

# **Town Consultation Agenda**

# MILL POINT SOLAR I

## 94-c MUNICIPAL CONSULTATION AGENDA

May 9, 2023

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1. General Update
  - a. Brief description of the proposed facility and its environmental setting
  - b. Review map of the proposed facility showing project components and regulatory boundaries
  
2. Review of Substantive Local Laws
  - a. Review of design and compliance with local laws
  - b. Review of local laws Mill Point may request a waiver of
  
3. Review of impacts of concern to municipalities (e.g., land use, public health, visual impacts, cultural resources, transportation, and socioeconomics)
  
4. Next Steps
  - a. Anticipated application date and information regarding the future availability of local agency account funds (see attached overview)
    - i. Any local agency or potential community intervenor shall submit a request for initial funding within thirty (30) days of the date of application filing

Facility Website: <https://www.millpointsolar.com/>

Facility Contact: 1001 McKinney St., Suite 700, Houston, TX 77002, (866) 203-1118  
[info@millpointsolar.com](mailto:info@millpointsolar.com)

# MILL POINT SOLAR I

## 94-C LOCAL AGENCY ACCOUNT PROCESS OVERVIEW

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- 94-c requires that applicants submit with their application an amount equal to one thousand (1,000) dollars for each one thousand (1,000) kilowatts of capacity, to be deposited into a local agency account to be made available to local agencies and potential community intervenors for the purpose of contributing to a complete record leading to an informed permit decision as to the appropriateness of the site and the facility, and for local agencies, shall include the use of funds to determine whether a proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations. This includes the to defray expenses for experts.
- 75 percent of local agency account funds shall be reserved for local agencies
- Any local agency or potential community intervenor shall submit a request for initial funding **within thirty (30) days of the date of application filing**
  - Parties requesting such funding must use the ORES Request For Local Agency Account Funding form available in the Resources section of the ORES website ([www.ores.ny.gov/resources](http://www.ores.ny.gov/resources)).
  - All parties requesting funding must register as a party on the Department of Public Service's Document Matter and Management (DMM) system, consent to electronic service, and file the funding request form electronically (EFile).
  - Information on how to register on DMM may be found at: [www.ores.ny.gov/resources](http://www.ores.ny.gov/resources).
  - Instructions on how to EFile may also be found at: [www.ores.ny.gov/resources](http://www.ores.ny.gov/resources).
  - In addition to Efiling, all requests for local agency account funding must also be submitted by email to ORES ([general@ores.ny.gov](mailto:general@ores.ny.gov)).
  - Persons without internet or e-mail access may mail their documents to the Office of Renewable Energy Siting (ORES), c/o: OGS Mailroom, Empire State Plaza, 240 State Street, P-1 South, J Dock, Albany, NY 12242, Attn: 21-00917 LAA Funding Request.

- Each request for funds from the local agency account shall be completed on an ORES-approved form and contain:
  - A statement that the facility falls within the local agency's jurisdiction or that a permit or approval from the local agency would have been required in the absence of Section 94-c of the Executive Law;
  - For individual potential community intervenors, a statement of the number of persons and the nature of the interests the requesting person represents, and proof of residency (e.g., a New York State driver's license, permit or non-driver identification card, a recent bank statement, a recent pay stub or a recent utility bill);
  - for any non-profit organization potential community intervenors, a statement of a concrete and localized interest that may be affected by a proposed facility and that such interest has a significant nexus to its mission;
  - A statement of the availability of funds from the resources of the local agency or potential community intervenor and of the efforts that have been made to obtain such funds;
  - The amount of funds being sought;
  - To the extent possible, the name and qualifications of each expert to be employed, or at a minimum, a statement of the necessary professional qualifications;
  - If known, the name of any other local agency, potential community intervenor or entity who may, or is intending to, employ such expert;
  - A detailed statement of the services to be provided by expert witnesses, consultants, attorneys, or others (and the basis for the fees requested), including hourly fee, wage rate, and expenses, specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility;
  - If a study is to be performed, a description of the purpose, methodology and timing of the study, including a statement of the rationale supporting the methodology and timing proposed, including a detailed justification for any proposed methodology that is new or original explaining why pre-existing methodologies are insufficient or inappropriate;
  - A copy of any contract or agreement or proposed contract or agreement with each expert witness, consultant or other person; and
  - A completed authorization form for electronic Automated Clearing House payment, or payment instructions for payments by check.





# **Presentation**





# Mill Point Solar I

Local Consultation Meeting

May 9, 2023

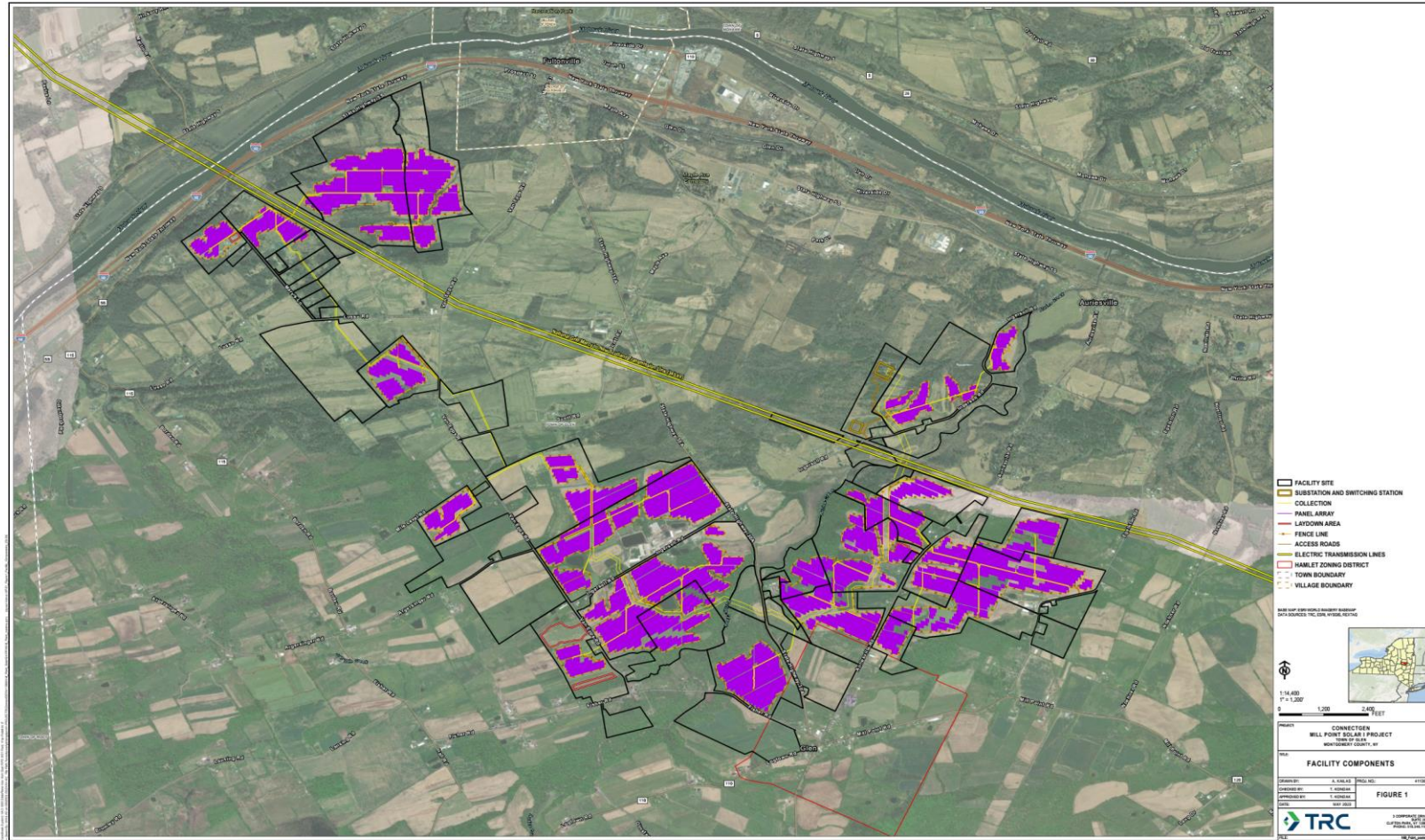
9 a.m. Town of Glen



# Description of Mill Point Solar I Facility

- Mill Point Solar I is entirely located within the Town of Glen.
- Mill Point Solar I will have a capacity of up to 250 MWac.
- Up to approximately 3,070 acre Facility Site, which is the total acres of the tax parcels proposed to host the Facility. The actual fence panel area is projected to be approximately 1,040 acres.
- Point of Interconnection: National Grid Marcy – New Scotland 345kV Transmission Line.
- The Project includes solar equipment, an electrical collection and interconnection system, and access road locations, all of which are designed to avoid and mitigate potential impacts, incorporating a wide range of environmental, social, and technical considerations.

# Map of Proposed Mill Point Solar I Facility



# Mill Point Solar II

- ConnectGen is pursuing one 94-c application for a 250 MW project referred to as Mill Point Solar I at this time. ConnectGen is separately working on Mill Point Solar II. The Projects are being developed separately because of delays with the transmission grid study. We will be filing two separate 94-c applications to ORES, resulting in two separate 94-c regulatory processes.
- NYISO, the New York grid operator, controls the timing of these grid studies, and there has been a general delay across New York State, due to the increasing number of energy projects in the queue.
- We also want to acknowledge Resolution 22 recently passed by the Glen Town Board. Our plan with the two projects is consistent with Resolution 22.
- We separately will satisfy all 94-c requirements for Mill Point Solar II, including: a separate and comprehensive 94-c application, municipal engagement, and additional public meetings to provide information to and answer questions from Glen residents and other project stakeholders. In addition, we will address potential cumulative impacts associated with the two projects.
- We will continue to work with stakeholders to ensure Mill Point Solar I and Mill Point Solar II incorporate local feedback.

