

## MINUTES OF THE ZONING BOARD 10-4-12

Members Present: Dan O'Shea; Bob Lieber, Amy Bertini and Al Socha. Absent: Kay Vossler.

PUBLIC HEARING: Opened at 7:30 PM. The purpose of the hearing is to allow the public to comment on the application of Thomas Neiderhofer for an area variance. No members of the public attended. Dan O'Shea questioned whether the proposed location was actually in the R1L district rather than R1 as listed on the application. In viewing the Town zoning maps, the Board agreed that the project building lot is actually located in the R1L district which is a (2) acre minimum lot size as compared to (1) acre in R1. Dan O'Shea stated is concerned about setting a precedent if the variance is granted and stated that others in similar circumstances had been turned down. Mr. Neiderhofer reiterated to the Board that the proposed house construction is for a small 1000 sq. ft. house with no basement. He further stated that if the lot is not accepted as a building lot, it has no value. He expressed that he will be improving the lot and the neighbors are in favor. Dan O'Shea spoke of two previous applications that had been turned down as not meeting the lake district (2) acre minimum lot size.

Amy Bertini then asked if there were other nearby lots that could be incorporated and was told no. Dan O'Shea again stated he was uncomfortable making a decision based on this application and the fact the applicant was not made aware that it is not in the R1 district. The Board then continued to review the zoning requirements for a R1L district. It appears the only permitted use would be a seasonal single family dwelling. Al Socha stated that he would like to grant the variance but he is also afraid of setting a precedent for future applications. He also stated that he is concerned about potential future development of the Girl Scout Camp on Song Lake. As the Board continued to review the regulations it was stated that this is a pre-existing lot, actually lots, as (2) lots were combined to come up to just short of (1) acre. Mr. Neiderhofer expressed his disappointment as he has already expended a lot of time and money in the project and has buyers for the house he planned to build. The Board then reviewed Section 645 (J) (2) of the zoning ordinance concerning non-conforming lots and questioned whether this would apply, thereby grandfathering the lot. At that point, the Board felt a legal opinion should be obtained before making any decision. A special meeting was discussed to allow time for attorney review of that section of the ordinance. Motion made by Robert Lieber, seconded by Amy Bertini to hold a special meeting on October 17, 2012 at 7:30 PM, all in favor, the motion carried. The Secretary will speak to James Doring about the appointment of special counsel and will publish the required legal notice in the Cortland Standard.

Motion to approve the minutes of the previous meeting (9-6-12) made by Robert Lieber, seconded by Amy Bertini, all in favor, the motion carried. Motion to adjourn made by Amy Bertini, seconded by Al Socha, all in favor the motion carried and the meeting adjourned at 8:45 PM.