

STATE OF NEW YORK  
OFFICE OF RENEWABLE ENERGY SITING

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Application of Riverside Solar LLC for a Siting Permit  
Pursuant to §94-c of the New York State Executive Law for  
Construction of a Major Solar Electric Generating Facility to be  
Located in the Towns of Lyme and Brownville, Jefferson County, NY

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Matter No. 21-00752

APPLICANT'S RESPONSE TO MUNICIPAL STATEMENTS OF COMPLIANCE AND  
PUBLIC COMMENTS ON DRAFT PERMIT

Dated: December 13, 2022

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## **I. INTRODUCTION**

In accordance with the *Combined Notice of Availability of Draft Permit Conditions*, issued by the Office of Renewable Energy Siting (“ORES” or the “Office”) on September 12, 2022 (“Combined Notice”), Riverside Solar, LLC (“Riverside” or “Applicant”) hereby submits its response to the Town of Lyme’s *Municipal Statement of Compliance* filed on November 28, 2022, and the Town of Brownville’s *Municipal Statement of Compliance* filed on December 2, 2022.

In addition, the Applicant’s responses to public comments submitted at the Public Statement Hearing and via ORES DMM docket are included in Section IV below.

## **II. PROCEDURAL BACKGROUND**

On October 18, 2021, Riverside submitted an Application to the Office pursuant to Section 94-c of the New York State Executive Law and the Office’s regulations (19 NYCRR § 900-3.2(a) *et seq.*)(“Section 94-c Application”). On February 23, 2022, the Applicant submitted a Response to the December 17, 2021, *Notice of Incomplete Application*. On April 18, 2022, the Applicant submitted correspondence from New York State Historic Preservation Office (SHPO) that was inadvertently not included with Appendix 9-2 of the Application. On April 20, 2022, the Applicant provided additional clarification, information, and documentation regarding the Application. On May 26, 2022, the Applicant submitted a Response to the April 25, 2022, second *Notice of Incomplete Application*. On July 5<sup>th</sup> and 8<sup>th</sup> 2022, the Applicant provided additional information and clarification, including information related to the Applicant’s Net Conservation Benefit Plan (NCBP). Thereafter, ORES issued a *Notice of Complete Application* on July 14, 2022.

Concurrently, on October 18, 2021, ORES issued a *Notice of Application and Availability of Local Agency Account Funds*, indicating that \$100,000 in local agency account dollars were available for local agencies and potential community intervenors to request. On December 14, 2021, the Administrative Law Judges (ALJs) in this proceeding granted \$50,000 of this funding to the Town of Lyme. No other local agencies or potential community intervenors requested funds.

On September 12, 2022, ORES issued a *Draft Permit* to Riverside Solar pursuant to §94-c of the Executive Law and its implementing regulations at 19 NYCRR Parts 900-1 through 900-15. A *Combined Notice* was also issued with the *Draft Permit*, instructing potential parties to submit requests for Party status, including identification of the substantive and significant issues each proposed Party sought to adjudicate, by November 28, 2022, and the Applicant was directed to respond to said requests by December 13, 2022. The *Combined Notice* also directed the host municipalities, the Towns of Lyme and Brownville, to submit a *Municipal Statement of Compliance* outlining the proposed Facility’s compliance with substantive provisions of local law by November 28, 2022. The Towns filed their respective *Municipal Statements of Compliance* on

November 28<sup>th</sup> and December 2<sup>nd</sup>. The Applicant responds to these Town submissions in Section III of this document.

To ensure the public was informed regarding the *Draft Permit*, the Applicant arranged for the *Combined Notice* to be published in full in the *Watertown Daily Times* on October 11, 2022 the *Thousand Island Sun* on October 12, 2022, and the *Northern New York Pennysaver* on October 14, 2022 (see *Affidavits of Publication*, DMM Item 62); served electronically on the DMM Party List as it existed on September 30, 2022 and the Application Service List (see *Affidavits of Service* dated October 17, 2022, DMM Item 62); and mailed to the Application Service List, State Legislators in whose district the Facility is proposed, the Town Supervisors and County Administrator, as well as all residents living within 1 mile of the Facility on October 17, 2022 (see *Affidavits of Service* October 17, 2022, DMM Item 62).

