

Comments Provided on the Oxbow Solar Draft Permit and the March 18, 2025, Public Hearing						
No.	Comment ID	Date of Comment	Commenter	Public Comment	Comment Subject	Applicant Response
Public DMM Comments						
1	1a	10/17/2023	Susan Yanulis, Land owner	As a home owner in the Town of Fenner, I am concerned with the following safety issues that have been discussed and need to be addressed by Cypress Creek. As you are aware, the Town of Fenner resides at an elevation of 1,480 ft and has wind speeds that support our current wind farm which comprises of 20 200+ foot windmills with 5 more approved. This climate has snow drifting across town and county roads that require snow plowing, snowbank cutbacks and snow fencing. I believe Cypress Creek has a federal requirement to install 7' fencing around the proposed solar panels. ((Note: Recommended snow fencing setback for flat terrain, the minimum setback for 50% porous snow fences is 35H. Minimum setback for a 7-ft. (1.8-m) fence, for example, would be (35 x 7 ft. = 245 ft.) Snow fences may be set back farther to prevent their drifts from burying town or county roadways)). Cypress Creek is requesting that the fencing be 25' from the road centerline. This could cause a dangerous situation for school buses and the public.	<i>Health and Safety, Fire Management and Public Safety, and Siting Constraints</i>	<p>As further discussed in Exhibit 6 (Public Health, Safety, and Security) – Revision 1, the Applicant conducted due diligence regarding the potential snow drift issue. This due diligence included extensive conversations with the Applicant’s Operations and Maintenance team and additional outreach to the Town of Fenner and Madison County Highway Department. As a result, the Applicant does not believe that the Facility as designed, with vegetative screening and fencing no closer to the edge of the road than 25 feet anywhere in the Facility, creates a substantive or significant safety hazard derived from snow management in terms of plowing, removal, or drifting.</p> <p>To further support the local community, the Applicant will allocate a portion of its Host Community Agreement funds to the Town of Fenner so that the town may, at its discretion, hire additional staff and/or purchase additional equipment to respond to its snow management needs on public roadways. Additionally, once the Project becomes operational, the Applicant is committed to resolving any increase in snow management efforts directly related to Project operations with the town, should they occur.</p>
2	2a	10/21/2023	Susan Yanulis, Land owner	As a concerned citizen in the Town of Fenner I would like to bring to your attention the Town of Fenner Planning Board meeting notes. They are located on http://www.townoffenner.com/2023-planning-board-minutes.html Please refer to October 4th, 2023.	<i>Informational Comment</i>	No response needed.
3	3a	12/21/2023	Phil Rose, Fenner Residents for Rural Neighborhood Preservation	The Cypress Creek project is too large and much of it is far too close to many residential homes. In addition, the project does not have the support of many residents in Fenner, including the Town Board. They feel that a positive relationship with the town is not necessary since ORES will approve it anyway. This divides and disrespects our wonderful towns’ people. and our wonderful history and our contribution of 20 ENEL wind turbines to NEW YORK.	<i>Statement of opposition</i>	<p>The State has stressed both the need to construct significant additional renewables, and the importance of siting those new generation assets in locations with reliable access to the existing electrical grid, avoiding the need to construct large new major transmission lines at significant additional cost to ratepayers. It is critical, then, that the Office of Renewable Energy Siting and Electric Transmission (ORES) does not allow municipalities to wholly bar solar development on open, undeveloped lands adjacent to existing transmission infrastructure with willing host landowners. Further explanation for waiving specific town laws and ordinances is found in Exhibit 24 (Local Laws and Ordinances) – Revision 1 Section (c).</p> <p>The Applicant anticipates complying with all substantive local laws and ordinances to the greatest extent practicable shown in Table 24-2 of Exhibit 24 (Local Laws and Ordinances) – Revision 1. ORES may elect to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that it is unreasonably burdensome in view of the Climate Leadership and Community Protection Act (CLCPA) targets and the environmental benefits of the proposed facility.</p>
4	4a	01/06/2024	Susan Yanulis, Land owner	As a concerned landowner in the Town of Fenner, I would like to understand the process that ORES will be following to prevent the destruction of valuable forest land in the Town of Fenner. Cypress Creek has indicated that they will be destroying over 100 acres of mature trees to support this project. As the world recognizes that Carbon Offset Projects are a valuable source that supports carbon neutrality, will ORES take this into consideration when siting this project?	<i>Environmental Impact and Siting Constraints</i>	<p>Forest clearing represents less than 0.09% of forested land within the County, so forest losses are small relative to habitat availability. Since the amount of habitat fragmentation will be low and there will not be a landscape-level change in habitat, the impact of forest fragmentation on wildlife is expected to be limited. Approximately 19.5 acres of cleared forest will be allowed to regenerate naturally following construction. In addition, the Applicant will maintain 137 acres of cleared forest as early successional habitat, which will be planted with native grassland. This type of habitat supports a high level of biodiversity among early-successional species, particularly insects (i.e., pollinators), small mammals, reptiles, and birds. Further information regarding potential impacts on forest communities is provided in Exhibit 11 (Terrestrial Ecology) Section (a) and Table 11-1.</p> <p>As further discussed in Exhibit 11, the Applicant is also consulting with local nongovernmental organizations (e.g., Sierra Club) to explore options for a forest mitigation program to offset the forest clearing impacts resulting from the Project. Potential forest mitigation options include payment of an in-lieu fee or conservation of nearby forest habitat of the same quality as that being impacted.</p> <p>Additionally, 20.6 acres of trees and shrubs will be planted as part of the Landscape Mitigation Modules to screen solar panels from view. As these plantings mature and grow, they will contribute to carbon storage and sequestration. Further information on vegetation plantings is provided in Exhibit 8 (Visual Impacts) – Revision 1 and Appendix 08-B (Visual Impacts Minimization and Mitigation Plan) – Revision 1.</p> <p>See comments 9a and 12a for additional responses to concerns regarding forested lands. See comments 3a and 15e for additional responses regarding siting constraints.</p>

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5	5a	01/11/2024	Susan Yanulis, Land owner	Clarification of Land to be destroyed by Cypress Creek: 140 acres of forest are estimated to be cleared at this time including 43.8 acres of Successional Northern Hardwoods, 88.1 acres of Beech-Maple Mesic Forest, 6.6 acres of Hemlock Northern Hardwood 6.6 acres, and 1.9 acres of Conifer Plantation.	<i>Informational Comment</i>	No response needed.
6	6a	02/01/2024	Paula Douglas	In the title of the application, it says "Major Renewable Energy Generation Facility to be Located in the Town of Fenner, Madison County, New York" The rural town of Fenner does not want and has never strived to be an industrial power producer. We do not want a "Major...Energy Generation Facility". There are 2 major projects in your queue for permits. Please deny these projects!!	<i>Statement of opposition</i>	Comments noted. Please see other comments for responses to specific concerns.
7	7a	04/03/2024	T	I have concerns about this solar farm project. Solar farms emit harmful amounts of EMFs.	<i>EMF Concerns</i>	As described in Exhibit 22 (Electric and Magnetic Fields) – Revision 1, solar energy collection emits small amounts of radiation called electric and magnetic field (EMF) radiation. Fisher Associates (EN Engineering) conducted a study for the proposed Facility to review expected EMF radiation. See Appendix 22-A (Electric and Magnetic Field Study) for details. There are no industry or federal standards limiting residential or occupational exposure to 60 Hz EMFs; however, New York State has set standards by their Public Service Commission (NYSPSC). The study concluded that the resulting magnetic field strength on the right-of-way (ROW) and at the edge of the ROW are below the NYSPSC standard levels of 1.6 kV/m for electric fields and 200 mG for magnetic fields. The maximum value of the electric field was 0.8 kV/m on the ROW and 0.4 kV/m at the edge of the ROW, and the maximum value of the magnetic field was 84.6 mG on the ROW and 24.5 mG at the edge of the ROW. Therefore, there are no anticipated harmful effects of EMFs on areas surrounding the Facility. See Appendix 22-B (EMF Calculation Spreadsheet Supplement) for detailed EMF calculations.
	7b			As part of the climate change fight, the sun is being blocked as it is stated in many articles and news reports. Meaning the solar panels will be less effective.	<i>Viability of solar</i>	As of 2025, there have been proposals and small-scale experiments related to solar geoengineering, but no large-scale solar geoengineering efforts have been implemented to cool the Earth.
	7c			Solar panels are not clean energy because the industrial process to create them is not good for the environment. Please reconsider for the health of the animals and people that live here. It sounds like this project is going forward to receive tax benefits at the cost of a healthy environment.	<i>Environmental Health and Safety</i>	Solar energy generation is widely regarded as a safer form of energy generation technology when compared to other methods of energy generation. There are minimal to no risks associated with air pollution, soil contamination, water contamination, or radiation. There are also minimal impacts on environmental and wildlife health. See Exhibit 6 (Public Health, Safety, and Security) – Revision 1 for more detailed information regarding public health and environmental impacts. See comment 37c for additional responses to concerns about health and safety.
8	8a	06/20/2024	Susan Yanulis, Land owner	I would like to bring to your attention the presentation that was created by the Madison County Planning Board and reviewed by the Town of Supervisors of Madison County. It is clear that the county is concerned about the Town of Fenner's overwhelming amount of Renewable Energy that has been proposed.	<i>Statement of opposition</i>	Comments noted. Please see other comments for responses to specific questions and concerns.
	8b			As you are well aware, this project is going to be implemented on currently farmed farmland of either prime or significant importance. The current budget legislation which took effect immediately includes these following bills (S1793C, S6404; which were folded into the RAPID Act and S1416 is Part M). I would like to understand the process you are following to identify alternate areas that can be used such as brown fields etc.	<i>Agriculture</i>	Throughout the Article VIII process, the Applicant will continue to work with landowners and the New York State Department of Agriculture and Markets (NYSAGM) to avoid, minimize, and mitigate impacts to active agricultural land wherever possible. Farmland will be restored following the decommissioning of the Facility as outlined in Appendix 23-A (Decommissioning and Site Restoration Plan) – Revision 1. Further information regarding potential agricultural impacts is provided in Exhibit 15 (Agricultural Resources) – Revision 1. Additionally, the Applicant has prepared Appendix 15-A (Agricultural Plan) to avoid, minimize, and mitigate impacts to existing agricultural lands associated with the proposed Facility, consistent with NYSAGM Guidelines. See comments 13a, 19b, and 35f for additional responses to concerns regarding agriculture. See comments 3a and 15e for responses to concerns regarding siting constraints.
	8c			I also would like to understand how the additional money's from the farmland conservation fee will benefit the Town of Fenner. Fenner currently has 20 windmills on prime or farmland of significant importance, the footage from each windmill should be included in your calculation of the total amount of acreage of Renewable Energy Siting for the Town of Fenner.	<i>Economic Benefits</i>	See comment 9c for responses to concerns regarding economic benefits to local municipalities.

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9	9a	06/23/2024	Donna F. Spangler, Fenner Residents for Rural Neighborhood Preservation	It is astounding to me the amount of destruction that has already occurred in our town in preparation for all of these windmill and solar projects, particularly clear-cutting many acres of forests in order to get as many "climate friendly" solar panels and windmills onto these locations. Clear cutting entire forests for these arrays is NOT helping to reduce carbon. These money-hungry energy companies are devastating our environment, our wildlife and our community!	<i>Environmental Impacts - Forests</i>	<p>At the ecosystem and landscape scale, native grasslands in CNY have been largely lost (>90%) to post-settlement human activities such as agriculture. Native grassland restoration in solar panel placement areas can proliferate this lost type of ecosystem. Solar-native grasslands provide many ecosystem services, such as carbon storage, wildlife habitat, soil health, erosion prevention, water retention, increased biodiversity, and pollinator abundance. These services provide benefits to society, communities, agriculture, and other ecosystems. Solar-native grassland habitat sequesters and stores more 65% more carbon on average than agricultural land uses, so transitioning agricultural fields to grassland will contribute to a net increase in carbon sequestration and storage over the life of the Facility (Walston et al., 2021).</p> <p>According to EPA estimates, an acre of utility-scale solar panels offsets more emissions per year than an acre of forest can sequester, and the loss of stored carbon in an acre of forest is typically offset within two to three years by an acre of solar panels (EPA, 2024). Although forests provide crucial ecosystem and climate services, PV fields are more efficient than forests at suppressing carbon emissions (Stern et al., 2023).</p> <p>See comments 4a, 8b, 9a, 12a, and 13a for additional responses to concerns regarding forested lands, agriculture, and wildlife.</p>
	9b			They are ruining NY State's farmland and turning us forever into an industrialized energy hub, despite that THE ENTIRE community has been crying out "WE DON'T WANT THIS!!!" Yet... we have NO say, No power and NO hope of stopping these powerful companies while NYS is welcoming them with open arms.... all so that NY City can get more power.	<i>Statement of Opposition</i>	Comments noted. Please see comment 8b, 13a, 19b, and 35f for responses to concerns regarding agriculture.
	9c			We get absolutely NO benefit, except for the few landowners who sold their soul and our community for profit. My next door neighbor will be installing 5 mega-windmills at 670 feet, a neighbor down the road will have their property completely surrounded by solar fields.	<i>Economic Benefits</i>	In addition to lease and easement payments to participating landowners and workforce payroll, solar projects such as the proposed Facility directly benefit local taxing jurisdictions through payments. As described in Exhibit 18 (Socioeconomic Effects) – Revision 1, the Town of Fenner, school districts, and Madison County will receive payments from the Applicant through the Payment in Lieu of Taxes (PILOT) agreement and a Host Community Agreement (HCA). The Applicant also anticipates payments to the Cazenovia Fire District and the Smithfield Fire District. Further, a large amount of project expenditures is estimated to be spent locally within the host communities for local goods and services, and local sales tax revenue will also be generated from these expenditures.
	9d			<p>It's really such a shame that ORES doesn't care enough to review the impacts of our neighborhoods or individual properties, enough to say "Hey, this particular site is really going to hurt these particular homes. Maybe we should increase the set-back or reduce the number of solar arrays or windmills in this location." But I suspect politics, or fear will keep anyone from stepping up and saying "This is wrong".</p> <p>ORES is our only hope of not completely destroying our town, property values, wildlife and quality of life.</p> <p>Please help us.</p>	<i>Statement of Opposition</i>	Comments noted. Please see other comments for responses to specific concerns.
10	10a	06/24/2024	Dick & Pam Foringer	<p>We lived through the construction of the Fenner Wind Farm, we were opposed to that as well, but few people were, so we had no choice. It's been over 20 years, and we've had our issues, saw a tower fall over, saw a blade thrown several hundred feet, saw one catch fire and numerous other problems. Luckily no one has ever been seriously injured or killed in all these years. We have received no benefit from the generation of the power, other than our assessment going down, down, down!</p> <p>We are not against green power, but location is everything, as they say! I can't imagine being surrounded by thousands of solar panels, literally in every direction we look, it would be a nightmare! We built our home here 42 years ago and never in a million years did we expect wind towers or solar panels! We just wanted to spend our retirement years on our 3 acres of land that we put our blood, sweat and tears into. There have got to be other locations that do not have farmland and residences that will be so negatively affected! I believe our little township has done enough! No</p>	<i>Economic Benefits and Property Values</i>	<p>Proximity to large-scale solar projects often has little to no measurable impact on the value of property. Studies among states in the Northeast (Rhode Island, Massachusetts, and Connecticut) found that residential property values within a half mile of large-scale solar projects either had no change or increased or decreased by less than 2% on average, and properties over a mile from solar installations had no change in value (Elmallah et al., 2023; Gaur & Lang, 2020).</p> <p>Vegetative screening will be planted along the Facility perimeter to reduce visual impacts on surrounding areas. See Exhibit 8 (Visual Impacts) – Revision 1, Appendix 8-B (Visual Impacts Minimization and Mitigation Plan) – Revision 1 for further details on visual resources.</p> <p>See comments 8b, 9c, 13a, 19b, 19d, and 20b for responses to concerns regarding agriculture, economic benefits, visual impacts, and fire safety.</p>

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				industrial-sized solar installations and no more wind towers wanted in our neck of the woods! We do not benefit at all as homeowners!		
11	11a	12/04/2024	Jeff & Sarah Marcellus	As the sign on our lawn says - we are not opposed to windmills. What we are opposed to are multiple BEHEMOTH windmills being forced into our community without majority community support. The people that live here deserve a say, and ignoring all our concerns and opposition is reprehensible. STOP THE TURBINES.	<i>Statement of opposition</i>	Comments noted. Please see other comments for responses to specific questions and concerns.
	11b			My former comment regarding windmills, while misplaced on this Solar project, highlights a bigger issue. Our area is already full of windmills and is now burdened by numerous projects that propose to further sully the landscape, including even larger turbines alongside this solar panel farm. We don't need or want any additional monstrosities taking over the open land that makes this area special. Deny this project and help us preserve SOME of the character and peace in our community.	<i>Statement of opposition</i>	Comments noted. Please see other comments for responses to specific questions and concerns.
12	12a	12/4/2024	Lisa Cameron-Norfleet	I have grave concerns about the damage to the land this project will cause both short and long term. 100 acres of old growth forest to be clear-cut will drastically effect local wildlife and greatly reduce the carbon offset such woodlands provide.	<i>Forests and Wildlife</i>	<p>Many Facility components were intentionally placed in regularly disturbed areas primarily used for row crop (e.g., corn) production, which typically represent lower-quality habitat than grass-dominated areas. In contrast, the diverse, dense vegetation the Applicant expects to maintain under PV arrays and within the limit of vegetation management will improve habitat, increase biodiversity, and provide a benefit to the common species utilizing this site as compared to the actively farmed areas which currently exist. See Exhibit 11 (Terrestrial Ecology) and Exhibit 12 (NYS Threatened or Endangered Species) – Revision 1 for further details regarding impacts to forested lands and wildlife.</p> <p>See comments 4a and 9a for further responses to concerns regarding forest clearing and carbon offsets.</p>
	12b			Looking to the future, what are the plans to repair or remove damaged panels so they do not leak toxins into the soil and, ultimately, the water table in this area? All residents of Fenner are on wells--the safety of our aquifers is paramount to the health and well-being of the township. People live here on generational farms, private hobby farms, and dairy farms--the quality of our soil and water are critical to providing food and milk to New York State. if you will not consider the rights of locals to enjoy our land and community, please ponder the ramifications this project regarding the health of everyone who buys milk, eggs, and beef from this part of the state.	<i>Agriculture, Water and Soil Health</i>	<p>Damaged PV panels will be returned to the manufacturer. See Exhibit 23 (Site Restoration and Decommissioning) – Revision 1, Appendix 23-A (Decommissioning Plan) – Revision 1, and comments 31f and 37a for responses to concerns regarding decommissioning and removal of panel materials.</p> <p>The Facility is not anticipated to result in groundwater contamination or impacts to public water supply during either construction or operation. The Facility Site does not border or contain any part of an aquifer or aquifer protection zone and is not expected to result in any impact on public or private drinking water supply wells. See Exhibit 13 (Water Resources and Aquatic Ecology) – Revision 1 for further information.</p> <p>The Applicant has developed avoidance, minimization, and mitigation measures to prevent accidental discharge of petroleum or other chemicals. These measures are outlined in Appendix 13-D (Preliminary Spill Prevention, Control and Countermeasures [SPCC] Plan). See Exhibit 13 (Water Resources and Aquatic Ecology) – Revision 1 Section (d) for a discussion of the SPCC Plan and other mitigation measures.</p> <p>Solar facilities result in minimal soil disturbance relative to other types of development projects. In those areas where soil disturbance is necessary, topsoil will be stripped and stockpiled for restoration purposes. Following construction, any disturbed areas will be restored with topsoil, and a cover of native herbaceous species will be established underneath and around the PV arrays, as described in Exhibit 23 (Site Restoration and Decommissioning) – Revision 1. Construction of the Facility will be accomplished with machines that are generally consistent in terms of size, weight, and tread with the agricultural machines that are currently used on these properties.</p> <p>See comments 8b, 13a, 19b, and 35f for responses to concerns regarding agriculture.</p>
13	13a	12/23/2024	Sara Scanga	Allowing outside companies to install solar farms and additional wind farms on our valuable local farmland and other natural habitat in Madison County would be incredibly short-sighted. I am opposed to it. Large solar arrays belong on the tops of already-developed land (rooftops, parking areas) or already-degraded land (old landfills, old quarries). Fenner already has a wind farm; adding another one is too much. Outside businesses like this harm our community rather than helping it.	<i>Agriculture, Siting</i>	<p>The majority of landowners who have agreed to host Facility components indicated that they would continue active agricultural operations on other parcels or portions of parcels not hosting Facility components following construction. Nearly every landowner indicated that solar development was a desirable alternative to residential development pressures in the region. Further, the additional income from the Project will make it a compatible use, allowing the rest of their farmland to remain in production while insulating farmers against low harvest years. See Exhibit 15 (Agricultural Resources) – Revision 1 for more information.</p> <p>At the end of the Facility's lifespan, agricultural lands used for the Facility will be returned to their former state. Restoration of agricultural land will be performed in accordance with landowner agreements and the NYSAGM's Guidelines for Agricultural Mitigation for Solar Energy Projects. Disturbed areas not used</p>

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						<p>for agricultural purposes will be revegetated by the Applicant using a seed mix appropriate for the region or allowed to revegetate naturally. Portions of the Facility intended to return to agricultural production will be re-seeded by the landowner. In addition to seeding, these areas will be returned to pre-construction condition through grading, backfilling, and stabilizing. Following restoration, the Applicant will conduct monitoring for two complete growing seasons following the date upon which the agricultural area achieves the establishment of the desired crop. Similar monitoring will be conducted throughout Facility operation whenever maintenance or repair activities result in soil disturbance on active agricultural land. See Appendix 15-A (Agricultural Plan) for further details.</p> <p>See comment 8b, 19b, and 35f for further responses to concerns regarding impacts to agriculture. See comments 3a and 15e for responses to concerns regarding siting constraints.</p>
14	14a	02/03/2025	Andrew Harmon-Kimball	As an amateur radio "ham" operator primarily engaged in public and emergency service, I am concerned about the generation of noise. There are concerning reports that indicate that these types of facilities can create pretty harmful interference. I have not seen any documents relating to the potential mitigation of this interference.	Noise Impacts, Communication	<p>While construction activities for the Project will generate noise, the activities that generate any significant sound are few and will not extend through the full phase of construction. Everyday operation of the Facility is expected to produce minimal impact from sound in comparison with most other types of power generation facilities. The Applicant performed a comprehensive noise impact analysis for both the construction and operation phases of the Project and has committed to meeting the noise limits at non-participating property boundaries and residences required by Article VIII regulations. Additionally, several areas throughout the Facility Site partake in agricultural operations which often require the use of heavy machinery generating similar amounts of noise. Refer to Exhibit 7 (Noise and Vibration) – Revision 1 and Appendix 7-A (Project Noise Impact Assessment) for a complete analysis of the potential noise impacts from construction and operation of the Project and proposed minimization and mitigation techniques.</p> <p>Interference with radio communications is not anticipated. As described in Exhibit 20 (Effect on Communications) – Revision 1, there are two communication towers within and adjacent to the Facility Site. Both are between 126 to 172 feet higher than the tallest Facility component ground elevation. The proposed Facility components are designed to be compatible with existing communication infrastructure. In the unlikely event the Facility impacts any communication systems, members of the public will be able to lodge a formal complaint, and the Applicant will implement a multi-step complaint response consistent with 16 NYCRR Section 1100-10.2(e)(7) requirements.</p>
15	15a	02/06/2025	Charles Pace	As a member of the original Planning Board for the town of Fenner and being involved with the writing of the original comprehensive plan and Land Use Ordinance, it is VERY disheartening to see the State of NY be able to disregard those very documents that numerous volunteers have donated so many hours of their time too. The residents and government of the Town of Fenner have worked very hard to preserve the rural agricultural serenity of this town. In my opinion it is a slap in the face to our residents and an injustice of government to infringe on our Town after we have worked so hard to preserve it in accordance with the requirements of the State.	Local Laws, Community Character	See comments 3a, 8b, 13a, 19b, and 19d for responses to concerns regarding local laws and agricultural community character.
	15b			Not only will this project have a visual impact,	Visual	See comment 19d for responses to concerns regarding visual impacts.
	15c			but runoff from these panels could have an impact on erosion depending how they are sited and also heated temperatures of runoff water could have a thermal impact on the streams that the runoff enters.	Water and Soil Health	<p>To protect adjacent undisturbed vegetation and other ecological resources, a comprehensive sediment and erosion control plan will be developed and implemented prior to Facility construction. See Appendix 13-C (Preliminary Stormwater Pollution Prevention Plan [SWPPP]) – Revision 1 for further details.</p> <p>Solar facilities do not require water for operation or result in the discharge of wastewater, producing energy without affecting the availability or quality of surface water or groundwater. There is no thermal impact on water, as solar production does not require water for cooling. See Exhibit 13 (Water Resources and Aquatic Ecology) – Revision 1 and comment 12b for more details on impacts to water health.</p>
	15d			It is hard for me to believe that Representatives of NYS can say they support agriculture like was stated at the 2024 NYS State Fair by saying the State will buy 30% more local farm produce and then actually help promote the desecration of agricultural land in the name of a so-called Green Energy agenda loaded with solar and wind projects.	Agriculture	See comments 8b, 13a, and 19b for responses to concerns regarding agricultural impacts.
	15e			I ask that any and all parties reviewing this project take into consideration the impact this project will have on the town of Fenner landscape and take into consideration the quality of the land it will be sited on. I know with the new RAPID act and Section 94c	Siting/Land Use	As demonstrated in Figure 14-3 (Development Constraints), siting of the Facility was carefully considered to avoid existing wind turbine exclusion zones, landowner development restriction areas, ORES setbacks, steep slopes, and delineated streams and wetlands. See Exhibit 17 (Consistency with Energy Planning

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				these projects have been accelerated and with the size of the projects they do not have to consider local zoning or land use ordinances but I ask that in the decision making process that our comprehensive plan at least be considered in your decision. Thank you.		Objectives) - Revision 1 Section (f) for a comparison of advantages and disadvantages of proposed and alternative locations. See Exhibit 14 (Wetlands) and comment 3a for more information regarding siting limitations.
16	16a	02/11/2025	Peter Wirth	<p>I visited a farm as part of a Sierra Club committee. I spoke with 2 frmers who want to lease their land for solar. One of the brothers said, "Farming is hard work and I'm getting older. It would be helpful to have a revenue stream from some of the farm so we could pass the farm onto our children if they want to be farmers.</p> <p>That made a lot of sense to me as 40 years from now when the lease is up you can remove the panels. Sell acreage for development put a house on it and the land is lost forever.</p> <p>Hope the Oxbox farm is built.</p>	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.
17	17a	02/19/2025	Jocelynn Joy Buti (NYSDOT)	<p>Dear James Muscato,</p> <p>This letter is to notify you that the New York State Department of Transportation (“NYSDOT”) has reviewed the above-referenced Application submitted by Oxbow Hill Solar (“Applicant”) in ORES Matter No. 23-00060 – including, Applicant’s Exhibit 16: Effect on Transportation and Appendix 16A: Route Evaluation Study.</p> <p>Upon review, NYSDOT requires state routes be added to the Route Segment Assessment and analysis of the intersections around the route to ensure vehicles can safely turn without impeding other lanes of traffic. Additionally, a load rating evaluation is required for BIN 4010580 to verify any oversized/overweight is adequate for crossing. If BIN 4010580 is not able to withstand Applicant’s proposed loading, a temporary bridge must be utilized or the hauler must seek another proposed route. Finally,</p> <p>Before utilizing New York State highways as travel routes, Applicant must obtain from NYSDOT all applicable oversize/overweight (“OS/OW”) permits, including any Special Hauling and Divisible Loads Permits, necessary to transport materials and facility components to the project site. The NYSDOT Central Permits Bureau issues Special Hauling Permits for travel on roads under NYSDOT jurisdiction. While NYSDOT recommends use of existing poles for any connection lines, if any new poles are to be placed in the right of way, additional permits will be required.</p> <p>Please note that The Highway Oversize Overweight Credentialing System (“HOOCs”) is the OS/OW permitting and routing system for NYSDOT’s Special Hauling and Divisible Loads Permits as well as for OS/OW permits issued by the New York State Thruway Authority (“NYSTA”) and the New York State Bridge Authority (“NYSBA”). Permits issued by NYSDOT are valid only for state highways under NYSDOT’s jurisdiction, and all required permits under the jurisdiction of NYSTA or NYSBA must be obtained through NYSTA or NYSBA.</p> <p>For more information regarding the issues identified, please contact Region 2 Assistant Engineer Robert Gaffney at (315) 793-2356. For assistance with the NYSDOT permitting process, please contact the Central Permit Office at (607) 324-8460.</p> <p>Sincerely, Jocelynn Joy Buti</p>	<i>Bridge and Route Safety</i>	<p>Robert Gaffney New York State Department of Transportation Region 2 Assistant Engineer</p> <p>RE: ORES DMM Matter No. 23-02998– Notice of Issues Identified Within State Agency Jurisdiction</p> <p>Dear Mr. Gaffney,</p> <p>We have reviewed the response letter from the New York State Department of Transportation (NYSDOT). We are aware of the assessment and permitting requirements for any Oversize/Overweight (OS/OW) vehicles that may utilize the roads under NYSDOT jurisdictions, as identified in Table 4 of the applicant’s Exhibit 16: Effect on Transportation and Appendix 16A: Route Evaluation Study. If required, the OS/OW permit, including load analysis for any bridge, will be obtained by the contractor or transportation company once the vehicle, final route, and loads have been determined. For Exhibit 16, it was assumed that roads under NYSDOT jurisdiction were adequate for non-permitted loads, such as WB-67 flatbed trucks, concrete and aggregate dump trucks, and pickup trucks. However, if improvements are required to utilize these roads, it will be the contractor's responsibility to obtain the necessary permits.</p> <p>Sincerely, Juan Faccini, PE Civil Engineering Group Manager</p>
18	18a	03/18/2025	Dave Jones, Fenner Town Supervisor	I'd like to start out by saying the Oxbow Hill Solar Project will unpack almost ten percent of the total acres in the town of Fenner. Currently, we have twenty turbines that we've had for twenty plus years that have contributed to New York State's green initiative. The majority of this project is being placed on prime farmland. This is	<i>Agriculture</i>	Please see comments 8b, 13a, and 19b for responses to concerns regarding agriculture and land use.

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				Cypress Creek or lands of significant value according to the Madison County Planning Department. In one of the governor's speeches, or in a couple of them really, she has said that agriculture is a cornerstone of New York State's economy. We can't cover up farmland and expect our agricultural economy -- economy to grow. The negative impact of this project on our town and county will be huge.		
	18b			These projects are funded by federal tax credits, state energy credits, meaning our tax dollars, basically taxation without representation. It is a proven fact that home values will go down. And who makes up the lower assessed value to the town? The taxpayers. Cypress Creek keeps telling us how this project is going to be good for our town financially. Yet, I have my doubts as the way the state financially has it set up, the town gets the least amount of money since we have to share the money with the county and the school district. Yet the town has the majority of the liability.	<i>Economic Benefits Property Values</i>	See comments 9c and 10a for responses to concerns regarding economic benefits to local municipalities and effects of solar facilities on property values.
	18c			At a meeting of the Madison County Board of Supervisors, they were asked what their favorite road in the county was. Six of the nineteen supervisors said Nelson Road in the town of Fenner. This project goes through when you drive on Nelson Road to the north and look to the east, all you will see is solar panels.	<i>Visual</i>	Please see comment 19d for responses to concerns regarding visual impacts.
	18d			People in the town are constantly complaining about our -- about their electric bills, as most of them have doubled or tripled in the last few months. And personally, ours has. This is a very -- this is very disheartening as we have seniors and lower income families that cannot pay these higher electric bills. These rates have increased because of the need to build out transmission lines to take care of all the green energy that New York State wants to put in.	<i>Utility Rates</i>	Consumer utility bills are determined by two components: supply, which fluctuates based on the market price of gas and electricity; and delivery, which is charged by utility companies based on operating costs and approved by the NYS Public Service Commission (NYISO, 2025). Transitioning to renewable energy requires infrastructure upgrades (e.g., transmission lines) to meet carbon neutrality targets established by the CLCPA. According to the NYS Department of Public Service (NYSDPS), CLCPA policies accounted for approximately \$1.31 and \$9.38 of the average residential gas and electric bills in 2022, respectively (NYSDPS, 2023). PILOT agreements and HCAs are intended to help offset these short-term costs (See Exhibit 18 [Socioeconomic Effects] – Revision 1). Long-term, large-scale production of solar energy is expected to lower utility rates due to reduced reliance on fossil fuel markets and associated fuel price volatility, which is a major driver of recent utility price increases (NYISO, 2025).
	18e			If this project goes ahead, the town of Fenner will no longer be an agricultural town, it'll be a power-producing town. This means it is the end of Fenner as we know it. For the solar companies, it's all about the money, not the people who reside there. Many of them like me who lived in the town all their life.	<i>Community Character</i>	See comments 3a, 8b, 13a, 19b, and 19d for responses to concerns regarding local laws and agricultural community character.
19	19a	03/18/2025	Hannah Strack, Fenner Town Board Member	My opposition to this project is -- begins with that our comprehensive plan is ignored. And our comprehensive plan is what our vision is for our town, and that gets ignored. Also, our planning and zoning laws are ignored.	<i>Local Laws</i>	Please see comment 3a for response to concerns regarding compliance with local laws.
	19b			If this project goes through, along with other proposed green energy projects, including Hoffman Falls and our existing wind project, 20.5 percent of our acreage -- total acreage in our town will be used for energy production. I also don't agree with using our agricultural land and covering it up with the solar. I've tried to find numbers on how many people who could -- could be fed off of the acreage that's going to get covered with solar panels. I've come up with anything from two hundred square feet, can feed one person a year up to one acre, could feed a person for a year. The highest number was two point six seven acres could feed one person a year, that includes meat and dairy. So, we're taking away people's food, I think by covering up farmland. And we're also taking away the ability of more farming -- farmers to move in to have land that they can use to have their farms grow. And we have a huge Amish community who will be – looking for the word, who just won't have the ability to expand, stay here, find land to build their homes on and keep it agricultural.	<i>Agriculture</i>	The total footprint of the Facility (1,600 acres) represents 0.3% of total land within Madison County (423,290 acres) and less than 1% of the total land within Madison County used for farmland (171,865) according to the 2017 Census of Agriculture. Approximately 1,112 acres of the Facility Site (70%) are enrolled in a NYSAGM certified agricultural district, which accounts for less than 1% of all lands enrolled in an agricultural district within Madison County. See Exhibit 3 (Location of Facilities and Surrounding Land Use) – Revision 1 for more detailed acreage information. The total acreage of the Facility Site parcels comprising active and proposed renewable energy projects in the Town of Fenner, including Hoffman Falls, is approximately 3,599 acres. The Town of Fenner is approximately 19,840 acres. However, the proposed Oxbow Hill Solar Project overlaps 742 acres of the Fenner Wind Farm and 91 acres of the proposed Cody Wind Farm. Thus, renewable energy project parcels will extend to approximately 13.9% of the total acreage of the Town of Fenner. However, the actual acreage associated with energy production and maintenance of these facilities following construction will be much less. Operation and maintenance components of existing and proposed projects in the Town of Fenner would occupy approximately 1,198.7 acres, including Oxbow Hill Solar Project (723.4 acres), Fenner Wind Farm (105.6 acres), Cody Wind Farm (91.7 acres), and Hoffman Falls Wind Project (278.0 acres). This represents approximately 6.0% of the Town of Fenner. The proposed Facility will convert approximately 529.6 acres (approximately 33%) of the certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility

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						operation. The remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. See Exhibit 15 (Agricultural Resources) – Revision 1 for more information on impacts to agriculture. See comments 8b and 13a for further responses to concerns regarding agriculture. Moreover, the lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility.
	19c			And another concern is this, these panels will be fenced in. What's going to happen to the wildlife that's being fenced in or fenced off of these areas that they once used to live and graze on. They're going to be moving into our roads or they're going to be moving on to crop land that -- where the farmers are trying to farm and make a living, they're going to be eating their crops.	<i>Environmental and Natural Resources Impacts</i>	The Facility will use agricultural fencing, which typically has openings that allow small animals to pass through. Fencing will surround individual blocks of Facility operations, with corridors between blocks for deer and other wildlife to pass through. See Exhibit 11 (Terrestrial Ecology) and Appendix 24-B (Local Laws and Ordinances) – Revision 1 for more detailed information regarding fencing.
	19d			Right now, we do -- our town is known for our views and people drive through the countryside to see our views. I don't think people will be doing that so much if our land is covered with solar panels.	<i>Visual</i>	As outlined in Exhibit 8 (Visual Impacts) – Revision 1, a Visual Impact Assessment (see Appendix 8-A [VIA] – Revision 1) and a Visual Impact Minimization and Mitigation Plan (see Appendix 8-B [VIMMP] – Revision 1) were conducted for the proposed Facility. As stated in the VIA, viewshed analysis based on existing topography, vegetation and structures indicates that the proposed PV arrays will be screened from approximately 82.8% of the visual study area (VSA; i.e., 17.2% of the VSA has potential visibility of the PV arrays). Limited visibility is primarily due to the low profile of the proposed PV modules and rolling topography throughout the surrounding area that will obstruct long-distance views. The Facility will be almost entirely screened from high density residential areas and heavily trafficked roadways in the 2-mile visual study area where viewer exposure is anticipated to be greatest (see Section 4.2.1 and 5.1 of the VIA). When viewed from foreground vantage points, segmentation of the PV arrays may appear to viewers as a series of smaller solar installations rather than one large project that would otherwise occupy a more significant portion of the available field of view, reducing the Facility's visual contrast with existing agricultural land uses. As described in the VIMMP, extensive landscape mitigation planting plans have been developed to screen and/or soften the appearance of the proposed Facility in views from the surrounding area. See Attachment D (Photosimulations and Wireframe Renderings) of the VIA for examples of visual mitigation plantings to screen solar panels and Attachment 1 (Conceptual Landscape Mitigation Planting Plan) of the VIMMP for details on planting modules and design methodology. While panels will be visible within the area and from nearby houses, the landscape mitigation plantings will reduce interruptions to the landscape to protect the agricultural character of the region. Although the Facility will add new visual elements to the area, the Facility is consistent with the active agricultural use of the region. Moreover, host landowner payments will allow farmers in the area to continue active operations on nearby lands, helping to preserve the area's agricultural character into the future. Project components will not be sited on, nor impede the utilization of, the property of non-participating landowners.
	19e			Just looking at my notes, I'm sorry. I know there's a lot of people here tonight and a lot of people didn't sign up to speak. I encourage you to do so. It's not an easy thing to do necessarily, but I encourage you to get up here. I -- I -- I don't think you'll find a lot of people here tonight that will speak in favor of this project. The only ones who will are the people who are getting paid to lease their land and the ones who are building the project. But it's a detriment to the rest of us who live in Fenner, the town of Fenner, and who are residents of Fenner.	<i>Statement of Opposition</i>	Comments noted. Please see other comments for responses to specific questions and concerns.
20	20a	03/18/2025	Jim Cunningham, Madison County Chairman of the Board, Town of Nelson	I love solar and wind. I have a cabin in the Adirondacks that has solar and wind. It's off the grid and it works great until the sun doesn't come out and it works great -- my solar -- my wind power works great until the wind doesn't blow. And that's the problem right here is that this is intermittent power and it -- and we're going to need a backup to make this work. We're going to need gas, we're going to need nuclear, whatever else we need to keep it going because think about it, it gets dark around here at three thirty in the wintertime. You come home, plug your Tesla in, turn	<i>Viability of solar in NY, Agriculture</i>	The current efforts to install solar in New York State are driven by initiatives and goals set forth by the New York State government. The State recognized the urgent need to reduce dependence on fossil fuels and reduce carbon emissions that contribute to climate change. The Climate Leadership and Community Protection Act (CLCPA) requires that 70% of statewide electricity come from renewable energy sources by 2030 and the State achieves a zero-emission electricity system by 2040. This advancement includes the installation of 6,000 megawatts (MW) of distributed solar by 2025. As indicated, solar panels are sun-dependent, which is why the State has emphasized the need for a diverse renewable energy portfolio. Renewable energy in the forms of land-based wind and solar, battery energy storage, and offshore wind

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			Town Supervisor	<p>on your heat. Guess what happens? Brown out, baby. You lose all our power unless we've got backup. So, it's a huge problem.</p> <p>Madison County is the leader in the State in renewable energy. We put the first wind farm in in Madison almost thirty-five years ago. That's at the end of its useful life. In fact, they're planning on dynamiting and dropping those things pretty soon. The farmland and Nelson, or in Fenner is fifty-one percent prime farmland and twenty-four percent Statewide -- Statewide import -- of Statewide importance. That is just unacceptable. How can you take lands that are so valuable that built -- why, you know, why we're here in Madison County? Because of our soils and our wonderful climate. We can grow stuff.</p> <p>But we rank almost last in the nation in sunlight. So how about putting it in Arizona where the soils are horrible and there is sunlight all the time? It just doesn't make any sense to me. One of the biggest problems we have and -- and it's going to occur here. And we already have storage, large scale storage that some of our solar projects in Madison County. We already have battery-operated large-scale storage.</p>		<p>are key components of transitioning the State to a carbon-neutral economy. The Oxbow Hill Solar Project will be complimentary to other renewable energy generation and storage facilities being installed within the State. See Exhibit 6 (Public Health, Safety, and Security) – Revision 1 for more detailed information regarding CLCPA objectives.</p> <p>Please see comments 8b, 13a, 19b, and 21f for responses to concerns regarding agriculture, land use, and solar energy in CNY.</p>
				<p>And one of the problems is our E.M.S. folks can't take care of that. If it starts on fire, lithium can't be put out very easily. We don't know what to do. We're just going to evacuate all of Cazenovia because the wind's probably going to blow in that direction and -- and -- and go with it, you know? So, I talk to my E.M.S. group all the time. They have no idea how to deal with this. It's a -- it's a -- a massive problem.</p> <p>You know, people ask me when is enough, enough? When is the small town of Fenner had enough? You know, we're adding mega projects in this small town. And so, we fill the town up, so thirty percent of it gets used up, when do we stop? When does the government say enough is enough? And so, somebody has to put a limit on that because I see a lot of other counties that's doing almost absolutely nothing. I wrote a letter to the governor recently and had almost three quarters of the State's - - my equivalent county -- county leaders sign that letter. So, this -- this pro -- these projects are not supported very well. They're -- they're flawed by many, many means. You know, people are going to ask this, think about it. I'm going to be the board supervisor, maybe not, or somebody else will be, you might be the board supervisor at some point in the future.</p> <p>Hey, where'd our farmland go? What did you do to our farmland? Where'd our -- who destroyed our landscape? I mean, have you ever seen what a seven-hundred-foot wind tower looks like? Even though this is a solar project, it's no different. Our landscapes are going to be gone. You're not going to -- you're not -- you're going to drive through Fenner and go, what did these politicians do? You want to live next to a toxic battery storage facility? No, thank you.</p>	Health and Safety	<p>The proposed Facility will not create safety concerns of a magnitude that would necessitate a community evacuation. As described in Exhibit 6 (Public Health, Safety, and Security) – Revision 1 and Appendix 6-B (Safety Response Plan) – Revision 1, the Applicant has developed a protocol and guidelines to be followed in the event of a fire emergency or hazardous substance incident. The Applicant will conduct annual training drills with local emergency services as required under 16 NYCRR Section 1100-2.7(c)(7).</p> <p>A fire at the Facility's collection substation or at one of the intra-array inverters would be contained through a combination of the underlying gravel pad and/or the substation access road. The gravel pad and the access road will provide a buffer between the component and surrounding vegetation to help prevent the spread of fire. In addition, the collection substation will be constructed within a fenced gravel yard. Routine maintenance of the gravel yard will eliminate combustible material within the buffer area between equipment and the substation fence line.</p> <p>The Applicant has consulted with local emergency responders and relevant municipal agencies to ensure that its safety and security plans appropriately consider local conditions, risks, and resources. Appendix 6-A (Site Security Plan) – Revision 1 and Appendix 6-B (Safety Response Plan) – Revision 1 were provided to local emergency responders on January 16, 2024, for review and comment. Furthermore, the Applicant hosted a meeting with representatives from the Cazenovia Fire Department, Smithfield Fire Department, Madison County, and Town of Fenner on February 1, 2024, to solicit input on the Site Security and Safety Response Plans. A copy of the meeting minutes is included in Appendix 2-B (Local Engagement and Outreach Efforts). The Applicant updated the Safety Response Plan to incorporate the local emergency responders' requests to the extent practicable.</p> <p>Please see comments 8b, 13a, and 19b for responses to concerns regarding agriculture and land use.</p>
	20c			<p>You know, this -- this -- this solar project's being built on a Oneida Nation burial ground. That's wonderful. Wonder if they know about that?</p>	Cultural Resources	<p>No archaeological sites that are associated with burials have been identified within the Facility Site. A review of historic maps did not identify cartographic evidence of historically documented Oneida Indian Nation villages/occupation within or adjacent to the Facility. Archeological testing was conducted within the Facility site in collaboration with the Oneida Indian Nation (OIN).</p> <p>In October 2023, the OIN stated that they had no outstanding historic resources concerns. In December 2023, the NYSHPO stated their agreement that they have no additional archaeological concerns about the project. See Exhibit 9 (Cultural Resources) – Revision 1 for more information regarding archeological resources.</p>
	20d			<p>These solar panels are so close to the road that our -- that our plow trucks are going to push plow – snow up on them. How can that -- how can you let that happen? I don't understand.</p> <p>This is an intermittent energy source where we do -- where we do get power from -- when -- where we can't get power from when the sunlight's not out.</p>	Snow management	<p>Please see comments 1a, 20a, and 21f for responses to concerns regarding snow management and solar energy in CNY.</p>

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	20e			Why has your power bill doubled? You know what? This isn't the end. It's going to triple. We got a letter from our co-ops that says that the power is going up a hundred and fifty-seven percent. You know why? Because you're paying for those transmission lines going out of here and you're paying for subsidies for these projects. And -- and if Trump cuts all the funding for it, guess what? State's got all that money and the State's going to keep these going. So it's not going to stop. Trump -- Trump's cuts are not going to stop these projects. They may fund up nuclear, S.M.R.s, which is probably our future, but they're surely not going to stop these projects. And the thing that bothers me, most of all, is the fact that -- and I know some of you are farmers that are in here, and you want to rent your land out or lease your land out, and that's wonderful. I mean, you might -- maybe that's your retirement plan, I get it. But your neighbors aren't looking too favorably on you right now. You know, the -- they're -- they're -- we're splitting our community apart, what for? For the larger cities that need power and they're the ones that closed Indian Point nuclear facility, we didn't. And we're making up for it and we're going to pay for that line going down to the city. So, hang on to your hat as I say in the airplane, things get bumpy, buckle up because that's what's going to happen. Thank you.	<i>Economic Benefits, Utility Rates</i>	See comment 9c and 18d for responses to concerns regarding economic benefits to local municipalities and utility rates.
21	21a	03/18/2025	Suzan Yanulis, Town of Fenner Planning Board	I am absolutely in opposition to this project. There are two documents that I would encourage you all to read. One, is the Center -- Empire Center report on green guardrails. That is a depiction of the whole transition, not only legislatively, but from a perspective of moving towards wind and solar as our sole source of energy here in New York State. I also encourage you to read Comptroller DiNapoli's agricultural report. As a follow-up to Jim, I'd like to point out a couple things that Mr. DiNapoli has emphasized. This – his report -- his agricultural report indicates two very pertinent points. Despite economic growth between 2012 and 2022, the State lost close to 14 percent of its farms and over nine percent of farmland. New York is losing farms and land at a faster rate than the United States and all neighboring states except Connecticut and Massachusetts. The overall decline of farmland is troubling as conversion to other uses, particularly residential, commercial, industrial, which this is, may prevent its use for farming in the future. This 1728 acres located in agricultural districts, classified as solar electric generation facilities. That's a lot of acres. And right here in the town of Fenner, this -- the Cypress Creek is going to take 1500 plus acres of prime farmland or farmland of significant importance as Jim has noted.	<i>Agriculture</i>	See comments 8b, 13a, and 19b for responses to concerns regarding agriculture and land use.
	21b			In addition to that, Cypress Creek is going to come through and cut down over a hundred and forty acres of mature hardwood trees, which is very interesting because the reforest – reforestation goal outlined by the Department of Conservation wants to plant twenty-five million trees. Seems like this conflict -- this is in direct conflict of what they're doing here, they're taking trees down. Now again, I understand that this is a solar project, but as Jim indicated, we have another large ORES industrial wind facility proposal that we're going to talk about in April, of which they are taking down a significant amount of mature trees. We've already lost mature trees on one of our farm -- farmer's leased property. Already they've been stripped, brings tears to our Amish people's eyes.	<i>Forests</i>	See comments 4a, 9a, and 12a for responses to concerns regarding impacts to forested lands.
	21c			They want to expand here as Jim indicated. One thing I'd like to make note, being on the planning board, we are very, very -- we go by the law. We go by our local laws, we go by our ordinances, and we put a lot of emphasis on our setbacks. Now, I don't know if you understand, if you've looked at any of the design documents, but there are participating landowners that Cypress Creek is actually going to go right over the property lines. They're putting panels across property lines. I don't know about you guys, but I can't get a building permit to put a shed over my -- in my neighbor's property line. Why is that okay? And so, what happens at the -- once these people, these are older people, what happens when they die and their estates try to close the estate when they can't even -- you can't determine where the property line is anymore? It's completely covered with solar panels. I don't understand how the Rapid	<i>Local Laws, Setbacks</i>	Setbacks have been planned and designed in accordance with Article VIII minimum setback restrictions. See Appendix 5-A (Design Drawings) – Revision 1 for detailed setback information. See comment 3a for responses to concerns regarding local laws.

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				Act could allow for no setbacks on participating landowners. Just want to emphasize that, don't understand it.		
	21d			And again, as Hannah -- Hannah has indicated, there's -- in the -- the article that this application has been submitted and completed with, there is nothing in there that's going to stop the wild -- that the changes in the ecosystem for the wildlife. And I can tell you that I have pictures of deer, not one, not two, I counted twenty. I have pictures of twenty deer that are currently on the farmland that these solar panels will be fenced off and behind. Where do all these deer go? Where did the coyotes go? Where does all the other -- where do the other animals go? I can tell you and witness -- I -- I can witness for you -- I have witnessed accidents in front of my house. There was a big doe that a guy hit, blew his bags off and a -- his bags and ended up totaling his new truck. These animals have to go somewhere. They are going to go into my property, anybody else -- any other non-participating landowner's property. And to Jim's point, they're going to -- or Hannah's point, they're going to definitely eat crop land.	Wildlife	See comment 19c for responses to concerns regarding wildlife and fencing.
	21e			And if anybody knows anything about Fenner besides our gorgeous, gorgeous views that will no longer be here, we will see solar panels instead of rolling hills. But if anybody knows Fenner, it's this solar -- industrial solar facility that happens to be owned by an international investment fund and that is true, they may have subsidiaries here in the United States, but I can tell you firsthand, I work for an international company, I work here in Syracuse at a subsidiary, all money, all decisions are made from that in -- from Europe, not here. Just so you know, at least it's the way it worked in my company.	Visual, Ownership	See comment 19d for responses to concerns regarding visual impacts.
	21f			So, what I want to understand also is to Jim's point, when we do -- we have read so much documentation on the output of these solar panels, and there have been a number of studies that indicate in New York State, we are forty-fourth out of fifty states for cloud cover and rain. In the winter, these solar panels, even though they have a nameplate capacity of a hundred and forty megawatts, will produce about two percent of that. Covered with snow, we had a hundred and three eight -- inches of snow this year. I have pictures showing, based on the size of my car, height of my car, what those snow banks look like, and the disaster this year of trying to kick those snow banks back and get them out of the way. Anyway, two percent in the winter, people, sixteen percent in the summer, that's what's going to be actually produced here, central New York.	Viability of solar in Central NY	Energy generation by the panels will be able to continue in cloudy weather as well as in light snow. In the event of heavy snowfall or wind, the solar panels that will be used in this design have tracker technology which will be used to configure panels to automatically move into a snow-safe position. Similarly, in the event of high wind, the solar panels will move into a user-configured high-wind-safe position. The panels are designed to withstand up to 25 mm diameter hail at 23 m/s, wind force up to 50 pounds per square foot (psf), 2400 Pa, and 245 kg/m² front & back, and snow pressure up to 5400 Pa, 550 kg/m² front. By avoiding heavy snow accumulation, solar can be collected after a snowfall without extensive snow clearing from the panel surfaces. See Appendix 5-C (Manufacturer Data Sheets) – Revision 1 for detailed specifications regarding performance and efficiency of solar panels in adverse conditions. See also response to comment 20a.
	21g			So, I'd like to end saying I definitely don't understand how a community that is rural, that has more than two major dairy farms, how we can take the farmland that they, and guess -- I'm not sure you realize this either, but farmers can't afford to buy all their land. They just can't, they don't have that kind of money, so they lease it. Without the leases for this farmland, we know for sure it will be extremely impactful to the existing productional farms that are here in Fenner in addition to the Amish community that uses the land and water tributaries.	Agriculture	See comments 8b, 12b, 13a, and 19b for responses to concerns regarding agriculture, land use, and water resources.
	21h			If something happens to these solar panels of which we have had a tornado, a gentleman died last year in the town of Chittenango. If that -- if we get a tornado, like we had a warning, two what, two nights ago, if they take out these solar panels because that's not uncommon for it to happen, and those PFAS hit the ground, on my well, I don't know about anybody else's, but my well is surface water. All of that water goes down. These panels are going to be uphill from the Amish community of which they water their livestock. They also drink it. So, I'd like to understand why we would want to do that when we have an expanding Amish community that is always looking for land, they're always having children, and oh, by the way, they go up and down these roads twenty-four seven.	Health and Safety	PFAS is not customarily used in solar panels because safer, effective alternatives have already been developed and commercialized. Moreover, no studies have shown the presence or leaching of PFAS from PV panels—either while they are in active use or at the end of their life (e.g., in a landfill; Anctil, 2020). See Appendix 5-C (Manufacturer Data Sheets) – Revision 1 for detailed information regarding panel components and materials. See comments 7c, 12b, 31f, and 37a for responses to concerns regarding health and safety, water resources, and decommissioning.
	21i			So, I would like ORES to take in -- into consideration the fact that the town of Fenner has done a great job with wind today. We have twenty windmills Enel owns. We have, the planning committee of the town of Fenner, has approved five more. David Senehi owns Cody Wind Farm. We've approved them. They haven't gone in yet, but	General Statement	Comments noted.

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				they've been approved. So, we will have approved twenty that are existing, five more. We feel strongly that we have paid -- we have participated in New York State's goal for green energy and we've done it for years. So, we are not by any means against green energy. We love this land. We love where we live. And I want to add one more thing. I've lived in New York State my entire life. This is my fourth and hopefully, hopefully final home. I work so hard to be able to live here. I couldn't afford it, but I had three homes and every home I got made a little more money and my husband and I have done nothing but worked our butts off at gutting this place and building it for our future, for our retirement. I am retired. I have a couple horses at home and I think this is the most beautiful place on earth. And I worked for an international company. I traveled my entire life and I've seen a lot of the world and I've seen a lot of the United States, and there's no place like home. And we hope you take these comments into consideration because we want to save our town and we want to live here for the rest of our lives.		
22	22a	03/18/2025	Mark Braiman, Madison County Libertarian Organization, Chair	<p>Our main concern in our discussions has been the respect for individual prop – property owners' rights and for the rights of localities to determine their own future. Many of these views have already been expressed by previous speakers, so I -- I don't need to add too much in there.</p> <p>I'm also interested in – in representing my own personal viewpoint. I have a forty-year history as a chemistry and biochemistry professor, and I've been concerned since -- as a six-year Tesla driver, I have grown increasingly concerned about what happens to battery storage after the utilization is up. I have read the Independent System Operator Outlook to 2040. It was published in 2023, and I've read their most recent annual report published in 2024. And it's pretty clear that -- that the general statements that Mr. Cunningham made about needing to store the energy that's -- that's captured during the summer in this solar panel field and somehow shift -- time shift it to the winter. These are -- are very important issues that are brought forth in this Independent System Operator's report which makes clear that the peak demand for electricity will occur not during the daytime, but at nighttime in winter. And it's pretty clear that this solar panel field can contribute zero to that peak need that will occur in the next ten to -- to fifteen years. The Independent System Operator report makes clear that they envision that there will be a need for, it looks like somewhere between five and fifteen gigawatts of continuous power supply from storage at the -- at that peak hour time. I read through the application and in particular, the decommissioning report from this Oxbow project and I was heartened to see that there is no mention in the decommissioning report of needing to do anything with storage, which implies to me that there is absolutely no plan whatsoever for local storage. That is somewhat encouraging if – if that will remain true throughout the lifetime of this project. I think it is something that is perhaps shortsighted, however. The town of Cazenovia recently in part with my encouragement and some other -- many other people's encouragement, especially the emergency, fire crews passed a ban -- a zoning ban on tier two energy storage, which is any battery storage greater than six hundred kilowatt hours. Now, 600 kilowatt hours, you know, the difference between kilo and mega. So, 140 megawatt solar field puts out many -- more than 2000 times that amount of energy in a day during the summer. So that means that using -- if Fenner were to establish a similar kind of limit on tier two energy storage, it would essentially block this project from ever storing more than two percent of a day's energy. If all of the towns in Madison County end up passing similar bans, which I can't conceive why they wouldn't want to, because it's -- it's a similar fire hazard everywhere in the county, it seems to me that -- that this field would be left with no way of -- of storing very much of its energy. Again, looking at the economics, you know, my field of expertise in chemistry and biochemistry is photochemistry. It is photobiology. It's hard for me to see how this field will be able to sell at -- at peak sunshine hours. Will be able to sell its output of electricity for more than a couple cents per kilowatt hour,</p>	Battery Storage	<p>The proposed Facility does not include any plans for on-site battery storage. See Appendix 5-A (Design Drawings) – Revision 1 for a layout of all Facility components.</p> <p>See comments 20a, 20b, and 21f for responses to concerns regarding solar energy in CNY and fire risk management.</p>

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				<p>whereas the demand, the high demand time, you all know that you're paying, you know, fifteen cents or twenty cents per kilowatt hour in -- at winter time at times of peak demand. They can't shift that production later without storage. So, I think there is -- there is some fundamental economics that is missing maybe already in their analysis, unless they're planning to shift their plans later on and put in a huge amount of storage. I don't see there being adequate storage anywhere in Madison County for them to do that. Certainly at -- in -- at the initial part of their lifetime, they're going to be able to put that -- all of their energy onto the grid.</p>		
				<p>Again, with my perspective as a biochemist, I know that the solution to this problem, which is present, has been present for a -- a billion years in this part of the world and for human beings living in this part of the world for tens of thousands of years, to shift the ample power, the ample solar power that we have in the summer -- summer. To shift the storage of that in the winter, the solution that biology has come up with over a one-and-a-half billion years of evolution, and that human beings have adapted over fifty thousand years of living here, the solution is to grow crops that make bio -- that make carbohydrates and hydrocarb -- carb -- hydrocarbons and proteins, and store those for the winter. And that is the -- the in -- immensely sustainable solution that we are now proposing to throw away for an unsustainable solution using manufactured goods that we're going to have to get rid of in ten years. Thank you.</p>	<i>Sustainability of solar vs. biofuels</i>	Solar power is a more efficient form of energy production than biofuels and produces fewer emissions and negative environmental effects (Jacobson, 2009).
23	23a	03/18/2025	Rhea Jezer- President, Energy 21, representing Sierra Club	<p>Sierra Club is the America's oldest and largest and most influential grassroots environmental organization with three point eight million members nationwide, almost fifty thousand members just here in New York State and over two thousand members right here in Central New York. We have a lot of members of Sierra Club right here in Madison County. Its mission is to promote clean energy, safeguard the health of communities, and protect the earth's ecosystems and resources. The Sierra Club has officially endorsed Cyprus Creek Renewables proposed Oxbow Hill Solar Project. We take any endorsement of projects very seriously. For the Oxbow Hill project, we went out to the fields, a group of us made sure to see the farms, speak to the farmers. We assessed all land impacts, including the wetlands, the birds and wildlife, food production, the visual impacts, et cetera. We also examined Cypress Creek's community engagement. We have seen that Cypress Creek has been really good people to work with and environmentalists. The relationship with labor and the tax base and the broader community benefits of the project, which they are seriously considering. We looked at all that. We rarely, rarely endorse projects, but this one we thought was a good one. I have to really impress upon people, farmland now is really at extreme risk, not because of solar panels, but because of climate change. We don't think about the effects on farmland, but we do know how important climate change is happening. I suppose all of you remember when the skies were full from Canada, from the fires? We'll be getting it from California as it comes right across. These things are happening because of climate change. Now, I know that farmland is in demand for solar because of the large tracts that are available. And I understand, I truly understand that communities are reticent to change the landscape and are very, very fearful. But we are dealing now in this country and this world in a crisis situation. We see what's happening in Canada. We see what's happening in California. We see what happens in the Midwest. Tornadoes here in this area? That affects the farmland. It affects all of us. It's also extremely important to take into consider - - into consideration and we did that the using of farmland for solar is reversible. The land is not sold to developers. And by the way, nationally, eleven million farmland acres have been irreversibly lost to development for shopping malls and housing developments. But it's -- this area would be leased for a period of twenty years. At the end of that time, the property can be restored to other farmland use. In fact, the developers are required to put money into an escrow account to restore the land back to its original. Actually, it'll be in better shape for farming because the land was allowed, as we all, you know, those -- those who do farming, the land will be allowed to be resting. And the trees will come back as they had -- as they were before. We hope -- I understand that citizens are very</p>	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.

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				sensitive to this topic. I -- I really do have compassion for that. But I hope that you consider and realize that solar farms are productive farms producing a crop of much needed energy, particularly local, with a new challenge that we're going to have to provide for the coming immense surge in load demand driven by AI, micro data centers and widespread electrification. We also strongly urge New York State to hasten the permitting process for large projects such as these. There is no time to waste. We have to -- we have to consider climate change. We have to consider turning to renewable energy and getting off fossil fuels. That's what's causing all of this. Although due diligence should be taken with challenging -- with -- with challenges such as siting, grid -- grid capacity, rising costs, supply chain issues, and often this kind of local opposition because people are very frightened of change. The process is just taking too long and there are too many projects in the pipeline waiting to be approved. We need these energy sources now, not later, now. Especially with the expectation that our federal government is poised to ignore climate change and promote drill, baby drill. Sierra Club thanks you for your attention. And we hope to work with the -- with the state and hope to work with the developers to make sure that they will stand by their commitment to the environment. And I thank you for allowing me to speak.		
24	24a	03/18/2025	Karol Toole-Landowners involved	I'm one of the landowners involved with the project. We are landowners in the town of Fenner. Some of our lands will be used to host the Oxbow Hills Solar Project. Some of our lands are currently used by the Fenner Wind Farm. We are longtime supporters of renewable energy. Developing the Oxbow Hills Solar Project we'll have a direct and positive impact on our family farm land. Our relationship with Cyprus Creek renewables will enable us to preserve our farming operations and preserve our farmland. We view this as a unique partnership between wind and solar operations that may serve as a future model for green renewable development. All of the landowners will still have open farmland. We are excited that the Oxbow Hill Project, oh, excuse me. The Oxbow Hills Solar Project will help us preserve our lands for the next generation of our family and continue to have working farmland and woodland otherwise that the farmland could be sold for another project, less desirable or sold for development. The ability to share existing access roads will reduce impacts to our operations, our farmland. We have worked closely with Cypress Creek to avoid, minimize, mitigate environmental impacts and to preserve our existing farm. We note that the Oxbow Hill Project will also provide substantial benefits to the town through utility bill credits, payments of taxes, or a pilot and through a host community agreement. Over the project life, Oxbow Hill Solar is anticipated to provide significant benefits to the town of Fenner without putting additional strain on local infrastructure such as schools, roads, or other town resources. We recognize Cypress Creek as a strong supporter of the SUNY Morrisville Renewable Energy Program. The Oxbow Hill Project has been endorsed by the Sierra Club. This is significant. The Sierra Club's endorsement of the Oxbow Hill Solar Project is based on an examination of the project's quant -- qualitative and quantitative attributes. To earn the endorsement, Oxbow Hill will underwent a rigorous evaluation to ensure the project satisfy -- satisfy -- satisfies the Sierra Club's commitment to renewable energy in a manner that preserves nature and provides a just transition that respects communities. Personally, I'm excited that we have the opportunity to have the first wind and solar farm together in New York State. I'm even more excited with the possibility of using Agri-voltaic, which is when agriculture and renewable energy coexist. In this case, we are considering -- considering having sheep graze directly on the solar farm. With the support from Cypress Creek, we will have the potential to substantially upgrade the FREE Center, which is Fenner Renewable Energy Educational Center. For these reasons, we are excited for the town of Fenner and the surrounding areas. Much like the existing wind farm, the Solar Farm will produce and harvest a different crop. In conclusion, we strongly encourage -- we strongly urge the approval of the Oxbow Hill Solar Project. It's a win-win situation. I mean, wind, solar wind for Fenner, central New York and New York State.	Statement of Support	This is a supportive comment in favor of the Oxbow Hill Solar Project.

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25	25a	03/18/2025	Henriette Hamel	I feel that my squirrels have more rights than I do. I've been living in Fenner for thirty-eight years with my husband on South Road, and I feel that enough is enough. My feeling -- my -- my feeling for these projects that are in the works is that somebody just flew in and dropped them on us without noticing that there are houses and there are people and there are yards. And property owners were supposed to have rights. We worked -- I used to be on the planning board years ago, and we all worked on our local laws. We did our jobs as local officials and protect our town. And now all of a sudden that's -- that's just bogus, that's nothing. And it's really, really disastrous, I think, for our town. We have a beautiful place to live and it's going to be totally morphed into some industrial area. We have -- unzone residential, but I'm going to have -- if say projects go through, I'm going to have a maintenance building right at the end of my driveway with fences and lights. My husband and I planted trees a little bit on the front because we figured sometime that farm will subdivide and we'd have houses, okay, people, kids, houses. But now we have an industrial complex being dropped on us and I'm opposed, obviously.	Local Laws, Zoning	See comment 3a for responses to concerns regarding local laws.
26	26a	03/18/2025	Geoff Navias	<p>I had a friend this morning talking to me and they said, this is like medicine. There's something that's trying to be cured, but you know there are side effects. And you try to pick the best medicine for the situation and you try to limit the dangerous side effects. But we're living in this big world and we're in this little place in this big world and there are side effects. And those side effects are going to be borne by the people here. And we need to do some of these solar projects and we need to do wind and we need to change how we're living. And that's going be hard and painful. But when folks are being asked to bear all the side effects and not given the respect and compensation and care that they deserve when they take on all those side effects. So, we need to do a better job with how people are treated in this country and in this place. But we do need to make some changes or the world's going to change and we're going to be in bigger trouble than we are now. So how do we balance that? We've got to find a way. And New York State has got to really acknowledge the sacrifice that they're asking, but maybe they aren't asking, maybe they're imposing. And maybe they should be gently, carefully asking and then working with the community in a way so that people understand that they are going to be taking on the side effects for the rest of this State and for the rest of this country and in part for the world. So, we need to do a better job with that.</p> <p>And cutting down trees so that you put up solar is ridiculous. Trees are one of the things that can mitigate the existing situation. You don't want to cut down the trees. Again, you need to do a better job. Thank you.</p>	General Concerns, Forests	See comments 4a, 9a, and 12a for responses to concerns about forested lands.
27	27a	03/18/2025	Charlie Pace, member of original Town of Fenner Planning Board	I was a member of the original planning board for the town of Fenner, and we tried to set up the town of Fenner to continue as an agricultural town. We had to do a comprehensive plan mandated by the State before we could do a land use ordinance. And it is very frustrating to me to have all the people that have donated, volunteered time to try to make our town and keep our town the way we'd like it. And because of the size of a project, it just does not seem right to me that they can come in and do whatever they want. I know we're having this public hearing, comments are being taken, but it would be very interesting to see what impact that has. I would hope that people, if you don't feel like speaking, would do a written comment so that the members of the oversight board can see the true feelings of the residents of the town of Fenner and those impacted by the visual impact of this, I call it pollution. I have not seen one going over twenty -- I have not seen one solar project that to me enhanced the environment or enhanced the way property looked. I've lived here over fifty years and have been involved with the community to the point that I became frustrated, truthfully, because of these projects. And yes, we can only talk about this one, but we know there's another one coming down the pipe very soon that we're going to be looking at. It's already in the process, the wind project. I am -- I don't understand how the governor can say that - - at the State fair	Local Laws, Agriculture	See comments 3a, 8b, 13a, 19b, 20a, and 21f for responses to concerns regarding local laws, agriculture, and solar in CNY.

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				that we're going to do thirty percent more produce. The State is going to use thirty percent more local produce and then turn around and disregard the way we have set up our comprehensive plan to keep agriculture and turn it into an industrial area. I come -- I -- I worked for National Grid for thirty-eight years, and I truly do not see solar as the end all to help the situation we have with supplying green energy. I think nuclear, there's a lot of movement on that and moving on these projects so quick, I think we'll be sorry we did that in the future. I -- I also would like to say that I do not understand why there's such a push to take agricultural land, yet projects that are done in the cities that are going to be receiving a lot of this energy, they - -there's no mandate to them to put solar panels on their roofs when they're doing a -- a project. That's something that could be done. I am sure in New York City there'd be plenty of sunlight on some of the roof projects and new building projects that could be -- could be used to help the issues they have with their energy. And I guess that's about all I got to say.		
28	28a	03/18/2025	Peter Wirth, lives in Fayetteville, Sierra Club member	<p>I live in Fayetteville in the town of Manlius where I believe we have six solar projects. Last week, a mega storm, tornadoes, fires, dust storms, floods killed thirty-three people across a number of states. A few months ago, the fires in California destroyed over fifteen thousand homes. Catastrophic weather events did not stop at any municipal border. Renewable energy projects such as the Oxbow Solar farm are necessary to slow down CO2 emissions, which are causing catastrophic weather events, increasing both in frequency and intensity all across the United States. Change is hard. I empathize with those people who want to see farm fields and not solar farms, but change is necessary. I know this -- this -- it's hard to believe, but we need to remind ourselves that in a few years, we -- we will get used to these solar farms. I say that because I pass hundreds of telephone poles, hundreds of telephone poles and miles of wire every day and I don't think about it. As a matter of fact, in my whole life, nobody has ever mentioned to me, aren't those telephone poles ugly? And aren't those high tension, electric wires dangerous? The wires which bring electricity to our homes were probably considered unsightful (sic) and even dangerous when they were first put up. I speak from personal experience. I'm a, you know, I'm a New York City boy, this is a Brooklyn accent you're hearing. But I was also very lucky. And my grandmother had a small mom-and-pop farm. And by the time they came along, none of the animals were left but there were like three chicken coops. Grandma had some pigs, some ducks, some goats, chickens, and I think the farm fields were rented out to this guy, Mr. Holmes, you know, a local farmer where I vaguely can still remember him cutting hay in the fields. But my grandmother's farm in Mechanicville had a four-lane highway put through about a third of the mile behind the house. It's route 23, so I'm sure some of you folks have driven on it. It was garish, stuck out like a sore thumb. You know, I can remember as a kid we saw these white flags across the property and we wondered, what the heck are these flags? You know, they were for oh, when you -- you, you know, when you make a -- the line where the road was going to go. I recently drove by the farm, you know, which after my grandmother died, and then Aunt Margaret got the farm. And then after Aunt Margaret died, my mother got the farm and, you know, she sold it to a neighbor on the block. You know, the Uhr's, this is a German neighborhood. I recently drove by that farm, matter of fact, this past weekend, this past Sunday, you can't see the road anymore. It's all grown up trees. It's shaded. You can't see it. I would like to share a conversation I had with a farmer who was leasing some of his land for this project. He said, farming's hard work, and I'm getting older. The income would be helpful and enable him to pass the farm on to the next generation in case they want to farm. It would make his life easier. Yeah, we need to remember that when the lease is up and, you know, and most of us, all the gray hairs in this room will be dead. We need to remember that when the lease is up, these panels could be removed and the next generation can farm again. If the land is sold off for homes and it -- and its residential development in New York State, which is the greatest threat to our</p>	Statement of Support	This is a supportive comment in favor of the Oxbow Hill Solar Project.

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				farmlands, that land is lost forever. You put a house on an acre of land and nobody's going to tear that house down thirty, forty years from now. With a solar farm, when the lease is up, the panels can be taken off. And if you want to farm it again, you have that option. I want to go on record to support the Oxbow Solar Farm. Thank you		
29	29a	03/18/2025	Travis Phillips-Labors local 190	The Laborers Union is members of the Board of Directors for the Alliance of Clean Energy for New York and New York League of Conservation Voters. The Laborers International Union strongly supports New York's clean energy mandates. New York State's clean energy standards requires that at least seventy percent of the State's electricity comes from clean energy sources, like solar projects, by 2030. And this project could be a great step towards that goal. I'll say that, you know, in 2021, Cypress Creek Renewable signed a memorandum of understanding with Laborers Union Local 190 to ensure that the construction of Oxbow Hill Solar Project is completed by skilled union members. Many of those members are your friends and family that live in the local area. The Oxbow -- Oxbow Hill Solar Project is expected to have a combined annual wages estimated to be greater than forty million dollars. That's money that'll stay here locally. The project is not expected to result in any new costs to local taxing jurisdictions, but instead will generate direct revenue through a payment in lieu of taxes, a pilot agreement and a host community agreement and H.C.A. Over the project life, Oxbow Hill Solar is anticipated to provide sign -- significant benefits to the Town of Fenner without putting additional strain on local infrastructure such as schools, roads, or other town resources. I would say that the town of Fenner has had a history of being ahead of the curve when it comes to renewable energy. And, you know, we hope that, you know, that continues to -- to be so. And you know, for the record, we are, you know, for this project. So, thank you very much.	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.
30	30a	03/18/2025	James Simon	I'm a resident of Lennoxville. I support the Oxbow Hill Solar Project and the economical benefits it will bring on the area. The project will not only create good paying jobs for the local residents like myself, but also not be a strain on our local infrastructure. Thank you.	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.
31	31a	03/18/2025	George Harmis, Senior Engineer Nuclear Regulatory Commission, Senior Engineer	Yeah, I was a senior federal engineer for the Nuclear Regulatory Commission. Senior engineer for the Department of Energy. I did oversight of, all the sciences involved with this. I do RCRA, CERCLA, MRSM, NEPA, all this associated type of stuff. I've never seen a more misbegotten scale, ratio wise, relative to where you're at. You own land, you want something. I, Dave Lucas, took sixty acres, put it to where his neighbors wouldn't have to look at it. You want to have industrial lights. Now, LED lighting is monochromatic. It isn't called laser. Laser is colonnaded by Dr. Laser. But monochromatic light is single frequency. You have a big enough element on this. There's seven different types of configurations on this type of lighting. It won't stop. It goes straight. It won't stop. You'll be right in your neighbors light pollution.	<i>Light Pollution</i>	<p>The only permanent lighting required for the Facility will be safety/security lights at the collection substation. In these areas, lighting will be kept to the minimum intensity required to assure safety and security. Additionally, all lighting will be operated manually or placed on an auto-off switch to further minimize the impacts of off-site light trespass. Photometric plans, elevation drawings, and light fixture manufacturer specification sheets are included in Attachment 2 (Lighting Plan) – Revision 1 of Appendix 8-B (Visual Impact Minimization and Mitigation Plan) – Revision 1.</p> <p>Some temporary lighting (i.e., task lighting) will be utilized in the construction laydown areas and could be required at some work areas during construction. This lighting is designed to maintain a sufficient level of illumination across large areas and, as such, some off-site light trespass is anticipated. The impacts associated with this lighting will be short-term, intermittent, and localized to the construction period and location. Task lighting will be limited to the maximum total outdoor lighting output based on the lowest allowable OSHA Limits.</p>
	31b			The migratory birds don't like light pollution. The migratory birds, where you have the snow geese and maybe we'll get some of the more endangered species coming back, they all set up there. You wonder why your flyway is down thirty, forty percent, it's because of this kind of -- this kind of scale and scope. And -- and then, you have your windmills, you can do your two or three bands there, you know, where you could -- could stop the -- the bird strikes, they didn't even try that, but it's a law of large numbers, a Poisson process. You keep on having a lot of energy like this, you push them over into the windmills, because there's no place to land, you'll get more bird strikes.	<i>Birds</i>	Facility components are proposed within portions of identified occupied habitat that are currently exposed to several forms of existing disturbance, including already operating wind turbines and the associated infrastructure. This represents impact avoidance for bird habitat within the Facility. In addition, many Facility components were intentionally placed in regularly disturbed areas primarily used for row crop (e.g., corn) production, which typically represent lower-quality habitat than grass-dominated areas. This also represents impact minimization for bird habitat. All temporarily disturbed grassland vegetation communities will be re-graded to pre-construction contours and reseeded with a native or naturalized grassland seed mix (unless returning to agricultural use or otherwise specified by the respective landowner). Lastly, a Net Condervation Benefit Plan has been developed for the Facility in accordance with the requirements of 19 NYCRR §900-6.4(o) and is included as Appendix 12-F to mitigate for unavoidable impacts to occupied grassland bird habitat. See Exhibit 12 (NYS Threatened or Endangered Species) – Revision 1 for more details regarding impacts to wildlife.

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						<p>Further, the Applicant will submit an Environmental Monitoring Plan with pre-construction compliance filings, and will hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements pursuant to 16 NYCRR Section 1100-6.4(b)(1). The environmental monitor will be present during all construction and restoration activities to record and report all observations of endangered species consistent with 16 NYCRR Section 1100-6.4(o)(7) requirements. Lastly, the Applicant will implement appropriate agency notification procedures and protection measures in the event that active nests of a federal or NYS threatened or endangered bird species (other than bald eagles), or any dead or injured federal or NYS threatened or endangered bird species, or eggs or nests thereof, are discovered within the Facility Site during facility construction or maintenance, consistent with the requirements of 16 NYCRR Section 1100-6.4(o)(8).</p> <p>Climate change represents one of the most significant threats to a variety of wildlife species, potentially threatening two-thirds of North American bird species with extinction. Thus, any unavoidable impacts to bird species and their habitats from development of renewable energy facilities, such as the Facility, must be balanced against the environmental threats to those species and their habitats posed by a failure to address and mitigate climate change.</p>
	31c			No one had spoken about the Vistra fire that we just had. Like, I did plutonium metrology. It's worse than a white phosphorus fire. You have to have a getter there. You have to have the technology to even understand what you're doing to put out some kind of heavy metal fire. It -- it won't work. The Vistra fire is the biggest storage fire or storage system that they had in California, Half Moon Bay is all agriculture. It's now totally polluted with cadmium, selenium, all the bad players, because they didn't even have the sophistication with the Sharpies IN Monterey with all the guys that are out there in California, where you'd think they'd have that level of maturity. You're in dairy ag land, everybody in the wind rows, you know, pushing West and Southeast is -- is or -- or East and Southeast is now at risk with this. You won't have the ability to put out the fires on this kind of stuff. I don't see it happening. It didn't happen there. It burned for two days. The biggest energy storage system ever. So, I mean, if you want to try to have a compromise, do sixty acres per six hundred, something where you don't have to look at it with your neighbors. It isn't reactive voltage. Reactive voltage is what you need to push the energy down. I did the northeast grid. You know, I -- I did everything no one else wanted to do. For Y2K, I did all the mechanicals consulting for the New York Power Authority. I did - - I did Niagara Falls. I did -- I did Fitzpatrick, Indian Point that they closed early.	<i>Health and Safety</i>	See comment 20b for responses to concerns regarding fire safety and management.
	31d			You know, you're not going to have the ability to have the motive force. It's just -- it's solar and wind is just a sideways step over. It doesn't balance the grid. If you depend on this too much in the middle of winter, you're just going to go down. People will die. Texas, I had a blue northern and went down. Oh, they got back up and running again, but to sit here and to say I'm scope and scale, it's silly. So -- so for every two megawatts, it's a hundred thousand dollars in the saving fund.	<i>Energy Production</i>	See response to comment 20a.
	31e			I haven't heard any discussion on the decommissioning of this.	<i>Decommissioning</i>	Exhibit 23 (Site Restoration and Decommissioning) – Revision 1 contains information on decommissioning. See Appendix 23-A – Revision 1 for the Decommissioning Plan.
	31f			It's -- it's twenty, thirty dollars to recycle. It's two dollars to schlep it over to the landfill for the State of New York and West Valley. I did the cap on the nuclear dump, a bad player. I had ERDA, E.P.A., N.R.C. I -- I had my own Geotech engineers. In my professional opinion, there's no way on God's green earth with this hydraulic gradient are you ever going to be able to put it into our landfill. And now, magically, they want to stop Seneca because they're getting greased with a bunch of junk from out of State, from New York State, all the bad junk to Seneca that we've been dumping over. They want to expand your landfill in this county a factor of five. Then, you're going to accept something. What's in a photo of that tail? Panelists, selenium, cadmium, lead.	<i>Hazardous Waste</i>	Solar panels that are still functional after the lifespan of the Facility will be reused at other solar facilities or will be resold on the market. If solar panels cannot be reused or resold, they will be recycled or disassembled and sold for scrap. Most components used to construct solar panels can be recycled after the panel is no longer functional. Glass, which is about 75 percent of a panel, is a well-established recycling industry. Copper, plastic, and aluminum are also easily recycled. Any other materials included in the panels or within the racking (such as lubricants) will be removed and disposed of in accordance with all applicable federal, state, and local standards. Concrete pads and foundations can be broken and crushed into recycled aggregate for potential reuse as road base material. After fluid removal, inverters, and electrical control devices will be reused at other facilities or recycled as scrap metal, while electrical equipment will either be recycled or transported to an approved facility for disposal. See Exhibit 23 (Site Restoration and Decommissioning) – Revision 1 and Appendix 23-A (Decommissioning Plan) – Revision 1

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						for more details. See Appendix 5-C (Manufacturer Data Sheets) – Revision 1 for information regarding panel components and materials.
	31g			And for the Sierra Club to have sold themselves with this kind of stuff, to say, yes, oh, we're going to -- we're going to stop climate change by demoing and doing three square miles where the Amish socio-technically are living on federal Indian land without historic views is perverse. It just -- it just, it is a minimum. You know, they need to push a -- a -- a bond seven million just for the straight stuff and -- and -- and, you know, do the calc's, it's probably expanded since then. There's no way in the land tilled here with our landfill you can ever put this stuff over. If you have damage to this, you're straight into leaching. You're into the Clean Water Act. Is this the place where they did the eminent domain with the State? Saying, oh, we -- we won't respect the township, and then, we move eight hundred feet to a hundred feet for our wetlands.	<i>Statement of Opposition</i>	See comments 35f and 37a for further responses to concerns regarding decommissioning.
	31h			And then, I'm looking at zone four and a half. Like, if I have a black walnut, by -- by ecocline by latitude, it's a unique species. This is unique species zone. You go over there, if you ever had wanted to do it, you know, I observed damaged birds from the windmills. You know, I was doing my big radar with guys like Rick, sitting there when I was in defense. And, well, God help us if we killed one eagle. I've observed on Route 20, damaged birds. I've seen snow geese. Where are they going to go? And when I push them over, if you even looked at the model, to where, gee, where will they go? And then, you're going to push them straight over in the fog. You wonder why your flyway's down. Right? Yeah, you compromise.	<i>Birds, Wildlife</i>	See comment 31b for responses to concerns regarding birds and wildlife.
	31i			You -- you can't look at it. Dave Lucas, you can't see his stuff. He did it out of consideration of his neighbors. You know, you can still, you know, pay your taxes and have extra money and go to Florida, but you know, no way in God's green earth could I do this, but no one has a speck on light pollution. Like -- like, you go look, if I digress, you guys don't have to listen anymore. Arthur Fonzarelli is selling macular degeneration medicines. And what's he sitting on, you count them. He has fifteen of these LED lights there. Now, if you actually looked at it, like I used to, you know, shit, I've read for thirty years on stuff. But, in 2006, they had a study from France. 2020, they have this. It -- it causes permanent eye damage in three days in life. You're going to be sitting there with your neighbors, pushing all this blue light at you. No one's going to sleep.	<i>Light Pollution</i>	See comment 31a for responses to concerns regarding light pollution.
	31j			So, yeah, the scope on this is wrong. Cypress overreached and in Region 2, E.P.A. defers to me on hydrology issues for the Clean Water Act. The federal permitting with the Indians, the sociotechnical stuff with the Amish, that's a stopper as well. And if -- if you want to go back and play hardball, because I'm apolitical, I don't vote. But I'm qualified on this stuff. You go look at the color of money and see where it comes. I don't want a foreign national company running roughshod on this. The scope and scale of three square miles ratio wise, not distributed throughout the county. Maybe, throughout the county you could get away with it, but	<i>Statement of Opposition</i>	Please see other comments for responses to specific concerns.
	31k			you're tearing out into wetlands. You're chopping mature, unique, eco-climate trees. This is a misbegotten project. I'll see you stopped.	<i>Wetlands</i>	Impacts to state-regulated wetlands and their associated regulated adjacent areas (RAAs) have been avoided to the maximum extent practicable through design and construction techniques. See Exhibit 14 (Wetlands) and Figure 14-3 (Development Constraints) for siting information and constraints. However, the construction of the Facility is anticipated to result in unavoidable impacts to approximately 0.09 acres of NYS-jurisdictional wetlands through the installation of an access road and construction related clearing and grading activities. Table 14-2 and 14-3 of Exhibit 14 (Wetlands) outline the anticipated impacts to state-regulated wetlands and 100-foot RAAs, respectively. The Applicant proposes to restore and mitigate state-jurisdictional wetland impacts in accordance with Appendix 14-D (Conceptual Wetland Restoration and Mitigation Plan).
32	32a	03/18/2025	Phil Rose	So Fenner, has been for since 2000, one of the national leaders in renewable energy, large scale renewable energy. We have a twenty wind turbines and another five plants. We're way ahead of the -- the State should have come to us and ask our advice of how to - - how to implement this thing. We would have given them a lot of	<i>Statement of Opposition</i>	Sierra Club has requested this comment be retracted from the record.

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				<p>tips. Instead, they've decided to do it their own way. Bad decision. Mistake. I want to take on the Sierra Club. The Sierra Club has been getting a lot of publicity about how -- how they're endorsing this project. I have with me the Assessment Report of the Atlantic Chapter of Sierra Club for Large Scale Renewable Working Group. This working group, a number of Sierra Club members, raised serious issues about this project, serious issues. Gave them poor scores on a number of areas, impact on forest land. Approximately twenty- five percent of the six hundred and seventy acres to be covered by solar panels is land currently occupied by intact forest. Forests perform a vital function in sequestering carbon, supporting woodland ecosystems, including birds, wildlife and intercepted rainfall. They go on. They have questions about the impact on birds. They have questions about the displacing of food production. Talked about landowners. However, the landowners we met with indicated they simply wanted to get out of the farming business. The team of Fenner notes that of the fifteen hundred ninety-four acres of the solar project, eight hundred and ten acres are prime farmland, fifty-one percent. Community engagement, of the three possible descriptions of community engagement, the one that seems to fit best is developer engages local organizations, becomes a known presence in the community, but takes either an adversarial stance or ignores community input. This is the Sierra Club, folks. In conclusion, Fenner currently hosts twenty twenty point five megawatt wind turbines. And we'll soon be getting five more. The Town of Fenner has a total area of nineteen thousand nine hundred and eight acres. The Oxbow Hill project will occupy almost sixteen hundred acres, eight percent of the town. Approximately, seven hundred acres, three point five percent would be occupied by solar panels, access roads and new substitutes. All of the development, while great for producing low carbon electricity, hello, we have to get rid of fossil fuels, imposes quote, a tremendous burden on the -- on this one community with the population of sixteen hundred and sixty-eight people, tremendous burden, Sierra Club. This task force was completely divided and did not have a consensus at all on the decision to support this project. I repeat tremendous burden. We who live here exactly know what a tremendous burden it would be. We live here. This is our home. People from outside of our -- our place can come in and say, oh, you know, the renewable energy is wonderful. Somebody has to sacrifice. That would be us. Those of us who built our homes here, where we raised our children here, invested millions of dollars in -- in our homes and vehicles that we take care of the land with. It's an incredible cost to us to see our land. The land, I -- I didn't move to this town in order to live next to industrial-sized wind -- wind and solar. I was proud of -- of the current project. I was saying, wow, Fenner is way ahead of - - of the curve here. They're already supplying renewable energy to the State. What a gift. What a gift. And now, we're being required, not a gift, it's -- it's being required of us. And all of our systems, zoning laws, planning, town board, comprehensive plan, is -- doesn't matter in their eyes. They don't need to come and say, well, gee, let's negotiate with you. They come in and say, hey, this is the project. I'd like you to leave it. Here's some money for some of the landowners. You know, they benefit. I understand that. No, it's not fair. It's not fair from beginning to end. This is a project that needs ORES to step up. Take some courage and say, hey, Fenner, you've already done your job. You've done your -- you've -- you've contributed to our State already. There's plenty of land in New York, plenty of places to build these things. We don't have to be excessively and or tremendous burden. We don't need that. Okay. That's it. Thank you.</p>		
33	33a	03/18/2025	Matt Robinson	<p>I oppose the industrial solar project. The scale of the project is out of order for this beautiful town. I do support solar and wind, but not of this acreage on farmland. This is too much industrial an -- energy production for this community. There is no point of reducing climate change if the land, biodiversity and communities are destroyed.</p>	Statement of Opposition	Comments noted. See comments 4a, 8b, 9a, 12a, 12b, 13a, 19b, and 19d for responses to concerns regarding agriculture, natural resources, and community character.

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34	34a	03/18/2025	John Salka, former NYS Assemblyman 121 st District, Former Town of Brookfield Town Supervisor	I was the New York State Assemblyman for the 121st District for two terms. And before that, I was supervisor of the Town of Brookfield, which is extremely rural. And allows me to be cognizant of what is very, very important to a small community and that's who we are. That's who we are as a people. That's who we are as a community. And the quality of life of that community is so important. Ladies and gentlemen, what we have here is a classic David and Goliath. You have Albany and their dictates and their lack of responsiveness and their one issue focus, which is the green agenda, compelling them to take our rights as a small town, as an Upstate rural community and trash those rights. Now, I was there the night and voted on a budget that has become more of a policy statement than a financial statement, where Andrew Cuomo gutted the Article 10 process, because they knew that's what they had to do. They had to take home rule away, so that their dictates could prevail with their green agenda. I was part of the debate on the floor of the assembly.	Home Rule	See comment 3a.
	34b			We're going to look back and forth on the C.L.C.P.A., the Climate Leadership and Community Action Plan. The questions that we had, from fundamental questions like, is the grid going to be able to handle this?	Grid capability	See comment 20a.
	34c			Through, is this going to affect the utility rates of the people in Upstate New York? And they knew it was going to double, triple, quadruple those rates because somebody has to pay for it. And this is what you're seeing now. You're seeing your utility rates, double, triple, quadruple. I spoke to a farmer's son, not long ago, whose bill averaged two hundred dollars a month, who got a twenty-one hundred dollar bill. He said, I'm sick to my stomach over it, I don't know how I'm going to pay this. He reached out to the Public Service Commission, not much of a response there, other than call the utility company, who told them we're going to set you up a convenient payment plan. Well, thank you very much. So, this is where it's hitting home. And this is when and where we made them aware.	Utility Rates	See comment 18d for responses to concerns regarding utility rates.
	34d			During the very aggressive, very robust debate on the C.L.C.P.A., that the groundwork for this is just not there. The grid can't handle it. People's budgets can't handle it. The quality of life for our communities can't handle it. And we have a classic instance of Downstate and their priorities, superseding the priorities and the quality of life that we expect and we worked hard to earn in Upstate, New York. So, where does it end? Fourteen hundred acres of solar panels there, another thousand there, another fifteen hundred there, another two hundred here. And at one point or another, you're not going to be able to travel throughout Upstate, New York without practically tripping over solar panels and seven-hundred-foot-high wind turbines. I found out, this is an interesting little quip. One of the first projects in Upstate, New York, one of the first projects on the eastern coast, was the project in Madison. The towers that are there. I can see them practically from my house. I live in North Brookfield. When we found out that they're going to dynamite them, because they're being decommissioned, they're going to let them fall to the ground, the fiberglass wings, blades, are going to shatter. And now, there's a concern about fiberglass, airborne fiberglass. This is the style of thinking that Albany has now. Upstate, New York is the wild, wild west. And who cares who we step on, as long as we can turn our lights on in Queens and Manhattan. So, this is an us against them now. And all due respect to these fine people here that are here to listen to us, usually, what I have found in my twenty-five years of elected office is Albany is tone deaf. Albany simply doesn't want to hear it. They're focused on what their political agenda is. And here it's a project that is extremely well politically based and connected, owned by a multinational corporation who could give two hoots about Fenner, and Nelson, and Madison, and Brookfield, and wherever in Upstate, New York. Just keep in mind, this is the attitude now. This is the opinions that they have of our homes. They have very little regard of how or why they should be able to work with us. We have power available or the potential, small nuclear reactors, hydroelectric, yes, wind, solar, of course. It could all be hybridization, even using fossil fuels, believe it or not, the big boogeyman. We have more natural gas below	Statement of Opposition	Please see other comments for responses to specific concerns.

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				our feet than you can shake a stick at it. This country and this State could be energy independent, but it's not going to go that way if we depend on solar panels and wind turbines. So, in closing, I just want to say that I hope people in Albany, it's a far stretch, at least in my experience, but I hope the people in Albany are able to say, maybe we should step back. Maybe, we shouldn't make poor schools buy three hundred thousand dollars school buses that are electric, that probably will run -- run out of power going through the hills of Brookfield when it's twenty below zero.		
	34e			It just doesn't add up. It doesn't make any sense, does it? That a panel that's twenty-three percent efficient at best -- in the best of conditions, is going to be built in an area that has forty percent sunlight. If you -- if you start to try to look at the logistics of it, none of it seems to add up. So, my advice is, press your local elected officials. Make sure your voices are heard. Make sure that you make them understand that you're not willing to give up your quality of life, your home, that you've worked hard for. You've sweat and toiled for. You pay your taxes on. You send your kids to their school. Make sure you let them know that we're not going to give up easy. You're not going to take our quality of life away. This is our community. Stay away. Thank you very much.	<i>Viability of solar in Central NY</i>	See comments 20a and 21f for responses to concerns regarding solar energy in CNY.
35	35a	03/18/2025	Monica Cody, Planning Board Member, Town of Fenner resident	I married a fifth generation, over one-hundred-and-fifty-year-old farm family. And I have five children in the Town of Fenner. I appreciate the opportunity to speak tonight regarding the Cypress Creek large scale solar project under ORES review. And while I recognize the importance of renewable energy, I strongly oppose the conversion of a highly productive farmland into an industrial scale solar installation. This land is not vacant or underutilized. It is an irreplaceable resource that actively sustains our local food system, supports biodiversity and serves as a natural carbon sink. Prime farmland is not an appropriate location for large scale solar. Fenner's farmland is among the most fertile and productive in New York State. This land already plays a critical role in climate mitigation, acting as a carbon sink by absorbing carbon, improving soil health and supporting diverse ecosystems. Converting it into a solar installation strips it of its natural ability to sequester carbon, instead covering it with synthetic infrastructure that offers no comparable environmental benefit. If we are serious about sustainability, we should be promoting farmland, not replacing it with industrial solar fields that degrade soil and biodiversity. Solar should -- should be placed on marginal and non-ag land. Large scale solar belongs on rooftops, brownfields, retired industrial sites and other low impact areas, not in high quality, actively farmed soils. New York's own policies encourage renewable energy development without sacrificing farmland, yet projects like these continue to target prime ag land instead of prior -- prioritizing more appropriate locations.	<i>Agriculture</i>	See comments 3a, 8b, 12b, 13a, 15e, 19b, and 35f for responses to concerns regarding agriculture and siting constraints.
	35b			There's an increased wildfire risk from poor land management with these solar farms, a significant and often overlooked concern with large scale solar install is the increased wildfire risk associated with unmanaged or poorly maintained vegetative growth beneath and around the panels. Unlike actively farmed lands where soil is tilled, crops rotate, and vegetation is properly managed. Solar farms often result in large areas of unmanaged dying -- drying plant material, creating ideal fuel for fires. Several risks must be considered. If ground is covered but not properly maintained, it can dry out and become a serious fire hazard, especially during hot summers. Solar panels and inverters pose an electrical fire risk, particularly if maintenance is inadequate or wiring degrades over time, fires from electrical faults can spread rapidly through dry vegetation. Large solar fields create obstacles for emergency response teams. Fires in these installations can be difficult to control due to panel density, lack of proper fire breaks, and restricted road access. All of this and many more concerns were discussed for hours by our Fenner town planning board, a volunteer group, that it can all be found through public record with our meeting minutes.	<i>Health and Safety – Fire, Vegetation Management</i>	See comment 20b for responses to concerns regarding fire risk management.

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	35c			There's also drawbacks of sheep grazing under solar panels. As they say, it's easier to be a farmer when your field is a piece of paper, and your plow is a pencil, and you're sitting a very far place away, and a little out of touch with the reality. Some proponents of large solar -- solar -- large scale solar development argue that grazing sheep under solar panels mitigates land use concerns. However, this is not a viable solution for protecting high value farmland. Sheep do not restore soil health, unlike, rotational cropping or manage pasture systems. Sheep grazing under panels do not maintain soil fertility at the same level as active ag. The level -- or excuse me, the lack of diverse plant regrowth leads to soil depletion over time. The shade from solar panels reduces the quality and quantity of forage available to sheep, requiring significant supplemental feeding. As a point of reference, maintaining a block large enough to manage vegetation on a one thousand acre solar site would require at least fifteen hundred to two thousand sheet -- sheep, based on standard stocking rates of one and half to two sheep per acre. Due to the low-quality forage available under these panels, these sheep would need sustainable -- substantial supplemental feed, potentially upward of three to five pounds of hay or grain per sheep per day, totaling anywhere from forty-five hundred pounds of feed daily. Additionally, sheep require a constant managed water supply, which is not naturally available in solar fields and would necessitate extensive infrastructure investment for watering system. Sheep can damage electrical wiring and panel supporting --supports leading to increased maintenance costs and potential risks to both livestock and solar arrays. Additionally, fencing required to contain those sheep can limit land use flexibility. If the goal is to maintain farmland for future generations, replacing crop or dairy pasture with a constrained, low output grazing system is not a sustainable trade off. Once the land transitions away from traditional ag, it is far less likely to be restored to fully pro -- to full productivity in the future. I also think that puts us at more sheep in Fenner's than we actually have milking cows at the moment. Sheep grazing under solar panels is not a true Ag solution. It's a superficial attempt to justify poor land use planning. The scale of management, infrastructure and supplemental feeding requires -- required makes it economically and environmentally unsustainable.	<i>Co-Utilization</i>	As further described in Appendix 15-C (Initial Agricultural Co-Utilization), the Applicant examined potential co-utilization practices. The Draft Article VIII Siting Permit for the proposed Facility requires a co-utilization plan to be submitted and reviewed before implementation.
	35d			There's also additional long-term impacts on our community, like economic losses. Farmers will lose access to valuable land, weakening the Ag economy that has supported farmers for generations. Local businesses that rely on farming, equipment dealers, feed stores, processors, will suffer -- will suffer as well.	<i>Economic Benefits</i>	See comment 9c for responses to concerns regarding economic benefits to local municipalities.
	35e			Disrupting the soil structure, removing vegetation and altering drainage patterns will have long-term effects on soil fertility, water retention and erosion.	<i>Soil and Water Health</i>	See comments 12b and 15c for responses to concerns regarding water resources and soil health.
	35f			Developers often promise land restoration, but in reality, it's nearly impossible to fully restore prime farmland after decades of inactivity.	<i>Decommissioning</i>	As described in Appendix 23-A (Decommissioning Plan) – Revision 1, restoration of agricultural land will be performed in accordance with landowner agreements and the NYSAGM's Guidelines for Agricultural Mitigation for Solar Energy Projects. Disturbed areas not used for agricultural purposes will be revegetated by the Applicant using a seed mix appropriate for the region or allowed to revegetate naturally. Portions of the Facility intended to return to agricultural production will be re-seeded by the landowner. In addition to seeding, these areas will be returned to pre-construction conditions through grading, backfilling, and stabilizing. See comment 12b for further responses to concerns regarding site restoration.
	35g			Fenner is a rural Ag community. Large scale solar products do not align with our land use priorities and threaten to transform our landscape into an industrial corridor. In conclusion, I'd request that you protect Fenner's Ag and environmental future. Fenner has always been a leader in renewable energy, we are early adopters of wind and many of our farms integrate solar responsibly. But, we must draw the line at sacrificing our best farmland for corporate solar developments that put our economy, our environment, and our public safety at risk. I urge ORES and Cypress Creek to reconsider this location and prioritize sites that do not jeopardize our Ag future, introduce wildfires, or rely on ineffective land use solutions like grazing under	<i>Community Character</i>	See comments 7c, 8b, 9c, 13a, 19b, 19d, 20b for responses to concerns regarding community character, environmental health, economic benefits, and fire safety.

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				panels. Let's protect the land that feeds us, sustains our community, and contributes to the real climate solutions. Thank you.		
36	36a	03/18/2025	Leon Yanulis	<p>I'm -- first of all, I'm not -- I'm not against green energy. And as long as it's done properly. And this project, for a lot of reasons and a lot of people have stated I don't believe is, but that's -- that's the other side. I also firmly believe that a landowner should be able to use their property the way they want as long as it's legal. And when we look at a lot of these projects and a lot of the laws that go on, laws pass and they say, well, the law was when you filed your application, those are the laws you have to deal with. Well, when these landowners bought this land and used their land, commercial solar is illegal in the Town of Fenner, so they knew the rules. So, that's just -- just my comment on -- on land use, it's like, you have the rules when you buy the property. It is your investment and you have the right to do it but do it legally.</p> <p>And for ORES, I hope they do take into consideration the financial burden of people that have not leased their land. And make people whole. You talk about a home community payment and things like that. As the town as a whole, this large project and other projects coming will reduce the desire of people and overall affect the land values in the Town of Fenner. Of which we will raise our taxes, the town will not have money and it's not going to be as desirable. So, the home agreement should take all that into consideration and make the town whole.</p>	<i>Economic Benefits, Property Values</i>	See comments 9c and 10a for responses to concerns regarding economic benefits and property values.
	36b			And a handful of specific landowners, when you look at your land right, I happen to live uphill from what will be this solar farm if you farm. I don't know how to farm, but I live uphill. I paid a premium price for my property because of my view. My views will be entire solar panels. Actually, that's not accurate. Twenty percent of my view I will see up to Oneida Lake and every, my entire rest of my view. My land will decrease by whatever value that I've had. The studies I've done could be up to twenty percent. I would expect that there's something in the rulings to make sure the company who's just doing this for finances makes whole specific property owners that are hurt more than the town as a whole will be taken care of in a different agreement. Thank you.		
37	37a	03/18/2025	Sam Reeder, Town of Stockbridge resident	I'm a resident of the Town of Stockbridge. We recently lost a large section of farmland to a large solar farm, right along Route 46 and Green Road that had been in the works for many, many years. The ownership changed several times. We have no idea who owns it now. The impact is significant. The view obviously is affected, but what's also very concerning is that there's a branch of United Creek right below it. So, if there's damage to those panels or after they're decommissioned, we are very concerned about what's going to happen downstream from us. It's not the end. Already, we have another solar farm that's trying to be planned behind our -- our fire department. And they're back in the village now to try to build a significant field, which is also a tributary -- a tributary to the United Creek.	<i>Water Resources, Decommissioning</i>	<p>The decommissioning of the Facility shall be supervised and carried out by trained personnel familiar with the risks associated with decommissioning of electrical and/or potentially hazardous equipment. During the decommissioning process, any hazardous material such as oil or lubricants will be removed in accordance with applicable federal, state, and local requirements. See Appendix 23-A (Decommissioning Plan) – Revision 1 for more details.</p> <p>Spill prevention, control and countermeasures (SPCC) are outlined in Appendix 13-D (Preliminary SPCC Plan). The Applicant also commits to utilizing stormwater and erosion control measures like those used during the construction phase. These methods are included in Appendix 13-C (Preliminary SWPPP) – Revision 1. Stormwater and erosion control measures will remain in place until the restored site is stabilized.</p> <p>See comments 8b, 12b, 13a, 19b, and 31f for responses to concerns regarding agriculture, water resources, and decommissioning.</p>
	37b			And a large farm field that I grew up watching and enjoying this field. Used to slide down it as kids. I know it's probably not appropriate to say, hey, you got to -- you got to move on, you got to change things, develop. I understand that. But it's also a -- a large hunting section. It supports a lot of our farmers. It supports a lot of people in that area. I would kind of like us to consider, does solar and wind, green energy, quote unquote, really going to solve the global warming problem? What is causing the global warming problem? We have a lot of different scientific views on that. If there was a more definitive cause and effect, maybe it would be a little more drastic, something more we should pay attention to. There's no convincing science on that topic. If you did assume that green energy could solve the global warming, which has not been proven, why would you destroy nature's proven method of reducing the		<p>The Intergovernmental Panel on Climate Change (IPCC) is unequivocal in its assessment that greenhouse gases (GHGs) released by human activities are the primary driver of climate change. There is no scientific debate about whether GHGs cause global warming.</p> <p>The IPCC's 2021 Sixth Assessment Report emphasized that solar photovoltaics are one of the most cost-effective and scalable low-carbon energy technologies available. As a safe, renewable source of energy production, solar facilities will play a critical role in meeting the public health and safety goals of the New York State energy policy. Annual operation of the proposed 140 MW Facility would generate emission-free energy, offsetting equivalent to approximately 177,084 metric tons of carbon dioxide-associated GHG emissions generated by traditional energy sources. See Exhibit 6 (Public Health, Safety, and Security) – Revision 1 for more information.</p>

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				greenhouse gases that you assume are causing global warming. And then, replace it with an ecological disaster.		See also response to comment 20a regarding the efficacy of solar energy production.
	37c			If you consider the materials that are used in solar and wind farming, there is a lot of hazardous materials and I've heard some people with a lot of background mention those materials today. The -- the -- the fossil fuels that are used in the mining, transporting, refining, manufacturing, shipping, construction, operation.	<i>Hazardous Materials</i>	<p>Construction of the Facility is not expected to produce significant amounts of waste. Solid waste will consist primarily of brush and timber, cardboard, plastic, and metal packing materials, construction scrap, and general refuse. All debris and excess construction materials will be removed and appropriately disposed of consistent with 16 NYCRR Section 1100-6.4(m)(6) requirements. Damaged PV panels will be returned to the manufacturer. See Exhibit 6 (Public Health, Safety, and Security) – Revision 1 for more information regarding waste generation and disposal.</p> <p>The Facility will not generate common pollutants associated with traditional energy generation sources, such as nitrogen and sulfur oxides, or mercury, nor would it utilize significant volumes of water for generation or discharge effluent. The Facility will not store significant quantities of hazardous materials on site, aside from mineral oil stored at the main transformer of the substation. Should a hazardous material spill occur, it will be contained using spill response procedures outlined in Appendix 6-B (Safety Response Plan) – Revision 1 and reported to the applicable federal and/or state agencies.</p> <p>See comment 7c for additional responses to concerns about health and safety.</p>
	37d			And then, the ultimate, hopeful decommissioning of these projects, far exceeds any energy produced by these farms.	<i>Decommissioning</i>	See comments 12b, 35f, and 37a for responses to concerns regarding decommissioning.
	37e			What happens if you decrease the amount of power, the reliable power that's available to people? They find other methods. If you look at Germany, they had a large cramp on their natural gas supply two winters ago. They started cutting down the Black Forest, thousand-year-old forest, to keep their homes. That's not helping our environment. The United States is one of the cleanest countries in the world in energy production, but yet other countries that we trade with are not held to those same standards.	<i>Availability of solar energy</i>	See comment 20a for responses to concerns regarding solar energy production in CNY.
	37f			There are many brownfield sites right here in this county and across New York State that if you really insist on having a solar panel farm put up, consider those brownfields. I did residential management operations and development for thirty-five years. There are a lot of brownfields that are not suitable for residential use at all. They were -- they were industrial wastelands. Use those. There's gold peck right there in Oneida. An eyesore, horrible place. In a completely wide-open area that would attract a lot of sun -- sun's energy. A lot of exposure to the sun. Let's see how it works. Let's see if that remediates an ecological disaster in our area.	<i>Siting constraints</i>	See comments 3a and 15e for responses to concerns regarding siting constraints.
	37g			I've heard someone mention earlier about there was plans to repopulate our forests in this State. Do that, if you want to really affect greenhouse gases, plant a tree. Don't tear it down.	<i>Forests</i>	See comments 4a, 9a, and 12a for responses to concerns regarding impacts to forests.
	37h			Sorry, I lost my place. We have a lot of incentives to help landowners reduce, if -- if you really want to, what I'm hearing a lot of times from some of the farmers and -- and in Mr. Salka mentioned the wind farms that are along in the Madison Township. I look at those every day. Most of those don't work, most of the time. They're either completely broken and out of rate, out of operation and they cost too much to fix. Or the cost of generating those power from those mills is too high and they can't sell the power, so they just shut them down. It's not going to be any different from the solar. If we really need to help farmers maintain their land. Why incentivize them with giving them land leases? Why not reduce the horrific State and federal bureaucracy that is pinching on them every day that can't make it, so the farmers can afford it? I talked to a young man a couple of days ago that his family farm has been there for three generations. He's hoping it'll be there for his kids. It probably won't, because they can't make enough money milking their cows. That's all they want to do. When I grew up working on Joe Clark's farm, with fifty, sixty, cows at a time, he made a good living for his family. You can't do that. Small farms are disappearing every day. And why is that? It's not because of global warming. Farmers are some of the most ecologically sound people I know. It's because of the State, constantly putting another restriction and another restriction and another restriction. You can't do this, you can't even --	<i>Statement of Opposition</i>	Please see other comments for responses to specific questions and concerns.

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				remember the cattail debacle. If you have cattails grow on a little wet spot in your yard, all of a sudden you have a wetland. Well, that's no longer farmland. I'm just saying there are better ways to solve, if there's a global warming problem, there's better ways to handle it, than doing industrial sites across our State. Thank you.		
38	38a	03/18/2025	Kevin Doney, farmer in the Town of Fenner	I've lived in the Town of Fenner for about thirty years. I'm a farmer. I've been there thirty years. And in my views, I mean, I saw the windmills go up, you know, twenty years ago. And I was like, oh, great. You know, we're -- we're making renewable energy. And I was like, okay, we can still farm the land under it. You know, these solar panels, we can't farm under those. We can't use that land.	<i>Agriculture</i>	See comments 8b, 13a, 19b, and 19d for responses to concerns regarding agriculture and visual impacts.
	38b			That land, you know, most likely is going to be contaminated when they pull these solar panels out. You know, when they decommission these, they say, oh, twenty years, we can pull them out and you can use the land, is that true? We don't know what kind of contamination is going to be left there. You know, how are we going to be able to truly know until they start pulling out some of these solar panels?	<i>Hazardous Materials, Decommissioning</i>	See comments 7c, 12b, 31f, 35a, and 37a for responses to concerns regarding hazardous materials and decommissioning.
	38c			And New York State has not made, you know, we don't have the sunlight for solar panels, you know.	<i>Viability of solar in CNY</i>	See comments 20a and 21f for responses to concerns regarding solar energy in CNY.
	38d			And you know, New York State also got rid of all their -- a lot of their hydro plants that we've had, you know, on different rivers and creeks. You know, isn't that renewable energy? But, oh, no, we've got to get rid of those. Oh, let's go get rid of all of our farmland and put it into solar panels. Does that make sense? You know, I mean, let -- let's go back and look at history. You know, they -- they say that these solar panels are safe, but when they decommission them, are they all going into our landfill here in Madison County? You know, we already have all the fiberglass from the windmills going into our landfill, but they never talk about that. You know, so I'm totally against this going in. Thank you.	<i>Statement of Opposition, Decommissioning</i>	See comments 8b, 12b, 13a, 19b, 31f, and 35f for responses to concerns regarding agriculture and decommissioning.
39	39a	3/17/2025	Ken Roberts, dairy farm owner/operator in Town of Fenner	<p>My name is Ken Roberts. My three siblings and I own and operate the family dairy farm in the Town of Fenner. Some of our lands will be used to host the Oxbow Hill Solar Project. Some of our lands are currently used by the Fenner Wind Farm; we are long time supporters of renewable energy.</p> <p>Developing the Oxbow Hill Solar Project will have a direct and positive impact on our family. Payment from Cypress Creek Renewables will enable us to preserve our dairy farming operations, by reduce volatility and uncertainty in agricultural production. The Project will help us preserve our farm and our way of life.</p> <p>We appreciate that the Oxbow Hill Project will be located under the existing Fenner Wind Farm. The ability to share existing access roads will reduce impacts to our farming operations. We worked closely with Cypress Creek to avoid, minimize and mitigate environmental impacts and to preserve our existing dairy farm operations.</p> <p>We note the Oxbow Hill Project will also provide substantial benefits to the Town through utility bill credits, payment of taxes or a PILOT, and through a Host Community Agreement. Over the project life, Oxbow Hill Solar is anticipated to provide significant benefits to the Town of Fenner, without putting additional strain on local infrastructure, such as schools, roads, or other Town resources.</p> <p>We note that Cypress Creek is a strong supporter of SUNY Morrisville's Renewable Energy Program.</p> <p>We understand the Oxbow Hill Solar project has been endorsed by the Sierra Club. The Sierra Club's endorsement of the Oxbow Hill Solar Project is based on an examination of the project's qualitative and quantitative attributes. To earn the endorsement, Oxbow Hill underwent a rigorous evaluation to ensure the project satisfies the Sierra</p>	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.

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				<p>Club's commitment to renewable energy in a manner that preserves nature and provides a just transition that respects communities.</p> <p>For these reasons, we urge approval of the Oxbow Hill Solar Project. Thank you.</p>		
40	40a	03/18/2025	David Wackerow	<p>Our nation and world is being threatened by global warming. We must continue to transition from carbon based fuels to clean renewable energy for the survival of our planet. The Oxbow Hill Solar Farm is a project that supports this green energy initiative. The Town of Fenner is listed as. 31.1 square miles or 19,000 acres of land. The Oxbow Hill Solar Farm is planned for about 750 acres or less. That amounts to 4% or less of land for the solar farm. That means that 96% of the Town of Fenner land will not be impacted by the Oxbow Farm. Farming and Oxbow farm will be able to coexist and even thrive. We must continue towards green energy production and the Oxbow Solar Farm would support that effort. I strongly support the Oxbow Solar Farm.</p>	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.
41	41a	02/2/2025	Susan Lovely	<p>To Whom it May Concern,</p> <p>I am writing to express my support of the Fenner Solar Project. As a landowner and a forty eight year resident of Fenner, I feel that this project is going to be great for our town. I believe in the green energy movement. I have supported this movement for many years as I already have a windmill on my land. I feel that it is important for us to be looking for ¿cleaner¿ ways of living. Having ENEL and CCR work together to make the most out of the land with the same goal in mind is a great opportunity for our town.</p> <p>Our family chose to be a part of this solar project because we believe that it will be a good use of our land, that will benefit many. This company is wanting to hire locals to complete this project, adding jobs in our area. This project will help the Town of Fenner financially. This will also benefit surrounding school districts.</p> <p>My husband's family purchased the farm and all of our land back in 1951. We were second generation farmers and are hopeful to pass the farm on to the third and fourth generations. Our family, like many other families involved with this solar project, are retired farmers. Farming in our area is rapidly decreasing due to poor commodity prices. Having all of this land sit idle is not beneficial for anyone. It becomes a financial burden. Having to pay taxes year after year and having to pay for upkeep of the land is very expensive. The hard reality is that farming just isn't financially feasible anymore. Our children and grandchildren can't afford to farm. However, with this solar project if the farming industry changes and our children or grandchildren decide to make a go of farming, they will be able to once the lease is up . This project leaves a very small footprint and the land will easily be able to be farmed again.</p> <p>For many families like ours, this is an opportunity to keep our land while benefiting our community as a whole. This is a great way to keep our land in the family and pass it down to future generations.</p> <p>Respectfully,</p> <p>Susan Lovely</p>	<i>Statement of Support</i>	This is a supportive comment in favor of the Oxbow Hill Solar Project.
42	42a	03/22/2025	Linda Richardson-Bataille	<p>I oppose this project. How about using farmland for growing food. If you cannot farm your land how about leasing it to other farmers who will.</p>	<i>Agriculture</i>	Please see comments 8b, 13a, and 19b for responses to concerns regarding agriculture.
43	43a	3/27/2025	Susan Yanulis, Land owner	<p>To Office of Renewable Energy Siting and Electric Transmission: I would like you to consider the impact that the Cypress Creek project will have on the local community in the Town of Fenner. Cypress Creek will consume prime farmland that is currently in production. The property leased to Cypress Creek is currently being farmed by Joe</p>	<i>Agriculture</i>	Please see comments 8b, 13a, and 19b for responses to concerns regarding agriculture.

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				<p>Dahlem, Kallon Balenske, Ann & Gene Merriman, Barbland Farms, John Stoker and Doug Parsons. This land will no longer be available to them. As you are aware, these farmers lease land as they are unable to obtain it to own.</p> <p>The Amish Community (John Troyer and Families) buy organic hay that is grown by John Stoker on leased land. They need this hay to support their livestock as there is no land available to reasonably purchase and the land that they currently own is not large enough to feed their families. The Town of Fenner has a large and growing Amish population.</p> <p>There is an additional impact to the active working Stone Brother’s, Cody and Pushlar Farms as well as the local businesses that support these farmers need for equipment and services.</p> <p>The Town of Fenner is a farming community and will no longer exist, if you allow Cypress Creek to turn prime farmland into an industrial energy facility. The impact of this project goes far beyond the Town of Fenner.</p> <p>Please note that the RAPID act specifically addresses the impact to farmland in several parts of the legislation, particularly in relation to the siting of renewable energy facilities and climate change adaptation projects. The following are the key points:</p> <p>1. Part O - Renewable Action Through Project Interconnection and Deployment (RAPID) Act: o Section 138(1)(b) and Section 138(2)(b) emphasize the need to avoid, minimize, and mitigate agricultural impacts to active agricultural lands when siting renewable energy facilities and electric transmission facilities. o Section 138(4-a) requires the office to ensure that solar development does not greatly hinder the amount of farmland within New York state or pose a threat to New York's food security. o Section 138(6) outlines the definition of prime farmland and other categories of farmland, and requires preapplication procedures to assess impacts on these lands.</p> <p>2. Part SS - Climate Change Adaptation Cost Recovery Program: o Section 76-0101(2) includes projects that address loss of agricultural topsoil and other climate-driven ecosystem threats to farms as part of climate change adaptive infrastructure projects.</p> <p>3. Part TT - Regional Economic Development Partnership Program: o Section 16-e(20)(f) requires regional economic development council awardees to maintain internship opportunities, which could include agricultural internships, thereby supporting the agricultural sector.</p> <p>These sections collectively aim to protect farmland from adverse impacts due to development projects and ensure that agricultural land is preserved and not significantly affected by renewable energy projects or climate change adaptation efforts.</p> <p>As noted in the ORES public comment meeting on 3/18/2025 specifically referring to Monica Cody’s testimony: “This land is not vacant or underutilized. It is an irreplaceable resource that actively sustains our local food system, supports biodiversity and serves as a natural carbon sink. Prime farmland is not an appropriate location for large scale solar. Fenner's farmland is among the most fertile and productive in New York State. This land already plays a critical role in climate mitigation, acting as a carbon sink by absorbing carbon, improving soil health and supporting diverse ecosystems.” Monica Cody holds a BioEngineering degree from Cornell University (https://www.linkedin.com/in/monica-cutillo-cody-97130211/).</p>		

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				<p>Also noted was the Sierra Club report that was reviewed by Phillip Rose, it stated: The team reviewing the Fenner project notes that of the fifteen hundred ninety-four acres of the solar project, eight hundred and ten 23 acres are prime farmland, fifty-one percent. This is very impactful. It also referred to the amount of forest that will be removed with the approximately 1600 acre project. Please refer to the reports entirety as Phillip gave it to the court stenographer.</p> <p>There is additional evidence to support the loss of Farmland, noted in Comptroller DiNapoli’s Agriculture Report (https://www.osc.ny.gov/press/releases/2024/11/dinapoli-agriculture-report-revealseconomic-growth-and-challenges-facing-ny-farms):</p> <ul style="list-style-type: none"> • Despite economic growth, between 2012 and 2022, the state lost close to 14% of its farms and over 9% of farmland. New York is losing farms and land at a faster rate than the U.S. and all neighboring states except Connecticut (farms) and Massachusetts (farmland). • The overall decline of farmland is troubling, as conversion to other uses, particularly residential, commercial or industrial, may prevent its use for farming in the future. This includes 1,728 acres located in agricultural districts classified as solar electric generation facilities. <p>I request that you take all of these points into consideration when making your decision whether to permit this project.</p> <p>The Town of Fenner currently has 20 wind turbines (Fenner Wind Farm), with 5 more approved (Cody Wind Farm). As you are aware, Liberty Renewables has a draft permit (Hoffman Falls) for 12 more much larger wind turbines proposed in our town.</p>		
44	44a	3/27/2025	Rhea Jezer, Sierra Club	<p>Rhea Jezer, Ph.D President, Energy21 Chair, Sierra Club CNNY Group The Sierra Club is America's oldest, largest, and most influential grassroots environmental organization. It has over 3.8 million members and supporters nationwide, more than 46,000 members in New York State, and over 2,00 members right here in Central New York. The Club’s mission is to promote clean energy, safeguard the health of communities, and protect the Earth’s ecosystems and resources.</p> <p>The Sierra Club has officially endorsed Cypress Creek Renewables’ proposed Oxbow Hill Solar Project, located in the Town of Fenner in Madison County.</p> <p>Because we must fully appreciate the seriousness of the climate crisis, and if we are to avoid the worst effects of the change in climate, as well as the need to preserve farmland for the future, we must site solar on farmland. Changes we are seeing now, fires in Canada, rising sea levels, desertification of farmland, melting ice caps and the unpredictable weather swings are making it difficult for many species to exist on Earth. Our own species is at risk too, if we do not immediately radically reduce our carbon footprint through the use of solar energy.</p> <p>We take any endorsement of projects very seriously. For the Oxbow project, we assessed nine specific substantive areas, including impact on wetlands and riparian areas, birds and wildlife, and food production and labor. The evaluation also examined Cypress Creek’s community engagement, relationship with the laborer, implications for the tax base, broader community benefits of the project, and consultation with the Oneida Nation.</p> <p>It is important not to overlook the risk to farmland because of the change in climate. We have waited so long to make this change that we now must take the most expedient way possible to make the transition. We cannot get the gigawatts we need quickly with just rooftop solar.</p>	Statement of Endorsement	This is a supportive comment in favor of the Oxbow Hill Solar Project.

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				<p>It is understandable that communities are reticent to change the landscape they have lived with for so many years, but we are dealing with a crisis situation. The reality is that farmland is in demand for solar because it is highly desirable because of the extent of large tracts available. It is important to take into consideration that converting farmland use to solar IS REVERSABLE. The land is not sold to developers, but leased for a period around 20 years. At the end of that time the property can be restored to farmland use. In fact, the developers are required to put money into an escrow account to restore the land back to farmland. It will be in better shape for farming because the land was allowed to “rest.”</p> <p>We hope the citizens realize that solar farms are productive farms producing a crop of much needed energy. Add to that locally, with a new challenge to provide for the immense surge in load demand driven by AI, data centers, and widespread electrification, energy is going to be in high demand.</p> <p>Please take into consideration that over the last 20 years, throughout the country, 11 million farmland acres have been irreversibly lost to the development of shopping centers and subdivisions. About 41% of the loss is to homes on five acres or more. This farmland is most probably permanently lost and certainly not set up to be restored. Solar on farms can be restored. We hope the citizens of this region understand this choice because it is real.</p> <p>We, in Sierra Club, feel that the Oxbow project is an example of how we might be able to do our part to avoid the worst of the climate crisis and preserve farmland for the future. Our own species is at risk if we do not immediately radically reduce our carbon footprint.</p> <p>We also urge New York State to hasten the permitting process for large projects such as these. Yes, we have to be diligent to overcome siting challenges, and we do understand grid capacity limitations, rising costs, and supply chain issues, and often local opposition, but the citing is just taking too long and there are too many projects in the pipeline waiting to be approved. Especially now, when time is of the essence. Add to that our federal government now poised to ignore climate change and promote “drill, baby, drill”, polluting our air even more.</p> <p>We urge New York State to allow Cyprus Energy to begin their work to provide us with the 140 MW solar project as a step to improve our world. This project will produce enough clean, affordable energy to power approximately 30,000 homes each year and as a bonus is expected to contribute at least 10 times the amount of town, county, and school district taxes than currently generated by the land. And as new sources of energy are developed, some day we may again see our farmland revert to its original condition.</p> <p>Let’s get on with repairing the world, right here, right now.</p> <p>Rhea Jezer, Ph.D President, Energy21 Chair, CNNY Sierra Club 7426 Song Lake Road Tully, New York 13159 rjezer@gmail.com</p>		
45	45a	3/27/2025	Rhea Jezer, Sierra Club	Sierra Club has endorsed the Oxbow project for the reasons already submitted. Sierra Club handing in a non-official document giving the impression that it was the official position paper of Sierra Club.	Informational comment	This comment was submitted by the Sierra Club to address the comments made by Phil Rose (comment 32), which had been attributed to the Sierra Club.

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				<p>First of all, a member cannot publicly represent Sierra Club unless they have express permission from the Chapter. It is against National Sierra Club rules.</p> <p>Secondly, the document he submitted, saying “this is what Sierra Club says” is a non-official internal document written by one person, a minority of one, to a committee. The Executive Committee of the local CNNY Group, after discussion, voted 10 to 1 to endorse the Oxbow project. The findings were sent to the Atlantic Chapter, which did a careful review of ORES and of our findings, including the minority report you have, and voted unanimously in favor of the project. Their recommendation went to the entire state Chapter Executive Committee, which also voted unanimously in favor of the project, and then to the National Sierra Club in California which does the final approval, which it did.</p> <p>The document Phil Rose submitted was created by one member of our local group, the only dissenting member. It was egregious that at the hearing Phil represented the document as “this is from the Sierra Club,” I assume trying to undermine my official remarks.</p> <p>I asked Phil to retract his statement from the record. I hope he did. If not, please ignore his remarks. Anyone can always express their personal views, but speaking in the name of Sierra Club nor presenting any internal documents are strictly forbidden by National Sierra Club and taken very seriously.</p> <p>Thank you for your attention.</p> <p>Rhea Jezer, Chair, Central and Northern New York (CNNY) Sierra Club.</p>		
46	46a	3/28/2025	Carl L. Schmidt, HANCOCK ESTABROOK, LLP	<p>Dear ALJ MacK.illop-Soller and ALJ McEneney Chan:</p> <p>Please be aware that we represent the County of Madison relative to the above-captioned Permit Application pending before the Office of Renewable Energy Siting and Electric Transmission (ORES). Please accept the below as a written public comment submission on behalf of the County.</p> <p>Traditionally, the State of New York has facilitated home rule at the level of local counties and towns and has encouraged community-led planning and development of land use priorities. Madison County assisted the Town of Fenner in developing its Comprehensive Plan which was adopted in 2023. The same Comprehensive Plan involved local community stakeholders and incorporated public input. The Town played a pivotal role in the early green energy industry with the completion of the Fenner Wind Farm in the early 2000's. More recently, the Town has sought to balance the interests of energy development with the need to maintain the traditional character and agricultural uses.</p> <p>In this regard, the Town's Comprehensive Plan's Vision Statement provides:</p> <p>The Town of Fenner is known for its quiet, peaceful, rural character and rich farmland. Fenner 's citizens value protecting its surrounding natural resources, including its active farmland, scenic viewsheds, tributaries, and recreational land that benefits and supports the Town 's economic, social, and environmental vitality. Given these important resources, the community strives to strike a balance between protecting and preserving active farmland and mitigating negative impacts from suburban sprawl, and future large-scale commercial solar and wind pressure.</p> <p>As outlined in this statement, local leadership has concerns that unbridled expansion of large-scale renewable energy generating facilities will interfere with the community's planning prerogatives. The Oxbow Creek Solar project is in opposition with the future vision for the Town of Fenner as laid out in its Comprehensive Plan and its current Zoning Law. 1 However, the State passed the 2024 RAPID Act and the earlier Community Leadership and Community Protection Act (CLCPA), which, in practice, effectively allow ORES as the siting authority to strip local governments of</p>	<p><i>Statement of Opposition: Community Character, Snowmobile Trails, Agriculture, Forests, Siting</i></p>	<p>The snowmobile trails are on private land and are maintained voluntarily by the Snow Valley Riders and Chittenango Polar Bears, two private snowmobile clubs, who obtain permission from landowners to place trails on private property. If the landowners wish to continue hosting snowmobile trails on their property, the Applicant will work with these local clubs and the landowners to reroute the trails to accommodate continuation of the trail system. Decisions about continuing to host snowmobile trails ultimately rest with the landowners, as neither the County, ORES, the Applicant nor the snowmobile clubs have authority to mandate the landowners host trails on their property.</p> <p>See comments 3a, 8b, 12b, 13a, 19b, 19d, and 35f for responses to concerns regarding local laws, agriculture, soil disturbance and restoration, and community character.</p> <p>See comments 3a, 4a, 9a, 12a, and 15e for responses to concerns regarding forests and siting considerations.</p>

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				<p>their traditional role in regulating land use when it comes to large scale renewable energy projects.</p> <p>Madison County reiterates its strong support for the home rule authority of the County's constituent city, towns and villages. Moreover, the County is concerned with negative county wide and intermunicipal impacts of the Oxbow Creek Solar project. Local laws, regulations and planning objectives should not be lightly disregarded to facilitate developer's goals and objectives.</p> <p>Madison County is already a net-exporter of renewable electricity given current installed capacity. The local community has embraced its role in the green energy transformation but should not be held to shoulder the undue burden and cumulative detrimental impacts of the siting of this and other large-scale renewable energy projects in the County. Local concerns must be considered in mitigating the effects of all pending ORES applications.</p> <p>With regard to its particular concerns, Madison County offers the following:</p> <p>Snowmobile Trails:</p> <p>Madison County has eight snowmobile clubs that participate in the New York State Parks, Recreation & Historic Preservation's New York State Snowmobile Program. The Program provides funding to clubs for trail maintenance, grooming, signage and other needs. Madison County serves as the local sponsor, helps to administer the Program on behalf of local clubs and acts as an intermediary for funding from the State.</p> <p>Two of the County's clubs, Chittenango Polar Bears and Snow Valley Riders, maintain trails that traverse portions of the Town of Fenner and would be directly impacted by the proposed Oxbow Creek Solar array locations. The trails impacted are C7H, C7E and S50, all of which are State-funded and integral to the overall connectivity of the trail system in not just the County, but the State as well.</p> <p>The attached map shows the location of the proposed array and its intersection with the above noted trails. (See Exhibit 1: Snowmobile Trail Overlay). The County held a virtual meeting together with representatives from the affected snowmobile clubs and representatives from the applicant, Cypress Creek Renewables, in June of 2024.</p> <p>While the parties appeared to be amenable to ensuring the continuity of snowmobile trails remained through the siting and construction process, there does not appear to be any formal plan regarding snowmobile trails presented in the Application or Draft Permit. Given the importance of snowmobile trails as seasonal recreational and transportation resources, the siting authority should require that snowmobile trails be addressed, and impacts mitigated pursuant to its authority to regulate traffic and other resources pursuant to 16 NYCRR §§ 1100-6.3(c) and 1100- 10.2.</p> <p>Agricultural Soils and Farmland Preservation:</p> <p>In December of 2019, Madison County adopted its Agriculture and Farmland Protection Plan. The Plan was written as a comprehensive document that examined the history of farming in the County, challenges and changes to farming and goals for the protection and promotion of the County's agriculture industry. Agriculture and farming are a foundational part of the County's economy, landscape and way of life.</p> <p>In addition to the hard work and dedication of all those members of the agricultural community, the success of Madison County's agricultural industry relies heavily on our</p>		

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				<p>soil quality. Although the scale and scope of farming has changed in Madison County over the years, the areas that remain under cultivation are largely viable today because of the favorable underlying soil conditions. Many of the marginal farmlands that were once cultivated have been abandoned, and much of the agriculture we see today remains on the best soils. Relatively flat, well drained, and cleared land characteristics of prime soils are also likely what attracted the solar developers to this area, in addition to existing electrical infrastructure.</p> <p>While incremental residential development has expanded slowly into the County's rural and agricultural landscape, the same development has presented only limited impacts to useful agricultural lands. The Oxbow Creek Solar project represents the largest single areal threat to commercially-viable farmland that Madison County has ever experienced.</p> <p>Madison County's Agriculture and Farmland Protection Plan states with regard to solar development: "the chief concern is the protection of prime farmland, and at a minimum, solar codes across the County should include some form of protection for soils ", further, "Solar projects can and should be able to exist in the County without consuming prime farmland ". However, when this Plan was adopted in 2019, it sought to address solar projects then commonly limited to capacities of 2 MW with some larger 5 MW to 7 MW projects.</p> <p>These modestly sized projects offer a vastly different quantum of potential for negative impact and threat to the availability of agricultural soils. The Oxbow Creek Solar project would consist of a 140 MW solar array and the project site covers over 1,100 acres of land impacting parcels comprising, in the aggregate, over 1,594 acres.</p> <p>The objective data concerning this project belies any conclusion that avoidance of impact to agricultural soils played a material role in the siting of this project. Reviewing the relevant numbers:</p> <ul style="list-style-type: none">• The proposed Oxbow Creek Solar project is sited such that fifty-one (51 %) percent of the project (810 acres) impacts prime farmlands.• Twenty-four (24%) percent (386 acres) of the project impacts soils of Statewide Importance.• In short, approximately seventy-five (75%) percent of this project impacts agriculturally significant soils.• Over thirty (30%) percent of the available farmland soils (including prime farmlands, farmland of statewide importance and prime farmland if drained) within the Town of Fenner would be included in this project's footprint. <p>County-developed mapping clearly demonstrates the significant impact on prime agricultural soils overlaid against the boundaries of the Oxbow Creek Solar project. (See Exhibit 2: Prime Soils Overlay). Had this project been sited based upon substantive consideration of agriculture and soil protection it likely never would have been proposed for this area of the Town of Fenner.</p> <p>The County's mapping shows that the actual solar panels, exclusive of other supporting infrastructure including fencing, plantings, access roads, etc., will cover approximately 500 acres. Solar arrays are promoted as low impact structures and semi-temporary installations subject to planned decommissioning to justify their placement on prime farmland soils. However, there is little evidence to support a conclusion that lands once dedicated to energy production will ever be returned to agricultural use.</p> <p>In short, the State's planned requirement for electricity from utility solar generation is expected to grow by more than an order of magnitude in the next two decades.</p>		

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				<p>Considering the corresponding land demands associated with this expansion, it is simply unrealistic to think that the land and prime agricultural soils here will revert to prior agricultural uses. In this regard, siting this facility will have a permanent impact upon active agricultural lands. The County has witnessed a similar evolution with prior wind generation installations. At these facilities, generation units having been upgraded and repowered rather than removed.</p> <p>The Draft Permit's incorporation of procedures outlined in the New York State Department of Agriculture and Markets guidance does nothing to mitigate what will be the permanent removal of large areas of prime farmland from availability for most productive agricultural uses. Likewise, neither the State guidelines incorporated into the Draft Permit or the Applicant's Appendix 15-A Mitigation Plan for Agricultural Lands address mitigation of the permanent market impacts that will result from the removal of farmlands from production and limitations on viable farming practices affecting substantial acreages when viewed from the Town and County perspective.</p> <p>Lastly, the County estimates that construction of the Oxbow Creek Solar project will also result in the removal of ninety-seven (97) acres of forest cover. (See Exhibit 3: Forested Land Overlay). The vast majority of the areal extent of the Oxbow Creek Solar project will impact prime farmland and forested lands. It is counterintuitive to promote the carbon neutral benefits of solar power without considering that the proposed siting will result in the removal of ninety-seven acres (nearly 1/5 of the project) of thriving forest from the landscape. In this regard, siting this project will have a permanent impact upon the local environment and its agricultural resources. It appears that little meaningful effort has been expended to address local concerns and mitigate this project's negative impacts by thoughtfully designing and siting its solar infrastructure.</p> <p>Future Concerns:</p> <p>Given the State's evident posture of promoting the avoidance of local laws and community-led planning, Madison County is concerned that the siting of this project will lead to even further development of industrial-scale electrical generating facilities in the local community. To the extent that the only meaningful criteria for siting approval proves to be convenience to existing generation and transmission infrastructure, Madison County reasonably fears that the uncontrolled expansion of renewable energy facilities in our community may continue unabated.</p> <p>Moreover, the State appears to be interested in further expanding its power to avoid local municipalities' home rule authority. In fact, Senate Bill 2025-S5506 is currently proposed in the State legislature to amend the existing law to direct siting of large Energy Storage Systems through the ORES permitting process. Of course, logic dictates that these storage facilities would be located near electrical generation and transmission hubs. The County and local Emergency Management community partners are apprehensive that this will lead to placement of potentially dangerous energy storage facilities without adequate consideration of emergency response capabilities and appropriate concern for the safety of local residents and resources.</p> <p>As noted above, implementation of the State's CLCPA goals will drive staggering increases in programmatic demand for utility solar generation. Solar generation at utility scales necessarily requires large generation facilities and the dedication of large areas of land to energy production. Where, as proposed here, renewable energy generating facilities occupy large areas of available farm, forest, and recreational lands negative impacts to local culture and quality of life will follow.</p>		

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				Accordingly, Madison County expects that ORES will review the local concerns presented herein, meaningfully consider local planning imperatives and address mitigation of the impact of siting the Oxbow Creek Solar project, and the cumulative effect of this and other pending projects, upon the County's resources.		
47	47a	3/30/2025	Susan Yanulis	<p>I would like to submit the letter that I wrote to the Cazenovia Republican regarding the Sierra Club. The Town of Fenner's legal council spoke directly to Dr. Jezer and she would not give a written list of the criteria that she and her evaluation team used to endorse the Cypress Creek Industrial Energy Facility. Given that this project will remove approx. 100 acres of mature forest and cover approx. 1600 acres of prime/soils of great importance, with fencing that will displace a large number of animals and birds causing a complete disruption in the current wildlife ecosystem for our town. As she has stated, her organization's mission is to preserve the environment and is in support of green energy. It is hard to believe that she did not already take into account the existing 20 wind turbines that have been in production since 2001.</p> <div><div><p>Letters. FROM PAGE 4</p><p>that demagogues the marginalized, question climate change, are not in favor of voting rights, gun safety and fair taxation. Now these are national issues to be sure and village residents can say “that’s not the issue here.” I disagree. If you elect to put that R behind your name- you’ll agree with more of their policies than not.</p><p>I don’t hear him campaigning on November elections for the village to increase participation?</p><p>March elections are an obvious low turnout tactic.</p><p>I don’t recall him condemning the gerrymander by Ryan McMahon that allowed Mark Olsen to win a seat by carving out the village from his district?</p><p>Hank made the weak case on cutting the trees down on East Seneca Street that they were a danger. Not true and took away a small town feel of greenery that even my daughter noticed right away.</p><p>How about allowing Starbucks to push out Cafe Kubal, a local coffee shop that was doing quite well.</p><p>A vacant WellNow, now in limbo, not the village’s fault but surely allowing that when there were other options absolutely is.</p><p>This is classic developer friendly vs. working for the long term interests of the people.</p><p>Republicans have held the village for some time and you have to ask if you like the direction or is it going the way of Erie Boulevard on a smaller scale? Lot’s of empty storefronts and chains.</p><p>From a distance Hank seems a decent person yet as a former Republican I question those who still let that R stand behind their name. In the end I’d urge any village voter to ask, do they agree with overarching Republican values and the examples we’ve seen even recently at the village level that affect our way of life here?</p><p>Your voice is loudest at the ballot and the decision a candidate makes to adhere to a party’s values is your insight as to. How they will act the majority of the time.</p><p>BOB WHEELER MANLIUS</p></div><div><p>Endorsement criteria</p><p>To the editor:</p><p>In reference to the endorsement of the Sierra Club of the proposed Oxbow Hill solar project in the Town of Fenner.</p><p>There are many concerns regarding the Oxbow Hill solar project that need to be addressed, particularly in light of the Sierra Club’s endorsement of such a project by a notable environmental organization.</p><p>The town would like to understand what was the criteria that was used to make this endorsement. Typically, organizations like the Sierra Club assess projects on criteria such as environmental impacts, renewable energy potential, community benefits, and alignment with sustainability goals. Finding out the specifics of their criteria for this project should be the first step.</p><p>These are crucial for understanding the potential consequences of such large-scale developments, especially when it involves prime farmland and local wildlife. The concern over farmland utilization and the potential long-term effect on soil productivity and the local economy highlights the need to weigh the benefits of renewable energy against the loss of agricultural resources.</p><p>The displacement of wildlife and the impact on local ecosystems are significant and well documented.</p><p>It is essential for the Town of Fenner to continue to engage with all stakeholders, including environmental organizations, to ensure that the community’s needs and land are protected while also exploring renewable energy solutions in more suitable locations. All potential impacts should be carefully evaluated, and local voices should remain central in any discussions concerning this project.</p><p>The Town of Fenner has contacted Dr. Jezer to seek the criteria that the Sierra club had used to endorse this project but have yet to receive it.</p><p>SUE YANULIS</p></div><div><p>YEARS A</p><p>BY CINDY BELL TO</p><p>30 Years Ago – Feb. 1</p><p>A state Supreme Court judge rendered a decision in what was considered one of the most inflammatory issues in the Cazenovia community in recent years. Phillip R. Rumsey of the Sixth Judicial District, in a decision dated February 1, 1994, and unacted as an order ruled in favor of St. James Church to have the Cazenovia Central School District make school buses available for release time religious use.</p><p>The judge ruled that St. James Church was entitled to a declaratory judgment that the church is an entity to which the board of education is authorized to lease buses pursuant to state education law.</p><p>“This decision will be located in the Cazenovia School District’s records,” said Superintendent of Schools, Dr. Jezer, in a later interview.</p><p>20 Years Ago – Jan. 2</p><p>St. Peter’s Episcopal Church, which has invested in the future of its Town of Fenner Consignment Boutique by purchasing prime retail space in Cazenovia’s business district. In a transaction announced last December, St. Peter’s bought 666 Albany Street, which is currently the home of the Cazenovia Karate. A need for additional space prompted the relocation of the church’s consignment shop.</p><p>“The larger space, both up and down, is perfect for our consignment business,” Key board member church vester member Chris said. “There’s a serious interest in quality consignment goods and we want to better respond to these demands by displaying everything from fitting room to appropriate displays and events.”</p><p>The building at 66 Albany Street was originally a retail store known as the Cazenovia Store and a diverse selection of merchandise.</p></div></div>	Wildlife	See comments 4a, 9a, 12a, 15e, 19c, and 31b for responses to concerns regarding forests, wildlife, fencing, and siting considerations.

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