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§ 148-12-2. Definitions of Terms

A. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT— A dwelling unit located within an owner-occupied structure containing a principal use that is single-family residential or nonresidential. See §148-5-5.A.3.

ACCESSORY DWELLING — A dwelling unit located in a detached accessory structure on an owner-occupied property, including a guesthouse, tenant house, or guest cottage. See §148-5-5.A.3.

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 an accessory dwelling.

ACCESSORY USE — 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.

ACCESSORY USE AS PRINCIPAL USE — A use that is customarily incidental to and subordinate to the principal use of a lot or structure, located on a lot with no principal use and contiguous with the lot occupied by the principal use on another lot in the Town of Skaneateles.

ACCESS STRIP — A strip of land abutting a public or platted private road, providing access to one or more flag lots on a single or common driveway. (See § 148-6-6.)

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

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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 — A farm, farm operation, or any other use 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 farms primarily for the disposal of offal or garbage. Agriculture includes commercial horse-boarding operations, as defined herein, and the raising or breeding of horses, as distinguished from the business use of teaching or training people to ride horses. (See "riding academy.") Agriculture also includes farm stands for the sale of items produced primarily on the premises, and may involve the sale of accessories, supplies, and incidental items not produced on the premises, provided that if more than 20% of the floor space is used for such sales, it will be considered a retail business rather than a farm stand.

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. As applied to landforms, landscaping, and other site features, any modification to existing topography or vegetation, including clearing, grading, excavating, landscaping, and construction or placement of structures.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves, including but not be limited to radio navigation, radio, television and microwave communications.

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 in the primary residence of the owner/proprietor.

BERM — An earthen construct designed for use as a barrier, enclosure, partition, ledge, shelf or support.

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BOAT - Any vessel, floating craft, or personal watercraft which utilizes a docking or mooring facility, including but not limited to canoes, rowboats, kayaks, sailboards, aircraft and other small boats or personal watercraft as defined in New York State Navigation Law § 2 Subsection 30.

BOAT HOIST – Any seasonal or permanent mechanical device, the purpose of which is to remove the boat from the water for waterside storage.

BOAT SLIP - A waterside storage area adjoining or within any structure, boat hoist structure, boat station, boathouse, dock or pier, the purpose for which is the storage of a boat. A mooring buoy is considered one (1) boat slip for calculating the number of docking and mooring facilities.

BOATHOUSE — A permanent onshore structure that provides direct water or rail access for a boat to and from the water and~~BOATHOUSE — A structure~~ used solely for the protection of boats from the weather and storage of boat supplies and equipment.

BOAT STATION - A permanent, open-sided structure, constructed in the water with a mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage. A boat station is intended as a permanent boat hoist structure and shall not have a roof and/or walls.

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.

CALIPER – The diameter of the trunk of a young tree measured 12 inches above ground level.

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.

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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 period. For slopes 30% or greater, see §148-5-4.1.2.

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 also falls within the definition of "recreational business" shall be deemed to be a recreational business.

CODES ENFORCEMENT OFFICER/CODE ENFORCEMENT OFFICER — The person appointed by the Town Board pursuant to Section 40-3B of the Town Code to administer and enforce this chapter.

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.

COMMERCIALY USABLE SPACE — See "FLOOR SPACE."

COMMON DRIVEWAY — A driveway serving no more than four lots or a maximum of six dwelling units, 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 (SEQRA), for which either a negative declaration has been issued or a draft environmental impact statement has been accepted as satisfactory with respect to scope, content and accuracy pursuant to 6 NYCRR 617.3(c). This definition is based on SEQRA standards and is to be distinguished from an application that has sufficient information for a board to commence review.

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 real estate, including attached and

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detached residences, apartments, and non-residential spaces, established pursuant to the Condominium Act of the State of New York, in which the units are individually owned and common facilities and land are owned by a condominium association.

CONFORMITY/CONFORMING — Complying with the use, density, dimensional, and other standards of this chapter. See definitions of nonconforming use, nonconforming structure, and nonconforming lot.

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.

CONSTRAINED LAND – Wetlands, watercourses, pre-existing 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 one hundred year flood areas.

CONTIGUOUS – land neighboring a lot that is either adjacent and physically adjoining the lot or separated by ROW or Easement. Land separated by a ROW or Easement is considered contiguous when there is direct connection across the ROW/Easement by a line drawn perpendicular to the ROW/Easement centerline without passing through any other land under different ownership.

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.

CONVENTIONAL SUBDIVISION — Subdivision that complies with the minimum lot size requirements listed in Article 4 without setting aside land as protected open space.

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 if more than 20% of floor space is used for such sales, it will be considered a retail business.

DOCK — A floating or fixed structure projecting from or along the shore into the

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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 [separate definitions: dock, "permanent & dock."](#)) Any dock, ~~seasonal) which is not considered a permanent dock shall be deemed a temporary dock.~~

DOCK, PERMANENT - A dock (as defined) attached to the shore, 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.

DOCK, SEASONAL - Any dock that is floating or is not a permanent dock, as defined herein.

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 as living quarters for one or more families.

DWELLING, ATTACHED – A building with common walls that separate individual dwelling units, such as rowhouses and townhouses.

DWELLING, DETACHED — A dwelling containing no more than two dwelling units.

DWELLING, MULTIFAMILY — A structure or structures containing three or more dwelling units on a lot.

DWELLING, SINGLE-FAMILY — A dwelling designed for the use of one household, including one or more persons living as a family.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — A building or portion thereof providing space for sleeping, bathroom, and food preparation.

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

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exercise a use or right or negative to prohibit the property subject to the easement from exercising a right or use.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION — Any activity which moves or removes rock, gravel, sand, soil or other natural deposits. See §148-5-4.H. See also **GRADING**.

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 is not 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 this §148-12-2.

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 land, dividing land into distinct portions, or separating two contiguous lots.

FILLING — Any activity which deposits natural or artificial material in a manner that modifies the surface or subsurface conditions of land or watercourses.

FLAG LOT — A lot on which the buildable area is located generally to the rear of other lots having frontage on the same road, with access to the road provided by a strip of land that does not have the minimum road frontage ordinarily required in the zoning district. See §148-6-6.

FLOOD HAZARD AREA/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

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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.

- 1) **HABITABLE FLOOR SPACE** — Includes basements and attics within a building finished pursuant to the NYS Building and Fire Codes.
- 2) **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.
- 3) **COMMERCIALLY USABLE SPACE** — Space designed for the storage or display of products and or access by customers or employees.

FOOTPRINT — Area of the ground [or water surface](#) 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 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 [measured above finished grade](#).

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. See §148-5-4.H. See also EXCAVATION.

HABITABLE FLOOR SPACE — See “FLOOR SPACE.”

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.

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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.

HEAVY INDUSTRY — Manufacture, assembly, treatment or packaging of products that may emit objectionable levels of smoke, noise, dust, odor, glare or vibration beyond the property boundaries.

HEDGE — A row of closely planted shrubs or low-growing trees forming a fence or visual or physical boundary.

[HEIGHT - The vertical distance of a structure measured to the highest point of the structure, the roof surface or to the roof ridge line from the average ground elevation for each side of the structure or from the Lake Line elevation \(as defined herein\). The highest point of the roof surface excludes minor extensions on top of the roof such as decorative and mechanical elements, and deck railings.](#)

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, barbershop, beauty parlor, commercial stable, riding academy, kennel or restaurant.

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. Any other surface which does not satisfy the definition of "PERMEABLE SURFACE" in this section shall be deemed to be an impermeable surface.

IMPERMEABLE SURFACE COVERAGE — The ratio between impermeable surface and total land area of a lot (excluding public road rights-of-way)

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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.).

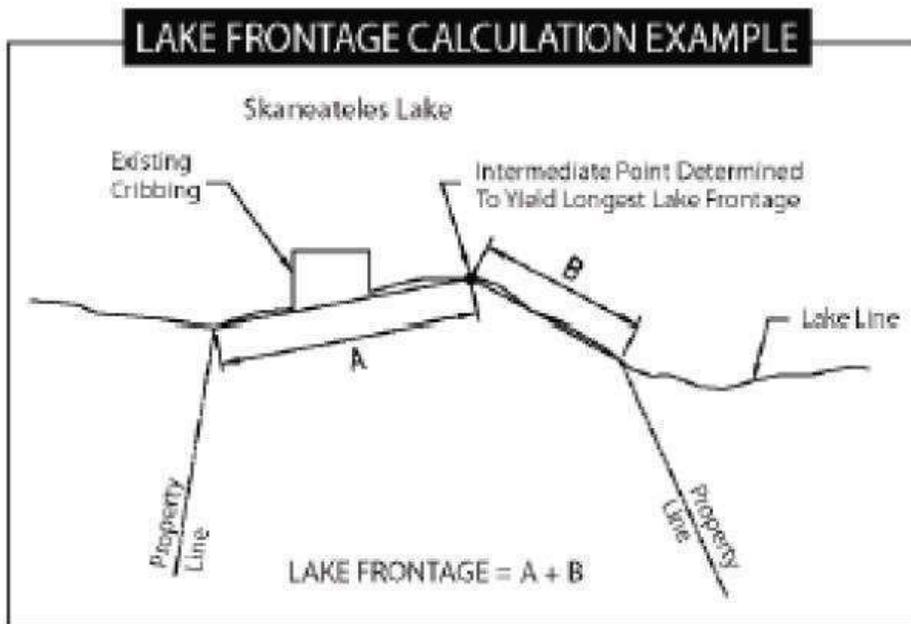
KENNEL — Any establishment including cages, dog runs, and structures wherein more than three dogs which are over six months old are kept for sale, boarding, care or breeding, for which a fee is charged.

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.

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LAKE LINE [/Mean High Water Mark](#)— 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.)

[LAKE/WATER RIGHTS – the area beyond the established lake line of Skaneateles Lake where the adjoining lakeside property has riparian rights subject to the provisions of this Chapter and the applicable requirements of NYS and the City of Syracuse. The available or claimed area for water rights usage is determined by an extension of the side property lines from the land towards the center of the lake. \(see 148-7-1K.1.b.iv Skaneateles Lake shoreline regulations; Applicability; Dimensional Limits; Setback\)](#)

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.

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LOT, FLAG — See “Flag Lot.”

LOT LINE — A property line that bounds 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. 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 parcel numbers or have been transferred in the same deed.

LOT, THROUGH — A lot which faces on two streets at opposite ends of the lot, which is not a corner lot.

LOT COVERAGE, TOTAL – Total lot coverage is the percentage of lot area occupied by permeable and impermeable surfaces, exclusive of public road rights-of-way and private road rights-of-way that were established by the Town Planning Board.

LOT WIDTH — The shortest distance between the side lot lines, measured at the front of the principal building, or at the back of the required front yard on an undeveloped lot.

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, sale of boat fuel and supplies, or 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.

[MEAN HIGH WATER MARK – see Lake Line.](#)

MEDICAL OFFICE — Structure occupied principally by offices of physicians, dentists, or other medical service providers.

MEMBERSHIP CLUB — See "club, membership."

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MINING — See "open pit mining."

MINOR PROJECT — A use or combination of uses on a lot or a series of adjoining lots under common ownership or control that requires site plan review and that, over a fifteen-year period, does not exceed any of the following limits:

- 1) Construction of four dwelling units or a lodging facility with six bedrooms.
- 2) 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 is 5,000 square feet.
- 3) Alteration of existing structures or expansion of such structure by no more than 12,000 square feet.
- 4) Conversion of existing structures totaling 12,000 square feet or less to another use.
- 5) Alteration of 43,560 square feet or less of land with or without structures, except that for a recreational business use this threshold is 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.

[MOORING/MOORING BUOY - Moorings are waterside locations and devices where boats can be attached. Moorings can be floating objects anchored or tethered to the lake bottom that will hold a boat or other recreational item. "Weights" are part of the mooring system employed to rest on the bottom of the lake with a buoy connection to the lake surface. All moorings shall comply with NYS State Law, NYSDEC and NYSOGS regulations, and any other jurisdictions having authority.](#)

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

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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, where such use has continued to exist but is not permitted by or does not conform to the permitted use provisions 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 conforming use.

NONRESIDENTIAL — Any use of land which is not covered by the definition of "Residential."

OFFICE — Space in a building used to provide professional services or to conduct activities of a business or not-for-profit organization, excluding retail, light industry, or craft workshop uses.

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.

OPEN SPACE — An area of land not developed with structures and used for recreation, agriculture, landscaping, or forestry or left in its natural state.

OPEN SPACE DEVELOPMENT — Those methods of development of land that result in the creation of protected open space. See §148-6-1.

OUTDOOR STORAGE — Land used for the keeping of goods, wares, equipment or supplies outside of a structure.

PARKING SPACE—The net area for parking one vehicle, usually equal to 180 square feet with dimensions of nine by twenty feet.

PACKAGE SEWAGE TREATMENT PLANT — A facility which treats sewage and

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discharges treated effluent into surface water or below the surface of the ground, excluding systems consisting of septic tanks and leach fields.

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 screen, fabric, or other material.

PIER/WHARF - Any structure extending out into or over the water built upon fill, which shall include, but shall not be limited to, earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed, or containing crib, crib work of wood, timber, logs, concrete or metal, or bulkheads and cofferdams or timber sheeting, bracing and piling or steel sheet piling, or steel H piling, separate or in combination.

~~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 COVERAGE — Any man-made surface or structure 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, and other similar surfaces, and stones arranged decoratively for walkways, or otherwise defined and restricted in this chapter. A deck with spaced boards at least 1/8 inch apart shall be considered permeable.

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

PILINGS - A column of material such as timber, steel, or concrete vertically placed within the ground or lakebed to support a structure or building.

PLACE OF PUBLIC ASSEMBLY— A building and/or outdoor space designed for the gathering of groups of people for the conduct of public business and/or for recreational, artistic, religious, charitable, or other group activities, such as a church, theater, lecture hall, concert hall, sports field with grandstand or bleachers, or indoor or outdoor arena.

PLAT — A map or plan submitted to the Planning Board as part of an application for subdivision approval. (See "subdivision law.")

POTENTIALLY HABITABLE FLOOR SPACE — See "FLOOR SPACE."

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PREMISES — A lot, together with all the structures and uses thereon.

PRINCIPAL BUILDING — See "building, principal."

PRINCIPAL USE — The primary use of a lot. Where there is more than one use on a lot, the use occupying the most land area is deemed the principal use.

PRIVATE RIGHT-OF-WAY — Real property owned by a private individual or property owners' association for use as a road, street, crosswalk, walkway, or other access.

PRIVATE ROAD — A privately owned road held in common ownership or easement by a property owners' association.

PROPERTY OWNERS' ASSOCIATION (POA)— A not-for-profit entity composed of the owners of real property held in common ownership for mutual benefit under corporate bylaws or a contractual agreement.

PROTECTED OPEN SPACE — See also the definition of "Open Space" and §148-10-13.

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.

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.

[RAFTS, INFLATABLES, FLOATATION DEVICES - Any device or equipment based on its materials and design is a temporary object used within the water that is secured either to the land, a dock or mooring. Unsecured objects are considered vessels and are to be secured daily or removed from the water daily. Examples include inflatable or rubber rafts, wood or plastic rafts assembled upon sealed air-filled drums. See also temporary definition.](#)

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

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golf, movie theaters and other places of public or private entertainment.

REDEVELOP/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, and which expands or alters the existing footprint of structure located thereon

RELIGIOUS — Use of land by a church, synagogue or other place of religious worship, as well as a monastery or other place of religious retreat.

REQUIRED YARD — 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.

RESIDENTIAL — A use of land with structures in which people live and sleep overnight on a regular basis.

RETAIL/RETAIL BUSINESS — An establishment selling goods directly to customers for personal and household consumption, including but not limited to an appliance store, bakery, convenience store, delicatessen, drugstore, florist, grocer, hardware store, liquor store, newsstand, shoe store, stationery store and variety store.

RIDING ACADEMY — A non-agricultural establishment where one or more of the following occurs:

- 1) 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;
- 2) Public riding events or horse shows are held for which an entrance fee is charged; or
- 3) 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

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screened by topography, vegetation or other structures that are not themselves required to be screened.

SEASONAL USE — Any short-term use, activity or in a structure, which is designed, and used and intended for use primarily during a limited portion of the year or during specific seasons. These seasonal elements can occur during any season but most commonly occur during ~~in~~ the summer months. Seasonal structures are not designed or constructed for year-round use or occupancy, and are or may be annually dismantled, removed, or relocated and stored. Seasonal structures lack essential equipment and structural elements such as ~~which generally lacks central~~ heating, sanitary facilities, plumbing, window screening, or insulation necessary to support long-term use or occupancy. The existence or presence, use or occupancy of any ~~habitable~~ structure for more than eight months of the year shall be considered a permanent year-round use or structure and subject to the applicable provisions of the Town Code ~~year round rather than seasonal.~~

SERVICE BUSINESS — A business or nonprofit organization that provides services directly to the customers, either on or off the premises, including but not limited to building, electrical, plumbing and landscape contracting, arts instruction or studio, business and educational services, catering, health club, house cleaning services, locksmith, office support services, furniture repair and restoration services, and tailoring. "Service business" does not include retail business, restaurants, warehouses or other uses separately listed on the use tables in Article 4. A service business may include the sale of accessories, supplies, and incidental items, provided that if more than 20% of the floor space is used for such sales, it will also be considered a retail business.

SETBACK — The distance measured in feet along a line drawn perpendicular from a property line or from an over-water extension of a property line towards the interior of a lot and establishes the minimum distance for certain structures or improvements from the property line and the minimum depth of required yard areas. ~~in feet from a property line to a structure.~~

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 a lot or portion thereof for recreational purposes to permit access to Skaneateles Lake. Shared access shall be created by means of a property owners' association agreement, license, right-of-way, or easements provided such use complies with §148-7-1.K.3. This definition does not apply to recreational use of a lakefront parcel by one owner

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and their guests.

SHORELINE STRUCTURE, ~~ONSHORE – OFFSHORE~~— An allowed ~~ONSHORE~~ structure is— An accessory structure located within 50 feet of Skaneateles Lake Line or within the 100-year Flood Hazard Area around Skaneateles Lake. ~~See §148-7-1.K.~~ Examples include but not limited to dock, patio, storage building.

An allowed OFFSHORE structure is an accessory structure located within or over the water, beyond the lake line and within 1500 ft. of the Lake Line. Examples include but not limited to dock, boat house, floating pier, mooring. See §148-7-1.K.

SHORELINE STRUCTURE, NONCONFORMING - a legally existing permanent dock, boat house or similar permanent structure as defined herein, previously issued an approval permit by an authorized government agency such as: NYS DEC, NYS OGS, City of Syracuse or the US Corps of Engineers but which may not conform to the dimensional, location or other standards or requirements of this Chapter.

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. A sign readable from two sides and with parallel faces is considered one sign. For definitions of sign types and regulation of signs, see Article 9.

SINGLE-FAMILY DWELLING — See "dwelling, single-family."

SITE PLAN — A map or drawing prepared as part of a development or land use application showing existing conditions and the proposed layout of proposed changes to a specific site. See §148-10-8.

SITE PLAN APPROVAL— Discretionary review and determination by the Planning Board of an application for land development or site alteration that, due to site conditions, scale and/or design characteristics, may have adverse impacts on a site or important features in its vicinity. See §§148-10-5 and 10-6. Site plan approval focuses on the design and layout of proposal for an allowed use.

SOLAR ENERGY SYSTEM TYPES:

- 1) On-site — Individual System: solar collectors producing electric power directly for the on-site end-users (such as individual residential dwellings or businesses). The solar collectors may be BIPV, building-mounted or ground-

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mounted and are subject to applicable standards of this code. On-site systems are considered accessory to the function of the principal use.

- 2) Off-site — Community System: solar collectors producing electric power via a public utility network primarily to off-site end-users (such as individual residential dwellings or businesses).
- 3) Utility Facility — solar collectors operated by a public utility located on land primarily used to produce and transmit electric power for general off-site energy consumption. A public utility is an entity which operates as a monopoly, and whose rate charges to customers are established by NYS Public Service Commission.

SOLAR ENERGY INSTALLATION TYPES:

- 1) Building Integrated Photovoltaic (BIPV) — BIPV is an alternative to traditional roof or façade materials (e.g. wood, asphalt, metal, brick) historically used to cover, enclose, protect and decorate structures. BIPV adds the solar energy power generation function to the protective and decorative functions of traditional material and is integral to a building's structure, not altering the relief of the structure. Examples of BIPV may be roof shingles or tiles, siding, paneling, laminates, or glass that integrate photovoltaic function.
- 2) Building Mounted — Solar panels attached to a roof or building façade and subject to the applicable standards of this code [per §148-5-8.C. & D] (see also definition Solar Energy Materials & Equipment: Solar Panel).
- 3) Ground Mounted — Solar panels installed in an array located directly on the ground and anchored to the ground via a pole or similar mounting system, detached from any other structure (see also definition Solar Energy Materials & Equipment: Solar Panel & Solar Array).

SOLAR ENERGY MATERIALS & EQUIPMENT: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, as well as the hardware or equipment necessary to collect solar radiation, convert it into another form of energy, store the collected energy, protect it from unnecessary dissipation, and distribute it. Solar energy materials and equipment include solar thermal, solar photovoltaic, and equipment used to concentrate solar energy through the use of a mirror and/or lens. Solar equipment is further defined as follows:

- 1) Solar Collector — a single solar photovoltaic cell or a solar hot air or water collector device that converts the energy from solar radiation into electricity or the transfer of stored heat.

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- 2) Solar Panel — a series of solar collectors manufactured into a single unit for installation on a site. A solar panel is typically rectangular in shape and is either attached to a building wall or roof with connecting brackets or installed on the ground with posts.
- 3) Solar Array — is a grouping of solar panels placed upon a structure or upon the ground and designed to produce a larger amount of solar generated energy than a single solar panel.
- 4) Other misc. equipment — exterior equip placed on pads (generator, battery systems, etc.) are considered regulated structures for impermeable surface coverage if they individually exceed 16 sq. ft.

SPECIAL PERMIT — Discretionary review and determination by the Planning Board of a land use proposal that may have adverse impacts on its surroundings and the community. Special permit approval focuses on the appropriateness of the use in a particular location.

STORAGE BUILDING — A principal or accessory building, not exceeding a footprint of 2000 square feet, used to store materials, goods, equipment, vehicles, boats, or other items for use by a person or business.

STRUCTURE — A static construction of building materials set upon or affixed to the ground, [upon another structure; upon an ONSHORE or OFFSHORE shoreline structure, includes](#)~~including~~ but [is](#) not limited to a building, [dock, wharf or pier](#), 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 a screen, fabric or other [covering or surface materials lacking structural support capability](#) . [\(see also – separate definitions for seasonal and temporary\)](#).~~temporary materials.~~

Swim Floats—[Seasonal platforms, fastened to the lake bottom, whose purpose is to provide deeper water access for swimming and diving.](#)

TELECOMMUNICATIONS ACCESSORY FACILITY — A facility or structure which supports a telecommunications tower, is subordinate in area, extent and purpose to the tower, and is located on the same lot, Examples of such facilities include transmission equipment and storage and equipment sheds or structures.

TELECOMMUNICATIONS TOWER — A free-standing structure, the principal purpose of which the installation of transmitting and/or receiving antenna(s).

TEMPORARY – [An interim, time-limited activity, use, structure, or modification that may occur within a site or in support of changes to the allowed permanent uses or structures within the same site. Any temporary changes are removed](#)

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upon the conclusion of a specified time-period, or upon accomplishment of such permanent changes, and the site is restored to its prior or approved new conditions. Examples include a show, event, or special exhibition; also include the storage of construction equipment, temporary fencing or driveways, and top-soil storage. Annually repeating activities may be considered temporary if they are otherwise allowed by the Zoning Code or other applicable Town Codes, and meet this definition of temporary such as: holiday or garage sales, arts or music festivals, or fund-raisers. No single-occurrence or repeating use/event shall exceed 30 days duration.

~~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.~~

THIS CHAPTER — 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."

UNCONSTRAINED LAND – Land other than constrained land as defined herein.

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 — See "accessory use."

UTILITY FACILITY — A use operated by a public utility, and which provides cable television, electric, gas, steam, telephone service, water, or sewerage

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directly to the general public, including electric substations. A public utility is an entity which operates as a regulated monopoly, and whose rates 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.

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 building that complies with the definition of “Storage Building” except that it has a footprint greater than 2000 sq. ft. in which materials, goods or equipment are stored, including wholesale businesses and buildings that are used to store materials for personal use.

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, stormwater management facilities 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 a lake and/or watercourse.

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WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated soils or periodic inundation. (See § 148-5-4.1)

WIND ENERGY CONVERSION SYSTEM — See §148-5-7.

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 principal building and the street line.

YARD, LAKE — An open space extending across the full width of the lot between the Lake Line and the line formed by the lake yard setback.~~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

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 lying between the principal building and each sideline~~side-line~~ of the lot, extending from the front lot line to the rear lot line.

ZONING LAW/THIS CHAPTER — The officially adopted Zoning Law of the Town of Skaneateles, Chapter 148 of the Code of the Code of the Town of Skaneateles, together with all amendments thereto.