Municipal Involvement in Section 94-c Process

**PRE-APPLICATION**
Local Agency Consultation Meeting

**APPLICATION**
Municipal Statement of Compliance with Local Laws
Important Attendees for Local Agency Meeting

- Town Supervisor or Village Mayor
- Town Board Members or Village Trustees
- Code Enforcement Officer
- Planning Board Chairperson
- Zoning Board of Appeals Chairperson
- Municipal Highway Superintendent
- County Highway Superintendent
- County Emergency Coordinator
- Fire Chief, First Responders

- Municipal Consultant Team: Environmental Consultant & Attorney
Local agency consultation meeting between developer & municipality

“BIG PICTURE” GOALS

- Meaningful dialogue and information exchange between parties
- Establishing a shared understanding of baseline & project conditions
- Discussion of compliance with local laws
- Discussion of technical issues & potential impacts
- Share schedule and administrative information
- Continuation of information sharing and dialogue
Meaningful dialogue & information exchange between parties

The overall 94-c process is geared toward early consultation with State agencies as well as “Local Agencies” (municipalities). Project design and drawings are in nearly final form when Application is submitted, in order to allow for projects to achieve 94-c timelines.

Establishing a shared understanding of baseline & project conditions

- Easily understandable mapping on aerial photo base at appropriate scale
- Classification of receptors (in order to determine sensitivity):
  - Participating vs. non-participating,
  - Residential vs. commercial vs. institutional vs. recreational, etc.
  - Occupied year round vs. seasonally vs. unoccupied
- Location of project facilities based on most up to date information
Discussion of compliance with local laws

- Laws applicable to the construction, operation and maintenance of the proposed facility
- Substantive vs. procedural provisions
- Existing laws vs. proposed laws under consideration
- Identification of substantive local law provisions for which the Developer will request that ORES make a finding that compliance would be unreasonably burdensome
- Explanation of efforts by the Developer to comply with substantive local law provisions through the consideration of design changes
Discussion of technical issues & potential impacts

- Visual Impact, Landscaping, Lighting
- Sound and Noise
- Public Health and Safety
- Demand/Additional Costs for Emergency Services
- Demand/Additional Costs for Municipalities and School Districts
- Transportation & Road Usage/Repair
- Stormwater and Groundwater (private water wells)
- Agricultural Land and Operations
- Stream and Wetland Resources
- Wildlife and Endangered Species
- EMFs
- Decommissioning and Site Restoration
Share schedule & administrative information

1. Anticipated Application date
2. Information regarding the availability of local account funds
3. Applicant’s designated contact person and contact information
4. Project website link
The Municipality shall file with ORES and the Developer a statement indicating whether the proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations concerning the environment or public health and safety.

The Municipality will also identify issues for which they will seek judgement during hearings.
Contact: Kathy Spencer, CEP
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LABELLA'S RENEWABLE ENERGY SERVICES:

- Due diligence & environmental constraints evaluation
- Local ordinances and planning
- Civil/site design or review
- Electrical interconnections
- Environmental studies (wetlands, hazardous materials, etc.), SEQR and environmental impact analysis
- Agricultural preservation or planning
- Decommissioning plans
- Historic and archeological coordination and more

Let’s walk through a theoretical solar project

APPLICATION DATE OF APRIL 1, 2021
Theoretical Solar Project Timeline

- **January 15, 2021**: Developer Files Notice of "Meeting with Community Members"
- **January 29, 2021**: Developer Files Notice of Intent to File an Application
- **January 29, 2021**: Municipal Consultation Meeting
- **January 30, 2021**: Meeting with Community Members
Theoretical Solar Project Timeline

**MARCH 26, 2021**
Newspaper Publication of Notice of Application at least 3 days prior & written notice sent to all residents within one mile of solar facility.

**APRIL 1, 2021**
Application Filing

**APRIL 30, 2021**
Municipal Request for Intervenor Funds

**MAY 28, 2021**
Intervenor Funds Awarded

(Note: Regulations do not require notice to Town officials)
Theoretical Solar Project Timeline

- **May 28, 2021**: ORES Determines Completeness of Application
- **July 27, 2021**: ORES Publishes Combined Hearing Notice and Draft Permit Conditions
- **September 27, 2021**: Municipal Statement of Compliance with Local Laws
Theoretical Solar Project Timeline

October-November 2021
Hearings

May 27, 2022
ORES Final Decision:
Project Approval or Denial

(Note: A permit is issued by default if ORES decision-making is not completed one year from the day the Application is deemed complete)
**94C Permitting Process Timeline**


- Applications never found complete under Article 10
- Projects not sited on existing or abandoned commercial use

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* Excludes interconnection permitting
** >20 MW may also opt in