



LaBella

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Kathy Spencer, CEP
Principal Environmental Analyst

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
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- 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

Local agency consultation meeting between developer & municipality

“BIG PICTURE” GOALS



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.

Goals for local agency consultation meetings

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





GOALS FOR LOCAL AGENCY
CONSULTATION MEETING

Discussion of technical issues & potential impacts

DEVELOPERS SHARE DRAFT PLANS

MUNICIPALITIES OFFER FEEDBACK, DESIGN ADJUSTMENTS

- 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



**PLAN FOR CONTINUED
INFORMATION
SHARING &
DIALOG**

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.

AFTER APPLICATION FILING

Municipal Statement of Compliance with Local Laws

Contact : Kathy Spencer, CEP

kspencer@labellapc.com (585) 295-6638

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

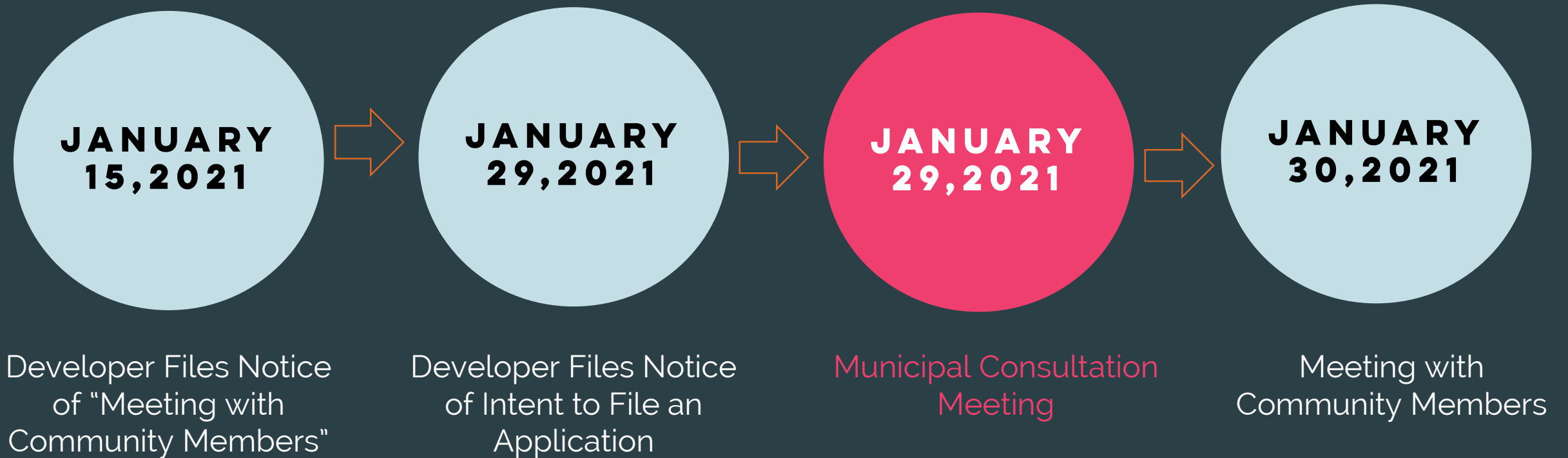
<https://www.labellapc.com/post/new-york-adds-regulations-for-review-and-approval-of-major-renewable-energy-facilities>



Let's walk through a theoretical solar project

**APPLICATION DATE OF
APRIL 1, 2021**

Theoretical Solar Project Timeline

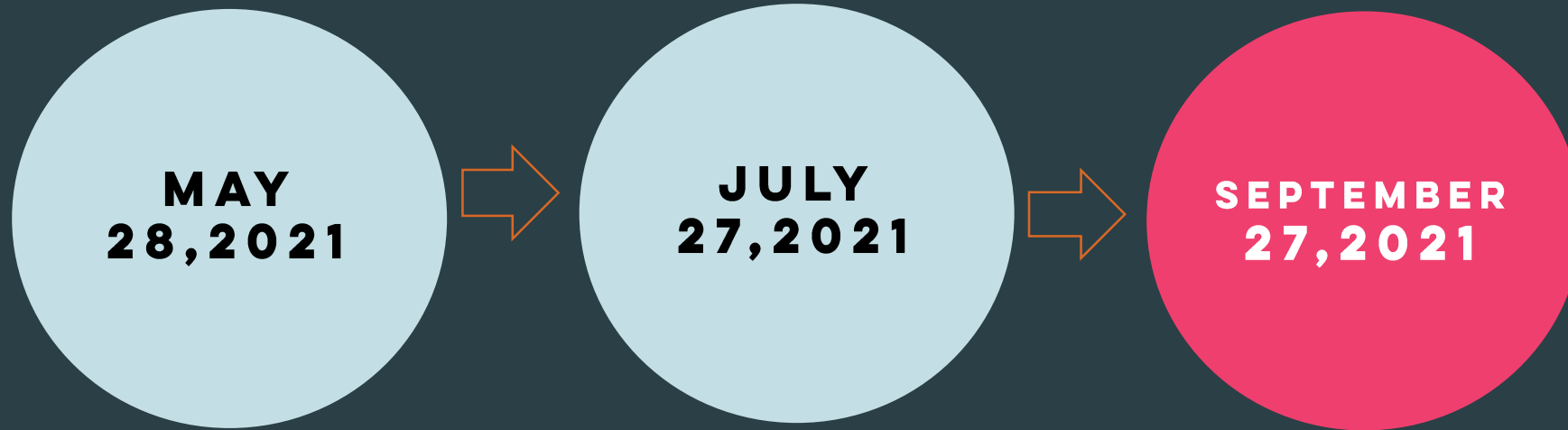


Theoretical Solar Project Timeline



(Note: Regulations do not require notice to Town officials)

Theoretical Solar Project Timeline



**MAY
28, 2021**

**JULY
27, 2021**

**SEPTEMBER
27, 2021**

ORES Determines
Completeness of
Application

ORES Publishes
Combined Hearing
Notice and Draft Permit
Conditions

Municipal Statement of
Compliance with Local
Laws

Theoretical Solar Project Timeline



(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*

Renewable Energy and Co-located Energy Storage Facilities > 25 MW**

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



* Excludes interconnection permitting

** >20 MW may also opt in