

MINUTES

Central New York Regional Planning and Development Board Board of Directors Meeting June 23, 2021

ATTENDANCE

Board Members: Julie Abbott-Kenan, Keith Batman, Leslie Baxter, Philip Church, Daniel S. Dineen, Kipp Hicks, Cydney M. Johnson, Don Jordan (proxy for Daniel Kwasnowski), Stephen F. Lynch, Mary Ann Messinger, Christopher Newell, Eric Ridley, Edward Riley, L. Michael Treadwell

Guest: Houtan Moaveni, NYS Office of Renewable Energy Siting

Staff: Amanda Mazzoni, Bruce Keplinger, Chris Carrick, Kathleen Bertuch, Jeanie Gleisner, Patricia Wortley, Thomas Bardenett, Michael Boccuzzi, and David Bottar

1. CALL TO ORDER

Paul Pinckney called the meeting to order at 1:00 pm and noted the meeting was being conducted as a virtual zoom meeting only.

2. APPROVAL OF MEETING AGENDA AND MINUTES

A motion was introduced and seconded to accept the agenda as presented and the minutes from the meeting on May 26, 2021; the motion was approved unanimously.

3. NYSERDA LARGE-SCALE RENEWABLE ENERGY DEVELOPMENT IN NYS

Chris Carrick was introduced and provided an overview of large-scale solar development in New York, including: the targets established by the Climate Leadership and Community Protection Act (CLCPA) to meet 70 percent of the state's electricity from renewable sources by 2030; progress towards meeting the targets; the number, size and location of projects; typical impacts on land and community character resulting from projects; and approaches and resources available to help communities mitigate impacts including the NYSERDA Solar Guidebook.

Houtan Moaveni of the Office of Renewable Energy Siting (ORES) was introduced and gave a presentation regarding the role of ORES in permitting large-scale renewable energy projects with a nameplate capacity of 25 MW or greater.

Mr. Moaveni began his remarks by reviewing the history and purpose of the CLCPA which provided the impetus for the creation of ORES within the NYS Department of State. He proceeded with a powerpoint presentation for members to review during his remarks.

Mr. Moaveni began the presentation with an overview of the Accelerated Renewable Energy Growth and Community Benefit Act (“the Act”), which aims to consolidate the environmental review of major renewable energy facilities and provides a single forum to ensure that siting decisions are predictable, responsible, and delivered in a timely manner along with opportunities for input from local communities.

Mr. Moaveni continued his remarks by reviewing the development by ORES over the last year of the Executive Law Article 94-C regulations which replace the Public Service Law Article 10 regulations that had been in place previously. ORES will issue the siting permits, including all necessary approvals from both a state and local law perspective, except for any approvals necessary under federal law, for renewable energy projects including solar PV and wind that are 25 megawatts or larger. New projects sized between 20 and 25 megawatts may also elect to apply for a siting permit.

Mr. Moaveni noted that ORES had developed Uniform Permit Standards and Conditions (USC) that developers are required to satisfy, and which are expected to streamline the review process by addressing the design features and issues that are common to large-scale renewable energy projects. The regulations and uniform standards became effective on March 3, 2021 and are available at Chapter XVIII, Title 19 of NYCRR Part 900 (Subparts 900-1 – 900-15).

It was noted that under the Article 10 process, the state Siting Board could elect not to apply local law if it found that the local requirement was unreasonably burdensome “in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality.” Like the Article 10 Siting Board, ORES may issue a permit only if it finds that the project would comply with applicable laws and regulations; however, it may elect not to apply local law if it finds that the local requirement is unreasonably burdensome in “view of the CLCPA targets and the environmental benefits of the proposed renewable energy facility.” Thus, the ORES process marks a shift in standards from technology and cost to state climate goals and environmental benefits.

