



# Hudson River Valley Greenway



## STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FINDINGS STATEMENT

**Name of Action:** Albany-Hudson Electric Trail Final Environmental Impact Statement

**Description of Action:** The proposed project is a 36-mile-long pedestrian and bicycle trail which crosses through two counties (Rensselaer and Columbia), beginning at the northern end in the City of Rensselaer east of the City of Albany, and ending in the Town of Greenport, just north of the City of Hudson. The AHET will be comprised of a combination of off-road trails (utilizing an electric utility corridor owned by National Grid) and on-road bike paths, sidewalks, and side paths (utilizing local, county, and state roadways).

**Location of Action:** City of Rensselaer, Towns of East Greenbush, Schodack, Nassau, Chatham, Kinderhook, Stuyvesant, Stockport, and Greenport and the Villages of Nassau and Kinderhook.

**Date Final EIS Accepted:** September 12, 2018

**Agency Jurisdiction:** The Greenway Conservancy for the Hudson River Valley, referred to in this document as the "Hudson River Valley Greenway" or "HRVG," is the Lead Agency having jurisdiction over this project. Project construction will require permits and approvals from the agencies listed below:

### List of Approvals, Reviews and Permit:

Regulatory Agency	Permits and Approvals
United States Army Corps of Engineers (USACOE)	Federal Wetlands (Section 404 Clean Water Act, Section 10 Rivers and Harbors Act)
United States Fish & Wildlife Service (FWS)	Threatened and Endangered Species Determination
New York State Department of Transportation (NYSDOT)	ROW/Access Highway Work Permits
New York State Thruway Authority (NYSTA)	ROW/Access Highway Work Permits
New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)	Coordination/Approval
New York State Department of Environmental Conservation (NYSDEC)	Article 15, Title 5, Protection of Waters-Stream Disturbance, Excavation/Fill in Navigable Waters; Article 24, Freshwater Wetlands; State Pollutant Discharge Elimination System (SPDES) for stormwater discharge from construction; Water Quality Certification (Section 401 of the Clean Water Act)
New York State Department of State (DOS), Division of Coastal Resources	Local Waterfront Revitalization Program Consistency Review; Coastal Zone Management Approval and State Consistency Determination
Local Governments	ROW/Access Permits, Maintenance Agreements, Approval of relocation of some of National Grid's poles and guys, if necessary (all approvals to be obtained by the HRVG)
National Grid	Owner Agreements-Construction Standards

**Description of the SEQRA Process:**

- A Full Environmental Assessment Form (FEAF) was completed by the HRVG in September of 2017.
- The HRVG used the FEAF to complete a request for SEQRA Lead Agency status to begin a Coordinated Review under SEQRA on October 18, 2017.
- The first step in the Coordinated Review was to determine the project's significance, i.e., would the project potentially have any environmental impacts. The HRVG determined that the project has the potential for environmental impacts and given the size of the project, was classified as a Type I Action under SEQRA. This determination was made on November 20, 2017.
- The HRVG developed a Draft Scoping Document that was circulated for review to involved and interested public entities and was published for public review and submitted in November of 2017.
- At the close of the public comment period, the HRVG adopted the Draft Scoping Document and directed the initiation of the preparation of this DEIS on November 20, 2017.
- A preliminary version of the DEIS was issued by the HRVG staff on January 22, 2018 for HRVG "Lead Agency Completeness Review". This review culminated on March 9, 2018, resulting in the release of the DEIS for public review and comment.
- A 60-day comment period on the DEIS began on March 9, 2018 and closed on May 8, 2018. A Public Hearing was held on March 28, 2018. All comments received during the DEIS public comment submission period are part of the SEQRA public record and are incorporated into the FEIS.
- The HRVG accepted this FEIS as complete on July 16, 2018. The FEIS was issued for a 30-day public comment period that beginning on July 17, 2018 and ending on August 16, 2018.
- At the end of the 30-day comment period, the HRVG reviewed all public comments, and determined whether any final adjustments to the FEIS were warranted.
- The HRVG unanimously recommended approval of all project actions related to the advancement of this project on September 12, 2018.
- The issuance of this Statement of Findings by the Lead Agency and those issued by other Involved Agencies completed the environmental review process required by SEQRA.

**Facts and Conclusions Relied on to Support the Decision:**

Pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Hudson River Valley Greenway as the SEQRA Lead Agency makes the following findings concerning relevant environmental impacts:

The HRVG has determined that the DEIS and FEIS documents and the public hearing are sufficient to inform the public of all environmental aspects of the proposed project's affects. The HRVG has also determined that the detailed mitigation measures specified in the Draft and Final EIS are adequate to avoid or minimize environmental impacts of the project.

**1. Topography and Slope**

The Draft and Final EIS considered the potential impacts of the proposed project on slopes of 15% or greater. According to the FEIS, the former railway bed ("rail prism"), defines the topography along the off-road portion of the trail. The rail prism is generally flat on the top with varying side slopes that exceed 15% in some areas. No impact of steep slopes is expected in Trail sections that utilize existing sidewalks or roadways. Impacts to slopes greater than 15% occur only in areas that require the

replacement of culverts, relocation of some of National Grid utility poles and guywires or construction of bridges. Hydraulic studies have been performed in all areas where culvert replacement and bridge installation is necessary to ensure protection of the embankments during major storm events and allow water to safely pass under the trail. New culverts and bridges have been designed to NYSDOT specifications and standards. To mitigate any potential impacts, best management practices for erosion control and soil stabilization have been incorporated into the project design to minimize the impact of soil disturbance including disturbances needed by National Grid for any pole and guywire (asset) relocations due to trail alignment conflicts. All slopes at a 3:1 slope or greater will receive Erosion Control Blanket Temporary E&SC measure.

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**Finding:** *The HRVG finds that the proposed project will not significantly impact topography and slopes and that all impacts to topography and slopes have been adequately addressed and will be minimized through the implementation of design measures identified on the project design plans.*

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## 2. Surficial Geology and Soils

The Draft and Final EIS considered whether construction of the proposed project may result in erosion whether from physical disturbance or vegetation removal. According to the FEIS, the majority of the proposed AHET Trail route will be constructed along an old trolley railroad bed. Due to the level and highly compacted nature of the top of the rail bed prism, there is little concern for erosion, except limited areas where steep slopes need to be modified for construction of the trail. No soil disturbance is expected in Trail sections that utilize existing sidewalks or roadways. To mitigate any potential impacts, best management practices for erosion control and soil stabilization have been incorporated into the project design to mitigate the impact of soil disturbance. The requirements from the Storm Water Pollution Prevention Plan (SWPPP) for this project will be implemented and monitored during construction, providing for necessary temporary and permanent erosion and sediment control practices that will be utilized during construction to minimize sediment transport offsite. During construction, soil erosion control will be accomplished by sequencing site disturbance activities, establishing erosion controls, minimizing areas of disturbance, maintaining existing vegetation as much as possible, implementation of appropriate dewatering methods, and stabilization of newly disturbed areas as soon as possible.

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**Finding:** *The HRVG finds that the proposed project will not significantly impact geology and soils and that any impacts to geology and soils have been adequately addressed and will be minimized through the implementation of design measures identified on the project design plans.*

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## 3. Bedrock Geology

The Draft and Final EIS evaluated if development of the proposed project would involve construction on land where bedrock is exposed or within 5 feet of existing ground surface. According to the FEIS, the majority of the proposed AHET Trail route will utilize existing roadways or be constructed on top of the existing rail bed prism, and no bedrock within 5 feet of existing ground surface exists in the areas where construction of new bridges are proposed. In addition, all proposed culverts will be replaced in-kind, therefore, no additional bedrock removal is expected.

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**Finding:** *The HRVG finds that the proposed project will not significantly impact bedrock geology.*

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#### 4. Stormwater Management

The Draft and Final EIS considered how construction of the proposed AHET Trail would potentially cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. According to the EIS, existing drainage patterns will remain essentially unchanged from the existing condition and post-construction stormwater management controls will not be required under GP-0-15-002 permit. The requirements from the Storm Water Pollution Prevention Plan (SWPPP) will be implemented and monitored during construction providing for necessary temporary and permanent erosion and sediment control practices that will be utilized during construction to minimize sediment transport offsite. During construction, soil erosion control will be accomplished by sequencing site disturbance activities, establishing erosion controls including stabilized access ways for utility pole and guywire relocations, minimizing areas of disturbance, maintaining existing vegetation as much as possible, implementation of appropriate dewatering methods, and stabilization of newly disturbed areas as soon as possible.

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***Finding:** The HRVG finds that the proposed project will not significantly impact soils or water bodies through storm water discharge. Potential impacts will be minimized through adherence to the Storm Water Pollution Prevention Plan (SWPPP).*

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#### 5. Freshwater Wetlands

The Draft and Final EIS considered the potential impacts of construction of the proposed AHET Trail on freshwater or tidal State and Federal wetlands. According to the FEIS, there are 63 wetlands within the Study Area for the proposed AHET. The identified wetlands include emergent, scrub-shrub, open water and forested wetland communities. Approximately 1.89 acres of federally regulated wetlands, as well as 7.197 acres of State-regulated wetland adjacent area will be impacted by development of the trail. These impacts will primarily result from grading and filling in preparation for final trail pathway construction. There will be various temporary impacts associated with access, staging, and construction activities that have also been quantified and documented in permit requests with regulatory agencies. These temporary impacts will be reversed and restored once construction is complete. Because National Grid's utility corridor is relatively narrow and must accommodate both the trail and electrical transmission infrastructure, construction of a wetland mitigation project is not feasible on National Grid's property. Therefore, the HRVG has requested permit approval to undertake a wetland mitigation project at nearby Schodack Island State Park (Park). The Park is a 1000-acre property located on the Hudson River, approximately six miles west of the AHET trail project. The Park lies within the same watershed as the trail corridor and has been accepted by regulatory agencies as an appropriate location for wetland mitigation projects. The mitigation activity that will take place within the Park includes restoring shallow-water, side channel and tidal wetland habitat by excavating a channel through fill that was historically placed between the original separate islands. The final design, and wetland mitigation replacement ratios will be determined during the ongoing permitting process implemented by the federal and state regulatory agencies. If construction of the wetland mitigation project in the Park results in any temporary impacts to existing wetlands, those areas will be fully restored and re-established to pre-impact condition through grading and seeding. Any temporary impacts will be addressed through the permitting process.

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***Finding:** The HRVG finds that the design of the proposed project has minimized impacts to wetlands to the extent feasible, and that any unavoidable impacts will be mitigated through a wetland mitigation project to compensate for impacts to wetlands resulting from construction of the AHET Trail. The exact*

*acreage and design of the wetland mitigation project will be finalized through a permit issued by the U.S. Army Corps of Engineers and NYS DEC.*

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## 6. Surface Waterbodies

The Draft and Final EIS considered the potential impacts of construction of the proposed AHET Trail on surface waterbodies, either from the creation of turbidity from upland erosion and sediment runoff, by disturbing bottom sediments and stream bed and banks, or the effect of the project on the water quality of any water bodies within or downstream of the site of the proposed action. According to the FEIS, based on the current trail alignment and design, there will be approximately 800 linear feet of permanent and temporary impacts to streams or waterways along the 36-mile long trail. All proposed stream crossings, including new installation or replacement of culverts, bridge construction and/or National Grid assets (poles and guywires), will adhere to regulatory agency conditions (USACE and NYSDEC) requiring adequate flow passage and aquatic life movement. These actions will assure that project activities in-stream abide by permit requirements thus ensuring proper mitigative measures in response to any temporary or permanent impacts to water resources during construction. The comprehensive Stormwater Pollution Prevention Plan (SWPPP) will be implemented during construction to mitigate the potential of erosion and sediment transport while the trail is being built to assure that water quality standards are met or exceeded for the duration of the project.

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*Finding: The HRVG finds that the proposed project will not significantly impact surface waterbodies. Mitigation for impacts to surface waterbodies will be developed in concert with off-site measures to compensate for project wetland impacts.*

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## 7. Floodplains

The Draft and Final EIS considered whether construction of the proposed AHET Trail may result in development on lands subject to flooding; development within a 100-year floodplain; development within a 500-year floodplain; or if the proposed action may result in, or require, modification of existing drainage patterns. According to the FEIS, six (6) bridges will be installed at locations where the AHET Trail crosses waterbodies: Bridge 1 over the Moordener Kill in the Town of Schodack; Bridges 2, 3 and 4 over the Valatie Kill in the Village and Town of Nassau; Bridge 5 over the Valatie Kill in the Town of Chatham, and Bridge 6 over the Valatie Kill in the Town of Kinderhook. The analyses of pre- and post-development conditions indicated that the placement of the bridges in these locations will have no adverse effects to the upstream water surface elevation of the Moordener Kill or Valatie Kill during the 100-yr. design storm event. ‘No adverse effects’ refers to the New York State Department of Environmental Conservation (NYSDEC) stipulation that any new development will not result in more than one-foot rise in the base flood elevation and that whatever rise less than one-foot will not cause any previously-unaffected structures to be impacted by the new base flood elevation. Results indicate that the placement of the bridges will not have any negative impacts on flood levels and increase any floodplain or drainage conditions. No other locations along the trail will involve construction within a regulated floodplain for any off-road trail sections.

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*Finding: The HRVG finds that the proposed project will not significantly impact the 100 or 500-year floodplain.*

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## 8. Plants and Animals

The Draft and Final EIS considered whether the construction of the proposed AHET Trail may result in population loss or reduction or degradation of any habitat of any rare, threatened or endangered species, or species of special concern or conservation need, as listed by New York State or the Federal government; or substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. According to the FEIS, virtually all off road portions of the trail will occur on the old trolley line (National Grid's utility corridor), or along existing sidewalks, or shoulders of public roadways. Given the disturbed nature of the National Grid utility corridor, construction of the proposed trail is not predicted to adversely impact any Threatened, Endangered or Special Concern species listed by the state or federal resource agencies. Tree cutting will be minimal and will occur during winter months thereby avoiding the time of year that protected bats may be present along the project corridor.

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*Finding: The HRVG finds that the proposed project will not significantly impact any rare, threatened or endangered species, or species of special concern or conservation need, as listed by New York State or the Federal government; or substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.*

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## 9. Agricultural Resources

The Draft and Final EIS considered whether the construction of the proposed AHET Trail would sever, cross or otherwise limit access to agricultural land (including cropland, hayfields, pasture, vineyard, orchard, etc.). According to the FEIS, in areas where there are active farm operations that require the use of the National Grid utility corridor for access to adjacent farm fields, the HRVG has incorporated a variety of design features in the AHET Trail to minimize impacts to adjacent agricultural lands. Specifically, in places where farm equipment currently crosses the National Grid ROW to access fields, this practice will continue, with the HRVG working with involved farmers to designate safe crossing locations. HRVG will install signage, and where appropriate fencing and gates, to reinforce that trail users must stay on the trail and not enter adjacent agricultural areas.

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*Finding: The HRVG finds that the proposed project will not significantly impact agricultural resources.*

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## 10. Historic and Archaeological Resources

The Draft and Final EIS considered whether construction of the proposed AHET Trail would occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed (or is eligible for listing) by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places; any area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory; or any archaeological site not included on the NY SHPO inventory. The HRVG engaged the consulting firm Hartgen Archeological Associates, Inc. to complete a Phase 1 archeological investigation, which included more than 600 shovel pit tests along the AHET route. No significant archeological resources were identified in the report. Hartgen also determined that development of the AHET Trail will not result in any adverse impacts to any adjacent historic buildings or districts. Based on this investigation, a letter of No Impact has been issued for the project by the New York State Office of Parks Recreation and Historic Preservation, State Historic Preservation Office (NY SHPO).

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**Finding:** *The HRVG finds that the proposed project will not significantly impact cultural and historic resources. In support of this finding, the NY SHPO issued a letter of No Impact on March 14, 2018 and, after reviewing minor trail route changes, a supplemental letter of No Impact on June 26, 2018.*

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## 11. Transportation

The Draft and Final EIS considered whether the construction of the proposed AHET Trail would alter the present pattern of movement of people or goods. According to the FEIS, at various locations where off-road trail segments cross public roads, traffic studies were completed to evaluate existing traffic conditions and counts including vehicular, bicycle, and pedestrian traffic. The analyses determined that the primary area of concern for the current transportation network will be potential user conflicts between pedestrian and bicycle traffic and vehicular traffic at the various roadway crossings and on-road portions of the AHET Trail. Using State and Federal guidelines, the HRVG has determined the most appropriate improvements to ensure trail-user safety at all road crossings and on-road trail segments, mitigating potential impacts from shared use of the local transportation roadway network.

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**Finding:** *The HRVG finds that the proposed project will not significantly impact transportation. The AHET Trail has been designed using State and Federal guidelines to ensure trail-user safety at all road crossings and on-road trail segments, mitigating potential impacts from shared use of the local transportation roadway network.*

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## 12. Human Health

The Draft and Final EIS considered whether the construction of the proposed AHET Trail is located within 1,500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community; whether there is a completed emergency spill remediation or a completed environmental site remediation on, or adjacent to, the site; and whether the proposed action may result in excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. According to the FEIS, there are multiple schools and health facilities located within 1,500 feet of the proposed AHET Trail. Statewide research has shown that the trail will not generate any adverse impact on these facilities; therefore, no mitigation is proposed. The New York State Department of Environmental Conservation (NYSDEC) identified that there are no identified open spills, remediation or hazardous sites in proximity to the trail route throughout Rensselaer County; therefore, no additional action is required for the development of trail plans in Rensselaer County. In Columbia County, two active spill, remediation or hazardous sites were identified within proximity to the proposed AHET Trail in the Town of Chatham and the Town of Greenport; however, the trail will not impact these sites, and therefore no mitigation measures are necessary. If any unexpected contamination is encountered during the construction of the project, the spill (including soil contamination) must be called into NYS Spill Hotline (1-800-457-7362) within two hours of discovery.

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**Finding:** *The HRVG finds that the proposed project will not significantly impact human health.*

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## 13. Consistency with Community Plans and Zoning

The Draft and Final EIS considered whether the construction of the proposed AHET Trail is in sharp contrast to current surrounding land uses. According to the FEIS, the proposed action is not in sharp contrast to current surrounding land use patterns. The need for additional trails and recreational assets has been identified in local Comprehensive Plans adopted by a number of communities along the AHET route. In addition, the project is consistent with the policies of the 2011 City of Rensselaer Local

Waterfront Revitalization Program (LWRP) as well as the State coastal policies outlined in 19 NYCRR Part 600.5 and 19 NYCRR Part 600.6. The AHET is an important part of the Empire State Trail and has the potential to serve as a key connection for the statewide trail system, providing important transportation and recreation benefits, and helping connect people to the scenic landscapes, points of interest and community centers along the corridor. HRVG completed a Trail User Projection for the Albany-Hudson Electric Trail that projects anticipated trail use at 17 locations along the trail route. According to the FEIS, trail use during the peak summer season will range from 142 to 568 visitors per day (and will average approximately 200 users per day), spread across the 15-hour dawn-to-dusk period. This projected level of trail usage will not adversely impact community character.

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***Finding:** The HRVG finds that the proposed project is not in sharp contrast to current surrounding land use patterns or community Comprehensive Plans and will not have a significant negative impact on the municipalities that it will pass through. In contrast the AHET Trail is expected to become a valued asset that will provide positive economic, recreational, transportation safety, and health benefits.*

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## 14. Community Services

The Draft and Final EIS considered whether construction of the proposed AHET Trail may create a demand for additional community services (e.g. police/security, fire, ambulance, emergency rescue). According to the FEIS, the NY State Park Police have indicated that the number of EMS response incidents on these types of trails is low, especially on trails that allow non-motorized use only (this is the case with AHET Trail, where snowmobiles and ATVs will be prohibited). Based on State Parks' experience, the HRVG anticipates that the AHET Trail will not generate a significant number of annual emergency incidents requiring EMS response.

Although state law enforcement agencies will be available to provide strategic assistance, local police and EMS agencies will be the primary first responders. During the completion of the EIS, local EMS, Police and fire services providers were contacted to confirm their capacity to service the trail. HRVG confirmed that the Rensselaer County and Columbia County 911 systems have the capability to locate a cell phone, by pinging the GPS function on the mobile device. Some limitations to the functionality of this technology may occur if signal strength is weak, but cell coverage has been documented to be very good along the AHET Trail route. To enhance the effectiveness of the 911 system, the HRVG will provide digital Geographic Information System (GIS) information to the Rensselaer and Columbia County 911 Centers to integrate into their systems. This will allow 911 dispatchers to provide location guidance to local police and EMS responders. Additionally, as part of the AHET construction project, street signs will be installed at strategic locations where the trail crosses public roads. Road name signage will assist trail users and 911 dispatchers in guiding EMS response should incidents occur.

The AHET Trail is also being designed to provide direct access to emergency vehicles and will include surfacing and bridges designed to support loading from EMS, Fire and Police vehicles. There are 70 public road and private driveway crossings along the 36-mile AHET route, providing quick access to the trail by emergency vehicles. In those instances where emergencies occur on the AHET Trail, local EMS agencies will respond in the same way that they provide services throughout their jurisdictions. The cost of emergency services will be managed by local responders, consistent with their regular practices.

### Trail Maintenance

The AHET Trail will be operated and maintained by a collaborative partnership including the Hudson River Valley Greenway, city, town and village governments, and interested trail groups and volunteers. HRVG has initiated conversations with several non-profit organizations who have expressed potential interest in maintaining sections of the AHET Trail, focusing on segments where local governments are

not able to do so. Additionally, the HRVG will donate trail maintenance equipment, such as commercial-grade mowers, string trimmers, and trailers, to local governments and non-profit organizations that accept responsibility to manage sections of the AHET Trail. The HRVG retains ultimate responsibility for maintaining the trail, including mowing and related activities. In the event that specific trail segments are not maintained by a local sponsor, HRVG will directly conduct routine maintenance activities by either hiring seasonal staff or contracting with a commercial landscaping firm. HRVG will ensure that a maintenance plan is in place for the entire AHET Trail prior to bidding construction of the project.

**Finding:** *The HRVG finds that the proposed project will not significantly impact community services. According to the FEIS, the State Park Police have indicated that the number of EMS response incidents on these types of trails is low, especially on trails that allow non-motorized use only. Based on State Parks' experience, the HRVG anticipates that the AHET Trail will not generate a significant number of annual emergency incidents requiring EMS response. While the HRVG retains ultimate responsibility for maintaining the trail, including mowing and related activities, the AHET Trail will be operated and maintained by a collaborative partnership including the HRVG, city, town and village governments, and interested trail groups and volunteers. The HRVG will ensure that the final Trail Maintenance Plan is implemented for the entire AHET Trail prior to opening the trail for public use.*

**Certification to Approve/Fund/Undertake:**

Having considered the Draft and Final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

**Hudson River Valley Greenway (HRVG)**

<b>Name of Lead Agency</b>
Andy Beers
<b>Signature of Responsible Official</b>

<b>Title of Responsible Official</b>
Empire State Trail Director
<b>Date</b>
10-11-2018

**Address of Lead Agency**

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All project related documents are available for public review on the AHET website [www.ahettrail.org](http://www.ahettrail.org). and at Town Clerk offices in East Greenbush; Schodack; Nassau; Chatham; Stuyvesant; Greenport; Stockport; and Kinderhook.