

Town of Lyme Planning Board

12175 NYS Rt. 12E

Chaumont, NY 13622

September 2, 2025

315-649-2788

(fax) 315-649-2049

Planning Board Members:

Reg Schweitzer, Chair
Adam Brown
Rick Hathaway-Absent
Susan Warner
Gail Miller
Jacob Savage

Others Present: community members

Call to Order: Reg Schweitzer calls the meeting to order, establishes quorum, and mentions the absence of public hearings at 6:30pm

Approval of August 5 Meeting Minutes:

- Sue Warner expresses concerns about the AI-generated meeting minutes, noting they include too much detail and opinions.
- Reg Schweitzer agrees with Sue's feedback and suggests editing the minutes to remove unnecessary information.
- Jake Savage mentions edits were not done from AI-generated minutes, but mentions use in the future to help with lack of a secretary. Agrees they do need to be edited to use.
- Reg Schweitzer suggests removing "and should not be followed" from the last sentence of the Sallyport discussion in the August minutes.
- Jake Savage agrees to make the final edit.
- Reg Schweitzer calls for a motion to approve the minutes, which is seconded and approved.

Public Comments: None

New Business:

- **Casola Subdivision Preliminary Review**

- The meeting proceeds to new business, starting with the Casola subdivision preliminary review.
- Rob Busler explains the proposed subdivision involving three landowners: Gary Stinson, Darren Pitkin, and Tony Casola.
- The proposal includes transferring a 15-foot strip of land back to Tony Casola, creating two non-contiguous lots.
- Rob Busler outlines the changes in land ownership and the creation of new roads to reduce traffic to the lakefront properties.
- Adam Brown and other participants discuss the need for subdivision applications and lot line adjustments.
- Rob Busler continues to explain the proposed subdivisions and lot line adjustments, including the transfer of parcels and the creation of new lots.
- Adam Brown and other participants discuss the need for separate applications for each subdivision and lot line adjustment.
- Reg Schweitzer suggests treating the proposal as two subdivisions with associated lot line adjustments.
- Board members agree to proceed with the proposed subdivisions and lot line adjustments, subject to further review and approvals.

• **Jason Corbin's Proposal for ABL Signs Special Permit Preliminary Review**

- Jason Corbin proposes a 30x56 building on the corner of 12E and County Route 8 for a sign business.
- Reg Schweitzer and other members discuss the zoning requirements, including setbacks and access to water and sewer.
- Jason confirms the building will be used for a special permitted use, specifically for a small product retail business.
- The participants discuss the need for feedback from neighbors and the process for obtaining driveway and water access permits.

• **Casey Bennett's Special Permit Amendment for Lodge and Restaurant Preliminary Review**

- Casey Bennett proposes a 30-room lodge in the AR district in lieu of 30 Cabins and a restaurant within the Waterfront District.
- The proposal includes leveraging existing infrastructure, such as water and electric upgrades, and expanding the septic system.
- Casey explains the need for a separate restaurant to accommodate guests and locals during events.
- Gail Miller raises concerns about the procedural errors in the original permit and the need to define the use of the property.
- Jake Savage presents a statement to the board members and the applicants emphasizing the procedural errors, and how they could impact amending the current permit. *see attached for statement
- Board members discuss the need to fix the original permit and the potential legal implications of the procedural errors.

- The topic concludes with a discussion on the next steps for addressing the procedural issues and moving forward with the proposed further Amendments.

- **Northrop Farm Subdivision and Lot Splitting**

- Scott Kolb explains the issue with lot frontage, noting that the lots meet the 100-foot water frontage requirement but fall short on the right-of-way side.
- Reg Schweitzer confirms that the Zoning Board reviewed the lot frontages based on the water side, and the only concern was the right-of-way side.
- Scott Kolb mentions Mr. Roberts' intent to split the lots on the water side for his kids and keep the right-of-way side as one parcel.
- Reg Schweitzer and Adam Brown discuss the need to review the lots based on the decision made by the Zoning Board.
- Scott Kolb emphasizes the importance of meeting the 100-foot water frontage requirement to avoid survey and stakeout issues.
- Reg Schweitzer clarifies that the Zoning Board reviewed the frontage based on the water side and agreed to split the lots accordingly.
- Adam Brown confirms that the Zoning Board reviewed the maps and agreed on the frontage split.
- Scott Kolb and Reg Sweitzer discuss the need to ensure the lots meet the 100-foot water frontage requirement before proceeding with surveys.
- Scott Kolb discusses the subdivision for the Northrop farm, noting that the lots initially approved had 200 feet of road and water frontage.
- Jared Heath, the new owner, wants to split the lot in half to have 100 feet of both road and water frontage.
- Scott Kolb mentions the need to verify the five-to-one ratio to ensure the lot meets the zoning requirements.
- Reg Schweitzer and Scott Kolb discuss the potential need to apply for an exemption from the five-to-one ratio if the lot does not meet the requirements.
- Scott Kolb brings up a lot line adjustment for Mike Andres, who sold a lot to Jerome Brew.
- Andres had financial issues and couldn't pay his taxes in full, preventing the map from being filed.
- Scott Kolb requests the board to re-sign the maps to meet the 62-day filing deadline.
- Reg Schweitzer and Adam Brown discuss the need to update the maps and re-sign them to meet the filing requirements.

