
IN THE MATTER
OF
LOCAL LAW 2021-5 TO DELEGATE
RESPONSIBILITY FOR SPECIAL PERMIT
APPROVAL TO THE PLANNING BOARD

RESOLUTION CALLING FOR
PUBLIC HEARING ON LOCAL
LAW 2021-5

The **TOWN BOARD OF THE TOWN OF ELBRIDGE** (the “Board”), in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Elbridge, located at 5 Rt. 31, Village of Jordan, County of Onondaga, State of New York, on the 23rd day of September 2021, at 7:00 p.m.

The meeting was called to order by Vernon J. Richardson, Supervisor, and the following were present, namely:

Vernon J. Richardson	Supervisor
Douglas Blumer	Councilor
Floyd Duger	Councilor
Michael Caron	Councilor
Todd Platten	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2021-5, entitled “**A LOCAL LAW AMENDING CHAPTER 265**”, “**ZONING**” OF **THE CODE OF THE TOWN OF ELBRIDGE**, the text of which is as follows:

LOCAL LAW 2021 -2, AMENDING CHAPTER 265
“ZONING” OF THE CODE OF THE TOWN OF
ELBRIDGE:

Be it enacted by the Town Board of the Town of Elbridge, Onondaga County, New York as follows:

Section 1. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-86, of the Code of the Town of Elbridge, be repealed in its totality as follows:

~~§ 265-86 Special use permits.~~

~~A. The Zoning Board of Appeals may grant special use permits as hereinafter authorized. A land use activity that requires a special use permit is not automatically approved. An applicant only becomes entitled to a special use permit to conduct the desired use if the applicant demonstrates to the Zoning Board of Appeals that the proposed use will be conducted in accordance with the following standards, and only after the Zoning Board of Appeals has made findings determining that:~~

- ~~(1) The use complies with all special requirements of this chapter.~~
- ~~(2) The use is appropriate for the particular location.~~
- ~~(3) All potential adverse impacts upon the neighborhood have been mitigated to the extent that is reasonably practicable.~~
- ~~(4) The use would not change the essential character of the neighborhood.~~
- ~~(5) The use is not detrimental to the health, safety and general welfare of the neighborhood.~~

~~B. Professional fees. The Zoning Board of Appeals is authorized to engage any professional it deems necessary to assist it in the review of the application. The applicant shall reimburse the Zoning Board of Appeals for any such fees incurred and shall require the applicant to make a deposit in advance on account of such fees. In the event such a deposit is not paid, the Zoning Board of Appeals shall suspend its review of the application until such deposit is made.~~

~~C. The Zoning Board of Appeals is also authorized to impose any conditions on the grant of the special use permit that are reasonably necessary to insure that the proposed use will satisfy the standards and criteria set forth in this chapter or are otherwise reasonably necessary considering the facts and circumstances of the case.~~

~~D. In an agricultural zoning district, special use permits may be granted for the following uses:~~

- ~~(1) Public service and utilities;~~
- ~~(2) Outdoor recreation;~~
- ~~(3) Home occupation, which shall comply with the following conditions and restrictions:
 - ~~—— (a) The lot must be three or more acres;~~
 - ~~—— (b) The occupation shall be conducted entirely within a building at the residence;~~
 - ~~—— (c) There shall be no external evidence of the alteration of the residence for business purposes. Any alterations to the residence to accommodate the home occupation shall be architecturally consistent with the preexisting residence. Any other building on the premises which is used for the home occupation shall appear externally to be residential accessory in its attributes;~~
 - ~~—— (d) There shall be no outside storage or display of home occupation goods in front of the residence on site. However, the Zoning Board of Appeals may vary this requirement upon presentation of special circumstances;~~
 - ~~—— (e) No exterior advertisement, sign or display shall be allowed on the premises except a two-foot-square business identification sign attached to the front elevation of a building or freestanding 15 feet off of the highway right-of-way;~~~~

- ~~— (f) Only one nonresident of the household may be employed in the home occupation;~~
- ~~— (g) All commercial motor vehicles must be parked in the least intrusive area of the premises;~~
- ~~— (h) All equipment used in the home occupation must be located or stored out of sight from the public highway;~~
- ~~— (i) No activity which is offensive by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation shall be allowed;~~
- ~~— (j) The home occupation shall not occupy an area exceeding 25% of the first floor area of the residence;~~
- ~~— (k) Any additional parking spaces shall be located behind the residence;~~
- ~~(4) A noncommercial wind energy conversion system (WECS) which shall comply with the following conditions:~~
 - ~~— (a) A site plan drawn by a licensed professional shall show the following:~~
 - ~~— [1] Location of the tower on the site and the tower height, including blades, rotor diameter and ground clearance;~~
 - ~~— [2] Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades;~~
 - ~~— [3] Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the system;~~
 - ~~— [4] Surrounding land use and all structures within 500 feet of the WECS location;~~
 - ~~— [5] Dimensional representation of the various structural components of the tower construction, including the base and footing;~~
 - ~~— [6] Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions;~~
 - ~~— [7] Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code;~~
 - ~~— [8] Evidence from a qualified individual that the site is feasible for a WECS;~~
 - ~~— (5) Bed and breakfast;~~
 - ~~— (6) Outdoor wood boiler located at least 200 feet from all property lines.~~
- ~~**E.** In a rural residential district, special use permits may be granted for the following uses:~~
 - ~~— (1) Home occupation which shall comply with Subsection **D(3)**, with the exception that the lot size specified in Subsection **D(3)(a)** may be two or more acres;~~
 - ~~— (2) Bed and breakfast;~~
 - ~~— (3) Private boarding of farm livestock, subject to the restrictions contained in § **265-10B(3)**;~~
 - ~~— (4) Religious institutions;~~
 - ~~— (5) Public service and utilities;~~

