

Agenda
Manlius Town Board
December 2, 2020
6:30 PM

1. Virtual Meeting Instructions - December 2nd

Documents:

[12-2-20 TOWN BOARD MEETING INSTRUCTIONS.PDF](#)

2. Pledge Of Allegiance

3. Approval Of Minutes - November 18, 2020

Documents:

[11-18-20 DRAFT.PDF](#)

4. Approval Of Abstract # 23

5. Continuation Of Public Hearing - Commercial Zoning Classification Changes

Documents:

[COMMERCIAL-ZONING-TABLE 12.1.20.PDF](#)
[EXHIBIT A COMMERCIAL ZONING 11.25.20 12-2-20.PDF](#)
[EXHIBIT B ZONING CODE DEFINITIONS 11-25-20 12-2-20.PDF](#)
[PROPOSED LOCAL LAW 2020-___ MODIFYING ZONING CODE JLS CHANGES.PDF](#)

6. Continuation Of Public Hearing - Local Law Noise Control Ordinance Amendment

Documents:

[LOCAL LAW 2020-___ NOISE ORDINANCE ENACTING.PDF](#)

7. Highway Superintendent

7.I. Water Main Extension - Kimball Rd.

Documents:

[KIMBALL RD. - ENDERS RD. WATER MAIN EXTENSION.PDF](#)

8. Planning & Development

9. Attorney

10. Town Clerk

11. Police Chief

12. Town Manager

13. Town Board

14. Supervisor

15. 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



December 2, 2020 – 6:30PM

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/82995786964?pwd=QVQ0czMvM0xGNitoWWNVdUhUTytLdz09>

Password to join when prompted:

Password: 279485

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: 829 9578 6964

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

Password: 752922

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

MINUTES
TOWN BOARD
November 18, 2020

The Town of Manlius Town Board live streaming from their homes, with Supervisor Edmond Theobald presiding and the following Board members present:

Karen Green, Councilor
Sara Bollinger, Councilor
Elaine Denton, Councilor
John Deer, Councilor
Heather Waters, Councilor
Katelyn M. Kriesel, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town	Allison A. Weber, Town Clerk
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

Other persons attending:

1. Introduction to Join the Virtual Town Board Meeting

Introduction of Zoom Meeting Attendees.

2. The Pledge of Allegiance

The Town Board recited the Pledge of Allegiance. Supervisor Theobald, called the meeting to order at 6:30 pm

3. Approval of Minutes – October 28, 2020 & November 4, 2020

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the minutes of October 28, 2020 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the minutes of November 4, 2020 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

4. Approval of Abstract # 22

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 22 as submitted by Town Clerk Weber.

TOWN OF MANLIUS

Fund Summary
Abstract # 22 - 2020

CODE	FUND	TOTALS
A	General Fund Townwide	\$35,701.96
B	General Fund Town	\$198.02
DA	Highway Fund Townwide	\$31,899.10
DB	Highway Fund Town	\$44,982.39
SR1	Manlius Trash District	\$102,493.16
SR2	Manlius Res Brush District	\$11,672.50

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

5. Public Hearing - Local Law Noise Control Ordinance Amendment

The Town Board discussed the proposed local law and the reasoning behind the amendments.

Councilor Deer stated that the town code is being restructured in order to add measurable metrics and make the noise ordinance more enforceable.

Supervisor Theobald stated that the law has been shared with the three villages.

Councilor Deer made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of the public hearing for proposed Local Law 2020-__ Noise Control Ordinance Amendment

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Councilor Waters made a motion, seconded by Councilor Bollinger, to open the public hearing at 6:38PM for proposed Local Law 2020-__ Noise Control Ordinance Amendment.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Peter Buonfiglio, Manlius, shared research on noise pollution and the negative way that noise pollution effects the body. Mr. Buonfiglio asked the Town Board to consider the hidden risks of noise pollution and approve the amendments.

Mike Pede, Minoa, asked what determined the decibel level proposed in the ordinance?

Councilor Deer stated that the decibel level in the proposed ordinance was determined based on research of other ordinances in other municipalities. Councilor Deer stated that decibel measurements would be measured at the property line.

The Town Board discussed the decibel levels produced by everyday activities such as lawn mowing.

Robert Bates, Fayetteville stated that the proposed decibel level in the noise ordinance is to low; riding lawn mowers have a decibel level of 90, tractors have a decibel level of 92 and a normal conversation is 60

decibels. Mr. Bates stated that a disgruntled neighbor could complain about simple things like lawnmowing and wood working tools.

Gary Rein, Fayetteville, asked if the noise-intensity decibel reading taken by a resident using a reliable device be accepted as relevant evidence? Or must a Town official be present?

The Town Board discussed how official decibel readings would be recorded.

Councilor Waters requested that the noise ordinance drafts be made available to the public.

Minerva Muzquiz, Manlius, stated that she supported the new noise ordinance.

Councilor Bollinger stated that town could provide some real-world noise examples of decibel levels for activities.

Chief Crowell and Attorney Frateschi explained how the current and the proposed noise ordinance will be enforced.

Robert Bates, Fayetteville, stated that he is opposed to the proposed noise ordinance.

The Town Board discussed how the noise ordinance would impact enforcement of barking dog issues.

Town Clerk Weber stated that the Town Code contains a specific section that address barking dogs and set parameters for enforcement.

Attorney Frateschi stated that the amendments to the noise ordinance create standards that are enforceable in court.

Supervisor Theobald read aloud a statement on behalf of Jim Raquet of Manlius. Mr. Raquet stated that if the noise ordinance is too broad it will cause neighbor issues. Mr. Raquet requested that the matter be tabled.

Mr. Pede asked if this ordinance would control train noise from CSX railyard. Attorney Frateschi stated that the trains are governed nationally, and the Town does not have control over the railyard.

Councilor Bollinger made a motion, seconded by Councilor Green, to adjourn the public hearing at 7:09 PM in the matter of the proposed Local Law 2020__ Noise Control Ordinance Amendment until the December 2, 2020 Town Board meeting.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

6. 2021 Town Budget – Final Adoption

Supervisor Theobald made a statement regarding the final budget overview. A copy of that statement is on file in the Town Clerk's Office.

Councilor Bollinger and Councilor Kriesel discussed the challenges faced while working on the 2021 Budget. A discussion also took place regarding the changes that were made to the adopted preliminary budget. Those changes were officially made by way of motion later in the meeting.

The final tax rates are as follows: 4.7336 Full Town and 3.6081 Part Town. The special district levy increased by \$179,068 and the final tax levy is over the property tax cap by \$106,920.

Councilor Bollinger made a motion, seconded by Councilor Kriesel, to adopt the following changes to the 2021 Preliminary Town Budget:

Account	Title	Amount
A Fund		
A00 4.3001	AIM (Aid & Incentives for Municipalities)	77,000.00
A00 5.1010.100	Town Board - Personal Services	(1,518.00)
A00 5.1110.100	Justices - Personal Services	(1,426.00)
A00 5.1220.100	Supervisor - Personal Services	(800.00)
A00 5.8090.101	Environmental Control - Personal Services	(500.00)
	Total A Fund Changes - Revenue	77,000.00
	Total A Fund Changes - Expenditures	(4,244.00)

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Councilor Bollinger made a motion, seconded by Councilor Kriesel, to approve the 2021 Final Town Budget as amended by previous motion.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

7. Social Media

Councilor Deer spoke briefly about the draft social media policy. The policy is a standard policy that is meant to formalize outgoing communications and create a communications committee.

8. OCCRA Contract

Councilor Waters made a motion, seconded by Councilor Denton, to approve the Agreement for Use of OCRRA Solid Waste Management System between Onondaga County Resource (OCCRA) Recovery Agency and the Town of Manlius.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries

9. Deer Intermunicipal Agreement Between the Village of Fayetteville & Town of Manlius 2020-2021

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the Intermunicipal Agreement – Deer Management Plan between the Village of Fayetteville and the Town of Manlius

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries

10. Highway Superintendent – No New Business

11. Planning & Development- No New Business

12. Attorney

Attorney Frateschi presented two draft Payment In Lieu Of Taxes (PILOT) agreements for the solar array on N. Eagle Village Rd. and Green Lakes Rd.

Councilor Kriesel made a motion, seconded by Councilor Denton, to approve the PILOT Agreement for the solar array located on North Eagle Village Rd. pending legal review.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries

Councilor Kriesel made a motion, seconded by Councilor Denton, to approve the PILOT Agreement located on Green Lakes Rd. pending legal review.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries

13. Town Clerk – No New Business

14. Police Chief

Chief Crowell reported the following:

- Due to the recent spike in COVID-19 cases the Department will be returning to certain restriction protocols.
- There will be a sergeant promotion ceremony at Town Hall on Friday at 2:30PM.

15. Town Manager

The town hall COVID committee will be convening on Monday.

16. Town Board

Councilor Kriesel presented an Energy Benchmarking Resolution for municipal buildings owned by the Town of Manlius. This resolution is part of the Climate Smart Community Initiative and will track energy usage in municipal buildings.

Councilor Kriesel made a motion, seconded by Councilor Waters, to approve Establishing Energy Benchmarking Requirements for Certain Municipal Buildings.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries

Councilor Kriesel encouraged everyone to participate in the #ShopGreaterManlius buy local campaign with the Greater Manlius Chamber of Commerce.

Councilor Waters thanked everyone who participated in the grant funded tree planting in the Village of Manlius and the Erie Village tree planting.

Councilor Waters announced two additional listening sessions as part of the Comprehensive Planning Process. Listening Session #2 “Our Economy” and Listening Session #3 “Our History” and the session recordings will be available for both if residents are unable to attend.

Councilor Bollinger stated that Onondaga County is considering changing the bridge across Limestone Creek at Whetstone Road and exploring the possibility of widening the bridge to include a bike lane. Councilor Bollinger stated that she is seeking public input on the matter.

17. Supervisor

Councilor Kriesel made a motion, seconded by Councilor Green, to accept the Supervisor’s monthly report for October 2020 as presented.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

18. Adjournment

There being no further business to come before the Board, upon motion duly made by Councilor Green and seconded by Councilor Kriesel the Board voted unanimously to adjourn regular session at 8:23 PM.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber
Town Clerk

COMMERCIAL ZONING REFERENCE TABLE

P = Permitted Use S = Special Permit K = Allowed after Acknowledgement						
Category	Permitted Uses	NS	RS	CA	CB	ID
PRIMARY USES						
Artisan, Maker	Artist Studio e.g. Artist, Woodworker, Crafter, Baker, Jeweler, and Potter	P	P	P	P	P
Congregate Care Services	Day Care Facilities	P	P	P	P	
	Nursing Homes, Convalescent Homes, Home for Elderly Adults			P	P	
Commercial Business	Wholesale Establishments		P	P	P	P
	Warehouses				P	P
	Landing Fields			S	S	P
	Pet Care Services			S	S	P
	Hotels			P	P	K
	Fuel Stations				P	P
Gathering Places	Community Centers, Public Libraries, Public and Private Schools		P	P	P	K
	Parks and Trails	P	P	P	P	K
	Religious Establishments	P	P	P	P	K
Manufacturing	Light Manufacturing	S	P	P	P	P
	Heavy Manufacturing					S
Outdoor Display & Storage	Commercial Storage			S	P	P
	Container Storage					P
	Farm and Construction Equipment Distributions				S	P
	Farmer's Market	P	P	P	P	P
	Greenhouses	P	P	P	P	P
	Indoor Self-Storage Facility			P	P	P
	Junkyards					S
	Landscaping Businesses			S	S	P
	Lumberyards				P	P
	Outdoor Self-Storage Facility				P	P
	Public Vehicle Parking Lot or Garage			P	P	P
Zoning Classifications: NS = Neighborhood Shopping RS = Regional Shopping CA = Commercial A CB = Commercial B ID = Industrial						

COMMERCIAL ZONING REFERENCE TABLE

P = Permitted Use S = Special Permit K = Allowed after Acknowledgement						
Category	Permitted Uses	NS	RS	CA	CB	ID
Personal Services	An establishment that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession or retail sale of goods.	P	P	P	P	K
Places of Entertainment	Arcades, Billard Halls, and Gyms / Sports / Recreation Centers	S	P	P	P	P
	Indoor Theaters	S	P	P	P	P
	Outdoor Theaters		P	P	P	P
Professional Offices	Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental Offices	P	P	P	P	K
Restaurants	Casual and Fine Dining	P	P	P	P	P
	Coffee Houses	P	P	P	P	P
	Fast Casual	P	P	P	P	P
	Fast Food		P	P	P	P
Retail Sales	Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise	P	P	P	P	P
Vehicle Businesses	Outdoor Storage of Vehicles				P	P
	Recreational Vehicle Sales			S	P	P
	Used Vehicles Sales			S	P	P
	Vehicles Dealerships			S	P	P
	Vehicle Repairs			S	P	P
ACCESSORY USES						
Drive Thru	Drive Thru as an accessory use or structure only in connection with a Bank, Restaurant or other primary use	S	P	P	P	P
Zoning Classifications: NS = Neighborhood Shopping RS = Regional Shopping CA = Commercial A CB = Commercial B ID = Industrial						

Exhibit A**§ 155-13. Neighborhood Shopping Districts NS.****A. Purpose and Intent.**

This zoning classification is intended to permit the development of small-scale commercial, retail and personal service establishments in proximity to residential neighborhoods while at the same time minimizing the potential impact and disruption that such uses near residential neighborhoods could have.

