Chapter 148

ZONING

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-28-1996 by L.L. No. 4-1996; amended in its entirety 12-1-2005 by L.L. No. 3-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building code administration — See Ch. 40.
Environmental quality review — See Ch. 63.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.
Junkyards — See Ch. 86.
Mobile homes and mobile home courts — See Ch. 99.
Signs — See Ch. 123.
Subdivision of land — See Ch. 131.
Water — See Ch. 146.

ARTICLE I
General Provisions

§ 148-1. Title; scope; purposes; construal of provisions; conflict with state laws.

A. Title. This chapter shall be known and may be cited as the "Zoning Law of the Town of Skaneateles."

B. Scope. This chapter regulates the location, design, construction, alteration, occupancy and use of structures and the use of land in the Town of Skaneateles, outside the incorporated Village of Skaneateles, dividing the Town into land use districts.

C. Enacting clause and purposes. This chapter is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq., and Chapter 62, Article 16, of the Consolidated Laws,[1] in conformance with the Comprehensive Plan for the Town and Village of Skaneateles, adopted July 11, 2005, to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural and cultural resources, aesthetics and the general welfare and for the following additional purposes:

(1) To conserve the natural resources and rural character of the Town by permitting development in the most appropriate locations and by limiting building in areas where it would conflict with the Town's rural pattern and scale of settlement.

(2) To minimize negative environmental impacts of development, especially in visually and environmentally sensitive areas such as the shoreline and watershed of Skaneateles Lake, the higher elevations, scenic viewsheds, steep slopes, erodible soils, stream corridors, wetlands, floodplains and active farmlands.

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1. **Editor's Note: See Town Law § 261 et seq.**

(3) To protect existing shorelines, wooded areas, scenic views, agricultural land, existing and potential recreation areas, waterways, ground and surface water supplies, ecological systems, wetlands, wildlife habitat and natural vegetation, and to maintain large areas of contiguous open space in their current undeveloped state, in order to preserve the predominantly open and rural character of the Town.

(4) To preserve and protect lands and buildings that are historically significant.

(5) To enhance the aesthetic and architectural quality of the entire community, and to maintain its natural beauty.

(6) To encourage agriculture to continue and prosper because of its importance to the local economy and to the preservation of open space, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices.

(7) To encourage other economic activities that require large areas of contiguous open space, such as forestry, recreation, vineyards, orchards, and tree farming, as well as the support services and industries that add value to these uses, such as wood products and tourist facilities.

(8) To integrate different types of housing and different kinds of land uses in traditional village and hamlet centers in order to encourage social and economic interaction and pedestrian activity, and to reduce unnecessary automobile traffic.

(9) To provide a range of affordable housing opportunities for all segments of the local population with due consideration for regional housing needs.

(10) To protect residences from nonagricultural nuisances, odors, noise, pollution and other unsightly, obtrusive and offensive land uses and activities.

(11) To locate commercial and other nonresidential uses in a manner that is convenient to residences, reduces use of automobiles and provides freedom for landowners to make beneficial economic use of their land, provided that such uses are not harmful to neighboring properties or the natural environment.

(12) To improve transportation facilities in areas designated for intensive settlement and to maintain a network of smaller country roads in areas designated for the protection of open space, agriculture, steep slopes and rural character.

(13) To reduce traffic congestion on major roads by establishing a pattern of settlement and circulation that reduces reliance on automobiles and provides alternative routes between destinations.

(14) To encourage the conservation of energy and the appropriate use of solar and other renewable energy resources.

(15) To regulate building density in order to concentrate population in appropriate locations while allowing reasonable privacy for residences, ensure access to light and air, conserve open space, facilitate the prevention and fighting of fires, minimize the cost of municipal services and accomplish the other purposes enumerated in this chapter.

(16) To provide a flexible system of land use regulation that enables the Town to grow, while preserving its most important natural, historic, architectural and cultural features.

(17) To base such flexible land use regulations on the unique characteristics of the landscape, the needs of the people of the Town of Skaneateles, the impact of proposed land uses on the natural and human environment and the purposes articulated in this chapter, and to avoid suburban sprawl and commercial strip patterns of development.

D. Interpretation of provisions. All provisions of this chapter shall be construed broadly to fulfill the purposes stated in Subsection C above and the policies expressed in the Town and Village of Skaneateles Comprehensive Plan (hereinafter the "Comprehensive Plan").

E. Conflict with state laws. To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 261 through 268, 274-a through 281, the Town Board of the Town of Skaneateles hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York. Appendix I lists in a table the specific sections of this chapter that are intended to supersede Town Law and the specific Town Law sections superseded in each case.[2]

§ 148-2. Effect on other laws; special agreements.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that when this chapter imposes a greater restriction on the use of structures or land or on the heights of structures, or requires larger open spaces, or imposes any higher standards than are imposed or required by any other statute, law, ordinance, rule, regulation or by any easement, covenant or agreement, the provisions of this chapter shall control. Where the requirements of this chapter differ from the requirements of another statute, law, ordinance, rule or regulation, the more restrictive shall govern.

ARTICLE II
Establishment of Districts

§ 148-3. Description of districts.

A. Land use districts. For the purpose of this chapter, the Town of Skaneateles is hereby divided into the following land use districts:

(1) Rural and Farming District (RF). The purpose of this district is to promote agriculture and compatible open space uses by discouraging large-scale residential development and those forms of commercial development that might conflict with agricultural use,

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2. **Editor's Note: Appendix I is included at the end of this chapter.**

while allowing small-scale clean industrial and service uses that complement agricultural enterprises.

(2) Rural Residential District (RR). The purpose of this district is to allow low-density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use.

(3) Highway Commercial District (HC). The purpose of this district is to allow those commercial uses that are automobile-dependent and that would therefore not be compatible with a village or hamlet mixed-use commercial area.

(4) Hamlet District (HM). The purpose of this district is to maintain the mixed-use traditional character of existing hamlets and to allow them to expand as an extension of their current configuration.

(5) Industrial/Research/Office District (IRO). The purpose of this district is to allow areas for light manufacturing, office and research facilities on large tracts of land. Such areas may also include housing and limited commercial development intended to support the primary uses.

B. Overlay districts.

(1) In addition to these land use districts, the following overlay districts are hereby created:

(a) Lake Watershed Overlay District (LWOD). The purpose of this overlay district is to protect the quality of Skaneateles and Owasco Lakes by controlling land uses which could be detrimental to lake water quality. See § 148-21.

(b) Floodplain Overlay District (FPOD). This district incorporates by reference the Town's existing Floodplain Protection Local Law. See § 148-22.

(c) Open Pit Mining Overlay District (OPMOD). The purpose of this overlay district is to provide appropriate locations for open pit mining to occur where it will not create excessive disturbance to a residential area. See §§ 148-23 and 148-35B.

(2) Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in this chapter. They are not intended to prohibit development, but rather to assure that the siting and design of development is sensitive to environmental resources and does not preclude possible future public acquisition or use. On any given parcel of land, more than one overlay district may apply.

§ 148-4. Zoning Maps.

A. The boundaries of these districts are hereby established on maps entitled "Zoning Map, Land Use Districts, Town of Skaneateles" and "Zoning Map, Overlay Districts, Town of Skaneateles," adopted and certified by the Town Clerk, which accompany and are hereby declared to be a part of this chapter. Unofficial photoreductions of these maps are appended

to this chapter for reference purposes only.[3]

B. The Open Pit Mining Overlay District (OPMOD) is shown on a map entitled "Zoning Map Overlay Districts, Town of Skaneateles" on file in the office of the Town Clerk and on the Mining District Boundary Map on file in the office of the Town Clerk of the Town of Skaneateles. (A reduced copy of the Mining District Boundary Map is attached hereto.)[4]
[Added 6-21-2007 by L.L. No. 12-2007; amended 10-20-2008 by L.L. No. 5-2008]

§ 148-5. Amendments to Zoning Maps.

A. Zoning Map updates. The official Zoning Maps shall be kept in the office of the Town Clerk and shall be reviewed for accuracy and updated at least once annually. If changes are made in district boundaries or other matter portrayed on the Zoning Maps, such changes shall be noted by the Town Clerk on the official Zoning Maps promptly after the amendment has been approved by the Town Board.

B. Final authority.

(1) Each Town Board resolution adopting an amendment shall be the final authority as to the current zoning status of lands, structures and uses in the Town.

(2) At least once every five years the Town Board shall readopt the official Zoning Maps, which shall become the final authority as to all map amendments preceding such readoption.

C. Unauthorized map changes. Any unauthorized map change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable under § 148-43 of this chapter.

§ 148-6. Interpretation of district boundaries.

A. Location of boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

(3) Boundaries indicated as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(4) Boundaries indicated as parallel to or extensions of features indicated in Subsection A(1) through (3) shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

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3. **Editor's Note: These maps are on file in the Clerk's office.**

4. **Editor's Note: The reduced copy of the Mining District Boundary Map is included at the end of this chapter.**

(5) Where overlay district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.

B. Lots in more than one district. Where a land use district boundary line divides a lot in a single ownership existing at the time of enactment of this chapter, the use authorized on and the district requirements of the more restricted portion of such lot may extend up to a maximum of 50 feet into the less restricted portion of the lot. This provision shall not apply to overlay district boundaries.

§ 148-7. (Reserved)

ARTICLE III
District Regulations

§ 148-8. Allowable uses.

A. Purpose; any use not specifically permitted is prohibited. It is the purpose of this chapter to allow flexibility of land use, subject always to the restrictions, prohibitions, and design and performance requirements contained herein.[5] Any use not specifically set forth as a permitted use in any district shall be expressly prohibited in that district. A use specifically set forth as a permitted use in one district shall not be permitted in another district unless it is specifically set forth as a permitted use in said other district. Except as otherwise provided herein: [Amended 5-3-2012 by L.L. No. 2-2012[6]]

(1) No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located; and

(2) No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building is located.

B. Use restrictions and Use Table. No structure or land shall be used except as provided in the Use Table at the end of this chapter. See § 148-56 for definitions of the use categories. Nothing contained herein shall prohibit any person from submitting a request for a Zoning Law amendment or a variance in accordance with the provisions of this chapter and the New York State Town Law. [Amended 5-3-2012 by L.L. No. 2-2012]

C. Prohibited uses. Any use, even if otherwise permitted by virtue of the Use Table,[7] shall be prohibited if it does not satisfy the all-applicable performance criteria contained in this chapter. The following uses are prohibited under all circumstances: any sewage treatment

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5. **Editor's Note: The term "herein," as used by L.L. No. 2-2012, refers to the existing Zoning Law as amended by L.L. No. 2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.**

6. **Editor's Note: This local law also included and incorporated by reference an Appendix A attached thereto that set forth authority, findings, purpose and intent of the local law. A complete copy of the local law with said appendix is on file in the Town offices.**

7. **Editor's Note: The Use Table is included at the end of this chapter.**

facility or automobile service station located in the LWOD, privately owned package sewage treatment plants serving multiple owners, new mobile home courts, racetracks, amusement parks, adult entertainment businesses, toxic waste facilities, dumps or landfills for solid waste, municipal or industrial sewage sludge/biosolids, construction waste or demolition debris, and any explicitly prohibited use described in § 148-47 of this chapter. [Amended 5-3-2012 by L.L. No. 2-2012]

D. Accessory uses. Uses customarily incidental to principal uses shown on the Use Table shall be allowed on the same terms as the principal uses, whether or not on the same lot, except as otherwise indicated on the Use Table.

E. Mixed use. The Town of Skaneateles encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all related special permit and/or site plan reviews shall be consolidated into one proceeding before one board based upon the cumulative total size of all related projects.

F. Change of use. A special permit shall apply only to the use for which it has been granted. A new special permit is required for any subsequent change of use.

G. Additional use restrictions in the Highway Commercial (HC) District. The purpose of the HC District is to allow only those uses that, because they depend primarily on automobile access, require large amounts of land, and/or involve frequent, short-term visits by customers, and are not appropriate for the village center or the Hamlet (HM) Districts in the Town. In conformance with the Comprehensive Plan, the HC District is not intended to include uses that could be readily accommodated in the village. Therefore, the following restrictions on use apply within the HC District:

(1) Retail businesses.

(a) Retail business uses shall be limited to convenience stores, liquor stores, hardware stores, automobile and truck sales and rental, tire and automobile parts sales, recreational vehicle sales and rental, gasoline sales (outside the Lake Watershed Overlay District), lumber and construction supply sales, garden supply sales, electronic equipment sales, furniture sales, and large appliance sales (such as ranges, refrigerators, washing machines or dishwashers).

(b) In buildings that were in existence prior to 1996, retail uses other than those listed in Subsection G(1)(a) above may be permitted, provided that the Planning Board finds that such uses would be incompatible with the pedestrian-oriented character of the village, would rely substantially on customers arriving by automobile and parking close to the building entrance, and would not increase demand for village sewer capacity. Such uses may not involve the renovation, demolition, or rebuilding of more than 50% of the floor area of the existing structure, unless the Planning Board finds that such renovation, demolition, or rebuilding would significantly improve the appearance of the property and would be consistent with the purposes and provisions of this Zoning Law and the Comprehensive Plan.

(c) Grocery stores and drugstores shall not be permitted.

(d) No retail uses shall be permitted above the ground floor of a building.

(2) Service businesses.

(a) Service business uses shall be limited to those that are consistent with the purpose stated in Subsection G above, such as health club, funeral home, catering, house cleaning, building trades, auto repair, car washes, video and DVD rental, package delivery service, and dry cleaner (except that dry-cleaning operations and car washes may not be undertaken within the Lake Watershed Overlay District). Banks and other service businesses not consistent with the purpose stated in Subsection G above shall not be permitted.

(b) In buildings that were in existence prior to 1996, other types of service businesses shall be permitted, provided that the Planning Board finds that such uses would be incompatible with the pedestrian-oriented character of the village, would rely substantially on customers arriving by automobile and parking close to the building entrance, and would not increase demand for village sewer capacity. Such uses may not involve the renovation, demolition, or rebuilding of more than 50% of the floor area of the existing structure, unless the Planning Board finds that such renovation, demolition, or rebuilding would significantly improve the appearance of the property and would be consistent with the purposes and provisions of this Zoning Law and the Comprehensive Plan.

(3) Restaurants. Restaurants that contain drive-through windows shall be prohibited. Restaurants that use trademarked architecture which identifies the company by building design features shall not be permitted, unless the Planning Board finds that such buildings are consistent with the historic architecture of the Skaneateles area.

(4) Nonconforming uses. Uses in the HC District that were in existence as of the date of enactment of this Subsection G and which do not conform to the use restrictions for the HC District may be expanded as provided in § 148-12C(3) and (4).

H. Domestic animals. On a lot of five acres or less, the keeping of not to exceed one horse or cow per acre or 100 fowl per acre is permitted.

§ 148-9. Density and dimensional regulations.

A. Purpose. The Town of Skaneateles wishes to preserve its open space, provide opportunities for affordable housing and develop according to the traditional compact pattern found in its hamlets, using flexible regulations for density and lot dimensions.

B. Conventional subdivisions. Conventional subdivisions are subdivisions that comply with the minimum lot size requirements for conventional subdivisions shown on the Dimensional Table,[8] without setting aside land as permanently protected open space. The Town wishes to discourage this type of subdivision in larger developments where it could have a potentially damaging impact on the Town's rural landscape and natural resources.

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8. **Editor's Note: The Dimensional Tables are included at the end of this chapter.**

C. Open space subdivisions. The Town wishes to encourage the use of open space subdivisions as an alternative to conventional subdivisions in the RF, RR and IRO Districts. Open space subdivisions result in the preservation of contiguous open space and important environmental resources, while allowing greater density and more flexibility than is allowed for conventional subdivisions. Open space subdivisions must satisfy the standards in §§ 148-9G and H and on Dimensional Table 3 [9] as well as applicable subdivision regulations and laws. In cases where the Planning Board finds that a proposed conventional subdivision may adversely affect the Town's rural landscape or natural resources, the Planning Board may require an applicant to submit a plan for an open space subdivision and may require that such a plan be approved as an alternative to a conventional subdivision. In order to make this determination, the Planning Board shall require that all applications for major subdivision approval and all applications for minor subdivision approval within the Lake Watershed Overlay District include a conservation analysis, as described in § 148-9G(1). The Planning Board may, in its discretion require a conservation analysis for minor subdivisions outside of the Lake Watershed Overlay District.

D. Applicability of siting or design guidelines. The Town of Skaneateles encourages development that is compatible with the existing character of the Town. Accordingly, dimensional and setback requirements contained in this chapter shall be applied in light of any siting or design guidelines specific to the Town of Skaneateles which may be adopted by the Town Board. Such siting guidelines, if adopted, may override the provisions of this § 148-9.

E. Dimensional tables. The three tables at the end of this chapter are hereby adopted and declared to be a part of this chapter and are hereinafter referred to as the "Dimensional Tables." See Subsection F for more information on the calculation of lot sizes.

F. Calculation of lot size.

(1) When calculating lot sizes in new subdivisions, the following shall be excluded from the calculation: wetlands as described in § 148-29, road rights-of-way, utility easements, and one-hundred-year floodplains.

(2) When calculating lot sizes for all other purposes, including computation of impermeable surfaces in connection with building permits and site plans, the exclusions in Subsection F(1) shall not apply, except for the exclusion of road rights-of-way.

G. Standards for open space subdivisions. In order to approve an open space subdivision, the Planning Board must find that the proposed subdivision meets the standards in this section.

(1) Conservation analysis.

(a) As part of any sketch plan submission for an open space development (or as required for a conventional subdivision in § 148-9C), an applicant shall submit a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. The

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9. **Editor's Note: The Dimensional Table 3 is included at the end of this chapter.**

conservation analysis shall show lands with conservation value on the parcel and within 300 feet of the boundaries of the parcel, including but not limited to the following:

[1] Land that is not buildable land, as defined in § 148-56.

[2] Farmland, trail corridors, stream corridors, scenic viewsheds, public water supply watersheds and wellheads, park and recreation land, unfragmented forest land, and historic and archaeological sites identified in the Comprehensive Plan or any adopted open space or farmland protection plan.

[3] Buffer areas necessary for screening new development from adjoining parcels.

[4] Stone walls and trees 12 inches diameter at breast height (dbh) or larger.

[5] Other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value, as determined by the Planning Board.

(b) The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site identified in Subsection G(1)(a) above. In the course of its initial sketch plan review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.

(c) The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved sketch plan showing land to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The sketch plan shall also show preferred locations for intensive development as well as acceptable locations for less dense development.

(d) The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Board may waive any requirements that it, in its sole discretion, deems unnecessary for a complete conservation analysis.

(2) Density calculation. Open space subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.

(a) To determine net acreage, subtract from the total (gross) acreage of the site the total acreage of all land that is not buildable land, as defined in § 148-56.

(b) To determine the base number of allowable residential units on the site, divide this net acreage by the maximum residential density figure on Dimensional Table 3.[10] Fractional units of 0.5 or less shall be rounded down, and fractional units greater than 0.5 shall be rounded up.

(3) Density bonuses. The maximum density permitted in Subsection G(2)(b) above may be increased through density bonuses designed to advance important goals of the Comprehensive Plan. Density bonuses are not available within the LWOD. These density bonuses may be combined to result in a total density bonus not exceeding 100%, except that the use of a density transfer may increase this percentage up to 150%. The density permitted by this section shall not be reduced as a result of the conservation analysis required in Subsection G(1) above or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. They are calculated by first determining the allowable base density under Subsection G(2)(b) and then multiplying that number by 100% plus the percentages that follow:

(a) If the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 25%.

(b) If the applicant permanently restricts ownership and occupancy of 20% or more of the total dwelling units (including units added under other bonus or density transfer provisions) as affordable housing pursuant to § 148-35J: a maximum of 50%.

(c) If the applicant preserves at least 60% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 25%.

(d) If the applicant preserves as permanent open space more than the required amount of land: a maximum 10% density bonus per additional 5% of the parcel preserved as open space.

(e) If the applicant receives approval for a density transfer under Subsection J: the number of units transferred from the sending parcel, up to a maximum of 50% of the base density of the receiving parcel.

(4) Minimum lot size. The limiting factor on lot size in open space subdivisions is the availability of water and sewer infrastructure. Therefore, minimum lot sizes are based upon the availability of such infrastructure as shown in Dimensional Table 3.[11]

(5) Lake frontage, lake yard, and shared lakefront recreation. See also § 148-36C.

(a) Instead of a minimum individual lake frontage, open space subdivisions allow

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10. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

11. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

an average lake frontage, to encourage clustering of units while maintaining large stretches of undeveloped lake frontage. Maintaining lake frontage areas as common open space is encouraged. To make this possible, rear and side yard setbacks may be as small as 20 feet, to enable houses to look across common open space at the lake. Dwellings shall not be so concentrated as to create a risk of lake pollution from septic systems, runoff or otherwise.

(b) Lake yards less than 200 feet deep shall be allowed only if buffer strips at least 50 feet wide are provided along the shoreline. Such buffer strips shall consist of woods or grasses, and shall be landscaped in such a manner that runoff from the development is filtered and purified before reaching the lake and travels as sheet flow rather than in distinct channels. A maintained lawn is a permissible ground cover. No application of pesticides, herbicides or fertilizer shall be permitted within the buffer strip. Buffer strips shall be protected as open space by a perpetual conservation easement. [See § 148-9H(3) below.]

(c) Within such buffer strips, areas may be thinned or cut to open views and allow pedestrian trails and to locate and provide access to docks, boathouses, boat launch ramps and beaches, provided that clearing and grading for such facilities is minimized. No more than 10% of any buffer strip may be cleared or maintained without vegetative cover (except for rock cliffs).

(d) Shared lakefront recreation must comply with § 148-36C.

(6) Front, side and rear yards and road frontage. Appropriate minimum yards in an open space subdivision will depend upon the lot sizes, the type of road frontage (state, county, town or private) and the character of the subdivision (hamlet, suburban or rural). Accordingly, yard requirements shall be established at the time of plat approval and shall be shown in a chart on the plat. Such yard and road frontage requirements shall not be less than those established for conventional subdivisions in the HM District.

(7) Impermeable surface coverage. The amount of pavement and building area is a major factor in determining the impact of a development. Therefore, limiting impermeable surface coverage (including all roofed areas and areas covered with impermeable pavement) is critical in maintaining environmental integrity. The limitation on impermeable surface coverage applies to the entire area to be subdivided, including all open space areas. Thus, individual lots may be allowed higher impermeable surface coverage allotments, as long as the total coverage is within the limits prescribed. Open space subdivision plats shall show on a table the impermeable surface coverage limit for each building lot in order to establish compliance with this subsection. Driveways, roads and parking areas that are unpaved or surfaced with porous pavement shall be considered impermeable surfaces.

(8) Minimum preserved open space. Since one of the major purposes of open space subdivision is to preserve open space, all open space subdivisions shall preserve open space as shown on Dimensional Table 3.[12] The requirements for preserving such

12. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

open space are described in § 148-9H below.

(9) Partial open space subdivision. In Skaneateles, many subdivisions do not involve full-scale development of land. In order to encourage small subdivisions to follow open space subdivision principles, there is no minimum tract size or number of lots required for an open space subdivision. However, in approving a subdivision of less than 20 lots on a parcel of land which may be further subdivided in the future, the Planning Board may require the applicant to execute a conservation easement that sets aside open space land as required in Dimensional Table 3,[13] but only in connection with the land being subdivided rather than for the entire parcel. Such open space land must be in a configuration that will preserve buildable land of conservation value based upon a conservation analysis, and must allow for subsequent extension of the open space subdivision. It therefore does not need to be contiguous with the building lots. The Planning Board may require a conservation easement to limit future development of the parcel to the lot count permitted by § 148-9G(1). The Planning Board may waive submission of documentation of the full lot count where, in the Planning Board's judgment, the number of lots proposed is substantially less than the total allowable lot count. Using this technique, an applicant in the RF District would be permitted to create a one-acre building lot and take advantage of the reduced setback and road frontage requirements for an open space subdivision, provided that a conservation analysis is submitted and that a compensating amount of land (in this case 1.5 acres of buildable land of conservation value) is set aside as protected open space, with the result that 60% of the total land area under consideration (i.e., the building lot plus the open space) is preserved as open space (1.5 acres of open space is 60% of the total of 2.5 acres under consideration).

(10) Open space land. Preserved open space may be included as a portion of one or more large lots or may be contained in a separate open space lot. Such open space may be owned by a homeowners' association, private landowner(s), a nonprofit organization or the Town or another governmental entity, as provided in § 148-9H, as long as it is protected from development by a conservation easement and does not result in fragmentation of the open space land in a manner that compromises its conservation value. The required open space land may not include private yards located within 100 feet of a principal structure. The required open space land may contain up to 25% land that is not buildable, except in the case of a partial open space subdivision [See Subsection G(9) above.] where all of the open space land must be buildable.

(11) Mixed uses.

(a) Residential and nonresidential uses may be combined in an open space subdivision, provided that all required special permits are obtained and that the applicant complies with all residential density, impermeable surface ratios and open space ratios. For nonresidential accessory uses, see Subsection I below.

(b) For every 5,000 square feet of industrial or warehouse floor space, or 2,000

13. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

square feet of other commercial floor space, the number of allowable residential units shall be reduced by one dwelling unit. Lot sizes and setbacks for nonresidential development shall be established at the time of plan approval based upon the type of use proposed, its space needs and its size, scale and impact. (See special permit criteria, § 148-16.)

(c) An applicant for a mixed-use open space subdivision may submit one application for both subdivision and special permit/site plan approval, which shall be reviewed as a comprehensive specific development plan by the Planning Board and, if applicable, the Town Board.

(12) Arrangement of lots. Lots shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall follow applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation (1994). Such guidelines shall be adapted to conform to the requirements of this chapter.

H. Permanent open space in open space subdivisions. Open space set aside in an open space subdivision or as a condition of any special permit or site plan approval [See § 148-15F(2) and 148-19D(2).] shall be permanently preserved as required by this section. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to § 148-9H(3) below, and provided that the Planning Board or Town Board approves such configuration of the open space as part of its subdivision, special permit or site plan approval. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land as established in the conservation analysis required by Subsection G(1) above.

(1) Conservation value of open space. The open space protected pursuant to this § 148-9 must have conservation value, which may include historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include view corridors along scenic roads, agricultural land, lake watershed and shoreline land, large areas of contiguous mature forest, wetlands, water bodies and stream corridors. Agricultural land, even if suitable for development, shall be considered land of conservation value. The conservation value of open space land shall be evaluated through the conservation analysis required by Subsection G(1) above.

(2) Notations on plat or site plan. Preserved open space land shall be clearly delineated and labeled on the final subdivision plat or site plan as to its use, ownership, management, method of preservation and the rights, if any, of the owners of other lots in the subdivision to such land. The plat or site plan shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the deed reference of any conservation easements or deed restrictions required to be filed to implement such restrictions.

(3) Permanent preservation by conservation easement.

(a) A permanent conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, recreation, protection of natural resources or similar conservation purposes, pursuant to § 247 of the General Municipal Law and/or §§ 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the reviewing board. Such conservation easement shall be approved by the reviewing board and shall be required as a condition of subdivision plat approval. The reviewing board may require that the conservation easement be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's office. In the case of subdivisions of less than five lots and minor projects, a deed restriction enforceable by the Town may be substituted for a conservation easement.

(b) The conservation easement shall protect the conservation values identified in the conservation analysis. It shall prohibit residential, industrial or commercial use of open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use. Access roads, driveways, local utility distribution lines, trails, temporary structures for outdoor recreation and agricultural structures shall be permitted on preserved open space land, provided that they do not impair the conservation value of the land. The conservation easement may allow dwellings to be constructed on portions of parcels that include preserved open space land, provided that the total number of dwellings permitted by the conservation easement in the entire subdivision is consistent with applicable density limitations of this chapter and that the open space land does not become fragmented in a way that interferes with its proper management and with protection of its conservation values.

(4) Ownership of open space land.

(a) Open space land may be owned in common by a homeowners' association (HOA), dedicated to town, county or state governments, transferred to a nonprofit organization acceptable to the Planning Board, held in private ownership or held in such other form of ownership as the Planning Board finds adequate to properly manage the open space land and to protect its conservation value, based upon the conservation analysis.

(b) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

[1] The HOA must be set up before the final subdivision plat is approved and must comply with all applicable provisions of the General Business Law.

[2] Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities.

[3] The open space restrictions must be in perpetuity.

[4] The HOA must be responsible for liability insurance, property taxes and the maintenance of recreational and other facilities and private roads.

[5] Property owners must pay their pro rata share of the costs in Subsection H(4) above, and the assessment levied by the HOA must be able to become a lien on the property.

[6] The HOA must be able to adjust the assessment to meet changed needs.

[7] The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

[8] Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

[9] The attorney for the reviewing board shall find that the HOA documents presented satisfy the conditions in Subsections H(1) through (8) above and such other conditions as the Planning Board shall deem necessary.

(5) Maintenance standards.

(a) Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land as a condition of subdivision approval, to ensure that the open space land is not used for storage or dumping of refuse, junk or other offensive or hazardous materials.

(b) If the Town Board finds that the provisions of § 148-9H(5)(a) above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days' written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property or properties.

I. Accessory uses. Nonresidential accessory uses may be permitted in an open space subdivision, provided that the applicant complies with all residential density, impermeable surface, and open space requirements. Permitted nonresidential accessory uses that may be included in an open space development include:

(1) Common buildings for dining, recreation, and for entertaining and lodging guests of the residents.

(2) Child-care facilities for residents of the development as well as those outside the

development.

(3) Office space for use by administrators of the development as well as for use by residents of the development in the conduct of their business, provided that such offices comply with the rules applicable to home occupations in § 148-35A.

(4) Storage facilities, which may be used as needed for the needs of the development and its residents. If such facilities are used for business purposes, they shall comply with the rules applicable to home occupations in § 148-35A.

(5) Recreational facilities for use by residents and their guests.

J. Density transfer (transfer of development rights). The Town of Skaneateles encourages flexibility in the location and layout of development, within the overall density standards of this Zoning Law. The Town therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"). A density transfer may be permitted from any land with conservation value located in the RF or RR District to any land in the HM District, or any land within the RR District which the Planning Board determines to be suitable for receiving additional density. No receiving parcel under this section may be located within the Lake Watershed Overlay District. Sending parcels may be located in either the RF or RR Districts. The process of density transfer is as follows:

(1) Procedure.

(a) All density transfers require a special permit from the Planning Board.

(b) A special permit application for a density transfer shall be signed by the owners (or their authorized representatives) of both the sending and receiving parcels.

(c) The special permit application shall show a proposed development plan for the receiving parcel (subdivision and/or site plan) as well as density calculations for both the sending and receiving parcels, prepared according to the provisions of § 148-9G(2). The density calculation for the sending parcel shall be based upon only the "base density" and shall not include any of the density bonuses available under § 148-9G(3).

(d) In reviewing an application for density transfer, the Planning Board shall first determine the number of allowable residential units permitted on the receiving parcel following all of the relevant criteria in Subsection J(2) [or the lot size and dimensional criteria for the HM District if the receiving parcel is located in one of those districts.] The Planning Board shall then determine the number of residential units available to transfer from the sending parcel(s).

(e) The Planning Board may then grant a special permit allowing the transfer to the receiving parcel of some or all of the allowable residential units from the sending parcel(s). In order to accommodate the additional density on the receiving parcel, the Planning Board may waive one or more of the dimensional requirements applicable in the zoning district.

(f) As a condition of approval of the density transfer, a conservation easement on the sending parcel(s) satisfying the requirements of § 148-9H shall be executed

and recorded in the County Clerk's office, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. In addition, the conservation easement shall require that an area of land of conservation value be permanently restricted which is equal to the number of units transferred times the minimum acreage per lot in the zoning district, and that the total amount of impermeable surface coverage on the parcel be reduced according to the number of units transferred. (For example, if five units are transferred and the density in the sending district is one unit per two acres, at least 10 acres of the sending parcel would have to be permanently restricted, and those 10 acres would not count in calculating the maximum impermeable surface coverage allowed for any permitted development of the sending parcel.) The owner of a sending parcel may retain the right to construct one or more dwelling units on the sending parcel, provided that the conservation easement specifically limits the sending parcel to that number of dwelling units. Alternatively, the conservation easement may apply only to a specified tract of land that is limited to no further development, in accordance with the density standards of this Zoning Law.

(2) Findings required. The Planning Board shall not approve any residential density transfer unless it finds that:

(a) All requirements for the granting of a special permit have been satisfied.

(b) If the receiving parcel is in the RR District, the addition of the transfer units to the receiving parcel will not increase the maximum allowable density under § 148-9G(2) by more than 50%, and will not adversely affect the area surrounding the receiving parcel.

(c) The density transfer will benefit the Town by protecting developable land with conservation value on the sending parcel(s).

(d) The density transfer will be consistent with the Comprehensive Plan.

(3) Financial contribution in lieu of transferring development rights. An applicant may increase density on a receiving parcel by making a financial contribution to the Town's Land and Development Rights Acquisition Fund in an amount sufficient for the Town to purchase land or development rights for conservation purposes on a sending parcel of the Town's choice. The amount of such contribution shall be established by the Town Board by separate resolution or local law, and the standard for establishing such amount shall be the cost of preserving developable land of equivalent value to the land being developed, including an administrative fee of 10%. The amount to be paid into the fund shall also be based upon the number of acres which would have to be protected to justify the increased density on the receiving parcel. For example, instead of restricting 20 acres on a sending parcel, the applicant could pay what it would cost the Town to preserve 20 acres of developable land on a sending parcel identified based upon the criteria contained in the Farmland and Open Space Protection Plan and/or the Comprehensive Plan adopted by the Town Board.

K. Cluster development subdivisions. [Added 10-1-2009 by L.L. No. 4-2009]

(1) The Town Board is desirous of the Planning Board to be authorized on a case-by-case basis to have the flexibility of design and development of land so as to preserve natural and scenic qualities of open lands.

(2) The Planning Board is hereby authorized pursuant to New York State Town Law § 278 and the following requirements to approve a cluster development simultaneously with the approval of a plat or plats of a subdivision.

(3) The Planning Board is further authorized to approve a cluster development in any zoning district within the Town of Skaneateles.

(4) The final plat approval issued by the Planning Board pursuant to this section shall determine all future dimensional requirements, restrictions and conditions for future Zoning Law compliance. The Town Zoning Map shall be amended to indicate that an approved cluster development plat regulates future development on the site.

(5) Prior to consideration of a cluster subdivision and only at the request of the Planning Board, the Town Board of the Town of Skaneateles must authorize by resolution the Planning Board to use such authority as to each specific application.

    (a) The Planning Board shall provide the Town Board any documents requested by the Town Board in consideration of the Planning Board's request. This information shall minimally include a generalized description comparing how the site may be developed in a conventional manner with conforming lots and/or structures and how it may be developed using a cluster development method. Detailed documentation and plans will be required for submission to the Planning Board only after approval to consider such request by the Town Board.

    (b) Written consent by the applicant shall be provided extending the applicable time limitations of subdivision review if a request for cluster development occurs after a conventional subdivision application has been formally accepted and/or scheduled for a public hearing by the Planning Board.

(6) Nothing in this section shall require the Planning Board to request cluster subdivision authority from the Town Board. However, the Planning Board may request the authority to require an applicant to pursue cluster development on a site.

(7) The granting of authority by the Town Board to the Planning Board to consider cluster subdivision shall not be deemed to require the Planning Board to approve such cluster subdivision.

(8) Pursuant to Town Law § 278, in the event that the Planning Board establishes any conditions on the cluster subdivision approval that require approval of the Town Board, then such conditions must be approved by the Town Board before the plat may be approved for filing.

(9) The provisions of Town Law § 278 are hereby referenced and incorporated herein as if fully set forth in this section.

§ 148-10. Conservation density subdivisions.

See Chapter 131 of the Town Code, the Town of Skaneateles Subdivision Law, § 131-6.

§ 148-11. Supplementary dimensional regulations.

A. Setbacks from power lines. No permanent structure shall be erected within 100 feet of the outside conductor of a power line of 115 kilovolts or higher.

B. Corner lots and through lots. Wherever a side or rear yard is adjacent to a street, the front yard setback and required road frontage shall apply to such side or rear yard.

C. Projections into required yards. [Amended 1-18-2007 by L.L. No. 1-2007]

(1) The following projections into required yards may be permitted:

(a) Steps and stairs: four feet into required side or rear yards.

(b) Awnings or movable canopies: six feet into any required yard.

(c) Cornices, eaves and other similar architectural features: three feet into any required yard.

(2) Carport. An open or enclosed carport shall be considered a part of the building in the determination of the size of the required yard.

(3) Porch. An open or screened porch, or patio or deck may project eight feet into a required front yard.

(4) Driveways and parking areas. Notwithstanding other provisions of this Code:

(a) Paved areas for reasonable access shall be allowed in required yards.

(b) Driveway and parking areas shall be set back at least 20 feet from side and rear lot lines, except that:

[1] Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.

[2] On lots with less than 80 feet of lot width, individual driveways and parking areas shall be set back at least eight feet from side lot lines.

[3] If the sight distance is not adequate to satisfy minimum required sight distances, as determined by the permitting agency having jurisdiction for issuing driveway permits, then the Codes Enforcement Officer or the Planning Board has the discretion to waive the applicable driveway setback requirements in this subsection.

(c) In the IRO District, parking areas shall be set back at least 20 feet from all lot lines and rights-of-way except that for an expansion of an existing parking lot, parking areas may be set back consistent with the existing parking lots. The reviewing board shall consider requiring buffers as provided in § 148-32A(4)(d).

D. Height exceptions.

(1) Otherwise applicable height limitations shall not apply to any flagpole, radio or television antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet or railing, water tank or any similar structure, provided that such structure is firmly attached to the roof or side of a building and covers no more than 100 square feet.

(2) Barns, silos, and solar energy systems may exceed 35 feet, provided that they comply with applicable sections of the supplementary regulations, and provided that for every one foot by which such structures exceed the height of 35 feet, the minimum yard requirements are increased by one foot.[14]

E. Side yards for semidetached and attached dwellings. Side yards for semidetached and attached dwellings shall be required at each end of the entire structure only.

F. Setbacks for accessory structures and uses.

(1) In the case of any barn, garage, stable, tennis court, swimming pool or any accessory structure attached to the principal building, all the minimum yard requirements of this chapter applicable to the principal building shall be met. Other detached accessory structures or uses may encroach into required yards, provided that they:

(a) Are not used for human habitation.

(b) Have a footprint no larger than 200 square feet.

(c) Do not exceed 16 feet in height.

(d) Do not occupy more than 10% of a required rear yard.

(e) Are set back at least 10 feet from side or rear lot lines.

(f) Are not located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins and similar roadside structures with less than 100 square feet of footprint, as well as ornamental structures such as entry pillars and statues.

(g) Are not used for housing animals or storing manure, fertilizer or chemicals.

(2) For corner and through lots, the setback from all streets shall be the same for accessory structures as for principal buildings.

(3) Any swimming pool, tennis court or other accessory structure or use with a footprint greater than 600 square feet shall, if in front of the principal building, be set back at least twice the minimum front yard requirement.

(4) Accessory structures shall not have flashing lights or lights which cause glare onto adjoining properties or the public roadway.

(5) For special agricultural setbacks, see §§ 148-31A(2) and 148-31D.

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14. **Editor's Note: Former Subsection D(3), regarding height restrictions for windmills, which immediately followed this section, was repealed 5-6-2010 by L.L. No. 1-2010.**

(6) For lake yard setback requirements, see § 148-36.

(7) For wetland and watercourse setbacks, see § 148-29D.

(8) For satellite dishes four feet in diameter or larger, the setbacks and minimum yard requirements shall be the same as for principal buildings.

G. Fences. Fences shall be permitted regardless of the setback requirements of this chapter, subject to the following conditions:

(1) No fence exceeding four feet in height shall be permitted within 100 feet of the lake line. Any such fence four feet or less in height within 100 feet of the lake line (excluding gates) must allow at least 50% of visual penetration when viewed at any angle between 45° and 90° to its face, including pickets, post, rails or any other feature that can block visual penetration.

(2) No fence exceeding six feet in height shall be permitted anywhere within the Town, except that a fence up to 10 feet in height may enclose a tennis court, provided that it complies with applicable setback requirements.

(3) Fences shall be set back a minimum of one foot from the respective property line, with the exterior (good) side of the fence facing out, and with the wiring, structural elements or other components of the fencing not designated for presentation to the public facing in.

(4) No fence shall be constructed in a road or street right-of-way.

H. Berms and walls. Berms and walls shall be permitted regardless of the setback requirements of this chapter, subject to the following conditions:

(1) No berm or wall (except retaining walls along or parallel to the lake line or along a watercourse) shall be permitted within 100 feet of the lake line. Except for retaining walls serving as bank protection along or parallel to the lake line, no wall within 100 feet of the lake line shall exceed four feet in height. See § 148-29E, which establishes site plan approval requirements for such structures.

(2) A berm or wall six feet in height or less shall be permitted more than 100 feet from the lake line.

(3) Berms and walls shall be set back a minimum of one foot from the respective property line. Any wiring or structural elements or other components of a wall shall face in.

(4) No berm or wall shall be constructed in a road or street right-of-way.

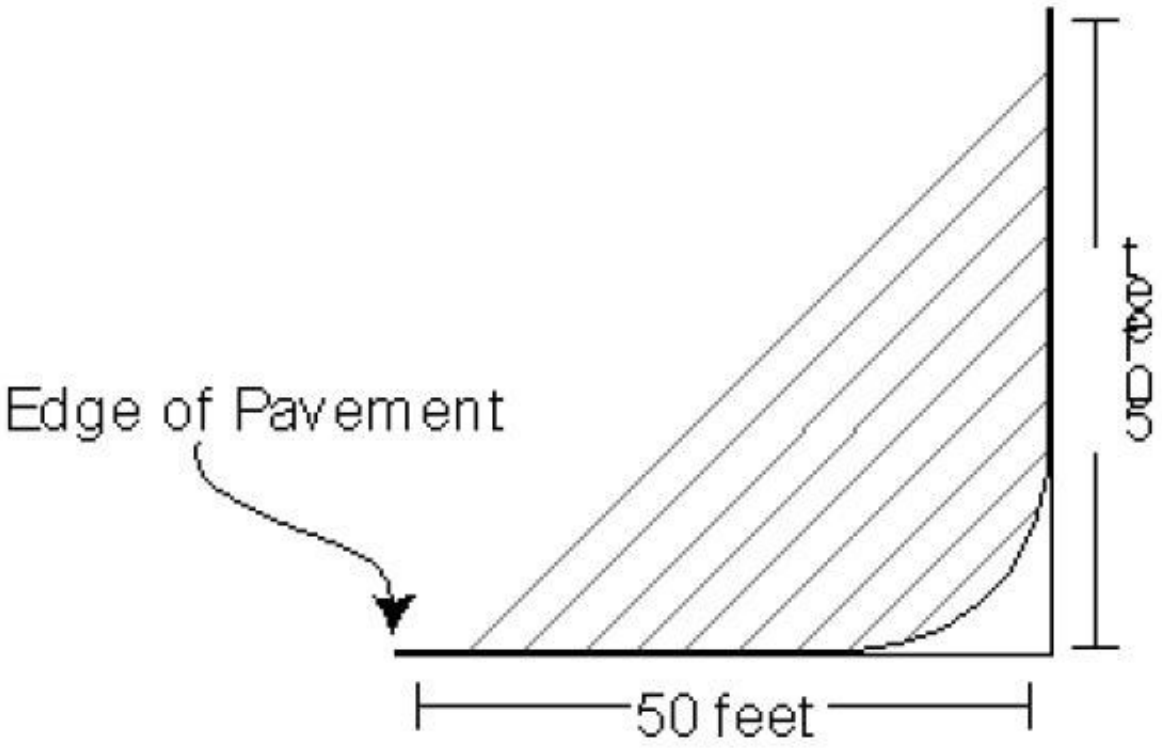
(5) In addition to complying with § 148-11H(1) through (4) above, all berms and walls must be approved by the Codes Enforcement Officer upon receipt of an application and the application fee established by resolution of the Town Board. The Codes Enforcement Officer may require a topographic survey and/or a review by the Town Engineer at the applicant's expense.

(6) Agriculture is exempt from this subsection, provided that all berms or walls comply

with best management practices.

I. Corner clearance/visibility at intersections. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded in Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the edge of the right-of-way line. If directed by the Planning Board, ground shall be excavated to achieve visibility.

SKETCH A



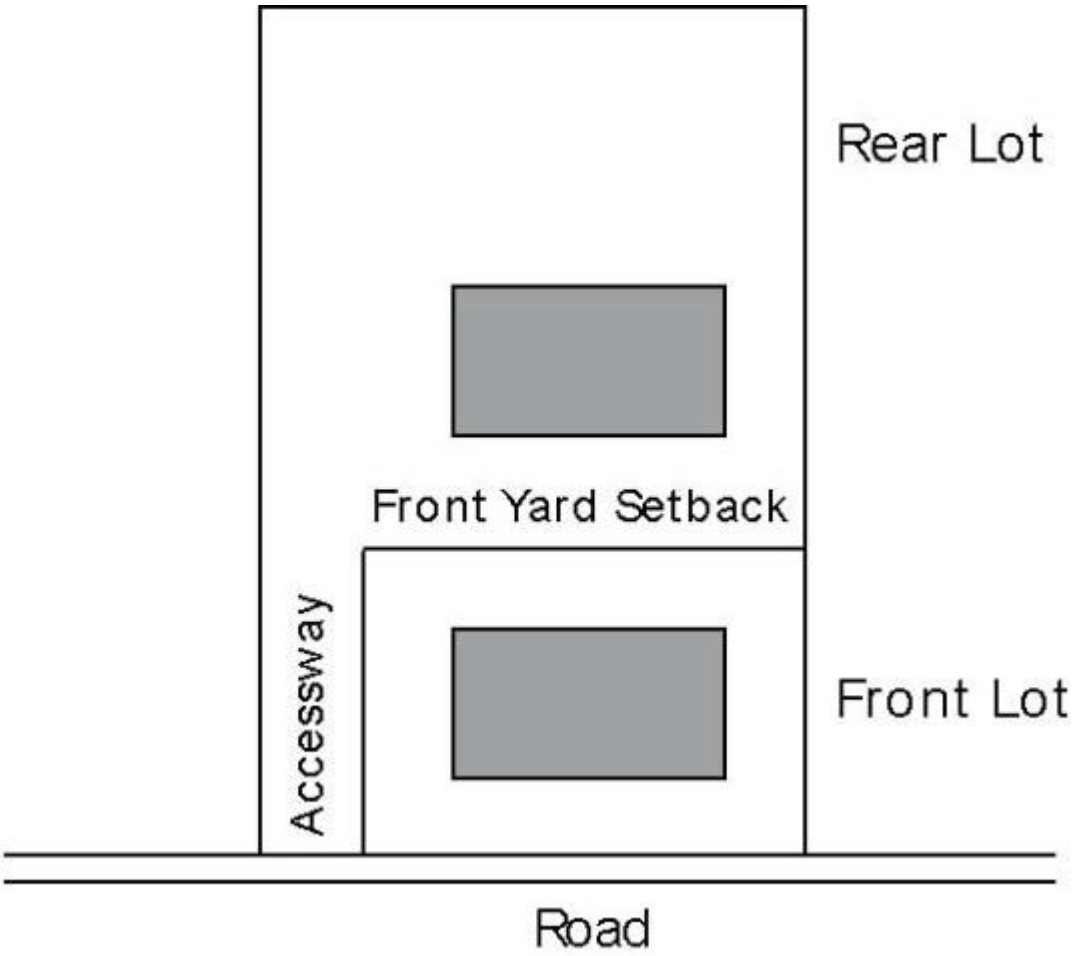
J. Rear ("flag") lots. It is the policy of the Town of Skaneateles to encourage maximum flexibility for development which is screened from public view. Accordingly, it is desirable to locate residences on rear lots without requiring compliance with otherwise applicable road frontage requirements. The RF, RR HM and IRO Districts are hereby declared an open development area under § 280-a, Subdivision 4, of the Town Law. Building permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way easement over other lands, under the conditions contained in this

subsection. Notwithstanding the road frontage requirements of § 148-9, rear lots with or without access strips running to public or platted private roads may be created where they will not endanger public health and safety and will help preserve natural, historic and scenic resources. The following requirements apply to rear lots:

(1) Each rear lot must have either a minimum frontage of 30 feet on an improved public or private road together with an access strip as defined in this chapter or no minimum frontage and a deeded right-of-way easement at least 30 feet wide over other lands, providing legally adequate and physically practical vehicular and utility access to a public or private road. In the HM District, rear lots must have a minimum road frontage of 15 feet or a deeded right-of-way easement at least 15 feet wide.

(2) Except for Subsection J(1) above, rear lots must meet all other requirements for a lot in the applicable land use district. For purposes of determining front yard setbacks, the front yard shall be the yard area lying between the principal structure and the street from which access is obtained. The front yard setbacks shall be measured as shown on Sketch B below.

SKETCH B



(3) No more than four access strips to rear lots may adjoin one another and must share

one common driveway. No more than four dwelling units (including accessory apartments) may be served by a common driveway. Subdivisions of five or more rear lots and any development containing five or more dwelling units must be served by a private road that satisfies requirements for private roads in the Subdivision Law (Chapter 131 of the Town Code).

(4) All rear lots must have safe access for fire, police and emergency vehicles.

(5) The proposed rear lots must not result in degradation of important natural resource and landscape features identified in the Comprehensive Plan and Zoning Law, including, but not limited to, Skaneateles Lake, streams and wetlands.

(6) When necessary to satisfy the criteria in Subsection J(5) above, the reviewing board may require the applicant to grant a conservation easement or deed restriction enforceable by the Town and adjoining landowners that limits the area within which the house and driveway may be constructed on the rear lot.

K. Multiple and accessory dwellings.

(1) Two-family dwellings.

(a) Two-family dwellings shall be permitted by right on lots that are at least twice the minimum lot size in the district.

(b) On lots created as part of an open space subdivision, two-family dwellings may be approved as part of the approval process for the open space subdivision, consistent with the density requirements for open space subdivision.

(2) Accessory residential structures and accessory apartments. An accessory apartment may be located in a principal building or an accessory structure (in which case that structure would become an accessory residential structure) in any zoning district, provided that the following conditions are met:

(a) Any lot may contain one accessory apartment by right, if it has at least the minimum acreage required for a conventional subdivision (Dimensional Table 1).[15]

(b) The Planning Board may grant a special permit allowing accessory apartments to be located on a lot which does not comply with Subsection K(2)(a) above, provided that the structure is not within 100 feet of the Lake and the Board finds that such accessory apartments will comply with County Health Department regulations and with applicable sections of this chapter. The Board shall require, as a condition of such special permit, that such accessory apartments may not be later subdivided onto separate lots.

(c) No accessory residential structure shall be subdivided onto a separate lot unless it can satisfy applicable dimensional requirements of this chapter or any siting or design guidelines adapted by the Town Board.

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15. **Editor's Note: Dimensional Table 1 is included at the end of this chapter.**

(3) Multifamily dwellings.

(a) Multifamily dwellings shall require a special permit.

(b) The maximum density for multifamily dwellings shall be determined in each case by the reviewing board based upon all relevant special permit and site plan review criteria and the standards in this Subsection K(3). In no case shall the density exceed four dwelling units per acre of buildable land as defined in § 148-56.

(c) In any multifamily major project, a minimum of 50% of the total project site and 15% of the site's buildable land shall be preserved as open space land pursuant to § 148-9H, except that in the HM Districts outside of the LWOD, a minimum of 25% of the total project site and 15% of the site's buildable land shall be preserved as open space land pursuant to § 148-9H.

(d) Multifamily development shall comply with the Hamlet Design Guidelines and Building Form Guidelines referred to in § 148-18D.

(4) Multiple residences on a lot. A lot may contain more than one principal residential structure, provided that it has sufficient acreage to comply with the density requirements of the district. The construction of more than one principal residential structure on a lot shall require site plan approval by the Planning Board, which shall include the preparation of a conservation analysis as required by § 148-9G(1). The Planning Board may require compliance with the criteria for open space development in § 148-9G. For purposes of this subsection, any residential structure containing over 2,500 square feet of floor space shall be considered a principal residential structure.

(5) Common driveways. No more than four dwelling units may be served by a common driveway, which shall have a minimum right-of-way of 30 feet. A road or driveway providing access to five or more dwelling units (including accessory apartments) shall comply with the standards for minor streets in the Subdivision Law (Chapter 131 of the Town of Skaneateles Code).

L. Impermeable surface coverage and minimum open space in the IRO and HC Districts. For purposes of determining compliance with impermeable surface coverage and minimum open space requirements in the IRO and HC Districts, the total land area to be considered may include, at the applicant’s election, not only the entire lot or parcel on which development occurs, but also other land in the same ownership that is contiguous to the development parcel and/or that is located across a road or utility easement, provided that such land is within the same watershed. Such land may be located in any land use district, but must have a direct connection across such road or utility easement (i.e., by a line drawn perpendicular to the right-of-way) without passing through any land under different ownership (other than land within the road or right-of-way). Such land area in common ownership may be used for stormwater management, land conservation, or recreation, and it shall be protected from future development by a conservation easement as provided in § 148-9H(3). Any site plan or subdivision approval in which this § 148-11L is used to aggregate contiguous land or land lying across a road or utility easement shall contain a note on the final plat or site plan reciting applicable restrictions on development of the land

required by this § 148-11L and referring to any conservation easements recorded pursuant to this section. This section shall not be used to aggregate land across a road or right-of-way for purposes of satisfying minimum lot area requirements. [Added 10-2-2006 by L.L. No. 3-2006]

§ 148-12. Nonconforming uses, structures and lots. [Amended 7-24-2007 by L.L. No. 13-2007]

The rules that follow apply to nonconforming uses, structures, and lots. It should be noted that, in any given circumstance, a nonconformity may exist as to any one or any combination of these three categories. Nonconforming structures (including nonconformities as to impermeable surface coverage) and uses are governed by Subsections A through G and I below. Nonconforming lots are governed by Subsections G and H. These sections operate independently, i.e., more than one set of rules may apply if a structure or use is nonconforming and the lot is also nonconforming. In case of any conflict among the requirements of these subsections, the more restrictive shall apply.

A. Continuation of nonconforming uses and structures. Any lawful structure or use existing at the time of enactment or amendment of this chapter which becomes nonconforming as a result of such enactment or amendment may be continued, except that:

(1) Any sign which was nonconforming under this chapter or under any previous ordinance or local law shall be subject to the provisions of Chapter 123 of the Town Code.

(2) Any junk storage area shall be required to comply with § 148-35E of this chapter and Chapter 86 of the Town Code.

B. Abandonment. A nonconforming use of land or structure(s) which is abandoned for a period of 18 consecutive months shall not be reestablished, and any subsequent use of the same property shall conform to the requirements of this chapter.

C. Alteration and restoration. A nonconforming use or structure shall not be extended, expanded or structurally altered except as provided below. (The extension of a lawful use to any portion of a nonconforming structure shall not be deemed the extension of a nonconforming structure or use.)

(1) A nonconforming structure or use may be rebuilt in the event of its total or partial destruction by fire, casualty, or other natural causes, to occupy the same or a lesser amount of footprint, but may not exceed the height or interior volume of the totally or partially destroyed structure. The rebuilt structure may also be enlarged as provided in Subsections C(2), (3), and (4) below. This subsection shall not apply to voluntary demolition of a structure. [See Subsection C(5) below.]

(2) A nonconforming structure that is nonconforming only as to lot line setbacks may be expanded without a variance or special permit, provided that such expansion does not increase the nonconformity of the structure.

(3) Notwithstanding the provisions of § 148-12G(1)(a)[7], a nonconforming structure or use may be expanded by up to a total of 500 square feet of floor space and 5,000 cubic feet of interior volume without a variance or special permit, provided that such

expansion does not increase the nonconformity of the structure or expand the nonconforming use. The 500 square feet of permitted expansion shall be cumulative and shall include all prior expansions since January 1, 1996. For purposes of this Subsection C(3), the floor space and interior volume of a garage and the floor space of decks and patios shall be counted toward the total floor space and interior volume. The increased floor space or volume may result in an increase in the height of the structure consistent with the height limits of this chapter, provided that no part of the structure is located within 50 feet of the lake line.

(4) The Planning Board may issue a special permit allowing the expansion of a nonconforming use or structure by more than 500 square feet of floor space and/or 5,000 cubic feet of interior volume [including garage, deck, or patio as in Subsection C(3) above]. Such expansion may not exceed 25% of total floor space or volume of the structure or use as it existed on January 1, 1996, provided that all other requirements of this Zoning Law can be met, including the limitation on impermeable surface coverage, and that the expansion does not reduce the size of any nonconforming yards by more than 10%. No nonconforming lake yard may be reduced by such an expansion. The permitted expansion referenced above shall be cumulative. The Planning Board shall consider and include all prior expansions since January 1, 1996. The Planning Board may also issue a special permit allowing the expansion of a nonconforming use or structure by 500 square feet or less of floor space and/or 5,000 cubic feet or less of interior volume where the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements. For any case in which the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.

(5) A nonconforming structure may be demolished and a new structure built to the same or lesser height and floor space and on the same or lesser footprint without a variance or special permit, provided that the structure and the lot on which it is situated comply with applicable maximum impermeable surface requirements. Increases in height, footprint, floor space, or interior volume are permitted in compliance with all of the limits in Subsection C(2), (3), and (4) above. Any change in location of the footprint shall require a special permit unless the structure in the new location complies with all of the dimensional requirements of this Zoning Law, including impermeable surface coverage requirements. If the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface coverage requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.

(6) Nonconforming boathouses shall not be expanded under any circumstances, and no

expansion of nonconforming residential uses within boathouses shall be permitted. No kitchen or bathroom facilities shall be installed in such boathouses.

D. Necessary maintenance and repairs. A nonconforming use or structure may be repaired or restored to a safe condition.

E. Change to other nonconforming use. A nonconforming use of a structure or parcel of land may, upon issuance of a special permit by the Planning Board, be changed to another nonconforming use which is of the same or lesser impact. However, no structure in which a nonconforming use has been changed to a use of lesser impact shall again be devoted to a nonconforming use with greater impact. In determining whether a use is of greater or lesser impact, the Planning Board shall consider the criteria listed in § 148-16.

F. Construction started prior to this chapter. Any structure for which construction was begun prior to the effective date of this chapter, or of any amendment thereto, may be completed and used in accordance with the approved plans, specifications and permits for such structure. Any structure for which construction has not begun pursuant to approved plans shall not be subject to this chapter and any amendments thereto, provided that a valid building permit has been issued prior to enactment. The Codes Enforcement Officer, may, in his or her discretion, issue a building permit for any application involving a variance, special permit or site plan review that has been given final approval prior to enactment.

G. Existing nonconforming lots.

(1) Any lot of record created prior to December 7, 2005, which complied with the area, density or dimensional requirements of this chapter at the time it was created but no longer complies shall be deemed to comply with such requirements, and no variance shall be required for its development, provided that:

(a) The following dimensional requirements are satisfied:

[1] Minimum lot area: 5,000 square feet, except within the Lake Watershed Overlay District, where the minimum lot area shall be 20,000 square feet.

[2] Minimum lot width and lake frontage: 50 feet minimum lot width; 75 feet minimum lake frontage.

[3] Minimum front yard: 15% of lot depth but not less than 25 feet. This reduction of setback is not available for lots over two acres.

[4] Minimum side yard, each: 20% of lot width but not less than eight feet. This reduction of setback is not available for lots over two acres.

[5] Minimum rear yard: 15% of lot depth but not less than 25 feet. This reduction of setback is not available for lots over two acres.

[6] Minimum lake yard: 60 feet for structures built prior to January 1, 2001, and 100 feet for the construction of any new structures thereafter

[7] Building limitations:

[a] The following limitations of Subsection G(1)(a)[7][a][i] and [ii]

below shall apply, separately or together, to new buildings and to the enlargement of the footprint of preexisting buildings on nonconforming lots of less than 40,000 square feet. These limitations apply whether or not the preexisting buildings are conforming or nonconforming structures and do not apply on lots of 40,000 square feet or larger. For expansion of preexisting nonconforming structures, see § 148-12C. On lots within 1000 feet of the lake line (includes any portion thereof): [Amended 1-20-2011 by L.L. No. 1-2011]

[i] The total footprint of all principal and accessory buildings shall not exceed 6% of the lot area.

[ii] The total floor space of all principal and accessory buildings shall not exceed 10% of the lot area.

[b] The Town Codes Enforcement Officer shall use the most recent floor plans approved and on file to determine preexisting conditions and compliance. When no floor plans are on file with the Town or otherwise not available, the floor space calculation shall be based on measurements certified by a qualified design professional at the time of a new application for a building and/or zoning permit.

[c] For purposes of this section, 80% of unfinished but potentially habitable floor space in basements shall be included in the floor space calculation.

[8] In the Lake Watershed Overlay District, maximum impermeable surface coverage shall be 10%, except as provided in § 148-12G(6) below.

[9] Outside the Lake Watershed Overlay District, for lots of less than two acres, the maximum impermeable surface coverage shall be 15%, except as provided in § 148-12G(6) below.

(b) All Health Department regulations are satisfied.

(c) Any residential use of a nonconforming lot shall be limited to one single-family dwelling, unless a special permit for an accessory apartment has been granted pursuant to § 148-11K(2)(b).

(d) Site plan review, if otherwise required, is obtained. For lots of less than 40,000 square feet, site plan review shall also be required for any building or expansion of an existing building exceeding 500 square feet in footprint area and located within 1,000 feet of the lake line.

(e) Site plan approval shall not be granted for any structure on a nonconforming lot unless the Planning Board makes a written finding that in its judgment the applicant has mitigated any impacts of the proposed development and that the result of such development will be to reduce the quantity and improve the quality of surface and ground water leaving the site. The Planning Board shall require improvements in on-site stormwater and landscape management and

septic waste management in order to make such a finding. Such improvements may include, without limitation, infiltration trenches and other drainage improvements and vegetated stream and lake buffers.

(f) In the Lake Watershed Overlay District, all requirements of §§ 148-21, 148-26, 148-29 and 148-30 must also be satisfied.

(2) Notwithstanding the foregoing provisions, no variance shall be required for the following:

(a) On nonconforming lots of less than 20,000 square feet, the construction of a permanent deck or patio, not to exceed 175 square feet, provided that the construction does not increase the nonconformity of the structure it adjoins. If the increased nonconformity relates only to the open space requirements, then such construction shall be permitted.

(b) Construction of a fence, berm, or wall complying with § 148-11G and H.

(c) Any renovation or ordinary repairs to an existing building or structure which is not intended to and does not provide for a new or extended use or size of the building, structure or premises, provided that such alteration or repair does not increase the nonconformity of the building or structure.

(d) On nonconforming lots of less than 20,000 square feet, outside the required lake yard, there may be one detached storage shed, provided all of the following conditions are met:

[1] The storage shed is not larger than 80 square feet.

[2] The storage shed is no more than 10 feet in height.

[3] The storage shed is not used for human habitation.

[4] The storage shed is not used for housing animals or storing manure, nonresidential fertilizers or chemicals.

[5] The storage shed does not occupy more than 10% of a required rear yard.

[6] The storage shed is set back at least 10 feet from the side or rear lot lines.

[7] The storage shed is not located closer to the street than the front yard setback required for a principal structure.

(e) The construction of a sea wall or retaining wall along or parallel to the lake line where the Planning Board determines, through the special permit review process, that the wall will provide erosion control benefits.

(f) Demolition of a structure, provided that any replacement structure fully complies with all dimensional requirements of the Zoning Law.

(3) A special permit is required for conversion of a seasonal use residential structure located within 100 feet of Skaneateles Lake on a nonconforming lot to year-round use to assure protection of lake water quality.

(4) Notwithstanding the foregoing provisions, any undeveloped lot in a subdivision which was not properly approved by the Planning Board or Town Board or not filed in the office of the County Clerk, and whose area or dimensions do not comply with the requirements of this chapter, shall be considered a violation of this chapter and shall not be protected under Subsection G(1) above.

