



Environmental and Planning Consultants

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July 28, 2015

Jennifer C.S. Brylinski, Executive Director
County of Sullivan Industrial Development Agency
One Cablevision Center
Ferndale, New York 12734

Re: Adelaar (formerly known as the EPT Concord Resort Development)
Distribution of Negative Declaration of Environmental Significance for the Proposed Minor Site
Plan Amendment for the Montreign Resort Casino (2015)

Dear Executive Director Brylinski:

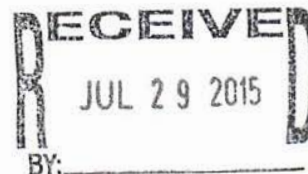
On July 21, 2015, the Town Board of the Town of Thompson, as Lead Agency, determined that there are no new potential significant adverse environmental impacts associated with the Proposed Minor Amendment to the Final Site Plan Approval for the Montreign Resort Casino at Adelaar that have not previously been identified, analyzed and mitigated to the maximum extent practicable under SEQRA during prior environmental reviews and that no supplemental environmental review is warranted or required, and issued a Negative Declaration of Environmental Significance for the Proposed Amendment.

Enclosed is a full copy of the duly adopted Negative Declaration of Environmental Significance, which is being distributed on behalf of the Town of Thompson to all Interested and Involved Agencies as set forth on the attached distribution list. The Town will, in turn, continue to post this and all Project-related documents on its web-site. If you would like additional information about the Project and/or about the Negative Declaration, please visit the web-site at www.townofthompson.com, or feel free to contact William J. Rieber, Jr., Supervisor of the Town of Thompson at 845-794-2500.

Sincerely,

A handwritten signature in cursive script that reads "Peter Feroe".

Peter Feroe, AICP
Senior Planner



Distribution List
Proposed Minor Amendment (2015) to the Final Site Plan Approval
For the Montreign Resort Casino at Adelaar
Negative Declaration of Environmental Significance

Jennifer C.S. Brylinski, Executive Director
County of Sullivan Industrial Development Agency
One Cablevision Center
Ferndale, New York 12734

Richard Gore, Acting Executive Director
Delaware River Basin Commission
25 State Police Drive
P.O. Box 7360
West Trenton, New Jersey 08628-0360

Glenn D. Illing, P.E.
Public Health Engineer II
NYS Department of Health, Monticello District Office
50 North Street, Suite 2
Monticello, NY 12701

Martin Brand, Regional Director
NYS DEC Region 3
21 South Putt Corners Road
New Paltz, New York 12561

NYSDEC Env Permits
NYS Dept. of Environmental Conservation Division
of Environmental Permits
625 Broadway
Albany, New York 12233-1750

Jack Williams, Regional Director
NYS DOT Region 9
44 Hawley Street
Binghamton, New York 13901

Mark Gearan, Chair
NYS Gaming Commission
One Broadway Center
Schenectady, New York 12305

Ruth Pierpont, Director & Acting Deputy
Commissioner
NYS Historic Preservation Office
10 Delaware Avenue North
Cohoes, New York 12047

Freda Eisenberg, AICP, Commissioner
Sullivan County Division of Planning &
Environmental Management
100 North Street
Monticello, New York 12701

Edward McAndrew, P.E., Commissioner
Sullivan County Division of Public Works
100 North Street
Monticello, New York 12701

William J. Rieber, Jr., Supervisor
Town of Thompson
4052 Route 42
Monticello, New York 12701

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4052 Route 42
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Kathleen Brawley, Secretary
Town of Thompson, Planning Board
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Town Board
Town of Thompson, Town Board
4052 Route 42
Monticello, New York 12701

Marilee J. Calhoun, Town Clerk
Town of Thompson, Town Clerk
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Monticello, New York 12701

Brian A. Orzel
Project Manager/Civil Engineer
US Army Corps of Engineers New York District
Regulatory Branch
26 Federal Plaza
Room 1937
New York, New York 10278

Distribution List
Proposed Minor Amendment (2015) to the Final Site Plan Approval
For the Montreign Resort Casino at Adelaar
Negative Declaration of Environmental Significance

Noelle Rayman
US Fish & Wildlife Service - New York Field Office
3817 Luker Road
Cortland, New York 13045

