

AGENDA
TOWN OF GENEVA
PUBLIC HEARINGS for **Local Law 2-2021** Amend Town Sewer Law
Local Law 3-2021 Amend Chapter 63 (Building Construction and Fire Prevention)
Local Law 4-2021 Amend Chapter 165 (Zoning)
Local Law 5-2021 Amend Chapter 130 (Solar Energy Systems)
REGULAR TOWN BOARD MONTHLY MEETING
September 14, 2021

1. **Call to order-** 6:00 pm the Public Hearing Proposed **Local Law 2-2021** Amend Town Sewer Law.

Public Comments-
Written Comments_
Close Public Hearing-

Time:_____p.m.

2. **Call to order-** Time_____ pm the Public Hearing Proposed **Local Law 3-2021** Amend Chapter 63 (Building Construction and Fire Prevention)

Public Comments-
Written Comments_
Close Public Hearing-

Time:_____p.m.

3. **Call to order-** Time_____ pm the Public Hearing Proposed **Local Law 4-2021** Amend Chapter 165 (Zoning)

Public Comments-
Written Comments_
Close Public Hearing-

Time:_____p.m.

4. **Call to order-** Time_____ pm the Public Hearing Proposed **Local Law 5-2021** Amend Chapter 130 (Solar Energy Systems)

Public Comments-
Written Comments_
Close Public Hearing-

Time:_____p.m.

5. **Call to order:** The Regular Town Board Meeting. Flag salute/opening led by Councilmember Mark Palmieri

6. **Privilege of the floor.**

Email request from Matt Missick to discuss plans for property on Snell Road, possible Planned Unit Development.

Request of Finger Lakes Health to rezone part of the parcel at 3700 PreEmption Road to Town Center Mixed Use.

7. **Gratitudes.**

8. **Approval of the minutes:** Approval of the Regular Meeting of the Town Board of August 10, 2021.

Motion _____ Second _____

9. **Town Clerk's report.**

Questions, comments.
The Board acknowledges receipt.

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

Questions, comments.
The Board acknowledges receipt.

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

NOTE: Includes Inventory of Highway Machinery, Tools and Equipment per Highway Law section 142 (3).
Questions, comments.
The Board acknowledges receipt.

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

Questions, comments.
The Board acknowledges receipt.

13. **Supervisor's report of finances for the previous month**

Questions, comments.
The Board acknowledges receipt.

14. **RESOLUTION NO. 72-2021-** Approving Abstracts, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 72 -2021

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, Abstract-009 September 2021 and

Whereas those abstracts and bills have been reviewed by the supervisor's 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.

REVIEW ENVIRONMENTAL ASSESSMENT FORM

15. RESOLUTION NO. 73-2021- Determination of Significance for Local Law 2-2021.

Motion _____ Second _____

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE
Local Law 2-2021
2021 RESOLUTION NO. 73-2021

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 2 of 2021 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 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, 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 September 14, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2021 _____
Lorrie S. Naegele, Town Clerk

REVIEW ENVIRONMENTAL ASSESSMENT FORM

16. RESOLUTION NO. 74-2021 -Determination of Significance for Local Law 4-2021.

Motion _____ Second _____

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE
Local Law 4-2021
RESOLUTION NO. 74-2021

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 4 of 2021 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:

- 5. 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,
 - 6. 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,
 - 7. 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
 - 8. 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 September 14, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2021

 Lorrie S. Naegele, Town Clerk

REVIEW ENVIRONMENTAL ASSESSMENT FORM

17. RESOLUTION NO. 75-2021 -Determination of Significance for Local Law 5-2021.

Motion _____ Second _____

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA ONTARIO COUNTY, NEW YORK,
 DETERMINATION OF SIGNIFICANCE
 Local Law 5-2021
RESOLUTION NO. 75-2021**

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 5 of 2021 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:

- 9. 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,
 - 10. 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,
 - 11. 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
 - 12. 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 September 14, 2021 by the following vote:

Aye Nay

Mark Venuti
Jeffrey Dunham
Robert McCarthy
Mark Palmieri
Kimberly Aliperti

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

18. RESOLUTION NO. 76-2021: Appointing Sarah Wilson for a New Term on the Board of Assessment Review.

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 76-2021**

WHEREAS Sarah Wilson has been ably serving on the Town's Board of Assessment Review but her term expired on September 30, 2021; and

WHEREAS she is willing to serve for another five-year term; now therefore, it is

RESOLVED that Sarah Wilson is appointed to the Board of Assessment Review of the Town of Geneva for a term that begins on October 1, 2021 and expires on September 30, 2026.

19. RESOLUTION NO. 77-2021: Authorizing Adoption of Local Law 2-2021 "A Local Law Amending Chapter 118 (Sewers) of the Code of the Town of Geneva."

Motion _____

Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
LOCAL LAW 2-2021
RESOLUTION NO. 77-2021**

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF LOCAL LAW NO. 2 OF 2021 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 118 (SEWERS) OF THE CODE OF THE TOWN OF GENEVA"

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 September 14th, 2021, at 6:00 p.m. at Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Chapter 118 (Sewers) of the Code 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 August 30th, 2021 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 14th, 2021, 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. 2 of 2021, entitled "A Local Law to Amend Chapter 118 (Sewers) of the Code of the Town of Geneva" a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Geneva and to file this local law with the Secretary of State of New York.

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 September 14, 2021 by the following vote:

Mark Venuti
Jeffrey Dunham

	<u>Aye</u>	<u>Nay</u>
	_____	_____
	_____	_____

Robert McCarthy
Mark Palmieri
Kimberly Aliperti

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

20. RESOLUTION NO. 78-2021 – Authorizing adoption of Local Law 3-2021 "A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva ", Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
LOCAL LAW 3-2021
RESOLUTION NO. 78 -2021**

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF LOCAL LAW NO. 3 OF 2021 ENTITLED "A LOCAL LAW AMENDING CHAPTER 63 (BUILDING CONSTRUCTION AND FIRE PREVENTION) OF THE CODE OF THE TOWN OF GENEVA"

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 August 10th, 2021, at 6:00 p.m. at Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code 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 August 30th, 2021 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 14th, 2021, 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, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 3 of 2021, entitled "A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) of the Code of the Town of Geneva" a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Geneva and to give due notice of the adoption of this local law to the Secretary of State of New York, and be it further

RESOLVED, that a copy of the newly enacted Energy Code shall be filed with the State Fire Prevention and Building Code Council within 30 days from the date this local law is adopted.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on September 14, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

21. RESOLUTION NO. 79-2021 – Authorizing adoption of Local Law 4-2021 "A Local Law Amending Chapter 165 (Zoning) of the Town of Geneva ", Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
LOCAL LAW 4-2021
RESOLUTION NO. 79-2021**

RESOLUTION AUTHORIZING ADOPTION OF A LOCAL LAW

AMENDING CHAPTER 165 (ZONING) OF THE CODE OF THE TOWN OF GENEVA

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 August 10, 2021, 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 August 30, 2021, 2021 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 September 14, 2021, on or around 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. 4 of 2021, 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on September 14, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

22. RESOLUTION NO. 80-2021 – Authorizing adoption of Local Law 5-2021 "A Local Law Amending Chapter 130 (Solar Energy Systems)", Motion to approve made by Councilmember _____, second by Councilmember _____.

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GENEVA OF A LOCAL LAW AMENDING CHAPTER 130 (SOLAR ENERGY SYSTEMS) LOCAL LAW 5-2021 RESOLUTION NO. 80-2021

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 August 10th, 2021, 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 130 (Solar Energy Systems) of the Code 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 August 30th, 2021 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 September 14th, 2021, on or about 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. 5 of 2021, entitled, "A Local Law Local Law Amending Chapter 130 (Solar Energy Systems) of the Code 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 aforementioned resolution was adopted by the Town Board of the Town of Geneva on September 14, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2021

