

**Overlay Districts and Special Districts****§ 148-7-1. Lake Watershed Overlay District (LWOD).**

- A. Findings and purpose. The purpose of this overlay district is to protect the quality of Skaneateles and Owasco Lakes by controlling uses of land which could be detrimental to lake water quality. The Town of Skaneateles finds that the drinking water quality of Skaneateles Lake represents a priceless economic, environmental, aesthetic and recreational resource. The Comprehensive Plan and supporting studies of lake water quality issues establish a sound justification and framework for protecting the quality of the lake's water. It is the purpose of this section to establish regulations on land uses within the Skaneateles Lake Watershed to assure the protection of the quality of the lake's water resources from nonpoint and point source pollution, while allowing flexibility of land use consistent with maintaining such quality. The Town desires to achieve such protection by cooperating with the City of Syracuse in implementing the city's regulations to protect the quality of Skaneateles Lake as a water supply reservoir. In addition, the Town finds that preserving the water quality of Owasco Lake is similarly important to the communities that depend on that lake, and therefore the Town includes the watershed of Owasco Lake within the coverage of these regulations.
- B. Boundaries. The boundaries of the Lake Watershed Overlay District are shown on the Zoning Map. The overlay district is divided into two subdistricts covering the two lake watersheds: Skaneateles and Owasco. The map of the watershed boundary is a preliminary guide to its location. The actual determination of the boundary location should be made in the field by a qualified professional as provided in § 148-3-SA(S).
- C. Effect of district. Within the Lake Watershed Overlay District, all of the underlying land use district rules remain in effect, except as they are specifically modified by this § 148-7-1. In addition, within the entire LWOD, the current City of Syracuse Watershed rules and regulations shall apply and be enforceable by the Town, regardless of whether a permit or approval is requested from the Town; except, in that part of the Town that lies within the Owasco Lake Watershed, the current Owasco Lake Watershed rules and regulations shall apply.
- D. Prohibited uses. The following uses are prohibited in the LWOD, except that agricultural uses and existing facilities located within the LWOD that engage in these activities may continue and expand, provided that they comply with all applicable laws and regulations. When these activities are conducted in connection with customary residential use of property, they are exempt from these prohibitions, provided that they comply with all applicable laws and regulations. The following uses are prohibited in the LWOD:
- (1) Disposal of hazardous material or solid waste.

- (2) Treatment of hazardous material, except rehabilitation programs authorized by a government agency for treating hazardous material that existed on the site prior to the adoption of this chapter.
- (3) Production of hazardous material.
- (4) Dry cleaning, dyeing, printing, photo processing and any other business that stores, uses or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous material.
- (5) Disposal of septage or septic sludge.
- (6) Automobile service stations.
- (7) Pipelines [as that term is defined in § 148-5-5H(4)].
- (8) Junkyards.
- (9) Truck terminals.
- (10) Sewage treatment facilities.

E. Skaneateles Lake Watershed procedures.

- (1) A copy of any application for a building permit, zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment, subdivision sketch plan, preliminary subdivision plat or (final) subdivision plat, occurring partly or wholly within the Skaneateles Lake Watershed, shall be submitted simultaneously with its submission to the Town, to the City of Syracuse pursuant to the city's watershed regulations, Section 131.1 of Part 131, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Such submission shall be the applicant's responsibility.
- (2) The City of Syracuse shall be considered an involved agency for purposes of the State Environmental Quality Review Act<sup>8</sup> and shall be entitled to participate as a party in any proceeding before the Town Board, Planning Board or Zoning Board of Appeals.
- (3) The Planning Board or Codes Enforcement Officer shall incorporate all conditions and mitigation measures recommended by the city to ensure compliance with the city's watershed regulations. No variance from this Subsection E may be granted by the Zoning Board of Appeals unless a variance has first been obtained from the Commissioner of the Onondaga County Department of Health, as provided in the city's watershed regulations.
- (4) The Town shall send the city copies of all permits or approvals granted by the Town pursuant to this § 148-7-1E, including the rationale for granting such permits and all conditions and mitigation measures imposed. The Town shall also send the city copies of all denials of permits or approvals, including any reasons

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8. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

given for such denials. This Subsection E(4) shall not apply to actions taken on building permits or subdivision sketch plans.

