

Authorizing The Chairman Of The Ulster County Legislature To Execute The Ashokan Trail Easement With The City Of New York

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio and Rodriguez)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, and Deputy Chairman Hector Rodriguez offer the following:

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

WHEREAS, the County of Ulster is the owner of 38.6 miles of the Ulster & Delaware Railroad Corridor (“U&D Corridor”) running from the City of Kingston to Highmount in the Town of Shandaken, including approximately 11.6 miles of easement for railroad purposes (“Railroad Easement”) through lands adjacent to the Ashokan Reservoir owned by the City of New York (“Watershed Property”) and managed by the New York City Department of Environmental Protection (“DEP”); and

WHEREAS, in December 2013, the Ulster County Executive and DEP announced an historic Agreement in Principle to facilitate and provide significant funding support for the conversion of the Railroad Easement along the Watershed Property into a public, multi-use recreational trail (“Ashokan Rail Trail”) in order to provide economic development to Ulster County and Route 28 businesses, expand recreational opportunities for local residents and visitors, improve public health and quality of life, and further develop Ulster County’s rail trail network into a world-class tourism destination; and

WHEREAS, the Ashokan Rail Trail along Watershed Property will open the northern shore of the Ashokan Reservoir to the public, without permit or fee, for the first time in more than a century and will ensure year-round public access for walking, running, bicycling, cross country skiing, snowshoeing and other non-motorized uses between Basin Road in West Hurley and Route 28A in Boiceville on a recreational trail that is fully accessible for persons with disabilities and limited mobility; and

WHEREAS, in May 2015, the Ulster County Legislature authorized the County Executive and Chairman of the Legislature to execute an Agreement with the City of New York to accept \$2.5 million in grant fund for and facilitate the creation of the Ashokan Rail Trail (“MOA”); and

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WHEREAS, in December 2015, the Ulster County Legislature adopted a compromise rail and trail policy for the U&D Corridor that delineated the segment along the Watershed Lands for conversion into a public recreational trail and also established and funded Capital Project No. 459—the Ashokan Rail Trail—for engineering design; and

WHEREAS, under the MOA, the County would construct and operate the Ashokan Rail Trail under a Land-Use Permit and eventually, a Modified Ashokan Railroad Easement, but based on concerns expressed by the Ulster County Legislature and others about the protection of the County’s perpetual Railroad Easement, the DEP and County have agreed instead to establish a new, separate permanent easement for trail (“Ashokan Trail Easement”), which ensures that the County can construct and operate a trail without modifying, altering, or extinguishing the County’s Railroad Easement or its rights to reactivate railroad uses on the Railroad Easement, which cannot be revoked or cancelled by DEP, as it could with a Land-Use Permit; and

WHEREAS, the County has been awarded approximately \$6.3 million in grant funding for the Ashokan Rail Trail by DEP, the New York State Department of Conservation, and New York State Parks, Recreation and Historic Preservation and has requested an additional \$2.3 million from the Federal Emergency Management Agency for replacement of the Boiceville Bridge; and

WHEREAS, pursuant to Resolution No. 480 of December 15, 2015 Ulster County declared it intent to act as lead agency as provided for in 6NYCRR Part 617.6(b)(2)(i) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA); and

WHEREAS, Ulster County circulated the necessary notifications on August 31, 2016 and receiving no objections became lead agency 30 days after this date; and

WHEREAS, Ulster County has examined the proposed action consisting of the approval of Ashokan Trail Easement in consideration of this action being a lawful segmented review pursuant to the SEQRA Regulations at 6 NYCRR Part 617.3(g)(1); and

WHEREAS, the Ulster County Legislature has reviewed the Environmental Record prepared for this action and the Ashokan Trail Easement as now on file with the Clerk of the Legislature; now, therefore, be it

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RESOLVED, that the Ulster County Legislature based on the review of the Environmental Record, the Ashokan Trail Easement itself, and the requirements under 6 NYCRR Part 617 determines that approval of the Ashokan Trail Easement is a discrete action that can be considered separate and apart from any trail construction and that as such a segmented review is warranted and will be no less protective of the environment nor will it commit the Legislature to any future course of action; and, be it further

RESOLVED, that the Ulster County Legislature based on the review of the Environmental Record finds that the Ashokan Trail Easement constitutes an unlisted action and its approval will not have an adverse impact on the environment and hereby authorizes the issuance of a negative declaration as provided in 6NYCRR 617.7; and, be it further

RESOLVED, the Chairman of the Ulster County Legislature is hereby authorized to execute the Ashokan Trail Easement with the City of New York in the form as filed with the Clerk of the Ulster County Legislature; and, be it further

RESOLVED, all notices, requests and/or approvals required by the Ashokan Trail Easement that are sent by, or delivered to the Ulster County Executive and/or the Ulster County Attorney pursuant to Section 21 of the Easement shall be forwarded promptly to the Clerk of the Ulster County Legislature,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit with Paragraph 21 of the Deed of Easement amended to include notice to the Legislature on August 1, 2017

FINANCIAL IMPACT:
NONE

