

## Town of Hoosick Hawthorn Solar Public Hearing – September 5, 2023

### Public Comment Summary

Mr. Gilchrist read the Notice of Public Hearing to the public. The public hearing was open for discussion and they were asked to keep it to 3 minutes each for comments. A motion was made by Mike Bailey to adjourn the public hearing on the Hawthorn Solar Array, seconded by Fred Pirie to hold the Public Hearing open for future comment.

The following is the summary of comments and questions from attendees. The applicant is asked to respond to all questions in writing.

Janice Cipperly – 402 Spicer Road

Ms. Cipperly stated that she is against the project, she would be affected because her property is on the intersection of both Pine Valley Road and Fords Road and she would be able to see the panels. She also stated her brother Carl Cipperly, who could not attend, is also against the project. She asked if it is run by batteries and would there be a noise issue from the panels. Mr. Quine stated that there might be a small noise but the panels are not run by batteries. Janice stated that it impacts other than neighbors it also impacts others who travel daily on Pine Valley Road.

Ceilia Plasse – 28 Wagner Road

Ms. Plasse stated that she was against the project. She was concerned about Safety, stated there were a lot of woods and grass around and wanted to know if they would see the Solar from Pine Valley Road. She inquired about the maintenance of the project and wanted to know if property owners benefit from the electricity and what the benefits are to the Town of Hoosick. She also wanted to know what kind of company CS Energy was and what happens to the land if the project is no longer there. Mr. Quine stated that CS Energy is a privately owned domestic company based in New Jersey. He stated there is not a power reduction on your current bills but residents could sign up to go off the panels to save if they have National Grid, Town of Hoosick would benefit from the taxes that will be paid to the Town. Mr. Quine stated you can see if from Pine Valley Road and there will be a maintenance plan for the project and if solar is no longer there will be a bond to take out the panels. The property can be accessed by the Fire Department and EMS and they will provide training to them. She was also concerned about the noise level the way it sits on Pine Valley Road. She also had a concern because there are Bald Eagles in the area. Mitch Quine stated that DEC had no concerns.

Marianne Zwicklbauer – 73 East Hoosick Road

Ms. Zwicklbauer stated that she read everything online that the applicant put on the Town Website for the Hawthorn Solar Array Project and also read the Town Law and the Zoning Law. She has many concerns on the project. Ms. Zwicklbauer sent in a written report about her concerns in which I have attached to the Town of Hoosick Public Hearing minutes. **See Attachment A** for full comment letter.

Mr. Gibbons – Lower Pine Valley Road and 1483 St. Road Rt. 7

Mr. Gibbons stated he has property on Pine Valley Road and was concerned about landscaping and screening and doesn't think anything can block the view of the project. He stated he is against the project. He believes the solar project will devalue their property with the visual impact it will have. Property at highest elevation on lower Pine Valley Road.

Lloyd Moses – Eagle Bridge Road

Mr. Moses wanted to know if there would have to be upgrades made to the Hoosick Substation. Mr. Moses was concerned about whether there will be a Pilot Plan from the Company with the Town and School. He stated that Fords Road will not be the only road affected by the construction of the project. He wanted to know what happened after 30-40 years would it go back to farmland? Mr. Quine stated that there will not have to be any upgrades to the substation and he stated that there will be a Pilot and

Decommissioning plan and there will be a Bond. DEC recommends there will be a weekly maintenance on the construction for stormwater issues. Mr. Moses stated he is not in favor of the solar array.

Don McCabe – 682 Pine Valley Road

He stated his concerns are Stormwater Maintenance, impact on the cemetery on Fords Road and the loss of habitat from Large Projects. He has had wildlife travel through his property and does not want to see that disturbed. Mitch Quine will look into the cemetery on Fords Road and will not disturb that property. He stated there is a stormwater maintenance plan.

Mr. Willard – Windy-Lea Farm 10 Mitchell Road

Mr. Willard was very concerned about his business. He has 75 acres adjacent to the solar project and he breeds thoroughbred horses. His main concern is the construction site is close to where he breeds his horses and he fears the noise will have an impact on his business. He fears that when his horses are pregnant the noise might scare them and they will lose their babies and that would have a huge financial impact on his business. He has consulted a veterinarian but there will be no way of knowing until the construction of the solar project begins. He breeds about 12 to 15 horses a year.

Richard Hunt – Hoosick Fire Department

Mr. Hunt stated that this is a bigger project than he thought and he's concerned you might need two Fire Departments to get into the site. He also inquired about the tax credit and revenue the Town will receive when the project is complete.

Joyce Brewer – 20 CT Lane

Ms. Brewer was concerned about the cemetery also. She was concerned with someone that was buried there and how this project would impact that. She was also concerned about the construction and the big trucks on the Town Roads and wanted to know if they hire local companies. Mr. Quine stated they do partner with local companies when possible and any damage to the roads they will pay. Ms. Brewer stated sometimes the damage doesn't happen to the roads for a while.

Nancy Mills – 75 Pine Valley Road

Ms. Mills stated she is not opposed to solar; she has panels in her yard for solar energy. She is more concerned of the visual impact and stated how 12 people will be able to see the panels from their property. She wanted to know if the equipment is American made and who benefits from the solar project. Mr. Quine stated that they use Tier 1 Manufacturer for the panels and property owners could benefit with a 10% discount if they have National Grid power and the Town would benefit from the taxes they will be paying.

Jeff Wysocki – 21063 St. Road 22

Jeff stated he is not opposed to the project. He has a solar project on his property and he entered into a Pilot Program. He asked Mr. Quine why he wasn't approached for the solar project on his land. Mr. Quine stated the #1 factor was cost, slopes and the lines of the property.