An in-person Public Statement Hearing was originally scheduled for November 17, 2022, at the Brownville Fire Department in the Town of Brownville. However, due to a State of Emergency declared as a result of an impending snowstorm, the Public Statement Hearing was rescheduled to November 22, 2022. The Town Supervisors were immediately notified of the postponement of the November 17<sup>th</sup> meeting and the postponement of the meeting was published on the Project website (<https://www.aes.com/riverside-solar-project>) and Town of Lyme's website. The venue also posted a notice on the door to alert the public of the need to reschedule the meeting. The Public Statement Hearing was thereafter rescheduled for November 22, 2022. The notice of the rescheduled meeting was mailed to residents within one mile of the Facility on November 18<sup>th</sup>; notice of the rescheduled meeting was also published in the *Watertown Daily Times* on November 21<sup>st</sup> and in the *Thousand Island Sun* on November 22<sup>nd</sup>. The Notice was also published on ORES website (DMM Item 63), the Project website and the Town of Lyme's website. Additionally, the public comment period was extended to 5 p.m. on November 28<sup>th</sup> which also provided the public with additional time to comment. Notice of the extended public comment period was announced at the Public Statement Hearing, posted to the Project website, ORES website (DMM Item 64), Town of Lyme website and Town of Brownville website. Opportunities for public comment remained open through November 28, 2022, and members of the public wishing to comment were able to submit comments to the ORES DMM docket for this proceeding; as of November 28<sup>th</sup>, one comment had been posted in support of the Project, two more comments were posted on November 29<sup>th</sup>. No other comments have been posted to the ORES DMM.

Section IV of this submission responds to the public comments received during the public comment period.

### **III. RESPONSE TO MUNICIPAL STATEMENTS OF COMPLIANCE**

The Towns of Lyme and Brownville both submitted a *Municipal Statement of Compliance* but did not request party status or identify specific issues for adjudication in this proceeding. Therefore, the Applicant responds below to the Towns' municipal statements as comments on the *Draft Permit*.

The Town of Lyme's comments do not raise substantive or significant issues for adjudication in this proceeding, and primarily support the Applicant's request for waivers from the Town's local law. The Town of Lyme accepts the waiver of Town Code §776(E)(3)(i) on noise with the understanding that the Facility will meet "the 94-c §900-2.8(b)(2) requirements, including the design goal of fifty-five (55) dBA Leq (8-hour) across any portion of a non-participating property and will adequately minimize noise on adjacent properties." The Applicant confirms that the Facility has been designed to comply with these requirements.

The Town of Lyme also accepts the waiver of Town Code §776(E)(2)(i) related to the decommissioning surety and bond, with the understanding that the "the decommissioning plan is subject to change as time passes" and the Town requested that "the sureties amount be reviewed every three years and adjusted if deemed necessary, as outlined in the Town Code." The Applicant has no objection to reviewing the decommissioning and site restoration estimate for the Town of Lyme every third year, specifying changes (due to inflation or other cost increases) to the structure of the letters of credit (or other financial assurance approved by the ORES).

Finally, the Town of Lyme requested for the "convenience of the Towns in the future, the Town of Lyme requests that two (2) bonds be executed by the Applicant; one for the Town of Lyme and one for the Town of Brownville. The bonds should be in amounts which proportionately correspond to the type, nature, and value of infrastructure locate in each Town." Again, the Applicant has no objection to the Town's request for two bonds. The Town did not raise any other comments with respect to compliance with local laws.

With respect to the Town of Brownville's municipal statement, the Town agreed that the Facility has been designed to comply with the Town's applicable substantive requirements and the Town did not have any substantive or significant concerns with the Facility's compliance with the Town's local requirements. The Town of Brownville's comments do not raise substantive or significant issues for adjudication in this proceeding.

#### **IV. RESPONSES TO PUBLIC COMMENTS**

A public comment hearing on the Draft Permit was held in person on November 22, 2022, at the Brownville Fire Department in Brownville, NY. Written public comments were accepted until November 28, 2022, as outlined above. Ten comments were received in total, and the Applicant responds to each in turn below. Most of the comments received were not directly relevant to the content of the Draft Permit, apart from general criticisms. However, the Applicant has endeavored to provide responses to the substance of these comments, while not required to do so where the comments are not relevant to the Draft Permit.

