

1 6/29/2020 - Hemlock Ridge Solar, L.L.C. - 21-00748

2 STATE OF NEW YORK

3 OFFICE OF RENEWABLE ENERGY SITING

4

5 ORES D.M.M. MATTER 21-00748 - Application of
6 Hemlock Ridge Solar, L.L.C., for a Siting Permit
7 for a Major Renewable Energy Facility Pursuant to
8 Section 94-c of the New York State Executive Law
9 to Develop, Design, Construct, Operate, Maintain
10 and Decommission a 200 MW Solar Energy Facility
11 Located in the Towns of Barre and Shelby, Orleans
12 County.

13

PUBLIC COMMENT HEARING

14

DATE: June 29, 2022 at 5:01 p.m.

15

LOCATION: BARRE TOWN HALL

16

14317 West Barre Road

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Albion, New York 14411

18

BEFORE: A.L.J. Anthony Belsito

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Reported by Annette Lainson

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2 (The hearing commenced at 5:01 p.m.)

3 MR. BELSITO: We are on the record.

4 I've called ORES DMM, matter number 21-00748. The
5 application of Hemlock Ridge Solar LLC, for a siting
6 permit for a major renewable energy facility pursuant
7 to Section 94-c of the New York State Executive Law.
8 To develop, design, construct, operate, maintain, and
9 decommission a 200 megawatt solar energy facility
10 located in the towns of Barre and Shelby Orleans
11 County. Good afternoon. My name is Anthony Belsito,
12 and I am the Administrative Law Judge presiding at
13 today's public comment hearing. Which for the record
14 is being held on June 29th, 2022 at Barre Town Hall
15 and Albion New York. Assisting with today's hearing
16 from the Office of Renewable Energy Siting are
17 Benjamin Wang, Nathan Stone, Cassandra Partyka, James
18 McClymonds and John Favreau. We would like to thank
19 our host, the Town Barre and supervisor John Sean
20 Pogue and bookkeeper Lee Preston. Thank you. On
21 July 20th, 2021, the applicant, Hemlock Ridge Solar
22 filed its application with the New York State Office
23 of Renewable Energy Siting for a permit to construct
24 and operate a 200 megawatt solar energy facility in
25 the towns of Barre and Shelby Orleans County.

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2 Additional information was filed on January 14th,
3 2022. And a notice of complete application was
4 issued on March 11th, 2022. On April 26th, 2022, a
5 combined notice of availability of draft permit
6 conditions, public comment period, public comment
7 hearing, and a commencement of the issue's
8 determination procedure for this matter was issued
9 and posted on the Office of Renewable Energy's
10 website. This combined notice was also published in
11 the Daily News on May 12th, 2022, and the Lake
12 Country Pennysaver on May 15th, 2022 by the
13 applicant. The purpose of today's hearing is to
14 solicit public comment on Hemlock Ridge Solar LLC's
15 application for a permit. All comments received
16 today will be incorporated into the record of this
17 proceeding. This is not a question and answer
18 period, but an opportunity to hear your comments.
19 This is not the only opportunity for public comment.
20 If you do not wish to speak at today's public
21 hearing, but you would like to add comments to the
22 record, there are other ways to do it. You can post
23 comments electronically on the Office of Renewable
24 Energies -- Energy Sightings website, which is
25 <https://ores.ny.gov>. Once at the site, you can click

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2 permit applications DMM matter, 21-00748 and post
3 comments. Comments can also be emailed to
4 general@ores, that's O-R-E-S.ny.gov. And comments
5 can also be sent to the regular mail. The address is
6 available at the table when you walked in. And
7 again, all that information regarding the hearing
8 procedures and ways to comment is available in the
9 back or at the table as you walked in. Written
10 comments will be accepted until 5:00 p.m Tuesday,
11 July 5th, 2022. Regardless of how the comments are
12 submitted, they are given equal weight. If you would
13 like to make a statement here today, please fill out
14 a registration card and I will call the speakers up
15 one by one using the cards. Please speak slowly and
16 clearly for the court reporter so that our statement
17 can be -- your statement, excuse me, can be
18 accurately captured for the record. And please speak
19 into the microphone. When it's your turn to speak,
20 please state your name and address and spell your
21 last name. If you are speaking on behalf of an
22 organization, please identify who it is that you are
23 representing. When you make your statements, please
24 speak loudly, slowly and clearly. Since we have your
25 -- the spelling of your last name, you do not need to

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2 spell them out loud for us. Thank you. All comments
3 this afternoon are being recorded by a court
4 reporter. So it is important that you speak clearly
5 so your statement is recorded correctly. For this,
6 courtesy of others, wishing to speak today, please
7 summarize lengthy statements you may have. And you
8 can submit lengthy written comments by email or mail
9 as indicated in the public hearing notice and the
10 information you can find on your way in. Okay. At
11 this time, our -- our first speaker is, and please
12 correct me if I mispronounce either your first or
13 last name, Patty Bushover. And I'll just ask that
14 you switch that microphone on. I think the switch is
15 on top of it.

16 MS. BUSHOVER: I think so.

17 MR. BELSITO: Okay.

18 MS. BUSHOVER: Good afternoon. Thank
19 you for the opportunity for me to speak. I'm not
20 against people making a fair living. And I
21 understand that this is one of the ways that it's
22 supposed to help all of us, and -- and they're going
23 to make living this way. My point -- one of my
24 concerns is not only losing the land to this
25 operation. And I know you're gonna say for only 25

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2 years, which 25 years is a long time, but also my
3 concern is the fact that we're not gonna get anything
4 back from it as far as our townships go. In other
5 words, all this electricity is going to be shut down
6 -- shoved down to New York City, just like they did
7 with the power projects in Niagara Falls all those
8 years ago. Where the -- the -- the energy from
9 Western New York goes down to support an area that
10 does not help us at all. And if we were getting a
11 better benefit back from it, I would be more in favor
12 of it. I also am a little concerned about my
13 property value, although we are only going to have a
14 small amount of it, but it's still going to be around
15 us on the east side. I -- I do, you know, I am
16 concerned about that. Come down the road when I
17 wanna sell my property. Is anybody gonna wanna buy
18 property on a road that's got a big solar farm. I
19 thank you very much.

20 MR. BELSITO: Thank you. Next
21 witness, we have Austin Kuntz.

22 MR. KUNTZ: Good evening. Can you
23 hear me all right?

24 MR. BELSITO: Yeah.

25 MR. KUNTZ: First, good evening. And

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2 I'd like to thank the office for the opportunity to
3 speak. And I'd like to voice my support for the
4 project. I am a regional organizer for Laborers
5 Local 435 based in Rochester, New York. And I
6 represent construction men and women who live in
7 Orleans and Genesee Counties. And they -- they're
8 asking me to come up here on their behalf to voice
9 our support for the project. This project's backed
10 by prevailing wage, which you know, it'll -- it'll
11 put good money in their pockets, a liberal wage.
12 It'll also give them a retirement, healthcare
13 benefits for them and their families. So again on
14 behalf of the members not just in Rochester, but in
15 the surrounding counties that will work in this
16 project and that live in the townships. I've voiced
17 my sport for the project. Thank you.

18 MR. BELSITO: Next. We have Carmen
19 Serrett.

20 MR. SERRETT: Good evening. Thanks
21 for the opportunity here. I don't wanna repeat what
22 Austin just said. I'm also a regional organizer with
23 the Laborers Union. But we also represent about
24 1,000 members in the area. Many of which live in
25 this area and they just -- they depend on these

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2 projects. So this project would help them not only
3 just survive, but they're -- they're very high paying
4 jobs too, if they're not just low paying jobs. So
5 the benefits help the families survive. So thank you
6 very much.

