

New York Gaming Facility Location Board  
Response to Request for Applications to Develop and Operate a  
Gaming Facility in New York State

**TIOGA DOWNS RACETRACK, LLC**

*Exhibit VIII.C.3.a.*

**Town of Nichols SEQR Negative Declaration**



Coughlin &  
Gerhart LLP

ATTORNEYS AND COUNSELORS

11/1/2012

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James Branston, Supervisor  
Town of Nichols  
54 E. River Road  
P.O. Box 296  
Nichols, NY 13812

**Re: Tioga Downs Expansion Project**

Dear Supervisor Branston:

Enclosed please find the SEQR documents for the Tioga Downs Expansion Project. Please complete the documents as follows:

1. The Full Environmental Assessment Form: Please print your name, title, signature and date on the bottom of the first page where indicated. Then keep the original in the Clerk's file and send me back a copy.
2. Resolution: Please ask Town Clerk Hunsinger to complete and sign the last page of the resolution. She should keep the original for her files and send me a copy.
3. Negative Declaration: Please keep a copy of this in the Clerk's files.

Let me know if you have any questions. Once I receive the completed documents, we can send the appropriate notifications of the Board's negative declaration under SEQR.

Sincerely,

COUGHLIN & GERHART, LLP

By   
Robert H. McKertich  
Associate

RHM/kcc  
Enc.

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:       Part 1       Part 2       Part 3  
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.\*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\* A Conditioned Negative Declaration is only valid for Unlisted Actions

Tioga Downs Gaming/Hotel/Related Amenities Expansion

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Name of Action

Town of Nichols

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Name of Lead Agency

---

Print or Type Name of Responsible Officer in Lead Agency

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Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

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Signature of Preparer (If different from responsible officer)

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Tioga Downs Gaming/Hotel/Related Amenities Expansion

Location of Action (include Street Address, Municipality and County)

Existing Tioga Downs Casino at 2384 West River Road; Nichols, New York 13812; Tioga County .

Name of Applicant/Sponsor Tioga Downs Racetrack, LLC

Address 2384 West River Road

City / PO Nichols State NY Zip Code 13812

Business Telephone 607-348-8435 (Attn: Jay Dinga)

Name of Owner (if different) NA

Address NA

City / PO NA State NA Zip Code NA

Business Telephone NA

#### Description of Action:

The Tioga Downs Gaming, Hotel, and Related Amenities Expansion [Project] is proposed to be connected to the existing Tioga Downs Casino, and it is anticipated that construction will begin in March of 2013 with expected completion in December of 2015. The key aspects of the proposed Project construction are summarized in the following:

- {1.} Existing Tioga Downs Casino Renovations (Game Area of 5,100± sf, and Lounge Area of 2,700± sf) .
- {2.} Proposed Casino Expansion (17,400± sf).
- {3.} Proposed Tioga Downs Casino Hotel (136 Rooms).
- {4.} Proposed Hotel Amenities on two floors (Multi-Purpose Room, Restaurant, Operational Areas, Guest Services).
- {5.} Proposed Parking Garage (300 Parking Spaces total over Three Levels).
- {6.} Proposed Second Floor Office Expansion (1,900± square feet).
- {7.} Proposed Water Slide.
- {8.} New Paddock (Spring 2012 completion).
- {9.} Proposed Relocation of Existing Paddock.
- {10.} Proposed Pylon Sign.
- {11.} Proposed Hotel Parking Lot (204 Parking Spaces total in Two Areas).
- {12.} Proposed Roof Deck and Outdoor Patios.
- {13.} Proposed Interior Drive Realignment.

The above listed proposed Project facilities have been previously evaluated in various studies and reviews, and updates have been made to the Site Master Plan, Traffic Study, and Stormwater Management Plan for consideration under this action, It is also noted that the site areas that are expected to be impacted by the proposed Project construction have been previously disturbed by existing developments.

