ConnectGen Montgomery County LLC

Mill Point Solar I Project

Matter No. 23-00034

STATEMENT OF JUSTIFICATION FOR LOCAL LAW WAIVER REQUESTS

APPENDIX 24-5

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Acronym List

CLCPA	Climate Leadership and Community Protection Act
CO2	Carbon dioxide
HDD	Horizontal directional drilling
In	Inch
kW	Kilowatt
kV	Kilovolt
MW	Megawatt
NRCS	Natural Resources Conservation Service
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
ORES	Office of Renewable Energy Siting
POI	Point of Interconnection
ROW	Right-of-way
SF	Square feet
Siting Board	New York State Board on Electric Generation Siting and the Environment
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
VIA	Visual Impact Assessment
VP	Viewpoint

The Applicant has designed the Facility to comply with the local substantive requirements to the maximum extent practicable as demonstrated in Exhibit 24, nevertheless the Applicant is requesting waivers of applicable substantive requirements and standards contained within certain sections of the Town of Glen local laws as identified below. These requirements and standards are unreasonably burdensome because, if the Facility had to comply, it could not be constructed and operated as proposed. Consequently, the Facility would be incapable of delivering the numerous benefits it brings to the State in the form of clean renewable energy and the overly stringent nature of these local requirements jeopardizes the feasibility and positive environmental impact intended by the proposed 250-megawatt (MW) Facility. In addition, compliance with some of these requirements and standards would impose additional, unnecessary costs which would make the Facility unfeasible to construct and operate. Finally, the requirements and standards are more restrictive than the uniform standards and conditions contained in 19 New York Codes, Rules and Regulations (NYCRR) Part 900-6.1 et. seq. and Section 94-c regulatory standards that have already been determined to minimize potential impacts to public health and the environment. The potential impacts imposed on the community if waivers are granted in these circumstances are minor to nonexistent, and the costs of applying these provisions outweigh any benefits which may be achieved. Waiving the provisions of the local law identified below ensures renewable energy facilities, such as the proposed Facility, can continue to contribute to the State achieving its climate energy mandates and goals without the limitations and costs of these requirements.

Exhibits 17 and 18 of the Application describe the Facility's environmental benefits, consistency with the state's energy policy, and contribution toward Climate Leadership and Community Protection Act (CLCPA) mandates; those discussions are incorporated by reference herein to support the waiver of the provisions identified below. In adopting the CLCPA, the legislature characterized climate change as an existential threat to the "economic well-being, public health, natural resources, and the environment of New York" (CLCPA Section 1(1)). The environmental and social harms posed by global climate change have long motivated the State's aggressive clean energy policies, as have the potential economic harms, which have gained recent attention in the New York State Department of Environmental Conservation's (NYSDEC's) efforts to estimate the value of carbon as part of the agency's implementation of the CLCPA. For example, experts estimate that air pollution and climate change cost each American on average $2,500 per year in health care, the burden of which fall disproportionately on vulnerable communities. As demonstrated in this Application, renewable energy facilities such as Mill Point Solar I offer significant environmental, public health, and community benefits, and will aid the State in

transitioning from carbon-emitting electric generation which has negative impacts on wildlife, birds, and human health, toward a carbon-free energy future. As further described in Exhibit 17, the Facility will benefit the State of New York in contributing to the CLCPA targets, as well as consumers who will benefit from clean renewable energy generation. It is estimated that at least 217,280 tons of carbon dioxide (CO2) emissions will be offset by the proposed Facility per year, which is enough power to meet the annual electricity needs of 33,724 homes. See Exhibit 17 for further information regarding the Facility's consistency with energy planning objectives.

Pursuant to Section 900-2.25(c), an Applicant seeking a waiver of local laws must justify, with facts and analysis, that the burden imposed on the Facility by the local law is unreasonably burdensome. This justification requires a discussion of the degree of burden caused, why the burden should not be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the Facility, that the request is the minimum necessary, and that the adverse impacts of granting the request are mitigated to the maximum extent practicable. Requests may be based on existing technology, factors of costs or economics and/or the needs of consumers for the Facility.

Overall, as shown below, the Town of Glen Solar Law (2022) includes provisions which individually and collectively are unreasonably burdensome on the Facility. The Applicant has prepared Figures 1 and 5, which highlight these siting constraints and demonstrate that it would be impossible to build the Facility and comply with these provisions, and that compliance with one provision would correspondingly increase impacts to another provision. For example, reducing impacts to forests would increase impacts to agricultural lands and vice versa. In order to achieve the Project Sponsor's proposed 250 MW nameplate capacity, the Facility simply cannot be constructed or designed in a manner to eliminate the need for the below waiver requests. If the waivers are not granted, as the analysis below demonstrates, the Facility would only be able to achieve a fraction of its currently proposed size needed to economically develop and interconnect the Facility. At least one Section of the Town of Glen Solar Law (2022) (Section 5(4) regarding agricultural use) would eliminate more than 80 percent of the proposed Facility, and another (Section 5(2)(b)(i) regarding setbacks) would eliminate over 1,000 acres from the Facility. In essence, complying with these provisions individually is challenging from a design standpoint, but when combined, they effectively prohibit utility scale solar in the Town, see Figure 5. Regardless, as set forth below for each waiver request, the Applicant has demonstrated the efforts taken to meet the Town's requirements to the maximum extent practicable and has designed the Facility to avoid and minimize impacts where possible.

A statement of justification for each local substantive requirement requiring a waiver identified by the Applicant is below. The statements of justification demonstrate the degree of burden caused by the requirement, why the burden should not reasonably be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the Facility, that the request is the minimum necessary, and that the adverse impacts of granting the request are mitigated to the maximum extent practicable consistent with applicable requirements set forth in the Section 94-c regulations.

This Statement of Justification is based upon the exhibits in the Application, which have been prepared by qualified experts in their fields (e.g., sound, visual, and engineering) and upon the experience of Mill Point Solar I, including but not limited to the below members of the Mill Point Solar I team, who helped prepare this Statement of Justification:

- Andrew Barrett, Manager of Development at ConnectGen.
- Michael Moritz, Preconstruction and Engineering Manager at ConnectGen.
- John Kuba, Senior Director of Environmental Affairs at ConnectGen.
- Kala Laughlin, Senior Manager, Environmental Affairs at ConnectGen.
- Casey Pearce, Environmental Scientist at TRC.
- Tegan Kondak, Strategic Account Director at TRC.
- Barry Masterson, Senior Visualization Specialist at TRC.
- Aesa Kailas, Senior GIS Analyst at TRC.
- Patrick Martin, PE, Civil Engineer at TRC.

The Applicant submits that the provisions identified below are unreasonably burdensome in view of the CLCPA targets and environmental benefits of the proposed Facility – some provisions would threaten the feasibility of the Project, while others impose additional costs which are unnecessary and not in line or in conflict with State standards. By contrast, the burdens imposed on the community if a waiver were granted for these provisions are minor to nonexistent, as described more fully below. Overall, the waivers requested include waivers of local law provisions pertaining to setbacks, lot coverage, slopes, clear cutting, and decommissioning requirements. For the reasons outlined herein ORES should grant the waivers requested.

Waivers sought of the Town of Glen Solar Law (2022) due to technological limitations

A. Section 5(2)(b)(i). Setback requirements

Section 5(2)(b) states:

b. Setback

i. The following table provides parcel line setback requirements for Large Scale (Utility) solar energy systems.

ii. Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback. The perimeter fencing shall be at least 7 feet high and shall allow for the movement of small wildlife by using fixed-knot woven wire or other wildlife-friendly fencing. Fencing for electrical and mechanical equipment shall be at least seven feet high, as required by the National Electrical Code.

iii. The setbacks for wetlands, ponds, and streams are 100 feet except where streams and or wetlands may need to be crossed by access roads or underground or above ground utilities (100 feet)

iv. Lots owned by Participating Neighbors are considered a single lot for the purposes of the setbacks.

Zoning District	Front	Side	Rear
Rural Residential	500’	500’	500’
Industrial	50’	25’	25’
Commercial	50’	25’	25’
Hamlet	Not Allowed	Not Allowed	Not Allowed

As shown in Exhibit 24, Section 24(f), Table 24-2, Facility components are located only in the Town of Glen’s Rural-Residential District. The Facility Site has three parcels partially in the Hamlet District and partially in the Rural-Residential District. However, there are no Facility components sited within the Hamlet District and all components are located in the Rural-Residential District.

In accordance with the Town of Glen Solar Law (2022), the parcels within the Rural-Residential District would require a 500-foot setback around the entire solar arrays. Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback.

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

Figures 1, 2 and 5 show participating parcels and the Facility with a 500-foot setback from non-participating parcels. In accordance with Section 5(2)(b)(iv), "Lots owned by Participating Neighbors are considered a single lot for the purposes of the setbacks"; therefore the 500-foot setback is applied to the outside border of a contiguous block of participating parcels as necessary.

Limiting the Facility to minimum setbacks of 500 feet from parcel boundaries imposes a technological restriction on the Project, making it impossible to build as proposed. As seen in Figures 1, 2 and 5, once the 500-foot setback is applied to the parcels, there remains little buildable area on the participating parcels, such that the Project cannot be constructed as proposed. For example, the 500-foot setback would eliminate any panels on parcels 52.2-17.111, 67.-1-11, and 67.-3-1. The Project has a proposed generating capacity of 250 MW. As currently designed, taking into consideration environmental constraints and setbacks, an area of approximately 1,075 acres in the fence line is required to site the number of solar panels and the supporting components of the Project necessary to reach this generating capacity. Applying a 500-foot setback to non-participating landowners would make at least 1,398.46 acres of land in the Facility Site unbuildable for solar (delta between ORES setbacks and the Town's setback). Removing this land from the buildable area eliminates at least 117.7 MW of generation capacity of Mill Point Solar I, as currently designed, if not more. See Figure 2.

Although each project is unique, the Uniform Standards and Conditions have been designed to support safe, reasonable guidelines for solar projects in New York, and ORES has waived similar local laws in other similar proceedings. In the *Homer Solar Energy Center* proceeding (Matter No. 21-00976) the Towns had various setback provisions, including the Town of Solon which had a 500-foot setback from non-participating property lines, which ORES waived as unreasonably burdensome. In the *Bear Ridge Solar* proceeding (Matter No. 21-02104) the Town of Cambria had

a 300-foot setback and a 600-foot setback provision, which ORES waived as unreasonably burdensome.

Previous New York Public Service Law Article 10 precedent is also instructive. The New York State Board on Electric Generation Siting and the Environment (Siting Board) has stated that local laws which would prevent a project from being constructed as proposed would be unreasonably burdensome *per se*, and similar prohibitions and limitations inconsistent with State law and policy have been considered unreasonably burdensome. *See* Application of *High River Energy Center*, Case 17-F-0597, Order Granting Certificate of Environmental Compatibility and Public Need, with Condition, Issued and Effective March 11, 2021, pg. 110 (Applicant demonstrated that limiting a large/commercial-scale solar energy system to minimum setbacks of 500 feet from parcel boundaries and 200 feet from wetlands, ponds, and streams imposes a technological restriction making it impossible to build as proposed); Application of *Flint Mine Solar*, Case 18-F-0087, Order Granting Certificate of Environmental Compatibility and Public Need, with Condition, Issued and Effective August 4, 2021, pg. 70; and Application of *Hecate Green*, Case 17-F-0619, Order Granting Certificate of Environmental Compatibility and Public Need, with Condition, Issued and Effective September 28, 2021, pg. 16.

(2) The Burden Should Not Reasonably Be Borne by the Applicant

This request should not be borne by the Applicant as applying the setback would render the Facility unbuildable as proposed. Adherence to this setback would require that the Applicant eliminate approximately 47 percent of the Facility's generation capacity for no clear benefit, as impacts which the setbacks would address are already minimized and mitigated (i.e. visual impacts, See Exhibit 8). The Applicant has proposed a 250 MW Project at this location because of the existing and available 345 kilovolt (kV) transmission line, which allows larger utility scale projects to more readily and economically interconnect to the transmission grid. The 345 kV line allows applicants such as Mill Point Solar I to take advantage of existing transmission infrastructure that can support larger scale projects, without significant and costly upgrades, thereby helping the State achieve its CLCPA goals more efficiently. Reducing the size of the Facility to comply with the Town setbacks would negate the benefits of the existing transmission infrastructure, penalize the State's consumers, who demand clean renewable energy, and would ultimately require more projects across the State to meet the State's clean energy goals. Ensuring the Facility can meet its proposed 250 MW capacity without unreasonable burdens such as excessive setbacks aligns with the State's clean energy mandates and allows the Applicant to take advantage of the existing 345 kV

transmission line, allowing a more efficient and effective path towards fulfilling the CLCPA mandates.

(3) Request Cannot Reasonably Be Obviated by Design Changes

The Facility cannot be designed to satisfy this requirement. The setbacks are tied to property boundaries and are five times the minimum setbacks established under the Section 94-c regulations (100 feet from nonparticipating property lines). It would be difficult to apply this setback and retain any developable parcels for utility scale solar in the Town and it would be impossible to redesign the Facility in a way to achieve the Applicant's goals and maximize clean energy generation at the Facility Site.

Moreover, the Applicant has carefully designed the Facility to avoid and minimize other environmental impacts including but not limited to wetlands, streams and water bodies, New York State (NYS) threatened and endangered species, visual resources, agricultural resources, and cultural and historic resources in addition to complying with other provisions of the Town of Glen Solar Law (2022) (i.e., avoiding the Hamlet District). The location of the proposed Facility is constrained by these other environmental resources and other provisions of local laws. Therefore, design changes to comply with the Town's 500-foot setback would be impractical and lead to additional environmental impacts, as more parcels would be needed to achieve the Project's energy production goals. See Figures 1-5. See also Exhibit 2 which provides an overview of the Applicant's avoidance, minimization and mitigation efforts.

(4) Request Is the Minimum Necessary

The request is the minimum necessary as the Applicant has designed the Facility to comply with the 500-foot setbacks to the maximum extent practicable. See Figure 2. There are 1,398.46 acres within the Facility Site that fall within the 500-foot setback (excluding the ORES setbacks). As depicted in Figures 2 and 5, of those acres only 157.59 acres contain solar panels, inverters, and substation / Point of Interconnection (POI) infrastructure (only 11.27 percent of land within the 500-foot setback will have Facility components sited on it). Areas without panels are either areas with other environmental resources (i.e. wetlands) or are areas that are limited by lease agreements (i.e. collection easement only or areas requested to be excluded by landowners) In addition, as mentioned above, the Facility was designed to avoid the Hamlet District to comply with this provision of the Town of Glen Solar Law (2022).