7 MR. BELSITO: Thank you. And next we
8 have Charles McAllister.

9 MR. McALLISTER: Yes. And thanks for
10 your opportunity to speak. This is an industrial
11 solar project. As such, it should conform to the
12 zoning laws -- the industrial zoning laws that are
13 town will vary. And they're quite different from
14 zoning laws they have written specifically for this
15 project. And I think it being an industrial project,
16 it should conform to the industrial zoning laws.
17 That's all I have to say.

18 MR. BELSITO: Thank you. At this
19 time, that's the only cards I have. Is there anyone
20 else that would like to make a comment or a statement
21 tonight? All right. Well, I thank you all very much
22 for coming. We will be here close the record, but
23 we'd be here 'till 5:30 in case anyone changes their
24 mind or if anyone else arrives. So again, thank you
25 very much, and we're off the record.

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2 (Whereupon, the foregoing matter went
3 off the record at 5:11:00 p.m and went back on the
4 record at 5:28 p.m.)

5 MR. BELSITO: We're back on the
6 record. Two additional speakers have arrived and
7 wish to speak. So the first one is Kerri Richardson.

8 MS. RICHARDSON: So I have three
9 comments slash questions that I would like to make.
10 The first being that it's my understanding that the
11 draft ruling has overruled some of the local laws or
12 is suggesting. I know that it hasn't actually been
13 approved yet but it's suggesting that some of our
14 local laws are more stringent than what the State is
15 deeming as necessary. And I have a hard time with
16 this in any project in that I believe that the towns
17 at the local level, you know, the -- the State can
18 put in overarching regulations of these are what need
19 to be followed rules and regulations. But if a
20 community feels that those regulations are not
21 stringent enough for their community, for their
22 specific environment, I think that it's important
23 that those rules and those laws are followed because
24 that's the system that we have set up.

25 And there is reasons that the -- the

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2 individuals and the people who are living here
3 they're the people who have gone through the process
4 of developing the -- their elected officials in
5 developing these laws and regulations. And to have
6 them be dismissed. Even if they're considered unduly
7 burdensome or whatever terminology wants to be used,
8 it is still that community's right to put forth those
9 laws. And I have a hard time when the State comes in
10 and says, no, you can't do that. And we're gonna say
11 that this company, their project can supersede
12 because the State wants this. And I don't think that
13 that's good for our State. I don't think that's
14 good for our local small communities, and
15 specifically in this project. I think that all
16 local laws should be abided by. My second statement
17 or question is in regards to public involvement and
18 information distribution. I know that things are
19 different and I don't know the specific requirements
20 regulations in regards to public involvement in the
21 94-c process compared to the Article 10 process.
22 However, I feel that there has been -- I'm a resident
23 of the town of Barre. I'm outside of the -- I think
24 it's 500 meters around the perimeter of the project.
25 And so I wasn't -- I pulled up today. I think they

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2 posted on June 8th, the or recently even possibly
3 even more recently than that on the DMM site. All of
4 the locations, the stakeholders in this project. And
5 I looked up my address and it wasn't on there, and I
6 haven't received documentation, you know, about the
7 specifics from directly from the developer and even
8 this public hearing was posted originally a few weeks
9 ago. But I believe it was only posted for one week
10 in our local Pennysaver, which that is a good -- a
11 good source of people do get the Pennysaver. However
12 you know, there was nothing in this week as just, you
13 know, a reminder that this public hearing is
14 occurring and it's summer and people, this is our
15 first week of summer vacation for our local school
16 districts. And I just think that involvement and
17 distribution of information if that's what the State
18 is looking for, but I may be slightly biased. I kind
19 of get the impression that they don't -- the public
20 involvement isn't looked upon as favorably as maybe
21 we would hope for it to be. And then my third
22 question is in regards to the scope of this project
23 and the other renewable energy projects that our
24 community is seeing. That when you combine the land
25 base, there's two projects. One has already been --

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2 the certificate has already been granted for, and
3 then this project that the certificate is looking to
4 be granted for, that are located in the Town of
5 Barre. We're a 55 square mile community. And we
6 have with these two projects, that'll be about 25
7 percent. It's over 20 percent. I think it's like 23
8 percent of our land base being used by renewable
9 energy projects that have a life expectancy of maybe
10 25 years, 30 years. And I'm wondering when is enough
11 -- enough. At what point do we say that we have
12 enough renewable energy in a community, in an area,
13 in a state to achieve the climate change goals. And
14 what I'm concerned about is the NYSO report states
15 that we're already operating here in the A through E
16 load zones at 92 percent of our carbon for your green
17 emissions renewable resources. And so new -- the
18 Upstate, the, A through E load zones has already
19 achieved -- well surpassed the climate change goals.
20 However, the Downstate area, they're still operating
21 at only 27 percent carbon emissions free renewable
22 resources. The problem is that we don't have the
23 infrastructure in place to get the electricity -- the
24 renewable electricity from Upstate to Downstate. And
25 the NYSO report has stated that the problem is it

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2 that we continue to push and to facilitate systems
3 and pathways for these projects to move forward
4 saying that we're -- it's with the goal of reaching
5 these climate change initiatives. However, the
6 reality is it that they're not going to, because we
7 have a stop. And when they're only -- their only
8 timeframe, you know, it's 25 to 30 years, and then we
9 know that the technology is going to out produce. It
10 already has in -- in the other projects that we've
11 seen, they've already said the technology has already
12 changed so much that we need less -- less space, less
13 turbines, less solar panels for these projects. So
14 to continue to push and move through -- forward on
15 these projects, it seems to be very irresponsible of
16 New York State when the infrastructure isn't there.
17 We're putting the cart before the horse. And so my
18 question is, how will this project specifically
19 change or improve? Because from what I've read in the
20 NYISO reports, these -- any project in the A through E
21 load zone, including the Hemlock Ridge project is not
22 actually going to make a difference in achieving the
23 climate change goals that are being pushed at this
24 time. Thank you.

25 MR. BELSITO: Thank you. Sir, If you

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2 could just state your name and spell your last name.
3 I'm assuming you have notes on the back of your
4 registration card, okay. If we could have the card
5 when you're done. Thank you.

6 MR. MCKENNA: My first -- my name is
7 Dr. George McKenna. Spell my last name. M-C-K E-N-
8 N-A. I have a few comments to make. One is, I was
9 made aware that comments or questions that were
10 presented during this ORES public hearing wouldn't be
11 answered. I just wanted to go on record that I had a
12 question at a previous boards public hearing for the
13 heritage wind project. I asked the question who was
14 gonna be responsible for the water tables with
15 blasting. If the water table was damaged or Wells
16 were damaged, if it was gonna be the State, if it was
17 gonna be the developer, if it was gonna be the town
18 and I have not received any answer to that question
19 yet. So I don't know if there'll be any blasting
20 with this one, but I just want to go on record that I
21 would like to have some answers. My second question
22 is pretty much goes back on what the previous speaker
23 said is how much energy is really going to be used at
24 this or developed in this project that we haven't
25 already gotten. The -- the -- and what the grid can

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2 handle. I think that it should go on record that how
3 much green energy above and beyond is already being
4 produced. Can we go on public record after this
5 project is completed so that the public can know
6 where the funds, how of -- where our funds were spent
7 and what I'm talking about our funds is everybody
8 that's paying their electric bill. There's a little
9 line there that goes through NYSERDA. NYSERDA is
10 supposed to be doing development and research. And
11 so that's where the funds are being spent. I'd like
12 to have everybody in the State know exactly how much
13 we're getting bang for our buck back. I like to put
14 it in little stories and little things so I can
15 understand what's going on. One of the things that I
16 came up with, if you allow me, is if you think of
17 these energy projects as a moving company and you
18 know, Downstate, one of the problems with the moving
19 company is they got some bad workers. They got, you
20 know, fossil fuel, they got propane, you know, these
21 bad workers, steal, they got bad language. We really
22 like to get rid of them. So one of the answers was
23 Downstate was they told their customers, here's what
24 we're gonna do. We're gonna bring in interns and
25 younger kids. And we're going to train them up. And

