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Home rule comes under siege in state's energy siting act October 30, 2020

By Jeff Dewart, Wright Ellis and Jim Simon

Would New Yorkers be OK with the state deciding, in the name of food security, what farmers are required to plant in their fields? Would New Yorkers be OK with the state deciding for towns how much of their land can be zoned for agricultural, residential or industrial use?

Those concepts are not far-fetched if you follow the logic and motive of New York's recently enacted Accelerated Renewable Energy Growth and Community Benefit Act.

"Home rule" or "local control" ensure localities retain decision making on those matters, and countless others. Losing home rule allows someone else, far away in Albany, to decide what is best for residents.

On April 3, 2020, 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.

And the state isn't even trying to disguise this power grab. Even by definition the new New York State Office of Renewable Energy Siting makes clear what it will do: "Consolidated review and permitting of major renewable energy facilities in a single forum that takes into consideration local laws." It's nice to know our local laws will be "considered" (thought carefully about but not followed). From designating prime agricultural land to zoning for residences, parks or commercial investments, local town laws are duly enacted to uphold what the residents value and ensure community vibrancy and security – precisely what your local leaders are elected to protect and guarantee.

It is not too late to have our voices heard. As of Sept. 16, Gov. Andrew M. Cuomo's new regulations are open for public comment. We know we will be speaking up on behalf of those who have entrusted us with protecting the livelihood they know and love. We hope some of you will join us.

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