

**MINUTES of the REGULAR MEETING
SALINA TOWN BOARD
Monday, May 8, 2023**

The Town Board of the Town of Salina held a regular meeting on Monday, May 8, 2023 at 6:30 p.m. at the Town Hall, 201 School Road, Liverpool, New York with the following:

PRESENT:

Nicholas Paro	Supervisor
Jason Recor	Councilor
Matthew Cushing	Councilor
Daniel Ciciarelli	Councilor

OTHERS PRESENT:

Tim Frateschi	Town Attorney
Jason Hoy	Town Engineer
Paula Primerano	Town Clerk

ABSENT:

David Carnie	Councilor
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PUBLIC HEARING – CONSIDER A LOCAL LAW AMENDING THE TOWN CODE TO REDUCE THE NUMBER OF ZONING BOARD OF APPEALS MEMBERS FROM 7 TO 5 AND TO CREATE AN ALTERNATE POSITION.

A motion was made by Daniel Ciciarelli to open the Public Hearing. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

No residents signed up to speak.

A motion was made by Daniel Ciciarelli to close the Public Hearing. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

APPROVE MINUTES

A motion was made by Matt Cushing to approve the minutes of the April 24, 2023 regular Town Board Meeting. The motion was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

DEEM SURPLUS ITEMS PER LIST

Town Engineer Mr. Hoy reviewed a list of surplus items from the Town Clerk’s office renovation.

A motion was made by Daniel Ciciarelli to approve the list of surplus items presented to be sold at auction per Town policy. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

SURPLUS EQUIPMENT

May 2023

Item No.	Description
1	(3) Glass Transaction Window with Microphone (42” H x 28.5” W)
2	(1) Glass Transaction Window with Microphone (48” H x 48” W)
3	(1) Wayne Dalton Fire Shutter to fit window (43” H x 53” W)
4	(1) Wayne Dalton Fire Shutter to fit window (43” H x 188” W)
5	(1) Counter top (73 L x 25 D x 1.5 thick)
6	(1) Counter top (16L x 25 D x 1.5 thick)

LOCAL LAW #3 TO CHANGE THE ZONE OF 105 & 107 ELECTRONICS PARKWAY FROM R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT TO R-5 MULTIPLE-FAMILY RESIDENTIAL/COMMERCIAL DISTRICT.

Town Attorney Joe Frateschi indicated that we did receive word back from the County and that they saw no County-wide impact related to this request. Supervisor Paro noted that the County did suggest the installation of sidewalks.

DECLARE LEAD AGENCY

A motion was made to designate The Town of Salina as lead agency by Daniel Ciciarelli. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

Mr. Frateschi reviewed the Short Form EAF with the board and it was determined to have no negative impact on the environment.

SEQR-NEGATIVE DELARATION

A motion was made by Matt Cushing to declare this to be an unlisted action under SEQR having no significant environmental impact. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

ENACT LOCAL LAW #3 TO CHANGE THE ZONE OF 105 & 107 ELECTRONICS PARKWAY FROM R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT TO R-5 MULTIPLE-FAMILY RESIDENTIAL/COMMERCIAL DISTRICT.

A motion was made by Matt Cushing to approve Local Law 2023-3 A Local Law to Change the Zone of 105 & 107 Electronics Parkway from R-4 Multiple Family Residential District to R-5 Multiple-Family Residential/Commercial District. The motion was seconded by Jason Recor and was put to a roll call that resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

IN THE MATTER OF

**Local Law 2023-3 Change of Zone from R-4 to R-5 at
105 & 107 Electronics Parkway**

ENACTING A LOCAL LAW

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New

York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 8th day of May 2023, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro Supervisor

Jason Recor 1st Ward Councilor

Matthew Cushing 2nd Ward Councilor

Daniel Ciciarelli 3rd Ward Councilor

Absent: David Carnie 4th Ward Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, it has come to the Town Board’s attention that certain properties located at 105 & 107 Electronics Parkway, Town of Salina, County of Onondaga, State of New York and more particularly identified as tax map nos. 090.-02-09.0 & 090.-02-08.0 (collectively, the “Parcels”) are currently zoned R-4 Multiple Family Residential District; and

WHEREAS, the current owner of the Parcels is considering a project thereon involving mixed residential and commercial uses, which, necessitates a zone change of the Parcels from R-4 Multiple Family Residential District to R-5 Multiple-Family Residential/Commercial District;

