

**TOWN OF SWEDEN
Planning Board Minutes
April 29, 2019**

A regular meeting of the Town of Sweden Planning Board was held on Monday, April 29, 2019, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Matthew Minor, Wayne Rickman, David Strabel.

Absent: Arnie Monno; Nat O. Lester, III.

Also present: James Oberst, P.E., MRB; Joseph Hens, Ingalls & Associates, LLP; Thomas Guzek, Solarpark Energy.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Rickman, that the minutes of April 8, 2019, be approved.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Abstain
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

Helios Energy New York Sweden Solar Farm Subdivision, Site Plan and Special Use Permit. Swamp Road and Lake Road. 098.04-1-2.1

Mr. Minor excused himself from the discussion.

Mr. Hens addressed the Board. He distributed updated drawings. A draft copy of responses to MRB's comments dated April 24, 2019, was provided to the Board.

The Town Board has scheduled a meeting for May 7 to determine SEQR for the rezoning. The Planning Board agreed that one SEQR is satisfactory. Mr. Oberst will be representing both Boards.

Mr. Hens stated the goal is to submit a formal response by the middle of the week.

MRB Comments – April 24, 2019

Site Plans and General Comments

- 1 –The following items should be provided as part of the application and have not yet been received.
 - a. Letter from Dave Ingalls will be provided justifying the purpose of the project and location selection.
 - b. Lease agreement from the property owner will be provided.
 - c. All grid applications from National Grid accepting this amount of power at the proposed location will be provided.

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2 – Site specific – Property Operation and Maintenance Plan. A modified generic plan has been provided to be used by the operator of the site, including fire department for emergency contact, specific site information, forms for monthly and annual maintenance, security report forms, etc.

3 – Signature lines for Chairman, Fire Marshal and Town Engineer will be added on the plans. No specific requirements were requested.

4 – On the Site Profiles, landscaping changes are shown. The closest residential property to the north, owned by Dan Spurr, will have evergreen plantings 8 ft. tall for screening purposes. The trees will be planted at a 5 and ½ ft. eye height with an 8 ft. chain-link fence. With this proposed screening, the array cannot be seen from the Spurr property. Lake Road will have evergreen plantings too providing year around screening. The trees will be staggered diagonally at 45 degrees when planted.

Chairman McAllister thought a 4 ft. berm is required along the front per the 2018 solar code. The Clerk could only locate the 2019 solar code, which it did not have a berm required. Chairman McAllister requested this requirement be confirmed.

5 – Site statistics table has been updated. One parking space has been added near the entrance of the array. The parking space should be 10 ft. by 20 ft. per code. Mr. Strabel disagreed that a parking space was even needed.

6 – There were a couple of encroachments at the back of the property which have been corrected.

7 - The custom metering pole has been relocated outside the existing well house and pump. The well house will be decommissioned since it not required for operation of the array.

8 – The fire apparatus road has been extended to reach all equipment pads. Turn offs have been added to the road per ICC Fire Code.

9 – Stationing is now shown along the proposed fire apparatus road.

10 - The typical width of the access aisles, row spacing, and to the fence line, is now shown on the plans. The Fire Marshal will receive a copy for review. The panels are approximately 9 and ½ ft. at peak tilt.

11 – A concrete equipment pad detail has been provided on the plan.

12 – All wetlands and acreage will be labeled on the plan. There is no proposed disturbance or buffer impact to the wetlands on the site. The Letter of NOI permit will be provided to the Town and MRB when received.

13 – A turnaround has been added near the proposed staging area to facilitate truck circulation. Note 10, which states no loading or unloading of trucks is to occur within the ROW, has been added to the plans.

14 – There are no proposed disturbances to the topsoil so a soil stockpile has not been added to the plans. If a berm is required, a stockpile will be shown on the plan. A concrete washout area has been added to the plans. Chairman McAllister stated looking at the site, if a 4 ft. berm is required, it would only be needed along the front or eastern side of the property. Mr. Hens stated if a berm is required, the trees would be planted on top of the berm.

15 – Silt fence has been added for the most part around the wetlands and the south end of the array. A note to the Erosion & Sediment Control Plan has been added regarding the requirement of orange construction fencing to delineate wetlands and buffer areas. Mr. Strabel questioned if the orange construction fencing was required with all the silt fencing shown. Mr. Oberst stated no, as long as DEC doesn't require it.

