Code
Of the
Town of
Skaneateles

COUNTY OF ONONDAGA

STATE OF NEW YORK

SERIAL NO. . . . . .

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C E R T I F I C A T I O N

TOWN OF SKANEATELES

Office of the Town Clerk

I, **JANET L. AARON**, Clerk of the Town of Skaneateles, New York, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Town Board of the Town of Skaneateles, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Skaneateles, County of Onondaga, State of New York, as adopted by local law of the Town Board on December 10, 1985.

Given under my hand and the Seal of the Town of Skaneateles, County of Onondaga, State of New York, this _____ day of _____, at the municipal offices of the Town of Skaneateles.

s/**JANET L. AARON**

_____
Town Clerk

OFFICIALS

OF THE

TOWN OF SKANEATELES

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2011

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Town Board

JAMES LANNING , **Supervisor**
CONSTANCE BRACE, **Councilor**
CLAIRE HOWARD, **Councilor**
DAVID BADAMI, **Councilor**
ROBERT COVILLE, **Councilor**

JANET L. AARON, **Town Clerk**

BRODY SMITH, ESQ., **Town Attorney**

PREFACE

The Town of Skaneateles was historically once a part of the Township of Marcellus until 1830, when an act of the New York State Legislature permitted the formation of a separate entity. These lands had previously been surveyed into military lots after the Revolutionary War and were given to the soldiers by the State of New York as payment for their service in the state's militia.

Since that time the land, surrounding the northernmost waters of the lake which gives the Town it's name, has evolved from a dense wilderness populated only by wild animals such as wolves, deer, and bear, to a land of bountiful farms with fields of grain, alfalfa, and teasels and herds of dairy cattle and sheep, to, at the present time, a land becoming less rural and more residential.

While only a few simple laws were necessary at the time of its formation, the Town, including the hamlets of Mottville, Skaneateles Falls and Mandana and the smaller communities of Willow Glen and Shepard Settlement, has grown. Together with the complexity of modern life, this has created the need for more and detailed legislation for the proper function and government of the Town and the proper use of its land.

The recording of local law, including zoning law, is an important aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process.

However, legislation must be more than mere chronological enactments, reposing in the fading pages of dusty old record books. It must be available and logically arranged for convenient use and must be kept up to date. It was with thoughts such as these in mind that the Town Board ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Board of the Town of Skaneateles, including revisions or amendments to existing legislation deemed necessary by the Town Board in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article

designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The Scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., local law number), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6)

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Skaneateles reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 12-10-1985 by L.L. No. 11-1985]

§ 1-1. Legislative intent.

The local laws, ordinances and resolutions of the Town of Skaneateles referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of Skaneateles," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

§ 1-2. Distribution of local laws, ordinances and resolutions.

Derivation Table
(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of Chapter 1 have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows.)

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 1, General Provisions, Adoption of Code, Article I	L.L. No. 11-1985	12-10-1985
§ 1-1	Section 1	
§ 1-2	Section 2	
§ 1-3	Section 3	
§ 1-4	Section 4	
§ 1-5	Section 5	
§ 1-6	Section 6	
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§ 1-8	Section 8	
§ 1-9	Section 9	
§ 1-10	Section 10	
§ 1-11	Section 11	
§ 1-12	Section 12	
§ 1-13	Section 13	
Chapter 6, Defense and Indemnification of Employees	L.L. No. 1-1980	7-21-1980
§ 6-1	Section 1	
§ 6-2	Section 2	
§ 6-3	Section 3	Amended 12-10-1985 by L.L. No. 11-1985
§ 6-4	Section 4	
§ 6-5	Section 5	Amended 12-10-1985 by L.L. No. 11-1985
§ 6-6	Section 6	
§ 6-7	Section 7	
§ 6-8	Section 8	
§ 6-9	Section 9	
Omitted	Section 10	
Omitted	Section 11	
Chapter 8, Ethics, Code of	L.L. No. 2-1970	10-5-1970
§ 8-1	Section 1	
§ 8-2	Section 2	
§ 8-3	Section 3	
§ 8-4	Section 4	
§ 8-5	Section 5	
§ 8-6	Section 6	
Omitted	Section 7	
Chapter 14, Local Laws and Ordinances, Adoption of	L.L. No. 1-1968	8-6-1968
§ 14-1	§ 1	Amended 12-10-1985 by L.L. No. 11-1985
§ 14-2	§ 2	
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§ 14-4	§ 4	
§ 14-5	§ 5	
Omitted	§ 6	
Chapter 40, Building Construction	L.L. No. 5-1974	10-17-1974
§ 40-1	Section 1	
§ 40-2	Section 2	
§ 40-3	Section 3	Amended 12-10-1985 by L.L. No. 11-1985
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§ 40-6	Section 6	
§ 40-7	Section 7	
§ 40-8	Section 8	Amended 12-10-1985 by L.L. No. 11-1985
§ 40-9	Section 9	
§ 40-10	Section 10	
Omitted	Section 11	
Omitted	Section 12	
§ 40-11	Section 13	
§ 40-12	Section 14	
Omitted	Section 15	
Chapter 42, Buildings, Unsafe	L.L. No. 1-1983	1-10-1983
§ 42-1	Section 1	
§ 42-2	Section 2	
§ 42-3	Section 3	
§ 42-4	Section 4	
§ 42-5	Section 5	
§ 42-6	Section 6	
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§ 42-8	Section 8	
§ 42-9	Section 9	
§ 42-10	Section 10	
§ 42-11	Section 11	Amended 12-10-1985 by L.L. No. 11-1985

§ 42-12	Section 12	
Omitted	Section 13	
Omitted	Section 14	
Chapter 61, Electrical Standards	L.L. No. 4-1974	10-7-1974
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§ 61-2	Section 2	
§ 61-3	Section 3	Amended 12-10-1985 by L.L. No. 11-1985
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§ 70-1	Section 1	
§ 70-2	Section 2	
§ 70-3	Section 3	Amended 12-7-1981 by L.L. No. 1-1981
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Chapter 72, Flood Damage Prevention	(Formerly ordinance enacted 5-17-82)	
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§ 99-2	Section 2	
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§ 148-35	Section 35
§ 148-36	Section 36

§ 148-37 (Reserved)	Section 37 (Reserved)
§ 148-38	Section 38
§ 148-39	Section 39
§ 148-40	Section 40
Omitted	Section 41

§ 1-3. Repeal of enactments not included in Code.

All local laws, ordinances and resolutions of a general and permanent nature of the Town of Skaneateles in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Skaneateles prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.

B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Skaneateles, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Town of Skaneateles.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Skaneateles.

E. Any local law, ordinance or resolution of the Town of Skaneateles providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, designating or changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Skaneateles or any portion thereof.

F. Any local law, ordinance or resolution of the Town of Skaneateles appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Skaneateles or other instruments or evidence of the Town's indebtedness.

G. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or

transfer of property, or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The dedication of property.

J. Any local laws, ordinances or resolutions relating to personnel appointments, terms and conditions of employment, wages and salaries.

K. Any and all Zoning Map amendments.

L. All local laws, ordinances or resolutions relating to streets and sidewalks.

M. All local laws, ordinances or resolutions relating to subdivision of land.

N. All local laws, ordinances or resolutions relating to zoning.

O. All legislation adopted subsequent to 1-1-1985.

P. All local laws, ordinances and resolutions relating to cemeteries.

Q. All local laws, ordinances and resolutions relating to tax exemptions for capital improvements.

§ 1-5. Severability.

If any clause, sentence, paragraph, article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-2 hereof, or any local law, ordinance or resolution included in this Code through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Skaneateles and shall remain there for use and examination by the public until final action is taken on this local law: and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Skaneateles by impressing thereon the Seal of the Town of Skaneateles, and such certified copy shall remain in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Skaneateles," or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever

such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Skaneateles required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws, ordinances or resolutions until such change or local law, ordinance or resolution is printed as a supplement to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of the Town of Skaneateles upon the payment of a fee to be set by resolution of the Town Board, which may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Skaneateles, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation to the Town of Skaneateles to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than $250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Skaneateles, as distributed and designated in the table in § 1-2, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to

become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)[1]

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Skaneateles, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

1. **Editor's Note: Pursuant to § 1-11B, the following Code sections and chapters were amended, added or revised; §§ 6-3A, 6-5A, 14-1, 40-3, 40-8F, 42-11, 61-3, 61-15, 63-9A, 70-14, 72-7, 92-15, 97-2, 97-4A, 97-4C, 97-7A, 97-9, 97-14A and B, 99-5H, 99-6D, 99-20, 123-4, 146 4, 146-6E, 146-8B and C and 146-10. A complete description of these changes is on file in the office of the Town Clerk.**

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Chapter 4

CONSTABLE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 1-5-2012 by L.L. No. 1-2012. Amendments noted where applicable.]

§ 4-1. Authorization of appointment.

The Town Board of the Town of Skaneateles is hereby authorized to appoint a Town Constable and who shall possess all the powers and duties of constables as allowed pursuant to the laws of the State of New York, but only to the extent as authorized by resolution of the Town Board of the Town of Skaneateles. This chapter is enacted pursuant to the authority of the Municipal Home Rule Law § 10 of the State of New York, and §§ 24 and 39 of the Town Law of the State of New York.

§ 4-2. Remuneration.

Constables shall be paid no salary, but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings. In all other activities as allowed by law and as directed by the Town Board of the Town of Skaneateles, the Town Constable shall be paid hourly for such services in such amount as authorized in the annual resolution of the Town Board or made by the Town Board at the time of the appointment of such Town Constable.

§ 4-3. Tenure.

Constables shall serve at the pleasure of the Town Board and shall be appointed by the Town Board at the reorganizational meeting of the Town Board each year.

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Chapter 6

DEFENSE AND INDEMNIFICATION OF EMPLOYEES

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 7-21-1980 by L.L. No. 1-1980. Amendments noted where applicable.]

§ 6-1. Title.

This chapter shall be entitled "A Local Law Providing for the Defense and Indemnification of Officers and Employees of the Town of Skaneateles."

§ 6-2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

EMPLOYEE — Any person holding a position by election, appointment or employment in the service of the Town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former employee, his estate or his judicially appointed personal representative.

TOWN — The Town of Skaneateles.

§ 6-3. Provisions for defense.

A. Upon compliance by the employee with the provisions of § 6-4 of this chapter, the Town shall provide for the defense of the employee in any criminal or civil action or proceeding in any state or federal court, including any action to enforce a provision of any civil rights statute of the State of New York or of the United States, arising out of any alleged act or omission which occurred or is alleged in the information or complaint to have occurred while the employee was acting, or in good faith purporting to act, within the scope of his public employment or duties. Such defense shall not be provided where such action or proceeding is brought by or on behalf of the Town pursuant to authorization of the Town Board. [Amended 12-10-1985 by L.L. No. 11-1985]

B. Subject to the conditions set forth in this chapter, the employees shall be represented by the Town Attorney or an attorney employed or retained by the Town for the defense of the employee. The Town Board shall employ or retain an attorney for the defense of the employee whenever the Town does not have a Town Attorney, the Town Board determines based upon its investigation and review of the facts and circumstances of the case that representation by the Town Attorney would be inappropriate or a court of competent jurisdiction determines that a conflict of interest exists and that the employee cannot be represented by the Town Attorney. Reasonable attorney's fees and litigation expenses shall be paid by the Town to such attorney employed or retained, from time to time, during pendency of the civil action or proceeding, subject to certification by the Town Supervisor that the employee is entitled to representation under the terms and conditions of this chapter. Payment of such fees and expenses shall be made in the same manner as payment of other claims and expenses of the Town. Any dispute with respect to representation of multiple employees by the Town Attorney or by an attorney

employed or retained for such purposes or with respect to the amount of the fees or expenses shall be resolved by the court.

C. Where the employee delivers process and a request for a defense to the Town Attorney or, if none, to the Town Supervisor as required by this section of this chapter, the Town Attorney or the Supervisor, as the case may be, shall take the necessary steps, including the retention of an attorney under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment, pending resolution of any question relating to the obligation of the Town to provide a defense.

§ 6-4. Conditions for defense.

The duties to defend and indemnify and save harmless provided in this chapter shall be contingent upon:

A. Delivery to the Town Attorney or, if none, to the Town Supervisor of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after the employee is served with such document. Such delivery shall be deemed a request by the employee that the Town provide for his defense pursuant to this chapter, unless the employee shall state, in writing, that a defense is not requested; and

B. The full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the Town based upon the same act or omission and in the prosecution of any appeal.

§ 6-5. Judgments and settlements.

A. The Town shall indemnify and save harmless any employee whose defense was provided pursuant to this chapter, in the amount of any judgment obtained against such employee, including any fine, or in the amount of any settlement or compromise approved by the Town Board. The Town shall not indemnify and save harmless the employee: [Amended 12-10-1985 by L.L. No. 11-1985]

(1) Where the injury, damage or wrongful act has been determined by a court of competent jurisdiction to have occurred while the employee was not acting within the scope of his public employment or duties;

(2) Where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee;

(3) For any punitive or exemplary damages or penalties; or

(4) For money recovered from the employee pursuant to § 51 of the General Municipal Law.

B. The claim or compromise settlement which may be subject to indemnification by the Town shall not be paid unless it is presented to and approved by the Town Board.

C. Upon entry of final judgment against the employee or upon settlement or compromise of a claim as approved by the Town Board, the employee shall cause to be served upon the Town Supervisor a copy of such judgment or settlement, personally or by certified or registered mail, within 10 days of the date of entry or settlement. Such judgment or settlement shall be processed and paid in the same manner as other judgments or settlements of claims are paid by the Town.

§ 6-6. Restriction of applicability.

The benefits of this chapter will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

§ 6-7. Effect on insurers.

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 6-8. Abrogation and greater restrictions.

The provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town or any right to defense and indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

§ 6-9. Effect on pending proceedings.

The provisions of this chapter shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this chapter.

Chapter 8

ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 10-5-1970 by L.L. No. 2-1970. Amendments noted where applicable.]

§ 8-1. Statement of purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Skaneateles recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Skaneateles. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Skaneateles. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 8-2. Definitions.

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

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Town of Skaneateles, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

§ 8-3. Standards of conduct.

Every officer or employee of the Town of Skaneateles shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of $25 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to

influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Skaneateles, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Skaneateles in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 8-4. Effect on other actions.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Skaneateles or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 8-5. Copies to be distributed.

The Supervisor of the Town of Skaneateles shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Skaneateles within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 8-6. Remedies.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Chapter 14

LOCAL LAWS AND ORDINANCES, ADOPTION OF

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 8-6-1968 by L.L. No. 1-1968. Amendments noted where applicable.]

§ 14-1. Public hearing; notice. [Amended 12-10-1985 by L.L. No. 11-1985]

No local law or ordinance shall be adopted by the Town Board of the Town of Skaneateles until a public hearing has been held thereon in its final form before such Town Board, not less than three nor more than 30 days after notice has been given in the case of a local law, or not less than 10 nor more than 30 days after notice has been given, in the case of an ordinance, of the time and place of the holding of such public hearing. Such notice shall be given by the Town Clerk by causing the same to be published once in the official newspaper of the Town. Such notice shall contain the title of the proposed local law or ordinance and a brief explanatory statement thereof.

§ 14-2. Posting of notice.

The Town Clerk shall cause to be printed or otherwise reproduced copies of such proposed local law or ordinance and shall, not later than the day such notice is published, post one such copy, together with the notice of hearing, on the signboard at his office and shall also make copies of such proposed local law or ordinance available at his office for inspection by or distribution to any interested person during business hours.

§ 14-3. Posting and publication of local law or ordinance.

The Town Clerk shall forthwith upon the adoption of a local law or ordinance by the Town Board post a copy thereof on the signboard at his office and shall, within 10 days after such adoption, cause the local law or ordinance or an abstract thereof describing the same in general terms to be published in the official newspaper of the Town.

§ 14-4. Proof of publication.

Proof of publication of the notice of public hearing required by § 14-1 hereof and proof of the posting and publication required by § 14-3 hereof shall be filed in the office of the Town Clerk.

§ 14-5. Numbering.

Each local law shall be numbered consecutively, beginning with number one for each

calendar year. When a local law is finally adopted and certified copies thereof are required by § 27 of the Municipal Home Rule Law to be filed in the offices of the Town Clerk, the State Comptroller and the Secretary of State, the Town Clerk shall accordingly assign to such local law its appropriate number.

Chapter 25

RULES OF PROCEDURE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-5-2008 by L.L. No. 3-2008. Amendments noted where applicable.]

§ 25-1. Title.

This chapter shall be known as "The Rules of Procedure Local Law for Town Boards of the Town of Skaneateles, 2008."

§ 25-2. Purpose.

The Town of Skaneateles desires to ensure uniformity and fairness in the manner in which business is conducted before such boards, and the Town Board has determined that it would be beneficial to the Town to adopt such rules of procedure for conducting the business of each board.

§ 25-3. Statutory authority.

This chapter is enacted pursuant to the provisions of the Municipal Home Rule Law and § 63 of Article 4 and § 271(13) of Article 16 of the Town Law of the State of New York.

§ 25-4. Planning Board.

The Planning Board of the Town of Skaneateles, pursuant to Town Law § 271(13), shall hereby conduct its business according to the following rules of procedure:

A. Regular meetings. The Planning Board of the Town of Skaneateles (the "Planning Board" or the "Planning Board") shall hold regular meetings on the third Tuesday of each month. Such regular meetings shall commence at 7:30 p.m. and be conducted in the board room at the Town Hall.

B. Special meetings. Special meetings of the Planning Board are all those Planning Board meetings other than regular meetings. A special meeting may be called by the Chair upon two days' written notice to the entire Planning Board or at a regular meeting of the Planning Board. Additionally, the Chair must call a special meeting within five days of a written request by any two Board members.

C. Quorum. A quorum shall be required to conduct business. A quorum of the five-member Planning Board shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

D. Executive sessions. Executive sessions shall be held in accordance with the N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Planning Board and any other persons authorized to attend that executive session by the Planning Board.

E. Agendas. The agenda shall be prepared by the Secretary to the Planning Board. The Chair or any Board member may have an item placed on the agenda. Items for the agenda shall be given to the Secretary of the Planning Board at least 14 days before the meeting. However, the Chair, if time permits, may add an item to the agenda the day of the meeting. Items that cannot be placed on the agenda may be brought up during the meeting.

F. Voting.

(1) Pursuant to Town Law, each member of the Planning Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.

(2) An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter.

(3) A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.

G. Minutes. Minutes shall be taken by the Secretary to the Planning Board. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

(1) Minutes shall also include the following:

(a) Name of the Planning Board;

(b) Date, place and time of meeting;

(c) Notation of presence or absence of Planning Board members and time of arrival or departure if different from time of call to order and adjournment;

(d) Name and title of other Town officials and employees present and approximate number of attendees;

(e) Record of communications presented to the Planning Board;

(f) Record of reports made by Planning Board or other Town personnel;

(g) Time of adjournment;

(h) Signature of Secretary to the Planning Board or person who took the minutes.

(2) Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Planning Board shall resolve to have the Secretary do so.

(3) Minutes shall be approved at the next Planning Board meeting after they have become available. Amendments to the minutes shall require Planning Board approval.

H. Order of business.

(1) The order of business for regular meetings shall be:

(a) Call to order.

(b) Approval of minutes of previous meeting.

(c) Public hearings (if any).

(d) Old business.

(e) New business.

(f) Adjournment.

(2) The order of business need not be followed if the Chair determines that it is necessary to deviate.

I. General rules of procedure.

(1) The Chair shall preside at meetings and shall preserve order and decorum in debate. In the Chair's absence, the Vice Chair shall preside or, if absent, another Board member designated by the Chair or the Board. The presiding officer may debate, move and take other action that may be taken by other members of the Planning Board.

(2) Planning Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.

(3) Every resolution or motion must be seconded before being put to a vote by the Chair, and all resolutions or motions shall be recorded in their entirety in the official minutes of the Planning Board.

(4) The Chair may offer or second a resolution or a motion and need not relinquish the chair for such purpose.

(5) No motion or resolution may be brought to a vote except by the majority consent of those present, unless printed or typewritten copies thereof are presented to each member of the Board 48 hours prior to the opening of the meeting at which such motion or resolution is offered.

(6) A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.

(7) There is no limit to the number of times a member may speak on a question.

(8) Motions to close or limit debate may be entertained but shall require a two-thirds majority vote.

J. Guidelines for public comment.

(1) General procedures.

(a) The public shall be allowed to speak only during a public hearing or during a public comment period of the meeting or at such other times as a majority of the Planning Board shall allow. The presiding officer may limit the time allowed for members of the public to speak.

(b) No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of a Planning Board meeting.

(c) Any persons speaking to the Planning Board with the consent of the Chair shall address their remarks to the Planning Board, not to other members of the audience in the form of a debate.

(d) Speakers must give their name, address and organization, if any.

(e) Speakers must be recognized by the presiding officer.

(f) Planning Board members may, with the permission of the Chair, interrupt a speaker during his or her remarks, but only for the purpose of clarification or information.

(g) All remarks shall be addressed to the Planning Board as a body and not to any member thereof.

(h) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

(i) Interested parties or their representatives may address the Planning Board by written communications. Written communications shall be delivered to the Secretary of the Planning Board. Speakers should not read written communications verbatim but should summarize their contents.

(j) Citizens with disabilities who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Secretary to the Planning Board to request such assistance.

(2) Public hearings.

(a) It shall be the duty of the Chair to preside at all general or special business hearings to instruct all persons addressing the Board to state their names and addresses and to request those in favor of the proposal before the Board to speak first and those in opposition to speak last. At such hearings the Chair or a majority of the Board may, by special rules,

prescribe the time to be allotted to each speaker and the number of times each speaker may speak.

(b) The Planning Board may hold a matter open for a reasonable period of time to accept written comment.

(3) Special permits.

(a) Applicant's burden. Special permits carry the burden of proof and persuasion. The applicant must satisfy all relevant standards and requirements of the Zoning Ordinance.[2]

(b) Order of presentation. Because of the burden, applicants are entitled to present evidence first and last. The order of presentation shall be the applicant and any supporting evidence, any opposition and, if opposition, a rebuttal by the applicant.

(c) Prehearing submissions.

[1] Applicant. In all cases, the applicant will submit at least 20 days before the hearing, a prehearing submission statement that identifies all witnesses proposed to testify, including a brief summary of the proposed testimony, copies of all documents to be submitted and, if expert witnesses are proposed, a copy of any witness's resume and any report the witness plans to rely upon. The applicant will also provide an estimate of time which the applicant's case is expected to take.

[2] Opposition. If there is organized opposition, including a community association or homeowners association, the opposition must file a similar prehearing statement 10 days prior to the hearing and provide the same information as required of the applicant.

(d) Expert witnesses. An expert witness must be qualified by the party using the witness and the other side shall be given an opportunity to explore the witnesses's qualifications through voir dire examination. The Planning Board, at its discretion, may designate a witness as an expert and entitled to give opinion evidence within the expert's field of expertise. The expert witness will not be permitted to give opinion testimony beyond the designated field of expertise.

(e) Findings based upon record. Special permits require that certain findings be made by the Planning Board and these findings must be based on the preponderance of the evidence of record submitted during the hearings and any site visits made by the Planning Board. The Planning Board may not consider evidence outside the record.

2. **Editor's Note: See Ch. 148, Zoning.**

(f) Record. A hearing may be recessed from time to time until all evidence is submitted. The record may be held open or reopened for good cause and for receipt of specific materials at the discretion of the Planning Board.

K. Use of recording equipment. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.

L. Adjournment. Meetings shall be adjourned by motion.

M. Conflict with state law. If the above stated rules are or become at any time in conflict with the state law, then state law shall take precedence.

N. Amendments to the rules of procedure. The foregoing procedures may be amended by resolution or by local law from time to time by a majority vote of the Town Board.

§ 25-5. Zoning Board of Appeals.

The Zoning Board of Appeals of the Town of Skaneateles, pursuant to Town Law and Municipal Home Rule Law, shall hereby conduct its business according to the following rules of procedure:

A. Regular meetings. The Zoning Board of Appeals of the Town of Skaneateles (the "ZBA") shall hold regular meetings on the first Tuesday of each month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the board room at the Town Hall. A calendar is set by the ZBA at the beginning of each calendar year. Most meetings are the first Tuesday but because of holidays or elections this may vary.

B. Special meetings. Special meetings of the ZBA are all those ZBA meetings other than regular meetings. A special meeting may be called by the Chair upon two days' written notice to the entire ZBA or at a regular meeting of the ZBA. Additionally, the Chair must call a special meeting within five days of a written request by any members of the ZBA.

C. Quorum. A quorum shall be required to conduct business. A quorum of the five-member ZBA shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

D. Executive sessions. Executive sessions shall be held in accordance with the N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the ZBA and any other persons authorized to attend that executive session by the ZBA.

E. Agendas. The agenda shall be prepared by the ZBA Chair with the assistance of the ZBA Secretary. The Chair or any ZBA member may have an item placed on the agenda. Public hearings shall be scheduled by the ZBA in accordance with Town

Law and the Town Zoning Ordinance.[3]

F. Voting.

(1) Pursuant to Town Law, each member of the ZBA shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.

(2) An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.

(3) The applicant carries the burden of proof and persuasion and must satisfy all relevant standards and requirements of the Zoning Ordinance.[4] The Board must make all required decisions on the basis of evidence in the record and must not consider any evidence outside the record.

G. Minutes. The Secretary of the ZBA shall take minutes. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

(1) Minutes shall also include the following:

(a) Name of the ZBA;

(b) Date, place and time of meeting;

(c) Notation of presence or absence of ZBA members and time of arrival or departure if different from time of call to order and adjournment;

(d) Name and title of other Town officials and employees present and approximate number of attendees;

(e) Record of communications presented to the ZBA; copies of written communication will be included in the variance file;

(f) Record of reports made by ZBA or other Town personnel;

(g) Time of adjournment;

(h) Signature of Secretary to the ZBA or person who took the minutes if not the Secretary.

(2) Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the ZBA shall resolve to have the Secretary do so.

(3) Minutes shall be approved at the next ZBA meeting after they have become available. Amendments to the minutes shall require ZBA approval.

3. **Editor's Note: See Ch. 148, Zoning.**

4. **Editor's Note: See Ch. 148, Zoning.**

H. Order of business.

(1) The order of business for regular meetings shall be:

(a) Call to order.

(b) Approval of minutes of previous meeting.

(c) New applications (if any).

(d) Public hearings (if any).

(e) Old business.

(f) New business.

(g) Adjournment.

(2) The order of business need not be followed if the Chair or members determine that it is necessary to deviate. The above order of business may be reviewed periodically and adjusted accordingly.

I. General rules of procedure.

(1) The Chair shall preside at meetings and shall preserve order and decorum in debate. In the Chair's absence, the Vice Chair shall preside or, if absent, another Board member designated by the Chair or the Board. The presiding officer may debate, move and take other action that may be taken by other members of the ZBA.

(2) Every resolution or motion must be seconded before being put to a vote by the Chair, and all resolutions or motions shall be recorded in their entirety in the official minutes of the ZBA.

(3) The Chair may offer or second a resolution or a motion and need not relinquish the chair for such purpose.

(4) A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.

(5) There is no limit to the number of times a member may speak on a question.

(6) Motions to close or limit debate may be entertained but shall require a two-thirds majority vote.

J. Guidelines for public comment.

(1) General procedures.

(a) The public shall be allowed to speak only during a public hearing or during a public comment period of the meeting or at such other times as a majority of the ZBA shall allow. The presiding officer may limit the

time allowed for members of the public to speak.

(b) No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of a ZBA meeting.

(c) Any persons speaking to the ZBA with the consent of the Chair shall address their remarks to the ZBA, not to other members of the audience in the form of a debate.

(d) Speakers must give their name, address and organization, if any.

(e) Speakers must be recognized by the presiding officer.

(f) ZBA members may, with the permission of the Chair, interrupt a speaker during his or her remarks, but only for the purpose of clarification or information.

(g) All remarks shall be addressed to the ZBA as a body and not to any member thereof.

(h) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

(i) Interested parties or their representatives may address the ZBA by written communications. Written communications shall be delivered to the Chair or to his or her designee. Speakers should not read written communications verbatim but should summarize their contents.

(j) Citizens with disabilities who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Chair or the Secretary to the ZBA to request such assistance.

(2) Public hearings.

(a) It shall be the duty of the Chair to preside at all general or special business hearings to instruct all persons addressing the Board to state their names and addresses and to request those in favor of the proposal before the Board to speak first and those in opposition to speak last. The ZBA may hold a matter open for a reasonable period of time to accept written comment. At such hearings the Chair or a majority of the Board may, by special rules, prescribe the time to be allotted to each speaker and the number of times each speaker may speak.

(b) The ZBA may hold a matter open for a reasonable period of time to accept written comment.

(3) Individual zoning requests.

(a) Applicant's burden. Individual zoning applicants carry the burden of proof and persuasion. The applicant must satisfy all relevant standards

and requirements of the Zoning Ordinance.[5]

(b) Order of presentation. Because of the burden, applicants are entitled to present evidence first and last. The order of presentation shall be the applicant and any supporting evidence, any opposition and, if opposition, a rebuttal by the applicant.

(c) Expert witnesses. An expert witness must be qualified by the party using the witness and the other side shall be given an opportunity to explore the witnesses's qualifications through voir dire examination. The ZBA, at its discretion, may designate a witness as an expert and entitled to give opinion evidence within the expert's field of expertise. The expert witness will not be permitted to give opinion testimony beyond the designated field of expertise.

(d) Findings based upon record. Individual zoning appeals require that the five statutory criteria are examined by the ZBA. Certain findings must be made by the ZBA and these findings must be based on the preponderance of the evidence of record submitted during the hearings and any site visits made by the ZBA. The ZBA may not consider evidence outside the record.

(e) Record. A hearing may be recessed from time to time until all evidence is submitted. The record may be held open or reopened for good cause and for receipt of specific materials at the discretion of the ZBA.

K. Use of recording equipment. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.

L. Adjournment. Meetings shall be adjourned by motion.

M. Conflict with state law. If the above stated rules are or become at any time in conflict with state law, then state law shall take precedence.

N. Amendments to the rules of procedure. The foregoing procedures may be amended by resolution or local law from time to time by a majority vote of the Town Board.

§ 25-6. Town Board. [Amended 12-16-2010 by L.L. No. 5-2010; 12-16-2010 by L.L. No. 2-2011]

A. The Town Board of the Town Board of Skaneateles (the "Town Board") shall hold regular meetings on the first and third Thursday of each month except in the months of July and August; the Town Board shall hold regular meetings on the third Thursday of the month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the board room at the Town Board Hall. The Town Board may amend the regular meetings' schedule from time to time by resolution or local law by a

5. **Editor's Note: See Ch. 148, Zoning.**

majority vote of the Town Board.

B. Special meetings of the Town Board are all those Town Board meetings other than regular meetings. A special meeting may be called by the Supervisor upon written notice to the entire Town Board or at a regular meeting of the Town Board. Additionally, the Supervisor must call a special meeting within five days of a written request by any two Council persons.

C. A quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

D. Executive sessions shall be held in accordance with the New York Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board and any other persons authorized to attend that executive session by the Town Board.

E. The Supervisor shall preside at all meetings and shall preserve order and decorum in debate. In the Supervisor's absence, the Deputy Supervisor shall preside, or, if absent, another Board member designated by the Supervisor. The presiding officer may debate, make a motion or second a motion, vote and take any other action that may be taken by any other member of the Town Board.

F. The presiding officer shall preside over all public hearings. The presiding officer shall recognize all speakers, instruct persons requesting to speak that such speakers identify their names, addresses and organization they represent, if any, and to request those in favor of the proposal before the Board to speak first, followed by those in opposition. The presiding officer or Town Board may impose reasonable time limits on any speakers. Such public comment must be directed to the Town Board and must relate to the particular item being considered. The Town Board will also make reasonable accommodation to those with disabilities to address the Town Board, upon prior request by any member of the public.

G. All motions and resolutions must be seconded before being put to a vote by the presiding officer, and all resolutions and motions shall be recorded in the official minutes of the Town Board kept by the Town Clerk or his/her Deputy Clerk.

H. The Town Clerk shall take minutes. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

I. The Supervisor may, from time to time, appoint one or more committees consisting of members of the Board to aid the Board in the performance of its duties.

(1) The Town Board may, from time to time, appoint citizen committees to advise the Board on particular matters. The Town Board may adopt rules of

procedure for the citizen committees.

J. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.

K. Meetings shall be adjourned by motion.

L. If the above-stated rules are or become at any time in conflict with state law, then state law shall take precedence.

M. The foregoing procedures may be amended by resolution or local law from time to time by a majority vote of the Town Board.

Chapter 40

BUILDING CODE ADMINISTRATION

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 4-19-2007 by L.L. No. 9-2007.[6] Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. 42.
Electrical standards — See Ch. 61.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.
Life safety — See Ch. 92.
Subdivision of land — See Ch. 131.
Zoning — See Ch. 148.

§ 40-1. Purpose.

This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

6. **Editor's Note: This local law also superseded former Ch. 40, Building Construction, adopted 10-17-1974 by L.L. No. 5-1974, as amended.**

§ 40-2. Definitions.

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

BUILDING PERMIT — A permit issued pursuant to § 40-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 40-7B of this chapter.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 40-3B of this chapter.

CODE ENFORCEMENT PERSONNEL — The Code Enforcement Officer, all inspectors and all employees working on behalf of the Town Code Enforcement Officer.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 40-15A of this chapter.

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to § 40-3D of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 40-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 40-6 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 40-7D of this chapter.

TOWN — The Town of Skaneateles.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 40-3. Code Enforcement Officer; inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Code Enforcement Officer shall have the following powers and duties:

   (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary

certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 40-15A, Compliance orders, of this chapter;

(7) To maintain records;

(8) To collect fees as set by the Town Board of this Town;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and

(11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

B. The Code Enforcement Officer shall be appointed by Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.

D. One or more inspectors may be appointed by the Town Board to act under the

supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board of this Town.

§ 40-4. Building and zoning permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. Zoning permits required. In addition to building permits, zoning permits are required pursuant to Town Code § 148-41.

C. Exemptions. For Uniform Code purposes, no building permit shall be required for work in any of the following categories (a zoning permit may still be required pursuant to § 148-41):

(1) Playhouses, installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) Construction of temporary motion-picture, television and theater stage sets and scenery;

(4) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(5) Installation of partitions or movable cases less than five feet nine inches in height;

(6) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(7) Installation of listed portable electrical, plumbing, heating, ventilation or

cooling equipment or appliances;

(8) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(9) Repairs, provided that such repairs do not involve:

(a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

(b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;

(c) The enlargement, alteration, replacement or relocation of any building system; or

(d) The removal from service of all or part of a fire protection system for any period of time.

D. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

E. Applications for building and zoning permits. Applications for a building permit and zoning permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. For zoning permits, see § 148-41. The application shall be signed by the owner of the property where the work is to be performed. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the proposed work;

(2) The Tax Map number and the street address of the premises where the work is to be performed;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) At least two sets of construction documents (drawings and/or specifications) which:

(a) Define the scope of the proposed work;

(b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

F. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

G. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

H. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

I. Work to be performed in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

J. Time limits. Building permits shall become invalid unless the authorized work is commenced within one year following the date of issuance. Building permits shall expire 18 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the

application by the Code Enforcement Officer.

K. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

L. Fee. The fee specified in or determined in accordance with the provisions set forth in § 40-16, Fees, of this chapter must be paid to the Town Clerk before the building permit or any extension will be released to the applicant. See § 148-41A(3).

§ 40-5. Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;

(5) Building systems, including underground and rough-in;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) A final inspection after all work authorized by the building permit has been completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with

all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 40-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 40-6. Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code or Town Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and, if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 40-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 40-7. Certificates of occupancy/certificates of compliance.

A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:

(1) A written statement of structural observations and/or a final report of special inspections; and

(2) Flood hazard certifications.

C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name, address and Tax Map number of the property;

(4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;

(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The assembly occupant load of the structure, if any;

(8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit; and

(10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

§ 40-8. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural or electrical system, fuel-burning appliance, chimney or gas vent.

§ 40-9. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter 42 of the Town Code, as now in effect or as hereafter amended from time to time.

§ 40-10. Operating permits.

A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

(b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code

Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 40-16, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 40-11. Firesafety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every three years.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be

reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:

(1) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(2) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(3) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Subsection A(3) of this section; and

(4) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a nonresidential building, structure, use or occupancy not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in Subsection A(3) of this section.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 40-16, Fees, of this chapter must be paid prior to or at the time each of inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

§ 40-12. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in

violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 40-15, Enforcement; penalties for offenses, of this chapter;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 40-13. Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;

(7) All investigations conducted;

(8) All other features and activities specified in or contemplated by §§ 40-4 through 40-12, inclusive, of this chapter; and

(9) All fees charged and collected.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 40-14. Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 40-13, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 40-15. Enforcement; penalties for offenses.

A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than $200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this

Town.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 40-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 40-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 40-16. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

§ 40-17. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Town Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

Chapter 42

BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 1-10-1983 by L.L. No. 1-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Electrical standards — See Ch. 61.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.

§ 42-1. Title.

This chapter shall be known as the "Unsafe Buildings Local Law of the Town of Skaneateles, 1983."

§ 42-2. Findings; purpose.

Unsafe buildings and structures pose a threat to life and property in the Town of Skaneateles. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health protection and general welfare of persons and property in the Town of Skaneateles by requiring such unsafe buildings be secured or repaired or demolished and removed.

§ 42-3. Definitions.

Unless otherwise expressly stated, the following terms for the purpose of this chapter have the meanings indicated in this section.

BUILDING — Any building, structure or portion thereof used for residential, business, industrial or any other purpose.

UNSAFE BUILDINGS OFFICER — Such person as may be designated by the Town Board, by resolution, or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

§ 42-4. Investigation and report.

When the Unsafe Buildings Officer shall, on the basis of information received by him or upon his own investigation, be of the opinion that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows, making it accessible to and an object of attraction to persons under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and make a report, in writing, to the Town Board of his findings and recommendations in regard to its repair or demolition and removal.

§ 42-5. Action by Town Board.

The Town Board shall thereafter consider such report and, by resolution, determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired, its securing or its demolition and removal and further order that a notice be served upon the persons and in the manner provided herein.

§ 42-6. Contents of notice.

A. The notice shall contain the following:

(1) A description of the premises upon which the building is located;

(2) A statement of the particulars in which the building is unsafe or dangerous;

(3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed;

(4) A statement that the repair, securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended;

(5) A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled no less than seven calendar days from the date of service of the notice; and

(6) A statement that, in the event of neglect or refusal to comply with the order to repair or secure or demolish and remove the building, the Town Board is authorized to provide for its securing or repair or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of securing or repair or demolition and removal, including legal expenses.

B. The description of the premises in the notice shall be adequate if it is substantially the same as the description of the premises contained on the Town tax assessment rolls.

§ 42-7. Service of notice.

The notice shall be served:

A. By personal service, within the Town of Skaneateles, of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such building as shown by the records of the Town Assessor or of the County Clerk; or by mailing to any of such persons by certified or registered mail to his last known address as shown by the records of the Town Assessor; and

B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found upon the premises of the unsafe building; or by securely affixing a copy of such notice upon the unsafe building.

§ 42-8. Filing of notice.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Onondaga.

§ 42-9. Refusal to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the securing or repair or the demolition and removal of such building, either by Town employees or by contract. Except in emergency as provided in § 42-12 hereof, any contract for securing or repair or demolition and removal of a building in excess of $5,000 shall be awarded through competitive bidding.

§ 42-10. Assessment of expenses.

All expenses incurred by the Town in connection with the proceeding to repair or secure or demolish and remove the unsafe building, including the cost of actually securing, repairing or demolishing and removing such building and legal fees and expenses, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy.

§ 42-11. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine, for the first week's continuation of such violation following service of notice as provided herein or for any portion of that week, of not more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week following service of notice as provided herein. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The

application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter.

§ 42-12. Emergency provisions.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired or secured or demolished and removed, the Town Board may, by resolution, authorize the Unsafe Buildings Officer to immediately cause the repair or securing or demolition of such unsafe building. The expense of such repair or securing or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 42-10 hereof.

Chapter 49

DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-18-1998 by L.L. No. 3-1998. Amended in its entirety 11-18-2010 by L.L. No. 4-2010. Subsequent amendments noted where applicable.]

§ 49-1. Title.

This chapter will be known as the "Dogs and Other Animals Control Local Law of the Town of Skaneateles."

§ 49-2. Purpose.

The Town Board of the Town of Skaneateles, Onondaga County, State of New York, is vested by the State of New York to regulate and control dogs and other animals within the Town of Skaneateles and to protect the health, safety and welfare of its residents. The State of New York has determined that as of January 1, 2011, the state will no longer be responsible for the licensing and other regulation of dogs and has authorized local municipalities across the state to assume responsibility of such matters. This chapter is intended to provide a fair and uniform framework for the licensing and regulation of dogs and other animals.

§ 49-3. Authority.

This chapter is enacted pursuant to the authority of the Municipal Home Rule Law § 10 of the State of New York and Agriculture and Markets Law Article 7.

§ 49-4. Definitions.

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

ANIMAL — Any animal, reptile, bird or fowl, domesticated or wild, owned or otherwise maintained by any person.

ANIMAL CONTROL OFFICER — That person or his or her authorized representative designated as such by the Town Board of Skaneateles.

CLERK — The Town Clerk of the Town of Skaneateles or any duly appointed deputy clerk.

DOG — Any member of the species canis familiaris.

HARBOR — To provide food or shelter to any animal.

LEASH — A securely fastened restraint not more than six feet in length held by a responsible person.

OWNER — Any person, firm, partnership, trustee, association or corporation owning, keeping, harboring or otherwise maintaining an animal. Animals owned by minors shall be deemed to be in the custody and control of the minor's parents or head of the household where such minor resides.

RUN AT LARGE — To be at the designated Charlie Major Trail in the Town of Skaneateles without being restrained by a leash.

§ 49-5. Dog license requirements; identification tags.

A. All dogs harbored within the Town that are four months of age or older, unless otherwise exempted, must be licensed. No license shall be required for any dog that is under the age of four months and which is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Licenses may only be issued or validated by the Town Clerk or the duly appointed animal control officer(s) of the Town of Skaneateles.

B. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk or animal control officer a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town. The application shall be made using a form or forms provided by the Town, and shall include the sex, actual or approximate age, breed, color and municipal identification number of the dog and other identification marks if any, as well as the name, address, telephone number, county and town, city or village of residence of the owner, street address where the dog will be harbored (if different from the owners mailing address) as well as any other information the Town may deem appropriate.

C. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.

D. In the case of a spayed or neutered dog, every license application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner showing that the dog has been spayed or neutered, unless such certificate or affidavit is already on file with the Clerk or animal control officer. In lieu of such certificate, an owner may also present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering.

E. Upon validation by the Clerk or animal control officer, the application shall become

the license for the dog described therein. Once an application has been validated, no refund therefor shall be made. The Clerk or animal control officer shall provide a copy of the license to the owner and retain a copy in the Town records. Upon request, the license shall be made available by the Town to the Commissioner of the New York State Department of Agriculture and Markets for purposes of rabies and other animal disease control efforts and actions.

F. Each license issued or renewed shall be valid for a period of one year and shall not be transferable. Each license shall expire on the last day of the month of the period for which they are issued. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

G. Each dog licensed pursuant to this chapter shall be assigned a Town identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his/her expense at a fee and in such manner as to be determined by the Town Clerk.

(1) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(2) In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or in the address of the owner of any such dog, the owner shall, within 10 days of such change, notify the Clerk of such change. Such owner shall be liable for any violation of this chapter until such notification is made or until the dog is licensed in the name of the new owner.

(3) If any dog which has been licensed pursuant to this chapter is lost or stolen, the owner shall, within 10 days of the discovery of such loss or theft notify the Clerk of such loss or theft. In the case of loss or theft, the owner of any such dog shall not be liable for any violation of this chapter committed after such notification to the Clerk.

(4) Upon the death of any dog licensed pursuant to this chapter, the owner shall notify the Clerk either prior to or upon the time for renewal of the license.

§ 49-6. Restrictions.

It shall be unlawful for any owner of any animal to permit or allow such animal in the Town of Skaneateles to:

A. Engage in habitual loud howling, barking, crying, whining, or to conduct itself in such a manner as to unreasonably and habitually annoy any person;

B. Cause damage or destruction to property, including scattering garbage, or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such animal;

C. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or annoyance or to put such person in reasonable apprehension of

bodily harm or injury;

D. Habitually chase, run alongside of or bark at motor vehicles, bicycles or pedestrians.

E. Run at large at the Charlie Major Trail as designated by the Town Board of the Town of Skaneateles. All dogs at the Charlie Major Trail must be on a leash at all times.

§ 49-7. Confinement of dogs in heat.

All owners of female dogs in heat shall keep such dogs confined in such manner as to not be in contact with other dogs (except for intentional breeding purposes) and so as to avoid creation of a nuisance by attracting other dogs.

§ 49-8. Enforcement.

A. This chapter shall be enforced by any animal control officer, peace officer, when acting pursuant to special duties, or police officer.

B. Notwithstanding the existence of any other enforcement procedure or remedy, the Town animal control officer shall be authorized to seize any dog that is unlicensed or any animal that in his or her judgment is a danger to public health, welfare or safety.

C. The Town Board may from time to time by resolution amend this chapter to allow for leash requirements in other designated areas of the Town of Skaneateles upon the posting of signage clearly indicating such lease requirements.

§ 49-9. Seizure; impoundment; redemption and adoption; fees.

A. Any dog found in violation of the provisions of § 49-5 or 49-6 of this chapter may be seized pursuant to the provisions of § 117 of the Agriculture and Markets Law (effective January 1, 2011).

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in § 117 of the Agriculture and Markets Law (effective January 1, 2011).

C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the following seizure fee to the Town Clerk:

(1) For the first seizure: $50.

(2) For a second seizure of the same dog, within one year from the first seizure: $100.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the seizure fees set forth in Subsection C of this section, the impoundment and storage fees of the animal shelter keeping said dog and the euthanization fee, if

applicable, whether or not such owner chooses to redeem his or her dog.

E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 117 of the Agriculture and Markets Law.

F. Other animals shall be impounded and disposed of in the same manner as dogs, except that in no event shall the costs of seizure, impoundment, redemption, and euthanization be less than the actual costs incurred by the Town.

G. The applicant for any permit to keep or possess a dog within the Town of Skaneateles shall at the time of application pay to the Town the following fees:

Type of Dog	State Assessment	Local Fee	Total Fee
Spayed or Neutered	$1	$6.50	$7.50
Unspayed or Unneutered	$3	$17.50	$20.50

H. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy work dog as those terms are defined in § 108 of Article 7 of the New York State Agriculture and Markets Law (effective January 1, 2011).

I. The total fee for any dog or dogs owned by one or more persons, each of whom is 65 years of age or over shall be $2.50 for any spayed or neutered dog(s) and $15.50 for any unsprayed or unneutered dog(s).

J. The fee for a dog license issued pursuant to this chapter may be amended from time to time by the Town Board by resolution.

§ 49-10. Complaints.

Any person who observes any animal in violation of this chapter may file a complaint under oath with the Town animal control officer or a Justice of the Town of Skaneateles specifying the nature of the violation, the date thereof, a description of the animal and the name and residence, if known, of the owner of the animal. Such complaint may serve as the basis for enforcing the provisions of this chapter by commencement of a civil action by the Town to collect the penalties referenced in § 49-11.

In the event of a complaint of animal cruelty or torture, the animal control officer shall inform the person making a complaint that pursuant to Article 26 of the New York State Agriculture and Markets Law, only a duly appointed constable, police officer or duly appointed agent or officer of any duly incorporated society for the prevention of cruelty to animals may enforce such provisions of the law.

§ 49-11. Penalties for offenses.

Any owner in violation of this chapter shall be subject to a civil penalty of $50. Upon a second violation of this chapter by an owner, the civil penalty shall be $100.

In addition to the penalties imposed under this chapter, any person may be subject to fines and penalties for violations of the New York State Agriculture and Markets Law Article 7, and such person may be subject to the penalties contained in § 118 of said state law.

§ 49-12. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions, and if any provision shall be deemed or declared invalid, all other provisions shall remain valid and enforceable.

§ 49-13. Effective date.

This chapter shall take effect on January 1, 2011.

Chapter 50

DRIVEWAY OPENINGS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-6-1988 by L.L. No. 3-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations in streets — See Ch. 66.
Streets and sidewalks — See Ch. 129.
Subdivision of land — See Ch. 131.

§ 50-1. Short title.

This chapter shall be known and may be cited as the "Driveway Opening Local Law of the Town of Skaneateles."

§ 50-2. Definitions.

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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

APPLICANT — Any person making written application to the Highway Superintendent for a driveway opening permit hereunder.

APPLICATION — A completely filled out and signed application on the form specified by the Highway Superintendent with other necessary and required supplemental information, such as maps and plans thereto.

BUILDING — The structure or structures such as single- or multifamily dwellings or commercial and industrial structures on the property specified on the application.

DRAINAGE SYSTEM — Any natural or unnatural waterway, including creeks, highway ditches, culverts and storm drains.

DRIVEWAY — A means of access for motor vehicles to the property specified on the application, including residential driveways and intense-use driveways.

DRIVEWAY OPENING — The intersection of any driveway or modification with the pavement of a Town road, with a Town right-of-way or with any drainage system.

HIGHWAY SUPERINTENDENT — The Town Superintendent of Highways of the Town of Skaneateles.

INTENSE-USE DRIVEWAY — A means of access for motor vehicles to property upon which is situated a dwelling containing three or more family units, to property for commercial, industrial or other nonresidential uses or to a private road.

MODIFICATION — An addition or alteration to an existing building or driveway.

OWNER — The person holding legal title to the property for which a permit is requested.

PERMITTEE — The applicant, if and when the application is approved or approved subject to specific conditions by the Highway Superintendent.

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

PRIVATE ROAD — A means of access for motor vehicles, intended to be shared by owners of separate properties or which provides access to two or more properties.

RESIDENTIAL DRIVEWAY — A means of access for motor vehicles to property upon which is located a one- or two-family dwelling.

RETURN RADIUS — The radius of the curve between the driveway edge and the pavement edge of a Town road.

TOWN — The Town of Skaneateles.

TOWN ATTORNEY — Any person or firm designated by the Town Board to act as the Town's attorney.

TOWN BOARD OR BOARD — The Town Board of the Town of Skaneateles.

TOWN HIGHWAY — Any road, street or highway of the Town so designated on the latest Road Map of Onondaga County issued by the County of Onondaga or which has been dedicated to and accepted, conveyed to or taken over for maintenance and/or repair by the Town.

§ 50-3. Permit requirement.

No person shall make any driveway opening for any purpose without first obtaining a permit therefor from the Highway Superintendent as hereinafter provided.

§ 50-4. Application procedures.

A. An application in writing shall be filed in duplicate with the Highway Superintendent upon application forms which he shall prescribe, which application shall state the nature, location, extent and purpose of the proposed driveway opening.

B. All applications shall include maps and plans which shall indicate the location and boundaries of the subject property for which a permit is requested and shall show the location, elevation, size and type of all existing and proposed driveways and

buildings, underground utilities, service facilities, parking layouts and drainage facilities. The application shall also state the construction materials to be used and the intended form of construction.

C. An application by any person must be accompanied by security in the form of a general undertaking or a letter of credit, in an amount established by the Highway Superintendent, but in no event less than $2,500, in such form as may be approved by the Town Attorney or, in lieu thereof, by a cash deposit in the sum of $2,500 or any greater or lesser amount as shall be determined by the Highway Superintendent, and which sum is to be deposited with the Town Board. The general undertaking, letter of credit or cash deposit is required to assure compliance with this chapter and to reimburse the Town for any damage to the Town highway, to the Town right-of-way or to any drainage system. In the event that the applicant fails to comply with this chapter or causes damage to a Town highway, to a Town right-of-way or to any drainage system, the Highway Superintendent will assess the damage and report the same to the Town Board. In the event of a cash deposit, the Town Board may authorize the Highway Superintendent to expend, out of the moneys deposited, a sufficient sum to correct the failure or repair the damage. In the alternative, the Highway Superintendent may contract with any person or firm to correct the failure or repair the damage. Upon correction of the failure or repair of the damage, the balance of the deposit, if any, will be returned to the applicant, or the applicant shall reimburse the Town for any deficiency. In the event of a general undertaking or letter of credit, the applicant shall be responsible for reimbursing all expenses incurred by the Town in obtaining reimbursement, including legal fees and costs.

D. The applicant shall indemnify, hold harmless and defend the Town and its officers and employees from any and all claims for personal injury, including death, or damage to property resulting from, related to or arising out of the issuance of a permit to the applicant pursuant to this chapter or from any actions, activities or construction in relation thereto, excepting only such claims as may be proven to be due solely to the fault or negligence of the Town and its officers and employees. Such indemnification shall not be affected or diminished by any insurance provided by the applicant.

E. Any application which fails to include anything required by this chapter, including any additional information required by the Highway Superintendent, shall be disapproved as incomplete.

F. Any complete application accompanied by the permit fee and security shall be approved, approved subject to specific conditions as noted on the application by the Highway Superintendent or disapproved for the reasons stated on the application by the Highway Superintendent.

G. One copy of the signed application shall be returned to the applicant by the Highway Superintendent, and, if approved or approved subject to specific conditions, such shall constitute a permit.

H. The permit must be present at the property site at all times during construction.

I. The permit shall not be assigned or transferred.

J. The permittee shall not deviate from the approved maps and plans unless prior written consent of the Highway Superintendent has been obtained.

§ 50-5. Permit fee.

The permit fee of $25 shall accompany each application submitted in accordance with this chapter. The Town Board, by resolution, may from time to time establish and change categories and fees to accompany the application.

§ 50-6. Residential driveway regulations.

A. The maximum number of driveway openings to a Town highway shall be one per building lot having 150 feet of frontage or less. Where frontage exceeds 150 feet, the Highway Superintendent may allow more than one driveway opening.

B. No driveway opening shall be closer than 80 feet to a highway intersection as measured along the Town's right-of-way to the nearest intersection of the right-of-way lines.

C. The angle of driveway openings with Town highways shall be as close to 90° as is practicable.

D. The maximum width of a driveway opening shall be 20 feet, and the minimum driveway opening width shall be 10 feet.

E. The minimum return radius at the intersection of the driveway with the highway surface shall be 10 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side of the property line as projected.

F. The driveway shall slope down from the highway surface to the drainage line at a grade of 3/4 inch per foot or the existing shoulder pitch, whichever is greater, and shall be so graded as to assure that all runoff will flow into drainage facilities.

G. The sizes and slopes of driveway storm drains and culverts within the Town highway right-of-way shall be specified by the Highway Superintendent. The owner shall bear all costs for pipe, grating, paving and other construction materials required within the Town right-of-way.

H. Driveway storm drains and culverts furnished by an applicant may be installed by the Town Highway Department, at its convenience, unless the permittee requests to install such drains and culverts or is directed to do so by the Highway Superintendent. All driveway and drainage construction and materials shall be subject to the approval of the Highway Superintendent.

I. No driveway opening shall be allowed where the sight distance in feet in both directions is less than 10 times the posted speed limit in miles per hour (e.g., 400 feet of sight distance in both directions is required where the speed limit is 40 miles per hour). In the event that road frontage of the property specified on an application is situated such that no driveway opening may be constructed with the full

minimum sight distance in both directions as required herein, the Highway Superintendent may require the driveway opening to be located to allow for maximum sight distance in both directions.

J. The permittee shall also trim brush and maintain the property in such a manner as to maintain optimal sight distance.

K. To avoid damage to underground facilities, the permittee shall rigidly adhere to the designed grades and depths approved by the Highway Superintendent.

§ 50-7. Intense-use driveways.

A. The maximum number of driveway openings to a Town highway shall be two per building lot having 250 feet of frontage or less. Where frontage exceeds 250 feet, the Highway Superintendent may allow more than two driveway entrances.

B. No driveway shall be constructed closer than 80 feet to a highway intersection as measured along the Town's right-of-way to the nearest intersection of the right-of-way lines.

C. Driveways and parking areas shall be designed so that no parking, loading or servicing of vehicles will take place within the Town's right-of-way and so that no vehicles will be required to back on to the Town road to gain ingress or egress to the abutting property.

D. The angle of driveway openings with Town highways shall be as close to 90° as practicable.

E. The maximum width of a driveway opening shall be 40 feet, and the minimum driveway opening width shall be 20 feet.

F. The maximum return radius at the intersection of the driveway with the highway surface shall be 50 feet, the minimum return radius shall be 20 feet, and in no case shall the radius extend beyond the intersection of the pavement edge and the side property line as projected.

G. Island areas shall be required to define the location of driveways and to create a median strip between the Town highway surface and facilities on adjacent properties. The island areas shall have a minimum length of 20 feet and shall extend from the curb to the right-of-way line. Where no curb exists, the island areas shall extend from a line parallel to any minimum of 10 feet from the pavement edge to the right-of-way line or beyond.

H. Island areas shall be defined by six-inch curb guardrails or other suitable materials and shall have grass or blacktop surfaces.

I. Driveways shall slope down from the highway surface to the drainage line at a grade of 3/4 inch per foot or the existing shoulder pitch, whichever is greater, and shall be so graded as to assure that all runoff will flow into drainage facilities.

J. The sizes and slopes of driveway storm drains and culverts within the Town's right-

of-way shall be as specified by the Highway Superintendent. The permittee shall bear all costs of construction, pipe, grating, paving and other construction materials, required within such right-of-way. All driveway and drainage construction and materials shall be subject to the approval of the Highway Superintendent.

K. There shall be a minimum distance of 15 feet between the Town's right-of-way and any service facilities, such as pump islands and building entrances.

L. No driveway shall be constructed where the sight distance in feet in both directions is less than 10 times the posted speed limit in miles per hour (e.g., 400 feet of sight distance in both directions is required where the speed limit is 40 miles per hour). In the event that road frontage of the property specified on an application is situated such that no driveway opening may be constructed with the full minimum sight distance in both directions as required herein, the Highway Superintendent may require the driveway opening to be located to allow for maximum sight distance in both directions.

M. The permittee shall also trim brush and maintain the property in such a manner as to maintain optimal sight distance.

N. To avoid damage to underground facilities, the permittee shall rigidly adhere to the designated grades and depths approved by the Highway Superintendent.

§ 50-8. Drainage systems.

A. All existing and proposed drainage conditions shall be indicated on the plans submitted by the applicant.

B. Facilities to carry water through and off the owner's property shall be indicated on the plans and constructed so that no damage will occur to existing and proposed buildings, driveways, adjacent properties, drainage facilities and public improvements.

C. In no case shall a driveway be constructed so as to convey water on to the road surface.

D. Highway and driveway ditches shall be excavated to the width and depth specified by the Highway Superintendent

E. Driveway pipes shall be either reinforced concrete, Class IV, corrugated steel pipe, 16-gauge, or corrugated polyethylene storm drain pipe meeting New York State Department of Transportation Material Specification No. 706-14, with end sections where specified by the Highway Superintendent.

F. Backfill around driveway pipes shall consist of gravel or crushed stone approved by the Highway Superintendent and shall extend at least 12 inches above the driveway pipe. The backfill shall be thoroughly compacted.

G. If the slope of the backfill is steeper than a one-on-one-and-five-tenths slope at the end sections of the driveway pipe, concrete, grouted stone or drywall headwalls shall be required. In such cases, the top of the headwalls shall be below the grade of

the adjacent road shoulder.

H. Catch basins, if required, shall conform to New York State Department of Transportation specifications.

I. The driveway subbase shall consist of 12 inches of gravel.

J. The driveway surface shall be consolidated in such a manner as to prevent loose material from passing to the Town highway surface.

§ 50-9. Compliance with regulations.

Any permit issued pursuant to this chapter relates solely to the requirements of this chapter. The applicant shall also comply with all other applicable governmental regulations.

§ 50-10. Completion of work.

The permittee shall notify the Highway Superintendent when work has been completed, after which an inspection will be made by the Highway Superintendent or his duly authorized agent; and upon approval of the work, the permittee may place the driveway opening in service. Thereupon, the Highway Superintendent shall issue a release of the undertaking, letter of credit or cash deposit.

§ 50-11. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine of not more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. If any violation of the provisions of this chapter is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to additional penalties. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforesaid criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

Chapter 61

ELECTRICAL STANDARDS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 10-7-1974 by L.L. No. 4-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Fire prevention — See Ch. 70.

§ 61-1. Title.

This chapter shall be known as the "Electrical Code of the Town of Skaneateles, 1974."

§ 61-2. Findings; purpose.

Since there is danger to life and property inherent in the use of electrical energy, careful regulation of the installation or alteration of wiring for electric heat, light, power and radio and signaling systems operating on 50 volts or more is declared to be in the public interest of the Town of Skaneateles for the purpose of safeguarding, to a reasonable degree, life and property. It is further determined that such regulation will be of substantial benefit to the health, safety and welfare of the inhabitants of the Town.

§ 61-3. Adoption of standards by reference. [Amended 12-10-1985 by L.L. No. 11-1985]

There is hereby adopted by the Town Board of the Town of Skaneateles, for the purpose of prescribing and implementing regulations governing electrical installations or alterations to safeguard, to a reasonable degree, life and property from the hazards caused by improper electrical wiring a certain code known as the "National Electrical Code," as adopted by the National Fire Protection Association, being particularly the 1984 Edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted or modified by this chapter, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Town of Skaneateles, outside any incorporated Village located therein.

§ 61-4. Definitions and word usage.

A. Unless otherwise expressly stated, the following terms, for the purpose of this chapter, shall have the meanings indicated in this section.

ACCESSORY BUILDING — A building, the use of which is customarily incidental to that of the main building and which is located on the same lot as that occupied by the

main building. All farm buildings (except residences) are to be considered "accessory buildings."

AUTHORITY HAVING JURISDICTION — The Electrical Inspector.

CODE — The National Electrical Code as adopted by this chapter.

ELECTRICAL INSPECTOR — Such person as may be designated by the Town Board, from time to time, by resolution or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

FARM — Any lot or parcel of land at least five acres in area which is used for the commercial raising of agricultural and horticultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the commercial raising or maintenance of the following: fur-bearing animals, riding academies, livery or boarding stables, except on "farms" of 25 acres or more.

MUNICIPALITY — The Town of Skaneateles.

OWNER — Includes a duly authorized agent or attorney, purchaser, devisee, fiduciary, lessee or occupant of property, including a corporation, partnership, joint venture or firm, as well as an individual.

B. Word usage. "He" shall mean male or female, where applicable; the singular shall mean the plural and vice versa.

§ 61-5. Applicability.

The provisions of the code are intended to cover all existing electrical wiring installations, devices, appliances and equipment and all proposed electrical wiring installations, devices, appliances and equipment or alterations thereof which operate on 50 volts or more. Existing electrical wiring installations, devices, appliances and equipment as may be covered by the code or regulations promulgated thereunder and which are in service or under construction as of the effective date of this chapter and which are not in strict compliance with the terms of this chapter may be continued or placed in use, provided that these do not constitute a distinct hazard to life and property in the opinion of the Electrical Inspector.

§ 61-6. Nonapplicability.

The provisions of this chapter shall not apply to electrical installations in mines, ships, railway cars, automotive equipment or the installation or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for such purposes. This chapter shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment, by any person, firm or corporation engaged in electrical manufacturing as its principal business. It shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York, nor shall it apply to accessory farm buildings.

§ 61-7. Prohibited acts.

It shall be a violation of this chapter for any owner to install or cause to be installed or to alter electrical wiring for heat, light, power or the like in or on properties in the Town of Skaneateles prior to making and filing an application for inspection with the Electrical Inspector. It shall be a violation of this chapter for any owner to connect or cause to be connected electrical wiring, in or on properties in the Town of Skaneateles for light, heat, power or the like to any source of electrical energy supply prior to making and filing an application for inspection and the issuance of a certificate of compliance by the Electrical Inspector.

§ 61-8. Electrical Inspector.

A. The code shall be enforced by the Electrical Inspector for the Town of Skaneateles, which office is hereby established. The Electrical Inspector shall operate under the supervision of the Town Board of the Town of Skaneateles.

B. The Electrical Inspector for the Town of Skaneateles shall be appointed by the Town Board of the Town of Skaneateles to serve at the pleasure of the Town Board.

C. The Electrical Inspector may employ or recommend to the Town Board of the Town of Skaneateles the employment of technical inspectors, when deemed prudent and necessary, including the New York Board of Fire Underwriters and its representatives. Any fees payable to the technical inspectors for services rendered shall be paid by the owner.

D. The Electrical Inspector shall annually transmit to the Town Board of the Town of Skaneateles a written report which shall contain all proceedings under this code, with such statistics as the Electrical Inspector deems prudent to include therein, and the Electrical Inspector may recommend any amendment to the code which, in his judgment, he deems prudent and desirable.

§ 61-9. Duties of Inspector.

A. The Electrical Inspector is authorized to make such inspections and reinspections as are necessary to determine satisfactory compliance with the code and regulations issued thereunder. The Electrical Inspector, in the performance of his duties, shall have the right to enter buildings, structures, dwellings or facilities to make such inspections. Such entrance and inspection shall be accomplished at reasonable times and, in emergencies, whenever necessary to protect the public interest. Owners shall be responsible for providing access to all parts of the premises within their control to the Electrical Inspector acting in accordance with the provisions of this section.

B. It shall be the duty of the Electrical Inspector to make necessary inspections required for issuance of temporary certificates or certificates of compliance, to investigate all complaints made under this chapter and to note all violations of or deviations or omissions from the provisions of this chapter.

C. It shall be the responsibility of the owner to timely file an application for inspection with the Electrical Inspector.

§ 61-10. Certificates of compliance.

A. Certificates of compliance or temporary certificates shall not take the place of any license, building permit or other permit or certificate required by law. It shall not be transferable and any change or alteration of the electrical wiring installation, devices, appliances and equipment shall require a new certificate.

B. A temporary certificate of compliance may be issued when electrical wiring is to be connected to a source of electrical energy supply on a temporary basis. The temporary certificate shall be returned to the Electrical Inspector at such time as the electrical wiring is disconnected from the source of supply. Any new temporary connection shall require a new temporary certificate.

C. All applications for inspection required by this chapter shall be made to the Electrical Inspector in such form and detail as prescribed by him. Applications for said inspections shall be accompanied by such plans, specifications and the like as may be required by the Electrical Inspector. Applications therefor may be obtained from the office of the Town Clerk or the Electrical Inspector during normal business hours.

D. The Electrical Inspector shall issue a temporary certificate or a certificate of compliance when electrical installations, devices, appliances or equipment are in conformity with this chapter.

E. In cases where laws, regulations, local laws, codes or ordinances enforceable by departments, agencies or offices other than the Electrical Inspector are applicable, joint approval shall be obtained from all departments concerned.

F. The Town Board may, by resolution, establish fees for the temporary certificate and the certificate of compliance required by the provisions of this chapter.

G. The certificate shall be kept by the owner on the premises designated therein and shall at all times be subject to inspection by the Electrical Inspector or any officer of the Police or Fire Department.

§ 61-11. Revocation of certificate of compliance.

A. Upon determination by the Electrical Inspector that there has been a violation of any provision of this chapter, he shall serve upon the owner or person in violation an order, in writing, directing that the conditions specified therein he corrected or eliminated within the time period specified in the order. If, at the expiration of the time so specified, such conditions are not corrected or eliminated, the Electrical Inspector shall serve a notice, in writing, upon the owner or person in violation requiring him to appear before the Town Board of the Town of Skaneateles at a time to be specified in such notice [not less than 24 hours after service of such notice] to show cause why the certificate shall not be revoked. The Town Board may, after a hearing at which witnesses and the holder of such permit shall be heard, revoke such certificate if the conditions described in the initial order are violative of the code and have not been corrected or direct initiation of enforcement proceedings. Service of any such order or notice may be by personal delivery or, if

no person of suitable age and discretion is found on the premises, by affixing a copy thereof on the door of the entrance of the premises or by mailing to the address stated in the application for the certificate.

B. The provisions of this section shall apply with equal force if it is found that there has been a false statement or misrepresentation as to a material fact in the application for inspection.

§ 61-12. Amendments and deletions.

The provisions of the code are deleted or modified in the following respects:

A. The inside of the front and back covers of the code are hereby deleted.

B. Pages 70-i and 70-ii and Pages 70-v through 70-xii are hereby deleted from the code.

C. Pages 70-526 through 70-536 are hereby deleted from the code.

D. Section 90-6, Interpretation, of the code is hereby deleted.

§ 61-13. Exemptions.

The Electrical Inspector shall have the power to grant an exemption of the application of specific requirements of the code or regulations promulgated thereunder upon request, in writing, to do so when such request shows that the enforcement of the specific requirement will cause unnecessary hardship to the petitioner or in order to take advantage of new methods, equipment, appliances, devices, installations or uses of recognized adequacy, provided that such request shall not be granted unless the requested methods, equipment, appliances, devices, installation or use will, in the opinion of the Electrical Inspector, conform with all the fundamental requirements for safety. The particulars of such exemption, when granted, shall be entered upon the approval granted. A copy thereof shall be retained by the Electrical Inspector and the owner.

§ 61-14. Appeals.

Whenever the Electrical Inspector shall disapprove an application for a temporary certificate or certificate of compliance or refuse to grant the same or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant, owner or other interested person may appeal the decision of the Electrical Inspector to the Town Board of the Town of Skaneateles within 10 days from the date of service upon the applicant of a copy of the decision appealed.

§ 61-15. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine of not more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person, firm or corporation who violates any of the provisions of this

chapter or who shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. When a violation of any of the provisions of these regulations is continuous, each week thereof shall constitute a separate and distinct violation subjecting the offender to additional penalties. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

§ 61-16. Liability of Town.

This chapter shall not be construed to hold the Town of Skaneateles responsible for any damage to persons or property by reason of any inspection or reinspection or failure to do so or by issuance of any temporary certificate or certificate of compliance made or issued pursuant to this chapter.

§ 61-17. Right to amend.

The Town Board reserves the right to change, supplement or amend this chapter from time to time. The right is also reserved to make such additional rules and regulations as to the Town Board seem appropriate to promote the health, welfare, safety and morals of the inhabitants of the Town of Skaneateles.

§ 61-18. Compliance with standards.

A. Compliance with this chapter shall not relieve any owner from complying with any other ordinance, local law, rule or regulation.

B. Where separate provisions of this chapter or provisions of this chapter and any other local law, ordinance, rule or regulation dealing with the same items are applicable to a given situation, compliance with the more restrictive of the differing requirements shall be required.

Chapter 63

ENVIRONMENTAL QUALITY REVIEW

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-1-1989 by L.L. No. 1-1989.[7] Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 72.
Subdivision of land — See Ch. 131.
Zoning — See Ch. 148.

§ 63-1. Title.

This chapter shall be entitled a "Local Law to Provide for Environmental Quality Review, 1978, as amended in 1989."

§ 63-2. Definitions.

Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meanings as defined in other chapters of the Code of the Town of Skaneateles and as defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations. References herein to Part 617 or sections thereof shall mean such part of sections as were adopted and effective on June 1, 1987.

§ 63-3. Types of actions.

Consistent with §§ 617.4(e) and 617.13 of Part 617 and the criteria therein, the following actions, in addition to those listed in § 617.13 of Part 617 as Type II actions, are deemed to be Type II actions and not to have a significant effect on the environment:

A. An action to enforce any provision of the Code of the Town of Skaneateles.

B. Approval of a street opening permit for the purpose of tying in to existing utility facilities.

C. Approval of lateral connections to sewer or water lines.

D. Adoption or amendment of any local law when such adoption or amendment is either required by or is an option granted by any state or federal law.

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7. **Editor's Note: This local law supersedes former Ch. 63. Environmental Quality Review, adopted 12-4-1978 by L.L. No. 2-1978, as amended 12-10-1985 by L.L. No. 11-1985.**

E. Any action under Chapter 6, Defense and Indemnification of Employees, or Chapter 8, Code of Ethics.

F. Adoption of regulations or amendments to existing regulations related solely to applications, review of applications or to fees charged as part of the application process.

G. Enactment of or amendment to the procedure for enactment of local laws or ordinances.

H. Adoption of legislation codifying existing laws.

I. Any action, including investigation, report, notice or decision, related to unsafe buildings pursuant to Chapter 42.

J. Any action related to the acceptance by the Town of an interest in real property or of completed utility facilities therein.

§ 63-4. Time periods.

The time periods stated in Part 617 are changed as follows:

A. To 35 days for each action to be performed within 20 days pursuant to Part 617, §§ 617.6(a)(1)(ii), 617.6(c)(2) and 617.6(d)(1).

B. To 45 days for each action to be performed within 30 days pursuant to Part 617, §§ 617.6(c)(1), 617.6(e)(1), 617.7(a), 617.8(b)(1), 617.8(b)(2), 617.8(b)(4) and 617.9(b).

§ 63-5. Proposed action involving an applicant; draft environmental impact statement.

Following a determination that a proposed action involving an applicant requires a draft environmental impact statement (draft EIS) as a Type I action or as an unlisted action that may have a significant effect on the environment, the lead Town agency shall immediately notify the applicant of the determination and shall request the applicant to prepare a draft EIS. If an applicant decides not to submit a draft EIS as requested or if the applicant fails to submit a draft EIS, the lead Town agency shall notify the applicant that the processing of the application will cease and that no approval will be issued.

§ 63-6. Filing and notice.

A. Whenever a filing with the Town is required by Part 617, such filing shall be made in the office of the Town Clerk.

B. In addition to the requirements of Part 617, a notice of public hearing on a draft EIS shall be given by posting on the signboard maintained by the Town Clerk not less than seven nor more than 30 days prior to the scheduled date of the public hearing.

§ 63-7. Fees.

A. Each application requiring an initial determination shall be accompanied by a fee as

established from time to time by resolution of the Town Board.

B. Where an application requires the preparation and review of a draft EIS, fees shall be required to the fullest extent allowable under § 617.17 of Part 617. The lead Town agency may require an applicant to submit in advance the fee for reviewing the draft EIS.

Chapter 66

EXCAVATIONS IN STREETS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 4-18-1988 by L.L. No. 2-1988. Amendments noted where applicable.]

§ 66-1. Short title.

This chapter shall be known and may be cited as the "Street Opening Local Law of the Town of Skaneateles."

§ 66-2. Definitions; word usage.

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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

APPLICANT — Any person making written application to the Highway Superintendent for a street excavation permit hereunder.

EXCAVATION — Any cavity, hole or hollow formed by digging, cutting, scooping, breaking, bulleting, vibrating, tunneling or undermining or any other method of removal or disturbance of earthen or road material in, under or adjacent to any street, as defined herein.

HIGHWAY SUPERINTENDENT — The Town Superintendent of Highways of the Town of Skaneateles.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind, including but not limited to public service companies, transportation corporations, privately and publicly owned water companies, community antenna television companies and municipal districts.

STREET — Any street, highway, sidewalk, alley, avenue or other public way or other land, park, grounds property or easement owned by the Town.

TOWN — The Town of Skaneateles.

TOWN ATTORNEY — Any person or firm designated by the Town Board to act as the Town's attorney.

TOWN BOARD or BOARD — The Town Board of the Town of Skaneateles.

§ 66-3. Excavation; permit required.

No person shall make any excavation in any street for any purpose without first obtaining a permit therefor from the Highway Superintendent as hereinafter provided.

§ 66-4. Application and permit.

A. An application in writing shall be filed in duplicate with the Highway Superintendent upon application blanks which he shall prescribe, which application shall state the nature, location, extent and purpose of the proposed excavation.

B. An application by any public service company, excluding municipal districts, must be accompanied by a general undertaking in an amount established by the Highway Superintendent, but in no event less than $10,000, and in such form as may be approved by the Town Attorney. The general undertaking is to be tendered to assure that, after completing the excavation, said applicant restores the street to the same condition as it was prior to the excavation.

C. Applications by applicants other than public service companies or municipal districts must be accompanied by a general undertaking or by a letter of credit in the sum of $2,000 or in any greater or lesser amount as determined by the Highway Superintendent and in such form as shall be approved by the Town Attorney or, in lieu thereof, by a cash deposit, the amount of which shall be determined by the Highway Superintendent and which sum is to be deposited with the Town Board to assure that, after completing the excavation, said applicant restores the street to the same condition as it was in prior to the excavation. In the event that the applicant fails to repair, replace or restore the street in the time provided in the permit and the applicant has deposited cash in lieu of an undertaking, the Highway Superintendent will assess the damage and report the same to the Town Board. The Town Board may thereafter order the Town to pay to the Highway Superintendent out of the moneys deposited a sufficient sum of money to repair or replace the street. In the alternative, the Highway Superintendent may contract with the applicant for the Town to complete, repair, replace or restore the street for a mutually agreed upon sum. Upon the completion of said excavation, including restoration, where the applicant has deposited cash in lieu of an undertaking or letter of credit, the balance of the deposit, if any, will be returned to the applicant.

D. In the event that the Town must take action against an undertaking or letter of credit to obtain reimbursement, the Town shall be entitled to its costs and legal fees.

E. Upon compliance with the foregoing requirements, upon compliance with the requirements of insurance and indemnification and upon payment of the permit fee, a permit shall be issued in the name of the Highway Superintendent.

§ 66-5. Permit fee.

The permit fee of $25 shall accompany each application submitted in accordance with

this chapter. The Town Board, by resolution, may from time to time establish and change categories and fees to accompany the applications.

§ 66-6. Insurance and indemnification.

A. Before issuance of a permit, the applicant shall file with the Highway Superintendent a general liability policy or certificate of insurance issued by an insurance company authorized to issue such policy in New York, naming the Town of Skaneateles as an additional insured, which policy or certificate evidences that the applicant has procured comprehensive general liability insurance providing coverage for legal liability and customarily covered expenses for bodily injury and property damage, including but not limited to liability for bodily injury and property damage caused by, related to or arising out of operations performed by the applicant or by the applicant's independent contractors or arising out of acts or omissions of the applicant in connection with his general supervision of such operations (contractors'/owners' protective liability insurance), occurring after operations have been completed or abandoned (completed operations insurance) and assumed under contract with the Town (contractual liability insurance), which policy shall be endorsed to delete from the contractual liability coverage any exclusion for actions on a contract for third-party beneficiary arising out of a project for a public authority and which policy shall include coverage for explosion, collapse and underground operations (XCU hazards). Said policy shall be in a form and of content satisfactory to the Town Attorney and shall provide that the policy shall not be changed or canceled until the expiration of 60 days after written notice to the Town and that it shall be automatically renewed upon expiration and continued in force unless the Town is given 60 days' written notice to the contrary. Said policy shall insure the Town of Skaneateles and the applicant and shall cover all operations relative to the excavation, reconstruction and restoration thereof. Said policy shall have limits of liability of not less than $1,000,000 for bodily injury to each person and in the aggregate for each accident and property damage liability of not less than $100,000 for each accident.

B. The applicant shall indemnify, hold harmless and defend the Town, its officers and employees from any and all claims for personal injury, including death or damage to property resulting from, relating to or arising out of the issuance of a permit to the applicant pursuant to this chapter or any actions or activities in relation thereto, by the applicant or others, excepting only such claims due solely to the fault or negligence of the Town, its officers and employees. Such indemnification shall not be affected or diminished by insurance provided by the applicant.

§ 66-7. Guarding of excavations and protection of property.

Any person making an excavation covered by this chapter shall erect suitable barriers or guards for the protection of persons using the streets and, in addition thereto, shall set up and maintain during the hours of darkness sufficient lights or flares or retroreflective barricades to properly illuminate or delineate the work area and shall also take all necessary precautions for the protection of property of the Town, public service companies, municipal districts adjoining property owners and others which might be

endangered by such excavations or the work incident thereto and shall comply with all directions given by the Highway Superintendent with respect to such barriers, lights, flares and protective measures.

§ 66-8. Street opening permit regulations and specifications.

A. Commencement of work. Work under the permit shall be commenced within 30 days from the date of the permit and continued in an expeditious manner unless an extension of this period is approved by the Highway Superintendent.

B. Construction.

(1) When working in any street, no pavement cuts or trenches are to be left uncovered or unfilled overnight except in emergencies, and in such cases adequate precautions must be exercised to protect traffic and all persons using the streets.

(2) When working on any street, contractors must complete final backfilling (see Subsection E hereof) of trench within 18 days from the day of opening.

(3) All pipes, mains or conduits crossing street pavements shall, wherever possible (as determined by the Highway Superintendent), be driven beneath the street without disturbance to the pavement. The point of driving shall not be less than five feet from the edge of the pavement. Such crossover pipes, mains or conduits shall, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made without further disturbance of the roadway pavement.

(4) If the boring method or the driving of crossover pipes is determined by the Highway Superintendent to be impracticable, the Highway Superintendent shall determine the manner of placing the pipe by the open-cut method. Request for such determination is to be made in writing to the Highway Superintendent and may be granted by the Highway Superintendent upon such conditions as he deems necessary and proper under the circumstances.

(5) All trees, structures and property of the Town and others shall be protected from damage.

C. Excavations; method and type of opening.

(1) Openings in cement concrete streets shall have a minimum width of five feet.

(2) If other methods are impracticable, as determined by the Highway Superintendent, streets may be tunneled.

(3) Pavement cuts are to be made either by pinwheel trenching machine or saw-cutting, as specified in the permit.

D. Restoration of excavation; temporary patching. Upon completion of the final backfilling, if final pavement replacement is not to be accomplished within 20 days from the day of opening, the trench shall be brought to within two inches of road

level and then paved with two inches of asphaltic concrete within 20 days of opening, which shall be placed as a temporary surface in any pavement opening and shall be maintained to the same grade as adjacent pavement.

E. Procedure for final backfilling. Backfill material shall be equal to base course material specified in Chapter 129, Streets and Sidewalks, of this Code, as approved by the Highway Superintendent, and shall be placed and compacted as specified by the Highway Superintendent in six-inch lifts with either vibratory soil compactors or by suitable hydraulic compaction by water jetting at specified intervals.

F. Final pavement replacing.

(1) Cement concrete. Minimum-size replacements in cement concrete or asphalt on cement concrete base shall be 10 feet by 10 feet or as directed by the Highway Superintendent. In all cases, if the ten-foot-by-ten-foot replacement is within five feet of a joint, the replacement must extend to the joint. Concrete openings shall be saw cuts, and the mix shall be high early, 4,000 pounds per square inch test concrete, or as directed by the Highway Superintendent.

(2) Asphalt. The trench will be compacted to within four inches of the road surface. The existing asphalt surface shall then be cut back at least 12 inches on either side of the undisturbed subgrade. At the discretion of the Highway Superintendent, the contact surfaces, the patched surfaces and/or adjacent pavement edges shall be painted and sealed with approved bituminous material before placing the course of asphalt, which shall be four inches of surface course material specified in Chapter 129, Streets and Sidewalks, of this Code, as directed by the Highway Superintendent. This course shall be rolled with an eight- to ten-ton roller, and surface variations in excess of 1/4 inch shall be eliminated or the pavement relaid.

(3) If temporary patching is not accomplished, final pavement must be completed within 20 days of opening. If temporary patching is accomplished as specified, then final pavement replacing must be completed within 30 days of temporary patching or within such additional time as may be authorized by the Highway Superintendent at his discretion upon application.

G. Shoulder areas. If the trench work is in the shoulder of the roadway, proper compaction as outlined in Subsection E above will apply, with the addition of a covering of sod or grass seeding, mulch and fertilizer as specified by the Highway Superintendent.

H. Traffic control.

(1) Maintenance and protection of traffic. Traffic is to be maintained at all times during the excavation work. Adequate signs, barricades and lights, necessary to protect the public, shall be provided in accordance with the provisions of the New York State Manual of Uniform Traffic Control Devices. Flagmen to direct traffic shall be employed continuously during periods when only one-way traffic is maintained or when equipment is operated back and forth across

the pavement area.

(2) No construction materials or equipment shall be left on the pavement after working hours, nor shall any construction equipment or materials be placed in any manner or location that will obstruct highway or railroad warning signs.

(3) Barricades, whether sidewalk or roadway area, shall have prominently displayed for police convenience the address and telephone number of twenty-four-hour availability of a person who will promptly reestablish the same in an emergency.

(4) The applicant shall notify the Highway Superintendent and the Highway Department dispatcher of any street opening to be left open in hours of darkness and of the telephone number of a person who will promptly respond on his behalf in an emergency.

(5) Access to adjacent properties shall be maintained.

I. Notification. The applicant will be responsible to notify the Highway Superintendent not less than 24 hours prior to street opening and closing.

J. Expiration date. The permit shall expire one year from the date of issue of the permit unless a different expiration date has been specified by the Highway Superintendent.

§ 66-9. Completion of work.

The applicant shall notify the Highway Superintendent when work has been completed, after which an inspection will be made by the Highway Superintendent or his duly authorized agent, and, upon approval of the work, a release will be granted to the applicant. Until the granting of such a release, the applicant shall remain liable for guarding and protection as provided herein.

§ 66-10. Compliance with other regulations and agencies.

An application issued pursuant to this chapter relates solely to the requirements of this chapter. Accordingly, each applicant must also comply with the requirements of all other applicable governmental laws, regulations and orders of the Town, the County of Onondaga, the State of New York and its administrative agencies and the United States government and its administrative agencies.

§ 66-11. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine of not more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. When a violation of any of the provisions

of these regulations is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to additional penalties. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

Chapter 70

FIRE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-16-1974 by L.L. No. 1-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Unsafe buildings — See Ch. 42.
Life safety — See Ch. 92.

§ 70-1. Title.

This chapter shall be known as the "Fire Prevention Code of the Town of Skaneateles, 1974."

§ 70-2. Findings.

Careful regulation of the design, construction and use of structures and of the conduct of certain activities is declared to be in the public interest of the Town of Skaneateles, for the purpose of limiting fire and other safety hazards and the safeguarding of life and property in the event of casualty. It is further determined that such regulation will be of substantial benefit to health, safety and welfare of the inhabitants of the Town.

§ 70-3. Adoption of standards by reference. [Amended 12-7-1981 by L.L. No. 1-1981]

There is hereby adopted by the Town Board of the Town of Skaneateles, for the purpose of prescribing and implementing regulations governing conditions hazardous to life and property from fire or explosion, a certain code known as the "Fire Prevention Code," as recommended by the American Insurance Association, being particularly the 1976 Edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted or modified by this chapter, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Town of Skaneateles outside any incorporated Village located therein.

§ 70-4. Definitions and word usage.

A. Unless otherwise expressly stated, the following terms, for the purpose of this chapter, shall have the meanings indicated in this section.

CHIEF OF FIRE DEPARTMENT — The Fire Prevention Officer for the Town of Skaneateles.

CHIEF OF FIRE PREVENTION BUREAU — The Fire Prevention Officer for the Town of Skaneateles

CODE — The Fire Prevention Code as adopted by this chapter.

CORPORATION COUNSEL — The attorney or attorneys as designated by the Town Board of the Town of Skaneateles.

FIRE DEPARTMENT — The Fire Prevention Officer for the Town of Skaneateles.

FIRE PREVENTION OFFICER — Such person as may be designated by the Town Board annually by resolution or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

MUNICIPALITY — The Town of Skaneateles.

OWNER — Includes a duly authorized agent or attorney, purchaser, devisee, fiduciary, lessee or occupant of property, including a corporation, partnership, joint venture or firm, as well as an individual.

B. Word usage. "He" shall mean male or female where applicable: the singular shall mean the plural and vice versa.

§ 70-5. Unlawful acts.

It shall be unlawful for any person to violate this chapter or the code adopted hereby, to permit or maintain such violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation, except as variation may be allowed by action of the Fire Prevention Officer, in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

§ 70-6. Fire Prevention Officer.

A. The code shall be enforced by the Fire Prevention Officer for the Town of Skaneateles, which office is hereby established. The Fire Prevention Officer shall operate under the supervision of the Town Board of the Town of Skaneateles.

B. The Fire Prevention Officer for the Town of Skaneateles shall be appointed by the Town Board of the Town of Skaneateles to serve at the pleasure of the Town Board.

C. The Fire Prevention Officer may recommend to the Town Board of the Town of Skaneateles the employment of technical inspectors when deemed prudent and necessary.

D. The Fire Prevention Officer shall annually transmit to the Town Board of the Town of Skaneateles a written report which shall contain all proceedings under this code, with such statistics as the Fire Prevention Officer deems prudent to include therein; and the Fire Prevention Officer may recommend any amendment to the code which, in his judgment, he deems prudent and desirable.

§ 70-7. Establishment of limits, districts and routes.

A. Limits, routes and lanes.

(1) The limits, referred to in Section 12.5b of the code, in which the storage of explosives and blasting agents is prohibited may be established by the Town Board of the Town of Skaneateles by a resolution.

(2) The limits, referred to in Section 16.22a of the code, in which storage of flammable liquids in outside aboveground tanks is prohibited may be established by the Town Board of the Town of Skaneateles by resolution.

(3) The limits, referred to in Section 16.61 of the code, in which new bulk plants for flammable or combustible liquids are prohibited may be established by the Town Board of the Town of Skaneateles by resolution.

(4) The limits, referred to in Section 21.6a of the code, in which bulk storage of liquefied petroleum gases is restricted may be established by the Town Board of the Town of Skaneateles by resolution.

(5) The routes, referred to in Section 12.7o of the code, for vehicles transporting explosives and blasting agents may be established by the Town Board of the Town of Skaneateles by resolution. [Amended 12-7-1981 by L.L. No. 1-1981]

(6) The routes, referred to in Section 20.14 of the code, for vehicles transporting hazardous chemicals and other dangerous articles may be established by the Town Board of the Town of Skaneateles by resolution.

(7) Fire lanes referred to in Section 28.16 of the code, regarding the establishment of fire lanes on private property devoted to public use, may be established by the Town Board of the Town of Skaneateles by resolution.

B. Such resolutions, upon adoption by the Town Board of the Town of Skaneateles, shall be deemed to be incorporated by reference into the code. Copies of all such resolutions shall be appended by the Town Clerk to the code and shall be available for inspection by the public during normal business hours at the Town Clerk's office. The Town Clerk shall cause an abstract of such resolution to be published following passage by the Town Board.

§ 70-8. Permits; fees.

A. A permit shall constitute permission to maintain, store or handle materials, to conduct processes or activities which may produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license, building permit or any other permit or certificate required by law. It shall not be transferable, and any change in use or occupancy of the premises shall require a new permit.

B. All applications for permits required by the code shall be made to the Fire Prevention Officer in such form and detail as prescribed by him. Applications for permits shall be accompanied by such plans as required by the Fire Prevention

Officer. Permit applications may be obtained from the Fire Prevention Officer or the office of the Town Clerk during normal business hours.

C. Before a permit may be issued or reissued, the Fire Prevention Officer shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws, regulations, codes, local laws or ordinances enforceable by departments, agencies or officers other than the Fire Prevention Officer are applicable, joint approval shall be obtained from all departments concerned.

D. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the Fire Prevention Officer or any officer of the Fire or Police Department.

E. One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.

F. The Town Board may, by resolution, establish fees for permits required by the provisions of the code.

G. Permittees shall be required to renew each permit annually.

§ 70-9. Revocation of permit.

A. Upon determination by the Fire Prevention Officer that there has been a violation of any provision of this chapter, he shall serve upon the owner or person in violation an order, in writing, directing that the condition specified therein be corrected or eliminated within the time period specified in the order. If, at the expiration of the period of time so specified, such conditions are not corrected or eliminated, the Fire Prevention Officer shall serve a notice, in writing, upon the owner or person in violation requiring him to appear before the Town Board of the Town of Skaneateles, at a time to be specified in such notice [not less than 24 hours after service of such notice], to show cause why the permit, if any, shall not be revoked or other action taken. The Town Board may, after a hearing at which witnesses and the holder of the permit shall be heard, revoke such permit if the conditions described in the initial order are violative of the code and have not been corrected or direct initiation of enforcement proceedings. Service of any such order or notice upon the owner may be by personal delivery or, if no person of suitable age and discretion is found on the premises, by affixing a copy thereof on the door to the entrance of the premises or by mailing to the address stated in the application for the permit.

B. The provisions of this section shall apply with equal force if it is found that there has been a false statement of misrepresentation as to a material fact in the application or plans on which the permit was based.

§ 70-10. Amendments and deletions.

The provisions of the code are deleted or modified in the following respects:

A. Section 1.5 of the code, entitled "Orders to Eliminate Dangerous or Hazardous Conditions," is hereby amended by adding the following new subsection:

g. The listing in the foregoing subsections is to be considered as exemplary only and not all-inclusive.

B. Section 1.9 of the code, entitled "Permits," is hereby deleted, and § 70-8 of this chapter is deemed inserted in its place.

C. Section 1.10 of the code, entitled "Revocation of Permits" is hereby deleted.

D. Article 17, entitled "Fruit Ripening Processes," is hereby deleted.

E. Section 28.1, entitled "Bonfires and Outdoor Rubbish Fires," is hereby deleted.

F. Appendix A is hereby deleted. [Amended 12-7-1981 by L.L. No. 1-1981]

§ 70-11. Exemptions.

The Fire Prevention Officer shall have the power to grant an exemption of the application of specific requirements of the code or regulations promulgated thereunder upon request, in writing, to do so when such request shows that the enforcement of the specific requirement will cause unnecessary hardship to the petitioner, provided that the spirit and intent of the code are not violated thereby. The particulars of such exemption, when granted, shall be entered upon the approval granted. A copy thereof shall be retained by the Fire Prevention Officer and the owner.

§ 70-12. Appeals.

Whenever the Fire Prevention Officer shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant, owner or other interested person may appeal the decision of the Fire Prevention Officer to the Town Board of the Town of Skaneateles within 10 days from the date of service upon the applicant of a copy of the decision appealed.

§ 70-13. New materials, processes or occupancies which may require permits.

The Town Board of the Town of Skaneateles and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in said code. The Fire Prevention Officer shall post such a list in a conspicuous place in the Town Clerk's office. Copies thereof shall be available to interested persons at the Town Clerk's office.

§ 70-14. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine, for the first week's continuation of such violation or for any portion of that week, of not more than $250 or to imprisonment for a

period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

§ 70-15. Right to amend.

The Town Board reserves the right to change, supplement or amend this chapter, from time to time. The right is also reserved to make such additional rules and regulations as to the Town Board seem appropriate to promote the health, welfare, safety and morals of the inhabitants of the Town of Skaneateles.

§ 70-16. Compliance.

A. Compliance with this chapter shall not relieve any owner from complying with any other ordinance, local law, rule or regulation.

B. Where separate provisions of this chapter or provisions of this chapter and any other local law, ordinance, rule or regulation dealing with the same items are applicable to a given situation, compliance with the more restrictive of the differing requirements shall be required.

Chapter 72

FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-16-1987 by L.L. No. 2-1987.[8] Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Unsafe buildings — See Ch. 42.
Environmental quality review — See Ch. 63.
Mobile homes and mobile home courts — See Ch. 99.
Subdivision of land — See Ch. 131.
Zoning — See Ch. 148.

§ 72-1. Title; former provisions.

This chapter shall be known as the "Flood Damage Prevention Local Law of the Town of Skaneateles — 1987." This chapter amends Chapter 72 of the Code of the Town of Skaneateles, New York, adopted as Local Law No. 4 of 1985.

§ 72-2. General restrictions.

A. All applications for building permits involving new construction of or substantial improvements to a building or structure and all applications for subdivision approval or other proposed new development in the areas regulated by this chapter shall be deemed incomplete without a development permit having been issued pursuant to the provisions of this chapter. No new or replacement water supply system or sanitary sewerage system is permitted in areas regulated by this chapter without a development permit having been issued pursuant to the provisions of this chapter.

B. The approval of a development permit as required in this chapter shall be in addition to, and not in lieu of, any other approvals or permits that may be required by any provision of this chapter or any other local law, ordinance, rule or regulation of the Town.

§ 72-3. Development permit procedure.

A. All applications for building permits involving new construction of or substantial improvements to a building or structure in areas regulated by this chapter shall be

8. **Editor's Note: This local law also supersedes former Ch. 72, Flood Damage Prevention, adopted 12-10-1985 by L.L. No. 4-1985, which in turn was derived from an ordinance enacted 5-17-1982.**

reviewed by the local administrator to determine whether the proposed building or structure will be reasonably safe from flooding and comply in all respects with this chapter.

B. All applications for subdivision approval and other proposals involving development in the areas regulated by this chapter shall be reviewed by the local administrator and the Planning Board to assure that all such proposals are consistent with the need to minimize flood damage and comply in all respects with this chapter.

C. The Planning Board and local administrator shall review all plans for new or replacement water supply systems or sanitary sewage systems to determine that such systems are designed, located and comply in all respects with this chapter.

D. The local administrator and/or Planning Board may refer any application for a development permit to an engineer and/or other appropriate consultant(s) as he or they determine to be necessary.

E. Each applicant shall pay for all engineering costs incurred by the Town for the administration of this chapter in relation to such application before receiving a final determination of such application.

§ 72-4. Findings.

The Town Board of the Town of Skaneateles finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Skaneateles and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 72-5. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damages;

E. Regulate the construction of flood barriers which will unnaturally divert

floodwaters or which may increase flood hazards to other lands, and;

F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 72-6. Objectives.

The objectives of this chapter are to:

A. Protect human life and health.

B. Minimize expenditure of public money for costly flood control projects.

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. Minimize prolonged business interruptions.

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. Provide that developers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 72-7. Definitions.

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within the Town subject to a one-percent-or-greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT — The portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING — Any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR — The same meaning as "basement."

COASTAL HIGH-HAZARD AREA — The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the areas of special flood hazard.

ELEVATED BUILDING — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the Town published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of the Town, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of the Town, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevations of the base flood.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real

estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The same meaning as "regulatory floodway."

FLOOR — The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR — Lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEAL LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Town's Flood Insurance Rate Map are referenced.

MOBILE HOME — The same meaning as "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD — The same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — At least 51% of the actual cash value of the structure, excluding land value, is above ground.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study

or by other agencies as provided in § 72-16B.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — The initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE — A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of History Places.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 72-8. Lands to which chapter applies. [Amended 8-7-1989 by L.L. No. 2-1989]

A. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Town of Skaneateles, New York, Onondaga County," dated December 1,1981, with Flood Insurance Rate Maps enumerated on Map Index No. 360592 0001-0012, dated June 1, 1982, and with accompanying Flood Boundary and Floodway Maps enumerated on Map Index No. 360592 0001, dated June 1, 1982.

B. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Town Hall, 24 Jordan Street, Skaneateles, New York.

§ 72-9. Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management

Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Skaneateles, of Onondaga County, New York," bearing an effective date of June 1, 1982, which study, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the Town Hall, 24 Jordan Street, Skaneateles, New York.

§ 72-10. Interpretation; conflict with other laws.

A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

§ 72-11. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 72-12. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Skaneateles from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § 72-20 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 72-13. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood

damages. This chapter shall not create liability on the part of the Town of Skaneateles, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 72-14. Designation of local administrator.

Such person as may be designated by the Town Board, by resolution, or, if none, the Zoning Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 72-15. Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 72-9. Application for a development permit shall be made on forms furnished by the local administrator and may include, but is not limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing.

A. Application stage. The following information is required, where applicable:

   (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement or cellar, of all structures.

   (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

   (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 72-17C(1).

   (4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 72-18.

   (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor, or floodproofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data

submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§ 72-16. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to:

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 72-17E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 72-9, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 72-17D(4) in order to administer § 72-18, Specific standards, and § 72-19, Floodways.

C. Information to be obtained and maintained. The local administrator shall:

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.

(2) For all new or substantially improved floodproofed structures:

(a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and

(b) Maintain the floodproofing certifications required in §§ 72-17 and 72-18.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances, when granted, and certificates of compliance.

D. Alteration of watercourses. The local administrator shall:

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries.

(1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

(2) Base flood elevation data established pursuant to § 72-9 and/or § 72-16B, when available, shall be used to accurately delineate the areas of special flood hazard.

(3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 72-12 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 72-12 of this chapter.

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

H. Certificate of compliance.

(1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or

structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

(2) All other development occurring within the designated flood hazard area will have, upon completion, a certificate of compliance issued by the local administrator.

(3) All certifications shall be based upon the inspections conducted subject to § 72-16G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§ 72-17. General standards.

In all areas of special flood hazard the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 72-16A(3), Permit review. This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 72-16B or 72-17D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 72-16B, the requirements of § 72-19, Floodways, shall apply.

§ 72-18. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 72-9, Basis for establishing areas of special flood hazard, and § 72-16B, Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any residential structure shall:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

(2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls

by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designated to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(2) If the structure is to be floodproofed:

(a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(b) A licensed professional engineer or licensed land surveyor shall certify

the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

(3) The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 72-16B or two feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

§ 72-19. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 72-7). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 72-9 and 72-16B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

§ 72-20. Variance procedure.

A. Appeals Board.

(1) The Board of Appeals, as established pursuant to Chapter 148, Zoning, shall hear and decide appeals and requests for variances from the requirements of

this chapter.

(2) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

(a) The danger that materials may be swept onto other lands to the injury of others.

(b) The danger to life and property due to flooding or erosion damage.

(c) The susceptibility of the proposed facility and its contents to flooding damage and the effect of such damage on the individual owner.

(d) The importance of the services provided by the proposed facility to the community.

(e) The necessity to the facility of a waterfront location, where applicable.

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(5) Upon consideration of the factors of § 72-20A(4) and the purposes of this chapter, the Board of Appeals may attach such conditions to the granting of

variances as it deems necessary to further the purposes of this chapter.

(6) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 72-20A(4) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this subsection.

(3) Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(a) The criteria of Subsections B(1), (4), (5) and (6) of this section are met.

(b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification and:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost

of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Chapter 76

GAMES OF CHANCE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 9-10-1992 by L.L. No. 2-1992. Amendments noted where applicable.]

§ 76-1. Title.

This chapter shall be known as the "Games of Chance Law of the Town of Skaneateles."

§ 76-2. Findings and purpose.

The Town of Skaneateles hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious and patriotic causes and undertakings, where the beneficiaries are undetermined, is in the public interest. In the past, games of chance have been the subject of exploitation by professional gamblers, promoters and commercial interests. It is hereby declared to be the policy of the Town of Skaneateles to control, supervise and regulate the conduct of games of chance so as to accommodate their use as a means of raising money for bona fide charitable organizations while discouraging the exploitation of games of chance by gamblers, promoters and commercial interests.

§ 76-3. Word usage and definitions.

The words and terms used in this chapter shall have the same meanings as such words and terms are used in Article 9-A of the General Municipal Law unless otherwise provided herein or unless the context requires a different meaning.

§ 76-4. License required.

Games of chance may be conducted in the Town of Skaneateles by an authorized organization only after obtaining a license therefor from the Town Clerk of the Town of Skaneateles in accordance with the provisions, requirements and limitations of Article 9-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this chapter.

§ 76-5. Conduct of games on Sunday.

The conduct of games of chance on Sundays is authorized, and licensed issued by the Town Clerk should specifically so provide, except as is otherwise provided in Article 9-A of the General Municipal Law; and in no event shall such games of chance be conducted

on Easter Sunday, Christmas Day or New Year's Eve.

§ 76-6. Restrictions.

Restrictions on the conduct of games of chance, as authorized herein, shall be as contained in Article 9-A of the General Municipal Law.

§ 76-7. Enforcement.

The powers and duties set forth in Article 9-A of the General Municipal Law shall be exercised by the Sheriff of the County of Onondaga.

§ 76-8. License fee.

The fee payable to the Town Clerk of the Town of Skaneateles upon issuance of a license shall be in accordance with and as provided in the Town Law, provided that at a referendum at the special election held for the purpose of submitting this chapter for the approval by the electorate, pursuant to the provisions of law, a majority of the qualified electors of the Town voting at said referendum shall approve the same by voting for the adoption of said chapter.

§ 76-9. When effective.

Except as may otherwise be provided in Article 9-A of the General Municipal Law of the State of New York, the provisions of this chapter shall not be effective in the Town of Skaneateles, County of Onondaga and State of New York, unless and until a proposition submitted at a general or special election shall be approved by a vote of the majority of the qualified electors in said Town of Skaneateles, County of Onondaga and State of New York.[9] Upon an approving vote, this chapter shall take effect on the 30th day thereafter.

9. **Editor's Note: This local law was passed at referendum on 11-3-1992.**

Chapter 86

JUNKYARDS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 5-1985. Amendments noted where applicable.]

§ 86-1. Findings and purpose.

A clean, wholesome, attractive and safe environment is declared to be of importance to the inhabitants of the Town of Skaneateles. The unrestrained accumulation of junk motor vehicles is a hazard to the health, safety and welfare of the citizens of the Town, necessitating the regulation and restraint thereof. The regulation, control and licensing of junkyards is in the public interest. The operation of a junkyard can constitute a hazard to property and persons and a public nuisance. Materials found in junkyards are sometimes flammable and dangerous and may present an attractive nuisance to children. The Town Board of the Town of Skaneateles declares that the intent of this chapter is to allow for the disposal of junk, including but not limited to secondhand motor vehicles and all parts thereof, in a safe, controlled and attractive manner.

§ 86-2. Definitions.

For the purposes of this chapter, the following definitions are provided:

ENFORCEMENT OFFICER — Such person as may be designated by the Town Board, from time to time, by resolution, or his deputy or, if none is so designated, the Zoning Enforcement Officer.

JUNK — Old, secondhand or dilapidated materials no longer fit for their intended purpose, whether metal, aluminum, glass, fabric, wood, stone, cement, plastic, paper, cardboard or any synthetic material, including but not limited to motor vehicles, as defined herein, motor vehicles parts, engines, bulldozers, cranes and other construction equipment, airplanes, boats, appliances, furniture, tools and other farm machinery and other large equipment.

JUNKYARD — A place of storage or deposit, whether in connection with another business or not, where motor vehicles, engines, bulldozers, cranes and other construction equipment, airplanes, boats, major household appliances, furniture, farm machinery or other large equipment, or the parts thereof, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials thereof, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose. By the open storage or deposit of any two such items, or of the parts thereof, such that the recombination of such parts would be substantially

similar to two such items, a rebuttable presumption is created that such open storage or deposit is a "junkyard." The presumption may be rebutted by such evidence as a currently valid motor vehicle registration, together with proof of insurance coverage, and a current inspection with respect to motor vehicles or, with respect to such other items, evidence demonstrating current fitness for the original intended purpose, as well as evidence that such storage or deposit is of a temporary nature; provided, however, that the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap, for sale, for remelting purposes only.

MOTOR VEHICLE — All vehicles propelled or drawn by power, other than muscular power, including but not limited to automobiles, trucks, tractor-trucks, trailers, buses, motorcycles, tractors and snowmobiles.

PERSON — An individual, corporation, partnership, firm, group or association.

§ 86-3. License requirements.

A. No person shall operate a junkyard on real property within the Town of Skaneateles, either for himself or for and on behalf of any other person, for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for the sale, resale, storage or disposal of junk, without first obtaining a license therefor as hereinafter provided.

B. Each applicant for a license to operate a junkyard under this chapter shall execute, under oath, the application therefor supplied to him by the Town, which application shall contain at least the following information:

(1) The name and address of the applicant.

(2) That the applicant is over 18 years of age.

(3) Whether the applicant has ever been convicted of a felony or misdemeanor, and, if so, the full details thereof.

(4) Such other facts or evidence as are deemed necessary by the Town Board to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

(5) A description of the exact type of business the applicant intends to conduct and the nature of the materials that he intends to handle.

(6) The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to the use of such lands.

(7) For corporations, a separate application must be furnished by each corporate officer. For partnerships, a separate application must be furnished by each partner.

C. With the application, the applicant shall submit a map of the real property on which

he intends to conduct the activity or business for which he is making application for a license hereunder. Such map shall include the location of the fence required hereunder, as well as the location of any buildings on such land and the location of any streets or highways abutting or passing through such land and the location of any water, sewer or gas mains or laterals available thereto, as well as the general drainage pattern of such land.

D. A hearing before the Town Board shall be held to consider the application. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application, and shall be published once in the official newspaper of the Town not less than seven days prior to the date of the hearing. In considering the application, the Town Board shall take into account the suitability of the applicant, with reference to his ability to comply with all requirements and regulations concerning the proposed junkyard, any record of convictions for any type of larceny or for the receiving of stolen goods and any other relevant matter within the purposes of this section.

E. After the hearing, the Town Board shall make a finding as to whether or not the application should be granted. If approved, the license shall be issued to remain in effect until the following April 1. Licenses shall be renewed thereafter upon payment of the annual license fee without a hearing, provided that the Enforcement Officer shall find, upon inspection, that all provisions of this chapter are being complied with, that the junkyard has not become a public nuisance under the common law and that the applicant has not been convicted of any type of larceny or of the receiving of stolen goods.

§ 86-4. License fee; conditions of license.

A. The fee for the license is hereby fixed in the sum of $50, which sum may, from time to time, be modified by resolution of the Town Board.

B. Licenses shall be effective from the date of issuance until the next succeeding first day of April, after which a new application for a license must be furnished to the Town as of March 1 for a decision by April 1.

C. Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued.

D. Such license is personal with the licensee. It may not be sold, assigned, transferred or disposed of.

E. Such license may be revoked by the Town Board after a public hearing therefor, at which the licensee shall have an opportunity to be heard. Upon revocation of the license, the Town Board may require the removal of any junk left on the premises.

F. A person operating a junkyard on the effective date of this chapter within the Town of Skaneateles must apply for a license therefor within 30 days thereafter. If the Enforcement Officer shall find that the place where he conducts such activity or business then complies with the requirements a person must meet to secure a license in the first instance, he shall be issued a license therefor if he meets the

other requirements contained herein. If the Enforcement Officer shall find that the place where he conducts such activity or business does not then comply with the requirements to secure a license in the first instance, he may be granted a temporary license not to exceed one year, during which period he must conform the place to the requirements necessary to secure a license in the first instance. If, at the end of such temporary license period, the Enforcement Officer shall find that the person has not conformed his place of such activity or business, he shall forthwith cease and desist engaging in or conducting the same and shall remove any junk from the premises. An adverse decision by the Enforcement Officer must be appealed to the Town Board which shall thereafter hold a hearing to consider the applicant's request for a license.

§ 86-5. Junkyard regulations.

A. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.

B. The licensee must maintain an office and a sufficient number of employees on the premises to assure proper and safe conduct, to minimize the risk of fire hazard and to prevent trespass upon the premises by children and others.

C. The licensee must erect and maintain a solid eight-foot-high fence of metal, wood or other materials to screen the view of the premises from the outside and adequate to prevent the entrance of children and others into the area of the activity or business. The fence must be kept in good and sightly condition and contain a suitable gate, which shall be closed and locked, except during the working hours of the junkyard or when the licensee or his agent shall be within. The fence shall be erected not nearer than 50 feet from a public highway. All junk shall be kept within the enclosure of the junkyard, except when removal shall be necessary for the transportation of same in the reasonable course of business. All wrecking or other work on such junk shall be accomplished within the enclosure.

D. No junkyard may be maintained or operated within 500 feet of a church, school, hospital, public building or place of public assembly, except that this provision shall not apply to junkyards in existence prior to enactment of this chapter.

E. The junk dealt in by the licensee shall be disassembled or dismantled by means other than by burning. It shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.

F. The junkyard shall be subject to the fire prevention regulations as provided in this code and the statutes of the State of New York.

G. Suitable sanitary facilities, connected to approved public sewers or septic tanks, shall be available for the use and convenience of the employees of the licensee, as well as the general public visiting the area.

H. The Enforcement Officer, members of the Town Board and other appropriate Town officials shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect same for compliance herewith.

I. Access to and from the junkyard shall be designed so as to have a minimal impact upon the traffic patterns of adjacent and surrounding thoroughfares.

J. The junkyard shall be operated in such a manner and at such times so as to prevent the creation of a common law nuisance to surrounding residents and businesses.

K. The junkyard must be in compliance with the zoning and other requirements of the Town and state.

§ 86-6. Penalties for offenses.

Any person, firm or corporation which violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine for the first week's continuation of such violation, or any portion of that week, of not more than $250 or imprisonment for not more than 15 days, or both. In addition thereto, any person, firm or corporation which violates any of the provisions of this chapter or which shall omit, neglect or refuse to do any act required by this chapter shall, severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 per day for each day of continued violation in excess of one week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the closing of the junkyard and the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing the closure and removal of materials from the premises, including legal fees, may be chargeable, in addition to the aforestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

Chapter 92

LIFE SAFETY

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-16-1974 by L.L. No. 2-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Unsafe buildings — See Ch. 42.
Fire prevention — See Ch. 70.

§ 92-1. Title.

This chapter shall be known as the "Life Safety Code of the Town of Skaneateles, 1974."

§ 92-2. Findings.

Careful regulation of the design, use, occupancy and construction of buildings and structures is declared to be in the public interest in the Town of Skaneateles for the purpose of providing that degree of public safety from fire, smoke, fumes and other hazards which can reasonably be required. It is further determined that such regulation will be of substantial benefit to health, safety and welfare of the inhabitants of the Town.

§ 92-3. Adoption of standards by reference. [Amended 12-7-1981 by L.L. No. 2-1981]

There is hereby adopted by the Town Board of the Town of Skaneateles for the purpose of prescribing and implementing regulations governing conditions hazardous to life from fire and other hazards a certain code known as the "Life Safety Code," adopted by the National Fire Protection Association, Inc., being particularly the 1981 Edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted or modified by this chapter, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Town of Skaneateles outside any incorporated Village located therein.

§ 92-4. Definitions and word usage.

A. Unless otherwise expressly stated, the following terms, for the purpose of this chapter, shall have the meanings indicated in this section.

AUTHORITY — The Life Safety Officer.

AUTHORITY HAVING JURISDICTION — The Life Safety Officer.

CERTIFICATE — Certificate of compliance.

CODE — The life safety code as adopted by this chapter.

LIFE SAFETY OFFICER — Such person as may be designated by the Town Board annually by resolution or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

MUNICIPALITY — The Town of Skaneateles.

OWNER — Includes a duly authorized agent or attorney, purchaser, devisee, fiduciary, lessee or occupant of property, including a corporation, partnership, joint venture or firm, as well as an individual.

B. Word usage. "He" shall mean male or female, where applicable; the singular shall mean the plural and vice versa.

§ 92-5. Applicability.

The provisions of this chapter shall apply equally to both public and private property. It shall apply to all new structures and their occupancies, including buildings, structures, equipment, materials and the like and, except as otherwise specified, to existing structures and their occupancies, including buildings, structures, equipment, material, and the like, which constitute a clear and present hazard to life or to property.

§ 92-6. Unlawful acts.

It shall be unlawful for any person to violate this chapter or the code adopted hereby, to permit or maintain such violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the Life Safety Officer, in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

§ 92-7. Life Safety Officer.

A. The code shall be enforced by the Life Safety Officer for the Town of Skaneateles, which office is hereby established. The Life Safety Officer shall operate under the supervision of the Town Board of the Town of Skaneateles.

B. The Life Safety Officer for the Town of Skaneateles shall be appointed by the Town Board of the Town of Skaneateles, to serve at the pleasure of the Town Board.

C. The Life Safety Officer may recommend to the Town Board of the Town of Skaneateles the employment of technical inspectors when deemed prudent and necessary.

D. The Life Safety Officer shall annually transmit to the Town Board of the Town of Skaneateles a written report which shall contain all proceedings under this code,

with such statistics as the Life Safety Officer deems prudent to include therein; and the Life Safety Officer may recommend any amendment to the code which, in his judgment, he deems prudent and desirable.

§ 92-8. Duties of Life Safety Officer.

A. The Life Safety Officer is authorized to make such inspections and reinspections as are necessary to determine satisfactory compliance with the code and regulations issued thereunder. The Life Safety Officer, in the performance of his duties, shall have the right to enter buildings, structures, dwellings or facilities to make such inspections. Such entrance and inspection shall be accomplished at reasonable times and in emergencies, whenever necessary to protect the public interest. Owners shall be responsible for providing access to all parts of the premises within their control to the Life Safety Officer acting in accordance with the provisions of this section.

B. It shall be the duty of the Life Safety Officer to make necessary inspections and reinspections required for issuance or reissuance of certificates of compliance, to investigate all complaints made under this chapter and to note all violations of or deviations or omissions from the provisions of this chapter.

C. The Life Safety Officer shall issue a certificate of compliance when the construction, design, use and occupancy of buildings, structures, dwellings, facilities and equipment are in conformity with this chapter.

§ 92-9. Certificate of compliance.

A. A certificate of compliance shall constitute permission to maintain installations, procedures, equipment, materials, designs, construction and the like or to utilize or implement the same in connection with activities or processes which produce or tend to produce conditions hazardous to life or property from fire and like emergencies. Such certificate does not take the place of any license, building permit or any other permit or certificate required by law. It shall not be transferable and any change in use or occupancy of the premises shall require a new permit.

B. All applications for such certificate required by the code shall be made to the Life Safety Officer in such form and detail as prescribed by him. Applications for certificates shall be accompanied by such plans as required by the Life Safety Officer. Certificate applications may be obtained from the Life Safety Officer or the office of the Town Clerk during normal business hours.

C. Before such certificate may be issued, the Life Safety Officer shall inspect and approve the installations, procedures, equipment, materials, designs, construction and the like which are or will be utilized or implemented. In cases where laws, regulations, codes, local laws or ordinances enforceable by departments, agencies or officers other than the Life Safety Officer are applicable, joint approval shall be obtained from all departments concerned.

D. Certificates shall, at all times, be kept on the premises designated therein and shall at all times be subject to inspection by the Life Safety Officer or any officer of the

Fire or Police Department.

E. The Town Board may, by resolution, establish certificate fees required by the provisions of this chapter.

§ 92-10. Revocation of certificate of compliance.

A. Upon determination by the Life Safety Officer that there has been a violation of any provision of this chapter, he shall serve upon the owner or person in violation an order, in writing, directing that the condition specified therein be corrected or eliminated within the time period specified in the order. If, at the expiration of the period of time so specified, such conditions are not corrected or eliminated, the Life Safety Officer shall serve a notice, in writing, upon the owner or person in violation requiring him to appear before the Town Board of the Town of Skaneateles at a time to be specified in such notice [not less than 24 hours after service of such notice], to show cause why the certificate, if any, shall not be revoked or other action taken. The Town Board may, after a hearing at which witnesses and the holder of the certificate shall be heard, revoke such certificate if the conditions described in the initial order are violative of the code and have not been corrected or direct initiation of enforcement proceedings. Service of any such order or notice upon the owner may be by personal delivery or, if no person of suitable age and discretion is found on the premises, by affixing a copy thereof on the door to the entrance of the premises or by mailing to the address stated in the application for the certificate.

B. The provisions of this section shall apply with equal force if it is found that there has been a false statement or misrepresentation as to a material fact in the application or plans on which the certificate or permit was based.

§ 92-11. Amendments and deletions. [Amended 12-7-1981 by L.L. No. 2-1981]

A. The inside of the front cover of the code is hereby deleted.

B. Pages 101-I to 101-XII are hereby deleted.

C. The material contained on the inside and outside of the back cover of the code is hereby deleted.

§ 92-12. Exemptions.

The Life Safety Officer shall have the power to grant an exemption of the application of specific requirements of the code or regulations promulgated thereunder upon request, in writing, to do so, when such request shows that the enforcement of the specific requirement will cause unnecessary hardship to the petitioner, provided that the spirit and intent of the code are not violated thereby. The particulars of such exemption, when granted, shall be entered upon the approval granted. A copy thereof shall be retained by the Life Safety Officer and the owner.

§ 92-13. Liability for damages.

This chapter shall not be construed to hold the Town on Skaneateles responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the certificate of compliance issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

§ 92-14. Appeals.

Whenever the Life Safety Officer shall disapprove an application or refuse to grant a certificate applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant, owner or other interested person may appeal the decision of the Life Safety Officer to the Town Board of the Town of Skaneateles within 10 days from the date of service upon the applicant of a copy of the decision appealed.

§ 92-15. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and subject to a fine for the first week's continuation of such violation or for any portion of that week of not more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the aforestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

§ 92-16. Right to amend.

The Town Board reserves the right to change, supplement or amend this chapter from time to time. The right is also reserved to make such additional rules and regulations as to the Town Board seem appropriate to promote the health, welfare, safety and morals of the inhabitants of the Town of Skaneateles.

§ 92-17. Compliance.

A. Compliance with this chapter shall not relieve any owner from complying with any other ordinance, local law, rule or regulation.

B. Where separate provisions of this chapter or provisions of this chapter and any other local law, ordinance, rule or regulation dealing with the same items are applicable to a given situation, compliance with the more restrictive of the differing requirements shall be required.

Chapter 97

(RESERVED)

[Former Ch. 97, Mining and Excavations, adopted 1-13-1970 by L.L. No. 1-1970, as amended, was repealed 6-16-2009 by L.L. No. 2-2009.]

Chapter 99

MOBILE HOMES AND MOBILE HOME COURTS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 3-12-1973 by L.L. No. 1-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Electrical standards — See Ch. 61.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.
Subdivision of land — See Ch. 131.
Water — See Ch. 146.
Zoning — See Ch. 148.

§ 99-1. Title.

This chapter shall be known as the "Mobile Home and Mobile Home Court Regulations of the Town of Skaneateles, 1973."

§ 99-2. Purpose.

It is the purpose of this chapter to promote the health, safety, morals and general welfare of the inhabitants of the Town of Skaneateles by the more efficient regulation of mobile homes and mobile home courts.

§ 99-3. Definitions.

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

ENFORCEMENT OFFICER — Such person as may be designated by the Town Board, from time to time by resolution, or his deputy or, if none is so designated, the Zoning Enforcement Officer.

MOBILE HOME — A transportable living unit used or designed to be used year around as a permanent residence and containing the same types of water supply, waste disposal and electrical systems as immobile housing; but it does not include:

A. Recreational vehicles designed to be driven or towed by an automobile or pickup truck;

B. Units designed for use principally as a temporary residence; or

C. Prefabricated, modular or sectionalized houses transported to and completed on the site.

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.

MOBILE HOME LOT — An area of land in a mobile home court rented for the placement of a single mobile home and any accessory structures incident thereto, including any open space required in connection with the placement of such mobile home. The area of such lot is to be measured from the right-of-way line or property line of a public street and from the pavement line of a private street.

MOBILE HOME LOT, WIDTH — The mean distance between the two side lot lines when measured perpendicular to the center line of the lot.

MOBILE HOME STAND — That part of a mobile home lot which has been reserved for the placement of the mobile home.

PERMANENT RESIDENCE — Residence for a period of 60 days or more.

SITE PLAN — A drawing(s) submitted to the Enforcement Officer as part of the application for a permit for a mobile home court and containing all the information required by this chapter in sufficient detail to enable the reviews required herein.

TEMPORARY RESIDENCE — Residence for any period less than 60 days.

§ 99-4. Permits required.

A. Mobile home. Mobile homes will be permitted in the Town of Skaneateles only when located in duly authorized mobile home courts, except that under certain circumstances a temporary permit may be obtained as provided in this chapter.

B. Mobile home court. Beginning with the effective date of this chapter, no mobile home court will be permitted which has less than six mobile home lots.

C. Fees. Fees for permits shall be as set forth in this chapter; provided, however, that the Town Board, by resolution, may increase or decrease fees or provide for pro rata fees for part years.

§ 99-5. Single mobile home permits.

A. The Enforcement Officer may issue a temporary permit for a single mobile home not located in a mobile home court only for a special-necessity farm mobile home; an interim-dwelling mobile home or a preexisting single mobile home.

   (1) Special-necessity farm mobile home. This temporary permit may be issued upon proof of special necessity by reason of an employer-employee relationship between the owner of a farm and his tenant, where the farm owner desires to have the employee reside on the farm. The farm shall be a bona fide operating farm as defined in the Town of Skaneateles Zoning Ordinance of 1966, as amended, and the employee must be a full-time farm laborer. No more than six months from the termination of such farm use the mobile home must be removed, at the expense of the farm owner. The mobile

home shall be located at the rear of the principal residence on the farm and shall not be on its own lot.

(2) Interim-dwelling mobile home. This temporary permit may be issued for a mobile home to be used as an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed. The mobile home must be removed within 12 months from the date of issuance of the temporary permit. An extension may be granted by the Town Board, but this extension shall not exceed one additional twelve-month period.

(3) Preexisting single mobile home.

(a) This temporary permit may be issued only for a mobile home actually installed and in use in the Town on the effective date of this chapter for which a valid permit is in force. The permit may be renewed annually so long as the mobile home and its use remain in compliance with this chapter. A validly issued permit for a preexisting single mobile home may not be transferred to a different parcel of land but may be transferred to a different mobile home on the same parcel or to a different licensee for the same mobile home on the same parcel. However, such transfer may be made only upon special permit from the Town Planning Board, issued upon written application, and following a written report of the Enforcement Officer of an inspection of the mobile home and determination by the Planning Board that the mobile home complies with this chapter.

(b) A single mobile home for which a valid permit is in force on the effective date of this chapter shall be considered a preexisting single mobile home if it is installed and in use in compliance with the requirements of this chapter no later than the end of the first succeeding permit year.

B. If a single mobile home is abandoned or not occupied for a period of one year, the mobile home must be removed from the Town at the expense of the owner of the mobile home or of the parcel of land on which it is located.

C. Pertinent limitations of the Zoning Ordinance of the Town of Skaneateles, as the same may be amended from time to time, shall apply to such single mobile homes. Expandable rooms, enclosed patios, garages or structural additions, patios, carports and individual storage facilities shall be included as part of the mobile home in determining required side and rear yard size and coverage.

D. The mobile home shall be supplied with potable water from a public water supply or one approved by the County Health Officer. An adequate and safe sewage disposal system, approved by the County Health Officer, shall be provided.

E. The mobile home shall be provided with a mobile home stand or foundation capable of containing the mobile home in a stable position. The size of such stand shall be suitable for the mobile home it is to contain. Except for an interim-dwelling

mobile home, such stand or foundation shall be a reinforced-concrete slab or similar impenetrable material or piers of concrete or masonry set below the frost line. The mobile home stand or foundation shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. The anchors and tie-downs shall be placed at least at each corner of the stand or foundation and shall be securely attached to the mobile home.

F. The mobile home shall be provided with skirts to screen the space between the mobile home and the ground, which skirts shall be of permanent material finished to conform to the mobile home.

G. Application for permit. Written application for a mobile home permit shall be filed with the Enforcement Officer and shall state:

(1) The name of the applicant.

(2) The make, year and serial number of the mobile home.

(3) The street, number or other description of the exact location of the property on which the mobile home is to be located, together with the name and address of the owner of the mobile home and the owner of the property.

(4) A location survey must be submitted with the application to demonstrate compliance with this chapter and with the Town Zoning Ordinance, including setback, side line and lot area requirements for the zone within which the mobile home is to be placed.

(5) Such other information and written approvals as may be requested by the Enforcement Officer to determine compliance with this chapter.

H. Fees. The applicant shall pay a fee to be fixed, from time to time, by resolution of the Town Board. [Amended 12-10-1985 by L.L. No. 11-1985]

I. Permit period. A temporary mobile home permit, if issued, shall be effective from the issuance date to the next succeeding May 31.

§ 99-6. Mobile home court permits.

A. Application for permit. Written application for a permit for a mobile home court shall be filed with the Enforcement Officer. Said permit shall be issued by the Enforcement Officer only upon written authorization from the Town Planning Board or written authorization from the Town Board, in the event of an appeal from a negative Planning Board determination. (See § 99-18, Appeals.) Applications shall include the following:

(1) The name and address of the applicant, if an individual, and the name and address of principal officers, if a corporation.

(2) The name and address of the owner of the land upon which the mobile home court is to be located.

(3) A complete plan of the proposed mobile home court, showing how it is

designed in conformity with the requirements of §§ 99-7 through 99-13 of this chapter.

(4) Plans of all buildings, improvements, facilities and landscaping existing or to be constructed or installed within the mobile home court.

(5) A written statement from the County Health Officer that the court will comply with New York public health laws relative to water supply and sewage disposal facilities.

(6) A copy of all proposed restrictions, rules and regulations to be imposed on occupants of the mobile home court.

(7) Such further information and written approvals as may be requested by the Enforcement Officer to determine if the proposed court will comply with the requirements of this chapter.

B. Procedure. The application and all accompanying plans shall be filed in triplicate, and the following procedure shall apply:

(1) The Enforcement Officer shall refer two copies of the application to the Planning Board for review of the layout and design of the proposed court.

(2) Such Planning Board review shall be made within the general terms and requirements of this chapter and shall be concerned with such things as the appropriateness and quality of the overall site plan in terms of natural features and the most effective use of the site, the suitability of proposed landscaping, the usefulness of proposed recreation areas and the general visual character of the court. In addition, the Planning Board shall determine that the proposed mobile home court complies with all the requirements of §§ 99-7 through 99-13 of this chapter.

(3) Within 45 days from the receipt of an application for a mobile home court, the Planning Board shall hold a public hearing on said application, notice of which public hearing shall be published once in the official newspaper of the Town not less than seven days before the hearing.

(4) Within 45 days from the date of the public hearing, the Planning Board shall approve, approve with conditions or disapprove the mobile home court application and return this determination to the Enforcement Officer.

(5) Upon receipt of a determination of approval or approval with conditions, the Enforcement Officer shall immediately issue a permit.

(6) Enlargement of existing mobile home courts shall follow the same procedure as required for new mobile home courts.

C. Application for renewal of permit. Upon application, in writing, for renewal of a permit and upon payment of the annual permit fee, the Enforcement Officer shall renew such permit for another year. Such renewal will be issued only if the mobile home court has been constructed in accordance with approved plans and if all conditions attached to the initial approval have been met or, for courts existing prior

to the adoption of this chapter, that no uncorrected notice of violation has been issued by the Enforcement Officer.

D. Fees. The applicant shall pay to the Enforcement Officer a fee as fixed, from time to time, by resolution of the Town Board for each mobile home lot in the court, whether presently occupied by a mobile home or not. These fees must be paid before May 1 of each year simultaneously with the submittal of the renewal application. If the application is denied, the fees will be returned. [Amended 12-10-1985 by L.L. No. 11-1985]

E. Permit period. The annual permit period shall be from June 1 through May 31 of the succeeding year.

§ 99-7. Environmental requirements.

A. Location. Mobile home courts may be located only when a permit has been issued in accordance with the provisions of this chapter.

B. General requirements. Soil conditions, groundwater level, drainage and topography shall not be such as to create hazards to the property or the health and safety of the occupants. The site shall not be exposed to objectionable smoke, odors or other adverse influences, and no portion shall be subject to flooding or excessive settling or erosion.

C. Soil and ground cover requirements. Exposed ground surfaces in all parts of any mobile home court shall be paved, surfaced with crushed stone or other solid material or protected with grass or plant material capable of preventing erosion and of eliminating objectionable dust. Each mobile home lot shall be provided with at least one living tree of not less than two inches caliper. All proposed landscaped areas shall be clearly indicated on the plan, and the type of treatment (grass, shrubs, ground cover, etc.) shall be specified.

D. Areas for nonresidential use.

(1) No part of any court located in a residential district shall be used for nonresidential purposes, including mobile home sales, except as required for the direct servicing, management and maintenance of the court.

(2) If facilities are provided for servicing, maintenance and management, including laundry facilities, said facilities shall be landscaped with trees and shrubs and shall provide adequate off-street parking space.

(3) Nothing contained in this section shall prevent the sale of a mobile home connected to water, sewer and electrical distribution and collection systems and located on a mobile home stand within the mobile home court.

E. Density and lot size. The density of development in a mobile home court shall not exceed six mobile homes for each gross acre of land included in the court. Generally, mobile home lots shall be a minimum of 6,000 square feet in area and shall have a minimum width of 55 feet. In special cases where unusual court design provides for wider streets or a greater amount of usable recreation or public open

space than required by this chapter or when other special conditions exist, the Planning Board may approve a reduction in lot size. In no case, however, shall the gross density of six mobile home lots per acre be exceeded, nor shall the lot area be reduced below 5,000 square feet, nor shall the lot width be reduced below 45 feet.

F. Required separation between mobile homes. There shall be a separation space of at least 38 feet maintained between a mobile home stand and any other mobile home stand on an adjacent lot. Separation distance will be measured on a line which is at right angles to the stand line at any point on the periphery of said stand.

G. Setbacks, buffer strips and screenings.

(1) Mobile homes shall be located a minimum of 100 feet from the nearest public road or highway boundary.

(2) Mobile homes shall be located a minimum of 15 feet from the nearest pavement edge of any court street or group parking area.

(3) Mobile home courts located adjacent to existing manufacturing, business or single family residential land uses shall be screened from said uses by a decorative opaque fencing of sufficient height [generally about six feet] to be an effective visual barrier or by vegetative growth which will rapidly attain a height and density equal to the opaque fence.

H. Mobile home stand.

(1) Such mobile home lot shall be provided with a mobile home stand or foundation capable of containing a mobile home in a stable position and constructed so that it will not heave, shift or settle unevenly under the weight of a mobile home. The size of such stand shall be suitable for the mobile home it is to contain. Such stand or foundation shall be a reinforced concrete slab or similar impenetrable material or piers of concrete or masonry set below the frost line.

(2) The mobile home or foundation shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors or tie-downs shall be placed at least at each corner of the stand or foundation. The mobile home shall be securely attached to the anchors or tie-downs.

(3) The mobile home stand shall not have a grade in excess of 2% and shall have an adequate crown for surface drainage. Surrounding land shall be graded to provide drainage away from said stand.

I. Walks and driveways.

(1) Each mobile home stand shall be provided with a walkway leading from the stand to the streets or to a driveway or parking space connecting to a paved street. Such walkway shall be provided with a smooth, hard, paved surface and shall have a minimum width of two feet. All common walkways in the mobile home court shall be provided with smooth, hard surface and shall have a minimum width of three feet.

(2) Driveways designed to serve a single mobile home site shall be at least eight feet wide, graded to eliminate standing water and with a paved or otherwise durable surface.

J. Streets.

(1) Street widths. Street widths shall be measured between the edges of the paved surface and shall meet the following minimum requirements:

Type	Minimum Width (feet)
One-way, no parking	14
One-way, parallel parking 1 side only	22
One-way, parallel parking both sides	30
Two-way, no parking	22
Two-way, parallel parking 1 side only	28
Two-way, parallel parking both sides	36

Note: If perpendicular or diagonal parking is used, a clear roadway width of at least 20 feet must be preserved.

(2) Access streets. At points where general traffic enters or leaves the court, regardless of widths specified above, street widths shall be sufficient to permit free movement to or from the public highway, and, in no case, shall they be less than 24 feet wide for a distance of 50 feet from the edge of the public street. Parking along any internal street shall not be permitted within 50 feet from the pavement edge of a public highway.

(3) Dead-end streets. Dead-end streets shall meet width requirements as specified in this section and, in addition, shall be limited to 500 feet in length and shall be provided with a vehicular turnaround.

(4) Street construction and design standards. All privately owned streets shall be provided with a smooth, hard, dense surface which shall be durable and well-drained under normal use and weather conditions. Pavement edges shall be clearly defined, and grades shall be sufficient to ensure adequate surface drainage. Gutters or drainageways shall be provided along all streets to carry off stormwater.

(5) Public highway. Any street in a mobile home court which is intended to be a dedicated public highway must have at least a sixty-foot right-of-way and be constructed in accordance with Town specifications.

K. Parking. Parking areas shall be provided in all mobile home courts for the use of court occupants and guests. Such areas shall be furnished at the rate of at least 1 1/2 car spaces for each mobile home lot, each space to be at least 180 square feet in

area plus any required access and maneuvering space. Required car parking spaces shall be so located as to provide convenient access to the mobile home. Parking areas shall be provided with a durable, well-drained surface which shall not be a source of mud or dust. Random parking on lawn areas shall not be permitted.

L. Exterior lighting. All courts shall be furnished with adequate lights to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. All electric lines shall be underground.

M. Telephone and television. When telephone and television services are to be provided to each mobile home lot the distribution system shall be underground.

N. Recreation area. In all courts designed to accommodate 10 or more mobile homes, there shall be provided one or more developed recreation areas, which shall be easily accessible to all court residents. The size of such recreation areas shall be based on a minimum of 300 square feet of area for each mobile home lot.

O. Storage areas. An enclosed storage facility containing at least one 150 cubic feet of space shall be provided on each mobile home lot. Such storage facilities shall be attractive and constructed of such materials as to resist damage from ordinary use and to prevent penetration of moisture and weather.

§ 99-8. Water supply.

A. No mobile home court shall be permitted in any area of the Town where potable water service is not available.

B. The water source shall be capable of supplying a minimum of 250 gallons per mobile home per day.

C. The water distribution system shall consist of piping capable of supplying at least six gallons per minute at a minimum pressure of 20 pounds per square inch at each mobile home stand. In addition, the water supply system servicing the mobile home court shall be subject to the rules and regulations of the Town's fire prevention authority in the district wherein said mobile home court is located.

