

TOWN OF LYSANDER
ZONING BOARD OF APPEALS' MEETING
8220 Loop Road
Monday, May 4, 2026 @ 7:00 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals meeting was held 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 Matt Hunt

OTHERS PRESENT: Brittany Dorn; Carl Schmidt; Theresa Carbone; Robert Weichert; David Andres; Lucas Huber, Cerio Law Offices, Town Attorney; Katie Schiano and Karen Rice, Clerks to the Zoning Board of Appeals

The meeting was called to order at 7:09 p.m.

It was determined that the order of the agenda would be changed due to time constraints for the time limitations of the attorney's present.

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

1. Appeal CEO Decision Case No. 2025-006	Dorn, Christian & Brittany 7412 Plainville Road
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The Public Hearing opened at 7:09 p.m.

Richard Jarvis, Chairman, review the application of Christian and Brittany Dorn, for property located at 7412 Plainville Road, Memphis, New York.

This matter had been previously heard by the Board and was subsequently the subject of an Article 78 proceeding in New York State Supreme Court (Onondaga County). The Court remanded the matter back to the Zoning Board of Appeals for the purpose of establishing reasonable conditions.

The Board discussed the Court's determination, noting that while the applicants may reside in the existing home during construction of a new residence, Town Code does not permit two residential dwellings on the same property. Therefore, conditions must be established to ensure compliance once construction is complete.

The applicant, through counsel, proposed that upon completion of the new residence and issuance of a certificate of occupancy, the existing structure would be converted to an accessory use. The applicants agreed to take necessary steps to remove residential utility connections, including disconnecting sanitary services.

The Town Attorney recommended the following conditions:

- The applicants shall obtain all required permits for construction of the new residence.
- Upon issuance of a certificate of occupancy for the new residence, the certificate of occupancy for the existing residence shall be revoked.
- Water and sewer service to the existing structure shall be disconnected, subject to inspection and verification by the Code Enforcement Officer.

The Board discussed enforcement and inspection procedures and confirmed that compliance would be verified by Code Enforcement.

Comments/Suggestions from Board Member:

Mr. and Mrs. Dorn can be issued a Temporary Certificate of Occupancy while a permanent dwelling is under construction. This Temporary Certificate of Occupancy is issued in cases of emergency or hardship, allowing for continued residency on site.

Upon completion of new residence, Mr. and Mrs. Dorn must apply for a new Certificate of Occupancy. That officially changes the structures classification from Residential/Rental to Accessory/Storage.

The Code Enforcement Officer can issue these Certificates.

FINDINGS:

Based on the discussion and agreed-upon conditions, the Board made the following findings:

- The proposed action will not result in an undesirable change in the neighborhood.
- The proposed use will preserve the general character of the neighborhood and safeguard public health.
- The use is not substantial under the agreed conditions.
- There will be no adverse impact on physical or environmental conditions.
- No reasonable alternatives exist that would achieve the benefit without similar impact.

A motion was made and seconded to approve the Findings.

The Public Hearing closed at 7:20 p.m.

RESOLUTION #1 -- Motion by Jarvis, Second by Costanzo

RESOLVED, the Zoning Board of Appeals grants approval for the applicants to proceed with construction of a new residence while maintaining temporary occupancy of the existing residence, on property located at 7412 Plainville Road, subject to the following conditions:

- Upon issuance of a certificate of occupancy for the new residence, the certificate of occupancy for the existing residence shall be revoked.
- The existing structure shall be converted to an accessory use and shall no longer function as a residence.
- Water and sewer services to the existing structure shall be disconnected, subject to inspection and verification by the Code Enforcement Officer.

5 Ayes -- 0 Noes

The Board noted that a more detailed resolution would be prepared by the Town Attorney to reflect on the agreed-upon conditions.

Mrs. Dorn and her attorney thanked the Board for their time.

Public Comment after the closing of the Public Hearing:

Robert Weichert expressed his concern that he was denied his due process this evening to speak prior to the Public Hearing being closed and action taken.

Mr. Jarvis apologized, stating that Mr. Weichert's comments from the September 8, 2025 Zoning Board of Appeals meeting will be made part of the public record.

September 8, 2025 Zoning Board of Appeals Meeting Discussion:

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.

A second neighboring resident spoke at length after the Public Hearing closed, expressing concern about potential overdevelopment and enforcement of zoning regulations. She reiterated that the property should not be permitted to have more than one residence and referenced prior discussions and determinations.

The resident expressed concern that approvals could set a precedent for further development and raised issues regarding past property use, including vehicle sales, lighting, and noise. Concerns were also expressed regarding maintenance of the residential character of the area and potential future uses of the property.

The Board clarified that certain uses, such as marinas, are not permitted in the zoning district. The resident acknowledged this but remained concerned about potential future changes or expansions.

Additional concerns included lighting from existing structures, noise, and general property activity. The resident indicated dissatisfaction but acknowledged some recent improvements and concluded his comments.

Mr. Jarvis thanked the resident for expressing her concerns and that they will be made part of the public record.

PUBLIC HEARING -- 7:00 p.m.

2. Use Variance
Case No. 2026—001

Reynolds, Joshua
Pig Pen Catering
2935 Lamson Road

The Public Hearing opened at 7:23 p.m.

Richard Jarvis, Chairman, reviewed the application of Joshua Reynolds to make improvements on his property located at 2935 Lamson Road, Phoenix, New York.

The applicant presented the project, which included:

- A 338 sq. ft. expansion (already constructed)

- A 900 sq. ft. pavilion (proposed)
- A 1,663 sq. ft. expansion along the east side (proposed)
- A 1,250 sq. ft. pole barn (proposed)

The applicant explained that the improvements would support business operations, including indoor space for smokers, a walk-in cooler, additional seating, restrooms, and storage. The proposed pole barn would be used to store a food truck, catering vehicles, and equipment.

The Board discussed zoning limitations within a primarily residential district, including restrictions on accessory structures and business-related uses. Additional discussion included site layout, infrastructure improvements, and agency coordination.

Board Comments:

Following public comment, the Board reviewed the application in detail. Members discussed the scale of the proposed expansions and the need to balance business operations with neighborhood character.

Particular concern was expressed regarding the proposed 1,250 sq. ft. pole barn, including its size, use, and lack of detailed plans (such as height and architectural specifications). The applicant explained the operational need for the structure, particularly for storing a food truck and attached trailer.

Board members suggested that additional details and potentially a reduced size would be necessary for further consideration.

It was determined that Mr. Reynold's would scale back his request and remove the pole barn from the application at this time.

A motion was made and seconded to remove the proposed pole barn from the Use Variance request at this time.

FINDINGS:

- The proposed action will not result in an undesirable change in the neighborhood.
- The proposed use will preserve the general character of the neighborhood and safeguard public health.
- While the request is substantial, it will not have an adverse impact on physical or environmental conditions.
- There are no reasonable alternatives that would achieve the benefit without similar impact.

A Motion was made and seconded to approve the Findings.

The Public Hearing closed at 8:00 p.m.

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

RESOLVED, that the Zoning Board of Appeals grant to property located at 2935 Lamson Road, Phoenix, New York, tax Map No. 022.-01-10.2 a Use Variance to allow a 338 square foot expansion of an existing structure, already permitted, in accordance with Article X, Section 320-23, Paragraph D(1) and a 900 square foot pavilion and 1663 square foot future expansion of the existing bathroom and mechanical room on the east side of the existing structure as shown on a Site Plan dated April 22, 2026, prepared by Group 1 Design, Sheila Weed, Architect and Vanscape Design, in accordance with Article X, Section 320—23, Paragraph D(2) of the Lysander Town Ordinances.

5 Ayes -- 0 Noes

The application as amended is approved.

Mr. Reynold's thanked the Board for their time.

II. ADJOURN

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

RESOLVED, that the May 4, 2026 special Zoning Board of Appeals meeting adjourn at 8:08 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice and Katie Schiano, Clerks
Zoning Board of Appeals.