16 - Site specific construction sequence will be provided as follows: delineate wetland boundaries, establish sediment and erosion control measures, construction of access road, clear existing hedgerow from solar array field, install panel racking, install solar panels electrical equipment, install underground utility connection, install concrete equipment pads, install 8 ft. high perimeter fencing, install proposed vegetative buffer and achieve final stabilization, remove erosion & sediment control measures, seed array with pollinator mix. Mr. Guzek stated a pollinator specialist has been retained for this project. It is important to note that local residents will be hired to maintain the site.

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17 – SWPPP comments will be addressed. The disturbance with just the extension of the access road is labeled at approximately 1.42 acres. Mr. Hale pointed out that a correction to wording in the second sentence should be made. Mr. Hens explained that by changing the coverage height from agriculture fields to pollinator mix, there will be enough reduction in the runoff where the pre-post runoff is considerably less. The access road will be constructed to be pervious per DEC detail. The only hard surfaces on site would be the equipment pads which total approximately 1000 sq. ft. Post stormwater construction measures are not proposed. A small rain garden can be used for treatment of equipment pad run off.

18 – The decommissioning Plan is still being completed. It will include a timeline for execution and completion.

19 – Changes have been made per the current law regarding obligations in Section 174-9.8.5 and references the updated “Determination of Abandonment” information. The Town’s 2018 solar law should be referenced.

20 – Site restoration note regarding re-seeding has been revised to include seed and mulch to be added to all areas that were previously disturbed.

21 - The Decommissioning sequence has been revised to show item #1 as “Obtain building permit from Town of Sweden, coverage under the current SPDES General Permit for stormwater Discharges from Construction Activity, and all other required environmental permits.” The decommissioning sequence has been revised to include all required items, such as, installation of erosion and sediment controls, removal of landscaping, permanent seeding, mulching, and final stabilization. No stormwater practices are proposed.

22/23 – The Decommissioning Plan and Estimate will be revised to account for 40 years of inflation rather than 30 as recommended. Mr. Guzek explained that this solar energy facility being built will probably be operating for over the 40 years or longer. With the solar panels of today’s technology, there is an expectation of over 40 years to obtain additional generation of power. As technology/efficiency of panels is increased so will the panels be switched out for more efficient power. As long as there is sun in the sky, this becomes a power generating facility. In the unlikely event that this becomes a decommissioning site, every piece of equipment is going to be of value or a sellable scrap piece for which the Town will be paid to remove. A \$200,000 bond will be in place for this size project, which would be renewed every year as bonds have to. The bond would be reviewed to meet any changes with inflation. At the end of the day, a \$200,000 bond should cover any work that needs to be done, for example, plantings or removal of the road, etc. Chairman McAllister stated MRB reviews the estimate, but it is approved by the Town Board. Mr. Guzek stated that a bond only provides surety to the Town, but goes against the Helios balance sheet and is held. The Town Board would make a decision regarding the bond once the rezoning is approved. Mr. Guzek asked about construction fees. The Clerk stated that the Town Board sets the fees, however, the permit is processed through the Building Department.

Currently, there isn’t a fee for solar farms. Mr. Guzek discussed that NYS permits five mega-watt systems per each lease parcel, which is handled as a courtesy subdivision. This proposed system has two five mega-watt systems and each one will have its own tax account number. Each is listed as a business and will pay taxes.

24 – Decommissioning Cost Estimate - a through e.

- a. Provide a detailed list of other items that the “General Conditions” includes.
- b. The estimate for re-seeding has been revised to include the total area inside the fence. The value for silt fence has been increased to include all new silt fence added in this revision.
- c. There is no stormwater management proposed.
- d. The utility poles specified in the estimate include the specialty customer and utility poles near the point of interconnection. The remaining poles are covered under the lump “General Conditions” sum.
- e. The total underground cable includes the underground portion shown on the plans, from the equipment pads to the riser poles. The remaining cable is included in the racking wiring estimate.

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The Clerk asked the Board if there were any other departments that needed to review the updated plans while waiting for a response from Monroe County Planning and Development. Mr. Oberst mentioned the Fire Marshal. Mr. Hens will send an electronic copy to the Fire Marshal for review on Monday as he would like to make all final updates by mid-week.

Chairman McAllister summarized the next steps, which include addressing all of MRBs comments, meeting with the Town Board on May 7 for SEQR/rezoning approval, and then final approval from the Planning Board on May 13.

The meeting was adjourned on motion at 8:30 p.m.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk