

# **Clean Energy in Your Community: Solar and Energy Storage**

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**Capital District Regional Planning Commission**

**December 30, 2020**



**NYSERDA**



# Agenda:

- **Introductions**
- **Zoning and Permitting**
  - Solar Energy Systems
  - Energy Storage Systems
- **RPTL § 487, PILOTs**
- **State-Level Siting for Large-Scale Renewables**



# Key State Climate & Energy Goals



## General Goals:

- **70% Renewable Energy by 2030**
  - In 2019, approximately 27%
- **100% Zero-Emissions Electricity by 2040**

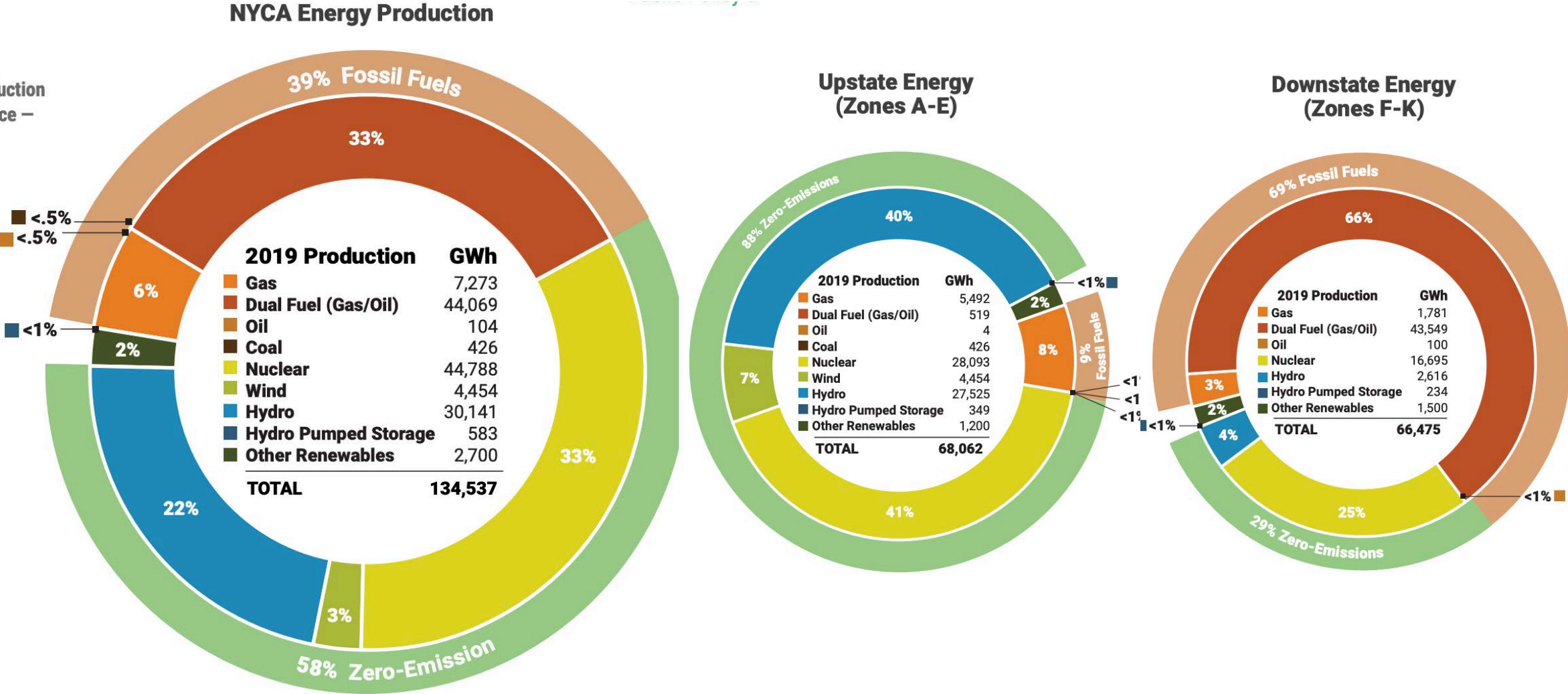
## Technology-Specific Goals:

- **6 GW of Solar by 2025**
  - To-date: 2,545 MW as of Q3 2020
- **1.5 GW of Energy Storage by 2025, 3 GW by 2030**
  - To-date: Just under 100 MW
- **9 GW of Offshore Wind by 2035**



# Key State Climate & Energy Goals

Figure 14:  
Energy Production  
by Fuel Source –  
Statewide,  
Upstate &  
Downstate  
New York:  
2019



# Clean Energy Siting Team Homepage

[www.nyserda.ny.gov/Siting](http://www.nyserda.ny.gov/Siting)

## Clean Energy Siting for Local Governments

[Energy Storage Guidebook](#)

[EV Charging Station Permitting Resources](#)

[Siting for Large-Scale Renewables](#)

[Solar Guidebook](#)

[Wind Energy Guidebook](#)

[Technical Assistance and Workshops](#)

[Clean Energy Siting Email List](#)

Our Clean Energy Guidebooks are available for download here

## Clean Energy Siting for Local Governments

NYSERDA offers several resources to help local governments understand how to manage responsible clean energy development in their communities. These resources include step-by-step instructions and tools to guide the implementation of clean energy, including permitting processes, property taxes, siting, zoning, and more. If you have a question on clean energy siting in your community, or need help with a chapter of the Guidebook, email [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov) and we'll respond to you within 24 hours. For more hands-on support, learn more about our free [training and technical assistance opportunities](#).

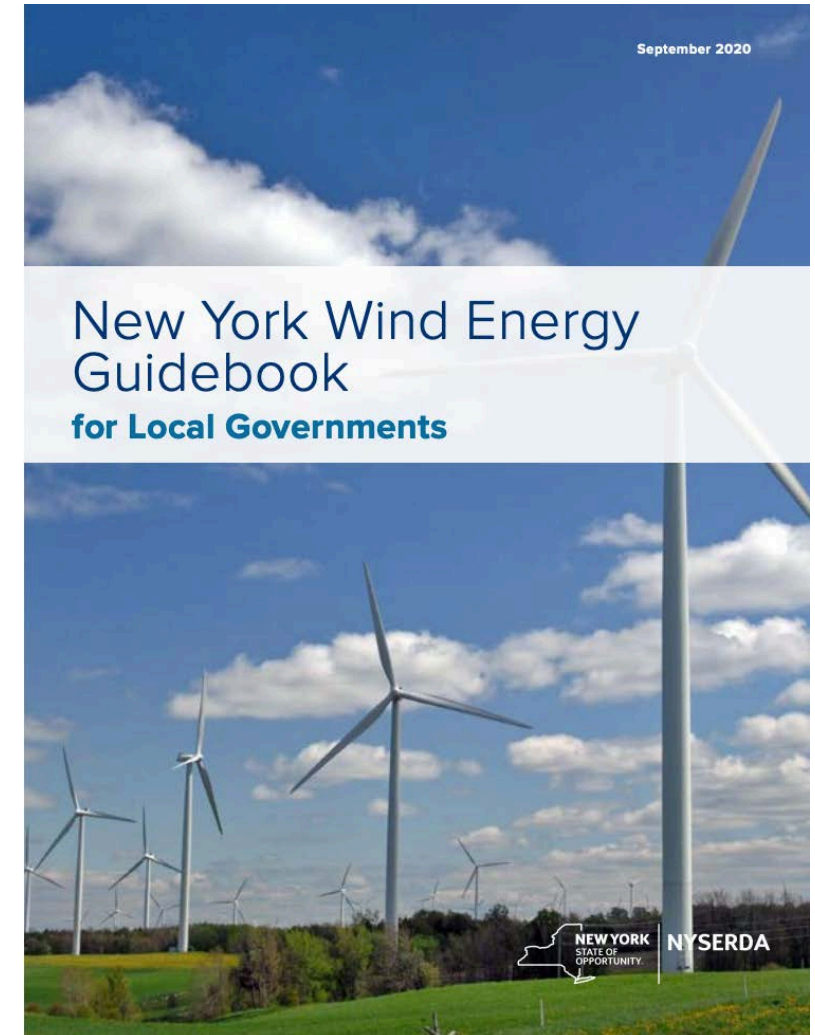
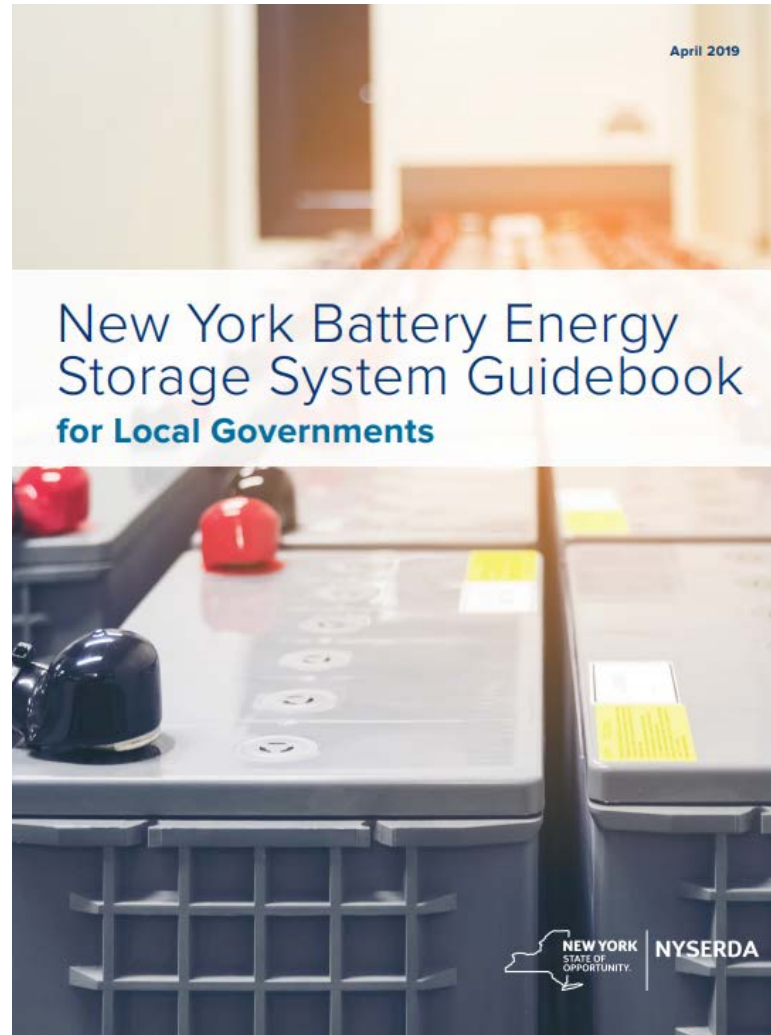
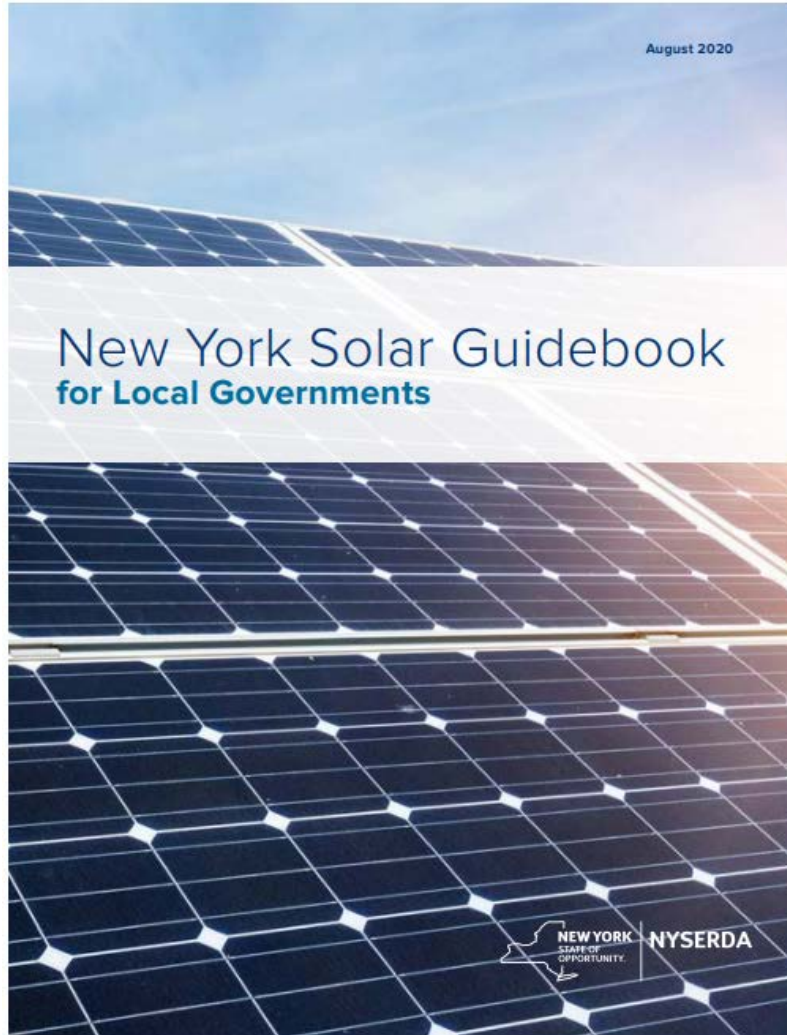
Stay up-to-date with the latest about Clean Energy Siting. [Join our email list](#) for local government officials.

Ask the team any question by sending an email to [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov)

Municipalities can request technical assistance here

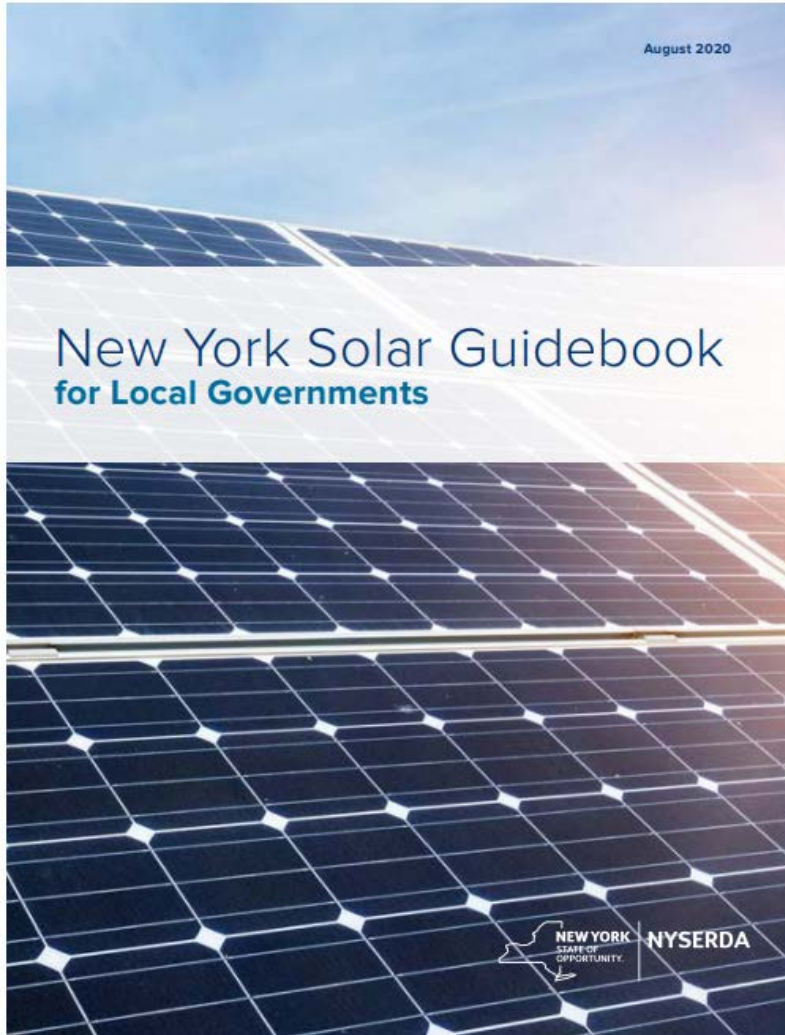


# Guidebooks for Local Governments



# Zoning and Permitting

# Solar Guidebook for Local Governments



**Chapter 1** - Solar PV Permitting and Inspecting in NYS

**Chapter 2** - Roof Top Access and Ventilation Requirements

**Chapter 3** - State Environmental Quality Review (SEQR)

**Chapter 4** - NYS's Real Property Tax Law § 487

**Chapter 5** - Solar Payment-In-Lieu-of-Taxes Toolkit

**Chapter 6** - Using Special Use Permits and Site Plan Regulations

**Chapter 7** - Solar Installations in Agricultural Districts

**Chapter 8** - Landowner Considerations for Solar Land Leases

**Chapter 9** - Decommissioning Solar Panel Systems

**Chapter 10** - Model Solar Energy Local Law

**Chapter 11** – Municipal Solar Procurement Toolkit



# Model Solar Energy Law

**Tier 1**



**Tier 2**



**Tier 3**



# Permitting Tier 3 Systems

- Important to understand **where projects are feasible** – Utility Hosting Capacity maps, transmission line maps, zoning map
- Identify zones where larger systems are **practicable** and will be **allowed**
- Model Law suggests that Tier 3 systems be permitted by **Special Use Permit**, subject to **Site Plan Review**
  - Section 8(I): Establish requirements for Site Plan Review
    - Proposed landscape changes, grading, vegetation, screening
    - Property operations & maintenance plans
    - Comprehensive electrical diagram
  - Section 8(J): Establish standards for Special Use Permit approval
    - Lot size      • Lot Coverage
    - Setbacks      • Screening & Visibility
    - Height      • Agricultural Resources



# Permitting Tier 3 Systems (cont.)

## Section 8(H): Decommissioning

- Clarify the timeframes/inactivity which might trigger decommissioning
- Require a robust decommissioning plan, outlining the costs, timelines, and activities involved in decommissioning a system
- Detail requirements for a decommissioning surety, subject to the AHJ's liking, ensuring:
  - It will cover the full cost of system removal, not including salvage values
  - It is revisited on a regular basis to account for inflation/changing costs
  - It will cover the AHJ in the event of project sale, insolvency, or other circumstances whereby the applicant is unable to remove the system

# Permitting Tier 3 Systems (cont.)

## Section 8(J): Special Use Permit standards

- Utilize underlying zoning requirements *and/or* establish district-specific requirements

Table 1: Lot Size Requirements

Zoning District	Tier 3 Solar Energy Systems
Residential Low Density	≥ 2 acres
Residential High Density	—
Commercial / Business	≥ 5 acres
Light Industrial	N/A
Heavy Industrial	N/A
Agricultural / Residential	≥ 5 acres

Table 2: Parcel Line Setback Requirements

	Tier 3 Ground-Mounted		
Zoning District	Front	Side	Rear
Residential Low Density	100'	100'	100'
Residential High Density	—	—	—
Commercial / Business	30'	15'	25'
Light Industrial	30'	15'	25'
Heavy Industrial	30'	15'	25'
Agricultural / Residential	30'	15'	25'

Table 3: Height Requirements

Zoning District	Tier 1 Roof-Mounted	Tier 2	Tier 3
Residential Low Density	2' above roof	10'	15'
Residential High Density	2' above roof	10'	—
Commercial / Business	4' above roof	15'	20'
Light Industrial	4' above roof	15'	20'
Heavy Industrial	4' above roof	15'	20'
Agricultural / Residential	2' above roof	15'	20'



# Permitting Tier 3 Systems (cont.)

## Section 8(J): Special Use Permit standards

- Screening and visibility:
  - Screening & Visibility – Model Law ensures that screening and visibility requirements are aligned with SEQRA requirements for projects above and below 10-acre threshold (Type I Action threshold)
  - For larger projects, require a more robust visual assessment/study, as well as a comprehensive year-round screening & landscaping plan.



