

Appendix 2-5

**Local Agency Meeting PowerPoint**





# Brookside Solar Project

Section 94-c Local Agency Meeting

Towns of Burke and Chateaugay,  
Franklin County, New York

**March 12, 2021**





# Purpose

---

## **The purpose of today's meeting:**

- Present project information and updates
- Provide information on the New York State 94-c permitting process
  - Review substantive laws
  - Fulfill the public engagement requirement of 94-c
- Information about next steps in project development

# Introductions

---



**Michael Farrell**

*Senior Manager*  
**AES**



**Brett Hastings**

*Senior Manager*  
**AES**



**Eric Will**

*Senior Manager*  
**AES**



**Jim Muscato**

*Permitting Counsel*  
**Young/Sommer**



**Hayley Effler**

*Environmental Permitting  
Project Manager*  
**TRC**

# Agenda

1. About AES
2. Brookside Solar Project Overview
3. NYS Regulatory Overview
4. Update on Studies
5. Next Steps





**S·POWER**  
An AES and AIMCo Company

sPower has merged with The AES Corporation's (AES)  
US-based clean energy development business:  
AES Clean Energy



- sPower had been jointly-owned by AES and Alberta Investment Management Corporation (AIMco) since 2017
- On December 10, 2020, sPower acquired the Brookside Solar Project from National Grid Renewables
- AES and sPower merged on January 4, 2021
- This merger does not impact the timeline of the project



# About AES

## MISSION

Accelerating the future of energy, together.

4

CONTINENTS

14

COUNTRIES

AES IS ENERGIZED BY A GLOBAL WORKFORCE OF APPROXIMATELY

8,200 PEOPLE

## VALUES



Safety first



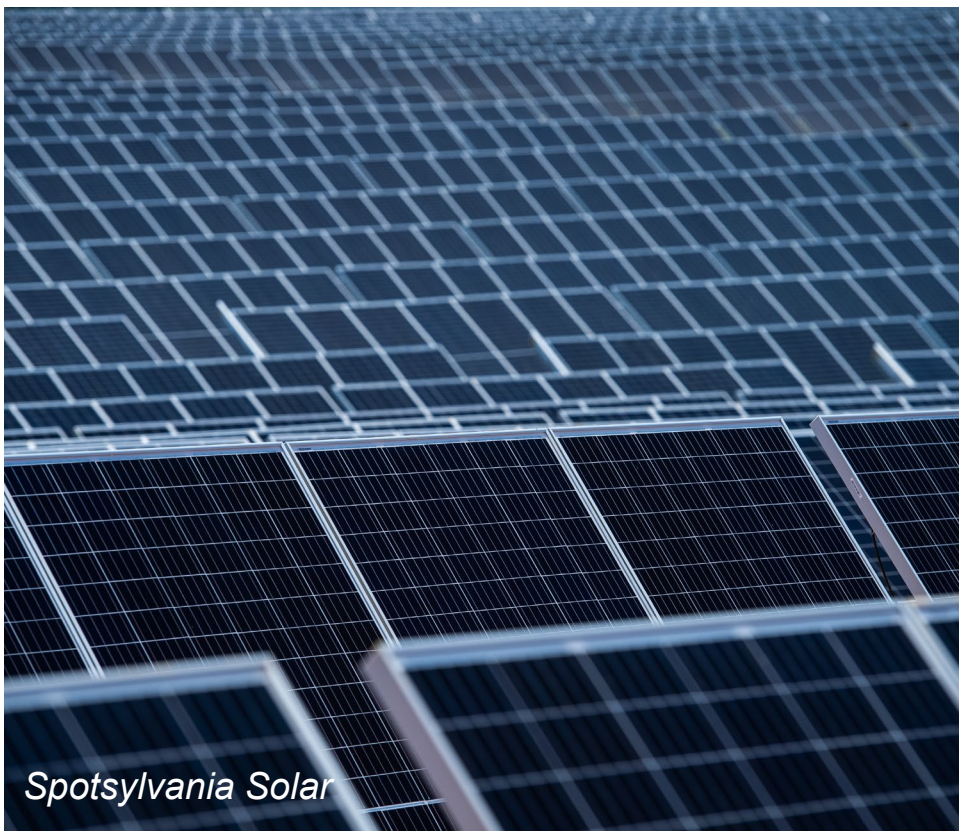
Highest standards



All together



Monroe County Solar



Spotsylvania Solar

AES Serves

2.5M

CUSTOMERS

30.3<sub>GW</sub> Operating Capacity

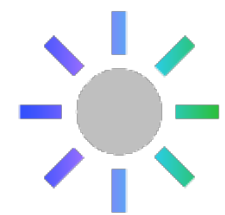
Capacity Under Construction 1.85<sub>GW</sub>



# AES Clean Energy

*AES Clean Energy is leveraging solar, wind, and storage to deliver customizable renewable energy solutions*

