

**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 **July 21, 2015**.

**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 Morey, Building Department/Code Enforcement Officer  
Gary J. Lasher, Town Comptroller

**REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 7:32 PM with the Pledge to the Flag. He welcomed the Participation in Government students to the meeting.

**APPROVAL OF MINUTES:**

On a motion made by Councilman Briggs and seconded by Councilman Sush the minutes of the July 7<sup>th</sup>, 2015 Regular Town Board Meeting were approved as presented.

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

**PRESENTATION: RECOGNITION TO BILL AND OLGA WAGNER FOR MANY YEARS OF SERVICE TO THE YOUTH WITH MONTICELLO LITTLE LEAGUE**

A Proclamation and Certificate of Special Recognition was presented to Bill and Olga Wagner acknowledging and thanking them for their 15+ years of service to the Monticello Little League. Photographs were taken with the Wagner Family and the Town Board during and after the presentation.

**PUBLIC COMMENT:**

Mr. Philip Winograd of Starlight Road, Monticello commented on the Volunteer Recognition of Bill and Olga Wagner. He said that Volunteers should be recognized more often.

**CORRESPONDENCE:**

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

- 1) Letter dated 07/13/15 from Supervisor Rieber to Mr. Alan Schachnovsky of Kiamesha Artesian Water Company with a second request regarding the status of Kiamesha Water District Hydrants.
- 2) Letter dated 06/30/15 from Matthew J. Sickler, P.E., Principal of McGoey, Hauser and Edsall Consulting Engineers DPC regarding the Kiamesha Lake Sewer & Sackett Lake Sewer Districts SSES Engineering Reports.
- 3) Letter dated 07/08/15 from Town Clerk Calhoun to Kerry O'Brien, Commissioner of Licensing, NYS Liquor Authority regarding liquor license application 30-day hold waiver for Dutch's Sports Tavern & Grill.
- 4) Letter dated 07/10/15 from Joseph A. Churgin, Esq. of Savad/Churgin Attorneys at Law regarding illegal operations at the Petting Zoo at Breezeway Farms, SBL # 13.-1-9.
- 5) Letter dated 06/30/15 from Jamie McGee, Accounting, Time Warner Cable to Supervisor Rieber enclosing check for the franchise fee payment including the calculation report for the 2<sup>nd</sup> Quarter, 2015 period of April 1<sup>st</sup> – June 30<sup>th</sup>, 2015. Check # 0004368575 dated 07/16/15 made payable to the Town of Thompson in the amount of \$35,576.59.
- 6) Letter dated 07/13/15 from Liz Barbera, Claims Adjuster for Trident Insurance Representative of the Argonaut Insurance Company to Ivette Cintron of Rock Hill regarding sewer back up damages, D/L: 07/01/2015.
- 7) Second Letter from John F. Konefal, President, Wanaksink Lake Club, Inc. to Town of Thompson Building Department regarding Valentin Building Permit Application Discrepancy and Issuance and the enforcement of a Private Deed Restriction. Mr. Konefal is advising that they are still waiting for a response to their previous 06/23/15 letter. A copy of the letter was sent to Supervisor Rieber Certified Mail. Attorney Mednick will prepare a written response on the matter.

**AGENDA ITEMS:**

**1. NEGATIVE DECLARATION: MONTREIGN RESORT CASINO MINOR SITE PLAN AMENDMENT**

Attorney George Duke of Brown Sharlow Duke & Fogel, P.C., Attorneys and Counselors at Law on behalf of Monticello Raceway Management, Inc. ("MRMI") and Montreign Operating Company, LLC regarding the Montreign Resort Casino Minor Site Plan Amendment. Also present on behalf of the matter was Attorney Michael A. Fogel of Brown Sharlow Duke & Fogel, P.C., Chris Robbins with AKRF and Charles Degliomini, Executive VP of Empire Resorts.

Attorney Duke explained the Proposed Minor Site Plan Amendment to Montreign Resort Casino Project, which was originally presented to the Town Board on June 16<sup>th</sup>, 2015.

The Town Board has retained original jurisdiction as Lead Agency under SEQRA for SEQRA review purposes. The Town Board still retains certain components of the Lead Agency status, because of the pending Road Improvement District, which is the reason that they are before the Town Board. They will then proceed with their application before the Planning Board. He summarized where they are procedurally. He explained the Minor Site Plan Amendments. He provided copies of two Site Plan Footprint and Exterior renderings from J.C.J. Architecture, Memorandum and Traffic Analysis from AKRF, Full Environmental Assessment Form Part 2 & 3, Findings and Determinations Supporting the Negative Declaration of Environmental Significance and the Resolution Adopting the Negative Declaration with a copy of the Negative Declaration attached. Attorney Duke also reported on a letter dated 07/15/15 from Town of Thompson Planning Board Chairperson Patrice Chester to Supervisor Rieber recommending the Negative Declaration. Copies of all provided documents can be found on file in the Town Clerk's Office, which shall be available for public inspection during normal business hours.

Deputy Town Attorney Paula E. Kay advised the Town Board that Procedurally the Planning Board held a Special Meeting last week to review the SEQRA Analysis and provide a recommendation to the Town Board, which was provided. The only issue that was outstanding was Traffic, which as of approximately 5:30 PM this evening Town Engineer Richard D. McGoey has authorized his approval of the enclosed Traffic Analysis. The matter is scheduled to appear before the Planning Board at tomorrow evenings meeting.

Attorney Mednick and Attorney Kay are both recommending that action be taken to approve a Negative Declaration.

**The Following Resolution Was Duly Adopted: Res. No. 246 of the Year 2015.**

**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 PROPOSED MINOR SITE PLAN AMENDMENT TO THE FINAL SITE PLAN AMENDMENT FOR THE MONTREIGN RESORT CASINO 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, and 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., 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 Montreign Resort Casino (formerly known as the Casino and Hotel at Adelaar); and

**WHEREAS**, the potential environmental impacts of the site plan application for the Montreign Resort Casino 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 Montreign Resort Casino. 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 (the “Project”); 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 the Catskills/Hudson Valley region, in which Sullivan County and the Town of Thompson are located, 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**, Montreign Operating Company, LLC (“MOC”), a wholly owned subsidiary of Empire Resorts, Inc., applied for a Gaming Facility License to operate Montreign Resort Casino; 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 Montreign Resort Casino (the “2014 Site Plan Amendment”); and

**WHEREAS**, on June 3, 2014, the Town Board, continuing its role as Lead Agency, adopted a Negative Declaration of Environmental Significance pursuant to SEQRA for the 2014 Site Plan Amendment; and

**WHEREAS**, on June 11, 2014, the Planning Board ratified the Negative Declaration of Environmental Significance pursuant to SEQRA and independently found that there were no new

potentially significant adverse environmental impacts associated with the 2014 Site Plan Amendment; and

**WHEREAS**, on June 11, 2014, the Planning Board subsequently approved the 2014 Site Plan Amendment; and

**WHEREAS**, subsequent to the 2014 Site Plan Amendment, MOC applied for a Gaming Facility License pursuant to the Act; and

**WHEREAS**, on December 17, 2014, the Gaming Facility Location Board selected MOC to be the only applicant in the Catskills/Hudson Valley region to apply to the State Gaming Commission for a Gaming Facility License; and

**WHEREAS**, since the selection of MOC by the Gaming Facility Location Board, MRMI and MOC and Adelaar Developer, LLC and EPT Concord II, LLC (collectively the “Applicant”) have been working to finalize the design for the Project in order to maximize its investment in the Property and maximize the benefits that would accrue to the Town, County and the region; and

**WHEREAS**, on June 3, 2015, the Applicant applied, pursuant to Section 250-50D(5) of the Town Code, for a minor amendment to its approved Site Plan (the “Proposed Amendment”); and

**WHEREAS**, the application for the Proposed Amendment includes a full Environmental Assessment Form, Part 1, revised Site Plan Drawings, and Technical Memorandum, with Exhibits, dated July 7, 2015; and

**WHEREAS**, the Proposed Amendment will allow MOC to provide a higher level of amenities to patrons of Montreign Resort Casino by expanding the size of the gaming floor and hotel rooms, redesigning non-gaming portions and removing the harness horse racetrack and associated facilities; and

**WHEREAS**, the Town Board is continuing in its role as Lead Agency for the Montreign Resort Casino, as it retains continuing approval jurisdiction over certain aspects of Adelaar, including the Town Board’s pending review of a Petition to create a road improvement district to serve Adelaar; and

**WHEREAS**, on June 10, 2015 and July 8, 2015, respectively, the Applicant, through its representatives, presented the Proposed Amendment to the Planning Board for its review and consideration and thoroughly addressed the Planning Board’s questions and comments; and

**WHEREAS**, on June 10, 2015, the Planning Board accepted the 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, on June 16, 2015, the Applicant, through its representatives, presented the Proposed Amendment to the Town Board for its review and consideration and thoroughly addressed the Town Board's questions and comments; and

WHEREAS, the revised Site Plan drawings submitted for the Proposed Amendment are as follows:

**ADELAAR - Montreign Resort Casino**

| <b>Drawing No.</b> | <b>Title</b>                                      | <b>Date</b>      |
|--------------------|---|------------------|
| <b>G-0000</b>      | <b>Cover - Site Plan Approval</b>                 | <b>7/21/2015</b> |
| <b>C-100</b>       | <b>Overall Site Plan</b>                          | <b>7/20/2015</b> |
| <b>C-102</b>       | <b>General Notes</b>                              | <b>7/20/2015</b> |
| <b>C-200</b>       | <b>Overall Existing Conditions Plan</b>           | <b>7/20/2015</b> |
| <b>C-201</b>       | <b>Existing Conditions Plan (Tile 1)</b>          | <b>7/20/2015</b> |
| <b>C-202</b>       | <b>Existing Conditions Plan (Tile 2)</b>          | <b>7/20/2015</b> |
| <b>C-204</b>       | <b>Existing Conditions Plan (Tile 4)</b>          | <b>7/20/2015</b> |
| <b>C-205</b>       | <b>Existing Conditions Plan (Tile 5)</b>          | <b>7/20/2015</b> |
| <b>C-206</b>       | <b>Existing Conditions Plan (Tile 6)</b>          | <b>7/20/2015</b> |
| <b>C-300</b>       | <b>Overall Demolition Plan</b>                    | <b>7/20/2015</b> |
| <b>C-301</b>       | <b>Demolition Plan (Tile 1)</b>                   | <b>7/20/2015</b> |
| <b>C-302</b>       | <b>Demolition Plan (Tile 2)</b>                   | <b>7/20/2015</b> |
| <b>C-304</b>       | <b>Demolition Plan (Tile 4)</b>                   | <b>7/20/2015</b> |
| <b>C-305</b>       | <b>Demolition Plan (Tile 5)</b>                   | <b>7/20/2015</b> |
| <b>C-306</b>       | <b>Demolition Plan (Tile 6)</b>                   | <b>7/20/2015</b> |
| <b>C-400</b>       | <b>Overall Site Geometry Plan</b>                 | <b>7/20/2015</b> |
| <b>C-401</b>       | <b>Site Geometry Plan (Tile 1)</b>                | <b>7/20/2015</b> |
| <b>C-402</b>       | <b>Site Geometry Plan (Tile 2)</b>                | <b>7/20/2015</b> |
| <b>C-404</b>       | <b>Site Geometry Plan (Tile 4)</b>                | <b>7/20/2015</b> |
| <b>C-405</b>       | <b>Site Geometry Plan (Tile 5)</b>                | <b>7/20/2015</b> |
| <b>C-406</b>       | <b>Site Geometry Plan (Tile 6)</b>                | <b>7/20/2015</b> |
| <b>C-500</b>       | <b>Overall Grading, Paving and Drainage Plan</b>  | <b>7/20/2015</b> |
| <b>C-501</b>       | <b>Grading, Paving and Drainage Plan (Tile 1)</b> | <b>7/20/2015</b> |
| <b>C-502</b>       | <b>Grading, Paving and Drainage Plan (Tile 2)</b> | <b>7/20/2015</b> |
| <b>C-504</b>       | <b>Grading, Paving and Drainage Plan (Tile 4)</b> | <b>7/20/2015</b> |
| <b>C-505</b>       | <b>Grading, Paving and Drainage Plan (Tile 5)</b> | <b>7/20/2015</b> |
| <b>C-506</b>       | <b>Grading, Paving and Drainage Plan (Tile 6)</b> | <b>7/20/2015</b> |
| <b>C-600</b>       | <b>Overall Composite Utility Plan</b>             | <b>7/20/2015</b> |
| <b>C-601</b>       | <b>Composite Utility Plan (Tile 1)</b>            | <b>7/20/2015</b> |
| <b>C-602</b>       | <b>Composite Utility Plan (Tile 2)</b>            | <b>7/20/2015</b> |
| <b>C-604</b>       | <b>Composite Utility Plan (Tile 4)</b>            | <b>7/20/2015</b> |
| <b>C-605</b>       | <b>Composite Utility Plan (Tile 5)</b>            | <b>7/20/2015</b> |
| <b>C-606</b>       | <b>Composite Utility Plan (Tile 6)</b>            | <b>7/20/2015</b> |

|         |  |           |
|---------|--|-----------|
| C-701   | Erosion and Sediment Control Plan (Tile 1) | 7/20/2015 |
| C-702   | Erosion and Sediment Control Plan (Tile 2) | 7/20/2015 |
| C-704   | Erosion and Sediment Control Plan (Tile 4) | 7/20/2015 |
| C-705   | Erosion and Sediment Control Plan (Tile 5) | 7/20/2015 |
| C-706   | Erosion and Sediment Control Plan (Tile 6) | 7/20/2015 |
| C-801   | Storm Structure Pipe Tables                | 7/20/2015 |
| C-802   | Storm Structure Pipe Tables                | 7/20/2015 |
| C-803   | Storm Structure Pipe Tables                | 7/20/2015 |
| C-804   | Typical Sections                           | 7/20/2015 |
| C-805   | Typical Sections                           | 7/20/2015 |
| C-806   | Storm Drainage Profiles I                  | 7/20/2015 |
| C-807   | Storm Drainage Profiles II                 | 7/20/2015 |
| C-808   | Storm Drainage Profiles III                | 7/20/2015 |
| C-809   | Storm Drainage Profiles IV                 | 7/20/2015 |
| C-810   | Storm Drainage Profiles V                  | 7/20/2015 |
| C-811   | Storm Drainage Profiles VI                 | 7/20/2015 |
| C-812   | Storm Drainage Profiles VII                | 7/20/2015 |
| C-813   | Storm Drainage Profiles VIII               | 7/20/2015 |
| C-814   | Storm Drainage Profiles IX                 | 7/20/2015 |
| C-815   | Storm Drainage Profiles X                  | 7/20/2015 |
| C-816   | Sanitary Sewer Profiles I                  | 7/20/2015 |
| C-900   | Details I                                  | 7/20/2015 |
| C-901   | Details II                                 | 7/20/2015 |
| C-902   | Details III                                | 7/20/2015 |
| C-903   | Details IV                                 | 7/20/2015 |
| C-904   | Details V                                  | 7/20/2015 |
| C-905   | Details VI                                 | 7/20/2015 |
| C-906   | Details VII                                | 7/20/2015 |
| C-907   | Details VIII                               | 7/20/2015 |
| C-908   | Details IX                                 | 7/20/2015 |
| C-909   | Details X                                  | 7/20/2015 |
| C-910   | Details XI                                 | 7/20/2015 |
| C-911   | Details XII                                | 7/20/2015 |
| C-1001  | Striping and Signage Plan (Tile 1)         | 7/20/2015 |
| C-1002  | Striping and Signage Plan (Tile 2)         | 7/20/2015 |
| C-1004  | Striping and Signage Plan (Tile 4)         | 7/20/2015 |
| C-1005  | Striping and Signage Plan (Tile 5)         | 7/20/2015 |
| C-1006  | Striping and Signage Plan (Tile 6)         | 7/20/2015 |
| GS-1001 | Site Code Plan - North                     | 7/20/2015 |
| GS-1002 | Site Code Plan - South                     | 6/15/2015 |
| E-0002  | Progress - Site Plan Lighting              | 7/10/2015 |

|         |                                       |           |
|---------|---------------------------------------|-----------|
| EC-01   | Exterior Photometric Calculation      | 6/24/2015 |
| EC-02   | Exterior Photometric Calculation      | 6/24/2015 |
| EC-03   | Exterior Photometric Calculation      | 6/24/2015 |
| EC-04   | Exterior Photometric Calculation      | 6/24/2015 |
| E-0005  | Site Plan North Lighting              | 7/17/2013 |
| E-0006  | Site Plan West Lighting               | 5/29/2013 |
| E-0007  | Sites Plan South Lighting             | 7/17/2013 |
| L-101   | Site Planting Plan - Tile 1           | 5/29/2013 |
| L-102   | Site Planting Plan - Tile 2           | 7/17/2013 |
| L-103   | Site Planting Plan - Tile 3           | 5/29/2013 |
| L-104   | Site Planting Plan - Tile 4           | 7/17/2013 |
| L-105   | Site Planting Plan - Tile 5           | 7/17/2013 |
| L-106   | Site Planting Plan - Tile 6           | 5/29/2013 |
| L-107   | Site Planting Plan - Tile 7           | 5/29/2013 |
| L-108   | Site Planting Plan - Tile 8           | 5/29/2013 |
| L-109   | Site Planting Plan - Tile 9           | 5/29/2013 |
| L-110   | Site Fencing Plan                     | 3/27/2013 |
| L-111   | Site Planting Plan - Tile 11          | 5/29/2013 |
| AS-1000 | Architectural Site Plan               | 7/1/2015  |
| AS-1001 | Site Details                          | 7/1/2015  |
| AS-1004 | Site Details                          | 5/29/2013 |
| PK-101  | Lower Level 3 Striping / Signage Plan | 4/5/2013  |
| PK-102  | Lower Level 2 Striping / Signage Plan | 4/5/2013  |
| PK-103  | Lower Level 1 Striping / Signage Plan | 4/5/2013  |
| PK-900  | Parking Garage Signage Details        | 4/5/2013  |

**WHEREAS**, on July 14, 2015, more than thirty (30) days after the Planning Board referred the “full statement” to DPEM, DPEM provided its written response and comments on the Proposed Amendment, wherein DPEM indicated that the Proposed Amendment is consistent with the original approval DPEM issued in April of 2013, and therefore will not lead to adverse intercommunity or countywide impacts, and finding this a matter for local determination; and

**WHEREAS**, on July 14, 2015, the Town’s engineer, McGoey, Hauser and Edsall Consulting Engineers D.P.C. (“MH&E”), issued a Technical Memo providing their comments on the Proposed Amendment, all of which have been satisfactorily addressed by the Applicant; and

**WHEREAS**, by letter, dated July 15, 2015, the Planning Board provided its detailed and thorough review, analyses and recommendations to assist the Town Board in making its determination of significance, a copy of which is incorporated into this Resolution by reference;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Thompson, as SEQRA Lead Agency, has independently reviewed, considered and deliberated upon the prior environmental reviews for the Project, and the entire record of the Proposed Amendment,

including all materials submitted by and on behalf of the Applicant in support of the Proposed Amendment, including the full Environmental Assessment Form, Part I and Part II, revised Site Plan Drawings submitted to-date, and Technical Memorandum, with Exhibits, dated July 7, 2015, the DPEM letter, dated July 14, 2015, the July 14, 2015 Technical Memo submitted by MH&E, the recommendation received from the Planning Board, dated July 15, 2015, the Supplemental Traffic Analysis prepared by AKRF, dated July 21, 2015, the July 21, 2015 Technical Memo submitted by MH&E, and email correspondence from MH&E, dated July 21, 2015; 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 prior environmental reviews for the Project, 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 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;<sup>1</sup> and

**BE IT FURTHER RESOLVED**, that the Town Board's reasoned elaboration 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 July 21, 2015 by the Town Board of the Town of Thompson

Moved by: Councilman Richard Sush

Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

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

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<sup>1</sup> ATTACHMENT: SEQRA NEGATIVE DECLARATION.

**2. APPROVE & AUTHORIZE EXECUTION OF AGREEMENT BETWEEN ICHUD, LLC, VILLAGE OF MONTICELLO AND TOWN OF THOMPSON**

Supervisor Rieber explained the proposed agreement between ICHUD, LLC, Village of Monticello and Town of Thompson regarding specific compliance issues to be rectified. The agreement has already been executed by the representative of ICHUD, LLC and Village of Monticello. The Town Board discussed the matter further prior to taking action as follows:

**The Following Resolution Was Duly Adopted: Res. No. 247 of the Year 2015.**

Resolved, that the agreement between ICHUD, LLC A/K/A ICHUD Hatalmidim, the Village of Monticello and the Town of Thompson regarding compliance issues hereby be approved and the Town Supervisor hereby be authorized to execute said agreement as presented.

Moved by: Councilman Pavese                      Seconded by: Councilman Briggs

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

Nays 0

**3. ANNEXATION PETITION: YESHIVA BETH JOSEPH ZVI DUSHINSKY, WAVERLY AVENUE, MONTICELLO, SBL#'S 29.-2-7.1 & 8.**

Petitioner and Property Owner, Yeshiva Beth Joseph Zvi Dushinsky, of property located along Waverly Avenue, Monticello, New York, SBL #'s 29.-2-7.1 & 29.-2-8 filed a Petition with the Town Clerk for Annexation into the Village of Monticello for the purpose of property development. The Town Clerk advised that the Village Clerk has been out of the Office and she was unable to coordinate a date to schedule a Joint Public Hearing. Town Clerk Calhoun is recommending that this matter be tabled until the next Town Board Meeting at which time a Joint Public Hearing will be scheduled with the Village once a date can be coordinated between both Boards.

**The Following Resolution Was Duly Adopted: Res. No. 248 of the Year 2015.**

Resolved, that Agenda Item No. 3 pertaining to the Proposed Annexation Request for the Yeshiva Beth Joseph Zvi Dushinsky properties and scheduling of a Joint Public Hearing hereby be tabled until the 08/04/2015 Town Board Meeting.

Moved by: Councilman Sush                      Seconded by: Councilman Mace

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

Nays 0

**4. REVIEW & APPROVE: TOWN HALL ROOF REPLACEMENT AGREEMENT FOR ENGINEERING SERVICES (MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS DPC)**

Supervisor Rieber provided an update regarding the status of the Town Hall Roof Replacement in regards to the presented Agreement for Engineering Services by McGoey, Hauser & Edsall Consulting Engineers DPC.

**The Following Resolution Was Duly Adopted: Res. No. 249 of the Year 2015.**

Resolved, that the Agreement for Engineering Services between the Town of Thompson and McGoey, Hauser and Edsall Consulting Engineers, D.P.C. for Professional Services related to the Town Hall Roof Replacement for a total payment of \$20,500.00 for all services specified hereby be approved and the Town Supervisor hereby be authorized to execute said agreement as presented.

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

**5. CONTINUED DISCUSSION: MOBILE APP SOFTWARE FOR BUILDING DEPARTMENT**

**The Following Resolution Was Duly Adopted: Res. No. 250 of the Year 2015.**

Resolved, that Agenda Item No. 5 pertaining to the Mobile App Software Purchase for the Building Department hereby be tabled pending further information and discussion on the matter.

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

**6. DISCUSSION: WIDE FORMAT COPIER PROPOSAL (EASTERN, A XEROX COMPANY)**

Supervisor Rieber reported on a (6) page proposal that Town Comptroller Gary J. Lasher obtained from Eastern (A Xerox Company) for a Wide Format Copier for a total purchase price of \$10,136.10. The proposal was provided and discussed, the Town Board decided to take no action at this time.

**The Following Resolution Was Duly Adopted: Res. No. 251 of the Year 2015.**

Resolved, that Agenda Item No. 6 pertaining to the Wide Format Copier Proposal from Eastern, A Xerox Company for a wide format copier hereby be tabled.

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

**FINALIZE DISCUSSION AND SET DATE FOR PUBLIC HEARING: PROPOSED LOCAL LAW – GREEN BUILDINGS REAL PROPERTY TAX EXEMPTION**

Supervisor Rieber reported on the Proposed Local Law for the Green Buildings Real Property Tax Exemption. It was determined that the exemption would only apply to the extra cost involved to make the building Lead Certified and can receive a full exemption of up to 5-years and a partial exemption of up to 10-years. The exemption would only apply to the difference in the cost/investment for Lead Certification. Attorney Mednick said that the exemption would be on a sliding scale and would reduce each year depending on the type of exemption category silver, gold or platinum. After the 10-year

period the property returns to full value. Approval must be granted by the Town Assessor prior to construction. There are costs involved to obtain the Lead Certification. The Town Assessor has full discretion to make the determination of what is acceptable and what is not. Councilman Mace thanked Carol Roig of Sullivan County Office of Sustainable Energy for her assistance in researching this matter further. Councilman Sush also reported that the Sullivan County Partnership for Economic Development has also discussed this matter and was impressed that the Town of Thompson was considering it. They also discussed the Graffiti Law, which the Town of Thompson has been looking into as well. Further discussion ensued on the subject before proceeding with action as follows:

**The Following Resolution Was Duly Adopted: Res. No. 252 of the Year 2015.**

At a regular meeting of the Town Board of the  
Town of Thompson held at the Town Hall, 4052  
Route 42, Monticello, New York on July 21, 2015

**RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW**

**WHEREAS**, there has been introduced at a meeting of the Town Board of the Town of Thompson held on June 02, 2015, a proposed Local Law No. 03 of 2015, entitled "A local law to amend Chapter 218 ("Taxation") of the Town of Thompson Code by adding a new Article VI entitled "Green Homes Tax Exemption".

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held on said proposed local law by the Town Board of the Town of Thompson on August 18, 2015 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at the Town Hall, 4052 Route 42, Monticello, New York, and at least three (3) days' notice of such public hearing be given by the Town Clerk of the Town of Thompson by due posting thereof on the bulletin board of the Town of Thompson and by publishing such notice at least once in the official newspaper of said Town.

Moved by: Councilman Peter T. Briggs

Seconded by: Councilman Scott Mace

Adopted on Motion July 21, 2015

Supervisor WILLIAM J. RIEBER, JR.

Yes [X ]      No [ ]

|                            |          |        |
|----------------------------|----------|--------|
| Councilman PETER T. BRIGGS | Yes [X ] | No [ ] |
| Councilman RICHARD SUSH    | Yes [X ] | No [ ] |
| Councilman SCOTT MACE      | Yes [X ] | No [ ] |
| Councilman JOHN A. PAVESE  | Yes [X ] | No [ ] |

**8. TAX CERTIORI SETTLEMENT: PF JEFFERSON HOLDINGS LLC, SBL # 116.-3-11.3**

Attorney Mednick provided a Resolution on the above named property tax settlement proceeding being presented. Attorney Mednick and Assessor Van B. Krzywicki recommended that the settlement be approved as per the provided Resolution. Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

**The Following Resolution Was Duly Adopted: Res. No. 253 of the Year 2015.**

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW AGAINST THE TOWN OF THOMPSON**

WHEREAS, PF Jefferson Holdings LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 116, Block 3, Lot 11.3, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2014-1762; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of respondents, and Robert Krutman, Esq. on behalf of petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner’s 2014 assessment, to wit, a reduction in the assessment of petitioner’s real property, **SBL 116-3-11.3** from \$500,000.00 to \$325,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

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 Richard Sush

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 |

**9. TAX CERTIORI SETTLEMENT: 1683 C CORP., SBL # 115.-3-8**

Attorney Mednick provided a Resolution on the above named property tax settlement proceeding being presented. Attorney Mednick and Assessor Van B. Krzywicki recommended that the settlement be approved as per the provided Resolution.

Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

**The Following Resolution Was Duly Adopted: Res. No. 254 of the Year 2015.**

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING  
INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX  
LAW AGAINST THE TOWN OF THOMPSON**

WHEREAS, 1683 C Corp. has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 115, Block 3, Lot 8, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index Nos. 2013-1888 and 2014-1754; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of respondents, and Kalter, Kaplan, Zeiger & Forman by Jay L. Zeiger, Esq., on behalf of petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's **2013** assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 115-3-8** from \$41,200.00 to \$36,500.00.

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's **2014** assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 115-3-8** from \$41,200.00 to \$36,500.00.



regulations. Supt. Culligan advised that the truck would be equipped with a standard snow plow, which will meet the new regulations. After further discussion the Town Board took action to approve the purchase as follows:

**The Following Resolution Was Duly Adopted: Res. No. 256 of the Year 2015.**

Resolved that that purchase request of Superintendent William D. Culligan for a new 2015 Chevrolet 4WD Pickup Truck to be utilized by the Water and Sewer Department from Robert Green Truck Division off the Rockland County Bid Contract #RC-2014-087 in the amount of \$42,022.50 hereby be approved.

Moved by: Councilman Pavese                      Seconded by: Councilman Briggs

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

Nays 0

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

**The Following Resolution Was Duly Adopted: Res. No. 257 of the Year 2015.**

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

**Hach Company**

**\$3,045.80 Total Cost**

1 – DR 1900 Portable Spectrophometerc

**Total Cost = \$3,045.80 Plus Freight**

(Note: Lab Equipment for the dialing sampling and testing of the Towns Sewer and Water Systems. Purchase as per the Town Procurement Policy.)

**Cochecton Mills, Inc.**

**\$2,730.00 Total Cost**

200 Bags Sodium Bi-Carb 50 lbs./bag

\$13.65/Bag

Freight

\$0.00

**Total Cost = \$2,730.00**

(Note: For the Emerald Green Lake Louise Marie Sewer Treatment Plant. The purchase is as per the Town Procurement Policy.)

**Peak Power Systems**

**\$2,869.39 Total Cost**

Replace Belts, Batteries, and all Hoses

Flush and Refill Radiator

Check Charging System

Checked Operations

**Total Cost = \$2,869.39**

(Note: For repairs to Standby Generator located at the BenMosche Pump Station.)

**WAYNE THIELE'S TRUCK PARTS**

**\$1,694.85 Total Cost**

Replace all Brakes, Self-Adjusters,

Replaced Axle Seals

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Replaced Wheel Cylinders  
Replace of Sway Bars

**Total Cost = \$1,694.85**

(Repair Work to the Workhorse Van.)

**USA Bluebook**

**\$1,340.07 TOTAL COST**

1 - #15511 2-Drum Outdoor Rolltop  
Storage Container with Drain  
1 – Shipping & Handling

\$310.12

**TOTAL COST = \$1,340.07**

(Note: For storage of the De-Chlorination Chemicals at the Emerald Green S.T.P.)

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

**13. BUDGET TRANSFERS**

There were no budget transfers.

**14. ORDER BILLS PAID**

There were no bills submitted for payment.

**OLD BUSINESS:**

**KIAMESHA ARTESIAN WATER COMPANY – FIRE HYDRANT ISSUE**

The Town Board discussed the issue regarding the operation of the fire hydrants located within the Kiamesha Artesian Water Company service area. Two letters have been sent to the owner/operator of the Kiamesha Artesian Water Company by Supervisor Rieber and the Town has yet to receive a response. The Town is withholding payment until a response has been received. A letter was also sent by the Monticello Fire Department regarding the same issue as well. After much discussion it was decided that Attorney Mednick would send a letter to Mr. Alan Schachnovsky, Owner/Operator of Kiamesha Artesian Water Company putting him on notice regarding the Town's intentions involving this matter, which will also be copied to the Public Service Commission (PSC).

**NEW BUSINESS:**

**CREDIT CARD SERVICE AUTHORIZATION – POWERPAY OFFERED THROUGH THE SATELLITE BIZ**

**The Following Resolution Was Duly Adopted: Res. No. 258 of the Year 2015.**

Resolved, that the Merchant Application with PowerPay Corporation through The Satellite Biz for acceptance of Credit Card Services by the Town of Thompson Town Clerk's Office, Building Department and Water & Sewer Billing hereby be approved and the Town Supervisor hereby be authorized to execute said application.

Moved by: Councilman Pavese                      Seconded by: Councilman Sush  
Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**DISCUSS & APPROVE SOFTWARE UPGRADE: WATER & SEWER DEPARTMENT**

Supt. Culligan discussed the price quote from the Hach Company in the amount of \$7,853.00 for the upgrade to their current water/wastewater information management software. This would be a sole source procurement purchase. There are funds in the budget for this expense. They researched all other possibilities and this upgrade is the best option available. After further discussion the purchase request was approved as follows:

**The Following Resolution Was Duly Adopted: Res. No. 259 of the Year 2015.**

Resolved, that the Price Quotation from the Hach Company in the amount of \$7,853.00 for computer software upgrade to the current Water & Sewer Department's information management software program hereby be approved subject to sole source procurement.

Moved by: Councilman Pavese                      Seconded by: Councilman Sush

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

Nays 0

**DISCUSSION & APPROVAL OF MANHOLE REBUILDING MACHINE \$24,327.18 FOR THE WATER & SEWER DEPARTMENT**

Water & Sewer Department Deputy Superintendent Michael Messenger obtained a price quote from Mr. Manhole through Critex LLC for a Manhole rebuilding machine for the repair and replacement of manhole covers throughout the Town. The estimated cost is \$24,327.18. This machine would be a cost savings to the Town and would pay for itself overtime. According to Comptroller Lasher this would be considered a sole source procurement purchase. Supt. Culligan explained how this machine and process works. A demonstration is available to view on their website online for anyone that is interested in seeing how the process works. Supt. Culligan said that there is funding in the equipment budget to cover this expense if approved. After further discussion the purchase request was approved as follows:

**The Following Resolution Was Duly Adopted: Res. No. 260 of the Year 2015.**

Resolved, that the Price Estimate from Mr. Manhole through Critex LLC in the amount of \$24,327.18 for a Manhole rebuilding machine to be utilized by the Water & Sewer Department for the repair and replacement of manhole covers throughout the Town hereby be approved subject to sole source procurement.

Moved by: Councilman Mace                      Seconded by: Councilman Briggs

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

Nays 0

**AMEND WATER & SEWER DEPARTMENT EMPLOYEE CLASSIFICATION FOR SHAWN SMITH FROM A GRADE C WATER LICENSE OPERATOR TO A SEWER PLANT OPERATOR 2A WITH A GRADE C WATER LICENSE**

Superintendent Culligan reported that employee, Shawn Smith, took and passed his Sewer Plant Operator 2A Certification. Supt. Culligan is requesting that the Town Board reclassify Shawn from a Grade C Water License Operator to a Sewer Plant Operator 2A with a Grade C Water License, which will increase his pay scale according to the contract.

**The Following Resolution Was Duly Adopted: Res. No. 261 of the Year 2015.**

Resolved, that the title classification of Water & Sewer Department Employee Shawn Smith hereby be amended from a Grade C Water License Operator to a Sewer Plant Operator 2A with a Grade C Water License at the appropriate contracted salary of \$25.14 per hour and that said changes are to take effect upon the submission of his final written certification.

Moved by: Councilman Mace                      Seconded by: Councilman Briggs

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

Nays 0

**SUPERVISOR REPORT**

- Received & Filed with the Town Clerk a fully executed Security and Escrow Agreement for Site Grading for MRMI Project.
- Executed Order Cancelling (5) unused Telephone Lines with CornerStone Telephone Company, LLC.
- Received Completed Field Survey and Mapping, including Topography and location of Wetland Flags from Conrad, Close & Ewald for the Harris Sewer District proposed property acquisition. Attorney Mednick commented on the matter regarding the next steps to be taken to continue the process.
- Additional Part-Time help by McGoey, Hauser & Edsall Consulting Engineers Representatives in the Building Department to help catch-up during the busy summer season to review plans, close out files and issue permits.
- Sullivan County Annual Firemen's Parade on Saturday, 08/01/15, Liberty, NY at 2PM.
- Rock Hill Fire Department's Annual Golf Tournament on Sunday, 09/20/15 at Tarry Brae Golf Course.

**COUNCILMEN & DEPARTMENT HEAD REPORTS**

Superintendent Culligan reported on schedule/pickup issues at the Town Park that he has had with the Garbage Hauling Company, which the Town is contracted with. He spoke with the Company about the issues and the garbage was picked up the same day. He advised them that if they do not adhere to the scheduled pickup, he would refer the matter to the Town Attorney to take further actions if necessary.

Logan E. Morey, Building Department/Code Enforcement reported on the additional help in the Building Department, which is working out well, they have made significant progress catching up on permit issuance within the past couple of weeks. She also commented on the Kiamesha Artesian Water Company Water Pressure issues. Supervisor Rieber commented on the Water Pressure issues as well.

Councilman Mace also reported on the Building Department issues that they have been experiencing, which causes delays in the processing of certain permits.

Councilman Briggs reported on the Thompson/YMCA Day Camp Program, Town Park Upgrades, Improvements and necessary Original Pavilion Roof Replacement, Monticello Rotary Annual 5K Monster Road Race on 08/02/15 @ 8AM and the Monticello Elks Lodge Annual Golf Tournament on 08/16/15 @ Noon at Grossinger's Golf Course, Liberty, NY.

Councilman Sush reported that Summerville Band will be performing music at the Rock Hill in the Park event tomorrow evening @ 6:30 PM. He also said that he will be checking with Sullivan County representatives regarding the availability of grant funding for the Town Park towards the necessary roof repairs.

Councilman Pavese reported on two Monticello Fire Department's Annual Horseshoe Tournament on 07/25/15 at the Monticello Firemen's Camp. He also reported on the Rock Hill Fire Department's Annual French Toast Breakfast that he attended last weekend, which was well attended and very good.

**PUBLIC COMMENT:**

Ms. Mary Paige Lang-Clouse, Director of the Ethelbert B. Crawford Public Library provided information regarding the library, which she briefly explained.

**ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- July 25<sup>th</sup>: Monticello Fire Department's Annual Horseshoe Tournament at the Monticello Firemen's Camp.
- August 4<sup>th</sup>: Public Hearing @ 7:30 PM – Creation of Special District for the EPT/EPR Adelaar Resort "Road Improvement" District at Town Hall.
- August 18<sup>th</sup>: Public Hearing @ 7:30 PM – Proposed Local Law #3 – Green Buildings Real Property Tax Exemption at Town Hall.

**EXECUTIVE SESSION**

On a motion made by Councilman Pavese and seconded by Councilman Mace the Town Board entered into Executive Session at 9:00 PM with Town Attorney Michael B. Mednick and Water & Sewer Superintendent William D. Culligan to discuss both possible litigation and a personnel matter.

On a motion made by Councilman Briggs and seconded by Councilman Mace the Town Board returned from Executive Session and reconvened the Town Board meeting at 9:40 PM. No further action was taken.

**ADJOURNMENT**

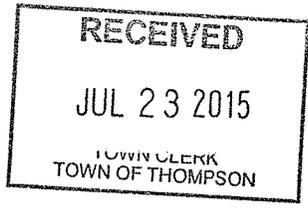
On a motion made by Councilman Briggs and seconded by Councilman Pavese the meeting was adjourned at 9:41 PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**

1



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 the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law.

The Town Board of the Town of Thompson (“Town Board”), as SEQRA 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 reviews for the Montreign Resort Casino at Adelaar (formerly known as Phase 1 of the EPT Concord Resort) (the “Project”). Accordingly, a Supplemental Environmental Impact Statement will not be prepared.

**Name of Action**

Minor Site Plan Amendment to the approved Montreign Resort Casino Site Plan at Adelaar.

**SEQRA Status:** Type 1

**Conditioned Negative Declaration:** No

**1. DESCRIPTION OF THE ACTION**

Monticello Raceway Management, Inc. (“MRMI”) and Montreign Operating Company, LLC (“MOC”) and Adelaar Developer, LLC and EPT Concord II, LLC (“EPT”) (collectively, the “Applicant”) propose a Minor Site Plan Amendment to the previously approved Final Site Plan for the Montreign Resort Casino at Adelaar (the “Proposed Amendment”).

The previously approved Final Site Plan includes a casino, hotel, harness horse racetrack and supporting facilities and infrastructure. The Proposed Amendment would include expanded gaming and dining options, increased conference space, upgraded hotel amenities and a change in the size (larger) and number of hotel rooms (fewer) to create individual suites. In order to accommodate those program changes, several minor changes to the building’s footprint are required. The hotel tower would also be elongated by approximately 50 feet<sup>1</sup> and a new basement level would be added under the front of the main building, below the casino. While the overall height of the building remains the same<sup>2</sup>, the previously designated

<sup>1</sup> The EAF Part 1 that was submitted with the original application for the Proposed Amendment stated that the hotel tower would be elongated by approximately 80 feet. However, the hotel tower will only be elongated by approximately 50 feet.

<sup>2</sup> As discussed in more detail in Section 2.1.2 below, it should be noted that the height of the building, as measured pursuant to Section 250-27.2.B(3)(d) of the Town Code, will not change, but the height of the spire on the top of

mezzanine has been reconfigured as a floor of the hotel, thus increasing the number of stories within the hotel tower to 18 stories from the previously approved 17 stories. The overall square footage of the footprint of the building would not increase. Minor modifications to the porte-cochere and loading areas would also be required. Many of the interior spaces would be reconfigured. As a result, the Proposed Amendment includes upgraded hotel rooms and amenities that would reduce the number of hotel rooms from the approved 395 to 333 – a decrease of 62 rooms. The size of the on-site restaurants and gaming floor would increase. On-site parking would decrease by approximately 53 spaces to 3,389. The height of the building would remain the same as approved. The central utility plant will increase in size by 1,000 sf (from 4,700 sf to 5,700 sf) to service the new types of conditioned space in the building. Finally, the Applicant will remove the harness horse racetrack and its associated components from the site plan, including the paddock and grandstand. The minor modifications associated with the Proposed Amendment fall within the approved limit of disturbance. The Proposed Amendment materially conforms to the approved Comprehensive Development Plan (“CDP”) for the EPT Concord Resort and is fully compliant with the underlying Planned Resort Development (“PRD”) Zoning.

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

On July 10, 2013, the Town of Thompson Planning Board (“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.

Subsequent to the approval of the 2013 Site Plan, the New York State voters approved a referendum to amend the State constitution that allowed the State to permit casino gaming within the State pursuant to the Upstate New York Gaming Economic Development Act of 2013 (the “Act”). Pursuant to the Act, the State Gaming Commission may award up to four Gaming Facility licenses within three regions of the State. In response to the Act, the Applicant submitted a minor site plan amendment to the Planning Board on April 17, 2014 to, among other things, increase the size of the hotel tower, add additional parking spaces, and make minor footprint changes to the building (“2014 Site Plan Amendment”). The Application was accompanied by a full Environmental Assessment Form (EAF) Part 1, a Technical Memorandum and revised Site Plan Drawings. On June 3, 2014, the Town Board, continuing its role as Lead Agency, adopted a Negative Declaration of Environmental Significance pursuant to

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the hotel tower will increase slightly (approximately three (3) feet) as a result of the extension of currently approved design elements and the slight lengthening of the tower. While the spire is not included in the calculation of the height of the building as per the Town Code (pursuant to Section 250-27.2.B(3)(F)), this slight increase in height was considered in this analysis.

SEQRA. On June 11, 2014, the Planning Board ratified the Negative Declaration of Environmental Significance and independently found that there were no new potentially significant adverse environmental impacts associated with the 2014 Site Plan Amendment. The Planning Board subsequently approved the 2014 Site Plan Amendment on June 11, 2014. The Final Site Plan and 2014 Site Plan Amendment were conditioned on the receipt of permits and approvals from various local, state, and federal agencies. As set forth in the Technical Memorandum for the proposed minor amendments described herein, the Applicant has received most of the permits required and is in the process of finalizing the remaining permits and approvals. On June 11, 2015, the Planning Board adopted a resolution extending the time frame for the Applicant to obtain the remaining permits and approvals until December 11, 2015 and extending the site plan approval until June 11, 2016.

**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, as amended
- Environmental Assessment Form, Part 1, in support of Minor Site Plan Amendment, dated April 17, 2014
- Environmental Assessment Form, Part II, in support of Minor Site Plan Amendment
- 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
- 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.
- SEQRA Negative Declaration for 2014 Site Plan Amendment
- Environmental Assessment Form, Part 1 and Part II, in support of Proposed Amendment
- Technical Memorandum, with Exhibits, in support of Proposed Amendment, dated July 7, 2015
- DPEM letter, dated July 14, 2015

- McGoey, Hauser and Edsall Consulting Engineers D.P.C., (“MH&E”) Technical Memo, dated July 14, 2015
- Planning Board recommendation letter, dated July 15, 2015
- Supplemental Traffic Analysis, dated July 21, 2015
- The following Site Plan Drawings in support of Proposed Amendment:

**ADELAAR - Montreign Resort Casino**

| <b>Drawing No.</b> | <b>Title</b>                                      | <b>Date</b>      |
|--------------------|---|------------------|
| <b>G-0000</b>      | <b>Cover - Site Plan Approval</b>                 | <b>7/21/2015</b> |
| <b>C-100</b>       | <b>Overall Site Plan</b>                          | <b>7/20/2015</b> |
| <b>C-102</b>       | <b>General Notes</b>                              | <b>7/20/2015</b> |
| <b>C-200</b>       | <b>Overall Existing Conditions Plan</b>           | <b>7/20/2015</b> |
| <b>C-201</b>       | <b>Existing Conditions Plan (Tile 1)</b>          | <b>7/20/2015</b> |
| <b>C-202</b>       | <b>Existing Conditions Plan (Tile 2)</b>          | <b>7/20/2015</b> |
| <b>C-204</b>       | <b>Existing Conditions Plan (Tile 4)</b>          | <b>7/20/2015</b> |
| <b>C-205</b>       | <b>Existing Conditions Plan (Tile 5)</b>          | <b>7/20/2015</b> |
| <b>C-206</b>       | <b>Existing Conditions Plan (Tile 6)</b>          | <b>7/20/2015</b> |
| <b>C-300</b>       | <b>Overall Demolition Plan</b>                    | <b>7/20/2015</b> |
| <b>C-301</b>       | <b>Demolition Plan (Tile 1)</b>                   | <b>7/20/2015</b> |
| <b>C-302</b>       | <b>Demolition Plan (Tile 2)</b>                   | <b>7/20/2015</b> |
| <b>C-304</b>       | <b>Demolition Plan (Tile 4)</b>                   | <b>7/20/2015</b> |
| <b>C-305</b>       | <b>Demolition Plan (Tile 5)</b>                   | <b>7/20/2015</b> |
| <b>C-306</b>       | <b>Demolition Plan (Tile 6)</b>                   | <b>7/20/2015</b> |
| <b>C-400</b>       | <b>Overall Site Geometry Plan</b>                 | <b>7/20/2015</b> |
| <b>C-401</b>       | <b>Site Geometry Plan (Tile 1)</b>                | <b>7/20/2015</b> |
| <b>C-402</b>       | <b>Site Geometry Plan (Tile 2)</b>                | <b>7/20/2015</b> |
| <b>C-404</b>       | <b>Site Geometry Plan (Tile 4)</b>                | <b>7/20/2015</b> |
| <b>C-405</b>       | <b>Site Geometry Plan (Tile 5)</b>                | <b>7/20/2015</b> |
| <b>C-406</b>       | <b>Site Geometry Plan (Tile 6)</b>                | <b>7/20/2015</b> |
| <b>C-500</b>       | <b>Overall Grading, Paving and Drainage Plan</b>  | <b>7/20/2015</b> |
| <b>C-501</b>       | <b>Grading, Paving and Drainage Plan (Tile 1)</b> | <b>7/20/2015</b> |
| <b>C-502</b>       | <b>Grading, Paving and Drainage Plan (Tile 2)</b> | <b>7/20/2015</b> |
| <b>C-504</b>       | <b>Grading, Paving and Drainage Plan (Tile 4)</b> | <b>7/20/2015</b> |
| <b>C-505</b>       | <b>Grading, Paving and Drainage Plan (Tile 5)</b> | <b>7/20/2015</b> |
| <b>C-506</b>       | <b>Grading, Paving and Drainage Plan (Tile 6)</b> | <b>7/20/2015</b> |
| <b>C-600</b>       | <b>Overall Composite Utility Plan</b>             | <b>7/20/2015</b> |
| <b>C-601</b>       | <b>Composite Utility Plan (Tile 1)</b>            | <b>7/20/2015</b> |
| <b>C-602</b>       | <b>Composite Utility Plan (Tile 2)</b>            | <b>7/20/2015</b> |

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| C-604  | Composite Utility Plan (Tile 4)            | 7/20/2015 |
| C-605  | Composite Utility Plan (Tile 5)            | 7/20/2015 |
| C-606  | Composite Utility Plan (Tile 6)            | 7/20/2015 |
| C-701  | Erosion and Sediment Control Plan (Tile 1) | 7/20/2015 |
| C-702  | Erosion and Sediment Control Plan (Tile 2) | 7/20/2015 |
| C-704  | Erosion and Sediment Control Plan (Tile 4) | 7/20/2015 |
| C-705  | Erosion and Sediment Control Plan (Tile 5) | 7/20/2015 |
| C-706  | Erosion and Sediment Control Plan (Tile 6) | 7/20/2015 |
| C-801  | Storm Structure Pipe Tables                | 7/20/2015 |
| C-802  | Storm Structure Pipe Tables                | 7/20/2015 |
| C-803  | Storm Structure Pipe Tables                | 7/20/2015 |
| C-804  | Typical Sections                           | 7/20/2015 |
| C-805  | Typical Sections                           | 7/20/2015 |
| C-806  | Storm Drainage Profiles I                  | 7/20/2015 |
| C-807  | Storm Drainage Profiles II                 | 7/20/2015 |
| C-808  | Storm Drainage Profiles III                | 7/20/2015 |
| C-809  | Storm Drainage Profiles IV                 | 7/20/2015 |
| C-810  | Storm Drainage Profiles V                  | 7/20/2015 |
| C-811  | Storm Drainage Profiles VI                 | 7/20/2015 |
| C-812  | Storm Drainage Profiles VII                | 7/20/2015 |
| C-813  | Storm Drainage Profiles VIII               | 7/20/2015 |
| C-814  | Storm Drainage Profiles IX                 | 7/20/2015 |
| C-815  | Storm Drainage Profiles X                  | 7/20/2015 |
| C-816  | Sanitary Sewer Profiles I                  | 7/20/2015 |
| C-900  | Details I                                  | 7/20/2015 |
| C-901  | Details II                                 | 7/20/2015 |
| C-902  | Details III                                | 7/20/2015 |
| C-903  | Details IV                                 | 7/20/2015 |
| C-904  | Details V                                  | 7/20/2015 |
| C-905  | Details VI                                 | 7/20/2015 |
| C-906  | Details VII                                | 7/20/2015 |
| C-907  | Details VIII                               | 7/20/2015 |
| C-908  | Details IX                                 | 7/20/2015 |
| C-909  | Details X                                  | 7/20/2015 |
| C-910  | Details XI                                 | 7/20/2015 |
| C-911  | Details XII                                | 7/20/2015 |
| C-1001 | Striping and Signage Plan (Tile 1)         | 7/20/2015 |
| C-1002 | Striping and Signage Plan (Tile 2)         | 7/20/2015 |
| C-1004 | Striping and Signage Plan (Tile 4)         | 7/20/2015 |

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|----------------|--|------------------|
| <b>C-1005</b>  | <b>Striping and Signage Plan (Tile 5)</b>    | <b>7/20/2015</b> |
| <b>C-1006</b>  | <b>Striping and Signage Plan (Tile 6)</b>    | <b>7/20/2015</b> |
| <b>GS-1001</b> | <b>Site Code Plan - North</b>                | <b>7/20/2015</b> |
| <b>GS-1002</b> | <b>Site Code Plan - South</b>                | <b>6/15/2015</b> |
| <b>E-0002</b>  | <b>Progress - Site Plan Lighting</b>         | <b>7/10/2015</b> |
| <b>EC-01</b>   | <b>Exterior Photometric Calculation</b>      | <b>6/24/2015</b> |
| <b>EC-02</b>   | <b>Exterior Photometric Calculation</b>      | <b>6/24/2015</b> |
| <b>EC-03</b>   | <b>Exterior Photometric Calculation</b>      | <b>6/24/2015</b> |
| <b>EC-04</b>   | <b>Exterior Photometric Calculation</b>      | <b>6/24/2015</b> |
| <b>E-0005</b>  | <b>Site Plan North Lighting</b>              | <b>7/17/2013</b> |
| <b>E-0006</b>  | <b>Site Plan West Lighting</b>               | <b>5/29/2013</b> |
| <b>E-0007</b>  | <b>Sites Plan South Lighting</b>             | <b>7/17/2013</b> |
| <b>L-101</b>   | <b>Site Planting Plan - Tile 1</b>           | <b>5/29/2013</b> |
| <b>L-102</b>   | <b>Site Planting Plan - Tile 2</b>           | <b>7/17/2013</b> |
| <b>L-103</b>   | <b>Site Planting Plan - Tile 3</b>           | <b>5/29/2013</b> |
| <b>L-104</b>   | <b>Site Planting Plan - Tile 4</b>           | <b>7/17/2013</b> |
| <b>L-105</b>   | <b>Site Planting Plan - Tile 5</b>           | <b>7/17/2013</b> |
| <b>L-106</b>   | <b>Site Planting Plan - Tile 6</b>           | <b>5/29/2013</b> |
| <b>L-107</b>   | <b>Site Planting Plan - Tile 7</b>           | <b>5/29/2013</b> |
| <b>L-108</b>   | <b>Site Planting Plan - Tile 8</b>           | <b>5/29/2013</b> |
| <b>L-109</b>   | <b>Site Planting Plan - Tile 9</b>           | <b>5/29/2013</b> |
| <b>L-110</b>   | <b>Site Fencing Plan</b>                     | <b>3/27/2013</b> |
| <b>L-111</b>   | <b>Site Planting Plan - Tile 11</b>          | <b>5/29/2013</b> |
| <b>AS-1000</b> | <b>Architectural Site Plan</b>               | <b>7/1/2015</b>  |
| <b>AS-1001</b> | <b>Site Details</b>                          | <b>7/1/2015</b>  |
| <b>AS-1004</b> | <b>Site Details</b>                          | <b>5/29/2013</b> |
| <b>PK-101</b>  | <b>Lower Level 3 Striping / Signage Plan</b> | <b>4/5/2013</b>  |
| <b>PK-102</b>  | <b>Lower Level 2 Striping / Signage Plan</b> | <b>4/5/2013</b>  |
| <b>PK-103</b>  | <b>Lower Level 1 Striping / Signage Plan</b> | <b>4/5/2013</b>  |
| <b>PK-900</b>  | <b>Parking Garage Signage Details</b>        | <b>4/5/2013</b>  |

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 reviews. 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 add new uses proposed for the Project Site and 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 Montreign Resort Casino, 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 potentially significant adverse environmental impact not previously identified, analyzed and mitigated to the maximum extent practical.

The CDP presented a conceptual development framework, which included 405,000 sq ft of Casino and Racino uses. However, the racino part of the Program is no longer necessary in order to conduct casino gaming operations. Therefore, the Proposed Amendment envisions approximately 382,000 sq ft of Casino uses. The decrease is mainly attributable to the removal of the grandstand, paddock and maintenance building from the Program. As is the case for the currently approved site plan, other details of the Montreign Resort Casino development program associated with the Proposed Amendment are also slightly different than were conceptually presented in the CDP. This includes the addition of gaming tables, which were not legally allowed at the time the CDP was adopted, and a larger number of hotel rooms, additional building height, 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 (pursuant to Section 250-27.2.B(3)(F) the spire is not included in the height of the building). The Proposed Amendment complies with this standard as the overall building height will remain as currently approved (219.5 feet). It should be noted, however, that the elevation of the interior floors will shift slightly to accommodate the reconfigured interior ceiling heights of the Proposed Amendment. Accordingly, the height of 206.5 feet to the floor of the highest occupied floor from finished grade, as previously approved and indicated in the July 7, 2015 Technical Memorandum, will be 209 feet in the Proposed Amendment.

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

## **2.2. VISUAL ASSESSMENT**

The Proposed Amendment would slightly increase the height of the spire on the top of the hotel tower approximately three (3) feet as a result of the extension of currently approved design elements and the slight lengthening of the tower. While the spire is not included in the calculation of the height of the building as per the Town Code (pursuant to Section 250-27.2.B(3)(F)), the visual impact of this slight increase to the spire was considered and would not include substantial changes to the exterior lighting proposed for the Project. While the hotel tower, which sits on top of the Casino podium, would be elongated, the effect on the views of the building previously analyzed would be minimal. The tower would still be in the same location and would be oriented in the same direction. The minor increase in length of the tower (approximately 50 feet) is not significant nor would it significantly alter the views of the Project from the Vantage Points previously analyzed.

Therefore, 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 determines that the Proposed Amendment, as consistent with the original site plan, will result in increased economic and fiscal benefits to the Town, Sullivan County, the region and New York State. The construction phase and annual operations of the Montreign Resort Casino would result in more employment, higher amounts of employee compensation and higher economic output compared to the previously approved project. In addition, the Montreign Resort Casino will generate significant tax revenues for the Town of Thompson, Sullivan County and New York State through gaming taxes and fees, retail sales tax, hotel occupancy tax, corporate profit tax and personal income tax.

## **2.4. TRAFFIC AND TRANSPORTATION**

The Technical Memorandum determined that the increase in the square footage of the Montreign Resort Casino from 683,760 to 751,000 square feet would result in an incremental increase in traffic of 65 and 181 trips (in + out) above what was presented in the previously approved Amended Site Plan Traffic Impact Study (TIS) during the Friday and Sunday peak hours, respectively, based on the increased visitors to the casino. The potential impact of these small increases in traffic and the sufficiency of the currently proposed mitigation measures to address the same is fully discussed in the Technical Memorandum.

As presented in the Technical Memorandum, the increase in square footage of the casino to 751,000 square feet would result in an increase in vehicle trips during both the Friday and Sunday peak hours previously examined. However, as illustrated in the trip generation tables and trip distribution graphics in the Technical Memorandum, the additional trips generated by the increased size would translate to less than two (2) additional trips per minute at each of the key locations. In addition, it is important to note that the proposed increase in square footage of the casino would result in fewer hotel

rooms. With fewer rooms, there would be less hotel guests, and subsequently less vehicle trips. Therefore, the increase in the number of vehicle trips presented above is assumed to be conservative. Accordingly, the Technical Memorandum determined that there would be no change to the mitigation measures proposed in the previously approved Amended Site Plan TIS.

In addition to the analysis offered in the Technical Memorandum, the Town's consultant requested that the Applicant perform a Level of Service analysis on certain critical intersections to provide additional confirmation of the analysis contained in the Technical Memorandum. See, MH&E Technical Memo, dated July 14, 2015.

The Applicant and MHE agreed on the scope and methodology for the additional analysis. Specifically, in support of AKRF's July 7, 2015 Technical Memorandum which provided a qualitative assessment of the potential traffic impacts that would result from the increase in the square footage of the Montreign Resort Casino, the Applicant's consultant submitted a supplemental Technical Memorandum, dated July 21, 2015, which provides a quantitative traffic analysis at selected critical locations within the traffic study area. The additional analysis confirmed that the increase in casino square footage to 751,000 square feet would not result in any new potentially significant adverse traffic impacts that have not already been identified, analyzed and mitigated to the maximum extent practicable. By email correspondence, dated July 21, 2015, MH&E stated that its comments set forth in its Technical Memorandum, dated July 14, 2015, had been sufficiently addressed by the Applicant and on that basis recommended that the Town Board adopt a Negative Declaration of Environmental Significance for the Proposed Amendment. Accordingly, no mitigation beyond that presented in the currently approved site plan will be required.

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

## **2.5. AIR QUALITY**

The previous air quality analysis for the Proposed Project considered both mobile and stationary sources associated with the Project. The Technical Memorandum states that the Proposed Amendment would not result in substantial changes to vehicular traffic, therefore, the previous mobile source analysis, which found no potential for significant adverse impacts, would remain unchanged. The Town Board concurs with this conclusion.

As described during the previous environmental reviews, the Project will include a Central Utility Plant for heating, ventilating, and air conditioning ("HVAC"). The size of the Heating Plant would slightly change with the Proposed Amendment, increasing the total capacity from 49.9 to 60.0 mmBtu per hour (with the Heating Plant's boilers accounting for 40 mmBtu per hour, and kitchen hood equipment and air handling units accounting for up to an additional 20 mmBtu per hour). The Project would also include indirect hot water boilers (non gas-fired) and electric air handling units. The Technical Memorandum provides a similar screening level methodology utilized in the FGEIS/FEIS, which predicts that pollutant concentrations resulting from combustion

sources under the Proposed Amendment would meet the National Ambient Air Quality Standards.

Therefore, the Town Board concludes that the Proposed Amendment will not create any new potentially significant adverse air quality impacts associated with mobile source emissions and stationary source emissions.

## **2.6. NOISE**

The previous noise analyses for the Project, as described in the Technical Memorandum for the previous site plan amendment and the FGEIS/FEIS, considered mobile sources of noise (i.e., vehicular traffic), noise from the proposed harness horse racetrack, and noise from mechanical equipment. The Proposed Amendment would not result in substantial changes to vehicular traffic, so the previous mobile source noise analysis, which found no potential for significant adverse impacts, would not change.

The Proposed Amendment removes the harness horse racetrack, eliminating a potential source of noise impacts. The Proposed Amendment would slightly change the configuration of mechanical equipment on the casino/hotel building rooftop, but the reconfiguration would not result in substantial changes to the overall noise level of the equipment, nor would it substantially change the distance between the equipment and the nearest noise receptors, so the previous conclusion that noise from project mechanical equipment would not have the potential to result in significant adverse noise impacts would also remain unchanged.

Therefore, the Town Board concludes that there will be no new potentially significant adverse environmental 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. The removal of the harness horse racetrack and its associated components from the overall program will significantly reduce the amount of disturbance required on the Project Site and would reduce the number of trees that would need to be removed. While the Proposed Amendment would slightly increase the height of the spire on the top of the hotel tower approximately three (3) feet as a result of the extension of currently approved design elements and the slight lengthening of the tower, the impact of this slight increase to the spire was considered and there is not expected to be any significant change to risk of bird collisions. Therefore, the previous conclusion, that the Proposed Project would have no significant adverse impacts on natural resources, remains valid.

The northern long-eared bat (*Myotis septentrionalis*) (or "NLEB") was listed by the US Fish and Wildlife Service ("USFWS") as a threatened species on April 1, 2015. It should be noted, however, the Town of Thompson met with the New York State Department of Conservation ("DEC"), and, according to the DEC, the Project Site does not contain habitat for the NLEB. The bat's habitat requirements include summer roosting in deciduous trees, typically in a forested setting. As the NLEB had been pending official USFWS listing, the Applicant had coordinated with the USFWS to avoid impacts to this

species, even prior to its official listing. The Applicant complied with the USFWS recommendations for protection of the species presented to the United States Army Corps of Engineers (“USACE”) in support of the USACE’s review of the Applicant’s individual wetland permit application. This recommendation restricted tree clearing to the period between October 31 and March 31. As a direct result of this coordination, and after obtaining all applicable local permits, the Applicant completed all required tree removal on the Site by March 31, 2015. As set forth in the Technical Memorandum, because the Proposed Amendment requires no further clearing of trees, there is no potential for the Project to have a significant adverse impact on this threatened species.

Therefore, the Town Board concludes that there will be no new potentially 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. In fact, the limit of disturbance will be greatly reduced as the harness horse racetrack and related components are being removed from the program. Therefore, no additional soil or steep slope disturbance will be required in addition to what was analyzed in the previous environmental reviews. As with the previously approved project, it is not expected that blasting will be necessary for the Proposed Amendment.

The Proposed Amendment will require an increase in the net export of fill material from the Site as compared with the previously approved plan from approximately 84,300 cubic yards (CY) of material to approximately 159,000 CY. This increase is due to additional cut required to allow the addition of a basement level under the front portion of the casino as well as the removal of the track program, which would require a net import of material to the Site. While this is an increase in the export of material, this impact is not considered to have any new potentially significant adverse environmental impacts. As discussed below, proper erosion and sediment control measures will be installed around the earthwork mitigating the potential for impacts from runoff. Finally, as discussed below, there will be no new potentially significant adverse impacts associated with construction activity for the Proposed Amendment.

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

## **2.9. WATER SUPPLY**

As stated in the previous environmental reviews, the Applicant has entered into a water supply agreement with the Village of Monticello. Pursuant to that agreement, the Montreign Resort Casino will be served by up to 375,000 gallons per day of the Village of Monticello’s existing surplus water. In addition, the Town Board approved the creation of a special water district for the new water mains and conveyance systems to serve Adelaar, including Montreign Resort Casino, in June 2015.

The Proposed Amendment would reduce the amount of water estimated to be consumed by the Montreign Resort Casino from 204,000 GPD to 132,000 GPD. While the gaming floor, back of house, hotel amenities, and restaurant spaces are all proposed to increase in

size (and water demand), the number of hotel rooms has decreased. Significantly, the harness horse racetrack is being removed from the program reducing water demands by 75,000 GPD for track wetting and 5,300 GPD for the maintenance building and paddock.

The anticipated water demand of 132,000 GPD for the Proposed Amendment is not a significant adverse impact to the provision of water supply because there is already an agreement in place to serve Adelaar 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 discussed in previous environmental reviews, the Project will be served by the Kiamesha Lake Sewage Treatment Plant (“STP”). The STP is designed and permitted to treat up to two (2) million gallons per day of wastewater. Currently, the plant averages 350,000 to 500,000 GPD. In addition, the STP has reserved capacity for the potential development on the CALP property of 350,000 GPD. Therefore, it is estimated that the STP has excess capacity of 1,150,000.

The Proposed Amendment would slightly increase the sanitary sewage generated at the Project Site from 124,000 GPD to 127,000 GPD. This increase is due to the increase in the size of the restaurant spaces, hotel amenities, gaming floor, and back of house areas. The STP’s current excess capacity of 1,150,000 GPD is sufficient to handle the expected flow from the Proposed Amendment.

In addition, the Project Site will be served by new sewage infrastructure (mains and pump stations) that are currently being constructed to support the overall Adelaar project. The Town Board approved a new sewer district to serve Adelaar in June 2015.

Therefore, the Town Board concludes that there is no new significant adverse impact to the provision of sanitary sewage service from the Proposed Amendment.

## **2.11. ENERGY AND TELECOMMUNICATIONS**

Based on information provided by the Applicant’s engineer, the anticipated electrical peak demand for the Montreign Resort Casino is approximately 7.5MW. This is an increase of approximately 0.5 MW from the peak demand estimated for the previously approved project. The average monthly demand is anticipated to be 4.9MW. The monthly average usage will be approximately 2,247,000 KWH with a monthly peak usage of 2,933,000 KWH. The anticipated annual usage is 27,004,000 KWH. New York State Electric and Gas has indicated that they can provide the load requested by the Project.

The heating and air conditioning needs of the Site would still be served by a 30,000-gallon propane tank located on the Project Site, as was in the approved prior site plan.

Therefore, the Town Board concludes that there will be no new potentially significant adverse impacts with respect to the provision of energy and telecommunications as a result of the Proposed Amendment.

## **2.12. CONSTRUCTION**

The Proposed Amendment will not alter the overall approach to construction of the Montreign Resort Casino, nor the prior mitigation approved for those construction impacts. As discussed above in Section 2.8, however, there will be a net increase in the export of fill material as compared with the previously approved plan – from approximately 84,300 CY to approximately 159,000 CY. This impact, however, is not expected to have any new potentially significant adverse environmental impacts, as indicated below.

If available at the time of construction, the Applicant anticipates placing a certain amount of the fill material, up to 55,000 CY, from the Montreign Resort Casino site onto designated areas on the golf course at the Adelaar site at a stockpile location in the approximate location of the existing golf driving range. Trucks carrying this material would access the stockpile location by traveling north on Chalet Road and turning in the existing driveway to the Golf Course. From there, they would travel south, along a stabilized construction road, to the stockpile location. This will reduce the number of truck trips traveling south along Joyland Road by approximately 1/3. The Town's consultant has requested that the Applicant submit a maintenance and protection traffic plan for Chalet Road to address the proposed route change for construction truck trips associated with conveyance of material to the golf course as a condition of site plan approval. See, MH&E Technical Memo, dated July 14, 2015. Accordingly, the Planning Board will require that the Applicant submit a maintenance and protection traffic plan for Chalet Road as a condition of site plan approval.

The balance of the exported material (~104,000 CY) is expected to be removed from the Adelaar site as was contemplated in the previous environmental reviews. The amount of material expected to be removed is similar to the amount of material that was proposed to be imported to the Site in the FEIS and Statement of Findings (~108,000 CY). Even without the placement of fill on the golf course area, the mitigation identified as part of the currently approved project is sufficient to address the additional short-term impacts associated with the export of soil from the Montreign Resort Casino. Therefore, the previously approved mitigation plan for construction traffic and local roadway conditions as set forth in the Final Site Plan approval, are expected to adequately address any impacts associated with the removal of material from the Project Site.

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

## **2.13. COMMUNITY SERVICES**

It is still anticipated that the taxes and fees generated by the operation of Montreign Resort Casino will offset the additional demand generated for emergency services. In fact, as discussed above in the Economic Conditions section, the Proposed Amendment is anticipated to generate more taxes and fees than the currently approved site plan.

Therefore, the Town Board concludes that there will be no potential significant adverse impacts on community services as a result of the Proposed Amendment.

## **2.14. 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. No new impacts to surface waters and wetlands would result from the Proposed Amendment. In fact, wetland disturbance will be reduced as part of the Proposed Amendment as there would no longer be overstory removal of vegetation within Wetland 45b, which was previously planned as the center of the harness horse racetrack which has been removed from the development program. In addition, the DEC and USACE have issued permits allowing the previously proposed, and mitigated, wetland disturbance on the Project Site.

Therefore, the Town Board concludes that there will be no new potentially significant adverse environmental impacts to surface water and wetlands as a result of the Proposed Amendment.

## **2.15. STORMWATER MANAGEMENT**

Several minor changes to the previously approved stormwater management system are proposed as part of the Proposed Amendment. All stormwater management systems associated with the harness horse racetrack, and its accompanying buildings and parking lots, will be removed. As these systems were separate from the stormwater management systems associated with the main building, the removal of these systems would not adversely affect the stormwater management for the Montreign Resort Casino site. In addition, several stormwater management ponds and bioretention areas would be reconfigured to limit the disturbance required for construction now that the harness horse racetrack will be removed from the program. In particular, the northwest pond adjacent to the employee parking lot and the associated bioretention area would be elongated southward to accommodate the expanded Central Utility Plant and receiving area. As a result, the bioretention area west of the parking lot adjacent to the rear entrance would be enlarged to provide additional treatment.

In the front of the building, the bioretention areas and stormwater piping along the main entry driveway would be reconfigured and relocated to accommodate the realignment of the entry driveway north of the intersection with the east/west parking lot access drive aisles. The bioretention area near the northeast corner of the hotel tower would be reduced in size in order to provide a covered walkway to the Entertainment Village site. Finally, the site drainage areas have been re-evaluated in compliance with current DEC regulations. Based on this re-evaluation, the amount of porous pavement proposed would be substantially reduced. The Proposed Amendment proposes porous pavement on select locations, including portions of the Valet Parking Lot, the lot south of the bus turn, and the lot west of the main entry drive.

The changes to the stormwater management system described above have been incorporated into a revised Stormwater Pollution Prevention Plan ("SWPPP"). The Town's consultant has requested that the Applicant submit the revised SWPPP for review as a condition of site plan approval. See, MH&E Technical Memo, dated July 14, 2015. Pursuant to the Town consultant's request, the revised SWPPP was provided to the Town on July 20, 2015.

Therefore, the Town Board concludes that there will be no new potentially significant adverse impacts with regard to the quantity or quality of stormwater from the Project Site with the approval of the Proposed Amendment.

## **2.16. 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 documented in the prior environmental reviews, 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 was signed in December 2014 to document this mitigation effort.

Therefore, the Town Board concludes that there will be no new potentially significant adverse impacts to cultural resources as a result of the Proposed Amendment.

## **2.17. 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 Amendment. As described in the EIS, based on previous environmental assessments and field visits, there are no Areas of Concern on the Project Site.

Therefore, the Town Board concludes that there will be no environmental impacts associated with hazardous materials as a result of the Proposed Amendment.

## **2.18. ALTERNATIVES**

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

## **2.19. OTHER EIS CHAPTERS**

The Proposed Amendment does not affect the analysis contained in the Unavoidable Adverse Impacts, Mitigation, Irreversible and Irretrievable 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 21, 2015

### **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