

**SEQR RESOLUTION
NEVELE-R, LLC PROJECT**

A regular meeting of Ulster County Industrial Development Agency (the "Agency") was convened in public session at the Karen Binder Library, 6th Floor, 24 Fair Street, Kingston, New York on August 13, 2014 at 8:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Michael Horodyski	Chairman
John Morrow	Secretary
Robert Kinnin	Assistant Chairman/Assistant Secretary
James Malcolm	Assistant Chairman/Assistant Secretary
Floyd Lattin	Member
John Livermore	Member
Mary Sheeley	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Suzanne Holt	Director, Office of Economic Development
Linda Clark	Office of Economic Development
Karl Schlegel	Office of Economic Development
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0814-

**RESOLUTION AUTHORIZING THE ISSUANCE OF A FINDINGS STATEMENT
RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE
NEVELE-R, LLC PROJECT.**

WHEREAS, Ulster County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 787 of the 1976 Laws of New York, as amended, constituting Section 923 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research, civic and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance

the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Nevele-R, LLC, a Delaware limited liability company (the “Company”), has submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximate 465 acre parcel of land located at 1100 Arrowhead Road (Tax Map #91.1-1-6.110) in the Town of Wawarsing, Ulster County, New York (the “Land”), together with the existing hotel/convention facility located thereon containing approximately 250,000 square feet of space (the “Existing Facility”), (2) the demolition of portions of the Existing Facility, (3) the reconstruction and renovation of portions of the Existing Facility, (4) the construction of a new building complex to contain approximately 550,000 square feet of space (the “New Facility”), (5) the construction of a new approximately 2500 car parking garage facility (the “Parking Garage”) (the Existing Facility, the New Facility, the Parking Garage hereinafter collectively referred to as the “Facility”) and (6) the acquisition and installation therein and thereon of certain machinery and equipment (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and operated as a resort/casino facility and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on July 9, 2014 (the “Public Hearing Resolution”), the Director, Office of Economic Development of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on July 28, 2014 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on a bulletin board at the Town of Wawarsing Town Hall located at 108 Canal Street in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, on July 28, 2014 and on the Agency’s website on July 25, 2014, (C) caused notice of the Public Hearing to be published on July 28, 2014 in The Daily Freeman, a newspaper of general circulation available to the residents of the Town of Wawarsing, Ulster County, New York, (D) conducted the Public Hearing on August 7, 2014 at 7:00 p.m., local time at the Ellenville High School, located at 28 Maple Avenue in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, and (E) prepared a report of the Public Hearing (the “Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York

(collectively with the SEQRA Act, "SEQRA"), the Agency must satisfy the requirements contained in SEQRA and the Regulations prior to making a final determination whether to undertake the Project; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has submitted to the Agency (A) a Draft Generic Environmental Impact Statement (the "DGEIS") accepted by the Town of Wawarsing Town Board (the "Town Board"), as lead agency, pursuant to SEQRA, on May 1, 2014 and (B) a SEQRA Findings Statement dated June 30, 2014 (the "Findings Statement") prepared by the Town Board, copies of which were provided to the Agency and presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, the Town Board is the "lead agency" with respect to the Project and has adopted the Findings Statement pursuant to Section 617.9 of the Regulations; and

WHEREAS, the Agency has also been provided with copies of the Final Generic Environmental Impact Statement prepared with respect to the Project (the "FGEIS"); and

WHEREAS, the FGEIS was submitted and approved by the Town Board on June 19, 2014 and a notice of completion of FGEIS was filed on June 30, 2014; and

WHEREAS, the Agency has reviewed and considered the Findings Statement; and

WHEREAS, at this meeting, (A) the staff of the Agency has discussed with the members of the Agency the results of the review of the FGEIS conducted by the staff of the Agency; (B) a copy of the Findings Statement was presented to the members of the Agency; (C) the staff of the Agency has discussed the Findings Statement with the members of the Agency; and (D) the members of the Agency have reviewed and considered the Findings Statement; and

WHEREAS, the Agency now desires to make the findings required by Section 617.11 of the Regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon (A) the discussions held by the members of the Agency at this meeting respecting the DGEIS, the FGEIS and the Findings Statement (collectively, the "SEQRA Documents") and (B) the review of the Findings Statement conducted by the members of the Agency at this meeting, the Agency hereby (1) makes the findings and provides the rationale for such findings as set forth in the Findings Statement, which Findings Statement is hereby incorporated into and made a part of this resolution, and (2) adopts the Findings Statement as the Agency's written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations.

Section 2. Based upon the foregoing, the Agency hereby finds and determines that:

A. The Agency has reviewed the FGEIS and has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS;

B. The Agency has weighed and balanced the relevant environmental impacts identified in the FGEIS with social, economic and other considerations;

C. The Agency has reviewed the Act, the DGEIS, the FGEIS, and the Findings Statement, and based on said materials, the Agency finds no compelling reason not to proceed with the Project;

D. The requirements of SEQRA have been met with respect to the Project; and

E. As set forth in the Findings Statement, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, (1) the Project minimizes adverse environmental impacts to the maximum extent practicable and (2) adverse environmental effects revealed in the FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FGEIS.

