

1 11-28-2023 Siting Board 17-F-0282

2 NEW YORK STATE BOARD ON  
3 ELECTRIC GENERATION SITING AND  
4 THE ENVIRONMENT

5 CASE 17-F-0282 - Application of Alle-Catt Wind Energy LLC  
6 for a Certificate of Environmental Compatibility and  
7 Public Need Pursuant to Article 10 for a Proposed Wind  
8 Energy Project, Located in Allegany, Cattaraugus, and  
9 Wyoming Counties, New York, in the Towns of Arcade,  
10 Centerville, Farmersville, Freedom, and Rushford.

11 Siting Board Meeting

12 Date: Tuesday, November 28, 2023, at 10:30 am

13 TAMMY MITCHELL, Alternate for Rory M. Christian, Chair of  
14 the New York State Public Service Commission

15 LOUIS ALEXANDER, Alternate for Basil Seggos, Commissioner,  
16 New York State Department of Environmental Conservation

17 KEVIN MALONE, Alternate for James V. McDonald, M.D.,  
18 M.P.H., Commissioner, New York State Department of Health

19 VINCENT RAVASCHIERE, Alternate for Hope Knight,  
20 Commissioner of the New York State Department of Economic  
21 Development

22 JOHN WILLIAMS, Alternate for Richard L. Kauffman, Chair,  
23 New York State Energy Research and Development Authority  
24  
25

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2 (The meeting commenced at 10:30 a.m.)

3 A.L.J. MITCHELL: Good morning. My  
4 name is Tammy Mitchell. I'm the director of the  
5 Office of Energy System Planning and Performance at  
6 the New York State Department of Public Service. I  
7 have been designated to serve as the alternate  
8 representing the chair of the New York State Board on  
9 Electric Generation Siting and the Environment or as  
10 it -- as it is also known the Siting Board. I call  
11 this meeting of the siting board to order.

12 Before moving to the agenda I would  
13 like to introduce the alternates representing the  
14 permanent members of the siting board. When I call  
15 your name please confirm that you are present. Louis  
16 Alexander, alternate representing the Commissioner of  
17 the New York State Department of Environmental  
18 Conservation.

19 MR. ALEXANDER: Present.

20 A.L.J. MITCHELL: Kevin Malone,  
21 alternate representing the Commissioner of the New  
22 York State Department of Health.

23 MR. MALONE: Present.

24 A.L.J. MITCHELL: Vincent Ravaschiere,  
25 alternate representing the Commissioner of the New

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2 York State Department of Economic Development.

3 MR. RAVASCHIERE: Present.

4 A.L.J. MITCHELL: And John Williams,  
5 alternate representing the chair of the New York  
6 State Energy Research and Development Authority.

7 MR. WILLIAMS: Present.

8 A.L.J. MITCHELL: Thank you.  
9 Secretary Phillips, are there any changes to the  
10 agenda?

11 SECRETARY PHILLIPS: There are no  
12 changes to the agenda. I do want to note, however,  
13 that while we have one case that is before the siting  
14 board, we have three separate decisions. Two  
15 relating to an amendment petition and one relating to  
16 a road use agreement.

17 A.L.J. MITCHELL: Thank you. I call  
18 Case 17-F-0282 Application of Alle-Catt Wind Energy,  
19 L.L.C. for a Certificate of Environmental  
20 Compatibility and Public Need pursuant to Article 10  
21 for a Proposed Wind Energy Project located in  
22 Allegheny, Cattaraugus and Wyoming Counties, New York  
23 in the Towns of Arcade, Centerville, Farmersville,  
24 Freedom and Rushford.

25 As noted there will be three

1                   11-28-2023       Siting Board       17-F-0282  
2                   presentations related to this case. The first two  
3                   presentations pertain to the amendment petition that  
4                   was filed in this proceeding on January 30th, 2023  
5                   and supplemented on February 28th, March 9th, June  
6                   5th and June 12th, 2023. The third concerns the road  
7                   use agreement petition that was filed on May 7th,  
8                   2021 and supplemented on March 15th, 2023.

