

AGENDA

TOWN OF GENEVA

PUBLIC HEARING for proposed Local Law 3 of 2024 “A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)” and,

**REGULAR TOWN BOARD MONTHLY MEETING
June 11, 2024**

Informal Discussion – 5:30 p.m. Informal discussion with Town Board, department heads and public.

- 1. **Call to order-** 6:00 pm. The public hearing for proposed Local Law 3-2024: “A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)” Legal Notice was published in the Finger Lakes Times on May 1, 2024, and notices were posted on the town’s website and sign board.

Public Comments-
Written Comments:
Close Public Hearing- Time:_____ p.m.

2. Call to order: The Regular Town Board Meeting. Pledge of Allegiance/Opening – Supervisor Mark Venuti - US flag pledge followed by Mark’s pledge: I pledge to do my best to represent the people of the Town of Geneva, to keep an open mind during this meeting, to treat others with courtesy and respect, and to make decisions for the highest good of all concerned.

3. Privilege of the floor:

4. Gratuities: Town staff who worked on the community garden fence: Jeff Ilacqua, Steve Augustine and Shaun Kunes.

Town staff who helped three town senior citizens remove large items for recycling or disposal: Bernie Peck, Dan Mahoney, Paul Ilacqua and Bill Parish.

Many volunteers who worked on Free Stuff Day on June 2, including Jennifer Grant, Keith Waldron, Jacob Fox, Julie, Mike and Loo Coleman, Vinny Aliperti, Darrin, Linnea and Calla Magee, Anne Hoyt, Steve High, Mark Venuti, Donna Loeb, Ben Meeks, Pat Wallace, Luann Preston, Pat Keefe, James Anderson and Lila Cammarota.

Dennis Ferlito of Bejo Seeds for making vegetable plants available to people with town community garden plots for free

5. Approval of the minutes: Approval of the minutes of the Public Hearing for Local Law 3-2024 of the Town Board of May 14, 2024.

Motion _____ Second _____

Approval of the minutes: Approval of the minutes of the Regular Meeting of the Town Board of May 14, 2024.

Motion _____ Second _____

6. Town Clerk’s report.

Questions, comments.
The Board acknowledges receipt.

7. Code Enforcement Officer’s report.

Questions, comments.
The Board acknowledges receipt.

8. Highway Superintendent’s Report:

Questions, comments.
The Board acknowledges receipt.

9. Water & Sewer Superintendent’s Report:

Questions, comments.
The Board acknowledges receipt.

10. Supervisor's report of finances

Questions, comments.

The Board acknowledges receipt.

11 RESOLUTION NO. 54-2024- Approving Abstract-06, June 2024, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 54-2024**

Whereas certain abstracts and bills for services and goods received or to be received by the town have been presented for payment or necessarily paid, as described in Abstract-6, June 2024, and

Whereas those abstracts and bills have been reviewed by the town bookkeeper, the supervisor, and other members of the town board, and are in proper order for payment or approval, now therefore, it is

RESOLVED the pre-paid bills that are presented are approved and the supervisor is authorized to pay the unpaid bills.

12. RESOLUTION NO. 55-2024.- Appointing Lori Peck First Deputy Town Clerk.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 55-2024**

Whereas Town Clerk Lorrie Naegele has given notice that she will resign as Town Clerk on July 4, 2024; and

Whereas an election for Town Clerk will be held on November 5, 2024 to complete the term of Lorrie Naegele, to serve for calendar year 2025, when an election for a full term will be held; and

Whereas the Town needs a Town Clerk to serve from Lorrie Naegele's July 4 resignation until December 31, 2024; and

Whereas Lorrie Naegele is taking vacation during the weeks leading to her resignation, and a First Deputy Clerk, who can perform the duties of the Town Clerk in the absence of the Town Clerk, has never been appointed; and

Whereas Lori Peck has served as a Deputy Town Clerk since 2010, and has held various positions with the Town since 1991, including water and sewer clerk and nine years as town assessor, is able and willing to serve as First Deputy Town Clerk at this time, and as Town Clerk from the resignation of Lorrie Naegele to the end of the year, but the appointment of Town Clerk cannot be made before Lorrie Naegele's resignation is effective; now therefore, it is

RESOLVED Lori Peck is appointed First Deputy Town Clerk to enable her to assume the duties of Town Clerk in the absence of the Town Clerk, upon proper qualifying.

