NEW YORK STATE

Department of Public Service
Office of Renewable Energy Siting and Electric Transmission

Large Scale Renewable Energy Permitting & Local Governments

NYPF Local Government Day Conference
Kingfisher Tower Room
April 20, 2026

NYS Office of Renewable Energy Siting & Electric Transmission

April 20, 2026

Agenda

- Introductions – Charles Voss, AICP, Senior Permitting Specialist, Municipal Liaison
- The “CLCPA” & “RAPID”
- ORES & Executive Law 94c/ Article VIII Overview
- Advice for Municipalities
- Comments/Questions?



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Department of Public Service
Office of Renewable Energy Siting and Electric Transmission

Electric Generation Siting in New York State



Article X (1992)

- ✓ Uniform approval process for utilities
- ✓ State board created to review applications and grant permits for siting electric generation facilities
- ✓ Developers required to mitigate adverse environmental impacts

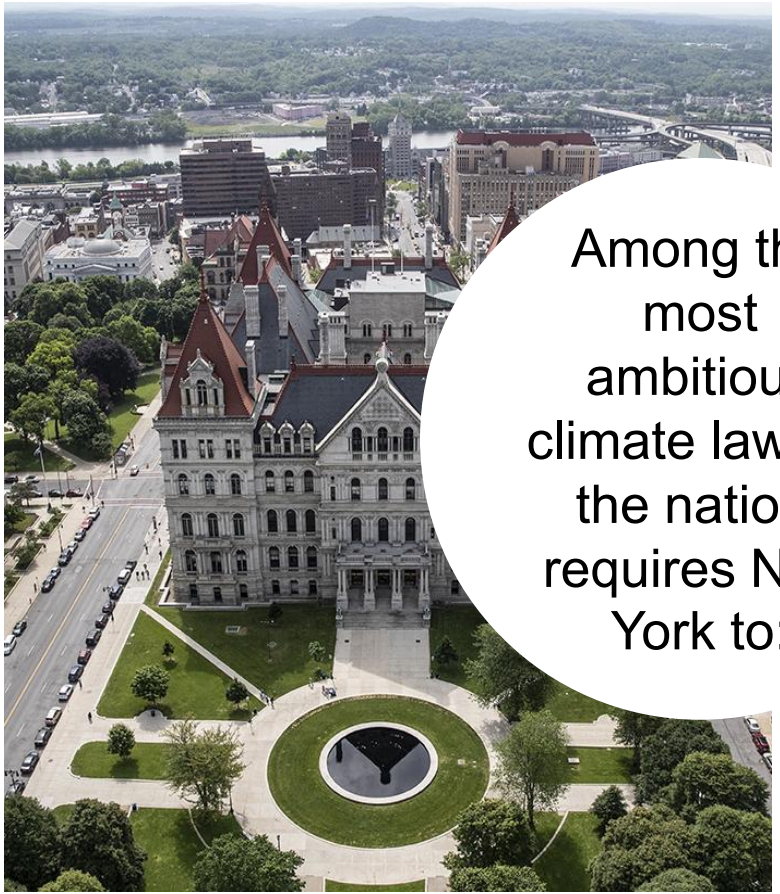


Article10 (2011)

- ✓ Similar to Article X
- ✓ Required facilities to comply with local laws except those the siting board deemed unreasonably burdensome

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2019 Climate Leadership and Community Protection Act



Among the most ambitious climate laws in the nation, requires New York to:



Reduce GHG emissions 40% from 1990 levels by 2030 and achieve net-zero emissions by 2050



Reach 70% renewable energy by 2030 and a fully carbon-free electricity system by 2040

Climate Leadership and Community Protection Act (CLCPA)

- Enacted on June 18, 2019, New York's Climate Leadership and Community Protection Act (CLCPA) establishes requirements and objectives for the advancement of renewable energy technology in New York State to combat climate change:
  - Minimum of 70% of Statewide electrical generation be produced by renewable systems by 2030;
  - Statewide electrical demand system will generate zero emissions by 2040;
  - Procurement of at least nine gigawatts of offshore wind electricity generation by 2035, six gigawatts of solar photovoltaic generation by 2035, and support of three gigawatts of statewide energy storage capacity by 2030 (currently).

Accelerated Renewable Energy Growth and Community Benefit Act

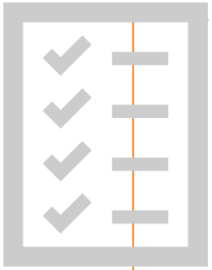
- Enacted on April 3, 2020, the Accelerated Renewable Energy Growth and Community Benefit Act supports the State's ambitious climate, energy, and environmental justice goals in the CLCPA.

- Established first-of-its-kind **Office of Renewable Energy Siting (ORES)** with a new renewable energy permitting framework at Executive Law § 94-c which:

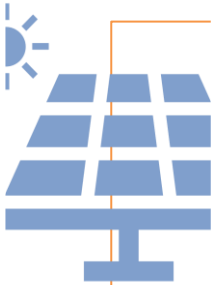
    - Consolidates the environmental review and siting of all large-scale renewable energy projects.

    - Provides a single forum to ensure that siting decisions are predictable, responsible, and delivered in a timely manner, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors, and providing opportunities for input from local communities.

Office of Renewable Energy Siting



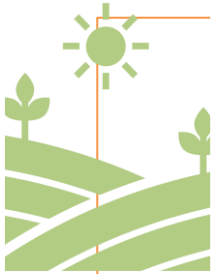
Established to meet the Climate Act's 70 by 30 goal



Streamlines the environmental review and siting of large-scale renewable energy projects



ORES has the authority to issue a single permit for the construction of large-scale renewable energy facilities from both a state and local law perspective.



Avoids, Minimizes and Mitigates to the maximum extent practicable impact to the host community and environment

ORES Staff – A Snap Shot

- ORES Staff (70+) is comprised of a broad and diverse array of “Subject Matter Experts” (SME’s) highly experienced in their respective fields.
- SME’s come from all walks of life and from both the public and private sectors. And include Master’s level and PhD accredited experts.
- SME’s include (but are not limited to) the following technical disciplines:
  - Engineering (Civil, Electrical, Acoustical)
  - Wildlife and Wetland Biology
  - Landscape Architecture
  - Land Use Planning/Community Engagement
  - Cultural Resources/Historic Preservation
  - Lawyers/Administrative Law Judges



ORES and the RAPID Act – Article VIII

- Enacted on April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part O) repealed Executive Law § 94-c and enacted a new Public Service Law article VIII entitled "Siting of Renewable Energy and Electric Transmission" **(Article VIII).**

- Re-titled and Re-established the **Office of Renewable Energy Siting and Electric Transmission (ORES)** under the **NYS Department of Public Service**:

  - The RAPID Act consolidates the environmental review, permitting, and siting of major renewable energy facilities and major electric transmission facilities under the purview of the Office of Renewable Energy Siting and Electric Transmission (Office or ORES).

