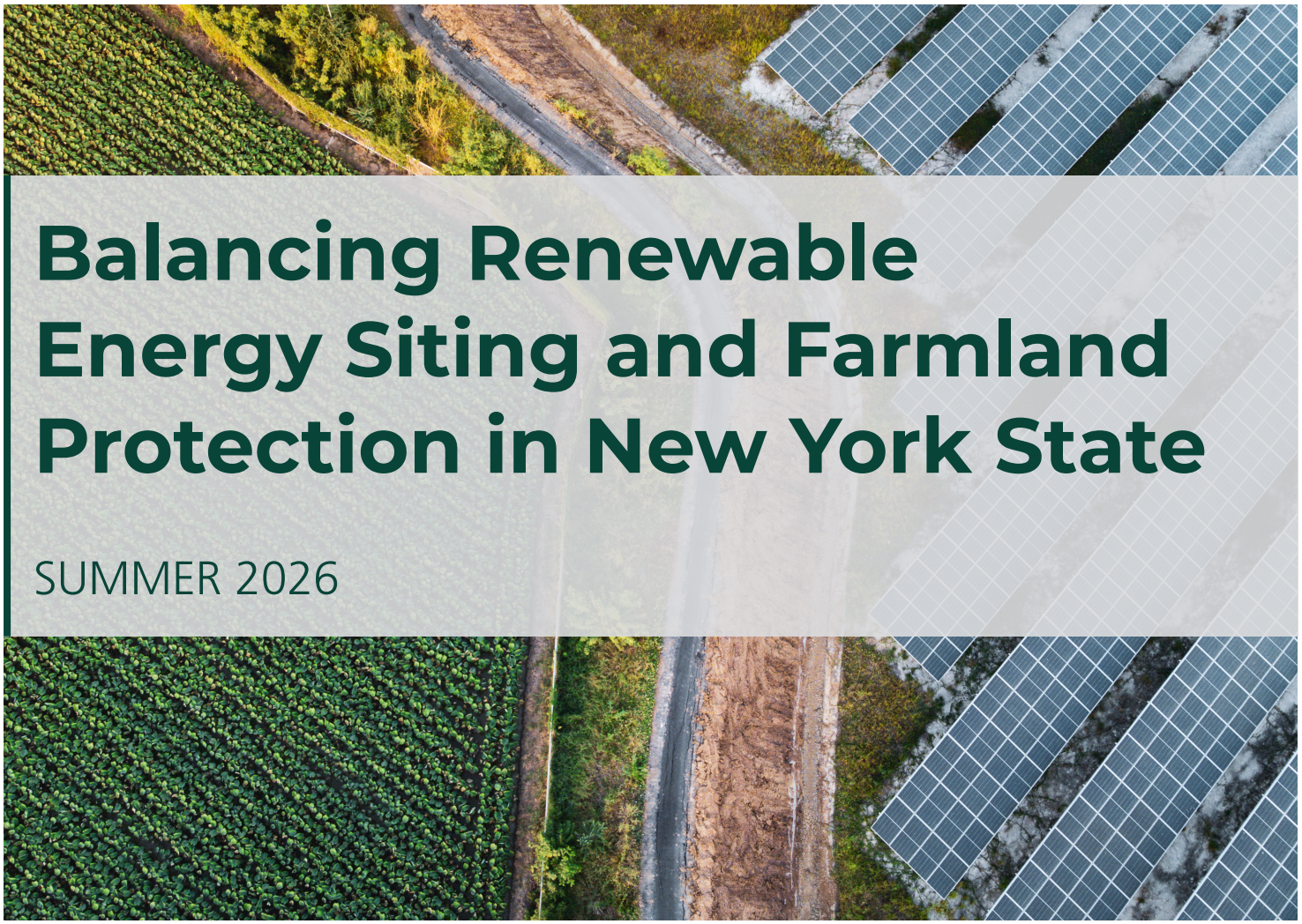
NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

Steering Committee on Energy Siting and Farmland Protection



# Balancing Renewable Energy Siting and Farmland Protection in New York State

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# Introduction

New York State is simultaneously pursuing two urgent and consequential goals: meeting an ambitious mandate for renewable electricity generation and preserving the agricultural economy that sustains rural communities across the state. These goals are not inherently in conflict, but without a balanced siting framework, the rapid expansion of large-scale renewable energy development is placing them on a collision course.

County governments are caught in the middle. They are committed partners in New York's clean energy transition. They are also the stewards of agricultural districts, farmland protection programs, and local land-use plans that reflect decades of community investment in keeping working farms working. When large-scale energy projects bypass local authority, override soil protection standards, and convert prime agricultural land at a pace that outstrips farmland protection efforts, counties bear the consequences—and so do the farmers, rural economies, and communities they serve.

In 2025, NYSAC's Standing Committees on Agriculture, Economic Development and Rural Affairs and Climate Action, Energy and Environment established a Steering Committee on Energy Siting and Farmland Protection to develop actionable policy recommendations that advance both goals. Co-chaired by the Hon. Jen Metzger, Ulster County Executive, and Hon. Doug Berwanger, Wyoming County Supervisor, the Steering Committee conducted a statewide member survey, convened a summit of county officials, and synthesized the results into the recommendations contained in this report.

The findings are clear: counties broadly support renewable energy and believe agricultural viability must be treated as co-equal with energy policy. This report presents the county perspective, documents the gaps in the current state framework, and calls on the Governor, the Legislature, and state agencies to act.

# Two Urgent Priorities in Tension

## New York's Renewable Energy Mandate

New York's Climate Leadership and Community Protection Act (CLCPA) requires that 70 percent of the state's electricity come from renewable sources by 2030. Meeting that target requires a dramatic and rapid expansion of renewable energy generation, much of it in the form of large-scale solar installations. That expansion is already underway, and the pace is accelerating.

New York has built a regulatory infrastructure to support this transition. The Office of Renewable Energy Siting (ORES), now housed within the Department of Public Service (DPS), has jurisdiction over utility-scale renewable projects of 25 megawatts or more. The New York State Energy Research and Development Authority (NYSERDA)'s Smart Solar Siting Scorecard provides criteria for developers to consider in siting projects to minimize impacts on lands with high-quality soils. The Agricultural Districts Law provides little protection for enrolled farmland. Together, these tools represent a serious state effort, but one that counties and their communities are finding insufficient.

# New York's Agricultural Economy

Agriculture is not a legacy industry in New York—it is a living, $47 billion economy supporting approximately 160,000 jobs statewide, according to the Office of the New York State Comptroller (OSC). New York ranks among the nation's top producers of dairy, apples, grapes, cabbage, and many other commodities. Its farms are also stewards of open space, watersheds, scenic landscapes, and rural community character that cannot be restored once lost.

Yet that economy is under sustained pressure. Between 2017 and 2022 alone, New York lost approximately 363,885 acres of farmland and 2,788 farms—equivalent to roughly 430 Central Parks, according to the Comptroller's office. Farm succession challenges, thin commodity margins, rising operating costs, and competition for land are structural realities that counties have been grappling with for decades. Renewable energy development has added a new and powerful force to that mix.

## Survey-Identified Priorities

When asked to rank policy priorities, NYSAC member survey respondents identified the following as most important:

- Enhanced local authority in siting decisions — the #1 priority for a majority of responding counties
- ORES required to give greater weight to local input, with earlier consultation and mandatory consideration of agricultural soil classification
- Increased FPIG funding and a streamlined awards process
- Programs to support farm viability and succession, including economic tools that make farming financially competitive with solar lease income

# The Economics of Solar on Farmland

Solar lease payments to landowners commonly range from $250 to $2,500 per acre per year, according to Cornell Cooperative Extension—figures that can substantially exceed the net income from agricultural production. For farmers facing thin margins or succession uncertainty, a solar lease can represent financial stability that farming alone cannot provide. This is an understandable choice at the individual level. But aggregated across thousands of acres of prime agricultural land, it represents an irreversible transformation of the landscape.

It is important to note that solar development is not the primary driver of overall farmland loss in New York. A July 2025 audit by the State Comptroller found that approximately 2,000 acres within agricultural districts were classified as solar facilities, roughly half of one percent of the farmland lost statewide between 2017 and 2022. The far larger drivers remain residential and commercial development and farm succession challenges. The county concern is not that solar is today's dominant cause of farmland loss; it is that the pace of ORES-reviewed large-scale solar siting is accelerating rapidly, that the most productive agricultural soils are disproportionately targeted, and that the current framework provides no hard limit on how much prime farmland can be converted. Proactive policy is far more effective than reactive policy when the resource at stake is irreplaceable.

This is why NYSAC's Steering Committee is emphatic that protecting farmland acreage is not sufficient if the underlying economics of farming are not also addressed. Farmland protection will mean little if farmers cannot make a living farming. Any effective policy framework must treat farm economic viability as co-equal with farmland protection—and both as co-equal with climate goals.

# The State Siting Framework:
## What Exists and Where It Falls Short

New York's current framework for siting large-scale renewable energy includes several meaningful protections for agriculture, but those protections have significant gaps, and counties are experiencing those gaps firsthand.

## ORES and the RAPID Act

Projects of 25 megawatts or more are subject to ORES review under Article 94-c of the Executive Law. Applicants must submit an agricultural resources analysis identifying soil classifications, analyzing prime agricultural soils, and providing a plan consistent with the Department of Agriculture and Markets (AGM)'s construction mitigation guidelines. The 2024 Renewable Action Through Project Interconnection and Deployment (RAPID) Act transferred ORES to the Department of Public Service and maintained these obligations under Part 900 regulations.

However, once a project enters ORES jurisdiction, local land-use laws—including municipal zoning, setback standards, and soil protection provisions—may be overridden if ORES determines they are "overly burdensome." The law provides no clear definition of that standard, and counties report that it is applied inconsistently. The result is a framework in which local planning decisions carry less weight at precisely the moment when a project's impacts are most significant.

## The Notice of Intent Process

Before filing an application with ORES, developers must file a Notice of Intent (NOI) that initiates a review by AGM. This is intended to be one of the primary mechanisms for protecting farmland during ORES review. In practice, counties report that the NOI process is not fulfilling that role. As documented in NYSAC's member survey, the process too often operates as a procedural checkpoint rather than a substantive protection, with community input treated as a checklist item rather than a binding constraint.

## NYSERDA Programs and Soil Classification

NYSERDA's Smart Solar Siting Scorecard rewards avoidance of Mineral Soil Groups (MSG) 1–4 — the state's highest-quality agricultural soils—in its Large-Scale Renewables solicitations and requires agricultural mitigation payments for projects on MSG 1–4 soils within Agricultural Districts. The Build-Ready program similarly incorporates siting criteria. These are meaningful tools, but counties note that they do not apply universally, that NYSERDA's model local laws are not tailored for high-soil agricultural counties, and that incentives alone are insufficient when the economics of farmland solar development remain strongly favorable to developers.

## Farmland Protection Programs

New York's Farmland Protection Implementation Grant (FPIG) program provides funding to counties, municipalities, and land trusts to purchase agricultural conservation easements, permanently protecting enrolled farmland from conversion. Over its 20-year history, the program has helped preserve approximately 130,000 acres on farms statewide. It is a critical tool, but a July 2025 audit by the State Comptroller documented serious structural problems that limit its effectiveness.

