

1. Agenda

Documents: [JULY 22, 2015 AGENDA.PDF](#)

2. Public Document

Documents: [JULY 22, 2015.PDF](#)

Agenda
Manlius Town Board
July 22, 2015

1. The Pledge of Allegiance
2. Approval of Minutes – July 8, 2015
3. Approval of Abstract # 14
4. 7:05PM Public Hearing - Barbara Sturick for a Rural Occupation Permit to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).
5. Continued Public Hearing – Zone Change – from Commercial A to Restricted Agricultural for Blue Moon Stables located at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1)
6. Onondaga County Multi-Jurisdictional Hazard Mitigation Plan Resolution
7. Letter of Intent – Water Quality Improvement Project Grant Application – Syracuse Urbanized Area Comprehensive Storm Sewer Mapping Project.
8. Correspondence/New Business
 - a. Community Comment
Tom Bassett – Long Term Deviation from Published Town of Manlius Annual Reassessment Assessment Practices
 - b. Highway Superintendent
 - c. Planning & Development
 - d. Attorney
 - e. Town Clerk
Peddler Permit Appeal – Richard McNeil, Solvay Glass
 - f. Police Chief
 - g. Town Board
 - h. Supervisor
Supervisor's Monthly Report
9. Adjournment

IN THE MATTER

Of

Local Law 2015-2

**RESOLUTION ENACTING
LOCAL LAW**

**Amending Chapter 155, Article VI of the Code
of the Town of Manlius to add Sections 155-50
entitled Planning Board**

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, on the ____th day of July, 2015, at 7:00 p.m.

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

Edmond J. Theobald	Supervisor
Vincent Giordano	Councilor
Karen Green	Councilor
John R. Loeffler	Councilor
David M. Marnell, Sr.	Councilor
Nicholas J. Marzola	Councilor
Richard Rossetti	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, on or about the year 1948, as part of its adoption of the zoning laws of the Town of Manlius, the Town Board established a five (5) member Planning Board in the Town of Manlius;

WHEREAS, on or about the year 1962, the Town Board increased the number of members of the Planning Board from five (5) members to seven (7) members;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2015-2, entitled “**A LOCAL LAW AMENDING CHAPTER 155, ARTICLE VI, “Administration and Enforcement” OF THE CODE OF THE TOWN OF MANLIUS BY ADDING SECTION 155-50-56**,” the text of which is as follows:

**LOCAL LAW 2015-2, A LOCAL LAW AMENDING
CHAPTER 155, ARTICLE VI “ADMINISTRATION AND
ENFORCEMENT” OF THE CODE OF THE TOWN OF
MANLIUS:**

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

Section 1. That Chapter 155, Article IV, entitled “Administration and Enforcement” of the Code of the Town of Manlius, as amended, is further amended as follows:

§ 155-50. A. The Town Board of the Town of Manlius recognizes that many present-day development, planning, zoning and subdivision matters requiring Town Planning Board review require education, expertise and detailed review. A seven (7) member Planning Board provides the opportunity for more diverse geographical and experiential input to land use planning in the Town of Manlius.

B. In addition, although Town Law § 271 provides authority for appointment of a chairperson, recording secretary and professional consultants, no specific policies have previously been established by the Town of Manlius in this regard.

C. In order to address member illnesses, absences, conflicts of interest and the like, the Town Board may appoint by resolution up to two alternate member positions to serve not only in the case of a conflict of interest (as specifically permitted under Town Law § 271) but also to address situations where illness, incapacity or absence require that an alternate member serve.

D. The State of New York recognized the importance of both meeting attendance and training in Planning Board statute (§ 271 of the Town Law). Accordingly, it is also the purpose of this chapter to encourage Planning Board members to attend their respective Board meetings and to obtain training and education to enhance their ability to carry out their official duties. Last, it is the intention of the Town Board that specific written policies and procedures be established

and applied by the Planning Board in order to promote fairness, uniformity and economy in administration.

§ 155-51 Establishment of five-member Board; terms.

The Planning Board of the Town of Manlius establishes a Planning Board that shall hereafter be comprised of seven (7) members upon the adoption of this law. All currently serving members terms shall expire as scheduled. Each and every decision previously made by the Planning Board remains, continues, and is hereby ratified and recognized as valid under the Code of the Town of Manlius and the laws of the State of New York.

§ 155-52 Chairperson, Recording Secretary and Attorney appointments.