WHEREAS, the Town Board is considering this zone change under Local Law 2023-3, as set forth below:

LOCAL LAW 2023-3, A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF SALINA:

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

Section 1. The Zoning District of the following property located 105 & 107 Electronics Parkway, Town of Salina, County of Onondaga, State of New York is hereby changed from R-4 Multiple Family Residential District to R-5 Multiple-Family Residential/Commercial District:

Tax Parcel – 090.-02-09.0

Tax Parcel - 090.-02-08.0

Section 2. The Zoning Map of the Town of Salina is hereby amended to reflect the change of Zoning Districts as authorized above.

Section 3. This Local Law shall take effect upon the filing thereof with the Secretary of State of the State of New York.

WHEREAS, on April 24, 2023, the Town Board held a public hearing regarding the proposed Local Law and the only individual(s) who spoke supported the proposed zone change; and

WHEREAS, the Town Board believes that a zone change at 105 & 107 Electronics Parkway, Town of Salina, County of Onondaga, State of New York from R-4 to R-5 conforms with uses at and around these properties, and, will not otherwise result in a detriment to the health, safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that Local Law 2023-3 is hereby approved and enacted; and be it further

RESOLVED, that the Town Clerk is directed to file Local Law 2023-3 with the Secretary of State within 20 days of the date set forth herein.

I, PAULA PRIMERANO, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 8th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 8th day of May, 2023.

DATED: May 8, 2023

Liverpool, New York

Paula Primerano

Town Clerk of the Town of Salina

Onondaga County, New York

LOCAL LAW #4 TO CHANGE THE ZONE OF 1001 VINE STREET FROM O-2 OFFICE AND LIGHT INDUSTRIAL PARK DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Town Attorney Joe Frateschi indicated that we did hear back from the County and that they saw no County-wide impact related to this request.

DECLARE LEAD AGENCY

A motion was made to designate The Town of Salina as lead agency by Daniel Ciciarelli. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

Mr. Frateschi reviewed the Short Form EAF with the board and it was determined to have no negative impact on the environment.

SEQR-NEGATIVE DELARATION

A motion was made by Jason Recor to declare this to be an unlisted action under SEQR having no significant environmental impact. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

ENACT LOCAL LAW #4 TO CHANGE THE ZONE OF 1001 VINE STREET FROM O-2 OFFICE AND LIGHT INDUSTRIAL PARK DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

A motion was made by Matt Cushing to approve Local Law 2023-4 A Local Law to Change the Zone of 1001 Vine Street from O-2 Office and Light Industrial Park District to C-1 Neighborhood Commercial District. The motion was seconded by Jason Recor and was put to a roll call that resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

IN THE MATTER OF

**Local Law 2023-4 Change of Zone from O-2 to C-2 at
1001 Vine Street**

ENACTING A LOCAL LAW

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 8th day of May 2023, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro Supervisor

Jason Recor 1st Ward Councilor

Matthew Cushing 2nd Ward Councilor

Daniel Ciciarelli 3rd Ward Councilor

Absent: David Carnie 4th Ward Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, it has come to the Town Board's attention that a certain property located at 1001 Vine Street, Town of Salina, County of Onondaga, State of New York and more particularly identified as tax map no. 026.-01-08.0 (the "Parcel") is currently zoned O-2 Office and Light Industrial Park District; and

WHEREAS, the current owner of the Parcel is considering a project thereon involving a retail use, which, necessitates a zone change of the Parcel from O-2 Office and Light Industrial Park District to C-2 Highway Commercial District;

WHEREAS, the Town Board is considering this zone change under Local Law 2023-4, as set forth below:

**LOCAL LAW 2023-4, A LOCAL LAW AMENDING THE
ZONING MAP OF THE TOWN OF SALINA:**

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

Section 1. The Zoning District of the following property located at 1001 Vine Street, Town of Salina, County of Onondaga, State of New York is hereby changed from O-2 Office and Light Industrial Park District to C-2 Highway Commercial District:

Tax Parcel – 026.-01-08.0

Section 2. The Zoning Map of the Town of Salina is hereby amended to reflect the change of Zoning Districts as authorized above.

Section 3. This Local Law shall take effect upon the filing thereof with the Secretary of State of the State of New York.

WHEREAS, on April 24, 2023, the Town Board held a public hearing regarding the proposed Local Law and no one spoke against the proposed zone change; and

WHEREAS, the Town Board believes that a zone change at 1001 Vine Street, Town of Salina, County of Onondaga, State of New York from O-2 to C-2 conforms with uses at and around this property, and, will not otherwise result in a detriment to the health, safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that Local Law 2023-4 is hereby approved and enacted; and be it further

RESOLVED, that the Town Clerk is directed to file Local Law 2023-4 with the Secretary of State within 20 days of the date set forth herein.

I, PAULA PRIMERANO, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 8th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 8th day of May, 2023.

DATED: May 8, 2023

Liverpool, New York

Paula Primerano

Town Clerk of the Town of Salina

Onondaga County, New York

LOCAL LAW #5 TO CHANGE THE ZONE OF 7145 BUCKLEY ROAD FROM O-1 PROFESSIONAL OFFICE DISTRICT TO R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT.

Town Attorney Joe Frateschi explained that the applicant originally requested a change to R-4 but that after further input at the Public Hearing the Board decided it would be better suited to be changed to an R-2. He also indicated that we did hear back from the County and that they saw no County-wide impact related to this request. Supervisor Paro noted that the County suggested installing sidewalks.

DECLARE LEAD AGENCY

A motion was made to designate The Town of Salina as lead agency by Daniel Ciciarelli. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

Mr. Frateschi reviewed the Short Form EAF with the board and it was determined to have no negative impact on the environment.

SEQR-NEGATIVE DELARATION

A motion was made by Jason Recor to declare this to be an unlisted action under SEQR having no significant environmental impact. The motion was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

ENACT LOCAL LAW #5 TO CHANGE THE ZONE OF 7145 BUCKLEY ROAD FROM O-1 PROFESSIONAL OFFICE DISTRICT TO R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT.

A motion was made by Matt Cushing to approve Local Law 2023-5 A Local Law to Change the Zone of 7145 Buckley Road from O-1 Professional Office District to R-2 One And Two Family Residential District. The motion was seconded by Daniel Ciciarelli and was put to a roll call that resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

IN THE MATTER OF

ENACTING A LOCAL LAW

**Local Law 2023-5 Change of Zone from O-1 to R-2 at
7145 Buckley Road**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 8th day of May 2023, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 st Ward Councilor
Matthew Cushing	2 nd Ward Councilor
Daniel Ciciarelli	3 rd Ward Councilor
Absent: David Carnie	4 th Ward Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, it has come to the Town Board’s attention that a certain property located at 7145 Buckley Road, Town of Salina, County of Onondaga, State of New York and more particularly identified as tax map no. 034.-01-13.1 (the “Parcel”) is currently zoned O-1 Professional Office District; and

WHEREAS, the future buyer of the Parcel is considering a project thereon involving a purely residential use, which, necessitates a zone change of the Parcel from O-1 Professional Office District to R-2 One And Two Family Residential District;

WHEREAS, the Town Board is considering this zone change under Local Law 2023-5, as set forth below:

**LOCAL LAW 2023-5, A LOCAL LAW AMENDING THE
ZONING MAP OF THE TOWN OF SALINA:**

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

Section 1. The Zoning District of the following property located at 7145 Buckley Road, Town of Salina, County of Onondaga, State of New York is hereby changed from O-1 Professional Office District to R-2 One And Two Family Residential District:

Tax Parcel – 034.-01-13.1

Section 2. The Zoning Map of the Town of Salina is hereby amended to reflect the change of Zoning Districts as authorized above.

Section 3. This Local Law shall take effect upon the filing thereof with the Secretary of State of the State of New York.

WHEREAS, on April 24, 2023, the Town Board held a public hearing regarding the proposed Local Law and no one spoke against the proposed zone change; and

WHEREAS, the Town Board believes that a zone change at 7145 Buckley Road, Town of Salina, County of Onondaga, State of New York from O-1 to R-2 conforms with uses at and around this property, and, will not otherwise result in a detriment to the health, safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that Local Law 2023-5 is hereby approved and enacted; and be it further

RESOLVED, that the Town Clerk is directed to file Local Law 2023-5 with the Secretary of State within 20 days of the date set forth herein.

I, PAULA PRIMERANO, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 8th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 8th day of May, 2023.

