIU's concerns about expansion of eligibility while a Rehearing Petition challenging those regulations is pending. However, because this Order does not increase the total capacity allocation for Community Distributed Generation (CDG) resources, this Order will not increase the total potential customers for DER suppliers nor is there any reason to believe it will result in longer contracts than would otherwise be employed. Furthermore, while the SEIA Rehearing Petition is not being decided at this time, the Commission is confident that future decisions will ensure that all customers are appropriately protected.

The Commission will not require that projects larger than 2 MW include an LMI component. As commenters state, there are better methods available to ensure that LMI customers are able to participate in and benefit from DERs. In particular, both the proposal by the VDER LMI Working Group and the implementation plan for Con Edison's shared solar pilot are currently before the Commission.

Implementation of this Order will require tariff changes by the utilities. Because the VDER tariffs, including the issues addressed in this Order, have been the subject of extensive public process, newspaper publication is unnecessary and should therefore be waived.

Compensation of Projects Larger than 2 MW

The Value Stack, with the exception of the MTC, is designed to provide projects with compensation based on the

specific and calculable benefits those projects create for the utility system. Those benefits reflect utility avoided costs; therefore, compensating a project based on the Value Stack results in that project receiving the most precise compensation available for the actual values it provides. For that reason, it is appropriate for projects sized between 2 MW and 5 MW to be compensated based on the Value Stack subject to the same rules as projects sized at or below 2 MW. Because a primary purpose of this expansion is to reduce soft costs so that projects can be built in utilities where they may not currently be financially viable based on the currently open Tranche, reducing or eliminating the MTC for projects larger than 2 MW is not appropriate. Because the MTC for projects between 2 MW and 5 MW will be subject to the same rules and Tranche limits as the MTC for projects smaller than 2 MW, this will not result in any additional impact on nonparticipating ratepayers.

Under no circumstances should a project larger than 2 MW receive compensation based on net metering or Phase One NEM, as these compensation mechanisms are intended only for projects that would have been eligible for net metering prior to the issuance of the VDER Phase One Order.

Compensating one project based on two different compensation mechanisms or MTC levels would be impractical, invariably resulting in both utility costs and customer confusion. Therefore, currently, if a CDG project reserves its Tranche position by making the appropriate interconnection payment when less space remains in the current Tranche than the project's size (for example, if a 2 MW project makes the payment when Tranche 2 in its interconnecting utility only has 1 MW of capacity remaining) that project is nonetheless placed entirely in the current Tranche. While this results in an increase in the size of that Tranche, with the original capacity limit the

overflow was limited to less than 2 MW, and in practice was likely to be 1 MW or less in most cases. With the new capacity limit of 5 MW, the overflow could be up to 5 MW, which is more than a third of some Tranches and therefore could result in a significant increase in the net revenue impacts of the Tranches. For that reason, going forward, overflow is limited to a maximum of 1 MW; if a project's size exceeds the remaining capacity in the current Tranche by more than 1 MW, the entire project will be placed in the next Tranche. At that time, the original Tranche should be closed, and the total size of the new Tranche should be increased by the unused size in the original Tranche.

Eligible Technologies and Project Types

The Commission agrees with commenters that it is appropriate to include generators sized up to 5 MW of all technologies and project types currently eligible to receive VDER compensation for projects sized up to 2 MW. Projects will continue to be subject to fuel source requirements and other technical requirements included in VDER rules and derived from PSL Sections 66-j and 66-l. The Commission notes that Staff is currently developing a proposal, with input from stakeholders through the Value Stack Working Group, regarding whether some of these requirements should be eliminated.

However, the Commission will not expand the maximum eligible capacity of CHP generators at this time. As commenters note, the current rules allow only a very narrow category of CHP generators to participate. The development of the VDER compensation mechanisms focused on the attributes of the clean generators that make up the majority of VDER-eligible projects. The inclusion of and appropriate compensation of larger CHP generators requires more detailed analysis. Staff has conducted that analysis in collaboration with the Value Stack Working Group and will release a Proposal on Expedited Eligibility

Expansion that will include recommendations related to whether, and subject to what rules, larger CHP generators should be eligible for participation in VDER tariffs. The Proposal on Expedited Eligibility Expansion will also consider whether other currently ineligible technologies should be granted eligibility for VDER tariffs and whether other technical limits on generators, such as fuel type rules, should be modified. The Commission expects that any technology that becomes eligible for VDER tariffs will be eligible up to a maximum capacity of 5 MW, unless otherwise determined in the order granting that technology eligibility.

The Commission also finds that it is appropriate to increase the maximum capacity to 5 MW for all project types, including on-site projects, remote projects, and CDG projects. This will allow all types of customers to benefit from the efficiencies that the capacity increase creates and may also offer an opportunity for sectors of the market that are currently struggling with VDER project economics. As CORE requests, the Commission notes that this does allow an individual satellite account to be served by several generators, including multiple remote generators at host sites and a generator located at the satellite account, with a cumulative rated capacity of up to 5 MW.

Opt-In by Existing Generators

Some generators sized between 2 MW and 5 MW currently exist in New York State and receive compensation through bilateral contracts, utility buyback tariffs, or the wholesale market. As the Value Stack offers compensation more precisely tied to a project's actual benefits than earlier methods, existing generators sized at between 2 MW and 5 MW that meet other eligibility requirements shall be permitted to opt-in to participation in the VDER tariff and receive Value Stack

compensation. These projects will be subject to the same rules as projects under 2 MW that opt in to Value Stack compensation; specifically, including the limitation of environmental compensation to projects that meet the Clean Energy Standard (CES) vintage date requirement of January 1, 2015 and other applicable CES requirements. Projects receiving compensation for renewable attributes through the Renewable Portfolio Standard, including the Maintenance Tier, or through Tier 2 of the CES are permitted to opt-in and receive elements of the Value Stack other than the Environmental Value. If the project is eligible for the MTC, it should be placed in the Tranche that is open at the time it opts in and receive MTC compensation based on that Tranche. Existing facilities that propose to move to Value Stack compensation without any change to the characteristics of the existing generator are not subject to the interconnection procedures specified in the SIR. Utilities shall accommodate requests to opt-in by identifying necessary metering changes and installing the appropriate meters within a reasonable period of time after receipt of the request and payment by the generator of any charges related to the change in metering.

Expansion of Existing Generators

Existing, interconnected generators sized at under 2 MW and currently receiving compensation under NEM, Phase One NEM, or the Value Stack may have the capability, based on their design and location, to expand their capacity up to 5 MW. Utilities will manage such expansion requests as provided under the SIR, and Value Stack compensation for the expanded project will be available after the applicable interconnection requirements have been met. Because compensating one project based on multiple compensation mechanisms is impractical, if the generator currently receives compensation through NEM or Phase

One NEM, the expanded generator must accept Value Stack compensation for the entire project. Similarly, a CDG project already receiving Value Stack compensation will receive compensation based on the currently available Tranche for the entire expanded project; that is, if a 2 MW CDG project receiving Tranche 2 capacity expands to 4 MW after Tranche 2 fills up and while Tranche 3 is open in its utility territory, the entire 4 MW project will receive compensation based on Tranche 3 after the expansion. To avoid double counting capacity, the utility should reduce the capacity of the original Tranche by the project's original capacity and add that capacity to the currently open Tranche; that is, in the above example, the size of Tranche 2 should be reduced by 2 MW and the size of Tranche 3 should be increased by 2 MW and the entire 4 MW project should be counted towards Tranche 3.

Expansion or Consolidation of Projects Under Development

Similarly, the developer of a project currently in the interconnection queue may choose to increase that project's capacity to more than 2 MW or to consolidate existing projects on neighboring sites. In either case, the resulting project will receive compensation based on the Value Stack once it is interconnected. If the resulting project is a consolidated project that has total capacity equal to or less than the original projects, and if the original projects had received the same Tranche assignment, the consolidated project will retain that Tranche assignment. Otherwise, if the project is an expansion or a consolidation of projects with different or no Tranche assignment, the resulting project should be placed in the currently available Tranche at the time it passes the appropriate milestone, or at the time of expansion or consolidation if it had already passed that milestone. As described above, where one of the projects was originally in an

earlier Tranche, the capacity associated with that project should be moved to the current Tranche.

Interconnection Applications

As described above, Staff consulted with the Interconnection Policy Working Group and Interconnection Technical Working Group on the potential impact of increased project capacity and submitted proposed SIR changes as a result of that discussion. The comment period is currently open on those proposals[4] and therefore the Commission will not make a determination on the proposed changes at this time.

However, the Commission notes that the SIR already provides for the interconnection of projects between 2 and 5 MW and the expansion of existing or proposed projects. The proposed SIR changes relate to the consolidation of projects already in the interconnection queue. For that reason, developers are permitted to submit applications for new projects sized at between 2 MW and 5 MW and designed to receive Value Stack compensation, as well as to propose expansions of existing projects and projects in the interconnection queue. However, developers may not consolidate projects already in the interconnection queue until the Commission has considered and acted on the proposed SIR changes.

The Commission also notes that larger projects are likely to result in higher interconnection costs, though in at least some cases the costs for one larger project may be lower than for two separate projects with the same total capacity. Furthermore, in some areas, it may be impractical or even impossible to sufficiently upgrade the distribution system to

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[4] Case 18-E-0018, In the Matter of Proposed Amendments to the New York State Standardized Interconnection Requirements (SIR) for Small Distributed Generators, Notice Soliciting Comments on Proposed Modifications to the Standardized Interconnection Requirements (issued January 11, 2018).

handle one or multiple 5 MW projects. While the Commission and Staff will continue to work to ensure that interconnection costs are reasonable and appropriate, this Order does not guarantee that interconnection of a 5 MW project will be possible, or will be possible at a cost resulting in a financially viable project, in all locations.

CONCLUSION

This Order takes a major step in decreasing DER project soft costs by enabling economies of scale and reducing inefficiencies. The Commission expects that continued cost reductions, through both Commission action and continued technological process, will enable and accelerate the development of DERs with limited or no impact on nonparticipating ratepayers. This scale of deployment will drive the clean, distributed, transactive, and integrated electric system REV envisions.

The Commission orders:

1. Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) are directed to file tariff leaves expanding the eligibility for Value Stack compensation under the Value of Distributed Energy Resources tariff to projects with a capacity between 2 MW and 5 MW, consistent with the requirements in the body of this Order, on not less than 15 days' notice to become effective by April 1, 2018.

2. The requirements of §66(12)(b) of the Public Service Law and 16 NYCRR §720-8.1 concerning newspaper

publication of the tariff amendments described in Ordering Clause No. 1 are waived.

3. In the Secretary's sole discretion, the deadlines set forth in this order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.

