

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 Public Safety Radio Tower And Appurtenances To Be Located At 1915-1925 Lucas Avenue Rosendale, New York – Department Of Emergency Services

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Clinton and Legislators Briggs, Hewitt, Levine, Marino, McCollough, and Walls), and The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Dooley, Donaldson, Nolan, Peters, Stewart, and Walls)

Chairwoman of the Law Enforcement and Public Safety Committee, Debra Clinton, and Deputy Chair Richard Walls offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Ulster County Department of Emergency Services; and

WHEREAS, Pursuant to Resolution No. 377 of August 2016 Capital Project 482 was established for the development of a Countywide Public Safety Radio Communication System (“the System”) and funding was provided for Professional Engineering Services; and

WHEREAS, utilizing the services of its radio consultants, the County has analyzed the needed improvements to the System identified that identified lack of coverage from existing radio towers and suggested locations for additional towers that would be able to fill these gaps in service, and

WHEREAS, this analysis determined that a coverage gap existed in the populated areas of Rosendale and south of the City of Kingston, and after studying alternatives, the County identified a site located at 1915 Lucas Avenue Rosendale New York 35 will be able close significant portions of this coverage gap; and

WHEREAS, pursuant to Resolution No. 159 of April 2024 Ulster County declared its intent to act as lead agency for the construction of a Public Safety Radio Tower to be located at 1915-1925 Lucas Avenue in the Town of Rosendale on a property owned by Town of Rosendale and the Town of Marbletown and further identified on the Ulster County tax map (section block and lot) 62.3-6-6; and

WHEREAS, in accordance with Resolution No 159 of April 2024 Ulster County conducted a coordinated review for this unlisted action and circulated 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

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WHEREAS, as part of the Project approval process, the County has completed an expanded Environmental Evaluation of Impacts that includes an analysis of impacts to historic and archeological sites, viewshed, 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, the County in considering the Lucas Avenue site noted that a Public Safety Radio Tower was not permitted use in this location under the Town of Rosendal Zoning Statute and that relief from this prohibition would be necessary; and

WHEREAS, the County in cooperation with the Town of Rosendale 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 new “balancing of interests” test to allow local municipalities to determine whether a specific project qualified for immunity from local zoning requirements; and

WHEREAS, the Town of Rosendale in considering the County’s application has held a public hearing first noticed and held on February 12, 2025, on the proposed project allowing ample time for public comments and concerns to be heard; and

WHEREAS, the Town Board had requested that the County address concerns relative to alternatives to the site specifically a location at the SUNY Ulster Campus in Stone Ridge as well as address concerns associated with the electromagnetic energy emissions (EME) from the project; and

WHEREAS, the County in a letter dated December 11, 2025, provided a response to these concerns that included comparison coverage maps between the Rosendale and SUNY Ulster sites and a radio frequency emission study of the facility; 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 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

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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

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 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 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; and, be it further

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 Public Safety Radio Tower to be constructed at 1915-1925 Lucas Avenue in the Town of Rosendale on lands owned by the Town of Rosendale and the Town of Marbletown (SBL 62.3-6-6) upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith; 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 and agreements associated with the Public Safety Radio Tower located at 1915-1925 Lucas Avenue, including site enclosure, equipment shelter, access road, and electric and data lines together with plans and documents associated with the project and in accordance with any conditions imposed by the Town of Rosendale in issuing their determination of immunity from the zoning statute under the Monroe Balancing of Public Interest test, and move its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Law Enforcement and Public Safety _____.

Passed Committee: Energy, Environment and Sustainability on _____.

FINANCIAL IMPACT:

NONE