

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

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, February 19, 2025, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Gabe Hood	Councilor
Absent: Terry Hoey	Councilor

Also Present: Mike Ossit, Highway Superintendent; Jeff Eaton, Town Attorney; Don MacLachlan, Recreation Director; Gary and Linda Wilcox, Steven Bolewski, Vandyn Ferrara, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

**Abstract of Audited Vouchers:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #2 as of February 14, 2025. Claim #'s 157709-157746.

Expense

General Fund	\$40,990.94
Part Town General	345.93
Townwide Highway	19,886.73
Part Town Highway	107.15
Sewer District	51,033.00
Trust and Agency	1,374.08
Total	\$113,737.83

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #2 as of February 19, 2025. Claim #'s 157756-157766.

Expense

General Fund	\$21,405.96
Part Town General	3,455.87
Townwide Highway	4,156.62
Water District	42,530.00
Trust and Agency	696.49
Total	\$72,244.94

Councilor Hood made a motion seconded by Councilor Berwald to approve the Abstract of Audited Vouchers and pay the bills as of February 14, 2025, and February 19, 2025.

Ayes –Berwald, Clarke, Hood and Stevens

Carried

**Old Business:**

**Tim’s Pumpkin Patch PUD:** This topic has been tabled for discussion.

**2024 Court Audit:** Councilor Clarke audited the Court Clerk’s books. He stated that everything is up to date and well organized. Councilor Berwald made a motion seconded by Councilor Hood to approve the Court Clerk’s records.

Ayes –Berwald, Clarke, Hood and Stevens

Carried

**Recommended changes to lot and building limitations- accessory buildings:** This topic has been tabled. Planning and Zoning is still working on the changes.

**New Business:**

**Onondaga County Planning Board Resolution- Outdoor Concerts:** 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 (Marcellus Town Board).

**Enacting Local Law C-2024 Outdoor Concerts:**

**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 workshop 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
	Laurie Stevens	Town Supervisor

<b>Absent:</b>	Terry Hoey	Councilor
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**WHEREAS,** the following resolution was offered by Councilor Berwald, who moved its adoption, seconded by Councilor Hood; 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
	Jeff Berwald	Councilor	Yes
	Percy Clarke	Councilor	Yes
	Gabe Hood	Councilor	Yes

The foregoing resolution was thereupon declared duly adopted.

**DATED: February 19, 2025**

**Discussion Agenda:**

Supervisor Stevens informed the public and Town Board that the Town’s Dog Control Officer Inspection Report was completed on January 1, 2025, by Ags and Market. The report indicates DCO services were rated satisfactory.

Councilor Berwald stated that the Park has installed security lights on the buildings.

**Adjournment:** Councilor Berwald made a motion seconded by Councilor Clarke to adjourn the Workshop Meeting at 6:46 pm.

Ayes –Berwald, Clarke, Hood and Stevens Carried

Respectfully submitted,

Rosemary Tozzi  
Town Clerk