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# ZBA sets date for egg co-op discussion

**By DAVID L. SHAW**

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GENEVA — More than three months after a judge ordered it to happen, the controversial egg cooperative and solar project on State Street will go before the city's Zoning Board of Appeals.

The issue is scheduled for discussion at the 7 p.m. Jan. 27 meeting in the Public Safety Building, 255 Exchange St.

Last summer, city resident Jeff Henderson had solar panels and a chicken coop installed on property he owns at 48-50 State St. Some neighbors objected, questioning whether the chicken coop met setback requirements as required by the city's zoning code.

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## EGG

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When Henderson received city Planning Board approval, he was told there was no issue for the ZBA to decide.

City officials took the matter to court, saying the Planning Board erred and ordering Henderson to halt work on the project until he applied for a variance from the ZBA. Henderson declined.

Acting City Judge Stephen Aronson of Canandaigua ruled Oct. 9 that the matter should go before the ZBA to be resolved, although he was not specific.

Henderson's appeal that he should not have to apply to the ZBA for a variance, as requested by Zoning Officer Neal Braman, is on the Jan. 27 agenda. The city continues to maintain that a variance is needed.

Henderson, through attorney Donald Cheney, is appealing "each and every determination" made by Braman as code enforcement officer for the city related to the project.

"The basis for this appeal is the city of Geneva code office previously interpreted its zoning law affirmatively, stating that Mr. Henderson did not require a variance relief," Cheney wrote. "The city is now [prevented] from requiring Mr. Henderson from appearing at the ZBA as he has a vested right in this project and the city cannot seek re-interpretation of its zoning law in such a manner."

The egg cooperative and solar panels are allowed in the industrial zone assigned to the former warehouse property.

Also on the Jan. 27 agenda is a request for an area variance and special use permit by Geneva Land LLC, owner of the new Metro Mattress building at 1 White Springs Road. The group wants to install a pylon sign in excess of the allowed square footage, and for internal illumination.

Copies of both applications are available for public inspection from 8:30 a.m. and 4:30 p.m. weekdays in the third-floor Engineering/Development Services Office at City Hall, 47 Castle St.