

Solar Update February 2022

As I've been reporting for many, many months, this Town Board has been consistent in its position regarding Hecate's Shepherd's Run proposal. We acknowledge that Copake needs to do its part to address the existential crisis of climate change, but we do not believe that the Town should be required to do more than its fair share.

The Shepherd's Run proposal is still too big for Copake. 228 acres of solar panels, inverters, and related equipment "inside the fence" is 45% of what Hecate originally proposed, but it is still too big. And the proposed location for the industrial-scale solar energy factory is terrible: situated primarily along County Route 7, south of State Route 23, it would stretch along a primary gateway to the Copake hamlet and Copake Lake. It would destroy the rural character of the area, and reduce property values for nearby homeowners, many of whom are lifelong Copakeans. These homeowners should receive just compensation. We've pressed Hecate to move the arrays that would be most visible (particularly those planned for hill inclines east of CR 7), and substantially improve the screening: plant mature trees, not saplings; plant in staggered rows; use berms. We provided Hecate with pictures of fencing that is less of an eyesore, and more animal-friendly than the chain-link fencing Hecate intended to use. Finally, we have urged Hecate to delay filing a siting application with the State's Office of Renewable Energy Siting ("ORES") until it address the Town Board's concerns and recommendations, and those of an *ad hoc* Working Group, which includes Sensible Solar, Friends of Columbia Solar, Scenic Hudson, the Columbia Land Conservancy, two groups from Cornell University, and volunteer landscape architects. We may, or may not, agree

with all of the Working Group's recommendations — that remains to be seen. But I, for one, appreciate the Group's hard work and dedication to Copake.

The Working Group presented its findings and recommendations to Hecate two evenings ago. It will present its recommendations and discuss them with the community one week from tonight, Thursday, February 17th, at 6 p.m.

However, in its most recent "Notice of Intent to File an Application", Hecate announced that it will file on February 18th, eight days from now — and just 10 days after receiving the Working Group's report.

If Hecate is serious about its stated intention to be a collaborative community partner with Copake, it will hit the pause button, and take the time to modify its Shepherd's Run proposal to incorporate the Working Group's recommendations into the siting permit application.

We recently heard from Hecate that it intends to address some of the Town's concerns: Hecate says it will modify its proposal to substitute animal-friendly fencing for chain link, and it will substantially improve the type and quantity of plantings for screening.

Every month, with the support of my colleagues on the Board, I urge Hecate to work with us, and I do so again tonight. Together we can create a template that can be a model for upstate solar development projects — a model that respects small-town, rural communities even as it helps the State to meet its ambitious energy goals.

To that end, our Assembly Member Didi Barrett, who is part of the *ad hoc* Working Group, wrote an excellent letter to Governor Hochul seeking a balance between climate actions and community preservation. The letter couldn't have been more timely. Recent questioning of ORES' Acting Director by our State Senator Daphne Jordan revealed the predisposition of ORES to make determinations that ignore any semblance of balance. Senator Jordan was told that ORES

would waive a town's local laws if they were inconsistent with the State's climate goals. This means ORES would ignore Copake's Zoning Code, Comprehensive Plan, and Farmland Protection Plan.

We commend Assembly Member Barrett and Senator Jordan and urge them to continue to advocate in Albany for fairness for Copake.

A couple of other developments:

Even as the siting application process moves along, our attorneys are completing papers soon to be submitted for the appeal in the lawsuit challenging the regulations promulgated by ORES. Copake is a lead petitioner, now appellant, along with five other upstate towns and seven non-profit avian interest groups. No Town funds are being spent on this lawsuit.

On more important item: tonight the Town Board will vote to retain Barton & LoGuidice, environmental engineers, to replace LaBella Associates, whose principal, Kathy Spencer, is retiring.

Thank you.