



**CONSULTING ENGINEERS, D.P.C.**

MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
LYLE R. SHUTE, P.E., LEED-AP (NY, NJ, PA)  
PATRICK J. HINES

Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: [mheny@mhepc.com](mailto:mheny@mhepc.com)

Principal Emeritus:  
RICHARD D. McGOEY, P.E. (NY & PA)

**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

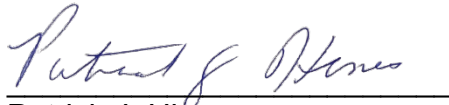
**PROJECT: RESORTS WORLD HUDSON VALLEY**  
**PROJECT NO.: 21-11**  
**PROJECT LOCATION: SECTION 60, BLOCK 3, LOT 41.21**  
**REVIEW DATE: 30 APRIL 2021**  
**MEETING DATE: 6 MAY 2021**  
**PROJECT REPRESENTATIVE: JCM ENGINEERING**

1. The project is before the Board for an Amended Site Plan/Change of Use from a retail facility to a video lottery gaming facility.
2. The Town Board has assumed Lead Agency status for the Zoning Amendments which includes the Planning Board review of the project. No approvals can be granted until the Town Board takes action under SEQRA and the Zoning Amendment request.
3. During the Town’s Public Hearing a comment was received regarding traffic at Meadow Hill Road and the northern access drive to the facility. Ken Wersted’s comments regarding traffic at this location should be received.
4. It is noted for the Planning Boards review that the Town of Newburgh has a sewer line project which will traverse the north end of the property from the NYS Thruway to NYS Route 300. This work is a Town sponsored sewer project not associated with the Newburgh Mall facility.
5. The Applicant should address the need for a sewer flow acceptance letter. Long Form EAF identifies a 6,000 gallon per day net increase in water use at the mall. Numerous vacancies exist within the mall which may significantly reduce water use from the facility.
6. The project is subject to architectural review by the Planning Board. It is noted that the architectural review form identifies “existing stone to be painted. Another option is to clad the exterior with material undecided yet”.
7. A Signage Chart should be provided identifying compliance with the entire mall parcel with the updated signage regulations.

8. The Applicant is requesting a waiver for topography on the site. Based on the minimal exterior changes to the site this office takes no exception to the Planning Board granting a waiver for topography.
9. The Planning Board should determine whether screening should be provided for the generator proposed between the site and the NYS Thruway.

Respectfully submitted,

**McGoey, Hauser and Edsall  
Consulting Engineers, D.P.C.**



---

Patrick J. Hines  
Principal

PJH/kbw

**ATTACHMENT A**  
**RESORTS WORLD HUDSON VALLEY – NARRATIVE FOR SITE PLAN AND ARB APPLICATION**

The Applicant, Resorts World Hudson Valley (“RWHV”), proposes to convert approximately 90,000 square feet within the existing Newburgh Mall to a NYS licensed video lottery gaming facility. The property involved is located at 1401 Route 300, and is within the IB zoning district. As the project proposes to utilize existing space that is primarily vacant within the mall, there are relatively few modifications being made to the exterior of the structure. Those changes include (i) the construction of an enclosed parking space for an armored car, (ii) updated electrical on the rooftop, (iii) the installation of a generator, and (iv) an updated facade and signage. A graphical depiction of the updated facade and signage, including colors, is included with the ARB application.

In order to proceed with the project described above, Monticello Raceway Management, Inc. d/b/a Resorts World Hudson Valley has petitioned the Town Board to amend Chapter 185 (“Zoning”) of the Town Code 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 within the “IB” Zoning District. The Town Board has introduced the local law which would accomplish this request, and has referred it to the Planning Board and Orange County Planning Department. The Planning Board issued its report concerning the proposed local law on April 7, 2021. In accordance with the State Environmental Quality Review Act (“SEQRA”), the Town Board is serving as the Lead Agency and has typed the action as a Type I action. A copy of the FEAF Part I being considered by the Town Board is attached to this application. A public hearing on the proposed local law was held and closed on April 12, 2021.

**TOWN OF NEWBURGH PLANNING BOARD**

**APPLICATION PACKAGE**

**for**

**SUBDIVISIONS,**

**SITE PLANS,**

**LOT LINE CHANGES**

**And**

**SPECIAL EXCEPTION USE PERMITS**

**Procedures and Requirements**

**July 2013**

**TOWN OF NEWBURGH PLANNING BOARD**

**308 GARDNERTOWN ROAD**

**NEWBURGH, NEW YORK 12550**

**(845) 564-7804**

**fax: (845) 564-7802**

**[planningboard@hvc.rr.com](mailto:planningboard@hvc.rr.com)**

JULY 2013

**TO WHOM IT MAY CONCERN:**

This package of information and forms is provided to assist the applicant in the preparation of a submission of a site plan, subdivision, lot line change or special exception use permit to the Town of Newburgh Planning Board. In most cases the application will be prepared initially by a licensed professional engineer, architect, surveyor or land planner. Since in almost every case such professional will be required for the process, they should be retained as early as possible.

Procedurally, the applicant should contact the Planning Board to discuss the potential project and obtain the necessary forms and regulations.

The Zoning and Subdivision Regulations of the Town of Newburgh require that the applicant must present plans to the Secretary of the Planning Board. When your application is complete, it will be placed on the next **AVAILABLE** agenda. Submittals must be handed in to the Planning Board Secretary at least 10 days prior to the next meeting, but the date of the appearance at a meeting will be determined by the next available time slot, not necessarily the next meeting. You will be notified of the date, time and place of your meeting.

A minimum of **FOURTEEN (14)** sets of **FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application, and **FIFTEEN (15)** sets of plans must be submitted if plans need to be submitted to the Town of Newburgh Traffic Consultant. This completed application must include a **LONG FORM OR FULL EAF** for every project except lot line changes, 2 lot subdivisions under 3 acres or site plans impacting less than one acre, along with a **NARRATIVE** of the proposed project. The narrative should include the action being taken, the size of the parcel, what zone the parcel is in, the water and sewer information, any Zoning Board of Appeals relief needed, and whether the parcel is on a private or town road. Complex or unusual projects should be discussed in greater detail.

Following the first meeting before the Planning Board the applicant is required to send an Adjoiner Notice to property owners within 500 feet of the parcels in question (please see final page of the package for full instructions).

Upon initial review of a Short Form, the Planning Board may require specific additional environmental information or the preparation of a Long Form. Long Form part 1 should be completed by the applicant. The Board will review and may modify Part 2 prior to making a decision on the SEQRA aspect of the project.

All fees for consulting and professional services that the Planning Board incurs during the review of the applications will be the responsibility of the applicant. An advance deposit for these fees will be required and will be placed in an escrow account with the Town. If the escrow account falls below the 40% of the initial deposit, the applicant will be required to immediately make an additional deposit to the escrow account prior to any further review of the project application by the Planning Board.

Very truly yours,

JOHN P. EWASUTYN, Chairman  
Town of Newburgh Planning Board

**TOWN OF NEWBURGH  
APPLICATION FOR  
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550**

**DATE RECEIVED:** April 26, 2021      **TOWN FILE NO:** 2021-11  
**(Application fee returnable with this application)**

**1. Title of Subdivision/Site Plan (Project name):**

Resorts World Hudson Valley

**2. Owner of Lands to be reviewed:**

**Name** Newburgh Mall Realty, LLC / Newburgh CH LLC / Newburgh Nassim LLC  
**Address** 150 Great Neck Rd., Suite 304  
Great Neck, New York 11021  
**Phone** \_\_\_\_\_

**3. Applicant Information (If different than owner):**

**Name** Monticello Raceway Management, Inc. d/b/a Resorts World Hudson Valley  
**Address** c/o Montreign Operating Company, LLC  
888 Resorts World Drive  
Monticello, New York  
**Representative** Burke, Miele, Golden & Naughton, LLP  
**Phone** 845-294-4080  
**Fax** 845-294-7673  
**Email** rgolden@bmglawyers.com OR knaughton@bmglawyers.com

**4. Subdivision/Site Plan prepared by:**

**Name** JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC  
**Address** 120 Bedford Road  
Armonk, New York 10504  
**Phone/Fax** 914-273-2102

**5. Location of lands to be reviewed:**

1401 Route 300, Newburgh, New York

**6. Zone** IB      **Fire District** Orange Lake  
**Acreage** 48.9      **School District** Newburgh Enlarged City School District

**7. Tax Map: Section** 60      **Block** 3      **Lot** 41.21

**8. Project Description and Purpose of Review:**


Number of existing lots 1 lot Number of proposed lots 0 - No new lots.  
Lot line change Not applicable.  
Site plan review Change of use within existing Newburgh Mall  
Clearing and grading Not applicable.  
Other: Architectural Review Board

**PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT**

**9. Easements or other restrictions on property:**

(Describe generally) None. Developed as a Shopping Center.

**10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:**

Signature  Title Attorney for the Applicant

Date: April 26, 2021

**NOTE:** If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.



**TOWN OF NEWBURGH PLANNING BOARD**

Resorts World Hudson Valley (Project No. 2021-11)

**PROJECT NAME**

**CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN**

**I. The following items shall be submitted with a COMPLETED Planning Board Application Form.**

1. N/A Environmental Assessment Form As Required Not applicable. Town Board handling SEQRA. The FEAF Part 1 that was submitted to the Town Board is attached hereto.
2. X Proxy Statement
3. X Application Fees
4. X Completed Checklist (Automatic rejection of application without checklist)

**II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.**

1. X Name and address of applicant
2. X Name and address of owner (if different from applicant)
3. X Subdivision or Site Plan and Location
4. X Tax Map Data (Section-Block-Lot)
5. X Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. X Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. N/A Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. X Date of plan preparation and/or plan revisions
9. X Scale the plan is drawn to (Max 1" = 100')
10. X North Arrow pointing generally up

- will  
11. update **Surveyor,s Certification**
- will  
12. update **Surveyor's seal and signature**
13. X **Name of adjoining owners**
14. X **Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements**
15. N/A **Flood plain boundaries**
16. N/A **Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989**
17. X **Metes and bounds of all lots**
18. N/A **Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street**
19. X **Show existing or proposed easements (note restrictions)**
20. X **Right-of-way width and Rights of Access and Utility Placement**
21. N/A **Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)**
22. X **Lot area (in sq. ft. for each lot less than 2 acres)**
23. X **Number of lots including residual lot**
24. N/A **Show any existing waterways**
25. N/A **A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable**
- See signed  
application  
26.        **Applicable note pertaining to owners review and concurrence with plat together with owner's signature**
27. N/A **Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.**
28. N/A **Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided**
29. N/A **Show topographical data with 2 or 5 ft. contours on initial submission**

30. N/A Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. N/A If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. N/A Number of acres to be cleared or timber harvested
33. N/A Estimated or known cubic yards of material to be excavated and removed from the site
34. N/A Estimated or known cubic yards of fill required
35. N/A The amount of grading expected or known to be required to bring the site to readiness
36. N/A Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
- 
37. N/A Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
- 
38. Will get from Town List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By: *Keely M. Naught*  
 Licensed Professional

Date: April 26, 2021

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date): April 26, 2021

## STATEMENT TO APPLICANTS

### RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW

The Town of Newburgh Clearing and Grading Control Law requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law. Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

**TOWN OF NEWBURGH**  
**APPLICATION FOR CLEARING AND GRADING**

**Name of applicant:** \_\_\_\_\_

**Name of owner on premises:** \_\_\_\_\_

**Address of owner:** \_\_\_\_\_

**Telephone number of owner:** \_\_\_\_\_

**Telephone number of applicant:** \_\_\_\_\_

**State whether applicant is owner, lessee, agent, architect, engineer or contractor:**  
\_\_\_\_\_

**Location of land on which proposed work will be done:** \_\_\_\_\_  
\_\_\_\_\_

**Section:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Sub. Div.:** \_\_\_\_\_

**Zoning District of Property:** \_\_\_\_\_ **Size of Lot:** \_\_\_\_\_

**Area of lot to be cleared or graded:** \_\_\_\_\_

**Proposed completion of date:** \_\_\_\_\_

**Name of contractor/agent, if different than owner:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Date of Planning Board Approval:** \_\_\_\_\_ (if required)

**I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.**

**Signature of owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of applicant (if different than owner):** \_\_\_\_\_

**TOWN ACTION:**

**Examined:** \_\_\_\_\_ **20** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **20** \_\_\_\_\_

**Disapproved:** \_\_\_\_\_ **20** \_\_\_\_\_

## **FEE LAW SUMMARY**

### **PENDING APPLICATIONS**

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

### **SEVERABILITY**

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

### **EFFECTIVE DATE:**

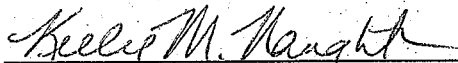
This local law shall take effect immediately upon filing in the Office of the Secretary of State.

**FEE ACKNOWLEDGEMENT**

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Resorts World Hudson Valley

\_\_\_\_\_  
**APPLICANT'S NAME (printed)**



\_\_\_\_\_  
**APPLICANTS SIGNATURE**

Kelly M. Naughton, Attorney for the Applicant

April 26, 2021

\_\_\_\_\_  
**DATE**

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

**PLANNING BOARD DISCLAIMER STATEMENT**  
**TO APPLICANTS**

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

April 26, 2021

**DATED**

Kelly M. Naughton (Attorney for Applicant)

**APPLICANT'S NAME (printed)**

  
**APPLICANT'S SIGNATURE**



**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,  
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

    X     **NONE**

           **NAME, ADDRESS, RELATIONSHIP OR INTEREST**  
(financial or otherwise)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

           **TOWN BOARD**  
    X     **PLANNING BOARD**  
           **ZONING BOARD OF APPEALS**  
           **ZONING ENFORCEMENT OFFICER**  
           **BUILDING INSPECTOR**  
           **OTHER**

April 26, 2021

            
**DATED**

            
**INDIVIDUAL APPLICANT**

*Kelley M. Naughton*  
            
**CORPORATE OR PARTNERSHIP APPLICANT**

**BY:**            Kelly M. Naughton, Attorney for Applicant  
(Pres.) (Partner) (Vice-Pres.)  
(Sec.) (Treas.)

### **AGRICULTURAL NOTE**

**(Required to be placed on all plans where property lies within 500 feet of land in active agricultural production or operation)**

Property adjacent to lots ( 1 ) is in active agricultural operation and production and residents must be aware that such property is protected by New York State "Right to Farm Laws" as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season land and crops may be sprayed from the ground or by air, manure may be applied, and periodic noise may occur from machinery operation at various times throughout the day. Residents should be aware of this action by the adjacent property owners.

( 1 ) Specific lots adjacent to the active farming area which are impacted shall be inserted in this space.

**AGRICULTURAL DATA STATEMENT**

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

**Name and address of the applicant:** \_\_\_\_\_

Monticello Raceway Management, Inc. d/b/a Resorts World Hudson Valley c/o Montreign Operating Company, LLC  
888 Resorts World Drive, Monticello, New York

**Description of the proposed project:** \_\_\_\_\_

Reuse of existing space in a Shopping Center as a Video Lottery Gaming Facility

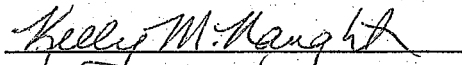
**Location of the proposed project:** \_\_\_\_\_

Newburgh Mall, 1401 Route 300, Newburgh, New York

**Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property:** \_\_\_\_\_

None.

**A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.**



**APPLICANT'S SIGNATURE**

Kelly M. Naughton, Attorney for the Applicant

April 26, 2021

**DATE**

## **ARCHITECTURAL REVIEW**

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

## LIST OF ADJACENT PROPERTY OWNERS

Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. **The list of property owners shall be provided to the applicant from the Planning Board, through the Town Assessor's office.** The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification.

**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**

<b>Name of Action or Project:</b> 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		
<b>Project Location (describe, and attach a general location map):</b> Interchange Business ("IB") Zoning District, Town of Newburgh, Orange County, New York		
<b>Brief Description of Proposed Action (include purpose or need):</b> 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).		
<b>Name of Applicant/Sponsor:</b> Monticello Raceway Management, Inc.	<b>Telephone:</b> c/o BMGN (845) 294-4080 <b>E-Mail:</b> c/o rgolden@bmgllawyers.com	
<b>Address:</b> c/o Montreign Operating Company, LLC, 888 Resorts World Drive		
<b>City/PO:</b> Monticello	<b>State:</b> NY	<b>Zip Code:</b> 12701
<b>Project Contact (if not same as sponsor; give name and title/role):</b> and additional Project Sponsor: Gil Piaquadio, Supervisor	<b>Telephone:</b> 845-564-4552 <b>E-Mail:</b> supervisor@townofnewburgh.org	
<b>Address:</b> 1496 Route 300		
<b>City/PO:</b> Newburgh	<b>State:</b> NY	<b>Zip Code:</b> 12550
<b>Property Owner (if not same as sponsor):</b> N/A	<b>Telephone:</b>  <b>E-Mail:</b>	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Zoning Text Amendment, HCBA approval	Petition filed February 2021
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board- Referral per Town Code; ARB approval; site plan/special permit approval	Anticipated March 2021
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input 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 type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input 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**

<b>C.1. Planning and zoning actions</b>	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans</b>	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?  
Goldenham, 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.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will a line extension within an existing district be necessary to serve the project?  
 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 (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ 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>i. During Construction:</i>		<i>ii. During Operations:</i>	
• Monday - Friday:	<u>As permitted by Town Code</u>	• Monday - Friday:	<u>8am - 4am</u>
• Saturday:	<u>As permitted by Town Code</u>	• Saturday:	<u>8am - 4am</u>
• Sunday:	<u>As permitted by Town Code</u>	• Sunday:	<u>8am - 4am</u>
• Holidays:	<u>As permitted by Town Code</u>	• Holidays:	<u>8am - 4am</u>

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  
 If yes: The existing lighting for the Newburgh Mall and associated parking lot will remain.  
 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 Covertypes	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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

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

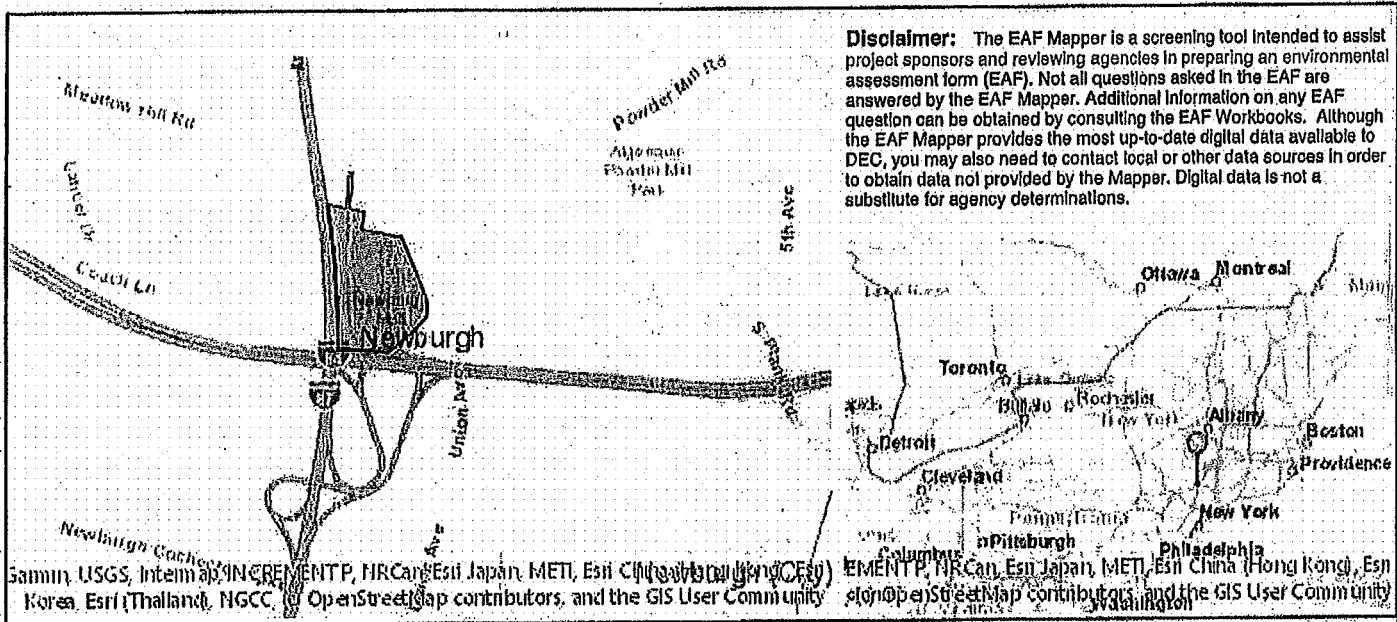
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name \_\_\_\_\_ Date 3/12/21