# Permitting Tier 3 Systems (cont.)

## Section 8(J): Special Use Permit standards

- Agricultural Resources:

- Strategies to implement acreage and/or lot coverage restrictions for certain priority soils
- Impact mitigation strategies, such as seeding the parcel with pollinator-friendly and/or native vegetation
- Requires applicants to propose a vegetation management plan to ensure implementation and upkeep of vegetation, promoting biodiversity, erosion control, or other benefits
- Require adherence to NYSAGM guidelines
- Consider encouraging or requiring applicants to implement site-appropriate co-location strategies

7) Agricultural Resources. For projects located on agricultural lands:

1) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.

OR

Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed [50] % of the entire lot.

AND/OR

Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed [20] % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

2) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

**Commentary:** For more details, please refer to NYS Department of Agriculture and Market's Guidelines for Agricultural Mitigation for Solar Energy Projects, available at [www.agriculture.ny.gov/ap/agsservices/SolarEnergyGuidelines.pdf](http://www.agriculture.ny.gov/ap/agsservices/SolarEnergyGuidelines.pdf).

3) Tier 3 Solar Energy System owners shall develop, implement, and maintain native 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 owners shall use native plant species and seed mixes.



# **Spotlight: Solar on Agricultural Lands**

# Solar on Agricultural Lands

- > Starts with the Comprehensive Plan; often recognize and prioritize both agricultural lands/activities and the pursuit of clean energy
- > Appraising competing land uses: AFT [identifies](#) expansion of permanent low-density residential (LDR)/urban highly developed (UHD), generational challenges as biggest threats
- > Through zoning and comprehensive planning, jurisdictions can strike a balance, and demonstrate that solar & ag need not be competing interests
- > Tax implications: projects on lands currently/ previously receiving an agricultural assessment may trigger a “conversion” payment, increased tax levy





# Solar on Agricultural Lands

- > Solar vs. alternative land uses
  - Long-term benefits to soil, watershed health from reduced pesticides/herbicides
  - Impacts to biodiversity and wildlife (Photos from solar arrays in Central CA)
- > Benefits to landowners/farmers:
  - Diversified, stable income
  - Potential generational viability
- > Offsite mitigation: agricultural mitigation payments





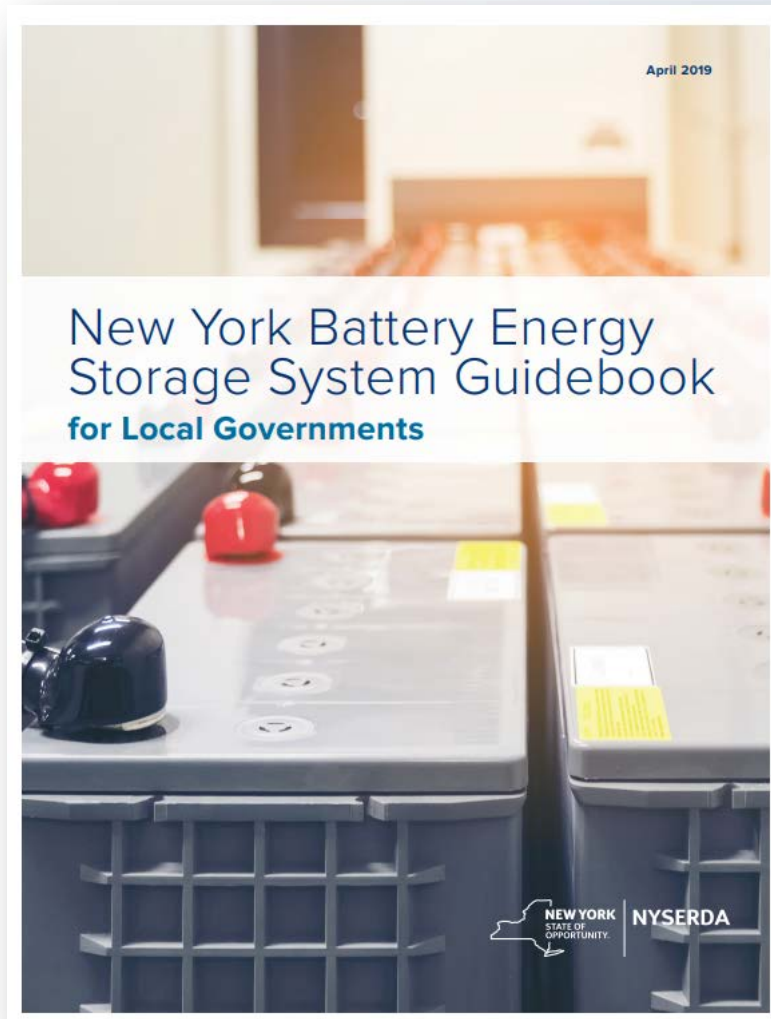
# Solar on Agricultural Lands

- > Options for mitigating impacts to agricultural lands:
  - Requiring or encouraging developers to avoid siting projects on highest quality soils
  - Modifying bulk and area requirements for projects on agricultural parcels
  - Requiring adherence to the Dept. Of Ag & Markets' Guidelines for Solar Energy Projects (prescriptive guidelines for project construction + decommissioning)
  - Requiring pursuit of co-location (dual uses) on best soils
- > Co-location options can be negotiable and are often site- or community-specific. Options might include:
  - Livestock grazing
  - Pollinator-friendly and/or native vegetation
  - On-site or proximal beekeeping
  - Crop cultivation, aka “agri-voltaics”
- > Dept. of Energy – [Farmer's Guide to Going Solar](#)





# Battery Energy Storage Guidebook



**Chapter 1** – Battery Energy Storage Model Law

**Chapter 2** – Battery Energy Storage Model Permit

**Chapter 3** – Battery Energy Storage Inspection Checklist

**Chapter 4** – 2020 New York State Uniform Code

# Battery Energy Storage Systems

- > Energy storage = conversion of alternative forms of energy to dispatchable potential energy
- > Varieties of energy storage systems:
  - Electrical
  - Mechanical
  - Gravitational
  - Thermal





# Battery Energy Storage Systems

> BESS can utilize different electrochemical makeups:

- Lithium ion
- Lead Acid
- Nickel-based
- Flow batteries

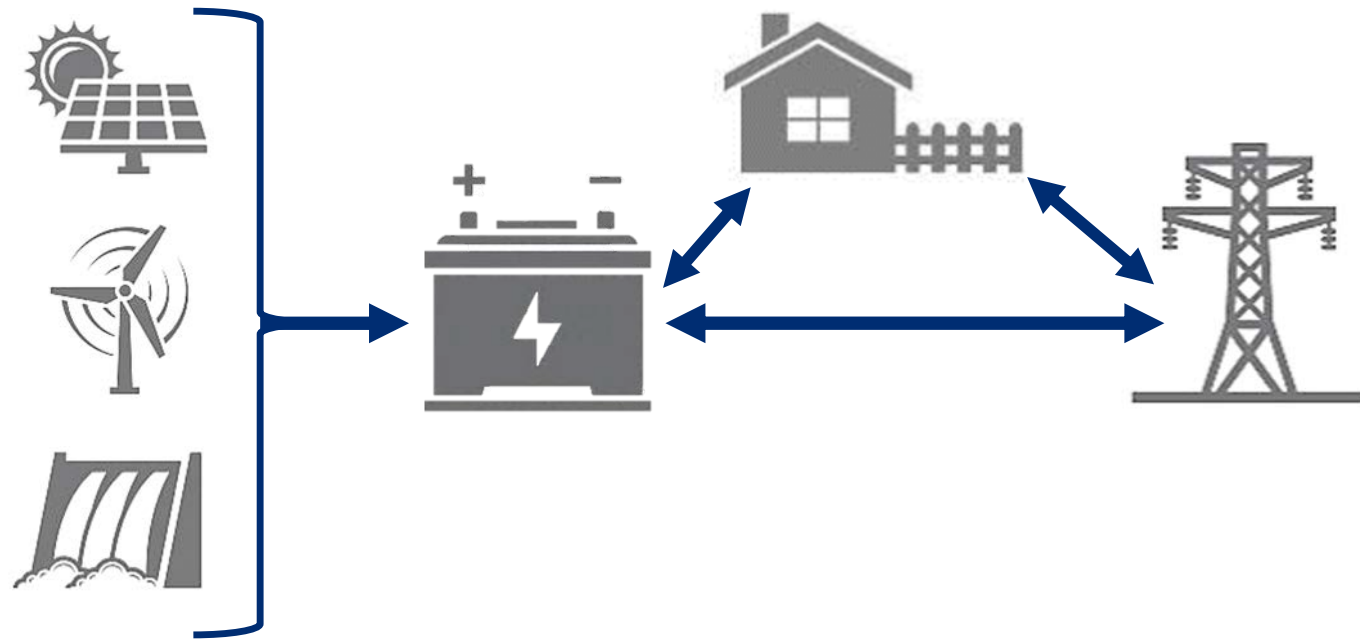
> BESS Components:

- Cells
- Modules
- Racks
- Battery Management System



# Benefits of Battery Energy Storage Systems

- > Customer Services (Residential/Commercial)
  - Backup power
  - Increased self-consumption if paired with solar
  - Demand charge reduction
- > Utility Services
  - Upgrade deferrals
  - Congestion relief
  - Resource adequacy
- > Grid Services
  - Grid balance/energy arbitrage
  - Frequency + voltage regulation





# Section 3: Definitions

## Tier 1:

Tier 1 Battery Energy Storage Systems have an aggregate energy capacity **less than or equal to 600kWh** and, if in a room or enclosed area, consist of only a single energy storage system technology.



## Tier 2:

Tier 2 Battery Energy Storage Systems have an aggregate energy capacity **greater than 600kWh** or are comprised of more than one storage battery technology in a room or enclosed area.



# Sections 6-7: Permitting Requirements

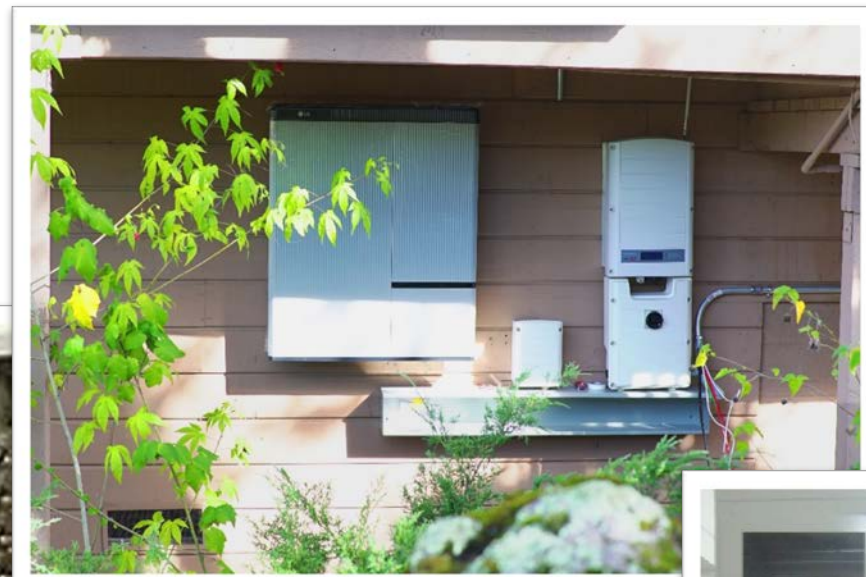
## **Section 6: Tier 1 Battery Energy Storage Systems**

- Battery Energy Storage System Permit
- Inspection Checklist
- Applicable fire code

## **Section 7: Tier 2 Battery Energy Storage Systems**

- Special Use Permit
- Site Plan Review
- Applicable fire code

# Tier 1 BESS Examples





# Tier 2 BESS Examples



# Battery Energy Storage System Model Permit

## Tier 1 Requirement

### Overview

The Model Permit is intended to help local government officials and AHJs establish the minimum submittal requirements for electrical and structural plan review that are necessary when permitting residential and small commercial battery energy storage systems.

Additionally, battery energy storage systems shall comply with all applicable provisions of the codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code.

The Battery Energy Storage System Model Permit is based on the 14th Edition of the National Electric Code (NEC), which is anticipated to be adopted by New York State in 2020. NYSEERDA will continue to update the Guidebook as these codes and standards evolve.

The workable version of this document can be found at [nyseda.ny.gov/Energy-Storage-Guidebook](https://nyseda.ny.gov/Energy-Storage-Guidebook), under Battery Energy Storage System Model Permit tab.

### PERMIT APPLICATION

#### Battery Energy Storage System Model Permit

Note: Language in [ALL CAPS] below indicates where local jurisdictions need to provide information specific to the jurisdiction. Language in *italics* indicates explanatory notes from the authors of this document that may be deleted from the distributed version.

This application and the following attachments will constitute the Battery Energy Storage System Permitting Package.

- This application form, with all fields completed and bearing relevant signatures.
- Permitting fee of \$[ENTER FEE HERE], payable by [ENTER VALID PAYMENT METHODS], if checks are allowed INCLUDING WHO CHECKS SHOULD BE MADE PAYABLE TO]
- Required Construction Documents for the battery energy storage system being installed, including required attachments.

Completed permit applications can be submitted electronically to [EMAIL ADDRESS] or in person at [BUILDING DEPARTMENT ADDRESS] during business hours [INDICATE BUSINESS HOURS].

Permit determinations will be issued within [TIMELINE] calendar days upon receipt of complete and accurate applications. The municipality will provide feedback within [TIMELINE] calendar days of receiving incomplete or inaccurate applications.

Questions about this permitting process may be directed to [MUNICIPAL CONTACT INFORMATION].

This application and the following attachments will constitute the Battery Energy Storage System Permitting Package.

