

1 11/09/2022 - KCE NY 2 - Public Hearing

2 STATE OF NEW YORK

3
4 In the Matter of KCE NY 2, LLC

5 Application to the Montgomery I.D.A.

6
7 PUBLIC HEARING

8 DATE: November 9, 2022

9 TIME: 1:03 p.m. to 1:53 p.m.

10 LOCATION: Montgomery Industrial Development Agency

11 110 Bracken Road

12 Montgomery, New York

13 BEFORE: CHAIRMAN JEFFREY D. CRIST

14
15
16 ALSO PRESENT:

17 JOHN DICKSON, Vice Chair

ROBERT SANTO, Board Member

18 GEORGE DECLUE, Board Member

MATTHEW P. STODDARD, Board Member

19
20
21
22 Reported by Danielle Christian

23

24

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2 (The hearing commenced at 1:03 p.m.)

3 MR. CRIST: To schedule this public
4 hearing for today, I do expect the hearing will be
5 kept open until at least our December meeting, which
6 is on the 13th of December next month. In which
7 case, there'll be opportunity for further public
8 input. I'd like to introduce Mike Carella, and Rob
9 Panasci.

10 And I might just mention, this project
11 has had discussion with the town, I think mostly the
12 town board, and now the planning board for some time
13 in the years. But our application to the Montgomery
14 I.D.A. came in, I believe, this summer. And we
15 wanted to get the information out in to the public
16 related to the project and the requested incentives.

17 So I'd ask Mike and Rob to introduce
18 the project to this board at the next level for the
19 public hearing. And then we'll open it up to public
20 comments.

21 MR. PANASCI: Sure. I'll speak.

22 Thank you.

23 MR. CRIST: Okay.

24 MR. PANASCI: Thank you. Rob Panasci,
25 Young Summer representing Key Capture. We -- we just

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2 wanted to first note and -- and apologize for and
3 clarify the address for the application. The -- when
4 this was first brought before the planning board, it
5 was 364 Browns Road, Mr. Olson then subdivided the
6 property. And the parcel where the project is
7 located is blank Browns Road now. So we're trying to
8 -- we wanted to clarify that all the application
9 materials now removed 364 from the application, and
10 it's to be known and clarified that it's on the
11 corner of Route 17 in Browns Road, just to make sure
12 everyone's aware of that.

13 And yes, the -- the project is
14 proceeding with planning board. They've -- or was
15 the workshops -- workshop session, hard word to say,
16 last week with the planning board to discuss the
17 project. And it continues to move forward on that.
18 An application form for the zoning board was
19 submitted last week as well for a variance because of
20 some height restrictions on there. So it's still
21 progressing towards that. And those are the new
22 updates for the project. We look forward to hearing
23 from the public to see what kind of comments we have.
24 We have prepared and will submit a host community
25 agreement to the town for its review as well,

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2 understanding that whatever we were to get with the
3 planning board is contingent upon that H.C.A.
4 agreement. They are intended to be, you know, one
5 package altogether.

6 MR. CRIST: Very good. Could you give
7 us just a quick overview of the project for anybody
8 who might not have heard it previously?

9 MR. PANASCI: Oh, yes, I apologize.
10 Yes. It's --

11 MR. CRIST: Yup --

12 MR. PANASCI: -- it's approximately a
13 hundred and sixty-nine megawatt energy storage
14 project that will be connected into the -- into the
15 grid to help provide some resiliency and when the pro
16 -- when -- when more energy is needed into the
17 system. So it's intended to be and replace what was
18 known as the peaker plants that run on gas and coal.
19 And so when the system -- when the energy system
20 needs more energy, it'll -- they'll call upon the
21 energy storage project Key Capture to put more power
22 in, essentially, the hot part of the days when you
23 need more electricity. That's the approach of this
24 one. So it's a hundred and -- again, a hundred --
25 just under a hundred and seventy megawatt energy

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2 storage project. It does not generate electricity.
3 It will take in energy during the off hours. And
4 then it will push that energy out when it's needed
5 for peak performance. And that's -- I mean, that's
6 the general overview of what the energy storage
7 project is. And happy to hear more comments, if you
8 need more information, more specific information
9 about it, let -- let me know.

10 MR. CRIST: Just for clarification,
11 how far from the intersection of Browns Road is the
12 project parcel down 17K to the east, I believe?

13 MR. PANASCI: It is on -- I mean, Mike
14 can provide more detail on that, how -- if you
15 probably might --

16 MR. CARELLA: It's about -- it's over
17 -- just over a hundred feet from the intersection.

18 MR. CRIST: Okay.

19 MR. CARELLA: We're -- we're actually
20 -- in -- in the updated application that we
21 submitted, we're saying north of 17K in between Stone
22 Castle and Browns Roads. So that's --

23 MR. CRIST: I did see that.

24 MR. CARELLA: -- that's probably a
25 better description of -- of where exactly the parcel,

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2 where the -- the parcel that battery storage system
3 will be housed.

4 MR. CRIST: Very good. Any points of
5 clarification from the board, and then I'll invite
6 the public for their input? Are we okay to proceed?

7 Yes.

8 MR. CRIST: Very -- very good. If
9 members of the public who would like to speak would
10 raise their hand, and I'll recognize you?

