

Town of Romulus
1435 Prospect Street
P.O. Box 177
Willard, New York 14588
March 16, 2017

Mr. Earl Martin
Seneca Dairy Systems
3236 N. Hoster Road
Seneca Falls, NY 13148

Mr. Michael Palumbo
Flaum Management
400 Andrews St #500
Rochester, NY 14604

Gentlemen:

You inquired whether a waste-to-energy facility (the "Facility") which, through combustion of solid waste, would use the resulting heat from the combustion process to generate steam to power a turbine to produce electric power, is an allowed use at the former Seneca Army Depot in the Town of Romulus. The Facility would generate slag, ash and flue gas, but would comply in all material respects with applicable environmental regulations, including air pollution and solid waste management standards enforced by the New York State Department of Environmental Conservation.

Please be advised that the Facility would be classified under Article IV, Section 1 of the Town of Romulus Zoning Law as "Renewable Energy Production (Solar, Wind, Biomass, Geothermal, etc.) – Utility scale." The former Seneca Army Depot is located in the Town's Warehouse, Industrial, Transportation, Energy District, the Facility would therefore be an allowed use if a special use permit was approved by the Romulus Planning Board. Furthermore, the Facility would not be prohibited under Article IV, Section 4(A) of the Romulus Zoning Law as a "noxious or injurious" use, provided it substantially complies with applicable environmental regulations.

This interpretation may be appealed, within 60 days of filing this letter with my office, to the Town of Romulus Zoning Board of Appeals.

Yours truly,



Adam Schrader
Town of Romulus Zoning Officer

Attachment 1

Attachment 2

**Town of Romulus
1435 Prospect Street
P.O. Box 177
Willard, New York 14588**

August 28, 2017

**Mr. Earl Martin
Seneca Dairy Systems
3236 N. Hoster Road
Seneca Falls, NY 13148**

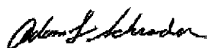
**Mr. Michael Palumbo
Flaum Management
400 Andrews St #500
Rochester, NY 14604**

Gentlemen:

This letter supplements my letter to you dated March 16, 2017, by which I issued an interpretation that a waste-to-energy facility (the "Facility"), as described in that letter, would be classified under Article IV, Section 1 of the Town of Romulus Zoning Law as "Renewable Energy Production (Solar, Wind, Biomass, Geothermal, etc.) – Utility scale." I also stated that the Facility would not be prohibited under Article IV, Section 4(A) of the Romulus Zoning Law as a "noxious or injurious" use, provided it substantially complies with applicable environmental regulations.

While my letter noted that the former Seneca Army Depot is located in the Town's Warehouse, Industrial, Transportation, Energy (WITE) District, portions of the former Seneca Army Depot are located in Industrial/Warehouse (IW) District. For the reasons set forth in my March 16, 2017 determination, the Facility would be allowed at the former Seneca Army Depot in either the WITE District or the IW District if a special permit was approved by the Romulus Planning Board. Further, in addition to compliance with the applicable environmental regulations noted above, all uses within the WITE and IW Districts are subject to the Performance Standards contained in Article IV, Section 3.

Yours truly,



**Adam Schrader
Town of Romulus Zoning Officer**