

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Exempt Requirements of Development Code Date: 02/28/2022

DEPT OF ORIGIN: Village Manager Bill # 23-2022

DATE SUBMITTED: EXHIBITS:

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$

AMOUNT
BUDGETED: \$

APPROPRIATION
REQUIRED: \$

SUMMARY STATEMENT:

Exempt the proposed relocation of existing overhead electric and communications facilities on Woodruff Street from the requirements in the development code §106-88 (A)(3) that such relocated facilities must be installed underground.

MOVED BY: Shapiro SECONDED BY: Little

VOTE ON ROLL CALL:

MAYOR RABIDEAU

TRUSTEE SHAPIRO

YES

TRUSTEE BRUNETTE

YES

TRUSTEE LITTLE

YES

TRUSTEE CATILLAZ

YES

RESOLUTION EXEMPTING THE PROPOSED RELOCATION OF EXISTING OVERHEAD ELECTRIC AND COMMUNICATIONS FACILITIES ON WOODRUFF STREET FROM THE REQUIREMENT IN DEVELOPMENT CODE § 106-88(A)(3) THAT SUCH RELOCATED FACILITIES MUST BE INSTALLED UNDERGROUND.

WHEREAS, the Village of Saranac Lake has enacted zoning regulations to require that relocated electric and communications facilities (“Facilities”) in downtown zoning districts must be installed underground; and

WHEREAS, the Village is undertaking infrastructure improvements, including new sidewalk and bike lane, along Woodruff Street from Broadway to Bloomingdale Avenue to improve bike and pedestrian access (the “Project”) as part of the Downtown Revitalization Initiative (“DRI”) projects to be funded by the \$10 million NYS Grant awarded to the Village in 2018; and

WHEREAS, the Project requires the relocation of existing Facilities and, after review, the Village Board of Trustees (“Board”) has determined that the cost of installing the relocated Facilities underground is not in the public interest and that the grant funds can provide more benefit to the public used for other public DRI projects; and

WHEREAS, relocation of the Facilities as part of the roadway improvements without installing them underground would require a variance under the Development Code; and

WHEREAS, because of the essential public purpose served by relocation of the Facilities to improve the bike and pedestrian access on Woodruff Street, and the opportunity to use the additional funds for other public DRI projects to provide further benefit to the public, the Board does not deem it necessary or appropriate to seek a variance for relocating the Facilities as part of the roadway improvements; and

WHEREAS, pursuant to the nine factors set out in the 1998 case *Matter of County of Monroe v. City of Rochester*, 72 N.Y. 2d 338, 533 N. Y.S.2d 702, the Village Board of Trustees may determine that the proposed relocation of the Facilities is exempt from the Village's zoning regulations; and

WHEREAS, consistent with that NYS Court of Appeals decision:

1. The Village is seeking to exempt itself from the zoning regulations; and
2. The Village is the entity charged with the legislative authority to enact the zoning regulations from which it seeks to exempt itself; and
3. Improving the Village’s sidewalks and bike lanes, including the relocation of the Facilities as part of the Project, serves an essential public purpose and will allow the Village, through the saved funds, to provide greater public benefits from the use of DRI funds for public projects; and
4. Development Code § 106-88(A)(3) would prohibit the proposed relocation of the Facilities without installing them underground in the absence of a variance issued by the Village's Zoning Board of Appeals; and

5. Due to the limited area available along Woodruff Street, there is no alternative location for the bike lane and sidewalks that does not require relocation of the Facilities; and
6. While it would be preferable to have the relocated facilities installed underground as part of the Project, without doing so the Village will still achieve the public benefit of improved, more walkable sidewalks and usable bike lanes through relocation of the Facilities and will also be able to provide further public benefits through use of the saved funds on other DRI public projects; and
7. Due to the need to relocate the Facilities in order to improve the bike and pedestrian access on Woodruff Street, there is no alternative that does not require a variance from the requirement that the relocated Facilities must be installed underground; and
8. The Village has been and continues to coordinate with involved NYS agencies in the development and implementation of DRI project, including the improvements to sidewalks and bike lanes on Woodruff Street; and
9. The public interest served by providing improved sidewalks and bike lanes on Woodruff Street and using the saved funds for other public DRI projects is significant, and far outweighs any minimal impact resulting from the project; and

WHEREAS, the proposed Woodruff Street bike and pedestrian improvements, including the necessary relocation of Facilities, are classified as Type 2 actions under SEQRA and are consistent with the Village's Waterfront Consistency Law.

NOW, THEREFORE BE IT RESOLVED that, based on the findings made above, the Village Board of Trustees has determined that: (i) exemption of the proposed bike and pedestrian improvements to the Woodruff Street roadway, including the relocation of Facilities without installing them underground, complies with the balancing test set forth in the *Matter of County of Monroe v. City of Rochester*, 72 N.Y. 2d 338, 533 N.Y.S.2d 702; and (ii) no compelling purpose would be served by requiring a variance for the Project. Accordingly, the Village Board of Trustees determines that the Project is exempt from the requirements of Development Code § 106-88(A)(3); and

BE IT FURTHER RESOLVED that this resolution shall be effective immediately.