

**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 35 Quarry Road Saugerties New York – Department Of Emergency Services**

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Bruno, Criswell, Petit, and Wawro), The Law Enforcement and Public Safety Committee (Chairwoman Walter and Legislators Fabiano, Haynes, Heppner, and Parete), and The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Cahill, Greene, Heppner, and Litts)

Chairwoman of the Law Enforcement and Public Safety Committee, Eve Walter, and Deputy Chair Heidi Haynes offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the 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 Radio 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 radio communication system in terms of gaps in service due to lack of coverage from existing radio towers; and

WHEREAS, this analysis determined that a coverage cap exists in the populated area of Saugerties, and after studying alternatives, the County identified a site located at 35 Quarry Road that can close significant portions of this coverage gap; and

WHEREAS, pursuant to Resolution No. 37 of February 2020 Ulster County, declared its intent to act as lead agency for the construction of a Public Safety Radio Tower to be located at 35 Quarry Road in the Town of Saugerties on a property owned by Ulster County; and

WHEREAS, in accordance with Resolution No 37 of February 2020 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 35 Quarry Road site noted that a Public Safety Radio Tower was not a permitted use under the Saugerties Zoning Statute and that relief from this prohibition would be necessary; and

WHEREAS, the County in cooperation with the Town of Saugerties Planning Board and Zoning Board of Appeals (ZBA) 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 ZBA, after following the necessary procedural steps and in considering the County’s application in accordance with the nine (9) factors identified by the Monroe Court, has granted the County’s request for immunity from the provisions of the Saugerties Zoning Statute that prohibits a tower at this location subject to specific requirements; 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 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

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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 and in so doing, 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; now, therefore, be it

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 35 Quarry Road in the Town of Saugerties upon the vote thereupon and the signature of the Ulster County Legislature Chair 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 associated with the Public Safety Radio Tower located at 35 Quarry Road, 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 the conditions imposed by the Saugerties ZBA in issuing their determination of immunity from the zoning statute under the Monroe Balancing of Public Interest test,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

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

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Passed Committee: Energy and Environment on August 31, 2021

Passed Committee: Law Enforcement and Public Safety on September 1, 2021

Passed Committee: Public Works and Capital Projects on September 1, 2021

FINANCIAL IMPACT:  
NONE

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 14<sup>th</sup> Day of September in the year Two Thousand Twenty-One, 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 16<sup>th</sup> Day of September in the year Two Thousand Twenty-One.

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

Submitted to the County Executive this  
16<sup>th</sup> Day of September 2021.

Approved by the County Executive this  
21<sup>st</sup> Day of September 2021.

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

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