



May 8, 2024

Houtan Moaveni
Executive Director
Office of Renewable Energy Siting (ORES)
123 Main Street, 17th Floor
White Plains, NY 10601

Dear Director Moaveni:

I am a Niagara County Legislator representing the Town of Somerset and I write today to express my grave concerns regarding the Somerset Solar Project proposed by AES Solar. Specifically, I believe this project application is in violation of New York State law that requires the protection of prime agriculture land and I request that ORES looks deeper into this issue.

As I understand it, ORES is mandated to mitigate the use of agricultural land for solar projects and the new state RAPID Act clearly states that such land should not be used unless it is unavoidable. When it comes to the Somerset project, the use of agricultural land is COMPLETELY AVOIDABLE.

AES has proposed using prime agricultural land that is within a stone's throw of a former coal plant. This site includes the former plant that could be utilized for rooftop solar; vast abandoned parking lots that could be utilized for rows of panels; and a large landfill that could actually be put back to productive use with solar panels, as it currently sits fallow. The state should be prioritizing the reuse/remediation of this type of site as a "best practice" for developers of solar projects.

However, rather than propose solar in any of these areas, AES took the path of least resistance and wants to use active, pristine farmland. Undoubtedly, it is easier to put row after row of solar panels on this land, but state law does not say ORES gets to determine what is easier in making a siting decision. Indeed, since a developer's priority is to make money, not spend a little more to protect farmland, state policymakers mandated that ORES prioritize farmland preservation in all cases.

As you know all too well, many communities are frustrated with what we view as ORES simply rubberstamping proposed projects with little regard to the concerns of communities in which they will be sited. Yet, your office claims you are following the law and the policy directive from the Governor and the Legislature. **In this case, to approve this project as currently proposed would be in direct conflict with the very law you claim to uphold.** And let me be clear, we are not opposing this project. We would welcome a responsible reuse of the former coal plant site. We do oppose the AES plan to unnecessarily use farmland when there are better alternatives within the same footprint.

We implore ORES to take a closer look at the Somerset proposal, redirect them away from farmland to the alternatives outlined above and follow the law that says you must protect farmland. Let's finally have

a solar project built with community consensus rather than consternation and litigation that will surely follow should this project go forward as proposed. Last, I invite you and any members of your team to visit Somerset and see for yourself how “avoidable” the need for this farmland is. Thank you for your consideration and I look forward to your timely response.

Sincerely,

A handwritten signature in blue ink that reads "Shawn Foti". The signature is written in a cursive style with a large, stylized 'S' and 'F'.

Shawn Foti
Niagara County Legislator