

Minutes of a Special Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **January 02, 2013.**

ROLL CALL:

Present:

Supervisor Anthony P. Cellini, Presiding
Councilman Richard Sush
Councilman Sharon Jankiewicz
Councilman Peter T. Briggs
Councilman Scott Mace

Also Present:

Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
Paula E. Kay, Deputy Town Attorney
Richard D. McGoey, Town Engineer
Gary J. Lasher, Comptroller
Thomas J. Kelly, Deputy Town Clerk & Grants
Gerald Fielding, Town Historian
6-Representatives on behalf of EPT Concord II, LLC

SPECIAL TOWN BOARD MEETING

Supervisor Cellini called the Special Town Board meeting to order at 12:03 PM for the purpose of deciding whether to accept and find complete the FGEIS and FEIS for the EPT Concord II, LLC project as well as any other action required by the Town Board as is deemed proper and necessary by the Board. Supervisor Cellini said that the news media and public have been notified of the meeting. Town Clerk Marilee J. Calhoun stated that she had the original affidavit of publication for this meeting. Notice of said meeting was duly published in the Sullivan County Democrat on December 28, 2012 with same being posted on the bulletin board at the Town Hall.

PLEDGE TO THE FLAG – Lead by Councilman Peter T. Briggs

AGENDA ITEMS:

1. PRESENTATION OF THE DGEIS & FEIS: EPR F/K/A EPT CONCORD II, LLC AND EMPIRE RESORTS

Supervisor Cellini called upon Town Engineer Richard D. McGoey to provide a brief report on his findings since the last meeting. Engineer McGoey provided an explanation involving the outstanding issues that he had. He advised that the 2-major changes regarding Hospital/Medical Facilities and Local Road Maintenance for maintenance and rehabilitation of local roadways were all resolved. Deputy Town Attorney Paula Kay said that Robert Geneslaw Co., the Planning and Development Consultants for the Town submitted a two-page memo with several comments, which have all been addressed. She believes that all other outstanding issues have been addressed. Supervisor Cellini asked if the Town Board had any comments. The Town Board was okay with all of the changes. Councilman Jankiewicz said that by the Board accepting the document as complete, changes could still be made if deemed necessary. Town

Engineer McGoey said that the Board will still have the statement of findings, which could warrant changes if necessary.

Supervisor Cellini called upon Steven Vegliante, Attorney on behalf of the project. Attorney Vegliante thanked the Town Board for holding this special meeting. They are asking that the Town Board accept the FGEIS & FEIS as completed including the necessary publications. Once the document has been accepted they will make the completed copy available on the Town website for public review. The public comment period will be accepted until the close of business on 01/14/2013. Finally, he asked that the Board set the public hearing for the Local Law for the PRD Text Amendments and Comprehensive Development Plan. They would like the public hearing to be held on 01/15/2013 at 7:30 PM. This would allow sufficient time for the comment period.

2. ACTION: ACCEPTANCE OF THE DGEIS & FEIS

The Following Resolution Was Duly Adopted: Res. No. 01 of the Year 2013.

At a regular meeting of the Town Board of the Town of Thompson held in the Town of Thompson Town Hall, 4052 State Route 42, Monticello, New York on January 02, 2013.

RESOLUTION TO ACCEPT A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT AND FINAL ENVIRONMENTAL IMPACT STATEMENT IN CONNECTION WITH THE EPT CONCORD RESORT AND SCHEDULING A COMBINED PUBLIC HEARING PURSUANT TO THE NEW YORK STATE MUNICIPAL HOME RULE LAW AND CODE OF THE TOWN OF THOMPSON ON PROPOSED AMENDMENTS TO THE TOWN ZONING LAW AND NEW PROPOSED PLANNED RESORT DEVELOPMENT COMPREHENSIVE DEVELOPMENT PLAN

WHEREAS, EPT Concord II, LLC (“Applicant”) (i) submitted to the Town Board a petition to amend the Town of Thompson Zoning Law with respect to the Planned Resort Development (“PRD”) district, (ii) requested establishment of a new Comprehensive Development Plan (“CDP”) for the EPT Concord Resort, (collectively hereinafter referred to as the “Action”) and (iii) is seeking to have the Town Board accept as complete the FGEIS/FEIS; and

WHEREAS, on March 08, 2012, the Town Board of the Town of Thompson by resolution accepted the Applicant’s petition in connection with the Action, determined the Action to be a Type I Action pursuant to State Environmental Quality Review Act (“SEQRA”), identified other involved and interested agencies and declared its intent to serve as Lead Agency and circulated a Notice of Intent to serve as Lead Agency; and

WHEREAS, on April 10, 2012, the Town Board of the Town of Thompson accepted and assumed its position as SEQRA Lead Agency for the Action and, by Resolution 136 of 2012, determined that the Action may have a significant adverse environmental impact and adopted a

Positive Declaration requiring preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, on April 17, 2012, the Town Board of the Town of Thompson accepted and adopted a Final DGEIS and Phase I DEIS Scoping Outline and directed the Applicant to prepare a DGEIS and DEIS consistent with the accepted final scoping document; and

WHEREAS, on June 05, 2012, the Town Board of the Town of Thompson accepted an amended petition to amend the zoning code and referred such petition to the Town Planning Board for review and consideration in accordance with Section 250-82 B of the Code of the Town of Thompson and, at the same meeting the Town Board accepted for consideration Applicant’s CDP and referred it to the Town Planning Board for review and consideration in accordance with Section 250-27.2 C(1)(a) of the Code of the Town of Thompson; and

WHEREAS, the Applicant prepared a DGEIS and DEIS for the Action, consistent with the Scoping Outline adopted on April 17, 2012, and submitted same to the Town Board on July 06, 2012 for review and consideration; and

WHEREAS, the members of the Town Board of the Town of Thompson and its consultants and other advisory technical staff reviewed the DGEIS and DEIS for completeness with respect to the items set forth in the scoping document; and

WHEREAS, on July 24, 2012 following its review of the DGEIS and DEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review and prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS and requested and accepted public comment until September 07, 2012; and

WHEREAS, on August 28, 2012, pursuant to 6 NYCRR 617.9, the Town Board of the Town of Thompson held a public hearing on the DGEIS and DEIS and received public comment thereon; and

WHEREAS, on August 28, 2012, the Town Board of the Town of Thompson, held public hearings regarding the proposed Action in connection with (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20(4) of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code;

WHEREAS, on November 08, 2012, the Town Board of the Town of Thompson accepted a second amended petition to amend the zoning code and referred such petition to the Town and County Planning Board for review and consideration; and

WHEREAS, the Town Board of the Town of Thompson placed the FGEIS and FEIS on the agenda for the regular meeting of the Town Board of the Town of Thompson held on December

18, 2012, wherein the FGEIS and FEIS were discussed among members of the Town Board of the Town of Thompson, the Town's consultants and the Applicant, and the Town Board decided to defer acceptance of the proposed FGEIS and FEIS and to hold a special meeting on January 02, 2013 to review and consider accepting same; and

WHEREAS, a proposed Final Generic Environmental Impact Statement ("FGEIS") and Final Environmental Impact Statement ("FEIS") has been prepared which incorporates by reference the DGEIS, DEIS, and relevant comments thereto, assembles the relevant and material facts and which appropriately analyzes the potentially significant adverse environmental impacts, evaluates all reasonable alternatives, and which has been written in clear and concise language that can be read and understood by the public; and

WHEREAS, the FGEIS and FEIS has been fully considered by the Town Board of the Town of Thompson in accordance with SEQRA; and

WHEREAS, pursuant to 6 NYCRR 617.11, the Town Board of the Town of Thompson determines that given the degree of interest in the action shown by the public and involved agencies that additional public comment will be accepted by the Town Board; and

WHEREAS, public hearings regarding the proposed Action are required in connection with (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20(4) of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code;

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Thompson, in its capacity as Lead Agency, hereby accepts and finds that the FGEIS and FEIS is accepted as complete; and

BE IT FURTHER RESOLVED, that the FGEIS and FEIS identifies and examines all reasonably foreseeable significant environmental impacts associated with the Action; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to file and publish the Notice of Completion of FGEIS and FEIS annexed hereto and made apart hereof as Exhibit A in accordance with 6 NYCRR 617 in the Environmental Notice Bulletin and to circulate same to the interested and involved agencies pursuant to SEQRA regulation; and¹

BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson directs that the FGEIS and FEIS, in its entirety, be immediately filed and otherwise made available for public review at Town of Thompson Town Hall, 4052 State Route 42, Monticello, New York during normal business hours, the Crawford Public Library, 393 Broadway, Monticello, New York, and on the Town of Thompson website; and

¹ ATTACHMENT: EXHIBIT A "SEQRA NOTICE OF FGEIS/FEIS COMPLETION AND PUBLIC COMMENT PERIOD".

BE IT FURTHER RESOLVED, that the approval of the FGEIS and FEIS and related filing, circulation and publication contained in this resolution shall take effect immediately; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson directs that a minimum of 10 days required by SEQRA will be offered all interested and involved agencies after this date for consideration after the adoption of the FGEIS and FEIS; and

BE IT FURTHER RESOLVED, that Town Board of the Town of Thompson, as lead agency, will accept public comment on the FGEIS and FEIS until close of business on January 14, 2013; and

BE IT FURTHER RESOLVED that the Town Board does hereby schedule a combined public hearing on the proposed Action (i) to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20(4) of the Municipal Home Rule Law of the State of New York, and (ii) for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Code of Town of Thompson (hereinafter referred to as the “Combined Hearings”); and

BE IT FURTHER RESOLVED, that the Combined Hearings shall be held on the 15th day of January 2013 at 7:30 P.M. (local time), or as soon thereafter as the matter can be heard, at the Town of Thompson Town Hall, 4052 State Route 42, Monticello, New York; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to cause a notice of Public Comment and Combined Hearings in connection with the Action in the form set forth in Exhibits B, C and D annexed hereto and made a part hereof to be published in the official newspaper of the Town of Thompson, the Sullivan County Democrat, a newspaper of general circulation and served upon all appropriate persons and offices, as deemed appropriate by the Town Attorney; and²

Dated: January 02, 2013

MOVED BY: Councilman Richard Sush
SECONDED BY: Councilman Peter T. Briggs

Approved on Roll Call as follows:

Supervisor Anthony P. Cellini:	Aye
Councilman Richard Sush:	Aye
Councilman Scott Mace:	Aye
Councilman Peter Briggs:	Aye
Councilman Sharon Jankiewicz:	Aye

Passed (5-0)

² ATTACHMENT: EXHIBIT B “NOTICE OF SEQRA PUBLIC COMMENT PERIOD”, EXHIBIT C “NOTICE OF PUBLIC HEARING ON LOCAL LAW” AND EXHIBIT D “NOTICE OF PUBLIC HEARING ON CDP”.

