

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
8220 Loop Road, Baldwinsville, NY
Monday, September 8, 2025 @ 7:00 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, September 8, 2025 at 7:00 p.m. at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank Costanzo; Frank O'Donnell; Bob Sweet and Vincent Mangan

OTHERS PRESENT: Timothy Wolsey, Code Enforcement Officer; Daniel Andrews; Katie Dorn; Theresa Carbone; Garry Schneider; Kathleen LaRocca; Brittany Dorn; R. Weichert; Don Andrews; Christian Dorn; Archie Wixson and Karen Rice, Clerk to ZBA

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING -- 7:00 p.m.

1. Appeal CEO Decision
Case No. 2025—006

Dorn, Christian & Brittany
7412 Plainville Road

The Public Hearing opened at 7:00 p.m.

Richard Jarvis, Chairman, reviewed the application of Christian and Brittany Dorn, appealing the Decision made by the Code Enforcement Officer, for property located at 7412 Plainville Road, Memphis, New York, to allow the construction of a second single-family residence.

Archie Wixson asked to make the presentation on behalf of Christian Dorn and Brittany Dorn, stating that he is Brittany's uncle.

Mr. Wixson asked if he could distribute a couple of handouts that might help you follow; in case he misspeaks. Thank you very much.

Mr. Jarvis asked that the Board take a couple minutes and review this, since it has not been presented to us before.

Mr. Wixson...if you would like.

Mr. Jarvis...Yes, I think it would be helpful. Let us go down through it for a second, and then we will, everybody has got to get through it, and we will continue.

The Dorn's Statement has been made part of the public record:

- Need to clear up the permit request. The permit request is only to build a new single-family home at 7412 Plainville Road, Zoned AG 1. Not to allow for two primary residences. That never was requested.
- The current residence will cease to be a residence at such time the new home has been completed and issued a Certificate of Occupancy.
- Once the new home is the primary residence, the former residence, that is essentially a small camp, will be repurposed into an accessory building used as storage for boating support and children's playhouse.
- The current zoning code allows for an accessory building in AG1 zones.
- The current zoning code allows for an accessory building when the building is no greater than 50% of the main floor of the primary residence. This is compliant in their request.
- The septic system is compliant with Onondaga County Department of Health.
- This Codes Officer has illegitimately demanded the hardship of demolishing the current residence prior to issuance of the building permit for the new home. This would cause this family to be homeless or expend considerable funds to rent or lease another residence while construction is underway. He has stated to them that his position is that

it would be two primary residences, but that is impossible when the one proposed is under construction and no Certificate of Occupancy is issued.

- This Codes Officer has further stated that he has based his decision on the premise that this applicant could use the accessory building as another residence or income property in the future. He has no standing to deny a legal permit on speculation.
- This applicant has made every effort to convince the Codes Officer that at no time will the accessory building be used as a domicile. To no avail.
- They offered to sign an agreement with the town that could be authored by the town attorney that would obligate them to this commitment as a requirement of the permit. They had also attached it to the appeal application and it is clear that the Planning Board either received it or did not consider it.
- This applicant was denied the ability to speak and clear up the misinformation at the last Planning Board meeting although every other agenda item allowed the applicants to speak.
- Additionally, their permit request is similar to the condition of the property next door where there is a primary residence and two other structures with three electrical services which the Codes Officer considers compliant.
- In conclusion, this building permit request is consistent with the Comprehensive Land Use Plan adopted by this town in 2018.

Mr. Wixson added that it does not contradict anything that is within that plan. And I would like to say, I mean, I have a personal relationship with the applicants, but it could not be better residents in your town. They are both first responders. One's a deputy sheriff; the other is a firefighter. And they want to raise a family here. Obviously, they have one coming fairly soon. And, you know, they just want to be able to root in this town and be good community members.

Mr. Jarvis stated that they have been given some materials from the Planning Board and some outlines of what is going on. I do not think this is anything at all personal against Mr. and Mrs. Dorn. In my understanding, looking at definitions and things like that, the concern is that there is a primary residence there now. I do not know about the neighbors. We do not have any information on your neighbors and what accessory buildings they have. From what I gather, this is currently, I understand it is a small building, but it is considered a three-bedroom home. Is that accurate?

The Dorn's: No, it is a two-bedroom, one-bath, what is called (unclear) square feet of living area. Three-season sunroom.

Mr. Jarvis stated, again, the information that was given, it is a three-bedroom, so it is a two-bedroom home then. It's a two-bedroom home. So again, I think an accessory building would normally be defined, I think everybody would be in agreement, a garage, a shop, pole barn to store your boat in the wintertime, things like that, but people do not live in it. So, you have got a Certificate of Occupancy, from my understanding, a septic system that is hooked to the house. What it comes down to is, what I can gather, the Code Officer's opposition to you is that by definition. You have a residence. I understand what your position has been with the Planning Board that once you build your new house, and I think we're saying, well, you can't call it by definition a residence until you get a Certificate of Occupancy, but by your own admission, you're building a new home. So, it is going to be a residence at some point. So at what point in time does the other house, I understand what your intentions have been at first, I think, when the first discussions were it was going to be storage for your house, and I'm not sure what boat support is, and also a playhouse, perhaps, for your soon to be child and things like that. But again, I think the concern with the Town is, and certainly initially with the Code Enforcement Officer's office, is if there's 8,000 plus single family residences in the town of Lysander, and if the Dorn's are allowed to build a second house on their property, this becomes a precedence, The Town of Lysander doesn't have the ability to police 8,000 +/- properties. And I understand it is unrealistic to probably believe that everybody is going to do that, but you do not know what kind of a precedent it sets. So, I think, I understand you can build on the property a new home, which presumably is what you want, I assume you could add on to this, but that is not your desire.

The Dorn's: This house, not really, is not conforming as it is already to add on to.

Mr. Jarvis stated that the state of your house, where you live, is not a concern of mine personally. You could demolish that house and build a new house. I understand that that does

not help you with housing during the course of construction and things, but I do not know if the Town's going to have every answer for you with respect to convenience and finances and things. But to say you are not going to have two residences when you have a Certificate of Occupancy for that house, and you give him a handshake saying we are not going to use it as a house, the Town's concern is when that expands to other people. How do you police it? I mean, their rules say you cannot have two residences, and I understand the position you are taking, but I think that is where, in my opinion, that is the problem you have with this right now.

Dorn's/Representatives: We have gone even farther than going past just a handshake deal. I mean, we have offered to put something in a legal document that says that it would never be...

Mr. Jarvis: The legal document...that is something else, again, this has just come from me. None of us have discussed this. None of us have discussed this before you walked up here tonight, none of us. Perhaps a different plan could be made, but it would not be this venue, it would be through the Planning Board or the Town Board. And it might entail, if you could come to an agreement, and I am not suggesting that I have nothing to do with those Boards, but that perhaps a bond could be posted, they would ensure whatever it is you are planning on doing. And again, it may come to a point where this only becomes...I can always speculate. And I do not know if that would even be something they would consider. You may just get a note from them again if it went back that way. But it is possible you could post a bond or something, if you could work out some kind of legal document that would require you to remove this building, if you were given a variance. The previous owners were given a variance for it to be that close to the line. I think it was really built as a garage, that is my understanding, you know, 40 plus years ago. It was given a Certificate of Occupancy, septic system and became a dwelling. In my opinion, the concern of the Town is going to have with policing how someone's using two properties when it's got a Certificate of Occupancy, and it's got a working septic system, it's got water, it's got all the things you need to maybe live, not the lifestyle you want to live, but people could live there. And then, I see in this, I also saw on the thing that you submitted previously, but particularly tonight, it is speculation. Well, I do not think it is speculation when you have a house that has got a Certificate of Occupancy, a septic, water. I do not think it is speculation by the Codes to maybe off the cuff say, well, how would we know what you are using it for or something like that? I do not think that's necessarily speculation. I mean, I am guessing your neighbors do not have septic systems on these accessory buildings, and again, I have never looked at them. But I would be surprised if somebody were here, said they had septic systems, water, two bedrooms, and a kitchen in those buildings. That would be my guess.

Dorn's/Representatives: If I may, I know they have offered that, certainly by the authority of the Code Enforcement Officer, he could revoke the Certificate of Occupancy on the original home. He could revoke it. So, it has no opportunity to be a residence for any type of domicile, whether it is an income property or a primary residence.

Mr. Jarvis: But if you ran into an agreement with the Codes Office-- not to interrupt you, I apologize. But if you ran into an agreement with the Codes Office and said, 'hey, when you get done with the new house, you've got to rip this thing down or you've got to-- whatever you have to do.' And again, I'm not sure if you'd ever get that concession, but I'm just saying, I think at the end of the day, no matter what the Town does, if you're in disagreement with what the Town does, there are other avenues, not to provide legal advice and things, but there's other avenues you can take that would move this to a different venue to make a decision saying the Town didn't act accordingly, acted beyond their reach or whatever.

Dorn's/Representatives: I understand.

Mr. Jarvis: But I think in the Town's interest, I think they would rather be a Defendant in some action than a Plaintiff in some action. And if you have two houses and all of a sudden, they are saying, hey, wait a minute, you told us this or whatever. Hey, what are you going to do with it? They cannot pull in with a bulldozer. They cannot do that.

Dorn's/Representatives: I know that their intent is to make some conversions to that to remove some of the existing living conditions and allow for storage. It is so close to the water, it is only about forty feet and about the length of this room here, away from the water where it makes perfect sense for it to be a boating support storage structure. You know, for all you folks that are familiar with boating. They have somewhere to be able to put their stuff, take it right out, and that would be very convenient for them. And I'm certain that they're not opposed to disconnecting the septic, to removing any feature within that structure that would lend itself to be a, you know, such as removing the, you know, the toilet facility, if any of that would appease the concerns, I know that they'd be certainly—

Mr. Jarvis stated that that is not a decision that is in front of us tonight, Mr. Wixson. So, the decision in front of us tonight is to decide whether or not we feel that the Code's Office inappropriately denied the application. So, if again, you went back to whether it was Codes or you went back to Planning or the Town Board and said, we are prepared to do this in advance.

Now you have not cured your problem with housing during the construction of this if that is the route that it has to go or something. But for tonight's purposes, it is just a matter of interpretation as to what the definitions are for the Code. And the definition is that you have a residence currently. And the question is, can you build a second one? They have denied you based on the Agricultural Zoning and also the definitions within the Code. And so, it is a pretty limited scope tonight as to what I believe is in front of this Board.

Frank O'Donnell questioned the square footage of the new residence versus the square footage of the residence that you are living in.

Dorn's/Representatives: So, the current residential structure is just slightly under 900 square feet. and the proposed new structure, the new home, is just over 1800 square feet.

Mr. and Mrs. Dorn...that has been changed to 1941. Yes, we are just doing one floor, so it is just a ranch, so the whole thing is one story, 1941 is the official square footage for these plans.

Frank Costanzo stated that if we allow them to build this second home here, this will set an example for others to do the same thing, which will change the character of the neighborhood. Also, the lot is too small if I am not mistaken. It is not big enough.

Tim Wolsey, Code Enforcement Officer, stated that it is a grandfathered lot, but our records show the house is 1100 square feet, 1104, so I do not know why you came up with 900.

Mrs. Dorn stated that they have to grieve that actually, because the room down in the back, it looks like they over assessed us, and that actually has no foundation, it is not part of the living space.

Mr. Wolsey stated that all he can go by are these building permits that were applied for. Originally it was applied for an outdoor kitchen, it looks like they went to close it out, found out that it was undersized, too close to the line. They went to ZBA one time before. Added on...at that time our square footage minimum was 1100, added on to get to 1104. So, again, you can argue that out with the assessor, but there would have been no way...our Code was 1100 square feet. You would not have got a C-O back then for anything under 1100 square feet. The second permit that was pulled was to add on to make it 1104.

Robert Sweet...so are you saying they would not have had the CO if it was last year?

Mr. Wolsey stated that that was back then, but they had two different building permits pulled in three different years apart. My guess is the Codes Office went to close the outdoor kitchen and found out that it was a camp because they had to come before the ZBA to get a Special Use or a Variance because back then the accessory structure could be five feet from the line; a dwelling unit had to be 10 feet from the line. So, it was already built. The ZBA allowed them the five-foot Variance, from the notes that are in here they had to add on it to get it to 1104 square feet to get it to a dwelling unit.

Mr. Sweet.. oh, so a certain size.

Mr. Wolsey concurred, 1100 square feet minimum.

Unknown Speakers: That was a previous owner that was well before...and then they went back to create the assessment, and they proved their case that it was only a 900 square foot building.

What was considered to sort of meet the Code when the permit was issued from a previous owner was a little shed roof that was built onto the building and a floor with no foundation.

Mr. Dorn...a free-floating deck.

