

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 21, 2011

Lisa L DeVona
Village Clerk/Village
240 N Main Street
Minoa NY 13116

RECEIVED

DEC 27 2011

VILLAGE OF MINOA

RE: Village of Minoa, Local Law 5 2011, filed on December 20, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Minoa

Local Law No. Five (5) of the year 2011.

A local law amending Chapter 160 of the Village of Minoa Municipal Code relative to Zoning.

Be it enacted by the Village Board of Trustees of the Village of Minoa as follows:

Section One (1). PURPOSE AND INTENT.

This local law provides for an amended Zoning Map to reflect the changed zoning classification of certain district parcels from that described and set forth in the Amended Zoning Map adopted in connection with the adoption of Local Law No. One (1) of 2008. This local law also provides for amendment to the Commercial Zoning District requirements relative to uses requiring Special Permits, the criteria and standards for issuance of a Special Permit, and requires specifically that Special Permits shall be issued by the Village Board following review and recommendation of the Planning Board. In addition, this local law amends certain provisions relating to accessory uses, specifically amending same to provide for the placement of storage sheds. The purpose of the Amended Zoning Map subject hereof is to change the zoning district designations of parcels commonly known as 105 East Avenue (Tax Map No. 001.-03-29.0) and 109 East Avenue (Tax Map No. 001.-03-28.0) from the present zoning district designation of Residential to a Commercial zoning district designation. By such amendment the foregoing parcels (substantially contiguous to a large Commercial district within the Village Center, and presently occupied by the dilapidated (vacant) former Masonic Lodge and the Schepps Funeral Home is more compatible and consistent with those uses permitted within the Commercial District.

Section Two (2). Amend the Zoning Map of the Village Code as follows:

§160-5 is hereby deleted in its entirety and replaced with the following:

§160-5. Adoption of Amended Zoning Map.

The boundaries of the districts listed in §160-4 are fixed and defined as shown on a map entitled "Zoning Map of the Village of Minoa" ("Zoning Map"). A true copy of the proposed (amended) Zoning Map is attached hereto as "Amended Zoning Map - 2011," which Amended Zoning Map - 2011 amended that Amended Zoning Map adopted at the time of adoption of Local Law No. 1-2008, and which Amended Zoning Map had amended that Zoning Map adopted at the time of adoption of Local Law No. 2-2002.

Section Three (3). Subparagraphs "A" and "B" of §160-12 entitled "Regulations for Commercial Districts" of the Village of Minoa Code are hereby deleted in its entirety and replaced with the following:

- A. Principal uses. The following uses and no other principal uses, except as hereinafter provided, are permitted in Commercial Districts:
- (1) All uses permitted in Residential B Districts upon the conditions specified for such districts, except as otherwise prescribed in this article.
 - (2) Retail stores, except as provided under subparagraph B(1) hereof.
 - (3) Banking or office buildings.
 - (4) Undertaking establishments.
 - (5) Schools.
 - (6) Churches or similar places of worship, including a parish house, rectory or convent.
 - (7) Libraries, municipal buildings, public parks or playgrounds, operated for the benefit of the public and not for gain.
 - (8) Restaurants.
 - (9) Hospitals and nursing homes.
 - (10) Bakeries.
 - (11) Pet shops and veterinary hospitals.
 - (12) Personal service shops.
 - (13) Professional offices.
 - (14) Residential living units including apartments and condominiums (but not daily or weekly boarding, motel, hotel or similar units), on the second or other upper floors of any uses otherwise permitted herein as of right or by Special Permit.
- B. Special Permit uses. Special Permit uses are as follows:
- (1) Retail stores that include car wash, fuel pumps or any other commercial garage or filling station components, except as a minor incidental part thereof (such as, by way of example, the sale of vehicle care or maintenance products).
 - (2) Commercial garages, filling stations and used car lots, provided that:

- (a) No work is performed out of doors except in case of an emergency;
 - (b) Pumps, lubricating equipment and other devices are located at least 15 feet from the nearest street right-of-way line and the nearest lot line;
 - (c) All fuel oil or similar substances are stored at least 25 feet from the nearest street right-of-way line and the nearest lot line; and
 - (d) All automobile parts, dismantled vehicles and similar articles are stored within a building.
- (3) Indoor theaters or places of amusement not otherwise permitted, upon approval of the Village Board in accordance with the procedures set forth in this Chapter.
 - (4) Kennels.
 - (5) Any of the special permits uses authorized in Residential A, Residential A-1 or Residential B Districts under such terms and conditions for the issuance of a special permit in those districts as set forth, and in addition, any additional Special Permit terms and conditions (standards and criteria) described herein at Article XIV hereof.