## AES CE Operating Portfolio: 3.3 GW



2.0 GW



1.1 GW



224 MW

## AES CE Development Portfolio: 12 GW

### AES CE in NY:

Operating Portfolio: 161 MW

Development Portfolio: 1.43 GW



Riverhead I Solar



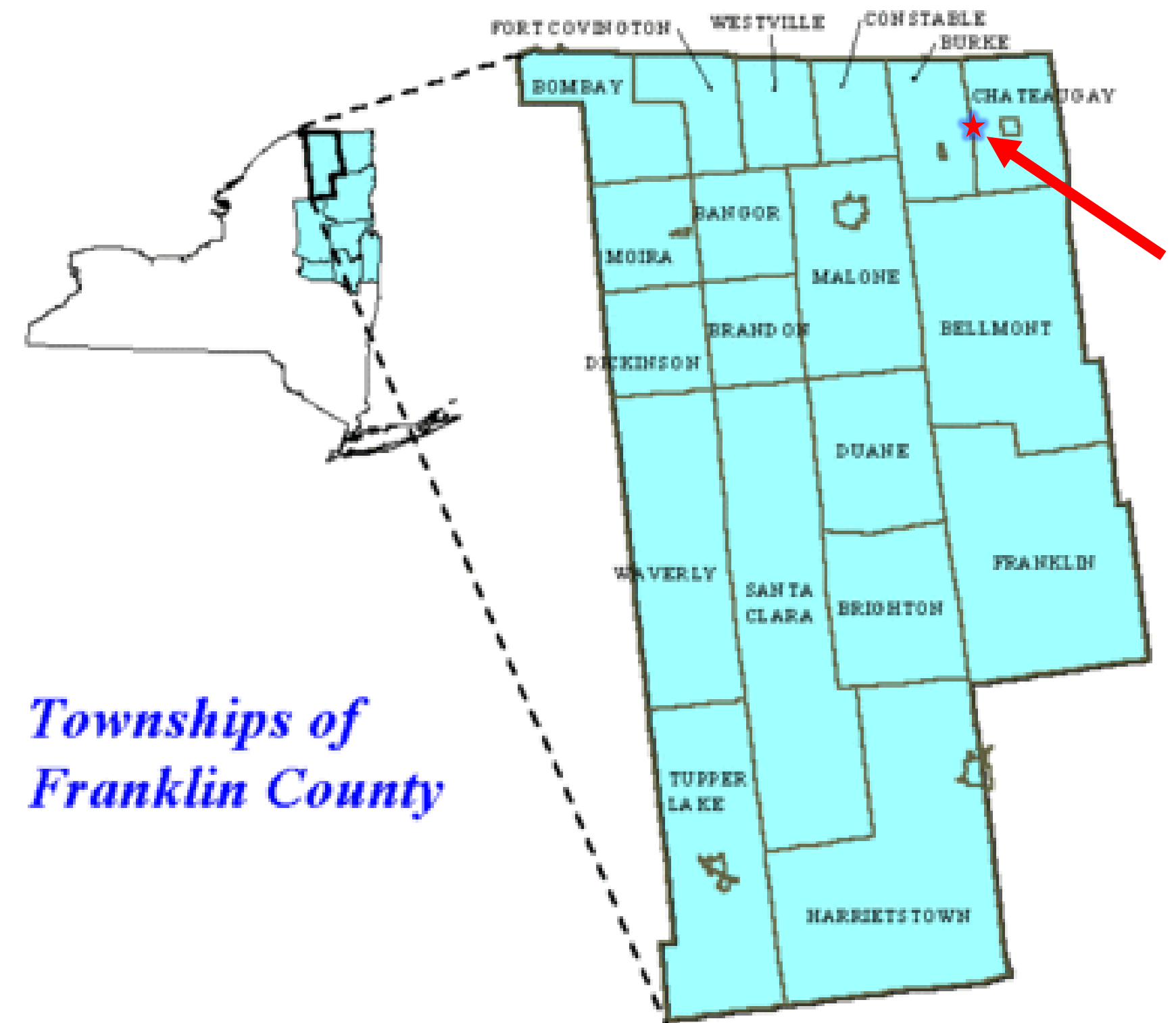
---

# Brookside Solar Project Overview



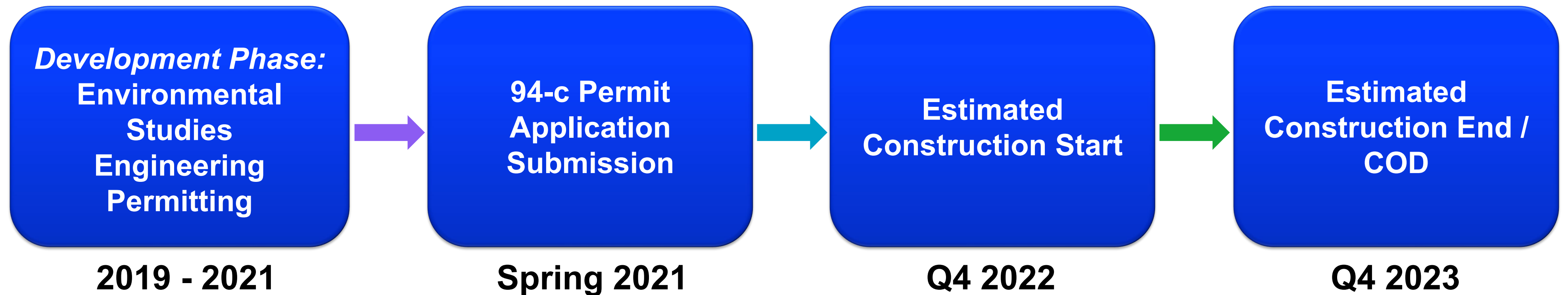
# Brookside Solar Project Overview

- **Nameplate Capacity:** 100 MW solar + 20 MW battery storage (adjacent to project substation)
- **Location:** Towns of Burke and Chateaugay, Franklin County, NY
- **Point of Interconnection:** Chateaugay-Willis 115kV transmission line
- **Project Footprint:** ~1,100 acres
- **Env Benefits:** reduce CO<sub>2</sub> emissions by ~131,000 metric tons per year (equivalent to powering ~16,500 homes per year)
- **Expected Commercial Operation Date (COD):** December 2023



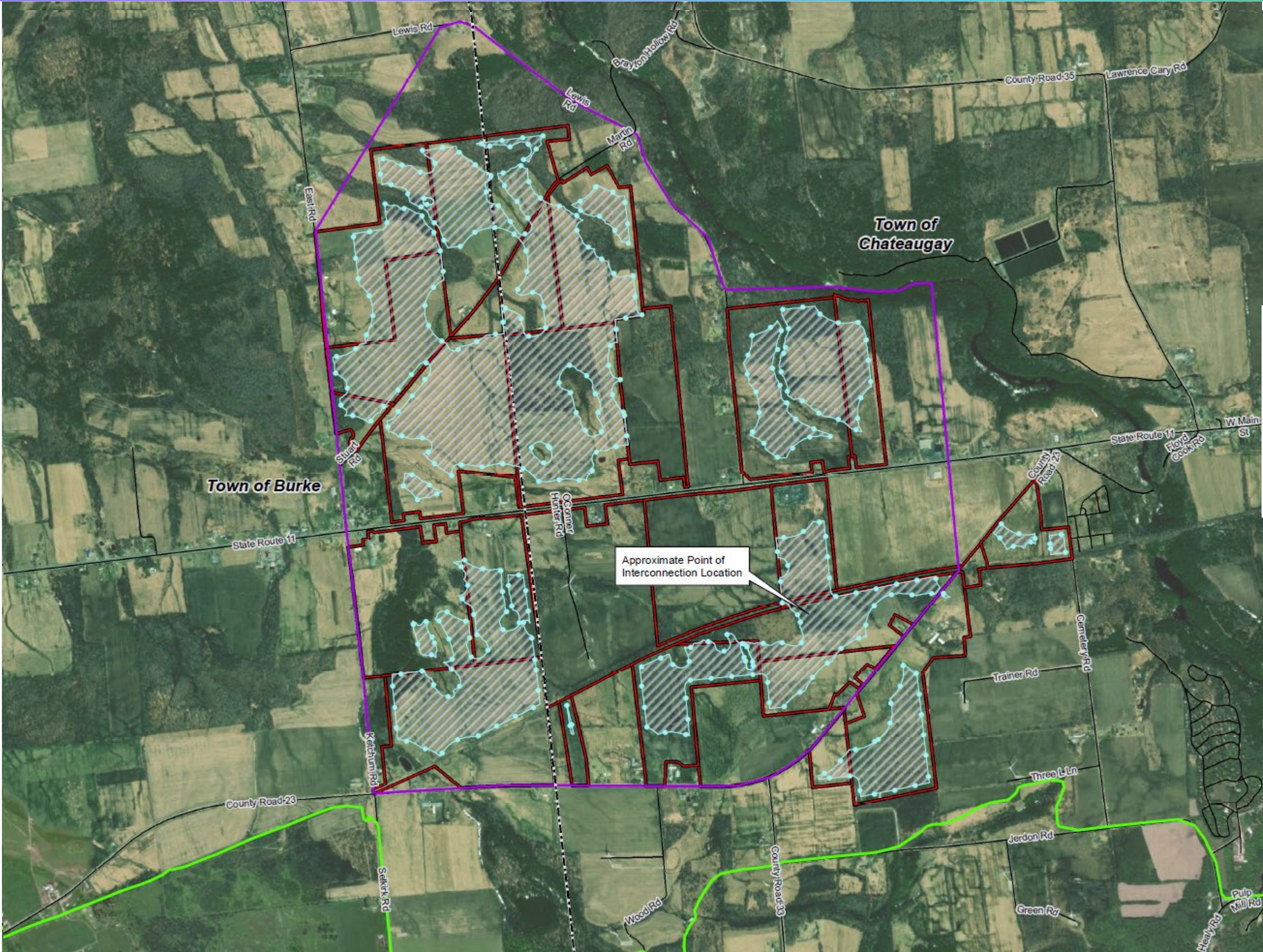


# Expected Project Timeline





# Brookside Solar Preliminary Project Layout



- LEGEND**
- ORIGINAL PROJECT AREA
  - CURRENT PROJECT AREA
  - CONCEPTUAL FENCE LINE
  - PV ARRAY AREA
  - MAPPED SNOWMOBILE TRAIL



# Economic Benefits

---

- ~\$150 million in capital investment
- ~\$9 million in estimated tax over 20 years of operation to Franklin County, the Towns of Burke & Chateaugay, and the Chateaugay Central School District
  - Project does not require additional services, so no pressure on local services/resources
- \$500/MW per year electric utility bill credit
  - Electricity credits distributed among the residential utility customers within Burke & Chateaugay for ten years (total of \$500,000)
- Host Community Agreement (HCA) with Towns of Burke & Chateaugay
- 150+ jobs during construction
- 2-3 full-time equivalent jobs
- Increased local spending



# AES as a Neighbor & Partner

---

- AES is committed to being a good neighbor by:
  - Developing, owning and operating Brookside Solar over the life of the project
  - Engaging local schools and the community through sponsorships, partnerships, presentations and site tours
  - Following our updated Public Involvement Program Plan (created within Art 10)
- We strive to support local initiatives, especially related to economic development, the environment, energy efficiency and STEM education.






# Community Engagement

- Virtual open houses and community meetings in May 2020 and March 2021
- Meetings with:
  - Landowners
  - Burke and Chateaugay Town Board Members
  - Franklin County officials
  - NYS Assemblyman Billy Jones
  - Community stakeholders:
    - Adirondack Snowdrifters Snowmobile Club, Inc.
    - North Country Chamber of Commerce
    - Local Fire Departments and First Responders
    - Chateaugay Historical Society
    - Adirondack North County Association
    - IBEW Local 910



# Community Engagement: Hearing from you!

- We welcome suggestions on how to further engage with you
- You can contact us via our:
  -  **Toll-free number: 866-757-7697**
  -  **Project Email: [brookside-solar@aes.com](mailto:brookside-solar@aes.com)**
  -  **Project Website: [www.aes.com/brookside-solar-project](http://www.aes.com/brookside-solar-project)**
- **Virtual Office Hours** via our toll-free number
  - Mondays: 11am - 1pm
  - Thursdays: 4pm - 6pm
- If you call outside of these hours, we will return your call ASAP