11 MS. KALAN: Do you want to first do a
12 motion to open the public hearing.

13 MR. CRIST: Oh, okay. Good idea.

14 Would anyone care to make that motion?

15 UNIDENTIFIED MALE: So moved.

16 MR. CRIST: Second to that motion?

17 MR. DICKSON: I'll second that.

18 MR. CRIST: John Dickson. Other

19 discussion?

20 MR. DICKSON: All good.

21 MR. CRIST: All in favor, please say
22 aye.

23 PANEL: Aye.

24 MR. CRIST: Motion carried, the public
25 hearing is now open. Who would like to speak first?

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2 Ma'am, your name?

3 MS. CASE: You want to go?

4 UNIDENTIFIED MALE: No, go ahead.

5 MS. CASE: Men first.

6 UNIDENTIFIED MALE: No.

7 UNIDENTIFIED MALE: Go right ahead.

8 MS. CASE: All right.

9 MR. CRIST: And state your name,
10 please.

11 MS. CASE: My name is Elizabeth Case.

12 I live in, well, the Village of Walden and the
13 Village of Montgomery. I'm -- I think this is a
14 wonderful plan with this whole energy capture or the
15 batteries and everything, fantastic. I'm down with
16 it. But I'm just more worried about any easement of
17 taxes that this company is going to get. Okay.
18 Because right now, my home in the Village of
19 Montgomery, I just paid six thousand dollars to
20 Valley Central School District. And I really can't
21 see any more companies getting tax breaks. It just
22 aggravates me. All right. For whatever that company
23 is, I'm really angry that there's so many tax breaks.
24 Okay. That's my only comment. I'm hoping that the
25 I.D.A. can at least, you know, understand we're walk

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2 -- where somebody such as myself is coming from with
3 the amount of taxes we're paying. I mean, I hate to
4 be my -- my taxes, but I am. And I hope that you can
5 take that into consideration when you, you know, hand
6 out the tax abatements, easements or whatever the
7 company. Okay. That's -- that's all I have to say.
8 And otherwise, I think it's a great idea, what
9 they're doing. All right. So anyway, that's --
10 that's -- I've said my peace, I'm sorry. Okay.

11 MR. CRIST: Oh, okay, thank you. I --
12 I might just respond very briefly. In clarifying
13 with a pilot, and even the other tax abatements, that
14 doesn't increase anybody's taxes in the town or the
15 villages.

16 MS. CASE: Not -- if they would, I'm
17 just thinking that they need to pay their fair share,
18 like I pay my fair share, and everybody else in the
19 room, you know, a resident at the town of Montgomery
20 pays their fair share. That -- that's my only issue.
21 I understand that my tax may or may not go up. We're
22 going to go up no matter what. But I need companies
23 like them to pay their fair share.

24 MR. CRIST: The I.D.A.s in the State
25 of New York are authorized to provide these

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2 abatements as a avenue to encourage a company such as
3 Key Capture to come to town, and we're going to be
4 evaluating, and we're required to do so by state
5 regulation that that helps bring them here.

6 MS. CASE: I understand that.

7 MR. CRIST: If -- if -- if --

8 MS. CASE: We understand that.

9 MR. CRIST: If they don't come here,
10 they're not going to pay any taxes. They won't be
11 here.

12 MS. CASE: I know, but I -- I don't
13 want them to get a tax giveaway, like, you know, no
14 taxes. They need to pay a fair share of taxes. Even
15 a nominal, just something fair share. I shouldn't as
16 a -- as a Village of Montgomery, Village of Walden
17 resident, have to, you know, take all the taxes on.
18 That aggravates me.

19 MR. CRIST: Thank you. And I might
20 just ask Danielle, it probably would be better for
21 further speakers to stay at the microphone.

22 THE REPORTER: That would be better.

23 MR. CRIST: If -- if they're going to
24 speak further.

25 So thank you for your comments,

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2 Elizabeth.
3 Gentleman, in the back, I saw your
4 hand.
5 MR. OLSON: Yup.
6 MR. CRIST: Welcome.
7 MR. OLSON: How's everybody doing
8 today?
9 MR. CRIST: Good. Thank you.
10 MR. OLSON: Are you okay? Good.
11 Good.
12 MR. CRIST: Yes. Nice day off.
13 MR. OLSON: Yes, it is. I don't even
14 know why I wrote anything down. I can't even read my
15 handwriting, so.
16 MS. CASE: He's prepared.
17 MR. OLSON: Oh, I am prepared.
18 MS. CASE: Hopefully you know your
19 name.
20 MR. OLSON: Okay. My name is John
21 Olson.
22 MR. CRIST: Okay.
23 MR. OLSON: I'm here with my wife,
24 Mary Beth Olson. We are the owners of the property
25 said for this project, okay, on 17K. I'll just give

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2 you a little synopsis of what's -- what went on. My
3 uncle passed away in 2015. His name was Alfred
4 Olson. He's the one who had the fruit stand on 17K.

5 MR. CRIST: Okay. Mm-hmm.

6 MR. OLSON: And he didn't have any
7 children. He didn't have anything. It was just my
8 father and me. That's all he had. Then my father
9 passed away three weeks later.