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Portions of Lawn Area, Buildings, Gravel and Paved Parking Areas

2. Total acreage of project area: 10.51 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.0</u> acres	<u>0.0</u> acres
Forested	<u>0.0</u> acres	<u>0.0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.0</u> acres	<u>0.0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.0</u> acres	<u>0.0</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.0</u> acres
Unvegetated (Rock, earth or fill)	<u>0.0</u> acres	<u>0.0</u> acres
Roads, buildings and other paved surfaces	<u>2.68</u> acres	<u>6.32</u> acres
Other (Indicate type) <u>Lawns &amp; Landscaped Areas</u>	<u>7.83</u> acres	<u>4.19</u> acres

Unadilla silt loam & Howard gravelly loam: Soil Group B & A: Well Drained, Gravelly loamy, Sandy, & Gravelly (Glaciofluvial Deposits).

3. What is predominant soil type(s) on project site? Unadilla silt loam & Howard gravelly loam: Soil Group B & A: Well Drained, Gravelly loamy, Sandy, & Gravelly (Glaciofluvial Deposits).
- a. Soil drainage:  Well drained 100 % of site  Moderately well drained \_\_\_\_ % of site.  
 Poorly drained \_\_\_\_ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).
4. Are there bedrock outcroppings on project site?  Yes  No
- a. What is depth to bedrock >10' (in feet) As per the Soil Survey
5. Approximate percentage of proposed project site with slopes:  
 0-10% 100 %  10- 15% \_\_\_\_ %  15% or greater \_\_\_\_ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? >10' (in feet) As per the Soil Survey
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

NYSDEC Fish/Wildlife/Marine Resources records did not identify any rare/state listed animal/plant, significant natural communities/habitats.

Identify each species:

NA

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

NA

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

NA

14. Does the present site include scenic views known to be important to the community?  Yes  No

NA

15. Streams within or contiguous to project area:

NA

a. Name of Stream and name of River to which it is tributary

NA

16. Lakes, ponds, wetland areas within or contiguous to project area:

NA

b. Size (in acres):

NA

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 146.54 acres.
- b. Project acreage to be developed: 3.64 acres initially; 3.64 acres ultimately.
- c. Project acreage to remain undeveloped: 4.19 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. 58 %
- f. Number of off-street parking spaces existing 1,717; proposed 504
- g. Maximum vehicular trips generated per hour: 531 (upon completion of project)?
- h. If residential: Number and type of housing units:

Project Area of 10.51 acres will have 3.64 acres of buildings, pavement and concrete added to the 2.68 acres of existing impervious area, which leaves 4.19 acres of lawn/landscaping within the Project Area.

Present Casino & Paddocks cover 2.85+/- acres and the proposed building will add 1.67+/- acres.

Tioga Downs Expansion Trip Generation for Saturday PM Peak Hour.

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

i. Dimensions (in feet) of largest proposed structure: 88' +/- height; 75' +/- width; 192' +/- length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 750 +/- ft. Structure Dimension based on Tioga Downs Hotel.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed  Yes  No  N/A

a. If yes, for what intended purpose is the site being reclaimed?

The Topsoil will be stripped, stockpiled and reused in Lawn Areas.

b. Will topsoil be stockpiled for reclamation?  Yes  No

c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 32 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: 03 month 2013 year, (including demolition)

c. Approximate completion date of final phase: 12 month 2015 year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 100 ; after project is complete 60

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

Proposed Relocation of Existing Paddock (expected Construction Project 9).

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount Sewage effluent up to 75,000GPD

b. Name of water body into which effluent will be discharged Tributary of the Susquehanna River

13. Is subsurface liquid waste disposal involved?  Yes  No Type NA

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

NA

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 12.5+/- tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Taylor Garbage ; location Nichols; Tioga County, NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No



e. If yes, explain:

NA

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Electricity, and Natural Gas

22. If water supply is from wells, indicate pumping capacity 90+/- gallons/minute.

23. Total anticipated water usage per day 75,000 gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, <del>Town</del> Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Height Variance	June 2012
City, <u>County</u> Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Nichols Code Enforcement- Bldg Permit	June 2012
Other Regional Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tioga County Planning Board- Site Plan/Height Variance Review	June 2012
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDOH NYSDEC	January 2013 January 2013
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |   |  |                                      |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input checked="" type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan        | <input type="checkbox"/> Special use permit         | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

*Jason J. Bellini*  
LDG  
9/17/12

2. What is the zoning classification(s) of the site?

Business, agricultural, and residential.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

As proposed.

4. What is the proposed zoning of the site?

NA

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

As proposed.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Mixed use of business, agriculture and residential.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

N/A

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

Mitigation measures to improve anticipated Level of Service during weekend peak PM hours and Special Events will be examined with NYSDOT.

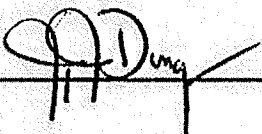
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Tioga Downs Racetrack / Jay Dinga Date 05/22/12

Signature 

Title Regional Director of Business Development and Governmental Relations

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information (Read Carefully)**

- I In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- I The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- I The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- I The number of examples per question does not indicate the importance of each question.
- I In identifying impacts, consider long term, short term and cumulative effects.

**Instructions (Read carefully)**

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

#### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples that would apply to column 2**

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO     YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------	--------------------------	--------------------------	------------------------------	-----------------------------

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO     YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO     YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?  
 NO       YES

**Examples** that would apply to column 2

- |   |   |  |  |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>• Proposed Action will require a discharge permit.</li> <li>• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.</li> <li>• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.</li> <li>• Construction or operation causing any contamination of a water supply system.</li> <li>• Proposed Action will adversely affect groundwater.</li> <li>• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.</li> <li>• Proposed Action would use water in excess of 20,000 gallons per day.</li> <li>• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.</li> <li>• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.</li> <li>• Proposed Action will allow residential uses in areas without water and/or sewer services.</li> <li>• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.</li> <li>• Other impacts:</li> </ul> | <input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|--|--|

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?  
 NO       YES

Examples that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?  
 NO       YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?  
 NO       YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?  
 NO  YES

**Examples** that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?  
 NO  YES

**Examples** that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  
 NO     YES

**Examples** that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?  
 NO     YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

• Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO     YES

Examples that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO     YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO     YES

Examples that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?

NO       YES

- |   |  |  |  |
|---|--|--|--|
| <ul style="list-style-type: none"> <li>• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.</li> <li>• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)</li> <li>• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.</li> <li>• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.</li> <li>• Other impacts:</li> </ul> | <input type="checkbox"/><br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> | <input type="checkbox"/><br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--|--|--|
- 

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO       YES

- Examples** that would apply to column 2
- |  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.</li> <li>• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.</li> <li>• Proposed Action will conflict with officially adopted plans or goals.</li> <li>• Proposed Action will cause a change in the density of land use.</li> <li>• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.</li> <li>• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)</li> </ul> | <input type="checkbox"/><br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> | <input type="checkbox"/><br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><br><br><br><br><br><br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|--|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO       YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **Important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

TOWN BOARD  
TOWN OF NICHOLS

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In the Matter of the Application of  
Tioga Downs Racetrack, LLC  
Pursuant to the State Environmental Quality Review Act

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A RESOLUTION DETERMINING THE ENVIRONMENTAL NON-SIGNIFICANCE  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
OF THE TIOGA DOWNS GAMING, HOTEL, AND RELATED AMENITIES EXPANSION

1. Tioga Downs Racetrack, LLC has filed with the Town Board a Full Environmental Assessment Form for the Tioga Downs Gaming, Hotel, and Related Amenities Expansion Project (the "Project") at the existing Tioga Downs Casino at 2384 West River Road, Nichols, New York. A complete Project Narrative, together with project plans, is filed in the Office of the Town Clerk and is made a part hereof.

2. Notice of a Special Meeting of the Town Board held on this date, the 22<sup>nd</sup> of October 2012, has been given in accordance with the requirements of the Open Meetings Law.

3. With respect to the State Environmental Quality Review Act, the Board made preliminary determinations that:

- a. the action is subject to SEQR based upon documents submitted by the applicant.
- b. the action involves the New York Department of Transportation, the New York Department of Environmental Conservation, the County of Tioga, the Nichols Zoning Board of Appeals, and the Nichols Joint Fire District and Fire Company as involved agencies.
- c. the action is a Type I action.
- d. the Town Board desires to act as lead agency pursuant to SEQR for the environmental review of said Project and received the consent of the involved agencies



together with any comments.

4. The Board, as lead agency, has completely reviewed and considered the Full EAF, all Project submissions and other reports and documents submitted by the Applicant, the engineers for the Applicant, and submission by others with respect to the above-referenced Project. The Board has duly considered the impacts which may be expected from the proposed Project and compared the same with the criteria set forth in the applicable SEQR Regulations, including but not limited to, 6 NYCRR 617.7 and other necessary criteria. The Board hereby finds that (a) the proposed Project constitutes a “Type I Action” and that (b) the Action will result in no significant adverse environmental impacts.

5. The Board specifically finds that the Tioga Downs Gaming, Hotel, and Related Amenities Expansion Project will result in no substantial: (i) adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; increase in solid waste production; increase in potential for erosion, flooding, leaching or drainage problems; (ii) removal or destruction of large quantities of vegetation or fauna; interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; (iii) impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part; (iv) creation of a material conflict with a community’s current plans or goals as officially approved or adopted; (v) impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; (vi) change in the use of either the quantity or type of energy; (vii) creation of a hazard to human health; (viii) change in the use, or intensity of use, of land including agricultural, open space or recreational

resources, or in its capacity to support existing uses; (ix) encouragement or attraction of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; (x) the creation of a material demand for other actions that would result in one of the above consequences; (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

6. The Board finds that while the Project will create a physical change to the project site, this will result in a small to moderate impact since the site is already developed. The Board further finds that the Project will result in small to moderate impacts with regarding to surface or groundwater quality or quantity. The Board noted that the water supply is reviewed by the Department of Health and that there are no water supply shortages on the site and, in fact, there is an existing water storage supply. There are also fuel storage tanks presently on site that are regulated by the Department of Environmental Conservation with leak detection devices and double wall tanks. The Project will impact existing traffic patterns but the Board finds that the impact will be small to moderate in light of the traffic upgrades proposed by the applicant, the traffic studies, and the Department of Transportation review.

7. By reason of the foregoing, the Board hereby authorizes and directs the Supervisor to execute the Negative Declaration and to sign and date the Full Environmental Assessment Form submitted by the Applicant, confirming that the Project and all actions related thereto will not have a significant impact on the environment.

8. The Board hereby authorizes and directs the Town Clerk to forward copies of this Resolution and the Negative Declaration to all appropriate agencies.

9. The Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution, the Negative Declaration and all submissions to date concerning the Environmental Review of this Project and all Actions related thereto.

10. This resolution shall take effect immediately.

At a special meeting of the Town of Nichols Town Board held on October 22, 2012, the foregoing motion was made. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Councilperson Thetga	Votes <u>Aye</u>
Councilperson Caloroso	Votes <u>Aye</u>
Councilperson Crannell	Votes <u>Aye</u>
Councilperson Engelbert	Votes <u>Aye</u>
Supervisor Branston	Votes <u>Aye</u>

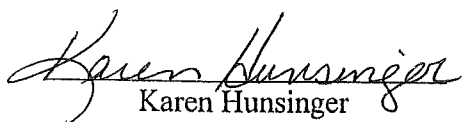
The resolution was thereupon declared duly adopted.

#### CERTIFICATION

I, Karen Hunsinger, do hereby certify that I am the Town Clerk of the Town of Nichols and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Nichols at a meeting thereof held at the Town Hall on October 22, 2012.

Dated: Oct 22 2012

Town of Nichols Seal

  
Karen Hunsinger

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

Project Number

Date: October 22, 2012

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 Nichols as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Tioga Downs Gaming, Hotel, and Related Amenities Expansion Project

**SEQR Status:**      Type 1        
    Unlisted     

**Conditioned Negative Declaration:**       Yes  
     No

**Description of Action:**

The action includes renovations to the existing Tioga Downs Casino, a 17,400 sf casino expansion, a 136 room hotel, hotel amenities including a multi-purpose room, restaurant, operational areas and guest services, a 300 space parking garage, a second floor office expansion, a water slide, a new paddock and the relocation of an existing paddock, a new pylon sign, a 204 space hotel parking lot, a roof deck, outdoor patios and interior drive realignment.

The project is located at 2384 West River Road, Nichols, New York. A map and site plans are available at the Town of Nichols Town Hall.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

See attached Resolution.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Jim Branston, Town Supervisor, 54 E. Nichols Rd, Nichols, NY 13812

Address:

Telephone Number:

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of Nichols, 54 E. River Rd, Nichols, New York

Other involved agencies (If any)

NYS DOT, NYS DEC, County of Tioga, Nichols ZBA, Nichols Joint Fire Dist. and Fire Co.

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)