

1 12/13/2022 - 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: December 13, 2022

9 TIME: 1:14 p.m. to 1:34 p.m.

10 LOCATION: Montgomery Town Hall

11 Industrial Development Agency

12 110 Bracken Road

13 Montgomery, New York

14 BEFORE: CHAIRMAN JEFFREY D. CRIST

15
16
17 ALSO PRESENT:

18 JOHN DICKSON, Vice Chair

ROBERT SANTO, Board Member

19 FELICIA KALAN, Board Member/Director

J. THOMAS JONES, Board Member

20 GEORGE DECLUE, Board Member

21
22
23
24 Reported by Danielle Christian
25

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2 (The hearing commenced at 1:14 p.m.)

3 CHAIRMAN CRIST: Now I'd like to move
4 on and ask for a motion to reopen the public hearing
5 for K.C. Energy New York Two, L.L.C. Is there is a
6 motion by Rob Santo to reconvene the public hearing?

7 MR. DICKSON: I second it.

8 CHAIRMAN CRIST: Second by John
9 Dickson. All in favor please say I.

10 ALL PRESENT: I.

11 CHAIRMAN CRIST: Opposed the same.
12 Thank you. I would just say as I said for the
13 previous public hearing, I would ask presenters to
14 limit their time to five minutes or less.
15 Opportunity exists for further written comment. I
16 would also remind everybody, we did open this public
17 hearing last month. That record is preserved by our
18 reporter, Danielle, will approve that translation of
19 the meeting documentation I should say in January,
20 but that information is all part of the court record
21 and public hearing record.

22 So for today, I would ask for new
23 comments from anybody who did not speak last time and

24 --

25 MS. TORRE: And I believe you did also

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2 receive a written comment, if you wanted to --

3 CHAIRMAN CRIST: Yes.

4 MS. TORRE: -- acknowledge that for
5 the record as well.

6 CHAIRMAN CRIST: Thank -- thank you,
7 Ashley. We received from -- a letter from Lynette
8 Wright from our Rolling Acres Farm addressed to
9 myself at this Board, I.D.A. as well as that letter
10 went to the Chair and then Fred Ryco (phonetic
11 spelling) of the Planning Board and Chairman, John
12 Phelan of the Zoning Board and the Town Supervisor,
13 Brian Maher which included a statement presented by
14 Lynette Wright to the State of New York, Department
15 of Public Service with quite a few comments on this
16 project, mostly planning related that would be most
17 related to the Planning Board action on this project.

18 So with that I would ask anybody who
19 did not speak at the first session of the public
20 hearing for K.C.E. New York Two, raise your hand to
21 speak if you would like. Don Berger?

22 MR. BERGER: Don Berger, Village of
23 Montgomery, B-E-R-G-E-R. In my eyes this is a very
24 controversial project. For starters, you know, we
25 have a long way to go in the planning board and last

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2 night at the planning board hearing, whether you all
3 know or not, they moved it to the Z.B.A. for variance
4 approvals. I think, in particular, this public
5 hearing for this particular pilot request, this
6 public hearing cannot be closed simply because it is
7 going to the Z.B.A. and the planning board is at a
8 standstill right now with it. So I think this needs
9 to stay open, that's my first point.

10 The other thing about the project
11 itself that just really bothers me is that, you know,
12 we talk about pilot programs and what -- what
13 benefits do they bring to the community. What
14 benefit does this thing bring to our community other
15 than grievance? That's all I'm hearing from the
16 neighbors and people I talk to. It's -- it's not a
17 welcomed project.

18 The other point -- and I did talk to
19 Felicia about this -- is that it brings absolutely no
20 jobs, nothing. And it is requesting a fifteen year
21 pilot for no jobs, no benefits. Again, all it's
22 brining is grievance.