  - The RAPID Act also transferred ORES' regulations at 19 NYCRR part 900 (Part 900) to 16 NYCRR chapter XI, and continued Part 900 in full force and effect subject to conforming changes, such as the substitution of numbering, names, titles, citations, and other non-substantive changes to be filed with the Secretary of State. Effective July 17, 2024, the conforming changes were filed with the Secretary of State as a new 16 NYCRR part 1100 (Part 1100).

Regulatory Accountability & Process Improvement Act - “RAPID”

- A legislative initiative in the Governor’s Executive Budget aimed at streamlining the regulatory process and enhance regulatory efficiency while ensuring transparency.
- The RAPID Act proposes to streamline the environmental review and permitting of major renewable energy generation and electric transmission facilities.
- It would centralize these efforts within the Office of Renewable Energy Siting at the Department of Public Service (DPS).
- The Act would create a “one-stop-shop” within ORES for permitting necessary to site both major renewable energy facilities and the major electric transmission facilities that support them.
- The Act mandates increased public participation by providing stakeholders with ample opportunities to voice concerns and provide feedback during the rulemaking process.

ORES Permitting Authority



- Any renewable energy system with a nameplate generating capacity of 25 megawatts or more including:
  - Co-located battery energy storage system
  - Electric transmission facilities
- Any renewable energy system with a nameplate generating capacity of at least 20 megawatts but less than 25 megawatts may no longer “opt-in.”
- Any existing project applications meeting the above thresholds in the initial stages of the Article 10 review process may elect to transfer into Article VIII.

All large-scale, renewable wind and solar energy projects 25 MW or larger and transmission lines must obtain a siting permit from ORES for new construction or expansion under the Article VIII regulations.

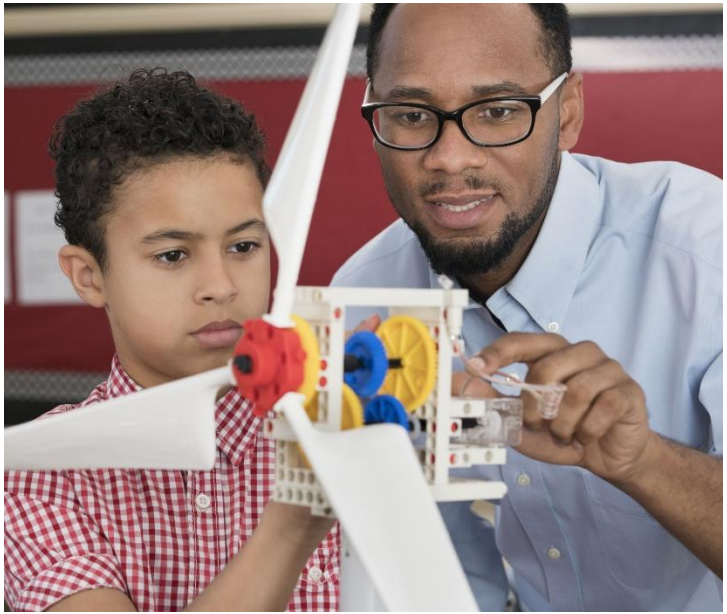


Regulatory Accountability & Home Rule

In New York State, most land use decisions are the jurisdiction of the smallest unit of local government. However, there are limits to this authority. The New York State constitution (Article IX) grants local governments power to pass local laws (home rule) but limits local authority for matters of substantial state concern. Courts have ruled that this limitation applies to numerous matters, including transportation, public health and safely, and utility infrastructure. Like other critical infrastructure, such as electric transmission lines and other public utilities that are essential to the state's functioning, renewable energy facilities are a matter of substantial state concern since these facilities are critical for the state to meet our energy needs and must be sited where they are most feasible and cost-effective. It is for this reason that siting authority for large scale renewable facilities lies with the state rather than individual municipalities. Consistent with Article IX, siting authority for large scale energy generation falls under ORES because renewable energy development is a statewide priority essential to meeting New York's future energy needs.

Community Benefits

- PILOT: Host community receives yearly payment and for reinvestment into the community;
- Employment: Construction jobs, some permanent;
- Host Community Agreements: Flexible, customized, locally retained benefits – can include additional payments beyond PILOTs, or other community priorities.



Local Agency Account Fund/Intervenor & Host Community Funding

- Local Agency Account Funds are available to eligible local host municipalities and community intervenors for use in contributing to a complete project record helping lead to an informed decision by the Office.
- The fund enables local agencies and community intervenors to participate in the proceedings by allowing them to defray costs for expert witnesses, studies, consultants, attorneys, etc.
- **The Local Agency Account Fund is equal to $1,000/MW of facility capacity**
- Nearly **$3.4 million** has been awarded to local agencies and community intervenors.



ORES Inter-Agency Cooperation









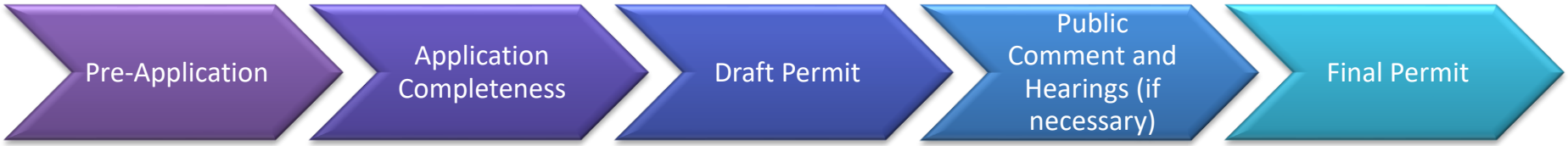






Permitting Timeline – One (1) Year

- Determine application completeness / incompleteness (60 days)
- Issue draft siting permit or notice of intent to deny for public comment (60 days following completeness determination)
- Public comment period followed by a public hearing on draft siting permit or notice of intent to deny (minimum 60 days from issuance of draft siting permit or notice of intent to deny)
- Issues Determination and possible adjudicatory hearings on significant and substantive issues
- Decision to approve or deny within **one year** of date of application completeness
    - Shorter (6-month) period for repurposed sites



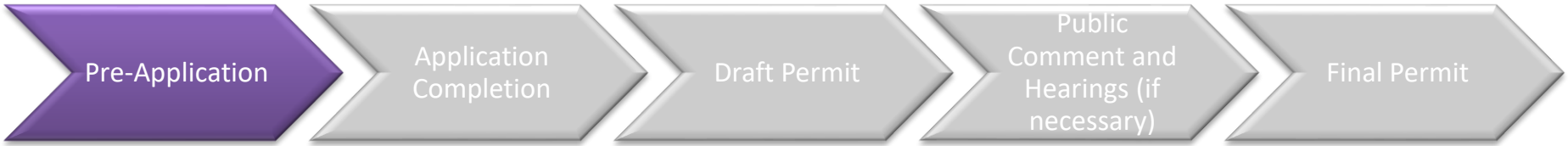
Pre-Application

Information Gathering: Applicant completes specialized studies of the proposed facility and surrounding area to identify site constraints and any other issues that may impact the facility design.

