

Town of Marcellus  
Workshop Meeting  
Wednesday, February 19, 2025  
6:30 PM

Call to Order

Salute to Flag

I. Approve Financials

II. Old Business

- A. Tim's Pumpkin Patch PUD
- B. 2024 Court Audit

III. New Business

- A. Onondaga County Planning Board Resolution- Outdoor Concerts
- B. Enacting Local Law C-2024 Outdoor Concerts

IV. Discussion Agenda

- A. Fire Department

V. Adjournment

Future Meeting Dates

Planning/Zoning Meeting-Monday, March 3, 2025 - 6:30 pm- Town Hall  
Town Board Meeting- Wednesday, March 5, 2025- 6:30 pm- Town Hall  
Workshop Meeting- Wednesday, March 19, 2025- 6:30 pm- Town Hall

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## Appendix F – General Recordkeeping Requirements for Town and Village Justice Courts

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As a general rule, board members should first gain an understanding of how the court operates, what the general rules and requirements are for financial accountability and reporting, and what types of financial records should be maintained to meet these responsibilities. Many board members, particularly newly elected members, may not be aware of these concerns.

The first step is to ASK! Ask the individuals involved (e.g., justices and court clerks). Ask other more experienced board members. Ask your local government's attorney or call us. OSC issues many publications that provide guidance on a variety of topics that will provide you with needed information. The Comptroller's Justice Court Fund Bureau issues a publication entitled *Handbook for Town and Village Justices and Court Clerks* that provides guidance as well as requirements for justice court transactions.

Court personnel are required to maintain various records and documents pertaining to the cases handled in their respective courts. They are also required to perform certain finance-related duties to account for and report all transactions.<sup>12</sup> Certain financial duties are the direct responsibility of each justice and, in certain circumstances, may not be delegated to other court personnel. Some key recordkeeping requirements are as follows:

Each justice is required to:

1. Maintain an official bank account in his/her name as judicial officer.
2. Issue acceptable receipt forms for all moneys collected.
3. Deposit all moneys received in his/her judicial capacity in the official bank account within 72 hours of collection, exclusive of Sundays and holidays.
4. Submit a monthly report, generally, and remittance to the Justice Court Fund within the first 10 days of the month following collection.<sup>13</sup>

Each court is required to:

1. Maintain individual case files containing all papers and other documents pertaining to each case.
2. Maintain an index of all cases with a unique number assigned to each case when filed.
3. Maintain a cashbook, which chronologically itemizes all receipts and disbursements.  
(Note: For accountability and internal control purposes, OSC recommends that a separate cashbook be maintained for each justice).

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<sup>12</sup> Recordkeeping requirements are generally contained in 22 NYCRR Section 214, *et seq.*

<sup>13</sup> With respect to courts that participate in the Invoice Billing Program, within the first 10 days of the month following collection, each justice must electronically file their report with the Justice Court Fund and submit a remittance to the Chief Financial Officer, instead of the Justice Court Fund.

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## Appendix F -

### General Recordkeeping Requirements for Town and Village Justice Courts continued

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Board members should expect to find the following minimum records for receiving and disbursing moneys (either manually prepared or computerized):

1. Cash receipt records and supporting documents.
2. Cash disbursement records and supporting documents.
3. Bank statements and supporting documents.
4. Accountability worksheets detailing outstanding liabilities and cash available to meet such liabilities. These worksheets should compare net bank balances and cash on-hand to liabilities (e.g., bails and unremitted fines). Any difference between cash and liabilities should be explained. Correction of errors in accounting records, if any, should also be explained.
5. Copies of reports to applicable governmental agencies.

## Appendix F -

### General Recordkeeping Requirements for Town and Village Justice Courts continued

#### Checklist for Review of Justice Court Records

<u>Cash Receipts</u>	<u>YES</u>	<u>NO</u>
Is the cash receipts journal up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash receipts journal maintained in a manner that identifies the <u>date</u> received, payer, and the amount of <u>fin</u> es, fees, bail, and/or other categories of collection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are pre-numbered receipt forms issued for all collections?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are duplicate receipt copies kept for court records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are receipts recorded up-to-date? <i>Last Recorded Receipt: # <u>MD245186</u> Date <u>12/23/2024</u> Amount <u>183.00</u></i>		
Are duplicate deposit slips kept for court records?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do deposit amounts agree with cash receipt amounts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are deposits made timely (within 72 hours of collection, exclusive of Sundays and holidays) and recorded up-to-date? <i>Last Recorded Deposit: Date <u>12/30/2024</u> Amount <u>200.00</u></i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are un-deposited cash receipts safeguarded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash receipts journal totaled and summarized monthly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Cash Disbursements</u>	<u>YES</u>	<u>NO</u>
Is the cash disbursements journal up-to-date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the cash disbursements journal maintained in a manner to identify <u>individual</u> amounts disbursed either individually or totals referenced to <u>abstracts</u> or <u>payrolls</u> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are pre-numbered checks used for all disbursements (other than petty cash)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all checks signed by the justice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are canceled checks or check images returned with bank statements and maintained on file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are all unused checks properly controlled (blank check stock)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are checks recorded up-to-date? <i>Last Recorded Check: # <u>197</u> Date <u>01/03/2025</u> Amount <u>913.00</u></i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Appendix F --

### General Recordkeeping Requirements for Town and Village Justice Courts continued

<u>Cash Reconciliations</u>	<u>YES</u>	<u>NO</u>
Is the bank account reconciled after bank statements are received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Last Bank Reconciliation for Each Bank Account:</i> Date Performed <u>01/03/2025</u> Month Ending <u>12/2024</u>		

<u>Deposit Protection</u>	<u>YES</u>	<u>NO</u>
Has the bank pledged adequate, eligible securities to protect court deposits that exceed FDIC insurance protection, if applicable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Additional Supporting Records</u>	<u>YES</u>	<u>NO</u>
Is a list of bail maintained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a record of uncollected installment payments maintained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Dockets and Case Files</u>	<u>YES</u>	<u>NO</u>
Are separate dockets maintained for various classifications of cases, such as vehicle and traffic, criminal, civil, and small claims?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Are case files maintained for all cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are indexes maintained for all cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do dockets for disposed cases appear to be complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do dockets for disposed cases agree with amounts reported?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<u>Accountability</u>	<u>YES</u>	<u>NO</u>
Is accountability (a comparison of cash to liabilities) determined at the end of each month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do liabilities (as recorded in the court's records) agree with net bank balances (as evidenced on monthly bank reconciliations) plus any cash on hand as of a specified date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Last Determination of Accountability:</i> Date Performed <u>01/03/2025</u> Month Ending <u>12/2024</u>		

**Appendix F -**

**General Recordkeeping Requirements for Town and Village Justice Courts continued**

<u>Reports to Division of Criminal Justice Services</u>	<u>YES</u>	<u>NO</u>
Are reports made timely to the Division of Criminal Justice Services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has the court received any notices regarding late reporting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>If yes, why were reports late and what corrective actions were taken?</i> _____		

<u>Reports to Justice Court Fund</u>	<u>YES</u>	<u>NO</u>
Are monthly reports made timely to the Justice Court Fund?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do reported amounts agree with cash receipt and disbursement books?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do reported amounts agree with docket dispositions and case files?  <i>Last Report Submitted:</i> <i>Month Ending <u>12/2024</u> Date <u>01/03/2025</u> Amount <u>559.00</u></i>	<input type="checkbox"/>	<input type="checkbox"/>
Has the court received any notices regarding late reporting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>If yes, why were reports late and what corrective actions were taken?</i> _____		

<u>Reporting to Department of Motor Vehicles - TSLE&amp;D Program</u>	<u>YES</u>	<u>NO</u>
Is information reported timely to TSLE&D?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are reports from TSLE&D to the court maintained and utilized?  <i>Last TSLE&amp;D Report Available:                      Date <u>Daily</u></i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How many cases are shown as pending in the last TSLE&D report? <u>0</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the number of pending cases reasonable? <u>Yes</u>	<input type="checkbox"/>	<input type="checkbox"/>
How many cases are shown as pending for more than 90 days? <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>
What actions have been taken to dispose of these cases? <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>
Has the court received any notices regarding pending cases?  <i>If yes, why were the cases pending and what corrective actions were taken, if any?</i> _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the court received any notices regarding late monthly reporting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**Appendix F -**

**General Recordkeeping Requirements for Town and Village Justice Courts continued**

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<p><i>If yes, why were the reports late and what corrective actions were taken?</i></p> <hr/>		
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**Comments and Conclusions**

Dmv - TSLE+D PROGRAM is no longer mailed. All forms transmitted electronically  
Court not able to susp for non payment  
of fines any longer.

## Recommended Zoning Changes

### Chapter 235-4

#### **Definition's (235:10)**

**(New) Shed roof:** A flat pitched roof extending to a header on posts with no walls.

**(Modified) STORY:** Not greater than 12 feet from the floor surface to the top of the truss wall or rafter carrying wall.

### Chapter 235 Attachment 1 (1:1)

#### **Lot and Building Limitations (NOTES)**

Footnote 1 Remains

Footnote 2 Remains

**Footnote 3 modified as follows:** Permitted accessory structures in R zones up to 160 square feet in area limited to one story must be a minimum of three feet from side and rear lot lines and meet front setback requirements. In R-2 zones the front yard setback will be from the OCWA high-water line or the FEMA flood zone whichever is greater.

**Footnote 4 modified as follows:** Permitted A class accessory buildings greater than 160 square feet up to 720 square feet in area limited to one story must be a minimum of 25 feet from side lot lines and 50 feet from the street line or beyond the rear line of the principal structure, whichever is least.

**Footnote 5 modified as follows:** Permitted B class accessory buildings greater than 720 square feet up to 2,400 square feet in area limited to one story must be a minimum of 35 feet from side lot lines and 65 feet from the street line or beyond the rear line of the principal structure, whichever is least.

**Footnote 6 is added as follows:** Permitted C class accessory buildings greater than 2,400 square feet in area limited to one story must be a minimum of 45 feet from the side and rear lot lines and 70 feet from the street line.

**Footnote 7 is added as follows:** Class A, B, or C accessory buildings if greater than one story is proposed, the structure will require an area variance.

**Footnote 8 is added to replace current footnote 5:** To be determined by the Town Board.



racing, pony rides, firearms and archery ranges, swimming pools, water slides, ice rinks, and amusement parks.

**RECREATION, PRIVATE** — A recreation use or facility not owned or operated by a public agency.

**RECREATION, PUBLIC** — A recreation use or facility owned or operated by a public agency.

**ROAD** — See "street."

**RURAL OCCUPATION** — An occupation that is carried on in a dwelling unit or on a property where a dwelling unit exists, provided that the occupation is carried on by the resident owner of the property or a resident member of the owner's immediate family. A "rural occupation" must clearly be incidental or accessory to the principal use of the property, and may include mechanical and/or repair work, engine repairs, appliance repair, stands for the sale of baked goods, home crafts or nursery merchandise, small-scale off-site construction, driveway installation or repairs, landscaping, delivery services, beauty parlors, and small low-intensity businesses of a similar nature. A "rural occupation" shall not include restaurants, parking lots, drive-in retail fuel stations, outdoor storage of inoperative motorized equipment, or other high-intensity businesses of a similar nature.<sup>3</sup>

**SPECIAL USE** — A use that is deemed allowable within a given zone, but which is potentially incompatible with other uses, and therefore, is subject to special standards and conditions set forth for such use subject to approval by the Zoning Board of Appeals.

**STORAGE TRAILER** — A complete truck used for storage of materials, supplies or tools, or a van type of trailer such as is usually towed by a tractor. It may be mounted on wheels or skids and is not intended for habitation.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STREET** — A public right-of-way for vehicular traffic that is publicly owned, open to the general public, and has been accepted by the Town. The term includes designations such as highway, parkway, road, avenue, boulevard, lane, place, drive, alley, and other variations.

**STREET LINE** — The common boundary of a street right-of-way, as distinguished from the pavement, and the front property line of a parcel.

**STRUCTURE** — A combination of materials, including a building as defined herein, to form a construction that is safe and stable and includes among other things, decks, sheds, fences, swimming pools, display signs, radio towers, satellite dishes over three feet in diameter and windmills.

3. Editor's Note: The former definition of "sign," which immediately followed this definition, was repealed 9-7-2022 by L.L. No. 2-2022. See now § 235-26.1, Signs.

# ZONING

## 235 Attachment 1

### Town of Marcellus

#### Lot and Building Limitations

[Amended 7-14-2014 by L.L. No. 1-2014; 5-11-2015 by L.L. No. 2-2015;  
at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Zone	Min. Lot Size		% of Lot Coverage	Yard Dimensions				Maximum Building Height (feet)	Minimum Dwelling Areas*
	Width (feet)	Area (square feet)		Front (feet)	One Side (feet)	Both Side (feet)	Rear (feet)		
A-1	200	80,000	30%	35	20	40	35	35	900
B-1	100	10,890	35%	35	25	50	30	35	NA
R-1	150	40,000	30%	35	15 <sup>4</sup>	30	35 <sup>4</sup>	35	900
R-2	75	10,000	20%	35	10 <sup>3</sup>	20	35 <sup>3</sup>	35	600
R-3	200	80,000	30%	35	15 <sup>4</sup>	30	35 <sup>4</sup>	35	900
R-4	80	12,000	20%	35	12 <sup>3</sup>	24	35 <sup>3</sup>	35	900
PUD	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
L-1	100	43,560	20%	60	25 <sup>2</sup>	50 <sup>2</sup>	50	3 stories 35 feet	NA

\* In square feet per family.

#### NOTES:

- <sup>1</sup> On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered as front yard area and that portion of a lot contiguous to a front yard shall be considered as side yard area for the purpose of applying the regulations herein.
- <sup>2</sup> Fifty feet for one side yard and 100 feet for both, if adjoining residential zone.
- <sup>3</sup> Permitted accessory buildings in R-2 and R-4 Zones may not be more than 120 square feet in area limited to one story and must be at least three feet from the side and rear lot lines and meet front setback requirements.
- <sup>4</sup> Permitted accessory buildings in R-1 and R-3 Zones may not be more than 160 square feet in area limited to one story and must be at least three feet from the side and rear lot lines and meet front setback requirements.
- <sup>5</sup> To be determined by the Town Board.



J.Ryan McMahon, II  
COUNTY EXECUTIVE

# Onondaga County Planning Board

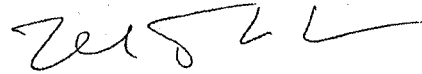
## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: February 05, 2025

OCPB Case # Z-25-23

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Marcellus Town Board at the request of Town of Marcellus for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing a local law to amend Chapter 235-12 of the Code of the Town of Marcellus to allow outdoor concerts within the Town subject to the receipt of a special permit for the same; and
- WHEREAS, the applicant defines an "outdoor concert" as: "Music event, open to the general public and/or for compensation, conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices."; and
- WHEREAS, per the referral notice, outdoor concert sites will be subject to special use permit; additional regulations include: lots must be 10 acres or more in size, relevant fire departments and police agencies must be notified about events, and adequate documentation must be shown in regard to traffic regulation, parking, sanitary facilities, adequate water supply, garbage disposal, emergency evacuation plan, first aid and site cleanups; fireworks will not be permitted at these sites; and
- WHEREAS, outdoor concert events must comply with the Town of Marcellus Noise Ordinance, which sets the maximum decibel levels that shall be permitted, as well as the allowable hours of event(s) and event activities; and
- WHEREAS, per the referral notice, these sites shall provide one parking space for every four persons in attendance; site plans must display appropriate fencing and/or signage; and
- WHEREAS, adequate insurance must be reviewed and approved by the attorney for the Town; the applicant shall be required to name the Town as an additional insured for any approved use on a primary and non-contributory basis; insurance shall be a minimum of \$1,000,000.00 for bodily injury or death and not less than \$1,000,000.00 for property damage;
- WHEREAS, **ADVISORY NOTE:** Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.



Martin E. Voss, Chairman  
Onondaga County Planning Board

## GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

**To:** Onondaga County Planning Board      **From:** Town of Marcellus Town Board

**Fax:** 435-2439                                      **Phone:** 435-2611

**Re: Applicant:**              Town of Marcellus

**Address:**

**Referral Type:**      LOCAL LAW

**OCPB Date:**              February 05, 2025

**OCPB Action:**              No Position

**OCPB Case #:**              Z-25-23

*The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):*

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.\*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.\*
  
- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)
  
- Other \_\_\_\_\_

Local Board Date: \_\_\_\_\_

\*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

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**TOWN BOARD RESOLUTION  
ENACTING LOCAL LAW C-2024**

(A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus  
Regarding Outdoor Concerts)

**TOWN OF MARCELLUS**

**February 19, 2025**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga, State of New York, on February 19, 2025, at 6:30 P.M., there were:

<b>PRESENT:</b>	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

**WHEREAS**, the following resolution was offered by Councilor \_\_\_\_\_, who moved its adoption, seconded by Councilor \_\_\_\_\_; and

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2024, "A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on November 6, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on this December 4, 2024, by the Town Board of the Town of Marcellus following proof of publication of notice of such public hearing, as required by law; and

**WHEREAS**, subsequent to the public hearing held on December 4, 2024, it was determined by the Town Board to revise and amend proposed Local Law C-2024, which revisions clarify conditions for receiving a special use permit for outdoor concerts as an accessory use in certain Zoning Districts; and

**WHEREAS**, Local Law C-2024, as revised and amended, was re-introduced at a regular meeting of the Town Board of the Town of Marcellus held on January 8, 2025 and another public hearing was held on such proposed local law on the 5th day of February 2025, by the Town Board of the Town of Marcellus and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, on December 30, 2024, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Quality Review Act (SEQRA) declared that adoption of Local Law C-2024 was a Type I Action, that the

Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

**WHEREAS**, the proposed Local Law was duly referred to the Onondaga County Department of Planning for review and comment pursuant to the New York State General Municipal Law; and

**WHEREAS**, the Onondaga County Planning Board has reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. C-2024.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. C-2024 as Local Law No. 1-2025 as follows:

**“TOWN OF MARCELLUS**

**LOCAL LAW NO. 1-2025**

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS REGARDING OUTDOOR CONCERTS**

**BE IT ENACTED** by the Town Board of the Town of Marcellus as follows:

**SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to amend Chapter 235 of the Code of the Town of Marcellus pertaining to the uses allowed within the Town’s Zoning Districts and to specifically allow outdoor concerts subject to the receipt of a special permit for the same, such that the Town may allow outdoor concerts, but in a manner that preserves the health, safety and welfare of the Town.

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and New York State Town Law § 274-B.

**SECTION 3. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), “Definitions,” is hereby amended to add a new term, “Outdoor Concert,” which shall read in its entirety as follows:

## **“OUTDOOR CONCERT**

Music event, open to the general public and/or for compensation, conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices.”

### **SECTION 4. AMENDMENT OF SUBSECTION B OF SECTION 235-12 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-12(B) is hereby amended to add a new Paragraph “3,” which shall read in its entirety as follows:

**“(3)** Outdoor concert(s), subject to special permit and the following conditions:

- (a) The lot must be ten acres or more in size;
- (b) The Zoning Board of Appeals, upon receipt of an application for a special use permit, shall among other things, be empowered to limit the number of events as said Board deems appropriate, as well as set time, place and/or manner restrictions;
- (c) The applicant must notify the relevant Fire Departments, Police Agencies and any other agency or entity as identified by the Zoning Board of Appeals, of the application and shall provide to the Zoning Board of Appeals, in writing, documentation showing compliance with all requirements from those entities;
- (d) The applicant shall provide in writing, documentation showing adequate measures have been taken in connection with fire protection, crowd security, police protection, public safety, traffic regulation, parking, sanitary facilities, adequate water supply, garbage disposal, emergency evacuation plan, first aid and site cleanup;
- (e) If a person(s) or entity(ies) other than the property owner will be engaged in the sale and distribution of food and beverages, the name(s) and address(es) of such shall be submitted to the Zoning Board of Appeals, when determined, on an ongoing basis;
- (f) A medical services plan specifying the number and qualifications of first aid station personnel and other medical facilities to be available for emergency treatment of any person(s) that might require immediate medical or nursing attention shall be provided;
- (g) A public safety plan, including the precautions to be utilized for fire protection and a map specifying the location of fire lanes and water supply for fire control, accessibility of fire and emergency equipment, whether any private security guards or police will be engaged, and, if so, the number thereof and the duties to be performed by such persons, shall be provided;
- (h) No soot, cinders, smoke, noxious acids, fumes, gases or unusual odors shall be permitted to unreasonably emanate beyond the property line;
- (i) There shall be no fireworks, pyrotechnic displays or incendiary devices permitted;
- (j) The Zoning Board of Appeals shall, in its discretion, based upon the nature of the event(s), and the location and parcel size, as well as the Town of Marcellus Noise Ordinance, set the maximum decibel levels that shall be permitted, as



well as the allowable hours of event(s) and event activities;

- (k) The applicant shall execute a written authorization permitting officials of the Town, County and State, or their designated agents, including fire personnel and police to enter the premises and conduct inspections before, during and after event(s);
- (l) The applicant shall provide satisfactory proof to the Zoning Board of Appeals that there will be removal of all structures erected for use during an event within 72 hours after conclusion of that event;
- (m) The applicant shall obtain adequate insurance to be reviewed and approved by the attorney for the Town. The applicant shall be required to name the Town as an additional insured for any approved use on a primary and non-contributory basis:
  - a. Such insurance shall be for a minimum of one million (\$1,000,000.00) for bodily injury or death and not less than one million dollars (\$1,000,000.00) for property damage;
  - b. The Zoning Board of Appeals shall further have the authority to require insurance at greater levels upon determination that such minimum amounts are insufficient based upon the size and/or scope of the event(s);
  - c. Each year, the applicant shall submit to the Town proof of such ongoing insurance coverage;
  - d. Failure of the applicant to keep such policy in effect will result in automatic revocation of the permit;
- (n) With respect to an application for a special permit under this Section of the Town Code, said application shall be submitted to the Planning Board for an advisory site plan review prior to any decision by the Zoning Board of Appeals. The advisory review by the Planning Board shall address the site plan criteria pursuant to § 235-28 of the Town Code. The site plan shall include all the criteria set forth in § 235-28 of the Town Code, and shall specifically address:
  - a. The layout of any parking area(s) for automobiles and other vehicles, and the means of ingress and egress to said parking area(s). Such parking area(s) shall provide one parking space for every four persons in attendance. The site plan shall also provide measures such as fencing or signage in the discretion of the Zoning Board of Appeals (with review by the Planning Board) to prevent access or trespass to neighboring properties;
  - b. The type, number, location, and providers of all toilets, washing facilities, water supply, food preparation, food service facilities, and solid waste collection locations in compliance with applicable Department of Health rules and/or regulations;
  - c. All structures to be built or utilized, whether temporary or permanent, must be detailed in the site plan and must comply with all applicable provisions of this Town Code and the State Uniform Code, as administered by the Town of Marcellus Code Enforcement Office; and
- (o) The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive some or all of the conditions set forth herein.”

**SECTION 5. SEVERABILITY.**

If the provisions of any Section, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>VOTE:</b>	Laurie Stevens	Town Supervisor	Yes/No
	Jeff Berwald	Councilor	Yes/No
	Percy Clarke	Councilor	Yes/No
	Gabe Hood	Councilor	Yes/No
	Terry Hoey	Councilor	Yes/No

The foregoing resolution was thereupon declared duly adopted.

**DATED: February 19, 2025**

**CERTIFICATE**

**STATE OF NEW YORK            )**  
**COUNTY OF ONONDAGA        )**

I, the undersigned Town Clerk of the Town of Marcellus, Onondaga County, New York,  
**DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Marcellus, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town on February \_\_, 2025

\_\_\_\_\_  
**ROSEMARY TOZZI, Town Clerk**

**(SEAL)**