## Additional Questions/Comments

### **1. What is the benefit for the town?**

- The proposed project will produce 20 Megawatts (MW) of clean energy that will flow to the New York grid for its lifetime, which is anticipated to be up to 40 years. Per the National Renewable Energy Laboratories (NREL), a 20 MW renewable energy project will produce 32,781,536 kWh annually, which is equivalent to 23,232 metric tons of CO<sub>2</sub>. This amount is enough to provide clean electricity to clean electricity to 4,740 New York homes on average annually.
- The construction of this project will also require up to 100 construction jobs that will pay living wage throughout the construction period, which is expected to last approximately 12-18 months. These jobs will be sourced locally to the extent possible. CS Energy prioritizes working with local labor unions, and will coordinate with the Local Labor Unions, including Liuna Laborers Local 90 and IBEW Local 236 to secure jobs for local residents.
- The project will also contract with a local entity or individuals to carry out the general maintenance of the site, which will include vegetative maintenance and potentially sheep grazing, as well as general upkeep, to ensure the project site is clean and the vegetation beneath the panels and directly adjacent to the project site is well maintained.
- Additionally, the project will pay taxes through a Payment in Lieu of Taxes (PILOT) program and once the PILOT term has ended, will pay taxes on the tax rolls. This amount will be based on the state's new assessment model – see Question #18 below for additional information. The PILOT program allows for an additional, steady stream of revenue, provided to the town, school district, and county. Special district taxes, such as those to local fire districts, will be paid based on the assessed value of the project.

### **2. Could toxins end up in the ground?**

- It is extremely unlikely that toxins will end up in the ground. The panels are made up of polysilicon, glass, and small amounts of copper wiring insulator materials. The panels will sit on a steel racking system that will be mounted on steel posts. The panels used for this project will be polysilicon. The panels used on the site will *not* be cadmium telluride panels. Please see question #4 for additional information on panel safety.

### **3. What level of maintenance is required?**

- There is little ongoing maintenance that is required for the project. The project will contract locally for the ongoing maintenance of the project, which will consist of vegetative

maintenance, identification of any equipment issues and general upkeep of the site, both inside and around the fenceline. Should sheep grazing be utilized on site, the local contractor will be responsible for shepherding responsibilities related to the project. The vegetation will be kept below the panels at maximum tilt. Should electrical or equipment repairs or replacements be necessary on site, an engineer or otherwise appropriate personnel will respond. It is not anticipated that visits to the site will create any increase in the general volume on town roads.

#### **4. What are the safety hazards of the facility?**

- Studies on these panels have determined that there is no risk of leaching posing a risk to human health or the environment - see below for additional details. Some panels used in projects in the past were cadmium telluride panels, which may have posed a risk of leaching. The panels used here will not be cadmium telluride, and will not contain cadmium. No panels in projects in the state of New York, either constructed or proposed, use cadmium panels. - -
- There are minimal risks that accompany energy facilities. Some of those risks include the risk of small, self-contained fires, and the risk of injury through the construction and maintenance of the project. Each of these risks are limited – fires associated with solar projects are typically contained around the electrical equipment and are self-contained, damaging only the system or the area directly around the system. Small brush fires can occur, but the system itself is not conducive to spreading fires as none of the project components are particularly flammable. The fire department will receive training prior to the operation of the project in the correct response measures. Prior to the operation of the project, the applicant will coordinate with first responders to determine whether or not there is specialized equipment that is necessary to effectively respond to emergencies on site. Should any special equipment be needed, the applicant will work with the fire departments to determine what can be provided by the project. There are no battery/energy storage facilities associated with this project.
- Information from the New York State Energy Research Development Authority regarding panel safety is included below, which uses third party research to provide information on the safety of panels. Some context is included via the applicant throughout the information below, which has been italicized to distinguish.
- *Are solar panels toxic?*
  - o Solar panels largely consist of widely-used and non-toxic components, including an aluminum frame, tempered glass, and various common plastics. The most common type of solar panel consists of crystalline silicon PV cells which generate electricity when exposed to light. These non-toxic crystalline silicon cells consist almost entirely

of silicon, one of the most common elements in the Earth's crust. Cadmium-based thin-film solar panels are the second most common type of panel (accounting for less than 15% worldwide), however NYSERDA is not aware of any of these installations currently in New York. *Cadmium based panels will not be used in the Hawthorn Solar Project.*

- Some minor system components, including solder, may contain toxic chemicals at extremely low concentrations. Analysis performed by the North Carolina Clean Energy Technology Center did not find a potential toxicity threat from leaching, even in worst case scenarios (hurricane, fire, tornado, etc.), indicating an insignificant threat to human health and the environment.
  - Release of toxic chemicals from other solar system equipment including inverters, racking, and cabling is also unlikely as solar installations must conform to state fire safety and electric codes, and they pose little or no risk of contaminating the soil or ground water.
- *Can solar panels break and release toxic materials?*
- The most common solar panel failure modes include glass breakage and various failures of internal electrical connections, neither of which would typically result in the release of any materials to the environment. Solar panels are constructed primarily of silicon or cadmium telluride, tempered glass, and metals. Similar to a car windshield, when solar panels experience a catastrophic event, the panels typically stay fully intact, thus not releasing any materials into the environment. Additionally, reputable solar panel manufacturers (*such as Tier 1 panel manufacturers*) will ensure that their equipment is certified to applicable performance and safety standards including those established by the International Electrotechnical Commission (IEC) and Underwriters Laboratory (UL).

## **5. What is the ownership structure of the facility?**

- The project, Hawthorn Solar, LLC, is currently a subsidiary of CS Energy, a U.S. based integrated energy company focused in the Northeast, with headquarters in Edison, New Jersey. CS Energy will continue to develop the project through permitting, and then will construct the project. Prior to or during construction, Hawthorn Solar, LLC will be sold to a third party who will own and operate the project throughout the project's lifetime. The project will be sold as a complete entity, and all of the permitting commitments and associated agreements will be transferred to the purchaser, who will then be responsible for those commitments, as agreed to in the special permit. In most cases, the purchaser is an entity with a large financial backing and history of owning and operating large scale projects throughout the United States. They will be financially capable and technically skilled at ensuring the project is maintained to the letter of the permit and associated agreements, including the landscaping, stormwater, and decommissioning agreements.
- All agreements that are made through the permitting process are associated with Hawthorn Solar, LLC. All agreements made are legal commitments that will carry through with the

project, until the project has been fully decommissioned. At the point of any sale of the project, notice is required to the town, per the permit requirements under the decommissioning agreement, which will include contact information and the transfer of the surety or bond associated with the project to the new project owner, to ensure it is maintained and reviewed and updated every five years. Should the agreements made within the special permit materials not be upheld by any owner of the project, the permit can be revoked, and the town can call on the bond to decommission the system and restore the property to a meadowlike condition to allow for it to return to its prior use.

