

**MINUTES**  
**Town of Vienna**  
**Planning Board (PB) - Regular Meeting**  
**January 18, 2024**

Corrected

**Call to order:** Chairman Calvin Collins called the meeting to order at 7:04 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.

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

**Minutes Approval:**

A **motion** was made by Bill Shaughnessy, seconded by Orrin MacMurray **to approve the December 21, 2023 regular meeting minutes.** 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		<b>Motion Carried.</b>

**Correspondence:**

- Submitted legal notice for January 18 public hearing SUP2023-06 Solar project.
- Submitted 239m Reviews for SUP2023-06 to OC Planning, DEC, and DOT.
- Contacted Liebel regarding planning board review of plats that were not filed.
- Received new application Relot2024-01 for Parkin at 8273 Halstead Road

Chairman Collins turned the meeting over to Orrin MacMurray (Mac) to summarize and lead the Public Hearing for SUP2023-06 Solar Project.

Mac provided some background and a summary of the planning board reviews since receiving application SUP2023-06 in September 2023. Some of the highlights noted by Mac included:

- There will be no battery storage related to this solar project.
- A Solar system of this size is allowed in the zone for this project WR. The applicant has an adequate setback from Route 49 (700 feet) to avoid the Commercial Zone surrounding Route 49.
- This project is well under the allowed maximum lot coverage of 80%. This project covers 2 lots with coverage of 11% on one and 7% on the other.
- There will be no action taken by the Planning Board this evening to allow adequate time for the 239m (State Environmental Qualification Review – SEQ) review submitted to Oneida County NYS DOT and NYS DEC. The planning board will also allow the public to submit written comments through February 2.

Mac then introduced Sean Frusco from RIC Energy who is the applicant for SUP2023-06.

Sean clarified that there is no impact to adjacent landowners or the Vienna Fire District.

Sean then provided an overview and a description of the proposed project. Key highlights included:

- The purpose of this community solar project is to benefit those who cannot afford or implement residential solar projects.
- The technology proposed for this project includes bi-facial panels which will allow for snow reflection to produce energy in addition to the sun.
- The applicant conducted a balloon study to determine the visibility of the proposed project from several key locations. The results show that the project will not be visible with the exception of two viewpoints that might have some visibility in the winter (no tree foliage) and if the panels are fully extended vertically (to remove snow accumulation on the panels).
- The decommissioning plan/bond will ensure that the land will be restored to farmland. The property owner has the overall responsibility for restoration.

- Residents will be able to sign up with NYSERDA Community Solar Program and could save about 10% on their electricity.
- This project will not be subject to tax exemption. This project will be taxed as normal commercial use.
- The Host Community Agreement will be submitted to the Town Council. This has the benefit of an additional amount paid to the town.
- The applicant will be leasing three lots; however, they will only be placing this project on 2 lots.

An adjacent property owner voiced a concern about seeing the project from her back property. Sean and property owner Ed Lambrych explained that there is a natural ground “dip” on the property that will prevent this from being seen.

Resident Rick Mansfield asked about the reliability of this electricity with many of our town residents experiencing periodic electricity outages. Mac explained that this project will be adding to the electricity pool and is not really related to the electricity infrastructure (i.e. downed lines). The payments from this project will allow for electric infrastructure upgrades.

**Public Hearings:**

**Scheduled 7:10 pm SUP2023-06 Distributed Solar generation facility (5mW); RIC Energy; 2930 NYS Route 49; 218.000-1-27.4; Zone C (along Route 49) WR (remaining acreage).**

**Motion to open public hearing for SUP2023-06** was made by Mike Piper, 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 7:54</b>

There were no comments from the public.

**Motion to close public hearing SUP2023-06** was made by Orrin MacMurray, 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 7:54.</b>

Orrin MacMurray again emphasized that no action would be taken this evening for SUP2023-06 and that we will keep the public record open until February 2.

Chairman Collins resumed the planning board chair.

**Unfinished 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**

As mentioned last month Mr. Carson contacted Secretary Pavelock on December 20, 2023 explaining that he would be unable to attend tonight’s meeting. He requested his application be tabled to January. Secretary Pavelock reported that Mr. Carson has not contacted her since that time and is not present at this meeting. Secretary Pavelock will reach out to Mr. Carson.

**New Business:**

**Liebel Subdivision** - SUB2021-03 was approved on July 15, 2021. Mr. Liebel discovered that the plats were not filed. Mr. Liebel has submitted a mylar and prints for filing. Chairman Collins researched the Subdivision Law and determined that Mr. Liebel will need to reapply. The board agreed. Secretary Pavelock had phoned Mr. Liebel and asked him (by message) to submit a new application. He has not responded to the message. Secretary Pavelock will contact Mr. Liebel again.

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

Mr. Parkin explained that they are proposing re-allotting land from 199.000-1-14.1 to 199.000-1-14.2 for the purpose of addressing a shed that is currently encroaching on the neighboring property. The board reviewed the plat and noticed that the north lot road frontage states 1,058.79'. the tax map indicates 500'. The plat needs to include the actual road frontage for all parcels. The applicant was instructed to notify the surveyor for updated plats. The board will review the updated plats at the next planning board meeting.

**Sketch Plan Reviews: None**

**Other:**

- Secretary Pavelock summarized the planning board training status. Martha and Mike both need hours to fulfill the 2023 requirements. Everyone else is covered. She forwarded links to Martha and Mike. She will need to report to the Town Council about the training shortfalls.
- Members of the Planning Board that would like to attend the Local Government Conference on May 2 for a cost of \$85 each include:
  - Calvin
  - Mike
  - Bill (also interested in afternoon of May 1)
  - Martha

Secretary Pavelock will submit a request to the Town Council and send in the registrations as approved.

- Zoning Law updates – Mac reported that the planning board should get working on the changes. He approached Supervisor Davis regarding the process. Some items discussed at this meeting include:
  - The current subdivision road frontage is not consistent in Mac’s opinion and the planning board has not been enforcing this “1/4 existing frontage.” He recommends that we eliminate the “1/4 existing frontage” and set it simply to be 250’ for state roads and 100’ for all other roads.
  - Mike would like to remove the 10,000-sf maximum for structures in the Commercial Zones. Calvin explained that this maximum has been the Zoning Law since its inception. He also mentioned that in another area of the law it states no more than 10,000-sf for all structures on a lot. The board generally agreed that the limit should be increased, but not done away with all together.
- Mike also asked about the cell tower that is planned for Town property and that they need to follow the Zoning Law. Liaison Jason Spellicy stated that the Town Council has informed the applicant that they need to follow the Zoning Law. They may also need a variance however this would come about as part of the process (C/ZEO Reay will require a building permit and will then reject as applicable and inform the applicant that they need either a Special Use Permit or a Variance). The planning board may also deny a Special Use permit and the applicant may then submit a variance application. Rick Mansfield asked about decommissioning Cell Towers. The planning board explained that it is not specifically in the Zoning Law, but the planning board could require a decommissioning plan as a condition of the special use permit.

**Public Comments: None**

**Next Meeting:** February 15, 2024. Agenda items are due to the secretary by February 8, 2024.

Orrin MacMurray made a **motion to adjourn**, seconded by Dave Gigon. **Motion carried 8:53 pm.**

Minutes prepared by:

Kathy Pavelock  
Planning Board Secretary