# Community Engagement To Date

ConnectGen has held multiple community meetings to date:

- Virtual Information Meeting held April 14, 2021
- In-Person Community Meeting held August 11, 2021
- In-Person Community Meeting held November 17, 2021
- In-Person Community Meetings held on May 9<sup>th</sup> and 10<sup>th</sup> 2023
- Representatives from ConnectGen attended multiple Planning Board meetings in 2021 and 2022 and provided updates on the project to Board members
- ConnectGen provided comments to the Town of Glen on the 2022 Solar Law
- Representatives from ConnectGen attended multiple Town Board meetings in 2022 and 2023 and provided updates on the project to Board members and the public on June 13, 2022, July 11, 2022, September 12, 2022, and April 10, 2023

# State requirements and local zoning regulations

ConnectGen has designed the project to adhere to the ORES regulations and Uniform Standards and Conditions which govern solar development and operation.

Additionally, Mill Point Solar I has been designed to comply with the substantive provisions of the Town of Glen's applicable local laws to the maximum extent practicable. Mill Point Solar I has identified the following local laws that are applicable to the Facility:

- **Solar Energy Facilities Law of the Town of Glen (Local Law No. 3 of 2022)**
- **Land Use Management Law of the Town of Glen (Local Law No. 5 of 2017)**
  - **Article VII Supplementary Regulations, Section 7.07 Signs**
  - **Article VII Supplementary Regulations, Section 7.16 Public Utility Facility Personal Wireless Service Facility. This Section would be applicable to the substation lot.**
- **Town of Glen Subdivision Regulations (Local Law No. 1 of 1995). These regulations will be applicable to the substation lot.**



# State requirements and local zoning regulations

Mill Point Solar I has been designed to comply with the Town of Glen's solar law (**Solar Energy Facilities Law of the Town of Glen (Local Law No. 3 of 2022)**) to the maximum extent practicable.

- A letter outlining Mill Point Solar I's compliance with applicable local substantive laws was sent on April 25, 2023, to the Town.

Nevertheless, ConnectGen will be requesting waivers from certain Town requirements as highlighted below and detailed in the letter to the Town regarding local law compliance.

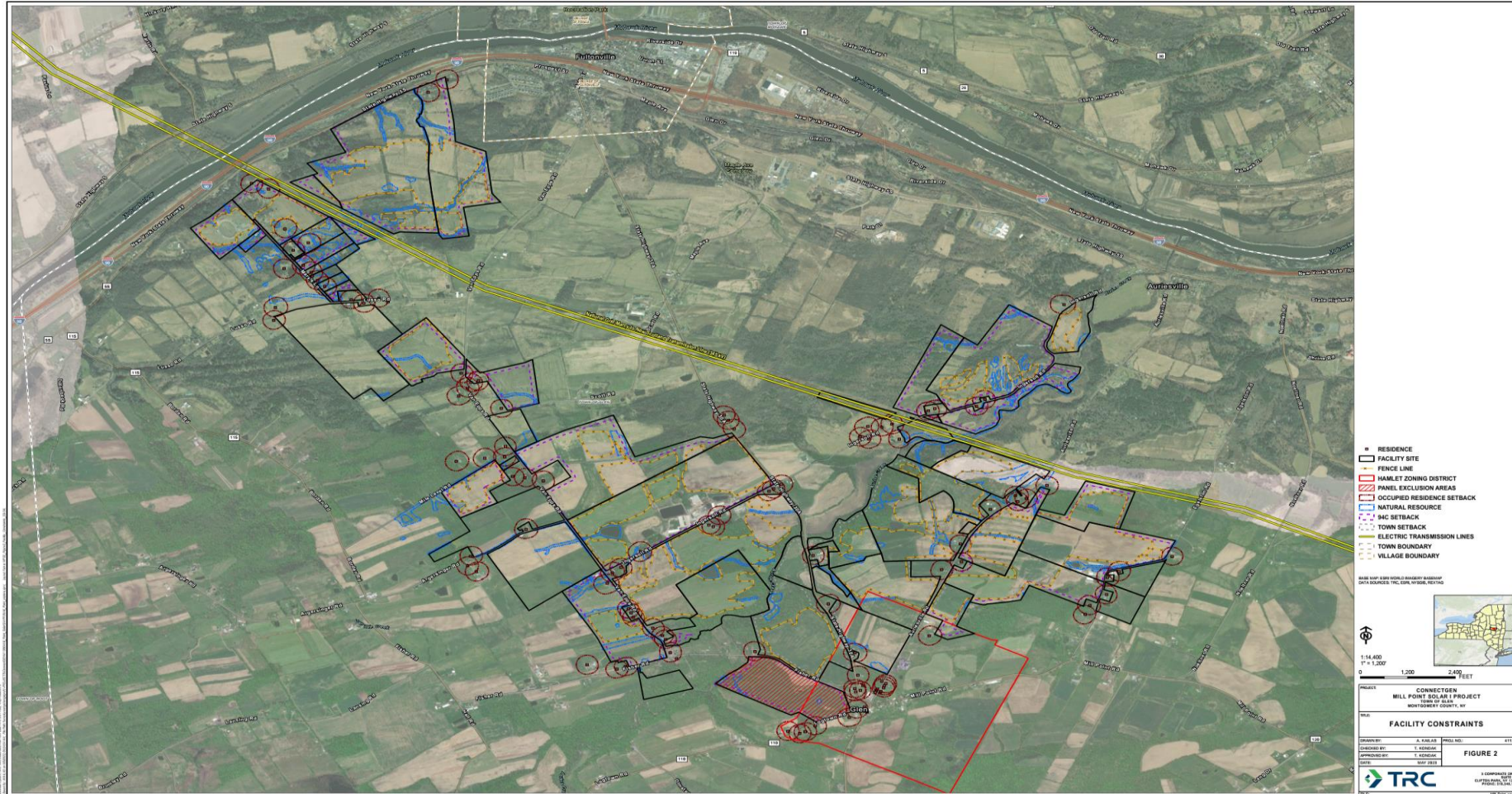
- 100-foot setback from wetlands, ponds, and streams (Section 5 (2)(b)(iii))
- 500-foot setback from front, side and rear yards (Section 5 (2)(b)(iv))
- 20% Maximum Lot Coverage requirement (Section 5 (2)(c)(a))
- Active farmland lot restrictions (Section 5 (4))
- Slopes greater than 15% (access roads and collection) (Section 5 (5)(a))
- 9-acre tree clearing limitation (Section 5 (5)(c))
- Decommissioning removal and security requirements (Section 5 (22)(iii) and Section 5(21)(b))

