

**Minutes of a Regular Meeting** of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **June 03, 2014.**

**ROLL CALL:**

**Present:** Supervisor William J. Rieber, Jr., Presiding  
Councilman Richard Sush  
Councilman John A. Pavese  
Councilman Peter T. Briggs  
Councilman Scott Mace

**APPROVED**

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
Paula E. Kay, Deputy Town Attorney  
William D. Culligan, Water & Sewer Superintendent  
Logan E. Ottino, Building Dept. /Code Enforcement Officer

**REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 7:30 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

**MONTHLY REPORTS FOR MAY 2014 RECEIVED AND FILED**

Building Department & Code Enforcement Officer's Report  
Dog Control Officer's Report  
Comptroller's Budgetary Report

**APPROVAL OF MINUTES:**

On a motion made by Councilman Briggs and seconded by Councilman Mace the minutes of the May 20<sup>th</sup>, 2014 Regular Town Board Meeting were approved as presented.

Vote: Ayes 5            Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**PUBLIC COMMENT:**

There was no public comment given.

**CORRESPONDENCE:**

Supervisor Rieber reported on correspondence that was sent or received as follows:

- 1) Letter dated 05/16/14 from Town Clerk Calhoun to Mr. David Jaroslawicz, Esq. of the Law Office of Jaroslawicz & Jaros LLC regarding response to FOIL request for Building Department Records.
- 2) Letter dated 05/21/14 from Town Clerk Calhoun to Lebaum Company, Inc. regarding Notice of Claim – Kimberley Beam vs The Town of Thompson and the Town of Thompson Highway Department, DOL: 03/21/2014. The claim was

- involving a Building Department Vehicle and not a Highway Department Vehicle however the Notice of Claim listed the Highway Department in error.
- 3) Letter dated 05/19/14 from Robert LaCourt, Regional Structures Management Engineer, NYS DOT Region 9 to Supervisor Rieber regarding transmittal of 2013 Bridge Inspection Reports via CD with electronic copies.
  - 4) Letter dated 05/22/14 from Assessor Van B. Krzywicki to Mayor Gordon Jenkins and Monticello Village Board of Trustees regarding Building Permits, Certificates of Occupancy/Compliance, Site Plans, etc.
  - 5) Letter dated 05/14/14 from NYS Senator John J. Bonacic to Supervisor Rieber regarding State & Municipal Facilities Capital Program (SAM) Funding.
  - 6) NYS Office of Real Property Tax Services dated 05/15/14 – Notice of Tentative State Equalization Rate for the 2014 Assessment Roll for Town of Thompson, which is 87.00. The complaint form and supporting documentation deadline is 06/04/14. The hearing date is set for 06/09/14 @ 10AM.
  - 7) Letter dated 05/28/14 from Town Attorney Michael B. Mednick to Town Engineer Richard D. McGoey of McGoey, Hauser and Edsall Consulting Engineers PC regarding the Map, Plan & Report for the proposed Holiday Mountain Fun Park Sewer District.
  - 8) Letter dated 06/03/14 from Christina L. Doughney, P.E., PTOE, Traffic Engineer of Clough Harbour Associates (CHA) to Supervisor Rieber and Town Board regarding the Peer Review of the Traffic Impact Study for the Casio and Hotel Project at Adelaar in the Town of Thompson, New York; CHA File # 24235.
  - 9) Kiamesha Artesian Spring Water Co. Annual Water Quality Report “2013 Year in Review”.
  - 10) Letter dated 05/27/14 from Town Attorney Michael B. Mednick to Nicholas Montaque, Account Executive of Time Warner Cable, Inc. regarding a contract between the Town of Thompson and Time Warner Cable, Inc. (TWC) entered into on March 19<sup>th</sup>, 2014 for the installation of high-speed internet (HSD) service to the Water and Sewer Department located at 128 Rock Ridge Drive, Monticello.
  - 11) Letter dated 05/29/14 from Melinda Meddaugh, Agricultural Planner of the Sullivan County Division of Planning and Environmental Management to Supervisor Rieber and the Town Board regarding Agricultural District Public Hearing to be held on Thursday, June 19<sup>th</sup>, 2014 at 4:15 PM in the Sullivan County Legislative Hearing Room at the Sullivan County Government Center. There are six parcels of real property that are recommended to be included in the Agricultural District, which lie within our Town and are listed as follows: 7.-1-13.3, 7.-1-13.4, 7.-1-26.1, 2.-1-12.1, 2.-1-12.2 and 2.-1-39.

**AGENDA ITEMS:**

**2. ISSUE NEGATIVE DECLARATION ON MINOR SITE PLAN MODIFICATION  
BASED ON PLANNING BOARD RECOMMENDATION – EPR/EPT ADELAAR  
PROJECT**

Deputy Town Attorney Paula E. Kay explained that EPR/EPT MRMI has been working with the Planning Board for the last few months on a minor modification to their previously approved site plan for the casino/hotel project. The representatives are here to show the Board the minor modifications. They are planning to increase the height

and change the floor plan of the casino. The Planning Board engaged the Towns consultants (CHA) traffic, Town Engineer McGoey and Bob Geneslaw did the environmental review and the Planning Board has issued a letter to the Town Board dated June 3<sup>rd</sup>, 2014 with a recommendation of no further review. There is also a proposed Resolution of the Town Board adopting a Negative Declaration of Environmental Significance as well as the actual Negative Declaration Document. The Planning Board has incorporated all of the consultant's comments through today. They have been working up until this afternoon to make sure that everything was incorporated including items such as view sheds, detailed views of what the proposed casino will look like and what can be seen from NYS Route 17.

Attorney George Duke of Law Firm of Brown Sharlow Duke & Fogel, P.C. was present on behalf of his client the co-applicant in this application for a minor site plan amendment (MRMI). EPT is also a co-applicant with them as the master developer and the land owner of the lands covered by the Comprehensive Development Plan "CDP" in the Planned Resort Development "PRD" District located in the Town of Thompson. Quite simply they have been working with the Planning Board and the Planning Board Consultants Engineer McGoey and Robert Geneslaw as well as (CHA) on traffic issues. The purpose of their review and the reason that they are before the Town Board is because the Town Board originally held jurisdiction over the application for the original site plan approval in July, 2013. What they are seeking to do is to amend the site plan to make three minor modifications as follows: 1) increase the height of the hotel tower by 8 floors, 2) increase the parking level to 1 floor below to increase the parking by 330 spaces and 3) enlarge the building footprint of the previously approved final site plan by 8,000 sq. ft. to enable and make internal changes to better facilitate casino gaming at the site.

Attorney Kay said that the Planning Board is going to conduct the site plan review, but because the Town Board is Lead Agency for the Environmental Review and reviewed and accepted the DEIS for the project, which is the reason why the applicant is coming back before the Town Board for the Negative Declaration on the Minor Modification.

Attorney Duke agreed and said that for the EIS the purpose of the review that they have been looking to see if there were any significant Environmental Impacts that have been identified with this minor site plan modification that were not previously identified and mitigated in the previous EIS study. It is his understanding that the consultants have not found any significant Environmental Impacts that have not been previously addressed or mitigated in the prior EIS. With respect to Jurisdiction he wanted to add one more thing, which is incorporated in the draft resolution is that the Town Board still retains jurisdiction over the current petitions before the Town Board for sewer and water improvement districts that will be necessary to facilitate all the utilities for the development. This is a continuation of the Lead Agency a year and ½ ago. They would like to give the Board a visual depiction identifying key elements as to why there are no specific impacts that have not been previously identified is because the footprint and the limited disturbance of these amendments are essentially going to remain the same its very minor modifications as Nathan Tuttle, AIA of JCJ Architecture will explain.

Nathan Tuttle, AIA of JCJ Architecture provided several exhibits highlighting the three modifications proposed. He presented approximately 6 to 8 detailed sketches identifying the Enhanced Casino Site Plan, Entry Level Area and Floor Plan, Exterior Elevations View from 9 to 17 floors, Additional Perspective Views, View Shed Analysis on the Site Plan for View 1 North on Route 17, View 2 Exit on Route 17 and View 3 South on Route 17 as well as other Evening Views which he reviewed and explained all in great detail. He also commented on the view shed during the winter months and is highly confident that you will not be able to see the building from the three above-mentioned views from NYS Route 17 all year round.

Attorney Duke said just so the Board knows why they are not exceeding what was already previously approved in the EIS. He said that the concept of the Comprehensive Development Plan "CDP" is an overlay over the "PRD" Zoning District and within that "CDP" there are height restrictions. They previously reviewed under the "GEIS" and the "EIS" the "CDP" for the different program elements and in the casino core by zoning code they can go a maximum of 350 ft., however the "CDP" sets height regulations in the casino development core that are much less than 205 ft. So this building is below that height limit, the one exception is what's considered the spire, which is identified in the depiction presented that will ultimately be built. Mr. Tuttle explained the height/pointed spires with no structure behind them.

Supervisor Rieber asked if there would be a lighting plan to reduce the light pollution in the surrounding area. Mr. Tuttle said that yes they are incorporating baffles in all of their lighting fixtures and correct positioning, direction and angle are all factors as well.

They discussed the comparison of the former Concord Hotel height to the height of this proposed project.

Attorney Duke confirmed that the lighting standards that Mr. Tuttle referred to are in the site plan documents and are also "CDP" assessed for specific lighting standards that are enforceable under the Town Code, which have to be implemented as discussed.

Attorney Duke asked if there were any questions. There were a few questions and comments made as follows:

Councilman Pavese said that this proposal is all pending that they get the Casino approval, however he asked if they have proposals of what they will be building if they do not receive the Casino approval since they are planning to build regardless. He asked if they have a draft of that proposal as well to see what that would look like.

Attorney Duke said that they do not, they are moving forward as if they are going to succeed. They do not want to think about not succeeding at this time.

Sylvia Schwartz of Rock Hill asked if the local Fire Department can access and handle the development of a project this size.

Mr. Tuttle responded advising that they had several meetings with the local Fire Department to discuss ladder access to the tower and around the structure and in the rear of the property as well. They have Monticello Fire Department, Rock Hill Fire Department and Fallsburg Fire Department, which all surround the property.

Attorney Kay advised that the Planning Board will send the action to the County for GML-239 Review, which will be reviewed by the Planning Board and a determination will be made at such time.

The Town Board had some other brief comments prior to taking action and action on the presented Resolution was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 169 of the Year 2014.**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE MINOR SITE PLAN AMENDMENT TO THE FINAL SITE PLAN APPROVAL FOR THE CASINO AND HOTEL AT ADELAAR**

**WHEREAS**, throughout 2012, the Town of Thompson Town Board (“Town Board”), acting in its capacity as Lead Agency of a coordinated review, pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, in consultation with the participation of the Town of Thompson Planning Board (“Planning Board”) as an involved agency, conducted an extensive coordinated environmental review of Adelaar (formerly known as the EPT Concord Resort); and

**WHEREAS**, on January 15, 2013, the Town Board, acting in its capacity as Lead Agency of a coordinated review, pursuant to SEQRA, duly adopted a Findings Statement in connection with Adelaar, and duly filed said Findings Statement with the Town Clerk; and

**WHEREAS**, on January 15, 2013, the Town Board approved a PRD Comprehensive Development Plan for Adelaar, a planned resort development on approximately 1,583 acres of land located at and around the former Concord Resort in the Town of Thompson as shown on the Comprehensive Development Plan; and

**WHEREAS**, on February 13, 2013, EPT Concord II, LLC (“EPT”), acting on behalf of the relevant Master Association, and Monticello Raceway Management, Inc. (“MRMI”), a wholly-owned subsidiary of Empire Resorts, Inc. (collectively, the “Applicant”), jointly submitted an application to the Planning Board pursuant to Section 250-50 of the Town Code for site development plan approval in connection with development of Adelaar, and to enable the development of the Casino and Hotel at Adelaar (formerly known as Phase 1 of the EPT Concord Resort); and

**WHEREAS**, the potential environmental impacts of the site plan application for the Casino and Hotel at Adelaar were considered and analyzed in detail in the Draft Environmental Impact Statement (“DEIS”), dated July 24, 2012, which was subject to a public hearing (held August 28, 2012), and was the subject of a Final Environmental Impact Statement (“FEIS”), dated January 2, 2013 and Statement of Findings, dated January 15, 2013; and

**WHEREAS**, on July 10, 2013, the Planning Board approved the Final Site Plan for the Casino and Hotel at Adelaar. The Final Site Plan, as approved, includes a casino, hotel, harness horse racetrack and supporting facilities and infrastructure on approximately 117 acres of what was formerly known as the Phase 1 parcel (“Project Site”); and

**WHEREAS**, subsequent to the approval of the Final Site Plan, New York State voters approved a referendum to amend the State constitution to allow the State to permit casino gaming pursuant to the Upstate New York Gaming Economic Development Act of 2013 (the “Act”). Pursuant to the Act, the State Gaming Commission will award up to four Gaming Facility licenses within three regions of the State including areas such as Sullivan County and the Town of Thompson, that would benefit from a Gaming Facility through the creation of jobs, the enhancement of tourism, and the generation of significant revenues for public education and taxpayer relief; and

**WHEREAS**, MRMI is applying for one of the Gaming Facility licenses to operate a gaming facility at Adelaar; and

**WHEREAS**, on April 17, 2014, EPT and MRMI applied to the Planning Board, pursuant to Section 250-50D(5) of the Town Code, for a minor amendment to the Final Site Plan for the Casino and Hotel at Adelaar (the “Proposed Amendment”); and

**WHEREAS**, on April 23, 2014, the Planning Board accepted EPT and MRMI’s application and supporting documentation for the Proposed Amendment, constituting a ‘full statement’ pursuant to Section 239-m of the General Municipal Law, and referred said application and supporting materials to the Sullivan County Division of Planning and Environmental Management (“DPEM”) pursuant to Section 239-m of the General Municipal Law; and

**WHEREAS**, the Proposed Amendment would increase the number of hotel rooms from the approved 248 to 395 and increase parking by approximately 330 spaces – both within the approved footprint of the Casino and Hotel – by adding eight (8) stories onto the approved tower and an additional level of parking below the approved subsurface parking level. Direct valet access to the parking garage will be provided. The Proposed Amendment would also enlarge the building footprint by roughly 8,000 square feet (sf), and reconfigure certain interior aspects of the casino gaming floor to better accommodate casino table gaming. The central utility plant is proposed to increase in size by 700 sf (from 4,000 sf to 4,700 sf). All other aspects of the Casino and Hotel approved as part of the Final Site Plan remain the same; and

**WHEREAS**, the application for the Proposed Amendment was accompanied by a full Environmental Assessment Form, Part 1, Site Plan Drawings (Sheets C-400, C-500, and C505), dated April 15, 2014, and Technical Memorandum, with Exhibits, dated May 21, 2014; and

**WHEREAS**, the Town Board is continuing in its role as Lead Agency for Adelaar, as it retains continuing approval jurisdiction over certain aspects of Adelaar, including the Town Board's pending review of a Petition to create a new special water district for new mains and conveyance system to serve Adelaar, as well as a Petition to create a new sewer district to serve Adelaar; and

**WHEREAS**, the Planning Board, as an involved agency, with input from its technical consultants, has conducted a detailed and thorough review of the Proposed Amendment, the Technical Memorandum, Site Plan Drawings, the prior DEIS, FEIS and Findings Statement for Adelaar, and has concluded that the Proposed Amendment does not have the potential for any new potentially significant adverse environmental impacts that were not already identified, analyzed and/or mitigated to the maximum extent practicable under SEQRA during the previous environmental review for the Casino and Hotel at Adelaar, and that, as a result, no additional SEQRA review is warranted or should be required by the Town Board; and

**WHEREAS**, at its regularly scheduled meeting held on May 28, 2014, the Planning Board unanimously voted to recommend that the Town Board determine that no further environmental review is required or warranted under SEQRA for the Proposed Amendment and that the Town Board should issue a Negative Declaration of Environmental Significance for the Proposed Amendment; and

**WHEREAS**, the Planning Board's detailed and thorough review, analysis and recommendation to the Town Board is contained in its letter to the Town Board, dated June 3, 2014, which is incorporated into this Resolution by reference; and

**WHEREAS**, on May 28, 2014, a written response was received from DPEM containing its comments on the Proposed Amendment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson, as Lead Agency, has independently reviewed, considered and deliberated upon the entire record of the Proposed Amendment, including all materials submitted by and on behalf of EPT and MRMI in support of the Proposed Amendment, including the full Environmental Assessment Form, Part 1, dated April 17, 2014, Site Plan Drawings (Sheets C-400, C-500 and C-505), dated April 15, 2014, and Technical Memorandum, with Exhibits, dated May 21, 2014, Environmental Assessment Form, Part 2, the DPEM letter, dated May 28, 2014, the recommendation received from the Planning Board, dated June 3, 2014, and the CHA Peer Review of the Traffic Impact Study for the Casino and Hotel at Adelaar, dated June 3, 2014; and

**BE IT FURTHER RESOLVED**, that the Town Board, as Lead Agency, in conjunction with its review and consideration of the record of the Proposed Amendment, has reviewed the prior SEQRA record for Adelaar, including the DEIS, FEIS and Findings Statement, which are incorporated herein by reference; and

**BE IT FURTHER RESOLVED**, that the Town Board has considered the potential environmental impacts of the Proposed Amendment in light of the criteria set forth in the

SEQRA regulations (6 NYCRR Sections 617.7(c) and 617.9(a)(7)) and concludes based on its review and consideration of the record of the Proposed Amendment and the DEIS, FEIS and Findings Statement for Adelaar, that there are no new potential significant adverse environmental impacts associated with the Proposed Amendment that have not previously been identified, analyzed and mitigated to the maximum extent practicable under SEQRA in the DEIS and FEIS and that no supplemental environmental review is warranted or required; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby issues the attached Negative Declaration of Environmental Significance for the Proposed Amendment; and <sup>1</sup>

**BE IT FURTHER RESOLVED**, that the Town Board’s specific findings and determinations in support of the Negative Declaration of Environmental Significance are recited at length in the attached Negative Declaration and are hereby incorporated into this Resolution by reference; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall, together with the attachments hereto, be placed on file with the Town Clerk where same shall be available for public inspection during normal business hours, and notices of this SEQRA determination shall be filed in such offices, posted in such places, circulated to all interested and involved agencies, and published in such publications as may be necessary pursuant to the requirements of SEQRA.

Adopted the 3<sup>rd</sup> day of June, 2014.

Moved by: Councilman Richard Sush  
Seconded by: Councilman Peter T. Briggs

Discussion: Councilman Pavese had sewer and water usage concerns. Supt. Culligan said that there is a minor increase in sewer usage, but is still well below what the applicant has reserved in their original agreement. They have a contract with the Village of Monticello for water service, which is well below what they anticipate using. Attorney Steven Vegliante on behalf of his client the EPR/EPT applicant stated that there is a general Environmental Impact Statement for the entire property that allows for a lot more allocation for sewer and water. Supt. Culligan said they are allocating approximately 1 Million Gallons and are only planning to use 206,000 Gallons, which can change, but there should be more than sufficient use.

The members of the Town Board voted as follows:  
Supervisor William J. Rieber, Jr.                   Aye  
Councilman Peter T. Briggs                           Aye  
Councilman Richard Sush                            Aye  
Councilman Scott Mace                              Aye  
Councilman John A. Pavese                         Aye

**1. BREW I, LLC D/B/A BREW LIQUOR LICENSE APPLICATION – REQUEST FOR WAIVER OF 30-DAY HOLD NOTICE**

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<sup>1</sup> ATTACHMENT: SEQRA NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.



WHEREAS, there are currently eight (8) active appointments to the CAC that have varying lengths of terms remaining pursuant to the prior Code; and

WHEREAS, the Town Board desires to make appointments in connection with and consistent with the newly enacted and adopted Local Law No. 3-2014; and

**NOW, THEREFORE, BE IT RESOLVED**, that all appointments and terms of appointment to the CAC made prior to the enactment of Local Law No. 3-2014 are hereby cancelled and revoked effective immediately; and

**BE IT FURTHER RESOLVED**, that the Town Board, by a subsequent Resolution, shall make five (5) new appointments to the CAC with staggered terms pursuant to Local Law No. 3-2014.

Adopted the 17<sup>th</sup> day of June, 2014.

Moved by: Councilman Richard Sush  
Seconded by: Councilman Scott Mace

The members of the Town Board voted as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman SCOTT MACE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**The Following Resolution Was Duly Adopted: Res. No. 172 of the Year 2014.**

Resolved that Otto "Sonny" Ernst hereby be appointed to the Conservation Advisory Council for a term to expire December 31, 2014.

Moved by: Councilman Briggs                      Seconded by: Councilman Sush

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 173 of the Year 2014.**

Resolved that Mitchell Harmin hereby be appointed to the Conservation Advisory Council for a term to expire December 31, 2015.

Moved by: Councilman Briggs                      Seconded by: Councilman Mace

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 174 of the Year 2014.**

Resolved that Vincent LoCascio hereby be appointed to the Conservation Advisory Council for a term to expire December 31, 2016.

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 175 of the Year 2014.**

Resolved that William Jakaitis hereby be appointed to the Conservation Advisory Council for a term to expire December 31, 2017.

Moved by: Councilman Mace                      Seconded by: Councilman Briggs

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 176 of the Year 2014.**

Resolved that Jennie Harris hereby be appointed to the Conservation Advisory Council for a term to expire December 31, 2018.

Moved by: Councilman Mace                      Seconded by: Councilman Pavese

Vote: Ayes 4                      Rieber, Pavese, Briggs and Mace

Nays 0

Recused 1      Sush

**The Following Resolution Was Duly Adopted: Res. No. 177 of the Year 2014.**

Resolved, that Kathleen Brawley be hereby appointed as Clerk/Secretary to the Conservation Advisory Council for the year 2014.

Moved by: Councilman Sush                      Seconded by: Councilman Mace

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

Letters will be prepared by the Town Supervisor and sent out to those members that originally served who are no longer being appointed thanking them for their years of service.

**4. CONTINUED DISCUSSION: CEMETERY MAINTENANCE – OLD ST. JOHN STREET CEMETERY**

Councilman Pavese reported that he met with Highway Supt. Richard L. Benjamin, Jr. and Deputy Supt. David Wells who went out to the cemetery to inspect the condition. The Highway Department weed wacked, cut brush, mowed, filled in holes and removed some small trees. It looks to be in much better condition. Councilman Pavese said that he does not think that the Town needs to hire someone to go in at this time. The only issue that Councilman Pavese sees is that old grass, weeds and debris are being dumped on the cemetery property by the surrounding property owners. Councilman

Pavese said that the Highway Department definitely performed a standard level of maintenance and is commended for all of their hard work. The Town can look into having community service workers come in to perform general maintenance/care on our cemeteries. Councilman Mace will ask Paul Walsh to see if he can arrange for the community service workers. The Town Board will also discuss the removal of some of the larger sized trees during budget time. The Board will try to budget the fees necessary to remove a few of the trees. They could plan to budget some fees over the next couple of years to allow for the removal of a few trees per year.

**5. REPORT ON SALE OF BUILDING DEPARTMENT VEHICLE (1998 JEEP CHEROKEE)**

At the last meeting the Town Board declared the 1998 Jeep Cherokee from the Building Department surplus. The Building Department was authorized to sell the vehicle at auction and the Board was following up on the status of that sale. Logan E. Ottino, Code Enforcement Officer reported that pictures have been taken and she is working on getting it online for the auction. Supervisor Rieber said that he will re-schedule this matter on a future meeting agenda once there is further information to report on regarding the status of the sale.

**6. REPORT ON VEHICLE FOR DOG CONTROL OFFICER – SUPT. WILLIAM D. CULLIGAN**

Supt. Culligan obtained a price on state bid from Henderson Ford in the amount of \$20,616.37 for a Ford Transit Connect Minivan. He also spoke with Robert Green to inquire about a state bid on a Dodge Van that's also available. Supt. Culligan has not received a price quote back from Robert Green he is still waiting. Supervisor Rieber will re-schedule this matter on the next Town Board Meeting Agenda for further discussion and consideration.

**7. REPORT BY TOWN ATTORNEY MICHAEL B. MEDNICK – TIME WARNER CABLE ISSUES REGARDING FRANCHISE AGREEMENT AND CABLE SERVICE TO WATER & SEWER DEPARTMENT**

Attorney Mednick sent a letter to Time Warner Cable regarding the cable service to the Water and Sewer Department and Attorney Mednick will wait for a response regarding the matter. Attorney Mednick also reported on the Franchise Agreement issue, which he is still working on trying to contact Time Warner Representative Brenda Parks or the necessary liaison to discuss the matter. If he does not receive a response in the next few days he will have to send a letter to Time Warner Cable's legal department to get in contact with the correct representative who is responsible for dealing with the agreement. There might be a holdover clause in the agreement, however they are regulated by the "Public Service Commission" and if they are collecting the Franchise Fees then they are still obligated to pay them to the Town, which they still currently are. Supervisor Rieber will put both of these matters back on the next Town Board Meeting Agenda for continued discussion.

**8. DECLARE SURPLUS EQUIPMENT – WATER & SEWER DEPARTMENT VEHICLE (1978 FORD K-90445)**



Village of Monticello to obtain their input as well. He will put the matter back on one of the July Town Board Meeting Agenda's for further discussion.

**11. BILLS OVER \$1,250.00 – WATER & SEWER DEPARTMENT**

**The Following Resolution Was Duly Adopted: Res. No. 179 of the Year 2014.**

Resolved, that the following bills over \$1,250.00 for the Water & Sewer Department be approved for payment as follows:

**PID CONTROL** **\$2,510.00 TOTAL COST**  
1 – New Greyline Flow Meter Installation and Program  
**TOTAL COST = \$2,510.00 Shipping Included**  
(Note: For the purchase of a new effluent flow meter and installation at the Kiamesha Lake Sewer Treatment Plant, purchased as per procurement regulations.)  
Motion by: Councilman Pavese                      Seconded by: Councilman Briggs  
Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**12. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 180 of the Year 2014.**

Resolved, that all regular bills for the course of the month, which have been properly audited be approved for payment. A complete list of the regular bills as identified can be found appended to these minutes as per attached.<sup>2</sup>

Motion by: Councilman Briggs                      Seconded by: Councilman Sush  
Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**SUPERVISOR REPORT**

Supervisor Rieber reported on the following items:

- 1) Kutsher's Road Closing for additional 30-Days for Building Demolition.
- 2) Sub-Committee Casino Meeting Report that he attended earlier today. The cutoff date for application filing, fees and proceeding is June 30<sup>th</sup>. After that date Supervisor Rieber suggested forming a Petition Drive supporting one of these projects in the Town of Thompson. The Town will also look into other forms of Economic Development in the Town besides casinos just in case the Town of Thompson does not get chosen for one.
- 3) Special Planning Board Meeting tomorrow evening Wednesday, June 4<sup>th</sup> at 6 PM for the Concord Associates LP (Cappelli Project) for the Minor Site Plan Modification the objective is to approve a Resolution for the Minor Site Plan Modification to remove the harness track from their site plan. The harness track was originally proposed on EPR/EPT's property. There will now be no overlap between the two projects. Each project will be built on their own lands. There

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<sup>2</sup> ATTACHMENT: ORDER BILLS PAID

should be two minor site plan modifications on each project by the end of the month. The Planning Board will oversee the SEQRA review on the Concord Associates modification.

### **COUNCILMEN & DEPARTMENT HEAD REPORTS**

Councilman Briggs reported on the opening of the Rock Hill Farmer's Market this Saturday, June 7<sup>th</sup>, 2014 from 10am to 1pm. He also reported on the Rhulen Rock Hill Run & Ramble 5K Event next Saturday June 14<sup>th</sup>, 2014, Registration at 7am, Start at 9am. This event attracts over 1,000 participants, which is for a good cause to support the Leukemia & Lymphoma Society.

Councilman Mace reported that along with the Rock Hill Farmer's Market they will have music 11am to 1pm and all are welcome to attend. He also reported on this year's Car Show event at the Rock Hill Fire Department, which was a great event and very well attended.

Councilman Pavese reported on the Free Rabies Clinic for all County Residents to be held on Tuesday, June 24<sup>th</sup>, 2014, 6pm to 7:30pm at Morningside Park Pavilion in the Town of Fallsburg. This event is being sponsored by Sullivan County Public Health Services. This event is available to all dogs, cats and ferrets at least 3 months of age or older. Any questions contact Sullivan County Public Health Services or Town of Fallsburg Town Clerk.

### **OLD BUSINESS:**

#### **DISCUSSION: CONGREGATION ICHUD ANASH SEWER DISTRICT EXTENSION OR CREATION – SBL #'S 5.-1-21.1, 6.-1-14.1, 8.-1-30.1 & 9.-1-1.1**

A Map, Plan and Report was prepared on May 2<sup>nd</sup>, 2013 for proposed creation of the Congregation Ichud Anash Sewer District properties. This is the former properties of the Kutsher's Sports Academy located along Anawana Lake Road. Town Clerk Calhoun spoke with Comptroller Lasher recently who believes that the improvements extended this property in the district has already been completed. According to Attorney Mednick there was question as to whether or not they would be creating their own Sewer District and contract with Kiamesha Sewer District or if they would be extending in to the existing Kiamesha Sewer District. The Map, Plan and Report included both alternative options. This is the reason that this matter is coming before the Town Board since the final process to either create or extend in the District has not been completed. Comptroller Lasher was not present to report on the matter. Supt. Culligan does not believe that anything other than the Map, Plan and Report has been done at this time. There was question as to whether or not the necessary fees have been placed in escrow for the final process and if the improvements have or have not been completed. After further discussion it was decided that the Town Board would table action on this matter at this time until after the Board has all had an opportunity to review the Map, Plan and Report.

**The Following Resolution Was Duly Adopted: Res. No. 181 of the Year 2014.**





1. That the settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.

2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Van B. Krzywicki, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written stipulation of settlement and to bind the Town thereto, such stipulation to be in form approved by the said attorneys.

3. That said Michael B. Mednick, Esq. and Van B. Krzywicki, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceeding.

Moved by: Councilman Peter T. Briggs

Seconded by: Councilman John A. Pavese

and a roll call vote thereon as follows:

Supervisor William J. Rieber, Jr.	voting	Aye
Councilman Peter T. Briggs	voting	Aye
Councilman Richard Sush	voting	Aye
Councilman Scott Mace	voting	Aye
Councilman John A. Pavese	voting	Aye

**PUBLIC COMMENT:**

Mrs. Pamela Zaitchick of Glen Wild questioned what determines a minor or major modification to a previously approved site plan? Attorney Paula Kay said that the scale of the EPR/EPT project is not changing and the footprint itself except for the small bump out that was explained is essentially the same. Regarding the other project for Concord Associates they are reducing the number of rooms in the hotel and also removing the harness track. This project would be scaled back in size. Mrs. Zaitchick also commented on the entryway to the Wal-Mart Parking Lot markings. The markings are in need of re-striping. She is recommending that this be done prior to the start of the summer season. Code Enforcement Officer Logan E. Ottino said that she has been in contact with Wal-Mart regarding this issue and they are planning to re-stripe that area sometime this summer, but she is not sure exactly when. She also commented on the cleanup of the Concord property and the view-shed issue of the former Gildick's property from NYS Route 17. Further discussion ensued regarding both of the last two issues that she commented on.

Roger Betters of Monticello on behalf of the Columbia Hill Neighborhood Alliance reported on some drainage issues that are impacting Donna Nestler's property, which is a neighboring property to his. The issues are involving activities by the surrounding properties owned by SDTC, which are being proposed to be included in the Agricultural District. Mr. Betters said that there are wetlands on that property and he is wondering if Mrs. Nestler would be notified prior to other activities on the property. Attorney Paula

Kay said that she is not aware of any projects before the Planning Board at this time. If there are wetlands the question would be whether or not they are Federal or State. Supervisor Rieber will contact Glenn Smith, Engineer for SDTC to discuss the issue and report his findings to Mrs. Nestler. Mr. Betters provided Mrs. Nestler's contact phone number to Supervisor Rieber so that he can reach her by phone after he has an opportunity to speak with Engineer Smith.

**ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- May 31<sup>st</sup> – June 7<sup>th</sup>: Annual Spring Cleanup Program, Permit Required from Town Clerk for all Thompson Residents outside of Village.
- June 17<sup>th</sup>: Annual Monticello Rotary Club BBQ at DeHoyas Park, Monticello from 5pm to 7pm, if interested in attending see Councilman Sush, tickets are \$11.00 each.

**ADJOURNMENT**

On a motion made by Councilman Sush and seconded by Councilman Mace the meeting was adjourned at 8:55 PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**

State Environmental Quality Review Act  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Thompson, as lead agency, has determined that the proposed action described below does not have the potential for any new potentially significant adverse environmental impacts that were not already identified, analyzed and/or mitigated to the maximum extent practicable under SEQRA during the previous environmental review of the Original Project (defined below), which culminated in Findings adopted by the Town Board on January 15, 2013. The Town Board further determines that the proposed action will not have a significant adverse environmental impact, and a Draft Environmental Impact Statement will not be prepared.

**Name of Action**

Minor Site Plan Amendment to the Final Site Plan for the Casino and Hotel at Adelaar (formerly known as Phase 1 of the EPT Concord Resort)

**SEQRA Status:** Type 1

**Conditioned Negative Declaration:** No

**1. DESCRIPTION OF THE ACTION**

Monticello Raceway Management, Inc. (MRMI) and EPT Concord II, LLC (EPT) (collectively, the “Applicant”) propose a Minor Site Plan Amendment to the previously approved Final Site Plan for the Casino and Hotel at Adelaar (formerly known as Phase 1 of the EPT Concord Resort) (the “Proposed Amendment”). The approved Final Site Plan includes a casino, hotel, harness horse racetrack and supporting facilities and infrastructure. The Proposed Amendment<sup>1</sup> would increase the number of hotel rooms from the approved 248 to 395 and increase parking by approximately 330 spaces – both within the approved footprint of the Casino and Hotel - by adding eight (8) stories onto the approved tower and an additional level of parking below the approved subsurface parking level. Direct valet access to the parking garage will be provided. The Proposed Amendment would also enlarge the building footprint by roughly 8,000 square feet (sf), and reconfigure certain interior aspects of the casino gaming floor to better accommodate casino table gaming. Finally, the central utility plant will increase in size by 700 sf (from 4,000 sf to 4,700 sf). All other aspects of the Casino and Hotel approved as part of the original site plan (the “Original Project”) remain the same.

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<sup>1</sup> As discussed in the Technical Memorandum, the development program for the amendment was slightly revised since the submission of Part 1 of the EAF. The Town Board’s Negative Declaration is based on the development program described in the Technical Memorandum, prepared by AKRF, dated May 21, 2014 (the “Technical Memorandum”).

## **1.1 PRIOR SITE PLAN REVIEW AND APPROVAL**

On July 10, 2013, the Planning Board approved the Final Site Plan for the Casino and Hotel at Adelaar. The approved site plan covered the approximately 117 acres of what was formerly known as the Phase 1 parcel (“Project Site”), as well as the infrastructure improvements necessary to access the Project Site and provide the Casino and Hotel with utilities. The potential environmental impacts of the Site Plan were considered and analyzed in detail in the Draft Environmental Impact Statement (“DEIS”) (July 24, 2012), which was subject to a public hearing (August 28, 2012), and was the subject of a Final Environmental Impact Statement (“FEIS”) (January 2, 2013) and Statement of Findings (January 15, 2013) (collectively, “EIS”). In addition, the Final Site Plan was conditioned on the receipt of various permits and approvals from various local, state, and federal agencies.

## **1.2 DOCUMENTS REVIEWED BY THE TOWN BOARD IN REVIEWING THE PROPOSED AMENDMENT AND SUMMARY OF FINDINGS AND DETERMINATIONS IN SUPPORT OF A NEGATIVE DECLARATION FOR THE PROPOSED AMENDMENT**

- Draft Environmental Impact Statement, dated July 24, 2012
- Final Environmental Impact Statement, dated January 2, 2013
- SEQRA Findings Statement, dated January 15, 2013
- Final Site Plan Approval for Casino and Hotel at Adelaar (formerly Phase 1), dated July 10, 2013
- Environmental Assessment Form, Part 1, in support of Minor Site Plan Amendment, dated April 17, 2014
- Environmental Assessment Form, Part 2
- Technical Memorandum, with Exhibits, in support of Minor Site Plan Amendment, dated May 21, 2014
- Site Plan Drawings in support of Minor Site Plan Amendment, Sheets C-400, C-500, and C505, dated April 15, 2014
- Town of Thompson Planning Board (“Planning Board”) recommendation letter, dated June 3, 2014
- Sullivan County Division of Planning and Environmental Management (“DPEM”) letter, dated May 28, 2014
- CHA Peer Review of the Traffic Impact Study for the Casino and Hotel at Adelaar, dated June 3, 2014.

As discussed more fully below, based on the Town Board’s independent review of the above referenced documents, with input from the Town’s technical consultants and the Planning Board, the Town Board concludes that the Proposed Amendment does not have the potential for any new potentially significant adverse environmental impacts that were not already identified, analyzed and/or mitigated to the maximum extent practicable under SEQRA during the previous environmental review. As a result, the Town Board finds that no additional SEQRA review is

required or warranted and hereby issues this Negative Declaration of Environmental Significance for the Proposed Amendment.

## **2. FINDINGS AND DETERMINATIONS SUPPORTING THIS NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE**

### **2.1 CONSISTENCY WITH EXISTING ZONING AND EXISTING COMPREHENSIVE DEVELOPMENT PLAN**

#### *2.1.1 EXISTING ZONING*

The Proposed Amendment does not propose any changes to the existing PRD zoning code or to the area that is mapped PRD. In addition, the Proposed Amendment does not change the uses proposed for the Project Site. The Proposed Amendment seeks to increase the number of hotel rooms, parking spaces, and size of the Casino gaming floor, which are uses expressly allowed within the PRD zoning district. As discussed below, the Proposed Amendment to the Original Project does not pose the potential for any new significant adverse environmental impacts not already studied or considered.

In addition, the Casino and Hotel at Adelaar is within the specific development limits of the PRD. As such, the Town Board concludes that the Proposed Amendment is consistent with the PRD.

#### *2.1.2 EXISTING COMPREHENSIVE DEVELOPMENT PLAN*

The Proposed Amendment does not change the location of the Casino and Hotel, the uses proposed for the Site, or the overall footprint of development. None of the changes in the Proposed Amendment alter the “conceptual framework” or the “design and development standards” established in the CDP and, as described below, none of these changes create a new significant adverse environmental impact not previously identified, analyzed and mitigated to the maximum extent practicable.

The CDP presented a conceptual development framework, which included 405,000 sq ft of Casino and Racino uses. The Proposed Amendment envisions approximately 438,000 sq ft of Casino and Racino uses. This increase of approximately eight percent (8%) does not fundamentally alter the conceptual framework envisioned in the CDP. In addition, the proposed Casino and Racino uses are below the 450,000 sq ft maximum allowed in the PRD. Other details of the Proposed Amendment are also slightly different than were conceptually presented in the CDP. This includes the addition of 61 gaming tables, the addition of 147 hotel rooms, an additional eight (8) stories for the hotel tower, and increased underground parking.

The CDP includes, as a “design and development standard,” a maximum building height of 220 feet for the Casino and Hotel at Adelaar. Per Section 250-27.2.B(3)(d) of the PRD zoning code, building height is measured from the average elevation of the finished grade along the front of the structure to the ceiling of the highest occupied floor. The Proposed Amendment complies

with this standard as it proposes a building that is 206.5 feet to the highest occupied floor from finished grade.

Based on the above, the Town Board concludes the Proposed Amendment is consistent with the CDP.

## 2.2 VISUAL ASSESSMENT

The Proposed Amendment would increase the height of the Casino Hotel from nine (9) stories to seventeen (17) stories at or above grade. The highest occupied floor would be 206.5 feet above finished grade, and the top of the spire, which is exempt from the minimum building height requirement, will be 250.5 feet. Although exempt from the minimum building height requirement, the spire is included on the Casino Hotel renderings and was included for purposes of performing the updated visual assessment for the Proposed Amendment.

The visibility of the Casino and Hotel building following the Proposed Amendment was analyzed in the Technical Memorandum from the same vantage points analyzed in the EIS. In addition, the Applicant, at the request of the Town, analyzed the visibility from three additional regional vantage points along Route 17 and found that there would be no visibility of the additional hotel floors from those locations at all times of year. The Town Board, in consultation with its consultants, concurs with this conclusion.

The visual changes associated with the Proposed Amendment are expected to have a positive visual impact on the area and the community character of the area by further enhancing the positive effect resulting from the redevelopment of an underutilized property with resort uses. The Proposed Amendment will enhance and expand land uses that have previously been present on the Project Site and within the surrounding Study Area. The Proposed Amendment would increase the positive visual impact of the development when compared to the Original Project by enhancing the iconic character and design of the hotel, casino, and associated structures, and will result in the revitalization of the Study Area as a vacation destination and recreational community. In addition any visual changes associated with the Proposed Amendment as compared to the predominant architectural scale and character of the surrounding area (*see*, EAF, Part II, 18(e)), would be offset by the additional visitors drawn to the project, as well as the associated increase in jobs and other economic benefits associated with the Proposed Amendment.

With respect to potential impacts from nighttime lighting of the hotel tower, the Applicant will continue to comply with the lighting standards contained in the CDP, as well as the Lighting Report and Lighting Package prepared by the Applicant's consultants which was reviewed and approved by the Planning Board as part of the Final Site Plan approval for the Original Project. In addition, the Applicant submitted several renderings of the nighttime lighting of the new hotel tower, which demonstrate that the hotel tower does not add any more light trespass than the previously analyzed lighting design. Therefore, there will not be any new significant adverse impacts from nighttime lighting. The Town Board determines that any visual changes which may result from the hotel tower lighting being brighter than the existing area conditions (*see*, EAF, Part II, 15(e)) will have a positive impact by

further accentuating the iconic nature of the hotel, casino and associated structures, and result in additional economic and community character benefits associated with the Proposed Amendment.

The Town Board finds that there will be no new potentially significant adverse visual impacts as a result of the Proposed Amendment.

### **2.3 ECONOMIC CONDITIONS**

The Town Board concludes that the Proposed Amendment will have a positive economic impact, including the addition of nearly 300 FTEs, and does not create any new significant adverse impacts on the provision of community services, or other economic conditions, which were not previously studied.

The Proposed Amendment is intended to assist MRMI in its application for a casino gaming license from New York State. If successful, the economic benefits will be greater than what was previously estimated in the EIS. The potential economic benefits include the following:

- MRMI estimates that net revenue from the gaming operations would generate more taxes and fees for local, county and New York State than was previously estimated in the EIS.
- Because the capital cost of physical improvements to the Project Site would increase, there will be more construction-related employment on the Phase 1 site than with the previously approved project, and therefore, additional indirect and induced jobs.
- The Proposed Amendment will create more permanent, indirect and induced jobs than was estimated in the EIS. With the Proposed Amendment, the Casino and Hotel at Adelaar is expected to employ approximately 1,115 FTE's based on preliminary estimates. This nearly 300 FTE increase in on-site employment from the 817 FTE's estimated in the EIS is a direct result of the Proposed Amendment.

As was the case with the program assessed in the EIS, the Casino and Hotel at Adelaar is eligible for Sullivan County Industrial Development Agency (Sullivan County IDA) financial assistance as indicated in the Sullivan County IDA's Inducement Resolutions adopted in March of 2013. If Sullivan County IDA participates in the providing of financial assistance through a negotiated payment in lieu of taxes (PILOT) to the Proposed Project, the real property tax revenues generated from the Casino and Hotel would be reduced from their full amount, but in no event will they be less than the tax revenue in the year preceding Sullivan County IDA involvement. Even with Sullivan County IDA financial assistance, the fee-based revenues, retail sales taxes, hotel occupancy taxes, and gaming taxes, in combination with anticipated PILOT payments would generate substantial economic and fiscal benefits to the Town of Thompson and other taxing jurisdictions. As a result, the Town Board concludes that there will be no new significant adverse impacts as a result of the Proposed Amendment to the provision of community services, or other economic conditions, which were not previously studied.

## 2.4 TRAFFIC AND TRANSPORTATION

The Town Board determines that there will be no new potentially significant adverse traffic and transportation impacts as a result of the Proposed Amendment.

### 2.4.1 TRAFFIC IMPACT STUDY

Based on a new Traffic Impact Study (“TIS”) conducted to evaluate the potential impacts of the Casino and Hotel on the local traffic network, the Proposed Amendment will have no significant adverse impacts on the traffic network that were not previously identified, analyzed and mitigated to the maximum extent practical during the previous environmental review. In addition, the mitigation measures approved through the previous environmental review continue to be sufficient to mitigate the impacts of the Proposed Amendment on the local traffic network.

#### 2.4.1.1 Potential Traffic Impacts of the Casino and Hotel

The analysis in the TIS follows the same methodology used in the EIS and analyzes the same intersections as the previous studies. The ‘build-year’, or year that the project is expected to open and have full traffic impacts, was assumed to be 2016 for the new study. (The previous TIS assumed a 2014 build year.) Several new ‘no-build’ projects were added to the new TIS based on new project approvals and developments as indicated by the Lead Agency and other local municipalities. The list of ‘no build’ projects, which was reviewed and approved by the Town’s consultants, is included in the TIS at Appendix 1-3. It is against this new no-build scenario, or the estimate of the future conditions in the absence of the Casino and Hotel at Adelaar, that the potential impacts of the project were evaluated.

The number, timing, and geographic distribution of trips associated with the Project with the Proposed Amendment were predicted using the same factors as the EIS studies. These factors were applied to the program as presented above for the Proposed Amendment to estimate the number of trips that the Project with the Proposed Amendment would generate. Based on these revised trip generation estimates, in the future with the Project with the Proposed Amendment, there are no new potentially significant adverse traffic impacts<sup>2</sup> that have not already been identified, analyzed and/or mitigated to the maximum extent practical during the prior SEQRA review. The following impacts identified in the TIS for the Project with the Proposed Amendment, are similar to those identified and analyzed in the TIS performed during the previous environmental review:

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<sup>2</sup> For the purpose of this analysis, significant adverse impacts are identified as: (1) any change in LOS D or better to LOS E or F; or (2) any change from LOS E to LOS F. The significance criteria were previously developed in consultation with the Town of Thompson and the Town’s traffic consultant during the prior EIS process.

- NYS Route 42/Pleasant Street and Broadway – during the Friday peak hour, the overall Level of Service (LOS) deteriorates from LOS D to LOS E conditions.
- NYS Route 42 and Anawana Lake Road – during the Friday peak hour, the overall LOS deteriorates from LOS E to LOS F conditions.
- NYS Route 42 and Concord Road – during the Friday peak hour, the westbound shared left-turn/through/right-turn lane deteriorates from LOS D to LOS E conditions.
- Joyland Road and Cimarron Road – the westbound and northbound approaches would deteriorate from LOS A to LOS F conditions during the Friday and Sunday peak hours.
- NYS Route 17 Westbound Ramps/Towner Road and Cimarron Road – the northbound approach would deteriorate from LOS B to LOS F conditions during the Friday and Sunday peak hours.
- NYS Route 17 Eastbound Ramps and Cimarron Road – the eastbound approach would deteriorate from LOS C to LOS F conditions during the Friday peak hour and from LOS B to LOS F conditions during the Sunday peak hour.

In addition to these intersections, there are also locations that operate at LOS F conditions under the No Build scenario which would further deteriorate by more than five seconds with the Project with the Proposed Amendment's traffic. These intersections were previously identified and analyzed in the environmental review of the approved project. While not considered a potentially significant adverse impact pursuant to the previously agreed upon significance criteria developed with the Town's consultants, potential improvement measures were, nonetheless, previously identified and approved, which local agencies can implement to improve No Build and Build conditions at the following locations:

- NYS Route 42/Pleasant Street and Broadway – eastbound left-turn lane and southbound left-turn/through lane during the Friday peak hour. Improvements could include signal timing adjustments.
- NYS Route 42 and Anawana Lake Road - southbound through/right-turn lanes during the Friday peak hour. Improvements could include signal timing adjustments.
- NYS Route 42 and Depot Drive – northbound through/right-turn lanes during the Friday peak hour. Improvements could include signal timing adjustments.
- NYS Route 42 and Fraser Road/Kiamesha Lake Road – westbound approach during the Friday and Sunday peak hours. Improvements could include signal timing adjustments and roadway

improvements on the westbound approach. Note that the need for roadway improvements on the westbound approach is triggered by CALP No Build volumes, as described in the TIS.

#### *2.4.1.2 Previously Identified Mitigation Measures*

Based on the analysis in the TIS for the Proposed Amendment, the mitigation measures previously required by the environmental review of the Original Project continue to be appropriate to mitigate traffic impacts associated with the Project with the Proposed Amendment. The mitigation measures previously identified and still applicable for the Proposed Amendment are:

- NYS Route 42 and Concord Road – Adjust signal timings to reallocate green time to the westbound approach during the Friday peak hour. With this mitigation measure all approaches operate at LOS D or better;
- Joyland Road and Cimarron Road, NYS Route 17 Westbound Ramps/Towner Road and Cimarron Road, NYS Route 17 Eastbound Ramps and Cimarron Road intersections – Redesign Interchange 106 (See Figure 11 of the TIS). The redesigned interchange was evaluated using the VISSIM micro-simulation software. With this mitigation all approaches at the Interchange 106 intersections will operate at LOS D or better except for the westbound approach at the County Road 173/Overpass roundabout, which would operate at LOS E conditions. When presented to DOT and the County, the LOS E condition was accepted due to the low volumes experiencing this delay.
- Intelligent Transportation Systems (ITS), such as adaptive traffic signal control, wireless detection (pucks), traffic count stations (pucks) and video monitoring.
- Improvements to local roads, including Chalet, Thompsonville, Rock Ridge and Concord Road, may be required for the Casino and Hotel development. The Applicant will coordinate with the Town and/or County on a program to monitor the conditions of the public roadways utilized for access to the Casino and Hotel. Based on the results of this monitoring program, the Applicant and the Town and/or County will agree upon the work necessary to improve the roads. The Applicant, as previously agreed, will either construct or fund the cost of the agreed upon roadway improvements as established in the previously adopted site plan resolution.

As discussed in the previous EIS, all mitigation will require a Highway Work Permit (HWP) from NYSDOT and permits/approvals from the Sullivan County Department of Public Works (DPW) and

Town of Thompson DPW. The Applicant has applied for a HWP, and has prepared plans for interchange redesign, which are currently under review by NYSDOT and County DPW.

As requested by the Town's consultants, the analysis in the TIS for the Proposed Amendment also identified two non-significant adverse impacts to overall LOS. It should be noted, however, that the overall delay and LOS at these two intersections have not significantly degraded when analyzed using the review criteria set forth in the EIS. (The EIS standards and methodology identified only approach/lane groups LOS and not to overall LOS. As stated in the EIS – "For the purpose of this analysis, significant adverse impacts are identified as: (1) any change in LOS D or better to LOS E or F; or (2) any change from LOS E to F. The significant impact criteria are applied to approach/lane groups LOS for signalized intersections and approach/movement group LOS for unsignalized intersections"). Nonetheless, while not considered significant adverse impacts, adjustment and optimization of signal timing at these two intersections are suggested, as follows:

- NYS Route 42/Pleasant Street and Broadway – With optimization of signal timings during the Friday peak hour, the overall LOS is the same as the No-Build condition, which was LOS D;
- NYS Route 42 and Anawana Lake Road – With optimization of of signal timings during the Friday peak hour, the overall LOS is the same as the No-Build condition, which was LOS E;

The TIS also included a sensitivity analysis of the NYS Route 42 corridor for a condition without the Concord Associates, LP (CALP) project in the No-Build condition traffic volumes. In the event that the CALP project is not developed, the mitigation for the Proposed Amendment shall include the traffic signal timing adjustments identified in the TIS as mitigation without the CALP project at the following intersections:

- NYS Route 42/Pleasant Street and Broadway
- NYS Route 42 and Depot Drive
- NYS Route 42 and Concord Road

#### *2.4.1.3. Driveway and On-Ramp Analysis*

Finally, the TIS for the Proposed Amendment evaluated the future conditions of the Casino Driveways as well as the on-ramp to NYS Route 17 East Bound at Interchange 106. For both the Friday and Sunday peak hour, the two Casino and Hotel driveways are expected to operate at acceptable Level of Service (LOS) C or better with the

installation of a traffic signal at the intersection of the Resort Entry Road & Main Casino Entrance Driveway. In addition, the on-ramp is expected to operate acceptably at LOS B during both the Friday and Sunday peak hours in the future with the Casino and Hotel at Adelaar.

The Town Board determines, therefore, that the Project with the Proposed Amendment will not pose any significant adverse traffic impacts that were not previously identified, analyzed and mitigated if necessary.

## 2.5 AIR QUALITY

The Town Board determines that the Project with the Proposed Amendment will not pose any air quality impacts that were not previously identified, analyzed and/or mitigated, if necessary.

### 2.5.1 MOBILE SOURCE EMISSIONS

An updated mobile source screening analysis to identify potential air quality impacts was performed using the results of the updated Traffic Impact Study. This analysis was performed by the Applicant using the methodology described in the NYSDOT Environmental Procedures Manual (EPM)—the same methodology used during the previous environmental review.

In addition to the seven intersections analyzed in the EIS an additional four intersections were evaluated by the Applicant. No potential for any new significant adverse air quality impacts based on mobile source emissions from the Proposed Amendment were identified. The Town Board concurs with this analysis and conclusion.

### 2.5.2 STATIONARY SOURCE EMISSIONS

Based on the expanded program of the Proposed Amendment, there would be an increased demand for heat and hot water within the Casino and Hotel. Accordingly, the central utility plant (CUP) would be expanded to accommodate 12 boilers (as opposed to eight (8) in the previously approved project), with a maximum of 11 boilers operating at any one time. These boilers will each be four (4) million British Thermal Units per hour (mmBtu/hr) propane fired low NO<sub>x</sub> condensing boilers, exhausting nine (9) ppm NO<sub>x</sub> emissions.

Using the same methodology as was used in the EIS, the potential air quality impacts of these boilers were evaluated. This screening level modeling analysis of criteria pollutants was performed by adding the maximum predicted concentrations modeled for the boilers to the maximum ambient background concentration and comparing the result to the National Ambient Air Quality Standards (NAAQS).

As with the previously approved project, potential criteria pollutant impacts of the Project with the Proposed Amendment are less than their respective NAAQS. Therefore, the Town Board determines that the Proposed Amendment would not result in any new potentially significant adverse air

quality impacts from the heating and hot water system, or any other stationary sources which were not previously studied and analyzed in the EIS.

## **2.6 NOISE**

The EIS contained a noise impact assessment, which examined noise generated by traffic traveling to and from the Project Site (mobile source noise impacts), and noise generated from the operation of mechanical equipment and the proposed harness horse racetrack (stationary source noise impacts). That analysis showed that neither the operation of the harness horse racetrack nor the mechanical equipment associated with the Casino and Hotel at Adelaar had the potential to cause significant adverse impacts. Since there is no change proposed to the harness horse racetrack, and no change in the location of the proposed mechanical equipment, the Town Board determines that those conclusions with regards to potential stationary source noise impacts remain valid for the Proposed Amendment as well.

With regard to noise generated by traffic traveling to and from the Project Site, the Technical Memorandum contains an updated analysis of potential impacts using the same methodology described in the EIS. The results of the revised mobile source noise analysis indicate that no new potentially significant adverse noise impacts from mobile sources will result from the Proposed Amendment. The Town Board concurs with this analysis.

Therefore, the Town Board determines, as was found in the previous environmental review, that there will be no significant adverse noise impacts as a result of the Proposed Amendment.

## **2.7 NATURAL RESOURCES**

The Proposed Amendment will occur within the existing limit of disturbance, and as such, there would be no additional tree removal or other impacts to natural resources required. No federally- or state-listed species are currently known by the New York Natural Heritage Program to occur near the Project Site. The Proposed Amendment would be inconsequential with regard to potential impacts to natural resources (flora and fauna), including threatened and endangered species. As with the previously reviewed Project, the Town Board determines that the Proposed Amendment would have no significant adverse impacts on natural resources.

Additionally, the analysis provided in the Technical Memorandum supports the conclusion that both daytime and nighttime bird collisions at the Project Site would be expected to be very uncommon and would not result in a significant adverse impact to migratory bird populations.

Therefore, the Town Board determines that there will be no new potential significant adverse environmental impacts to natural resources as a result of the Proposed Amendment.

## **2.8 GEOLOGY, SOILS AND TOPOGRAPHY**

The Proposed Amendment will be located within the same previously approved limit of disturbance. Therefore, no additional soil or steep slope disturbance will be required in addition to what was analyzed in the EIS. As with the previously

approved project, it is not expected that blasting will be necessary for the Proposed Amendment.

The Proposed Amendment is expected to require approximately 418,000 cubic yards (CY) of cut and approximately 333,800 CY of fill, resulting in a net export of approximately 84,300 CY of earthen material. This compares with a cut of 263,670 CY in the project analyzed in the FEIS and 372,277 CY of fill for a net import of 108,607 CY. The changes are the result of additional cut required for the 4th level of subsurface parking, and a reduction in the amount of fill required due to lower parking levels and finished floors. As the plans are refined and finalized, there may be slight changes to these amounts. The amount of earthen material expected to be exported is less than the amount that was expected to be imported in the EIS.

Therefore, the Town Board concludes that the Proposed Amendment will result in no new potentially significant adverse environmental impacts to geologic resources, soils and topography.

## **2.9 WATER SUPPLY**

Pursuant to a water supply agreement entered into in October 2013, the Casino and Hotel at Adelaar will be served by up to 375,000 gallons per day of the Village of Monticello's existing surplus water supply. The Casino and Hotel were previously estimated to use approximately 229,000 gallons per day (GPD), or 202,000 GPD with water saving fixtures.

To provide a direct comparison to the previously estimated volumes, the Technical Memorandum estimates water demand utilizing the same methodology employed in the EIS. Based on this analysis, the Proposed Amendment would be expected to result in a total water demand for the Casino and Hotel of approximately 253,000 GPD, or 219,000 GPD with water saving fixtures.

Subsequent to the EIS, however, the water demand for the Casino and Hotel was reduced based on a more refined assessment by the Applicant. The new assessment incorporates several important changes, including classifying some of the on-site restaurants as 'ordinary' restaurants, rather than '24-hour' restaurants; and classifying the events center as a 'banquet hall' rather than a '24-hour restaurant'. Based on these changes, and the use of new multipliers published by the NYSDEC in 2014, the Project with the Proposed Amendment is expected to create a daily water demand of approximately 234,000 GPD, or 204,000 GPD with water saving fixtures.

Even assuming the more conservative, but less realistic, water demand calculation of 253,000 GPD (219,000 GPD with water saving features) for the Proposed Amendment, the Town Board concludes that the new increased demand is not a significant adverse impact to the provision of water supply since there is already an agreement in place to serve the Casino and Hotel with up to 375,000 GPD from the Village of Monticello. Therefore, there is more than adequate capacity to serve the water demand needs of the Project with the Proposed Amendment. As a result, the Town Board determines that there is no new potentially significant adverse impact to the provision of water supply from the Proposed Amendment.

## **2.10 SANITARY SEWER SERVICE**

As noted in the previous EIS, the Kiamesha Lake Sewage Treatment Plant (STP) has current excess capacity of between 500,000 GPD and 700,000 GPD<sup>3</sup>. The Casino and Hotel was previously estimated to generate approximately 122,000 GPD of sanitary sewage. Again, to provide a direct comparison to the previously estimated volumes, the same methodology used in the EIS was used to calculate sanitary sewage generation. Based on that analysis, according to the Technical Memorandum, the Project with the Proposed Amendment would be expected to result in total generation of approximately 140,000 GPD of sanitary sewage.

As discussed in the Technical Memorandum, subsequent to the EIS, a more refined assessment of the expected sanitary sewage generation from the Casino and Hotel was undertaken by the Applicant. Based on the refined assessment, the Project with the Proposed Amendment would be estimated to actually generate approximately 124,000 GPD of sanitary sewage.

Even assuming the more conservative, but less realistic, expected sanitary sewage generation rate of 140,000 GPD for the Project with the Proposed Amendment, the STP can serve the expected sewage generation since it has excess capacity of between 500,000 GPD and 700,000 GPD. Therefore, the Town Board determines that there is no significant adverse impact to the provision of sanitary sewage service from the Proposed Amendment.

## **2.11 ENERGY AND TELECOMMUNICATIONS**

The Central Utility Plant (CUP) for the Casino and Hotel has been increased in size from 4,000 sf to 4,700 sf. Within the plant, the chillers would be upsized and the number of boilers would be increased to accommodate the site plan amendments. The heating and air conditioning needs would still be served by a 30,000-gallon propane tank located on the Project Site, as was approved in the prior site plan.

The Town Board concludes that the Proposed Amendment will result in an additional 900 kW of normal electric load. The transformers that were planned to deliver power to the site will need to be re-designed in consultation with New York State Electric & Gas. The Town Board concludes, therefore, that the Project with the Proposed Amendment will not pose any energy and/or telecommunications impacts that were not previously identified, analyzed and mitigated if necessary.

## **2.12 CONSTRUCTION**

The Proposed Amendment will not alter the overall approach to construction of the Casino and Hotel, nor the prior mitigation approved for those construction impacts. However, there are two potential changes to the temporary construction impacts identified in the EIS.

First, as discussed above, there will be an increase in the amount of excavation required for the additional level of structured parking. However, because the amount

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<sup>3</sup> As noted in the EIS, the excess capacity of the STP accounts for existing use and capacity that has been previously contractually committed to Concord Associates, LP.

of earthen material that needs to be exported is less than the amount of material that was expected to be imported in the EIS, there should be a reduction in construction traffic related to the revised cut and fill estimates from what was analyzed in the EIS.

Second, the Proposed Amendment contemplates a larger development than the previously approved plan. Therefore, there will be additional truck traffic associated with the increase in building materials required as a result of the slight lengthening of the total construction timeline. However, the Town Board concludes that the previously identified and agreed upon mitigation plan for construction traffic and local roadway conditions, which was included in the Resolution approving the original site plan and restated in the Technical Memorandum (section 3.4.2), will adequately address any impacts of the increase in truck traffic.

Therefore, the Town Board concludes that there will be no new potential significant adverse environmental impacts associated with construction activity for the Proposed Amendment.

### **2.13 SURFACE WATER AND WETLANDS**

Potential impacts to surface water and wetlands were previously identified, analyzed and mitigated to the maximum extent practical in the EIS. Therefore, the Town Board concludes that no new impacts to surface waters and wetlands would result from the Proposed Amendment.

### **2.14 STORMWATER MANAGEMENT**

As stated above, the Proposed Amendment adds approximately 9,300 sf of impervious surface to the previously adopted final site plan—an increase of approximately 0.5%. The added impervious area is predominantly associated with the single story gaming floor expansion to the building and the garage access ramp structures. The Proposed Amendment also resulted in a loss of areas previously designed to be used for stormwater management and aesthetic landscaping. The net increase to impervious area will be offset by increasing the size of certain previously approved stormwater management practices and by ensuring the approved systems not increased in size have sufficient capacity to incorporate the additional impervious areas directed to them. These minor changes to the approved stormwater controls and stormwater pollution prevention plan (SWPPP) will be incorporated into the SWPPP as a minor modification. Accordingly, the Town Board determines that there will be no significant change in the stormwater management system treatment capability.

### **2.15 CULTURAL RESOURCES**

Potential impacts to cultural resources were previously identified, analyzed and mitigated to the maximum extent practicable in the EIS. No new impacts to cultural resources (either archaeological or historic) will result from the Proposed Amendment. The previously identified impact to the Breezy Corners Bungalow Colony is being mitigated in coordination with the New York State Historic Preservation Office (SHPO). As shown in Appendix 2 of the Technical Memorandum, SHPO has indicated its agreement with the Applicant's approach to mitigate the adverse impacts to the Breezy Corners Bungalow Colony. A

Memorandum of Agreement between SHPO, USACE, and the Applicant is being developed to document this mitigation

## **2.16 HAZARDOUS MATERIALS**

There will be no changes to the potential impacts to human or environmental health from hazardous materials as a result of the proposed site plan amendments. As described in the EIS, based on previous environmental assessments and field visits, there are no Areas of Concern on the Project Site.

## **2.17 ALTERNATIVES**

The Proposed Amendment does not affect the analysis of alternatives within the EIS.

## **2.18 OTHER EIS CHAPTERS**

The Proposed Amendment does not affect the analysis contained in the Unavoidable Adverse Impacts, Mitigation, Irreversible and Irrecoverable Commitment of Resources, Growth Inducing Impacts, or Use and Conservation of Energy sections of the EIS.

## **3. CONCLUSION**

The Town Board has independently reviewed and considered the entire record of the Proposed Amendment in light of the criteria set forth in the SEQRA regulations (6 NYCRR Sections 617.7(c) and 617.9(a)(7)) and concludes that there are no new potential significant adverse environmental impacts associated with the Proposed Amendment that have not previously been identified, analyzed and mitigated to the maximum extent practicable under SEQRA. Accordingly, the Town Board hereby issues this Negative Declaration of Environmental Significance for the Proposed Amendment.

DATE: June 3, 2014

### **For further information:**

Contact for Lead Agency: Town of Thompson Supervisor William J. Rieber, Jr.

Address: Town of Thompson – Town Hall, 4052 State Route 42, Monticello, NY 12701

Telephone Number: (845) 794-2500

### **A Copy of this Negative Declaration to be sent to:**

Chief Executive Officer, Town of Thompson  
Involved/Interested Agencies (see, Attached Distribution List)  
Environmental Notice Bulletin, 625 Broadway, Fourth Floor, Albany, NY 12233  
Applicant