

AGENDA
TOWN OF GENEVA
REGULAR TOWN BOARD MEETING
July 14, 2020

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

1. **Call to order:** - 6:00 p.m. Public Hearing on Proposed Local Law 3, to Amend Chapter 165 of the Town Code Relating to Short-Term Rentals.
Public Comments-
Written Comments-
Close Public Hearing- Time_____

2. **Call to Order:** the Regular Meeting of the Town Board. Flag salute/opening led by Councilperson Jeff Dunham

3. **Privilege of the floor.**

4. **Gratitudes.**

5. **Approval of the minutes:** Approval of the minutes of the Regular Meeting of the Town Board of June 17, 2020.

Motion _____ Second _____

6. **Town Clerk’s report.**
Questions, comments.
The Board acknowledges receipt.

7. **Code Enforcement Officer’s report.**
Questions, comments.
The Board acknowledges receipt.

8. **Highway Superintendent’s Report:**
Questions, comments.
The Board acknowledges receipt.

9. **Water & Sewer Superintendent’s Report:**
Questions, comments.
The Board acknowledges receipt.

10. **Supervisor’s report of finances for the previous month,**
Questions, comments.
The Board acknowledges receipt.

11. **2020 RESOLUTION NO. 59-2020** – Approving Abstracts, Bills for Payment and Prepaid Bills.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 59-2020**

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, 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.

12. **2020 RESOLUTION NO. 60 -2020** – Determination of Significance; After Review of Environmental Assessment Form and Public Hearing- for Local Law 3-2020, Amending Chapter 165 of the Town Code on Short-Term Rentals.

Motion _____ Second _____

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2020
RESOLUTION NO. 60-2020**

WHEREAS, the Geneva Town Board has determined Local Law No. 3 of 2020 to be a Type I action under the State Environmental Quality Review (SEQR) Regulations, and,

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

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

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

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

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

I, 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 July 14, 2020 by the following vote:

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

Dated: _____, 2020

Lorrie S. Naegele, Town Clerk

13. 2020 RESOLUTION NO. 61-2020- Adoption of a Local Law Amending Chapter 165 (Zoning) of the Code of the Town of Geneva regarding Short-Term Rentals.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION AUTHORIZING ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 165 (ZONING) OF THE CODE OF THE TOWN OF GENEVA
RESOLUTION NO. 61-2020**

WHEREAS, a resolution was duly adopted on June 17, 2020 by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board 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 July 3, 2020 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 July 14th, 2020, 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 2020, 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 July 14, 2020 by the following vote:

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

Dated: _____, 2020

Lorrie S. Naegele, Town Clerk

FILING LOCAL LAW

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

(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 Ontario
Town of Geneva
Village

Local Law No. 3 of the year **2020**.

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 Ontario
City

Town of Geneva as follows

Section 1. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the amendment of the definition of "Short-Term Rental" so this definition shall read as follows:

SHORT-TERM RENTAL – A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in Section 165-39 of this Chapter, as amended. "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

Section 2. Paragraphs A, B, C, D, E and F of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva are hereby re-lettered to become Paragraphs B, C, D, E, F and G, respectively, and a new Paragraph A is hereby added to Section 165-39 to read as follows:

A. Purpose. It is the policy of the Town of Geneva to encourage stable residential neighborhoods for the health and well-being of all Town residents, businesses and guests. The Town permits short-term rentals under conditions that foster neighborhood cohesion and that attempt to keep property values affordable for owner-occupancy.

Section 3. Subsections (2) and (3) of Paragraph A. (Permit Required) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva are hereby repealed and new Subsections (2) and (3) are hereby inserted in their place to read as follows:

- (2) A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental. In addition to payment of the permit fee with the application, the owner or owners of the subject property shall pay to the Town in January of both the second and third year that the short-term rental permit is in effect the annual permit fee required by the Town Board. Failure to pay the annual permit fee by the end of business on January 31st of the second year and third year that the short-term rental permit is in effect shall cause the short-term rental permit to immediately terminate.
- (3) The short-term rental permit is not transferable when the ownership of the subject property on which the short-term rental is located changes in any way. A short-term rental permit shall automatically terminate when the owner or owner(s) of the subject property change in any way from the owner or owner(s) listed in the short-term rental permit application. The new owners of the subject property shall apply for a short-term rental permit, submitting everything required pursuant to Paragraph B hereof, including a new permit fee for the current calendar year, even if the previous owner or owners paid such a permit fee for the current calendar year, and have such short-term rental permit issued to them prior to allowing any occupancy of a short-term rental.

Section 4. Subsection (2) of Paragraph B. (Permit Required) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby repealed and a new Subsection 2 is hereby inserted in its place to read as follows:

(2) Application certifications:

a. Completion of a signed statement by the property owners stating the following:

[1] The short-term rental is in compliance with the following standards:

- [a] There shall be one functioning smoke detector in and outside each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector per floor level.
- [b] Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.
- [c] Electrical systems shall be serviceable with no visual defects or unsafe conditions.
- [d] All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.
- [e] Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

[2] The number of sleeping rooms within the short-term rental, as defined in this Chapter.

[3] The number of parking spaces on the property that meet the standards set forth in this Chapter.

(b) Application certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the Town Code Enforcement Officer has reason to believe a new inspection is warranted, at which point the Code Enforcement Officer shall conduct an inspection to determine whether the requirements of this chapter are being complied with. If relevant circumstances on the property change or for any reason the application or the certification that is a part of the application is or becomes inaccurate, a new certification shall be submitted.

Section 5. The last sentence of Subsection (4) of Paragraph B. (Permit Required) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva, which reads, "The Town Code Enforcement Officer may allow occupancy in excess of these regulations and standards if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further periodic inspection by the Town Code Enforcement Officer or designee", is hereby deleted therefrom.

Section 6. Paragraph B. (Permit Required) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new subsection (7) to read as follows:

(7) Written consent for the Town Code Enforcement Officer to enter the subject property and the short-term rental for purposes of conducting all inspections called for in this section as part of the review of a short-term rental application, as part of ensuring compliance with the regulations, requirements and standards of this section and as part of the investigation of a complaint alleging a violation of this section or of a permit issued pursuant to this section.

Section 7. Subparagraph (b) of subsection (1) of Paragraph C. (Permit Required) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby repealed and a new subparagraph (b) is hereby inserted in its place to read as follows:

(b) The number of people calculated on the basis of two persons per sleeping room (unless the room size is below 100 square feet). For this purpose, a sleeping room is defined as fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.

Section 8. Paragraph C. (Short-term rental standards) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new subsection (7) to read as follows:

- (7) The short-term rental shall be owner-occupied or owner-supervised. For purposes of this requirement: (a) "owner-occupied" shall mean that at least one owner in title to the lot or parcel that the short-term rental is a part of either: (i) occupies for at least 7 months of each calendar year as his or her residence all or part of dwelling unit that contains the short-term rental, or (ii) occupies for at least 7 months of each calendar year as his or her residence a dwelling unit on the lot or parcel that the short-term rental is a part of, other than the short-term rental; and (b) "owner-supervised" shall mean that at least one owner in title to the lot or parcel that the short-term rental is a part of occupies for at least 7 months of each calendar year as his or her residence a dwelling unit on a lot or parcel that is contiguous to or immediately across the street from the parcel containing the short-term rental. This standard requiring the short-term rental be owner-occupied or owner-supervised shall not apply to any short-term rental permit, or renewal thereof, in existence on the date the local law enacting this standard takes effect and shall only apply to short-term rental permits issued after such effective date.

Section 9. Subsections (1) and (2) of Paragraph D. (Procedure upon filing application) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva are hereby repealed and new subsections (1) and (2) are hereby inserted in their place to read as follows:

- (1) Upon the filing with the Town Code Enforcement Officer of the permit application, containing the owner's written consent allowing the Town Code Enforcement Officer to enter the short-term rental and the lot or parcel of which the short-term rental is a part for purposes of conducting the inspections called for in this section, permit fee, and all documents and information required by this chapter, the Town Code Enforcement Officer shall:
 - [a] Conduct an inspection of the short-term rental and the lot or parcel of which the short-term rental is a part to verify compliance with this Chapter, to verify compliance with New York State Laws, Codes and regulations, to verify the number of sleeping rooms within the short-term rental, as defined in this Chapter, to verify the number of parking spaces on the property that meet the standards set forth in this Chapter and to verify that the short-term rental complies with the following standards:
 - [i] There shall be one functioning smoke detector in and outside each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector per floor level.
 - [ii] Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.
 - [iii] Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - [iv] All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.
 - [v] Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
 - [b] Have 30 days to complete the inspection required in [a] above, to review the application, and then to either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Code Enforcement Officer.
- (2) In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, he or she may request additional information to clarify or verify the situation. A failure to cooperate and provide accurate and complete information is grounds for denial of the permit.

Section 10. Subparagraph (e) of subsection (5) of Paragraph D. (Procedure upon filing application) of Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby repealed and a new subparagraph (e) is hereby inserted in its place to read as follows:

- (e) A statement that all fires must be attended and in an approved location and containment.

Section 11. Section 165-103 (Referrals to Planning Board) of the Zoning Code of the Town of Geneva is hereby repealed and Sections 165-104 through and including 165-117 are hereby renumbered to be Sections 165-103 through and including 165-116, respectively.

Section 12. 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 13. This local law shall take effect immediately upon filing with the Secretary of State.

14. Discuss closing Slate Rock Road in the winter months.

15. Approve purchase of a ViewSonic projector from Staples for \$284.99.

16. Reports of Standing Committees

Comprehensive Plan –

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Town Hall Park and Playground –

Agricultural Enhancement –

17. Supervisor's Report.

The Seneca Watershed Intermunicipal Organization and the Seneca Watershed Steward are working on the Seneca-Keuka Nine-Element Watershed Plan and a Fair Share funding plan for the organization that factors in population density, percentage of the municipality in the watershed, assessed value of property, miles of lakefront, whether you draw and sell lake water, and level of tourism measured by occupancy tax.

Ontario County landfill operator Casella has installed many new wells over the past couple of months do draw off landfill gas that are now working based on the results of drone images recently taken. The odor situation has improved.

Selected Meetings and Activities:

June 17 – Ontario County Soil and Water Conservation District Board meeting

June 18 – Castle Creek Greenway meeting

Geneva 2030 Executive Board meeting

Ontario County Board of Supervisors meeting

June 25 – Roundtable with MRB Group and area officials regarding pandemic issues

June 29 – Nine-Element Watershed Plan Project Advisory Committee meeting

County Planning and Environmental Quality Committee meeting

June 30 – Seneca Watershed Intermunicipal Organization meeting

July 1 – County Public Safety Committee meeting

Town Sustainability Committee meeting

July 2 – Seneca-Keuka 9-Element Watershed Plan workshop

July 9 – Ontario County Board of Supervisors meeting

18. Old Business.

19. New Business.

20. Privilege of the floor.

21. Adjourn: Time _____

Motion _____

Second _____