## **6. How local is this project?**

- The project will provide electricity to the wholesale grid in the area where the project connects to the grid. Local distributors buy electricity that is produced to distribute to the local market. For example, National Grid could purchase electricity from this project to distribute to residential customers and local businesses. The energy is not restricted or targeted to any particular location, and will go to any nearby loads, such as residents and businesses through local substations such as the Hoosick substation, which located is approximately three miles north of the project.
- The project will also source jobs locally for the construction of the project, as well as the operations and maintenance of the project.

## **7. Area Variance Criteria don't apply.**

The Area Variance being requested by the project is to reduce the setbacks only to the particular, internal property boundaries where both sides of the boundary are being used for solar panels.

The variance will reduce the overall footprint and impact of the system.

### *i. Detriment to property values.*

- There is little anecdotal evidence that shows property values experience significant fluctuation due to solar projects. Please see the response to Question #12 below for additional information on this topic.

### *ii. Setback changes are permanent and stay with the land.*

- The applicant is requesting a variance for the project, to allow for the project footprint to be consolidated, rather than expanding closer to roads or other non-participating property boundaries. It is the applicants understanding that the variance runs with the use, so at the end of the project's operational life and decommissioning, the variance will end and the setbacks under the zoning law will be applicable for any other use of the property.

*iii. High environmental impact.*

- The project has conducted several environmental studies and has been designed to avoid most environmental impacts, and also avoid highly productive soils, per the underlying zoning law, while attempting to balance the impacts on forestland and agricultural land.

*iv. Need changes to tree-clearing laws.*

- The applicant has committed to reseeded areas where tree removal will take place. The applicant has worked within several competing constraints to site responsibly, attempting to limit the location of the project to an area that will have minimal visual impact, will require minimal forest clearing, will overlap with limited highly productive soils, and will limit environmental impacts by avoiding impacts to threatened and endangered species and limiting impacts to wetlands. Balancing these competing interests inherently requires there to be some impacts on each, but the impacts are intentionally minimized on each by a conscientious development approach.

**8. Landowners need to be the ones to ask for variance.**

- It is our understanding that the applicant, with authorization from the landowner, which is included in the application materials submitted, can request a variance.

**9. What is the price for remediation?**

- The decommissioning estimate for the project is approximately \$650,000 in 2023 dollars, which includes the cost for removal of the system and restoration of the site to a meadowlike condition. Additional funds will also be provided for seedlings to be established in areas of tree clearing. This estimate was conducted by a third party to assess the cost of removal of each component of the system and full remediation of the site. This will be re assessed every five years, to accurately account for any additional cost increases due to inflation in the labor for removal or the cost of remediation.

**10. Why doesn't this project utilize Agrovoltatics?**

- The Applicant intends to have sheep grazing on the site and has accounted for this in the application materials. The person responsible for the sheep on site will be local and will be responsible for vegetation maintenance across the site. This has been a successful method of agrovoltatics used with other solar sites throughout the state of New York. Other methods of agriculture would require significant additional expenses, such as increasing the height of the

panels by elevating the racking structure. This option would require what can amount to millions of dollars of additional costs in steel, as the posts must go deeper and higher, and labor, as the panels would require additional, more highly trained personnel, operating on ladders or other lifting equipment to effectively place the panels. There is also the potential option of expanding the space between panels, to allow for agricultural equipment to navigate throughout the arrays and carry out agricultural activities, such as farming. Doing so would reduce the power the project is able to produce, or significantly increase the overall footprint of the site, which would increase the overall impact of the site and significantly increase land costs to the extent that it would be economically infeasible.

#### **11. Coxsackie changed zoning for solar to industrial zones only.**

- This project is zoned in the appropriate zone for solar. The zoning board has identified and zoned the town responsibly, allowing for development to take place in an effective but controlled manner, with setbacks from roads and parcel boundaries in place, limits on the overlap with productive soils in place and visual minimization and mitigation measures required. The town and the applicant have worked closely throughout development and have identified additional measures that would be beneficial to mitigate potential project impacts. The project is located in an area that has minimal visibility, avoids wetland impacts, does not impact any threatened or endangered species, and has limited prime and farmland of statewide importance impact. In zoning and in assessing the solar project, the zoning board has acted to protect its residents while also allowing for the town to support renewable energy and other methods of positive, responsible development.
- This use will work cohesively in the zoned district, in a way that other development, such as industrial development cannot. This use will be co located with an agricultural use. Pollinator species will be planted throughout the site, allowing for it to function as an environmental safe haven for bees, insects, and birds. No industrial use would be able to support any agricultural use, or function as an environmental oasis for various species that would seek a pollinator species that will go largely untouched for over 25 years. The project, throughout its life, will also protect the underlying soils. Topsoil on the site will be preserved, and no soil will be removed from the site. Industrial development, requiring grading and permanent alteration of the land, landscape and environment, could not collocate with agricultural uses or benefit future agricultural use. Additionally, the project, at the end of its operational life, will be removed and the project area will be able to be returned to agricultural use. This use will also, for the most part, be completely silent, and will have limited visibility. It will function as a silent neighbor, producing clean energy and not producing any emissions, while



coexisting with the agricultural land around it, while also supporting agricultural use and functioning as environmental for many species. When viewed against other industrial uses – gravel pits, metal processing plants, plastic production plants, manufacturing plants, warehouses, and the like – a solar farm is vastly different for all the reasons identified above.