9                   They will be presented in order by  
10                  Tara Kersey, administrative law judge, Noreena  
11                  Chaudari, assistant counsel and Jessie Shaw,  
12                  assistant counsel each from the Department of Public  
13                  Service. The board will listen to all three  
14                  presentations and will then ask any questions or make  
15                  any comments that the members may have. Dakin  
16                  Lecakes, chief administrative law judge, Department  
17                  of Public Service, Heather Behnke, managing attorney,  
18                  Department of Public Service, Jason Zehr, chief of  
19                  environmental certification and compliance, Office of  
20                  Energy System Planning and Performance, Department of  
21                  Public Service and Robert Rosenthal, general counsel  
22                  are available for questions. Judge Kersey, please  
23                  begin.

24                               A.L.J. KERSEY: Thank you. And good  
25                  morning Chair Designee Mitchell and members of the

1                   11-28-2023       Siting Board       17-F-0282  
2                   board. For the first of these Alle-Catt items,  
3                   before you is an order that if adopted will grant a  
4                   request for the siting board to waive the substantive  
5                   requirements of two local laws. Granting these  
6                   waivers will allow the siting board to then consider  
7                   Alle-Catt's petitions for amendments to the siting  
8                   board's June 3rd, 2020 order in which the board  
9                   granted Alle-Catt a conditional certificate of  
10                  environmental compatibility and public need.

11                               The siting board's June 2020  
12                   certificate approved the construction and operation  
13                   of a wind energy project consisting of up to 116  
14                   utility scale wind turbines with a capacity of up to  
15                   340 megawatts to be located in the Towns of Arcade,  
16                   Centerville, Rushford, Farmersville and Freedom in  
17                   the Counties of Allegheny, Cattaraugus and Wyoming.

18                               In January 2023 Alle-Catt requested  
19                   approval, among other things, to install fewer wind  
20                   turbines with the physical dimensions and properties  
21                   of the turbines remaining the same. Alle-Catt's  
22                   requested amendments will allow it to revise the  
23                   location of a number of turbines and to construct 11  
24                   additional structures that were not part of its  
25                   initial project proposal and so not included in its

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2 existing certificate.

3 Notably, under local laws adopted  
4 after a hearing was held on the original application,  
5 Alle-Catt's proposed additional structures qualify as  
6 accessory structures. Under the most recently  
7 adopted local laws, the setbacks from property lines  
8 and existing structures that were applicable to the  
9 siting board's June 2020 certificate had been changed  
10 and would prevent the siting board's grant of the  
11 amendments with respect to the additional structures  
12 if Alle-Catt is not granted a waiver from these  
13 requirements.

14 In support of its waiver request,  
15 Alle-Catt has argued that the certificated project,  
16 with the additional structures, would help the state  
17 achieve its clean energy goals under the Climate  
18 Leadership and Community Protection Act, State Energy  
19 Plan and the Public Service Commission's Clean Energy  
20 Standard orders.

21 Alle-Catt also asserts that  
22 installation of the proposed additional structures  
23 collectively reduces environmental impacts compared  
24 to the certificated project. Noreena Chaudari will  
25 present a more complete overview of Alle-Catt's

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2                   requested amendments and the Department of Public  
3                   Service's recommendations on whether it should grant  
4                   those amendments.

5                               The specific request to construct 11  
6                   additional structures includes a 100 foot microwave  
7                   tower at the facility collection substation to  
8                   provide redundant communication capability between  
9                   the certificated project, the Delavan substation and  
10                  Alle-Catt's point of interconnection, three aircraft  
11                  detection lighting systems, referred to in --  
12                  referred to herein as A.D.L.S. structures to improve  
13                  aircraft safety while minimizing nighttime lighting  
14                  impacts. And seven IdentiFlight towers to detect the  
15                  presence of bald eagles and provide automated  
16                  curtailment capability for the identified turbines.