At the first meeting of each calendar year the Planning Board shall consider (or reconsider, as the case may be) the appointment of its Attorney, Engineer and Recording Secretary and may also consider, as applicable, the interim appointment or reappointment of an Acting Chairperson. Otherwise, annually at the Town Board's organizational meeting, or within 30 days thereafter, the Town Board shall appoint a Chairperson. Upon failure of the Town Board to appoint such Chairperson within 30 days of such organizational meeting, the Planning Board may designate the interim Acting Chairperson to serve for the remainder of the calendar year or until the Town Board makes such appointment, whichever date is earlier. All meetings of the Planning Board shall be held at the call of the Chairperson.

§ 155-53 Alternate members.

The position of alternate Planning Board member is hereby established for the purposes of substituting for any Planning Board member unable to participate because of a conflict of interest, illness, incapacity or absence. Two such alternate Planning Board members may be appointed by, and for terms not to exceed five years as established by, the Town Board by resolution. Alternate Planning Board members shall actively serve upon appointment to the Planning Board, which appointment resolution shall include a finding that the requisite absence, conflict, illness or incapacity exists and that the proposed alternate Planning Board member has expressed a willingness and ability to educate himself or herself on all proceedings prior to the date of appointment which he or she shall be required to consider.

§155-54 Attendance; education and training requirements.

- A. Each member (including alternate members) of the Planning Board shall be required to attend a minimum of 75% of Planning Board meetings held within a calendar year.
- B. Each member of the Planning Board shall complete, at a minimum, four hours of training during each calendar year, designed to enable such members to more effectively carry out their

duties. If the first year of a member's term does not include a complete calendar year, the Town Board, at the time of appointment, shall determine the number of hours of training required for such partial calendar year. Up to two hours of training received by a member in excess of four hours in any one calendar year may be carried over by the member into the succeeding year in order to meet the requirements herein. Such training shall be approved in advance by the Town Board and may include, but not be limited to, training provided by a municipality, regional, state or county planning federation, state agency, statewide municipal association or federation, college or other similar entity. Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training. The cost of such seminars, workshops or continuing education courses or other types of training so designated shall be a Town charge. The Town Board, after discussion with the Chairperson of the Planning Board, shall each year designate and approve in advance such seminars, workshops, continuing education courses or other types of training which may be offered within a reasonable distance. The training required herein may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interests of the Town to do so.

C. No decision of a Planning Board shall be voided or declared invalid because of a failure to comply with this section.

D. To be eligible for reappointment to the Planning Board, a member shall have completed the training required herein and shall have attended the required percentage of meetings as provided herein. Noncompliance with either the training requirements or the attendance requirements shall be a proper cause for removal of a member.

E. The Town Board shall have full discretion and authority to decide whether or not to remove such member from the Planning Board for a failure to comply with the attendance or training requirements. The Town Board shall consider whatever factors it believes to be relevant in making the determination, including the reasons for the failure to obtain such training or for the absences from meetings, but the Town Board shall not be required to accept any proffered excuse or reason for nonattendance or reason for such failure or failures but shall act as it sees reasonably fit in light of the circumstances surrounding the cause or causes for removal. Removal of a member from office shall be preceded by delivery of a written notification of noncompliance, together with an offer of a public hearing on the matter.

§ 155-55 Procedures.

The Planning Board shall promulgate such specific written rules, regulations and procedures as are reasonably necessary to administer the duties and responsibilities delegated to it hereunder pursuant to statute, local law, ordinance or Town Board resolution. Pursuant to Town Law § 271, as may be amended from time to time, such rules, regulations and procedures promulgated by the Planning Board hereunder may be adopted only after public hearing and are

subject to the provisions, including any restrictions, in this chapter and to final approval by the Town Board; and same shall thereafter become effective upon filing in the Town Clerk's office.

§ 155-56 Duties.

The Planning Board is authorized with and to have and perform all duties and powers identified in Article 16 of the Town Law, including, without limitation, § 271, as it may from time to time be amended, subject to the provisions hereof.

Section 2. This Local Law shall take effect upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

WHEREAS, a public hearing was held on July 8, 2015 at which time the public was given an opportunity to speak in favor or against Local Law 2015-2, which initially reduced the Planning Board from seven (7) members to five (5) members;

WHEREAS, the Town Board has determined that it is was not in the best interest of the Town to reduce the number of members of the Planning Board from seven (7) members to five (5) members but did determine that it should consider adopting Local Law 2015-2 as amended above for the reasons set forth in the Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the action taken hereunder will have no impact on the environment in that it relates solely to the function and oversight of the government of the Town of Manlius;

FURTHER RESOLVED, that the Town Board of the Town of Manlius hereby enacts Local Law No. 2015-2, as amended and as set out above.

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 EDSALL, 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 ____th day of July 2015; 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 ____th day of July, 2015.

DATED: July ___, 2015
Fayetteville, New York

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