



**Town of Schroepel
Zoning Board of Appeals
May 13, 2026**

CASE: Jonathan Norton
(now to be known as: 55 Hickory Lane LLC and My Town Ventures, LLC)
Subject Sites: 55 and 56 Hickory Lane, Pennellville, NY
(Tax Map I.D. 290.02-01-13.1 and 290.02-01-13.2)

ZBA Members Present: Douglas Deeb (Chairman), Tim Dunnigan, Robert Morrow, Jason Connolly, Ron Johst, and Secretary Michele Swidowski.

Also present was Jeffrey D. Eaton, Town Council, along with Jonathan Norton and his Council, Steve Eichner. Several neighbors residing near the subject sites also attended. Audio of the entire meeting is available on the Town website.

At 7:00 p.m., Chairman Deeb made the **Motion** to open the public hearing to discuss the Decision on the Appeal of a Cease & Desist Order Issued in Connection with Real Property at the subject sites. **Motion** was seconded by Dunnigan; all ayes Deeb, Dunnigan, Morrow, Connolly, and Johst. Deeb opened the hearing to the public, and neighbors that were present had concerns. Eaton presented a review of the purpose of this meeting pertinent to the previous ZBA decision as presented in the Oswego County Supreme Court Decision & Order by Hon. Gregory R. Gilbert (dd. April 9, 2026; copy attached), which stated the ZBA determination (February 19, 2026) was insufficient related to the Certificate of Imminent Peril issued by the Town on February 25, 2026.

Eichner discussed the basis of the Cease & Desist Order, and other statements on behalf of his client, now to be formally known as 55 Hickory Lane, LLC and My Town Ventures, LLC. Neighbors expressed some concerns, including: the previous owner (Eric Van Dusen) was underhanded and did everything without permits, and intimidated the neighbors. The Town is not going to benefit from an Air B&B or campground; only the owner will benefit. Stressed that it is a residential area. Also stated some long-term ownership, and everyone has to abide by Town rules and permits. Concerned with sea wall damage due to sea-dos, water skiing, and racing up and down the river. Need to make it fair to everyone. Concern about the sewage debris that has occurred. Norton responded he never allowed the river recreational vehicles and wants to be good neighbors. He has a regular sewer that goes into the public sewer (from main building). He has removed the compost system so that concern has been taken care of. Neighbor mentioned the current R1 zoning and Town is not zoned for that type of use as of now. There is a one-lane dirt lane with kind of a sharp curve; concerned about traffic impact. The lane is resident-owned and maintained that could potentially be gated with only certain people allowed. With short-term visitors, concerned about public safety. The previous owner had a few RV hookups, and neighbors described other features on the property in past years.

Morrow asked if any previous inspections had occurred for Norton's purpose. Norton said an appraisal was done by the bank with a disclosure that it was a legally-conforming use. However, a sub-division that was done previously would not be presented to any Board for review.

At 7:47 p.m., Connolly made a **Motion** to go into Executive Session, seconded by Morrow; all ayes Deeb, Dunnigan, Morrow, Connolly, and Johst.

At 8:17 p.m., the Board came out of Executive Session; no action was taken, and Connolly made the **Motion** to reopen the public hearing, seconded by Morrow; all ayes Deeb, Dunnigan, Morrow, Connolly, and Johst. Eaton presented ZBA Resolution No. 1 of 2026 that responds to the items brought forth by the Court, copy attached. Connolly read 15 findings by the Board, and the ZBA



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hereby DENIES the appeal in its entirety based on these findings of fact. At 8:00 p.m., Deeb made the **Motion** for a vote, seconded by Johst; all ayes Deeb, Dunnigan, Morrow, Connolly, and Johst. The Motion is carried, thereby upholding the Cease & Desist Order.

At 8:26 p.m. Deeb made the Motion to close the public hearing, seconded by Connolly; all ayes Deeb, Dunnigan, Morrow, Connolly, and Johst.