The Comptroller found that FPIG approval delays averaged 233 days in Round 18 and 181 days in Round 19—six to eight months of delay between application and award, during which time development pressure continues. But those are averages; some counties have reported delays of two to three years. And the problem is not only speed. A conservation easement, by design, pays a farmer less than the full development value of their land—and over the life of the land, the total income a farmer receives under a conservation easement will typically fall well short of what a solar lease would have paid. A farmer who chooses conservation is already accepting a financial sacrifice. Asking that farmer to then wait two years for an award compounds the hardship and makes an already difficult decision feel impossible. If the state is serious about farmland protection, the program farmers must rely on to make that choice cannot be this slow or this financially unattractive relative to the alternative.

Additionally, the per-application cap of $3 million has been updated only once since 2014, while farmland values have risen 40 to 150 percent depending on the region, dramatically eroding the program's purchasing power. Perhaps most troubling from an equity standpoint: over 78 percent of all farmland preserved through FPIG grants is concentrated in just three regions—the Capital Region, Central New York, and the Finger Lakes—while 27 of the state's 62 counties, representing 44 percent of the state, have never received a single FPIG grant.

The FPIG program's structural problems are not merely administrative inconveniences—they reflect a fundamental timing mismatch between the pace of development and the pace of conservation. By the time a county applies for FPIG funding, completes the process, and receives an award, the farmland it was hoping to protect may already be under lease to a solar developer. Farmland protection programs that operate months or years behind development pressure are, in practice, protecting farmland that is already gone. New York must fundamentally rethink the speed and proactivity of its farmland protection toolbox. Preservation needs to get ahead of development, not trail behind it.

New York also established the Agricultural and Farmland Viability Protection Fund in 2022 to receive mitigation payments from solar projects sited on agricultural land and direct those funds toward farmland conservation. This is a meaningful step, but counties note that the fund's resources are not necessarily directed to the regions experiencing the greatest conversion pressure, and that mitigation payments are not a substitute for avoiding prime soil conversion in the first place.

## State Agencies Are Not Coordinating on Agricultural Oversight

The framework assumes that the Department of Agriculture and Markets is an active participant in reviewing solar project impacts on farmland. In practice, AGM frequently does not have timely information about where large-scale projects are being proposed or approved under the ORES process. If the agency with primary responsibility for farmland protection does not know where development is occurring, it cannot provide meaningful agricultural review—and it cannot communicate with counties about cumulative impacts before they compound.

The same problem runs in the other direction: counties need a direct, reliable line of communication with ORES, and too often that does not exist. Counties are left to piece together information about projects in their own backyards through informal channels or public comment notices that arrive after key decisions have already been made. This is not a minor process gap—it is a structural failure that undermines the entire mitigation framework.

# What Counties Are Experiencing:
# Survey Findings

To inform this report, NYSAC conducted a member survey on renewable energy siting and farmland protection, gathering input from counties across the state representing a broad cross-section of agricultural regions and siting contexts. The survey was designed to capture both quantitative data and qualitative perspectives from county officials with direct experience navigating these issues. The findings present a consistent picture: counties support renewable energy, but they are experiencing serious and growing concerns about how it is being sited or balanced against land loss.

## ▶ Solar Development Is the Leading Driver of County Concern

Survey respondents identified solar development as the most frequently cited primary driver of farmland conversion pressure in their counties, surpassing residential and commercial development, which has historically been the dominant concern. As noted above, solar currently accounts for a relatively small fraction of total farmland loss statewide. But counties are experiencing the leading edge of a trend that is accelerating, and their concern is forward-looking: without a stronger framework, current siting patterns will produce irreversible losses of prime agricultural land at a pace that farmland protection programs cannot match. The pattern reflects a structural reality: farmland is, by its nature, the path of least resistance for large-scale solar. It is typically flat, well-drained, free of obstacles, and available in the contiguous acreage that utility-scale projects require. Without stronger incentives to develop elsewhere, that calculus will not change.

What is at stake is not only the land itself. New York's agricultural economy is deeply interconnected—farm outputs, agricultural supply chains, equipment dealers, processors, distributors, and the many ancillary industries that depend on active farming in a region form an economic ecosystem that is worth far more than the sum of its individual farms. When farmland is converted at scale, the downstream effects ripple through county economies in ways that are difficult to reverse: suppliers lose customers, processing capacity shrinks, and the infrastructure that makes farming viable in a region begins to erode. For many counties, agriculture is not a legacy industry on the margins of the local economy—it is a primary economic driver, and its health is inseparable from the county's overall fiscal and economic vitality.

## ▶ Solar Lease Income Is Outpacing Farm Income

In a majority of responding counties, solar lease payments have been observed to exceed net farm income for at least some operations — creating a powerful financial incentive for conversion that farmland protection programs, as currently funded and structured, are not positioned to counter. The speed asymmetry makes this worse. A farmer can receive an unsolicited postcard from a solar developer and have a lease offer in hand within 30 days. The state's primary tool for keeping that same farmer in agriculture—the FPIG program—can take two to three years from application to award. The developer moves at the speed of the market; the state moves at the speed of government. That gap is not a bureaucratic inconvenience—it is a structural advantage for conversion. Protecting farmland acreage is insufficient if farming itself is not economically viable. Policy solutions must address both.

## Local Tools Are in Use But Lose Force Under ORES

Counties are actively using the tools available to them. Municipal zoning ordinances and site plan review, farmland protection boards, decommissioning requirements, and RPTL 487 opt-out authority are all widely employed by survey respondents. These tools reflect significant local investment in responsible land-use planning—in many cases, plans that have been developed, refined, and relied upon for decades. Counties and municipalities have done the work: they have identified where development is appropriate, where agricultural land must be protected, and how growth should be sequenced to preserve the character and economic foundation of their communities. That work deserves weight. But counties consistently report that they lose meaningful force once a project enters ORES jurisdiction, where the "overly burdensome" standard can set them aside. Counties want a seat at the table earlier, and with binding weight—not a process where local plans are treated as one input among many, easily overridden when they conflict with a developer's preferred site.

## ORES Overrides of Local Protections Are Common

Among counties with ORES-eligible projects, nearly two-thirds reported that ORES had overridden or modified local provisions, including soil protection standards, setback requirements, and cumulative impact provisions. This is not a peripheral concern. It reflects a systematic pattern in which state siting authority is being exercised in ways that substitute for, rather than complement, local planning expertise. Counties do not oppose state-level review; they ask that it respect rather than displace the planning decisions their communities have made.

## The Notice of Intent Process Is Not Providing Meaningful Protection

A strong majority of responding counties—approximately three-quarters of those with relevant experience—reported that the NOI process rarely or never results in meaningful modifications to proposed projects. Several respondents noted that community input can feel like a procedural formality, with the process structured more to satisfy a legal requirement than to integrate local concerns. One county representative observed that "the community input aspect can seem more like a checklist item" that fails to constrain project design in any substantive way.

Respondents called for clearer standards, a requirement that NOI reviews result in demonstrated project modifications where farmland impacts are significant, closer alignment between ORES review and the AGM's own mitigation standards, and greater weight for local land-use plans—including smart growth plans and agricultural protection plans that communities have developed and relied upon for decades.

## Broad Support for Soil Protection Standards

Nearly three-quarters of survey respondents support or strongly support establishing a statutory cap on the conversion of MSG 1–4 soils—New York's highest-quality agricultural soils—for renewable energy development per region. Some respondents were neutral, and a small number opposed such a cap. But the overall direction is clear: counties believe that the state's most productive agricultural soils warrant a specific and binding level of protection, not simply a scoring preference in a competitive solicitation.

# Survey-Identified Policy Priorities

When asked to rank policy priorities, survey respondents identified the following as most important:

1. **Enhanced local authority in siting decisions** — *the #1 priority for a majority of responding counties*
2. **ORES required to give greater weight to local input**, with earlier consultation and mandatory consideration of agricultural soil classification
3. **Increased FPIG funding and a streamlined awards process**
4. **Programs to support farm viability and succession**, including economic tools that make farming financially competitive with solar lease income

# Agrivoltaics:
## Promise, but Not a Near-Term Solution

Agrivoltaics—the co-location of solar energy generation with active agricultural production—has drawn significant interest as a potential means of reconciling energy and farming goals. NYSERDA incentivizes dual-use practices through its Smart Solar Siting Scorecard, but they are neither required nor subject to binding performance standards or ongoing monitoring. The survey found that some counties have operational agrivoltaic installations, while others have none or are uncertain of their status.

County officials are cautiously optimistic but urge realism. A majority of responding counties said more research and piloting is needed before agrivoltaic requirements are expanded. Barriers they identified include equipment and infrastructure incompatibility with many farm operations, uncertainty about long-term agricultural productivity under solar arrays, the absence of standardized design or performance guidance, and significant regional variation in what crops or livestock can practicably coexist with solar installations. One issue that deserves particular attention is stray voltage, as dairy cows exposed to stray voltage experience stress responses that reduce milk production, affect herd health, and can have serious economic consequences for farm operations. The proximity of large-scale solar infrastructure to working dairy farms raises legitimate concerns that have not been adequately studied, and counties with significant dairy sectors have flagged this as a prerequisite research need before agrivoltaic expansion moves forward.

Counties are concerned that state policymakers sometimes view agrivoltaics as a comprehensive solution to the siting tension without adequate understanding of the on-the-ground complications. NYSAC supports investment in agrivoltaic research, piloting, and monitoring —including dedicated research into stray voltage impacts on dairy operations—but cautions against treating it as a substitute for the stronger siting standards and farmland protection investments this report recommends.

A particular gap in the current research base is knowledge specific to New York's agricultural context. Studies from other states and climates may not reflect what is agronomically feasible for New York's dominant farming systems—dairy, field crops, fruits, and vegetables—or its weather patterns and soil types.

NYSAC calls on the state to fund New York-specific research into what can realistically grow under and between solar panels, under what design and management conditions, and with what economic returns, before agrivoltaics requirements are expanded as a policy requirement statewide. NYSAC also supports piloting agrivoltaics as a farm viability tool for operations where portions of the land are marginal or non-farmable, providing farmers who want or need supplemental income with a viable option that does not require taking productive acres out of production. Pilots of this kind, designed in partnership with farmers, could help demonstrate the concept on New York's terms.

# What We Heard at the Summit: Themes and Conclusions

In March 2026, NYSAC convened local elected officials, planning professionals, and agricultural leaders for an Energy Siting and Farmland Protection Summit. Participants worked through three focused breakout sessions organized around the core challenge areas identified in the survey, then reported back to the full group for discussion of cross-cutting themes and next steps. The following summarizes the substantive conclusions that emerged.

## Farmland and Agricultural Viability

Participants in this breakout group were emphatic that the economic pressures facing farmers predate solar development and that renewable energy is accelerating trends that were already threatening the viability of farming as a livelihood. Volatile commodity prices, rising operating costs, growing labor regulations, farm succession challenges, and a shortage of the next generation of farmers create a context in which solar lease income is not just attractive but, for many farms, may be the difference between staying afloat or going under.

