

MINUTES
TOV Zoning Board of Appeals (ZBA)
Special Meeting
June 9, 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 (6:39pm), and Amanda Hewitt.
Joshua O'Kay was unable to attend. Others: ZBA Secretary Kathy Pavelock, applicant Justin Schuessler and several residents. There was no liaison in attendance.

Minutes Approval:

Amanda Hewitt made a **motion to approve the minutes for the May 28 2025, ZBA Special Meeting**, seconded by Nathan Juby. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Absent for this vote, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

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

- The updated application Var2025-01 and attachments were received and forwarded to the ZBA.
- The Town Attorney provided advice on the updated application.
- Member Joshua O'Kay has communicated that his work schedule as a CO has prevented him from attending meetings. He anticipates that he will be able to attend meetings soon.

Public Hearing: None

Unfinished Business:

VAR2025-01 Justin Schuessler; 217.018-1-44; 7580 W Lake St; Zone HR; 0.2 acre. Applicant is requesting an area variance based on the Planning Board action of 3/20/2025 disapproving special use permit application SUP2024-08 due to nonconformance with Zoning Law section 1920A and Section 509. The applicant has provided an updated application and supporting justification. Mr. Schuessler provided a summary of the application and justification. The ZBA explained that the phrase used in the Justification “the Planning Board made an arbitrary decision” is not accurate in that the Planning Board bases their action on the current Zoning Laws. The applicant explained that he meant to say that some of the Zoning Laws appear to be based on arbitrary figures such as setbacks and required acreage. The ZBA found that the additional information provided for parking and trash receptacles is acceptable. The ZBA asked about water and septic. The applicant stated that the property has public water and sewer. Mike Taylor made the **motion to declare the application complete**. Seconded by John Pavelock. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

The applicant verified that the State Environmental Quality Requirements (SEQR) form part 1 submitted in December 2024 for the special use permit is still accurate. The ZBA completed SEQR parts 2 and 3. Mike Taylor made the **motion to declare a negative environmental impact for Var2025-01**. Seconded by John Pavelock. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye.

Motion Carried. The SEQR is uncoordinated since property is 516' from State Route 49.

John Pavelock made the **motion to declare the ZBA as Lead Agency for Var2025-01**.

Seconded by Nathan Juby. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye.

Motion Carried.

Mike Taylor made the **motion to set a public hearing for Var2025-01 on June 30, 2025 at 6:45 pm**. Seconded by Amanda Hewitt. No discussion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye.

Motion Carried. The ZBA explained the process for public hearing and final action.

New Business: None

John Pavelock **motioned to adjourn**, seconded by Amanda Hewitt. **Motion Carried 7:02 pm.**