MINUTES
Town of Vienna
Planning Board (PB) - Regular Meeting
June 25, 2026 (Moved from June 16)

Call to order: Chairman Orrin MacMurray (Mac) called the meeting to order at 7:00 pm with a quorum of 5 members.

Attendance:

Board Members: Orrin MacMurray (Mac), Bill Shaughnessy, Dave Carpenter, Miranda Ward, Tammy Crawford, Mike Fischer (7:05pm), and Martha Link (7:05pm).

Others: Secretary Kathy Pavelock, Town Council Liaison Darrin Smith (8:15pm) and several residents. Codes/Zoning Officer Reay Walker was unable to attend.

Minutes Approval:

Bill Shaughnessy made **the motion to approve the May 21, 2026 regular meeting minutes**, seconded by Tammy Crawford. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Aye Tammy Crawford – Aye Mike Fischer – Absent for this vote Martha Link – Absent for this vote Dave Carpenter –Aye **Motion Carried 5 to 2.**

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

- Forwarded information from Mac to PB and Zoning Board of Appeals (ZBA) re: Payne Mine.
- Coordinated and attended a special meeting for reviewing draft Zoning Law with no quorum.
- Submitted legal notice for change in June meeting date and Public Hearing.
- Coordinated signing of Christmas & Associates plats for SUB2026-02.
- Received final plats for Schmidt SUB2026-01/Relot2026-02.
- Distributed ZBA letter related to the denial of Var2026-02 Use Variance for 2040 NYS-49.
- Received several new applications. One application was for a merger (Relot2026-06) and the applicant was informed that the PB does not need to review mergers.

Mac advised the PB that he contacted Jason from Payne Construction to verify that the drive material would not be sold and that it would be a condition of the Special Use Permit (SUP) since the ZBA interpreted "Excavation" as not to include the drive.

While waiting for the scheduled 7:10 pm public hearing, Mac provided an overview of the special meeting held on June 22 Only Mac and Bill were present from the board, along with Secretary Pavelock. Next month we plan to recommend the draft to the Town Council via resolution. There will be more for the PB to deal with after the TC holds their public hearing. If the PB has any questions or comments on the draft, they should contact Mac as soon as possible.

Mac also discussed the City of Rome SEQR that was sent for a 239m review for a Battery Storage System Ordinance. Mac emphasized the need for us to include something on this in our proposed Zoning Law changes to cover "Public Utility" requests for an SUP.

Public Hearings:

7:10 pm SUP2015-01 Update; Local Gas (Tom Kilts/Jeff Moore); Add 4000-gallon propane tank and remove one parking spot; 217.000-1-17; 2344 NYS-49. The changes include the addition of a 4000-gallon propane tank to the east of the structure, acknowledging the CEO-approved temporary propane filling station at the west of the structure and the removal of one parking spot. Mike Fischer made **the motion to open the public hearing for the SUP2015-01 Update**, seconded by Tammy Crawford. No discussion. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Aye Mike Fischer – Aye Martha Link – Aye Tammy Crawford – Aye Dave Carpenter – Abstain **Motion Carried 6 to 1 at 7:13 pm**

There were no public comments. Bill Shaughnessy made **the motion to close the public hearing for the SUP2015-01 Update**, 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 – Abstain **Motion Carried 6 to 1 at 7:15 pm.**

Unfinished Business:

SUP2015-01 Update 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 overview of the site plan. Local Gas would like to keep the temporary full station. There were no changes to the site plan presented last month. Bill Shaughnessy made **the motion approve the SUP2015-01 Update to add a 4,000-gallon propane tank as shown on the site plan, allow the permanent use of the filling station, and reduce parking by 1 space leaving 27 spaces.** Motion was seconded by Mike Fischer. No discussion. Poll vote:

Orrin MacMurray – Aye	Bill Shaughnessy – Aye	Miranda Ward – Aye
Mike Fischer – Aye	Martha Link – Aye	Tammy Crawford – Aye
Dave Carpenter – Abstain		

Motion Carried 6 to 1. The Letter of Determination for this SUP will be prepared, reviewed and signed by Mac and distributed. Upon receipt of the letter, Local Gas may contact the Codes Office for the appropriate permits.

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." At this meeting, Payne Construction Engineer, Jason Fleming, provided a status including the new drone overlay drawing showing the effect of clearing of existing vegetation and its effect on noise and visuals. Mac thanks Jason for the letter that summarized all the items discussed at the last meeting. Mac summarized the information in the letter including possible increase in truck traffic on Oswego Road (TOV Highway Superintendent has been contacted and has no concerns), Recent clearing activities and its effect on noise and visuals (discussed earlier), Material from the access drive will not be sold, and hours of operation as outlined in the Environmental Assessment Form (EAF). The board asked about how noise was measured. Jason explained that it was measured based on actual use at the Wheeler Hill Road mine and then calculated for estimates and houses at the proposed Oswego Road mine. The board also asked about the number of trips in and out as included in the EAF (10-14 trips) and the life of the mine (5 years). Mr. Payne explained that it will actually be about 3 years. Jason clarified the "Land Use Reclamation" version as the one dated March 30, 2026, Revision 1. The board also asked about the backup beepers on the standard equipment. Mr. Payne explained that they have single tone beepers and knows about white noise alarms. The board summarized the conditions for this SUP:

1. This SUP is contingent on obtaining, maintaining in good standing and complying with all required NYS DEC Permits.
2. Activities in the mine will include excavating, moving and screening bank run sand and will not include crushing or other processing activities.
3. Hours of Operation will be between 7:00am. and 5:00 pm. Monday to Friday, 8:00am to 2:00pm on Saturday and no operation will take place on Sundays or Holidays.
4. Noise levels during operation shall not exceed average ambient noise levels at Houses 1 through 5 as indicated in the Applicants Oswego Road Mine, Mined Land Use & Reclamation Plan, Dated January 8, 2026, and Revised March 30, 2026, as shown in the Table on Page 3 of 4.
5. Equipment requiring back up alarms will be fitted with white noise alarms to meet safety standards.
6. The applicant proposed that the 100 Ft setback for major excavation, as required under Section 575. of the Town Zoning Law, not apply to excavation associated with the construction of the access road. The applicant was referred to the ZBA by the Planning Board for an interpretation. The ZBA reviewed this request at their meeting on March 23, 2026 and asked the applicant if access road excavated material would be sold as part of the mining operation and was told it would not be. As stated in the letter of Interpretation dated March 27, 2026, the ZBA determined that the "construction of the access road as presented is not considered Major Excavation". In accordance with this interpretation, this SUP is conditioned on there being no sale of access road excavated material and that the access road is not part of the mine's major excavation area and therefore does not require the 100 ft setback.

7. Clearing shall be limited to the "Limit of Disturbance" line as shown in the SUP Site Plan. Where clearing has already been done outside this limit wood debris berms shall be provided as shown on the Overall Site Plan, Drawing No. C-10 revision No. 3 dated June 11, 2026.
8. Dust control will be provided during mine operations by the mine operator for the mine access road for a minimum distance of 600 feet from the centerline of Oswego Road. Such dust control will consist of the application of water to the access road surface as needed to maintain dust levels on the access road equal to or less than dust levels on the Oswego Road. Appropriate measures will be taken to minimize the tracking of material from the access road onto Oswego Road.

Mike Fischer made **the motion approve SUP2026-01 for a Mine at 3447 Oswego Rd with the conditions outlined above.** Motion was 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 Letter of Determination for this SUP will be prepared, reviewed and signed by Mac and distributed. Upon receipt of the letter, Payne Construction may contact the Codes Office for the appropriate permits.

Relot2026-02/SUB2026-01 Edward Schmidt; 1213 NYS-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. The public hearing for these were held last month and Mr. Schmidt has now provided the mylar and paper copies that will require signatures before filing with the county. The board reviewed the final plats. Mike Fischer made **the motion to approve Relot2026-02/SUB2026-01.** Motion was 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.** Mac will sign the plats and the applicant may now file the plats with the County.

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 fireplaces with no changes to existing structures. They would like to add sit-down eating for the pizza business. Jason met with the codes officer about parking and other codes-related issues. The CEO gave is okay with the plans presented. Tammy Crawford made **the motion to approve SUP2026-03 with the usual conditions.** Motion was 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 – Abstain **Motion Carried.** The Letter of Determination for this SUP will be prepared, reviewed and signed by Mac and distributed. Upon receipt of the letter, the applicant may contact the Codes Office for the appropriate permits.

New Business:

Relot2026-05 Sullivan (Darrin Smith, LLS); 2872 Main St; Both properties owned by Sullivan; 183.003-1-64/65; 1.388 acres both parcels; Zone HR. Darrin Smith acting on behalf of the applicant, explained the small reallotment which will provide an additional .229 acre to 183.003-1-65 from 183.003-1-64. The board reviewed the plats. Mike Fischer made **the motion to approve Relot2026-05.** Motion was 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.** Mac will sign the plats and the applicant may now file the plats with the County.

SUB2026-04 Mark Forrester; 4-lot subdivision NYS-49 at Drive 38; 235.008-1-2; 9.61 acres; Zone SR. Mr. Forrester presented the preliminary plat. The board reviewed the road frontages and lot sizes required for Zone SR. The board reviewed and completed their parts of SEQR. Tammy Crawford made **the motion to declare a negative environmental impact and lead agency for the coordinated 239m review and to schedule a public hearing for July 16, 2026, at 7:10 pm.** Motion was seconded by Martha Link. 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 applicant was reminded that final plats are needed for the next meeting.

Relot2026-07 Estate of Michael Davis (Jeff Moore); 8650 Maple Flats Rd; Related to SUB2024-13 for 179.000-1-10; Zone RR3 66 Acres; 9-lot subdivision approve January 2025. Jeff Moore, representing the property owner provided a final plat showing the reallotment that will combine 8 of the 9 lots into 1 for a new total of 2 lots and better road access. Dave Carpenter made **the motion to approve Relot2026-07**, seconded by Mike Fischer. 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 applicant will file the plat with the county.

Sketch Plan Review: None

Other: Zoning Law (ZL) draft to be recommended to the TC at the next PB meeting. Mac requested comments from the board. The board mentioned that we should consider shipping containers since there is currently no mention of these in the ZL. Consider reducing the campgrounds 40’ setback to 20’.

Public Comments: None

Next Meeting: July 16, 2026. New agenda items are due to the secretary by July 9, 2026. Tammy and Dave will be on vacation.

Mike Fischer made a **motion to adjourn**, seconded by Bill Shaughnessy. **Motion carried 8:37 pm.**

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