
Town of Skaneateles
Local Law 2 of the Year 2016
A Local Law Amending the Town Code of the Town of Skaneateles to set the cost per
acre amount for the Development Rights Acquisition Fund

Be it enacted by the Town Board of the Town of Skaneateles as follows:

Section 1. Title

This local law shall be referred to as "A Local Law Amending the Town Code of the Town of Skaneateles to set the cost per acre amount for the Development Rights Acquisition Fund".

Section 2. Purpose and Intent

The purpose of Section 148-12(G)(6) is to provide a property owner with the option to make a monetary contribution, equal to the cost to protect 10 square feet of land with a conservation easement for each square foot of impermeable surface coverage greater than the area permitted to bring the lot into compliance with applicable coverage limitations for conforming lots, to the Town's Land and Development Rights Acquisition (DRA) Fund. The DRA Fund was been established to acquire development rights or conservation easements on undeveloped land to promote permanent protection of the lake and other natural resources. The Town Planning Board has recommended that the DRA Fund law be amended to clarify the process by which the cost per acre amount is determined and in order to update the illustrative examples found in the Code to better reflect current conditions.

Section 3. New Sections.

Section 148-12(G)(6) of the Town Code of the Town of Skaneateles is hereby amended as follows:

See attached

Section 4. Legislative Findings

The Board finds that it is in the Town's best interest to clarify this law consistent with the recommendations of the planning board.

Section 5.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 6.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

PB Recommended Changes to Section 148-12(G):

(6) A lot which contains structures that are nonconforming as to impermeable surface coverage may be redeveloped by special permit granted by the Planning Board, provided that all other applicable requirements of this § 148-12 are satisfied, that the impermeable surface coverage on the lot is reduced to the maximum extent feasible, and that all practicable measures are taken to minimize the impact of such impermeable surface coverage on streams, lakes and groundwater. [Note: If the proposed redevelopment reduces impermeable surface coverage to bring the lot within compliance with this chapter, no special permit pursuant to this section shall be required.] Such measures may include, without limitation, infiltration trenches and other drainage improvements, and vegetated stream and lake buffers. If an applicant is unable to reduce such coverage sufficiently to bring the lot into compliance with applicable coverage limitations for conforming lots, the Planning Board shall condition any approval of such a special permit on either, at the applicant's option:

(a) The use of mitigation measures that result in the permanent protection by conservation easement of 10 square feet of land in the same general area for each square foot of impervious surface coverage greater than the area required to bring the lot into compliance with applicable coverage limitations for conforming lots sufficient to offset any drainage or environmental impact that might occur as a result of the lot exceeding the applicable coverage limitations. The determination as to the appropriate location of such protected land shall be made by the Planning Board in consultation with the Planning Board Engineer. If the lot is within the Skaneateles Lake Watershed, the Planning Board Engineer shall also consult with the City of Syracuse Department of Water in making this determination. The applicant shall bear the expenses associated with establishing the conservation easement. The conservation easement shall satisfy the requirements of § 148-9H and shall be filed and recorded in the County Clerk's office; or

(b) A monetary contribution, equal to the cost to protect 10 square feet of land with a conservation easement for each square foot of impermeable surface coverage greater than the area permitted to bring the lot into compliance with applicable coverage limitations for conforming lots, to the Town's Land and Development Rights Acquisition Fund ("DRA Fund"), established to acquire development rights or conservation easements on undeveloped land to promote permanent protection of the lake and other natural resources, which monetary contribution shall be determined by resolution or local law adopted from time to time by the Town Board in an amount equal to the fair market cost to protect one acre of undeveloped land in the Skaneateles Lake Watershed.

(7) In no case shall the applicant be permitted to increase the impermeable surface coverage on a lot.

(8) Reserved.

(9) By way of illustration only, if an applicant's property is located in the Lake Watershed Overlay District (LWOD) with a total lot area of 10,000 square feet, 10% or 1,000 square feet of impermeable surface coverage would be permitted. If the property already had 1,300 square feet of impermeable surface coverage (300 square feet in excess of the applicable coverage limitation for nonconforming lots) which the applicant desired to retain while redeveloping the property, granting of a special permit would be conditioned upon the applicant obtaining a conservation easement on at least 3,000 square feet of land (300 square feet times 10) in the LWOD to offset any drainage or environmental impact that might occur as a result of exceeding the applicable coverage limitation, or making a monetary contribution to the DRA Fund in the amount of \$3,000 multiplied by the monetary contribution equal to the cost to protect 10 square feet of land, set pursuant to paragraph 6(b) above.