

**MINUTES**  
**Town of Vienna**  
**Planning Board (PB) - Regular Meeting**  
**April 16, 2026**

**Call to order:** Interim Chairman Orrin MacMurray (Mac) called the meeting to order at 7:01 pm with a quorum of 5 members. A full board was present by 7:06.

**Attendance:**

Board Members: Orrin MacMurray (Mac), Bill Shaughnessy, Dave Carpenter, Mike Fischer, Tammy Crawford, Martha Link (7:06), Miranda Ward (7:03).

Others: Secretary Kathy Pavelock, Town Council Liaison Darrin Smith (7:06) and several residents. Codes/Zoning Officer Reay Walker was unable to attend.

**Minutes Approval:**

Bill Shaughnessy made **the motion to approve the “March 19, 2026, regular meeting minutes”**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Abstain

Bill Shaughnessy – Aye      Miranda Ward – Absent for this vote      Mike Fischer – Aye  
Martha Link – Absent for this vote      Tammy Crawford – Aye      Dave Carpenter – Aye

**Motion Carried 4 to 3.**

**Correspondence:** Secretary Pavelock summarized the correspondence on the agenda including:

- Assisted with preparations and attended the Campground Information Meeting on April 2.
- Assisted applicants with ZBA applications based on the March Planning Board meeting.
- Received new subdivision applications.
- Received a new Special Use Permit application this week for an update to site plans for Embers. They will be ready to present their new plans in May.

**Public Hearings: None**

**Unfinished Business:**

**SUP2026-01 Payne Construction (Shawn Payne); New sand and gravel mine at 3447 Oswego Rd; 201.000-1-15 / 201.000-1-17; 25/3.6 acres; Zone RR1.** ZEO review of the application states “Activity requires a special use permit per section 430 Schedule B of the Zoning Law.” DEC is taking lead agency for SEQR. DEC asked the TOV for approval related to grading. Sent to ZBA for an interpretation. ZBA interpreted the access road construction to be excluded from the “Excavation, Major.” Jason from Depot Engineering for Shawn Payne explained that the interpretation was sent to DEC. The town should be receiving a letter from DEC to comment on SEQR. Waiting on final permit from DEC which should be coming any day now. The Planning Board asked about restoration. Jason explained that it is on the last page of the site plan distributed and proved an explanation of the site plan page. The narrative of the restoration was submitted to DEC. The board also asked about screening. Jason explained that screening is not needed due to the 100’ setback and the heavily wooded area. Since DEC is lead agency, there was no need for the board to review the SEQR. Bill Shaughnessy made the **motion to schedule a public hearing for May 21, 2026 at 7:10 pm**, seconded by Dave Carpenter. No discussion. Poll vote:

Orrin MacMurray – Aye      Bill Shaughnessy – Aye      Miranda Ward – Aye  
Mike Fischer – Aye      Martha Link – Aye      Tammy Crawford – Aye  
Dave Carpenter – Aye      **Motion Carried.**

The board asked if neighbors have been notified. Jason explained that Shawn Payne knocked on doors, and did not get much response. The board stated that hours of operation will be a concern for neighbors.

**Unfinished Business (cont.)**

**SUP2026-02 The Farms of ADL, Inc. (Brian Kirsch); New daily operation of a pre-fab farm stand at 2040 NYS Route 49 (North Bay Fire Dept. Field); 217.000-1-77.2; 13.3 acres; Zone HR.** ZEO review of the application states “Use may require a variance – small” [Note: Secretary Pavelock believes this is for Retail Sales and Service – Small]. At the March meeting, the board reviewed the application and categorized this as “Retail Sales and Service – Small” which is not an allowed use in HR. The board stated that Brian will need to obtain a Use Variance from the ZBA before the Planning Board can proceed with the Special Use Permit. The board asked Brian to contact the North Bay Fire Department for written approval for the change in use since they are the owners of the property. SUP2026-02 is on hold pending ZBA action.

**New Business:**

**Relot2026-02/SUB2026-01 Edward Schmidt; 1213 NYS Rte 49; 215.000-2-21.2/22; 6.07/.75 acres; Zone HR.** Reallot a portion of 21.2 to 22 and subdivide remaining acres of 21.2 into 2 lots. Mr. Schmidt presented the reallotment and proposed subdivision plat. The plat included a merger of 2 additional lots. The Planning Board does not review or approve mergers. Mergers can be made by contacting the Assessor. The board reviewed the reallotment and proposed subdivision. The applicant was asked if both the reallotment and subdivision could be handled together. Reallotments do not require SEQR or public hearings. Mr. Schmidt was agreeable to this. The board reviewed SEQR part 1 and completed parts 2 and 3. This will be a coordinated 239m review due to being within 500’ of NY-49. Mike Fischer made the **motion to declare lead agency for SEQR and a negative environmental impact and to schedule a public hearing for May 21, 2026 at 7:20 pm**, seconded by Miranda Ward. No discussion. Poll vote: Orrin MacMurray – Aye  
Bill Shaughnessy – Aye    Miranda Ward – Aye    Mike Fischer – Aye  
Martha Link – Aye    Tammy Crawford – Aye    Dave Carpenter – Aye    **Motion Carried.**  
The board summarized the changes needed to the plat based on tonight’s review and discussion.

**SUB2026-02 Christmas & Assoc (Marc Christams); Elwood Rd and Marsh Rd; 180.000-1-8; 76 acres; Zone RR3. 10 lots. Major Subdivision.** Mr. Christmas summarized the proposed subdivision of 76+ acres into 10 lots. Lots range in size of 3.14 acres (one lot) to 25.1 acres (one lot). The remaining 7 lots are 5 acres or more. The board reviewed the lot sizes required for the zone and the road frontages. The preliminary plat presented was not clear on the location of Elwood Rd or Marsh Rd. Marc presented an alternative plat that clearly shows the roads. The board asked Mr. Christmas if it was acceptable to cover both the preliminary and final plats for the Major Subdivision. Mr. Christmas agreed. Tammy Crawford made the **motion to declare lead agency for SEQR and a negative environmental impact and to schedule a public hearing for May 21, 2026 at 7:30 pm**, seconded by Bill Shaughnessy. No discussion. Poll vote:  
Orrin MacMurray – Aye    Bill Shaughnessy – Aye    Miranda Ward – Aye    Mike Fischer – Aye  
Martha Link – Aye    Tammy Crawford – Aye    Dave Carpenter – Aye    **Motion Carried.**  
Secretary Pavelock will check to see if there is an Ag District within 500’ of the subdivision.

**SUB2026-03 Gebo George (Jeff Moore); 7661 Hall Rd; 215.000-1-26.1; 12+ acres; Zone RR2.** Mr. Moore presented the proposed 2-lot subdivision. The proposed subdivision cuts a lot out of the middle of the current lot, leaving a second lot with land to the right, left, and behind the first lot. The board expressed their concerns about this proposed configuration. Mr. Moore explained that Mr. Gebo desires this configuration since he will continue to own the second lot and wants to be able to drive his ATV between the south and north sides by way of the rear side. Jeff Moore will provide a copy. Jeff also presented Gebo consent for Jeff to represent him, an Ag Data Statement, SEQR part 1 with back up approval for the Historical issue and DEC issue. The board reviewed SEQR part 1 and completed parts 2 and 3. This will be a coordinated review (on a County Rd). Tammy Crawford made the **motion to declare lead agency for SEQR and a negative environmental impact and to schedule a public hearing for May 21, 2026 at 7:40 pm**, seconded by Miranda Ward. No discussion.

**New Business (cont):**

**SUB2026-03** (cont.)

Poll vote: Orrin MacMurray – Aye    Bill Shaughnessy – Aye    Miranda Ward – Aye  
Mike Fischer – Aye                    Martha Link – Aye            Tammy Crawford – Aye  
Dave Carpenter –Aye                    **Motion Carried.**

**Buell Fuels** was not on the agenda but were present. Mac asked them what their business was with the Planning Board. Tom Kilts explained that his company had purchased the former Y-Hill Express and wants to add a 4,000-gallon filling station on the side of the building. This is a significant change to the Special Use Permit SUP2015-01 and will require planning board approval. The board explained that they will need to have drawings to describe the updated site plan. Original documents for SUP2015-01 may be obtained from the Assessor. He will need to submit an update to the plan submitted based on the Special Use Permit approval in 2015. Special Use Permits are issued to the parcel and not to owners. The board also explained to Mr. Kilts that the special use permit for the North Bay Market in North Bay will expire one year after the business at that location ceases operation. Mr. Kilts was asked to be sure to get on the agenda for May. There is no need to submit another application.

**Sketch Plan Review: None**

**Other:**

- Zoning Law (ZL) Updates were summarized by Mac:
  - A red-lined version of the ZL has been received from Tug Hill Commission (THC).
  - Mac requested that the Secretary request that the Information paper on the website be removed. Also he will send the secretary a clean copy of the 2022 Comprehensive Plan to replace the red-lined copy currently on the website.
  - Summary of the comments from THC:
    - Suggested that we use the terms Large, Medium, and Small for Retail Sales and Service structures (Large being up to 20,000 sf).
    - Short-term rentals suggestions
    - Sale of Cannabis (not just consumption)
    - Battery Storage Systems
    - Suggest another option for road frontages using %
  - Mac described some of the comments from the Campground meeting on April 2
- Reminder of the April 21, 2026 Local Government Conference for those registered.

**Public Comments:**

**Jeff Moore** asked about the number of applications for a reallocation that affects three properties. The board suggested that two application should be submitted.

**Next Meeting:** May 21, 2026. New agenda items are due to the secretary by May 14, 2026.

Bill Shaughnessy made a **motion to adjourn**, seconded by Tammy Crawford. **Motion carried 9:25 pm.**

Minutes prepared by:

*/s/Kathy Pavelock*

Planning Board Secretary