

Authorizing Right-Of-Way Acquisition Of Certain Real Property For The Purpose Of Installing Shoulders Along Route 299, Towns Of New Paltz And Gardiner – Department Of Public Works (Highways & Bridges)

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

WHEREAS, this resolution has been submitted at the request of the Acting County Executive on behalf of the Department of Public Works; and

WHEREAS, pursuant to Resolution No. 545 passed on December 20, 2016, the Ulster County Legislature authorized an agreement between Ulster County (“the County”) and the State of New York Department of Transportation (“NYSDOT”) to fund design and right-of-way incidentals for the construction of the shoulder widening and reconstruction on Route 299 (County Routes 7 & 8) from Libertyville Road to Route 44/55 in the Towns of New Paltz and Gardiner PIN 8051.11 (the “Project”); and

WHEREAS, pursuant to Resolution No. 545, dated December 20, 2016, the Ulster County Legislature established and funded Capital Project No. 488 for the Project; and

WHEREAS, pursuant to Resolution No. 310 dated July 17, 2018, the Ulster County Legislature determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the construction of the project will constitute an Unlisted Action; and that the County will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and

WHEREAS, pursuant to Resolution 364, dated August 20, 2019, the Ulster County Legislature has declared its intent to serve as Lead Agency for the Project, pursuant to 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

WHEREAS, pursuant to Resolution No. 472 passed on September 20, 2022, the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5 and after modifications were made to the project plans which avoid the need for wetland mitigation measures as previously required under Resolution 310 dated July 17, 2018, that the action does not pose a significant

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potential environmental impact and may be progressed as a Type II action as defined under Sections 4.5.3 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List, which was adopted pursuant to Resolution No. 118 dated April 20, 2010; and

WHEREAS, pursuant to Resolution No. 142 passed on April 17, 2018, the Ulster County Legislature authorized a supplemental agreement between Ulster County and the NYSDOT to fund right-of-way acquisition for construction of the Project; and

WHEREAS, through its consultant, Ulster County has identified certain land acquisition needs, which consist of twelve (12) temporary easements, and seven (7) fee acquisitions necessary to construct the project that have not yet been completed; and

WHEREAS, the County has been negotiating with the owners of these necessary parcels for their acquisition; and

WHEREAS, the County intends to continue to pursue all means to complete these negotiations in a timely manner without necessitating legal measures, but must provide for the contingency that the properties in question may need to be acquired via eminent domain procedures as a last resort; now, therefore be it

RESOLVED, on the recommendation of the County Department of Public Works, the Ulster County Legislature will conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law on Tuesday, February 14, 2023 at 7:10 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and, be it further

RESOLVED, that the purpose of said hearing is to inform the public and to review the public use to be served by the construction of the Project in the Towns of New Paltz and Gardiner and the impact on the environment and residents of the locality where said Project will be constructed; and, be it further

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RESOLVED, that pursuant to Section 202 of the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten (10) days and not more than thirty (30) days prior to said hearing a notice of same in a least five (5) consecutive issues of the Daily Freeman, a daily newspaper of general circulation, and in at least two (2) successive issues of the two official newspapers of the County of Ulster: Ulster Publishing and the Shawangunk Journal,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

Passed Committee: Public Works, Capital Projects and Transportation on December 12, 2022

Passed Committee: Ways and Means on December 13, 2022

FINANCIAL IMPACT:

\$600.00 – APPROXIMATE ADVERTISING COSTS

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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 December in the year Two Thousand Twenty-Two, 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 23rd Day of December in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this
23rd Day of December 2022.

Approved by the Acting County Executive this
27th Day of December 2022.

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

|s| Johanna Contreras
Johanna Contreras, Acting County Executive