

**MINUTES**  
TOWN OF GENEVA  
PUBLIC HEARINGS  
AND  
REGULAR TOWN BOARD MEETING  
October 8, 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 on proposed Local Law No. 5 of 2024, Amending a Planned Unit Development regulation in Chapter 165 (Zoning) of the Town Code.

Public Comments- Carol Higgins spoke against the Local Law and submitted a letter to Supervisor Venuti and the Town Board. Letter attached.

Written Comments- None.

Close Public Hearing- Time: 6:04 p.m.

2. **Call to order** the Public Hearing on proposed Local Law No. 6 of 2024, Requiring Written Notification of Defective or Dangerous Conditions.

Public Comments- None

Written Comments- None

Close Public Hearing- Time: 6:06 p.m.

3. **Call to order** the Town Board Meeting. Pledge of Allegiance/Opening – Town Board Member Mitch Wilber.

**PRESENT:** Supervisor Mark Venuti; Councilmember Kimberly Aliperti; Councilmember Robert McCarthy and Councilmember Mitchell Wilber. Councilmember Gordon Baxter Absent.

4. **Privilege of the floor:** None

5. **Gratitudes:** Jennifer Grant, chair of the town's Sustainability Committee, coordinator Jacob Fox, and the many volunteers who assisted with Free Stuff Day and the Fix-It Clinic on October 6.

Supervisor's assistant and bookkeeper Eric Reuscher for assisting with the September 24 meeting at the town hall on the Ontario County landfill.

Pickleball enthusiasts Fishback, Dewey, DeFrancesco, Zakour, Naimoli and Fairfax who donated toward the purchase of pickleball nets for the new courts at the high school.

Councilmember Aliperti thanked Amy Naegele for getting the town newsletter out.

6. **Approval of the minutes:** Approval of the minutes of the Regular Meeting of the Town Board of September 10, 2024. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**Approval of the minutes:** Approval of the minutes of the Special Town Board Meeting on the 2025 Tentative Town Budget of October 2, 2024. Motion to approve made by Councilmember Wilber, second by Councilmember McCarthy. Unanimously approved.

7. **Town Clerk's report.**

Questions, comments. None

The Board acknowledges receipt.

8. **Code Enforcement Officer's report.**

Questions, comments. The new potential building code requiring a sprinkler system for new residential construction was discussed. All new residential construction would have to install a sprinkler system if passed by New York State.

The Board acknowledges receipt.

**9. Highway Superintendent's Report:**

Questions, comments. None

The Board acknowledges receipt.

**10. Water & Sewer Superintendent's Report:**

Questions, comments. Howard informed the board that Kashong Pump Station is complete.

The Board acknowledges receipt.

**11. Supervisor's report of finances**

Questions, comments. None

The Board acknowledges receipt.

**12. Application for Creation of a Planned Unit Development District – Rolling Hills Subdivision, Carter Road. Applicant: Carter Road Properties. Managing Member: Jeffrey Cook, who was present. Glenn Thornton of Thornton Engineering passed out maps and described the project.**

The town board was open to considering this proposal. The applicant has prepared the appropriate environmental assessment form; the application will be reviewed for comment by the town planning board, the county planning board, the town water-sewer and highway superintendents, North Side Fire Department, the Geneva City School District, and the town engineer. Once we have input, and if we want to proceed with a PUD, we decide what conditions to add to a proposed local law and give this to the town attorney to prepare a local law amending the zone designation from R-2 to PUD. We have reached out to the engineering firm LaBella Associates to represent the town on this project.

A public hearing was scheduled for November 12<sup>th</sup>, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York.

**13. 2024 RESOLUTION NO. 77-2024. Approving Abstract 10, October 2024, Bills for Payment and Prepaid Bills. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.**

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 77-2024**

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 10, October 2024, vouchers 862-934 total \$258,700.60 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.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**14. 2024 RESOLUTION NO. 78-2024.** Authorizing Scheduling a Public Hearing on the Preliminary 2025 Town Budget. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 78 -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 on the Preliminary 2025 Town Budget, including special districts, copies of which are available for review in the Town Clerk’s office and on the town’s website; now therefore, it is

**RESOLVED**, the Town Clerk is directed to schedule a public hearing to be held on November 12, 2024, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and it is further

**RESOLVED**, the Town Clerk is directed to forward to the official newspaper of the Town a Notice of Public Hearing on the Preliminary 2025 Town Budget, including special districts, and to also post the notice on the Town’s sign board, web site and Facebook page.  
I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**15. 2024 RESOLUTION NO. 79-2024.** Reappointing Stan Tepfer to the Board of Assessment Review. Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 79 -2024**

Whereas Stan Tepfer’s five-year term on the Town’s Board of Assessment Review expired on September 30, 2024, and he is willing and able to serve another term; and  
Whereas reappointment is recommended by Town Assessor Vincent Fischer; now therefore, it is

**RESOLVED** Stan Tepfer is appointed to the Board of Assessment Review for a five-year term of October 15, 2024 through October 14, 2029.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**16. 2024 RESOLUTION NO. 80-2024.** Recognizing the Service of Mary Ann Bell. Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 80 -2024**

Whereas town resident Mary Ann Bell has well and ably served on the town Planning Board for twenty years, including as chair of the board; and

Whereas due to health concerns she has tendered her resignation from the board; now therefore, it is

RESOLVED the town board expresses its gratitude to Mary Ann Bell for her twenty years of faithful service on the Planning Board and wishes for her speedy recovery and many more years of enjoying our wonderful town and Finger Lakes region she has served so well.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**17. 2024 RESOLUTION NO. 81-2024.** Adopting the Ontario County Hazard Mitigation Plan. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 81 -2024**

WHEREAS the Town of Geneva recognizes the threat that natural hazards pose to people and property within the Town of Geneva; and

WHEREAS the County of Ontario has prepared a multi-hazard mitigation plan, known as the Ontario County Hazard Mitigation Action Plan, in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the Ontario County Hazard Mitigation Action Plan identifies mitigation goals and actions to reduce or eliminate long-term risks to people and property in the Town of Geneva from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town Board demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Ontario County Hazard Mitigation Action Plan; now therefore it is

RESOLVED the Geneva Town Board adopts the Ontario County Hazard Mitigation Action Plan, and as it may be edited or amended after submission for review.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**18. 2024 RESOLUTION NO. 82-2024.** Approving a Settlement of an Assessment Challenge. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 82 -2024**

Whereas 226 Turk Road, LLC and The Lake Room, LLC filed an action against the assessor of the Town of Geneva and others, challenging the 2024 property tax assessment on 226 Turk Road; and

Whereas the town assessor and the attorney for the town have reached a settlement agreement with those petitioners they believe is in the best interests of the town, reducing the 2024 assessment from \$814,000.00 to \$650,000.00, which is the price the petitioners paid for the property in 2024; now therefore, it is

RESOLVED the settlement agreement is approved and may be entered into by the attorney for the town on behalf of the town.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

**19. 2024 RESOLUTION NO. 83-2024.** Approving a Professional Services Agreement with Integrated Systems. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 83 -2024**

Whereas Integrated Systems has provided satisfactory information technology services to the Town of Geneva for more than ten years based on a Professional Services Agreement whereby the town has purchased a 100-hour block of technician time for \$8,500.00, which, if paid in advance, results in substantial savings, i.e., the technician rate is reduced from \$165.00 per hour to \$85.00 per hour; and

Whereas two years have passed since the last agreement was entered into, and the town will exhaust its prepaid time shortly; now therefore, it is

RESOLVED a new Professional Services Agreement with Integrated Systems for 100 hours of technician time for \$8,500.00, paid in advance, may be entered into by the supervisor on behalf of the Town of Geneva.

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the resolution on October 8<sup>th</sup>, 2024.

Lorie Peck,  
Lorie Peck, Town Clerk

20. Review Short Environmental Assessment Form Part 1 and Part 2 on Local Law 5, reducing the minimum acreage for a PUD district from 5 to 3.

21. **2024 RESOLUTION NO. 84-2024** Determination of Significance – Local Law 5 of 2024. Motion to approve made by Councilmember Wilber, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 84 -2024**

**WHEREAS**, the Town of Geneva Town Board has determined Local Law No. 5 of 2024 to be an Unlisted 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 Short 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 any 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, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on October 8, 2024 by the following vote:

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

Dated: October 8, 2024

Lorie Peck  
Lorie Peck, Town Clerk

**22. 2024 RESOLUTION NO. 85-2024.** Adopting Local Law 6 of 2024. Motion to approve made by Councilmember Aliperti, second by Councilmember Wilber. Unanimously approved.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 85 -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 October 8, 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 Requiring Written Notification of Defective or Dangerous Conditions; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva at least ten days before this meeting, 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 October 8, 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, 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, it is

RESOLVED, that the Town Board of the Town of Geneva hereby adopts Local Law No. 6 of 2024, entitled, "A Local Law Requiring Written Notification of Defective or Dangerous Conditions," a copy of which is attached and made a part this agenda, and it is further

RESOLVED, that the Town Clerk is directed to enter the 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 the local law to the Secretary of State of New York, to publish an abstract of the local law in the Town's official newspaper and to post a copy of the local law on the Town of Geneva sign board.

