

**SPECIAL MEETING MINUTES  
VILLAGE OF SODUS POINT**

Date: January 11, 2024

The special meeting began at 6:30pm

Zoom: 29

Attendance: 25

Mayor McDowell, Deputy Mayor Kallusch, Trustee Bristol, Trustee Verbridge and Trustee Madison

Kathy Bennett started the meeting out explaining to the board that the next step in the eminent domain process is to complete the Short Environmental Assessment Form Part -2 Impact Assessment.

**MOTION** by Trustee Bristol and seconded by Trustee Verbridge to stop the eminent domain process.

Motion carried and not passed

Trustee Bristol – aye

Trustee Verbridge – aye

Trustee Kallusch – nay

Trustee Madison -nay

Mayor McDowell – nay

**MOTION** by Trustee Kallusch and seconded by Trustee Madison to move forward with the eminent domain process.

Motion carried and passed votes as follows:

Trustee Bristol – nay

Trustee Verbridge – nay

Trustee Kallusch – aye

Trustee Madison -aye

Mayor McDowell – aye

Ms. Bennett then continued to walk the board through the Part 2 questions. The board determined a negative impact.

**MOTION** by Trustee Madison and seconded by Trustee Kallusch to approve the following

**RESOLUTION 2024-1a**

**RESOLUTION OF THE VILLAGE OF SODUS POINT  
VILLAGE BOARD OF TRUSTEES  
ISSUING A NEGATIVE DECLARATION**

**January 11, 2024**

**WHEREAS**, the Village of Sodus Point Village Board of Trustees (“Village”) is considering the acquisition by eminent domain of 10-foot permanent easement over and/or adjacent to certain real property in the Village of Sodus Point owned by the successor in interest to the Northern Central Railroad and potentially adjacent to property owned by James and Lisa McNaney, DePew Family Irrevocable Trust, and Guy and Kathleen Berretta (the “Property”). The Village is acquiring the permanent easement for the purpose of restoring an existing public right of way from the Village to the Lakeview subdivision, to the bay front, to the pier, to the beach and to the lakefront in general (the “Action”); and

**WHEREAS**, pursuant to EDPL Section 201, a public hearing with respect to the acquisition of the Property was held on October 18, 2023; and

**WHEREAS**, Village Law Sections 1-102 and 4-412 and General Municipal Law Section 74 states that the Village of Sodus Point may acquire land by eminent domain to serve any public use or purpose, which includes any use that would contribute to the health, safety, general welfare, convenience or prosperity of the community; and

**WHEREAS**, the purpose for the proposed condemnation is to restore public access to an existing right-of-way walking path along Sodus Bay from the Village center to the pier, beach, lakefront and homes in the Lakeview subdivision; and

**WHEREAS**, the Action involves the acquisition of a 10-foot wide permanent easement over the existing 20-foot wide permanent easement that runs in favor of the federal government to restore public access to an existing walking path; and

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act ("SEQRA") the Village has prepared part 1 of a short Environmental Assessment Form ("EAF") for the Action; and

**WHEREAS**, the Village desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations"), with respect to the acquisition of the Property and the Action; and

**WHEREAS**, at its meeting on September 21, 2023, the Village Board classified the Action as an "Unlisted" action under the New York State Environmental Quality Review Act ("SEQRA") and determined that there were no other involved agencies; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village confirms and adopts the following conclusions:

1. The Village hereby classifies the Action as "Unlisted" under SEQRA.
2. The Village will act as the lead agency and has elected to conduct a coordinated review of the Action.
3. The Village has compared the impacts that may reasonably be expected to result from the Action to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section of the Regulations.
4. The Village has not identified any significant adverse environmental impacts associated with the Action and none are known to the Village. Based upon its review, and for the reasons set forth in the EAF, the Village hereby determines that the Action will not have any significant adverse impacts on the environment and reaches the following further conclusions:
  - (A) The Action will not result in: (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;
  - (B) The Action will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g);

- (C) The Action will not conflict with the community's current plans or goals as officially approved or adopted;
- (D) The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (E) The Action will not result in a major change in the use of either the quantity or type of energy;
- (F) The Action will not result in the creation of a hazard to human health;
- (G) The Action will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;
- (H) The Action will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (I) The Action will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;
- (J) The Action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- (K) The Action will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).

5. The information available concerning the Action was sufficient for the Village to make its determination and the requirements of SEQRA including 6 NYCRR Part 617 have been met.

6. The Village hereby approves and adopts the EAF for the Action (Parts 1, 2, and 3), issues a Negative Declaration, and will not require the preparation of an environmental impact statement for the Action.

7. The Village hereby directs the Mayor to execute the EAF and to make any filing(s) and publication required by law related to this Negative Declaration.

8. The Clerk or the Mayor of Village is hereby authorized to and may distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

9. A copy of this Resolution shall be placed on file in the office of Village Clerk where the same shall be available for public inspection during business hours.

The adoption of the foregoing Resolution was moved by Trustee Madison, seconded by Trustee Kallusch, and duly put to vote, which resulted as follows:

Trustee Bristol	Voting	Nay
Trustee Kallusch	Voting	Aye
Trustee Madison	Voting	Aye
Trustee Verbridge	Voting	Aye
Mayor McDowell	Voting	Aye

Ms. Bennett read aloud the Determination and Findings by the Village of Sodus Point (the Village) pursuant to Eminent Domain Procedure Law (EDPL) Section 204 in connection with the proposed acquisition by eminent domain of 10-foot permanent easement over and /or adjacent to certain real property in the Village of Sodus Point. The Village is acquiring the permanent easement for the purpose of restoring an existing public right of way from the Village to the Lakeview subdivision to the bay front, to the pier, to the beach and to the lakefront in general. (the Action)

**MOTION** by Trustee Kallusch and seconded by Trustee Madison to adjourn the meeting at 7:49pm  
Motion carried all voting aye.

Tracy B Durham  
Clerk Treasurer

**Next scheduled regular board meeting, Thursday, February 15, 2024 at 6:30 PM**