Mr. Wixson...yes, they covered a deck. And the deck is not even on a foundation; it is on a little block of posts. So, the structure is, by definition, 900 square feet.

Mr. Costanzo stated that the Code Enforcement Officer gave you another option to add on to the existing home. You are not thinking about doing that.

Dorn's/Representatives: No, it is really not possible. Like, if you come out and look at it, you would understand it...(several talking at once). already not conforming as it is, and we are already in a bad spot.

Mr. Costanzo stated that you had trouble with the sewer system on the existing home, the sewer, and that has been taken care of.

Mr. Dorn...Yes, the septic system was replaced three years ago.

Mr. Costanzo questioned what is going to happen if we allow building a second home....

Mrs. Dorn...disconnect it from that one, it is not going to be attached to the current structure, and it will be tied into--.

Mr. Dorn...it was engineered, the engineer that handled the job actually specifically designed the system so that it could be utilized properly for the existing structure that's there and then in the future it can be disconnected and we can tie into a new build further up the hill...

Mr. Jarvis stated that it is not designed, it does not have the capacity to service both structures. Do you have anything that would say that?

Mrs. Dorn stated that she believes the plan was given to Codes.

Mr. Jarvis stated that he is certainly no expert on septic systems, so the plans would not really help me unless it specifically...whoever designed it for you.

Mrs. Dorn stated that when it says on there three-bedroom residence, that is what it is designed for, so it is like it cannot be for obviously both.

Mr. Dorn added that by the engineer's discretion, they are allowed to utilize their discretion. So, when we talked to him, I mean, years ago when we did this, we already had kind of a plan in the back of our head. So that is why he has the system already oversized for what is already there and then has the capability to handle the new build.

Mr. Sweet...if you cut it off.

Mr. Wixson stated that it actually has to be because the septic system cannot handle both structures.

Mr. Costanzo questioned the proposed playhouse if you build a second home.

Mr. Wixson stated that that was a suggestion that the existing...that the structure that they are going to vacate and transition into an accessory building could be utilized as a little bit of a playhouse for children down by the water.

Mr. Costanzo...does the Code say they can do that?

Mr. Wixson stated that if the Code does not allow it, they would forget it, they would not consider it. They were not aware of anything that would change that.

Mr. Sweet stated that some of his questions might be to the Board here, but looking at Article X, the Agricultural District structures and uses, A(1), single family dwelling on a permanent foundation and accessory uses and structures. So, that is point one for me. You are looking at this as an accessory use thing, not live in it.

Dorn's/Representative: Correct. No intention to live in the house.

Mr. Sweet continued stating that it also says in B that uses are permitted to have a two-family dwelling. So theoretically a house would be built that could be a split, so they could have two families living in one house, correct?

Karen Rice, Clerk, concurred, stating that they could attach it and make it a two-family with a Controlled Site Use from the Planning Board if they wanted to add on to the existing home.

Mr. Sweet stated that it also says, uses permitted...private recreational campsites. I assume that is also in addition to a primary dwelling, Article IX, Section 320-21, Paragraph C(6).

Karen...yes, like Sunset Park and the KOA that is out there.

Mr. Sweet.... Is C saying that with a Special Permit, they could have both a primary residence and a campsite, or is it just one or the other?

Karen...I am not sure we have a definition for a 'campsite.'

Mr. Sweet stated that he went out to the site and had a chat with the owners. I understand the Board's reluctance, if you will, to go this route and potential precedence that it might set. However, I think my first point is that this Board right here is in a position and duly set up so that each issue, if you will, that comes before the Board, we look at it separately. And we have allowed certain things to go on with the understanding that the person we allow the variance to would not go against it and I will just use an example, we have allowed signs to go up in our district when it is clear that the regulation says the sign cannot flash and we said, okay, you can have the sign but just make sure you do not make it flash. Now, we are not going to go check that. So, I guess the point is that we don't check, but we do a lot, many times-- I won't say it's a handshake agreement, but we do say you're on your honor or not and we've done that before, so I don't think in that particular regard we've settled this. I guess the last thing I want to say is that in this case, and I've gone through this pretty thoroughly in my mind anyways, I think the regulation before us in this particular situation creates a very undue hardship. I am not sure what else these owners could do to appease Zoning and Codes situation here. They're willing to shut down what they have, but to go to the level of making them move out at that kind of

expense, and then go back and tear down the building, I just think that's a little ludicrous and I don't see the fairness in that, personally. Other than that, those are my thoughts and comments on this and going back to Article IX, it seems to me there is some vagueness here that kind of says, yeah, you can do what they want to do.

Mr. Jarvis opened the floor to any other questions.

Mr. Sweet asked if there was a response to C(6)?

Karen stated that C(6) is a private recreational campsite. That would be if you had the appropriate amount of land, like the Sprague Road, Sunset Park. That is a private recreational campsite. You are wondering if a single-family residence and a recreational campsite can be on the same site?

Mr. Sweet...yes, is that just one or the other?

Karen stated that we only have one now in the Town and the residence I do not believe is on the campsite property, but I have no idea, that was built in the '70s.

Mr. Costanzo questioned if the Dorn's knew about the Code restrictions when they purchased the property in 2019?

Mr. Dorn stated that he does not think they looked completely at the Codes. No, I mean, I think that it was maybe presented to us in a manner when it was sold that it was possible. You know, this was not like an outrageous thing, the previous owner, it was a family camp. It was always their intention actually to put; I actually had an old set of plans from when they had planned to put a four-bedroom house up on the property almost identical to where we would have put it. So, I guess if you are going off of the seller's word, you know, maybe we should not have taken the seller's word necessarily, but that was the impression that we were given and the way that we interpreted it before we purchased it.

Mr. Jarvis stated that our position tonight is to decide whether your concerns with both Codes Office and subsequently the Planning Board were accurate or at least in the eyes of these five people. I would like to think that perhaps there would be further concessions or negotiations that might put you in a position where you're, one, the inconvenience, but two, if the Town would have some financial insurance, whether it was in the form of a bond or whatever, you know, Bob is referencing a 3' x 6' sign we approved at the Fireside, that it wouldn't be a flashing sign. You know, in my mind, it is quite different than having two houses on one property, you know, from a perspective standpoint.

Mr. Dorn...we keep coming back to that. We are not asking for two residences.

Mr. Jarvis...that's semantics, in my opinion.

Mr. Wixson...if I may, sir, you have mentioned, to go back to the Planning Board, that is where they...

Mr. Jarvis...or the Town Board.

Mr. Wixson continued stating that they started with the Planning Board, they tried with the Planning Board, and the Planning Board would not hear them.

