

**TOWN OF TAGHKANIC
COLUMBIA COUNTY, NEW YORK**

RESOLUTION NO. _____

At a regular meeting of the Town Board for the Town of Taghkanic, Columbia County, New York, duly held on the ____th day of _____, 2016 at the Taghkanic Town Hall, Route 82, Taghkanic, New York, the following Resolution was proposed and seconded:

Resolution by: _____;

Seconded by: _____.

WHEREAS, the Town of Taghkanic is the owner of a parcel of real property, located on Columbia County Route 27, consisting approximately 2.3 acres of land that has been designated for municipal purposes (“subject premises”); and

WHEREAS, the Town of Taghkanic is a municipal corporation duly organized and existing pursuant to the laws of the State of New York, and having those powers set forth in Town Law Article 4 with regard to providing recreational opportunities for residents of the Town of Taghkanic in promotion of the general health, welfare and safety of its citizenry; and

WHEREAS, the Town of Taghkanic Town Board is the governing body of the Town of Taghkanic charged with executing and providing for the general health, welfare and safety of Town residents; and

WHEREAS, the Town of Taghkanic Highway Department is statutorily charged with the jurisdiction over Town Highways of the Town of Taghkanic and has exclusive jurisdiction over same; and

WHEREAS, the Town of Taghkanic Planning Board, and Zoning Board are agencies of the Town of Taghkanic, whose members are appointed by the Town Board, and which is responsible for overseeing land use regulation as specified in Article 16 of the Town Law; and

WHEREAS, the Town of Taghkanic Highway Department currently has a Highway Garage site on the subject premises, and;

WHEREAS, the Town of Taghkanic Highway Department is in need of an adequate repair, storage, and administrative facility in order to meet the needs of maintaining the public roadways of the Town of Taghkanic, and

WHEREAS, the Town of Taghkanic proposes to construct a new Highway Garage Building at the existing facility, on the subject premises to provide for the additional storage needed by the Town of Taghkanic Highway Department, and;

WHEREAS, pursuant to the decision of the New York Court of Appeals in the *Matter of County of Monroe*, 72 N.Y.2d 338 (1988), a “balancing of public interests” is required to determine whether and to what extent the Taghkanic Town Board is exempt from the zoning and land use regulatory approval from the Town of Taghkanic Planning Board and Zoning Board; and

WHEREAS, the Town of Taghkanic Town Board held a numerous public meetings on _____, 2014 for the purpose of describing the project to be undertaken at the subject premises, conducting an analysis of the potential environmental impacts pursuant to SEQR, and having further inquiry and comment from the public during a public hearing held on June 13, 2016 regarding the *Monroe* inquiry being undertaken by the Town Board; and

WHEREAS, upon a review of the proposed construction of a new Garage Facility on the subject premises, testimony at the public hearing, and a review of the project under SEQR , and after due deliberation thereon;

THEREFORE, BE IT RESOLVED, that the Taghkanic Town Board has analyzed, considered and discussed the following factors as set forth in the *Matter of County of Monroe* in relation to the construction associated with the new Highway Garage facility on the subject premises, and the Town of Taghkanic's land use regulations, and hereby finds as follows:

1. The nature and scope of the instrumentality seeking immunity.

(a) The Town of Taghkanic Town Board is the body primarily responsible for the legislative and executive functions of the Town of Taghkanic. The Town of Taghkanic Planning Board and Zoning Board are agencies of the Town of Taghkanic, whose members are appointed by the Taghkanic Town Board. The two bodies are not of equivalent authority and status.

(b) This is only one factor to be considered and is not controlling.

2. The kind of function of land use involved and the extent of the public interest to be served.

(a) The construction associated with the new highway garage facility in use as a repair, storage, and administrative facility for the Town of Taghkanic Highway Department is of a non-proprietary nature and will serve the public interest by ensuring the continued and improved maintenance of public roadways under the jurisdiction of the Town of Taghkanic Highway Department for the benefit of members of the public using said public roadways.

(b) The maintenance of public roadways under the jurisdiction of the Town Highway Department is a statutory governmental function.

3. The effect local land use regulation would have upon the enterprise concerned and the impact upon legitimate local interests.

(a) the work to be performed in constructing of a new highway garage building for the Town of Taghkanic Highway Department will be of limited scope and impact upon the subject premises.

(b) the construction of a building has been determined by the Taghkanic Town Board to have no significant adverse environmental impacts pursuant to the negative declaration under SEQR adopted by the Taghkanic Town Board on _____, 2016.

(c) subjecting the siting and construction of the new building and site plan review by the Taghkanic Planning Board may unnecessarily delay the project and result in prohibitive cost increases.

4. Applicant's legislative grant of authority.

(a) Article 4 of the Town Law authorizes the Town of Taghkanic to provide adequate facilities to the Town of Taghkanic Highway Department in aid of its responsibility to maintain those public roadways utilized by members of the general public which fall under the jurisdiction of the Town of Taughkanic Highway Department.

(b) Article 7 of the Highway Law authorizes the Town Highway Superintendent and the Highway Department with jurisdiction over the care of the town highways and bridges or renewals thereof on said public roadways.

5. Alternate locations for the Highway Department storage facility in less restrictive zoning areas.

(a) there presently exists Town Highway Department facilities on the subject premise.

(b) the subject premises are the most feasible location within the Town of Taghkanic and represent the most reasonable and efficient use of Town owned property in furtherance of the objectives of providing the Town of Taghkanic Highway Department with at a consolidated, central location within the Town.

(c) In the Past, the Town has had numerous public meetings and has evaluated several potential alternative sites for a new highway garage. However, Town of Taghkanic had previously determined that there are no feasible alternate locations which meet the necessary objectives of the Town of Taghkanic Highway Department.

6. Alternate methods of providing the improvement.

(a) the construction of new highway garage facility represent the minimal infrastructure improvements necessary to promote increased use of the subject premises as a centralized highway department facility.

7. Intergovernmental participation in the project development process.

(a) The construction of the building additions and renovations to the highway facility will be overseen by members of the Town Board of the Town of Taghkanic, its engineers and hired professionals.

8. Opportunity to be heard

(a) the Taghkanic Town Board gave legal notice of the Public Hearing to hear statements and gather evidence as to the interests of the Taghkanic Planning Board to

exercise regulatory authority over this project as set forth in *Matter of County of Monroe* and to provide an opportunity for public input.

(b) on _____, 2016, the Taghkanic Town Board held a public hearing at which time public comment was taken.

AND BE IT FURTHER RESOLVED, that for the reasons and on the basis of the findings set forth herein, the construction of building additions and the renovation of the existing highway garage facility on the subject premises is not subject to site plan review by the Town of Taghkanic Planning Board, or any other agency of the Town of Taghkanic;

Upon calling the question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

_____ ; and
_____.

The following Board members voted "No" in opposition

thereto:

_____ ; and
_____.

The Resolution having been approved by a majority of the Town Board, the same was declared duly adopted by the Supervisor of the Town of Taghkanic

Dated: _____, 2016

Cheryl Rogers, Town Clerk
Town of Taghkanic