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REVISIONS to DRAFT §148-7-1K

The following additions to The following Town Zoning regulations focus on the Skaneateles Lake Shoreline uses and structures adjacent to and within Skaneateles Lake. These existing Town controls are for onshore uses and structures and are supplemented with new Town controls for offshore uses within the public waters of Skaneateles Lake as authorized by the NYS legislature in 2021. The State granted the Town authority on offshore structures over the water within 1500 feet of the Lake Line. The for the Town may regulate the manner of construction and location of boathouses, moorings, and docks and similar structures to preserve the economic, environmental, aesthetic, and recreational resources of Skaneateles Lake. The following regulations apply to all shoreline uses, modifications and structures, as defined herein, that include onshore uses and structures (see §148-7-1K1 through 3) and offshore uses and structures (see §148-7-1K4). In addition, other special shoreline uses and conditions are addressed in §148-7-1K 5 through 9.

1. The following requirements apply to onshore and offshore structures located within 50 feet of the Lake Line or within the one-hundred-year flood hazard area and offshore structures located within 1500 feet from the lake line.

a. General restrictions.

i). **Site Plan Planning Board approval requirement.** The construction of onshore structures such as seawalls, retaining walls (except those that are located 10 feet or more from the Lake Line), decks, or patios larger than 400 square feet, stairways higher than 25 feet. Offshore structures such as marine railways, permanent docks larger than 200 400 square feet, and boathouses shall require site plan approval Planning Board review(see Onshore and Offshore sections below for applicable procedures).

ii). **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.

iii). **Concurrent Jurisdiction.**

Town zoning authority and associated Town Building or Zoning reviews are part of the concurrent jurisdictional reviews of Skaneateles Lake in conjunction with other governmental agencies that include NYSDEC, Office of General Services, Parks Recreation and Historic Preservation, US Army Corps of Engineers, Onondaga County Sheriff, and City of Syracuse Water Department. Depending on the specifics of a proposal, applicants should consult these agencies to determine property permits and reviews. This Local Town Law does not preempt the authority of any other agency.

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

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Engineers and the New York State Office of General Services shall be satisfied.

iv). Commercial Use of Offshore Shoreline structures. No dock, mooring or similar offshore shoreline structure shall be used for commercial purposes unless allowed as an approved Special Permit use such as a marina (see § 148-7-1-K-7). The leasing or rental of any private onshore or offshore structure that is accessory to a residential dwelling, or a Shared Lake Use is prohibited.

b. Special requirements for onshore and offshore structures.

i). No shoreline onshore structure other than a dock deck and/or stairs leading to an offshore dock shall be erected, constructed, or placed to extend offshore beyond the Lake Line, except as otherwise approved by the Planning Board.

ii). The foundation area of a boathouse shall not exceed 500 square feet and shall have at least 10% of the foundation (boat house footprint) on land (at or above the Lake Line Elevation). 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.

iii). 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.

iv). Except as provided in § 148-8-9.A.1, all onshore shoreline structures except seawalls and retaining walls needed for erosion control shall be constructed with a minimum side setback of 20 feet from the property line; all offshore shoreline structures shall be constructed with a minimum side setback of 10 ft to the offshore property line. To locate the offshore property line, extend a line perpendicular from the center line of Skaneateles Lake, as shown on the officially adopted centerline map, to the property corner point of intersection of the side property line and the City of Syracuse Lake Line (as defined). This perpendicular line shall be treated like a property line for purposes of determining offshore setbacks. (See Shoreline Guidelines).

v). Total Shoreline Structures Calculation. The area of any structure or portions of such structures located over land shall be regulated by the dimensional standard applicable to onshore structures. The area of the same structure or portions of any structure over water shall be regulated by the dimensional limits applicable to offshore structures.

vi). 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.

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vii). 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.

viii). **Necessary Maintenance and Repairs.** The Town Codes Enforcement Officer is authorized to grant building permits for certain projects for repair and/or replacement of existing permanent docks/seawalls using new design and technology methods that improve durability with substitute materials with no or minimal change of the dock footprint provided that such project results in no more than a minimal expansion of the existing footprint, not to exceed **20% 10% cumulative maximum of the pre-existing footprint as of January 1, 2024.**

2. Supplementary lake yard restrictions. In addition to the requirements of §§ 148-5-4.H, §148-7-1-J.4, and §148-7-1.K.1 above, all structures located within 200 feet of the Lake Line of Skaneateles Lake shall comply with the following requirements:

a. **Construction or Expansion.** Any construction or expansion of any such structure shall require site plan approval, including erosion and stormwater control measures as provided in § 148-5-4.E.3.

3. Onshore Shoreline Regulations

a. **Onshore Structures.** No **shoreline** onshore structure or improvement shall be built or expanded except pump houses, **docks, decks,** 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 §148-5-2.G. All structures, seawalls, and retaining walls shall be located upland of NGVD 1929 Datum 865.02 ft. elevation (**Lake Line/mean** high-water mark **as defined see §148-12-2 Definitions**).

b. **Dimensional limits.** The total combined square footage of all **shoreline onshore** structures listed in Subsection 3.a 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 **Impermeable Surface Coverage** square footage of **shoreline onshore** 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.

i). On lots with greater than 200 feet of lake frontage: a

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maximum of 800 square feet for every 200 feet of lake frontage.

ii). On lots with between 100 feet and 200 feet of lake frontage: a maximum of 600 square feet.

iii). On lots with less than 100 feet of lake frontage: a maximum of 400 square feet.

c. Height Restrictions. Except as provided in §148-7-1.K.1.b.ii., the height of **shoreline** onshore structures shall not be more than 12 feet above average grade. This restriction also applies to any structure placed on top of another structure.

d. Erosion Control Requirements. See § 148-5-4.E for erosion control requirements. Site plan review requirements are listed in §§ 148-10-8.A, 148-5-4.D.1, and 148-5-4.H.5. See § 148-5-4.I for steep slope regulations.

e. Change in Grade. No change of grade greater than 100 square feet shall be permitted within 100 feet of the Lake Line except by Special Permit. A stabilization and planting plan is required.

f. Construction Limitations within 150 feet of Lake Line. 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 § 148-8-9.A, the more restrictive requirement shall control.

g. Fences. 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.

h. Berms/Walls. 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 § 148-5-4.I.5, which establishes site plan approval requirements for such structures.

i. Berm/Wall Height Limitation. A berm or wall six feet in height or less shall be permitted more than 100 feet from the Lake Line.

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j. Storage Buildings. No storage building shall be used for any purpose other than storage. No storage shed shall be greater than 80 sq. ft. nor more than 8 ft. in height. All storage sheds shall be located onshore unless otherwise approved by Site Plan review by the Planning Board.

4. Offshore Shoreline Regulations.

Offshore Structures. No offshore structure or improvement shall be built or expanded except as provided in 148-7-1-K and below:

a. Water Perimeter General Requirements.

i). Establishing a perimeter. Each lot shall identify a water perimeter within which all seasonal or permanent structures and facilities shall be located. The water perimeter boundaries shall be determined per the specification of the Section below and shall be mapped and graphically depicted by the methodology determined by the Town. The water perimeter boundary may COINCIDE but SHALL NOT EXTEND beyond the setback lines that represent the extension of the property's side lot lines into the Lake. The setback lines are determined pursuant to methodology established by the Town (see 148-7-1-K.1 .b.iv.).

ii). Water perimeter dimensions.

Maximum area	4,000 square feet
Maximum distance from the shoreline Lake Line	100 feet
Maximum number of perimeters/lot	1

iii). Water perimeter modifications. The Planning Board upon Special Permit (see §148-10-5) may modify the total area of a single water perimeter up to a maximum of 8,000 square feet with concurrent or conditional approvals from applicable NYS agencies. In granting an approval for a Special Permit, the Planning Board shall find that the existing site and/or Lake conditions prevent reasonable and safe water access within the allowed dimensions specified in §148-7-1-K.3.c.ii. above) and the requested modifications is minimally necessary to attain an adequate water depth for safe navigation.

iv). Conflicts. No perimeter shall overlap or intrude into adjacent water perimeters.

b. Uses, Structures, and Docking General Requirements.

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c). Dock, Seasonal. No Town permit is required when a seasonal (removeable) dock structure complies with the following dimensional limits and applicable setbacks, and any other concurrent jurisdictional approvals.

d). Location and Setbacks – see §148-7-1-K.4.d.ii. above.

e). Seasonal dock dimensions.

Width, Maximum (walking surface)	8 feet
Maximum projection from the shoreline Lake Line	100 feet
Area, Maximum	800 square feet

iii). **Permanent Offshore Structures.**

a). Docks, permanent. A town building permit is required for all permanent **offshore** structures. Projects costing more than \$20,000 will require professionally (architect, engineer, etc.) prepared plans. Site Plan Review may be required depending on placement, size, and structure characteristics.

b). Maximum number of docks. There shall be no more than one (1) permanent dock **associated with** the water perimeter associated to the lot.

c). Permanent Dock, design. Dock design elements such as dock skirting, dock shape, platform, reflectors, and lighting shall be evaluated by the Planning Board for appropriateness to site and water conditions, navigation, total structure area, and visual impacts.

d). Location and Setbacks. See §148-7-1-K.4.d.ii. above.

e). Permanent dock dimensions with only a building permit requirement.

