

County of Ulster
State Environmental Quality Review Act (SEQRA) Type II list. (3/23/09)

1. The following is a list of actions considered to be Type II actions for the purposes of review by Ulster County under the State Environmental Quality Review Act (SEQRA). The following list applies to actions progressed by the County of Ulster and to certain permit granting actions of the County of Ulster. This list was developed in accordance with the authority contained in 6 NYCRR 617.5 (b). This list is no less protective of the environment than 6 NYCRR Part 617. No other agency or municipal entity is bound by an action on the County of Ulster Type II list.
2. All actions listed in the current NYS DEC SEQR Type II list (6 NYCRR 617.5 (c)), are considered by the County of Ulster to be Type II actions. The current (7/29/2009) DEC Type II list as per 6 NYCRR 617.5(c) is as follows:
 - 2.1. maintenance or repair involving no substantial changes in an existing structure or facility;
 - 2.2. replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
 - 2.3. agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
 - 2.4. repaving of existing highways not involving the addition of new travel lanes;
 - 2.5. street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
 - 2.6. maintenance of existing landscaping or natural growth;
 - 2.7. construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
 - 2.8. routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
 - 2.9. construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
 - 2.10. construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
 - 2.11. extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
 - 2.12. granting of individual setback and lot line variances;

- 2.13. granting of an area variance(s) for a single-family, two-family or three-family residence;
- 2.14. public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- 2.15. minor temporary uses of land having negligible or no permanent impact on the environment;
- 2.16. installation of traffic control devices on existing streets, roads and highways;
- 2.17. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- 2.18. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- 2.19. official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- 2.20. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- 2.21. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- 2.22. collective bargaining activities;
- 2.23. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- 2.24. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- 2.25. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- 2.26. license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- 2.27. adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- 2.28. engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

- 2.29. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
 - 2.30. adoption of a moratorium on land development or construction;
 - 2.31. interpreting an existing code, rule or regulation;
 - 2.32. designation of local landmarks or their inclusion within historic districts;
 - 2.33. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
 - 2.34. actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
 - 2.35. actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
 - 2.36. actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
 - 2.37. actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.
3. The County of Ulster, in conformance with 6NYCRR Part 617.5(b) and considering the criteria in 617.7(c), has determined that the actions or classes of actions contained in Section 4 below do not pose a significant potential environmental impact and may be progressed as Type II actions as per 6NYCRR Part 617 (SEQRA). This list of Type II actions is specific to the County of Ulster.

Certain actions included in Section 4 of this document must meet the following criteria to be considered Type II. All of the following criteria apply to actions in sections 4.4 and 4.5. Actions in section 4.1 must meet 3.3, and 3.5. In addition 4.1.4 must meet the criteria of 3.2, 3.3, 3.4, 3.5, and 3.6. If no criteria are specified for the action under section 4, the action is Type II as stated. The criteria are:

- 3.1. Excepting properties acquired for back taxes, no acquisition of any occupied dwelling units or principal structures of businesses ;
 - 3.2. No significant changes in passenger or vehicle traffic volume, vehicle mix, local travel patterns or access (other than changes that would occur without the action);
 - 3.3. No more than minor social, economic or environmental effects upon occupied dwelling units, businesses, abutting properties or other established human activities;
 - 3.4. No physical alteration of more than 2.5 acres of land for new projects or 1.25 acres for the expansion or minor improvement to an existing facility;
 - 3.5. Does not alter or abut any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places.
 - 3.6. No more than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance, including but not limited to:
 - 3.6.1. freshwater or tidal wetlands and associated areas;
 - 3.6.2. floodplain areas;
 - 3.6.3. prime or unique agricultural land;
 - 3.6.4. agricultural districts so designated pursuant to article 25, section 203, when more than one acre of such district may be affected;
 - 3.6.5. water resources, including lakes, reservoirs, rivers, streams;
 - 3.6.6. water supply sources;
 - 3.6.7. designated wild, scenic and recreational rivers;
 - 3.6.8. unique ecological, natural wooded or scenic areas;
 - 3.6.9. rare, endangered or threatened species formally designated as such pursuant to State or Federal law; and
 - 3.6.10. any area officially designated as a critical environmental area pursuant to 6 NYCRR Part 617.
 - 3.7. No requirement for an indirect source air quality permit, pursuant to 6 NYCRR Part 203.
4. The following list of actions has been determined by the County of Ulster to be Type II actions under SEQRA:
- 4.1. **PROPERTY TRANSFER ACTIONS** - All property transfers must meet the criteria of 3.3 and 3.5. Any property transfer over 100 acres in size is considered a Type I action with the exception of sale of property by the County, of parcels acquired for back taxes, as noted in 4.1.5 below.
 - 4.1.1. The sale, lease or disposal by public auction of buildings and/or property less than 25 acres in size which has been determined to be surplus to County needs.
 - 4.1.2. The private sale or lease to a current occupant, or sale to a current occupant through a third party, of buildings and/or property less than 25 acres in size which has been determined to be surplus to County needs.
 - 4.1.3. Sale or lease of surplus non-real property other than land, radioactive materials, pesticides, herbicides or other hazardous materials as per 617.5 (c)(25).
 - 4.1.4. Minor right-of-way acquisition (less than or equal to: 10 percent of parcels under 10 acres in size, 1 acre of parcels from 10-100 acres in size, or 1 percent for parcels greater than 100 acres in size) provided the action is consistent with the criteria of 3.2, 3.5 and 3.7 in addition to the criteria of 3.3, 3.4, and 3.6 which apply to all items in section 4.1.

- 4.1.5. The acquisition and sale of property by the County for tax purposes, regardless of size.
- 4.2. **POLICY, PLANNING AND RULEMAKING ACTIONS**
 - 4.2.1. Policy making and rulemaking activities, such as the making, modification or establishment of rules, regulations, local laws, procedures, policies and guidelines which do not involve environmental considerations.
 - 4.2.2. The preparation, review, approval or implementation of technical, engineering, economic, planning, environmental, agricultural feasibility or research studies, reports or memoranda which are preliminary to and may support the formulation of proposals for action(s) which do not otherwise commit the County to commence or engage in such action.
 - 4.2.3. Defining the scope of services, requests for proposals, negotiating and executing contracts for professional services.
 - 4.2.4. Approval and execution of grants or contracts to prepare studies or program plans which do not commit the County to undertake specific programs or activities.
 - 4.2.5. The preparation of agreements (including leases, indentures, guarantees, construction agreements and similar documents) which are preliminary to and may support the formulation of proposal(s) for action(s) which do not otherwise commit the County to commence or engage in such action.
 - 4.2.6. Adoption of the County Budget and the County Capital Program.
- 4.3. **PERMITTING ACTIONS**
 - 4.3.1. Issuance of private residential driveway permits
 - 4.3.2. Issuance of individual residential septic permits
 - 4.3.3. The continuation of presently existing permitted conditions or permitted activities without significant change.
 - 4.3.4. Issuance of any permit, certification or registration which does not relate to construction except for mass gathering permits issued pursuant to Section 225 of New York's Public Health Law.
 - 4.3.5. License and permit renewals where there will be no material change in permit conditions or the scope of permitted activities.
 - 4.3.6. The permitting of extension of utility distribution facilities to serve new or altered single- or two- family residential structure or to render service in approved subdivisions.
- 4.4. **MAINTENANCE AND REPLACEMENT ACTIONS** - The following list of actions are considered Type II actions provided that they meet the guidelines and criteria in part 3 of this list.
 - 4.4.1. Construction or placement of minor structures accessory or appurtenant to existing facilities.
 - 4.4.2. Maintenance of existing landscaping or natural growth.
 - 4.4.3. Minor temporary uses of land having negligible or no permanent effect on the environment.
- 4.5. **TRANSPORTATION AND PUBLIC WORKS ACTIONS** - The following list of actions are considered Type II actions provided that they meet the guidelines and criteria in part 3 of this list.
 - 4.5.1. The acquisition, installation or operation of traffic signal equipment and systems, pavement markings, lighting, signs and other operational

improvements within existing highway, railroad, trail and waterway rights-of-way.

- 4.5.2. The construction or reconstruction of bikeways, walkways, pedestrian bridges and the like, where no more than minor amounts of right-of-way need be acquired, provided that there is no more than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance.
- 4.5.3. Minor improvements to existing highways, such as adding or widening shoulders, adding auxiliary lanes for weaving, climbing, turning or speed change, or correction of substandard intersections.
- 4.5.4. Safety improvements to existing highways such as removal, relocation or shielding of roadside obstacles, grooving, installation of impact attenuators, guide rails, at-grade protective devices, fencing, glare screening, posting speed limits, etc.
- 4.5.5. Replacement reconstruction or rehabilitation, at present sites or immediately adjacent thereto, of existing bridges, culverts or other transportation structures, including railroad crossing structures, not involving substantial expansion of the structure.
- 4.5.6. Reconstruction or rehabilitation of existing highways within existing right-of-ways or involving minor right-of-way acquisition (as such is defined in 4.1.4 above, including, but not limited to repaving, reclamation, spot filling, and milling).
- 4.5.7. Aesthetic or user convenience improvements to existing highways, such as landscaping, removal of nonconforming outdoor advertising, screening of junkyards and improvements at existing rest areas.
- 4.5.8. Minor expansion or alteration of an existing highway maintenance site or structure.
- 4.5.9. Construction of bus shelters and bays, construction of bicycle or pedestrian facilities within existing right-of-way.
- 4.5.10. The construction, reconstruction, rehabilitation or improvement of stormwater and drainage structures provided that there is no change in stormwater volume discharge to the receiving stream, and that any needed permits or notifications to other agencies are completed.
- 4.5.11. Other projects of a minor scale and scope provided that there is no more than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance.
- 4.5.12. Maintenance activities involving mowing, ditch line cleaning, snow removal, etc.
- 4.5.13. Activities undertaken in compliance with a Memorandum of Understanding with a permitting agency involving no other permit or notification requirements.
- 4.5.14. Temporary activities conducted in conjunction with activities in this section 4.5 including material stockpiles, equipment storage, detours, and road closures.
- 4.5.15. Acquisition of easements for drainage or highway ROW in association with land use actions approved by municipalities.

4.6. **FLEET ACTIONS**

- 4.6.1. The acquisition and use of transportation fleet, safety or maintenance vehicles or equipment, or the replacement, rehabilitation or conversion of same, including cars, buses, trucks and the like, when such vehicles or equipment would be used in undertaking exempt acts or type II actions.
- 4.6.2. The acquisition and operation of transportation fleet, equipment and parts used to replace, rehabilitate or convert existing equipment.

4.7. **PUBLIC TRANSIT ACTIONS**

- 4.7.1. The establishment, operation and administration of car-pooling, van-pooling or other shared-ride programs.
- 4.7.2. The institution and operation of new bus services or the expansion of existing services.
- 4.7.3. Increases or decreases in the service frequency of bus lines.
- 4.7.4. Installation of bus shelters, bus stop signs.

4.8. **PROCEDURAL ACTIONS** - The following section clarifies how an action designated as a Type II action by one agency (where the definition of agency includes a municipality as per 617.2) is procedurally treated as a Type II action by a second agency, when permit or funding applications are reviewed by the second agency.

- 4.8.1. Any action listed as type II by an agency other than the County, in that agency's duly adopted Type II list, shall be treated as a Type II action by the County when such action is the subject of an application to the County by such agency for funding or permit approval.
- 4.8.2. Any action listed as Type II by a lead SEQR agency in such agency's duly adopted Type II list, shall be treated as a Type II action by the County, when such action is the subject of an application to the County for funding or permit approval.