

TOWN OF COPAKE

RESOLUTION

Number 40 of November 10, 2022

Supporting Senate Bill S9546 which would repeal the Office of Renewable Energy Siting from state law, returning the siting of renewable energy systems to the Article X process that existed for more than a decade

WHEREAS, in 2020, Hecate Energy Columbia County 1 LLC filed pre-application papers seeking a permit from the New York State Siting Board, pursuant to Article 10 of the New York State Public Service Law, to construct the Shepherd's Run Solar Facility;

WHEREAS, the Shepherds Run Facility is to be sited within the Taghkanic Creek Watershed and on prime farmland on hundreds of acres located in the Town of Copake and Hamlet of Craryville, New York; and

WHEREAS, the Copake Town Board unanimously adopted Resolution #21, dated October 28, 2020, opposing the proposed Shepherd's Run Solar Project on the basis the project does not comply with local laws, conservation plans, and community planning objectives; and

WHEREAS, in 2020 Section 94-c of the Executive Law established a new Office of Renewable Energy Siting ("ORES") and established a streamlined siting approval process that replaces the Article 10 siting process; and

WHEREAS, Unlike the Siting Board process under Article 10 of the Public Service Law, Section 94-c and ORES regulations do not require ORES to make express findings and determinations regarding the environmental impacts of proposed projects prior to issuing a final permit; and

WHEREAS, unlike the Siting Board process under Article 10 of the Public Service Law, ORES does not provide the Town of Copake the power to oppose waiver of its local laws through an adjudicated hearing; and

WHEREAS, on May 4, 2021 Hecate Energy Columbia County elected to subject its Shepherd's Run proposal to the 94-c permitting process rather than that of Article 10, and did on March 8, 2022 file a siting permit application with the Office of Renewable Energy Siting pursuant to Section 94-c of the New York State Executive Law; and

WHEREAS, there is now pending in the New York Senate Bill S9546 which would amend the environmental conservation law, in relation to permits for major renewable energy facility sites; and repeal section 94-c of the executive law relating to the major renewable energy development program and would thus return the siting of large scale renewable energy systems to Article 10,

NOW, THEREFORE BE IT

RESOLVED that the Town Board of the Town of Copake urges the New York State Legislature to pass Senate Bill S 95465, repealing Section 94-c of the Executive Law and thus returning the approval of siting of renewable energy systems to the State Siting Board under Article 10 of the

Public Service law, thus renewing the Town of Copake's power to present evidence and argument against waiver of its local laws, zoning powers, and planning objectives.

Roll Call Vote The foregoing Resolution, offered by Supervisor Mettler and seconded by Councilperson Wolf, was duly put to a roll call vote as follows:

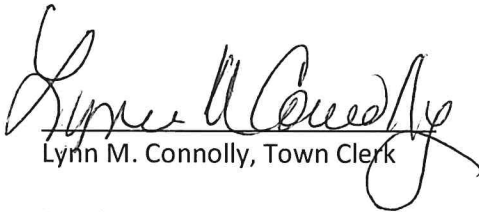
Resolution #40

Dated November 10, 2022

Copake, New York

Roll Call Vote.

Supervisor Mettler	yes
Councilperson Wolf	yes
Councilperson Gansowski	yes
Councilperson Judd	yes
Councilperson Sullivan	yes



Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022