1. **11/17/2022 Tom McHale New York State Laborers Organizing Fund**

“As a proud member of the Laborers Union, I support New York State Renewable Energy goals and the Riverside Solar Project in Jefferson County. I also support AES Renewable's commitment to use a local labor force on their projects. While economic development is important to this area so is the use of local labor on renewable energy projects. That is why it is so important to include Renewable Energy projects and local labor as part of Economic Development in this area. Sincerely, Tom McHale”

**Riverside Response:** *Comment noted. The Applicant thanks you for your support.*

2. **11/22/2022 Travis Flint In Person Public Comment Hearing**

“So I just wanted to talk about a few reasons that I think this project would be beneficial for our area. My name is Travis Flint. I live in the Town of Brownville, and I think some of the benefits of this project would be that the payroll during construction, around \$24 million. They estimate to have 162 workers on site for an estimated payroll around \$287,000, and I know that AES prioritizes hiring local workers which would help us tremendously. I'm a representative of the IBEW, International Brotherhood of Electrical Workers for this area, so I can speak on behalf of the electricians. This project would benefit us greatly. When we have projects in this area, our workers, even if they're local, they are introduced to towns that they may not always come to spend their money. We see what these towns have to offer such as restaurants, grocery stores, gas stations, and tourism type stores, so I think that there would be a spinoff from this project and repeated tourism even if it is with local construction workers. As a construction worker, we make our living on these temporary construction projects and we depend of going from one job to the next no matter how big or small they are. We need to put together a certain amount of hours on every project to earn our health insurance, our retirement, and our wages. These temporary construction projects help us to pay our mortgage, pay our taxes, and our livelihood in this community. That's all I have. Thank you.”

**Riverside Response:** *Comment noted. The Applicant thanks you for your support.*

3. **11/22/2022 Eric Peters In Person Public Comment Hearing**

"I didn't really come here with a prepared statement to say but just a couple things about the project. I just think that there probably could have been better communication between the - the company and the people living within the area of the project. I know I haven't received much communication and I'm basically at the intersection of (Case and Beaver Roads) [phonetic spelling]. I have a good viewpoint of the project, the proposed project. And, again, I kind of feel like I've been living in the dark with this. I'm a little disappointed about that. And I own 30 acres and then we - we were asked, you know, if we'd like to participate in the project. And, you know, we thought about it and I think just there's more drawbacks than, you know, than - than

advantages, you know, for the - for the project and whatnot. But Just once we said no I just kind of feel like communication hasn't been very good. I've been disappointed with that. You know, that's pretty much it there.

Now financially speaking, I'm kind of a little disappointed as well because there's a lot of talk in the community, you know, whereby some people have been offered money for this and some people have been offered money for that, you know, for, you know, can we come up to your boundary or, well, you know, you're going to lose some - some beautiful trees and stuff. Maybe we'll pay you some money to kind of, you know, make you whole, this and that. I think there's been inconsistencies there maybe. I'm just throwing that out there. And also too, you know, when a - you have a big project like this, I know it's going to add jobs, which is great. I'm for green energy which is great. Besides the project I don't think it's, you know in the best possible place. The whole project. Some of the - the ground that it's going in I think it's - it's fine, that's all good. But I know that there's a lot of people who live right bordering the Project where there's going to be negative ... that they're going to have to deal with a far as potential property value decreases and things like that, you know, that - that they're going to have to experience. And I think that that's something that, you know, just for the record I think that, you know, that has to be taken into account as well for those in the immediate area.

You know, and unfortunately, again, I kind of feel that the communication there hasn't been as good as far as keeping us up to date on, hey what would be good for you, you know, as far as trees here, as far as, you know, viewpoints here that are going to be - what can we do to help - help you, okay. So I know the project's going in but what can we do for you. You know, I know you guys are a big outfit and I understand that, but I just, I haven't had a lot of communication there with those, you know, running the project. I think it could have been a little bit better. So that's it.”

**Riverside Response:** *The Applicant completed outreach efforts with the public and the community in accordance with the Article 10 Regulations when the Project permitting was initiated and subsequently in accordance with Section 94-c Regulations when the Project was transferred to Section 94-c. Outreach efforts for the Project started in December 2019 and are ongoing.*

*The Applicant held online information sessions with community members to discuss the Facility and the Article 10 permitting process on May 11 and 12, 2020. Community members were also invited to attend the virtual community meeting for the Facility on Tuesday, March 2, 2021; meeting information was posted on the Facility website; in the Watertown Daily Times, Thousand Island Sun, and Jefferson County Pennysaver; and mailed to landowners within the Facility Site and within one mile of the Facility site. Materials to encourage public involvement throughout the 94-c process, including a link to the Project DMM (where all 94-c permit proceedings are posted), presentations from community meetings and information sessions and educational materials have been made available on the Project website. The Applicant is committed to being*

*accessible to all stakeholders and the Project website lists the different ways stakeholders can connect with a Project representative, including via the Project email address, virtual office hours, toll free phone number and an online form where anyone can request to be added to the Master Stakeholder list.*

*The Applicant has worked to avoid, minimize, and mitigate impacts visual impacts associated with the Facility to the maximum extent practicable, including but not limited to developing a Landscaping Plan, siting the Facility in zoning districts where large-scale solar development is allowed, and siting the Facility in accordance with the setbacks in the 94-c regulations. The Facility has also been setback from more heavily traveled highways such as State Route 12E/Great Lakes Seaway Trail. That Facility is also sited in a manner that will minimize and eliminate visibility to the core downtown area of the Village of Chaumont. While an assessment of property values is beyond the scope of Section 94-c, the visual minimization measures taken by the Applicant reduce the potential visibility of the Facility from neighboring landowners. With respect to property value, research has shown that utility-scale solar facilities often have minimal impacts to the value of adjacent properties.<sup>1</sup> Numerous property value studies based on statistical analysis of real estate transactions have found that solar facilities do not have significant impact on property values. See sources provided in next column. Given the results of these studies, it is reasonable to conclude that the proposed Facility will not have a significant adverse impact on local property values. Furthermore, the Applicant has prepared a conceptual visual mitigation planting plan intended to block or soften views of the PV arrays, collection substation, and point-of-interconnection (POI) switchyard from surrounding areas. The planting plan uses native species and an arrangement of plant material that mimics the character of natural vegetation, to minimize and mitigate the Facility's visual effect on the surrounding landscape. Please see the Planting Plan (Appendix 8-B, Attachment 1 of the Section 94-c Application) for further details.*

*As outlined in Exhibit 18 (Socioeconomic Effects), as a result of the Facility, the Applicant anticipates entering into a Payment In Lieu of Taxes (PILOT) agreement and a Host Community Agreement (HCA) for the Facility. Overall, the Lyme Central School District is anticipated to receive the largest payments, with a 20-year total of \$6.3 million. The Town of Brownville is expected to receive approximately \$800,000 over the 20-year period, with the Town of Lyme*

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<sup>1</sup> Sources: Kirkland, R. 2018. Flatwood Impact Study for Strata Solar Development. Available at: <https://www.chathamnc.org/home/showdocument?id=39355>; Cohn Reznick. 2018a. Adjacent Property Values Solar Impact Study: A Study of Nine Existing Solar Farms. Available at: [http://www.oglecounty.org/document\\_center/planning%20&%20zoning/Solar%20Ad%20Hoc%20Committee/PV%20Impact%20Studies/CR%20-%20SunVest%20Solar%20-%20Solar%20Farm%20Impact%20Study%20\(Report%20Date%205-30-2018\).pdf](http://www.oglecounty.org/document_center/planning%20&%20zoning/Solar%20Ad%20Hoc%20Committee/PV%20Impact%20Studies/CR%20-%20SunVest%20Solar%20-%20Solar%20Farm%20Impact%20Study%20(Report%20Date%205-30-2018).pdf); Cohn Reznick, LLP. 2018b. Property Value Impact Study: Proposed Solar Farm McLean County, IL. Available at: <https://www.mcleancountyil.gov/DocumentCenter/View/13192/Patricia-L-McGarr--Property-Value-Impact-Study?bidId=>; Solar Energy Industries Association. 2019. Solar and Property Value. Available at: [https://www.seia.org/sites/default/files/2019-09/Solar%20Property%20Value%20FactSheet%202019-PRINT\\_1.pdf](https://www.seia.org/sites/default/files/2019-09/Solar%20Property%20Value%20FactSheet%202019-PRINT_1.pdf).



*receiving a total of almost \$1.1 million over 20 years. Payments to Jefferson County are anticipated to total \$4.6 million over the 20-year period. Upon expiration of the PILOT agreements and HCA, the Facility will pay property taxes to the jurisdictions for the remainder of its useful life.*

**4. 11/22/2022 Maureen and Darren Hiltz In Person Public Comment Hearing**

"I mean, I have more than one concern. One of mine is, okay, according to Riverside Solar site, tree clearing of the 1,168 acre area facility site has been limited to 82 acres. The fragmentation of forest and habitat will be limited. The facility has been sited to avoid existing hedgerows and vegetative barriers where possible. My concern is what about the 20 plus acre of 100 year old forested area that sits in one of the areas that they -- looks as if they are planning to tear them out and put solar panels there. Like these trees are over 100 years old and it's a beautiful spot. It is in the middle of one of the fields that is in this area. So I guess according to that it looks as if they're going to tear them out, put solar panels there. This area of trees not only has existed for hundreds of years, it also removes the carbon dioxide from the air, replaces it with oxygen. So it's also helping with our energy there too. And it serves as a wind break in a very, very windy area as do the hedgerows that they are supposed to be leaving -- leaving alone too.

I know they don't want trees around to shade their solar panels, but then again, you know. And one of the stipulations requires land be returned to its original state when the future of the solar panels or when solar panels end up being removed in the future, how do they plan on replacing the 100 plus or hundreds of year old forested area? I mean, 20 acres is a pretty -- doesn't sound much when you're talking about well over 1,000 acres but it really is. And it is a wind break.

And once that wind starts blowing across that land there it's wide open with nothing but solar panels they're going to -- going to have issues. And I know it's not a question, answer thing but I was just wondering, I'm hoping that there is somebody to monitor, like from the D.E.C., to monitor the construction process and the final completed project. That the environment is minimally as affected as is stated in the Riverside site and not encroaching into areas that have been deemed protected.

I mean, I know this is going to go through. I really -- I'm a -- I grew up on a farm and I hate seeing this good farmland that has been productive of crops all just covered with solar panels especially with the way things are today in our world with the -- it's a great area for raising wheat. I know this because I was kid growing up on the farm and we harvested grain every year. And now with the world situation the way it is, I'm sorry, just hate to see the good land covered with these when there are so many other places where it seems like they could be put, but. Those are my concerns.

But my big one is, you know, I know we have all kinds of forest around this area. We're just covered with wooded areas. But I just hate to see them destroyed when they have been there for so many years. It's not just like scrub -- scrub brush or whatever. That's my concerns."

**Riverside Response:** *The Facility requires a total of 59.76 acres of tree clearing within forested lands for construction of the Facility. During siting efforts, the Applicant prioritized avoidance of undisturbed areas and used available, previously disturbed land to the maximum extent practicable. This includes maintaining connectivity of forested corridors with surrounding forest patches as practicable. Isolated forested patches occurring within the Facility Site are unlikely to support conditions consistent with interior forest, or communities of forest-obligate and forest interior species, whereas larger forested areas promote connectivity to extensive forest habitat in the surrounding vicinity. Additionally, during siting efforts, the Applicant preserved existing hedgerows and forested lands that provide wind breaks where practicable.*

*The Facility is required to comply with the Uniform Standards and Conditions (USCs) and any Site Specific Conditions (SSCs) as outlined in the Final Permit for the Facility (yet to be issued). Currently, the Draft Permit is available and outlines the requirements for construction and operational standards as well as monitoring and oversight requirements. The Applicant will have a full-time environmental monitor and agricultural monitor onsite during construction of the Facility to ensure Permit conditions are adhered to. The inspector(s) will coordinate directly and provide reports to the appropriate entities, including the New York State Department of Environmental Conservation (NYSDEC) in accordance with Section 94-c requirements.*

*In accordance with Section 5.4(e)(Facility Construction and Maintenance/Flagging), the Applicant will stake or flag the Limits of Disturbance (LOD) and the boundaries of delineated sensitive resources to ensure no encroachment outside of the permitted and allowable activities occurs.*

*The Applicant has worked with participating landowners to site Facility components in order to minimize impacts and allow for continued agricultural use on land adjacent to the Facility Site. To the maximum extent practicable, the Applicant has sited Facility components to minimize impacts to agricultural lands within the Facility Site. The Facility will be constructed in accordance with the NYSAGM guidance document "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands", dated October of 2019. Following the decommissioning of the Facility the land can be restored to its agricultural use. Construction and operation of the Facility for solar power generation will ensure that parcels remain intact during the life of the Facility, rather than being sold or subdivided for other purposes that may not allow the land to be reverted to agricultural use. The Facility will allow for continued agricultural use on parcels excluded from the Facility and will protect the viable agricultural land being utilized by the Facility for future agricultural use following decommissioning at the end of the Facility's useful life.*

5. 11/22/2022 Robert Ward In Person Public Comment Hearing

“I also second the gentleman back here. You know, I just - there's not a lot of communication about this project. And I - I wonder if people realize that without government subsidy and I know New York State and the federal government were both pushing this that these projects aren't viable. And I wonder what your thoughts are on that. I don't know if you represent the company. I'm not sure who -. ---- Okay. That's my main concern and, you know, to see - I feel like this area here which is, you know, the land is cheaper than downstate and it's very attractive to these companies. And I feel like we're being taking advantage of. And it is great that we have short term jobs, don't get me wrong, but long term really doesn't represent anything for our community. And I just feel there's better options of energy than solar panels. It's almost like ruining the land to save the world, you know. And that's my concern. Your habitat destruction. I live on the other side of the river and they're proposing one over there which was going to really affect the, you know, price of our homes if we ever wanted to sell it. There's a lot of downside to this. And if you read about it, if you do your research, there's a lot of issues with these solar panels. Wind, habitat destruction, trees, the whole... And so I know you can't answer a question but is there a - I'm going to ask it anyway. What is the setback for the solar panels?”

**Riverside Response:** *Please see response to Comment Number 3 above. The Facility has been designed to meet or exceed the setback requirements listed in Table 2 of §900-2.6(d) of the Section 94-c Regulations:*

- *Non-participating residential property lines – 100 feet*
- *Centerline of Public Roads – 50 feet*
- *Non-participating property lines (non-residential) – 50 feet*
- *Non-participating occupied residences –250 feet*

*The Design Drawings in Appendix 5-1 depict setbacks in accordance with Section 94-c, as well as the Towns of Lyme and Brownville, where appropriate. The Applicant has designed the Facility to meet the most conservative (largest setbacks of the applicable town law or the Section 94-c Regulations). Fencing, collection lines, haul roads, and landscaping may be constructed within the setbacks, however, all solar arrays, inverters, and the collection substation, will be constructed in accordance with the required setbacks.*

6. 11/22/2022 Maureen Hilts In Person Public Comment Hearing

“My other complaint is actually the timing of everything and the communication because that's why there's so few people here tonight I'm sure. The letter was sent out well ahead of time and there were still some people, neighbors, I know who did not receive it. But then when it came to

like last week's cancellation, when I went to the site on the paper that told me to, in order to see if anything had been rescheduled, there was nothing there. I did go right to Riverside's site. That's where I found it. So I let other people know, okay, it's been cancelled for tonight. But then if they had not been checking the site then that was just me checking it and letting everybody know, hey, you know, it's been rescheduled for tonight. So it's just the - the communication part it bad. And also the fact that they are having this meeting so close to when anything, any written comments have to be in or when if there were any parties who wanted to actually pursue this further has to be in by the 28th of November. That's a little bit on the, you know, pretty closely scheduled. A little too closely I would say and I don't know if that's - if there's a reason for that or not, but. Anyway that's another one of my concerns. Thank you.”

**Riverside Response:** *Unfortunately, due to the declared State of Emergency because of an impending winter storm, the originally schedule public comment hearing, which was to be held on 11/17 had to be rescheduled. The Town Supervisors were immediately notified of the postponement of the 11/17 meeting and the postponement of the meeting was published on the Project website and Town of Lyme's website. The venue also posted a notice on the door to alert the public of the need to reschedule the meeting. The Public Statement Hearing was rescheduled for 11/22. The notice of the rescheduled meeting was mailed to residents within one mile of the Facility on 11/18; notice of the rescheduled meeting was also published in the Watertown Daily Times on 11/21 and in the Thousand Island Sun on 11/22. The Notice was also published on the Project website and the Town of Lyme's website. Additionally, the public comment period was extended to p.m. on 11/28 which also provided the public with additional time to comment. Notice of the extended public comment period was announced at the Public Statement Hearing, posted to the Project website, ORES website, Town of Lyme website and Town of Brownville website.*

#### **7. 11/22/2022 Catherine Ward In Person Public Comment Hearing**

"Is this meeting on video so that the rest of us can watch it?

I'm just thinking because probably just a lot of residents don't know how to get to that website. Can it be put on the town's website of the Town of Brownville, the Town of Lyme so that it's more accessible?

I'm just saying it out loud so that whoever hears it.

And I do want to say one more thing. I think restrictions are very, very important for residents because I know that these solar panels are going to go in, you know. Everything is done in the dark to the residents behind our backs and then you get a hearing and you have a chance to make a comment. But all the homework is done, all the footwork is done, everything is already done. So one thing I want to say is setbacks for residents are very important. A 60 foot setback is not enough when you're - you're here and your house is here. It's not fair. And they have to have bigger

setbacks, and I know that there's going to be, you know, beautiful trees or shrubs that going to be planted. But I've seen those, and I know what they look like and they're nothing. I've driven in areas on trips and have seen what they look like, and they do not mask solar panels for a long time maybe once they've grown. But, I mean, come on. When somebody's house is - they're staring at them it's not right. So setbacks are very - I think that's key to make residents happy. You know, I have them - I don't know if it's 1,000 feet but they - there has to be some sort of setback other than, I don't know what the town zoning is here but. Has to be better than that. That's it. "

**Riverside Response:** *Commented Noted. Please see response to Comment Number 3 and 5 above. A transcript of the public comment hearing is available on the Project DMM (Matter Number 21-00752). The Project DMM is linked on the Project website, [www.aes.com/riverside-solar-project](http://www.aes.com/riverside-solar-project).*

**8. 11/29/2022 Joshua Avery Laborers Local 1822 Public Comments Tab**

"As the president of Laborers Local 1822, I support New York State Renewables Energy goals and the Riverside Solar Project in Jefferson County. We also support AES Renewable's commitment to use local labor force on their projects.

While economic development is important to this area so is the use of local labor on these projects. That is why it is imperative to include Renewable Energy projects and local labor as part of the Economic Development in our area."

**Riverside Response:** *Comment noted. The Applicant thanks you for your support.*

**9. 11/29/2022 Scott E. Hillyard Laborers Local 1822 Public Comments Tab**

"As the Secretary-Treasurer of Laborers Local 1822, I support New York State Renewables Energy goals and the Riverside Solar Project in Jefferson County. We also support AES Renewable's commitment to use local labor force on their projects.

While economic development is important to this area so is the use of local labor on these projects. That is why it is imperative to include Renewable Energy projects and local labor as part of the Economic Development in our area."

**Riverside Response:** *Comment noted. The Applicant thanks you for your support.*

**10. 11/22/2022 Eric Peters In Person Public Comment Hearing**

"And again, you know this hearing. The public -- we're concerned everything else.

Absolutely. And -- and, again, about communication and everything else, the whole time I was up here talking I felt this guy wanted to kick my [EXPLETIVE]. Okay. Look at -- yeah you, looking

right through me, trying to intimidate me at a public hearing and I'm not happy about that. All right. Talk about communication or lack thereof, all right, I think that was [EXPLETIVE] on your part. Thank you."

**Riverside Response:** *Comment noted. The Applicant seeks to clarify that this comment was not addressed to the Applicant. Therefore, no response from the Applicant was deemed necessary. For specific substantive comment responses, please see the remainder of the comment response document.*

#### **A. Comments Raise No Substantive or Significant Issues**

In general, adjudicable issues are raised by proposed parties, ORES or the Applicant. However, under 19 NYCRR § 900-8.3(c)(1)(ii), an issue may be adjudicable if a public comment “on a draft siting permit condition published by the office raise a substantive and significant issue.” Based on the text of the regulations, public comments which are unrelated to conditions in the *Draft Permit* do not raise adjudicable issues. The Applicant has reviewed and responded to public comments, none of which deal specifically with the terms of the *Draft Permit* issued by ORES. In general, aside from statements in support of the Project, the public comments expressed generalized concerns about Project impacts and state renewable energy policy and implementation overall. General public comments, questions about process, and disagreements with general statewide renewable energy policies or implementation of those policies are not factual issues appropriate for adjudication at an evidentiary hearing in a specific permit proceeding.

The matters raised by public comments in this proceeding are not substantive—they do not involve an inquiry into whether the Applicant can meet applicable standards—nor are they significant—as they do not have the potential to result in the denial of the permit or imposition of additional permit conditions. Therefore, the public comments do not raise adjudicable issues under 19 NYCRR § 900-8.3(c)(1)(ii).

## **V. CONCLUSION**

For the reasons set forth herein, the Towns’ *Municipal Statements of Compliance* do not raise any substantive or significant issues requiring adjudication in this proceeding. Moreover, no substantive or significant issues for adjudication have been raised by the public comments submitted on the *Draft Permit*.

Submitted by:

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