

**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

§ 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.