

WHAT IS ARTICLE 10

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- It's a process for *siting*, or positioning large-scale solar/wind facilities defined as greater than 25 megawatts.
- Created a seven (7) member *Siting Board* with the power to review and approve power plant locations. Towns have limited say in Siting Board's final decisions.
- Five (5) Siting Board members are Gov. Cuomo's appointees
- Two (2) Siting Board members are appointed by the NYS Legislature upon recommendations from the local areas affected by the siting decision.

POWERS OF ARTICLE 10

- Siting Board also given the authority to not apply some local zoning laws if considered "too burdensome."
- Article 10 preempts *procedural* laws. That is, Art 10 replaces the Town of Rush and Caledonia's procedural laws. Procedural laws provide the process that the positioning, or siting, of solar plants go through.
- The Siting Board must consider *substantive* laws in making the location decision.
- Substantive laws include Comprehensive Plans, Zoning laws, including a local solar zoning law. Examples include zoning districts, setbacks, etc.

ARTICLE 10 AND NYSERDA

- Article 10 *allows* New York State to build renewable energy facilities QUICKLY!
- New York State Energy Research and Development Authority (NYSERDA) *requires* renewable energy power plants to be built. Gov. Cuomo recently announced the third phase of subsidies for building these solar and wind power plants.

NYSERDA AND EAST GOLAH

- NYSERDA initially funded the upgrading of the East Golah Substation belonging to Niagara Mohawk.
- NYSERDA then funded the national marketing campaign to inform solar and wind developers, like Invenergy LLC, of the upgrade.
- NYSERDA funded the creation of a map of property owners near East Golah so developers could inform property owners of leasing opportunities and developers could consider building near East Golah.
- Utility customers will pay increased transmission fees or state taxes will rise to cover the costs.

CITATIONS

- National Grid Distributed Generation Interconnection REV Demonstration Project Case 14-M-0101 Quarterly Report Q3 2017
- Lippes Mathias Wexler Friedman LLP presentation "Article 10: Essential Information for New York Towns" by Vacco, Davis and Wisniewski, February 16, 2017.