

FAQ SHEET – Livingston County Sheriff's Office Training Complex

(1) What is the proposed project?

The primary function of the project is to meet the Livingston County Sheriff's Office public safety instructional and accreditation needs. The project will allow for ongoing practical shooting skill development for law enforcement officers, as well as provide designated areas for field instruction and training for the mounted patrol, SWAT, and K-9 unit. The project will also allow for training related to woodland search and rescue, defensive driver training, and classroom training for various types of instruction, including, but not limited to, firearms safety classes for the public.

Major project components include: a firing range and appurtenant structures; mounted patrol training area, K-9 training and agility course, parking lot, area for future construction of a classroom building and driver training area, and other support features, including gated/secured access at State Route 408, and a stormwater retention pond. The existing building and accessory structure will remain.

(2) Where is this proposed project?

The project is located at 7524 Mount Morris-Nunda Road, Mount Morris, NY 14510

Parcel Tax Map Number: 132.-1-18

(3) Who will own and operate this complex? Who will use this training complex?

The training complex is owned by Livingston County and will be operated by the Livingston County Sheriff's Office.

The proposed facility serves a governmental function that is key in the Livingston County Sheriff's Office meeting and maintaining the mandates of the New York State Law Enforcement Accreditation Program. The standards and requirement of the Accreditation Program function to promote the public's overall confidence in the Sheriff's Office. In order to ensure this continues, the agency must continuously improve its staff's overall effectiveness and performance through training. A higher standard of professionalism improves public safety for all County residents. This project is an important tool that will aid the Sheriff's Office in providing the best possible services to the County it serves.

Other law enforcement agencies operating within the County, including, but not limited to, village police departments, will also be permitted access to the facility for purposes of further enhancing and/or meeting their own internal training requirements.

The proposed facility serves other public interests as well. The Sheriff's Office intends to eventually use the facility for purposes of offering a firearms safety course on a regular basis. Course participants will be permitted use of the fire range for supervised simulation exercises. These public classes will improve gun safety among members of the public seeking a pistol permit or simply looking to improve their knowledge and skill related to owning and handling a gun. The Sheriff's Office also intends to use the site to assist with its community policing efforts, including hosting a "Deputy Day." Essentially, the Sheriff's Office would host an event where members of the community would be encouraged to enter the complex and observe the training areas used by the specialty units. Participants would have an opportunity to meet and interact with various members of the Sheriff's Office, including the K-9s and horses.

(4) Will a payment-in-lieu of tax arrangement be considered?

The property, when purchased by Livingston County, was removed from the tax rolls as county owned property is deemed exempt from taxation. Over the last three years, the total amount of annual taxes paid on this property was around \$6,000 with the Town taxes averaging around \$1,100 annually. In an effort to offset the loss of tax revenue for the Town, Supervisor DiPasquale has approached the County about a payment-in lieu of taxes, also known as a PILOT agreement. A payment in lieu of taxes is a payment made to compensate government for some or all of the property tax revenue lost due to tax exempt ownership or use of real property. PILOT agreements can provide for one-time payments or payments over a number of years. While the County does not presently offer PILOT payments to any town (Geneseo, Mount Morris, Groveland, etc.) that hosts a County facility or complex, the Ways and Means Committee will hear and consider the matter at a meeting in June.

(5) How will the firing range aspect of the complex work? What will the hours of operation be?

Historically, the annual firearms training for members of the Sheriff's Office has been scheduled during a two-week period during the Month of May. The training has been traditionally scheduled Monday through Friday from 10:00am until 6:00pm. Aside from ensuring our law enforcement members are properly trained and proficient in the use of firearms, this training provides the agency the ability to maintain its accreditation.

With the ability to provide additional training, the Sheriff's Office is exploring the possibility of requiring another two-week period at some other point during the year that would consist of a reality-based school focusing on "response to active shooter." The scheduling for this additional training would also be Monday through Friday from 10:00am until 6:00pm.

The Special Weapons and Tactics (SWAT) team currently trains once a month. Although proficiency in firearms is an important element in this specialty, there will be training days where they would not be utilizing the range and may be at an alternative location.

When new Sheriff's Office members are hired, they must qualify with their assigned firearm. This would typically entail ten (10) members sporadically throughout the year, but would also be a Monday through Friday day time event.

The Basic Police Academy is an eighty (80) hour class with both classroom and range time. This is held once a year, and usually during March. This would also be a Monday through Friday day time event.

The Basic Peace Officer School for Corrections is a forty-seven (47) hour class with both classroom and range time. This is held once a year, and usually in the Fall. This would also be a Monday through Friday day time event.

The Patrol Rifle school is a sixteen (16) hour class with both classroom and range time. This class is typically held once a year. This would also be a Monday through Friday day time event.

(6) Are there environmental concerns with ground penetration of lead with a firing range?