4. This proceeding is continued.

By the Commission,

(SIGNED) KATHLEEN H. BURGESS
Secretary

Rowe Realty SALES & APPRAISAL
4040 West Walworth Road • Macedon, New York 14502 • Phone (315)986-9600 • Fax: (315)986-0140

March 20, 2019

Mr. James F. Redmond
4344 Fox Road
Palmyra, NY 14522

Re: 466 Yellow Mills Road
Town of Farmington, NY 14522

Dear Mr. Redmond:

Per your request we have completed a road-side inspection of 466 Yellow Mills Road in the Town of Farmington, currently owned by Roger and Carol Smith. The parcel, hereafter known as the "subject", includes an old-style residence, agricultural outbuildings and 135.4 acres of land. The subject is zoned A-80 Agricultural. The Class is 113, Cattle. The ID is: 010.000-01-037.11000. The full-market assessed value is $275,200, of which $205,700 is allotted to the land.

The purpose of the road-side inspection was to comment on the impact of division of the current 135.4 acres into a four-lot subdivision. Also, development of a 7-Megawatt PV Solar System with a total of 21,000 solar panels, utilizing approximately 35-40 acres of the four proposed subdivided lots. The subdivided lots are proposed to have setbacks of 20 feet from the north and south property lines of Lots 2, 3 and 4. Current Town of Farmington A-80 Agricultural zoning requires 160-180 foot setbacks.

The parcels surrounding Yellow Mills and Fox Road were visually inspected and noted to be parcels of undeveloped land. They were not studied in detail; however, the neighborhood appears agricultural or residential. The basic objection to the subject's subdivision and development of a 7-Megawatt PV Solar System that it **is out of character** for the neighborhood and that the subject's **likely alternative use is residential.**

Since the well-documented trend of land use, population and growth in the Town of Farmington has been from agricultural to residential, we can assume that the development of a 7-Megawatt PV Solar System is an interruption of current land use trends. Developments in defiance of current land use trends are **out of character** and become an **external obsolescence;** defined as follows:

External obsolescence is a factor that reduces the value of neighborhood properties because of something **external** to them. It is something outside of the neighboring properties that is causing a lower value. It's usually cannot be cured.

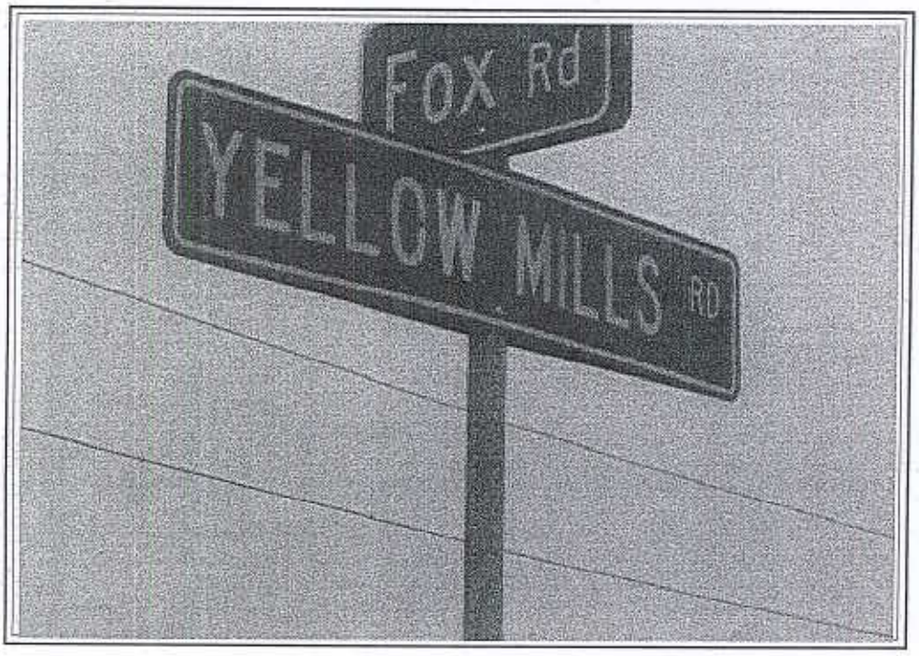
My 30+ year experience as a NYS Certified Residential Appraisal and Broker practicing in Monroe, Wayne and Ontario Counties leaves no doubt that the development of the 7-Megawatt PV Solar System on the subject site will pose **an external obsolescence** to the neighborhood, thereby **reducing neighborhood values**. The amount of damage caused by the external obsolescence is the object of further study.

However, no doubt also exists that the logical alternative use for the subject's 135.4 acres, based on decades of Town of Farmington land use patterns, would be **residential.**

