

MINUTES  
TOWN OF GENEVA

TOWN BOARD SPECIAL MEETING PUBLIC HEARING FOR LOCAL LAW 4-2022

"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165."

The Town Board may also take up other business properly brought before it.

May 26, 2022

PRESENT: Supervisor Mark Venuti Councilmember Jeffery Dunham  
Councilmember Robert McCarthy Councilmember Mitch Wilber Councilmember Kimberly Aliperti

Recording Secretary: Lorrie S. Naegele, Geneva Town Clerk  
The actions described below are not necessarily listed in order of occurrence.

Others Present: Floyd Kofahl, Code Enforcement Officer and nineteen residents.

- 1. **Call to order-** 6:00 pm. Public Hearing on proposed Local Law 4-2022 "Amending Chapter 165(Zoning) and the Penalty Provisions Applicable to Chapter 165." Public Notice posted May 12, in the Finger Lakes Times, Town Sign Board and on the Town Website.

**Public Comments-**Carole Higgins- Snell Road, handed the clerk a petition with 12 additional signatures from town residents who oppose the change to the definition of Agricultural Commerce and a letter she read to the board detailing why she is opposed to the two Local Laws. Sharon Hogan-Whites Point, is concerned that a definition of an event should be written in the codes also safety, volume of traffic, guidelines and infrastructure in place for violations. Mary Bogin- Slosson Lane, Enforcement concerns the Sherriff department is already under staffed and with all of these business having events the same time the town CEO can't do it all himself. The town should hire a second CEO to help with enforcement. Stacey Edinger-Snell Rd Co-founder of Ardennes is concerned about Local Law 4-2022 she would like the Board to reconsider buffers and events.

**Written Comments:** Carole Higgins, Sharon Hogan and Derek Edinger.

**Close Public Hearing-** Time: 6:15 p.m.

- 2. **Review of Short Environmental Assessment Form** Part 1, on Local Law No. 4-2022, Followed by the findings of Part 2 and 3.
- 3. **2022 RESOLUTION NO. 47-2022-** Determination of Significance for Local Law 4-2022 Entitled, "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165." Motion to approve made by Councilmember McCarthy, second by Councilmember Wilber. Approved

TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 47-2022

**WHEREAS**, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 4 of 2022 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:

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, 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, 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 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, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on May 26, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Jeffrey Dunham	_____	X
Robert McCarthy	X	_____
Mitchell Wilber	X	_____
Kimberly Aliperti	_____	_____
ABSTAIN	_____	_____

Dated: May 26, 2022

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk

**4. 2022 RESOLUTION NO. 48-2022:** Authorizing Adoption of Local Law 4 -2022 "A Local Law "Amending Chapter 165 (Zoning) of the Code of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165." Councilmember Dunham stated that "Event" needs to be defined in the Town Code. The Supervisor hopes the business will comply or the town will have to take action. Motion made by Councilmember Wilber, second by Councilmember McCarthy. Approved

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 48-2022**

**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 May 26, 2022, 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 Amending Chapter 165 (Zoning) of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on May 12, 2022 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 May 26, 2022, 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 SEQRA; 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. 4 of 2022, entitled, "A Local Law Amending Chapter 165 (Zoning) of the Town of Geneva and the Penalty Provisions Applicable to Chapter 165", 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, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on May 26, 2022 by the following vote: Approved

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	X	_____
Jeffrey Dunham	_____	X
Robert McCarthy	X	_____
Mitchell Wilber	X	_____
Kimberly Aliperti	_____	_____

ABSTAIN

Dated: May 26, 2022

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk

**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 of     Ontario  
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 of     Ontario  
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:

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:

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.

**5. 2022 RESOLUTION NO. 42-2022:** Authorizing Adoption of Local Law 3-2022 "A Local Law which would amend the Zoning Code of the Town of Geneva by amending the definition of "Agricultural Commerce." Motion made by Councilmember McCarthy second by Councilmember Wilber. Approved

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 42-2022**

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 March 8, 2022, 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 Amending Chapter 165 (Zoning) of the Town of Geneva; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on March 31, 2022 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 April 12, 2022, 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 2022, entitled, "A Local Law Amending Chapter 165 (Zoning) of the Town of Geneva", 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, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on May 26, 2022 by the following vote: Approved

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	<u>  X  </u>	<u>      </u>
Jeffrey Dunham	<u>      </u>	<u>  X  </u>
Robert McCarthy	<u>  X  </u>	<u>      </u>
Mitch Wilber	<u>  X  </u>	<u>      </u>
Kimberly Aliperti ABSTAIN	<u>      </u>	<u>      </u>

Dated: May 26, 2022

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk

**LOCAL LAW 3-2023:**  
**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 of Ontario  
City  
**Town of Geneva**  
Village  
Local Law No. 3 of the year **2022**.

A local law **"Amending 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 of Ontario**  
City  
**Town of Geneva**  
Village

as follows:

Section 1. The definition of "Agricultural Commerce" in Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of the following at the end of the existing definition:

"Additionally, these enterprises may bring together tourism and agriculture for the education and enjoyment of the public and, therefore, agricultural commerce shall include special events, farm tours, agriculture-themed festivals, outdoor music, and other public or private events associated with such previously identified retail or wholesale enterprises."

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.

6. Discussion on the City's Marsh Creek Pump Station needs to be over hauled and the town had agreed to pay for half the cost also the Waste Water Treatment Plant is near capacity. The board agreed with the Supervisor to continue talks with the city on helping with the overhaul.

7. **Adjourn:** Motion to adjourn made by Councilmember Dunham, second by Councilmember Aliperti. Unanimously approved, Time: 7:00 pm.

Respectfully, Lorrie S. Naegele, Town Clerk

# Short Environmental Assessment Form

## Part 1 - Project Information

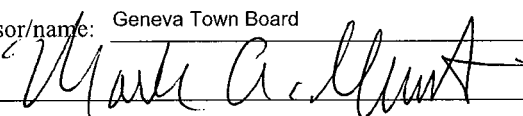
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Geneva			
Name of Action or Project: Amend Chapter 165, Zoning			
Project Location (describe, and attach a location map): Agricultural zones			
Brief Description of Proposed Action: To amend the Town of Geneva Zoning Code, chapter 165-15, adding conditions for Agricultural Commerce and Agricultural Tourism, restricting hours of events, noise level, number of events, occupancy, and requiring a vegetated buffer area.			
Name of Applicant or Sponsor: Town of Geneva		Telephone: 315-789-3922 E-Mail: supervisor@townofgeneva.com	
Address: 3750 County Road 6			
City/PO: Geneva		State: NY	Zip Code: 14456
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Geneva Town Board</u> Date: <u>May 22, 2022</u></p> <p>Signature: <u></u> Title: <u>Supervisor</u></p>		

Project:	Amend Town Code chapter 165
Date:	May 26, 2022

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



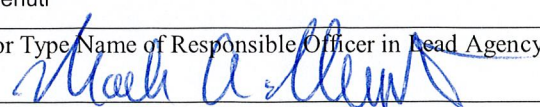
Project: Amend Town Code

Date: May 26, 2022

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Geneva Town Board	May 26, 2022
Name of Lead Agency	Date
Mark Venuti	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

May 26, 2022

To : Town Board Members  
Town of Geneva, NY

Dear Town Board Members,

I oppose the change in the definition of Agricultural Commerce that the Town Board is considering due to a wide variety of concerns, but I'd like to comment on two specific concerns that I believe will immediately be problematic if the Board approves the proposed change tonight.

1. The proposed law change limits breweries and wineries to hosting 3 events per week, but Town Code does not define an "event." How is a business or its neighbors supposed to know what counts against that 3-event-per-week limit? If there is a definition provided by the Town Board, Town Code Enforcement, or the Town Attorney, I strongly request that it be shared and discussed publicly so that everyone can understand. I think this lack of clarity is going to cause confusion and frustration on both sides.

2. As the Board has discussed numerous times recently: if a business doesn't voluntarily follow these rules, there is a lot of uncertainty about the Town's ability to enforce them. Let's face it: Town Code Enforcement isn't always available and the Sherriff isn't going to come. I have sincere doubts that a business that doesn't voluntarily comply will be forced to comply.

I also do not believe that there is clarity about a meal and a paring. Floyd has told me that a restaurant is not approved in an agriculture zone. If the town attorney has defined the difference, I request that it be made available to the public.

I anticipate the lack of clarity surrounding what is an "event" and the much-discussed enforcement concern will be a consistent problem until the Board addresses these issues head-on in an open, public manner.

I am appreciative of the Board's attention to these concerns. Thank you.

Carole Higgins  
569 Snell Rd Geneva,

May 26, 2022

To : Town Board Members  
Town of Geneva, NY

Dear Town Board Members,

I oppose the change in the definition of Agricultural Commerce that the Town Board is considering due to a wide variety of concerns, but I'd like to comment on two specific concerns that I believe will immediately be problematic if the Board approves the proposed change tonight.

1. The proposed law change limits breweries and wineries to hosting 3 events per week, but Town Code does not define an "event." How is a business or its neighbors supposed to know what counts against that 3-event-per-week limit? If there is a definition provided by the Town Board, Town Code Enforcement, or the Town Attorney, I strongly request that it be shared and discussed publicly so that everyone can understand. I think this lack of clarity is going to cause confusion and frustration on both sides.

2. As the Board has discussed numerous times recently: if a business doesn't voluntarily follow these rules, there is a lot of uncertainty about the Town's ability to enforce them. Let's face it: Town Code Enforcement isn't always available and the Sherriff isn't going to come. I have sincere doubts that a business that doesn't voluntarily comply will be forced to comply.