B. Design Principles.

Applicants seeking permits or site plan approval for new construction and/or renovation within the Neighborhood Shopping District zone must demonstrate to the satisfaction of the Planning Board that building and site designs:

1. Are consistent with the design principles which predominate among the existing building and structures within the zone and the surrounding area, including residential, and will consider the impact on the character of the immediate and surrounding area, including residential.
2. Design principles to be addressed include, but are not limited to, the suitability of design and type of the proposed construction, including mass, height and line to be used in relation to the immediate and surrounding area including residential.
3. Site Plan Review shall include, but is not limited to, pedestrian access, hours of operation, lot coverage, parking, screening, lighting, noise, ingress/egress, and the overall aesthetics of the proposed development.

C. Permitted uses.

Only the following structures and uses are permitted in Neighborhood Shopping Districts upon the issuance of site plan approval by the Town Planning Board pursuant to Article IV, § 155-28 of this Chapter:

1. Artisan, Maker
2. Day Care Facilities
3. Farmer's Market
4. Greenhouses

-
5. Parks and Trails
 6. Places of Entertainment including Arcades, Billiard Halls, Gyms, Sports, Recreation Complex and Theaters
 7. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental
 8. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors, Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music studios, and Dry Cleaners
 9. Religious Establishments
 10. Restaurants including Coffee Houses, Fast Casual, Casual and Fine Dining but not including Fast Food
 11. Retail Sales including Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise

D. Special Permit Uses.

The following structures and uses are permitted upon the issuance of a Special Use Permit by the Town Planning Board pursuant to Article __§ __ of this chapter:

1. Drive Thru as an accessory use or structure only in connection with a Bank, Restaurant or other primary use permitted in this section.
2. Places of Entertainment, including arcades, billiard halls, gyms, sports, recreation and indoor theaters.
3. Light Manufacturing.

E. Regulations.

1. Nothing herein set forth shall be deemed to prevent the inclusion of two or more permitted uses in the same building.
2. Notwithstanding anything to the contrary herein, outdoor storage of any product or materials is not permitted as an accessory use to any permitted primary use.
3. No Neighborhood Shopping District shall exceed 15 acres. All structures shall be further limited to a total maximum of a 10,000 square foot footprint per acre. Lot coverage shall be limited to a total maximum lot coverage of 75%. Any structure within a Neighborhood Shopping District shall be set back a minimum of 50 feet from any adjoining property line of property zoned residential or restricted agricultural. A minimum of 30 feet immediately adjoining any such property line shall consist of a landscaped buffer, appropriate to the circumstances, as

approved by the Planning Board.

4. All service areas within a Neighborhood Shopping District, such as those for the loading and unloading of merchandise, the delivery of food and equipment and the collection and pickup of garbage, shall be located a minimum of 100 feet from any adjoining property line of property zoned residential or restricted agricultural. All service areas shall be screened from sight by appropriate fencing, and such additional steps shall be taken as are necessary to minimize the impact of noise and light on adjoining residential properties.

F. Signage.

All signage shall be in accordance with § 155-25 of the Manlius Town Code subject to the following:

1. All signage, including requests for freestanding signs, shall be subject to site plan review by the Planning Board and shall be reviewed by the Planning Board to ensure that signage design is consistent with the design principles which predominate among the existing and proposed buildings within the zone and the surrounding area, including residential, and will not adversely affect the character of the immediate and surrounding area, including residential. Design principles to be addressed include, but are not limited to, the suitability of design and type of proposed sign, including height, line, color and texture of materials to be used in relation to the immediate and surrounding area, including residential.
2. Freestanding signs shall not exceed 8 feet in width and 7 1/2 feet in height and shall only be permitted after site plan review and recommendation by the Planning Board and upon the granting of an area variance by the Zoning Board of Appeals.

§ 155-14. Regional Shopping Districts RS.

A. Purpose and Intent.

This zoning classification is intended to encourage the efficient conversion of large-scale retail or commercial space into smaller, stand-alone combinations of retail, service and community uses. Any such redevelopment shall include some uniformity and cohesiveness in the appearance of the buildings.

B. Design Principles.

Applicants seeking permits or site plan approval for new construction and/or renovation within the Regional Shopping District zone must demonstrate to the satisfaction of the Planning Board that building and site designs:

1. Are consistent with the design principles which predominate among the existing buildings and structures within the zone and the surrounding area, including residential, and will consider the impact on the character of the immediate and surrounding area including residential.
2. Design principles to be addressed include, but are not limited to, the suitability of design and type of the proposed construction, including mass, height and line to be used in relation to the immediate and surrounding area including residential
3. Site Plan Review shall include, but is not limited to, pedestrian access, hours of operation, lot coverage, parking, screening, lighting, noise, ingress/egress, and the overall aesthetics of the proposed development.

C. Permitted Uses.

Only the following structures and uses are permitted in Neighborhood Shopping Districts upon the issuance of site plan approval by the Town Planning Board pursuant to Article IV, § 155-28 of this Chapter:

1. Artisan, Maker
2. Day Care Facilities
3. Commercial Business only including Wholesale Establishments provided they are wholly located in an enclosed building including preparation of products sold on premises, Warehouses and Doggy Day Care
4. Farmer's Market
5. Gathering Places including Community Centers, Religious Establishments, Public Libraries, Public/Private Schools, Parks and Trails
6. Greenhouses
7. Light Manufacturing
8. Places of Entertainment including Arcades, Billiard Halls, Gyms, Sports, Recreation Complex and Theaters
9. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental.
10. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors, Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music studios, and Dry Cleaners

11. Restaurants including Coffee Houses, Fast Food, Fast Casual, Casual and Fine Dining

12. Retail Sales including Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise

D. Regulations.

1. Nothing herein set forth shall be deemed to prevent the inclusion of two or more permitted uses in the same building.
2. Drive Thru is permitted as an accessory use or structure in connection with a Bank, Restaurant or other primary use permitted in this section.