D. An individual water connection shall be provided at each mobile home lot. The connection shall consist of a riser terminating at least four inches above the ground surface with two 3/4 inch valved outlets. Such riser pipe shall be protected within a concrete curb or by a concrete collar having a minimum thickness of three inches and extending 12 inches from the riser in all directions. Surface drainage shall be diverted from the local on of the riser.

E. Adequate provisions shall be made to prevent freezing of service lines, valves and water riser pipes and to protect risers from heaving and thawing of ground during freezing weather.

F. A shutoff valve shall be provided near the water riser pipe on each mobile home lot.

§ 99-9. Sewage disposal system.

A. A mobile home court shall be provided with suitable and adequate sewage disposal systems constructed in a manner approved by the County Department of Health.

B. The system shall be designed to be adequate for a minimum flow of 250 gallons per mobile home per day.

C. Each mobile home lot shall be provided with a sewer riser pipe at least three inches in diameter located so as to provide a suitable connection from the mobile home drain outlet. The riser shall extend at least four inches above the ground and shall be protected with a concrete curb or by a concrete collar at least three inches thick and extending 12 inches from the riser in all directions. The riser shall have an airtight connection with all outfall pipes of the mobile home on the site. Such connection shall be fitted with an airtight cap during periods of nonuse.

§ 99-10. Solid waste disposal.

A. The storage, collection and disposal of solid waste in the mobile home court shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

B. If group solid waste storage areas are provided for court occupants, they shall be enclosed or otherwise screened from public view and shall be rodent- and animalproof and located not more than 100 feet from any mobile home stand they are to serve. Containers shall be provided in sufficient number to properly store all solid waste produced.

C. Any solid waste containers stored on individual mobile home lots shall be screened from public view and shall be rodent- and animalproof.

D. Disposal of solid waste by burning is expressly prohibited.

§ 99-11. Electrical system.

A. The complete electrical system shall comply with the "National Electric Code."

B. Primary and secondary distribution lines shall be installed underground. Conductors shall be at least two feet below grade, properly insulated and protected from mechanical damage and located in a separate trench not less than one foot from water, sewer, gas or other service piping.

C. A weatherproof overcurrent protection device and disconnecting means shall be provided for each mobile home lot. Service to each mobile home lot shall terminate in a weatherproof receptacle located adjacent to the water and sewer outlets. Receptacles shall be of the polarized type with a grounding conductor and shall have a four-prong attachment for 110/220 volts.

§ 99-12. Fuel supply and storage.

A. All mobile home courts shall be provided with facilities for the safe storage of required fuels. All systems shall be installed and maintained in accordance with

applicable codes and regulations governing such systems.

B. Natural gas system. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve. The gas outlet shall be equipped with a cap to prevent accidental discharge of gas when the outlet is not in use.

C. Liquefied petroleum gas system. A liquefied petroleum gas system shall be provided with safety devices to relieve excessive pressures and shall have at least one accessible gas shutoff valve located outside the mobile home. Liquefied petroleum gas containers installed on a mobile home lot shall be securely fastened to prevent accidental overturning and shall not exceed a capacity of two one-hundred-pound tanks. No liquefied petroleum gas container shall be stored or located inside or beneath any mobile home, carport or any other structure or within 10 feet from any doorway, unless such installation is specifically approved by the local fire protection authority. Location of liquefied petroleum gas containers on the mobile home lot shall be approved by the Planning Board.

D. Fuel oil systems. All fuel oil storage tanks, whether provided as a bulk supply for a group of mobile homes or on each individual mobile home lot, shall be located underground and shall be supplied with permanently installed and secured piping.

§ 99-13. Fire protection.

A. The mobile home court shall be subject to the rules and regulations of the fire district wherein said mobile home court is located. In addition, all roads and streets contained therein shall be kept free of obstructions so as to facilitate the passage of emergency vehicles at all times.

B. For mobile home courts within a water district, fire hydrants shall be located within 500 feet of any mobile home, service building or other structure.

C. Mobile home courts shall be kept free of litter, rubbish and other flammable materials.

§ 99-14. Miscellaneous requirements.

A. Occupancy restrictions. No lot in a mobile home court shall be rented for a period of less than 60 days. No mobile home shall be used for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewage and electrical facilities.

B. Responsibilities of court management.

(1) The person to whom a permit for a mobile home court is issued shall operate the court in compliance with this chapter and shall provide adequate supervision to maintain the court, its grounds, facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter and regulations issued hereunder.

(3) The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.

(4) The court management shall maintain a register containing the names of all court occupants and the make, serial number and year of each mobile home. Such register shall be available to any authorized person inspecting the courts.

C. Responsibilities of court occupants.

(1) The court occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The court occupant shall be responsible for the complete skirting of his mobile home within 60 days of occupancy. Any materials used for skirting or for the construction of enclosed patios, garages or structural additions, patios, carports and individual storage facilities shall provide a finished exterior appearance.

§ 99-15. Inspection and enforcement.

A. This chapter shall be enforced by the County Health Officer and the Enforcement Officer of the Town of Skaneateles, and said officers and their inspectors shall be authorized and have the right in the performance of duties to enter any mobile home court and make such inspections as are necessary to determine satisfactory compliance with this chapter and regulations issued hereunder. Such entrance and inspection shall be accomplished at reasonable times and, in emergencies, whenever necessary to protect the public interest. Owners, agents or operators of a mobile home court shall be responsible for providing access to all parts of the premises within their control to the Enforcement Officer or to his inspectors acting in accordance with the provisions of this section.

B. It shall be the duty of the Enforcement Officer to make necessary inspections required for annual renewal of mobile home court permits, to investigate all complaints made of violations of this chapter and to request the Town Attorney to take appropriate legal action on all violations of this chapter.

§ 99-16. Revocation of permit.

Upon determination by the Enforcement Officer that there has been a violation of any provisions of this chapter, he shall serve upon the holder of the permit for such mobile home court or mobile home or the owner or occupant of the mobile home or of the land upon which the mobile home is located an initial order, in writing, directing that the conditions therein specified be corrected within 15 days after the serving of such order. If, after the expiration of such period, such conditions are not corrected, the Health Officer or the Enforcement Officer shall serve a notice, in writing, upon such person requiring him to appear before the Town Board of the Town of Skaneateles at a time to be specified in such notice [not less than 24 hours after service of such notice] to show

cause why such permit should not be revoked or remedial action be taken. The Town Board may, after a hearing at which the testimony and witnesses of the Health Officer. Enforcement Officer and such person shall be heard, revoke such permit or take remedial action if the conditions described in the initial order are violative of this chapter and have not been corrected. Service of any such order or notice may be personal delivery or by mailing to the address stated in the application for the permit.

§ 99-17. Variances.

Upon written appeal from any person applying for an initial mobile home court permit under the terms of this chapter and where there are practical difficulties, unusual circumstances or design innovations involved, the Town Planning Board shall have the authority to grant variances from any of the provisions and regulations relative to design and construction of said mobile home court except those regulations related to County Health Department requirements. In considering an appeal, the Board shall be guided by the circumstances of the situation and the intent of the applicant and shall act so as to protect the best interests of the community.

§ 99-18. Appeals.

Any person aggrieved by any decision of the Enforcement Officer in enforcing this chapter or by a determination of the Planning Board may take an appeal to the Town Board. The Town Board shall hold a public hearing on all such appeals conducted in accordance with Town Law, notice of which hearing shall be published once in the official newspaper of the Town not less than seven days before the hearing. A determination of the Planning Board shall be overruled only by a majority, plus one vote.

§ 99-19. Nonconforming mobile home courts.

A. Any mobile home court existing on the effective date of this chapter and not conforming to the requirements set forth in this chapter shall be regarded as nonconforming.

B. Any such nonconforming mobile home court in existence on the effective date of this chapter or permitted subsequently by variance granted by the Town Planning Board or, on appeal, by the Town Board may be continued provided such nonconformance is not enlarged.

C. Nothing in this chapter shall require a change in the plans or construction of a mobile home court on which actual construction was lawfully begun or approved, in writing, by the Town Board prior to the adoption of this chapter.

§ 99-20. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine for the first week's continuation of such violation or for any portion of that week, of not more than $250 or imprisonment for 15 days, or both. In addition thereto, any person, firm or corporation who violates any of the provisions of this chapter or who shall omit, neglect or refuse to

do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of the continued violation in excess of one week. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions or of mobile homes prohibited by this chapter. The expense of such removal shall be an expense chargeable, in addition to the forestated criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

§ 99-21. Severability; construal; compliance with other provisions.

A. If any section, paragraph, subdivision or provisions of this chapter shall be determined by a court of competent jurisdiction to be invalid, such invalidity shall affect only the section, paragraph, subdivision or provision specifically adjudged invalid and the remainder of this chapter shall remain valid and effective.

B. This chapter shall not in any way be construed to supersede or revoke any provision of the Town Zoning Ordinance, except that, in case of a conflict in reference to mobile homes or mobile home courts, this chapter shall prevail.

C. In the event of the passage by the Legislature of New York State of a Mobile Home or House Trailer Construction Code governing the construction of mobile homes or house trailers, then all such mobile homes or house trailers located in the Town of Skaneateles thereafter shall comply with the state law as well as with these regulations.

§ 99-22. Repealer.

As of the effective date of this chapter, the Mobile Home and Mobile Home Court Ordinance, adopted September 12, 1967, shall be deemed revoked and repealed.

Chapter 105

NOTICE OF DEFECTS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 10-16-1997 by L.L. No. 3-1997.[10] Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification of employees — See Ch. 6.
Streets and sidewalks — See Ch. 129.

§ 105-1. Title.

This chapter shall be known as the "Prior Written Notice of Defective Conditions Local Law of the Town of Skaneateles, 1997."

§ 105-2. Findings; purpose.

Where claims for bodily injury or damage to property are asserted against the Town arising out of alleged defective conditions of property owned by or in the care, custody or control of the Town, adequate notice to the Town of any such conditions is of substantial importance to allow the Town the opportunity to investigate and correct such conditions, if found to exist. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town. To assure that the Town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It is the purpose of this chapter to require that notice of defective conditions of Town property be given to the Town by prior written notice actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Skaneateles.

§ 105-3. Prior written notice required.

No civil actions shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and

10. **Editor's Note: This local law supersedes former Ch. 105, Notice of Defects, adopted 8-6-1985 by L.L. No. 2-1985.**

there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 105-4. Transmittal of notice; presentation to Town Board.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 105-5. Supersession of statute.

This chapter shall supersede in its application to the Town of Skaneateles Subdivisions 1 and 3 of § 65-a of the Town Law.

Chapter 110

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-21-2012 by L.L. No. 3-2012. Amendments noted where applicable.]

§ 110-1. Purpose and scope.

This chapter is intended to provide minimum requirements and standards for sanitation, protection from the elements, life safety and safety from fire and other hazards and for safe and sanitary maintenance, including the responsibility of owners and occupants, in order to protect the public health, safety and general welfare of the residents of this Town insofar as they are affected by the occupancy and maintenance of structures, equipment and exterior property. All residential and nonresidential structures and premises within the Town of Skaneateles, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

§ 110-2. Definitions.

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

BRUSH — Uncultivated woody shrubs and immature trees.

GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRASS — Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention or retention basins.

OCCUPANT — Any individual living or sleeping in a building or having possession of a space within a building.

OPERATOR — Any person who has charge, care or control of a structure or premises which is offered for occupancy pursuant to a written or unwritten lease agreement or pursuant to a recorded or unrecorded agreement of contract for sale of land.

OWNER — Any person or entity who, alone or jointly or severally with others, has legal or equitable title in any form to any premises, with or without actual possession thereof, or who shall have charge, care or control of any dwelling or premises as owner or agent of the owner, including but not limited to an executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession.

PREMISES — A lot, plot or parcel of land, easement or public way, including any structures thereon.

RUBBISH — Combustible and noncombustible waste materials, including but not limited to the residue from the burning of wood, coal or other combustible materials, paper, brush, rags, cartons, boxes, lumber, rubber, plastics, leather, tin cans, metals, glass, crockery, discarded appliances or vehicle tires and garbage.

STRUCTURE — That which is built or constructed or a portion thereof.

WEEDS — Wild, useless, poisonous or noxious and generally undesirable plants growing at random in inappropriate locations.

§ 110-3. Effect of provisions on other laws.

The provisions of this chapter shall supplement local laws, ordinances, codes or regulations existing in the Town of Skaneateles and the statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any other provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or establishes a higher standard shall prevail.

§ 110-4. Responsibility of owners, occupants and operators.

A. The owner and operator of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy a premises which is not in a sanitary and safe condition and which does not comply with these requirements. Occupants of a dwelling unit are responsible for keeping that part of the dwelling unit which they occupy and control in a clean, sanitary and safe condition.

B. Owners of the premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor, regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

§ 110-5. Exterior property areas.

A. Drainage. Surface or subsurface water shall be properly drained to protect buildings and structures and to prevent the accumulation of stagnant water.

B. Grass and weeds. The owner or occupant shall maintain the premises and immediate exterior property free from grass and weeds in excess of 10 inches.

C. Rubbish and garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage. Every occupant of a structure shall maintain all rubbish and garbage in a clean and sanitary manner by placing such in leakproof containers provided with close-fitting covers until removed from the premises for disposal.

D. Motor vehicles. No more than one unregistered motor vehicle shall be parked, kept or stored on the premises. Such vehicle shall not at any time be in a state of major disrepair, wrecked, abandoned or incapable of being moved under its own power.

E. Swimming pools. Every swimming pool shall be maintained at all times in a clean and sanitary condition and in good repair. The water shall be chlorinated and/or the quality maintained so as to be appropriate for human bathing and swimming. At no time shall the water contained in swimming pools, or, if the swimming pools have been drained, shall rainwater or water from any other source, be permitted to accumulate or pond in the swimming pool such that the water becomes stagnant, providing an environment to harbor mosquito larvae or other public health hazards.

§ 110-6. Vacant buildings, structures and premises.

A. All unoccupied buildings, structures and premises shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect public health or safety.

B. Security. All exterior openings shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals.

§ 110-7. Failure to comply; work by Town; lien; notice to county.

A. If the owner, upon proper service of a notice, fails, neglects or refuses to comply with said notice within 10 days after the service of said notice, the Town Board shall authorize the work to be done to bring premises into compliance and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes. The Town shall be reimbursed for the cost of the work performed or services rendered. Said costs shall include all costs related to ascertaining the identity and location of the owner having control of said property, service of notices and Onondaga County Clerk recording fees required hereunder, performance of remediation work on said property and the removal and disposal of grass, weeds, brush or rubbish. The expenses so determined shall thereupon become and be a lien upon the property on which said work was performed or services rendered and shall be added to and become part of the taxes next to be assessed and levied upon said property and shall bear interest at the same rates as taxes and shall be collected in the same manner and at the same time as other Town taxes.

B. The Town Clerk shall cause a notice of intent to levy said costs and expenses against said property, in a form approved by resolution of the Town Board, to be recorded in the records of the Onondaga County Clerk's office, in order that said notice shall be indexed against the property as notice to subsequent transferees or others acquiring any interest in said property of the intention by the Town to assess and levy the amount of said expenses against said property. The failure of the Town Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or assessment of said costs and expenses against said property, the owners thereof or any subsequent transferee or others acquiring any interest in said property.

§ 110-8. Emergency situations.

Where the violation or condition existing on said property is of such a nature as to constitute an immediate threat to the public health, safety and general welfare unless abated without delay, the Town may either cause the violation to be abated or order the owner to correct the violation within a period of time not to exceed three days. Upon failure by the owner to do so, the violation or condition may be abated pursuant to and subject to the provisions of this chapter.

§ 110-9. Penalties for offenses.

A. A violation of this chapter is an offense punishable by a fine of not less than $100 and not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine of not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

B. In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not more than $100. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

C. The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the criminal and civil penalties, in accordance with § 110-7 above.

§ 110-10. Repeat offenses.

Repeat or subsequent offenses occurring within the same calendar year shall be corrected by the Town in the same manner without notice to the owner having control of the property. After initial notification, such owner having control of the property will be presumed to have been given sufficient notice of violation of this chapter for the duration of the calendar year.

Chapter 116

RECORDS, PUBLIC ACCESS TO

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 6-1985.[11] Amendments noted where applicable.]

§ 116-1. Applicability.

The following rules and regulations shall apply to the public inspection and copying of such records of the Town of Skaneateles as are subject to public inspection by law and shall continue in effect until altered, changed, amended or superseded by further resolution of this Town Board or by action of the State Committee on Public Access to Records.

§ 116-2. Place of inspection.

Such records shall be made available for inspection at the office of the Town officer or employee charged with the custody and keeping thereof.

§ 116-3. Time of inspection.

Such records shall be made available for public inspection on regular business days between the hours of 10:00 a.m. and 12:00 noon and 2:00 p.m. and 4:00 p.m., if readily available. If not readily available, a written request specifically describing the records to which access is desired shall be filed with the Town officer or employee charged with the custody and keeping thereof, who shall produce same within 48 hours of such request. Such written request may be on the form prescribed by the State Comptroller. If the Town officer or employee charged with the custody and keeping of the record elects to refuse access, he shall submit to the requester a written statement of his reason therefor within 48 hours of such request.

§ 116-4. Fees.

A. Copies. The Town officer or employee charged with the custody and keeping of the record shall, upon request, make a copy or copies of any record subject to such inspection upon a payment of a fee as fixed, from time to time, by resolution of the Town Board for such records as may be copied on the photocopy machine regularly maintained by the Town. If a copy or copies are desired thereof by the requester, the Town officer or employee charged with the custody and keeping of the record shall make the same and mail or deliver the same to the requester within one week depending on the volume and number of copies requested.

B. Certification. Any Town officer or employee charged with the custody and keeping

11. **Editor's Note: This local law was derived from a resolution of 11-26-1974.**

of any such record shall, upon request, certify a copy of a document or record prepared pursuant to the provisions of the preceding subsection upon payment of an additional fee as fixed, from time to time, by resolution of the Town Board.

§ 116-5. Establishment of guidelines.

To prevent an unwarranted invasion of personal privacy, the Committee on Public Access to Records may promulgate guidelines for the deletion of identifying details for specified records which are to be made available. In the absence of such guidelines, an agency or municipality may delete identifying details when it makes records available. An unwarranted invasion of personal privacy includes but shall not be limited to:

A. Disclosure of such personal matters as may have been reported in confidence to an agency or municipality and which are not relevant or essential to the ordinary work of the agency or municipality.

B. Disclosure of employment, medical or credit histories or personal references of applicants for employment, except that such records may be disclosed when the applicant has provided a written release permitting such disclosure.

C. Disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

D. The sale or release of lists of names and addresses in the possession of any department if such lists would be used for private, commercial or fund-raising purposes.

E. Disclosure of items of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the department.

§ 116-6. List of records to be kept.

Each department shall maintain and make available for public inspection and copying, in conformity with such regulations as may be issued by the Committee on Public Access to Records, a current list, reasonably detailed, by subject matter of any records, which shall be produced, filed or first kept or promulgated after the effective date of this chapter. Such list may also provide identifying information as to any record in the possession of the department on or before the effective date of this chapter.

§ 116-7. Record of final votes.

In addition to such requirements as may be imposed by this chapter or by law, each board, commission or other group of the Town having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding in which he votes.

§ 116-8. Records Access Officer.

The Town Clerk is hereby designated the Town Records Access Officer, whose duties

shall include administration of these rules and regulations.

§ 116-9. Appeals Board.

The Town Board is hereby designated the Town Records Appeals Board to hear and determine appeals by a requester aggrieved by denial by the Records Access Officer of access to specific Town records. Any such appeal must be made in writing, with a signed copy thereof delivered to the Records Appeals Board and to the Records Access Officer no later than 72 hours after receipt by the requester of a written refusal.

§ 116-10. Privileged records.

Nothing in the foregoing procedures shall be construed to authorize or require access to records of the Town which are privileged or which are or may reasonably be expected to be the subject of or have a substantial relation to a claim against the Town, in contract or tort, by litigation or otherwise, unless required by an order of the Supreme Court issued pursuant to the Civil Practice Law and Rules.

Chapter 118

REFUSE DISPOSAL

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-5-1997 by L.L. No. 2-1997;[12] amended in its entirety 12-3-1999 by L.L. No. 3-1999. Subsequent amendments noted where applicable.]

§ 118-1. Title.

This chapter shall be known as the "Refuse Disposal Regulations of the Town of Skaneateles, 1972, as amended."

§ 118-2. Legislative declaration.

A. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Skaneateles and the safeguarding of their material rights against unwarrantable invasion and for the protection of the public health; and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens. It is further declared that the maintenance of a limited number of public refuse disposal areas is necessary to provide a small number of confined areas for the disposal of waste, which will facilitate the inspection of facilities for disposal of waste and facilitate the enforcement of sanitary regulations.

B. It is further determined that the safeguarding of the health, safety and welfare of the inhabitants of the Town requires the establishment of regulations, controls and limitations on persons, methods, equipment, times of deposit and other factors relating to the transporting and disposal of refuse within the Town.

§ 118-3. Definitions.

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

BRUSH — Tree parts, leaves, needles, branches and trimmings.

BUSINESS — Also known as an enterprise or a firm, an individual organization

12. **Editor's Note: This local law superseded former Ch. 118, Refuse Disposal, adopted 10-26-1972 by L.L. No. 1-1972.**

involved in the trade of goods, services, or both to consumers. [Added 1-5-2015 by L.L. No. 1-2015]

CLOSED CONTAINERS — Garbage cans, barrels, crates, boxes or other similar sound containers with tight lids; it does not include open cardboard boxes or plastic film sacks or bags.

COMMERCIAL HAULER — Person or firm which, for pay, credit or any valuable thing, deposits refuse or recyclables at a Town refuse disposal area. [Amended 1-5-2015 by L.L. No. 1-2015]

COMPACTED LOAD — Refuse and/or other materials that are compacted together by compactor truck or otherwise so that said refuse, and/or other materials, is not separated or sorted by material types as required by the Refuse Officer or the Refuse Officer's agents. [Added 12-3-2015 by L.L. No. 3-2015]

GARBAGE — Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

HARD FILL — Concrete, asphalt, brick, block, tile, and stone. [Added 12-3-2015 by L.L. No. 3-2015]

HAULER — A person or firm which deposits refuse or recyclables at a Town refuse disposal area.

LARGE DEPOSIT — A load of refuse larger than a small deposit, as defined herein.

PERSON — An individual, corporation, partnership, group or association.[13]

RECYCLABLES — Those materials able to be practically separated from nonrecyclable waste for which refuse markets can be accessed for the same or less than the costs of disposal. The specific materials constituting recyclables shall be determined by the Refuse Officer. [Amended by L.L. No. 3-2004]

REFUSE — All waste materials, including but not limited to garbage, rubbish, brush and incinerator residue. [Amended 12-3-2015 by L.L. No. 3-2015]

REFUSE OFFICER — The person or persons designated, from time to time, by the Town Board by resolution or, if none is so designated, the Town Highway Superintendent.

RESIDENT — A person whose principal abode or whose temporary abode is within the Town. [Amended 1-5-2015 by L.L. No. 1-2015]

RUBBISH — Solid or liquid waste material, including but not limited to paper and paper products, brush, leaves, garden debris, sawdust, wood chips, furniture and cans. "Rubbish" shall not include garbage, incinerator residue, street sweepings, dead animals or offal. [Amended 1-5-2015 by L.L. No. 1-2015]

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13. **Editor's Note: The former definition of "private hauler," which immediately followed this definition, was repealed 1-5-2015 by Ord. No. 1-2015.**

SMALL DEPOSIT — A load of refuse transported by a passenger vehicle, a one-half-ton or three-fourths-ton pickup truck or trailer or other conveyance of like size or capacity or a load not exceeding such size.

SOURCE SEPARATION — The separation of recyclables from solid waste at the point of operation. [Added by L.L. No. 3-2004]

TOWN — The Town of Skaneateles.

TOWN REFUSE DISPOSAL AREA — A transfer station or other facility or area operated by the Town for the disposal of refuse and/or collection of recyclables.

TREE OR LAWN SERVICE COMPANY — A business or service that disposes of lawn or tree waste from properties within the Town of Skaneateles at the Town refuse disposal area. [Added 1-5-2015 by L.L. No. 1-2015]

§ 118-4. Restrictions.

A. No person shall place, dump, spill or otherwise deposit refuse or recyclables in or upon any creek, lake or public waters within the Town or any public highway, public right-of-way or property owned, leased, occupied or operated by the Town, or any division or department thereof, except upon a Town refuse disposal area in a manner fully conforming to the requirements of this chapter.

B. If refuse or recyclables deposited in or upon any creek, lake or public waters within the Town or any public highway, public right-of-way or property owned, leased, occupied or operated by the Town or any division or department thereof is found to contain, as addressee or consignee, the name of a person, there shall be a rebuttable presumption that such refuse was deposited by that person in violation of this chapter.

C. All persons in the Town shall source separate recyclables from nonrecyclable solid waste. [Added by L.L. No. 3-2004]

D. Only residential permit holders can deposit automobile/pickup truck tires which will be limited to 12 per year. [Added 1-5-2015 by L.L. No. 1-2015]

E. Only residential permit holders can make small deposits of construction and demolition refuse. [Added 1-5-2015 by L.L. No. 1-2015]

§ 118-5. Transporting refuse or recyclables.

A. No person shall transport refuse or recyclables upon any public highway in the Town except by means which shall positively prevent spillage, by dropping, dripping, blowing or otherwise, of any of the refuse or recyclables or containers thereof from the vehicle.

B. If a truck, trailer or similar vehicle is used for transporting, all refuse or recyclables shall be enclosed entirely within a solid body or entirely surrounded by a substantial tarpaulin or similar flexible cover, positively secured, or entirely within a combination of such solid body or positively secured flexible cover.

C. If a passenger vehicle is used for transporting, all refuse or recyclables shall be entirely within the closed body thereof.

D. Notwithstanding Subsections B and C of this section, refuse and recyclables entirely within closed containers may be transported without further coverage, provided that they are of such type as to prevent spillage and provided, further, that they are securely restrained in the vehicle. In a partially open truck, such closed containers may not be loaded at any point higher than the lowest level of the solid body, unless secured to prevent spillage.

E. Brush, metal parts and similar refuse may be transported uncovered only if securely tied or positively restrained so as to prevent spillage.

F. Prior to depositing one or more trees in the Town refuse disposal area, any party making such deposit must submit to the Refuse Officer, or her or his agent, a completed document or form setting forth the location from which the one or more trees came and any other information required by the Refuse Officer. If the party depositing the one or more trees is making such deposit for another party, such as in the case of a commercial hauler, the Refuse Officer may require the party owning the real property from which the one or more trees came to execute a form attesting to such fact. [Added 12-3-2015 by L.L. No. 3-2015]

§ 118-6. Town refuse disposal area.

A. Designation. The Town Board may, from time to time, designate one or more Town refuse disposal areas.

B. Hours. The Town Board shall establish, by resolution, from time to time, the periods during which Town refuse disposal areas shall be open for the deposit of refuse. Except in emergencies, notice of such periods shall be published in the official newspaper of the Town not less than one week prior to the effective date. Periods may vary as between commercial haulers, large-volume haulers and other haulers and the Town Board may also vary the periods of time of acceptance of certain types of refuse identified in Subsection D of this section. [Amended 12-18-2008 by L.L. No. 7-2008]

C. Deposit of refuse. Refuse and recyclables shall be placed or deposited only in the manner and in the locations specified by the Refuse Officer. The Refuse Officer may require that different types of refuse and recyclables within a single load be separated and deposited in two or more different locations within the Town refuse disposal area. The Refuse Officer may require commercial haulers to deposit refuse and recyclables at different days, times and locations. The Refuse Officer shall also require commercial haulers to deposit all recyclables collected from Town residents at a Town refuse disposal area. [Amended 1-5-2015 by L.L. No. 1-2015]

D. Prohibited refuse. The following refuse shall not be deposited at a Town refuse disposal area:

(1) Refuse which has not originated or become waste while within the Town, unless the Town Board shall, by resolution, authorize such refuse to be

deposited pursuant to a permit. If refuse deposited in a Town refuse disposal area is found to contain, as addressee or consignee, the name of a person not a resident of the Town or an address not in the Town, there shall be a rebuttable presumption that such refuse was deposited in violation of this chapter.

(2) Refuse for which proper disposal requires handling or treatment other than burial within a sanitary landfill. The costs of special handling or treatment (such as mixing with other refuse, separation, distribution or large loads or testing) shall be borne by the hauler which deposits the refuse.

(3) Refuse or recyclables not transported to the Town refuse disposal area in complete compliance with the requirements of § 118-5, Transporting refuse or recyclables.

(4) Liquids in quantities exceeding five gallons per load.

(5) Tires, all sizes and quantities. (See § 118-4D for exception.) [Amended 1-5-2015 by L.L. No. 1-2015]

(6) Appliances containing refrigerant, unless the proper disposal fee has been paid.

(7) Foul wastes, including but not limited to dead animals, carrion or animal parts, manure or feces, putrid or decaying meat or vegetables (except such as ordinarily originate in the home) or other materials offensive by reason of smell.

(8) Individual items or units of refuse larger than two cubic yards in volume or heavier than 200 pounds.

(9) Vehicle bodies, machinery or parts thereof larger than two cubic yards or heavier than 200 pounds.

(10) Construction and demolition refuse in large deposits. (See § 118-4E for exception.) [Amended 12-18-2008 by L.L. No. 7-2008; 1-5-2015 by L.L. No. 1-2015]

(11) Sludge or other material from septic tanks or sewage treatment systems.

(12) Compacted loads. [Added 12-3-2015 by L.L. No. 3-2015]

(13) Commercial haulers are prohibited from depositing hard fill in the Town refuse disposal area. [Added 12-3-2015 by L.L. No. 3-2015]

(14) Paint, including without limitation, latex paint, that is not dried. [Added 12-3-2015 by L.L. No. 3-2015]

(15) Dead animals and offal. [Added 12-3-2015 by L.L. No. 3-2015]

E. Speed limit. No vehicle shall travel at a greater speed than 15 miles per hour within the limits of any property on which the Town has designated or has established a Town refuse disposal area.

§ 118-7. Refuse Officer.

A. Duties. The Refuse Officer shall direct the operation of all Town refuse disposal areas.

B. Delegation. The Refuse Officer may, from time to time, delegate such power and authority to any person or persons.

C. Determination of refuse prohibited. The Refuse Officer shall determine whether refuse sought to be deposited at the Town disposal site is prohibited by this chapter.

D. The Refuse Officer may determine to suspend or revoke any permit to deposit refuse or recyclables at a Town refuse disposal area. Upon notification of a suspension or revocation, any reentry upon a Town refuse disposal area by the suspended or revoked person or firm shall constitute a trespass and shall be subject to the provisions of the New York Penal Law.

E. Appeal of determinations. Any determination of the Refuse Officer may be appealed by any aggrieved person to the Town Board within one week after such determination is made.

F. Refuse Officer or delegate may make the determination to deny access based on these rules and regulations. [Added 1-5-2015 by L.L. No. 1-2015]

§ 118-8. Scavengers.

No scavenging, salvaging or removal of any refuse or recyclables deposited at the Town refuse disposal area shall be permitted, except by persons specifically designated by the Refuse Officer. Materials scavenged, collected or salvaged shall be taken from the Town refuse disposal area within 24 hours of deposit.

§ 118-9. Permits and fees.

A. Permit required. No person or firm shall deposit refuse or recyclables at any Town refuse disposal area without a valid permit. [Amended 1-5-2015 by L.L. No. 1-2015]

B. Permit categories and fees. The Town Board may, from time to time, by resolution, establish, for permit purposes, categories of deposits and haulers and fees therefor. Permit fees for commercial haulers may be established on the basis of the number of customers, type of equipment, number, weight or volume of loads deposited or any combination thereof. [Amended 12-18-2008 by L.L. No. 7-2008]

C. Security deposits. The Town Board may, by resolution, provide for cash deposits, bonds, insurance or other provisions by commercial haulers to protect the Town's interest, secure fee payments and compliance with this chapter.

D. Transferability. Permits shall not be transferable, except upon specific approval of the Town Board. Vehicle stickers shall not be transferable.

E. Proof of residency. Proof of residency shall be established by a driver's license, auto

registration or other suitable documents. Commercial haulers shall, at least annually, make available to the Refuse Officer, at a place designated by the Refuse Officer within the Town, a complete list of all customers of the hauler.

F. Additional fee for disposal of certain types of refuse. The Town Board may, from time to time, by resolution, in its discretion, establish fees for the disposal of any category or type of refuse, regardless of the type of user. This fee would be additional to any permit fee and/or any other fee, deposit, bond, or insurance required by the provisions of this chapter. [Added 12-18-2008 by L.L. No. 7-2008]

§ 118-10. When deposit prohibited.

The entering of, trespassing on or dumping or depositing of refuse upon any Town refuse disposal area is prohibited at any time during which the area is not open for such depositing of refuse.

§ 118-11. Penalties for offenses. [Amended 12-18-2008 by L.L. No. 7-2008]

A. Any person, firm or corporation which violates any provision of this chapter or the regulations established hereunder shall be guilty of an offense against this chapter and be subject to a fine of not less than $50 nor more than $250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person, firm or corporation which violates any of the provisions of this chapter or the regulations established hereunder or which shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not less than $50 nor more than $100. The imposition of penalties for any violation of this chapter or the regulations issued hereunder shall not excuse the violation nor permit it to continue. The application of other above penalty or penalties or prosecution for a violation of any provision of these regulations shall not prevent the suspension or revocation of a permit or the enforced removal of conditions prohibited by these regulations. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable to the offender, in addition to the aforestated criminal and civil penalties, and may be recovered in a civil court of appropriate jurisdiction. When a violation of any of the provisions of these regulations is continuous, each day thereof shall constitute a separate and distinct violation, subjecting the offender to an additional penalty. The foregoing penalties are separate from and in addition to penalties prescribed by any other applicable statutes, ordinances, local laws or regulations.

B. Upon finding a violation of any section of this chapter, in addition to any other action authorized by this chapter or any other applicable statute, ordinance, local law or regulation, the Refuse Officer is hereby authorized and empowered to issue an appearance ticket pursuant to the New York State Criminal Procedure Law § 150.20.

C. A permanent record of all notices of violations and their disposition shall be kept in the offices of the Refuse Officer or the Town Clerk, at the direction of the Town

Board.

D. Complaints of violations. Whenever a suspected violation of this chapter occurs, any person may file a signed written complaint reporting such violation to the Refuse Officer. The Refuse Officer may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Refuse Officer and reported to the Town Board. The Town Board may by blanket resolution authorize the Refuse Officer to act independently in all cases or particular class of cases.

Chapter 121

SEWERS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 4-20-1987 by L.L. No. 1-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Water — See Ch. 146.

§ 121-1. Title; applicability; purpose.

A. This chapter shall be known as the "Uniform Sewer District Regulations of the Town of Skaneateles 1987."

B. Areas covered.

(1) This chapter shall be effective in all areas of the Town now being serviced by Town sewers.

(2) This chapter shall take effect in areas of the Town not presently serviced by Town sewers when Town sewer service is installed and available.

(3) All dry sewers and building drains installed in anticipation of Town sewers shall be installed in compliance with this chapter.

C. The purpose of this chapter is to promote the public health, safety, aesthetic and general welfare of the citizens of the Town of Skaneateles. This chapter is also intended to provide legislative enactments required to fulfill state and federal regulations and to provide for administration and enforcement of this chapter.

§ 121-2. Definitions; word usage.

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

BOD — Biochemical oxygen demand, or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

COLLECTION SEWER — A sewer whose primary purpose is to collect wastewater from sewer laterals.

COMMERCIAL USER — A user engaged in the purchase or sale of goods or in the transaction of business or who otherwise renders a service, including the operation of an

eating establishment and motel.

DISTRICT — A sewer district of the Town.

EASEMENT — A legal right less than fee simple for the use of land owned by others.

GARBAGE — Solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL USER — A manufacturing or processing facility which includes, as a business, the assembly or manufacture of a material or product for profit, including but not limited to such industries as agriculture, forestry, fishing, mining, manufacturing, transportation, communications, electric, gas and sanitary services. Also included are all users identified in the Federal Standard Industrial Classification Manual 1972, as amended to the effective date of this chapter. "Industrial user" may be treated as a commercial user under this chapter if it is determined by the Town that the industry will introduce primarily segregated sanitary sewage.

INDUSTRIAL WASTES — The liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INFILTRATION — Water unintentionally entering the public sewer system, including sanitary building drains and lateral sewers, from the ground through such means as defective pipes, pipe joints, connections or manholes. "Infiltration" does not include inflow.

INFLOW — Water discharged into a public sewer system from such sources as roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross-connections from storm sewers or combined storm and sanitary sewers; catch basins; stormwater; surface and subsurface runoff; street wash waters; or drainage. "Inflow" does not include infiltration.

LATERAL SEWER, SEWER LATERAL or LATERAL — The extension from a building to a public sewer or other place of disposal which conveys only sanitary, commercial or industrial sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The term used to express the intensity of the acid or base condition of a solution determined by the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRETREATMENT — Treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a public sewer.

PRIVATE SEWAGE DISPOSAL SYSTEM — A sewage disposal system not owned and operated by the Town.

PROPERTY ACCESSIBLE TO SEWERS — Property abutting a street, road, right-of-way or easement serviced by public sewers or within 100 feet of public sewers.

PUBLIC SEWER (also TOWN SEWER) — A sewer owned and controlled by a Town sewer district.

SANITARY SEWER — A sewer which carries only sanitary wastewaters from residences, commercial users, industrial plants and institutions, and to which storm-, surface and ground water is not intentionally admitted.

SEWAGE — A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, including polluted cooling water and unintentionally admitted infiltration and inflow.

(1) SANITARY SEWAGE — The combination of liquid and water-carried wastes discharged from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine or water-carried waste from any other domestic fixture, equipment or machine.

(2) INDUSTRIAL SEWAGE — A combination of liquid and water-carried wastes discharged from an industrial establishment or resulting from any trade or process carried on in that establishment and shall include wastes from pretreatment facilities and polluted cooling water.

(3) COMBINED SEWAGE — Wastes, including sanitary sewage, industrial sewage, stormwater, infiltration and inflow, carried into the sewers.

SEWER — A pipe or conduit for carrying sewage.

SEWERAGE — All facilities for the collection, pumping, treating and disposing of sewage.

SEWER DEPARTMENT — The department or organization established by the Town to operate and maintain sewerage of the district.

SEWER SUPERINTENDENT — The Sewer Superintendent of the Town designated by the Town Board or such deputy or other person as may be designated by resolution of the Town Board to perform the duties of the Sewer Superintendent or, if none is expressly designated, the Zoning Officer of the Town.

SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in lateral sewers and public sewers, with no particle greater than 1/2 inch in any dimension.

SLUG — Any discharge of water or sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the allowable average twenty-four-hour concentration of flows during a normal day, which adversely affects the sewerage system.

STORM DRAIN — A sewer that carries only stormwater, surface runoff, street wash and drainage and to which sanitary or industrial wastes are not intentionally admitted, and is also known as a "storm sewer."

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOWN — The Town of Skaneateles, Onondaga County, New York.

TOWN BOARD — The Town Board of the Town of Skaneateles.

TOWN SEWER (also PUBLIC SEWER) — A sewer owned and controlled by a Town sewer district.

USER PROPERTY — Property for which there is a connection to a public sewer.

WASTEWATER TREATMENT PLANT — The wastewater treatment plant of the Village of Skaneateles which receives sewage from Town sewer districts.

WATERCOURSE — A natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 121-3. (Reserved)

§ 121-4. (Reserved)

§ 121-5. Use of public sewers required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the Town or upon any area under the jurisdiction of the Town any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town, or upon any area under the jurisdiction of the Town, any sewage or polluted waters.

C. Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town and constituting property accessible to sewers, shall at his expense install suitable toilet facilities therein and connect such facilities directly to the public sewer in accordance with this chapter.

E. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town and not presently constituting property accessible to sewers, shall, when sewers become available and the property becomes property accessible to sewers, connect to the public sewer, at the owner's expense, in accordance with the provisions of this chapter. Such connection shall be made within 90 days from the date of official notice to do so. Where this time limit imposes an unreasonable hardship, the Town

Board may, for good cause shown, extend said period up to one year, except in cases where the existing private sewage disposal system is inadequate, inoperative or is causing pollution, as determined by the Town Board.

§ 121-6. Private sewage disposal.

A. Where a public sewer is not available, the sewer lateral from a building shall be connected to a private sewage disposal system.

B. All private sewage disposal systems shall conform to regulations of the Onondaga County Sanitary Code, the Town Code and applicable state and county codes, rules and regulations.

C. When a public sewer becomes available to property served by a private sewage treatment system, a direct connection shall be made to the public sewer in compliance with this chapter and any private sewage treatment facility shall be disconnected, emptied and filled or otherwise suitably secured.

§ 121-7. Limitations on use of public sewers.

A. No person shall discharge or cause or permit to be discharged any stormwater, surface water, groundwater, roof, runoff, subsurface drainage, uncontaminated cooling water, swimming pool discharge or unpolluted industrial sewage to any sanitary sewer.

B. Stormwater and all other unpolluted drainage may be discharged to such sewers or drains as are specifically designated as storm sewers or combined sewers, or to a natural outlet approved by the Sewer Superintendent. Industrial cooling water or unpolluted water may be discharged to a storm sewer, combined sewer or natural outlet, upon approval of the Sewer Superintendent.

C. No person shall discharge, cause or permit to be discharged any of the following described waters or wastes to public sewers:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewerage or constituting a hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or having any corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage or wastewater treatment plant.

(4) Solid or viscous substances in quantities or sizes capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage or wastewater treatment plant, such as ashes, cinders, sand, mud, straw, shavings, saw dust metal, glass, rags, feathers, tar, plastics, wood, unshredded garbage, whole blood manure, hair and fleshings,

and paper dishes, cups, milk cartons or other containers, either whole or ground by garbage grinders.

D. Controlled discharges. No person shall discharge or cause or permit to be discharged the following described substances, materials, waters or wastes to public sewers if it appears likely, in the judgment of the Sewer Superintendent, that such wastes can harm either the sewers, other sewerage or wastewater treatment plant processes or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, public property or constitute a nuisance. In forming his judgment as to the acceptability of such wastes, the Sewer Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewerage, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 140° F.

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 140° F.

(3) Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and prior approval of the Sewer Superintendent.

(4) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the same wastewater treatment plant exceeds the limits established by the operator of the plant.

(5) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits which may be established by the Sewer Superintendent, as he may deem necessary or desirable, or to meet requirements of state, federal or other public agencies or the operator of the wastewater treatment plant.

(6) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Sewer Superintendent or to meet requirements of state or federal regulations.

(7) Any waters or wastes having a pH in excess of 9.5.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids, such as fuller's earth or lime residues, or of dissolved solids, such as sodium chloride or sodium sulfate.

(b) Excessive discoloration, such as dye wastes or vegetable tanning solutions.

(c) Unusual BOD chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

(d) Unusual volume of flow, concentration or slugs of wastes.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other federal or state agencies.

E. If any waters or wastes are discharged or proposed to be discharged to the public sewers which contain substances or possess characteristics enumerated in Subsection D of this section, the Sewer Superintendent may:

(1) Reject the waters or waste.

(2) Require pretreatment to an acceptable condition before discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(4) Require additional payment to cover the added cost of handling or treating the waters or wastes not covered by existing taxes, user fees or other sewer charges.

(5) If the Sewer Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant, facilities and equipment therefor shall be subject to review and approval by the Sewer Superintendent and subject to the requirements of applicable regulations.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Superintendent, such are necessary for the proper handling of liquid wastes containing grease in excessive amounts or flammable wastes, sand or other harmful ingredients. Interceptors shall not be required for one-family living quarters served by a separate lateral. Such interceptors shall be of a type and capacity approved by the Sewer Superintendent, shall be located as to be readily accessible for cleaning and inspection and shall be provided and maintained in efficient operation by the owner of the user property.

G. Where preliminary treatment or flow-equalizing facilities are provided for waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

H. The owner of any property serviced by a sewer lateral carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, testing and measurement of the wastes. Such manhole shall be accessible, safely located and constructed in accordance with plans approved by the Sewer Superintendent. The

manhole shall be installed and maintained by the owner at the owner's expense.

I. All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, in effect at the effective date of this chapter. Suitable samples shall be taken at the control manhole. If the Sewer Superintendent determines that a special manhole need not be provided, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building lateral is connected. Sampling shall be by customarily accepted methods to reflect the effect of constituents upon the sewerage and wastewater treatment plant and to determine the existence of hazard to life and property. An analysis approved by the Sewer Superintendent will determine whether a twenty-four-hour composite of all outfalls of the property is appropriate or whether a grab sample or samples may be permitted. Normally, BOD and suspended solids analyses are determined from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

J. The Town and the operator of the wastewater treatment plant may enter into an agreement with the producer of industrial waste of unusual strength or character, such as to permit it to be accepted into public sewers, subject to payment of special charges by the producer.

§ 121-8. (Reserved)

§ 121-9. Sewer laterals and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or sewerage system under the jurisdiction or control of the Town.

B. Sewer laterals may be constructed and connected to Town sewers only following issuance of a permit. The property owner or his representative shall make application on a form furnished by the Town. The permit application shall be supplemented by plans, specifications or other information required by the Sewer Superintendent. Such permits shall be in addition to road cut, driveway, building or other permits required by other rules or regulations.

C. The application form shall be signed by the owner of the property and by the contractor under whose supervision the work is to be done.

D. Permit and inspection fees may be established and changed from time to time by resolution of the Town Board.

E. The Town will construct the portion of a sewer lateral between the Town sewer and the property line. The Town will install a cleanout at the property line. Although the Town will be responsible for workmanship on this section of the sewer lateral, the property owner will be responsible for keeping the entire sewer lateral, from the Town sewer to the building, including the portion installed by the Town, free

flowing at the owner's expense.

F. The portion of the sewer lateral up-flow from the property line shall be constructed by and at the expense of the property owner.

G. All excavations for sewer laterals shall be adequately guarded with barricades and lights so as to protect all persons from hazard. The plumber, contractor or other person under whose supervision the sewer lateral is being installed shall post, in a conspicuous place adjacent to the excavation, a sign bearing his name, address, telephone number and emergency telephone number. The sign shall be at least two feet square. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the authority with jurisdiction thereof. Ditches and culvert pipes for storm- and surface water or other facilities disturbed during installation of the sewer lateral shall be replaced to the original condition. All driveways and parking areas shall be backfilled with noncompressible fill and restored to its original condition. All trench excavation and other work shall comply with federal and state safety regulations.

H. A separate and independent sewer lateral shall be provided for every building, except that, where a building stands at the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building. Separate buildings, other than accessory buildings, shall be separately metered.

I. Old sewer laterals may be used in connection with new buildings only when found upon examination and test by the Sewer Superintendent to meet all requirements of this chapter. The owner of the property shall bear all costs of exposing and testing such lateral sewers.

J. Wherever possible, the lateral sewer shall be brought to the building at an elevation below the basement floor. In buildings in which interior sanitary lines are too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the lateral sewer, or the sanitary line within the building may be hung on a cellar wall. An interior sanitary line shall be not less than four inches in diameter.

K. No person shall make, maintain or permit connection of roof leaders, downspouts, foundation drains, areaway drains, exterior drains or other sources of surface runoff or groundwater to a sewer lateral or any interior or exterior drain or line which is connected directly or indirectly to a public sewer. Sumps and sump pumps shall convey groundwater to a point of gravity disposal to a natural outlet, as approved by the Sewer Superintendent.

L. Specifications for sewer laterals.

(1) Materials. Pipe used for lateral seeders shall conform to one or more of the following specifications:

Type	Specification

Unglazed clay pipe (extra strength)	ASTM Des. C278
Cast iron pipe	ASA Spec. 21
Asbestos cement (nonpressure type)	ASTM Des. C428
Asbestos cement (pressure type)	AWWA Spec. C400
Ductile iron	AWWA C151, H3, C104, C110
Polyvinyl chloride	ASTM Des. D-3034, F-679 or ASTM Des. D1785, Type I

(2) Fittings shall be as furnished or recommended by the manufacturer of the pipe.

(3) Pipe installation shall be of first class modern workmanship and materials, conforming to recommendations of the pipe manufacturers and as approved by the Sewer Superintendent.

(4) A lateral sewer shall be sized in accordance with the fixture unit load it will carry. In no case will the lateral sewer be sized less than four inches in diameter when installed with extra heavy cast-iron soil pipe or six inches in diameter when installed with asbestos cement or extra strength vitrified tile pipe. In every case, extra heavy cast-iron sewer laterals shall extend five feet outside of building lines. In buildings other than one- or two-family dwellings, the size of the lateral sewer shall be determined by the Sewer Superintendent.

(5) All joints between pipes of different composition shall be made by means of a manufactured transition piece approved by the Sewer Superintendent.

(6) All connections to the Town sewer will be made to a wye connection provided for the property by the Town, or a saddle connection installed by the Town.

(7) Lateral sewers longer than 100 feet or offset at an angle greater than 45° shall have an approved cleanout or manhole installed by the property owner, as approved by the Sewer Superintendent.

(8) There shall be a main building trap of the same size as the lateral sewer, to be provided with two cleanouts of not less than four inches in diameter and a fresh-air inlet of at least half the diameter of the interior drain, but in no case less than three inches in diameter. The fresh-air inlet will be piped to the outside air with an approved vent cap. The building trap may be placed outside the building only if special permission is granted by the Sewer Superintendent.

(9) Backwater valves shall not be placed in the lateral sewer or building drain.

(10) Dead ends shall be avoided in the lateral sewer.

(11) Connections to the lateral sewer downflow from the building trap are prohibited with the exception of exhausts from high pressure steam boilers approved by the Sewer Superintendent.

(12) All offsets in lateral sewers shall be made by means of wye branches and one-eighth bends or less.

M. All plumbing installed to connect to the sewer lateral or altered to connect to the sewer lateral shall conform to applicable codes for new or remodeled plumbing.

N. A sewer lateral shall be laid on bedding on virgin earth or properly compacted base. Bedding shall be of crushed stone or gravel, not less than six inches deep, carefully compacted, extending up to six inches above the pipe. Trench backfill above the bedding shall be compacted in six inch layers. Blocking, where used, shall be of a nonrotting material.

O. Sewer laterals shall not be used during construction to carry surface or ground water. A connection for a subdivision shall be capped with a watertight plug until ready for normal use. During construction, ends of sewer laterals shall be capped to prevent entry of any substances.

P. Sewer laterals shall be gastight and watertight. Sewer laterals shall be tested as specified by the Sewer Superintendent. The Sewer Superintendent shall receive not less than 48 hours' notice of when a sewer lateral is to be ready for inspection and connection to a Town sewer lateral. The sewer lateral up-flow from the property line shall not be backfilled before inspection and approval by the Sewer Superintendent.

§ 121-10. (Reserved)

§ 121-11. Industrial sewage.

(Reserved)

§ 121-12. (Reserved)

§ 121-13. (Reserved)

§ 121-14. (Reserved)

§ 121-15. Protection from loss or damage.

A. No unauthorized person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any sewer, lateral, structure, equipment or appurtenance which is a part of the sewerage facilities of the Town. Any person violating this provision shall be subject to prosecution under the New York Penal Law, in addition to enforcement pursuant to this chapter.

B. Any person violating the provisions of this chapter shall be liable to the Town for

all resulting expense, loss, cost or damage, including engineering and legal costs and fees.

§ 121-16. (Reserved)

§ 121-17. (Reserved)

§ 121-18. Fees and related matters.

A. Initial fee categories and fee schedules are stated in this section.

B. Tap-in fees.

(1) Single-family residence; $1,000.

(2) Multiple dwellings, including duplexes and apartments: $1,000.

(a) If a sewer lateral larger than six inches is required, the fee shall be $1,000 or $100 per fixture connected to the sewer lateral, whichever is greater.

(3) Nondwelling buildings, including motels, nursing homes: $1,000 or $100 per fixture connected to the sewer lateral, whichever is greater.

(4) Tap-in fees for industrial sewage shall be determined individually after analysis of the industrial sewage to be generated thereby.

C. In an area with newly constructed Town sewers, constructed by and at the expense of owners of user properties, tap-in fees will not be collected for connection of existing buildings utilizing septic tanks to the Town sewer. An inspection and permit fee of $300 shall be paid.

D. User fees. [Amended 12-20-1993 by L.L. No. 1-1993; 9-19-1996 by L.L. No. 5-1996; 2-26-2001 by L.L. No. 4-2001]

(1) Every person owning user property connected to a public sewer (except industrial users) shall pay sewer operation and maintenance user fees in accordance with the following schedule:

Each calendar quarter:

(a) Six dollars and twenty-five cents for each 1,000 gallons, or fractional portion thereof, of water used.

(b) Water consumed in excess of 30,000 gallons, $3.50 per 1,000 gallons.

E. Billing procedures.

(1) User fees will be billed and payable on a calendar quarter basis.

(2) The quantity of water consumed for purposes of calculating user fees shall be the amount of water determined by the water meter which measures water

consumed on the property.

(3) For properties on which water is not metered for billing by a Town water district, the property owner shall provide a meter, as approved by the Sewer Superintendent, at the sole cost of the owner.

(4) The owners of properties served by Town sewers shall be responsible for the payment of all fees pursuant to this chapter.

(5) Sewer bills shall be payable when due. Sewer bills will be mailed to the property owner or tenant. Failure of a property owner or tenant to receive a sewer bill will not release the property owner from responsibility for payment for such bill, together with any fees or penalties which may accrue by virtue of delayed payment.

(6) Upon written notice from a property owner, the Town billing office may mail sewer user fee bills to tenants. In so doing, the Town will not be responsible for failure of the tenant to receive or pay the bill.

(7) Bills due to the Town for user fees or other fees specified pursuant to this chapter shall be paid net within 30 days from the date of issue, after which an additional fee of 10% shall be added to the amount of the bill.

(8) Whenever a property discharging wastewater into a Town sewer is without a functioning water meter, the Town Water Department shall be requested to install a meter. The property owner shall pay the cost of the water meter installation or replacement. The Town will estimate and bill for the estimated quantity of water and sewage not measured by a water meter.

(9) Where a water meter is found to be stopped or underregistering, the amount of water used and sewage discharged shall be estimated according to the quantity used at similar properties, as determined by the Sewer Superintendent. The fact that the bill has been estimated will be indicated on the bill.

(10) Where it is impossible or impracticable to obtain a regular quarterly reading of a water meter, the amount of sewage discharged shall be estimated and a bill rendered accordingly.

(11) Any user fee account or other unpaid fees pursuant to this chapter which remain unpaid on August 1 of the year following rendition, together with additional fees and penalties, shall be placed upon the next following general tax roll after such date. Thereafter, such returned fees and charges shall become due along with other taxes related to said roll and shall be subject to the same additional penalties and interests as such taxes. User fees and other fees pursuant to this chapter shall be liens against real property the same as taxes. The Town may nevertheless proceed to collect user fees and other fees pursuant to this chapter through civil action.

(12) Complaints of inaccurate user fee bills shall be made no later than the 20th day following the date of issue. All portions of such bills not being contested must be paid.

(13) The owner of a vacant building may deliver written notice to the Town requesting removal of the water meter and shutoff of water service to prevent usage. The meter so removed shall be stored by the Town until notified that the building is reoccupied at which time the meter will be reset, the shutoff seal removed and the water supply restored. Upon payment of the fee for removal of the water meter, and its removal, the charge for user fees shall be suspended.

(14) For a building permanently demolished, user fees shall be discontinued when conclusive proof is presented to the Sewer Department of the sealing of the sewer lateral and upon payment of bills to the date of such delivery of proof of demolition.

(15) Persons selling and purchasing property shall make their own arrangements regarding user and other fees. The Town billing office will provide appropriate information upon request.

(16) For an initial or final billing where the user fees cover a period of less than a full calendar quarter, there will be an estimated proration which will be described on the bill.

(17) The Town may require a deposit for a prospective user and other fees pursuant to this chapter prior to issuance of a sewer permit or at any other time. The amount of such deposit shall be determined by the Sewer Superintendent in an amount calculated to protect the Town from collection costs or delayed payments of bills for fees.

§ 121-19. Administration.

A. The Sewer Superintendent and other authorized employees of the Town shall be permitted to enter all properties within a Town sewer district or an area being considered for incorporation into a Town sewer district for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. Such employees will not inquire into any proprietary processes, including metallurgical, chemical, petroleum, refining, ceramic, paper or other industries or businesses, except to the extent having a direct bearing on the kind and source of discharges to laterals, sewers, sewerage or wastewater treatment facilities.

B. The Sewer Superintendent and other authorized employees of the Town shall also be permitted to enter upon properties through which the Town holds an easement or right-of-way for sewer, water line or other purposes.

§ 121-20. (Reserved)

§ 121-21. (Reserved)

§ 121-22. (Reserved)

§ 121-23. (Reserved)

§ 121-24. Penalties for offenses.

A. A person who appears to be violating any provisions of this chapter may be served, on behalf of the Town, with a written notice stating the nature of the violation and by fixing reasonable time limit for the satisfactory correction thereof. The apparent offender shall, within the period of time stated in such notice, correct or cease all such apparent violations.

B. An offense against the provisions of this chapter shall constitute a violation under the New York Penal Law and shall be punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both. In addition, any person, firm or corporation which violates any of the provisions of this chapter or which shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties or prosecution for violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited by this chapter. When a violation of any of the provisions of this chapter is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty. The foregoing penalties are separate from and in addition to penalties prescribed by any other applicable statutes, ordinances, local laws or regulations.

§ 121-25. Appeals.

Any person adversely affected by a decision of the Sewer Superintendent may appeal the same, in writing, within 10 days to the Town Board.

§ 121-26. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State of the State of New York.

Chapter 123

(RESERVED)

[Former Ch. 123, Signs, comprised of Art. I, Temporary Political Signs, adopted 9-8-1977 by L.L. No. 1-1977, as amended, and Art. II, General Sign Regulations, adopted 3-4-1991 by L.L. No. 2-1991, as amended. See now § 148-33, Signs.]

Chapter 129

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 7-1985.[14] Amendments noted where applicable.]

§ 129-1. Definitions.

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

AASHTO — The American Association of State and Highway Transportation Officials. [Added 9-16-2004 by L.L. No. 5-2004]

ADA — The Americans with Disabilities Act. [Added 9-16-2004 by L.L. No. 5-2004]

ASTM — The American Society of Testing Methods. [Added 9-16-2004 by L.L. No. 5-2004]

BINDER COURSE (BASE) — The asphaltic concrete material layer placed on the subbase of the roadway. [Amended 9-16-2004 by L.L. No. 5-2004]

COLLECTOR STREET — Street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

CROSS-SECTION — An illustration detailing the vertical profile of a roadway, at a specific location along the roadway, spanning the width of the road from right-of-way to right-of-way. [Added 9-16-2004 by L.L. No. 5-2004]

DEAD-END STREET or CUL-DE-SAC — Street or a portion of a street with only one vehicular traffic outlet.

EMBANKMENT — The process of filling in or raising the grade of an area with earthen material. [Added 9-16-2004 by L.L. No. 5-2004]

EXCAVATION — The process of lowering the grade of an area by removing earthen material. [Added 9-16-2004 by L.L. No. 5-2004]

FINE GRADE — Grading to a tolerance of 1/2 inch in 10 feet.

MAJOR STREET — Street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy-traffic-generating areas.

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14. **Editor's Note: This local law was partially derived from L.L. No. 3-1974 and a portion of the highway specification resolution adopted 8-4-1975.**

MINOR STREET — Street intended to serve primarily as an access to abutting properties.

NYSDEC — The New York State Department of Environmental Conservation. [Added 9-16-2004 by L.L. No. 5-2004]

NYSDOT SPECIFICATIONS — The New York State Department of Transportation standard specifications, dated January 2, 2002, and all addenda and amendments issued thereto, or the most current NYSDOT standard specifications, provided the Town Board by resolution shall have adopted said standard specifications. [Amended 9-16-2004 by L.L. No. 5-2004]

OSHA — The United States Department of Labor Occupational Safety and Health Administration. [Added 9-16-2004 by L.L. No. 5-2004]

psi — Pounds per square inch of pressure. [Added 9-16-2004 by L.L. No. 5-2004]

RECORD DRAWINGS — A plan developed by a professional engineer which indicates the post construction extent, location and elevation of project improvements. [Added 9-16-2004 by L.L. No. 5-2004]

RIGHT-OF-WAY — The total width of property to be deeded to the Town, minimum of 60 feet wide.

ROAD SECTION — The entire area disturbed for highway construction, from top of slope to toe of slope, including ditches.

ROADWAY — That portion of the highway included between the outside edges of the pavement.

SHOP DRAWINGS — Illustrations and/or specifications for the construction of a structure, material or product, furnished by the manufacturer of said structure, material or product. [Added 9-16-2004 by L.L. No. 5-2004]

STREET — Highways, roads, avenues, lanes or other traffic ways, between right-of-way lines.

STREET PAVEMENT — Wearing or exposed surface of the roadway used by vehicular traffic. [Amended 9-16-2004 by L.L. No. 5-2004]

STREET WIDTH — Width of right-of-way, measured at right angles to the center line of the street.

SUBBASE — The granular material layer placed on the subgrade of the roadway. [Added 9-16-2004 by L.L. No. 5-2004]

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof, either for himself or others.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, including resubdivision, as described and regulated in Chapter 131, Subdivision of Land, of the Code.

SUBGRADE — The existing soil material layer which serves as the foundation of a

roadway. [Amended 9-16-2004 by L.L. No. 5-2004]

TOP COURSE — The asphaltic concrete material layer placed on the roadway binder course. [Amended 9-16-2004 by L.L. No. 5-2004]

§ 129-2. Dedication or conveyance to Town.

No street offered for dedication or conveyance to the Town shall be accepted as a Town street unless it conforms to the provisions of this chapter and, as appropriate, Chapter 131, Subdivision of Land, of the Code.

§ 129-3. Commencement of construction requirements.

A. No construction of any street in the Town shall commence until the Town Planning Board (hereinafter "Planning Board") and the Town Superintendent of Highways (hereinafter "Superintendent") have received and approved survey maps, specifications and plans (all of which are together hereinafter referred to as "approved plans"), which shall:

(1) Be at a scale of one inch equals 50 feet maximum, unless otherwise indicated below.

(2) Show contours based on United States Geological Survey datum at intervals not greater than two feet.

(3) Include a location plan at a scale of one inch equals 1,000 feet showing the location of the plot with relation to established streets.

(4) Show all drainage areas tributary to the development.

(5) Show all proposed streets and lots with necessary survey data. A separate supplementary map of that portion of streets to be conveyed shall be submitted showing building lots and names of the abutting owners.

(6) Show original and proposed finished center-line profiles and typical cross sections.

(7) Show location of permanent monuments as described in § 129-8 below.

(8) Show the proposed names of all streets and the proposed house numbers, if any.

(9) Show a profile of the streets at a horizontal scale of one inch equals 50 feet maximum and a vertical scale of not less than one inch equals five feet which shall show the original surface, finished grade and other pertinent information.

(10) Show proposed drainage facilities and the proposed method of collection and disposal of surface waters and the size, grade and invert elevations of all proposed drop inlets, catch basins, manholes and storm sewers. Storm sewers shall be designed to carry the tributary flow and be designed with grades which will produce a minimum velocity of not less than three feet per second and a maximum velocity of not more than 10 feet per second when flowing

full.

(11) Show all proposed streets, utilities, improvements and installations in accordance with § 129-25 below and all other standards and specifications in this chapter for their construction.

(12) Planting plans.

B. The Superintendent shall be furnished with one set and the Planning Board with two sets of the approved plans.

C. The construction specifications in Chapter 129 of the Town Code shall apply except where they conflict with the provisions of this Chapter 131.

§ 129-4. Applications for dedication or conveyance.

All applications to the Town Board for the dedication or conveyance of a street to the Town shall be supported by:

A. Three sets of as-built survey maps, specifications and plans showing the completed construction in the same manner and detail as the proposed construction was set forth in the approved plans.

B. A proposed warranty deed conveying the street to the Town with all necessary releases from mortgagees or other claimants, together with a County or title company's original abstract of title, going back at least 40 years, beginning with a warranty deed and showing marketable title, including the easements or rights-of-way described in §§ 129-9, 129-18, 129-23 and 129-25B of this chapter, as approved by the Town Attorney.

C. Written recommendation of the Superintendent and the Planning Board that the street be accepted as a Town street, based upon the opinion of the Superintendent and Planning Board that the street and related drainage systems, utilities and other improvements and installations have been constructed in accordance with this chapter and the approved plans.

D. The Town Board may decline to accept a street as a Town street notwithstanding that it conforms to the approved plans; or approval by the Superintendent and/or Planning Board of the finished construction of a street and related construction and/or of as-built survey maps, specifications and plans; or final plat approval of a subdivision by the Planning Board, none of which events shall constitute a commitment that the Town Board will accept the street as a Town street. The Town Board may, in its sole discretion, accept a street as a Town street, notwithstanding that it does not conform to all of the provisions of the approved plans or this chapter, if, in its judgment, the public interest will best be served by such acceptance and subject to such conditions as the Town Board may require.

E. Any acceptance of a street by the Town is hereby made conditional and contingent upon the filing by the grantor in the Onondaga County Clerk's office within 10 days after such acceptance of the as-built survey maps.

§ 129-5. Acceptance by Town.

The dedication or conveyance of any street shall not be accepted by the Town between October 1 and the following May 1 unless, in the opinion of the Superintendent, the construction has been completed for a sufficient period to obviate risk of settlement or the offeror agrees to guarantee the construction in a form and manner acceptable to the Planning Board.

§ 129-6. Locations of streets.

Streets shall be suitably located to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

§ 129-7. Street arrangement.

The arrangement of streets shall provide for the continuation of existing collector streets of adjoining properties or subdivisions and for proper projection of collector streets into adjoining properties which are not yet developed or subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Minor streets shall be so laid out that their use by through traffic will be discouraged. Where in the opinion of the Planning Board topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

§ 129-8. Monuments.

Sufficient monuments shall be placed to properly reproduce each and every street laid out. Street markers must be placed at all corners and at intervals not exceeding 500 feet on tangent lengths over 1,000 feet long. Monuments shall be either granite with a crosscut in the top or concrete with a bronze plate or galvanized pin set in the top. Monuments shall be four inches by four inches at the top and bottom and four feet long minimum.

§ 129-9. Intersecting streets.

Intersecting streets shall be laid out so that blocks between street lines shall not be less than 400 feet nor more than 1,200 feet in length, unless an unusual topographic condition or efficient land use makes it a substantial hardship to keep within the limit. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic, where needed or desirable, and may further specify, at its discretion, that a four-foot-wide paved foot path be included.

§ 129-10. Acute angles.

Acute angles between streets at intersections are to be avoided. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

§ 129-11. Minor street openings.

Minor street openings into collector or major streets shall, in general, be at least 500 feet apart.

§ 129-12. Intersections with existing highways.

Approvals in writing shall be obtained by the developer from the New York State Department of Transportation, the Onondaga County Department of Transportation or the Superintendent, as appropriate, regarding location, construction and drainage where proposed streets join or intersect existing streets.

§ 129-13. Street widths.

In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

§ 129-14. Curve radii. [Amended 9-16-2004 by L.L. No. 5-2004]

A. In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of the street shall not be less than 500 feet on major streets, 300 feet on collector streets and 150 feet on minor streets.

B. Where dead-end streets or culs-de-sac are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 100 feet and pavement radius of 80 feet. At the end of temporary dead-end streets or culs-de-sac, a temporary turnaround with a pavement radius of 80 feet shall be provided, unless the Planning Board approves an alternate arrangement.

§ 129-15. Street jogs.

Street jogs with center-line offsets of less than 125 feet shall be avoided.

§ 129-16. Corner setbacks.

Property lines at street corners shall be rounded or otherwise set back sufficiently to allow a minimum radius on the property line of 25 feet.

§ 129-17. Reserve strips.

There shall be no reserve strips controlling access to streets, except where control of such strips is placed in the Town.

§ 129-18. Culs-de-sac, dead ends and loops.

The creation of culs-de-sac or dead-end or loop residential streets will be encouraged wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets or culs-de-sac, where needed or desirable, the Planning Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Where dead-end streets or culs-de-sac are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets or culs-de-sac, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

§ 129-19. Street signs and pavement markings. [Amended 9-16-2004 by L.L. No. 5-2004]

All street signs and pavement marking shall conform to the NYSDOT, AASHTO and the Town of Skaneateles standards and specifications. The signage and markings shall be furnished and properly placed by the developer. All street names shall be approved by the Syracuse/Onondaga County Planning Agency. In general, streets shall have names and not numbers or letters. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street shall change direction by more than 90° without a change in street name.

§ 129-20. Street grades.

Street grades shall not exceed 10% nor be less than 6/10 of 1% and shall conform as closely as possible to the original topography. All changes in grades shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

§ 129-21. Grade of adjoining property.

Street shall be arranged so as to obtain as much of the adjoining property as possible at or above the grade of the streets.

§ 129-22. Steep grades and curves; visibility at intersections.

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection of new streets or of a new street with an existing street) which is designated by the Planning Board shall be cleared of all growth, except isolated trees, and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve

visibility.

§ 129-23. Drainage easements or rights-of-way.

The developer laying out streets for acceptance by the Town shall obtain all necessary easements or rights-of-way for disposal of any surface water collected or affected by reason of the street or development. Width of easements or rights-of-way shall be 30 feet minimum.

§ 129-24. Watercourses.

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all properties adjoining the proposed street by means of culverts or other structures of design approved by the Town Engineer.

§ 129-25. Utilities and other improvements.

A. Streets shall be graded and improved with pavements, curbs and gutters, pedestrian easements, sidewalks, streetlights and signs, street trees, fire hydrants, culverts and underground utilities, including water, gas, telephone, sanitary sewers, storm sewers and electric power. The Planning Board may waive, subject to appropriate conditions, such improvements and utilities as it considers may be omitted without jeopardy to the public health, safety and general welfare. Such grading, utilities and improvements shall be approved as to design and specifications by the Town Engineer to the extent such design and specifications are not set forth in this chapter and installed without expense to the Town and under supervision of the Superintendent, Town Water Superintendent or the improvement district having jurisdiction, as appropriate.

B. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements over or under private property at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

C. Where required by the Onondaga County Health Department or reasonably required for anticipated population growth, dry sanitary sewers shall be installed without expense to the Town at elevations and slopes established by the Town Engineer and under supervision of the Town Engineer.

D. Utility poles shall be set so that they will be beyond the ditch or curbline. Telephone and power cable conduits shall be installed in locations approved by the Superintendent.

E. Installation of fire hydrants shall be in conformity with all requirements specified

by the New York Fire Insurance Rating Organization and the Office of Fire Prevention and Control of the State of New York, with all thread also conforming to all requirements of the fire district or department covering or protecting the area in question.

F. Streetlighting facilities may be installed only after approval by the appropriate power company and the authorized Town Electrical Inspector.

G. To eliminate conflict with existing utilities or those proposed for future installation, all trenches, holes or other installations required for the above work shall be carefully located in the field from existing property markers or from permanent monuments or markers set specifically for such purpose.

§ 129-26. Service streets or commercial loading space.

Paved rear service streets of not less than 20 feet in width or, in lieu thereof, adequate off-street loading space, suitably serviced, shall be provided in connection with properties designed for commercial use.

§ 129-27. Supervision of construction.

To ensure compliance with approved plans and specifications and with this chapter, the developer shall provide competent engineering and inspection to supervise the construction of all streets and improvements. When the developer has completed such construction, an engineer licensed to practice in New York State shall certify in writing to the Town Board that he has supervised the construction of such streets, utilities and improvements and that they conform to the approved plans and to this chapter. The Town may also require the developer to bear the cost of engineering and inspection services engaged on behalf of the Town.

§ 129-28. Performance bond or guaranty.

In the discretion of the Superintendent and the Planning Board, a cash performance bond or other sufficient guaranty to cover the full cost of all streets, utilities and improvements, as estimated by the Superintendent and the Planning Board, including costs of the Town to be borne by the developer, shall be furnished to the Town prior to approval of survey maps, specifications and plans under § 129-3 of this chapter or at any later time specified by the Town Board. Such cash performance bond shall be in a sufficient amount to assure completion of the street, related drainage and utility construction and all other improvements within a stated period of time and shall empower the Town to utilize the moneys so deposited to complete the street and improvements as needed. Where applicable, compliance by a subdivider with the provisions of § 131-7E(1) of Chapter 131 of the code shall constitute compliance with this section by such subdivider.

§ 129-29. Construction. [Amended 9-16-2004 by L.L. No. 5-2004]

All roadway development and construction shall conform to the Town of Skaneateles Highway Specifications Manual, dated June 15, 2004, and all addenda and amendments thereto.

§ 129-30. Effect on authority.

The provisions of this chapter are intended to supplement and not diminish the authority of the Superintendent and the Planning Board.

§ 129-31. Concrete sidewalks. [Added 9-16-2004 by L.L. No. 5-2004]

A. All sidewalks which are installed to replace existing sidewalks or installed as new sidewalks along street frontages in alignment with adjacent sidewalks, or between the property line and the pavement or curbline if there is no adjacent sidewalk, shall be four feet in width and constructed of concrete.

B. The Town of Skaneateles is not responsible for the repair, replacement and/or maintenance (including snow and ice removal) of any such sidewalk. All such responsibility is with the property owner.

Chapter 131

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 8-1985; amended in its entirety 12-1-2005 by L.L. No. 4-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Environmental quality review — See Ch. 63.
Flood damage prevention — See Ch. 72.
Sewers — See Ch. 121.
Streets and sidewalks — See Ch. 129.
Water — See Ch. 146.
Zoning — See Ch. 148.

§ 131-1. Title, scope, and purposes.

A. Title. This chapter shall be known and may be cited as the "Subdivision Law of the Town of Skaneateles."

B. Scope. A local law regulating the approval of subdivision plats in the Town of Skaneateles, authorizing the Planning Board to:

(1) Approve plats showing lots, blocks, or sites, with or without streets or highways;

(2) Conditionally approve preliminary plats, within the Town of Skaneateles; and

(3) Pass and approve the development of entirely or partially undeveloped plats already filed in the office of the Onondaga County Clerk.

C. Enacting clause and purposes. This chapter is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq. and §§ 271, 276, 277, and 278 of the Town Law, in conformance with the Comprehensive Plan for the Town and Village of Skaneateles, to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, and the general welfare, and for the additional purposes listed in § 148-1C of the Town of Skaneateles Zoning Law (hereinafter "Zoning Law").

D. Applicability. No subdivision of any lot, tract, or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and travel, or for the common use of occupants of buildings abutting thereon,

except in strict accordance with the provisions of this chapter. This chapter applies to lot line adjustments as defined herein, but does not apply to lot mergers which eliminate but do not change lot lines. (See Subsection F below.)

E. Policy. It is declared to be the policy of the Town of Skaneateles Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, environmentally sound, and economical development of the Town of Skaneateles, consistent with the Town of Skaneateles Comprehensive Plan and Zoning Law and the requirements of the State Environmental Quality Review Act (SEQRA). The following objectives shall guide the Planning Board's decisions:

(1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace.

(2) Proper provision shall be made for drainage, water supply, sewerage, and other needed improvements and utilities.

(3) Streets shall be of such width, grade, and location as to appropriately accommodate present and anticipated future traffic and to facilitate fire protection, while minimizing disruption of the natural environment.

(4) Park or other natural areas of suitable location, size, and character for playground or other passive or active recreational purposes shall be shown on subdivision plats, where appropriate.

(5) Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources (including Skaneateles Lake), agricultural land, and scenic viewsheds, and to implement the Town's policies of protection of its environmental and cultural resources pursuant to the Zoning Law.

(6) New development shall be laid out in a manner that reflects and complements historic development patterns.

F. Lot line adjustments and lot mergers.

(1) Although a lot line adjustment does not require approval as a subdivision, lot lines may not be changed (other than for lot mergers) unless an amending map has been approved and signed by the Planning Board Chair. The map shall be signed and recorded following sketch plan review and Planning Board approval of a final lot line adjustment map in a form acceptable for filing in the County Clerk's office. The purpose of such review shall be only to confirm compliance with zoning dimensional requirements and to ensure that existing on-site utilities and driveways are located on the parcel on which an existing building which they serve is situated. No lot line adjustment shall result in the creation of a nonconforming lot or increase the nonconformity of an existing nonconforming lot. Lot line adjustments to nonconforming lots shall be permitted, provided that the result is to make any nonconforming lots more

conforming.

(2) All property owners whose lots will be affected by the lot line adjustment must sign a consent to file.

(3) Other procedural requirements of this chapter, including the public hearing requirements, do not apply unless the Planning Board determines, in the course of its review of the lot line adjustment, that there are issues that would justify holding a public hearing. In such a case, the Planning Board may reclassify the lot line adjustment as a minor subdivision, hold a public hearing in accordance with the provisions of § 131-3B, and require that the applicant comply with applicable rules for subdivisions. To the extent that this Subsection F may conflict with the provisions of § 276 of the Town Law, the Town Board hereby declares its intention to supersede the Town Law pursuant to the Municipal Home Rule Law, Article 2, § 10 et seq.

(4) Lot mergers, in which lot lines are deleted but not moved, do not require any approval under this chapter.

G. Interpretation of provisions. All provisions of this chapter shall be construed broadly to fulfill the purposes and policies stated in § 131-1C and E above and the policies expressed in the Town and Village of Skaneateles Comprehensive Plan (hereinafter the "Comprehensive Plan").

H. Self-imposed restrictions. Nothing in this chapter shall prohibit a subdivider from placing self-imposed restrictions, not in violation of this chapter, on the development. Such restrictions shall be indicated on the plat.

I. Conflict with state laws. To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 271 and 276, 277 and 278, the Town Board of the Town of Skaneateles hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.

J. Separability clause. Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part declared to be invalid.

§ 131-2. General requirements and design standards.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. These standards shall be minimum requirements and may be waived by the Planning Board only under circumstances set forth in § 131-4. In case of any inconsistency between this chapter and Chapter 129, Streets and Sidewalks, of the Town of Skaneateles Code, this Chapter 131 shall control.

A. General requirements.

(1) Character of land. Land to be subdivided shall be of such character that it can

be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(2) Conformity with Comprehensive Plan and zoning. When reviewing applications for subdivisions, the Planning Board shall consider the Comprehensive Plan and comply with the Zoning Law.

(3) Specifications for required improvements. All required improvements shall be constructed or installed to conform to Town specifications, as established by the Planning Board or Town Board.

(4) Preservation of existing features.

(a) Existing features which are important to the natural, scenic, and historic character of the Town or which add value to residential development, such as large trees, watercourses, beaches, scenic views, historic places, and similar irreplaceable assets, shall be preserved, insofar as possible, in the design of subdivisions. The conservation analysis required by § 148-9G(1) of the Zoning Law shall be used to identify such features.

(b) The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to designated building envelopes or the delineation of areas where building or site alteration is prohibited, as a condition of subdivision approval.

(c) To the extent practicable, every effort shall be made to maintain existing trees.

(d) Topsoil shall not be removed from the site except with the approval of the Planning Board.

(e) In order to fulfill the purposes of this Subsection A(4), the removal of any existing features or topsoil, the unauthorized removal of trees pursuant to Subsection A(4)(c) above, or the clearing of 10,000 square feet or more of existing vegetation without the required approvals shall render the entire parcel of land ineligible for subdivision approval for a period of three years from the date the owner is sent a notice of violation in connection with such removal or clearing, provided that the notice of violation states that the parcel will be ineligible for subdivision for three years and the owner of the parcel does not cure the violation or obtain the required permits.

(f) Where a proposed subdivision contains open space of conservation value [as described in § 148-9G(1) and H of the Zoning Law], the Planning Board may require an open space subdivision [§ 148-9G] to ensure the preservation of such open space.

B. Street layout and design.

(1) Width, location, and construction. Streets shall be surveyed and shall be compatible with the existing character of the hamlet or rural area in which

they are located. They shall be adequately constructed to accommodate the anticipated traffic and provide access for fire fighting, snow removal, and road maintenance equipment. The arrangement of streets shall not result in undue hardship to adjoining properties. Roads shall be constructed to such specifications as the Planning Board shall deem appropriate to fulfill the purposes of this chapter and the Zoning Law, after review and recommendation by the Town Highway Superintendent and Town Engineer. The specifications in Chapter 129 may be modified by the Planning Board to fulfill the purposes of this chapter and the Zoning Law.

(2) Relation to topography. Streets shall be designed to minimize alteration of natural topography. They shall be arranged to obtain as many as possible of the building sites at or above the grades of the streets.

(3) Block size in Hamlet Districts. Within the Hamlet Districts, newly created blocks generally should not be less than 200 feet nor more than 1,000 feet in length. In general, no block width should be less than twice the normal lot depth. In blocks exceeding 500 feet in length, the Planning Board may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.

(4) Intersections. Except within the Hamlet Districts, intersections of major streets by other streets shall generally be at least 500 feet apart; four-cornered street intersections shall be avoided (except at major traffic intersections), and a distance of at least 125 feet shall be maintained between offset intersections.

(5) Visibility at intersections. In order to provide visibility for traffic safety, corner lots shall be kept free of obstructions as required in § 148-11I of the Zoning Law. If directed by the Planning Board, ground shall be excavated and vegetation cleared to achieve visibility. The Planning Board may require easements to be granted to the Town to maintain visibility.

(6) Design standards. Streets shall meet the following standards, unless otherwise approved by the Planning Board after consulting with the Town Highway Superintendent and the Town Engineer pursuant to § 131-2B(1). The construction specifications in Chapter 129 of the Town Code shall apply except where they conflict within provisions of this chapter.

	Street Classification		
Standard	**Cons. Density[a]**	**Minor**	**Collector**
Minimum width of right-of-way	33 feet	66 feet	66 feet
Minimum width of traveled way	13 feet	20 feet	30 feet
Minimum radius of horizontal curves	50 feet [b]	100 feet [b]	200 feet [b]

Minimum length of tangent between reverse curves	100 feet	150 feet [c]	200 feet
Maximum grade	12%	12%	8%
Minimum grade	1%	1%	1%

NOTES:

[a] Applies only to private roads within conservation density subdivisions. See § 131-6 of this chapter. Other new private roads must comply with standards for minor streets. See also § 131-2B(12) below.

[b] Except for street intersection corners.

[c] Except where excessive grades may be reduced by shortening tangent.

(7) Continuation of streets into adjacent property.

(a) The arrangement of streets in the subdivision shall provide for the continuation and interconnection of principal streets both within and between adjoining parcels and subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided. The Planning Board shall require the use of temporary dead-end streets, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. Such modification shall be permitted only where the presence of wetlands, watercourses, or excessively steep slopes makes such continuation infeasible. The requirement of such interconnection shall not apply to private roads in conservation density subdivisions approved pursuant to § 131-6.

(b) If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround a minimum of 50 feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

(c) The subdivision street network may include a continuous network of public pedestrian walks, either independent or incorporated within vehicular rights-of-way, to connect all properties and public areas.

(d) Where a subdivision includes lots substantially larger than the minimum lot size, the Planning Board may, if appropriate, require a road and lot layout that will permit future resubdivision.

(8) Connections with existing streets. Subdivisions containing more than 20 lots

shall normally have at least two street connections with existing streets. Where the existence of undeveloped adjoining properties or other special circumstances make this requirement impractical, stub street connections to adjoining property shall be reserved for future dedication and connection, as deemed necessary by the Planning Board to ensure that this standard will be met over time when adjoining properties are developed. To ensure adequate access and public safety, the Planning Board may require an internal loop road configuration in addition to the requirement of stub street connections to adjoining properties.

(9) Permanent dead-end streets (culs-de-sac). The creation of dead-end residential streets is normally permitted only in conservation density subdivisions as provided in § 131-6. In other types of subdivisions, dead-end streets shall only be permitted where continuation of a street is impossible due to topographic conditions, wetlands, or watercourses or where such a street is necessary to preserve other important natural, historic, scenic, or recreational resources. Such streets shall, in general, be limited to 800 feet in length. This limit may be waived in the case of subdivisions not exceeding eight lots, where significant areas of contiguous open space are permanently preserved by a conservation easement. Where dead-end streets are permitted, the Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next property or street. A circular turnaround with a minimum right-of-way radius of 50 feet or a "hammerhead" at least 100 feet in length shall be provided at the end of a permanent dead-end street.

(10) Street names. All streets shall be named, and such names shall be subject to approval by Onondaga County. Names shall be sufficiently different in sound and in spelling from other street names to avoid confusion. A street which is a continuation of an existing street shall bear the same name.

(11) Improvements.

(a) All streets to be offered for dedication shall be graded, paved, and improved with street signs and trees. In subdivisions outside the RF District that achieve densities at or close to the maximum permitted by the Zoning Law, streets shall also be improved with sidewalks, streetlighting standards, curbs, gutters, water mains, sanitary sewers, storm drains, and fire hydrants, as applicable. In the RF District and in other areas where density will be limited to a level significantly below that permitted by zoning, the Planning Board shall require only those improvements it considers necessary for public health, safety, and general welfare. Improvements that would detract from the rural and scenic character of the Town shall not be required in such areas of low density, provided that there are adequate safeguards in place to ensure that such areas will maintain their low-density characteristics over time.

(b) Underground utilities required by the Planning Board shall generally be placed between the traveled way and property line to simplify location

and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved.

(c) Grading and improvements shall conform to Town highway specifications (except when waived) and shall be approved as to design and specifications by the Highway Superintendent and Town Engineer.

(12) Private roads not in conservation density subdivisions.

(a) All roads that remain privately owned (i.e., not dedicated to the Town) in new subdivisions that are not conservation density subdivisions (see § 131-6) shall comply with the design and construction requirements for minor streets in § 131-2B(6), unless waived by the Planning Board. [Private roads in conservation density subdivisions shall comply with the standards for such subdivisions in § 131-2B(6)].

(b) Such roads shall comply with the road maintenance requirements in § 131-2G.

(c) Where a subdivider proposes to subdivide land that is accessed by a preexisting private road serving existing lots, the Planning Board may require the subdivider to improve the private road up to the standards for a minor street. Where such a requirement is unnecessary because the condition of the existing road is adequate to meet the needs of all existing and new lots, where such a requirement is impossible to fulfill due to joint ownership of the road with other persons, or where such a requirement may create a significant hardship to a landowner, the Planning Board may grant waivers from one or more of the minor street standards. Such waivers may be granted only to the extent necessary to take account of the circumstances and/or to relieve such hardship, provided that such waivers are consistent with protection of public health and safety. If such waivers are granted, the Planning Board may limit the number of lots that may be created because of the condition of the private road. However, if the road does not meet applicable standards it may not be accepted for dedication by the Town.

(13) Conflicts. In the event of any conflict between the requirements of this Chapter 131 and the requirements of Chapter 129 of the Town of Skaneateles Code, or of any specifications promulgated thereunder, this Chapter 131 shall control.

C. Drainage.

(1) Minimizing impact. Subdivisions shall be designed to maintain or improve pre-development drainage conditions by minimizing grading, cutting, and filling, by minimizing the use of impervious surface materials on roads, driveways, and other improved areas, by retaining existing vegetation, by using gently sloped vegetated swales, and by employing other nonstructural or structural measures including retention or detention basins, as required by §

148-26 of the Zoning Law. Within the LW Overlay District, the Planning Board may deny any subdivision application which does not comply with this Subsection C(1), even if it can comply with Subsection C(2) through (5) below.

(2) Land subject to flooding. All subdivision applications shall comply with Chapter 72 of the Code of the Town of Skaneateles. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation. Such land may also be improved in a manner that reduces the threat of localized and downstream flooding.

(3) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall be large enough to accommodate runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on proposed runoff from the subdivision and existing conditions upstream of the subdivision. For open channels and for culverts under roadways that are the only access, the design shall be for a one-hundred-year storm. For culverts under roadways that do not constitute the only access, the design shall be for a ten-year storm when a one-hundred-year storm will not flood buildings or farm structures at the culvert location.

(4) Drainage facilities basis of design. Storm sewers and open channels or roadside swales necessary to accommodate drainage from the subdivision shall be designed for a two-year storm with provisions for a one-hundred-year storm flood route. A flood route is necessary so that homes will not be flooded in severe storms and so that no portion of the land in a subdivision will be subject to erosion. Such drainage facilities shall be located in road rights-of-way or in perpetual easements of appropriate width.

(5) Responsibility for downstream drainage.

(a) The general principles described in § 131-2C(1) above shall be utilized to minimize the impacts of development on downstream drainage facilities for minor subdivisions. For major subdivisions, a detailed analysis of the impact will be required, except when drainage from the entire subdivision discharges directly to Skaneateles Lake, Skaneateles Creek, or Dutch Hollow Brook.

(b) The detailed analysis shall be for the entire tributary area for tributaries of Skaneateles Lake, Skaneateles Creek, Dutch Hollow Brook, and Carpenter's Brook. The detailed analysis shall also include tributaries in the Nine Mile Creek Watershed that are entirely in the Town of Skaneateles. The detailed analysis shall be undertaken using TR20, the hydrological computer model developed by the United States Department of Agriculture. If such a model already exists, it shall be

provided to the applicant.

(c) The analysis shall be sufficient to determine the impact the development will have on downstream facilities. If the development does cause an adverse impact, stormwater detention shall be incorporated, and a proposed computer model developed proving that the proposed development will not increase the flow rates to downstream properties and drainageways for storms with return frequencies of from two to 100 years. After detention facilities are constructed they shall be as-built and the computer model modified to become the revised existing conditions model for the tributary. As an alternative to stormwater detention, the downstream drainage facilities can all be improved to accommodate a one-hundred-year flood without causing flooding or erosion. In every case the detailed computer modeling shall be completed to the satisfaction of the Town of Skaneateles Planning Board.

D. Lots.

(1) Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved public or private road. The lot layout shall generally follow applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation in 1994, adapted as necessary to conform to the requirements of this chapter.

(2) Watercourses.

(a) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, an easement for stormwater drainage may be provided as required by the Town Planning Board, in no case less than 30 feet in width.

(b) Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Highway Superintendent or Town Engineer.

(3) Access from major streets. Lots shall not, in general, derive access exclusively from a major street. In order to avoid such access, the Planning Board may require construction of interior or reverse frontage roads, rear service alleys, or a network of interconnected minor and collector streets, as alternative measures to provide vehicular access to lots. Where driveway access from a major street may be unavoidable for several adjoining lots, the Planning Board may require that such lots be served by a common driveway in order to limit possible traffic hazards on such street.

(4) Driveways and common driveways.

(a) The Planning Board shall assure that driveways are suitably laid out to

provide safe access to improved streets, taking into consideration the rural character of the Town and the expressed policies of minimizing environmental disruption. The Planning Board shall encourage the use of common driveways, provided that safe access is feasible over the common driveway and that legally adequate recorded common driveway maintenance agreements are required as conditions of subdivision approval. No common driveway shall provide access to more than four dwelling units (not counting accessory apartments), except as specifically provided in this chapter or the Zoning Law. The Planning Board may approve a subdivision in which lots served by a common driveway have road frontage that is not physically suitable for the placement of a driveway.

(b) Driveway access. Driveway access and grades shall conform to specifications of any applicable Town driveway regulations. Driveway grades between the street and the setback line shall not exceed 10%. In the event that such a grade will intersect existing underground utilities or will result in inadequate cover or protection for such utilities, the Planning Board may require the subdivider to relocate such underground utilities or take measures to provide adequate cover or protection of them, all at the subdivider's sole cost and expense and according to plans and specifications developed and submitted by the subdivider and approved by the Planning Board and utility owner.

(5) Building envelopes. Within the Lake Watershed Overlay District and in conservation density subdivisions, the Planning Board shall require building envelopes on all lots to restrict the location of structures, grading, and other land disturbance activities. The Planning Board may require building envelopes on lots in other districts if necessary to protect land of conservation value as determined through a conservation analysis or otherwise to fulfill the purposes of this chapter.

E. Reservations and easements.

(1) Parks and recreational land.

(a) Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.

(b) Land for park, playground, or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute.

(c) Areas designated as potential recreation land in the Comprehensive Plan or Zoning Law shall be deemed to be suitably located for recreational purposes and a proper case shall be deemed to exist for requiring a reservation of all or a portion of such designated areas in any subdivision plat. To the extent that this provision may be inconsistent with Town Law § 277(4), the Town Board hereby declares its intent to supersede that section of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.

(d) In the event that the Planning Board makes a finding pursuant to § 131-2D(1)(b) above that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount per lot to be established as the "recreation fee" by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for parks, recreational facilities, or recreation areas, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood and whether the location of the proposed recreational land is shown in the Comprehensive Plan or Zoning Law. Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground, or other recreational purposes, including the acquisition of property.

(2) Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds, natural areas set aside for the benefit of the public, or other nearby streets, perpetual unobstructed easements at least 10 feet in width.

(3) Ownership of reservations. Ownership shall be clearly indicated on the plat for all reservations.

F. Water and sewer. All subdivisions shall meet applicable water and sewer regulations of the Onondaga County Health Department, the New York State DEC, and, in the LW Overlay District, the City of Syracuse and/or the City of Auburn. The Planning Board shall ensure, through appropriate conditions on any approval, the land that abuts a farm operation shall not have any wells for potable water supply located within 100 feet of the property line of such farm operation.

G. Maintenance of private roads. Any private road which is not accepted for dedication by the Town of Skaneateles shall comply with the following requirements for ensuring road maintenance. The following road maintenance requirements shall apply to all newly constructed private roads in conservation density subdivisions,

open space subdivisions, and conventional subdivisions. To the extent practicable, these requirements shall also apply to the extension of or creation of new lots along a private road which existed prior to the adoption of this Subsection G:

(1) A homeowners' association (HOA) shall be created to own and provide for the perpetual care and maintenance of the private road. Such HOA shall meet all requirements listed below.

(2) The HOA shall be established before the final subdivision plat is signed and must comply with all applicable provisions of the General Business Law, including filing requirements with the Attorney General.

(3) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities.

(4) The HOA must be responsible for liability insurance, property taxes and the maintenance of recreational and other facilities and private roads.

(5) Property owners must pay their pro rata share of the costs in Subsection G(4) above, and the assessment levied by the HOA must be able to become a lien on the property.

(6) The HOA must be able to adjust the assessment to meet changed needs.

(7) The HOA shall contract with a qualified road contractor to ensure that the road will always be maintained and kept open to permit emergency vehicle access. In the event that a private road contractor does not properly maintain the road, the Town of Skaneateles may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien. The Planning Board shall have discretion to determine whether the applicant should be required to establish a maintenance fund at the time of approval and, if so, how much of a deposit should be required. The Planning Board shall also have discretion to determine whether a performance guaranty must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance guaranty shall be and what form it shall take.

(8) The HOA shall provide at regular intervals (not to exceed five years) a written certification from a professional engineer licensed by the State of New York that the physical integrity of the private road is adequate to meet its present needs and the needs which can reasonably be anticipated in the future.

(9) The private road may never be offered for dedication to the Town of Skaneateles unless it fully conforms to Town highway specifications for minor streets in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication,

even if the road conforms to such Town highway specifications. In the event that such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town highway specifications shall be borne by the homeowners' association (HOA).

(10) If the road serves a conservation density subdivision, the lots in the conservation density subdivision shall be restricted by a conservation easement so that they may never be subdivided beyond the number of lots permitted in § 131-6A(1) and B(1), regardless of whether the private road remains a private road.

(11) The subdivision plat shall show the road clearly labeled "private road" and shall reference the HOA agreement (or recorded maintenance agreement, if applicable) to which the road is subject.

(12) The Planning Board may waive the requirement of a private road maintained by an HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common driveway maintained pursuant to a recorded maintenance agreement executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by an HOA, and that the requirements and HOA functions described above will be properly fulfilled by such a common driveway and maintenance agreement.

H. Landscaping requirements.

(1) Wherever possible, existing native vegetation and trees shall be retained and land disturbance for creation of building sites and lawn areas shall be minimized.

(2) The Planning Board may require, as a condition of subdivision approval, the planting of trees on all lots fronting on existing and new streets. This requirement may be waived in wooded areas where existing vegetation is retained.

(3) Where lots are created with access on reverse frontage or other interior roads, the street tree planting requirements of Subsection H(2) above shall also apply to any portion of such lots that adjoins existing roads. In addition, a buffer area of at least 50 feet shall be provided along such existing roads in which no land disturbance may occur (except as necessary for drainage, utilities, and pedestrian or bicycle paths) and in which either landscaped screening shall be planted or maintained or natural vegetation shall be permitted to grow into woods. This buffer requirement may be waived in the HM District.

(4) The requirements of this Subsection H shall be waived where retention or planting of vegetation would block scenic views. The Planning Board may require clearing of vegetation in order to open up views that have become blocked by growth of vegetation.

§ 131-3. Procedure for filing applications.

Whenever any subdivision of land is proposed, and before any contract for the sale of any lots in such subdivision is executed, the subdivider or his duly authorized agent shall apply in writing for subdivision approval in accordance with the following procedures. In the case of any conflict between the procedures contained in this § 131-3 and the provisions of New York state law, state law shall control. Submissions made under this § 131-3 may be prepared by any licensed professional qualified under the Education Law of the State of New York to prepare such materials, unless the Planning Board determines that additional qualifications are required for a particular proposed project. Submissions shall be made with a specified number of copies on or before a specified filing deadline as determined by the Planning Board by resolution.

A. Sketch plan review.

(1) Submission of sketch plan and required data. A subdivider shall, prior to subdividing land (including implementing a lot adjustment), submit to the Secretary of the Planning Board multiple copies of a sketch plan of the proposed subdivision as specified by the Planning Board. The sketch plan shall be drawn at a scale no smaller than one inch equals 200 feet, unless a smaller scale is needed to present the entire tract on one sheet. The sketch plan shall show the following information, unless waived by the Planning Board:

(a) The location of the portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.

(b) All existing structures, wooded areas, streams, topography based on available USGS quadrangle maps, and other significant physical features within the subdivision and 200 feet thereof.

(c) The names and addresses of the record owner, subdivider, and licensed professional preparer, if applicable, including license number and seal, and the names and addresses of all adjoining property owners as disclosed by the most recent municipal tax records.

(d) The Tax Map sheet; block and lot numbers, if available.

(e) All the utilities available, and all streets which are either proposed, mapped, or built.

(f) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.

(g) All existing restrictions on the use of land including easements, covenants, conservation easements, and land use district boundary lines.

(h) Any airport approach zones or flight paths where aircraft may be taking off or landing at low altitudes.

(i) A short-form environmental assessment form (EAF) or Part 1 of a long-form EAF.

(j) A conservation analysis as described in § 148-9G(1) of the Zoning Law,

except in the case of a minor subdivision located outside the Lake Watershed Overlay District.

(2) Other governmental agency requirements. The subdivider shall determine the requirements of all governmental agencies whose approval is required by this chapter, and which must eventually approve any subdivision plan coming within their jurisdiction. In the Skaneateles Lake Watershed, a copy of the sketch plan shall be sent to the City of Syracuse simultaneously with its submission to the Planning Board, as provided in the Syracuse Watershed Rules and Regulations.

(3) Discussion of requirements and classifications.

(a) The subdivider or a duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of the Zoning Law, the conservation analysis, and other requirements of this chapter, including but not limited to drainage, sewerage, water supply, fire protection, as well as the availability of existing services and other pertinent information shown on the sketch plan.

(b) The Planning Board shall classify the sketch plan as a minor or major subdivision as defined in this chapter. When the subdivision is classified by the Planning Board as a minor or major subdivision, a notation to that effect shall be made on the sketch plan. The Planning Board may require, however, when it deems necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

(c) If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure in § 131-3B of this chapter. If it is classified as a major subdivision, the subdivider shall comply with the procedure in § 131-3C of this chapter.

(4) Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems necessary, make specific recommendations, in writing to be incorporated by the subdivider in the next submission to the Planning Board. In its study of a sketch plan that includes a conservation analysis, the Planning Board shall make conservation findings pursuant to § 148-9G(1) of the Zoning Law.

(5) Open space subdivision may be required. Where appropriate, based upon the conservation analysis and conservation findings described in § 148-9G(1) of the Zoning Law, the Planning Board may require the subdivider to prepare an open space subdivision plan pursuant to § 148-9 of the Zoning Law. In such a case, the subdivider shall submit another sketch plan showing an open space subdivision, based upon the Planning Board's conservation findings from its review of the conservation analysis.

(6) Public workshop option. With the applicant's consent, the Planning Board is encouraged but not required to convene an interactive public workshop in

which members of the Board and the public work together and with the applicant to explore options for the property proposed for development.

B. Approval of minor subdivision.

(1) Application. Within one year after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for classification. The subdivision plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.

(2) Fees. All applications for subdivision plat approval for a minor subdivision shall be accompanied by a fee established by the Town Board. The Planning Board may, if it deems necessary, require a deposit of funds in escrow to cover the costs of review as provided for in § 131-3C(1)(b).

(3) Required data. The subdivision plat, in multiple copies as required by the Planning Board, shall be submitted to the Secretary of the Planning Board and, if applicable, the City of Syracuse or City of Auburn, at such time as required by the Planning Board in advance of its next meeting. The subdivision plat shall include, in addition to the information required by § 131-3A(1) to be on the sketch plan, the following information:

(a) A copy of conservation easements, covenants, or deed restrictions intended to cover all or part of the tract.

(b) The results of percolation tests on each lot intended for building habitable structures and a note stating that all on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Onondaga County Department of Health and the City of Syracuse or City of Auburn, if applicable.

(c) A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat. The Planning Board may waive the requirement to have the lot corners marked where the land is part of a working farm operation. In the case of a tract in which less than 50% of the land is to be platted for buildable lots, or where there is a farm operation, the Planning Board may waive the requirement of a field survey of that portion of the tract which is not to be platted.

(d) A note indicating the maximum impermeable surface coverage per lot, in compliance with § 148-9 of the Zoning Law.

(e) If the proposed subdivision is an open space subdivision as described in § 148-9 of the Zoning Law, the total permitted lot count for the entire

tract based upon the density standards in the Zoning Law, the number of lots created by the plat, and the number of lots permitted to be platted in the future, as well as a table showing setback requirements and impermeable surface coverage limits for each lot.

(f) Proposed subdivision name, name of the Town and county in which it is located.

(g) Date, North point, map scale, names and addresses of the record owner, subdivider, and licensed professional preparer, including license number and seal.

(h) If the platted lots abut agricultural uses, the agricultural disclosure note required by § 148-31 of the Zoning Law.

(i) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by § 305-a(2) of the Agriculture and Markets Law. (See § 131-7 of this chapter.)

(j) Such other information as the Planning Board deems necessary to conduct an informed review, including but not limited to items listed in § 131-3C(2).

(4) Relation to other lands of subdivider. If the application covers only a part of the subdivider's entire holdings (or those of a related person), the subdivider shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed subdivision to the entire holdings. The area proposed for subdivision shall be considered in light of the entire holdings.

(5) Agricultural data statement notification. Upon receipt of a minor subdivision plat application containing an agricultural data statement, the Secretary of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the subdivider.

(6) Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.

(7) Mediation. Mediation may be employed to help resolve disputes, as provided in § 131-3C(6).

(8) Study of plat. The Planning Board shall study the suitability of the plat taking into consideration the conservation analysis (if one is prepared), the conservation findings made at the time of sketch plan approval, the purposes and requirements of the Comprehensive Plan and the Zoning Law (including the rural siting principles in § 148-25 of the Zoning Law, if applicable), the best use of the land being subdivided, and the impacts of the proposed subdivision on the functioning of farm operations in an agricultural district as

shown in any agricultural data statement. Particular attention shall be given to the arrangement, location, and width of streets, and their relation to topography, water supply, sewage disposal, drainage, lot size and arrangement, the future development of adjoining lands as yet unsubdivided, and the Town's goals of protecting its natural, historic, scenic, and agricultural resources while providing affordable housing, promoting economic development, and diversifying its tax base.

(9) When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fees and all data required by § 131-3B(3) of this chapter, has been filed with the Secretary of the Planning Board, and the Planning Board has filed either a negative declaration or a notice of completion of a draft environmental impact statement in accordance with the State Environmental Quality Review Act (SEQRA).

(10) Public hearing. A public hearing shall be held by the Planning Board within 62 days from the date of official submission of the subdivision plat for approval or as otherwise provided in § 276(6)(d) of the Town Law. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days before the hearing and shall be coordinated with any hearing held under SEQRA. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

(11) Action on subdivision plat. The Planning Board shall, within 62 days of the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the subdivision plat pursuant to § 276(7)(a) of the Town Law. This time may be extended by mutual consent of the subdivider and the Planning Board. In the event the Planning Board fails to take action on a subdivision plat within the time prescribed herein, or for such extended period established by the mutual consent of the subdivider and the Planning Board, the plat shall be deemed approved, and a certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand, and shall be sufficient in lieu of written endorsement of other evidence of approval herein required.

(12) Conditional approval. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, and a copy filed in the Secretary's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified

statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

C. Approval of major subdivision.

(1) Application and fees.

(a) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in § 131-3C(2) below. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, except where a waiver may be specifically authorized by the Planning Board. The preliminary plat, in multiple copies as required by the Planning Board, shall be submitted to the Secretary of the Planning Board at such time as required by the Planning Board, and shall be accompanied by a fee established by the Town Board. If any portion of the property is in the Skaneateles or Owasco Lake Watersheds, the preliminary plat shall also be filed simultaneously with the City of Syracuse or the City of Auburn, as appropriate.

(b) The subdivider shall also be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the subdivision application. The application for approval of the preliminary plat shall be accompanied by a deposit to a project review escrow fund in an amount established by the Planning Board on the same terms as provided in § 148-44 of the Zoning Law. Any project review funds not expended by the Town in the consideration and review of the subdivider's application shall be returned to the subdivider upon completion of the subdivision process or the withdrawal of the subdivision application. All costs incurred by the Town which are in excess of the funds deposited shall be paid by the subdivider to the Town prior to final approval of the subdivision plat. The Town reserves the right to request additional deposits to the project review escrow fund if necessary to cover additional costs.

(2) Major subdivision preliminary plat and accompanying data. The following documents shall be submitted for approval:

(a) All information required for sketch plan approval in § 131-3A(1), and a draft environmental impact statement if required by the lead agency

under SEQRA.

(b) Ten copies of the preliminary plat prepared at a scale of 100 feet to the inch, or such other scale as the Planning Board may deem appropriate, showing:

[1] Proposed subdivision name, name of Town and county in which it is located, date, true North point, scale, name and address of record owner, subdivider, and licensed professional preparer, including license number and seal.

[2] The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

[3] Land use and overlay districts as shown on the Zoning Map.

[4] All parcels of land proposed to be dedicated to public use or preserved as open space and the conditions of such dedication or preservation.

[5] Location of existing property lines, easements, buildings, watercourses, wetlands, rock outcrops, soil types, slopes between 15% and 30%, slopes greater than 30%, wooded areas, and other significant existing features for the proposed subdivision and adjacent property. Much of this information shall have been submitted already as part of the conservation analysis required in Subsection C(2)(a) above.

[6] Location of existing sewers, water mains, culverts, and drains on or adjacent to the property, with pipe sizes and elevations of drainage facilities and sanitary sewers.

[7] Contours with intervals of two feet, unless larger intervals are permitted by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet.

[8] The width and location of any streets or public ways or other places reserved for public facilities or other public uses in the Comprehensive Plan within the area to be subdivided, if any, and the width, location, grades, and street profiles of all private roads, common driveways, or public ways proposed by the subdivider.

[9] The approximate location and size of all proposed waterlines, valves, hydrants, sanitary and storm sewer lines, catch basins and manholes, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law.

[10] Erosion and stormwater control plan in compliance with § 131-2C of this chapter and § 148-26 of the Zoning Law.

[11] Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof; the character, width, and depth of pavements and subbase, and the location of manholes, basins, and underground conduits. Profiles of all sanitary and storm sewers.

[12] Preliminary designs of any bridges or culverts which may be required.

[13] The proposed lot lines with approximate dimensions and area of each lot.

[14] Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of proposed permanent easements over or under private property. The permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision plat or the Official Map.

[15] The results of percolation tests on each lot intended for building habitable structures and a note stating that all on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Onondaga County Department of Health and the City of Syracuse or Cayuga County, if applicable.

[16] A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat. In the case of a tract in which less than 50% of the land is to be platted for buildable lots, the Planning Board may waive the requirement of a field survey of that portion of the tract which is not to be platted.

[17] A note indicating the maximum impermeable surface coverage per lot, in compliance with § 148-9 of the Zoning Law.

[18] If the proposed subdivision is an open space subdivision as described in § 148-9 of the Zoning Law, the total permitted lot count for the entire tract based upon the density standards in the Zoning Law, the number of lots created by the plat, and the number of lots permitted to be platted in the future, as well as a table showing setback requirements and impermeable surface coverage limits for each lot.

[19] Landscape plan in compliance with § 131-2G of this chapter.

[20] Such other information as the Planning Board deems necessary to conduct an informed review.

(c) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by § 305-a(2) of the Agriculture and Markets Law. (See § 131-5.)

(3) Relation to other lands of subdivider. If the application covers only a part of the subdivider's entire holdings (or those of a related person), the subdivider shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed subdivision to the entire holdings. The area proposed for subdivision shall be considered in light of the entire holdings.

(4) Agricultural data statement notification. Upon receipt of a major subdivision plat application containing an agricultural data statement, the Secretary of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the subdivider.

(5) Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

(6) Mediation. At any point in the subdivision review process the Planning Board may, if it deems appropriate and the parties consent, appoint a mediator to work informally with the applicant, neighboring property owners, and other interested parties to address concerns raised about the proposed subdivision. Any party may request mediation. Such mediation may be conducted by a community dispute resolution center or other mediator acceptable to the parties. The mediator shall have no power to impose a settlement or bind the parties or the reviewing board, and any settlement reached shall require reviewing board approval to assure compliance with all provisions of this chapter. The cost, if any, of such mediation may be charged to the applicant as part of the cost of subdivision review, with the applicant's written consent. Such cost may also be shared by other parties with their written consent.

(7) Study of preliminary plat. The Planning Board shall study the suitability of the plat taking into consideration the conservation analysis, the conservation findings made at the time of sketch plan approval, the purposes of the Comprehensive Plan and the Zoning Law (including the rural siting principles in § 148-25 of the Zoning Law, if applicable), the best use of the land being subdivided, and the impacts of the proposed subdivision on the functioning of farm operations in an agricultural district as shown in any agricultural data statement. The Planning Board may suggest alternatives including different lot configurations or nonresidential uses in order to protect farm operations. Particular attention shall be given to the arrangement, location, and width of streets and their relation to topography, water supply, sewage disposal,

drainage, lot size and arrangement, the future development of adjoining lands as yet unsubdivided, and the Town's goals of protecting its natural, historic, scenic, and agricultural resources while providing affordable housing, promoting economic development, and diversifying its tax base.

(8) When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and project review fund deposit, and all data required by § 131-3C(2) of this chapter, has been filed with the Secretary of the Planning Board, and the Planning Board has filed either a negative declaration or a notice of completion of a draft environmental impact statement in accordance with the State Environmental Quality Review Act (SEQRA).

(9) SEQRA compliance. The Planning Board shall follow the procedures for coordination of SEQRA and subdivision approval requirements contained in § 276(5) of the Town Law.

(10) Approval of the preliminary plat.

(a) Within 62 days of the official submission of the preliminary plat, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Town shall notify by mail all owners of land abutting the property designated for subdivision (including those across the street) at least 10 days prior to the public hearing. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate for full public consideration of such preliminary plat, including notification of the appropriate school district. Within 62 days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the preliminary plat, and the ground of the modification, if any, or the ground for disapproval, shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on the plat may be extended by mutual consent of the subdivider and the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of the preliminary plat, it shall be certified by the Secretary of the Planning Board as granted preliminary approval and a copy filed in the Secretary's office, a certified copy mailed to the owner, and a copy forwarded to the Town Board and the appropriate school district. In the event the Planning Board fails to take action on a preliminary plat within the time

prescribed, such preliminary plat shall be deemed granted preliminary approval. The certificate of the Town Clerk as to the date of submission, and the failure of the Planning Board to take action within such prescribed time, shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

(b) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to:

[1] The modifications it requires to the preliminary plat;

[2] The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare;

[3] The amount of improvements or the amount of all performance guaranties therefor which it will require as prerequisite to the approval of the subdivision plat; and

[4] The terms of any required conservation easements and other conditions that will be required to be fulfilled in connection with final plat approval.

(c) Prior to or within 30 days after receiving preliminary plat approval, the applicant shall meet with the Town Board or its designated Town official(s) and submit proposed construction drawings of the infrastructure that is proposed to be dedicated to the Town.

D. Final plat for major subdivision.

(1) Application for approval and fees. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application form available from the Secretary of the Planning Board. All applications for final plat approval for major subdivision shall be accompanied by an additional deposit to the project review escrow fund if requested by the Planning Board and by a major subdivision plat fee in the amount established by resolution of the Town Board. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may revoke preliminary plat approval.

(2) Major subdivision final plat and accompanying data. The plat to be filed with the County Clerk shall be printed in drafting film and ink, and shall meet specifications of the County Clerk's office. The plat shall normally be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, and additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

(a) Proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number, and seal of the licensed land surveyor.

(b) Street lines, pedestrian ways, lots, reservations, easements, areas to be dedicated to public use, required landscaping including buffer areas, and, if required by § 148-31 of the Zoning Law, an agricultural disclosure note.

(c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.

(d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale, and true North point.

(e) Dedicated public open spaces, areas protected by conservation easements, and open spaces or recreation areas where title is reserved by the subdivider. The subdivider shall submit copies of executed or proposed deeds, conservation easements, and such other agreements or documents as are necessary to show the manner in which such areas are to be owned, maintained, and preserved. For any open space subdivision, the plat shall clearly show the total permitted lot count for the entire tract, the number of lots created by the plat, and the number of lots permitted to be platted in the future. The final subdivision plat shall not be signed by the Planning Board until all necessary documents have been executed.

(f) All offers of cession and conservation easements or covenants governing the preservation and maintenance of unceded open space shall be approved by the Town Attorney as to their legal sufficiency.

(g) Lots and blocks within a subdivision shall be numbered and lettered in accordance with the prevailing Town practice.

(h) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.

(i) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least 3/4 of an inch (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade. The Planning Board may waive this requirement for farmland used in a farm operation.

(j) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Town Engineer.

(k) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of all underground utilities as actually installed. If the subdivider completes all required improvements according to § 131-3E(1)(a) of this chapter, then such map shall be submitted prior to final approval of the subdivision plat. However, if the subdivider elects to provide a letter of credit or certified check as a performance guaranty for all required improvements [as specified in § 131-3E(1)(b)], such performance guaranty shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

(3) When officially submitted. The time of submission of the final subdivision plat shall be considered to be the date on which the application for approval of the final subdivision plat, complete and accompanied by the required fee and project review reserve fund deposit and all data required by § 131-3D(2) of this chapter, has been filed with the Secretary of the Planning Board.

(4) Endorsement of state, county, and Town agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Onondaga County Department of Health, and, if located within the Skaneateles Lake Watershed, approved by the City of Syracuse. The subdivider shall file applications for approval of plans for water or sewer facilities with all necessary Town, city, county, and state agencies. Endorsement and approval by the Onondaga County Department of Health shall be secured by the subdivider before official submission of the final subdivision plat.

(5) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Secretary of the Planning Board.

(6) SEQRA compliance. The Planning Board shall follow the procedures for coordination of SEQRA and subdivision approval requirements contained in § 276(6) of the Town Law.

(7) Final plats which are not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall follow the procedures contained in § 276(6)(d) of the Town Law. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of a hearing on the final plat shall also be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

(8) Conditional approval. Upon resolution of conditional approval of the final plat, the Planning Board the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, and a copy filed in the Secretary's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

E. Required improvements.

(1) Improvements and performance guarantees. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection E(1)(a) or (b) below.

(a) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check or irrevocable letter of credit to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of Town Law, shall be purchased from a company licensed to do business in New York State, and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

(b) The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning

Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a performance guaranty covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such performance guaranty shall be satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution, and surety.

(c) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection E(1)(b), then such map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a performance guaranty for all required improvements as specified in Subsection E(1)(a), the security shall not be released until such a map is submitted.

(2) Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications. These modifications must be within the spirit and intent of the Planning Board's approval and may not result in a waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer shall issue any authorization under this Subsection E(2) in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

(3) Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of the improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

(4) Proper installation of improvements. If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, codes enforcement officer,

and Planning Board. The Town Board shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the performance bond or other performance guaranty. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

F. Filing of approved subdivision plat.

(1) Final approval and filing. Upon completion of the requirements in §§ 131-3B, 131-3D, and 131-3E of this chapter, and notation to that effect upon the subdivision plat, the plat shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the subdivider in the office of the County Clerk. Any subdivision plat not filed or recorded within 62 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act, shall become null and void. Plats approved in sections shall comply with applicable provisions of § 276 of the Town Law.

(2) Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Planning Board approves such modifications. In the event that any subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

G. Public streets and recreation areas.

(1) Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space on the subdivision plat.

(2) Ownership and maintenance of recreation areas. When a park, playground, or other recreational area is shown on a plat, the approval of the plat shall not constitute an acceptance by the Town of the area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the subdivider and the Town Board covering future deed and title, dedication, and provision for the cost of grading, developments, equipment, and maintenance of any such recreation area.

§ 131-4. Waivers and area variances.

A. Waiver of requirements. The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such

requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare, inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, or in conflict with the environmental, agricultural, scenic, or historic resource protection purposes of the Zoning Law.

B. Application for area variance. If a proposed plat contains one or more lots which do not comply with the Zoning Law dimensional regulations (including the open space subdivision provisions of § 148-9), application may be made to the Zoning Board of Appeals for an area variance pursuant to the Zoning Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the Zoning Board of Appeals may request that the Planning Board to provide a written recommendation concerning the proposed variance.

§ 131-5. Violations.

A. Penalties for offenses. Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and subject to a fine of not more than $250 or to imprisonment for a period of not more than 15 days, or to both such fine and imprisonment. In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation forfeit and pay a civil penalty of not more than $100. The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to additional penalty.

B. Denial of applications. Applications for a building or zoning permit, subdivision, special permit, site plan, use or area variance, or zoning amendment shall be denied by any Town official or board for any parcel that is in violation of this chapter.

§ 131-6. Conservation density subdivisions.

In order to encourage the preservation of open space, the Planning Board may modify road frontage requirements of the Zoning Law and allow the construction of private roads that are less costly than roads suitable for dedication to the Town, as long as the development is very low density and permanently preserves open space resources. A conservation density subdivision is a subdivision in which the average lot size is three times the minimum lot size in the district, house sites are located in delineated building envelopes, the land is protected by conservation easement from further development, and the subdivider is allowed to build narrower roads that are more rural in character than otherwise allowed. The following standards shall be followed by the Planning Board in

reviewing applications for approval of a conservation density subdivision.

A. Conditions for applying conservation density standards. Roads in conservation density subdivisions shall be built to the standards indicated in § 131-2B(6) and further described in Subsections B and C below. In addition, minimum road frontage requirements in the Zoning Law for conventional subdivisions may be reduced or waived by the Planning Board, provided that all of the following requirements are met:

(1) The average lot size in the proposed subdivision is at least three times the minimum lot size required in the zoning district for a conventional subdivision. If, due to the presence of access limitations or topographic or other physical constraints, the Planning Board has reason to believe that the proposed conservation density subdivision may contain as many as or more lots than would be permitted in a conventional subdivision of the same property, the Planning Board may require an applicant for a conservation density subdivision to submit a conventional subdivision plan for the property. If the Planning Board requires such a plan, it may limit the number of lots in the conservation density subdivision to 1/3 of the number of buildable lots shown on such plan.

(2) A permanent conservation easement is placed on the land to be subdivided, to maintain its natural and scenic qualities, to restrict building of homes to building envelopes deemed by the Planning Board to be least environmentally or visually sensitive, and to ensure that the land will not be subdivided to a density higher than that permitted in Subsection A(1) above.

(3) In the Planning Board's judgment, such modification will maintain or enhance the rural quality of the area.

(4) Adequate access to all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways.

(5) No common driveway shall provide access to more than four dwelling units (not counting accessory apartments). Private roads that serve more than four lots shall comply with applicable standards for a conservation density subdivision road in § 131-2B(6).

B. Additional private road requirements for conservation density subdivisions. The Planning Board may allow private roads in conservation density subdivisions to be unpaved. [Private roads in all other subdivisions shall be paved and comply with the requirements for minor streets in § 131-2B(6).] In granting approval for such private roads, the Planning Board must find that the proposed subdivision will fulfill the goals and objectives of the Comprehensive Plan by protecting the rural, scenic and natural character of the Town.

(1) The maximum number of lots using the proposed conservation density subdivision private road shall be 12.

(2) Written approval from the Town Superintendent of Highways and the Town Engineer shall be secured before approval of any private roads.

(3) Maintenance of such private roads shall comply with § 131-2G.

C. Design and construction standards for private roads. The following are minimum standards for construction of private roads in conservation density subdivisions. These apply in addition to the standards in § 131-2B(6) above. These may be made more stringent for particular roads based upon topography, soils, and the number of users for which they are designed:

(1) Whenever possible and as far as practicable, roads shall follow natural contours and shall avoid passing through open fields, except along their edges.

(2) Notwithstanding the minimum curve radii in § 131-2B(6), the Planning Board may permit a road to make a ninety-degree turn, provided that the road width and radius at such turn are sufficient to allow the passage of a fire-fighting vehicle after it has come to a full stop.

(3) The grade shall not exceed 12% nor be less than 1%. The grade shall not be greater than 3% within 30 feet of an intersection when the grade is an upgrade to the intersection and 100 feet when it is a downgrade.

(4) The subgrade and foundation course shall be constructed as required by Chapter 129.

(5) The wearing surface shall consist of at least two inches of fine crushed stone or gravel. Pavement may be required where necessary because of topography, soil conditions, or other circumstances.

(6) Where appropriate, provision shall be made for pedestrian and bicycle access to adjoining property which is not yet subdivided.

(7) The Planning Board may waive minimum requirements if necessary to preserve large and important trees, historic structures, stone walls, stream corridors, scenic areas, or other important or unique landforms or landscape features.

(8) The Planning Board may require turnouts in the roads to allow vehicles to safely pass in opposite directions.

D. Maintenance of private roads. The subdivider shall provide for adequate long-term maintenance and repair of private roads as provided in § 131-2G.

§ 131-7. Terminology and definitions.

A. Use and interpretation of words. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words defined in the Zoning Law (§ 148-56) shall carry the meanings contained in those definitions. Words used in the singular shall include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary. The

masculine gender includes the feminine and neuter. The word "shall" is mandatory; the word "may" is permissive. The word "lot" includes the word "plot" or "parcel." The word "person" includes a corporation as well as an individual.

B. Definitions. For the purpose of this chapter, certain words used herein are defined as follows.

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 subdivision 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 subdivision is proposed; and a Tax Map or other map showing the site of the proposed subdivision relative to the location of farm operations identified in the agricultural data statement.

APPLICANT — See "subdivider."

BUILDING ENVELOPE — An area of land shown on a subdivision plat as an acceptable location for the construction of buildings and other structures.

COLLECTOR STREET — A street which serves or is designed primarily to serve as a traffic way for a neighborhood or as a feeder to a major street.

COMMON DRIVEWAY — A driveway serving no more than four lots, owned in common or created by reciprocal easements.

DEAD-END STREET or CUL-DE-SAC — A street or portion of a street with only one vehicular traffic outlet.

DRIVEWAY — A private way providing vehicular access from a public or private road to a residence or to a commercial or noncommercial establishment.

EASEMENT — A duly recorded authorization by a property owner for the use of any designated part of his property by another for a specified purpose.

ENGINEER or PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

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.

INTERIOR ROAD — A road constructed off of an existing public street that provides access to the interior of a parcel.

LANDSCAPE ARCHITECT — A person licensed as a landscape architect by the State of New York.

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 the 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 LINE ADJUSTMENT — A modification of lot boundaries affecting any lot shown on an approved and filed plat in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of buildable lots. A lot line adjustment is not a subdivision, but an amending map must be signed and recorded as provided in § 131-1F.

LOT MERGER — A change in lot configuration that merges contiguous lots in the same ownership by eliminating but not changing any lot lines.

MAJOR STREET — A street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or heavy traffic generating areas.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MINOR STREET — A public or private road intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION — Any subdivision or series of subdivisions containing no more than four lots over a ten-year period, not involving a new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Comprehensive Plan.

OPEN SPACE SUBDIVISION — A subdivision in which open space is permanently preserved pursuant to § 148-9 of the Zoning Law.

PLANNING BOARD — The Planning Board of the Town of Skaneateles.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in this chapter, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and in sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PRIVATE ROAD — A privately owned road normally held in common ownership by a homeowners' association, except where the Planning Board has allowed the road to be owned by individual lot owners with cross-easements of access and a recorded maintenance agreement. (See § 131-6.) There are two types of private roads:

(1) Those permitted under § 131-6 in connection with a conservation density

subdivision; and

(2) Those constructed to the standards for minor streets as part of conventional or open space subdivisions.

RESUBDIVISION — A change (including a lot adjustment) in a subdivision plat filed in the office of the County Clerk which a) affects any area reserved thereon for public use; b) affects any street layout shown on such plat; or c) diminishes the size of any lot shown thereon. A merger of adjoining lots that eliminates lot lines but does not change any lot lines is not a resubdivision.

REVERSE FRONTAGE ROAD — An interior road on which lots have their front lot lines, with the rear or side portions of such lots facing existing public roads.

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.

SKETCH PLAN — A sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

SUBDIVIDER — Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or for others.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, lease, or building development. Such division shall include resubdivision of plats already filed in the office of the County Clerk. A merger of adjoining lots that eliminates lot lines but does not change any lot lines is not a subdivision or a resubdivision.

SUBDIVISION PLAT or FINAL PLAT — A drawing or drawings in final form showing a proposed subdivision containing all information or detail required by law and by this chapter, and which, if approved by the Planning Board, may be duly filed by the applicant in the office of the County Clerk.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

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.

TRAVELED WAY — That portion of a road which, because of its grading, base, drainage, and surface, is passable in all seasons by motor vehicles, including fire trucks and ambulances. As used in this chapter, traveled way shall refer to the average width of the road.

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 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.

WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated soils or periodic inundation. (See § 148-29 of the Zoning Law.)

ZONING LAW — The Town of Skaneateles Zoning Law, as amended.[15]

15. **Editor's Note: See Ch. 148, Zoning.**

Chapter 134

TAXATION

[HISTORY: Adopted by the Town Board of the Town of Skaneateles as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Senior Citizens Tax Exemption
[Adopted 2-19-2004 by L.L. No. 1-2004[16]; amended in its entirety 2-15-2007 by L.L. No. 4-2007]

§ 134-1. Exemption established; income limits.

The provisions of New York State Real Property Tax Law § 467(3)(a), as recently amended by Chapter 186 of the Laws of 2006, in relation to the partial exemption from real property taxes for persons 65 years of age and over are adopted as follows:

Exemption	Income Limits Beginning 7/1/06	Income Limits Beginning 7/1/07	Income Limits Beginning 7/1/08	Income Limit Beginning 7/1/09
50%	$26,000	$27,000	$28,000	$29,000
45%	$27,000	$28,000	$29,000	$30,000
40%	$28,000	$29,000	$30,000	$31,000
35%	$29,000	$30,000	$31,000	$32,000
30%	$29,900	$30,900	$31,900	$32,900
25%	$30,800	$31,800	$32,800	$33,800
20%	$31,700	$32,700	$33,700	$34,700
15%	$32,600	$33,600	$34,600	$35,600
10%	$33,500	$34,500	$35,500	$36,500
5%	$34,400	$35,400	$36,400	$37,400

§ 134-2. Refunds.

16. **Editor's Note: This local law superseded former Art. I, Senior Citizens Tax Exemption, adopted 2-6-2003 by L.L. No. 1-2003.**

No refunds or retroactive entitlements shall be granted.

§ 134-2.1. Applicability.

This article shall be applied to any assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 2007.

§ 134-2.2. When effective.

This article shall take effect immediately upon its filing with the Secretary of State.

ARTICLE II
Business Tax Exemption for Capital Improvements
[Article 4-A of the Commerce Law of the State of New York was repealed effective 4-1-1983. Local Law No. 1-1978, adopted 2-17-1978, was saved from repeal by L.L. No. 11-1985, § 4Q, adopted 12-10-1985, in order to preserve continuity for those eligible business facilities which qualified under Article 4-A of the Commerce Law and L.L. No. 1-1978.]

ARTICLE III
Agricultural Assessments
[Adopted 5-5-1995 by L.L. No. 2-1995]

§ 134-3. Use of assessment for certain purposes; effective date.

A. In accordance with the Agriculture and Markets Law § 306, Subdivision 5, the assessment determined pursuant to the Agriculture and Markets Law § 306, Subdivision 1, shall be used for the benefit assessment or special ad valorem levy levied by the Town on behalf of a water, light, sewer, sanitation, fire or ambulance district.

B. This article shall take effect on January 1, 1995, and shall apply to assessment rolls prepared pursuant to a taxable status date occurring on or after such date.

ARTICLE IV
Veterans Tax Exemption
[Adopted 3-16-1995 by L.L. No. 1-1995]

§ 134-4. Applicable statute.

A. Effective July 20, 1994, the New York Real Property Tax Law § 458, Subdivision 5, relating to a certain veterans exemption from real property taxes was repealed and replaced with a new Real Property Tax Law § 458, Subdivision 5. (See Laws of 1994, Chapter 410.)

B. The provisions of the Real Property Tax Law § 458, as recently amended, relative to veterans exemptions, shall apply to Town real property taxes levied by the Town of Skaneateles.

§ 134-5. Increase or decrease in exemption.

Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1

or 2 of the Real Property Tax Law § 458, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and the material change and level of assessment is certified for the assessment roll pursuant to the rules of the State Board, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this section to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.

§ 134-6. Exemption granted.

Owners of real property who previously received an exemption pursuant to this section, but who opted instead to receive exemption pursuant to § 458-a, are hereby authorized again receive an exemption pursuant to this section upon application by the owner within one year of the adoption of this article. The Assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the cumulative change in level of assessment certified by the State Board measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to § 458-a; provided, however, that if an exemption pursuant to this section was initially granted to a parcel on a later assessment roll, the cumulative change and level factor to be used in recomputing that exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted.

§ 134-7. Refunds.

No refunds or retroactive entitlements shall be granted.

§ 134-8. Applicability to be retroactive.

This article shall be applied retroactively to an assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 1995.

ARTICLE V
Alternative Veterans Tax Exemption
[Adopted 4-2-1998 by L.L. No. 1-1998[17]; amended in its entirety 3-15-2007 by L.L. No. 7-2007]

§ 134-9. Legislative authority.

Effective August 25, 2006, New York Real Property Tax Law § 458-a(2)(d)(ii), relating to the veterans alternative exemption from real property taxes, was amended to permit a county, city, town or village to adopt a local law increasing the allowable maximum

17. **Editor's Note: This local law superseded former Art. V, Alternative Veterans Tax Exemption, adopted 2-6-1997 by L.L. No. 1-1997.**

alternate exemption allowable up to one of a number of different levels, including:

Type of Exemption	Level
Basic	$36,000
Combat	$60,000
Disability	$120,000

§ 134-10. Maximum exemption.

The provisions of New York Real Property Tax Law § 458-a(2)(d)(ii), as amended, relative to the veterans alternative exemption, are hereby adopted and shall apply to Town real property taxes levied by the Town of Skaneateles at the following maximum levels. The maximum exemption allowable in paragraphs (a), (b) and (c) of Subdivision 2 of Real Property Tax Law § 458-a are increased to $36,000, $60,000 and $120,000, respectively.

§ 134-11. Refunds.

No refunds or retroactive entitlements shall be granted.

§ 134-12. Applicability; effective date.

This article shall be applied to an assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 2007.

ARTICLE VI
Exemption for Disabled Persons With Limited Incomes
[Adopted 2-19-2004 by L.L. No. 2-2004[18]; amended in its entirety 2-15-2007 by L.L. No. 5-2007]

§ 134-13. Legislative authority.

Effective July 29, 1998, New York Real Property Tax Law § 459-c authorizes a town to provide a partial real property tax exemption for real property owned by persons with disabilities whose incomes are limited by reason of such disabilities.

§ 134-14. Schedule; income limits.

New York Real Property Tax Law § 459-c(1)(b), as amended, further authorizes a town to adopt such an exemption to the extent provided in the following schedule:

18. **Editor's Note: This local law superseded former Art. VI, Exemption for Disabled Persons with Limited Incomes, adopted 2-6-2003 by L.L. No. 2-2003.**

Exemption	Income Limits Beginning 7/1/06	Income Limits Beginning 7/1/07	Income Limits Beginning 7/1/08	Income Limits Beginning 7/1/09
50%	$26,000	$27,000	$28,000	$29,000
45%	$27,000	$28,000	$29,000	$30,000
40%	$28,000	$29,000	$30,000	$31,000
35%	$29,000	$30,000	$31,000	$32,000
30%	$29,900	$30,900	$31,900	$32,900
25%	$30,800	$31,800	$32,800	$33,800
20%	$31,700	$32,700	$33,700	$34,700
15%	$32,600	$33,600	$34,600	$35,600
10%	$33,500	$34,500	$35,500	$36,500
5%	$34,400	$35,400	$36,400	$37,400

§ 134-15. Applicability.

Subject to and as defined in the provisions of Real Property Tax Law § 459-c, as amended, a partial real property tax exemption is hereby authorized for property owned by persons with disabilities whose income is limited by reason of such disability as specifically provided and determined by § 459-c. This article shall be applied to any assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 2007.

§ 134-16. Maximum income levels.

The income eligibility levels for such exemption are hereby established at the maximum amounts authorized by Real Property Tax Law § 459-c(1)(b), as described in § 134-14 of this article.

§ 134-16.1. When effective.

This article shall take effect immediately upon its filing with the Secretary of State.

ARTICLE VII
Gold Star Parent Exemption
[Adopted 2-26-2001 by L.L. No. 7-2001]

§ 134-17. Legislative authority.

Effective August 23, 2000, New York Real Property Tax Law § 458-a, relating to the veterans alternate exemption from real property taxes was amended to add a new subsection, § 458-a, Subdivision 7, which permits a County, Town or Village to adopt a local law to include a Gold Star Parent within the definition of "qualified owner" and "qualifying residential real property" for purposes of determining the veterans' alternative

exemption referenced in Town Code, § 134-9.

§ 134-18. Exemption established.

The provisions of Real Property Tax Law § 458-a, Subdivision 7, relative to the veterans alternate exemption and Gold Star Parent are hereby adopted and shall apply to Town real property taxes levied by the Town of Skaneateles at the maximums contained in Town Code, § 134-10 above.

§ 134-19. Refunds.

No refunds or retroactive entitlements shall be granted.

§ 134-20. Applicability; when effective.

This article shall be applied to an assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 2001, and shall take effect immediately in accordance with the Municipal Home Rule Law.

ARTICLE VIII
Converted Condominiums
[Adopted 2-1-2007 by L.L. No. 3-2007]

§ 134-21. Title.

This article shall be known as "A Law Amending Chapter 134, entitled "Taxation," of the Town Code of the Town of Skaneateles."

§ 134-22. Legislative authority.

This article is enacted pursuant to the authority of New York Municipal Home Rule Law § 10, the New York Town Law and New York Real Property Tax Law ("RPTL") § 581(1)(c).

§ 134-23. Purpose; findings.

A. The intent of the Town Board is to adopt a local law as permitted by RPTL § 581(1)(c) providing that the method of assessing condominiums contained in RPTL § 581(1)(a) shall not apply to converted condominium units in the Town of Skaneateles.

B. The Town Board finds, upon the recommendation of the Assessor, that it is desirable to the greatest extent possible under the law to give the Town the option of assessing single-family residences at market value. The Town Board wishes to prevent the characterization of single-family residences as condominiums since such characterization may prevent the Assessor from using the market value method of determining a property's value for a single-family residence from being used and thus result in a lower assessment than its current market value. The Town Board believes that uneven and unfair taxation results when condominiums are not taxed at market value.

§ 134-24. Applicability.

Pursuant to the authority granted to the Town by RPTL § 581(1)(c), the provisions of RPTL § 581(1)(a) shall not apply to converted condominium units within the Town of Skaneateles. The Town of Skaneateles does not recognize converted condominium units as defined in RPTL § 581(1)(c) as condominium units for purpose of assessing the value of said condominium.

§ 134-25. When effective.

This article shall take effect 30 days after adoption by the Town Board and upon filing in the office of the New York State Secretary of State.

ARTICLE IX
Volunteer Fire Fighters and Ambulance Workers Exemption
[Adopted 12-30-2005 by L.L. No. 5-2005]

§ 134-26. Purpose.

The purpose of this article is to implement the authority granted to local taxing jurisdictions by § 466-g of the Real Property Tax Law, which provision authorizes local taxing jurisdictions to grant a real property tax exemption for residences owned by fire fighters and ambulance workers.

§ 134-27. Exemption granted.

A. Real property located in the Town of Skaneateles and owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or such enrolled member and spouse, residing in the Town of Skaneateles, shall be exempt from taxation to the extent of 10% of the assessed value of such property for town, part-town, special district or fire district purposes, exclusive of special assessments; provided, however, that such exemption shall in no event exceed $3,000, multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service, or such enrolled member and spouse, unless:

   (1) The applicant resides in the Town of Skaneateles and the Town of Skaneateles is saved by such fire company, fire department or ambulance service in which the applicant is an enrolled member;

   (2) The property is the primary residence of the applicant;

   (3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence, but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(4) The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years.

C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service, or such enrolled member and spouse, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Skaneateles.

D. Application for such exemption shall be filed with the Town Assessor on a form as prescribed by the State Board of Real Property Services.

E. No applicant who is a volunteer fire fighter or volunteer ambulance worker, who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law on the effective date of this section, shall suffer any diminution of such benefit because of the provisions of this article.

ARTICLE X
Cold War Veterans Exemption
[Adopted 12-3-2009 by L.L. No. 6-2009]

§ 134-28. Purpose.

The purpose of this article is to provide for a real property tax exemption from Town of Skaneateles real property taxes for Cold War veterans, pursuant to New York Real Property Tax Law § 458-b.

§ 134-29. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACTIVE DUTY — Full-time duty in the United States armed forces, other than active duty for training.

ARMED FORCES — The United States Army, Navy, Marine Corps, Air Force and Coast Guard.

COLD WAR VETERAN — A person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions.

LATEST STATE EQUALIZATION RATE — The latest final equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

QUALIFIED OWNER — A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY — Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation, and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

SERVICE CONNECTED — With respect to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

§ 134-30. Amount of exemption. [Amended 6-17-2010 by L.L. No. 2-2010]

Pursuant to § 458-b of the New York State Real Property Tax Law, the maximum Cold War veterans exemption from real property taxes is established as follows:

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed $36,000 or the product of $36,000 multiplied by the latest state equalization rate of the assessing unit, whichever is less.

B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed $120,000, or the product of $120,000 multiplied by the latest state equalization rate for the assessing unit, whichever is less.

§ 134-31. Limitations.

A. The exemption from taxation provided by this article shall not be applicable to real property taxes levied or relevied for school purposes.

B. If the Cold War veteran receives the exemption pursuant to § 458 of the Real Property Tax Law or § 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this article.

C. The exemption provided by Subsection A of § 134-30 of this article shall be granted

for a period of 10 years, the commencement of such ten-year period being governed pursuant to this subsection. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article. Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential property, such ten-year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to Subsection A of § 134-30 of this article for the unexpired portion of this ten-year exemption period.

D. Application for the exemption shall be made by the owners, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the Assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to penalties prescribed in the Penal Law.

Chapter 141

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 12-10-1985 by L.L. No. 9-1985. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 141-1. Definitions; interpretation.

A. Definitions of words and phrases.

(1) The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Title 1 of the Vehicle and Traffic Law of the State of New York.

(2) The following words and phrases, which are not defined by Title I of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

ALL-TERRAIN VEHICLE or ATV [Added 6-2-1986 by L.L. No. 1-1986]

(a) Any motorcycle or any motor vehicle not equipped for registration under the Vehicle and Traffic Law of the State of New York providing such vehicle does not exceed 60 inches in width or 800 pounds dry weight; and

(b) Any motor vehicle manufactured for sale for operation primarily on off-highway trails or in off-high-way competitions and only incidentally operated on designated public highways.

MOTORIZED VEHICLES — Every vehicle which is propelled by any power other than muscular power, including a motor vehicle, off-highway motorcycle or all-terrain vehicle, whether or not operated or operable upon a public highway; provided, however, this definition shall not include a "snowmobile" or other motor vehicles manufactured for off-highway use which utilize an endless belt tread. [Added 6-2-1986 by L.L. No. 1-1986]

TOWN — The Town of Skaneateles, Onondaga County, New York.

B. Interpretation.

(1) Official time standard. Whenever certain hours are named herein or on traffic

control devices, they shall mean the time standard which is in current use in this state.

(2) Measurements. Any linear measurements specified for various orders, rules and/or regulations contained in or adopted and/or issued pursuant to this chapter shall be deemed to be approximate, and such measurements, and the order, rule and/or regulation to which they pertain, shall not be affected or altered in any way by the widening of a street, by the construction of gutters or sidewalks or by any other action which might tend to obliterate the point from which such measurements were originally made. Unless otherwise indicated, measurements shall be made from the center lane or highway property line, as appropriate.

§ 141-2. Authority to install traffic control devices.

The Superintendent of Highways shall install and maintain traffic control devices, when and as required under the provisions of this chapter, to make effective the provisions of this chapter and may install and maintain such additional traffic control devices as the Town Board may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

§ 141-3. Penalties for offenses.

Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than $50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than $100 or by imprisonment for not more than 45 days, or both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than $250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

§ 141-4. Repealer.

All prior local laws, ordinances, orders, rules and/or regulations, or parts of such, of this Town regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance, rule and/or regulation hereby repealed prior to the taking effect of this chapter.

§ 141-5. Severability.

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 141-6. When effective.

A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any orders, rules and/or regulations adopted and/or issued hereunder shall take effect as provided by law.

B. Any part or parts of this chapter, and any orders, rules and/or regulations adopted and/or issued hereunder, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval, in writing, is received from the New York State Department of Transportation.

ARTICLE II
Traffic Regulations

§ 141-7. Traffic control signals.

Traffic control signals shall be installed, maintained and operated at the intersections and locations described in Schedule I (§ 141-26).

§ 141-8. One-way streets.

The streets or parts of streets described in Schedule II (§ 141-27) are hereby designated as one-way streets during the periods indicated, and vehicles shall proceed along those streets or parts of streets only in the direction indicated during the periods indicated.

§ 141-9. Prohibited turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule III (§ 141-28).

§ 141-10. Prohibited turns on red signal.

In accordance with the provisions of § 1111(d)2 of the Vehicle and Traffic Law, no person shall make a right turn on a steady red signal at the locations designated in Schedule IV (§ 141-29).

§ 141-11. Stop intersections.

The intersections described in Schedule V (§ 141-30) are hereby designated as stop intersections, and stop signs shall be erected as indicated.

§ 141-12. Yield intersections.

The intersections described in Schedule VI (§ 141-31) are hereby designated as yield

intersections, and yield signs shall be erected as indicated.

§ 141-13. Truck exclusions.

A. All trucks, tractors and tractor-trailer combinations in excess of the indicated maximum gross weights are hereby excluded from the streets and highways, or parts thereof, described in Schedule VII (§ 141-32).

B. The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded.

§ 141-13.1. Motorized vehicle exclusions. [Added 6-2-1986 by L.L. No. 1-1986]

A. All motorized vehicles are hereby excluded from the property owned, leased or controlled by the Town, or parts thereof, described in Schedule XIII (§ 141-38).

B. The regulations established in this section shall not apply to motorized vehicles utilized in maintenance, repair, administration or enforcement of regulations by or on behalf of the Town.

ARTICLE III
Parking, Standing and Stopping

§ 141-14. Applicability of article.

The provisions of this article shall apply, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

§ 141-15. All-night parking.

The parking of vehicles is hereby prohibited on all highways within the Town between 2:00 a.m. and 7:00 a.m., from November 1 to April 1.

§ 141-16. Manner of parking.

A. Wherever a space shall be marked off on any street for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

B. Except where angle parking is authorized, every vehicle stopped, standing or parked upon a highway, where there are not adjacent curbs, shall be so stopped, standing or parked parallel with the edge of the roadway and headed in the direction of lawful traffic.

§ 141-17. No stopping, standing or parking at any time.

The stopping, standing or parking of vehicles is hereby prohibited at all times in the locations described in Schedule VIII (§ 141-33).

§ 141-18. No stopping, standing or parking certain hours.

The stopping, standing or parking of vehicles is hereby prohibited in the locations described in Schedule IX (§ 141-34) during the hours indicated.

§ 141-19. Limited-time parking.

The stopping, standing or parking of vehicles is hereby prohibited in the locations described in Schedule X (§ 141-35) for a longer period of time than that designated during the hours indicated.

§ 141-20. Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XI (§ 141-36), attached to and made a part of this chapter, except at the angle designated and only within the painted white stall lines.

§ 141-21. Bus stops.

The locations described in Schedule XII (§ 141-37) are hereby designated as bus stops, and the parking or standing of vehicles other than buses is hereby prohibited in such locations.

ARTICLE IV
Removal and Storage of Vehicles

§ 141-22. Removal of vehicles.

A. The Superintendent of Highways shall have the authority to cause the removal and disposal of any vehicle left unattended for more than 24 hours upon the right-of-way of any Town highway of the Town or upon property owned by the Town.

B. The Superintendent of Highways shall have the authority to cause the immediate removal, from the right-of-way of any highway within the Town or from any other public property owned by the Town, of any vehicle parked in violation of this chapter or which obstructs or interferes with the use of such highway for public travel or which obstructs or interferes with the operations of the Town Highway Department during a public emergency.

C. The Superintendent of Highways, or any law enforcement official or any Town constable, shall have the authority to cause the removal and disposal of any vehicle without a permit issued by the Town Clerk and which is left unattended in the Town Parking Lot in the Hamlet of Mandana. [Added 12-16-1991 by L.L. No. 4-1991]

§ 141-23. Payment of costs. [Amended 12-16-1991 by L.L. No. 4-1991]

Where a vehicle has been removed pursuant to the authority of this chapter, the owner of the vehicle shall be required to pay the cost of such removal, disposition and storage thereof. Such costs may be fixed and amended from time to time by resolution of the Town Board. The owner of the vehicle shall also be liable for fines otherwise provided

under this chapter.

§ 141-24. Disposition of unclaimed vehicles.

Where a vehicle has been in the possession of the Town for more than 30 days, pursuant to this article, and is unclaimed, the Superintendent of Highways, or another Town official as may be designated by resolution of the Town Board, may sell the same at a public sale, following notice of such proposed sale being published in the official newspaper of the Town not less than three nor more than 20 days before the date of sale.

§ 141-25. Reports required.

The Superintendent of Highways shall cause to be made such reports to the Commissioner of Motor Vehicles as may be required for vehicles removed, stored or sold pursuant to this article.

ARTICLE V
Schedules

§ 141-26. Schedule I: Traffic Control Signals.

In accordance with the provisions of § 141-7, traffic control signals shall be installed, maintained and operated at the following intersections and locations:

Intersection (Location)
(Reserved)

§ 141-27. Schedule II: One-Way Streets.

In accordance with the provisions of § 141-8, the following described streets or parts of streets are designated as one-way streets in the direction indicated:

Name of Street	Direction	Limits
Church Street (east/west segment) [Added 11-20-1989 by L.L. No. 4-1989]	East	None
Church Street (north/south segment) [Added 11-20-1989 by L.L. No. 4-1989]	South	None

§ 141-28. Schedule III: Prohibited Turns at Intersections. [Amended 11-20-1989 by L.L. No. 4-1989; 2-21-1991 by L.L. No. 1-1991]

In accordance with the provisions of § 141-9, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	At Intersection of
Clapp Road	North	Left	Old Seneca Turnpike

Mottville Road	East	Left	Church Street
Mottville Road	West	Right	Church Street
Old Seneca Turnpike	West	Left	Clapp Road

§ 141-29. Schedule IV: Prohibited Turns on Red Signal.

In accordance with the provisions of § 141-10, no person shall make a right turn at a steady red signal at the following locations:

Location (Intersection)	Prohibited Right Turn on Red Signal
(Reserved)	

§ 141-30. Schedule V: Stop Intersections. [Amended 1-5-1996 by L.L. No. 1-1996; 11-7-1996 by L.L. No. 6-1996; 11-5-1998 by L.L. No. 5-1998; 4-4-2002 by L.L. No. 2-2002]

In accordance with the provisions of § 141-11, the following described intersections are designated as stop intersections:

Stop Sign on	Direction of Travel	At Intersection of
Butters Farm Lane [Added 6-2-2005 by L.L. No. 2-2005]	Both	Jordan Road
Crow Hill Road	West	County Line Road
Gully Road	Southwest	New Seneca Turnpike
Hoyt Road	South	Van Camp Road
Jewett Road	East	Highland Avenue
Milford Drive	South	West Elizabeth Street
Sheldon Road	West	County Line Road
Thorne Schoolhouse Road	West	Gully Road
Thorne Schoolhouse Road	East	New Seneca Turnpike
Van Camp Road	Southwest	Hoyt Road
Visions Drive	East	Jordan Road
Visions Drive	West	County Line Road

§ 141-31. Schedule VI: Yield Intersections.

In accordance with the provisions of § 141-12, the following described intersections are designated as yield intersections:

Yield Sign on	Direction of Travel	At Intersection of
(Reserved)		

§ 141-32. Schedule VII: Truck Exclusions. [Amended 9-21-1995 by L.L. No. 4-1995]

In accordance with the provisions of § 141-13, all trucks, tractors and tractor-trailer combinations in excess of the indicated maximum gross weights are hereby excluded from the following streets:

Name of Street	Weight (tons)	Location
East Street Road	5	Entire length
Heifer Road	5	Entire length
Highland Avenue	5	Entire length
Jewett Road	5	Entire length
Sheldon Road [Added 9-17-2009 by L.L. No. 3-2009]	5	Entire length

§ 141-33. Schedule VIII: No Stopping, Standing or Parking at Any Time.

In accordance with the provisions of § 141-17, the stopping, standing or parking of vehicles is prohibited at all times in the following locations:

Name of Street	Side	Location
East Street [Added 1-18-2007 by L.L. No. 2-2007]	East	From the Skaneateles Village line to 25 feet north of the northern right-of-way of Cecil Arthur Road
Hillside Drive [Added 5-17-2001 by L.L. No. 8-2001]	Both	From and including the southernmost end to a point 200 feet north of such southernmost end
Jordan Road	West	From a point 100 feet south of the center line of Stump Road, west of Jordan Road, to a point 200 feet north of such center line of Stump Road
Lacey Road [Amended 5-18-1992 by L.L. No. 1-1992]	Both	Between New York Route 41A and the waters of Skaneateles Lake
O'Neill Lane	Both	Between the intersection of the center lines of O'Neill Lane and Frost Street to a point 200 feet southerly therefrom in the Town of Skaneateles

§ 141-34. Schedule IX: No Stopping, Standing or Parking Certain Hours.

In accordance with the provisions of § 141-18, the stopping, standing or parking of vehicles is prohibited in the following locations during the hours indicated:

Name of Street	Side	Hours	Location
(Reserved)			

§ 141-35. Schedule X: Limited-Time Parking.

In accordance with the provisions of § 141-19, the stopping, standing or parking of vehicles is prohibited in the locations described below for a longer period of time than that designated during the hours indicated:

Name of Street	Side	Time Limit	Hours	Location
(Reserved)				

§ 141-36. Schedule XI: Angle Parking.

In accordance with the provisions of § 141-20, no person shall park a vehicle upon any of the following streets or parts of streets except at the angle indicated:

Name of Street	Side	Angle	Location
(Reserved)			

§ 141-37. Schedule XII: Bus Stops.

In accordance with the provisions of § 141-21, standing is prohibited, excluding buses, at the following locations hereby designated as bus stops:

Name of Street	Side	Location
(Reserved)		

§ 141-38. Schedule XIII: Motorized Vehicle Exclusions. [Added 6-2-1986 by L.L. No. 1-1986]

In accordance with the provisions of § 141-13.1, motorized vehicles are hereby excluded from the following property owned, leased or controlled by the Town:

Description of Property	Location
Nature trail and linear park (former Skaneateles Short Line Railroad property)	Between Old Seneca Turnpike and Crow Hill Road/Mottville Road

ARTICLE VI

Town Parking Lot
[Added 12-16-1991 by L.L. No. 4-1991]

§ 141-39. Parking lot established; permit required; signs; penalty.

A. A parking lot for the exclusive use of persons with a permit issued by the Town of Skaneateles shall exist on a portion of the Town property located on the north side of Route 359 in the Hamlet of Mandana. The parking lot shall be known as the "Town Parking Lot in the Hamlet of Mandana."

B. The term "resident of the Town of Skaneateles" shall mean a person domiciled in the Town of Skaneateles. The term "owner of real property in the Town" shall mean any person not domiciled in the Town of Skaneateles who owns real property in the Town of Skaneateles as shown by a copy of the most recent deed for the real property and by the records of the Town Assessor. A resident of the Town of Skaneateles or an owner of real property in the Town of Skaneateles may obtain an annual permit from the Town Clerk.

C. Temporary tenants of property in the Town of Skaneateles may obtain a temporary permit from the Town Clerk but only for the duration of the temporary tenancy in real property in the Town of Skaneateles as shown by their lease or rental agreement.

D. Fees for annual and temporary permits may be fixed and amended from time to time by resolution of the Town Board.

E. Signs shall be established and maintained by the Superintendent of Highways giving notice that parking is limited to persons with a permit issued by the Town of Skaneateles.

F. It shall be a traffic infraction for any person to park a vehicle in the Town Parking Lot without a permit issued by the Town Clerk of the Town of Skaneateles.

Chapter 146

WATER

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 4-1-1969 by L.L. No. 1-1969. Amendments noted where applicable.]

§ 146-1. Title; applicability.

This chapter shall be known as the "Uniform Water District Regulations of the Town of Skaneateles, 1969." These regulations shall apply to all water districts of the Town of Skaneateles now or hereafter established and to the customers thereof. No water service connections or facilities shall be made or installed except in conformity with the provisions of these regulations.

§ 146-2. Definitions.

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

DISTRICT — Any and every water district or extension thereof, established pursuant to the provisions of the Town Law of the State of New York, which is located in the Town of Skaneateles, in whole or in part, and which is governed by the Town Board of the Town of Skaneateles.

PREMISES

A. A building under one roof, owned or leased by one customer and occupied as one residence or one place of business.

B. A combination of buildings owned or leased by one customer, in one common enclosure, occupied by one family as a residence or one corporation, firm or person as a place of business.

C. Each unit of a multiple house or building separated by a solid partition wall, occupied by one family as a residence or one corporation, firm or person as a place of business.

D. A building owned or leased by one customer, having a number of apartments, offices or lofts which are rented to tenants and using in common one hall and one or more means of entrance.

E. A building, one or more stories high under one roof, owned or leased by one customer having an individual entrance for the ground-floor occupants and at least one for the occupants of the upper floors.

F. A garden apartment owned by one individual or firm and located in one common enclosure.

WATER SUPERINTENDENT — The Water Superintendent of the Town of Skaneateles or his deputy as designated by the Town Board or such other person as may be designated by resolution of the Town Board to perform the duties of the Water Superintendent under these regulations.

§ 146-3. Application for service.

A. Applications for use of water shall be on forms provided by the Town Clerk of the Town of Skaneateles. The applicant shall furnish all information indicated on the application forms, as well as additional information that may be required by the Town Clerk, Water Superintendent or Town Board.

B. Approval of applications shall be subject to there being an existing main in a street or right-of-way abutting on the premises to be served, and approval shall in no way obligate the district to extend its mains.

C. A separate application must be made for each premises. Submetering will not be permitted.

D. Application of contractors, builders and others for temporary water service may be accepted and temporary water service supplied, provided that it does not interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined by meter or by estimate, as determined by the Water Superintendent. Customers requiring temporary water service shall reimburse the district for all its expenses in connection with providing temporary service connections, and a deposit specified by the district will be required.

E. No application will be accepted from any applicant until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him have been paid.

§ 146-4. Deposit. [Amended 12-10-1985 by L.L. No. 11-1985]

As security for payment of charges, the district may at any time require of any customer or applicant a deposit as fixed, from time to time, by resolution of the Town Board. No interest will be paid on such deposits. When service is discontinued and all charges due the district are paid, such deposit will be returned.

§ 146-5. Water services and operation.

A. District service lines. Upon approval of an application for water service to property abutting on a street or right-of-way in which there is an existing main and payment of applicable charges and deposit, the district will, at its expense, install the service line from the main to and including the curb box shutoff. Service lines installed by the district shall remain the property of the district.

B. Operation, maintenance and replacement of district service lines. The district, at its

expense, will maintain and, when necessary, replace its service lines from the main to and including the curb box shutoff. Service lines shall not be trespassed upon nor interfered with in any respect. The curb box shutoff is for the exclusive use of the district and may not be used by a customer or others for turning on or shutting off water supply.

C. Customer service pipes.

(1) At his own expense, the customer shall install the service pipe from the curb box shutoff serving the customer's premises to a valve located just inside the building wall or as directed by the Water Superintendent. A valve shall be installed on each side of and adjacent to the meter location.

(2) No customer service pipe shall be installed nor shall work be commenced thereon until the application for water service shall have been made, processed and approved pursuant to the provisions of these regulations and until all charges and deposits shall have been paid.

(3) No trench or the customer service pipe therein shall be backfilled or covered until such trench, the service pipe and the curb box connection thereto shall have been inspected and approved by the Water Superintendent.

(4) No water shall be drawn, used or consumed from a customer service pipe until the individual water meter has been installed, except that such prohibition shall not apply to the Water Superintendent when performing inspections or tests and may be waived for an approved temporary water service.

D. Maintenance and replacement of customer service pipes. The customer, at his expense, shall maintain and, when necessary, replace service pipes from the curb box shutoff to the building. If any defects in workmanship or materials are found, if the customer service pipe has not been installed in accordance with these regulations or if there is a failure in the customer service pipe, water service shall not be turned on or, if turned on, shall be turned off and discontinued until such defects are remedied.

E. Service pipe specifications. All service pipes shall have a minimum cover of 4 1/2 feet. No service pipes shall be smaller than three-fourths-inch inside diameter. Type K copper pipe or copper-size plastic tube shall be used for two-inch inside diameter and smaller pipe, with fittings conforming to applicable American Water Works Association specifications as directed by the Water Superintendent. Services larger than two-inch diameter shall be ductile iron, SDR 18 plastic or high-density polyethylene pipe and fittings of quality equal to American Water Works Association specifications suitable for service under a pressure of 150 pounds per square inch. Customer service pipe installations smaller than three-fourths-inch inside diameter in place at the effective date of these regulations may remain while in good condition; if such installations shall thereafter require excavation for test, inspection or replacement, they shall be replaced with installations conforming to these regulations. [Amended 4-3-2008 by L.L. No. 1-2008]

F. Taps and unmetered use. There shall be no tap, provision for a tap, plugged tee or

other fitting between the district's main and the meter, except as approved by prior writing of the Water Superintendent. No water may be taken or used which is not metered (except for approved temporary water service), and any yard hydrant, fountain, hose or other installation must be connected on the building side of the meter.

G. Winter provisions. The district shall not be required to install any service lines or service connections between November 15 and April 15, except by special arrangement, in which case the customer shall pay for the excess over normal costs.

H. Easements and rights-of-way. Applicants for service shall deliver, without cost to the district, permanent easements or rights-of-way when necessary for the installation and maintenance of service lines and service connections. The district shall not be obligated to commence any construction until applicants have delivered satisfactory easements or rights-of-way or have agreed to pay all costs of the district to obtain easements or rights-of-way.

I. Delay. The district shall not be liable for delay in the installation of mains, service lines or service connections, whether or not such delay is reasonable or unreasonable and whether or not such delays may be within or beyond the control of the district.

§ 146-6. Meters.

A. An individual meter shall be required for each premises and for each separate water service connection to a premises.

B. Meters up to and including three-fourths-inch will be furnished by the district and remain the property of the district. Meters larger than three-fourths-inch shall be furnished and installed by the customer and will remain the property of the customer. The district reserves the right in all cases to stipulate the size, type and manufacturer of the meter to be used.

C. Location.

(1) Whenever possible, a meter less than two inches in size shall be set in the basement. The meter shall be located at a convenient point approved by the district so as to protect the meter and to measure the entire supply of water through the service line and service pipe. When a meter cannot be set in the basement, it will be set at or near the property line or at a place designated by the Water Superintendent. The customer shall bear all costs of a pit or housing for the meter, as approved by the district.

(2) A meter two inches in size or larger shall be set at or near the property line or at a place designated by the district, and the customer shall bear all costs of a pit or housing for the meter, including a bypass for testing, as approved by the district. All meters 1 1/2 inches or larger shall have a bypass for testing.

(3) Where the distance from the property line to the front wall of the building is greater than 75 feet, irrespective of meter size, the district may require that the

meter be set at or near the property line, and the customer shall bear all costs of a pit or housing for the meter, as approved by the district.

D. Meters and meter connections shall not be interfered with in any respect. All meters furnished by the district will be maintained by and at the expense of the district so far as ordinary wear and tear are concerned, but the customer will be held responsible for damages due to freezing, hot water or external causes. Meters furnished by the customer shall be maintained and repaired by the customer. If a meter furnished by a customer shall, in the opinion of the Water Superintendent, require inspection, maintenance or repair and such is not provided within five days after notice to the customer, the district may provide such inspection, maintenance or repair, and the customer shall bear all costs thereof. The district recommends that the customer install suitable equipment to prevent backflow of hot water which may cause damage to the meter or to the customer's plumbing.

E. The district reserves the right to remove and test any meter it has furnished at any time and to substitute another meter in its place. In case of a question as to the accuracy of a meter, the meter will be tested by the district upon the request of the customer. The fee for testing such meter will be as fixed, from time to time, by resolution of the Town Board. In the event that the meter so tested is found to have an error in registration to the prejudice of the customer in excess of 4% at any rate of flow within normal test flow limits, the fee advanced for testing will be refunded, and prior water bills will be adjusted for overregistration as determined by the Water Superintendent, subject to appeal to the Town Board. [Amended 12-10-1985 by L.L. No. 11-1985]

F. The district may require the testing of any meter furnished by a customer at any time. If such test of a meter is less than two years after a previous test of the same meter and the meter is found to have error to the prejudice of the district of 4% or less at any rate of flow within normal test flow limits, the district will pay the cost of the test, otherwise the cost of the test shall be borne by the customer.

§ 146-7. Payment for service.

A. All bills are payable in accordance with the terms of the applicable service classification. For new services installed at any time during the billing period, the minimum charge and the amount of water allowed thereunder will be prorated according to the number of days remaining in the billing period after the service has been made available.

B. Meters may be read semiannually, quarterly, bimonthly or monthly, and customers may be billed semiannually, quarterly, bimonthly or monthly at the option of the district.

C. The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the customer and the district, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the average registration of the meter in a corresponding past period when in order or by the

average registration of a meter later installed, whichever method is representative, in the opinion of the Water Superintendent, of the conditions existing during the period in question, subject to appeal to the Town Board.

D. The customer shall notify the district, in writing, of any change in occupancy. No adjustment of bills will be made by the district as between owners or tenants unless 10 days' notice, in writing, prior to the change of occupancy has been given to the district. No rebate will be given for unoccupied premises unless notice of nonoccupancy is given as required in Subsection F hereunder.

E. In case any water bill or charges provided for by these regulations shall not be paid within 30 days following the rendering of the bill, such bill shall be delinquent. Unpaid water charges in arrears for 30 days or longer from the date of rendering shall be subject to a penalty of 10%. The district or its agents may discontinue the supply of water if water charges are not paid within 60 days from the date due. Water service will not be reestablished until such unpaid charges and any other unpaid charges due the district, together with the charge for restoration of service, are fully paid.

F. Any customer may discontinue water service by giving the district written notice not less than 10 days prior to the discontinuance. Upon discontinuance of service, the district will refund to the customer the appropriate amount of any deposit or advance payment of the customer.

§ 146-8. Miscellaneous provisions.

A. Discontinuance of service by district.

(1) Water service may be discontinued by the district for any of the following reasons:

(a) Use of water other than as represented in customer's application or through branch connections on the street side of the meter or place reserved therefor.

(b) Willful waste of water through improper and imperfect pipes or by any other means.

(c) Damaging or molesting any main, service line, seal, meter or any other property or installation of the district.

(d) Nonpayment of bills for water or services rendered by the district.

(e) The cross-connecting of pipes carrying water supplied by the district with any other source of supply or with any apparatus which may endanger the quality of the district's water supply.

(f) Refusal of reasonable access to the property for the purposes of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.

(2) Where two or more premises are now supplied with water through one service line under the control of one curb box shutoff, if any of the customers so supplied shall violate any of the above rules, the district reserves the right to apply its shutoff regulations to the joint service line, except that such action shall not be taken until the innocent customer who is not in violation of the district's rules has been given reasonable opportunity to attach the service pipe leading to his premises to a separately controlled service line.

B. When water service to any premises has been turned off upon the order of the customer or for any of the reasons of this section and service is again desired by the customer, a charge as fixed, from time to time, by resolution of the Town Board, will be made for the restoration of service. Such charges contemplate only reinstallation of the district's meter at the customer's premises and opening of the curb box shutoff; any additional costs to the district shall be borne by the customer. [Amended 12-10-1985 by L.L. No. 11-1985]

C. No person shall take water from any public fire hydrant or unmetered connection to any facilities of the district for any use whatsoever, other than for fire purposes, except as specifically authorized by the district. The use of public fire hydrants for washing streets, flushing sewers, filling swimming pools and other nonfire purposes is not permitted except upon specific authorization from the district, and, for such uses, advance payment of charges shall be required. If water is used for a public fire hydrant or unmetered connection to any facilities of the district without specific authorization by the district, the user shall be liable for usual charges as if authorization had been given and, in addition, a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week. [Amended 12-10-1985 by L.L. No. 11-1985]

D. The district's mains or services shall not be connected on any premises with any other source of water supply not approved by the Department of Health of the County of Onondaga and by the district; nor shall the district's facilities be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals or any other matter which may flow back into the district's facilities.

E. If any customer shall use such a volume of water as to endanger, diminish or cut off the supply to other customers, in the opinion of the Water Superintendent, the Water Superintendent may order such customer to reduce such excessive use of water and the customer shall comply forthwith.

F. Upon receipt of an application for a new service or reinstatement of an existing service, the district may assume that the piping and fixtures which the service will supply are in proper order, and the district will not be liable for any accident, breaks, leakage or damage of any nature resulting from, relating to or arising out of the supply of water or failure to supply same. The district reserves the right, at any time, without notice, to shut off or reduce the flow of water in its mains for the purposes of making repairs or extension or for other purposes. The district shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever nor for any damage caused thereby nor for the bursting or

breaking of any main or service pipe or any attachment to the district's property. All applicants and customers having installations upon their premises depending upon the pressure or continuity of water flow in the district's system are cautioned to provide their own standby or supplemental facilities.

G. Where a customer-owned service pipe or main is frozen, thawing shall be at the expense of the customer. To avoid a recurrence of freezing, the district may order an examination of the customer service pipe or main, and, if the same is not at a depth of 4 1/2 feet as required, the district reserves the right to require it to be so relocated before service is resumed.

H. The district reserves the right, in periods of limited water supply or emergency, to restrict the use of water for sprinkling, car washing or other nonessential purposes during certain hours of the day or certain days of the week or to prohibit such use entirely.

I. Any person, firm or corporation who shall injure, break or damage any district facilities or equipment shall pay all costs of repair or replacement.

J. When the district meter reader is unable to read a customer's meter due to inaccessibility or absence of a responsible person on the customer's premises, the meter reader shall leave a notice, and the customer shall promptly forward the meter reading to the district. Until the meter reading is received, interim water billings shall be made at 1 1/2 times the estimated water charges based on past usage, or service may be shut off.

§ 146-9. Classifications, rates and charges.

Classification of services rendered, facilities furnished and rates and charges therefor shall be established and may be changed from time to time, amended or repealed by resolution of the Town Board of the Town of Skaneateles. Nothing herein contained shall prevent the Town Board of the Town of Skaneateles from establishing separate schedules of rates for separate water districts nor from changing, amending or repealing same by resolution of the Town Board of the Town of Skaneateles nor from establishing different rates for metered and unmetered services until services shall be metered.

§ 146-10. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both. In addition, any person, firm or corporation who violates any of the provisions of these regulations or who shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100. The imposition of penalties for any violation of these regulations shall not excuse the violation or permit it to continue. The application of the above penalty or penalties or prosecution for a violation of any provision of these regulations shall not prevent the enforced removal of conditions prohibited by these regulations. When a violation of any of the provisions of these regulations is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender

to additional penalty. The foregoing penalties are separate from and in addition to penalties prescribed by any other applicable statutes, ordinances, local laws or regulations.

§ 146-11. Appeals.

Any person, firm or corporation adversely affected by a decision of the Water Superintendent may appeal the same, in writing, within 10 days to the Town Board.

§ 146-12. Right to amend.

The Town Board reserves the right to change, modify, supplement or amend these regulations and the rates and charges from time to time. The right is also reserved to make such additional rules and regulations as to the Town Board seem appropriate to promote the health, safety, morals and welfare of the inhabitants of the Town of Skaneateles, in order to regulate the water supply and to promote the proper and efficient administration of the water districts and to make rates and contracts for the use of water in special cases by resolution of the Town Board.[19]

19. **Editor's Note: Rates promulgated by resolution are on file in the office of the Clerk.**

Chapter 148

ZONING

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 5-28-1996 by L.L. No. 4-1996; amended in its entirety 12-1-2005 by L.L. No. 3-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building code administration — See Ch. 40.
Environmental quality review — See Ch. 63.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.
Junkyards — See Ch. 86.
Mobile homes and mobile home courts — See Ch. 99.
Signs — See Ch. 123.
Subdivision of land — See Ch. 131.
Water — See Ch. 146.

ARTICLE I
General Provisions

§ 148-1. Title; scope; purposes; construal of provisions; conflict with state laws.

A. Title. This chapter shall be known and may be cited as the "Zoning Law of the Town of Skaneateles."

B. Scope. This chapter regulates the location, design, construction, alteration, occupancy and use of structures and the use of land in the Town of Skaneateles, outside the incorporated Village of Skaneateles, dividing the Town into land use districts.

C. Enacting clause and purposes. This chapter is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq., and Chapter 62, Article 16, of the Consolidated Laws,[20] in conformance with the Comprehensive Plan for the Town and Village of Skaneateles, adopted July 11, 2005, to protect and promote public health, safety, comfort, convenience,

20. **Editor's Note: See Town Law § 261 et seq.**

economy, natural, agricultural and cultural resources, aesthetics and the general welfare and for the following additional purposes:

(1) To conserve the natural resources and rural character of the Town by permitting development in the most appropriate locations and by limiting building in areas where it would conflict with the Town's rural pattern and scale of settlement.

(2) To minimize negative environmental impacts of development, especially in visually and environmentally sensitive areas such as the shoreline and watershed of Skaneateles Lake, the higher elevations, scenic viewsheds, steep slopes, erodible soils, stream corridors, wetlands, floodplains and active farmlands.

(3) To protect existing shorelines, wooded areas, scenic views, agricultural land, existing and potential recreation areas, waterways, ground and surface water supplies, ecological systems, wetlands, wildlife habitat and natural vegetation, and to maintain large areas of contiguous open space in their current undeveloped state, in order to preserve the predominantly open and rural character of the Town.

(4) To preserve and protect lands and buildings that are historically significant.

(5) To enhance the aesthetic and architectural quality of the entire community, and to maintain its natural beauty.

(6) To encourage agriculture to continue and prosper because of its importance to the local economy and to the preservation of open space, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices.

(7) To encourage other economic activities that require large areas of contiguous open space, such as forestry, recreation, vineyards, orchards, and tree farming, as well as the support services and industries that add value to these uses, such as wood products and tourist facilities.

(8) To integrate different types of housing and different kinds of land uses in traditional village and hamlet centers in order to encourage social and economic interaction and pedestrian activity, and to reduce unnecessary automobile traffic.

(9) To provide a range of affordable housing opportunities for all segments of the local population with due consideration for regional housing needs.

(10) To protect residences from nonagricultural nuisances, odors, noise, pollution and other unsightly, obtrusive and offensive land uses and activities.

(11) To locate commercial and other nonresidential uses in a manner that is convenient to residences, reduces use of automobiles and provides freedom for landowners to make beneficial economic use of their land, provided that such uses are not harmful to neighboring properties or the natural

environment.

(12) To improve transportation facilities in areas designated for intensive settlement and to maintain a network of smaller country roads in areas designated for the protection of open space, agriculture, steep slopes and rural character.

(13) To reduce traffic congestion on major roads by establishing a pattern of settlement and circulation that reduces reliance on automobiles and provides alternative routes between destinations.

(14) To encourage the conservation of energy and the appropriate use of solar and other renewable energy resources.

(15) To regulate building density in order to concentrate population in appropriate locations while allowing reasonable privacy for residences, ensure access to light and air, conserve open space, facilitate the prevention and fighting of fires, minimize the cost of municipal services and accomplish the other purposes enumerated in this chapter.

(16) To provide a flexible system of land use regulation that enables the Town to grow, while preserving its most important natural, historic, architectural and cultural features.

(17) To base such flexible land use regulations on the unique characteristics of the landscape, the needs of the people of the Town of Skaneateles, the impact of proposed land uses on the natural and human environment and the purposes articulated in this chapter, and to avoid suburban sprawl and commercial strip patterns of development.

D. Interpretation of provisions. All provisions of this chapter shall be construed broadly to fulfill the purposes stated in Subsection C above and the policies expressed in the Town and Village of Skaneateles Comprehensive Plan (hereinafter the "Comprehensive Plan").

E. Conflict with state laws. To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 261 through 268, 274-a through 281, the Town Board of the Town of Skaneateles hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York. Appendix I lists in a table the specific sections of this chapter that are intended to supersede Town Law and the specific Town Law sections superseded in each case.[21]

§ 148-2. Effect on other laws; special agreements.

In their interpretation and application, the provisions of this chapter shall be held to be

21. **Editor's Note: Appendix I is included at the end of this chapter.**

the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that when this chapter imposes a greater restriction on the use of structures or land or on the heights of structures, or requires larger open spaces, or imposes any higher standards than are imposed or required by any other statute, law, ordinance, rule, regulation or by any easement, covenant or agreement, the provisions of this chapter shall control. Where the requirements of this chapter differ from the requirements of another statute, law, ordinance, rule or regulation, the more restrictive shall govern.

ARTICLE II
Establishment of Districts

§ 148-3. Description of districts.

A. Land use districts. For the purpose of this chapter, the Town of Skaneateles is hereby divided into the following land use districts:

(1) Rural and Farming District (RF). The purpose of this district is to promote agriculture and compatible open space uses by discouraging large-scale residential development and those forms of commercial development that might conflict with agricultural use, while allowing small-scale clean industrial and service uses that complement agricultural enterprises.

(2) Rural Residential District (RR). The purpose of this district is to allow low-density residential and compatible nonresidential uses in rural areas where agriculture is not the predominant use.

(3) Highway Commercial District (HC). The purpose of this district is to allow those commercial uses that are automobile-dependent and that would therefore not be compatible with a village or hamlet mixed-use commercial area.

(4) Hamlet District (HM). The purpose of this district is to maintain the mixed-use traditional character of existing hamlets and to allow them to expand as an extension of their current configuration.

(5) Industrial/Research/Office District (IRO). The purpose of this district is to allow areas for light manufacturing, office and research facilities on large tracts of land. Such areas may also include housing and limited commercial development intended to support the primary uses.

B. Overlay districts.

(1) In addition to these land use districts, the following overlay districts are hereby created:

(a) Lake Watershed Overlay District (LWOD). The purpose of this overlay district is to protect the quality of Skaneateles and Owasco Lakes by controlling land uses which could be detrimental to lake water quality. See § 148-21.

(b) Floodplain Overlay District (FPOD). This district incorporates by reference the Town's existing Floodplain Protection Local Law. See § 148-22.

(c) Open Pit Mining Overlay District (OPMOD). The purpose of this overlay district is to provide appropriate locations for open pit mining to occur where it will not create excessive disturbance to a residential area. See §§ 148-23 and 148-35B.

(2) Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in this chapter. They are not intended to prohibit development, but rather to assure that the siting and design of development is sensitive to environmental resources and does not preclude possible future public acquisition or use. On any given parcel of land, more than one overlay district may apply.

§ 148-4. Zoning Maps.

A. The boundaries of these districts are hereby established on maps entitled "Zoning Map, Land Use Districts, Town of Skaneateles" and "Zoning Map, Overlay Districts, Town of Skaneateles," adopted and certified by the Town Clerk, which accompany and are hereby declared to be a part of this chapter. Unofficial photoreductions of these maps are appended to this chapter for reference purposes only.[22]

B. The Open Pit Mining Overlay District (OPMOD) is shown on a map entitled "Zoning Map Overlay Districts, Town of Skaneateles" on file in the office of the Town Clerk and on the Mining District Boundary Map on file in the office of the Town Clerk of the Town of Skaneateles. (A reduced copy of the Mining District Boundary Map is attached hereto.)[23] [Added 6-21-2007 by L.L. No. 12-2007; amended 10-20-2008 by L.L. No. 5-2008]

§ 148-5. Amendments to Zoning Maps.

A. Zoning Map updates. The official Zoning Maps shall be kept in the office of the Town Clerk and shall be reviewed for accuracy and updated at least once annually. If changes are made in district boundaries or other matter portrayed on the Zoning Maps, such changes shall be noted by the Town Clerk on the official Zoning Maps promptly after the amendment has been approved by the Town Board.

B. Final authority.

(1) Each Town Board resolution adopting an amendment shall be the final authority as to the current zoning status of lands, structures and uses in the Town.

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22. **Editor's Note: These maps are on file in the Clerk's office.**

23. **Editor's Note: The reduced copy of the Mining District Boundary Map is included at the end of this chapter.**

(2) At least once every five years the Town Board shall readopt the official Zoning Maps, which shall become the final authority as to all map amendments preceding such readoption.

C. Unauthorized map changes. Any unauthorized map change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable under § 148-43 of this chapter.

§ 148-6. Interpretation of district boundaries.

A. Location of boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

(3) Boundaries indicated as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(4) Boundaries indicated as parallel to or extensions of features indicated in Subsection A(1) through (3) shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(5) Where overlay district boundaries are based upon natural features such as slopes, topographic contour lines, watershed boundaries, soil types or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional.

B. Lots in more than one district. Where a land use district boundary line divides a lot in a single ownership existing at the time of enactment of this chapter, the use authorized on and the district requirements of the more restricted portion of such lot may extend up to a maximum of 50 feet into the less restricted portion of the lot. This provision shall not apply to overlay district boundaries.

§ 148-7. (Reserved)

ARTICLE III
District Regulations

§ 148-8. Allowable uses.

A. Purpose; any use not specifically permitted is prohibited. It is the purpose of this chapter to allow flexibility of land use, subject always to the restrictions, prohibitions, and design and performance requirements contained herein.[24] Any

24. **Editor's Note: The term "herein," as used by L.L. No. 2-2012, refers to the existing Zoning Law as amended by L.L. No.**

use not specifically set forth as a permitted use in any district shall be expressly prohibited in that district. A use specifically set forth as a permitted use in one district shall not be permitted in another district unless it is specifically set forth as a permitted use in said other district. Except as otherwise provided herein: [Amended 5-3-2012 by L.L. No. 2-2012[25]]

(1) No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located; and

(2) No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building is located.

B. Use restrictions and Use Table. No structure or land shall be used except as provided in the Use Table at the end of this chapter. See § 148-56 for definitions of the use categories. Nothing contained herein shall prohibit any person from submitting a request for a Zoning Law amendment or a variance in accordance with the provisions of this chapter and the New York State Town Law. [Amended 5-3-2012 by L.L. No. 2-2012]

C. Prohibited uses. Any use, even if otherwise permitted by virtue of the Use Table,[26] shall be prohibited if it does not satisfy the all-applicable performance criteria contained in this chapter. The following uses are prohibited under all circumstances: any sewage treatment facility or automobile service station located in the LWOD, privately owned package sewage treatment plants serving multiple owners, new mobile home courts, racetracks, amusement parks, adult entertainment businesses, toxic waste facilities, dumps or landfills for solid waste, municipal or industrial sewage sludge/biosolids, construction waste or demolition debris, and any explicitly prohibited use described in § 148-47 of this chapter. [Amended 5-3-2012 by L.L. No. 2-2012]

D. Accessory uses. Uses customarily incidental to principal uses shown on the Use Table shall be allowed on the same terms as the principal uses, whether or not on the same lot, except as otherwise indicated on the Use Table.

E. Mixed use. The Town of Skaneateles encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all related special permit and/or site plan reviews shall be consolidated into one proceeding before one board based upon the cumulative total size of all related projects.

F. Change of use. A special permit shall apply only to the use for which it has been

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2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.

25. **Editor's Note: This local law also included and incorporated by reference an Appendix A attached thereto that set forth authority, findings, purpose and intent of the local law. A complete copy of the local law with said appendix is on file in the Town offices.**

26. **Editor's Note: The Use Table is included at the end of this chapter.**

granted. A new special permit is required for any subsequent change of use.

G. Additional use restrictions in the Highway Commercial (HC) District. The purpose of the HC District is to allow only those uses that, because they depend primarily on automobile access, require large amounts of land, and/or involve frequent, short-term visits by customers, and are not appropriate for the village center or the Hamlet (HM) Districts in the Town. In conformance with the Comprehensive Plan, the HC District is not intended to include uses that could be readily accommodated in the village. Therefore, the following restrictions on use apply within the HC District:

(1) Retail businesses.

(a) Retail business uses shall be limited to convenience stores, liquor stores, hardware stores, automobile and truck sales and rental, tire and automobile parts sales, recreational vehicle sales and rental, gasoline sales (outside the Lake Watershed Overlay District), lumber and construction supply sales, garden supply sales, electronic equipment sales, furniture sales, and large appliance sales (such as ranges, refrigerators, washing machines or dishwashers).

(b) In buildings that were in existence prior to 1996, retail uses other than those listed in Subsection G(1)(a) above may be permitted, provided that the Planning Board finds that such uses would be incompatible with the pedestrian-oriented character of the village, would rely substantially on customers arriving by automobile and parking close to the building entrance, and would not increase demand for village sewer capacity. Such uses may not involve the renovation, demolition, or rebuilding of more than 50% of the floor area of the existing structure, unless the Planning Board finds that such renovation, demolition, or rebuilding would significantly improve the appearance of the property and would be consistent with the purposes and provisions of this Zoning Law and the Comprehensive Plan.

(c) Grocery stores and drugstores shall not be permitted.

(d) No retail uses shall be permitted above the ground floor of a building.

(2) Service businesses.

(a) Service business uses shall be limited to those that are consistent with the purpose stated in Subsection G above, such as health club, funeral home, catering, house cleaning, building trades, auto repair, car washes, video and DVD rental, package delivery service, and dry cleaner (except that dry-cleaning operations and car washes may not be undertaken within the Lake Watershed Overlay District). Banks and other service businesses not consistent with the purpose stated in Subsection G above shall not be permitted.

(b) In buildings that were in existence prior to 1996, other types of service

businesses shall be permitted, provided that the Planning Board finds that such uses would be incompatible with the pedestrian-oriented character of the village, would rely substantially on customers arriving by automobile and parking close to the building entrance, and would not increase demand for village sewer capacity. Such uses may not involve the renovation, demolition, or rebuilding of more than 50% of the floor area of the existing structure, unless the Planning Board finds that such renovation, demolition, or rebuilding would significantly improve the appearance of the property and would be consistent with the purposes and provisions of this Zoning Law and the Comprehensive Plan.

(3) Restaurants. Restaurants that contain drive-through windows shall be prohibited. Restaurants that use trademarked architecture which identifies the company by building design features shall not be permitted, unless the Planning Board finds that such buildings are consistent with the historic architecture of the Skaneateles area.

(4) Nonconforming uses. Uses in the HC District that were in existence as of the date of enactment of this Subsection G and which do not conform to the use restrictions for the HC District may be expanded as provided in § 148-12C(3) and (4).

H. Domestic animals. On a lot of five acres or less, the keeping of not to exceed one horse or cow per acre or 100 fowl per acre is permitted.

§ 148-9. Density and dimensional regulations.

A. Purpose. The Town of Skaneateles wishes to preserve its open space, provide opportunities for affordable housing and develop according to the traditional compact pattern found in its hamlets, using flexible regulations for density and lot dimensions.

B. Conventional subdivisions. Conventional subdivisions are subdivisions that comply with the minimum lot size requirements for conventional subdivisions shown on the Dimensional Table,[27] without setting aside land as permanently protected open space. The Town wishes to discourage this type of subdivision in larger developments where it could have a potentially damaging impact on the Town's rural landscape and natural resources.

C. Open space subdivisions. The Town wishes to encourage the use of open space subdivisions as an alternative to conventional subdivisions in the RF, RR and IRO Districts. Open space subdivisions result in the preservation of contiguous open space and important environmental resources, while allowing greater density and more flexibility than is allowed for conventional subdivisions. Open space subdivisions must satisfy the standards in §§ 148-9G and H and on Dimensional

27. **Editor's Note: The Dimensional Tables are included at the end of this chapter.**

Table 3 [28] as well as applicable subdivision regulations and laws. In cases where the Planning Board finds that a proposed conventional subdivision may adversely affect the Town's rural landscape or natural resources, the Planning Board may require an applicant to submit a plan for an open space subdivision and may require that such a plan be approved as an alternative to a conventional subdivision. In order to make this determination, the Planning Board shall require that all applications for major subdivision approval and all applications for minor subdivision approval within the Lake Watershed Overlay District include a conservation analysis, as described in § 148-9G(1). The Planning Board may, in its discretion require a conservation analysis for minor subdivisions outside of the Lake Watershed Overlay District.

D. Applicability of siting or design guidelines. The Town of Skaneateles encourages development that is compatible with the existing character of the Town. Accordingly, dimensional and setback requirements contained in this chapter shall be applied in light of any siting or design guidelines specific to the Town of Skaneateles which may be adopted by the Town Board. Such siting guidelines, if adopted, may override the provisions of this § 148-9.

E. Dimensional tables. The three tables at the end of this chapter are hereby adopted and declared to be a part of this chapter and are hereinafter referred to as the "Dimensional Tables." See Subsection F for more information on the calculation of lot sizes.

F. Calculation of lot size.

(1) When calculating lot sizes in new subdivisions, the following shall be excluded from the calculation: wetlands as described in § 148-29, road rights-of-way, utility easements, and one-hundred-year floodplains.

(2) When calculating lot sizes for all other purposes, including computation of impermeable surfaces in connection with building permits and site plans, the exclusions in Subsection F(1) shall not apply, except for the exclusion of road rights-of-way.

G. Standards for open space subdivisions. In order to approve an open space subdivision, the Planning Board must find that the proposed subdivision meets the standards in this section.

(1) Conservation analysis.

(a) As part of any sketch plan submission for an open space development (or as required for a conventional subdivision in § 148-9C), an applicant shall submit a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. The conservation analysis shall show lands with conservation value on the parcel and within 300 feet of the boundaries of the parcel, including but not limited to the following:

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28. **Editor's Note: The Dimensional Table 3 is included at the end of this chapter.**

[1] Land that is not buildable land, as defined in § 148-56.

[2] Farmland, trail corridors, stream corridors, scenic viewsheds, public water supply watersheds and wellheads, park and recreation land, unfragmented forest land, and historic and archaeological sites identified in the Comprehensive Plan or any adopted open space or farmland protection plan.

[3] Buffer areas necessary for screening new development from adjoining parcels.

[4] Stone walls and trees 12 inches diameter at breast height (dbh) or larger.

[5] Other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value, as determined by the Planning Board.

(b) The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site identified in Subsection G(1)(a) above. In the course of its initial sketch plan review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.

(c) The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved sketch plan showing land to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The sketch plan shall also show preferred locations for intensive development as well as acceptable locations for less dense development.

(d) The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Board may waive any requirements that it, in its sole discretion, deems unnecessary for a complete conservation analysis.

(2) Density calculation. Open space subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.

(a) To determine net acreage, subtract from the total (gross) acreage of the site the total acreage of all land that is not buildable land, as defined in §

148-56.

(b) To determine the base number of allowable residential units on the site, divide this net acreage by the maximum residential density figure on Dimensional Table 3.[29] Fractional units of 0.5 or less shall be rounded down, and fractional units greater than 0.5 shall be rounded up.

(3) Density bonuses. The maximum density permitted in Subsection G(2)(b) above may be increased through density bonuses designed to advance important goals of the Comprehensive Plan. Density bonuses are not available within the LWOD. These density bonuses may be combined to result in a total density bonus not exceeding 100%, except that the use of a density transfer may increase this percentage up to 150%. The density permitted by this section shall not be reduced as a result of the conservation analysis required in Subsection G(1) above or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. They are calculated by first determining the allowable base density under Subsection G(2)(b) and then multiplying that number by 100% plus the percentages that follow:

(a) If the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 25%.

(b) If the applicant permanently restricts ownership and occupancy of 20% or more of the total dwelling units (including units added under other bonus or density transfer provisions) as affordable housing pursuant to § 148-35J: a maximum of 50%.

(c) If the applicant preserves at least 60% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 25%.

(d) If the applicant preserves as permanent open space more than the required amount of land: a maximum 10% density bonus per additional 5% of the parcel preserved as open space.

(e) If the applicant receives approval for a density transfer under Subsection J: the number of units transferred from the sending parcel, up to a maximum of 50% of the base density of the receiving parcel.

(4) Minimum lot size. The limiting factor on lot size in open space subdivisions is the availability of water and sewer infrastructure. Therefore, minimum lot sizes are based upon the availability of such infrastructure as shown in

29. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

Dimensional Table 3.[30]

(5) Lake frontage, lake yard, and shared lakefront recreation. See also § 148-36C.

(a) Instead of a minimum individual lake frontage, open space subdivisions allow an average lake frontage, to encourage clustering of units while maintaining large stretches of undeveloped lake frontage. Maintaining lake frontage areas as common open space is encouraged. To make this possible, rear and side yard setbacks may be as small as 20 feet, to enable houses to look across common open space at the lake. Dwellings shall not be so concentrated as to create a risk of lake pollution from septic systems, runoff or otherwise.

(b) Lake yards less than 200 feet deep shall be allowed only if buffer strips at least 50 feet wide are provided along the shoreline. Such buffer strips shall consist of woods or grasses, and shall be landscaped in such a manner that runoff from the development is filtered and purified before reaching the lake and travels as sheet flow rather than in distinct channels. A maintained lawn is a permissible ground cover. No application of pesticides, herbicides or fertilizer shall be permitted within the buffer strip. Buffer strips shall be protected as open space by a perpetual conservation easement. [See § 148-9H(3) below.]

(c) Within such buffer strips, areas may be thinned or cut to open views and allow pedestrian trails and to locate and provide access to docks, boathouses, boat launch ramps and beaches, provided that clearing and grading for such facilities is minimized. No more than 10% of any buffer strip may be cleared or maintained without vegetative cover (except for rock cliffs).

(d) Shared lakefront recreation must comply with § 148-36C.

(6) Front, side and rear yards and road frontage. Appropriate minimum yards in an open space subdivision will depend upon the lot sizes, the type of road frontage (state, county, town or private) and the character of the subdivision (hamlet, suburban or rural). Accordingly, yard requirements shall be established at the time of plat approval and shall be shown in a chart on the plat. Such yard and road frontage requirements shall not be less than those established for conventional subdivisions in the HM District.

(7) Impermeable surface coverage. The amount of pavement and building area is a major factor in determining the impact of a development. Therefore, limiting impermeable surface coverage (including all roofed areas and areas covered with impermeable pavement) is critical in maintaining environmental integrity. The limitation on impermeable surface coverage applies to the entire area to be subdivided, including all open space areas. Thus, individual lots may be allowed higher impermeable surface coverage allotments, as long as

30. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

the total coverage is within the limits prescribed. Open space subdivision plats shall show on a table the impermeable surface coverage limit for each building lot in order to establish compliance with this subsection. Driveways, roads and parking areas that are unpaved or surfaced with porous pavement shall be considered impermeable surfaces.

(8) Minimum preserved open space. Since one of the major purposes of open space subdivision is to preserve open space, all open space subdivisions shall preserve open space as shown on Dimensional Table 3.[31] The requirements for preserving such open space are described in § 148-9H below.

(9) Partial open space subdivision. In Skaneateles, many subdivisions do not involve full-scale development of land. In order to encourage small subdivisions to follow open space subdivision principles, there is no minimum tract size or number of lots required for an open space subdivision. However, in approving a subdivision of less than 20 lots on a parcel of land which may be further subdivided in the future, the Planning Board may require the applicant to execute a conservation easement that sets aside open space land as required in Dimensional Table 3,[32] but only in connection with the land being subdivided rather than for the entire parcel. Such open space land must be in a configuration that will preserve buildable land of conservation value based upon a conservation analysis, and must allow for subsequent extension of the open space subdivision. It therefore does not need to be contiguous with the building lots. The Planning Board may require a conservation easement to limit future development of the parcel to the lot count permitted by § 148-9G(1). The Planning Board may waive submission of documentation of the full lot count where, in the Planning Board's judgment, the number of lots proposed is substantially less than the total allowable lot count. Using this technique, an applicant in the RF District would be permitted to create a one-acre building lot and take advantage of the reduced setback and road frontage requirements for an open space subdivision, provided that a conservation analysis is submitted and that a compensating amount of land (in this case 1.5 acres of buildable land of conservation value) is set aside as protected open space, with the result that 60% of the total land area under consideration (i.e., the building lot plus the open space) is preserved as open space (1.5 acres of open space is 60% of the total of 2.5 acres under consideration).

(10) Open space land. Preserved open space may be included as a portion of one or more large lots or may be contained in a separate open space lot. Such open space may be owned by a homeowners' association, private landowner(s), a nonprofit organization or the Town or another governmental entity, as provided in § 148-9H, as long as it is protected from development by a conservation easement and does not result in fragmentation of the open space land in a manner that compromises its conservation value. The required open

31. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

32. **Editor's Note: Dimensional Table 3 is included at the end of this chapter.**

space land may not include private yards located within 100 feet of a principal structure. The required open space land may contain up to 25% land that is not buildable, except in the case of a partial open space subdivision [See Subsection G(9) above.] where all of the open space land must be buildable.

(11) Mixed uses.

(a) Residential and nonresidential uses may be combined in an open space subdivision, provided that all required special permits are obtained and that the applicant complies with all residential density, impermeable surface ratios and open space ratios. For nonresidential accessory uses, see Subsection I below.

(b) For every 5,000 square feet of industrial or warehouse floor space, or 2,000 square feet of other commercial floor space, the number of allowable residential units shall be reduced by one dwelling unit. Lot sizes and setbacks for nonresidential development shall be established at the time of plan approval based upon the type of use proposed, its space needs and its size, scale and impact. (See special permit criteria, § 148-16.)

(c) An applicant for a mixed-use open space subdivision may submit one application for both subdivision and special permit/site plan approval, which shall be reviewed as a comprehensive specific development plan by the Planning Board and, if applicable, the Town Board.

(12) Arrangement of lots. Lots shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall follow applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation (1994). Such guidelines shall be adapted to conform to the requirements of this chapter.

H. Permanent open space in open space subdivisions. Open space set aside in an open space subdivision or as a condition of any special permit or site plan approval [See § 148-15F(2) and 148-19D(2).] shall be permanently preserved as required by this section. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to § 148-9H(3) below, and provided that the Planning Board or Town Board approves such configuration of the open space as part of its subdivision, special permit or site plan approval. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land as established in the conservation analysis required by Subsection G(1) above.

(1) Conservation value of open space. The open space protected pursuant to this § 148-9 must have conservation value, which may include historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples

of lands with conservation value include view corridors along scenic roads, agricultural land, lake watershed and shoreline land, large areas of contiguous mature forest, wetlands, water bodies and stream corridors. Agricultural land, even if suitable for development, shall be considered land of conservation value. The conservation value of open space land shall be evaluated through the conservation analysis required by Subsection G(1) above.

(2) Notations on plat or site plan. Preserved open space land shall be clearly delineated and labeled on the final subdivision plat or site plan as to its use, ownership, management, method of preservation and the rights, if any, of the owners of other lots in the subdivision to such land. The plat or site plan shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the deed reference of any conservation easements or deed restrictions required to be filed to implement such restrictions.

(3) Permanent preservation by conservation easement.

(a) A permanent conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, recreation, protection of natural resources or similar conservation purposes, pursuant to § 247 of the General Municipal Law and/or §§ 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the reviewing board. Such conservation easement shall be approved by the reviewing board and shall be required as a condition of subdivision plat approval. The reviewing board may require that the conservation easement be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's office. In the case of subdivisions of less than five lots and minor projects, a deed restriction enforceable by the Town may be substituted for a conservation easement.

(b) The conservation easement shall protect the conservation values identified in the conservation analysis. It shall prohibit residential, industrial or commercial use of open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use. Access roads, driveways, local utility distribution lines, trails, temporary structures for outdoor recreation and agricultural structures shall be permitted on preserved open space land, provided that they do not impair the conservation value of the land. The conservation easement may allow dwellings to be constructed on portions of parcels that include preserved open space land, provided that the total number of dwellings permitted by the conservation easement in the entire subdivision is consistent with applicable density limitations of this

chapter and that the open space land does not become fragmented in a way that interferes with its proper management and with protection of its conservation values.

(4) Ownership of open space land.

(a) Open space land may be owned in common by a homeowners' association (HOA), dedicated to town, county or state governments, transferred to a nonprofit organization acceptable to the Planning Board, held in private ownership or held in such other form of ownership as the Planning Board finds adequate to properly manage the open space land and to protect its conservation value, based upon the conservation analysis.

(b) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

[1] The HOA must be set up before the final subdivision plat is approved and must comply with all applicable provisions of the General Business Law.

[2] Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities.

[3] The open space restrictions must be in perpetuity.

[4] The HOA must be responsible for liability insurance, property taxes and the maintenance of recreational and other facilities and private roads.

[5] Property owners must pay their pro rata share of the costs in Subsection H(4) above, and the assessment levied by the HOA must be able to become a lien on the property.

[6] The HOA must be able to adjust the assessment to meet changed needs.

[7] The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

[8] Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA

and the dwelling units they each own.

[9] The attorney for the reviewing board shall find that the HOA documents presented satisfy the conditions in Subsections H(1) through (8) above and such other conditions as the Planning Board shall deem necessary.

(5) Maintenance standards.

(a) Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land as a condition of subdivision approval, to ensure that the open space land is not used for storage or dumping of refuse, junk or other offensive or hazardous materials.

(b) If the Town Board finds that the provisions of § 148-9H(5)(a) above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days' written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property or properties.

I. Accessory uses. Nonresidential accessory uses may be permitted in an open space subdivision, provided that the applicant complies with all residential density, impermeable surface, and open space requirements. Permitted nonresidential accessory uses that may be included in an open space development include:

(1) Common buildings for dining, recreation, and for entertaining and lodging guests of the residents.

(2) Child-care facilities for residents of the development as well as those outside the development.

(3) Office space for use by administrators of the development as well as for use by residents of the development in the conduct of their business, provided that such offices comply with the rules applicable to home occupations in § 148-35A.

(4) Storage facilities, which may be used as needed for the needs of the development and its residents. If such facilities are used for business purposes, they shall comply with the rules applicable to home occupations in § 148-35A.

(5) Recreational facilities for use by residents and their guests.

J. Density transfer (transfer of development rights). The Town of Skaneateles encourages flexibility in the location and layout of development, within the overall density standards of this Zoning Law. The Town therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"). A density transfer may be permitted from any land with conservation value located in the RF or RR District to any land in the HM District,

or any land within the RR District which the Planning Board determines to be suitable for receiving additional density. No receiving parcel under this section may be located within the Lake Watershed Overlay District. Sending parcels may be located in either the RF or RR Districts. The process of density transfer is as follows:

(1) Procedure.

(a) All density transfers require a special permit from the Planning Board.

(b) A special permit application for a density transfer shall be signed by the owners (or their authorized representatives) of both the sending and receiving parcels.

(c) The special permit application shall show a proposed development plan for the receiving parcel (subdivision and/or site plan) as well as density calculations for both the sending and receiving parcels, prepared according to the provisions of § 148-9G(2). The density calculation for the sending parcel shall be based upon only the "base density" and shall not include any of the density bonuses available under § 148-9G(3).

(d) In reviewing an application for density transfer, the Planning Board shall first determine the number of allowable residential units permitted on the receiving parcel following all of the relevant criteria in Subsection J(2) [or the lot size and dimensional criteria for the HM District if the receiving parcel is located in one of those districts.] The Planning Board shall then determine the number of residential units available to transfer from the sending parcel(s).

(e) The Planning Board may then grant a special permit allowing the transfer to the receiving parcel of some or all of the allowable residential units from the sending parcel(s). In order to accommodate the additional density on the receiving parcel, the Planning Board may waive one or more of the dimensional requirements applicable in the zoning district.

(f) As a condition of approval of the density transfer, a conservation easement on the sending parcel(s) satisfying the requirements of § 148-9H shall be executed and recorded in the County Clerk's office, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. In addition, the conservation easement shall require that an area of land of conservation value be permanently restricted which is equal to the number of units transferred times the minimum acreage per lot in the zoning district, and that the total amount of impermeable surface coverage on the parcel be reduced according to the number of units transferred. (For example, if five units are transferred and the density in the sending district is one unit per two acres, at least 10 acres of the sending parcel would have to be permanently restricted, and those 10 acres would not count in calculating the maximum impermeable surface coverage allowed for any

permitted development of the sending parcel.) The owner of a sending parcel may retain the right to construct one or more dwelling units on the sending parcel, provided that the conservation easement specifically limits the sending parcel to that number of dwelling units. Alternatively, the conservation easement may apply only to a specified tract of land that is limited to no further development, in accordance with the density standards of this Zoning Law.

(2) Findings required. The Planning Board shall not approve any residential density transfer unless it finds that:

(a) All requirements for the granting of a special permit have been satisfied.

(b) If the receiving parcel is in the RR District, the addition of the transfer units to the receiving parcel will not increase the maximum allowable density under § 148-9G(2) by more than 50%, and will not adversely affect the area surrounding the receiving parcel.

(c) The density transfer will benefit the Town by protecting developable land with conservation value on the sending parcel(s).

(d) The density transfer will be consistent with the Comprehensive Plan.

(3) Financial contribution in lieu of transferring development rights. An applicant may increase density on a receiving parcel by making a financial contribution to the Town's Land and Development Rights Acquisition Fund in an amount sufficient for the Town to purchase land or development rights for conservation purposes on a sending parcel of the Town's choice. The amount of such contribution shall be established by the Town Board by separate resolution or local law, and the standard for establishing such amount shall be the cost of preserving developable land of equivalent value to the land being developed, including an administrative fee of 10%. The amount to be paid into the fund shall also be based upon the number of acres which would have to be protected to justify the increased density on the receiving parcel. For example, instead of restricting 20 acres on a sending parcel, the applicant could pay what it would cost the Town to preserve 20 acres of developable land on a sending parcel identified based upon the criteria contained in the Farmland and Open Space Protection Plan and/or the Comprehensive Plan adopted by the Town Board.

K. Cluster development subdivisions. [Added 10-1-2009 by L.L. No. 4-2009]

(1) The Town Board is desirous of the Planning Board to be authorized on a case-by-case basis to have the flexibility of design and development of land so as to preserve natural and scenic qualities of open lands.

(2) The Planning Board is hereby authorized pursuant to New York State Town Law § 278 and the following requirements to approve a cluster development simultaneously with the approval of a plat or plats of a subdivision.

(3) The Planning Board is further authorized to approve a cluster development in

any zoning district within the Town of Skaneateles.

(4) The final plat approval issued by the Planning Board pursuant to this section shall determine all future dimensional requirements, restrictions and conditions for future Zoning Law compliance. The Town Zoning Map shall be amended to indicate that an approved cluster development plat regulates future development on the site.

(5) Prior to consideration of a cluster subdivision and only at the request of the Planning Board, the Town Board of the Town of Skaneateles must authorize by resolution the Planning Board to use such authority as to each specific application.

(a) The Planning Board shall provide the Town Board any documents requested by the Town Board in consideration of the Planning Board's request. This information shall minimally include a generalized description comparing how the site may be developed in a conventional manner with conforming lots and/or structures and how it may be developed using a cluster development method. Detailed documentation and plans will be required for submission to the Planning Board only after approval to consider such request by the Town Board.

(b) Written consent by the applicant shall be provided extending the applicable time limitations of subdivision review if a request for cluster development occurs after a conventional subdivision application has been formally accepted and/or scheduled for a public hearing by the Planning Board.

(6) Nothing in this section shall require the Planning Board to request cluster subdivision authority from the Town Board. However, the Planning Board may request the authority to require an applicant to pursue cluster development on a site.

(7) The granting of authority by the Town Board to the Planning Board to consider cluster subdivision shall not be deemed to require the Planning Board to approve such cluster subdivision.

(8) Pursuant to Town Law § 278, in the event that the Planning Board establishes any conditions on the cluster subdivision approval that require approval of the Town Board, then such conditions must be approved by the Town Board before the plat may be approved for filing.

(9) The provisions of Town Law § 278 are hereby referenced and incorporated herein as if fully set forth in this section.

§ 148-10. Conservation density subdivisions.

See Chapter 131 of the Town Code, the Town of Skaneateles Subdivision Law, § 131-6.

§ 148-11. Supplementary dimensional regulations.

A. Setbacks from power lines. No permanent structure shall be erected within 100 feet of the outside conductor of a power line of 115 kilovolts or higher.

B. Corner lots and through lots. Wherever a side or rear yard is adjacent to a street, the front yard setback and required road frontage shall apply to such side or rear yard.

C. Projections into required yards. [Amended 1-18-2007 by L.L. No. 1-2007]

(1) The following projections into required yards may be permitted:

(a) Steps and stairs: four feet into required side or rear yards.

(b) Awnings or movable canopies: six feet into any required yard.

(c) Cornices, eaves and other similar architectural features: three feet into any required yard.

(2) Carport. An open or enclosed carport shall be considered a part of the building in the determination of the size of the required yard.

(3) Porch. An open or screened porch, or patio or deck may project eight feet into a required front yard.

(4) Driveways and parking areas. Notwithstanding other provisions of this Code:

(a) Paved areas for reasonable access shall be allowed in required yards.

(b) Driveway and parking areas shall be set back at least 20 feet from side and rear lot lines, except that:

[1] Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.

[2] On lots with less than 80 feet of lot width, individual driveways and parking areas shall be set back at least eight feet from side lot lines.

[3] If the sight distance is not adequate to satisfy minimum required sight distances, as determined by the permitting agency having jurisdiction for issuing driveway permits, then the Codes Enforcement Officer or the Planning Board has the discretion to waive the applicable driveway setback requirements in this subsection.

(c) In the IRO District, parking areas shall be set back at least 20 feet from all lot lines and rights-of-way except that for an expansion of an existing parking lot, parking areas may be set back consistent with the existing parking lots. The reviewing board shall consider requiring buffers as provided in § 148-32A(4)(d).

D. Height exceptions.

(1) Otherwise applicable height limitations shall not apply to any flagpole, radio or television antenna, spire or cupola, chimney, elevator or stair bulkhead,

parapet or railing, water tank or any similar structure, provided that such structure is firmly attached to the roof or side of a building and covers no more than 100 square feet.

(2) Barns, silos, and solar energy systems may exceed 35 feet, provided that they comply with applicable sections of the supplementary regulations, and provided that for every one foot by which such structures exceed the height of 35 feet, the minimum yard requirements are increased by one foot.[33]

E. Side yards for semidetached and attached dwellings. Side yards for semidetached and attached dwellings shall be required at each end of the entire structure only.

F. Setbacks for accessory structures and uses.

(1) In the case of any barn, garage, stable, tennis court, swimming pool or any accessory structure attached to the principal building, all the minimum yard requirements of this chapter applicable to the principal building shall be met. Other detached accessory structures or uses may encroach into required yards, provided that they:

(a) Are not used for human habitation.

(b) Have a footprint no larger than 200 square feet.

(c) Do not exceed 16 feet in height.

(d) Do not occupy more than 10% of a required rear yard.

(e) Are set back at least 10 feet from side or rear lot lines.

(f) Are not located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins and similar roadside structures with less than 100 square feet of footprint, as well as ornamental structures such as entry pillars and statues.

(g) Are not used for housing animals or storing manure, fertilizer or chemicals.

(2) For corner and through lots, the setback from all streets shall be the same for accessory structures as for principal buildings.

(3) Any swimming pool, tennis court or other accessory structure or use with a footprint greater than 600 square feet shall, if in front of the principal building, be set back at least twice the minimum front yard requirement.

(4) Accessory structures shall not have flashing lights or lights which cause glare onto adjoining properties or the public roadway.

(5) For special agricultural setbacks, see §§ 148-31A(2) and 148-31D.

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33. **Editor's Note: Former Subsection D(3), regarding height restrictions for windmills, which immediately followed this section, was repealed 5-6-2010 by L.L. No. 1-2010.**

(6) For lake yard setback requirements, see § 148-36.

(7) For wetland and watercourse setbacks, see § 148-29D.

(8) For satellite dishes four feet in diameter or larger, the setbacks and minimum yard requirements shall be the same as for principal buildings.

G. Fences. Fences shall be permitted regardless of the setback requirements of this chapter, subject to the following conditions:

(1) 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.

(2) No fence exceeding six feet in height shall be permitted anywhere within the Town, except that a fence up to 10 feet in height may enclose a tennis court, provided that it complies with applicable setback requirements.

(3) Fences shall be set back a minimum of one foot from the respective property line, with the exterior (good) side of the fence facing out, and with the wiring, structural elements or other components of the fencing not designated for presentation to the public facing in.

(4) No fence shall be constructed in a road or street right-of-way.

H. Berms and walls. Berms and walls shall be permitted regardless of the setback requirements of this chapter, subject to the following conditions:

(1) 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 § 148-29E, which establishes site plan approval requirements for such structures.

(2) A berm or wall six feet in height or less shall be permitted more than 100 feet from the lake line.

(3) Berms and walls shall be set back a minimum of one foot from the respective property line. Any wiring or structural elements or other components of a wall shall face in.

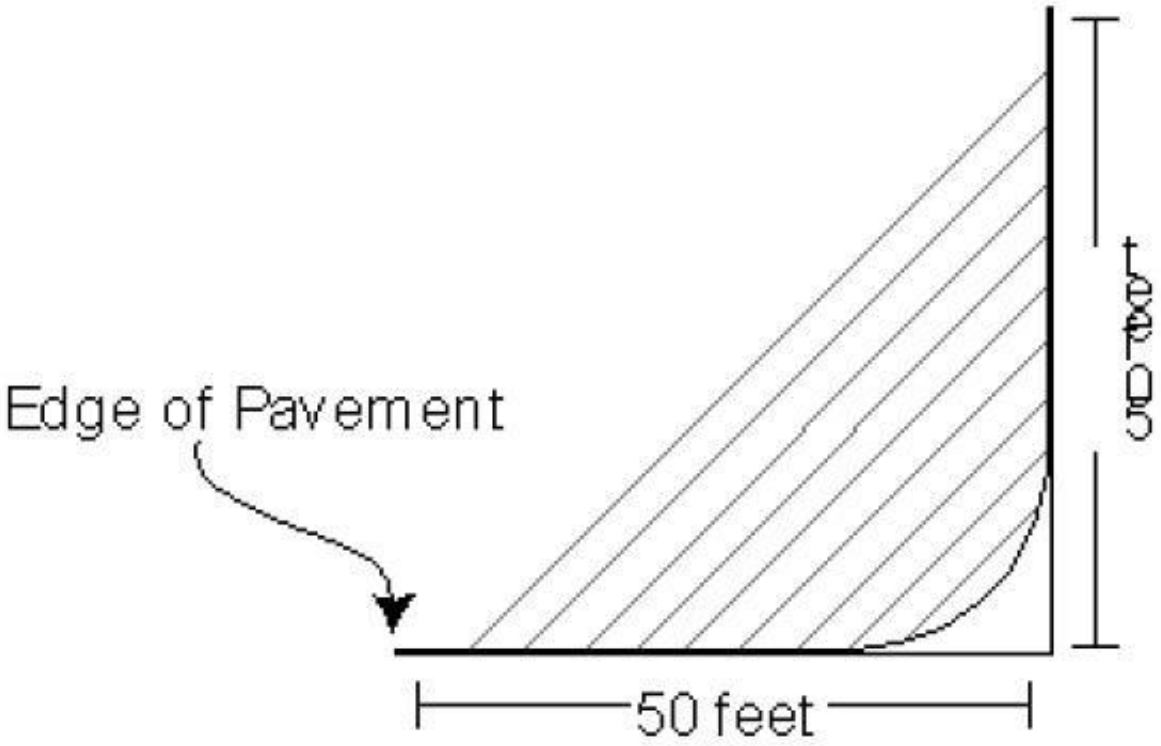
(4) No berm or wall shall be constructed in a road or street right-of-way.

(5) In addition to complying with § 148-11H(1) through (4) above, all berms and walls must be approved by the Codes Enforcement Officer upon receipt of an application and the application fee established by resolution of the Town Board. The Codes Enforcement Officer may require a topographic survey and/or a review by the Town Engineer at the applicant's expense.

(6) Agriculture is exempt from this subsection, provided that all berms or walls comply with best management practices.

I. Corner clearance/visibility at intersections. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded in Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the edge of the right-of-way line. If directed by the Planning Board, ground shall be excavated to achieve visibility.

SKETCH A



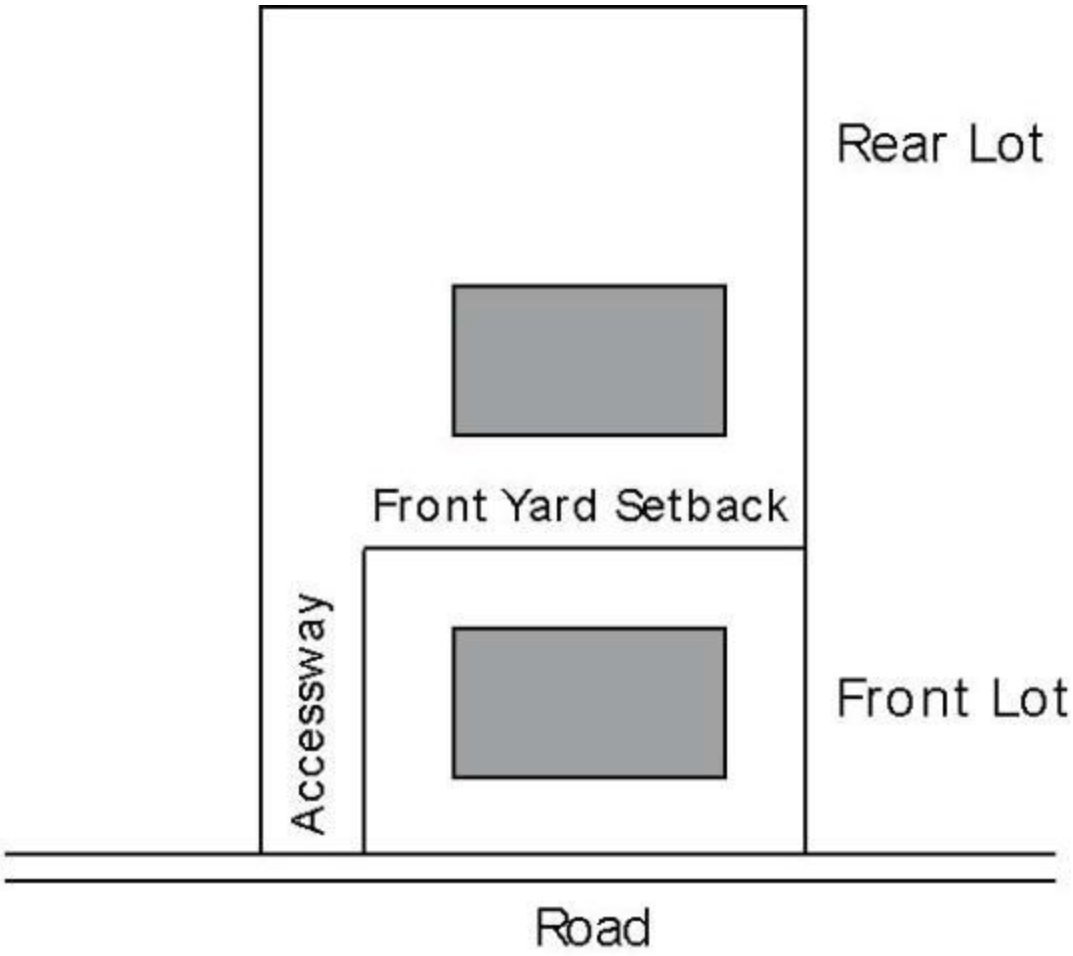
J. Rear ("flag") lots. It is the policy of the Town of Skaneateles to encourage maximum flexibility for development which is screened from public view. Accordingly, it is desirable to locate residences on rear lots without requiring compliance with otherwise applicable road frontage requirements. The RF, RR HM and IRO Districts are hereby declared an open development area under § 280-a,

Subdivision 4, of the Town Law. Building permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way easement over other lands, under the conditions contained in this subsection. Notwithstanding the road frontage requirements of § 148-9, rear lots with or without access strips running to public or platted private roads may be created where they will not endanger public health and safety and will help preserve natural, historic and scenic resources. The following requirements apply to rear lots:

(1) Each rear lot must have either a minimum frontage of 30 feet on an improved public or private road together with an access strip as defined in this chapter or no minimum frontage and a deeded right-of-way easement at least 30 feet wide over other lands, providing legally adequate and physically practical vehicular and utility access to a public or private road. In the HM District, rear lots must have a minimum road frontage of 15 feet or a deeded right-of-way easement at least 15 feet wide.

(2) Except for Subsection J(1) above, rear lots must meet all other requirements for a lot in the applicable land use district. For purposes of determining front yard setbacks, the front yard shall be the yard area lying between the principal structure and the street from which access is obtained. The front yard setbacks shall be measured as shown on Sketch B below.

SKETCH B



(3) No more than four access strips to rear lots may adjoin one another and must share one common driveway. No more than four dwelling units (including accessory apartments) may be served by a common driveway. Subdivisions of five or more rear lots and any development containing five or more dwelling units must be served by a private road that satisfies requirements for private roads in the Subdivision Law (Chapter 131 of the Town Code).

(4) All rear lots must have safe access for fire, police and emergency vehicles.

(5) The proposed rear lots must not result in degradation of important natural resource and landscape features identified in the Comprehensive Plan and Zoning Law, including, but not limited to, Skaneateles Lake, streams and wetlands.

(6) When necessary to satisfy the criteria in Subsection J(5) above, the reviewing board may require the applicant to grant a conservation easement or deed restriction enforceable by the Town and adjoining landowners that limits the area within which the house and driveway may be constructed on the rear lot.

K. Multiple and accessory dwellings.

(1) Two-family dwellings.

(a) Two-family dwellings shall be permitted by right on lots that are at least twice the minimum lot size in the district.

(b) On lots created as part of an open space subdivision, two-family dwellings may be approved as part of the approval process for the open space subdivision, consistent with the density requirements for open space subdivision.

(2) Accessory residential structures and accessory apartments. An accessory apartment may be located in a principal building or an accessory structure (in which case that structure would become an accessory residential structure) in any zoning district, provided that the following conditions are met:

(a) Any lot may contain one accessory apartment by right, if it has at least the minimum acreage required for a conventional subdivision (Dimensional Table 1).[34]

(b) The Planning Board may grant a special permit allowing accessory apartments to be located on a lot which does not comply with Subsection K(2)(a) above, provided that the structure is not within 100 feet of the Lake and the Board finds that such accessory apartments will comply with County Health Department regulations and with applicable sections of this chapter. The Board shall require, as a condition of such special permit, that such accessory apartments may not be later subdivided onto separate lots.

(c) No accessory residential structure shall be subdivided onto a separate lot unless it can satisfy applicable dimensional requirements of this chapter or any siting or design guidelines adapted by the Town Board.

(3) Multifamily dwellings.

(a) Multifamily dwellings shall require a special permit.

(b) The maximum density for multifamily dwellings shall be determined in each case by the reviewing board based upon all relevant special permit and site plan review criteria and the standards in this Subsection K(3). In no case shall the density exceed four dwelling units per acre of buildable land as defined in § 148-56.

(c) In any multifamily major project, a minimum of 50% of the total project site and 15% of the site's buildable land shall be preserved as open space land pursuant to § 148-9H, except that in the HM Districts outside of the LWOD, a minimum of 25% of the total project site and 15% of the site's buildable land shall be preserved as open space land pursuant to § 148-9H.

34. **Editor's Note: Dimensional Table 1 is included at the end of this chapter.**

(d) Multifamily development shall comply with the Hamlet Design Guidelines and Building Form Guidelines referred to in § 148-18D.

(4) Multiple residences on a lot. A lot may contain more than one principal residential structure, provided that it has sufficient acreage to comply with the density requirements of the district. The construction of more than one principal residential structure on a lot shall require site plan approval by the Planning Board, which shall include the preparation of a conservation analysis as required by § 148-9G(1). The Planning Board may require compliance with the criteria for open space development in § 148-9G. For purposes of this subsection, any residential structure containing over 2,500 square feet of floor space shall be considered a principal residential structure.

(5) Common driveways. No more than four dwelling units may be served by a common driveway, which shall have a minimum right-of-way of 30 feet. A road or driveway providing access to five or more dwelling units (including accessory apartments) shall comply with the standards for minor streets in the Subdivision Law (Chapter 131 of the Town of Skaneateles Code).

L. Impermeable surface coverage and minimum open space in the IRO and HC Districts. For purposes of determining compliance with impermeable surface coverage and minimum open space requirements in the IRO and HC Districts, the total land area to be considered may include, at the applicant's election, not only the entire lot or parcel on which development occurs, but also other land in the same ownership that is contiguous to the development parcel and/or that is located across a road or utility easement, provided that such land is within the same watershed. Such land may be located in any land use district, but must have a direct connection across such road or utility easement (i.e., by a line drawn perpendicular to the right-of-way) without passing through any land under different ownership (other than land within the road or right-of-way). Such land area in common ownership may be used for stormwater management, land conservation, or recreation, and it shall be protected from future development by a conservation easement as provided in § 148-9H(3). Any site plan or subdivision approval in which this § 148-11L is used to aggregate contiguous land or land lying across a road or utility easement shall contain a note on the final plat or site plan reciting applicable restrictions on development of the land required by this § 148-11L and referring to any conservation easements recorded pursuant to this section. This section shall not be used to aggregate land across a road or right-of-way for purposes of satisfying minimum lot area requirements. [Added 10-2-2006 by L.L. No. 3-2006]

§ 148-12. Nonconforming uses, structures and lots. [Amended 7-24-2007 by L.L. No. 13-2007]

The rules that follow apply to nonconforming uses, structures, and lots. It should be noted that, in any given circumstance, a nonconformity may exist as to any one or any combination of these three categories. Nonconforming structures (including nonconformities as to impermeable surface coverage) and uses are governed by Subsections A through G and I below. Nonconforming lots are governed by Subsections

G and H. These sections operate independently, i.e., more than one set of rules may apply if a structure or use is nonconforming and the lot is also nonconforming. In case of any conflict among the requirements of these subsections, the more restrictive shall apply.

A. Continuation of nonconforming uses and structures. Any lawful structure or use existing at the time of enactment or amendment of this chapter which becomes nonconforming as a result of such enactment or amendment may be continued, except that:

(1) Any sign which was nonconforming under this chapter or under any previous ordinance or local law shall be subject to the provisions of Chapter 123 of the Town Code.

(2) Any junk storage area shall be required to comply with § 148-35E of this chapter and Chapter 86 of the Town Code.

B. Abandonment. A nonconforming use of land or structure(s) which is abandoned for a period of 18 consecutive months shall not be reestablished, and any subsequent use of the same property shall conform to the requirements of this chapter.

C. Alteration and restoration. A nonconforming use or structure shall not be extended, expanded or structurally altered except as provided below. (The extension of a lawful use to any portion of a nonconforming structure shall not be deemed the extension of a nonconforming structure or use.)

(1) A nonconforming structure or use may be rebuilt in the event of its total or partial destruction by fire, casualty, or other natural causes, to occupy the same or a lesser amount of footprint, but may not exceed the height or interior volume of the totally or partially destroyed structure. The rebuilt structure may also be enlarged as provided in Subsections C(2), (3), and (4) below. This subsection shall not apply to voluntary demolition of a structure. [See Subsection C(5) below.]

(2) A nonconforming structure that is nonconforming only as to lot line setbacks may be expanded without a variance or special permit, provided that such expansion does not increase the nonconformity of the structure.

(3) Notwithstanding the provisions of § 148-12G(1)(a)[7], a nonconforming structure or use may be expanded by up to a total of 500 square feet of floor space and 5,000 cubic feet of interior volume without a variance or special permit, provided that such expansion does not increase the nonconformity of the structure or expand the nonconforming use. The 500 square feet of permitted expansion shall be cumulative and shall include all prior expansions since January 1, 1996. For purposes of this Subsection C(3), the floor space and interior volume of a garage and the floor space of decks and patios shall be counted toward the total floor space and interior volume. The increased floor space or volume may result in an increase in the height of the structure consistent with the height limits of this chapter, provided that no part of the structure is located within 50 feet of the lake line.

(4) The Planning Board may issue a special permit allowing the expansion of a nonconforming use or structure by more than 500 square feet of floor space and/or 5,000 cubic feet of interior volume [including garage, deck, or patio as in Subsection C(3) above]. Such expansion may not exceed 25% of total floor space or volume of the structure or use as it existed on January 1, 1996, provided that all other requirements of this Zoning Law can be met, including the limitation on impermeable surface coverage, and that the expansion does not reduce the size of any nonconforming yards by more than 10%. No nonconforming lake yard may be reduced by such an expansion. The permitted expansion referenced above shall be cumulative. The Planning Board shall consider and include all prior expansions since January 1, 1996. The Planning Board may also issue a special permit allowing the expansion of a nonconforming use or structure by 500 square feet or less of floor space and/or 5,000 cubic feet or less of interior volume where the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements. For any case in which the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.

(5) A nonconforming structure may be demolished and a new structure built to the same or lesser height and floor space and on the same or lesser footprint without a variance or special permit, provided that the structure and the lot on which it is situated comply with applicable maximum impermeable surface requirements. Increases in height, footprint, floor space, or interior volume are permitted in compliance with all of the limits in Subsection C(2), (3), and (4) above. Any change in location of the footprint shall require a special permit unless the structure in the new location complies with all of the dimensional requirements of this Zoning Law, including impermeable surface coverage requirements. If the structure and/or the lot on which it is situated do not comply with applicable maximum impermeable surface coverage requirements, the Planning Board shall require the applicant to reduce impermeable surface coverage on the property to the maximum extent feasible as a condition of the special permit. The Planning Board may also require mitigation as provided in § 148-12G(6). In no event may the special permit allow an applicant to increase the nonconforming impermeable surface coverage.

(6) Nonconforming boathouses shall not be expanded under any circumstances, and no expansion of nonconforming residential uses within boathouses shall be permitted. No kitchen or bathroom facilities shall be installed in such boathouses.

D. Necessary maintenance and repairs. A nonconforming use or structure may be

repaired or restored to a safe condition.

E. Change to other nonconforming use. A nonconforming use of a structure or parcel of land may, upon issuance of a special permit by the Planning Board, be changed to another nonconforming use which is of the same or lesser impact. However, no structure in which a nonconforming use has been changed to a use of lesser impact shall again be devoted to a nonconforming use with greater impact. In determining whether a use is of greater or lesser impact, the Planning Board shall consider the criteria listed in § 148-16.

F. Construction started prior to this chapter. Any structure for which construction was begun prior to the effective date of this chapter, or of any amendment thereto, may be completed and used in accordance with the approved plans, specifications and permits for such structure. Any structure for which construction has not begun pursuant to approved plans shall not be subject to this chapter and any amendments thereto, provided that a valid building permit has been issued prior to enactment. The Codes Enforcement Officer, may, in his or her discretion, issue a building permit for any application involving a variance, special permit or site plan review that has been given final approval prior to enactment.

G. Existing nonconforming lots.

(1) Any lot of record created prior to December 7, 2005, which complied with the area, density or dimensional requirements of this chapter at the time it was created but no longer complies shall be deemed to comply with such requirements, and no variance shall be required for its development, provided that:

(a) The following dimensional requirements are satisfied:

[1] Minimum lot area: 5,000 square feet, except within the Lake Watershed Overlay District, where the minimum lot area shall be 20,000 square feet.

[2] Minimum lot width and lake frontage: 50 feet minimum lot width; 75 feet minimum lake frontage.

[3] Minimum front yard: 15% of lot depth but not less than 25 feet. This reduction of setback is not available for lots over two acres.

[4] Minimum side yard, each: 20% of lot width but not less than eight feet. This reduction of setback is not available for lots over two acres.

[5] Minimum rear yard: 15% of lot depth but not less than 25 feet. This reduction of setback is not available for lots over two acres.

[6] Minimum lake yard: 60 feet for structures built prior to January 1, 2001, and 100 feet for the construction of any new structures thereafter

[7] Building limitations:

[a] The following limitations of Subsection G(1)(a)[7][a][i] and [ii] below shall apply, separately or together, to new buildings and to the enlargement of the footprint of preexisting buildings on nonconforming lots of less than 40,000 square feet. These limitations apply whether or not the preexisting buildings are conforming or nonconforming structures and do not apply on lots of 40,000 square feet or larger. For expansion of preexisting nonconforming structures, see § 148-12C. On lots within 1000 feet of the lake line (includes any portion thereof): [Amended 1-20-2011 by L.L. No. 1-2011]

[i] The total footprint of all principal and accessory buildings shall not exceed 6% of the lot area.

[ii] The total floor space of all principal and accessory buildings shall not exceed 10% of the lot area.

[b] The Town Codes Enforcement Officer shall use the most recent floor plans approved and on file to determine preexisting conditions and compliance. When no floor plans are on file with the Town or otherwise not available, the floor space calculation shall be based on measurements certified by a qualified design professional at the time of a new application for a building and/or zoning permit.

[c] For purposes of this section, 80% of unfinished but potentially habitable floor space in basements shall be included in the floor space calculation.

[8] In the Lake Watershed Overlay District, maximum impermeable surface coverage shall be 10%, except as provided in § 148-12G(6) below.

[9] Outside the Lake Watershed Overlay District, for lots of less than two acres, the maximum impermeable surface coverage shall be 15%, except as provided in § 148-12G(6) below.

(b) All Health Department regulations are satisfied.

(c) Any residential use of a nonconforming lot shall be limited to one single-family dwelling, unless a special permit for an accessory apartment has been granted pursuant to § 148-11K(2)(b).

(d) Site plan review, if otherwise required, is obtained. For lots of less than 40,000 square feet, site plan review shall also be required for any building or expansion of an existing building exceeding 500 square feet in footprint area and located within 1,000 feet of the lake line.

(e) Site plan approval shall not be granted for any structure on a nonconforming lot unless the Planning Board makes a written finding

that in its judgment the applicant has mitigated any impacts of the proposed development and that the result of such development will be to reduce the quantity and improve the quality of surface and ground water leaving the site. The Planning Board shall require improvements in on-site stormwater and landscape management and septic waste management in order to make such a finding. Such improvements may include, without limitation, infiltration trenches and other drainage improvements and vegetated stream and lake buffers.

(f) In the Lake Watershed Overlay District, all requirements of §§ 148-21, 148-26, 148-29 and 148-30 must also be satisfied.

(2) Notwithstanding the foregoing provisions, no variance shall be required for the following:

(a) On nonconforming lots of less than 20,000 square feet, the construction of a permanent deck or patio, not to exceed 175 square feet, provided that the construction does not increase the nonconformity of the structure it adjoins. If the increased nonconformity relates only to the open space requirements, then such construction shall be permitted.

(b) Construction of a fence, berm, or wall complying with § 148-11G and H.

(c) Any renovation or ordinary repairs to an existing building or structure which is not intended to and does not provide for a new or extended use or size of the building, structure or premises, provided that such alteration or repair does not increase the nonconformity of the building or structure.

(d) On nonconforming lots of less than 20,000 square feet, outside the required lake yard, there may be one detached storage shed, provided all of the following conditions are met:

[1] The storage shed is not larger than 80 square feet.

[2] The storage shed is no more than 10 feet in height.

[3] The storage shed is not used for human habitation.

[4] The storage shed is not used for housing animals or storing manure, nonresidential fertilizers or chemicals.

[5] The storage shed does not occupy more than 10% of a required rear yard.

[6] The storage shed is set back at least 10 feet from the side or rear lot lines.

[7] The storage shed is not located closer to the street than the front yard setback required for a principal structure.

(e) The construction of a sea wall or retaining wall along or parallel to the lake line where the Planning Board determines, through the special permit review process, that the wall will provide erosion control benefits.

(f) Demolition of a structure, provided that any replacement structure fully complies with all dimensional requirements of the Zoning Law.

(3) A special permit is required for conversion of a seasonal use residential structure located within 100 feet of Skaneateles Lake on a nonconforming lot to year-round use to assure protection of lake water quality.

(4) Notwithstanding the foregoing provisions, any undeveloped lot in a subdivision which was not properly approved by the Planning Board or Town Board or not filed in the office of the County Clerk, and whose area or dimensions do not comply with the requirements of this chapter, shall be considered a violation of this chapter and shall not be protected under Subsection G(1) above.

(5) In accordance with Town Law § 265-a, any lot proposed for residential use in a subdivision whose plat delineates one or more new roads or highways, which is shown in a subdivision plat that has been properly approved by the Planning Board and filed in the office of the County Clerk prior to the effective date of this chapter, and which violates the minimum area and dimensional requirements of this chapter, shall be deemed to comply with such minimum requirements for three years after the filing of the subdivision plat.

(6) A lot which contains structures that are nonconforming as to impermeable surface coverage may be redeveloped by special permit granted by the Planning Board, provided that all other applicable requirements of this § 148-12 are satisfied, that the impermeable surface coverage on the lot is reduced to the maximum extent feasible, and that all practicable measures are taken to minimize the impact of such impermeable surface coverage on streams, lakes and groundwater. [Note: If the proposed redevelopment reduces impermeable surface coverage to bring the lot within compliance with this chapter, no special permit pursuant to this section shall be required.] Such measures may include, without limitation, infiltration trenches and other drainage improvements, and vegetated stream and lake buffers. If an applicant is unable to reduce such coverage sufficiently to bring the lot into compliance with applicable coverage limitations for conforming lots, the Planning Board shall condition any approval of such a special permit on either, at the applicant's option:

(a) The use of mitigation measures that result in the permanent protection by conservation easement of 10 square feet of land in the same general area for each square foot of impervious surface coverage greater than the area required to bring the lot into compliance with applicable coverage limitations for conforming lots sufficient to offset any drainage or

environmental impact that might occur as a result of the lot exceeding the applicable coverage limitations. The determination as to the appropriate location of such protected land shall be made by the Planning Board in consultation with the Planning Board Engineer. If the lot is within the Skaneateles Lake Watershed, the Planning Board Engineer shall also consult with the City of Syracuse Department of Water in making this determination. The applicant shall bear the expenses associated with establishing the conservation easement. The conservation easement shall satisfy the requirements of § 148-9H and shall be filed and recorded in the County Clerk's office; or

(b) A monetary contribution, equal to the cost to protect 10 square feet of land with a conservation easement for each square foot of impermeable surface coverage greater than the area permitted to bring the lot into compliance with applicable coverage limitations for conforming lots, to the Town's Land and Development Rights Acquisition (DRA) Fund, which fund has been established to acquire development rights or conservation easements on undeveloped land to promote permanent protection of the lake and other natural resources. For purposes of this calculation for the fiscal year 2007, the cost to protect one acre of undeveloped land with a conservation easement is determined to be $10,000, to be calculated at $0.23 per square foot. The Town Board may, from time to time, by separate resolution or local law, amend said cost per acre based upon the estimated then-fair market cost to obtain and administer a conservation easement.

(7) In no case shall the applicant be permitted to increase the impermeable surface coverage on a lot.

(8) Where a conservation easement has been established or a monetary contribution has been made pursuant to § 148-12G(6)(a) or (b) above, if the applicant or a successor in interest seeks a subsequent redevelopment of a lot, no additional conservation easement or monetary contribution shall be required.

(9) By way of illustration only, if an applicant's property is located in the Lake Watershed Overlay District (LWOD) with a total lot area of 10,000 square feet, 10% or 1,000 square feet of impermeable surface coverage would be permitted. If the property already had 1,300 square feet of impermeable surface coverage (300 square feet in excess of the applicable coverage limitation for nonconforming lots) which the applicant desired to retain while redeveloping the property, granting of a special permit would be conditioned upon the applicant obtaining a conservation easement on at least 3,000 square feet of land (300 square feet times 10) in the same general area to offset any drainage or environmental impact that might occur as a result of exceeding the applicable coverage limitation, or making a monetary contribution to the DRA Fund in the amount of $690 (10 square feet of land times 300, which is the number of square feet of impermeable surface coverage in excess of the

applicable coverage limitations for nonconforming lots times $0.23).

H. Reduction in lot area. No lot shall be reduced in area in a manner that violates the dimensional requirements of this chapter.

I. Special permit uses. Any use which can be allowed by special permit under this chapter, but which has not been issued a special permit, may continue as a nonconforming use until it is granted a special permit. Upon the granting of such a special permit, the use shall become conforming and shall be governed by the conditions attached to the special permit. If such a special permit is denied, the use may continue as a nonconforming use, subject to the requirements of this § 148-12.

ARTICLE IV
Special Permits and Site Plan Review

§ 148-13. Purpose and applicability. [Amended 6-16-2009 by L.L. No. 2-2009]

A. It is the policy of the Town of Skaneateles to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment or the rural and historic character of the Town. Some uses are allowed by right, subject only to site plan approval. (See Use Table at the end of this chapter.) Some uses are uses for which issuance of a special permit is required and for which conformance to additional standards is required, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case that requires consideration of the merits and details of each proposed use to assure that such proposed use is in harmony with this chapter and the Comprehensive Plan, and that such proposed use will not adversely affect the general character of the surrounding area if the conditions of the special permit are met. [Amended 5-3-2012 by L.L. No. 2-2012]

B. Accessory uses or structures used in connection with a special permit or site plan use shall be subject to the same approval requirements as the principal structure or use. For special permit amendments, see § 148-17.

C. Because the impact of special permit uses varies, the review procedure and information required to be submitted for a special permit will depend upon the scale of the proposed use and whether it is a major or minor project.

§ 148-14. Required submissions for special permit applications. [Amended 6-16-2009 by L.L. No. 2-2009]

A. Major project special permit. An applicant for a major project special permit shall submit the following information. The number of copies required to be submitted and required submittal date shall be established by the Planning Board.

(1) A major project application form. Copies of the application form and Applicant's Guide may be obtained from the Town Code Enforcement Officer's office.

(2) Copies of a preliminary site plan and materials, containing the information listed in § 148-18, Site plan review, as the Planning Board deems necessary for conceptual review of the proposed use.

(3) A narrative report specifically describing how the proposed use will satisfy the criteria set forth in § 148-16, as well as any other applicable requirements relating to the specific use proposed.

(4) A long-form environmental assessment form or draft environmental impact statement.

(5) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(6) The major project special permit application fee, as established by the Town Board, and any required escrow deposit for review costs, as required pursuant to § 148-44.

(7) A Disclosure of Interest form as required by § 809 of the General Municipal Law.

B. Minor project special permits. An applicant for a minor project special permit shall submit the following information. The number of copies required to be submitted and required submittal date shall be established by the Planning Board:

(1) A minor project application form. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office.

(2) Copies of a plot plan providing information sufficient to enable the Board to make an informed decision (which may include some of the site plan information listed in § 148-18).

(3) A brief narrative describing the proposed use.

(4) A short-form environmental assessment form (EAF), unless the Planning Board determines that the proposed special permit is a Type I action, in which case a long-form EAF shall be required.

(5) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(6) The minor project application fee as established by the Town Board and an escrow deposit (if required).

(7) A Disclosure of Interest form as required by § 809 of the General Municipal Law.

§ 148-15. Special permit procedure. [Amended 6-16-2009 by L.L. No. 2-2009]

A. Preapplication meeting and workshop. Before filing an application, a preliminary conference with the Codes Enforcement Officer is required to discuss the nature of the proposed use, to explain application requirements, provide a preliminary review for completeness, and to classify it as a major or minor project. If the Codes Enforcement Officer classifies the project as a major project, a preliminary

conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the preliminary site plan. If the Codes Enforcement Officer classifies the project as a minor project, a preliminary conference with the Codes Enforcement Officer may be required to discuss the application materials. The original signed application plus multiple copies as required by the Planning Board, shall be submitted at such time as required by such Board. The Codes Enforcement Officer will conduct a preliminary review of the application materials. Copies of the application form and Applicant's Guide may be obtained from the Town Code Enforcement Officer's office. Applications shall not be deemed submitted until the reviewing board's meeting.

B. Application.

(1) Application for a special permit shall be made to the Planning Board on forms prescribed by such Board. Such Board shall require multiple copies of the application materials. An application shall be submitted no later than the first of the month in which it will be reviewed, or at such other time as the reviewing board may specify by resolution.

(2) If an application is for a parcel or parcels on which more than one use requiring a special permit is proposed, the applicant may submit a single application for all such uses. The reviewing board may grant the application with respect to some proposed uses and not others. For purposes of determining whether the application is a major or minor project, and for SEQRA compliance, all proposed uses on a single parcel or on contiguous or related parcels under single or related ownership shall be considered together.

(3) Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed special permit contains one or more features which do not comply with the dimensional requirements of this chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 148-45, without a decision or determination by the Building Code Inspector.

C. State Environmental Quality Review Act (SEQRA) compliance. Upon receipt of application materials it deems complete, the reviewing board shall initiate the New York State environmental quality review process by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the reviewing board shall issue a positive declaration and require the submission of a draft environmental impact statement (DEIS). No time periods for decisionmaking in this chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation regulations or the issuance of a negative declaration.

D. Referral to County Planning Board.

(1) Upon receipt of application materials it deems to be complete, the reviewing board shall refer to the Onondaga County Planning Board any application for a special permit affecting real property within 500 feet of the boundary of the Town of Skaneateles, the boundary of any existing or proposed county or state park or other recreational area, the boundary of any existing or proposed county or state roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the county for which the county has established channel lines, the boundary of any existing or proposed county- or state-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25-AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, §§ 239-l and 239-m, as amended.

(2) No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(3) County disapproval. A majority-plus-one vote of the reviewing board shall be required to grant any special permit which receives a recommendation of disapproval from the County Planning Board before the reviewing board takes action. The reviewing board shall by resolution set forth its reasons for such contrary action.

E. Notice and hearing.

(1) If an agricultural data statement has been submitted, the Planning Board Secretary shall, upon receipt of the application, mail written notice of the special permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

(2) The reviewing board shall hold a public hearing on a complete special permit application within 62 days of its submission. The Board shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least five days prior to the date thereof. The cost of giving such public notice shall be charged to the applicant. If the application is for property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

F. Action.

(1) The reviewing board shall grant, deny or grant subject to conditions the application for a special permit within 62 days after hearing. The time within which the reviewing board must render its decision may be extended by the

mutual consent of the applicant and the board. Any decision on a major project shall contain written findings explaining the rationale for the decision in light of the standards contained in § 148-16 below. Unless waived by the reviewing board pursuant to § 148-18B, the grant of a major special permit shall be conditional upon the approval of a site plan pursuant to § 148-18 below.

(2) In granting a special permit, the reviewing board may impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to § 148-9H, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities and requiring action by the applicant, including the posting of performance bonds and furnishing of guaranties to insure the completion of the project in accordance with the conditions imposed.

(3) Any applications for major special project special permits that have not yet been scheduled for a public hearing before the Town Board of the Town of Skaneateles before the effective date of this section shall be considered by the Planning Board in accordance with this section.

G. Expiration, change of use, revocation and enforcement.

(1) A special permit shall expire if the special permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the special permit within 18 months of its issuance or if its time limit expires without renewal.

(2) A special permit shall apply only to the use for which it has been granted. A new special permit shall be required for any change to a new use that requires a special permit.

(3) A special permit may be revoked by the Planning Board if the permittee violates the conditions of the special permit or engages in any construction or alteration not authorized by the special permit.

(4) Any violation of the conditions of a special permit shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

(5) All actions and determinations relating to the expiration, change of use, revocation and enforcement of special permits shall be determined by the Planning Board, regardless of the board that initially approved such special permit or any renewal or amendment thereto.

§ 148-16. Considerations in granting or denying special permits. [Amended 6-16-2009 by L.L. No. 2-2009]

In granting or denying special permits, the reviewing board shall take into consideration the scale of the proposed project and the possible impact of the proposed project on the functioning of nearby farm operations, as well as any proposed conservation easements, architectural restrictions or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic, natural and historic character of the Town.

A. Minor projects. Before granting a minor project special permit, the reviewing board shall determine:

(1) That it is consistent with the purposes of the land use district in which it is located and with all applicable provisions of this chapter.

(2) That it will not adversely affect surrounding land uses by creating excessive traffic, noise, dust, odors, glare, pollution or other nuisances.

(3) That it is consistent with the Comprehensive Plan.

(4) That all relevant site planning criteria in § 148-18D are satisfied.

B. Major projects. Before granting a major project special permit, the reviewing board shall make specific written findings that the proposed major project:

(1) Will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of the land use district in which it is located, with the Comprehensive Plan and with the purposes of this chapter.

(2) Will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odors, solid waste or glare.

(3) Will not adversely affect the general availability of affordable housing in the Town.

(4) Will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.

(5) Will have appropriate parking and be accessible to fire, police and other emergency vehicles.

(6) Will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools.

(7) Will not degrade any natural resource, ecosystem or historic resource, including Skaneateles Lake or Owasco Lake.

(8) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat and hydrology and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

(9) Will be subject to such conditions on operation, design and layout of structures and provision of screening, buffer areas and off-site improvements

as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

(10) Will be consistent with the community's goal of concentrating retail uses in the village and hamlets, avoiding strip commercial development and locating nonresidential uses that are incompatible with residential use on well-buffered properties.

(11) Will be able to comply with the rural siting principles in § 148-25, if applicable, and with the site planning standards of § 148-18D.

(12) Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right. This criterion shall not apply in the HC District.

§ 148-17. Special permit amendments. [Amended 6-16-2009 by L.L. No. 2-2009]

The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a special permit, following the criteria and procedures in this section. Any enlargement, alteration or construction of accessory structures not previously approved shall require site plan approval, provided that the use does not change and that such alteration does not increase the total floor space or impermeable surface coverage by more than 20%. A special permit amendment shall be required in other cases. All amendments to special permits requested after the effective date of this section shall be reviewed by the Planning Board for determination.

§ 148-18. Site plan review.

A. Applicability.

(1) Site plan approval by the Planning Board shall be required for all major project special permit uses (listed as requiring a special permit in the Use Table at the end of this chapter), all permitted uses listed in § 148-8B as requiring site plan approval only, as well as for activities listed in §§ 148-26A(1), 148-29D, 148-29E and 148-30B(1) and for single-family dwellings if required by the Use Table at the end of this chapter. [Amended 6-16-2009 by L.L. No. 2-2009]

(2) Site plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Subdivision Law (Chapter 131 of the Town Code) as well as the provisions of this chapter.

(3) The procedure for review of minor project site plans is described in § 148-20. No separate site plan review is required for minor projects which require a special permit.

B. Required information for site plan. The original signed application and other required application materials shall be submitted in multiple copies as required by

the Planning Board, at such time as required by the Planning Board. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office. Applications shall not be deemed submitted until the reviewing board's meeting. An application for site plan approval shall be accompanied by a disclosure of interest form as required by § 809 of the General Municipal Law, as well as by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Minor project site plans shall contain only such information listed below as the Planning Board deems necessary to conduct an informed review. Major project site plans shall be prepared by a licensed professional engineer, architect or landscape architect and shall include the following:

(1) Name of the project, boundaries, date, North arrow and scale of the plan.

(2) Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.

(3) A vicinity map drawn at the scale of 2,000 feet to the inch that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all streets within 2,000 feet of the property. Such a sketch may be superimposed on a United States Geological Survey map of the area.

(4) A site plan drawn at a scale of 40 feet to the inch or such other scale as the Board may deem appropriate, on standard sheets 22 inches by 34 inches, with continuation on sheets 8 1/2 by 11 inches as necessary for written information, showing, in addition to the site, all properties, subdivisions, streets and easements within 200 feet of the property boundaries.

(5) The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations.

(6) The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.

(7) The location, height, intensity and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

(8) The location, height, size, materials and design of all proposed signs.

(9) The location of all present and proposed utility systems including:

   (a) Sewage or septic system.

   (b) Water supply system.

   (c) Telephone, cable and electrical systems.

   (d) Storm drainage system including existing and proposed drain lines,

culverts, catch basins, headwalls, endwalls, hydrants, manholes, detention ponds and drainage swales.

(10) Erosion and stormwater control plan to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable. This plan must comply with § 148-26 and with the New York Guidelines for Urban Erosion and Sediment Control.

(11) Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic bench mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

(12) A landscape, planting and grading plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover and water sources and all proposed changes to these features. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains and drainage retention areas.

(13) Land use district boundaries within 200 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any overlay districts that apply to the property.

(14) Traffic flow patterns within the site, entrances and exits and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The reviewing board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include:

(a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour (and peak season) traffic levels.

(b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

(c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.

(15) For new construction or alterations to any structure, a table containing the following information shall be included:

(a) Estimated area of structure intended to be used for particular uses such as retail operation, office, storage, etc.

(b) Estimated maximum number of employees.

(c) Maximum seating capacity, where applicable.

(d) Number of parking spaces existing and required for the intended use.

(16) Elevations at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.

(17) Where appropriate, the reviewing board may request soil logs, percolation test results and storm runoff calculations.

(18) Plans for disposal of construction and demolition waste, either on site or at an approved disposal facility.

(19) Long-form environmental assessment form or draft environmental impact statement.

(20) Other information that may be deemed necessary by the reviewing board.

(21) A table identifying the land use district and how the proposed project compares with the dimensional requirements of § 148-9.

C. Waivers. The Planning Board may waive some of the information requirements in § 148-18B above, as it deems appropriate.

D. Standards and criteria. In reviewing site plans, the Planning Board shall consider the standards set forth below. The Planning Board shall also use as approval criteria the three-volume set of illustrated design guidelines published by the New York Planning Federation in 1994, entitled "Hamlet Design Guidelines," "Building Form Guidelines" and "Rural Design Guidelines," and shall adapt the recommendations of those documents to the requirements of this chapter.

(1) Layout and design.

(a) All structures in the plan shall be integrated with each other and with adjacent structures and shall, wherever practical, be laid out in the pattern of a traditional village or hamlet.

(b) Structures that are visible from public roads or Skaneateles Lake shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials and placement and shall harmonize with traditional elements in the architectural fabric of the area.

(c) Architectural design shall be in keeping with the small-town architectural character of the Skaneateles area. In general, the design shall avoid flat roofs, large expanses of undifferentiated facades and long plain wall sections.

(d) Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

(e) The Planning Board shall encourage the creation of landscaped parks or

squares easily accessible by pedestrians.

(f) Trademarked architecture which identifies a specific company by building design features shall be prohibited.

(g) The rural siting principles in § 148-25 shall be taken into consideration in all reviews, and compliance with them shall be mandatory if required by this chapter.

(2) Landscaping.

(a) Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forest land or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses and their location on the property but shall normally be between 50 feet and 200 feet.

(b) Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

(c) Primary landscape treatment shall consist of shrubs, ground cover and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should generally be native to the region and appropriate to the growing conditions of the Town's environment.

(d) Insofar as practical, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.

(e) If deemed appropriate for the site by the reviewing board, shade trees at least six feet tall shall be planted and maintained at twenty- to forty-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

(f) For landscaping parking lots, see § 148-32A(4)(d).

(g) Landscaping shall not be planted in a manner that will result in blocking significant views identified in the Comprehensive Plan's SAVIT Report.

(3) Parking, circulation and loading.

(a) Roads, driveways, sidewalks, off-street parking and loading space shall be safe and shall encourage pedestrian movement.

(b) Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths and new public streets to connect adjoining properties shall be required where appropriate.

(c) Off-street parking and loading requirements of § 148-32 shall be fulfilled, and parking areas shall be located behind buildings as required therein.

(d) Access from and egress to public highways shall be approved by the appropriate highway department, including Town, county and state.

(e) All buildings shall be accessible by emergency vehicles.

(4) Reservation of parkland. For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law § 274-a, Subdivision 6.

(5) Miscellaneous standards.

(a) Buildings and other facilities shall be designed, located and operated to avoid causing excessive noise on a frequent or continuous basis.

(b) Exterior lighting fixtures shall be shielded to prevent light from shining directly onto neighboring properties or public ways. Light standards shall be restricted to a maximum of 20 feet in height. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 footcandle. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.

(c) Drainage of the site shall recharge groundwater to the extent practical. The rate of surface water flowing off site shall not increase above predevelopment conditions and shall not adversely affect drainage on adjacent properties or public roads for appropriate design storms.

(d) Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary permits or agreements for off-site disposal shall be obtained.

(e) Additional site plan requirements and standards for review set forth in other sections of this chapter shall be satisfied.

§ 148-19. Procedure for major project site plan approval.

A. Submission. Before filing an application, a preliminary conference with the Codes Enforcement Officer is required to discuss the nature of the proposal and application requirements. The original signed application and other required application materials shall be submitted in multiple copies as required by the Planning Board, at such time as required by the Planning Board. The Clerk of the Planning Board shall distribute such materials to the Planning Board and such other

municipal boards, officials and consultants as the Planning Board deems appropriate. The Codes Enforcement Officer will conduct a preliminary review of the application materials and a preliminary conference with the Codes Enforcement Officer may be required. Copies of the application form and Applicant's Guide may be obtained from the Town Clerk's office. Applications shall not be deemed submitted until the reviewing board's meeting. In addition to the site plan drawings, the applicant shall submit:

(1) A long-form environmental assessment form or supplemental environmental impact statement dealing with issues not covered in sufficient detail in previous environmental submissions.

(2) An agricultural data statement as defined in § 148-56, if required by § 148-31.

(3) The site plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

B. Application for area variance. Where a proposed site plan contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 148-45 without a decision or determination by the Codes Enforcement Officer.

C. SEQRA compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State environmental quality review process by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a draft environmental impact statement (DEIS). No time periods for decisionmaking in this chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation regulations or the issuance of a negative declaration.

D. Public hearing and decision.

(1) The Planning Board shall hold a public hearing on the site plan and shall follow the provisions on notice, agricultural data statements, county review, notice to adjacent municipalities, and time limits in § 148-15E through G.

(2) Criteria for decisions on site plans shall be limited to those listed in § 148-18D above. In granting a site plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to § 148-9H, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities and requiring performance guaranties to insure

the completion of the project in accordance with the conditions imposed.

(3) A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant. A resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.

(4) If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with these modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(5) Submittal for stamping and signing.

(a) Within six months after receiving site plan approval, with or without modifications, the applicant shall submit multiple copies of the site plan to the Planning Board for stamping and signing. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

[1] Record of application for and approval status of all necessary permits from federal, state and county officials.

[2] Detailed sizing and final material specification of all required improvements.

[3] An estimated project construction schedule. If a performance guaranty pursuant to § 148-19E is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.

[4] Proof of payment of the Planning Board's reasonable review costs.

(b) Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the Codes Enforcement Officer and the applicant. The Codes Enforcement Officer may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.

E. Performance guaranty. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed, or a sufficient performance guaranty has been posted for improvements not yet completed. The performance guaranty shall be posted in accordance with the procedures specified in § 277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guaranty shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Codes Enforcement Officer, other local

officials and its consultants.

F. As-built plans and inspection of improvements. No certificate of occupancy shall be granted until the applicant has filed a set of as-built plans with the Codes Enforcement Officer, indicating any deviations from the approved site plan. The Codes Enforcement Officer shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a certificate of occupancy upon a finding that the project as built complies in all material respects with the site plan.

G. Site plan amendments. The site plan may be amended by filing an application with the Planning Board for a site plan amendment.

(1) If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable special permit approval (or if no special permit is required) and does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing.

(2) If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable special permit approval (or if no special permit is required), but is a substantial change from the approved site plan, it shall follow the procedures for site plan approval contained in § 148-19D above and hold a public hearing.

(3) If the Planning Board determines that the proposed amendment is inconsistent with the terms of any special permit approval, it shall consider the application to be one for a special permit amendment and proceed pursuant to § 148-15.

H. Expiration, revocation and enforcement.

(1) A site plan approval shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the site plan approval within 18 months of its issuance, or if the special permit with which it is associated expires. The Planning Board may grant a maximum of three six-month extensions.

(2) A site plan approval may be revoked by the Planning Board that approved it if the permittee violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.

(3) Any violation of the conditions of a site plan approval shall be deemed a violation of this chapter and shall be subject to enforcement action as provided herein.

§ 148-20. Procedure for minor project site plan approval.

The procedure for minor project site plan approval by the Planning Board shall be the same as prescribed in § 148-19 for major projects, except for the following:

A. A short-form environmental assessment form (EAF) will normally be required. If

the application is classified as a Type I action under the State Environmental Quality Review Act, a long-form EAF shall be required. The Planning Board, at its discretion, may require the long-form environmental assessment form for any application categorized as unlisted under SEQRA.

B. A minor project application fee established by the Town Board shall be paid, and an escrow deposit may be required to cover review costs at the discretion of the Planning Board.

C. The requirements of § 148-18B may be waived as deemed appropriate by the Planning Board.

D. No public hearing shall be required for a minor project site plan. The Planning Board may, in its sole discretion, hold a public hearing following the procedures in § 148-19D. If no public hearing is held, the Planning Board shall give notice to the County Planning Board and to farm operators as required in §§ 148-15E and F(1), and render a decision within 62 days of its receipt of a complete site plan application.

ARTICLE V
Overlay District Provisions

§ 148-21. Lake Watershed Overlay District (LWOD).

A. Findings and purpose. 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 a map entitled "Zoning Map, Overlay Districts, Town of Skaneateles," on file in the office of the Town Clerk. The overlay district is divided into two subdistricts covering the two lake watersheds: Skaneateles and Owasco. A reduced copy of this map, for reference only, is included as an attachment to this chapter (included on Zoning Map).[35]

C. Effect of district. Within the Lake Watershed Overlay District, all of the underlying

35. **Editor's Note: The Zoning Map is on file in the Clerk's office.**

land use district rules remain in effect, except as they are specifically modified by this § 148-21. In addition, within the entire LW District, 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, when conducted at a scale larger than that of an ordinary household, shall be prohibited in the LW District. Agricultural uses and existing facilities located within the LW District that engage in these activities may continue and expand, provided that they comply with all applicable laws and regulations. [Amended 5-3-2012 by L.L. No. 2-2012]

(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 land use law.

(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 Subsection D of § 148-47 of this chapter).

(8) Junkyards.

(9) Truck terminals.

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 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 reviewing 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 § 148-21E, 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. 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 § 148-21F, 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 § 148-21 which is defined in the City of Syracuse Watershed Regulations, but not in this chapter, shall carry the meaning given in the city's definition.

(2) In evaluating applications for any development within the Watershed Overlay District, the reviewing board or official 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 for those pollutants whose potential impact is neutralized by delayed contact with the lake.

(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 § 148-21, the reviewing board or official shall designate acceptable areas for site disturbance and construction on all subdivision plats and site plans (including site plans and surveys associated with building permits and zoning permits). Outside 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 acceptable area of land disturbance for building a single-family residence shall not be larger than 30,000 square feet at any one time.

(4) At the discretion of the Planning Board, sod may be required in the lake yard.

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 LW District, the reviewing 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 § 148-9H) be granted by the applicant to protect all or a portion of the land within the LW District. 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 § 148-21.

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 § 148-21I(1).

§ 148-22. Floodplain Overlay District.

A. General restrictions. The provisions of Local Law No. 2 of 1987 (Chapter 72 of the Code of the Town of Skaneateles) are incorporated herein by reference and shall apply in addition to any other applicable zoning or building regulations. Such provisions shall take precedence over any inconsistent provisions of this chapter or any other local law, ordinance or code.

B. Floodway development permits.

(1) No building permit involving new construction of or substantial improvements to a structure, no application for subdivision approval or other proposed new development and no new or replacement water supply system shall be permitted within the Floodplain Overlay District without a floodway development permit pursuant to the provisions of Chapter 72.

(2) The approval of a floodway development permit required in Chapter 72 shall be in addition to, and not in lieu of, any other approvals or permits that may be required by any provision of this chapter or any other ordinance, local code, rule or regulation of the Town.

(3) No new septic tank, leach field or other sanitary sewage system shall be located within the Floodplain Overlay District.

§ 148-23. Open Pit Mining Overlay District. [Amended 6-21-2007 by L.L. No. 12-2007; 10-20-2008 by L.L. No. 5-2008]

Open pit mining shall be permitted only within the Open Pit Mining Overlay District (OPMOD) which includes all land in the RF District as delineated on the Mining District Boundary Map,[36] except that cemeteries and all areas within 200 feet of property lines or within 100 feet of watercourses shall be excluded from the Mining District.

§ 148-24. (Reserved)

ARTICLE VI
Supplementary Provisions

§ 148-25. Rural siting principles.

The following guidelines shall apply to the siting of residences in new subdivisions and to nonresidential uses and structures that are subject to site plan or special permit approval. They are recommended but not required for the siting of individual residences

36. **Editor's Note: Said map is on file in the Clerk's office. A reduced copy of this map is included at the end of this chapter.**

on existing lots. The Planning Board may adopt an illustrated siting guide or refer applicants to a published design manual to provide further guidance on complying with these principles.

A. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)

B. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.

C. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.

D. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a sprawl pattern.

E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.

F. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements or garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.

H. Avoid siting buildings that block views of the lake from public roads or other occupied buildings. This may be accomplished by appropriate location of the building and/or by limiting building height, taking into account topography, existing vegetation and sight lines.

§ 148-26. Erosion and stormwater control.

A. Activities requiring an erosion and stormwater control plan. A soil erosion and stormwater control plan shall be submitted to the reviewing board as part of an

application and/or to the Codes Enforcement Officer as part of an application for a building or zoning permit in connection with:

(1) Any project in which the disturbed area is cumulatively more than 5,000 square feet, if any area of the project is within the LWOD or within 100 feet of a watercourse. If the cumulative disturbed area is less than 30,000 square feet and no portion of the project is within 200 feet of any watercourse or the lake line, the Codes Enforcement Officer may review and approve the erosion control plan. At his/her discretion, he/she may seek engineering advice at the applicant's expense and/or refer the matter for site plan review by the Planning Board.

(2) Any application for subdivision or site plan approval in which the disturbed area is cumulatively to be more than one acre.

B. Exemptions. Any activity directly related to agricultural production shall be exempt from these soil erosion and stormwater control regulations. (See § 148-21 for whole farm planning in the Lake Watershed Overlay District.)

C. Erosion and stormwater control plan. A soil erosion and stormwater control plan shall contain adequate provisions to control erosion and sedimentation and reduce the impacts of stormwater runoff from the site based on best management practices. The objective of such practices is to maintain or reduce the impact of stormwater runoff from the site and to prevent soil erosion. Such practices are described in the publication New York Guidelines for Urban Soil Erosion and Sediment Control, published by the Empire State Chapter of the Soil and Water Conservation Society (hereinafter "the New York Guidelines"). Alternative principles, methods and procedures may be used with prior approval of the reviewing board, based upon a favorable recommendation from its consultant. Wherever possible, erosion shall be prevented by minimizing disturbance to existing land cover. Informational requirements of this section may be waived by the reviewing board or official where such requirements are not relevant or where such information is not necessary to achieve erosion and stormwater control objectives. The erosion and stormwater control plan shall contain, but not be limited to, the following:

(1) A narrative describing:

(a) The proposed development.

(b) The schedule for grading and construction activities, including:

[1] Start and completion dates.

[2] Sequence of grading and construction activities.

[3] Sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

[4] Sequence for final stabilization and stormwater management on the project site.

(c) The design criteria for proposed soil erosion and stormwater control

measures and stormwater management facilities, and computations necessary to demonstrate compliance with these criteria.

(d) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.

(e) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

(f) The operation and maintenance of proposed soil erosion and sediment control measures and stormwater management facilities.

(g) A statement describing all design measures taken to minimize grading and disturbance to land and vegetation.

(2) A site plan or subdivision plan prepared in accordance with applicable requirements of this chapter or the Subdivision Law (Chapter 131 of the Town Code) which shall include the following additional information:

(a) The proposed alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

(b) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

(c) The sequence of grading and construction activities.

(d) The sequence for installation and/or application of soil erosion, sediment control and stormwater management measures.

(e) The sequence for final stabilization of the development site.

D. Minimum acceptable standards.

(1) Plans for soil erosion and stormwater control shall follow the principles and practices described in the New York Guidelines. Soil erosion and stormwater control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site flooding, erosion, sedimentation or pollution.

(2) The minimum standards for individual measures shall be those in the New York Guidelines. The reviewing board may grant exceptions when requested by the applicant if technically sound reasons are presented.

E. Plan review. The reviewing board shall refer the soil erosion and stormwater control plan to a qualified engineering consultant and/or to the Onondaga County Soil and Water Conservation District for professional advice concerning compliance of the plan with the requirements and objectives of this § 148-26. The reviewing board shall not approve the special permit, site plan or subdivision application unless it finds that the soil erosion and stormwater control plan complies

with this section.

F. Plan implementation.

(1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be covered in a performance bond or other guaranty acceptable to the reviewing board.

(2) Site development shall not begin unless the soil erosion and stormwater control plan is approved and those control measures and facilities in the plan scheduled prior to site development are installed and functional.

(3) Planned soil erosion and stormwater control measures and facilities shall be installed as scheduled according to the approved plan.

(4) All erosion and stormwater control measures and facilities shall be maintained in a condition which ensures compliance with the approved plan and prevents sediment from leaving the site.

G. Inspections. Inspections shall be made by the Codes Enforcement Officer (or other authorized Town official or contractor) during development to ensure compliance with these regulations and to ensure that control measures and facilities are properly performed, installed and maintained. The reviewing board shall require the applicant to verify through progress reports that soil erosion, sediment control and stormwater management measures and facilities have been performed or installed according to the approved plan and are being operated and maintained properly for one year after the completion of all such control measures and facilities.

H. Costs. The reasonable costs of reviewing plans and inspecting sites for compliance may be charged to the applicant through application fees and escrow deposits required in connection with an application for a building or zoning permit or for site plan or subdivision approval. See § 148-44.

§ 148-27. Sanitary disposal and water supply.

A. Sanitary disposal. No person shall construct any new structure in the Town without first meeting applicable requirements of the Town, the Onondaga County and New York State Departments of Health, the Cities of Syracuse and Auburn, the New York State Department of Environmental Conservation and other governmental authorities that regulate water supply and sewage disposal systems. Issuance of a certificate of occupancy shall be subject to sanitary system inspection and certification by the Onondaga County Department of Health and compliance with all conditions imposed by any other governmental authority.

B. Water supply. The reviewing board may require an applicant for any subdivision, special permit or site plan approval to provide evidence of water availability and may require test wells and professional hydrogeological studies sufficient to establish that a proposed development will have adequate supplies of potable water and will not adversely affect water supply or quality in the surrounding area.

§ 148-28. Excavation, grading, clearing and tree removal.

A. Excavation and grading necessary for the construction of a structure for which a building permit has been issued shall be permitted, provided that it does not adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, create noxious conditions or create a hazard to public health or safety.

B. In the event that construction of a structure is stopped prior to completion and the building permit expires, the premises shall be promptly cleared of any rubbish or building materials, and any open excavation with a depth greater than two feet below existing grade shall either be promptly filled in and the topsoil replaced or shall be entirely surrounded by a fence at least six feet high that will effectively block access to the area of the excavation.

C. The Town Board may, in connection with a major project site plan or major residential development, require an applicant to post a bond or other form of security to guarantee reclamation of areas to be excavated or graded. Such bond or other security shall be for an amount reasonably related to the potential cost of such reclamation and shall be in a form deemed acceptable by the Town Attorney.

D. For regulation of open pit mining, see § 148-35B of this chapter.

E. Excavation of any area exceeding 2,000 square feet and/or clear-cutting of any area exceeding one acre within any six-month period shall require a zoning permit from the Codes Enforcement Officer, unless such excavation or clear-cutting is performed pursuant to an approved site plan, special permit, subdivision, or building permit or as a normal and customary activity in conjunction with commercial logging or a farm operation (as defined in Article X).

F. No excavation, grading, clear cutting, or clearing in preparation for site development shall be undertaken prior to the grant of any special permit, site plan or subdivision approval required for such development. The Codes Enforcement Officer may seek engineering advice at the property owner's expense, in addition to the penalties available under § 148-43 in the event that the Codes Enforcement Officer has reason to believe that this section has been violated.

G. For regulation of hard fill dumping, see § 148-37.

§ 148-29. Wetland and watercourse protection.

The Town finds that protection of its wetlands and watercourses helps to maintain water quality and the health of natural ecosystems, reduces flooding, erosion and sedimentation and protects important wildlife habitat areas. The Town also recognizes that both the state and federal governments regulate wetlands and desires to avoid duplicating regulatory programs while cooperating with state and federal agencies. To ensure that development minimizes damage to wetlands and watercourses, the Town establishes the following requirements:

A. State and federal wetland permit coordination. All applicants for any Town permit

or approval that might result in disturbance to a wetland or watercourse shall, as early as possible in the application process, apply to the New York State Department of Environmental Conservation (DEC) and/or the United States Army Corps of Engineers (ACOE), if appropriate, for any applicable permits.

B. Required wetland mapping and delineation. Any site plan, plot plan, subdivision plat, preliminary subdivision plat or other submission to a Town regulatory board or official shall show the location of all watercourses and the location of any DEC-regulated wetlands and wetland buffers on the parcel, as determined by a DEC field delineation, if available, or from current DEC wetland maps. If the proposal involves disturbance to wetlands regulated by ACOE, the applicant shall perform a delineation of all ACOE-regulated wetlands for all areas of the parcel proposed to be altered by development. The applicant shall use such delineation in its application to ACOE and shall submit copies to the Town of any application to or correspondence with ACOE and DEC concerning required permits for the project.

C. Imposition of conditions to protect wetlands and watercourses. The reviewing board or official shall ensure that applicants comply with the requirements of DEC and ACOE and shall impose appropriate conditions to minimize damage to wetlands and watercourses. Such conditions may include modifications in the size and scope of a proposed project, as well as changes in the location of structures or other improvements on the parcel.

D. Wetland and watercourse setbacks. No principal structure and no accessory structure 600 square feet or larger shall be located within 100 feet of a wetland or watercourse, and no accessory structure 200 square feet or larger shall be located within 50 feet of a wetland or watercourse, except as provided in § 148-36. Notwithstanding the foregoing restrictions, in an IRO Zoning District, parking areas and driveways may be located as close as 20 feet from a watercourse (measured from the top of the bank), provided that the Planning Board, with consultation with its engineer, determines that the drainage from the parking lot will not adversely affect the watercourse. [Amended 1-18-2007 by L.L. No. 1-2007; 2-5-2009 by L.L. No. 1-2009]

E. Site plan approval requirement in stream corridors.

(1) Within 100 feet of the bank of any watercourse, site plan approval shall be required for any construction involving land disturbance of more than 200 square feet, filling or excavation in excess of 200 square feet, clear-cutting of more than 10,000 square feet of vegetation over a five-year period, or grading or other alteration of more than 5,000 square feet of the natural landscape within any one-year period. This requirement shall not apply to agricultural uses or to the repair and maintenance of existing structures.

(2) The Planning Board may grant such approval only if it finds that, with appropriate conditions attached, the proposed activity will not result in erosion or stream or lake pollution from surface or subsurface runoff. In making such determination, the Planning Board shall consider slopes, drainage patterns, water entry points, soil erosivity, depth to bedrock and high-water table and

other relevant factors.

(3) Within the Lake Watershed Overlay District, this site plan approval requirement shall apply within 200 feet of any watercourse. (See also § 148-36 for additional regulation of structures within 200 feet of Skaneateles Lake.)

(4) If a special permit or site plan or subdivision approval is required in connection with a project subject to this § 148-29, the requirements of this section shall be considered in such special permit or site plan proceeding, and no separate site plan approval shall be required.

(5) The Codes Enforcement Officer may seek advice of the Town Engineer at the property owner's expense, in addition to the penalties available under § 148-43, in the event that the Codes Enforcement Officer has reason to believe that this section has been violated.

(6) This site plan approval requirement shall not apply to any farm operation that is within a certified agricultural district. (See exemptions in § 148-31D.)

§ 148-30. Steep slope regulations.

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 12%. Where a soil erosion and stormwater control plan is required by § 148-26, such plan shall provide the information needed to comply with this § 148-30.

