

Ulster County Public Safety Radio Tower
Tonche Mountain Town of Olive
6 NYCRR PART 617.7
STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This Notice and Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law ("SEQRA".)

Pursuant to Resolution No. xxx of September 21, 2021 the Ulster County Legislature, as Lead Agency and Project Sponsor, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

SEQRA: Unlisted Action: 09/18/2022 **Status:** EAF Part 3

PROJECT SPONSOR: Ulster County

NAME OF ACTION: In the Matter of the Ulster County Legislature Approval of the Construction of a Public Safety Radio Tower (the "Facility") on a portion of the lands in the Town of Olive (the "Town") and consisting of approximately 0.64 acres

CONDITIONED NEGATIVE DECLARATION: No

PROJECT SUMMARY:

Ulster County (the "County") is proposing to construct a Public Safety Radio Tower including appurtenant infrastructure on lands it will control in the Town of Olive located Pitcairn Estates/Mt. Rd. as delineated on Ulster County Tax Map as parcel SBL: 37.1-5-12.412. The Project, will include a 135-foot-high guyed tower located at approximate latitude 42.001137 and Longitude -74.191722. Access to the site will be via an existing road and electrical service will be provided underground along the existing access road. Minor grading and drainage improvements will be made to the access road. A fenced enclosure of approximately 75 x 50 feet will protect the equipment and will include the tower, equipment shelters and a generator. Additional space is available within the compound to support two (2) cellular carriers and space for these carriers has been calculated in the tower loads. Minor grading will be necessary to level the site enclosure. Access from the existing road to the tower site will consist of a gravel single lane drive. The Compound will be fenced. The project will disturb an area of less than one acre.

The Facility is part of Ulster County's modernization to improve coverage as the County converts its existing fragmented analog communications to a simulcast system. The Olive facility is one of a ten to fifteen site (10-15) site constellation of towers generally located in Kingston, Sams Point, Overlook, Illinois, Belleayre, Shandaken, Saugerties, Rosendale, Marlborough, Kerhonkson, and Wawarsing. Coverage simulations of the system including alternates are completed. Tower

placement and system components are situated so as to assure adequate coverage and eliminate interference with adjoining systems in other Counties. The County has determined that individual components of this system are functional on their own and that the environmental analysis of additions of system components over time is no less protective of the environment. Accordingly, the environmental review for this Project has been lawfully segmented from the environmental considerations of the other sites and will address only those environmental impacts associated with the construction of the Facility in the Town of Olive as described herein.

The Facility will have a significant positive safety impact for residents of Ulster County and visitors by providing improved emergency communications to large areas of the Town of Olive, Hurley, and Woodstock. The site is also a critical link in the system configuration allowing microwave communication between tower sites as part of the County's Simulcast System. Cell coverage will also be improved in the corridor and the County has seen interest by two (2) cell carriers to locate at the site.

The Facility design and location has been developed with extensive coordination with the Town and the needs of the emergency service provides including public outreach to the neighborhood in which it is located by both the County and the Town. The County has undergone a determination 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 as it sought qualified for immunity from the Olive zoning requirements. This effort was conducted by the Town Board of Olive.

The engineering design and antenna configuration were developed by the County's engineering consultant firm, C&S Engineers, and its radio consultant, Motorola. The County conducted a viewshed analysis of the facility as well as two separate balloon tests to determine a feasible location. As a result, the Facility's final design reflects the need to construct a new tower to support the County's long term needs as a structural analysis determined that the existing tower at the site could not support the additional height and equipment as needed for the effective operation of the system.

The site plan, studies and the avoidance and impact minimization are summarized in the sections below and in the detailed studies attached.

HISTORY OF THE PROJECT:

August 2016 – The Ulster County Legislature, pursuant to Resolution No. 377, established Capital Project No 482 for the development of a County-wide radio system

September 2022 – The Ulster County Legislature, pursuant to Resolution No. 466, declared its intent to act as Lead Agency in the matter of constructing a Public Safety Radio Tower and determined that the Facility would be an Unlisted Action under SEQRA.

October 2022 - Ulster County, pursuant to the State Environmental Quality Review Act and 6 NYCRR 617.6(b)(3)(i), circulated by way of letters its Notice of Intent to Establish Lead Agency along with Part 1 of the completed Full Environmental Assessment Form to all Involved and Interested agencies (refer to list below) for the construction of the Facility in the Town of Olive. The following were identified as Involved and Interested Agencies that received the Notice:

- New York State Department of Environmental Conservation ("NYSDEC")
- New York City Department of Environmental Protection ("NYCDEP")
- New York State Office of Parks and Historic Preservation ("NYS OPRHP")
- United States Fish and Wildlife Service ("USFW")
- United State Environmental Protection Agency (Region 2)
- United States Army Corps of Engineers ("ACOE")
- Town of Olive Town Board
- Town of Olive Planning Board
- NYS Office of Interoperable and Emergency Communications

October 2022 – Ulster County makes it first presentation to the Town of Olive Town Board

December 2022 – Town Board of Olive declares itself decision-making board regarding Ulster County's proposed radio tower and accepts Ulster County's petition.

January 2023 – Town Board of Olive Conducts a Public Hearing on the Proposed UC Tower – Ulster County makes a presentation of the project at the public hearing

January 2023 Ulster County conducts is first balloon test anticipating use of the existing tower with an extension.

November 2023 – Ulster County conducts is second balloon test for an alternate tower site requiring construction of a new tower at 135 ft.

March 2024 – The Town of Olive Town Board passes Resolution No. 8 of 2024 granting the County of Ulster immunity from the Town of Olive Zoning Statute including relief from a needed use variance for the facility as well as site plan and special permit approval.

REASONS SUPPORTING THE DETERMINATION OF NON-SIGNIFICANCE:

Methodology

In making this Determination of Non-Significance, the Ulster County Legislature, as Lead Agency and its advisors first examined Part 1 of the Short Environmental Assessment Form as revised ("EAF") and the supplemental data and documentation as contained in the various Reports completed for the project by the Lead Agency's engineering and radio consultants, and the County's Planning Department. This work was undertaken over the course of nearly two year (2022-2024) by said Lead Agency's consultants, and a copy of the Shot EAF, Parts 1 and 2 are annexed hereto and made a part hereof.

Detailed studies were completed to identify potential impacts, and these studies are included

as attachments to this narrative. These studies and analyses include the following:

- Lead Agency Letters - Notice of Intent to Establish Lead Agency for the Public Safety Training Radio Tower
- On-site Alternative Analysis
- Viewshed Analysis and photo simulations
- Historic and Archeological Analysis with finding of No Adverse Impact Letter from NYS OPRHP
- Microwave Path Analysis
- Balloon Flights – 1 and 2
- Sensitive visual areas with photo simulations for Option 1 and Option 2
- Facility Site Plan
- FCC Coordination/ - NEPA Summary
- Antenna Placement on Tower
- Site Alternative Consideration – Existing Tower Expansion
- Threatened and Endangered Species Habitat Assessment and Coordination
- Geotechnical Study
- Town of Olive Town Board – Balance of Public Interest Test Determination

The County's Emergency Communication Systems Upgrade Plan (2019) provides the basis for the need for Public Safety Radio Tower improvements on Tonche Mountain. Tonche Mountain is a key link for the communication system providing coverage for a wide area of the Rt. 28 corridor and extending into the towns of Olive, Woodstock, Hurley, and Ulster. The site is also easily linked by microwave to other County tower sites necessary for the simulcast system. Ulster County evaluated the potential to expand the existing guyed tower located at the site by adding an additional 40 ft. to the tower for an overall height of 120 ft, the minimum site needed to establish microwave links. The engineering structural analysis showed that even with significant structural modifications the existing tower could not safely handle the emergency communication equipment needed by the County. Recognizing that the existing tower site needed to stay on-line the County explored additional on-site alternative locations near the existing site. The site chosen is located within 250ft of the existing tower. Due to the drop in elevation a 135ft. tower height is needed to allow for the microwave links.

In addition to housing the County's emergency communication needs the County the County has provided for the location of two (2) cell carriers on the tower. No additional height is needed to accommodate the cellular carriers and the County visual analysis includes there positioning on the tower. The proposed compound area is also designed to accommodate the additional cell carriers without expansion.

Evaluation of Impacts of the Proposed Action

Under the circumstances of the particular related actions as hereinafter evaluated, and the extensive environmental analysis of the Project, the Lead Agency finds that the facts and information available to it support a determination that all probable and relevant adverse environmental effects have been identified and that they will not be significant, and therefore, an Environmental Impact Statement is not necessary.

The environmental analysis of the reasonably related long-term, short-term, direct, indirect and cumulative impacts of these related and simultaneous actions started with an analysis of the existing conditions of the Project site. The review then analyzed the environmental impacts of the proposed changes and actions, while comparing those impacts with the impacts on existing land use to determine if the proposed action may have a significant adverse environmental impact.

No other related actions are included in any long-range plans for the Project site, nor likely to be undertaken, nor dependent on the actions which are now under consideration. A listing of all of the Involved and Interested Agencies for the Project is provided at the end of this Negative Declaration.

The Lead Agency's examination of the specific environmental impacts addresses those areas required under Part 617.7(c) and all of the areas included under Part 2 of the Environmental Assessment Form (EAF) as they relate to the proposed action. In addition, the Lead Agency further examined those potential adverse effects for those questions on Part 2 of the EAF with specific details where it developed additional studies or plans to support its determination as follows:

1. Impact on Land

The Public Safety Radio Tower ("the Facility") will be constructed on lands that are currently wooded. Ulster have been previously disturbed by mining as well as previously utilized as a tire disposal facility. Access to the facility will utilize the existing improved private road. The County is proposing grading and drainage improvements to this road with minimal disturbance outside of the existing footprint. Total land disturbance is less than one acre including a 50X75 compound area. It is important to note that no trout streams will be disturbed, and the project avoids disturbance of any wetland areas.

The Facility is located more than 1,000 feet from the nearest residence. The County has examined the potential visual impacts of the facility in accordance with NYS Department of Environmental Conservation policy on Assessing and Mitigating Visual Impacts issued on December of 2019 and notes the following;

- The County has conducted visual simulation of the proposed facility derived from two balloon tests with attention to immediately sensitive areas such as the Rt 28 Corridor, Wilson State Park, the Ashokan Reservoir
- The tower will not require safety lighting. The enclosure will have minimal security lighting to be full cutoff.
- There are no known views important to the community that have been identified as being impacted by the facility. The County recognizes that the area where the Tower is most visible from a public road is the Route 28 corridor that is part of the Catskill Mountain Scenic Byway. The facility placement in relation to the corridor limits prolonged views.
- While the proposed facility contrasts with its immediate surroundings there is an existing tower within 250 ft of the site at an 80ft. height that will be removed upon the new tower becoming operational. Other towers in the community in the community

that are similarly sited. Importantly, on a community and regional basis tower sites are no longer uncommon along regional highways and local hilltops. It is noted that the as a guyed tower the Facility presents a lesser profile than that of a lattice tower and that approximately the lower 35 ft. of the Tower is substantially screened during leaf on conditions.

- New York State Wilson Park is over two miles from the facility

Based upon the factors noted above, the Project plans, and the supporting studies, the Lead Agency finds that there will be no substantial adverse impacts to the land as a result of Project.

3. Impacts on Surface Water

The County has conducted a field survey of the site to identify and wetlands and waterbodies associated with the Facility. The results of that effort and the accompanying site plan indicate that the Facility avoids disturbance of any wetlands. As such no wetland mitigation is needed or proposed

In addition, site disturbance is less than on acre whereby a Stormwater Pollution Prevention Plan is not required. The County notes that to the extent necessary erosion and sediment control measures are included in the project plans and will be utilized during and post construction to stabilize any disturbed areas.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that there is no substantial adverse change in existing surface water quantity or quality as a result of project.

4. Impacts on Ground Water Surface Water

The Facility will not require the use of any groundwater for water supply during operation or construction. No wetlands or water bodies will be encountered or disturbed during construction or operation. Site grading will be minimal, and blasting is not needed.

No herbicides will be permitted as part of the maintenance of the Facility

The County will improve the drainage along the existing road to reduce erosion that current occurs during heavy rains.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that there is no substantial adverse change in existing ground water quantity or quality as a result of project.

6. Impacts on Air

The project will rely on electric for all of its operation and propane gas powered generator will be used in the event of a power outage at the site. No air quality permit from the NYSDEC is

required.

Construction equipment used on site will be typical of for construction with the exception of equipment used to erect the tower. The County will allow the tower to be set by helicopter should the winning bidder propose this as a method to erect the tower at this location due to access restrictions. Impacts will be of short duration.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that no impact to air quality will occur as a result of the Project.

7. Impact on Plants and Animals

Consultation with the New York State Department of Environmental Conservation (NYSDEC) – Natural Heritage Program and the United States Department of Interior (USDO) – Fish & Wildlife Service has occurred for this project. The County has reviewed each agency's databases to identify whether or not Threatened or Endangered Species, Critical Habitats, Wilderness Areas, or Wildlife Preserves exist and has determined that no such threatened or endangered species have been recorded within the vicinity of the proposed project area. Separately the USFWS has determined that no threatened or endangered species exist at the site.

It is the County's opinion that the area within the project limits, in appearance, could provide summer foraging habitat for the Indiana and/or northern long-eared bat. The County notes that no known bat hibernacula exist in the area; that potential roost trees will not be removed as part of the project; and that all work will take place during daylight hours. Therefore, the Facility will not result in the permanent loss of existing habitat. Based on the above the proposed project will have "no effect" on the Indiana and/or the northern long-eared bat.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that there will not be any removal or destruction of large quantities of vegetation or fauna no substantial interference with the movement of fish or wildlife species nor will there be any significant impacts to habitat or other natural resources as a result of the Project.

10. Impact on Historic and Archaeological Resources

The proposed facility is not located in an area considered archeological sensitive. As part of the Section 106 coordination process the State Historic Preservation Office ("SHPO") was contacted and a determination that the proposed Project will have No Adverse Impact was issued by SHPO.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that there no impairment of the character or quality of important historical, archaeological resources.

13. Impact on Transportation

Access to the site is via NYS Route Rt 28 to Mountain Road and then utilizes a private on-site road network. The final point of access will utilize an unimproved existing access road that will receive drainage and grading improvements as part of the Project. This access road is reached via an enclosed courtyard that significantly restricts access by large vehicles. Construction of the project will involve less than fifteen (15) vehicles accessing the site during peak hours and it is anticipated that construction will last less than six (6) months. During the operation of the facility the site will need to be visited periodically to check on equipment, perform necessary upgrades and inspections. It is noted that with the exception of the residence that provides access through a courtyard the site access does not pass through any residential areas.

Based upon the above, the Project plans, and supporting studies, the Lead Agency finds that there no substantial adverse impact on transportation as a result of the Project.

Impact on Human Health

Ulster County has conducted an analysis of electromagnetic exposure on a facility that utilizes the same equipment as proposed for this tower. Using an extremely conservative approach that assumed all antenna emissions are oriented in the same direction and that all antennas are physically collocated. The results below show that the antenna array is compliant with the federal exposure levels for both the general public and those working at the site. The County notes that antenna types have changed since this analysis was done however the new antenna types are less directional reducing exposure levels in the calculation.

Exposure Category	Locations Facing the Antennas*	At Street Level
General Public Exposure	9.2 m (30 ft)	All locations compliant
Occupational Exposure	3.6 m (12 ft)	All locations compliant

The County also notes that the significantly improved emergency communications in the Olive and Rt 28 Corridor will result in more timely dispatch of first responders and communication of the conditions and requirements of those needing assistance enhancing the likelihood of better health outcomes.

Based upon the above, the Project plans, and supporting studies the Lead Agency finds that the Project will not create a hazard to human health.

16. Consistency with Community Plans

Based upon the “balancing of interest test” articulated by the New York State Court of Appeals in The Matter of the County of Monroe, 72 NY 2d 338 (1988), the related case law subsequent, the County of Ulster submitted the proposed project to the Town of Olive Town Board, which by Resolution No. 8 of December 2022 declared itself the decision-making body for this the Balancing of Interest in deciding any question as to the proper application to public and quasi-public projects and improvements under the balancing of interests test (“Monroe”)

referenced above as it relates to the Town of Olive Zoning Statute. The County notes that the commercial telecommunication facilities are an allowed use in the zoning district in the which tower is proposed. The County request for immunity based on a concern regarding the “commercial” definition of these facilities and the need to proceed through a full siting alternative analysis as required in the statute in order to obtain site plan and special permit approvals.

The Town Board considered Ulster County’s application for relief from the provisions of the Zoning Statute pursuant to time honored case law in New York State, including conducting a public hearing and examining the following areas affecting zoning immunity:

- a) Nature and scope of the instrumentality involved.
- b) Kind of function or land use involved.
- c) Extent of public interest served.
- d) Effect the local land use regulation would have upon the enterprise concerned and the impact upon legitimate local interests.
- e) Legislative grant of authority.
- f) Other locations for the project to less restrictive zoning areas.
- g) Alternative methods of providing the improvements.
- h) Intergovernmental participation in development and opportunity to be heard.

The Town of Olive issued its findings relative to its evaluation of the nine factors noted above as established under the balancing of public interest test in March of 2024. The determination concluded that Ulster County’s proposed facility to enhance emergency communications is immune from the provisions of the Town of Olive Zoning Law and no variances from the provisions of the Zoning Law are necessary nor is there a need to seek site plan or special permit approval.

The Town Board further found and determined that it is in the public interest and relevant to the balancing of interests that the determination is based on the following mutual understandings and agreement by Ulster County and the Town of Olive:

- a. Immunity from the Town’s Zoning Law on this site shall apply only to the tower proposed by Ulster County which is the subject of this determination. Such immunity shall not apply to any other public safety towers or commercial telecommunications service facilities.
- b. The County shall keep the Town advised of its progress on the project by providing copies of submissions and periodic status updates.
- c. The County shall provide the Town Board an opportunity to be heard should the Project as proposed and considered by modified.

The County notes that the Town of Olive lacks a Comprehensive

During the pendency of environmental review, the Lead Agency circulated all SEQRA review documentation and its consultants; addressed the concerns of officials and boards in the Town of Olive, responded to public comments and concerns both about the need for the project as articulated by numerous emergency service providers as well as adjoining property owners. The County has also taken further taken steps to provide for intergovernmental participation through presentations to the Town Board at public meetings and participating in an ongoing public hearing

held by the Town Board. In particular, the County provided revised plans and drawings and presentations to the Town Board as it moved to an alternate site for the project based on a structural analysis of the existing tower at the site. The County also complied with the notice and balloon flight requirements of the Town's Zoning Statute and requested input on its photo locations in conducting its viewshed analysis.

Based upon all of the foregoing, the Lead Agency finds that the Project does not create a material conflict with Town of Olive current plans or goals as officially approved and adopted.

Examination of Additional Environmental Impacts as Required under Part 617.7 (c)

In addition to the specific questions provided for in the EAF Part 2, the Lead Agency also examined the Project as provided for under Part 617.7(c) as noted below:

A. Encouraging or Attracting a Large Number of People to a Place or Places for more than a Few Days, Compared to Who Would Come to Such a Place Absent the Action:

Only a small number of individuals will be on-site once construction is completed to conduct periodic inspection and equipment updates.

Based upon the foregoing, the site will not attract a large number of people to the site. to

B. The Creation of a Material Demand for Other Actions that would Result in One of the Above Consequences

The construction of Project and related appurtenances will not create any material demand for other actions which would result in one of the previously discussed consequences. The County in considering its proposed public safety radio tower network has determined that each of the sites can stand alone and are not dependent on the other sites in order to improve the communication in the area each is designed to serve. While it is true that collectively the sites are likely to offer a more seamless coverage and redundancy during extreme events the communication improvement analysis associated with the proposed action is not dependent on the construction of additional facilities. The County notes that its proposed tower site provides for the co-location of up to two (2) cellular carriers. This action is included in the foregoing environmental analysis and grant of immunity by the Town Board from the Town Zoning Statute.

C. Changes in Two or More Elements of the Environment, No One of Which has a Significant Impact on the Environment, But when Considered Together Result in a Substantial Adverse Impact on the Environment

Based upon the information contained in this Negative Declaration of Environmental Significance and the record before the Lead Agency, there will be no changes in two or more elements of the environment which, when considered together would result in a substantial adverse impact on the environment.

D. Two or More Related Actions Undertaken, Funded or Approved by an Agency, None of Which has or Would Have a Significant Impact on the Environment, but When Considered

Cumulatively Would Meet One or More of the Criteria of Part 617.7(c)

None of the probable impacts on the environment that are associated with or which result from incremental or increased impacts of this action, when such impacts are added to other related past, present or reasonably foreseeable future actions, will be significant. The Lead Agency has reviewed and analyzed the Project plans, the Environmental Assessment Forms, Engineering and Environmental Studies, all related Addenda, the Administrative Record and the physical changes to the environment which will take place simultaneously or sequentially and has determined that their combined and/or cumulative effects will not be significant.

In regard to any subsequent actions that may possibly arise as the result of the proposed action the Lead Agency has addressed all identified and relevant long-term, short-term and cumulative impacts and effects of the proposed activities and actions, as well as any related actions, as now submitted.

Approval of the Action contemplated by the current Project now before the Ulster County Legislature does not commit the Lead Agency to any particular course of action with respect to future development of the Facility beyond what is analyzed herein. Any future physical expansion of the Tower, beyond that which is approved, will require independent and separate environmental review pursuant to SEQRA, unless the same shall be lawfully determined to be designated as a Type II Action or an Exempt Action in accordance with 6 NYCRR Part 617 et. seq.

Due to the continued environmental and other administrative review requirements of any subsequent development activities in the area of the Project on a case by case exercise of discretion by reviewing agencies and officials, it is not necessary nor reasonable to require at this time a hypothetical "worst case" analysis of all speculative environmental effects or potential environmentally threatening uses which could be anticipated at some time in the future

The Lead Agency is satisfied that any possible environmental effects of any future development associated with the Project at this location, or any change in use of the Tower, its infrastructure and appurtenances is capable of being adequately addressed through subsequent discretionary, administrative and environmental review.

In making this Determination of Non-Significance, the Lead Agency has not balanced any potential benefits of the proposed action against potential harm.

CONCLUSION:

Based on the information currently available to the Lead Agency and the above analysis and evaluation of all the relevant and probable environmental impacts related to the activities and actions herein proposed, the Ulster County Legislature, as Lead Agency and Project Sponsor, determines that there will be no significant adverse environmental impacts as a result of the Construction of the Ulster County Public Safety Training Center, and no Environmental Impact Statement will be required. Therefore, this Determination of Non-Significance and Negative Declaration under SEQRA is hereby approved, adopted, and issued by the Lead Agency. (See also; Lead Agency Resolution annexed hereto and made a part hereof as Exhibit "A.")

CONTACT PERSON:

Peter J. Criswell, Chair
Ulster County Legislature
244 Fair Street, PO Box
1800 Kingston, New
York 12402 (845) 340-
3900

FILINGS:

Pursuant to 6 NYCRR Part 617.12 (b) a copy of this Negative Declaration is being filed with the following:

Ms. Victoria Fabella, Clerk
Ulster County Legislature
244 Fair Street Box 1800
Kingston, N.Y. 12402

Ms. Kelly Tuturro, Regional Director
New York State Department of Environmental Conservation, Region 3
21 South Putt Corners Road
New Paltz, NY 12561

Historic Preservation Field Services Bureau
New York State Office of Parks, Recreation & Historic
Preservation Peebles Island, PO Box 189
Waterford, New York 12188-0189

Everett Ericson, Director
Emergency Management
Golden Hill Lane
Kingston, NY 12401

Jenelle Perry, Secretary
Town of Olive Planning Board
PO Box 513
Shokan, NY 12481

Mr Jim Sofranko, Supervisor
Town of Olive
PO Box 180
West Shokan, NY 12494

Mr. William McKenna, Supervisor
Town of Woodstock Town Hall
45 Comeau Drive
Woodstock, NY 12498

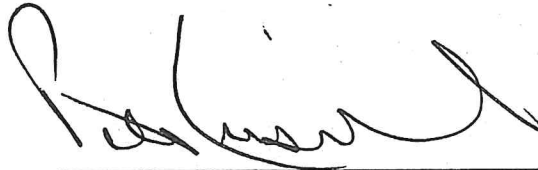
United States Fish and Wildlife
Service New York Field Office
3817 Luker Road
Cortland, New York 13045

United States Army Corps of Engineers
New York Regulatory Branch
Western Permit Section
Counties 26 Federal Plaza,
Room 1937
New York, New York 10278-0090

Office of Interoperable & Emergency Communications
State Campus, Building 7A, Suite 710
1220 Washington Avenue
Albany, New York 12242

Paul Rush, Deputy Commissioner
New York City Department of Environmental Protection
7870 NY 42
Grahamsville, NY 12740

DATED: Aug 20, 2024

A handwritten signature in black ink, appearing to read 'Peter J. Criswell', written over a horizontal line.

Peter J. Criswell, Chair
Ulster County Legislature

Project:

Date:

Tonche Mountain Radio Tower

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

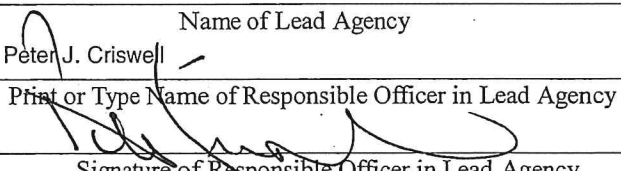
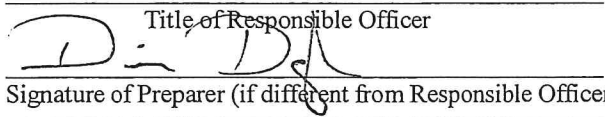
Project:

Date:

Tonche Mountain Radio Tower
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached Negative Declaration

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
County of Ulster	8/20.2024
Name of Lead Agency	Date
Peter J. Criswell	Chair Ulster County Legislature
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Resolution No. 272 June 18, 2024

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 Pitcairn Estates/Mt. Rd. (SBL 37.1-5-12.412) Town Of Olive New York – Department Of Emergency Services

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Donaldson, Greene, Litts, Nolan, Stewart, and Walls), The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Hewitt, Maloney, McCollough and Walls), and The Public Works, Capital Projects and Transportation Committee (Chair Nolan and Legislators Donaldson, Kovacs, Litts, and McCollough)

Chairwoman of the Law Enforcement and Public Safety Committee, Gina Hansut, and Deputy Chair Chris Hewitt 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 and tower deficiency exists in the area of Town of Olive and Woodstock, and after studying improvement to its existing tower located at Pitcairn Estates/Mt. Rd on a parcel identified as Tax Map Section Block and Lot (SBL) 37.1-5-12.412) Town of Olive New York (Tonche Mountain Site) concluded that the existing tower could not structurally accommodate the needed emergency services equipment; and

WHEREAS, the County identified an alternative site within 250 feet of the existing tower located on the same parcel that could accommodate a new guyed tower with a minimum height of 135 feet; and

WHEREAS, pursuant to Resolution No. 466 of September 2022 Ulster County, declared its intent to act as lead agency for the construction of a Public Safety Radio Tower to be located at the Tonche Mountain Site; and

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WHEREAS, in accordance with Resolution No 466 of September 2022 Ulster County conducted a coordinated review for this unlisted action and circulated its Notice of Intent to serve as Lead Agency, together with a Short Environmental Form (SEAF) 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

WHEREAS, as part of the Project approval process, the County, in addition to the SEAF, conducted additional studies of the potential environmental impacts that included 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 Tonche Mountain site noted that while commercial telecommunication facilities were a permitted use in the zoning district a governmental Public Safety Radio Tower did not appear to be permitted use under the Town of Olive Zoning Statute and that relief from this prohibition would be necessary; and

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

WHEREAS, the Olive Town Board. 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 Olive Zoning Statute and will not require the County to seek a use variance or site plan and special permit approval subject to specific requirements; and

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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 SEAF for the Project, including the facts and conclusions in Parts 1, and 2 of the EAF, together with other available supporting information and studies, 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

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 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 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 hereby adopts and issues the Negative Declaration under SEQRA for the Public Safety Radio Tower to be constructed at Tonche Mountain site in the Town of Olive upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith, a copy of which is annexed to this Resolution and made a part hereof; 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

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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 Tonche Mountain, 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 Olive Town Board 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: 21 NOES: 1
(Noes: Legislator Maloney)
(Absent: Legislator Kitchen)

Passed Committee: Energy, Environment and Sustainability on June 4, 2024

Passed Committee: Law Enforcement and Public Safety on June 5, 2024

Passed Committee: Public Works, Capital Projects and Transportation on June 10, 2024

FINANCIAL IMPACT:
NONE

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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 18th Day of June in the year Two Thousand Twenty-Four, 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 21st Day of June in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
21st Day of June 2024.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Approved by the County Executive this
26th Day of June 2024.

[s] Jen Metzger
Jen Metzger, County Executive