Sometimes, indeed, yes this is the case. However, the County has budgeted funds towards a lead abatement aspect of the range. At considerable expense, a lead trap will be purchased and installed. Specifically, the County will be purchasing a granular rubber bullet trap to capture all expended rounds. Said trap is 14' tall and 40' wide, made of stainless steel and sits atop a concrete platform. A company will be contracted to regularly "clean and sweep" the trap of lead ensuring the lead is recycled. The ground will therefore not be at risk of contamination.

(7) Was an environmental review commenced?

Yes. The New York State Department of Environmental Conservation has reviewed information regarding the construction of the training facility. Because construction activities will involve more than one acre of land disturbance, a SPDES (State Pollutant Discharge Elimination System) stormwater construction permit will be required. Accordingly, a Stormwater Pollution Prevention Plan (SWPPP) will need to be prepared and a completed Notice of Intent form submitted to the DEC.

DEC reviewed information in the New York State Natural Heritage Program databases for known occurrences of federally listed or proposed endangered or threatened species; state-listed endangered, threatened or rare animal and plant species; significant natural communities; and other significant habitats. Occurrences of Henslow's sparrow, northern harrier, and upland sand piper, all New York State threatened species, were found within the vicinity of the project site. However, based upon a review of current site conditions, the DEC has determined the project location does not contain suitable habitat for any of these species. Thus, the DEC believes the proposed development will have no impact on these or any other New York State listed threatened or endangered species.

The DEC has also found there are no streams or ponds at the project site that appear on its state regulatory maps and there are no New York State regulated freshwater wetlands at or near the site. The County has identified a Federal wetland on the southwest corner of the property in a wooded area that will not be impacted by the proposed facility.

The New York State Office of Parks, Recreation & Historic Preservation reviewed the project and found that the proposed facility will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

(8) What has been the public's participation in the project to date? Has there been an opportunity to be heard? Will there be additional opportunity for public participation?

On or about November 8, 2018, together in uniform, Sheriff Dougherty, Undersheriff Bean, and Chief Deputy Yasso personally visited the four adjacent property owners in order to explain the County had purchased the property with the intent to create a training facility and range for the Sheriff's Office. At no time did any of these neighbors express any concern related to the proposed project. Each property owner was given a business card and encouraged to contact the Sheriff or Undersheriff should questions or concerns arise at a later date.

On or about January 2, 2019, and March 7, 2019, the County received correspondence from Charles Cottone, the Chairman of the Zoning Board of Appeals, which posed numerous questions related to the project. Subsequently, on April 26, 2019, Sheriff Dougherty, the County Administrator, and various other members of County Administration met with Charles Cottone, Phil Race and Supervisor DiPasquale. At the meeting, the concept plan for the project was presented and many questions were answered. The County also detailed and clarified its position related to asserting an exemption from local zoning regulations. Since that meeting, additional conversations have been occurring with zoning and code enforcement officials from the Town.

On February 6, 2019, a public meeting was held by the Board of Supervisors Public Services Committee. During the course of the meeting, Sheriff Dougherty formally presented the concept plan for the project. The Committee unanimously approved the project moving forward. Supervisor DiPasquale was present at the meeting and voiced his support for the project.

Finally, in early June the County will host a public informational meeting in Mount Morris.

(9) What is the Livingston County Board of Supervisors' position on the project?

The Board is supportive of the project and the complex moving forward at this location.

(10) Why isn't the County following the "normal" procedure for zoning approval?

Livingston County does not have absolute immunity from the mandates of the Town's zoning regulations as this was struck down by the New York Court of Appeals in 1988. *Matter of County of Monroe v. City of Rochester*, 530 N.E.2d 202 (N.Y. 1988). In this cornerstone case, the Court established a new method for resolving inter-governmental land use disputes using the

“balancing of interests” analytic approach. Unless a statute specifically exempts a county from local zoning regulations, the county is presumed to be subject to the zoning regulations and requirements of the host community where the land is located. Working from that premise, several factors are then considered to determine whether or not it is in the public interest to continue to require the county to follow and abide by the host community’s land use regulations. The following nine (9) factors are analyzed:

- (a) The nature and scope of the instrumentality seeking immunity;
- (b) The county’s legislative grant of authority;
- (c) The kind of function or land use involved;
- (d) The effect local land use regulations would have upon the enterprise concerned;
- (e) Alternative locations for the facility in less restrictive zoning areas;
- (f) The impact upon legitimate local interests;
- (g) Alternative methods of providing the proposed improvement;
- (h) The extent of the public interest to be served by the improvements; and
- (i) Intergovernmental participation in the project development process and an opportunity to be heard.

Based upon the above factors, Livingston County has determined the proposed new Livingston County Sheriff’s Office Training Complex is exempt from the zoning review requirements of local zoning ordinances and laws, including site plan review.