

**Town of Copake**  
**Resolution #\_\_\_ February 11, 2021**

**Opposing NYS budget proposal to exempt utility-scale renewable energy projects from environmental review pursuant to SEQRA**

WHEREAS, the Copake Town Board unanimously adopted Resolution #21, dated October 28, 2020, opposing the proposed Shepherd's Run Solar Project; and

WHEREAS, a 360-acre utility-scale solar power plant sited on prime farmland, prime farmland if drained, and adjacent to a primary road leading into and from the Copake hamlet and Copake Lake will irrevocably alter the character of Craryville; and

WHEREAS, the potentially adverse impacts on the environment of a 360-acre utility-scale solar power plant, including on agricultural land, wildlife habitats and nesting areas, the Taghkanic Creek, the water shed, and view sheds have not been independently assessed; and

WHEREAS, Shepherd's Run's developer currently is seeking siting approval pursuant to the Public Service Law Article 10 renewable energy plant siting process; and

WHEREAS, although the Article 10 siting process is exempted from the State Environmental Quality Review Act ("SEQRA"), the Board on Electric Generating Siting and the Environment is nonetheless required to make express findings and determinations regarding the environmental impacts of proposed projects; and

WHEREAS, Section 94-c of the Executive Law established a new Office of Renewable Energy Siting ("ORES") and established a streamlined siting approval process; and

WHEREAS, the Shepherd's Run developer may choose to move from the Article 10 siting approval process to that of Section 94-c;

WHEREAS, Section 94-c and draft ORES regulations do not require ORES to make express findings and determinations regarding the environmental impacts of proposed projects; and

WHEREAS, Section 94-c does not exempt the ORES process from SEQRA review; and

WHEREAS, the New York State proposed 2022 budget includes a provision to exempt ORES from conducting SEQRA review; and

WHEREAS, such exemption would allow ORES to award a siting permit without making findings and determinations regarding the environmental impacts of a utility-scale renewable energy project; and

NOW, THEREFORE BE IT RESOLVED, that the Copake Town Board urges the New York State legislature to require that ORES conduct a full SEQRA review of renewable energy projects seeking siting approval; and

IT IS FURTHER RESOLVED, that should the legislature fail to require that ORES conduct a full SEQRA review, that Section 94-c should be modified to require ORES to make express findings and determinations regarding the environmental impacts of a proposed renewable energy project before issuing a siting permit.

Resolution #

Dated: February 11, 2021

Roll call vote:

Jeanne Mettler, Town Supervisor

Richard Wolf

Stosh Gansowski

Jeffrey Judd

Terry Sullivan