Dan Raichel
Catskill Mountainkeeper
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Tammy Mangus, Superintendent of Schools
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237 Forestburgh Road
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Monticello, New York 12701

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Monticello, New York 12701

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NRDC
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Scott B. Samuelson, Chair
Sullivan County Board of Legislators
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Monticello, New York 12701

Arnold Seletsky, Deputy Supervisor
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19 Railroad Plaza
South Fallsburg, New York 12779

Jennie Harris, Chair
Town of Thompson, Conservation Advisory Council
4052 Route 42
Monticello, New York 12701

James Carnell, Chair
Town of Thompson, Zoning Board of Appeals
4052 Route 42
Monticello, New York 12701

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached Negative Declaration

RECEIVED
JUL 29 2015
BY: _____

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type I Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
As Described in the Negative Declaration attached

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town Board of the Town of Thompson _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Minor Site Plan Amendment to the Montreign Resort Casino at Adelaar

Name of Lead Agency: Town Board of the Town of Thompson

Name of Responsible Officer in Lead Agency: William J. Rieber, Jr. *RICHARD SUSH, DEPUTY SUPERVISOR*

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: *Richard Sush* Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: William J. Rieber, Jr.

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

Telephone Number: 845-794-2500

E-mail:

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

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



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

The Town Board of the Town of Thompson ("Town Board"), as SEQRA Lead Agency, has determined that the proposed action described below does not have the potential for any new potentially significant adverse environmental impacts that were not already identified, analyzed and/or mitigated to the maximum extent practicable under SEQRA during the previous environmental reviews for the Montreign Resort Casino at Adelaar (formerly known as Phase 1 of the EPT Concord Resort) (the "Project"). Accordingly, a Supplemental Environmental Impact Statement will not be prepared.

Name of Action

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

SEQRA Status: Type 1

Conditioned Negative Declaration: No

1. DESCRIPTION OF THE ACTION

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

The previously approved Final Site Plan includes a casino, hotel, harness horse racetrack and supporting facilities and infrastructure. The Proposed Amendment would include expanded gaming and dining options, increased conference space, upgraded hotel amenities and a change in the size (larger) and number of hotel rooms (fewer) to create individual suites. In order to accommodate those program changes, several minor changes to the building's footprint are required. The hotel tower would also be elongated by approximately 50 feet¹ and a new basement level would be added under the front of the main building, below the casino. While the overall height of the building remains the same², the previously designated

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

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

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

1.1 PRIOR SITE PLAN REVIEW AND APPROVAL

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

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

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

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

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

- Draft Environmental Impact Statement, dated July 24, 2012
- Final Environmental Impact Statement, dated January 2, 2013
- SEQRA Findings Statement, dated January 15, 2013
- Final Site Plan Approval for Casino and Hotel at Adelaar (formerly Phase 1), dated July 10, 2013, as amended
- Environmental Assessment Form, Part I, in support of Minor Site Plan Amendment, dated April 17, 2014
- Environmental Assessment Form, Part II, in support of Minor Site Plan Amendment
- Technical Memorandum, with Exhibits, in support of Minor Site Plan Amendment, dated May 21, 2014
- Site Plan Drawings in support of Minor Site Plan Amendment, Sheets C-400, C-500, and C505, dated April 15, 2014
- Sullivan County Division of Planning and Environmental Management (“DPEM”) letter, dated May 28, 2014
- CHA Peer Review of the Traffic Impact Study for the Casino and Hotel at Adelaar, dated June 3, 2014.
- SEQRA Negative Declaration for 2014 Site Plan Amendment
- Environmental Assessment Form, Part I and Part II, in support of Proposed Amendment
- Technical Memorandum, with Exhibits, in support of Proposed Amendment, dated July 7, 2015
- DPEM letter, dated July 14, 2015

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

ADELAAR - Montreign Resort Casino

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

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

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

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

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

2.1 CONSISTENCY WITH EXISTING ZONING AND EXISTING COMPREHENSIVE DEVELOPMENT PLAN

2.1.1 EXISTING ZONING

The Proposed Amendment does not propose any changes to the existing PRD zoning code or to the area that is mapped PRD. In addition, the Proposed Amendment does not add new uses proposed for the Project Site and is within the specific development limits of the PRD.

As such, the Town Board concludes that the Proposed Amendment is consistent with the PRD.

2.1.2 EXISTING COMPREHENSIVE DEVELOPMENT PLAN

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

The CDP presented a conceptual development framework, which included 405,000 sq ft of Casino and Racino uses. However, the racino part of the Program is no longer necessary in order to conduct casino gaming operations. Therefore, the Proposed Amendment envisions approximately 382,000 sq ft of Casino uses. The decrease is mainly attributable to the removal of the grandstand, paddock and maintenance building from the Program. As is the case for the currently approved site plan, other details of the Montreign Resort Casino development program associated with the Proposed Amendment are also slightly different than were conceptually presented in the CDP. This includes the addition of gaming tables, which were not legally allowed at the time the CDP was adopted, and a larger number of hotel rooms, additional building height, and increased underground parking.

The CDP includes, as a “design and development standard,” a maximum building height of 220 feet for the Casino and Hotel at Adelaar. Per Section 250-27.2.B(3)(d) of the PRD zoning code, building height is measured from the average elevation of the finished grade along the front of the structure to the ceiling of the highest occupied floor (pursuant to Section 250-27.2.B(3)(F) the spire is not included in the height of the building). The Proposed Amendment complies with this standard as the overall building height will remain as currently approved (219.5 feet). It should be noted, however, that the elevation of the interior floors will shift slightly to accommodate the reconfigured interior ceiling heights of the Proposed Amendment. Accordingly, the height of 206.5 feet to the floor of the highest occupied floor from finished grade, as previously approved and indicated in the July 7, 2015 Technical Memorandum, will be 209 feet in the Proposed Amendment.

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

2.2. VISUAL ASSESSMENT

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

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

2.3. ECONOMIC CONDITIONS

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

2.4. TRAFFIC AND TRANSPORTATION

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

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

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

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

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

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

2.5. AIR QUALITY

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

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

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

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

2.6. NOISE

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

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

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

2.7. NATURAL RESOURCES

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

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

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

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

2.8. GEOLOGY, SOILS AND TOPOGRAPHY

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

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

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

2.9. WATER SUPPLY

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

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

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

The anticipated water demand of 132,000 GPD for the Proposed Amendment is not a significant adverse impact to the provision of water supply because there is already an agreement in place to serve Adelaar with up to 375,000 GPD from the Village of Monticello. Therefore, there is more than adequate capacity to serve the water demand needs of the Project with the Proposed Amendment.

As a result, the Town Board determines that there is no new potentially significant adverse impact to the provision of water supply from the Proposed Amendment.

2.10. SANITARY SEWER SERVICE

As discussed in previous environmental reviews, the Project will be served by the Kiamesha Lake Sewage Treatment Plant ("STP"). The STP is designed and permitted to treat up to two (2) million gallons per day of wastewater. Currently, the plant averages 350,000 to 500,000 GPD. In addition, the STP has reserved capacity for the potential development on the CALP property of 350,000 GPD. Therefore, it is estimated that the STP has excess capacity of 1,150,000.

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

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

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

2.11. ENERGY AND TELECOMMUNICATIONS

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

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

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

2.12. CONSTRUCTION

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

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

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

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

2.13. COMMUNITY SERVICES

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

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

2.14. SURFACE WATER AND WETLANDS

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

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

2.15. STORMWATER MANAGEMENT

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

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

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

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

2.16. CULTURAL RESOURCES

Potential impacts to cultural resources were previously identified, analyzed and mitigated to the maximum extent practicable in the EIS. No new impacts to cultural resources (either archaeological or historic) will result from the Proposed Amendment. The previously identified impact to the Breezy Corners Bungalow Colony is being mitigated in coordination with the New York State Historic Preservation Office (“SHPO”). As documented in the prior environmental reviews, SHPO has indicated its agreement with the Applicant’s approach to mitigate the adverse impacts to the Breezy Corners Bungalow Colony. A Memorandum of Agreement between SHPO, USACE, and the Applicant was signed in December 2014 to document this mitigation effort.

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

2.17. HAZARDOUS MATERIALS

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

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

2.18. ALTERNATIVES

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

2.19. OTHER EIS CHAPTERS

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

3. CONCLUSION

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

DATE: June 21, 2015

For further information:

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

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

Telephone Number: (845) 794-2500

A Copy of this Negative Declaration to be sent to:

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