Old Business:

- **Comprehensive Plan and Zoning Law Updates**

- Reg Schweitzer discusses the need to update the comprehensive plan to reflect current community needs.
- The zoning law should align with the comprehensive plan, and updates may require a consultant or county assistance.

- Reg Schweitzer mentions the need to review and update definitions in the zoning law, such as the definition of "industrial."
- The board discusses the importance of ensuring the zoning law reflects the comprehensive plan's intentions.

- **Special Use Permits and Zoning Permits**

- Reg Schweitzer and Adam Brown discuss the process of issuing zoning permits for special use permits.
- The board needs to ensure that zoning permits are issued and reviewed for all special use permits.
- Adam Brown mentions the need for a certificate of completion for zoning permits, similar to building permits.
- The board discusses the need for better coordination between zoning and building permits.

Other/Correspondence:

- **Public Comments and Notification Issues**

- Rebecca Wewere raises concerns about notification of neighbors for projects on neighboring properties.
- The board discusses the current notification process, which includes newspaper ads and mailings.
- Rebecca Wewere suggests that the town should notify neighbors by certified mail or other methods to ensure better communication.
- The board considers the feasibility of updating the notification process and the potential costs involved.

- **Barge Storage and Marina Issues**

- Rebecca Wewere raises concerns about a property owner storing barges in a residential neighborhood.
- The board discusses the jurisdiction of the planning board and the role of other regulatory bodies like the DEC and Army Corps of Engineers.
- The board acknowledges the need for better communication and notification regarding such projects.
- The discussion highlights the challenges of balancing residential and commercial activities in waterfront districts.

- **Town Website and Public Notification**

- The board discusses the potential of using the town website to post notifications and updates.
- Jake Savage suggests that the town website could be a more cost-effective and accessible method of notification.
- The board considers the possibility of posting all special permit applications and updates on the town website.

- The discussion emphasizes the need for better public engagement and transparency through digital means.

- **Meeting Adjournment and Future Plans**

- The board discusses the next meeting date and any potential conflicts.
- Reg Schweitzer mentions the septic replacement program and the need to get the word out to property owners.
- The board adjourns the meeting, with a reminder to continue discussions on public notification and zoning updates.
- The meeting concludes with a focus on improving communication and notification processes for future projects.

Adjournment: Motion to adjourn made by Reg Schweitzer, 2nd J Savage

Respectfully Submitted,
Jake Savage, Acting Secretary

Next Meeting: October 7th, 2025

As a current member of the town planning board I believe I have a duty to act in the best interests of the public and in accordance with the law. We were recently proposed with a request to amend the Sally Port View special use permit to allow cabin expansion and an additional paved boat ramp with docks. During my review process I discovered many procedural errors and legal deficiencies. These concerns I shared with fellow board members on numerous occasions outlining specific zoning laws and supportive documentation only for them to be dismissed without good reason. I also proposed all avenues for the corrections to be made as I was concerned with the legality of approving an amendment to an already flawed permit.

An amendment to a special use permit serves as a modification of the original permit. However, the legality of approving such an amendment when the initial conditions have not been satisfied raises significant concerns. These conditions are in place to regulate usage and ensure compliance with the town's standards. Granting an amendment to an originally flawed permit, particularly when the original conditions remain unmet, coupled with unapproved additional site plan modifications such as a support building and boat ramp, and in the absence of a certificate of compliance as required by Section 910 of the Town of Lyme Zoning Law, effectively undermines the established legal process.

It is important to note that an amendment does not rectify the original deficiencies of the permit. In fact, it may be considered technically invalid as it relies on a flawed foundation. I contend that the procedural errors pertaining to the original permit render the entire permit, along with any subsequent amendments, invalid.

Without a certificate of compliance for the original project, it is considered by legal standards that the project has not been officially completed or approved for its designated use. The absence of this certificate renders the use of the property illegal. Consequently, the project remains in a state of uncertainty; while it holds a construction permit, it lacks certification indicating that it was built according to the approved specifications. Additionally, the construction of the support structure and boat ramp—completed without inclusion in the approved site plan—constitutes a double violation, which is a substantial infringement in itself. These modifications not only breach a single approved plan but also violate the overall special permit process. The owner has effectively altered a project that was never formally authorized and has implemented significant changes without the necessary approvals.

Potential solution. The most common and legally sound approach is to declare the original permit invalid due to procedural error. This would also require the recent amendment to be null and void. Request that the property owner re-submit formal application for the venue and the additional unapproved structure and boat ramp, with complete site plan showing all structures. At this time they could also request additional

cabins and boat ramp. This should in fact go to a new public hearing. This way the project can be properly defined.