~~—— (6) Outdoor wood boiler located at least 200 feet from all property lines;~~
~~—— (7) Commercial animal boarding on three or more acres;~~
~~—— (8) A noncommercial wind energy conversion system which shall comply with Subsection D(4);~~

~~F. In a R-1 District, special use permits may be granted for the following uses:~~

~~—— (1) Two family dwelling;~~
~~—— (2) Adult housing facilities;~~
~~—— (3) Public service and utilities;~~
~~—— (4) Religious institutions;~~
~~—— (5) Crop farming on five or more acres;~~
~~—— (6) Bed and breakfast on two or more acres;~~
~~—— (7) Home occupation limited to only service businesses and which shall comply with Subsection D(3)(e), (e), (f), (j) and (k). No goods may be stored or delivered on the premises.~~

~~G. In a R-3 District, special use permits may be granted for the following uses:~~

~~—— (1) Home occupation which shall comply with Subsection D(3), with the exception that the lot size specified in Subsection D(3)(a) shall be two or more acres;~~
~~—— (2) Bed and breakfast on two or more acres;~~
~~—— (3) Religious institutions;~~
~~—— (4) Public service and utilities;~~
~~—— (5) Outdoor wood boiler located at least 200 feet from all property lines.~~

~~H. In a service district, special use permits may be granted for the following uses:~~

~~—— (1) Public service and utilities;~~
~~—— (2) Fuel stations and car washes;~~
~~—— (3) Restaurant and tavern not to exceed 3,000 square feet;~~
~~—— (4) Indoor sales not to exceed 3,000 square feet.~~

~~I. In a Business (B-1) District, special use permits may be granted for the following uses:~~

~~—— (1) Outdoor sales;~~
~~—— (2) Public service and utilities.~~

~~J. In an industrial district a special use permit may be granted for an outdoor wood boiler located 200 feet from all property lines.~~

~~K. In the Eno Point Planned District a special use permit may be granted for all year residential use only if it is proven by competent professional evidence that the sewage disposal system is adequate and that there is a potable water supply each of which is approved by the Onondaga County Department of Health. Before the special permit is granted, the application shall be referred to the Eno Point Campers Association for comment.~~

~~L. Religious institutions residence. Wherever a religious institution is an allowed use or it is a preexisting nonconforming use, a special use permit may be granted to allow on site a residential use unit in an existing building which may be used only for the residence of an employee of the religious institution and his family.~~

Section 2. That Chapter 265, Article XII, entitled Planning Board, Section 265-81, of the Code of the Town of Elbridge, be amended as follows.

§ 265-81___**Special use permits.**

A. The Planning Board may grant special use permits as hereinafter authorized. A land use activity that requires a special use permit is not automatically approved. An applicant only becomes entitled to a special use permit to conduct the desired use if the applicant demonstrates to the Planning Board that the proposed use will be conducted in accordance with the following standards, and only after the Planning Board has made findings determining that:

- (1) The use complies with all special requirements of this chapter.
- (2) The use is appropriate for the particular location.
- (3) All potential adverse impacts upon the neighborhood have been mitigated to the extent that is reasonably practicable.
- (4) The use would not change the essential character of the neighborhood.
- (5) The use is not detrimental to the health, safety and general welfare of the neighborhood.

B. Professional fees. The Planning Board is authorized to engage any professional it deems necessary to assist it in the review of the application. The applicant shall reimburse the Planning Board for any such fees incurred and shall require the applicant to make a deposit in advance on account of such fees. In the event such a deposit is not paid, the Planning Board shall suspend its review of the application until such deposit is made.

C. The Planning Board is also authorized to impose any conditions on the grant of the special use permit that are reasonably necessary to insure that the proposed use will satisfy the standards and criteria set forth in this chapter or are otherwise reasonably necessary considering the facts and circumstances of the case.