**12. Should provide reimbursement to all who lose property value.**

- It is not anticipated that the project will impact the value of nearby homes. Studies have been conducted that indicate values may rise when adjacent to projects and some that indicate property values may experience a small drop, if any. Although some may not enjoy living adjacent to a specific use or development, such as the one proposed, others may choose to live adjacent to a quiet, odorless neighbor that is guaranteed for a set amount of years.
- Without any mitigation or existing vegetation accounted for, the project may be visible from 12 residences. We anticipate this number being significantly less, provided the existing hedgerows and vegetation adjacent to the project and throughout the general area around the project, and with mitigation measures in place. It is the applicants experience that, although agricultural land is viewed as optimal to some, others may have a different view and may prioritize land that is adjacent to areas that have uses other than farming taking place. Please see the attached photo for the potential impact from Spicer Road, with mitigation at planting and in five years.

**13. Unable to screen the area from their property and will lose vista.**

- The project is set back at least 250 feet from Pine Valley Road, and on average over 600 feet from Pine Valley. In most locations along the project the topography from Pine Valley Road will shield the view of the panels. Vegetative screening is proposed along the majority of the locations where the panels are visible from residential properties and public vantage points, including along Fords Road and Pine Valley Road. Through the landscape mitigation, over 1,000 trees are anticipated to be planted during construction. There are 12 residences where the project may be visible, which does not account for existing or proposed vegetation, both at the residences or around the project. The applicant is open and interested in communicating directly with any neighboring residents who anticipate visibility of the project, who are interested in a discussion about the current landscape mitigation plan and the potential for adjustments to mitigate specific views they may have of the project.

**14. Should offer a site visit for all residents to show impact of the project.**

- Given the property is currently under private ownership, we will not be able to open the area up for a public site visit. However, we would welcome anyone interested to view the location of the project from public vantage points. We would also be happy to share more detailed maps associated with the project if it would help with the visualization.

**15. How does the bond adjustment every five years work?**

- The bond will be adjusted every five years by a third-party assessor with an expertise in performing decommissioning estimates. The third party will assess increased costs of removal for the various project components associated with the facility and any increased costs in labor to ensure that an accurate assessment of the costs of decommissioning is maintained.

**16. Assessment will change, how will properties maintain their values?**

- It is not anticipated that the project will impact the value of nearby homes. Assessment will not be impacted by the project. Please see Question #12 for additional information.

**17. What is the Hoosick substation capacity?**

- Because the project is connecting directly to the 115 kV transmission line, the project is not limited by the substation bank capacity of the Hoosick Substation in the same way that a small, community solar or distributed generation project might be. The project has an executed interconnection agreement with National Grid which has identified no major upgrades to be required for connection.

**18. Will this be a PILOT project?**

- Yes, this project will pursue a PILOT, or a payment in lieu of taxes agreement with the town, county, or school district. An assessment model has been created by the state to establish a taxable assessed value. Our current estimate for the projects assessed value in the first year of operation based on the most recent version of the assessment model is \$6,700,000. We expect the value of the PILOT to be generally consistent with the value that the project would pay in taxes during the PILOT term, which the acknowledgement that consistency and predictability of revenue is also valuable for the taxing jurisdictions. The PILOT agreement also allows for a steady stream of revenue via taxes from the project, allowing all entities receiving taxes from the project to understand and effectively allocate the amount they will be receiving each year.

**19. What is the total value of the property after its built?**

- We expect the total capital investment for a project of this size to be approximately \$30,000,000. As described above, the New York State assessment model for solar and wind projects estimates that the year 1 assessed value of the project would be approximately \$6,700,000.

**20. Who are the partners and subsidizers?**

- The project is currently under development by CS Energy, which is a New Jersey based solar construction and development company. CS will develop the project and will construct the project and remain involved with the project during and post construction. The project did receive an award through the annual competitive solicitation process that is carried out by the New York State Research and Development Association, which awards Renewable Energy Credit contracts to renewable energy projects for their first 20 years of operation. This amount is awarded through a competitive bid process and supports renewable energy projects across the state.

**21. What are the road impacts to Fords Road and Pine Valley Road?**

- The applicant will enter into a road use agreement with the town, which will commit to repairing any roads damaged through the construction of the project. The only road impacts that may occur will happen during the construction of the project, as this will be the only time large equipment and deliveries will be consistently made. The haul routes have been designed to minimize impact to roads, and CS will coordinate with the Hoosick Highway Superintendent to get feedback on the optimal haul routes and times for delivery. Deliveries of the project components will occur regularly throughout a 6 – 9-month period of the 12 – 18-month construction timeframe. Smaller vehicular traffic is anticipated to occur regularly through the 12–18-month construction timeframe, but not at a volume that would significantly increase the traffic volumes on local roads. The proposed haul route will run from Route 7 to Route 105 and on to Pine Valley Road or Fords Road, but may be altered based on feedback and coordination from relevant town officials, such as the zoning board or the Highway Superintendent.

**22. Why would this site ever be turned back to non-solar?**

- At the end of the project's operational life, the project will be decommissioned and all project components removed. This will allow for any activities that were occurring prior to the projects construction to continue. It is anticipated that a portion of the project area will potentially return to farmland. However, once the applicants lease has ended, the property may be developed for another use by the landowner as they see fit, whether that be agricultural, solar, or an alternate use. Should another solar project be proposed in this location, the new proposed solar project will be required to receive a new permit.

**23. Stormwater management inspection is necessary every 30 days during operation and each week during construction.**

- A certified engineer will perform regular stormwater inspections throughout the construction of the project, per the Department of Environmental Conservation requirements. The applicant has drafted a stormwater pollution prevention plan (SWPPP) for the project which will ensure that stormwater control measures are in place for the construction and operation of the project. The engineer will assess the site to ensure the proposed stormwater control measures are in place and are maintained per the SWPPP requirements. The Applicant has also submitted a stormwater management agreement with the application materials, that ensures stormwater controls are maintained throughout the projects operational life. Through the proposed stormwater management measures the projects construction and operation will not result in any additional runoff outside of the site, including roads, other properties, or adjacent to the project boundaries.