Section 3. In consequence of the foregoing, the Agency hereby makes a determination to proceed with the Project.

Section 4. The Director, Office of Economic Development of the Agency is hereby directed to (A) send a copy of this Resolution to the chief executive officer of Town of Wawarsing, Ulster County, New York; (B) send a copy of this Resolution to the Town Board, as lead agency; (C) send a copy of this Resolution to each entity identified by the Agency as an “involved agency” with respect to the Initial Project (as such quoted term is used in SEQRA); (D) send a copy of this Resolution to the Company; (E) send a copy of this Resolution to each other person who has requested a copy of same; and (F) place a copy of this Resolution in the files of the Agency that are readily accessible to the public and made available on request.

Section 5. This Resolution shall take effect immediately.

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

Michael Horodyski	VOTING	_____
John Morrow	VOTING	_____
Robert Kinnin	VOTING	_____
James Malcolm	VOTING	_____
Floyd Lattin	VOTING	_____
John Livermore	VOTING	_____
Mary Sheeley	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

I, the undersigned (Assistant) Secretary of Ulster County Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 13, 2014 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13th day of August, 2014.

(Assistant) Secretary

(SEAL)

EXHIBIT A

FINDINGS STATEMENT

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), Ulster County Industrial Development Agency (the “Agency”) has received an application (the “Application”) from Nevele-R, LLC (the “Company”), which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximate 465 acre parcel of land located at 1100 Arrowhead Road (Tax Map #91.1-1-6.110) in the Town of Wawarsing, Ulster County, New York (the “Land”), together with the existing hotel/convention facility located thereon containing approximately 250,000 square feet of space (the “Existing Facility”), (2) the demolition of portions of the Existing Facility, (3) the reconstruction and renovation of portions of the Existing Facility, (4) the construction of a new building complex to contain approximately 550,000 square feet of space (the “New Facility”), (5) the construction of a new approximately 2500 car parking garage facility (the “Parking Garage”) (the Existing Facility, the New Facility, the Parking Garage hereinafter collectively referred to as the “Facility”) and (6) the acquisition and installation therein and thereon of certain machinery and equipment (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and operated as a resort/casino facility and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency was informed that the Town of Wawarsing Town Board (the “Lead Agency”) was designated the “lead agency” with respect to the Project.

On May 1, 2014, the Lead Agency accepted a draft generic environmental impact statement (the “DGEIS”) prepared with respect to the Project. On June 19, 2014, a final generic environmental impact statement was submitted and approved by the Lead Agency (the “FGEIS”). On June 30, 2014, a findings statement dated June 30, 2014 was prepared and adopted by the Lead Agency (the “Findings Statement”), which Findings Statement is attached hereto, and a notice of completion of the FGEIS was filed by the Lead Agency pursuant to 6 NYCRR 617.11(a).

On August 13, 2014, by resolution adopted by the members of the Agency, the Agency adopted the Findings Statement as the Agency’s written findings statement relative to the Project, as required by 6 NYCRR 617.11(c). This written findings statement has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Additional information may be obtained from the following: Suzanne Holt, Director, Office of Economic Development, Ulster County Industrial Development Agency, 244 Fair Street, P. O. Box 1800, Kingston, New York 12402-1800; Telephone: (845) 340-3556.

Nevele Resort, Casino & Spa Redevelopment Project
State Environmental Quality Review Act
Statement of Findings

SEQRA Lead Agency: Town of Wawarsing Town Board

Issued June 30, 2014

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1.0 INTRODUCTION

This Findings Statement has been prepared in compliance with the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and its implementing regulations at 6 NYCRR Part 617 (collectively, "SEQRA"). It has been prepared by the Town of Wawarsing Town Board, the SEQRA lead agency, for the proposed Nevele Resort, Casino & Spa Redevelopment Project located in the Town of Wawarsing, Ulster County, New York.

2.0 PROJECT DESCRIPTION

2.1 Purpose and Need

Nevele-R, LLC is proposing redevelopment of the former Nevele Grande Resort and Country Club as a destination gaming resort to be renamed the Nevele Resort, Casino & Spa (the "Nevele"). The Project will restore the Nevele to its former prominence as the anchor property for the Catskills historic resort region and will include adaptive reuse of several existing structures and facilities and demolition of on-site structures to accommodate construction of planned new facilities; all within the existing development footprint.

One of the goals of the redevelopment is to enhance direct and indirect economic activity in the Hudson Valley/Catskill region and to provide jobs both for the construction and operation of the resort. The Catskill Region has experienced substantial decline in tourism since the 1970's. This project will have significant positive economic and fiscal benefits.