Respectively,

Michele Swidowski
ZBA Secretary

Attachments:

Oswego County Supreme Court Decision & Order by Hon. Gregory R. Gilbert (dd. April 9, 2026)
Town of Schroepfel Zoning Board of Appeals Resolution No. 1 (May 13, 2026)

Distribution: ZBA Members
Code Enforcement
Town Clerk
Town Council

4-9-26

**STATE OF NEW YORK
SUPREME COURT : COUNTY OF OSWEGO**

**In Regard to the Verified Petition of
JONATHAN NORTON
For a Judgment under Article 78 of the CPLR,**

DECISION & ORDER

Petitioner,

Index No.: EFC-2026-0355

v.

HON. GREGORY R. GILBERT, JSC

**TOWN OF SCHROEPEL ZONING BOARD
OF APPEALS, GORDON WALTZ; and TOWN
OF SCHROEPEL,**

Respondents.

Appearances: Jonathan Norton
Petitioner *pro se*
2858 NY 91
Jamesville, New York 13078

Jeffrey D. Eaton, Esq.
Costello Cooney & Fearon, PLLC
Attorneys for Respondents
211 W. Jefferson Street, Ste. 1
Syracuse, New York 13202

Petitioner, acting *pro se*, seeks determination pursuant to CPLR Article 78 that the Zoning Board of Appeals Determination dated February 19, 2026 is arbitrary and capricious, in violation of lawful procedure, affected by error of law and constituted an abuse of discretion. The matter was before this Court under a Certificate of Imminent Peril by the Town on February 25, 2026.

The Certificate was found to be insufficient to vacate the automatic stay triggered under Town Law §267-a(6). Town of Groton v. Langer, 175 Misc2d 47 (Supreme Court Tompkins County 1997). The resulting Order, on consent of the parties, provided that petitioner was not to cause any persons to occupy or use any of the uninspected structures erected on either 55 or 56 Hickory Lane, Schroepel, but otherwise allowed petitioner to continue to utilize the main cabin structure until the end of the above-captioned proceedings or further order.

The ZBA determination at issue is simply as follows:

1. The Cease and Desist Order issued by the Town Code Enforcement Officer is justified and necessary to protect the public's Safety, Health, and Welfare; and,
2. That it would be contrary to protecting the public's Safety, Health, and Welfare to remove or stay the Cease and Desist Order at this time.

The ZBA has not explained why it determined that CEO Order was justified or necessary to protect the public. It also failed to explain why it was determined that it would be contrary to public safety to stay the CEO Order. Just as the Certificate of Imminent Peril was found to be insufficient, the ZBA determination is equally insufficient. Fusco v. Zoning Board of Appeals of Eastchester, 59 AD2d 700 (2nd Dept 1977). Conclusory findings, such as those presented in this matter, are insufficient to support a determination by a zoning board of appeals, which is required to clearly set forth how and in what manner a given matter is being decided. Matter of O'Connor & Son's Home Improvement, LLC v. Acevedo, 197 AD3d 1112 (2nd Dept 2021). The Court has no basis for an informed Article 78 review. Zack v. Bates, 35 AD2d 556 (2nd Dept 1970).

On the record presented, the Zoning Board of Appeals has not presented an adequate evidentiary basis to show a rational decision on matters claimed to affect either 55 or 56 Hickory Lane. For example, the ZBA has not demonstrated that the zoning map applies to the use where the structures were built by previous owners and have existed on the property for an undetermined period of time well prior to the current ownership. There is no mention of the previous use of the property, how long any such camp use existed or even whether such use pre-dates the zoning map. CCLS, Inc. v. Baruch, 79 AD2d 1002 (2nd Dept 1981); Greene v. Johnson, 121 AD2d 632 (2nd Dept 1986). Such findings and the basis therefor need to be stated by the ZBA to allow the Court to render a proper determination of the Article 78 proceeding in the first instance. Matter of Credit v. Southhold Town Zoning Board of Appeals, 179 AD3d 1058 (2nd Dept 2020).

The same issue applies to the code provisions that are claimed to be violated. The petitioner did not build these structures. There is no indication of when they were built or by whom or what Codes were in effect at the time the structures were built. There is no explanation as to permits or inspections from the time the structures were built. There is also no indication that the petitioner modified the structures in any way that would substantiate the code violations that are claimed. Were there previous inspections of these structures? If so, the ZBA does not explain what was found and, if not, the ZBA does not explain why petitioners should be burdened with the remediation of violations that should have been previously cited.

The matter will be remitted to the ZBA to properly address the issues raised by petitioner in writing. Citizens Savings Bank v. Board of Zoning Appeals, 224 AD2d 797 (3rd Dept 1996); Duquin v. Colucci, 55 AD2d 832 (4th Dept 1976); Matter of Level 3 Communications, LLC v. Erie County, 132 AD3d 1271 (4th Dept 2015) leave to appeal denied 26 NY3d 918; Matter of Mimassi v. Town of Whitestown Zoning Board of Appeals, 124 AD3d 1329 (4th Dept 2015); Nye v. Zoning Board of Appeals of Town of Grand Island, 81 AD3d 1455 (4th Dept. 2011).

The Town asserts as a defense the failure to join a necessary or indispensable party [DKT # 29, Second Affirmative Defense]. The petitioner is a member of 55 Hickory Ln., LLC (which also includes as members Anthony Halligan and Joshua Williams) and My Town Ventures, LLC of which petitioner appears to be a sole member. 55 Hickory Ln., LLC is the owner of both properties at issue while My Town Ventures, LLC is a member of 55 Hickory Ln., LLC.

Petitioner was specifically advised by this Court during the February 25, 2026 appearance

that both LLC entities needed to be named in the caption of and within this proceeding and that both LLC entities would need to be represented by counsel. The petitioner may not represent the LLC entities on a *pro se* basis. The petitioner shall reform the petition herein to include both LLC entities who shall appear herein by counsel no later than June 10, 2026. His failure to reform the petition and arrange for the LLC entities to appear by counsel by that date will result in the dismissal of his petition.

Finally, the Town filed a third-party complaint based on asserted code violations naming as defendants Anthony Halligan, Joshua Williams, My Town Ventures, LLC and 55 Hickory Ln., LLC. Petitioner sought to have the same dismissed as to Anthony Halligan, Joshua Williams, My Town Ventures, LLC by "Letter-Motion". Such an application is procedurally defective under CPLR §2214 and not supported as a matter of law even if the procedural defect is ignored. The letter application will be denied.

Accordingly, it is

ORDERED that the matter is **REMITTED** to the Town of Schroepel Zoning Board of Appeals which is hereby **DIRECTED** to further consider the matter and issue a full decision which shall clearly set forth in detail and state specifically how it has determined that the current zoning map and code provisions apply to the premises at issue and to file the same to the electronic case file no later than **JUNE 10, 2026**; and it is

ORDERED that Order filed February 26, 2026 is hereby **CONTINUED** in all respects; and it is

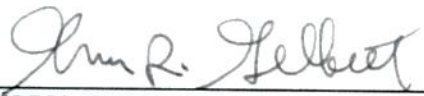
ORDERED that petitioner shall reform his petition and the caption thereof to include as party-petitioners My Town Ventures, LLC and 55 Hickory Ln., LLC and to have those LLC's as jural entities in their own right represented by counsel who shall file notice of appearance to the electronic case file all by **JUNE 10, 2026**; and it is

ORDERED that the Letter-Motion of the petitioner is **DENIED**; and it is

ORDERED that that this proceeding is hereby **CONTINUED** in all respects.

ENTER

Dated: April 9, 2026
Oswego, New York


HON. GREGORY R. GILBERT
SUPREME COURT JUSTICE

TOWN OF SCHROEPPEL ZONING BOARD OF APPEALS
RESOLUTION No. 1

**DECISION ON THE APPEAL OF A CEASE & DESIST
ORDER ISSUED IN CONNECTION WITH REAL
PROPERTY AT 55 & 56 HICKORY LN**

At a regular meeting of the Zoning Board of Appeals of the Town of Schroepfel (the “Board”) held on May 13, 2026, the following resolution was duly moved, seconded and adopted by the affirmative vote of a majority the Board:

