

**TOWN OF SWEDEN
Planning Board Minutes
May 11, 2020**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 11, 2020, via a virtual ZOOM meeting commencing at 7 p.m.

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

Also, present: Nat O. Lester, III, Planning Counsel; James Oberst, P.E., MRB; Dave Ingalls, Ingalls & Associates; Dave Matt, Schultz Associates; Jerry Glogowski, Glogowski Land Surveyors. Pam Krahe; Mark Rabjohn; Shane Armstrong.

Chairman McAllister called the meeting to order at 7 p.m.

Moved by Mr. Dollard, seconded by Mr. Strabel, that the minutes of March 9, 2020, be approved.

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

Chairman McAllister stated that recently a member of our board passed away, Arnold Monno, a member for over 35 years. He was a wonderful man and good friend. I ask that we take a moment of silence for him and pay our respects. Thank you.

Maier Subdivision and Site Plan – 2 Lots. 2819 Colby Street. 099.01-1-1.

Mr. Dave Matt addressed the Board. He explained this is a two-lot subdivision on Colby Street. The applicant is proposing 3.8 acre and 4 acre lots with single family homes. The homes will be 700 ft. from the R.O.W. and be served by public water and private septic systems. There is an existing path that will be used for a shared driveway for both lots. The access will cross a federal wetland swale approximately three quarters the way through. A culvert pipe will be used to access the two homes in the back.

Chairman McAllister stated all required documents have been received. He asked if there was a motion to accept the project for review.

Moved by Mr. Strabel, seconded by Mr. Minor, that the Maier Subdivision and Site Plan be accepted for review.

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

The Public Hearing will be June 22, 2020.

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

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

The Public Hearing began at 7:20 p.m.

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

Morich Subdivision-3 Lots, 20 Bader's Way. 083.04-1-1.1.

Mr. Jerry Glogowski addressed the Board. He explained this project is for a 3-lot subdivision from a 5-acre parcel. Lot 2 will have the existing house and barn. The north and south lots, 1 and 3, will remain vacant. All lots are serviced by public water and public sewer. The vacant lots will be accessed by a private driveway off Bader's Way.

Chairman McAllister asked if there were any questions, comments, or concerns. There were none.

Solar Park Energy 12 Solar Farm Subdivision, Site Plan & Special Use Permit. W. Sweden Road. 082.04-1-5, 6.

Mr. Dave Ingalls addressed the Board. He shared the project site plan on the screen.

Mr. Hale joined the meeting. He had issues connecting.

Mr. Ingalls tried to speak, but connection was weak, and hard to understand the following:

Mr. Ingalls explained the project site is 423 W. Sweden Road, owned by Janet Rabjohn and Deborah Debona. It is zoned one family residential and solar farms are permitted. All setback requirements have been met; variances will not be needed. The front setback along West Sweden Road is 100 ft. Side and rear setbacks are 200 ft. The project site meets the 10-acre minimum requirement. The solar farm arrays cover 9 acres or about 18 percent coverage where 80 percent is allowed. For subdivision purposes, Lot 5 will be merged with Lot 6, totaling approximately 129 acres. A couple fire turnoffs have been provided near the equipment pads. There is a construction staging area on the north end of the site. A good amount of screening is shown with all the proposed trees along the frontage/R.O.W. An 8 ft. chain link fence with privacy slats is proposed behind the trees for instant screening. The trees will include both Blue and Norway spruce trees. I would be happy to hear any other recommendations for trees if there are any. The access roadway consists of a porous stone which is a clean, washed, type 2 stone. Grass filter strips will be installed for the 10 ft. by 20 ft. equipment pads. There are 20 ft. access aisles between the panels for ease of maintenance and mowing. There is a house located at 290 W. Sweden Road, across the property on the east side. The access road is approximately 300 ft. north of that property. Panels are 6.5 ft. lying flat, and approximately spaced 10 ft. between tracker panels.

There will be a merger resulting in the new lot being approximately 49.2 acres from the 129.7 acres. Remaining acres for second lot will be approximately 80.5.

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Chairman McAllister asked if there were any questions, comments, or concerns.

Pamela Krahe, 35 Talamora Trail – The Krahes own the property located at 310 W. Sweden Road. Mrs. Krahe stated she could not view the site plan from her screen and would be interested in knowing where the access driveway is from her driveway at 310 West Sweden Road.

Mr. Ingalls stated it is approximately 300 ft. northerly from your driveway. She added so it would be close to the neighboring house on the west side of the road, 245 W. Sweden Road. Mr. Ingalls stated he feels it would be about half the distance between that neighbor's house and her driveway. There is a 200 ft. setback from the lot line/neighbor's property south to the panels. He added that there will be a lot of traffic once construction starts, but once completed, there will be four or five annual trips to the site. The solar farm is monitored remotely 24/7, limiting access needed to the site.

Mr. Ingalls showed an aerial view to help Ms. Krahe and the Board understand where the access road will be located, approximately 200 ft. south of the hedgerow on the west side of the road.

Shane Armstrong, 245 West Sweden Road – Mr. Armstrong apologized for speaking out of turn, was not sure he was being heard. He asked if trees are only along the front of the solar farm or would they be along the sides as well. Mr. Ingalls stated at this time they are just along the front of the property on W. Sweden Road. Mr. Armstrong asked if there will be a building constructed. Mr. Ingalls stated no structures are proposed. Does the fencing go along the whole perimeter of the property? Mr. Ingalls stated yes there will be 8 ft. fencing around the whole solar farm. The front of the solar farm will have both the fencing with the privacy slats and plantings. Mr. Armstrong stated that is all the questions he has.

Chairman McAllister asked if there were any more questions, comments, or concerns. He asked the Clerk if there was anybody else on the phone with questions. The Clerk stated to her knowledge there is no one else.

Mr. Hale interjected and asked for help in being able to view the ZOOM meeting on his computer. Mr. Rickman assisted him in doing so.

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

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

The Public Hearing ended at 7:46 p.m.

Morich Subdivision-3 Lots. 20 Bader's Way. 083.04-1-1.1.

Chairman McAllister continued review of this application.

MRB Comments

Mr. Oberst commented that a revised set of plans were received last week, and all comments were addressed. He still has one question regarding the proposed easement for Lot 1. Is the proposed easement for the present time or for the future? The proposed easement should be labeled as such.

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Mr. Hale added that the proposed easement should be completed now or else we would have a landlocked parcel. Mr. Oberst stated there still is access to Lake Road or Rte. 19. Mr. Hale thought that NYSDOT would deny it to limit curb cuts on Rte. 19. Mr. Oberst agreed, but they still cannot deny the property owner if there are no other options.

Mr. Michael Morich, owner and applicant, joined the meeting. He explained that he plans to have an easement drawn up from the south west corner of Lot 1 to the current R.O.W. of Lot 2. That would be an alternative to getting a curb cut off Rte. 19. Mr. Oberst confirmed that would be a cross access agreement between Lot 1 and Lot 2.

Counsel Lester asked who owns the strip of land between Lot 1 and Bader's Way. Mr. Oberst believes it is owned by Duryea. The Clerk read from the previous minutes confirming that. The Board is in favor of having the access off Bader's Way.

Chairman McAllister asked if it would be acceptable to grant a conditional final contingent upon your review and approval of the proposed easement. Counsel Lester agreed.

Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Morich Subdivision – 3 Lots, located at 20 Bader's Way, which was accepted for review on February 24, 2020, and

WHEREAS, a public hearing was held by the Planning Board on May 11, 2020, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Subdivision Application, Short Environmental Assessment Form, comments of the Town Engineer, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself lead agency for the environmental review of this application and determines that the Morich Subdivision – 3 Lots is an unlisted action, which will not have a significant impact on the environment, and grants Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, and the Morich Subdivision – 3 Lots 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. Strabel – Aye
Chairman McAllister - Aye*

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Solar Park Energy 12 Solar Farm Subdivision, Site Plan & Special Use Permit. W. Sweden Road. 082.04-1-5, 6.

Chairman McAllister continued review of this application.

MRB Comments – dated April 27, 2020

Chairman McAllister asked if the above comments have been addressed. Mr. Ingalls stated most of the comments have been addressed and a written response is close to being mailed to Mr. Oberst and the Town. There are no major issues to resolve, mostly technical questions.

Mr. Ingalls would like confirmation that two new parcels are being created so that each has a 911 address and tax map ID number and each recognized as its own parcel, similarly to the Helios project just approved.

Also, values have been updated on the Decommissioning Plan per a couple very minor questions or comments. Specific line items on the LEAF have been updated.

Mr. Ingalls would love to answer any specific questions the Board has or talk about any questions in the latest correspondence.

Chairman McAllister questioned the screening from adjacent residential properties. It looked like the only place there would be any screening was on the roadside/east side of the property. Mr. Ingalls stated that is correct; that is what the applicant is proposing. I thought, but will have to check, that the Solar Law/code calls for appropriate screening to all residential areas.

Mr. Ingalls shared a photo for the Board to look at. Mr. Rickman asked if Chairman McAllister was specifically talking about the north side of the property. Mr. Rickman who was by the site the day before yesterday, stated there is a mixture of buffering to Mr. Armstrong's property.

