



Lake Placid Village, Inc.  
Village Board Minutes  
June 12, 2017

Minutes of the Lake Placid Village Board of Trustees Special Meeting held on the above date at 3:15 pm in the Board Room on the first floor of the Municipal Hall, 2693 Main Street, Lake Placid, NY.

<b>Present:</b>	Craig Randall	Mayor
	Art Devlin	Deputy Mayor
	Scott Monroe	Trustee
	Jason Leon	Trustee
	Peter Holderied	Trustee
	Anita Anthony Estling	Administrative Aide
	Janet Bliss	Attorney
<b>Others Present:</b>	Antonio Olivero	Adirondack Daily Enterprise
	David Kahn	Adirondack Historical Association
	Patrick Seely	Attorney
	Lori Fitzgerald	Lake Placid Business Association
	Wayne Johnson	
	Audrey Hyson	
<b>Absent:</b>	Ellen M. Clark	Village Clerk

Mayor Randall opened the meeting at 3:15 pm and presided over the meeting starting with the Pledge of Allegiance.

David Kahn, Executive Director of the Adirondack Historical Association and the Adirondack Experience, requested it noted for the record that he objects to this meeting on the grounds that it is illegal.

**Clerk's Items**

**SEQRA RESOLUTION RELATING TO MAIN STREET RECONSTRUCTION PROJECT**

Resolution #125 – 2017

Mayor Randall read the Short Environmental Assessment Form in its entirety. Following each part, Mr. Seely asked if there were any questions from the Board and there were none. Seeing as there were no questions, Mayor Randall read the proposed resolution.

On motion by Trustee Jason Leon, seconded by Trustee Peter Holderied, the following Resolution was unanimously adopted by roll call vote:

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**WHEREAS**, the Village of Lake Placid authorized preparation of Preliminary Design Plans and Engineers Report for the proposed “Lake Placid Main Street Reconstruction Project” (Project), and

**WHEREAS**, the Board of Trustees of the Village of Lake Placid is required to comply with the NYS Environmental Quality Review Act (SEQRA) and its implementing regulations contained within 6 NYCRR Part 617, and

**WHEREAS**, the Board of Trustees of the Village of Lake Placid on November 29, 2016, notified all Involved Agencies of their intention to be the Lead Agency, and

**WHEREAS**, the Board received no objection before December 29, 2016 to their request to be Lead Agency, and

**WHEREAS**, the Board reviewed and considered a SEQRA Full Environmental Assessment Form (FEAF) in consultation with its Engineering Consultant; and

**WHEREAS**, the Board, having reviewed all information, concluded that the Lake Placid Main Street Reconstruction Project will not have a significant negative environmental impact and adopted a Negative Declaration and Determination of Significance on February 6, 2017 concluding the SEQRA review process; and

**WHEREAS**, since the conclusion of the overall project’s SEQRA process, the Board determined that efforts to purchase a parcel at 2476-2478 Main Street adjoining its parking lot would be unsuccessful and that it would need to investigate acquisition of the property at 2476-2478 Main Street for the project by the process of eminent domain; and

**WHEREAS**, acquisition of property pursuant to the Eminent Domain Procedure Law is an action subject to impact review pursuant to the NYS Environmental Quality Review Act, and

**WHEREAS**, acquisition of property by eminent domain was not an action considered during the SEQRA process for the Lake Placid Main Street Reconstruction Project, and

**WHEREAS**, the Board hereby determines that further investigation of the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project is warranted, and

**WHEREAS**, the Village’s Engineering Consultant has submitted a Short Environmental Assessment Form pursuant to 6 NYCRR 617.6(a)(3) pertaining to the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project,

**NOW THEREFORE IT BE RESOLVED**, that the Village of Lake Placid Village Board has identified no other interested or involved agencies pursuant to 6 NYCRR 617.6(a)(1) pertaining to the use

of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project and, as such, hereby declares itself Lead Agency to engage in SEQRA review and analysis of the use of eminent domain to acquire property located at 2476-2478 Main Street in the Village of Lake Placid for the Lake Placid Main Street Reconstruction Project, and

**BE IT FURTHER RESOLVED**, the Board has determined that of the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project is an Unlisted Action pursuant to 6 NYCRR 617.6(a)(1), and

**BE IT FURTHER RESOLVED**, the Village Board determines that this additional SEQRA review process is warranted and justified due to the fact that the use of eminent domain for acquisition of property was not previously evaluated for potential environmental impacts during the SEQRA process because eminent domain was not considered as a potential method for property acquisition, and

**BE IT FURTHER RESOLVED**, conducting an additional SEQRA review for the use of eminent domain to acquire property located at 2476-2478 Main Street in the Village of Lake Placid is more protective of the environment and will better enable analysis of potential environmental impacts stemming specifically from the use of eminent domain than just amending the prior SEQRA determination to include this action, and

**BE IT FURTHER RESOLVED**, the Board has thoroughly reviewed the information submitted by its Engineering Consultant contained within Part I of the Environmental Assessment Form and utilized such information to analyze the potential for environmental impacts that may result from the use of eminent domain to acquire property for the Lake Placid Main Street Reconstruction Project, and

**BE IT FURTHER RESOLVED**, the Board has discussed and completed Part II of the Environmental Assessment Form and has identified no potential for any type of negative environmental impact resulting from the use of eminent domain to acquire property to benefit the Lake Placid Main Street Reconstruction Project, and