Mr. Jarvis stated that we don't have the capability of putting together some kind of a bond agreement or something like that, where they would have to find the financial, see the problem is, if this, you know, I understand disconnecting a septic system and converting a two or three bedroom house, our diagram says three bedroom from the Town, you guys say two-bedroom, but whatever, it's got bedrooms in it, and it's been a home at least for quite a few years, I mean 40 years or something like that, if you've got a Certificate of Occupancy, I believe, and you have had it as a home for six years, so it is not like you moved in six months ago or something like that. You bought it saying this is where we are going to live for a period of time. I understand you want to improve it, but I do not know if we have the capacity at this Board to put certain conditions in when it comes to, again, it is a lot different than you cannot have a flashing light. If we call the Codes and say their lights are flashing, it is pretty easy to move a 3' x 6' sign. Showing up with a bulldozer. Nobody is going to let the town come in and get rid of your house or something like that. They do not have the ability to disconnect your septic and things like that. So, I would like to think that perhaps to have that thought through a little bit further with assurances, financial assurances to the Town, that that might put you in a position...and I understand it has to happen sooner than later.

Mr. Dorn stated that's kind of a big thing. So, in the interest of doing things the right way and getting ahead of this, we reached out back in January to the Code Enforcement Officer. We were told absolutely not; there is no chance we can do it and that there is no appeal process to this. So, what we had to do was before we could even move forward, we did not want to move

forward with finishing blueprints, plans, etc... before we could actually come to the Town and submit them. The only way that we were able to get to where we are now is by not listening to the Code Enforcement Officer and saying there's no appeal process, submitting the permits, submitting the plans, I'm sorry, actually getting them approved, verbal approval, hey, you're all set, we'll see you when your footer is ready.

Mr. Jarvis stated that he does not think anybody in the Code's Office or the Planning Board, at least this guy sitting here, does not want you to have your new home. The problem is, in my mind, is the appearance, I mean, that you have two homes on one property. And so, I mean, the easy alternative is to find... I understand now it's, we're moving towards October, but to find some situation where you can live, get rid of the place, or whatever you have to do, and you can go build your new home within, obviously, the rules that the Town provides with setbacks and things like that, that you can build it there. You are not being precluded from building a home. The question becomes, are you precluded from building a home and having that other residence? And again, I understand your intentions and I'm sure, you know, I'm not sure, but your intentions right now at least are honorable and hey, we're going to disconnect this, we're going to use it as whatever the terminology was, boat support, but if it doesn't occur, you put the Town in a position where they have to be a Plaintiff now in a lawsuit to enforce what we've told you rather than being Defendant for you to say, hey, you overstepped your bounds and your argument about it can't be two houses and those kind of arguments could be for some judge to decide downtown. And I think the Town of Lysander, which we are part of that, I guess, certainly a branch of that. We would rather be the receiving end of the lawsuit than the giving end of the lawsuit, and if that is the case. I still think that if you went in with a plan to provide financial certainty to the Town that this would happen, i.e., a bond. that that might be something where they can say, now, if X, Y, and Z are not accomplished within 60 days, with the C of O being issued for your new home, this is what happens or something like that. I do not have the capacity to do that. I do not have the knowledge to do that. But that's where Town Attorneys and maybe the Town Board or somebody that would listen to you. It is going to hold you up. I understand it is going to hold you up, but that is just how I feel about it. Anything else from you folks tonight? I understand you do not like my position on this. I understand that.

Mr. Wixson... I respect your-- I appreciate that. I respect your position, sir.

My name is Robert Weichert. I am a neighbor. If you do not mind, I am 93 years old and I would like to sit down. I would like to speak while I am sitting.

Mr. Jarvis concurred.

Mr. Weichert stated that he has two concerns. I own 100 acres. My north boundary is the center line of Sprague Road. And my south boundary is very close to these people. What I get ... a property description of what they own is only 1.53 acres. Now this Town passed an ordinance a long time ago for two acres to get a building permit. They have not got enough room if they want to subdivide it in half, it will give them less than an acre and it would depreciate the whole neighborhood. Mr. Jarvis, it would be like you having a very nice home where you live and have somebody next door come along and build a shack. And that is what he proposes to do with my 100 acres is to set some precedent about what gets built there. And I do not think you should cut the rules or make the rules closer because for some reason, you feel sorry for them.

Mr. Jarvis stated that the decision we have tonight for us is not what type of home they intend to build. That is not for us to say. That is for the Code's Office to say, and they have got certain rules, square footage, you have already heard that, and things like that. That is not what is in front of us tonight. What is in front of us tonight is solely whether they can build a new house, if the Codes allow it, and keep this existing house on the property. That is what is in front of us today. But I appreciate it.

Mr. Weichert stated that they want to put two houses, and the Code Enforcement Officer denied their application. I think he is absolutely correct. The other concern I have is they are 'riparian (situated on the bank of a river) owners. They're on the Seneca River and I don't know that the Corps of Engineers or the DEC is involved in this, but if they've got septic tanks that are right on the shore of the Seneca River, I think we all should be concerned about the closeness of their drainage to the Seneca River, because it's very, very close.

Mr. Dorn stated that the septic system was replaced under a County Grant specifically for repairing and replacing septic systems along the Seneca River. So, it is 100% compliant.

Mr. Weichert stated that he pays taxes for his frontage on the Seneca River. I have lost about 140 feet from the blue line of their Channel up to my shoreline. And I still own that property and I still pay taxes on it. I think that this application requires an approval by either the Corps of Engineers and the DEC.

Mr. Jarvis stated that that is not what is in front of us tonight. It is whether they can build or not.

Mr. Weichert stated that he thinks it is a concern.

Mr. Jarvis...we've got in front of us plans that they had submitted for their new septic system...it doesn't have a measurement, unfortunately, but it does look like it's a reasonable distance behind the 100-foot shoreline offset. It looks to me like the closest leach line is probably close to 200 off the river. But again, I appreciate your input, but that is not what is in front of us tonight.

Mr. Weichert continued stating that the other concern he has is that what you're (unclear), is going to get these people sell to their property in the coming future, and you're setting in perpetuity what's going to happen to this property, and I think you should be very careful in setting those precedents.

Mr. Jarvis...I appreciate that. Okay. Anything else, Mr. Weichert? No. Anyone else?

Catherine LaRocca. I am the neighbor on the left side, and I would approve this moving forward. I can vouch for Brittany and Christian. They have been neighbors of mine for a few years. They take very good care of the property. They are very conscientious and I have no issues. We have discussed what they wanted to do and he has stated that that other building would not be lived in, it would not be considered any personal space for living, he has a boat, he has jet skis, he definitely would be able to use that space for those items. So, I live right next door on the left side, and I do not have an issue with that. I just wanted to voice that opinion. They are very conscientious neighbors about everything they do. I have been there for 11 1/2 years, and they have been there about 4 full time...their permanent residence.

Mr. Jarvis...I appreciate that Mrs. LaRocca, anyone else.

Don Andrews, I live on Plainville Road, down the road from these folks. 1) They are quality people. 2) It seems very simple to me. They are allowed to live in their camp or house now. She is pregnant, they have got a lot of stuff going on there. It just seems not right to make them have to leave to build this house. You have already brought up the cost and everything that goes along with it and what can help. But what makes sense to me is they are not allowed to move into the new house that they are going to build without a Certificate of Occupancy, correct?

That is correct.

Mr. Andrews...they cannot, if they do not have a Certificate of Occupancy, they cannot move into the new house. If they do whatever they need to do that says that they will be allowed to build the house to the point where we can get that Certificate of Occupancy and then give them a short time to then dismantle that house before they actually move into the house, it makes sense. Then you will only put them out for a week or two weeks.

Mr. Jarvis stated that he understands that, I'm only speaking for myself, not for the rest of the Board at this point, but again, I don't know if this Board's in a position to negotiate whatever it would be, if anything, but whatever would be financially appropriate with the Town and with the Town Attorney, with the Planning Board, with potentially the Town Board to come up with a plan that would be reasonable, but also with financial assurance to the Town that they wouldn't end up as a Plaintiff in the lawsuit as opposed to a Defendant in the lawsuit. The Defendant meaning an Article 78 proceeding or something like that. So, but I am not in a position to negotiate that tonight. So, and at no point in time are we questioning, you know, the character of Mr. and Mrs. Dorn. That has nothing to do with this tonight. I am sure they are terrific people. They seem like terrific people. But the issue is much simpler, in my opinion...we are not the ones that can negotiate or propose that. That is the problem, and how you have gotten here now, and I understand it has not maybe been a perfect road. You feel like you have been detoured a little bit, but I would like to think that under the circumstances there is a plan. It is obviously might be a plan that delays you, and it may not be. It's not for me to decide, but you know, I found in life that if there's reasonable plans and there's financial certainty that something is going to happen, people are more apt to, when you've got something...at stake in this thing, a financial stake in this thing, it certainly puts you, I think, in a better negotiating position. So that is just how I feel about it. But I appreciate it. Thank you. Anyone else?

Dan Andrews. I also live up the road on Plainville Road. Has anybody from the Town given the chance to do any of the things that you have suggested that they try to do going forward?

Mr. Jarvis stated that he does not know that; all I know, Dan, is that we were given what came down from the Planning Board. We have got a written proposal from Mr. and Mrs. Dorn. It is very similar to what was presented to us tonight. It is just in a paragraph form as opposed to multiple paragraphs. And the objection has been...I am not going to say it is semantics, but the new house cannot be considered a residence until there is a Certificate of Occupancy and things like that. The Code says you cannot have two residences on the property. So, it becomes, at what point in time is the other one no longer a residence and again what will 8000 plus residents say about that exactly?

Mr. Andrews...what does the law say about that.

Mr. Jarvis stated that he's not in a position to tell you what the law says about it tonight all I can tell you is what our Code says and the Code doesn't allow two residences on this particular type of property and so, I understand what the intentions are and they're probably good intentions and things, but that's not for this Board to negotiate tonight. That has to come from powers that are a higher pay grade than this Board so

Mr. Andrews...the Board's job is to determine the definition set, what is the definition of the residence?

Mr. Jarvis stated that you have got a Certificate of Occupancy with arguably a two- or three-bedroom home on it with plumbing, septic system, water, and things like that. It is defined as a residence.

Mr. Andrews...when does the other one become a residence (cross talk) Is not that hard, we have to define that, right? I know what you are saying, skirting around that a little bit.

Mr. Jarvis...but when does the other one not become a residence, I think is the better question. When does the other one not become a residence?

Mr. Andrews...is that defined anywhere in the codes?

Mr. Jarvis...well, it has got three bedrooms, it has got a Certificate of Occupancy, okay, it has got plumbing, it has been a home for decades now, to some extent. So, when does it not become a residence, I believe is the bigger issue.

Mr. Andrews...when would that be? Would that be when the C-O is taken? So that can be defined. It seems like we are skirting around that.

Mr. Jarvis...what does that do with the Certificate of Occupancy on the other place? It does not somehow eliminate that.

Mrs. Dorn...when it's not revoked (indicating the Code Enforcement Officer).

Mr. Jarvis...I do not have the ability to revoke it. I do not think he has the authority to revoke it. I do not know of any rules. I am not aware of that. It is not in front of this Board tonight. I have not researched, but I do not know what would allow Tim to revoke your Certificate of Occupancy. I do not know of any provision that allows that. You have it. I think the only way you would have to somehow convince them that this house is now an accessory building and it is no longer a house. And does that mean the walls and the plumbing and everything else are gone? I do not know what they would propose if there was any proposal.

Mr. Wixson stated that your Code Enforcement Officer absolutely does have the authority to rescind or revoke a Certificate of Occupancy. It is done all the time if there's damage to a home if it is declared uninhabitable. For any of those other reasons, he could easily just declare it uninhabitable.

Mr. Jarvis...what is going to happen to make it uninhabitable?

Mr. Wixson and Mr. Dorn...the disconnection of the septic system.

Mr. Jarvis...but again, what assurance does the Town have? Without a bond or something, what assurance does the town have?

Mr. Wixson...they are willing to do that, but the Town does not really need it, because that's all within the authority of the Codes Enforcement Officer, he can withhold the new Certificate of Occupancy until he is satisfied that the septic system has been disconnected. At the very same time, simultaneously, he can revoke and rescind.

Mr. Jarvis stated that he does not know if he has that authority, but that is not what is in front of us. I don't know if he does. I do not know if he has that authority...

Mr. Sweet...Tim, do you?

Mr. Wolsey...well, let us backup with the Certificate of Occupancy, which means nothing. My parents live in a house that was built in the 1800s. There is no Certificate of Occupancy. So, there's, you know, so can they build a second house on that property? No. Right? A house is a house. The situation here is, and this is dictated by the International Building Code in the State of New York, your placard is going to say, construct, just like Mr. Andrews, Don Andrews' house said, construct a single-family dwelling. As soon as I issue that placard that says construct a single-family dwelling. Your drawing says Dorn Residence on them. It becomes an issue of the 'lot,' definition of a lot: a parcel of land occupied or used by one principal structure. That piece of property, 1.5 acres, is now used as a principal structure. I am now issuing you a permit to build a second structure, no ifs and or buts about it. Whether it is a CO or not a CO.

Mrs. Dorn...if it is habitable, correct? Like once it is habitable.

Mr. Wolsey...as soon as your building plans are approved and you start digging the footer...you are constructing a second single family dwelling.

Mrs. Dorn...habitable. It is a habitable structure.

Mr. Wolsey stated that it does not say habitable. It says primary structure. It does not say habitable in our Code.

Mrs. Dorn...when it says...define your primary structure, it is habitable.

(Cross Talk)

Mr. Wolsey...our definition...I am not arguing I would love to let you do it, trust me; but our thing says...

I am Kalie Dorn, I live in Radisson. If you could just answer her question. If you can just define what she is asking you to define.

Mr. Wolsey...what do you want me to define?

Ms. Dorn...what is a primary structure?

Mr. Wolsey...a primary structure is a dwelling unit.

Ms. Dorn...you cannot dwell under something that does not have a roof. You cannot, that is not a dwelling.

Mr. Wolsey, again semantics, I am going with what the Town Code says...

(Several talking at once and shouting)

Mr. Jarvis stated that he is going to grab on to this thing right now. If you want to be heard, you have got the floor. But I am not going to have a debate with the Codes Officer. He is here tonight. It is not his hearing, so if you want to speak to Tim sometime, that is fine, but I am not going to have an argument with him here tonight.

Ms. Dorn...no one wants to have an argument with him here, but they have been trying to speak with him for months now and he will not allow them to even...

Mr. Jarvis...and I certainly recognize the frustration everyone has in this thing. But again, I would like to think if there was a plan that provided financial security to the Town that ensured what is being proposed was going to happen to their standards, whether it is the Town Board or the Planning Board. I do not have the capability of creating that tonight. I do not have the capability of doing that. That is not what we do. We decide whether a garage can go 12 feet or has to be 15 feet from the line. That is a big night for us. So, this goes beyond what we normally do. Our decision tonight is whether or not this Board believes that it can occur... whether it is both the Planning Board and the Codes initially and then the Planning Board, whether they have stepped outside their bounds and your positions are correct or they're incorrect. We have five people who are going to vote. You need three yeses or three votes in your favor to be successful. And we are going to get to that point here in a couple minutes. But if it is unsuccessful, that does not mean you do not, in my opinion, you do not have other options. I just think that in these situations, again, I started out by saying there is 8,000 plus single-family homes in this town. They cannot police everything that somebody comes in and says. And again, this is not, in my opinion, whether a 3' x 6' sign is flashing or not flashing. This is a much bigger issue and it creates a precedent that is potentially a big precedent. So, I understand your position. I totally understand your position. I understand your frustrations with it, but if what you are proposing does not happen, now the Towns in a position would have to be a plaintiff for potentially in a lawsuit and go through some series of litigation to hold you to your promise as opposed to putting them in a position where they potentially do not have to do that. If you do not promise that they have got a bond and they can take the money and do it. And I do not even know if that would be successful because I do not know if anybody can come on your property and disconnect your septic system and rip out the rooms or whatever conditions they put on. I do not know if the Town would ever have that ability to do that if you did not do it voluntarily. I do not know if they would ever have that ability. And once you live there, I do not think they can come out and say, hey, you cannot live here anymore. I do not know. There is a lot of moving parts on this thing, a lot of moving parts. And I do not know what assurances you might be able to give people with more authority than we have tonight. I do not know what assurances, but I would like to think there is some level of assurance, again, through a bond or whatever. But again, that is for the town attorney or other people to do besides the ZBA. That is just, that is my feeling about it. Anyone else?

Ms. Dorn...can I continue, I got cut off. So, I think we're all just a little confused as to why you're giving some people the opportunity to put up a sign and say with a gentleman's handshake it's not going to flash, they don't need an insurance policy, they don't need a bond or something, and then you're not giving that same kind of courtesy to them. So where does the discretion come in? Why do you get to pick and choose who gets to do what and who gets away with it? So, I am guessing that sign is still flashing, is someone going to go sue them?

Mr. Jarvis...the sign does not flash.

Ms. Dorn...you just said that the sign was not to Code.

Mr. Jarvis...we did not say that, the condition we put on it was that it could only light up every four seconds or five seconds it was a year ago or six months ago I cannot remember when; that was a condition. Sometimes you put on a condition to somebody that they can do this or that...maybe they have to put a fence around something or things like that. It is different than having two homes on a property.

Ms. Dorn...how?

Mr. Jarvis...I do not know, if you have a fence that is seven feet as opposed to six feet, and you have two houses on a property you do not feel the magnitude.

Ms. Dorn...you are breaking the rules regardless, right.

Mr. Jarvis stated that he thinks it is a lot easier to remedy a fence at seven feet high, as opposed to six feet high, as opposed to a house and another house.

Several talking at once...

Ms. Dorn...what is your argument?

Mr. Jarvis...there's financial implications for that. You can have fines and things like that. And at some point in time...

Interruptions...

Mr. Jarvis... let me finish this time. So, if you're getting fined, or whatever the Code has the ability to do, and you're getting fined \$100 a day, or \$100 a week or whatever for having a 7-foot fence, you probably at some point in time said, you know what, let's get the fence down to 6 feet. Again, we are talking about two houses, not a fence or a flashing sign, but potentially a flashing sign. The sign does not flash. Okay, they did exactly what they said they were going to do. But it is a 6-foot by 3-foot sign on a commercial building. Okay, it is a different sphere than what we are talking about today, totally different. And again, what is in front of us today is to say whether or not you can have two houses on the same property. So again, that is for us to decide. And I have heard everyone, I have heard your support and things like that, and it has nothing to do with your character, whether you do what you say. But we have to define what is in front of us, or rule on what is in front of us today. That is my feeling about it.

Mrs. Dorn...I understand the discretion thing, what I am getting at is like, I understand what you believe is maybe a little better giving discretion here and not there, it is fine.

Mr. Jarvis...that is what we do every time we come. Every time we come here we do.

Mrs. Dorn...He can also fine us, you know, like that's--.

Mr. Jarvis...perhaps, I am not sure if that is possible or not. But again, I think our...

Several talking at once...

Ms. Dorn...accessory structure was not up to what it is supposed to be as an accessory structure.

Mr. Jarvis...but again, I am not in a position to negotiate those terms tonight. I am not in a position to do that. I think that there's other venues that would have to do that here in this Town. It is not what is in front of us tonight, to say this is what you'd have to do. I don't know if I have the authority to do that tonight. I don't have the authority to do that. We have put conditions on things like fencing and sometimes we have on variances, rarely, but sometimes.

Theresa Carbone, Plainville Road, stated that she is the neighbor on the other side and questioned what happens now, you vote and then if you vote yes then they can start building?

Mr. Jarvis stated that then they can do what they want to do.

Mrs. Carbone stated that she'd like to say something...I'm looking at the environmental parts of it. The drainage and the runoff, the septic system, and the lights, depending on where they're going to build the house. Is that drainage or anything going to happen to my property, it's really

wet. Their property, I think is too, but it's closer to the water, but ours is wet going down the hill and where they're building, I don't know exactly where they're going to be building, but I wouldn't want any water coming my way. I don't think it would because they have a driveway going down there, so I don't think it would, but I need some assurances if they're going to build, because right now, I think if they build, they're building on a slope, so they're going to have to bring in whatever. I want to make sure that it doesn't change the balance of the water going downhill.

Mr. Dorn stated that it's a walkout basement and it's actually very, very similar to what you have for the grade on your home. Almost like identical.

Mrs. Carbone...it will be pretty then.

Mr. Dorn...yes, very nice.

Mr. Jarvis stated that he appreciates that but again, that's out of our control.

Mrs. Carbone stated that what the Board is looking at is what is in the books. And what you're saying is you cannot have two houses on property and that is a Code, right?

Mr. Jarvis, that's not what we've said yet, that's what the Planning Board has said and Codes.

Mrs. Carbone...is it written in the Codes? I don't know.

Mr. Jarvis...yes.

Mrs. Carbone...okay, so what you're doing then is you're going to say either yes or no to that.

Mr. Jarvis...whether that ruling by the Planning Board and initially by Codes, whether we agree with or disagree with, correct.

Vince Mangan...questioned if there is a copy of the septic plan.

Karen stated that we have a copy. The septic was already installed, wasn't it? Your replacement septic a few years ago. It was part of their submittal and meeting materials.

Mrs. Dorn...confirmed that it has already been installed.

Mr. Dorn stated that it was engineered specifically so that it could serve what's there now and then later on disconnect.

There was additional discussion with regard to the number of bedrooms it was sized for.

Mr. Dorn reiterated...by his (engineer's) discretion, he can oversize it.

Mr. Mangan stated that you're saying when he wrote three bedrooms on your home, it's because he made the septic system for a three bedroom?

Mr. Dorn concurred, adding that he oversized it. He said by his discretion, he's allowed to oversize it. So, when we talked to him about what the plans were for the property in the future, what we had now and what we were replacing, that was what he recommended. So, two. I believe 1,500-gallon tanks down there one is a solids tank one is an effluent tank, and it pumps up into a brand-new leach field. I thought we had attached the letter as well the County letter that says...

Karen stated that we have the letter on file as well, in part: Representatives from this office observed and recorded the installation of your septic system replacement on May 20th and again on May 25th. We have no objection at this time in placing your system into service. That was dated May of 2022.

Mr. Dorn stated that there was another one we had too that just, I believe, was from the County as well.

Karen stated that there are several letters, one from the initial installation for a three-bedroom back in 1980 and another letter on file addressed to Eric Buck, Engineer...1,250-gallon minimum septic tank 240 lineal feet for the leach field that's dated October 26, 2021.

Mr. Dorn agreed stating that it was replaced under a grant from the County to replace failing or systems in disrepair...

Mr. Wixson: Especially along the watershed.

Mr. Dorn stated that that was the whole point of it. The letter from the County said if anybody along the watershed had the opportunity our neighbors are in the process of getting theirs replaced, I turned them on to the same program.

Mr. Jarvis included the recommendation from the Planning Board into the public record: On August 14, 2025, the Lysander Planning Board provided an Advisory Opinion:

FINDINGS:

The Town of Lysander Planning Board at their meeting of August 14, 2025, provided an Advisory Opinion.

RESOLUTION #8 -- Motion by Corey, Second by Kimball

RESOLVED, that pursuant to Article XXIII, Section 320-66, Procedures for Appeals and Applications, Paragraph C pertaining to the Appeal of the Code Enforcement Officer’s decision to deny the Building Permit application of Christian and Brittany Dorn to allow the construction of a second single-family residence on property located at 7412 Plainville Road, Memphis, New York the Planning Board makes the following Advisory Opinion on said application.

NOW THEREFORE, the Planning Board hereby makes a recommendation regarding the request of the Appeal to overturn the Code Enforcement Officer’s Decision that the request for the exception of the law should not be approved.

4 Ayes -- 0 Noes

The Public Hearing closed at 8:08 p.m. Motion by O'Donnell, Second by Costanzo to act on this application tonight.

RESOLUTION #1 -- Motion made by Jarvis, Second by Mangan

RESOLVED, that the Zoning Board of Appeals having reviewed the application of Christian and Brittany Dorn, a Decision made by the Code Enforcement Officer, for property located at 7412 Plainville Road, Memphis, New York, Tax Map Number 036-03-14.0, to allow the construction of what has been deemed to be a second single-family residence, in accordance with Article XXIII, Paragraph 320-65, Paragraph C(1) and referencing Article II, Section 320-4, Word Usage and Definitions of Accessory Structures, Lot and Principle Structure and Article IX, Section 320-21, Structures and Uses preamble, Paragraph A(1), Single-family Dwelling in the Town of Lysander Ordinance. There remains an agreement that the second residence **cannot** be constructed at 7412 Plainville Road, Memphis, New York under the current conditions. The Appellate can, within rules governed by the Town of Lysander, remove the existing residence and therefore construct a new home within the Town of Lysander rules governing that parcel for a new residence.

Discussion ensued regarding the wording of the resolution.

O'Donnell	--	Yes
Costanzo	--	Yes
Mangan	--	No
Sweet	--	No
Jarvis	--	Yes

3 Ayes -- 2 Noes

Mr. Jarvis stated that it is 3 to 2 so we are still where we were when you walked in tonight. I wish you the best, sorry.

Mr. Wixson...I don't think you do.

2. Area Variance
Case No. 2025—007

Schneider, Garry
3120 Gerald Lane

The Public Hearing opened at 8:10 p.m.

