

**Adopting and Issuing A Negative Declaration Under 6 NYCRR Part 17 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For Interim Public Safety Improvement Project- Track Removal Along The Former Ulster & Delaware Corridor In Kingston**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), The Energy and Environment Committee (Chairwoman Wawro and Legislators Bartels, Greene, Joseph Maloney, and Woltman) and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Legislature Kenneth J. Ronk Jr. and Legislator Nolan offer the following:

WHEREAS, pursuant to the rail and trail policy established by Ulster County Legislative Resolution No. 275 of 2014 and amended by Resolution No. 488 of 2015, the Ulster & Delaware Railroad (“U&D”) Corridor between Cornell Street and the Kingston Plaza in Kingston was delineated for conversion to a public recreational trail; and

WHEREAS, pursuant to Resolution No. 503 of 2017, the Ulster County Legislature created Capital Project 479- the Ulster County Midtown Linear Park- to convert the aforementioned U&D segment in Kingston into a 0.8 mile recreational trail, which is currently in the engineering design phase, and declared its intent to act as Lead Agency as provided for in 6 NYCRR Part 617.6(b)(2)(i) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (“SEQRA”) and further determined that the project was an unlisted action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, while the County completes engineering design for the construction of the Midtown Linear Park in late 2019 or 2020, the 0.35 mile U&D segment between Downs Street and the underpass at I-587 is experiencing nuisance and criminal activity, creating a public safety issue due to the difficulty in patrolling this narrow corridor with the existing tracks and ties in place; and

WHEREAS, the County has consulted with the City of Kingston and both parties recommend the removal of track and ties so that the U&D segment can be patrolled regularly by police vehicles and accessed by emergency vehicles and maintenance equipment until the Midtown Linear Park is fully constructed; and

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WHEREAS, Ulster County has examined the proposed action consisting of the approval of the proposed “Interim Public Safety Improvement Project- Track Removal Along The Former U&D Corridor” (the “Public Safety Project”) in consideration of this action being a lawful segmented review pursuant to the SEQRA Regulations at 6 NYCRR Part 617.3(g)(1); and

WHEREAS, the Ulster County Legislature has reviewed the Environmental Record prepared for this action and the Public Safety Project as now on file with the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Ulster County Legislature based on the review of the Environmental Record finds that the Public Safety Project constitutes an unlisted action pursuant to 6 NYCRR 617.7; and be it further

RESOLVED, that the Ulster County Legislature based on the review of the Environmental Record, the “Interim Public Safety Improvement Project- Track Removal Along The Former U&D Corridor” itself, and the requirements under 6 NYCRR Part 617 determines that approval of the Public Safety Project is a discrete action that can be considered separate and apart from the Midtown Linear Park construction, and that as such a segmented review is warranted and will be no less protective of the environment nor will it commit the Legislature to any future course of action and that its approval will not have an adverse impact on the environment and hereby authorizes the issuance of a negative declaration as provided in 6 NYCRR 617.7; and, be it further

RESOLVED, that pursuant to and consistent with the U&D Corridor rail and trail policy established by Resolution No. 275 of 2014 and as amended by Resolution No. 488 of 2015, the Ulster County Legislature hereby approves the removal of the railroad tracks from Downs Street to the I-587 underpass in the City of Kingston to improve public safety along the former U&D segment until the Midtown Linear Park is constructed,

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 15                      NOES: 7  
(Noes: Legislators Donaldson, Greene, Lopez,  
Joseph Maloney, Petit, Roberts, and Wawro)  
(Absent: Legislator Fabiano)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on September 4, 2018

Defeated in Committee: Energy and Environment on September 6, 2018

Petition to Discharge successfully executed.

**FINANCIAL IMPACT:**

**\$40,000.00 - 2018 ESTIMATED OPERATIONAL EXPENSE**

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 20<sup>th</sup> Day of September in the year Two Thousand and Eighteen, 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 21<sup>st</sup> Day of September in the year Two Thousand and Eighteen.

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

Submitted to the County Executive this  
24<sup>th</sup> Day of September, 2018.

Approved by the County Executive this  
26<sup>th</sup> Day of September, 2018.

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

|s| Michael P. Hein  
Michael P. Hein, County Executive