

BLUEWAVE

July 24, 2024

Dean Darling, Chair
Town of Harpersfield Planning Board
25399 State Route 23
Harpersfield, NY 13786

Subject: Bruce Hill Road and Bruce Hill Road B Solar Projects
Site Plan Approvals – Request for Extension

Dear Chair Darling:

Please consider this a request to extend the Site Plan Approvals granted on April 25, 2023, by the Planning Board for the Bruce Hill Road Solar Project submitted by BWC Rexmere Lakes, LLC and the Bruce Hill Road B Solar Project submitted by BWC Basset Brook, LLC (collectively, the “Projects”). Under Section 7.060 of the Local Law 001 of 2006, known as the “Town of Harpersfield Site Plan Review Law” (“Review Law”), the site plan review is valid for one year after approval unless a building permit has been issued and there is physical evidence that the project is in progress. Additionally, under the same section, the applicant could request a six-month extension.

As you are aware, there is an ongoing review process for the current Bruce Hill Road C project applied for by BWC Odell Lake, LLC. The Planning Board’s attorney stated on July 13, 2024, that the proposed road agreement currently under discussion for the Bruce Hill Road C project “should apply to the Bruce Hill Road A and Bruce Hill Road B projects.” Although imposing financial requirements or other new conditions on already approved Projects as part of the review of a third project is a concern, the Applicant is willing to concede this is an effort to complete all three projects concurrently. Presumably, both the Road Use Agreement and Host Community Agreement must be completed prior to the granting of any Building Permits. Therefore, it would be difficult to obtain any Building Permit prior to October 25, 2024. Also, given the discussions over the last few months, and the expectation that the resulting agreements would be applicable to all three projects, the Applicant understandably delayed proceeding with the first two projects.

To satisfy the Permittees and Town’s interests, we would like the Planning Board to grant extensions to the Site Plan Approvals to align with the expected approval of the Bruce Hill Road C project. The Site Plan Approval resolutions could be updated to include both the road use agreement and, if agreed on, the Host Community Agreement. We believe that consistent with Section 5.010 of Review Law, the Planning Board would forgo a public hearing for the purposes of the extensions.

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We hope that the Planning Board will place this on the next agenda and grant the requested extensions for a period that would reach the expected approval date of the project currently under review. We suggest December 31, 2024, although we hope and believe the current project will be approved sooner.

Sincerely,

Sarah Stevens

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