

**RESOLUTION NO. 173 -2017, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED PORT JEFFERSON – WADING RIVER RAILS TO TRAILS PEDESTRIAN AND BICYCLE PATH, CP 5903, TOWN OF BROOKHAVEN, TOWN OF RIVERHEAD AND VILLAGE OF SHOREHAM**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) reviewed a project designated as the "Proposed Port Jefferson – Wading River Rails to Trails Pedestrian and Bicycle Path, CP 5903, Town of Brookhaven, Town of Riverhead and Village of Shoreham", pursuant to Local Law No. 22-1985, which project involves Suffolk County proposing to construct an approximately ten foot wide paved shared use path within an approximately 30 foot wide easement; and

**WHEREAS**, the shared use path is proposed to be sited within an approximately ten mile long strip of abandoned Long Island Railroad right-of-way which is presently owned by the Long Island Power Authority (LIPA) and used as an electrical distribution right-of-way; and

**WHEREAS**, the shared use path will also include an approximately 950 foot section in Rocky Point that will be located on-road due to the lack of an accessible LIPA right-of-way in that location; and

**WHEREAS**, the shared use path will be designed to provide safe access and travel needs for bicyclists and pedestrians; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and a presentation was made by representatives from NV5 - Technical Engineering and Consulting Services and subsequently sent out to all concerned parties: and

**WHEREAS**, at its February 15, 2017 meeting, the CEQ reviewed the EAF the information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type I Action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 28, 2017 of said recommendations; and

**WHEREAS**, Section 450-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

**WHEREAS**, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore be it

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Port Jefferson – Wading River Rails to Trails Pedestrian and Bicycle Path, CP 5903, Town of Brookhaven, Town of Riverhead and Village of Shoreham constitutes a Type I Action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code, that the proposed project will not have significant adverse impacts on the environment for the following reasons:

- 1) the proposed action will not exceed any of the criteria set forth in Title 6 NYCRR, Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) the proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or the Suffolk County Code;
- 3) the proposed project location does not appear to suffer from any severe environmental development constraints (limiting soil properties, high groundwater table and/or unmanageable slopes); and
- 4) the proposed land use trail is proposed in a location that has previously been disturbed and all stormwater runoff from the proposed project will be maintained onsite;

and be it further

**2nd RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: March 28, 2017

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: April 5, 2017