

TOWN OF GALLATIN
RESOLUTION NO. _____
DATED MAY 17, 2022

**RESOLUTION DETERMINING APPLICATION OF TOWN ZONING
LAWS TO TOWN HALL RENOVATION PROJECT**

WHEREAS, the Town Board of the Town of Gallatin is considering a proposal for the renovation of the Town Hall (the “Project”); and

WHEREAS, the Project consists of redevelopment of the existing Town Hall Site including partial demolition of the existing Town Hall complex, relocation/reuse of the old schoolhouse portion and construction of an approximately 3000 square foot addition; and

WHEREAS, the Town Board has held a public hearing on May 17, 2022, at which information regarding the Project was presented and members of the public were provided an opportunity to comment; and

WHEREAS, on May 17, 2022, the Town Board adopted a Negative Declaration for the Project pursuant to the State Environmental Quality Review Act, determining that the Project does not have the potential to have significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town Board has undertaken a review of the Project in order to determine whether and to what extent the Town of Gallatin’s Zoning Law applies to the proposed project, taking into account the nine factors set forth in *Matter of County of Monroe v. City of Rochester*, as follows:

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

The Town is a general purpose governmental entity and a political subdivision of the State of New York.

2. The encroaching government’s legislative grant of authority.

Pursuant to New York State Town Law § 64, the Town is a general purpose governmental entity with the authority to manage municipal property and finances and to carry out projects for the benefit of the Town. The Town is authorized under Town Law § 220 to alter, remodel, demolish or remove a town hall or any necessary building for town purposes.

3. The kind of function or land use involved.

The project consists redevelopment of the existing Town Hall complex located at 667 County Route 7 in the Town of Gallatin, expected to include partial demolition of an existing addition, relocation and reuse of an old schoolhouse portion of the existing Town Hall, and construction of an approximately 3000 square foot addition.

3. The effect local land use regulation would have upon the enterprise concerned.

The Town Hall site is located in the Hamlet zoning district of the Town on County Route 7. Government buildings constitute a specially permitted use in all districts so long as the property has frontage on a state or county road. Should the Town Board find that the Project is not immune from review under the Zoning Law, the Town Planning Board would have to grant special permit and site plan approval. Such procedures could at a minimum result in additional costs and time delays.

4. Alternative locations for the facility in less restrictive zoning areas.

No area of Town has less restrictive zoning regulations for this type of use. The proposed location n was chosen based on the existing location of the Town Hall.

5. The impact upon legitimate local interests.

Immunity from local land use regulations would allow the Project to go forward, which would allow for the provision of safe and adequate space for administrative staff serving residents of the Town, as well as public meeting space for community meetings.

The Town Board has held a public hearing at which the public was afforded an opportunity to comment on the proposed renovation plan. Pursuant to the State Environmental Quality Review Act ("SEQRA"), the Town Board has reviewed an Environmental Assessment Form regarding Project, a copy of which is on file with the Town Clerk. Upon reviewing all relevant information, as well as the factors listed in SEQRA's implementing regulations, the Town Board determined that the Project will not have significant adverse environmental impacts.

6. Alternative methods of providing the proposed improvement.

The current Town Hall is inadequate to serve the needs of the Town. The alternative to renovation would be complete demolition and reconstruction, which would likely be more expensive. The proposed renovation plan also includes reuse of the old schoolhouse building as part of the design.

7. The extent of the public interest to be served by the improvements.

The provision of an adequate Town Hall is of great importance to the Town and its residents. By undertaking the Project, the Town will enable the efficient operation of Town administration and the use of the community room for Town and community meetings. The Town will be able to use the new facility as a warming and cooling center in the event of emergencies. The facility will also provide space and access for the senior meals program.

8. Intergovernmental participation in the project development process and an opportunity to be heard.

The Town's plan for renovation of its Town Hall has been the subject of numerous Town Board meetings and a public hearing. The Town solicited comments on the project from the Planning Board and Zoning Board of Appeals and the County Planning Board. Any input gathered has been duly considered and has aided in determining how the Project will be designed and implemented based on a review of these considerations by the Town.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GALLATIN, that, based on the foregoing, the Town Board determines that the Project shall be immune from the application of the Town's Zoning Law.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Gallatin, Columbia County, New York was convened in public session at the Town Hall, 667 County Route 7, Gallatin, New York on May 17, 2022 at _____ p.m., local time.

The meeting was called to order by Supervisor John Reilly, and, upon roll being called, the following members were:

PRESENT:

John Reilly	Supervisor
Pat Odell	Councilmember
Nichole Martini	Councilmember
Michael Moran	Councilmember
Dan Quinn	Councilmember

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by _____, seconded by _____, to wit;

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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

John Reilly	VOTING ___
Pat Odell	VOTING ___
Nichole Martini	VOTING ___
Michael Moran	VOTING ___
Dan Quinn	VOTING ___

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Gallatin, Columbia County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 17th day of May, 2022 and entitled:

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(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of May, 2022.

-SEAL-

Lisa DeLeeuw
Town Clerk