13. Review of Full Environmental Assessment form Parts 1, 2 and 3 for Local Law 3-2024 revising provisions of the Town Code.

14. RESOLUTION NO. 56-2024 – Determination of Significance of Proposed Local Law 3-2024.

Motion _____, Second _____.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA, ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2024**

RESOLUTION NO. 56-2024

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined **Local Law No. 3 of 2024** to be a Type 1 action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Lori Peck, First Deputy Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on June 11, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	_____	_____
Mitchell Wilber	_____	_____
Mark Venuti	_____	_____
Robert McCarthy	_____	_____
Gordon Baxter	_____	_____

Dated: _____, 2024

Lori Peck, First Deputy Town Clerk

15. RESOLUTION NO. 57-2024.- Approving Local Law No. 3 of 2024.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 57-2024**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on June 11, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva on May 31, 2024, and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on June 11, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 3 of 2024, entitled, "A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)", a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Geneva sign board.

I, Lori Peck, First Deputy Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on June 11, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Kimberly Aliperti	_____	_____
Mitchell Wilber	_____	_____
Mark Venuti	_____	_____
Robert McCarthy	_____	_____
Gordon Baxter	_____	_____

Dated: _____, 2024

Lori Peck, First Deputy Town Clerk

16. RESOLUTION NO. 58-2024.- Accepting Proposal for a Solar Panel Installation.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 58-2024**

Whereas in Resolution 53-2024 the town board approved making a request for proposals for a solar panel installation project on town property that will be funded by the grant awarded the town by the New York State Energy Research and Development Authority (NYSERDA), which must be applied for by June 26; and

Whereas a Request for Proposals was prepared on May 21, 2024, published in the Finger Lakes Times and on the town's web site, facebook page and message board, with a deadline to submit proposals of June 6, 2024; and

Whereas two proposals were received and evaluated by a committee composed of supervisor Mark Venuti, town board member Kim Aliperti, and town sustainability coordinator Jacob Fox; and

Whereas it is the recommendation of the committee that GreenSpark Solar be chosen to complete the project based on the factors in the RFP, including price, design and experience; now therefore, it is

RESOLVED the proposal of GreenSpark Solar is accepted and the supervisor may contract with that company for the project, subject to receipt of the NYSERDA grant.

17. RESOLUTION NO. 59-2024.- Setting a Public Hearing on Local Law 4 of 2024, Amending Local Law 4 of 2020.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 59-2024**

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon the proposed Local Law attached hereto as Exhibit 1; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of Geneva to proceed in accordance with the Code of the Town of Geneva and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 9, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Geneva sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Geneva for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Lori Peck, First Deputy Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on June 11, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Robert McCarthy	_____	_____
Kimberly Aliperti	_____	_____
Mitchell Wilber	_____	_____
Gordon Baxter	_____	_____

Dated: _____, 2024

Lori Peck, First Deputy Town Clerk

18. RESOLUTION NO. 60-2024.- Approving a Contract with Geneva ReUse Systems, Inc.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 60-2024**

Whereas the Town of Geneva received a grant from Ontario County of \$8,640.00 to pay for a consulting contract with Finger Lakes ReUse, which is assisting the Town and City of Geneva in establishing a reuse center in Geneva; and

Whereas, following the successful path of Finger Lakes Reuse, a not-for-profit New York corporation has been formed, Geneva Reuse Systems, Inc., that will seek charitable status to enable it to be qualified for grant funding and charitable donations; and

Whereas the cost of filing the corporation with New York State was donated, including the legal services; and

Whereas the legal services for preparing an application under Internal Revenue Code section 501(c)(3) to be approved as a charitable organization are being donated, but the filing fee of \$600.00 is needed, and the 2024 Town budget includes \$15,000.00 for resource recovery to assist with this project; now therefore, it is

RESOLVED, the supervisor is authorized to contract with Geneva Reuse Systems, Inc. to become qualified under Internal Revenue Code section 501(c)(3) in order to obtain funding to be used in establishing a reuse center in Geneva for the benefit of Town residents and businesses, and others in the area, and to pay Geneva Reuse Systems, Inc. or for its benefit \$600.00 for the required federal filing fee.

