

Village of Skaneateles

26 Fennell St., Skaneateles, New York 13152



Overview of the Village of Skaneateles' Planning and Zoning Framework

The Village of Skaneateles is committed to guiding its residents and businesses through the process of obtaining a building permit in compliance with local zoning laws. With 1,241 parcels in an area of just 1.7 square miles, the Village may be small, but it has numerous distinct residential, downtown, lakeside and historic [districts](#) that define the Village. Each district has individual requirements and considerations.

The Village has a responsibility to make certain that projects comply with the Village of Skaneateles' [Zoning Ordinance](#). This local law, or code, is an important safeguard for all Village residents. The code is intended to protect the historic character of our residential and downtown neighborhoods and the unique setting of the Village, in addition to enforcing building and fire safety provisions. The code provides for the Village to regulate construction and development through various means, but primarily through the Village's [Code Enforcement Office](#), Planning Board, and the Zoning Board of Appeals.

Importance of Cutoff Dates

An application cannot be considered complete until the applicant has submitted all required materials. The Code Enforcement Office is happy to answer questions pertaining to what materials should be included in the application, but the burden is on the applicant to make sure that required materials are submitted, including an up-to-date survey, building plans and cost, contractor proof of insurance, stamped drawings from an architect or engineer, as applicable. The Code Enforcement Office has regular walk-in hours Tuesdays, Wednesdays, and Thursdays between 9 am and 3 pm, and can arrange informational meetings with applicants during business hours on request. Phone numbers and email addresses of Village staff are listed on the website.

The process may seem time-consuming, with six weeks or more not uncommon from when an application is complete and when a permit is approved, so applicants and the professionals they hire (contractors, architects, engineers) are encouraged to plan accordingly. Generally, the [Planning Board meets](#) on the first Thursday of each month, and the Zoning Board of Appeals meets on the last Wednesday of the same month. Applicants are required to submit materials prior to a [cutoff date](#) several weeks in advance of the Planning Board and Zoning Board of Appeals, to make sure the Codes Office and board members have enough time to review applications and provide sufficient notice to the public. Once submitted, revisions to the scope of work as outlined in the completed application can be reasonably expected to result in the application starting over from the beginning. All meetings of the Planning Board and Zoning Board of Appeals, as well as the appropriate cutoff dates, are visible on the Village's calendar on our website and are open for public attendance.

Code Enforcement Officer Refers Permits to Planning Board and Zoning Board of Appeals if Necessary

All completed permit applications are reviewed by the Code Enforcement Officer. The Code Enforcement Officer must [make a determination](#) whether the project can be permitted pursuant to the code, or if the project needs to be referred to the [Planning Board](#) and [Zoning Board of Appeals](#). For routine projects, (e.g., roof, fence, generator, porch repair, window replacement), a permit may be approved by the Code Enforcement Officer, and in many of these cases the homeowner may be able to complete the process themselves.

If a project requires [site plan review](#) or [special use permit](#), however, the Planning Board must review the application and can make a recommendation to the Zoning Board of Appeals. In these more complicated situations, an architect or engineer may be helpful throughout the project, including preparing application materials. Additionally, where a project does not meet local code, the applicant may be able to appeal to the Zoning Board of Appeals, if the applicant can demonstrate that strict criteria are met pursuant to New York State Zoning Law, listed at the end of this document.

After the Code Enforcement Officer has made a determination, but before the application is presented to the Planning Board or Zoning Board of Appeals, the applicant is required to sign a form that acknowledges the determinations of the Code Enforcement Officer and indicate whether they agree or not. If in agreement with the Code Enforcement Officer's determinations, the application may proceed to board review. If the applicant disagrees with the Code Enforcement Officer's determinations, they may either withdraw the application or pursue an interpretation by the Zoning Board of Appeals before resubmitting the application.

Enforcement Responsibilities

Residents are encouraged to call or visit the Codes Office with questions about how to proceed with the permit application process. The Village's goal is to assist residents with their projects and facilitate the continuous improvement of our housing stock and commercial buildings. While the Village strives to foster a collaborative approach to building, development and construction in our community, the code provides the authority of the Code Enforcement Officer to issue [stop-work orders](#) for unpermitted projects, impose fines on property owners, and order the correction of violations.

New York State Zoning Law on Variances

To obtain an area variance, applicants must meet the specific requirements outlined in New York State Town Law Section 267-b(3). A local zoning board of appeals may grant an area variance pursuant to this section where substantial evidence in the record supports the ZBA's conclusion that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety, and welfare of the neighborhood or community. In applying this balancing test, the ZBA must consider 5 statutory factors:

1. Undesirable Change: 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.

2. Feasible Alternatives: whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. Substantiality: Whether the requested area variance is substantial.
4. Adverse Effects: whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Self-Created Difficulties: Whether the alleged difficulty necessitating the variance was self-created. While relevant to the board's decision, self-creation does not automatically preclude the granting of the area variance.

Finally, in granting area variances, the ZBA must ensure that it approves the minimum variance deemed necessary and adequate while also preserving the character of the neighborhood and safeguarding the health, safety, and welfare of the community.

A **Use Variance** is a discretionary action granted by the local zoning board of appeals that allows property owners to use their land for purposes not permitted by the existing zoning regulations. It provides relief from the specified permitted uses and enables property owners to pursue an alternative use that may be deemed necessary or desirable for their property.

To obtain a use variance, applicants must meet the specific requirements outlined in New York State Town Law Section 267-b(2). A local zoning board of appeals may grant a use variance pursuant to this section where substantial evidence in the record supports the ZBA's conclusion "applicable zoning regulations and restrictions have caused unnecessary hardship." In order to prove such unnecessary hardship, the applicant must demonstrate to the ZBA that "for each and every permitted use under the zoning regulations for the particular district where the property is located,

1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
3. that the requested use variance, if granted, will not alter the essential character of the neighborhood, and
4. that the alleged hardship has not been self-created."

Finally, in granting use variances, the ZBA must ensure that it approves the minimum variance deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.