I, Lorie Peck, Town Clerk of the Town of Geneva, do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on October 8, 2024 by the following vote:

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

Dated: October 8<sup>th</sup>, 2024

Lorie Peck  
Lorie Peck, Town Clerk

**23. 2024 RESOLUTION NO. 86-2024.** Authorizing Scheduling a Public Hearing for Proposed Local Law 7 of 2024. Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber. Unanimously approved

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 86 -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 as Exhibit 1; and

**WHEREAS**, the Town Board of the Town of Geneva has reviewed the draft of the 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 the Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk is directed to schedule a public hearing to be held on November 12, 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 is authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached as Exhibit "2"; and be it further

**RESOLVED**, that the Town Clerk 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 Local Law before the Town Board of the Town of Geneva for its consideration; and be it further

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

I, Lorie Peck, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on October 8, 2024 by the following vote:

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

Dated:   October 8, 2024  

          Lorie Peck            
Lorie Peck, Town Clerk

**24.** Discussion took place on rather to allow a local girl scouts group to sell candy at the town hall on November 5, election day. Mark checked with Jeff Graff, Town Attorney, and he advised that a public hearing would have to be scheduled. The board decided against it due to short notice to schedule a public hearing and granting permission to one charitable organization could set a precedent for others.



## 25. Reports of Standing Committees

Economic Development – Next meeting is Wednesday, October 23, 2024

Sustainability – The committee and many volunteers held a successful Fix-it Clinic and Free Stuff Day on October 6. Mark reported both the Free Stuff Day and the Fix-It clinic were a success.

Kashong Conservation Area - None

Communication – The new addition of the Town Times is out.

Parks and Recreation – None

## 26. Supervisor's Report

The NYS Comptroller has again found the town, based on 2023 data, not susceptible to fiscal or environmental stress.

Supervisor Mark Venuti and town board member Bob McCarthy met at their request with Geneva City Councilors Chris Lavin and John Brennan, and city economic developer David West, on September 16 and discussed some joint city-town issues and areas where additional cooperation and support could be investigated and further explored.

**An Ontario County Landfill** future prospects public meeting was held at the Geneva Town Hall on September 24.

Town supervisor Mark Venuti was on a panel discussion about the **Ontario County landfill** that was held at the Town of Manchester town hall on September 19; his topic was the negative aspects of a nearby landfill.

The Ontario County Real Property Tax Office approved joining the town in the defense of the tax assessments of the hotel and plaza complex at the corner of Routes 5&20 and County Road 6, and the Reed Street apartment complex.

Because at this time we could not obtain a quote for fixed rate electricity that was competitive with the NYSEG rate, the town is going to let the current contract under its Community Choice Aggregation program expire at the end of the year. Those in the program will not experience any change in service and will not need to do anything when the change occurs; there should just be notice of the change from NYSEG. If and when fixed rates improve, we may request proposals and offer fixed rate options for renewable supply again.

The **pickleball courts** at the high school are finished and available to the public when school is not in session and not in use for a school program.

### Selected Meetings and Events

September 11 – Ted Baker radio show on town topics

September 12 – Ontario County Board of Supervisors meeting

September 16 – Meeting with city councilors on city-town issues

September 17 – Geneva 2030 executive board meeting

September 18 – Ontario County Soil and Water Conservation District board meeting

September 19 – County Ways & Means Committee meeting

Ontario County landfill analysis presentation

September 23 – County Planning and Environmental Quality Committee meeting

September 24 – Presentation on the Ontario County Landfill report

September 25 - County Ways & Means Committee meeting

October 2 – Seneca-Keuka Watershed Partnership meeting

October 3 – Soil and Water Conservation District farm tour for Board of Supervisors

**27. Old Business.** Kim Aliperti asked when the Armstrong basin would be done. The supervisor stated they still hope to complete this year.

**28. New Business.** Supervisor Venuti and Councilmember McCarthy thanked Carol Higgins for her input on Local Law No.5 of 2024, Amending Planned Unit Development Regulations in Chapter 165 (Zoning) of the Code of the Town of Geneva. They informed her the Town doesn't just pass any PUD; it would have to fit and there are a lot of steps such as a Public Hearing and would have to go to the Planning Board and sometimes the Zoning Board.

**29. Privilege of the floor.** Carol Higgins asked about composting and was told the town offers free composting boxes and buckets for scraps. You can dispose your scraps at the transfer station during business hours, and there is a company that will pick up at your house.

Supervisor Venuti reported there will be a vote at the County Supervisors meeting likely in December on whether to close the landfill at the end of 2028.

**30. Adjourn:** Motion to adjourn Regular Meeting made by Councilmember McCarthy, second by Councilmember Wilber. Unanimously approved. Time 6:55 pm.

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Respectfully Submitted, Lorie L. Peck, Town Clerk

**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

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**(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. 5 of the year **2024**.

A local law **"Amending a Planned Unit Development Regulation in Chapter 165 (Zoning) of the Code of the Town of Geneva"**

(Insert Title)

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

County  
City  
**Town of Geneva** as follows:  
Village

Section 1. Paragraph A. of Section 165-45 (Area requirements) of Article V (Planned Unit Development) of the Zoning Code of the Town of Geneva is hereby repealed and a new paragraph A is hereby adopted and inserted in its place to read as follows:

A. No PUD district shall be established having an area of less than three contiguous acres.

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.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.),**

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

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Town Clerk

(Seal)

Date: \_\_\_\_\_

**LOCAL LAW FILING**

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

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**(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 of Ontario**  
City  
**Town of Geneva**  
Village

Local Law No. 6 of the year **2024**

**A Local Law Requiring Written Notification of Defective or Dangerous Conditions**  
(Insert Title)

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

**County of Ontario**  
City  
**Town of Geneva**  
Village

as follows:

Section 1. No civil action shall be maintained against the Town of Geneva or the Town of Geneva Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, street, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received by the superintendent of highways pursuant to this local law and section 65-a of the New York State Town Law. The town clerk shall cause all written notices received pursuant to this local law and section 65-a of the Town Law to be presented to the town board within ten days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

Section 3. This local law shall supersede, in its application to the Town of Geneva, Subdivision 1 of Section 65-a of the New York State Town Law. Nothing herein contained shall be construed to relieve a claimant of any obligation created by Subdivision 2 of Section 65-a of the New York State Town Law. Nothing herein contained shall be construed to relieve a claimant of the obligation to serve a notice of claim on the Town of Geneva as provided in Section 50-e of the New York State General Municipal Law.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5:       Effective Date

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

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.),**

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on October 8, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Town Clerk

(Seal)

Date: \_\_\_\_\_

**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

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**(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. 7 of the year **2024**

A local law " **Revoking the PUD District created and approved by Local Law 3 of 2019 and Rezoning the Remaining Parcels in Such PUD District** "  
(Insert Title)

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

County  
City  
**Town of Geneva** as follows:  
Village

Section 1: History

- A. Local Law 3 of 2019 approved the rezoning of Tax Map No. 133.00-1-020.000, containing a total of 151.425 acres of land (including the Turk Road right of way), to a PUD Planned Unit Development District subject to 18 enumerated conditions.
- B. Subsequent to Local Law 3 of 2019 taking effect, the Town of Geneva Planning Board approved the subdivision of Tax Map No. 133.00-1-020.000 into three separate parcels, which are now designated as Tax Map Nos. 133.00-1-020.100, 133.00-1-020.200 and 133.00-1-020.300.
- C. The Town Board then adopted Local Law No. 2 of 2024 amended the Planned Unit Development District it approved pursuant to Local Law 3 of 2019 by changing the zoning district classification of Tax Map No. 133.00-1-020.300 from PUD Planned Unit Development District to AG Agricultural District, by nullifying the conditions of PUD approval, set forth in Section 1 of Local Law 3 of 2019 relative to Tax Map No. 133.00-1-020.300, by nullifying conditions numbered 4, 9, 10, 11 and 15 relative to the remaining Tax Map Nos. 133.00-1-020.100 and 133.00-1-020.200 and by keeping the remaining conditions of PUD approval in effect for Tax Map Nos. 133.00-1-020.100 and 133.00-1-020.200.

Section 2: The current owner of Tax Map No. 133.00-1-020.100 has asked the Town Board to rezone Tax Map No. 133.00-1-020.100 to allow it to subdivide Tax Map No. 133.00-1-020.100 into seven (7) new lots, with the owner asking the Town Board to rezone one (1) of the proposed new lots from PUD Planned Unit Development District to B General Business District and six (6) of the proposed new lots from PUD Planned Unit Development District to R-1 Residential Suburban District.

Section 3: The Town Board finds that approval of this latest rezoning request along with the rezoning of Tax Map No. 133.00-1-020.300 from PUD Planned Unit Development District to AG Agricultural District, pursuant to Local Law No. 2 of 2024, constitute a change in use of the approved PUD District approved pursuant to Local Law 3 of 2019 and, therefore, a significant change to such PUD District. Pursuant to the Town Zoning Law § 165-50 C. (4) that permits the Town Board to revoke a PUD district based on “any change in use included in the PUD District”, the PUD District created and approved by Local Law 3 of 2019, and amended by Local Law No. 2 of 2024, is hereby revoked in its entirety.