E. Signage.

All signage shall be in accordance with § 155-25 of the Manlius Town Code subject to the following:

1. Business signs shall be permitted in the Regional Shopping District, for businesses located in the district that are not immediately adjacent to public streets. Said signs shall not exceed 5% of the building face and shall be affixed to the building.
2. Business signs permitted by the Town Code and directory signs shall be permitted in the Regional Shopping District for businesses located in the district that are immediately adjacent to public streets. Directory signs may provide building addresses and occupant(s) information and shall be located along the internal drives only and not along the public street. Directory signs shall be of a size adequate to identify building occupants to motorists traveling on the internal drives.
3. All signage, including requests for freestanding signs, within the District shall be subject to site plan review by the Planning Board, with the size and design to be reviewed with the Planning Board to insure compatibility with the architectural theme established for the District.
4. Freestanding signs along road frontage shall not exceed 14 feet in width and 19 feet five inches in height and shall only be permitted after site plan review and recommendation by the Planning Board and upon the granting of an area variance by the Zoning Board of Appeals.

§ 155-15. Commercial District A CA.

A. Purpose and Intent.

This zoning classification is intended to include the commercial, retail and personal

service uses permitted in Neighborhood Shopping and Residential R-3 zones, subject to the same restrictions. Some additional permitted uses are also allowed.

B. Design Principles.

Architectural design is encouraged to respond to local history, topography and climate, as well as vernacular building practice.

Site Plan Review shall include, but not be limited to pedestrian access, lot coverage, parking, screening, lighting, noise, ingress/egress and the overall aesthetics of the proposed development.

C. Permitted Uses.

Only the following structures and uses are permitted in Commercial A Districts upon the issuance of site plan approval by the Town Planning Board pursuant to Article IV § 155-28 of this Chapter:

1. Artisan, Maker
2. Commercial Business only including Wholesale Establishments provided they are wholly located in an enclosed building including preparation of products sold on premises, Warehouses, Pet Care Services and Hotels
3. Congregate Care Services including Day Care Facilities, Home for Elderly Adults, Convalescent home, and Nursing Homes.
4. Gathering Places including Community Centers, Religious Establishments, Public Libraries, Public/Private Schools, Parks and Trails
5. Light Manufacturing
6. Outdoor Display & Storage only including Public Vehicle Parking Lot or Garage, Indoor Self Storage Facility, Farmer's Market and Greenhouse
7. Places of Entertainment including Arcades, Billiard Halls, Gyms, Sports, Recreation Complex and Theaters
8. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental
9. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors, Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music

studios, and Dry Cleaners

10. Restaurants including Coffee Houses, Fast Food, Fast Casual, Casual and Fine Dining

11. Retail Sales including Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise

D. Special Permit Uses.

The following structures and uses are permitted upon the issuance of a Special Use Permit by the Town Planning Board pursuant to Article __§ __ of this chapter:

1. Commercial Storage/Warehouse
2. Pet Care Services
3. Landing Field
4. Landscaping Sales and Service
5. Vehicle Businesses including Car Dealership, Vehicle Repair, Vehicle Sales and Recreational Vehicle Sales

E. Regulations.

1. Nothing herein set forth shall be deemed to prevent the inclusion of two or more permitted uses in the same building.
2. Drive Thru is permitted as an accessory use or structure in connection with a Bank, Restaurant or other primary use permitted in this section

F. Signage.

All signage shall be in accordance with § 155-25 of the Manlius Town Code.

§ 155-16. Commercial District B CB.

A. Purpose and Intent.

This zoning classification is intended to include the uses permitted in Commercial A, subject to the same restrictions, and to add some additional permitted uses.

B. Design Principles.

Architectural design is encouraged to respond to local history, topography and climate, as well as vernacular building practice.

Site Plan Review shall include, but not be limited to, pedestrian access, lot coverage, parking, screening, lighting, noise, ingress/egress and the overall aesthetics of the proposed development.

C. Permitted Uses.

Only the following structures and uses are permitted in Commercial B Districts upon the issuance of site plan approval by the Town Planning Board pursuant to Article IV § 155-28 of this Chapter:

1. Artisan, Maker
2. Commercial Business including Wholesale Establishments provided they are wholly located in an enclosed building including preparation of products sold on premises, Warehouses, Pet Care Services and Hotels
3. Congregate Care Services including Day Care Facilities, Home for Elderly Adults, Convalescent home, and Nursing Homes
4. Gathering Places including Community Centers, Religious Establishments, Public Libraries, Public/Private Schools, Parks and Trails
5. Light Manufacturing
6. Outdoor Display & Storage including Public Vehicle Parking Lot or Garage, Indoor and Outdoor Self Storage Facility, Commercial Storage or Warehouse, Farmer's Market, Lumberyard and Greenhouse
7. Places of Entertainment including Arcades, Billiard halls, Gyms, Sports, Recreation Complex and Theaters
8. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental
9. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors, Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music studios, and Dry Cleaners
10. Restaurants including Coffee Houses, Fast Food, Fast Casual, Casual and Fine Dining

11. Retail Sales including Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise
12. Vehicle Businesses which includes Car Dealership, Outdoor Storage of Vehicles, Vehicle Sales, Vehicle Repair, and Recreational Vehicle Sales

D. Special Permit Uses.

The following structures and uses are permitted upon the issuance of a Special Use Permit by the Town Planning Board pursuant to Article __ § __ of this chapter:

1. Farm and Construction Equipment Distributor
2. Landing Field
3. Landscaping Sales and Service

E. Regulations.

1. Nothing herein set forth shall be deemed to prevent the inclusion of two or more permitted uses in the same building.
2. Drive Thru is permitted as an accessory use or structure in connection with a Bank, Restaurant or other primary use permitted in this section.
3. For Commercial repair garages, automobile sales, parking lots and drive-in retail fuel stations:
 - a. Pumps must be set at least 100 feet from the public street line or right-of-way line
 - b. If property is next to a residence, church, school or hospital or any other uses permitted in Residential Districts R-3, it shall have a screen or fencing of evergreens on the side next to such residences and parcels.
 - c. No pumps shall be nearer than 100 feet from the side or rear property lines.
 - d. No outdoor storage of broken-down cars or parts of cars shall be permitted.
 - e. Grease pits must be inside a building.

