

**TOWN OF SWEDEN  
Planning Board Minutes  
March 22, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 22, 2021, at the Sweden Town Park Lodge, 4761 Redman Road, Brockport, New York, commencing at 7 p.m.

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

Also, present: Nat O. Lester, III, Planning Board Counsel; James Oberst, P.E., MRB; Kris Schultz, Schultz Associates; Jared Perram, Saturn Power; Lee Madden; Chris Santillo; Jerry and Jackie Martin; Helen and Mark Hull; Mark Rabjohn; Rebecca and Jason Tauscher; Robert and Karen Carges; Tony Sanganetti; Terri Steigelman-Johnson; Dan Kwiatkowski; Kyle Richardson; David and Nina Crespo

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. Hale, that the minutes of March 8, 2021, be approved.

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

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

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

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

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

**Wolf Solar Farm Subdivision, Site Plan and Special Use Permit. 7484 Fourth Section Rd.082.02-1-13/15.**

Mr. Jared Perram addressed the Board. He explained the legal notice covered a lot of the basics of the project. It is a 3.6-AC community solar project proposed at 7484 Fourth Section Road. There will be no energy storage facility for this project and the only technology to be implemented is a tracking system with the modules tracking the sun from east to west. MRB's review comments have been addressed with the latest responses submitted this morning. A full review still needs to be done. Mr. Perram stated the screening plan is one of the more important topics he would like to discuss.

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Mr. Perram displayed the site plan showing the overall layout of the solar farm, which is set far back with a long access road from Fourth Section Road. He referenced the landscaping plan, C6.01. Per the plan, the southside of the array is screened for the residents along the road and in front of the array. He would like to discuss the topography of the land to put the neighbors' minds at ease. Additionally, there is a diagonal screening coming from the property line and going north to south as well. Red maples, black spruces and various white pines are proposed, which will be 3 ft. to 7 ft. at planting with a maturity growth of 25 ft. to 40 ft. This will make for some substantial screening. Mr. Perram passed out two copies of a topography map of the site and surrounding areas to the Board. The map shows that the array and residents' houses at Northview are on the same elevation line, which is 50 ft. below Fourth Section Road, and the reason screening is proposed on the southside of the array. The screening will prevent seeing the array from a two-story home, or if someone is doing roof work on their home. At the center of the array, same elevation, there is screening that was customized to accommodate a direct view shot. Instead of the fence being installed directly around the solar farm, it is proposed at a sharp angle. Additional land from the owner is needed to do this, which is not typically done, but is being proposed to find a happy medium between landscaping and visual screening and to protect the community.

Mr. Perram would be happy to answer questions at this time.

Chris Santillo, 26 Goldenhill Lane – Where is the energy going? Is there radiation, lead, etc. The neighborhood is full of children. What effect does it have? Are there any studies as to the safety of solar systems?

Mr. Perram explained this is a community solar project, so the energy produced must stay within the community. National Grid is the provider and any of its customers using the energy can be credited on their bill. It can also be opened to the residents of the Town or local community to receive an additional discount, which is usually around a 10 percent savings. There is no radiation or lead that will be leaked from the solar module into the ground. Approximately \$100,000 has been spent in environmental studies. The State and DEC make sure we do not contaminate the ground. Posts are pounded in the ground; no concrete is used. When the module needs repairing, it is like safety glass; it does not shatter but cracks. The module is monitored electronically and identified. There is no energy storage proposed for this system so no chemical contamination of issue, and all electrical lines are installed underground. Mr. Perram cannot speak to a specific study at this time, but will find one, and send it to the Clerk to post it on the Town's website.

Robert Carges, 10 Goldenhill Lane – Mr. Carges stated he researched Saturn Power over the weekend and found it has two projects in Oregon per the website. Mr. Perram stated correct, and in Texas, however, not owned by Saturn Power just the developer. Also, Saturn Power had a satellite office in Turkey for some specific projects, which is no longer. Mr. Carges asked if the interconnection is at Fourth Section Road or farther north. Mr. Perram stated it is at the end of the access road at Fourth Section Road. Are you counting on NYSERDA money to help with the costs? Mr. Perram stated NYSERDA is essentially evaporating with a modest extension. If there is money available, great; if not, the project will still move forward. Mr. Carges is not against solar or this location, however, was concerned about the view from his home being at the same altitude, but if screened with a good mix of plantings over time it will help a lot. He appreciates the screening that will be angled for those residents to the east. Lastly, the town is green already as we get our energy from Niagara Falls. The Niagara Power project generates almost 660 times over what the solar farm would 24/7. In closing, Mr. Carges stated the Planning Board will do a good job in protecting the residents. Thank you.

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Mark Rabjohn, 330 West Sweden Road – Mr. Rabjohn confirmed with Mr. Perram the solar farm is heading north from Fourth Section Road. He asked what the distance was from the road to the solar panels. Mr. Perram stated approximately 1300 ft. The electrical work will be underground as far as National Grid determines to connect to the poles. Is the plan to keep the land in front of the solar array farmed? Yes, but it is up to the owner, Kevin Wolf. Mr. Rabjohn recommended planting evergreens. Mr. Perram is receptive to planting whatever the Board would like to see. Also, a chain-link fence will be installed around the array.

Dave Crespo, 8 Long Point Lane – Mr. Crespo asked how long for the project to be completed, and what type of work and noise will there be during construction. Mr. Perram stated six to eight months for construction depending on the weather. Post pounding will be the loudest noise during construction, but with the array being so far back, it will not be that audible. However, there will be construction noise. No blasting will occur. After the project is done, it truly is the quietest neighbor you will ever have. There will be periodic maintenance as far as a pickup truck driving in, thermal imaging via a drone, and lawn mowing, which sheep have been used in the past to maintain grass by grazing. Are there any plans to expand in the future? Mr. Perram stated this is it. The system was first proposed as a 5 MW-AC but was decreased to 3.6 MW-AC due to costs. No expansion would occur until NYS decides to upgrade its infrastructure, which is a hundred years down the road. If this project is approved, when would construction begin? Mr. Perram stated Fall 2021, but more realistically, Spring 2022.

Lee Madden, 7350 Fourth Section Road – Mr. Madden asked what will the connection look like at roadside? Mr. Perram stated it will not look that different than the typical roadside connection with three to five poles in one spot, a very clean look. The poles will be on the north side of Fourth Section Road.

Robert Carges, 10 Goldenhill Lane – Mr. Carges asked Mr. Perram to explain the tilting factor. Mr. Perram stated depending on the time of year, the sun will start at 7 a.m. to 8 a.m. at a 50-degree tilt and the array will track the sun in the sky until it is totally horizontal, and then back the other way until it is at 50 degrees. One would have to stare at it a long time to see it move. The array will be a little over 10 ft. tall.

Dan Kwiatkowski, 22 Goldenhill Lane – What type of wind do the panels take? Mr. Perram is not a wind engineer, but well over 100 mph. There are instances where wind can devastate a solar farm so sometimes panels are stacked on top of each other.

Terri Steigelman-Johnson, 15 Long Point Lane – Ms. Johnson asked about the studies done explaining the effects of solar farms referenced by another resident and could a study be posted to the Town's website. Mr. Perram will forward a study to the Clerk to post. Thank you.

Chairman McAllister asked if there were any more questions, comments, or concerns. There were none. He thanked everyone for attending and expressing their concerns which will be taken under consideration.

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Moved by Mr. Rickman, seconded by Mr. Hale, to adjourn the public hearing to the regular meeting.

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

**The Public Hearing ended at 7:27 p.m.**

**Bentley Brothers, Inc. Site Plan. 5625 Brockport-Spencerport Road. 084.02-1-36.**

Mr. Kris Schultz addressed the Board. His client approached him three weeks ago wanting to put some stone on the property for an access and roadway to the new barn that was built on the abutting property, Kubota. After checking with the Town, it was determined a site plan was needed. It does not make sense to come off the existing driveway. The site plan shows there is enough room for the biggest tractor trailer to maneuver around.

Chairman McAllister explained that his conversation with Mr. Schultz included an amended site plan for the Kubota property, but the rezoning of the three properties and the merging of same with the existing Kubota property should be done first.

Mr. Schultz stated April 13 is the Town Board public hearing for the rezoning, and he anticipates receiving rezoning approval at that meeting too. This single lot is currently zoned residential, and the existing Kubota is zoned commercial, so the rezoning and merging must be done first to have a commercial operation on the single lot. Mr. Schultz agreed and asked if future display areas could be shown on the plan for the lots to the west. Chairman McAllister stated any display area would have to be paved due to the products having oil and gas.

The discussion included the first two lots to the west and not the third lot. Mr. Schultz stated his client has no development plans for the third lot. The total frontage of the three lots, east to west, is approximately 378 ft. The third lot has a lot of brush and trees, which will serve as a buffer to the first house to the west.

Mr. Schultz agreed to the Board's recommendation to merge the first two lots with the existing Kubota property. Mr. Hale added this will avoid multiple setback issues. Mr. Schultz stated it would eliminate the 7.5 perimeter buffer between commercial properties. Mr. Strabel agreed that it makes sense to merge the lots except for the third lot, where a 7.5 buffer would still be required.

Mr. Schultz' client doesn't have any concerns with merging the lots as long as no improvements are made to the R.O. W. as they are needed for the tractor trailers. Discussion followed.

Chairman McAllister confirmed with Mr. Schultz that he will apply for resubdivision approval for the existing Kubota lot and the first two lots to the west. The third lot will remain as is and act as a buffer at this time. Also, an amended site plan approval will be required as the first two lots show proposed display areas.

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Moved by Mr. Hale, seconded by Mr. Rickman that the Bentley Brothers, Inc. Site Plan be accepted for review.

Discussion: Mr. Strabel asked if an accept for review can be done since rezoning has not been approved. Chairman McAllister stated we can accept the project for review just not approve it until the rezoning is approved. Mr. Schultz stated he will apply for resubdivision and amended site plan approval simultaneously at the next meeting. Mr. Minor wanted to make sure we hold a public hearing in the number of days required. The Clerk stated the Board has 62 days to hold the public hearing. Mr. Strabel confirmed the resubdivision will be for the existing Kubota lot and the two lots to the west. Mr. Schultz agreed.

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

**OTHER**  
**Project Status Update**

**Maier Subdivision and Site Plan – 2 Lots**

Mr. Kris Schultz addressed the Board. As of last week, his client would like to complete the project. MRB’s comments have been addressed. Mr. Schultz will be ready to come back to the next meeting, April 12, for final approval.

Chairman McAllister stated the issue here is we have not heard anything since July 2020, and the Board is ready to reject the project. April 12 is the last meeting for this project to obtain final approval. Mr. Schultz stated his client stalled the review while he was building in Ogden but would like to see it approved now. Mr. Strabel explained this project had huge drainage issues, very swampy at the back of the lot. Mr. Schultz has worked through the drainage issues, which MRB is on board with. Mr. Oberst stated September 2020 was the last review. Mr. Minor clarified that it must be ready for final at the next meeting. Chairman McAllister agreed and that if it is not ready to be approved, the Board will reject the project without prejudice.

**Heritage Square Phase I**

Mr. Schultz has been notified by his client that they will be ready before the three-month extension expires. Chairman McAllister stated the outcome will be the same as the previous project. If it is not ready by the end of the three months, the Board will reject the project without prejudice.

**Mohr Subdivision and Site Plan**

This project is awaiting the Town Board’s approval to extend the sanitary sewer district so that the property can become a part of the district. He spoke with the Finance Director, Leisa Strabel, today and the public hearing can be called at the April 13 meeting. Mr. Oberst confirmed he is waiting on the engineering report to review.

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**Villas at Brandon Woods – Phase II**

Mr. Oberst confirmed with Mr. Schultz that most of units will be sprinklered now. He explained most of the comments received today from MRB have been addressed already. All easements have been corrected. Waiting on the engineer doing the sprinkler design to verify that the pressures available are sufficient. Also discussed is a joint maintenance agreement for the stormwater ponds between the current owner of the Villas at Brandon Woods - Phase I and the owner of this project. Lastly, the only issue left is the engineer at MCDOH is retiring and there is no replacement to review plans.

Chairman McAllister asked if there was a water pressure issue. Mr. Schultz stated he spoke with MCWA to discuss water pressure with the fire sprinkler system and that 15 psi minimum is needed for a fire demand. He noted if there is a fire in one of the units, not all the sprinkler heads go off in the unit, so it is confined to the area. The reason for the sprinkler system is because there was no guarantee that a second egress would be installed for the number of units proposed.

**Declaration of Intent to be Lead Agency  
Wolf Solar Farm Subdivision, Site Plan and Special Use Permit. 7484 Fourth Section Rd.082.02-1-13/15.**

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision, site plan, and special use permit approval for the Wolf Solar Farm, located at 7484 Fourth Section Road, and

WHEREAS the Planning Board held a public hearing on March 22, 2021, and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares its intent to act as Lead Agency for the environmental review of this project.

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

Chairman McAllister asked if the height required for fences is 8 ft. in the solar law. Mr. Rabjohn stated he believes it is 8 ft. with screening.

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

Respectfully submitted,  
Phyllis Brudz - Planning Board Clerk