

John Robortella <john.robortella@gmail.com>

Re: Draft Resolution - PB #1003-18, #1004-18 and #1006-18 - Delaware River Solar Applications

Ed Hemminger <edhemminger@gmail.com>

Wed, Dec 4, 2019 at 10:30 AM

To: Daniel Compitello <daniel.compitello@delawareriversolar.com>

Cc: Ron Brand <rlbplans@gmail.com>, Jamie Kincaid <jkinaid@farmingtonny.org>, Mary Neale <mneale@rochester.rr.com>, August Gordner <agordner@farmingtonny.org>, Lance Brabant <Lance.Brabant@mrbgroup.com>, John Robortella <john.robortella@gmail.com>, Adrian Bellis <abellis@rochester.rr.com>, David Degear <waterandsewer@townoffarmingtonny.com>, Don Giroux <hwy1@townoffarmingtonny.com>, Shauncy Maloy <shauncy.maloy@gmail.com>, Robin McDonald <waterandsewer4@townoffarmingtonny.com>, Matt Heilmann <constructioninspector@farmingtonny.org>, Peter Ingalsbe <pingalsbe@farmingtonny.org>, Daniel DelPriore <ddelpriore@farmingtonny.org>, John Weidenborner <jweidenborner@farmingtonny.org>, Doug Viets <drviets2@gmail.com>, Sarah Mitchell <smitchell_hampton@msn.com>, Sarah Mitchell <smitchell@farmingtonny.org>, "Sheldon W. Boyce Jr." <boyce@brennalaw.com>, "Donald A. Young" <dyoung@boylancode.com>, Terence Robinson <trobinson@boylancode.com>, David Matt <dmatt@schultzpc.com>, Peter Dolgos <peter.dolgos@delawareriversolar.com>

Mr. Compitello:

In reply to your email dated 12/3/2019, 2:43 PM, I have the following response.

In your email dated Mon, 25 Nov 2019 at 15:33:37, you asked Ron Brand and John Robortella to confirm what the final deadline is this week, given the holiday.

Dan Delpriore, the Town Code Enforcement Officer, in an email response to you dated 11/25/2019, 4:06 PM stated that all items that you would like to have go out to the planning board for them to review for the Dec 4th planning board meeting must be received by the Building Department no later than Wednesday Nov 27 by noon.

Sarah Mitchell, Administrator, Town Building Department, in an email to the planning board, dated 11/27/2019, 12:12 PM, stated that the Planning Board Packets are ready. As of 12:10 p.m. on Wednesday, November 27, 2019 Delaware River did not drop off any further information for the upcoming meeting.

Daniel Compitello, Delaware River Solar Project Developer, in an email dated 11/27/2019, 12:17 PM notified the planning board that attached to the email is an update to the May 30, 2019 SEQR Full Environmental Assessment Form Part 2 Narrative, to reflect any changes that the most recent site plan and subdivision plan have to the amended Negative Declaration under review by the Planning Board. Also included are letters from Foundation Design and Bergmann Associates, which answer questions raised at the November 20th public hearing. The email goes on to state that copies of this file will be delivered to the Town Hall today.

Dan Delpriore, in an email dated 11/27/2019, 2:26 PM, to Ron Brand and Ed Hemminger, noted his finding that these items [which were reported received shortly after 2:00 PM in the Building Department] should not be allowed as part of the review by the planning board at their meeting on December 4th as they were submitted after the time frame they [the Applicants] were told about. In the email, he recommends continuing the meeting and to allow the stuff to be submitted for the next meeting as being the best course of action.

On Monday, December 2nd, I spoke with Ron Brand on the telephone and directed the draft resolution be

prepared to continue the public hearing from Wednesday, December 4th to Wednesday, December 18th. This draft resolution was posted on the Town's website, on Monday, December 2nd. Since that resolution has been posted for public review in accordance with the Town's adopted Open Meetings Procedures, I cannot amend that document without Planning Board authorization. What you are asking the Planning Board to do tomorrow night, at the public meeting, is to find justification for honoring your requested action to consider acting upon your request on the spot. While I cannot predict what the Planning Board will decide tomorrow night, I can tell you that the adopted Rules of Procedure for the Planning Board clearly state that the Board will not consider taking action on a matter that is introduced the night of the meeting.

We look forward to seeing you tomorrow night and learning from you what each of the items you have now submitted contribute the Planning Board's consideration on the matter of whether the Determination of Non-Significance previously made upon the original project should be amended, or not. Your testimony will be considered by the Planning Board as part of the public hearing record.

Ed Hemminger
Planning Board Chairperson
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