# Consideration of Design Changes

Mill Point Solar I has been designed to comply with local substantive requirements to the maximum extent practicable. The following changes have been made to the Facility design to comply with local requirements to the extent practicable and based upon community feedback:

- ConnectGen has committed to avoid the siting of solar panels on the parcel of land adjacent to the cemetery in the Town of Glen
- ConnectGen has sited panels outside the Hamlet District of Glen
- All collection lines will be buried below ground (a small portion of the generation tie line, less than approximately 1,500 feet, that connects the Facility substation to the switching station will be above ground)
- ConnectGen has avoided placing panels on slopes greater than 15%
- The Facility has been designed to avoid, minimize and mitigate impacts to federal and state regulated wetlands and streams and their one-hundred-foot adjacent areas to the maximum extent practicable
- Tree and vegetation removal will be limited to the minimum necessary for facility construction and operation

# Map of Design Considerations



# Land Use

94-c Requires “A map of all publicly known proposed land uses within the study area, as determined in consultation with State and local planning officials, from any public involvement process, or from other sources”

- Letter requesting Town input on proposed land uses was sent out on March 10, 2023.
- Is the Town of Glen aware of any new or proposed land use applications in the Town?



# Public Health, Safety and Security

## 94-c requires the applicant to prepare a Site Security Plan and Safety Response Plan

- These plans will be sent to Homeland Security and the local police and fire agencies for review and comment at least 30 days prior to the filing of the Application.
- ConnectGen met with the Fire Department on October 25, 2022 and February 2, 2023 and discussed the current department resources, design details for the Facility and other safety and security needs for the Facility.
- ConnectGen will continue to consult with local emergency service providers regarding Facility safety and security.
- ConnectGen will conduct training drills with local EMS annually.

# Visual Impact Assessment

94-c requires “In developing the application, the applicant shall confer with municipal planning representatives, the Office, and where appropriate, OPRHP and/or APA in its selection of important or representative viewpoints”

- In September 2021 a letter requesting input on viewpoints was sent to Town of Glen, the County, local historian and State agencies. Numerous viewpoints were identified in response to this request, including from local Planning Board members, Town of Glen Historian, and Montgomery County Historian.
- A second letter was sent in April 2023, again requesting input on viewpoints. Responses are requested by May 11, 2023.

# Cultural Resources

- Provided Phase IA Archaeological Survey to ORES and New York State Historic Preservation Office (NYSHPO)
- Received request for a Phase IB Archaeological Field Survey (survey complete, reports ongoing)
- Consultation ongoing with ORES and NYSHPO
- Consultation with Saint Regis Tribe
- Visual Impact Assessment will include assessment of historical markers and scenic by-ways
- Removed panels from area adjacent to cemetery and Hamlet District
- Avoiding archeologically sensitive areas in coordination with NYSHPO

# Transportation

- ConnectGen will work to enter into a mutually agreeable Road Use Agreement with the Town of Glen
- ConnectGen will provide a proposed haul route map to the Highway Department at least 30 days prior to Application filing for input
- The 94-c Application will include an analysis of traffic and transportation impacts during construction and operation of the facility. The transportation analysis will include:
  - A review of existing data on vehicle traffic, use levels and accidents;
  - A review of transit facilities and routes, including areas of school bus service;
  - An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance and other emergency vehicles;
  - A review of available load bearing and structural rating information for expected facility traffic routes (existing culverts to be traversed by construction vehicles shall also be considered in the analyses);
  - An estimate of the trip generation characteristic of the facility during construction;
  - An analysis and evaluation of the traffic and transportation impacts of the facility; and
  - An analysis and evaluation of the impacts of the facility on airports and airstrips, railroads, buses and any other mass transit systems in the vicinity of the facility



# Socioeconomic Effects

- Paying **more than \$2.5 million per year directly to Glen residents and local landowners** over the life of the project through annual lease payments, easement agreements, and good neighbor agreements, resulting in a consistent stream of revenue that can protect against fluctuating commodity prices and help maintain family farms
- Establishing a Host Community Benefit Program through which **\$500/MW is paid into a fund annually** over the first 10 years of the project's operations (**\$1.25 million in total**), to be distributed equally by the local utility to all residential utility customers in Glen in the form of an **annual utility bill credit**
- ConnectGen anticipates entering into a Host Community Agreement (HCA) with the Town
- ConnectGen anticipates entering into a Payment in Lieu of Taxes Agreement (PILOT)