---

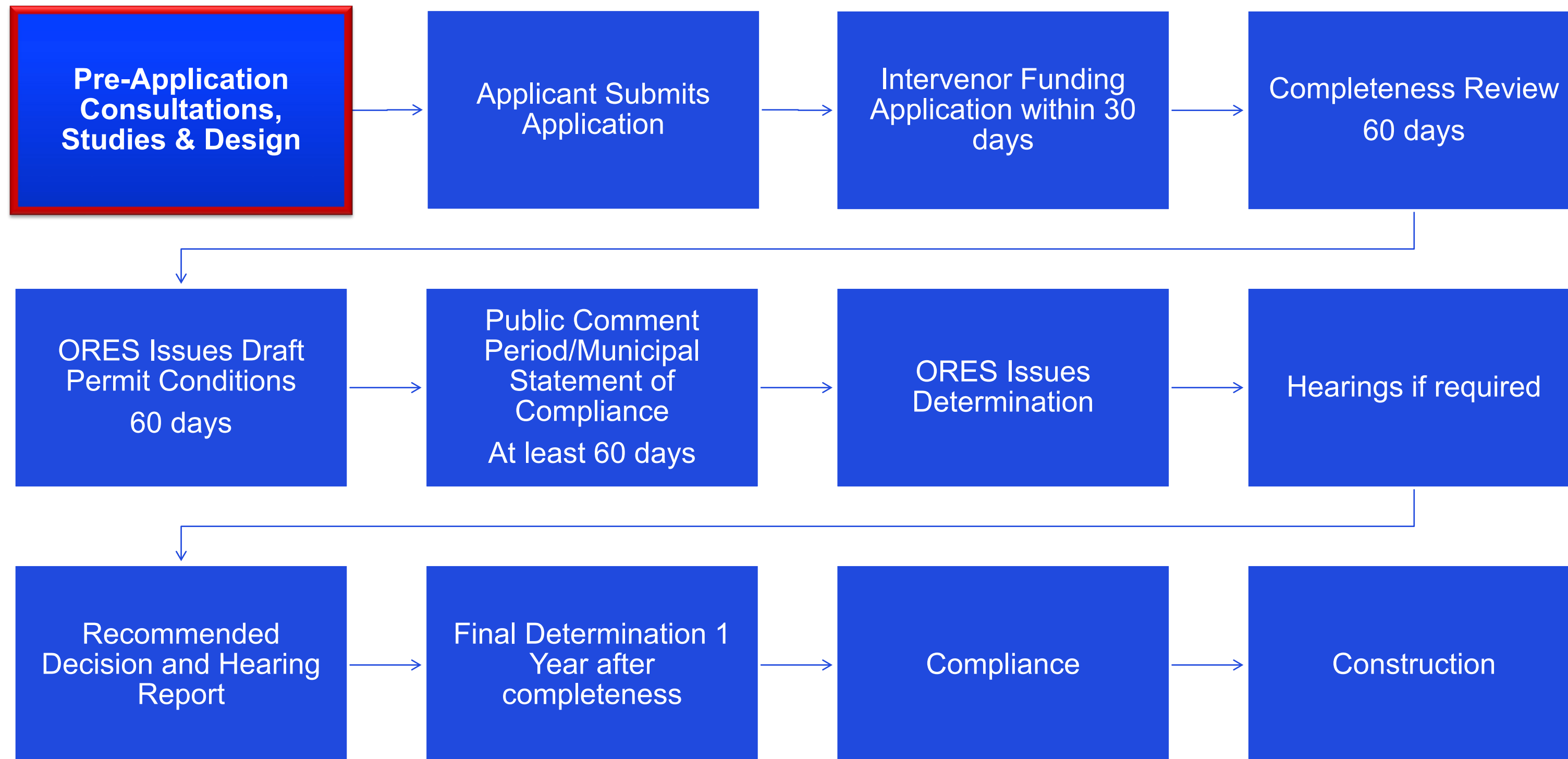
# NYS Regulatory Overview



# Overview of Section 94-c Process

- In 2020, New York State introduced a new permitting process for large scale renewable energy projects, the “Section 94-c” process.
- Review and decision will be made by the Office of Renewable Energy Siting (ORES) within the Department of State – draft Regulations and Uniform Standards and Conditions (USC) were issued by ORES on September 16, 2020, with a public comment period through December 6, and are anticipated to be final before April 2021.
- Provides for election to transition into process for existing Article 10 Projects.
- **Requires pre-application consultations with state agencies, host municipalities, and meetings with community members.**
- Uniform Standards and Conditions (“USCs”) outline design requirements for large scale projects to standardize design expectations regarding setbacks and potentially sensitive resources. Site specific requirements will also augment the USCs.
- Projects must be designed to avoid or minimize, to the maximum extent practicable, potentially significant adverse environmental impacts.

# Section 94-c Schedule Overview





# Overview of 94-c and Municipalities

---

- ORES must make finding that the project complies with applicable substantive local laws and regulations.
- Similar to Article 10, ORES can elect not to apply a local law that is unreasonably burdensome in view of CLCPA targets and environmental benefits of the project.
- Requires municipalities to submit a statement of compliance with local laws at least 60 days after issuance of the draft permit.
- Local community intervenors and host towns are able to seek intervenor funds (\$1,000/MW).
- 75% of funds reserved for municipalities.
- Must apply for funds within 30 days of application filing.
- Requires host community benefit.

# Local Law Consultations

- Section 94-c supersedes local procedural requirements, such as permits and approvals which would otherwise be required by the host municipalities for construction and operation of the Facility (i.e., site plan, special use permit or variance approvals).
- Local substantive requirements (i.e., setbacks, height limits, lot coverage requirements) will still be applied to the Facility by ORES unless it elects to not apply the requirements because it finds them to be unreasonably burdensome.
- **94-c requires that applicants consult with local municipalities to determine what local substantive requirements apply to the Facility and whether design changes to the Facility can remove the need to request that ORES elect to not apply those requirements.**
- Brookside Solar has researched potentially applicable local ordinances, laws, resolutions, regulations, standards and other requirements of a substantive nature required for the construction or operation of the proposed Facility.
- Applicant is seeking to develop the facility in accordance with the substantive requirements of the local laws and expects to work closely with the Towns on these requirements going forward.



# Local Law Substantive Requirements

---

## **Town of Burke Solar Energy Law (2019)**

- Section 7. Permitting Requirements for Tier 3 Solar Energy Systems
- c. Applications
- vii. General Requirements
- § (1)-(14)

## **Town of Chateaugay Solar Energy Law (2019)**

- Section 7. Permitting Requirements for Tier 3 Solar Energy Systems
- c. Applications
- vii. General Requirements
- § (1)-(14)



# Local Law / 94-c: Examples of Differences

## Towns of Burke & Chateaugay Local Laws

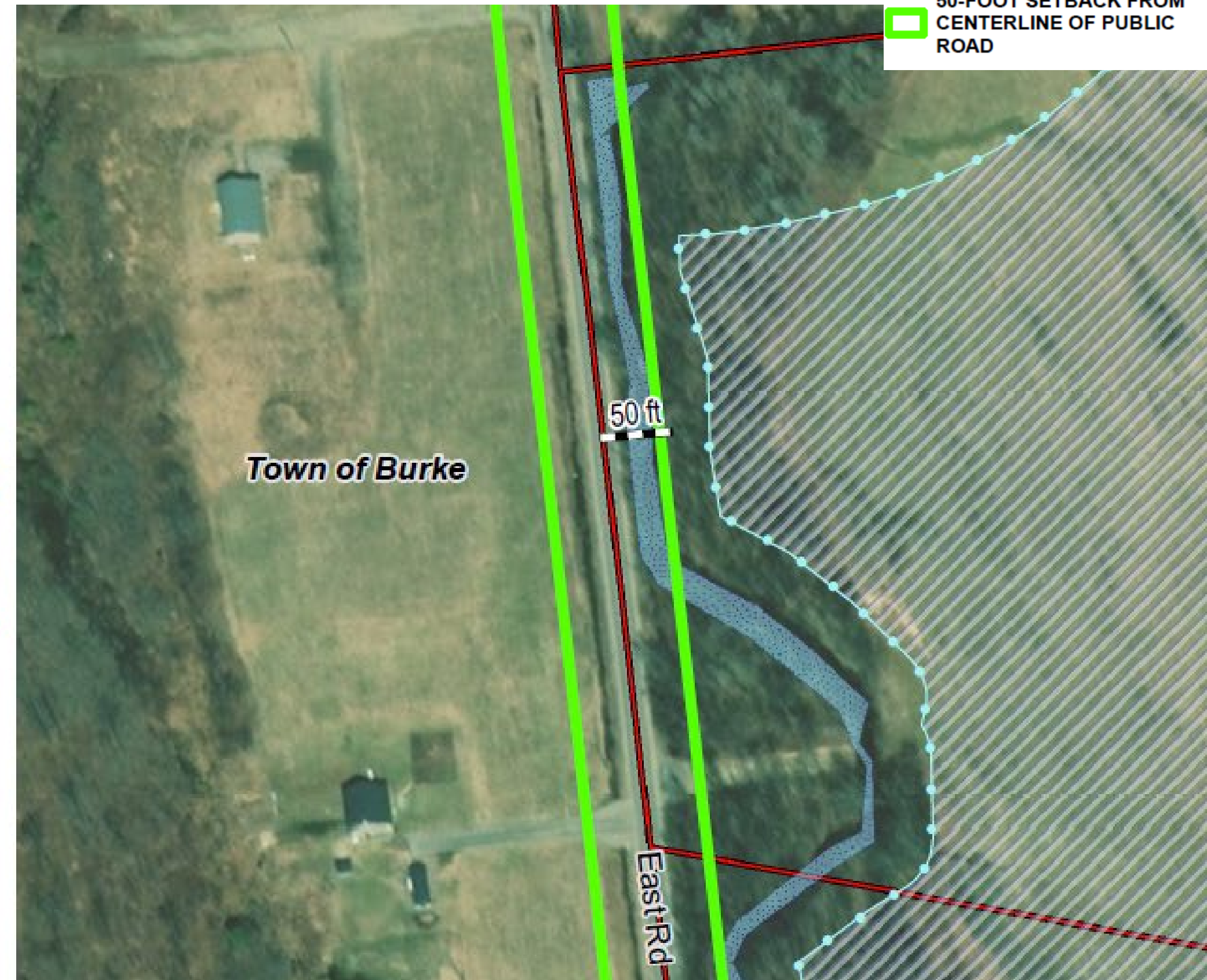
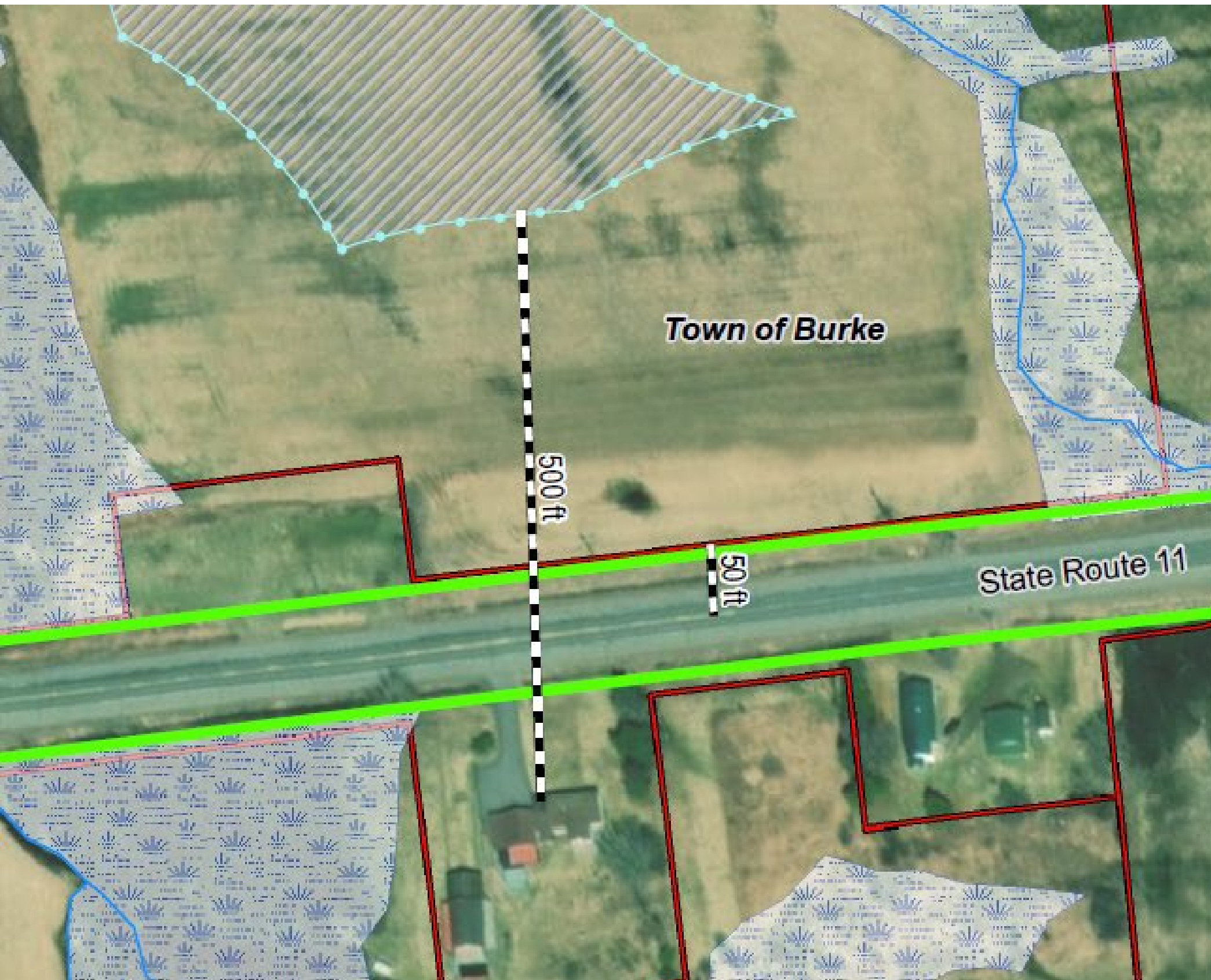
- There is a set back requirement of 500 feet from any non-participating residential structure and 50 feet from the right of way of any public road or private right of way. An affected homeowner may irrevocably waive the residential setback requirements, in writing, which must be signed and notarized and filed with the application
- All on-site utility lines shall be placed 48 inches underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way
- The amount of the bond of security shall be 125% of the cost of removal of the Tier 3 Solar energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System
- Inverters shall be located or installed in such a manner as to minimize or eliminate any possible noise as measured at the nearest lot line

## 94-c Regulations

- 250 feet from non-participating residential structure and 100 feet from non-participating residential property lines, 50 feet from non-participating non-residential property lines, 50 feet from centerline of roadway
- The electrical collection system shall be located underground, to the extent practicable. Structures shall only be constructed overhead for portions where necessary based on engineering, construction, or environmental constraints
- Estimate shall include a fifteen (15) percent contingency cost. Letter(s) of credit or other assurances shall be updated one year of facility operation and every fifth year thereafter specifying changes (due to inflation or other cost increases)
- A maximum noise limit of forty-five (45) dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence or across any portion of non-participating property

# Regulatory Setback Example: Burke

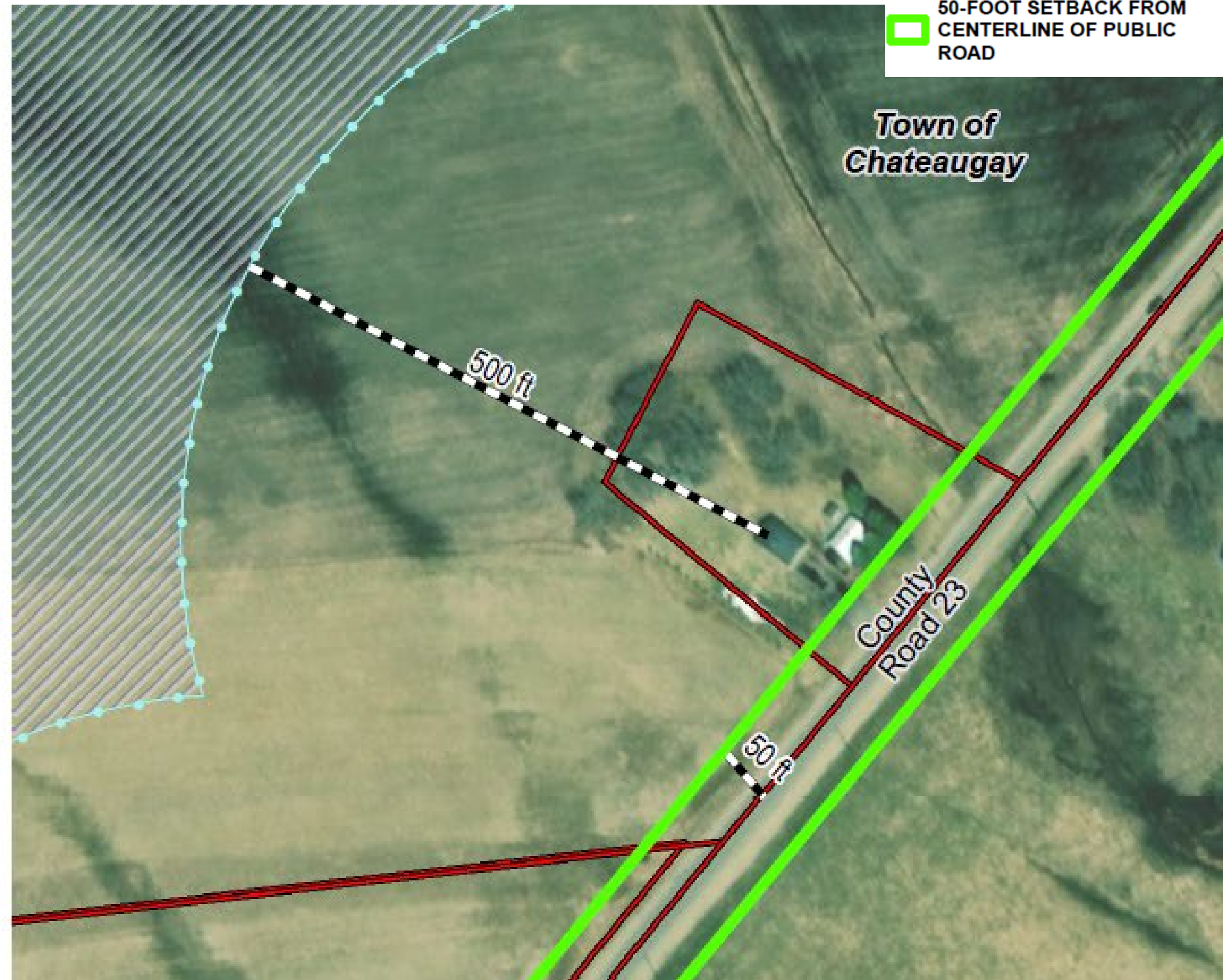
- LEGEND**
- PROJECT AREA
  - CONCEPTUAL FENCE LINE
  - PV ARRAY AREA
  - DELINEATED STREAM LINE
  - DELINEATED WETLAND
  - DELINEATED SURFACE WATER
  - 50-FOOT SETBACK FROM CENTERLINE OF PUBLIC ROAD





# Regulatory Setback Example: Chateaugay

- LEGEND**
- PROJECT AREA
  - CONCEPTUAL FENCE LINE
  - PV ARRAY AREA
  - DELINEATED STREAM LINE
  - DELINEATED WETLAND
  - DELINEATED SURFACE WATER
  - 50-FOOT SETBACK FROM CENTERLINE OF PUBLIC ROAD



# Other Consultations

- **Land Use**
  - Consult with local planning officials on proposed land uses in the study area.
- **Visual Impact Assessment**
  - Confer with municipality on selection of viewpoints.
- **Cultural Resources**
  - Consult with local historic preservation groups to identify sites or structures listed or eligible for listing in the State or National Register of Historic Places.
- **Transportation**
  - Consult with municipality on public roadways and routes for Facility operation and construction.
- **Socioeconomic**
  - Consult with municipality on any increase services during construction and operation of facility.
- **Health and Safety**
  - Consult with local emergency responders on health and safety plans.



# Site Restoration and Decommissioning

---

- **§ 900-2.24 Exhibit 23: Site Restoration and Decommissioning**
  - A Decommissioning and Site Restoration Plan detailing: Safety and the removal of hazardous conditions; Environmental Impacts; Aesthetics; Recycling; Potential future uses for the site; Funding; and Schedule.
  - A gross and net decommissioning and site restoration estimate.
  
- **§ 900-10.2 Pre-Construction Compliance Filings**
  - A final Decommissioning and Site Restoration Plan and decommissioning and site restoration estimate will be provided as a Compliance Filing.

# Local Agency Account Funds

## What is Local Agency Account Funding:

Intervenor funding is money that Applicants such as Brookside make available to qualified, locally affected parties and municipalities to offset certain expenses they incur in participating in the state permitting process. These funds were created to encourage early and effective public involvement in project development and permitting.

## 94-c Application Intervenor Fund:

- Upon the filing of a 94-c Application, Brookside will post an intervenor fund (\$1,000/MW) which can be sought by local community intervenors and host towns. 75% of funds are reserved for municipalities.
- Must apply for funds within 30 days of Application filing:

Applications for Intervenor Funds to:

[general@ores.ny.gov](mailto:general@ores.ny.gov)

or

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

Attention: Request for Local Agency Account Funding

Empire State Plaza

240 State Street

P-1 South, J Dock

Albany, NY 12242



---

# Update on Studies

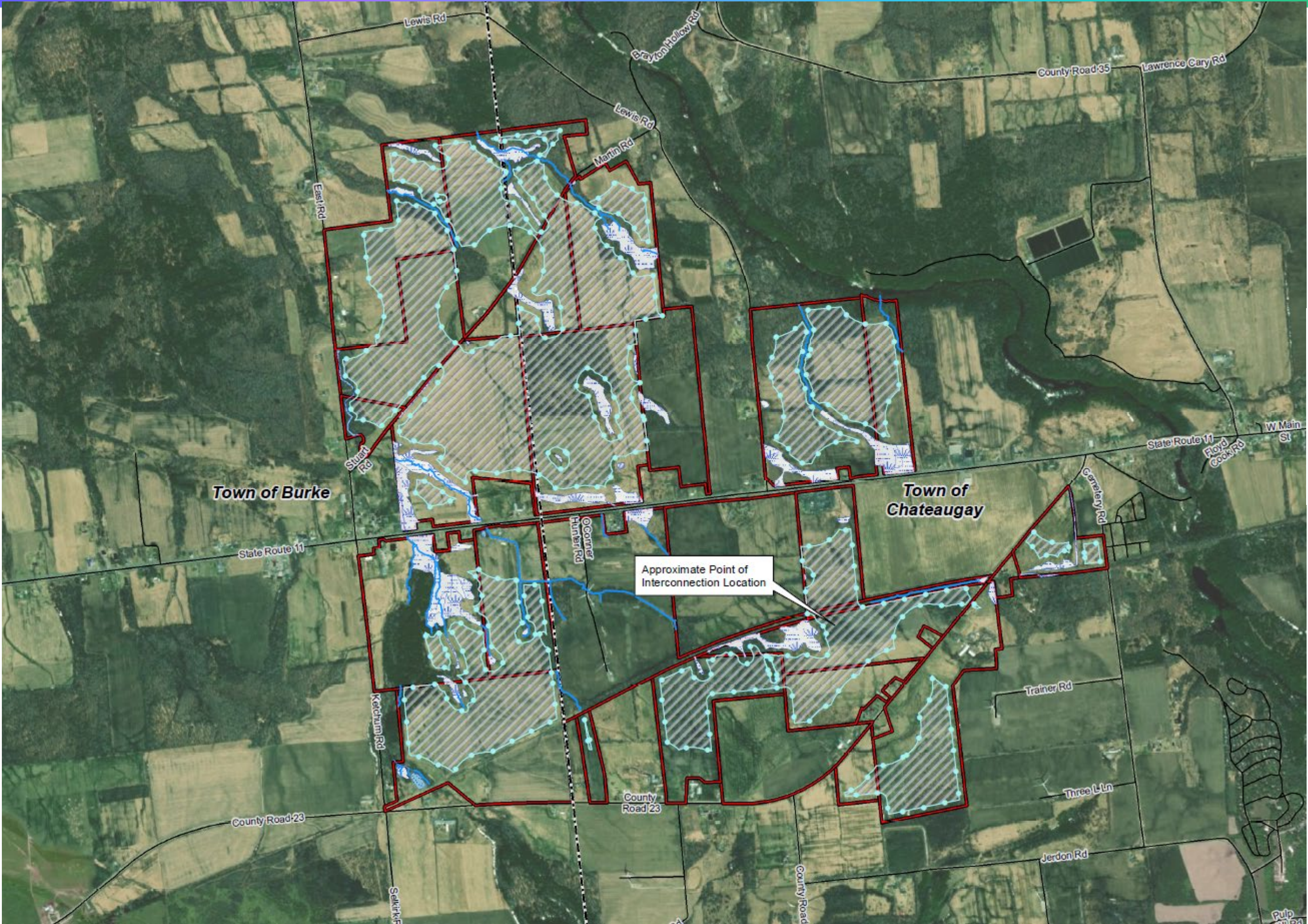
# Wetlands and Waterbodies

- Wetland and waterbody delineation performed onsite in growing season 2020.
  - USACE 1987 Delineation Manual/2012 Regional Supplement.
  - 36 wetlands (69.96 acres) were delineated within the Project Area, including 30 emergent wetlands, 2 scrub-shrub wetlands, 4 forested wetlands.
  - 25 streams were identified within the Project Area (7 perennial).
  - Site visit performed with ORES Representatives; report submitted for review.
  - Avoid and minimize impacts to wetlands and water resources.
  - If required, Compensatory Mitigation Plan.





# Delineated Wetlands and Waterbodies



- LEGEND**
- PROJECT AREA
  - CONCEPTUAL FENCE LINE
  - PV ARRAY AREA
  - DELINEATED STREAM LINE
  - DELINEATED SURFACE WATER
  - DELINEATED WETLAND



# Rare, Threatened and Endangered Species

- **Breeding Bird Surveys**

- Surveys were performed from Spring/Summer 2020 in accordance with the *NYSDEC Protocol*
- Total of 80 point count surveys.

- **Winter Raptor Surveys**

- Conducted in Winter 2020 in accordance with the *NYSDEC Protocol*
- A total of 45 stationary surveys and 72 driving route survey stops were completed.





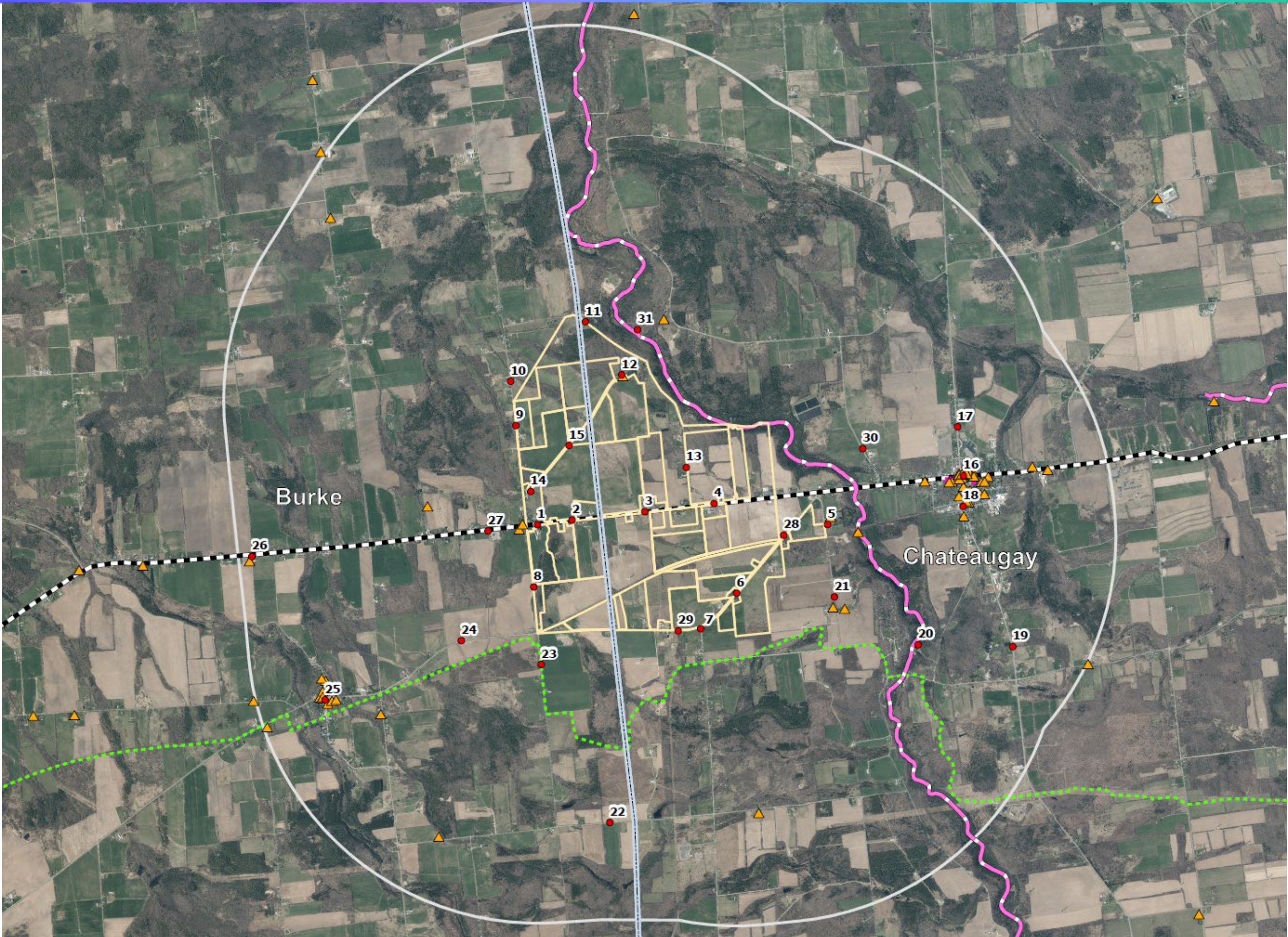
# Visual Resources & Landscaping

---

- Visual Impact Assessment (VIA) to determine extent and assess the significance of Project visibility using a two-mile Visual Study Area (VSA)
  - Identification of visually sensitive resources
  - Viewshed mapping
  - Visual Simulations
    - Prepared from public vantage points with representative Project views
  - Glare analysis
  - Visual Impact Analysis
- Landscaping plan will include:
  - Visual/vegetation mitigation and screening
  - Backdrop of plantings that primarily consist of an evergreen tree mix



