

**Adopting and Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ashokan Rail Trail– Capital Project No. 459- 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)

Deputy Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Hector Rodriguez, offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, pursuant to Resolution No. 480 passed on December 15, 2015, the Ulster County Legislature established Capital Project No. 459 to provide for design and engineering work for the Ashokan Rail Trail and approved funding for professional engineering services; and

WHEREAS, pursuant to Resolution No. 480 passed on December 15, 2015, the Ulster County Legislature declared its intent to act as Lead Agency for the Ashokan Rail Trail Project (the “Project”) as provided for in 6 NYCRR Part 617.6(b)(3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (“SEQRA”) and determined that the Project was a Type I Action that required a coordinated review; and

WHEREAS, Ulster County circulated the necessary notifications on August 31, 2016 and receiving no objections became Lead Agency 30 days after this date; and

WHEREAS, pursuant to Resolution No. 327 passed on August 15, 2017, the Ulster County Legislature authorized the execution of the Ashokan Trail Easement with the City of New York, determining that approval of the Ashokan Trail Easement was a discrete unlisted action separate and apart from any trail construction and issued a negative declaration as provided under 6NYCRR Part 617.7; and

WHEREAS, Ulster County has examined the proposed action consisting of the construction of the Ashokan Rail Trail along the Ashokan Trail Easement, including removing rail, ties and other track materials and developing three trailhead areas, to create a public recreational trail and prepared the Environmental Record as now on file with the Clerk of the Legislature; and

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WHEREAS, as part of the Project approval process, the County has completed an expanded Environmental Evaluation of Impacts and Negative Declaration that includes an analysis of impacts to historic and archeological sites, wetlands and water bodies, threatened or endangered species, traffic, cumulative growth, and other environmental considerations as required under 6 NYCRR Part 617 of the Regulations of Article 8 of the Environmental Conservation Law of New York State (“SEQRA”); and

WHEREAS, pursuant to the Regulations, the County Legislature has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the areas of relevant environmental concern; and

WHEREAS, such evaluation of impacts and negative declaration has been filed with the Clerk of the Legislature and made available to members of the Legislature; and

WHEREAS, Ulster County has addressed all SEQRA issues as identified, considered and examined by the Involved and Interested Agencies and members of the public in conducting the environmental review and in so doing, hereby determines that the Project will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement with respect to the Project, and has made a determination of non-significance under SEQRA (“Negative Declaration”), a copy of which is annexed to this Resolution and made a part hereof; now, therefore, be it

RESOLVED, that pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby adopts and issues the Negative Declaration under SEQRA for the Ashokan Rail Trail Project upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith; and, be it further

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RESOLVED, that Clerk of the Legislature shall file this Resolution and accompanying Negative Declaration with the Involved and Interested Agencies as enumerated in the Negative Declaration and publish the Resolution and Negative Declaration in the Environmental Notice Bulletin; and, be it further

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction of the Ashokan Rail Trail Project as therein defined to convert the U&D Railroad Corridor from Basin Road in West Hurley to Route 28A in Boiceville to a recreational trail only and all of the actions associated with such project, including the removal of railroad track and ties and the development of trailheads, together with all plans and documents associated therewith,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 14                      NOES: 7  
(Noes: Legislators Donaldson, Fabiano, Greene,  
Lapp, J. Parete, R. Parete, and Wawro)  
(Absent: Legislators Berky and Loughran)

No Action Taken in Committee: Public Works and Capital Projects on November 1, 2017

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on November 9, 2017

Passed Committee: Public Works and Capital Projects on November 14, 2017

FINANCIAL IMPACT:  
NONE

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Legislator Greene motioned, seconded by Legislator Donaldson, to amend the sixth WHEREAS and third RESOLVED to add additional language as indicated in bold font:

WHEREAS, Ulster County has examined the proposed action consisting of the construction of the Ashokan Rail Trail along the Ashokan Trail Easement, including removing rail, ties and other track materials **(with the exception of all rail, ties and other track materials between Basin Road and MP 11.1, which shall not be removed)** and developing three trailhead areas, to create a public recreational trail and prepared the Environmental Record as now on file with the Clerk of the Legislature; and

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction of the Ashokan Rail Trail Project as therein defined to convert the U&D Railroad Corridor from Basin Road in West Hurley to Route 28A in Boiceville to a recreational trail only and all of the actions associated with such project, including the removal of railroad track and ties **(with the exception of all rail, ties and other track materials between Basin Road and MP 11.1, which shall not be removed)** and the development of trailheads, together with all plans and documents associated therewith,

MOTIONED DEFEATED BY THE FOLLOWING VOTE:

AYES: 7                      NOES: 14

(Ayes: Legislators Donaldson, Fabiano, Greene, Lapp, J. Parete, R. Parete, and Wawro)

(Absent: Legislators Berky and Loughran)

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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 14<sup>th</sup> Day of November in the year Two Thousand and Seventeen, 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 16<sup>th</sup> Day of November in the year Two Thousand and Seventeen.

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

Submitted to the County Executive this  
16<sup>th</sup> Day of November, 2017.

Approved by the County Executive this  
17<sup>th</sup> Day of November, 2017.

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

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