Section Four (4). §160-40(C) of the Village of Minoa Code entitled “Uses subject to Board of Appeals approval” is hereby deleted in its entirety.

Section Five (5). Subparagraphs 2, 3, 4, and 5 of §160-17C(A) of the Village of Minoa Code shall be deleted in their entirety.

Section Six (6). A new subparagraph 2 is hereby enacted and shall be added to §160-17C(A) of the Village of Minoa Code as follows:

- 2. Special Permit Procedures for Signs are as outlined and specified in Article XIV entitled “Special Permits” of this Chapter 160.

Section Seven (7). A new Article XIV entitled “Special Permits” and the following sections are hereby enacted and shall be added to the Village of Minoa Code as follows:

ARTICLE XIV
Special Permits

§160-46. Purpose. The Special Permit approval process seeks to ensure that certain uses are established in a manner that is appropriate and compatible to (a) site, neighborhood and zone (zoning) district. A Special Permit is required for those uses or structures so designated as requiring one within a zone district or other sections of this Code. These uses or structures are hereby declared to possess characteristics of such unique and/or special form that each shall be considered as an individual case. Except as relates to Special Permits for signage, which are subject to the provisions of §160-17C, certain uses or structures, specified in the standards of approval hereunder for uses and structures, shall be subject to the satisfaction of additional requirements and

standards set forth in this section and to any other applicable requirements of this Chapter, including specifically any other terms and conditions set forth as specific to a permitted or Special Permit use.

§160-47. Authority. Individual Special Permits are assigned by this Code to respectively, the review and approval authority of the Village Board and recommendation authority of the Planning Board. Refer to each zone district or the supplemental regulations to determine the exact procedure for a specific land use activity or structure. The Planning Board shall apply the provisions of this section to their respective recommendations on Special Permit proposals. As provided for under applicable provisions of the New York State statutory and case law, the Village Board may also consider any other factors or concerns as it deems relevant to its review of a Special Permit proposal, and any such factors or concerns, any decisions based thereon, are determined to be within the standards to be considered and the authority of the Village Board in relation to the grant of Special Permits, as if set out in detail in this §160-48. Village Board review and approval of a Special Permit, following recommendation of the Planning Board, shall be in lieu of a Site Plan review and approval of the Planning Board. As such, the Special Permit review and approval shall include consideration or waiver, where appropriate, of those elements required for Site Plan review and approval under the (NYS) Village Law and the Village Code and in such capacity the Village Board shall have the same waiver authority as the Planning Board relative to site plan and subdivision approvals.

§160-48. Application. An application for a Special Permit pursuant to this Chapter 160 shall be submitted to the Village Board of Trustees. Any reference to the approval of the Village Board of Appeals with respect to the issuance of Special Permits in this Chapter 160 shall mean the Village Board of Trustees. The following information is required to accompany the application:

- A. Land. A description of the land to which the proposed special permit will relate.
- B. 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.
- C. Identify of Owner & Applicant. The full name and address of the owner(s) and of the applicant(s), and the names and addresses of their responsible officers if any of them are corporations.
- D. Additional Information. Such other information as may reasonably be required by the Village Board of Trustees to establish compliance of the proposed sign in use with the requirements of this Chapter.

§160-49. Procedure.

- A. Referral of Application to Planning Board. Upon receipt of an application for a Special Permit under this Chapter 160, the Village Board of Trustees shall immediately refer such application, together with one copy of the information accompanying such application, to the Planning Board for its recommendations. The Village Board of Trustees shall not take final action upon the application for a special permit until receiving the report and recommendations of the Planning Board; except that if the Planning Board fails to report to the Village Board of Trustees within thirty (30) days of such referral, the Village Board of Trustees may take final action without such report.

- B. Public Hearing and Decision as to Special Permit. The Village Board of Trustees shall conduct a hearing within sixty-two (62) days from the day the completed application is received on any matter referred to it under this Section 160-17C(A). Public notice of such hearing shall be published in the official newspaper at least five (5) days prior the date thereof. The Board shall decide the application within sixty-two (62) days after the hearing. The time within which the Board must hold a public hearing and/or render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board on the application after holding the public hearing shall be filed in the office of the Village Clerk/Treasurer within five (5) business days after the day such decision is rendered and a copy thereof mailed to the applicant.
- C. Notice to Applicant and County Planning Agency. At least ten (10) days before such hearing, the Village Board of Trustees shall mail notices thereof to the applicant and to the County Planning Agency, as required by §239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration.
- D. Compliance with State Environmental Quality Review Act. The Village Board of Trustees shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.

§160-50. Special Permit Standards and Criteria.

- A. Appropriateness of Special Permit proposal. No Special Permit shall be granted by the Village Board unless it finds that the use or structure for which the Special Permit is sought will not, under conditions that the reviewing board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. The reviewing boards shall consider the foregoing and those limitations and standards described at §§160-50(C) and (D) hereof.
- B. Imposition of conditions. The Village Board may impose conditions when approving a Special Permit which conditions shall be documented as required by the Village Board and appropriately filed in Village offices.
- C. Limits on Special Permit approval.
 - (1) A Special Permit shall be deemed to authorize only one use or structure, unless specifically otherwise authorized by the Village Board.
 - (2) Special Permit authorization shall expire or be voided if the proposal fails to be initiated by issuance of a building permit within 12 months of approval, subject to (up to) two (2) additional twelve (12) month extension periods as granted by the Village Board.
- D. Standards of approval. All applications for a Special Permit shall meet the following minimum standards of performance:
 - (1) General Zoning Code compliance. Except as may be varied or waived, as permitted under any applicable provisions of Chapter 160, including, without limitation, §160-50(E)

hereof, the proposed use or structure shall comply with the applicable intent and regulations of the Village Zoning Code, including the specific zone (zoning) district in which it is located, and to any other applicable Village, county, state or federal regulations.

- (2) Conformance to Village planning.
 - (a) The proposed use or structure shall be so located and designed that it is compatible in size and character to existing patterns of development and land uses and/or is consistent with the long-term development objectives for the affected portions of the Village.
 - (b) The proposed use or structure shall be appropriately located with respect to the existing pattern of streets and other facilities, including but not limited to: water, sanitary lines and drainage systems; and will not adversely affect the functioning of these facilities nor impede any planned improvements.
- (3) Scale of development. The scale and design of the proposed use or structure shall be physically and visually compatible with the conditions of the site and surrounding properties and will be developed in a manner that ensures the provision of necessary public facilities, improvements and landscaping.
- (4) Vehicular and pedestrian circulation and parking. There shall be safe and efficient vehicular and pedestrian movement within the site, to neighboring properties and in relationship to any streets serving the site. Parking, including for tenants, guests, customers, clients and other guests and invitees shall be adequate relative to the type of use, and nearby public, private on and off street facilities.
- (5) Public safety, services and utilities. The proposed use or structure shall be served with adequate water supply, wastewater disposal and drainage facilities in compliance with applicable local, state or federal requirements and shall include satisfactory provision for solid waste disposal, fire, police and emergency service protection, utilities and other services necessary to support the proposed use or structure.
- (6) Environmental resources. The proposed use or structure shall be located, designed and operated in a manner that avoids or minimizes disturbance of significant natural or cultural resources; is consistent with the site's soil capabilities to accommodate the use or structure; provides overland drainage systems and controls stormwater runoff in a manner conforming to area-wide drainage plans and Village planning objectives; and complies with applicable county, state or federal regulations for significant environmental resources.
- (7) Aesthetics.

- [1] The site shall be designed to include building materials, screening, landscaping treatments of structures, parking, drainage and storage areas that are consistent with existing development and any other standards or guidelines promulgated by the Village, and/or which minimize adverse visual effects on surrounding properties or public rights-of-way.
- [2] Lighting and signage shall be appropriate in size, color and placement for the site and the character of the surrounding area and shall have no adverse impact on surrounding properties.

(8) Emissions. The detection of any noise, smoke, heat or odor shall be within limits established by this Code or other applicable laws or regulations. Such emissions shall be minimized and directed away from surrounding properties. Mechanical devices or attachments associated with these emissions are to be installed and maintained in accordance with applicable health and safety Codes and adequately screened from view.

(9) Neighborhood Character. Consideration shall be given to the proposed use, or continuation thereof (if a non-conforming use) and the effect of same on the character of the neighborhood including with respect to noise, number of occupants, tenants and the like, intensity and frequency of activities, compatibility with nearby properties and uses, effect(s) on condition and appearance of such properties and the likely effect(s) on nearby properties and their respective values.

(10) Any other factors or criteria the Village Board may determine relevant in relation to a particular use, such uses generally, or to all uses subject to its Special Permit authority

E. Waiver Authority/Variance Authority. The Village Board of Trustees shall have the authority to waive the strict application of any area, dimensional, setback or other cosmetic or aesthetic requirement, if it determines, in its sole discretion, that the standards/criteria (otherwise applicable to Special Permits), or such of them as are relevant to the particular proposed use or structure, are met (or not violated) by the proposed use or structure. Nothing in this Chapter shall be deemed to limit, restrict or deny an applicant's right to apply to the Village Board of Zoning Appeals for the appropriate Variance to permit a structure, location or use otherwise prohibited or restricted pursuant to this Chapter.

