



PLANNING FOR SOLAR ENERGY PROJECTS

ISSUE PAPER OVERVIEW

The Tug Hill region has been experiencing an increase in interest from large-scale solar developers. This paper dives into the various ways communities can plan and be prepared for incoming solar proposals. Topics include agrivoltaics, battery energy storage systems, host community agreements, and more.



SCAN TO READ
THE FULL PAPER

THE CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT (CLCPA)

Passed in 2019, the CLCPA set goals for emission reductions in New York State, and is the primary legislation driving today's renewable energy development.

Goals:

- 70% of the state's energy should be renewable by 2030
- Achieve a 100% zero-emission electric grid by 2040
- Greenhouse gas emissions - reduce 40% from 1990 levels by 2030 and 85% by 2050

RENEWABLE ACTION THROUGH PROJECT INTERCONNECTION AND DEPLOYMENT ACT (RAPID ACT)

The RAPID Act was passed in April 2024, repealing Executive Law § 94-c and replacing it with **Public Service Law Article VIII**. This consolidates the environmental review, permitting, and siting of major renewable energy facilities and major electric transmission facilities under the purview of ORES.

OFFICE OF RENEWABLE ENERGY SITING AND ELECTRIC TRANSMISSION (ORES)

ORES is the entity responsible for the environmental review and permitting of all large-scale renewable energy facilities **25 MW and larger**. Once it receives a completed application, ORES has one year to issue its final determination for the project (six months for projects proposed on repurposed sites such as brownfields). Renewable energy permit applications are available to view online here: <https://dps.ny.gov/ores-permit-applications>.

PUBLIC UTILITY VARIANCE STANDARD

In 2022, community solar energy projects were determined by the courts to be public utilities in **Freepoint Solar LLC et al. v. Town of Athens Zoning Board of Appeals**. This makes them subject to the lighter public utility variance standard, requiring applicants to demonstrate that the project is a public necessity and is needed to create a safe and adequate delivery of services, as well as requiring a compelling argument for why the project cannot be feasibly located elsewhere. The public utility variance standard guides the determination of local zoning boards.

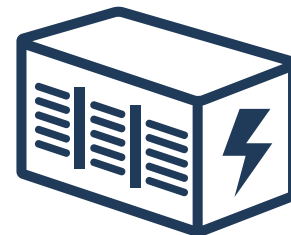




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BATTERY ENERGY STORAGE SYSTEMS (BESS)

BESS provide a way to store surplus energy that is generated during the day to then disperse during periods of higher demand. BESS can range in size from a filing cabinet to a shipping container. Incidents such as the 2023 BESS fire in Chaumont, NY, raised safety concerns in host communities. Since then, regulations have been laid out in the **NYS Uniform Fire Prevention and Building codes**, which were recently updated in July 2025.



HOST COMMUNITY AGREEMENT (HCA)

HCAs are **legally binding** contracts between developers and host municipalities/local community groups. They may include annual or lump sum payments to the community and have also included stipulations for developers, such as which companies or regions to give preference to when hiring laborers, or requirements for contributing financially to specific sectors of the community, such as emergency services, workforce development, affordable housing, recreational trails, etc. Communities may also be interested in the **Host Community Benefit Program**, which requires developers of solar installations 25 MW or higher to contribute \$500/MW to be split amongst ratepayers in the community for the first ten years of operation.

AGRIVOLTAICS

Increased interest in the region for large-scale solar developments has caused concern for the preservation of prime farmland. Agrivoltaics creates a **dual-use** option, allowing for farming of the land under the solar panels. It is important to plan for agrivoltaics in the early stages of the design, even working regulations into local zoning laws to avoid creating accidental roadblocks. Consider factors like panel spacing and height to allow for farm equipment, and fencing setbacks to avoid creating unusable dead space between boundaries.



KEY TAKEAWAYS FOR MUNICIPALITIES

- Be proactive - thorough land use laws may allow municipalities to direct development to areas with less of an impact on the community.
- When developing land use laws, consider what would be necessary to implement agrivoltaics and allow dual use of the land.
- Take advantage of agreements that can be put in place between developers and communities.
- Comprehensive plans should mention solar energy development and how it fits with the vision the community has for the future.

