

# Planning & Development Advisors



Creating value by unlocking opportunities

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May 21, 2021

Hon. Gil Piaquadio, Supervisor and  
Town Board Members  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

RE: Environmental Review – EAF Part 2, EAF Part 3 and EAF Part 3 Environmental Narrative  
Monticello Raceway Management, Inc. Petition to Amend Zoning Code, Site Plan and Host  
Community Benefit Agreement

Dear Supervisor Piaquadio and Town Board Members,

In response to the meeting with the Town Board on May 17, 2021, and in advance of Monday's meeting please find the following environmental review documents:

1. Full environmental assessment form (EAF) Part 2 prepared by this office as part of the State Environmental Quality Review (SEQR) process. This was the document the Town Board discussed in detail at your May 17, 2021 meeting and covers the 18 categories of relevant environmental topics to be evaluated.
2. EAF Part 3 prepared by this office. The Part 3 is a standard form which the Lead Agency (the Town Board) will use to indicate that there are no significant adverse impacts identified as part of the environmental review and that a Negative Declaration is being issued, concluding the environmental review.
3. EAF Part 3 Narrative. As you will recall the Board went through each of the impact categories and for some (e.g., transportation, community character) there were impacts identified but were determined to be small or could be adequately mitigated.

These documents, along with the entirety of the public record created as part of the Town Board's deliberation on this matter, establish the environmental record the Town has relied on to make a decision relative to a Determination of Significance. As noted above, based on the input from the May 17, 2021 meeting, the EAF Part 3 reflects a Negative Declaration.

In addition, a draft resolution reflecting the above has been included with this transmission.

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email: davidbsmith1992@gmail.com

We look forward to continuing this review with the Board at your upcoming meeting. In the meantime, should you have any questions on the above or the attached please feel free to reach out to this office directly.

Best regards,

A handwritten signature in black ink, appearing to read "D. B. Smith". The signature is fluid and cursive, with a horizontal line at the end.

David B. Smith

Cc: Mark Taylor  
Joseph Pedi  
Ken Wersted  
Pat Hines

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: <u>Increase of approx. 6,000 gpd water use, same for wastewater</u> _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
*If "Yes", answer questions a - h. If "No", move on to Section 5.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)  
*If "Yes", answer questions a - g. If "No", move on to Section 6.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**6. Impacts on Air**  
 The proposed action may include a state regulated air emission source.  NO  YES  
 (See Part 1. D.2.f., D.2.h, D.2.g)  
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**  
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)  NO  YES  
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>



d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)

NO

YES

*If "Yes", answer questions a - g. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>extending hours of operation of existing mall facility</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.  
(See Part 1. D.2.k)

NO

YES

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The 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 commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)

NO

YES

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

While the Proposed Action is consistent with the Comprehensive Plan, see Comment 17.g

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)  
If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)  
If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**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 Part 3 Environmental Narrative.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:

Type 1

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 detailed traffic analysis, technical memorandums prepared on behalf of the Lead Agency, correspondence from Central Hudson Gas and Electric, outreach to another comparable community and gaming market studies

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Newburgh Town Board 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: Local law amending Ch.185 to include "Video Lottery Gaming Facility" in shopping centers with 500+ parking spaces, site plan CHBA

Name of Lead Agency: Town of Newburgh Town Board

Name of Responsible Officer in Lead Agency: Hon. Gil Piaquadio

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Date:

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

**For Further Information:**

Contact Person: Hon. Gil Piaquadio

Address: Town Hall 1496 Route 300 Newburgh, NY 12550

Telephone Number: 845-564-4552

E-mail: supervisor@townofnewburgh.org

**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>

**Environmental Narrative – EAF Part 3 Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance**

**Proposed Action:**

Petition to Amend the Zoning Code of the Town of Newburgh  
Site Plan Approval  
Approval of Host Community Benefit Agreement

**Lead Agency:** Town of Newburgh Town Board

**Involved Agencies:** Town of Newburgh Planning Board  
NYS DEC  
NYS DEC, Region 3 Div. of Environmental Permits  
US Army Corps of Engineers  
NYS OPRHP  
US Fish and Wildlife Service

**1. Impact on Land: Proposed Action may involve construction on, or physical alteration of, the land surface of the proposed site.**

The site plan submitted as part of the Proposed Action calls for limited site disturbance (approximately 2,500 square feet) related to the construction of a proposed emergency generator, transformers and an armored car garage.

Based on the de minimis nature of the site disturbance compared to existing conditions, it is suggested that any impact related to construction activities would be small.

**2. Impact on Geological Features**

No impacts anticipated.

**3. Impact on Surface Waters**

Drinking water to the majority of the Town including the subject site is provided by the Town of Newburgh Consolidated Water District (the Water District), including approximately 23,000 customers through 6,600 service connections<sup>1</sup>. The daily average of water treated and pumped into the distribution system was 2.98 million gallons per day<sup>2</sup>. The Applicant anticipates that the Proposed Action will require an additional water use of approximately 6,000 gpd compared to the prior retail use. Based on existing Town-wide water usage figures it is anticipated that the impact to the Water District would be small to imperceptible.

**4. Impact on Groundwater**

No impacts anticipated.

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<sup>1</sup> Annual Water Quality Report, Town of Newburgh Consolidated Water District, Reporting year 2020

<sup>2</sup> Ibid. page 2

**5. Impact on Flooding**

No impacts anticipated.

**6. Impacts on Air**

No impacts anticipated.

**7. Impact on Plants and Animals**

No impacts anticipated.

**8. Impacts on Agricultural Resources**

No impacts anticipated.

**9. Impact on Aesthetic Resources**

No impacts anticipated.

**10. Impact on Historic and Archeological Resources**

No impacts anticipated.

**11. Impact on Open Space and Recreation**

No impacts anticipated.

**12. Impact on Critical Environmental Areas**

No impacts anticipated.

**13. Impact on Transportation**

The Applicant has submitted a technical report on the anticipated impacts associated with the Proposed Action<sup>3</sup>(the "Traffic Report"). The Traffic Report evaluated existing conditions at the Subject Site including the Route 300 and Meadow Hill Roadway driveways and provided trip generation comparisons for the existing 90,000 s.f. of retail space at the Newburgh Mall with the proposed Video Lottery Terminal Entertainment Facility (VLT). The Traffic Report indicated that the proposed VLT use had comparable peak hour (weekday Friday PM, Saturday afternoon/ Saturday evening) generation rates as those associated with the prior retail use. Further, it was noted that while the peak hour for the proposed VLT use would occur after the normal operating hours of the Newburgh Mall facility, the surrounding background traffic volumes would also be significantly lower and the anticipated traffic volume will be more easily accommodated.

The Traffic Report included an evaluation of existing parking resources and projected parking demand which included parking associated with employees and patrons and fluctuations in parking demand during the course of operations of the proposed VLT facility.

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<sup>3</sup> February 12, 2021 report prepared by Maser Consulting submitted to the Town on February 12, 2021



The Traffic Report was reviewed by the Town's Traffic Engineer<sup>4</sup> and comments were provided to the Town which indicated that the proposed traffic volumes could be accommodated on the areas present transportation system and that there are available parking resources for the proposed VLT use.

#### **14. Impact on Energy**

The Proposed Action will utilize more energy compared to a similar sized big box retail store. The Applicant has indicated that the proposed VLT facility would utilize more than 2,500 MWhrs per year of electricity which relates to the specific gaming machines and the need to adequately heat and cool the space to keep patrons comfortable. The Proposed Action will require existing services to the building be upgraded to support that anticipated energy loads along with the construction of a generator in the event of a potential power failure. While this might be considered a moderate to large impact, the Applicant has indicated that the infrastructure, once upgraded, will be adequate to support the Proposed Action. This was confirmed with the submission of a "will serve" letter<sup>5</sup> from Central Hudson Gas and Electric Company.

#### **15. Impact on Noise, Odor, and Light**

No impacts anticipated.

#### **16. Impact on Human Health**

No impacts anticipated.

#### **17. Consistency with Community Plans**

As indicated in the Traffic Report (Table No. 3A) the Proposed Action is anticipated to draw approximately 11,000 total daily person trips to the VLT facility on a weekday and almost 15,000 total daily person trips on a Saturday. It is expected that the Proposed Action would induce some secondary and tertiary positive economic impacts associated with additional spending by patrons in nearby commercial establishments. It was noted during the public presentations that there were a number of vacancies within the Newburgh Mall and the additional activity would provide opportunities for re-occupancy of those spaces to capture discretionary spending on goods and services, particularly food service. In addition, discretionary spending would include goods and services along the access roads leading to the proposed VLT facility for gasoline and other sundries. Based on analysis presented in the recent Gaming Markets Study<sup>6</sup> an Orange County development would generate at least 1.3 additional jobs per direct job created and \$2.79 additional dollars of revenue for each direct dollar. The Applicant has indicated as part of their submissions and presentations that they expect to employ approximately 250 people which translates into a potential secondary impact of an additional 325 jobs.

The Town of Newburgh Planning Board's report<sup>7</sup> noted that the Proposed Action was consistent with the zoning district in which it is located and consistent with the Town's Comprehensive Plan which includes strategies for promoting economic growth through reuse and revitalization of existing structures.

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<sup>4</sup> Technical review memo prepared by Creighton Manning submitted to the Town March 17, 2021

<sup>5</sup> Letter from Central Hudson Gas and Electric Company, provided by Lisa Carver, District Director, May 19, 2021

<sup>6</sup> Gaming Markets Study: State of New York, Executive Summary, prepared for the New York State Gaming Commission by Spectrum Gaming Group, January 2021

<sup>7</sup> Town of Newburgh Planning Board Report, April 7, 2021 submitted by Domenic Cordisco, Drake Loeb PLLC

### **18. Consistency with Community Character**

Given the anticipated weekday and weekend patronage as noted above it can be expected that there will be some limited increase in calls to service for emergency services providers serving the Town of Newburgh. The Applicant has indicated that the operation of a proposed VLT facility is one of the safest and secure given the extent of in-house surveillance and on-site security. The Applicant stated during public presentations that another comparable facility was recently opened in Bethlehem, Pennsylvania. Representatives of the Town of Newburgh reached out and corresponded directly with elected officials and confirmed that that facility had very little impact on the provision of emergency services to that community. It is noted that the proposed Host Community Benefit Agreement includes a \$500,000 annual payment as part of a Public Safety Fund which are intended to be used to enhance public safety initiatives that are vital to the Town. The Town Board has also reviewed the Orange County Department of Emergency Services 2014 report entitled Impact of Casinos on the Emergency Services of Orange County, New York which concluded that the overall impact on the emergency services is anticipated to be minimal.

In addition to the public safety fund, the Host Community Benefit Agreement includes a community benefit payment to the Town in an initial annual amount of \$1,000,000 which may be used by the Town for any municipal purpose and a Special Community Projects Fund of \$1,500,000 annually to support vital community projects throughout Orange County, including the Town of Newburgh., as well as a one-time \$1,000,000 payment which will be distributed among the taxing jurisdictions (Newburgh Enlarged City School District, Orange County, Town and special districts). Provided the State's budget law is not modified, the Town, as the host community for the facility, will also receive State aid payments, reportedly estimated at approximately \$780,000 per year. Expenses which the Town incurs arising from the proposed Facility in connection with the exercise of its home rule "police powers" for the public health, safety and welfare, including but not limited to Code regulation and inspections, highway reconstruction and maintenance, courts, provision of utilities, recreation services and other governmental expenses on behalf of the community are accordingly anticipated to be fully offset.

At a meeting of the Town Board of the Town of Newburgh, held at Town Hall, 1496 Route 300 or by video conference pursuant to the Governor's Executive Order, in the Town of Newburgh, Orange County, New York on the 24th day of May, 2021 at 7:00 P.M., Prevailing Time.

Present:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD  
DETERMINING THAT PROPOSED ADOPTION  
OF A LOCAL LAW AMENDING CHAPTER  
185 ENTITLED "ZONING" OF THE CODE  
OF THE TOWN OF NEWBURGH TO  
INCLUDE THE USE OF "NEW YORK STATE  
LICENSED VIDEO LOTTERY GAMING  
FACILITY" AS A PERMITTED USE IN  
SHOPPING CENTERS HAVING IN EXCESS OF  
500 PARKING SPACES IN THE "IB" ZONING  
DISTRICT ON PETITION OF MONTICELLO  
RACEWAY MANAGEMENT INC. ("REORTS  
WORLD HUDSON VALLEY") AND  
APPROVALS RELATING TO A VIDEO  
LOTTERY GAMING FACILITY OCCUPYING  
APROXIMATELY 90,000 SQUARE FEET AT  
THE NEWBURGH MALL AND AN  
ASSOCIATED HOST COMMUNITY BENEFIT  
AGREEMENT CONSTITUES A NEGATIVE  
DECLARATION UNDER THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT  
(SEQRA)

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by  
Councilman/woman \_\_\_\_\_

WHEREAS, on or about February 12, 2021, the Town Board of the Town of Newburgh (the "Town Board") received a petition from Monticello Raceway Management Inc. (aka "Resorts World Hudson Valley"), Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC (collectively the "Petitioners"), for an amendment to the Zoning Code to include the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in Shopping Centers having more than 500 parking spaces in the "IB" – Interchange Business Zoning District together with a draft Local Law amending the Zoning Code of the Town of Newburgh along with site plan and draft Host Community Benefit Agreement (the "Proposed Action"); and

WHEREAS, a Video Lottery Gaming Facility in New York State is strictly regulated by the New York State Gaming Commission (the "Commission") with respect to locations, practices and associations related to the operation of such facilities; and

WHEREAS, the Commission has permitted the Petitioners to relocate its Video Lottery Gaming Facility to an Orange County location; and

WHEREAS, as part of the February 12, 2021 petition submission, the Petitioners included the following: draft Introductory Local Law; Full Environmental Assessment Form, Part 1; draft Notice of Intent to Declare Lead Agency, and Traffic Report prepared by Maser Consulting, dated February 12, 2021; and

WHEREAS, the Town Board is the only entity that can effectuate changes to the Zoning Code of the Town of Newburgh after prescribed notice and circulation requirements; and

WHEREAS, the Town Board recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a related to the preparation, adoption and periodic updates to the Town's Comprehensive Plan Update; and

WHEREAS, the Introductory Local Law presented with the petition was subsequently revised in order to clarify the allowed activities the Video Lottery Gaming Facility use will encompass and delivered in final form to the Town Board in advance of a scheduled public hearing; and

WHEREAS, on February 22, 2021, the Town Board held a public work session in which the Petitioners presented the proposed zoning amendments and the operations of the proposed Video Lottery Gaming Facility to be located within a portion of the existing Newburgh Mall; and

WHEREAS, on or about February 26, 2021, after initial comments, the Petitioners submitted an updated Full Environmental Assessment Form ("EAF"), a fully executed Petition to Amend the Town of Newburgh Zoning Code and a proposed Host Community Benefit Agreement; and

WHEREAS, on March 22, 2021, the Town Board circulated a Notice of Intent to Act as Lead Agency to a comprehensive list of known Interested and Involved Agencies and declared the Proposed Action to be a Type 1 Action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board received correspondence from the following Agencies consenting to the Town Board acting as Lead Agency for the review of the Proposed Action: Orange County Department of Planning (consistent with NYS General Municipal Law §239-l, m and n) and the Town of Newburgh Planning Board; and

WHEREAS, the Town Board received technical review memos from Town staff and consultants including a March 17, 2021 memo from Creighton Manning, a March 19, 2021 technical memo from Planning & Development Advisors and a memo dated April 7, 2021 prepared by Drake Loeb PLLC on behalf of the Town of Newburgh Planning Board; and

WHEREAS, on April 12, 2021, the Town Board held a duly noticed public hearing on the Proposed Action in which all member of the public were invited to be heard and the Town Board subsequently closed the public hearing but established a public comment period in which written comments may be submitted to the Town up to 10 days after the posting of the meeting minutes; and

WHEREAS, the Town received written comments related to the Proposed Action which were forwarded to the Town Board members and Town staff and consultants; and

WHEREAS, on May 10, 2021 the Town Board of the Town of Newburgh pursuant to Article 8 of the Environmental Conservation Law ("SEQRA"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, did assume the role of Lead Agency for this Type 1 Action for the purpose of conducting a coordinated review; and

WHEREAS, during the course of the presentations made by the Petitioners there was reference to a comparable facility in the City of Bethlehem, Pennsylvania and the experiences that community had with respect to impacts to the community's emergency service providers and representatives of the Town of Newburgh contacted Bethlehem City officials and confirmed the representations made by the Petitioners; and

WHEREAS, on May 17, 2021 at a Special Meeting the Town Board did review and discuss in detail a draft of the Full EAF Part 2 relative to the potential impact of the Proposed Action as required SEQRA; and

WHEREAS, in response to comments raised, the Petitioners submitted additional information including a "will serve" letter from Central Hudson Gas and Electric Corporation indicating that there was existing capacity in their system to serve the proposed Video Lottery Gaming Facility; and

NOW, THEREFORE BE IT RESOLVED, that the Lead Agency makes the following findings after having fully considered the environmental review record and supporting documentation, and having considered the preceding written facts and conclusions relied upon to meet the requirement of 6 NYCRR 617.7 and 617.11, the Town Board determines after a review of EAF Part 2 supported by the EAF Part 3 and all the other supporting information that while the Proposed Action may have some limited impacts to the environment, those impacts will be either small or have been mitigated to address impacts identified and does hereby make a Negative Declaration under SEQRA that the Proposed Action will result in no significant adverse impact to the environment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Elizabeth J. Greene, Councilwoman voting: \_\_\_\_\_

Paul I. Ruggiero, Councilman voting: \_\_\_\_\_

Scott M. Manley, Councilman voting: \_\_\_\_\_

Anthony R. LoBiondo, Councilman voting: \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting: \_\_\_\_\_

The resolution was thereupon declared duly adopted