Municipal Consultation: Applicants are required to consult with affected municipalities and local agencies early to begin discussions about the permitting process and the proposed facility's compliance with local laws and whether waivers for any local laws may be required.

Public Meetings: Applicants must conduct at least one public meeting with community members. But are encouraged to conduct multiple public outreach meetings and activities.

Pre-App Presents Opportunities!



Applicants must also do:

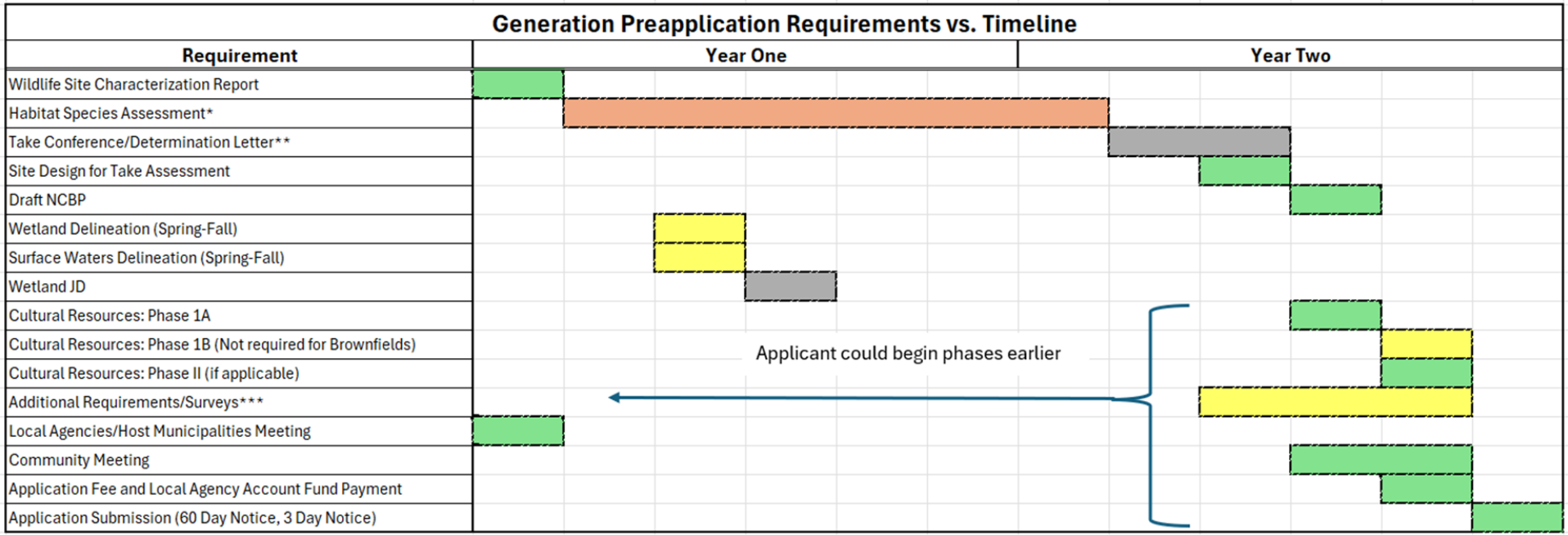
- wetland delineations,
- threatened and endangered species studies, and
- archeological resource consultations

during the pre-app year leading up to submission.

Applicants are encouraged to review agricultural lands, **local laws, and conduct community outreach** during this time frame as well.



Typical Pre-Application Timeline



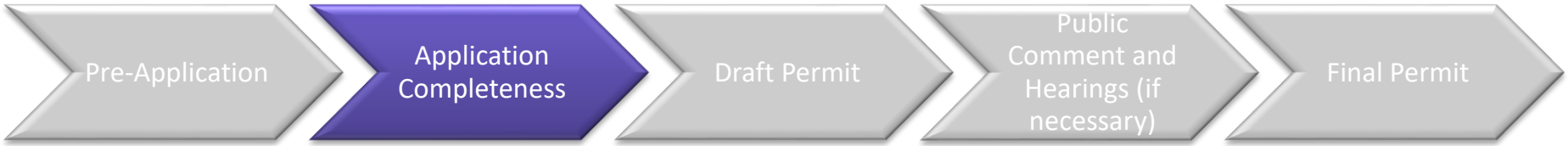
Application Submission and Completion

Application Submission: At least 60 days after the public meeting required during pre-app, the developer may submit an application to ORES containing 25 exhibits for review by ORES.

Intervenor Funding: Applicants must also provide intervenor funding to enable municipalities and local communities to evaluate the proposed facility, hire consultants and experts, and participate fully in the process.

Public Availability: All application documents are made available on DPS/ORES's website.

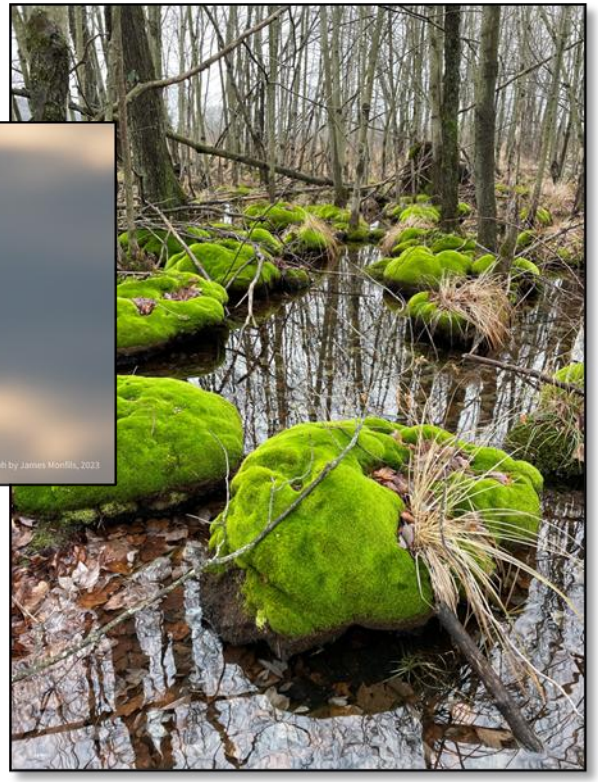
Municipal Engagement Required: An application cannot be deemed **complete** until the developer submits proof of local consultation or the efforts to do so.



