

Agenda  
Town Board Agenda  
January 25, 2023  
6:30 PM

1. Virtual Meeting Instructions - January 25th

Documents:

[1-25-23 TOWN BOARD MEETING INSTRUCTIONS.PDF](#)

2. Pledge Of Allegiance

3. Open Podium

4. Annexations To The Village Of Minoa - Greiner & Caron

Documents:

[CARON RESOLUTION .PDF](#)  
[GREINER RESOLUTION .PDF](#)

5. Proposed Local Law - Draft Cannabis Regulations

Documents:

[PROPOSED LOCAL LAW - CANNABIS.PDF](#)

6. Brolex - Negative Recommendation From Planning Board

Documents:

[BROLEX PROJECT - NEGATIVE RECOMMENDATION FROM PLANNING BOARD.PDF](#)

7. Changing Seasons - OCWA 8" Water Main

Documents:

[CHANGING SEASONS - WATER MAIN EXTENSION.PDF](#)

8. Approval Of Minutes - January 4, 2023 And January 11, 2023

9. Approval Of Abstract # 2 And Abstract # 26

10. Adjournment

This meeting is being recorded and live streamed. The recording will be broadcast live and will be posted to the town website at [www.townofmanlius.org](http://www.townofmanlius.org)





January 25, 2023

6:30 PM

## Town Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or enter the meeting URL web address as listed below.

<https://us02web.zoom.us/j/81186168028?pwd=cVhiakh4REM4ZG5ZbGZzOnplQmwwZz09>

Password to join when prompted:

Password: **651642**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 811 8616 8028

Press # again to skip the personal id and enter the password below followed by #

Password: **651642**

If this is your first time joining a ZOOM meeting, you may practice using ZOOM meeting platform at <https://zoom.us/test>.

## **TOWN OF MANLIUS**

### **RESOLUTION**

#### **CONSENT TO THE ANNEXATION OF TERRITORY TO THE VILLAGE OF MINOA, ONONAGA COUNTY, NEW YORK.**

WHEREAS, a Petition was filed and received by the Town of Manlius, dated November 29, 2022 from Sharon Caron, owner of certain property with an address of 7235 North Central Avenue, Tax Parcel Identification Number 054.-02-26.01, being part of Lot 34 in the Town of Manlius and contiguous to both the Town of Manlius and the Village of Minoa, more fully described as:

BEGINNING at a point in the northerly line of North Central Avenue at the intersection of said northerly line with a Westerly Corporation Line of the Village of Minoa in Lot 34 Town of Manlius, (said point beginning being also 1235.95 feet westerly along the said northerly line of North Central from the intersection of said northerly line with the westerly line of Ferndale Lane

RUNNING thence South 88°-10'-00" West a distance of 337.20 feet along the northerly line of North Central Avenue to an angle point.

THENCE South 88°-06'-35" West a distance of 110.52 feet along the northerly line of North Central Avenue to a point in the easterly line of lands of the East Syracuse Minoa Central School District.

THENCE North 04°-28'-05" East a distance of 417.34 feet along the easterly line of lands of the East Syracuse Minoa Central School District to a point in a Southerly Corporation Line of the Village of Minoa, said point also being located in the Southerly line of Section G Canterbury Woods Subdivision, filed as Map #5958 in the Onondaga County Clerk's Office.

THENCE South 85°-30'-00" East a distance of 445.00 feet alongside southerly Corporation Line of the Village of Minoa, being also the southerly line of said section G Canterbury Woods Subdivision and along the southerly line of said section F Canterbury Woods Subdivision, filed as Map #5799 in the Onondaga County Clerk's Office to a point in the southerly line of Lot 2 Section F Canterbury Woods Subdivision, said point being an interior angle point in said Village of Minoa Corporation Line.

THENCE South 04°-28'-05" West a distance of 367.85 feet along the said westerly Village of Minoa Corporation Line. Being also along an easterly line of the Town of Manlius to a point in the Northerly Line of North Central Avenue and the point of beginning; and

WHEREAS said Petition, notarized by a duly licensed Notary in and for the State of New Yor, was filed by the sole owner of said property pursuant to General Municipal Law § 703 to pursue the annexation of said property from the Town of Manlius to the Village of Minoa, and contained a description of the territory or property to be annexed and an indication that the property is undeveloped and contained no inhabitants. Attached to the Petition is a copy of the Warranty Deed showing ownership of the property to be annexed by the Petitioner, Sharon Caron, a Short Environmental Assessment Form and correspondence from Patrick Duffy, the sole assessor for the Town of Manlius; and

WHEREAS, pursuant to Section 704 of the General Municipal Law, a Notice of Public Hearing was published indicating that the Petition for Annexation was proposed and that a joint Public Hearing would occur on January 11, 2023 at 6:35 p.m. at the Town of Manlius Town Hall, 301 Brooklea Drive, Fayetteville, New York 13066; and

WHEREAS, pursuant to Section 705 of the General Municipal Law, a joint public hearing was held with representatives of the Village of Minoa Board of Trustees present, at the Town of Manlius Town Hall, 301 Brooklea Drive, Fayetteville, NY 13066, and Town of Manlius Supervisor John Deer was selected to preside at said meeting; and the Town received no comments regarding or concerning the proposed Annexation; and

Whereas, the Village of Minoa was designated as lead agency for SEQR purposes and a negative declaration was made on January 24, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Town Board for the Town of Manlius, Onondaga County, New York, as follows:

Section 1. The Petition for Annexation relating to annexation to the Village of Minoa of the territory set forth above substantially complies with the provisions of Section 706 of the General Municipal Law.

