

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 The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Woltman and Legislators Archer, Delaune, Litts, Maio, Joseph Maloney, and Rodriguez), The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Brian J. Woltman, Deputy Chair Lynn Archer and Legislator Nolan offer the following:

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

WHEREAS, pursuant to Resolution No. 503 of 2017, the Ulster County Legislature established Capital Project No. 479 to authorize and fund engineering work for the Ulster County Midtown Linear Park- PIN 8761.82 (the “Project”), and further, the Ulster County Legislature declared its intent to act as Lead Agency for a coordinated review as provided by 6 NYCRR Part 617 of the **New York State Rules and Regulations, the regulations** pertaining to Article 8 of the Environmental Conservation Law of New York State (“SEQRA”), **and determined** that the Project was an Unlisted Action; and

WHEREAS, pursuant to Resolution No. 362 of 2018, the Ulster County Legislature, after conducting a lawfully segmented review under SEQRA for the removal of railroad track from I-587 to Downs Street along the future Midtown Linear Park for purposes of the Interim Public Safety Improvement Project, adopted and issued a Negative Declaration for this action; and

WHEREAS, pursuant to Resolution No. 244 of 2019, the Ulster County Legislature reclassified the Project as a Type 1 Action due to the proximity of several historic properties and again declared its intent to act as Lead Agency for a coordinated review under SEQRA; and

WHEREAS, **a full environmental assessment form was completed on June 8, 2019**, Ulster County circulated the full Environmental Assessment Form and necessary notifications on July 9, 2019, and, receiving no objections, became Lead Agency 30 days after this date; and

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WHEREAS, Ulster County has examined the proposed action consisting of the construction of the Ulster County Midtown Linear Park project, including removing rail, ties and other track materials and constructing an approximately 0.8-mile asphalt-paved public recreational trail and prepared the Environmental Record as now on file with the Clerk of the Legislature; and

WHEREAS, as part of the Project approval process, the County has completed an expanded Environmental Evaluation of Impacts and Negative Declaration that includes an analysis of impacts to historic and archeological sites, wetlands and water bodies, threatened or endangered species, traffic, cumulative growth, **hazardous materials** and other environmental considerations as required under SEQRA; and

WHEREAS, the Project will provide environmental benefits by removing contaminated soil, debris and hazardous materials from portions of the corridor, improving drainage to avoid erosion and stormwater impacts, providing a much-needed linear park and recreational facility that will primarily benefit low- and moderate- income neighborhoods in an area of the City of Kingston where no parkland or public recreation opportunities exist, providing a valuable expansion of bicycle and pedestrian transportation and access by creating a connection between residential neighborhoods in the City of Kingston and everyday needed services, and increasing public safety by providing a lighted, well used corridor compared to the existing conditions; and

WHEREAS, pursuant to SEQRA, the Ulster 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 **to identify relevant areas of environmental concern**; (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 from its project consultants, interested and involved agencies, and the public, 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 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 SEQRA, the Ulster County Legislature hereby determines that the Project will not **result in any significant adverse environmental impact and therefore determines not to** require the preparation of a Draft Environmental Impact Statement ~~and that the Project will not have a significant adverse environmental impact~~; and, be it further

RESOLVED, that the Ulster County Legislature hereby adopts and issues the Negative Declaration under SEQRA for the Ulster County Midtown Linear Park- PIN 8761.82 as filed with the Clerk of the Legislature, a copy of which is annexed to and made part of this Resolution; 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 publish the Resolution and Negative Declaration in the Environmental Notice Bulletin; and, be it further

RESOLVED, that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction of the Ulster County Midtown Linear Park Project- PIN 8761.82,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Collins, Delaune, and Fabiano)

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on September 3, 2019

Postponed in Committee: Public Works and Capital Projects on September 4, 2019

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Passed Committee: Energy and Environment on September 5, 2019

Postponed in Committee: Public Works and Capital Projects on September 4, 2019

Passed Committee: Public Works and Capital Projects on September 17, 2019

FINANCIAL IMPACT:

NONE

Legislator Heppner motioned, seconded by Legislator Archer, to amend the Resolution to include additional language throughout as indicated above in bold font.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0
(Absent: Legislators Collins, Delaune, and Fabiano)

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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 17th Day of September 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 19th Day of September in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this
19th Day of September, 2019.

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

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

|s| Patrick K. Ryan
Patrick K. Ryan, County Executive