Participants identified several specific concerns and conclusions. The FPIG program is a valuable tool but requires significant investment: funding caps have not kept pace with land values inflated by solar lease demand, approval timelines are too slow to respond to development pressure, and the program does not adequately reach farmers who rent rather than own their land. Decommissioning requirements have been effective where they exist, and participants want them strengthened and made more consistent. Agricultural district protections provide a meaningful floor, but local planning decisions should receive binding weight in ORES proceedings, not merely advisory consideration.

Most fundamentally, participants concluded that soil group protections are necessary but not sufficient. Participants supported the principle that solar development should directly fund farmland protection—specifically, that for every acre converted to solar, at least one acre of equivalent quality should be permanently protected within the same county. This would transform solar development from a threat to the agricultural land base into a driver of its long-term preservation.

Lastly, protecting the physical acreage of prime agricultural land does not preserve the agricultural economy if the farmers who work that land cannot make a living doing so. Programs that support farm viability, succession planning, and economic competitiveness are as important to this agenda as any siting regulation.

Farmland protection is inseparable from the state's economic development strategy, and the state has not yet recognized it as such. Participants raised a concrete and already-visible consequence: as the land needed to grow feed and forage is leased for solar, dairy operations lose access to the acreage their businesses depend on. The result is a quiet erosion of dairy opportunity—fewer acres in production means less milk, and less milk means less supply for the processors and manufacturers that have made significant investments in New York based on the expectation that the agricultural base would be there. Companies like Fairlife, Great Lakes Cheese, and Chobani are here because New York produces milk. That supply chain does not sustain itself if the land that supports it is systematically converted.

The state should also recognize the retirement transition as a critical intervention point. When a farmland owner retires, the land is at its most vulnerable—most likely to be sold to the highest bidder, which increasingly means a solar developer or land speculator rather than another farmer. The state should actively support land transfers that keep retiring farmland in agricultural production, whether through purchase of development rights, subsidized sales to beginning farmers, or other mechanisms that make it financially viable for a farmer to sell to another farmer rather than to a developer. Every retirement is an opportunity either to lose farmland permanently or to pass it to the next generation of agriculture.

## Brownfield and Alternative Site Development

Participants in this breakout group began from a shared premise: farmland is the path of least resistance for solar developers, and that will not change without deliberate policy intervention. Prime agricultural land is flat, contiguous, well-drained, and inexpensive to develop relative to alternative sites that require remediation. Until the economics shift, developers will continue to follow the market.

Participants identified a range of barriers preventing greater use of brownfields and other alternative sites: transmission and interconnection constraints that limit viable non-agricultural locations; higher upfront development and remediation costs that are not offset by current incentives; inadequate support from Department of Environmental Conservation (DEC) and NYSERDA programs that nominally encourage brownfield reuse but do not make it economically competitive; and a lack of comprehensive mapping tools that would help developers, counties, and state agencies identify where marginal lands, transmission capacity, and viable alternative sites actually are.

Participants also raised concerns about community benefits. Several noted that communities are experiencing the impacts of large-scale solar development without receiving commensurate local benefit, that "community benefits" provisions are vaguely defined and inconsistently delivered, and that exemptions for NYPA projects represent a significant equity concern that the state has not adequately addressed.

The group's core conclusion: large-scale projects should be required to demonstrate and document good-faith consideration of non-agricultural alternatives before siting on prime farmland. Better mapping tools, streamlined programs, and transmission investment are all necessary to make that requirement meaningful.

# Siting Process Reform

Participants in this breakout group focused on the regulatory framework itself. A recurring theme was the vagueness and inconsistency of the "overly burdensome" standard that governs when ORES may override local law. Participants called for a clear definition, a transparent matrix for how local considerations are weighed, and a presumption in favor of locally-adopted planning documents that have been publicly vetted.

Participants also identified the timing of county involvement as a critical gap. Counties are currently notified about proposed projects too late in the process to meaningfully shape them. By the time county planning staff learns of a project—often through a municipal referral rather than direct notification—fundamental siting decisions have already been made. Participants called for mandatory, early county consultation with binding weight, not post-hoc notification.

A third major theme was cumulative impact. Individual projects are reviewed in isolation, but their collective effect on the agricultural landscape is not assessed. Participants called for mandatory cumulative impact analysis as part of ORES review to ensure that the consequences of multiple approvals in a single region or county are visible and accounted for. Several participants noted that the data counties are collecting at the local level—on acres converted, soils affected, and projects approved or pending—could form the foundation of such analysis if aggregated and made accessible.

Participants also flagged two additional process concerns. First, forest clearing for solar development is an underregulated aspect of siting that carries its own significant environmental costs; participants want clearer standards governing when forest clearing is permissible and what mitigation is required. Second, while decommissioning requirements have been effective where they exist, counties raised concerns about the adequacy of financial assurances. Existing bonding and security mechanisms may not be sufficient to cover the actual costs of decommissioning large-scale solar installations at end-of-life, and stronger financial guarantees are needed to protect host communities.

# Cross-Cutting Themes from Full Group Discussion

When breakout groups reported back to the full summit, several cross-cutting themes emerged:

- State agencies are not coordinating effectively. Counties frequently receive inconsistent or conflicting information from ORES, DEC, NYSERDA, and AGM. A unified, accessible portal for project information and agency guidance would substantially improve the process.
- A balance standard is worth exploring. Some participants proposed that for every acre of prime farmland converted to renewable energy in a county, a corresponding acre should be permanently protected. Such a framework would connect the pace of energy development to the pace of farmland protection in a concrete and enforceable way.
- Smaller and distributed energy infrastructure could benefit farmers directly. Community-scale and on-farm renewable energy projects, supported by grid investments that do not require large contiguous acreages, could allow farmers to benefit from the clean energy economy without sacrificing their most productive land.
- County data is an underutilized resource. The cumulative impact data that counties are collecting at the local level—on acreage, soil quality, project activity, and farmland protection—should be systematically gathered and made available to inform state policy.