I also do not believe that there is clarity about a meal and a paring. Floyd has told me that a restaurant is not approved in an agriculture zone. If the town attorney has defined the difference, I request that it be made available to the public.

I anticipate the lack of clarity surrounding what is an "event" and the much-discussed enforcement concern will be a consistent problem until the Board addresses these issues head-on in an open, public manner.

I am appreciative of the Board's attention to these concerns. Thank you.

Carole Higgins  
569 Snell Rd Geneva,



Ardennes Brewing LLC (DBA Brewery Ardennes)  
570 Snell Road  
Geneva, NY 14456



May 25, 2022

Mark Venuti, Supervisor  
Town of Geneva  
3750 County Road 6  
Geneva, New York 14456

Re: Local Laws 3-2022 and 4-2022

Dear Supervisor Venuti:

I am writing on behalf of a coalition of Geneva farmers, wineries, businesses, residents, and stakeholders ([genevaagritourism.com](http://genevaagritourism.com)) in support of Local Law 3-2022 and on behalf of Brewery Ardennes in opposition to Local Law 4-2022

First, I would like to thank you and your fellow members of the Town Board for all of your work in developing Local Law 3-2022 which supports Agriculture and Agritourism in the Town of Geneva. Attached is a petition with 250 signatures (and counting) in support of Local Law 3-2022 drafted as is, which includes Brewery Ardennes, Big Alice Brewing, Closed Loop Systems, WeBe Brewing, Billsboro Winery, Lacey McGruder Winery, Ravines Wine Cellars, and Red Jacket Orchards among other businesses, farmers, wineries, residents, and stakeholders. **In light of the widespread support by the agricultural and business communities in the Town of Geneva, this coalition strongly recommends that the Town Board pass Local Law 3-2022, without change, at its Special Meeting scheduled for May 26, 2022.**

**On the other hand, Brewery Ardennes and other stakeholders oppose the proposed amendments set forth in the current draft of Local Law 4-2022.** Many aspects of the provisions of Local Law 4-2022 are vague and ambiguous and refer to key terms that are undefined such as "events." More importantly, we respectfully submit that proposed Local Law 4-2022 violates [Section 305-a\(1\) of the New York Agriculture](#)





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[and Markets Law](#) in that it unreasonably restricts and regulates farm operations conducted within a New York Agricultural District in contravention of the statutory mandates of the State of New York. As you know, many of the farming operations that will be impacted by Local law 4-2022 are located within Agricultural Districts formed pursuant to Article 25-AA of the New York Agriculture and Markets Law, including the coalition businesses which are located in Agricultural District No. 6. Pursuant to the regulations of the New York Department of Agriculture and Markets, certain wineries and breweries constitute farm operations, which are protected from efforts by local governments to unreasonably restrict or regulate agricultural activities within Agricultural Districts.

Because of the foregoing, we submit that the following provisions set forth in the current version of Local Law 4-2022 violate Section 305-a(1):

- Requirement of a “vegetated buffer area” is unreasonably restrictive pursuant to the Department of Agriculture and Markets’ [Guidelines for Review of Local Zoning and Planning Laws](#).
- The number of events cannot be limited pursuant to the Department of Agriculture and Markets’ [Guidelines for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits](#).
- Additionally, it was stated at the May 10, 2022 Town Board meeting that all currently approved “Agricultural Commerce” or “Agricultural Tourism” businesses will require an amended site plan from the Town Planning Board. Although we submit that this additional requirement is an undue burden on current businesses, at minimum, pursuant to the Guidelines cited above, the review and approval of such amended site plans must be conducted on an expedited basis.

In light of the significant questions regarding the legality of the current version of Local Law 4-2022, we respectfully request that the Town Board make the following revisions to the current draft:

- Section 2. I. (3) which requires a “vegetated buffer area” be stricken in its entirety.



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- Section 2. I. (4) be rewritten as follows: "Number and type of events shall comply with NYS Agriculture and Markets Law where events must be: 1) directly related to the sale and promotion of the beverage produced; 2) incidental and subordinate to the retail sale of the beverage on-site; 3) hosted by the business or customers of the business (not outside, unrelated parties); and 4) feature the beverage produced at the business."
- Any review and approval of modifications to existing approved site plans, if required, be conducted on an expedited basis.

We believe the suggested revisions above lessen the restrictive scope of proposed Local Law 4-2022, while retain the intended protective nature of the legislation and continue to support and promote agricultural operations and tourism consistent with the mandated policies of the State of New York. We look forward to continuing to work with you and the other Town Board members in developing an appropriate local law.

Regards,

Derek Edinger

[genevaagritourism.com](http://genevaagritourism.com)

Co-owner, Brewery Ardennes

cc:

Floyd Kofahl, Geneva Code Enforcement Officer  
Mary Ann Bell, Chairperson, Geneva Planning Board  
Lorrie Naegele, Geneva Town Clerk  
Stacey Edinger, Co-owner, Brewery Ardennes