

Questions to ask the energy developer, town, planning and zoning board when reviewing an energy application. UPDATED JULY 17, 2022.

Solar, wind and battery energy projects are complex. Ask questions!

Download and print [the list of questions as a PDF](#).

Then use the [spread sheet](#) to track the answers.

## **PROJECT**

What is the project's legal name? LLC?

What is the street address of the project?

What tax ID Numbers for all involved parcels?

What is the project nameplate capacity in megawatt alternating current (MWac)?

What is the project solar array capacity in megawatt direct current (MWdc)?

What is the project battery storage in megawatt hours (MWh)?

What is the project's capacity factor?

Who is the asset owner?

## **TOWN**

What is town hall address, website, are files online or paper?

Are the minutes posted online the official legal minutes or does a Freedom of Information need to be filed?

Meeting dates?

How many days before a meeting are documents required to be filed?

Who is on the board? Are there conflicts of interest? Should members recuse themselves?

Who is town attorney?

What is their experience with renewable energy?

Should the town hire an independent third party legal team to review the application?

What is town's history with lawsuits?

Does the State Comptroller have any audit reports on the town's finances?

Does the town have an Ethics Board? Who are members? Is there a history of complaints against town board or planning board?

Review process – does project present to town board, planning board, zoning board?

How can you obtain Freedom of Information documents?

Do you have a copy of the full size set of site plans, application, stormwater plan, decommissioning plan, and environmental report?

Require that the application is provided online allowing citizens full and free access to all documents.

Are the town records organized? Are application documents dated, stapled, and in order?

Do you have a copy of the zoning law? Solar law? Wind Law? Battery Energy Storage Law?

When were solar and wind laws adopted? Who sat on the committees?

Is there a concerned citizen group? What is their website?

Does the town have a code of conduct or ethics policy?

## **COUNTY**

What authority does the county have over the project?

Has the county provided financial incentives?

How can you obtain Freedom of Information?

Submit a Freedom of Information for the County Economic and Development Authority.

Who is on the County legislative committee? When are meetings? How do you submit public comments?

Does the county have a code of conduct or ethics policy?

## **STATE**

What state agency funds subsidies and incentives?

How can you obtain Freedom of Information documents?

Submit a Freedom of Information to the State entities that fund and review the project.

Is there an audit by the State Comptroller Office for the town, county and state entities?

Who are your state representatives? How do you contact them? How can you arrange a meeting?

Does the state have a code of conduct or ethics policy?

## **INDEPENDENT SYSTEM OPERATOR**

What transmission line is the project connected to?

What substation does the project connect to?

What utility company substation is the project connected to?

Does your state/region Independent System Operator post real time data?

See [NYISO](#)

[New England ISO](#)

What is state installed capacity for wind, solar, fossil fuels, nuclear?

How much is generated?

## **DEVELOPER/OWNER/OPERATOR**

Who is the owner/operator?

What is their contact information, website, email and phone?

What is their website?

Does the company have any current or past litigation?

Has the developer provided a listing of prior projects, photos and provided site tours?

Does the company have a code of conduct or ethics policy?

Who is buying the Renewable Energy Tax Credits (REC)?

Who holds the Power Purchase Agreement (PPA)?

Have you googled the developer and customer management and learned all that you can?

Does the state, county, financial authority consider the developer a real estate company or utility provider?

If in the United States is there a Security and Exchange Commission Form D?

Does the developer file forms with the SEC?

What happens if the developer goes bankrupt?

## **ASSET OWNER**

How often may the project be sold?  
What happens if the asset owner goes bankrupt?  
How with the town board be notified of the facilities sale and changes of ownership?  
How long can the facility fail to generate electricity before it is terminated and removed?  
Is the company getting the asset shovel ready?  
If there is a catastrophic failure in 20 years who is responsible? Do the legal documents support this?

## **CONSTRUCTION COMPANY**

Who is the construction company?  
Contact information, website, email, phone?  
What happens if construction company goes bankrupt?

## **MARKETING**

Date of community open house?  
Does the mailer include the project legal name, street address, nearest cross streets, number of acres, number of solar panels, MWac, MWdc, MWh, name and contact information for the developer?  
Is the photograph of the project site? of another project by the developer?  
Does the photograph show the correct equipment – fixed rack or tracking, inverters, transformers, battery storage, HVAC, generators?  
Did all of the adjacent parcel owners receive the mailer?  
Is the mailer misleading or does it misrepresent the project?

## **SALE OF ELECTRICITY**

Who is performing customer subscription management – the sale of electricity?  
Is the sales company listed with the state authorities?  
Has customer management provided a sales agreement?  
Does the company have any current or past litigation?  
If electricity is not sold through individual subscriptions such as community solar then:  
Is the Power Purchase Agreement included with the application? Why not?  
Who is the anchor tenant buying the electricity? What are the terms of the contract?  
Is the electricity sold within the county? state? or outside of the local ISO?  
Are Renewable Energy Credits sold?  
How long is the contract?

## **SITE**

What is the acreage of the solar coverage area?  
What is the acreage of the leased area?  
What is the acreage of the entire parcel?  
What are the dimensions of the fence?  
How many acres inside the fence?

How many acres outside the fence?  
What are GPS coordinates in day, minutes, second format for the fence corners?  
What wildlife is on the site?  
How will the fence impact migration patterns and natural habitat?  
Will animals be forced on to neighboring roadways resulting in safety concerns?  
Will animals be forced onto neighboring farmlands resulting in crop destruction?

### **AGRICULTURAL LANDS**

Is the project located in an Agricultural District?  
How much farmland will be converted?  
Is the site actively used for agricultural production?  
How much prime farmland or farmland of importance will be converted?  
Will farming activities continue outside the fence line?  
If the land is in production, will the owner continue farming?  
Will there be a tax penalty for the conversion?  
Are there tax penalties when land with an agricultural exemption is converted? Has this penalty been paid?

### **TAXES**

What are the town, county and state tax regulations?  
Will there be a payment in lieu of taxes (PILOT)?  
Who gets the tax money?  
What if project goes bankrupt?

### **VISUAL IMPACT**

What locations are identified in the visual analysis?  
Is the visual analysis from within the site or from the neighboring properties?  
Is visual analysis provided in summer (leaf on) and in winter (leaf off)?  
Is there a presentation board depicting the interconnection point and the impact of the utility company power poles at the access road?  
Will screening be provided? Tree specifications? Planting distance on center? Height of tree?  
Is a maintenance contract for life of project provided in writing?

### **NOISE**

What is town ordinance for noise at property line?  
Is there a solar law limiting noise at the property line?  
What is decible rating for all equipment?  
Please provide specification sheets for all equipment.  
Is there a noise study provided?  
Can equipment be changed without board approval?

### **LIGHTING**

Will there be artificial lighting?

Motion sensors on at all times?  
Will the lights be directed downward at all times?  
How will this impact neighboring properties?  
Will the lighting impact dark sky regulations?

### **SITE PLAN**

What is scale of drawings?  
Is graphic scale provided?  
Is north to the top of the page and is a north arrow provided?  
Are neighboring houses shown on the site plan?  
Are unrelated parcels shown on the site plan? Why?  
Are the tax ID numbers correct?  
Is the street address correct?  
Are details provided for all equipment? Are all dimensions shown length, width, height?  
Are equipment pads shown? Are measurements provided?  
Are National Wetland Inventory resources shown? Are they correct?  
Are state regulated wetlands shown? Are they correct?  
Are tree lines shown? Are they correct?  
Is a shade line shown on the site plan?

### **SOLAR PANELS**

Manufacturer of solar panels?  
Are the panels thin film or polysilicon?  
Are the panels bifacial?  
Are the panels coated with anti-reflective coating?  
Does the coating contain PFAS?  
Where is the nearest solar panel recycling facility?  
How often will solar panels be replaced?

### **ENERGY STORAGE**

What is the capacity of the battery storage?  
What kind of battery storage is used?  
Where is energy storage located? Please provide GPS location in day, minute, second format.  
What are dimensions of the battery energy storage solution length, width, height?  
What is weight of a “stack” of batteries?  
How many stacks in a container?  
What is noise level in decibel rating?  
How many HVAC are required per container? What is decibel rating of one HVAC unit?  
Is the electric storage system clearly explained?  
Are annual safety classes provided to the first responders? Who pays for the training?  
How often are there inspections?  
Are concerned citizens allowed to participate in the inspection?  
Is there an emergency off switch outside the fence?

## **MECHANICAL EQUIPMENT**

How many, the manufacturer and model number, decibel rating, and GPS locations for:  
tracking motors? How often do they move?  
tracking gearing system?  
inverters?  
transformers?  
control gear?  
switch gear?  
Battery energy storage?  
HVAC for the battery energy storage?  
generators as back ups for the battery energy storage?  
Will equipment run every day of every week of every year?  
Will equipment run all day and all night?

## **SAFETY**

What is the voltage of the solar array?  
What is voltage of battery storage?  
Can this harm or kill a human?  
How many warning signs are on the fence?

## **ACCESS ROAD**

Does the access road comply with local fire code?  
Distance to nearest water source?  
What will happen if the solar power resource catches fire?  
Submit a Freedom of Information to the State Department of Transportation.

## **SPECIFICATIONS**

Are specification sheets for all equipment included in the application?  
Will the contractor be allowed to substitute equipments and under what conditions?  
Where are the GPS locations of the inverter and transformer?  
What are sound and noise disturbances for each piece of equipment? Decibel rating.  
How is data from cameras and solar panels being transmitted to the internet?  
Does a cell tower have to be erected?  
How much noise will the tracker panels make? Decibel rating?  
Will the panels be weatherized as in will the panels have a vibration that shakes off the ice and snow? How much noise will be generated?

## **OPERATIONS**

Will herbicides and pesticides be used?  
Where does the contractor obtain water for site work and dust abatement?  
Where does the maintenance company obtain water to clean the panels?  
Are plants watered? Where is water obtained? How is it delivered to the plants?

## **FENCE**

- Does it meet 2017 National Electric Code of 7 feet in height?
- Is the 7 feet in height in compliance with local zoning ordinance?
- If deer are caught on/in the fence who is responsible for removing the animal?
- Will the fence have a 12" gap at the bottom to permit animal movement?

## **VEGETATION MAINTENANCE**

- Will sheep be used to "mow" the vegetation inside the fence?
- Is there an onsite water source for the sheep?
- Where are the sheep housed?
- What is the travel distance from where the sheep are housed to the solar facility?
- Who maintains the sheep – shearing, slaughter, wintering?
- What happens with the sheep after their useful life?
- How is vegetation maintained outside of the fence?

## **COMMUNITY**

- Do the drawings show all neighboring parcels, buildings and roads?
- Have the abutting neighbors been notified? Proof?
- When were the neighbors notified? Proof?
- How were they notified? Proof?
- Has the developer provided all marketing material on the record?
- Is the project site address included in the marketing material? North arrow? Nearest roads labeled?
- Is the parcel being divided so the laws and regulations can be circumnavigated?
- What is spacing and density of solar facilities in the community?
- What is the distance to the next solar or wind power plant?
- Video every town board meeting and presentation. Buy a mini-tripod for your phone.
- Make audio recordings.
- Build a website or set up a facebook page to post community informaiton.
- Send mailers to the community.

## **OTHER**

- Has the local fire department received a donation or new equipment from the developer?
- Has the local school received a donation or equipment from the developer?
- Does developer sponsor awards or scholarships at local schools?