# Decommissioning

The 94-c Application will include a Decommissioning and Site Restoration Plan which will address:

- Commitments for equipment removal (4 feet below grade in agricultural land and 3 feet below grade in non-agricultural land)
- Safety
- Aesthetics
- Recycling
- Potential future uses for the Site
- Funding
- Schedule
- Estimated cost for decommission and allocation of funding to local municipalities which will include a 15% contingency based on overall decommissioning and site restoration estimate

# Intervenor Funding

Upon the filing of a 94-c Application, ConnectGen will post an intervenor fund (\$1,000/MW) which can be sought by local community intervenors and local agencies. 75% of funds are reserved for local agencies. Application and instructions for filing can be found on ORES website at [www.ores.ny.gov](http://www.ores.ny.gov)

Must apply for funds within 30 days of Application filing:

[Applications for Intervenor Funds to:](#)

19 NYCRR 900-5

**New York State Office of Renewable Energy Siting**

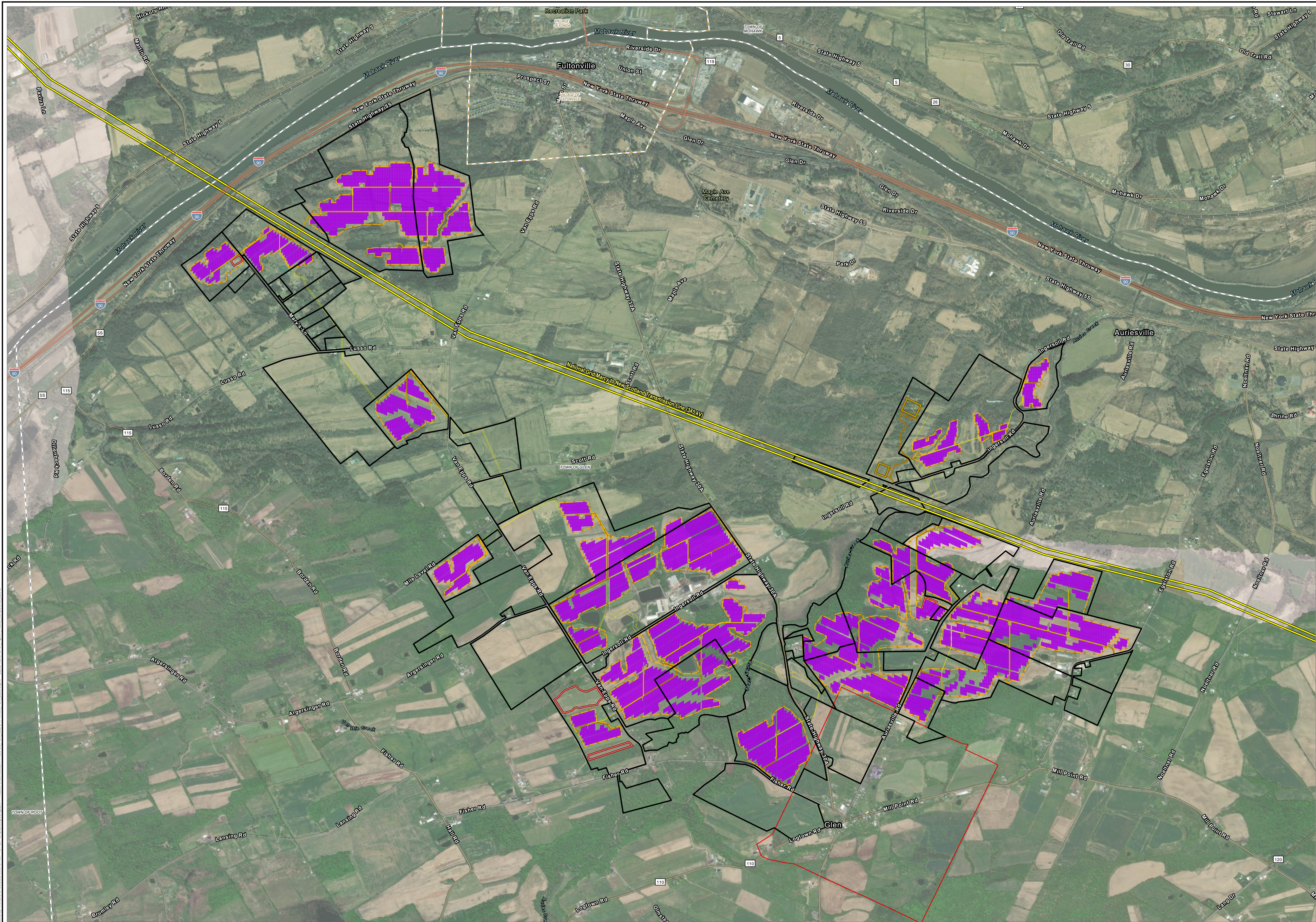
Attention: Request for Local Agency Account Funding

99 Washington Avenue

Albany, New York 12231-0001

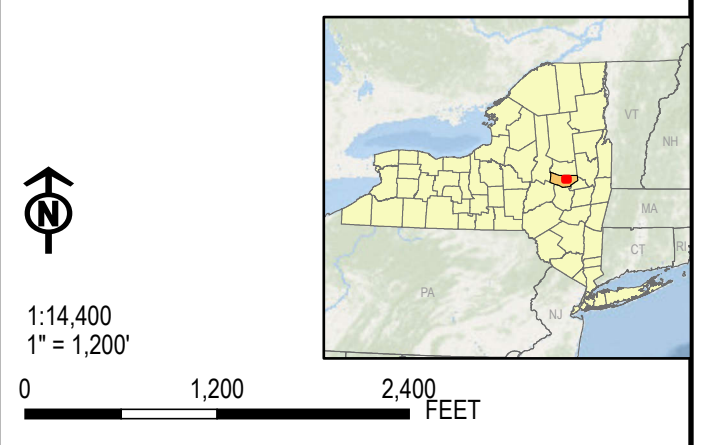
# **Facility Components Map**





- FACILITY SITE
- SUBSTATION AND SWITCHING STATION
- COLLECTION
- PANEL ARRAY
- LAYDOWN AREA
- FENCE LINE
- ACCESS ROADS
- ELECTRIC TRANSMISSION LINES
- HAMLET ZONING DISTRICT
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY BASEMAP  
 DATA SOURCES: TRC, ESRI, NYSGIS, REXTAG



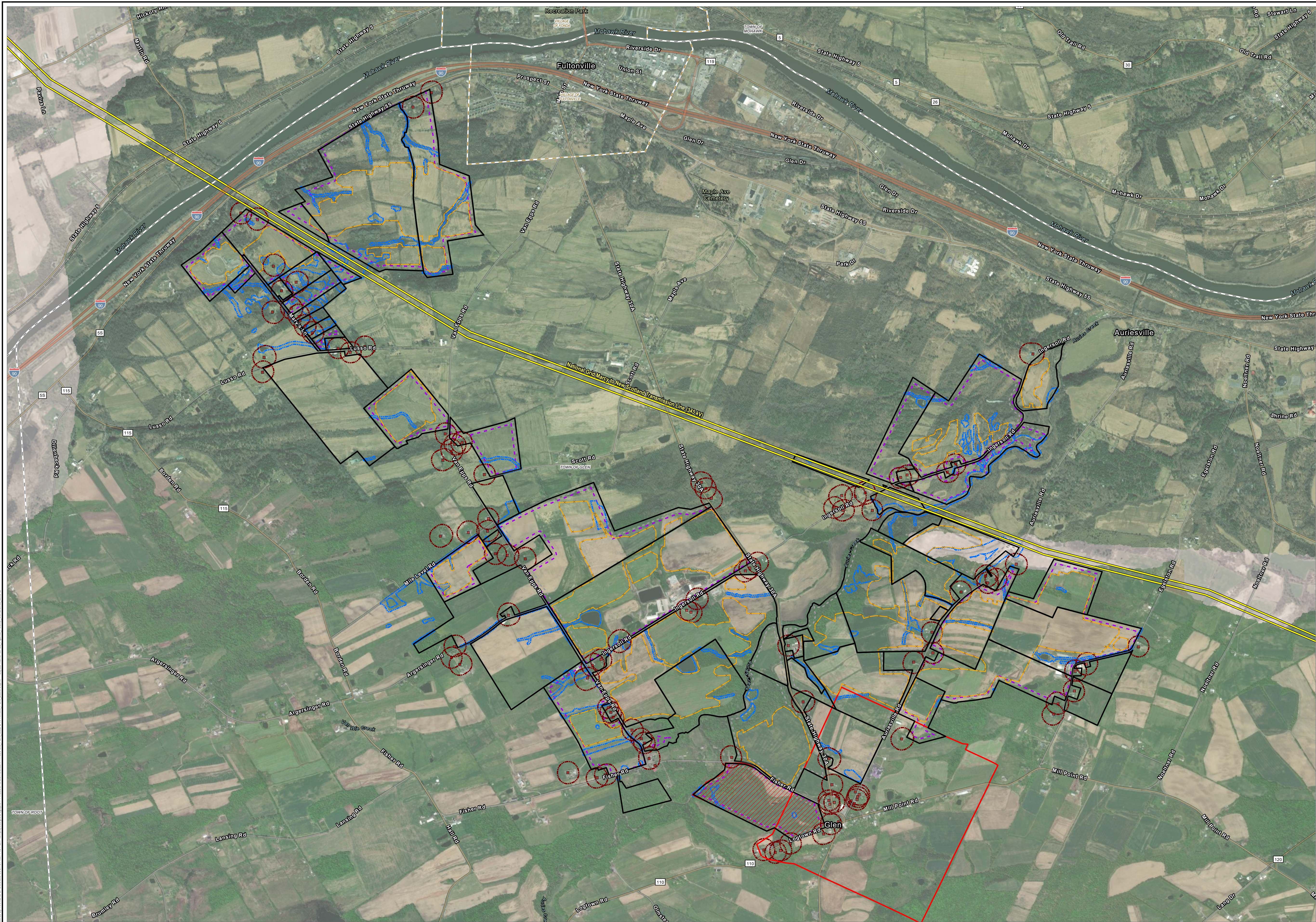
PROJECT: <b>CONNECTGEN</b>		PROJ. NO.: 411360
MILL POINT SOLAR I PROJECT		
TOWN OF GLEN		
MONTGOMERY COUNTY, NY		
TITLE: <b>FACILITY COMPONENTS</b>		
DRAWN BY: A. KAILAS	CHECKED BY: T. KONDAK	APPROVED BY: T. KONDAK
DATE: MAY 2023	<b>FIGURE 1</b>	
<b>TRC</b>		3 CORPORATE DRIVE SUITE 202 CLIFTON PARK, NY 12045 PHONE: 518.348.1190
FILE: Mill Point posters		