Sincerely,

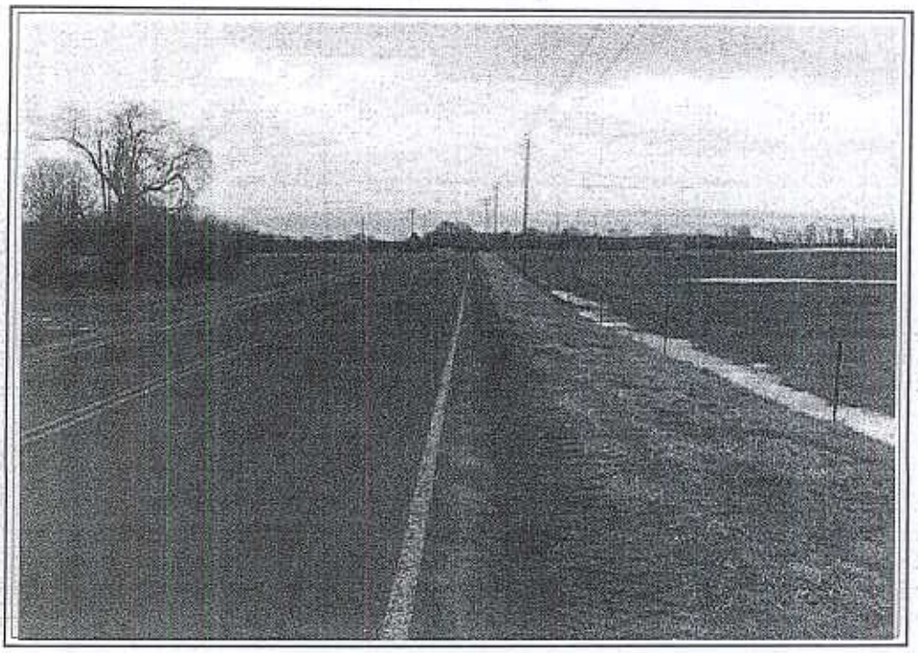
Ruth Ann Rowe, IFA
NYS Certified Appraiser
NYS Principal Broker

Borrower:	File No.: 466 Yellow Mills Road	
Property Address: 466 Yellow Mills Road	Case No.: 466 Yellow Mills Road	
City: Palmyra	State: New York	Zip: 14522
Lender: Not Applicable		



