

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, MAY 19, 2021
3:30 P.M.

PRESENT: Thomas J. Faggione, Chairman
Michael Amo, Katie Bonelli, Barry J. Cheney, Kevin W. Hines, James M. Kulisek,
Michael D. Paduch, John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Leigh J. Benton, Legislator
Paul Ruskiewicz, Legislator
Kathy Stegenga, Legislator
Peter V. Tuohy, Legislator
Betsy N. Abraham, Legislative Counsel
Damian J. Brady, Chief Assistant County Attorney
Alan Sorensen, ACIP, Commissioner of Planning
Liz Delaney, Budget Analyst

Mr. Faggione opened the meeting at 3:33 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Cheney moved to request authorization to apply for, and accept a Federal Transit Administration grant, the matching NYS grant and the local match. These funds are apportioned to Orange County via the Federal 5339 funding program. The total FTA Grant amount is \$530,630.00, the NYS match is \$66,329.00 and the local share is \$66,329.00. The local share consists of a county share of \$66,329.00. The project consists of updating an existing park-and-ride lot. It will include improvements to comply with the Americans with Disabilities Act. The upgrades will enhance safety for riders and encourage commuter rideshare activities, in Orange County (bonding), seconded by Mr. Kulisek.

Mr. Sorensen presented the committee with a brief overview of the project. This is for the existing Town of Warwick park-and-ride lot. They would be repaving and surfacing the parking lot and making improvements to ensure that the facility is Americans with Disabilities Act (ADA) compliant along with other ancillary upgrades throughout the facility.

Mr. Paduch asked if any portion of this would be used toward the Planning Commissioner's salary. Mr. Sorensen replied no.

Mr. Cheney commented that this does not seem to be included in the capital plan and would something be removed from the capital plan to accommodate this project. Mr. Sorensen replied that they are asking for this project along with the next agenda item and that they be added to the 2021 capital plan. This was a unique opportunity and circumstances where funding in the

Federal 5339 funding program had to be allocated for the funding not to laps. During conversations with the Orange County Transit staff and the Orange County Department of Public Works there was a need to upgrade the Town of Warwick park-and-ride lot and a combination of the two factors coming together. This would not be taking funding from another project but bringing funding to a new project.

Mr. Cheney pointed out that the capital plan is done annually, and they set a limit on how much they would bond. Will there be projects that are not done and/or how does the county plan to handle the additional costs.

Mr. Sorensen replied that he would have to defer to the County Executive's office on the specifics of bonding. He understands that bringing these two projects onto the 2021 capital plan presents that dilemma; however, the federal funding for these two projects and the need for the projects was why they brought this forward.

Mr. Cheney agrees that both projects are worthy, and he intends to support them; however, there seems to be some loose ends that he would hope could be answered either today or at the Ways and Means Committee meeting on Tuesday.

Ms. Bonelli asked why this, and the next legislative request stated that it was a rush. Mr. Sorensen replied that it was due to the timing on the available funds from the Federal 5339 funding program and to have them be allocated this year and the potential of the funding lapsing. They needed to commit the funding in this round and not risk losing it. The second request was similar, but they also had an issue with timing as they needed to meet the July deadline for funding in this federal fiscal year.

Motion carried. All in favor.

Mr. Faggione stated that there was a small correction to the last line of the legislative request and amended as follows: ...the grant application for the use of 5307 funds will include ROW Acquisitions, ROW Incidentals, Engineering & Design, Construction, Construction Review, Public Art and maintenance...

Mr. Cheney moved to request authorization to apply for, and accept a Federal Transit Administration grant, the matching NYS grant and the local match. These funds are apportioned to Orange County via the Federal 5307 funding program. The total FTA Grant county share is \$14,400,000.00, the NYS match is \$1,800,000.00 and the local share is \$1,800,000.00. The local share consists of a county share of \$1,800,000.00. The project consists of the creation of the Schunnemunk Rail Trail which once acquired by Orange County and permanently protected, would facilitate the creation of bicycle and pedestrian connections to the Salisbury Mills train station, Chester Park & Ride and Dial-a-Bus service in the Village/Town of Chester. The proposed Schunnemunk Rail Trail would dramatically improve public transit use and services by providing pedestrian and bicyclist connections to existing transit facilities while also opening opportunities to expand service with

this area of Orange County. The grant application for the use of 5307 funds will include ROW Acquisitions, ROW Incidentals, Engineering & Design, Construction, Construction Review, Public Art and maintenance (bonding), as amended, seconded by Mr. Kulisek.

Mr. Sorensen expressed his gratitude to the numerous individuals that assisted with this endeavor and conducted a power point on the Schunnemunk Rail Trail Project (see original minutes) and highlighted the following: The Open Space Institute (OSI) has reached a purchase agreement to secure a ten mile stretch of the former Erie Railroad that runs from the Moodna Trestle in Cornwall to Camp LaGuardia in Chester and connect to the Heritage Trail. The agreement sets the stage for the creation of Schunnemunk Rail Trail, which once acquired by Orange County and permanently protected, would facilitate the creation of bicycle and pedestrian connections to the Salisbury Mills train station, Chester Park & Ride and Dial-a-Bus service in the Village/Town of Chester. The proposed Schunnemunk Rail Trail with a useful life of 20 years would dramatically improve public transit use and services by providing pedestrian and bicyclist connections to existing transit facilities while also opening opportunities to expand service with this area of Orange County. The county would be using 5307 grant funds that would include ROW Acquisitions, ROW Incidentals, Engineering & Design, Construction, Construction Review, Public Art and maintenance. The public art piece would be artistic elements that would be developed into the design of some of the facilities along the trail. They would be exploring maintenance costs to see what they could be eligible along with the possibility of using county resources for maintenance. The estimated cost for each phase and a conservative timeline are as follows: land acquisition and incidentals at \$1.8 million; design at \$1.950 million; integration of art into project design at \$180,000.00; construction and construction oversight at \$14.250 million; overall project cost of \$18 million; timeline of three years; project administration up to 10% of project cost maintenance with either the allowable amount for small systems, or 10% in kind match.

Mr. Tuohy asked about outreach and input from residents that live along the trail. Mr. Sorensen replied that a public notice was published, and a design report will detail the necessary improvements on the rail trail and the opportunity for public participation through that process once the application is submitted.

Mr. Tuohy asked for the number of residents effected by this. Mr. Sorensen replied that based on his observation of the trail he did not see any encroachments as it is being used for informal recreation and trail use and this would be a dramatic benefit to the community.

Mr. Cheney asked for the distance of the proposed trail. Mr. Sorensen replied 9.8 miles.

Mr. Cheney asked if it would be a paved trail. Mr. Sorensen replied yes.

Mr. Cheney asked about the annual maintenance cost once the trail has been completed by the Parks Department, and have they had any input. Mr. Sorensen replied that the initial application includes some of the maintenance costs for two or three years and they have the option to revisit that after that period. In the application they are requesting some funding for maintenance once the project has been completed.

Mr. Paduch expressed his concern that Mr. Sorensen has worked with a number of people to establish this trail; however, the legislature was never included in those discussions and

they only learned of this proposal yesterday. He received an email from Diana Christine, a concerned resident that stated: ...I am reaching out on a proposal that may hit your desk to create a new rail trail from Chester to Salisbury Mills. If this comes before you, I can speak for George, myself and all my neighbors and we do not want this in our peaceful unassuming neighborhood. It would literally cut a large public access to nothing, yards, wilderness and farmland and nowhere for people to go and there is nothing for miles out there. This is bad news for property owners and neighbors who will be forced to lock their sheds, garages, backdoors and draw their curtains as strangers literally walk through their backyards and peak through their windows. There will be no way to patrol such remote areas and it is not creating tourism since it cuts through nothing... While they could support this, why have they not brought this forward before and explained what they were trying to do. He does not appreciate being on the end of a proposal that the county is doing because all it does is put pressure on legislators as it has already been published in the newspaper. However, they may get a great deal of negative comments during the public hearing. He requested that in the future when Mr. Sorensen becomes involved in these types of endeavours that he include the legislature and not just the partners he previously mentioned.

Mr. Sorensen stated that he has been coordinating with their sister agencies with this being the first action item; however, Mr. Paduch's point was well taken.

Mr. Hines expressed his excitement over this project which has been talked about for over eleven years. He and fellow legislators Katie Bonelli and Kathy Stegenga have been contacted over the years by several residents in Blooming Grove and Cornwall who are in favor of this project especially a Bed and Breakfast in Salisbury Mills that is very interested as it could bring tourists from the train station into their communities. He sees this as an amazing positive and this will not be going through anyone's private property and not owned by any one individual as the Open Space Institute (OSI) will be purchasing the property.

Mr. Hines asked for the location of the bridge in the power point. Mr. Sorensen replied that it is a short walk from Orrs Mills Road. Engineers have looked at the bridge and have determined that a new deck is necessary and the one further down would be replaced with a pedestrian bicycle bridge.

Mr. Hines reiterated that this is a fantastic endeavour and will help tourism in the area. This pandemic has shown that people want to come to their communities and now that the pandemic is over, they can come back and enjoy the area and he would like to be added to the resolution as a sponsor. They are looking at this bringing \$16.2 million to their communities as well as the Open Space Institute (OSI) funds and for \$1.8 million they are getting 10 miles of trail that can be ridden to Middletown and/or Woodbury.

Ms. Stegenga echoed the sentiments of Legislator Hines as she has been working on getting this rail trail since the early 2000's. As the Town of Blooming Grove Chamber of Commerce President, she has, and the chamber have been pushing for this through the town, village and county. She is well acquainted with the aforementioned bridge as it is located the other side of her property and she does not have any issue with people using it. This would allow some of the businesses in the Town of Blooming Grove to thrive including their Bed and Breakfasts. She also agrees with Legislator Paduch as she was also very disappointed to read about this endeavour in the newspaper after having numerous discussions with Mr. Sorensen on this issue. She and fellow legislators Katie Bonelli, Kevin Hines and John Vero heard nothing about this in advance of the newspaper article even though it effects their communities. She suggested that in the future

Mr. Sorensen inform the legislature of any proposed project before the project is released to the public.

Mr. Faggione clarified that the Rules, Enactments and Intergovernmental Relations committee agenda was published to the public prior to the newspaper article.

Mr. Kulisek asked about the yellow trail marks in the map. Mr. Sorensen replied that it is the Open Space Institute (OSI) plan that is not part of this project which includes the potential acquisition of several other segments along the rail line. The goal would be to ultimately connect the Schunnemunk Rail Trail to the Storm King Arts Center and possibly to the City of Newburgh.

Mr. Kulisek commented that he is in Cape Cod, Massachusetts often and the Cape Cod Rail Trail is a booming success as is the Cape May, New Jersey Rail Trail which brings many people into the area and he fully supports this project.

Chairman Brescia disagreed with Mr. Faggione on the timeline as planning stages were started way in advance of this meeting. He understands the concerns expressed by Minority Leader Paduch and Legislator Stegenga they should have had some forbearing and part of the planning process and/or some input. On numerous occasions they have highlighted their displeasure on their lack of involvement on these types of projects and instead of getting better it seems to be getting worse; however, they are an equal branch of government and will be expected to vote on the funds not covered by the grant.

Mr. Vero commented that the last time this project was discussed with him was approximately three or four years ago on a site visit at Camp LaGuardia. This will going through his community and he would have appreciated some input and knowledge on what was being planned over the last three or four years.

Mr. Benton asked for clarification that the areas highlighted in red were privately owned. Mr. Sorensen replied yes.

Mr. Benton emphasized that if they were planning to expand this, they would be looking at spending a great deal of money for those properties.

Mr. Sorensen added that the Open Space Institute's (OSI) ability to secure a contract to purchase this segment known as the Schunnemunk Rail Trail was the catalyst for advancing this project. They needed a partner in this project and reached out to the county for that partnership and with the funding they are pursuing there is a series of steps that needed to be taken with this being one. Their comments have been taken to heart and he will reach out to both Chairman Brescia and Mr. Faggione to see how they can enhance and improve that communication going forward.

Mr. Benton responded that while he may have to apologize later, he must state that he does not have much confidence in the Open Space Institute (OSI). If he is correct, many years ago they willed a large piece of property in the Central Valley area and many years later it was determined that it was excess land, sold for millions and is now a major upscale development and against the wishes of the individual that willed that property to them. He does not have much trust in the Open Space Institute (OSI) as they seem to do as they please for their own advantage.

Mr. Kulisek commented that it seems that this project has been on the table for at least a year.

Mr. Sorensen replied that the Departments of Planning, Parks and Recreation, Public Works and the County Executive's office have discussed this for several months.

Mr. Kulisek pointed out that he first saw this in the legal ads of the newspaper a few days prior to it going public.

Mr. Paduch commented that \$1.8 million is a great deal of money for a county with financial issues. He and Legislator Kulisek have spoken to both Eric Ruscher, Director, Real Property Tax Services and Mr. Sorensen on the possibility of a program that would have sponsor names displayed along the trail. This would be a golden opportunity for them to get funding support from individuals that support the trail and to reduce the cost to the county.

Motion carried. All in favor.

Mr. Kulisek moved to review applications for Inclusion of Lands in Agricultural District No. 1 and review SEQRA, seconded by Ms. Bonelli.

Mr. Sorensen explained that this was the annual opportunity for property owners to petition to join Agricultural District No. 1. with no action being taken today. The Orange County Agricultural and Farmland Protection Board will be recommending some but not all be included. He explained the review process as follows: During the thirty-day period, from March 1 to March 30 each year, landowners may ask to be included by submitting a completed copy of the Orange County Agricultural District Annual Enrollment Form to the Orange County Planning Department. At the end of the thirty-day period, requests are sent to the Orange County Agricultural and Farmland Protection Board. The Board reviews the requests and makes recommendations to the Orange County Legislature in April or May. **The two criteria used by the Orange County Agricultural and Farmland Protection Board in its review are whether the land(s) are "viable agricultural land" (as defined in the State Agricultural Districts Law) and whether the inclusion "would serve the public interest by assisting in maintaining a viable agricultural industry within the district."** The Legislature would then hold a public hearing and act on the request(s). After the public hearing, the Legislature sends its resolution and related information (applications, maps, EAFs, etc.) to the Commissioner of New York State Agriculture & Markets for certification with the certification usually in or near September. Once certified, the properties submitted by the Legislature are officially added into Agricultural District No. 1. Five applications were submitted in March for the following properties: 1) Atlantic Fibre Optic, LLC contains 2 acres where they store equipment, a pet crematorium, storage and sale of first cut hay, horse shavings, temporary medical paddock for injured horses and rehabilitation, 3600 square foot warehouse, 2130 square foot apartment and storage containers. They are planning to raise pheasants for game use in the future. This property was removed during the 2020 Agricultural District's 8-year review. The Town of Goshen has sent a letter stating they were not in support of adding this parcel to Agricultural District No. 1.; however, a preliminary review by several Orange County Agricultural and Farmland Protection Board members have recommended including the property back into the Agricultural District but that is not final until the entire Orange County Agricultural and Farmland Protection Board discuss it which will happen at the meeting this evening. The property is located on Quarry Road and is in proximity to the Dutchess Quarry.

2) Chester Agricultural Center, LLC contains 12.1 acres and is used to grow mixed vegetables and parcels are within the black dirt and adjacent to other parcels already in the Agricultural District with the subcommittee of the Orange County Agricultural and Farmland Protection Board recommending the parcels be added. 3) The Cotter property contains 13.5 acres and the property owners have indicated that it is a proposed home site with some agricultural activity including growing sunflowers, garlic and watercress. Based on a site visit and review of the application the Orange County Agricultural and Farmland Protection Board does not recommend including this property in the Agricultural District No. 1. currently and that they reapply next year after undertaking some of the proposed work related to agriculture. 4 and 5) The Yurchuk family owns the following two parcels which are adjacent to one another with one parcel containing 4.6 acres and the other 17.8 acres. The properties are in black dirt and are used to farm crops along with containing storage buildings used to store farm equipment. The subcommittee of the Orange County Agricultural and Farmland Protection Board has recommended the parcels be added to Agricultural District No. 1.

Mr. Kulisek asked what advantage Atlantic Fibre Optic, LLC would have by being added to Agricultural District No. 1. Mr. Sorensen replied that would be a decision that the Agricultural and Farmland Protection Board would have to determine. The criteria are whether the land is viable for farming even though it does not have to be farmed; however, the site does seem to be of a commercial nature, and he understands that would be some of the discussion taking place at the Orange County Agricultural and Farmland Protection Board meeting this evening.

Mr. Kulisek asked for the benefit of anyone being in an agricultural district. Mr. Sorensen replied that it protects the right to farm for those with a viable agricultural practice; however, an agricultural designation is different and distinct from an agricultural assessment. There are properties in Agricultural District No. 1 that do not receive an agricultural assessment and other with an agricultural assessment that are not in the agricultural district, but the farm must gross \$10,000.00 in agricultural projects a year, be more than seven acres in size and/or if less than 7 acres in size it must gross \$50,000.00. In addition, that it is a separate program, and they would have to apply as it is not automatic once in the agricultural district.

Mr. Kulisek asked if the agricultural assessment would be at a lower assessed rate for tax purposes. Mr. Sorensen replied yes.

Mr. Hines commented on the Cotter Property as he would hope that if voted on tonight, they include it in the agricultural district. This property is located on Orrs Mills Road and 13.5 acres and the Cornwall and Blooming Grove communities are excited as it would be agricultural tourism and individuals can go to the property and pick sunflowers. How this would not be acceptable to the farmland protection board has him baffled. He would hope that Mr. Sorensen and Legislator Paul Ruskiewicz would vote to include the property as would be counterintuitive to the idea of farmland protection. If not allowed to farm they could build four or five houses so let these individuals farm there as it would be beneficial to the community that has embraced it.

On the agenda was important information on the date of the Public Hearing for the Inclusion of Lands in Agricultural District No. 1 on June 3, 2021 at 6:45 P.M.

The meeting adjourned at 4:38 p.m.