

**MINUTES**  
**Town of Vienna**  
**Planning Board (PB) - Regular Meeting**  
**March 21, 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, Mike Piper, Orrin MacMurray, and Martha Link. Dave Gigon and Bill Shaughnessy were unable to attend. There is one vacancy on the board.

Others: Several applicants and residents.

Secretary Kathy Pavelock, Liaison Darrin Smith, and Codes/Zoning Officer (C/ZO) Reay Walker.

**Minutes Approval:**

A **motion** was made by Mike Piper, seconded by Martha Link **to approve the February 15, 2024 regular meeting minutes as provided at this meeting.** No discussion. Poll Vote:

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

**Correspondence:**

- Submitted Legal Notices for Public Hearings (SUP2024-01 and SUB2024-01).
- Submitted 239m Reviews to Oneida County Planning, Oneida County DPW, NYS DOT, and NYS DEC for SUP2024-01 and SUB2024-01.
- Received responses from Oneida County Planning for SUP2024-01 and SUB2024-01.
- Received response from Oneida County DPW for SUB2024-01.
- Received new applications SUP2024-02 (Campground on Lewis Rd), Relot2024-02 (8328 NYS Rte 13), and SUP2024-03 (2 Commercial Buildings at 2983 NYS Rte 49).
- Receive a message from Derec Liebel that he will attend the April 18th meeting to discuss his subdivision on NYS Rte 49.
- Researched property files for 2983 NYS Rte 49 as requested by Chairman Collins.
- Contacted Carson Styles regarding SUP2023-09. He will have an answer on moving forward before the April meeting.

**Public Hearings:**

**7:10 pm SUP2024-01 Adam Behr;** 217.000-2-28; Zone C; Ice Cream shop at 2382 NYS 49. Martha Link made a **motion to open the public hearing for SUP2024-01.** Seconded by Mike Piper. Poll vote:

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

Will Koenig commented that the applicant should be approved. Codes Officer Reay Walker stated he has informally inspected the property and it is code compliant. Orrin MacMurray made

a **motion to close the public hearing for SUP2024-01.** Seconded by Mike Piper. Poll vote:

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

**Unfinished Business:**

While awaiting the scheduled time of the next public hearing, the board discussed the status of **SUP2024-01 Adam Behr**; 217.000-2-28; Zone C; Ice Cream shop at 2382 NYS 49. Secretary Pavelock reported that neither the NYS DOT nor NYS DEC has responded to the 239m review. They have until March 25. The applicant stated that nothing has changed with the entrance from Route 49 and there have only been minimal changes to the structure. This was confirmed by Codes Officer Reay Walker. Orrin MacMurray made a **motion to approve SUP2024-01 with the condition that we receive no unfavorable responses from NYS DOT or DEC along with the following conditions:**

- **All work related to the business at 2382 NYS 49 shall be in accordance with the town Zoning Law.**
- **All applicable building permits shall be obtained from the Town of Vienna Codes Officer.**
- **The Zoning Officer may revoke the special use permit for nonconformance to any of these conditions.**
- **Any changes to the plans provided with the application shall require Planning Board approval prior to execution.**

Seconded by Martha Link. Poll vote: Orrin MacMurray – Aye      Bill Shaughnessy – Absent  
Martha Link – Aye      Dave Gigon – Absent      Calvin Collins – Aye  
Mike Piper – Aye      Vacancy – n/a      **Motion Carried.**

**Public Hearings (continued):**

**7:15 pm SUB2024-01 Elaine Lovelace (Andy Baily)**; 3-lot subdivision; 183.000-2-5,4,6; 3093 McConnellsville Rd, Zone RR-1. Martha Link made a **motion to open the public hearing for SUB2024-01**. Seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye  
Bill Shaughnessy – Absent      Martha Link – Aye      Dave Gigon – Absent  
Calvin Collins – Aye      Mike Piper – Aye      Vacancy – n/a      **Motion Carried.**

There were no comments from the public.

Mike Piper made a motion to **close the public hearing for SUB2024-01**. Seconded by Orrin MacMurray. Poll vote: Orrin MacMurray – Aye      Bill Shaughnessy – Absent  
Martha Link – Aye      Dave Gigon – Absent      Calvin Collins – Aye  
Mike Piper – Aye      Vacancy – n/a      **Motion Carried.**

**Unfinished Business:**

**SUB2024-01 Elaine Lovelace (Andy Bailey); 3-lot subdivision; 183.000-2-5,4,6; Zone RR-1 3093 McConnellsville Rd.** Surveyor Andy Bailey distributed updated plats. Secretary Pavelock reported that Oneida County Planning and Oneida County DPW responded to the 239m review. Any recommendations were provided to the applicant. Orrin MacMurray made a **motion to approve SUB2024-01**. Seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye  
Bill Shaughnessy – Absent      Martha Link – Aye      Dave Gigon – Absent  
Calvin Collins – Aye      Mike Piper – Aye      Vacancy – n/a      **Motion Carried.**  
Chairman Collins signed the plats. Andy Bailey will file the plats with Oneida County.

**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. He will provide information on moving forward before the April meeting.

**New Business:**

**SUP2024-02 Dale Race (Hogan Engineering);** 201.000-1-41.3; Zone RR-1; Provide (6) cabins and (6) RV spaces covering 3.7 acres with public water and subsurface wastewater disposal.

Tim Hogan representing Dale Race, provided an overview of the proposed use 7954 Lewis Road. They are looking to build 6 cabins and provide 6 sites for RVs. They have talked with Z/CO Reay Walker. The property is 63 acres and they are proposing to use 3.75 acres for this use. There will be electric and public water provided. OCWA has been contacted with an extension to the existing water district. There should be no environmental impacts. They are planning a 6’x8’ sign and some lighting.

The board explained that this would be dual use (Tourist Homes and Campground). The 6 cabins will require separate building permits for each building and the Health Department has regulatory authority. The board recommends full shielding for the lighting and screening for the neighbors. The board also asked if the use would be expanded over time. Tim explained that expansion would not be feasible. The board will review all the materials provided and be prepared to discuss the project in more detail at the April meeting. The board suggested that the applicant review TOV Zoning Law Article 11.

**Relot2024-02 Armstrong/Williams (Moore Surveying);** 200.000-1-21.1/21.4; 8328 NYS Route 13; Zone RR-1; Adjust boundary line.

Jeff Moore representing the applicants provided an overview of the proposed boundary line adjustment. A subdivision was approved in 2022 for this property. The board reviewed the plat and had no further questions. Since reallotments do not require a public hearing, Orrin MacMurray made a **motion to approve Relot2024-02**. Seconded by Mike Piper. Poll vote: Orrin MacMurray – Aye  
Bill Shaughnessy – Absent Martha Link – Aye Dave Gigon – Absent  
Calvin Collins – Aye Mike Piper – Aye Vacancy – n/a **Motion Carried.**

Jeff explained that he would wait for Calvin to sign the plats after adjournment of tonight’s meeting. He will file the plats with Oneida County.

**SUP2024-03 William Koenig;** 218.000-1-30; 2969 NYS Route 49; Zone C; Construct 2 60’x100’ commercial building to support Recreation Repair Business.

Will Koenig provided some background on this property and his plans. He wants to construct one or two buildings for storing boats rather than storing boats outside with tarps. He does not wish to combine his properties. And he is willing to adjust the building sizes to comply with the Zoning Law. The board asked Will to prepare some sketches and present them at the April meeting.

**Sketch Plan Reviews:**

**Ryan Gilson** recently purchased a vacant lot south of Yager Road on Route 13. It is approximately 4 acres. He might be interested in building 6-unit apartments on the property. The board suggested that he meet with Zoning/Codes Officer Reay Walker and review Zoning Law section 509.

**Public Comments:**

- **Jeff Moore** asked about obtaining some information on Buell Fuels. The board explained that it is best to begin with the Codes/Zoning Officer. A FOIL request may also be used to obtain property special use permit information.
- **Jeff More** acting on behalf of his father, Tom Moore, Jeff asked about the status of an Airstrip special use permit that was revoked in 2019. Since this is not related to the Planning Board, the board suggested that Jeff contact the Town Council.

**Other:**

- Local Government Conference on May 2 – Tickets have been received for Calvin, Mike, Bill, and Martha. Hard copies were distributed at this meeting.
- Zoning Law updates – Orrin MacMurray shared proposed revisions for the board to review and comment. Notes are filed with the Planning Board Secretary. Topics included:
  - Lot frontages. Propose that the “1/4 of lot width or” be removed leaving 250’/200’ minimum. The reason is to enforce rural atmosphere.
  - Commercial building size. Propose increasing maximum building size to 20,000 sf. The reason is to better represent the upper end average of nation commercial buildings while limiting larger buildings in keeping with the rural character of the town. There are other inconsistencies with building size limits that need to be fixed in the law.
  - Billboards. Orrin provided some suggestions for billboards including no changes to the current law which will prevent the addition of additional/new signs. The board will discuss further at future meetings.
- Z/CO Reay Walker suggested that the board consider recommending a change to Tier II Solar. The Commercial Zone currently requires a Special Use Permit. Reay believes a Zoning Permit would suffice.
- Mike Piper brought up the topic of the proposed Cell Tower to be placed on town property. Until such time as an application is submitted to the Planning Board, there are no responsibilities for this board.

**Next Meeting:** April 18, 2024. Agenda items are due to the secretary by April 11, 2024. NOTE: Secretary Pavelock will be unable to attend the April 18 meeting.

Orrin MacMurray made a **motion to adjourn**, seconded by Mike Piper. **Motion carried 9:25 pm.**

Minutes prepared by:

Kathy Pavelock  
Planning Board Secretary