

MINUTES
Town of Vienna
Planning Board (PB) - Regular Meeting
February 15, 2024

Call to order: Chairman Calvin Collins called the meeting to order at 7:01 pm with a quorum present.

Attendance:

Board Members: Calvin Collins, Bill Shaughnessy, Mike Piper, Orrin MacMurray, and Martha Link (7:10 pm). Dave Gigon was unable to attend. There is one vacancy on the board.

Others: Several applicants and residents.

Secretary Kathy Pavelock and Liaison Darrin Smith.

Codes/Zoning Officer (C/ZO) Reay Walker and Town Attorney Evan Rossi were unable to attend.

Minutes Approval:

A **motion** was made by Orrin MacMurray, seconded by Bill Shaughnessy **to approve the January 18, 2024 regular meeting minutes as provided at this meeting.** No discussion. Poll Vote:

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

Correspondence:

- Submitted Environmental Bulletin Notice for SUP2023-06 on 1/18/2024. It has not shown up, most likely due to error on the part of Secretary Pavelock. RIC commented that they contacted DEC who advised them that they could submit the notice. It will be published next week.
- Contacted Carson Styles regarding SUP2023-09. Carson called today and asked if we could review his application without his presence. I informed him that the board could only do a site plan review if the applicant or a representative were not present. NOTE: Secretary Pavelock saw that an email from Mr. Styles came in about 5:40 pm and he stated he would not be present.
- Contacted Liebel regarding submitting a new Subdivision Application. Left a message stating that if he wished to pursue the new subdivision application to please submit the application to the town clerk. The planning board will not be contacting him unless we have a paid application.
- Received new applications SUP2024-01 (Ice Cream Shop moved) and SUB2024-01 Lovelace 3093 McConnellsville Rd.
- Received recommendations from Oneida County and NYS DOT for SUP2023-06.
- Received address change for member Mike Piper. Updated and distributed contact list.
- Received notification from Oneida County Clerk that all subdivision maps filed will be forwarded as PDF to the town. Forwarded a copy to the Assessor.
- Professional Engineer Tallerino emailed us regarding Drive 1 waterline SEQR questions. On the advice of Chairman Collins, the email was forwarded to Supervisor Davis.
- Assisted several residents with application processes.

Public Hearings: None

Unfinished Business:

Relot2024-01 – Daniel Parkin; 8273 Halstead Rd; 199.000-1-14.2 and 199.000-1-14.1

Mr. Parkin provided copies of the updated plat showing the actual road frontage for all parcels. The board reviewed the updated plats noting that the corrected north lot road frontage is 499.2’.

Orrin MacMurray made a motion to approve Relot2024-01. Seconded by Mike Piper. Poll Vote:

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

The applicants were reminded that they are responsible for filing the approved plats within 60 days. Chairman Collins signed the paper and mylar plats.

SUP2023-06 RIC Energy, Sean Frusco, Distributed Solar generation facility (5,000 kW) 2930 NYS Rte 49; 218.000-1-27.4; Zone C (along Rte 49) WR (remaining acreage).

- RIC Energy had nothing new to report.
- Unrelated to planning board action, RIC is finalizing the Host Community Agreement with the town attorney.
- The board agreed that they are ready to move forward.
- Orrin MacMurray prepared a draft resolution for the board to consider. The board suggested the addition of one additional whereas (for letters to adjacent landowners) and to be sure that we include the typical conditions of approval of the planning board for any changes in plans and for stating that the Zoning/Codes Officer may revoke the permit for non-conformance to the conditions.
- Liaison Smith asked about the status of PILOT (Payment In-Lieu Of Taxes). The board explained that this property will have no PILOT and will be taxed as normal commercial property. The Host Community Agreement and Decommissioning Plan will provide some of the tax related information. The Assessor has been involved with this project since the beginning.
- It was noted that the decommissioning plan will be incorporated into the Host Community Agreement. This is being worked on with Town Attorney Evan Rossi.
- Martha Link asked if Oneida/Herkimer Solid Waste had been contacted regarding the decommissioning plan. Orrin explained that the decommissioning plan requires the removal of solid waste but does not dictate which agencies/companies will be used. In other words, it may not be Oneida/Herkimer Solid Waste.

Motion to Approve the attached Resolution by: Orrin MacMurray. Seconded by: William Shaughnessy
Roll Call vote as follows:

Calvin Collins, Chairman	Yes
Orrin MacMurray	Yes
Martha Link	Yes
William Shaughnessy	Yes
P. Michael Piper	Yes
David Gigon	Absent
Vacancy	Absent

Motion Carried.

Construction of this project should begin later this year. The applicant was reminded that construction must be well underway within one year per the Zoning Law. The applicant was also advised that before contacting the Zoning/Codes Officer, he will receive a letter of determination.

SUP2023-09 Broadway Group (Carson Styles); New business and construct 9,100 sf building at corner of Routes 49/13. 2380, 2381, 2379, 2385 NYS Route 49; 217.000-2-24,25,26,27.

Zone Commercial. Applicant Carson Styles was not present at this meeting. Secretary Pavelock distributed the site plans and other documents submitted by mail in December 2023. The planning board reviewed the items. It was noted that there was not much the board could do without a representative or applicant present. The board would like some architectural views (aesthetics). Landowner Ed Lambrych did not have any information to provide. He speaks with his realtor rather than directly with the Broadway Group.

Resolution of The Town of Vienna Planning Board

February 15, 2024

Whereas, Vienna PV, LLC (the Applicant) has submitted Special Use Permit Application No. SUP2023-06 for a 5,000kw Solar Electric Energy Collection System (the Project) to be located on leased land at 2930 New York State Rt. 49 in the Town of Vienna; and

Whereas, A complete application has been received and reviewed by the Town of Vienna Planning Board in accordance with the Town of Vienna Zoning Law; and

Whereas, Planning Board review has found that the Project meets the requirements of the current Town of Vienna Zoning Law; and

Whereas, the Project has been found to pose no significant negative environmental impact under New York State Environmental Quality Review; and

Whereas, the New York State Department of Environmental Conservation and the United States Army Corps of Engineers have indicated that no environmental permits are required from their agencies, and no wetlands are impacted by the Project; and

Whereas, the Project has been found to have no impact on historical sites by the office of New York State Parks, Recreation and Historic Preservation; and

Whereas, National Grid has conducted an interconnect review and agreed to accept power from the project; and

Whereas, an Operation and Maintenance Plan, a Decommissioning Plan, a Spill Prevention Control and Counter Measures plan and a Stormwater Pollution Prevention Plan have been prepared and agreed to by the Applicant for the Project; and

Whereas, a Viewshed Analysis, including a Balloon Study, has been prepared by the Applicant for the Project which shows limited visual impact from the Project; and

Whereas, written notice was mailed to all land owners within 500 feet of the Project boundary announcing the Public Hearing for the Project; and

Whereas, a Public Hearing was conducted by the Town of Vienna Planning Board in accordance with the Town of Vienna Zoning Law on January 18, 2024 at which time no one from the public chose to speak regarding the Project; and

Whereas, one public comment was received in writing after the hearing which affirmed the project, and

Whereas, the project has been designed by a New York State registered Professional Engineer to meet New York State Energy Research and Development Agency guidelines for such a project as well as all other applicable codes, laws and regulations.

Therefore, the Town of Vienna Planning Board approves a Special Use Permit (SUP) for the Project subject to the following conditions:

a. The Special Use Permit (SUP) holder, Project Owner, Operator and Landowner and their successors and assignees shall comply with the provisions of all Special Use Permit application documents presented as a part of this SUP review process for the duration of system use and decommissioning. Lack of compliance shall be cause for the Town of Vienna to revoke this Special Use Permit and require decommissioning of this Project, in accordance with the Decommissioning Plan/Agreement, to take place immediately.

b. The Owner will provide and ensure that snow removal for the access road and hammer head turnarounds is provided to facilitate emergency vehicle access such that no more than 6-inches of snow accumulates on the road while people are working at the site.

c. In January of each year the SUP holder / Project Owner will provide to the Town of Vienna Code Enforcement Officer an Annual Maintenance and Contact Information Report including the following:

- What site maintenance was performed the preceding year in accordance with the Property Operation and Maintenance Plan.
- When such maintenance was performed.
- Current contact information for the SUP holder, Project Owner, Operator, and emergency contact information for all on-call operating staff.
- A certification by the SUP holder/Project Owner that the information reported is true and correct.

d. Prior to the commencement of operations of the system an on-site, in person orientation will be provided by the Owner and Operator to the Town of Vienna and the Vienna Fire Department. This orientation will, at a minimum, cover the following:

- System components and their purpose.
- System operation.
- Physical and Environmental hazards.
- Emergency response plans and requirements.
- Emergency Contact information for the SUP holder and all on-call operating staff.

e. Prior to the issuance of a Building Permit for the Project the SUP Applicant/Project Owner shall provide the name and contact information of the System Installer.

f. Prior to the issuance of a Building Permit for the Project the SUP Applicant/Project Owner shall execute a Decommissioning Agreement, incorporating the Decommissioning Plan, including provisions for payment of all decommissioning costs, escalation provisions, bond requirements to include Bonding by a NYS Licensed Bonding Company, provisions with respect to its application to all future project SUP holders, owners and landowners, its triggering if the Special Use Permit is revoked, all as agreed to by the Town of Vienna and as approved by the Town Attorney.

g. Prior to the issuance of a Building Permit for the Project the SUP Applicant/Project Owner shall complete and submit to the Town Assessor a NYS Solar Project Input Request Form satisfactory to the Assessor.

h. Prior to the issuance of a Building Permit for the Project the SUP Applicant/Project Owner shall negotiate and execute a Community Benefit Agreement with the Town of Vienna acceptable to the Town and approved by the Town Attorney.

i. If this Project is sold by the SUP holder/Project Owner, if a new operator is engaged or the land being leased is sold the SUP holder, Project owner and landowner will incorporate into their sales agreement or contract provisions that all subsequent landowner/ lessors / operators/SUP holders and Project owners are bound by the terms and conditions of this Special Use Permit. Failure to comply with the Special Use Permit will be grounds for the Town of Vienna to terminate the Special Use Permit and Decommissioning, in accordance with the Decommissioning Plan/Agreement, shall take place immediately thereafter.

j. The Applicant shall obtain all other required permits and approvals for the Project to include a Town of Vienna Building Permit.

k. Any changes to the Project deviating from the plans and documents provided as a part of the SUP application shall require Planning Board approval prior to execution/construction.

l. The Zoning/Codes Officer may revoke this Special Use Permit for nonconformance with any of these conditions.

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Motion to Approve this Resolution by: Orrin MacMurray

Seconded by: William Shaughnessy

DATED: February 15, 2024

Roll Call vote as follows: (Names with yes/no/abstention or absent)

Calvin Collins, Chairman Yes

Orrin MacMurray Yes

Martha Link Yes

William Shaughnessy Yes

P. Michael Piper Yes

David Gigon Absent

Vacancy Absent

Motion Carried.

Recorded by: Kathy M. Pavelock, Planning Board Secretary