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June 25, 2021

Town of Fenner
Town Board
3151 Fenner East Rd.
Cazenovia, NY 13035

Re: Town's proposed solar law

Dear Town Board Members:

On behalf of the Alliance for Clean Energy New York (ACE NY), I am writing to respectfully urge the Fenner Town Board to not adopt the Town's proposed solar law as currently written. As currently proposed, this law would completely ban large-scale solar development from the Town. We believe it is important for the Town to remain open to the significant benefits associated with solar development that can be advanced with reasonable and balanced local regulations.

Solar facilities can provide an economic stimulus to the Town during construction by providing jobs and local contracts for goods and services. During operation, these facilities offer long-term positions in operations and maintenance, and significant long-term economic benefits through lease revenue to local willing landowners and property tax revenue to the Town.

By banning large-scale solar projects from all zones in the Town, the Town of Fenner will lose out on these economic, social and environmental benefits. Similar to the Town's success with regulating and siting wind facilities with balanced regulations, the Town could enact regulations for large-scale solar that minimize impacts while netting the benefits.

There are many towns in the State of New York who have successfully balanced large-scale solar investment in their community with local community concerns. The New York State Energy Research and Development Authority (NYSERDA) offers several resources – including a Solar Guidebookⁱ – to help local governments ensure responsible clean energy development in their communities.

New York's new Office of Renewable Energy Siting (ORES) issued regulations and uniform standards and conditions for the siting of wind and solar facilities (94-c regulations). The 94-c regulations and Uniform Standard Conditions (USCs),ⁱⁱ replace the Article 10 processⁱⁱⁱ and require a detailed examination of many potential impacts associated with a large-scale solar project. The 94-c regulations:

- Provide equal protection for natural resources, including agricultural lands, when compared to environmental reviews conducted under Article 10 and the State Environmental Quality Review Act process^{iv}.

- Require each application to assess impacts to agricultural land; develop an Agricultural Plan to avoid, minimize, and mitigate impacts to active agricultural lands within NYS Agricultural Land Classified Mineral Soil Groups 1 through 4; and develop a remediation plan to address inadvertent damage to surface or sub-surface drainage.
- Provide opportunities for towns to participate: the applicants must meet with the town in the preapplication process; the town can obtain intervenor funding to support their participation; the town can review and submit comments on the Draft Permit; and the town can both identify unresolved issues for a hearing or indicate that a local law is not being adhered to by a proposed project.
- Provide for an “adjudicatory” hearing if there are unresolved issues brought up by municipalities or members of the public that the ORES determines are “substantive and significant.”
- Provide funding for municipalities and potential community intervenors, as was provided in the Article 10 process. This funding can be used by towns or other intervenors to hire technical experts or lawyers to assist in participation in the process.
- Include design goals for noise and the minimum setbacks for wind turbines and solar arrays. These uniform standards will help project developers to design a project that will be protective of the local environment and reduce the issues that require adjudication.

Thank you for taking the time to consider our comments with respect to the Town’s proposed solar law as well as the state’s new siting review process. If there is anything we can assist you with or if you would like any additional information, please feel free to reach out to me.

Sincerely,

Anne Reynolds
Executive Director
Alliance for Clean Energy New York
areynolds@aceny.org

ⁱ <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Solar-Guidebook>

ⁱⁱ <https://ores.ny.gov/system/files/documents/2021/03/chapter-xviii-title-19-of-nycrr-part-900-subparts-900-1-through-900-15.pdf>

ⁱⁱⁱ <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Siting-for-Large-Scale-Renewables/Article-10>

^{iv} <https://www.dec.ny.gov/permits/6208.html>