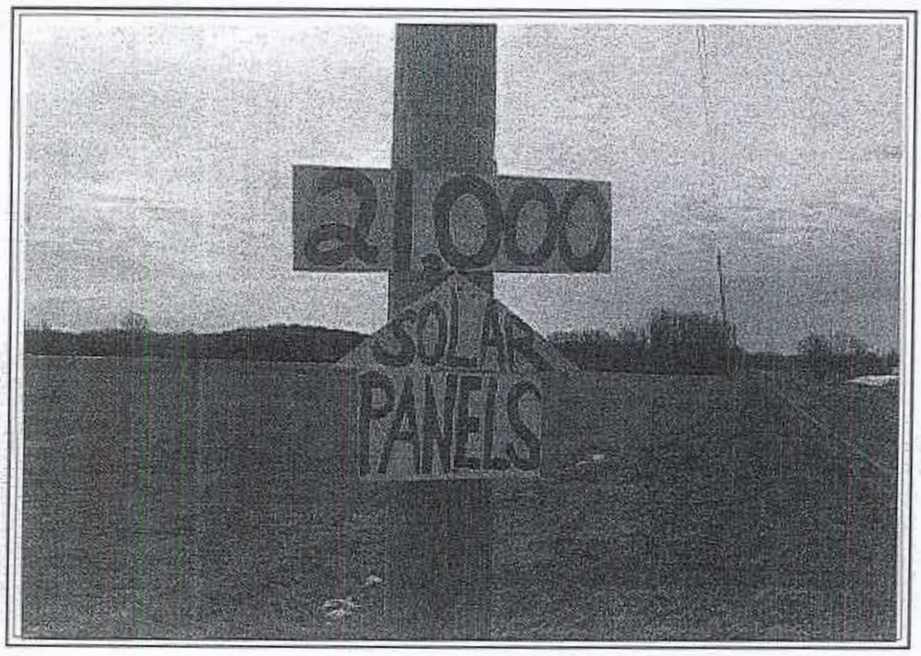
Corner of Yellow Mills and Fox Roads

Fox Road

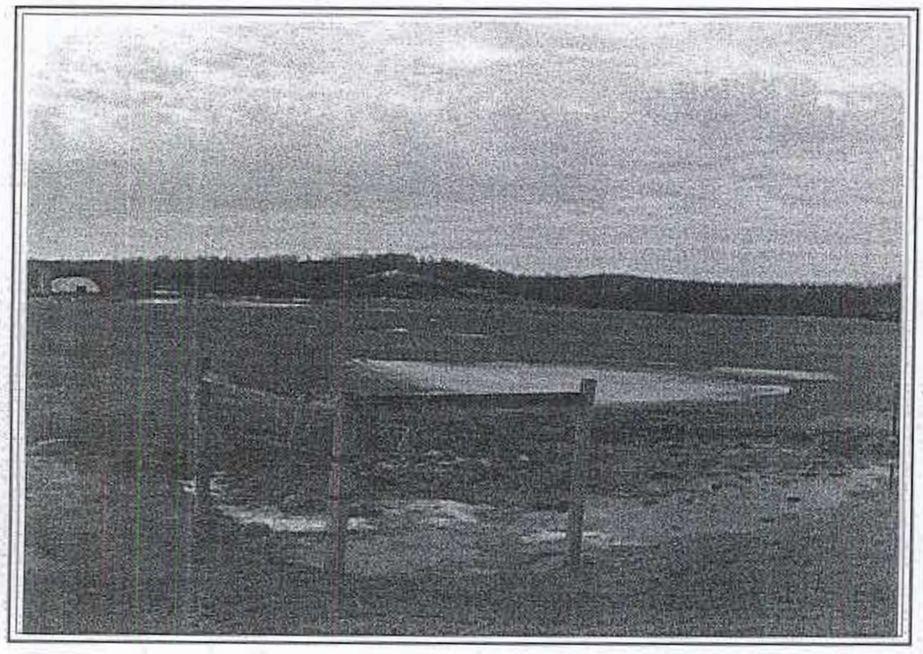


Yellow Mills Road

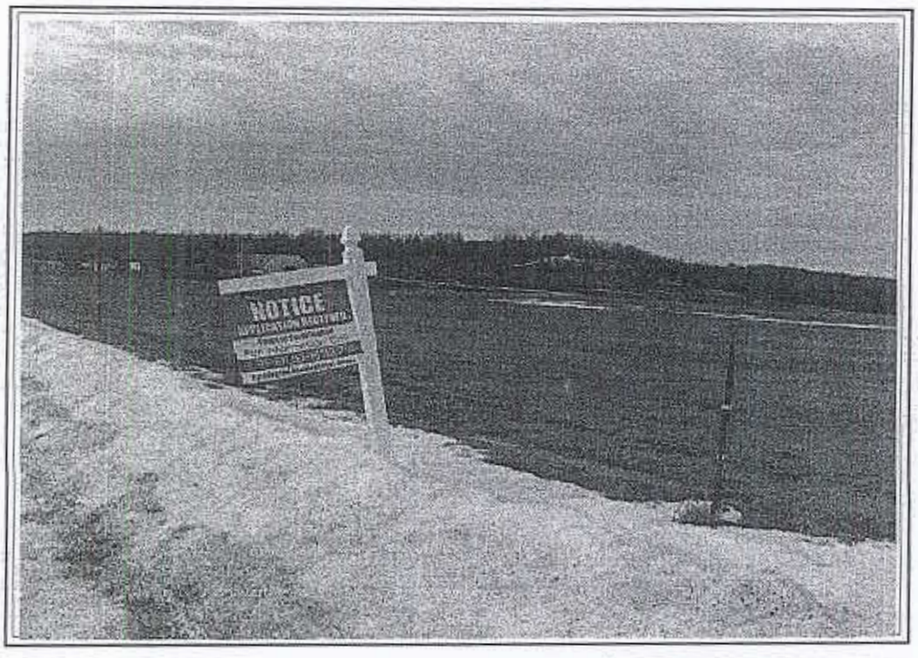
Borrower:	File No.: 466 Yellow Mills Road
Property Address: 466 Yellow Mills Road	Case No.: 466 Yellow Mills Road
City: Palmyra	State: New York Zip: 14522
Lender: Not Applicable	



Neighboring Parcel

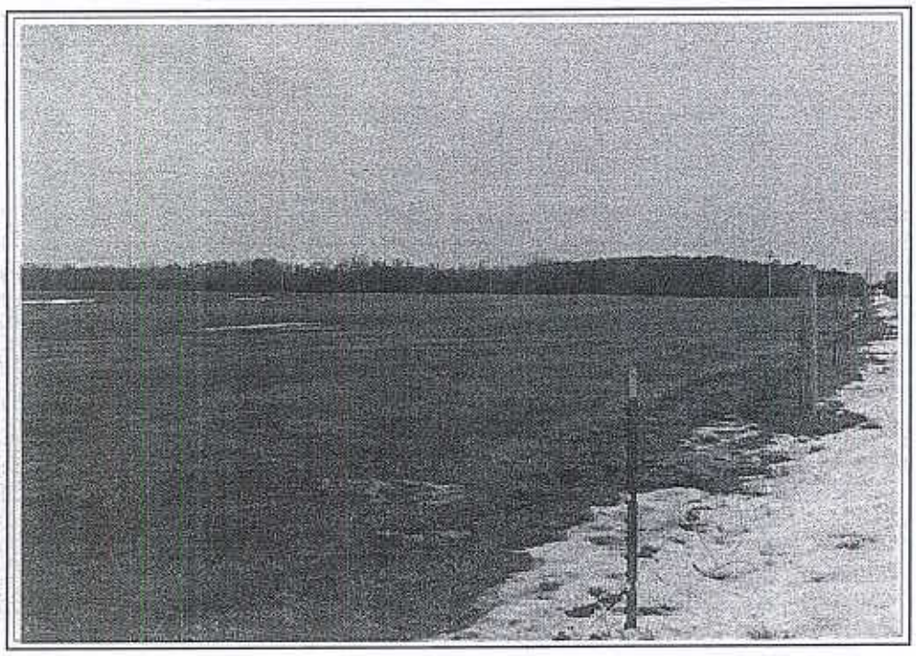


Subject Parcel



Subject Parcel

Borrower:	File No.: 466 Yellow Mills Road
Property Address: 466 Yellow Mills Road	Case No.: 466 Yellow Mills Road
City: Palmyra	State: New York Zip: 14522
Lender: Not Applicable	



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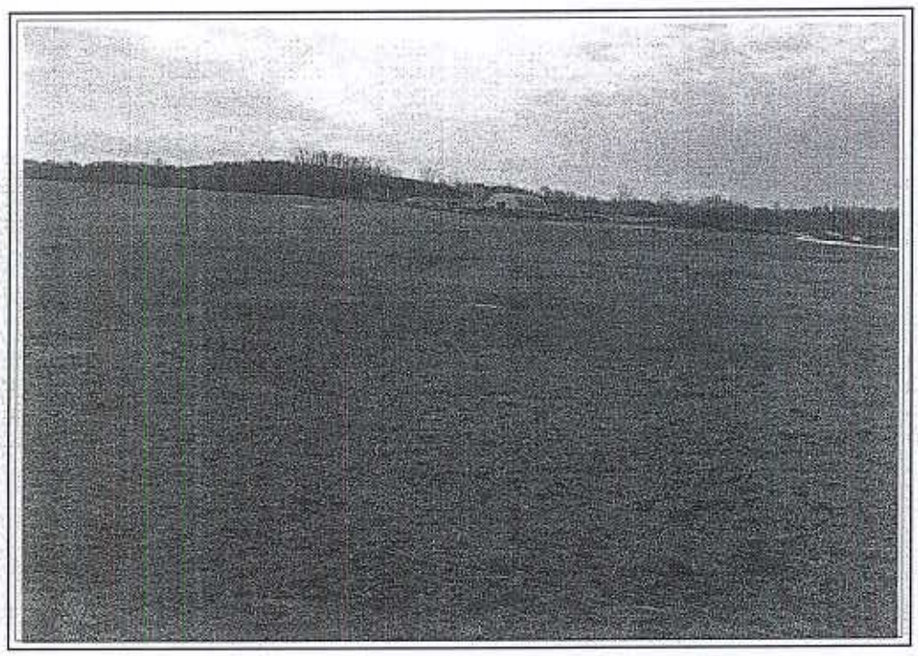

