

**Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 4.8, City Of Kingston To The Hudson Valley Housing Fund Company Inc. – Department Of Planning**

Referred to: The Economic Development, Planning, Education, Employment, Arts and Agriculture Committee (Chairman Cahill and Legislators Corcoran, Criswell, Hewitt, Litts, Maloney and Sperry), The Health, Human Services and Housing Committee (Chair Walter and Legislators Corcoran, Erner, Lopez, Nolan, Petit, and Uchitelle), The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chair of the Health, Human Services and Housing Committee, Eve Walter, and Deputy Chair Craig V. Lopez 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 create safe, healthy and affordable housing opportunities for all New Yorkers; and

WHEREAS, the availability of safe, healthy, and affordable housing is a key factor in increasing spending and employment in in the surrounding economy, acts to ensure an available workforce, reduces costs to local governments associated with homelessness and crime, and can place regional economies at a competitive advantage; and

WHEREAS, current Census housing data shows that more than forty percent (40%) of the rental households in Ulster County are now housing cost burdened paying more than thirty percent (30%) of their income for housing; and

WHEREAS, the Hudson Valley Housing Development Fund Company, Inc. has proposed the construction of a 60-unit affordable senior housing project on lands in the City of Kingston located at 191-199 R Hurley Avenue, and including access from 203-205 Hurley Avenue; and

WHEREAS, City of Kingston Planning Board has issued a Negative Declaration in accordance with 6 NYCRR Part 617 SEQRA for the project on January 1, 2013 and confirmed an amended Negative Declaration on October 1, 2021; and

WHEREAS, the County of Ulster owns the right of way associated with the Ulster and Delaware Railroad Corridor whereby certain crossing rights are necessary to allow access to the project location; and

**Resolution No. 414      September 20, 2022**

**Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 4.8, City Of Kingston To The Hudson Valley Housing Fund Company Inc. – Department Of Planning**

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, the Ulster County Legislature is desirous of addressing the affordable housing issues in the County including the need for affordable senior housing as proposed in the project; and

WHEREAS, the County Legislature has examined the requested right to cross (the Disposition), consulted with its Catskill Mountain Railroad, its permit holder for the rail operations on needed considerations for continued rail operations and determined that the Disposition solely related to the purpose of providing access to an affordable housing project and related open space as proposed will not impact the railroad operations now or in the future; and

WHEREAS, the County of Ulster recognizes that the Disposition will provide access for affordable housing and open space whereby there is a significant public benefit; now, therefore be it

RESOLVED, that the Ulster County Legislature in making its decision regarding the Disposition acknowledges that the City of Kingston, acting as lead agency under SEQRA has determined that the associated affordable housing project considered as a whole will not have a significant adverse environmental impact; and, be it further

RESOLVED, the Chair of the Ulster County Legislature is hereby authorized to execute the proposed right to cross as filed with the Clerk of the Legislature, as well as any and all documents related to Disposition solely for the purpose of affordable housing and open space, and any amendments thereto with the approval of the County Attorney and Legislative Counsel, providing that the grant of access and required improvements are 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, this resolution shall take effect immediately,  
and move its adoption.

**Resolution No. 414      September 20, 2022**

**Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 4.8, City Of Kingston To The Hudson Valley Housing Fund Company Inc. – Department Of Planning**

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18                      NOES: 4  
(Noes: Legislators Bartels, Fabiano, Greene, and Maloney)  
(Absent: Legislator Heppner)

Postponed in Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on August 2, 2022

No Action Taken in Committee: Public Works, Capital Projects and Transportation on August 8, 2022

Passed Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture as amended on September 6, 2022

Passed Committee: Health, Human Services and Housing on September 7, 2022

Passed Committee: Public Works, Capital Projects and Transportation on September 12, 2022

Passed Committee: Ways and Means on September 13, 2022

FINANCIAL IMPACT:  
NONE

**Resolution No. 414      September 20, 2022**

**Authorizing A Right To Cross The Right Of Way Owned By Ulster County Of The Ulster And Delaware Railroad Corridor Near Mile Point 4.8, City Of Kingston To The Hudson Valley Housing Fund Company Inc. – Department Of Planning**

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 20<sup>th</sup> Day of September in the year Two Thousand Twenty-Two, 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 22<sup>nd</sup> Day of September in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this  
22<sup>nd</sup> Day of September 2022.

Approved by the Acting County Executive this  
23<sup>rd</sup> Day of September 2022.

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

|s| Johanna Contreras  
Johanna Contreras, Acting County Executive