A. No approval of a subdivision, special permit, site plan, building permit or variance that involves the disturbance of slopes greater than 12% shall be granted unless conditions are attached to ensure that:

(1) Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.

(2) Cutting of trees, shrubs and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

(3) Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding or avalanches.

(4) Proper engineering review of plans and construction activities will be conducted by the Town to ensure compliance with this section, paid for by escrow deposits paid by the applicant.

(5) No certificate of occupancy will be granted until all erosion control and drainage measures required pursuant to this section have been satisfactorily completed.

B. No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater, except:

(1) As may be needed for bank stabilization, foot trails and utility lines. Walkways and stairways that involve excavation, clear-cutting, cutting, filling or construction shall be allowed with site plan approval by the Planning Board.

(2) In conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

(3) In conjunction with activities of a farm operation protected by an exemption under § 148-31D below.

C. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as a reviewing board or official shall reasonably require or the applicant shall offer. In cases of uncertainty or dispute, an engineer retained by the Town, at the applicant's expense, shall determine the location of regulated slopes.

D. For purposes of determining the location of steep slope areas, only slopes containing at least 5,000 square feet of contiguous steep slope area at least 10 feet in width shall be considered. Within the HM District, contiguous slopes containing at least 1,500 square feet shall be considered. Within required lake yards, contiguous slopes containing at least 400 square feet shall be considered.

E. In the event that the Codes Enforcement Officer has reason to believe that this section has been violated, the Codes Enforcement Officer may seek advice of the Town Engineer at the cost of the property owner in addition to penalties pursuant to § 148-43.

§ 148-31. Protection of agriculture.

A. Agricultural buffers.

(1) Wherever agricultural uses and other uses unrelated to the agricultural operations abut, buffers shall be provided to reduce the exposure of these abutting uses to odors, noise and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the nonagricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms or natural topographic features.

(2) Unless exempted pursuant to Subsection D below, within existing and new agricultural uses, storage of manure shall not be permitted within 200 feet of a property line or watercourse. New structures housing fowl or other animals shall not be located in the required front yard or within 100 feet of a side or rear property line or watercourse. These setbacks may be reduced by special permit if the Planning Board finds that smaller setbacks would not pose a threat of nuisance to neighboring properties or watercourses.

B. Required disclosure. In the case of any proposed residential development that abuts agricultural uses, the reviewing board shall require the applicant to issue a

disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, herbicides, and animal wastes, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or site plan and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet or letter of notification. This section may also be applied to any commercial development at the discretion of the reviewing board.

C. Agricultural data statement. Any application for a special permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by the Town Board Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in § 148-56. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.

D. Agricultural zoning exemptions. Within an agricultural district as defined in Article 25AA of the New York State Agriculture and Markets Law, adopted by the county and certified by the state, the following exemptions from provisions of this Zoning Law shall apply to land and buildings on farm operations:

(1) There shall be no height limits on agricultural structures, provided said structures comply with minimum yard requirements set forth in § 148-11D(2), including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm operation. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) There shall be a thirty-foot side and rear lot line setback requirement for agricultural structures, except that agricultural structures shall conform to applicable zoning setback requirements where they are located next to developed residential lots or lots that are outside the agricultural district.

(3) Agricultural structures and practices shall not require site plan review or special permit approvals.

(4) The addition of impermeable surface to any farm operation shall not require a zoning permit.

§ 148-32. Off-street parking and loading.

A. Off-street parking.

(1) Purpose. The Town finds that large and highly visible parking areas represent one of the most objectionable aspects of commercial development. Such

parking lots may damage the historic layout and architectural fabric of hamlet areas, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility and reduce the quality of life in developed areas. However, the Town also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards and inconvenience. The Town therefore seeks to balance the need for adequate parking with the need to minimize harm resulting from the provision of parking and to avoid the negative impacts of excessive parking requirements.

(2) Minimum parking requirements.

(a) Minimum parking required for residential and related uses.

[1] For single-family or two-family dwelling: two spaces per dwelling unit.

[2] For multifamily dwelling: two spaces per dwelling unit.

[3] Home occupation in a dwelling: one space for each 400 square feet devoted to such home occupation, plus the required spaces per dwelling unit.

(b) These requirements may be reduced for dwelling units with less than 1,000 square feet of floor space, senior citizen housing, mixed-use development or other appropriate circumstances if the reviewing board determines that such reductions are warranted.

(3) Parking requirements for nonresidential uses. The number and layout of parking spaces for nonresidential uses shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental, historic and scenic resources. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the proposed uses. The provisional parking standards in Subsection A(3)(a) below may be varied by the reviewing board or official according to the criteria in Subsection A(3)(b). For uses not listed in Subsection A(3)(a) below, the reviewing board or official shall apply the criteria in Subsection A(3)(b) below by using the applicant's proposed parking plan as a starting point.

(a) Provisional parking standards.

[1] For each 150 square feet devoted to merchandising or personal needs: one space.

[2] For each two employees and five seats in a theater or other place of assembly: one space.

[3] For each three seats in a restaurant: one space.

[4] For each two employees and guest room of a hotel, motel or tourist

home: one space.

[5] For each lane of a bowling alley: five spaces.

[6] For each funeral home: 20 spaces.

[7] Industrial uses, for each employee per shift: one space.

[8] Office building: one parking space per employee, plus one additional visitor space for each five employees. This regulation shall not apply to structures used principally for physicians', dentists' or other medical services' offices.

[9] For structures occupied or intended to be occupied principally by physicians', dentists' or other medical services' offices: five parking spaces for each physician, dentist or other professional.

[10] For each officer and employee of a museum, art gallery or library: one space; additional parking spaces required for use by visitors: 10 spaces.

[11] For each rectory, parsonage or church office: two spaces; additional parking units required for each employee: one space.

[12] For each two members of the medical or nursing staff, for each two service employees and for each three beds in a hospital, convalescent home, rest home, nursing home or home for the aged: one space.

[13] For each employee, for each three members and for each two bedrooms in a golf, swimming or country club: one space.

[14] For each five members and for each five seats or 200 square feet of floor, whichever is more appropriate, of other clubs and lodges: one space.

[15] For each family or group of four persons in a private recreation area: 1 1/2 spaces.

[16] For each teacher, employee and five seats in assembly hall of a school or public building: one space.

[17] For each member of the teaching staff and for each eight seats of a nursery school: one space.

(b) Criteria for applying provisional standards. In applying or modifying the provisional parking standards for any proposed use, the reviewing board or official shall consider:

[1] The maximum number of persons who would be driving to the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand. The likelihood of people walking or bicycling to the proposed use shall also be taken into

consideration.

[2] The size of the structure(s) and the site.

[3] The environmental, scenic or historic sensitivity of the site (including applicable limitations on impermeable surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the reviewing board or official may require a reduction in the size of the structure so that the available parking will be sufficient.

[4] The availability of safely usable on-street parking.

[5] The availability of off-site off-street parking within 400 feet that is open to the public, owned or controlled by the applicant, or available on a shared-use basis, provided that the applicant dedicates needed off-site land for public parking or demonstrates a legal right to shared use. Availability of accessible satellite parking shall also be considered. [See Subsection A(3)(d) below].

(c) Set-aside for future parking. The reviewing board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be attractively landscaped but may not be used in a manner that would prevent it from being used for parking in the future.

(d) Satellite parking lots. Parking lots may be constructed as a principal use by special permit to provide remote parking for the Village of Skaneateles or other intensively used locations. If used year round, such parking lots shall be landscaped with a buffer area of 30 feet wide along all road frontages and 20 feet from adjacent lot lines consisting of trees or other buffering as required by the reviewing board, intended to provide screening from the road; however, said buffer must be 50 feet wide from the parking lot to adjoining lots which are in the HM or RR District. Setbacks for satellite parking lots shall be 30 feet from all rights-of-way and 20 feet from all other property lines, and any required buffering may overlap with setbacks. Satellite parking lots may be used as park-and-ride lots for carpoolers and bus passengers and for holding specified types of special events if so provided in the special permit. [Amended 1-18-2007 by L.L. No. 1-2007]

(4) Design, layout and construction of parking areas. [Amended 1-18-2007 by L.L. No. 1-2007]

(a) Location and screening.

[1] All off-street parking shall be located behind or to the side of the principal building, except as provided for in § 148-11C(4)(c). Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected

directly to one another or to a service road or alley wherever feasible to reduce turning movements onto roads.

[2] Within the HC District only, a maximum of two rows of parking may be located in front of the principal building but not within the required front yard. If any parking spaces are located in front of the principal building, the required front yard shall be increased to 50 feet and shall be buffered as described in § 148-32A(4)(d).

[3] Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles.

[4] Within the IRO District only, parking is allowed in front of a building pursuant to § 148-11C(4)(c).

(b) Construction of parking areas. Parking areas shall be surfaced with a suitable dustless, durable surface appropriate for the use of the land, with adequate drainage. Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and runoff. Overflow or peak-period parking surfaces shall be permeable. Oil traps may be required for larger paved parking lots. Parking areas to be used at night shall be lighted in a manner that does not result in glare to adjoining residential properties or cause a traffic hazard due to glare. Parking areas containing more than 30 spaces shall be broken into separate lots by tree lines, alleys, pedestrian areas or buildings.

(c) Bicycle parking. Bicycle parking facilities shall be provided as close as possible to the principal building.

(d) Landscaping and buffering of parking lots. It is desirable to screen parking areas from public view and/or provide landscaping buffers. The reviewing board shall require any parking lot for more than 10 cars to have a buffer to adjacent lots and road rights of way. Buffers shall be 20 feet wide and may overlap with required setbacks. A fifty-foot wide buffer from the parking lot to adjoining lots which are in the HM or RR District shall be required, and said fifty-foot wide buffer may overlap with required setbacks. In any case where buffers are required by a reviewing board, the required buffers may include planted trees and shrubs, hedgerows, berms, fences, existing forest land or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses and their location on the property.

(e) All parking areas and landscaping shall be properly maintained.

B. Off-street loading requirements. As with parking, loading requirements vary with the specific uses proposed. Loading requirements shall ensure that trucks load and unload cargo in a manner that does not interfere with pedestrian and automobile movements on public roads. Requirements for the number and location of loading facilities shall be established case-by-case based upon the following considerations:

(1) The expected maximum number of trucks using the loading facilities at times of peak usage.

(2) The type of business, size of the structure and size of trucks to be servicing the structure.

(3) The need to ensure pedestrian and automobile safety by separating truck traffic and loading operations from pedestrian and automobile circulation.

(4) The need to screen trucks and loading facilities from publicly accessible areas as well as from abutting properties, including the need for vegetative screening, buffers and/or fencing.

(5) The desirability of requiring service roads or alleys to achieve the purposes of this subsection.

(6) Applicable planning and engineering standards, adapted to meet the needs of the particular business use proposed.

(7) Other operational characteristics of the business or physical characteristics of the site deemed appropriate by the reviewing board or official.

(8) The need to maintain the traditional layout and historic character of the Town's hamlets, which may preclude the establishment of modern loading facilities in these areas. In such cases, on-street loading or other practices that violate Subsection B(3) through (6) above may be allowed.

§ 148-33. Signs. [Amended 2-5-2015 by L.L. No. 2-2015]

A. Title and legislative intent.

(1) This section shall be known as the "General Sign Regulations of the Town of Skaneateles, 1991."

(2) The intent of this section is to promote public health, welfare and safety of the inhabitants of the Town of Skaneateles, protect property values, create a more attractive economic climate and enhance the scenic and natural beauty of the Town by regulating and restricting the size, location and physical characteristics of all existing and proposed signs and advertising devices of all kinds in all zoning districts. It is recognized that signs, placed upon the premises and/or structures to which they relate, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs. This section is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of natural beauty and community environment. This section is also intended to permit businesses and professions to make use of signage that is important to individual and collective success.

B. General sign regulations.

(1) No sign except those defined as "temporary political signs, portable, residential or convenience signs" may be erected without a sign permit issued by the Codes Enforcement Officer.

(2) All signs other than those defined as portable signs shall be securely attached to a building or a structurally sound support, and their display surface shall be kept neatly painted or finished and in good repair at all times.

(3) Illuminated signs.

(a) Illuminated signs may utilize only light of constant color and intensity. No flashing, intermittent, rotating or moving lights or strings of lights may be used, except traffic warning lights for hazards and holiday lights during the holiday season.

(b) No illuminated signs or outdoor illumination shall direct light in a way which could create a traffic hazard or a nuisance or an annoyance to passersby or be unreasonably detrimental to adjoining or neighborhood properties. Illuminated signs shall conform to Chapter 61, Electrical Standards, of this Code. The source of illumination shall be suitably shielded to eliminate direct rays or glare on adjoining property.

(c) No visible gas-filled tubes (neon) shall be permitted. No sign may utilize bare light sources, including neon or fluorescent.

(d) Interior signs may be internally illuminated but may not utilize bare light sources.

(4) No projecting sign shall be erected or maintained, the outer face of which is more than nine inches from the front or face of a building. In no event may a sign overhang or project on to any public land or highway or road surface, except as may be provided in this section.

(5) No sign or part thereof shall contain or consist of animated parts, ribbons, streamers, spinners or similar moving or fluttering devices.

(6) No sign shall be attached to a public light standard, utility pole or tree.

(7) No sign, except a directional sign, shall be located within two feet of any road, street or highway property line or road surface.

(8) No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.

(9) Temporary signs may be displayed not earlier than two weeks before the event, service or project advertised and shall be removed within five days after the conclusion of the event, service, project, sale of property or opening of the business signified.

(10) The following signs are prohibited in the Town of Skaneateles:

(a) Revolving, moving, flashing or blinking signs or signs that appear to be in motion, but signs which display public service information, such as time and temperature, are not prohibited.

(b) Roof signs and signs protruding above an extension of the upper roofline of the building to which the sign is attached.

(c) Outdoor advertising signs.

(d) Inflatable signs.

(11) A flag, badge or insignia of a governmental organization, a sign identifying a motor vehicle inspection or repair facility as required by the New York Vehicle and Traffic Law or a sign mandated by statute, law or governmental regulation is not subject to this section.

(12) A vehicle sign shall not be subject to this section so long as the vehicle remains principally in use upon public highways, including current registration, inspection and insurance.

(13) Signs which advertise a branded product and which leave less than 80% of the sign face for identification of the business are prohibited, except where the majority of the floor or lot area on the premises is devoted to the sale or other activity relating to that specific product.

(14) The regulations and restrictions of other chapters of the Code applicable to signs shall remain in effect, except that, in case of inconsistency with provisions of this section, the more restrictive provisions shall apply.

(15) There shall be no sign identifying the name of a residential development or subdivision, except that signs temporarily identifying the name of a residential development or subdivision shall be permitted on each major entrance to the area for not longer than one year from the date of the sale of the first lot. The sign face shall not exceed 24 square feet.

(16) The sign face of signs identifying a permitted home occupation shall not exceed three square feet.

(17) The sign face of signs incidental to places of worship, libraries, museums, social clubs and societies shall not exceed 20 square feet.

(18) Outdoor "open" or "now open" signs, including fabric flag signs on one or few posts, shall not exceed 16 square feet and will be no higher than 10 feet above ground level. Such signs shall be displayed only during normal business hours and contain no other message or other matter for visual communication.

C. Business signs; industrial signs; directional signs and outdoor advertising signs.

(1) Business signs.

(a) Permitted business signs may be illuminated.

(b) Only business signs as described in either Subsection C(1)(b)[1] or [2]

may be erected as follows, except as otherwise provided:

[1] A wall or fascia sign or signs may be attached or applied to a building or portion thereof, identifying any legally established business or service conducted on the premises where the sign is located, its owner, trade names, trademark, products sold or the activity, which total sign face shall not exceed 1 1/2 square feet per one linear foot of building or business frontage, whichever is less. In no case shall the total cumulative sign face exceed 50 square feet; or

[2] A freestanding sign may be used if the total sign face does not exceed 12 square feet and the sign is not more than 10 feet above ground level, which sign may identify any legally established business or service conducted on the premises where such sign is located, its own trademark, products sold or the business or activity. Any business maintaining a freestanding sign as permitted under this option may, in addition, obtain a permit for a wall or fascia sign, which sign face, shall not exceed 3/4 square foot per linear feet of business or building frontage, whichever is less. The total sign face of a freestanding sign and a wall or fascia sign shall not exceed 50 square feet.

(c) Shared-common-entry businesses. If two or more business occupants share a common door, the maximum sign face allowed per one building frontage shall be shared between them.

(d) Single-occupant buildings. In addition to any other sign, a building with one occupant which has an entrance open to the public from an adjacent parking lot is permitted to have a business sign as described in Subsection C(1)(b)[1] on the building face with the entrance closest to the parking lot.

(e) Multiple-occupant business complex signs. Three or more businesses or professionals occupying a common building with a common entry or occupying separate buildings with a common driveway shall be considered a multiple-occupant business complex and shall require site plan review for all proposed signage located within the complex prior to issuance of a sign permit. A common entry does not exclude an additional separate entrance to the building(s) for a particular business.

[1] Signs identifying individual multioccupant business complex. One wall or fascia sign is permitted for each complex. This sign may contain the name and logo of the complex and must include the street number in accordance with state guidelines. The sign face may not exceed 25 square feet for a wall or fascia sign. A freestanding sign may be used instead of a wall or fascia sign, which sign face may not exceed 16 square feet nor be higher than 10 feet beyond ground level.

[2] Signs identifying businesses within the multibusiness complex. Businesses are allowed one wall or fascia sign per building in a multioccupant business complex. The sign face shall not exceed 1 1/2 square feet per one linear foot of building or business frontage. In no case shall the cumulative sign face exceed a total of 50 square feet. This sign face may be shared between any businesses occupying the building. If the complex has more than one street facing business front, then the total sign area may be distributed equally amongst each business.

[3] Multioccupant business complex directory. A single directory sign is permitted which lists all or part of the businesses within the complex. It shall specify no more than the name of the business or professional and optionally the building number it is located in. Typography should be consistent and of common size and coloring. This sign may not contain logos. The total size of the sign may be no greater than six square feet for each business within the complex. This sign shall be situated in an unobtrusive, interior location.

(f) The top of any freestanding sign shall not be higher than 10 feet above the ground level.

(g) Wall or fascia signs may be placed at any height but not higher than the building facade.

(h) An interior sign identifying the on-premises business or profession that can be seen from the exterior will be considered part of the total sign area allowed.

(2) Industrial signs.

(a) Industrial signs may display the name of the industry, the type of industry, the commodities manufactured on the premises and a symbol or trademark and may be illuminated.

(b) One freestanding sign identifying an industry on the premises is permitted so long as the sign face does not exceed 50 square feet.

(c) One wall or fascia sign is permitted so long as the sign face does not exceed 1 1/2 square feet for each linear foot of building or business frontage, whichever is less, up to a maximum of 50 square feet. If a wall or fascia sign is used in addition to a freestanding sign, the face sign face may not exceed 3/4 square foot per linear foot of building or business frontage, whichever is less.

(d) The top of any industrial sign shall not be higher than 10 feet above the ground level, unless otherwise provided.

(e) Wall or fascia signs may be placed at any height, but not higher than the building facade.

(3) Directional signs and outdoor advertising signs.

(a) Directional signs, except industrial directional signs, may contain only the name of the business and the location from the sign's geographical position. The sign face for such signs shall not exceed four square feet. Such signs may be illuminated in conformance with the requirements of this section.

(b) Industrial directional signs may contain only the name of the industry, the necessary directional information and the location from such sign's geographical portion. The sign face for such signs shall not exceed six square feet. Such signs may be illuminated in conformance with the requirements of this section.

(c) Parking lot signs. One sign, the sign face of which shall not exceed nine square feet and, if freestanding, shall be not higher than six feet above ground level, may be placed in a private off-street parking area only, to limit the use of such parking area to customers and/or business invitees of the occupant.

(d) Public service informational signs. Signs which display public service information, such as time and temperature, if permitted within a district pursuant to Chapter 148, Zoning, of the Code and in accord with the requirements of this section, may be permitted so long as the sign face does not exceed 32 square feet and not less than 80% of the sign face is for the public service information.

D. Application for permit.

(1) Application for a permit shall be made, in writing, upon the forms prescribed by the Codes Enforcement Officer, and each such application shall meet the following standards and shall contain, at minimum, the following information:

(a) The name, address and telephone number of the applicant or of the owner of the sign, if different from the applicant.

(b) The location and the name and address of the owner, if other than the applicant, of the building, structure or land to which or upon which the sign is to be erected.

(c) A detailed drawing showing the construction details, lettering and pictorial matter composing the sign, all dimensions, the position of lighting and extraneous devices and a site plan showing the position of the sign with reference to any building or structure, property lines and any private or public street or highway.

(d) Written consent of the owner of the building, structure or land at which the sign is to be erected, in the event that the applicant is not the owner thereof.

(e) The date of the sale of the first lot for each application for a sign

temporarily identifying the name of a residential development or subdivision.

(f) Appropriate proofs of compliance with the requirements of this section and all other chapters of the Code.

(g) Any application for a multiple-occupant business complex sign must also include the written consent of the property owner.

(2) Applications shall be submitted to the Codes Enforcement Officer, who shall:

(a) Review the design, size and location of the proposed sign to determine whether the proposed sign is in compliance with all of the regulations or restrictions set forth in this section or any other applicable chapter of the Code.

(b) Grant approval, including any reasonable conditions, or reject the application for being incomplete or deny the application and provide reasons for the denial.

(c) If the proposed sign does not comply with the regulations or provisions of this section, the Codes Enforcement Officer shall deny the application. A decision of the Codes Enforcement Officer may be appealed to the Zoning Board of Appeals. The Town Planning Board may submit an advisory opinion to the Codes Enforcement Officer or, if on appeal, to the Zoning Board of Appeals.

(3) Upon an appeal by the applicant, the procedures and standards of § 148-45 of the Zoning Code shall apply, except as modified by this section. The Zoning Board of Appeals shall schedule a public hearing on such application within 60 days. The Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this section relating to the use, construction, alteration, design, size and location of a sign in such a manner as shall not be contrary to the spirit of this section and the public safety and welfare of the Town of Skaneateles. Variations or modifications may be authorized upon findings that there are practical difficulties in applying a strict or literal interpretation of this section and that any resulting modifications are the minimum necessary to allow the proposed sign. In all such cases, the Zoning Board of Appeals shall render its final decision within 60 days after the public hearing, and it shall be the duty of the Board of Appeals to attach such conditions or restrictions to its decision as may be required to effect compliance with the spirit and intent of this section.

E. Fees.

(1) Fees for applications and permits under this section shall be established and changed from time to time by resolution of the Town Board of the Town of Skaneateles.

(2) Such fees apply to all signs, even if shown on the original building plans, and are in addition to any other fees provided for by the Town.

(3) Costs of engineering studies and related expenses required by the Town in connection with review of an application or for ascertaining compliance with this section may be charged to the applicant or sign owner.

F. Issuance of permit.

(1) The Codes Enforcement Officer shall issue a permit for a proposed sign upon payment of the proper fees, provided that the application, including drawings and related materials, is complete and complies with all provisions of this section as determined by the Codes Enforcement Officer or, following appeal, by the Board of Appeals. If the sign authorized by a permit has not been completed within six months from the date of the permit, the permit shall expire.

(2) Permits issued are not personal rights but relate solely to the premises for which application is made. Permits may not be assigned to others and may not be transferred to premises other than that identified in the permit.

G. Removal and maintenance of signs.

(1) The Codes Enforcement Officer shall notify the owner of any abandoned sign or which is unsafe, insecure or is a nuisance to the public or which is erected in violation of this section or which is not maintained in accordance with this section, in writing, to remove or correct the unsatisfactory condition of said sign within 20 days from the date of such notice.

(2) Upon failure to comply with such notice within the prescribed time, the Codes Enforcement Officer is hereby authorized to secure, repair, remove or cause the removal of such sign. All costs of securing, repairing or removing of such sign, including related legal fees and expenses, shall be assessed against the land on which the sign is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy.

(3) Emergency provisions. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless a sign is immediately repaired or secured or demolished and removed, the Town Board may, by resolution, authorize the Codes Enforcement Officer to immediately cause the repair or securing or demolition of such unsafe sign. The expense of such repair or securing or demolition shall be a charge against the land on which the sign is located and shall be assessed, levied and collected as provided in Subsection G(2).

H. Revocation of permit. The Codes Enforcement Officer may revoke any sign permit in the event that there is any false statement or misrepresentation as to a material fact in the application upon which the permit was based or if the sign is not erected in accordance with the permit.

I. Preexisting nonconforming signs.

(1) A preexisting nonconforming sign may not be altered or enlarged so as to

increase its nonconformity or add a different nonconformity.

(2) If it is claimed that a sign is a preexisting nonconforming sign, the person making such claim shall have the burden of proof thereof.

(3) A certificate of nonconformance may be issued by the Codes Enforcement Officer for a preexisting nonconforming sign upon presentation of proofs satisfactory to the Codes Enforcement Officer. A certificate of nonconformance shall provide a rebuttable presumption that the sign existed at the effective date of this section.

(4) Alteration or replacement; discontinuance; change of use.

(a) Preexisting nonconforming signs may be repaired, repainted or refinished without a permit. A change in the name of the business or other message from that existing or as shown on the sign on the effective date of this section shall not be considered repair, repainting or refinishing, and compliance with the provisions of this section is required.

(b) Discontinuance. Any preexisting nonconforming sign to which Subsection I(4)(a) above applies which is removed from the position it occupied on the effective date of this section and not restored to such position within 30 days shall be presumed to be abandoned and discontinued and may not be restored except in compliance with this section.

(c) Change of use. Any change in use for a property will require removal of all nonconforming signing.

J. Applicability. This section is applicable within the Town of Skaneateles outside of any village therein, and shall be construed as an exercise of the municipal home rule and police powers of such municipality to regulate, control and restrict the use of buildings, structures and land in order to promote the health, safety, morals and general welfare of this community, including the protection and preservation of the property of the municipality and its habitants.

K. Notice. A notice to an applicant or to a sign owner pursuant to this section shall be sufficient if mailed postage paid to the applicant at the address stated in the application as may be changed from time to time by the applicant by written notice received by the Codes Enforcement Officer or to the address of the owner of the property at which the sign is located as shown on the records of the Town Assessors.

L. Temporary political signs.

(1) Temporary political signs may be erected and maintained in the Town of Skaneateles, outside of any incorporated Village, without a sign permit or payment of fees.

(2) A temporary political sign must be removed no later than five days after the

political event to which the sign refers.

(3) A temporary political sign shall be no closer than 15 feet to a property line, not be located within two feet of any road, street or highway property line or road surface, and no such sign shall be attached to a tree, fence or utility pole.

(4) A temporary political sign shall not be placed on public property and shall not be placed on private property without the permission of the owner or occupant thereof.

(5) A temporary political sign shall not be constructed, erected or located in a manner which obstructs visibility with respect to the safety of a motorist or pedestrian proceeding along or entering or leaving the public way or in a manner that is unsafe, insecure or a nuisance to the public safety.

M. Penalties for offenses. If a temporary political sign is in violation of any regulation under Subsection L herein, it may be summarily removed by the Codes Enforcement Officer. Also, an offense against the provisions of this section shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both. In addition, any person, firm or corporation who or which violates any of the provisions of this section or the regulations established hereunder or who or which shall omit, neglect or refuse to do any act required thereby shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed $100 a day for each day of continued violation in excess of the first week.

N. Definitions.

(1) As used in this section, the following terms shall have the meanings indicated, unless otherwise stated:

ABANDONED SIGN — Any sign that advertises a business, product, service or activity that is no longer located on the premises where the sign is displayed, or at another location.

BUILDING FRONTAGE — The width of any one specific face of a building that fronts on a public street or parking area where customer access to the building is available.

BUSINESS FRONTAGE — The width of the portion of building frontage allocated to an individual occupant having a public entrance within the building frontage.

BUSINESS SIGN — Any sign related to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located, excluding industrial signs.

CIVIC EVENT SIGN — A temporary sign posted to announce a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar not-for-profit organization.

CODES ENFORCEMENT OFFICER — Such person as may be designated by the Town Board by resolution or, if none is so designated, the Zoning or Code Enforcement Officer for the Town of Skaneateles.

CONSTRUCTION PROJECT SIGN — Any temporary sign erected by a developer, an architect, an engineer, or contractor, with the sign face of each such sign not exceeding 12 square feet, placed on the premises where construction, repair or renovation is in progress.

CONVENIENCE SIGN — Any sign not exceeding three square feet that conveys information to the general public, including but not limited to restroom identification signs, open/closed signs (See general sign regulations, Subsection B.) hours of operation signs, parking/no-parking signs, handicapped parking and access signs, entrance signs, posted signs (no trespassing, hunting, fishing, trapping) and vacancy/no-vacancy signs designed to be viewed by pedestrians and/or motorists.

DIRECTIONAL SIGN — Any sign not exceeding four square feet or smaller if required that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic to the location of a local service.

DIRECTORY SIGN — A sign containing a list of the names of business establishments located within a multiple —occupant business complex. The size, style, lettering and color for all businesses identified on such signs shall be substantially similar.

ERECT/ERECTED — To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, including the painting of exterior wall signs and the use of any vehicle or other substitute for a sign.

FREESTANDING SIGN — Any sign principally supported by one or more columns, poles, or braces placed in or on the ground that is not attached to or part of a building, including a planter sign. A sign attached on a fence is considered a freestanding sign.

FRONT OR FACE OF A BUILDING — The outer surface of a building which is visible from any private or public street, highway or driveway, including window display areas.

GROUND SIGN — Any sign with its message lying on or in the ground.

ILLUMINATED SIGN — Any sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, paint or tape.

INDUSTRIAL SIGN — Any sign related to a business that manufactures a commodity on the premises but does not offer such commodity for sale to the general public on or from such premises.

INTERIOR SIGN — A sign located within the exterior walls of a building which is readily readable from outside the building through a window, door or other opening.

LIGHTING DEVICE — Any light, string or group of lights located or arranged so as to cast illumination on or from a sign.

OUTDOOR ADVERTISING SIGN — Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

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

PLANTER SIGN — A sign which is attached to or directly associated with floral or other decorative plantings.

POLITICAL SIGN — A sign as defined in this section as a "temporary political sign."

PORTABLE SIGN — Any sign with a sign face not exceeding six square feet, displayed only during normal business hours, that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building.

PREEXISTING NONCONFORMING SIGN — Any sign which exists at the effective date of this section or an amendment thereto and which does not conform to the regulations and restrictions imposed thereby.

PROJECTING SIGN — Any sign other than a wall or fascia sign which extends more than nine inches from the exterior of any building and is attached to that building.

RESIDENTIAL SIGN — A sign which only identifies by name the resident or residents or the address or box number, including mailboxes and directory signs at the entrance to private roads or lanes.

ROOF SIGN — Any sign constructed on or supported by the roof of any building or structure.

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. The term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation or the flag or insignia of any nation or of any governmental agency or political signs, vehicle signs or residential signs. A sign readable from two sides and with parallel faces is considered one sign.

SIGN FACE — The square footage of the smallest standard geometric shape which will enclose all elements intended to be part of the sign, including but not limited to the sign area and the background related to the sign. Supporting structures are not part of the sign face unless internally lit or lit by their own specific external light source. If a sign is painted or applied without backing to the face of a building, the sign face also includes any additional form or design not integral to the building's architecture.

TEMPORARY SIGN — Any sign, with a sign face not exceeding 16 square feet, or smaller if otherwise required, and no higher than 10 feet above the ground level, which is intended to advertise a civic event, real estate for-sale, for-lease or for-rent signs; construction project signs; garage sale signs and signs signifying the opening of a new business.

TEMPORARY POLITICAL SIGN — A sign of a political nature, relating to a special or general election or referendum or other specific political event. This includes signs designed to express political, religious, or other ideological sentiment that does not advertise a product or service. See Subsection B of this section for general regulations.

VEHICLE SIGN — A sign painted on or attached to a motor vehicle or other vehicle used or intended for use on a public highway.

WALL OR FASCIA SIGN — A sign mounted flush with or projecting not more than nine inches from the face or front of a building.

(2) Terms not defined herein but defined elsewhere in the Code shall have the meanings indicated therein.

§ 148-34. General activity standards.

Notwithstanding any provision of this chapter to the contrary, no land use or activity shall be permitted in any district unless it complies with the following standards:

A. No offensive or excessive vibration or glare shall extend beyond the property line.

B. No activity shall create a physical hazard by reason of fire, explosion, radiation or other similar cause to persons or property.

C. There shall be no discharge into any watercourse, public or private disposal system or the ground of any liquid or solid waste or other material in a manner that may contaminate surface or ground water.

D. There shall be no storage of any material indoors or outdoors in a manner that facilitates the breeding of vermin or endangers health.

E. The emission of smoke, fly ash or dust in a manner which can cause damage to the health of persons, animals or plant life or other forms of property shall be prohibited.

F. Skaneateles Lake and all stream beds, 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.

G. Farms that comply with § 148-21I shall be deemed to be in compliance with this § 148-34.

H. No application of pesticides, herbicides or fertilizer within 50 feet of the lake line or watercourse excluding those farmers participating in the whole farm management program.

§ 148-35. Regulations for specific uses and accessory uses.

A. Home occupations.

(1) Purpose and intent. The conduct of low-impact business uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

(a) Ensure the compatibility of home occupations with other uses.

(b) Maintain and preserve the rural character of the Town.

(c) Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard and other possible adverse effects of commercial uses.

(2) Criteria and standards.

(a) Home occupations shall be permitted uses if they are in compliance with the following criteria and standards.

[1] A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units and does not alter the character of the neighborhood. A home occupation may only be conducted within a dwelling unit and/or within accessory structures.

[2] The home occupation may be conducted only by members of the family residing in or maintaining the dwelling unit plus no more than two nonresident assistants or employees at any one time. No more than 1,000 square feet of floor space may be occupied by the home occupation.

[3] Any signs used in conjunction with a home occupation shall meet the requirements of Chapter 123 of the Town Code and shall not exceed three square feet.

[4] Off-street parking shall be provided as required in § 148-32. No more than one business vehicle larger than a passenger automobile may be parked in a location visible from a public road or neighboring properties.

[5] Automobile and truck traffic generated shall not be excessive, considering both the character of the road on which the use is located and the volume of traffic that would normally be generated by a typical residential use.

[6] There shall be no exterior storage of materials, equipment, vehicles or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.

[7] No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited.

[8] More than one home occupation may be conducted on a parcel, provided that the combined impact of all home occupations satisfies these criteria and standards.

(b) Home occupation by special permit. Any home occupation meeting the criteria and standards of Subsections A(2)(a)[1] and A(2)(a)[3] through [8] above, but not the requirements of Subsection A(2)(a)[2] may be allowed by minor project special permit issued by the Planning Board. Home occupations that do not comply with this § 148-35A may be permitted in certain districts as specially permitted business uses. (See the Use Table at the end of this chapter.)

B. Open pit mining. [Amended 6-16-2009 by L.L. No. 2-2009]

(1) Open pit mining shall be allowed by special permit within the Open Pit Mining Overlay District, provided that the operator complies with all applicable requirements of the New York State Department of Environmental Conservation.

(2) Any application for an open pit mining special permit shall be deemed a major project if it also requires approval of a mining permit from the New York State Department of Environmental Conservation (DEC). Proposed open pit mining that does not require a DEC permit shall be deemed a minor project and shall be required to satisfy applicable requirements for special permits in this Zoning Law.

(3) An applicant for a major project special permit for open pit mining shall submit copies of all applications and other materials submitted to the DEC in connection with its open pit mining application.

(4) In determining whether to grant or deny a special permit application for open pit mining, the reviewing board shall consider all applicable special permit criteria. If the reviewing board grants a major project special permit subject to conditions, such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions:

(a) Ingress from and egress to public thoroughfares controlled by the Town.

(b) Routing of mineral transport vehicles on roads controlled by the Town.

(c) Requirements and conditions specified in the permit issued by the DEC concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation.

(d) Enforcement of reclamation requirements contained in any DEC permit.

(5) If the reviewing board finds that the imposition of the above conditions will not be sufficient to enable the proposed open pit mining application to comply with applicable special permit criteria, it shall deny the special permit.

C. Drive-up windows. Drive-up windows shall require site plan review. Street access points and queuing areas shall be sited in a manner that does not create safety hazards to pedestrians or motorists and that does not increase traffic congestion on existing streets.

D. Mobile home regulations. See Skaneateles Town Code, Chapter 99. No new mobile home courts shall be permitted.

E. Outdoor storage areas.

(1) Outdoor storage areas shall be screened from view of the public and adjoining property owners. No outdoor storage area for construction equipment or other heavy equipment or vehicles, or display, storage or collection of junk or junk cars, and no more than one unregistered vehicle shall be permitted in a location visible from adjoining properties or public roads.

(2) The regulations in this subsection are intended to supplement the provisions of Chapter 86 of the Town Code (junkyard regulations).

F. Parking of commercial vehicles. Unless a special permit has been granted by the Planning Board, no commercial vehicle exceeding 12,000 pounds gross vehicle weight or 18 feet in box length shall be parked overnight in any district where it is visible from adjoining properties or public roads. This shall not apply to agricultural uses, provided that parked trucks are set back at least 100 feet from all property lines.

G. Recreational vehicles. A recreational vehicle, tent or camper may only be occupied by an individual or family on a temporary or emergency basis, not exceeding 30 days per year from the first day of use. The Codes Enforcement Officer may grant an extension of up to 180 additional days where a demonstrated emergency exists as a result of fire, flood, or other natural disaster. Such vehicles must be parked on private property and may not be located in any rights-of-way.

H. Telecommunications towers and accessory facilities. No telecommunications tower or associated structure shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special permit and in conformity with the following regulations and conditions. No existing structure shall be modified to serve as a transmission tower unless in conformity with the following regulations:

(1) Exceptions to these regulations are limited to:

(a) New uses which are accessory to residential uses.

(b) Lawful or approved uses existing prior to the effective date of these regulations.

(2) Where these regulations conflict with other laws and regulations of the Town of Skaneateles, the more restrictive shall apply, except for tower height restrictions which are governed by these special use standards. All other necessary required variances shall be obtained from the Zoning Board of Appeals.

(3) Site plan. An applicant shall be required to submit a site plan as applicable in accordance with §§ 148-18, 148-19 and 148-20. In addition, the site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The site plan shall

also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennas and justification for any land or vegetation clearing required.

(4) The Planning Board shall require that the site plan include a completed visual environmental assessment form (visual EAF) [6 NYCRR 617, appendix] and a landscaping plan addressing other standards listed within this section, with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the visual EAF. Except upon a demonstration that it is necessary and that no other appropriate site is available, telecommunications towers may not be located in any of the viewsheds designated in the Town of Skaneateles Comprehensive Plan. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF.

(5) Site locations proposed for new telecommunications antennas and facilities will be extended preference in declining order as follows: those to be located out of sight within existing buildings or structures; those to be located on existing structures, although in public view; and those to be located on new towers constructed for that purpose. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.

(6) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

(7) Setbacks. Towers and antennas shall comply with all existing setbacks for the affected zone. Additional setbacks may be required by the Planning Board to contain on site substantially all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy-wire anchors, and to any accessory facilities.

(8) Visibility. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

(9) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be of a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Monopole towers, where suitable, shall be preferred over guyed towers; guyed towers shall be preferred over all other freestanding towers. Towers should be designed and sited so as to avoid, whenever

possible, application of FAA lighting and painting requirements.

(10) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(11) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

(12) Screening. Deciduous or evergreen tree planting may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public or private property, including streets, the following vegetative screening shall be required. From all towers, at least one row of evergreen shrubs or trees forming a continuous hedge at least 10 feet in height upon planting shall be provided to effectively screen the tower base and accessory facilities. In all cases, planting may be required on soil berms to assure plant survival. Plant height in all cases shall include the height of the berm.

(13) Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbances and vegetation cutting to within the top of the fill, the top of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.

(14) The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunications tower special use or site plan.

(15) Discontinuance of use. Within six months of the discontinuance of use of any telecommunications tower, the owner, whether the applicant or its successor, shall remove the tower and any associated structures and substantially restore the site to its former condition. The Planning Board, as a condition to the granting of a special permit, may require an applicant to post a bond or other security in a sum sufficient to secure the removal of the telecommunications tower, equipment and/or associated structures.

(16) The Planning Board may, at its discretion, require an applicant to deposit in advance a sum equal to the cost of retention of such engineering, scientific or technical consultants as may be needed by it to appropriately review an application to erect, locate or maintain a telecommunications tower or facility, it being understood that any overage shall also be the responsibility of the

applicant to be paid prior to the issuance of the permit and construction of the facility.

(17) The owner of a telecommunications accessory facility, antenna and/or telecommunications tower shall, on each third anniversary of its installation, submit a maintenance and conditions report to the Codes Enforcement Officer, which report will set out a schedule of repairs, if any.

I. Recreational businesses. The threshold for major project review for a recreational business shall be 5,000 square feet of building footprint or 15,000 square feet of land with or without structures. In reviewing proposals for recreational businesses, the Planning Board shall take into account the surrounding land uses and the type of recreational use proposed to determine the suitability of the proposed use in a given location. Where the use may involve potentially significant amounts of noise, traffic, outdoor lighting, or other impacts on a neighborhood, the Planning Board shall impose additional setback and buffer requirements to minimize such impacts. If such impacts cannot be avoided, the Planning Board shall deny the application for a special permit.

J. Affordable housing. In any open space development in which affordable housing is provided, it shall comply with the following requirements:

(1) Design and location. The affordable housing units shall be indistinguishable on the exterior from the market-rate units, but may be smaller in size and different in interior features. The affordable housing units shall be integrated with the market-rate units in such a manner that no more than two affordable housing units abut one another.

(2) Affordable Housing Committee. The Town Board shall appoint an Affordable Housing Committee whose members shall include at least one member of the Planning Board, one member of the Town Board, the Codes Enforcement Officer, and at least four additional members from the public who have expertise and/or interest in providing housing to persons who cannot afford market-rate housing.

(3) Definition of affordable housing. Affordable housing is housing (both ownership and rental) that is affordable to the people who live and work in the Town and Village of Skaneateles and cannot afford market-rate housing. The Affordable Housing Committee shall recommend to the Town Board and the Town Board shall adopt and amend from time to time specific regulations defining affordable housing price levels for both rental and for-sale housing. Such housing must be for persons who will make such housing their primary residence, and whose annual household income is less than 80% of the Onondaga County median income, as established by the Syracuse-Onondaga Planning Agency. The Town Board may establish a "tiered" system of affordable housing levels, keyed to different percentages of median income, up to and including 150% of median income, in order to fulfill the goal of making available housing that is affordable to a broad range of residents of Skaneateles who cannot afford market-rate housing.

(4) Determining eligibility for affordable housing. The Affordable Housing Committee shall be responsible for keeping a list of persons qualified for affordable housing as it becomes available. The Town Board may adopt, and the Affordable Housing Committee shall administer, affordable housing eligibility criteria in addition to income, provided that such criteria substantially advance the Town's legitimate governmental interests. Such criteria may include giving priority to municipal employees, school district employees, farm employees, emergency services volunteers, and retirees from the above occupations. Such criteria may not include durational residency requirements or any criteria prohibited by law such as race, religion, ethnicity, disability, family status, or sexual orientation.

(5) Deed restriction requirement. To qualify as affordable housing for purposes of this chapter, the affordable housing units must be subject to perpetual deed restrictions enforceable by the Town of Skaneateles that the Affordable Housing Committee and Town Attorney deem to be adequate to ensure that tenants and future owners will continue to meet income and other eligibility requirements. Such deed restrictions shall provide that prior to selling or renting housing restricted as affordable, the owner shall obtain a signed certification from the Affordable Housing Committee that the prospective tenant or purchaser is eligible under the Town's affordable housing criteria. In the event that a tenant or purchaser ceases to qualify after taking occupancy, the tenant or purchaser shall have the right to remain as tenant or owner, but the unit may only be resold or re-rented to a qualified tenant or purchaser. In the case of housing that is for sale, the resale price shall be based upon a formula determined by the Affordable Housing Committee from time to time, which shall include an allowance for the recovery of all capital improvements made by an owner, plus an inflation factor based upon the consumer price index or another generally accepted inflation indicator. The Affordable Housing Committee may require that such a deed restriction include a right of first purchase, a right of first refusal, or a right of first negotiation by the Town of Skaneateles.

(6) Payment in lieu of building affordable housing. The Affordable Housing Committee may recommend, and the Town Board may adopt, a fee payable by an applicant in lieu of building affordable housing on site. This fee shall be deposited in a dedicated account to be used by the Town for acquiring land for affordable housing purposes, for purchasing existing houses and restricting them as affordable housing, or for building new affordable housing. If such recommendation for a fee in lieu of providing affordable housing is adopted, the Town Board shall establish a fee schedule governing such payments.

K. Wind energy conversion systems. [Added 5-6-2010 by L.L. No. 1-2010]

(1) Relationship to wind farms. These regulations relate to small or on-site-use wind energy conversion systems (WECS) and do not address large wind energy systems or wind farms which are typically intended to sell energy directly to power companies or retail users. These types of systems and wind

farms are prohibited.

(2) Agricultural use. When part of a farm operation located within an agricultural district as defined in Article 25AA of the NYS Agriculture and Markets Law, an on-site-use WECS shall be considered an on-farm building and is exempt from the requirement to obtain a special use permit and site plan review as set forth in § 148-35K(4) and (25). Such on-site-use WECS may be constructed and operated as part of normal farm operation by obtaining a building permit from the Codes Enforcement Officer. Prior to issuance of a building permit, the applicant shall demonstrate compliance with Subsection K(5), (6) and (8) through (21) herein.

(3) Permits required. No person, firm or corporation, or other entity being the owner or occupant of any land or premises within the Town of Skaneateles shall use or permit the use of land or premises for the construction of a tower for on-site-use wind energy deriving purposes without obtaining a special use permit issued by the Planning Board as hereinafter provided.

(4) Special use permit. In addition to the criteria established pursuant to § 148-16, the following criteria are hereby established for purposes of granting a special permit for an on-site use wind energy conversion system under this chapter:

(a) Noninterference. Individual on-site-use WECS shall not be installed in any location along the major axis of an existing microwave communications operation where their operation is likely to produce an electromagnetic interference in the link's operation.

(b) Proximity to radio, television and telephone systems. Individual on-site-use WECS shall not be installed in any location where their proximity interferes with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone.

(c) Significant view sheds. Individual tower facilities for on-site-use WECS shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized significant view shed as listed in Appendix B of the Town of Skaneateles Comprehensive Plan. For purposes of this section, consideration shall be given to any relevant portions of the current, amended and/or future Town of Skaneateles Comprehensive Plan and/or future officially recognized Town planning document or resource.

(5) Noise limitations. The level of noise produced during wind turbine operation shall not exceed six dBA beyond the present ambient noise levels at preconstruction levels, as measured at the boundaries of the closest parcels that are owned by nonsite owners and that abut either the site parcels or any other parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special use permit application. The applicant will be required to submit technical data to the satisfaction of the Planning Board as to this requirement. This obligation shall

be a continuing obligation with exceptions only for short-term events, such as utility outages and severe windstorms.

(6) Height. It is recognized that wind turbines require greater heights to reach elevations with wind currents reasonably adequate to generate energy. On-site-use wind energy conversion systems shall not exceed a total height of 100 feet unless the Planning Board determines through the special permit review process that a greater height is more beneficial; however, in no case shall the total height exceed 150 feet from the ground to the top of the highest point of blade height (tip) as extended at its highest vertical point, provided that the application includes specific evidence that the proposed total height does not exceed the height recommended by the manufacturer or distributor of the on-site-use wind energy conversion system. See § 148-31D for agricultural exemptions.

(7) Setbacks. All WECS shall be set back a distance equal to 1.5 times the total height of the WECS from all property lines, public roads, power lines and preexisting and future structures. WECS shall be set back at least 2,500 feet from Important Bird Areas as identified by New York Audubon and at least 1,500 feet from NYSDEC-identified wetlands. These distances may be adjusted to be greater or lesser at the discretion of the Planning Board, based on topography, land cover, land uses and other factors that influence the flight patterns of resident and migratory birds. Setback distances shall be measured from the base of the tower. Additional setbacks may be required by the Planning Board in order to provide for the public's safety, health and welfare, including the possibility of ice thrown from the blades. See Subsection K(34)(b) for setback requirements for alternative wind energy systems.

(8) Minimum lot size. Unless considered an alternative wind energy system, only one on-site WECS shall be allowed per parcel of land, which parcel shall be at least two acres in area. Lot must contain a principal structure and may not be vacant land. Notwithstanding the foregoing, any farm operation located within an agricultural district shall be exempt from these requirements provided the WECS are designed and operated to supply energy for on-site-use only and do not exceed more than one WECS per five acres of land. Any subdivision or lot line adjustment of land on which an existing WECS is located shall maintain this requirement.

(9) Color and finish. Non-reflective paint colors (gray, white, beige, green or black) shall be required to achieve visual harmony with the surrounding area. The Planning Board shall have the discretion to determine the appropriate colors taking into consideration aesthetic and public safety considerations.

(10) Prohibited locations. On-site-use WECS shall be prohibited within 1000 feet of the lake line of Skaneateles Lake, within a front yard and any location described in Subsection K(4)(c).

(11) FAA requirements. If the proposed site is near an airport, seaplane base, or established flight zone, said WECS must meet all Federal Aviation

Administration requirements.

(12) Ground clearance. The minimum distance between the ground and any part of the rotor blade must be 15 feet.

(13) Emergency shutdown/safety. The applicant shall post an emergency telephone number, clearly visible on a permanent structure or post located outside of the fall zone of the tower and on file with the Town Clerk, so that the appropriate entities may be contacted should any wind turbine need immediate repair or attention. Location should be convenient and readily noticeable to someone likely to detect a problem. All WECS shall have an emergency cut-off switch accessible to fire or police personnel. Further, no wind turbine shall be permitted which lacks automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or enclosed shelter.

(14) Lightning protection. All energy towers shall have lightning protection.

(15) Ownership. Ownership of the WECS must be titled to the same owner of the fee interest in the real property upon which it is situated. In the event of transfer of ownership of the premises, the ownership of the WECS must also be transferred to same or the tower must be decommissioned and removed.

(16) Utility service. All power lines from the wind turbines to on-site interconnection equipment shall be located underground and installed by certified professionals and must meet all applicable federal, state and local electrical codes.

(17) Utility notification (for those WECS which will be interconnected to a utility grid). No WECS shall be installed until evidence has been given of a signed interconnection agreement or letter of intent with the interconnecting utility company.

(18) Lighting. No on-site-use WECS under this provision shall be artificially lighted, unless so required by the FAA. Use of nighttime, and in overcast daytime conditions, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration may be subject to on-site field testing before the Planning Board as a prerequisite to the Board's approval, with specific respect to existing residential uses within 2,000 feet of each tower for which said strobe lighting is proposed.

(19) Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. The construction of new permanent access roads should be avoided whenever possible.

(20) Security/anti-climb device. The design of each device shall not allow for climbing by the public for a minimum of 15 feet from the ground.

(21) Decommissioning. Should the Codes Enforcement Officer, on the basis of investigation or information received, determine that a WECS is inoperative or its use discontinued, the Codes Enforcement Officer shall provide written

notification to the owner of said WECS. The owner shall substantiate to the satisfaction of the Codes Enforcement Officer that the WECS is still operative or obtain a demolition permit from the Codes Enforcement Officer to remove any inoperable or unused WECS within one year of said notification. Failure to obtain a demolition permit to remove the inoperative or unused tower and turbine in accordance with these regulations shall be a violation of this section, and at the option of the Town Board, the Town Board may cause said tower and turbine to be removed and all expenses incurred by the Town to remove said tower and turbine shall be assessed against the land on which said WECS is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special valorem levy.

(22) Emergency communications towers. A WECS shall not be allowed within 1/2 mile of an existing emergency communication tower unless the Onondaga County Department of Emergency Communication provides written confirmation that the proposed WECS will not compromise the effectiveness of the emergency communication tower.

(23) Signs. At least one weather-resistant sign no greater than two square feet in size shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. All other signs, including logos, flags, banners and decorative items, both temporary and permanent, are prohibited on any part of the WECS, including support structures, except for the manufacturer's, installer's or owner's identification.

(24) Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

(25) Site plan review. The Planning Board shall review the site plan for any application for on-site-use WECS, pursuant to § 148-18 of the Code. The site plan must be drawn and certified by a New-York-State-registered professional engineer, architect or landscape architect and contain the following additional information:

(a) Location and elevation, on USGS datum, of the proposed on-site-use WECS;

(b) Where applicable, the location of all transmission facilities proposed for installation;

(c) Location of all roads and other service structures proposed as part of the installation;

(d) The following additional material may be required by the Planning Board:

[1] Digital-elevation-model-based project visibility map showing the

impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

[2] No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer enhanced to simulate the appearance of the as-built aboveground site facilities as they would appear from these locations.

[3] Full environmental assessment form.

(26) Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed on-site-use WECS complies with the following:

(a) The use is oriented in its location upon the site, as to layout, coverage, screening, means of access and aesthetics so that the flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

(b) There is reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected;

(c) There should not be any unreasonable detriment to any structure or use, actual or permitted, in the neighborhood;

(d) There is a reasonable provision for open space, yards and recreation areas appropriate to the structure and use;

(e) Applications shall demonstrate that there will be no adverse impact on migratory bird patterns; and

(f) The applicant has submitted technical data to the satisfaction of the Planning Board showing the preconstruction ambient noise levels, as measured at the boundaries of the closest parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special permit application.

(27) Compliance with Uniform Building Code.

(a) Building permit applications shall be accompanied by standard drawings of structural components of the on-site-use WECS, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New-York-State-registered professional engineer or architect that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

(b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New-York-State-registered professional engineer or architect for compliance with the seismic and structural design provisions of the New York State Fire Prevention and Building Code.

(c) The New York State Fire Prevention and Building Code and the State Energy Conservation Construction Code, as amended from time to time, are hereby ratified and adopted by the Town of Skaneateles in every respect, pursuant to Chapter 40 of the Town of Skaneateles Code.

(28) Compliance with state, local and national electric codes.

(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. The application shall include a statement from a New-York-State-registered professional engineer or architect indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with said drawings and diagrams.

(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New-York-State-registered professional engineer or architect for compliance with the requirements of the National Electric Code and good engineering practices.

(29) Guy wires. Anchor points for guy wires for the on-site-use WECS tower shall be located within the required setback lines and not on or across any aboveground electric transmission distribution lines.

(30) Maintenance and inspection.

(a) Maintenance. All WECS shall be maintained in good condition and in accordance with all requirements of this section.

(b) Inspections. The Codes Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, upon notice to the owner or his/her agent, the premises on which an on-site-use WECS is being or is constructed, to inspect all parts of said on-site-use WECS installation and require that repairs or alterations be made if in his judgment there exists a deficiency in the operation or the structural stability of the system. If necessary, the Codes Enforcement Officer or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be notified in advance in the event of an emergency situation involving danger to life,

limb or property for the Codes Enforcement Officer or Town Engineer to enter the premises for purposes of inspecting said system.

(31) Power to impose conditions. In granting any site plan approval, special use permit or variance for an on-site-use WECS, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that said Board finds that said conditions are necessary to minimize any adverse effect or impacts to the proposed use on neighboring properties.

(32) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Skaneateles.

(33) Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

(34) Alternative wind energy systems. Acknowledging that wind energy conversion technology is rapidly evolving, it is the intent of the Town Board to periodically review changes in technology and amend this article as warranted. Until said amendments are enacted, alternative wind energy systems that differ from the traditional "windmills" addressed in this article, and which are designed to supplement residential energy use, shall be allowed in all zoning districts with the conditions set forth below:

(a) Permits required. Any owner desiring to install and operate an alternative wind energy system shall first obtain a building/zoning permit from the Codes Enforcement Officer. Said building permit shall only be issued upon demonstration that the system conforms to the applicable zoning regulations.

(b) Setbacks. All alternative wind energy systems shall be set back a distance equal to the total height (as measured from the ground to the highest point of the blade height).

(c) Height. Alternative wind energy systems shall not project more than 20 feet above the existing roof line of the building as measured from the point of attachment or intersection with the roof line.

(d) Prohibited locations. Alternative wind energy systems shall be prohibited within 50 feet of the lake line of Skaneateles Lake.

(e) Compliance with Uniform Building Code, state, local and national electric codes. Applications for a building/zoning permit shall provide documentation to demonstrate compliance with Subsections (27) and (28) of this § 148-35K.

(35) Definitions. For the purpose of this section of the Zoning Law, the following terms shall have the meanings indicated:

ALTERNATIVE WIND ENERGY SYSTEM — A device attached to an existing or proposed principal or accessory building designed and solely operated for on-site-use to supplement energy needs of the buildings on the site.

AMBIENT NOISE — Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment, but would not be considered part of the background noise unless they were present for at least 90% of the time.

BACKGROUND NOISE — Sounds that would normally be present at least 90% of the time. Also known as the lull in the ambient noise environment.

LARGE WIND ENERGY SYSTEM — A WECS having a rating capacity greater than 100 kW or a total height of more than 150 feet, or both, and designed or operated to provide energy principally to consumers off the premise and which does not meet the requirements established for a small wind energy system.

SMALL WIND ENERGY SYSTEM or ON-SITE-USE WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower, and associated controller-conversion electronics which has a rated capacity of no greater than 10 kW mph for single-family residential related use and no greater than 100 kW (for nonresidential and farm applications) and that is intended to reduce on-site consumption of electricity purchased from a utility company.

TOTAL HEIGHT — The height of the tower and blade as measured from the ground to the top of the highest point of the blade height (tip) as extended at its highest vertical point.

WIND ENERGY CONVERSION SYSTEM (WECS) — A machine that converts the kinetic energy in the wind in a usable form (commonly known as a "wind turbine" or "windmill"). The wind energy conversion system or WECS includes all parts of the system.

WIND FARM — Multiple large wind energy systems sited on a single parcel, or adjacent parcels, designed to sell electricity to a utility company.

§ 148-36. Skaneateles Lakeshore regulations.

A. Shoreline structures within 50 feet of the lake line or within the one-hundred-year floodplain. The dimensional and permit requirements in this subsection A do not apply to temporary docks.

(1) General restrictions.

(a) Special permit requirement. 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 a special permit.

(b) No accessory structure or improvement shall be built or expanded within 50 feet of the lake line or within the one-hundred-year floodplain as shown on Flood Insurance Rate Maps of the Federal Emergency Management Agency 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.

(c) Dimensional limits. The total combined square footage of all shoreline structures listed in Subsection A(1)(b) 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.

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

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

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

(d) Except as provided in §§ 148-36A(1)(a) and 148-36A(2), no shoreline structure shall exceed 12 feet above the lake line. This restriction also applies to any structure placed on top of another structure.

(e) Materials. All applications for the construction of such structures shall be accompanied by a certificate acceptable to the reviewing board or official that all materials to be used in such construction are free of toxic substances.

(f) See § 148-26 for erosion control requirements. Site plan review requirements are listed in §§ 148-18A, 148-26A(1), and 148-29E. See § 148-30 for steep slope regulations.

(g) 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.

(2) Special requirements.

(a) No shoreline structure other than a dock and stairs leading to said dock shall be erected, constructed or placed so as to extend offshore beyond the lake line.

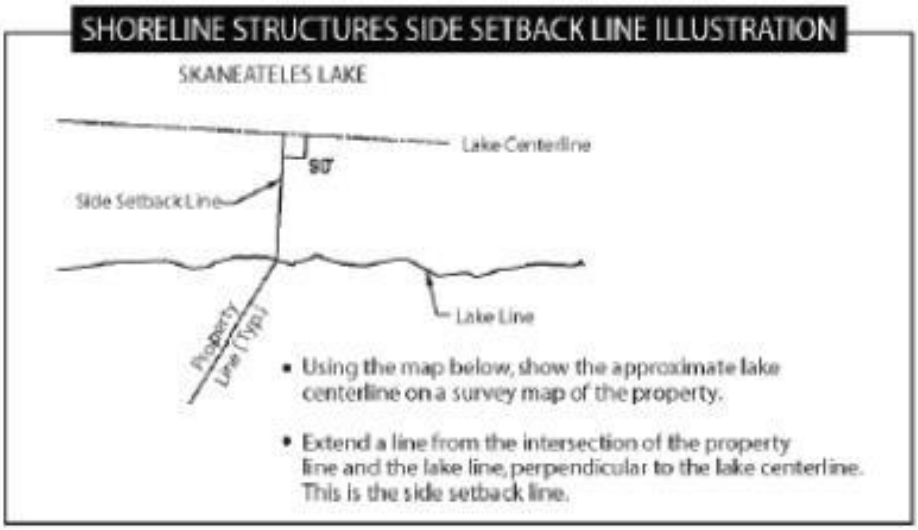
(b) The foundation area of a boathouse shall not exceed 500 square feet. The height of any part of a boathouse shall not exceed 16 feet above the lake line. No living quarters shall be allowed in a boathouse. No boathouse shall be used for any purpose other than storage.

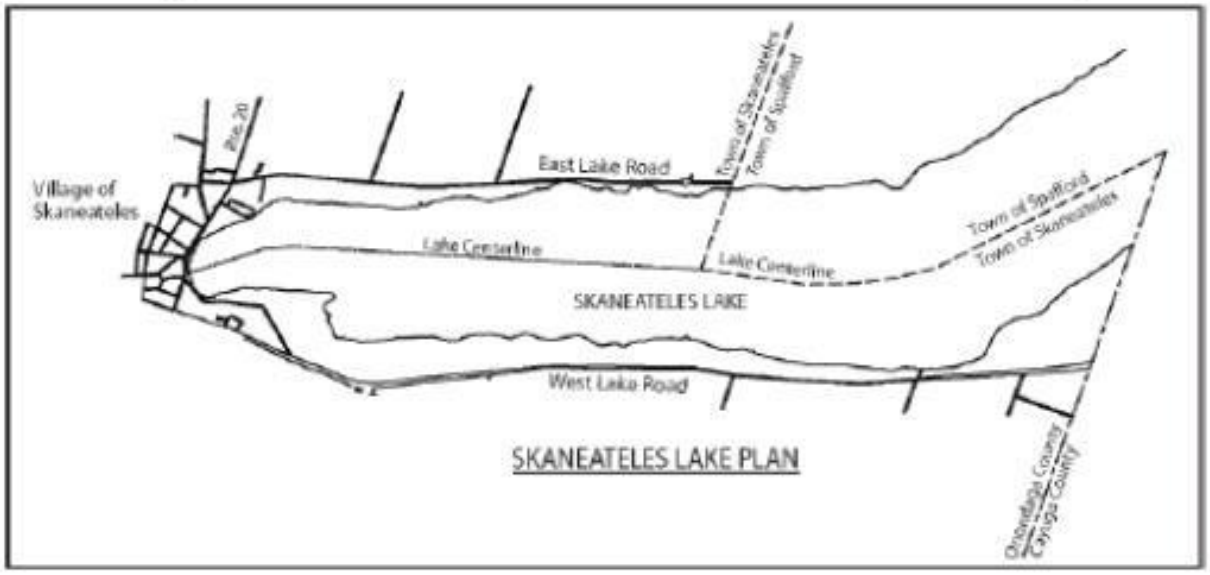
(c) Not more than one boathouse, permanent dock, and marine railway shall

be permitted for each lakefront lot, except for a lakefront marina allowed by special permit.

(d) No permanent dock shall be erected, constructed or placed so as to extend offshore more than 75 feet from the lake line. All permanent docks shall be constructed to withstand the forces of flowing water, wave washes and ice.

(e) Except as provided in § 148-12G(1)(a), 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.





(f) 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.

(g) 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.

(3) Lakefront marinas. Marinas shall be allowed by special permit and may be exempted from the dimensional regulations of this § 148-36A if they can satisfy all applicable performance criteria in § 148-16.

B. Supplementary lake yard restrictions. In addition to the requirements of §§ 148-29 and 148-36A above, all structures located within 200 feet of the lake line of

Skaneateles Lake shall comply with the following requirements:

(1) Any construction or expansion of any such structure shall require site plan approval and an erosion and stormwater control plan. (See § 148-26.)

(2) No boathouse or storage building shall be used for any purpose other than storage.

(3) No change of grade shall be permitted within 50 feet of the lake line except by special permit. A stabilization and planting plan is required.

(4) 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 open space subdivisions. In the event of a conflict with § 148-12G, the more restrictive requirement shall control.

C. Shared lakefront recreation. All land used for shared lakefront recreation (see definition) shall be required to comply with this Subsection C. Land being used for such purposes at the time of enactment of this § 148-36 shall be considered a nonconforming use.

(1) Land may be used for shared lakefront recreation by special permit, provided that the following conditions are satisfied:

(a) Deeded access rights are given, limited to one dwelling unit per 10 feet of shoreline and 2,000 square feet of lot area on the shared lakefront recreation parcel (e.g., a parcel with deeded rights for eight dwelling units would need to have at least 80 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.

(b) 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.

(c) If the occupancy limit (number of dwelling units times four persons)

exceeds 25 persons, toilet facilities may be required as follows:

[1] Properly maintained chemical or waterless toilets shall be provided; or

[2] Low water flow toilets, together with an approved subsurface disposal system, shall be provided, set back at least 100 feet from the lake line.

(d) Adequate parking areas shall be provided as determined by the reviewing board.

(e) An erosion and stormwater control plan, if required, shall prevent runoff containing sediment or pollutants from entering the lake. If no such plan is 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.

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

(g) 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.

(2) The special permit shall contain such conditions on property management as may be necessary to ensure compliance with the requirements of Subsection C(1) above and any of the requirements of § 148-9H which the reviewing board determines to be appropriate.

§ 148-37. Hard fill dumping.

A. Dumping of refuse, sand, soil, gravel, leaves, wood, debris, waste material and other substances, or any combination of the above, is prohibited in all districts in the Town, except in areas designated by the Town Board or except for the purpose of filling to establish grades for which a permit must be obtained from the Zoning Officer in accordance with Subsection B.

B. Filling for the purpose of establishing grades shall be a permitted use, provided that the filling is accomplished pursuant to a hard fill permit issued by the Codes Enforcement Officer in accordance with this subsection. The following rules shall apply to the issuance of hard fill permits:

(1) Written applications for hard fill permits containing all of the information required herein must be submitted to the Codes Enforcement Officer for approval no later than one week prior to the date on which filling is expected to commence.

(2) The permit application must contain the following:

(a) A sketch map indicating the approximate extent and depth of the fill to be placed.

(b) The date on which filling will commence and cease.

(c) A written description of the nature of the fill material, the anticipated amount of fill and the origin of the material.

(d) The name, address and phone number of the person with overall responsibility for the filling operation.

(e) The name of the person responsible for the haulage of the material to the fill site and his company or government affiliation.

(3) A permit shall be valid for 60 days from the stated commencement date contained in the application. If the projected work is not completed within this time, a renewal permit application must be made to the Codes Enforcement Officer in conformance with the requirements of this subsection.

(4) No permit will be required for any fill operation consisting of less than 150 cubic yards at any location unless two or more fill operations are to be accomplished at the same location within one calendar year, in which case a permit will be required for any fill amounts in excess of 150 cubic yards at such location. A "location," for purposes of this subsection, is defined as any two or more filling operations which deposit material no more than 50 feet apart at their closest points.

(5) Fill material must be free of household refuse, garbage and hazardous, deleterious or toxic substances.

(6) Fill must be sloped, graded, topsoiled, and seeded with an appropriate seed mix for the season within 14 days after placement such that the fill area drains without puddling; said thirty-day time period is subject to extension by the Codes Enforcement Officer.

(7) Fill operations must not change surface drainage patterns so as to adversely affect adjacent landowners or roadways.

(8) Any fill operation(s) which will result in the placement of in excess of 400 cubic yards at any location within any one calendar year requires a special permit issued by the Planning Board.

(9) Nothing in this section shall in any way alter or diminish the provisions of § 148-29E, which requires site plan approval for any construction, filling or excavation within specified distances from watercourses.

(10) The requirements imposed by this subsection shall not apply to:

(a) A sand, gravel, quarry, mining or excavation operation subject to a mining permit issued by the Department of Environmental Conservation pursuant to the Environmental Conservation Law or a special permit issued by the Town Board or Planning Board pursuant to § 148-35B.

(b) Fill material temporarily stored at a location reasonably contiguous to construction being accomplished pursuant to a validly issued building permit.

(c) Topsoil temporarily stockpiled in connection with ongoing and adjacent landscaping activity. For purposes of this subsection, "topsoil" is defined as soil containing sufficient organic material to promote plant growth and reasonably free of stones greater than two inches in size.

(d) Fill material already existing at the location which is merely relocated on site.

