

**VILLAGE OF SKANEATELES
DRAFT LOCAL LAW # 3 OF 2017**

**A LOCAL LAW TO AMEND CHAPTER 95 (“ENVIRONMENTAL QUALITY REVIEW”),
ARTICLE II (“ENVIRONMENTAL REVIEW PROCEDURES”),
CHAPTER 225 (“ZONING”), ARTICLE IV, (“LAND USE REGULATIONS”), ARTICLE IX (“OPEN
SPACE SUBDIVISIONS AND CLUSTER HOUSING”), ARTICLE X (“CONDITIONAL USES AND
SPECIAL USE PERMITS”), ARTICLE XI (“CRITICAL IMPACT USES AND CRITICAL IMPACT
PERMITS”)**

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

Statement of Intent and Findings.

The Board of Trustees has determined that it is necessary to modify several provisions of the Village Code relating to critical impact uses and critical impact permits.

Authority.

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law, Section 10 and the New York State Village Law Article 7,

Text of Proposed Local Law.

I. Chapter 95 (“Environmental Quality Review”), Article II (“Environmental Review Procedures”), Section 95-12 (“Type I Actions”) and Section 95-13 (“Type II Actions”): (Changes highlighted.)

“§95-12 Type I Actions.

B. In addition, the following are deemed Type I actions:

~~(1) Actions defined as critical impacts uses under §225-52 of Chapter 225, Zoning, as amended;~~

~~(2)(1) Actions resulting in an increase in flow or impoundment of surface or subsurface water;~~

~~(3)(2) Actions that result in a change in the natural cover or topography and that may cause or contribute to sedimentation and siltation of Village streams and/or Skaneateles Lake; and~~

~~(4)(3) Actions defined as a subdivision by Chapter 190, Subdivision of Land.~~

§95-13 Type II actions.

- A. For purposes of this chapter, Type II actions include all those listed in § 5 of Part 617.
- B. In addition, the following are deemed Type II actions:
 - (1) All actions taken pursuant to Chapter 225, Zoning, as amended.”; ~~except critical impact uses as therein defined.”~~

II. Chapter 225 (“Zoning”), Article IV (“Land Use Regulations”), Section 225-10 (“Use Regulations”) (Changes highlighted.):

“§ 225-10. Use regulations.

- B. Permitted uses. The only uses deemed permitted in a land use control district of the Village are the uses designated in the Permitted Use Chart at the end of this chapter as uses permitted by right in said district; provided, however, that:
 - (1) Conditional uses. Any use designated in the Permitted Use Chart as a conditional use in a district shall be deemed a permitted use in said district only upon the issuance of a special use permit for said use by the Zoning Board of Appeals as provided in and subject to the conditions contained in Article X of this chapter;
 - (2) Critical impact uses. Any permitted use designated as a critical impact use in Article XI of this chapter shall not be deemed a permitted use unless a critical impact permit for said use is approved by the ~~Board of Trustees~~ Planning Board as provided in and subject to the conditions contained in Article XI of this chapter; and
 - (3) Floodway Fringe FF-O Overzone. Any permitted use relating to premises located within the Floodway Fringe FF-O Overzone shall not be deemed to be a permitted use unless a floodway permit for said use is approved by the Zoning Board of Appeals as provided in and subject to the conditions contained in Article VI of this chapter.”

III. Chapter 225 (“Zoning”), Article IX (“Open Space Subdivisions and Cluster Housing”), Section 225-35 (“Application procedure”) (Changes highlighted.):

“§ 225-35. Application procedure.

- G. Critical impact permit required. Such conditions on the ownership, use and maintenance of such lands shall be subject to review by the ~~Board of Trustees~~ Planning Board before the open space subdivision plat may be approved by the Planning Board for filing. No open space subdivision plat may be approved by the Planning Board for filing prior to the issuance of a critical impact permit for said open space subdivision plat by the ~~Board of Trustees~~ Planning Board pursuant to the provisions of Article XI of this chapter.
- H. Review and conditions imposed by Planning Board. Upon receipt of the written application and all information required to accompany the same, the Planning Board shall schedule a conference with the applicant for the purpose of reviewing the application, at which time the Planning Board may impose such conditions on the approval of such application for an open space subdivision plat approval which, in the opinion of the Planning Board, are necessary and reasonable to implement the intent of this article. Such conditions shall include:
- (1) Complete listing of conditions and covenants which the applicant shall abide by in developing the proposed open space subdivision plat.
 - (2) A timetable for development of the proposed open space subdivision plat.
 - (3) A requirement as to the amount, duration and type of performance bond which the applicant shall provide. If the applicant wishes to proceed with the application, the applicant shall submit to the Planning Board a written statement of the applicant's intention to comply with the conditions established by the Planning Board.
 - (4) Assumption of all administrative and engineering costs incurred by the Village during such review.
- ~~I. Referral to Board of Trustees. Immediately upon receipt of the applicant's statement of intent to comply with the conditions established by the Planning Board, the Planning Board shall forward six copies of the following documents to the Board of Trustees: the application, the information accompanying said application, the conditions for approval established by the Planning Board, and the applicant's statement of intent to comply with said conditions. Promptly upon the receipt of such material, the Board of Trustees shall proceed to consider the issuance of a critical impact permit as provided in Article XI of this chapter and shall consider the approval of the conditions for the ownership, use and maintenance of the open space and the common homeowner recreation area, if any, shown on the open space subdivision plat as provided in Subsection D of this section.~~

I. ~~J.~~Public hearing and review by Planning Board. The Planning Board shall hold a public hearing upon the open space subdivision plat application and the conditions established by the Planning Board.

J. ~~K.~~Final approval by Planning Board. Upon the approval by the ~~Board of Trustees Planning~~ Board of said application and any conditions imposed by ~~that~~ the Planning Board, ~~and the~~ issuance of a critical impact permit ~~as provided in Subsection I of this section~~, and compliance by the applicant with the conditions established by the Planning Board as provided in Subsection H of this section, including the receipt of the proper amount and type of performance bond from the applicant, the Planning Board may finally approve the application for approval of the proposed open space subdivision plat. Such approval by the Planning Board shall be marked on the face of said open space subdivision plat.

K. ~~L.~~ Filing of approved open space subdivision plat. Upon the filing of an approved open space subdivision plat in the office of the Onondaga County Clerk, the applicant shall file a copy of such approved open space subdivision plat (certified by the Onondaga County Clerk as being an exact copy of the approved open space subdivision plat on file in the Onondaga County Clerk's office) in the office of the Village Clerk/Treasurer, who shall make appropriate notations and references thereto on the Zoning Map. Upon such filing in the Village Clerk/Treasurer's office, any modifications made by the Planning Board in the bulk regulations contained in the Density Control Schedule normally required in a Residential A-1, A-2 or B District as indicated upon said open space subdivision plat shall become effective with respect to said open space subdivision plat.

L. ~~M.~~ Failure to comply with conditions. The failure of the applicant, applicant's successors and assigns to comply with the conditions established by the Planning Board as provided in this section shall constitute a violation of this chapter.

IV. Chapter 225 ("Zoning"), Article X ("Conditional Uses and Special Use Permits"), Section 225-44 ("Restaurants"): (Changes highlighted.)

"§ 225-44. Restaurants.

A. Restaurant without vehicular-oriented or drive-through service use. In addition to the above general provisions, a restaurant without vehicular-oriented or drive-through service use shall comply with the following prescribed standards:

- (1) Such use is a critical impact use and no such use or the extension or expansion of such an existing use shall be permitted unless and until a critical impact use permit is

issued by the ~~Board of Trustees~~ Planning Board pursuant to Article XI of this chapter.”

V. Chapter 225 (“Zoning”), Article XI (“Critical Impact Uses and Critical Impact Permits”), Section 225-51 (“Purpose”): (Changes highlighted.)

“§ 225-51. Purpose.

- A. Due to extrinsic circumstances or intrinsic characteristics, certain land use activities may have an unreasonably detrimental effect on other structures or uses, actual or permitted, within the Village. The land use activities defined in this article as critical impact uses are hereby declared to be land use activities which have the potential of having an unreasonably detrimental effect either against structures or uses adjacent to or in close proximity to the site of such critical impact use or, in a few instances, against structures and uses throughout the Village.
- B. A land use activity defined in this article as a critical impact use shall not be considered as a permitted use in a district unless this chapter designates such critical impact use as a permitted use within such district and unless a critical impact permit for such critical impact use is granted by the ~~Board of Trustees~~ Planning Board pursuant to this article.
- C. Any critical impact use which is designated as a permitted use within the district where it is located and for which a critical impact permit shall have been granted shall be deemed a use permitted in the district where located, except that a separate critical impact permit from the ~~Board of Trustees~~ Planning Board shall be required prior to any addition to or enlargement of such critical impact use. No critical impact permit shall be issued for such critical impact use except as provided in this article, and any critical impact permit issued pursuant to this article shall affect only the building or premises for which it shall have been granted.”

VI. Chapter 225 (“Zoning”), Article XI (“Critical Impact Uses and Critical Impact Permits”), Section 225-53 (“Applicability”): (Changes highlighted.)

“§ 225-53. Applicability.

- B. Conditional uses. Notwithstanding any other provision of this chapter, a conditional use which is also a critical impact use as defined in this article shall not be deemed to be a use permitted in a district until both a special use permit is granted by the Zoning Board of Appeals pursuant to Article X of this chapter and a critical impact permit is issued by

the ~~Board of Trustees~~ Planning Board pursuant to this article with respect to such conditional use.”

