

**Town Board Meeting
September 9, 2021
6:30 p.m.**

Location: Town Hall, 24 Jordan Street, Skaneateles, NY 13152

Zoom: : <https://us02web.zoom.us/j/86452785482>

Meeting ID: 864 5278 5482 Passcode: 765975

Present: Supervisor Aaron, Councilor Tucker, Councilor McCormack, Councilor Alexander, Attorney Rhinehardt.

Present Via Zoom: Councilor Legg

Attending Via Zoom: Sue Murphy, Jason Gabak (Skaneateles Press), Bridgett Winkelman, Chris Buff, Brian Buff, Amy Olney, Amanda Marshfield, Kim Benda, Paula Powell

Highway, Water, Transfer Station: Councilor Tucker reviewed Highway Superintendent Wellington's report in his absence. He reported the Highway Department spent a week cleaning debris from culverts, repairing driveway washouts and rebuilding highway shoulders due to excessive rain on August 18th and 19th. They cleaned up ditches on Gully and Hoyt Roads, cleaned up fallen trees on Hencoop, Franklin, and Mill Roads. They chip sealed Sugar Maple Lane with help from The Town of Marcellus, and they helped the Town of Marcellus chip seal Maple Road. They mowed roadsides, made equipment repairs and are currently working with Onondaga County Soil and Water to help stabilize Dutch Hollow Brook. In the Water Department they installed a new water service on New Seneca Turnpike, repaired an existing water service at the Willow Glen Café and continued to paint and service fire hydrants. At the Transfer Station a truck load of baled cardboard and several containers of scrap steel were picked up within the last two weeks and compactor maintenance was done by the employees.

Councilor Tucker stated he looked at the Town's retention basin, with Highway Foreman Brian Buff, at the Transportation Center property after the flooding and said it looked to be functioning as it should with no problems.

Councilor Legg stated the retention basin below the Transportation Center on the Mirbeau property is not functioning properly. Councilor Tucker stated this has been a problem for years. Councilor Legg stated he wanted to clarify the Town's retention basin was working on the hill at the Transportation Center but the retention basin below on the Mirbeau property is not working as it should.

Supervisor Aaron stated she received an email from Gary Dower, owner of Mirbeau, stating they are aware of the retention basin and the drainage issues, and they are having their engineer look at it.

Councilor Legg reported the Swap Shop had a huge turnaround of items on Saturday and thanked all the volunteers.

Planning & Zoning: Councilor Tucker reviewed the Planning and Zoning open projects report. A site plan at 1786 Coon Hill Road, subdivision at 1665 Pork Street, site plan on Pork Street for a single-family dwelling, an amendment to the County Line Subdivision, Jordan Road LLC, and an area variance at 1695 Van Camp Road.

Councilor Tucker reviewed the Planning Open Projects Report. Pat Delmonico – Special Permit 2255 West Lake Road, Christopher Nulty - Site Plan 2699 East Lake Road and Bridget Marquardt – Site Plan 1012 The Lane. He reviewed the status of existing projects still open: County Line Subdivision (now Fox Run Subdivision) – the Planning Board conducted its SEQR review with a negative determination. The applicant will continue on the September Planning Board agenda, and they are waiting for feed-back from the Town Board regarding the proposed phasing. Chris Graham – Application pending for re-design of multi-family residences for the RR district. Meunier -The application for 8 condo units in the “Block” building on Jordan Road, is pending with the Planning Board. ZBA approved the variances at their March 3, 2020, meeting and extended the time of approval through March of 2022. Victory Sports – The application is pending as the Applicant is considering the potential for smaller scale development on the property.

Other activities included five pre-application meetings, five hours of training, P&Z meeting on August 12, 2021, and Cannabis meeting on August 24, 2021.

Codes: Councilor Tucker reviewed the August Codes Enforcement report. He stated there were 11 new permits issued at a total construction cost of \$2,975,600 with permit costs for a total of \$15,997.65. They had issued 10 Certificates of Completion and 1 Violation.

