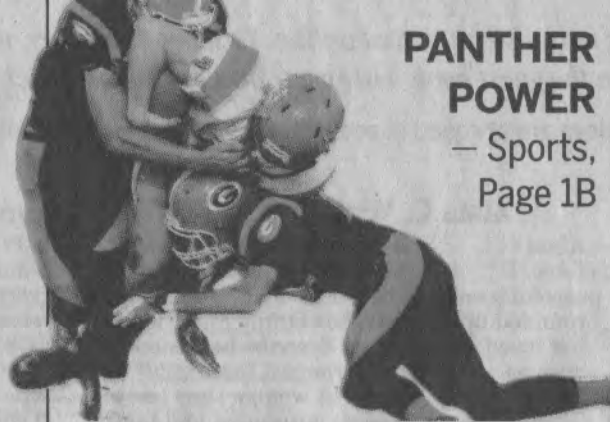


FINGER LAKES

SUNDAY TIMES

SEPT. 14, 2014



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Chicken conflict heats up

City's second letter gets a similar reply

By **DAVID L. SHAW**
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GENEVA — For a second time, city officials have sent Jeff Henderson a letter asking him to apply to the Zoning Board of Appeals for a setback variance for his solar panel and chicken cooperative project at 50 State St.

The first time, he wrote back that he was not going to apply because the Planning Board gave him the approval he needed.

Henderson responded Friday to the second letter and made no mention of seeking a variance. His response was an e-mail to Council members, with a copy to Neal Braman, the city's planning and zoning coordinator.

Henderson said his response is to Council because the basis of the issue does not lie in code enforcement, noting that his project has met all city requirements put forth and has been issued permission to be implemented.

He outlined how he met the requirements of the industrial zone attached to his 50 State St. parcels, a former manufacturing site that is now a vacant lot. He said all setback requirements were met and the project



Henderson

was "fully approved and is proceeding."

"The issue before us lies in the discomfort of a few residents, certain City Councilors, the city attorney and the mayor have with chickens being allowed within the city of Geneva," Henderson wrote.

"As a result of personal opposition to this project, some Councilors, the mayor and city attorney took it upon themselves to order a staff review of the project, post-approval," he noted.

He said that review began a month after the Planning Board approval and immediately after a Council meeting at which Council received a letter signed by six city residents requesting the city "do something" to halt the proposed project.

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CHICKEN

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He noted that Braman himself did not raise any issues regarding setback requirements and his project satisfied all review requirements and was issued a building permit.

"I understand the issue. I am not prepared to jeopardize the entire project, which I and many other residents believe to be an overwhelmingly positive project for Geneva, without a thorough and public discussion of the actual concerns — and the participation of those holding the concerns," Henderson concluded.

But if he declines to seek a variance, that sets up the possibility that the city will seek a cease and desist or stop work order to halt the project.

In his latest letter to Henderson, dated Sept. 3, Braman repeated his earlier assertion that the site plan approved by the Planning Board "required additional review by the Zoning Board of Appeals to consider relief from setback requirements found in the city's industrial zoning text."

"It is our assessment that the project, as presented to the Planning Board, does not provide for the required setbacks from industrial zone bound-



Spencer Tulis / Finger Lakes Times

The site of the chicken cooperative on State Street in the city of Geneva.

aries," Braman wrote. That setback is 100 feet, whether from the nearest home or the property line.

He told Henderson that the Planning Board's approval is incomplete without review by the ZBA and its granting of an area variance for the project.

"I again respectfully request that you discontinue any operations on the property that conflict with current zoning requirements and that you submit an application for an area variance to the ZBA,"

Braman wrote.

He said he included the necessary form to make that application and pledged to expedite the review. If the variance is approved, he also promised to facilitate the project's completion.

He asked Henderson to respond as quickly as possible with his intentions.

Henderson said hens are still on the property and "are quite happy, oblivious to the nonsense around them."

He said work is continu-

ing on the solar panels and fencing.

He said there are numerous supporters on State Street, some of whom have joined the egg cooperative.

"Conversation and dialogue are the only way we're going to reach any kind of understanding and I will continue reaching out to them," he said.

There are also vocal opponents of the project, mainly for the chicken presence, both in the neighborhood and on City Council.