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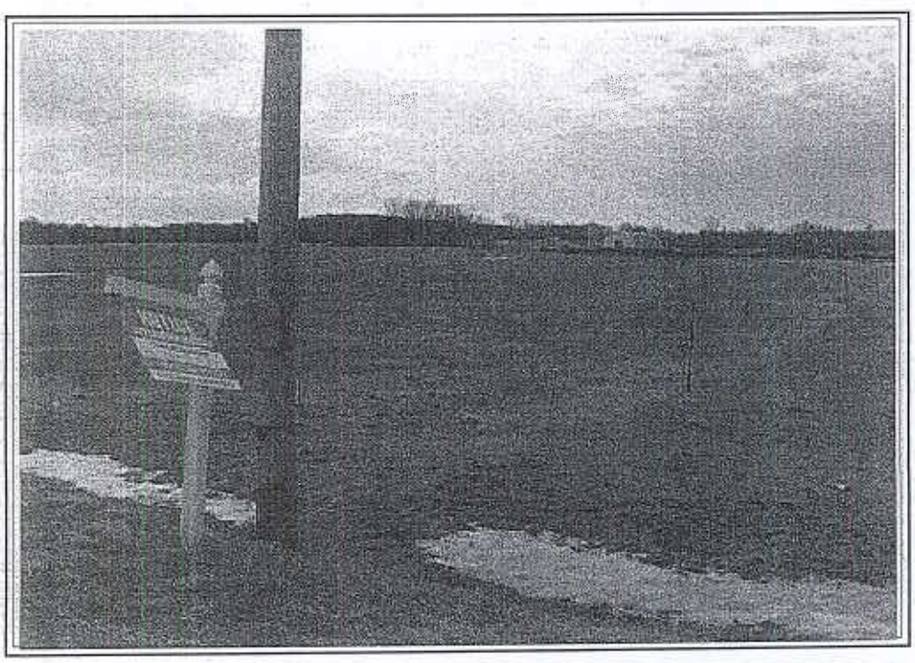

