

## Attachment VIII.C.3.a.-9

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

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

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

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

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

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

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

**WHEREAS**, subsequent to the approval of the Final Site Plan, New York State voters approved a referendum to amend the State constitution to allow the State to permit casino gaming pursuant

to the Upstate New York Gaming Economic Development Act of 2013 (the “Act”). Pursuant to the Act, the State Gaming Commission will award up to four Gaming Facility licenses within three regions of the State including areas such as Sullivan County and the Town of Thompson, that would benefit from a Gaming Facility through the creation of jobs, the enhancement of tourism, and the generation of significant revenues for public education and taxpayer relief; and

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

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

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

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

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

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

**WHEREAS**, the Planning Board, as an involved agency, with input from its technical consultants, has conducted a detailed and thorough review of the Proposed Amendment, the Technical Memorandum, Site Plan Drawings, the prior DEIS, FEIS and Findings Statement for Adelaar, and has concluded that the Proposed Amendment does not have the potential for any

new potentially significant adverse environmental impacts that were not already identified, analyzed and/or mitigated to the maximum extent practicable under SEQRA during the previous environmental review for the Casino and Hotel at Adelaar, and that, as a result, no additional SEQRA review is warranted or should be required by the Town Board; and

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

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

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

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

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

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

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

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

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

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

Moved by: Councilman Richard Sush

Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

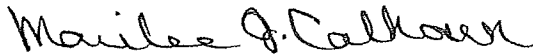
Supervisor William J. Rieber, Jr.	Aye
Councilman Peter T. Briggs	Aye
Councilman Richard Sush	Aye
Councilman Scott Mace	Aye
Councilman John A. Pavese	Aye

STATE OF NEW YORK}  
COUNTY OF SULLIVAN} §:  
Office of the Clerk of the}  
Town of Thompson}

This is to certify that I, Marilee J. Calhoun, Town Clerk of the Town of Thompson in the said County of Sullivan, have compared the foregoing copy of **Resolution No. 169** of the Year **2014** entitled "**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE MINOR SITE PLAN AMENDMENT TO THE FINAL SITE PLAN APPROVAL FOR THE CASINO AND HOTEL AT ADELAAR.**" adopted on **June 03, 2014** with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and affixed the seal of said Town this 4<sup>th</sup> day of June, 2014.

(SEAL)

  
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Town Clerk of the Town of Thompson,  
Sullivan County, New York

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

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

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

**Name of Action**

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

**SEQRA Status:** Type 1

**Conditioned Negative Declaration:** No

**1. DESCRIPTION OF THE ACTION**

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

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

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

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

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

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

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

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

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

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

#### *2.1.1 EXISTING ZONING*

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

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

#### *2.1.2 EXISTING COMPREHENSIVE DEVELOPMENT PLAN*

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

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

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



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

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

## 2.2 VISUAL ASSESSMENT

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

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

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

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

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

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

### **2.3 ECONOMIC CONDITIONS**

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

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

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

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

## 2.4 TRAFFIC AND TRANSPORTATION

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

### 2.4.1 TRAFFIC IMPACT STUDY

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

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

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

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

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

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

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

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

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

#### *2.4.1.2 Previously Identified Mitigation Measures*

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

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

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

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

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

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

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

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

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

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

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

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

## 2.5 AIR QUALITY

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

### 2.5.1 MOBILE SOURCE EMISSIONS

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

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

### 2.5.2 STATIONARY SOURCE EMISSIONS

Based on the expanded program of the Proposed Amendment, there would be an increased demand for heat and hot water within the Casino and Hotel. Accordingly, the central utility plant (CUP) would be expanded to accommodate 12 boilers (as opposed to eight (8) in the previously approved project), with a maximum of 11 boilers operating at any one time. These boilers will each be four (4) million British Thermal Units per hour (mmBtu/hr) propane fired low NOx condensing boilers, exhausting nine (9) ppm NOx emissions.

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

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

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

## **2.6 NOISE**

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

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

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

## **2.7 NATURAL RESOURCES**

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

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

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

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

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



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

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

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

## **2.9 WATER SUPPLY**

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

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

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

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

## **2.10 SANITARY SEWER SERVICE**

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

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

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

## **2.11 ENERGY AND TELECOMMUNICATIONS**

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

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

## **2.12 CONSTRUCTION**

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

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

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

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

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

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

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

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

### **2.14 STORMWATER MANAGEMENT**

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

### **2.15 CULTURAL RESOURCES**

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

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

#### **2.16 HAZARDOUS MATERIALS**

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

#### **2.17 ALTERNATIVES**

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

#### **2.18 OTHER EIS CHAPTERS**

The Proposed Amendment does not affect the analysis contained in the Unavoidable Adverse Impacts, Mitigation, Irreversible and 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 3, 2014

#### **For further information:**

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

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

Telephone Number: (845) 794-2500

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

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