§ 148-38. (Reserved)

§ 148-39. (Reserved)

ARTICLE VII
Administration

§ 148-40. Enforcement.

A. Codes Enforcement Officer as Zoning Enforcement Officer. The provisions of this chapter shall be enforced by the public official appointed and designated as the Codes Enforcement Officer pursuant to the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40 of the Town Code).

B. Issuance of building permits and certificates of occupancy. The Codes Enforcement Officer shall not issue a zoning permit, building permit or certificate of occupancy, and no other public official of the Town of Skaneateles shall issue any other permit or license for any purpose, if the issuance of such zoning permit, building permit, certificate of occupancy or other permit or license would be in conflict with the provisions of this chapter or any other applicable local, state or federal law or regulation.

C. Combining building and zoning permits. Whenever a building permit required by Chapter 40 and a zoning permit required by this Chapter 148 are both required, the Codes Enforcement Officer shall issue a combined building and zoning permit.

§ 148-41. Zoning permits.

A. General.

(1) In addition to any requirements for securing a building permit pursuant to the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles (Chapter 40), as amended, no person shall commence the erection, construction, enlargement, alteration, replacement or removal of any building or structure, nor shall any person commence the conversion or change in occupancy or use of any existing building, structure or parcel of land (including conversion from seasonal to year-round use) nor add any

impermeable surface coverage to any land except after approval in writing by the Codes Enforcement Officer of an application for a zoning permit. In the case of adding any impermeable surface coverage to any land, the Codes Enforcement Officer, in his or her sole discretion, may waive the zoning permit requirement if, in his or her opinion, there is no possibility that the proposed addition of impermeable surface coverage will exceed the requirements of this chapter. A farm operation protected under § 148-31D shall not need a zoning permit to add impermeable surface coverage. Conversion of a residential structure from seasonal to year-round use shall be deemed a change of use.

(2) In the case of emergency action to deal with damage from fire or other casualty, the applicant may commence construction required to stabilize a structure without a zoning permit. In order to protect the safety of persons entering such a structure to stabilize it, a permit shall be applied for as soon as possible and in no event more than two weeks following such fire or casualty.

(3) A zoning permit shall become effective when the Codes Enforcement Officer has filed written approval of the permit application in the office of the Town Clerk and the applicant has paid all applicable fees to the Town Clerk and has executed an acknowledgment agreeing to the terms of the permit.

B. Exemptions. No zoning permit shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature, and which is not intended to or does not provide for a new or extended use of the building, structure or premises.

C. Application for zoning permit. All applications for a zoning permit shall be in writing and shall be filed by the owner of the building, structure or parcel of land to which said application shall relate. Each application for a zoning permit shall be made to the Codes Enforcement Officer on prescribed forms and shall contain the following information:

(1) Land: a description of the land to which the proposed zoning permit will relate.

(2) Use, occupancy: a statement of the existing and proposed use of all parts of the land and the location, character and existing and proposed use of any existing or proposed buildings or structures, including the number of floors, entrances, rooms, type of construction and the kind and extent of any exterior horizontal extension proposed toward any boundary or street line of the lot.

(3) Identity of owner, applicant: the full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.

(4) Description of work or changes in use: a brief description of the nature of the proposed work or change in use, including proposed erosion control measures if required by § 148-26.

(5) Valuation of work: the valuation of the proposed work, if any.

(6) Additional information: such other information as may reasonably be required by the Codes Enforcement Officer to establish compliance of the proposed work or change in use with the requirements of this chapter.

D. Additional information to accompany application. No application for a zoning permit shall be valid unless there shall be annexed thereto multiple copies of the following additional information:

(1) Contents: Each application for a zoning permit shall be accompanied by two copies of plans and specifications, including a map, survey which reflects all existing structures (as defined in § 148-56) and certified within five years of the date of application, site development or plot plan, drawn to scale, showing the courses, dimensions and detail of all the boundary lines of the proposed lot of occupancy and the street boundaries adjacent thereto, if any, and the location and size of any proposed new construction and all existing buildings, structures, parking areas, traffic access and circulation drives, open spaces and landscaping on the site, the nature and character of any work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and such additional information as may be required by the Codes Enforcement Officer, to determine compliance with the provisions of this chapter. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) Execution: Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by the Education Law or any other applicable statutes, laws, rules or regulations of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(3) Waiver of requirement. The Codes Enforcement Officer may waive the requirement for filing plans and specifications for minor alterations or minor projects. In connection with any application for a zoning permit, the Codes Enforcement Officer, in his or her sole discretion, may waive the requirement to produce a survey if in his or her opinion there is no possibility that the proposed erection, construction, enlargement, alteration, replacement or removal of any building or structure would violate the applicable Code dimensional requirements. The Codes Enforcement Officer may in his/her sole discretion waive the recertification requirement described in § 148-41D(1).

E. Action upon application. The Codes Enforcement Officer shall promptly examine each application for a zoning permit filed hereunder and endorse thereon his approval or disapproval thereof, and if disapproval his reason or reasons for such disapproval, and a duplicate of such approved or disapproved application shall be delivered or mailed to the applicant forthwith. If said application shall have been approved, said application with the approval of the Codes Enforcement Officer endorsed thereon shall constitute a zoning permit. The Codes Enforcement Officer shall have the discretionary power to require any additional written or documentary

information or proof from an applicant hereunder as he shall deem necessary, desirable or expedient to assist him to determine whether or not he should approve an application hereunder.

F. Effect of approval. No approval of an application for a zoning permit by the Codes Enforcement Officer shall be valid unless such application and such approval of said application for said zoning permit shall comply fully with the provisions of this chapter. Any application hereunder approved, confirmed or acted upon in violation of this chapter shall be void.

G. Termination of zoning permit. Permits of any type authorized by this chapter, including permits issued to a variance, shall be dated as of date of issuance. Construction or use pursuant to such permit shall be commenced within one year after the date thereof, and construction shall be carried out diligently to completion within 18 months after the date thereof. Any application for a zoning permit approved hereunder shall terminate and become void if not acted upon or used within 18 months from the date of its approval. The Codes Enforcement Officer may grant one six-month renewal of any such permit if he or she determines that the delay in commencement or completion of construction was without the permittee's fault or negligence or beyond the reasonable control of the permittee.

§ 148-42. Certificates of occupancy.

A. General. No building or structure (including accessory structure) hereafter erected, constructed, enlarged, altered or moved and no enlarged, extended, altered or relocated portion of an existing building or structure hereafter completed shall be occupied or used until a certificate of occupancy has been issued by the Codes Enforcement Officer consenting to such occupancy or use, in accordance with the provisions of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40), this chapter and any other applicable provisions of any federal, state, county or Town statute, law, ordinance, rule or regulation, and until such certificate shall have been filed in the office of the Town Clerk as provided herein. No approval given under this chapter shall become final unless and until confirmed by the issuance of a certificate of occupancy as provided herein. This provision shall not prevent the occupancy or use of a legally occupied structure and shall apply only to the newly constructed portion of an enlarged structure.

B. Exception for minor alterations. No certificate of occupancy shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature and which does not require the approval of the Codes Enforcement Officer of an application for a zoning permit or a building permit pursuant to the provisions of this chapter or of Local Law No. 5 of the year 1974 of the Town of Skaneateles, as amended (Chapter 40).

C. Issuance of certificate of occupancy.

(1) After work has been completed in full compliance with both the building permit (if any) and the zoning permit, the Codes Enforcement Officer shall issue a certificate of occupancy.

(2) A certificate of occupancy for any structure shall not be issued until one copy of a final survey by a licensed surveyor has been submitted. The Codes Enforcement Office may waive this requirement. However, no survey shall be required in cases where the work does not involve new buildings or structures or changes in bulk to existing buildings or structures. The Codes Enforcement Office may request additional information to establish compliance with the requirements of this chapter.

(3) The Codes Enforcement Officer shall examine the premises and the location of any new buildings or structures or improvement to existing buildings or structures and shall determine whether or not such new construction or improvements comply with the setbacks and other requirements of this chapter and with the terms and conditions of any site plan approval, special permit or variance granted. The date of any inspections conducted hereunder, together with the names of all persons attending such inspections, the extent of completion of the work on each date and the findings of the Codes Enforcement Officer on each date, shall be noted by the Codes Enforcement Officer.

D. Effective date of certificate of occupancy. A certificate of occupancy shall become effective upon filing in the office of the Town Clerk, together with the zoning permit application and all previous applications and approvals granted.

E. Construction or improvement in violation of this chapter. If the Codes Enforcement Officer finds any new construction or improvements located upon the premises to be in violation of this chapter, he or she shall forthwith transmit notice of such violation to the applicant, together with a request that the applicant comply with this chapter. The Codes Enforcement Officer shall also transmit such notice, together with the applications for a building permit and zoning permit and all data pertaining to such violation, to the Town Board for appropriate action.

F. Failure to complete construction. Any structure for which a zoning permit or building permit has been issued, which remains partially complete with no substantial progress over a nine-month period, shall be considered a violation of this chapter to be remedied pursuant to § 148-42E above.

§ 148-43. Violations.

A. Penalties.

(1) A violation of this chapter is an offense punishable by a fine of not less than $100 and not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine of not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate

additional violation. [Amended 7-24-2007 by L.L. No. 13-2007]

(2) In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not more than $100. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

(3) The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction.

B. Inspection. In order to determine compliance with this chapter, the Codes Enforcement Officer is authorized to enter, inspect and examine any building, structure, place, premises or use in the Town of Skaneateles and to issue a written order for remedy or compliance, within a reasonable period of time, of any condition found to be in violation thereof. He or she shall keep a permanent record of all violations of this chapter, whether reported by private citizens or by any board, agency, officer or employee of the Town, and such record shall show the disposition of all such violations.

C. Notice of violation.

(1) Upon finding any new construction, improvements, or uses to be in violation of this chapter, the Codes Enforcement Officer shall transmit a written notice of violation, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the alleged violation, with a copy to the Town Board. The notice of violation shall require an answer or correction of the alleged violation to the satisfaction of the Codes Enforcement Officer within a reasonable time limit set by the Codes Enforcement Officer. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Codes Enforcement Officer within the time limit constitutes admission of a violation of this chapter. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

(2) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Codes Enforcement Officer, the notation "Violation Corrected" shall be made on the Codes Enforcement Officer's copy of the notice.

(3) If there is no reply within the time limit set (thus establishing admission of a violation of this chapter) and the alleged violation is not corrected to the satisfaction of the Codes Enforcement Officer within the time limit set, the Codes Enforcement Officer shall take action in accordance with Subsection E of this section.

(4) A permanent record of all notices of violation and their disposition shall be kept in the offices of the Codes Enforcement Officer.

D. Complaints of violations. Whenever a suspected violation of this chapter occurs, any person may file a signed written complaint reporting such violation to the Codes Enforcement Officer. The Codes Enforcement Officer may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Codes Enforcement Officer and reported to the Town Board. The Town Board may by blanket resolution authorize the Codes Enforcement Officer to act independently in all cases or particular class of cases.

E. Abatement of violations. If any premises is in violation of this chapter, the Town Board or, with its approval, the Codes Enforcement Officer may institute an appropriate legal action or proceeding to prevent, restrain, correct or abate such violation, to prevent the occupancy of the premises or to prevent any illegal act, conduct, business or use in or about such premises. Such legal action may include the issuance of an appearance ticket pursuant to the Criminal Procedure Law § 150.20.

F. Taxpayer action. Upon the failure or refusal of the Codes Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 31 days after written request by a resident taxpayer of the Town to do so, any three taxpayers of the Town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Codes Enforcement Officer or Town Board.

G. Accountability. For every violation of the provisions of this chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee or any other person who commits or takes part or assists in such violation or who maintains any structures or premises in which any such violation exists shall be punishable according to the provisions of this chapter.

§ 148-44. Escrow deposits for review and inspection costs.

A. Deposits in escrow.

(1) In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Town of reviewing the particular

type of application before it. The reviewing board may consider the professional review expenses incurred by it and neighboring municipalities in reviewing similar applications. The Codes Enforcement Officer may also require a deposit in escrow pursuant to his or her authority under §§ 148-26, 148-28, 148-29E and 148-30.

(2) Use of funds.

(a) The money deposited shall be used to cover the reasonable and necessary costs of reviewing an application, including costs of inspection of construction and completed improvements. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application and project inspections. The reviews governed by this section shall include but not be limited to all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQR).

(b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the Skaneateles Town Code. Monies deposited by applicants pursuant to this section shall not be used to offset the Town's general expenses of professional services for the several boards of the Town or its general administrative expenses.

(c) Fees charged strictly as a result of a SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.

B. Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Town and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

C. Upon receipt and approval by the Town Board of itemized vouchers from consultants for services rendered on behalf of the Town regarding a particular application, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited, and shall debit the separate record of such account accordingly.

D. Review of vouchers; payment.

(1) The Town Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications and project inspections. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Town for services performed in connection with the review of a similar application. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be

constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the Town Board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, and protect public or private property from damage.

(2) In no event shall an applicant make direct payment to any Town consultant.

E. If, at any time during the review of an application or the inspection of an approved project under construction, there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board or inspecting official that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or official shall cause the applicant to deposit additional sums as the board or official deems necessary or advisable in order to meet such expenses or anticipated expenses.

F. An applicant shall have the right to appeal to the Town Board the amount of any required escrow deposit or the amount charged to an escrow account by a consultant under this section.

G. In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited.

H. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.

I. The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of Skaneateles for funds expended to compensate for services rendered to the Town under this section by private engineers, attorneys or other consultants. In order for a land use application to be deemed complete, the applicant shall provide the written consent of all owners of the subject real property acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Town for such fees, the following shall apply:

(1) The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.

(2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consulting fees expended by the

Town shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

§ 148-45. Zoning Board of Appeals.

Pursuant to the provisions of § 267 of the Town Law, there is hereby established a Zoning Board of Appeals consisting of five members appointed by the Town Board. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this chapter in connection with appeals to review any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this chapter, generally the Codes Enforcement Officer. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Town.

A. Appeals of orders, requirements, decisions, interpretations or determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this chapter. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

B. Appeals for variance.

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer or other administrative official or body charged with the enforcement of this Zoning Law, after public notice and hearing and in accordance with the requirements of law and this chapter, to grant area variances and use variances as those terms are defined herein. [Amended 5-3-2012 by L.L. No. 2-2012]

(2) The signed original application for a variance and other required application materials shall be submitted in multiple copies as required by the Zoning Board of Appeals, at such time as required by the Board in compliance with § 148-45F(1).

(3) Any variance which is not exercised by application for a zoning permit or by otherwise commencing the use within one year of the date of issuance shall

automatically lapse.

C. Use variances. [Amended 5-3-2012 by L.L. No. 2-2012]

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer or other administrative official or body charged with the enforcement of this Zoning Law, after public notice and hearing and in accordance with the requirements of law and this chapter, to grant use variances as defined herein.

(2) If a use variance is granted, the applicant must obtain site plan review approval from the Planning Board prior to commencing the use and prior to obtaining a building permit.

(3) No such use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that otherwise applicable zoning regulations and restrictions have caused unnecessary hardship.

(a) Unnecessary hardship. In order to prove such unnecessary hardship, the applicant is required to demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each of the following four criteria is satisfied:

[1] The applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence;

[2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood involved;

[3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] The alleged hardship has not been self-created.

(b) Reasonable rate of return. In evaluating whether the applicant can realize a reasonable rate of return, the Zoning Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant (as opposed to just the site of the proposed project) are incapable of producing a reasonable rate of return. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the applicant has clearly demonstrated, by detailed, written "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (as opposed to just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).

(c) Unique hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

(d) Essential character of the neighborhood. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the proposed project will not alter the essential character of the neighborhood.

[1] In making its determination of whether the proposed project will alter the essential character of the neighborhood, the Zoning Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town, including without limitation:

[a] The fact that Skaneateles Lake is a public water supply;

[b] Any agricultural data statement submitted pursuant to § 148-31;

[c] The rural residential and historic character of the Town;

[d] Its irreplaceable recreation and tourism sites;

[e] The extent of hazard to life, limb or property that may result from the proposed project;

[f] Health impacts;

[g] The social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances;

[h] The impact on property values; and

[i] Whether the applicant will use a style of development that will result in degradation to the air quality, water quality or scenic and natural resources of the Town.

[2] In order to find that the proposed development project does not alter the essential character of the neighborhood, the Zoning Board of Appeals shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following:

[a] Pose a threat to the public safety, including public health, water quality or air quality;

[b] Cause an extraordinary public expense; or

[c] Create a nuisance.

(e) Self-created hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this chapter, the Zoning Board of Appeals finds that the alleged hardship was not self-created. The Zoning Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that:

[1] The applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision;

[2] The applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or

[3] When the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

(4) In addition to the application requirements set forth in Subsection F of this § 148-45, an application for any use variance shall contain a typewritten narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for a use variance, including:

(a) Competent financial evidence.

[1] Competent written financial evidence containing reasonable written specification of, and backup (confirmation) for, the nature and factual particulars of such claim, and articulating the basis for the applicant's claim, and including, at a minimum (as to the entire parcel of which the proposed project is a part):

[a] Date of acquisition;

[b] The purchase price;

[c] Present value of the property;

[d] The amount of real estate taxes;

[e] The amount of mortgages or liens and other expenses;

[f] The asking price for the property when it had been offered for sale;

[g] The costs of demolishing any existing structures on the property;

[h] Cost of erecting a new building(s) for each and every permitted use in the zoning district (including uses allowed by special use permit);

[i] Efforts to market the property; and

[j] A schedule of all other property in common ownership at either the date of the enactment of this chapter or thereafter.

[2] Competent written financial evidence must include written "dollars and cents proof" such as appraisals, economic studies, and any other written evidence supporting the applicant's contention that the desired relief is appropriate, including appraisals relating to any alleged diminution of all or substantially all of the fair market value of property. For the purposes of this chapter, common ownership means all other interests in property either located within the Town or contiguous to the Town that is held by the any of the applicants (if more than one), whether such ownership is of a legal or equitable interest, in whole or in part, contiguous or not, and whether such property interest is held by any of the applicants through a legal or equitable interest in a(nother) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.

(b) Unique nature of the property. The applicant must provide evidence demonstrating the unique nature of the parcel as a whole. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto. Exceptional topographic conditions are an example of a factor demonstrating the unique nature of the property.

(c) Alteration of the essential character of the neighborhood. The applicant must demonstrate that the proposed development project will not adversely change the essential character of the neighborhood with regard to physical, economic, social or environmental elements. Adverse impacts to the essential character of the neighborhood include, but are not limited to, decreased quality or increased quantity of stormwater runoff, increased soil erosion, increased traffic congestion, decreased road quality, impairment of the scenic or rural character of roads, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of the viewshed, creation of solid wastes, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative impacts to public infrastructure, decreased property values, and negative impacts on the health of area residents.

(d) Hardship not self-created. In order to show that the hardship is not self-created, the applicant must demonstrate either:

[1] That when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or did not otherwise apply; or

[2] Some other change has occurred since the applicant's purchase which makes the use nonconforming, as long as such other change was not caused by the applicant.

(5) The Zoning Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety, and welfare of the community.

(6) The Zoning Board of Appeals, in the granting of use variances, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed development project. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, architectural features, location and layout of buildings, limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter. If the applicant refuses to accept such requirements and conditions, the use variance shall be denied.

(7) In addition to the application requirements set forth in Subsection F of this § 148-45, the following reports shall be required to be submitted in writing in connection with any appeal or application for a use variance concerning what is otherwise an explicitly prohibited use (as defined in § 147-48). The purpose of these reports in the context of otherwise explicitly prohibited uses is to assist the Zoning Board of Appeals in its determination as to the impact of a proposed project on the Town and/or the "essential character of the neighborhood" and/or to determine whether the proposed project complies with the requirements of this chapter:

(a) Environmental Assessment Form. A completed draft of a long form Environmental Assessment Form, Part I.

(b) Description of surrounding uses. The approximate location of all neighboring residential, hamlet, village, park/recreational, and/or agricultural areas, as well as all county-designated Unique Natural Areas and locally-designated Critical Environmental Areas (if any) within a two-mile radius of the perimeter of the site of the proposed use.

(c) Traffic impact report. A traffic impact report containing:

[1] The proposed traffic circulation plan, the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

[2] Existing and proposed daily and peak traffic hour levels as road capacity levels;

[3] A determination of the area of impact of traffic to and from the proposed development project;

[4] The proposed traffic routes to the nearest intersection with an arterial highway, including gross weights and heights of vehicles;

[5] The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed project;

[6] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities;

[7] A traffic impact analysis of the effects of the proposed project on the transportation network in the Town using passenger car equivalents;

[8] Articulation of the effects and impacts of the proposed project on traffic based on existing conditions and projected future background traffic on the state, county, and Town road system;

[9] Evaluation of whether the resulting traffic conditions are likely to hinder the passage of police, fire and emergency response vehicles, or degrade the quality of life, and/or otherwise contribute to hazardous traffic conditions; and

[10] Determination of whether there is sufficient road frontage so that any vehicle leaving the site may turn into the lane of traffic moving in the desired direction and be channeled within such lane before crossing the nearest intersection or proceeding along the road, and any vehicle entering the property may turn out of the nearest lane of traffic without interfering with other traffic.

(d) Road impact report. An evaluation of:

[1] Appropriate roadway geometry including required road widths, bridge widths, starting and stopping sight distances, intersection sight distances, horizontal and vertical curves along the proposed traffic routes;

[2] The adequacy of existing pavement structures along the proposed traffic routes to accommodate the full weight load of any trucks and construction vehicles likely to be used in connection with the proposed project; and

[3] Impacts to the rural or scenic character of any roads along the proposed traffic route.

(e) Transportation plan. A description of ingress and egress through the proposed project site through which equipment and supplies will be delivered and which will provide access during and after construction, and identification of any roads, streets, intersections, bridges, and other

facilities along the proposed traffic route that do not meet New York State Department of Transportation standards. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, any new road or access construction, measures which will be taken to avoid damaging access/traffic routes, and measures that will be taken to restore damaged routes following construction, and measures to maintain the scenic and/or rural characteristics of such roads.

(f) Noise impact report. A report on the following topics:

[1] The existing audible conditions at the project site to identify a baseline sound presence and preexisting ambient noise, including seasonal variation;

[2] A description and map of sound-producing features of the proposed project from any noise-generating equipment and noise-generating operations that will be conducted in connection with the proposed project site, including noise impacts from truck traffic traveling within the Town to and from the proposed project;

[3] For the noise generated by construction and use of the proposed project, the range of noise levels and the tonal and frequency characteristics expected, and the basis for the expectation;

[4] A description and map of the existing land uses and structures, including any sound receptors (i.e., residences, hospitals, libraries, schools and places of worship, parks, and areas with outdoor workers) within one mile of the development project parcel boundaries. Said description shall include the location of the structure/land use, distances from the proposed development project and expected decibel readings for each receptor;

[5] The report shall cover low frequency, A-weighted, infrasound, pure tone, and repetitive/impulse noise; and

[6] The report shall describe the proposed project's noise-control features, including specific measures proposed to protect off-site workers and mitigate noise impacts for sensitive receptors.

(g) Visual assessment. A visual presentation of how the site of the proposed project will relate to and be compatible with the adjacent and neighboring areas, within a two-mile radius of the perimeter of the site of the proposed project. This presentation shall include computerized photographic simulation showing the site during construction and fully developed, and demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components and any visual screening incorporated into the project that is intended to lessen visual prominence.

(h) Report of natural gas and/or petroleum extraction, exploration or production wastes, and other wastes. A report of a description of any natural gas and/or petroleum extraction, exploration, or production wastes (as that term is defined at Subsection D of § 148-47 of this chapter), and other solid wastes, industrial wastes, hazardous wastes and pollutants expected to be produced, stored, injected, discarded, discharged, disposed, released, or maintained on the project site if the variance is granted.

(i) Compatible uses report. A discussion of characteristics of the proposed project that may decrease the Town's and/or the neighborhood's suitability for other uses such as residential, commercial, historical, cultural, tourism, recreational, environmental or scenic uses.

(j) Fiscal impact assessment. An assessment describing the adverse effects and impacts on Town revenue and costs necessitated by additional public facility and service costs likely to be generated by the proposed project.

(k) Fire prevention, equipment failure and emergency response report. A report containing:

[1] Description of the potential fire, equipment failures and emergency scenarios associated with the proposed project that may require a response from fire, emergency medical services, police or other emergency responders;

[2] An analysis of the worst-case disaster associated with the proposed project and the impact of such a disaster upon the health, safety and welfare of the inhabitants of the Town and their property;

[3] Designation of the specific agencies that would respond to potential fires, equipment failures, accidents or other emergencies;

[4] Description of all emergency response training and equipment needed to respond to a fire, accident, equipment failure or other emergency, including an assessment of the training and equipment available to local agencies; and

[5] The approximate or exact location of all fire, police, and emergency response service facilities within a five-mile radius of the perimeter of the site of the proposed use.

(l) Public facilities and services assessment. An assessment describing:

[1] Whether current Town public facilities and services, including water supply, fire protection, school services, recreation facilities, police protection, roads and stormwater facilities, are adequate for the proposed development project (taking into account all other uses that have been permitted or are currently operating in the Town);

[2] A comparison of the capacity of the public services and facilities to the maximum projected demand that may result from the proposed development project (In determining the effect and impact of the proposed project on fire, police, and emergency services, the review shall take into consideration response times, and the number and location of available apparatus and fire, police and emergency service stations that are manned by full-time professional service personnel; and, where applicable, calculation of response time shall also include the time it takes volunteer emergency personnel to get to their stations.); and

[3] A review of the impact of the proposed project on the safety of all children going to and from school by car, bus, bicycle, and walking during and outside of school zone hours and whether safety measures such as signaled cross walks or elevated sidewalks exist along intended truck routes so as to aid in prevention of accidents.

(m) Property value assessment. A property value analysis, prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of the project on the value of properties adjoining the project site.

(n) Health impact assessment. A human health impact assessment that identifies ways in which the proposed development project could adversely affect the health of Town residents and a priority list of recommendations to minimize the potential health impacts of the proposed project. The health impact assessment shall include:

[1] A risk assessment of possible impact of chemical exposure on the health of residents, including the Chemical Abstract Service number of all chemicals proposed to be used or generated at the project site;

[2] An assessment of possible health effects due to industrial operations in non-heavy industrial zoned areas; and

[3] An assessment of possible health effects due to community changes including the presence of an industrial activity in a previously non-heavy industrial area, declining property values, impacts to the education system and sudden changes in population numbers, demographics and customs.

D. Area variances.

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Codes Enforcement Officer, to grant area variances from the area or dimensional requirements.

(2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed

against the detriment to the health, safety and welfare of the neighborhood or community of such grant. The Zoning Board of Appeals shall take account of the fact that Skaneateles Lake is a public water supply and shall not grant any variance that, individually or in combination with other variances, may result in pollution of the lake from more intensive use of property, encroachment into required lake yards, additional surface water runoff or subsurface leaching of septic waste or any other factors. In making its determination, the Board shall also consider:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(c) Whether the requested area variance is substantial; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to be substantial because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; within 200 feet of Skaneateles Lake, any area variance that enlarges a building or enables it to encroach into a required lake yard shall be presumed to have an adverse environmental impact because of the cumulative risk of degradation of the lake posed by granting individual variances. This presumption is rebuttable.

(e) Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not necessarily preclude the granting of the area variance.

(3) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

E. Imposition of conditions. The Zoning Board of Appeals shall, in granting use variances and area variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.

F. Procedures.

(1) Application. Copies of the application form and checklist for applicants are available at the Town Clerk's office. Appeals shall be taken by filing a written

notice of appeal with the Codes Enforcement Officer and the Zoning Board of Appeals, within 60 days after the filing of the order, requirement, decision, interpretation or determination that is being appealed, on forms prescribed by the Zoning Board of Appeals. Required materials include: one original application, a disclosure of interest form as required by § 809 of the General Municipal Law, multiple copies of a plot or site plan as required by the Zoning Board of Appeals, drawn to scale with accurate dimensions, showing the location of existing and proposed structures on a lot, an agricultural data statement, if applicable, a narrative description of what is being proposed, a table identifying the land use district and how the proposed project compares with the dimensional requirements of § 148-9. The Zoning Board of Appeals may request additional information and materials if it deems necessary. The Codes Enforcement Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals.

(2) Referral to County Planning Board.

(a) Requests for variances that require referral to the Onondaga County Planning Board shall be so referred pursuant to General Municipal Law Article 12-B, §§ 239-l and 239-m, as amended.

(b) No action shall be taken on variances referred to the County Planning Board until its recommendation has been received or 30 days have elapsed after its receipt of the full statement of the proposed variance, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(c) County disapproval. A majority-plus-one vote shall be required to approve any variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

G. Hearing and public notice.

(1) If an agricultural data statement has been submitted, the Secretary of the Zoning Board of Appeals shall, upon receipt of the variance application, mail written notice of the application to the owners of land as identified by the appellant in the agricultural data statement. Such notice shall include a description of the proposed variance and its location. The cost of mailing the notice shall be borne by the appellant.

(2) The Zoning Board of Appeals shall set a reasonable time after receipt of a complete application for the hearing of appeals.

(3) At least five days prior to the date of such hearing, the Zoning Board of Appeals shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to the Planning Board, to all contiguous property owners in the affected area that the Zoning Board of Appeals may require to be notified and to the regional park

commission having jurisdiction over any state park or parkway within 500 feet of the property affected. A copy of such notice of hearing, together with a description of the application, shall be sent by the Zoning Board of Appeals to the Planning Board. If the application is for a use variance on property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.

(4) At the hearing, any party may appear in person or by agent or by attorney.

(5) The Zoning Board of Appeals may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal.

H. Action. The Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse, affirm or modify, wholly or in part, the order, requirement, decision, interpretation or determination of the administrative official in accordance with the provisions of this chapter.

(1) Any such action shall be decided within 62 days after the final hearing.

(2) Every decision of the Zoning Board of Appeals shall be approved by vote of a majority of the members by resolution which contains a full record of the findings of the Zoning Board of Appeals in the case.

I. Filing. Every order, requirement, decision, interpretation or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five business days after the decision is rendered and shall be a public record. A copy thereof shall be mailed to the appellant.

J. Court review of Board decisions. Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules and § 267-c of the Town Law.

K. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary building permit within 12 months of the date of such decision.

L. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Codes Enforcement Officer certifies for the Zoning Board of Appeals, after the notice of appeal has been filed, that such a stay of proceedings would, in his or her opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall not be stayed except by a restraining order granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Codes Enforcement Officer for due cause shown.

ARTICLE VIII

§ 148-46. Amendments.

A. Initiation. The Town Board, from time to time, upon its own motion or upon application by one or more property owners or resolution of the Planning Board or Zoning Board of Appeals, may amend this chapter as provided herein. A property owner or his agent may apply for amendment to this chapter by filing three complete sets of an application with the Town Board and two complete sets with the Planning Board. The application shall include a disclosure of interest form as required by § 809 of the General Municipal Law, a description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof and the applicable filing fee. In the case of a proposed amendment which would apply only to properties which are not immediately identifiable or to a class of properties including six or more identifiable properties, no properties need be identified as affected.

B. Review by planning agencies. As an aid in analyzing the implications of proposed amendments and to coordinate the effect of such actions on intergovernmental concerns, the Town Board shall refer proposed amendments to the Town and County planning agencies as required by §§ 239-l and 239-m of the General Municipal Law and by this chapter.

(1) Referral to Onondaga County Planning Board. No action shall be taken on proposals referred to the County Planning Board until its recommendation has been received or 30 days have elapsed after its receipt of the full statement of the proposed amendment, unless the county and Town agree to an extension beyond the thirty-day requirement for the County Planning Board's review.

(2) Referral to Town Planning Board. Every proposed amendment or change initiated by the Town Board or by petition (but not if initiated by the Planning Board) shall be referred to the Town Planning Board for report thereon prior to public hearing. If the Planning Board does not report within 30 days of such referral, the Town Board may take action without the Planning Board report. This period of time may be extended by agreement of the Town Board and Planning Board.

C. Public hearing and notice. No proposed amendment shall become effective until after a public hearing thereon, at which the public shall have an opportunity to be heard. The Town Board shall set, by resolution at a duly called meeting, the time and place for a public hearing on proposed amendments and shall cause public notice to be given as required by the laws of New York State and specified below. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.

(1) Publication of notice in newspaper. Notice of the time and place of the public hearing shall be published at least 10 days in advance of such hearing in the official newspaper. This notice shall provide a summary of the proposed

amendment in such reasonable detail as will give adequate notice of its contents, indicating the place or places where copies of the proposed amendment may be examined and the time and place of the hearing.

(2) Notice to adjacent municipalities. Written notice of any proposed amendment affecting property lying within 500 feet of an adjacent Town shall be served in person or by mail upon the Clerk of such municipality at least 10 days prior to the date of public hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon but shall not have the right to review by a court.

D. Adoption. The Town Board may adopt amendments to this chapter by a majority vote of its membership, except in the case of local protest or disapproval by the County Planning Board as noted below.

(1) Local protest. The favorable vote of 3/4 (i.e., four) of the Town Board members shall be required for passage of any amendment which is subject to a written protest signed by the owners of 20% or more of the land in any of the following areas:

(a) The land area included in the proposed amendment.

(b) The land area immediately adjacent to the area proposed to be changed and extending 100 feet therefrom.

(c) The land area directly opposite the area proposed to be changed and extending 100 feet from the road frontage of such opposite land.

(2) County disapproval. A majority-plus-one vote of all Town Board members shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board prior to Town Board action, along with a resolution setting forth the reasons for such contrary action.

E. Effective date. Unless the amendment provides for a different effective date, each amendment adopted by the Town Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

§ 148-47. Explicitly prohibited uses; prohibition against natural gas and/or petroleum extraction, exploration or production wastes. [Added 5-3-2012 by L.L. No. 2-2012]

A. Explicitly prohibited uses.

(1) The following uses and activities (being respectively defined in Subsection D below of this § 148-47) are hereby expressly and explicitly prohibited in each and every zoning district within the Town, and no building or structure shall be created, altered or erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

(a) Land application facility;

(b) Natural gas and/or petroleum exploration activities;

(c) Natural gas and/or petroleum extraction activities;

(d) Natural gas and/or petroleum extraction, exploration or production wastes disposal/storage facility;

(e) Natural gas and/or petroleum extraction, exploration or production wastes dump;

(f) Natural gas compression facility;

(g) Natural gas processing facility;

(h) Nonregulated pipelines;

(i) Underground injection; and

(j) Underground natural gas storage.

(2) Any condition caused or permitted to exist in violation of this Subsection A is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this chapter as "explicitly prohibited uses," any one of the above explicitly prohibited uses may be referred to in this chapter as an "explicitly prohibited use," and any combination of more than one such use may also be referred to as "explicitly prohibited uses."

B. Prohibition against natural gas and/or petroleum extraction, exploration or production wastes.

(1) The Town of Skaneateles hereby exercises its authority and right under New York Environmental Conservation Law § 27-0711 to adopt a local law that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this local law[37] complies "with at least the minimum applicable requirements" set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

(2) It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained, anywhere within the Town, any natural gas and/or petroleum extraction, exploration or production wastes.

C. No application to customary local distribution lines, etc. The prohibitions set forth above in this § 148-47 are not intended, and shall not be construed, to:

(1) Prevent or prohibit the right to use roadways in commerce or otherwise for

37. **Editor's Note: In this instance, the term "this local law" refers to L.L. No. 2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.**

travel;

(2) Prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or

(3) Prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal agriculture, residential, business, commercial, and other uses within the Town.

D. Defined terms applicable to this § 148-47. For purposes of this chapter, the following terms shall have the meanings respectively set forth below:

AGRICULTURE USE — Land used for "Agriculture" (as that term is defined at § 148-56 of this chapter).

BELOW-REGULATORY CONCERN — Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR 20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

GATHERING LINE or PRODUCTION LINE — Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move oil, gas, or liquids from a point of production, treatment facility or storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under Section 1(b) of the Natural Gas Act, and which does not meet the definition of a "major utility transmission facility" under the Public Service Law of New York, Article 7, § 120, Subdivision 2(b).

INJECTION WELL — A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semisolids) are injected into the subsurface and less than 90% of such fluids return to the surface within a period of 90 days.

LAND APPLICATION FACILITY — A site where any natural gas and/or petroleum extraction, exploration or production wastes are applied to the soil surface or injected into the upper layer of the soil.

NATURAL GAS — Methane and any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES — Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or

employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES — The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES

(1) Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of "industrial waste," "hazardous," or "toxic," and whether or not such substances are generally characterized as waste:

(a) Below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;

(b) Natural gas or petroleum drilling fluids;

(c) Natural gas or petroleum exploration, drilling, production or processing wastes;

(d) Natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semiliquid material);

(e) Any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;

(f) Soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;

(g) Drill cuttings from natural gas or petroleum wells; or

(h) Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

(2) This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 C.F.R. 261.4(b).

(3) The definition of "natural gas and/or petroleum extraction, exploration or production wastes" does not include:

(a) Recognizable and nonrecognizable food wastes; or

(b) Waste generated by agriculture use.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY — Any of the following:

(1) Tanks of any construction (metal, fiberglass, concrete, etc.);

(2) Impoundments;

(3) Pits;

(4) Evaporation ponds; or

(5) Other facilities, in any case used for the storage or treatment of natural gas and/or petroleum extraction, exploration or production wastes that:

(a) Are being held for initial use;

(b) Have been used and are being held for subsequent reuse or recycling;

(c) Are being held for treatment; or

(d) Are being held for storage.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DUMP — Land upon which natural gas and/or petroleum extraction, exploration or production wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

NATURAL GAS COMPRESSION FACILITY — Those facilities or combination of facilities that move natural gas or oil from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

NATURAL GAS PROCESSING FACILITY — Those facilities that separate and recover natural gas liquids (NGLs) and/or other nonmethane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO2 separated from natural gas streams.

NONREGULATED PIPELINES — Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

PIPELINE — All parts of those physical facilities through which petroleum, gas,

hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment, such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment) whether or not laid in public or private easement or private right of way within the Town. This term includes, without limitation, gathering lines, production lines, and transmission lines.

RADIATION — The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

RADIOACTIVE MATERIAL — Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the New York State Department of Labor, the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, the United States Department of Energy, the United States Department of Transportation, or any other regulatory agency.

SUBSURFACE — Below the surface of the earth, or of a body of water, as the context may require.

TRANSMISSION LINE — A pipeline that transports petroleum, natural gas, or water to end users as a public utility and which is subject to regulation either by:

(1) The Federal Energy Regulatory Commission's jurisdiction under Section 1(b) of the Natural Gas Act; or

(2) As a "major utility transmission facility" under the Public Service Law of New York, Article 7, § 120, Subdivision 2(b).

UNDERGROUND INJECTION — Subsurface emplacement of natural gas and/or petroleum extraction, exploration or production wastes by or into an injection well.

UNDERGROUND NATURAL GAS STORAGE — Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

E. Preexisting, legal nonconforming natural gas and/or petroleum extraction activities. Notwithstanding any provision of this chapter to the contrary, any natural gas and/or petroleum extraction activities that are being conducted in the Town as of the effective date of this local law[38] shall be subject to the following:

(1) Continuance as preexisting, nonconforming use; prohibited use.

(a) If, as of the effective date of this local law, substantive natural gas and/or petroleum extraction activities are occurring in the Town, and

38. **Editor's Note: In this instance, the term "this local law" refers to L.L. No. 2-2012, according to Article I, Section 1.4, of said local law, a complete copy of which is on file in the Town offices.**

those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies for such activities, then and only then such activity shall be considered a preexisting, nonconforming use and shall be allowed to continue, subject, however, to the provisions of Subsection E(2) and (3).

(b) Natural gas and/or petroleum extraction activities that are being conducted in the Town as of the effective date of this local law and which do not qualify for treatment under the preceding Subsection E(1)(a) shall not be grandfathered, and shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

(2) Upon the depletion of any well which is allowed to remain in operation after the effective date of this local law by virtue of Subsection E(1)(a), or upon any other substantive cessation of natural gas and/or petroleum extraction activities [otherwise grandfathered by virtue of Subsection E(1)(a)] for a period of more than 12 months, then and in such event the nonconforming use status of such activity shall terminate, and thereafter such natural gas and/or petroleum extraction activities shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

(3) Notwithstanding any provision hereof to the contrary, the preexisting, nonconforming status conferred and recognized by Subsection E(1)(a) is not intended, and shall not be construed, to authorize or grandfather any natural gas and/or petroleum extraction activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this local law. Any expansion or attempted or purported expansion shall not be grandfathered under Subsection E(1)(a), and instead shall in all respects be prohibited as contemplated by Subsection A of this § 148-47.

§ 148-48. (Reserved)

§ 148-49. (Reserved)

ARTICLE IX
Miscellaneous

§ 148-50. Severability.

If any provision of this chapter or the application thereof to any person, property or circumstances is held to be invalid, the remainder of this chapter and the application of each provision to other persons, property or circumstances shall not be affected thereby.

§ 148-51. Effective date; repealer.

This chapter shall take effect 20 days after its adoption and upon filing with the Secretary

of State and shall repeal all prior zoning laws in effect.

§ 148-52. (Reserved)

§ 148-53. (Reserved)

§ 148-54. (Reserved)

ARTICLE X
Definitions

§ 148-55. Word usage.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word person includes an individual person, a firm, a corporation, a partnership and any other agency of voluntary action. The word "he" shall include "she" or "they." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

B. In § 148-56, where two words are separated by a slash mark (/), they shall have the same meaning.

§ 148-56. Definitions.

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

ACCESSORY APARTMENT — A dwelling unit occupying the lesser of 1,000 square feet or 30% of the floor space of an owner-occupied structure containing a principal use that is single-family residential or nonresidential, or a dwelling unit no larger than 1,000 square feet located in an accessory structure on an owner-occupied property.

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 accessory apartments.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and used in conjunction with such principal use or building.

ACCESS STRIP — A strip of land abutting a public or platted private road, providing

access to a rear lot. (See § 148-11J.)

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 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 — The utilization 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 agricultural industry or farms primarily for the disposal of offal or garbage. Commercial horse-boarding operations, as defined herein, and the raising or breeding of horses are agricultural uses, distinguished from the business use of teaching or training people to ride a horse. (See "riding academy.")

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.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

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. A bed-and-breakfast must be the primary residence of the

owner/proprietor.

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

BOARDINGHOUSE — A building other than a hotel containing a shared kitchen and/or dining room, in which no more than six sleeping rooms are offered for rent, with or without meals.

BOATHOUSE — A structure used solely for the protection of boats from the weather.

BUILDABLE LAND — That portion of a lot which is suitable for building structures and locating septic disposal facilities, i.e., all land excluding wetlands and watercourses, preexisting 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 the one-hundred-year flood zone.

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.

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.

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. For slopes 30% or greater, § 148-30B(1) applies.

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

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.

COMMON DRIVEWAY — A driveway serving no more than four lots, 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, for which either a negative declaration has been issued or a draft environmental impact statement has been accepted as satisfactory pursuant to 6 NYCRR 617.8(b)(1).

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 dwelling units, either attached or detached, established pursuant to the Condominium Act of the State of New York,[39] in which the apartments or dwelling units are individually owned.

CONFORMITY/CONFORMING — Complying with the use, density, dimensional and other standards of this chapter.

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.

CONSTRUCTION TRAILER — A mobile unit used for nonresidential purposes associated with on-site construction.

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.

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 no more than 10% of floor space is used for such sales.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as mining, dredging, filling, paving, excavations or drilling operations.

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

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39. **Editor's Note: See Real Property Law § 339-d et seq.**

docks used for swimming, sitting, or other recreational purposes. (See "permanent dock.") Any dock which is not considered a permanent dock shall be deemed a temporary dock.

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 exclusively as living quarters for one or more families.

DWELLING, MULTIFAMILY — A dwelling containing separate living units for three or more families.

DWELLING, SINGLE-FAMILY — A detached building designed for the use of one household, including one or more persons living as a family, and wherein not more than three boarders are sheltered and/or fed for compensation.

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

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family.

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 exercise a use or right or negative to prohibit the property subject to the easement from exercising a right or use. [Added 2-5-2015 by L.L. No. 2-2015]

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

EXCAVATION — Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

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 shall not be 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 § 148-56.

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 a piece of land or

to divide a piece of land into distinct portions or to separate two contiguous estates.

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

FLOODPLAIN/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 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. [Amended 1-20-2011 by L.L. No. 1-2011; 2-5-2015 by L.L. No. 2-2015]

A. HABITABLE FLOOR SPACE — Includes basements and attics within a building finished pursuant to the NYS Building and Fire Codes.

B. 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.

C. COMMERCIALLY USABLE SPACE — Space designed for the storage or display of products and or access by customers or employees.

FOOTPRINT — Area of the ground 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 parallel to and 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. [Amended 2-5-2015 by L.L. No. 2-2015]

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.

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.

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.

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

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 barbershops, beauty parlors, commercial stables, riding academies, kennels or restaurants.

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.

IMPERMEABLE SURFACE COVERAGE — The ratio between impermeable surface and total land area of a lot 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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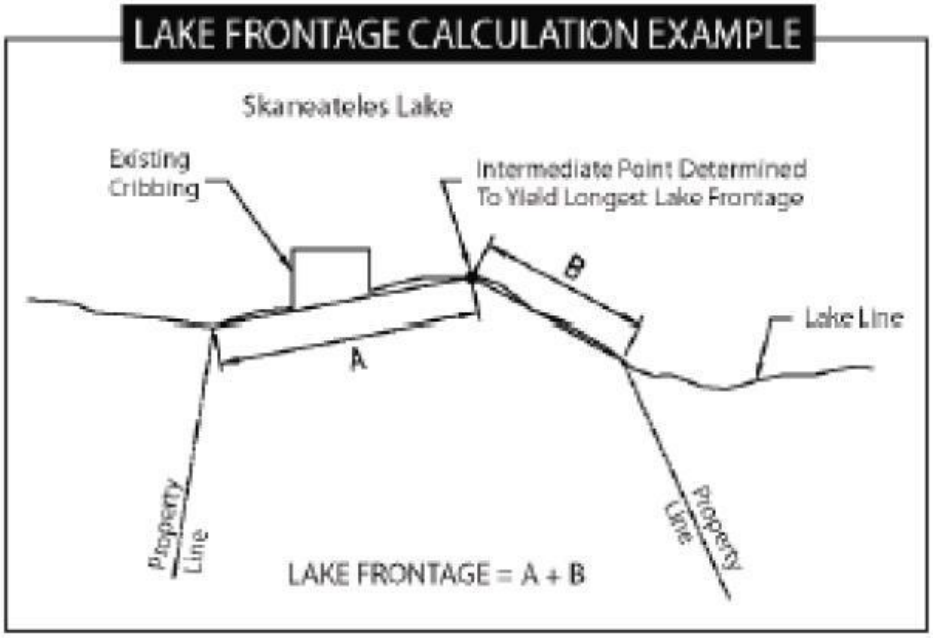

LAKE LINE — The shoreline of Skaneateles Lake when the lake level is 865.02 feet (National Geodetic Vertical Datum 1929), the legally established elevation to which the City of Syracuse may raise the level of the lake. (The corresponding level using City of Syracuse datum is 863.27 feet.) [Amended 7-24-2007 by L.L. No. 13-2007]

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.

LOT LINES — The property lines that bound 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.[40] 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. [Amended 10-2-2006 by L.L. No. 3-2006]

LOT, REAR — A lot on which the buildable area is located generally to the rear of other lots having frontage on the same road as such lot and having access to the road via a strip of land that does not have the minimum road frontage ordinarily required in the zoning district.

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

LOT WIDTH — The shortest distance between the side lot lines, measured at the front of the principal building, or at the building frontyard setback in the case of an undeveloped lot. [Amended 7-24-2007 by L.L. No. 13-2007]

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, 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.

MEMBERSHIP CLUB — See "club, membership."

MINING — See "open pit mining."

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

A. Construction of four multifamily dwelling units or a boardinghouse or lodging facility with six bedrooms.

B. Construction of facilities or structures for a nonresidential use covering no more

40. **Editor's Note: See Ch. 131, Subdivision of Land.**

than 12,000 square feet of building footprint, except that for a recreational business use this threshold shall be 5,000 square feet.

C. Alteration of existing structures or expansion of such structure by no more than 12,000 square feet.

D. Conversion of existing structures totaling 12,000 square feet or less to another use.

E. Alteration and active use of 43,560 square feet or less of land with or without structures except that for a recreational business use this threshold shall be 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.

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 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, which use is not permitted by or does not conform to the permitted use provisions of this chapter 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 nonconforming use until such time as a special permit is granted for it.

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. [Amended 5-3-2012 by L.L. No. 2-2012]

OPEN SPACE — An area of land not developed with structures and used for recreation, agriculture, lawn or forestry or left in its natural state. ("Permanent open space" is defined and discussed in § 148-9H.)

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

PACKAGE SEWAGE TREATMENT PLANT — A facility which treats sewage and discharges treated effluent into surface water or below the surface of the ground, excluding systems consisting of septic tanks and leach fields.

PARKING SPACE — The net area needed for parking one automobile, usually equal to 180 square feet with dimensions of nine by 20 feet.

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 scree, fabric, or other material. [Added 2-5-2015 by L.L. No. 2-2015]

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 — Any surface 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, ponds, lawns, mulch, wood chips and other similar surfaces, and stones arranged decoratively for walkways, or otherwise defined and restricted in this chapter. [Added 2-5-2015 by L.L. No. 2-2015]

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

PLOT PLAN — A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions and submitted with an application for a minor project special permit or a variance.

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

PRINCIPAL BUILDING — See "building, principal."

PRIVATE RIGHT-OF-WAY — Real property owned by a private individual for use as a road, street, crosswalk, walkway, or other access. [Added 2-5-2015 by L.L. No. 2-2015]

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

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. [Added 2-5-2015 by L.L. No. 2-2015]

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.

REAR LOT — See "lot, rear."

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

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, which expands or alters the existing footprint of structure located thereon [Added 2-5-2015 by L.L. No. 2-2015]

RELIGIOUS INSTITUTION — A church, synagogue or other place of religious worship, as well as a monastery or other place of religious retreat.

RESIDENTIAL UNIT — See "dwelling unit."

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

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

REVIEWING BOARD — The Town board to which an application is directed and from which such application requires approval. [Amended 6-16-2009 by L.L. No. 2-2009]

RIDING ACADEMY — An establishment where one or more of the following occurs:

A. 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;

B. Public riding events or horse shows are held for which an entrance fee is charged; or

C. 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 screened by topography, vegetation or other structures not required to be screened.

SEASONAL USE — Any activity in a structure which is used and intended for use primarily in the summer months, and which generally lacks central heating or insulation. The occupancy of any habitable structure for more than eight months of the year shall be considered year round rather than seasonal.

SERVICE BUSINESS — A business or nonprofit organization that provides services to the public, either on or off the premises, including but not limited to building, electrical, plumbing and landscape contracting, arts instruction or studio, auto repair, business and educational services, catering, health club, house cleaning services, locksmith, photocopying, repair and restoration services, tailoring, typing and word processing. "Service business" does not include retail business, restaurants, warehouses or other uses separately listed in the Use Table.

SETBACK — The distance in feet from a property line to a structure on a lot.

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 privately owned lakefront land for recreational purposes by members of a homeowners' association pursuant to deeded access rights, as defined by § 148-36C. This shall not apply to recreational use of a lakefront parcel by one family and its guests. (See § 148-36C.)

SHORELINE STRUCTURE — Any accessory structure located within 50 feet of Skaneateles Lake.

SIGN — Any billboard, signboard, inscription, pennant or other material, structure, exterior painting or device composed of lettered or pictorial material that is intended for outdoor viewing by the general public (including inside a window) and used as an advertisement, announcement or direction.

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

STRIP COMMERCIAL DEVELOPMENT — The layout of a commercial use or uses in separated or common-wall structures along a state highway, with more than one row of parking located between the highway and the commercial building(s), where parking is visible from the road. The provision of gasoline pumps or other drive-up facilities in front

of a building shall be considered to be equivalent to one row of parking. Strip commercial development is contrasted with village center development, which is characterized by two-story or taller buildings set close together and close to the street (forming a street wall that encloses the street), with a pedestrian orientation (including sidewalks) and with all off-street parking located behind or to the side of buildings.

STRUCTURE — A static construction of building materials set upon or affixed to the ground, including but not limited to a building, 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 scree, fabric or other temporary materials. [Amended 2-5-2015 by L.L. No. 2-2015]

TELECOMMUNICATIONS ACCESSORY FACILITY — Serves the principal use, is subordinate in area, extent and purpose to the principal use and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage and equipment sheds or structures.

TELECOMMUNICATIONS TOWER — A structure on which transmitting and/or receiving antenna(s) are located.

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. [Added 2-5-2015 by L.L. No. 2-2015]

THIS CHAPTER — See "Zoning Law."

THIS LOCAL LAW — 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."

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 — 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.

UTILITY FACILITY — A utility facility is a use which is operated by a public utility, and which provides cable television, electric, gas, steam, telephone service, water, or sewerage directly to the general public. Examples are electric substations. A public utility is an entity which operates as a monopoly, and whose rates charges 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. [Amended 5-3-2012 by L.L. No. 2-2012; 2-5-2015 by L.L. No. 2-2015]

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 structure or structures in which materials, goods or equipment are stored.

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 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 the lake and watercourse. The map of the watershed boundary should be a guide, but final determination of the boundary location is best made in the field.

WETLAND — An area of land that is characterized by hydrophytic vegetation, saturated

soils or periodic inundation. (See § 148-29.)[41]

WINDMILL — A mechanized system which converts wind energy into electrical or mechanical power. A "large-scale windmill" is defined as any windmill with a generating capacity in excess of three kilowatts. A "small-scale windmill" is defined as any windmill with a generating capacity up to and including three kilowatts, including windmills used in connection with business operations. [Added 2-5-2015 by L.L. No. 2-2015]

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 front building line and the street line.

YARD, LAKE — An open space extending across the full width of the lot between the lake shore and the 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 line.

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 between the principal building and side line of the lot and extending from the front yard to the rear yard.

ZONING LAW/THIS LOCAL LAW/THIS CHAPTER — The officially adopted Zoning and Land Use Control Law of the Town of Skaneateles, together with any and all amendments thereto, in accordance with Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law.

148 Attachment 1

Town of Skaneateles

USE TABLE
[Amended 6-16-2009 by L.L. No. 2-2009; 5-6-2010 by L.L. No. 1-2010]

The meaning of the symbols is as follows:

P	Designates a use permitted by right.
P*	Designates a use permitted by right, subject to site plan review. (See §§ 148-18 through 148-20.)
S	Designates a use permitted by special permit, issued by the Town Board for major

41. **Editor's Note: The former definition for "windmill," which immediately followed this definition, was repealed 5-6-2010 by L.L. No. 1-2010.**

projects or by the Planning Board for minor projects as defined in § 148-56 of this chapter. (See §§ 148-13 through 148-17.)

P/S (or P*/S) Designates a use permitted by right (or with only site plan review if shown as P*/S) if a minor project, but requiring a special permit if a major project.

-- Designates a prohibited use.

Use Category	Use Districts RF	RR	HM	HC	IRO	Reference
Residential Uses						
Single-family dwelling[a]	P	P	P	--	S	
Two-family dwelling	P*	P*	P*	--	S	§ 148-11K
Multifamily dwelling	S	S	S	S	S	§ 148-11K
Accessory apartment	P*	P*	P*	S	S	§ 148-11K
Mobile home	See Chapter 99 of the Code of the Town of Skaneateles.					
Boardinghouse	S	S	S	--	S	
Shared lakefront recreation	S	--	--	--	--	§ 148-36C
Business Uses						
Agriculture/forestry	P	P	P	P	P	
Automobile service station	--	--	S	S	S	
Craft workshop	P/S	S	S	--	P*	
Home occupation	P[c]	P[c]	P[c]	P[c]	P[c]	§ 148-35A
Junkyard	See Chapter 86 of the Code of the Town of Skaneateles.					
Bed-and-breakfast	P*	P*	P*	--	P*	
Kennel	S	--	--	--	S	
Light industry	S	S	S	S	P*	
Lodging facility	--	--	S	S	S	
Office	S	S	P*	S	P*	
Recreational business/marina	S	S	S	S	S	§ 148-36A; § 148-35I
Restaurant	--	--	S	S[d]	S	
Retail business	S[b]	--	P*	S[d]	P*/S[e]	
Service business	S	S	S	S[d]	S	
Open pit mining within OPMOD	S	--	--	--	--	§ 148-35B
Utility facility	S	S	S	S	S	
Veterinary hospital	S	--	S	S	S	
Warehouse	S	S	--	S	P*	
Wholesale business	--	--	--	S	P*	
Riding academy	S	S	--	--	--	
Wind energy conversion systems	S	S	S	S	S	§ 148-35K
Community Uses						
Cemetery	S	S	S	S	S	
Educational/charitable/religious	P*/S	P*/S	P*	P*/S	P*/S	
Health care facility	S	S	P*	S	S	
Membership club	S	S	S	S	S	
Emergency services, fire hall or government building	S	S	S	S	S	
Satellite parking lots	S	S	S	S	S	§ 148-32A(3)(d)
Telecommunications tower and telecommunications accessory facilities	S	S	S	S	S	§ 148-35H

NOTES:

[a] Dwellings and accessory structures located within 1,500 feet of the lake line that exceed 2,500

square feet in cumulative footprint require site plan review. On lakefront lots, change of use from seasonal to year-round residence requires a special permit where any portion of a dwelling is within 100 feet of the lake line.

[b] Only in connection with agricultural use.

[c] Requires a special permit if more than two nonresident employees or 1,000 square feet of floor space. See § 148-35A.

[d] See § 148-8G for additional use restrictions in the HC District.

[e] Retail use shall not exceed 20% of floor area and shall include only sale of items produced on the premises and customary accessories to such items.

ADDITIONAL NOTE: The following accessory uses also require special permits (section numbers refer to the section of this chapter describing these uses): seawall or retaining wall along the lake line, boathouse, marine railway, permanent dock, stairs higher than 25 feet (§ 148-36), change of grade within 50 feet of the lake line [§ 148-36B(3)], decks or patios larger than 400 square feet [§ 148-36A(1)(a)], parking of commercial vehicles (§ 148-35F) and setback reductions for agricultural uses (§ 148-31).

Town of Skaneateles

DIMENSIONAL TABLE 1

Conventional Residential and Small Business Lots

(Includes residential uses and businesses occupying a cumulative total of 5,000 square feet or less of enclosed floor space. For maximum building footprints, see Dimensional Table 2.)

[All dimensions in feet unless otherwise indicated.]

	District		
	RF	**RR/IRO[1]**	**HM/HC**
Minimum lot size	2 acres	2 acres	1 acre without public water or sewer 1/2 acre with public water or sewer, ¼ acre with both public water and sewer
Minimum road frontage[2]			
Private road	100	100	60
Town road	200	150	60 in HM, 100 in HC
County/state road	300	300	100 in HM, 200 in HC
Minimum lake frontage (if applicable)	200	--	--
Minimum front yard			
Private road[3]	30	30	
Town road[3]	60	60	30
County road[3]	60	60	30
State road[3]	75	75	30
Minimum side yard	30	30	10
Minimum rear yard	50	50	30
Minimum lake yard	100	--	--
Maximum impermeable surface coverage[4]	10%	10%	50%[7]
Maximum height[5]	35	35	35

	District		
	RF	**RR/IRO[1]**	**HM/HC**
Minimum required open space[6]	80%	80%	40%

NOTES:

1 Residential subdivision in IRO District requires a special permit and is subject to RR dimensional standards.

2 For rear lots, see § 148-11J.

3 Front yard setbacks may be adjusted to prevailing setbacks in the immediate neighborhood on all roads; a maximum setback may be established to maintain the street wall in the HM District.

4 See definition in § 148-56; applies to each lot and to the entire subdivision, including new roads and other public areas. [See § 148-9G(5).] This requirement may be waived for preexisting nonconforming lots in the HM District.

5 Above average grade. See definition of "building height" in § 148-56. For height exceptions, see § 148-11D.

6 Open space does not include the area of ground under a structure. See § 148-11K(3) regarding multifamily dwellings.

7 Within the Lake Watershed Overlay District, these percentages shall be reduced by 1/2.

Town of Skaneateles

DIMENSIONAL TABLE 2

Commercial, Other Nonresidential and Mixed-Use Lots[1]
[Amended 10-2-2006 by L.L. No. 3-2006]

[All dimensions in feet unless otherwise indicated.]

	District[1]				
	RF	**RR**	**HM**	**HC**	**IRO**
Minimum lot size	2 acres	2 acres	1 acre	2 acres	2 acres
Minimum road frontage					
Town/private road	200	150	100	200	200
County/state road	300	300	200	500	600
Minimum lake frontage (if applicable)	200	--	--	--	--
Minimum front yard					
Town/private road[2]	30	30	30[3]	20	80
County/state road[2]	100	75	30[3]	40	150
Minimum side yard	100	60	20	20	50
Minimum rear yard	100	60	30	30	100
Minimum lake yard	200	--	--	--	--
Minimum building height[4]	1 story	1 story	2 stories	1 story	1 story
Maximum building height[4]	35	35	35	35	35
Maximum building footprint[5]	6,000 square feet[5]	4,000 square feet[5]	2,000 square feet	45,000 or 12,000 square feet[5]	300,000 square feet
Maximum impermeable surface coverage[6]	10%	10%	60%[7]	60%[7]	30%[7]
Minimum required open space	80%	80%	30%[8]	30%[8]	60%[8]

NOTES:

[1] The Planning Board may increase the minimum requirements or decrease the maximum requirements as a condition of special permit or site plan approval; when nonresidential uses are incorporated in an open space subdivision, Table 3 requirements apply. For nonresidential uses of 5,000 square feet or less, see Table 1.

[2] See § 148-32 for limitations on parking in front yards.

[3] Or prevailing yard in the neighborhood; maximum front yard may be established to maintain street wall.

[4] Above average grade. For height exceptions, see § 148-11D.

[5] Cumulative footprint of all buildings on a lot, excluding residences. Excludes agricultural structures and all structures completed before January 1, 1996. In the RF and RR Districts, for riding academies and other nonagricultural uses that involve the keeping or training of animals or conduct of equestrian activities, the maximum shall be 3,000 square feet per acre, up to a maximum of 10,000 square feet. In the HC District, the maximum shall be 45,000 for nonretail uses and 12,000 for retail uses.

[6] This requirement may be waived for preexisting nonconforming lots. Within the IRO and HC Districts, the total land area taken into account for impermeable surface coverage calculations may encompass contiguous land under common ownership as well as land lying across a road or utility easement, provided that such land is within the same watershed as provided in § 148-11L.

[7] Within the Lake Watershed Overlay District, these percentages shall be reduced by 1/2.

[8] Within the Lake Watershed Overlay District, the minimum open space requirement shall be 60% for all land use districts. Within the IRO and HC Districts, the total land area taken into account for purposes of meeting the open space requirement may encompass contiguous land under common ownership lying, as well as land lying across a road or utility easement, provided that such land is within the same watershed, as provided in § 148-11L.

148 Attachment 4

Town of Skaneateles

DIMENSIONAL TABLE 3

Open Space Subdivisions[1]

[All dimensions in feet unless otherwise indicated.]

	District	
	RF	**RR/IRO**
Maximum residential density[2]	2 ac/du	2 ac/du
Minimum lot size		
Without public water or sewer	1 acre	1 acre
With public water only[3]	20,000 square feet	20,000 square feet
With public water and sewer[3]	No minimum	No minimum
Minimum average lake frontage(if applicable)[4]	150	--
Minimum lake yard[4]	100	---
Front, side and rear yard setbacks and road frontage requirements, if any	To be established at time of plat approval. [See § 148-9G(6).]	
Maximum height[5]	35	35
Maximum impermeable surface coverage[6]	10%	15% in RR 30% in IRO
Minimum permanent open space reserved per § 148-9H	60%	60%

NOTES:

1 See § 148-9G and H. Residential uses in IRO District, use RR standards.

2 In acres per dwelling unit (du), based on net acreage (i.e., subtracting unbuildable land). See§ 148-9G(2).

3 This lot size not permitted within the LWOD. Minimum lot size within LWOD is one acre.

4 Requires buffer strips in lake yard. See § 148-9G(5). No per-unit minimum lake frontage required.

5 Above average grade. For height exceptions, see § 148-11D.

[6] Applies to entire subdivision, including open space areas.

148 Attachment 5

Town of Skaneateles

APPENDIX I

Section of Skaneateles Local Law (Ch. 148)	Sections of New York State Town Law Superseded
148-9	278, 274-a, 274-b
148-13 through 148-17	274-b
148-18 through 148-20	274-a

Chapter DL

DISPOSITION LIST

[The following is a chronological listing of legislation of the Town of Skaneateles adopted since 1-1-2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.]

§ DL-1. Disposition of legislation.

Local Law No.	Adoption Date	Subject	Disposition
1-2005	3-17-2005	Moratorium on development	NCM
2-2005	6-2-2005	Vehicles and traffic amendment	Ch. 141
3-2005	12-1-2005	Zoning	Ch. 148
4-2005	12-1-2005	Subdivision of land	Ch. 131
5-2005	12-30-2005	Volunteer fire fighters and ambulance workers tax exemption	Ch. 134, Art. IX
1-2006		Grievance day period	NCM
2-2006		Mining moratorium	NCM
3-2006	10-2-2006	Zoning amendment	Ch. 148
1-2007	1-18-2007	Zoning amendment	Ch. 148
2-2007	1-18-2007	Vehicles and traffic amendment	Ch. 141
3-2007	2-1-2007	Taxation: converted condominiums	Ch. 134, Art. VIII
4-2007	2-15-2007	Senior citizens tax exemption amendment	Ch. 134, Art. I
5-2007	2-15-2007	Tax exemption for disabled persons with limited incomes amendment	Ch. 134, Art. VI
6-2007		Extension of moratorium	NCM
7-2007	3-15-2007	Alternative veterans tax exemption amendment	Ch. 134, Art. V
8-2007		Elimination of Office of Town Assessor	NCM

9-2007	4-19-2007	Building code administration	Ch. 40
10-2007	4-19-2007	Grievance day period amendment	NCM
11-2007	5-3-2007	Extension of moratorium	NCM
12-2007	6-21-2007	Zoning amendment	Ch. 148
13-2007	7-24-2007	Zoning amendment	Ch. 148
1-2008	4-3-2008	Water amendment	Ch. 146
2-2008	5-1-2008	Mining moratorium	NCM
3-2008	6-5-2008	Rules of procedure	Ch. 25
4-2008	7-17-2008	Dogs and other animals amendment	Ch. 49
5-2008	10-20-2008	Zoning amendment	Ch. 148
6-2008	10-31-2008	Temporary weight limit on Sheldon Road	NCM
7-2008	12-18-2008	Refuse disposal amendment	Ch. 118
1-2009	2-5-2009	Zoning amendment	Ch. 148
2-2009	6-16-2009	Rules of procedure amendment; mining and excavations repealer; zoning amendment	Chs. 25, 97 (reference only), 148
3-2009	9-17-2009	Vehicles and traffic amendment	Ch. 141
4-2009	10-1-2009	Zoning amendment	Ch. 148
5-2009	10-22-2009	Moratorium on windmills	NCM
6-2009	12-3-2009	Taxation: Cold War veterans exemption	Ch. 134, Art. X
1-2010	5-6-2010	Zoning amendment	Ch. 148
2-2010	6-17-2010	Taxation: Cold War veterans exemption	Ch. 1345, Art. X
3-2010	7-15-2010	Moratorium on hydraulic fracturing	NCM
4-2010	11-18-2010	Dogs and other animals amendment	Ch. 49
5-2010	12-16-2010	Rules of procedure amendment	Ch. 25
1-2011	1-20-2011	Zoning amendment	Ch. 148
2-2011	12-16-2010	Rules of procedure amendment	Ch. 25
3-2011	2-17-2011	Moratorium on hydraulic fracturing	NCM
4-2011	4-21-2011	Salary	NCM
5-2011	8-18-2011	Moratorium on hydraulic fracturing	NCM
6-2011	12-22-2011	Moratorium on hydraulic fracturing	NCM
1-2012	1-5-2012	Constable	Ch. 4
2-2012	5-3-2012	Zoning amendment	Ch. 148
3-2012	6-21-2012	Property maintenance	Ch. 110

1-2015	1-5-2015	Refuse disposal amendment	Ch. 118
2-2015	2-5-2015	Signs repealer; zoning amendment	Chs. 123 (reference only); 148
3-2015	12-3-2015	Refuse disposal amendment	Ch. 118

INDEX

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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