

12. 2020 RESOLUTION NO. 53-2020- Declaring the Town Board Lead Agency for State Environmental Quality Review – PUD for 3625 Berry Fields Road. Motion to approve made by Councilmember Palmieri, second by Councilmember McCarthy. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 53-2020**

WHEREAS on May 12, 2020, the Geneva Town Board declared its intent to be designated the Lead Agency for the Self-Storage and Mixed Use Planned Unit Development (PUD) project under the provisions of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS on May 13, 2020, the Town Board provided written notices to this effect to the involved and interested agencies; and

WHEREAS the Town Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR regulations; and

WHEREAS the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this action and for making the determination of significance under the SEQR regulations, now therefore it is

RESOLVED the Town Board designates itself as the lead agency for this action.

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 June 17, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

13. 2020 RESOLUTION NO. 54-2020 – Determination of Significance after Review of Environmental Assessment Form and Public Hearing PUD for 3625 Berry Fields Drive. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 54-2020**

WHEREAS the Geneva Town Board has determined the application for a Planned Unit Development (PUD) for the property known as 3625 Berry Fields Drive to be an Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS the Town Board reviewed and accepted the completed Full Environmental Assessment Form (EAF) Part 1, prepared by Marathon Engineering on the behalf of the applicant, Star Development Group, on May 12, 2020, on the Self-Storage and Mixed Use PUD application; and

WHEREAS the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 2 and 3 on the Action prepared by the Town's engineers, the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon the Action; and

WHEREAS the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3; now therefore, it is

RESOLVED the Action will not result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form, public hearing and any other comments and information before the Town Board; and it is further

RESOLVED the Town Board makes a Determination of Non-Significance on the Action, and the Town Supervisor is directed to issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

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 June 17, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

14. 2020 RESOLUTION NO. 55-2020 – Authorizing the Geneva Exchange Using Town Web Site. Motion to approve made by Councilmember McCarthy, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 55-2020**

Whereas the Town's Solid Waste Management Plan seeks to foster practices that reduce items that must be discarded and landfilled, and facilitating the exchange of items among residents is one way to reduce waste and build community; and

Whereas the Town can facilitate donating and lending items among residents through use of its web site using the format attached to this agenda; now therefore, it is

RESOLVED the Town web site manager and building department assistant may launch the Geneva Exchange on the Town's web site.

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 June 17, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

15. 2020 RESOLUTION NO. 56-2020 – Introducing a Local Law and Calling for a Public Hearing - to Amend Chapter 165 of the Town Code Relating to Short-Term Rentals. Motion to approve made by Councilmember McCarthy, second by Councilmember Palmieri. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 56-2020
RESOLUTION AUTHORIZING SCHEDULING OF A PUBLIC HEARING
FOR A PROPOSED LOCAL LAW**

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law Amending Chapter 165 (Zoning) of the Town of Geneva; and

WHEREAS, the Town Board of the Town of Geneva has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of Geneva to proceed in accordance with the Code of the Town of Geneva and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 14, 2020, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Geneva sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Geneva for its consideration; and be it further

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

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 June 17, 2020, by the following vote:

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

Dated: _____, 2020

Lorrie S. Naegele, Town Clerk

SEAL

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 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.

EXHIBIT 2:

TOWN OF GENEVA NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Geneva on the 14th day of July, 2020, at 6:00 p.m., at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, regarding the adoption of a Local Law which would amend the Zoning Code of the Town of Geneva by amending the definition of "short-term rental", by amending the Short-Term Rental Regulations and by repealing § 165-103 that requires the Zoning Board of Appeals to refer appeals and applications to the Town Planning Board for advisory opinions thereon.

Any resident of the Town of Geneva shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Geneva Town Hall, 3750 County Road 6, Geneva, New York 14456.

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

Lorrie S. Naegele, Town Clerk

16. 2020 RESOLUTION NO. 57-2020 – Approving Support for the Rail-Trail Greenway and Providing Liability Coverage. Motion to approve made by Councilmember Palmieri, second by Councilmember Aliperti. Unanimously approved.

TOWN OF GENEVA RESOLUTION OF THE TOWN BOARD RESOLUTION NO. 57-2020

Whereas the Comprehensive Plan of the Town of Geneva encourages creating opportunities for people to safely travel by foot or bicycle, and includes a proposed greenway; and

Whereas the Town participated with the City of Geneva in the creation of a Geneva Active Transportation Plan in 2017 that also encourages the development of complete streets, safe for all modes of travel, and separate trails for walking and bicycling; and

Whereas the Town Board approved a grant application for a planning study for a trail on the abandoned LeHigh Valley Railroad rail bed that is owned by Cornell University at the Agri-Tech Park on July 9, 2019, Resolution 53-2019, but the application was not approved for funding; and

Whereas a group of Town and City residents has formed the Friends of the rail-trail greenway to improve this former rail bed that is owned by Cornell University and other entities and runs through part of the Town for walking and bicycling, and the Town Supervisor is working with Cornell University to obtain a license for use of the rail bed for a non-motorized greenway (link and map attached to the agenda); and

Whereas the Town's insurance agent has confirmed the Town's liability insurance will cover this trail at no additional cost to the Town; and

Whereas the Friends group will reach out to residents adjacent to the proposed trail to attempt to address concerns with the trail to the extent practical and reasonable; now therefore, it is

RESOLVED the Supervisor is authorized to proceed to obtain a license from Cornell University and other entities for use of the abandoned rail bed for a non-motorized trail and to have the Town's liability insurance cover the trail.

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 June 17, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

17. 2020 RESOLUTION NO. 58-2020 – Accepting Accountant’s Report on the Town’s Annual Financial Report to the NYS Comptroller. Motion to approve made by Councilmember Palmieri, second by Councilmember Aliperti. Unanimously approved.

**TOWN OF GENEVA
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 58-2020**

Whereas the Town of Geneva annually must file an Annual Financial Report Update Document with the NYS Comptroller, and is assisted in preparing the report by an independent accountant, Atette, Ingersoll & Co., CPAs, PC; which report was timely filed; and

Whereas the independent accountant, as part of preparing the report, reviews certain financial records of the Town; and

Whereas the independent accountant has issued a report on its review dated May 20, 2020, which makes certain findings, which as needed have been or are being addressed by the Supervisor and Bookkeeper; now therefore, it is

RESOLVED the Town Board accepts the May 20, 2020 Independent Accountant’s Report.

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 June 17, 2020. Unanimously approved.

Lorrie S. Naegele, Town Clerk

18. Reports of Standing Committees

Comprehensive Plan – No Meeting

Economic Development – Meeting June 24th

Sustainability – Zoom meetings have been held discussing possible programs

Kashong Conservation Area – property is mowed every week and trails are mowed every other week. Will met to improve trail signs & maps.

Communication –Zoom meetings working on website photos

Town Hall Park and Playground – working on Bike Park

Agricultural Enhancement – Due to the Covid virus we will announce the Lake Friendly Farm award winners this year and tour the farms at a later date.

19. Supervisor’s Report. Selected Meetings and Activities are listed on the agenda:

The Bond Anticipation Note for Water District 2, extension 1, which began in 2009, will be paid in full with the June payment.

The New York Association of Counties is warning the highway money towns receive each year from the state could be reduced by 20%.

The Water and Sewer Superintendent and Supervisor have been working on a new agreement with the City of Geneva to set what the Town pays the City for waste water treatment, and other terms.

20. Old Business. None

21. New Business. None

22. Privilege of the floor. None

23. Motion to Adjourn: Motion to adjourn made by Councilmember Aliperti, second by Councilmember McCarthy. Unanimously approved. Time: 6:35 P.M.

Respectfully Submitted

Interactive link to the map showing the proposed location of the trail

<https://maps.resport.io/map.jsp?m=5097024655458304>

Map showing line of railroad bed in the town