VII. Chapter 225 (“Zoning”), Article XI (“Critical Impact Uses and Critical Impact Permits”), Section 225-54 (“Critical Impact Permits”): (Changes highlighted.)

“§ 225-54. Critical Impact Permits.

- A. General. All critical impact uses permitted pursuant to the provisions of this chapter in a district upon the issuance of a critical impact permit shall be subject to the jurisdiction of the ~~Board of Trustees~~ Planning Board.
- B. Application. An application for a critical impact permit to permit the erection, alteration or use of a building, structure or premises for a critical impact use permitted upon the issuance of a critical impact permit in the district in which said building, structure or premises is currently located or is proposed to be located shall be submitted to the ~~Board of Trustees~~ Planning Board.
- C. Information required to accompany application. No application for a critical impact permit shall be valid unless it shall contain all the information required by § 225-72C of this chapter and unless there shall be annexed thereto four copies of the information required by § 225-72D, together with any other information which the ~~Board of Trustees~~ Planning Board shall deem pertinent or useful in determining whether the proposed critical impact use meets the requirements of this chapter.
- D. Referral of application to ~~Planning Board~~ Municipal Board. Upon receipt of an application for a critical impact permit, the ~~Board of Trustees~~ Planning Board shall immediately refer such application, together with one copy of the map or survey accompanying such application, to the ~~Planning Board~~ Municipal Board for its recommendations, which shall be deemed advisory only. The ~~Board of Trustees~~ Planning Board shall not take final action upon the application for a critical impact permit until receiving the recommendations of the ~~Planning Board~~ Municipal Board; except that if the ~~Planning Board~~ Municipal Board shall fail to report to the ~~Board of Trustees~~ Planning Board within 30 days of such referral, the ~~Board of Trustees~~ Planning Board may take final action without such report.
- E. Public hearing. The ~~Board of Trustees~~ Planning Board shall take no final action upon any application for a critical impact permit until it shall have held a public hearing upon such application.

F. Basis for determination.

- (1) General provisions. Before issuing a critical impact permit, the ~~Board of Trustees~~ Planning Board shall take into consideration the public health, safety, morals and welfare and shall make the following findings:
 - (a) The plans for the proposed critical impact use meet the prescribed requirements of this chapter, including all of the regulations contained in this chapter for the district in which located.
 - (b) The proposed critical impact use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural, or other special quality of similar magnitude.
 - (c) The proposed critical impact use is in harmony within the visual and physical context of the immediate neighborhood.
 - (d) Such critical impact use and site development plan are in harmony with and will not impede the orderly development or redevelopment of the general neighborhood and the location, nature and height of buildings, structures, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands or adversely affect existing land use in close proximity to the subject site.
 - (e) The proposed critical impact use is to be developed in such a way as to ensure maximum amenities will be available to the site based upon a consideration of the site plan and functional requirements of the proposed critical impact use, including a specific finding that all structures, equipment and materials are reasonably accessible for police and fire protection and that the water supply, sewage disposal and surface drainage systems are adequate to serve the proposed critical impact use.
 - (f) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended.
 - [1] In making this determination, the ~~Board of Trustees~~ Planning Board shall review but need not be limited to the following considerations:
 - [a] Location and adequacy of parking and loading facilities.

[b] Pedestrian rights-of-way.

[c] Traffic regulatory devices.

[d] Location number and design of points of ingress and egress.

[e] Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.

[f] Storage facilities for snow.

[g] Age and mobility of all persons for whose benefit the use is intended.

[h] Speed limits upon and general character of public highways in close proximity.

[2] Compliance with the provisions of Article X hereof shall not preclude a determination that the foregoing requirements have not been met.

- (g) The proposed critical impact use shall comply with the provisions of Chapter 167, Article III, Use of Sewers, of the Village Code, as amended by Local Law No. 1-1994 and as it may be amended in the future, and all applicable laws, rules and regulations of the Village, United States and New York State governments.
[Added 3-22-1999 by L.L. No. 1-1999]

(2) Criteria. In making a determination as to compliance with any one or more of the findings and conditions specified for a critical impact permit as herein provided, consideration shall be given but need not be limited to the following elements:

- (a) Geometric characteristics of all structures and related improvements.
- (b) Aesthetic characteristics, including design, texture, materials, colors and illumination.
- (b) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.

G. Waivers. The ~~Board of Trustees~~ Planning Board may grant a waiver of the application of any provision, in whole or part, of the restrictions contained in Subsection F of this section where it is shown that:

- (1) Compliance cannot be achieved because of circumstances which are peculiar to the subject property.
- (2) Noncompliance will not adversely affect the public health, safety and welfare and will not be inconsistent with the provisions of Subsection F of this section.