(5) Adverse Impacts of Granting the Request Shall Be Mitigated to the Maximum Extent Practicable

The adverse impacts of granting the request are mitigated to the maximum extent practicable as the Facility complies with the setback requirements under Section 94-c which include:

- 100 feet from non-participating residential property lines
- 50 feet from the centerline of public roads and non- participating non-residential property lines
- 250 feet from non-participating occupied residences.

A waiver of the 500-foot setback to non-participants will not result in an increase in potential environmental impacts, impacts have been mitigated to the maximum extent practicable given the Facility's compliance with the Section 94-c regulations and uniform standards and conditions. The setbacks set forth in the Section 94-c regulations promote safe siting of solar facilities. A setback of 100 feet from non-participating residential property lines and the proposed visual screening plan will minimize and mitigate potential visual concerns (see Exhibit 8, Visual Impacts) and the Facility will meet noise limits (See Exhibit 7, Noise and Vibration). Moreover, to maintain the proposed 250 MW capacity, Mill Point Solar I would have to obtain approximately 158 additional acres of buildable land, which would correspondingly increase other environmental impacts including but not limited to impacts to NYS threatened and endangered species habitat, visual resources, and agricultural resources, making compliance with this requirement more impactful to more resources and potential receptors than waiving the requirement (and with the other restrictions in the local law, it is likely that even more acres would be needed or additional waivers would be required).

B. Section 5(2)(b)(iii). Setbacks for wetlands, ponds, and streams

Pursuant to the Town of Glen Solar Law (2022), the setbacks for wetlands, ponds, and streams are 100 feet except where streams and/or wetlands may need to be crossed by access roads or underground or above ground utilities (100 feet). Fencing, access roads, stormwater measures, electrical wiring and conduit (both above and below ground) and landscaping may occur within the setback. See Appendix 24-6, Town of Glen Code Interpretation for Wetland Setback.

Per Section 5(f) of the Town of Glen Solar Law (2022), a wetland is defined as "any jurisdictional or mapped Wetland identified by the NYSDEC pursuant to Article 24 of the Freshwater Wetlands Act or the United States Army Corps of Engineers (USACE) pursuant to the federal Clean Water Act" and a stream is defined as "Any protected stream or navigable water body identified by the

NYSDEC pursuant to Article 15 of the Environmental Conservation Law or regulated by the USACE pursuant to the federal Clean Water Act." Ponds are not defined in the Town of Glen Solar Law (2022).

As described further below, the Applicant has designed the Facility to be sited 100 feet from wetlands, ponds, and streams as defined by the Town of Glen Solar Law (2022) to the maximum extent practicable, see Figures 1 and 5. However, there are certain limited areas where it was not possible to site components 100 feet or more from wetlands, ponds, and streams, see Table 1.

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

Figure 1 shows all wetlands and streams within the Facility Site that are considered federally regulated, and/or State-regulated as defined by the local law, with a 100-foot buffer to illustrate the Town of Glen Solar Law (2022). Table 1 below shows the distance from each regulated wetland or stream from which the Facility is sited and highlights any waivers requested under this provision.

Figure 14-3 of Exhibit 14 and Table 1 below, demonstrate that the POI switchyard is sited 83 feet away from State-regulated wetland (W-NSD-01). Aside from this Facility component, there are no other Facility components sited within 100-feet of a State-regulated wetland, except those allowed under the local law (i.e., fencing, access roads, stormwater measures, electrical wiring and conduit and landscaping). For additional information on state jurisdictional wetland impacts, avoidance and minimization see Exhibit 14.

With respect to federally regulated wetlands and streams, Table 1 below shows the distance from each wetland or stream from which the Facility is sited and highlights any waivers requested under this provision and also shows that the Facility has been sited to minimize the need for waivers from this provision of law. In no instances are prohibited Facility components sited inside delineated wetland boundaries and in all instances the Facility components are sited at least 50 feet from state

and federally regulated wetlands and streams. For additional information on federally jurisdictional wetland and stream impacts, avoidance and minimization see Exhibits 13 and 14.

Table 1. Facility Components and Wetland and Stream Setbacks

Wetland ID	Jurisdiction	Facility Component	Facility Component Setback from Wetland or Stream (feet)
Wetland Analysis			
W-JMP-11	USACE	Array Panels	53
W-JMP-29	USACE	Array Panels	57
W-JMP-30	USACE	Array Panels	51
W-JMP-31	USACE	Array Panels	51
W-JMP-45	USACE	Array Panels	51
W-KCF-9	USACE	Array Panels	54
W-KCF-14	USACE	Array Panels	52
W-NSD-1	USACE/ NYSDEC	POI Switchyard	83
W-NSD-4	USACE	Substation	74
W-NSD-23	USACE	Array Panels	53
W-NSD-28	USACE	Array Panels	54
W-NSD-30	USACE	Array Panels	65
W-NSD-32	USACE	Array Panels	98
W-NSD-33	USACE	Array Panels	92
W-NSD-35	USACE	Array Panels	52
W-NSD-54	USACE	Array Panels	59
W-NSD-56	USACE	Array Panels	94
W-NSD-69	USACE	Array Panels	50
Stream Analysis			
S-CIW-2	USACE	Array Panels	55
S-CIW-9	USACE	Array Panels	56
S-JMP-10	USACE	Array Panels	54
S-JMP-14	USACE	Array Panels	54
S-KCF-5	USACE	Inverters	54
S-KCF-7	USACE	Array Panels	63
S-MLM-11	USACE	Array Panels	91
S-MLM-12	USACE	Array Panels	86

Wetland ID	Jurisdiction	Facility Component	Facility Component Setback from Wetland or Stream (feet)
Stream Analysis			
S-NSD-3	USACE	Array Panels	89
S-NSD-13	USACE	Array Panels	68
S-NSD-16	USACE	Array Panels	54
S-NSD-17	USACE	Array Panels	51
S-NSD-22	USACE	Array Panels	50
S-NSD-23	USACE	Array Panels	51
S-NSD-24	USACE	Array Panels	50
S-NSD-41	USACE	Array Panels	57
S-NSD-42	USACE	Array Panels	52
S-NSD-43	USACE	Array Panels	54

(2) The Burden Should Not Reasonably Be Borne By The Applicant

The Applicant cannot design the Facility in all circumstances to meet the Town's requirements. As explained throughout this Application, the Facility was designed to avoid and minimize impacts to various environmental resources. Complete avoidance of federal and state wetlands, streams, and their adjacent areas is not achievable due to the topographical constraints, land access, and the presence of other sensitive resources that were considered for avoidance. See Exhibits 13 and 14 for more details on the Applicant's avoidance, minimization and mitigation to water and wetland resources. The Applicant went through a thorough design process to locate the Facility in the least impactful locations overall, considering all the siting constraints that the Applicant must consider including resource availability and environmental impacts. Therefore, in order to meet the Town's wetland and stream setbacks and not increase other environmental impacts, the Facility would have to remove capacity to accommodate the Town of Glen Solar Law (2022). Otherwise, relocation of the Facility to accommodate the law could increase impacts on other parcels that will also have environmental considerations, as more parcels will be needed to meet the proposed generation capacity of the Facility. For example, extending the setback to follow the Town law for wetland W-NSD-69 would remove over 500-kilowatt (kW) of installed capacity from that single location which would then need to be located elsewhere to achieve the Facility's proposed capacity. Extrapolated across several wetlands, dozens of additional acres would be required in order to build the Project. Overall, the Facility would lose 13.4 MW if panels were required to be removed

to comply with this local law. Figures 1 and 5 demonstrate the areas where wetlands have been avoided and where impacts are unavoidable.

Moreover, the Town's setbacks do not necessarily provide further protection to wetlands and streams. For example, USACE-jurisdictional wetland W-NSD-69 is not a forested wetland, nor does it have steep banks; it does not have sensitive ecological features on its periphery. Applying a 100 feet setback to this wetland would not reduce impacts to the wetland and would only serve to create areas of unusable land for no additional benefit. Nor is this a requirement under Federal law. On balance, there are a myriad of State and Federal wetland and stream laws and regulations designed to ensure protection of those resources and permit programs that allow impacts in certain instances with commensurate mitigation. The Applicant expects the provisions of State and Federal law to minimize potential impacts.

(3) Request Cannot Reasonably Be Obviated By Design Changes

As explained above and in Exhibit 14, wetlands within the Facility Site are widespread and occur in a broad range of types including large wetland complexes, swales, forested and shrubby wetlands, ditches, depressions, and ponds. While the Applicant made several changes to the Facility design throughout the design process in order to avoid and minimize impacts to State- and Federally-regulated wetlands and State-regulated adjacent areas, due to the wide-ranging extent of wetlands within the Facility Site, and other constraints such as topography, sensitive resource areas, and land access, complete avoidance of wetland resources and meeting the Town's setback requirements is not feasible. Additional avoidance of wetlands within the Facility Site would result in the disturbance of forested land by requiring tree clearing and grading (see Exhibit 11 for a discussion of the extent of tree clearing at the Facility Site) which would also conflict with the Town of Glen Solar Law (2022) or would reduce the array coverage which would reduce the Facility's proposed generating capacity.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant sited the Facility to comply with the local law to the maximum extent practicable and has avoided, minimized and mitigated impacts to wetlands and streams to the maximum extent practicable. In no instance will components covered by this setback requirement be closer than 50 feet to any jurisdictional stream or wetlands. For additional information on wetland and stream impacts, avoidance and minimization see Exhibits 13 and 14. As shown in Table 1 above, the request is the minimum necessary.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The Applicant has avoided, minimized and mitigated impacts to wetlands and streams to the maximum extent practicable, in accordance with the requirements of the Section 94-c regulations. With respect to wetland impacts, the Applicant has prepared a Draft Conceptual Wetland Mitigation Plan to compensate for permanent impacts to State regulated wetlands and their associated 100-foot adjacent areas. (See Appendix 14-4). For additional information on wetland and stream impacts, avoidance and minimization see Exhibits 13 and 14 of this Application. The adverse impacts of granting this waiver request are no greater than the impacts analyzed in Exhibits 13 and 14 and no additional minimization or mitigation is required.

C. Section 5(2)(c)(a). Maximum Lot Coverage

Section 5(2)(c)(a) states:

The same Maximum Lot Coverage for Public or Private Utility Facility without buildings (20 percent) shall apply. By way of example, lot coverage would be calculated as follows:

- Each Panel = 89.96 inches (in) Long by 44.61 in Wide
- 89.96 in @ 25deg mounting angle = 81.53 in
- 81.53 in x 44.61in = 3637in sq = 25.26 SF (square feet)
- 25.26 SF x 12,688 modules = 320,499 SF = 7.357 Acres
- 7.357 Acres / 47.658 acres = 15.44%

According to the Lot Coverage definition in the solar law, the lot coverage restriction is to address storm water runoff. Lot Coverage – For Solar Only is defined as:

> "Solar panels are considered a disconnected impervious surface when water running off a panel is discharged to a pervious surface (e.g. turf, crop, perennial vegetation). Although the surface of solar panels is considered to be impervious, the solar panels as a whole qualify as disconnected impervious when a) there is pervious surface between each panel, and b) there is pervious surface beneath each panel. As rainfall drips off the solar panel's surface, some of it will infiltrate the pervious surfaces before it reaches an impervious surface such as a gravel path or road. Since Ground-Mounted Solar Energy Systems generally do not include much impervious surface, and since lot coverage requirements are designed, in large part, to reduce impervious surfaces and the run-off they create, this Solar Law measures lot coverage for a Ground-Mounted Solar Energy System by its actual

impervious footprint, which results in a smaller measurement than the square footage of the solar panels."

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section94-c.

(1) Degree of Burden

The mounting angle of tracking panels, such as the technology proposed for the Facility, is not a fixed angle making compliance difficult to calculate given the example provided in the Town of Glen Solar Law (2022). Throughout the day the panels for this Facility will be at various different angles and there is no set mounting angle, therefore is it technologically impossible to comply with this provision of the law and calculate lot coverage since it may change throughout the day. At maximum tilt (60 degrees) none of the parcels hosting panels would exceed the 20 percent lot coverage, at zero-degree tilt 2 parcels would be between 21 and 30 percent lot coverage. Assuming a stationary mounting angle of 25 degrees, as the example provides in Section 5(2)(c)(a) of the Town of Glen Solar Law (2022) law, one parcel would exceed 20 percent lot coverage. This parcel is only 2 acres in size which accounts for the higher percentage of coverage. The landowner of this parcel should not be penalized just because they have a smaller lot size, especially by a law that does not apply to the technology being used. However, again the Facility will not remain stationary at any mounting angle and will move according to the needs of the Facility to generate maximum energy.

(2) The Burden Should Not Reasonably Be Borne By The Applicant

This request should not be borne by the Applicant as the tracking panels are not stationary such that a lot percentage can be reliably and equitably calculated under the law. The lot coverage requirement in the local law implies that the solar panels will be stationary throughout the day, however the Applicant is proposing tracking panels that will adjust their orientation and tilt throughout the day to maximize energy production. This dynamic technology contradicts the

stationary nature mandated by the lot coverage requirements, making it challenging to calculate compliance with this Section of the Town of Glen Solar Law (2022).

(3) Request Cannot Reasonably Be Obviated By Design Changes

As explained above, the Applicant cannot design the Facility to meet the Town's requirements as the Facility is installing tracking panels and does not have a set mounting angle. Even if the Applicant were to assume a stationary mounting angle, for purposes of calculating the lot coverage, redesigning the Facility to meet an arbitrary calculation could lead to an unreasonable and inequitable result, potentially resulting in the loss of production or an increase in environmental impacts as the Applicant would be required to use additional parcels to meet the production goals of the Facility. Forcing the Applicant to redesign the Facility to comply with a requirement that is not applicable to the specific technology being installed would be inherently unreasonable.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Facility has been designed to install tracking panels which increase water infiltration, minimizing the impact of stormwater runoff compared with traditional fixed solar panels. Tracking panels support better established vegetation by allowing more sunlight to consistently reach the vegetation as the panels rotate. Additionally, the changing position of the panels changes the drip lines, contributing to improved water distribution around the vegetation. The tracking panels themselves will address some of the Town's concerns regarding stormwater runoff and the Facility will adhere to stormwater management practices as explained further below. Moreover, as outlined above, only one parcel would exceed the lot coverage requirements assuming the stationary calculation (assuming 25 percent tilt) under the local law.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

Unlike buildings, solar panels do not lead to excessive runoff of rainwater which could cause flooding and erosion. Pervious land cover vegetation will be established beneath the solar arrays and within the overall Facility Site, which will allow for continued infiltration of stormwater runoff. In areas of the Facility Site that are currently used for agricultural purposes, the proposed vegetated ground cover beneath the arrays will allow for greater infiltration and treatment than areas regularly disturbed by agricultural practices. See Exhibit 13. Moreover, the adverse impacts of granting the request are mitigated to the maximum extent practicable as the Applicant will adhere to the Facility's Stormwater Pollution Prevention Plan (SWPPP) and the Facility will be designed in accordance with the New York State Stormwater Management Design Manual to manage

stormwater runoff from the developed Facility. The preliminary SWPPP (Exhibit 13, Appendix 13-3) provides information on stormwater management practices, including erosion and sediment control (temporary and permanent vegetative and structural measures), construction phasing and disturbance limits, waste management and spill prevention, and site inspection and maintenance.