Parks: Parks Manager Sue Murphy reported the Clift Park swim area was closed for the season. She thanked all the lifeguards for the great job they had done during the summer. She thanked the Village DPW, especially Jim Dries for helping them remove the swim rafts. The Fireman used the Austin Pavilion for the annual field days, and they had completed the clean-up and it had gone well. They lined the fields for soccer to begin and the Mandana Boat Launch was winding down for the season. She continued to work on the 2022 Budget for the Parks.

Staff Engineer: Supervisor Aaron reported in Engineer, Miranda Robinson’s absence:

Training: The Engineering Department attended the 18th Annual EPA Drinking Water Workshop; it was held virtually this year. Other trainings and webinars included the Ebb and Flow of town budgets provided by the Association of Towns; how to handle ARPA funds provided by MRB Group and another update on the new lead and copper rule.

Transfer Station License Plate Reader (LPR): The license plate reader was successfully installed onto the camera at the transfer station. The camera is able to read license plates within a 90% level of confidence. The data from the Clerk’s office has also been uploaded into the software. There is more training to come regarding the LPR system in September.

Transfer Station Solar: National Grid had a few meetings over the last couple weeks regarding the hook up of the solar panels to the grid-this is still expected for December of 2021.

Conservation Area: The conservation area at Gully Road requested some engineering input regarding some upgrades at the park entrances.

Transfer Station General: Plumley engineering was onsite for the annual post-closure landfill testing. The report should be completed by the end of this month. Plumley also completed a walk around review of the transfer station for potential upgrades.

Grants:

- The Main Street Revitalization Grant was completed and submitted on behalf of the Eastern Gateway Pedestrian Pathway.
- The state TAP grant is currently being pursued on behalf of the Skaneateles Community Trail System

Water: 3 quotes were obtained regarding the install of a 12” Gate Valve on Mottville Road. The Water Department, Highway Department and Engineering Department are working closely together with Hillrom in order to accommodate their schedule. It looks like this work will take place on a Sunday once the materials are onsite.

Budget: Budget Officer Winkelman reported, Keri Fey, Town of Skaneateles Bookkeeper to the Supervisor had her baby on September 1, 2021. A baby boy named Jaxson Thomas Fey. The Budget office continued to work on the 2022 budget. She reported the Board is in receipt of the Fiscal Reports and the Supervisor Summary through June of 2021.

Minutes of August 16, 2021, and August 24, 2021: On a motion of Councilor Alexander, seconded by Councilor Tucker, and with a (5-0) affirmation of the Town Board the minutes of August 16, 2021, and August 24, 2021, were accepted as presented.

Introductory Local Law D of 2021 “Proposed Amendments to Town Zoning Code §148-8-9”: Supervisor Arron reviewed the proposed Introductory Local Law D of 2021. The Planning and Zoning Department and Attorney Molnar submitted this request to make some changes in the Zoning Code that passed last year. She reviewed the changes.

Add back language from prior zoning code, adopted by LL #20-2016: § 148-8-9. Nonconforming Lots (F): For the purpose of this §148-8-9F, redevelopment of a lot specifically excludes alteration of paved surfaces and driveways which reduces impermeable surface coverage.

New Section: § 148-8-9 Nonconforming Lots (F.1): Where a monetary contribution has previously been made pursuant to §148-8-9-F (2) above concerning a redeveloped lot, if the applicant or a successor in interest seeks subsequent redevelopment of the lot, credit for the prior contributions w be applied toward the total monetary contribution required for future development.

§ 148-8-9. Nonconforming Lots (G): In no case shall the applicant be permitted to increase nonconforming impermeable surface coverage on a lot. Remove the following: **unless the Planning Board finds that such increase is necessary for public health or safety or the safety of the occupants of the property.**

Planning and Zoning Secretary reviewed the proposed changes. She stated these changes had been reviewed by both the Planning and Zoning Boards and they are in favor of the changes.

Supervisor Aaron read the following resolution:

RESOLUTION

**OF THE TOWN BOARD
OF THE TOWN OF SKANEATELES
Proposed Amendments to Section 148-8-9 of the Town Code**

WHEREAS, Pursuant to Municipal Home Rule Law Section 20(4), Board Member Tucker has introduced for consideration Local Law No. 3 of 2021 entitled “A Local Law Amending Chapter 148-8-9 of the Code of the Town of Skaneateles.” (the “Proposed Local Law”).

WHEREAS, the purpose of the Proposed Local Law is to amend Chapter 148 of the Code of the Town of Skaneateles, more commonly known as the Zoning Law of the Town of Skaneateles (the “Zoning Law”).

WHEREAS, the Town Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617, and Section 239 of the General Municipal Law, with respect to these proposed amendments to the Zoning Law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Board hereby declares its status and role as lead agency for purposes of a coordinated review under SEQRA of the Local Law. The Town Board hereby preliminarily classifies the Local Law as a Type 1 Action under SEQRA, and the Town Board hereby directs the Town Clerk to send Part 1 of the EAF and the proposed Local Law to all interested agencies to request their comments thereon.

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Local Law to Onondaga County Planning for its review pursuant to General Municipal Law Section 239.

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Local Law to the Town of Skaneateles Planning Board for its review and report pursuant to Section 148-10-11 of the Zoning Law, no later than thirty (30) days from the date of this resolution; and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing to received comments about the proposed amendments on October 18, 2021, at 7:00 pm.

The adoption of the foregoing Resolution was moved by Councilor Tucker, seconded by Councilor McCormack, and duly put to vote, which resulted as follows:

On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board, the Board authorized the Resolution of the Town Board to introduce Introductory Local Law D of 2021 “Proposed Amendments to Section 148-8-9 of the Town Code” and to schedule a Public Hearing on October 18, 2021, at 7:00 p.m.

Letter of Support- Marshfield Farms: Supervisor Aaron stated she had been working with Amanda Marshfield and Amy Olney in support of the Marshfield Farms application to the New York State Department of Agriculture and Market’s Farmland Protection Implementation Grant proposal for conservation easement rights.

Amy Olney reviewed the New York State Department of Agriculture and Market's Farmland Protection Implementation Grant proposal for conservation easement rights that Marshfield Farms would be applying for. Marshfield Farms is a strong dairy farm. They have 292 acres and 75% is actively being used for agriculture use and more than 50% is prime and statewide soils. The farm spans two Towns, Marcellus, and Skaneateles. There is a 60-acre parcel in the Town of Skaneateles. The grant requires they have support from the County and the Environmental Protection Board, which they have already received. And support from any Town the project is in, which is the Towns of Skaneateles and Marcellus.

Supervisor Aaron stated Amanda Marshfield is a 4th generation family on this farm. Ms. Marshfield stated it was her Great Grandfather who bought the farm. Supervisor Aaron stated this Board really appreciates our agricultural community and all support the Marshfield Farms in their quest for this opportunity.

On a motion of Councilor Alexander, seconded by Councilor Legg and with unanimous (5-0) affirmation of the Town Board, the Board approved the letter in support of the Marshfield Farms application to the New York State Department of Agriculture and Market's Farmland Protection Implementation Grant proposal for conservation easement rights.

Town of Skaneateles COVID Policy Update: Supervisor Aaron stated it was interesting to hear President Biden speak and implement policy similar to the policy the Town implemented at the last meeting, requiring all employees either to supply a copy of their vaccination card or have a weekly COVID test and submit the test results before returning to work.

Supervisor Aaron stated it was brought to her attention there was some inconsistencies in the policy. In one section it stated vaccination cards or test results must be submitted to Department Heads and in another section, it stated vaccination cards or test results must be submitted to the Town Clerk.

Supervisor Aaron stated the Board wanted to clarify the Policy and stated the information requested should be submitted to the Town Clerk. The Town Clerk is the Records Management Officer and currently keeps all Town records.

Supervisor Aaron stated the Board is also proposing the following addition to the policy:

"Unvaccinated who refuse testing are not permitted to work and are placed in unpaid status until providing an approved negative test."

Councilor Alexander asked who the person would be enforcing this policy. The Board agreed it would be the Town Clerk, Records Management Officer.

On a motion of Councilor Tucker, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, the Board approved the corrections and amendment to the Town of Skaneateles COVID 19 Policy, as presented and directed the Town Clerk to distribute to all employees and departments.

Municipal Recycling Liaison/Refuse Officer: Supervisor Aaron reported the Board is proposing to reactivate the position of Municipal Recycling Liaison at the Transfer Station. This position was previously filled, and the Board is proposing to fill this position again and combine the position with a new position of Refuse Officer.

This position needs to be identified to manage the Transfer Station, keep projects on track, oversee employees, work to implement recycling programs, and continue to work on budgeting to reduce cost.

Supervisor Aaron stated Town Clerk Stenger would work with Onondaga County Civil Service to create the position that fits the Town of Skaneateles Transfer Station. The Board is proposing to reactivate the Municipal Recycling Liaison position and continue to work with the County to create the Refuse Officer position.

Supervisor Aaron asked the Board to authorize this position to be created, approve to post this position in all Town Departments and interview employees interested in the position. If no employees are interested the position would be advertised.

On a motion of Councilor Alexander, seconded by Councilor Legg and with unanimous (5-0) affirmation of the Town Board, the Board authorized to reactivate the position Municipal Recycling Liaison and to work with Onondaga County Personal to create the position of Refuse Officer.

Town of Skaneateles Employee Handbook Update: Supervisor Aaron reviewed the two proposed amendments to the Town of Skaneateles Employee Handbook. The first amendment is in Section 802 Vacation. The current handbook states the following:

90 days – 1- year continuous service	5 days
2-5 years continuous service	10 days
6-10 years continuous service	15 days
11-15 years continuous service	20 days
16-23 years continuous service	25 days

Supervisor Aaron stated it was brought to her attention there was a gap after 1 year of continuous service and she would like to Board to consider the following:

After 90 days	5 days
1-5 years continuous service	10 days
6-10 years continuous service	15 days
11-15 years continuous service	20 days
16-23 years continuous service	25 days

On a motion of Councilor McCormack, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board, the Board authorized to update the Town of Skaneateles Employee Handbook as follows:

After 90 days	5 days
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1-5 years continuous service	10 days
6-10 years continuous service	15 days
11-15 years continuous service	20 days
16-23 years continuous service	25 days

Supervisor Aaron stated the Town of Skaneateles Employee Handbook did not have a section regarding the New York State Paid Family Leave Act. This was brought to our attention and the policy below was submitted by our HR firm, HR Public Sector for the Board’s review:

Paid Family Leave

Summary – *The Town of Skaneateles currently provides eligible employees with voluntary coverage in accordance with NYS Paid Family Leave guidelines.*

Eligibility – *Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.*

Use of PFL – *Employees may take time off from work under this policy for the following purposes:*

- *To bond with the employee’s child during the first 12 months following the birth, adoption, or fostering of that child.*
- *To provide care for a family member with a serious health condition. For this purpose, a family member will include a spouse, domestic partner, child, parent, grandparent, or grandchild.*
- *Under a qualifying military exigency, to attend to family matters if a family member is on active duty, called to active-duty status, or has been notified of an impending call to active duty in the armed forces of the United States. For this purpose, a family member will include a spouse, domestic partner, child, or parent.*

Benefit Details – *PFL provides for payment of a percentage of the employee’s average weekly wage, up to a maximum cap based upon the NYS Average Weekly Wage (established annually). The Town will continue to pay its portion of any applicable health insurance premiums while an employee is on approved PFL. Employees have the right to return to their same or comparable job upon return from a PFL absence.*

Time Periods – *PFL benefits are available for up to 12 weeks per 52-week period measured from the first day of leave. Leave must be taken in increments of no less than one day.*

Premium Payment – *Premium costs for this coverage are determined annually by NYS as a percentage of an employee’s average weekly wage, The Town currently pays the full cost of the premium for each eligible employee.*

Claim Procedure – *An employee should submit a completed claim package including acceptable supporting documentation to the Town’s PFL insurance carrier within 30 days of their first day of paid leave. The insurance carrier must process the claim and issue a determination within 18 days. The claim form is available from the Town Supervisor’s Office.*

Notification Requirements – *If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee and Department Head must complete the Leave of Absence Request Form and forward the completed form to the Town Supervisor's Office for review. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient. However, the Town will require subsequent submission of acceptable documentation to support the unforeseeable need for leave.*

Coordination with Family and Medical Leave Policy – *PFL will run concurrently with leave taken under the Town's Family and Medical Leave policy (see Section 606), for those employees who are eligible under that policy.*

Coordination with other Paid Leave – *An employee receiving a PFL based payment may supplement that amount through the use of available vacation or personal leave, not to exceed the employee's regular weekly wage.*

Accrual of Paid Leave Credits – *An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave in which the employee continues to use accumulated paid vacation or personal leave. After all such paid leave is exhausted, an employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during a PFL absence.*

Further Details – *The above information is intended to be an overview of the Paid Family Leave policy. Further details regarding the full provisions of this benefit are available from the Town Supervisor's Office. In addition, New York State provides more information at this website:*

<https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-employees>

Changes in Coverage – *The Town reserves the right to revise this policy at its discretion (with a notice of not less than 90 days), including changes to premium payments or discontinuance of voluntary coverage of employees.*

Budget Officer Winkelman explained the Town had Paid Family Medical Leave in their insurance policy since 2018, it is part of the Town's disability package in the Town's insurance. It was originally based on salaries. In 2018 it was \$1.26 per thousand and now it is \$5.26. When the Town originally added this to our policy it was the right thing to do and was not a large expense. It is still the right thing for the Town to offer this coverage.

Supervisor Aaron stated when someone goes out on paid family leave the insurance pays approximately 65% of the employee's salary. The Town does not pay the employee. If the employee had sick, personal or vacation time that can be used to make up the difference in their salary paid by the insurance coverage for the Paid Family Leave. An employee has to apply to the insurance company and the State and be approved, it can be a difficult process. Paid Family Leave is only allowed for up to 12 weeks of leave time.

Budget Officer Winkelman stated she did not realize this was not added to the Handbook and this is to update the current policy.

Councilor Legg clarified the policy. The federal law that allows for coverage when an employee has a major illness is called the Federal Medical Leave Act. The New York State Paid Family Leave Act is an additional coverage that can be offered to employees. These are two different policies. Paid Family Leave can be used to care for a family member and cannot be used for yourself if injured or sick.

Supervisor Aaron stated currently the Town pays for this insurance coverage, but the cost could be passed on to the employees.

On a motion of Councilor Alexander, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board, the Board authorized to update the Town of Skaneateles Employee Handbook to add the policy for the “*Paid Family Leave Act*”, as presented.

Governor Hochul Legislation Extending Virtual Meetings: Supervisor Aaron announced Governor Hochul signed legislation extending virtual public meetings to reduce the risk of COVID spread and help people with disabilities participate in government.

Supervisor Aaron stated this legislation is a good option for the Boards. This allows the Town Board as well as the Planning and Zoning Boards to resume public meetings by Zoom. The Boards have been using a hybrid version, with the Board being in person and the public having the option of coming in by Zoom or in person. The Zoom option has worked well but there have been some problems with the public hearing the Board on zoom. This now may be harder for people to hear the Board with the mask mandate. All Board members are now mandated to wear masks when meeting in person.

Supervisor Aaron stated Governor Hochul extended the legislation to allow virtual meetings to January 15, 2022. This will allow time for the Board to meet in person safely again. The Planning and Zoning Boards would be able to make their own decision regarding meeting in person or virtually. The Association of Towns strongly supports this legislation.

The Board agreed.

On a motion of Councilor Alexander, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board, the Town Board authorized following Governor Hochul’s extension to allow virtual meetings to January 15, 2022.

Schedule Town Board Special Meeting September 11, 2021, at 7:00a.m.: Supervisor Aaron stated the Board is scheduling a meeting on September 11, 2021, at 7:00 a.m. to discuss the 2022 budget. They would go directly into executive session to discuss salaries.

On a motion of Councilor Legg, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board, the Town Board scheduled a Special Meeting to discuss the 2022 budget on September 11, 2021, at 7:00 a.m.

Announcements/Correspondence/Updates

- *Department of State 2020 Population Total:* Supervisor Aaron announced a letter was received from the New York Department of State stating the 2020 population total for the Town of Skaneateles was 7,209. This is a drop of 97 residents, a 1.3% decrease from the 2010 census.
- *Letters regarding New York State's Marijuana Regulation and Tax Act:* Supervisor Aaron Announced 4 letters regarding the New York State Marijuana Regulation and Tax Act were received. 2 letters in favor of the Town opting in to allow dispensaries and 2 letters against. Supervisor Aaron stated people can submit their letters to the Town Clerk for the Board's review.
- *Cindy Meili – Armed Forces Insurance National Guard Spouse of the Year and Military Family Advisory Board:* Supervisor Aaron announced Town Veteran Coordinator Cindy Meili was named to the Military Family Advisor Network's 2021-2023 Advisory Board. Syracuse Air National Guard spouse Cindy Meili joins national non-profit to become advocate for military and veteran families. Supervisor Aaron stated the Town is very lucky to have Cindy and thanked her for all her work with our local veterans.
- *Skaneateles Hamlet Plan Grant Update:* Supervisor Aaron announced she had received notice from Onondaga County Planning that they had received two proposals for the Skaneateles Hamlet Plan. Her and Councilor Legg are meeting with Dan Kwasnowski of Onondaga County Planning to review the proposals.
- *DEC Announces Start of Construction of \$1.25 Million Project to Improve Access at Carpenter Falls Unique Area:* Supervisor Aaron announced the NYS DEC announced the start of construction on a \$1.25 million project to improve access at Carpenters Falls. The project enhances safety and recreation opportunities for visitors of all abilities. There will be new on-site parking, bicycle racks, accessible commercial chemical toilet, a new elevated boardwalk, observation platform and a new trail with stone steps to safely guide hikers down a steep ravine to view Upper Carpenters Falls. Supervisor Aaron and the Board agreed this is an exciting project.
- *Public Information Session for EarthTec treatment of Harmful Algal Bloom in Skaneateles Lake, September 16, 2021, at 12:00 noon:* Supervisor Aaron announced this meeting will provide information on the regulatory review of an application for use of the aquatic pesticide EarthTec in Skaneateles Lake to protect the local water supply.
- *Marcellus Fire Department Search and Rescue Drill at the Town of Skaneateles Conservation Area:* Councilor Alexander announced the Marcellus Fire Department would be holding a search and rescue drill at the Conservation Area Friday September 10th from 6:00 p.m. to 9:00 p.m. This will be posted on Facebook and the Town website. This is a good opportunity for the local fire departments and rescue crews to practice for search and rescue and to be at the Conservation Area to become familiar with the trails in case of an emergency.

Public Comment: No Comments.

Budget Amendments: On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board the following budget amendments were approved:

General Fund

\$ 8,000.00	Increase	014404.01.004.00	Engineer – C/E
\$ 8,000.00	Decrease	019904.01.004.00	Contingency
Additional support provided by outside engineers			

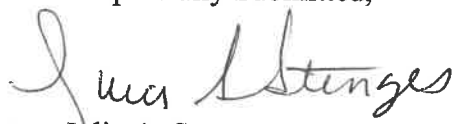
Abstract #21-17: On a motion of Councilor McCormack, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board vouchers #21-1036 - #21-1117 were authorized from the following funds:

General Fund:	\$ 27,991.36	Highway:	\$ 9,242.52
Water:	\$ 57,416.85	Part Town:	\$ 2,476.75
Sewer:	\$ 2,516.05	Highway PT:	\$ 51,608.48
T&A:	\$ 865.00	St. Lgt:	\$ 176.58

TOTAL: **\$152,293.60**

Executive Session: On a motion of Councilor Tucker, seconded by Councilor Alexander and with unanimous (5-0) affirmation of the Town Board the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,


Julie A. Stenger
Town Clerk

**RESOLUTION
OF THE TOWN BOARD
OF THE TOWN OF SKANEATELES**

Proposed Amendments to Section 148-8-9 of the Town Code

WHEREAS, Pursuant to Municipal Home Rule Law Section 20(4), Board Member Tucker has introduced for consideration Local Law No. 3 of 2021 entitled “A Local Law Amending Chapter 148-8-9 of the Code of the Town of Skaneateles.” (the “Proposed Local Law”).

WHEREAS, the purpose of the Proposed Local Law is to amend Chapter 148 of the Code of the Town of Skaneateles, more commonly known as the Zoning Law of the Town of Skaneateles (the “Zoning Law”).

WHEREAS, the Town Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617, and Section 239 of the General Municipal Law, with respect to these proposed amendments to the Zoning Law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Board hereby declares its status and role as lead agency for purposes of a coordinated review under SEQRA of the Local Law. The Town Board hereby preliminarily classifies the Local Law as a Type 1 Action under SEQRA, and the Town Board hereby directs the Town Clerk to send Part 1 of the EAF and the proposed Local Law to all interested agencies to request their comments thereon;

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Local Law to Onondaga County Planning for its review pursuant to General Municipal Law Section 239;

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Local Law to the Town of Skaneateles Planning Board for its review and report pursuant to Section 148-10-11 of the Zoning Law, no later than thirty (30) days from the date of this resolution; and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing to received comments about the proposed amendments on October, 18 2021 at 7:00 pm.

The adoption of the foregoing Resolution was moved by Councilor Tucker, seconded by Councilor McCormack, and duly put to vote, which resulted as follows:

Janet Aaron	Voting	Aye
Courtney Alexander	Voting	Aye
Chris Legg	Voting	Aye
Kevin McCormack	Voting	Aye
Mark Tucker	Voting	Aye

The resolution was thereupon declared duly adopted.

Dated: September 9, 2021

Town of Skaneateles
Local Law 3 of the Year 2021
A Local Law Amending
Chapter 148 of the Code of the Town of Skaneateles

Section 1. Authority

This local law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

Section 2. Purpose

The purpose of the Proposed Local Law is to amend Section 148-8-9 of the Code of the Town of Skaneateles, more commonly known as the Zoning Law of the Town of Skaneateles (the "Zoning Law").

Section 3. Amendments to Code

See the attached proposed amendments to Section 148-8-9 of the Zoning Law.

Section 4. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed amendments to the Zoning Code will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 5. Effective Date

This Local Law shall take effect on January 1, 2022.

§ 148-8-9. Nonconforming Lots

- A. Any lot of record in any zoning district, which was created prior to December 7, 2005 and 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:**
 - 1. The following dimensional requirements are satisfied (unless the district dimensional requirements are less restrictive):**
 - a. 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, unless the zoning district allows a smaller lot area, in which case the minimum lot area for the district shall apply.

- b. Minimum lot width and lake frontage: 50 feet minimum lot width; 75 feet minimum lake frontage.
- c. Minimum front yard: Front yard requirements may be reduced by the Code Enforcement Officer to be consistent with the prevailing setbacks of buildings on the same side of the same road. If there is no prevailing front yard setback, the minimum front yard setback shall be 25 feet.
- d. Minimum side yard, each: 20% of lot width but not less than eight feet. This reduction of required yard is not available for lots over two acres.
- e. Minimum rear yard: 25 feet.
- f. Minimum lake yard: 60 feet for structures built prior to December 7, 2005, and 100 feet for the construction of any new structures thereafter.
- g. Building limitations:
 - i). The following limitations 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 on which any portion lies within 1000 feet of the Lake Line. These limitations apply whether or not the preexisting buildings are conforming or nonconforming structures. For expansion of preexisting nonconforming structures on conforming lots, see § 148-8-4.
 - a). The total footprint of all principal and accessory buildings shall not exceed 6% of the lot area.
 - b). The total floor space of all principal and accessory buildings shall not exceed 10% of the lot area.
 - ii). The 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.
 - iii). For purposes of this section, 80% of potentially habitable floor space in basements shall be included in the floor space calculation.

- h. In the Lake Watershed Overlay District, maximum impermeable surface coverage shall be 10%, except as provided in § 148-8-9.F) below.
 - i. 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 § 148-8-9.F below.
 - 2. All Health Department regulations are satisfied.
 - 3. 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 § 148-5-5.A.2.b.
 - 4. 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.
 - 5. 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.
 - 6. In the Lake Watershed Overlay District, all requirements of §§ 148-7-1, 148-5-4.D, 148-5-4.H and 148-5-4.I must also be satisfied.
- B. Notwithstanding the foregoing provisions, no variance shall be required for the following:**
- 1. On nonconforming lots of less than 20,000 square feet or with less than 75 feet of lake frontage, 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 lot coverage requirements, then such construction shall still be permitted.
 - 2. Construction of a fence, berm, or wall complying with § 148-5-2.H and I.
 - 3. 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.

4. 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:
 - a. The storage shed is not larger than 80 square feet.
 - b. The storage shed is no more than 10 feet in height.
 - c. The storage shed is not used for human habitation.
 - d. The storage shed is not used for housing animals or storing manure, nonresidential fertilizers or chemicals.
 - e. The storage shed does not occupy more than 10% of a required rear yard.
 - f. The storage shed is set back at least 10 feet from the side or rear lot lines.
 - g. The storage shed is not located closer to the street than the front yard setback required for a principal structure.
 5. 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.
 6. Demolition of a structure, provided that any replacement structure fully complies with all dimensional requirements of the Zoning Law.
- C. 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.
- D. 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 §148-8-9.A above.
- E. 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.

- F. 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- 8 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. Such measures may include, without limitation, infiltration trenches and other drainage improvements, and vegetated stream and lake buffers. If the proposed redevelopment reduces impermeable surface coverage to bring it into compliance with impermeable surface coverage requirements for conforming lots, no special permit pursuant to this section shall be required. For the purpose of this §148-8-9F, redevelopment of a lot specifically excludes alteration of paved surfaces and driveways which reduces impermeable surface coverage. If an applicant is unable to reduce such coverage sufficiently to bring the lot into compliance with applicable requirements, the Planning Board shall condition any approval of such a special permit on either, at the applicant's option:
1. 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 § 148-10-13 and shall be recorded in the County Clerk's office; or
 2. 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.

By way of illustration only of subsection F.2 above, 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 square feet multiplied by the monetary contribution equal to the cost to protect 10 square feet of land, set pursuant to Subsection F.2 above. Where a monetary contribution has previously been made pursuant to §148-8-9-F (2) above concerning a redeveloped lot, if the applicant or a successor in interest seeks subsequent redevelopment of the lot, credit for the prior contributions will be applied toward the total monetary contribution required for future development.

- G.** In no case shall the applicant be permitted to increase nonconforming impermeable surface coverage on a lot, unless the Planning Board finds that such increase is necessary for public health or safety or the safety of the occupants of the property.