Nevele-R, LLC believes that the success of this venture depends upon continued local and regional community efforts and coordination. Nevele-R, LLC has for the past two years spearheaded grassroots efforts to redevelop the Nevele as a modern resort gaming facility. This effort and the leadership shown by the Governor of New York State and the NYS Legislature in the adoption of the Upstate New York Gaming Economic Development Act of 2013 ("Gaming Law") and the NYS Constitutional amendment necessary to allow gaming in the Catskills is key to the successful redevelopment of this resort.

There is enormous local support for the redevelopment of the Nevele as a resort, casino and spa. Redevelopment of the Nevele is consistent with local land use and the Town's Comprehensive Plan. The Comprehensive Plan recommends establishing zoning and development policies that support the existing resort industry in the Town and respond to the emerging needs of the tourism industry for bed and breakfast facilities, ecotourism, campgrounds and small-scale "niche" resorts. At the time the Comprehensive Plan was adopted the Nevele was operational. Since that time it has been shuttered.

As part of the Project the Project Sponsor proposes the creation of the Planned Resort Recreation District (PRRD). The purpose of this PRRD is to provide flexible zoning to facilitate redevelopment of the Town's existing resort consistent with the recommendations of the Comprehensive Plan. The PRRD will be established on those lands controlled by the Project Sponsor and located east of US Route 209. All

development activities will be consistent with the PRRD requirements. The PRRD will encourage the redevelopment and, particularly, reinvestment in the existing Nevele resort which has for decades provided a destination resort for tourists, jobs for residents and tax revenue for the Town, the County and School District.

Successful redevelopment of the Nevele site depends primarily upon attracting guests to the facility from the greater New York City metropolitan area and providing modern attractions. A key component of attracting sufficient numbers of tourists, groups and conventions to the property is the operation of full scale gaming at the property. Nevele-R, LLC will continue to work closely with local and county officials with the objective of providing an economically beneficial project with broad support that will create thousands of direct and indirect employment opportunities and serve as the catalyst for revitalizing the local communities of the Town of Wawarsing and the Village of Ellenville as well as the greater Hudson Valley/Catskill region.

2.2 Project Description

Nevele-R, LLC is proposing redevelopment of the former Nevele Grande Resort and Country Club as a destination gaming resort to be renamed the Nevele Resort, Casino & Spa (the "Nevele"). The Project will include adaptive reuse of several existing structures and facilities and demolition of on-site structures to accommodate construction of planned new facilities; all within the existing development footprint.

Adaptive reuse is proposed for the LBJ Tower building, Empire structure, ice skating arena, and some recreational facilities, including the 18-hole golf course, skiing/sledding facilities, tennis courts and similar facilities. Remaining structures on-site will be demolished to allow for construction of the main facility which will house the casino, restaurants, bars, entertainment and recreational facilities, and other resort amenities. The redevelopment of the Nevele proposes a single story casino structure with lower level, hotel towers with two wings each six stories in height, and a three story parking structure with additional surface level parking.

The Nevele resort property is located in southern Ulster County, New York, in the Town of Wawarsing and just south of the Village of Ellenville adjacent to US Route 209. The 524± acre Project site is comprised of two tax parcels identified on the Town of Wawarsing Tax Map as parcel numbers 91.1-1-13 (33.9 acres) and 91.1-1-6.110 (489.5 acres).

As part of the Project the Project Sponsor proposes the creation of the Planned Resort Recreation District (PRRD). The purpose of this PRRD is to provide flexible zoning to facilitate redevelopment of the Town's existing resort consistent with the recommendations of the Comprehensive Plan. The PRRD will be established on those lands controlled by the Project Sponsor and located east of US Route 209. All development activities will be consistent with the PRRD requirements. The PRRD will encourage the redevelopment and, particularly, reinvestment in the existing Nevele resort which has for decades provided a destination resort for tourists, jobs for residents and tax revenue for the Town, the County and School District.

The casino will total 300,200 square feet with 83,100 square feet assigned to gaming and 213,200 square feet being devoted to uses and amenities that support gaming. Elements for the resort, in addition to the casino, include: hotel buildings comprising 446 keys/units, a spa and fitness center, banquet and meeting rooms, cabaret lounge and night club, eight restaurant food choices, and extensive recreational facilities including an ice arena, swimming pools, skiing and horseback riding tennis courts, and 18 hole golf course.

The development plan for the project was modified subsequent to the submission of the DGEIS resulting in a small increase in the number of gaming positions proposed at the site from 2,480 to 2,610 total gaming positions. The revised development plan specifically includes a total of 1,994 slots, 6 electronic gaming tables, and 80 gaming tables with various amenities such as a 446-room hotel with meeting rooms, ice arena, spas, restaurants, and golf course.

On-site parking has also been modified from the DGEIS to provide approximately 2,490 total onsite guest parking spaces. This includes 1,891 structure parking spaces, 470 valet spots, 4 service vehicle spaces, 94 parking spaces for the golf course, and 31 parking spaces for buses, trucks and RV's.

