

**TOWN OF SWEDEN
Planning Board Minutes
July 8, 2019**

A regular meeting of the Town of Sweden Planning Board was held on Monday, July 8, 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; Arnie Monno; Wayne Rickman; David Strabel.

Also present: Nat O. Lester, III, Planning Counsel; Richard Maier, Maier Land Surveying; Joe Hens, Ingalls and Associates, LLC; Tom Guzek, Solar Park 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. Monno, seconded by Mr. Dollard, that the minutes of June 10, 2019, be approved.

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

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

*Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Aye
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – 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. Chairman McAllister asked if there were any questions, comments or concerns relative to the applications. There were none.

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
Chairman McAllister - Aye
Mr. Monno - Aye
Mr. Rickman – Aye
Mr. Strabel – Aye*

The Public Hearing ended at 7:06 p.m.

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Elaine's Subdivision - 2 Lots, 5440 Brockport-Spencerport Road. 085.01-2-28.11.

Mr. Richard Maier addressed the Board.

MRB Comments

1. SEQRA Form has been updated. Copy given to Clerk for file.
2. Plans should be labeled, "not an approved buildable lot" without proper approvals.
3. Updated plans show existing septic system.
4. Updated plans show all structures.
5. All existing easements, liber and pages, are noted on the plans.
6. Setbacks for existing structures are noted on the plans.

County Comments – standard comments addressed.

Mr. Maier explained that in 2017 there were wetland issues on the property and that he advised Mr. Bader to contact Mr. Gene Pellett, Environmental Resources, LLC, who did a study of the wetlands. The majority of the property is being mowed, which is why Mr. Pellett's study shows that there may not be wetlands where once indicated, in fact, a lot smaller. The Clerk provided correspondence from Mr. Pellett's study in support of the above.

Mr. Hale commented looking at the proposed plan, the majority of the lot is mostly Federal wetlands. He wondered if anyone would actually buy it. Mr. Maier stated Mr. Chris Wilcox, the property owner to the east has indicated to Mr. Bader that he wants to buy it.

Mr. Minor confirmed with Mr. Maier that the new lot will be just over three acres to the R.O.W., and Mr. Bader's remaining lot will be approximately five acres.

Mr. Maier is waiting for the County Surveyor to complete a review before he presents a mylar to the Board for signature.

Mr. Dollard asked if item #8, a note added to the plans stating the lots are not approved buildable lots, was made. Mr. Maier stated he missed that one, but will add it to the plans.

Mr. Oberst asked if the "blue line" state regulated stream, which runs through the existing property, was identified on the plan. Mr. Maier stated he will highlight the stream.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of Elaine's Subdivision-2 Lots, located at 5440 Brockport-Spencerport Road, which was accepted for review on June 10, 2019, and

WHEREAS, a public hearing was held by the Planning Board on July 8, 2019, and all persons wishing to be heard were heard, and

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

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NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself lead agency for the environmental review of this application, and determines that Elaine's Subdivision-2 Lots is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board grants Elaine's Subdivision-2 Lots preliminary approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board waives the final hearing, and grants Elaine's Subdivision-2 Lots final approval, contingent upon all required signatures obtained, and the Chairman be authorized to sign the mylar.

Mr. Dollard – Aye

Mr. Hale – Aye

Mr. Minor – Aye

Chairman McAllister - Aye

Mr. Monno - Aye

Mr. Rickman – Aye

Mr. Strabel – Aye

Beadle Road Subdivision. Resubdivision of Merrill Estates – Lot 9. 1200 Beadle Road. 098.04-1-30/29.1.

Mr. Richard Maier addressed the Board.

MRB Comments

1. SEQRA Form has been updated. Copy given to Clerk for file.
2. Private wells are shown and labeled on plan for both properties.
3. All structures have been clearly labeled on the plan.
4. All existing easements with liber and pages have been noted on the plans.
5. Setbacks for existing structures have been noted on the plans including the new property line.
6. The plat has been revised to the required width of 200 ft. in the R1-2 Zoning District.
7. All existing wetlands, streams, and other waterbodies have been shown and labeled on the plans, as well as the 100-year flood plain boundary.

County Comments – standard comments addressed.

Mr. Maier is waiting for the County Surveyor to complete a review. For this application, in particular, Mr. Maier can't file the map until the strip of land is deeded from the neighbor to the applicant. Once that happens, he will present the map to the Board for signing.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Beadle Road Subdivision, located at 1200 Beadle Road, which was accepted for review on June 10, 2019, and

WHEREAS, a public hearing was held by the Planning Board on July 8, 2019, and all persons wishing to be heard were heard, and

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board grants the Beadle Road Subdivision preliminary approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board waives the final hearing, and grants the Beadle Road Subdivision final approval, contingent upon all required signatures obtained, and the Chairman be authorized to sign.

Mr. Minor asked exactly what has to happen again. Mr. Maier stated he has to file the deed for the transfer of land, then the map can be filed after signatures have been obtained. Counsel Lester asked for the liber and page to be sent to himself and Mr. Oberst. Mr. Maier agreed.

Mr. Dollard – Aye

Mr. Hale – Aye

Mr. Minor – Aye

Chairman McAllister - Aye

Mr. Monno - Aye

Mr. Rickman – Aye

Mr. Strabel – Aye

Mr. Tom Guzek arrived and Mr. Minor excused himself from discussion at 7:20 p.m.

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

Mr. Tom Guzek addressed the Board. He thanked the Board for the continued review. At the end of last month's meeting there were two options, reduce the size of the project or attempt to purchase land from the neighbor. Or, push everything to the center, which is what the design professionals would like to do.

The access road has been removed from the center aisle and located on the outside of the property to the north, and the panels have been pushed together. The access road will start at the entrance of the development at Lake Road all the way back to service panels at the rear. This provides a 200 ft. setback on all the sides and the rear and the front is holding at a 100 ft. setback per code.

Chairman McAllister stated he believes the fence has to be located inside the setback. Mr. Hens stated the solar law isn't clear on that. A copy of the 2017 Solar Law was provided to check the fence requirements. Chairman McAllister concluded that there is nothing in the 2017 Solar Law regarding where fences have to be located so they can go anywhere.

Mr. Guzek would like to propose burying all the lines from the equipment panels to the interconnection so there would be no poles shown except at the very end where the metering poles are located Mr. Hens stated the plans would have to be updated because currently the poles run all along the access road. This is a significant cost increase, but he would rather have a clean look in order to help get the project approved.

Mr. Hale commented underground utilities reduces the chance of weather damage or otherwise. Mr. Guzek agreed; however, it is more costly and should help the project get approved. Mr. Hens added it will also look nicer.

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Mr. Guzek reported that the school board has given its blessing for approval of the pilot agreement. He will be visiting the Town Supervisor next week to finalize a pilot agreement. Mr. Strabel asked if Mr. Guzek has to have a pilot from the Town or would the project fall apart without one. Mr. Guzek stated he would have to challenge the assessment. Mr. Strabel asked if the school's pilot was satisfactory even if the Town's pilot doesn't work out. Mr. Guzek stated yes. The State gave the solar companies all these incentives to proceed, and then allowed for individual opt-outs. Monroe County has been very difficult to work with.

Mr. Dollard requested the Fire Marshal review the plan again with the access road location change. Mr. Hens will forward the plan to Mr. Vergari electronically. Training for the Fire Department will still be done.

Mr. Guzek stated the solar farm should provide electricity to the entire Town of Sweden, which was the original intent. Anyone who wants to participate and subscribes to the project will be locked in at 10 percent below the rate as long as you reside here. If the resident moves, the rate will stay the same as long as the location is in the same National Grid territory or it can be sold or granted to another property. Mr. Guzek commented in order to increase subscriptions, when a resident subscribes to solar energy, their local charity will benefit substantially, they will receive the 10 percent rate reduction, and they will be supporting an environmentally good project.

Chairman McAllister added that the Town Engineer still has to complete a review of the site plan and special use permit. Mr. Oberst stated he received the updated plans late last week and did a quick review and found a few minor issues. The revised SWPPP review still has to be completed. The Decommissioning Plan will have to be revised with a new estimate. The Planning Board will approve the Decommissioning Plan as where before it was the Town Board. The Special Use Permit conditions have to be completed. The Town Board will only approve the pilot agreement.

Mr. Monno asked if the access road is plowed in the winter time. Mr. Guzek stated yes. Mr. Monno wondered why the road is so close to the panels when especially in the winter time the panels could easily be hit and damaged while plowing. Mr. Guzek agreed. The panels are 5 ft. to 7 ½ ft away from the road. It was suggested to push the fence out, which would also provide a snow storage area.

Counsel Lester confirmed with Mr. Guzek that the school board did approve the pilot agreement two days ago. He asked what the payment amount ended up at. Mr. Guzek stated it was steep and that he had to go back and ask for a reduction in the rate of return. The cost was \$4,500 per megawatt for 15 years.

The project will be back before the Board on August 12, 2019.

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

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk