

NORBUT **SOLAR FARMS** **NSF KIRKWOOD**

FULL APPLICATION PACKAGE

MARCH 28, 2025





March 28, 2025

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Planning Board
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795
Attn: Chad Moran, Code Enforcement Officer

RE: Application by Norbut Solar Farm, LLC and its affiliates, NSF Kirkwood Site 1, LLC; NSF Kirkwood Site 2, LLC; NSF Kirkwood Site 3, LLC; and Quilty Hill Road, LLC (collectively “Norbut Solar” or “Applicant”) to construct and operate three 5MWac Commercial Solar Energy Systems (the “Project”) on property located at 149 Quilty Hill Road & 165 Foley Road (Tax IDs 147.00-1-2.2; 147.00-1-7.11; and a portion of 147.00-1-2.11) (the “Property”) in the Town of Kirkwood, County of Broome, State of New York

Dear Chairman Woolbaugh and Planning Board Members:

Norbut Solar Farms (“Norbut Solar”) is a solar energy provider developing solar energy projects across New York State in support of the State’s goal to have 70 percent of New York’s statewide electricity needs met using renewable energy by 2030. In furtherance of New York State’s energy initiatives, Norbut Solar proposes to develop a solar energy project in the Town of Kirkwood (the “Project”) which would be connected to the New York State electrical grid via an interconnection agreement with the local utility (the “Utility”). The Project will be on property located at and adjacent to 149 Quilty Hill Road and 165 Foley Road (Tax IDs 147.00-1-2.2; 147.00-1-7.11; and 147.00-1-2.11), within the Town of Kirkwood (the “Town”) and it is intended to generate and deliver renewable electric energy to the community and for the public benefit generally.

The Project has an overall generating capacity of 15MWac and meets the definition of a Commercial Solar Energy System as set forth in Article VII Section 703 of the Town of Kirkwood Zoning Code (the “Code”). The Project will consist of three independent, but contiguous sites as well as an overhead electrical interconnection and related improvements connecting with the existing public utility grid (the “Project Interconnection”). The Project Interconnection has been designed in compliance with the New York State Standardized Interconnection Requirements. The Project will also include a gravel access drive, perimeter security fencing, and

stormwater management improvements, all as shown on the attached Site Plans prepared by Tectonic Engineering (Exhibit D).

The Project will be located in the Town's **Agricultural/Rural Residence (A/R-R) and Residence (R)** Zoning Districts. More specifically, Tax Parcels 147.00-1-2.2 and 147.00-1-7.11 are within the A/R-R Zoning District. While Tax Parcel 147.00-1-2.11 (the "**Foley Road Parcel**") is split-zoned, the solar energy facilities will be entirely sited on that portion of the property located in the A/R-R district. As set forth in Section 706 (A(1)) of the Code, Commercial Solar Energy Systems are permitted as a primary use within the Agricultural/Rural Residential Zoning District, subject to Site Plan Approval and issuance of a Special Use Permit by the Planning Board.

The Project will also require subdivision approval from the Planning Board which will ultimately result in the solar energy facilities and all associated equipment being located on a single lot. Also, a waiver from the Planning Board from section the requirements of 706(b)(17) of the Code and a building permit for construction from the Town Building Inspector/Code Enforcement Officer will be required. Note that the Project will be in conformance with all exterior property line setback requirements applicable to the overall Site, as well as all other bulk and area requirements under the Code.

In support of the above request for Special Use Permit and Site Plan Approval from the Planning Board, the following exhibits and enclosures are included:

Exhibit A: Completed Application Forms;

Exhibit B: Applicable Legal Standards;

Exhibit C: NY Public Utility Standard

Exhibit D: Site Plans (11" x 17");

Exhibit E: Visual Assessment;

Exhibit F: Equipment Specification Sheets;

Exhibit G: Property Purchase Contracts;

Exhibit H: Operation and Maintenance Plan;

Exhibit I: Draft Decommissioning Plan;

Exhibit J: Full Environmental Assessment Form, Part 1;

Exhibit K: Developer's Clause;

Exhibit L: Emergency Response Plan;

Exhibit M: Noise Assessment; and

Exhibit N: Subdivision and Lot Combination Plats (11" x 17").

Fifteen (15) copies of this application booklet, three (3) full size copies of the Site Plans and two (2) copies of the preliminary SWPPP are included, as well as an external hard drive with complete copies of all files (no file greater than 20 MB). In addition, the following checks made payable to the Town of Kirkwood have been forwarded to the appropriate Town offices: (i) \$750.00 (Special Use Permit application fee) and (ii) \$200.00 (Site Plan Review application fee). I have provided Chad Moran with a copy of our standard escrow agreement. As soon as this is executed, we will forward a check to fund the required escrow account (Kirkwood's professional review fees) in the amount of \$10,000.00.

Norbut Solar respectfully requests that the Application be placed on the agenda for the Planning Board's May 12, 2025 meeting in order to allow us to formally introduce the Project to the Board. This will also allow the Board to consider declaring its intent to act as SEQR Lead Agency and refer the Application to Broome County Planning for review, as required by NYS General Municipal Law Section 239-m.

Please contact me or any other member of the Project team if you have any questions or if you require any additional information prior to the meeting. We look forward to working with the Town of Kirkwood on this exciting venture in the coming months.

Thank you,

A handwritten signature in black ink, appearing to read 'Steve Saunders', with a stylized, flowing script.

Steve Saunders

Developer and Associate Counsel
Norbut Solar Farms

Enclosures

EXHIBIT A

APPLICATION FORMS

TOWN OF KIRKWOOD
BUILDING AND CODE ENFORCEMENT DEPT.

TELEPHONE:	MAILING ADDRESS:	LOCATION:	FAX:	E-MAIL:
(607) 775-4313	70 CRESCENT DR.	41 FRANCIS ST. KIRKWOOD, NY 13795	(607) 775-9924	bldgcode@townofkirkwood.org

PLANNING BOARD

We welcome your interest in obtaining information for a Planning Board Site Plan Review in the Town of Kirkwood.

Please refer to the Town of Kirkwood Codes as follows (copies attached):

Town of Kirkwood
Zoning Local Laws

Article V

Supplementary Standards

- Section 502 - Site Plan Review
- Section 502.1 - Submission of Site Plan
- Section 502.2 - Site Plan Action

Article XIV

Administration

Section 1407 - Application Fees (Make check payable to the Town of Kirkwood).

A. Site Plan Review

1. \$100.00 involving a new structure or new use, plus \$50.00 publication fee for legal notice in town newspapers.
2. \$50.00 involving an existing structure or existing use, plus \$50.00 publication fee for legal notice in the official town newspaper under subsections A(1) and (2) shall be \$50.00, unless otherwise provided by the Town Building Inspector.

Application for Site Plan Development (Site Plan Review) is attached. Requirements for a Site plan are listed on pages 1 and 2 of the application. Code Official will check off each item and will submit the application to the Planning Board when it is complete.

A Letter of Intent is needed from you describing your company's daily operations. Please include details such as hours of operation, how many people your company will employ, etc.

A copy of your Lease Agreement is required if you are not the owner of the property.

If you have any questions, please contact me at 775-4313.

Chad Moran

Chad Moran
Building Inspector and Code Enforcement Officer

CM/SP

Attachments

TOWN OF KIRKWOOD
BUILDING AND CODE ENFORCEMENT DEPT.

TELEPHONE:
(607) 775-4313

MAILING ADDRESS:
70 CRESCENT DR.

LOCATION:
41 FRANCIS ST.
KIRKWOOD, NY 13795

FAX:
(607) 775-9924

E-MAIL:
bldgcode@townofkirkwood.org

PLANNING BOARD
SITE DEVELOPMENT APPLICATION

(Internal Use Only)

Planning Board meeting date: _____
Planning Board #: _____
Application Fee \$: _____ Cash/Check#: _____ Dated: _____
Publication Fee \$: _____ Cash/Check#: _____ Dated: _____
Receipt #: _____ Dated: _____

Applicant name: _____

Property Owner/Name/Address/Telephone: _____

Location: _____

Tax Map #: _____

Name of proposed development: _____

Telephone #: _____

(For Code Dept. Official)
Date received/Initial

_____ Building Permit denied # _____ date _____ / _____

_____ Site Plan Application with Section 809 Certification
and Publication document, dated and signed. _____ / _____

_____ Environmental Assessment Form with Section 809 Certifi-
cation and Publication Expense document, dated and
signed (Short _____ Long _____). _____ / _____

_____ 239 Review Submission Form necessary? YES _____ NO _____ / _____

Prior to issuance of a building permit, a signed plan for such lot or tract at a scale of 1"=50' or a scale less to the inch, prepared by a New York State licensed architect or engineer (unless, in view of the specific nature of that application, preparation by such a professional is expressly waived by the Planning Board) including thereon the following information shall be submitted to the Town Planning Board for approval:

- _____ Preliminary New York State architectural or engineered stamped plans and specifications including elevations showing the use, location and dimensions of proposed building and also showing type of construction and finish color. Floor plan with room use identification. _____/_____
- _____ A site plan showing the location of buildings, location and dimensions of driveways, driveway intersections with streets, parking areas with lines and maneuvering areas, open spaces, property lines and specifications. _____/_____
- _____ A storm drainage and grading plan with analysis showing no increase in runoff of proposed handling of surface water runoff and erosion control including specifications and finished contours. _____/_____
- _____ A plan showing utilities and utility easements including method of sewage disposal in detail. If a private disposal system is used, plans for the system shall bear the stamped approval of the Broome County Health Department. _____/_____
- _____ Plans for all signs to be erected including dimensions, elevations and sign locations. _____/_____
- _____ A landscape plan, prepared by a professional landscape architect or other competent person employed by a commercial garden center, showing landscaping to be installed and maintained in front, side and rear yards as developed, including shade trees, deciduous shrubs, evergreens, defined areas of well-kept grassed areas and ground cover. All such landscaping, grassed areas and ground cover areas shall be maintained in a healthy growing condition at all times. _____/_____
- _____ Plan of lighting of any interior roadway, driveway, parking area and off-street loading area. _____/_____
- _____ In all cases where the Planning Board shall deem it advisable to determine whether or not the facility will be in conformation with the applicable performance standards or other provisions of this ordinance, the Planning Board shall require adequate testing procedures and shall utilize expert assistance at the expense of the applicant. _____/_____
- _____ Does the applicant meet the parking requirements per Our zoning schedule? _____/_____

SITE DEVELOPMENT APPLICATION

(To be completed by applicant)

Fifteen (15) copies of plans, maps, bound material, color brochures, and any extra pertinent information must be supplied by applicant and be received by the Building Code Officer at LEAST 35 days prior to the scheduled Planning Board meeting. The Planning Board meets the second Monday of each month.

Applicant's Name: _____

Address: _____

Telephone: _____ Fax: _____

Plans Prepared by (name): _____

Address: _____

Telephone: _____ Fax: _____

Owner of Property (name, if different): _____

Address: _____

Telephone: _____ Fax: _____

(If more than one owner, provide information for each.)

Location of site: _____

Ownership intentions, (purchase options, proposed uses of site, etc.)

Current zoning classification: _____

State and Federal permits needed (list type and appropriate department):

Total area of site (feet or acres): _____

Anticipated construction time: _____

Will development be staged? _____

Current land use of site (agriculture, commercial, undeveloped, etc.):

Current condition of site (buildings, brush, etc.):

Character of surrounding lands (suburban, agriculture, wetlands, etc.):

Estimated cost of proposed improvement: \$ _____ - _____

Anticipated increase in number of residents, shoppers, employees, etc.: _____

NO

- [illegible]

Application Fees:

Zoning Local Law

Article XIV

Administration

Section 1407 - Application Fees

A. Site Plan Review:

1. **\$100.00 involving a new structure or new use**, plus cost of publication of legal notice in official town newspaper.
2. **\$50.00 involving an existing structure or existing use**, plus cost of publication of legal notice in official town newspaper.
3. The publication cost for legal notice in the official town newspaper under subsection A (1) and (2) shall be \$50.00, unless otherwise provided by the Town Building Inspector (Added 11/3/14).

The forgoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

Date: _____

Applicant **Print** Name: _____

Applicant **Sign** Name: _____

EXHIBIT B

APPLICABLE LEGAL STANDARDS

EXHIBIT B

PROJECT COMPLIANCE WITH THE APPLICABLE STANDARDS FOR COMMERCIAL SOLAR ENERGY SYSTEMS CONTAINED IN SECTION 706(A) AND (B) OF THE TOWN OF KIRKWOOD ZONING LAW.

This Exhibit will demonstrate that the Project complies with the applicable provisions of the Town's standards for Commercial Solar Energy Systems, which are detailed below in italicized type, followed by Norbut Solar's responses in **bold**:

SECTION 706 Commercial Solar Energy Systems

A. Zoning Districts

- (1) *Commercial solar energy systems are permitted as a primary use, subject to a Special Use Permit and site plan approval issued by the Board, only in the following zoning districts: (Amended 10/3/2023, LL #4) Agricultural/Rural Residential Industrial Development*

The Project complies as it is located in the A/R-R District, one of two districts where such facilities are a permitted use. While the property itself is split-zoned, the Project will be wholly sited on the A/R-R portion. Please refer to the Site Plans (Exhibit D, Drawing C-4A).

- (2) *Commercial solar energy systems are prohibited in all other zoning districts*

The Project complies as it is located in one of two districts where such facilities are a permitted use with a Special Use Permit and Site Plan Review.

B. Site Restrictions and Requirements

Commercial solar energy systems shall be subject to the following restrictions and requirements:

- (1) *Commercial ground-mounted solar energy systems are not permitted as an accessory use. Roof-mounted and building-integrated commercial solar energy systems may be permitted as an accessory use. Commercial Solar Energy Systems shall not include battery energy storage systems.*

Acknowledged. The Project is not intended as an accessory use, nor does it include battery storage systems.

- (2) *Commercial ground-mounted solar energy systems must be located on sites with at least 5 acres open for development. Other types of commercial solar energy systems shall comply with applicable lot size requirements as set forth in the Town's Zoning Code.*

The Applicant acknowledges this requirement and the project complies. The Solar Energy System, after subdivision and combination of contiguous parcels, will be located on a single lot of 143.63 acres.

- (3) *The height of the solar collectors and any mounts within a commercial ground-mounted solar energy system shall not exceed 20 feet from finished grade when oriented at maximum tilt. Other types of commercial solar energy systems shall comply with applicable maximum height requirements as set forth in the Town's Zoning Code.*

Acknowledged. The panels are designed with a height of 15 feet at maximum tilt.

- (4) *Solar energy equipment shall be located in a manner to (i) minimize visual impacts and view blockage for surrounding properties, and (ii) shading of property to the north, while still providing adequate solar access for collectors.*

Project visibility is addressed in the Visual Assessment (Exhibit E). The combination of topography and the existing/remaining natural vegetation buffer have the effect of almost entirely screening the Project from view. Please note that screening has been included in front of the Point of Interconnection along Quilty Hill Road in the Site Plans (Exhibit D, Drawings C-4A, C-4D and C-4F).

- (5) *Solar collectors shall be installed so as to minimize glare onto neighboring properties and roadways. All solar collectors shall be treated with anti-reflective coating(s).*

The facility will be almost entirely screened from view and has been designed to minimize visual impacts to the community. Please refer to the Visual Assessment (Exhibit E) for details. The solar panels are treated with an anti-reflective coating and additional information on design of solar collector panels can be found in the Equipment Specification Sheets (Exhibit F).

- (6) *No solar collector shall be closer than 100 feet from any non-participating residential property line.*

The Project complies. Adherence to these setback requirements is demonstrated in the Site Plans (Exhibit D, Drawing C-4A).

- (7) *No solar collector shall be closer than 250 feet from non-participating, habitable residential structures.*

The Project complies. Adherence to all applicable setback requirements is demonstrated in the Site Plans (Exhibit D, Drawing C-4A).

- (8) *No solar collector shall be closer than 50 feet from non-participating, non-residential property lines.*

The Project complies. Adherence to all applicable setback and bulk requirements is demonstrated in the Site Plans (Exhibit D, Drawing C-4A).

- (9) *No solar collector shall be closer than 50 feet from the centerline of any public street or roadway.*

The Project complies. Adherence to all applicable setback and bulk requirements is demonstrated in the Site Plans (Exhibit D, Drawing C-4A).

(10) No solar collector shall be erected ahead of the front line of any existing building.

The Project complies. There are no existing buildings on the Project property.

(11) All commercial ground-mounted solar energy systems and associated solar accessory structures/facilities shall be completely enclosed by a minimum eight-foot-high anchored mini-mesh chain-link fence with two-foot tip out and a self-locking gate. Said fence shall contain five-inch-high by sixteen-inch-wide grade-level cutouts every 75 feet to permit small animals to move freely into and out of the site. No fence shall contain barbed or razor wire at the top.

The entire Project area is enclosed by an eight-foot-high typical agricultural fence with a self-locking chain link, galvanized steel gate. The fence is also designed with the requisite sixteen-inch-wide grade level cutouts every 75 feet to accommodate the ingress and egress of small animals. The fence does not contain any sharp elements at the top. Fence and gate design details can be found in the Site Plans (Exhibit D, Drawing C-8B).

(12) All commercial ground-mounted solar energy systems must additionally include a visual buffer between the system, public roads and non-participating properties. The buffer shall consist of appropriate plantings with a mixture of evergreen trees and shrubs a height so as to provide a visual screen of the ground-mounted system and no less than 8 feet tall. The species, type, location and planted height of such landscaping and fencing shall be subject to the approval of the Board. The Applicant shall be responsible for maintaining and grooming all trees and shrubs that are used as a visual buffer. The Applicant shall replace any dead or dying trees and shrubs in order to maintain an appropriate buffer as required by the Board.

Project visibility is addressed in the Visual Assessment (Exhibit E). The facility will be almost entirely screened from view and has been designed to minimize visual impacts to the community. Please refer to the Visual Assessment (Exhibit E) for additional details. Please note that screening has been included in front of the Point of Interconnection along Quilty Hill Road in the Site Plans (Exhibit D, Drawings C-4A, C-4D and C-4F). All remaining screening and vegetative cover will be properly maintained by Norbut Solar.

(13) All proposed commercial solar energy systems shall demonstrate that the facility will be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation, and on any nearby residential dwellings. Any glare produced by the solar array shall not impair or render unsafe the use of contiguous structures, any vehicles in the vicinity, any airplanes, etc.

Project visibility is addressed in the Visual Assessment (Exhibit E). The facility will be almost entirely screened from view and has been designed to minimize visual impacts to the community. Please refer to the Visual Assessment (Exhibit E) for additional details. Please note that screening has been included in front of the Point of Interconnection along Quilty Hill Road in the Site Plans (Exhibit D, Drawings C-4A, C-4D and C-4F). The solar panels are treated with an anti-reflective coating and additional information on design of solar collector panels can be found in the Equipment Specification Sheets (Exhibit F).

- (14) *Lot Coverage Requirements. Commercial solar energy systems shall adhere to applicable maximum lot coverage requirements for principal uses for the Zoning District which it is in.*

The lot coverage requirement for the A/R-R district does not apply to the Project as the proposed solar facilities are not included within the definition of “building” or “structure” by which lot coverage is determined. However, if lot coverage is applicable, the Project is well below the 30% limitation. Please refer to the Site Plans (Exhibit D, drawing C-4A).

- (15) *Siting Considerations. No commercial ground-mounted solar energy system shall be installed in a floodplain, aquifer or other environmentally sensitive area without the following:*

- i. Approval of an engineering plan;*
- ii. Approval and acceptance of documentation showing proper installation including a maximum tilt with the entire panel(s) at least two feet above the flood elevation;*
- iii. [Reserved];*
- iv. Approval and acceptance of plans for utility connections;*
- v. Approval and acceptance of safety measures.*

Norbut Solar acknowledges these siting requirements. The Project is not located in a floodplain, the Town’s Aquifer Protection District (addressed in Article VIII), nor an environmentally sensitive area.

- (16) *If property is subdivided to accommodate commercial ground-mounted solar energy systems as a primary use, the property containing the commercial ground-mounted solar energy system must have road frontage in compliance with the Town’s applicable zoning laws.*

The Project complies. Please refer to the Site Plans (Exhibit D).

- (17) *All utilities serving the site of a commercial solar energy system shall be installed underground and in compliance with all laws, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code, where appropriate. If the applicant seeks to install aboveground utilities or transmission lines, the Applicant must provide sufficient proof of infeasibility of underground installation. The Board may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the Board, the Applicant’s proof establishes that such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.*

The majority of the utility components necessary to serve the Project will be installed underground. However, the facilities at the Point of

Interconnection must be above ground. If the installation of underground utilities is determined not to be infeasible, Norbut Solar will seek a waiver from the Planning Board as the limited necessity for above ground equipment only at the POI will not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

- (18) *At a commercial ground-mounted solar energy systems site, at least one access road and adequate parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. This subsection shall apply to other types of commercial solar energy systems if, at the discretion of the Board, the circumstances of the project so dictate.*

The project complies. Access roads have been designed to minimize ground disturbance and vegetation removal. Adequate room for the movement and parking of emergency vehicles will be provided. Please refer generally to the Site Plans for location and design of access roads and road grades (Exhibit D, drawing C-9).

- (19) *Fire access roads and access for fire apparatus equipment shall be provided, as approved by the chiefs of the Kirkwood Fire Company No. 1, Inc. and Five Mile Point Company, Inc., and the Board. Any gates to the site shall be equipped with Knox Company locks to allow fire department access. The applicant shall provide a fire safety and suppression plan developed in coordination with the chiefs of the Kirkwood Fire Company No. 1, Inc. and Five Mile Point Company, Inc., which plan shall include reference to required training, staffing and equipment.*

The Project complies. Access roads have been designed to provide adequate access for the local fire departments and other emergency service providers. Please refer generally to the Site Plans (Exhibit D, drawing C-9) for location and design of access roads and road grades. Norbut Solar will coordinate with the Chief of Kirkwood Fire Company No. 1 and the Chief of Five Mile Point Company, Inc. regarding a fire safety suppression plan.

- (20) *Commercial ground-mounted solar energy system owners shall develop, implement, and maintain native perennial vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the landowners and/or solar energy system owners shall use native plant species and seed mixes.*

The Project will comply. Please refer to the Site Plans (Exhibit D, Drawing C-7) for a detailed explanation of the vegetation management plan.

- (21) *Applications for the installation of a commercial solar energy system shall be reviewed by Code Enforcement and referred, with comments, to the Board for its review and action.*

Norbut Solar acknowledges this requirement.

- (22) *Site lighting shall be limited to wall pack fixtures located on a structure that houses equipment/battery storage with zero-foot candles at the property line.*

Norbut Solar acknowledges this requirement. No lighting is proposed for the Project. Please refer to the Site Plans (Exhibit D).

C. Additional Site Restrictions and Requirements for Commercial Ground-Mounted Solar Energy Systems Located on Certain Agricultural Lands.

- (1) *Any commercial ground-mounted solar energy system located on areas that consist of Prime Farmland and/or Farmland of Statewide Importance shall not exceed 50% of the area of Prime Farmland and/or Farmland of Statewide Importance on the parcel.*

The applicant acknowledges the requirement and the project complies.

- (2) *Commercial solar energy systems located on Prime Farmland and/or Farmland of Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.*

The applicant acknowledges this requirement and will comply with all requirements of the New York State Department of Agriculture and Markets.

PROJECT COMPLIANCE WITH THE APPLICABLE STANDARDS FOR SITE PLAN REVIEW AS SET FORTH IN SECTIONS 502.1(C) AND 502.2 OF THE TOWN OF KIRKWOOD ZONING LAW.

This Exhibit will demonstrate that the Project complies with the applicable provisions of the Town's standards for Site Plan Review, which are detailed below in italicized type, followed by Norbut Solar's responses in **bold**:

SECTION 502.1 Submission of Site Plan

Prior to the issuance of a building permit, a site plan for such lot or tract at a scale of 1" = 50' or a scale less to the inch, prepared by an architect, landscape architect, civil engineer, surveyor, land planner or other competent person, (unless, in view of the specific nature of that application, preparation by such a professional is expressly waived by the Chairperson of the Planning Board) including thereon the following information shall be submitted to the Town Planning Board for approval:

* * *

C. *Plan requirements. A final site plan for any land use or activity requiring site plan review and approval shall be prepared and submitted to the Planning Board. Such final site plan shall contain the following information, as applicable:*

1. *Location name and address of owner, name of designer (if any) of the proposed development.*

Included in the Site Plans (Exhibit D).

2. *Identification map showing the location of the site within the Town.*

Included in the Site Plans (Exhibit D).

3. *Scale, North arrow, and date.*

Included in the Site Plans (Exhibit D).

4. *Present zoning district in which the site is located.*

Included in the Site Plans (Exhibit D).

5. *Location of the site in relation to all abutting properties and streets, and showing existing property lines, rights-of-way, and easements.*

Included in the Site Plans (Exhibit D).

6. *Existing and proposed buildings, structures and land uses.*

Included as applicable in the Site Plans (Exhibit D).

7. *A proposed layout of streets and other vehicular circulation facilities, including the location and width of driveways and type of curbing on site, loading and maneuvering areas, and ingress and egress to existing and prospective streets and highways. All access management must be in accordance with NYSDOT design standards.*

Included as applicable in the Site Plans (Exhibit D).

8. *Projected number of seating or employees, if needed, to determine the number of parking spaces.*

Upon completion of construction, the operation of the solar facilities will require only limited periodic maintenance and no employees will be present on site on a regular basis. As a result, Norbut Solar does not anticipate the need for parking although access for

emergency vehicles has been considered in the design of the access road. Please refer to the Site Plans (Exhibit D) for additional detail.

9. *Any wetlands and/or floodable area included in the one-hundred-year floodplain.*

The Project is not located within a designated floodway, nor a 100-year floodplain. Limited areas of wetlands are shown on the Site Plans (Exhibit D, Drawing C-4A). Please refer to the Full Environmental Assessment Form, Part 1 (Exhibit J).

10. *A topographic survey extending 50 feet beyond the property line may be required.*

Norbut Solar acknowledges this potential requirement.

11. *A storm drainage and grading plan showing the collection and disposal of stormwaters, or, if applicable, a stormwater pollution prevention plan consistent with the requirements of LL # 07-2007 - Stormwater Management and Erosion & Sediment Control.*

Included. Please refer to the preliminary draft SWPPP, two copies of which have been separately provided with Norbut Solar's submission.

12. *A plan showing proposed utilities and, if required, easements. If a private sewerage system is used, plans for the system shall bear the stamped approval of the Broome County Department of Health.*

Proposed utilities and any easements are shown on the Site Plans (Exhibit D).

13. *A prepared landscaping plan including existing major vegetation (trees and shrubs) and proposed landscaping treatment, including species, location, and planting size and full-growth size.*

Vegetation to remain and site topography will provide adequate screening without the necessity for a separate landscape plan. Please refer to the Visual Assessment (Exhibit E). In addition, note that screening is proposed adjacent to the POI along Quilty Hill Road. Please refer to the Site Plans (Exhibit D, Drawings C-4A, C-4D and C-4F).

14. *Drawings or sketches which illustrate the height, bulk, and design characteristics of the proposed building, and indicate major materials to be used.*

The Project will not include the construction of any buildings.

15. *Location and type of exterior lighting, and location and dimension of exterior signs, including ground and wall signs.*

The Project does not include lighting or signs.

16. *Any other information required by the Planning Department to explain the proposal.*

Norbut Solar acknowledges this requirement and will supply additional information as may be requested by the Planning Board.

17. *Application form, project narrative form, SEQR documentation.*

Included. Please see Exhibit A for the Site Plan Review application. Please refer to the Cover Letter accompanying this submission for the Project narrative. In addition to the Full FEAF, Part 1 (Exhibit J), all required SEQR documentation will be supplied.

18. *Whenever possible, applicant shall submit electronic copy of and all documentation relating to the application.*

Norbut Solar acknowledges this requirement and has complied by providing an external hard drive with all documents included in this submission.

19. *Developer's clause:*

(a) On behalf of _____ (Developer-Applicant), we hereby certify and agree that the submitted plans meet all the requirements and specifications described in Section 502 (Site

Plan Review), and any other applicable sections of the Town of Kirkwood. Notwithstanding any notes, provisions or specifications in the plans, we agree on behalf of the Developer-Applicant that Town of Kirkwood specifications shall take precedence over any such notes, provisions or specifications which may be inconsistent with and/or not in conformance with the Town of Kirkwood Code specifications. We further agree that in the event of any inconsistency or ambiguity between the notes, provisions or specifications on the final plans and the Town of Kirkwood Code, that in all cases the Town of Kirkwood Code specifications shall be controlling with respect to the work, materials or other requirements.

Signature of Developer

Signature of Developer's Engineer or Design Professional

Any of the above requirements may be waived by the Planning Board if conditions warrant.

Included. Please refer to Exhibit K for a separate, signed Developer's Clause.

* * *

SECTION 502.2 Site Plan Action

A. The Town Planning Board shall review said site plan and additional information and shall approve, approve with modifications or disapprove said site plan with regard to achieving without limitations thereto the following objectives:

- 1. A harmonious relationship between such uses and uses located in adjacent districts as reflected in the Comprehensive Plan.*

All proposed solar improvements will be located within the A/R-R zone, one of only two districts which the Town has designated as appropriate for the siting of a Commercial Solar Energy System. While the acreage of the lots to be combined by Norbut Solar will result in a single parcel that will be split-zoned, only a small portion to the South is zoned R-Residential and the area of the Commercial Energy Solar System is completely within the A/R-R district. With the exception of the nearby mobile home park district, and a single home on upper Quilty Hill Road, the residences on the non-participating residential properties along Quilty Hill Road to the Southeast and Foley Road to the South are between 700' and 1000' away from the R-Residence district boundary on the Project property and the view from these residences is largely, if not completely screened by natural vegetation on those non-participating properties as indicated on the Visual Assessment (Exhibit E). In addition, the Town had previously expressed concern regarding the location of the Point of interconnection in relation to a number of these residences. The revised iteration of the Project has moved the POI to upper Quilty Hill Road eliminating its visibility to all but one of the Quilty Hill Road and Foley Road residences. Norbut Solar believes the Project's location in the A/R-R district, its thoughtful design, and the existing vegetation on and off-site will create a harmonious relationship between the other permitted uses in both the A/R-R and R- Residential districts.

- 2. The maximum safety of vehicular access and egress from the site to existing and prospective streets and highways.*

Norbut Solar has designed the Project access to and from Quilty Hill Road to maximize the safety of vehicles entering and leaving the property. Please refer to the Site Plans (Exhibit D). It is important to consider that once construction is complete, necessary

access by Norbut Solar employees will be for infrequent maintenance visits and routine inspections. Consideration has also been given to the need for property access by emergency vehicles in the unlikely event of the need for the same.

3. *The maximum adequacy of interior circulation and parking facilities with particular attention to vehicular and pedestrian safety.*

As noted above, Norbut Solar has designed the Project access to and from Quilty Hill Road to maximize the safety of vehicles entering and leaving the property. Please refer to the Site Plans (Exhibit D). It is important to consider that once construction is complete, necessary access by Norbut Solar employees will be for infrequent maintenance visits and routine inspections. Consideration has also been given to the need for property access by emergency vehicles in the unlikely event of the need for the same. Additionally, given the infrequent nature of employee-only access to the site upon completion of construction, parking facilities and pedestrian safety will not be issues.

4. *The adequacy of transitional landscaping and setbacks in regards to achieving maximum compatibility and protection to adjacent property.*

With the exception of the nearby mobile home park district, and a single home on upper Quilty Hill Road, the residences on the non-participating residential properties along Quilty Hill Road to the Southeast and Foley Road to the South are between 700' and 1000' away from the R-Residence district boundary on the Project property and the view from these residences is largely, if not completely screened by natural vegetation on those non-participating properties as indicated on the Visual Assessment (Exhibit E). In addition, the Town had previously expressed concern regarding the location of the Point of interconnection in relation to a number of these residences. The revised iteration of the Project has moved the POI to upper Quilty Hill Road eliminating its visibility to all but one of the Quilty Hill Road and Foley Road residences. Norbut Solar believes the Project's location in the A/R-R district, its thoughtful design, and the existing vegetation on and off-site will create a harmonious relationship between the other permitted uses in both the A/R-R and R- Residential districts

5. *Appropriate drainage plan and stormwater management plan.*

Norbut Solar has adequately addressed runoff and stormwater management in the preliminary SWPPP, two copies of which have been included with its submission to the Planning Board. The SWPPP will be appropriately revised and updated to account for changes to the Project as it moves through the Town's approval process.

PROJECT COMPLIANCE WITH THE APPLICABLE STANDARDS FOR SPECIAL USE PERMITS
AS SET FORTH IN SECTION 503 OF THE TOWN OF KIRKWOOD ZONING LAW.

This Exhibit will demonstrate that the Project complies with the applicable provisions of the Town's standards for Special Use Permits, which are detailed below in italicized type, followed by Norbut Solar's responses in **bold**:

SECTION 503 Special Permits

(Amended December 3, 2002 by LL No. 6-2002. Original section deleted in its entirety and new language substituted.) (Amended May 4, 2004 by LL No. 11-2004. Originally Section 504.17)

- A. The Zoning Board of Appeals is empowered by the Town Board to issue special use permits for allowed uses as set forth in this Local Law or the regulations thereunder. After due notice and a public hearing, the Zoning Board of Appeals may issue a special use permit for uses which meet the following criteria:*

In accordance with Section 706(A)(1) of the Solar Law, Special Use Permits for commercial solar energy systems are issued by the Planning Board. The Applicant will demonstrate compliance with all Special Use criteria.

- 1. The applicable provisions prescribed for each special use permit use have been met.*

Norbut Solar acknowledges this requirement, and the Project complies with all Special Use permitting criteria.

- 2. The land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and all other applicable provisions for the district for which the said use is permitted have been met.*

Norbut Solar acknowledges this requirement, and the Project complies with all applicable regulations of the Agricultural/Rural Residential zoning district.

- 3. The land use or activity is designed, located and operated so as to protect the public health, safety and welfare.*

Norbut Solar acknowledges this requirement, and the Project complies. The Project is located in the A/R-R district, one of two districts where such facilities are a permitted use. While a small part of the property is split-zoned, the Project will be wholly sited on the A/R-R portion of what will be a combined single parcel. Please refer to the Site Plans (Exhibit D, Drawing C-4A). Measures to ensure the Project is operated safely and be protective of the public welfare are outlined in the Operation and Maintenance Plan (Exhibit H) and the Emergency Response Plan (Exhibit L).

- 4. The land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.*

Norbut Solar acknowledges this requirement, and the Project complies. The Project is located in the A/R-R district, one of two districts where such facilities are a permitted use with a Special Use Permit and Site Plan Review. It is therefore appropriately sited, will

comply with all zoning requirements of the Town of Kirkwood and will not cause substantial injury to property values in the neighborhood.

5. The land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.

Norbut Solar acknowledges this requirement. As a permitted use with the issuance of a Special Use Permit and Site Plan Approval, the Project site has been legislatively determined to be an appropriate location for commercial solar energy systems. Norbut Solar believes that the Project will be compatible with and will not adversely affect the established character of the adjacent area.

B. If site plan review is not required by the Planning Board, the Zoning Board of Appeals shall also determine that:

1. Effective landscaping and buffering is provided.

Norbut Solar anticipates Site Plan review by the Planning Board and believes that given the topography of the property and the existing vegetation that will remain after construction is complete, the landscaping and buffering requirement will be satisfied. Please refer to the Visual Assessment (Exhibit E). Note that screening has been included in front of the Point of Interconnection along Quilty Hill Road in the Site Plans (Exhibit D, Drawings C-4A, C-4D and C-4F).