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2 as they get better, as they can do more work, we're
3 gonna tell the ones that are, you know, the bad
4 workers, take a longer break, take a longer lunch
5 break. You know what, you don't even have to show up
6 today. These guys are taking over. Yep, it's gonna
7 cost a little bit more money. But the homeowners
8 that are having their projects move and stuff, they
9 appreciate it 'cause they don't have to deal with the
10 -- the dirtiness. Okay. That's great. But now we
11 move to our area with -- we got Niagara Falls as our
12 lifters and our movers. They're clean, they're all
13 good. So it seems like the State still wants to
14 bring in and say, well, we still wanna do this
15 project. It's almost like the owner of the moving
16 company is saying, you know, they're getting a higher
17 price. Maybe we'll just have junior work for us, you
18 know. Let's send our son to -- to work and just, you
19 know, look busy, act like you're doing stuff. You
20 guys can take a little longer break, but I know, you
21 know, you're good workers. And -- but -- and it just
22 doesn't seem to, you know, a good bang for a buck.
23 As a homeowner, I wanna know how much junior's
24 actually working while he is letting the other guys
25 sit. And we're still paying for him too. That's the

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2 problem in this area. The other problem I have, and
3 I'll go with another story for you is the grid needs
4 to be improved. We need more electricity. We need
5 to -- to be able to improve the grid, get more
6 electricity moving. And I see these projects that
7 are gonna last, you know, useful life of 20, 30
8 years. They're gonna be done before the grid is --
9 is up and running where we can handle it. It's
10 almost like somebody that's a car enthusiast saying I
11 want that car. I'm gonna redo that car and restore
12 it and it's gonna be a wonderful and I'm gonna save
13 it for prosperity so my kids can enjoy it. You know
14 what, I don't have a garage to store it in, 'cause I
15 can't afford that. But I gonna -- they can restore
16 this car sitting outside 20, 30 years. That's a
17 piece of junk. Now he's got a buddy buy garage. Put
18 the money into the grid and the infrastructure so
19 that the power can be used. Put these projects
20 closer to where you know, the fossil fuel plants, the
21 ones we are trying to close down so that we can
22 offset those and have something to offset against it.
23 But I still would like if this project goes through,
24 I would still like to see the numbers at the end. So
25 that actually how much energy's being produced so

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2 that somebody has to be held accountable for that. I
3 took care of that. Sorry about this. Actually being
4 provided, we need a leader in this country. And you
5 know, and -- and the other thing as far as I kind of
6 went back with junior working to do this is just
7 gonna raise the cost and I'm concerned about the
8 higher cost of our energy down the road. And is it
9 really needed. I don't mind. I agree, let's start
10 to work off fossil fuel, but when we're doing
11 projects like this that aren't doing anything, it's
12 just gonna raise the energy cost for everybody.
13 That's all I have to say.

14 MR. BELSITO: Thank you. Can I just
15 grab that registration card for me?

16 MR. MCKENNA: Mm-hmm.

17 MR. BELSITO: If you don't want us to
18 have your notes, you're welcome and you can copy.
19 All right. Excellent. Thank you very much. At this
20 time, is there anyone else. I'm outta registration
21 cards. Is there anyone else who would like to make a
22 comment or a statement tonight? All right, seeing no
23 one we have heard from all those individuals wishing
24 to comment tonight, I will close the comment -- the
25 public comment hearing. Thank you again speakers for

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2 your participation. Thank you for our hosts again.
3 And the court reporter and ORES staff for everyone's
4 health. The hearing is concluded.

5 (The hearing concluded at 5:43 p.m.)

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2 STATE OF NEW YORK
3 I, ANNETTE LAINSON, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 19, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 6th day of July, 2022.

11

12 ANNETTE LAINSON, Reporter

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