Width, Maximum (walking surface)	8 feet
Maximum projection from the shoreline Lake Line	40 feet
Area, Maximum	400 square feet
Water Depth, maximum	10 feet

f). Permanent dock dimensions with Site Plan Review and building permit.

Width, Maximum (walking surface)	8 feet
Platform area, maximum	100 square feet
Platform, maximum total width (including dock width)	16 feet
Maximum projection from the shoreline Lake Line	100 feet
Area, Maximum	800 square feet
Water Depth, maximum	10 feet

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iv). Roofed/Covered Structures (covered boat slips, boat lifts, boat houses)

a). A Special Permit issued by the Planning Board is required for any roofed structure related to or attached to a permanent dock. Roofed structures include covered boat slips, covered boat lifts, or boat houses. When reviewing a request for a covered structure, the Planning Board shall find that the size, placement, height, coverage area, construction materials, and visual appropriateness is necessary and reasonable for the site conditions and that it is designed and located to be close to **the shoreline land (based on proximity to the Lake Line)** as feasible and in keeping with the surrounding area.

b). Dimensional standards.

Height, Maximum(above Lakeline elevation)	16 feet
Roof Coverage Area, Maximum(boathouse)	500 square feet
Roof Coverage Area, Maximum(other)	300 square feet
Roofed Structures, maximum	1 per perimeter

5. Shared lake usage. All land used for shared lake usage (see definition) shall be required to comply with this Subsection 4. Land being used for such purposes at the time of the original enactment of this §148-7-1K shall be considered a nonconforming use.

a. Land and/or water areas may be used for shared lake usage by Special Permit, provided that the following conditions are satisfied:

i). A lot used for shared access must have at least 15 feet of **shoreline lake frontage (based on Lake Line contour elevation)** 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 lake frontage** 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 lake frontage**, 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.

ii). 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

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for buffering and screening between the parcel used for shared lake usage and adjoining properties to minimize disturbance to such properties and to protect their privacy.

iii). 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.

iv). Adequate parking areas shall be provided as determined by the Planning Board.

v). 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.

vi). The development and use of the site shall comply with all performance standards for the Lake Watershed Overlay District.

vii). 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 3.a above and any of the requirements of §148-6-2 which the Planning Board determines to be appropriate.

c. Limited Exemption to number of docking or berthing spaces for shared lake usage sites. The maximum of five docking or berthing spaces does not apply to pre-existing common ownership land used exclusively for residential lake access where the docking or berthing spaces were existing prior to January 1, 2024.

6. Easement areas. The Easements related to the water areas associated within a lot shall be subject to all requirements applicable to the entire lot such as: water perimeter, setback, structures, and NUMBER OF watercraft.

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a. Limited Exemption for lots subject to an easement in existence prior to January 1, 2024. Within the offshore easement space seasonal structures may be placed within or outside of the water perimeter applicable to the parcel, provided the seasonal structures comply to the dimensional requirements of §148-7-1.K. 4.e. i. & ii).

7. Marinas. Marinas shall be allowed by Special Permit and may be exempted from the dimensional regulations of this §148-7-1.K. if they can satisfy all applicable performance criteria in § 148-10-7.

8). Submissions and Documentation. In addition to the standard Town submission requirements for building permits, site plan reviews, Special Permits or variances, every application submitted to the Town shall include the following:

a. Water perimeter plan. Each action resulting in the placement of any vessels or structures within the lake waters from adjacent property shall develop or obtain a graphic plan showing the detailed locations, orientation, and dimensions of their respective water perimeter. This perimeter plan, in addition to other routinely required documents, shall accompany any application to the town for building permit or zoning approvals from either the Codes Enforcement Officer, Planning Board and/or Zoning Board of Appeals.

b. Water depth measurements at existing or proposed structure locations. Supplemental graphic depictions of water depth measurements with supporting data of water level fluctuations may be required.

c. Materials. All applications for regulated onshore or offshore structures manufacturers' include descriptions of the nature of the materials to be used in the construction or installation and may include manufacturers brochures with specifications or comparable information to provide the Town reviewing authority with adequate understanding about the materials to be used.

9. Waivers and Modifications. Any request to modify the minimum or maximum standards of this section will require an application and approval of an Area Variance from the Town Zoning Board of Appeals and a concurrent review and approval from the NYS agency with applicable jurisdiction.