



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of December 7, 2020 ~ 'New state-level bureaucracy will diminish local home rule'

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December 7, 2020

ISSUE:

- [State and Local Government](#)



Upstate New York localities deserve to have a voice and a stake in what will likely be increasingly numerous and potentially complex efforts to develop and distribute renewable energy across the state.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "New state-level bureaucracy will diminish local home rule"

Last week, I warned that we needed to keep close watch on a newly created Farm Wage Board now in a position to act, without legislative approval, to change farm labor laws and make things worse at a time when the farm economy is already struggling and under enormous pressure.

A similar threat is currently playing out in the arena of renewable energy and we can't overlook the potential impact of what's known as the "Accelerated Renewable Energy Growth and Community Benefit Act."

Approved back in April as part of this year's state budget, this new law represents, in the view of many at the grassroots level, one of New York State's most significant attacks on local decision-making and home rule.

In late February, as part of the 30-day amendments to his 2020-21 proposed state budget, Governor Andrew Cuomo unveiled his plan to create a new state bureaucracy that, in a nutshell, eliminates local decision-making on the future siting of solar, wind and other renewable energy projects statewide.

I expressed my own, strong opposition at that time, and urged local leaders to do the same.

As initially proposed by the governor, creating a new, state-level “Office of Green Energy Siting” bypasses local decision-making and allow the state to “locate, identify, assess, acquire, develop, market, and dispose of sites that appear suitable for the development of renewable (energy) facilities, including ‘build ready sites.’”

I viewed it - and still do -- as the latest attempt by Governor Cuomo to consolidate control at the state level over the emerging and potentially controversial green energy economy.

“Upstate New York localities deserve to have a voice and a stake in what will likely be increasingly numerous and potentially complex efforts to develop and distribute renewable energy across the state, which will inevitably include the siting of renewable energy systems throughout our communities,” I warned in February. “Governor Cuomo is moving to completely remove local control and input, and bypass local zoning in what are going to be significant economic and environmentally impactful siting decisions. The well-being of local communities will take a back seat to what’s best for the state in terms of costs and siting. We need to raise our voices against this action.”

Despite opposition - at both the state and local levels - the governor’s plan went forward and was enacted as part of the new state budget.

While the name of the new state bureaucracy was changed from the “Office of Green Energy Siting” to the “Office of Renewable Energy Siting,” the ultimate goal remains the same: to speed up the process for the siting of renewable energy projects in New York State and to take the final decision-making authority out of local hands and place it squarely within the new state bureaucracy.

The new Office of Renewable Siting put forth draft regulations for public comment in late September and recently concluded a series of virtual public hearings. In short, it's all systems go on this move out of Albany.

Writing in the *Buffalo News* in late October, a trio of Western New York town supervisors reacted this way, "The act paved the way for centralized power for renewable energy siting in New York, shifting approval power away from the local government where the project will be built, giving that power to Albany and the developers, eroding home rule. Rightfully so, we are concerned about the impacts of centralized energy project siting and the erosion of local control over the use of our land. Gone are the days of permitting renewable energy projects that stipulate an adherence to local laws and ensure significant community input. What you need to know is this: Not only will towns lose the ability to approve or reject projects, this new state agency employs the one, appointed position holding complete control of where, when and how energy projects will be developed in New York. This creates a worst case scenario for residents and elected officials in New York: a single, politically appointed point of approval who need not ensure projects adhere to local laws and community standards."

That's well said. We have witnessed, especially throughout the past year, New York State government being fundamentally transformed out of the Governor's office -- by executive order, by newly created wage boards or, in this case, through a new state bureaucracy granted far-reaching powers to override local home rule on the siting of renewable energy projects that could have enormous consequences for agricultural land, open space, park lands, and local zoning overall.

In other words, these state-level power plays show no signs of abating in the future.

It demands watching, to say the least.