10 MR. CRIST: Mm-hmm.

11 MR. OLSON: But the thing is on that,
12 so we inherited his property, which was sixty-nine
13 point six acres, give or take, let's just say for the
14 sake, seventy acres. Okay. So, you know, we didn't
15 know what to do with the property. You know, it was
16 just, you know, we were paying taxes on it, of
17 course, it was still under the Ag -- Ag district and
18 all that good stuff. The house was 1858. It was a
19 dilapidated -- it was getting dilapidated. You know,
20 same thing with the barns. They were dilapidated.
21 When the animals go out, when people go out, the
22 house goes down. So but my wife and I maintained
23 that house. We love that property.

24 And so there was some agencies that
25 came around and we, you know, we entertained them.

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2 And, you know, one of them was a -- a pipe company
3 that wanted to lease some of that property on 17k.
4 But, you know, the thing was, is that my uncle was
5 still living at the time, well, he was living and
6 dying, he was dying in his house. We -- we didn't
7 want him to go to a nursing home. And he had the
8 means to have a health care worker at his -- like, a
9 fu -- a live-in health care. So he had the means to
10 do that. We were totally against the nursing home.
11 So, you know, he had at least some dignity. He --
12 you know, we'd go to visit him all the time, and all
13 that good stuff. And anything done with the house or
14 -- and his caretaker became part of our family, as
15 well.

16 So this pipe company wanted to come in
17 and lease five acres for this and that, and this and
18 that. That would definitely have taken care of his
19 medical bills. But we said no, there's one right
20 across the street. You have Dempsey Pipe, which are
21 good friends of ours as well. I couldn't do that. I
22 just couldn't do it, as -- as far as my conscious
23 would. So, you know, we had other things come in.
24 We had another developer come in. Just to take, you
25 know, entertain them, I took them around on my side-

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2 by-side mule and took them all, and so at the end of
3 the day, he says so what island are you going to live
4 on? I and said what are you talking about? He says,
5 well, we could develop this, we can put in two
6 hundred units here, and this and that, and this and
7 that. And I -- and I says yeah, my island is going
8 to be right here for the rest of my life at 324
9 Browns Road. I said, no, thank you. There's no
10 money in -- that could ever -- that I could destroy
11 my road, the place that I hunt on and just -- and cut
12 wood and do anything, you know, all those acres.
13 I've -- I've -- I've been there all my life since I
14 was ten years old. So, you know, that's fifty-one
15 years I've been here, so. And so I -- I -- that --
16 that was forget it.

17 And then there was other agencies, you
18 know, for the property on Browns Road -- I'm sorry,
19 on 17K, as far as a strip mall, possible putting in
20 pad site businesses, different businesses for this
21 and that and, you know, with a comprehensive plan
22 that they had before. I think I believe it was two
23 hundred and fifty feet per curb cut. I own --
24 basically, it's a half a mile down from the end of
25 Browns Road to -- to the end of where it was assessed

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2 at. So it's, you know, there's quite a few things
3 that can happen there. We didn't want that either.
4 You know, 17K Browns Road is hard enough to get out
5 of. Maple Avenue is hard to get out of. That's all
6 you need is just more traffic on 17K. We really
7 didn't want that either. Then -- then Lynette and
8 Roger came, saving grace. They wanted a farm. So,
9 you know, they lived right across the street. There
10 was only one person that my -- my uncle and our
11 family let hunt on the property was Roger, Lynette's
12 husband.

13 So they came to us and they scoped out
14 several different areas and different farms, but they
15 always wanted to come back to this one. And, you
16 know, so we made an agreement, handshake agreement,
17 you know, this is what the price is going to be and
18 blah, blah, blah. And they've done a wonderful job
19 with this -- with the farm. I mean, they have
20 fifteen goats, they got -- I -- I got -- I call them
21 my girlfriends, they're a couple of jackasses, but
22 they're my girlfriends. They have a cow. They have
23 all sorts of animals, close to two hundred chickens
24 and all that stuff. They've revsur -- resurrected
25 not only the farm, but they resurrected the -- the

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2 house that my uncle lived in, which was immense to
3 me. And I'm sure if my uncle and my father were
4 looking down, they -- they would have big smiles on
5 their faces.

6 So but I did subdivide sixteen point -
7 - or let's say seventeen acres off of that property
8 and kept the property on 17K. I let Roger, if they
9 want to plant back there, that's -- that's fine. If
10 they want to cut hay back there, that's fine.

11 Jimmy Weise is the -- the signature
12 guy. He -- he's done -- he did that for years. And
13 so that's where that is, you know. I -- I -- I love
14 my community. This is why I've done this. I mean, I
15 -- I was commander of the Amvets over at -- in Walden
16 for six years. I work with the scouts two thirty-
17 one. I'm assistant scoutmaster there and chaplain.
18 Like I said, I -- I -- I not only just live in this
19 community, I -- I am part of this community.

