

**Issuing Determination and Findings For The Hudson Valley Rail Trail West: Phase 4- PIN 8761.21- in the Town of Lloyd Pursuant to Eminent Domain Procedure Law- Department of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning, and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio, and Rodriguez), and The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector S. Rodriguez offer the following:

WHEREAS, the County of Ulster (the “County”) is proposing to construct an approximately 1.2 mile pedestrian and bicycle facility (“shared-use path”) in the Town of Lloyd, Ulster County, New York, which is known as the Hudson Valley Rail Trail West: Phase 4 (the “Project”); and

WHEREAS, the Project is a locally administered federal-aid project receiving funds from United States Department of Transportation through the Transportation Alternatives Program, which are administered by the New York State Department of Transportation through PIN 8761.21; and

WHEREAS, the preferred alternative for the Project would require the County to acquire real property interests from four (4) properties (“Acquisitions”); and

WHEREAS, County representatives have provided the property owners who would be affected by the proposed public Project an opportunity to meet and discuss the Project and have made and will continue to make every effort to minimize the impact the Project will have on the owners and adjacent properties; and

WHEREAS, in accordance with Article 2 of the Eminent Domain Procedure Law, a Public Hearing was held on June 21, 2016 at 7:00 p.m. at the Legislative Chambers, 6th Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York, for the purpose of informing the public, reviewing the public use to be served and public benefit to be obtained by the aforementioned proposed public Project, and considering all other matters appropriate to that Project; and

WHEREAS, during the course of the aforementioned oral presentation phase of the Public Hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to speak and comment on the proposed public Project and to examine documents presented; and

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WHEREAS, the Public Hearing was adjourned to the close of business on July 1, 2016, to allow for submission of additional public comment, and no additional comments were received; and

WHEREAS, the minutes of such Public Hearing were transcribed and made available, together with the exhibits and other documents, for inspection and examination by the public; now, therefore, be it

RESOLVED, that the Ulster County Legislature issues the following Determination and Findings (“D&F”) with respect to the proposed Hudson Valley Rail Trail West: Phase 4 Project (PIN 8761.21) Town of Lloyd, New York:

**I. THE PUBLIC USE, BENEFIT, OR PURPOSE TO BE SERVED BY THE PROPOSED PUBLIC PROJECT INCLUDES:**

1. Provide and expand non-motorized transportation opportunities in the Town of Lloyd for pedestrians and bicyclists
2. Expand recreational opportunities for local residents and visitors, including for persons with disabilities and for those of all skill levels and age groups
3. Increase tourism and economic development in the Town of Lloyd and surrounding region
4. Develop an interconnected rail trail system connecting Dutchess County and the Walkway Over the Hudson to New Paltz and the Wallkill Valley Rail Trail and other County rail trails
5. Improve the quality of life for local residents

**II. THE APPROXIMATE LOCATION FOR THE PROPOSED PUBLIC PROJECT AND THE REASONS FOR SELECTION OF THAT LOCATION:**

The proposed public Project is located in the Town of Lloyd, Ulster County, and is generally located along the abandoned Penn Central Railroad right of way and the NYS Route 299 right of way between South Street (CR 22) on the west and New Paltz Road (CR 12) on the east.

The alternative to “Construct Shared-Use Path along Railroad Corridor” (Alternative 3) is considered the “Preferred Alternative.” The alternatives considered for the proposed public Project are as follows:

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Alternative 1: The Null Alternative proposes no action. This alternative does not address any of the Project public purposes. The alternative was retained only as a baseline for comparison to the preferred alternative.

Alternative 2: Construct Shared-Use Path along NYS Route 299 primarily utilizes public right of way for the construction of the shared-use path. This alternative does not maximize the use of the abandoned railroad and increases the exposure of the path users to vehicular traffic along the highway. This alternative is feasible but not preferred, and was therefore eliminated from consideration.

Alternative 3: Construct Shared-Use Path along Railroad Corridor would provide a safe and enjoyable means for pedestrians and bicyclists to safely travel from South Street to New Paltz Road, helping to connect the Town of New Paltz to the existing Hudson Valley Rail Trail and Dutchess County. The majority of the path would be constructed along the abandoned Penn Central Railroad Corridor. This alternative best satisfies the project objectives and is considered the Preferred Alternative.

**III. THE GENERAL EFFECT OF THE PROPOSED PUBLIC PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY:**

State Environmental Quality Review Act Classification: The Project is classified an Unlisted Action per 6NYCRR Part 617, Subpart 4(b)(6) of Title 6 of the Implementing Regulations of the Official Codes, Rules, and Regulations of New York State (NYCRR). The County of Ulster was designated as lead agency for an uncoordinated review. Pursuant to an Environmental Assessment Review and Resolution No. 45 of 2016, the County Legislature issued a “Negative Declaration of Environmental Significance” in accordance with SEQRA, and the Project is identified as one that will not have a significant negative effect on the environment, and as such, further environmental review under SEQRA is not required.

National Environmental Policy Act (NEPA): The project is a C-list Categorical Exclusion under NEPA. Pedestrian facility projects are actions listed under the C list in 23 CFR 771.117 (c). The federal Environmental Approval Worksheet was completed for the project. The NYSDOT/FHWA will act as the lead agency for NEPA concurrence. NEPA Concurrence is pending however no adverse impacts are anticipated. Trees will only be cleared during the October 31st to March 31st time frame to minimize potential impact to the Indiana and Northern Long-eared bats.

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In the event that other potential impacts are identified, they will be mitigated through an approved plan.

The proposed Project has been designed to minimize environmental impacts to the greatest extent possible and maximize positive impacts on the local community. The proposed project will have no adverse effect on the residence of the locality, cultural resources, or the environment.

and be it further,

RESOLVED, that pursuant to Section 204(C) of the Eminent Domain Procedure Law, the County of Ulster shall cause a notice of a brief synopsis of the Determination and Findings (“D&F”) to be served, personally or by certified mail, return receipt requested, on each assessment record billing owner, and pursuant to Section 204 (A) of the EDPL shall publish a brief synopsis of such D&F in at least two successive issues of an official newspaper if there is one designated in the locality where the project will be situated and in at least two successive issues of a newspaper of general circulation in such locality,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                  NOES: 0  
(Absent: Legislator Maio)

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit as amended on August 2, 2016

Passed Committee: Public Works and Capital Projects on August 4, 2016

FINANCIAL IMPACT:  
NONE

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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 16<sup>th</sup> Day of August in the year Two Thousand and Sixteen, 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 17<sup>th</sup> Day of August in the year Two Thousand and Sixteen.

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

Submitted to the County Executive this  
17<sup>th</sup> Day of August, 2016.

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

Approved by the County Executive this  
19<sup>th</sup> Day of August, 2016.

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