DATED: May 8, 2023

Liverpool, New York

Paula Primerano

Town Clerk of the Town of Salina

Onondaga County, New York

RESOLUTION CALLING FOR A PUBLIC HEARING FOR A LOCAL LAW TO CREATE THE CANNABIS BUSINESS DISTRICT (CBD).

A motion was made by Daniel Ciciarelli to approve a resolution calling for a Public Hearing on Monday, May 22, 2023 at 6:31pm for a Local Law to Create the Cannabis Business District (CBD). The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: No, David Carnie: Absent, Nicholas Paro: Yes.

IN THE MATTER

Of

Local Law 2023 - ____

**CALLING FOR PUBLIC HEARING FOR
LOCAL LAW**

**A LOCAL LAW ESTABLISHING REGULATIONS RELATED
TO ADULT-USE RETAIL CANNABIS DISPENSARIES**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 8th day of May 2023, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro

Supervisor

Jason Recor

1st Ward Councilor

Matthew Cushing

2nd Ward Councilor

Daniel Ciciarelli

3rd Ward Councilor

David Carnie

4th Ward Councilor

The following resolution was moved, seconded and adopted:

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

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

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

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law 2023-___, entitled "A Local Law Establishing Regulations Related to Adult-Use Retail Cannabis Dispensaries," the text of which is as follows:

LOCAL LAW 2023-___ ESTABLISHING THE CANNABIS BUSINESS DISTRICT

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

Section 1. That Chapter 235 of the Town Code (Zoning) is hereby amended as follows:

§ 235-24. CANNABIS BUSINESS DISTRICT

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

B. Applicability. The Cannabis Business District is hereby established which shall consist of lots as they existed as of _____ within an area to be determined.

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

- (1) “Cannabinoid” means the phytocannabinoids found in hemp and does not include synthetic cannabinoids as that term is defined in subdivision (g) of schedule I of section thirty-three hundred six of the New York State Public Health Law.
- (2) “Cannabinoid hemp” means any hemp and any product processed or derived from hemp, that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three tenths of a percent delta-9 tetrahydrocannabinol.

- (3) "Cannabinoid hemp processor license" means a license granted by the New York State Office of Cannabis Management or the New York State Cannabis Control Board to process, extract, pack or manufacture cannabinoid hemp or hemp extract into products, whether in intermediate or final form, used for human consumption.
- (4) "Cannabis" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp; cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.
- (5) "Cannabis consumer" means a person twenty-one years of age or older acting in accordance with any provision of this law or the New York State Cannabis Law.
- (6) "Cannabis control board" or "Board" means the New York State Cannabis Control Board ("CCB") created pursuant to the New York State Cannabis Law.
- (7) "Cannabis flower" means the flower of a plant of the genus Cannabis that has been harvested, dried, and cured, prior to any processing whereby the plant material is transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis flower excludes leaves and stem.
- (8) "Cannabis product" or "adult-use cannabis product" means cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer.
- (9) "Cannabis-infused products" means products that have been manufactured and contain either cannabis or concentrated cannabis and other ingredients that are intended for use or consumption.

- (10) "Cannabis trim" means all parts of the plant of the genus Cannabis other than cannabis flower that have been harvested, dried, and cured, but prior to any further processing.
- (11) "Concentrated cannabis" means: (a) the separated resin, whether crude or purified, obtained from cannabis; or (b) a material, preparation, mixture, compound or other substance which contains more than three percent by weight or by volume of total THC, as defined herein.
- (12) "Cultivation" means growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants for sale to certain other categories of cannabis license and permit-holders.
- (13) "Delivery" means the direct delivery of cannabis products by a retail licensee, microbusiness licensee, or delivery licensee to a cannabis consumer.
- (14) "Distributor" means any person who sells at wholesale any cannabis product, except medical cannabis, for the sale of which a license is required under the provisions of this law and New York State Cannabis Law.
- (15) "Executive director" means the executive director of the office of cannabis management.
- (16) "Hemp" means the plant Cannabis sativa L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than three-tenths of a percent on a dry weight basis. It shall not include "medical cannabis" as defined in the New York State Cannabis Law.
- (17) "Hemp extract" means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers derived from hemp, used or intended for human consumption, for its cannabinoid content, with a delta-9 tetrahydrocannabinol concentration of not more than an amount determined by the office in regulation. For the purpose of this article, hemp extract excludes (a)

any food, food ingredient or food additive that is generally recognized as safe pursuant to federal law; or (b) any hemp extract that is not used for human consumption.

