

Solar Update December 2021

At our November meeting, I reported that Hecate Energy was about to take the formal steps required by Section 94-c of the State Executive Law and regulations promulgated by the Office of Renewable Energy Siting (“ORES”) — so it could file an application to site its Shepherd’s Run utility-scale solar energy facility in Craryville. I also reported what I called “qualified good news”, that Hecate had again reduced the footprint of its Shepherd’s Run proposal from 245 acres to 208 acres.

On November 18th, formal step #1 took place. Supervisor Mettler and I, accompanied by Copake’s solar attorney and environmental engineers, had our “94-c meeting” with two Hecate officials and two Hecate attorneys. We learned that the project footprint had not been reduced to 208 acres, as we’d previously been told, but was instead to be 220 acres.

At the meeting, Hecate presented “visual simulations”, purporting to show what the project would look like after five years. First, it showed photographs taken from four “viewpoints” near where Hecate intends to site solar arrays, inverters, other facility equipment, and access roads. Next, it superimposed solar arrays onto each photograph. Finally, it added “screening” — trees and shrubs. These simulations were from the following viewpoints: Connelly Road (looking northwest), County Route 7 (south of the row of houses on the west side of the road, looking northeast), Birch Hill Road (looking west from the intersection with County Route 7), and looking south from the northernmost ballfields at the Taconic Hills Central School.

We voiced two major objections to Hecate’s simulations.

First, Hecate failed to show what the visual impact of the project would be from several locations where solar panels will be very visible. Two examples: there was no simulation offered from Birch Hill Road, west of County Route 7, looking north/northwest, nor was there a simulation taken directly from the homes on County Route 7, looking east.

Second, the “screening” appeared to be woefully inadequate. Rather than planting mature trees and dense shrubs, Hecate showed only 6-8 foot trees, widely separated so that the solar panels remain clearly visible.

We urged Hecate to screen with mature trees, and to plant them in staggered rows to create a denser tree screen. We urged Hecate to use deer fencing rather than the projected 7 miles of chain link fencing with which Hecate intends to enclose the facility. Following the

meeting, we took our own photograph of alternative fencing, as well as photographs from other viewpoints, which we forwarded to Hecate and asked that they prepare simulations.

At the meeting, Hecate agreed to receive and consider our concerns about the simulations. More broadly, we urged the Hecate representatives to consider this meeting as part of an ongoing dialogue.

Also at the November 18th meeting, we presented one other “ask”. The background is this: Two days before our meeting, Hecate had made a similar presentation to an expert “working group” assembled by Sensible Solar, together with Friends of Columbia Solar. Experts included representatives from Scenic Hudson, Columbia Land Conservancy, two Cornell University teams (from the Ag School and from the Department of City and Regional Planning), and two volunteer landscape architects. The working group is preparing a report with recommendations to improve the Shepherd’s Run proposal, and will presumably opine on screening, fencing, protecting forested areas (as the proposal calls for the clearing of 40 acres of trees and shrubs), and other of the group’s concerns. Our “ask” is that Hecate delay filing its siting application with ORES until it has received and considered the working group’s report, which is expected sometime in January. Here’s why: on November 30th, Hecate held an “open house” for interested members of the community to ask questions, express opinions, and learn more about the project. Under the ORES regulations, this “community meeting” is the final step Hecate is required to complete, and 60 days thereafter, it can file its siting application with ORES.

Hecate has already indicated it intends to file as soon as it is allowed to do so. On November 23rd, it issued a “Notice of Intent to File and Application” on or about January 31, 2022.

We’ve sent our concerns and suggestions to Hecate, and we are urging it to refrain from filing a siting application until it has a chance to consider, and hopefully implement, our’s and the working group’s proposed revisions to the Shepherd’s Run proposal. We fear that once the application is filed, it will be almost impossible to modify it.

One final point: our attorneys are preparing an appeal in the litigation challenging the ORES regulations under which this process is proceeding. We’ll keep everyone updated on this and other developments as they occur.

Richard Wolf
Deputy Town Supervisor