Section 2. It is in the overall public interest to approve the Proposed Annexation, for reasons including, but not limited to: a) the person signing the Petition for Annexation, Sharon Caron, is permitted to sign said petition; b) the person signing the Petition is the sole owner of the property; c) the land the Petitioner seeks to annex to the Village of Minoa is undeveloped with no inhabitants; d) Petitioner owns adjacent property located within the Village of Minoa and annexation will provide the requisite unity of service; e) the Village and Town deem it in the best interests of their respective communities for the Petition for Annexation to be approved for the reasons set forth above; f) there are no delinquent taxes or assumption of debt or current liabilities attached to the real estate proposed to be annexed.

Section 3. The Proposed Petition for annexation to the Village of Minoa of approximately 3.79 acres of undeveloped, uninhabited territory situated in the Town, identified by tax parcel number 054.-02-26.1, and which territory is more particularly described above, is hereby approved.

Section 4. The Village of Minoa shall take responsibility for preparing and filing an updated survey related to the proposed annexation pursuant to General Municipal Law Section 717.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nea</u>	<u>Absent</u>	<u>Abstain</u>
John Deer, Supervisor	[ ]	[ ]	[ ]	[ ]

Sara Bollinger	[ ]	[ ]	[ ]	[ ]
Elaine Denton	[ ]	[ ]	[ ]	[ ]
Alissa Italiano	[ ]	[ ]	[ ]	[ ]
Katelyn Kriesel	[ ]	[ ]	[ ]	[ ]
William Nicholson	[ ]	[ ]	[ ]	[ ]
Heather Waters	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon declared duly adopted.

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 25<sup>th</sup> day of January, 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this \_\_\_\_ day of January, 2023.

DATED:        January \_\_\_\_, 2023  
                  Manlius, New York

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**

## **TOWN OF MANLIUS**

### **RESOLUTION**

#### **CONSENT TO THE ANNEXATION OF TERRITORY TO THE VILLAGE OF MINOA, ONONAGA COUNTY, NEW YORK.**

WHEREAS, a Petition was filed and received by the Town of Manlius, dated October 31, 2022 from John Greiner and Linda Greiner, owners of certain property described as that parcel of land identified as “Lot 2” on a subdivision map dated December 21, 2020 prepared by Cottrell Land Surveyors, P.C. and consisting of approximately 4.572 acres of Land, Tax Parcel Identification Number 055.-01-06.0 in the Town of Manlius; and

WHEREAS said Petition, notarized by a duly licensed Notary in and for the State of New York, was filed by the sole owners of said property pursuant to General Municipal Law § 703 to pursue the annexation of said property from the Town of Manlius to the Village of Minoa, and contained a description of the territory or property to be annexed and an indication that there are no persons residing on the territory sought to be annexed. Attached to the Petition is the description of the property, a subdivision map dated December 21, 2020 prepared by Cottrell Land Surveyors, P.C., and a duly notarized Affidavit from Patrick Duffy, the sole Assessor for the Town of Manlius; and

WHEREAS, pursuant to Section 704 of the General Municipal Law, a Notice of Public Hearing was published indicating that the Petition for Annexation was proposed and that a joint Public Hearing would occur on January 11, 2023 at 6:35 p.m. at the Town of Manlius Town Hall, 301 Brooklea Drive, Fayetteville, New York 13066; and

WHEREAS, pursuant to Section 705 of the General Municipal Law, a joint public hearing was held with representatives of the Village of Minoa Board of Trustees present, at the Town of Manlius Town Hall, 301 Brooklea Drive, Fayetteville, NY 13066, and Town of Manlius Supervisor John Deer was selected to preside at said meeting; and the Town received no comments regarding or concerning the proposed Annexation; and

Whereas, the Village of Minoa was designated as lead agency for SEQR purposes and a negative declaration was made on January 24, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Town Board for the Town of Manlius, Onondaga County, New York, as follows:

Section 1. The Petition for Annexation relating to annexation to the Village of Minoa of the territory set forth above substantially complies with the provisions of Section 706 of the General Municipal Law.

Section 2. It is in the overall public interest to approve the Proposed Annexation, for reasons including, but not limited to: a) the Petitioners, John Greiner and Linda Greiner, are the sole owners of the property sought to be annexed and are permitted to sign said petition; b) the people signing the Petition are the sole owners of the property; c) there are no persons residing on the land for which the Petitioners seek annexation; d) the Village and Town deem it in the



best interests of their respective communities for the Petition for Annexation to be approved for the reasons set forth above; e) there are no delinquent taxes or assumption of debt or current liabilities attached to the real estate proposed to be annexed.

Section 3. The Proposed Petition for annexation to the Village of Minoa of approximately 4.572 acres of uninhabited territory situated in the Town, identified by tax parcel number 055.-01-06.0, and which territory is more particularly described above, is hereby approved.

