



Peter Dolgos <peter.dolgos@delawareriversolar.com>

RE: NOI Question / Guidance

1 message

Rossi, Candace J (NYSERDA) <Candace.Rossi@nyserda.ny.gov>

Tue, Jan 15, 2019 at 4:27 PM

To: Peter Dolgos <peter.dolgos@delawareriversolar.com>, "Main, Sarah (NYSERDA)" <Sarah.Main@nyserda.ny.gov>

Cc: "Neligan, Alison L (NYSERDA)" <Alison.Neligan@nyserda.ny.gov>

Hi Pete, we have received your submission and it is currently under review. We will let you know if there is any additional documentation we need.

Thank you,

Candace Rossi

Project Manager, NY-Sun

NYSERDA

1359 Broadway, 19th Floor | New York, NY 10018-7842

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nyserda.ny.gov

follow : friend : connect with NYSERDA

From: Peter Dolgos <peter.dolgos@delawareriversolar.com>

Sent: Tuesday, January 15, 2019 4:11 PM

To: Main, Sarah (NYSERDA) <Sarah.Main@nyserda.ny.gov>

Cc: Rossi, Candace J (NYSERDA) <Candace.Rossi@nyserda.ny.gov>; Neligan, Alison L (NYSERDA) <Alison.Neligan@nyserda.ny.gov>

Subject: Re: NOI Question / Guidance

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All,

Attached is the NOI that we have submitted via e-mail to commercial.industrialpv@nyserda.ny.gov

Would it be possible to respond that (a) acknowledge receipt and (b) indicate the NOI is under review.

This will be helpful in providing the Town of Farmington the process is underway.

Pete

On Mon, Jan 14, 2019 at 9:20 AM Main, Sarah (NYSERDA) <Sarah.Main@nyserda.ny.gov> wrote:

Peter,

I cannot speak to NYSERDA's official position on the AML 305 process, but I can explain the process as I understand it. The NOI process is separate from the SEQR process such that statutorily, the NOI process should not affect the SEQR determination. Ag & Markets may suggest mitigation measures through the NOI process that developers and lead agencies may wish to consider while assessing, or may aid in consideration of, the environmental impact of the project under SEQRA, but one is not contingent on the other.

Regards,

Sarah

Sarah Main, Esq.

Excelsior Fellow

NYSERDA

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From: Rossi, Candace J (NYSERDA) <Candace.Rossi@nyserda.ny.gov>
Sent: Friday, January 11, 2019 4:46 PM
To: Peter Dolgos <peter.dolgos@delawareriversolar.com>; Neligan, Alison L (NYSERDA) <Alison.Neligan@nyserda.ny.gov>
Cc: Main, Sarah (NYSERDA) <Sarah.Main@nyserda.ny.gov>
Subject: RE: NOI Question / Guidance

Hi Peter , I am looping in our Counsel Sarah Main who will be able to provide clear guidance on this.

Thanks,

Candace

From: Peter Dolgos <peter.dolgos@delawareriversolar.com>
Sent: Friday, January 11, 2019 4:06 PM
To: Rossi, Candace J (NYSERDA) <Candace.Rossi@nyserda.ny.gov>; Neligan, Alison L (NYSERDA)

1/15/2019

Delaware River Solar Mail - RE: NOI Question / Guidance

<Alison.Neligan@nyserda.ny.gov>

Subject: NOI Question / Guidance

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Candace/ Alison:

We have three projects in the Town of Farmington in Ontario County for which we are currently in the permitting process. The Town of Farmington Planning Board is not certain if they can act on SEQR Parts 2 and 3 at the scheduled meeting on Wednesday (1/16/2019) without receiving a final NOI confirmation from the Commissioner of Agriculture and Markets. We have the NOI criteria summary written and can submit the NOI application to NYSERDA on Monday January 14.

It appears to us, and our counsel advises as such, that the NOI process should not impact a SEQR determination, but should only impact the local Site Plan Review and Special Use Permit review prior to building permits being sought/issued. Therefore, the NOI confirmation from the Commissioner of Agriculture and Markets can be considered a condition of approval by a board (in the Special Use Permit and/or Site Plan Approval resolution) to be completed prior to issuance of a building permit (i.e. the Town of Farmington Planning Board can act on the SER Parts 2 and 3 prior to the NOI acceptance).

If NYSERDA agree with this interpretation, could NYSERDA respond to this e-mail with positive confirmation such that we can present to the Town of Farmington Planning Board.

If NYSERDA does not agree with this interpretation, can NYSERDA respond with guidance as to what the expected time frame is for the NOI to be processed and for the applicant and the Town to receive notification?

It would be greatly appreciated if a response can be received by end of day Monday January 14 as the Town of Farmington f the Town will need to make a decision to delay (adjourn 1/16 meeting and reschedule) or move forward with acting on SEQR to accommodate the NOI response.

Thank you.

—

Peter Dolgos

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1/15/2019

Delaware River Solar Mail - RE: NOI Question / Guidance

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