20 And then Key Capture came. They had,
21 you know, basically, they're an energy company with
22 renewable energy -- energy, kind of like the future,
23 well, present and future of our dilapidated grid or
24 energy grid with all these batteries and things like
25 that, the holding batteries holding energy, it's --

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2 it was for me, there's no curb cuts, there's no
3 people on site. They have whatever they're doing
4 there is -- is a great thing for me. I mean, you
5 know, everybody wants to go green now. That's the
6 shirt, I guess. But the thing is, is that the --
7 this -- this company, you know, is also when I've
8 been talking to them, you know, on -- on the inside,
9 he says there's a lot of Eagle Scouts that work there
10 too. And that's -- that -- that -- that warms my
11 heart a little bit. But they've always been upfront
12 with me. And I -- I -- I think this is a good
13 project for that area. I think it's a good project
14 for me. And I think it's a good project for the
15 community. Thank you.

16 MR. CRIST: Thank you, John.

17 MR. OLSON: Okay.

18 MR. CRIST: Before you leave the mic -

19 -

20 MR. OLSON: Yes.

21 MR. CRIST: -- I would just like to
22 confirm, you own the property that the battery
23 storage --

24 MR. OLSON: Correct.

25 MR. CRIST: -- project is proposed to

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2 go on?

3 MR. OLSON: Correct.

4 MR. CRIST: Yes, okay.

5 MR. OLSON: That is correct. Okay.

6 MR. CRIST: Good deal. I think that's

7 owned --

8 MR. OLSON: It's a -- it's listed as

9 John H. Olson and Mary Beth Olson.

10 MR. CRIST: And you have an agreement

11 with Key Capture if they get approved that they'll

12 buy the property?

13 MR. OLSON: Lease.

14 MR. CRIST: Lease, okay.

15 MR. OLSON: Okay.

16 MR. CRIST: How long a term?

17 MR. OLSON: From what we understand,

18 thirty plus years, right?

19 UNIDENTIFIED MALE: Mm-hmm.

20 UNIDENTIFIED MALE: Yeah.

21 MR. CRIST: Very good. Thank you.

22 MR. OLSON: Okay.

23 MR. PANASCI: Thank you.

24 MR. OLSON: No, thank you.

25 MR. PANASCI: Have a good day.

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2 MR. CRIST: Ma'am.

3 MS. WRIGHT: Good afternoon.

4 MR. CRIST: Hi.

5 MS. WRIGHT: My name is Lynette

6 Wright, and I'm the owner of 364 Browns Road. I
7 don't know how I'm going to compare to Johnny with
8 what he said. But I'm -- I'm going to give you a
9 little overview myself and what's going on. Okay.

10 Johnny is correct. We purchased the
11 property November 2018. It was dilapidated. We did
12 bring it back to life. He's -- well, he's sort of
13 correct, we have thirteen goats and two donkeys. But
14 we also -- I've just constructed a brand-new horse
15 barn for boarding horses. So thirty-six by a hundred
16 and eight barn, and it's just starting to come up and
17 run. When we bought the project, we spent -- I spent
18 seventeen months in the house. I did most of the
19 work by myself. I did hire electricians and plumbers
20 to come in and help with that. But instead of
21 modernizing the home, I de-modernized it. And I went
22 back words and I saved all the woodwork that was
23 there. I kept the plaster and lath walls, and
24 cleaned them over, and straightened them out and did
25 what we could do. So we love this property. Okay.

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2 When we first bought the property or we first talked
3 about it, Johnny did have, in his works, a
4 subdivision on this property. When we went to get
5 ready to close, my attorney called me and said,
6 Lynette, we have a problem. I said, what's that? He
7 said, there's an easement on the back of your
8 property, and it needs to come off. So I went to
9 Johnny and I said to him, Johnny, we got a problem.
10 And he said to me, oh, I thought it came off,
11 Lynette. And I said, well, it didn't. So we took it
12 off.

13 Okay. So we now have that easement,
14 and we were approached also in the beginning when we
15 went -- when Key Capture was first coming in, there
16 was two projects, there was K.C.E. one and two. Two
17 different projects, two different fields. That's
18 when we were approached. Loved the project. Was a
19 hundred percent for the project. It is the highest
20 and best use for the property, especially since my
21 house sits up way up high. And this is the front of
22 my home that I looked down on these fields on 17K.
23 So it's not the back of my house. It's the very
24 front of my house. So when I stand on my porch, I
25 see everything. And if I go upstairs, in my bedroom

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2 and stand up there, I can see Amazon, plain as day.

3 Okay. So I see a lot.

4 So the project was really ready to go
5 and we were all on board. They came to us because of
6 the ... they needed to exercise that lease, the
7 easement from us. So we gave them the lease for the
8 easement so they could take the trees down. It was
9 one point eight three or eight zero acres, okay. And
10 it's at the very edge of the property. It's all
11 swamp as it is. It's not -- wasn't going to affect
12 me because of swamp. I have riding trails that are
13 going in back there for my horse boarding people so
14 they can ride either in a riding rink, or they can
15 take the horse out in the woods in the back trails.
16 So that wasn't going to affect me.

17 So they started this project, and then
18 I don't know, COVID hit, stuff happened. Okay. What
19 I do know is a few weeks ago, an article went into
20 the newspaper. Now, I told you I just put up a new
21 barn. Well, people were coming in asking me,
22 Lynette, what are you doing? What are you doing?
23 You put it in a brand-new barn and now you're putting
24 in this energy thing. And I'm like, it's not me.
25 And they're like, it is, and they were mad. They

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2 come here for their produce, they come here for their
3 eggs, they bring their kids to see the animals.
4 Okay. I got prospects that I want to board, and now
5 where am I at? Everybody hates me because they used
6 my address.

7 So I started to investigate and we got
8 a big problem, guys. It's not small, it's big. So
9 I'm going to start from the beginning. The project
10 site's listed as 364 Browns Road, it's not the
11 location. It was identified in the public notice
12 hearing dated October 11th, 2022. The application
13 letter dated July 13th, 2022 was also referenced in
14 supporting in that documentation. The location that
15 they're referencing is mine. It's owned by my
16 husband and myself. The actual parcel plan for the
17 project is twenty-six one dash fifty-seven dot two
18 two one, and it doesn't have any road frontage on
19 Browns Road. So if you came to the corner of 17K and
20 Browns Road, there's a little shed there. That's my
21 shed. My property runs all the way this way. We
22 border the Timbrook and it bends around. Okay. So
23 they don't have anything in there.

24 So as I started going through, I came
25 to town, I sent a letter in. I believe you guys got

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2 a copy of it. Everyone did because planning board
3 paperworks were on, zoning board paperworks were on -
4 - every piece of paperwork that went in is incorrect.
5 Last meeting they had with the planning board,
6 Sherrie told them that their blanket letter isn't
7 going to work. They need to correct it on every
8 single piece of paper. Because if you don't and that
9 piece of paper gets lost, someone's is looking at
10 incorrect information. They had acreage wrong. When
11 they submitted everything in the beginning, they put
12 -- they included all of my acreage in the property.
13 It's wrong. Okay. They shouldn't have that at all.
14 I went back to Key Capture. I told them, I sent the
15 letter in, you're in trouble. You got to correct
16 everything. I have yet to see anything published in
17 the newspaper, apologizing to me, and to the town,
18 and to the public that it was wrong. Okay. So I'm
19 still looking like the bad guy.

20 So the notice of the public hearing
21 that went out for today, again, states 364 Browns
22 Road. So, again, I'm the bad guy. I'm tired of
23 being the bad guy. There's things in the paperwork,
24 on everything in the paperwork that is wrong. This
25 is the town of Montgomery I.D.A. notice of the ...

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2 Location of the projects is project to be located at
3 364 Browns Road. There we go. Approximately, eight
4 point zero three acre parcel land located at 364
5 Browns Road. Again, wrong. Then when they did their
6 paperwork in, they've just corrected it, their full
7 environmental assessment form, they had it with all
8 of my acreage. That just got corrected in here.
9 Planning Board paperwork is wrong.

10 And now, I'm going to talk about the
11 stuff that just went into Young's and Summer.
12 There's quite a few things that I have an issue with.
13 And as I said, the last project that was signed off
14 and presented to us was wonderful. It had ten
15 storage containers on the parcel that's by my house.
16 There was a large building that went in on the other
17 parcel, which wouldn't affect me. Okay. And now,
18 I'm looking at a possible of thirty storage
19 containers in my front yard. I had Key Capture out
20 last week to get a visual of what's going on. Okay.
21 A lot of things needed to be corrected. Their
22 landscape plan is wrong. Their watershed district is
23 wrong on their map. We're in the Wallkill Watershed.
24 They have us in a round out watershed. So even the
25 little tiny notes in the corner of the maps are

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2 wrong. That's why we asked them to correct every
3 single piece of paper that they had coming.

4 So now, we move on. This is the State
5 of New York State Public Service Commission. It's a
6 notice inviting the public to announce the statement.
7 I think you all have a copy of this in front of you.
8 It was put out, issued November the 8th. Okay.

9 That's wonderful. But when you go through it, and
10 what they're looking at is a negative declaration for
11 K.C.E. Two, New York Two, L.L.C., and K.C.E. New York
12 One One, L.L.C. Guess what? It's wrong. So now
13 they're opening public comments for the D.P.S., and
14 the D.P.S. is actually looking at wrong information.
15 They have -- the location is there, it's correct.
16 But it's not both of these. They're now one. So
17 what they're asking them to do and to accept, it's
18 not right. They have upland portions of the site
19 have been hayed. The site is generally sloped, we're
20 going to go on to right now. Part of what they have
21 in here. "Preceding overhead through the utility
22 easement on the Olson lot one until it connects with
23 the existing central Hudson substation at the rear of
24 Wet -- Westchester module parcel." It's not correct.
25 It's not lot Olson one. We got the easement off. So

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2 it doesn't exist.

3 So what they're asking for through
4 here, and it's now open for public comment, and they
5 want them to accept this, the paperwork is issued
6 wrong. We asked them to correct everything. This is
7 the reason why. Because the state level doesn't know
8 what's going on in the town level. And the planning
9 board doesn't know what the zoning board is doing all
10 the time. And the zoning board doesn't know what you
11 guys are doing. And you all don't talk all the time.
12 So, where are we at? We're at a big mess.

13 Now, in this thing, what we signed up
14 for when we signed up on this project, and they said
15 it wasn't going to affect us because they weren't
16 disturbing the land to the back of the project. Now,
17 we have a bigger issue, guys, because they are doing
18 that. And I had my insurance agent out last week
19 because I had to go over policies. And he said to
20 me, Lynette, you realize you are in a flood zone, do
21 you need flood insurance? And I said to him, I don't
22 know, why don't you look and tell me? And he looked
23 at it and he was like, no, you don't need flood
24 insurance. Okay. But in their plan, wetland areas
25 are located not only on the site, this is back to

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2 this D.C. thing, wetland area is not only located on
3 the site itself, but on the adjoining Olson lot one,
4 specifically, including the hundred-foot wide
5 easement through which the installation is proposed
6 to connect to the existing central Hudson station.
7 How's that? It's not a hundred feet. It's not
8 Olson's, and it is wetland. So, I just keep going
9 back and forth, because everything that I read and
10 every page that I turn is incorrect.

11 So in their plan, they add herbicide.
12 Now, I asked the guys in the beginning, what are you
13 doing with the wetlands? Well, in their plan, it
14 says that they're going to -- that's not going to
15 affect the neighbor's property, it's going to run
16 off, it's going to be fine. It's not going to be
17 fine. It's going to run off, and it's going to run
18 into my land, if, in fact, we put this second
19 project, instead of the first project, on the site.

20 And I'm going to share some pictures
21 of this with you. This is the spring, and the
22 fencing that you see here is where my donkeys are
23 located. And this is standing at the top of my
24 driveway of the Timbrook. I shared these with Key
25 Capture. This is with undisturbed land. My husband

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2 and myself farmed this land last year. We buried a
3 tractor. He had to get it out. So I'd ask Key
4 Capture to please figure it out. It's the best use.
5 But with this many containers, we have a problem.
6 But guess what, guys? We got a bigger problem today.
7 And I'll tell you why. Because they've submitted all
8 this stuff in. Do you all know that they just
9 changed the local law number thirty-one, which --
10 which pushes our setback from thirty feet back to
11 fifty feet. So now I have to go to the planning
12 board to make sure that we're going to abide by this
13 at least fifty feet. So now their project just got
14 smaller again. Is that good or bad? I don't know.
15 Maybe somebody can tell me because with the storage
16 containers, and no run off plan, and pushing it back,
17 am I still going to have water issues? I don't know.
18 But I'm a little concerned that every single board in
19 here has different paperwork. I'm concerned that
20 now, the paperwork that is up for discussion, and you
21 can go on and do a public write-up, which I have to
22 do, is with the State of New York and the Public
23 Service Commission, that paperwork's wrong. So where
24 are we going to be at there? I don't know. So I
25 have some issues. And then, they come to the idea,

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2 and they want tax breaks. And I'm one for doing what
3 we can do. But I want to know where this project is
4 benefiting us to give them that. And I understand
5 that's what you do.

6 But right now, they have really
7 nothing to offer us as far as jobs, because it is a
8 free site, unmanned. So they put down here that
9 "Please provide estimates of total construction jobs
10 and the total wage." So they put down number of
11 construction jobs as twenty-five with a total annual
12 wage and benefit of four point five million dollars.
13 That's a hundred and eighty thousand dollars per
14 construction person. I don't want to be a
15 construction person. Is this real? Is it real, a
16 hundred and eighty thousand dollars per -- if it's
17 four point five mil?

18 Then they're telling us that lowering
19 and stabilization electric rates in Montgomery, it's
20 all going to the grid, its the grids. So they're
21 trying to tell us that it's going to help protect the
22 health of Montgomery residents. It's going to give
23 us more storage. Okay. Anybody got their electric
24 bill? So, your electric bill is not going up from
25 your usage. Your electric bill, do your homework, is

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2 going up because of the delivery fee. My neighbor
3 just got a hundred and fifty dollar delivery fee. So
4 outside of all of that, what do they have to offer?
5 Except to bring a project in, and possibly flood me.
6 And don't get me wrong, I have loved the project. I
7 signed up for the first project, where it was in the
8 other field, where it wasn't going to kill anybody.
9 I was going to bury my animals. And now we go to
10 Rodeo, which is the same thing as Roundup, except you
11 can use it for aquatic fish, okay. But they're not
12 putting in roads. So, they're putting in gravel
13 runoff drainage, they just said it sloped. Where is
14 it going? In the Timbrook, and my animals drink out
15 of there. Obviously, they don't have an option when
16 it floods.

17 MR. CRIST: Lynette, can I ask you to
18 please wrap up your comments in respect to other
19 speakers?

20 MS. WRIGHT: You can. Yup.

21 MR. CRIST: And I would mention again,
22 we plan to keep the public hearing open until next
23 month. And people can feel free to write us and
24 document their further comments as a further option.

25 MS. WRIGHT: That's fine. I just

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2 needed to bring all of this so it gets documented. I
3 need it documented. And I need it documented with
4 every board. Because everybody's got to make sure
5 that everybody's paperwork is correct and across this
6 board. Thank you.

7 MR. CRIST: Thank you, Lynette.

8 Anyone else from the public would like
9 to speak today? Raise your hand, please. And I
10 would ask for any questions, comments from the board
11 related to the K.C. Energy project. Do you have
12 something, Bob?

13 MR. SANTO: Yes, I have a couple
14 questions. First of all, I know the science
15 involved. I know storage and the importance of it.
16 That's what do they say and stipulate. I'll
17 stipulate that. On the other side, what benefit
18 other than delayed taxes will Montgomery get? For
19 example, if we have a power failure or brown out,
20 because we're in the -- the town of Montgomery, do we
21 get a little special consideration? And I would
22 guess no. Just it would be physically impossible.
23 I'm giving -- I'm asking the question and giving the
24 answers, but is that the answer, correct answer?
25 Yes. That's what I thought. It is on 17K. So when

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2 you go by 17K -- I visited Lynette one day, I bought
3 eggs from you, and I saw the whole thing. The -- is
4 there a landscaping project designed to hide that
5 from you, from 17K? Nothing --

6 MS. WRIGHT: Yes -- yes, there is.

7 MR. SANTO: This is proper written.
8 What we're doing now, ask some questions.

9 MR. CRIST: You may --

10 MR. SANTO: -- you know, that's right
11 --.

12 MR. CRIST: -- the, the applicant does
13 not have to respond --

14 MR. SANTO: Oh, okay.

15 MR. CRIST: -- but we'll welcome them
16 if they would like to

17 MR. SANTO: Oh, okay. Yeah.

18 MR. CRIST: Mike Carella?

19 MR. PANASCI: Yeah. This is 00 yeah,
20 Mike Carella with the K.C.E., with Key Capture
21 Energy. Yes, there -- there is a landscaping plan.
22 It was not -- it was not presented in I.D.A.
23 application, but it is with the zoning board, the --
24 the D.P.S. that Lynette was talking about, and then
25 also with the planning board.

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2 MR. SANTO: The next question is
3 probably better directed at Ashley. But if we do --
4 okay, we go along with this. Your competitor comes
5 in and says, we want the same breaks that you got.
6 So, in my -- as, you know, a layperson ...law and
7 all, I would say, yeah, they'd have to -- we'd have
8 to do that. And just -- am I sort of correct? If we
9 approve this, and their competitor comes in and say
10 want -- they want the same break, we're going to have
11 to do that.

12 MS. TORRE: No, you always have to
13 evaluate each project based on your policies, your
14 cost benefit analysis, everything is -- it's not just
15 because it's the same type of --

16 MR. SANTO: It's' -- it's not
17 automatically?

18 MS. TORRE: -- you have to do your own
19 analysis for each so there's no -- there should be no
20 -- once you -- one type of thing that anyone that
21 wants to do the same is also entitled to that.

22 MR. SANTO: Okay, thank you. I have a
23 bunch of questions. Just like John there, I can't
24 read my own handwriting. Did you -- Lynette's
25 question about the watershed that -- that there was a

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2 mistake in the watershed, that seems -- that doesn't
3 seem like a big deal? To me, the fact that it's the
4 wrong address seems to be covered by the letter you
5 sent. Am I right?

6 MR. CARELLA: Yeah. And just -- just
7 to be clear, all the applications that are at the
8 city, with the exception of the planning board
9 application have been updated with the new -- with
10 the new address. I put it in quotes because it's not
11 -- there is no address for this. So, the way we're
12 describing the property is what I mentioned before,
13 north of 17K in between Browns -- in between the
14 intersections of Stone Castle and Browns Road.

15 So and the reason that the planning
16 board, just to give a little more color there, the
17 planning board has not been updated. Because they
18 had some comments separate on -- on another part of
19 our application. And we were about to update them
20 with -- with this. But then we got these comments
21 in, and we decided that it would be better to just
22 have one application resubmitted as opposed to many.
23 So that should be in early next week. And then,
24 across the board, all of the -- the addresses will be
25 consistent with the description that I just gave.

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2 MR. SANTO: The next question is the
3 power coming in and power going out, are there going
4 to be on overhead cables?

5 MR. CARELLA: Yes.

6 MR. SANTO: Okay. That -- so now, my
7 -- my fear is the proliferation. Like the -- the
8 comparisons to the warehouses. Are we going to be
9 known as Montgomery, oh, that own the warehouses?
10 And now we're going to have cables and overhead wires
11 all over because we're the -- the home of the battery
12 storage. That -- that's -- that's -- you -- I know
13 you can't answer it. That's a future problem. The
14 other thing is the -- the minerals going into these
15 batteries. They're lithium batteries, I assume?

16 MR. CARELLA: Yes.

17 MR. SANTO: And -- and what happens
18 after twenty or thirty years? Are we -- are we
19 posting a bond for cleanup? We don't know what this
20 lithium is going to do over the years.

21 MR. CARELLA: Yes, we have a
22 decommissioning bond that we'll be posting with the
23 city that's through the planning board process.

24 MR. SANTO: Mm-hmm.

25 MR. CARELLA: We have a

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2 decommissioning plan right now that we will -- we,
3 you know, we will further iterate once we get to
4 building permits, but right now, we have a kind of a
5 rough plan. A lot of these decisions can't be made
6 until we've actually procured the batteries, which
7 will be happening shortly. But -- but yeah, that --
8 so the answer is yes.

9 MR. SANTO: Yeah. It's -- it's, you
10 know, I'm -- I'm an old guy, I remember the asbestos
11 miracle, the miracle mineral. Putting asbestos in
12 every metal -- look, we're paying to clean it up.
13 And that's just a reservation I have. That's the
14 only question I have.

15 MR. CARELLA: So just -- so just to be
16 clear on -- these batteries are very, very similar,
17 if not the same as what some of you might have driven
18 here, they were under the hood of your car. But
19 other people haven't -- most of us have in our pocket
20 or have on, you know, the table in front of us.
21 They're lithium ion batteries. This is a very, very
22 omnipresent technology. It's in all types of
23 consumer electronics, it's in cars. And it's also in
24 -- in grid storage, you know, batteries connected to
25 the grid, which is what this project is. So I do

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2 understand that there are concerns, but I want to,
3 you know, try and put this into context that these
4 batteries are everywhere currently.

5 MR. SANTO: Yeah. That -- that --
6 yeah, you know --

7 MR. CARELLA: And they've proven to be
8 safe.

9 MR. SANTO: But the -- the thing that
10 these batteries are everywhere scares me. Are you
11 saying it to assure us, but on the other hand --
12 anyway, that's what -- and that's the last question I
13 have.

14 MR. CARELLA: Okay.

15 MR. SANTO: I'm sorry.

16 MR. CRIST: Anybody else from the
17 board, comments? The one thing I'd like to ask
18 concerning rate payer benefits. I have a document
19 that says it should exceed three billion statewide,
20 based on the amount of energy storage that would be
21 in this project. Do you know how that number came
22 up?

23 MR. CARELLA: That's not for the
24 project. That was a study that was commissioned by
25 the state, I believe through N.Y.S.E.R.D.A.

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2 MR. CRIST: Okay.

3 MR. CARELLA: When they were looking
4 at some of the goals that the new -- that New York
5 State has put forth.

6 MR. CRIST: Okay, I got it.

7 MR. CARELLA: So that is -- that is a
8 sum total of -- of the goals that were -- that were
9 codified in the C.P.L -- C -- C.L.C.P.A., excuse me,
10 which was a clean energy bill that was passed here in
11 -- in New York in 2018 or 2019.

12 MR. CRIST: And I believe that acronym
13 stands for Climate Leadership and Community
14 Protection Act.

15 MR. CARELLA: Yes. Yes, that's
16 exactly what it is. Thank you.

17 MR. CRIST: I have to look that up.
18 My -- my last comment. And I believe Rob mentioned
19 it is the community benefit agreement, which is not
20 allowed to be dictated by this board, but certainly
21 welcomed by the community. And I know there's been
22 some discussion to share that with the Valley Central
23 School District. Can you say any more about that at
24 this point?

25 MS. KALAN: I can speak really

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2 quickly. So we've been in contact with the Valley
3 Central School District. They're aware we're working
4 on a document, just to make sure we, you know -- we
5 have that in writing. I think that's something the
6 school district wants to see and the town as well.
7 So the community benefit agreement, over fifteen
8 years would be about one point four million dollars
9 divided equally between the town and the school
10 district. So, that's what we've negotiated, you
11 know, so far between the town and school districts,
12 so, but we -- they're working on a document, you'll
13 submit by Friday, right? And then, the town and the
14 school board would review. And a contract would be
15 in place so we can keep, you know, they can keep that
16 accountable to that community benefit agreement.

17 MR. CRIST: And that's something the
18 project has agreed, volunteered to do, which is a
19 specific benefit to the community town of Montgomery
20 and the Valley Central School District.

21 So anything else, board? And I would
22 suggest we keep the public hearing open. Is there a
23 wording we should use to do so to our December 13th,
24 maybe?

25 MS. TORRE: Sure, you can move to

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2 adjourn the public hearing to your December -- what's
3 the date of that --

4 MR. CRIST: 13th.

5 MS. TORRE: 13, yes.

6 MR. CRIST: That's right.

7 MS. TORRE: At one p.m.

8 MR. CRIST: Very good. Would any
9 board member care to make that motion?

10 MR. DICKSON: I'll make that motion.

11 MR. CRIST: Motion by John, second by
12 George, thank you. Any other discussion on that
13 motion?

14 MR. CARELLA: Just a quick question.

15 MR. CRIST: Yes.

16 MR. CARELLA: If you mind? Just for
17 next month, will there be more oral comments taken?
18 Or can we tell Danielle that this is it for -- for
19 oral comments? You don't have to --

20 MS. TORRE: The -- the public hearing
21 is going to be open so if the public comes to comment
22 and there will be.

23 MR. CARELLA: Okay.

24 MS. TORRE: So she should be present.

25 MR. CARELLA: That's all. Thank you.

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2 MR. CRIST: Thank you.

3 We have a motion on the floor and a
4 second to adjourn the public hearing for today and
5 reopen it on December 13th, 2022. And I would ask
6 for a vote. All in favor, please say aye.

7 PANEL: Aye.

8 MR. CRIST: Oppose the same.
9 Everybody's in favor. The public hearing is
10 adjourned for today. Thank you, public, who came out
11 today for that project.

12 And we'll move on to our next agenda
13 item, which is discussion and consideration of
14 adopting a public hearing resolution for the month --

15 (The hearing concluded at 1:53 p.m.)

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2 STATE OF NEW YORK
3 I, DANIELLE CHRISTIAN, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription
7 consisting of pages 1 through 40, is a true record of all
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 29th day of November, 2022.

11
12 DANIELLE CHRISTIAN, Reporter

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