Section 4. The Village of Minoa shall take responsibility for preparing and filing an updated survey related to the proposed annexation pursuant to General Municipal Law Section 717.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nea</u>	<u>Absent</u>	<u>Abstain</u>
John Deer, Supervisor	[ ]	[ ]	[ ]	[ ]
Sara Bollinger	[ ]	[ ]	[ ]	[ ]
Elaine Denton	[ ]	[ ]	[ ]	[ ]
Alissa Italiano	[ ]	[ ]	[ ]	[ ]
Katelyn Kriesel	[ ]	[ ]	[ ]	[ ]
William Nicholson	[ ]	[ ]	[ ]	[ ]
Heather Waters	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon declared duly adopted.

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 25<sup>th</sup> day of January, 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this \_\_\_\_ day of January, 2023.

DATED:        January \_\_\_, 2023  
                  Manlius, New York

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**

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**IN THE MATTER**

**Of**

**Local Law 2022-\_\_\_**

**A LOCAL LAW ESTABLISHING  
REGULATIONS RELATED TO ADULT-USE  
RETAIL CANNABIS DISPENSARIES AND  
ONSITE CONSUMPTION CANNABIS  
FACILITIES**

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**CALLING FOR PUBLIC  
HEARING FOR LOCAL LAW**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the \_\_\_\_<sup>th</sup> of \_\_\_\_\_, 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, New York State has eliminated the criminal penalties for the recreational use of marijuana;

**WHEREAS**, in order to remedy the consequences of previous marijuana laws, New York State passed the Cannabis Law (Chapter \_\_\_ of the Law of 2022) with the intent to regulate, control and tax cannabis, generate new revenue, make substantial investments in communities and people most impacted by cannabis criminalization to address the collateral consequences of such criminalization, prevent access to cannabis by those under the age of twenty-one years, reduce the illegal drug market and reduce violent crime, reduce participation of otherwise law-abiding citizens in the illicit market, end the racially disparate impact of existing cannabis laws, create new industries, protect the environment, improve the state’s resiliency to climate change, protect the public health, safety and welfare of the people of the state, increase employment and strengthen New York’s agriculture sector;

**WHEREAS**, the Town of Manlius, through this Local Law, seeks to promote the intent of the Cannabis Law while ensuring responsible use of cannabis in appropriate areas throughout the Town and the good health and welfare of all the citizens of the Town;

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law 2023-\_\_\_, entitled “A Local Law Establishing Regulations Related to Adult-Use Retail Cannabis Dispensaries and On-Site Cannabis Consumption Facilities,” the text of which is as follows:

**LOCAL LAW 2022-\_\_\_ ESTABLISHING THE CANNIBIS BUSINESS DISTRICT**

**BE IT ORDAINED AND ENACTED** by the Town Board of the Town of Manlius, County of Onondaga, State of New York, as follows:

Section 1. That Section XXX-XX of Chapter 155 of the Town Code (Zoning) is hereby amended as follows:

**CANNIBIS BUSINESS DISTRICT**

155-20.1\_\_

A. Purpose. The purpose of the Cannabis Business District (CBD) is to provide for the placement and regulation of Adult Use Marijuana Establishment Retailers as authorized pursuant to the State Marijuana Regulation and Taxation Act (MRTA) and regulations with the goal of regulation time, place and manner activity and minimizing potential adverse impacts on adjacent property owners, neighborhoods and the Town in general.

B. Applicability. The Cannabis Business District is hereby established as an Overlay District which shall consist of lots as they existed as of January 1, 2023 within the CA, CB NS and INDUSTRIAL districts.

C. Definitions. When used in this Section, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following words shall have the meanings therein:

- (1) “Cannabinoid” means the phytocannabinoids found in hemp and does not include synthetic cannabinoids as that term is defined in subdivision (g) of schedule I of section thirty-three hundred six of the New York State Public Health Law.
- (2) “Cannabinoid hemp” means any hemp and any product processed or derived from hemp, that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three tenths of a percent delta-9 tetrahydrocannabinol.
- (3) “Cannabinoid hemp processor license” means a license granted by the New York State Office of Cannabis Management or the New York State Cannabis Control Board to process, extract, pack or manufacture cannabinoid hemp or hemp extract into products, whether in intermediate or final form, used for human consumption.
- (4) “Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber,

oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp; cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.

- (5) "Cannabis consumer" means a person twenty-one years of age or older acting in accordance with any provision of this law or the New York State Cannabis Law.
- (6) "Cannabis control board" or "Board" means the New York State Cannabis Control Board ("CCB") created pursuant to the New York State Cannabis Law.
- (7) "Cannabis flower" means the flower of a plant of the genus Cannabis that has been harvested, dried, and cured, prior to any processing whereby the plant material is transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis flower excludes leaves and stem.
- (8) "Cannabis product" or "adult-use cannabis product" means cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer.
- (9) "Cannabis-infused products" means products that have been manufactured and contain either cannabis or concentrated cannabis and other ingredients that are intended for use or consumption.
- (10) "Cannabis trim" means all parts of the plant of the genus Cannabis other than cannabis flower that have been harvested, dried, and cured, but prior to any further processing.
- (11) "Concentrated cannabis" means: (a) the separated resin, whether crude or purified, obtained from cannabis; or (b) a material, preparation, mixture, compound or other substance which contains more than three percent by weight or by volume of total THC, as defined herein.
- (12) "Cultivation" means growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants for sale to certain other categories of cannabis license and permit-holders.
- (13) "Delivery" means the direct delivery of cannabis products by a retail licensee, microbusiness licensee, or delivery licensee to a cannabis consumer.
- (14) "Distributor" means any person who sells at wholesale any cannabis product, except medical cannabis, for the sale of which a license is required under the provisions of this law and New York State Cannabis Law.
- (15) "Executive director" means the executive director of the office of cannabis management.

- (16) "Hemp" means the plant *Cannabis sativa* L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than three-tenths of a percent on a dry weight basis. It shall not include "medical cannabis" as defined in the New York State Cannabis Law.
- (17) "Hemp extract" means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers derived from hemp, used or intended for human consumption, for its cannabinoid content, with a delta-9 tetrahydrocannabinol concentration of not more than an amount determined by the office in regulation. For the purpose of this article, hemp extract excludes (a) any food, food ingredient or food additive that is generally recognized as safe pursuant to federal law; or (b) any hemp extract that is not used for human consumption.
- (18) "License" means a written authorization as provided pursuant to the New York State Cannabis Law permitting persons to engage in a specified activity authorized by the New York State Cannabis law.
- (19) "Licensee" means an individual or an entity who has been granted a license under the New York State Cannabis Law.
- (20) "Medical cannabis" means cannabis as defined in the New York State Cannabis Law.
- (21) "Microbusiness" means a licensee that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor and a cannabis retailer pursuant to New York State Cannabis Law; provided such licensee complies with all requirements imposed by New York State Cannabis Law on licensed producers, processors, distributors and retailers to the extent the licensee engages in such activities.
- (22) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives and registered organizations.
- (23) "Office" or "office of cannabis management" means the New York state office of cannabis management ("OCM").
- (24) "On-site consumption" means the consumption of cannabis in an area licensed as provided for by New York State Cannabis Law.
- (25) "Package" means any container or receptacle used for holding cannabis or cannabis products.
- (26) "Permit" means a permit issued pursuant to New York State Cannabis Law.

- (27) "Permittee" means any person to whom a permit has been issued pursuant to New York State Cannabis Law.
- (28) "Processor" means a licensee that extracts concentrated and/or compounds, blends, extracts, infuses, or otherwise manufactures concentrated cannabis or cannabis products, but not the cultivation of the cannabis contained in the cannabis product.
- (29) "Retail sale" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.
- (30) "Retailer" or "Marijuana Establishment Retailer" means any person who sells at retail any cannabis product, the sale of which a license or permit is required pursuant to this law and MRTA.
- (31) "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains cannabis including the use of an electronic smoking device that creates an aerosol or vapor.
- (32) "THC" means Delta-9-tetrahydrocannabinol; Delta-8-tetrahydrocannabinol; Delta-10-tetrahydrocannabinol and the optical isomer of such substances.
- (33) "Total THC" means the sum of the percentage by weight or volume measurement of tetrahydrocannabinol acid multiplied by 0.877, plus, the percentage by weight or volume measurement of THC.
- (34) "Warehouse" means and includes a place in which cannabis products are securely housed or stored.
- (35) "Wholesale" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee of any adult-use, medical-use cannabis or cannabis product, or cannabinoid hemp and hemp extract product for purposes of resale.

**D. General Provisions.**

(1) Special Permit. A Special Permit shall be required for the operation of a Marijuana Establishment Retailer under Section 155-27 of the Town Code.

(2) License. All permitted Marijuana Establishment Retailers shall have a provisional license from the Cannabis Control Board (CCB) and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations



at all times. No Special Permit shall be issued for a Marijuana Establishment Retailer that has not received a provisional license from the CCB.

(3) Cessation of Operation. The Special Permit shall be valid only for the Applicant and shall become void if the Applicant ceases operating the licensed Marijuana Establishment Retailer for a period of three (3) consecutive months, except where such cessation is the result of natural disaster, act of terrorism, riot, or other criminal acts of third parties, strike or other force majeure event determined by the Planning Board to constitute good cause.

(4) Loss of CCB License; Failure to Obtain Final License. The Special Permit shall become void if a Final License is not issued by the CCB or upon the expiration or termination of the Marijuana Establishment Retailer's CCB license.

(5) Parking and Loading. Parking and loading for a Marijuana Establishment Retailer Retailers shall be in accordance with Section 155-31 Off Street Parking and Loading of this Chapter. However, the Planning Board may require a greater number of parking spaces and/or loading bays if it finds, based on the application, plans and documents submitted to the Planning Board regarding operation of the Marijuana Establishment Retailer, that the minimum requirements are not sufficient.

(6) Signs. The Planning Board may impose restrictions on signage as appropriate for the site. If additional sign restrictions are not specified within the Special Permit, the Marijuana Establishment Retailer shall abide by 155-25 of this Chapter.

(7) Enclosed Building. All Marijuana Establishment Retailer Retailers shall operate within a fully enclosed building and shall not operate within any mobile facility. A minimum separation of \_\_\_\_\_ feet is required between Marijuana Establishment Retailer Retailers. The distance under this section is measured in a straight line from the nearest point of each structure containing a Marijuana Establishment Retailer to the structure proposed to contain the Marijuana Establishment Retailer.

