

MINUTES
TOV Zoning Board of Appeals (ZBA)
Special Meeting
March 27, 2024

Call to order: ZBA Chairman John Pavelock called the meeting to order at 6:30 pm with the Pledge of Allegiance.

Attendance:

ZBA Members: Amanda Hewitt, Joshua O’Kay, Michael Taylor, Nathan Juby, and John Pavelock.

Others: Secretary Kathy Pavelock and applicant Patrick Enwright.

Liaison Darrin Smith and Zoning/Codes Officer Reay Walker were unable to attend.

Minutes Approval:

Amanda Hewitt made a **motion to approve the minutes for the January 30, 2024 ZBA Organizational Meeting**. Seconded by Josh O’Kay. 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 including:

- Coordinated registrations for the ZBA attendance at the Local Government Conference on May 2, 2024. All ZBA members are registered and have received a copy of their tickets.
- Received application Var2024-01 and coordinated this meeting.

Public Hearings: None

Unfinished Business: None

New Business:

VAR2024-01 Patrick Enwright requesting an area variance for Zoning Law Section 420 Schedule A. Codes Officer Reay Walker rejected a building permit for 20’x40’ 3-sided structure with a 15’ side setback. Codes Officer reported a width of 400’ requires a 60’ (15%) setback in Zone SR. Location: 1027 NYS Route 49; Tax Map # 215.000-2-47.2; Zone: Shore Residential.

The ZBA members reviewed the application and asked Mr. Enwright some questions about the request. A summary of the information provided by the applicant is as follows:

- Mr. Enwright stated that he has talked with his side neighbor, Chris Perry and he is okay with the proposed. His son owns and lives on the property in front of the proposed location for the structure.
- The plan is to store his tractor and other equipment in the structure. There will be no hunting or fishing from the structure and it will not be used for human occupancy. There is currently a tarp used to cover the equipment.
- This property is used for recreational purposes and there are no plans to construct a residential structure.
- The property is between Mill Road and Hall Road on Route 49.
- The 15’ side set back is the most that Mr. Enwright believes is feasible due to the geography of the land dropping down into wetter lands. To increase the setback even 5’ would require several truckloads of fill for the structure to be usable for his equipment.

The variance application process was explained to Mr. Enwright. The ZBA first reviews the application. As appropriate the ZBA will accept the application and schedule a public

hearing. In the time between this meeting and the public hearing, the ZBA will continue to investigate the application including individual ZBA members conducting a site visit. Following the public hearing, the ZBA has 62 days to take final action.

The ZBA suggested that Mr. Enwright have Chris Perry attend the public hearing at the next meeting. John Pavelock will call Mr. Enwright to schedule a site visit where he will take photos to share with the rest of the board.

Amanda Hewitt made **a motion to accept application Var2024-01**. Seconded by Josh O’Kay. Poll Vote: Josh O’Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Amanda Hewitt made **a motion to schedule a public hearing for Var2024-01 for April 17, 2024 at 6:40 pm during the next ZBA meeting that will begin at 6:30 pm**. Seconded by John Pavelock. Poll Vote: Josh O’Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Written public comments are also welcome as part of the public hearing. They may be emailed to kpavelock@tovlookup.org. They may be mailed to Town of Vienna ZBA, PO Box 250, North Bay, NY 13123.

Mike Taylor made a motion to adjourn, seconded by Nate Juby. All in favor.
Motion Carried at 7:03 PM.

Minutes Prepared by:

Kathy M. Pavelock /s/
ZBA Secretary