Mr. Moaveni next described the permit application process and timeline. ORES has 60 days from the date of its receipt of a permit application to make a completeness determination. An application will not be complete without proof of consultation with the host municipalities and communities. After a completeness determination, draft permit conditions will be issued by the Office of Renewable Energy Siting for public comment. Within the established comment period, the host municipalities must submit a statement indicating whether the proposed renewable energy facility complies with applicable local laws. The Office of Renewable Energy Siting must issue a final decision on the siting permit within one year of the date on which the application is deemed complete and within 6 months if the facility is proposed to be located on brownfield, former commercial or industrial, landfill, former power plant, and abandoned or underutilized sites.

During the question and answer period, members posed a number of questions regarding the development of large-scale solar facilities on prime agricultural soils. Mr. Moavaeni noted that ORES works closely with NYS Department of Agriculture and Markets to minimize impacts including flexibility in project setback areas, the location of lay-down areas and access roads, and the utilization of local agricultural inspectors. Regarding the siting of utility-scale solar projects on prime agricultural soils, Mr. Moaveni said that ORES will make judgements on a case-by-case basis and

that the expectation is that developers will work collaboratively with host municipalities, ORES and the state agencies through the pre-application process to identify substantive issues.

Mr. Lynch from Cayuga County asked whether consistent standards for community benefit have been established for affected taxing jurisdictions. Mr. Moaveni responded that the Act requires that ORES ensure that there is a Host Community Benefit at \$1,000/MW for the municipality and community and an electricity discount program for local residents. Funds must be paid by the developer into a local agency account hosted by NYSERDA. Funding can be used by eligible entities for participation in public comment period or adjudicatory hearing.

Mr. Bottar asked when intervenor fees required by the Act are to be paid by the developer. Mr. Moaveni responded that ORES needs to first have received the application and determined that it is complete. The completeness determination must be made within 60 days of receipt, after which date intervenors can apply for funds.

Mr. Bottar asked how developers are required to demonstrate that municipalities have been notified and consulted. Mr. Moaveni noted that applications will not be deemed complete without proof of consultation with the host community regarding procedural and substantive requirements of applicable local laws. Municipalities will be notified upon the publishing of an application's draft permit conditions and shall provide feedback on the draft permit conditions and the proposed facility's compliance with local laws within the subsequent 60-day public comment period. ORES is required to consider any applicable local law when making a determination. If host community statements raise any substantive and significant issues that require adjudication, the Siting Office may establish a date for an adjudicatory hearing. If substantive or significant issues are raised and the Siting Office does not hold an adjudicatory hearing, a public hearing will be scheduled in the host community.

4. EXECUTIVE DIRECTOR'S REPORT

Mr. Bottar initiated his remarks by noting the progress being made with the broadband survey with 4,175 surveys being completed by residents and businesses across CNY. It was noted that over the last few weeks, the agency has engaged in a comprehensive paid advertising campaign to improve survey participation.

Mr. Bottar continued his remarks by noting staff is working on three NYS CFA applications for submission on July 31st including comprehensive planning proposals for the Town of Oswego, Town and Village of Elbridge, and the Town of Manlius – including funding for a climate action plan. Also noted was an application submitted to support a mixed-use project redevelopment in the City of Oneida.

Mr. Bottar also noted the agency has submitted a major funding application to the NYS DEC to support administration of the NYS Climate Smart Communities program across the region. Mr. Bottar concluded his remarks by noting staff plan to proceed with an application to EDA to request approval to “defederalize” the agency’s EDA funded revolving loan fund.

Mr. Bottar concluded his remarks by noting the next full Board meeting is set for August 25th and will include a presentation by Ellen Brody, Great Lakes Regional Coordinator, NOAA Office of National Marine Sanctuaries, regarding the Lake Ontario National Marine Sanctuary nomination.

5. ADJOURNMENT

There being no further business to discuss, a motion was introduced and seconded to adjourn the meeting; the motion was approved unanimously.

Respectfully Submitted,

L. Michael Treadwell, Secretary/Treasurer