(5) In accordance with Town Law § 265-a, any lot proposed for residential use in a subdivision whose plat delineates one or more new roads or highways, which is shown in a subdivision plat that has been properly approved by the Planning Board and filed in the office of the County Clerk prior to the effective date of this chapter, and which violates the minimum area and dimensional requirements of this chapter, shall be deemed to comply with such minimum requirements for three years after the filing of the subdivision plat.

(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: [Amended 6-16-2016 by L.L. No. 2-2016]

(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 (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, the 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 Subsection (6)(b) above.

H. Reduction in lot area. No lot shall be reduced in area in a manner that violates the dimensional requirements of this chapter.

I. Special permit uses. Any use which can be allowed by special permit under this chapter, but which has not been issued a special permit, may continue as a nonconforming use until it is granted a special permit. Upon the granting of such a special permit, the use shall become conforming and shall be governed by the conditions attached to the special permit. If such a special permit is denied, the use may continue as a nonconforming use, subject to the requirements of this § 148-12.

ARTICLE IV
Special Permits and Site Plan Review

§ 148-13. Purpose and applicability. [Amended 6-16-2009 by L.L. No. 2-2009]

A. It is the policy of the Town of Skaneateles to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment or the rural and historic character of the Town. Some uses are allowed by right, subject only to site plan approval. (See Use Table at the end of this chapter.) Some uses are uses for which issuance of a special permit is required and for which conformance to additional standards is required, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case that requires consideration of the merits and details of each proposed use to assure that such proposed use is in harmony with this

chapter and the Comprehensive Plan, and that such proposed use will not adversely affect the general character of the surrounding area if the conditions of the special permit are met. [Amended 5-3-2012 by L.L. No. 2-2012]

B. Accessory uses or structures used in connection with a special permit or site plan use shall be subject to the same approval requirements as the principal structure or use. For special permit amendments, see § 148-17.

C. Because the impact of special permit uses varies, the review procedure and information required to be submitted for a special permit will depend upon the scale of the proposed use and whether it is a major or minor project.

§ 148-14. Required submissions for special permit applications. [Amended 6-16-2009 by L.L. No. 2-2009]

A. Major project special permit. An applicant for a major project special permit shall submit the following information. The number of copies required to be submitted and required submittal date shall be established by the Planning Board.

(1) A major project application form. Copies of the application form and Applicant's Guide may be obtained from the Town Code Enforcement Officer's office.

(2) Copies of a preliminary site plan and materials, containing the information listed in § 148-18, Site plan review, as the Planning Board deems necessary for conceptual review of the proposed use.

(3) A narrative report specifically describing how the proposed use will satisfy the criteria set forth in § 148-16, as well as any other applicable requirements relating to the specific use proposed.

(4) A long-form environmental assessment form or draft environmental impact statement.

(5) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(6) The major project special permit application fee, as established by the Town Board, and any required escrow deposit for review costs, as required pursuant to § 148-44.

(7) A Disclosure of Interest form as required by § 809 of the General Municipal Law.

B. Minor project special permits. An applicant for a minor project special permit shall submit the following information. The number of copies required to be submitted and required submittal date shall be established by the Planning Board:

(1) A minor project application form. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office.

(2) Copies of a plot plan providing information sufficient to enable the Board to make an informed decision (which may include some of the site plan information listed in § 148-18).

(3) A brief narrative describing the proposed use.

(4) A short-form environmental assessment form (EAF), unless the Planning Board

determines that the proposed special permit is a Type I action, in which case a long-form EAF shall be required.

(5) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(6) The minor project application fee as established by the Town Board and an escrow deposit (if required).

(7) A Disclosure of Interest form as required by § 809 of the General Municipal Law.

§ 148-15. Special permit procedure. [Amended 6-16-2009 by L.L. No. 2-2009]

A. Preapplication meeting and workshop. Before filing an application, a preliminary conference with the Codes Enforcement Officer is required to discuss the nature of the proposed use, to explain application requirements, provide a preliminary review for completeness, and to classify it as a major or minor project. If the Codes Enforcement Officer classifies the project as a major project, a preliminary conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the preliminary site plan. If the Codes Enforcement Officer classifies the project as a minor project, a preliminary conference with the Codes Enforcement Officer may be required to discuss the application materials. The original signed application plus multiple copies as required by the Planning Board, shall be submitted at such time as required by such Board. The Codes Enforcement Officer will conduct a preliminary review of the application materials. Copies of the application form and Applicant's Guide may be obtained from the Town Code Enforcement Officer's office. Applications shall not be deemed submitted until the reviewing board's meeting.

B. Application.

(1) Application for a special permit shall be made to the Planning Board on forms prescribed by such Board. Such Board shall require multiple copies of the application materials. An application shall be submitted no later than the first of the month in which it will be reviewed, or at such other time as the reviewing board may specify by resolution.

(2) If an application is for a parcel or parcels on which more than one use requiring a special permit is proposed, the applicant may submit a single application for all such uses. The reviewing board may grant the application with respect to some proposed uses and not others. For purposes of determining whether the application is a major or minor project, and for SEQRA compliance, all proposed uses on a single parcel or on contiguous or related parcels under single or related ownership shall be considered together.

(3) Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed special permit contains one or more features which do not comply with the dimensional requirements of this chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 148-45, without a decision or determination by the Building Code Inspector.

C. State Environmental Quality Review Act (SEQRA) compliance. Upon receipt of

application materials it deems complete, the reviewing board shall initiate the New York State environmental quality review process by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the reviewing board shall issue a positive declaration and require the submission of a draft environmental impact statement (DEIS). No time periods for decisionmaking in this chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation regulations or the issuance of a negative declaration.

D. Referral to County Planning Board.

(1) Upon receipt of application materials it deems to be complete, the reviewing board shall refer to the Onondaga County Planning Board any application for a special permit affecting real property within 500 feet of the boundary of the Town of Skaneateles, the boundary of any existing or proposed county or state park or other recreational area, the boundary of any existing or proposed county or state roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the county for which the county has established channel lines, the boundary of any existing or proposed county- or state-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25-AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, §§ 239-l and 239-m, as amended.

(2) No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(3) County disapproval. A majority-plus-one vote of the reviewing board shall be required to grant any special permit which receives a recommendation of disapproval from the County Planning Board before the reviewing board takes action. The reviewing board shall by resolution set forth its reasons for such contrary action.

E. Notice and hearing.

(1) If an agricultural data statement has been submitted, the Planning Board Secretary shall, upon receipt of the application, mail written notice of the special permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

(2) The reviewing board shall hold a public hearing on a complete special permit application within 62 days of its submission. The Board shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least five days prior to the date thereof. The cost of giving such public notice shall be charged to the applicant. If the application is for property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing

shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

F. Action.

(1) The reviewing board shall grant, deny or grant subject to conditions the application for a special permit within 62 days after hearing. The time within which the reviewing board must render its decision may be extended by the mutual consent of the applicant and the board. Any decision on a major project shall contain written findings explaining the rationale for the decision in light of the standards contained in § 148-16 below. Unless waived by the reviewing board pursuant to § 148-18B, the grant of a major special permit shall be conditional upon the approval of a site plan pursuant to § 148-18 below.

(2) In granting a special permit, the reviewing board may impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to § 148-9H, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities and requiring action by the applicant, including the posting of performance bonds and furnishing of guaranties to insure the completion of the project in accordance with the conditions imposed.

(3) Any applications for major special project special permits that have not yet been scheduled for a public hearing before the Town Board of the Town of Skaneateles before the effective date of this section shall be considered by the Planning Board in accordance with this section.

G. Expiration, change of use, revocation and enforcement.

(1) A special permit shall expire if the special permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the special permit within 18 months of its issuance or if its time limit expires without renewal.

(2) A special permit shall apply only to the use for which it has been granted. A new special permit shall be required for any change to a new use that requires a special permit.

(3) A special permit may be revoked by the Planning Board if the permittee violates the conditions of the special permit or engages in any construction or alteration not authorized by the special permit.

(4) Any violation of the conditions of a special permit shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

(5) All actions and determinations relating to the expiration, change of use, revocation and enforcement of special permits shall be determined by the Planning Board,

regardless of the board that initially approved such special permit or any renewal or amendment thereto.

§ 148-16. Considerations in granting or denying special permits. [Amended 6-16-2009 by L.L. No. 2-2009]

In granting or denying special permits, the reviewing board shall take into consideration the scale of the proposed project and the possible impact of the proposed project on the functioning of nearby farm operations, as well as any proposed conservation easements, architectural restrictions or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic, natural and historic character of the Town.

A. Minor projects. Before granting a minor project special permit, the reviewing board shall determine:

(1) That it is consistent with the purposes of the land use district in which it is located and with all applicable provisions of this chapter.

(2) That it will not adversely affect surrounding land uses by creating excessive traffic, noise, dust, odors, glare, pollution or other nuisances.

(3) That it is consistent with the Comprehensive Plan.

(4) That all relevant site planning criteria in § 148-18D are satisfied.

B. Major projects. Before granting a major project special permit, the reviewing board shall make specific written findings that the proposed major project:

(1) Will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of the land use district in which it is located, with the Comprehensive Plan and with the purposes of this chapter.

(2) Will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odors, solid waste or glare.

(3) Will not adversely affect the general availability of affordable housing in the Town.

(4) Will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.

(5) Will have appropriate parking and be accessible to fire, police and other emergency vehicles.

(6) Will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools.

(7) Will not degrade any natural resource, ecosystem or historic resource, including Skaneateles Lake or Owasco Lake.

(8) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat and hydrology and, if appropriate, its ability to be buffered or screened from neighboring properties and

public roads.

(9) Will be subject to such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

(10) Will be consistent with the community's goal of concentrating retail uses in the village and hamlets, avoiding strip commercial development and locating nonresidential uses that are incompatible with residential use on well-buffered properties.

(11) Will be able to comply with the rural siting principles in § 148-25, if applicable, and with the site planning standards of § 148-18D.

(12) Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right. This criterion shall not apply in the HC District.

§ 148-17. Special permit amendments. [Amended 6-16-2009 by L.L. No. 2-2009]

The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a special permit, following the criteria and procedures in this section. Any enlargement, alteration or construction of accessory structures not previously approved shall require site plan approval, provided that the use does not change and that such alteration does not increase the total floor space or impermeable surface coverage by more than 20%. A special permit amendment shall be required in other cases. All amendments to special permits requested after the effective date of this section shall be reviewed by the Planning Board for determination.

§ 148-18. Site plan review.

A. Applicability.

(1) Site plan approval by the Planning Board shall be required for all major project special permit uses (listed as requiring a special permit in the Use Table at the end of this chapter), all permitted uses listed in § 148-8B as requiring site plan approval only, as well as for activities listed in §§ 148-26A(1), 148-29D, 148-29E and 148-30B(1) and for single-family dwellings if required by the Use Table at the end of this chapter. [Amended 6-16-2009 by L.L. No. 2-2009]

(2) Site plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Subdivision Law (Chapter 131 of the Town Code) as well as the provisions of this chapter.

(3) The procedure for review of minor project site plans is described in § 148-20. No separate site plan review is required for minor projects which require a special permit.

B. Required information for site plan. The original signed application and other required application materials shall be submitted in multiple copies as required by the Planning

Board, at such time as required by the Planning Board. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office. Applications shall not be deemed submitted until the reviewing board's meeting. An application for site plan approval shall be accompanied by a disclosure of interest form as required by § 809 of the General Municipal Law, as well as by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Minor project site plans shall contain only such information listed below as the Planning Board deems necessary to conduct an informed review. Major project site plans shall be prepared by a licensed professional engineer, architect or landscape architect and shall include the following:

(1) Name of the project, boundaries, date, North arrow and scale of the plan.

(2) Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.

(3) A vicinity map drawn at the scale of 2,000 feet to the inch that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all streets within 2,000 feet of the property. Such a sketch may be superimposed on a United States Geological Survey map of the area.

(4) A site plan drawn at a scale of 40 feet to the inch or such other scale as the Board may deem appropriate, on standard sheets 22 inches by 34 inches, with continuation on sheets 8 1/2 by 11 inches as necessary for written information, showing, in addition to the site, all properties, subdivisions, streets and easements within 200 feet of the property boundaries.

(5) The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations.

(6) The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.

(7) The location, height, intensity and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

(8) The location, height, size, materials and design of all proposed signs.

(9) The location of all present and proposed utility systems including:

    (a) Sewage or septic system.

    (b) Water supply system.

    (c) Telephone, cable and electrical systems.

    (d) Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, detention ponds and

drainage swales.

(10) Erosion and stormwater control plan to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable. This plan must comply with § 148-26 and with the New York Guidelines for Urban Erosion and Sediment Control.

(11) Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic bench mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

(12) A landscape, planting and grading plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover and water sources and all proposed changes to these features. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains and drainage retention areas.

(13) Land use district boundaries within 200 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any overlay districts that apply to the property.

(14) Traffic flow patterns within the site, entrances and exits and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The reviewing board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include:

(a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour (and peak season) traffic levels.

(b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

(c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.

(15) For new construction or alterations to any structure, a table containing the following information shall be included:

(a) Estimated area of structure intended to be used for particular uses such as retail operation, office, storage, etc.

(b) Estimated maximum number of employees.

(c) Maximum seating capacity, where applicable.

(d) Number of parking spaces existing and required for the intended use.

(16) Elevations at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.

(17) Where appropriate, the reviewing board may request soil logs, percolation test results and storm runoff calculations.

(18) Plans for disposal of construction and demolition waste, either on site or at an approved disposal facility.

(19) Long-form environmental assessment form or draft environmental impact statement.

(20) Other information that may be deemed necessary by the reviewing board.

(21) A table identifying the land use district and how the proposed project compares with the dimensional requirements of § 148-9.

C. Waivers. The Planning Board may waive some of the information requirements in § 148-18B above, as it deems appropriate.

D. Standards and criteria. In reviewing site plans, the Planning Board shall consider the standards set forth below. The Planning Board shall also use as approval criteria the three-volume set of illustrated design guidelines published by the New York Planning Federation in 1994, entitled "Hamlet Design Guidelines," "Building Form Guidelines" and "Rural Design Guidelines," and shall adapt the recommendations of those documents to the requirements of this chapter.

(1) Layout and design.

(a) All structures in the plan shall be integrated with each other and with adjacent structures and shall, wherever practical, be laid out in the pattern of a traditional village or hamlet.

(b) Structures that are visible from public roads or Skaneateles Lake shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials and placement and shall harmonize with traditional elements in the architectural fabric of the area.

(c) Architectural design shall be in keeping with the small-town architectural character of the Skaneateles area. In general, the design shall avoid flat roofs, large expanses of undifferentiated facades and long plain wall sections.

(d) Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

(e) The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.

(f) Trademarked architecture which identifies a specific company by building design features shall be prohibited.

(g) The rural siting principles in § 148-25 shall be taken into consideration in all reviews, and compliance with them shall be mandatory if required by this

chapter.

(2) Landscaping.

(a) Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forest land or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses and their location on the property but shall normally be between 50 feet and 200 feet.

(b) Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

(c) Primary landscape treatment shall consist of shrubs, ground cover and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should generally be native to the region and appropriate to the growing conditions of the Town's environment.

(d) Insofar as practical, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.

(e) If deemed appropriate for the site by the reviewing board, shade trees at least six feet tall shall be planted and maintained at twenty- to forty-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

(f) For landscaping parking lots, see § 148-32A(4)(d).

(g) Landscaping shall not be planted in a manner that will result in blocking significant views identified in the Comprehensive Plan's SAVIT Report.

(3) Parking, circulation and loading.

(a) Roads, driveways, sidewalks, off-street parking and loading space shall be safe and shall encourage pedestrian movement.

(b) Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths and new public streets to connect adjoining properties shall be required where appropriate.

(c) Off-street parking and loading requirements of § 148-32 shall be fulfilled, and parking areas shall be located behind buildings as required therein.

(d) Access from and egress to public highways shall be approved by the appropriate highway department, including Town, county and state.

(e) All buildings shall be accessible by emergency vehicles.

(4) Reservation of parkland. For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant

to Town Law § 274-a, Subdivision 6.

(5) Miscellaneous standards.

(a) Buildings and other facilities shall be designed, located and operated to avoid causing excessive noise on a frequent or continuous basis.

(b) Exterior lighting fixtures shall be shielded to prevent light from shining directly onto neighboring properties or public ways. Light standards shall be restricted to a maximum of 20 feet in height. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 footcandle. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.

(c) Drainage of the site shall recharge groundwater to the extent practical. The rate of surface water flowing off site shall not increase above predevelopment conditions and shall not adversely affect drainage on adjacent properties or public roads for appropriate design storms.

(d) Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary permits or agreements for off-site disposal shall be obtained.

(e) Additional site plan requirements and standards for review set forth in other sections of this chapter shall be satisfied.

§ 148-19. Procedure for major project site plan approval.

A. Submission. Before filing an application, a preliminary conference with the Codes Enforcement Officer is required to discuss the nature of the proposal and application requirements. The original signed application and other required application materials shall be submitted in multiple copies as required by the Planning Board, at such time as required by the Planning Board. The Clerk of the Planning Board shall distribute such materials to the Planning Board and such other municipal boards, officials and consultants as the Planning Board deems appropriate. The Codes Enforcement Officer will conduct a preliminary review of the application materials and a preliminary conference with the Codes Enforcement Officer may be required. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office. Applications shall not be deemed submitted until the reviewing board's meeting. In addition to the site plan drawings, the applicant shall submit:

(1) A long-form environmental assessment form or supplemental environmental impact statement dealing with issues not covered in sufficient detail in previous environmental submissions.

(2) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(3) The site plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

B. Application for area variance. Where a proposed site plan contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 148-45 without a decision or determination by the Codes Enforcement Officer.

C. SEQRA compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State environmental quality review process by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a draft environmental impact statement (DEIS). No time periods for decisionmaking in this chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation regulations or the issuance of a negative declaration.

D. Public hearing and decision.

(1) The Planning Board shall hold a public hearing on the site plan and shall follow the provisions on notice, agricultural data statements, county review, notice to adjacent municipalities, and time limits in § 148-15E through G.

(2) Criteria for decisions on site plans shall be limited to those listed in § 148-18D above. In granting a site plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to § 148-9H, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities and requiring performance guaranties to insure the completion of the project in accordance with the conditions imposed.

(3) A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant. A resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.

(4) If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with these modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(5) Submittal for stamping and signing.

(a) Within six months after receiving site plan approval, with or without modifications, the applicant shall submit multiple copies of the site plan to the Planning Board for stamping and signing. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

[1] Record of application for and approval status of all necessary permits from federal, state and county officials.

[2] Detailed sizing and final material specification of all required improvements.

[3] An estimated project construction schedule. If a performance guaranty pursuant to § 148-19E is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.

[4] Proof of payment of the Planning Board's reasonable review costs.

(b) Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the Codes Enforcement Officer and the applicant. The Codes Enforcement Officer may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.

E. Performance guaranty. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed, or a sufficient performance guaranty has been posted for improvements not yet completed. The performance guaranty shall be posted in accordance with the procedures specified in § 277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guaranty shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Codes Enforcement Officer, other local officials and its consultants.

F. As-built plans and inspection of improvements. No certificate of occupancy shall be granted until the applicant has filed a set of as-built plans with the Codes Enforcement Officer, indicating any deviations from the approved site plan. The Codes Enforcement Officer shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a certificate of occupancy upon a finding that the project as built complies in all material respects with the site plan.

G. Site plan amendments. The site plan may be amended by filing an application with the Planning Board for a site plan amendment.

(1) If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable special permit approval (or if no special permit is required) and does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing.

(2) If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable special permit approval (or if no special permit is required), but is a substantial change from the approved site plan, it shall follow the procedures for site plan approval contained in § 148-19D above and hold a public hearing.

(3) If the Planning Board determines that the proposed amendment is inconsistent with the terms of any special permit approval, it shall consider the application to be one for a special permit amendment and proceed pursuant to § 148-15.

H. Expiration, revocation and enforcement.

(1) A site plan approval shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the site plan approval within 18 months of its issuance, or if the special permit with which it is associated expires. The Planning Board may grant a maximum of three six-month extensions.

(2) A site plan approval may be revoked by the Planning Board that approved it if the permittee violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.

(3) Any violation of the conditions of a site plan approval shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

§ 148-20. Procedure for minor project site plan approval.

The procedure for minor project site plan approval by the Planning Board shall be the same as prescribed in § 148-19 for major projects, except for the following:

A. A short-form environmental assessment form (EAF) will normally be required. If the application is classified as a Type I action under the State Environmental Quality Review Act, a long-form EAF shall be required. The Planning Board, at its discretion, may require the long-form environmental assessment form for any application categorized as unlisted under SEQRA.

B. A minor project application fee established by the Town Board shall be paid, and an escrow deposit may be required to cover review costs at the discretion of the Planning Board.

C. The requirements of § 148-18B may be waived as deemed appropriate by the Planning Board.

D. No public hearing shall be required for a minor project site plan. The Planning Board may, in its sole discretion, hold a public hearing following the procedures in § 148-19D. If no public hearing is held, the Planning Board shall give notice to the County Planning Board and to farm operators as required in §§ 148-15E and F(1), and render a decision within 62 days of its receipt of a complete site plan application.

ARTICLE V
Overlay District Provisions

§ 148-21. Lake Watershed Overlay District (LWOD).

A. Findings and purpose. The Town of Skaneateles finds that the drinking water quality of Skaneateles Lake represents a priceless economic, environmental, aesthetic and recreational resource. The Comprehensive Plan and supporting studies of lake water quality issues establish a sound justification and framework for protecting the quality of the lake's water. It is the purpose of this section to establish regulations on land uses within the Skaneateles Lake Watershed to assure the protection of the quality of the lake's water resources from nonpoint and point source pollution, while allowing flexibility of land use consistent with maintaining such quality. The Town desires to achieve such protection by cooperating with the City of Syracuse in implementing the City's regulations to protect the quality of Skaneateles Lake as a water supply reservoir. In addition, the Town finds that preserving the water quality of Owasco Lake is similarly important to the communities that depend on that lake, and therefore the Town includes the watershed of Owasco Lake within the coverage of these regulations.

B. Boundaries. The boundaries of the Lake Watershed Overlay District are shown on a map entitled "Zoning Map, Overlay Districts, Town of Skaneateles," on file in the office of the Town Clerk. The overlay district is divided into two subdistricts covering the two lake watersheds: Skaneateles and Owasco. A reduced copy of this map, for reference only, is included as an attachment to this chapter (included on Zoning Map).[16]

C. Effect of district. Within the Lake Watershed Overlay District, all of the underlying land use district rules remain in effect, except as they are specifically modified by this § 148-21. In addition, within the entire LW District, the current City of Syracuse Watershed Rules and Regulations shall apply and be enforceable by the Town, regardless of whether a permit or approval is requested from the Town; except, in that part of the Town that lies within the Owasco Lake Watershed, the current Owasco Lake Watershed Rules and Regulations shall apply.

D. Prohibited uses. The following uses, when conducted at a scale larger than that of an ordinary household, shall be prohibited in the LW District. Agricultural uses and existing facilities located within the LW District that engage in these activities may continue and expand, provided that they comply with all applicable laws and regulations. [Amended 5-3-2012 by L.L. No. 2-2012]

(1) Disposal of hazardous material or solid waste.

(2) Treatment of hazardous material, except rehabilitation programs authorized by a government agency for treating hazardous material that existed on the site prior to the adoption of this land use law.

(3) Production of hazardous material.

(4) Dry-cleaning, dyeing, printing, photo processing and any other business that stores, uses or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous material.

(5) Disposal of septage or septic sludge.

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16. **Editor's Note: The Zoning Map is on file in the Clerk's office.**

(6) Automobile service stations.

(7) Pipelines (as that term is defined in Subsection D of § 148-47 of this chapter).

(8) Junkyards.

(9) Truck terminals.

E. Skaneateles Lake Watershed procedures.

(1) A copy of any application for a building permit, zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment, subdivision sketch plan, preliminary subdivision plat or (final) subdivision plat, occurring partly or wholly within the Skaneateles Lake Watershed, shall be submitted simultaneously with its submission to the Town, to the City of Syracuse pursuant to the City's Watershed Regulations, Section 131.1 of Part 131, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Such submission shall be the applicant's responsibility.

(2) The City of Syracuse shall be considered an involved agency for purposes of the State Environmental Quality Review Act and shall be entitled to participate as a party in any proceeding before the Town Board, Planning Board or Zoning Board of Appeals.

(3) The reviewing board or Codes Enforcement Officer shall incorporate all conditions and mitigation measures recommended by the city to ensure compliance with the City's Watershed Regulations. No variance from this Subsection E may be granted by the Zoning Board of Appeals unless a variance has first been obtained from the Commissioner of the Onondaga County Department of Health, as provided in the City's Watershed Regulations.

(4) The Town shall send the city copies of all permits or approvals granted by the Town pursuant to this § 148-21E, including the rationale for granting such permits and all conditions and mitigation measures imposed. The Town shall also send the city copies of all denials of permits or approvals, including any reasons given for such denials. This Subsection E(4) shall not apply to actions taken on building permits or subdivision sketch plans.

F. Owasco Lake Watershed procedures.

(1) A copy of any application for a building permit, zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment or preliminary subdivision plat, occurring partly or wholly within the Owasco Lake Watershed, shall be submitted to the City of Auburn simultaneously with its submission to the Town. Such submission shall be the applicant's responsibility. The City of Auburn may comment and appear as an interested agency in any proceeding before a Town municipal board.

(2) The Town shall send the city copies of all permits or approvals granted by the Town pursuant to this § 148-21F, including the rationale for granting such permits and all conditions and mitigation measures imposed. The Town shall also send the city copies of all denials of permits or approvals, including any reasons given for such

denials.

G. Performance criteria.

(1) Compliance with Syracuse and Auburn Watershed Regulations.

(a) All development in the Skaneateles Lake Watershed shall comply with the City of Syracuse's Watershed Regulations and Onondaga County Health Department regulations.

(b) All development within the Owasco Lake Watershed shall comply with the City of Auburn Watershed Regulations and the Onondaga County Health Department regulations.

(c) Any term used in this § 148-21 which is defined in the City of Syracuse Watershed Regulations, but not in this chapter, shall carry the meaning given in the city's definition.

(2) In evaluating applications for any development within the Watershed Overlay District, the reviewing board or official shall ensure that:

(a) Nonpoint source pollution is prevented to the extent practical, by taking into account slope gradient, soil erosivity, intensity and amount of pollutant application and exposure and season of soil and/or pollutant exposure.

(b) Travel time to watercourses is sufficient for those pollutants whose potential impact is neutralized by delayed contact with the lake.

(c) Pollutant loadings will not damage any watercourse.

(d) Grading and removal of vegetation is minimized.

(e) All sewage disposal systems will be monitored, inspected and maintained regularly, to ensure proper functioning and protection of the water quality of the lake and its tributaries.

(3) In order to fulfill the purposes of this § 148-21, the reviewing board or official shall designate acceptable areas for site disturbance and construction on all subdivision plats and site plans (including site plans and surveys associated with building permits and zoning permits). Outside such areas, site disturbance may occur only as minimally necessary for construction of driveways, utilities, fences, septic systems and other structures that cannot practically be located within the acceptable area. The acceptable area of land disturbance for building a single-family residence shall not be larger than 30,000 square feet at any one time.

(4) At the discretion of the Planning Board, sod may be required in the lake yard.

H. Conditions and findings.

(1) Before granting approval of any subdivision, special permit, site plan, variance or zoning amendment that includes land wholly or partially located within the LW District, the reviewing board shall impose appropriate conditions and make a written finding that the proposed development has been designed in a manner that minimizes

damage to water resources.

(2) Such conditions may include a requirement that a conservation easement (as provided in § 148-9H) be granted by the applicant to protect all or a portion of the land within the LW District. Such conditions shall not deprive the applicant of economically viable use of the property and must bear a reasonable relationship to the fulfillment of the purposes of this § 148-21.

I. Agriculture.

(1) Agricultural uses shall comply with Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State (1992) as published and amended by the Bureau of Water Quality Management, Division of Water, Department of Environmental Conservation (DEC). This publication is available for public inspection and copying from the Department of Health, Bureau of Management Services, Empire State Plaza, Corning Tower, Room 223, Albany, New York 12237.

(2) Exemption for whole farm planning. Any farm enrolled in the whole farm planning program and approved as such by the City of Syracuse, New York State Department of Health or the Onondaga County Soil and Water Conservation District, shall be exempt from the provisions in § 148-21I(1).

§ 148-22. Floodplain Overlay District.

A. General restrictions. The provisions of Local Law No. 2 of 1987 (Chapter 72 of the Code of the Town of Skaneateles) are incorporated herein by reference and shall apply in addition to any other applicable zoning or building regulations. Such provisions shall take precedence over any inconsistent provisions of this chapter or any other local law, ordinance or code.

B. Floodway development permits.

(1) No building permit involving new construction of or substantial improvements to a structure, no application for subdivision approval or other proposed new development and no new or replacement water supply system shall be permitted within the Floodplain Overlay District without a floodway development permit pursuant to the provisions of Chapter 72.

(2) The approval of a floodway development permit required in Chapter 72 shall be in addition to, and not in lieu of, any other approvals or permits that may be required by any provision of this chapter or any other ordinance, local code, rule or regulation of the Town.

(3) No new septic tank, leach field or other sanitary sewage system shall be located within the Floodplain Overlay District.

§ 148-23. Open Pit Mining Overlay District. [Amended 6-21-2007 by L.L. No. 12-2007; 10-20-2008 by L.L. No. 5-2008]

Open pit mining shall be permitted only within the Open Pit Mining Overlay District (OPMOD)

which includes all land in the RF District as delineated on the Mining District Boundary Map,[17] except that cemeteries and all areas within 200 feet of property lines or within 100 feet of watercourses shall be excluded from the Mining District.

§ 148-24. (Reserved)

ARTICLE VI
Supplementary Provisions

§ 148-25. Rural siting principles.

The following guidelines shall apply to the siting of residences in new subdivisions and to nonresidential uses and structures that are subject to site plan or special permit approval. They are recommended but not required for the siting of individual residences on existing lots. The Planning Board may adopt an illustrated siting guide or refer applicants to a published design manual to provide further guidance on complying with these principles.

A. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)

B. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.

C. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.

D. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a sprawl pattern.

E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.

F. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more

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17. **Editor's Note: Said map is on file in the Clerk's office. A reduced copy of this map is included at the end of this chapter.**

than one level (e.g., walk-out basements or garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.

H. Avoid siting buildings that block views of the lake from public roads or other occupied buildings. This may be accomplished by appropriate location of the building and/or by limiting building height, taking into account topography, existing vegetation and sight lines.

§ 148-26. Erosion and stormwater control.

A. Activities requiring an erosion and stormwater control plan. A soil erosion and stormwater control plan shall be submitted to the reviewing board as part of an application and/or to the Codes Enforcement Officer as part of an application for a building or zoning permit in connection with:

(1) Any project in which the disturbed area is cumulatively more than 5,000 square feet, if any area of the project is within the LWOD or within 100 feet of a watercourse. If the cumulative disturbed area is less than 30,000 square feet and no portion of the project is within 200 feet of any watercourse or the lake line, the Codes Enforcement Officer may review and approve the erosion control plan. At his/her discretion, he/she may seek engineering advice at the applicant's expense and/or refer the matter for site plan review by the Planning Board.

(2) Any application for subdivision or site plan approval in which the disturbed area is cumulatively to be more than one acre.

B. Exemptions. Any activity directly related to agricultural production shall be exempt from these soil erosion and stormwater control regulations. (See § 148-21 for whole farm planning in the Lake Watershed Overlay District.)

C. Erosion and stormwater control plan. A soil erosion and stormwater control plan shall contain adequate provisions to control erosion and sedimentation and reduce the impacts of stormwater runoff from the site based on best management practices. The objective of such practices is to maintain or reduce the impact of stormwater runoff from the site and to prevent soil erosion. Such practices are described in the publication New York Guidelines for Urban Soil Erosion and Sediment Control, published by the Empire State Chapter of the Soil and Water Conservation Society (hereinafter "the New York Guidelines"). Alternative principles, methods and procedures may be used with prior approval of the reviewing board, based upon a favorable recommendation from its consultant. Wherever possible, erosion shall be prevented by minimizing disturbance to existing land cover. Informational requirements of this section may be waived by the reviewing board or official where such requirements are not relevant or where such information is not necessary to achieve erosion and stormwater control objectives. The erosion and stormwater control plan shall contain, but not be limited to, the following:

(1) A narrative describing:

(a) The proposed development.

(b) The schedule for grading and construction activities, including:

[1] Start and completion dates.

[2] Sequence of grading and construction activities.

[3] Sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

[4] Sequence for final stabilization and stormwater management on the project site.

(c) The design criteria for proposed soil erosion and stormwater control measures and stormwater management facilities, and computations necessary to demonstrate compliance with these criteria.

(d) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.

(e) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

(f) The operation and maintenance of proposed soil erosion and sediment control measures and stormwater management facilities.

(g) A statement describing all design measures taken to minimize grading and disturbance to land and vegetation.

(2) A site plan or subdivision plan prepared in accordance with applicable requirements of this chapter or the Subdivision Law (Chapter 131 of the Town Code) which shall include the following additional information:

(a) The proposed alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

(b) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

(c) The sequence of grading and construction activities.

(d) The sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

(e) The sequence for final stabilization of the development site.

D. Minimum acceptable standards.

(1) Plans for soil erosion and stormwater control shall follow the principles and practices described in the New York Guidelines. Soil erosion and stormwater control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site flooding, erosion, sedimentation or pollution.

(2) The minimum standards for individual measures shall be those in the New York

Guidelines. The reviewing board may grant exceptions when requested by the applicant if technically sound reasons are presented.

E. Plan review. The reviewing board shall refer the soil erosion and stormwater control plan to a qualified engineering consultant and/or to the Onondaga County Soil and Water Conservation District for professional advice concerning compliance of the plan with the requirements and objectives of this § 148-26. The reviewing board shall not approve the special permit, site plan or subdivision application unless it finds that the soil erosion and stormwater control plan complies with this section.

F. Plan implementation.

(1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be covered in a performance bond or other guaranty acceptable to the reviewing board.

(2) Site development shall not begin unless the soil erosion and stormwater control plan is approved and those control measures and facilities in the plan scheduled prior to site development are installed and functional.

(3) Planned soil erosion and stormwater control measures and facilities shall be installed as scheduled according to the approved plan.

(4) All erosion and stormwater control measures and facilities shall be maintained in a condition which ensures compliance with the approved plan and prevents sediment from leaving the site.

G. Inspections. Inspections shall be made by the Codes Enforcement Officer (or other authorized Town official or contractor) during development to ensure compliance with these regulations and to ensure that control measures and facilities are properly performed, installed and maintained. The reviewing board shall require the applicant to verify through progress reports that soil erosion, sediment control and stormwater management measures and facilities have been performed or installed according to the approved plan and are being operated and maintained properly for one year after the completion of all such control measures and facilities.

H. Costs. The reasonable costs of reviewing plans and inspecting sites for compliance may be charged to the applicant through application fees and escrow deposits required in connection with an application for a building or zoning permit or for site plan or subdivision approval. See § 148-44.

§ 148-27. Sanitary disposal and water supply.

A. Sanitary disposal. No person shall construct any new structure in the Town without first meeting applicable requirements of the Town, the Onondaga County and New York State Departments of Health, the Cities of Syracuse and Auburn, the New York State Department of Environmental Conservation and other governmental authorities that regulate water supply and sewage disposal systems. Issuance of a certificate of occupancy shall be subject to sanitary system inspection and certification by the Onondaga County Department of Health and compliance with all conditions imposed by any other

governmental authority.

B. Water supply. The reviewing board may require an applicant for any subdivision, special permit or site plan approval to provide evidence of water availability and may require test wells and professional hydrogeological studies sufficient to establish that a proposed development will have adequate supplies of potable water and will not adversely affect water supply or quality in the surrounding area.

§ 148-28. Excavation, grading, clearing and tree removal.

A. Excavation and grading necessary for the construction of a structure for which a building permit has been issued shall be permitted, provided that it does not adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, create noxious conditions or create a hazard to public health or safety.

B. In the event that construction of a structure is stopped prior to completion and the building permit expires, the premises shall be promptly cleared of any rubbish or building materials, and any open excavation with a depth greater than two feet below existing grade shall either be promptly filled in and the topsoil replaced or shall be entirely surrounded by a fence at least six feet high that will effectively block access to the area of the excavation.

C. The Town Board may, in connection with a major project site plan or major residential development, require an applicant to post a bond or other form of security to guarantee reclamation of areas to be excavated or graded. Such bond or other security shall be for an amount reasonably related to the potential cost of such reclamation and shall be in a form deemed acceptable by the Town Attorney.

D. For regulation of open pit mining, see § 148-35B of this chapter.

E. Excavation of any area exceeding 2,000 square feet and/or clear-cutting of any area exceeding one acre within any six-month period shall require a zoning permit from the Codes Enforcement Officer, unless such excavation or clear-cutting is performed pursuant to an approved site plan, special permit, subdivision, or building permit or as a normal and customary activity in conjunction with commercial logging or a farm operation (as defined in Article X).

F. No excavation, grading, clear cutting, or clearing in preparation for site development shall be undertaken prior to the grant of any special permit, site plan or subdivision approval required for such development. The Codes Enforcement Officer may seek engineering advice at the property owner's expense, in addition to the penalties available under § 148-43 in the event that the Codes Enforcement Officer has reason to believe that this section has been violated.

G. For regulation of hard fill dumping, see § 148-37.

§ 148-29. Wetland and watercourse protection.

The Town finds that protection of its wetlands and watercourses helps to maintain water quality and the health of natural ecosystems, reduces flooding, erosion and sedimentation and protects important wildlife habitat areas. The Town also recognizes that both the state and federal

governments regulate wetlands and desires to avoid duplicating regulatory programs while cooperating with state and federal agencies. To ensure that development minimizes damage to wetlands and watercourses, the Town establishes the following requirements:

A. State and federal wetland permit coordination. All applicants for any Town permit or approval that might result in disturbance to a wetland or watercourse shall, as early as possible in the application process, apply to the New York State Department of Environmental Conservation (DEC) and/or the United States Army Corps of Engineers (ACOE), if appropriate, for any applicable permits.

B. Required wetland mapping and delineation. Any site plan, plot plan, subdivision plat, preliminary subdivision plat or other submission to a Town regulatory board or official shall show the location of all watercourses and the location of any DEC-regulated wetlands and wetland buffers on the parcel, as determined by a DEC field delineation, if available, or from current DEC wetland maps. If the proposal involves disturbance to wetlands regulated by ACOE, the applicant shall perform a delineation of all ACOE-regulated wetlands for all areas of the parcel proposed to be altered by development. The applicant shall use such delineation in its application to ACOE and shall submit copies to the Town of any application to or correspondence with ACOE and DEC concerning required permits for the project.

C. Imposition of conditions to protect wetlands and watercourses. The reviewing board or official shall ensure that applicants comply with the requirements of DEC and ACOE and shall impose appropriate conditions to minimize damage to wetlands and watercourses. Such conditions may include modifications in the size and scope of a proposed project, as well as changes in the location of structures or other improvements on the parcel.

D. Wetland and watercourse setbacks. No principal structure and no accessory structure 600 square feet or larger shall be located within 100 feet of a wetland or watercourse, and no accessory structure 200 square feet or larger shall be located within 50 feet of a wetland or watercourse, except as provided in § 148-36. Notwithstanding the foregoing restrictions, in an IRO Zoning District, parking areas and driveways may be located as close as 20 feet from a watercourse (measured from the top of the bank), provided that the Planning Board, with consultation with its engineer, determines that the drainage from the parking lot will not adversely affect the watercourse. [Amended 1-18-2007 by L.L. No. 1-2007; 2-5-2009 by L.L. No. 1-2009]

E. Site plan approval requirement in stream corridors.

(1) Within 100 feet of the bank of any watercourse, site plan approval shall be required for any construction involving land disturbance of more than 200 square feet, filling or excavation in excess of 200 square feet, clear-cutting of more than 10,000 square feet of vegetation over a five-year period, or grading or other alteration of more than 5,000 square feet of the natural landscape within any one-year period. This requirement shall not apply to agricultural uses or to the repair and maintenance of existing structures.

(2) The Planning Board may grant such approval only if it finds that, with appropriate conditions attached, the proposed activity will not result in erosion or stream or lake

pollution from surface or subsurface runoff. In making such determination, the Planning Board shall consider slopes, drainage patterns, water entry points, soil erosivity, depth to bedrock and high-water table and other relevant factors.

(3) Within the Lake Watershed Overlay District, this site plan approval requirement shall apply within 200 feet of any watercourse. (See also § 148-36 for additional regulation of structures within 200 feet of Skaneateles Lake.)

(4) If a special permit or site plan or subdivision approval is required in connection with a project subject to this § 148-29, the requirements of this section shall be considered in such special permit or site plan proceeding, and no separate site plan approval shall be required.

(5) The Codes Enforcement Officer may seek advice of the Town Engineer at the property owner's expense, in addition to the penalties available under § 148-43, in the event that the Codes Enforcement Officer has reason to believe that this section has been violated.

(6) This site plan approval requirement shall not apply to any farm operation that is within a certified agricultural district. (See exemptions in § 148-31D.)

§ 148-30. Steep slope regulations.

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 12%. Where a soil erosion and stormwater control plan is required by § 148-26, such plan shall provide the information needed to comply with this § 148-30.

A. No approval of a subdivision, special permit, site plan, building permit or variance that involves the disturbance of slopes greater than 12% shall be granted unless conditions are attached to ensure that:

(1) Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.

(2) Cutting of trees, shrubs and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

(3) Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding or avalanches.

(4) Proper engineering review of plans and construction activities will be conducted by the Town to ensure compliance with this section, paid for by escrow deposits paid by the applicant.

(5) No certificate of occupancy will be granted until all erosion control and drainage measures required pursuant to this section have been satisfactorily completed.

B. No disturbance, including cutting of vegetation or construction of driveways, shall be

permitted on any slope of 30% or greater, except:

(1) As may be needed for bank stabilization, foot trails and utility lines. Walkways and stairways that involve excavation, clear-cutting, cutting, filling or construction shall be allowed with site plan approval by the Planning Board.

(2) In conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

(3) In conjunction with activities of a farm operation protected by an exemption under § 148-31D below.

C. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as a reviewing board or official shall reasonably require or the applicant shall offer. In cases of uncertainty or dispute, an engineer retained by the Town, at the applicant's expense, shall determine the location of regulated slopes.

D. For purposes of determining the location of steep slope areas, only slopes containing at least 5,000 square feet of contiguous steep slope area at least 10 feet in width shall be considered. Within the HM District, contiguous slopes containing at least 1,500 square feet shall be considered. Within required lake yards, contiguous slopes containing at least 400 square feet shall be considered.

E. In the event that the Codes Enforcement Officer has reason to believe that this section has been violated, the Codes Enforcement Officer may seek advice of the Town Engineer at the cost of the property owner in addition to penalties pursuant to § 148-43.

§ 148-31. Protection of agriculture.

A. Agricultural buffers.

(1) Wherever agricultural uses and other uses unrelated to the agricultural operations abut, buffers shall be provided to reduce the exposure of these abutting uses to odors, noise and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the nonagricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms or natural topographic features.

(2) Unless exempted pursuant to Subsection D below, within existing and new agricultural uses, storage of manure shall not be permitted within 200 feet of a property line or watercourse. New structures housing fowl or other animals shall not be located in the required front yard or within 100 feet of a side or rear property line or watercourse. These setbacks may be reduced by special permit if the Planning Board finds that smaller setbacks would not pose a threat of nuisance to neighboring properties or watercourses.

B. Required disclosure. In the case of any proposed residential development that abuts agricultural uses, the reviewing board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic

fertilizers, pesticides, herbicides, and animal wastes, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or site plan and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet or letter of notification. This section may also be applied to any commercial development at the discretion of the reviewing board.

C. Agricultural data statement. Any application for a special permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by the Town Board Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in § 148-56. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.

D. Agricultural zoning exemptions. Within an agricultural district as defined in Article 25AA of the New York State Agriculture and Markets Law, adopted by the county and certified by the state, the following exemptions from provisions of this Zoning Law shall apply to land and buildings on farm operations:

(1) There shall be no height limits on agricultural structures, provided said structures comply with minimum yard requirements set forth in § 148-11D(2), including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm operation. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) There shall be a thirty-foot side and rear lot line setback requirement for agricultural structures, except that agricultural structures shall conform to applicable zoning setback requirements where they are located next to developed residential lots or lots that are outside the agricultural district.

(3) Agricultural structures and practices shall not require site plan review or special permit approvals.

(4) The addition of impermeable surface to any farm operation shall not require a zoning permit.

§ 148-32. Off-street parking and loading.

A. Off-street parking.

(1) Purpose. The Town finds that large and highly visible parking areas represent one of the most objectionable aspects of commercial development. Such parking lots may damage the historic layout and architectural fabric of hamlet areas, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility and reduce the quality of life in developed areas. However, the Town also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards and inconvenience. The Town therefore seeks to

balance the need for adequate parking with the need to minimize harm resulting from the provision of parking and to avoid the negative impacts of excessive parking requirements.

(2) Minimum parking requirements.

(a) Minimum parking required for residential and related uses.

[1] For single-family or two-family dwelling: two spaces per dwelling unit.

[2] For multifamily dwelling: two spaces per dwelling unit.

[3] Home occupation in a dwelling: one space for each 400 square feet devoted to such home occupation, plus the required spaces per dwelling unit.

(b) These requirements may be reduced for dwelling units with less than 1,000 square feet of floor space, senior citizen housing, mixed-use development or other appropriate circumstances if the reviewing board determines that such reductions are warranted.

(3) Parking requirements for nonresidential uses. The number and layout of parking spaces for nonresidential uses shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental, historic and scenic resources. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the proposed uses. The provisional parking standards in Subsection A(3)(a) below may be varied by the reviewing board or official according to the criteria in Subsection A(3)(b). For uses not listed in Subsection A(3)(a) below, the reviewing board or official shall apply the criteria in Subsection A(3)(b) below by using the applicant's proposed parking plan as a starting point.

(a) Provisional parking standards.

[1] For each 150 square feet devoted to merchandising or personal needs: one space.

[2] For each two employees and five seats in a theater or other place of assembly: one space.

[3] For each three seats in a restaurant: one space.

[4] For each two employees and guest room of a hotel, motel or tourist home: one space.

[5] For each lane of a bowling alley: five spaces.

[6] For each funeral home: 20 spaces.

[7] Industrial uses, for each employee per shift: one space.

[8] Office building: one parking space per employee, plus one additional

visitor space for each five employees. This regulation shall not apply to structures used principally for physicians', dentists' or other medical services' offices.

[9] For structures occupied or intended to be occupied principally by physicians', dentists' or other medical services' offices: five parking spaces for each physician, dentist or other professional.

[10] For each officer and employee of a museum, art gallery or library: one space; additional parking spaces required for use by visitors: 10 spaces.

[11] For each rectory, parsonage or church office: two spaces; additional parking units required for each employee: one space.

[12] For each two members of the medical or nursing staff, for each two service employees and for each three beds in a hospital, convalescent home, rest home, nursing home or home for the aged: one space.

[13] For each employee, for each three members and for each two bedrooms in a golf, swimming or country club: one space.

[14] For each five members and for each five seats or 200 square feet of floor, whichever is more appropriate, of other clubs and lodges: one space.

[15] For each family or group of four persons in a private recreation area: 1 1/2 spaces.

[16] For each teacher, employee and five seats in assembly hall of a school or public building: one space.

[17] For each member of the teaching staff and for each eight seats of a nursery school: one space.

(b) Criteria for applying provisional standards. In applying or modifying the provisional parking standards for any proposed use, the reviewing board or official shall consider:

[1] The maximum number of persons who would be driving to the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand. The likelihood of people walking or bicycling to the proposed use shall also be taken into consideration.

[2] The size of the structure(s) and the site.

[3] The environmental, scenic or historic sensitivity of the site (including applicable limitations on impermeable surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the reviewing board or official may require a reduction in the size of the structure so that the available parking will be sufficient.

[4] The availability of safely usable on-street parking.

[5] The availability of off-site off-street parking within 400 feet that is open to

the public, owned or controlled by the applicant, or available on a shared-use basis, provided that the applicant dedicates needed off-site land for public parking or demonstrates a legal right to shared use. Availability of accessible satellite parking shall also be considered. [See Subsection A(3)(d) below].

(c) Set-aside for future parking. The reviewing board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be attractively landscaped but may not be used in a manner that would prevent it from being used for parking in the future.

(d) Satellite parking lots. Parking lots may be constructed as a principal use by special permit to provide remote parking for the Village of Skaneateles or other intensively used locations. If used year round, such parking lots shall be landscaped with a buffer area of 30 feet wide along all road frontages and 20 feet from adjacent lot lines consisting of trees or other buffering as required by the reviewing board, intended to provide screening from the road; however, said buffer must be 50 feet wide from the parking lot to adjoining lots which are in the HM or RR District. Setbacks for satellite parking lots shall be 30 feet from all rights-of-way and 20 feet from all other property lines, and any required buffering may overlap with setbacks. Satellite parking lots may be used as park-and-ride lots for carpoolers and bus passengers and for holding specified types of special events if so provided in the special permit. [Amended 1-18-2007 by L.L. No. 1-2007]

(4) Design, layout and construction of parking areas. [Amended 1-18-2007 by L.L. No. 1-2007]

(a) Location and screening.

[1] All off-street parking shall be located behind or to the side of the principal building, except as provided for in § 148-11C(4)(c). Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected directly to one another or to a service road or alley wherever feasible to reduce turning movements onto roads.

[2] Within the HC District only, a maximum of two rows of parking may be located in front of the principal building but not within the required front yard. If any parking spaces are located in front of the principal building, the required front yard shall be increased to 50 feet and shall be buffered as described in § 148-32A(4)(d).

[3] Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles.

[4] Within the IRO District only, parking is allowed in front of a building pursuant to § 148-11C(4)(c).

(b) Construction of parking areas. Parking areas shall be surfaced with a suitable

dustless, durable surface appropriate for the use of the land, with adequate drainage. Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and runoff. Overflow or peak-period parking surfaces shall be permeable. Oil traps may be required for larger paved parking lots. Parking areas to be used at night shall be lighted in a manner that does not result in glare to adjoining residential properties or cause a traffic hazard due to glare. Parking areas containing more than 30 spaces shall be broken into separate lots by tree lines, alleys, pedestrian areas or buildings.

(c) Bicycle parking. Bicycle parking facilities shall be provided as close as possible to the principal building.

(d) Landscaping and buffering of parking lots. It is desirable to screen parking areas from public view and/or provide landscaping buffers. The reviewing board shall require any parking lot for more than 10 cars to have a buffer to adjacent lots and road rights of way. Buffers shall be 20 feet wide and may overlap with required setbacks. A fifty-foot wide buffer from the parking lot to adjoining lots which are in the HM or RR District shall be required, and said fifty-foot wide buffer may overlap with required setbacks. In any case where buffers are required by a reviewing board, the required buffers may include planted trees and shrubs, hedgerows, berms, fences, existing forest land or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses and their location on the property.

(e) All parking areas and landscaping shall be properly maintained.

B. Off-street loading requirements. As with parking, loading requirements vary with the specific uses proposed. Loading requirements shall ensure that trucks load and unload cargo in a manner that does not interfere with pedestrian and automobile movements on public roads. Requirements for the number and location of loading facilities shall be established case-by-case based upon the following considerations:

(1) The expected maximum number of trucks using the loading facilities at times of peak usage.

(2) The type of business, size of the structure and size of trucks to be servicing the structure.

(3) The need to ensure pedestrian and automobile safety by separating truck traffic and loading operations from pedestrian and automobile circulation.

(4) The need to screen trucks and loading facilities from publicly accessible areas as well as from abutting properties, including the need for vegetative screening, buffers and/or fencing.

(5) The desirability of requiring service roads or alleys to achieve the purposes of this subsection.

(6) Applicable planning and engineering standards, adapted to meet the needs of the particular business use proposed.

(7) Other operational characteristics of the business or physical characteristics of the site deemed appropriate by the reviewing board or official.

(8) The need to maintain the traditional layout and historic character of the Town's hamlets, which may preclude the establishment of modern loading facilities in these areas. In such cases, on-street loading or other practices that violate Subsection B(3) through (6) above may be allowed.

§ 148-33. Signs. [Amended 2-5-2015 by L.L. No. 2-2015]

A. Title and legislative intent.

(1) This section shall be known as the "General Sign Regulations of the Town of Skaneateles, 1991."

(2) The intent of this section is to promote public health, welfare and safety of the inhabitants of the Town of Skaneateles, protect property values, create a more attractive economic climate and enhance the scenic and natural beauty of the Town by regulating and restricting the size, location and physical characteristics of all existing and proposed signs and advertising devices of all kinds in all zoning districts. It is recognized that signs, placed upon the premises and/or structures to which they relate, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs. This section is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of natural beauty and community environment. This section is also intended to permit businesses and professions to make use of signage that is important to individual and collective success.

B. General sign regulations.

(1) No sign except those defined as "temporary political signs, portable, residential or convenience signs" may be erected without a sign permit issued by the Codes Enforcement Officer.

(2) All signs other than those defined as portable signs shall be securely attached to a building or a structurally sound support, and their display surface shall be kept neatly painted or finished and in good repair at all times.

(3) Illuminated signs.

(a) Illuminated signs may utilize only light of constant color and intensity. No flashing, intermittent, rotating or moving lights or strings of lights may be used, except traffic warning lights for hazards and holiday lights during the holiday season.

(b) No illuminated signs or outdoor illumination shall direct light in a way which could create a traffic hazard or a nuisance or an annoyance to passersby or be unreasonably detrimental to adjoining or neighborhood properties. Illuminated signs shall conform to Chapter 61, Electrical Standards, of this Code. The

source of illumination shall be suitably shielded to eliminate direct rays or glare on adjoining property.

(c) No visible gas-filled tubes (neon) shall be permitted. No sign may utilize bare light sources, including neon or fluorescent.

(d) Interior signs may be internally illuminated but may not utilize bare light sources.

(4) No projecting sign shall be erected or maintained, the outer face of which is more than nine inches from the front or face of a building. In no event may a sign overhang or project on to any public land or highway or road surface, except as may be provided in this section.

(5) No sign or part thereof shall contain or consist of animated parts, ribbons, streamers, spinners or similar moving or fluttering devices.

(6) No sign shall be attached to a public light standard, utility pole or tree.

(7) No sign, except a directional sign, shall be located within two feet of any road, street or highway property line or road surface.

(8) No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.

(9) Temporary signs may be displayed not earlier than two weeks before the event, service or project advertised and shall be removed within five days after the conclusion of the event, service, project, sale of property or opening of the business signified.

(10) The following signs are prohibited in the Town of Skaneateles:

(a) Revolving, moving, flashing or blinking signs or signs that appear to be in motion, but signs which display public service information, such as time and temperature, are not prohibited.

(b) Roof signs and signs protruding above an extension of the upper roofline of the building to which the sign is attached.

(c) Outdoor advertising signs.

(d) Inflatable signs.

(11) A flag, badge or insignia of a governmental organization, a sign identifying a motor vehicle inspection or repair facility as required by the New York Vehicle and Traffic Law or a sign mandated by statute, law or governmental regulation is not subject to this section.

(12) A vehicle sign shall not be subject to this section so long as the vehicle remains principally in use upon public highways, including current registration, inspection and insurance.

(13) Signs which advertise a branded product and which leave less than 80% of the sign

face for identification of the business are prohibited, except where the majority of the floor or lot area on the premises is devoted to the sale or other activity relating to that specific product.

(14) The regulations and restrictions of other chapters of the Code applicable to signs shall remain in effect, except that, in case of inconsistency with provisions of this section, the more restrictive provisions shall apply.

(15) There shall be no sign identifying the name of a residential development or subdivision, except that signs temporarily identifying the name of a residential development or subdivision shall be permitted on each major entrance to the area for not longer than one year from the date of the sale of the first lot. The sign face shall not exceed 24 square feet.

(16) The sign face of signs identifying a permitted home occupation shall not exceed three square feet.

(17) The sign face of signs incidental to places of worship, libraries, museums, social clubs and societies shall not exceed 20 square feet.

(18) Outdoor "open" or "now open" signs, including fabric flag signs on one or few posts, shall not exceed 16 square feet and will be no higher than 10 feet above ground level. Such signs shall be displayed only during normal business hours and contain no other message or other matter for visual communication.

C. Business signs; industrial signs; directional signs and outdoor advertising signs.

(1) Business signs.

(a) Permitted business signs may be illuminated.

(b) Only business signs as described in either Subsection C(1)(b)[1] or [2] may be erected as follows, except as otherwise provided:

[1] A wall or fascia sign or signs may be attached or applied to a building or portion thereof, identifying any legally established business or service conducted on the premises where the sign is located, its owner, trade names, trademark, products sold or the activity, which total sign face shall not exceed 1 1/2 square feet per one linear foot of building or business frontage, whichever is less. In no case shall the total cumulative sign face exceed 50 square feet; or

[2] A freestanding sign may be used if the total sign face does not exceed 12 square feet and the sign is not more than 10 feet above ground level, which sign may identify any legally established business or service conducted on the premises where such sign is located, its own trademark, products sold or the business or activity. Any business maintaining a freestanding sign as permitted under this option may, in addition, obtain a permit for a wall or fascia sign, which sign face, shall not exceed 3/4 square foot per linear feet of business or building frontage, whichever is less. The total sign face of a freestanding sign and a wall or fascia sign

shall not exceed 50 square feet.

(c) Shared-common-entry businesses. If two or more business occupants share a common door, the maximum sign face allowed per one building frontage shall be shared between them.

(d) Single-occupant buildings. In addition to any other sign, a building with one occupant which has an entrance open to the public from an adjacent parking lot is permitted to have a business sign as described in Subsection C(1)(b)[1] on the building face with the entrance closest to the parking lot.

(e) Multiple-occupant business complex signs. Three or more businesses or professionals occupying a common building with a common entry or occupying separate buildings with a common driveway shall be considered a multiple-occupant business complex and shall require site plan review for all proposed signage located within the complex prior to issuance of a sign permit. A common entry does not exclude an additional separate entrance to the building(s) for a particular business.

[1] Signs identifying individual multioccupant business complex. One wall or fascia sign is permitted for each complex. This sign may contain the name and logo of the complex and must include the street number in accordance with state guidelines. The sign face may not exceed 25 square feet for a wall or fascia sign. A freestanding sign may be used instead of a wall or fascia sign, which sign face may not exceed 16 square feet nor be higher than 10 feet beyond ground level.

[2] Signs identifying businesses within the multibusiness complex. Businesses are allowed one wall or fascia sign per building in a multioccupant business complex. The sign face shall not exceed 1 1/2 square feet per one linear foot of building or business frontage. In no case shall the cumulative sign face exceed a total of 50 square feet. This sign face may be shared between any businesses occupying the building. If the complex has more than one street facing business front, then the total sign area may be distributed equally amongst each business.

[3] Multioccupant business complex directory. A single directory sign is permitted which lists all or part of the businesses within the complex. It shall specify no more than the name of the business or professional and optionally the building number it is located in. Typography should be consistent and of common size and coloring. This sign may not contain logos. The total size of the sign may be no greater than six square feet for each business within the complex. This sign shall be situated in an unobtrusive, interior location.

(f) The top of any freestanding sign shall not be higher than 10 feet above the ground level.

(g) Wall or fascia signs may be placed at any height but not higher than the building facade.

(h) An interior sign identifying the on-premises business or profession that can be seen from the exterior will be considered part of the total sign area allowed.

(2) Industrial signs.

(a) Industrial signs may display the name of the industry, the type of industry, the commodities manufactured on the premises and a symbol or trademark and may be illuminated.

(b) One freestanding sign identifying an industry on the premises is permitted so long as the sign face does not exceed 50 square feet.

(c) One wall or fascia sign is permitted so long as the sign face does not exceed 1 1/2 square feet for each linear foot of building or business frontage, whichever is less, up to a maximum of 50 square feet. If a wall or fascia sign is used in addition to a freestanding sign, the face sign face may not exceed 3/4 square foot per linear foot of building or business frontage, whichever is less.

(d) The top of any industrial sign shall not be higher than 10 feet above the ground level, unless otherwise provided.

(e) Wall or fascia signs may be placed at any height, but not higher than the building facade.

(3) Directional signs and outdoor advertising signs.

(a) Directional signs, except industrial directional signs, may contain only the name of the business and the location from the sign's geographical position. The sign face for such signs shall not exceed four square feet. Such signs may be illuminated in conformance with the requirements of this section.

(b) Industrial directional signs may contain only the name of the industry, the necessary directional information and the location from such sign's geographical portion. The sign face for such signs shall not exceed six square feet. Such signs may be illuminated in conformance with the requirements of this section.

(c) Parking lot signs. One sign, the sign face of which shall not exceed nine square feet and, if freestanding, shall be not higher than six feet above ground level, may be placed in a private off-street parking area only, to limit the use of such parking area to customers and/or business invitees of the occupant.

(d) Public service informational signs. Signs which display public service information, such as time and temperature, if permitted within a district pursuant to Chapter 148, Zoning, of the Code and in accord with the requirements of this section, may be permitted so long as the sign face does not exceed 32 square feet and not less than 80% of the sign face is for the public service information.

D. Application for permit.

(1) Application for a permit shall be made, in writing, upon the forms prescribed by the Codes Enforcement Officer, and each such application shall meet the following

standards and shall contain, at minimum, the following information:

(a) The name, address and telephone number of the applicant or of the owner of the sign, if different from the applicant.

(b) The location and the name and address of the owner, if other than the applicant, of the building, structure or land to which or upon which the sign is to be erected.

(c) A detailed drawing showing the construction details, lettering and pictorial matter composing the sign, all dimensions, the position of lighting and extraneous devices and a site plan showing the position of the sign with reference to any building or structure, property lines and any private or public street or highway.

(d) Written consent of the owner of the building, structure or land at which the sign is to be erected, in the event that the applicant is not the owner thereof.

(e) The date of the sale of the first lot for each application for a sign temporarily identifying the name of a residential development or subdivision.

(f) Appropriate proofs of compliance with the requirements of this section and all other chapters of the Code.

(g) Any application for a multiple-occupant business complex sign must also include the written consent of the property owner.

(2) Applications shall be submitted to the Codes Enforcement Officer, who shall:

(a) Review the design, size and location of the proposed sign to determine whether the proposed sign is in compliance with all of the regulations or restrictions set forth in this section or any other applicable chapter of the Code.

(b) Grant approval, including any reasonable conditions, or reject the application for being incomplete or deny the application and provide reasons for the denial.

(c) If the proposed sign does not comply with the regulations or provisions of this section, the Codes Enforcement Officer shall deny the application. A decision of the Codes Enforcement Officer may be appealed to the Zoning Board of Appeals. The Town Planning Board may submit an advisory opinion to the Codes Enforcement Officer or, if on appeal, to the Zoning Board of Appeals.

(3) Upon an appeal by the applicant, the procedures and standards of § 148-45 of the Zoning Code shall apply, except as modified by this section. The Zoning Board of Appeals shall schedule a public hearing on such application within 60 days. The Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this section relating to the use, construction, alteration, design, size and location of a sign in such a manner as shall not be contrary to the spirit of this section and the public safety and welfare of the Town of Skaneateles. Variations or modifications may be authorized upon findings that there are practical difficulties in applying a strict or literal interpretation of this section and that any resulting modifications are the minimum necessary to allow the proposed

sign. In all such cases, the Zoning Board of Appeals shall render its final decision within 60 days after the public hearing, and it shall be the duty of the Board of Appeals to attach such conditions or restrictions to its decision as may be required to effect compliance with the spirit and intent of this section.

E. Fees.

(1) Fees for applications and permits under this section shall be established and changed from time to time by resolution of the Town Board of the Town of Skaneateles.

(2) Such fees apply to all signs, even if shown on the original building plans, and are in addition to any other fees provided for by the Town.

(3) Costs of engineering studies and related expenses required by the Town in connection with review of an application or for ascertaining compliance with this section may be charged to the applicant or sign owner.

F. Issuance of permit.

(1) The Codes Enforcement Officer shall issue a permit for a proposed sign upon payment of the proper fees, provided that the application, including drawings and related materials, is complete and complies with all provisions of this section as determined by the Codes Enforcement Officer or, following appeal, by the Board of Appeals. If the sign authorized by a permit has not been completed within six months from the date of the permit, the permit shall expire.

(2) Permits issued are not personal rights but relate solely to the premises for which application is made. Permits may not be assigned to others and may not be transferred to premises other than that identified in the permit.

G. Removal and maintenance of signs.

(1) The Codes Enforcement Officer shall notify the owner of any abandoned sign or which is unsafe, insecure or is a nuisance to the public or which is erected in violation of this section or which is not maintained in accordance with this section, in writing, to remove or correct the unsatisfactory condition of said sign within 20 days from the date of such notice.

(2) Upon failure to comply with such notice within the prescribed time, the Codes Enforcement Officer is hereby authorized to secure, repair, remove or cause the removal of such sign. All costs of securing, repairing or removing of such sign, including related legal fees and expenses, shall be assessed against the land on which the sign is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy.

(3) Emergency provisions. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless a sign is immediately repaired or secured or demolished and removed, the Town Board may, by resolution, authorize the Codes Enforcement Officer to immediately cause the repair or securing or demolition of such unsafe sign. The expense of such repair or securing or demolition shall be a charge against the land on which the sign is located

and shall be assessed, levied and collected as provided in Subsection G(2).

H. Revocation of permit. The Codes Enforcement Officer may revoke any sign permit in the event that there is any false statement or misrepresentation as to a material fact in the application upon which the permit was based or if the sign is not erected in accordance with the permit.

I. Preexisting nonconforming signs.

(1) A preexisting nonconforming sign may not be altered or enlarged so as to increase its nonconformity or add a different nonconformity.

(2) If it is claimed that a sign is a preexisting nonconforming sign, the person making such claim shall have the burden of proof thereof.

(3) A certificate of nonconformance may be issued by the Codes Enforcement Officer for a preexisting nonconforming sign upon presentation of proofs satisfactory to the Codes Enforcement Officer. A certificate of nonconformance shall provide a rebuttable presumption that the sign existed at the effective date of this section.

(4) Alteration or replacement; discontinuance; change of use.

(a) Preexisting nonconforming signs may be repaired, repainted or refinished without a permit. A change in the name of the business or other message from that existing or as shown on the sign on the effective date of this section shall not be considered repair, repainting or refinishing, and compliance with the provisions of this section is required.

(b) Discontinuance. Any preexisting nonconforming sign to which Subsection I(4)(a) above applies which is removed from the position it occupied on the effective date of this section and not restored to such position within 30 days shall be presumed to be abandoned and discontinued and may not be restored except in compliance with this section.

(c) Change of use. Any change in use for a property will require removal of all nonconforming signing.

J. Applicability. This section is applicable within the Town of Skaneateles outside of any village therein, and shall be construed as an exercise of the municipal home rule and police powers of such municipality to regulate, control and restrict the use of buildings, structures and land in order to promote the health, safety, morals and general welfare of this community, including the protection and preservation of the property of the municipality and its habitants.

K. Notice. A notice to an applicant or to a sign owner pursuant to this section shall be sufficient if mailed postage paid to the applicant at the address stated in the application as may be changed from time to time by the applicant by written notice received by the Codes Enforcement Officer or to the address of the owner of the property at which the sign is located as shown on the records of the Town Assessors.

L. Temporary political signs.

(1) Temporary political signs may be erected and maintained in the Town of Skaneateles, outside of any incorporated Village, without a sign permit or payment of fees.

(2) A temporary political sign must be removed no later than five days after the political event to which the sign refers.

(3) A temporary political sign shall be no closer than 15 feet to a property line, not be located within two feet of any road, street or highway property line or road surface, and no such sign shall be attached to a tree, fence or utility pole.

(4) A temporary political sign shall not be placed on public property and shall not be placed on private property without the permission of the owner or occupant thereof.

(5) A temporary political sign shall not be constructed, erected or located in a manner which obstructs visibility with respect to the safety of a motorist or pedestrian proceeding along or entering or leaving the public way or in a manner that is unsafe, insecure or a nuisance to the public safety.

M. Penalties for offenses. If a temporary political sign is in violation of any regulation under Subsection L herein, it may be summarily removed by the Codes Enforcement Officer. Also, an offense against the provisions of this section shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both. In addition, any person, firm or corporation who or which violates any of the provisions of this section or the regulations established hereunder or who or which shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week.

N. Definitions.

(1) As used in this section, the following terms shall have the meanings indicated, unless otherwise stated:

ABANDONED SIGN — Any sign that advertises a business, product, service or activity that is no longer located on the premises where the sign is displayed, or at another location.

BUILDING FRONTAGE — The width of any one specific face of a building that fronts on a public street or parking area where customer access to the building is available.

BUSINESS FRONTAGE — The width of the portion of building frontage allocated to an individual occupant having a public entrance within the building frontage.

BUSINESS SIGN — Any sign related to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located, excluding industrial signs.

CIVIC EVENT SIGN — A temporary sign posted to announce a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar not-for-profit organization.

CODES ENFORCEMENT OFFICER — Such person as may be designated by the Town Board by resolution or, if none is so designated, the Zoning or Code Enforcement Officer for the Town of Skaneateles.

CONSTRUCTION PROJECT SIGN — Any temporary sign erected by a developer, an architect, an engineer, or contractor, with the sign face of each such sign not exceeding 12 square feet, placed on the premises where construction, repair or renovation is in progress.

CONVENIENCE SIGN — Any sign not exceeding three square feet that conveys information to the general public, including but not limited to restroom identification signs, open/closed signs (See general sign regulations, Subsection B.) hours of operation signs, parking/no-parking signs, handicapped parking and access signs, entrance signs, posted signs (no trespassing, hunting, fishing, trapping) and vacancy/no-vacancy signs designed to be viewed by pedestrians and/or motorists.

DIRECTIONAL SIGN — Any sign not exceeding four square feet or smaller if required that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic to the location of a local service.

DIRECTORY SIGN — A sign containing a list of the names of business establishments located within a multiple —occupant business complex. The size, style, lettering and color for all businesses identified on such signs shall be substantially similar.

ERECT/ERECTED — To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, including the painting of exterior wall signs and the use of any vehicle or other substitute for a sign.

FREESTANDING SIGN — Any sign principally supported by one or more columns, poles, or braces placed in or on the ground that is not attached to or part of a building, including a planter sign. A sign attached on a fence is considered a freestanding sign.

FRONT OR FACE OF A BUILDING — The outer surface of a building which is visible from any private or public street, highway or driveway, including window display areas.

GROUND SIGN — Any sign with its message lying on or in the ground.

ILLUMINATED SIGN — Any sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, paint or tape.

INDUSTRIAL SIGN — Any sign related to a business that manufactures a commodity on the premises but does not offer such commodity for sale to the general public on or from such premises.

INTERIOR SIGN — A sign located within the exterior walls of a building which is readily readable from outside the building through a window, door or other opening.

LIGHTING DEVICE — Any light, string or group of lights located or arranged so as to cast illumination on or from a sign.

OUTDOOR ADVERTISING SIGN — Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

PERSON — Any person, corporation, firm, partnership, association, company, institution or organization of any kind.

PLANTER SIGN — A sign which is attached to or directly associated with floral or other decorative plantings.

POLITICAL SIGN — A sign as defined in this section as a "temporary political sign."

PORTABLE SIGN — Any sign with a sign face not exceeding six square feet, displayed only during normal business hours, that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building.

PREEXISTING NONCONFORMING SIGN — Any sign which exists at the effective date of this section or an amendment thereto and which does not conform to the regulations and restrictions imposed thereby.

PROJECTING SIGN — Any sign other than a wall or fascia sign which extends more than nine inches from the exterior of any building and is attached to that building.

RESIDENTIAL SIGN — A sign which only identifies by name the resident or residents or the address or box number, including mailboxes and directory signs at the entrance to private roads or lanes.

ROOF SIGN — Any sign constructed on or supported by the roof of any building or structure.

SIGN — Any material, including fabric or plastic, structure or part thereof or any device attached to a structure or painted or represented thereon, composed of or upon which is placed lettered, pictorial or other matter for visual communication, when used or located out-of-doors or on or near the exterior of any building for the display of any advertisement, notice, directional matter, information or name. The term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation or the flag or insignia of any nation or of any governmental agency or political signs, vehicle signs or residential signs. A sign readable from two sides and with parallel faces is considered one sign.

SIGN FACE — The square footage of the smallest standard geometric shape which will enclose all elements intended to be part of the sign, including but not limited to the sign area and the background related to the sign. Supporting structures are not part of the sign face unless internally lit or lit by their own specific external light source. If a sign is painted or applied without backing to the face of a building, the sign face also includes any additional form or design not integral to the building's architecture.

TEMPORARY SIGN — Any sign, with a sign face not exceeding 16 square feet, or smaller if otherwise required, and no higher than 10 feet above the ground level, which is intended to advertise a civic event, real estate for-sale, for-lease or for-rent signs; construction project signs; garage sale signs and signs signifying the opening of a new business.

TEMPORARY POLITICAL SIGN — A sign of a political nature, relating to a special or general election or referendum or other specific political event. This includes signs designed to express political, religious, or other ideological sentiment that does not advertise a product or service. See Subsection B of this section for general regulations.

VEHICLE SIGN — A sign painted on or attached to a motor vehicle or other vehicle used or intended for use on a public highway.

WALL OR FASCIA SIGN — A sign mounted flush with or projecting not more than nine inches from the face or front of a building.

(2) Terms not defined herein but defined elsewhere in the Code shall have the meanings indicated therein.

§ 148-34. General activity standards.

Notwithstanding any provision of this chapter to the contrary, no land use or activity shall be permitted in any district unless it complies with the following standards:

A. No offensive or excessive vibration or glare shall extend beyond the property line.

B. No activity shall create a physical hazard by reason of fire, explosion, radiation or other similar cause to persons or property.

C. There shall be no discharge into any watercourse, public or private disposal system or the ground of any liquid or solid waste or other material in a manner that may contaminate surface or ground water.

D. There shall be no storage of any material indoors or outdoors in a manner that facilitates the breeding of vermin or endangers health.

E. The emission of smoke, fly ash or dust in a manner which can cause damage to the health of persons, animals or plant life or other forms of property shall be prohibited.

F. Skaneateles Lake and all stream beds, brooks and other tributaries or outlets to the lake shall be maintained in their natural state and kept free of artificial debris and other obstructions to water flow.

G. Farms that comply with § 148-21I shall be deemed to be in compliance with this § 148-34.

H. No application of pesticides, herbicides or fertilizer within 50 feet of the lake line or watercourse excluding those farmers participating in the whole farm management program.

§ 148-35. Regulations for specific uses and accessory uses.

A. Home occupations.

(1) Purpose and intent. The conduct of low-impact business uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

(a) Ensure the compatibility of home occupations with other uses.

(b) Maintain and preserve the rural character of the Town.

(c) Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard and other possible adverse effects of commercial uses.

(2) Criteria and standards.

(a) Home occupations shall be permitted uses if they are in compliance with the following criteria and standards.

[1] A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units and does not alter the character of the neighborhood. A home occupation may only be conducted within a dwelling unit and/or within accessory structures.

[2] The home occupation may be conducted only by members of the family residing in or maintaining the dwelling unit plus no more than two nonresident assistants or employees at any one time. No more than 1,000 square feet of floor space may be occupied by the home occupation.

[3] Any signs used in conjunction with a home occupation shall meet the requirements of Chapter 123 of the Town Code and shall not exceed three square feet.

[4] Off-street parking shall be provided as required in § 148-32. No more than one business vehicle larger than a passenger automobile may be parked in a location visible from a public road or neighboring properties.

[5] Automobile and truck traffic generated shall not be excessive, considering both the character of the road on which the use is located and the volume of traffic that would normally be generated by a typical residential use.

[6] There shall be no exterior storage of materials, equipment, vehicles or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.

[7] No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited.

[8] More than one home occupation may be conducted on a parcel, provided that the combined impact of all home occupations satisfies these criteria and standards.

(b) Home occupation by special permit. Any home occupation meeting the criteria and standards of Subsections A(2)(a)[1] and A(2)(a)[3] through [8] above, but not the requirements of Subsection A(2)(a)[2] may be allowed by minor project special permit issued by the Planning Board. Home occupations that do not comply with this § 148-35A may be permitted in certain districts as specially permitted business uses. (See the Use Table at the end of this chapter.)

B. Open pit mining. [Amended 6-16-2009 by L.L. No. 2-2009]

(1) Open pit mining shall be allowed by special permit within the Open Pit Mining

Overlay District, provided that the operator complies with all applicable requirements of the New York State Department of Environmental Conservation.

(2) Any application for an open pit mining special permit shall be deemed a major project if it also requires approval of a mining permit from the New York State Department of Environmental Conservation (DEC). Proposed open pit mining that does not require a DEC permit shall be deemed a minor project and shall be required to satisfy applicable requirements for special permits in this Zoning Law.

(3) An applicant for a major project special permit for open pit mining shall submit copies of all applications and other materials submitted to the DEC in connection with its open pit mining application.

(4) In determining whether to grant or deny a special permit application for open pit mining, the reviewing board shall consider all applicable special permit criteria. If the reviewing board grants a major project special permit subject to conditions, such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions:

(a) Ingress from and egress to public thoroughfares controlled by the Town.

(b) Routing of mineral transport vehicles on roads controlled by the Town.

(c) Requirements and conditions specified in the permit issued by the DEC concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation.

(d) Enforcement of reclamation requirements contained in any DEC permit.

(5) If the reviewing board finds that the imposition of the above conditions will not be sufficient to enable the proposed open pit mining application to comply with applicable special permit criteria, it shall deny the special permit.

C. Drive-up windows. Drive-up windows shall require site plan review. Street access points and queuing areas shall be sited in a manner that does not create safety hazards to pedestrians or motorists and that does not increase traffic congestion on existing streets.

D. Mobile home regulations. See Skaneateles Town Code, Chapter 99. No new mobile home courts shall be permitted.

E. Outdoor storage areas.

(1) Outdoor storage areas shall be screened from view of the public and adjoining property owners. No outdoor storage area for construction equipment or other heavy equipment or vehicles, or display, storage or collection of junk or junk cars, and no more than one unregistered vehicle shall be permitted in a location visible from adjoining properties or public roads.

(2) The regulations in this subsection are intended to supplement the provisions of Chapter 86 of the Town Code (junkyard regulations).

F. Parking of commercial vehicles. Unless a special permit has been granted by the Planning Board, no commercial vehicle exceeding 12,000 pounds gross vehicle weight or 18 feet in box length shall be parked overnight in any district where it is visible from adjoining properties or public roads. This shall not apply to agricultural uses, provided that parked trucks are set back at least 100 feet from all property lines.

G. Recreational vehicles. A recreational vehicle, tent or camper may only be occupied by an individual or family on a temporary or emergency basis, not exceeding 30 days per year from the first day of use. The Codes Enforcement Officer may grant an extension of up to 180 additional days where a demonstrated emergency exists as a result of fire, flood, or other natural disaster. Such vehicles must be parked on private property and may not be located in any rights-of-way.

H. Telecommunications towers and accessory facilities. No telecommunications tower or associated structure shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special permit and in conformity with the following regulations and conditions. No existing structure shall be modified to serve as a transmission tower unless in conformity with the following regulations:

(1) Exceptions to these regulations are limited to:

(a) New uses which are accessory to residential uses.

(b) Lawful or approved uses existing prior to the effective date of these regulations.

(2) Where these regulations conflict with other laws and regulations of the Town of Skaneateles, the more restrictive shall apply, except for tower height restrictions which are governed by these special use standards. All other necessary required variances shall be obtained from the Zoning Board of Appeals.

(3) Site plan. An applicant shall be required to submit a site plan as applicable in accordance with §§ 148-18, 148-19 and 148-20. In addition, the site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The site plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennas and justification for any land or vegetation clearing required.

(4) The Planning Board shall require that the site plan include a completed visual environmental assessment form (visual EAF) [6 NYCRR 617, appendix] and a landscaping plan addressing other standards listed within this section, with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the visual EAF. Except upon a demonstration that it is necessary and that no other appropriate site is available, telecommunications towers may not be located in any of the viewsheds designated in the Town of Skaneateles Comprehensive Plan. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF.

(5) Site locations proposed for new telecommunications antennas and facilities will be extended preference in declining order as follows: those to be located out of sight

within existing buildings or structures; those to be located on existing structures, although in public view; and those to be located on new towers constructed for that purpose. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.

(6) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

(7) Setbacks. Towers and antennas shall comply with all existing setbacks for the affected zone. Additional setbacks may be required by the Planning Board to contain on site substantially all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy-wire anchors, and to any accessory facilities.

(8) Visibility. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

(9) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be of a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Monopole towers, where suitable, shall be preferred over guyed towers; guyed towers shall be preferred over all other freestanding towers. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

(10) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(11) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

(12) Screening. Deciduous or evergreen tree planting may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public or private property, including streets, the following vegetative screening shall be required. From all towers, at least one row of evergreen shrubs or trees forming a continuous hedge at least 10 feet in height upon planting shall be provided to effectively screen the tower base and accessory facilities. In all cases, planting may be required on soil berms to assure plant survival. Plant height in all cases shall include the height of the berm.

(13) Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbances and vegetation cutting to within the top of the fill, the top of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.

(14) The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunications tower special use or site plan.

(15) Discontinuance of use. Within six months of the discontinuance of use of any telecommunications tower, the owner, whether the applicant or its successor, shall remove the tower and any associated structures and substantially restore the site to its former condition. The Planning Board, as a condition to the granting of a special permit, may require an applicant to post a bond or other security in a sum sufficient to secure the removal of the telecommunications tower, equipment and/or associated structures.

(16) The Planning Board may, at its discretion, require an applicant to deposit in advance a sum equal to the cost of retention of such engineering, scientific or technical consultants as may be needed by it to appropriately review an application to erect, locate or maintain a telecommunications tower or facility, it being understood that any overage shall also be the responsibility of the applicant to be paid prior to the issuance of the permit and construction of the facility.

(17) The owner of a telecommunications accessory facility, antenna and/or telecommunications tower shall, on each third anniversary of its installation, submit a maintenance and conditions report to the Codes Enforcement Officer, which report will set out a schedule of repairs, if any.

I. Recreational businesses. The threshold for major project review for a recreational business shall be 5,000 square feet of building footprint or 15,000 square feet of land with or without structures. In reviewing proposals for recreational businesses, the Planning Board shall take into account the surrounding land uses and the type of recreational use proposed to determine the suitability of the proposed use in a given location. Where the use may involve potentially significant amounts of noise, traffic, outdoor lighting, or other impacts on a neighborhood, the Planning Board shall impose additional setback and buffer requirements to minimize such impacts. If such impacts cannot be avoided, the Planning Board shall deny the application for a special permit.

J. Affordable housing. In any open space development in which affordable housing is provided, it shall comply with the following requirements:

(1) Design and location. The affordable housing units shall be indistinguishable on the exterior from the market-rate units, but may be smaller in size and different in interior features. The affordable housing units shall be integrated with the market-rate units in

such a manner that no more than two affordable housing units abut one another.

(2) Affordable Housing Committee. The Town Board shall appoint an Affordable Housing Committee whose members shall include at least one member of the Planning Board, one member of the Town Board, the Codes Enforcement Officer, and at least four additional members from the public who have expertise and/or interest in providing housing to persons who cannot afford market-rate housing.

(3) Definition of affordable housing. Affordable housing is housing (both ownership and rental) that is affordable to the people who live and work in the Town and Village of Skaneateles and cannot afford market-rate housing. The Affordable Housing Committee shall recommend to the Town Board and the Town Board shall adopt and amend from time to time specific regulations defining affordable housing price levels for both rental and for-sale housing. Such housing must be for persons who will make such housing their primary residence, and whose annual household income is less than 80% of the Onondaga County median income, as established by the Syracuse-Onondaga Planning Agency. The Town Board may establish a "tiered" system of affordable housing levels, keyed to different percentages of median income, up to and including 150% of median income, in order to fulfill the goal of making available housing that is affordable to a broad range of residents of Skaneateles who cannot afford market-rate housing.

(4) Determining eligibility for affordable housing. The Affordable Housing Committee shall be responsible for keeping a list of persons qualified for affordable housing as it becomes available. The Town Board may adopt, and the Affordable Housing Committee shall administer, affordable housing eligibility criteria in addition to income, provided that such criteria substantially advance the Town's legitimate governmental interests. Such criteria may include giving priority to municipal employees, school district employees, farm employees, emergency services volunteers, and retirees from the above occupations. Such criteria may not include durational residency requirements or any criteria prohibited by law such as race, religion, ethnicity, disability, family status, or sexual orientation.

(5) Deed restriction requirement. To qualify as affordable housing for purposes of this chapter, the affordable housing units must be subject to perpetual deed restrictions enforceable by the Town of Skaneateles that the Affordable Housing Committee and Town Attorney deem to be adequate to ensure that tenants and future owners will continue to meet income and other eligibility requirements. Such deed restrictions shall provide that prior to selling or renting housing restricted as affordable, the owner shall obtain a signed certification from the Affordable Housing Committee that the prospective tenant or purchaser is eligible under the Town's affordable housing criteria. In the event that a tenant or purchaser ceases to qualify after taking occupancy, the tenant or purchaser shall have the right to remain as tenant or owner, but the unit may only be resold or re-rented to a qualified tenant or purchaser. In the case of housing that is for sale, the resale price shall be based upon a formula determined by the Affordable Housing Committee from time to time, which shall include an allowance for the recovery of all capital improvements made by an owner, plus an inflation factor based upon the consumer price index or another generally

accepted inflation indicator. The Affordable Housing Committee may require that such a deed restriction include a right of first purchase, a right of first refusal, or a right of first negotiation by the Town of Skaneateles.

(6) Payment in lieu of building affordable housing. The Affordable Housing Committee may recommend, and the Town Board may adopt, a fee payable by an applicant in lieu of building affordable housing on site. This fee shall be deposited in a dedicated account to be used by the Town for acquiring land for affordable housing purposes, for purchasing existing houses and restricting them as affordable housing, or for building new affordable housing. If such recommendation for a fee in lieu of providing affordable housing is adopted, the Town Board shall establish a fee schedule governing such payments.

K. Wind energy conversion systems. [Added 5-6-2010 by L.L. No. 1-2010]

(1) Relationship to wind farms. These regulations relate to small or on-site-use wind energy conversion systems (WECS) and do not address large wind energy systems or wind farms which are typically intended to sell energy directly to power companies or retail users. These types of systems and wind farms are prohibited.

(2) Agricultural use. When part of a farm operation located within an agricultural district as defined in Article 25AA of the NYS Agriculture and Markets Law, an on-site-use WECS shall be considered an on-farm building and is exempt from the requirement to obtain a special use permit and site plan review as set forth in § 148-35K(4) and (25). Such on-site-use WECS may be constructed and operated as part of normal farm operation by obtaining a building permit from the Codes Enforcement Officer. Prior to issuance of a building permit, the applicant shall demonstrate compliance with Subsection K(5), (6) and (8) through (21) herein.

(3) Permits required. No person, firm or corporation, or other entity being the owner or occupant of any land or premises within the Town of Skaneateles shall use or permit the use of land or premises for the construction of a tower for on-site-use wind energy deriving purposes without obtaining a special use permit issued by the Planning Board as hereinafter provided.

(4) Special use permit. In addition to the criteria established pursuant to § 148-16, the following criteria are hereby established for purposes of granting a special permit for an on-site use wind energy conversion system under this chapter:

(a) Noninterference. Individual on-site-use WECS shall not be installed in any location along the major axis of an existing microwave communications operation where their operation is likely to produce an electromagnetic interference in the link's operation.

(b) Proximity to radio, television and telephone systems. Individual on-site-use WECS shall not be installed in any location where their proximity interferes with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone.

(c) Significant view sheds. Individual tower facilities for on-site-use WECS shall

not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized significant view shed as listed in Appendix B of the Town of Skaneateles Comprehensive Plan. For purposes of this section, consideration shall be given to any relevant portions of the current, amended and/or future Town of Skaneateles Comprehensive Plan and/or future officially recognized Town planning document or resource.

(5) Noise limitations. The level of noise produced during wind turbine operation shall not exceed six dBA beyond the present ambient noise levels at preconstruction levels, as measured at the boundaries of the closest parcels that are owned by nonsite owners and that abut either the site parcels or any other parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special use permit application. The applicant will be required to submit technical data to the satisfaction of the Planning Board as to this requirement. This obligation shall be a continuing obligation with exceptions only for short-term events, such as utility outages and severe windstorms.

(6) Height. It is recognized that wind turbines require greater heights to reach elevations with wind currents reasonably adequate to generate energy. On-site-use wind energy conversion systems shall not exceed a total height of 100 feet unless the Planning Board determines through the special permit review process that a greater height is more beneficial; however, in no case shall the total height exceed 150 feet from the ground to the top of the highest point of blade height (tip) as extended at its highest vertical point, provided that the application includes specific evidence that the proposed total height does not exceed the height recommended by the manufacturer or distributor of the on-site-use wind energy conversion system. See § 148-31D for agricultural exemptions.

(7) Setbacks. All WECS shall be set back a distance equal to 1.5 times the total height of the WECS from all property lines, public roads, power lines and preexisting and future structures. WECS shall be set back at least 2,500 feet from Important Bird Areas as identified by New York Audubon and at least 1,500 feet from NYSDEC-identified wetlands. These distances may be adjusted to be greater or lesser at the discretion of the Planning Board, based on topography, land cover, land uses and other factors that influence the flight patterns of resident and migratory birds. Setback distances shall be measured from the base of the tower. Additional setbacks may be required by the Planning Board in order to provide for the public's safety, health and welfare, including the possibility of ice thrown from the blades. See Subsection K(34)(b) for setback requirements for alternative wind energy systems.

(8) Minimum lot size. Unless considered an alternative wind energy system, only one on-site WECS shall be allowed per parcel of land, which parcel shall be at least two acres in area. Lot must contain a principal structure and may not be vacant land. Notwithstanding the foregoing, any farm operation located within an agricultural district shall be exempt from these requirements provided the WECS are designed and operated to supply energy for on-site-use only and do not exceed more than one WECS per five acres of land. Any subdivision or lot line adjustment of land on which an existing WECS is located shall maintain this requirement.

(9) Color and finish. Non-reflective paint colors (gray, white, beige, green or black) shall be required to achieve visual harmony with the surrounding area. The Planning Board shall have the discretion to determine the appropriate colors taking into consideration aesthetic and public safety considerations.

(10) Prohibited locations. On-site-use WECS shall be prohibited within 1000 feet of the lake line of Skaneateles Lake, within a front yard and any location described in Subsection K(4)(c).

(11) FAA requirements. If the proposed site is near an airport, seaplane base, or established flight zone, said WECS must meet all Federal Aviation Administration requirements.

(12) Ground clearance. The minimum distance between the ground and any part of the rotor blade must be 15 feet.

(13) Emergency shutdown/safety. The applicant shall post an emergency telephone number, clearly visible on a permanent structure or post located outside of the fall zone of the tower and on file with the Town Clerk, so that the appropriate entities may be contacted should any wind turbine need immediate repair or attention. Location should be convenient and readily noticeable to someone likely to detect a problem. All WECS shall have an emergency cut-off switch accessible to fire or police personnel. Further, no wind turbine shall be permitted which lacks automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or enclosed shelter.

(14) Lightning protection. All energy towers shall have lightning protection.

(15) Ownership. Ownership of the WECS must be titled to the same owner of the fee interest in the real property upon which it is situated. In the event of transfer of ownership of the premises, the ownership of the WECS must also be transferred to same or the tower must be decommissioned and removed.

(16) Utility service. All power lines from the wind turbines to on-site interconnection equipment shall be located underground and installed by certified professionals and must meet all applicable federal, state and local electrical codes.

(17) Utility notification (for those WECS which will be interconnected to a utility grid). No WECS shall be installed until evidence has been given of a signed interconnection agreement or letter of intent with the interconnecting utility company.

(18) Lighting. No on-site-use WECS under this provision shall be artificially lighted, unless so required by the FAA. Use of nighttime, and in overcast daytime conditions, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration may be subject to on-site field testing before the Planning Board as a prerequisite to the Board's approval, with specific respect to existing residential uses within 2,000 feet of each tower for which said strobe lighting is proposed.

(19) Access road. To the greatest extent possible, existing roadways shall be used for

access to the site and its improvements. The construction of new permanent access roads should be avoided whenever possible.

(20) Security/anti-climb device. The design of each device shall not allow for climbing by the public for a minimum of 15 feet from the ground.

(21) Decommissioning. Should the Codes Enforcement Officer, on the basis of investigation or information received, determine that a WECS is inoperative or its use discontinued, the Codes Enforcement Officer shall provide written notification to the owner of said WECS. The owner shall substantiate to the satisfaction of the Codes Enforcement Officer that the WECS is still operative or obtain a demolition permit from the Codes Enforcement Officer to remove any inoperable or unused WECS within one year of said notification. Failure to obtain a demolition permit to remove the inoperative or unused tower and turbine in accordance with these regulations shall be a violation of this section, and at the option of the Town Board, the Town Board may cause said tower and turbine to be removed and all expenses incurred by the Town to remove said tower and turbine shall be assessed against the land on which said WECS is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special valorem levy.

(22) Emergency communications towers. A WECS shall not be allowed within 1/2 mile of an existing emergency communication tower unless the Onondaga County Department of Emergency Communication provides written confirmation that the proposed WECS will not compromise the effectiveness of the emergency communication tower.

(23) Signs. At least one weather-resistant sign no greater than two square feet in size shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. All other signs, including logos, flags, banners and decorative items, both temporary and permanent, are prohibited on any part of the WECS, including support structures, except for the manufacturer's, installer's or owner's identification.

(24) Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

(25) Site plan review. The Planning Board shall review the site plan for any application for on-site-use WECS, pursuant to § 148-18 of the Code. The site plan must be drawn and certified by a New-York-State-registered professional engineer, architect or landscape architect and contain the following additional information:

(a) Location and elevation, on USGS datum, of the proposed on-site-use WECS;

(b) Where applicable, the location of all transmission facilities proposed for installation;

(c) Location of all roads and other service structures proposed as part of the installation;

(d) The following additional material may be required by the Planning Board:

[1] Digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

[2] No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer enhanced to simulate the appearance of the as-built aboveground site facilities as they would appear from these locations.

[3] Full environmental assessment form.

(26) Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed on-site-use WECS complies with the following:

(a) The use is oriented in its location upon the site, as to layout, coverage, screening, means of access and aesthetics so that the flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

(b) There is reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected;

(c) There should not be any unreasonable detriment to any structure or use, actual or permitted, in the neighborhood;

(d) There is a reasonable provision for open space, yards and recreation areas appropriate to the structure and use;

(e) Applications shall demonstrate that there will be no adverse impact on migratory bird patterns; and

(f) The applicant has submitted technical data to the satisfaction of the Planning Board showing the preconstruction ambient noise levels, as measured at the boundaries of the closest parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special permit application.

(27) Compliance with Uniform Building Code.

(a) Building permit applications shall be accompanied by standard drawings of structural components of the on-site-use WECS, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New-York-State-registered professional engineer or architect that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

(b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New-York-State-registered professional engineer or architect for compliance with the seismic and structural design provisions of the New York State Fire Prevention and Building Code.

(c) The New York State Fire Prevention and Building Code and the State Energy Conservation Construction Code, as amended from time to time, are hereby ratified and adopted by the Town of Skaneateles in every respect, pursuant to Chapter 40 of the Town of Skaneateles Code.

(28) Compliance with state, local and national electric codes.

(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. The application shall include a statement from a New-York-State-registered professional engineer or architect indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with said drawings and diagrams.

(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New-York-State-registered professional engineer or architect for compliance with the requirements of the National Electric Code and good engineering practices.

(29) Guy wires. Anchor points for guy wires for the on-site-use WECS tower shall be located within the required setback lines and not on or across any aboveground electric transmission distribution lines.

(30) Maintenance and inspection.

(a) Maintenance. All WECS shall be maintained in good condition and in accordance with all requirements of this section.

(b) Inspections. The Codes Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, upon notice to the owner or his/her agent, the premises on which an on-site-use WECS is being or is constructed, to inspect all parts of said on-site-use WECS installation and require that repairs or alterations be made if in his judgment there exists a deficiency in the operation or the structural stability of the system. If necessary, the Codes Enforcement Officer or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be notified in advance in the event of an emergency situation involving danger to life, limb or property for the Codes Enforcement Officer or Town Engineer to enter the premises for purposes of inspecting said system.

(31) Power to impose conditions. In granting any site plan approval, special use permit or variance for an on-site-use WECS, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that said Board finds that said conditions are necessary to minimize any adverse effect or impacts to the proposed use on neighboring properties.

(32) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Skaneateles.

(33) Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

(34) Alternative wind energy systems. Acknowledging that wind energy conversion technology is rapidly evolving, it is the intent of the Town Board to periodically review changes in technology and amend this article as warranted. Until said amendments are enacted, alternative wind energy systems that differ from the traditional "windmills" addressed in this article, and which are designed to supplement residential energy use, shall be allowed in all zoning districts with the conditions set forth below:

(a) Permits required. Any owner desiring to install and operate an alternative wind energy system shall first obtain a building/zoning permit from the Codes Enforcement Officer. Said building permit shall only be issued upon demonstration that the system conforms to the applicable zoning regulations.

(b) Setbacks. All alternative wind energy systems shall be set back a distance equal to the total height (as measured from the ground to the highest point of the blade height).

(c) Height. Alternative wind energy systems shall not project more than 20 feet above the existing roof line of the building as measured from the point of attachment or intersection with the roof line.

(d) Prohibited locations. Alternative wind energy systems shall be prohibited within 50 feet of the lake line of Skaneateles Lake.

(e) Compliance with Uniform Building Code, state, local and national electric codes. Applications for a building/zoning permit shall provide documentation to demonstrate compliance with Subsections (27) and (28) of this § 148-35K.

(35) Definitions. For the purpose of this section of the Zoning Law, the following terms shall have the meanings indicated:

ALTERNATIVE WIND ENERGY SYSTEM — A device attached to an existing or proposed principal or accessory building designed and solely operated for on-site-use to supplement energy needs of the buildings on the site.

AMBIENT NOISE — Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment, but would not be considered part of the background noise unless they were present for at least 90% of the time.

BACKGROUND NOISE — Sounds that would normally be present at least 90% of the time. Also known as the lull in the ambient noise environment.

LARGE WIND ENERGY SYSTEM — A WECS having a rating capacity greater than 100 kW or a total height of more than 150 feet, or both, and designed or operated to provide energy principally to consumers off the premise and which does not meet the requirements established for a small wind energy system.

SMALL WIND ENERGY SYSTEM or ON-SITE-USE WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower, and associated controller-conversion electronics which has a rated capacity of no greater than 10 kW mph for single-family residential related use and no greater than 100 kW (for nonresidential and farm applications) and that is intended to reduce on-site consumption of electricity purchased from a utility company.

TOTAL HEIGHT — The height of the tower and blade as measured from the ground to the top of the highest point of the blade height (tip) as extended at its highest vertical point.

WIND ENERGY CONVERSION SYSTEM (WECS) — A machine that converts the kinetic energy in the wind in a usable form (commonly known as a "wind turbine" or "windmill"). The wind energy conversion system or WECS includes all parts of the system.

WIND FARM — Multiple large wind energy systems sited on a single parcel, or adjacent parcels, designed to sell electricity to a utility company.

§ 148-36. Skaneateles Lakeshore regulations.

A. Shoreline structures within 50 feet of the lake line or within the one-hundred-year floodplain. The dimensional and permit requirements in this subsection A do not apply to temporary docks.

(1) General restrictions.

(a) Special permit requirement. Seawalls, retaining walls, except those that are located 10 feet or more from the lake line, marine railways, permanent docks larger than 200 square feet, decks or patios larger than 400 square feet, stairways higher than 25 feet, and boathouses shall require a special permit.

(b) No accessory structure or improvement shall be built or expanded within 50 feet of the lake line or within the one-hundred-year floodplain as shown on Flood Insurance Rate Maps of the Federal Emergency Management Agency except pump houses, docks, seawalls, retaining walls, gazebos, stairways, storage buildings, fire pits not exceeding two feet in height or 16 square feet in area, children's playground equipment, and boathouses.

(c) Dimensional limits. The total combined square footage of all shoreline structures listed in Subsection A(1)(b) shall be limited as described below. Seawalls and retaining walls used only for purposes of erosion control, containing no walks or decking, shall not be included in the calculation of the square footage of shoreline structures. Lake frontage shall be measured as a straight line connecting the two lot corners where they intersect the lake line

with an intermediate point in the lake line, not including man-made projections into the lake.

[1] On lots with greater than 200 feet of lake frontage: a maximum of 800 square feet for every 200 feet of lake frontage.

[2] On lots with between 100 feet and 200 feet of lake frontage: a maximum of 600 square feet.

[3] On lots with less than 100 feet of lake frontage: a maximum of 400 square feet.

(d) Except as provided in §§ 148-36A(1)(a) and 148-36A(2), no shoreline structure shall exceed 12 feet above the lake line. This restriction also applies to any structure placed on top of another structure.

(e) Materials. All applications for the construction of such structures shall be accompanied by a certificate acceptable to the reviewing board or official that all materials to be used in such construction are free of toxic substances.

(f) See § 148-26 for erosion control requirements. Site plan review requirements are listed in §§ 148-18A, 148-26A(1), and 148-29E. See § 148-30 for steep slope regulations.

(g) In addition to the requirements of this chapter, all applicable requirements of the New York State Department of Environmental Conservation, the United States Army Corps of Engineers and the New York State Office of General Services shall be satisfied.

(2) Special requirements.

(a) No shoreline structure other than a dock and stairs leading to said dock shall be erected, constructed or placed so as to extend offshore beyond the lake line.

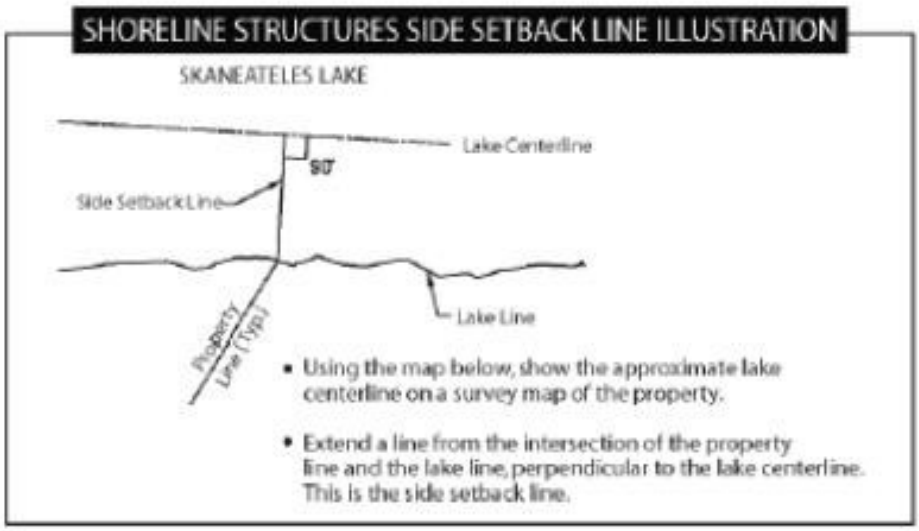
(b) The foundation area of a boathouse shall not exceed 500 square feet. The height of any part of a boathouse shall not exceed 16 feet above the lake line. No living quarters shall be allowed in a boathouse. No boathouse shall be used for any purpose other than storage.

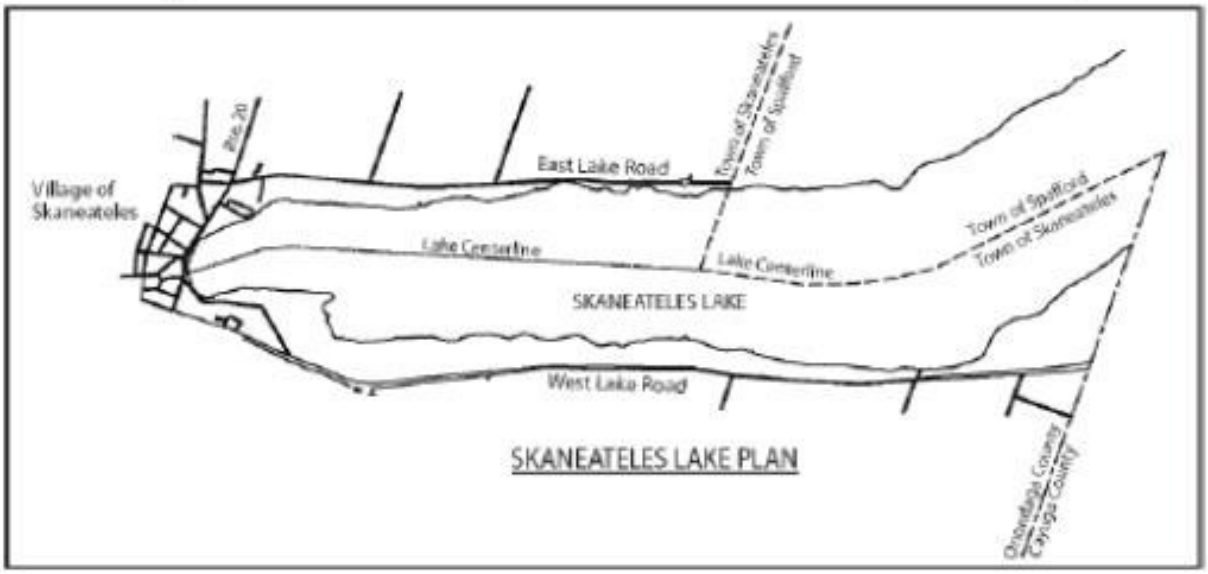
(c) Not more than one boathouse, permanent dock, and marine railway shall be permitted for each lakefront lot, except for a lakefront marina allowed by special permit.

(d) No permanent dock shall be erected, constructed or placed so as to extend offshore more than 75 feet from the lake line. All permanent docks shall be constructed to withstand the forces of flowing water, wave washes and ice.

(e) Except as provided in § 148-12G(1)(a), all shoreline structures except seawalls and retaining walls needed for erosion control shall be constructed with a minimum side setback of 20 feet from the setback line. To locate the setback line, the approximate center line of Skaneateles Lake shall be determined and a line perpendicular to this center line shall be extended to the property corner.

This perpendicular line shall be the setback line. See diagram below.





(f) No dock or marine railway shall be constructed or placed in a manner that will interfere with normal navigation or access to adjacent land or docks.

(g) Any submerged part of a marine railway less than four feet below the surface of the lake shall be identified by an approved navigational hazard buoy which shall be in place when ice is removed from the lake water lying within the Town's corporate boundary.

(3) Lakefront marinas. Marinas shall be allowed by special permit and may be exempted from the dimensional regulations of this § 148-36A if they can satisfy all applicable performance criteria in § 148-16.

B. Supplementary lake yard restrictions. In addition to the requirements of §§ 148-29 and 148-36A above, all structures located within 200 feet of the lake line of Skaneateles Lake shall comply with the following requirements:

(1) Any construction or expansion of any such structure shall require site plan approval and an erosion and stormwater control plan. (See § 148-26.)

(2) No boathouse or storage building shall be used for any purpose other than storage.

(3) No change of grade shall be permitted within 50 feet of the lake line except by special permit. A stabilization and planting plan is required.

(4) No construction or expansion of any dwelling located within 150 feet of the lake line shall be permitted unless the lot has at least 75 feet of lake frontage for each four-bedroom or smaller dwelling, plus 25 feet of additional lake frontage for each additional bedroom. This provision shall not be construed to permit the creation of lots with less than the required minimum lake frontage for a conventional subdivision, except in the case of open space subdivisions. In the event of a conflict with § 148-12G, the more restrictive requirement shall control.

C. Shared lakefront recreation. All land used for shared lakefront recreation (see definition) shall be required to comply with this Subsection C. Land being used for such purposes at the time of enactment of this § 148-36 shall be considered a nonconforming use.

(1) Land may be used for shared lakefront recreation by special permit, provided that the following conditions are satisfied:

(a) Deeded access rights are given, limited to one dwelling unit per 10 feet of shoreline and 2,000 square feet of lot area on the shared lakefront recreation parcel (e.g., a parcel with deeded rights for eight dwelling units would need to have at least 80 feet of shoreline and 16,000 square feet of lot area). These dimensional requirements may be modified by the Planning Board on lakefront access parcels with more than 20,000 square feet in area and more than 200 feet of shoreline, provided that adequate buffers are provided to mitigate the impact on adjacent parcels and that permitted occupancy will not adversely affect lake water quality. In making this determination, the Planning Board shall consider issues of health, safety, and aesthetics, including pedestrian safety where a highway crossing is involved and the practical usability of the shoreline for lake access.

(b) The special permit shall contain specific occupancy limits based upon the number of dwelling units times four people, in order to prevent degradation of the lake from overuse. The special permit may also contain requirements for buffering and screening between the shared lakefront parcel and adjoining properties to minimize disturbance to such properties and to protect their privacy.

(c) If the occupancy limit (number of dwelling units times four persons) exceeds 25 persons, toilet facilities may be required as follows:

[1] Properly maintained chemical or waterless toilets shall be provided; or

[2] Low water flow toilets, together with an approved subsurface disposal system, shall be provided, set back at least 100 feet from the lake line.

(d) Adequate parking areas shall be provided as determined by the reviewing board.

(e) An erosion and stormwater control plan, if required, shall prevent runoff containing sediment or pollutants from entering the lake. If no such plan is required because less than 5,000 square feet will be disturbed, the special permit shall contain such conditions as may be necessary to protect the lake from sediments or pollution, including but not limited to the provision of vegetated buffer strips along the shoreline.

(f) The development and use of the site shall comply with all performance standards for the Lake Watershed Overlay District.

(g) For any site with an occupancy limit in excess of 25 persons, an annual inspection fee may be required in a sufficient amount to cover the cost of monthly inspections during the summer months.

(2) The special permit shall contain such conditions on property management as may be necessary to ensure compliance with the requirements of Subsection C(1) above and any of the requirements of § 148-9H which the reviewing board determines to be appropriate.

§ 148-37. Hard fill dumping.

A. Dumping of refuse, sand, soil, gravel, leaves, wood, debris, waste material and other substances, or any combination of the above, is prohibited in all districts in the Town, except in areas designated by the Town Board or except for the purpose of filling to establish grades for which a permit must be obtained from the Zoning Officer in accordance with Subsection B.

B. Filling for the purpose of establishing grades shall be a permitted use, provided that the filling is accomplished pursuant to a hard fill permit issued by the Codes Enforcement Officer in accordance with this subsection. The following rules shall apply to the issuance of hard fill permits:

(1) Written applications for hard fill permits containing all of the information required herein must be submitted to the Codes Enforcement Officer for approval no later than one week prior to the date on which filling is expected to commence.

(2) The permit application must contain the following:

(a) A sketch map indicating the approximate extent and depth of the fill to be placed.

(b) The date on which filling will commence and cease.

(c) A written description of the nature of the fill material, the anticipated amount of fill and the origin of the material.

(d) The name, address and phone number of the person with overall responsibility

for the filling operation.

(e) The name of the person responsible for the haulage of the material to the fill site and his company or government affiliation.

(3) A permit shall be valid for 60 days from the stated commencement date contained in the application. If the projected work is not completed within this time, a renewal permit application must be made to the Codes Enforcement Officer in conformance with the requirements of this subsection.

(4) No permit will be required for any fill operation consisting of less than 150 cubic yards at any location unless two or more fill operations are to be accomplished at the same location within one calendar year, in which case a permit will be required for any fill amounts in excess of 150 cubic yards at such location. A "location," for purposes of this subsection, is defined as any two or more filling operations which deposit material no more than 50 feet apart at their closest points.

(5) Fill material must be free of household refuse, garbage and hazardous, deleterious or toxic substances.

(6) Fill must be sloped, graded, topsoiled, and seeded with an appropriate seed mix for the season within 14 days after placement such that the fill area drains without puddling; said thirty-day time period is subject to extension by the Codes Enforcement Officer.

(7) Fill operations must not change surface drainage patterns so as to adversely affect adjacent landowners or roadways.

(8) Any fill operation(s) which will result in the placement of in excess of 400 cubic yards at any location within any one calendar year requires a special permit issued by the Planning Board.

(9) Nothing in this section shall in any way alter or diminish the provisions of § 148-29E, which requires site plan approval for any construction, filling or excavation within specified distances from watercourses.

(10) The requirements imposed by this subsection shall not apply to:

(a) A sand, gravel, quarry, mining or excavation operation subject to a mining permit issued by the Department of Environmental Conservation pursuant to the Environmental Conservation Law or a special permit issued by the Town Board or Planning Board pursuant to § 148-35B.

(b) Fill material temporarily stored at a location reasonably contiguous to construction being accomplished pursuant to a validly issued building permit.

(c) Topsoil temporarily stockpiled in connection with ongoing and adjacent landscaping activity. For purposes of this subsection, "topsoil" is defined as soil containing sufficient organic material to promote plant growth and reasonably free of stones greater than two inches in size.

(d) Fill material already existing at the location which is merely relocated on site.

§ 148-38. (Reserved)

§ 148-39. (Reserved)

ARTICLE VII
Administration

§ 148-40. Enforcement.

A. Codes Enforcement Officer as Zoning Enforcement Officer. The provisions of this chapter shall be enforced by the public official appointed and designated as the Codes Enforcement Officer pursuant to the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40 of the Town Code).

B. Issuance of building permits and certificates of occupancy. The Codes Enforcement Officer shall not issue a zoning permit, building permit or certificate of occupancy, and no other public official of the Town of Skaneateles shall issue any other permit or license for any purpose, if the issuance of such zoning permit, building permit, certificate of occupancy or other permit or license would be in conflict with the provisions of this chapter or any other applicable local, state or federal law or regulation.

C. Combining building and zoning permits. Whenever a building permit required by Chapter 40 and a zoning permit required by this Chapter 148 are both required, the Codes Enforcement Officer shall issue a combined building and zoning permit.

§ 148-41. Zoning permits.

A. General.

(1) In addition to any requirements for securing a building permit pursuant to the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles (Chapter 40), as amended, no person shall commence the erection, construction, enlargement, alteration, replacement or removal of any building or structure, nor shall any person commence the conversion or change in occupancy or use of any existing building, structure or parcel of land (including conversion from seasonal to year-round use) nor add any impermeable surface coverage to any land except after approval in writing by the Codes Enforcement Officer of an application for a zoning permit. In the case of adding any impermeable surface coverage to any land, the Codes Enforcement Officer, in his or her sole discretion, may waive the zoning permit requirement if, in his or her opinion, there is no possibility that the proposed addition of impermeable surface coverage will exceed the requirements of this chapter. A farm operation protected under § 148-31D shall not need a zoning permit to add impermeable surface coverage. Conversion of a residential structure from seasonal to year-round use shall be deemed a change of use.

(2) In the case of emergency action to deal with damage from fire or other casualty, the applicant may commence construction required to stabilize a structure without a zoning permit. In order to protect the safety of persons entering such a structure to stabilize it, a permit shall be applied for as soon as possible and in no event more than

two weeks following such fire or casualty.

(3) A zoning permit shall become effective when the Codes Enforcement Officer has filed written approval of the permit application in the office of the Town Clerk and the applicant has paid all applicable fees to the Town Clerk and has executed an acknowledgment agreeing to the terms of the permit.

B. Exemptions. No zoning permit shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature, and which is not intended to or does not provide for a new or extended use of the building, structure or premises.

C. Application for zoning permit. All applications for a zoning permit shall be in writing and shall be filed by the owner of the building, structure or parcel of land to which said application shall relate. Each application for a zoning permit shall be made to the Codes Enforcement Officer on prescribed forms and shall contain the following information:

(1) Land: a description of the land to which the proposed zoning permit will relate.

(2) Use, occupancy: a statement of the existing and proposed use of all parts of the land and the location, character and existing and proposed use of any existing or proposed buildings or structures, including the number of floors, entrances, rooms, type of construction and the kind and extent of any exterior horizontal extension proposed toward any boundary or street line of the lot.

(3) Identity of owner, applicant: the full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.

(4) Description of work or changes in use: a brief description of the nature of the proposed work or change in use, including proposed erosion control measures if required by § 148-26.

(5) Valuation of work: the valuation of the proposed work, if any.

(6) Additional information: such other information as may reasonably be required by the Codes Enforcement Officer to establish compliance of the proposed work or change in use with the requirements of this chapter.

D. Additional information to accompany application. No application for a zoning permit shall be valid unless there shall be annexed thereto multiple copies of the following additional information:

(1) Contents: Each application for a zoning permit shall be accompanied by two copies of plans and specifications, including a map, survey which reflects all existing structures (as defined in § 148-56) and certified within five years of the date of application, site development or plot plan, drawn to scale, showing the courses, dimensions and detail of all the boundary lines of the proposed lot of occupancy and the street boundaries adjacent thereto, if any, and the location and size of any proposed new construction and all existing buildings, structures, parking areas, traffic access and circulation drives, open spaces and landscaping on the site, the nature and character of any work to be performed and the materials to be incorporated, distance from lot lines, the

relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and such additional information as may be required by the Codes Enforcement Officer, to determine compliance with the provisions of this chapter. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) Execution: Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by the Education Law or any other applicable statutes, laws, rules or regulations of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(3) Waiver of requirement. The Codes Enforcement Officer may waive the requirement for filing plans and specifications for minor alterations or minor projects. In connection with any application for a zoning permit, the Codes Enforcement Officer, in his or her sole discretion, may waive the requirement to produce a survey if in his or her opinion there is no possibility that the proposed erection, construction, enlargement, alteration, replacement or removal of any building or structure would violate the applicable Code dimensional requirements. The Codes Enforcement Officer may in his/her sole discretion waive the recertification requirement described in § 148-41D(1).

E. Action upon application. The Codes Enforcement Officer shall promptly examine each application for a zoning permit filed hereunder and endorse thereon his approval or disapproval thereof, and if disapproval his reason or reasons for such disapproval, and a duplicate of such approved or disapproved application shall be delivered or mailed to the applicant forthwith. If said application shall have been approved, said application with the approval of the Codes Enforcement Officer endorsed thereon shall constitute a zoning permit. The Codes Enforcement Officer shall have the discretionary power to require any additional written or documentary information or proof from an applicant hereunder as he shall deem necessary, desirable or expedient to assist him to determine whether or not he should approve an application hereunder.

F. Effect of approval. No approval of an application for a zoning permit by the Codes Enforcement Officer shall be valid unless such application and such approval of said application for said zoning permit shall comply fully with the provisions of this chapter. Any application hereunder approved, confirmed or acted upon in violation of this chapter shall be void.

G. Termination of zoning permit. Permits of any type authorized by this chapter, including permits issued to a variance, shall be dated as of date of issuance. Construction or use pursuant to such permit shall be commenced within one year after the date thereof, and construction shall be carried out diligently to completion within 18 months after the date thereof. Any application for a zoning permit approved hereunder shall terminate and become void if not acted upon or used within 18 months from the date of its approval. The Codes Enforcement Officer may grant one six-month renewal of any such permit if he or she determines that the delay in commencement or completion of construction was without the permittee's fault or negligence or beyond the reasonable control of the permittee.

§ 148-42. Certificates of occupancy.

A. General. No building or structure (including accessory structure) hereafter erected, constructed, enlarged, altered or moved and no enlarged, extended, altered or relocated portion of an existing building or structure hereafter completed shall be occupied or used until a certificate of occupancy has been issued by the Codes Enforcement Officer consenting to such occupancy or use, in accordance with the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40), this chapter and any other applicable provisions of any federal, state, county or Town statute, law, ordinance, rule or regulation, and until such certificate shall have been filed in the office of the Town Clerk as provided herein. No approval given under this chapter shall become final unless and until confirmed by the issuance of a certificate of occupancy as provided herein. This provision shall not prevent the occupancy or use of a legally occupied structure and shall apply only to the newly constructed portion of an enlarged structure.

B. Exception for minor alterations. No certificate of occupancy shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature and which does not require the approval of the Codes Enforcement Officer of an application for a zoning permit or a building permit pursuant to the provisions of this chapter or of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40).

C. Issuance of certificate of occupancy.

(1) After work has been completed in full compliance with both the building permit (if any) and the zoning permit, the Codes Enforcement Officer shall issue a certificate of occupancy.

(2) A certificate of occupancy for any structure shall not be issued until one copy of a final survey by a licensed surveyor has been submitted. The Codes Enforcement Office may waive this requirement. However, no survey shall be required in cases where the work does not involve new buildings or structures or changes in bulk to existing buildings or structures. The Codes Enforcement Office may request additional information to establish compliance with the requirements of this chapter.

(3) The Codes Enforcement Officer shall examine the premises and the location of any new buildings or structures or improvement to existing buildings or structures and shall determine whether or not such new construction or improvements comply with the setbacks and other requirements of this chapter and with the terms and conditions of any site plan approval, special permit or variance granted. The date of any inspections conducted hereunder, together with the names of all persons attending such inspections, the extent of completion of the work on each date and the findings of the Codes Enforcement Officer on each date, shall be noted by the Codes Enforcement Officer.

D. Effective date of certificate of occupancy. A certificate of occupancy shall become effective upon filing in the office of the Town Clerk, together with the zoning permit application and all previous applications and approvals granted.

E. Construction or improvement in violation of this chapter. If the Codes Enforcement Officer finds any new construction or improvements located upon the premises to be in violation of

this chapter, he or she shall forthwith transmit notice of such violation to the applicant, together with a request that the applicant comply with this chapter. The Codes Enforcement Officer shall also transmit such notice, together with the applications for a building permit and zoning permit and all data pertaining to such violation, to the Town Board for appropriate action.

F. Failure to complete construction. Any structure for which a zoning permit or building permit has been issued, which remains partially complete with no substantial progress over a nine-month period, shall be considered a violation of this chapter to be remedied pursuant to § 148-42E above.

§ 148-43. Violations.

A. Penalties.

(1) A violation of this chapter is an offense punishable by a fine of not less than $100 and not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine of not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not more than $100. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

(3) The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

B. Inspection. In order to determine compliance with this chapter, the Codes Enforcement Officer is authorized to enter, inspect and examine any building, structure, place, premises or use in the Town of Skaneateles and to issue a written order for remedy or compliance, within a reasonable period of time, of any condition found to be in violation thereof. He or she shall keep a permanent record of all violations of this chapter, whether reported by private citizens or by any board, agency, officer or employee of the Town, and such record shall show the disposition of all such violations.

C. Notice of violation.

(1) Upon finding any new construction, improvements, or uses to be in violation of this

chapter, the Codes Enforcement Officer shall transmit a written notice of violation, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the alleged violation, with a copy to the Town Board. The notice of violation shall require an answer or correction of the alleged violation to the satisfaction of the Codes Enforcement Officer within a reasonable time limit set by the Codes Enforcement Officer. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Codes Enforcement Officer within the time limit constitutes admission of a violation of this chapter. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

(2) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Codes Enforcement Officer, the notation "Violation Corrected" shall be made on the Codes Enforcement Officer's copy of the notice.

(3) If there is no reply within the time limit set (thus establishing admission of a violation of this chapter) and the alleged violation is not corrected to the satisfaction of the Codes Enforcement Officer within the time limit set, the Codes Enforcement Officer shall take action in accordance with Subsection E of this section.

(4) A permanent record of all notices of violation and their disposition shall be kept in the offices of the Codes Enforcement Officer.

D. Complaints of violations. Whenever a suspected violation of this chapter occurs, any person may file a signed written complaint reporting such violation to the Codes Enforcement Officer. The Codes Enforcement Officer may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Codes Enforcement Officer and reported to the Town Board. The Town Board may by blanket resolution authorize the Codes Enforcement Officer to act independently in all cases or particular class of cases.

E. Abatement of violations. If any premises is in violation of this chapter, the Town Board or, with its approval, the Codes Enforcement Officer may institute an appropriate legal action or proceeding to prevent, restrain, correct or abate such violation, to prevent the occupancy of the premises or to prevent any illegal act, conduct, business or use in or about such premises. Such legal action may include the issuance of an appearance ticket pursuant to the Criminal Procedure Law § 150.20.

F. Taxpayer action. Upon the failure or refusal of the Codes Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 31 days after written request by a resident taxpayer of the Town to do so, any three taxpayers of the Town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Codes Enforcement Officer or Town Board.

G. Accountability. For every violation of the provisions of this chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee or any other person who commits or takes part or assists in such violation or who maintains any structures or premises in which any such violation exists shall be punishable according to the provisions of this chapter.

§ 148-44. Escrow deposits for review and inspection costs.

A. Deposits in escrow.

(1) In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Town of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by it and neighboring municipalities in reviewing similar applications. The Codes Enforcement Officer may also require a deposit in escrow pursuant to his or her authority under §§ 148-26, 148-28, 148-29E and 148-30.

(2) Use of funds.

(a) The money deposited shall be used to cover the reasonable and necessary costs of reviewing an application, including costs of inspection of construction and completed improvements. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application and project inspections. The reviews governed by this section shall include but not be limited to all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQR).

(b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the Skaneateles Town Code. Monies deposited by applicants pursuant to this section shall not be used to offset the Town's general expenses of professional services for the several boards of the Town or its general administrative expenses.

(c) Fees charged strictly as a result of a SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.

B. Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Town and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

C. Upon receipt and approval by the Town Board of itemized vouchers from consultants for services rendered on behalf of the Town regarding a particular application, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited, and shall debit the separate record of such account accordingly.

D. Review of vouchers; payment.

(1) The Town Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications and project inspections. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Town for services performed in connection with the review of a similar application. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the Town Board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, and protect public or private property from damage.

(2) In no event shall an applicant make direct payment to any Town consultant.

E. If, at any time during the review of an application or the inspection of an approved project under construction, there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board or inspecting official that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or official shall cause the applicant to deposit additional sums as the board or official deems necessary or advisable in order to meet such expenses or anticipated expenses.

F. An applicant shall have the right to appeal to the Town Board the amount of any required escrow deposit or the amount charged to an escrow account by a consultant under this section.

G. In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited.

H. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.

I. The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of Skaneateles for funds expended to compensate for services rendered to the Town under this section by private engineers, attorneys or other consultants. In order for a land use application to be deemed complete, the applicant shall provide the written consent of all owners of the subject real property acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Town for such fees, the following shall apply:

(1) The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.

(2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consulting fees expended by the Town shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

§ 148-45. Zoning Board of Appeals.

Pursuant to the provisions of § 267 of the Town Law, there is hereby established a Zoning Board of Appeals consisting of five members appointed by the Town Board. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this chapter in connection with appeals to review any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this chapter, generally the Codes Enforcement Officer. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Town.

A. Appeals of orders, requirements, decisions, interpretations or determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this chapter. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

B. Appeals for variance.

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer or other administrative official or body charged with the enforcement of this Zoning Law, after public notice and hearing and in accordance with the requirements of law and this chapter, to grant area variances and use variances as those terms are defined herein. [Amended 5-3-2012 by L.L. No. 2-2012]

(2) The signed original application for a variance and other required application materials shall be submitted in multiple copies as required by the Zoning Board of Appeals, at such time as required by the Board in compliance with § 148-45F(1).

(3) Any variance which is not exercised by application for a zoning permit or by otherwise commencing the use within one year of the date of issuance shall automatically lapse.

C. Use variances. [Amended 5-3-2012 by L.L. No. 2-2012]

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer or other administrative official or body charged with the enforcement of this Zoning Law, after public notice and hearing and in accordance with the requirements of law and this chapter, to grant use variances as defined herein.

(2) If a use variance is granted, the applicant must obtain site plan review approval from the Planning Board prior to commencing the use and prior to obtaining a building permit.

(3) No such use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that otherwise applicable zoning regulations and restrictions have caused unnecessary hardship.

(a) Unnecessary hardship. In order to prove such unnecessary hardship, the applicant is required to demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each of the following four criteria is satisfied:

[1] The applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence;

[2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood involved;

[3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] The alleged hardship has not been self-created.

(b) Reasonable rate of return. In evaluating whether the applicant can realize a reasonable rate of return, the Zoning Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant (as opposed to just the site of the proposed project) are incapable of producing a reasonable rate of return. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the applicant has clearly demonstrated, by detailed, written "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (as opposed to just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).

(c) Unique hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

(d) Essential character of the neighborhood. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the proposed project will not alter the essential character of the neighborhood.

[1] In making its determination of whether the proposed project will alter the essential character of the neighborhood, the Zoning Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town, including without limitation:

[a] The fact that Skaneateles Lake is a public water supply;

[b] Any agricultural data statement submitted pursuant to § 148-31;

[c] The rural residential and historic character of the Town;

[d] Its irreplaceable recreation and tourism sites;

[e] The extent of hazard to life, limb or property that may result from the proposed project;

[f] Health impacts;

[g] The social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances;

[h] The impact on property values; and

[i] Whether the applicant will use a style of development that will result in degradation to the air quality, water quality or scenic and natural resources of the Town.

[2] In order to find that the proposed development project does not alter the essential character of the neighborhood, the Zoning Board of Appeals shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following:

[a] Pose a threat to the public safety, including public health, water quality or air quality;

[b] Cause an extraordinary public expense; or

[c] Create a nuisance.

(e) Self-created hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning

Board of Appeals finds that the alleged hardship was not self-created. The Zoning Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that:

[1] The applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision;

[2] The applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or

[3] When the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

(4) In addition to the application requirements set forth in Subsection F of this § 148-45, an application for any use variance shall contain a typewritten narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for a use variance, including:

(a) Competent financial evidence.

[1] Competent written financial evidence containing reasonable written specification of, and backup (confirmation) for, the nature and factual particulars of such claim, and articulating the basis for the applicant's claim, and including, at a minimum (as to the entire parcel of which the proposed project is a part):

[a] Date of acquisition;

[b] The purchase price;

[c] Present value of the property;

[d] The amount of real estate taxes;

[e] The amount of mortgages or liens and other expenses;

[f] The asking price for the property when it had been offered for sale;

[g] The costs of demolishing any existing structures on the property;

[h] Cost of erecting a new building(s) for each and every permitted use in the zoning district (including uses allowed by special use permit);

[i] Efforts to market the property; and

[j] A schedule of all other property in common ownership at either the date of the enactment of this chapter or thereafter.

[2] Competent written financial evidence must include written "dollars and cents proof" such as appraisals, economic studies, and any other written evidence supporting the applicant's contention that the desired relief is appropriate, including appraisals relating to any alleged diminution of all

or substantially all of the fair market value of property. For the purposes of this chapter, common ownership means all other interests in property either located within the Town or contiguous to the Town that is held by the any of the applicants (if more than one), whether such ownership is of a legal or equitable interest, in whole or in part, contiguous or not, and whether such property interest is held by any of the applicants through a legal or equitable interest in a(nother) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.

(b) Unique nature of the property. The applicant must provide evidence demonstrating the unique nature of the parcel as a whole. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto. Exceptional topographic conditions are an example of a factor demonstrating the unique nature of the property.

(c) Alteration of the essential character of the neighborhood. The applicant must demonstrate that the proposed development project will not adversely change the essential character of the neighborhood with regard to physical, economic, social or environmental elements. Adverse impacts to the essential character of the neighborhood include, but are not limited to, decreased quality or increased quantity of stormwater runoff, increased soil erosion, increased traffic congestion, decreased road quality, impairment of the scenic or rural character of roads, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of the viewshed, creation of solid wastes, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative impacts to public infrastructure, decreased property values, and negative impacts on the health of area residents.

(d) Hardship not self-created. In order to show that the hardship is not self-created, the applicant must demonstrate either:

[1] That when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or did not otherwise apply; or

[2] Some other change has occurred since the applicant's purchase which makes the use nonconforming, as long as such other change was not caused by the applicant.

(5) The Zoning Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety, and welfare of the community.

(6) The Zoning Board of Appeals, in the granting of use variances, shall have the

authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed development project. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, architectural features, location and layout of buildings, limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter. If the applicant refuses to accept such requirements and conditions, the use variance shall be denied.

(7) In addition to the application requirements set forth in Subsection F of this § 148-45, the following reports shall be required to be submitted in writing in connection with any appeal or application for a use variance concerning what is otherwise an explicitly prohibited use (as defined in § 147-48). The purpose of these reports in the context of otherwise explicitly prohibited uses is to assist the Zoning Board of Appeals in its determination as to the impact of a proposed project on the Town and/or the "essential character of the neighborhood" and/or to determine whether the proposed project complies with the requirements of this chapter:

(a) Environmental Assessment Form. A completed draft of a long form Environmental Assessment Form, Part I.

(b) Description of surrounding uses. The approximate location of all neighboring residential, hamlet, village, park/recreational, and/or agricultural areas, as well as all county-designated Unique Natural Areas and locally-designated Critical Environmental Areas (if any) within a two-mile radius of the perimeter of the site of the proposed use.

(c) Traffic impact report. A traffic impact report containing:

[1] The proposed traffic circulation plan, the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

[2] Existing and proposed daily and peak traffic hour levels as road capacity levels;

[3] A determination of the area of impact of traffic to and from the proposed development project;

[4] The proposed traffic routes to the nearest intersection with an arterial highway, including gross weights and heights of vehicles;

[5] The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed project;

[6] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities;

[7] A traffic impact analysis of the effects of the proposed project on the

transportation network in the Town using passenger car equivalents;

[8] Articulation of the effects and impacts of the proposed project on traffic based on existing conditions and projected future background traffic on the state, county, and Town road system;

[9] Evaluation of whether the resulting traffic conditions are likely to hinder the passage of police, fire and emergency response vehicles, or degrade the quality of life, and/or otherwise contribute to hazardous traffic conditions; and

[10] Determination of whether there is sufficient road frontage so that any vehicle leaving the site may turn into the lane of traffic moving in the desired direction and be channeled within such lane before crossing the nearest intersection or proceeding along the road, and any vehicle entering the property may turn out of the nearest lane of traffic without interfering with other traffic.

(d) Road impact report. An evaluation of:

[1] Appropriate roadway geometry including required road widths, bridge widths, starting and stopping sight distances, intersection sight distances, horizontal and vertical curves along the proposed traffic routes;

[2] The adequacy of existing pavement structures along the proposed traffic routes to accommodate the full weight load of any trucks and construction vehicles likely to be used in connection with the proposed project; and

[3] Impacts to the rural or scenic character of any roads along the proposed traffic route.

(e) Transportation plan. A description of ingress and egress through the proposed project site through which equipment and supplies will be delivered and which will provide access during and after construction, and identification of any roads, streets, intersections, bridges, and other facilities along the proposed traffic route that do not meet New York State Department of Transportation standards. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, any new road or access construction, measures which will be taken to avoid damaging access/traffic routes, and measures that will be taken to restore damaged routes following construction, and measures to maintain the scenic and/or rural characteristics of such roads.

(f) Noise impact report. A report on the following topics:

[1] The existing audible conditions at the project site to identify a baseline sound presence and preexisting ambient noise, including seasonal variation;

[2] A description and map of sound-producing features of the proposed project from any noise-generating equipment and noise-generating operations that will be conducted in connection with the proposed project

site, including noise impacts from truck traffic traveling within the Town to and from the proposed project;

[3] For the noise generated by construction and use of the proposed project, the range of noise levels and the tonal and frequency characteristics expected, and the basis for the expectation;

[4] A description and map of the existing land uses and structures, including any sound receptors (i.e., residences, hospitals, libraries, schools and places of worship, parks, and areas with outdoor workers) within one mile of the development project parcel boundaries. Said description shall include the location of the structure/land use, distances from the proposed development project and expected decibel readings for each receptor;

[5] The report shall cover low frequency, A-weighted, infrasound, pure tone, and repetitive/impulse noise; and

[6] The report shall describe the proposed project's noise-control features, including specific measures proposed to protect off-site workers and mitigate noise impacts for sensitive receptors.

(g) Visual assessment. A visual presentation of how the site of the proposed project will relate to and be compatible with the adjacent and neighboring areas, within a two-mile radius of the perimeter of the site of the proposed project. This presentation shall include computerized photographic simulation showing the site during construction and fully developed, and demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components and any visual screening incorporated into the project that is intended to lessen visual prominence.

(h) Report of natural gas and/or petroleum extraction, exploration or production wastes, and other wastes. A report of a description of any natural gas and/or petroleum extraction, exploration, or production wastes (as that term is defined at Subsection D of § 148-47 of this chapter), and other solid wastes, industrial wastes, hazardous wastes and pollutants expected to be produced, stored, injected, discarded, discharged, disposed, released, or maintained on the project site if the variance is granted.

(i) Compatible uses report. A discussion of characteristics of the proposed project that may decrease the Town's and/or the neighborhood's suitability for other uses such as residential, commercial, historical, cultural, tourism, recreational, environmental or scenic uses.

(j) Fiscal impact assessment. An assessment describing the adverse effects and impacts on Town revenue and costs necessitated by additional public facility and service costs likely to be generated by the proposed project.

(k) Fire prevention, equipment failure and emergency response report. A report

containing:

[1] Description of the potential fire, equipment failures and emergency scenarios associated with the proposed project that may require a response from fire, emergency medical services, police or other emergency responders;

[2] An analysis of the worst-case disaster associated with the proposed project and the impact of such a disaster upon the health, safety and welfare of the inhabitants of the Town and their property;

[3] Designation of the specific agencies that would respond to potential fires, equipment failures, accidents or other emergencies;

[4] Description of all emergency response training and equipment needed to respond to a fire, accident, equipment failure or other emergency, including an assessment of the training and equipment available to local agencies; and

[5] The approximate or exact location of all fire, police, and emergency response service facilities within a five-mile radius of the perimeter of the site of the proposed use.

(l) Public facilities and services assessment. An assessment describing:

[1] Whether current Town public facilities and services, including water supply, fire protection, school services, recreation facilities, police protection, roads and stormwater facilities, are adequate for the proposed development project (taking into account all other uses that have been permitted or are currently operating in the Town);

[2] A comparison of the capacity of the public services and facilities to the maximum projected demand that may result from the proposed development project (In determining the effect and impact of the proposed project on fire, police, and emergency services, the review shall take into consideration response times, and the number and location of available apparatus and fire, police and emergency service stations that are manned by full-time professional service personnel; and, where applicable, calculation of response time shall also include the time it takes volunteer emergency personnel to get to their stations.); and

[3] A review of the impact of the proposed project on the safety of all children going to and from school by car, bus, bicycle, and walking during and outside of school zone hours and whether safety measures such as signaled cross walks or elevated sidewalks exist along intended truck routes so as to aid in prevention of accidents.

(m) Property value assessment. A property value analysis, prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of the project on the value of properties adjoining the project site.

(n) Health impact assessment. A human health impact assessment that identifies ways in which the proposed development project could adversely affect the health of Town residents and a priority list of recommendations to minimize the potential health impacts of the proposed project. The health impact assessment shall include:

[1] A risk assessment of possible impact of chemical exposure on the health of residents, including the Chemical Abstract Service number of all chemicals proposed to be used or generated at the project site;

[2] An assessment of possible health effects due to industrial operations in non-heavy industrial zoned areas; and

[3] An assessment of possible health effects due to community changes including the presence of an industrial activity in a previously non-heavy industrial area, declining property values, impacts to the education system and sudden changes in population numbers, demographics and customs.

D. Area variances.

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer, to grant area variances from the area or dimensional requirements.

(2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community of such grant. The Zoning Board of Appeals shall take account of the fact that Skaneateles Lake is a public water supply and shall not grant any variance that, individually or in combination with other variances, may result in pollution of the lake from more intensive use of property, encroachment into required lake yards, additional surface water runoff or subsurface leaching of septic waste or any other factors. In making its determination, the Board shall also consider:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(c) Whether the requested area variance is substantial; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse

environmental impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable.

(e) Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not necessarily preclude the granting of the area variance.

(3) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

E. Imposition of conditions. The Zoning Board of Appeals shall, in granting use variances and area variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.

F. Procedures.

(1) Application. Copies of the application form and checklist for applicants are available at the Town Clerk's office. Appeals shall be taken by filing a written notice of appeal with the Codes Enforcement Officer and the Zoning Board of Appeals, within 60 days after the filing of the order, requirement, decision, interpretation or determination that is being appealed, on forms prescribed by the Zoning Board of Appeals. Required materials include: one original application, a disclosure of interest form as required by § 809 of the General Municipal Law, multiple copies of a plot or site plan as required by the Zoning Board of Appeals, drawn to scale with accurate dimensions, showing the location of existing and proposed structures on a lot, an agricultural data statement, if applicable, a narrative description of what is being proposed, a table identifying the land use district and how the proposed project compares with the dimensional requirements of § 148-9. The Zoning Board of Appeals may request additional information and materials if it deems necessary. The Codes Enforcement Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals.

(2) Referral to County Planning Board.

(a) Requests for variances that require referral to the Onondaga County Planning Board shall be so referred pursuant to General Municipal Law Article 12-B, §§ 239-l and 239-m, as amended.

(b) No action shall be taken on variances referred to the County Planning Board until its recommendation has been received or 30 days have elapsed after its receipt of the full statement of the proposed variance, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(c) County disapproval. A majority-plus-one vote shall be required to approve any variance which receives a recommendation of disapproval from the County

Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

G. Hearing and public notice.

(1) If an agricultural data statement has been submitted, the Secretary of the Zoning Board of Appeals shall, upon receipt of the variance application, mail written notice of the application to the owners of land as identified by the appellant in the agricultural data statement. Such notice shall include a description of the proposed variance and its location. The cost of mailing the notice shall be borne by the appellant.

(2) The Zoning Board of Appeals shall set a reasonable time after receipt of a complete application for the hearing of appeals.

(3) At least five days prior to the date of such hearing, the Zoning Board of Appeals shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to the Planning Board, to all contiguous property owners in the affected area that the Zoning Board of Appeals may require to be notified and to the regional park commission having jurisdiction over any state park or parkway within 500 feet of the property affected. A copy of such notice of hearing, together with a description of the application, shall be sent by the Zoning Board of Appeals to the Planning Board. If the application is for a use variance on property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

(4) At the hearing, any party may appear in person or by agent or by attorney.

(5) The Zoning Board of Appeals may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal.

H. Action. The Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse, affirm or modify, wholly or in part, the order, requirement, decision, interpretation or determination of the administrative official in accordance with the provisions of this chapter.

(1) Any such action shall be decided within 62 days after the final hearing.

(2) Every decision of the Zoning Board of Appeals shall be approved by vote of a majority of the members by resolution which contains a full record of the findings of the Zoning Board of Appeals in the case.

I. Filing. Every order, requirement, decision, interpretation or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five business days after the decision is rendered and shall be a public record. A copy thereof shall be mailed to the appellant.

J. Court review of Board decisions. Any person or persons, jointly or severally aggrieved by

any decision of the Zoning Board of Appeals, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules and § 267-c of the Town Law.

K. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary building permit within 12 months of the date of such decision.

L. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Codes Enforcement Officer certifies for the Zoning Board of Appeals, after the notice of appeal has been filed, that such a stay of proceedings would, in his or her opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall not be stayed except by a restraining order granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Codes Enforcement Officer for due cause shown.

ARTICLE VIII
Amendments

§ 148-46. Amendments.

A. Initiation. The Town Board, from time to time, upon its own motion or upon application by one or more property owners or resolution of the Planning Board or Zoning Board of Appeals, may amend this chapter as provided herein. A property owner or his agent may apply for amendment to this chapter by filing three complete sets of an application with the Town Board and two complete sets with the Planning Board. The application shall include a disclosure of interest form as required by § 809 of the General Municipal Law, a description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof and the applicable filing fee. In the case of a proposed amendment which would apply only to properties which are not immediately identifiable or to a class of properties including six or more identifiable properties, no properties need be identified as affected.

B. Review by planning agencies. As an aid in analyzing the implications of proposed amendments and to coordinate the effect of such actions on intergovernmental concerns, the Town Board shall refer proposed amendments to the Town and County planning agencies as required by §§ 239-l and 239-m of the General Municipal Law and by this chapter.

(1) Referral to Onondaga County Planning Board. No action shall be taken on proposals referred to the County Planning Board until its recommendation has been received or 30 days have elapsed after its receipt of the full statement of the proposed amendment, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(2) Referral to Town Planning Board. Every proposed amendment or change initiated by the Town Board or by petition (but not if initiated by the Planning Board) shall be referred to the Town Planning Board for report thereon prior to public hearing. If the Planning Board does not report within 30 days of such referral, the Town Board may

take action without the Planning Board report. This period of time may be extended by agreement of the Town Board and Planning Board.

C. Public hearing and notice. No proposed amendment shall become effective until after a public hearing thereon, at which the public shall have an opportunity to be heard. The Town Board shall set, by resolution at a duly called meeting, the time and place for a public hearing on proposed amendments and shall cause public notice to be given as required by the laws of New York State and specified below. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.

(1) Publication of notice in newspaper. Notice of the time and place of the public hearing shall be published at least 10 days in advance of such hearing in the official newspaper. This notice shall provide a summary of the proposed amendment in such reasonable detail as will give adequate notice of its contents, indicating the place or places where copies of the proposed amendment may be examined and the time and place of the hearing.

(2) Notice to adjacent municipalities. Written notice of any proposed amendment affecting property lying within 500 feet of an adjacent Town shall be served in person or by mail upon the Clerk of such municipality at least 10 days prior to the date of public hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon but shall not have the right to review by a court.

D. Adoption. The Town Board may adopt amendments to this chapter by a majority vote of its membership, except in the case of local protest or disapproval by the County Planning Board as noted below.

(1) Local protest. The favorable vote of 3/4 (i.e., four) of the Town Board members shall be required for passage of any amendment which is subject to a written protest signed by the owners of 20% or more of the land in any of the following areas:

(a) The land area included in the proposed amendment.

(b) The land area immediately adjacent to the area proposed to be changed and extending 100 feet therefrom.

(c) The land area directly opposite the area proposed to be changed and extending 100 feet from the road frontage of such opposite land.

(2) County disapproval. A majority-plus-one vote of all Town Board members shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board prior to Town Board action, along with a resolution setting forth the reasons for such contrary action.

E. Effective date. Unless the amendment provides for a different effective date, each amendment adopted by the Town Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

§ 148-47. Explicitly prohibited uses; prohibition against natural gas and/or petroleum extraction, exploration or production wastes. [Added 5-3-2012 by L.L. No. 2-2012]

A. Explicitly prohibited uses.

(1) The following uses and activities (being respectively defined in Subsection D below of this § 148-47) are hereby expressly and explicitly prohibited in each and every zoning district within the Town, and no building or structure shall be created, altered or erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

(a) Land application facility;

(b) Natural gas and/or petroleum exploration activities;

(c) Natural gas and/or petroleum extraction activities;

(d) Natural gas and/or petroleum extraction, exploration or production wastes disposal/storage facility;

(e) Natural gas and/or petroleum extraction, exploration or production wastes dump;

(f) Natural gas compression facility;

(g) Natural gas processing facility;

(h) Nonregulated pipelines;

(i) Underground injection; and

(j) Underground natural gas storage.

(2) Any condition caused or permitted to exist in violation of this Subsection A is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this chapter as "explicitly prohibited uses," any one of the above explicitly prohibited uses may be referred to in this chapter as an "explicitly prohibited use," and any combination of more than one such use may also be referred to as "explicitly prohibited uses."

B. Prohibition against natural gas and/or petroleum extraction, exploration or production wastes.

(1) The Town of Skaneateles hereby exercises its authority and right under New York Environmental Conservation Law § 27-0711 to adopt a local law that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this local law[18] complies "with at least the minimum applicable requirements" set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

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18. **Editor's Note: In this instance, the term "this local law" refers to L.L. No. 2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.**

(2) It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained, anywhere within the Town, any natural gas and/or petroleum extraction, exploration or production wastes.

C. No application to customary local distribution lines, etc. The prohibitions set forth above in this § 148-47 are not intended, and shall not be construed, to:

(1) Prevent or prohibit the right to use roadways in commerce or otherwise for travel;

(2) Prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or

(3) Prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal agriculture, residential, business, commercial, and other uses within the Town.

D. Defined terms applicable to this § 148-47. For purposes of this chapter, the following terms shall have the meanings respectively set forth below:

AGRICULTURE USE — Land used for "Agriculture" (as that term is defined at § 148-56 of this chapter).

BELOW-REGULATORY CONCERN — Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR 20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

GATHERING LINE or PRODUCTION LINE — Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move oil, gas, or liquids from a point of production, treatment facility or storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under Section 1(b) of the Natural Gas Act, and which does not meet the definition of a "major utility transmission facility" under the Public Service Law of New York, Article 7, § 120, Subdivision 2(b).

INJECTION WELL — A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semisolids) are injected into the subsurface and less than 90% of such fluids return to the surface within a period of 90 days.

LAND APPLICATION FACILITY — A site where any natural gas and/or petroleum extraction, exploration or production wastes are applied to the soil surface or injected into the upper layer of the soil.

NATURAL GAS — Methane and any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors

occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES — Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES — The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES

(1) Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of "industrial waste," "hazardous," or "toxic," and whether or not such substances are generally characterized as waste:

(a) Below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;

(b) Natural gas or petroleum drilling fluids;

(c) Natural gas or petroleum exploration, drilling, production or processing wastes;

(d) Natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semiliquid material);

(e) Any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;

(f) Soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;

(g) Drill cuttings from natural gas or petroleum wells; or

(h) Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

(2) This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 C.F.R. 261.4(b).

(3) The definition of "natural gas and/or petroleum extraction, exploration or production wastes" does not include:

(a) Recognizable and nonrecognizable food wastes; or

(b) Waste generated by agriculture use.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY — Any of the following:

(1) Tanks of any construction (metal, fiberglass, concrete, etc.);

(2) Impoundments;

(3) Pits;

(4) Evaporation ponds; or

(5) Other facilities, in any case used for the storage or treatment of natural gas and/or petroleum extraction, exploration or production wastes that:

(a) Are being held for initial use;

(b) Have been used and are being held for subsequent reuse or recycling;

(c) Are being held for treatment; or

(d) Are being held for storage.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DUMP — Land upon which natural gas and/or petroleum extraction, exploration or production wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

NATURAL GAS COMPRESSION FACILITY — Those facilities or combination of facilities that move natural gas or oil from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

NATURAL GAS PROCESSING FACILITY — Those facilities that separate and recover natural gas liquids (NGLs) and/or other nonmethane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO2 separated from natural gas streams.

NONREGULATED PIPELINES — Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

PIPELINE — All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment, such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment) whether or not laid in public or private easement or private right of way within the Town. This term includes, without limitation, gathering lines, production lines, and transmission lines.

RADIATION — The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

RADIOACTIVE MATERIAL — Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the New York State Department of Labor, the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, the United States Department of Energy, the United States Department of Transportation, or any other regulatory agency.

SUBSURFACE — Below the surface of the earth, or of a body of water, as the context may require.

TRANSMISSION LINE — A pipeline that transports petroleum, natural gas, or water to end users as a public utility and which is subject to regulation either by:

(1) The Federal Energy Regulatory Commission's jurisdiction under Section 1(b) of the Natural Gas Act; or

(2) As a "major utility transmission facility" under the Public Service Law of New York, Article 7, § 120, Subdivision 2(b).

UNDERGROUND INJECTION — Subsurface emplacement of natural gas and/or petroleum extraction, exploration or production wastes by or into an injection well.

UNDERGROUND NATURAL GAS STORAGE — Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

E. Preexisting, legal nonconforming natural gas and/or petroleum extraction activities. Notwithstanding any provision of this chapter to the contrary, any natural gas and/or petroleum extraction activities that are being conducted in the Town as of the effective date of this local law[19] shall be subject to the following:

(1) Continuance as preexisting, nonconforming use; prohibited use.

(a) If, as of the effective date of this local law, substantive natural gas and/or petroleum extraction activities are occurring in the Town, and those activities

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19. **Editor's Note: In this instance, the term "this local law" refers to L.L. No. 2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.**

are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies for such activities, then and only then such activity shall be considered a preexisting, nonconforming use and shall be allowed to continue, subject, however, to the provisions of Subsection E(2) and (3).

(b) Natural gas and/or petroleum extraction activities that are being conducted in the Town as of the effective date of this local law and which do not qualify for treatment under the preceding Subsection E(1)(a) shall not be grandfathered, and shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

(2) Upon the depletion of any well which is allowed to remain in operation after the effective date of this local law by virtue of Subsection E(1)(a), or upon any other substantive cessation of natural gas and/or petroleum extraction activities [otherwise grandfathered by virtue of Subsection E(1)(a)] for a period of more than 12 months, then and in such event the nonconforming use status of such activity shall terminate, and thereafter such natural gas and/or petroleum extraction activities shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

(3) Notwithstanding any provision hereof to the contrary, the preexisting, nonconforming status conferred and recognized by Subsection E(1)(a) is not intended, and shall not be construed, to authorize or grandfather any natural gas and/or petroleum extraction activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this local law. Any expansion or attempted or purported expansion shall not be grandfathered under Subsection E(1)(a), and instead shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

§ 148-48. Abandonment of pending applications. [Added 3-3-2016 by L.L. No. 1-2016]

In the event that any application for a special permit, site plan approval, a use variance, an area variance, or for any amendment thereto filed after the effective date of this section remains inactive for a period of six months if a minor project, and 12 months if a major project, from the last regular or special meeting at which the application was reviewed, such application shall be closed and of no further force or effect. Any future action thereon shall require a new application, subject to all rules and regulations in effect at such later date. The Planning or Zoning Board may, in its discretion, waive a subsequent filing fee upon such application but may not waive the application of any new rules and regulations promulgated during the period subsequent to the initial filing.

§ 148-49. (Reserved)

ARTICLE IX
Miscellaneous

§ 148-50. Severability.

If any provision of this chapter or the application thereof to any person, property or circumstances is held to be invalid, the remainder of this chapter and the application of each provision to other persons, property or circumstances shall not be affected thereby.

§ 148-51. Effective date; repealer.

This chapter shall take effect 20 days after its adoption and upon filing with the Secretary of State and shall repeal all prior zoning laws in effect.

§ 148-52. (Reserved)

§ 148-53. (Reserved)

§ 148-54. (Reserved)

ARTICLE X
Definitions

§ 148-55. Word usage.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word person includes an individual person, a firm, a corporation, a partnership and any other agency of voluntary action. The word "he" shall include "she" or "they." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

B. In § 148-56, where two words are separated by a slash mark (/), they shall have the same meaning.

§ 148-56. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT — A dwelling unit occupying the lesser of 1,000 square feet or 30% of the floor space of an owner-occupied structure containing a principal use that is single-family residential or nonresidential, or a dwelling unit no larger than 1,000 square feet located in an accessory structure on an owner-occupied property.

ACCESSORY STRUCTURE — A structure subordinate to a principal building and used in conjunction with and for purposes customarily incidental to those of the principal building or use, including accessory apartments.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and used in conjunction with such principal use or building.

ACCESS STRIP — A strip of land abutting a public or platted private road, providing access to

a rear lot. (See § 148-11J.)

ADULT ENTERTAINMENT BUSINESS — A bookstore, video store, nightclub, movie theater, retail store or other establishment which prominently features entertainment or materials with sexually explicit content. An establishment which sells such materials as an incidental part of its business or which presents such material or entertainment primarily as a form of legitimate artistic expression shall not be considered an adult entertainment business.

AGRICULTURAL DATA STATEMENT — An identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a subdivision is proposed, as provided in § 305-a of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

AGRICULTURE — The utilization of land and structures for the production, preservation, nonindustrial processing, storage and sale of agricultural commodities such as crops, plants, flowers, vines, trees, sod, shrubs, livestock, honey, Christmas trees, compost, poultry or dairy products, not including agricultural industry or farms primarily for the disposal of offal or garbage. Commercial horse-boarding operations, as defined herein, and the raising or breeding of horses are agricultural uses, distinguished from the business use of teaching or training people to ride a horse. (See "riding academy.")

ALTERATION — As applied to a structure, a change to or rearrangement of the structural parts, or any expansion thereof, including the extension of any side or by any increase in height, or the moving of such structure from one location to another.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

APPLICANT — Any person, corporation or other entity applying for a building permit, certificate of occupancy, special permit, site plan or subdivision approval, variance or zoning amendment.

AUTOMOBILE SERVICE STATION — Any area of land, including structures, that is used or designed to service motor vehicles by supplying fuel, oil, or other lubricants, and/or to provide other types of services such as maintenance, repair, body work, polishing, greasing, painting, or washing such motor vehicles. An establishment that satisfies this definition and also sells unrelated retail goods shall be considered to be both an automobile service station and a retail use.

BED-AND-BREAKFAST — A dwelling in which overnight accommodations, not exceeding five bedrooms, and breakfast are provided for transient guests for compensation. A bed-and-breakfast must be the primary residence of the owner/proprietor.

BERM — An earthen construct designed for use as a barrier, enclosure, partition, fence, ledge, shelf or support.

BOARDINGHOUSE — A building other than a hotel containing a shared kitchen and/or dining room, in which no more than six sleeping rooms are offered for rent, with or without meals.

BOATHOUSE — A structure used solely for the protection of boats from the weather.

BUILDABLE LAND — That portion of a lot which is suitable for building structures and locating septic disposal facilities, i.e., all land excluding wetlands and watercourses, preexisting utility easements and rights-of-way, slopes exceeding 12% (slopes measured as 5,000 square feet or more of contiguous sloped area at least 10 feet in width) and the one-hundred-year flood zone.

BUILDING — A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or property.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade on all sides of the building to the highest point of the roof.

BUILDING, PRINCIPAL — A building or structure in which is conducted the main or principal use of the lot on which it is located.

CEMETERY — Land used or intended to be used for the burial of dead human beings and dedicated for such purpose, including columbariums, mausoleums and mortuaries when operated as part of a cemetery and within its boundaries, but excluding crematoria.

CHARITABLE ORGANIZATION — A not-for-profit corporation or association organized for charitable purposes including but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment and the arts.

CLEAR-CUTTING — Any activity which significantly disturbs or removes substantially all of the trees, brush, grass or other vegetation on a site without disturbing the soil, excluding agriculture production, in an area exceeding 5,000 square feet in any one year. For slopes 30% or greater, § 148-30B(1) applies.

CLUB, MEMBERSHIP — Premises used by a not-for-profit organization catering exclusively to members and their guests for social, recreational, athletic or similar purposes. A club which falls within the definition of "recreational business" shall be deemed to be a recreational business.

COMMERCIAL HORSE-BOARDING OPERATION — An agricultural enterprise, consisting of at least seven acres and boarding at least 10 horses, regardless of ownership, that receives $10,000 or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production, not including operations whose primary on site function is horse racing.

COMMON DRIVEWAY — A driveway serving no more than four lots, owned in common or created by reciprocal easements.

COMPLETE APPLICATION — An application for a special permit, site plan or subdivision approval, zoning amendment or variance found by the reviewing board to satisfy all information requirements of this chapter and of the New York State Environmental Quality Review Act, for

which either a negative declaration has been issued or a draft environmental impact statement has been accepted as satisfactory pursuant to 6 NYCRR 617.8(b)(1).

COMPREHENSIVE PLAN — The Comprehensive Plan adopted by the Town Board for the future preservation and development of the Town of Skaneateles pursuant to § 272-a of the Town Law, including any part of such plan separately adopted and any amendment to such plan.

CONDOMINIUM — A system of ownership of dwelling units, either attached or detached, established pursuant to the Condominium Act of the State of New York,[20] in which the apartments or dwelling units are individually owned.

CONFORMITY/CONFORMING — Complying with the use, density, dimensional and other standards of this chapter.

CONSERVATION EASEMENT — A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land and natural, cultural, historic and scenic resources.

CONSTRUCTION TRAILER — A mobile unit used for nonresidential purposes associated with on-site construction.

CONVENIENCE STORE — A retail use, intended to serve motorists and neighbors, limited to the sale of groceries, snack foods, beverages, toilet articles, sundries, magazines, newspapers and foods.

CORNER LOT — See "lot, corner."

CRAFT WORKSHOP — A place where artists, artisans, craftsmen and other skilled tradespeople produce and sell custom-made art or craft products including but not limited to baskets, cabinets, ceramics, clothing, flower arrangements, jewelry, metalwork, musical instruments, paintings, pottery, sculpture, toys and weaving. A craft workshop may involve the sale of accessories, supplies, and incidental items not produced on the premises, provided that no more than 10% of floor space is used for such sales.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as mining, dredging, filling, paving, excavations or drilling operations.

DOCK — A floating or fixed structure projecting from or along the shore into the water of Skaneateles Lake, which may or may not have elements attached to the lake bottom, including floating docks, piers and wharves used as a berthing place for boats, as well as docks used for swimming, sitting, or other recreational purposes. (See "permanent dock.") Any dock which is not considered a permanent dock shall be deemed a temporary dock.

DRIVEWAY — A private way providing vehicular access from a public or private road to a residence or to a commercial or noncommercial establishment.

DWELLING — A building designed or used exclusively as living quarters for one or more

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20. **Editor's Note: See Real Property Law § 339-d et seq.**

families.

DWELLING, MULTIFAMILY — A dwelling containing separate living units for three or more families.

DWELLING, SINGLE-FAMILY — A detached building designed for the use of one household, including one or more persons living as a family, and wherein not more than three boarders are sheltered and/or fed for compensation.

DWELLING, TWO-FAMILY — A detached building containing two dwelling units.

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family.

EASEMENT — A right of use over the real property of another, including a right, whether recorded or prescriptive, granted by a property owner to others, whether exclusively to an individual, or nonexclusively to several individuals or the public, to make limited use of all of the property subject to the easement for a specified purpose. Easements may be either affirmative to permit the easement holder to exercise a use or right or negative to prohibit the property subject to the easement from exercising a right or use. [Added 2-5-2015 by L.L. No. 2-2015]

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION — Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

FAMILY — One person, or a group of two or more persons living and cooking together in the same dwelling unit as a single housekeeping entity. A roomer, boarder, lodger or occupant of supervised group quarters shall not be considered a member of a family.

FARM — Any lot or parcel of land at least five acres in area which is used in conjunction with a farm operation as defined in § 148-56.

FARM OPERATION — As defined in New York Agriculture and Markets Law, Article 25AA, § 301(11), land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FENCE — A structure or partition erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two contiguous estates.

FILLING — Any activity which deposits natural or artificial material in a manner that modifies the surface or subsurface conditions of land or watercourses.

FLOODPLAIN/ONE-HUNDRED-YEAR FLOODPLAIN — Land subject to a one-percent or greater chance of flooding in any given year.

FLOOR SPACE — The sum of the areas of habitable, potentially habitable, or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including

bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, walkout basements, attics with sufficient ceiling height to be used for habitation, excluding cellars or unfinished basements where less than four feet of the interior basement height is above grade level on all sides. Floor space shall be measured from exterior wall to exterior wall. In the case of a mixed use, it shall be measured from exterior wall to the center of the dividing walls. [Amended 1-20-2011 by L.L. No. 1-2011; 2-5-2015 by L.L. No. 2-2015]

A. HABITABLE FLOOR SPACE — Includes basements and attics within a building finished pursuant to the NYS Building and Fire Codes.

B. POTENTIALLY HABITABLE FLOOR SPACE — Includes currently unfinished and potentially accessible portions of basements and or attics with ceiling heights and floor areas satisfying the minimum standards of the NYS Building and Fire Codes. Ceiling height shall be measured from the floor to the lowest projection from the ceiling or floor framing above. Beam, girder or duct work intrusions consistent with the NYS Building and Fire Codes will be included in the calculation of potentially habitable floor space.

C. COMMERCIALLY USABLE SPACE — Space designed for the storage or display of products and or access by customers or employees.

FOOTPRINT — Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing.

FRONT — The side of a building or structure parallel to and closest to a road or street. On a corner or a through lot, both sides of a building facing the street shall be considered the front.

GAZEBO — A freestanding unenclosed structure without solid walls and topped by a roof, but which shall not exceed 12 feet in height. [Amended 2-5-2015 by L.L. No. 2-2015]

GLARE — Spillover of artificial light beyond the area intended for illumination in a manner which either impairs vision or beams light onto adjoining properties or toward the sky.

GRADING — Any excavation, alteration of land contours, grubbing, filling or stockpiling of earth materials.

HAZARDOUS MATERIAL — Any substance listed in or exhibiting characteristics identified in either 6 NYCRR Part 371 or 6 NYCRR Part 597. Includes material which is a present or potential hazard to human health or the environment when improperly stored, transported, discarded or managed, including hydrocarbon products such as gasoline, oil and diesel fuel.

HEALTH CARE FACILITY — A hospital, nursing home, medical clinic or office building for doctors and other medical personnel, including any residential facility in which the residents receive medical, nursing, or other care meeting the needs of daily living because of the resident's state of health, including but not limited to assisted living, congregate care, and rehabilitation facilities.

HEDGE — A row of closely planted shrubs or low-growing trees forming a fence or visual or physical boundary.

HOME OCCUPATION — An occupation or business activity resulting in a product or service for financial gain, conducted wholly or partly in a dwelling unit or accessory structure. "Home occupation" includes, but is not limited to, the following: art studio, dressmaker, carpenter,

electrician, plumber, professional office of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same and teaching, with musical instruction limited to not more than three pupils at a time. "Home occupation" does not include barbershops, beauty parlors, commercial stables, riding academies, kennels or restaurants.

HOTEL — See "lodging facility."

IMPERMEABLE SURFACE — Any roofed or other solid structure or material covering the ground through which water does not readily penetrate, including but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted gravel. Regardless of the construction materials, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered impermeable. A deck with spaced boards at least 1/8 inch apart, a swimming pool surface, and a patio with a permeable paving system shall not be considered impermeable.

IMPERMEABLE SURFACE COVERAGE — The ratio between impermeable surface and total land area of a lot expressed as the percentage of land covered by impermeable surfaces.

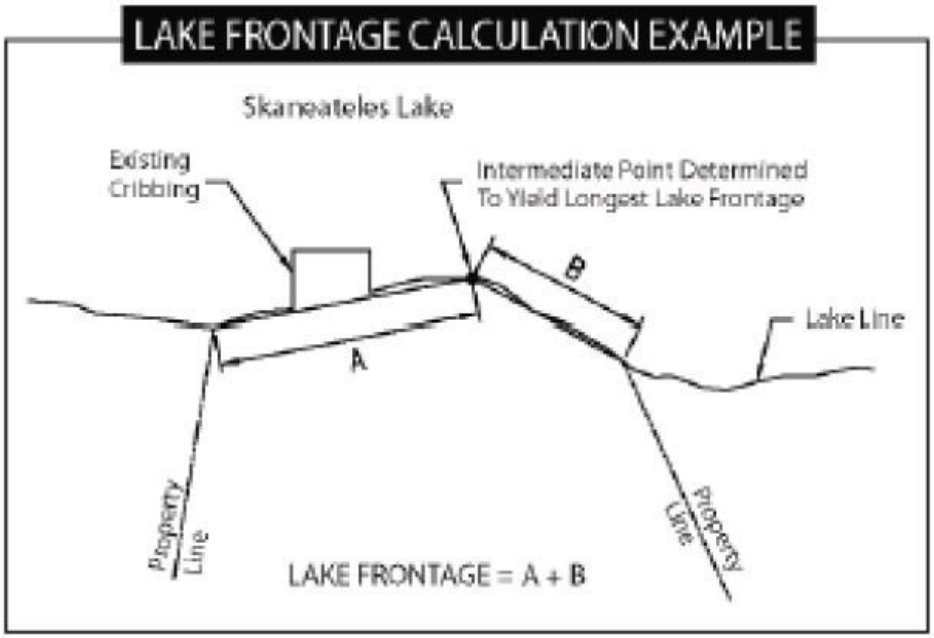
INTERIOR ROAD — A road constructed off of an existing public street that provides access to the interior of a parcel.

INTERIOR VOLUME — The sum of the volumes of all enclosed habitable spaces on all floors of a structure, including the interior volume of all rooms (including bathrooms and kitchens), closets, pantries, and hallways, excluding cellars or unfinished basements. Interior volume of habitable space is computed by multiplying the floor space of habitable areas by the height of the actual enclosed space, and is expressed in cubic feet.

JUNK — Any worn-out, cast-off, discarded or neglected article or material which is ready for destruction or has been collected or stored for salvage or conversion to another use. "Junk" does not include any article or material which unaltered or unchanged and without further reconditioning can be used for its original purposes as readily as when new or any article stored for restoration or display as part of a bona fide hobby (such as antique automobiles, antique farm machinery, antique engines, special interest automobiles, etc.).

KENNEL — Any establishment including cages, dog runs, and structures wherein more than three dogs which are over six months old are kept for sale, boarding, care or breeding, for which a fee is charged.

LAKE FRONTAGE — The longest distance along two straight lines formed by connecting the lot corners where they intersect the lake line with an intermediate point (selected to maximize the length of the two lines) on the lake line, not including man-made projections into the lake. See diagram below.



LAKE LINE — The shoreline of Skaneateles Lake when the lake level is 865.02 feet (National Geodetic Vertical Datum 1929), the legally established elevation to which the City of Syracuse may raise the level of the lake. (The corresponding level using City of Syracuse datum is 863.27 feet.) [Amended 7-24-2007 by L.L. No. 13-2007]

LAKE YARD — See "yard, lake."

LIGHT INDUSTRY — Manufacture, assembly, treatment or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare or vibration beyond the property boundaries.

LODGING FACILITY — Any hotel, motel, inn or other establishment, other than a bed-and-breakfast, providing sleeping accommodations for transient guests, with or without a dining room or restaurant.

LOT, CORNER — A lot at the junction of and abutting on two or more intersecting roads.

LOT LINES — The property lines that bound a lot as defined herein.

LOT OF RECORD — Any lot which has been established as such by plat, survey record or deed prior to the date of this chapter as shown on the records in the office of the Onondaga County Clerk.

LOT/PARCEL — An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the boundaries of which were established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of Subdivision Law by the Town of Skaneateles on June 20, 1974.[21] Where a parcel is divided by a public road, such division shall be deemed to create separate lots, even if such lots do not have individual tax

21. **Editor's Note: See Ch. 131, Subdivision of Land.**

parcel numbers or have been transferred in the same deed. [Amended 10-2-2006 by L.L. No. 3-2006]

LOT, REAR — A lot on which the buildable area is located generally to the rear of other lots having frontage on the same road as such lot and having access to the road via a strip of land that does not have the minimum road frontage ordinarily required in the zoning district.

LOT, THROUGH — A lot which faces on two streets at opposite ends of the lot, which is not a corner lot.

LOT WIDTH — The shortest distance between the side lot lines, measured at the front of the principal building, or at the building frontyard setback in the case of an undeveloped lot. [Amended 7-24-2007 by L.L. No. 13-2007]

MAJOR PROJECT — A proposed use that requires a special permit or site plan approval and that exceeds any of the thresholds for a minor project.

MARINA — A waterfront commercial facility for the docking, servicing, storage, rental or sale of boats or water-based aircraft.

MARINE RAILWAY — An immovable structure which may be wholly or partially submerged and constructed of parallel rails attached to cross-ties which support a cradle to launch or haul a boat into or from Skaneateles Lake.

MEMBERSHIP CLUB — See "club, membership."

MINING — See "open pit mining."

MINOR PROJECT — A use or combination of uses on a lot or a series of adjoining lots that requires either site plan review or a special permit and that, over a fifteen-year period, does not exceed any of the following limits:

A. Construction of four multifamily dwelling units or a boardinghouse or lodging facility with six bedrooms.

B. Construction of facilities or structures for a nonresidential use covering no more than 12,000 square feet of building footprint, except that for a recreational business use this threshold shall be 5,000 square feet.

C. Alteration of existing structures or expansion of such structure by no more than 12,000 square feet.

D. Conversion of existing structures totaling 12,000 square feet or less to another use.

E. Alteration and active use of 43,560 square feet or less of land with or without structures except that for a recreational business use this threshold shall be 15,000 square feet.

MIXED USE — Any combination of residential, commercial or industrial uses on the same lot or in the same building.

MOBILE HOME — A transportable living unit used or designed to be used year round as a permanent residence and containing the same types of water supply, waste disposal and electrical systems as immobile housing. Motor homes designed to be driven or towed by an automobile or

motor vehicle, units designed for use principally as a temporary residence, or prefabricated, modular or sectionalized houses transported to and completed on a site are not considered to be mobile homes.

MOBILE HOME COURT — Any court, park, place, lot or parcel under single ownership which is improved for the placement of two or more mobile homes to be used as permanent residences.

MULTIFAMILY DWELLING — See "dwelling, multifamily."

NONCONFORMING LOT — A lot of record which does not comply with the area, shape, frontage or locational provisions of this chapter for the district in which it is located.

NONCONFORMING STRUCTURE — A structure which does not satisfy the dimensional requirements of this chapter, including impermeable surface coverage requirements, for the district in which it is located, but which was not in violation of applicable requirements when constructed. For purposes of this definition, all impermeable surfaces are considered to be structures.

NONCONFORMING USE — Any use lawfully existing prior to and at the time of the adoption or amendment of this chapter or any preceding zoning law or ordinance, which use is not permitted by or does not conform to the permitted use provisions of this chapter for the district in which it is located. A preexisting lawful use which is allowed only by special permit under this chapter shall be considered a nonconforming use until such time as a special permit is granted for it.

OFFICIAL NEWSPAPER — The newspaper or newspapers designated by the Town for the publication of official notices of meetings and public hearings.

OPEN PIT MINING — Use of a parcel of land or contiguous parcels of land, or portions thereof, for the purpose of extracting and selling stone, sand and/or gravel, not including the process of preparing land for construction of a structure for which a building permit has been issued. In no event shall "open pit mining" be construed to mean, be, or include natural gas and/or petroleum exploration activities or natural gas and/or petroleum extraction activities. [Amended 5-3-2012 by L.L. No. 2-2012]

OPEN SPACE — An area of land not developed with structures and used for recreation, agriculture, lawn or forestry or left in its natural state. ("Permanent open space" is defined and discussed in § 148-9H.)

OUTDOOR STORAGE — Land used for the keeping of goods, wares, equipment or supplies outside of a structure.

PACKAGE SEWAGE TREATMENT PLANT — A facility which treats sewage and discharges treated effluent into surface water or below the surface of the ground, excluding systems consisting of septic tanks and leach fields.

PARKING SPACE — The net area needed for parking one automobile, usually equal to 180 square feet with dimensions of nine by 20 feet.

PERGOLA — An unenclosed structure with no roof, but topped by a framework of materials, comprised of support columns and horizontal crosspieces, which may only be covered by vines or other climbing plants, but which is not enclosed at the sides or ceiling by scree, fabric, or

other material. [Added 2-5-2015 by L.L. No. 2-2015]

PERMANENT DOCK — A fixed structure projecting from or along the shore into the water of Skaneateles Lake with elements attached to the lake bottom, or any structure that remains in the lake for more than eight months of the year, including floating docks, piers and wharves used as a berthing place for boats. An articulating dock, which is attached to the shore year round and projects into the lake for only part of the year, shall be deemed to be a permanent dock.

PERMEABLE SURFACE — Any surface which collects precipitation and filters or detains precipitation; or any surface which permits precipitation to flow through it, including, but not limited to, swimming pool surfaces, ponds, lawns, mulch, wood chips and other similar surfaces, and stones arranged decoratively for walkways, or otherwise defined and restricted in this chapter. [Added 2-5-2015 by L.L. No. 2-2015]

PLAT — A map or plan submitted to the Planning Board as part of an application for subdivision approval. (See "subdivision law.")

PLOT PLAN — A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions and submitted with an application for a minor project special permit or a variance.

PREMISES — A lot, together with all the structures and uses thereon.

PRINCIPAL BUILDING — See "building, principal."

PRIVATE RIGHT-OF-WAY — Real property owned by a private individual for use as a road, street, crosswalk, walkway, or other access. [Added 2-5-2015 by L.L. No. 2-2015]

PRIVATE ROAD — A privately owned road held in common ownership or easement by a homeowners' association.

PUBLIC RIGHT-OF-WAY — Real property owned by a state or local government or property dedicated by the landowner for use as a road, including a public or private road, street, crosswalk, walkway, utility line or other access. [Added 2-5-2015 by L.L. No. 2-2015]

PUBLIC WATER AND SEWER — Central or communal water supply systems and central or communal sewage collection and/or treatment systems approved and accepted by the Town Board or by any other appropriate county or state authority for operation and maintenance, including sewage disposal systems involving common septic tanks or leach fields or other forms of decentralized sewage treatment managed by the Town or by an improvement district or sewage disposal management district.

REAR LOT — See "lot, rear."

RECREATIONAL BUSINESS — A business and/or club which, for compensation and/or dues, offers recreational services including but not limited to marinas, boatyards, ski resorts, public stables, golf courses and driving ranges, miniature golf, movie theaters and other places of public or private entertainment.

REDEVELOPMENT — Any change, modification, rehabilitation, or alteration of a preexisting and nonconforming lot whose total calculation of impermeable surface currently exceeds the maximum permitted by this chapter, which expands or alters the existing footprint of structure

located thereon [Added 2-5-2015 by L.L. No. 2-2015]

RELIGIOUS INSTITUTION — A church, synagogue or other place of religious worship, as well as a monastery or other place of religious retreat.

RESIDENTIAL UNIT — See "dwelling unit."

RESIDENTIAL USE — A use of land and structures in which people live and sleep overnight on a regular basis.

RETAIL BUSINESS — An establishment selling goods to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drugstore, florist, grocer, hardware store, liquor store, newsstand, restaurant, shoe store, stationery store and variety store.

REVIEWING BOARD — The Town board to which an application is directed and from which such application requires approval. [Amended 6-16-2009 by L.L. No. 2-2009]

RIDING ACADEMY — An establishment where one or more of the following occurs:

A. More than four horses are kept for riding, driving, or horseback riding lessons, for compensation, or incidental to the operation of any club, association, resort, riding school, ranch, or similar establishment;

B. Public riding events or horse shows are held for which an entrance fee is charged; or

C. An indoor riding ring is used for giving horseback riding lessons or holding events or shows.

ROAD FRONTAGE — The distance along a street line measured at the front of a lot.

ROAD/STREET — A public or private way for pedestrian and vehicular traffic, including avenue, lane, highway or other way, excluding a driveway or common driveway.

SCREEN/SCREENING — The location of structures in such a manner that they are not visible from a public road or any other public place during the summer months and no more than partially visible in winter. Objects or structures may be screened by topography, vegetation or other structures not required to be screened.

SEASONAL USE — Any activity in a structure which is used and intended for use primarily in the summer months, and which generally lacks central heating or insulation. The occupancy of any habitable structure for more than eight months of the year shall be considered year round rather than seasonal.

SERVICE BUSINESS — A business or nonprofit organization that provides services to the public, either on or off the premises, including but not limited to building, electrical, plumbing and landscape contracting, arts instruction or studio, auto repair, business and educational services, catering, health club, house cleaning services, locksmith, photocopying, repair and restoration services, tailoring, typing and word processing. "Service business" does not include retail business, restaurants, warehouses or other uses separately listed in the Use Table.

SETBACK — The distance in feet from a property line to a structure on a lot.

SEWAGE TREATMENT FACILITY — Any package sewage treatment plant, or any other public or private central or communal sewage collection and/or treatment system, including systems involving common septic tanks or leach fields or other forms of decentralized sewage treatment managed privately or by the Town or an improvement district or sewage disposal management district.

SHARED LAKEFRONT RECREATION — Use of privately owned lakefront land for recreational purposes by members of a homeowners' association pursuant to deeded access rights, as defined by § 148-36C. This shall not apply to recreational use of a lakefront parcel by one family and its guests. (See § 148-36C.)

SHORELINE STRUCTURE — Any accessory structure located within 50 feet of Skaneateles Lake.

SIGN — Any billboard, signboard, inscription, pennant or other material, structure, exterior painting or device composed of lettered or pictorial material that is intended for outdoor viewing by the general public (including inside a window) and used as an advertisement, announcement or direction.

SINGLE-FAMILY DWELLING — See "dwelling, single-family."

STRIP COMMERCIAL DEVELOPMENT — The layout of a commercial use or uses in separated or common-wall structures along a state highway, with more than one row of parking located between the highway and the commercial building(s), where parking is visible from the road. The provision of gasoline pumps or other drive-up facilities in front of a building shall be considered to be equivalent to one row of parking. Strip commercial development is contrasted with village center development, which is characterized by two-story or taller buildings set close together and close to the street (forming a street wall that encloses the street), with a pedestrian orientation (including sidewalks) and with all off-street parking located behind or to the side of buildings.

STRUCTURE — A static construction of building materials set upon or affixed to the ground, including but not limited to a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, shelter, sign, stadium, storage bin, tennis court, driveway, parking area, hot tub, fence or wall, bridge, and including structures enclosed by scree, fabric or other temporary materials. [Amended 2-5-2015 by L.L. No. 2-2015]

TELECOMMUNICATIONS ACCESSORY FACILITY — Serves the principal use, is subordinate in area, extent and purpose to the principal use and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage and equipment sheds or structures.

TELECOMMUNICATIONS TOWER — A structure on which transmitting and/or receiving antenna(s) are located.

TEMPORARY DOCK — Any dock that is not a permanent dock, as defined herein.

TEMPORARY STRUCTURE — Any structure which is constructed for seasonal use only, no longer than eight months, which is dismantled and stored while not in seasonal use. Any structure remaining longer than eight months is considered permanent and must meet all zoning requirements of this chapter, including, but not limited to, dimensional and impermeable surface

coverage limitations. [Added 2-5-2015 by L.L. No. 2-2015]

THIS CHAPTER — See "Zoning Law."

THIS LOCAL LAW — See "Zoning Law."

TOWN ENGINEER — The engineer retained by the Town Board or the Planning Board or other professional engineer qualified under the New York State Education Law and authorized by the Town Board to perform work for the Town.

TOWN LAW — The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

TRUCK TERMINAL — Any location where freight originates, terminates or is handled in the transportation process or where carriers maintain operating facilities, excluding the premises of shippers or receivers of freight.

TWO-FAMILY DWELLING — See "dwelling, two-family."

USE — The purpose for which any premises may be arranged, designed, intended, maintained or occupied, or any occupation, activity or operation conducted or intended to be conducted on a premises.

USE, ACCESSORY — A use which is customarily incidental to and subordinate to the principal use of a lot or structure, located on the same lot as the principal use or structure.

UTILITY FACILITY — A utility facility is a use which is operated by a public utility, and which provides cable television, electric, gas, steam, telephone service, water, or sewerage directly to the general public. Examples are electric substations. A public utility is an entity which operates as a monopoly, and whose rates charges to customers are established by a utility commission. Connections from utility facilities in the homes and businesses of customers of the public utility are considered accessory uses. [Amended 5-3-2012 by L.L. No. 2-2012; 2-5-2015 by L.L. No. 2-2015]

VARIANCE, AREA — The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by special permit.

VISIBLE/VISIBILITY — Able to be seen by a person with normal vision on a clear day when there is no foliage on deciduous trees.

WALL — An upright structure of stone, brick, rock or similar material serving to enclose, protect, divide or partition an area of land.

WAREHOUSE — A structure or structures in which materials, goods or equipment are stored.

WATERCOURSE — Waters or waters of the state as defined in § 17-0105 of the Environmental Conservation Law, including Skaneateles Lake, and further described as being annual or

perennial, influent or effluent, continuously or intermittently flowing, including those classified in 6 NYCRR Part 896, that are capable of and do, under normal conditions, carry water in a manner described above. The banks of such watercourse shall be identifiable, i.e., defined bed, banks, gullies, ravines, etc. Road ditches and shallow land depressions generally referred to as grassed waterways, swales, etc., that carry water only immediately (a few to several hours) after a runoff-producing event are not considered watercourses. Where there is a question of whether a watercourse exists and where the top of the bank is located, the reviewing board shall conduct a site evaluation to determine whether or not a particular channel is a watercourse and where the top of the bank is located. Its determination shall be final. For purposes of determining setbacks and required buffers, the boundary of the watercourse shall be measured from the lake line or the top of the bank closest to construction.

WATERSHED (Skaneateles and Owasco Lakes) — That land (and water surface area) which contributes water to the lake and watercourse. The map of the watershed boundary should be a guide, but final determination of the boundary location is best made in the field.

WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated soils or periodic inundation. (See § 148-29.)[22]

WINDMILL — A mechanized system which converts wind energy into electrical or mechanical power. A "large-scale windmill" is defined as any windmill with a generating capacity in excess of three kilowatts. A "small-scale windmill" is defined as any windmill with a generating capacity up to and including three kilowatts, including windmills used in connection with business operations. [Added 2-5-2015 by L.L. No. 2-2015]

YARD — An open space on the same lot with a structure.

YARD, FRONT — An open space extending across the full width of the lot between the front building line and the street line.

YARD, LAKE — An open space extending across the full width of the lot between the lake shore and the principal building.

YARD, REAR — An open space extending across the full width of the lot between the rear lot line and the rear of the principal building nearest the rear lot line.

YARD, REQUIRED — That portion of any yard required to satisfy minimum yard setbacks. No part of such yard can be included as part of a yard required for structures on another lot.

YARD, SIDE — An open space on the same lot with a principal building between the principal building and side line of the lot and extending from the front yard to the rear yard.

ZONING LAW/THIS LOCAL LAW/THIS CHAPTER — The officially adopted Zoning and Land Use Control Law of the Town of Skaneateles, together with any and all amendments thereto, in accordance with Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law.

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22. **Editor's Note: The former definition for "windmill," which immediately followed this definition, was repealed 5-6-2010 by L.L. No. 1-2010.**

148 Attachment 1

Town of Skaneateles

USE TABLE
[Amended 6-16-2009 by L.L. No. 2-2009; 5-6-2010 by L.L. No. 1-2010]

The meaning of the symbols is as follows:

P	Designates a use permitted by right.
P*	Designates a use permitted by right, subject to site plan review. (See §§ 148-18 through 148-20.)
S	Designates a use permitted by special permit, issued by the Town Board for major projects or by the Planning Board for minor projects as defined in § 148-56 of this chapter. (See §§ 148-13 through 148-17.)
P/S (or P*/S)	Designates a use permitted by right (or with only site plan review if shown as P*/S) if a minor project, but requiring a special permit if a major project.
--	Designates a prohibited use.

	Use Districts					
Use Category	**RF**	**RR**	**HM**	**HC**	**IRO**	**Reference**
Residential Uses						
Single-family dwelling[a]	P	P	P	--	S	
Two-family dwelling	P*	P*	P*	--	S	§ 148-11K
Multifamily dwelling	S	S	S	S	S	§ 148-11K
Accessory apartment	P*	P*	P*	S	S	§ 148-11K
Mobile home	See Chapter 99 of the Code of the Town of Skaneateles.					
Boardinghouse	S	S	S	--	S	
Shared lakefront recreation	S	--	--	--	--	§ 148-36C
Business Uses						
Agriculture/forestry	P	P	P	P	P	
Automobile service station	--	--	S	S	S	
Craft workshop	P/S	S	S	--	P*	
Home occupation	P[c]	P[c]	P[c]	P[c]	P[c]	§ 148-35A
Junkyard	See Chapter 86 of the Code of the Town of Skaneateles.					
Bed-and-breakfast	P*	P*	P*	--	P*	
Kennel	S	--	--	--	S	
Light industry	S	S	S	S	P*	
Lodging facility	--	--	S	S	S	
Office	S	S	P*	S	P*	
Recreational business/marina	S	S	S	S	S	§ 148-36A; § 148-35I
Restaurant	--	--	S	S[d]	S	
Retail business	S[b]	--	P*	S[d]	P*/S[e]	
Service business	S	S	S	S[d]	S	
Open pit mining within OPMOD	S	--	--	--	--	§ 148-35B
Utility facility	S	S	S	S	S	
Veterinary hospital	S	--	S	S	S	
Warehouse	S	S	--	S	P*	
Wholesale business	--	--	--	S	P*	
Riding academy	S	S	--	--	--	

Town of Skaneateles

DIMENSIONAL TABLE 1

Conventional Residential and Small Business Lots

(Includes residential uses and businesses occupying a cumulative total of 5,000 square feet or less of enclosed floor space. For maximum building footprints, see Dimensional Table 2.)

[All dimensions in feet unless otherwise indicated.]

	District		
	RF	**RR/IRO[1]**	**HM/HC**
Minimum lot size	2 acres	2 acres	1 acre without public water or sewer 1/2 acre with public water or sewer, ¼ acre with both public water and sewer
Minimum road frontage[2]			
Private road	100	100	60
Town road	200	150	60 in HM, 100 in HC
County/state road	300	300	100 in HM, 200 in HC
Minimum lake frontage (if applicable)	200	--	--
Minimum front yard			
Private road[3]	30	30	
Town road[3]	60	60	30
County road[3]	60	60	30
State road[3]	75	75	30
Minimum side yard	30	30	10
Minimum rear yard	50	50	30
Minimum lake yard	100	--	--
Maximum impermeable surface coverage[4]	10%	10%	50%[7]
Maximum height[5]	35	35	35
Minimum required open space[6]	80%	80%	40%

Town of Skaneateles

DIMENSIONAL TABLE 2

Commercial, Other Nonresidential and Mixed-Use Lots[1]
[Amended 10-2-2006 by L.L. No. 3-2006]

[All dimensions in feet unless otherwise indicated.]

	District[1]				
	RF	**RR**	**HM**	**HC**	**IRO**
Minimum lot size	2 acres	2 acres	1 acre	2 acres	2 acres
Minimum road frontage					
Town/private road	200	150	100	200	200
County/state road	300	300	200	500	600
Minimum lake frontage (if applicable)	200	--	--	--	--
Minimum front yard					
Town/private road[2]	30	30	30[3]	20	80
County/state road[2]	100	75	30[3]	40	150
Minimum side yard	100	60	20	20	50
Minimum rear yard	100	60	30	30	100
Minimum lake yard	200	--	--	--	--
Minimum building height[4]	1 story	1 story	2 stories	1 story	1 story
Maximum building height[4]	35	35	35	35	35
Maximum building footprint[5]	6,000 square feet[5]	4,000 square feet[5]	2,000 square feet	45,000 or 12,000 square feet[5]	300,000 square feet
Maximum impermeable surface coverage[6]	10%	10%	60%[7]	60%[7]	30%[7]
Minimum required open space	80%	80%	30%[8]	30%[8]	60%[8]

148 Attachment 4

Town of Skaneateles

DIMENSIONAL TABLE 3

Open Space Subdivisions[1]

[All dimensions in feet unless otherwise indicated.]

	District	
	RF	**RR/IRO**
Maximum residential density[2]	2 ac/du	2 ac/du
Minimum lot size		
Without public water or sewer	1 acre	1 acre
With public water only[3]	20,000 square feet	20,000 square feet
With public water and sewer[3]	No minimum	No minimum
Minimum average lake frontage(if applicable)[4]	150	--
Minimum lake yard[4]	100	---
Front, side and rear yard setbacks and road frontage requirements, if any	To be established at time of plat approval. [See § 148-9G(6).]	
Maximum height[5]	35	35
Maximum impermeable surface coverage[6]	10%	15% in RR 30% in IRO
Minimum permanent open space reserved per § 148-9H	60%	60%

NOTES:

1 See § 148-9G and H. Residential uses in IRO District, use RR standards.

2 In acres per dwelling unit (du), based on net acreage (i.e., subtracting unbuildable land). See§ 148-9G(2).

3 This lot size not permitted within the LWOD. Minimum lot size within LWOD is one acre.

4 Requires buffer strips in lake yard. See § 148-9G(5). No per-unit minimum lake frontage required.

5 Above average grade. For height exceptions, see § 148-11D.

6 Applies to entire subdivision, including open space areas.

Town of Skaneateles

APPENDIX I

Section of Skaneateles Local Law (Ch. 148)	Sections of New York State Town Law Superseded
148-9	278, 274-a, 274-b
148-13 through 148-17	274-b
148-18 through 148-20	274-a

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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