Mr. Ingalls suggested closing off the corner of the north side of the property to the hedgerow with a couple of trees, which would stop anyone travelling south from seeing the solar farm. Chairman McAllister confirmed with Mr. Ingalls there is a hedgerow along the north side of the property. Do you have a visual? Yes.

Mr. Rickman stated that might not be a bad idea for the residents living across from the solar farm as he was travelling slowly down the road. Mr. Ingalls asked Mr. Guzek if he would be on board with the additional buffer proposed. Mr. Guzek stated he agreed.

Chairman McAllister stated there is the same issue on the southeast corner. Mr. Ingalls suggested doing the same as the north side, closing off the corner of the south side of the property with a couple of trees. Mr. Guzek asked how many feet on the south side? Mr. Ingalls stated about 200 ft. Mr. Guzek is okay with that.

Chairman McAllister asked if the proposed solar farm property is flat. The owner had sent in pictures that were forwarded to the Board showing it is flat. How tall will the trees be when planted? Mr. Rabjohn stated 6 ft.

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Mr. Ingalls explained the panels at full tilt will be a little over 9 ft. Chairman McAllister stated it will be a few years until the trees grow before there is complete buffering of the solar farm. Mr. Ingalls stated the 8 ft. privacy fence will provide instant screening. Chairman McAllister stated ideally it would be better to have the trees as the buffer and the fence to serve as a barrier. Mr. Ingalls stated sure. Blue and Norway spruce trees are being proposed, which grow relatively fast. Mr. Ingalls will provide a rendering of the array from the middle of the solar farm relative to the fencing and the trees for the next meeting. Mr. Hens has completed several to date that can be shown to give you a better picture of what it will look like.

Mr. Strabel commented that the Blue spruce are deer proof, but the Norway spruce are not. Mr. Rabjohn, Christmas Tree Farm, commented that both trees are a phenomenal choice. Mr. Ingalls asked Mr. Rabjohn what his opinion of the proposed screening was. Mr. Rabjohn is impressed with the type and amount of screening. The Norway spruce is the weed of trees; they grow very fast. He thinks adding trees to the southeast and northwest corners of the property would look great.

ECB Comments

Chairman McAllister asked Mr. Ingalls if he had a chance to go over the comments.

Mr. Ingalls believes there was a little bit of inconsistency in the materials that we put together. Questions regarding whether it was forest or meadow on the side. It is pretty much open agricultural field, I guess is the best way to explain it. There is a hedgerow that goes down the middle of it; but would not classify anything as forest on the property.

Mr. Dollard asked if comments were received from the Fire Marshal. The Clerk responded that comments were submitted and checked to see if they were distributed. Mr. Ingalls stated in the meantime, Highway comments were received stating this project is in the jurisdiction of Monroe County. A County R.O.W. permit application has been submitted.

Mr. Dollard asked if there would be storage batteries on site. Mr. Ingalls replied as far as he knows there will be no storage on site. Mr. Guzek confirmed that there will be no storage of batteries or energy storage systems on site. Project is much like the other community solar projects we did.

Mr. Guzek stated our biggest concern here is that we are still waiting for an interconnection response from National Grid. The closest interconnection point is all the way to the south. Mr. Ingalls stated the closest interconnection is about 4500 ft. north. This whole project is contingent upon getting a decent interconnection from the utility.

Fire Marshal Comments

The Clerk read the two comments.

1. The driveway width of 20 ft. is acceptable, I would like to see the roadway continue to the south the entire length of the solar panel layout. I would also like access to the west end of the site, either at the north end of the site or preferably through the center where the turnaround is. Also, a turnaround at each end.
2. I want an address post at the entrance of the driveway from the road or an address posted on the fence with at least five-inch numbers.

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Chairman McAllister asked if he meant the south instead of the west which would have a road all the way around the solar system. Mr. Ingalls agreed. Typically, the road is so we can access the equipment pads or critical components of the array. Mr. Ingalls pointed to one on the plan where there is a one car parking space required per code, and at the second equipment pad, there is a full fire apparatus turnaround per NYS Fire Code. If the Fire Marshal is asking to extend the roadway all the way to the south, we would prefer not to do that because I do not think there is really any need to bring fire trucks down there. Mr. Ingalls would like to speak directly to the Fire Marshal to discuss. Chairman McAllister explained the Fire Marshal is taking into consideration if someone got hurt on the southwest corner of the solar farm, it is along way to travel for help. Mr. Dollard stated that is the same reason, the Fire Marshal wants to have access at the back of the property. Mr. Ingalls proposed moving the turnaround at the middle of the solar farm and continue the road all the way to the back of the property. Also, a turnaround at each end. Chairman McAllister confirmed with Mr. Ingalls the width of the roadways, east and west, is 20 ft., which is large enough for a vehicle to travel. Mr. Ingalls stated that typically a small vehicle or 4-wheeler is used to move throughout the solar farm. The Board agreed that could work for emergency vehicles. Mr. Ingalls questioned the rationale for extending the roadway all the way to the south of the solar farm. The Clerk will forward the review comments tomorrow to Mr. Ingalls and include the Fire Marshal on the email for discussion.

Chairman McAllister confirmed with the Clerk that June 8 is the next regularly scheduled meeting. For that meeting, Mr. Ingalls would like to button up our responses to MRB and have them mailed out. Take care of anything with the Fire Marshal and update the solar farm screening on the plan. Providing we can discuss everything with the Fire Marshal, we can have everything back easily in a week. Mr. Ingalls would like to request that the Board start the SEQRA request for Lead Agency and complete any County referrals that we need to do.

Chairman McAllister asked for a motion to declare Lead Agency status and mail out the correspondence.

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

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision, site plan approval, and special use permit for the Solar Park Energy 12 Solar Farm, located on West Sweden Road, and

WHEREAS, the Planning Board held a virtual public hearing on May 11, 2020, 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.

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

Chairman McAllister asked the Town Engineer which impacted agencies to send requests to. Mr. Oberst stated MCDOT, which was mentioned earlier, and ACOE, if the applicant hasn't received a jurisdiction determination from ACOE. Mr. Ingalls stated a letter of no permit has been received. Basically, there are no direct wetland impacts or any Town buffering impacts. He pointed to the closest wetland on the plan, which is about 300 ft. Mr. Ingalls will submit the letter of no jurisdiction to MRB and the Town.

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Mr. Oberst added most of the comments have been addressed. We are left with some general comments, a few on decommissioning, and a few on storm water. There are no real hurdles to resolve on his end.

Mr. Hale asked if there were any comments received from the Town of Clarendon. The Clerk stated she did not receive any.

Chairman McAllister asked if there was anything else to discuss. No comments.

Chairman McAllister explained there is a 30-day wait on the SEQRA request for Lead Agency unless we hear back sooner.

Mr. Strabel asked if National Grid is going to have to upgrade their infrastructure from this property all the way down to the substation south. Mr. Guzek stated National Grid will have to upgrade their line on the road to the point of interconnect. Mr. Strabel asked will they have to raise the poles because your primaries are higher all the way down where the high voltage lines cross. Mr. Guzek stated that is a good question and it is why we are waiting for an interconnection response. There is a chance they may have to put new poles in. Does your property end up paying part of that bill? Mr. Guzek stated we pay all of it. Mr. Strabel asked if that would kill the project. Mr. Guzek stated it is possible. Mr. Ingalls stated let us be positive.

Mr. Ingalls had one more question regarding submitting the County Referral form and how that is done now. Chairman McAllister understands for residential reviews you can call the County and make an appointment and they will review the project with you and sign off, which is a lot quicker than it ever was before.

The Clerk explained the process that has been in place. Mr. Oberst suggested submitting digital copies during this time. Mr. Ingalls will complete a form tomorrow and email to the Clerk. She will provide a contact person to email the referral form and plans to for review, along with the Fire Marshal's comments. Mr. Ingalls stated good.

Chairman McAllister stated there is nothing else to do on this project at this time and thanked everyone for their time and Mr. Ingalls' presentation.

Chairman McAllister stated the Clerk commented we have a back log of projects and suggested we not go to a summer schedule and continue with regularly scheduled meetings. The Board agreed.

Chairman McAllister asked the Clerk if he missed anything. She did not think so.

Mr. Hale asked the status of the Helios project. The plans have not been signed off yet. At the last meeting prior to COVID 19, we were going to give a 60-day time limit on finalizing the project. Chairman McAllister would like to push that motion to when we can physically meet as a Board again. Counsel Lester suggested having a workshop to go over everything again.

Mr. Hale added a final note that solar panels were installed on his roof last summer. This month's energy bill was \$25 where it was a \$100 last year. Congratulations!

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Chairman McAllister stated there is one other matter. Kris Schultz has requested a few members meet to do a review of a new project from one of his clients, Mr. McLean, Heritage Square. Is there anyone who would like to join a virtual meeting. Mr. Strabel and Counsel Lester accepted. Thank you. May I have a motion to adjourn tonight's meeting.

Moved by Mr. Hale, seconded by Mr. Strabel, to adjourn the meeting.

Chairman McAllister waited for Arnie to add a couple last minute comments. There were smiles, RIP Arnie!

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

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk