

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 80/2016**

**RE: PLEASANT VALLEY HIGHWAY SALT SHED BUILDING AND SITE WORK  
ZONING DETERMINATION**

**WHEREAS**, the Town Board of the Town of Pleasant Valley is considering the development of a Salt Shed Building and site work at the Town of Pleasant Valley Highway Garage Complex located at Sherow Road; and

**WHEREAS**, the Town is considering plans for the development of the building and site as shown on drawings prepared by Clark Patterson Lee, dated February 29, 2016; and

**WHEREAS**, in order to proceed with the project, the Town Board, as the Project Sponsor, needs to make a determination as to whether or not the project is subject to, or immune from, Chapter 98 of the Code of the Town of Pleasant Valley, entitled, "Zoning"; and

**WHEREAS**, in order to make such a determination, the Town Board must consider the standards enumerated by New York State Court of Appeals in the Matter of County of Monroe, 72 NY2d 338; and

**WHEREAS**, the Town Board has determined:

1. The area is currently located in an MDR Medium Density Residential Zoning District.
2. The Town owns three (3) contiguous parcels of property totaling 8.57+/- acres of land, which are currently devoted to the Highway Garage Complex as well as the Transfer Station. The proposed project will be located on two of those parcels which total 8.0 +/- acres of land.
3. The three parcels were acquired by the Town of Pleasant Valley on September 9,

1938; on August 7, 1967; and on November 26, 1973.

4. The property has been used as a Town Highway Garage since at least 1940.
5. The existing Metal Pole Barn/Machine Shed appears to have been built in approximately 1976 and the Salt Dome in approximately 1982. Both structures will remain.
6. The proposal is to construct up to a 9,100 sq. ft. (65 ft. x 140 ft.) Salt Shed Building with blacktop.
7. There will be site preparation for footings, drainage, regrading and blacktopping of the area adjacent to the new structure; and

**WHEREAS**, the Town Board has considered the nine (9) factors as established by the County of Monroe; now therefore, be it

**RESOLVED**, that the project be considered immune and exempt from Town Zoning, based upon the following factors:

1. The nature and scope of the instrumentalities seeking immunity. The Town of Pleasant Valley is the instrumentality seeking immunity. Therefore, the Town is seeking immunity from its own Zoning, as opposed to a municipality seeking immunity from Zoning in a host municipality other than itself. The Town of Pleasant Valley is seeking immunity from Zoning to construct this Salt Shed Building which is in furtherance of its governmental function and to fulfill the obligations of the Town Highway Superintendent pursuant to Highway Law Section 142.
2. The kind of function or land use involved. The kind of function or land use is to provide for the new construction of a Salt Shed Building. This is consistent with the current land use and it provides for replacement of existing facilities and structures. The three parcels of property where the facility is located were acquired in 1938, 1967 and 1973. The property

has been used for highway purposes at least since the construction of the Highway Garage in approximately 1940. The old salt dome will continue to be used for non-salt storage

3. The extent of public interest to be served thereby. The public indeed has a substantial interest in continuing operations of the Highway Department as required by the New York State Highway Law. The addition of the new structure further serves the needs of the Highway Department, which in turn will further enable the Highway Department to fulfill its legal obligations under the New York State Highway Law.

4. The effect local land use regulations would have upon the enterprise concerned. The Zoning for the surrounding property is MDR Residential. Again, the use of the Highway facility for highway purposes pre-dates the adoption of Zoning in 1974. To apply current Zoning requirements upon the Town for this project would require the Town to obtain a use variance as well as site plan approval. This project does not involve the acquisition of any additional property or the actual expansion of additional use of the property. The application of current zoning to this project would have a detrimental effect on the timing of this project and the future needs of a Highway Department.

5. The impact upon legitimate local interests. This project would have minimal additional impacts upon legitimate local interests. The new Salt Shed building will be used for the storage of salt. The old Salt Dome will be used for the storage of sand, which to a large extent is currently stored outside. It will benefit all residents of the Town of Pleasant Valley

6. The applicant's legitimate grant of authority. The Town of Pleasant Valley is a municipal corporation and exists as a second class town pursuant to the laws of the State of New York. The Town and its Highway Superintendent have a governmental responsibility to provide highway services and the construction of the structure is in furtherance of its governmental

authority.

7. Alternative locations for the facility in less restrictive Zoning areas. There is no practical alternative location for this facility. Since the Town currently owns the property and does not have to take further property off of the tax roll, the Town can fulfill its future needs by reusing the site as currently proposed. The current proposal does not call for the demolition or replacement or relocation of the current highway garage and office, and to seek an alternative location would require the splitting up of Highway Garage Complex, or reconstruction of the remaining structure at another location, which would not be in the best interest of the community.

8. Alternative methods of providing a needed improvement. In addition, the salt storage facility, which was constructed in approximately 1982, is in need of repair and replacement and will only further serve to provide a more environmentally sound facility. The old existing facility will remain but will no longer be used for salt. The Highway Superintendent, the Town Engineer and the Town Board have given long and due consideration to the needs of this project and the current project provides the most feasible and economical method of providing the needed improvements.

9. Intergovernmental participation in the project development process and an opportunity to be heard. This project does not lend itself to substantial intergovernmental participation. The project has been on the Town Board agenda for many months, even years; and be it further

**RESOLVED**, that the Town Board of the Town of Pleasant Valley having considered the requirements and factors enumerated by the County of Monroe test and having balanced the required factors, hereby finds that the proposed project is immune from the Town of Pleasant Valley Zoning based upon consideration of the foregoing factors and the reasons set forth herein.

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

DATED: April 13, 2016

**ROLL CALL:**

	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	_____	_____
Councilwoman Gross	_____	_____
Councilman Nicholson	_____	_____
Supervisor Figliozi	_____	_____