Review of Exhibits

Exhibit 1: General Requirements
Exhibit 2: Overview and Public Involvement
Exhibit 3: Location of Facilities and Surrounding Land Use
Exhibit 4: Real Property
Exhibit 5: Design Drawings
Exhibit 6: Public Health, Safety and Security
Exhibit 7: Noise and Vibration
Exhibit 8: Visual Impacts
Exhibit 9: Cultural Resources
Exhibit 10: Geology, Seismology and Soils
Exhibit 11: Terrestrial Ecology
Exhibit 12: NYS Threatened or Endangered Species
Exhibit 13: Water Resources and Aquatic Ecology
Exhibit 14: Wetlands
Exhibit 15: Agricultural Resources
Exhibit 16: Effect on Transportation
Exhibit 17: Consistency with Energy Planning Objectives
Exhibit 18: Socioeconomic Effects
Exhibit 19: Environmental Justice
Exhibit 20: Effect on Communications
Exhibit 21: Electric System Effects and Interconnection
Exhibit 22: Electric and Magnetic Fields
Exhibit 23: Site Restoration and Decommissioning
Exhibit 24: Local Laws and Ordinances
Exhibit 25: Other Permits and Approvals

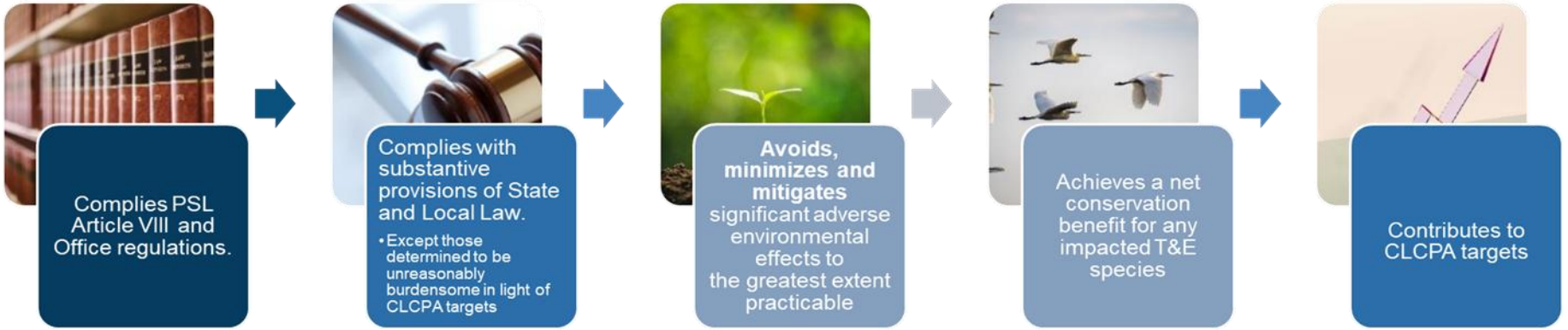




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Application Review for Completeness

ORES reviews the Application and 25 exhibits for completeness and required information to make the necessary determinations within 60 days.



Pre-Application → **Application Completeness** → Draft Permit → Public Comment and Hearings (if necessary) → Final Permit

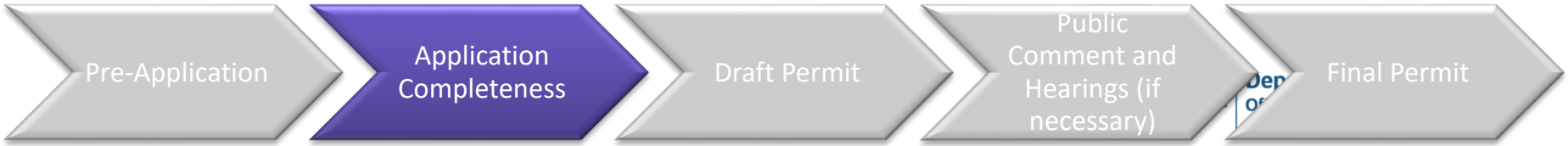
Review of Local Laws (Exhibit 24): Relief requests of Local Laws requires a showing by the applicant that:

The application must identify and include **ALL** local laws applicable to the project.

A local law is unreasonably burdensome in light of the CLCPA targets and Environmental benefits of the project

Relief requests based merely on convenience, cost, or Megawatt reduction will not be granted!

An application cannot be deemed **complete** until the developer submits proof of local consultation or the efforts to do so.

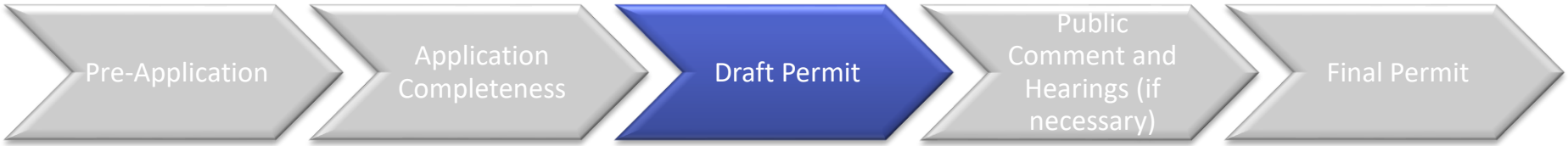


Draft Permit or Notice of Intent to Deny

Publication: ORES publishes the draft permit or notice of intent to deny for a public comment period of at least 60 days

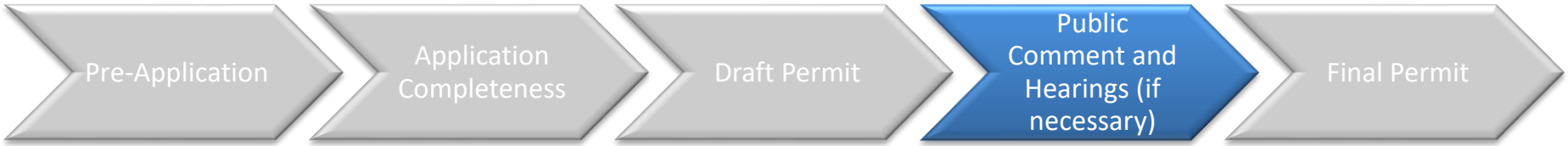
Municipal Statement of Local Law Compliance: Municipalities must submit a statement of local law compliance for any proposed facility no later than the date established in the combined notice of draft permit conditions and public comment hearing.

This statement can be submitted earlier for consideration when ORES determines whether an application is complete; when preparing a draft siting permit or notice of intent to deny; and during the hearing process on any draft siting permit.



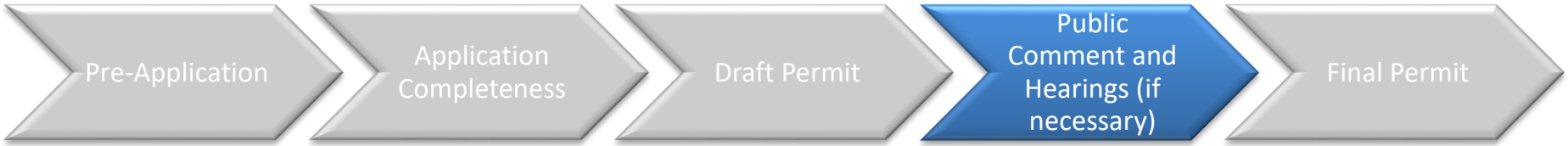
Public Comment and Hearings

- **Public Comment Period:** Public comments can be submitted for at least 60 days.
- **Public Hearing:** A public hearing on the draft siting permit or notice of intent deny at least 60 days after publication.
- **Consideration of Public Comments:** ORES reviews and issues a written summary of all public comments and an assessment of the comments received.
- **Hearings:** Municipalities and community groups are able to file for party status to raise substantive and significant legal or factual issues, including those related to local laws.



Adjudicatory Hearings

- Hearings:
  - **Legal issues are resolved as a matter of law**
- In order to raise an issue that requires an adjudicatory hearing, a potential party must make a factual showing of a substantive and significant issue through:
  - Facts that are contrary to what is in the application;
  - An omission in the application or draft permit; or
  - Defective information was used in the application or draft permit.



What is a Substantive & Significant Issue?

Substantive and Significant issue (S&S)

- **Factual errors -** Facts that are contrary to what is in the application
- **Omissions/missing information -** An omission in the application or draft permit
- **Defective information -** The application or draft permit includes inaccurate information

Raising a S&S issue

To raise an S&S issue, first a host community or organization must request to become a "party" to the filed permitting case.

The "Offer of Proof" falls to the host communities or parties submitting an issue. An offer of proof must be:

- Supported by factual or scientific evidence
- Offered by a qualified expert who would be able to testify at a hearing
- ***NOTE:*** *Speculation, expressions of concern, or general criticism do not meet these criteria*

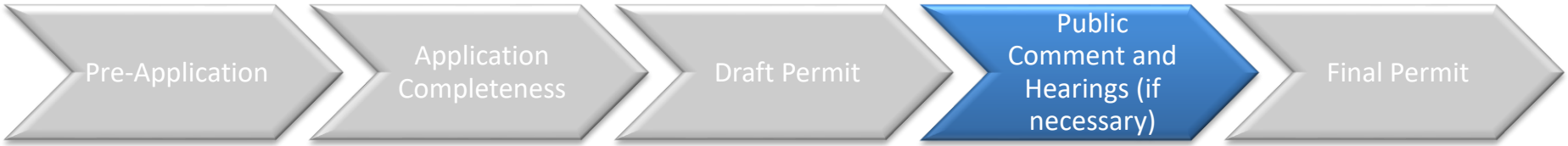
Administrative Law Judge ruling

The NYS Administrative Law Judge (ALJ) assigned to the case will review submissions from potential parties and **determine whether issues raised are significant and substantive.**

Adjudicatory Hearings

- **Potential parties carry the burden of persuasion**
  - Must carry that burden through an offer of proof from a qualified expert
  - With factual or scientific foundation
  - Mere speculation, expressions of concern, general criticism, or conclusory statements are not enough.

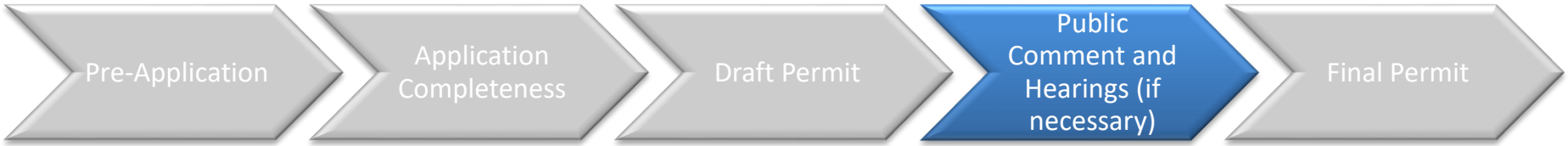
Part of the purpose of the intervenor funding is to allow meaningful participation throughout the adjudicatory process.



Adjudicatory Hearings

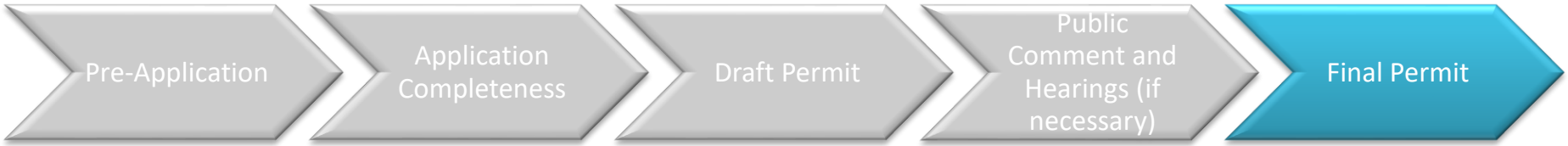
A municipality may raise issues regarding compliance with local laws as part of petition for party status together with an offer of proof prior to final determination on the permit.

- Any offer of proof may be rebutted by:
  - the application,
  - the draft permit and proposed conditions,
  - staff's analysis, or
  - the record of the issues determination procedure.



Final Determination & Final Permit

- **Following the Adjudicatory Hearing,** the ALJ issues a determination on all substantive and significant issues.
- The determination may be appealed to the Executive Director.
- **The Executive Director** makes the final decision to issue or deny the Final Permit

