

Attachment VIII.C.3.a.-1

At a regular meeting of the Town Board of the
Town of Thompson held in the Town of Thompson
Town Hall, 4052 Route 42, Monticello, New York
on January 15, 2013.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON ADOPTING SEQRA FINDINGS IN RELATION TO THE ZONING PETITION AND APPLICATION FOR ESTABLISHMENT OF A COMPREHENSIVE DEVELOPMENT PLAN FILED BY EPT CONCORD II, LLC FOR THE EPT CONCORD RESORT

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

WHEREAS, said Petition was appropriately filed along with required environmental assessment forms and all fees paid; and

WHEREAS, on March 8, 2012, the Town Board of the Town of Thompson by resolution accepted the Applicant’s petition in connection with the Action, determined the Action to be a Type I Action pursuant to Article 8 State Environmental Quality Review Act (“SEQRA”), identified other involved and interested agencies and declared its intent to serve as Lead Agency and circulated a Notice of Intent to serve as Lead Agency; and

WHEREAS, on April 10, 2012, the Town Board of the Town of Thompson accepted and assumed its position as SEQRA Lead Agency for the Action and determined that the Action may have a significant adverse environmental impact and adopted a Positive Declaration requiring preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, on April 17, 2012, the Town Board of the Town of Thompson accepted and adopted a Final DGEIS and Phase 1 DEIS Scoping Outline and directed the Applicant to prepare a DGEIS and DEIS consistent with the accepted final scoping document; and

WHEREAS, on June 5, 2012, the Town Board of the Town of Thompson accepted an amended petition to amend the zoning code and referred such petition to the Town Planning Board for review and consideration in accordance with Section 250-82 B of the Code of the Town of Thompson and, at the same meeting, the Town Board

accepted for consideration the Applicant's CDP and referred it to the Town Planning Board for review and consideration in accordance with Section 250-27.2 C(1)(a) of the Code of the Town of Thompson; and

WHEREAS, the Applicant prepared a DGEIS and DEIS for the Action with several Appendices A–M, consistent with the Scoping Outline adopted on April 17, 2012, and submitted same to the Town Board of the Town of Thompson on July 6, 2012 for review and consideration; and

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

WHEREAS, the Town Board of the Town of Thompson referred the requested amendment to the zoning code to the Sullivan County Planning Department pursuant to General Municipal Law §§ 239-l and 239-m and the Town of Thompson Planning Board; and

WHEREAS, on July 24, 2012 following its review of the DGEIS and DEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review and prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS and requested and accepted public comment until September 7, 2012; and

WHEREAS, the Town Board in accordance with Municipal Home Rule Law § 20 a public hearing on the proposed Action for August 28, 2012, and caused a Notice of Public Hearing to be duly published as required by law, and

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

WHEREAS, on August 28, 2012, the Town Board of the Town of Thompson, held public hearings regarding the proposed Action pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, the Town Board of the Town of Thompson continued accepting public comments on the DGEIS and DEIS and on the Action, and the public comment period remained open until September 7, 2012, and

WHEREAS, on November 8, 2012, the Town Board of the Town of Thompson accepted a second amended petition to amend the zoning code and again referred the matter of the requested zone change to the Town Planning Board and Sullivan County Planning Department for review and consideration; and

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

WHEREAS, the Town Board of the Town of Thompson placed the Action on the agenda for the regular meeting of the Town Board of the Town of Thompson held on December 18, 2012, wherein the proposed Action was discussed among members of the Town Board of the Town of Thompson, the Town's professional staff and its consultants and engineer, and the Town Supervisor and the Town Board decided to further consider the proposed FGEIS and FEIS and to hold a special meeting on January 2, 2013 to allow for revisions and further review prior to approval of the same; and

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

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

WHEREAS, members of the Town Board of the Town of Thompson carefully reviewed and thoroughly considered the proposed FGEIS and FEIS, as revised, and the recommendations of the Town engineer with regard to the adequacy and completeness of the FGEIS and FEIS, and

WHEREAS, on January 2, 2013, following its review of the FGEIS and FEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the FGEIS and FEIS were complete and caused to be prepared, filed, and duly published a Notice of Completion of the FGEIS and FEIS, and

WHEREAS, the Town Board of the Town of Thompson requested that comments on the FGEIS and FEIS be provided to it in written form, to be received by the Town Board on or before the close of business January 14, 2013, and

WHEREAS, the Town Board of the Town of Thompson has allowed public consideration of the FGEIS and FEIS to a greater extent necessary than required by law, and

WHEREAS, the Town Board of the Town of Thompson had received additional comments during this public consideration period, which comments have been carefully considered by the Town Board, and

WHEREAS, the Town Board of the Town of Thompson has reviewed and carefully considered the FGEIS and FEIS, as well as all written and oral comments received with respect to (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, the Town Board of the Town of Thompson was aware of and gave thorough review and consideration to all reasonable and viable alternatives, including the potential proposal made by CALP for a similar resort development, zoning law amendment and CDP which would have included 1,735 acres of development, a casino, harness racetrack, and other like development and amenities, and

WHEREAS, the Town Board of the Town of Thompson already gave full weight and consideration to all impacts associated with the CALP project during a thorough environmental review that culminated in a Findings Statement adopted by the Town of Thompson Town Board in 2006, and

WHEREAS, each segment of the CALP development that is not part of the Applicant's project was fully evaluated and assessed for potential impacts, and

NOW, THEREFORE, BE IT RESOLVED, that in connection with the proposed (i) petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code; the Town of Thompson Town Board has fully considered its impact not only upon the Town of Thompson, but also areas outside the Town and in connection therewith has carefully reconsidered its comprehensive planning objectives for the EPT Concord Resort as well as the surroundings, and hereby determines that the requirements of Part 617, New York Code of Rules and Regulations, Title 6, have been met and hereby adopts the Town Board's Findings Statement (attached hereto as Exhibit A) and authorizes the filing and distribution of the Findings Statement in accordance with the requirements of SEQRA; and

BE IT FURTHER RESOLVED, that consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code, to be approved is

one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS and FEIS, and

BE IT FURTHER RESOLVED, that consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FGEIS and FEIS process will be minimized or avoided to the maximum extent practicable by incorporating as conditions those mitigative measures that were identified as practicable.

BE IT FURTHER RESOLVED, that in making its findings and determinations under SEQRA, the Town Board has relied upon the facts and conclusions in the FGEIS and FEIS and the environmental record upon which it is based and, without intending to limit the foregoing, in particular upon the environmental, social, economic and other factors set forth below, all of which form the basis of the Town Board's Action.

Dated: January 15, 2013

MOVED BY: Councilman Richard Sush
SECONDED BY: Councilman Scott Mace

Approved on Roll Call as follows:

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

Passed (5-0)

STATE OF NEW YORK:
COUNTY OF SULLIVAN:

The undersigned, Town Clerk of the Town of Thompson, Sullivan County, New York, DOES HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Thompson on the 15th day of January 2013, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on January 22, 2013.



Marilee J. Calhoun, Town Clerk