Section 4: The Official Zoning Map of the Town of Geneva, adopted pursuant to Section 165-5 of the Zoning Law of the Town of Geneva, is hereby amended as follows:

- A. The zoning district classification of that portion of Tax Map No. 133.00-1-020.100 that is identified as “Lot 1” on the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24, is hereby changed from PUD Planned Unit Development District to B General Business District.
- B. The zoning district classification of those portions of Tax Map No. 133.00-1-020.100 that are identified as “Lots 2, 3, 4, 5, 6 and 7” on the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24, constituting all remaining portions of Tax Map No. 133.00-1-020.100, other than the lot identified as “Lot 1” on such proposed subdivision map, are hereby changed from PUD Planned Unit Development District to R-1 Residential Suburban District.
- C. The zoning district classification of Tax Map No. 133.00-1-020.200 is hereby changed from PUD Planned Unit Development District to AG Agricultural District.

Section 5: 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 6: This local law shall take effect upon filing with the Secretary of State and then only if the Town Planning Board issues final subdivision approval of the subdivision of Tax Map No. 133.00-1-020.100 as described in the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24.

I hereby certify that the local law annexed hereto, designated as Local Law No. 7 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2024, in accordance with the applicable provisions of law.

Date: \_\_\_\_\_

\_\_\_\_\_  
Geneva Town Clerk



**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 November 12, 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 revoke the PUD District created and approved by Local Law 3 of 2019 and rezone the remaining parcels in such PUD District as follows:

- A. The zoning district classification of that portion of Tax Map No. 133.00-1-020.100 that is identified as "Lot 1" on the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24, will be changed from PUD Planned Unit Development District to B General Business District.
- B. The zoning district classification of those portions of Tax Map No. 133.00-1-020.100 that are identified as "Lots 2, 3, 4, 5, 6 and 7" on the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24, constituting all remaining portions of Tax Map No. 133.00-1-020.100, other than the lot identified as "Lot 1" on such proposed subdivision map, will be changed from PUD Planned Unit Development District to R-1 Residential Suburban District.
- C. The zoning district classification of Tax Map No. 133.00-1-020.200 will be changed from PUD Planned Unit Development District to AG Agricultural District.

This local law shall take effect only if the Town Planning Board issues final subdivision approval of the subdivision of Tax Map No. 133.00-1-020.100 as described in the proposed subdivision map of Tax Map No. 133.00-1-020.100, prepared by Dave Hanley L.S. and dated 09/30/24.

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.

Lorie Peck, Town Clerk

October 8, 2024

Mark Venuti, Supervisor

Robert McCarthy, Mitchell Wilber, Kim Aliperti, Gordy Baxter, Town Board Members

Re: Local Law No.5 of 2024

Amending Planned Unit Development Regulations in Chapter 165 (Zoning) of the Code of the Town of Geneva.

Dear Supervisor and Town Board Members,

Please, look at this chart before you vote on the proposed change to the to the zoning code.

There are a total of one hundred three parcels that will be affected by this zoning adjustment. Fifty seven of those parcels, or 55.3% are in residential areas. When you decided to propose this change did you take the time to determine how many parcels this would impact and where they are located?

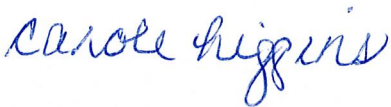
At the last town board meeting, there was mention that an ice cream stand or winery might fit in this space. Which of these fifty seven residential areas would welcome any business? Please, think about it. Would you appreciate one next to your home?

I'm asking each of you to seriously consider the impact this may have, not on any development choices that are before you now, but the Pandora's box this opens for future applications.

The town residents are trusting you to make an informed decision. Before you vote, please, give this careful consideration.

Please, make an informed decision, because development can be disruptive, especially given their proximity to homes.

Sincerely,



Carole Higgins

	Total	3 to 5 acres	% of 3 to 5 acre parcels
Agriculture	79	2	1.90%
Commercial	133	15	14.60%
Community Services	36	5	4.90%
Industrial	5	0	0%
No Class Assigned	2	0	0%
Public Services	19	4	3.90%
Recreation and Entertainment	10	3	2.90%
Residential	1267	57	55.30%
Vacant	293	17	16.50%
Wild, Forested, Parks	1	0	0%
Total	1845	103	100.00%
	100%	5.60%	