Land Use and Local Government Advisory Panel
Public Engagement Session
March 8, 2021 | 1:00pm

At A Glance

- Sarah Crowell provided an overview of the CLCPA, the timeline for the process, and the guidance for public comment.
- Brad Tito presented on the Clean Energy subgroup's strategies.
- Paul Beyer presented on the Land Use subgroup's strategies.
- Laura Heady presented on the Carbon Sequestration subgroup's strategies.
- Mark Lowery presented the Adaptation and Resilience subgroup's strategies.
- Members of the public provided comments.

Members in Attendance

- Ed Marx – Former Commissioner of Planning, Tompkins County
- Eric Walker – Climate and Clean Energy Strategist
- Gita Nandan – Board Chair, RETI (Resilience, Education, Training, and Innovation) Center
- Jessica Bacher – Managing Director, Pace University School of Law, Land Use Law Center
- Juan Camilo Osorio – Assistant Professor, Pratt Institute School of Architecture
- Kathy Moser – Senior Vice President, Open Space Institute
- Katie Malinowski – Executive Director, NYS Tug Hill Commission
- Mark Lowery – Assistant Director, Office of Climate Change, Department of Environmental Conservation
- Priya Mulgaonkar – Project Manager, Hester Street Collaborative

Members Not in Attendance

- Jayme Breschard-Thomann – Senior Project Manager, Bergmann PC
- Kevin Law – President & CEO, Long Island Association

Staff Who Participated in the Call

- Paul Beyer –Department of State
- Laura Heady – Department of Environmental Conservation
- Brad Tito – Communities & Local Government, NYSERDA

Welcome and Introductions

- Sarah Crowell, the Advisory Panel Chair, welcomed participants on behalf of all panel members, noted that she is excited for public comment and reviewed the agenda for the meeting.
- Sarah Crowell introduced panel members and their affiliation (see Land Use and Local Government Advisory Panel Members' slide).

Comment Guidance

- Sarah Crowell reviewed the guidance for engagement during the public comment session (see slides for details). She noted the panel is interested in hearing which strategies are most important, which need refinement, and if there is anything missing, but they welcome any feedback they want to give.

CLCPA Overview

- Sarah Crowell described the CLCPA and Climate Action Council (CAC) process timeline to frame the context of the Advisory Panel's work and recommendations (see slides for details). Recommendations from the Land Use and Local Government Advisory Panel will be delivered to the CAC in May.
- Sarah Crowell described previous LULG public engagement that helped shape recommendations to date, including roundtable events with local officials (see 'Previous Public Engagement' slide).

Draft Strategies and Discussion

Clean Energy

- Brad Tito presented the 6 main strategies for Clean Energy (see slides for detail on each):
    - Strategy 1: Develop a statewide dashboard of community greenhouse gas emissions inventories to promote local climate action planning, monitor equity considerations, measure progress, and ensure data consistency at the county/municipality level.
    - Strategy 2: Encourage local governments to demonstrate leadership in energy efficiency by developing and promoting NY Stretch Energy Code for adoption by leading local jurisdictions, enhanced code enforcement programs (including online permitting, third-party inspections and shared enforcement), and Property Assessed Clean Energy (PACE) financing.
    - Strategy 3: Establish statewide policies that promote consistent advancement on building decarbonization by adopting a highly efficient State Energy Code aligned with CLCPA goals as soon as possible, establishing energy benchmarking and performance standards for buildings, and creating innovative public benefit financing mechanisms.
    - Strategy 4: Facilitate and promote deployment of clean energy to expand equitable access, maximize local economic benefit and minimize environmental impacts through planning support, provision model local laws, streamlined permitting, and local development regulations that clearly identify appropriate as-of right installation opportunities for different clean energy technology types, and clear requirements and reasonable processes for installations that are not as-of right.
    - Strategy 5: Connect homes, businesses, and community institutions with clean energy products, services, and job opportunities through Community Choice Aggregation programs, microgrids, district systems, workforce development initiatives, and community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers in an equitable manner.
    - Strategy 6: Continue and expand state program opportunities, incentives, technical assistance, and centralized procurement services to motivate local governments and related public entities to improve assets they control with high-impact actions such as LED lighting, energy efficiency upgrades, heat pump projects, methane recovery for energy production from wastewater treatment and landfills, solar on municipal premises, and municipal and school district fleet electrification.