(8) Hours of Operation may be set by the Planning Board but, if none are specified in the Special Permit, hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sunday.

**E. Location.**

(1) Overlay. Marijuana Establishment Retailer Retailers shall only be located in the Cannabis Business Overlay District;

(2) Proximity to other Uses.

(a) No Marijuana Establishment Retailer shall be located within one thousand (1000') feet of any public or private school or daycare center, [AND ANY OTHERS];

(b) In determining whether to issue a Special Permit, and what conditions to impose, the Planning Board shall evaluate (in addition to any criteria set forth elsewhere in this Chapter) proximity of other land uses that may be adversely affected by the proposed Marijuana Establishment Retailer, including without limitation, libraries, playgrounds, parks, martial arts and dance studios, houses of worship, pediatric medical offices, toy stores, and comic book stores.

(3) Measurement. The distance under this section is measured in a straight line from the nearest point of any structure, in existence as of the passage of this Section, January 1, 2023, and continuing to be in existence as of the date of Planning Board's decision, containing one or more of the protected uses identified in E(2) above, to the nearest point of the structure proposed to contain the Marijuana Establishment Retailer.

#### **F. Application Process and Requirements:**

(1) Application Procedures. The application for a Special Permit for a Marijuana Establishment Retailer shall be filed with the Planning Board and with the Town Clerk in accordance with Section 155-28 of this Chapter. The application shall be signed by a duly authorized officer of the Applicant and the property owner, if the Applicant is not the owner of the subject property.

(2) Fees. The Special Permit Fee for a Marijuana Establishment Retailer shall be established by the Town Board by resolution

(3) Required Documents. The Applicant shall provide the Planning Board with fifteen (15) paper copies of the application and plans, an electronic copy of the application and plans, and required fees. All plans and maps shall be prepared, stamped, and signed by a professional engineer or architect licensed to practice in New York. An application to the Planning Board shall include, at a minimum, the following information:

- (a) The Applicant's name, address, telephone number, and email address;
- (b) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
- (c) A certified copy of the Provisional License or Permit issued by the CCB to the Applicant, along with copies of all other materials issued by the CCB to the Applicant;
- (d) A notarized statement signed by the organization's Chief Executive Officer or corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all individual persons associated with the entity as set forth above;
- (e) A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to, cultivating and processing of

marijuana or marijuana products as defined in the MRTA or this Chapter, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;

(f) A map depicting all properties and land uses within a five hundred foot (500') radius (minimum) of the project site, whether such uses are located in the Town or within surrounding communities, including, but not limited to, libraries, playgrounds, parks, martial arts and dance studios, houses of worship, pediatric medical offices, toy stores, and comic book stores;

(g) A plan or plans depicting all proposed development on the property, including the dimensions of all existing and proposed structures, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type, and direction of all outdoor lighting on the site, and any landscape design;

(h) A plan or plans showing any proposed stormwater management system, which plan(s) shall meet the submission requirements of the New York State Department of Environmental Conservation;

(i) Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Prospective drawings and illustrations of the site from public ways and abutting properties is required;

(j) Completed MRTA Checklist, to be submitted to the Planning Board and the Manlius Police Department prior to commencement of operations by the Marijuana Establishment Retailer;

(k) Traffic Impact Report;

(l) All Marijuana Establishment Retailers shall comply with Chapter 38 - Marijuana Growing, Processing, or Extraction Facilities of the National Fire Protection Association's (NFPA) Codes and Standards, if said establishment is a grow, cultivation, processing or extraction facility;

(m) Provide detailed information on all chemicals, fertilizers, etc. being used within or on the same property as the Marijuana Establishment Retailer;

(n) Provide narrative of organic pest control being used;

(o) Provide plans and narrative of odor mitigation;

(p) A list of waivers, if any, which were requested by the Marijuana Establishment Retailer and granted by the CCB to any section of the MRTA.

(4) Department Review. Within five business days of the receipt of the application, the Planning Board shall refer copies of the application to the Fire Department with jurisdiction of the site and the Manlius Police Department. These agencies shall review the application and shall submit their written recommendations.

(5) Decision Criteria. In addition to the criteria set forth in Section 155-28, the Planning Board shall issue a Special Permit for a Marijuana Establishment Retailer only if it finds that the Applicant has submitted sufficient information from which it can conclude that:

(a) The Marijuana Establishment Retailer has received a provisional license or permit from the CCB and complies with all applicable state and local laws, regulations, and

requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;

(b) The building and site have been designed to be reasonably compatible with other buildings and sites in the area;

(c) The siting of the Marijuana Establishment Retailer will be accomplished so as to minimize any adverse impacts on abutters and other parties in interest;

(d) The Marijuana Establishment Retailer will create no substantial harm to the established or future character of the neighborhood or town;

(e) With due consideration to aesthetics, the Marijuana Establishment Retailer is designed to ensure convenient, safe and secure access as follows:

(i) personal safety of those working at or utilizing the facility;

(ii) personal safety for clients and invitees;

(iii) loading and service areas are designed to be secure; and

(iv) protection of the premises from theft.

(f) The Applicant has not provided materially false documents or testimony;

(g) The Applicant has demonstrated the availability and provision of adequate access, utilities and other infrastructure and that the operation of the Marijuana Establishment Retailer will not adversely affect such access, utilities and infrastructure;

(h) The Applicant has satisfied all of the conditions and requirements of this Chapter.

