

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 161/2016

RE: INTRODUCING LOCAL LAW NO. X OF THE YEAR 2016, IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON PERMITTING AND PLACEMENT OF DONATION BINS

WHEREAS, the installation of donation bins on commercial and public properties has become wide spread in recent years; and

WHEREAS, the Town Board of the Town of Pleasant Valley recognizes that donation bins may serve a legitimate charitable purpose however the proliferation of such donation bins by commercial enterprises and charities have resulted in the placement of donation bins without an approved site plan on certain properties and they have proven to be unsightly and have created a public nuisance; and

WHEREAS, it is necessary to preserve the status quo in the Town of Pleasant Valley pending the enactment of reasonable regulations for the permitting and placement of donation bins; and

WHEREAS, the Town does have certain police powers and zoning regulations which can be used to address the situation in addition to the provisions available pursuant to New York State General Business Law § 399-bbb in light of certain legal issues presented by cases such as *Planet Aid v. City of St. Johns, Michigan*, (6th Cir. 2015), such regulations must take into account First Amendment issues on protected speech and that such regulations need to be thoughtfully and carefully drafted; and

WHEREAS, the Town Board believes that it is in the best interest of the citizens and property owners of the Town of Pleasant Valley to impose a Temporary Town-wide Moratorium on the permitting and placement of donation bins for a period of 180 days; and

WHEREAS, the Town Board has determined that the Proposed Action is a Type II Action not subject to environmental review pursuant to 6 N.Y.C.R.R. §617.5 (c)(30); now, therefore, be it

RESOLVED, the Town Board hereby introduces for consideration of its adoption proposed “Local Law No. X of the Year 2016, Imposing a Temporary Town-Wide Moratorium on the Permitting and Placement of Donation Bins” in the form annexed hereto; and be it further

RESOLVED, that the Town Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the 9th day of November, 2016, to be held at Town Hall, 1554 Main Street, Pleasant Valley, New York, and the Town Clerk is directed to post a Notice of Public Hearing in the Town’s official newspaper, the Poughkeepsie Journal, and on the sign board maintained by the Town Clerk in Town Hall not less than ten (10) days prior to said public hearing date; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to act as follows with respect to the proposed Local Law:

- a. To serve a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the municipal clerk of each abutting municipality not less than ten (10) days prior to said Public Hearing; and
- b. To serve a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the Dutchess County Department of Planning and Development for advisory review in accordance with §239 l & m of the General Municipal Law; and
- c. To distribute a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the Town of Pleasant Valley Planning Board

for its review and recommendation prior to said public hearing, pursuant to Zoning Code §98-101.

- d. To serve a copy of this resolution, the annexed proposed local law and the Notice of Public Hearing on the New York State Department of Transportation, Region 8.

MOTIONED BY: _____

SECONDED BY: _____

DATED: October 19, 2016

ROLL CALL:

Councilman Albrecht

AYE

NAY

Councilman Becker

Councilwoman Gross

Councilman Nicholson

Supervisor Figliozzi