Land Use

- Paul Beyer presented the 5 main strategies for Land Use (see slides for detail on each):

- Strategy 1: Facilitate county-wide smart growth comprehensive planning and consider programs to provide technical and financial support for local designation of priority development/re-development areas and priority conservation areas at the regional and county level.
- Strategy 2: Promote local adoption of zoning and land use regs consistent with smart growth principles and that support sustainable, equitable development through a streamlined "Plan-to-Zone" initiative.
- Strategy 3: Evaluate opportunities to support and enable expedited local review and approval of equitable smart growth projects at the State and local levels
- Strategy 4: Prioritize smart growth in new infrastructure spending.
- Strategy 5: Support municipal implementation of mitigation strategies through smart growth planning, zoning and project review/approval and quick expansion of local clean energy projects.

Carbon Sequestration – Laura Heady

- Laura Heady noted that this subgroup is coordinating with the Agriculture and Forestry Advisory Panel and that the group was formed more recently than the Clean Energy and Land Use groups, so recommendations are less developed. They have focused on wetlands to date but plan to expand to other sequestration opportunities soon.
- Laura presented draft strategies developed to date (see slide for details on each):
  - Strategy 1: Maintain and enhance the carbon sequestration potential of freshwater, non-tidal wetlands in New York State.
  - Strategy 2: Maintain and enhance the carbon sequestration potential of "blue carbon" in New York State, including coastal and estuarine tidal wetlands, submerged aquatic vegetation, and other coastal habitats.

Adaptation and Resilience – Mark

- Sarah Crowell noted that there will be another opportunity to comment on Adaptation and Resilience strategies at the next public comment meeting on April 8.
- Mark Lowery presented on the group's strategies. This group's work is ongoing and a little different from others as the CAC asked LULGAP to develop adaptation and resilience recommendations with other APs. They are generating recommendations in two groups:
  - LULGAP developed recommendations
  - LULGAP will review other AP's mitigation recommendations to understand adaptation and resilience considerations for those strategies

Public Comments

- Simon Gruber: Was expecting to include adaptation and resilience but understand that there is another meeting on April 8th and will defer that to that meeting. There has been a lot of research in the last 9 years on benefits of trees for energy efficiency in buildings and broadened out to benefits for health. Finding in connection with Hudson Valley Sustainability Plan that there is fairly robust literature on benefits of trees for heating and cooling in buildings, but it is not being used much in state programs. There should be a new consideration of all benefits, including those that go beyond what is easily quantifiable. Andy Reinmann's talk at the carbon sequestration learning session included relevant material on heat. Tree benefits should be

included in many topics, such as renewable heating and cooling, gathering under shade promotes social connectivity, which is a health and resiliency benefit, air quality, reduced peak load on the grid, potential of capturing stormwater and using it for irrigation and cooling on hottest days. Clean Energy Strategy 3, Strategy 5 items 3 and 4, Land Use Strategy 4 items 1 and 2 and Strategy 5 components 1 to 4 are relevant here.

- Jeff Jones, The Center for Creative Land Recycling:, The Brownfield Opportunity Areas (BOA) program that Paul spoke about is making meaningful contributions and should be expanded. A number of state programs that already exist are consistent with CLCPA. Whenever possible, I support choices to recommend supporting and expanding existing programs. We all understand importance of environmental and climate justice in the CLCPA. BOA is an environmental justice program. The vision has proven to be correct as a community empowerment program. BOA has not always enjoyed the support it deserves. But, over the years, the addition of tax incentives for developers who build consistent with a certified BOA plan have been added. And then came the DRI, a new initiative of the Cuomo Administration. Very quickly, the relationship between existing BOAs and the new DRI program became clear. Five of the first 10 DRI awards went to municipal supported projects that began as BOAs. This is the power of authentic community engagement and vision. The Department of State recently released an excellent report on the BOA/DRI connection with recent examples. While BOA didn't start out as a climate-related initiative, its relationship to climate smart development is clear. Public transportation, livable downtowns, bike and pedestrian access to home and work. As we map out plans to achieve CLCPA goals, let's emphasize urban revitalization, public green space and energy efficient housing and work spaces. BOA is one of the successful state programs that already exist to help achieve these goals. I urge the Panel to include a strengthened BOA in your recommendations to the Climate Action Council.
- Lindsay LeBrecht, Sensible Solar for Rural New York: This has been an eye opener as someone who is not an expert. There are so many important terms that are not being taken into consideration for a major industrial solar facility in Craryville that is taking over high -quality soil for solar development. The new process the State has developed does not include local review. There is a siting panel that may be short cut. This is overriding home rule and smart growth and sustainability plans. This is going to make Craryville a distressed community as the Hudson water supply and school are near the site. The Rheinstrom Hill Audubon Center and Sanctuary is a migration area. Why are we using agricultural land and not the brownfields first? We should use up those areas first. This may not be the correct format for these comments but appreciate the time. A member of Sensible Solar for Rural New York downloaded a video on where proposed fields are, where streams are, and where homes are. To live in this community is frightening. The project under Article 10 is being rammed down our throat. Community leaders are willing to work with out of state developers and will receive millions of taxpayer dollars.
- Catania: Recommends the Carbon Sequestration group look at nutrient flow in modeling. Phosphorus run off will create algal blooms in agricultural communities. The outside influences on local watershed reduce biodiversity and limit what is a normal ecosystem. The Clean Energy and Land Use presentations made impressive and great points. When we look at creating a scale of a point system on how to rate communities on carbon footprint, we need to be careful that we are looking at as if it is a producer or consumer footprint. For example, EVs utilizing coal shifts emissions from one community to another so producer and consumer emissions need to

be employed alongside point systems. Don't want cheapest bidder to always win. He wants solar panels to be produced responsibly using local workers. The State should look at all environmental impact categories, not just carbon sequestration or carbon global warming potential. There is also eutrophication, human toxicity, and other IPCC metrics to be considered to help determine where to place renewable energy infrastructure. All of this will come into effect if you are going to put solar panels on agricultural land as opposed to parking lots, land fills. This will help avoid unwanted consequences of good intentions.

- Lynne Bruning: Her hometown, Duanesburg, has approved three energy resources. The town did not approve PILOT so the first had delayed revenue. The second was not built within one year of the special permit, which created confusion with residents and substation and may have prevented other resources. The third project was presented in 2018 and 2019, and the planning board failed to provide notice. Residents were not able to participate appropriately in review. There was a residence and five outbuildings that were omitted from developer documents. The planning board did not do a site visit for the project for 65 acres of solar panels. A resolution was not provided for review or approval. NYSERDA is funding developer over 4.3M for storage that is not included in documents. More I hear, local government is not being transparent and law abiding. An audit report on Duanesburg showed poor record keeping. This is happening in governments across NYS.
- Simon Gruber: He found that for the most part, with some major exceptions, the state is not using available information on benefits of trees for energy, health, or other things. His recommendation is considering (1) how to get these ideas into the mix with many different programs (health, education, etc.). He will submit longer list in written comments. His other recommendation is related to local vs. regional vs. state roles in how trees are planned and funded. Right now, except in certain discrete areas, the tree management and planning is left to local government and it would be great to have a state level strategic approach. The Division of Environmental Remediation (DER) program is great but very small. Adding to Clean Energy Communities program bonus, the state should provide larger grants to communities for tree related work. There is case study from Worcester, MA that experienced an Asian Long-horned Beetle infestation and saw major increase in electric use in that community following that episode, tied to the loss of street trees. If land use planning and programs (like smart growth) could include tree planning more explicitly, that would be appropriate and useful.
- Martha Robertson: She is from the town of Dryden. They've had significant installation of solar panels and have raised comment through the Office of Renewable Energy Siting regulations and earlier through this panel. The cost of interconnecting to the grid is distorting location decisions by developers. They had projects proposed in town that folks disagree with, but developers would not consider alternate sites that were acceptable to the community because the alternative sites are too far from three-phase lines and from interconnection with the grid so the cost won't pencil., Developers should pay a fee to upgrade substations, etc., but costs for interconnection could be amortized across larger sets of payers. The location-oriented challenges should be borne by the state tax base. We all have an interest in getting these projects accepted, built, and greening the grid, but we also have interest in preserving land that's best for other uses the community values (like agricultural uses). She would like to see this reflected in recommendations here and has also shared this with the Agriculture and Forestry Advisory Panel.

Meeting Wrap Up

- Sarah Crowell concluded the meeting.