# Preliminary Photo Viewpoint Locations & Visual Resources



**LEGEND**

- PHOTO VIEWPOINT LOCATION
- PROJECT SITE
- TWO MILE STUDY AREA
- HISTORIC SITE
  - Listed
  - Eligible
- MILITARY TRAIL SCENIC BYWAY
- NATIONAL RIVERS INVENTORY- Chateaugay River
- SNOWMOBILE TRAIL



# Representative Viewpoint: US Route 11 – View North





# Representative Viewpoint: Stuart Road – View South





# Sound Studies

- Measure existing sound levels in the Project Area at multiple locations for a minimum of four days and nights
- Sound level modeling of construction and operational noise from solar facility, including collector substation
- Technical sound study report to support Exhibit 7 including maps of all sources and residences in the Project Area, modeling results, and a comparison to all Section 94-c criteria at residences and property lines





# Representative Sound Levels



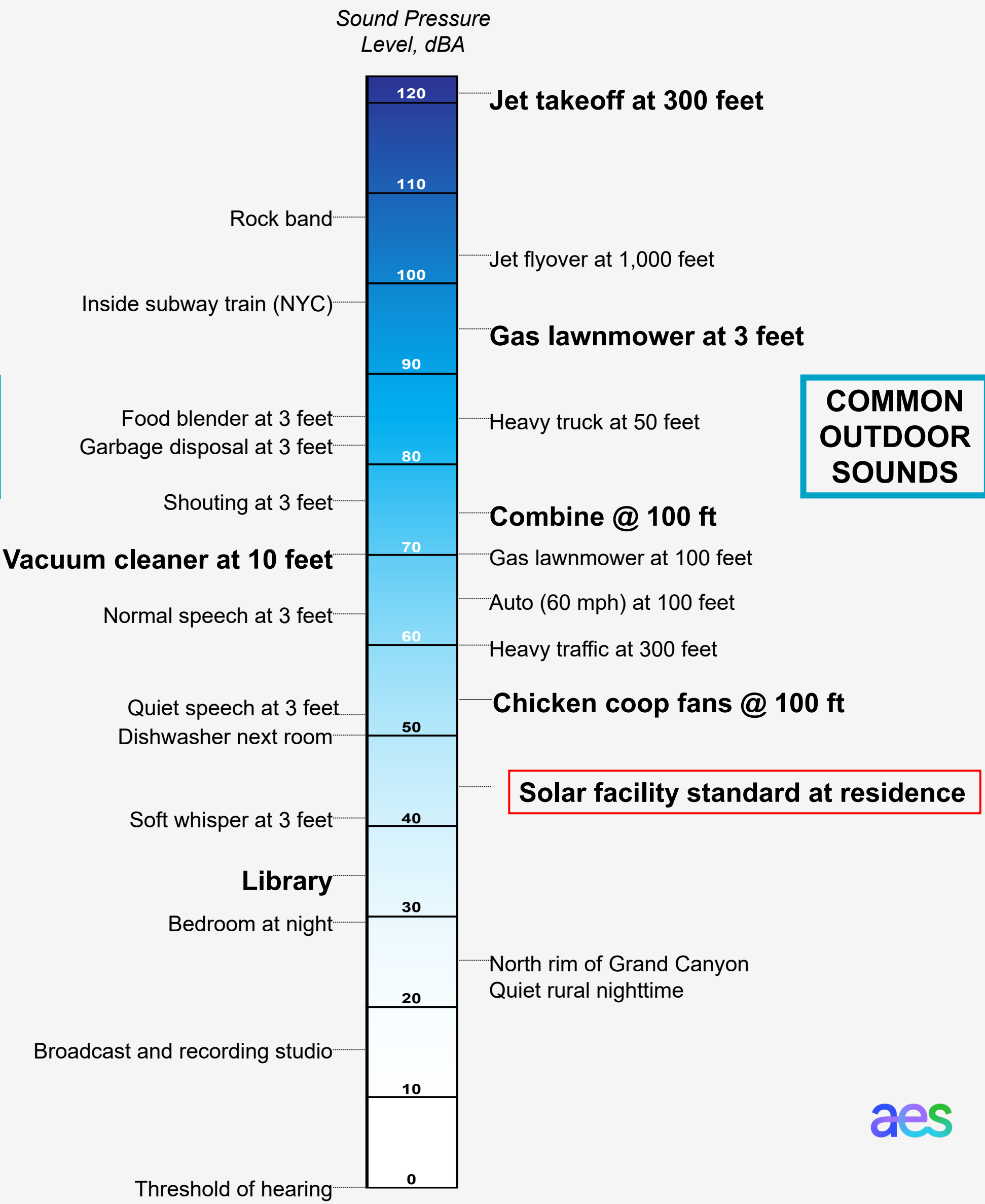
Graphic courtesy of *Epsilon Associates Inc.*  
3 Mill & Main Place, Suite 250 | Maynard, MA 01754  
[www.epsilonassociates.com](http://www.epsilonassociates.com) | 978-897-7100

**References:**

- 1. Harris, Cyril, "Handbook of Noise Acoustical Measurements and Noise Control", p 1-10., 1998
- 2. "Controlling Noise", USAF, AFMC, AFDTC, Elgin AFB, Fact Sheet, August 1996
- 3. California Dept. of Trans., "Technical Noise Supplement", Oct, 1998

**COMMON  
INDOOR  
SOUNDS**

**COMMON  
OUTDOOR  
SOUNDS**





# Thank you!

# Questions?

## Brookside Solar Contact Person



**Eric Will, Senior Developer**

315-952-3611 (mobile)

[Eric.will@aes.com](mailto:Eric.will@aes.com)

### Brookside Solar

866-757-7697 (866-SLR-POWR)

[brookside solar@aes.com](mailto:brookside solar@aes.com)

[www.aes.com/brookside-solar-project](http://www.aes.com/brookside-solar-project)

195 Montague Street

14th Floor, Suite 1461

Brooklyn, NY 11201