

STATE OF NEW YORK
GENEVA CITY COURT COUNTY OF ONTARIO

IN THE MATTER OF AN IN REM PROCEEDING
FOR PROPERTY KNOWN AS 50 STATE STREET:
CITY OF GENEVA,

Index No. MC-14-319
RJI No.

-vs-

Plaintiff,

ORDER

JEFF HENDERSON,

Defendant.

The Plaintiff, City of Geneva having moved this Court via an Order to Show Cause with an Affirmation from Attorney David Lee Foster, Esq. dated September 23, 2014 and a Complaint Information from Neal Braman, Planning and Zoning Coordinator for the City of Geneva dated September 30, 2014 seeking (i) that any and all work at 50 State Street, Geneva New York cease and that Defendant be directed to cease all work on the property pending a proper zoning determination; (ii) for removal of chickens currently at the property; (iii) an order directing that any collateral use of the property for solar energy gathering and usage stop pending a proper zoning determination; (iv) for an order directing that the project be submitted to the Geneva Zoning Board of Appeals by a proper and timely application; (v) for such other and further relief as to the court may seem just and proper; (vi) that the site remain dormant until a variance is approved or other administrative remedies are applied or a Court of competent jurisdiction rules that the development is compliant with the law; (vii) that should all administrative and judicial remedies be exhausted with no approval for continued operations at the site, the property be restored to a condition compliant with law; (viii) that the Court order the discontinuation of operations within 72 hours and that each day the site remains non-compliant with this order, a

fine of \$200 be levied against the owner; and Defendant having replied with an Affirmation from attorney Donald J. Cheney, Esq. dated October 8, 2014 seeking that (i) this matter be dismissed for lack of evidence and that any enforcement action be stayed until the Zoning Board of Appeals has had an opportunity to hear Defendant's appeal and any subsequent court hearings that may occur as a result of any outcome of said appeal; and both parties having appeared through their attorneys on October 9, 2014 to be heard on this matter

NOW, upon reading of the Order to Show Cause and supporting papers and Defendant's Reply with supporting papers and having heard oral argument from both parties, it is

ORDERED, that this action is stayed pursuant to General City Law Section 81(6); and it is further

ORDERED, that Defendant shall perfect his appeal to the City of Geneva Zoning Board of Appeals.

DATED: 11/21/14


HONORABLE STEPHEN D. ARONSON

ENTER:

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GENEVA CITY COURT

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