

**TOWN OF SWEDEN
Planning Board Minutes
October 28, 2019**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 28, 2019, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard; Craig McAllister; Matthew Minor; Arnie Monno; Wayne Rickman; David Strabel.

Absent: David Hale

Also, present: Nat O. Lester, III, Planning Counsel; Jim Oberst, P.E., MRB; Richard Maier, Maier Land Surveying; Tom Guzek, SolarPark Energy; Joe Hens, Ingalls & Associates; Aaron Beyler, BME Associates; Lucio and Jody Battisti; Zach Wagner.

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. Rickman, that the minutes of September 23, 2019, be approved.

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

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

*Mr. Dollard – 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 was anyone present for the Nowak Site Plan or Lucio Battisti Inc. Home Occupation applications. There were none.

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

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

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

Edward White Resubdivision. 2101 and 2109 Colby Street. 099.02-1-7.1and 099.02-1-7.23.

Mr. Glogowski was not in attendance to present the project. The Board reviewed the application and had no questions at this time.

Moved by Mr. Strabel, seconded by Mr. Rickman, that the Edward White Resubdivision be accepted for review.

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

The Public Hearing will be November 25, 2019.

Phillips Subdivision. 460 and 444 Holley Street. 068.14-1-13 and 068.14-1-14.

Chairman McAllister stated that Barbara is his sister-in-law and he has no financial interest in this subdivision. Mr. Richard Maier addressed the Board. He explained that the applicants are conveying a small strip of land from 444 Holley Street to 460 Holley Street.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Phillips Subdivision be accepted for review.

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

The Public Hearing will be November 25, 2019.

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Covell Road Subdivision – 2 Lots. Lake Road and Covell Road. 114.03-1-36.

Mr. Rich Maier addressed the Board. He explained this property currently crosses Covell Road with one tax account number. There is interest in purchasing the north lot on Covell Road, but first the property has to be split into two lots. The lot lines will remain the same and both lots are vacant.

Moved by Mr. Strabel, seconded by Mr. Rickman, that the Phillips Subdivision be accepted for review.

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

The Public Hearing will be November 25, 2019.

Mr. Maier asked for signatures for the Beadle Road Subdivision and Elaine’s Subdivision – 2 Lots, both plans are ready to be filed at the County. Chairman McAllister and Mr. Oberst signed the plans.

Nowak Site Plan. 201 Capen Road. 113.01-1-44

Chairman McAllister continued review of the application.

MRB Comments – dated September 27, 2019

1. Zoning site/data statistics updated to show rear setback as 40 ft. and side setback as 10 ft.
2. There are no existing easements on subject property based on the title information provided.
3. Water Superintendent signature line has been removed and the Town Engineer and Chairman have been added.
4. MCDOH has received and reviewed the septic information. Their comments have been forwarded to the Planning Board and Town Engineer.
5. The driveway width has been revised to 14 ft. and a pull off area has been added midway down the driveway. Mr. Minor asked that the defined dimensions be shown on the plan.
6. A highway permit will be obtained from MCDOT.
7. A basic erosion and sediment control plan will be provided per Town review and approval prior to submission of the NYSDEC NOI.
8. The requested notation has been added regarding site stabilization and restoration.
9. Erosion control note #11 has been removed.
10. The sequence of construction has been revised to include the above listed items and the required Town inspections have been added.
11. End section stabilization detail has been added.
12. A temporary sediment trap has been added at the downstream end of the proposed culvert.
13. A construction staging area and concrete washout have been added to the plans.

Highway & Sewer Department

No comments. A driveway permit will be obtained from the County.

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Building Inspector/SW Manager

Agree with MRB comments. A 20 ft. by 50 ft. pull-off area has been added to the driveway at mid-point.

ECB Comments

A vegetative note has been added to the plan.

Fire Marshal

1. Post with house number will be provided by the applicant.
2. Driveway width has been revised to be 14 ft.
3. A pull off area has been provided to comply with Town Code. Mr. Minor pointed out that the Fire Code states a bump out is not required for a driveway less than 500 ft.

County Comments – standard comments addressed.

Moved by Mr. Strabel, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Nowak Site Plan, located at 201 Capen Road, which was accepted for review on September 23, 2019, and

WHEREAS, a public hearing was held by the Planning Board on October 28, 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, Highway and Sewer Superintendent, Building Inspector/Stormwater Manager, Environmental Conservation Board, Fire Marshal, 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 Nowak Site Plan is an unlisted action, which will not have a significant impact on the environment.

Mr. Dollard – Aye

Mr. Minor – Aye

Chairman McAllister - Aye

Mr. Monno - Aye

Mr. Rickman – Aye

Mr. Strabel – Aye

Home Occupation Approval, 233 Beadle Road. 099.04-2-9.31.

Lucio and Jody Battisti were in attendance to address any questions.

MRB Comments – There were none.

Fire Marshal Comments – There were none.

Building Inspector/Stormwater Manager Comments – There were none.

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Moved by Mr. Minor, seconded by Mr. Monno,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the home occupation, Lucio Battisti Inc., located at 233 Beadle Road, which was accepted for review on September 9, 2019, and

WHEREAS, a public hearing was held by the Planning Board on October 28, 2019, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Home Occupation Application, Short Environmental Assessment Form and comments, if any, of the Town Engineer, Fire Marshal, Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself lead agency for the environmental review of this application, and determines that the Lucio Battisti Inc. Home Occupation is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following requirements be met to conduct said home occupation. The home occupation or profession is customarily carried on in a dwelling unit or in a structure accessory to a dwelling unit; is carried on by a member of the family residing in the dwelling unit; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms to the following additional conditions: the occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto; not more than one person outside the family shall be employed in the home occupation; there shall be no exterior display, no exterior sign (except as permitted under §175-30); no exterior storage of materials; no other exterior indication of the home occupation or variation from the residential character of the principal building; no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, and the Lucio Battisti Inc. Home Occupation be granted final approval.

Mr. Dollard asked for clarification whether Lucio Battisti Inc. or Battisti Jewelers should be used. Mr. Battisti stated Battisti Jewelers is a d/b/a, which falls under the corporation. Counsel Lester requested the requirements for a home occupation be included in the above resolution.

Mr. Dollard – Aye

Mr. Minor – Aye

Chairman McAllister - Aye

Mr. Monno - Aye

Mr. Rickman – Aye

Mr. Strabel – Aye

Mr. Minor excused himself.

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

Mr. Joe Hens and Mr. Tom Guzek addressed the Board. Mr. Strabel asked for a summary of responses to the Planning Board's request to be Lead Agency. The Clerk explained NYS DOT responded with a letter stating it is not interested. Additionally, requests were sent to NYS DEC and ACOE. The 30-day time period is up today. Mr. Hens explained he received notification from both that permits are not required.

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Mr. Strabel asked for clarification on the Lead Agency resolution. Counsel Lester explained that the resolution explains it is the intent of the Planning Board to declare itself Lead Agency and declare a Negative Declaration for the Helios Energy Solar Farm application. Mr. Strabel asked if there was anything in the Full EAF that would be questionable as a Neg Dec. Mr. Oberst explained that the applicant completed Part 1, and MRB completed Part 2 and 3, and there were no significant environmental impacts, few that were small to moderate, such as, noise and dust during construction. A SWPPP still needs to be completed.

Moved by Mr. Strabel, seconded by Mr. Dollard,

**RESOLUTION DECLARING LEAD AGENCY STATUS
AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

TOWN OF SWEDEN PLANNING BOARD

WHEREAS, Helios Energy New York 3, LLC (“Applicant”) has applied to this Board for subdivision, site plan and special use permit approval for a solar farm to be located on approximately 47 acres of a 114.7 acre property located at 5585 Lake Road, tax account #098.04-1-2.1, 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, Applicant has submitted Part 1 of a Full Environmental Assessment Form (“EAF”) regarding the Project pursuant to the provisions of the State Environmental Quality Review Act (“SEQRA”) and the applicable agency regulations thereunder, as to which this Board has conducted appropriate initial review, and the Town Engineer, MRB Group, through James Oberst, P.E. has, based upon his professional review of all application materials, prepared and submitted to this Board a draft of Parts 2 and 3 of the EAF identifying any potential environmental issues raised by the Project, analyzing the potential impacts of such issues and providing findings supporting the issuance of a Negative Declaration of environmental impact (“Negative Declaration”) for the Project pursuant to the SEQRA regulations; and

WHEREAS, at a meeting of this Board held on September 9, 2019, 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 SERQA 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 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;

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); and be it further

RESOLVED, that this Board hereby adopts the EAF Part 2 prepared by the Town Engineer and the findings and analysis set forth therein; and be it further

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RESOLVED that, based upon the review of the Application by this Board and by the Town Engineer, including the EAF Parts 1 and 2, this Board hereby determines that the Project, as proposed, will not have any significant adverse environmental impact, and that this Board therefore adopts a Negative Declaration pursuant to the SEQRA regulations, and as set forth in the EAF Part 3 prepared by the Town Engineer as hereby adopted by this Board and incorporated herein by reference, and based upon the following additional findings of this Board:

1. While the Project will physically alter and change the use of approximately 47 acres of land currently either in active agricultural use or potentially available for such use and replace it with an essentially non-vegetative area, such acreage is an insignificant amount as compared the total acreage presently in agricultural use or available for such use in the Town of Sweden;
2. The proposed use as a solar farm will have a positive environmental impact by generating a significant amount of electrical energy available to residents of the Town of Sweden in a manner which is substantially less impactful on the environment than the methods currently used to produce such electrical energy;
3. The Applicant has reduced the size of the proposed Project to significantly diminish any potential impacts upon any nearby wetlands or flood plains due to stormwater runoff or drainage;
4. Given the generally rural location of the Project and the placement of the solar panels at a very low height above the ground and with a generally flat visual appearance, the Project will not create any significant adverse visual impact on the surrounding area;
5. Except for the relatively short time period for construction, the Project will not produce any noticeable sound impact upon the surrounding area; and
6. The Project will generate almost no additional traffic on the surrounding roadways;

and it is further

RESOLVED, that Chairman of this Board is hereby directed to sign EAF Part 3 on behalf of this Board as lead agency, and the Clerk of this Board is hereby directed to file, publish and provide notice of this Negative Declaration in accordance with the SEQRA regulations.

Dated: October 28, 2019

Mr. Dollard asked for clarification of the property address; 5516, 5517, or 5585 Lake Road. The Clerk stated the Assessor has assigned 5585 Lake Road as the property address. Counsel Lester asked that the tax account number be included in the above resolution. The Board agreed.

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

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Chairman McAllister suggested giving final approval to the site plan tonight. Discussion followed. Does it make sense to approve a site plan and subdivision prior to the final public hearing for the Special Use Permit should it not be approved?

Counsel Lester explained that the public has not seen the revised changes to the site plan and subdivision and special counsel has recommended a public hearing. The consensus of the Board was to wait until after the public hearing to grant final approval for the subdivision, site plan and special use permit. The applicant has made progress by receiving a Neg Dec at tonight's meeting.

Mr. Tom Guzek stated the parcels are being separated for tax purposes only, not for two separate parcels. Chairman McAllister explained that there will be two separate tax account numbers after approval. The owner will still own both parcels, and will be able to lease the one which will have its own curb cut, etc.

Mr. Monno asked how long for construction time. Mr. Guzek anticipates starting in the Spring with equipment onsite after the thaw and be done no later than June 2020.

The meeting was adjourned on motion at 8:15 p.m.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk