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February 12, 2021

Gil Piaquadio, Supervisor
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

**Re: Monticello Raceway Management, Inc.
Petition to Amended Zoning Code**

Dear Honorable Piaquadio:

Please allow this letter to serve as a request for placement on the Town Board's next available work session agenda for purposes of considering the enclosed Petition to Amend the Town of Newburgh Zoning Code. With regard to that request, I have enclosed:

1. Petition to Amend Zoning Code;
2. Draft Introductory Local Law;
3. Full Environmental Assessment Form, Part 1;
4. Draft Notice of Intent to Declare Lead Agency; and
5. Traffic Report, prepared by Maser Consulting, dated February 12, 2021.

The required fees and escrow will be provided immediately upon being notified by the Town of the amount to be deposited with the Town.

This application requests an amendment to the definition of "Shopping Center" in Section 185-3 of the Town's Zoning Code to permit New York State Licensed Video Lottery Gaming Facilities as a permitted use within shopping centers that have in excess of 500 parking spaces. This application proposes to utilize approximately 90,000 square feet of the Newburgh Mall (SBL 60-3-41.21) for such use. It is the Petitioner's belief that this project will promote, accommodate and enhance economic development for the Town.

It is anticipated that the Town Board will declare its intent to serve as the State Environmental Quality Review Act ("SEQRA") Lead Agency for this application, and we have

attached a draft of such Notice of Intent for your consideration. Assessing environmental impacts for this Petition and property require additional reports be provided to assist the Town Board in the environmental review process. As part of the Lead Agency's review in making a determination of significance for the Proposed Project we have provided a traffic analysis, as the potential traffic impacts are a logical avenue of SEQRA inquiry for this application. We ask that this traffic analysis be considered in your SEQRA review, as it supplements the information contained within the SEQRA Full Environmental Assessment Form ("EAF") (attached), akin to an expanded EAF Part III review.

We appreciate your consideration of this request. Should you have any questions or comments, or require additional information, please feel free to contact our office.

Very truly yours,



KELLY M. NAUGHTON

cc: Mark Taylor, Esq.
Meghan Taylor, Resorts World Hudson Valley

TOWN BOARD OF THE TOWN OF NEWBURGH
ORANGE COUNTY: STATE OF NEW YORK

-----X
In the Matter of the Petition of

MONTICELLO RACEWAY MANAGEMENT, INC.

**PETITION TO AMEND
ZONING CODE**

For an amendment to the Town of Newburgh Zoning Code.
-----X

TO: THE TOWN BOARD OF THE TOWN OF NEWBURGH, NEW YORK:

Petitioner MONTICELLO RACEWAY MANAGEMENT, INC (“MRMI”), by its attorneys Burke, Miele, Golden & Naughton, LLP, who are authorized to submit this Petition on behalf of Petitioner, pursuant to § 265 of the Town Law, respectfully petition the Town Board for an amendment of the Zoning Code adopted pursuant to § 185-60 of the Town Code as follows:

1. Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Town adopted a comprehensive zoning law, which law has been revised from time to time, and is known as Chapter 185 of the Town Code (“Zoning Code”).
2. Petitioner is an impending lessee in connection with the property identified on the Town tax maps as Section 60, Block 3, Lot 41.21 (“the Property”), otherwise referred to as the Newburgh Mall.
3. The Property is owned by Newburgh Mall Realty LLC, Newburgh CH LLC and Newburgh Nassim LLC.
4. The Property is located in the Interchange Business (“IB”) zoning district, and contains a Shopping Center consisting of approximately 189,497 square feet.
5. “Shopping Center” is currently defined in Section 185-3(B) of the Town Code as:

A group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single


structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for off-street parking, loading and pedestrian circulation. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and/or control, sharing certain facilities in common, such as open space, yards and off-street parking and loading facilities.

6. Petitioner hereby petitions this Board to amend the Zoning Code, revising the definition of “Shopping Center” in Section 185-3(B) to include the following underlined language, which would be applicable in to the entire IB district:

A group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for off-street parking, loading and pedestrian circulation. New York State Licensed Video Lottery Gaming Facilities shall be considered a similar commercial establishment in shopping centers having in excess of 500 parking spaces within the IB district. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and/or control, sharing certain facilities in common, such as open space, yards and off-street parking and loading facilities.

WHEREFORE, your Petitioner prays that the Town Board will take such steps and such actions as may be necessary to grant the relief sought in this Petition.

Dated: February 12, 2021
Goshen, New York


KELLY M. NAUGHTON, Esq.
Burke, Miele, Golden & Naughton, LLP
Attorneys for Petitioner
40 Matthews Street, Suite 209
Post Office Box 216
Goshen, New York 10924
(845) 294-4080

Monticello Raceway Management, Inc.
d/b/a Resorts World Hudson Valley



By: Robert DeSalvio
Title: President

Newburgh Mall Realty LLC

Newburgh CH LLC

By:
Title:

By:
Title:


Newburgh Nassim LLC

By:
Title:

MONTICELLO RACEWAY MANAGEMENT, INC.

STATE OF NEW YORK)
)ss:
COUNTY OF SULLIVAN)

On the 12th day of February in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared Robert DeSalvio personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

NICHOLE BARBATO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6369197
Qualified in Sullivan County
My Commission Expires 01-02-2022

NEWBURGH MALL REALTY LLC

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

NEWBURGH CH LLC

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

NEWBURGH NASSIM LLC

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RESORTS WORLD HUDSON VALLEY

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

NOTICE CONCERNING LEAD AGENCY

The Town of Newburgh Town Board, in accordance with Article 8 of the State Environmental Conservation Law, gives Notice as follows:

1. The Town Board has received an application from Monticello Raceway Management, Inc. for a zoning amendment and site plan approval to permit New York State licensed video lottery gaming facilities in shopping centers located within the Interchange Business (IB) district having in excess of 500 parking spaces; specifically, the site plan application involves a parcel of land containing a total of 48.9+/- acres, known as Section 60, Block 3, Lot 41.21 on the Town tax maps, located with frontage along New York State Route 300 within the Town of Newburgh in Orange County, New York.
2. The Town Board has made the following findings:
 - (a) The proposed action is subject to the State Environmental Quality Review Act.
 - (b) The action may involve one or more other agencies.
 - (c) The action is preliminarily classified as a Type I action pursuant to 6 NYCRR Part 617.
 - (d) Coordinated review of the action is appropriate.
3. The Town of Newburgh Town Board shall be designated as Lead Agency if no objection to such Lead Agency status is received by the Town Board from any other involved agency within thirty calendar days of mailing this notice to such agencies. All involved and interested agencies are as follows:

Town of Newburgh Planning Board
1496 Route 300
Newburgh, New York 12550

U.S. Army Corps of Engineers
26 Federal Plaza
Jacob Javits Building
New York, New York 10278

New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

New York State Department of Environmental Conservation
Region 3, Division of Environmental Permits
21 South Putt Corners Road
New Paltz, New York 12561-1696

New York State Office of Parks, Recreation and Historic Preservation (via CRIS system)
Post Office Box 189, Peebles Island
Waterford, New York 12188

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, New York 13045

Orange County Department of Public Works (Interested)
2455-2459 Route 17M
P.O. Box 509
Goshen, New York 10924

Orange County Department of Planning (Interested)
124 Main Street
Goshen, New York 10924

Dated: February , 2021

TOWN of NEWBURGH TOWN BOARD, Gil Piaquadio, Supervisor

LEAD AGENCY DETERMINATION

TOWN of NEWBURGH TOWN BOARD
TOWN OF NEWBURGH
ORANGE COUNTY

In the matter of *Monticello Raceway Management, Inc., Zoning Petition and Site Plan Application for a Video Lottery Terminal, located along New York State Route 300, Town of Newburgh, Orange County, New York, Tax Map # 60-3-41.21.*

**RESPONSE TO REQUEST THAT TOWN OF NEWBURGH
TOWN BOARD SERVE AS LEAD AGENCY**

On behalf of _____, I acknowledge receipt of the Lead Agency Notice in this matter, which was mailed on February __, 2021.

The above named involved agency hereby
(Please check one)

() **CONSENTS** that the Town of Newburgh Town Board serve as Lead Agency in this application and requests that the undersigned continue to be notified on filings and hearings in this matter.

() **DOES NOT CONSENT** to the Town of Newburgh Town Board serving as Lead Agency in this application and wishes that _____ serve as Lead Agency. To contest Lead Agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6 (e).

DATED: _____

SIGNATURE: _____

Fax Return To:

845-564-8589
Attn: Gil Piaquadio, Supervisor
Town of Newburgh Town Board

OR

Mail Return To:

Hon. Gil Piaquadio
Town of Newburgh Town Board
1496 Route 300
Newburgh, New York 12550

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Intro. Local Law No. ___: Amending Chapter 185 ("Zoning") to include the use of "Video Lottery Gaming Facility" in shopping centers in the IB district having in excess of 500 parking spaces, and the inclusion of such use in the Newburgh Mall		
Project Location (describe, and attach a general location map): Interchange Business ("IB") Zoning District, Town of Newburgh, Orange County, New York		
Brief Description of Proposed Action (include purpose or need): The purpose of Introductory Local Law No. ___ of 2021 is to implement changes in the Town of Newburgh Zoning Code to permit the use of "Video Lottery Gaming Facility" as a permitted use in shopping centers having in excess of 500 parking spaces in the Interchange Business (IB) District. Additionally, this project proposes to include a video lottery gaming facility occupying approximately 90,000 square feet of the Newburgh Mall (SBL 60-3-41.21).		
Name of Applicant/Sponsor: Town of Newburgh		Telephone: 845-564-4554 E-Mail: town-clerk@townofnewburgh.org
Address: 1496 Route 300		
City/PO: Newburgh	State: New York	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Gil Piaquadio, Supervisor		Telephone: 845-564-4552 E-Mail: supervisor@townofnewburgh.org
Address: 1496 Route 300		
City/PO: Newburgh	State: New York	Zip Code: 12550
Property Owner (if not same as sponsor): N/A		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. [Government Approvals, Funding, or Sponsorship]. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board	Petition filed February 2021
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board- Referral per Town Code; ARB approval	Anticipated March 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County Planning Department - GML 239 referral	Anticipated March 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Interchange Business (IB) District

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

N/A - Zoning Amendment proposed.

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes, Permitting Video Lottery Gaming Facility as a permitted use in shopping centers

i. What is the proposed new zoning for the site? having in excess of 500 parking spaces

C.4. Existing community services

a. In what school district is the project site located? Newburgh Central School District

b. What police or other public protection forces serve the project site?

Town of Newburgh Police Department, Orange County Sheriff's Office, NYS Troopers

c. Which fire protection and emergency medical services serve the project site?

Coldenham, Cronomer Valley, Dan Leghorn, Goodwill, Middlehope and Winona Lake Fire Departments; Town of Newburgh Ambulance

d. What parks serve the project site?

Chadwick Lake Park, Cronomer Hill Park, Algonquin Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial

b. a. Total acreage of the site of the proposed action? 48.9 acres

b. Total acreage to be physically disturbed? 0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 48.9 acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Minimal - encl. of existing truck bay Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

One Family Two Family Three Family Multiple Family (four or more)

Initial Phase _____
At completion _____
of all phases _____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No

If Yes,

- i. Total number of structures _____
- ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
- iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____
- iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
- v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

- i. What is the purpose of the excavation or dredging? _____
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 - Volume (specify tons or cubic yards): _____
 - Over what duration of time? _____
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
- iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. _____
- v. What is the total area to be dredged or excavated? _____ acres
- vi. What is the maximum area to be worked at any one time? _____ acres
- vii. What would be the maximum depth of excavation or dredging? _____ feet
- viii. Will the excavation require blasting? Yes No
- ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: 15,000 (6,000 GPD Net increase) gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Town of Newburgh Consolidated Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: 15,000 (6,000 GPD Net increase) gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh Treatment Plant
- Name of district: Crossroads Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend

Randomly between hours of 7pm to 11pm.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
Not applicable.

iii. Parking spaces: Existing 1700 Proposed 1700 Net increase/decrease 0

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Not applicable.

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: TBD

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Central Hudson

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: As permitted by Town Code
- Saturday: As permitted by Town Code
- Sunday: As permitted by Town Code
- Holidays: As permitted by Town Code

ii. During Operations:

- Monday - Friday: 8am - 4am
- Saturday: 8am - 4am
- Sunday: 8am - 4am
- Holidays: 8am - 4am

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
The existing lighting for the Newburgh Mall and associated parking lot will remain.

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

• Construction: _____ TBD tons per _____ TBD (unit of time)

• Operation : _____ +/- 5 tons per _____ Month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

• Construction: Construction debris will be recycled in accordance with applicable local requirements

• Operation: Recycling will be in accordance with applicable County requirements

iii. Proposed disposal methods/facilities for solid waste generated on-site:

• Construction: Private hauler

• Operation: Private hauler

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	40	40	0
• Forested	2	2	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	5	5	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Landscaped areas	2	2	0

c. Is the project site presently used by members of the community for public recreation? Yes No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No

If Yes,

i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No

If Yes:

i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No

Yes – Spills Incidents database Provide DEC ID number(s): _____

Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 20 to 80 inches feet _____

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

ErB	22 %
Mdb	31 %
HH	17.8 %

d. What is the average depth to the water table on the project site? Average: _____ 0 to 36 in. feet _____

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name None Classification _____
- Lakes or Ponds: Name None Classification _____
- Wetlands: Name Unnamed wetlands to the north, south and west of the site** Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:

i. Name of aquifer: _____

** Per the NYSDEC environmental mapper

m. Identify the predominant wildlife species that occupy or use the project site: _____
Possibly squirrels, birds, deer _____

n. Does the project site contain a designated significant natural community? Yes No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
• Currently: _____ acres
• Following completion of project as proposed: _____ acres
• Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
If Yes:
i. Species and listing (endangered or threatened): _____
Indiana Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
If Yes:
i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
If Yes:
i. Nature of the natural landmark: Biological Community Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

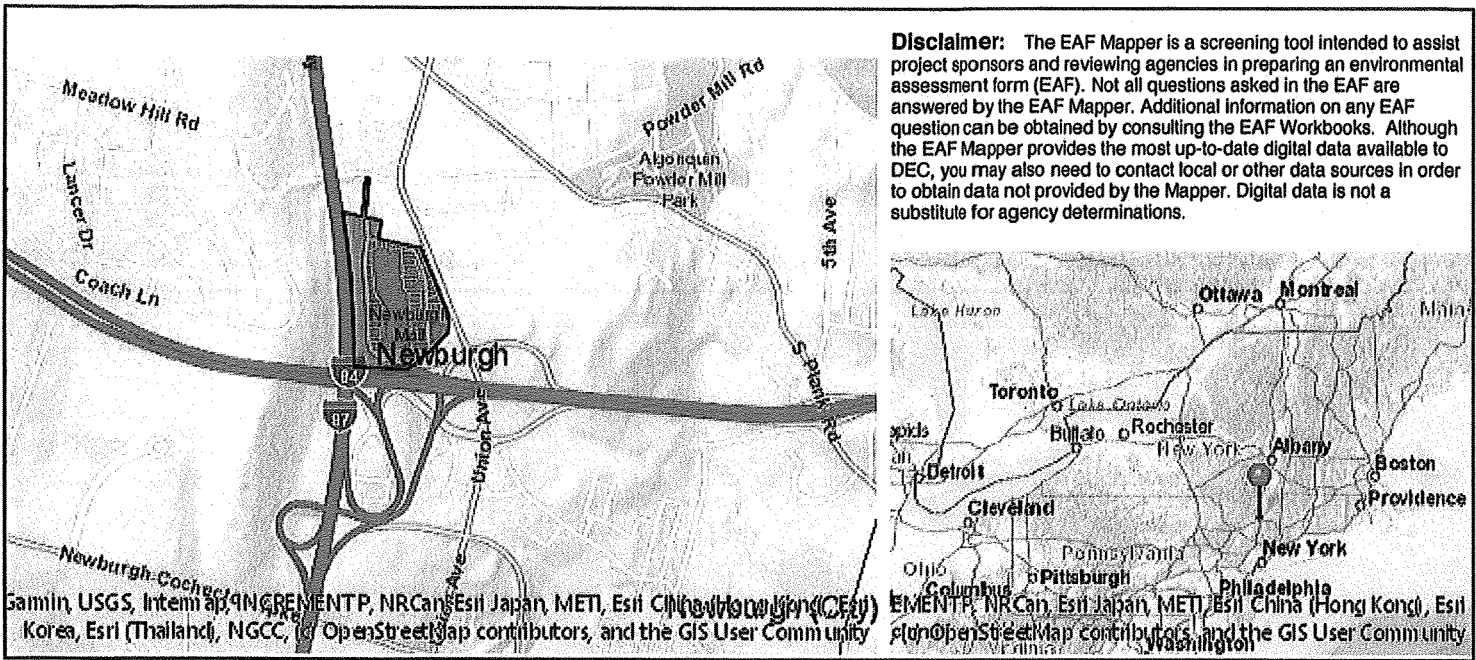
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Gil Piaquadro, Town of Newburgh Date February 2021

Signature _____ Title Supervisor



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Indiana Data Name]

E.2.p. [Rare Plants or Animals] No

E.3.a. [Agricultural District] No

E.3.c. [National Natural Landmark] No

E.3.d [Critical Environmental Area] No

E.3.e. [National or State Register of Historic Places or State Eligible Sites] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.3.f. [Archeological Sites] Yes

E.3.i. [Designated River Corridor] No



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February 12, 2021

VIA EMAIL

edgar.choi@rwnewyork.com

Mr. Edgar Choi
Senior Vice President of Design & Construction
Resorts World New York City
110-00 Rockaway Boulevard
Jamaica, NY 11420

Re: Resorts World Casino - Newburgh
Town of Newburgh, Orange County, New York
MC Project No. 21000177A

Dear Mr. Choi:

Maser Consulting has conducted a review of the available plans and other information associated with the proposed conversion of the existing Jennifer Convertible store (formerly Bon-Ton Department Store) and other ancillary space at the Newburgh Mall, to an entertainment facility with up to 1,400 Video Lottery Terminals (VLT). The space proposed to be occupied, which totals approximately 90,000 sq. ft. of leasable area, is located at the north end of the existing mall building as identified on Figure No. 1. It is estimated that the existing Newburgh Mall contains approximately 390,000 sq. ft. of total leasable area with approximately 1,700 parking spaces. We have reviewed the proposed plan relative to the traffic generation, parking and onsite circulation associated with the conversion of this space. The following is a summary of the tasks undertaken as part of our evaluation and the conclusions and recommendations relative to this proposed modification in support of the proposed Zoning Text Amendment to accommodate this change in use.

1. EXISTING TRAFFIC CONDITIONS (FIGURES NO. 2 AND 3)

(Figures No. 2 and 3, Appendix A)

Detailed traffic counts were collected by representatives of Maser Consulting at the existing driveways serving the Newburgh Mall, including both NYS Route 300 driveways as well as the Meadow Hill Road driveway. These counts were collected to document hourly variations and peak traffic volumes as they exist at the Site. These counts were collected on Thursday, January 21, 2021 and Saturday, January 23, 2021 to document Weekday PM and Saturday



Peak Hour traffic volumes at the mall driveways. These volumes are summarized on Figures No. 2 and 3 contained in Appendix “A”. Based on the traffic volume data collected at the Mall driveways, the peak hours of traffic generated by the Mall were found to occur as follows:

Weekday PM Peak Hour.....2:00 PM – 3:00 PM
Saturday Afternoon Peak Hour.....3:00 PM – 4:00 PM

Due to the COVID-19 Pandemic, these counts were also compared with previous data collected by our office at the mall driveway intersections in October 2019 associated with the previously proposed Ridge Hudson Valley project and Newburgh Town Center expansion. The traffic volume figures summarizing these 2019 traffic volumes are from the preliminary report for the Ridge Hudson Valley project are contained in Appendix “A”. A review of these volumes compared to the recently collected 2021 traffic volumes indicates that the traffic generation for the Newburgh Mall was approximately 25-30% higher in 2019 than indicated by the recent 2021 traffic volume counts due partially to the current COVID-19 Pandemic conditions.

2. TRIP GENERATION COMPARISONS

(Table No. 3A, Appendix B)

The following provides a summary trip generation comparison of the existing 90,000 sq. ft. of retail spaces to the proposed 1,400 VLT entertainment use based on data published by the Institute of Transportation Engineers (ITE) data as contained in their publication entitled *Trip Generation, 10th Edition, 2017*.

Existing Newburgh Mall Generation

Estimates of the existing traffic generation of the Newburgh Mall were established using the ITE Land Use Category 820 – Shopping Center. These traffic generation estimates are summarized in Table No. 1, below.



TABLE NO. 1 NEWBURGH MALL PEAK HOUR TRAFFIC GENERATION SUMMARY					
TIME PERIOD	ENTRY		EXIT		TOTAL VOLUME
	HTGR	VOLUME	HTGR	VOLUME	
WEEKDAY PM PEAK	1.83	714	1.98	774	1488
SATURDAY AFTERNOON PEAK	2.42	943	2.23	871	1814

NOTES:

1. THE HOURLY TRIP GENERATION RATES (HTGR) ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 10TH EDITION, 2017. ITE LAND USE CODE - 820 - SHOPPING CENTER (FITTED CURVE EQUATION).
2. HOURLY TRIP GENERATION RATES ARE BASED ON AN ASSUMED 390,000 SQ. FT. OF GROSS LEASABLE AREA FOR THE EXISTING NEWBURGH MALL.

Existing Trip Generation of Space to be Converted

The ITE Hourly Trip Generation Rates (HTGR) identified in Table No. 1 above for the overall Mall facility were then applied to the 90,000 sq. ft. of retail space proposed to be converted to the VLT use in order to establish a basis of comparison for the traffic generation of the proposed change in use. Utilizing the above rates, the peak hour traffic generation estimated to be associated with the 90,000 sq. ft. portion of existing retail space is summarized in Table No. 2 below.

TABLE NO. 2 EXISTING TRAFFIC GENERATION 90,000 SQ. FT. RETAIL SPACE					
TIME PERIOD	ENTRY		EXIT		TOTAL VOLUME
	HTGR	VOLUME	HTGR	VOLUME	
WEEKDAY PM PEAK	1.83	165	1.98	179	343
SATURDAY AFTERNOON PEAK	2.42	218	2.23	201	419

NOTES:

1. TRAFFIC GENERATION VOLUMES REPRESENT ESTIMATED EXISTING TRAFFIC GENERATION ASSOCIATED WITH THE APPROXIMATELY 90,000 SQ. FT. OF EXISTING RETAIL SPACE PROPOSED TO BE OCCUPIED BY THE PROPOSED PROJECT.
2. HOURLY TRIP GENERATION RATES ARE BASED ON THOSE IDENTIFIED IN TABLE NO. 1 FOR THE OVERALL 390,000 SQ. FT. MALL FACILITY.

As indicated in the table it is estimated that the existing retail space generates approximately 343 total trips during the Weekday PM Peak Hour and approximately 419 total trips during the Saturday Afternoon Peak Hour.



Traffic Generation for Proposed Video Lottery Use

Estimates of the traffic generation associated with the proposed use, including up to 1,400 VLT's, have been developed based on information provided by Resorts World, which was compiled for the existing Resorts World Casino located in Queens, New York. This information, which was contained in the *Full Environmental Assessment Form and Expanded Environmental Assessment for Resorts World Casino - New York City Expansion* dated October 2017, is based on person trip data collected in 2016 at the Queens facility, which at the time included approximately 5,000 VLT's. This report also identifies observed modal splits, vehicle occupancies and entry/exit splits of traffic during the Friday PM and Saturday Peak Periods. It is noted that that the Queens location is located at the site of the Aqueduct race track, which also contains a hotel and other amenities, which results in a significant number of "internal" trips between the hotel, racetrack and video lottery casino. Furthermore, this location is provided good access to mass transit due to its proximity to both subway and bus terminals. However, utilizing the person trip data provided in the report, traffic generation estimates were established for the proposed Newburgh facility by adjusting the observed rates of person trips per VLT for the anticipated "more auto dependent" trips at the proposed Newburgh facility. The resultant traffic generation estimates based on the existing Resorts World New York City data are summarized in Table No. 3, below. A summary of the calculations for these estimates is provided in Table No. 3A, contained in Appendix "B".

TABLE NO. 3 PROPOSED TRAFFIC GENERATION 1,400 VIDEO LOTTERY TERMINAL ENTERTAINMENT FACILITY					
TIME PERIOD	ENTRY		EXIT		TOTAL VOLUME
	HTGR	VOLUME	HTGR	VOLUME	
WEEKDAY/FRIDAY PM PEAK	0.14	189	0.09	121	310
SATURDAY AFTERNOON PEAK	0.11	151	0.12	163	314
SATURDAY EVENING PEAK	0.17	234	0.13	177	411

NOTES:

- SEE TABLE NO. 3A, CONTAINED IN APPENDIX "B", FOR CALCULATIONS OF TRAFFIC GENERATION BASED ON DATA OBTAINED FROM EXISTING RESORTS WORLD NYC FACILITY.

ITE data was also referenced for Land Use Category 473 – Casino/Video Lottery Establishment for comparison purposes however only limited data is provided for this land use and therefore it was determined that the data available from the Resorts World New York City location provides a better estimate of the number of peak hour trips that could be generated by the proposed Newburgh facility.



It should also be noted that the Resorts World New York City study provides hourly volume data that indicates that the peak hours of traffic for the facility generally occur on Friday and Saturday between 8 PM and 10 PM. Somewhat similar evening peak traffic periods are expected for the proposed Newburgh facility. It is important to note that Newburgh Mall currently closes at 8PM therefore traffic generation of the remainder of the mall would be minimal during the expected highest peaks of the proposed facility.

Comparison of Existing Retail Use to Proposed Video Lottery Use

A comparison of the existing traffic generation of the existing 90,000 sq. ft. of retail space to that for the proposed 1,400 VLT entertainment use during peak hours is summarized in Table No. 4 below based on the information contained Tables No. 2 and 3 above.

TABLE NO. 4			
COMPARISON OF TRAFFIC GENERATION VOLUMES			
EXISTING RETAIL USE VS. PROPOSED VIDEO LOTTERY USE			
TIME PERIOD	ENTRY	EXIT	TOTAL
EXISTING 90,000 SQ. FT. RETAIL SPACE¹			
WEEKDAY PM PEAK	165	179	343
SATURDAY AFTERNOON PEAK	218	201	419
PROPOSED 1,400 VIDEO LOTTERY TERMINAL FACILITY²			
WEEKDAY PM PEAK	189	121	310
SATURDAY AFTERNOON PEAK	151	163	314
SATURDAY EVENING PEAK	234	177	411
NOTES:			
1. TRAFFIC GENERATION FOR EXISTING 90,000 SQ. FT. RETAIL SPACES BASED ON 2019 TRAFFIC VOLUME DATA ESTIMATES AS CONTAINED IN TABLE NO. 2.			
2. TRAFFIC GENERATION FOR PROPOSED 1,400 VIDEO LOTTERY TERMINAL FACILITY BASED ON RESORTS WORLD NYC DATA ESTIMATES AS CONTAINED IN TABLE NO. 3.			

As indicated in the table above, the level of peak hour traffic generation for the proposed VLT use is anticipated to be comparable to the peak hour traffic generation associated with the existing 90,000 sq. ft. of retail space that will be converted for the proposed VLT use. As noted previously, the peak hour of traffic associated with the proposed Resorts World VLT use will occur after the closing of the remainder of the Mall and therefore occur when the other Site related traffic as well as background traffic volumes along the area roadways are significantly lower and thus the anticipated peak traffic of the video lottery facility will be more easily accommodated. Based on the traffic generation comparison between the existing and proposed



uses and the anticipated peak hours of traffic for the VLT, it is anticipated that the traffic associated with the proposed facility will be accommodated by the area roadways with traffic operations similar to existing peak hour conditions.

It should also be noted that the Newburgh Mall is serviced by local bus transit service run by Leprechaun Lines that runs between Broadway in the City of Newburgh and Route 300. The Newburgh Mall is one of the stops along this Route. The bus runs Monday – Friday 6:50 AM – 7:00 PM and Saturdays 7:50 AM – 7:00 PM. Transfers are also available to other routes within the City of Newburgh and into the Town of New Windsor. The use of mass transit by patrons and/or employees of the facility would further reduce the actual auto trips generated by the proposed use.

2. PARKING UTILIZATION AND GENERATION

Existing Newburgh Mall Parking Utilization

Parking utilization surveys were conducted by representatives of Maser Consulting for the existing parking areas in proximity of the northern portion of the mall, where the space will be occupied by the Resorts World VLT's, to identify current parking utilization and availability. These surveys, which generally included all parking within approximately 600 ft. of the nearest entry to the proposed facility and encompassed some 900 of the approximately 1700 total spaces on the Site, were conducted on Friday, January 29th, and Saturday, January 30, 2021. The attached Figure P-1, contained in Appendix "A", identifies the actual parking areas surveyed. These areas correspond to Tables No. P-1 and P-2, contained in Appendix "B", which summarize the existing parking utilization and available spaces over the course of the Friday and Saturday afternoon and evening peak periods. Note that no parking utilization observations were conducted after 8 PM since the Mall closes at this time. As can be seen from the tables, there is significant parking availability throughout the peak hours especially on the western portion of the Site west of the mall building.

Based on the traffic volume data previously collected in 2019 compared to the 2021 counts for the mall driveways, it was determined that the current Weekday PM Peak Hour volumes are approximately 28% lower than the 2019 conditions while the Saturday Peak Hour volumes are approximately 25% lower due primarily to the current COVID-19 pandemic conditions. It is assumed that this decrease in traffic generation has had a similar impact on parking occupancy of the existing Mall. Therefore, as summarized in Table No. P-3, contained in Appendix "B", the Friday and Saturday parking occupancy counts collected in 2021 were increased by 28% and 25%, respectively, in order to adjust the available parking at the Site to account for pre-pandemic conditions.



Future Parking Conditions with Proposed Resorts World Facility

Utilizing data contained in the Resorts World New York City report, future parking conditions at the Site were analyzed. The Resorts World New York City data provides hourly parking occupancy data at that facility based on parking occupancy counts collected on a day when no racing occurred at the Aqueduct racetrack. This data was utilized in order to determine the hourly variations of parking occupancy over the course of the day. This data indicated that the peak hour of parking occupancy at that location was found to occur between 10:00 PM and 11:00 PM on both Friday and Saturday.

Furthermore, the Resorts World New York City report information was utilized to assist in determining a peak parking occupancy for the proposed Newburgh facility. Based on review of this data it was determined that an appropriate peak parking demand ratio for the Newburgh facility is 1 space per 2 video lottery terminals, which equates to a peak parking demand for the proposed 1,400 VLT facility of approximately 700 parking spaces. This peak demand, which is anticipated to occur between 10:00 PM and 11:00 PM, was then distributed over the course of the day based on the hourly variations previously identified to determine the hourly parking demand for patrons of the Newburgh facility. This parking demand is summarized in Table P-4, contained in Appendix "B".

In addition, it is anticipated that the facility will have approximately 150 employees onsite at any one time. It is anticipated that approximately 15% of these employees will utilize carpooling, public transportation or other means of transportation to access the facility therefore approximately 128 additional parking spaces will be required to accommodate the employee parking needs of the facility. Table P-4 provides a summary of the hourly parking demand for the facility assuming these 128 employee parking spaces are fully occupied at all times. Comparing this demand to the available parking spaces within the northern portion of the Newburgh Mall parking lot indicates that there is sufficient parking available on that portion of the Site to accommodate the parking demand of the proposed use as summarized in Table P-4. Furthermore, the other parking areas on the Site over 600 feet away in the more southern portion of the Site would also be available when the peak occurs since most of those areas are underutilized and the remainder of the Mall closes at 8PM. It should also be noted that the parking utilization projections for the proposed use does not take any credit for the parking demand currently associated with the existing 90,000 sq. ft. of retail space providing a somewhat conservative analysis of future parking conditions.



3. ZONING TEXT AMENDMENT CONSIDERATIONS

The Newburgh Mall and the proposed Site falls within the Town of Newburgh Interchange Business Zoning District, which permits various uses including retail centers, restaurants including fast-food establishments, office uses, hotels and others. The proposed Zoning Text Amendment to allow the proposed VLT facility within this zone would also permit other existing retail centers within this zone to be occupied by similar VLT facilities assuming appropriate licensing for these facilities was ever granted by the State of New York. Any other existing facilities that would explore this possibility should have to demonstrate that the proposed use would be comparable to the existing retail space that it would replace as it relates to traffic generation and that sufficient parking is provided on that Site to accommodate the conversion to a VLT use.

4. SUMMARY AND RECOMMENDATIONS

The review of the existing and historical traffic data and the comparison of the trip generation associated with the proposed change of use of this space indicates that the proposed Resorts World VLT facility would not significantly change peak hour traffic conditions in the vicinity of the Site. In addition, the available parking within the Newburgh Mall property would adequately serve the proposed use as well as the remainder of the existing Newburgh Mall.

Very truly yours,

MASER CONSULTING CONNECTICUT, P.C.

A handwritten signature in black ink, appearing to read 'Philip J. Grealy'.

Philip J. Grealy, Ph.D., P.E.
Principal/Department Manager

A handwritten signature in black ink, appearing to read 'Richard G. D'Andrea'.

Richard G. D'Andrea, P.E., PTOE
Principal Associate/Project Manager

PJG/ces
Enclosures

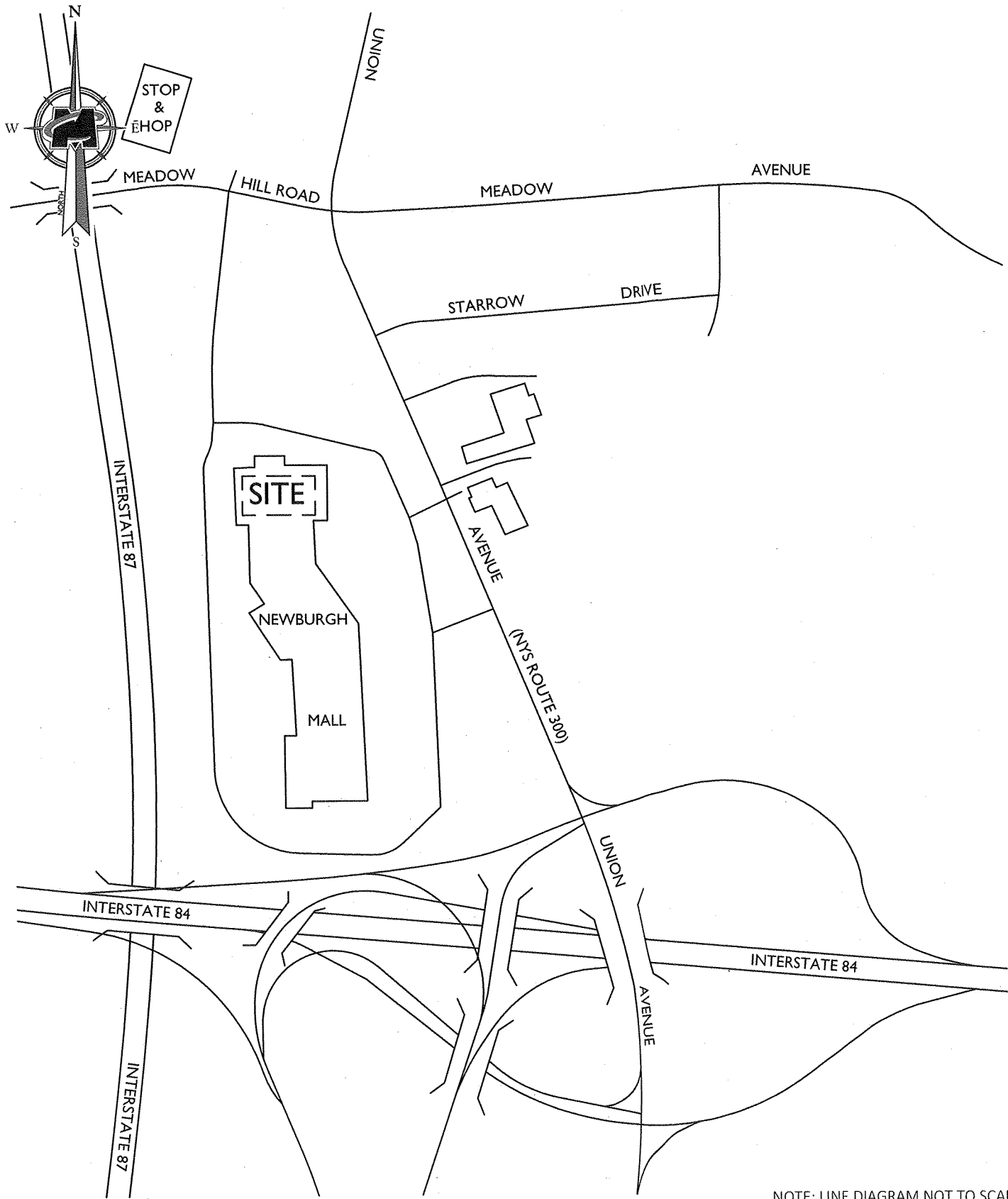
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RESORTS WORLD CASINO - NEWBURGH

APPENDIX A

FIGURES



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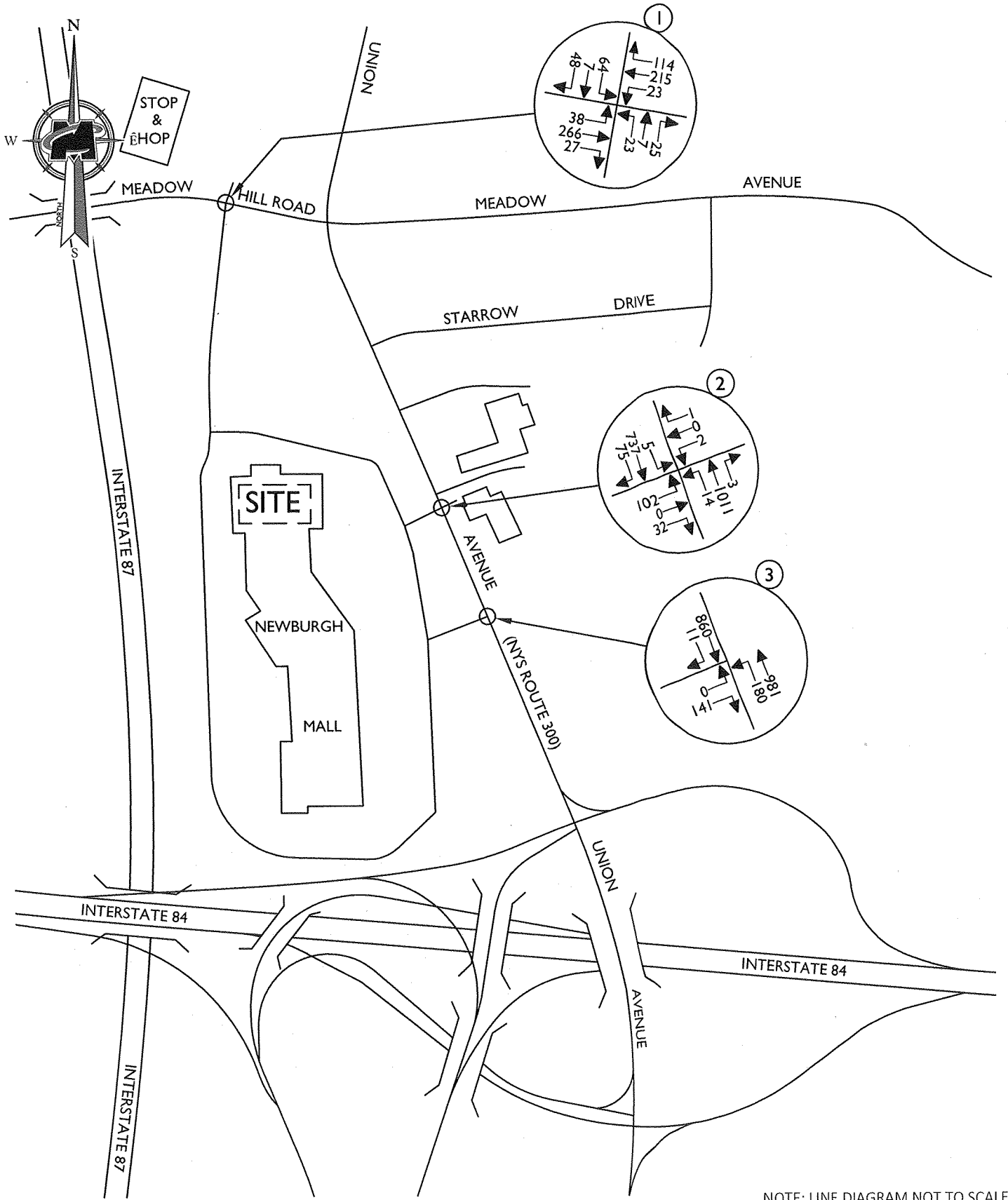
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SHEET TITLE:
SITE LOCATION MAP

SHEET NUMBER:
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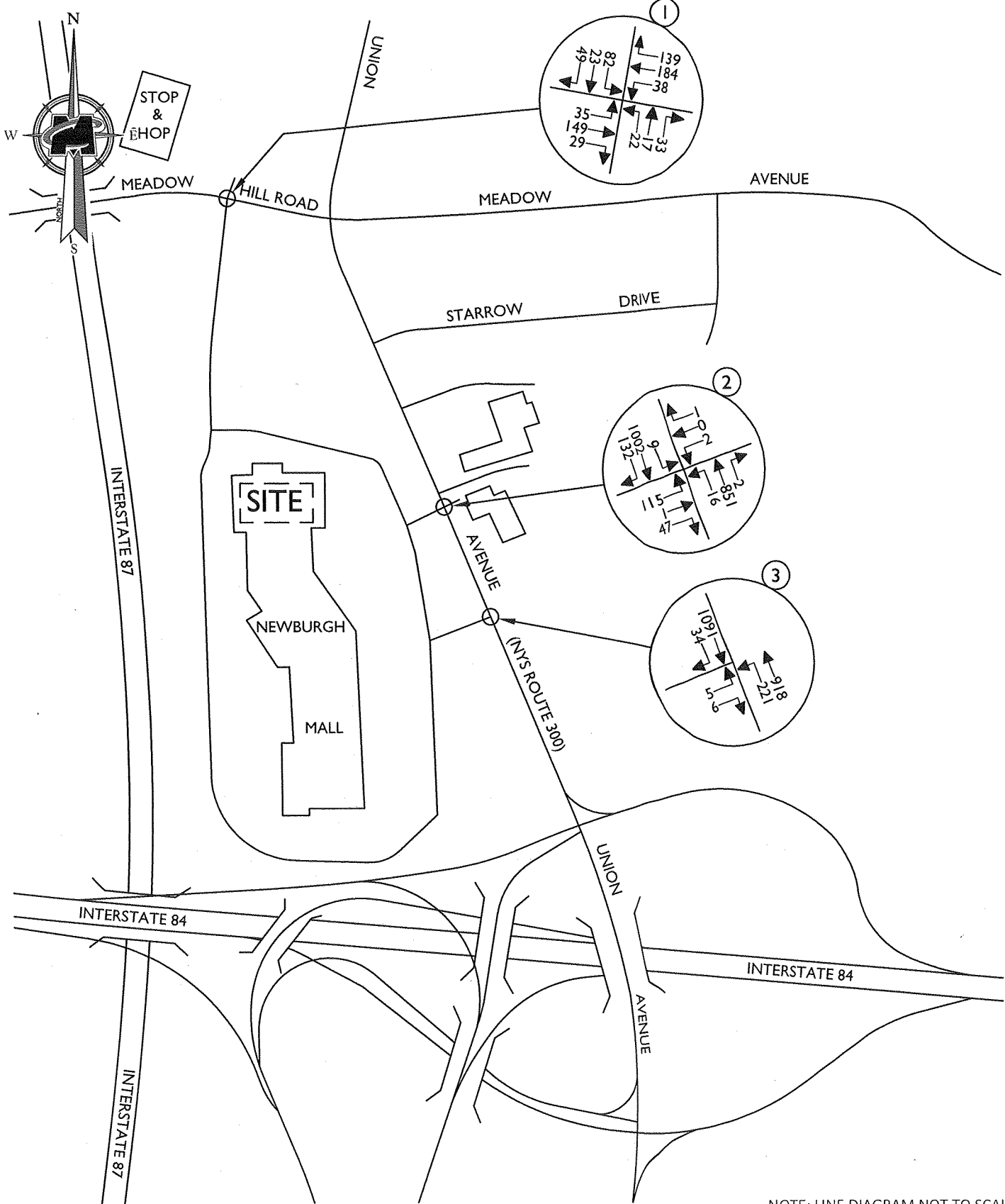
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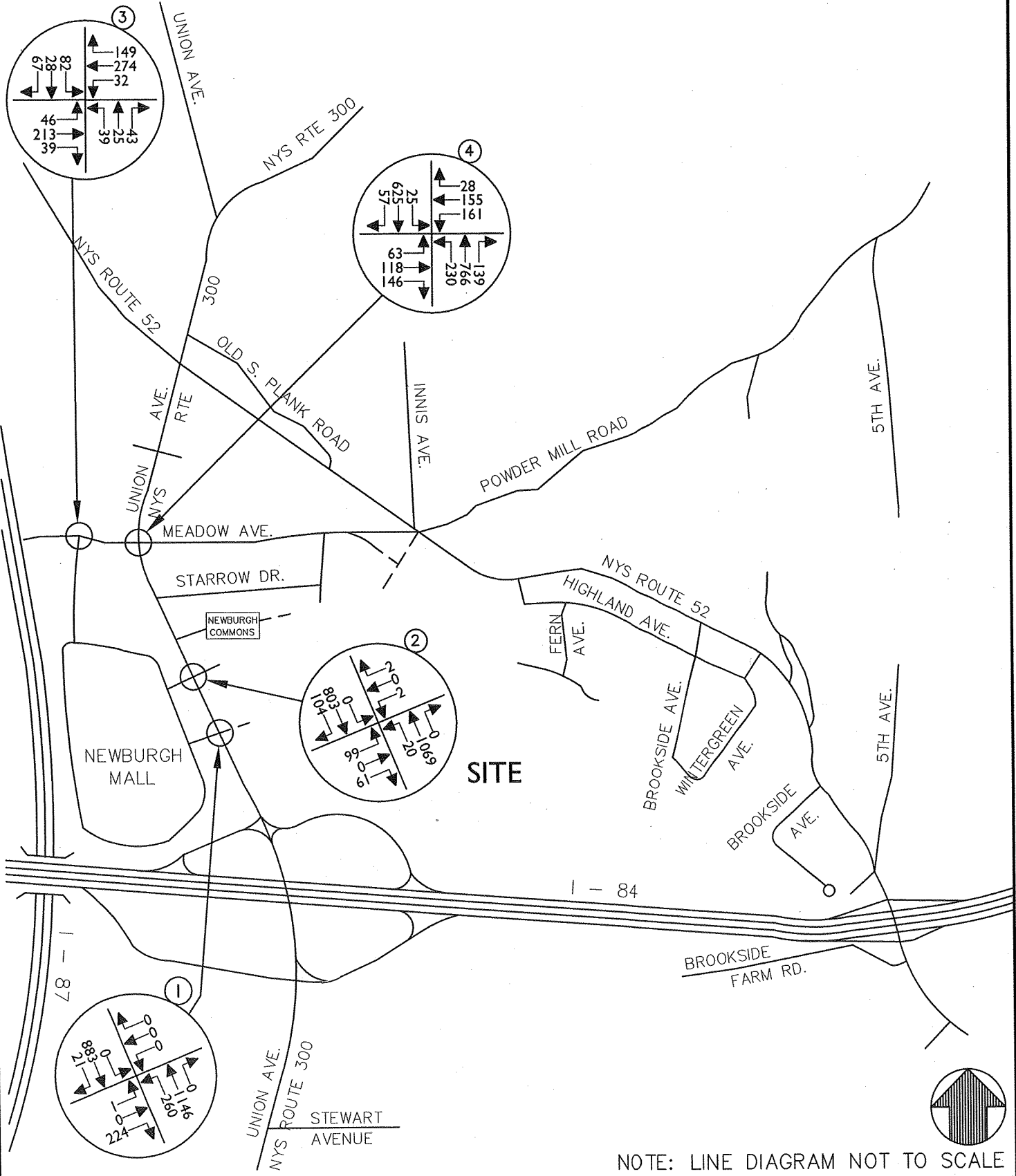
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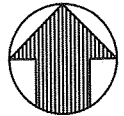
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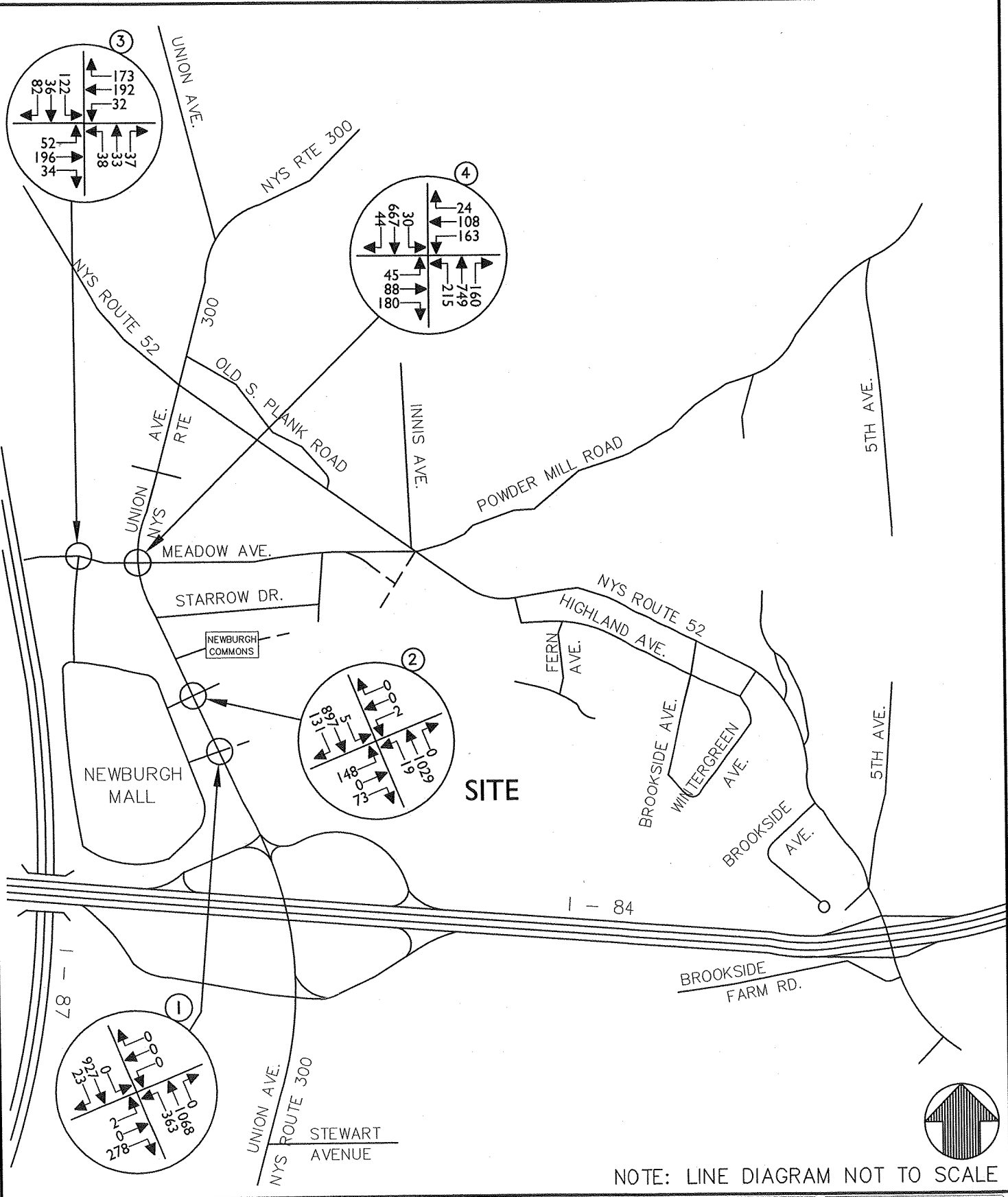
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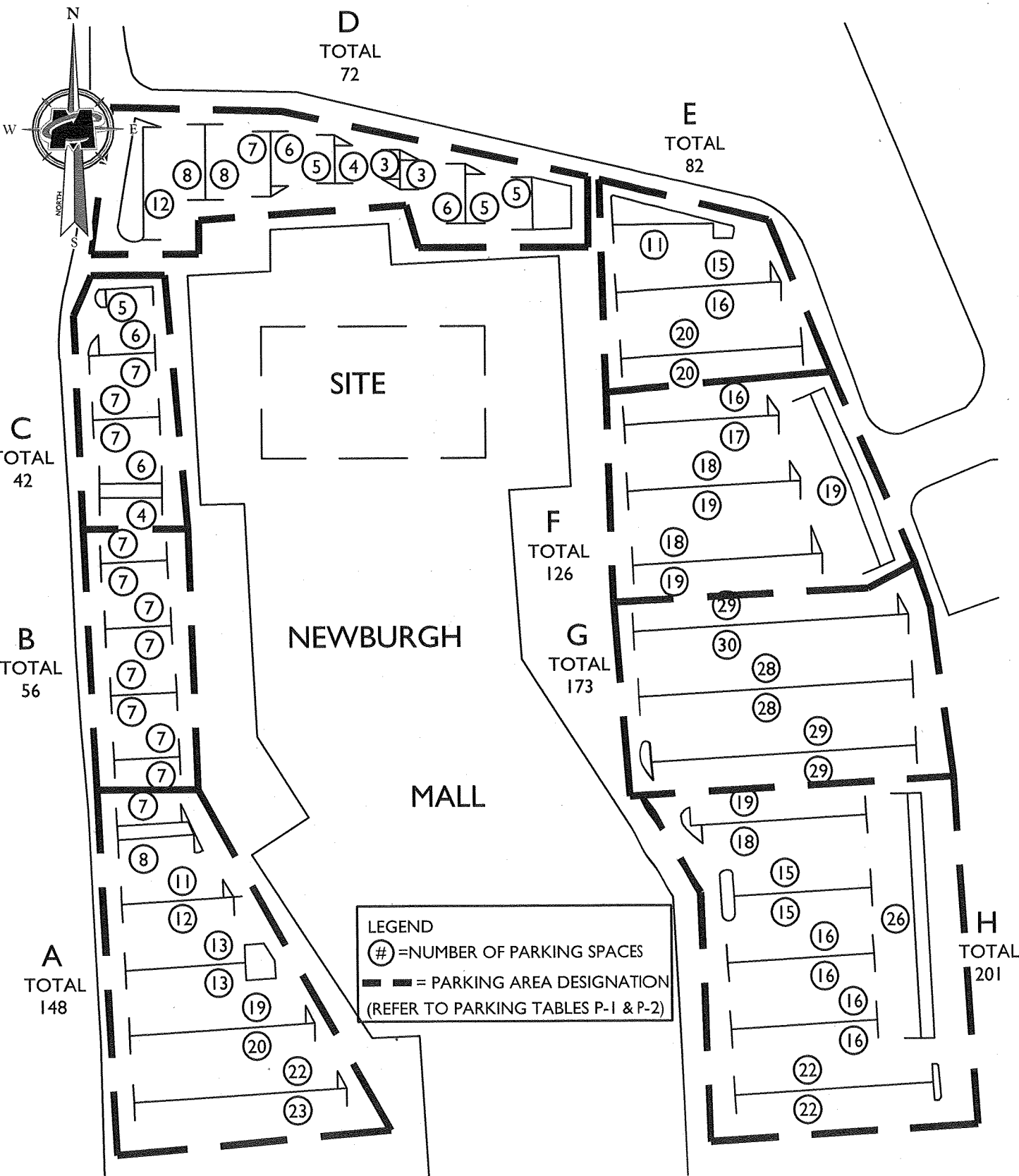
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SHEET NUMBER:
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RESORTS WORLD CASINO - NEWBURGH

APPENDIX B

TABLES

TABLE NO. 3A

PROPOSED TRAFFIC GENERATION CALCULATIONS
1,400 VIDEO LOTTERY TERMINAL ENTERTAINMENT FACILITY BASED

	WEEKDAY/FRIDAY		SATURDAY			
DAILY TRIP RATE (PERSONS PER VLT) ¹	8.12		10.58			
TOTA DAILY PERSON TRIPS (1400 VLT'S)	11368		14812			
	WEEKDAY/FRIDAY PM PEAK HOUR		SATURDAY MIDDAY PEAK HOUR		SATURDAY PM PEAK HOUR	
TEMPORAL DISTRIBUTION ¹	5.6%		4.5%		5.9%	
TOTAL PEAK HOUR PERSON TRIPS	637		667		874	
	WEEKDAY/FRIDAY PM PEAK HOUR		SATURDAY MIDDAY PEAK HOUR		SATURDAY PM PEAK HOUR	
	ENTER	EXIT	ENTER	EXIT	ENTER	EXIT
ENTRY/EXIT SPLITS ¹	61%	39%	48%	52%	57%	43%
ENTRY/EXIT PERSON TRIPS	389	248	320	347	498	376
	WEEKDAY/FRIDAY		SATURDAY			
VEHICLE OCCUPANCY (PERSONS PER VEHICLE) ¹	2.06		2.13			
	WEEKDAY/FRIDAY PM PEAK HOUR		SATURDAY MIDDAY PEAK HOUR		SATURDAY PM PEAK HOUR	
	ENTER	EXIT	ENTER	EXIT	ENTER	EXIT
PEAK HOUR VEHICLE TRIPS	189	121	151	163	234	177

NOTES:

- 1) BASED ON INFORMATION CONTAINED TABLE 8 - TRANSPORTATION PLANNING FACTORS AS CONTAINED IN THE FULL ENVIRONMENTAL ASSESSMENT FORM AND EXPANDED ENVIRONMENTAL ASSESSMENT FOR RESORTS WORLD CASINO - NEW YORK CITY EXPANSION DATED OCTOBER 2017.

TABLE P-1

SUMMARY OF EXISTING NEWBURGH MALL PARKING SPACE UTILIZATION - NORTH LOTS
WEEKDAY/FRIDAY PM CONDITIONS

JOB NO.: 21000177A
 LOCATION: NEWBURGH, NY
 DAY: FRIDAY
 DATE: 1/29/2021
 TIME: 12:00 PM - 7:30 PM

PARKING AREA CAPACITY ¹										
	A	B	C	D	E	F	G	H	TOTAL OCCUPIED SPACES	TOTAL UNOCCUPIED SPACES
TOTAL SPACES	148	56	42	72	82	126	173	201	900	
SPACES OCCUPIED										
TIME										
12:00 PM	10	18	0	1	4	23	44	32	132	768
12:30 PM	10	21	3	3	7	22	47	32	145	755
1:00 PM	11	20	3	1	8	18	52	37	150	750
1:30 PM	10	16	3	2	8	13	60	29	141	759
2:00 PM	11	16	1	1	7	11	56	35	138	762
2:30 PM	11	20	1	1	8	12	58	36	147	753
3:00 PM	11	19	1	2	4	11	68	31	147	753
3:30 PM	11	15	1	2	6	10	68	35	148	752
4:00 PM	13	13	1	2	6	14	61	33	143	757
4:30 PM	12	14	1	4	3	18	58	36	146	754
5:00 PM	10	16	1	3	3	16	64	33	146	754
5:30 PM	10	13	1	2	3	12	68	39	148	752
6:00 PM	9	12	0	3	2	4	66	39	135	765
6:30 PM	9	13	0	3	3	8	52	21	109	791
7:00 PM	8	10	0	3	2	5	56	25	109	791

NOTES:

- 1) PARKING AREAS SHOWING SPACES AVAILABLE DURING EACH TIME INTERVAL - SEE FIGURE NO. P-1 FOR IDENTIFICATION OF PARKING AREAS.
- 2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY

TABLE P-2

SUMMARY OF EXISTING NEWBURGH MALL PARKING SPACE UTILIZATION - NORTH LOTS
WEEKEND SATURDAY CONDITIONS

JOB NO.: 21000177A
 LOCATION: NEWBURGH, NY
 DAY: SATURDAY
 DATE: 1/30/2021
 TIME: 12:00 PM - 7:30 PM

PARKING AREA CAPACITY ¹										
	A	B	C	D	E	F	G	H	TOTAL OCCUPIED SPACES	TOTAL UNOCCUPIED SPACES
TOTAL SPACES	148	56	42	72	82	126	173	201	900	
SPACES OCCUPIED										
TIME										
12:00 PM	12	21	2	3	5	18	62	37	160	740
12:30 PM	13	19	3	4	4	23	68	38	172	728
1:00 PM	11	17	1	2	5	18	75	40	169	731
1:30 PM	13	22	2	3	7	13	56	36	152	748
2:00 PM	14	19	1	2	8	16	58	41	159	741
2:30 PM	10	22	1	2	11	21	73	44	184	716
3:00 PM	11	23	2	2	9	19	73	50	189	711
3:30 PM	11	20	2	4	9	21	71	37	175	725
4:00 PM	9	18	5	7	8	15	73	34	169	731
4:30 PM	9	19	1	6	7	14	49	42	147	753
5:00 PM	11	17	1	6	5	11	59	29	139	761
5:30 PM	10	15	1	6	7	13	68	30	150	750
6:00 PM	10	15	1	5	5	7	56	30	129	771
6:30 PM	10	12	1	6	4	9	60	31	133	767
7:00 PM	10	12	1	5	6	10	46	29	119	781

NOTES:

- 1) PARKING AREAS SHOWING SPACES AVAILABLE DURING EACH TIME INTERVAL. SEE FIGURE NO. P-1 FOR IDENTIFICATION OF PARKING AREAS.
- 2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY

TABLE P-3

SUMMARY OF EXISTING NEWBURGH MALL (NORTH LOTS) PARKING SPACE UTILIZATION

		FRIDAY			SATURDAY		
		TOTAL OCCUPIED SPACES	ADJUSTED TOTAL OCCUPIED SPACES ¹	ADJUSTED AVAILABLE SPACES	TOTAL OCCUPIED SPACES	ADJUSTED TOTAL OCCUPIED SPACES ¹	ADJUSTED AVAILABLE SPACES
TOTAL SPACES		900			900		
TIME		SPACES OCCUPIED					
12:00 PM	12:30 PM	132	169	731	160	200	700
12:30 PM	1:00 PM	145	186	714	172	215	685
1:00 PM	1:30 PM	150	192	708	169	212	688
1:30 PM	2:00 PM	141	181	719	152	190	710
2:00 PM	2:30 PM	138	177	723	159	199	701
2:30 PM	3:00 PM	147	189	711	184	230	670
3:00 PM	3:30 PM	147	189	711	189	237	663
3:30 PM	4:00 PM	148	190	710	175	219	681
4:00 PM	4:30 PM	143	184	716	169	212	688
4:30 PM	5:00 PM	146	187	713	147	184	716
5:00 PM	5:30 PM	146	187	713	139	174	726
5:30 PM	6:00 PM	148	190	710	150	188	712
6:00 PM	6:30 PM	135	173	727	129	162	738
6:30 PM	7:00 PM	109	140	760	133	167	733
7:00 PM	7:30 PM	109	140	760	119	149	751

NOTES:

1) ADJUSTED TOTAL OCCUPIED SPACES INCLUDES 28% INCREASE IN PARKING IN OBSERVED PARKING OCCUPANCY FOR FRIDAY CONDITIONS AND 25% INCREASE FOR SATURDAY CONDITIONS IN ORDER TO ACCOUNT FOR REDUCED PARKING OCCUPANCY DUE TO COVID-19 PANDEMIC CONDITIONS.

2) EXISTING NEWBURGH MALL HOURS ARE 11 AM - 8 PM MONDAY THROUGH SATURDAY AND 12 PM - 6 PM ON SUNDAY.

TABLE NO. P-4

PROPOSED PARKING DEMAND & COMPARISON TO EXISTING AVAILABLE PARKING

FRIDAY					
FROM	TO	PROPOSED PARKING DEMAND ¹	PROPOSED PARKING DEMAND INCLUDING EMPLOYEES ²	ADJUSTED AVAILABLE PARKING SPACES ³	REMAINING AVAILABLE SPACES
12:00 PM	1:00 PM	408	535	714	179
1:00 PM	2:00 PM	448	576	708	132
2:00 PM	3:00 PM	467	595	711	116
3:00 PM	4:00 PM	502	630	710	80
4:00 PM	5:00 PM	485	613	713	100
5:00 PM	6:00 PM	474	601	710	109
6:00 PM	7:00 PM	479	607	727	120
7:00 PM	8:00 PM	516	643	760	117
8:00 PM	9:00 PM	592	720	- ³	- ³
9:00 PM	10:00 PM	665	793	- ³	- ³
10:00 PM	11:00 PM	700	828	- ³	- ³
11:00 PM	12:00 AM	674	801	- ³	- ³

SATURDAY					
FROM	TO	PROPOSED PARKING DEMAND ¹	PROPOSED PARKING DEMAND INCLUDING EMPLOYEES ²	ADJUSTED AVAILABLE PARKING SPACES ³	REMAINING AVAILABLE SPACES
12:00 PM	1:00 PM	377	505	685	180
1:00 PM	2:00 PM	440	567	688	121
2:00 PM	3:00 PM	494	621	670	49
3:00 PM	4:00 PM	532	659	663	4
4:00 PM	5:00 PM	552	680	688	8
5:00 PM	6:00 PM	556	684	712	28
6:00 PM	7:00 PM	560	687	733	46
7:00 PM	8:00 PM	575	702	751	49
8:00 PM	9:00 PM	624	751	- ³	- ³
9:00 PM	10:00 PM	659	787	- ³	- ³
10:00 PM	11:00 PM	700	828	- ³	- ³
11:00 PM	12:00 AM	690	817	- ³	- ³

NOTES:

- 1) HOURLY VARIATIONS OF PROPOSED PARKING DEMAND BASED ON DATA COLLECTED AT RESORTS WORLD NEW YORK CITY AS CONTAINED IN THE FULL ENVIRONMENTAL ASSESSMENT FORM AND EXPANDED ENVIRONMENTAL ASSESSMENT FOR RESORTS WORK CASINO - NEW YORK CITY EXPANSION DATED OCTOBER 2017.
- 2) ASSUMES A MAXIMUM OF 150 EMPLOYEES ONSITE AT ANY ONE TIME WITH 15% OF EMPLOYEES UTILIZING CARPOOLING, PUBLIC TRANSPORTATION OR OTHER MEANS. ALL EMPLOYEE SPACES ASSUMED TO BE OCCUPIED AT ALL TIMES.
- 3) ADJUSTED AVAILABLE PARKING SPACES AS IDENTIFIED IN TABLE P-3. NOTE NEWBURGH MALL CLOSES AT 8PM. AFTER 8PM AVAILABLE PARKING SPACES IN NORTH PORTION OF THE MALL PARKING LOT WILL ACCOMMODATE PEAK PARKING DEMAND.