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**IN THE MATTER**

**Of**

**LOCAL LAW 2023 - \_\_\_ TO AMEND  
CHAPTER 155 OF THE TOWN OF  
MANLIUS CODE (ZONING) TO CREATE A  
NEW SECTION 155-20.1-20.6 THAT WOULD  
AUTHORIZE A PLANNED UNIT  
DEVELOPMENT (“PUD”) ZONING  
DISTRICT IN VARIOUS ZONING  
DISTRICTS IN THE TOWN AND SETTING  
FORTH RULES AND REGULATIONS FOR  
SITE DEVELOPMENT IN THE PUD**

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**RESOLUTION FOR  
REFERRAL TO THE  
PLANNING BOARD AND  
SETTING DATE FOR PUBLIC  
HEARING**

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 22<sup>nd</sup> of March, 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**, the Town Board desires to create a zoning district for parcels of land in the Town that have unique characteristics and development of which can provide housing, mixed-use, retail, commercial, walkability, and sustainability options that are not available in the Town of Manlius;

**WHEREAS**, the Town is in the process of developing a comprehensive plan that is consistent with the goals set forth above;

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2023- \_\_\_\_, amending Chapter 155 of the Town Code entitled “Zoning” as follows:

**LOCAL LAW 2023-\_\_\_, A LOCAL LAW AMENDING CHAPTER 155 ENTITLED “ZONING” TO CREATE A NEW SECTION 155-20.1-20.6 THAT WOULD AUTHORIZE A PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

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

Section 1. Article III of Chapter 155 of the Town Code (District Régulations) shall be amended as follows:

§ 155-20.1 Planned Unit Development

- A. Legislative Intent. A Planned Unit Development (“PUD”) provides flexibility and encourages a variety of land uses and innovative design techniques that otherwise would be restricted by standard use and area regulations contained within the Town of Manlius Zoning Law. A PUD may be placed in the R-5, CA, CB, RM and Industrial Districts at the discretion of the Town Board and pursuant to this Section 155-20.1.
- B. Legislative Purpose. The Town of Manlius, Onondaga County, New York hereby finds and determines that:
  - 1. When coordinated with the comprehensive plan, a PUD can be an effective tool to encourage development in ways that support the community goals and priorities outlined in the Town of Manlius Comprehensive Plan and its Zoning Code.
  - 2. This section provides a process to allow for the approval of a beneficial development plan that would not otherwise be possible due to existing

zoning laws that regulate permissible uses and bulk requirements. A PUD provides flexibility in the regulation of land use development in order to:

- a. Encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures;
  - b. Enhance efficiency in the use of land, natural resources, energy, community services and utilities;
  - c. Encourage open space preservation and protection of natural resources, historic sites and structures;
  - d. Facilitate the construction of multi-unit housing and improved residential environments;
  - e. Enhance the Town's ability to promote business and employment opportunities;
  - f. Preserve the safety and efficiency of the State, County and Town transportation system within the Town of Manlius;
  - g. Provide for logical and orderly extensions of water, sewer and utility infrastructure; and
  - h. Provide for a unified and logical pattern of development to land areas determined to be appropriate for growth as outlined in the Town of Manlius Comprehensive Plan.
  - i. Develop land that has unique characteristics, including water bodies, steeper slopes, topographic challenges, connectivity to population centers and/or commercial areas and authorize growth to meet goals and policies of the Town of Manlius.
- C. Authority. In addition to any other powers and authority to plan and regulate by zoning, the Town of Manlius hereby enacts requirements for the review of applications to establish a Planned Unit Development District and the establishment and simultaneous mapping of Planned Unit Development Districts pursuant to the provisions of this Section 155-20.1 local law.

#### § 155-20.2 Definitions

- A. "Planned Unit Development" ("PUD") means a site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the Town Comprehensive Plan and the Town Zoning Code.

- B. “Planned Unit Development District” (“PUD District”) means the location where a District Plan has been approved by the Town Board.
- D. “District Plan” means a proposal for a PUD prepared in a manner prescribed by local regulation showing general layout of the proposed project. The plan will establish the allowable uses and design guidelines within the PUD. The District Plan will establish bulk requirements for the district, including, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities and such other elements as may be required by local regulation.
- E. “District Plan Approval” means the approval with conditions, if any, of the proposed PUD and the simultaneous amendment of the local zoning law or ordinance by the legislative body to create and map a Planned Unit Development District within a land area designated by the Town Board.
- F. “PUD Site Plan” means a plan prepared pursuant to Section 155-28 of the Town of Manlius Zoning Law showing information as is required by local law or regulations.
- G. “PUD Site Plan Approval” means the signing of a final plan by a duly authorized member of the Town Planning Board pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the office of the Town Clerk as provided herein. Final approval shall be decided by the Town Planning Board.

§ 155-20.3 Overview of Process.

- A. An applicant that seeks to establish a PUD District Plan in the Town must submit a PUD District Plan Application to the Town Board. Only persons who can demonstrate legal control over the parcel(s) covered by the proposed PUD district, or their authorized representative(s), may file a PUD District Application. A contract-vendee for a parcel or parcels of land may be considered to have sufficient legal control for purposes of submitting a PUD District Plan Application.
- B. The establishment of a PUD District Plan shall require two steps: (i) approval of the PUD District Plan Application; and (ii) enactment of a local law to adopt the provisions of the PUD District Plan, establish the legal boundaries of the district and to amend the Town Zoning Map.
- C. After a PUD District Plan has been adopted by the Town Board, the applicant must obtain PUD Site Plan Approval for the project from the Town Planning Board.

- D. No permit for the erection of a building or structure or development of the site may be granted until after all necessary approvals under this Article have been issued.
- E. The applicant for a PUD District shall pay and the Town shall be entitled to receive reimbursement for expenses associated with the review of any application submitted pursuant to this Article.

#### § 155-20.4 Planned Unit Development District Plan Application Requirements

The following must be submitted as part of an application to establish a PUD District Plan:

- A. PUD District Plan Description. The application must include a description of the proposed PUD District Plan requirements, including the types of land uses, bulk requirements, parking requirements, the regulations of signage, as well as provisions, if any, relating to cluster development, incentives, bonuses, open space, design guidelines and the preservation of historic resources;
- B. PUD District Plan Map. The applicant must provide a map of the PUD District Plan identifying the location of permissible land uses, roads, sidewalks, drainage, landscaped areas, parking, utilities and the total acreage of the proposed PUD District. A PUD District Plan must include an area no smaller than twenty-five (25) contiguous acres. In no instance shall a PUD District be bisected by a State Highway or County Highway. However, an area that includes land divided by internal private roads or roads intended to be dedicated to the Town, may be considered to be contiguous for the purpose of complying with this requirement.
- C. Phasing Plan. The application must include a schedule describing all phases for the completion of buildings, public and private facilities and site improvements for the full buildout of the development and shall clearly indicate all aspects of the phasing of the entire development.
- D. Application Timeline. The PUD District Plan must include a timeline providing deadlines to apply for PUD Site Plan Approval and building permits. Failure to meet the deadlines set forth in the PUD District Plan may result in the automatic revocation of the PUD District Plan Approval, unless extended by the Town Board.
- E. Real Property Rights. The application must include a draft of all covenants, easements and rights of way relating to the site development and / or homeownership, homeowners associations and any lands dedicated to public use within the PUD District Plan.

- F. Environmental Review. The Town Board must comply with the New York State Environmental Quality Review Act (SEQRA) when considering an application for a PUD District Plan. The applicant must provide a completed Part 1 of the Full Environmental Assessment Form. In addition, the applicant will be required to provide the Town with any information deemed necessary by the Town in order to evaluate the potential environmental impacts of a proposed development.
- G. Fee and Escrow. The application shall be accompanied by a fee of \$\_\_\_\_\_.00. In addition, the Town Board may require that the applicant place into escrow at the time of submission of the application sufficient funds to pay for the Town's use of legal and engineering professionals to evaluate the application.

§ 155-20.5 Procedure.

The Manlius Town Board may approve a proposed PUD District Plan after receiving comments and recommendations from the Town of Manlius Planning Board. The following procedural steps shall be required prior to approval:

- A. Preapplication conference. Before submission of an application for approval of a PUD District Plan, the applicant is encouraged to contact the Code Enforcement Officer to arrange for a meeting with representatives of the Town in order to obtain feedback on the application prior to formal submittal.
- B. Referrals. Upon the receipt of a complete PUD District Plan application, the Town Board shall review it and refer it to the Town Planning Board and the County Planning Board for comment.
- C. Public Hearing(s). The Town Board shall be required to conduct one or more public hearing(s) prior to adopting a PUD District Plan. Notice of each public hearing shall be published in a newspaper of general circulation at least ten (10) calendar days in advance of the hearing. The application shall be made available for public review at least ten (10) calendar days prior to said public hearing at the office of the Town Clerk.
- D. Review and Comment. The Town Planning Board must provide comments to the Town Board no later than forty-five (45) days after having the application referred to them. If the Planning Board fails to provide comments prior to the deadline, the Town Board may proceed without receiving comments from the Planning Board.
- E. Town Board Action. Following completion of the referral and comment process, at least one public hearing and satisfaction of the Town Board's obligations pursuant to SEQRA, the Town Board may vote to approve or deny the PUD District Plan Application. In the event that the application is approved, the Town

Board must also adopt a local law to amend the Town Code to include the District Plan and to amend the zoning map.

- F. PUD Site Plan Approval. Following approval of a PUD District Plan, the applicant must submit an application for PUD Site Plan Approval to the Town Planning Board and follow procedure for Site Plan Review as outlined in section 155-28 of the Town of Manlius Code.

#### § 155-20.6 PUD District Plan Review Criteria

The Town Board shall weigh the following factors when considering whether to approve an application to create a PUD District Plan:

- A. Whether the proposed plan will result in the efficient use of land, natural resources, energy sustainability, community services, infrastructure and utilities.
- B. Whether the proposed plan is consistent with the Comprehensive Plan and the orderly development of the Town.
- C. Whether the proposed plan will negatively impact natural resources, the environment or historic resources.
- D. Whether the proposed plan will result in new employment opportunities for Town residents and investment in the community in the form of economic development.
- E. Whether the proposed plan will improve the availability of affordable housing in the Town.
- F. Whether the proposed plan will have a negative impact on existing residential uses of land in the Town in terms of traffic, noise, dust, odors, glare, threats to human health or other nuisances.
- G. Whether the proposed plan has adequately addressed issues related to the provision of sewer, water, drainage, electricity, parking, public safety, fire safety and other infrastructure issues.
- H. Whether the proposed plan will result in the loss of prime farmland or will interfere with existing farm businesses.
- I. Whether the proposed plan is consistent with the existing character of the neighborhood.

Section 2. This law shall take effect upon filing with the New York State Department of State.

**WHEREAS**, the Town Board desires to hear from the public on the Application and refer Local Law 2023-\_\_\_ and to the Planning Board for their review and comment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2023-\_\_\_, and that such Hearing shall be held in persona and virtually on the Internet platform commonly referred to as ZOOM, directions for attendance which will be on the Town's Website and such hearing shall take place on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2023 at approximately 6:35 p.m. and be it further

**RESOLVED**, that the Town Clerk shall give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held and the instructions by which the public can access the virtual meeting, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing, and be it further

**RESOLVED**, that the Town Clerk shall refer Local Law 2023-\_\_\_ to the Planning Board for their review and recommendation.

**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 22<sup>nd</sup> day of March 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 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 22<sup>nd</sup> day of March, 2023.

**DATED: March 22, 2023**  
**Fayetteville, New York**

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