D. In an agricultural zoning district, special use permits may be granted for the following uses:

- (1) Public service and utilities;
- (2) Outdoor recreation;
- (3) Home occupation, which shall comply with the following conditions and restrictions:
 - (a) The lot must be three or more acres;
 - (b) The occupation shall be conducted entirely within a building at the residence;
 - (c) There shall be no external evidence of the alteration of the residence for business purposes. Any alterations to the residence to accommodate the home occupation shall be architecturally consistent with the preexisting residence. Any other building on the premises which is used for the home occupation shall appear externally to be residential accessory in its attributes;

(d) There shall be no outside storage or display of home occupation goods in front of the residence on site. However, the Planning Board may vary this requirement upon presentation of special circumstances;

(e) No exterior advertisement, sign or display shall be allowed on the premises except a two-foot-square business identification sign attached to the front elevation of a building or freestanding 15 feet off of the highway right-of-way;

(f) Only one nonresident of the household may be employed in the home occupation;

(g) All commercial motor vehicles must be parked in the least intrusive area of the premises;

(h) All equipment used in the home occupation must be located or stored out of sight from the public highway;

(i) No activity which is offensive by reason of odor, noise, dust, smoke, hours of operation, debris, noxious fumes, vibration, excessive lighting or manner of operation shall be allowed;

(j) The home occupation shall not occupy an area exceeding 25% of the first floor area of the residence;

(k) Any additional parking spaces shall be located behind the residence;

(4) A noncommercial wind energy conversion system (WECS) which shall comply with the following conditions:

(a) A site plan drawn by a licensed professional shall show the following:

[1] Location of the tower on the site and the tower height, including blades, rotor diameter and ground clearance;

[2] Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades;

[3] Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the system;

[4] Surrounding land use and all structures within 500 feet of the WECS location;

[5] Dimensional representation of the various structural components of the tower construction, including the base and footing;

[6] Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions;

[7] Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code;

[8] Evidence from a qualified individual that the site is feasible for a WECS;

(5) Bed-and-breakfast;

(6) Outdoor wood boiler located at least 200 feet from all property lines.

E. In a rural residential district, special use permits may be granted for the following uses:

(1) Home occupation which shall comply with Subsection **D(3)**, with the exception that the lot size specified in Subsection **D(3)(a)** may be two or more acres;

(2) Bed-and-breakfast;

(3) Private boarding of farm livestock, subject to the restrictions contained in § **265-10B(3)**;

(4) Religious institutions;

(5) Public service and utilities;

(6) Outdoor wood boiler located at least 200 feet from all property lines;

(7) Commercial animal boarding on three or more acres;

(8) A noncommercial wind energy conversion system which shall comply with Subsection **D(4)**;

F. In a R-1 District, special use permits may be granted for the following uses:

(1) Two-family dwelling;

(2) Adult housing facilities;

(3) Public service and utilities;

(4) Religious institutions;

(5) Crop farming on five or more acres;

(6) Bed-and-breakfast on two or more acres;

(7) Home occupation limited to only service businesses and which shall comply with Subsection **D(3)(c), (e), (f), (j)** and **(k)**. No goods may be stored or delivered on the premises.

G. In a R-3 District, special use permits may be granted for the following uses:

(1) Home occupation which shall comply with Subsection **D(3)**, with the exception that the lot size specified in Subsection **D(3)(a)** shall be two or more acres;

(2) Bed-and-breakfast on two or more acres;

(3) Religious institutions;

(4) Public service and utilities;

(5) Outdoor wood boiler located at least 200 feet from all property lines.

H. In a service district, special use permits may be granted for the following uses:

(1) Public service and utilities;

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I. In a Business (B-1) District, special use permits may be granted for the following uses:

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K. In the Eno Point Planned District a special use permit may be granted for all year residential use only if it is proven by competent professional evidence that the sewage disposal system is adequate and that there is a potable water supply each of which is approved by the Onondaga County Department of Health. Before the special permit is granted, the application shall be referred to the Eno Point Campers Association for comment.

L. Religious institutions residence. Wherever a religious institution is an allowed use or it is a preexisting nonconforming use, a special use permit may be granted to allow on site a residential use unit in an existing building which may be used only for the residence of an employee of the religious institution and his family.

Section 3. That Chapter 265, Article XII, entitled Planning Board, Section 265-81, of the Code of the Town of Elbridge, be amended as follows.

~~§ 265-81.~~ Outdoor lighting regulations.
§ 265-82

Section 4. That Chapter 265, Article XII, entitled Planning Board, Section 265-82, of the Code of the Town of Elbridge, be amended as follows.

~~§ 265-82.~~ Effect and Duration.
§ 265-83

Section 5. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-83, of the Code of the Town of Elbridge, be amended as follows.

~~§ 265-83.~~ Membership and term of office.
§ 265-84

Section 6. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-84, of the Code of the Town of Elbridge, be amended as follows.

~~§ 265-84.~~ Qualification of Board members.
§ 265-85

Section 7. That Chapter 265, Article XIII, entitled Zoning Board of Appeals, Section 265-85, of the Code of the Town of Elbridge, be amended as follows.

~~§ 265-85.~~ Appellate Power.
§ 265-86

~~Strikeout~~ old language removed
Italics new language added

WHEREAS, the Town Board believes it would be more efficient for the Planning Board to consider Special Use permits rather than the Zoning Board of Appeals, given their respective responsibilities;

WHEREAS, the Town Board desires to hear from the public on Local Law 2021-___;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Elbridge hereby schedules a public hearing for October 28th, 2021 to hear all of those members of the public who would like to speak in favor or against said Local Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall post a copy of said Local Law on the Official Bulletin Board of the Town and publish notice of said local law in the Official Town Newspaper at least five (5) days before the public hearing.