19. RESOLUTION NO. 61-2024.- Approving Contribution Toward a Grant Application for Sewer on Route 14 North.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 61-2024**

Whereas the Town of Phelps intends to apply for a Water Quality Improvement Project (WQIP) grant to help pay for installing a sewer line from Phelps through the Town of Geneva on State Route 14 to connect with the sewer line of the City of Geneva near Gambee Road; and

Whereas a draft Intended Use Plan for a joint project between the Towns of Geneva and Phelps was prepared in 2023 by MRB Group on behalf of the Town of Phelps, and it was learned from the grantor that Phelps needed to include more properties and update the Preliminary Engineering Report in order to score more points on the application, which it is in the process of doing with MRB Group; and

Whereas a WQIP grant will normally pay 75% of the cost of a project, and this project is estimated to cost approximately \$6,000,000.00, which would leave \$1,500,000.00 to the towns; and

Whereas the Town of Geneva's share is estimated to be 18% of the total, or \$270,000.00; and

Whereas the cost of the application has been set at \$12,000.00, and the Town of Geneva has been requested to pay 18% of that, or \$2,160.00; and

Whereas joint projects involving more than one municipality are favored with granting agencies, and the Town of Geneva and Town of Phelps have successfully collaborated on joint infrastructure projects in the past; now therefore, it is

RESOLVED the Town of Geneva will join with the Town of Phelps on the WQIP grant application to bring municipal sewer services to Route 14 north from Gambee Road through the Town of Geneva and into the Town of Phelps, and will pay 18% of the cost of the application.

20. RESOLUTION NO. 62-2024.- Approving the Appointment of Deputy Town Clerk.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 62-2024**

Whereas Nancy Novick has resigned as a Deputy Town Clerk and the Town Clerk has appointed Susan Hennessy as a Deputy Town Clerk to replace her; now therefore, it is

RESOLVED the appointment of Susan Hennessy as a Deputy Town Clerk is approved.

21. RESOLUTION NO. 63-2024.- Recognizing Lorrie Naegele's Service to the Town of Geneva.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD**

RESOLUTION NO. 63-2024

Whereas Lorrie Naegele has ably served the Town of Geneva for 23 years, beginning in 2001 as a receptionist and assistant until she was elected Town Clerk in 2005 and began that service on January 1, 2006; and

Whereas Lorrie Naegele has given notice she will resign effective July 4, 2024 to spend more time with her family; now therefore it is

RESOLVED the Geneva Town Board, on behalf of Town staff and Town residents and business owners, gratefully recognizes Lorrie Naegele's 23 years of service to the people of the Town and others who sought her assistance over these many years, and wishes her well in her future endeavors.

22. Reports of Standing Committees

Economic Development –

Sustainability – Put on a successful Free Stuff Day on June 2.

Kashong Conservation Area

Communication –

Parks and Recreation – Summer Kick-Off Event at the Town Hall coming Saturday, June 22, 11-2.

23. Supervisor's Report:

The NYS Department of State has submitted a contract for the \$102,000 grant the town received for the design phase of the Marsh Creek Floodplain Restoration and Carter Road Park project, which I signed. Seneca Watershed Steward Ian Smith is leading this effort which will go through several phases, including public input, design, and construction, likely taking a few years to completion. The Town's cash contribution to the project is \$15,750.

The New York State Energy Research and Development Authority, which provided a grant to the town for \$70,000 for the town's green energy initiatives, has agreed to amend the work plan to include the cost of the electric vehicle charging stations installed last year at the town hall, which was requested by the town in order to use the balance of the grant. Other actions under this grant included energy-saving improvements to the town's buildings at 32 White Springs Road.

Selected Meetings and Events

May 15 – Ted Baker radio show on town topics

Ontario County Soil and Water Conservation District board meeting

May 20 – County Planning and Environmental Quality Committee meeting

Geneva Reuse business plan and fundraising work group meeting

Town Parks and Recreation Committee meeting

May 22 – County Ways and Means Committee meeting

May 24 – Meeting with 3+1 investment advisors

May 28 – Geneva 2030 Executive Board meeting

May 30 – Ontario County Board of Supervisors meeting

June 3 – Geneva Reuse Business Plan and Fundraising work group meeting

June 4 – Geneva Reuse Steering Committee meeting

June 6 – Open responses to Request for Proposals for town’s solar panel project

June 7 – Review bids for town’s solar panel project

June 10 – County Planning and Environmental Quality Committee meeting

24. Old Business.

25. New Business.

26. Privilege of the floor.

27. Adjourn: Motion _____ Second _____ Time _____

FILING LOCAL LAW

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Geneva
Village

Local Law No. 3 of the year **2024**.