- (18) "License" means a written authorization as provided pursuant to the New York State Cannabis Law permitting persons to engage in a specified activity authorized by the New York State Cannabis law.
- (19) "Licensee" means an individual or an entity who has been granted a license under the New York State Cannabis Law.
- (20) "Medical cannabis" means cannabis as defined in the New York State Cannabis Law.
- (21) "Microbusiness" means a licensee that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor and a cannabis retailer pursuant to New York State Cannabis Law; provided such licensee complies with all requirements imposed by New York State Cannabis Law on licensed producers, processors, distributors and retailers to the extent the licensee engages in such activities.
- (22) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives and registered organizations.
- (23) "Office" or "office of cannabis management" means the New York state office of cannabis management ("OCM").
- (24) "On-site consumption" means the consumption of cannabis in an area licensed as provided for by New York State Cannabis Law.
- (25) "Package" means any container or receptacle used for holding cannabis or cannabis products.

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

(34) "Warehouse" means and includes a place in which cannabis products are securely housed or stored.

(35) "Wholesale" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee of any adult-use, medical-use cannabis or cannabis product, or cannabinoid hemp and hemp extract product for purposes of resale.

D. General Provisions.

(1) Special Permit. A Special Permit shall be required for the operation of a Marijuana Establishment Retailer under Section 235-42 of the Town Code.

(2) License. All permitted Marijuana Establishment Retailers shall have a provisional license from the Cannabis Control Board (CCB) and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Special Permit shall be issued for a Marijuana Establishment Retailer that has not received a provisional license from the CCB.

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

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

(5) Parking and Loading. Parking and loading for a Marijuana Establishment Retailer shall be in accordance with Section 235-31 Off Street Parking and Loading of this Chapter. However, the

Zoning Board of Appeals may require a greater number of parking spaces and/or loading bays if it finds, based on the application, plans and documents submitted to the Zoning Board of Appeals regarding operation of the Marijuana Establishment Retailer, that the minimum requirements are not sufficient.

(6) Signs. The Zoning Board of Appeals may impose restrictions on signage as appropriate for the site. If additional sign restrictions are not specified within the Special Permit, the Marijuana Establishment Retailer shall abide by 235-27 (Advertising Device Regulations) of this Chapter.

(7) Enclosed Building. All Marijuana Establishment Retailer Retailers shall operate within a fully enclosed building and shall not operate within any mobile facility. A minimum separation of 1,000 feet is required between Marijuana Establishment Retailer Retailers. The distance under this section is measured in a straight line from the nearest point of each structure containing a Marijuana Establishment Retailer to the structure proposed to contain the Marijuana Establishment Retailer.

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

E. Location.

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

(2) Proximity to other Uses.

(a) No Marijuana Establishment Retailer shall be located within one thousand (1,000') feet of any school, playground, child-care facility or place of worship.

(b) In determining whether to issue a Special Permit, and what conditions to impose, the Zoning Board of Appeals shall evaluate (in addition to any criteria set forth elsewhere in this Chapter) proximity of other land uses that may be adversely affected by the proposed Marijuana Establishment Retailer.

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

F. Application Process and Requirements:

(1) Application Procedures. The application for a Special Permit for a Marijuana Establishment Retailer shall be filed with the Zoning Board of Appeals and with the Town Clerk in accordance with Section 235-42 of this Chapter. The application shall be signed by a duly authorized officer of the Applicant and the property owner, if the Applicant is not the owner of the subject property.

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

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

(a) The Applicant's name, address, telephone number, and email address;

(b) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;

(c) A certified copy of the Provisional License or Permit issued by the CCB to the Applicant, along with copies of all other materials issued by the CCB to the Applicant;

(d) A notarized statement signed by the organization's Chief Executive Officer or corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all individual persons associated with the entity as set forth above;

(e) A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to, cultivating and processing of marijuana or marijuana products as defined in the MRTA or this Chapter, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;

(f) A map depicting all properties and land uses within a one thousand foot (1000') radius (minimum) of the project site, whether such uses are located in the Town or within surrounding communities;

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

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

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

(j) Completed MRTA Checklist, to be submitted to the Zoning Board of Appeals and the police department having jurisdiction over the proposed site prior to commencement of operations by the Marijuana Establishment Retailer;

(k) Traffic Impact Report;

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

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

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

(o) Provide plans and narrative of odor mitigation;

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

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

(5) Decision Criteria. In addition to the criteria set forth in Section 235-42, the Zoning Board of Appeals shall issue a Special Permit for a Marijuana Establishment Retailer only if it finds that the Applicant has submitted sufficient information from which it can conclude that:

(a) The Marijuana Establishment Retailer has received a provisional license or permit from the CCB and complies with all applicable state and local laws, regulations, and requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;

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

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

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

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

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

(ii) personal safety for clients and invitees;

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

(iv) protection of the premises from theft.

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

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

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

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

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

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

(c) The permit holder shall provide to the Town Board, the Director of Planning and Development, the Zoning Board of Appeals, the police department with jurisdiction of the site, and the respective fire department with jurisdiction of the site the name, telephone number and email address of a contact person in the event that the Police Department, Code Enforcement Office or other Town

official determines it necessary to contact the Applicant after regular business hours. Such contact information shall be kept updated by the permit holder;

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

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

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

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

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

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

H. Waivers.

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

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

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

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

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

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

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

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

Section 2. Pursuant to Municipal Home Rule Law §10 and §22, it is the express intention of the Town Board to supersede the provisions of the MRTA to allow for distance restrictions of 1,000 feet as specified more fully herein this local law.

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

Underline – new language

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Salina hereby schedules a public hearing for May 22 at 6:31 P.M., to hear all of those members of the public who would like to speak in favor or against said Local Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall post a copy of said Local Law on the Official Bulletin Board of the Town and publish notice of said local law in the Official Town Newspaper at least five (5) days before the public hearing.

I, PAULA PRIMERANO, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 8th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 8th day of May, 2023.

DATED: May 8, 2023

Liverpool, New York

Paula Primerano

Town Clerk of the Town of Salina

Onondaga County, New York

RESOLUTION CALLING FOR A PUBLIC HEARING FOR A LOCAL LAW 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.

A motion was made by Daniel Ciciarelli to approve a resolution calling for a Public Hearing on Monday, May 22, 2023 at 6:33pm for a Local Law 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. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: No, David Carnie: Absent, Nicholas Paro: Yes.

Supervisor Paro explained that this would cut down on the amount of overlay district requests. Town Attorney Frateschi talked on the uniqueness of the Town of Salina.

IN THE MATTER

Of

LOCAL LAW 2023 - ___ TO AMEND CHAPTER 235 OF THE TOWN OF SALINA CODE (ZONING) TO CREATE A NEW SECTION 235-26 THAT WOULD AUTHORIZE A PLANNED UNIT DEVELOPMENT (“PUD”) ZONING

RESOLUTION CALLING FOR PUBLIC HEARING FOR LOCAL LAW

**DISTRICT IN VARIOUS ZONING DISTRICTS IN THE
TOWN AND SETTING FORTH RULES AND
REGULATIONS FOR SITE DEVELOPMENT IN THE PUD**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 8th day of May 2023, at 6:30 p.m.

The meeting was called to order by Nicholas Paro, Supervisor, and the following were present, namely:

Nicholas Paro	Supervisor
Jason Recor	1 st Ward Councilor
Matthew Cushing	2 nd Ward Councilor
Daniel Ciciarelli	3 rd Ward Councilor
David Carnie	4 th Ward 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 Salina;

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 235 of the Town Code entitled “Zoning” as follows:

LOCAL LAW 2023-____, A LOCAL LAW AMENDING CHAPTER 235 ENTITLED “ZONING” TO CREATE A NEW SECTION 235-26 THAT WOULD AUTHORIZE A PLANNED UNIT DEVELOPMENT ZONING DISTRICT

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

Section 1. Chapter 235 of the Town Code shall be amended as follows:

§235-26 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 Salina Zoning Law. A PUD may be placed in the C-1, C-2, C-3 and R-O Districts at the discretion of the Town Board and pursuant to this Section 235-26.

- B. Legislative Purpose. The Town of Salina, 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 Salina 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 Salina;
- 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 Salina Comprehensive Plan.

4. “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.
5. “PUD Site Plan” means a plan prepared pursuant to Section 235-41 of the Town of Salina Zoning Law showing information as is required by local law or regulations.
6. “PUD Site Plan Approval” means the signing of a final plan by a duly authorized member of the Town Zoning Board of Appeals 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 Zoning Board of Appeals.

E. Overview of Process.

1. 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.
2. 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.
3. 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 Zoning Board of Appeals
4. 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.

5. 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.

F. Planned Unit Development District Plan Application Requirements

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

1. 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;
2. 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. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. Fee and Escrow. The application shall be accompanied by a fee to be set by resolution by the Town Board. 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.

G. Procedure.

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

1. 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.
2. Referrals. Upon the receipt of a complete PUD District Plan application, the Town Board shall review it and refer it to the Town Zoning Board of Appeals and the County Planning Board for comment.
3. 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.

4. Review and Comment. The Town Zoning Board of Appeals must provide comments to the Town Board no later than sixty (60) days after having the application referred to them. If the Zoning Board of Appeals fails to provide comments prior to the deadline, the Town Board may proceed without receiving comments from the Zoning Board of Appeals.

5. 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.

6. 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 Zoning Board of Appeals and follow procedure for Site Plan Review as outlined in section 235-41 of the Town of Salina Code.

H. 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:

1. Whether the proposed plan will result in the efficient use of land, natural resources, energy sustainability, community services, infrastructure and utilities.

2. Whether the proposed plan is consistent with the Comprehensive Plan and the orderly development of the Town.

3. Whether the proposed plan will substantially negatively impact natural resources, the environment or historic resources.

4. Whether the proposed plan will result in new employment opportunities for Town residents and investment in the community in the form of economic development.
5. Whether the proposed plan will improve the availability of affordable housing in the Town.
6. Whether the proposed plan will have a substantial negative impact on existing residential uses of land in the Town in terms of, but not limited to, traffic, noise, dust, odors, glare, threats to human health or other nuisances.
7. 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.
8. Whether the proposed plan will result in the loss of prime farmland or will interfere with existing farm businesses.
9. 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Salina hereby schedules a public hearing for May 22 at 6:33 P.M., to hear all of those members of the public who would like to speak in favor or against said Local Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall post a copy of said Local Law on the Official Bulletin Board of the Town and publish notice of said local law in the Official Town Newspaper at least five (5) days before the public hearing.

I, PAULA PRIMERANO, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 8th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this 8th day of May, 2023.

DATED: May 8, 2023

Liverpool, New York

Paula Primerano

Town Clerk of the Town of Salina

Onondaga County, New York

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN EMERGENCY GASOLINE AGREEMENT WITH THE LIVERPOOL VOLUNTEER FIRE DEPARTMENT.

A motion was made by Jason Recor to approve a Resolution Authorizing the Town Supervisor to execute an Emergency Gasoline Agreement with the Liverpool Volunteer Fire Department. The motion was seconded by Matt Cushing and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: No, David Carnie: Absent, Nicholas Paro: Yes.

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN ACCESS AGREEMENT WITH RACER TRUST FOR 601 FACTORY AVE.

A motion was made by Daniel Ciciarelli to approve a Resolution Authorizing the Town Supervisor to sign Access Agreement with RACER Trust for 601 Factory Ave. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: No, David Carnie: Absent, Nicholas Paro: Yes.

Supervisor Paro explained RACER Trust is doing various tests to that stretch of Ley Creek before remediation.

AUTHORIZE MATTYDALE MAIN STREET FUNDING MEMORANDUM OF UNDERSTANDING FOR 2221 BREWERTON ROAD

Joe Frateschi stated that this applicant is looking to make improvements to their marquee and are requesting \$82,956. Councilor Ciciarelli commented that he hopes that businesses like this that are in need of repair choose to do so with, or without, government funding.

A motion was made by Jason Recor to authorize the Mattydale Main Street Funding Memorandum of Understanding for 2221 Brewerton Road. The motion was seconded by Daniel Ciciarelli and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE MATTYDALE MAIN STREET FUNDING MEMORANDUM OF UNDERSTANDING FOR 2718 LEMOYNE AVENUE

Joe Frateschi stated that this applicant is looking to make improvements including windows and exterior paint and are requesting \$37,500 in funds with a matching amount of \$12,500.