F. Signage.

All signage shall be in accordance with § 155-25 of the Manlius Town Code.

§ 155-17. Industrial Districts ID.

A. Purpose and Intent.

This zoning classification is intended to include the uses permitted in Commercial B, subject to the same restrictions, and to add some additional permitted uses.

B. Design Principles.

Architectural design is encouraged to respond to local history, topography and climate, as well as vernacular building practice.

Site Plan Review shall include, but not be limited to, pedestrian access, lot coverage, parking, screening, lighting, noise, ingress/egress and the overall aesthetics of the proposed development.

C. Permitted Uses.

Only the following structures and uses are permitted in Industrial Districts upon the issuance of site plan approval by the Town Planning Board pursuant to Article IV § 155-28 of this Chapter:

1. Artisan, Maker
2. Commercial Business including Wholesale Establishments provided they are wholly located in an enclosed building including preparation of products sold on premises, Warehouses, Landing Fields, Doggy Day Care, Hotels & Fuel Stations
3. Gathering Places including Community Centers, Religious Establishments, Public Libraries, Public/Private Schools, Parks and Trails
4. Light and Heavy Manufacturing
5. Outdoor Display & Storage including Public Vehicle Parking Lot or Garage, Indoor and Outdoor Self Storage Facility, Commercial Storage or Warehouse, Farmer's Market, Junkyard, Lumberyard and Greenhouse
6. Places of Entertainment including Arcades, Billiard halls, Gyms, Sports, Recreation and Theaters
7. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental
8. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors,

Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music studios, and Dry Cleaners

9. Restaurants including Coffee Houses, Fast Food, Fast Casual, Casual and Fine Dining
10. Retail Sales including Grocery Stores, Pharmacies, Department Stores, Specialty Shops and Shops for the Sale of General Merchandise
11. Vehicle Businesses which includes Car Dealership, Outdoor Storage of Vehicles, Vehicle Sales, Vehicle Repair, and Recreational Vehicle Sales

D. Special Permit Uses.

The following structures and uses are permitted upon the issuance of a Special Use Permit by the Town Planning Board pursuant to Article __ § __ of this chapter:

1. Public utility structures necessary for the servicing of the area or for general Town use shall be permitted in the Industrial Zone, but excluding radio, microwave, television, radar, satellite, aerial tracking or other similar forms of energy transmission towers or facilities.
2. Junkyards.

E. Regulations

1. Nothing herein set forth shall be deemed to prevent the inclusion of two or more permitted uses in the same building.
2. Drive Thru is permitted as an accessory use or structure in connection with a Bank, Restaurant or other primary use permitted in this section.
3. For each of the following uses or structures established in an Industrial District, the Owner shall acknowledge in writing to the Department of Planning and Development that Owner is aware that the use or structure will be located in an Industrial District and the use or structure so established may be incompatible with other uses and structures permitted in an Industrial District:
 - a. Gathering Places including Community Centers, Religious Establishments, Public Libraries, Public/Private Schools, Parks and Trails
 - b. Hotels
 - c. Professional Offices, including Banking, Finance, Insurance, Real Estate, Legal, Medical, Dental, and Governmental

-
- d. Personal Service Establishments, including Barbershops, Nail Salons, Beauty Parlors, Shoe Repair, Appliance Repair, Laundromats, Tattoo & Piercing Parlors, Instructional and Tutoring Services, Personal Training/Yoga, Karate/Music studios, and Dry Cleaners

F. Signage

All signage shall be in accordance with § 155-25 of the Manlius Town

Exhibit B: Definitions for Zoning Code

Artisan

Establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of tools and small-scale equipment. Activities do not involve the creation of noxious by-products. Examples include artist, woodworker, crafter, baker, jeweler, and potter.

Building Footprint

The outline of the total area of a lot or site that is surrounded by the exterior wall of a building or portion of a building, measured at the foundation.

Professional Offices

Professional, executive, management, or administrative offices of private organizations, government agencies, religious or educational institutions. Examples include medical practices, administrative services, legal, accounting, and architectural firms.

Container Storage

The outdoor storage of multiple intermodal shipping containers [typically steel containers 40'x9' with one opening at the end] or portable moving containers [may be steel or wood, typically 20'x8' or smaller].

Commercial Storage

A warehouse use which is a storage option utilized for a business use as opposed to an individual or personal use, and which use includes fulfillment and delivery of products to an ultimate consumer; but not including Self -Storage Facilities.

Congregate Care Services

A facility used for the treatment and/or care of people, including, for example: nursing homes, daycare centers, residential care facilities.

Drive Thru

An Accessory Use which by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while remaining in a motor vehicle and may include drive-in outdoor theaters, fast-food establishments, banks and similar uses.

Junkyard

A place where there is an actual or intended accumulation of any of the following: scrap, garbage, debris, junk vehicles and equipment, landfill materials and like materials, whether said materials are intended or not intended for resale.

Greenhouse

- **Residential**

An accessory structure typically enclosed with glass, plastic or similar translucent materials within which agricultural or horticultural products are grown for personal or non-commercial use.

- **Commercial**

A primary use structure typically enclosed with glass, plastic or similar translucent materials within which agricultural or horticultural products are grown for retail or wholesale sale, and which includes appropriate areas for parking, loading and storage, office and customers.

- **Farm Stand**

An incidental and subordinate activity of a farm, nursery or greenhouse involving a building or lot or portions of a building or lot used for the seasonal retail sale of agricultural or horticultural products.

Landscape Business

A lot configured for the primary use as a business concern which may operate to construct, install and maintain lawns, trees, yards, shrubs, gardens, patios, related grounds and other outdoor areas which are owned by others.

Lot Coverage

The percentage of the lot covered by building footprints, paved areas, driveways, parking areas and any other impervious surfaces.

Manufacturing includes the following:

- **Light Manufacturing**

A business is where all processing, fabrication, assembly, or disassembly of items takes place wholly within an enclosed building. Typical items include but are not limited to apparel, home accessories, food, jewelry, instruments, computer, and electronic devices. Activities do not involve the creation of noxious by-products.

- **Heavy Manufacturing**

The production of products for use or sale, using labor, machines, tools, and chemical or biological processing or formulation; most involving industrial design, in which raw materials from primary industry are transformed into finished goods on a large scale.

