

MINUTES
Town of Vienna
Planning Board (PB) - Special Meeting
August 1, 2024

Call to order: Chairman Calvin Collins called the meeting to order at 7:00 pm with a quorum present. This special meeting was called due to allowing adequate time for the posting of legal notices for the two public hearings and due to the cancellation of regular meeting on 7/18/24.

Attendance:

Board Members: Calvin Collins, Mike Piper, Orrin MacMurray, Bill Shaughnessy (7:08 pm), Dave Gigon, and Martha Link. There is one vacancy on the board.
Others: Secretary Kathy Pavelock, Liaison MaryBeth McEwen, several applicants, and residents.
Codes/Zoning Officer (C/ZO) Reay Walker. was unable to attend.

Minutes Approval:

A **motion** was made by Dave Gigon, seconded by Mike Piper **to approve the June 20, 2024 regular meeting minutes with the correction of the Ketchum Tax ID #**. No discussion. Poll Vote:
Orrin MacMurray – Aye Bill Shaughnessy – absent for this vote Martha Link – Aye
Dave Gigon – Aye Calvin Collins – Aye Mike Piper – Aye
Vacancy – n/a **Motion Carried.**

Correspondence: Secretary Pavelock summarized the correspondence on this meeting’s agenda:

- Prepared Letter of Determination for Winn/ARH Subdivision. Coordinated signatures.
- Submitted legal notices to The QCN for the July 18 public hearings (updated to 8/1).
- Final action to Oneida County (OC)for SUB2024-05 Ketchum and SUB2024-06 Liebel.
- Submitted 239m reviews to DOT/OC/DEC for SUB2024-04(SUP2023-09) and SUB2024-07.
- Contacted Styles and Tallman for change in public hearing dates.
- Contacted all applicants, board members, and residents on cancelled 7/18 meeting.
- Received three applications for the single board vacancy. Called applicants for interviews.
- Forward email/letter to Chairman related to a possible cell tower on Elpis.

While awaiting the scheduled time for the first public hearing, Orrin MacMurray explained that he has no new updates for the Zoning Law recommended changes due to the board’s full agendas for the last few meetings. It was noted that it will take months for the planning board to recommend any changes to the Town Board for Zoning Law changes.

Public Hearing:

7:10 pm SUB2024-07 Lauren/Rosle Tallman; 217.000-2-20.5/217.000-2-20.4; Zone C; 3-lot subdivision at 2448 and 2460 NYS Route 49. Combination minor subdivision and re-allotment. Bill Shaughnessy motioned to **open the public hearing for SUB2024-07**. Seconded by Orrin MacMurray. No discussion. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye Mike Piper – Aye
Vacancy – n/a **Motion Carried at 7:10.**
There were no comments from the public. Mike Piper motioned to **close the public hearing for SUB2024-07**. Seconded by Martha Link. No discussion. Poll Vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Dave Gigon – Aye
Calvin Collins – Aye Mike Piper – Aye Vacancy – n/a **Motion Carried at 7:12.**

Unfinished Business:

SUB2024-07 Lauren/Rosle Tallman; 217.000-2-20.5/217.000-2-20.4; Zone C; 3-lot subdivision at 2448 and 2460 NYS Route 49. Combination minor subdivision and re-allotment. The board reviewed the final plats and verified that clarification of the annexation (re-allotment) was made in the notes. Orrin MacMurray made a **motion to approve SUB2024-07**. Seconded by Bill Shaughnessy. No discussion. Poll Vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye
Mike Piper – Aye Vacancy – n/a **Motion Carried.**

The applicant will file the plats with the county. Signatures were completed on the final plats.

Public Hearing:

7:20 pm SUB2024-04/ SUP2023-09 Broadway Group (Carson Styles); 2 lots from 4 lots at corner of Rtes 49/13; and Special Use Permit for a new business and construction of a 9,100 sf building on one of the resulting 2 lots.

Bill Shaughnessy motioned to **open the public hearing for SUB2024-04/ SUP2023-09**. Seconded by Dave Gigon. No discussion. Poll Vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye
Mike Piper – Aye Vacancy – n/a **Motion Carried at 7:20.**

Comments from the public:

- Bill Shaughnessy Jr. is concerned that there may be a fire department issue with increased traffic. The area fire departments need to be contacted to discuss any safety issues. Suggested that this special use permit be tabled until this is done.
- Dean Maraccion is also concerned with possible increased traffic and suggests that the speed limit be reduced from the current 55 MPH. Also suggest that this be tabled for now.
- Bob Barnes is concerned that this applicant has not gone through the same rigorous process he had to go through for his Y-Hill business including a long SEQR, DOT permits, and runoff.
- Applicant Carson Styles asked to respond to some of the concerns voiced. Chairman Collins agreed to let him speak. Mr. Styles stated that they would be happy to send information to the fire departments.

Mike Piper motioned to **close the public hearing for SUB2024-04/ SUP2023-09**. Seconded by Bill Shaughnessy. No discussion. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye
Mike Piper – Aye Vacancy – n/a **Motion Carried at 7:30.**

Unfinished Business:

SUB2024-04/ SUP2023-09 Broadway Group (Carson Styles); 2 lots from 4 lots at corner of Routes 49/13; and Special Use Permit for a new business and construction of a 9,100 sf building on one of the resulting 2 lots.

The board reviewed the comments received by NYS DOT and Oneida County. There has been no response from DEC. DOT commented that the applicant must continue to work with NYS DOT to obtain a Highway Work Permit and to provide a drainage report or SWPPP. Oneida County commented, “Review SWPPP for disturbances of 1+ acre. Request and evaluate lighting plan.” The planning board also provided comments on the subdivision plat asking for clarification on the final plat for the merging of four parcels and then the 2-lot subdivision.

The board agreed that the SWPPP and lighting plan has been received and reviewed. They need a letter or some proof of the highway work permit/driveway location from DOT. The board also discussed possible traffic issues (brought up at the public hearing).

Mr. Styles reported that Dollar General has agreed to put some aesthetics on the front of the store with 2 sets of shutters. The board stated they would like to see 4 sets. The board also asked about reduction of lighting after hours. A resident posed the question as to why DG would build so close to the store in Sylvan Beach.

The following items need to be work on before the board will take final action:

- Need proof of approved driveway locations from DOT.
- Coordinate with the fire departments (Vienna, North Bay, Sylvan Beach, McConnellsville).
- Response from DEC.
- 4 sets of shutters.

The 62-day clock is running. The planning board must take final action by 10/2/2024.

SUP2024-02 Dale Race (Hogan Engineering); 7954 Lewis Road; 201.000-1-41.3; Zone RR-1; Provide (6) cabins and (7) RV spaces covering 3.7 acres with public water and subsurface wastewater disposal. Mr. Hogan had sent an email explaining that he was unable to attend this meeting. He sent an updated site plan and some commentary on actions taken since the June 20 meeting. The board was provided with these updates. Orrin MacMurray prepared a list for Mr. Hogan. Mike Piper made a **motion to allow Orrin to provide this list of comments to Tim Hogan.** Seconded by Bill Shaughnessy. No Discussion. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye
Mike Piper – Aye Vacancy – n/a **Motion Carried.**

New Business: None

Other:

- The board discussed actions that could be taken to reduce the speed limit at the Y-Hill. The DOT will not agree to this without compelling reasons. The residents could petition the DOT.
- Secretary Pavelock noted that the ZBA has an area/use variance application submitted for the Cell Tower proposed on the town property behind the town hall. She also stated there is another cell tower planned for Marsh Road that will require a Special Use Permit (not application yet).

Public Comments:

- **Betty Post** made comments on the Lewis Road proposed campground. Her concerns were that it is not a good location for a campground, campfires, safety, privacy, environment, and noise.
- **Amanda Sassenbury/Tammy Crawford** asked for the list prepared by Orrin MacMurray. Secretary Pavelock will provide it after scanning.

Next Meeting: August 15, 2024. Agenda items are due to the secretary by August 8, 2024.

Mike Piper made a **motion to go into Executive Session to interview applicants for the board vacancy.** Seconded by Orrin MacMurray. No discussion. Poll vote: Orrin MacMurray – Aye
Bill Shaughnessy – Aye Martha Link – Aye Dave Gigon – Aye
Calvin Collins – Aye Mike Piper – Aye Vacancy – n/a **Motion Carried at 8:29 pm.**

Orrin MacMurray made a **motion to return from Executive Session.** Seconded by Dave Gigon. No discussion. Poll vote:
Orrin MacMurray – Aye Bill Shaughnessy – Aye
Martha Link – Aye Dave Gigon – Aye Calvin Collins – Aye
Mike Piper – Aye Vacancy – n/a **Motion Carried at 8:53 pm.**

Orrin MacMurray made a **motion to notify the town board that after meeting with David Carpenter, they found him to be qualified. They recommend that the Town Board consider appointing David Carpenter to fill the vacancy with the term expiring in 2027.** Seconded by Mike Piper. Poll Vote: Orrin MacMurray – Aye Bill Shaughnessy – Aye Martha Link – Aye
Dave Gigon – Aye Calvin Collins – Aye Mike Piper – Aye
Vacancy – n/a **Motion Carried.**

The board asked the secretary to contact Gerard Snow regarding the status. He did not show up for the meeting. The third applicant withdrew their application.

Bill Shaughnessy made a **motion to adjourn,** seconded by Dave Gigon. **Motion carried 9:00 pm.**

Minutes prepared by:

Kathy Pavelock
Planning Board Secretary