Section Eight (8). Subparagraph "A" under §160-25.1 entitled "Accessory uses and structures; swimming pools" of the Village of Minoa Code is hereby deleted in its entirety and replaced with the following:

A. Placement. In any residential-zoned districts, accessory structures and uses otherwise permitted in and subject to such other provisions of this Code governing such districts shall be permitted; however excepting Storage Sheds, the same shall be located no closer to the rear lot line than a distance of not less than 10% of the lot width, nor any closer to the side lot line than the nearest point of the principal building or use. No such structure or use shall be located within a front yard in any residential-zoned district. For purposes hereof, a swimming pool is deemed an accessory structure or use. A structure

customarily attached to the principal building, such as an addition, garage, deck or porch, shall not be deemed an accessory structure or use that is permitted such placement allowance hereunder.

Relative to the placement of a storage shed, one such storage shed per lot may be located within any zoning districts within the areas illustrated at Appendix 160-25.1 attached hereto as described and subject to the following:

- (1) Section 1 of Appendix 160-25.1 illustrates the permissible locations within a conventional (square or rectangular) lot which is not a corner, nor other irregularly shaped lot; Section 2 of Appendix 160-25.1 illustrates those permissible locations within (a) corner lot(s); the permissible locations upon other (irregular) shaped lots are illustrated at Section 3 of Appendix 160-25.1 hereof. Where a proposed storage shed location is not clearly permitted due to a lot shape or configuration or orientation of the improvements thereon, the Zoning Board of Appeals shall determine the permitted locations by review of a variance or interpretation application.
- (2) All storage shed locations shall be subject, as shown on Appendix 160-25.1, to minimum side and/or rear yard setbacks of the lesser of the required setback applicable to the district or five (5) feet and shall be further subject to any applicable covenants, agreements and restrictions of record restricting locations and shall not encroach into any easement or right-of-way areas.
- (3) In the event such storage shed construction, installation or placement is not subject to New York State Uniform Code requirements, and as a further zoning and public safety requirement, the location shall nevertheless meet the following requirements:
 - [a] The separation distance between the exterior walls of the permanent structure (dwelling/attached garage) and such storage shed shall be ten (10) feet unless:
 - (1) the exterior of the walls of the permanent structure and storage shed each have a 1-hour fire resistant rating, in which case no minimum separation distance is required; or
 - (2) the exterior wall of the permanent structure or the storage shed has a 1-hour fire resistance rating, in which case the minimum separation distance shall be five (5) feet.
 - [b] Projections beyond the exterior wall shall not extend more than twelve (12) inches into areas where openings are prohibited unless:
 - (1) the projections of the permanent structure and the storage shed shall each have a 1-hour fire resistant rating, in which case the minimum separation distance shall be two (2) feet, or
 - (2) the projection of the permanent structure or the storage shed has a 1-hour fire resistant rating, in which case the minimum separation distance shall be five (5) feet.
 - [c] The minimum distance of the opening between the permanent structure and storage shed shall be three (3) feet with a maximum opening of 25% of the wall area as such term is defined in the Uniform Code.

A storage shed is defined as any structure used for storage, hobbies or a workshop. Storage Sheds located as permitted hereunder shall not be served by a paved, graveled or stone driveway and shall not be used for the storage of a motor vehicle that is registered and operable.

Section Nine (9). SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged unconstitutional, illegal or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation or the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity, legality or constitutionality of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such provision illegal, invalid or unconstitutional, the court shall endeavor to modify same to a provision which is not invalid, illegal or unconstitutional, and which best achieves the intent of the invalid, illegal or unconstitutional provision.

Section Ten (10). EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. Five of 2011 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village on November 21, 2011 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed

~~(Name of legislative body)~~
disapproval) by the _____ and was deemed duly adopted on _____, 199__
~~(Elective Chief Executive Officer*)~~

~~in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19__. Such local law was _____

(Elective Chief Executive Officer)*

to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19___, in accordance with the applicable provisions of law.

4. _____ (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19___, and was (approved)(not approved)(repassed after
(Name of Legislative Body)

disapproval) by the _____ on _____ 19___ Such local law was subject to
(Elected Chief Executive Officer)*

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19___, in accordance with the applicable provisions of law.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19___, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 19___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

Lisa DeVona

Lisa DeVona, Village Clerk-Treasurer

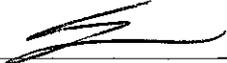
Date: December 13, 2011

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Steven J. Primo

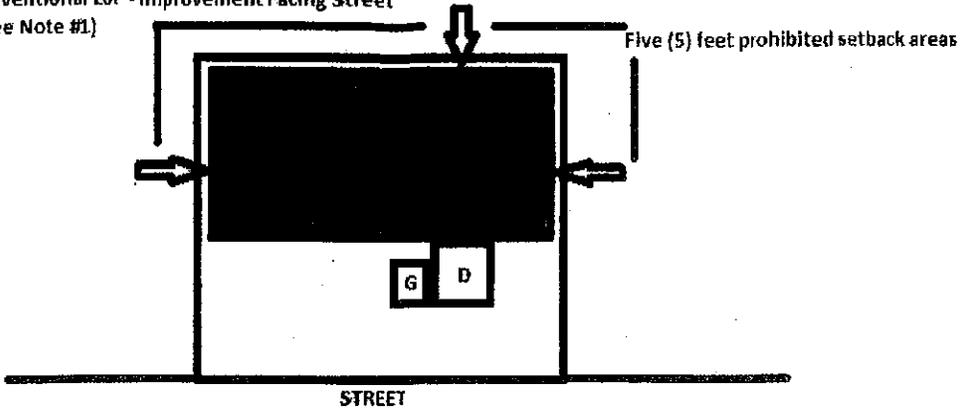
Attorney for the
Title
County
City of Village
~~Town~~ Village

Date: December 13, 2011

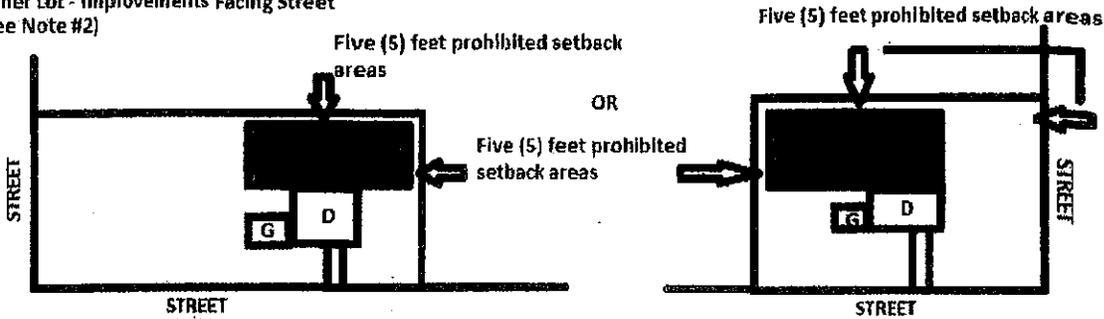
*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Appendix 160-25.1

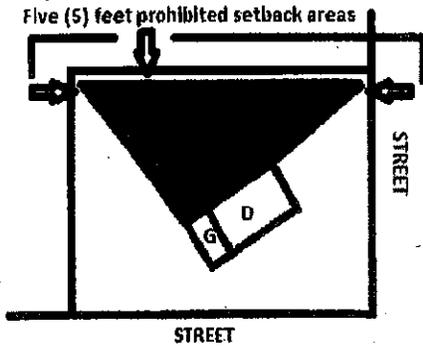
(1) Conventional Lot - Improvement Facing Street
(See Note #1)



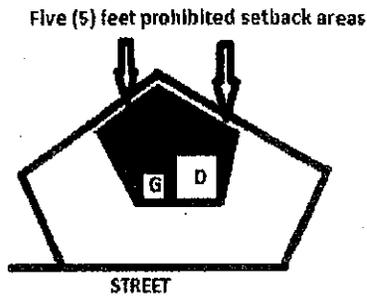
(2) Corner Lot - Improvements Facing Street
(See Note #2)



OR - Improvements at angled layout relative to street (See Note #3)



(3) Irregular Lot (See Note #4)



Shaded Area(s) = Permissible Locations
"G" = Attached Garage
"D" = Principal Structure

Notes

1. Permitted area of location is within shaded areas, fronting at line running concurrent with furthest rear line (wall) of improvements, subject to five (5) feet prohibited setback area.
2. Permitted area of location is within shaded area defined by lines running concurrent with furthest rear line (wall) of improvements and nearest (to street intersect) side line (wall) of improvements, subject to five (5) feet prohibited setback area.
3. Permitted area of location is within shaded area defined by two diagonal lines running from each rear corner of the improvements to either front-side lot corner and to the side-side lot corner, subject to five (5) feet prohibited setback area.
4. Permitted area of location is within shaded area defined by two diagonal lines running from each front corner of the improvements to the mid-point of the respective furthest to rear lot lines, subject to five (5) feet prohibited setback area.