MINUTES
Town of Vienna
Planning Board (PB) - Regular Meeting
May 21, 2026

Call to order: Interim Chairman Orrin MacMurray (Mac) called the meeting to order at 7:00 pm with a quorum of 6 members.

Attendance:

Board Members: Orrin MacMurray (Mac), Bill Shaughnessy, Dave Carpenter, Mike Fischer, Tammy Crawford, and Martha Link. Miranda Ward was unable to attend.

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

Minutes Approval:

Bill Shaughnessy made **the motion to approve the "April 16, 2026, regular meeting minutes"**, seconded by Martha Link. Secretary Pavelock noted that one typo was corrected "proved" to "provided."
Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent
Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye
Dave Carpenter –Aye **Motion Carried 6 to 1.**

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

- Received and forwarded information related to SUP2026-01 Payne Mining including the ENB.
- Coordinated the placement of the correct Comprehensive Plan on the website.
- Coordinated the removal of the Campground Information Document from the website.
- Submitted 239m review materials for SUB2026-01 and SUB2026-03 to Oneida County Planning, OC DPW, DOT, and DEC as appropriate. Verified that SUB2026-02 was uncoordinated (no ag district within 500 feet).
- Submitted legal notice for the 4 public hearings scheduled for this meeting.
- Received new applications (2 reallotments). Received paperwork for SUP2015-01 (Local Gas). Just prior to the April meeting we received a new Special Use Permit application for Embers related to changes to their Special Use Permit.
- The Town Clerk is requesting signed Ethics Law acknowledgements. Please give to the Secretary.
- Distributed training status. The Secretary will continue to email opportunities to the board.

While waiting for the scheduled 7:10 pm public hearing, Mac distributed the draft 3 Zoning Law to the board. He would like to spend about 20 minutes this evening to discuss a few items in the draft. He also suggested that the board hold another special meeting to discuss the draft. Secretary Pavelock will coordinate the meeting.

Mac also requested that we move the June meeting since the third Thursday is also Camden Graduation. Mike Fischer made **the motion to move the June Planning Board Meeting to June 25, 2026**, seconded by Bill Shaughnessy. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye
Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1.**
Secretary Pavelock will send a legal notice for the change in meeting date.

Public Hearings:

7:10 pm 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. Tammy Crawford made **the motion to open the public hearing for SUP2601-01**, seconded by Dave Carpenter. No discussion. Poll vote:

Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent
Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye
Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:10 pm**

Mike Dixon: Stated he was **not in favor** of this mine operation. It is not zoned for a mine, and no variance should be granted. He is concerned about the dust/contamination, noise, and the added road repairs that are needed.

Mac asked if there were any others wishing to speak. There were no others. Mac stated for the record that mine operations is an allowed use in RR1. Bill Shaughnessy made **the motion to close the public hearing for SUP2601-01**, seconded by Mike Fischer. No discussion. Poll vote:

Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent
Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye
Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:12 pm.**

While waiting for the scheduled 7:20 pm public hearing the board began discussions on SUP2026-01 (see Unfinished Business).

7:20 pm 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. Tammy Crawford made **the motion to open the public hearing for SUB2601-01**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye
Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:24 pm**

There were no speakers. Bill Shaughnessy made **the motion to close the public hearing for SUB2601-01**, seconded by Martha Link. No discussion. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye
Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:25 pm.**

While waiting for the scheduled 7:30 pm public hearing the board discussed SUB2026-01 (see Unfinished Business).

7:30 pm SUB2026-02 Christmas & Assoc (Marc); Elwood Rd and Marsh Rd; 180.000-1-8; 76 acres; Zone RR3. 10 lots. Major Subdivision. Tammy Crawford made **the motion to open the public hearing for SUB2601-02**, seconded by Dave Carpenter. No discussion. Poll vote:

Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:31 pm.** There were no speakers.

Dave Carpenter made **the motion to close the public hearing for SUB2601-02**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye
Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:32 pm.**

While waiting for the scheduled 7:40 pm public hearing the board discussed SUB2026-02 (see Unfinished Business).

While waiting for the 7:40 pm scheduled hearing, Mac discussed the Zoning Law draft page 4 related to battery storage. There are some changes in the draft to help protect the town. Originally the board agreed that we would not allow Type II Solar with battery storage. After discussions, the board believes it would be best to allow Type II with design requirements to protect the town.

7:40 pm SUB2026-03 Gebo George (Jeff Moore); 7661 Hall Rd; 215.000-1-26.1; 12+ acres; Zone RR2; 2 lots. Bill Shaughnessy made **the motion to open the public hearing for SUB2601-03**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:42 pm.** There were no speakers. Bill Shaughnessy made **the motion to close the public hearing for SUB2601-03**, seconded by Tammy Crawford. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1 at 7:32 pm. S**ee Unfinished Business for the discussions following the public hearing.

Unfinished Business:

SUP2026-01 Payne Construction (Shawn Payne); New sand and gravel mine; 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." Following the public hearing the board asked Payne Construction Engineer, Jason Fleming, for a status update. Jason stated that he understands that the board must take final action within 62 days of the public hearing. That clock starts today. Comments from the 239m review with DEC as lead agency are due to DEC by 5/27/2026. The board asked about conditions imposed by DEC. The planning board did not complete SEQR, however they do have a copy of the SEQR completed by DEC along with the DEC mine permit. The board asked about hours of operation. Jason confirmed 7am-5pm Monday through Friday, Saturday 8am-2pm, no Sundays or holidays. The board was concerned about 7am vs 8am. 7am is a standard start time. Hours of operation will be in the letter of determination. The board discussed with Jason that any deviation from the DEC permit will automatically void the special use permit. The board also asked about noise. Jason described the process and calculation for the maximum of 3db above ambient. This information was provided with the SUP application. Secretary Pavelock emailed the application and will provide a hard copy to any board member. Jason further described the process for determining the noise thresholds. Jason did sound testing in another mine and there are sensors 600' within boundary line. The board is concerned that there is less vegetation that would invalidate some of the test results. Jason will look at the property and provide the board with a new arial showing the vegetation that is proposed to provide screening. The board also asked for plans for dust control and estimated trips on the town road. Jason was asked to contact the Highway Superintendent.

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. Following the public hearing, Mr. Schmidt explained that his surveyor did not provide the final plats. He will get them done and provide them to the board before the June meeting.

SUB2026-02 Christmas & Assoc (Marc); Elwood Rd and Marsh Rd; 180.000-1-8; 76 acres; Zone RR3. 10 lots. Major Subdivision. Following the public hearing, Mr. Christmas showed the final plats to the board. He explained some of the changes from the preliminary plat including showing the 100' buffer on Lot#7; confirmed no flood zone; made Lot #4 a little bigger to allow for greater road frontage. The board verified a complete application and that the SEQR was uncoordinated. Dave Carpenter made **the motion to approve SUB2601-02**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1.** Marc left the final plats with the board so that Mac can sign them later. Once signed, Secretary Pavelock will contact Marc so he can get them filed with the county.

Unfinished Business (cont.)

SUB2026-03 Gebo George (Jeff Moore); 7661 Hall Rd; 215.000-1-26.1; 12+ acres; Zone RR2; 2 lots.Jeff Moore acting on behalf of George Gebo provided the final plats. There were no changes from the preliminary plats. Oneida County DPW provided some recommendations and Oneida County Planning had no recommendations. Tammy Crawford made **the motion to approve SUB2601-03 with the condition that property owners comply with Oneida County DPW**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1.** The applicant will file the plats with the county.

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 [Retail Sales and Service – Small]." Sent to ZBA for a Use Variance. ZBA will deny application Var2026-02 due to the North Bay Fire Department not approving the application. (Letter will be coming from ZBA). No further action needed by Planning Board.

New Business:

SUP2026-03 Embers Camping (Jason Sterling); Update SUP2020-03 for sit down seating; 3173 NYS-49; 218.000-1-52.2; Zone C. Application SUP2020-03 was for retail sales of stoves and fire places with no changes to existing structures. Jason Sterling described his plans to add sit-down eating for his pizza business. The original special use permit was for a retail sales business. Jason stated that he updated his special use permit in 2022. A review of the property file showed only SUP2020-03. Jason will find his paperwork. Jason was advised to talk with the codes officer about parking and other codes-related issues.

Update SUP2015-01 Local Gas (Tom Kilts); Add 4000-gallon propane tank and remove one parking spot; 217.000-1-17; 2344 NYS-49. Jeff Moore acting on behalf of Local Gas provided an updated site plan. The only changes are the addition of a 4000-gallon propane tank to the east of the structure, showing the approved temporary propane filling station at the west of the structure and the removal of one parking spot. There will be no additional lighting added. Since there are no significant changes to the Environmental Assessment, no SEQR will be required for this update. Mike Fischer made **the motion to schedule a public hearing for the update to SUP2015-01 on June 25, 2026 at 7:10pm**, seconded by Tammy Crawford. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1.** The board discussed possible additional conditions to SUP2015-01 including 27 parking spots, maximum 4000-gallon tank, and the removal of the temporary propane filling station.

Relot2026-03 Loparco (Jeff Moore); 7441 & 7445 Lake St; Both properties owned by Loparco; 234.008-1-38/40; 2 acres both parcels; Zone H.

Relot2026-04 McDonough/Loparco (Jeff Moore); 167 Orchard Dr/7445 Lake St; 234.008-1-25 McDonough/234.008-1-38 Loparco; 2 acres both parcels; Zone H.
Jeff Moore representing the property owners provided a final plat showing both Relot2026-03 and Relot2026-04. This will be an even trade between Loparco and McDonough, "squaring up" the properties. Mike Fischer made **the motion to approve Relot2026-03 and Relot2026-04**, seconded by Dave Carpenter. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter –Aye **Motion Carried 6 to 1.** The applicants will file the plat with the county.

Sketch Plan Review: None

Other:

- Zoning Law (ZL) Draft 3 items were highlighted by Mac:
  - Continued discussion of Solar battery storage systems. Since Solar Systems could be categorized as a public utility, the town needs to put in some zoning laws to protect the town should a large solar project be proposed (pages 77-78).
  - Related to the above the board suggested adding definitions for Public Utility and Public/semi-public properties.
  - Cannabis updates are from the Tug Hill Commission (see pages, 14, 32-33)
  - Small. Medium, and large retail (currently only have small and large) (Page 22)
  - Campgrounds setbacks, site sizes, roads, general parking (pages 51, 52, 68)
  - Mac asked the planning board to read through the draft and make notes on substantive changes.

Public Comments: None

Next Meeting: June 25, 2026. New agenda items are due to the secretary by June 18, 2026. There will be another meeting scheduled to discuss the Zoning Law Draft 3.

Tammy Crawford made a **motion to adjourn**, seconded by Martha Link. **Motion carried 9:22 pm.**

Minutes prepared by:
/s/Kathy Pavelock
Planning Board Secretary