

*Town Of Geneva*  
*Planning Board Agenda*

**AGENDA**

Date: May 25, 2022

**TO: PLANNING BOARD MEMBERS:**

**1) Pledge of Allegiance to the Flag**

-----  
-----

**2) We have the following business:**

**1. Review of Proposed Local Law 4-2022:**

Notes: The Town Board is holding a special meeting on May 26, 2022 where they will conduct the Public Hearing for this Local Law. Copy of the proposed law attached.

**MEETING PROCEDURES:**

- A) Planning Board Discussion: Planning Board members to discuss and ask questions
- B) Planning Board Comments: Planning Board to decide if they would like to make any comments to the Town Board.

-----  
-----

**3) Other Business:**

-----

Respectfully,  
Floyd D. Kofahl  
Code Enforcement Officer

(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 **2022**.

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165"**

(Insert Title)

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

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

Section 1. Subsections (1) and (2) of paragraph D. of section 165-15 of the Zoning Code of the Town of Geneva are hereby amended to read as follows:

- (1) Agricultural commerce in compliance with §165-15 I;
- (2) Agricultural tourism in compliance with §165-15 I;

Section 2. Section 165-15 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new paragraph I to read as follows:

- I. Additional requirements for Agricultural Commerce and Agricultural Tourism
  - (1) The hours of operation for Agricultural Commerce and Agricultural Tourism events shall be between 7:00 a.m. and 10:00 p.m. and shall be strictly controlled, i.e., not open to customers between the hours of 10:00 p.m. and 7:00 a.m., which shall be referred to herein as "hours of prohibited operation." The business may be open for preparation and cleanup during the hours of prohibited operation.
  - (2) Events shall be operated in a manner that maintains a reasonable noise level. Any noise levels exceeding 75 decibels, including traffic-related noises or electronically amplified live music or electronically reproduced noise, that project beyond the property line are prohibited.
  - (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 conforming to the standards set forth in section 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.
  - (4) No more than three events per week are allowed if the event is outside or the attendance is expected to or does exceed the interior permitted occupancy of the building or buildings housing the event.
  - (5) Where the business holding the event is regulated by the New York State Liquor Authority, attendance shall be limited to the occupancy permitted under the New York State Uniform Fire Prevention and

Building Code for the areas, including any outside areas, permitted under the license issued by the State Liquor Authority for serving alcoholic beverages.

Section 3. Section 165-85 of the Zoning Code of the Town of Geneva is hereby repealed and a new section 165-85 is hereby inserted in its place to read as follows:

§165-85 Penalties for offenses.

The failure to comply with the requirements of this article or the conditions of site plan approval imposed by the Town Planning Board shall be considered a violation of Town Law for each day that the property owner or owners remain in noncompliance and shall be punishable, upon conviction, as provided in Chapter 1, General Provisions, Article III.

Section 4. Paragraph A. of section 1-16 (Penalties for offenses) of Article III (General Penalty) of Chapter 1 (General Provisions) of the Code of the Town of Geneva is hereby repealed and a new paragraph A is hereby inserted in its place to read as follows:

- A. Unless otherwise specifically provided, the violation of any law, ordinance, rule, regulation or any specific provision or provisions thereof adopted by the Town Board as a part of this Code, or a violation of any condition imposed by the Town Planning Board or Town Zoning Board of Appeals under this Code, shall be deemed an offense against such law, ordinance, rule, regulation or provision thereof, punishable by a fine not to exceed \$500.

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 immediately upon filing with the Secretary of State.