**24. What types of drives are on the tracking system?**

- The racking that will be used for the project will be single axis tracking. This means that the panels will rotate slowly throughout the day to point toward the sun. The panels will sit on rows of steel racking, that will be placed upon steel posts that will be pounded or screwed into the ground to support the system. The panels will rotate throughout the day from East to West, following the sun. The drive typically is a non-backdriving, high accuracy slew gear, with a 24 V brushless DC motor.

**25. What impact will there be on the cemetery at north end of property?**

- The cemetery is located approximately 300 feet from the fenceline of the project. There are trees that will remain in place that are anticipated to block the majority of the views of panels. CS Energy has provided information regarding the cemetery to the State Historic Preservation Office (SHPO) and are conducting additional surveys to ensure impacts to the

cemetery and all historic resources in the area are accurately assessed. Minimization and mitigation measures requested by SHPO will be followed so that historic sites are effectively preserved. Any impacts to historic sites are expected to be temporary, as the site will not be physically impacted and any visual impacts will last only through the projects operational life.

**26. Pheasants are released in that area, what will be the impact?**

- There may be a temporary impact to wildlife in the area throughout the construction period. It is anticipated that wildlife will return to the area, based on the anecdotal evidence of other utility scale solar projects that the applicant has developed and constructed in Eastern New York.

**27. Will there be an alteration to wildlife travel?**

- There may be an alteration to wildlife travel. During construction, it is anticipated that wildlife will avoid the area as it will be an active construction site. CS Energy constructs solar projects throughout the northeast and has experienced wildlife returning to the area where fully constructed utility scale solar projects are located. The panels themselves function as effective shading devices that can function beneficially for both animals and vegetation. It is common for birds to find shelter under panels, and small mammals are able to move freely throughout the site. The site will remain generally untouched for 40 years, creating far less disruption throughout its operation than typical agricultural activities.

**28. Concerned about the construction noise impact on 12 pregnant thoroughbred mares, and the potential loss of livelihood if they miscarry due to stress. Breeding is from February through June.**

- The property boundary of Windy Lea is, at the closest, approximately 350 feet from any project components. The substation, which will be located just east of the 115 kV lines that the project will interconnect to, is the closest project component. The closest field owned by Windy Lea is located approximately 420 feet from any project component. During operation, at 400 feet, the substation will emit noise that is 40 dB, or approximately the sound of a refrigerator. Construction of the substation will produce noise levels, at 425 feet, that are equivalent to the following:
  - Excavator will produce noise that is approximately 57 dB, which is the general noise level at a restaurant.

- Concrete trucks used for construction will create noise at 65 dB or the noise level approximately equivalent to that of a car driving by.
  - A grader will create noise levels at approximately 59 dB, or the approximate noise level of conversation.
  - The noise of a flatbed truck is approximately 55 dB, or a noise level between rain and conversation.
- At 600 feet, the substation is will produce noise throughout operation that is approximately 35 dB, between the noise level of a whisper and a refrigerator. At 500 ft, the construction of a racking system and piling would be 65 dB, between voices and a car driving by. The property boundary of Windylea is located over 650 feet from the nearest location where any racking will be installed. At 500 ft, inverter installation will be approximately 70 dB, approximately equivalent to a car passing by.
  - Of the 74-acre parcel under the ownership of Windy Lea, approximately 2 acres are within 600 feet of any project components. The stables located on the Windy Lea parcel are located over 2000 feet from any project components.

**29. What is the tax levy going to be on the properties; less, equal, more?**

- As described above, the New York State assessment model for solar and wind projects estimates that the year 1 assessed value of the project would be approximately \$6,700,000. The assessed value of the underlying land may or may not change based on potential loss of agricultural exemptions.

**30. Will it be taxed on top of current taxes?**

- The project will have a separate tax id, and will be taxed separately from the underlying properties. The land under the project will continue to pay taxes while the taxes or PILOT payments from the project will be paid additionally and separately.

**31. How will you avoid the burial plots?**

- The burial plot, the location of which has been identified as approximately 300 feet north of the project, will be avoided. The current site plan for the project has the fenceline located approximately 300 feet South of the location of the grave. The vegetation around the grave is anticipated to shield most, if not all views of the panels. As discussed above, we notified the State Historic Preservation Office of the grave and are carrying out additional surveys to

ensure we minimize and mitigate potential impacts. Additional information is available in Question #25.

**32. Current road funding is insufficient; costs \$13k/mile for pavement. What will the truck traffic impact be on the roads?**

- This is addressed above in Question 21. There may be some impacts to the roads adjacent to the project due to construction activities. The applicant, in coordination has provided a road use agreement, which will identify and remediate any damage that occurs to town roads through the construction of the project.

**33. What is the noise level from the fans?**

- There are fans located at the transformer, which is incorporated into the overall noise assessment. Please see Question #28 for additional information on the noise impacts of the project.

**34. General noise levels are amplified due to the topography of the area and should be accounted for.**

- Please see Question #28 for additional information on the noise impacts of the project. While topography may be a factor, the overall noise levels will be limited enough that impacts from topography should not create significant additional impacts.

**35. Solar proponent at a small scale.**

- CS Energy is a proponent of solar on rooftops, direct generation projects, and utility scale projects. The State of New York is pursuing aggressive clean energy goals which can only be met through renewable energy at all scales, including both large- and small-scale projects.

**36. What percentage of Pine Valley residences will be able to see the array?**

- There are twelve residences that were identified through a visual impact analysis performed for the project as potentially having visibility of the project. The majority of these residences are located along Spicer Road, running south from the project. The analysis did not take into account existing vegetation around the project or existing vegetation around any of the potentially impacted residential locations. It is anticipated that the majority of the residents along Spicer Road will not have a view of the project, and any view will be generally shielded within 5-7 years of construction. Along Pine Valley Road, there are three to four non-participating residences that may have varying views of the project. Unsure of the

percentage, as the total number of residences along Pine Valley Road is unknown, but estimates are low.

