Last month, I said we would not be surprised if Hecate shifted its efforts to obtain State siting approval for Shepherd’s Run from Article 10 of the Public Service Law to Section 94-c of the Executive Law. I suggested this was likely because the newer Section 94-c procedures strongly favor developers by further streamlining the siting approval process.

At our request, Supervisor Mettler and I met last week with a Hecate vice president and the Shepherd’s Run Project Manager, Alex Campbell. We again explained that the project as presently envisioned is too large for our small rural town. 200,000 solar panels on prime farmland, along the country roads leading into and out of Copake Hamlet and Copake Lake are too much. We urged them to further reduce the project’s footprint to make it more shieldable, and again offered to work with Hecate to identify more suitable locations for its solar panel arrays. We asked that Hecate respect Home Rule, abide by Copake’s laws and follow its siting procedures.

The response we received was not encouraging. The Hecate representatives said they were committed to a State siting process. In fact, when asked point blank if Hecate would commit to remaining in Article 10 — as Hecate had assured us in the past — they said they were evaluating their options, leaving the clear impression that a move to 94-c is all but inevitable. And then… they accused
Copake of “moving the goal posts” by insisting on a smaller project footprint, noting that Hecate already had shrunk the “inside the fence” footprint from 500 to 360 acres. They said this showed they are listening to us. The good news from the meeting is that Hecate is reducing the footprint further. But the “incredible shrinking utility-scale solar power plant” won’t shrink its capacity, which will remain at 60 Megawatts. Hecate will present a revised site plan at an open house in late April.

One other development from the meeting… I expressed concern that the current Shepherd’s Run plan would place lots of solar panels directly across the road from a dozen or so homes on County Route 7, and urged Hecate to figure out a way to eliminate those panels from the plan, or to at least move them to a less intrusive location. To that end, Alex Campbell and I will meet next week at the site to consider what the options are.

In the meantime, the New York State budget has been finalized, and the State continues to trip over itself in its seemingly endless efforts to sweeten the pot for large, for-profit, often out-of-state renewable energy developers, while eviscerating longstanding principles of Home Rule, and ensuring that small rural towns like Copake have next-to-no say in what happens within their boundaries. The latest development, which was lobbied for by the developers, is this: the new budget establishes a process for creating a standard methodology of assessing, for
tax purposes, wind and solar projects. This effectively takes Copake’s assessor out of the process. She will not be allowed to assess the value of the land and equipment upon which Shepherd’s Run would be sited, and the taxes to which it would be subject. Instead, the assessed value for solar or wind energy systems will be determined by a “discounted cash flow” approach. This development is nothing less than a frontal assault on Copake’s decision last October to opt out of the 15-year solar facility exemption in Real Property Tax Law Section 487, and the Town’s intention to tax the full value of Shepherd’s Run, as determined by the Copake’s assessor.

This development has just occurred. We will be assessing our options once the “standard methodology” is revealed. One thing is clear: this is bad news for Copake.

It is ironic that a local supporter of Shepherd’s Run recently wrote that this provision should be adopted, claiming that to fully tax a utility-scale solar power plant — the very same way that Copake homeowners are taxed — would be “unfair to developers”. Unfair to developers? The State already allows developers to ignore local Comprehensive Plans, Farmland Protection Plans, and Zoning regulations and procedures, and to site huge industrial-size projects wherever they can find a nearby grid connection and landowners (often non-resident landowners) willing to lease or sell their land at handsome profits — even as these landowners
cause significant drops in their neighbors’ property values. Plus, the State hands developers very substantial financial incentives in the form of Renewable Energy Credits, which for Shepherd’s Run will be worth approximately $43 million to Hecate.

The only developer-friendly action the State did not take? The Assembly refused to include in the budget a provision that would have completely eliminated objective environmental reviews from the 94-c siting process. I guess this was a bridge too far…

One other important point: I want to acknowledge the ongoing, strong support of Senator Daphne Jordan and Assemblymember Didi Barrett. Recently Assemblymember Barrett arranged for Supervisor Mettler and me to speak with her and Assemblymember Mike Cusick, chair of the Assembly’s Energy Committee. We presented our concerns to Chair Cusick, and his interest was encouraging. At the conclusion of the call, the legislators said they are planning to tour the proposed Shepherd’s Run site, and to invite others to join them.

I am hopeful that my meeting next week with Alex Campbell will yield some positive results, and I’ll keep everyone informed. Thank you.