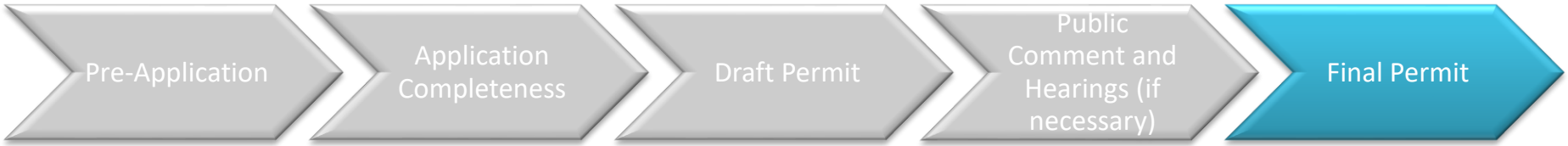


Prior to Construction

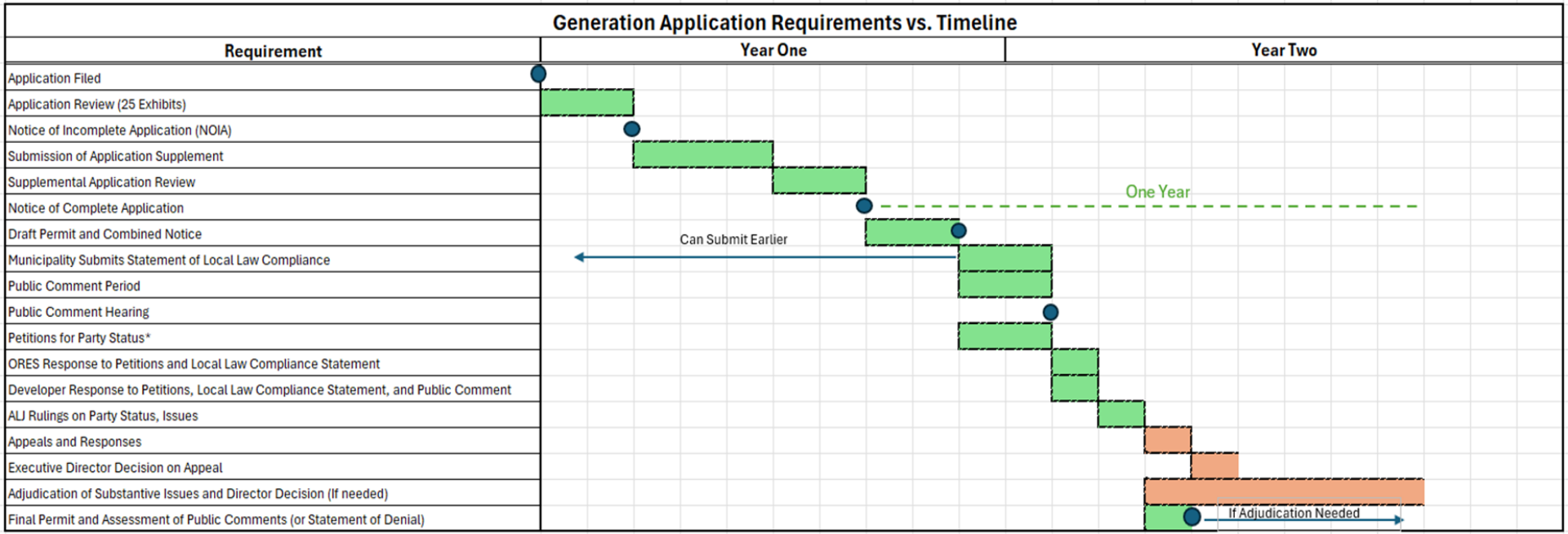
- **Compliance** with all permit conditions and requirements before and during construction, **using NYS DPS and DEC Inspectors**.

- **Host Community Benefit Agreements:** Any developer who receives a renewable energy siting permit from ORES will be required to enter into a host community benefit agreement with the host community or communities as a condition of the final permit.

- **PILOT agreements:** Project developers will provide annual payments to the community in the form of a PILOT agreement.



Application Filing To Final Permit



Incomplete filings lead to delays.
Most applications are finalized in less than a year of completeness determination.

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Post-Permit, Compliance Filings & Construction





ORES Compliance Filings

- Copies of Federally-delegated Permits and Approvals
- Final Decommissioning and Site Restoration
- Letter(s) of credit
- Plans, Profiles, and Detail Drawings
- Wind Turbine [IEC] Certifications
- Construction Mgmt. - Quality Assurance and Control Plan
- Construction Management – Construction Operations Plan
- Const. Mgmt. – Facility Maintenance and Management Plan
- Construction Management - Vegetation Management Plan
- Construction Management - Facility Communications Plan
- Construction Management - Environmental Monitoring Plan
- Construction Management - Complaint Management Plan
- Construction Management - Traffic Control Plan
- Environmental – TE Species Fund Payment
- Env. – Wetland Restoration and Mitigation Plan
- Env. – Stream Restoration and Mitigation Plan
- Env. – Invasive Species Control and Management Plan
- Environmental – Inadvertent Return Flow Plan
- Env. – Final Geotechnical Engineering Report
- Cultural Resources Av/Min/Mit Plan (CRAMMP)
- Interconnection Agreements
- Host Community Benefits
- Post-Const.: Updated Safety Information
- Post-Const.: As-built Plans

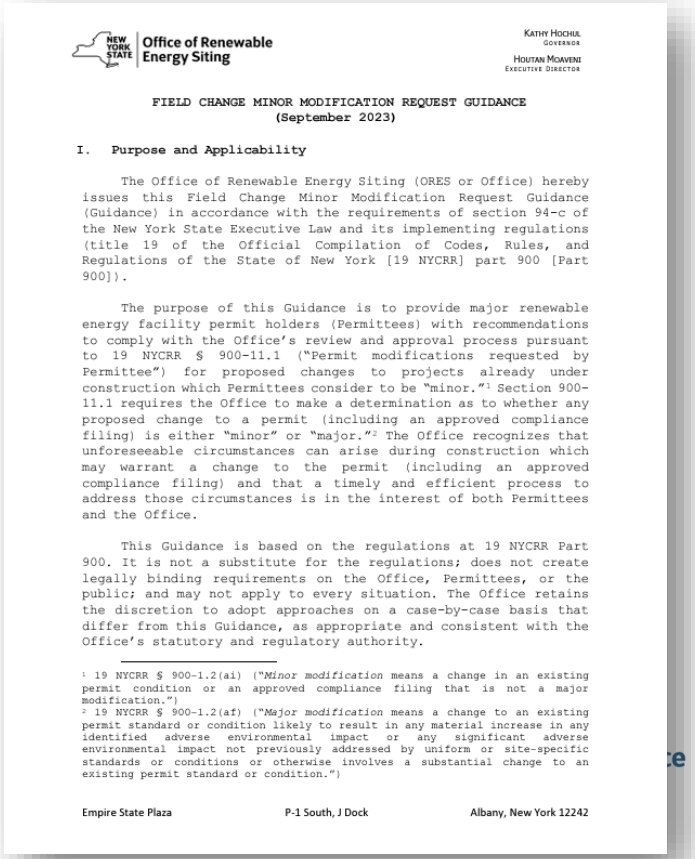
Major / Minor Permit Modifications

- If a Permittee needs to make a change to the facility as proposed in the application, they can request a permit modification.
- ORES reviews modifications to assess if they are minor or major ("…likely to result in any material increase in any identified adverse environmental impact or any significant adverse environmental impact not previously addressed…")
- Permittee is informed of the Major/Minor determination within 30 days.



Informal Procedures: Field Changes

- If a Permittee needs to make a change during construction, they must request a permit modification (minor mod.).
- Informal/optional field change procedures developed in consultation with DPS compliance staff are used to expedite the typical 30-day review process.
- Available on the ORES website: https://ores.ny.gov/ores-field-change-minor-modification-guidance



NEW YORK STATE | Office of Renewable Energy Siting

KATHY HOCHUL
GOVERNOR

HOUTAN MOAVENI
EXECUTIVE DIRECTOR

FIELD CHANGE MINOR MODIFICATION REQUEST GUIDANCE
(September 2023)

I. Purpose and Applicability

The Office of Renewable Energy Siting (ORES or Office) hereby issues this Field Change Minor Modification Request Guidance (Guidance) in accordance with the requirements of section 94-c of the New York State Executive Law and its implementing regulations (title 19 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [19 NYCRR] part 900 [Part 900]).