- This application form, with all fields completed and bearing relevant signatures.
- Permitting fee of \$[ENTER FEE HERE], payable by [ENTER VALID PAYMENT METHODS] If checks are allowed INCLUDING WHO CHECKS SHOULD BE MADE PAYABLE TO]
- Required Construction Documents for the battery energy storage system being installed, including required attachments.

Completed permit applications can be submitted electronically to [EMAIL ADDRESS] or in person at [BUILDING DEPARTMENT ADDRESS] during business hours [INDICATE BUSINESS HOURS].



# Battery Energy Storage System Model Permit

## Tier 1 Requirement

PROPERTY OWNER		
Property Owner's First Name	Last Name	Title
Property Address		
City	State	Zip
Section	Block	Lot Number
EXISTING USE		
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	
PROVIDE THE TOTAL SYSTEM CAPACITY RATING		
Total System Capacity Rating: _____ kWh		Power Rating: _____ kW (Select One) <input type="checkbox"/> AC or <input type="checkbox"/> DC
SELECT SYSTEM CONFIGURATION		
<input type="checkbox"/> AC Coupled <input type="checkbox"/> DC Coupled <input type="checkbox"/> Standalone		
SELECT BATTERY TYPE		
<input type="checkbox"/> Lithium ion, all types <input type="checkbox"/> Lead-acid, all types <input type="checkbox"/> Nickel-cadmium (Ni-Cd) <input type="checkbox"/> Flow batteries <input type="checkbox"/> Other: _____		
SELECT INSTALLATION TYPE		
<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Attached/Detached/Open Garage <input type="checkbox"/> Rooftop <input type="checkbox"/> Dedicated Use Building		
BATTERY ENERGY STORAGE SYSTEM INSTALLATION CONTRACTOR		
Contractor Business Name		
Contractor Business Address	City	State Zip
Contractor Contact Name	Phone Number	
Contractor License Number(s)	Contractor Email	

EXISTING USE	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial
PROVIDE THE TOTAL SYSTEM CAPACITY RATING	
Total System Capacity Rating: _____ kWh	Power Rating: _____ kW (Select One) <input type="checkbox"/> AC or <input type="checkbox"/> DC
SELECT SYSTEM CONFIGURATION	
<input type="checkbox"/> AC Coupled <input type="checkbox"/> DC Coupled <input type="checkbox"/> Standalone	
SELECT BATTERY TYPE	
<input type="checkbox"/> Lithium-ion, all types <input type="checkbox"/> Lead-acid, all types <input type="checkbox"/> Nickel-cadmium (Ni-Cd) <input type="checkbox"/> Flow batteries <input type="checkbox"/> Other: _____	
SELECT INSTALLATION TYPE	
<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Attached/Detached/Open Garage <input type="checkbox"/> Rooftop <input type="checkbox"/> Dedicated Use Building	

# Section 7: Tier 2 Permitting Requirements

## Process for Approval

- Choose which zoning district(s) to permit systems.
- Applications shall be reviewed for completeness within 10 business days.
- Applications shall be subject to a public hearing and a notice shall be published in the official newspapers 5 days in advance.
- Referred to the [County Planning Department] pursuant to General Municipal Law § 239-m as required.
- Upon closing the public hearing, the reviewing board shall have 62 days to take action on the application. The 62-day period may be extended.

## Requirements for Approval

- B. Utility Lines and Electrical Circuitry
- C. Signage
- D. Lighting
- E. Vegetation and Tree-cutting
- F. Noise
- G. Decommissioning
- H. Site Plan Application
- I. Special Use Permit Standards
- J. Ownership Changes

# Section 7: Tier 2 Permitting Requirements

## G: Decommissioning

### Decommissioning Plan

- i. Anticipated life of system;
- ii. Estimated decommissioning costs;
- iii. How estimate was determined;
- iv. **Method of ensuring available funds for decommissioning and restoration;**
- v. Method to keep decommissioning cost current; and
- vi. Manner in which system will be decommissioned and Site restored.

### Decommissioning Fund

Applicant to continuously maintain a fund or bond payable to the city/town/village for removal of the system for the life of the facility

- Form and amount approved/determined by the city/town/village
- May consist of a letter of credit from a State of New York licensed-financial institution
- All costs of financial security borne by the applicant



# Section 7: Tier 2 Permitting Requirements

## H: Site Plan Application

1. Property lines and physical features of site
2. Proposed changes to landscape, grading, vegetation, lighting, etc.
3. A one or three-line electrical diagram showing layout, equipment components and associated National Electric Code compliant mechanisms
4. Equipment specification sheet for the proposed battery energy storage system components
5. General information including name, address, and contact info of system installer and owner/operator
6. Name, address, phone number and signature of the project applicant and owners, demonstrating their consent to the use of the property for the system
7. Zoning district designation
8. Commissioning plan
- 9. Fire safety compliance plan**
10. Operations and maintenance plan
11. Erosion and sediment control and storm water management plans
12. Signed and sealed engineering documents by a NYS Licensed Professional Engineer, or Registered Architect
- 13. Emergency operations plan**

# Section 7: Tier 2 Permitting Requirements

## I: Special Use Permit Standards

1. **Setbacks:** Installations shall comply with setback requirements for underlying zoning districts.
2. **Height:** Installations shall comply with setback requirements for underlying zoning districts.
3. **Fencing:** Systems shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access.
4. **Screening and Visibility:** Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods.

# Spotlight: Fire Safety for BESS



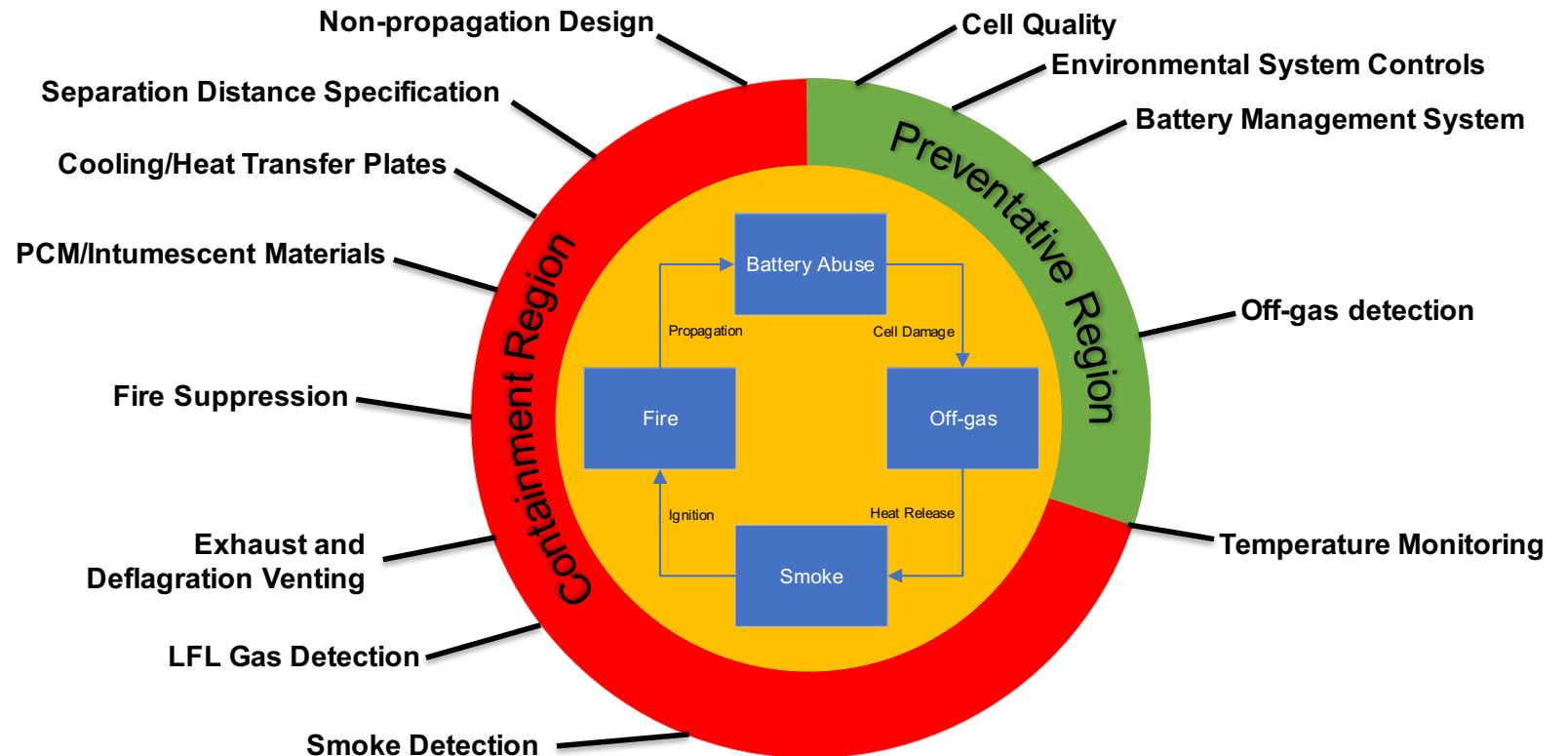
# 2020 NYS Uniform Code

- > 2020 Uniform Code cycle took effect in May
- > Formally implemented nation-leading fire and safety code standards for BESS:
  - NYS Residential Code includes provisions for installing residential installations up to a certain size
  - NYS Fire Code regulates larger installations, including both indoor and outdoor systems
  - Require adherence to the 2017 NEC
- > Automatically applicable without the need for local adoption, so protections are already in place.



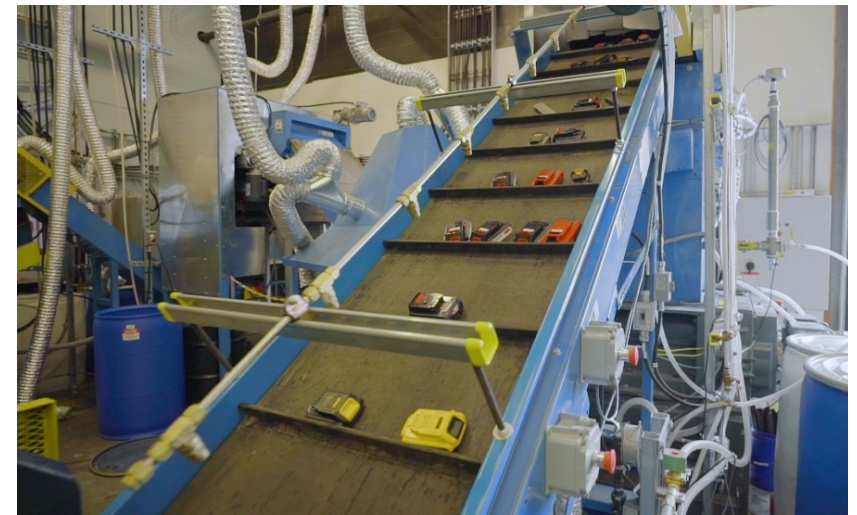
# BESS Fire Safety in the 2020 Uniform Code

- > Main fire risk for BESS is known as 'thermal runaway'
- > Stages of thermal runaway:
  - Battery abuse
  - Off-gassing or venting
  - Smoke
  - Fire
  - Propagation
- > Updated codes reflect strengthened protections, lessons learned from BESS incidents



# BESS Innovation – Right Here in NYS

- > Cadenza Innovation: Supercell Lithium-ion Battery in Westchester County
  - CT-based BESS startup and manufacturer has debuted its anti-thermal-runaway technology at NYPA office in White Plains
- > Li-Cycle Inc.: Lithium-ion recycling facility in Finger Lakes Region
  - Canadian battery recycler will invest in growing its battery recycling operation in NYS





# RPTL § 487 and PILOTs

# Real Property Tax Law § 487

## Section 487

Exemption from taxation for certain energy systems  
Real Property Tax (RPT)

- > Provides a 15-year real property tax exemption for the *added value* of certain renewable energy systems; system becomes fully taxable in year 16
- > Exemption applies to all system sizes, from residential to utility-scale
- > Jurisdictions may opt-out of the exemption via local law or resolution, but no partial opt-outs (meaning you cannot opt out solely to tax large projects); may also opt back in

Possible reasons for opting out of RPTL § 487:	Things to consider:
In order to generate/collect additional tax revenue	Jurisdiction may not realize any additional revenue because projects will move elsewhere
Opposition to offering financial incentives for certain projects	Under RPTL § 487, PILOTs can be up to – but not exceeding – the amount paid under full taxation
Concern about the allocation of PILOT dollars amongst taxing jurisdictions	Host Community Benefit packages, in addition to PILOTs, can ensure the Town gets a fair share

# Payments-in-Lieu-of-Taxes (PILOTs)

- > Not unique to clean energy – PILOTs are a common tool for incentivizing local investment
- > Jurisdictions which *have not opted out can* directly negotiate PILOT agreements, which:
  - Allow jurisdictions to capture tax revenue otherwise exempt under RPTL § 487
  - Are not to exceed the amount paid if the system was fully taxable
  - Consist of an annual payment, generally on a \$ per megawatt (\$/MW) basis, and frequently include an annual escalator
  - Shall be divided amongst taxing jurisdictions based on an IDA's or jurisdiction's existing policy, or subject to negotiations
- > Can be negotiated directly between applicant and jurisdiction(s), or consolidated through an IDA
- > A well-negotiated PILOT allows jurisdictions to enjoy the financial benefits of a project without making the project financially unviable to the developer