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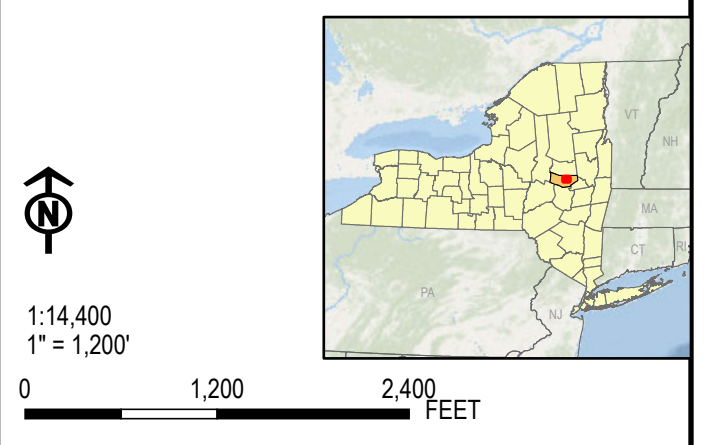
# **Facility Constraints Map**





- RESIDENCE
- FACILITY SITE
- FENCE LINE
- ▨ HAMLET ZONING DISTRICT
- ▨ PANEL EXCLUSION AREAS
- ▨ OCCUPIED RESIDENCE SETBACK
- ▨ NATURAL RESOURCE
- ▨ 94C SETBACK
- ▨ TOWN SETBACK
- ELECTRIC TRANSMISSION LINES
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY BASEMAP  
 DATA SOURCES: TRC, ESRI, NYSGIS, REXTAG



PROJECT: CONNECTGEN MILL POINT SOLAR I PROJECT TOWN OF GLEN MONTGOMERY COUNTY, NY	
TITLE: FACILITY CONSTRAINTS	
DRAWN BY: A. KAILAS	PROJ. NO.: 411360
CHECKED BY: T. KONDAK	<b>FIGURE 2</b>
APPROVED BY: T. KONDAK	
DATE: MAY 2023	
<small>3 CORPORATE DRIVE SUITE 202 CLIFTON PARK, NY 12065 PHONE: 518.348.1190</small>	
FILE: Mill Point posters	

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# Meeting Minutes





## Local Consultation Meeting Notes

Date/Time                      May 9, 2023, 9:00 AM EST

Meeting Title                      Local Consultation Meeting for the Mill Point Solar I Project

Format:                              In-person Meeting; located at  
Town of Glen 7 Erie Street Fultonville, New York 12072

Attendance:                        For Town of Glen Tim Reilly  
Tim Reilly – Supervisor  
Susan Whiteman – Councilperson  
William Mycek – Town Attorney  
Terresa Bakner – Legal Counsel for Town

For ConnectGen  
Andrew Barrett – Development Manager  
John Kuba – Senior Director, Environmental Affairs  
Colleen Nash – Director, Development  
Jeffrey Nemeth – Director, Development

                                             Tegan Kondak – Permitting and Environmental  
Consultant (TRC)  
Jessica Klami – Legal Counsel (Young/Sommer)  
Jim Muscato – Legal Counsel (Young/Sommer)  
Erin Szalkowski – Community Affairs (Innovant)

Minutes Prepared By:      TRC, ConnectGen, and Young/Sommer

## Meeting Purpose

Andrew Barrett (ConnectGen LLC) and Jessica Klami (Young/Sommer LLC) led a pre-Application meeting with the Town of Glen Town Board per §900-1.3 Pre-application procedures (a) Consultation with Local Agencies of the 94-c Regulations. ConnectGen, Young/Sommer, TRC, and Innovant were present to answer any questions the Town Board asked. Mr. Barrett and Ms. Klami presented a presentation as well as enlarged versions of mapping from the presentation (see Attachment 1). The intent of the meeting was to provide the Town with a Project

update, current Facility layout, identify local laws that the Facility would be required to follow and provide an overview of areas where the Facility may not be able to present any issues the Facility would have in following the Solar Energy Facilities Law of the Town of Glen (Local Law No. 3 of 2022, Glen Solar Law).

## **Presentation Overview**

### *Description and Map of Proposed Mill Point Solar I Facility*

The Town Board was very interested in the location of the Facility and what parcels were being included in Mill Point I Solar Project. The Town expressed their concern for the Mill Point II Solar Project and ConnectGen pointed out that the Mill Point II Project boundary was not final, but it was generally to the south and west of the Mill Point I Project. ConnectGen highlighted some constraints that they considered for siting panels such as not placing any project facilities in the Hamlet of Glen zoning district and deciding not to site panels in a leased parcel next to the Glen Cemetery. These constraints were requested by the Town and the Facility design was modified by ConnectGen to meet the Town's request.