# Recommendations

The following recommendations are organized by audience—Governor and Legislature, state agencies, and counties—to reflect the distinct actions each level of government can and should take. They are drawn from the member survey findings and the deliberations of the spring 2026 summit and represent the consensus priorities of NYSAC's Steering Committee on Energy Siting and Farmland Protection.

## For the Governor and Legislature

### Restore Local Authority Over Siting

1. **Repeal ORES's authority to override local land-use law.** The single most important structural reform New York can make is to end the state's power to set aside locally adopted zoning, setback, and soil-protection standards. Under Public Service Law Article VIII, ORES may decline to apply any local law it finds "unreasonably burdensome" in view of the state's CLCPA targets—a standard that is vague, applied inconsistently, and weighted entirely toward development. The Legislature should amend Article VIII to strike the "unreasonably burdensome" waiver provision and establish that local land-use laws and agricultural protection standards adopted through lawful, publicly vetted planning are binding in ORES proceedings. A project can still be reviewed and permitted at the state level; what the state should not be able to do is nullify the very protections counties and municipalities enacted to keep their working landscapes intact.

2. **Require binding county consultation in the ORES siting process.** The Legislature should amend Article 94-c to require that county planning departments be formally notified and consulted at the Notice of Intent stage—not after siting decisions have been made—and that locally-adopted land-use plans and agricultural protection standards receive binding, not merely advisory, consideration in ORES proceedings.

3. **Preserve local control over battery energy storage siting and establish statewide safety standards.** The Legislature should reject proposals to move standalone battery storage under ORES's permitting framework and should instead establish statewide minimum safety standards that support, rather than supplant, local decision-making: meaningful setbacks from homes, farms, and schools; protections for drinking-water supplies, aquifers, and private wells, including siting restrictions and enhanced containment requirements near sensitive water resources; funded, recurring training for local fire departments and emergency managers; and financial assurance for decommissioning and incident response. Storage must be sited with local consent and adequate protection for the communities that host it.

### Take Pressure Off Farmland

4. **Embrace an all-of-the-above clean energy strategy that includes nuclear so the state is not forced to meet its mandates on farmland alone.** New York cannot meet its long-term energy and climate goals with wind and solar alone. The CLCPA requires 100 percent zero-emission electricity by 2040, and meeting that target—while electrifying buildings and transportation and keeping the grid reliable and affordable—requires firm, around-the-clock generation that intermittent renewables cannot provide on their own. The more the state leans on solar to carry this load, the more pressure falls on the flat, well-drained, contiguous land that is also New York's most productive farmland. Nuclear power relieves that pressure directly: it delivers large amounts of zero-emission baseload power on a fraction of the land a comparable solar installation requires. NYSAC urges the Governor and Legislature to treat new nuclear, expanded transmission, offshore wind, and rooftop and brownfield solar as the backbone of the strategy—not fallbacks behind large-scale solar and land-based wind.

5. **Require large-scale projects to demonstrate consideration of non-agricultural sites.** Before permitting development on prime agricultural land, ORES should require applicants to document good-faith efforts to site projects on brownfields, marginal lands, or other non-agricultural alternatives. This requirement should be meaningful, not perfunctory, with clear standards for what constitutes adequate consideration.

6. **Invest in transmission infrastructure to relieve pressure on the counties experiencing the greatest agricultural conversion.** One of the most significant and underappreciated drivers of farmland conversion is the absence of transmission capacity at non-agricultural sites. Solar developers site projects on farmland not only because it is flat and available but because transmission infrastructure is there. Counties with the highest-quality soils often bear the highest siting pressure precisely because their agricultural legacy is what attracted roads, substations, and infrastructure in the first place. Targeted investment in transmission along highway and utility corridors—particularly to reach marginal lands, brownfields, and lower-productivity areas—would directly reduce the competitive advantage that agricultural land holds for developers and would distribute the footprint of the energy transition more equitably across the state. The Legislature should direct NYSERDA and DPS to identify the transmission investments with the greatest potential to relieve siting pressure on high-priority agricultural counties and fund them accordingly.

7. **Prioritize solar development on state-owned and publicly controlled properties.** New York State owns and controls substantial acreage that could support renewable energy development without displacing active agriculture. The Governor and Legislature should direct state agencies to inventory and prioritize these properties for solar siting and create incentives for developers to pursue them. This effort should extend to the rooftops and parking areas of public schools, which represent an underused, publicly owned resource for clean generation. The state should dedicate a defined share of the Environmental Bond Act's green building funds—already authorized for siting renewables at public schools—to rooftop and canopy solar that cuts district energy costs without converting a single acre of farmland.

8. **Pass and sign S.270 (Harckham)/A.10058 (Levenberg) to remove barriers to solar canopy installation on parking areas.** Solar canopies over parking lots represent an underutilized opportunity to generate renewable energy without converting a single acre of farmland. Current state law requires local governments to go through a legislative parkland alienation process before a solar developer can install canopies above parking areas on municipal or park property—even for small projects—creating a significant and unnecessary barrier to deployment. S.270/A.10058 would allow local governments to advance solar energy projects of two megawatts or less directly above parking areas without requiring a legislative act. Expanding solar development on parking lots and the built environment is one of the most direct ways to reduce pressure on farmland, and the Legislature should remove every regulatory obstacle to doing so.

9. **Require large distribution centers and warehouses to host solar on their rooftops.** New York has millions of square feet of underutilized rooftop space on distribution centers, warehouses, and big-box retail facilities that could generate substantial renewable energy without consuming a single acre of farmland. The Legislature should require that newly constructed distribution centers and large commercial warehouses above a threshold size install rooftop solar as a condition of operation. This is a direct and scalable way to expand the state's renewable energy supply while shifting development pressure away from agricultural land.