**37. Where are the panels coming from?**

- The panels will be sourced from a Tier 1 panel manufacturer, likely from a southeast Asian based panel manufacturer. Tier 1 panel manufacturers have a history of successful panel manufacturing and are guaranteed under a 25-year warranty. It is possible that future projects will be able to take advantage of domestically sourced panels, however, domestic manufacturing is not currently at production levels that will support a project of this size economically.

**38. There will be an impact from noise and light due to tree clearing.**

- There will be minor noise impacts throughout construction. Additional information regarding noise is available above in answer #28. The project is not clearing trees adjacent to any residences. Vegetation that can serve as mitigation for viewshed will not be cleared if not necessary, and there is no potential glare impact from the panels.

**39. There is going to be little benefit to the community.**

- The project will produce additional tax revenue, jobs, clean power, and serve as a steady stream of supplementary income for those involved in the project. The construction and operation of the project will create jobs for the community. The project will operate as a good neighbor for its operational life – quietly producing power, providing local jobs, and providing income for the community, county, and local schools. See Question #1 for additional information.

**40. Who is benefiting from this project?**

- There are many benefits of this project, and in turn there are many individuals that will benefit. As stated above, the project will produce clean energy that will be supplied to New York residents and businesses, similar to any other form of energy generation. The difference, however, between other forms of energy generation and this project is that this project will provide clean energy throughout its operational life. Please see Question #1 for additional information.

**41. \$5-6k/MW per year, \$1M over 20 years in taxes based off the county model.**

- See Question #18 for a description of the PILOT expectations for the project.



**42. What will be the impact to travelers?**

- There will be minimal impact to travelers. The panels will have little visibility from the road. Overall, the project will have little visibility and it is unlikely and generally not anticipated that drivers will be impacted on their commute. The project will have no glare impacts on roads or any residences or neighboring properties. The applicant has developed a landscape screening plan to minimize visibility, generally, around the entirety of the project. This will further mitigate any minor potential impacts caused by the project.

**43. Will local workforce be utilized? How many jobs?**

- Yes. Jobs will be sourced locally both throughout the construction of the project and through the lifetime of the project. It is anticipated that throughout the construction period, which is expected to last approximately 12-18 months, the project will support approximately 100 living wage jobs. These jobs will be sourced locally, to the extent there is workforce available. Throughout the projects operational life, labor will be sourced locally, and it is anticipated that 2-3 employees will be required.

**44. Why was the project scaled down?**

- The project was not scaled down in terms of the power it will produce (20 MW's) but was reduced in acreage and total number of parcels. The applicant initially identified land that was further east from the point of interconnection as potentially viable as a part of the project, to make up the total necessary acreage, and originally contracted with additional landowners further East. Feedback from interconnection studies, additional topographic analysis, and the rising cost of labor and the materials necessary to reach the initially targeted land proved untenable for the project. In turn, the project identified land that was closer to the point of interconnection and other proposed panel locations and was able to consolidate the project footprint. The overall footprint of the project has now been limited to three parcels that are adjacent to one another and close to the point of interconnection.

**45. How will you prevent impact to bald eagles?**

- There are no bald eagle nests on or adjacent to the project site. An environmentalist performed avian studies to identify any endangered or threatened species. The environmentalist is a licensed third-party environmentalist, who has identified several

endangered or threatened species on other solar sites throughout New York. Bald eagles are protected under federal law, and those restrictions prohibit development of solar within a certain distance of their nests. This project is not in a location where this restriction is in place. It should also be noted that, although this project may have some impacts on wildlife in the general vicinity within and directly adjacent to the project site, it is the hope of the applicant that by providing clean energy, which will go toward transitioning the grid of the state and add to the slowing of climate change overall, that this project, and others like it, will minimize large, long term impacts to wildlife that may present themselves in the increasing wildfires, heating or fluctuating climate. It can be difficult to quantify the impact of clean energy when the noise may create a temporary disparate impact, and the previous farmland or forested land transitions to a meadow with panels, but in keeping with the long term goals of the state, it is our hope that wildlife and the residents of this state and nation receive a long term benefit from the construction of this project and other renewable energy projects.

**46. Why aren't domestic companies being utilized for materials?**

- The applicant is excited about the uptick in domestic manufacturing that is tied to the Inflation Reduction Act, passed last year by Congress, and the overall focus on shifting energy production to domestic production. However, the solar energy industry, similar to most industries in the United States, does not have enough domestic material available to it at this time to source from the United States. In the future, the applicant looks forward to furthering the energy independence of the nation by providing energy domestically, and sourcing materials from the United States.

**47. Discussion regarding the landscaping around the site, with questions regarding the potential for 6 ft trees to be planted, and the potential for trees to be planted during construction.**

- The applicant will commit to planting trees that are 6 feet tall at planting and will plant during the first available planting season in construction, rather than planting at the operation of the project. This will allow for the trees to provide, at operation and throughout the project life, additional viewshed mitigation.

**48. Notice requirements for ownership change**

- As noted above, the decommissioning agreement submitted to the board requires a notice, to the board, of any ownership changes of Hawthorn Solar, LLC. Should any ownership change occur, the zoning board will be notified in writing of the contact information of the new

owner, and the bond will also be transferred to the new owner, to allow for the ongoing reassessment to take place and any additional funds, as necessary, to be provided.

**Written Comments from Marianne Zwicklbauer (73 East Hoosick Road)**

**49. Special Use Permit application is needed as per our own Zoning laws. To apply and receive this permit you must prove that your project does not “adversely affect the neighborhood”. The sheer turnout of people against this project including all of the surrounding property owners believe there will be a huge adverse effect of the neighborhood and who else should determine that but the people who live there.**

- The town board has established regulatory restrictions for solar projects and other development in town through a comprehensive zoning law, currently being followed by the zoning board for the permitting of this project. This law effectively balances the necessity for towns to allow for development, with limiting regulations, requiring development to occur reasonably and responsibly. The area the solar project is located in is zoned for solar, but has several requirements to avoid an adverse effect to the neighborhood. This includes abiding by the setback requirements set by the town.