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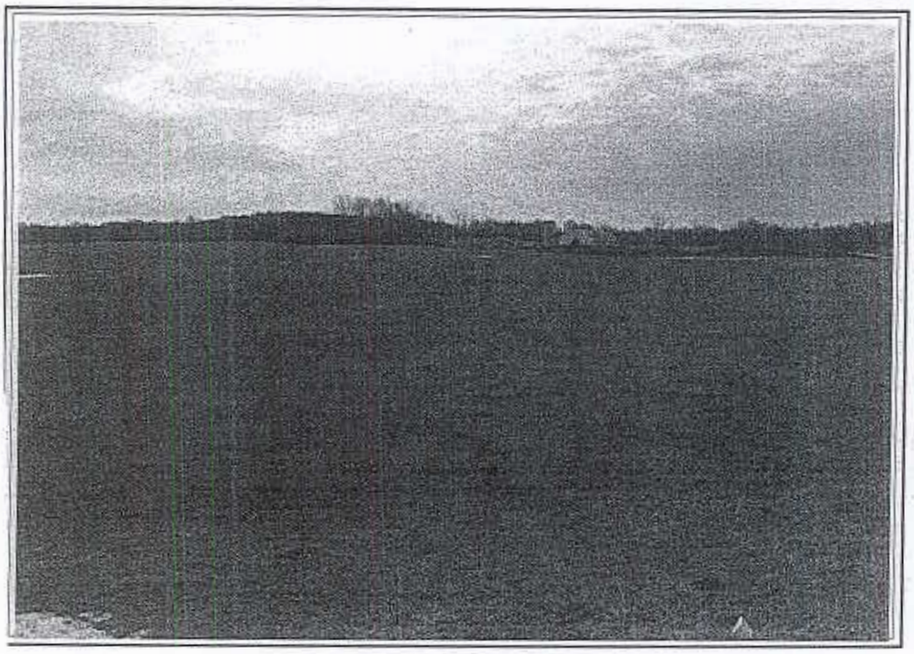
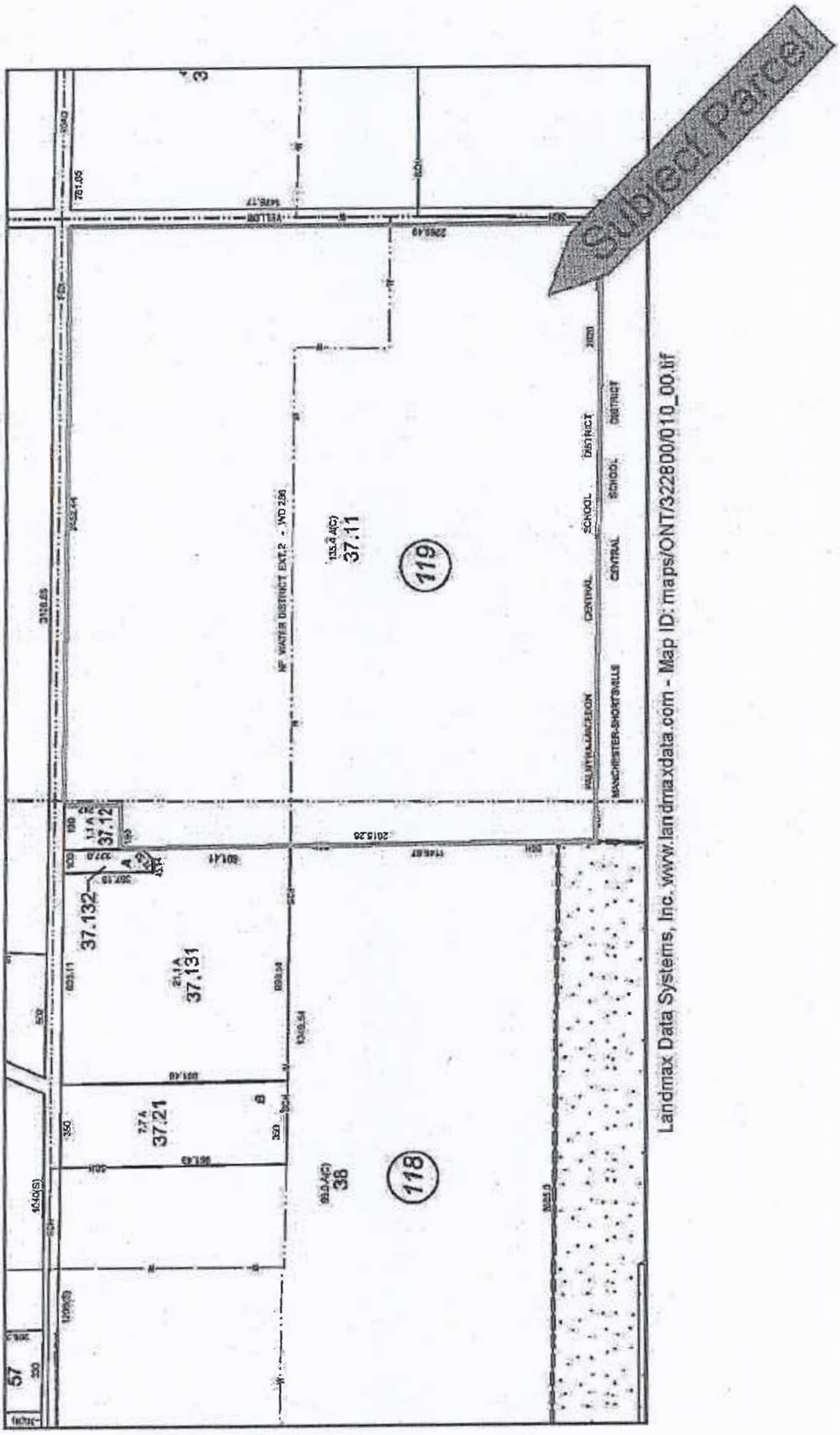


Subject Parcel

PLAT MAP

Borrower:
File No.: 466 Yellow Mills Road
Property Address: 466 Yellow Mills Road
Case No.: 466 Yellow Mills Road
City: Palmyra
State: New York
Zip: 14522
Lender: Not Applicable



ONTARIO COUNTY
Agricultural Enhancement Board
Fredrick Lightfoote, Acting Chairman

October 5, 2018

Mr. Ronald Brand, Director
Farmington Department of Planning & Development
1000 CR 8
Farmington, NY 14425

Re: Comments on the Proposed DRS 7MW AC Community Solar Facility at 466 Yellow Mills Rd., Town of Farmington

Dear Mr. Brand,
The Ontario County Agricultural Enhancement Board has reviewed the proposed project at its October 2, 2018 meeting and offers the following comments for the Town's consideration:

- The proposed project will result in the loss of approximately 30 acres of prime farmland on a parcel that is identified in the Ontario County Agricultural Enhancement Plan – 2018 as a Priority Land for Protection. It is included in the county plan because it was also identified in the Town of Farmington's Farmland Protection Plan.

  The Board recognizes the landowner's right to pursue development of uses allowed in the zoning district. However, it is concerned about the potential for the cumulative significant loss of prime agricultural land where commercial solar PV systems are allowed uses in zoning districts (such as A-80) where agriculture is the predominant land use and is a priority for protection.

- The applicant should be required to determine if there are any surface or subsurface agricultural drainage systems that will be impacted by the proposed project. Damage or removal of such infrastructure can adversely impact the viability of the farmland remaining on the parcel and adjoining farmland which may be connected to the sites system.

- *§165-65.3 H. (5) [4] Decommissioning* states, "Stabilization and revegetation of the site with native seed mixes and/or plant species (excluding invasive species) to minimize erosion." The Board recommends that conditions be placed on any approval that requires restoration of the site to productive farmland (including surface and subsurface drainage infrastructure) in a manner that is specified by the OC Soil and Water Conservation District or any successor agency.

On behalf of the Board, I want to thank the Town of Farmington for this opportunity to comment on the project.

