

**TOWN OF SWEDEN
Planning Board Minutes
February 8, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 8, 2021, at the Sweden Courtroom, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Nat O. Lester, III, Planning Board Counsel - Excused; James Oberst, P.E., MRB – Excused.

Also, present: Richard Maier, Maier Land Surveying.

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. Strabel, seconded by Mr. Hale, that the minutes of January 25, 2021, be approved.

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

Moved by Mr. Minor, seconded by Mr. Strabel, that the regular meeting be adjourned to the public hearing.

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

The Public Hearing began at 7:02 p.m.

Chairman McAllister read the notice of public hearing and affidavit of publication.

Fisher Site Plan – Lot R-1A. Beadle Road. 099.04-2-5.111

Chairman McAllister asked if there was anyone present with questions, comments, or concerns. There were none.

Moved by Mr. Dollard, seconded by Mr. Sharpe, to adjourn the public hearing to the regular meeting.

*Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye*

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*Mr. Strabel – Aye
Chairman McAllister – Aye*

The Public Hearing ended at 7:04 p.m.

Chairman McAllister continued review of this project.

Richard Maier, Maier Land Surveying addressed the Board. This project is located on the north side of Beadle Road near the town line. Tim and Melissa Dewey are proposing a pole barn. Mr. Maier has reviewed Town Engineer, Jim Oberst's comments and has addressed all items. Chairman McAllister confirmed that he understood the same. Mr. Maier indicated that a driveway was added to alleviate the need for an easement for ingress/egress. It is a proposed driveway if, and when, the back land is ever sold, they will have an access point knowing that a county DOT permit would be required.

Mr. Maier mentioned that at the last meeting, Planning Board Counsel Nat O. Lester, III expressed concern with how far the existing driveway cuts on to the secondary property. Because title of ownership is in both their names, if they do sell the property, they would enter a lease and/or an easement agreement for the portion of the driveway that does encroach onto that property. Mr. Maier indicated that Mr. Lester would agree to the condition if it were read into the minutes.

Chairman McAllister stated the board was ready to issue a conditional, pending all signatures.

Moved by Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for site plan approval of the Fisher Site Plan – Lot R-1A, located adjacent to 80 Beadle Road, proposing to construct a pole barn on approximately 19.938 acres, which was accepted for review on January 11, 2021; and

WHEREAS, a public hearing was held by the Planning Board on February 8, 2021, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Site Plan Application, Short Environmental Assessment Form, and comments of the Town Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Fisher Site Plan – Lot R-1A is an unlisted action, which will not have a significant impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED that in the event the properties change ownership, an easement will be necessary for the driveway of Lot R-1B on the north for the section that runs into Lot R-1A; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Fisher Site Plan be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

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

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OTHER

Councilperson Muesebeck is requesting comments to the proposed Battery Storage Facilities local law. Chairman McAllister referred to Mr. Strabel since he is on the committee. Mr. Strabel explained that, like the solar farms, battery storage facilities are allowed in every zone. The Town is zoned approximately 95% residential. What the committee is looking at is where and how far from certain things we want the facilities to be. The safety factor is already covered in the Fire Code. The committee does not want to cover items covered in other codes. Discussion of the Uniform Code. Mr. Strabel suggested that they think about setbacks from property lines, but also from other specific items. He also suggested looking at how they will affect the neighbors and how much they may want to segregate them from other hazardous uses. The Fire Code has generalized setbacks. The Town may want to have something more restrictive. Chairman McAllister stated that if the battery storage facility were not on the solar farm parcel, the setbacks would be whatever is currently in the code for that zone. Mr. Minor asked for clarification on the size of the battery storage facilities and the materials of which they are made. Mr. Strabel shared they could be approximately thirty foot by eight-foot-wide boxes made of metal designed with blow-off caps. Mr. Strabel has made some phone calls to get more information on other battery technology – other types of releases when over-charged. The setbacks should be considered with the type of release.

Mr. Sharpe commented that his concerns pertain to storage and how long they will last – what happens when we move on to the next technology. The draft law includes a decommissioning plan. Mr. Strabel explained that these batteries are to help balance the grid, balance the loads.

Mr. Strabel explained that he offered the suggestion to the committee to seek comments from the Planning Board and the Building Department.

Mr. Dollard asked if there were provisions for security fencing for safety measures against vandalism. Mr. Strabel said it is in our ordinance and the Fire Code. Chairman McAllister pointed out that we have provisions for that in the solar farm code but thought for stand-alone facilities it may not require fencing. Mr. Strabel said that some may be contained in a building. The Planning Board needs to be aware of the Fire Code provisions when a site plan application is presented. Mr. Strabel said that the Fire Marshal would be the one to provide that information with comments pertaining to the project. Also, Mr. Dollard pointed out the Fire Department may need to get in and around the structure. Mr. Strabel suggested that the Fire Marshal include those requirements in their comments.

Mr. Minor wanted to confirm that it currently is allowed in all zones. Mr. Strabel said yes, it is allowed in all zones. Discussion of the size and lifespan of the battery storage units. Mr. Strabel said the proposed law includes a decommissioning plan. Chairman McAllister noted the draft law states that after a facility goes inactive for six months, an additional six months is granted to apply for reestablishment. It is really one year before decommissioning. Mr. Sharpe was happy to see that money is required to be placed into escrow for decommissioning. Mr. Strabel explained that decommissioning plans are currently in each section of the code pertaining to wind towers, solar, cell towers, etc. He suggested writing one blanket decommissioning law that covers everything.

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Mr. Dollard asked if the law included an escalation clause for the escrow account to cover any increases in the cost to decommission over time. Mr. Strabel agreed that is one reason why the decommissioning needs to be looked at. Mr. Dollard added there are many extenuating circumstances that may happen over a ten-to-twenty-year period that can cause an increase. Chairman McAllister said the decommissioning plan is tied to the special use permit, which is reviewed annually to see if changes need to be made. Mr. Strabel suggested looking at the duration of review within the special use permit.

Mr. Minor asked what type of input the committee was looking for. Chairman McAllister stated that in the draft law the facilities are allowed in residential zones. The setbacks would be what are currently set forth in the code – 75 feet, 25 feet, 25 feet, and 40 feet. Discussion of light industrial zones. Mr. Minor stated that battery storage facilities do not have to be next to or on the same site as the solar farm. Mr. Minor was thinking specifically of residential zones – you do not want a vacant residential lot housing a large battery storage facility.

Mr. Strabel asked that any comments be forwarded to the committee prior to their meeting on Saturday. Chairman McAllister will investigate what other towns have for residential setbacks. Mr. Dollard requested that the escrow be reviewed. Mr. Minor was concerned with the setbacks for residential zones. Mr. Strabel suggested that they make specific recommendations. Chairman McAllister gave an example recommendation of 200-foot setback in residential for front, side, and rear. Chairman McAllister encouraged members to forward any additional comments to the committee by Saturday.

Heritage Square, Phase 1A – Request for Extension

Moved by Mr. Hale, seconded by Mr. Rickman:

That the conditional final approval that was granted for Heritage Square, Phase 1A by the Planning Board on August 10, 2020 be extended by THREE months.

Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor - Aye
Mr. Rickman – Aye
Mr. Sharpe – Aye
Mr. Strabel – Aye
Chairman McAllister - Aye

The meeting was adjourned on motion at 7:58 p.m.

Respectfully submitted,
Karen M. Sweeting, Town Clerk