

FINGER LAKES

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City to chicken co-op: Cease for now

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GENEVA — A month after getting what he thought was the final approval for his solar panel and chicken co-op project at 50 State St., Jeff Henderson has been asked to delay the project.

Henderson, who already has placed 23 egg-laying hens at the site, said he has no plans to stop, setting up a possible confrontation with the city.

In an Aug. 20 letter to Henderson from Neal Braman, the city's planning and zoning coordinator, a request was made that he delay the operation of the chicken co-op project "until we send the application before the Zoning Board of Appeals for a vari-



Spencer Tulis / *Finger Lakes Times*

The Geneva Chicken Cooperative on State Street already has 23 egg-laying hens on site.

ance request to gain relief from the required 100-foot buffer as outlined in the zoning code Chapter 350-26."

Braman said the request was "based on a review of the Planning Board decision and the failure to consider this chapter as it per-

tains to industrial uses."

The city Planning Board voted unanimously July 21 to approve the site plan and architectural review related to Henderson's proposal. The property is zoned industrial, allowing the ground-mounted solar arrays and the chickens.

Several neighbors objected to the chicken portion of the project at the Planning Board meeting. They voiced similar concerns at the Aug. 6 City Council meeting, urging it to do something to halt the project.

Council did not address the matter at the meeting.

Henderson said he has filed a Freedom of Information Law request to obtain copies of any

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CO-OP

Henderson: Time, energy, money have been invested

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emails circulated among Council members on the topic.

In an Aug. 21 letter sent to Braman, City Manager Matt Horn, City Attorney David Foster, Planning Board chairman Jeff Rokow and 5th Ward Councilor Jason Hagerman, Henderson stood his ground.

"From the outset of this project, I have proceeded in good faith," he said. "The city outlined the steps required, all stakeholders were given the opportunity to participate and concerns have been addressed."

Henderson noted that he applied for and received a building permit for the venture. On July 21, the city Planning Board approved a full site plan and architectural review, including a state environmental impact review and discussion of setbacks and buffers.

"Both at the Planning Board meeting and the following day, it was conveyed directly and unambiguously that the project did not need to come before the zoning board," Henderson said, adding that his project has been "discussed, vetted and ultimately approved" by the city. "With this approval, I have proceeded with the project. Significant time, energy and money have now been invested, both my own and that of many other people.

"To demand extra procedural action, not only in this case, but in any project before the city, illegitimizes the process set forth and would cause any developer to rethink its business with the city."

He said he intends to continue with the project "as there is no basis for a delay."

"If further attempts are made to interfere with the project, I will consider it harassment and will pursue legal representation and damages," he said, asking that all further correspondence in the matter be presented in writing.

Horn explained the city's position by way of an email.

"We have requested that Jeff discontinue operations on the site until the ZBA can consider an area variance," Horn said. "The Planning Board approved a site plan that does not comply with the requirements of the zoning district. The board only considered the setback requirement of the henkeeping ordinance, which specifies a 200-foot setback from any building occupied by humans."

Horn said the site plan meets that threshold, but the zoning ordinance goes on to require a 100-foot buffer between any industrial use, including agriculture, and a residential lot line.

"The site plan and current operation does not meet that threshold," Horn said. "This does not necessarily preclude the project from going forward. The ZBA may grant the applicant permission to reduce the buffer. The Planning Board does not have the authority to grant such a variance."

Henderson said one major problem with him agreeing to a delay is that he has nowhere to temporarily locate the 23 hens.

The solar panels have not yet been installed.