Lorrie S. Naegele, Town Clerk

23. RESOLUTION NO. 81-2021: – Calling a Public Hearing on Submitting a Community Development Block Grant.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 81-2021**

WHEREAS, the Town Board wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) for funding to support the construction and equipping of a manufacturing facility by Real Eats America Inc. within the Town of Geneva (the “Project”); and

WHEREAS, the Town is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding; now therefore, it is

RESOLVED, that the Geneva Town Board calls for a Public Hearing for all interested parties to be heard; and it is further

RESOLVED, that the Public Hearing shall be held on October 12, 2021 at 6:00 PM at the Town Hall located at 3750 County Road 6, Geneva, New York; and it is further

RESOLVED, that the Town Clerk will duly publish a notice of the hearing in the official newspaper of the Town at least eight (8) days prior to the scheduled hearing date, as set forth below.

**TOWN OF GENEVA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Geneva Town Board on the 12th day of October, 2021, at 6:00 PM to obtain citizens' views regarding eligible New York State Community Development Block Grant Program (CDBG) activities and to hear citizen comments regarding the community development, economic development, and housing needs of the Town of Geneva and the Town's potential submission of an application to the New York State Office of Community Renewal for Community Development Block Grant funding to support the construction and equipping of a manufacturing facility by Real Eats America Inc., in the Town of Geneva. A summary of the CDBG program will be presented at the Public Hearing as well as detail regarding the proposed application. The Town encourages public comment and participation in the identification of needs and in the preparation of the grant application. Written comments are invited and may be delivered to the Town office at 3750 County Road 6, Geneva, NY 14456. No written comments received after 6:00 PM on the hearing date will be considered.

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

Lorrie S. Naegele, Town Clerk

24. Request of The Solar Village Company to defer the Town's Park & Recreation Fee, \$1000 per unit, from the time of obtaining the building permit to the time of obtaining the Certificate of Occupancy.

25. The board needs to set the date for a special board meeting to review the Tentative Town Budget for 2022: possible dates are Monday, September 20, Wednesday, Sept. 22, Thursday, Sept. 23, Monday, Sept. 27 and Wednesday, Sept. 29.

26. Reports of Standing Committees

Economic Development –

Sustainability – FREE STUFF DAY October 3, 10-noon drop off and noon-2 pick up

Kashong Conservation Area -

Communication –

Parks and Recreation – work has started on the box field behind the town hall

Agricultural Enhancement –

Safety and Fire Protection-

27. Supervisor's Report:

The county is holding an electronic waste collection event free to county residents at the Geneva Schools Bus Garage on Saturday, October 16 from 8-2. You must register, and registration begins Sept. 20 by calling 585-394-3977 ext. 427.

On finding a new town assessor, the city assessor is no longer an option; we have 2-3 other candidates to consider (I'd like another board member to join me) and I hope to have a recommendation at the next board meeting.

We received a letter from the NYS Department of Transportation that they will investigate traffic conditions on Route 14 between Turk Road and the town-city line based on the town's request to lower the speed limit from 55 to 45.

The 2020 census determined the town's population increased from 3291 to 3473 (+ 182).

Selected Meetings and Events

August 11 – Ontario County Soil and Water Conservation District budget committee meeting.

Zoom meeting on the town's Community Choice Aggregation and Community Distributed Generation programs (electric supply)

August 16 – County Planning and Environmental Quality Committee meeting

August 18 – County Public Safety Committee meeting

Webinar on the use of American Rescue Plan Act funds

August 19 – Meeting of the Executive Board of Geneva 2030

August 20 – Ted Baker radio show on town topics

August 23 – Meeting of county search committee for Director of Economic Development

9-Element Watershed Plan meeting with area planners

August 24 - Zoom meeting on the town's Community Choice Aggregation and Community Distributed Generation programs (electric supply)

August 25 – Town Economic Development Committee meeting

August 26 – County Board of Supervisors meeting

August 30 - Meeting of county search committee for Director of Economic Development

September 2 – Meeting of the executive board of the 9-Element Watershed Plan.

September 3 - Meeting of county search committee for Director of Economic Development

September 8 – County Public Safety Committee meeting

September 9 – County Board of Supervisors meeting

28. Old Business.

29. New Business.

30. Privilege of the floor.

31. Adjourn: Motion _____ Second _____ Time _____

(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. 2 of the year **2021**.

A Local Law to Amend Chapter 118 (Sewers) 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. Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the addition of a new Article X to read as follows:

Article X. Users of City of Geneva Publicly Owned Treatment Works

§ 118-68 Application of City of Geneva Sanitary Sewers Law per Contractual Agreement with the City of Geneva

A. Applicability.
Except as set forth herein, §§ 277-17 through 277-24 and 277-28 through 277-32 and 277-35 through 277-54 and 277-56 through 277-75 of the City of Geneva Sanitary Sewers Law, as may be amended from time to time, shall apply to properties serviced by the City of Geneva Sewage Treatment Plant. A copy of the City of Geneva Sanitary Sewers Law, as amended, shall be maintained in the Town of Geneva Town Clerk's office. In the event of any conflict between the provisions of the City of Geneva Sanitary Sewers Law then in effect and this chapter, the provisions of the City of Geneva Sanitary Sewers Law shall govern.

§ 118-69Definitions

A. Terms defined.
Unless otherwise stated in the section where the term is used in this Article X, the meanings of terms, abbreviations, and undefined terms as stated in § 277-2 of the City of Geneva Sanitary Sewers Law are adopted and incorporated by reference herein and used in this Article X, except for the following:

GENEVA SANITARY SEWERS LAW
Chapter 277 of the City of Geneva City Code, entitled "Sanitary Sewers," adopted February 1, 2017 by Ord. No. 1-2017, as may be amended from time to time.

TOWN
The Town of Geneva, in the County of Ontario, State of New York.

§ 118-70Building Sewers, Connections and Fees

A. Regulations pertaining to building sewers, connections and fees.
The provisions, rules and regulations pertaining to building sewers, connections and fees, as contained in Article IV, §§ 277-17 through 277-24 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-70Sewer Extensions

A. Regulations pertaining to sewer extensions.
The provisions, rules and regulations pertaining to sewer extensions, as contained in Article V, §§ 277-28 through 277-32 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

B. Maintenance and ownership assumed by Town after final approval.
All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Town and by the City of Geneva Engineer or Director of Public Works, or their deputy or agent, shall become the property of the Town, on behalf of Sewer District # 1, and shall thereafter be maintained by the Town.

C. Sewer permit required before issuance of building permit.
No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities on properties within the Town that are serviced by the City of Geneva Sewage Treatment Plant until a sewer connection permit has been received from the Town that contains the approval of the City of Geneva Director of Public Works, or his authorized deputy or agent, and all new developments shall be provided with an approved system of sanitary sewers.

§ 118-71 Use of Public Sewers

A. Regulations pertaining to use of public sewers.
The provisions, rules and regulations pertaining to the use of public sewers, as contained in Article VI, §§ 277-35 through 277-39 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-72 Discharge Standards and Limitations

A. Regulations pertaining to discharge standards and limitations.
The provisions, rules and regulations pertaining to discharge standards and limitations, as contained in Article VII, §§ 277-40 through 277-45 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-73 Industrial Wastewater Discharge Permits and Other Requirements

A. Regulations pertaining to discharge standards and limitations.
The provisions, rules and regulations pertaining to discharge standards and limitations, as contained in Article VIII, §§ 277-46 through 277-54 and 277-56 through 277-60 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-74 Surcharge Due to Extra-Strength Wastes

A. Regulations pertaining to surcharge due to extra-strength wastes.
The provisions, rules and regulations pertaining to surcharge due to extra-strength wastes, as contained in Article IX, §§ 277-61 through 277-65 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-75 Procedures

A. Regulations pertaining to procedures.
The provisions, rules and regulations pertaining to procedures, as contained in Article X, §§ 277-66 through 277-69 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

§ 118-76 Enforcement and Penalties

A. Regulations pertaining to enforcement and penalties.
The provisions, rules and regulations pertaining to enforcement and penalties, as contained in Article XI, §§ 277-70 through 277-75 of the Geneva Sanitary Sewers Law, are adopted and incorporated by reference as if fully set forth herein.