A motion was made by Daniel Ciciarelli to authorize the Mattydale Main Street Funding Memorandum of Understanding for 2718 Lemoyne Ave. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 112 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their parking lot and siding and are requesting \$34,275 in funds with a matching amount of \$11,425.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 112 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 604 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their facade and are requesting \$38,625 in funds with a matching amount of \$12,875.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 604 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 650 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their exterior and are requesting \$11,606 in funds with a matching amount of \$3,869.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 650 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 658 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their parking lot and facade and are requesting \$149,403.45 in funds with a matching amount of \$49,801.15.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 658 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 659 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their parking lot and are requesting \$15,000 in funds with a matching amount of \$5,250.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 659 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 663 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their exterior and landscaping and are requesting \$29,387.24 in funds with a matching amount of \$9,795.75.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 663 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 673 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their outdoor patio and are requesting \$35,385 in funds with a matching amount of \$11,795.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 673 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 721 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their parking lot and are requesting \$2,663 in funds with a matching amount of \$888.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 721 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 300 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their landscaping and are requesting \$13,498 in funds with a matching amount of \$10,374.22.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 300 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 408 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their exterior and door placement and are requesting \$20,379.90 in funds with a matching amount of \$13,533.16.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 408 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 642 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their facade and are requesting \$45,000 in funds with a matching amount of \$25,000.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 642 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 715 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their exterior including façade work and are requesting \$128,700 in funds with a matching amount of \$105,600.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 715 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 718 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their facade and are requesting \$105,840 in funds with a matching amount of \$45,851.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 718 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 911 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their facade and are requesting \$301,450 in funds with a matching amount of \$160,500.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 911 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 920 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to their exterior patio area and are requesting \$29,250 in funds with a matching amount of \$25,000.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 920 Old Liverpool Road. The motion was seconded by Jason Recor and was

put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

AUTHORIZE OLD LIVERPOOL ROAD FUNDING MEMORANDUM OF UNDERSTANDING FOR 941 OLD LIVERPOOL ROAD

Town Attorney Joe Frateschi stated that this applicant is looking to make improvements to include painting and garage door replacement and are requesting \$16,973 in funds with a matching amount of \$9,691.65.

A motion was made by Matt Cushing to authorize the Old Liverpool Road Funding Memorandum of Understanding for 941 Old Liverpool Road. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

Supervisor Paro spoke about a meeting he had with all of the applicants and their excitement for what this will do to beautify the Town.

Councilor Cushing spoke about how he thinks this is a great use of ARPA funds and is happy that we're able to use the funds to give back to the community.

Copies of all Memorandum's will be available in the Town Clerk's office.

APPOINT CHARLES WEAVER TO THE PUBLIC SAFETY TASK FORCE

A motion was made by Matt Cushing to appoint Charles Weaver to the Public Safety Task Force. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

CONSIDER A REVOCABLE LICENSE FOR 223 CHESTNUT HILL DRIVE

A motion was made by Matt Cushing to approve the Revocable License for 223 Chestnut Hill Drive conditional to meeting certain requirements outlined by Town Engineer Jason Hoy. The motion was seconded by Jason Recor and was put to a roll call vote which resulted as follows: Jason Recor: Yes, Matt Cushing: Yes, Daniel Ciciarelli: Yes, David Carnie: Absent, Nicholas Paro: Yes.

Town Engineer Mr. Hoy met with the property owner. The proposed fence layout appears to be less intrusive to the Town's drainage facilities. The one requirement is that the fence span the existing swale and not block the flow of water.

RESIDENTS WISHING TO SPEAK – TOWN BOARD COMMENTS

Resident Jim Charon spoke about the proposed Cannabis Law and expressed his concerns with the proposal.

Councilor Cushing offered some insight on the subject from his experience living in Colorado.

Councilor Ciciarelli informed the residents that the next Mattydale Neighborhood Watch meeting will be Thursday, May 18th at 6:30pm at the Mattydale Fire Department. He also wanted to thank the residents that came to the forum for the proposed community center and explained the process going forward for the project.

Supervisor Paro expressed his appreciation for the support he has been receiving from the public.

ADJOURNMENT

A motion was made by Matt Cushing and seconded by Jason Recor to adjourn the meeting at 7:15 p.m. All Voted in favor.

Respectfully submitted

Paula Primerano, Town Clerk