**BE IT FURTHER RESOLVED**, the Board acting as SEQRA Lead Agency hereby determines that the use of eminent domain for acquisition of property for the Lake Placid Main Street Reconstruction Project will not create the potential for any negative environmental impact and hereby adopts a Negative Declaration and Determination of Significance pertaining to the use of eminent domain proceedings to acquire property for Lake Placid Main Street Reconstruction Project and authorizes the Mayor to complete Part 3 of the Environmental Assessment Form pursuant to 6 NYCRR 617.7, and

**BE IT FURTHER RESOLVED**, Resolution #84-2017 is hereby rescinded and replaced by this Resolution.

Whereupon, the Resolution was put to a roll call vote, recorded as follows,

Trustee Art Devlin	Voting AYE	Trustee Scott Monroe	Voting AYE
Trustee Jason Leon	Voting AYE	Trustee Peter Holderied	Voting AYE
Mayor Randall	Voting AYE		

This Resolution shall take effect immediately.

### **DETERMINATION AND FINDINGS RELATING TO EMINENT DOMAIN PUBLIC HEARING**

Mayor Randall read the Determination and Findings of the Board of Trustees of the Village of Lake Placid in its entirety as follows:

A public hearing was held by this Board on March 13, 2017, at the Town of North Elba Town Hall, 2693 Main Street, Lake Placid, New York, to consider whether to acquire by eminent domain property located at 2476-2478 Main Street, Lake Placid, New York that is owned by The Adirondack Historical Association ("subject property") as part of the Village's proposed parking management and rehabilitation project.

Having heard the presentation and reviewed the Exhibits marked A through I, and the written statements submitted on or before the close of business on March 20, 2017, the Board makes the following findings and determination.

### **FINDINGS**

1. Notice of the Public Hearing was duly published in the Adirondack Daily Enterprise from February 23 – March 3, 2017.
2. Consultants for the Village of Lake Placid ("Village") were available for questions before the hearing beginning at 6:30 on the evening of the hearing.
3. The purpose of the project is to construct a parking garage to improve parking and traffic flow on Main Street in the Village, particularly in close proximity to the businesses located in the Main St. Corridor where shoppers prefer to park when patronizing these businesses.
4. The subject property is located next to an existing municipal parking lot on Main Street. The subject property is no longer improved by any structures; there had been a church on this parcel that was demolished by the owner in 2008.
5. Along the shared boundary between the subject property and the Village's existing parking facility a portion of each property, approximately sixteen (16) feet wide each, is subject to a shared easement for ingress and egress in favor of each other property.
7. The Board reviewed environmental impacts on the area and the residents and has adopted a negative declaration pursuant to the New York State Environmental Quality Review Act ("SEQRA") related to the acquisition by eminent domain of the subject property.
8. The following Exhibits labeled A through I were made part of the record at the public hearing:
  - A. Public Notice of the March 13, 2017 public hearing;
  - B. General overview drawing of Main Street in the Village;
  - C. Existing configuration of Village's parking lot next to the subject property;

- D. Diagram labeled PG1 (proposed parking garage 1<sup>st</sup> floor);
- E. Diagram labeled PG2 (proposed parking garage 2<sup>nd</sup> floor);
- F. Diagram showing existing environment at the parking lot next to the subject property;
- G. Statement from David Kahn, Executive Director Adirondack Museum;
- H. Statement from Michael Beglin, Chair, Board of Directors of the Regional Offices of Sustainable Tourism; and
- I. Statement from Lake Placid Business Association.

9. Stenographic minutes were recorded at the hearing for Board members to review.

10. The public was provided the opportunity to submit further written statements or documents up to a week following the hearing. Sixteen (16) such statements or documents were received.

11. In addition to the exhibits, twenty (20) attendees at the hearing spoke, some in favor of the Project, some against. Some people did not want eminent domain exercised at all, others wished parking problems would be addressed in other ways or in other locations. Some completely supported the proposed acquisition and parking garage.

12. No one asserted that traffic and parking were not problems on Main Street, particularly in the summer and two (2) or three (3) other weeks during the year.

### **DETERMINATION**

Based upon the public hearing held on March 13, 2017, the Exhibits submitted at the hearing, the written comments submitted on or before March 20, 2017, and the stenographic minutes recorded at the hearing, the Board makes the following determination:

- 1. The Village shall acquire the subject property by exercising its power of eminent domain;
- 2. This acquisition is necessary to address the amount and location of parking on Main Street in the Village;
- 3. This is the best location because the Village owns the property next door that will be included in the construction of the proposed parking garage and is located centrally to the businesses in the Main Street commercial corridor; and
- 4. There is no significant environmental impact that could not be mitigated with reasonable measures.

Resolution #126 – 2017

On motion by Trustee Leon, seconded by Trustee Holderied, the Board duly resolved as follows:-

To Accept the Determination and Findings relating to the Eminent Domain Public Hearing and adopt them as the Board's findings.

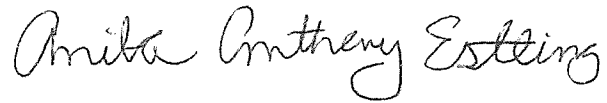
Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE.

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**ADJOURNMENT**

With no further business to come before the Board, a motion to adjourn was made by Trustee Monroe, seconded by Trustee Devlin and the meeting was unanimously adjourned at 3:45 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anita Anthony Estling". The signature is written in dark ink and is positioned above the printed name.

Anita Anthony Estling  
Administrative Aide