**50. How were decommissioning amounts come up with considering there has not been one in NYS to date? Who is the recycler and are you using their current recycling rates? Have you factored in shipping the panels to the recycler if recycling is not local? Is there a time line promised for remediation?**

- The decommissioning estimate by a third-party engineering firm that has expertise in making assessments for each specific project component that will be involved in the decommissioning of the project, as well as the remediation of the site, and the cost of labor. This estimate will undergo a reassessment every five years to ensure the decommissioning estimate remains consistent with the costs for decommissioning and restoration of the site. Currently, there are no large scale panel recycling facilities present locally. There are utility scale projects proposed throughout the state of New York, and it is anticipated that, similar to other states and countries that have had solar projects installed and are now nearing decommissioning, that recycling facilities will naturally develop. The materials that are contained in the panels are valuable, and should the panels not have a nearby recycling facility, they will be sold for salvageable parts, and the remainder of the panels properly disposed of.

**51. How does removing of mature trees not affect the neighborhood and the environment? The flora and fauna in just one tree and below it is significant. You are changing shade to full sun which is a huge environmental impact.**

- Throughout development, the project intentionally worked to balance competing interests of siting on farmland and forested areas and by generally avoiding wetlands and locations where endangered or threatened species were located. In order to avoid agricultural land, the applicant must site in forested areas, and vice versa. That being said the removal of trees will have an impact on the environment, which will be at least in part mitigated through an estimated 25 – plus years of clean energy production, reseeded efforts on decommissioning, and the trees planted through landscaping mitigation. The applicant will reseed areas where tree removal is necessary, and will be planting additional trees around the project for vegetative screening. The applicant anticipates that over 1,000 trees will be planted around the project.

**52. Why aren't Agrivoltaics being used?**

- Agrovoltaics are proposed on the site through sheep grazing. This will allow the area to remain in agricultural use. Please see Question #10 for additional information.

**53. In the Town of Hoosick Solar Zoning law, if variance is granted the zoning board has the right to require screening for panels. Will you consider large trees planted with native shrubs to screen the entire perimeter of the project?**

- Currently, trees that will thrive in the region and which will also function as effective screening are proposed around the majority of the project that will have visibility from residences and public vantage points, such as roads. Please see the application materials for additional information on the landscaping locations and proposed vegetation types.

**54. Company has stated that trees will be replanted when remediation/decommissioning happens. Have these funds to be set aside, calculated "whips" or larger size trees as replacement estimates?**

- The applicant has included funds for reseeded areas where trees are removed for the construction and operation of the project. Once the project's operational life has ended, the site will be decommissioned. At decommissioning, the project leases on the land will terminate and the land will return to the full use of the landowner. The applicant will return the land to a meadowlike condition for the agricultural land to allow it to return to agricultural use, and reseeded areas with tree clearing. Funds are being made available within the decommissioning estimate and bond to ensure that reseeded areas that were previously cleared with seedlings can take place.

**55. Efficient design, cost savings, more panels, (more money they make) is not a viable answer to question 1. They needed to prove that it would not affect the character of the neighborhood**

- The efficient design would allow for a minimization of the projects footprint. The panels would be closer together which would provide not only a cost savings for the applicant, but a general benefit to the surrounding area as it would minimize the acreage the project would cover.

**56. They admit that project can be done without variance but at a greater cost to themselves. Again not a viable answer under the law. It costing more or the fact they won't make as much money is not a legal answer to this question**

- It will likely cost more for the project not to receive a variance, however, if the project does not receive the variance it will result in a modification of the project design, but it is unlikely that, should the variance not be received, the project will not move forward. The only anticipated impact to the project would be a redesign and expansion of the project footprint, which would .

**57. The company says that this is not a substantial ask. This is very substantial to the people who live there.**

- The request under the variance is to minimize the project footprint by allowing the panels to cross property boundary lines that will be internal to the project. The impact to those adjacent to the project would be that the project is pulled further from neighboring property boundaries and roads.

**58. They claim there will be no adverse effect or impact. Area variances are attached to the property forever. Just one circumstance I see is that one of the properties could be sold and the new owners would have solar panels right up to their property line with no set backs and no recourse to get them back.**

- The property boundary lines and locations are all internal to the project. All setbacks to non-participating property boundaries are being adhered to, and in most cases, the projects exceeds the required setbacks. The applicant is pursuing this area variance with the understanding that the variance will run with the land while the project is operational. On decommissioning of the project, the area variance will no longer apply, and the zoning law setbacks will once again be applicable.

**59. This is from the view of the companies not having control over local laws and setbacks so therefor it was not self created. I argue that it is completely self created because they do not need the setbacks changed to proceed with the project, they just make less money.**

- See Question #64 for response.

**60. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance**

- The granting of the variance will allow the overall footprint of the project to be reduced.

**61. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance**

- A reduction in the overall footprint of the project, by allowing for the project to overlap internal parcel boundary lines, is not achievable through any other mechanism other than an area variance, as the setbacks are legal regulation and the applicant must comply unless an area variance is received.

**62. Whether the requested area variance is substantial**

- The variance will result in an impact reduction, pulling away from both adjacent non-participating property boundaries and roads.

**63. Whether the purposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**

- The proposed variance will minimize the impact of the proposed project, by allowing the project to consolidate and reduce the footprint. The variance will not create additional physical or environmental impact. Adhering to the setbacks for internal property boundaries will require the project to spread the panel rows out, to accommodate the setback, rather than building through.

**64. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance**

- The lot lines that are in place and the applicable setbacks were established through no action of the applicant. The alleged difficulty was not the creation of the applicant, as no parcels will be subdivided, and no new lot lines created.

### Written Comments and Questions Received (10.18.2023)

#### **65. Is the SEQR a Type 1 Action?**

- Yes, the Environmental Assessment Form (EAF) filled out and submitted to the zoning board for review is for a type 1 action.