17                              The proposed placement of these  
18                  additional structures created a conflict with two  
19                  specific local laws that address setback requirements  
20                  of such additional structures. Article 3 Section  
21                  17(d) of Town of Farmersville Local Law 4 of 2020 and  
22                  Article 3 Section 17(d) of Town of Freedom Local Law  
23                  2 of 2020 both require that any related  
24                  infrastructure, electrical lines, access roads and or  
25                  accessory structures of a wind energy facility be

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2                   located a minimum of 2,000 feet from any -- from any  
3                   residence or property line.

4                               As noted by Secretary Phillips in a  
5                   July 6, 2023 letter to Alle-Catt, a local law waiver  
6                   request requires a substantive finding. Under  
7                   Article 10 the siting board may waive a local law  
8                   after making a finding that the law is unreasonably  
9                   burdensome in view of existing technology or a  
10                  finding that such waiver is otherwise in the public  
11                  interest.

12                              To make its determination on a waiver  
13                  request, the siting board should consider the state  
14                  of available technology, the nature and economics of  
15                  reasonable alternatives, the environmental impacts of  
16                  the project, the impact of construction and operation  
17                  of related facilities, the consistency of the  
18                  construction and operation of the facility with the  
19                  energy policies, and long-range energy planning  
20                  objectives and strategies contained in the most  
21                  recent state energy plan, and the impact on community  
22                  character.

23                              Initially, Judge Lecakes and I  
24                  required briefing on the issue as to which laws were  
25                  applicable to the project and whether the record



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2                   demonstrated an entitlement to the requested waiver.  
3                   After receiving the party's briefs, we determined  
4                   that there remained an open question as to certain  
5                   factual elements the board needs to consider and  
6                   requested party affidavits to determine whether any  
7                   factual dispute existed and ultimately whether Alle-  
8                   Catt has demonstrated entitlement to the requested  
9                   waivers.

10                                   Through Alle-Catt's witnesses, we  
11                   concluded that there are no possible locations where  
12                   any of the proposed additional structures can be  
13                   sited and serve their intended functions while  
14                   complying with the applicable local laws setback  
15                   requirements.

16                                   More specifically, a newly proposed  
17                   microwave tower is intended to provide one of the two  
18                   required redundant, independent and dedicated means  
19                   of communication between the projects operations and  
20                   National Grid, owner of the Delavan substation where  
21                   Alle-Catt's transmission line will interconnect with  
22                   the state's electric grid. Data carried over these  
23                   communication media will inform the operators of the  
24                   project and those of the grid of the status and  
25                   condition of the meters, breakers, and

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2           interconnection line at the collection substation and  
3           point of interconnection switchyard.

4                   The secondary form of redundant  
5           communication, to be supplied by the microwave tower,  
6           is required to comply with reliability rules enforced  
7           by National Grid and the New York Independent System  
8           Operator. The tower's proposed location was selected  
9           to avoid interference with existing microwave  
10          communication paths while accounting for, among other  
11          things, the location and elevation of the substation  
12          and point of interconnection.

13                   We concluded that Alle-Catt adequately  
14          demonstrated that the proposed location is necessary  
15          despite requiring a waiver of local laws as the  
16          microwave tower must be sited as part of the  
17          collection substation located in the Town of Freedom.  
18          While Alle-Catt noted an alternative means for  
19          providing the requisite dedicated independent line  
20          exists that alternative would involve the  
21          installation of a fiber optic line via the excavation  
22          of a trench over 10 miles long between the collection  
23          substation and point of interconnection switchyard  
24          which would increase the environmental impacts  
25          associated with providing a required method of

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2 redundant communication.

3 As to Alle-Catt's proposed A.D.L.S.  
4 radar towers, its witnesses noted that the three  
5 proposed towers were best located in the Towns of  
6 Centerville, Freedom and Farmersville as they are  
7 intended to reduce nighttime light pollution of the  
8 project. Notably, the inclusion of such towers was  
9 considered by the siting board and are being proposed  
10 to comply with certificate condition 40(c) of the  
11 June 2020 certificate.