F. Owasco Lake Watershed procedures.

- (1) A copy of any application for a building permit, zoning permit, area variance, use variance, special permit, site plan approval, zoning amendment or preliminary subdivision plat, occurring partly or wholly within the Owasco Lake Watershed, shall be submitted to the City of Auburn simultaneously with its submission to the Town. Such submission shall be the applicant's responsibility. The City of Auburn may comment and appear as an interested agency in any proceeding before a Town municipal board.
- (2) The Town shall send the city copies of all permits or approvals granted by the Town pursuant to this § 148-7-1F, including the rationale for granting such permits and all conditions and mitigation measures imposed. The Town shall also send the city copies of all denials of permits or approvals, including any reasons given for such denials.

G. Performance criteria.

- (1) Compliance with Syracuse and Auburn watershed regulations.
  - (a) All development in the Skaneateles Lake Watershed shall comply with the City of Syracuse's watershed regulations and Onondaga County Health Department regulations.
  - (b) All development within the Owasco Lake Watershed shall comply with the City of Auburn watershed regulations and the Onondaga County Health Department regulations.
  - (c) Any term used in this § 148-7-1 which is defined in the City of Syracuse watershed regulations, but not in this chapter, shall carry the meaning given in the city's definitions.
- (2) In evaluating applications for any development within the Watershed Overlay District, the Planning Board, Zoning Board of Appeals, or Codes Enforcement Officer shall ensure that:
  - (a) Nonpoint source pollution is prevented to the extent practical, by taking into account slope gradient, soil erosivity, intensity and amount of pollutant application and exposure and season of soil and/or pollutant exposure.
  - (b) Travel time to watercourses is sufficient to delay contact with the lake in order to neutralize any impacts of pollutants in stormwater. Stormwater management may require the use of retention ponds to control runoff. Stormwater management measures must be designed to perform adequately during a 500-year storm event.
  - (c) Pollutant loadings will not damage any watercourse.
  - (d) Grading and removal of vegetation is minimized.

- (e) **All** sewage disposal systems **will** be monitored, inspected and maintained regularly, to ensure proper functioning and protection of the water quality of the lake and its tributaries.
- (3) In order to fulfill the purposes of this § 148-7-1, the Planning Board or Codes Enforcement Officer shall designate "no disturbance areas" on all subdivision plats and site plans (including site plans and surveys associated with building permits and zoning permits). In such areas, site disturbance may occur only as minimally necessary for construction of driveways, utilities, fences, septic systems and other structures that cannot practically be located within the acceptable area. The maximum area of land disturbance for building a single-family residence shall be 20,000 square feet at any one time.
- (4) At the discretion of the Planning Board, sod or other native vegetation may be required in the lake yard, provided that the Planning Board determines that the selected plant material in a particular location will effectively decrease runoff and erosion.

#### H. Conditions and findings.

- (1) Before granting approval of any subdivision, special permit, site plan, variance or zoning amendment that includes land wholly or partially located within the LWOO, the Planning Board shall impose appropriate conditions and make a written finding that the proposed development has been designed in a manner that minimizes damage to water resources.
- (2) Such conditions may include a requirement that a conservation easement (as provided in § 148-6-7) be granted by the applicant to protect all or a portion of the land within the LWOO. Such conditions shall not deprive the applicant of economically viable use of the property and must bear a reasonable relationship to the fulfillment of the purposes of this § 148-7-1.

#### I. Agriculture.

- (1) Agricultural uses shall comply with Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State (1992), as published and amended by the Bureau of Water Quality Management, Division of Water, Department of Environmental Conservation (DEC). This publication is available for public inspection and copying from the Department of Health, Bureau of Management Services, Empire State Plaza, Corning Tower, Room 223, Albany, New York 12237.
- (2) Exemption for whole farm planning. Any farm enrolled in the whole farm planning program and approved as such by the City of Syracuse, New York State Department of Health or the Onondaga County Soil and Water Conservation District, shall be exempt from the provisions in Subsection 1(1) above.

#### J. Water quality protection.

- (1) Skaneateles Lake and all streambeds, brooks and other tributaries or outlets to the lake shall be maintained in their natural state and kept free of artificial debris and other obstructions to water flow.

- (2) Farms that comply with § 148-7-II shall be deemed to be in compliance with this § 148-7-II.
- (3) No application of pesticides, herbicides or fertilizer shall be permitted within 100 feet of the lake line or watercourse, excluding farms participating in the whole farm management program.
- (4) Site plan review is required for all development within 1,000 feet of the lake line except for fences and structures less than 200 square feet.

K. Skaneateles Lake shoreline regulations.

- (1) The following requirements apply to structures located within 50 feet of the lake line or within the 100-year flood hazard area ("shoreline structures").

- (a) General restrictions.

- [1] Site plan approval requirement. The construction of seawalls, retaining walls, except those that are located 10 feet or more from the lake line, marine railways, permanent docks larger than 200 square feet, decks or patios larger than 400 square feet, stairways higher than 25 feet, and boathouses shall require site plan approval.

- [2] No shoreline structure or improvement shall be built or expanded except pump houses, docks, seawalls, retaining walls, gazebos, stairways, storage buildings, fire pits not exceeding two feet in height or 16 square feet in area, children's playground equipment, and boathouses. Where more restrictive, this provision shall take precedence over the setback requirements in § 148-5-4H(4). All structures, seawalls, and retaining walls shall be located upland of NGVD 865.02 elevation (high-watermark).

- [3] Dimensional limits. The total combined square footage of all shoreline structures listed in Subsection K(1)(a)[2] shall be limited as described below. Seawalls and retaining walls used only for purposes of erosion control, containing no walks or decking, shall not be included in the calculation of the square footage of shoreline structures. Lake frontage shall be measured as a straight line connecting the two lot corners where they intersect the lake line with an intermediate point in the lake line, not including man-made projections into the lake.

- [a] On lots with greater than 200 feet of lake frontage: a maximum of 800 square feet for every 200 feet of lake frontage.

- [b] On lots with between 100 feet and 200 feet of lake frontage: a maximum of 600 square feet.

- [c] On lots with less than 100 feet of lake frontage: a maximum of 400 square feet.

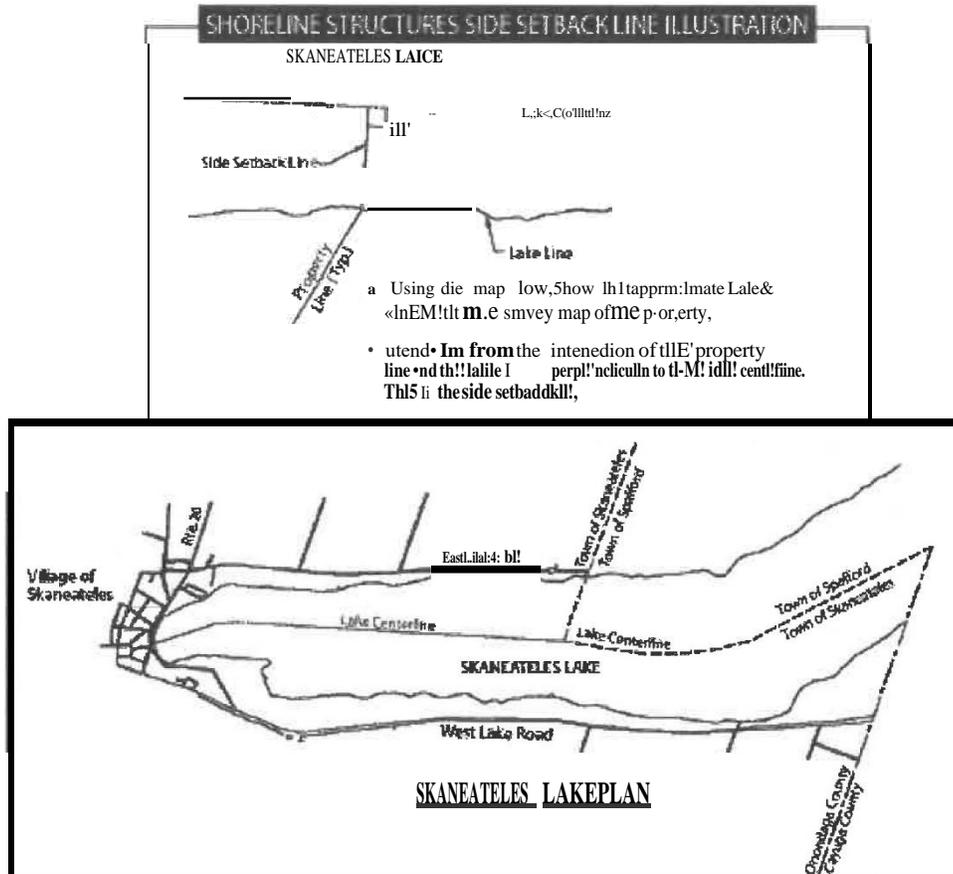
- [4] Except as provided in § 148-7-1K(1)(b), the height of shoreline structures shall not be more than 12 feet above average grade. This

restriction also applies to any structure placed on top of another structure.

- [5] Materials. All applications for the construction of such structures shall be accompanied by a certificate acceptable to the Planning Board or official that all materials to be used in such construction are free of toxic substances.
- [6] See § 148-5-4D for erosion control requirements. Site plan review requirements are listed in §§ 148-10-8A, 148-5-4D(l), and 148-5-4H(5). See § 148-5-41 for steep slope regulations.
- [7] In addition to the requirements of this chapter, all applicable requirements of the New York State Department of Environmental Conservation, the United States Army Corps of Engineers and the New York State Office of General Services shall be satisfied.

(b) Special requirements.

- [1] No shoreline structure other than a dock and stairs leading to a dock shall be erected, constructed or placed so as to extend offshore beyond the lake line, except as otherwise approved by the New York State Office of General Services.
- [2] The foundation area of a boathouse shall not exceed 500 square feet. The height of any part of a boathouse shall not be greater than 16 feet above the lake line. No living quarters shall be allowed in a boathouse. No boathouse shall be used for any purpose other than storage.
- [3] Not more than one boathouse, permanent dock, and marine railway shall be permitted for each lakefront lot, except for a lakefront marina allowed by special permit, except as otherwise approved by the New York State Office of General Services.
- [4] Except as provided in § 148-8-9A(1), all shoreline structures except seawalls and retaining walls needed for erosion control shall be constructed with a minimum side setback of 20 feet from the setback line. To locate the setback line, the approximate center line of Skaneateles Lake shall be determined and a line perpendicular to this center line shall be extended to the property corner. This perpendicular line shall be the setback line. See diagram below.



- [5] No dock or marine railway shall be constructed or placed in a manner that will interfere with normal navigation or access to adjacent land or docks.
- [6] Any submerged part of a marine railway less than four feet below the surface of the lake shall be identified by an approved navigational hazard buoy which shall be in place when ice is removed from the lake water lying within the Town's corporate boundary.
- (c) Lakefront marinas. Marinas shall be allowed by special permit and may be exempted from the dimensional regulations of this § 148-7-1K(1) if they can satisfy all applicable performance criteria in § 148-10-6.
- (d) Exemption for temporary docks. The dimensional and permit requirements in this Subsection K(1) above do not apply to temporary docks.
- (2) Supplementary lake yard restrictions. In addition to the requirements of §§ 148-5-4H and 148-7-1K(1) above, all structures located within 200 feet of the lake line of Skaneateles Lake shall comply with the following requirements:

- (a) Any construction or expansion of any such structure shall require site plan approval, including an erosion and stormwater control measures as provided in § 148-5-40(3).
  - (b) No boathouse or storage building shall be used for any purpose other than storage.
  - (c) No change of grade shall be permitted within 100 feet of the lake line except by special permit. A stabilization and planting plan is required.
  - (d) No construction or expansion of any dwelling located within 150 feet of the lake line shall be permitted unless the lot has at least 75 feet of lake frontage for each four-bedroom or smaller dwelling, plus 25 feet of additional lake frontage for each additional bedroom. This provision shall not be construed to permit the creation of lots with less than the required minimum lake frontage for a conventional subdivision, except in the case of conservation subdivisions. In the event of a conflict with § 148-8-9A, the more restrictive requirement shall control.
  - (e) No fence exceeding four feet in height shall be permitted within 100 feet of the lake line. Any such fence four feet or less in height within 100 feet of the lake line (excluding gates) must allow at least 50% of visual penetration when viewed at any angle between 45° and 90° to its face, including pickets, post, rails or any other feature that can block visual penetration.
  - (f) No berm or wall (except retaining walls along or parallel to the lake line or along a watercourse) shall be permitted within 100 feet of the lake line. Except for retaining walls serving as bank protection along or parallel to the lake line, no wall within 100 feet of the lake line shall exceed four feet in height. See § 148-5-41(5), which establishes site plan approval requirements for such structures.
  - (g) A berm or wall six feet in height or less shall be permitted more than 100 feet from the lake line.
- (3) Shared lakefront recreation. All land used for shared lakefront recreation (see definition) shall be required to comply with this Subsection K(3). Land being used for such purposes at the time of the original enactment of this § 148-7-1 shall be considered a nonconforming use.
- (a) Land may be used for shared lakefront recreation by special permit, provided that the following conditions are satisfied:
    - [1] A lot used for shared access must have at least 15 feet of shoreline and 2,000 square feet of lot area for each dwelling unit that shares lake access using the parcel. To illustrate, a parcel with deeded rights for eight dwelling units would need to have at least 120 feet of shoreline and 16,000 square feet of lot area. These dimensional requirements may be modified by the Planning Board on lakefront access parcels with more than 20,000 square feet in area and more than 200 feet of shoreline, provided that adequate buffers are provided to mitigate the impact on adjacent parcels and that permitted

occupancy will not adversely affect lake water quality. In making this determination, the Planning Board shall consider issues of health, safety, and aesthetics, including pedestrian safety where a highway crossing is involved and the practical usability of the shoreline for lake access.

- [2] The special permit shall contain specific occupancy limits based upon the number of dwelling units times four people, in order to prevent degradation of the lake from overuse. The special permit may also contain requirements for buffering and screening between the shared lakefront parcel and adjoining properties to minimize disturbance to such properties and to protect their privacy.
  - [3] If the occupancy limit (number of dwelling units times four persons) exceeds 25 persons, toilet facilities may be required as follows:
    - [a] Properly maintained chemical or waterless toilets shall be provided; or
    - [b] Low water flow toilets, together with an approved subsurface disposal system, shall be provided, set back at least 100 feet from the lake line.
  - [4] Adequate parking areas shall be provided as determined by the Planning Board.
  - [5] Erosion and stormwater control measures, if required, shall prevent runoff containing sediment or pollutants from entering the lake. If no such measures are required because less than 5,000 square feet will be disturbed, the special permit shall contain such conditions as may be necessary to protect the lake from sediments or pollution, including but not limited to the provision of vegetated buffer strips along the shoreline.
  - [6] The development and use of the site shall comply with all performance standards for the Lake Watershed Overlay District.
  - [7] For any site with an occupancy limit in excess of 25 persons, an annual inspection fee may be required in a sufficient amount to cover the cost of monthly inspections during the summer months.
- (b) The special permit shall contain such conditions on property management as may be necessary to ensure compliance with the requirements of Subsection K(3)(a) above and any of the requirements of § 148-6-2 which the Planning Board determines to be appropriate.