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# Order up: Variance approved for egg co-op

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GENEVA — It's official: Jeff Henderson has the official go-ahead for his egg cooperative and solar panel project at 46-50 State St.

After two hours of discussion Tuesday night, the city Zoning Board of Appeals voted 5-1 to give Henderson an area variance.

The approval came with this condition: Henderson must plant an acceptable row of trees or shrubs on portions of the west side



**Henderson**

of the property so Clinton Street residents who object to being able to see the hens are shielded.

Barriers won't be required for residents who don't object to the view.

In addition, Henderson must plant at least one fruit tree or install some kind of barrier on the southeast corner of the State Street side of the property so Randy Cook of 35 State St. is shielded from the solar panels and

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## EGG

## Supporter: No evidence of problems

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chickens from his front porch.

Henderson said he was agreeable to those conditions.

Robert Stewart, James Richmond, Andrew Williams, Robert Meyer and Nicholas Gillotti voted in favor. Joseph Commesso was opposed. After the meeting, Commesso declined to say why he voted no.

The vote put an end to an often-contentious debate over the industrially zoned property and the often contradictory process leading up to the ZBA vote.

At issue Tuesday was whether Henderson should be granted a variance from meeting a 100-foot buffer requirement from the nearest residential property. Before the discussion began, board chairman Stewart said Meyer made it known that his daughter is a member of the egg cooperative, called Geneva Peeps, but he would not be recusing himself from the debate and vote.

Henderson bought the 1.1-acre parcel from the city for back taxes at a 2013 auction after city officials rejected Henderson's earlier attempt to locate an egg co-op near downtown.

The State Street parcel was the site of an old paint manufacturing company. It's zoned F-1, or industrial, and surrounded by residentially zoned properties. There are railroad tracks to the west, a wooded area to the north, State Street to the south and a residence

on the east.

Henderson cleaned up the site considerably.

"I've taken care of the property and believe it is a positive part of the neighborhood and I'd like to continue," Henderson said.

Henderson reiterated that imposing the buffer requirement on such a small parcel for a non-typical industrial use would not allow him to use the parcel for any purpose other than a vacant lot. He believes his variance request meets the five criteria set forth in the city code, including the issue of whether the hardship was self-created.

When questioned by Stewart, Henderson said he plans to keep the wooded area on the north and east intact.

Ellis Bozzolo of 30 State St. is a new ZBA member who has recused himself from the debate and voting because he has been involved with opposition to the project. He said the co-op and solar arrays can be seen from three sides of the property. Bozzolo distributed a photograph of the view he said was from the back window of Marie Bruno's house at 35 Clinton St.

Stewart questioned whether that photo had been enlarged, expressing doubts that the chickens can be seen that closely from Bruno's window.

Art DeCaro said he opposed the project from the start, criticizing the city for not rezoning the parcel to residential after the old factory on the site

was demolished and removed. He said the city Planning Board approval was found to be wrong for not requiring the buffer variance.

"He can't create his own hardship and then cry about it later," DeCaro said.

He said Henderson's project "could ruin the neighborhood."

"Even though it's the 'butt end,' people keep their houses up," DeCaro argued, although the use of the property was not an issue, only the buffer variance. "Something like this could hurt their efforts."

DeCaro and Stewart engaged in a back and forth over the Planning Board approval.

Planning Board member Steve O'Malley, who also has served on the ZBA, explained the board's rationale for not requiring a variance. He said a buffer was not recommended "because there is no structure on the site and there were no noise, odor or other issues."

Charles King of Washington Street argued in support of the project.

"To deny the variance makes development of the site impossible," King said. "Use common sense and grant the variance."

Nancy Jo Fisher, a Geneva Peeps member, said she grew up at 56 Center St. and remembers neighbors raising chickens and rabbits, some of which were shared. She said her mother-in-law lives on Clinton Street and claimed Henderson's project is an asset to the community.

Murray Heaton of the Heaton & Venuti law firm said the firm owns some of the solar panels. He said he has a vested, \$90,000 inter-

est in the project and said the egg co-op and panels are "benign," quiet and green uses of the property.

Jay Coleman of Jeannette Street suggested arborvitae be planted for screening.

Doug Reilly, a Peeps member, cited the five conditions for granting a variance as being met in this case.

"There is no evidence of problems with noises, smell or anything negative," Reilly said. "It's all based on feelings, not evidence."

City Councilor Jason Hagerman of the 5th Ward, which is where the project is located, voiced support for the project and a variance.

After public comment ended, ZBA members discussed the buffer issue and complaints from people objecting to seeing the solar panels or chickens.

"I have followed the law every step of the way," Henderson said. "I've been above board, and we've been operating for several months with no complaints other than the view. I'm willing to mitigate if people will talk to me. I know some people on Clinton Street who like the view."

Stewart made a motion to grant the variance as long as the property is used as it is now. It was amended twice to call for screening on some areas of the west and south sides, whether bamboo, arborvitae, fruit trees or other trees.

The amended motion was passed.

"It took a while, but we got there," Henderson said after the vote. "I'm OK with the conditions. I don't want to offend any neighbors."