12 These towers address federal aviation  
13 administration rules that require certain structures  
14 to contain warning lights so that those structures  
15 are visible to aircraft pilots. Alle-Catt's evidence  
16 indicates that the A.D.L.S. towers proposed locations  
17 were selected due to the constraints of their  
18 technological capability concerning their view of the  
19 airspace surrounding the wind turbines and their  
20 proximity to the turbines they are affecting which  
21 are predominantly located in the Towns of  
22 Centerville, Freedom and Farmersville.

23 Finally, Alle-Catt's witnesses  
24 explained that its proposed IdentiFlight towers are  
25 intended to reduce and or eliminate the hazard posed

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2           by 16 project turbines located within 2 miles of a  
3           specific bald eagles' nest in the Town of Freedom.  
4           IdentiFlight utilizes high precision optical  
5           technology to detect and identify protected avian  
6           species that fly within a one kilometer hemisphere  
7           around each tower and is intended to provide  
8           automatic curtailment capability for the identified  
9           turbines.

10                               The evidence indicates that the  
11           location for the seven IdentiFlight structures is  
12           limited and that the specific locations at issue were  
13           selected by -- by considering the locations of both  
14           the bald eagles' nest at issue and the turbines with  
15           the greatest potential on the bald eagles' activity  
16           in the Town of Freedom as well as the coverage radius  
17           of the IdentiFlight towers and the technologic  
18           necessity that each tower is within the visible range  
19           of another neighboring tower to ensure effective  
20           coverage.

21                               Such structures will result in further  
22           minimization of impacts already allowed in the siting  
23           board's June 2020 certificate order. We recommend  
24           that the siting board allow the requested waivers for  
25           the 11 proposed accessory structures of the 2,000

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2                   foot setback restrictions set forth in Article 3  
3                   Section 17(d) of the Town of Farmersville Local Law 4  
4                   of 2020 and Article 3 Section 17(d) of the Town of  
5                   Freedom Local Law 2 of 2020.

6                                   Based upon the evidence, the  
7                   restrictions are unreasonably burdensome in light of  
8                   existing technology and the additional structures  
9                   will allow for project construction and operation  
10                  furthering New York's energy planning goals. In  
11                  making this recommendation we note that the record  
12                  indicates that while some participating parties,  
13                  notably the Coalition of Concerned Citizens and later  
14                  Cattaraugus County, filed briefs taking issue with  
15                  the waiver requests, neither the Town of Freedom nor  
16                  of Farmersville submitted any opposition to Alle-  
17                  Catt's request for a waiver of their own local laws.  
18                  This concludes my presentation.

19                               A.L.J. MITCHELL: Thank you, Judge  
20                  Kersey. Ms. Chaudari, will you please begin your  
21                  presentation.

22                               MS. CHAUDARI: Good morning Chair  
23                  Designee Mitchell and members of the board. Before  
24                  you today is a draft order granting a petition for  
25                  amendment of the board's June 3rd, 2020 order

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2                   granting a certificate of environmental compatibility  
3                   with -- and public need with conditions to Alle-Catt  
4                   Wind Energy, L.L.C.

5                               As explained by Judge Kersey, on  
6                   January 30th, 2023 Alle-Catt Wind filed a petition  
7                   for amendment seeking approval to, one, change the  
8                   facility to reduce the number of wind turbine  
9                   generators, two, shift the location of seven turbines  
10                  and associated access roads and collection line  
11                  corridors. Three, add a 100 foot microwave tower at  
12                  the collection substation, three air craft detection  
13                  lighting systems or A.D.L.S. and seven 98.5 foot tall  
14                  IdentiFlight towers. And, 4, change certificate  
15                  condition 9 to replace 5 years with 10 years.

16                              The secretary to the siting board  
17                  consulted with the staff of the Department of Public  
18                  Service, the Department of Environmental Conservation  
19                  and the Department of Health before issuing an  
20                  initial February 14, 2023 letter notifying Alle-Catt  
21                  Wind that the amendment petition did not contain sig  
22                  -- sufficient information to determine whether it  
23                  constituted a revision or modification pursuant to 16  
24                  N.Y.C.R.R. Section 1000.16(a).

25                              After Alle-Catt Wind submitted a

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2           series of supplemental filings to provide the  
3           additional information requested in the secretary's  
4           letter, the secretary to the siting board ultimately  
5           concluded that the proposed modifications would not  
6           result in a significant adverse increase to  
7           environmental impacts as compared to the certificated  
8           project. Therefore, the modifications did not  
9           constitute a revision that would require a hearing  
10          under the regulations. However, as just explained,  
11          Alle-Catt Wind's request for a waiver -- waiver of  
12          local law required further process.

13                         Alle-Catt Wind explains that the  
14          modified facility will consist of 83 turbines without  
15          a change in generating capacity. Seven of those  
16          turbines in associated roads in collection line  
17          corridors will be shifted to accommodate landowner  
18          concerns, optimize site constructability and to  
19          further minimize wetland and stream impacts.

20                         With respect to the additional  
21          accessory structures, Alle-Catt Wind explains that  
22          the proposed microwave tower will fulfill  
23          requirements under its interconnection agreement.  
24          The proposed A.D.L.S. will regulate turbine lighting  
25          when aircrafts are in the vicinity of the facility,

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2 and the IdentiFlight towers will monitor for and  
3 detect eagles in an effort to avoid collision risk.

4 The draft order before you explains  
5 that the modifications involving both location shifts  
6 and the addition of accessory structures are not  
7 expected to result in a significant adverse increase  
8 to environmental impacts as compared to the  
9 certificated project.

10 The secretary's letter included a  
11 thorough review and addressed potential impacts of  
12 the proposed changes for the project related to noise  
13 and vibration, shadow flicker, cultural resources,  
14 terrestrial ecology and wetlands, threatening  
15 endangered species, visual impacts, effects on  
16 communications and electromagnetic fields. As  
17 summarized in the draft order before you, the  
18 proposed changes will not result in a significant  
19 adverse increase to environmental impacts as compared  
20 to the certificated project.

21 With respect to certificate condition  
22 9 regarding the certificate expiration, Alle-Catt  
23 Wind explains that it is asking the siting board to  
24 replace 5 years with 10 years to account for previous  
25 and possibly future litigation delays, time required



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2                   to secure local road use agreements, turbines and  
3                   other long lead-time equipment and supplies, and the 4  
                  time required to complete transmission system  
5                   upgrades.

6                                   The draft order explains that the  
7                   request is administrative while several commenters  
8                   raised concerns about information on the facility's  
9                   impacts becoming outdated, the draft order notes that  
10                  the siting board has previously recognized that it is  
11                  appropriate for a certificate to expire 10 years  
12                  after issuance. However, the draft order emphasizes  
13                  an expectation that the facility will commence  
14                  commercial operation by 2030.

15                                 Accordingly, the draft order before  
16                  you approves the petition for amendment. This  
17                  approval does not relieve Alle-Catt Wind of the need  
18                  to comply with the terms, conditions, limitations or  
19                  modifications of the construction operation of the  
20                  facility authorized in the certificate. This  
21                  concludes my presentation.

22                                 A.L.J. MITCHELL: Thank you, Ms.  
23                  Chaudari. Ms. Shaw, will you please begin your  
24                  presentation.

25                                 MS. SHAW: Good morning Chair Designee

1                   11-28-2023       Siting Board       17-F-0282  
2           Mitchell and members of the board. Before you today  
3           is a draft order granting a petition for relief  
4           pursuant to a condition of the certificate of  
5           environmental compatibility and public need granted  
6           to Alle-Catt Wind Energy, L.L.C. through the board's  
7           June 3rd, 2020 order.

8                   As explained, the draft -- the project  
9           includes wind turbines located in the Towns of  
10          Freedom and Farmersville in Cattaraugus County. The  
11          petition requests that the board relieve Alle-Catt  
12          from a requirement in Attachment A of the certificate  
13          order which requires Alle-Catt to submit a road use  
14          agreement between Alle-Catt and the towns or counties  
15          the project is located in.