Sincerely,

Frederick Lightfoote,
Acting Chairman

Cc Supervisor Peter Ingalsbe, Town of Farmington

ONTARIO COUNTY
Agricultural Enhancement Board
Fredrick Lightfoote, Chairman

April 9, 2019

Ms. Kate Tylutki
Senior Environmental Analyst
Division of Agricultural Protection and Development
New York Department of Agriculture and Markets
1 Winners Circle
Albany, NY 12235

Re: Final Notice of Intent to Undertake an Action Within an Agricultural District: Delaware River Solar, Yellow Mills Solar Project in the Town of Farmington, Ontario County Agricultural District No.1

Dear Ms. Tylutki,
The Ontario County Agricultural Enhancement Board has reviewed the proposed project offers the following comments for consideration:

- The proposed project will result in the loss of approximately 30 acres of prime farmland on a parcel that is identified in the Ontario County Agricultural Enhancement Plan – 2018 as a Priority Land for Protection. It is included in the county plan because it was also identified in the Town of Farmington's Farmland Protection Plan.

  As proposed, the landowner will be able to continue their agricultural operation at its current scale. The Board recognizes the landowner's right to pursue development of uses allowed in the zoning district. However, it is concerned about the potential for the cumulative significant loss of prime agricultural land where commercial solar PV systems are allowed uses in zoning districts (such as A-80) where agriculture is the predominant land use and is a priority for protection.

- The applicant should be required to determine if there are any surface or subsurface agricultural drainage systems that will be impacted by the proposed project. Damage or removal of such infrastructure can adversely impact the viability of the farmland remaining on the parcel and adjoining farmland which may be connected to the sites system.

- *§165-65.3 H. (5) [4] Decommissioning* states, "Stabilization and revegetation of the site with native seed mixes and/or plant species (excluding invasive species) to minimize erosion." The Board recommends that conditions be placed on any approval that requires restoration of the site to productive farmland (including surface and subsurface drainage infrastructure) in a manner that is specified by the OC Soil and Water Conservation District or any successor agency and as may be required by Town law or condition of local approval.

- The Board also supports the provisions in §165-65.3 H. Abandonment and Decommissioning regarding the provision of adequate financial surety for the restoration of the site to productive agriculture.

Thank you for the opportunity to comment on this project

Sincerely,

Frederick Lightfoote,
Chairman

Cc Supervisor Peter Ingalsbe, Town of Farmington

CONSERVATION BOARD **OCTOBER 22, 2018**

MEMBERS:

Sue Hilton, Chairman
Matt Chaffer
Kim Boyd
Chris Baldwin (absent)
Pat Murphy (absent)
Jody Binnix (absent)

The meeting began at 7:00 PM.

MINUTES:

The June 25, 2018 minutes and the August 27, 2018 minutes are tabled due to a lack of a quorum.

GUESTS:

The Conservation members welcomed Mr. Gordon Wilson and Mr. Jim Falanga to their meeting. Mr. Wilson and Mr. Falanga are representatives of about 30 Farmington citizens who would like to share their concerns and comments about the proposed Delaware River Solar Facility.

According to Mr. Falanga, this facility would be located on approximately 40 acres on Fox Road and Yellow Mills Road on land that is zoned agriculture. This would be one of the largest solar plants in upstate New York and would consist of 21, 000 solar panels and would have a life expectancy of 35 years. This plant would have an 8 foot chain link fence around it with barb wire along the top.

Mr. Falanga indicated that there is no financial benefit to the Town of Farmington other that the cost of the application fee's. There would be no reduction in utility rates and no electricity would be provided to the town of Farmington.

This area of Farmington has historically been rural and is zoned agricultural and would need to go in front of the Farmington Zoning Board for area variances.

The Farmington Agriculture Advisory Committee and the Farmington Conservation Advisory Board were named as part of the SEQR process.

The Farmington Agriculture Board discussed and with consideration of the Delaware River Solar application at a public meeting held on October 18, 2018 does not support the magnitude and impact that an installation of this size would have on neighboring open space and agricultural lands.

The Farmington Conservation members had the following comments:

1. They are concerned by the overall size and magnitude of this project.
2. They question the storm water run off and any problems that it may cause.
3. They would like to see the lighting plans and what effect it would have on the area.
4. They are concerned about the reduction of prime farm land in Farmington.
5. They would like to see some landscaping plans for screening such as tree's and plants they would use.
6. If there are drumlins present, what would the impact be on them?
7. What would be the impact on wetlands?

The Conservation members generally agree with the consensus of the Farmington Agriculture Advisory Committee.

This project proposal will be addressed at the November 7, 2018 Planning Board Public Hearing at 7:00 PM. at the Farmington Town Hall.

The Conservation members reviewed the following Planning Board applications:

A. Old Castle Lawn and Garden, whose property is located in the Towns of Farmington and Manchester. This application is for the outdoor storage of landscaping materials that are packaged for sale in factory bags and stored on pallets wrapped in plastic.

There are approximately 50,000 pallets that will be stored on the property in both the towns of Farmington and Manchester.

The Conservation members did not have any comments.

B. Preliminary Plan, W. C. Premiere Properties, Sand Hill and Route 96, Farmington. Three parcel subdivision. Property will be divided into a 5 acre lot with an existing house and barn, 2 acre lot, and an 8 acre lot.

The Conservation members had the following comment:

1. How are lots 1 & 4 accessed?

The meeting was adjourned at 8:27 PM

The next meeting will be held on **November 26, 2018 at 7:00 PM.**

Mary Richter, Clerk of the Board recorded the minutes.