

Authorizing Track Removal Within The Ulster And Delaware Railroad Corridor To Allow For The Connection Of The Ulster County Ashokan Rail Trail At Boiceville To Route 28A As Proposed By The New York City Department Of Environmental Protection For Replacement Of The Boiceville Bridge Over The Esopus Creek (Cat-252 Project) – Department Of Public Works

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Public Works, and

WHEREAS, the Ulster County Legislature unanimously adopted Resolution No. 488 of 2015 designating the Ulster & Delaware Railroad Corridor (“U&D Corridor”) from Basin Road to Route 28A in Boiceville, which includes all the U&D Corridor within New York City Department of Environmental Protection (NYCDEP) as lands to be converted to a public recreational trail; and

WHEREAS, pursuant to Resolution No. 421 of 2017, the Ulster County Legislature adopted a Negative Declaration under the State Environmental Quality Review Act (SEQRA) for the construction of the Ashokan Rail Trail (ART) Project from Basin Road in West Hurley to Route 28A in Boiceville to a recreational trail only that included all of the actions associated with such project, including the removal of railroad track and ties; and

WHEREAS, the County has completed all phases of the Ashokan Rail Trail up to and including a temporary access parking area located off of Route 28A in Boiceville; and

WHEREAS, New York City Department of Environmental Protection (NYCDEP) CAT-252 Project will replace this temporary parking area with a new parking area and provide additional access to the ART from a new Boiceville Bridge over the Esopus Creek; and

WHEREAS, to create this connection to the ART requires the removal of approximately sixty (60) feet of additional track beyond what was authorized by Resolution 421 of 2017 that allowed track removal up to Route 28A in Boiceville; and

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WHEREAS, the Commissioner of Public Works has received a permit application from NYCDEP requesting permission to remove the track associated with the proposed improvements; and

WHEREAS, pursuant to Resolution No. 275 of 2014, any removal of track within the U&D Corridor requires approval of the Ulster County Legislature; and

WHEREAS, NYCDEP acting as lead agency has issued a negative declaration pursuant to SEQRA for the CAT-252 Project; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby concurs with the negative declaration issued for the CAT-252 Project as it relates to the removal of track in the U&D Corridor; and, be if further

RESOLVED, that the Ulster County Legislature hereby authorizes the removal of approximately sixty (60) feet of additional track beyond Route 28A and to allow the necessary work within the County's railroad right of way in accordance with the plans to connect the ART with the CAT-252 Project, **and, be if further**

RESOLVED, any track removed pursuant to this resolution shall remain the property of Ulster County and shall be stored in a location just north of the removal,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 3
(Noes: Legislators Greene, Maloney and Petit)

Passed Committee: Public Works, Capital Projects and Transportation on April 5, 2022

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FINANCIAL IMPACT:
NONE

Legislator Ronk motioned, seconded by Legislator Heppner, to amend the resolution by adding a RESOLVED clause as indicated above in bold font.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

STATE OF NEW YORK
 ss:
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19th Day of April in the year Two Thousand Twenty-Two, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of April in the year Two Thousand Twenty-Two.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
22nd Day of April 2022.

Approved by the County Executive this
26th Day of April 2022.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

/s/ Patrick K. Ryan
Patrick K. Ryan, County Executive