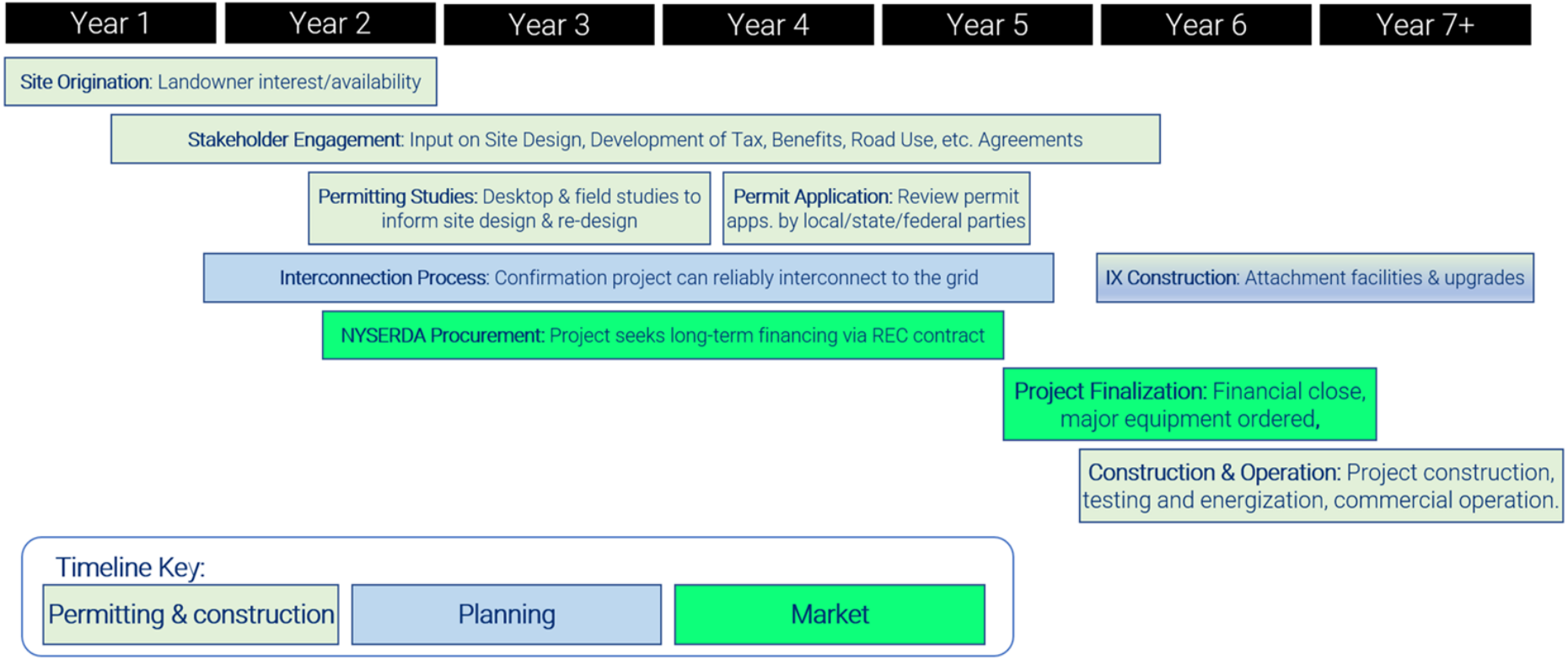
The purpose of this Guidance is to provide major renewable energy facility permit holders (Permittees) with recommendations to comply with the Office's review and approval process pursuant to 19 NYCRR § 900-11.1 ("Permit modifications requested by Permittee") for proposed changes to projects already under construction which Permittees consider to be "minor."[1] Section 900-11.1 requires the Office to make a determination as to whether any proposed change to a permit (including an approved compliance filing) is either "minor" or "major."[2] The Office recognizes that unforeseeable circumstances can arise during construction which may warrant a change to the permit (including an approved compliance filing) and that a timely and efficient process to address those circumstances is in the interest of both Permittees and the Office.

This Guidance is based on the regulations at 19 NYCRR Part 900. It is not a substitute for the regulations; does not create legally binding requirements on the Office, Permittees, or the public; and may not apply to every situation. The Office retains the discretion to adopt approaches on a case-by-case basis that differ from this Guidance, as appropriate and consistent with the Office's statutory and regulatory authority.

[1] 19 NYCRR § 900-1.2(ai) ("*Minor modification* means a change in an existing permit condition or an approved compliance filing that is not a major modification.")
[2] 19 NYCRR § 900-1.2(af) ("*Major modification* means a change to an existing permit standard or condition likely to result in any material increase in any identified adverse environmental impact or any significant adverse environmental impact not previously addressed by uniform or site-specific standards or conditions or otherwise involves a substantial change to an existing permit standard or condition.")

Empire State Plaza P-1 South, J Dock Albany, New York 12242

Representative Project Development Timeline In NYS



Since 2021…

- 34 permits have been granted, representing a total capacity of 4.9 gigawatts of renewable, clean energy
- Construction and maintenance will require 3,200+ jobs
- Over $300 million in payments has been committed to host communities through PILOT agreements and host community benefit payments



ORES – Update and Results

- Issued 34 siting permits (totaling nearly 5 gigawatts) since 2021:
  - 27 Solar and 7 Wind
  - Majority of these permits were issued less than eight months from the date on which applications were deemed complete (~249 days).
  - Average time from application submission to permit issuance is 13 months (~407 days).

- ORES has conducted **34** in-person public comment hearings and 7 virtual hearings. (An additional **24** in-person and virtual hearings for the RAPID regulations)

- ORES staff has held **40+** meetings with local governments and community stakeholders since January 2024.

Municipal Engagement & Best Practices



Opportunities For Engagement

Pre-Application

- **Municipal Consultation**: Applicants are required to consult with affected municipalities and local agencies to begin discussions regarding the proposed facility's compliance with local laws and whether waivers may be required.
- **Public Meeting:** Applicants must conduct at least one public meeting with community members. But more are strongly encouraged by ORES.

Application

- **Municipal Engagement Required:** An application cannot be deemed complete until the developer submits proof of local consultation or the efforts to do so.

Permitting

- **Public Comment Period:** Following draft permit issuance, ORES will provide public notice of a public comment period and will hold a public hearing.
- **Statement of Local Law Compliance:** Municipalities file a statement during the public comment period indicating whether the project will be sited, constructed and in compliance with applicable local laws.

***Host Community Benefit Agreements** are a permit condition - ORES must receive fully executed agreements before issuing a Notice to Proceed. But best practice is to begin negotiations early – during the initial municipal consultations.*

Prepare For Future Renewable Development



Update Comprehensive Plan

Include LSR siting

Informs developers of local priorities and supports LSR specific zoning



Adopt Solar and Wind Specific Zoning Laws

Use NYSERDA's guidebook and other resources

Reasonable zoning can guide ORES decisions and avoid local law waivers



Identify Local Priorities

Determine community interests and needs

Consider potential community benefits

Identify important community places, spaces and resources

Best Practices: Early Engagement



Meet with the Developer Early and Often

Engage with the Developer

Minimum is one meeting with officials and one public workshop – more is encouraged

Ask developers to attend town board meetings



Local Law Compliance

Ensure developer is aware of all applicable local laws

Work to resolve conflicts regarding local regulations prior to application submission if possible



Negotiate Host Community Benefits

Agreement may include direct investment in municipal services, such as workforce development, and infrastructure improvements, specialize equipment, etc.