H. Conditions and conformity to Village specifications.

- (1) The ~~Board of Trustees~~ Planning Board may impose such conditions on the approval of any application for a critical impact permit which, in its opinion, are necessary and reasonable to implement the provisions of this article.
- (2) Where portions of a project seeking a critical impact permit are to be dedicated, upon completion, to the Village as public infrastructure (i.e., streets, utilities, etc.), the ~~Board of Trustees~~ Planning Board shall take all necessary and appropriate steps to ensure that the construction of said improvements conforms to all applicable codes, rules and regulations and to approved project plans and specifications. The ~~Board of Trustees~~ Planning Board may engage the services of the Village Engineer for that purpose and may, in addition, appoint a field representative, who shall be engaged to be on site on behalf of the Village during the construction of such infrastructure. The services of a field representative shall be engaged for the purpose of reviewing and monitoring the construction of those infrastructure-related improvements which will ultimately be dedicated to the Village upon completion. The field representative shall act as an owner's representative, with authority to communicate with the contractor or developer, and coordinate with Village personnel, and shall report to the ~~Board of Trustees~~ Planning Board periodically with regard to the progress of construction and with regard to compliance with, or deviation from, all applicable Village standards and specifications of construction and technical requirements, including necessary testing requirements.

- I. Scope of critical impact permit. A critical impact permit required in this article 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 law, code, rule or regulation of the Village.”

Effective Date: This local law shall take effect immediately upon its adoption.

Adopted: _____, 2017.

Motion by: Trustee

Seconded by: Trustee

Voting in Favor: Trustees

Voting in Opposition: _____

Village of Skaneateles
Planning Board Meeting
July 10, 2017

Consideration of recommendations to the Board of Trustees regarding several potential Local Laws.

Present: Bruce Kenan, Chairman
 Brian Carvalho, Member
 Mike Perrone, Member
 Doug Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
John Crompton, Code Enforcement Officer

Gary Dower, 102 E Genesee Street
Stacey Albunio, Syracuse

Absent: Stephen Hartnett, Member

Chairman Kenan called the work session to order at 6:04 pm.

The discussion of the Board's consideration of zoning code modifications, led to a possible approach for the Mirbeau Gateway project suggested by Mr. Dower after a conversation with Chairman Kenan. Though the applicant wanted A-3, the Planning Board wanted the Zoning to be A-2. The ZBA is concerned about the variance process, and so is Chairman Kenan. The Trustees are not in favor of a wholesale zoning change. Mr. Dower suggested that a couple of changes to the Open Space/Cluster subdivision rules could give the Planning Board discretion over permitted density and the flexibility to implement that solution for this project, and that the developer could support that solution for the project. The Board asked Attorney Galbato to prepare a draft for discussion at the 8/7/2017 meeting. Member Sutherland wishes to see new development be consistent with the Village character and to protect open space that has value. In any actions taken by the Planning Board, Chairman Kenan wants to demonstrate the uniqueness of this application and wishes to minimize the opportunity for many other applicants to argue for similar consideration.

- The proposed text for the Local Law modifications governing critical impact permit procedures. **After reviewing the suggested language, the Board, on motion of Member Carvalho, seconded by Member Sutherland, unanimously (4 – 0) recommended to the Trustees that they adopt this local law, amended to delete the 30 day wording from Section 225-54D -- ending the sentence after the semicolon.**
- The proposed text for the Local Law modifications governing Temporary Certificates of Occupancy. The Board wants to be sure that the language actually addresses all the

issues, not just site related matters. Member Sutherland wanted to be sure that it would accommodate commercial properties as well; and felt that issues regarding life safety were not adequately captured. Chairman Kenan suggested that maybe there should be some financial security for any C of O that exceeds 30 days, regardless of whether site work is involved. he described the Destiny process in which they have C of O for occupiable spaces; building permits and ultimately additional C of O are required when a build-out is conducted. The Board suggested this matter be redrafted.

Further the Board agreed to redraft and then consider:

- Restaurants – adopting the proposed language establishing a Special Use Permit requirement and criteria for restaurants in C and D districts, and in addition establishing an overlay zone within the D district where restaurants will not be permitted. The overlay zone would roughly cover both sides of Genesee Street east of the Jordan Street intersection. Since the goal is in part to protect the quiet enjoyment of upper level residences in that area, logically the overlay zone should continue West to the outlet and north on Jordan Street to the Methodist Church. We didn't discuss including that area because of existing restaurant uses but perhaps we should reconsider that exclusion.
- Demolitions – Make any demolition subject to a Site Plan Review and add in the criteria contained in the Trustee's letter on the subject dated July 31, 2006.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards