



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 61 OF 2026

**FINDING THE BEACON RAIL TRAIL IS A “QUALIFIED ACTION”
EXEMPT FROM SEQRA REVIEW**

WHEREAS, effective May 26, 2026, certain amendments signed into law by NYS Governor Hochul to Article 8 of the New York Environmental Conservation Law (“ECL”) have exempted a limited number of actions from the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, as part of the Fiscal Year 2027 state budget, these "Let Them Build" reforms create direct statutory exemptions to bypass the lengthy environmental review process for specific low-impact projects, including infrastructure development such as rail trails, and accelerate development timelines and lower construction costs, while continuing to require compliance with all other local zoning, historic preservation, and environmental laws.

WHEREAS, pursuant to ECL § 8-0111(5-a)(a), “qualified actions”, as set forth in ECL 8-0111(5-a)(b)(i)-(vi), “shall be exempt from the requirements of [SEQRA] as determined by the responsible agency ...”; and

WHEREAS, ECL § 8-0111(5-a)(b)(v) provides that an action “shall be a qualified action exempt from the requirements of [SEQRA] if the Responsible Agency determines the proposed action is” for “construction located at a previously disturbed site of multi-use bicycle and pedestrian trails;” and

WHEREAS, under ECL § 8-0105(11), a “previously disturbed site” is a parcel of land that is:

- (a) determined by a responsible agency to have been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application for a permit or authorization for an action;
- (b) located within a city, town, or village with a population of fewer than one million persons and located outside of an urban area, as such term...is or comes to be defined by the United States Census Bureau..., such parcel shall abut, adjoin, or be opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application for a permit or authorization for an action, provided such abutting, adjoining, or opposite parcel shall not be occupied by an industrial or agricultural use;
- (c) located within a city, town, or village with a population of fewer than one million persons, is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, or special flood hazard area, provided that this paragraph shall not apply if such a

city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;

- (d) located within a city, town, or village with a population of more than one million persons, is not located in a flood hazard area, as defined in section two hundred two of the New York city building code, provided that this paragraph shall not apply if such a city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;
- (e) is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (f) is not located in a designated coastal erosion hazard area; and

WHEREAS, the City of Beacon is undertaking initial steps for the construction of a segment of the Beacon-Hopewell Rail Trail (the “Rail Trail”), a multi-use bicycle and pedestrian trail extending from the City’s Hudson River waterfront to the hamlet of Hopewell Junction in the Town of the East Fishkill; and

WHEREAS, the Rail Trail consists of converting a 3.2 mile stretch located within the City of Metro-North Railroad’s unused Beacon Line rail bed to a multi-use trail within the existing footprint of the railroad tracks; and

WHEREAS, within the City, the Rail Trail consists of a single ±49.9 acre parcel, known and designated on the Tax Map of the City of Beacon as Parcel ID No. 6054-37-096715; and

WHEREAS, in consideration of the Rail Trail, the Dutchess County Transportation Council issued the 52-page report entitled, “Beacon-Hopewell Rail Trail Feasibility Study,” dated October 2025 (the “Feasibility Study”), which considered two options for the Rail Trail, a rail to trail option or a rail with trail option; and

WHEREAS, the Feasibility Study similarly identified that the Rail Trail be constructed by converting the existing rail bed to a multi-use trail because “[t]his option is the most practical and least disruptive: not only would it cost much less than the Rail with Trail option, but it would impose significantly fewer environmental impacts;” and

WHEREAS, on December 29, 2025, the City entered COB Contract No. 2025-068 with Barton & Loguidice, D.P.C., to perform engineering design, preparation of construction drawings, and bidding materials for the Rail Trail; and

WHEREAS, the “Beacon-Hopewell Rail Trail Feasibility Study,” stated that the Rail Trail would be constructed on a parcel which has been improved as a railway line for over 100 years and currently contains railroad tracks.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Beacon, as the agency approving and undertaking the construction of the City's Rail Trail segment, hereby declares itself to be the Responsible Agency for making the determination of whether the segment of the Rail Trail in the City is a "qualified action" under ECL § 8-0111(5-a); and

BE IT FURTHER RESOLVED, that upon consideration of the whole action to be taken in connection with the construction of the Rail Trail, the City Council of the City of Beacon hereby finds that the Rail Trail will be constructed on a "previously disturbed site," as such term is defined under ECL §§ 8-0105(11)(i)-(vi), for the following reasons:

- (1) The Rail Trail will be constructed within the footprint of the existing Metro-North Beacon Railroad Line which has been improved by a railroad and appurtenant structures for more than two (2) years, thereby satisfying the definition of ECL § 8-0105(11)(i); and
- (2) According to the 2020 United States Census map, the Rail Trail will be located within an urban area, therefore ECL § 8-0105(11)(ii) is not applicable; and
- (3) The City has adopted a local law requiring new construction to be elevated above the base flood elevation, therefore ECL § 8-0105(11)(iii) is not applicable; and
- (4) The City of Beacon has a population less than one (1) million persons, therefore ECL § 8-0105(11)(iv) is not applicable; and
- (5) The Rail Trail, which will be constructed within the footprint of an unused railroad bed, is not being utilized for an agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (6) According to the New York Department of Environmental Conservation coastal erosion hazard area mapper, last updated November 18, 2025, the Rail Trail is not located within any designated coastal erosion hazard area.

BE IT FURTHER RESOLVED, the City Council of the City of Beacon hereby determines that the Rail Trail, which is the conversion of a 3.2 mile stretch of an existing rail bed located within the City into a multi-use pedestrian and bicycle trail, is a "qualified action" pursuant to ECL § 8-0111(5-a)(iv) and therefore exempt from the requirements of SEQRA.

BE IT FURTHER RESOLVED, the City Administrator, or designee, is hereby authorized to undertake all administrative actions necessary to effectuate the intent of this Resolution, including, but not limited to, transmitting a copy of this resolution to the Village of Fishkill, Town of East Fishkill, Town of East Fishkill, Metro-North, the Dutchess County Council on Transportation, the New York State Department of Transportation Region 8, the New York State Department of Environmental Conservation Region 3, and the United States Army Corps of Engineers New York District.

Resolution No. 61 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					x
		Amber Grant	x				
x		Lastar Gorton	x				
		Zack Smith	x				
		Sergei Krasikov	x				
	x	Carolyn Glauda	x				
		Mayor Lee Kyriacou					x
Motion Carried			x				