2. Adequate off-street parking and loading are provided.

Norbut Solar acknowledges this requirement. Upon completion of construction, the operation of the solar facilities will require only limited periodic maintenance and no regular employees will be present on site. As a result, the Applicant does not anticipate the need for parking although access for emergency vehicles has been considered in the design of the access road. Please refer to the Site Plans (Exhibit D) for additional detail.

EXHIBIT C

NEW YORK PUBLIC UTILITY STANDARD

EXHIBIT C

NEW YORK STATE ZONING STANDARD FOR SOLAR ENERGY FACILITIES

Norbut Solar Farms (“NSF”) is a solar energy provider that is developing, building, owning, and operating solar energy projects throughout Upstate New York. NSF is developing projects in response to Governor Hochul’s approved framework for transitioning to renewable energy in support of the Climate Leadership and Community Protection Act (“CLCPA”) and its goals of requiring regulated utilities to obtain at least 6,000 megawatts of energy capacity from solar energy by 2025, a minimum of 70% of New York State’s electricity from all renewable sources by 2030 and to reach “zero greenhouse gas-emission electricity” by 2040. To ensure these goals are met, the New York Public Service Commission (“PSC”) has modified its existing programs to incorporate the CLCPA’s 2025 interim solar target and has increased that benchmark to mandate at least 10,000 megawatts of solar generation capacity by 2030.

In furtherance of the goals set out by the CLCPA and the PSC, NSF develops solar power generated energy projects (each a “Project”) to be interconnected to the New York State electrical grid via an interconnection agreement with the local utility. The importance of providing public utility services such as electricity has led to a body of case law in New York State over the last half century that makes it improper for a municipality to prevent or unreasonably interfere with the deployment of these essential services. As a result, the municipality’s zoning authority to regulate the location, expansion, and operation of public utility uses is different than its general zoning authority.

For a typical use variance, an applicant must show that the applicable zoning regulations cause an “unnecessary hardship” N.Y. Town Law § 267-b(2)(b). Proving unnecessary hardship requires the applicant demonstrate the following: “(1) it cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created” *id.* This rigorous standard reflects a respect for preserving municipal home rule, while recognizing that there are instances in which local laws may be unnecessarily restrictive as applied to certain projects.

As indicated above, the New York State Court of Appeals crafted a different standard for public utilities in what is often referred to as the “public utility” or “public necessity” standard. The seminal case for this relaxed zoning standard is *Matter of Consolidated Edison Co. of N.Y. v Hoffman* (43 NY2d 598 (1978) [*Hoffman*]). In *Hoffman*, the Court of Appeals made clear that “a zoning board may not exclude a utility project from a community where the utility has shown a need for its facilities.” This special treatment of utility projects stems from the “peculiar needs” and essential nature of utility service and because utility facilities must be located in a particular area to provide such service. *Id.* at 607. The relevant needs are not only of the utility or the prospective host municipality and its residents; rather, the zoning board should consider the needs of the “broader public.” *Id.* at 608. As explained in a prominent treatise:

Utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

(Salkin, New York Zoning Law Practice, § 7:12 [4th ed, 2018]). It is therefore well-established under New York law that local zoning authorities have less discretion and must apply the relaxed public utility standard of proof for approvals, including variances, for utility projects, rather than the traditional standards that would be applied to non-utility projects.

Although the Court of Appeals in *Hoffman* applied the public utility standard to a use variance request to modify an existing facility, the Court of Appeals has clarified that the test also applies to the siting of new facilities (see *Matter of Cellular Tel. Co. v Rosenberg*, 82 NY2d 364, 372 [1993] [*Rosenberg*]). Thus, following *Rosenberg*, the standard applicable to public utilities seeking zoning approvals requires that the utility must show that (1) the project is a public necessity in that it is required to render safe and adequate service and (2) there are compelling reasons, economic or otherwise, which make it more feasible to grant the variance than to require an alternative site. In addition, where the intrusion or burden on the community is minimal, the showing required by the utility should be further reduced (*id.*; see *Hoffman*, 43 NY2d at 611; *Matter of Nextel Partners v Town of Fort Ann*, 1 AD3d 89, 94 [4th Dept 2002]); see also *Matter of Lloyd v Town of Greece Zoning Bd. of Appeals*, 292 AD2d 818, 819 [4th Dept 2002] (public utility applicant qualified for diminished standard for area variance citing *Rosenberg*), *lv. dismissed in part denied in part* 98 NY2d 691, *rearg denied* 98 NY2d 765; *Matter of DeCarr v Town of Verona Zoning Bd. of Appeals*, 154 AD3d 1311, 1312 [4th Dept 2017]).

Since the creation of the public utility standard in *Hoffman* and its initial application to a gas project, New York State trial courts have applied the standard to a range of utility projects, including: (1) telecommunications facilities (see e.g. *Matter of Site Acquisitions v Town of New Scotland*, 2 AD3d 1135, 1137 [3d Dept 2003]); (2) wind energy generation facilities (see *Matter of West Beekmantown Neighborhood Ass’n, Inc. v. Town of Beekmantown Zoning Bd. of Appeals*, 53 AD3d 954, 956 [3d Dept 2008] (upholding a ZBA’s determination that a wind farm was a “public utility for zoning law purposes”) and; (3) **solar energy generation facilities** (see *Matter of Freepoint Solar LLC v. Town of Athens Zoning Bd. of Appeals*, 2022 NY Slip Op 34473(U) [Sup Ct, Greene County 2022] [*Freepoint I*]; *Delaware River Solar v Town of Aurora Zoning Bd. of Appeals*, [NYCEF] Index No. 808123/2022 [Sup Ct, Erie County Nov. 7, 2022]; *Cipriani Energy Grp. Corp. v Zoning Bd. of Appeals of the Town of Minetto*, [NYCEF] EFC-2022-0043 [Sup Ct, Oswego County Apr. 12, 2022]).

As is relevant here, New York courts have held that the zoning applications of Community Distributed Solar projects, such as that proposed by NSF, should be reviewed under the public utility/public necessity standard. Specifically, in *Freepoint I* following continuous delays, the Zoning Board of Appeals denied the use variance application without consideration of the public utility standard set forth in *Hoffman*, and instead used the more rigorous “unnecessary hardship” test under Town Law § 267-b(2)(b). After thoroughly reviewing the existing caselaw recognizing the “public necessity” exception to the general “unnecessary hardship” guidelines in the zoning context, the Supreme Court vacated the town’s denial of the use variance and remitted the

application back to the ZBA for reconsideration under the public utility standard. The court held that the fact that the solar energy industry is not subject to an exclusive franchise and does not have the power of eminent domain does not prevent the application of the relaxed public utility standard and found that the project constituted a “useful public service, and will be subjected to regulation and supervision by the Public Service Commission,” thus warranting the utilization of the public utility standard announced in *Hoffman* (*Freepoint I* at *12, [citations omitted]).

Significantly, the remand of *Freepoint I* and the subsequent decision by the local Zoning Board of Appeals to again deny the solar company’s use variance request (upheld by the Supreme Court following another Article 78 appeal), has resulted in the first decision of the Appellate Division of the Supreme Court regarding the applicability of the public necessity/public utility standard, first announced in *Hoffman*, to zoning approvals sought by solar energy providers. In *Freepoint Solar LLC, et al. v Town of Athens Zoning Bd. of Appeals* (--- AD3d ---, 2024 NY Slip Op 06409 (3d Dept December 19, 2024) [*Freepoint II*]), the Court found that the public utility standard applied to an applicant’s request for a zoning approval and the ZBA’s second denial of the variance failed to properly apply the *Hoffman* test.

Going forward, the decision in *Freepoint II* will play a significant role in the review by municipalities of zoning applications for community distributed solar projects such as those of NSF. *Freepoint II* affirms the recent spate of New York trial court decisions holding that community distributed solar projects qualify as public utilities entitled to have their zoning applications considered under the *Hoffman* “public necessity” or “public utility” standard, rather than the more burdensome “unnecessary hardship” test. Solar energy generating projects, regulated by the PSC, support New York State’s policy of transitioning to renewable energy as expressed in the requirements of the CLCPA and the interim targets to achieve its long-term goal. Therefore, community distributed solar projects constitute an essential public service subject to the two prongs of the “public necessity/public utility” standard.

First, the *Freepoint II* Court addressed the ZBA’s finding that the petitioner, Freepoint Solar, failed to demonstrate public need based upon (1) the opposition to the project by a group of local residents and (2) the Board’s finding that New York State was “on track” to meet or exceed the 2025 and 2030 interim benchmarks for sourcing its electricity from solar energy. Regarding the objections expressed by the residents based on environmental and aesthetic concerns, the Appellate Division agreed with the opinion of the trial court in *Freepoint I* that “public necessity must be considered in the broader consideration of the general public’s need for the service” and went on to say “[i]n that regard, local concerns are not typically part of the more general public’s need for the service” (*id.* at *4, citing *Hoffman*, 43 NY2d at 610).

Concerning the ZBA’s alternate basis for finding the lack of public need for the project, the Court reviewed the goals set by the CLCPA to reduce greenhouse gas emissions by transitioning to renewable energy and held that the ZBA’s conclusion that the State was on track to meet certain interim goals erroneously focused on “established floors rather than ceilings” and ignored the “future, long-term goals and targets” of the CLCPA (*id.* at *5 - 6). The ruling of the Court in *Freepoint II* suggests that the public need for renewable energy projects, including solar, will continue to be demonstrated until regulated utilities and energy service companies are able to derive 100% of their customers’ electricity from renewable energy sources resulting in zero

greenhouse gas emissions, a goal currently not set to be achieved until 2040. The Court held that Freepoint Solar demonstrated a public need for the project and found the ZBA's contrary decision to be "arbitrary and capricious and not supported by substantial evidence" (*id.* at *6-7).

Second, the *Freepoint II* Court examined the ZBA's determination that the Petitioner was required but failed to show the unavailability of alternate sites for its project in a zoning district where solar facilities were allowed as a permitted use. The Court rejected the Board's imposition of what amounted to an "impossibility standard" holding that "[t]hat there is no legal requirement that [petitioners] analyze each and every possible parcel of land" in order to obtain the requested zoning approval (*id.* at *6, quoting *Horvath Communications, Inc v. Town of Lockport Zoning Bd. of Appeals*, 2018 NY Slip Op 33830[U] at *5 [Sup Ct, Niagara County 2018]; *aff'd* 184 AD3d 1155 [4th Dept 2020]). In fact, the Court found that in addition to showing that there was adequate hosting capacity for the project at the proposed location - Freepoint having entered into an interconnection agreement with the local utility to connect to the electrical grid - the Petitioner provided the ZBA with the utility's hosting maps which demonstrated that there was no existing capacity on the grid for a project of similar size in a permitted zoning district in the community. *Id.* Given that Freepoint Solar established compelling reasons making it more feasible to grant the variance than to require the use of an alternate site, the Court ordered the ZBA to grant the Petitioner's application for a use variance (*id.* at *7).

The decision in *Freepoint II* now applies across each of New York State's 62 counties under the legal doctrine of *stare decisis* which requires trial courts in other departments to follow precedents established by the Appellate Division of any department until the Court of Appeals, or another Appellate Division court, announces a contrary rule (*Mountain View Coach Lines, Inc. v Storms*, 102 AD2d 663, 664 [3d Dept 1984]).

The CLCPA's renewable energy goals reflect the immense and urgent public necessity for renewable energy projects, such as solar. It is against this backdrop that the relevant public necessity considerations have been recognized by the State Legislature. These concerns underpin the core responsibilities of utilities to provide safe and adequate service at reasonable and just rates. As part of the energy transition contemplated by the CLCPA, renewable energy sources, like solar, will replace many conventional energy sources, such as natural gas and coal. As those energy production facilities go offline, more energy from renewable sources will have to take their place to keep lighting, heating, cooling, refrigeration, and other electric systems operating. Thus, in order to maintain adequate service at reasonable and just rates additional solar energy facilities have been judicially determined to be essential.

Based on the foregoing, since there is a public need for the Project's renewable energy in order to reach the long-term goals of the CLCPA and there is presently available interconnection capacity for the Project on the electrical grid, the local land use approvals requested by NSF should be granted.