

**MINUTES**  
**Town of Vienna**  
**Planning Board (PB) - Regular Meeting**  
**November 16, 2023**

**Call to order:** Chairman Calvin Collins called the meeting to order at 7:00 pm with a quorum present.

**Attendance:**

Board Members: Calvin Collins, Bill Shaughnessy, Mike Piper, Orrin MacMurray, Martha Link, and Dave Gigon. There is one vacancy on the board.

Others: Several applicants and residents.

Secretary Kathy Pavelock, Liaison Darrin Smith, Town Attorney Evan Rossi. Codes/Zoning Officer (C/ZO) Reay Walker was unable to attend.

**Minutes Approval:**

A **motion** was made by Orrin MacMurray, seconded by Bill Shaughnessy **to approve the October 19, 2023 regular meeting minutes and the November 9, 2023 Special Meeting Minutes.**

No discussion. Poll Vote:

Orrin MacMurray – Aye	Bill Shaughnessy – Aye	Martha Link – Aye
Dave Gigon – Aye	Calvin Collins – Aye	Mike Piper – Abstain
Vacancy – n/a		<b>Motion Carried.</b>

**Correspondence:**

- Submitted legal notices for Nov. 9 special meeting and public hearings for Nov. 16.
- Submitted 239m Reviews for SUP2023-07 to OC, DEC, and DOT.
- Also submitted reviews for SUP2023-08 to OC and DOT (applicant submitted to DEC).
- Received responses of SUP2023-07/-08 239m reviews from DOT.
- Prepared and sent Lead Agency letters for SUP2023-06 (Solar Project).
- Received new applications: SUB2023-02 and SUP2023-09.
- Contacted applicant for Relot2023-01 (need tax search for one parcel filing fees paid).
- Contacted by Liebel. Needs plans signed since they were never filed. Calvin will review the law.

**Public Hearings:**

**7:10 pm SUP2023-07 Ground-mount residential solar. William & Sandra Zorn.**

**3139 NYS Rte 49; 218.000-1-53.2; Zone C.**

**Motion to open public hearing for SUP2023-07** was made by Mike Piper, seconded by Bill Shaughnessy. Poll vote:

Orrin MacMurray – Aye	Bill Shaughnessy – Aye	
Martha Link – Aye	Dave Gigon – Aye	Calvin Collins – Aye
Mike Piper – Aye	Vacancy – n/a	<b>Motion Carried at 7:08</b>

Councilman Darrin Smith and Resident Tom Moore commented that they thought a residential solar is a good idea. Assessor Phil Amway explained that residential solar does not increase property value and therefore there are no changes to the property assessed value.

**Motion to close public hearing for SUP2023-07** was made by Mike Piper, seconded by Martha Link. Poll vote:

Orrin MacMurray – Aye	Bill Shaughnessy – Aye	
Martha Link – Aye	Dave Gigon – Aye	Calvin Collins – Aye
Mike Piper – Aye	Vacancy – n/a	<b>Motion Carried at 7:12.</b>

**7:15 pm SUP2023-08 Vegetable Stand and Ice Cream Shop. Mark & Michelle Corey.**

**548 NYS Rte 49/Drive 7; 214.020-1-1.7; Zone SR.**

**Motion to open public hearing for SUP2023-08** was made by Orrin MacMurray, seconded by Dave Gigon. Poll vote:

Orrin MacMurray – Aye	Bill Shaughnessy – Aye	
Martha Link – Aye	Dave Gigon – Aye	Calvin Collins – Aye
Mike Piper – Aye	Vacancy – n/a	<b>Motion Carried at 7:15</b>

**7:15 pm SUP2023-08 Public Hearing (cont.)**

Councilman Darrin Smith commented that he thought the property owner was doing a good job in cleaning up the area.

**Motion to close public hearing for SUP2023-08** was made by Bill Shaughnessy, seconded by Orrin MacMurray. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye  
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye  
Mike Piper – Aye Vacancy – n/a **Motion Carried at 7:16.**

**New Business:**

**SUB2023-02 Phil Amway 2-lot subdivision; 9384 Elpis Rd, 181.000-1-6.2; Zone RR3.**

On behalf of the property owner, Jeff Moore provided preliminary plats of the proposed subdivision. A second 5-acre lot is proposed on the south side of the property with access from the county route. Since this property borders a county road and is within an agricultural district a 239m review is required. The board reviewed the SEQR part 1 and completed parts 2 and 3. Orrin MacMurray made the motion to accept the application as complete, declare a negative environmental impact, and to set a public hearing for December 21, 2023 at 7:10 pm. Seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye  
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye  
Mike Piper – Aye Vacancy – n/a **Motion Carried.**

**Unfinished Business:**

**SUP2023-07 Ground-mount residential solar. William & Sandra Zorn.** 3139 NYS Rte 49; 218.000-1-53.2; Zone C. The board discussed the status of this application and declared the application as complete. Only the NYS DOT has responded to the 239m review. Agencies have until Dec. 3 to respond. A **motion** was made by Orrin MacMurray, seconded by Martha Link to **approve SUP2023-07 contingent upon receiving no comments from DEC or Oneida County.**

No discussion. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye  
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye  
Mike Piper – Abstain (Related to applicant) Vacancy – n/a **Motion Carried.**

The applicants were advised that upon receipt of the responses or after December 3, a letter of determination will be prepared and sent to them and the Zoning/Codes Officer. Upon receipt of the letter, they may proceed with obtaining the needed building permits.

**SUP2023-08 Vegetable Stand and Ice Cream Shop. Mark & Michelle Corey.**

548 NYS Rte 49/Drive 7; 214.020-1-1.7; Zone SR.

The board discussed the status of this application and declared the application as complete. Only the NYS DOT has responded to the 239m review. Oneida County has until Dec. 3 to respond. A **motion** was made by Orrin MacMurray, seconded by Bill Shaughnessy to **approve SUP2023-08 contingent upon receiving no comments from Oneida County.** No discussion. Poll Vote:

Orrin MacMurray – Aye Bill Shaughnessy – Aye  
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye  
Mike Piper – Aye Vacancy – n/a **Motion Carried.**

The applicants were advised that upon receipt of the responses or after December 3, a letter of determination will be prepared and sent to them and the Zoning/Codes Officer. Upon receipt of the letter, they may proceed with obtaining the needed building permits.

## **New Business:**

### **SUP2023-09 Broadway Group (Carson Styles); New business and a 9,100 sf building at corner of Rtes 49/13. 2380, 2381, 2379, 2385 NYS Rte 49; 217.000-2-24,25,26,27. Zone Commercial**

Based on the results of the ZBA action earlier this year, Mr. Styles presented an updated site plan with a proposed structure that meets the town zoning law. The planning board briefly reviewed the site plan and asked Mr. Styles to provide additional information including SEQR and SWPPP. The board asked that the applicant submit updated plans to NYS DOT. The board also requested that Mr. Style review the requirements in the zoning law on pages 30-31. The board also discussed the possible processes that could be used for the subdivision which is also required for this project (a separate application). This project will require that four lots be combined (no application to the planning board is needed) and then the property would be subdivided into two lots (application to the planning is required). The subdivision application and special use permit application could be worked on simultaneously.

## **Unfinished Business:**

### **SUP2023-06 Distributed Solar generation facility (5mW); RIC Energy; 2930 NYS Rte 49; 218.000-1-27.4; Zone C (along Rte 49) WR (remaining acreage).**

The board summarized the status of the project with the applicant Sean Frusco from RIC Energy. A summary of the discussions follows:

- Balloon study – Photos show that points 7, 8, and 9 are the only ones with the balloon visible. One copy of the files is with the project files.
- The system installer is required to be provided with the building permit.
- Wetland delineation – The board is not certain that DEC has approved. The board is looking for the specific wording “We take no exception.” Attorney Rossi stated that DEC wants the entire property delineated. RIC only has access to a portion of the property. The US Army Corp of Engineers have agreed with the delineation and Sean will provide the board with the letter.
- Fire Department – Vienna Fire Chief Rick Roberts talked with Sean. Upon learning that there are no batteries with this project, the fire department has no issues. The special use permit will have a condition that the fire department and town have an orientation for the solar farm before going live.
- Class C stream – there are no permits required.
- Host Community – Attorney Rossi has talked with Hobs Robson and there has been a Host Community submitted. This is important to the town. This is not a concern for the planning board.
- The assessor stated that the NYS input form has not yet been provided to us. This needs to be submitted soon.
- Attorney Rossi is concerned that there is no bond and advises that one is needed. He also recommends that decommissioning is more of an agreement than a plan. He also advises that if the terms of the special use permit are faulted, this will trigger decommissioning. Transfer of responsibilities in writing for transfer of ownership. NOTE: The Special use permit goes with the land not the owners or leaseholders.
- Site plans need “lot coverages.” Sean explained they are in the third submission provided to the board this evening. The limit of disturbance is along the lease line.
- The board asked about the Geoweb and Geogrid. These are used for the access road.
- Lead Agency letter – mailed on November 10 with responses due in 30 days. Nothing has been received as of this meeting.
- The board asked if there were any pollution issues. All equipment is environmentally friendly. Transformers have getable-like oil. Nothing in the panels that could cause harm.
- Decommissioning Plan – driveway, foundation, underground wires are removed unless owner says not to. On page 3 it states may be broken up at the request of the owner. This needs to be made consistent and the board prefers that it be removed unless the owner says no.
- The board asked about the operation and maintenance. How will the town know that it is being done? Request that a condition be an annual report to the Codes Officer.

- Snow removal – Sean does not see the need for snow removal, the board would like to see snow removal with 6” of snow.
- Sean requested that the board set the public hearing date. The board explained that possibly at the next meeting. The board needs to go over the SEQR.

**Sketch Plan Reviews:**

**Gary Natali – propose plans for Mobile Home Park at 234 Beach Rd.** Gary asked the board if they would be open-minded to adding 10 additional sites. The board stated they were open-minded. This would require approval from DEC and the ZBA.

**Public Comments:**

Councilman Darrin Smith – commented on other solar projects in the area.

Mike Piper – resigning from the planning board as of December 31, 2023. Suggests that the planning board be a 5-member board rather than 7. The board explained that only the Town Council can change the number.

**Next Meeting:** December 21, 2023. Agenda items are due to the secretary by December 14, 2023.

Orrin MacMurray made a **motion to adjourn**, seconded by Martha Link. **Motion carried 9:30 pm.**

Minutes prepared by:

Kathy Pavelock  
Planning Board Secretary