

**MINUTES**  
**Town of Vienna**  
**Planning Board (PB) - Regular Meeting**  
**May 18, 2023**

**Call to order:** Chairman Calvin Collins called the meeting to order at 7:02 pm with a quorum present.

**Attendance:**

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

Others: Secretary Kathy Pavelock, Codes/Zoning Officer (C/ZO) Reay Walker, Liaison Gail Whitham, QCN Reporter Sue Halbritter, and several applicants/residents.

**Minutes Approval:**

A **motion** was made by Bill Shaughnessy, seconded by Martha Link **to approve the April 20, 2023, regular meeting minutes.** Poll Vote:

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

**Correspondence:**

- Received paid applications and project information for SUP2023-01 and SUP2023-02..

**Public Hearings: None**

**Unfinished Business: None**

**New Business:**

**SUP2023-01 New Business Building;** 2374 NYS Rte 49 (Rte 13); 217.000-2-24, 25, 26, 27; Zone C; Application states: proposing to demolish existing structures on-site and construct a new 12,480 SF commercial building. The project will include 64 parking stalls, connections to existing utilities, dumpster enclosures area, and stormwater permits. Brian Grose from Fagen Engineering attended to represent the applicant, The Broadway Group. Fagen Engineering is the engineer working on this proposed project.

Mr. Grose provided an overview of the current plan which includes a 12,600 SF commercial building, 63 parking stalls, connections to existing utilities, dumpster enclosures area, landscaping and stormwater permits. NYS DOT has been notified of the proposed plans. The plan provided with the application was updated to condense the structure to 2 of the 4 parcels. They are also planning a subdivision in conjunction with this project. Mr. Grose was unclear about the number of parcels. The Planning Board advised Mr. Grose that a Subdivision application would need to be submitted in addition to the current Special Use Permit application. The board would be able to handle both applications concurrently.

The board discussed the Zoning Law limiting buildings to a size of 10,000 square feet.

Mike Piper made a **motion to refer this application to the Zoning Board of Appeals (ZBA) for a variance on building size since the limit is 10,000 square feet and the proposed building size is over 12,000 square feet.** Motion was seconded by Bill Shaughnessy. Poll Vote:

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

Mr. Grose was advised that the next steps are to submit an application to the ZBA. Secretary Pavelock explained the process for the ZBA.

**SUP2023-02 Update Storage Facility**; Jonathan Salinas; 2305 NYS Rte 49; 217.000-1-25.2, 25.3; Zone C; Applicant is proposing the addition of two buildings with 40 additional storage units.

Previous owner, Randy Loomis, II represented the current owner in his absence. Only one site plan was provided with the application. The site plan was shared with the planning board to review. Mr. Loomis explained that the requested two buildings will max out the area for this storage facility.

Mr. Loomis also explained the history of this storage facility and the special use permit. A special use permit was first granted in 2015 and an updated permit was processed in 2017. Mr. Loomis was advised in 2019, that an update to the special use permit was not required. All the appropriate building permits were obtained. Mr. Loomis asked if the public hearing for this new application could be waived. The board advised, Mr. Loomis that the Letter of Determination would need to be reviewed for exact wording. The wording will determine the course of action.

Secretary Pavelock will research the property files and send a copy of the Letter of Determination to the applicant. The planning board will continue the review of this application at the next meeting.

### **Sketch Plan Reviews: None**

**Other: Future updates to the Zoning Law:** Mac informed the planning board that the Town Council had discussed at their last regular meeting, the options for zoning laws related to Cannabis. Supervisor Davis asked the planning board for a recommendation on this subject. Mac conducted research on this topic and provided the board with a handout including background, concerns, and options. The board reviewed the handout (attached). Mac contacted the NY Department of State. They informed him that a moratorium is legal as long as there is a reasonable time limit included. Mac suggested that a reasonable time limit is to the end of 2023 to allow for the state to provide final guidance and regulations. The moratorium is the preferred option to avoid time delays and rework. This option will allow time for the the state to provide the necessary guidance and regulations.

Orrin MacMurray made the **motion that the Planning Board recommend to the TOV Town Board to adopt a moratorium covering cannabis land uses (adult use/consumption and dispensaries) with a time limit to the end of December 2023.** Seconded by Mike Piper.

Poll Vote: Orrin MacMurray – Aye  
Martha Link – Aye  
Calvin Collins – Aye  
Vacancy – n/a

Bill Shaughnessy – Aye  
Dave Gigon – absent  
Mike Piper – Aye

**Motion Carried.**

### **Public Comments:**

**Tom Moore** had asked Chairman Collins if he could talk to the Planning Board about the 2010 Special Use Permit for an airstrip that was revoked in 2019. Mr. Moore provided some background on the original 2010 special use permit letter of determination. One contingency for the permit was that none of the four parcels could be sold. Any changes to the airstrip plans needed to be brought to the planning board.

In 2019, Mr Moore received a letter from the Codes Enforcement Officer, Chris Soules, revoking his permit on the grounds that one of the parcels was sold. Mr. Moore contends that the parcel was not sold, but rather there was a mistake on the deed. The parcel in question is the driveway which Mr. Moore contends that he has owned 1/3 of since the 1990s. In 2019, the TOV Attorney agreed with the codes officer. Since 2019, Mr. Moore has sold 2 of the four lots to his son, Jeffrey Moore. Tom Moore asked if there was anything the planning board could do to right this wrong.

Since the planning board role is to carry out the Zoning Law, they are not able to take any action on this. The ZBA does handle appeals, however it appears that too much time as passed for them to conduct thorough research and interviews. It appears to be a civil matter.

**Ed Lambrych** is the property owner for SUP2023-01. He provided some information on the property and the timing for sale of the property. He is also the property owner for the proposed solar farm described to the planning board in a pre-application meeting in April. He provided some information on that property.

**Next Meeting:** June 15, 2023. Agenda items are due to the secretary by June 8, 2023.

Orrin MacMurray made a **motion**, seconded by Bill Shaughnessy **to adjourn at 9:02 pm.**  
**Motion carried.**

Minutes prepared by:  
*Kathy M. Pavelock /s/*  
Planning Board Secretary