

**TOWN OF SWEDEN
Planning Board Minutes
April 26, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, April 26, 2021, at the Sweden Town Courtroom, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Nat O. Lester, III, Planning Board Counsel– Excused.

Also, present: James Oberst, P.E., MRB; Kris Schultz, Schultz Associates; Jared Perram, Saturn Power; Adam and Nathan Rizzo, Solar Liberty; Cliff Wagner, LandTech Surveying; David Hurlbutt.

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 April 12, 2021, be approved.

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

Chairman McAllister stated tonight’s public hearing for Bentley Brothers, Inc. Site Plan was cancelled. Further clarification on the project was needed.

Sodoma Gordon Road Subdivision. 269 Gordon Road. 070.03-2-3.21

AJ Barea, PLS, was not present to represent the applicant. The Board reviewed the application forms and plan.

Mr. Hale questioned if the remaining lands should be called Lot 2. Applications are complete and payment received.

Moved by Mr. Strabel, seconded by Mr. Sharpe, that the Sodoma Gordon Road Subdivision be accepted for review.

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

The Public Hearing will be May 24, 2021.

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Hope Lutheran Church Subdivision – 2 Lots. 6601/6605 Fourth Section Rd. 083.02-1-14A/14B

Mr. Cliff Wagner addressed the Board. He explained this is an administrative subdivision dividing one acre, which includes the parsonage, from the church property. No improvements are being proposed.

Mr. Strabel asked if the 20 ft. sanitary easement going through the church property will also go with the parsonage property. Mr. Wagner stated an easement will be provided for the existing sanitary sewer and driveway.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Hope Lutheran Church Subdivision – 2 Lots be accepted for review.

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

The Public Hearing will be May 24, 2021.

Declaration of Lead Agency Status for SEQRA – Wolf Solar Farm

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

WHEREAS, Saturn Power Inc. (“Applicant”) has applied to this Board for subdivision, site plan and special use permit approval for the Wolf Solar Farm to be located at 7484 Fourth Section Road on approximately 96.266 acres from a subdivision of 2 (two) contiguous properties totaling approximately 174.719 acres, tax account numbers: 082.02-1-13 and 082.02-1-15, pursuant to the provisions of Article 174 of the Sweden Town Code (Solar Energy Systems and Solar Energy Farms) and the general provisions governing such approvals by this Board pursuant to Article 175 of the Sweden Town Code (“the Application” and/or “the Project”); and

WHEREAS, at a meeting of this Board held on March 22, 2021, this Board adopted a Resolution determining that the Project/Application constituted a Type I action under the SEQRA regulations, declaring the intention of this Board to serve as lead agency for coordinated SEQRA review of the Project, and directing the Clerk to send to all involved agencies the notice of this Board’s intent to serve as lead agency, all pursuant to 6 NYCRR §617.6(b) of the SEQRA regulations, and the Clerk appropriately sent such notice to all involved agencies; and

WHEREAS, more than thirty (30) days have elapsed since the sending of such notice and all involved agencies have either consented in writing to this Board’s serving as lead agency with respect to the Project or have submitted no response objecting to this Board’s declaration of intent to serve as lead agency.

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NOW, BE IT THEREFORE RESOLVED, that this Board hereby declares itself as lead agency as to the Project/Application pursuant to 6 NYCRR §617.6(b).

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

Kreher Solar Farm Subdivision, Site Plan and Special Use Permit. 4490 Sweden Walker Rd. 085.01-1-3.11

Chairman McAllister asked the Board if there were any comments or questions. The Town Engineer has indicated that all major points have been addressed. After three review letters, there are only minor points left. He is good with a contingent approval.

Mr. Strabel confirmed with Mr. Oberst that a delineation of the wetlands was done. Mr. Oberst explained that Part 2 of the environmental form was reviewed, and any small potential impacts were identified. The applicant was able to mitigate these impacts, such as drainage, through the SWPPP and measures that were provided in accordance with the DEC Stormwater Regulations.

Chairman McAllister questioned the height of the proposed fence, 6 ft. of chain link with 1 ft. of barb wire. He believes the solar law requires the fence to be 8 ft. The Clerk obtained a copy of the solar law and confirmed the height is a minimum of 8 ft. for a fence. The applicant will have to modify the plans.

Moved by Mr. Hale, Seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including any supporting information on the Action prepared by the MRB Group (Town Engineer); and

WHEREAS, the Planning Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Planning Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the April 12, 2021, meeting; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

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NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Planning Board Chair is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Planning Board's determination of environmental non-significance.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Abstain
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

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 of the Kreher Solar Farm, located at 4490 Sweden Walker Road, which was accepted for review on December 14, 2020; and

WHEREAS, a public hearing was held by the Planning Board on January 25, 2021, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Fire Marshal, Highway Superintendent, Environmental Conservation Board; and Monroe County Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board grants the subdivision Preliminary Approval; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived and the Kreher Solar Farm Subdivision be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the site plan and special use permit be approved contingent upon the fence height is a minimum of 8 ft., the Decommissioning Plan estimate is adopted by the Town Board, payment is received, and all required signatures have been obtained, and the Chairman authorized to sign.