A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Geneva as follows:
Village

Section 1. This local law, containing amendments, deletions, repeals, alterations or new provisions in the Code of the Town of Geneva, is adopted pursuant to the authority contained in §20 3. of the Municipal Home Rule Law.

Section 2. Paragraph C of §75-8 (Purpose of plan; contents; structure) of the Stormwater Management and Erosion Control Law contained in Chapter 75 of the Code of the Town of Geneva is hereby repealed and a new paragraph C is hereby inserted in its place to read as follows:

- C. The structure and content of the stormwater management and erosion control plan shall be as follows: The structure and content shall be as specified in the New York State Stormwater Management Design Manual, dated October 2001 or as later revised, and shall contain such other information as shall be required by the Code Enforcement Officer and Planning Board of the Town of Geneva

Section 3. Paragraphs A and B of §80-6 (Basis for establishing areas of special flood hazard) of Chapter 80 (Flood Damage Prevention) of the Code of the Town of Geneva are hereby repealed and new paragraphs A and B are hereby inserted in their places to read as follows:

- A. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled National Flood Insurance Map 2024, Town of Geneva, dated 7/14/23."
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Clerk's office, 3750 County Road 6, Geneva, New York.

Section 4. Chapter 129 (Soil Erosion) of the Code of the Town of Geneva is hereby amended as follows:

A. Paragraphs F and G of §129-7 (Activities requiring a permit) are hereby repealed and new paragraphs F and G are hereby inserted in their places to read as follows:

- F. Stripping or grading which affects more than 5,000 square feet of ground surface within any parcel or any contiguous area.
- G. Excavation or filling which exceeds a total of 10 cubic yards of material within any parcel or contiguous area.

B. Paragraph C of §129-8 (Exempted activities) is hereby repealed in its entirety and Paragraphs D, E and F are hereby re-lettered as Paragraphs C, D and E, respectively.

Section 5. Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended as follows:

A. Paragraph D (Permitted with site plan approval) of §165-15 (AG Agricultural District) is hereby amended with the insertion of a new subsections (13) to read as follows:

- (13) Food service establishments, except that the following food service establishments are hereby prohibited:
 - (a) Those that contain drive-through windows.
 - (b) Those that use trademarked signs or architecture which identifies the company by building design.
 - (c) Those that are part of a chain or franchised business operation that has more than five such businesses operating in the State of New York

B. Subsection (9) of paragraph F (Permitted accessory uses) of §165-15 (AG Agricultural District) is hereby repealed and a new subsection (9) is hereby inserted in its place to read as follows:

- (9) Solar energy system, major or solar farm, only north of White Springs Lane and/or west of County Road 6, subject to provisions of Chapter 130;

C. Subsection (3) of paragraph I (Additional requirements for agricultural commerce and agricultural tourism) of §165-15 (AG Agricultural District) is hereby repealed and a new subsection (3) is hereby inserted in its place to read as follows:

- (3) Where the property on which agricultural commerce or agricultural tourism events will take place abuts a residential parcel or a residence, there shall be a vegetated buffer area, covering the area in which the agricultural commerce or agricultural tourism events will take place, conforming to the standards set forth in § 165-40, not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel or residence.

D. Paragraph G (Buffer requirement) of §165-16 (B General Business District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

E. Paragraph I (Buffer requirement) of §165-17 (I-1 General Industrial District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

F. Paragraph G (Buffer requirement) of §165-18 (I-2 Light Industrial District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

G. §165-51 (Limitations on approvals) is hereby amended with the insertion of new paragraph C to read as follows:

C. For a failure to commence construction as set forth above, the Town Board may, by local law, remove the PUD district designation and return the property to its former or another zoning designation.

H. Paragraph A (Required off-street automobile parking spaces) of §165-55 (Off-street parking spaces) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“Notwithstanding the above, during site plan review by the Planning Board, the Planning Board may substitute a banked parking area for some of the required parking spaces if appropriate for the expected customary use and property.”

I. Table 1. Required Off-Street Parking Spaces, contained in §165-55 (Off-street parking spaces) and referred to in paragraph A of §165-55, is hereby amended by changing the Minimum Number of Spaces as follows for the Land Uses identified below (*those Land Uses not set forth below shall remain on Table 1 with the Minimum Number of Spaces currently identified*):

Land Use	Minimum Number of Spaces
Detached 1-family dwelling Semidetached 1-family dwelling Townhome dwelling 1-family cottage court dwelling 2-family dwelling Manufactured home park Multifamily dwelling	1 per dwelling
Assisted living dwelling Congregate care facility	0.25 per dwelling or bed
Short-term rental	0.25 per permitted occupant
Retail sales, retail services, financial services	1 per 500 square feet of net space
Food service establishments	0.5 space per occupant based on maximum occupant load
General and professional office	3 per 1000 square feet of net space
Indoor retail shopping mall	1 per 500 square feet of net space
Child-care center	3 per 1,000 square feet of net space
Conference or convention center	0.75 per maximum occupant load
Entertainment and sports venue	0.5 per maximum occupant load
Funeral home	0.5 per maximum occupant load
Hospital, clinic	1 per employee and exam and occupant room
Hotel	1 per occupant room
Library, museum, other cultural facilities	1 per 500 square feet of net space
Membership club	5 per 1,000 square feet of net space
Public or private school, including higher education	1 per 6 students of driving age; otherwise to accommodate employees
Theater or concert hall	0.5 per occupant load
Automobile salvaging or dismantling Equipment rental or sales yard	1 per 1,000 square feet of net area
Food processing, packaging and shipping Light industry Manufacturing, fabrication and assembly	1 per 1,000 square feet of net area

Land Use	Minimum Number of Spaces
Structural steel fabricating, metalworking	
Brewing or distilling of liquors, wines, beer	1 per 1,000 square feet of net area or 0.5 per occupant load
Research laboratories	1 per 1,000 square feet of net area
Self-storage facility	1 per 500 square feet of net area

J. Paragraph D (Location of parking required spaces) of §165-55 (Off-street parking spaces) is hereby repealed and a new paragraph D is hereby inserted in its place to read as follows:

- D. In any residential district, required automobile parking spaces shall be provided on the same lot, or, for any lot that is unable to provide such required automobile parking spaces on the same lot, required automobile parking spaces may be provided on one other lot, over which the same owner or owners have a written, legal right to use as parking for such lot and provided that such other lot is located no more than 200 feet from the lot requiring the parking.

Section 6. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 1

FILING LOCAL LAW

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Geneva
Village

Local Law No. 4 of the year **2024**

A local law **Amending Local Law 4 of 2020, Entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval"**

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Geneva
Village

as follows:

Section 1: Local Law 4 of 2020, entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval", rezoned Tax Account No. 103.00-3-45.200, with an address of 3635 Berry Fields Road, to PUD, Planned Unit Development District, subject to eleven (11) conditions and this local law hereby repeals conditions numbered 9 and 11 contained in Local Law 4 of 2020 and hereby adopts new conditions 9 and 11 to insert in their places to read as follows:

9. Only the uses and layout, including, but not limited to, setbacks and acreage of open space, set forth on the Plans of Smart Design Architecture dated March 19, 2024, and any later revisions accepted by the Town, that are on file with the Town, shall be part of any final site plan approval.

11. Prior to construction of the proposed new structures and/or improvements, the owner will apply for Site Plan review and obtain the approval of the Town of Geneva Planning Board.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

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

Exhibit 2

TOWN OF GENEVA
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Geneva on the 9th day of July, 2024, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would amend Local Law 4 of 2020, entitled "A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD Planned Unit Development and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval" (that rezoned Tax Account No. 103.00-3-45.200, with an address of 3635 Berry Fields Road, to PUD, Planned Unit Development District, subject to eleven (11) conditions) to amend two (2) of the conditions dealing with the applicable plans and the applicable improvements to be constructed on such parcel.

Any person shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Geneva Town Hall, 3750 County Road 6, Geneva, New York 14532.

This by Resolution of the Town Board of the Town of Geneva.

Lorrie S. Naegele, Town Clerk