

Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 3.8 City Of Kingston, West Of Westbrook Lane, Kingston Plaza To TESLA Inc. – Department Of Planning

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Donaldson, Greene, Litts, Nolan, Stewart, and Walls), The Economic Development, Planning, Education, Employment, Arts and Agriculture Committee (Chairwoman Sperry and Legislators Clinton, Corcoran, Hewitt, Litts, Stewart and Walls), and The Housing and Transportation Committee (Chairman Collins and Legislators Clinton, Corcoran, Harmon, Kitchen, McCollough, and Stewart)

Chairwoman of the Economic Development, Planning, Education, Employment, Arts and Agriculture Committee, Megan Sperry, and Deputy Chair Herbert Litts, III offer the following:

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

WHEREAS, it is the policy of the State of New York to encourage the use of alternate-fueled vehicles and provide the needed charging infrastructure associated with the use of electric vehicles; and

WHEREAS, the Kingston Plaza has provided a site plan and for proposed charging infrastructure that would be publicly available; and

WHEREAS, the County is desirous of improving the availability of public access to charging infrastructure at the Plaza parking lot; and

WHEREAS, the proposed electrical power necessary for charging facilities requires that power be provided for the adjoining Central Hudson transmission line and pass under the County owned Ulster and Delaware Rail Corridor where Ulster County holds a right of way for railroad purposes; and

WHEREAS, railroad rights of way in New York State, with the exception of farm access, cannot be crossed without permission of the owner of the railroad; and

WHEREAS, TESLA, Inc., has requested that it be granted permission to cross under the County's rail right of way in such manner so as not to disturb the railroad; and

Resolution No. 91 March 18, 2025

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WHEREAS, the County Legislature has examined the requested right to cross, consulted with its Catskill Mountain Railroad, its permit holder for the rail operations on needed considerations for continued rail operations and determined that the a crossing solely related to the purpose of providing access for electrical infrastructure under the railbed by directional drilling will not impact the railroad operations now or in the future; now, therefore, be it

RESOLVED, the Ulster County Legislature has determined that the proposed action is a Type II Action under 6 NYCRR Part 617.5(13) of the State Environmental Quality Review Act (SEQRA) and does not pose a risk of significant environmental impact; and, be it further

RESOLVED, the Ulster County Legislature hereby grants a right to cross the Ulster and Delaware Corridor in accordance with the construction documents as filed with the Clerk of the Legislature, and authorizes the Chair of the Ulster County Legislature to execute any and all documents related to such right to cross; and, be it further

RESOLVED, that 24 hours prior to the start of construction notice shall be provided to the County's Commissioner of Public Works; and, be it further

RESOLVED, that such right to cross shall continue only so long as such charging infrastructure is made available to the public and further providing that the grant of access and required improvements remain in keeping with the safety and protection of the County's railroad corridor and the rail operations associated with it; and, be it further

RESOLVED, that this resolution shall take effect immediately,
and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

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Passed Committee: Energy, Environment and Sustainability on March 4, 2025

Passed Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on March 4, 2025

Defeated in Committee: Housing and Transportation on March 6, 2025

Petition to Discharge not executed

FINANCIAL IMPACT:

NONE