MINUTES
Town of Vienna (TOV)
Zoning Board of Appeals (ZBA)
Special Meeting
May 27, 2026

Call to order: ZBA Chairman Mike Taylor called the meeting to order at 6:30 pm with the Pledge. This meeting was called due to not having a quorum for the previously scheduled May 18, 2026, ZBA special meeting.

Attendance:

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

Minutes Approval:

Amanda Hewitt made a **motion to approve the minutes for April 29, 2026, ZBA Special Meeting**, seconded by Mike Taylor. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Absent. **Motion Carried 3 to 2**.

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

- Corrected typos in 3/23 minutes and filed with the Town Clerk.
- Prepared, distributed and filed the decision document for Var2026-01 (Taylor-Sak).
- Forwarded information received related to Var2026-02 (The Farms of ADL).
- Received a new Area Variance application Var2026-05.

Public Hearings:

Var2026-02 The Farms of ADL (Brian Kirsch); 2040 NYS Rte 49 (North Bay Fire Dept. (NBFD) is owner of the property); 217.000-1-77.2; Zone HR. ***This public hearing opened on April 29, 2026 at 6:40 pm and was not closed pending additional information from the property owner.***

The board reviewed the correspondence received since 4/29/26 including:

- NYS DOT response to 239m review on 5/4/26
- Brian Kirsch email on 5/4/26 acknowledging that the owner will not approve the operation of a daily market and additional structure on their property.
- NBFD email on May 5, 2026, relaying that the department does not approve the operation of a daily market with an additional structure on their property.

John Pavelock made a **motion to include the above correspondence as part of the Public Hearing,** seconded by Mike Taylor. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Absent. **Motion Carried 3 to 2.**

Mike Taylor made a **motion to close the public hearing for Var2026-02,** seconded by Amanda Hewitt. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Absent. **Motion Carried 3 to 2.**

Mike Taylor made a **motion, "Based on correspondence from the property owner (North Bay Fire Dept.) received on May 5, 2026, which stated that permission was not granted to place a structure on their property for daily operation of a Farm Stand, the applicant (The Farms of ADL) requested on May 4, 2026, that the matter be closed. Therefore, Use Variance Var2026-02 is denied."** Motion was seconded by John Pavelock. No Discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Absent. **Motion Carried 3 to 2.**

Unfinished Business:

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). ***This application is tabled until the applicant contacts the secretary when he has the necessary justifications for a Use Variance. We will keep the application open until June 30, 2026.*** Secretary Pavelock stated that she has not heard anything from the applicant.

Var2026-04 John Zakris; 7592 Vienna Rd; 218.000-1-94; Zone WR. Applicant is requesting an interpretation to be allowed to park five (5) campers on the property (without a special use permit) based on Zoning Law Section 1920 (A/B/C/D). ***This application is tabled until the applicant contacts the secretary and says that he has additional information. We will keep the application open until April 30, 2027.***

New Business:

Var2026-05 James Bray; 7940 Yager Rd; 199.000-1-25.9; Zone RR2. Applicant is requesting an area variance to allow an additional manufactured home to be placed on the property. The building permit was denied by the Codes Enforcement Officer based on "Neither parcel size or frontage meet the requirements of section 509 of the Zoning Law to allow for more than one residential structure on the property."
Rosemary Graham acting on behalf of her father explained the purpose of this additional structure. Rosemary is the primary caretaker for James Bray and needs to be closer to him for adequate care. The board reviewed the property dimensions and current structures on the property. The board asked about other options, such as replacing the current manufactured home (MH) with a larger home, connecting two MHs, adding on to existing MH home, and converting one of the existing structures into a habitable space. Rosemary will contact Clayton Homes and investigate options. This application is tabled until the applicant contacts the secretary when they have additional information. This application will remain open until May 31, 2027, pending further information.

Other: The board briefly discussed the status of training. Secretary Pavelock will continue to forward training opportunities to the board.

John Pavelock **made the motion to adjourn,** seconded by Amanda Hewitt. **Motion Carried 7:27 pm.**

Minutes Prepared by:
Kathy M. Pavelock /s/
ZBA Secretary