



January 5, 2018

VIA EMAIL AND FIRST CLASS MAIL

Thomas Bouchard, Chairman  
Town of Romulus Planning Board  
1435 Prospect Street  
P.O. Box 177  
Willard, New York 14588

**Re: Circular enerG Facility**

Dear Tom:

As you are aware, we are the attorneys for Circular enerG, LLC, the applicant (“Applicant”) for the Circular enerG Facility renewable energy project (“Project”), proposed in the Town of Romulus at the former Seneca Army Depot.

We write to you to withdraw the Applicant’s Application for a Special Use Permit from the Town Planning Board. Based on the concerns raised by the New York State Department of Environmental Conservation (“NYSDEC”) regarding the applicability of Article 10 of the Public Service Law (“Article 10”), and their discussions with the Department of Public Service, Circular enerG has determined that it should comply with Article 10. Article 10 will address all local ordinances and impacts pursuant to Public Service Law Section 172(1) which states “[n]otwithstanding any other provision of law, no state agency, municipality or any agency thereof may, except as expressly authorized under this article by the board, require any approval, consent, permit, certificate or other condition for the construction or operation of a major electric generating facility with respect to which an application...” Therefore, a Special Use Permit from the Planning Board will not be required.

We appreciate the time and effort the Planning Board and Town Staff have spent on the Application, and are confident that all local concerns will be adequately addressed through the Article 10 process. However, since we know the Planning Board had questions about the Project, so we still plan to attend your meeting on Monday night, January 8, to answer questions from the Planning Board, unless you advise otherwise.

Thank you for your time and efforts.

Yours truly,

**KNAUF SHAW LLP**

ALAN J. KNAUF

pc: Patrick J. Morrell, Esq.