D. Section 5(4). Agricultural Resources

Section 5(4) states: “For projects located on agricultural lands and in accordance with the Comprehensive Plan, the Town of Glen does not support conversion of productive farmland to support grid-supply facilities. When proposed on an active farm located within the New York State (NYS) Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres. Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the United States Department of Agriculture (USDA), NYS, or the Natural Resources Conservation Service (NRCS)."

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

The Applicant is seeking a waiver of the lot restriction portion of the Town of Glen Solar Law (2022) which states: “When proposed on an active farm located within the New York State (NYS) Certified Agricultural District in Glen, a utility-scale solar energy system may occupy up to 20% of any farmed parcel but in no case shall exceed 10 acres”.

As outlined in Exhibit 15, the Applicant has avoided and minimized impacts to active farmland to the maximum extent practicable. However, the 20%- or 10-acre limitation outlined in Section 5(4) of the Town of Glen Solar Law (2022) is unnecessarily restrictive and like the Town’s proposed setback provisions, requires additional acreage to accommodate the Facility as more land will be required to meet the energy production goals for the Facility. Moreover, this provision conflicts with

other sections of the law, which prohibit tree clearing and placement of panels in wetland areas, for example.

Much of the suitable land for solar development in the Town of Glen is active agricultural land, located within the NYS Certified Agricultural District and classified as USDA-NRCS prime farmland soils. The few areas in the Town not located in a NYS Certified Agricultural District, include the Hamlet District, which the Town precludes solar from being located in. In fact, much of the land within 5 miles of the Facility Site is in a NYS Certified Agricultural District. Figure 3-6 in Exhibit 3 depicts agricultural district land within the Facility Site and 5-mile Study Area.

Of the 37 parcels within the Facility Site, 34 parcels are located within the Montgomery County Agricultural District 3, and of those, 25 are classified as both a NYS Certified Agricultural District and are field-verified active agricultural land (i.e., defined in Section 900-2.16(b)(1) as lands involved in the production of crops, livestock, and livestock products for three (3) of the last five (5) years). Active farmland was determined though onsite observations, the Agricultural Landowner Survey conducted by the Applicant, and historic aerial imagery via Google Earth.

Table 2 outlines the 25 parcels within the Facility Site that are designated as both a NYS Certified Agricultural District and active agricultural land and indicates the allowable acreage of Facility according to Section 5(4) of the Town of Glen Solar Law (2022).

Table 2. Agricultural Resources

Parcel ID	Parcel Acreage	Acreage Within Fence Area	Percent of Parcel	Allowable Acreage According to the Local Law[1]	Allowable Percentage According to the Local Law[1]
51.-1-10	205.01	87.87	42.86	10.00	5%
51.-1-11	112.41	56.55	50.31	10.00	9%
51.-1-36.1	91.72	37.96	41.39	10.00	11%
51.-1-4.24*	36.39	20.20	55.51	7.28	20%
51.-1-4.34*	8.64	1.21	14.00	1.73	20%
52.-2-17.111*	192.67	37.44	19.43	10.00	5%
67.-1-11	34.41	21.53	62.57	6.88	20%
67.-1-13.2	148.42	41.87	28.21	10.00	7%
67.-3-1	97.77	31.64	32.36	10.00	10%
68.-1-22	100.37	68.89	68.64	10.00	10%
68.-1-23.2*	117.12	71.97	61.45	10.00	9%
68.-1-25.11*	102.25	45.03	44.04	10.00	10%
68.-1-26.1	118.26	63.95	54.08	10.00	8%

Parcel ID	Parcel Acreage	Acreage Within Fence Area	Percent of Parcel	Allowable Acreage According to the Local Law[1]	Allowable Percentage According to the Local Law[1]
68.-1-26.2	2.00	1.65	82.50	0.40	20%
68.-1-29.12	158.24	53.27	33.66	10.00	6%
68.-1-34	388.02	222.54	57.35	10.00	3%
68.-2-1	82.98	45.3	54.59	10.00	12%
68.-3-1*	7.05	0.62	8.79	1.41	20%
68.-3-3*	70.00	21.71	31.01	10.00	14%
68.-3-5	105.41	66.65	63.23	10.00	9%
68.-4-2	53.29	20.37	33.22	10.00	19%
Totals	**2,232.43**	**1,018.22**	**45.61**	**177.70**	**7.96**

[1] Local Law refers to Town of Glen Solar Law (2022), Section 5(4).
*Indicates that active agricultural land was determined via the Landowner Survey conducted by the Applicant.

ORES has waived lot restriction requirements in other proceedings as such severe restrictions are contrary to the State's renewable energy goals. For example, in *ConnectGen Chautauqua County LLC aka South Ripley Solar* (Matter No. 21-00750), ORES waived a restriction of 15 percent, which would have resulted in the loss of 674 buildable acres and a loss of 143 MW. Here, as demonstrated below, the loss would be 840.52 acres and 200 MW. In the *Horseshoe Sola*r proceeding (Matter No. 21-02480) ORES waived a local law that required that no more than 50 percent of Designated Farmland be developed on any individual parcel, or on contiguous participating parcels containing project components. This restriction eliminated 1,166 buildable acres in the Town of Caledonia. Similarly, here the restriction in the Town of Glen would eliminate 840.52 acres from the Facility Site, *alone*, the acres across the Town would be much higher. ORES has also waived a 40 percent lot coverage restriction in *Greens Corners Solar* (Matter No 21-00982), which would have eliminated 109 acres and 15 MWs of capacity, which is less than would be lost here.

(2) The Burden Should Not Reasonably Be Borne By The Applicant

This request should not be borne by the Applicant as 840.52 acres (1,018.22 acres minus 177.70 acres, see Table 2) and approximately 200 MW, accounting for 80 percent of the Facility, would be lost, if the Facility were to comply with the local requirement, making it infeasible for the Project to meet capacity and design goals. The application of the local requirement would prevent the development of this Facility. As can be seen in Table 2 this local law severely limits the available acreage for the Facility on participating parcels and compliance with the local law would render the

Facility unbuildable. Only two of the 25 parcels identified in Table 2 can meet the local requirements. Table 2 also highlights that smaller parcels become nearly unusable for the Project, as they are limited to 20 percent of the land, which penalizes landowners with smaller parcels, and also simultaneously highlights how restrictive 10 acres is for larger parcels, allowing larger landowners to only use a small fraction of their land, in one case allowing only 3 percent of the land to be used for the Facility. By having both a 20 percent and 10 acre maximum, the Town has essentially banned utility scale solar on active farmland. The local law greatly reduces the available acreage in the Town to build solar projects, such as the proposed Facility, and the Town's limitation not only impacts the scale of the proposed Facility but also places an undue burden on landowners.

(3) Request Cannot Reasonably Be Obviated By Design Changes

The Facility simply cannot be built to accommodate this Section of the Town of Glen Solar Law (2022), as the Applicant would need to find approximately 800+ buildable acres on parcels that are not currently participating in the Project in order to meet the production and design goals for the Facility. Not only would the Applicant need to find additional acreage, those acres would be subject to the same lot restrictions, resulting in even more parcels being needed for the Facility. As outlined in Exhibit 3 and 15, over 60 percent of the acres within the 5-mile study area are enrolled in a certified agricultural district, making it likely that any additional acreage would be subject to the Town's coverage limitations.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant has designed the Facility to avoid and minimize impacts to active farmland, including MSG 1-4 soils, to the maximum extent practicable. Moreover, the Applicant has worked with participating landowners to identify areas for continued agricultural production. See Exhibit 15, Figure 15-4. Of the 2,509.84 acres of field verified active agricultural land within the Facility Site, 1,491.62 acres (59.43 percent) of land will be available for continued or new agricultural use outside of the fence line. Of the 1,018.22 acres of active agricultural land within the Facility fenced area, only 130.87 acres (12.85 percent) will be converted from agriculture during the life of the Facility. The total acreage of active agricultural land impacted for the development of the Facility represents 0.89 percent of active agricultural land in Montgomery County, and no more than 0.58 percent of agricultural land in any of the three NYS Agricultural Districts. See Exhibit 15, Table 15-2.

For further information on land to be retained for agricultural use within the Facility Site, see Exhibit 15, Sections 15(b)(2) and Section 15(b)(3).

Secondly, the Applicant complies with Section 5(4) of the local law which states that “Arrays shall be located on a parcel in such a manner as to avoid, to the maximum extent feasible, soils classified as prime farmland by the USDA, NYS, or NRCS.” Within the Facility Site, there are 329.07 acres of USDA NRCS classified prime farmland soils. In effort to comply with this local requirement, the Applicant sited arrays on only 51.81 acres (or 15.74 percent) of prime farmland soils within the Facility Site – thereby, avoiding array panels on 277.26 acres or 84.26 percent of USDA NRCS classified prime farmland soils within the Facility Site. For further information on prime farmland soils within the Facility Site, see Exhibit 15, Sections 15(a)(3) and 15(a)(8).

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The potential adverse impacts associated with granting this request, to waive the 20%- and 10-acre lot restriction, have been avoided or minimized to the maximum extent practicable by the proposed Facility design. See Exhibit 15 for a discussion on the Applicant's efforts to avoid, minimize and mitigate impacts to active agricultural lands. The total acreage of active agricultural land in a NYS Agricultural District impacted by the development of the Facility represents just 0.89 percent of active agricultural land in Montgomery County, and no more than 0.58 percent of agricultural land in any of the three NYS Agricultural Districts. Therefore, the 2,509.84 acres of the Facility Site that is composed of active agricultural land within an Agricultural District presents a small fraction of the overall Agricultural District land within the 5-mile Study Area. Designing the Project to meet the local law lot restriction is virtually impossible and would require much greater site control across a much wider area, spreading the Facility across numerous additional parcels, which would only increase environmental impacts, including increased wetland impacts, more agricultural land removed from production, more trees cleared to accommodate the Project and wider spread visual and noise impacts. Any impacts to these active agricultural lands will be mitigated as the Facility will comply with the Agricultural Plan and New Your State Department of Agriculture and Markets (NYSAGM) Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revision 10/18/2019) (NYSAGM Guidelines) as discussed in Exhibit 15. Mitigation measures include the full restoration of temporarily disturbed land in accordance with the Agricultural Plan and NYSAGM Guidelines. In addition, the Applicant worked with landowners to identify areas of continued agricultural production on Facility parcels, and four Facility parcels

will continue some level of agricultural production on their lands during Facility construction and operations. See Exhibit 15 Section 15(B)(3) for more information on these parcels.

Moreover, the Applicant has sited the Facility to meet the Town's requirement to avoid and minimize arrays located on soils classified as prime farmland by the USDA, NYS, or the NRCS, to the maximum extent practicable.

See Exhibit 15, Section 15(a)(8) for further information regarding the Applicant's efforts to avoid and minimize arrays located on prime farmland soils.

E. Section 5(5)(a). Slope.

Section 5(5)(a) stats: "Large Scale (Utility) solar energy systems are prohibited in areas that land has slope greater than 15 percent." Solar energy systems are defined under the local law as "as system of components and subcomponents intended for the collection, inversion, distribution of solar energy...this term includes Solar Panel and Solar Energy Equipment". Given the definitions in the local law this provision prohibits components such as solar arrays, fencing, inverters, and collection on slopes greater than 15 percent.

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

The Facility has been designed to comply with these requirements to the maximum extent practicable, however there are areas of the design which need to be in areas with slopes greater than 15 percent, therefore there are limited areas were the Applicant is seeking a waiver. Table 3 discusses and Figures 1, 3, and 5 show the areas within the Facility Site where slope is greater than 15 percent. As depicted in yellow in Figure 5, complete avoidance of all slopes greater than 15 percent results in an additional significant reduction of buildable area for panel placement. See also Exhibit 10, Figure 10-1 Existing Slopes.

Table 3. Facility Components Sited on Slopes Greater Than 15 Percent

Facility Component	Acreage on Slopes Greater than 15 Percent
Substation	0.02*
Panel Arrays	8.62
Inverters	0.01
Fence	0.41
Total Acreage	**9.06**
*This impact is a result of the substation fence line, which extends into the man-made berm adjacent to the substation.	

(2) The Burden Should Not Reasonably Be Borne By The Applicant

This request should not be borne by the Applicant as the Facility has already been designed to comply with this requirement to the maximum extent practicable while still maintaining generating capacity of 250 MW. Complete avoidance of slopes greater than 15 percent for panel arrays would cause islands of unusable land, causing more than just a 9-acre impact (as described in Table 3) to the buildable area due to the length of Facility equipment (panel array trackers). For example, if a single string tracker is about 30 meters long (approximately 100 feet) and 10 feet of this length crosses an area with slope greater than 15 percent, the constraint creates 90 feet of unusable space for the Project. This multiplies across the site for the multiple areas where panels may cross a steep slope. See also Exhibit 10, Figure 10-1 Existing Slopes.

