

MINUTES
Town of Vienna
Planning Board (PB) - Regular Meeting
March 20, 2025

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

Attendance:

Board Members: Calvin Collins, Orrin MacMurray (Mac), Dave Carpenter, Bill Shaughnessy, Mike Piper (7:35 pm), and Martha Link (7:08 pm). There is one vacancy.

Others: Secretary Kathy Pavelock, Liaison Darrin Smith, and several applicants and residents.

Codes/Zoning Officer Reay Walker was unable to attend.

Minutes Approval:

Orrin MacMurray made **the motion to approve the minutes from the January 16, 2025 regular meeting**. Seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Abstain
Martha Link – Absent Calvin Collins – Aye Mike Piper – Aye
Dave Carpenter – Aye Vacancy – n/a **Motion Carried (4 Ayes).**

Orrin MacMurray made **the motion to approve the minutes from the February 27, 2025 special meeting**. Seconded by Bill Shaughnessy. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Absent Calvin Collins – Aye Mike Piper – Aye
Dave Carpenter – Abstain Vacancy – n/a **Motion Carried (4 Ayes).**

Correspondence: Secretary Pavelock directed attendees to the correspondence on the agenda including:

- Submitted legal notices for publication in the QCN.
- Received 239m Oneida County Recommendation for Solar Farm.
- Assisted residents with questions on applications and planning board processes.
- Communicated volunteers for Comprehensive Plan Committee (Link and Shaughnessy).

Public Hearings and Unfinished Business:

7:05 pm SUB2024-10 Matthew Migon (Jeff Moore); 2-lot subdivision 7840 Yager Rd;

217.000-1-14.1; Zone RR2; 15.6 acres. Orrin MacMurray made the **motion to open the public hearing for SUB2024-10**, seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Absent Calvin Collins – Aye Mike Piper – Aye
Dave Carpenter – Aye Vacancy – n/a **Motion Carried 7:05 pm.**

There were no comments from the public. Mike Piper made **the motion to close the public hearing for SUB2024-10**, seconded by Bill Shaughnessy. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Absent Calvin Collins – Aye Mike Piper – Aye
Dave Carpenter – Aye Vacancy – n/a **Motion Carried 7:06 pm.**

The board reviewed the final plat presented by Jeff Moore. Orrin MacMurray made the **motion to approve SUB2024-10**, seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Calvin Collins – Aye
Mike Piper – Aye Dave Carpenter – Aye Vacancy – n/a **Motion Carried.**
Chairman Collins will sign the final plats at the end the meeting. The applicant will file the plats with Oneida County.

7:15 pm SUP2024-07 Verizon Wireless (James LaValle); North Bay Cell Tower;

217.017-1-1; 2083 NYS Rte. 49; Zone HC; 2.6 acres. Orrin MacMurray made the **motion to open the public hearing for SUP2024-07**, seconded by Bill Shaughnessy. Poll vote:
Orrin MacMurray – Aye Bill Shaughnessy – Aye Martha Link – Aye
Calvin Collins – Aye Mike Piper – Aye Dave Carpenter – Aye
Vacancy – n/a **Motion Carried 7:15 pm.**

During the public hearing there were board and liaison discussion on the light for the top of the tower. There were no comments from the public.

Mike Piper made **the motion to close the public hearing for SUP2024-07**, seconded by Bill Shaughnessy. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Martha Link – Aye Calvin Collins – Aye Mike Piper – Aye
Dave Carpenter – Aye Vacancy – n/a **Motion Carried 7:20 pm.**

The board asked that the letter showing that the fall zone of 82' needs to be shown on the site plans. The board agrees that the tower light will be activated as needed. The board also reminded the applicant that right-away language needs to be added to the lease with the property owner to ensure access to the cell tower area is adequately covered. The snowmobile trail mentioned by the NYS Department of Transportation 239m review comments need to be investigated. Other topics of discussion included screening, drainage, decommissioning bond, and staking the boundaries based on a survey. The board summarized the conditions for the special use permit as follows (Note: Conditions 2, 3, 5, and 7 shall be completed prior to the issuance of a Building Permit by the Town of Vienna):

1. Add an aviation warning light at the top of the tower in accordance with Federal Aviation Administration (FAA) requirements if deemed required in the future.
2. For the Special Use Permit record, provide the Planning Board with a copy of the relevant sections of the Tower Agreement with the Town of Vienna that document the granting of access for utility and tower construction/long term operation and maintenance by the Town to Verizon.
3. Confirm that the reported "snowmobile trail" located west of the site is in excess of 82 feet (tower design fall zone setback) from the tower center.
4. Furnish, install and maintain green "privacy slats" in the chain link fencing and gate.
5. Obtain the services of a NYS Licensed Land Surveyor to establish and stake the Town of Vienna property lines in the vicinity of the tower site to ensure that the tower is properly located and that the entire 82-foot tower fall zone setback is on town property.
6. In light of the fact that the site plan does not show any grading for surface drainage this approval is conditioned on no surface water flow leaving the tower site as a result of the construction of these facilities. If surface water drainage problems occur, as determined by the Town of Vienna Zoning Enforcement Officer, Verizon shall be responsible for correcting such problems to comply with this requirement.
7. A Decommissioning Bond of the amount of \$80,000 shall be provided to the Town of Vienna. Such bond will be in a form and from a NYS Bonding Company suitable to and approved by the Town of Vienna Attorney.
8. All work related to the construction and maintenance of the North Bay Cell Tower shall be in accordance with the Town of Vienna Zoning Law.
9. All applicable permits shall be obtained from the Town of Vienna Codes Officer.
10. Any nonconformance with this special use permit shall be dealt with in accordance with Town Law.
11. Any significant changes to the site plans approved with the special use permit shall require Planning Board approval prior to execution.

7:25 pm SUP2024-08 Justin Schuessler; Duplex to Multi-family; 217.018-1-44;

7580 W Lake St; Zone HR; 0.2 acre. Orrin MacMurray made **the motion to open the public hearing for SUP2024-08**, seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye

Bill Shaughnessy – Aye Martha Link – Aye Calvin Collins – Aye
Mike Piper – Aye Dave Carpenter – Aye Vacancy – n/a **Motion Carried 7:37 pm.**

There were no comments from the public. Mike Piper made **the motion to close the public hearing for SUP2024-08**, seconded by Bill Shaughnessy. Poll vote: Orrin MacMurray – Aye

Bill Shaughnessy – Aye Martha Link – Aye Calvin Collins – Aye
Mike Piper – Aye Dave Carpenter – Aye Vacancy – n/a **Motion Carried 7:38 pm.**

Unfinished Business:

SUP2024-08 Justin Schuessler; Duplex to Multi-family Use; 217.018-1-44; 7580 W Lake St;

Zone HR; 0.2 acre. Following the public hearing, the board discussed the status of this application. As discussed with the applicant at the February 20, 2025 informal meeting, the lot is nonconforming and adding additional units may be considered making it more nonconforming. Zoning Law requires a 20,000-sf lot and this lot is approximately 12,000 sf. Adding additional units, require additional 2,000 sf for each additional unit. The applicant emphasized that there will be no change to the footprint, number of stories, nor enlarging the parking lot. The board believes that since the number of units is being expanded there will be more people and cars. Mike Piper made the **motion to disapprove special use permit application SUP2024-08 based on Zoning Law section 1920 A and Section 509**, seconded by Martha Link. Poll Vote: Orrin MacMurray – Aye

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

The applicant was advised that he may appeal this decision to the Zoning Board of Appeals. Secretary Pavelock will contact the applicant with information on the appeal process.

SUP2024-06 Richard Woodcock; Establish a new seasonal campground with 50 sites, manufactured home, and pavilion; 7720 Higginsville Rd; 237.000-1-56.1; Zone WR;106.84 acres.

The applicant provided updated plans and a status of other items including NYS DEC items, electric, water, and septic services (pump out). Other items discussed included:

- The applicant reported that previously they were told that an archaeological survey would need to be done, however he has received notification that this is not needed since there will be minimal ground disturbance.
- The applicant has been in contact with Oneida County Health. They will require periodic reviews and require a restroom within 500 feet of the farthest site. They plan on a movable restroom.
- The applicant explained that the 40 feet setbacks will be met even if it means deleting one or more sites.
- The applicant has discussed the FEMA paperwork with Codes/Zoning Officer Walker.

The board requested that the applicant have a professional engineer organize the plethora of information/plans so that the plans can be firmed up and the board is able to take further action. The board also requested that they contact the US Army Corp of Engineers (Buffalo).

SUP2023-06 Distributed Solar Photovoltaic Facility (5,000 kW). Approved 2/24/2024.

Representatives for the applicant (RIC Energy) were in attendance. A resolution reviewed by Town Attorney Rossi was provided to the board for their consideration. In addition to resubmitting the application to Oneida County for a 239m review of the site plan in addition to the special use permit, the applicant is requesting ratification of the special use permit which will restart the time clock.. According to Zoning Law section 1465 A building permit needs to be issued within one year of approval. No building permit has been requested or issued. The applicant requested that the application be extended beginning in January 2025. David Carpenter made the **motion to adopt the resolution (attached) as reviewed by Town Attorney Rossi related to SUP2023-06**,

seconded by Martha Link. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Martha Link – Aye Calvin Collins – Aye Mike Piper – Aye Dave Carpenter – Aye
Vacancy – n/a **Motion Carried.**

New Business:

SUB2025-01 Kathleen Schofield (Jeff Moore) 2-lot Subdivision; 199.000-1-16.1; 8266 Halstead Rd / Yager Rd; Zone RR2/RR1; 100+/- acres. Jeff Moore summarized the proposed subdivision which will create a 4.34 acre lot on Yager road leaving a 96 acre lot on the corner of Halstead and Yager. The board cautioned Jeff about possible issues with road frontages for future subdivisions. The board reviewed SEQR part 1 and completed parts 2 and 3. Orrin MacMurray made the **motion to declare a negative environmental impact and schedule a public hearing for April 17, 2025 7:05 pm for SUB2025-01, seconded by Bill Shaughnessy. Poll Vote: Orrin MacMurray – Aye**

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

SUP2025-01 Jason Lamb; Special Use Permit for multiple uses; 198.000-2-25.1; 8198 Preston Hill Rd; Zone RR3; 32.6 Acres. Jason Lamb described his intended use of the additional structure which he has a building permit issued. The Codes/Zoning officer noted on the application, “Multiple uses on single lot requires SUP per section 509 of the zoning law.” The board reviewed the definitions in the Zoning Law determined that “Accessory Apartment” fits most closely with the intended use. An “Accessory Apartment” does not require a special use permit in RR3. No action taken on this application. Jason Lamb will contact the Codes/Zoning officer.

SUP2025-02 James Dibble; Special Use Permit for adding retail sales & service; 237.000-1-48.1; 7440 Higginsville Rd; Zone WR; 9.4 Acres. James Dibble explained his plans for a landscaping materials business. The board reviewed the definitions in the Zoning Law and concur that the proposed business is “Retail Sales & Service, Small” and that it is an allowed use in Zone WR. The board reviewed SQER part 1 and completed parts 2 and 3. The board advised that any fertilizer should be stored in the existing barn to avoid any runoff. Orrin MacMurray made the **motion to declare a negative environmental impact and schedule a public hearing for April 17, 2025 7:15 pm for SUP2025-02**, seconded by Mike Piper. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Martha Link – Aye Calvin Collins – Aye Mike Piper – Aye Dave Carpenter – Aye Vacancy – n/a **Motion Carried.**

Sketch Plan Review: n/a

Other:

- Mac explained that he has reviewed the long list of items for the Zoning Law updates. There are many areas that need discussion by the board before moving forward. There is not enough time to do that tonight. The Planning Board has had full agendas for most of the past year, making it difficult to do this during the regular meetings. It was suggested that a special meeting be scheduled to discuss Zoning Law. No one was prepared to suggest dates this evening.
- Planning Board vacancy – an advertisement has been placed in the QCN.
- Reminder that the Local Government Conference is April 1.
- Martha Link asked the board to consider adjusting the conditions on SUP2024-02 Deer Run Cabins based on information that she researched after approval. The board did not think that this was feasible for the application approved in December.
- Martha Link inquired the difference between “notes” and “minutes.” According to town law any properly convened public meeting shall have minutes prepared and retained in the permanent town records. Planning Board meetings are properly convened when there is a quorum present. The scheduled meeting for February 20, 2025 did not have a quorum present and therefore was not properly convened and minutes were not prepared.

Next Meeting: April 17, 2025. New agenda items are due to the secretary by April 10, 2025.

Mike Piper made a **motion to adjourn**, seconded by Bill Shaughnessy. **Motion carried 9:39 pm.**

Minutes prepared by:

/s/Kathy Pavelock
Planning Board Secretary

TOWN OF VIENNA PLANNING BOARD

Resolution of the Town of Vienna Planning Board Reaffirming its Actions on Site Plan and Special Use Permit Approval for the Solar Project proposed by Vienna PV, LLC

WHEREAS, on or about September 14, 2023, **Vienna PV, LLC** (“Applicant”) submitted applications to the Town of Vienna Planning Board (“Planning Board”) for site plan approval and a special use permit (collectively, the “Applications”) to construct and operate one (1) 5 MW AC community solar farm (the “Project”) located at 2930 NYS Route 9 (S.B.L. Nos. 214.000-1-27.4 and 218.000-1-12) (“Property”) in the Town of Vienna (“Town”); and

WHEREAS, the Planning Board categorized the Project as a Type I action under the New York State Environmental Quality Review Act (“SEQRA”), and a full Environmental Assessment Form (“FEAF”) Part 1 was prepared as part of the Applications; and

WHEREAS, the Planning Board declared its intent to be the Lead Agency under SEQRA, and following the required 30-day notice period with no objection from any involved agencies, the Planning Board was established as the Lead Agency for review of the Project; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on the Project on February 14, 2024; and

WHEREAS, the Planning Board, acting as Lead Agency, issued a Negative Declaration of Environmental Significance for the Project and approved the Applications on February 15, 2024; and

WHEREAS, prior to issuing a Negative Declaration and approving the Applications, the Planning Board referred the Applications to Oneida County (the “County”) pursuant to Section 239-m of the New York General Municipal Law. The County addressed only the Special Use Permit portion of the Applications; and

WHEREAS, in doing so, the County found that the Project would not have any adverse impacts on the community and recommended approval of the Special Use Permit at that time; and

WHEREAS, to correct this defect, the Planning Board referred the Applications to the Oneida County on February 6, 2025 (for the Special Use Permit) and February 7, 2025 (Site Plan); and

WHEREAS, the County took up its review of the Applications and found that the Project would not have any adverse impacts on the community and recommended approval of the Special Use Permit and Site Plan, consistent with its prior determination on February 15, 2024; and

WHEREAS, the Applicant, on or around January 8, 2025, requested an extension of the Special Use Permit; and

WHEREAS, the intention was that Action on the Applications, including the extension request, would be taken up after the County acted on the General Municipal Law Section 239-m referrals made in February of 2025.

NOW, THEREFORE, BE IT RESOLVED by the Town of Vienna Planning Board as follows:

1. The Planning Board’s approvals of the Project’s Site Plan and the Special Use Permit granted on February 15, 2024, are hereby ratified.
2. Final approval of the Site Plan and Special Use Permit is subject to the conditions as set forth in the Planning Board approvals, which are attached as **Exhibit A**, and incorporated herein by reference with full force and effect as if set forth fully herein.
3. The Applicant’s Special Use Permit is extended for one year from the date of this resolution.
4. This resolution is effective immediately.

PASSED AND ADOPTED this 20th day of March, 2025 by the Town of Vienna Planning Board.

Motion to adopt this resolution as reviewed by the Town Attorney: David Carpenter

Seconded by: Martha Link

DATED: March 20, 2025

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

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

Motion Carried.

Recorded by: Kathy M. Pavelock, Planning Board Secretary

EXHIBIT A

Prior Approvals with Conditions
(attached 4 pages)



TOWN OF VIENNA
ONEIDA COUNTY, NEW YORK

PO BOX 250
2083 STATE ROUTE 49
NORTH BAY, NEW YORK 13123
(315) 245-2191 OR (315) 245-2199
FAX (315) 245-3308 TDD 711

February 15, 2024

NOTICE OF DETERMINATION

Vienna PV, LLC
c/o RIC Development, LLC
85 Broad Street, 28th Floor
New York, NY 10004
sfrusco@ric.energy

RE: Special Use Permit Application – SUP2023-06 Distributed Solar Photovoltaic Facility (5,000 kW).

Dear Mr. Frusco,

Please take notice that after a Town of Vienna (TOV) Planning Board meeting, review, public hearing, and discussion, the application for a special use permit for Parcel IDs 214.000-1-27.4 and 218.000-1-12 located at 2930 NYS Route 49, Town of Vienna to develop a new Distributed Solar Photovoltaic generation facility with a capacity of 5,000 kW at the point of common coupling **was approved with the conditions provided in the attached TOV Planning Board resolution dated February 15, 2024.**

Respectfully submitted,

Calvin Collins
Planning Board Chairman

Attachments

Cc: Property Owner, Edward Lambrych
Town Clerk
Zoning/Codes Enforcement Officer
Solar Project Special Use Permit File (SUP2023-06)
Property Files (Parcel IDs 214.000-1-27.4 and 218.000-1-12)

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