16                   Certificate Condition Four allows the  
17          certificate holder to petition the board if it  
18          believes any action or determination from a state or  
19          local agency was unreasonably delayed or withheld.  
20          Under this condition, Alle-Catt requests that the  
21          board issue a determination that Cattaraugus County  
22          has unreasonably delayed entering into a road use  
23          agreement with Alle-Catt to allow it to use the roads  
24          and highways under control of the county for  
25          activities required for the construction, operation

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2                   and maintenance of the Alle-Catt Wind Energy project.

3                               Further, the petition requests that  
4                   the board authorize Alle-Catt to evaluate, modify and  
5                   use county-owned roads and highways subject to the  
6                   terms of a draft road use agreement included with the  
7                   petition. Alle-Catt first initiated in negotiations  
8                   of the road use agreement with Cattaraugus County in  
9                   June of 2020 and they have subsequently met and  
10                  exchanged multiple drafts of the document. However,  
11                  the parties have failed to execute a road use  
12                  agreement.

13                               Even after initial negotiations, Alle-  
14                  Catt was not given the opportunity to present the  
15                  road use agreement at the Cattaraugus County board  
16                  meeting for over one year. Based on the specific  
17                  facts and history of negotiations between Alle-Catt  
18                  and Cattaraugus County, the draft order before you  
19                  determines that the county has caused unreasonable  
20                  delay in failing to approve the road use agreement as  
21                  it is clear that a significant amount of time has  
22                  passed since negotiations were initiated. Further,  
23                  the draft order explains that continuing to cause  
24                  delay of the project would be contrary to the  
25                  purposes of Article 10 of the Public Service Law.

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2                                   Cattaraugus County and the Coalition  
3 of Concerned Citizens both opposed the petition and  
4 asked that the board deny Alle-Catt's request because  
5 granting the requested relief would constitute a  
6 revision of the certificate and would violate Article  
7 9 Section 2(c)6 of the New York State Constitution  
8 which gives local governments the authority to adopt  
9 laws for the use of its roads and highways provided  
10 that the local law is not inconsistent with the  
11 general law.

12                                   The draft order finds that relief  
13 sought by Alle-Catt is not a revision of the  
14 certificate because Certificate Condition Four  
15 expressly off -- offers the certificate holder relief  
16 when the board determines a local agency has caused  
17 unreasonable delay in an action required under the  
18 certificate order which includes the action of  
19 entering into a road use agreement.

20                                   The draft order also finds that  
21 issuing a determination that Cattaraugus County acted  
22 unreasonably and caused unreasonable delay in  
23 executing its road use agreement does not violate  
24 Article 9 Section 2(c)6 of the New York State  
25 Constitution. Article 10 of the Public Service Law

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2 is a general law under the state constitution with  
3 the exclusive authority to regulate the siting of  
4 electric generating facilities.

5 Public Service Law Article 10 Section  
6 172 expressly preempts a locality from requiring  
7 approval, consent or a permit issued by a county for  
8 the use of its roads and highways. Therefore,  
9 Cattaraugus County and law, which requires a permit  
10 issued by the county for the use of its roads and  
11 highways, is preempted and the board is not obligated  
12 to require a road use agreement between the two  
13 parties.

14 The draft order before you determines  
15 that Cattaraugus County has acted unreasonably and  
16 caused unreasonable delay in failing to execute its  
17 road use agreement with Alle-Catt. Further, the  
18 order withdraws the authority delegated to  
19 Cattaraugus County to exercise control over its roads  
20 and highways with regards to the construction, opera  
21 -- operation and maintenance of the Alle-Catt Wind  
22 Energy project, and directs Alle-Catt to submit, as a  
23 compliance filing, plans for how it intends to use  
24 the roads and highways owned and operated by  
25 Cattaraugus County. This concludes my presentation.

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2 A.L.J. MITCHELL: Thank you, Ms. Shaw.  
3 I have no comments or questions on the items. Let me  
4 turn to my fellow board members for any comments or  
5 questions. Mr. Alexander?

6 MR. ALEXANDER: Thank you, Madam  
7 Chair. First of all, I'd like to thank the  
8 presenters for a very comprehensive review of the  
9 issues that are before us today. I do have a couple  
10 of comments and -- and one question for -- for you.  
11 First, regarding the local law waiver request, and  
12 this is simply a comment, I -- in terms of these  
13 additional structures, I note also on reviewing the  
14 record the October 6th affidavit that was submitted  
15 on behalf of Alle-Catt, I thought very well set forth  
16 some of the rationale and importance of these  
17 additional structures including but not limited to  
18 the A.D.L.S. and the IdentiFlight structures that are  
19 set forth. And I think the order well goes through  
20 and evaluates, you know, each of those in -- in the  
21 context of the local law waivers.

22 In terms of the order that deals with  
23 the amendment subject to conditions, and I believe  
24 this is well reflected in the order but I just wanted  
25 to confirm it. Obviously, we often get issues

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2                   relating to noise, vibration as well as shadow  
3                   flicker. And we've seen that in a number of our  
4                   proceedings before the board. As I understand it,  
5                   please correct me if I'm wrong, you know, as I read  
6                   this order and the language it sets forth in terms of  
7                   -- on page 10 the original certificate requirements  
8                   or will be still in effect as to, you know, the  
9                   changes that are being considered here. Am I correct  
10                  in that evaluation?

11                               MS. CHAUDARI: That's correct. This -  
12                   - this draft order will make no changes to the  
13                   existing certificate conditions as they relate to  
14                   noise and vibration and shadow flicker. Alle-Catt  
15                   will still be required to comply with those  
16                   requirements.

17                               MR. ALEXANDER: Okay. Thank you. And  
18                   then lastly, all I would say in terms of the road use  
19                   agreement, I am sorry that the parties weren't able  
20                   to work this out in terms of whatever disagreements  
21                   or delay issues that they had and then had to come,  
22                   you know, to the board. But I think that the  
23                   proposed order does set forth the necessary  
24                   evaluation that would certainly lead me to support  
25                   this order when the vote is taken. But, again,

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2 thanks to all for the presentation and, Madam Chair,  
3 my remarks are completed. I yield back my time.

4 A.L.J. MITCHELL: Thank you, Mr.  
5 Alexander. Mr. Malone?

6 MR. MALONE: Yes, thank -- thank you  
7 for the presentations. I have no comments or  
8 questions.

9 A.L.J. MITCHELL: Mr. Ravaschiere?

10 MR. RAVASCHIERE: No questions or  
11 comments. Thank you.

12 A.L.J. MITCHELL: Mr. Williams.

13 MR. WILLIAMS: No comments or  
14 questions.

15 A.L.J. MITCHELL: I will now call for  
16 a vote. My own vote is in favor of the  
17 recommendations as described. Mr. Alexander, how do  
18 you vote?

19 MR. ALEXANDER: I vote in favor.

20 A.L.J. MITCHELL: Mr. Malone?

21 MR. MALONE: I vote in favor.

22 A.L.J. MITCHELL: Mr. Ravaschiere?

23 MR. RAVASCHIERE: In favor.

24 A.L.J. MITCHELL: Mr. Williams?

25 MR. WILLIAMS: In favor.



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A.L.J. MITCHELL: The three orders are approved and the recommendations contained therein are adopted. Secretary Phillips, is there anything further to come before us today?

SECRETARY PHILLIPS: There is nothing further today.

A.L.J. MITCHELL: Thank you and we are adjourned.

(The meeting concluded at 10:57 a.m.)

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2 STATE OF NEW YORK

3 I, MONIQUE HINES, do hereby certify that the foregoing was  
4 reported by me, in the cause, at the time and place, as  
5 stated in the caption hereto, at Page 1 hereof; that the  
6 foregoing typewritten transcription consisting of pages 1  
7 through 25, is a true record of all proceedings had at the  
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 30th day of November, 2023.

11

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13 MONIQUE HINES, Reporter

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