(7) Special Permit Conditions. The Planning Board shall impose those conditions it deems appropriate in its opinion to improve siting, design placement, traffic flow, and public safety; protect water quality, air quality, and significant environmental resources; preserve the character of the surrounding area; and otherwise serve the purpose of this By-Law. In addition to any specific conditions applicable to the Marijuana Establishment Retailer, the Planning Board shall include, but not be limited to, the following conditions in any Special Permit granted under this Section:

(a) The permit holder shall file a copy of any Incident Report required under the CCB with the Town Board, with copies to the Director of Planning and Development and the Planning Board, within 24 hours of creation by the Marijuana Establishment Retailer;

(b) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by the CCB regarding the Marijuana Establishment Retailer with the Town Board, with copies to the Director of Planning and Development and the Planning Board, within 48 hours of receipt by the Marijuana Establishment Retailer;

(c) The permit holder shall provide to the Town Board, the Director of Planning and Development, the Planning Board, the Police Chief, and the respective Fire Chiefs the name, telephone number and email address of a contact person in the event that the Police Department, Code Enforcement Office or other Town official determines it necessary to contact the Applicant after regular business hours. Such contact information shall be kept updated by the permit holder;

(d) The Special Permit shall be limited to the current applicant and shall become void if the permit holder ceases operating the Marijuana Establishment Retailer or transfers greater than fifty-one (51%) percent ownership;

(e) The Special Permit shall become void if the CCB refuses to issue a final license or upon the expiration or termination of the applicant's CCB license;

(f) The permit holder shall notify the Town Board in writing, with copies to the Director of Planning and Development, the Police Department, and Planning Board, within 48 hours of the cessation of operation of the Marijuana Establishment Retailer, notice from the CCB of a denial of a final license, transfer or sale of interest, enforcement action taken by the CCB or the expiration or termination of the permit holder's CCB license;

(g) In the event that the CCB revokes, fails or refuses to issue a final license to the Marijuana Establishment Retailer, a Special Permit issued for the Marijuana Establishment Retailer shall be deemed null and void;

(h) The Applicant/Owner agrees to provide the Planning Board with any and all documents related to the Marijuana Establishment Retailer if and when requested to do so.

**G. Prohibition against Nuisances.** The Marijuana Establishment Retailer shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Violation of this Section or the conditions of any Special Permit issued hereunder shall entitle the Planning Board to notice a public hearing to consider the modification, suspension or revocation of the Special Permit or any orders or conditions relating thereto.

#### **H. Waivers.**

(1) Waivers from the requirements of this Section may be requested in writing to the Planning Board and shall not be considered a variance as that term is defined in Town Law. A waiver may be granted by the Planning Board if it determines that:

(a) Strict enforcement of this Section would do manifest injustice;

(b) Any alleged hardship is not self-created; and

(c) The granting of a waiver shall not in any way impair the public health, public safety or the environment.

(2) The Planning Board may impose any conditions, safeguards and other limitations on a waiver when it deems it appropriate to protect the public health, public safety or the environment.

**I. Conflicts with State Law and Regulations.** If any provision, paragraph, sentence, or clause of this Section shall be determined to be in conflict with applicable State Law or Regulations, the provisions of said State Law or Regulations shall prevail.

**J. Definition of terms used in this section.** Where not expressly defined in this Chapter, terms used in this section shall be interpreted as defined in MRTA and the CCB Regulations promulgated thereunder, as the same may be amended from time-to-time, and otherwise by their plain language.

K. **Severability.** The provisions of this Local Law are severable. If any provision, paragraph, sentence, or clause of this Section of Town Code or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Section 2. Supersession Language. Supersede the Section of Cannabis law that uses 500 feet rather than 1000 feet.

Section 3. This local law shall take upon the filing with the Secretary of State.

**NOW, THEREFORE, BE IT**

**RESOLVED**, set date for public hearing language; and be it further

**RESOLVED**, direct Clerk to publish notice of public hearing. .

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the \_\_\_ day of \_\_\_\_\_, 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this \_\_\_ day of \_\_\_\_\_ 2023.

DATED: \_\_\_\_\_, 2023  
Manlius, New York

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**

**5912 North Burdick Street, E. Syracuse, NY 13057 – PUBLIC HEARING - Zone Change Recommendation to Town Board – RA and Commercial to R3 Megnin Farms – Route 5 at East Genesee Street and Strawmount Trail - Tax Map #'s 082.2-01-02.0 and 082.2-01-03.0**

This is a recommendation to the Town Board of Manlius from referral of the Town Board relative to the request for zone change made by the applicant for the premises from RA (primarily) and CA (Small portion) to R-3.

This Board held an informational public hearing on December 12, 2022, intending to solicit the input of the surrounding neighbors and other residents on the issue of a potential zone change. The Board also previously heard for the Village of Chittenango Mayor relative to sewer plant capacity affecting this project. The Board further received 36 letters and emails in connection with the project and received a petition signed by 138 residents. The nature of all such comments are fully set forth in the public record/minutes of the meeting and are incorporated herein by reference.

