

**MINUTES**  
**TOV Zoning Board of Appeals (ZBA)**  
**Special Meeting**  
**May 28, 2025**

**Call to order:** ZBA Chairman Mike Taylor called the meeting to order at 7:00 pm with the Pledge.

**Attendance:**

ZBA Members: Michael Taylor, Nathan Juby, John Pavelock, and Amanda Hewitt.

Joshua O'Kay was unable to attend. Others: Town Attorney Evan Rossi and ZBA Secretary Kathy Pavelock, and applicant Justin Schuessler. There was no liaison in attendance.

**Minutes Approval:**

John Pavelock made a **motion to approve the minutes for the February 7, 2025, ZBA Organizational Meeting**, 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.**

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

- A new application VAR2025-01 was received.
- Coordinated the meeting date to review the new application.
- Researched the property file and ZBA/Planning Board minutes files.
- Requested advice from the Town Attorney related to the new application.

**Public Hearing: None**

**Unfinished Business: None**

**New Business:**

**VAR2025-01 Justin Schuessler; 217.018-1-44; 7580 W Lake St; Zone HR; 0.2 acre.** Applicant is requesting an area variance (the application is marked as “use 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.

Mr. Schuessler explained his plans to expand from 2 units to 4 units without increasing the footprint.

Attorney Rossi asked the applicant about the application explaining that it appears to be a request for an area variance rather than a use variance as indicated on the application. He further explained that a use variance is difficult to obtain based on the justification required from the applicant. One option is that the applicant reapply, updating the application to an area variance and cite each zoning law section that the applicant is seeking relief. He also advised the applicant to seek advice from his lawyer on providing justification.

John Pavelock made a **motion to allow the applicant to reapply (update application) with no fee due to the confusion of advice received for completion of the original application.** seconded by Amanda Hewitt. No discussion related to the motion. Poll Vote: Josh O'Kay – Absent, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye.

**Motion Carried.**

The board explained some of the information that should be included with the updated application including: specific Zoning Law sections, parking, trash, and specific justification for granting the variance based on the Planning Board Notice of Determination.

Secretary Pavelock requested that the applicant scan the updated application and email to her since there is no fee involved.

John Pavelock **motioned to adjourn**, seconded by Amanda Hewitt. **Motion Carried at 7:30 pm.**

Minutes Prepared by:

*Kathy M. Pavelock /s/*

ZBA Secretary