Section 2. Subsection (11) of Paragraph A of Section 118-34 (Discharge of certain wastes prohibited) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of the existing Constituents and Permissible Ranges and the insertion of new Constituents and Permissible Ranges to read as follows:

Constituents	Permissible Range (mg/l)
Suspended solids	200 or less
BOD	200 or less
Chlorine requirements	5 to 15
Total organic carbon	100 or less
Chemical oxygen demand	400 or less

Section 3. Paragraph B of Section 118-34 (Discharge of certain wastes prohibited) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of the "Substances" and "Maximum Limits" lists under "Limits of Toxic Substances in Sewage" and the insertion of a new list of "Substances" and "Maximum Limits" to read as follows:

Limits of Toxic Substances in Sewage

Substance	Maximum Limit (mg/l)
Arsenic	0.10

Cadmium	0.20
Cyanide-complex	0.80
Chromium, hexavalent	0.10
Chromium-total	1.00
Copper	1.00
Iron	10.0
Lead	0.10
Mercury	0.001
Nickel	2.00
Selenium	0.05
Silver	0.10
Zinc	0.60
Phenolic compounds	5.00
Oil and grease	100.00
Sulfide	3.00

Section 4. Paragraph A of Section 118-36 (Pretreatment and restriction on certain wastes) of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby amended with the repeal of Subsections (1), (2), (3), (4) and (5) and the insertion of new Subsections (1), (2), (3) and (4) to read as follows:

- (1) A five-day BOD greater than 200 mg/l;
- (2) Containing more than 200 mg/l suspended solids;
- (3) Containing more than 15 mg/l of chlorine requirements; or
- (4) Containing any quantity of substances having the characteristics described in § 118-32.

Section 5. Subsection (1) of Paragraph B of Section 118-36 of Article VI (Use of Sewers) of Chapter 118 (Sewers) of the Code of the Town of Geneva is hereby repealed and a new Subsection (1) is hereby inserted in its place to read as follows:

- (1) Reduce the Biochemical Oxygen Demand to 200 mg/l;

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.

(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 **2021**

A Local Law Amending Chapter 63 (Building Construction and Fire Prevention) 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: Legislative Intent

The Town of Geneva seeks to protect and promote the public health, safety, and welfare of its residents and business owners by mandating energy efficient building standards. The 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed local law will, among other things, modify the Town of Geneva Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. Authority

This local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 3. Section 63-2 (Definitions) of Chapter 63 (Building Construction and Fire Prevention) is hereby amended by repealing the definition of “Energy Code” and inserting a new definition of “Energy Code” to read as follows:

ENERGY CODE

The NYStretch Energy Code 2020, developed and published by the New York State Energy Research and Development Authority, as amended.

Section 4. Paragraph B of Section 63-4 (Building permits) of Chapter 63 (Building Construction and Fire Prevention) is hereby amended by repealing subsections (4) and (5) and renumbering subsections (6) through (12) to be (4) through (10) respectively.

Section 5. 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 6. Effective Date

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

(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 **2021**.

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
City
Town of Geneva as follows:
Village

Section 1. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the deletion of the definitions of "Solar Energy System, Commercial", "Solar Energy System, Community" and "Solar Energy System, Noncommercial".

Section 2. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new definitions (said new definitions to be inserted alphabetically) of "Cannabis Retail Dispensary", "Cannabis On-Site Consumption Establishment", "Solar Energy System, Major or Solar Farm" and "Solar Energy System, Minor or Accessory" to read as follows:

CANNABIS RETAIL DISPENSARY – A business operating pursuant to a license issued pursuant to the New York State Cannabis Law that authorizes the retail sale of adult-use cannabis to cannabis consumers.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT - A business operating pursuant to a license issued pursuant to the New York State Cannabis Law that authorizes the consumption of cannabis in an area specified in such license.

SOLAR ENERGY SYSTEM, MAJOR OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, and which may consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEM, MINOR OR ACCESSORY - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

Section 3. The definition of "Home Occupation" in Section 165-3 of the Zoning Code of the Town of Geneva is hereby deleted and a new definition of "Home Occupation" is hereby inserted in its place to read as follows:

HOME OCCUPATION - An accessory use conducted within a dwelling by the residents thereof which is clearly secondary to the dwelling use for living purposes and does not change the residential character of the building within which the activity occurs, and which conforms to the conditions set forth in § 165-33.

Section 4. Paragraph B (Permitted uses) of section 165-13. (TC-1 Town Center Mixed-Use District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (16) and (17) to read as follows:

- (16) Cannabis retail dispensary;
- (17) Cannabis on-site consumption establishment.

Section 5. Paragraph B (Permitted uses) of section 165-14. (TC-2 Town Center Arterial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (16), (17) and (18) to read as follows:

- (16) Automobile sales, storage or repair, if existing at the time of the adoption of this amendment (September 7, 2021), and the use is not discontinued for 12 consecutive months or more;
- (17) Cannabis retail dispensary;
- (18) Cannabis on-site consumption establishment.

Section 6. Paragraph B of section 165-16 (B General Business District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Subsection (3) is repealed; and
- B. Subsections (4) through (21) are renumbered to be (3) through (20); and
- C. New subsections (21) and (22) are inserted to read as follows:
 - (21) Cannabis retail dispensary;
 - (22) Cannabis on-site consumption establishment.

Section 7. Paragraph C of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (25), (26) and (27) to read as follows:

- (25) Automobile sales, storage or repair;
- (26) Cannabis retail dispensary;
- (27) Cannabis on-site consumption establishment.

Section 8. Paragraph B (Permitted uses) of section 165-18. (I-2 Light Industrial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraphs (15) and (16) to read as follows:

- (15) Cannabis retail dispensary;
- (16) Cannabis on-site consumption establishment.

Section 9. Paragraph B (Permitted uses) of section 165-19. (LV Lake View Overlay District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new paragraph (7) to read as follows:

- (7) Cannabis on-site consumption establishment.

Section 10. The number of feet established for maximum building height in the following sections of the Zoning Code of the Town of Geneva dealing with lot area and yard requirements shall be amended to read "40 feet" (any reference to the number of stories in any of these sections shall remain unchanged):

- § 165-8 (R-1 Residential Suburban District) E. (8)
- § 165-9 (R-2 Residential Rural District) E. (8)
- § 165-11 (R-4 Residential Medium Density District) E. (6)
- § 165-12. (R-5 Residential High Density District) E. (6)
- § 165-13. (TC-1 Town Center Mixed-Use District) E. (6)
- § 165-14. (TC-2 Town Center Arterial District) E. (6)
- § 165-15 (AG Agricultural District) G. (8)
- § 165-16 (B General Business District) E. (5)
- § 165-17. (I-1 General Industrial District) G. (6)
- § 165-18. (I-2 Light Industrial District) E. (6)

§ 165-19 (LV Lake View Overlay District) F. (5)

Section 11. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar Energy System, Minor or Accessory, subject to provisions of Chapter 130":

§ 165-8. (R-1 Residential Suburban District) D. (8)

§ 165-9. (R-2 Residential Rural District) D. (10)

§ 165-10. (R-3 Residential Lakefront District) D. (8)

§ 165-11. (R-4 Residential Medium Density District) D. (8)

§ 165-12. (R-5 Residential High Density District) D. (7)

§ 165-13. (TC-1 Town Center Mixed-Use District) D. (7)

§ 165-14. (TC-2 Town Center Arterial District) D. (5)

Section 12. Subsection (7) of paragraph D (Permitted with site plan approval) of section 165-15 (AG Agricultural District) of the Zoning Code of the Town of Geneva is hereby amended to change the "Solar energy system, community, subject to provisions of Chapter 130" to "Solar Energy System, Major or Solar Farm, only north of White Springs Lane and west of County Road 6, subject to provisions of Chapter 130".