Outdoor Display

An outdoor arrangement of merchandise, other than vehicles, as a primary use on a site, which outdoor arrangement typically is not in a fixed position and/or capable of rearrangement and is designed and used for the display of merchandise or tangible property sold or rented within the principal business, including individual freestanding merchandise such as sheds. Outdoor Display shall not include: a) displayed items of merchandise which exceed a height of twelve feet above the ground; b) outdoor storage of merchandise including goods, merchandise, or products stacked on pallets and/or wrapped in packing materials, such that the items are not readily available for the public for immediate retail sale; c) Junkyards.

Outdoor Sales

The sale and display of merchandise in connection with and accessory to a primary use of the business or enterprise. Outdoor Sales which exceed 25% of the gross floor area of the main business use are not included in this definition unless an Accessory Use Permit is obtained.

Outdoor Storage

Storage of materials or merchandise, other than vehicles, outdoors, for a period greater than 24 hours, including items for sale, lease, processing, repair and equipment for use by a business, but not including a) enclosed storage areas; b) Junkyards.

Personal Service

An establishment that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession or retail sale of goods. Examples include, but are not limited to, beauty and barber shops, laundromat, massage therapy, tanning salons, tailors, shoe cleaning or repair shops, and dry-cleaning pick-up and drop-off shops.

Pet Care Services

Establishments primarily engaged in grooming, training and/or boarding services for pets, not farm animals. Uses may include dog kennels, pet day care and animal shelters.

Places of Entertainment

Establishments which deliver services to people of an entertainment nature, generally in group settings such as theatres, bowling alleys, skating rinks, event spaces, miniature golf, arcades, and pool halls.

Gathering Places

Building centers or facilities which have the primary purpose of assembling members of the community for recreational, spiritual, educational, and charitable services.

Public Utility Structure

Public utility structures are pumps, sub-stations, towers, antennae and similar infrastructure for public benefit. They shall not contain offices or have any outdoor storage of materials. No employees will be on site full-time. All such structures shall be subject to conditions as the Planning Board may impose to preserve and protect the character of the neighborhood.

Restaurant

A building or portion thereof utilized for the sale, preparation and/or consumption by the public on and/or off the premises of food and/or beverages, including alcohol. Restaurants include industry-recognized sub-categories of Fast Food, Coffee House and Fast Casual that typically include counter or take-out service as well as Casual and Fine Dining at which patrons are served at a table.

Retail Sales

A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: apparel shops, appliance sales, auto parts stores without service, bookstores, department stores, factory outlet stores, florists, gourmet/specialty food stores, grocery stores, and similar consumer goods.

Self-Storage Facilities include the following:

- **Self-Storage Indoor Facility**

A building with outdoor access to internal common area, as opposed to outdoor access to individual storage units. The interior space may be configured as parking spaces for cars & boats, fenced cages, or individual secure rooms.

- **Self-Storage Outdoor Facility**

A building or buildings with multiple doors for access to individual storage units from the outdoors.

Urgent Care Facility

A medical office serving out-patients which typically offers medical services as a convenient option when a party's regular medical care-giver/physician is away or unable to offer a timely appointment or when illness or injury occurs outside of regular care-giver office hours.

Vehicle Businesses are primary uses of lots and include the following:

- **Used Vehicle Sales**

A lot for the primary use of sale or rental of previously owned motor vehicles, indoors or outdoors; which lot includes a principal building supporting the sales use and wherein the occupant of the lot is registered for such sales with New York State Department of Motor Vehicles.

- **Vehicle Repairs**

A lot for the primary use of repair, servicing, inspection of motor vehicles, and which lot includes a principal building supporting the use and wherein any individual vehicles awaiting service do not occupy any space on the lot for greater than 60 days, and wherein the occupant of the lot is registered for such repair activity with the New York State Department of Motor Vehicles.

- **Outdoor Display of Vehicles**

A lot for the primary use by a Vehicle Dealer, for display of motor vehicles for sale or rent, and which lot is intended to be visited by the customers of the dealer.

- **Vehicle Dealership**

A lot for the primary use by a Vehicle Dealer, which lot includes a principal building, and which includes the sale of new and used vehicles wherein the display of vehicles may be indoors or outdoors and including as accessory to the sale of vehicles, a full-service vehicle repair facility and retail sales of vehicle parts and accessories.

- **Outdoor Vehicle Storage**

A lot used by a Vehicle Dealer, exclusively for the storage of motor vehicles that are not located on the same lot as the Vehicle Dealership, and which lot is not accessible to, or used by customers.

- **Recreational Vehicle Sales**

A lot used by a Vehicle Dealer for the sale of motorhomes, recreational vehicles and campers, which lot includes a principal building, and which lot is intended to be visited by customers.

Vehicle Dealer

A person or entity registered with the New York State Department of Motor Vehicles as a Motor Vehicle Dealer/Transporter.

IN THE MATTER

Of

**Local Law 2020-10 Modifying Chapter 155 of
the Town of Manlius (“Zoning Code”) and
adding a table of primary uses permitted in
Commercial zoning districts of the Town.**

**LOCAL LAW 2020-10
ENACTING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met virtually in regular session online, on the day of , 2020, at 6:30 p.m.

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

Edmond J. Theobald	Supervisor
Sara Bollinger	Councilor
John Deer	Councilor
Elaine Denton	Councilor
Karen Green	Councilor
Katelyn Kriesel	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2020-10 , Modifying Chapter 155 of the Town of Manlius (“Zoning Code”) and adding a table of primary uses permitted in Commercial zoning districts of the Town.

**LOCAL LAW 2020-10, A LOCAL LAW
Modifying Chapter 155 of the Town of Manlius (“Zoning Code”) and adding a table of
primary uses permitted in Commercial zoning districts of the Town.**

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

Section 1. Title

This local law shall be referred to as “Local Law modifying Chapter 155 of the Town of Manlius (“Zoning Code”) and adding a table of primary uses permitted in Commercial zoning districts of the Town.

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Manlius to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Manlius, enacts the legislation herein to fulfil the purpose and intent of 1) comprehensively reviewing each of the zoning classifications relating to Commercial districts of the Town; 2) reviewing and clarifying the uses which are allowed in each zoning district of the Town; and 3) updating the Code to include uses that shall be permitted in each zoning district, including adding uses which were not known when the Zoning Code was enacted; 4) update definitions of uses.

