

MINUTES
TOV Zoning Board of Appeals (ZBA)
Special Meeting
November 24, 2025

Call to order: ZBA Chairman Mike Taylor called the meeting to order at 6:35 pm with the Pledge.

Attendance:

ZBA Members: Michael Taylor, Nathan Juby, John Pavelock, Amanda Hewitt, and Joshua O’Kay.
Others: ZBA Secretary Kathy Pavelock, Town Attorney Evan Rossi, Liaison Darrin Smith, and two applicants/residents. Codes/Zoning Officer Reay Walker was unable to attend.

Minutes Approval:

John Pavelock made a **motion to approve the minutes for the October 20, 2025, ZBA Special Meeting**, seconded by Amanda Hewitt. Poll Vote: Josh O’Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Correspondence: Secretary Pavelock summarized the correspondence since the last ZBA meeting:

- Submitted 239m reviews for Var2025-05 to Oneida Co. Planning, NYS DOT, and NYS DEC on 10/22/25 (30 days was 11/21/2025).
- Received “No recommendations” from Oneida Co. Planning on 10/26/2025.
- Contacted Justin Hansen regarding Var2025-02.
- Submitted notices for Public Meeting the newspaper (QCN) and Town Clerk for this meeting.
- Received training certificate for Nate Juby.
- Received a lengthy list of comments from NYS DOT on 11/24/2025.

Public Hearings: None

Unfinished Business:

Var2025-05 Jake McCall; 217.017-1-53; 2050 NYS Route 49. The applicant is requesting a use variance to allow fabrication use (manufacturing) in the Hamlet Residential Zone. Applicant has a contract with the owner (1C31, LLC) contingent on obtaining a use variance (contingency expires 120 days after contract signature 8/28/25). At this meeting, Mr. McCall reported that his financier has backed out. The ZBA reviewed the status of the application including the lengthy list of comments from NYS DOT. Even though, the DOT letter states that they “do not have issue with the development as proposed,” they did ask for several oppressive improvements including improving the driveways, conducting a traffic impact study with a signal warrant analysis at W. Lake St and Route 49, construction of a sidewalk, providing a grading plan, and eliminating one of the driveways. Mike Taylor made the **motion, “While the applicant has met most of the requirements of the Town of Vienna Zoning Law for a use variance, the Department of Transportation (DOT) has requested restrictive and cost prohibitive modifications which would alter the essential character of the neighborhood. The board feels that the restrictive requirements added by the DOT cannot be met by the applicant. Therefore, the variance application (Var2025-05) is denied.”** Motion was seconded by Amanda Hewitt. Poll vote: Mike Taylor - Aye John Pavelock - Aye Amanda Hewitt – Aye Nathan Juby – Aye Joshua O’Kay - Aye **Motion Carried.**

Secretary Pavelock will prepare the decision document. The decision will be reviewed by Attorney Rossi and Chairman Taylor. Upon approval the decision will be filed with the Town Clerk and a copy provided to the applicant.

Var2025-02 Justin Hansen; 199.000-1-6.17; 8131 Dixon Rd; Zone RR2; 0.2 acre.

Applicant is requesting a use variance based on the Codes Officer denial of a building permit for an Auto Repair business which is not an allowed use in zone RR2 (Zoning Law section 430B). The applicant will prepare the required documentation and notify the ZBA secretary when he is ready to come before the board again. ***This application is tabled until the applicant contacts the secretary when he has the necessary justifications for a Use Variance.*** On 10/22/2025, Mr. Hansen stated via email, “I’m still interested in pursuing the variance and preparing documented proof. I’m at a bit of a stand still at the moment, however, I’m still interested.”

New Business: None

Other:

- The members reviewed the training status.
- The ZBA would like to provide a few suggested changes to the Zoning Law. Secretary Pavelock will provide contact information for Orrin MacMurray Planning Board Chairman who is leading the proposed changes to the Zoning Law.
- John Pavelock made a **motion to schedule the ZBA 2026 Organizational Meeting for January 22, 2026 at 6:30pm**, seconded by Mike Taylor. Poll Vote: Josh O'Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

John Pavelock **made the motion to adjourn**, seconded by Mike Taylor. **Motion Carried 7:22 pm.**

Minutes Prepared by:

Kathy M. Pavelock /s/

ZBA Secretary