Section 13. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar Energy System, Major or Solar Farm, only north of White Springs Lane and west of County Road 6, subject to provisions of Chapter 130":

§ 165-15. (AG Agricultural District) F. (10)

§ 165-16. (B General Business District) D. (5)

Section 14. Paragraph C (Permitted uses) of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Subsection (20) is amended to change "Solar energy systems, commercial" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130";
- B. Subsection (21) is repealed; and
- C. Subsections (22), (23) and (24) are renumbered to be (21), (22) and (23).

Section 15. Subsection (5) of paragraph F (Permitted accessory uses) of section 165-17 (I-1 General Industrial District) of the Zoning Code of the Town of Geneva is hereby amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130".

Section 16. Paragraph B (Permitted uses) of section 165-18 (I-2 Light Industrial District) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Subsection (12) is amended to change "Solar energy systems, commercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130";
- B. Subsection (13) is repealed; and
- C. Subsection (14) is renumbered to be (13).

Section 17. The permitted accessory use set forth in the following sections of the Zoning Code of the Town of Geneva shall be amended to change "Solar energy system, noncommercial, subject to provisions of Chapter 130" to "Solar energy system, major or solar farm, subject to provisions of Chapter 130":

§ 165-18. (I-2 Light Industrial District) D. (4)

§ 165-19. (LV Lake View Overlay District) E. (4)

Section 18. Section 165-24 (Accessory buildings) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Paragraph A is repealed and a new paragraph A is hereby inserted in its place to read as follows:

- A. Accessory buildings not attached to the principal building shall comply with applicable Building Code requirements and, notwithstanding any other provision of this chapter, they may be permitted in any district. Except as set forth below, in all districts, accessory buildings are to be constructed in the rear and side yard areas only. Accessory buildings are allowed only on the same property as the principal building. Accessory buildings shall be allowed no closer than 10 feet to any side or rear property line.
- B. New paragraphs C and D are inserted to read as follows:
 - C. Accessory buildings in the Agricultural District may be allowed in the front yard if they comply with set-back requirements, are on a lot of at least five acres, and are adequately screened from the road.
 - D. Properties with lake shore may have an accessory structure in the front yard (with road frontage) as long as it complies with the setback requirements for the residence and the average roof height is no more than 22 feet.

Section 19. Section 165-33 (Home occupations) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. Paragraph A is repealed and a new paragraph A is hereby inserted in its place to read as follows:
 - A. It shall be carried on wholly within the enclosed walls of the dwelling or in an accessory structure on the same parcel as the principal residence, and shall not use more than 25% of the floor area up to a maximum of 1,000 square feet.
- B. Paragraph D is repealed and a new paragraph D is hereby inserted in its place to read as follows:
 - D. No offensive noise, vibration, smoke, dust, odors, heat, light, glare or excessive traffic shall be produced as a result of any activity related to the home occupation.
- C. New paragraph E is inserted to read as follows:
 - E. If the occupation involves members of the public coming to the location, an operating permit must be obtained from the town code enforcement officer, and the public must be restricted to the hours of 9:00 a.m. to 5:00 p.m.

Section 20. Section 165-73 (Approval required for building permit) of the Zoning Code of the Town of Geneva is hereby amended by labeling the existing paragraph as paragraph A and inserted a new paragraph B to read as follows:

- B. Notwithstanding the above, a building permit may be issued by the Code Enforcement Officer, or a designated representative of the Town of Geneva Building Department, without site plan review by the planning board, if the proposed project is an addition or accessory structure that is no more in size than forty percent of the existing building, to a maximum of 5,000 square feet, and the proposed use of the new construction is the same as the existing use, or an allowed accessory use, and otherwise complies with applicable codes.