Discussion: Mr. Strabel stated that the conditions should include that the plat does not get submitted to the County for subdivision approval without the required signature as was done with the Helios Energy Solar Farm. Mr. Rizzo explained that it may have had something to do with the 5 MW requirement per parcel. If the system is more than 5 MW, it would have to be divided into two parcels. The Kreher system is only 4.25 MW so creating another parcel is not an option. If the approved plan is split up, there is still only one decommissioning plan approved. Mr. Minor suggested a statement be added that approval is null and void if there are any modifications made to the plans. Mr. Oberst stated other issues arise, such as, setback requirements, cross access agreements, etc.

Chairman McAllister stated one of the conditions would be the fence is a minimum of 8 ft. Also, obtaining required signatures. Mr. Dollard asked how much is left to be done. Mr. Oberst just received revised plans, and they are in pretty good shape. A Notice of Intention must be submitted to Ag & Markets, finalize permit with NYSDOT, finalize estimate for the Decommissioning Plan, and respond to a few minor comments. Discussion

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took place that the special use permit could be approved after Mr. Oberst has recommended approval of the estimate to the Town Board, and the Town Board approves it and receives payment.

Mr. Rizzo asked for clarification. The Town Board must accept the estimate and receive payment before the special use permit can be approved. Mr. Rizzo asked if it is possible to get a conditional special use permit. The reason for this request is because NYSERDA incentives are drawing near to an end. Without a conditional special use permit, our company is fighting against other projects across the state to get the money. Chairman McAllister stated a conditional special use permit could be granted, however, may end up meaning nothing. Mr. Rizzo stated that would be very beneficial to us for this purpose. The Clerk was requested by Chairman McAllister to add special use permit into the resolution and make the acceptance of the estimate by the Town Board a condition of the resolution.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Abstain
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

Mantisi Solar Farm Subdivision, Site Plan and Special Use Permit. 7397 Fourth Section Rd. 082.02-1-22

Chairman McAllister asked for a status of this project. Mr. Oberst stated there are still a few minor issues. He is still reviewing the decommissioning estimate and will send a letter to the Town Board once the amount is agreed upon.

Chairman McAllister commented that the plans show very tall trees. Mr. Perram commented that the trees are to help with screening for the Gowanlocks, who live across from the solar farm on West Sweden Road, and attended the public hearing.

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

WHEREAS, the Town of Sweden Planning Board (hereinafter referred to as Planning Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including any supporting information on the Action prepared by the MRB Group (Town Engineer); and

WHEREAS, the Planning Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Planning Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the April 12, 2021, meeting; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

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NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Planning Board Chair is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Planning Board's determination of environmental non-significance.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Nay
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

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

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision, site plan and special use permit approval of the Mantsi Solar Farm, located at 7397 Fourth Section Road, which was accepted for review on October 26, 2020; and

WHEREAS, a public hearing was held by the Planning Board on November 23, 2020, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Fire Marshal, Highway Superintendent, Environmental Conservation Board, and Monroe County Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board grants the subdivision Preliminary Approval; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived and the Mantsi Solar Farm Subdivision be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the site plan and special use permit be approved contingent upon the Decommissioning Plan estimate is adopted by the Town Board, payment is received, and all required signatures have been obtained, and the Chairman authorized to sign.

Discussion: Mr. Dollard stated this project has a life of 30 years with projects renewable for another 20 years. Is this project the same? Mr. Perram stated the life of this project is 20 years with two five-year options to extend, and one and a half years to start decommissioning. Mr. Dollard stated this project has no renewable clause. Mr. Perram agreed.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Nay
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

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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 (hereinafter referred to as Planning Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including any supporting information on the Action prepared by the MRB Group (Town Engineer); and

WHEREAS, the Planning Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Planning Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the April 26, 2021, meeting; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board does hereby make a Determination of Non-Significance on said Action, and the Planning Board Chair is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Planning Board's determination of environmental non-significance.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Abstain
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

Moved by Mr. Hale, seconded by Mr. Sharpe,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision, site plan and special use permit approval of the Wolf Solar Farm, located at 7484 Fourth Section Road, which was accepted for review on February 22, 2021; and

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

WHEREAS, the Planning Board has reviewed the Project Information Form, comments of the Town Engineer, Fire Marshal, Highway Superintendent, Environmental Conservation Board, and Monroe County Planning and Development.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board grants the subdivision Preliminary Approval; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived and the Wolf Solar Farm Subdivision be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar; and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the site plan and special use permit be approved contingent upon the Decommissioning Plan estimate is adopted by the Town Board, payment is received, and all required signatures have been obtained, and the Chairman authorized to sign.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Abstain
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

Bentley Brothers – 5605 Brockport-Sponsorport Road

Mr. Kris Schultz addressed the Board. He explained that at the direction of this Board, he created a resubdivision of three of the four properties and amended the site plan for same. He is requesting an accept for review for the resubdivision.

Mr. Schultz has addressed the Town Engineer's comments. He would like to reschedule a public hearing for both the resubdivision and amended site plan. The Clerk requested completed applications for both revised projects as well as fees for resubdivision approval.

Mr. Minor asked for the status of the rezoning for this project. Mr. Schultz indicated a public hearing was held a few weeks ago and a decision should be made at tomorrow's Town Board meeting.

Discussion took place on how to proceed. The Board will grant an accept for review for the revised site plan and the new resubdivision.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Bentley Brothers Inc. revised Site Plan and new Resubdivision be accepted for review.

Chairman McAllister - Aye
Richard Dollard - Aye
David Hale - Aye
Matthew Minor - Aye
Wayne Rickman - Aye
Peter Sharpe - Aye
David Strabel - Aye

The Public Hearing will be May 24, 2021.

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

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk