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MEETING HELD VIA ZOOM

TOWN BOARD SPECIAL MEETING  
VIDEO LOTTERY TERMINALS IN SHOPPING CENTERS  
CONSULTANT REPORTS  
held at 1496 Route 300 in said township at  
7:00 p.m. on Monday, the 17th of May 2021

**PRESENT** Gilbert J. Piaquadio, Supervisor  
Joseph P. Pedi, Town Clerk  
Elizabeth J. Greene, Councilwoman

**PRESENT** Scott M. Manley, Deputy Supervisor  
**REMOTELY** Paul R. Ruggiero, Councilman  
Anthony LoBiondo, Councilman  
Mark C. Taylor, Attorney for the Town  
Patrick Hines, McGoey, Hauser & Edsall  
Kenneth Wersted, Creighton, Manning  
Engineering  
David Smith, Planning & Development  
Advisors

**REPORTED BY:** Michelle L. Conero  
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MR. PEDI: It's 7:00. Today is Monday, the 17th day of May 2021, and this is a special meeting of the Town Board of the Town of Newburgh.

The first order of business is roll call. Mrs. Greene.

MS. GREENE: Here.

MR. PEDI: Mr. Ruggiero.

MR. RUGGIERO: Present.

MR. PEDI: Mr. Manley.

MR. MANLEY: Here.

MR. PEDI: Mr. LoBiondo.

MR. LoBIONDO: Here.

MR. PEDI: And Mr. Piaquadio.

SUPERVISOR PIAQUADIO: Here.

MR. PEDI: Everybody stand for the Pledge of Allegiance and a Moment of Silence.

(Pledge of Allegiance and Moment of Silence.)

MR. PEDI: Okay, Mr. Supervisor.

SUPERVISOR PIAQUADIO: All right.

So the purpose of this meeting really is to make the Town Board more aware. We're going

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to have to vote on the environmental impact study, so we have our experts out there. If you look on the web page, there's many studies posted, so anyone interested can look at them. We really -- for tonight there's going to be two. Traffic which will be Ken Wersted.

Again, tonight is not a meeting where we're going to hear from the public. This is just from the consultants to the Town Board for questions.

So first I'm going to just ask for a summary of the traffic that you've done in reference to the possible video terminal in shopping centers. So go ahead, Ken.

MR. WERSTED: Thank you. I'm Ken Wersted with Creighton, Manning Engineering and I'm the Traffic Consultant for the Town Board in this case. I often do work for the Planning Board on other applications.

So we had received the traffic and parking study from the applicant. It was done by Maser Consulting, which is transitioning over to Colliers Engineering &

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Design, and it was dated February 12, 2001  
-- 2021.

It basically did an analysis of the mall. I'll say that it was about two-thirds of the mall, mainly the north end, where the Jennifer Furniture end of the mall would be transitioned out of the retail and changed over to the casino video lottery section.

So the analysis that they had provided looked at a couple of things. First was the number of trips that would be generated, you know, by the project. There's a couple of ways to, you know, study that. The Institute of Transportation Engineers compiles a lot of this trip information into a resource that we use. So if you were to go and build 100 new, you know, residential homes, how would you predict how much traffic that would generate? Well, you'd use this resource, because they've done studies on hundreds of residential uses. It's similar to retail. They've gone through and looked at a lot of different retail projects and compiled that.

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So the analysis that they had done had looked at how much traffic would the Jennifer Furniture retail end generate on its own and then compared it to how much traffic the VLT changeover would generate.

Based on that information, based on how ITE predicts traffic would be generated, their analysis basically said that there would be a net decrease in traffic relative to a weekday afternoon and a Saturday. Now, you know, we kind of looked at those findings and said okay, that makes sense. However, the mall may not be generating at the same rate as other malls in the U.S.

We had taken a different approach to it and we had looked at the traffic counts they had done, you know, at the mall which was pre -- I think it was pre-pandemic. They had some information pre-pandemic and then they had some information more recently. If we said the mall is generating at a certain amount less than ITE references, let's use that and do a comparison. So we had run our own little

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analysis as part of our March 17th comment letter.

This is in comment number 3. We said if the mall is generating less traffic per square footage than ITE calculates, then we might actually see an increase in traffic. During the weekday p.m. peak hour we might actually see a 34 percent increase in traffic. On a Saturday we might see an 80 percent increase in traffic. Now, what does all that mean? It translates into about an additional 80 trips during the weekday p.m. peak hour. If you were to total up all the traffic coming in and out of all the driveways based on how the mall operates now or before with the furniture, and then you translate it and you compare it to how it would operate after the VLTs are in there, there would be 80 more trips in that weekday afternoon peak hour. On a Saturday it would only be about 23 trips more.

Now we start to look at well, how many driveways do they have. You know,

1  
2 you've got one out to Meadow Hill. You've  
3 got two out to Route 300. You've got  
4 movements that are leaving and coming in.  
5 So we start to divide that up into  
6 directional movements, but also the  
7 different driveways. It amounts to only  
8 about 5 to 20 trips increasing on any  
9 particular movement. Overall, based on the  
10 volumes that are out there on Route 300,  
11 based on the geometry, I don't anticipate  
12 that to be any significant impact relative  
13 to getting in and out of the mall all  
14 together.

15           The next part that we started to  
16 look at was also the parking. The parking  
17 areas that they had looked at, as I said,  
18 was about two-thirds of the site, mainly  
19 from like the Track 23 store to the north  
20 and -- you know, around the north end of the  
21 site. They found that about, you know, 80  
22 percent of the spaces were unoccupied.  
23 That's about -- over 700 spaces were empty.  
24 So that's quite a bit. That's even after  
25 they made some adjustments for COVID. At

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the time of the counts, obviously the mall was still open. You know, you did have to wear a mask. You know, we recognize that there are a number of stores that are empty. So those things, you know, we did mention. It may have not been exactly taken into account for, but the proposed parking demand basically varies from 500 spaces to about 830 spaces. That includes employees. It also includes about a 15 percent credit for people who might be either carpooling or taking transit, you know, to the mall.

Now, if you compare those differences, you know, there's roughly 700 spaces available. If your demand is going to be between 500 and 830 spaces, then largely you're going to have enough spaces there for just about everyone. However, there are going to be times where that north end of the mall is effectively going to be full. And I say effectively because there's always going to be a spot here or there that is empty. You know, if you're a bird flying over, you'll be able to spot those spaces no



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problem, but as the driver sitting, you know, on the access road looking down an aisle and trying to decide if there's a spot down there, it's not going to be that easy to find those.

So because a lot of the traffic -- most of it is going to come in from Route 300, we think the front side, the east side of the mall is going to be the highest demand. There's likely to be extra spaces available on the backside of the mall that are just not going to be in people's view. So it may be necessary to provide some signing or ask employees to park in the back, because there will certainly be access, you know, to the mall from that side, but there's going to be less customer demand relative to that side. So as much as you can get people who know the area to park in the back, that's going to free up more space in the front.

So on a Friday, you know, the change of use is going to increase, obviously, the parking demand, reducing the

1 surplus parking to about, you know, 13  
2 percent, you know, from the -- I'll call it  
3 the remainder of the daylight hours, you  
4 know, noon to 8 p.m. At 8 p.m., you know,  
5 the mall is going to close so you're going  
6 to have a lot of those customers that aren't  
7 going to demand, you know, parking. So that  
8 frees up, you know, some additional space.  
9 But really it's the daytime afternoon, early  
10 evening time where it's going to be the  
11 most.  
12

13 And then on Saturday that surplus  
14 will go down to about 7 percent, you know.  
15 The northern lots, again, effectively being  
16 full.

17 These estimates don't necessarily  
18 take into account the underutilized southern  
19 end of the mall. So there's probably going  
20 to be spaces down there that, if more people  
21 are demanding parking at the north end for  
22 the casino, that's going to displace some of  
23 the people who might have otherwise wanted  
24 to, you know, shop at the north end but  
25 really the parking is full so they kind of

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come in and they tend to park further south and then just walk through the mall to the north end, to the store or wherever they need to go.

So overall we think that the analysis basically demonstrates that there is adequate and available parking during a non-holiday season. During the holiday season, you know, Black Friday to Christmas, that's a big question mark. Their counts I believe were done after that holiday season. And there's also space that's already in the mall that's vacant. I don't think there was any allocation or accounting for if that space were to be reoccupied. As there is more foot traffic in the mall, you might find those spaces have more demand for an operator to come in, you know, and use those spaces.

Relative to that, that kind of covered the parking and the traffic, you know, side of things.

We do think that there may be some demand for people walking to the adjacent

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Buffalo Wild Wings, or they might go a little further north in terms of looking for, you know, restaurants. You've got the Wendy's further north. You've got the Perkins, the Taco Bell, the Wild Wings, Mavis. Aspen Dental did construct a sidewalk across their frontage and they stopped at the mall property line to the south on 300. So we think it would be a good idea if the project were to continue that sidewalk down to the traffic signal and start to wrap in towards the mall.

There is a transit bus stop right in front of or adjacent to the Chillito's restaurant. Right now it's just a sign. If they do expect that there could be more customers or staff who might take the bus, it would probably be good to have some type of shelter there, you know, to protect those people during inclement weather.

That kind of covers what I -- the work that I had reviewed for the Town Board.

Last week or two weeks ago we did complete a review for the Planning Board.

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If you'd like, I could just highlight that. I didn't have a lot, but if you're interested, the work that we did there -- let me go back to my other review. It mainly had to do with the potential for any bus parking that might come. I believe the applicant had said that they are not promoting or facilitating any, you know, bus trips, meaning you can't call the casino and say hey, I want to take a bus, a chartered bus, you know, and go there. But that's not to stop, you know, Yankee Trails or Brown or some independent operator from offering it on their website. You know, hey, we're signing up a bus, a senior group get-together and charter a bus.

So we think it's important to be able to at least identify where the buses might drop off, where they might pick up. If they were to park, you know, where would they be staged for that. And one of the thoughts was on the west side of the mall they are proposing to install a generator along the west side of the access road

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through there. If you drive through there now, it largely looks like a snow storage. You know, there's some plow equipment out there. That might be a good place to be able to accommodate some bus parking if they find the need for it.

We know the parking lot is in, I'll say, fair shape. There's quite a bit of -- there's some potholes, there's some cracking in the asphalt. You know, you can make out where the striping is on the front side of the mall, but on the north and the backside it's really tough, even in good, dry weather. If it was dark and raining, you know, I think you'd have to make your best guess at, you know, where the striping would be there.

Overall that's kind of the summary I had. I'll turn it back to you guys.

SUPERVISOR PIAQUADIO: Very good. Ken, thank you very much.

MS. GREENE: I have a question.

SUPERVISOR PIAQUADIO: I appreciate that.

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MS. GREENE: I have a question. When you were there recently, on the south side of the mall there's been like an outdoor market that has been set up. Was that still there when you visited the last time?

MR. WERSTED: No. I didn't see anything there at that time. I drove down around the south side, but I had been down there once in February. So there probably wasn't any outdoor market at the time. Two weeks ago I came in, but I was up at the north end looking at the parking at that side. So if it's like a farmers' market, they might have kind of a schedule that might fluctuate.

MS. GREENE: This was about six to eight weeks ago. They had some produce, but it was more pocketbooks and different types of household things. They were telling us that they were going to be there all the time. I was just wondering if that was still there when you had visited the last time.

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MR. WERSTED: No. I didn't see it. Obviously it would come in as a factor on the particular day that they're there and how much area -- you know, how much square footage of the parking lot they take up.

You know, we have those outdoor kind of farmers' markets. It's a mix of like, you know, hard good vendors and a mix of plants and vegetables and that kind of thing. They take over a whole parking lot, you know, of our local park. But it's Saturday mornings from like 9 to 1:00 and then, you know, they empty out and then it's taken over, you know, by kids going to the playground or people using the park.

That does factor in in the sense that as the casino starts to demand more parking at the north end, the customers who are going to the mall otherwise are pushed down to the south end. During that particular market time there may be parking that gets displaced from that.

Now, if they're only displacing 10 cars, you know, from a parking lot that



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otherwise holds, you know, 50 or 60, then it may not matter very much. If there's 50 or 60 cars trying to fit in that parking lot on a normal day and they get displaced out, then it puts more pressure for the parking down at that end.

MS. GREENE: Thank you.

SUPERVISOR PIAQUADIO: And I believe that's a Sunday only. I think Scott Manley could tell us, too. Isn't it, Scott? It's Sunday only right now with that outdoor, I call it a flea market, if that's the right term. I don't think that's going to be long-term.

MR. MANLEY: Sunday only just until October this year, which won't affect anything. The mall itself has a Saturday farmers' market just a few hours in the morning.

MS. GREENE: Okay. Thank you.

SUPERVISOR PIAQUADIO: Being on the traffic thing, if I could, Ken, I have two items. One is the main entrance. Is there any thought to install another light at the

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main entrance, synchronized with the existing light on 300 right now?

MR. WERSTED: So as part of the -- what was the Marketplace, now the Matrix project across the street from the southern driveway of the mall, there is a plan to install a traffic signal at that location and coordinate it with --

SUPERVISOR PIAQUADIO: Very good.

MR. WERSTED: -- the light at the north end. So obviously on the south end of McDonald's it's just an unsignalized intersection. You can make a left and a right in, but you can only make a right out to go south on 300. On the north end of McDonald's is the full traffic signal. You can turn any way you want there. So that would change at the southern end. It would change to a traffic signal where you can make any turn, you know, that you want.

SUPERVISOR PIAQUADIO: Okay. And the other one, too, is Meadow Hill Road where you exit out across from Stop & Shop plaza. That should be looked at to some

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degree. I'm not saying a light because I don't think a light is maybe the perfect answer when you have another one so close by. Maybe something could be done with that entrance. I don't know. It's up to you, Ken.

MR. WERSTED: I wouldn't anticipate a lot of the casino traffic to come in and out of there because it really is kind of going back in towards the residential area of Newburgh.

SUPERVISOR PIAQUADIO: Yes.

MR. WERSTED: If this is drawing, you know, from a larger market than say, you know, the Stop & Shop or even the mall itself, a lot of that traffic is probably going to come from 84 and 87 and come in from the south, making the turn in -- it is questionable whether they're going to make the first turn in on the south side of McDonald's or the north end.

We're aware that the casino isn't going to put up any signing, you know, out on the big Newburgh Mall sign out on 300.

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There's no plan to change that. But there is going to be signing on the side of the building. So if you're naturally driving north, it really depends on where you're going to see it. If you see it kind of south of McDonald's and you see an entrance there, you might instinctively turn in. Otherwise, you might start to pass McDonald's and look over to your left and, you know, see it on the side of the building and make your left turn at the traffic signal.

SUPERVISOR PIAQUADIO: Very good. The last thing I have, too, is I think that sidewalk might be a good idea on the mall property, on 300. It will take some walkers from the different restaurants or whatever.

MR. WERSTED: We did talk a little bit at the Planning Board about whether there was a way to get a cross access from the north side of the mall, the Jennifer building, because there's a little bit of a strip of land. Maybe it's, you know, 20, 30 feet wide. There is a little bit of a grade

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there. But if people -- it really depends on where people are going, obviously.

SUPERVISOR PIAQUADIO: Exactly.

MR. WERSTED: If they get the hankering for some Buffalo Wings, they're not going to go all the way out to 300, walk 100 feet north and then turn and come back into the site. They're just going to cross the little grass area right through there.

SUPERVISOR PIAQUADIO: Absolutely. So with that, we heard from Betty. Paul, do you have a question? This is on traffic.

MR. RUGGIERO: I have one about lighting in the parking lot. Are they going to look at the lighting with this study at all to see how the lighting is there?

MR. WERSTED: No. There wasn't any proposed change-out physically in the parking lot with the exception of putting in, I think, a 600 plus square foot armored car little garage, you know, on the north side. But there wasn't any proposal to look at lighting. At the Planning Board it was brought up. I don't think I had been

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through there at night to see what it looked like.

I believe the applicant did say that they would take a look at the lighting. There was, you know, some further discussion that this is probably going to be one of the safest places or the most -- you know, have the most eyes and surveillance out there.

I wasn't aware if the lighting issue was because it's poor lighting out there and you can't see where you're going or just concerned about, you know, security and safety and whether additional lighting would be needed.

MR. RUGGIERO: The north side of it is a little dark, and so is the back part of the parking lot. The front is not too bad. The north side and the west side back area is a little dark. I mean they should probably look at it just for security reasons.

MR. WERSTED: And just from an aerial, I can see that there's one cloverleaf, you know, like a four-way light

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pole on the north side, and then on the back side directly adjacent to Jennifer Furniture there is one light pole and then another one. So it's probably typical, you know, mall lighting. The front side has deeper parking from the front of the building to the road. So there's more light standards out there.

It's certainly something that they can look at I think and just make sure it's getting enough coverage.

SUPERVISOR PIAQUADIO: Very good.  
All right.

MR. RUGGIERO: Thank you.

SUPERVISOR PIAQUADIO: So with that I'm going to ask Scott Manley, do you have something on traffic, a question?

MR. MANLEY: Not traffic-wise. I worked at the mall when it first opened in 1980 and I understand what traffic is there when it was a busy mall. I really don't have anything else to ask. I've read your whole report. Thank you.

SUPERVISOR PIAQUADIO: Okay. So

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with that I'm going to ask Anthony LoBiondo, do you have something on traffic?

MR. LoBIONDO: Yes. I'm just going to follow up on some of the other comments made, Ken.

With respect to the parking situation, was there any discussion with the applicant as far as perhaps designating employee parking only in the back? That might make things a little bit more conducive in terms of flow in and out of the front, you know, since the back is darker and less known. Perhaps it would be better off to have employees directed to park in that area.

MR. WERSTED: I think it's a good idea. We've commented on that but we haven't heard back from the applicant yet. So we issued those comments in March. We haven't received any responses to them aside from, you know, some -- just some back and forth with the Planning Board. I think it's important that if they can, you know, designate those areas or, you know, tell



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employees this is your preferred area, you know, to park in.

I would think that -- most of the entrances and everything else are going to be on that back side in terms of where they have, you know, staff offices and everything else on the interior of the building. So if they aren't entering directly into the Jennifer Furniture building, they may be coming in the mall entrance that separates the mall from the Jennifer Furniture building and entering, you know, from that side.

But I think those details and that discussion should be had with the applicant.

SUPERVISOR PIAQUADIO: Very good. Anything else from Board Members on traffic?

MR. RUGGIERO: No. Nothing.

MR. LoBIONDO: Nothing.

MS. GREENE: Nothing.

SUPERVISOR PIAQUADIO: Ken, thank you very much. We really appreciate it.

MR. WERSTED: Thank you.

SUPERVISOR PIAQUADIO: I'm going to

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ask Dave Smith -- I guess he has to unmute himself here for one thing, Dave.

Bob, do you have to help him or he can do it?

Dave, thank you.

MR. SMITH: You're welcome.

SUPERVISOR PIAQUADIO: So maybe you just want to introduce yourself real quick. But then we're looking for a summary, and I guess we're going more here on the environmental impact and the Planning Board. If you can, give us a little rundown. Thank you.

MR. SMITH: For the record, Dave Smith, principal with Planning & Development Advisors, planning consultant to the Town Board for the Town of Newburgh.

I've been working with the Town since before 2005, let's put it that way, with the comprehensive plan update and assisting with implementation of various aspects of the comprehensive plan and assisting with the review of the proposed zoning text.

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There are basically two pieces of correspondence that I provided to the Town. The first was the review memo dated March 19th which was an initial evaluation of the proposed zoning amendment for the proposed action for reuse of the Newburgh Mall site for the VLT, the video lottery terminal facility. The second is a -- it's a more recent correspondence related to the environmental review process.

So why don't I first start with the initial review. It's based on the environmental assessment form that was prepared -- Part 1 that was prepared by the applicant. It was submitted along with the zoning petition, along with the traffic report, the host community benefit agreement, all of which are a part of the proposed action which is being considered under the State Environmental Quality Review Act, SEQRA, process.

Part of my role here is to assist the Town, along with Ken and with Pat Hines and with Mark Taylor, in assisting in the

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review -- the environmental review of the proposed action.

So we had some initial comments as part of our March 19th review related to traffic. Nothing that gets into the detail that Ken went through. He went through an extensive evaluation and analysis. We just merely pointed out that there are some differences in the timing of the facility. The proposed VLT facility would run later than the mall, which I think closes at 8:00, just so that the hours of operation are extended slightly.

We do note that as part of the presentation made by the applicant, that there were a number of vacancies in the Newburgh Mall facility. This was an opportunity for this particular use to have some synergistic effects of drawing additional patrons to the mall facility. That additional foot traffic -- I think Ken mentioned this as well, that that additional foot traffic may also turn into an opportunity to have those vacant storefronts

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reused and reoccupied, which I think is a benefit for -- certainly for the mall, for the Town, for employment.

The operation of the proposed action is different. It's not a full use casino operation. It doesn't have the extensive employment that those types of other bigger facilities have. They've indicated that they have approximately 150 full-time employees that will be at the site at various points in time.

With respect to community character, the applicant had indicated -- you know, and they went into extensive detail about their operation and how extensive the security approach is that they take. They referenced a facility that had opened in Bethlehem, Pennsylvania. This was something that may be comparable, a comparable type or size community, a comparable type of facility.

And I believe, Mr. Supervisor, that you reached out to representatives of Bethlehem to find out, you know, how that

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facility may or may not have impacted community services. I think the result of that conversation, and certainly you can, you know, supplement that, but I think there were no adverse impacts from a community service standpoint as a result of that facility in that community. I think that --

SUPERVISOR PIAQUADIO: David, if I could just fill in there for a minute.

I did contact the mayor of Bethlehem, Pennsylvania. In fact, he said originally he was the tying vote, to cast a vote whether to allow the gaming in his town or not. He was like a little concerned to make that decision, but he went with yes and he's been very happy with it.

In fact, I have a copy of that conversation. It's also posted on the website under documents, what his comments were. Really, really no negative, not even with crime, including prostitution or drugs. So he -- overall he was very happy with what it had done for the economy.

It's a city of 75,000. That's 2.5

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what we've got here. But I think it was a good indication. He thought very honorable of the people he dealt with, which was Robert.

Okay. I'm sorry. Go ahead.

MR. SMITH: That's very important information for the Town Board and for the residents to understand the potential implications of this type of facility within your community.

And there are other reports. There was a report prepared by the Orange County -- let me see if I can find it.

SUPERVISOR PIAQUADIO: 911 I think. Right?

MR. SMITH: Yeah. There was -- no. It was -- let's see. Give me a minute.

SUPERVISOR PIAQUADIO: I know the 911 study was --

MR. SMITH: It was Orange County as part of public safety. Basically it concluded that they did not anticipate that there would be an adverse impact as a result of this type of facility relocating within

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Orange County. So I can get you the specific citation.

So the last I think important component from a plan -- maybe there's a couple of others. I think the one that I think is important for the Town to consider is that this facility, as Ken noted, is going to generate a significant amount of traffic coming to the facility. I think from their estimations in the traffic reports, possibly 11,000 person trips on a weekday and maybe 15,000 on a Saturday. What that means is that you have -- there are these potential secondary and tertiary impacts to the local economy from all these visits. People have to stop, they have to get gas, either coming or going. They may need to get some sundries. Let's say they want to take a break or they finish and they want to eat, they grab something to eat. So all of that is an opportunity to capture some economic value with respect to the patronage of this facility.

I think we've already referenced



1  
2 that the Newburgh Mall facility itself has  
3 existing vacancies where there's an  
4 opportunity for a restaurateur or an  
5 entrepreneur to occupy those vacancies. I  
6 think that's kind of the -- one of the kind  
7 of spinoffs -- it's not a direct impact, but  
8 it does have an impact on the local economy  
9 to some extent.

10 And then lastly, it's noted that  
11 the proposed zoning, that there -- because  
12 of the way the language is written with this  
13 type of facility occupying a mall with more  
14 than 500 parking spaces, that there are  
15 other potential locations within the Town of  
16 Newburgh, but it's extremely unlikely that  
17 the State of New York is going to license a  
18 second facility of this type within Orange  
19 County, never mind the Town of Newburgh. So  
20 I think while the zoning is a little bit  
21 open, certainly the reality is that a  
22 facility like this is kind of a one off on  
23 the proposal.

24 So those are my summary comments  
25 from the March 19th review memo. The more

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recent submission to your Board was the environmental assessment form Part 2. If I could just go very briefly through kind of the next steps in the environmental review process.

SUPERVISOR PIAQUADIO: Sure.

MR. SMITH: So your Board is the -- because of the nature of the application, it's a zoning amendment, your Board is essentially the lead agency. You're the only Board that can approve zoning text amendments and zoning map amendments.

So you've circulated that notice of intent to act as the lead agency. My understanding is that just recently you have declared yourself to be the lead agency, so you're coordinating the environmental review.

The next big step in the process is the determination of significance. To assist in that process you have the environmental assessment form Part 1, you have all of the reports that have been prepared by the applicant, the site plans,

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the traffic reports, you have the review memoranda from Ken's office, from my office, you have public input through the public hearing process, and you have input from the various interested and involved agencies, particularly the Town of Newburgh Planning Board.

So what I've included in the Part 2 to your Board is a draft of that document going through the record. If you'd like, I could quickly walk through the impact summaries.

SUPERVISOR PIAQUADIO: Good, Dave. That would be good.

MR. SMITH: Great. So there are 18 categories that the Part 2 evaluates. This is really to help the lead agency determine whether there's a significant adverse impact as that term is defined under SEQRA.

The ultimate decision is whether -- when you go through all of the information and you deliberate, whether there are significant adverse impacts which can't be mitigated, and that would require the

1  
2 issuance of a positive declaration which  
3 means that an environmental impact statement  
4 would need to be prepared, or, in reviewing  
5 all the information in Part 1, that there  
6 may be some small or minor impacts. You may  
7 have a moderate impact or a large impact,  
8 but that impact may be mitigated. If you  
9 issue a negative declaration, essentially  
10 the environmental review process concludes  
11 and no environmental impact statement would  
12 be prepared. Essentially you've concluded  
13 the environmental review.

14 So on these 18 topic areas there  
15 are a couple that do get triggered. I'll go  
16 through them quickly and summarize.

17 The first impact area is impact on  
18 land. The proposed action may involve  
19 construction on or a physical alteration of  
20 the land surface of the proposed site. I  
21 think Ken had mentioned that the applicant  
22 is proposing to construct a generator which  
23 requires some limited disturbance. So  
24 that's why I believe that that box should be  
25 checked yes. I think all of the impacts are

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either no or they're small impacts with respect to that disturbance.

The second impact area is impact on geological features. There really aren't any. There's no excavation being proposed as part of the proposed action.

Impacts on surface water. Whether the proposed action may affect wetlands or surface waters. While the project site may have wetlands on it, there are no impacts -- proposed impacts to those wetlands.

The next impact category is impact on groundwater. We marked yes. It's a little confusing. I did speak to Pat Hines this afternoon, and this issue really comes up with the increase in water usage. They're anticipating approximately a 6,000 gallon per day increase, which I think when you start to look at the daily average water usage within the Town of Newburgh, this 6,000 gallons is fairly de minimus. But it references water supply, wells. I understand that the Town gets its water from New York City and another reservoir, so it

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may not be exactly applicable but we want to just call that out. There may be an impact. We think it's small or -- no or small impact.

So the next impact category is impact on flooding. Essentially there's really very little disturbance on the site so that the existing stormwater management system would stay in place.

Impact on air. This is really for much larger facilities that may be generating or requiring an air permit. You don't have that here, so we're suggesting no impact.

Impact on plants and animals. Again, there's no site disturbance that would trigger that impact.

Item number 8 is impact on agricultural resources. Again, no impact.

Impact on aesthetic resources. This is an existing facility, commercial facility, with no impact.

Impact on historic and archeological resources. We're indicating

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no.

Impact on open space and recreation. Again, this is a commercial facility.

Impact on critical environmental areas. If this site were located on the Hudson River, it may be triggered, but it's not. That's really kind of an indicator of a critical environmental area. No impact.

Impact on transportation. So the proposed action may result in a change to existing transportation systems. Ken has walked through his evaluation of the potential traffic-related impacts, parking-related impacts.

The one additional impact area that we've indicated is just that it's extending the hours of operation of the existing facility. But I think as the other operations shut down, you have plenty of capacity in the system to accommodate that proposed use later in the evening.

Impact on energy. This is one that the applicant has brought to our attention,

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2 that this facility, and you can imagine  
3 because of all of the gaming machines, that  
4 there -- and that they want to make sure  
5 that the environment is comfortable, so  
6 there's heating and cooling requirements.  
7 So the proposed action is anticipated to use  
8 2,500 megawatt hours per year. We've asked  
9 the applicant to get back to us with a  
10 little bit more information to understand  
11 what improvements may be necessary to  
12 accommodate that type of energy use, and if  
13 they could provide us with -- if it's  
14 available, if they could provide us with  
15 information from the local utility provider.

16 The next impact area, impact on  
17 noise or light. This is -- again, it's an  
18 existing facility, commercial facility.  
19 Very little change in the operation. We're  
20 indicating no.

21 Impact on human health. There's  
22 really no -- this facility is not going to  
23 be generating anything of that sort. We're  
24 indicating no.

25 Consistency with community plans.



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I think the Planning Board had indicated in their review, and I would concur, that the proposed action is consistent with the comprehensive plan. It's a reuse of an existing commercial facility. We think that the impact would be no or small.

The other comment under this impact category, consistency with community plan, does the proposed action -- the proposed action may induce secondary development impacts, for example residential or commercial development, not included in the proposed action. This gets back to that secondary and tertiary impact with respect to the operation providing or having additional patrons come to the community, opportunities to reuse and refill vacant storefronts within the Newburgh Mall. Again, we think that that's a positive impact from an economic standpoint.

And then lastly, consistency with community character. This is the eighteenth and final impact area. There is an impact category, the proposed action may create a

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demand for additional community services, for example schools, police and fire. So we've said that there's maybe a no or a small impact.

Again, this gets back to the conversation, Gil, that you had with a representative from the City of Bethlehem with the representations made by the applicant relative to the extensive security that they provide for their facility, the other reports that evaluate these types of operations within the community.

And then, lastly, the applicant has proposed a host benefit agreement which provides significant financials to the Town of Newburgh for public health and safety.

So at some point in the near future the Board will need to consider this Part 2 and what the proposed action -- whether their impacts are fairly minor, they're small or they may be moderate, they can be mitigated, in which case you would consider issuing a negative declaration. If any of these impact areas you consider to be large

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or they're shown to be large, then there's another consideration with respect to a positive declaration.

