MINUTES
Town of Vienna
Planning Board (PB) - Regular Meeting
August 20, 2026

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, Mike Fischer, and Martha Link. Miranda Ward and Tammy Crawford were unable to attend.

Others: Secretary Kathy Pavelock and a few residents/applicants. Town Council Liaison Darrin Smith arrived late and Codes/Zoning Officer Tyler Kimball was unable to attend.

Minutes Approval:

Mike Fischer made **the motion to approve the June 25, 2026, regular meeting minutes**, seconded by Bill Shaughnessy. Poll vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Tammy Crawford – Absent Mike Fischer – Aye Martha Link – Aye Dave Carpenter – Aye **Motion Carried 5 to 2.**

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

- Received a phone call from the QCN Doug Cleveland asking about the Oswego Rd Mine. Told him that to the best of my knowledge the Planning Board had not received any complaints. Supervisor Spellicy contacted Mac to let him know that a resident complained to the Town Council (the resident was told to contact DEC since they are the Lead Agency).
- Submitted 239m review for SUB2026- 05 (Hanvey).
- Provided Mac with information from the Oswego Mine Planning Board files
- Talked with Mark Newman (Treasure Isle). He has contacted the Health Department and is waiting on his engineer for updated site plans. Reminded him to talk with Tyler Kimball. Mark plans to submit a Special Use Permit application for the October meeting.
- Talked with Eric Koester (owner of former North Bay School). Advised him to speak with Tyler Kimball. Supervisor Spellicy advised Eric to speak with the PB.

While waiting for the scheduled 7:10 pm public hearing, Mac provided status of the proposed Zoning Law changes. On August 5, Mac attended the Town Council meeting to provide them with a draft. Martha and Bill also attended this meeting. On September 9, 2026, Mac plans to attend a special Town Council meeting to answer any questions that the council has on the proposed changes. The draft provided to the Council has not yet been posted to the Town Website. The PB should plan on discussing any updates (from the Council) at the September 17th regular meeting depending on the agenda. Martha Link made a **motion to schedule a special Planning Board meeting for October 1, 2026 at 6:00 pm to discuss any updates from the Council**. Seconded by Bill Shaughnessy. Poll vote:

Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent Tammy Crawford – Absent Mike Fischer – Aye Martha Link – Aye Dave Carpenter – Aye **Motion Carried 5 to 2.**

Public Hearings:

7:10 pm SUB2026-05 Kristin Hanvey (Darrin Smith, LLS); 2-lot subdivision 8722 Elpis Rd; 180.000-1-36; 18.548 acres; Zone RR3. Bill Shaughnessy made **the motion to open the public hearing for SUB2026-05**, 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 – Absent Dave Carpenter – Aye **Motion Carried 5 to 2 at 7:11 pm.** There were no public comments. Bill Shaughnessy made **the motion to close the public hearing for the SUB2026-05**, 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 – Absent Dave Carpenter – Aye **Motion Carried 5 to 2 at 7:12 pm.**

Unfinished Business:

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 final plat. The board reviewed the final plats which were unchanged from the preliminary plat. Dave Carpenter made **the motion to approve SUB2026-04**, seconded by Mike Fischer. No discussion. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Miranda Ward – Absent Tammy Crawford – Absent
Mike Fischer – Aye Martha Link – Aye Dave Carpenter – Aye
Motion Carried 5 to 2.
Mac will sign the plats at the end of the meeting so that Mark can file them with Oneida County.

SUB2026-05 Kristin Hanvey (Darrin Smith, LLS); 2-lot subdivision 8722 Elpis Rd; 180.000-1-36; 18.548 acres; Zone RR3. Darrin Smith, acting on behalf of Kristin Hanvey, presented the final plat. This was a 239m coordinated review since the property is an Ag District. Any recommendations from the 239m review have been received (there were no recommendations). Mike Fischer made **the motion to approve SUB2026-05**, seconded by Bill Shaughnessy. No discussion. Poll vote:
Orrin MacMurray – Aye Bill Shaughnessy – Aye Miranda Ward – Absent
Tammy Crawford – Absent Mike Fischer – Aye Martha Link – Aye
Dave Carpenter – Aye **Motion Carried 5 to 2**.
Mac will sign the plats at the end of the meeting so that Darrin can file them with Oneida County.

New Business: None

Sketch Plan Review:

Eric Koester (owner of former North Bay School) explained that he is currently using the property for apartments which has been the use for several years. He would like to add storage units and a laundry mat that would be available to the public. Tyler Kimball has informed Eric that this is not a permitted use for Hamlet Residential (HR). The PB reviewed the Zoning Law and agree that "Retail Sales & Services Large or Small" is not a permitted use in HR. Mr. Koester asked what his next steps should be. The PB explained that he could appeal to the Zoning Board of Appeals (ZBA). The Codes/Zoning Officer will need to deny a Building Permit allowing Mr. Koester to appeal this decision to the ZBA by applying for a Use Variance. Another option is for Mr. Koester to request that the property be rezoned. The Town Council has the authority to change zones. This option will take time, however the Council is currently reviewing changes to the Zoning Law and could add this to the changes. Mr. Koester will proceed with one or both options. He was advised to obtain legal advice, since Use Variances have strict criteria to be met.

Other:

- There was a motion to adjourn at approximately 7:35 pm, however that motion was withdrawn.
- Oswego Rd Mine
  - Martha Link provided information on the complaint made by Mike Raquette at the August Town Council Meeting. This included showing copies of the photos taken by Mr. Raquette. She explained that the Council suggested that Mr. Raquette get his water tested and to contact DEC.
  - Martha Link identified inconsistencies in the SEQR (Full Environmental Assessment Form (FEAF) part 1).
  - Martha thinks that the PB was rushed in issuing the Special Use Permit (SUP). The PB was premature in holding a public hearing – the application was not complete.
  - The PB asked, "What could we do about it?" Martha stated she was not sure. The Codes Officer could issue a stop work order for not complying with ZL and/or conditions of the SUP. DEC could issue a stop work order for noncompliance with the mining permit conditions. The DEC has authority for the mining permit (which is separate from the Local SUP). The Planning Board Chairman stated that we followed the usual process including requesting additional information from the applicant prior to approving the SUP. We would have to consult the Town Attorney to see about further actions the PB could take on this SUP.
  - Martha further identified the following concerns:
    - Noise – Truck traffic noise was not included in the noise study.
    - Drinking water downstream from the mine is reported to have a lot of sediment.
    - No sediment control; no boundary markers, water flow is the opposite of what was in the application.
  - Martha would like to see the DEC Mining Permit and will call DEC.

Public Comments: None

Next Meeting: Special meeting scheduled for October 1, 2026 at 6:00pm to discuss Zoning Law changes. The **regular meeting is scheduled for October 15, 2026**. New agenda items are due to the secretary by October 8, 2026.

Mike Fischer made a **motion to adjourn**, seconded by Dave Carpenter. **Motion carried 8:05 pm.**

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