Section 3. Legislative Findings

The Town Board of the Town of Manlius in 2018 authorized a committee to examine various issues relating to Zoning and Planning matters in the Town, in particular, certain aspects of the Zoning Code of the Town of Manlius. The “Planning Process Committee” (“Committee”) headed up by a member of the Town Board, and including various constituency of the Town, including staff, counsel, Planning Board and Zoning Board members, Town Board members and citizens convened on multiple occasions during this period of study, to examine various issues relating to zoning and planning in the Town. The legislation herein, is the product of the study of the language within the Code relating to Commercial zoning districts, including review of the uses permitted in the various Commercial zoning districts of the Town.

After evaluation of the Committee recommendations and further review and modification by the Town Board, this Board has been determined that it would be in the best interest of citizens of and businesses within the Town of Manlius to enact this Local Law which

1. Reorganizes and updates the Zoning Code with respect to commercial uses in commercial districts of the Town.
2. Adds definitions of certain zoning district uses.

Section 4.

A. The following Sections of the Town of Manlius Zoning Code shall be and hereby are repealed in their entirety: Sections 155-12.1; 155-13; 155-14; 155-15; 155-16; 155-17, and shall be replaced with the Sections as set forth on Exhibit A attached hereto.

B. The following shall be added to Section 155-3 B Definitions: See Exhibit B attached hereto.

Section 5.

The provisions of this Local Law are severable. The invalidity of any provision of this Local law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 6.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

WHEREAS, the Planning Board reviewed the Local Law and it has recommended the modifications set forth in said Local Law.

WHEREAS, the Town Board held several virtual public hearings and community informational meetings to allow all the stakeholders an opportunity to provide the Town Board input on Local Law 2020-10.

WHEREAS, the Town Board declares itself as lead agency for the project, finds this to be an Unlisted Action and based upon the application, the short environmental assessment form review, the criteria set forth in 6 NYCRR 617.7 and personal knowledge of the site, hereby issues a negative declaration pursuant to the State Environmental Quality Review Act based on the following reasons: (1) the proposed zoning modifications will simplify the code and (2) the modification will not significantly change the existing uses allowed in the zoning districts;

WHEREAS, the Onondaga County Planning Board at its meeting on October 14, 2020, has determined that the Local Law will not have a county-wide impact and that this Board has the discretion to make its decisions based on the facts and circumstances presented;

RESOLVED, that the Town Board of the Town of Manlius hereby enacts Local Law No. 2020-10 as set out in this resolution; and

RESOLVED AND ORDERED, that said Local Law shall be in full force and effect as provided by law upon the filing of this Local Law with the Secretary of State.

I, ALLISON A. 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 28th day of October 2020; 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 FURTHER 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 , 2020.

DATED: , 2020
Fayetteville, New York

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

IN THE MATTER
Of
Local Law 2020-__

LOCAL LAW 2020-__

**An Local Law Further Amending Chapter 86
Entitled “NOISE CONTROL” of the Code of
the Town of Manlius.**

ENACTING

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular virtual session on the Zoom Platform 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, on the 2nd day of December, 2020, at 6:30 p.m.

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

Edmond J. Theobald	Supervisor
Sara Bollinger	Councilor
John Deer	Councilor
Elaine Denton	Councilor
Karen Green	Councilor
Katelyn Kriesel	Councilor
Heather Allison Waters	Councilor

Absent:

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2020 - __, entitled “A Local Law Further Amending Chapter 86 entitled Noise Control of the Code of the Town of Manlius,” the text of which is as follows:

**LOCAL LAW 2020 -__ AMENDING CHAPTER 86 ENTITLED “NOISE CONTROL”
OF THE CODE OF THE TOWN OF MANLIUS**

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 Chapter 86-2, entitled “Definitions” of the Code of the Town of Manlius, as amended, is further amended as follows:

86-2. Definitions

CONSTRUCTION

Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

DECIBEL (DB)

*The practical unit of measurement for sound pressure level. The number of "decibels" of a measured sound is equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [twenty (20) micropascals]; abbreviated "dB."**

DEVICE

Any mechanism which is intended to or which actually produces sound when operated or handled.

UNNECESSARY NOISE

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of ~~normal~~ sensibilities,+ or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation include but are not limited to the following:

H. The duration of the noise (*any duration of noise restricted herein lasting more than fifteen (15) minutes, (either sustained or intermittent) shall be deemed to violate this Chapter).**)

Section 2. That Chapter 86-3, entitled “Prohibited noises” of the Code of the Town of Manlius, as amended, is further amended as follows:

86-3 Prohibited noises

No person shall make, continue or cause or permit to be made any unnecessary noise. The following acts are declared to be prima facie evidence of a violation of this chapter and are prohibited, but said enumeration shall not be deemed to be exclusive.

(I) **Decible Maximum.** The making or operation of any source of sound on a private property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., seventy (70) dBA and between 10:00 p.m. and 7:00 a.m., fifty (50) dBA when measured at the adjoining property line.*

Section 3. That Chapter 86-4, entitled “Exceptions” of the Code of the Town of Manlius, as amended, is further amended as follows:

§ 86-4 **Exceptions.**

The following sounds shall not be deemed to be a violation of this chapter:

H. Sounds connected with commercial shooting ranges that have been established in the Town before this Local Law becomes effective, like a Rod and Gun Club. Firearms discharged on property that is not a commercial shooting range, no matter how the property is zoned, shall meet all restrictions set forth herein.

I Sounds created by Emergency Construction or repair work authorized or performed by the Town of Manlius, any incorporated Village within the Town of Manlius, the County of Onondaga, the State of New York or any recognized utility serving the area.

J. Sounds created by the exercise of commercial activities to the extent that such sounds are already controlled by the Town of Manlius through site plan approval, special permit or otherwise.

K. Sounds created by police cars, fire engines, ambulances and other emergency vehicles when used in connection with an Emergency, drill or test procedure.

L. Sounds connected with activities open to the public or sounds where proper authorization has been obtained from the Town Board or any other designated authority of the Town of Manlius.

Section 4. This local law shall take effect upon the filing with the Secretary of State.