So Gil, that's a summary of the two pieces of correspondence that I provided to the Town. I'd be happy to entertain any questions that you or the Board may have.

SUPERVISOR PIAQUADIO: Thank you, David.

I'm going to ask Betty, do you have any questions for Dave on this topic?

MS. GREENE: No, I don't. Thank you.

SUPERVISOR PIAQUADIO: Okay. Paul?

MR. RUGGIERO: No. Nothing, Gil.

SUPERVISOR PIAQUADIO: Okay. Scott?

MR. MANLEY: No. Nothing.

SUPERVISOR PIAQUADIO: Anthony?

MR. LoBIONDO: More of a comment. With respect to transportation, again getting back to some of the comments that Kenneth had made regarding traffic, is it taken into consideration some of the spinoff

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incidents that could occur with increased traffic? When you're talking about that many more cars on the road, we're not just talking about parking spots, but we're talking about potentially more traffic infractions, more traffic incidents, accidents, et cetera.

SUPERVISOR PIAQUADIO: Is that more of a Ken question, maybe?

MR. SMITH: It's probably more of a Ken question. The facility generates -- when it was under full occupancy with the prior tenant, it generated X number of vehicle trips. Now that it's vacant -- so now you're replacing that traffic with another user. Whether there's a delta beyond that that may cause some increase in other incidents, I'll leave that to Ken.

Certainly there are standards by which the traffic will evaluate with some level of certainty whether there could be some additional incidents.

MR. WERSTED: And that was part of our analysis. So in our comment number 2 we

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2 summarized what the applicant thought that  
3 delta would be. If you take an existing  
4 mall generating at what, you know, typical  
5 expectations might be, and you take that  
6 90,000 square feet of retail and change it  
7 out for 90,000 square feet of VLT, they were  
8 estimating a net decrease, you know, in  
9 traffic because the VLT is generating less  
10 traffic -- less peak hour traffic than that  
11 part of the mall would.

12 We had come out of it from a  
13 different perspective of saying that the  
14 mall isn't generating at what typical ITE  
15 rates, you know, might be. Therefore, if  
16 the mall numbers aren't as high as what  
17 would normally be expected and the VLTs do  
18 generate at what are to be expected, then we  
19 might see an actual net increase in traffic,  
20 you know, during those peak hours.

21 It could also -- you know, the flip  
22 side of it is we could see less turnover,  
23 meaning the amount of time that you go into  
24 the mall, you know, to hit a store to, you  
25 know, get some shoes and, you know, stop and

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get some other things and leave, may be shorter than if you were to go and spend four, five, six hours, you know, at the casino. It just depends on how long, you know, that person is there for. So you could see a little bit less, you know, traffic turning over, coming in and out.

You know, you could liken it to a fast food restaurant that has, you know, 50 seats in it. It has a lot of turnover compared to a fancier restaurant that has 50 seats that you might spend two hours, you know, or an hour and-a-half sitting there eating.

But overall we didn't think the difference in terms of traffic -- you know, peak hour trips would be significant or significantly higher than what the mall is generally used to.

So when we got down to looking at individual driveways, you probably wouldn't notice the difference as -- you wouldn't notice the difference between the VLT occupied mall and an otherwise fully

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occupied mall with the Jennifer Furniture store, you know, turned back into retail.

MR. LoBIONDO: Thank you.

SUPERVISOR PIAQUADIO: Very good.  
No one else on the Board has any questions?

(No response.)

SUPERVISOR PIAQUADIO: All right.

The only comment I want to make before we close is, as you can see we have very talented consultants here. But I also want to add that no taxpayer money was used in hiring these consultants. It came totally from the developer into an escrow account. So I want to thank them for that, too.

If there's nothing else, I'm going to ask Joe, we can make a motion to adjourn. Someone?

MR. MANLEY: I'll make the motion.

MS. GREENE: I'll second your motion.

MR. PEDI: Motion made and it's been seconded to adjourn at 7:50 p.m.

Mrs. Greene?

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MS. GREENE: Yes.

MR. PEDI: Mr. Ruggiero?

MR. RUGGIERO: Yes.

MR. PEDI: Mr. Manley?

MR. MANLEY: Yes.

MR. PEDI: Mr. LoBiondo?

MR. LoBIONDO: Yes.

MR. PEDI: And Mr. Piaquadio?

SUPERVISOR PIAQUADIO: Yes.

Thank you, everyone.

(Time noted: 7:50 p.m.)



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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary  
Public for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding  
by blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 24th day of May 2021.

*Michelle Conero*

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MICHELLE CONERO