WHEREAS, on or about November 19, 2025, Code Enforcement Officer Gordon Walts issued a Cease and Desist/ Stop Work Order/ Notice of Violation letter (“Cease and Desist”) (*See Exhibit 1*) in connection with the property located at 55 Hickory Ln, Pennellville, New York 13132 (Tax Map No. 291.02-01-13.2) and 56 Hickory Ln, Pennellville, New York 13132 (Tax Map No. 291.02-01-13.1) (collectively, the “Property”) citing New York State and Town of Schroepfel Code violations (*See Exhibit 2*); and

WHEREAS, the Cease and Desist intended to stop any and all unauthorized activities occurring within the unpermitted accessory structures at the Property; and

WHEREAS, the owner of the Property is 55 Hickory Ln, LLC, the members of which are Anthony Halligan, Joshua Williams and My Town Ventures, LLC, of which the sole member is Jonathan Norton; and

WHEREAS, in response to the Cease and Desist issued by Code Enforcement Officer Walts, Jonathan Norton, acting in his individual capacity, submitted a letter refuting the violations cited within the Cease and Desist and appealing the Code Enforcement Officer’s determination to the Board (*See Exhibit 3*); and

WHEREAS, the Town treated Mr. Norton’s response to the Cease and Desist as an application for an appeal to the Board; and

WHEREAS, on or about November 24, 2026, Code Enforcement Officer Walts sent an additional letter to Mr. Norton in response to his appeal of the Cease and Desist, setting forth the required documentation to demonstrate compliance with the New York State and Town of Schroepfel Codes (*See Exhibit 4*); and

WHEREAS, on or about February 5, 2026, Code Enforcement Officer Walts issued a Certificate of Imminent Peril pursuant to Town Law §267-a(6), which was delivered to Mr. Norton on or about February 18, 2026 (*See Exhibit 5*); and

WHEREAS, on or about February 18, 2026, at 7:00 p.m. the Board heard Mr. Norton’s appeal of the Cease and Desist and, after the conclusion of the public hearing, voted 4-0 ruling that the Cease and Desist was justified and that it would be contrary to the public’s health, safety, or

welfare to remove or otherwise stay the Cease and Desist (*See Exhibit 6*); and

WHEREAS, on or about February 20, 2026, Mr. Norton filed a Verified Petition for a judgment pursuant to Article 78, appealing the Board's decision to the Oswego County Supreme Court (*See Exhibit 8*); and

WHEREAS, on or about February 26, 2026, an Order signed by Judge Gilbert declared that the Certificate of Imminent Peril issued by Code Enforcement Officer Walts was not sufficient to vacate any stay imposed by Town Law §267-a(6) and further ordered that Mr. Norton would not allow any persons to occupy or use any of the uninspected structures located on the Property (*See Exhibit 8*); and

WHEREAS, following the submission of papers by both parties, on or about April 9, 2026, Judge Gilbert filed an Order and Determination ordering that the matter be remitted to the Board for further consideration (*See Exhibit 9*); and

WHEREAS, the Board has duly weighed Mr. Norton's appeal, taking into account the concerns voiced at the public hearing and carefully reviewing the record before them, including, but not limited to:

1. Cease and Desist/Stop Work Order/ Notice of Violations issued on November 19, 2025 (**Exhibit 1**);
2. New York State and Town of Schroepfel Codes cited by Code Enforcement Officer in the Cease and Desist (**Exhibit 2**);
3. Jonathan Norton's Appeal of Cease and Desist dated November 21, 2026 (**Exhibit 3**);
4. Code Enforcement Officer Walts' Supplemental Response to Jonathan Norton (**Exhibit 4**);
5. Certificate of Imminent Peril to Life or Property issued on February 5, 2026 (**Exhibit 5**);
6. Town of Schroepfel Zoning Board of Appeals Decision dated February 19, 2026 (**Exhibit 6**);
7. Article 78 Petition filed by Jonathan Norton filed on or about February 20, 2026, not including Exhibits filed as part of Petition (**Exhibit 7**);
8. Signed Order filed on or about February 27, 2026 (**Exhibit 8**);
9. Decision and Order filed on or about April 9, 2026 (**Exhibit 9**);
10. Satellite Images of 55 and 56 Hickory Ln from 2021-2024 (**Exhibit 10**);

11. Town of Schroepfel Zoning and Overlay District Map (Feb. 2021) (**Exhibit 11**).

NOW, THEREFORE, BE IT RESOLVED that based on the Zoning Board of Appeals based on the above, the Board hereby issues the following findings:

1. Based on the Satellite Images (*See Exhibit 10*) provided by Code Enforcement Officer Walts, the unpermitted accessory structures were constructed on the Property between 2021 and 2024.
2. The Town of Schroepfel Code, which includes provisions for building construction and zoning, has not undergone any amendments since 2021.
3. The Town of Schroepfel Zoning Map from 2021 (*See Exhibit 11*) reflects the current areas and boundaries of the zoning districts of the Town.
4. The Board finds that the Property is zoned in the Residential-1 (R-1) zoning district, and that the unpermitted structures are not permitted pursuant to the Town's schedule of uses.
5. The Town of Schroepfel Code was in full force and effect when the unpermitted accessory structures were constructed and remains in full force and effect as of the date of this decision.
6. Based on a review of Town records, neither the current owner of record nor any previous owner of record of the Property has applied for or obtained building permits for construction of accessory structures on the Property.
7. Based on a review of Town records, neither the current owner of record nor any previous owner of record of the Property has obtained certificates of occupancy for persons to occupy any accessory structures on the Property.
8. At no point has the Code Enforcement Officer completed an inspection of the unpermitted accessory structures.
9. The Board finds that the Property is in violation of the New York State and Town of Schroepfel Codes cited in the Cease and Desist.
10. The unpermitted accessory structures on the Property are not considered pre-existing, non-conforming structures under the Town's zoning law.
11. Based on these ongoing violations on the Property, the Board concludes that the unpermitted accessory structures pose a threat to human health, as they do not conform with New York State or Town of Schroepfel Codes and have not been certified for human occupancy.

12. Based on these ongoing violations on the Property, Code Enforcement Officer Walts was justified in his issuance of a Cease and Desist for structures on the Property.
13. The Board finds that these existing and ongoing violations are the responsibility of the current owner on record to remediate.
14. The previous failure of the Town to cite the Property for code violations related to the uninspected, unpermitted accessory structures does not prevent the Town from enforcing its zoning laws with respect to the Property now or in the future.
15. Based upon public comments provided during the meeting, the private road is too narrow for large emergency vehicle access to the Property.

BE IT FURTHER RESOLVED that the Board hereby **DENIES** the appeal in its entirety based on the foregoing findings of fact; and

BE IT FURTHER RESOLVED that any stay pursuant to Town Law §267-a(6) is **TERMINATED**, as there are no further proceedings to be heard by the Board; and

BE IT FURTHER RESOLVED that the Chair of the Board is directed to file this Resolution with the Town Clerk no later than five (5) business days after its adoption, with a copy thereof to be mailed to the Applicant; and

BE IT FURTHER RESOLVED that this Resolution shall also be filed with the Oswego County Supreme Court in connection with the Verified Petition of Jonathan Norton for a Judgement pursuant to Article 78 of the CPLR v. Town of Schroepfel Zoning Board of Appeals; Gordon Walts; and Town of Schroepfel (Index No. EFC-2026-0355); and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

The question of the foregoing Resolution adopting these findings of fact was made by Board Member Jason Connolly, seconded by _Robert Morrow, and duly put to a vote as follows:

| | | |
|------------------|--------|-----|
| Douglas Deeb | Voting | Aye |
| Jason Connolly | Voting | Aye |
| Ronald Johst | Voting | Aye |
| Robert Morrow | Voting | Aye |
| Timothy Dunnigna | Voting | Aye |

The resolution was thereupon declared duly adopted.

Dated: May 13, 2026

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF OSWEGO)

I, the undersigned Town Clerk of the Town of Schroepfel, Oswego County, New York,
DO HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Schroepfel, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on May 14, 2026.

Darlene Owens

Darlene Owens, Town Clerk

(SEAL)