**This Board hereby determines that a Zone change is not warranted for these affected parcels, and therefore recommends that the Town Board not re-zone the properties as requested by the applicant, for the following reasons as set forth below:**

1. The Housing that would be permitted in the R-3 zoning designation is not compatible with the adjacent residential housing which is nearly fully built out with single family housing of an upscale nature, with well-sized lots and yards and significant buffering between properties;

- an R-3 Zoning designation would allow for a much greater density of housing than is allowed in the current zoning designation of RA;

-the housing of town house and duplex character in close proximity to the single-family homes is not desirable for this area;

2. Absent compelling reasons that would benefit the Town or community, the purchasers of the single- family residential properties in the current Mengin Farms should be able to rely upon the zoning designation of its neighboring parcels to determine what type of development may be present near their residential property. A change of a significant nature that would ensue upon a zone change, which may be incompatible with the reasonable expectations of the neighbors, should not be entertained.

3. The significant drainage and storm water issues that have been presented cannot be ignored at this juncture in permitting or denying future/more dense development that would occur through a zone change.

4. The Town Board is in the midst of a complete Comprehensive Plan for the Town and it would be imprudent to recommend a zone change for this single area until a full and comprehensive review of the various zoning districts, in light of the Comprehensive Plan are completed.



5. The issue of how sewer capacity affects this and future projects must be better reviewed, explored and understood before a zone change that increases density, is allowed.

6. There has been nothing presented, in any event, to suggest that this property would not be reasonably developable under its current zoning designation(s).

7. Traffic onto Strawmount that would result from more density should also be considered.

Permit Issued Under Section 149 of the Highway Law

Distribution: 1 copy Municipality  
1 copy OCWA - copy to File#8

Project No.: 9004125


The undersigned, the Town Superintendent of Highways of the Town of Manlius, County of Onondaga, upon the written application of ONONDAGA COUNTY WATER AUTHORITY, dated on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and filed with him/her, as provided by Section 149 of the Highway Law, hereby grants permission to said applicant to install a hydrant at 8020 East Genesee Street, Town of Manlius, as shown on the attached map entitled: **8" Main Ext., Changing Seasons Tract, Town of Manlius, Map File #282\_2**, dated 8/13/1979 with a plan-approved date of 10/5/1981.

Note: All affected pavement to be repaired / replaced.

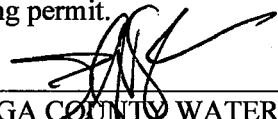
This permit is granted subject to the following conditions:

1. The work authorized by this permit shall be performed in a manner satisfactory to the Town Superintendent.
2. The applicant is to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under terms of this permit and is to save the Town harmless from all damages which may accrue by reason of their location in the highway, and upon notice by the Town Superintendent, agrees to make any repairs required for the protection and preservation of the highway; and further agrees that upon failure of the applicant to make such repairs, they may be made by the Town Superintendent at the expense of the applicant and such expense shall be a prior lien upon the land benefited by the use of the highway for such pipes, hydrants and appurtenances.
3. The drainage, sewer or water pipes or appurtenances which are laid under this permit shall be so placed as not to interrupt or interfere with public travel upon the highway; and the earth removed must be replaced, and the highway left in all respects in as good condition as before the work was performed.
4. That such drainage, sewer or water pipes must be placed at least four (4) feet below and in such a manner as in no way to interfere with the pavement, shoulders or drainage ditches of the highway and that portion of the trench which passes under the pavement shall be bored or pipe-driven and in no case shall the pavement be disturbed. Upon the completion of the work, the highway shall be left in as good condition as before the work was performed and to the satisfaction of the Town Superintendent.
5. It is agreed by the applicant that any injury or disturbance of the pavement portion of the highway, its shoulders or drainage ditches which may occur hereafter by reason of the laying of said drainage, sewer or water pipes and their appurtenances shall be repaired by and at the expense of the applicant to the satisfaction of the Town Superintendent.
6. The said Town Superintendent may, upon the failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove any pipes or hydrants, or other appurtenances, which may have been placed in the highway under this permit.
7. If the road upon which this permit is issued is at the time of issuance a Town highway, and should it be thereafter improved as a State highway or County road, or by any municipality, it is agreed that the applicant shall, before its improvement at the applicant's own expense, remove drainage, sewer or water pipes or appurtenances which may be placed under this permit and will relay the same in conformity with the directions of the engineer in charge of such improvement and in accordance with the rules and regulations prescribed by the State Superintendent of Public works or the county Superintendent of Highways as the case may be.
8. The undersigned applicant agrees to accept full responsibility and liability because of said work and further agrees to save the Town of Manlius and the County of Onondaga free from any and all responsibility and liability thereof.

Dated this \_\_\_\_\_ )  
Day of \_\_\_\_\_ )

  
\_\_\_\_\_  
Town Superintendent

I hereby agree to conform to the conditions contained in the foregoing permit.

  
\_\_\_\_\_  
ONONDAGA COUNTY WATER AUTHORITY  
Patrick Sherlock, P.E., Engineering Manager

The undersigned, members of the Town Board of the Town of \_\_\_\_\_, hereby consent to the grant of the foregoing permit.

Dated this \_\_\_\_\_ )  
Day of \_\_\_\_\_ )

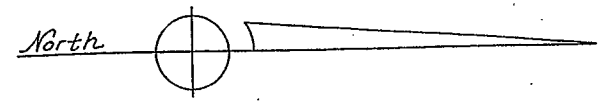
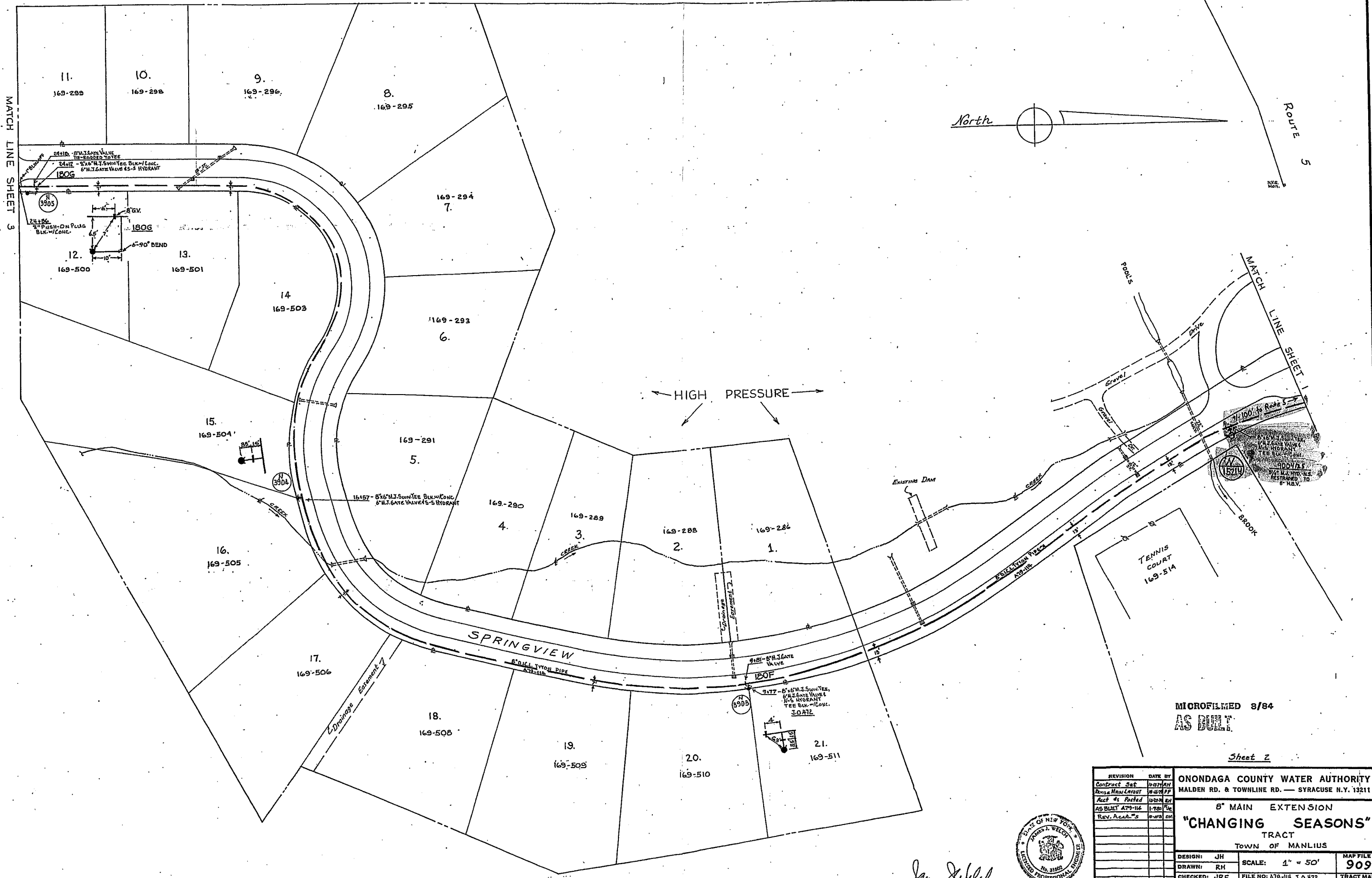
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_) Justices of  
\_\_\_\_\_) the Peace  
\_\_\_\_\_)

Dated this \_\_\_\_\_ )  
Day of \_\_\_\_\_ )

\_\_\_\_\_  
County Superintendent

SCALE 1" = 50'

MATCH LINE SHEET 9



Route 5

MATCH LINE SHEET 1

HIGH PRESSURE

EXISTING DAM

TENNIS COURT 169-514

MICROFILMED 8/84  
AS BUILT

Sheet 2

REVISION	DATE	BY	ONONDAGA COUNTY WATER AUTHORITY MALDEN RD. & TOWNLINE RD. — SYRACUSE N.Y. 13211
Contract Set	10/27/83	JH	8" MAIN EXTENSION "CHANGING SEASONS" TRACT TOWN OF MANLIUS
Revised Man/Draw	11/28/83	PP	
As BUILT 479-114	1-7-85	JH	
Rev. Asct's	10/28/85	CH	
			DESIGN: JH
			DRAWN: RH
			CHECKED: JRE
			DATE: 8-13-79
			SCALE: 1" = 50'
			FILE NO: A79-114, J.O.472
			TRACT MAP 282
			MAP FILE 909



James J. Welch  
 JAMES J. WELCH N.Y. STATE P.E. LIC. 31502