(3) Request Cannot Reasonably Be Obviated By Design Changes

As explained above, the Applicant cannot design the Facility in all circumstances to meet the Town's requirements. In order to avoid slopes greater than 15 percent with panel arrays, the Applicant surveyed the topography of the site with 1 meter contour resolution. With this data, the Applicant avoided siting trackers on slopes that exceeded 15 percent. However, in select instances, the end of a tracker overlaps with the start of an area with 15 percent slope; for all intents and purposes, the solar trackers are not sited on 15 percent slopes. This Section of the Town of Glen Solar Law (2022) does not apply to access roads, and roads may be sited within areas of 15 percent slope or greater (approximately 1.7 acres). However, the access roads themselves are limited to 12 percent grade or less, in some cases via grading. See Exhibit 5, Section 5(f)(1)(b) for further details on access road design and grading requirements. Routing Project access roads around areas of slopes greater than 15 percent would further increase the amount of additional

land required to maintain the Project size, ultimately resulting in more impacts. See also Exhibit 10, Figure 10-1 Existing Slopes.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant has avoided slopes greater than 15 percent to the maximum extent practicable. Figure 3 demonstrates that panel arrays and other components have been designed to avoid these areas as much as possible in order to comply with the local law provision. There are a total of 384.66 acres in the Facility Site with slopes greater than 15 percent, however as demonstrated above Facility components are only located on 9.06 acres of these areas. See also Exhibit 10, Figure 10-1 Existing Slopes.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The adverse impacts of granting the request are mitigated to the maximum extent practicable as the Applicant has sited panel arrays outside of slopes greater than 15 percent to the maximum extent practicable and Facility components and associated construction areas generally avoid steeper slopes. In areas with slopes greater than 15 percent the Applicant will grade to achieve a maximum slope of 15 percent. See Exhibit 5, Appendix 5-1, Sheets MPS-C-102-01 through MPS-C-102-46. In addition, the Facility will be designed in accordance with the New York State Stormwater Management Design Manual to manage stormwater runoff from the developed Facility. The preliminary SWPPP (Exhibit 13, Appendix 13-3) provides information on stormwater management practices, including erosion and sediment control (temporary and permanent vegetative and structural measures), construction phasing and disturbance limits, waste management and spill prevention, and site inspection and maintenance.

F. Section 5(5)(c). Clear cutting.

Section 5(5)(c) states: Large Scale (Utility) solar energy systems are prohibited in areas with clear cutting of more than nine acres of trees that are six inches diameter at breast height.

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated

to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

This provision conflicts with other sections of the law, which discourage the siting of solar projects on farmland, for example, and the Applicant needs to seek a waiver from this provision to accommodate the Facility design. Tree clearing will be limited to the minimum necessary for Facility construction and operation, and the Facility has been designed to minimize tree clearing in areas where existing forested lands provide visual screening from public highways, or within 500 feet of a non-participating residence. However, the Facility as proposed will require more than 9 acres of tree clearing.

Figure 1 shows areas where there are forested lands within the Facility Site. Figure 4 shows areas where tree clearing will be required to accommodate Facility design. The Facility Site was placed to the maximum extent possible outside of forested areas. However, the Applicant is proposing 100.31 acres of tree clearing within the Facility Site. Note, not all of the 100.31 acres will be trees that are six inches diameter at breast height. However, this clearing is considered forest clearing which includes deciduous and mixed deciduous and coniferous forest. See Exhibit 11(b) for details on forestland within the Facility Site.[1]

(2) The Burden Should Not Reasonably Be Borne By The Applicant

This request should not be borne by the Applicant as the Facility has already been designed to comply with this requirement to the maximum extent practicable while still maintaining generating capacity of 250 MW. Prohibiting tree clearing over 9 acres would make at least 91.31 acres of land in the Facility Site unbuildable for solar, eliminating at least 12.5 MW of energy generation capacity if not more. The Applicant has already sited the Facility to avoid as much tree clearing as possible, especially to core forest blocks, however some clearing is needed to site Facility components and ensure the safety of equipment and personnel. For example, 6.32 acres of tree clearing is required for the substation and POI switchyard, which includes access roads, grading, transmission poles and the right-of-way under the proposed generation tie line. To protect this equipment and personnel working in these areas a buffer is required around these components to avoid the risk

[1] Of these 100.31 acres, 0.5875 acres are found within W-NSD-1 which is a wetland feature associated with NYS wetland ID TH-17. These 0.5875 acres of vegetation found within the wetland will be cleared by way of selective clearing. This area is found underneath the proposed transmission line right-of-way (ROW) and only trees that propose a safety risk will be removed from this area (See Figure 14-3, in Exhibit 14).

of falling trees and limbs, and there must also be clearance under the above ground lines to avoid the risk of trees causing interruption to the lines and other serious risks.

(3) Request Cannot Reasonably Be Obviated By Design Changes

As explained above, the Applicant cannot design the Facility in all circumstances to meet the Town's requirements. Figure 4 highlights the areas of tree clearing needed to design the Facility. This clearing is needed to maintain capacity and ensure the Facility can be efficiently sited on the parcels hosting components. Moreover, as stated throughout this Statement of Justification, changing the Facility design to meet the Town's tree clearing requirements would necessarily increase impacts to other resources which would conflict with other provisions of the Town of Glen Solar Law (2022) (i.e. limits to impacts to agricultural land). See Figure 1, which highlights all the constraints imposed by the local law, which make compliance with the provisions unreasonably burdensome, and Figure 5 which highlights the combined constraints of the Town of Glen Solar Law (2022). Moreover, the location of the substation and POI switchyard was chosen due to its proximity to the existing transmission lines, and to minimize impacts to wetlands and visual and noise impacts to neighboring residences. Relocating the substation and POI switchyard to avoid tree clearing would also not be possible due to the location of the existing transmission line, which, as Figure 4 depicts, is located in an area surrounded by core forest blocks and trees. The Applicant has carefully sited the Facility to comply with the local law to the maximum extent practicable and has limited tree clearing to the minimum necessary.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant has limited tree clearing to only what is necessary for the construction and operation of the Facility and has largely avoided clearing trees in core forest blocks. 425.11 acres of forestland will remain within the Facility Site following construction of the Facility. Again, applying the Town's tree clearing limit would necessarily increase impacts to other resources and require more land across more parcels in the Town. These additional lands would also have to meet the local law requirements or more waivers would be needed, as highlighted throughout this Statement of Justification.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The adverse impacts of granting the request are mitigated to the maximum extent practicable. While 100.31 acres of tree clearing will be required to site Facility components, an additional 425.11 acres of forestland will remain within the Facility Site following construction of the Facility. Tree

clearing is focused on the edge of forest blocks to facilitate the siting of solar arrays. By focusing clearing efforts in these areas, fragmentation of forested habitat will be limited and impacts to forestland will not be widespread. In addition, the Applicant left existing hedgerows and vegetative barriers where possible, as well as stumps when applicable. Additional information regarding tree clearing can be found on Sheets MPS-C-101-01 through MPS-C-101-46 of the Design Drawings (Appendix 5-1) and in the Visual Impacts Minimization and Mitigation Plan in Exhibit 8 Appendix 8-1, Attachment 7.

Of the 100.31 acres of trees proposed to be cut, 14.44 acres will be temporarily disturbed, 83.19 will be permanently converted to other cover types, and only 7.11 acres will be permanently lost due to the siting of components such as access roads, substation and POI switchyard. Temporary disturbance includes clearing for grading and collection line installation during construction that will be restored post-construction, allowing the forestland to naturally re-vegetate during Facility operation. See Exhibit 11, Table 11-2. The majority of the tree clearing proposed is fragmented throughout the Facility Site and is not concentrated in areas of heavy forests. Of the 66.00 acres of core forest blocks (patches of forest greater than 100 acres) within the Facility Site, only 3.45 acres (or 5.2 percent) of trees are proposed to be cut. See Exhibit 11(c) for additional details on impacts to forestland and the Applicant's efforts to avoid and minimize impacts to forestland. Overall, the design of the Facility minimizes impacts to interior forests, forested wetlands, and early successional forests, resulting in only marginal impacts to these areas, and the Applicant has mitigated these impacts by leaving large areas of core forest blocks in and around the Facility Site undisturbed.

G. Section 5(21)(ii). Site restoration for buried utilities.

Section 5(21)(ii) states, "The site shall be restored to as natural a condition as possible within 12 months of removal. Any disturbed area must be reseeded, and all footings, concrete bases, underground/buried utilities and roadways must be removed, and the property restored to preconstruction condition. Notwithstanding, the property owner may ask the Planning Board for permission to retain the roadways on the site if they have a use for the roadways."

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is

the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

Section 5(21)(ii) requires the removal of all above and below-ground equipment, structures, and foundations. The Applicant will remove all aboveground equipment and buried components down to a depth of 48 inches below grade in agricultural lands and 36 inches in non-agricultural lands. However, removal of Facility components that are buried below these depths (mainly collector cabling) would result in significant impacts to the resources beneath which those components are located. Requiring removal efforts to such extensive depths would also extend the scope and duration of decommissioning activities, which would have a disruptive impact on the surrounding host community in the form of additional and prolonged earth disturbance, noise, traffic, additional road impacts from hauling cable and other unnecessary impacts, with no notable benefit to them from doing so.

This concept is recognized by the NYSAGM Guidelines which only requires removal of underground facilities if less than 48 inches deep. It is common practice throughout the state and county to leave underground components in place for this reason.

Few Facility components will be buried at a depth of greater than 48 inches; the components that would exceed that depth are primarily horizontal directional drilled (HDD) or bored collection lines crossing beneath roadways, wetlands, or other sensitive features. Removal of HDD lines at decommissioning would result in significant impacts to those resources—precisely the kinds of impacts which the Applicant sought to avoid by employing HDD for avoidance.

Removing collection components installed via HDD beneath roadways, utilities, and wetlands would require additional time, budget, and resources such as haul trucks and wire spools. In addition, removal of the HDD collection at the time of decommissioning could result in significant impacts to the crossed resources, including impacts that were originally avoided during construction by utilizing HDD for underground installations (see Exhibit 10, Section 10(4)(v) and Exhibit 5, Design Drawings). When removing a bored (via HDD) collection line, a qualified contractor will excavate both ends of the installed conduit, pull the cable from the conduit, and then attempt to remove the conduit from the earth. The disadvantage of removing bored collection lines involves risk, as the conduit can break or separate at a joint when being pulled out of the ground.

This leaves a section of conduit remaining under the road, utility, or wetland that would need to be excavated (via surface trenching) from the stuck position – potentially hundreds of feet from the terminus of the bore. Excavating an isolated section of conduit from under important infrastructure or ecological feature will significantly impact the subject surface feature, potentially requiring road closures, additional permitting and approvals, and enhanced safety measures required for the removal of components at such depths. Moreover, the HDD components are not a danger to the natural or built environment and should be left in place.

(2) The Burden Should Not Reasonably Be Borne By The Applicant

This request should not be borne by the Applicant or consumers who demand renewable energy. The justification for this assertion is grounded in both financial considerations and the technical practical implications associated with this removal requirement. As demonstrated above, the practical implications of removing the components are more impactful than leaving them in place. Disrupting the existing underground infrastructure may lead to unintended environmental consequences, such as soil disturbance, potential groundwater impacts (see Exhibit 5), and disruption of ecosystems that will have regrown following construction. Leaving components below grade as proposed minimizes environmental impacts overall.

(3) Request Cannot Reasonably Be Obviated By Design Changes

The Facility cannot be designed to avoid the need for this waiver, as the depth of removal of buried Facility components does not relate to design, collection cannot be designed to avoid removal under this Section of the Town of Glen Solar Law (2022).

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant will remove all Project specific above ground equipment and buried components to a depth of 4 feet below grade in agricultural land which is in compliance with the requirements set in the Section 94-c regulations and NYSAGM Guidelines. Leaving components in place below these depths avoids additional and unjustifiable environmental impacts to land resources that would result from the complete removal of buried components, especially since some of these components have been buried to avoid impacts to sensitive resources.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The adverse impacts of granting the request are less than not granting the request since more adverse impacts will occur by removing the components and the Applicant will abide by the decommissioning requirements in Section 900-2.24(c) and 900-10.2(b)(1).

Waivers sought of the Town of Glen Solar Law (2022) due to economics

H. Section 5(21)(b). Decommissioning Surety Bond

Section 5(21)(b) states "Prior to the start of construction, a surety bond to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures shall be provided by the owner/operator. The owner/operator shall provide an updated Decommissioning Cost Estimate, accounting for anticipated rates of inflation, prepared by a Town designated NYS Licensed Engineer every five (5) years, and the surety bond shall be adjusted, if necessary, to reflect the then current decommissioning cost. Any such surety bond must be provided pursuant to a Decommissioning Agreement with the Town, approved by the Town Board and Town Attorney as to form, sufficiency and manner of execution. All surety bonds must not lapse before decommissioning is complete and must be provided by an A rated, or better, institution."

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

The Facility will update the decommissioning estimate every five years, however the above does not state that salvage value may not be taken into consideration in determining the estimated cost of decommissioning. Not taking salvage value into consideration is inconsistent with other local laws being adopted by local municipalities in New York and inconsistent with the regulations adopted by ORES. Applying this local law provision, which is in conflict with the standards set pursuant to Section 94-c (Section 900-6.6 and 900-2.24(c)), creates an unnecessary and

unjustified financial hardship for developers of renewable energy facilities, and undermines the standards set in the regulations, effectively frustrating the achievement of the CLCPA goals. Accounting for salvage value of materials is standard decommissioning practice across the industry. Excluding salvage value would result in an overestimate of decommissioning costs, which would cause the Applicant to incur additional financial costs for the Project which acts as a financial disincentive with no actual provide benefit to the host community.

(2) The Burden Should Not Reasonably Be Borne By The Applicant

A cost estimate for decommissioning has been provided in Appendix 23-1, Decommissioning and Restoration Plan. There is no basis to impose additional financial burdens on the Facility by requiring more financial security than ORES has already judged to be unnecessary. The Plan includes a protocol for removal of panel arrays in the event of abandonment and a net decommissioning/site restoration based on the estimated costs associated with removal and restoration of facilities within the Town. The Applicant followed the requirements of Section 94-c when preparing the net decommissioning and site restoration estimate. Because the Applicant is preparing the Decommissioning and Site Restoration Plan based on Section 94-c requirements, which supplant the Town's local laws, the Applicant requests ORES elect to not strictly apply this regulation considering the benefits of the Facility and the directives of the CLCPA.

(3) Request Cannot Reasonably Be Obviated By Design Changes

This request cannot be obviated by design changes as the Project design is not dependent on decommissioning costs.

(4) Request Is The Minimum Necessary

The request is the minimum necessary as the Applicant will follow the decommissioning requirements set for in Section 94-c which includes a 15 percent contingency, that will be periodically reviewed to adjust for any estimated decommissioning cost increases and/or salvage value decreases.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The adverse impacts of granting the request are mitigated to the maximum extent practicable as the Applicant will be required to provide decommissioning financial security to protect the Town in the event that the Facility owner does not conduct decommissioning and site restoration on its own. In the very unlikely event that the Applicant does not decommission the Facility and the Town must

carry out decommissioning of the Facility, the Applicant would forfeit its facility equipment and the Town could use this value to offset decommissioning costs. Finally, the security will be reviewed by ORES and will be updated after one year of operation and every firth year thereafter per Section 900-10.2(b)(2).

Waivers sought of the Town of Glen Land Use Management Plan Law

I. Section 7.16 Public Utility Facility

Section 7.16 of the Town of Glen Land Use Management Plan states:

Public utility substations and similar structures shall comply with the following:

1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards.
3. There shall be no equipment visible from surrounding property.
4. Public Utility Services' line poles and attendant lines will be allowed, as necessary, in all districts.

Analysis

Section 94-c requires that for each request that the Applicant show (1) the degree of burden caused by the requirement, (2) why the burden should not reasonably be borne by the Applicant, (3) that the request cannot reasonably be obviated by design changes to the facility, (4) that the request is the minimum necessary, and (5) that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with applicable requirements set forth in Section 94-c.

(1) Degree of Burden

The Facility will include a new substation, POI switchyard and Transmission Structure (defined as transmission poles and wires) Poles, as more fully described below:

- Substation: Several underground 34.5 kV collection lines within the Facility Site will gather power from the solar arrays and transport it to a new substation that will step up the voltage to 345 kV. The substation is approximately 3 acres in size and will be located adjacent to solar panels in the northeast portion of the Facility Site. Access to the substation will be via a new access road from Ingersoll Road near the existing Marcy – New Scotland 345 kV Transmission Line. Section drawings of the substation can be

found in Exhibit 8, Appendix 8-1, the Visual Impact Assessment (VIA), Attachment 6B. A single H-frame takeoff structure (60-foot height) will facilitate the connection to the POI switchyard (generation tie line). Plans and sections of the substation are available in (Appendix 8-1, Attachment 6B and Exhibit 5, Appendix 5-3).

- POI Switchyard: Electricity from the substation will be routed immediately south to the POI switchyard. Two additional 70-foot h-frame takeoff structures within the southern interior of the POI switchyard will route overhead conductors to newly proposed transmission structures (see below; Transmission Structures) where the interconnection is completed. The total area of the POI switchyard is approximately 1.8 acres, sectional drawings of this switchyard can be reviewed in Exhibit 8, Appendix 8-1, Attachment 6B as well as in Exhibit 5, Appendix 5-3.
- Transmission Structures: Three discrete transmission lines are proposed to facilitate interconnection from the Facility to the existing Marcy - New Scotland 345 kV Transmission Line. One will consist of a generation tie line comprised of two new (gray) galvanized steel dead-end structures (135 feet in height) that will connect the substation to the POI switchyard over a span of 0.27 miles. From the POI switchyard, two transmission lines span 691 and 607 linear feet and connect to the existing Marcy – New Scotland 345 kV Transmission Line. Each transmission line will be comprised of two new galvanized steel structures (two at 195 feet, one at 180 feet, and one at 145 feet in height). One of the 195-foot structures will replace an existing (195-foot) steel transmission structure. These transmission lines will each initiate from a 70-foot takeoff structure within the POI switchyard and terminate at the existing Marcy- – New Scotland 345 kV Transmission Line. Plans and sections of the Transmission Structures and associated transmission lines are available in Exhibit 8, Appendix 8-1, Attachment 6B and Exhibit 5, Appendix 5-3.

The substation and POI switchyard will be surrounded by a fence set back from property lines in conformance with zoning district regulations for front, side and rear yards and landscaped with an area at least 20 feet wide in front, side and rear yards. However, given the height of some of the structures, it is impossible to design these components such that no equipment will be visible from surrounding property. For a full assessment of the potential visibility of the substation, POI switchyard, and Transmission Structures see Section 10.1.2 of Appendix 8-1. Visual Impact Assessment.

(2) The Burden Should Not Reasonably Be Borne By The Applicant

As explained above, the design of the Facility will require certain tall structures between 60 to 195 feet tall to connect the substation to the POI switchyard and then again to connect the POI switchyard to the existing Marcy – New Scotland 345 kV Transmission Line. Overall, the tallest components consist of the proposed Transmission Structures (135 to 195 feet in height), therefore, most visibility is anticipated to be a result of these structures. See Appendix 8-1. VIA, viewpoint (VP) 68 for a photo simulation that demonstrates the visibility of the pole structures from Ingersoll Road. As shown in several photographs (VPs 6, 50, 69, 92, and 93; see Appendix 8-1, Facility Photolog of Attachment 3) and photo-simulations (VPs 42, 44, 61, 80, and 94; see Appendix 8-1 of Attachment 4), views of the existing Marcy – New Scotland 345 kV Transmission Line are abundant within the region due to the tall heights of the existing transmission structures.

It is impossible to integrate the Project to the existing high voltage transmission system without these lines, and they must be above ground to connect the Project. For example, installing the High Voltage line that connects the POI Switchyard to the existing Marcy – New Scotland 345 kV Transmission Line underground would require the installation of a concrete vault to house the lines underground. This would require significant wetland impacts that can be avoided by running the line overhead and installing poles to reduce wetland impacts.

(3) Request Cannot Reasonably Be Obviated By Design Changes

The substation, POI switchyard, and Transmission Structures were sited adjacent to existing transmission right-of-way for immediate interconnection to the electrical grid. The Town of Glen Land Use Management Plan's requirement that "no equipment be visible from surrounding property" would require both the generation tie (gen-tie) line between the POI switchyard and Project substation and the new, proposed interconnection transmission lines between the existing overhead Marcy – New Scotland 345 kV Transmission Line and the new POI switchyard be installed underground or very close to the ground. Installing the gen-tie underground would result increased wetland impacts and would be multiple times more expensive than running the line overhead, and the new, proposed interconnection transmission lines cannot be installed underground because the existing Marcy – New Scotland 345 kV Transmission Line is above ground and overhead. Installing the lines just above the ground would pose a significant safety risk as the lines could be accessed by individuals that would be subject to electrical shock if contacted. Additionally, individuals would be exposed to strong electric and magnetic fields if the lines were above ground near ground level.

(4) Request Is The Minimum Necessary

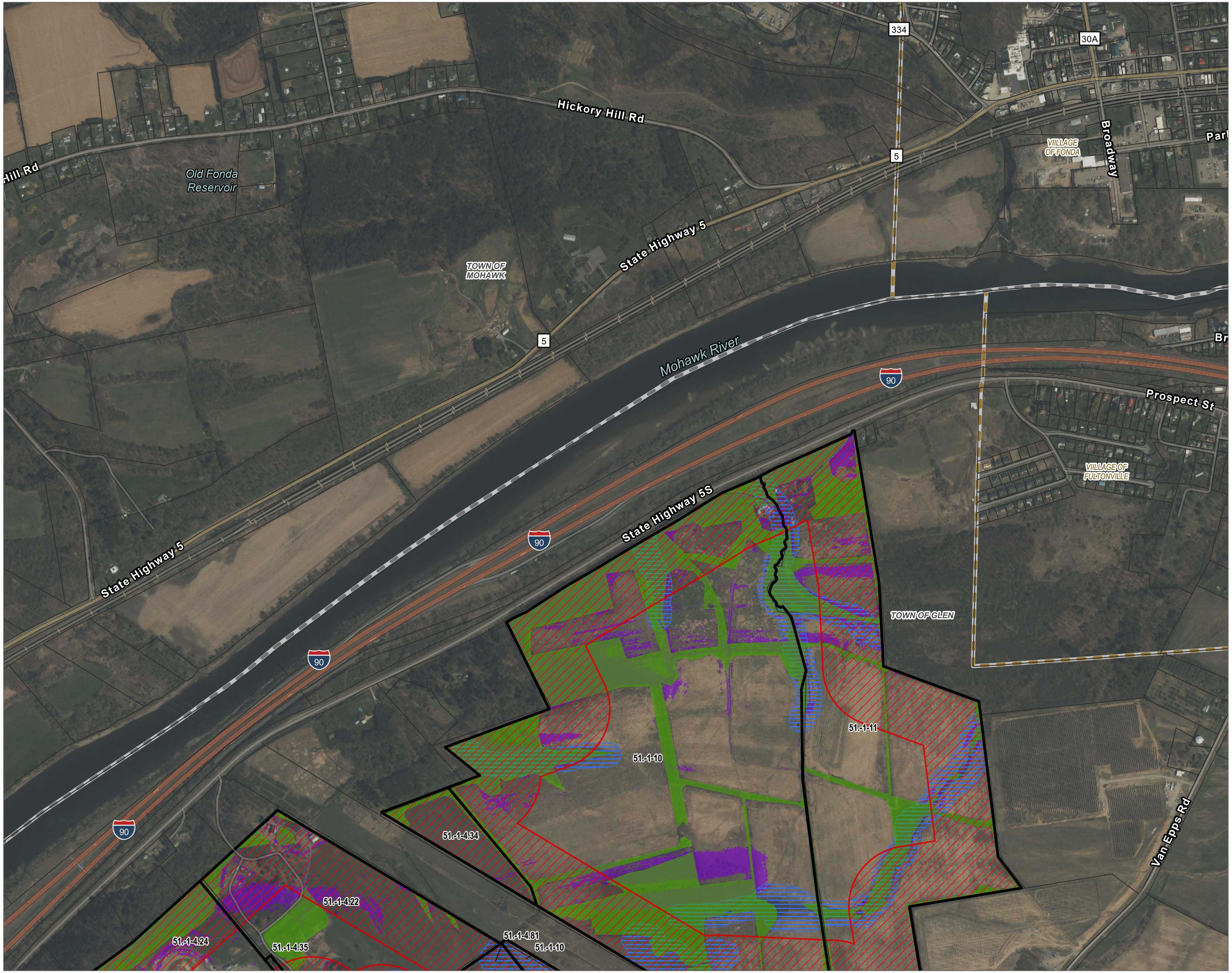
The request is the minimum necessary as the substation, POI switchyard, and Transmission Structures have been designed to comply with the local law to the maximum extent practicable. Moreover, the substation, POI switchyard, and Transmission Structures were sited adjacent to the existing transmission right-of-way for immediate interconnection to the electrical grid, reducing potential visual impacts of longer spans of overhead structures.

(5) Adverse Impacts Of Granting The Request Shall Be Mitigated To The Maximum Extent Practicable

The visual impacts associated with the substation, POI switchyard, and Transmission Structures have been minimized to the maximum extent practicable. The substation, POI switchyard, and Transmission Structures were sited adjacent to the existing Marcy – New Scotland 345 kV Transmission Line to circumvent and lessen the number of necessary transmission structures for interconnection purposes. The POI switchyard components are also sited in proximity to an existing forest that will provide natural screening benefits (see Section above on forest clearing for additional details). Moreover, the location of the substation and POI switchyard was chosen to minimize impacts to wetlands and visual and noise impacts to neighboring residences. In addition, the Applicant is proposing a landscaping plan for the POI switchyard and substation (Exhibit 5, Appendix 5-2). Due to the existing visual prominence of the existing Marcy – New Scotland 345 kV Transmission Line, and associated structures, it is anticipated that the proposed POI components will be visually absorbed by the existing and adjacent Marcy – New Scotland 345 kV transmission structures, and as a result, the existing landscape character will remain intact.

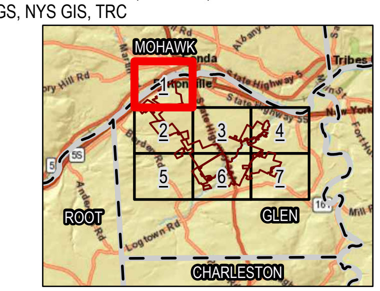
Figures

Figure 1. Total Constraints



PARCEL BOUNDARIES
FACILITY SITE
LOCAL SETBACKS
500FT SETBACK FROM NON-PARTICIPATING PARCELS
FORESTED LANDCOVER
FORESTED WETLANDS
SLOPE 15%+
100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS
TOWN BOUNDARY
VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet
0 400 800 FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 1** MAP 1 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

TRC
3 CORPORATE DRIVE
SUITE 202
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PHONE: 518.348.1190

FILE: MILL_POINT_94C_EX24.APRX

Coordinate System: NAD 1983 StatePlane New York East FIPS 3101 Feet; Map Rotation: 0
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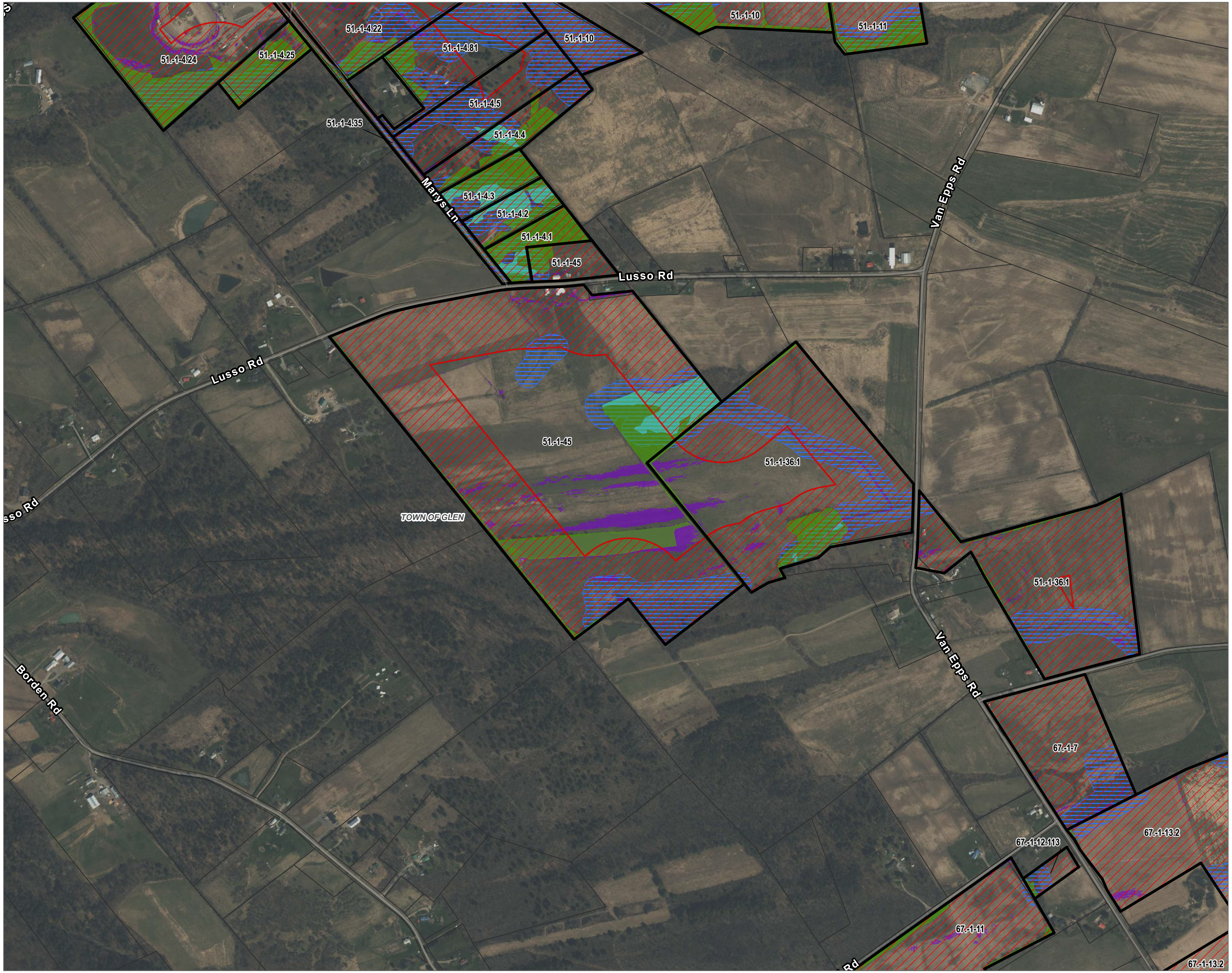


PARCEL BOUNDARIES

FACILITY SITE

LOCAL SETBACKS

500FT SETBACK FROM NON-PARTICIPATING PARCELS

FORESTED LANDCOVER

FORESTED WETLANDS

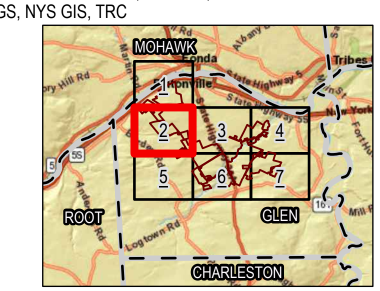
SLOPE 15%+

100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS

TOWN BOUNDARY

VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet

0 400 800 FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 1** MAP 2 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

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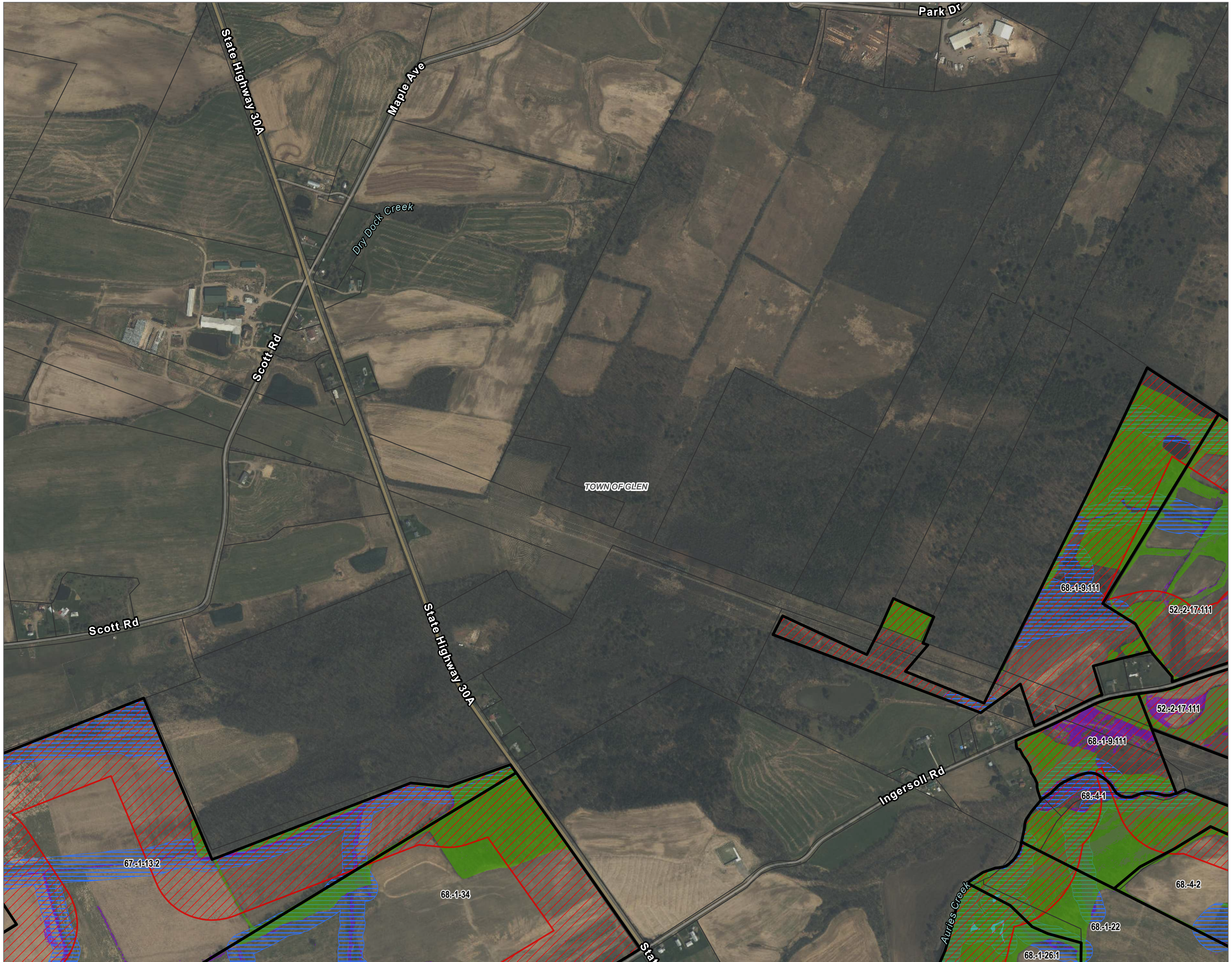
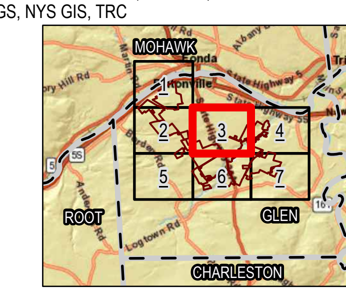


PARCEL BOUNDARIES
FACILITY SITE
LOCAL SETBACKS
500FT SETBACK FROM NON-PARTICIPATING PARCELS
FORESTED LANDCOVER
FORESTED WETLANDS
SLOPE 15%+
100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS
TOWN BOUNDARY
VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet
0 400 800 FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
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APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

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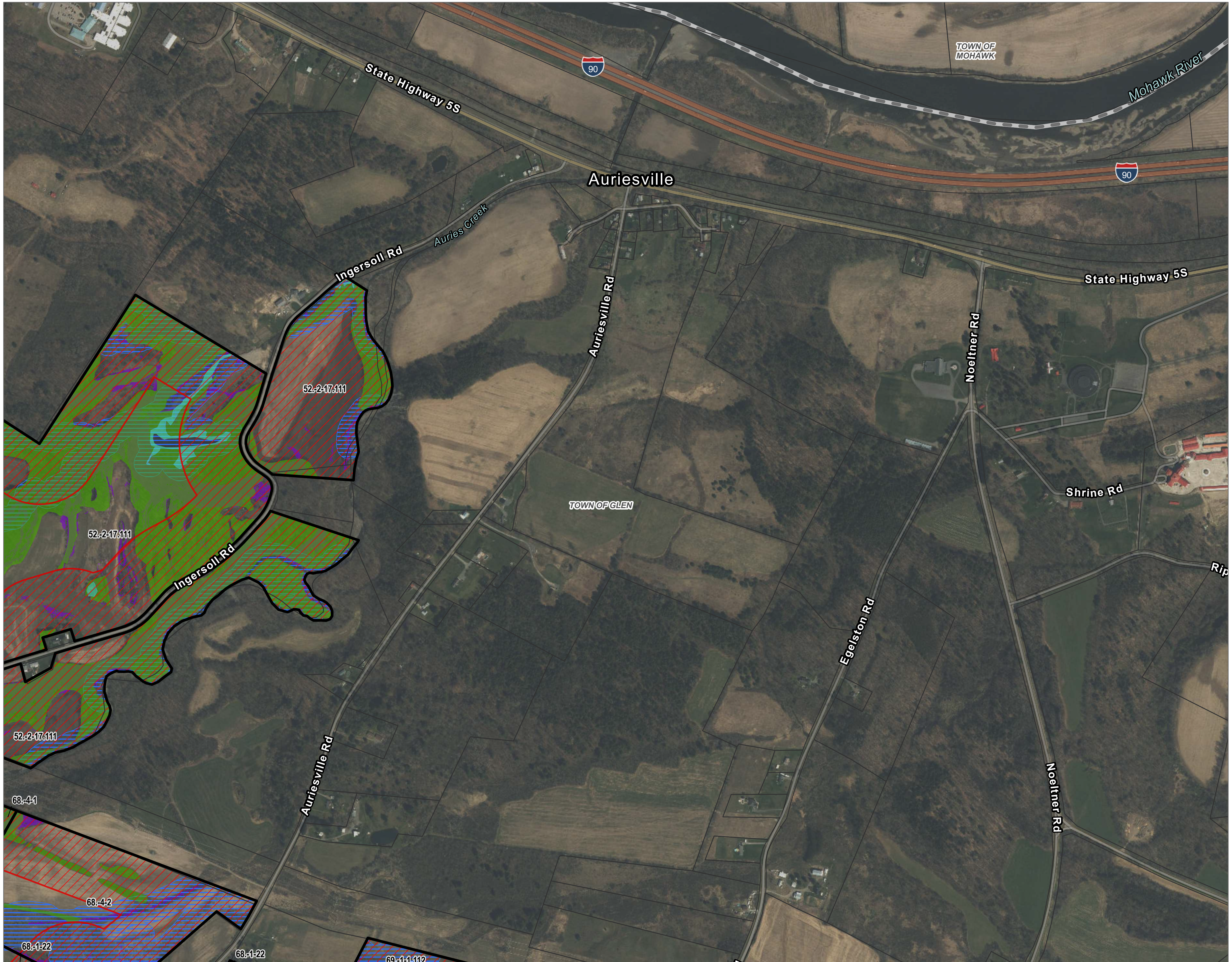
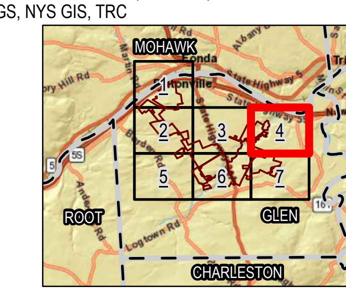


PARCEL BOUNDARIES
FACILITY SITE
LOCAL SETBACKS
500FT SETBACK FROM NON-PARTICIPATING PARCELS
FORESTED LANDCOVER
FORESTED WETLANDS
SLOPE 15%+
100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS
TOWN BOUNDARY
VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet
0 400 800 FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 1** MAP 4 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

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PARCEL BOUNDARIES

FACILITY SITE

LOCAL SETBACKS

500FT SETBACK FROM NON-PARTICIPATING PARCELS

FORESTED LANDCOVER

FORESTED WETLANDS

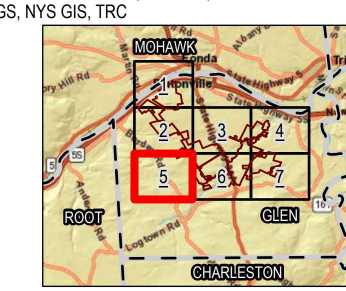
SLOPE 15%+

100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS

TOWN BOUNDARY

VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet

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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 1** MAP 5 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

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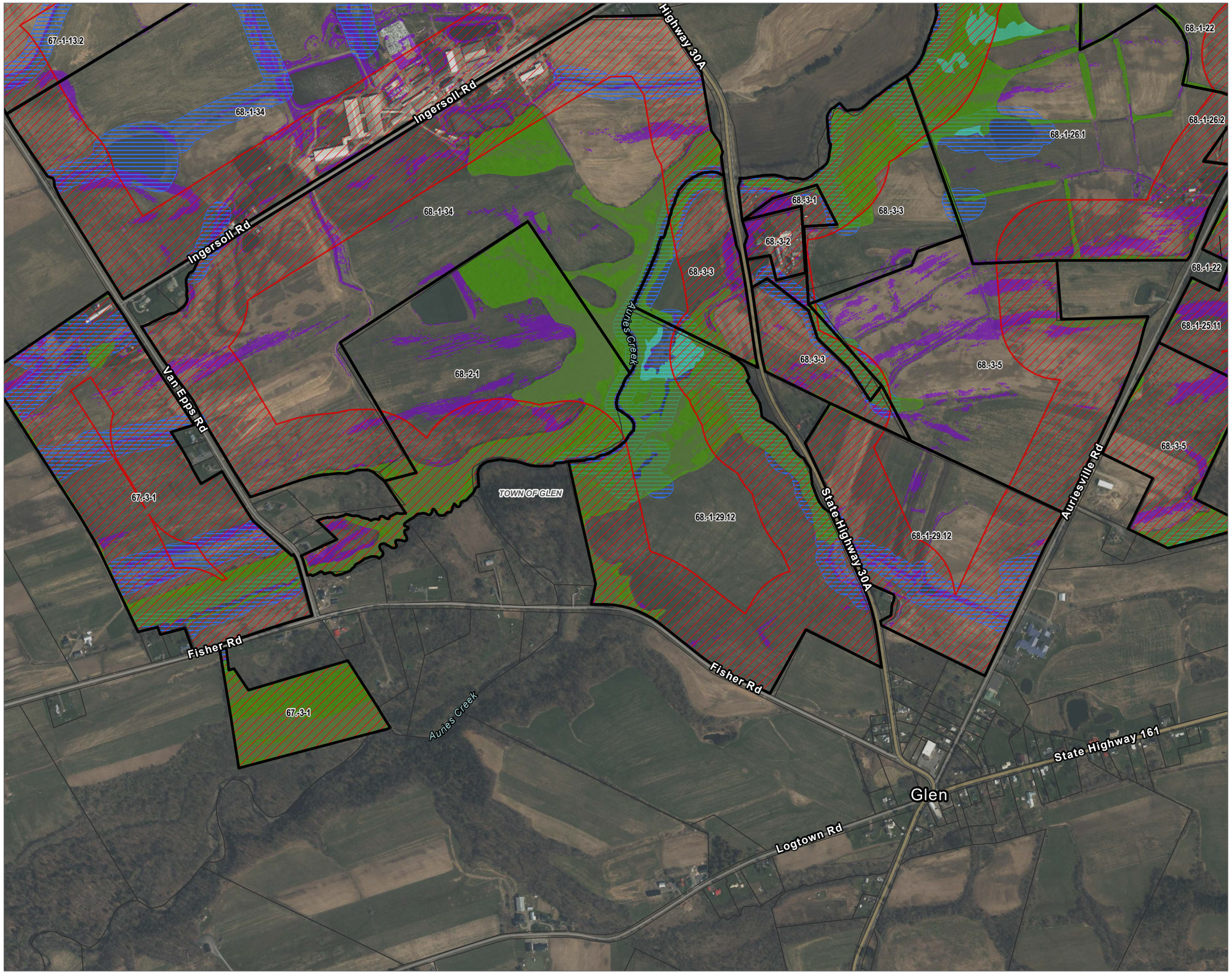

PARCEL BOUNDARIES

FACILITY SITE

LOCAL SETBACKS

500FT SETBACK FROM NON-PARTICIPATING PARCELS

FORESTED LANDCOVER

FORESTED WETLANDS

SLOPE 15%+

100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS

TOWN BOUNDARY

VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC

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1" = 800 Feet

0 400 800
FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
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APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

FIGURE 1
MAP 6 OF 7

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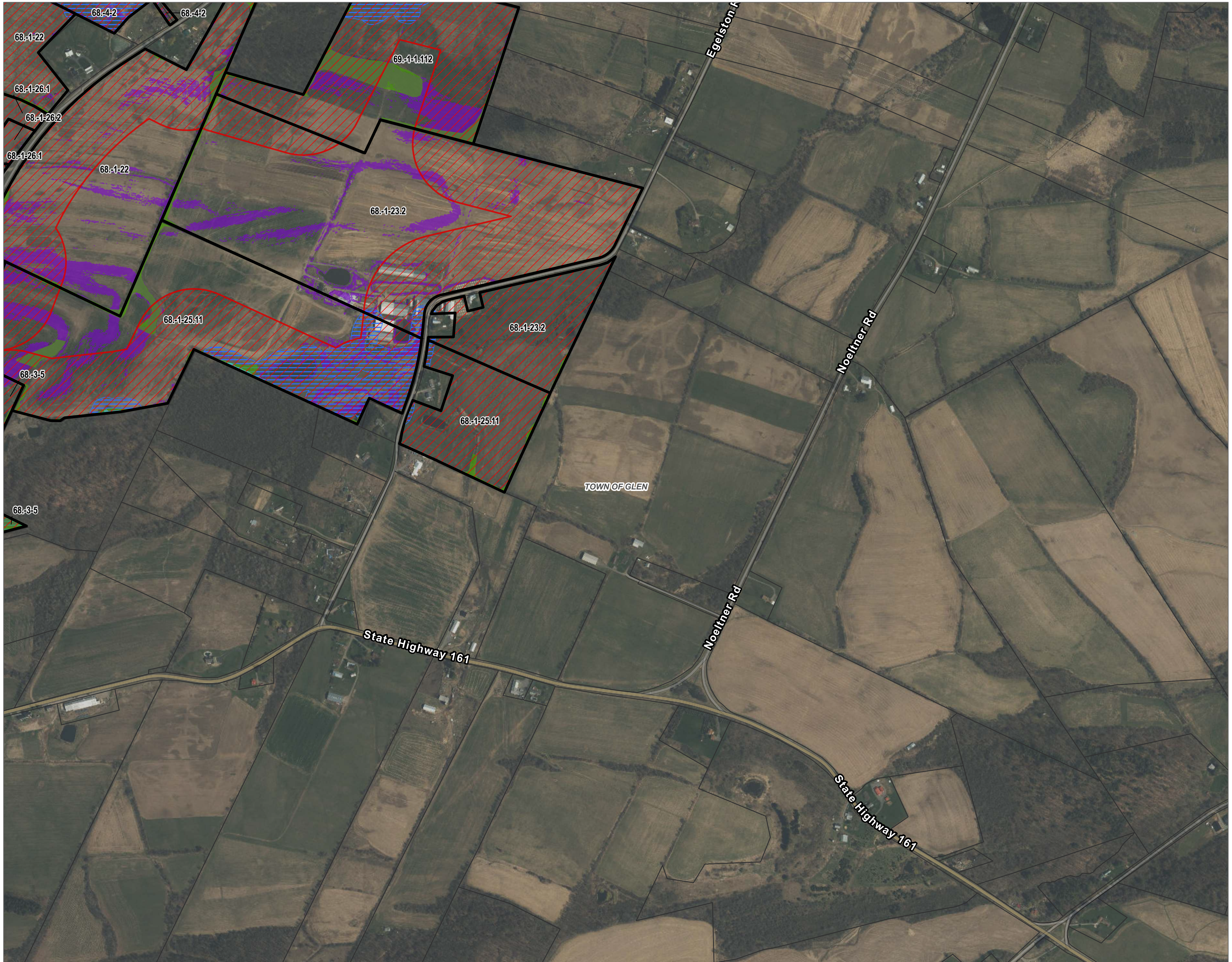

PARCEL BOUNDARIES

FACILITY SITE

LOCAL SETBACKS

500FT SETBACK FROM NON-PARTICIPATING PARCELS

FORESTED LANDCOVER

FORESTED WETLANDS

SLOPE 15%+

100 FT SETBACK ON USACE AND STATE WETLANDS AND STREAMS

TOWN BOUNDARY

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BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
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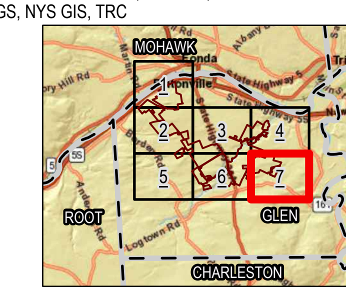

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1" = 800 Feet

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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
TOTAL CONSTRAINTS MAP

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 1** MAP 7 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	DECEMBER 2023		

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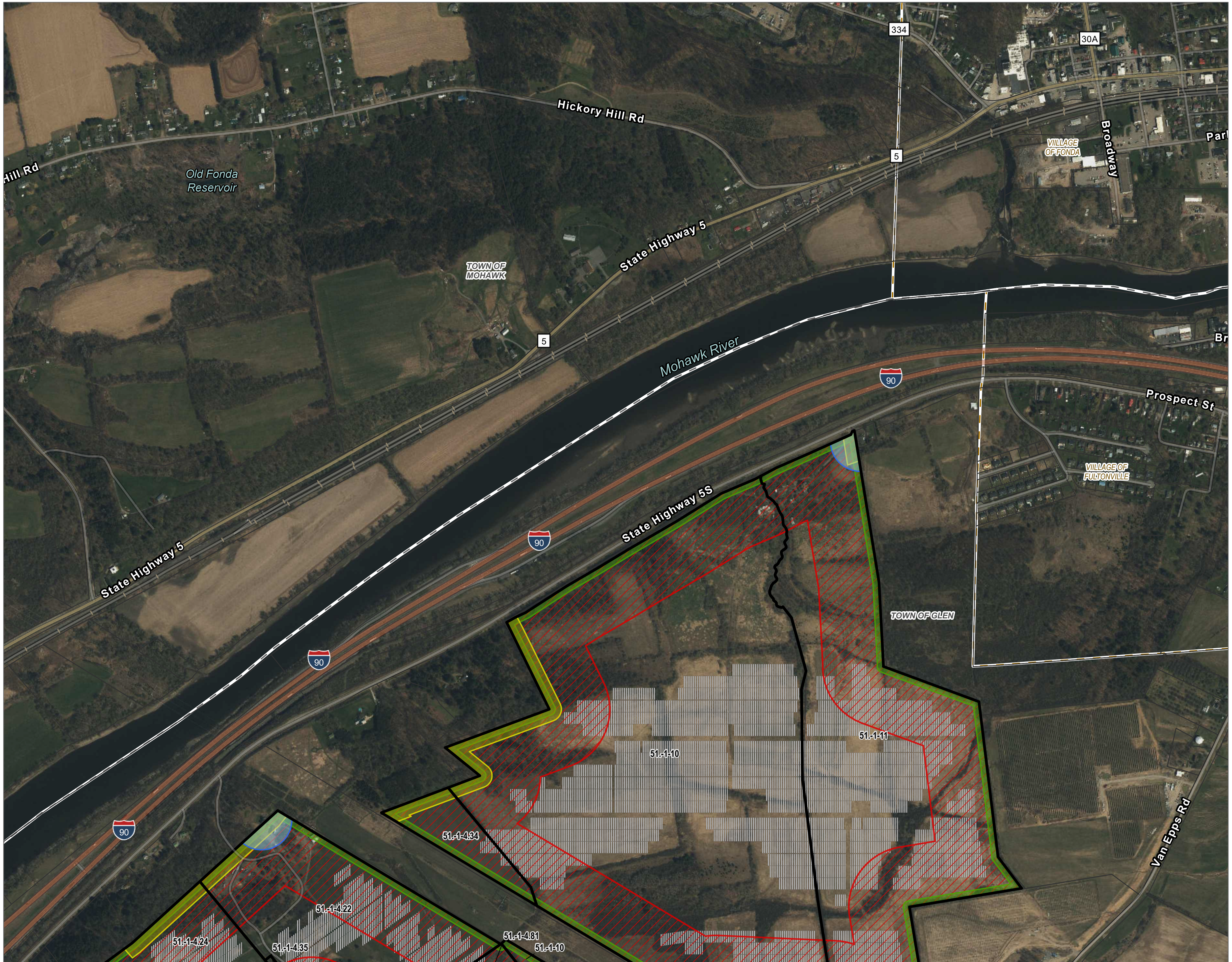
Figure 2. Local Setbacks



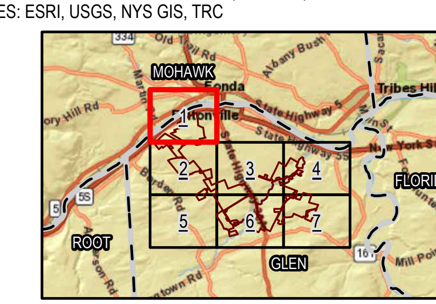
LOCAL SETBACKS

- 500FT SETBACK FROM NON-PARTICIPATING PARCELS

ORES SETBACKS

- 250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES
- 100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES
- 50FT SETBACK FROM NON-PARTICIPATING PROPERTY LINES (NON-RES)
- 50FT SETBACK FROM PUBLIC ROADS
- ARRAY PANELS
- FACILITY SITE
- PARCEL BOUNDARIES
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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1" = 800 Feet
0 400 800 FEET

PROJECT:	CONNECTGEN MONTGOMERY COUNTY LLC MILL POINT SOLAR I TOWN OF GLEN, MONTGOMERY COUNTY, NY
TITLE:	LOCAL SETBACKS
DRAWN BY: A. KAILAS	PROJ. NO.: 411360
CHECKED BY: C. PEARCE	FIGURE 2 MAP 1 OF 7
APPROVED BY: T. KONDAK	
DATE: JANUARY 2024	

TRC
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PHONE: 518.348.1190

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LOCAL SETBACKS

- 500FT SETBACK FROM NON-PARTICIPATING PARCELS

ORES SETBACKS

- 250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES
- 100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES
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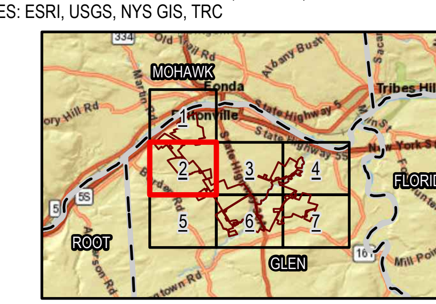
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



N

1:9,600
1" = 800 Feet
0 400 800 FEET

PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

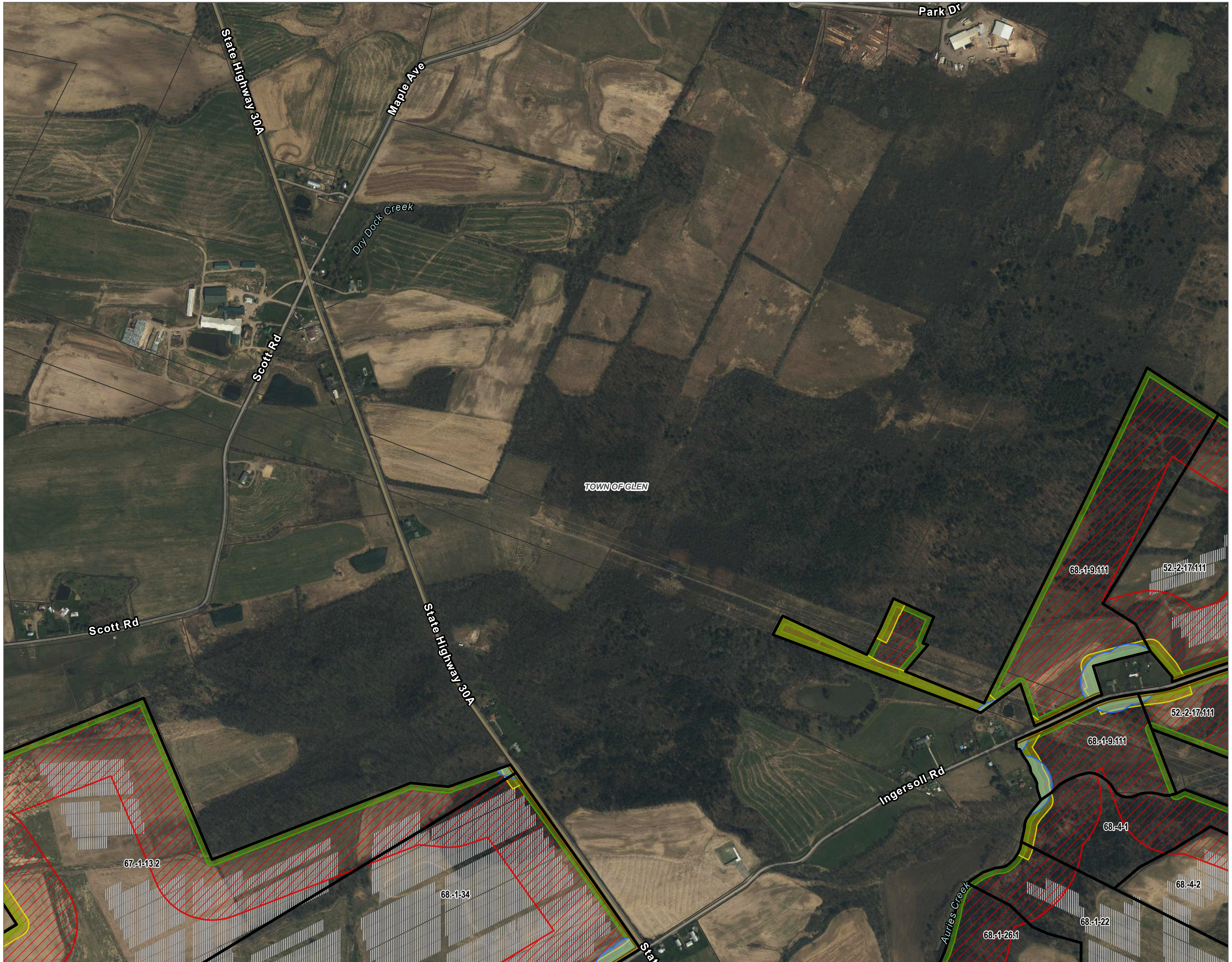
DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 2**	
APPROVED BY:	T. KONDAK	MAP 2 OF 7	
DATE:	JANUARY 2024		

TRC

3 CORPORATE DRIVE
SUITE 202
CLIFTON PARK, NY 12065
PHONE: 518.348.1190

FILE: MILL_POINT_94C_EX24.APRX

Coordinate System: NAD 1983 StatePlane New York East FIPS 3101 Feet; Map Rotation: 0



LOCAL SETBACKS

500FT SETBACK FROM NON-PARTICIPATING PARCELS

ORES SETBACKS

250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES

100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES

50FT SETBACK FROM NON-PARTICIPATING PROPERTY LINES (NON-RES)

50FT SETBACK FROM PUBLIC ROADS

ARRAY PANELS

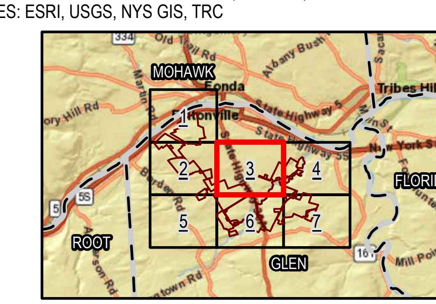
FACILITY SITE

PARCEL BOUNDARIES

TOWN BOUNDARY

VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 2**	
APPROVED BY:	T. KONDAK	MAP 3 OF 7	
DATE:	JANUARY 2024		

TRC

3 CORPORATE DRIVE
SUITE 202
CLIFTON PARK, NY 12065
PHONE: 518.348.1190

FILE: MILL_POINT_94C_EX24.APRX

Coordinate System: NAD 1983 StatePlane New York East FIPS 3101 Feet; Map Rotation: 0
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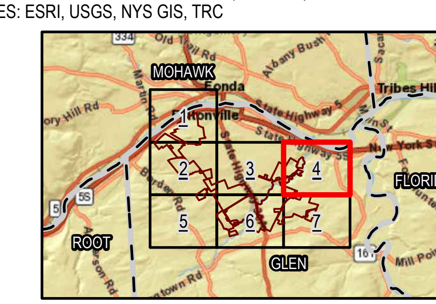
LOCAL SETBACKS
- 500FT SETBACK FROM NON-PARTICIPATING PARCELS

ORES SETBACKS
- 250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES
- 100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES
- 50FT SETBACK FROM NON-PARTICIPATING PROPERTY LINES (NON-RES)
- 50FT SETBACK FROM PUBLIC ROADS
- ARRAY PANELS
- FACILITY SITE
- PARCEL BOUNDARIES
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	FIGURE 2 MAP 4 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	JANUARY 2024		

TRC
3 CORPORATE DRIVE
SUITE 202
CLIFTON PARK, NY 12065
PHONE: 518.348.1190

FILE: MILL_POINT_94C_EX24.APRX

Coordinate System: NAD 1983 StatePlane New York East FIPS 3101 Feet; Map Rotation: 0
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LOCAL SETBACKS

- 500FT SETBACK FROM NON-PARTICIPATING PARCELS

ORES SETBACKS

- 250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES
- 100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES
- 50FT SETBACK FROM NON-PARTICIPATING PROPERTY LINES (NON-RES)
- 50FT SETBACK FROM PUBLIC ROADS
- ARRAY PANELS
- FACILITY SITE
- PARCEL BOUNDARIES
- TOWN BOUNDARY
- VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
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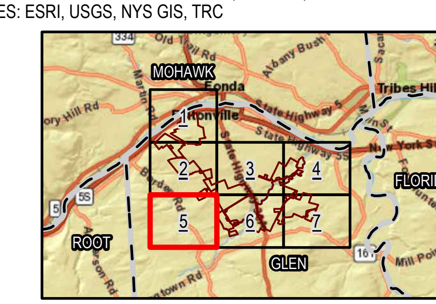

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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 2**	
APPROVED BY:	T. KONDAK	MAP 5 OF 7	
DATE:	JANUARY 2024		

TRC

3 CORPORATE DRIVE
SUITE 202
CLIFTON PARK, NY 12065
PHONE: 518.348.1190

FILE: MILL_POINT_94C_EX24.APRX

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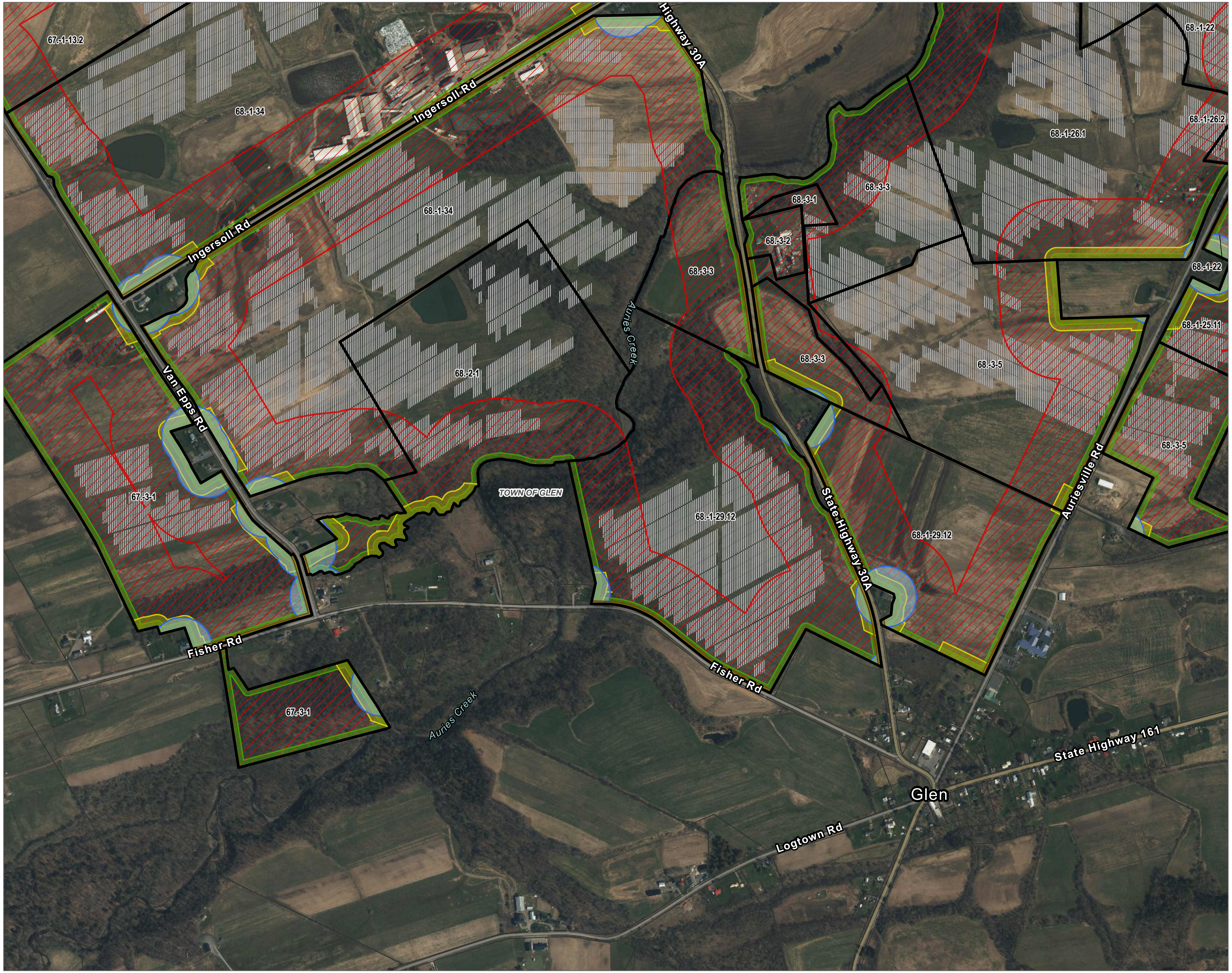

LOCAL SETBACKS

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50FT SETBACK FROM PUBLIC ROADS

ARRAY PANELS

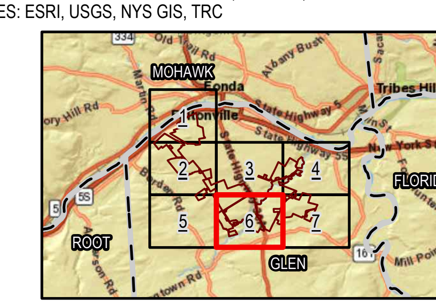
FACILITY SITE

PARCEL BOUNDARIES

TOWN BOUNDARY

VILLAGE BOUNDARY

BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
DATA SOURCES: ESRI, USGS, NYS GIS, TRC



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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	FIGURE 2 MAP 6 OF 7	
APPROVED BY:	T. KONDAK		
DATE:	JANUARY 2024		

TRC

3 CORPORATE DRIVE
SUITE 202
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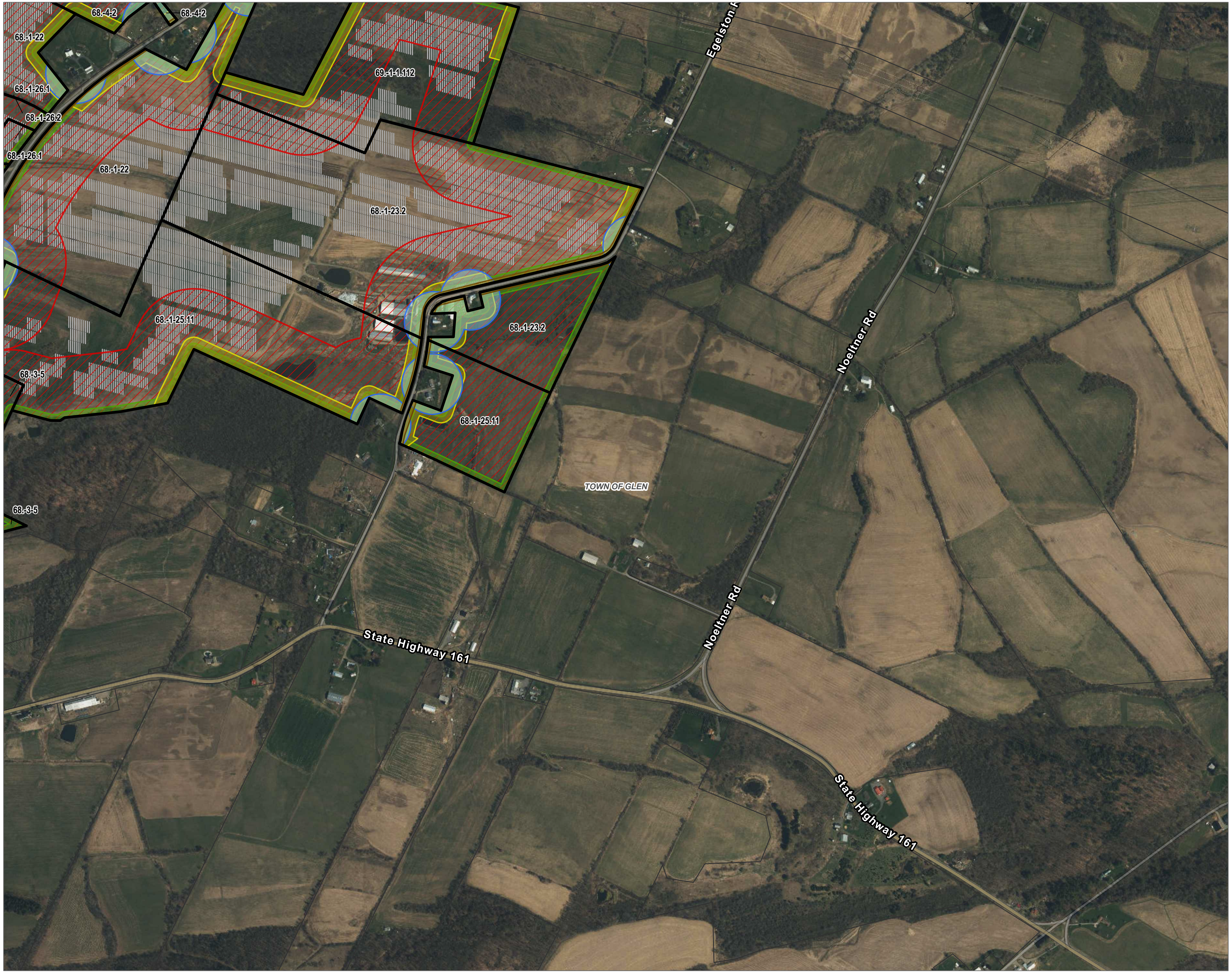

LOCAL SETBACKS

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- 250FT SETBACK FROM NON-PARTICIPATING OCCUPIED RESIDENCES
- 100FT SETBACK FROM NON-PARTICIPATING RESIDENTIAL PROPERTY LINES
- 50FT SETBACK FROM NON-PARTICIPATING PROPERTY LINES (NON-RES)
- 50FT SETBACK FROM PUBLIC ROADS
- ARRAY PANELS
- FACILITY SITE
- PARCEL BOUNDARIES
- TOWN BOUNDARY
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BASE MAP: ESRI WORLD IMAGERY SERVICE (3/30/2022)
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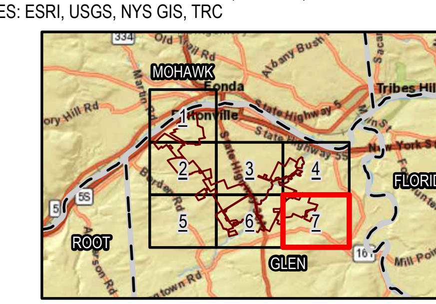

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PROJECT:
CONNECTGEN MONTGOMERY COUNTY LLC
MILL POINT SOLAR I
TOWN OF GLEN, MONTGOMERY COUNTY, NY

TITLE:
LOCAL SETBACKS

DRAWN BY:	A. KAILAS	PROJ. NO.:	411360
CHECKED BY:	C. PEARCE	**FIGURE 2**	
APPROVED BY:	T. KONDAK	MAP 7 OF 7	
DATE:	JANUARY 2024		

TRC
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