

MINUTES
TOV Zoning Board of Appeals (ZBA)
Special Meeting
September 22, 2025

Call to order: ZBA Chairman Mike Taylor called the meeting to order at 6:30 pm with the Pledge.

Chairman Taylor provided an explanation of Public Meeting versus Public Hearing. This meeting is open to the public (Public Meeting) however there are no Public Hearings scheduled where the public may comment.

Attendance:

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

Minutes Approval:

Amanda Hewitt made a **motion to approve the minutes for the July 21, 2025, ZBA Special Meeting as distributed**. Seconded by John Pavelock. Poll Vote: Josh O’Kay – Absent, 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:

- The decision document for Var2025-03 was prepared, sent to the chairman for review and approval, and distributed.
- Three new applications were received: Var2025-04 on 8/28/25, Var2025-05 on 9/17/2025, and Var2025-06 on 9/18/2025.
- The Secretary coordinated this meeting by contacting ZBA/Codes Officer/Town Attorney and submitting notices to the media/town clerk.

Public Hearings: None

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). 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.***

New Business:

Var2025-04 Edith Taylor-Sak; 235.006-4-16/18.1; 1572 NYS Route 49. Applicant is requesting an interpretation of the Codes Officer issuing a Building Permit (B2025-52) on 6/5/2025. This application was received on 8/28/2025. Owner of the property is Frederick Sadallah. Since the applicant is related to the chairman, Mike Taylor recused himself from discussions and decisions related to this application. Nathan Juby made a **motion to appoint John Pavelock as interim chairman for this application**.

Seconded by Amanda Hewitt. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Interim Chairman Pavelock directed the ZBA to the 9/3/2025 email from Attorney Rossi. Attorney Rossi summarized his email advice stating that the Building Permit was issued on 6/5/2025 and the application was received on 8/28/2025. Town Law section 267 states that appeals must be submitted within 60 days of the decision, which would have been 8/5/2025. Amanda Hewitt made a **motion to deny review of application VAR2025-04 based on Town Law section 267**. Seconded by Nate Juby. The board discussed the risk of reviewing this application. Since it is Town Law, the ZBA must abide by it. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Recused, Nate Juby - Aye. **Motion Carried 3 to 2.**

John Pavelock made a **motion to turn chairmanship back over to Mike Taylor**. Seconded by Amanda Hewitt. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

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). This application was received on 9/17/2025. The ZBA reviewed the submitted application. Mr. McCall was asked to describe the proposed fabrication. He builds items to “up fit” tractors for better safety at his current business location. He currently employs 4 people and plans to evolve to 15 to 18 employees with the new facility. He explained that they take 4x8 metal sheets, cut and shape them, and powder-coat them. They use plasma or laser to cut the sheets. No water is used in the process and they will have a dust collector. The ZBA asked for more information on the Fabrication process. The ZBA asked about fire risks. There is a planned firewall between the fabrication area and the residential area. Mr. McCall believes there is no concern related to fire. There is a sprinkler system in the building since it was formerly an elementary school. There will be fire containers for any flammable liquids. There is a large empty area between the fabrication area and the residential area in addition to the planned firewall. There are no immediate plans to put anything in this vacant area, but he has considered a gym for use by employees and residents. Mr. McCall briefly explained the process used for powder coating (including a 400-degree oven). Mr. McCall also stated that no air permit will be required for the fabrication. The ZBA asked about traffic patterns. With the large parking area (left from the school), firetrucks will have adequate access. The west side of the building will be for residential use and parking. The east side of the structure will be for business use (employees, deliveries). There is plenty of room for tractor trailer turn arounds. Mr. McCall explained that noise is not issue with this type of business, but a sound barrier can be added to the firewall. There is adequate electric power. The building is about 32,000 square feet. The residential/unused portion is approximately 16,500 square feet leaving less than 10,000 for the fabrication business. Mr. McCall plans for normal “business” and “residential” trash receptacles and service. The ZBA reviewed the justifications provided with the use variance application. The rate of return needs more granularity. For example, provide figures showing there is no return unless ½ Fabrication and ½ Residential. The ZBA would like to see the figures for using the building for 100 percent residential. This could be submitted before or at the next meeting. The ZBA will also needs additional information on the fabrication process. This is needed for the State Environmental assessment. John Pavelock made a motion to **declare the application Var2025-05 substantially complete upon receipt of the additional information requested.** Seconded by Nathan Juby. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.** Mike Taylor made a motion to **declare Lead Agency for the Unlisted SEQR action for Var2025-05.** Seconded by John Pavelock. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.** Amanda Hewitt made a **motion to schedule the next ZBA meeting for October 20, 2025 at 6:30 pm with a public hearing for Var2025-05 at 6:40 pm.** Seconded by Mike Taylor. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Var2025-06 Glenn & Lorraine Langdon; 215.018-2-5; 136 Drive 19. Applicant is requesting an area variance for relief of a 5’ setback requirement for Shore Residential Zone. Requesting to allow construction with a 3.4’ side setback. This application was received on 9/18/2025. The ZBA reviewed the application. The ZBA asked Codes Officer Walker how he arrived at his calculation for a required 5’ setback. Mr. Walker explained that the current property is noncompliant and according to the Zoning Law, the setback for noncompliant properties may be reduced by two-thirds. The ZBA asked the applicant if they could move the new structure in 1.5 feet? The applicant explained there is already one jog in the current structure and adding a second jog would not be aesthetically appealing. The board reviewed the area variance considerations. The ZBA asked the applicants to talk with neighbors. John Pavelock made a **motion to schedule a public hearing for Var2025-06 at 6:45 pm.** Seconded by Mike Taylor. Poll Vote: Josh O’Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

The ZBA explained the public hearing process to the applicants. Secretary Pavelock will provide the applicants with a copy of the Public Hearing legal notice to share with the neighbors.

John Pavelock **made the motion to adjourn,** seconded by Amanda Hewitt. **Motion Carried 7:44 pm.**

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