Signature Meghan Taylor *Meghan Taylor* Title VP, Government Affairs and Public Relations



B.1.i [Coastal or Waterfront Area]	No
B.1.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.ii [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 Bat 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

**ARCHITECTURAL REVIEW FORM**  
**TOWN OF NEWBURGH PLANNING BOARD**

**DATE:** April 26, 2021

**NAME OF PROJECT:** Resorts World Hudson Valley

**The applicant is to submit in writing the following items prior to signing of the site plans.**

**EXTERIOR FINISH (skin of the building):**

**Type (steel, wood, block, split block, etc.)**

Existing stone to be painted. Another option is to clad the exterior. Material undecided yet.

**COLOR OF THE EXTERIOR OF BUILDING:**

Varies. See attached colored elevations

**ACCENT TRIM:**

**Location:** Front entrance - See attached elevations

**Color:** Red

**Type (material):** \_\_\_\_\_

**PARAPET (all roof top mechanicals are to be screened on all four sides):**

Undecided yet. None of the equipment on the mall roof are screened

**ROOF:**

**Type (gabled, flat, etc.):** Existing roof is flat to remain

**Material (shingles, metal, tar & sand, etc.):** Metal deck with insulation and built-up tar

**Color:** Grey

**WINDOWS/SHUTTERS:**

**Color (also trim if different):** n/a

**Type:** n/a

**DOORS:**

**Color:** Beige

**Type (if different than standard door entrée):**

**SIGN:**

**Color:** Red

**Material:** Acrylic or Aluminum

**Square footage of signage of site:** East Elevation: 461 SQ FT  
West Elevation: 260 SQ FT

Kelly M. Naughton, Esq. (Burke, Miele, Golden & Naughton, LLP - Attorney for the Applicant)

**Please print name and title (owner, agent, builder, superintendent of job, etc.)**

*Kelly M. Naughton*  
**Signature**

6A

**INTRODUCTORY LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2021  
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**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

**SECTION 1 – TITLE**

This Local Law shall be referred to as "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."

**SECTION 2 – INTENT**

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code by amending Definitions to add the use of "New York State Licensed Video Lottery Gaming Facility" as a permitted use in the "IB" - Interchange Business Zoning District in Shopping Centers having in excess of 500 parking spaces.

**SECTION 3 – AMENDMENT TO CHAPTER 185**

Subsection B of Section 185-3 ("Definitions; word usage") is hereby modified to include the following underlined language:

**SHOPPING CENTER**

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 Gaming Commission and New York State Lottery licensed 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.

## **VIDEO LOTTERY GAMING FACILITY**

The physical area and amenities where licensed video lottery gaming and related activities are conducted. Related activities shall include drink service for on-premises consumption, food service, wait staff service, live entertainment and similar activities.

## **VIDEO LOTTERY GAMING**

Any lottery game played on a video lottery terminal that consists of multiple players competing for a chance to win a randomly drawn prize. A video lottery terminal (may be referred to as VLT) means a video display terminal in which currency or credits are deposited and a selection is made by the player in order to purchase video lottery gaming tickets.

## **SECTION 4 – VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by a court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## **SECTION 5 – EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



See attached Petition for Owner's  
Authorization.

PROXY

(OWNER) \_\_\_\_\_, DEPOSES AND SAYS THAT HE/SHE

RESIDES AT \_\_\_\_\_

IN THE COUNTY OF \_\_\_\_\_

AND STATE OF \_\_\_\_\_

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

\_\_\_\_\_

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING

APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH

PLANNING BOARD AND \_\_\_\_\_ IS AUTHORIZED

TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: \_\_\_\_\_

\_\_\_\_\_  
OWNERS SIGNATURE

\_\_\_\_\_  
OWNERS NAME (printed)

\_\_\_\_\_  
WITNESS' SIGNATURE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
NAMES OF ADDITIONAL  
REPRESENTATIVES

\_\_\_\_\_  
WITNESS' NAME (printed)

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:

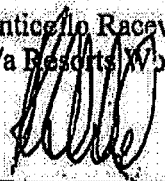
A group of stores, shops or similar commercial establishments otherwise permitted within the zoning district, including eating and drinking places, developed or intended to be developed as a unit on one lot, which may be constructed as a single structure or adjoining structures or neighboring structures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

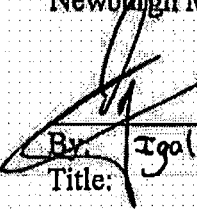
  
KELLY M. NAUGHTON, Esq.  
Burke, Miele, Golden & Naughton, LLP  
*Attorneys for Petitioner*  
40 Matthews Street, Suite 209  
Post Office Box 216  
Goshen, New York 10924  
(845) 294-4080

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



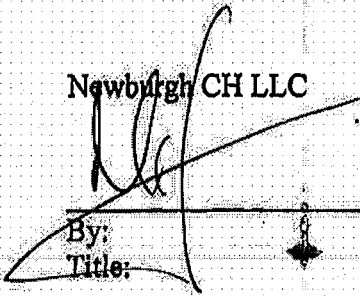
By: Robert DeSalvio  
Title: President

Newburgh Mall Realty LLC



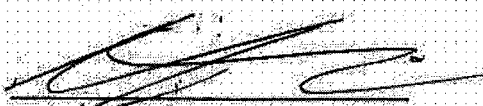
By: Igal Namdar  
Title:

Newburgh CH LLC



By:  
Title:

Newburgh Nassim LLC



By:  
Title:

**MONTICELLO RACEWAY MANAGEMENT, INC.**

STATE OF NEW YORK )

)ss:

COUNTY OF SULLIVAN )

On the 12<sup>th</sup> 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. 01BA8369197  
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 <sup>14</sup>19 day of FEBRUARY in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared HATIN HAKIMI 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

ALLEN DILMANI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DI6316331  
Qualified in Nassau County  
My Commission Expires 12-08-2022

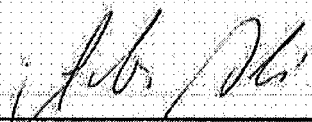
NEWBURGH NASSIM LLC

STATE OF NEW YORK )

)ss:

COUNTY OF ORANGE )

On the <sup>7<sup>th</sup></sup> 19 day of FEBRUARY in the year 2021, before me, the undersigned, a Notary Public in and for said State personally appeared ELLIOT NASSIM 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

ALEN DILMANI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01D16316331  
Qualified in Nassau County  
My Commission Expires 12-08-2022



① EXISTING PUMP STATION



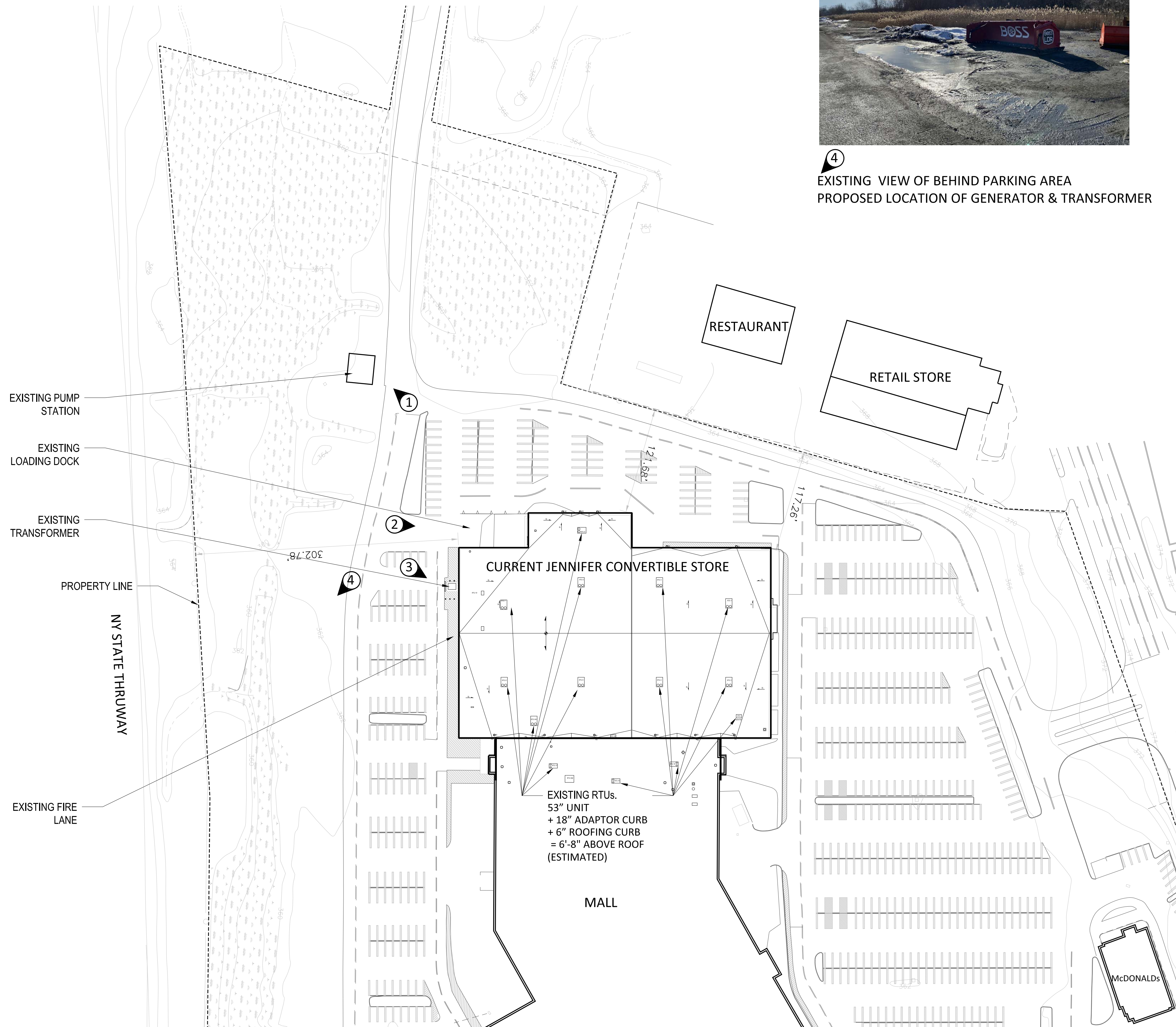
② EXISTING LOADING DOCK



③ EXISTING TRANSFORMER



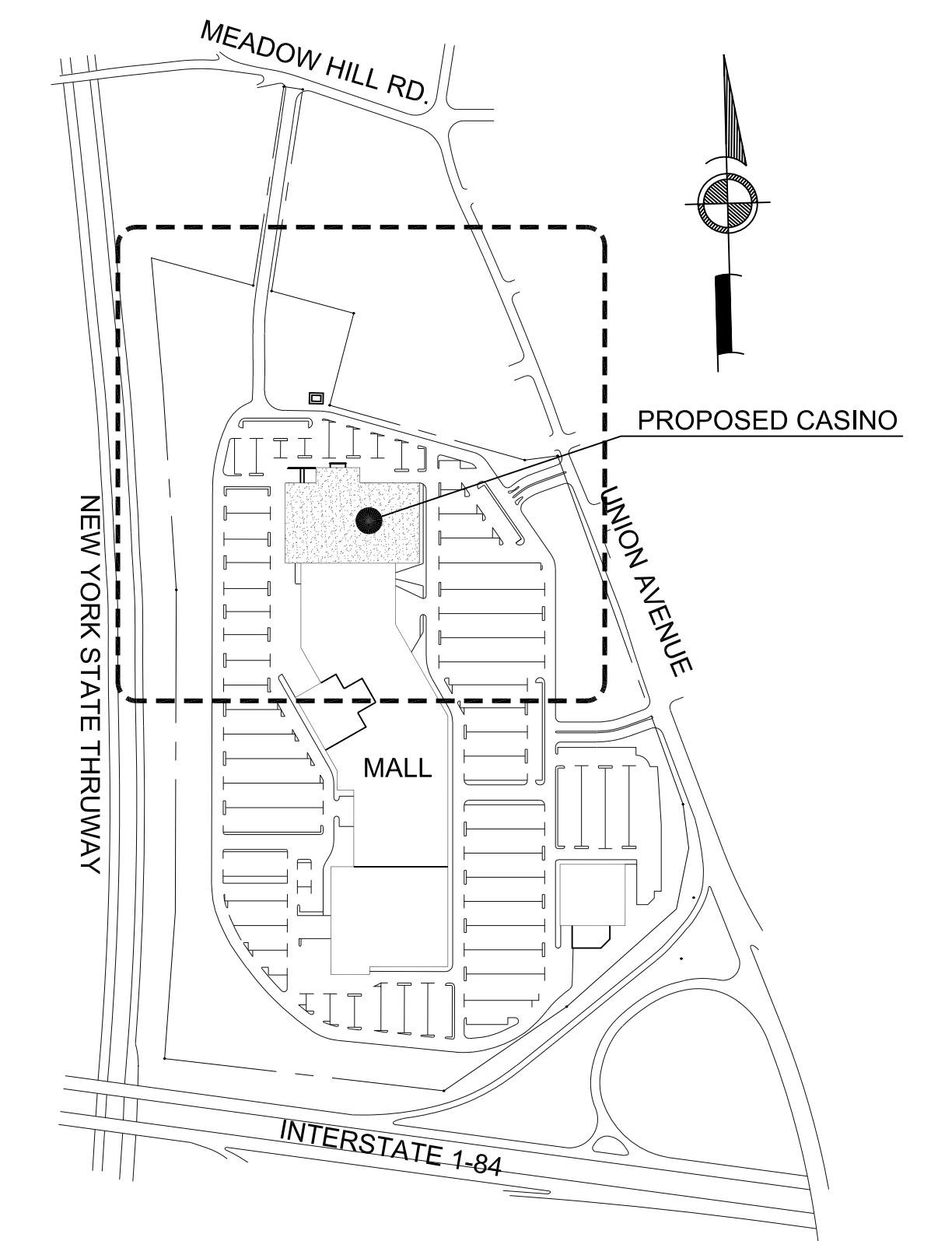
④ EXISTING VIEW OF BEHIND PARKING AREA  
PROPOSED LOCATION OF GENERATOR & TRANSFORMER



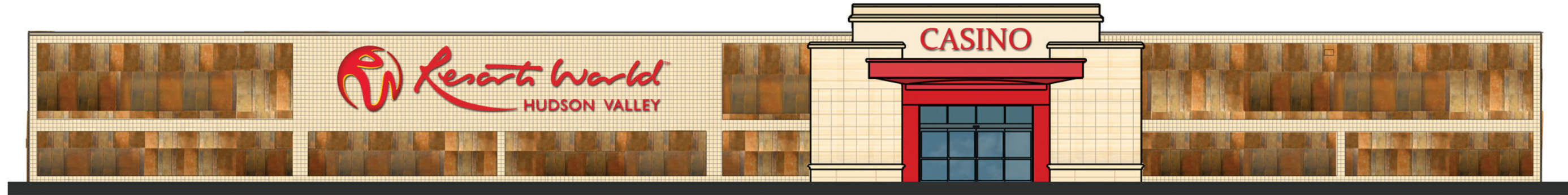
SCHMATIC SITE PLAN - EXISTING  
1/64"=1'-0"



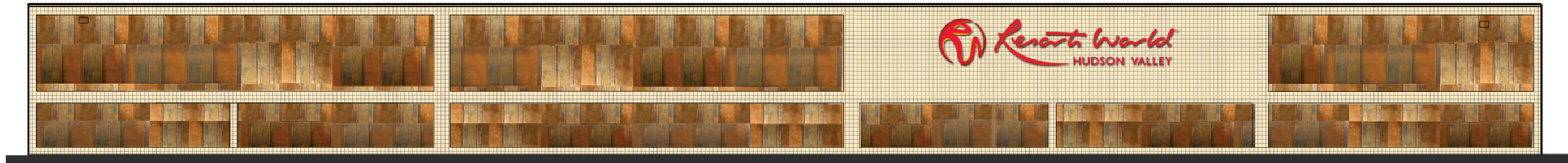
AERIAL VIEW OF THE MALL



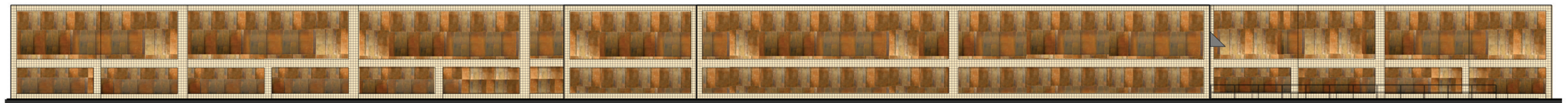
KEY PLAN - N.T.S.



*EAST ELEVATION*



*WEST ELEVATION*



*NORTH ELEVATION*

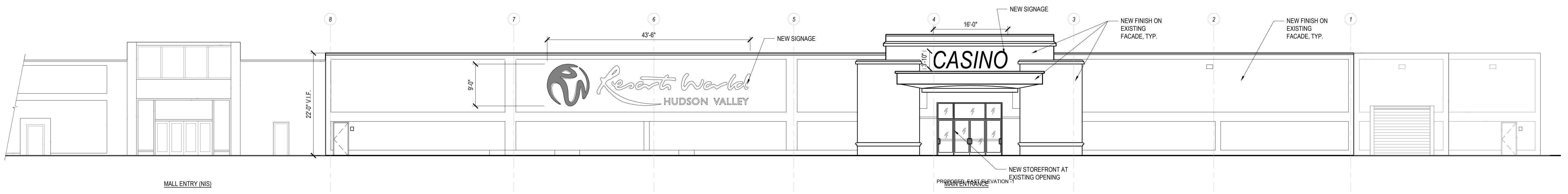
NOTE:  
ALL PROPOSED SIGNS ARE INTERNALLY LIT USING LED

*RESORTS WORLD CASINO - HUDSON VALLEY*  
*EXTERIOR ELEVATIONS*

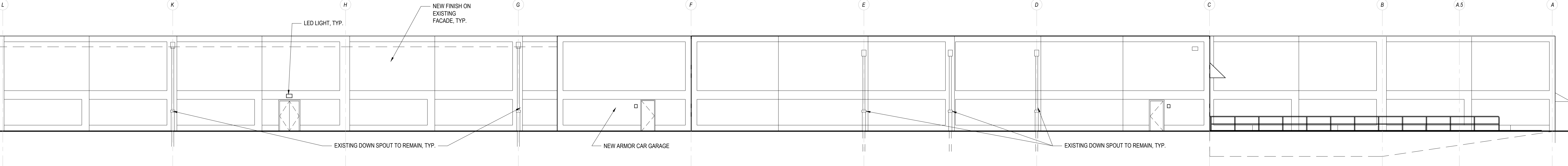
04.20.2021



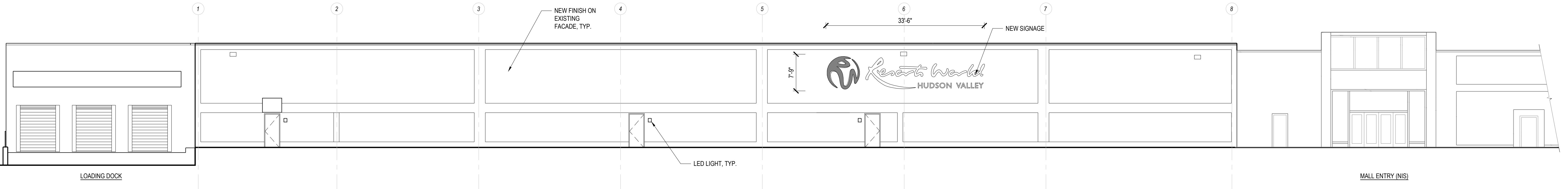




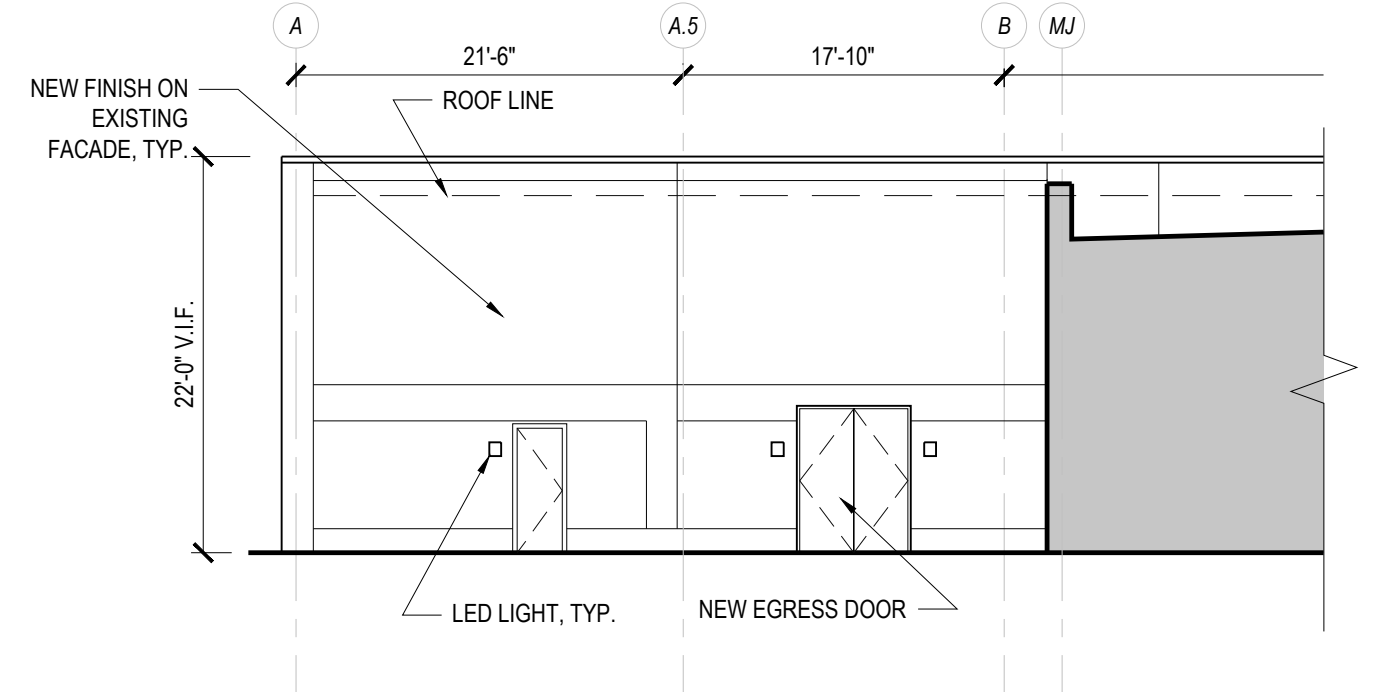
1 FRONT ELEVATION (EAST)  
SCALE: 3/32"=1'-0"



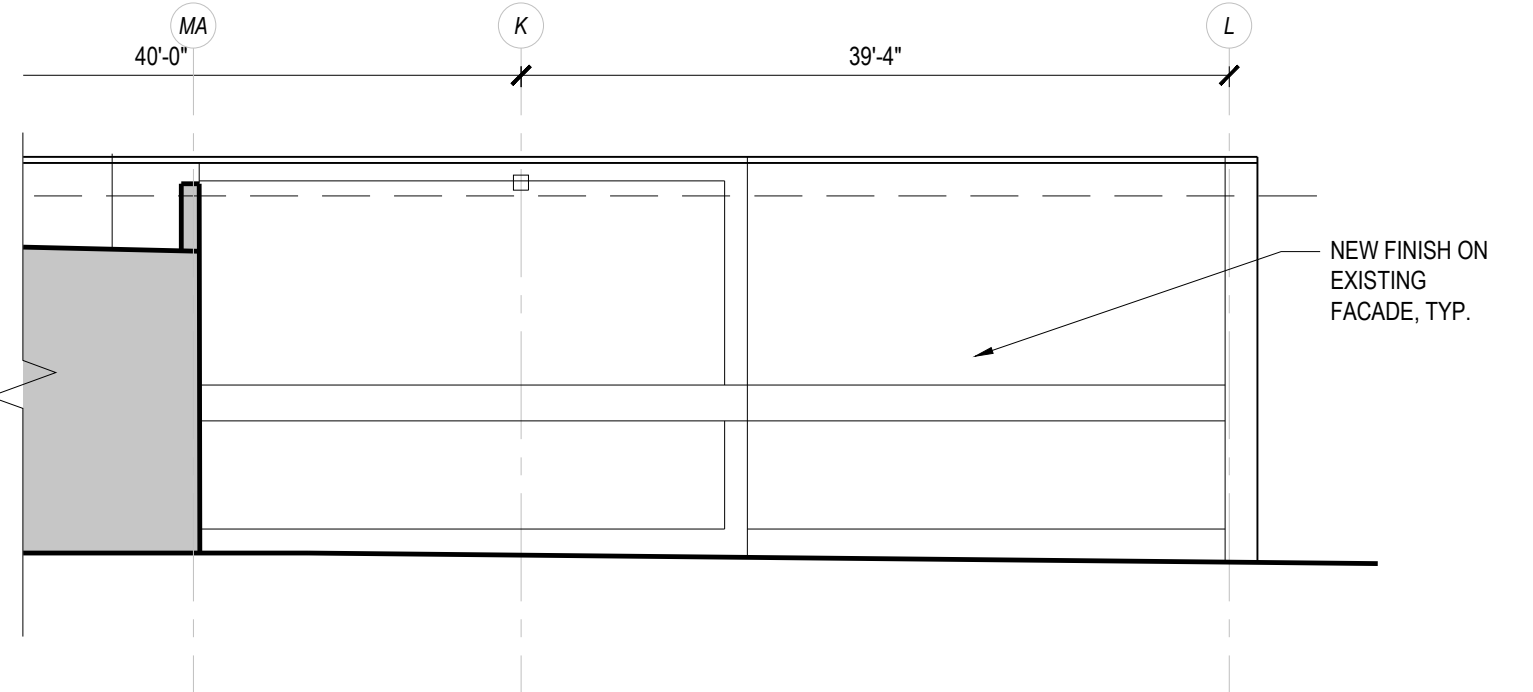
2 SIDE ELEVATION (NORTH)  
SCALE: 3/32"=1'-0"



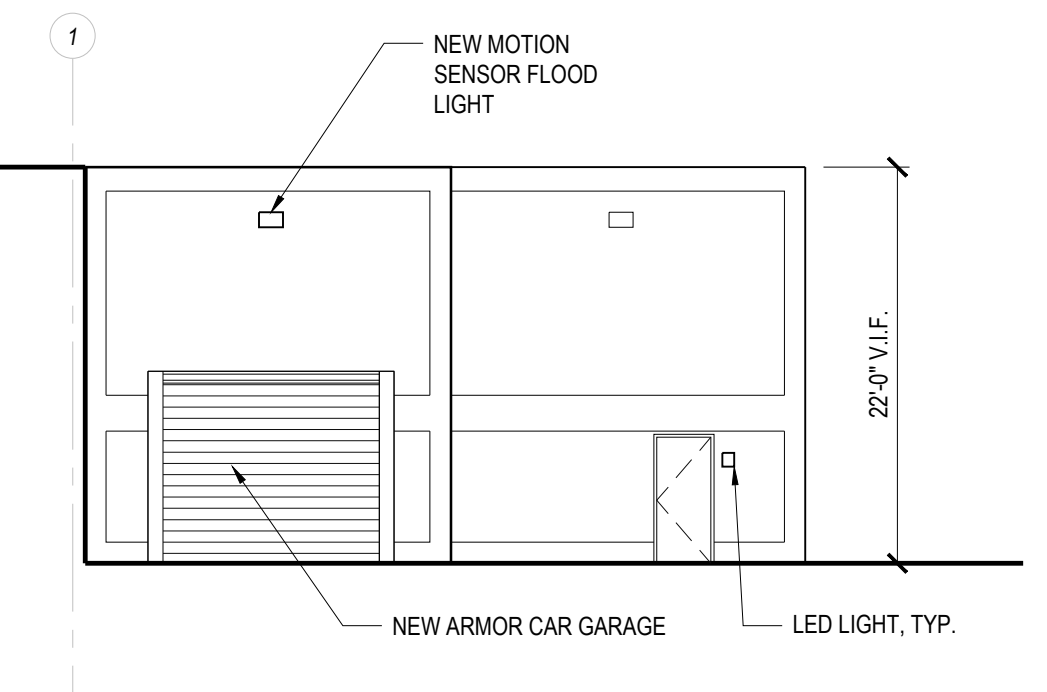
3 BACK ELEVATION (WEST)  
SCALE: 3/32"=1'-0"



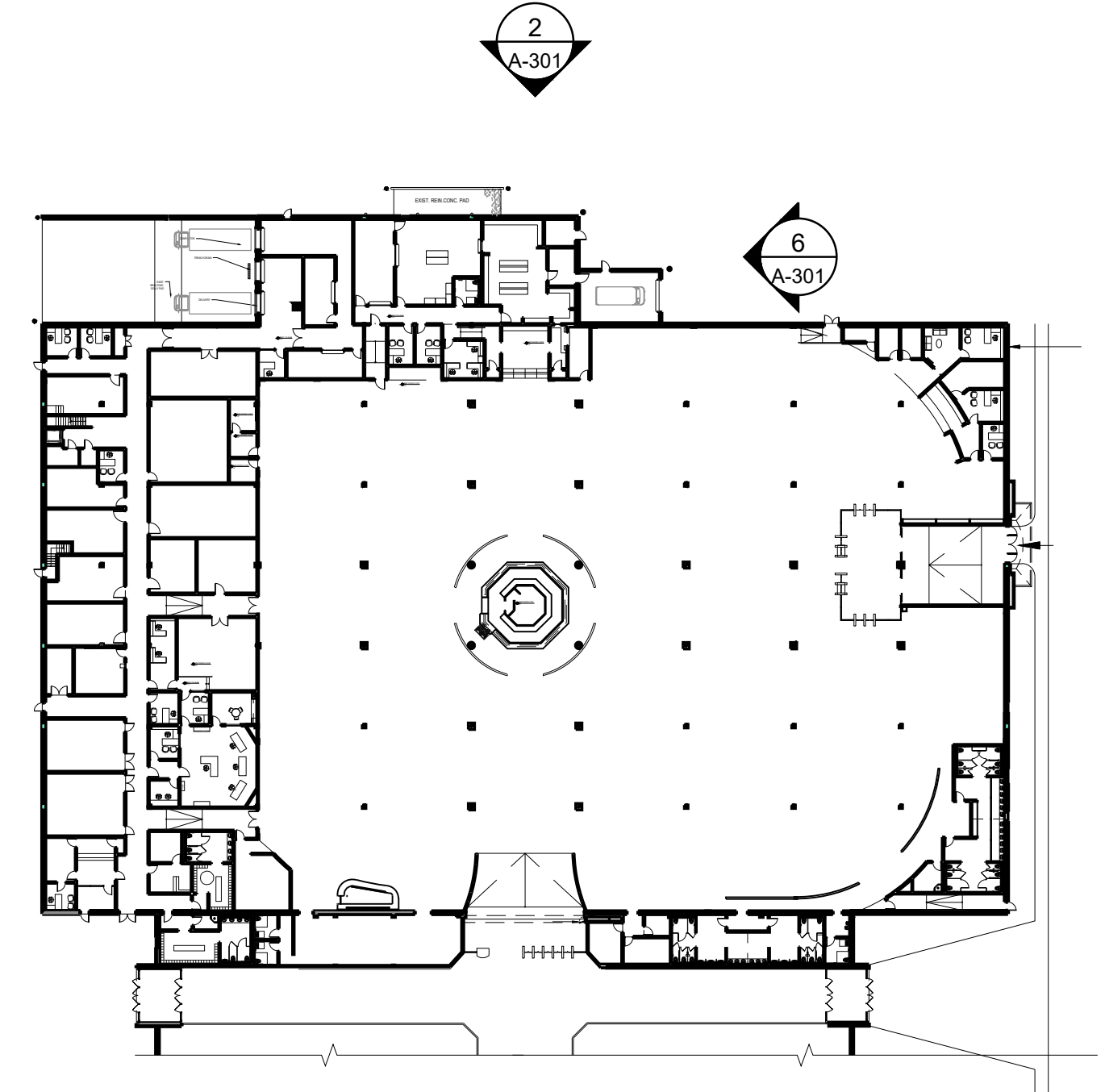
4 SIDE ELEVATION (SOUTH)  
SCALE: 3/32"=1'-0"



5 SIDE ELEVATION (SOUTH)  
SCALE: 3/32"=1'-0"



6 ARMOR GARAGE ELEVATION (EAST)  
SCALE: 3/32"=1'-0"



KEY PLAN  
SCALE: NONE

**SIGNAGE NOTES:**  
AS PER TOWN OF NEWBURGH CODES §185-14.1, SIGN REGULATIONS FOR SHOPPING CENTERS.  
EAST ELEVATION:  
2 SF x (220+40) LF = 2 x 260 = 520 SF > (Resorts World Casino Logo) 391 + ("CASINO") 60 = 451 SF (Comply)  
WEST ELEVATION:  
1 SF x (220+40) LF = 2 x 260 = 520 SF (Comply)

**EXTERIOR NOTES:**  
1. ALL PROPOSED SIGNS ARE INTERNALLY LIT USING LED

WARNING:  
IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT, TO ALTER ANY ITEM ON THE PLANS IN ANY WAY. IF ALTERATIONS TO THESE PLANS ARE MADE, THE ALTERATION SHALL BE MADE IN ACCORDANCE WITH ARTICLE 145 SUBSECTION 7.2 OF THE NEW YORK STATE EDUCATION LAW.  
© WILLIAM B. TABLER ARCHITECTS-2021

NO.	DATE

OWNER  
**Resorts World Casino**  
New York City  
110-00 ROCKAWAY BOULEVARD, JAMAICA, NY 11420  
TEL: (888) 888-8881 WWW.RVNEWYORK.COM/NEW-YORK-CASINO

ARCHITECT OF RECORD  
**William B. Tabler Architects**  
188 W. 29TH STREET NEW YORK, NY 10001  
TEL: 212 369 6969 WWW.WILLIAMBTABLER.COM

CONSULTING ARCHITECT  
**LUCAS**  
architecture & planning  
25 LAFAYETTE AVENUE KINGSTON, NY 12401  
TEL: 845-338-4009

INTERIOR DESIGN  
**dash:design**  
43-40 34TH STREET LONG ISLAND CITY, NY 11105  
TEL: 718-383-2225 WWW.DASHDESIGN.NET

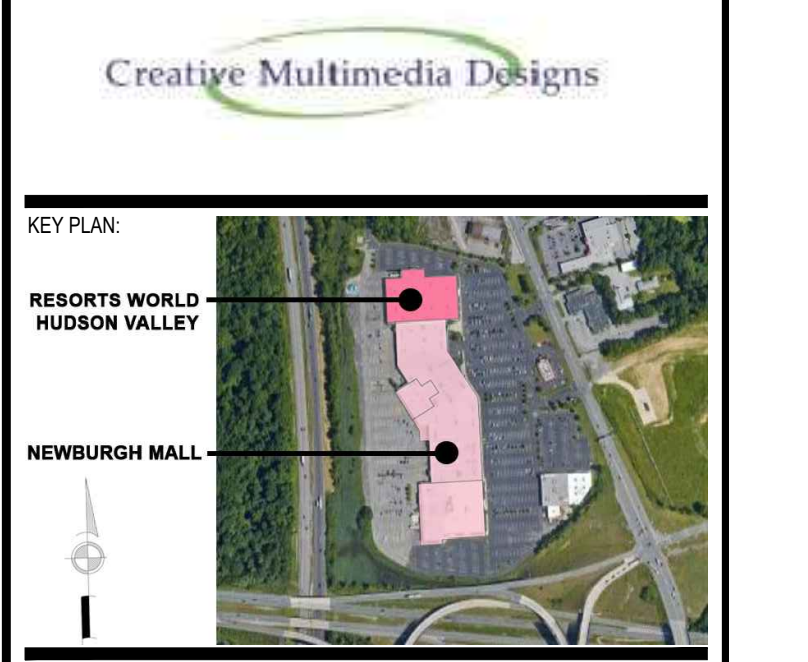
MECHANICAL/ELECTRICAL/PLUMBING ENGINEER  
**Southport**  
Engineering Associates, PC  
11 BAILEY AVENUE RIDGEFIELD, CT 06877  
TEL: 203-431-6844 FAX: 203-431-6877

STRUCTURAL ENGINEER  
**DESIMONE CONSULTING ENGINEERS**  
29 856 CHURCH STREET, 4TH FLOOR NEW HAVEN, CT 06510  
TEL: 203-498-8270 X1514 WWW.DE-SIMONE.COM

LIGHTING DESIGNER  
**reveal design group**

KITCHEN CONSULTANT  
**KITCHEN CONCEPTS**  
888 Copper Lane, North Ridgefield, CT, 06878  
TEL: 917-814-4712

AV CONSULTANT  
**Creative Multimedia Designs**



RECORD SET:  
OGS PROJECT # SDXXX

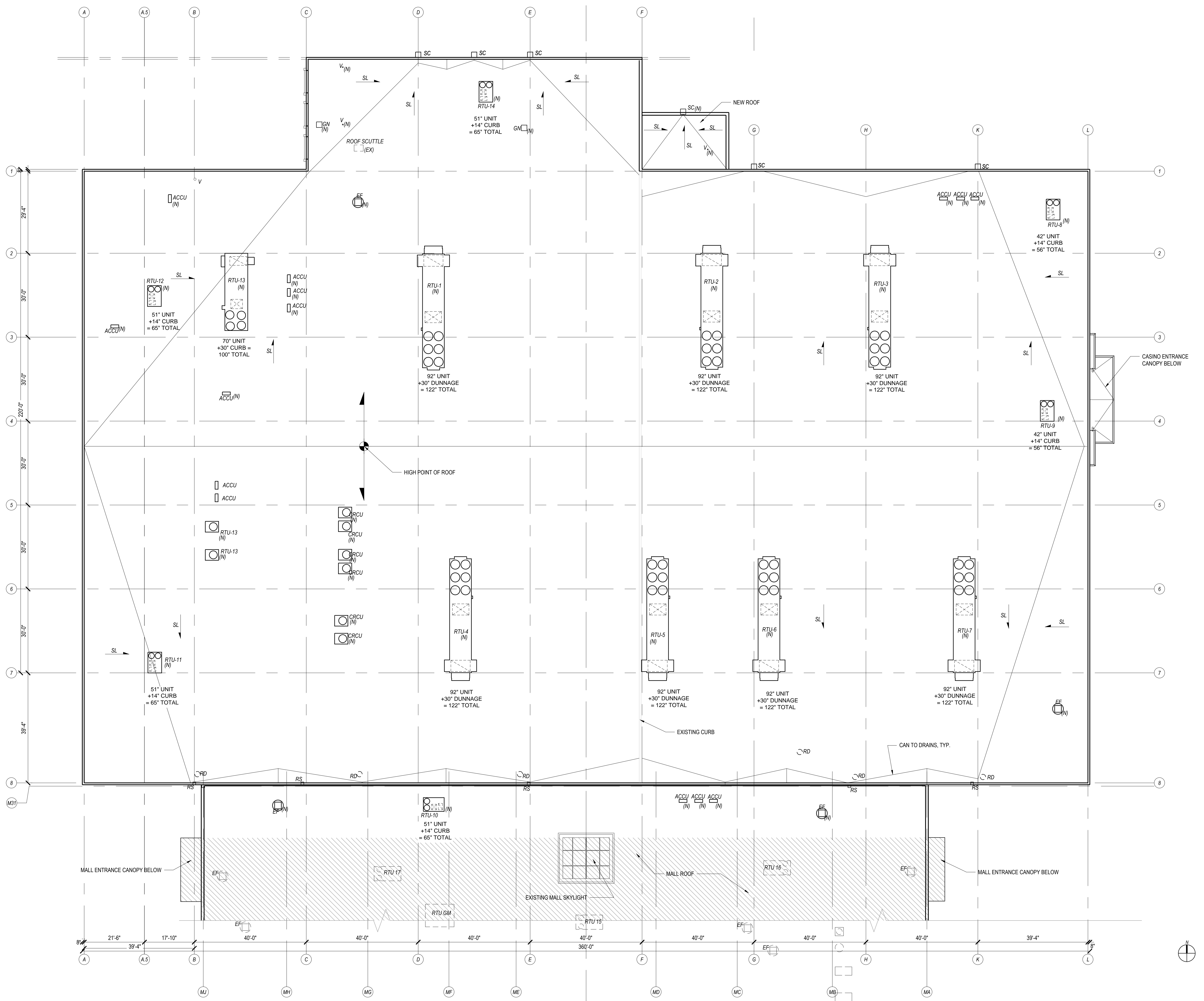
PROJECT  
**RESORTS WORLD HUDSON VALLEY**  
1401 NY-300 Newburgh, NY 12550

DRAWING TITLE:  
**OVERALL BUILDING ELEVATIONS**

SEAL & SIGNATURE  
REGISTERED ARCHITECT  
**WILLIAM B. TABLER**  
ARCHITECT  
UNIVERSITY OF THE STATE OF NEW YORK

DATE: XXXXX  
SCALE: AS NOTED  
PROJECT No:  
DESIGN BY:  
DWG No:  
TBC No:  
**A-301.00**  
SHEET No: X OF XX

PROGRESS PRINT  
04.20.2021



**ROOF LEGEND:**

- EF EXHAUST FAN
- SC SCUPPER
- RS RELIEF SCUPPER
- V VENT
- SL SLOPE TO DRAIN
- RTU ROOF TOP UNIT - SEE MECHANICAL DWG'S
- ACCU HVAC UNIT - SEE MECHANICAL DWG'S
- CRAU
- (N) NEW
- (EX) EXISTING

AREA NOT IN CONTRACT

1 ROOF PLAN  
SCALE: 1/16"=1'-0"

OWNER  
**Resorts World Casino**  
New York City  
110-00 ROCKAWAY BOULEVARD, JAMAICA, NY 11420  
TEL: (888) 888-8881 WWW.KINNEYORK.COM/NEW-YORK-CASINO

ARCHITECT OF RECORD  
**WILLIAM B. TABLER ARCHITECTS**  
158 W 20TH STREET NEW YORK, NY 10011  
TEL: 212 563 6960 WWW.WILLIAMTABLER.COM

CONSULTING ARCHITECT  
**LUCAS**  
architecture & planning  
25 ILAFAVETTE AVENUE KINGSTON, NY 12401  
TEL: 845-339-4669

INTERIOR DESIGN  
**dashdesign**  
43-40 34TH STREET LONG ISLAND CITY, NY 11101  
TEL: 718 383 2225 WWW.DASHDESIGN.NET

MECHANICAL/ELECTRICAL/PLUMBING ENGINEER  
**Southport**  
Engineering Associates, PC  
41 BAILEY AVENUE RIDGEFIELD, CT 06877  
TEL: 203 431 6844 FAX: 203 431 6877

STRUCTURAL ENGINEER  
**DESIMONE CONSULTING ENGINEERS**  
29 B65 CHURCH STREET, 4TH FLOOR NEW HAVEN, CT 06510  
TEL: 203 468 4210 41514 WWW.DESIMONE.COM

LIGHTING DESIGNER  
**revel design group**

KITCHEN CONSULTANT  
**KITCHENCONCEPTS**  
TEL: 871 814 4712

AV CONSULTANT  
**Creative Multimedia Designs**

KEY PLAN  
**RESORTS WORLD HUDSON VALLEY**  
NEWBURGH MALL

RECORD SET:  
**OGS PROJECT # SDXXX**

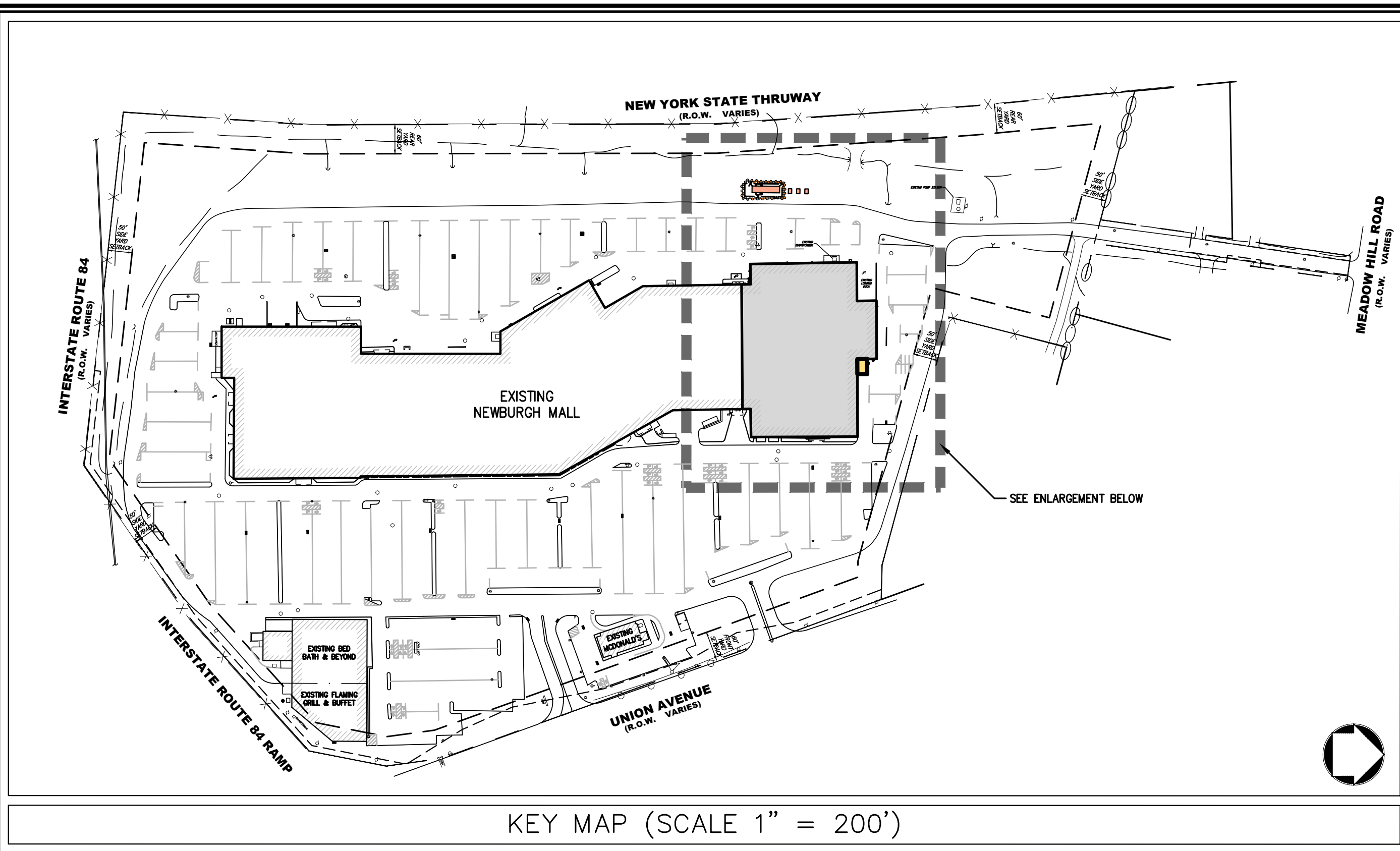
PROJECT  
**RESORTS WORLD HUDSON VALLEY**  
1401 NY-300 Newburgh, NY 12550

DRAWING TITLE:  
**ROOF PLAN**

SEAL & SIGNATURE  
**WILLIAM B. TABLER**  
REGISTERED ARCHITECT  
NO. 013502  
DATE: XXXX  
SCALE: 1/16"=1'-0"  
PROJECT No:  
DRAWN BY:  
DWG No:  
**A-203.00**  
JOB No: SHEET No: X OF XX

PROGRESS PRINT  
04.20.2021





**TABLE OF LAND USE**  
TAX PARCELS: SECTION 60, BLOCK 03, LOT 41.21

TOTAL LOT AREA = 2,126,896 S.F. / 48.8 Acres

**ZONE DISTRICTS: "IB" - BUSINESS DISTRICT**

DESCRIPTION	REQUIREMENT	PROPOSED
MINIMUM LOT AREA (SF/ACRE)	217,800 / 5	2,126,896 / 48.8
MINIMUM LOT WIDTH (FEET)	300	1,390
MINIMUM LOT DEPTH (FEET)	300	1,225
MAXIMUM BUILDING HEIGHT (STORIES/FEET)	40	≤40
MAXIMUM BUILDING COVERAGE (%)	30	N/A
MAXIMUM IMPERVIOUS COVERAGE (%)	80	N/A
<b>MINIMUM BUILDING SETBACKS</b>		
FRONT YARD (FEET)	60	N/A
SIDE YARD (FEET)	50	132.4
REAR YARD (FEET)	60	126.4

(1) PROPOSED SETBACKS PERTAIN ONLY TO PROPOSED GENERATOR FENCE AND ARMORED CAR GARAGE.



**PLANT SCHEDULE**

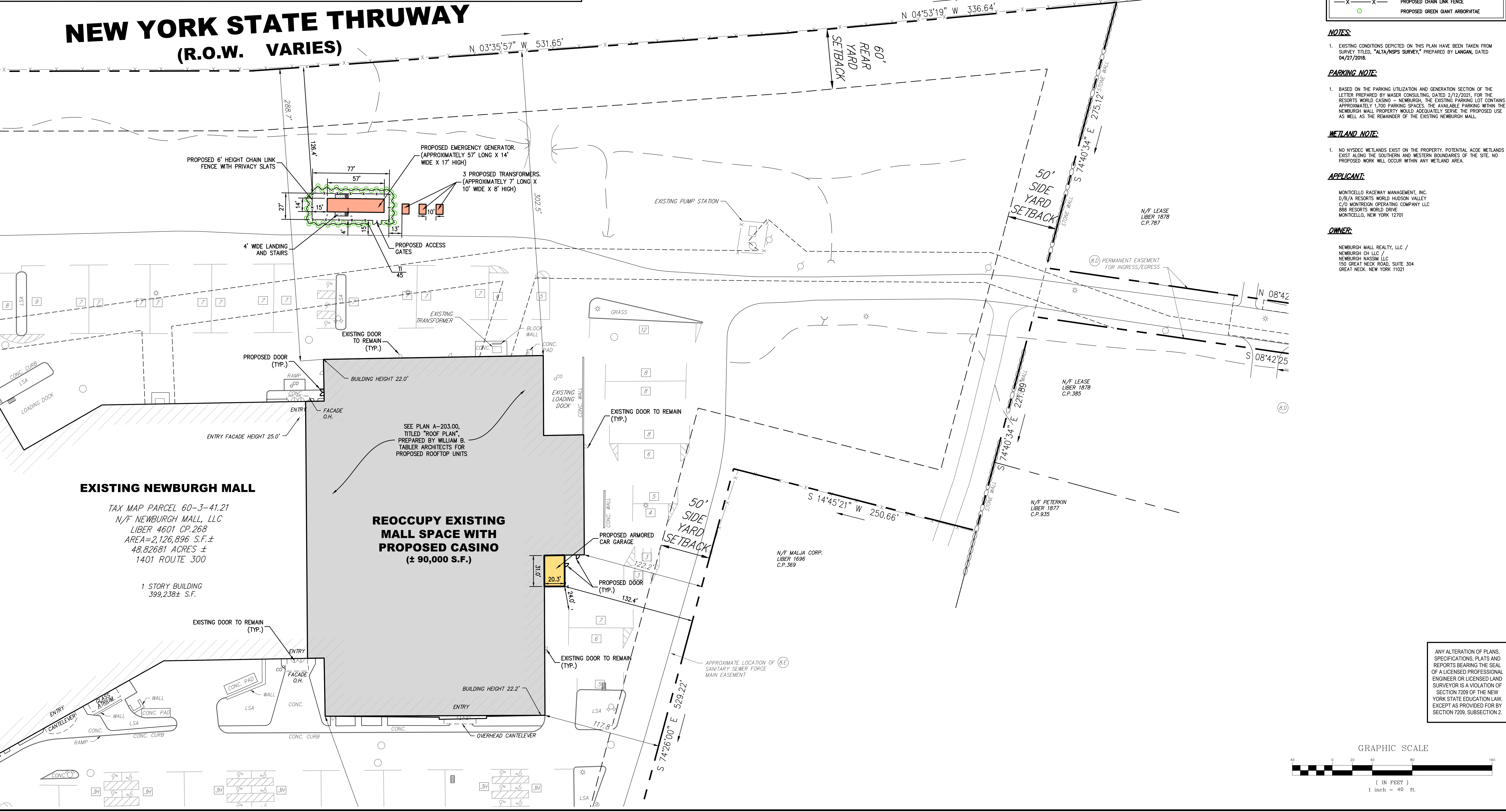
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT COND.	REMARKS
TI	45	Thuja x 'Green Giant'	Green Giant Arborvitae	8' - 10' HT.	B & B	

**LEGEND**

- EXISTING PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING SETBACK LINE
- EXISTING EASEMENT LINE
- EXISTING WATERCOURSE
- EXISTING BUILDING OVERHANG
- EXISTING BUILDING LINE
- EXISTING PAVEMENT EDGE
- EXISTING CURB LINE
- EXISTING STONE WALL
- EXISTING RETAINING WALL
- EXISTING GUIDE RAIL
- EXISTING FENCE
- EXISTING DIRECTIONAL ARROWS
- EXISTING PAINT
- EXISTING PARKING WITH NUMBER OF SPACES
- EXISTING ACCESSIBLE PARKING WITH NUMBER OF SPACES
- EXISTING PEDESTRIAN CROSSING
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING SIGN
- EXISTING BUILDING TO BE REOCCUPIED
- PROPOSED BUILDING
- PROPOSED GENERATOR/TRANSFORMER
- PROPOSED CHAIN LINK FENCE
- PROPOSED GREEN GIANT ARBORVITAE

APPLICANT: **MONTICELLO RACEWAY MANAGEMENT, INC.**  
D/B/A RESORTS WORLD HUDSON VALLEY  
C/O MONTREIGN OPERATING COMPANY LLC  
888 RESORTS WORLD DRIVE  
MONTICELLO, NEW YORK 12701

ARCHITECT: **WILLIAM B. TABLER ARCHITECTS**  
158 W 29TH STREET  
NEW YORK, NY 10001



- NOTES:**
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLED "ALTA/NSPS SURVEY," PREPARED BY LANGAN, DATED 04/27/2018.
- PARKING NOTE:**
- BASED ON THE PARKING UTILIZATION AND GENERATION SECTION OF THE LETTER PREPARED BY MASER CONSULTING, DATED 2/12/2021, FOR THE RESORTS WORLD CASINO - NEWBURGH, THE EXISTING PARKING LOT CONTAINS APPROXIMATELY 1,700 PARKING SPACES. THE AVAILABLE PARKING WITHIN THE NEWBURGH MALL PROPERTY WOULD ADEQUATELY SERVE THE PROPOSED USE, AS WELL AS THE REMAINDER OF THE EXISTING NEWBURGH MALL.
- WETLAND NOTE:**
- NO NYSD&C WETLANDS EXIST ON THE PROPERTY. POTENTIAL ACCE WETLANDS EXIST ALONG THE SOUTHERN AND WESTERN BOUNDARIES OF THE SITE. NO PROPOSED WORK WILL OCCUR WITHIN ANY WETLAND AREA.
- APPLICANT:**
- MONTICELLO RACEWAY MANAGEMENT, INC.  
D/B/A RESORTS WORLD HUDSON VALLEY  
C/O MONTREIGN OPERATING COMPANY LLC  
888 RESORTS WORLD DRIVE  
MONTICELLO, NEW YORK 12701
- OWNER:**
- NEWBURGH MALL REALTY, LLC /  
NEWBURGH OH LLC /  
NEWBURGH MASSM LLC  
150 GREAT NECK ROAD, SUITE 304  
GREAT NECK, NEW YORK 11021

JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC  
JMC Site Development Consultants, LLC  
John Mayer Consulting, Inc.  
120 BEDFORD ROAD - BRIDGEMAN, NY 10504  
voice 914.273.5225 - fax 914.273.2102  
www.jmcpic.com

**JMC**

**SITE PLAN**

**RESORTS WORLD HUDSON VALLEY**  
1401 NY-300  
NEWBURGH, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.

Drawn: JJ Approved: AG  
Scale: 1" = 40'  
Date: 04/26/2021  
Project No: 21014  
2014-SE C-100 LAT:sp  
Drawing No: **C-100**

NOT FOR CONSTRUCTION