

Issuing Determination And Findings Pursuant To Eminent Domain Procedure Law For The Kingston Rail Trail- PIN 8758.04- In The Town Of Hurley, Town Of Ulster And City Of Kingston - Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Hector S. Rodriguez and Legislators Archer, Delaune, Maio, James Maloney, Joseph Maloney, and Woltman), and The Ways and Means Committee (Chairwoman Archer and Legislators Gerentine, Maio, James Maloney, Joseph Maloney, Petit, and Rodriguez)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Hector S. Rodriguez, and Deputy Chair Brian Woltman offer the following:

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

WHEREAS, the County of Ulster (the “County”) is proposing to construct an approximately 1.8-mile pedestrian and bicycle facility (“multi-use trail”) in the Town of Hurley, Town of Ulster and City of Kingston, Ulster County, New York, which is known as the Kingston Rail Trail (the “Project”); and

WHEREAS, the Project is a locally administered federal-aid project receiving funds from United States Department of Transportation and New York State Department of Transportation (“NYSDOT”), which are administered by NYSDOT through PIN 8758.04; and

WHEREAS, the preferred alternative for the Project requires the County to acquire real property interests from three (3) property owners (“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 December 11, 2018 at 6:30 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

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WHEREAS, during the 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

WHEREAS, in addition to the public and written comments submitted at the Public Hearing, the County allowed submission of additional comments if received by the close of business on December 31, 2018, and several additional comments were received and added to the Public Hearing documentation record; 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 Kingston Rail Trail Project (PIN 8758,04), Town of Hurley, Town of Ulster, and City of Kingston, New York:

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

1. Further develop an interconnected rail trail system connecting the City of Kingston and Town of Ulster to the existing O&W Rail Trail in the Towns of Hurley, Marbletown and Rochester by closing a critical gap in the existing system between the City of Kingston and the O&W (Hurley) Rail Trail.
2. Provide safer pedestrian and bicycle access across the significant barriers that include the Esopus Creek and the NYS Thruway.
3. Expand recreational opportunities for local residents and visitors, including for persons with disabilities and for those of all skill levels and age groups
4. Increase tourism and economic development in Ulster County
5. Improve the quality of life for local residents

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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 Hurley, Town of Ulster and City of Kingston extending from the existing O&W (Hurley) Rail Trail along U.S. Route 209 eastward to Washington Avenue in the City of Kingston following the general alignment of the abandoned Ontario & Western “O&W” Railway right-of-way.

The alternative for “Reconstruction- Utilizing O&W Railroad Corridor terminating at Washington Avenue” (Alternative B, Option B-1) is considered the “Preferred Alternative.” The alternatives considered for the proposed public Project are as follows:

Alternative A: The No Build “Null” Alternative proposes no action. This alternative does not address any of the Project public purposes. This alternative was retained only as a baseline for comparison to the preferred alternative and does not meet the public purposes of the Project.

Alternative B (Option B-1): The “Reconstruction- Dedicated Multi-Use Trail along O&W Railroad Corridor” Alternative would construct the Multi-Use Trail along the abandoned Ontario & Western (“O&W”) Railway corridor for 1.8 miles from the existing O&W (Hurley) Rail Trail along US Route 209, through the exiting I-87 underpass, to Washington Avenue (State Bicycle Route 28) in Kingston. This alternative maximizes the use of the abandoned and unimproved O&W Railroad right-of-way, has logical access points and links, is not overly complicated from an engineering and construction perspective, is the most direct route from the City of Kingston to the exiting Hurley Rail Trail, and considers local land use plans and projects. This alternative best satisfies the project objectives and is considered the Preferred Alternative.

Alternative B (Option B-2): The “Reconstruction- Dedicated Multi-Use Trail along U&D Railroad Corridor” Alternative would construct the Multi-Use Trail starting at the existing O&W (Hurley) Rail Trail along US Route 209, crossing the Esopus Creek via a new pedestrian bridge adjacent to the existing bridge structure, and extending north approximately 0.77 miles along the east

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side of US Route 209 to the intersection of the County-owned Ulster & Delaware (“U&D”) Railroad corridor. The trail would then extend approximately 1.0 mile eastward along the U&D corridor to Washington Avenue. This alternative was not considered feasible as it increases exposure of trail users to the traffic along the highway, requires the construction of two (2) new bridge structures crossing the Esopus Creek, creates a more indirect route to the City of Kingston, and is in conflict with the operation of tourism railroad operations on the U&D corridor in this area. The alternative was deemed as not meeting the public purposes of the Project.

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 as proposed is classified as 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 (“SEQRA”). The County of Ulster conducted uncoordinated review as permitted under SEQRA. After review of the Environmental Assessment and Draft Design Report prepared by the County’s consultants, the County Legislature pursuant to Resolution No. 168 of March 15, 2016, issued a determination of non-significance (“Negative Declaration”) in accordance with SEQRA, identifying the Project as one that will not have a significant adverse effect on the environment.

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 acted as the lead agency for the final environmental determination under provisions of NEPA concurrence, which was made on April 3, 2018.

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 residents of the locality, cultural resources, or the environment.

and be it further,

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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 move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 2
(Noes: Legislators Donaldson and Joseph Maloney)
(Absent: Legislators Maio, James Maloney, and Rodriguez)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on February 5, 2019

Defeated in Committee: Ways and Means on February 13, 2019

FINANCIAL IMPACT:
NONE

Legislator Heppner motioned, seconded by Legislator Ronk, to Suspend the Rules of Order to consider Resolution No. 55.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 2
(Noes: Legislators Donaldson and Joseph Maloney)
(Absent: Legislators Maio, James Maloney, and Rodriguez)

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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 19th Day of February in the year Two Thousand and Nineteen, 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 22nd Day of February in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
22nd Day of February, 2019.

Approved by the Acting County Executive this
25th Day of February, 2019.

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

|s| Adele B. Reiter
Adele B. Reiter, Acting County Executive