

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 A Government Operations Center (GOC) And Appurtenances To Be Located At Paradies Lane (SBL 86.12--12.320 & 86.12-5-12.310) Town Of New Paltz – Emergency Communications / Emergency Management

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Greene, Litts, Donaldson, Nolan, Stewart, and Walls), The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Hewitt, Maloney, McCollough and Walls), and The Public Works, Capital Projects and Transportation Committee (Chair Nolan and Legislators Donaldson, Kovacs, Litts, and McCollough)

Chairwoman of the Law Enforcement and Public Safety Committee, Gina Hansut, and Deputy Chair Chris Hewitt offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Emergency Communications / Emergency Management; and

WHEREAS, pursuant to Resolution No. 444 of October 2021 Capital Project 607 was established for the Engineering and Design of a Government Operations Center; and

WHEREAS, Ulster County conducted a wide-ranging alternative site analysis prior to determining that the Paradies Lane was a preferred site; and

WHEREAS, pursuant to Resolution No. 308 of November 2022 Ulster County declared its intent to act as Lead Agency under 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA) for the purchase lands at Paradies Lane to be utilized for the construction of Government Operations Center and hearing no objections assumed Lead Agency after thirty (30) of said notice being issued; and

WHEREAS, Resolution No. 309 of November 2022 authorized the purchase of the lands at Paradies Lane, and that a segmented environmental review under NYCRR Part 617 [SEQRA] was warranted and would be no less protective of the environment, and such action does not have a significant environmental impact in accordance with NYCRR Part 617 [SEQRA]; and

WHEREAS, Ulster County utilizing the services of design and engineer team has completed the design, engineering, and environmental studies for required for the construction of the GOC and sufficient for the County to make a determination accordance with NYCRR Part 617 [SEQRA]; and

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WHEREAS, as part of the Project approval process the County, in addition to the Full Environmental Assessment Form (FEAF), conducted additional studies of the potential environmental impacts that included impacts to historic and archeological sites, wetlands and water bodies, threatened or endangered species, traffic, cumulative growth, site contamination, 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, the County in cooperation with the Town of New Paltz Town Board requested a determination as provided for under the Matter of Monroe v. City of Rochester”, 72 N.Y. 2d 338, in which the Court established a “balancing of interests” test to allow local municipalities to determine whether a specific project qualified for immunity from local zoning requirements; and

WHEREAS, the New Paltz Town Board. after following the necessary procedural steps and in considering the County’s application in accordance with the nine (9) factors identified by the Monroe Court, has granted the County’s request for immunity from the provisions of the Town of New Paltz Zoning Statute and will not require the County to seek a use variance, site plan and special permit approval subject for the construction of the GOC; and

WHEREAS, pursuant to SEQRA, 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 FEAF for the Project, including the facts and conclusions in Parts 1, and 2 of the EAF, together with other available supporting information and studies, 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 accompanying Negative Declaration has been filed with the Clerk of the Legislature and made available to members of the Legislature; and

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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; 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 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 hereby adopts and issues the Negative Declaration under SEQRA for the Government Operations Center Public Safety Radio Tower to be constructed at Paradies Lane site in the Town of New Paltz upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith, a copy of which is annexed to this Resolution and made a part hereof; and, be it further

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, be it further

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction and all of the actions associated with the Government Operations Center located at Paradies Lane, Town of New Paltz, including but not limited to all site work, environmental remediation, building construction, water supply and other utilities, together with plans and documents associated with the project and in accordance with the conditions imposed by the New Paltz Town Board in issuing their determination of immunity from the zoning statute under the Monroe Balancing of Public Interest test,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

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Passed Committee: Energy, Environment and Sustainability on _____.

Passed Committee: Law Enforcement and Public Safety on _____.

Passed Committee: Public Works, Capital Projects and Transportation on _____.

FINANCIAL IMPACT:
NONE