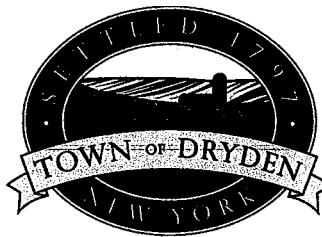


Office of the Supervisor
93 E Main Street
Dryden, NY 13053



Jason Leifer
607/844-8888
supervisor@dryden.ny.us

May 24, 2017

Donald E. Houser
Dominion Transmission Inc.
466 East Pittsburgh Street
Greensburg, PA 15601
donald.e.houser@dom.com

Dear Mr. Houser,

Thank you for calling me on Monday to discuss the changes to your worksite plans, your discoveries on site, and how you will be going back to FERC for an additional approval. Dave Sprout, our Town Engineers and I will meet you next Tuesday at 8:30 am so that you can show us the site. After I spoke with you I did speak to my Town attorney and I was advised to require that Dominion go through the Special Use Permit Process. In addition, the existing building permit and SWPPP approval will have to be revoked or modified since Dominion's plans have changed and new information will have to be submitted to the Town.

Section 501 of the Town's Zoning Law states that public utility facilities require a special use permit in the Conservation zone, where this facility is located. The Zoning Law does not state when facility modifications will require special use permit amendments. Because Dominion's 1984 special use permit was specifically for compressor building and control building extensions, it does not cover any modifications made to the site after that date.

Absent criteria in the Zoning Law that spell out when special use permit amendments are needed/not needed, any proposed changes to the site require a special use permit amendment. The special use permit process is in place to assure that the use will not adversely affect the neighborhood. Because the Town Board looks only at the application before it, it cannot and does not make a pre-determination that any facility, no matter how large it gets or how many changes are made to it, will never adversely affect the neighborhood. Many other municipalities require amended special use permit applications for modified projects.

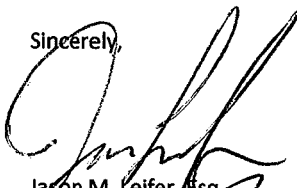
The Town did not require Dominion to obtain amended special use permits for post-1984 Borger Station modifications. However, there is a principle that there is no estoppel against the government, which means that even if a municipality misapplied its zoning law in the past, it is not estopped from applying it correctly in the future.

Dominion also needs to obtain site plan approval for the project. Per Zoning Law Section 1201.B (2), site plan review is required wherever a special use permit is required.

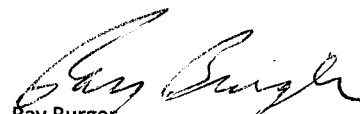
However, as Dominion is a public utility, special use permit and site plan applications for the project are covered by the Town's public utility moratorium because more than one acre would be disturbed. Dominion could apply to the Town Board for a waiver or wait for the moratorium to expire, which is currently set for July 20, 2017.

While we understand that we did not previously require this level of scrutiny, it has become clear that an amended special use permit and site plan are required for the proposed facility modifications. We look forward to working with you to ensure that the neighborhood impacts are mitigated to the fullest extent of the law.

Sincerely,



Jason M. Leifer, Esq.
Town Supervisor



Ray Burger
Planning Director

cc: Michele Pugh
Dominion Transmission, Inc.
Pipeline Engineering Projects - Richmond Team
michele.e.pugh@dom.com