Solar Update  
November 2021

Last month I reported that Supervisor Jeanne Mettler and I were scheduled to meet with Hecate’s Project Director to discuss the developer’s latest modifications to it proposal for Shepherd’s Run, a 60-Megawatt utility-scale solar factory it wants to site in Craryville. That meeting was postponed, and is now scheduled for November 18th, one week from tonight.

Hecate has hired a new law firm, and appears to be moving more aggressively towards filing a siting application with the State’s Office of Renewable Energy Siting (“ORES”). It has re-characterized next week’s meeting as the mandated “Section 94-c meeting” that Hecate is required to conduct with the Town as a precondition to filing. Consequently, Jeanne and I will be joined by Copake’s attorney for solar matters, and the Town’s environmental engineer. Following this meeting, Hecate must hold a second, mandated meeting with interested members of the community. At both meetings Hecate will provide updated information about its Shepherd’s Run plan and hopefully respond to questions.

No sooner than 60 days following the second meeting, Hecate could file an application with ORES.

All of this is happening pursuant to regulations promulgated by ORES. These are the regulations that Copake, as lead petitioner, along with five other upstate, rural towns and seven non-profit avian interest groups and community grass-roots organizations are challenging in court. The litigation continues. On November 5th, petitioners’ attorneys filed a notice of appeal, indicating our intention to challenge the decision of a State Supreme Court judge who rejected our contentions that the ORES regulations, which actually were written by a consultant for energy developers — including Hecate — were promulgated in violation of the State Environmental Quality Review Act (“SEQRA”), the State Administrative Procedure Act (“SAPA”). and, importantly, the Home Rule provisions of the State Constitution. ORES’ regulations would allow ORES to ignore Copake’s zoning code and construct a much larger solar energy factory than our laws allow.

With that said, I do have a piece of what I consider “qualified good news” to report. Hecate has responded to our longstanding objection that the power plant, as proposed, is much too big. The footprint of Shepherd’s Run has been reduced once again, to 208 acres, down from the 245 acres I reported on last month. Although generating capacity remains the same 60 MWs, the “inside-the-fence” acreage is now well less than half of what Hecate originally sought
when it unveiled Shepherd’s Run in January, 2020. This is encouraging…but more needs to be done.

So we continue to voice our two primary objections: the project is still too big, and it is poorly sited.

The Town Board remains committed to working with Hecate to come up with a project that is more appropriately sized for our small rural town. And as to our objections about siting, it is essential that the facility’s components be effectively screened to preserve Copake’s bucolic, rural character, and to reduce the visual impact on nearby homeowners of large arrays of solar panels, seated on steel tracking-mounts that will “follow the sun throughout the day”, inverters, other equipment, and access roads. We have been assured that at next week’s meeting we will be shown Hecate’s visual simulations, which should give us a good idea of how willing the developer is to address this critical concern.

As always, we will keep you apprised of all developments.

Richard Wolf
Deputy Town Supervisor