Section 21. Section 165-90 (Restoration) of the Zoning Code of the Town of Geneva is hereby amended as follows:

- A. The title of this section shall be changed from "Restoration" to "Restoration, Alteration and Addition.";
- B. New paragraphs C and D are inserted to read as follows:
 - C. Alterations and additions to a pre-existing non-conforming structure shall be allowed if they do not increase the non-conformity that exists.
 - D. A residence may add common residential accessory structures to the lot, such as decks, sheds, swimming pools and additions, as long as they comply with the zoning requirements of the district and applicable residential district requirements.

Section 22. Paragraph D of Section 165-101 (Term of appointment; staff; alternate members) of Article XI (Zoning Board of Appeals) of the Zoning Code of the Town of Geneva is hereby repealed a new Paragraph D is hereby inserted in its place to read as follows:

- D. There is hereby established one alternate Zoning Board of Appeals member position for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absence.
 - (1) The alternate member of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for a term established by the Town Board.
 - (2) The Chairperson of the Zoning Board of Appeals may designate the alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board or because of that member's illness or absence.
 - (3) When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

Section 23. Section 165-109 (Establishment) of Article XII (Planning Board) of the Zoning Code of the Town of Geneva is hereby repealed and a new Section 165-109 is hereby inserted in its place to read as follows:

§ 165-109 Establishment.

A Planning Board consisting of five members is hereby established, which Board shall be constituted and shall have all the powers and perform such duties and be subject to the limitations as prescribed by §§ 271, 273, 274-a, 276, 277, 278, 279, and 280-a of the Town Law, as the same may be amended, modified or changed from time to time, or any sections subsequently adopted pertaining to the Planning Board.

Section 24. Section 165-110 (Alternate members) of Article XII (Planning Board) of the Zoning Code of the Town of Geneva is hereby is hereby repealed and a new Section 165-110 is hereby inserted in its place to read as follows:

§ 165-110 Alternate members.

There is hereby established one alternate Planning Board member position for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absence.

- A. The alternate member of the Planning Board shall be appointed by resolution of the Town Board, for a term established by the Town Board.
- B. The Chairperson of the Planning Board may designate the alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Planning Board or because of that member's illness or absence.
- C. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
- D. All provisions of the Town Law and the Town of Geneva Zoning Ordinance relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to the alternate member.

Section 25. 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 26. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 5 of the year 2021

A Local Law Amending Chapter 130 (Solar Energy Systems) of the Code of the Town of Geneva

(Insert Title)

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

County of Ontario
Town of Geneva as follows:
Village

Section 1: Section 130-4 (Solar collectors and installations for major systems or solar farms) in Chapter 130 (Solar Energy Systems) of the Code of the Town of Geneva is hereby amended as follows:

The opening wording of paragraph C is hereby amended to change "Areas of potential sensitivity:" to "Areas of potential sensitivity that should be avoided:" and

The opening wording of paragraph D is hereby amended to change "A major system or solar farm may be permitted in all zoning districts in the Town when authorized by site plan permit from the Planning Board subject to the following terms and conditions." to "A major system or solar farm shall be permitted in those zoning districts where it is a permitted use under Chapter 165 when authorized by a site plan permit from the Planning Board subject to the following terms and conditions.:"; and

Subparagraph (a) of subsection (5) of paragraph D is hereby amended with the insertion of the following wording at the end of the existing subparagraph (a):

"The decommissioning plan shall be accompanied by a budget showing the cost of implementing the plan, certified by the project engineer and to be approved by the Town Board, and the applicant shall provide a performance bond or New York State bank letter of credit, for the benefit of the Town of Geneva, in the amount shown on the budget, plus ten percent, available to the Town for the life of the solar energy system or for so long as necessary to complete decommissioning, whichever is longer. This security will not be released until the system is fully decommissioned as set forth herein."

Subparagraph (f) of subsection (5) of paragraph D is hereby repealed and a new subparagraph (f) is hereby inserted in its place to read as follows:

(f) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator, or from the performance bond or letter of credit. All unreimbursed or uncovered costs incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

Section 2: 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 3: Effective Date

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