Establish a Public Engagement Process

Work with the developer to ensure that outreach throughout the process will be appropriate and accessible for your community

Best Practices: Application & Permitting



Access Intervenor Funding

Developer is required to provide $1,000/MW when application is filed

Request developer to provide funding (in escrow) during pre-application so that professionals can be brought on early



Built a Team with Necessary Expertise

Communities may contract for assistance with technical reviews, negotiations, and post-construction monitoring

Consider hiring early with expectation of intervenor funding



Allocate Funding for Post-Permit Activities

If intervenor funding is not sufficient, negotiate for additional funding through Host Community Agreement

Include Developer-paid funding for Construction Code Compliance



Advocate for Ongoing Developer Presence

Request that the developer keeps the community informed and engaged

Words of Advice From Past Experience

Development takes time and dates slip – this is just a part of the process.

Good developers will work to make the development a partnership and will actively solicit your feedback and expertise. If they aren't doing that, make them.

Use their expertise. Ask the developer to come to town hall discussions and community meetings if you know there will be people who are seeking information on renewable development.

Developers can only afford so much for PILOT payments and host community agreements. Bring your ideas to the table early, before decisions are made.

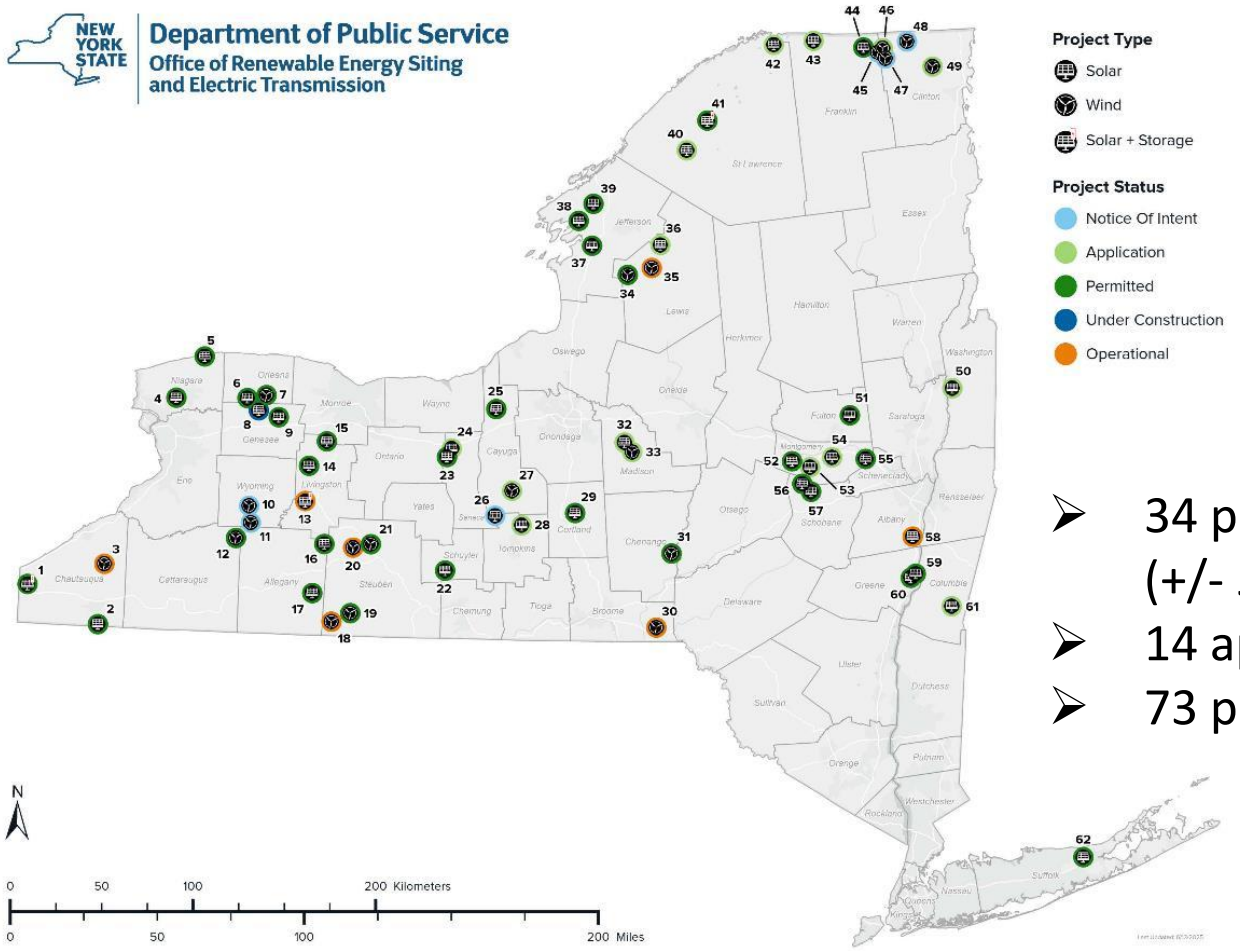
Negotiate for what you need and want in your town. Be mercenary!

Force the developers to give you specifics on the direct financial benefits to the host communities.

Make sure you have the contact info for more than just the project manager. Permitting and public affairs folks can sometimes answer questions better and faster.

While some constituents will be opposed, the opposition usually sounds far louder than it actually is.

NEW YORK STATE
Department of Public Service
Office of Renewable Energy Siting and Electric Transmission





- 34 projects permitted by ORES (+/- 5 GW)
- 14 applications under review
- 73 projects in pre-application

NEW YORK STATE
Department of Public Service
Office of Renewable Energy Siting and Electric Transmission

Anticipated Economic Benefits to Communities

ORES Permitted Projects	34
Number of Megawatts (MW) for permitted projects	4,900
Total customer bill credits *Payments over first 10 years of individual facilities as per PSC Case 20-E-0249	$14,368,000
Estimated payments in-lieu of taxes (PILOTs) *non-inflation adjusted	Over $110 million
Estimated host community agreement payments *non-inflation adjusted	Over $240 million
Other contributions *incomplete	$3,500,000



Key Takeaways for Local Municipalities

The development of a large-scale renewable wind or solar facility can be intimidating.

- Review and become familiar with the Article VIII (formerly 94c) Regulations and Process
- Apply for and utilize intervenor funding (To hire legal and technical consultants)
- Seek active participation with developers early on in the process, provide feedback on local law compliance, and work towards acceptable host community agreements
- Stay engaged in the permitting process and provide feedback to ORES
- Seek guidance from ORES and NYSERDA

Thank You! – Q&A

- For additional questions, please contact us at: General@ores.ny.gov
- https://dps.ny.gov/ores
- https://dps.ny.gov/ores-resources
- https://www.nyserda.ny.gov/All-Programs/Large-Scale-Renewables/