*Indicates new language

+Indicates removed language

WHEREAS, the Town Board has reviewed the existing Noise Control Code for the Town and has determined that it lacks objective standards by which law enforcement may be able to determine if a “noise” violates Chapter 86;

WHEREAS, upon consultation with the Attorney for the Town, the Board has determined that it should consider an amendment to Chapter 86 to make the Code standard for excessive noise more objective;

WHEREAS, on November 18, 2020, the Town Board held a public hearing at which the public was given an opportunity to speak in favor or against the Local Law;

WHEREAS, based on the comments by the public, the advice of the Attorney for the Town, the desire of the Town Board to create an environment where the residents of the Town of Manlius can have the quiet enjoyment of their homes, the Town Board desires to adopt Local Law 2020-___;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, hereby adopts Local Law 2020-___ amending the existing Town Noise law; and be it

FURTHER RESOLVED, that the Town Clerk shall file this Local Law with the Secretary of State within 20 days of adoption or as is required by State Law;

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 18th day of November 2020; 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 2nd day of December, 2020.

DATED: December 2, 2020
Fayetteville, New York

ALLISON WEBER
Town Clerk of the Town of Manlius
Onondaga County, New York

Permit Issued Under Section 149 of the Highway Law

Distribution: 1 copy Municipality
1 copy OCWA - copy to File#14

Project No.: 4200094

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 9 day of November, 2020, and filed with him/her, as provided by Section 149 of the Highway Law, hereby grants permission to said applicant to extend 8" water main on Kimball Road to 4650 Enders Road, Town of Manlius, as shown on the attached map entitled: **8" Ext. Kimball Road, Town of Manlius**, Map File #1057, dated 6/4/1985.

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 19)
Day of November 2020)

Robert A. Calkins
Town Superintendent

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

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

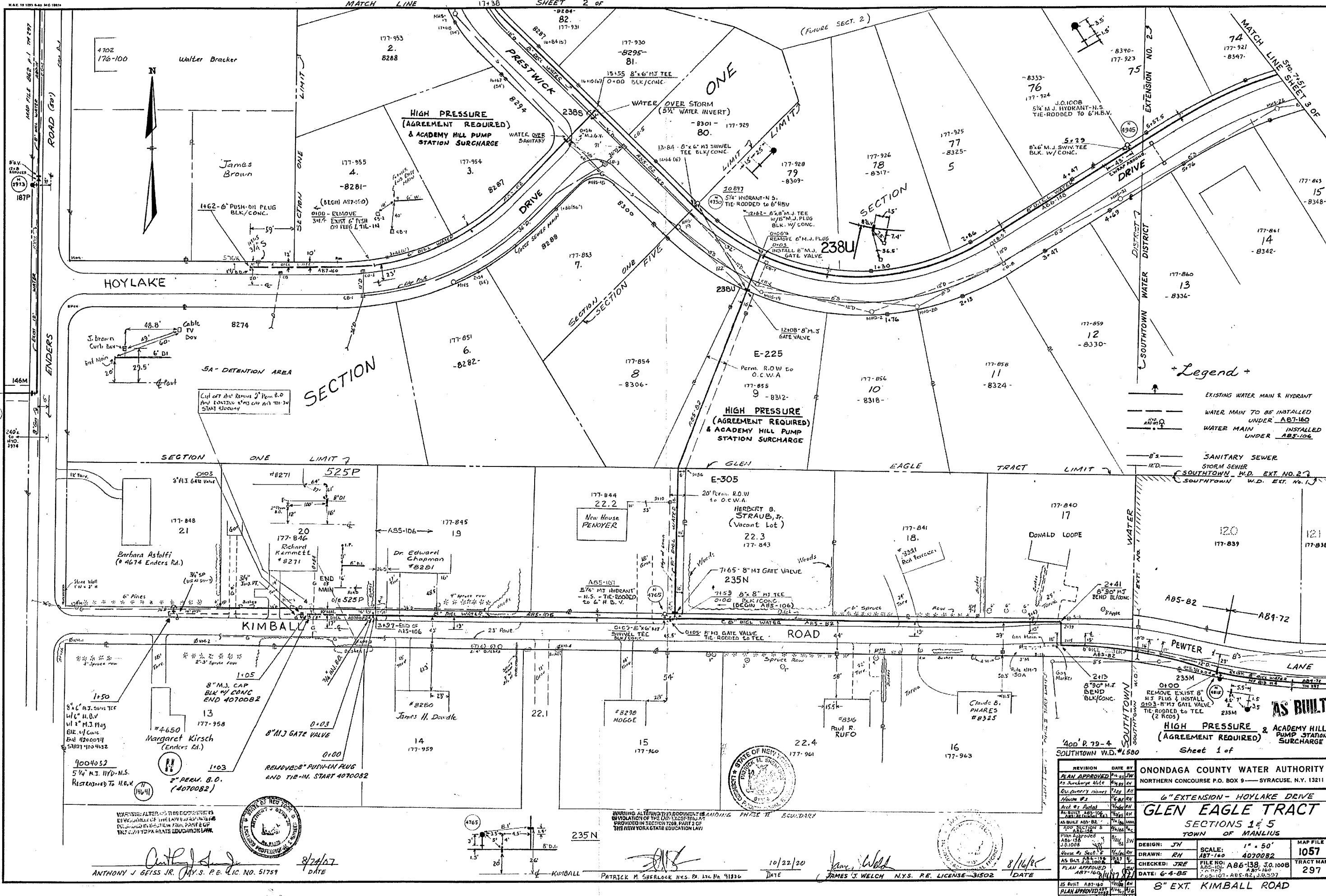
The undersigned, members of the Town Board of the Town of _____, hereby consent to the grant of the foregoing permit.

Dated this _____)
Day of _____)

_____) Justices of
_____) the Peace
_____)

Dated this _____)
Day of _____)

County Superintendent



- Legend**
- EXISTING WATER MAIN & HYDRANT
 - WATER MAIN TO BE INSTALLED UNDER ABT-160
 - WATER MAIN INSTALLED UNDER ABT-106
 - SANITARY SEWER
 - STORM SEWER
 - SOUTH TOWN W.D. EXT. NO. 27
 - SOUTH TOWN W.D. EXT. NO. 1

ONONDAGA COUNTY WATER AUTHORITY NORTHERN CONCOURSE P.O. BOX 9 - SYRACUSE, N.Y. 13211	
6" EXTENSION - HOYLAKES DRIVE	
GLEN EAGLE TRACT	
SECTIONS 1 & 5	
TOWN OF MANLIUS	
DESIGN: JH	SCALE: 1" = 50'
DRAWN: RH	ABT-160 4070082
CHECKED: JRE	FILE NO: ABT-138 J.O.100B
DATE: 6-4-85	DATE: 8-16-85
8" EXT. KIMBALL ROAD	