#### **66. Was there an Environmental Impact Statement done?**

- Environmental impact assessment has been standardized by the state through the EAF to allow for effective review and assessment of the potential environmental impacts of the proposed actions. The project submitted an EAF with the project application materials. An additional Environmental Impact Statement, if required, will follow the zoning board's review of the Environmental Assessment Form.

#### **67. Will there be a SEQR public hearing as the NYS SEQR law states is required?**

- The zoning board will review the Environmental Assessment Form and will make a determination of the potential impact of the project. Based on this determination, a public hearing may be held on the proposed action.
  - o Additional information on the SEQR process is available on the New York State Department of Conservation website. Any additional questions on the SEQR process may also be directed to a project representative.

#### **68. Does the project have an Army Corps of Engineer (USACE) permit for the wetlands?**

- The Army Corps of Engineers requires a permit for filling and/or dredging in USACE jurisdictional wetlands. The USACE has a technical definition of what is considered filling and/or dredging, and thus what requires a permit based on this definition. Per these requirements, the pounding of posts for solar panels is not considered an activity that requires a permit. Steps will be taken throughout construction to avoid impacts to wetlands by following USACE construction guidelines.
- Regardless of the technical qualifications of panels as filling and dredging, the applicant understand that wetlands are an important environmental feature, and the project has intentionally been designed to generally avoid wetlands and has been designed to avoid all DEC jurisdictional wetlands.

**69. Has there been a Long Eared Bat study done as required by law passed US Fish and wildlife 2022, put into law March 2023**

- The project has not performed a study but is committed to avoiding potential impacts to the Northern Long Eared Bat (NLEB) on this and all of its solar projects. The applicant is assuming presence, and preemptively avoiding potential impacts to NLEB in the vicinity of the project by avoiding tree clearing throughout the majority of the year. The tree clearing window effectively avoids any impacts to the Northern Long Eared Bat. As further addressed in application materials, the applicant will clear trees only in the tree clearing window between October 31<sup>st</sup> and March 31<sup>st</sup>.

**70. In the areas considered prime farmland are they using less than 50% a required by law?**

- Yes, as further elaborated on in the site plan provided to the zoning board, the project has not surpassed the prime farmland restrictions for prime farmland or farmland of statewide importance. The applicant understands the importance of farmland in the area and balancing the preservation of both farmland and forested areas as important, and has designed the project to comply with this provision.

**71. Tier 3 Solar on Prime Farmland is required to seed minimum 20% of area with native perennial vegetation to attract pollinators**

- The applicant will comply with this provision. It is our intent to seed the majority of the site with native perennial vegetation to attract pollinators.

-

**72. Tier 3 solar requires development, implement & maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation & foraging habitat for game birds, song birds & pollinators.**

- The applicant will implement native vegetation to the extent practicable for the project. The trees that are proposed as mitigation have been reviewed by the town's engineering firm and confirmed as species that are acceptable in the area. Over 1,000 trees will be planted for vegetative mitigation around the project site.

**73. There are several questions related to the SEQR:**

- The submitted EAF has been deemed complete per the zoning boards engineer. The environmental assessment form will be reviewed, and a determination made by the zoning board. Necessary next steps will be taken as deemed necessary through the SEQR process and the zoning board's determination.



**74. Could this turn into another crisis like the PFOA contamination we had to deal with?**

- The panels do not pose a risk of leaching, and use materials that are common in agricultural and residential areas and have been deemed non hazardous, and are commonly used in vehicles, tools, equipment and houses, including steel, glass, and copper. Further detail regarding the safety of panels is included in Question #4.

**75. Can you or the solar company really promise that these 50,000+ solar panels will not leach/leak/degrade and pollute our water table?**

- These panels have been in use for several years and polysilicon panels, which will be used on this project, have been assessed for the potential for leaching. Additional information on panel safety is available in Question #4.

**76. That there will be no repercussions to the area?**

- The applicant understands that this development, as with any development, will include some visual impacts and a reduction of agricultural land, as well as some tree clearing. It is the applicants intent to minimize the potential impacts of the project, and in siting within the allowed zone and in compliance with the local zoning law, outside of a variance to consolidate the project, the project will provide a net positive in that it will produce clean energy for the next 25+ years, for approximately 160,000 homes, provide local, living wage jobs, and additional tax revenue for the community.

**77. 50,000+ panels over the course of 20-30 years....what about a bad hail storm...wind...a thunderstorm?**

- The panels and the racking system they are on are made to survive severe weather, including wind and hail. More information about the panel safety is available in Question #4 above.

**78. Will these panels really be carefully maintained?**

- The panels will be carefully maintained. The panels will be remotely monitored to detect any changes in the production levels, which will ensure that damaged panels are quickly identified and replaced. This is a priority for the owner of the project both to avoid any additional damage to the panels, but also to allow for maximum clean energy production to be maintained.

**79. Do you realize that most solar companies installing these facilities sell their interest in it within 3-5 years?**

- CS Energy will continue to develop the project and will construct the project. Around the time of construction, the project will be sold to a long-term owner and operator, that will be bound by the terms of the special permit. Additional information about the potential ownership structure of the project is available above in Question #5.

**80. So what will the next company do?**

- Any future owner of the project will comply with the terms and conditions of the special permit. Additional information about the potential ownership structure of the project is available above in Question #5.

**81. Concerns related to the grave that is located north of the project site**

- In response to the information related to the grave that is located north of the project, the applicant is taking this seriously. It is our current understanding that the grave is located 300 feet north of the project. An archaeological assessment has been performed in the area and no archaeological artifacts were noted as within or adjacent to the project location, and it is not anticipated that the grave location will have visibility of the panels or will be physically disturbed. However, the applicant has reached out to the State Historic Preservation Office (SHPO) directly to provide information on the grave site and the applicant will be performing additional surveys on the site and will mitigate or avoid sensitive locations as is deemed necessary by SHPO to ensure the site is adequately protected.