23 The other thing that I just want to
24 bring up and hopefully, Felicia, me and you can meet
25 so I could actually give you the information that I

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2 do have, has this Board investigated this company at
3 all? I think that needs to be done. I think you
4 need to find out who the parent company of this
5 company is, I have it all right here. That's why I
6 would like to sit down with you when we -- when you
7 have a chance, to go over this and I think once you
8 start reading into this company, you may not be happy
9 with the things you're going to read and it might,
10 perhaps, bring some questions that you should have
11 and ask to that company.

12 Again, I'm requesting this public
13 hearing to continue to stay open, there's a lot --
14 lot to be had here. We have farmers that this is
15 going to be intrusive to on Brown's Road. I don't
16 think any farm within our township would want to have
17 this batty storage plant as a neighbor, I don't
18 believe that to be true. I think they've changed the
19 scope of their application to the planning board, I
20 think that needs to be resolved and understood a
21 little bit better.

22 So, again, I'm requesting that this
23 public hearing stays open and for this board and for
24 the director to learn who you're dealing with. Maybe
25 you have, I don't know, but the information I have is

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2 eye popping and I think you really need to look into
3 it. Thank you.

4 CHAIRMAN CRIST: Thank you, Don. And
5 I should have mentioned in my opening comments for
6 the reconvening of this public hearing, it would be
7 our expectation that the public hearing will remain
8 open since it's, as the previous project, still
9 before a planning board and other decision makers.
10 So that -- that we expect to happen. And to your
11 point on the Z.B.A., Don, we did have a copy of a
12 letter from the planning board Chair, Fred Ryco,
13 concerning the Z.B.A. consideration of this project.
14 So that letter's on file. Did you have -- see that,
15 Ashley?

16 MS. TORRE: I don't think so.

17 MS. KALAN: I'll get that -- I'll --

18 CHAIRMAN CRIST: Yeah --

19 MS. KALAN: -- get that to you,
20 Ashley.

21 CHAIRMAN CRIST: Do you want to see it
22 now, I can pass you this copy if -- anybody else who
23 did not speak at the previous session? I believe you
24 already spoke, but --

25 MR. KEENAN: Who?

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2 CHAIRMAN CRIST: Did you speak last

3 month?

4 MR. KEENAN: I haven't been to I.D.

5 meeting in --

6 CHAIRMAN CRIST: Oh, I'm sorry.

7 MR. KEENAN: -- ...

8 CHAIRMAN CRIST: I -- I have you mixed

9 up with another gentleman.

10 UNIDENTIFIED SPEAKER: I spoke, yeah.

11 CHAIRMAN CRIST: Oh, that's right.

12 Sir, you're -- you're on and my apologies.

13 MR. KEENAN: It's okay.

14 CHAIRMAN CRIST: Your name, please?

15 MR. KEENAN: Joe Keenan. We'll just

16 say I'm from Coldenham.

17 COURT REPORTER: Can you spell your

18 name?

19 MR. KEENAN: K double E, N-A-N.

20 COURT REPORTER: Spell that again.

21 MR. KEENAN: K-E-E-N-A-N.

22 COURT REPORTER: Thank you.

23 MR. KEENAN: Joe. So I just -- to

24 address -- to the pilot and the application submitted

25 to I.D.A. and there's other issues as Mr. Berger

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2 pointed out going on with the planning board and --
3 but to get, you know, the pilot for fifteen years,
4 there's going to be temporary jobs at the best, site
5 preparation, they come in with these units, the plop
6 them down, they hook to the grid, which probably
7 Central Hudson's going to do, and they're just going
8 to charge them for it.

9 And they go away, there's no jobs and,
10 you know, you all did this corridor study, gateway,
11 whatever you want to call it, a couple years ago and
12 that's the corridor coming in to the Town of Newburgh
13 -- Montgomery from the Town of Newburgh and, you
14 know, what kind of gateway is that? And I don't want
15 to beat up on things that were already approved, but
16 I will say that Amazon sits on a hill, it's off to
17 the side, so it's not an in-your-face thing. But
18 you're going down and there's some nice things,
19 welcome to the Town of Montgomery and there's this
20 big sign, Historic Farming Community, in front of the
21 Valero and then you got Dunkin Donuts and we got the
22 Colden Ruins.

23 Then there's other plans, I won't go
24 down that road, and then you go to the fields and
25 then you're going to have these things and whatever

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2 they are, going to be storing batteries. And
3 batteries, unlike green energy, specifically solar
4 panels and things like that, batteries don't create
5 energy. Batteries are going to take energy out of
6 the grid, store it for when the grid needs it back,
7 just like you plugging in your rechargeable stuff at
8 home, is storing it in the battery until you need it.

9 So there -- it's all going to be
10 monitored off-station in some computer? You're not
11 creating no jobs for people in the Town of Montgomery
12 except to like site plan to -- I didn't get to see
13 your presentation here, but other projects, they were
14 talking about putting on the old town dump. Well you
15 can't put anything else there, so I don't know what's
16 going on with that recently, I was here when they
17 made the presentation to the town board.

18 So that kind of made sense to me, this
19 -- this makes no sense. It's next to a farm and --
20 and I know that's all environmental stuff with the
21 Timbrook and all that and that's the other board, but
22 from my perspective as a tax payer, I can, you know,
23 if I want to build a garage on my house, I mean I'm
24 not industrial, I need site plan, I need, you know,
25 I've got to do all these, I've got to get permits,

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2 I've got to hire local labor to build it for me and
3 I'm going to use it and then when I sell my house,
4 you know, somebody's going to tax my mortgage or the
5 new owner's mortgages. So there's money into the
6 community, this it's -- you're going to build it and
7 -- and I don't know if they're Conex boxes, I know
8 the plans have changed, but I'm not up on that, I'm
9 just up on no more tax breaks for this. Thanks.

10 CHAIRMAN CRIST: Thank you, Joe.

11 MR. KEENAN: You're welcome.

12 CHAIRMAN CRIST: Thanks for coming to
13 an I.D.A. meeting.

14 MR. KEENAN: You're welcome.

15 CHAIRMAN CRIST: After all those
16 years. Anybody else? Randy Picarello.

17 MR. PICARELLO: Hello. Randy
18 Picarello. I just wanted to raise my concerns about
19 this project. I know I'm usually for solar, I'm not
20 against pilots or tax incentives, I think everyone
21 here and watching knows that. But this particular
22 project, I think, has -- has changed a lot since the
23 beginning of the process and I think that in the
24 beginning the land owners that surrounded the project
25 were in support of it. And because so many things

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2 have changed, that's now changed and I -- I know
3 they're still in front of the planning board for
4 quite a -- quite a litany of issues and different
5 things that need to be looked at.

6 So I would just hope that the Board
7 would take all that into consideration and hold off
8 on making any decisions until all that's been sorted
9 out properly. As -- the more I research and the more
10 I go down the rabbit hole of available stuff on this
11 company and on all of the different risks involved in
12 a battery storage facility, the more uncomfortable I
13 am with it to be quite honest with you and I just
14 wanted to make sure that I did stand up on Lynette's
15 behalf and just raise some of those concerns.

16 I don't think that we should be any
17 near -- anywhere near approving this application
18 based on just the facts alone, of all the changes of
19 ownership and changes of structure and changes to
20 everything in the planning board process. I just
21 feel like I hope that you take all that into
22 consideration and hold back for a while. That's it.

23 COURT REPORTER: Can you spell your
24 last name?

25 MS. PICARELLO: P-I-C-A-R-E-L-L-O.

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2 COURT REPORTER: Thank you.

3 CHAIRMAN CRIST: Thank you, Randy.

4 Anybody else who didn't speak at the first session of
5 this public hearing? Brian Maher, our supervisor.

6 MR. MAHER: I wasn't going to say
7 anything, I'm just here because it's one of my last
8 meetings as supervisor.

9 CHAIRMAN CRIST: Okay.

10 MR. MAHER: I just wanted to say thank
11 you for all the service for you guys, but as a point
12 of information, Real Property Tax Law 487 is the tax
13 exemption that a company like this can actually apply
14 for if you guys don't offer them a pilot.

15 So with respect to a lot of the
16 concerns, those are probably more for the planning
17 board. When it comes to you guys, if you don't off
18 them tax incentives that trigger our local labor
19 policy, what you're really sacrificing is getting
20 local people working on the project as its getting
21 built, not necessarily the taxes which they can still
22 get benefits from just filling out paperwork with
23 real property tax law. So I just wanted to make that
24 point to the board members if you didn't know. They
25 will have another venue to get tax breaks if you guys

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2 were not to offer them.

3 Whether you're for or against it, I
4 just think some of those concerns are probably more
5 planning board related and I definitely share some of
6 them. So just want to say that and thank you all
7 very, very much for your service to the Town.

8 COURT REPORTER: Can you spell your
9 last name please?

10 MR. MAHER: M-A-H-E-R.

11 CHAIRMAN CRIST: Thank you, Brian, and
12 thank you for your service to this town and I guess
13 you're going it in a different position going
14 forward.

15 MR. MAHER: Yes sir.

16 CHAIRMAN CRIST: Congratulations.

17 MR. MAHER: Thank you.

18 CHAIRMAN CRIST: One other thing, I
19 don't know, Ashley, if it's -- I think it's
20 appropriate to mention, there is consideration of a
21 community benefit agreement with the town and the
22 school district that's outside the Montgomery I.D.A.
23 jurisdiction. But it potentially is a benefit to the
24 community.

25 Anybody else who didn't speak last

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2 time? Anybody who did speak who has further comment,
3 different than what they discussed last time and I
4 know some of those issues have been further addressed
5 by the Applicant and otherwise. Lynette Wright?

6 MS. WRIGHT: Good afternoon.

7 CHAIRMAN CRIST: Hi.

8 MS. WRIGHT: Lynette Wright, owner of
9 Rolling Acres Farms, 364 Browns Road. I had some
10 other things to say, but basically I also request
11 that you leave this open. From what I'm getting now,
12 I did receive a phone call over the weekend from them
13 that stated that they, once again, have changed their
14 footprint, okay? And I know that what they were
15 asking for was for you to look at this as a small
16 project based on the amount of land that they were
17 using, okay?

18 So I think at this point, until the
19 footprint comes out and the planning board takes a
20 look at it as well as everyone else, I don't think
21 that we can speak properly, whether we're looking at
22 smaller, larger or what we're actually looking at,
23 okay? So my request is that you leave this open.

24 CHAIRMAN CRIST: Okay. Thank you --

25 MS. WRIGHT: Thank you.

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2 CHAIRMAN CRIST: -- Lynette. Anybody
3 else care to speak to this public hearing session?
4 And again, we are -- don't even have things we need
5 to consider closing the public hearing at this point,
6 so it will remain open. Anybody else who would like
7 to speak to that? Seeing none, I would suggest
8 discussion on when we reconvene this public hearing.
9 Ashley, any thoughts?

10 MS. TORRE: Sure. Perhaps if there's
11 someone from the Applicant here that can maybe give
12 an update on the planning board and zoning board
13 process?

14 CHAIRMAN CRIST: Oh, yes. I missed
15 you, I'm sorry. How are you?

16 MR. CARELLA: All right.

17 CHAIRMAN CRIST: Michael, right?

18 MR. CARELLA: Yes.

19 CHAIRMAN CRIST: I'll let you say your
20 last name. I would have recognized you sooner here -
21 -

22 MR. CARELLA: That's all right --

23 CHAIRMAN CRIST: -- over there in the
24 corner.

25 MR. CARELLA: -- I was hiding in the

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2 back.

3 CHAIRMAN CRIST: Yeah, okay.

4 MR. CARELLA: This is Mike Carella, C-
5 A-R-E-L-L-A with Key Capture. Yeah, the update is
6 that we're going in front of the -- the Z.B.A.s in
7 Newport on the twentieth of this month. That was a
8 prerequisite that was given to us from the planning
9 board at a work session that we attended earlier,
10 that was in November. So that is the next step in
11 the process and then we'd be planning to -- to then
12 go to the planning board following that once we get -
13 - once we get kind of some feedback from -- from the
14 Z.B.A.

15 MS. TORRE: Are you before the Z.B.A.
16 for a variance application?

17 MR. CARELLA: Yes.

18 MS. TORRE: So is that -- the
19 twentieth date, is that a public hearing that's been
20 set?

21 MR. CARELLA: It is, yes.

22 CHAIRMAN CRIST: Any other comments
23 from the Board or questions for the Applicant?

24 MR. CARELLA: Not at this time.

25 CHAIRMAN CRIST: And I would think

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2 maybe reconvening this public hearing again on
3 February 14th would make sense as compared to next
4 month. Sounds like things will have continued to
5 evolve through the time of our January meeting.

6 MR. CARELLA: Yeah, that's a fair
7 assumption. Yeah, that -- that works.

8 CHAIRMAN CRIST: If the Board agrees,
9 I would entertain a motion on reconvening this public
10 hearing for K.C.E. Energy on February 14th at one
11 o'clock or soon thereafter as the matter can come to
12 our attention.

13 MR. DICKSON: I make that motion.

14 CHAIRMAN CRIST: Motion by John
15 Dickson.

16 MR. JONES: Second.

17 CHAIRMAN CRIST: Second by Tom Jones.
18 Any other discussion? I'll get to you, Seth, in a
19 second. Hearing none, all in favor please say aye.

20 ALL: Aye.

21 CHAIRMAN CRIST: Opposed, the same?
22 That motion is carried and I'm having one other hand
23 from the audience, Don Berger, you had a further
24 comment? Thank you, Mike.

25 MR. BERGER: It's just for

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2 clarification, Chairman. I believe the attorney said
3 something about a public hearing on the twentieth,
4 I'm not sure, the planning board only sent it out
5 last night, I was at the meeting at seven o'clock.
6 So how'd the public hearing happen, it was just sent
7 to him today?

8 MS. TORRE: Yeah, I have no idea, I
9 was asking the Applicant because I know public
10 hearing --

11 MR. BERGER: Well somebody said yes.

12 MS. TORRE: The Applicant said yes, so
13 I -- I don't know what -- whether it is or -- all
14 zoning boards operate differently, whether they have
15 a meeting first and then the second hearing, so.

16 MR. BERGER: Usually you have to have
17 a meeting and then schedule a public hearing.

18 MS. TORRE: So this board, I can tell
19 you, is not going to be, you know, they can't take
20 any action.

21 MR. BERGER: Yeah, I just wanted to
22 clarify that because as of last night, that was not
23 true. So I just wanted to make sure.

24 MS. TORRE: Okay.

25 MR. BERGER: About the public hearing.

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2 All right.

3 CHAIRMAN CRIST: Yeah, we'll check it
4 out, Don, to the degree it impacts us.

5 MR. BERGER: Yeah.

6 CHAIRMAN CRIST: Anything else, Mike?

7 MR. CARELLA: It's my understanding
8 that all the Z.B.A. meetings are public hearings. So
9 there was a -- there was a notice that was sent out --
10 -- okay -- yeah, if any --

11 CHAIRMAN CRIST: Okay.

12 MR. CARELLA: Yeah, if any -- I think
13 it's better suited for the -- for the zoning board.

14 CHAIRMAN CRIST: Yes, they'll have to
15 clarify if there's any question there. So we have an
16 approved motion to reconvene this public hearing on
17 February 14th and I would ask for a motion to adjourn
18 this session, recess it until February 14th, does
19 that make sense, Ashley?

20 MS. TORRE: Sure. I think you
21 accomplished that by your --

22 CHAIRMAN CRIST: Okay.

23 MS. TORRE: -- your other motion.

24 CHAIRMAN CRIST: Okay. So thank you
25 for those of you who came out for this public hearing

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2 and project today.

3 (The hearing concluded at 1:34 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 20, 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 21st day of December, 2022.

11
12 DANIELLE CHRISTIAN, Reporter

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