# Host Community Agreements (HCAs)

- > HCAs (or Host Community Benefits) can supplement PILOTs, allowing the community hosting the project to realize additional financial or other benefits they might not receive under a PILOT agreement, such as:
  - Additional revenue
  - Infrastructure investments
  - Local improvement projects
  - Equipment or other purchases
- > Negotiated in conjunction or concurrently with PILOTs
- > HCAs may be paid up front in year 1 (unlike annualized PILOT payments), but room for negotiation
- > NYS DPS is engaged in a proceeding to establish a host community benefit program for large-scale projects; would require projects to provide economic benefit to all residential utility customers in the host municipality; [Case #20-E-0249](#)

# State-Level Siting for Large-Scale Renewables





# Article 10 Background

- Since 2011, large-scale clean energy projects **>25 megawatts (MW)** have been permitted under Public Service Law **Article 10**
- Article 10 was established to review and permit all major generation facilities, including **both renewable and conventional** energy facilities.
- Article 10 Siting Board has approved only **9 projects** to-date; pending queue includes over **50 projects**
- Climate Leadership and Community Protection Act (**CLCPA**) passed in 2019





# Accelerated Renewable Energy Growth and Community Benefit Act

## The act will:

- > advance renewable energy, drive statewide economic growth, and create jobs
- > streamline the process for environmentally responsible and cost-effective siting of large-scale renewable energy projects across the State
- > establish tools for achieving the State mandate to obtain 70 percent of the State's electricity from renewable sources by 2030 and other nation-leading goals of the Climate Leadership and Community Protection Act

## Components:

**Office of Renewable  
Energy Siting (ORES)**

**Clean Energy Resources Development  
and Incentives Program  
("Build-Ready")**

**State Power Grid  
Study and Program**

# Office of Renewable Energy Siting (ORES)

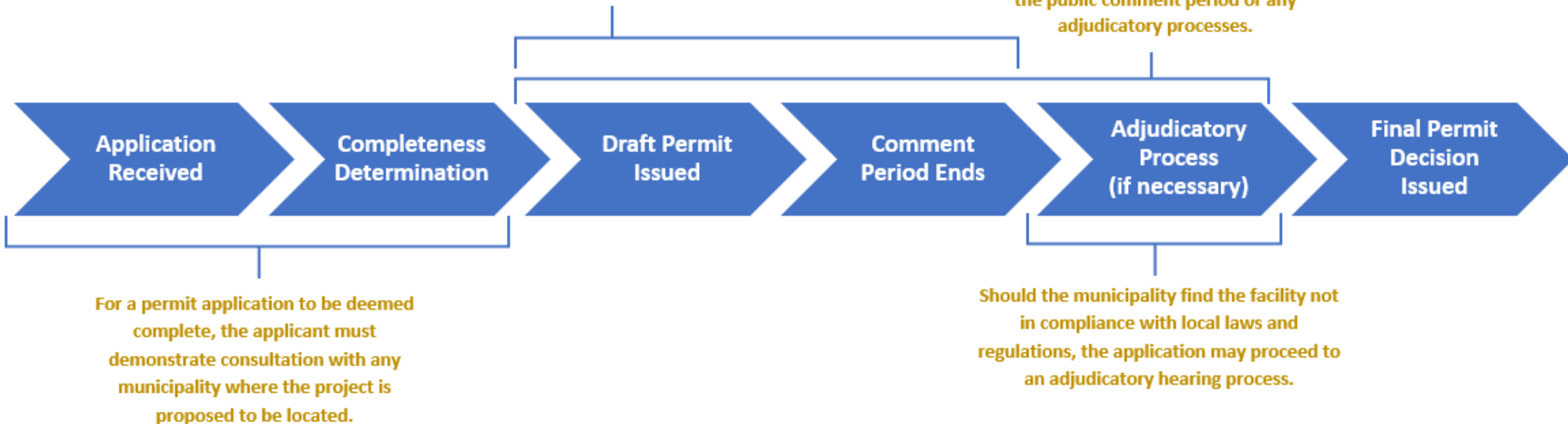
- > Also known as 94-C, owing to its codification under Executive Law Section 94-C
- > ORES is responsible for issuing permits for applicable renewable energy projects, in consultation with relevant State agencies, and inclusive of all necessary approvals from a State and local perspective. Applicable projects include:
  - > New renewable projects equal to or larger than 25 MW
  - > New renewable projects between 20-25 MW (may opt-in)
  - > Existing renewable projects in early stages of Article 10 review (via opt-in)
- > Within one year, ORES will adopt regulations and establish Uniform Standards and Conditions in consultation with relevant State Agencies (NYSERDA, DPS, DEC, AGM)
  - > Drafts were published in August for public review and comment: [www.ores.ny.gov/regulations](http://www.ores.ny.gov/regulations)

# Office of Renewable Energy Siting (ORES)

## Opportunities for Local Engagement

The municipality will be notified upon the publishing of the draft permit and shall provide feedback within the subsequent 60-day public comment period. The municipality shall indicate whether the proposed facility compliant with applicable local laws and regulations.

The municipality shall have access to intervenor funds made available by the applicant – in the amount of \$1,000 per MW – in order to ensure participation in the public comment period or any adjudicatory processes.





# Office of Renewable Energy Siting (ORES)

## **ORES Draft Regulations: <https://ores.ny.gov/regulations>**

- Outlines pre-application activities, which must occur at various times prior to submission of an application for a permit:
  - Substantive consultation with host municipality (min. 60-days prior to submission)
  - Consultation with affected community members (min. 60-days prior to submission)
  - Submission of draft environmental/cultural reports (as early as possible)
- Outlines permit application requirements, which includes a formal application supplemented by 25 detailed exhibits
- Requires applicants to provide funding to ensure meaningful local participation (\$1,000/MW; 75% reserved for local agencies, 25% for qualified intervenors)
- Details technology-specific requirements including setbacks, height, noise, and other considerations

# NYSERDA "Build-Ready" Program

[www.nyserda.ny.gov/Build-Ready](http://www.nyserda.ny.gov/Build-Ready)



- > Engage with local communities across New York State to consider prospective sites for large-scale renewable energy project development
- > Partner with communities in designing and developing projects that communities will support
  - > Ensure such projects deliver tangible benefits to local communities where they are constructed
- > Potential benefits may include, but are not limited to:
  - > Host community benefit programs
  - > PILOT agreements
  - > Utility bill discounts or credits
  - > Workforce development and training programs
- > Advance project development on sites that present development challenges for commercial developers

[buildready@nyserda.ny.gov](mailto:buildready@nyserda.ny.gov)

# Questions?

## Helpful links:

- [Solar Guidebook for Local Governments](#)
- [Energy Storage Guidebook for Local Governments](#)
- [Wind Guidebook for Local Governments](#)

For additional assistance, reach out to [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov)

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