Richard Jarvis, Chairman, reviewed the application of Garry Schneider, FOR an area variance on property located at 3120 Gerald Lane, to allow the construction of a detached garage.

Gary Schneider, 3120 Gerald Lane, stated that he would like to put up a garage to house his camper, truck and a couple of other pieces of equipment to keep them out of the weather. The existing septic tank and leach field are just off the back corner of the house along with a couple of large trees; so, I am kind of stuck as to where I can put it and to have it large enough to store everything in the garage.

From the meeting materials submitted it appears that Mr. Schneider would like to be 1 ½ to 2' from the property line.

Mr. Schneider concurred, stating that he would like to keep 7 feet between the house and the garage, to reach my septic tank to have pumped out or any other little repairs that may need to be done to that.

Frank Costanzo questioned the size of the building.

Mr. Schneider stated that he is proposing a 28' x 42' garage, 14' in height.

Mr. Costanzo questioned the distance from the existing house to the property line.

Mr. Schneider stated that 36 feet is what I have from the house to the property line.

.Mr. Schneider gave a little backstory stating that he purchased the house from his daughter. There is no garage currently, so that is why we are looking to add one.

Mr. Costanzo stated that his only other concern is how to access the back of the property in case there is a fire with very little room between the proposed structure and the neighbor's property line.

Mr. Schneider stated that there is nearly 20 feet from my property line to the edge of their house.

Mr. Costanzo concurred, stating that he just wants to make sure that we can get safety equipment.

The size of the garage was discussed with it being 28 feet wide with a 10 x 12 door so that he can get his camper in there.

Bob Sweet questioned the height of the proposed structure with Mr. Schneider it would be no higher than what is there; it may actually be shorter.

Mr. Schneider stated that he has not measured the height of the trusses; but wants to do a 4:12 pitch. Anything higher than that, I am not walking on it, and you know. Someone has got to put their roof on, so I am trying to keep it short. It is going to line up even with the house and match the existing house so that everything kind of blends together when you are looking at it.

Mr. Sweet stated that when he and Mr. Schneider talked, he reiterated that he talked to the neighbors, who were all on board.

Mr. Schneider concurred.

Karen Rice, Clerk, stated that that the property owners within 350 feet were notified with no word from any of them.

Mr. Schneider stated that he is working on a drainage situation between him and his neighbor trying to direct the water to the roadside ditch. The property collects a lot of water during storms that collects on both their properties.

Again, the setback required is 10' and the applicant is asking to be 2' from the property line with Mr. Jarvis stating that that request would make it awful close to your property line. As Mr. Costanzo raised a concern about being able to get equipment back there, I do not know if you can without relying on your neighbor to go on to his property.

Several options were discussed; it cannot go back further due to the septic/leech locations. An option would be to attach it to the house, and the variance request would be substantially reduced.

Mr. Schneider stated that he looked at attaching it to the house, however if it is attached to the house in order for them to pump out my septic, it's 125 feet to go all the way around the proposed garage to get to where my tanks are. They could run the hose through the 'breezeway.'

Mr. Jarvis stated that he understands it creates maybe a little bit more expense and inconvenience and obstacle to getting to the septic tank, but he would like it off the line more.

Mr. Schneider concurred, stating that he is just concerned with the septic location and staying away from that.

There was some discussion regarding the leech lines with Mr. Schneider stating that he actually isn't sure of that location but assumes it's behind the two trees (indicating on the plan) because that's the low end, and that's the part that's usually wet in the Spring.

Mr. Sweet questioned how far a fence has to be from the property line.

Karen stated that fences can be right on the property line. right on the fence, okay.

Mr. Sweet feels that from an emergency standpoint, getting vehicles or whatever back in there, if they put a six-foot fence in there, it would be the same situation as if the building were there. So, we allow a fence, but not a building.

Karen stated that we tried to get the Town Board to offset fences for maintenance purposes, at least a mower's width, to avoid 'trespassing' on to the neighbor's property; but the Town Board voted to allow them right on the property line.

Mr. Sweet stated that the Village is six inches.

Mr. Jarvis stated that the problem that it creates with Title Companies is adverse possession claims and things like that. I have never seen it happen, but every Title Company wants an Affidavit that you maintain the outside of the fence that does not go to the line; and nobody can do it. They never go around the fence. From a title, when you are selling a house, the best place to have a fence is close to the line without being over.

Discussion ensued about how close trees can be?

Karen stated that they too can be right on the line; but you can maintain anything that hangs over your property.

Frank O'Donnell gave several suggestions as to how to make the request less...go between the house and expand the garage and make it a little bit wider. Still maintain your twenty-eight feet of garage but bring it closer to the house and put a four- or six-foot access door to get back out to the septic. Attaching it to the house moves it four feet. Move it over four foot closer? You are picking up two feet from the line and now you have six feet from the line, and you only need a four-foot variance. Okay. Instead of the eight.

Mr. Sweet stated that in discussions with Mr. Schneider the concern is that moving the proposed garage closer to the house may start to impinge upon where you have got your septic.

Mr. Schneider concurred. The closer you move the garage to the house, you start to impinge on where that septic is, so when you are building a foundation, you may disrupt it. Like I said, I have no idea where the leach field is, and that is my biggest concern. You disrupt that leach field, and I do not want to be on that end of the stick, really, you know, it does make a mess. no pun intended.

There was a brief discussion as to what the rules and regulations are as far as setbacks from a septic tank/leech field with Karen stating that that it determined by the Onondaga County Health Department.

It was suggested that Mr. Schneider try to find the exact location of his septic tank and leech lines with distances and come back before the Board at a later date. As well as alternate locations, possibly adjusting garage dimensions etc... to reduce the variance request and come back before the Board.

Mr. Schneider stated that he is just concerned with getting the garage constructed before the snow flies.

Karen stated that we meet on the first Monday of the month, as needed. If you have everything together, we can meet on Monday, October 6th.

It was determined that the Public Hearing would be tabled, not closed, at 8:56 p.m.

II. APPROVAL OF MINUTES

RESOLUTION #2 -- Motion by Jarvis, Second by Mangan

RESOLVED, that the Minutes of the July 7, 2025 special Zoning Board of Appeals meeting be approved as submitted.

5 Ayes -- 0 Noes

III. ADJOURN

RESOLUTION #3 -- Motion by Costanzo, Second by O'Donnell

RESOLVED, that the September 8, 2025 special Zoning Board of Appeals meeting adjourn at 8:57 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Zoning Board of Appeals

UNAPPROVED