### *Mill Point Solar II*

ConnectGen highlighted that this Project, if it were to move forward, would be a separate Project and separate 94-c application process. The Town highlighted they expected that to be the case.

### *Community Engagement to Date*

ConnectGen and Young/Sommer highlighted the community engagement that the Project team has conducted to date on the Project. ConnectGen highlighted that they have gone above and beyond what the 94-c regulations require as they want to be good partners with the Town of Glen.

### *State requirements and local zoning regulations*

ConnectGen and Young/Sommer reviewed a list of known state and local zoning regulations the Project would need to comply with.

The Town of Glen confirmed that the Land Use management Law for the Town of Glen (Local Law No. 5 of 2017) is not in effect and the Project should follow the 2006 Land Use management Law. The Town also stated that they are in the process of updating their comprehensive plan.

ConnectGen outlined the areas where the siting of the Project has followed the 2022 Glen Solar Law and areas where a waiver may be requested from the Office of Renewable Energy Siting (ORES) under Section 94-c. They include:

- 100 foot setback from wetlands, ponds and streams
  - o Although the Project has been sited to avoid wetlands to the maximum extent possible, there are areas where the Project will be sited within the 100-foot setback identified by the Town of Glen law. The Project intends to comply with the US Army Corps of Engineers and ORES required setbacks whenever possible and permit areas where this is not possible.
- 500 foot setback from front, side and rear yards
  - o The 500 foot setback would require additional land to build this sized Project.
- 20% max lot coverage requirement
  - o The 20% lot coverage would require additional land to build this sized Project. In addition, the math provided in the local law is not appropriate for tracker panels which are being proposed at this Facility.
- Active farmland lot restrictions
  - o The lot restrictions of less than 10 acres is very restrictive, as the majority of the land in the Town of Glen is in an agricultural district.
- Slopes greater than 15%
  - o The Project sited to the maximum extent practicable outside of 15 % slopes or greater. There are areas of access roads and collection that need to be within these areas to construct/access the Site.
- 9 acre tree clearing limitation
  - o Although the Facility has been sited on agricultural land that is not forested, there will need to be areas of tree clearing. On a site this size it is restrictive to have a 9 acres tree clearing for the entire site.
- Decommissioning removal and security requirements
  - o The Project will follow the requirements of 94-c. The requirement to remove all underground utilities is unnecessarily restrictive and burdensome. To the extent the local law does not permit salvage a waiver will also be sought.

### *Design Considerations*

ConnectGen went over the map of design considerations and aspects of the design where the Town Law was taken into account. With all the restrictions in the Town

Law there are not many areas where it is allowed to build a solar Project of this size. Nevertheless, Connect Gen has committed to avoiding panels adjacent to the cemetery in the Town of Glen; avoiding panels in the Hamlet of Glen; burying all collection lines, avoiding placing panels on a slope greater than 15% as much as possible; avoiding, minimizing and mitigating wetland impacts to federal and state regulated features; and minimizing tree clearing to the maximum extent practicable.

#### *Land Use*

ConnectGen requested from the Town in a letter dated March 10, 2023 about proposed land uses in the Town. Glen did not have any to share at the meeting.

#### *Public Health and Safety*

ConnectGen reviewed the coordination and consultation conducted to date for emergency plannings, including meetings with the Glen Volunteer Fire Department, and ConnectGen's commitment to providing annual first responder training. Additional coordination and consultation will occur with local first responders and the Glen Volunteer Fire Department, including sharing the Site Security Plan and Safety Response Plan drafts for review and feedback.

#### *Visual Impact Assessment*

ConnectGen summarized their community engagement efforts for development of the visual impact assessment for the Project. Coordination occurred in September 2021 to request information on aesthetic resources. ConnectGen has reached out again in 2023 to verify locations of simulations for the application and to understand the Town's visual concerns.

The Town requested additional time to review the package received in April 2023 due to the need to have a Board Meeting to review.

#### *Cultural Resources*

ConnectGen outlined their coordination and studies to date with respect to archaeological and architectural resources. ConnectGen highlighted that they added the historical markers within the Town of Glen to the visual impact statement, as requested by the Town Historian. ConnectGen has removed panels from the area adjacent to the cemetery and Hamlet district and is committed to avoiding archaeological sensitive areas in coordination with the NYSHPO.

### *Transportation*

ConnectGen summarized their intention to enter into a road use agreement with the Town. ConnectGen will provide a proposed haul route to the Town's Highway Department for review and feedback. A full transportation analysis will be provided in the Application.

### *Socioeconomics*

ConnectGen highlighted that more than 2.5 million dollars per year will be provided directly to Glen residents and local landowners.

ConnectGen plans negotiate a HCA and PILOT program for the Site.

### *Decommissioning*

ConnectGen highlighted what will be in the 94-c application with respect to decommissioning including equipment removal; safety, aesthetics; recycling; potential future uses for the Site; funding; schedule; and estimate cost.

### *Intervenor Funds*

ConnectGen highlighted what intervenor funds are and that ability.