## Protect Farmland Directly

10. **Increase FPIG funding, modernize the program, and address geographic inequity.** The per-application cap of $3 million been updated only once since 2014, while farmland values have risen 40 to 150 percent depending on the region. The Legislature should substantially increase the funding cap and address the structural delays—

averaging six to eight months in recent grant rounds—that prevent funds from reaching counties in time to compete with development pressure. The Legislature should also reform the program's geographic allocation to direct resources to the regions experiencing the greatest conversion pressure and expand eligibility to better serve farmers who rent rather than own the land they farm. The current pattern—in which 44 percent of counties have never received a FPIG grant—is not consistent with equitable farmland protection. The Legislature should also consider creating a rapid-response conservation fund—separate from the standard FPIG cycle—that allows counties and land trusts to move quickly on conservation purchases when development pressure is imminent. The current program's multi-month approval timeline is structurally incompatible with a development environment where lease agreements can be signed and projects locked in within weeks.

11. **Establish a farmland conversion mitigation fee rooted in the actual cost of protecting farmland.** The Legislature should adopt a mitigation fee framework modeled on the approach developed by the American Farmland Trust (AFT) in its Smart Solar Siting on Farmland report. Under that framework, projects are classified as Orange, Yellow, or Green based on the percentage of the project's facility area on actively farmed MSG 1–4 soils. Projects in the Orange category—where 25 percent or more of the facility area falls on high-quality farmland—pay a per-acre mitigation fee equal to 150 percent of the average cost of permanently protecting farmland in the affected REDC region. Yellow category projects, where that figure is between 10 and 25 percent, pay a fee equal to 100 percent of those regional protection costs. Green category projects—those with less than 10 percent of their area on actively farmed MSG 1–4 soils—pay no mitigation fee at all, providing a direct financial incentive for developers to avoid prime agricultural land in the first place. Fees apply only where actively farmed MSG 1–4 acreage exceeds 30 acres, to avoid penalizing small-scale distributed generation projects. Critically, funds collected must flow to the county where the converted acres are located. The benefit should accrue to the community bearing the burden.

## Protect the Farm Economy

12. **Create programs to support farm viability, succession, and economic competitiveness—including tools that reduce the financial pressure to lease.** The most powerful farmland protection tool is a farm that can make money farming. Solar lease payments are attractive not because farming is undesirable but because farm income is insufficient to sustain the operation. The Governor and Legislature should invest in programs that make farming financially competitive: support for farm succession planning, beginning farmer programs, market development, direct farm income support programs, agricultural workforce development, and expanded access to agricultural credit. The state should also explore mechanisms that give farmers a reason to stay in farming even when a solar lease is on the table. Protecting farmland acreage is not enough if farming is not economically viable, and farmland protection will mean little if farmers cannot make a living farming.

13. **Pilot agrivoltaics as a farm viability tool, with expanded research into what can grow under and between panels in New York State.** NYSAC supports state-funded pilot programs for agrivoltaics on farms where the farmer chooses to pursue it, particularly on marginal or non-farmable portions of otherwise viable operations, where dual use can supplement farm income without sacrificing productive acreage. Critically, these pilots must be accompanied by serious investment in agronomic research specific to New York's climate, soil types, and farming systems. What grows successfully under solar panels in Arizona or the Midwest may not translate to New York conditions. Cornell and other institutions should be funded to determine what crops, forages, and livestock systems are compatible with solar infrastructure in New York's agricultural regions, and that research should be publicly available to farmers evaluating whether agrivoltaics makes sense for their operation.

## Ensure Host Communities Are Treated Fairly

14. **Strengthen and standardize community benefit requirements so host communities understand what they are entitled to before projects are approved.** Community benefit agreements are currently negotiated ad hoc, with no minimum floor of required benefits, no standard disclosure of what comparable communities have received, and no meaningful enforcement mechanism if a developer fails to deliver. The Legislature, in consultation with the Department of Agriculture and Markets, should establish minimum community benefit standards for all ORES-permitted projects, require that proposed community benefit packages be disclosed publicly before communities must respond to a proposed project, and require that final benefit agreements be recorded and publicly accessible. Communities deserve to enter the siting process knowing what they are entitled to, not learning afterward what they left on the table.

15. **Require host community benefit payments for all ORES-permitted projects, regardless of whether the host municipality supported the project.** Under current law, if a host municipality opposes an ORES project and ORES overrides local objections, the community loses both its land-use authority and any leverage to negotiate community benefits. This creates a perverse outcome in which communities that exercise their right to oppose a project are penalized financially relative to communities that accept it. The Legislature should require that all ORES-permitted projects—regardless of whether the host municipality supported, opposed, or took no position on the project—provide a standardized minimum community benefit payment to the host jurisdiction. Opposition to a project should not forfeit a community's right to benefit from hosting it.

16. **Strengthen decommissioning financial assurances.** Decommissioning requirements have been an effective tool where counties have implemented them, but existing bonding and security mechanisms may not be sufficient to cover the actual costs of removing large-scale solar installations at end-of-life. The Legislature should establish minimum financial assurance standards that ensure host communities are not left with stranded decommissioning costs decades from now.

# For State Agencies

## ORES

1. **Define "overly burdensome" and establish a transparent weighting matrix.** The current standard for overriding local law is too vague and applied inconsistently. ORES should promulgate regulations that define what constitutes an "overly burdensome" local provision and establish a clear, public matrix for how local land-use plans, agricultural soil classifications, and community input are weighed in siting decisions.

