

Town of Copake

Resolution #21 - October 28, 2020

Opposing the Construction of the Shepherd's Run Solar Project

WHEREAS, the Town Board of the Town of Copake acknowledges that climate change is real and supports renewable energy if properly sited and consistent with Town zoning regulations, and

WHEREAS, on June 9, 2011, the Town Board of the Town of Copake adopted a Resolution acknowledging that “climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels” and further, pledged Copake to become a Climate Smart Community; and

WHEREAS, in 2011, the Town Board of the Town of Copake adopted a Comprehensive Plan which emphasized the preservation of Copake’s farmland, open space, beautiful vistas, woods and meadows, viewsheds and natural landscape; and

WHEREAS, the Comprehensive Plan further recommended that the Town “encourage the use of green energy”, including solar energy, and “support alternative energy production if it has acceptable environmental and scenic impacts”; and,

WHEREAS, local attractions such as the Harlem Valley Rail Trail, the Taconic State Park, Catamount Mountain Resort and local campgrounds and hospitality venues attract visitors to visit Copake and the Roeliff Jansen community to experience outdoor activities and opportunities; and

WHEREAS, the Comprehensive Plan recognizes tourism as an important component of Copake’s economy and recommends that Copake position itself as a bicycle tourist destination and the Town has both invested in and succeeded in that goal by various efforts including the Roe Jan Ramble Bike Tour, which draws hundreds of cyclists to the area; and

WHEREAS, the Comprehensive Plan designated the goal of preserving “scenic rural landscape” as one of the Town’s primary goals and noted that “this goal embraces the Town’s motto: ‘Land of Rural Charm’”; and

WHEREAS, in 2014, the Town Board of the Town of Copake adopted an Agricultural and Farmland Protection Plan which stated that the Town should focus on “the preservation of Copake’s character which emphasizes stunning open scenery and rural retreat”; and

WHEREAS, in 2017, the Town of Copake adopted a Solar Law which recognized that solar energy is a clean, readily available, and renewable energy source and provided for solar panel facilities throughout the Town but sought to limit the size of solar installations in the Town of Copake by limiting installations of utility scale projects to 10 acres; and

WHEREAS, in 2018 the Town of Copake enacted by local law a comprehensive revision of its Zoning Code which reiterated the Town's carefully considered determination to permit the construction and development of solar energy facilities of up to ten acres, in order to allow and regulate solar energy development in a matter consistent with the Comprehensive Plan; and

WHEREAS, in 2020, the Town of Copake reaffirmed that the potential benefits of solar energy must be reconciled and balanced with other important interests of the Town of Copake and its citizens, its farmland, and its businesses and therefore, given recent changes in state energy policy, the creation of the Office of Renewable Energy Siting, and aggressive state targets for new solar power generation and battery energy storage system capacity, the Town of Copake adopted revisions to the "Copake Code as it pertains to Solar Energy Facilities", in order to further align solar energy zoning provisions with the goals and objectives set forth in the 2011 Town of Copake Comprehensive Plan and 2014 Town of Copake Agriculture and Farmland Protection Plan; and

WHEREAS the Town of Copake has installed solar panels on the roofs of both the Town Hall and the Park Building; and

WHEREAS two solar projects of significant size have been installed in Copake, to wit: an installation on Route 23 across from Taconic Hills Central School which includes about two acres on a ten acre parcel, and more recently, the installation of more than five acres of solar panels being installed in the Taconic State Park at Orphan Farms; and

WHEREAS, on August 5, 2020, Hecate Energy Columbia County 1 LLC did file a Preliminary Scoping Statement pursuant to Article 10 of the New York State Public Service Law, by which Hecate detailed its plans to construct Shepherd's Run Solar Facility, a utility scale solar plant capable of generating 60 megawatts of energy to be sited on private property in the Town of Copake, to wit: on farmland in the hamlet of Craryville; and

WHEREAS, the project area proposed by Hecate is according to project maps 2,452 acres which would include up to 500 acres—nearly one square mile—of solar arrays; and

WHEREAS, Shepherd's Run, once constructed, would provide only two jobs, and would in no way benefit the Copake economy which relies on agriculture and tourism; and

WHEREAS, among the long-term, adverse impacts of Shepherd's Run on the rural Roe Jan community would be loss of prime farmland and natural resources, including the Copake Lake Watershed, Taghkanic Creek and protected wetlands; displacement of native and endangered wildlife and birds; degradation of rural viewsheds and a major thoroughfare to the Taconic State Park, Catamount Mountain Resort, the hamlets of Hillsdale, Copake and neighboring Berkshires; and

WHEREAS, that the installation of Shepherd's Run would destroy the property values of homes situated adjacent to the installation as well as those which would overlook the installation and it is projected that the installation of Shepherd's Run could result in up to \$18 million in decreased property values, in the Town of Copake; and

WHEREAS, section 272-a of the New York State Town Law ("Town Comprehensive Plan") expressly states that "(b) Among the *most important powers and duties granted by the legislature to a town* government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens" and "(f) The town comprehensive plan is a means to promote the health, safety and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part"; and

WHEREAS, the Town of Copake has exercised this "most important power and duty" by adopting a Comprehensive Plan and Zoning Laws pursuant to New York law "to promote the health, safety and general welfare of the people of the town and to give due consideration to the needs of the people of the region," both of which would be grievously violated by the development of the proposed Shepherd's Run project, which manifests a gross dismissal and disregard for the clearly expressed and adopted plans, interests, and welfare of the citizens of the Town of Copake; and

WHEREAS, the development of the Shepherd's Run project in contravention of the fundamental principles and goals of the Town of Copake Comprehensive Plan and Zoning Code, and over the express objections of the Town, would trivialize and render meaningless this "most important power and duty" of the Town to regulate land use on behalf of its citizens and would constitute a willful and injurious dismissal of the will and welfare of the residents and citizens of the Town of Copake,

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Copake hereby opposes the development and installation of Shepherd's Run; and it is further

RESOLVED that the Town Board of the Town of Copake urges the New York State Board on Electric Generation Siting to deny the application of Hecate Energy Columbia County 1, LLC, should one be submitted; and it is further

RESOLVED, that the Town Board of the Town of Copake urges the Columbia County Board of Supervisors to pass a Resolution opposing the development and installation of Shepherd's Run, and urges further, that the Board of Supervisors 'opt out' of the Real Property Tax Law Section 487 exemption, and it is further

RESOLVED, that the Town of Copake urges Governor Andrew Cuomo, Governor of the State of New York; the New York State Senate and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local zoning powers and which would more fairly distribute the responsibility of confronting Climate Change among all communities throughout the State instead of placing the entire burden on small rural communities.

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Dated: October 28, 2020

Copake, New York

Lynn M. Connolly, Town Clerk

(seal)

Roll Call Vote.

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