2. **Expand the cumulative impact study area for agricultural resources.** Current ORES regulations assess cumulative agricultural impacts within a 5-mile radius of a proposed facility. This radius is inadequate for capturing the landscape-scale consequences of multiple solar approvals in a single agricultural region. NYSAC recommends that ORES require cumulative agricultural impact analysis within a 30-mile radius. Projects should not be evaluated in isolation when their collective effect on the working landscape is what matters most.

## AGM

3. **Reform the NOI process to require meaningful project modifications.** AGM should revise the NOI process to require that reviews result in demonstrated, documented modifications to project design where significant farmland impacts are identified. Community input should carry binding, not merely advisory, weight. The NOI process should also be more closely aligned with ORES review timelines.

## NYSERDA

4. **Reform the Build-Ready program and tailor model local laws for high-soil counties.** NYSERDA's model local laws and Build-Ready program should be updated to reflect the particular circumstances of counties with extensive prime agricultural land. One-size-fits-all guidance is not adequate for high-soil agricultural counties, where the consequences of solar siting decisions are most significant.

5. **Create a public clearinghouse of Community Benefit Agreements.** Community benefit negotiations are happening community by community, often starting from scratch. New York State should establish a publicly accessible online clearinghouse where communities can review actual CBAs that have been executed across the state, access model agreement templates, and see summaries of what comparable communities have negotiated. This resource would reduce the information asymmetry between experienced developers and communities navigating their first major siting negotiation, and it would allow counties to build on what others have already won rather than reinventing the wheel each time.

## DEC

6. **Streamline the Brownfield Cleanup Program to support solar development on contaminated land.** DEC should reduce the regulatory and financial barriers to solar development on brownfield sites by streamlining the Brownfield Cleanup Program, providing technical assistance to developers pursuing contaminated-land projects, and working with NYSERDA to create economic incentives that offset the higher upfront costs of brownfield development relative to greenfield agricultural land.

## NYPA

7. **Establish mandatory community benefit payments for host communities.** As a public authority, NYPA is exempt from property taxes and—unlike private solar developers—is not subject to any requirement to negotiate Payment in Lieu of Taxes (PILOT) agreements with host counties and municipalities. This creates a significant and growing inequity: as NYPA's renewables portfolio expands under its 2023-24 budget authorization, communities hosting NYPA projects bear the same land-use impacts, infrastructure burdens, and farmland conversion pressures as communities hosting private projects, but receive none of the fiscal compensation that PILOT agreements provide. NYSAC calls on NYPA to develop a standardized community benefit framework—equivalent in scope to what counties can negotiate with private developers—and to enter into binding agreements with host communities for all renewable energy projects it owns or controls, including projects acquired from private developers. The Legislature should codify this obligation if NYPA does not act voluntarily. No community should be penalized for hosting a public power project.

## All Agencies

8. **Establish mandatory inter-agency coordination protocols and a unified project information portal.** County planning departments should receive standardized, timely notification of proposed projects at the earliest stage. State agencies must also notify each other. The Department of Agriculture and Markets should be notified of all ORES permit applications at the time of filing, with sufficient lead time and project detail to conduct meaningful agricultural review before siting decisions are locked in. If AGM does not know where projects are going, it cannot be expected to provide meaningful agricultural review, much less communicate with counties about cumulative impacts. ORES, DPS, AGM, NYSERDA, and DEC should operate from a shared project tracking system and should be required to coordinate their guidance before it reaches counties and municipalities.

A unified project information portal accessible to county and municipal officials—showing all pending, approved, and denied applications with their soil impact profiles and agricultural analysis—would substantially improve transparency and allow counties to track cumulative impacts that are currently invisible at the individual project level. Inter-agency coordination is not a minor process improvement; it is a prerequisite for any meaningful farmland protection effort under the current framework.

9. **Invest in comprehensive mapping tools.** State agencies should develop and maintain publicly accessible mapping tools that identify marginal agricultural lands, transmission capacity and interconnection availability, existing brownfields and contaminated sites, and viable alternative locations for renewable development. Such tools would support developers, counties, and state agencies in making better-informed siting decisions.

## For Counties

County governments also have an important role to play in advancing a more balanced siting framework. NYSAC encourages counties to:

- Strengthen municipal zoning, setback standards, and site plan review requirements for renewable energy projects, and share model ordinances across counties to build on what is working.
- Use RPTL 487 opt-out authority strategically and transparently to shape project economics and protect local interests.
- Negotiate stronger host community agreements that include binding agricultural protections, decommissioning requirements, and clearly defined community benefit provisions.
- Apply for FPIG funding and expand farmland protection board capacity to purchase agricultural conservation easements before development pressure makes them unaffordable.
- Educate landowners on the financial tradeoffs between solar lease revenue and agricultural conservation easements.
- Document and share local siting data—on acres converted, soils affected, projects approved and pending—to support NYSAC's state-level advocacy and build the cumulative impact record that stronger state policy will require.

# Conclusion

New York's counties are committed to a clean energy future. They are not here to obstruct the renewable energy transition—they are here because that transition, if poorly managed, will come at a cost to the robust agricultural economy that their communities deserve.

The loss of prime agricultural land is not a recoverable loss. Once the soil is gone, the drainage tiles are disrupted, the agricultural infrastructure is removed, and the farmland is taken out of production, the option to farm it again is effectively foreclosed. New York cannot meet its clean energy future by making irreversible decisions about its agricultural future without a far more serious commitment to getting the balance right.

The recommendations in this report are actionable, grounded in county experience, and achievable within the existing structure of state law and agency authority. They do not require choosing between renewable energy and agriculture. They require treating both as priorities and building a siting framework that reflects that commitment.

NYSAC urges the Governor, the Legislature, and state agencies to act on these recommendations. Counties will continue to do their part—but they need the tools, the authority, and the partnership of state government to succeed.


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