The Resort is divided into a podium/ground floor casino level and a lower level back of house. The Casino podium level will include table games and gaming machines. Table games within the gaming area will be comprised of baccarat, blackjack, craps, roulette, poker, and secondary game types as the market demands. Gaming machines will be comprised of video, reel, multi-denomination, progressive, fee-based, slant top, upright, high top, and other types as the market demands.

Within the podium level additional non-gaming areas will be devoted to uses and resort amenities that support gaming. These resort amenities will include: spa and fitness center, banquet and meeting rooms, cabaret lounge and night club, several different types of restaurants and bars, and retail shops. In addition, extensive recreational facilities including an outdoor ice arena, swimming pools, tennis courts, ski and sledding slope, and the existing 18-hole golf course will be available at the Nevele.

The lower level Back of House areas (approximately 155,000 SF) will include space dedicated to administration, employees, training, food & beverage, conference banquets & storage, laundry, housekeeping, surveillance, security, information technology, maintenance, docking bays, and golf cart storage. All floor area allotments are subject to further refinement as the project moves forward to detailed design.

Approximately 2490 on-site guest parking spaces will be provided (patrons, suppliers, limousine, valet drop off, etc.). Approximately 94 parking spaces are allocated for the golf course and 31 parking spaces for tour buses, trucks and RV's. The off-site overflow employee lot will accommodate 545 parking spaces. This site is located approximately 1.5 miles south of the Nevele, the site locally known as the Kelly Farm (previously used for parking as part of HITS). An employee shuttle will drop off and pick up from this off-site location, as well as locations within the Village, on a constant basis. This lot will be used both during construction and operation. It is also anticipated that this off-site parking lot could be

used for overflow parking for the Nevele during peak times. The paving and stormwater improvements necessary for this existing parking area will be further addressed in the application for Site Development Plan approval.

2.3 Procedural History

The following is a summary of the procedural history of the development, including the documentation and information relied upon by the Planning Board:

July 19, 2012 - The Town of Wawarsing Town Board circulated its intent to be Lead Agency to all involved agencies.

September 21, 2012 - The Project Sponsor submitted Part 1, Part 2 and Part 3 of the Full Environmental Assessment Form (EAF) to the Lead Agency which included a statement of intent to create a new zoning district on the site.

September 20, 2012 - The Project Sponsor circulated a draft Scoping Document. A public hearing was held on October 18, 2012, and on November 15, 2012 the Final Scoping Document was adopted by the Lead Agency.

April 15, 2014 - The Project Sponsor submitted to the Lead Agency a DGEIS for completeness review.

May 1, 2014 - The Lead Agency accepted the DGEIS as complete.

May 22, 2014 - The Lead Agency held a public hearing on the DGEIS.

June 5, 2014 - The written public comment period on the DGEIS ended.

June 12, 2014 – The Final Generic Environmental Impact Statement (FGEIS) was received by the Town of Wawarsing Town Board.

June 19, 2014 – The Final Generic Environmental Impact Statement (“FGEIS”) was accepted by the Town Board.

A Notice of Completion of the FGEIS was published in the Environmental Notice Bulletin. Copies of the FGEIS were also distributed to involved/interested agencies. The D/FGEIS are available on the Town’s website at <http://www.townofwawarsing.net/>

3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS

3.1 Topography and Slope

- A. The design of the proposed project (like the existing resort) largely conforms to the site's existing contours. Within the area of planned disturbance the slopes are generally less than 10 percent. Development of the Project requires minimal grading or other alteration of the site's topography. Disturbance to areas with steep slopes are limited to areas already previously developed with the existing resort and a portion of lands associated with the construction of the new entrance to Route 209.
- B. The Nevele property will continue to have large areas of meadow and woods with an overall small increase in impervious surfaces associated with the development. A conceptual grading plan was prepared utilizing topographic data.
- C. A geotechnical evaluation was prepared in support of the design of the Project. Based on the findings of this evaluation no blasting is anticipated during construction activities. Site soils are otherwise suitable for the planned development.
- D. Potential impacts resulting from site grading will be minimized and/or eliminated through proper erosion and sediment control techniques, as well as implementation of stormwater management practices during and after construction. In areas where redevelopment is proposed, erosion and sedimentation controls will be employed in accordance with the NYSDEC regulations to effectively treat stormwater runoff consistent with the Storm Water Pollution Prevention Plan.
- E. Detailed site development plans will be prepared consistent with the Town's requirements.

3.2 Soils and Geology

- A. The Project will disturb approximately 50 acres of the 524± acre Project site. The Project will involve construction activities that include the stripping and stockpiling of topsoil, excavation for utilities and stormwater management as well as building foundations, roadbeds, and filling to create level construction surfaces. Due to the topographic features of the site and reuse of existing structures, the Project will require both cuts and fills.
- B. Including the topsoil to be stripped, stockpiled and reclaimed, the earthwork volumes associated with the development of the site will result in approximately 83,554 cubic yards of cut and 171,166 cubic yards of fill resulting in a net import of approximately 87,612 cubic yards. Based on the results of the geotechnical evaluation blasting is not required for construction activities on site.

- C. The Project will involve the closure of the six open NYSDEC Spills cases as directed by and under the supervision of the NYSDEC. The Project sponsor is currently engaged in dialogue with the NYSDEC and developing a work plan to address the removal of all USTs and associated impacted soils as well as unneeded ASTs. Tanks will be removed in accordance with all applicable local, state, and federal regulations, including but not limited to 6 NYCRR Parts 612-614 (or updated version), Part 360 (Solid Waste Regulations) and Part 364 (Waste Transporter Permits); 40 CFR 280.71 (USTs), 29 CFR Part 1910.146 for Confined Space Entry, 49 CFR Parts 170-178 Department of Transportation; and API 1604 (Removal and Disposal of Tanks).
- D. Any excavated soils will be reclaimed for use where appropriate. All soils staged/stored on site will be protected in a manner consistent with the details of the Master Storm Water Pollution Prevention Plan to prevent sedimentation and soil erosion during and after construction.
- E. The Master SWPPP and accompanying plans identify the temporary and permanent erosion and sediment control measures that have been incorporated into the design of this project. These measures will be implemented during construction, to minimize soil erosion and control sediment transport off-site, and after construction, to control the quality and quantity of stormwater runoff from the developed site.
- F. A full SWPPP will be prepared and provided in support of the Site Development Plan submission.

3.3 Water Supply

- A. The Project site is currently served by the Village of Ellenville Water System via an existing 8" DIP Water Main that traverses the Honors Haven property (north of the site). A utility easement benefitting the Village permits this utility to cross the Honors Haven property.
- B. The anticipated average daily domestic water demand for the Nevele will be 162,523 GPD or 0.162 MGD. The total operating capacity of the Village's existing water system with the largest permitted source out of service is 0.75 mgd. Therefore, considering the 2013 annual water produced by the Village (0.529 mgd), the total water demand of the system under the build condition will be 0.691 mgd. The existing Village of Ellenville public water system has sufficient treatment, storage, and pumping capacity to satisfy the anticipated combined water demand of the Water District and the proposed Project. No improvements or extensions to the Village system are required as part of the Project in order to meet the estimated average daily demand for the Nevele.
- C. The proposed on-site water distribution system and storage facility will be designed and constructed to provide the required fire flows in duration adequate to meet the recommendations of the Insurance Services Office (ISO). Hydrants will be installed throughout the distribution system as necessary to ensure proper hose coverage.

- D. The Project is seeking LEED Silver Certification and will include various water conservation measures incorporated into Project design and construction. Some of these measures are anticipated to include: water reducing fixtures, metering by individual building, collection of rainwater for irrigation, and minimizing cooling tower makeup water. The project incorporates a green roof, permeable paving materials, and landscaping measures to reduce water needs.
- E. The proposed Nevele complex will be designed and built with its own separate 60,000 gallon fire water storage facility to provide the needed fire flow and duration according to the NYS Building Code, Fire Code, and applicable NFPA Standards and ISO requirements. The fire water storage tank volume is based upon a 1,000 GPM minimum flow rate as per NFPA 14 requirements for a fully sprinklered building, as well as assuming a 60 minute supply requirement. Final fire tank size approval will be by the Town Building Inspector.
- F. The Village of Ellenville has agreed to provide the project with domestic water. An "Out of District User Agreement" has been executed between the Village and the Nevele. The Nevele will pay for any improvements to the water system consistent with this agreement to accommodate the project.
- G. Detailed design plans will be provided to the Village of Ellenville for their review and approval.

3.4 Surface Water Resources and Stormwater Management

- A. The Project "focus area" (or area affected by land development activities) is approximately 40-acres in size and contains approximately 17.8-acres of impervious surface which is predominately comprised of the Nevele Hotel "core" and associated parking and roadway area. Numerous auxiliary recreational facilities and structures are also located throughout the site (i.e. ice skating arena, basketball and tennis courts, a ski slope, swimming pool and a golf course).
- B. The project site is located within the Rondout Watershed which covers land in Ulster, Sullivan and Orange Counties. A number of NYSDEC mapped (and regulated) streams are found within the Area of Potential Effect (APE) and surrounding lands. The main streams within the APE are Sandburg Creek, and its tributary, the old Delaware and Hudson Canal¹. These are classified as B(T) NYSDEC streams, and as such are regulated by the NYSDEC under Article 15, "Use and Protection of Waters." These streams are also regulated by the US Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The ACOE regulates the discharge of dredged or fill material into these waters or any adjacent wetlands
- C. A large (approximately 12 acre) pond, which separates the resort area from the golf course is found on site, and results from a dam (partially damaged during Hurricane Irene in 2011)

¹ See Appendix J, Wetland Delineation Report, specifically Attachment A, Wetland and Stream Delineation Map. Sandburg Creek is Stream 1 and the old Delaware and Hudson Canal is Stream 2.

located downstream from the confluence of Sandburg Creek and the old Delaware and Hudson Canal.

- D. The Project is located within the Valley-Fill aquifer formation with estimated groundwater levels between five and 15 feet below ground surface (bgs). Shallow groundwater flow is expected to follow the ground level slope of surface elevations towards the nearest open body of water or intermittent stream. The direction of this flow on the Project site is anticipated to be toward Nevele Lake and Sandburg Creek, located in the center of the Project site, then to the north with the flow of Sandburg Creek.
- E. According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), Town of Wawarsing, New York, Community Panel Numbers 360867 0049 B, 360867 0065 B, and 360867 0070 B, the Project site lies within Flood Zone A, an area within the 100-year flood zone and Flood Zone C, an area of minimal flooding. The area within Flood Zone A is the portion of the site that is adjacent to Sandburg Creek, which has a base flood elevation of 330 feet.
- F. Approximately 0.88 acres of land within the area of disturbance is located within Flood Zone A. Within this area the Project proposes an improved golf tee box, helicopter landing pad, and a seasonal snack shack on the western side of Sandburg Creek. No development is proposed within the onsite floodplain area; therefore, no direct impacts to the floodplain are anticipated.
- G. Sandburg Creek, and its tributary, the old Delaware and Hudson Canal, including the impoundment, are classified as B(T) NYSDEC streams and pond on-site and are regulated by the NYSDEC under Article 15, "Use and Protection of Waters." Sandburg Creek, flows underneath Arrowhead Road just before the road splits between the Nevele and Honors' Haven properties. While this stream crosses through the APE, no impacts have been identified to the bed or banks of Sandburg Creek as part of the Nevele Project. Therefore no permits from NYSDEC or ACOE are required. Given that there is no activity within the bed or banks of the stream or pond, a stream disturbance permit under Article 15 is not required for this work. These waters are also be regulated by the ACOE under Section 404 of the Clean Water Act. The ACOE regulates the discharge of dredged or fill material into these waters or any adjacent wetlands.
- H. The Old Delaware and Hudson Canal may also be considered by the ACOE as a navigable waterway south of the earthen dam. Any impacts to this waterway would be subject to Section 10 of the Rivers and Harbors Act of 1899. No regulated activities are proposed.
- I. Development of the Project will create additional impervious areas, which will alter the hydrologic characteristics of the watershed and could have indirect impacts on water resources. The total area of impervious surfaces (e.g. roads, driveways, sidewalks, rooftops) associated with these improvements is approximately 21.4-acres (an increase of approximately 3.6-acres as compared to pre-development conditions). The proposed project may modify existing or create

new stormwater outfalls, however, stormwater will generally be directed to locations to where stormwater is currently being discharged and will managed to avoid any negative impacts.

- J. A Master Stormwater Pollution Prevention Plan (SWPPP) has been prepared to support project planning. With proper construction of proposed stormwater management facilities and maintenance of such facilities in accordance with the requirements of the associated SWPPP, the proposed development will not adversely affect adjacent or downstream properties. Appropriate design measures will be incorporated into the design and maintenance of the stormwater management system to prevent any significant increases in stormwater flow to onsite streams and waterbodies.
- K. Mitigation measures involve preventing soil erosion and sedimentation resulting from stormwater runoff both during and after construction. During construction, this will be accomplished by sequencing site disturbance activities to establish erosion controls, minimize disturbed areas, maintain existing vegetation as much as possible, and stabilize newly disturbed areas as soon as possible. Stormwater pollutant controls utilized during construction will include temporary sediment barriers and sediment basins. Stormwater pollutant controls utilized after construction will include stormwater quality control facilities designed in accordance with the Design Manual.
- L. The site plan has been designed to have minimal post-development impacts on environmental resources, including existing water resources. Proposed stormwater BMPs will be designed in accordance with requirements set forth in the Design Manual. Post-development peak stormwater runoff rates will be less than or equal to pre-development conditions.

3.5 Wastewater

- A. The total wastewater flow from the Project is estimated to total 148,000 GPD. The Nevele is located outside of the Village of Ellenville Sewer District.
- B. The existing Nevele Resort historically treated its wastewater on site at a private wastewater treatment plant (WWTP) owned by the Nevele. The plant is not currently operating and due to significant deterioration of the concrete tank structures and flooding damage to the control building, it was determined that this plant would need to be substantially, if not fully rebuilt in order to function as intended. The plant will be decommissioned in conjunction with the proposed project. As such the associated SPDES permit will be closed and terminated accordingly.
- C. The project proposes connection to the Village of Ellenville wastewater works. Based on the existing capacity of the Village's WWTP and the estimated flow resulting from the Project, there is sufficient capacity for wastewater to be treated by the Village's WWTP.

- D. The Village of Ellenville has agreed to provide the project with wastewater treatment service. An "Out of District User Agreement" has been executed between the Village and the Nevele. The Nevele will pay for any improvements to the water system to accommodate the project consistent with this agreement.
- E. All wastewater from the various Nevele facilities will be collected and conveyed through a series of new PVC gravity sanitary sewer collection pipes which ultimately will discharge into a sanitary sewer pump station located on the Nevele property. This sanitary sewer pump station will be owned, operated and maintained by the Nevele. Wastewater from the pump station would be conveyed via an HDPE force main to the Village of Ellenville sanitary sewer collection system within Nevele Road.
- F. Approximately 4,000-linear feet of force main will be directionally drilled along Arrowhead Road which will include an insulated, heat trace aerial crossing mounted to the Sandburg Bridge. At the intersection of Arrowhead and Nevele Roads, the force main will traverse north along Nevele Road finally discharging to an existing 8-inch gravity sewer main owned by the Village.
- G. Details of the onsite wastewater collection and conveyance systems will be provided as a component of the Site Development Plan submission.
- H. Off-site wastewater improvements will be subject to the review and approval of the Village of Ellenville.

3.6 Terrestrial and Aquatic Ecology

- A. On-site wetlands and streams were delineated on June 11th and 18th, and September 4th of 2012 and again on November 24, 2013 by environmental scientists from the Chazen Companies. A Wetland Delineation Report (last revised April 11, 2014) describes streams and wetlands regulated at the Federal level by the ACOE and streams regulated by the NYSDEC
- B. The area of ACOE regulated streams and wetlands within the APE total 3.30 acres and non-jurisdictional wetlands total 0.99 acres. The Project has been designed in such a way as to avoid all impacts to waters and wetlands regulated by the NYSDEC and ACOE. There will be no impacts to ACOE jurisdictional wetlands or waters or to isolated wetlands within the APE. There will be no impacts to NYSDEC regulated streams or ponds.
- C. Within the entire 524± acre Project site, site construction will impact less than 5 acres of land not already developed as part of the existing resort. Construction activities are largely confined to land classified as Urban Structure Exterior, mowed lawn areas and the golf course. . This Project represents a redevelopment of these areas.
- D. The area of potential effect (APE) contains a total of 11 ecological communities. In general, within the APE, the largest area of ecological community coverage is Urban Structure Exterior, at

approximately 35 acres. Mowed lawn with trees and golf course with trees make up another approximately 30 acres. There are approximately 3.30 acres of wetlands, with an additional 0.99 acre of isolated wetlands within the APE.

- E. An official list of species on the Federal threatened and endangered species lists that may occur on or near the Project site was obtained through the U.S. Fish and Wildlife Service's Information, Planning, and Consultation system internet site.² These include the Northern wild monkshood, Indiana bat, Northern long eared bat, and bog turtle. There are no critical habitats defined for these species in New York State.
- F. Habitat suitable for Northern wild monkshood is not present on the site within the APE.
- G. The project site does not possess a cavern or mine that could be used by Indiana bats or Northern Long-Eared bats as a hibernaculum, but the trees could serve as summertime roosts for maternity colonies. There are some forest patches within the Area of Potential Effect, as well as isolated trees, which may provide summer roosting habitat for these species of bats.
- H. Suitable habitat for the bog turtle is not found within the APE and the NYNHP file report for this site does not list bog turtle as having been reported in this vicinity. Thus, it is unlikely that this species is found on-site.
- I. The Timber Rattlesnake is the one species for which there is a recorded presence in the vicinity of the site. The project sponsor completed Timber Rattlesnake Habitat Assessment for the project. Based on the findings of this evaluation, no denning sites are present, and limited foraging areas are present. Any impacts to foraging areas will be minimized and mitigated by prohibiting site clearing from June to August. This habitat assessment was provided to NYSDEC on June 11, 2014.
- J. The habitat assessment incorporated all NYSDEC suggested measures to avoid direct and incidental take to the species. Direct impacts avoidance measures will be put in place during construction which will include a prohibition on land clearing activities from June to August in areas of concern. Additionally, an educational program and removal plan will be developed for use during construction activities as well when the facility is in operation. These measures will be developed in consultation with the NYS DEC representatives prior to Site Development Plan approval by the Town. The project has incorporated all mitigation measures suggested by the NYS DEC in the rattlesnake habitat assessment and DEC has approved the assessment.
- K. Any impacts to the potential presence of Indiana Bats and the Northern Long-Eared Bat will be avoided by limiting tree removal activities to the period between October 15 and March 31.

² <http://ecos.fws.gov/ipac/>, accessed March 3, 2014.

- L. The Project will minimize impacts by leaving undisturbed, naturally vegetated zones demarcated in the field by orange construction fencing and by clearing only necessary areas within the Area of Disturbance. Vegetation removal will be mitigated with landscaping utilizing native species to the extent practicable throughout the disturbed area.

3.7 Air Resources

- A. Based on the 2012 NYSDEC Air Quality Monitoring Report air quality in the Project area is good. The stations closest to the proposed Project are in compliance with the current New York State and Federal Ambient Air Quality Standards for ozone, carbon monoxide, and inhalable particulates with aerodynamic diameters of 2.5 microns or less (PM_{2.5}).
- B. The proposed project will not increase traffic volumes, reduce source-receptor distances or change other existing conditions to such a degree as to jeopardize attainment of the National and New York State Ambient Air Quality Standards.
- C. The air quality within the Project area may experience short-term impacts due to the construction of the Project. Air quality impacts associated with construction activities are typically from the generation of fugitive dust and emissions from vehicles and equipment. Fugitive dust can result from grading, excavation, filling, or movement of vehicles over dry dirt. Impacts will be minimized by the use of dust inhibitors, such as calcium chloride and other dust-control provisions found in the NYSDOT Standard Specifications for construction. Erosion and dust control best management practices can be used during construction to manage these impacts.

3.8 Historic and Cultural Resources

- A. A Phase 1A Literature Review and Sensitivity Analysis and a Phase 1B Archaeological Field Reconnaissance Survey were completed for the Project site. For the purpose of conducting this work, the limits of site disturbance/construction activities were identified and defined as the Area of Potential Effect (APE), correlating to an approximate 99.5± acre area.
- B. Three prehistoric sites have been identified within the Nevele site; none of these sites are located within the Area of Potential Effect (APE).
- C. No archaeological sites were identified in the OPRHP site files that are located within the APE.
- D. The Delaware and Hudson Canal (D&H Canal), which runs through the property, is already listed on the National Register of Historic Places under Criteria A, C and D. Shovel test pit explorations performed during Phase I B the area of the former D&H Canal and towpath, a subsurface feature consisting of packed cobbles was uncovered paralleling the current walkway/former towpath. This feature is 200 feet long, and likely represents a construction episode associated with canal and towpath, or perhaps the original towpath itself. This feature lies within the current APE

along the eastern edge of the existing golf course. No construction or site disturbance activities are proposed in this area. Impacts to this resource will be avoided, with construction occurring further to the east.

- E. Historic sites in Ellenville are located at a sufficient distance from the Nevele site that none of the National Register listed buildings located in the village will be impacted visually or physically by the proposed project. In addition, due to topography and distance, the Cragmoor Historic District will not be impacted by the planned redevelopment of the Nevele site.
- F. The Delaware and Hudson Canal which traverses the site will not be impacted by any construction activities. The Mapped Documented Structures (MDS) identified in Area C of the Archaeological Field Reconnaissance Survey, remnants of the Canal's tow path, will be avoided and no further mitigation is warranted or required.
- G. Based on the results of the Phase 1B Archaeological Field Reconnaissance Survey, no additional archaeological investigation of the Nevele site is warranted. The results of the Phase IA/B investigations were provided to NYS OPRHP representatives.
- H. NYS OPRHP personnel visited the Nevele accompanied by the Project Archeologist and project consultants on May 13, 2014. NYS OPRHP subsequently provided comment on the project's Phase IA/B Cultural Resource Assessment in correspondence dated June 11, 2014.
- I. While the Nevele Resort Complex occupies a significant niche in the history of tourism in the Catskills, the project will renovate and adaptively reuse the following structures that are considered to be significant: the LBJ Tower, the Empire and the ice arena. Those structures that are so poorly constructed and in such bad condition that they cannot be reasonably and prudently be renovated and adaptively reused will be demolished. To mitigate the impacts of such demolition, the project archeologist will thoroughly document the structures through photography and measurements so that information regarding these structures will not be lost. A copy of the mitigation plan by City/Scape is included in the FGEIS. A Letter of Resolution (LOR) with NYS OPRHP and NYS DEC and the applicant covers the implementation of the mitigation plan. The resulting report will be submitted by the Project Sponsor to NYS OPRHP and NYS DEC, the consulting State Agency, for review and approval. Concurrence on the plan and the resulting report from NYS OPRHP and NYS DEC will be required prior to Site Development Plan approval by the Town.

3.9 Land Use and Zoning

- A. The Nevele has always been an important part of the Catskill resort industry. The development of the resort industry from its very beginning became a dominant force that forever changed the economic base of Ulster and Sullivan Counties from leather tanning, lumbering, quarrying and farming to tourism and hospitality.

- B. The Resort's current configuration includes 34 buildings containing over 640,000 square feet of building area. With a maximum height of 10-stories (the hotel tower/LBJ Tower), the property is mostly low-rise with building area generally confined to a 40 acre area adjacent to the golf course in the northeast area of the property. This developed area of the Project site is made up of approximately 18 acres of roads, buildings, and other paved surfaces from previous uses. The balance of the area is landscaping and various green/natural cover types.
- C. Land uses surrounding the Project site include a mix of resort, residential, vacant, commercial, and wild, forested, conservation lands and public parks. Just north and adjacent to the Nevele Project site, the Honors Haven Resort and Spa operates a four season resort with 235 guest rooms, grand banquet room, expansive conference facilities, and a 9-hole golf course. The two resorts and the Shawangunk golf course located north of and adjacent to Honors Haven are the predominant land uses on the east side of US Route 209. The proposed Project is consistent with land uses in the surrounding area, such as the adjacent Honors Haven resort.
- D. The Project site is situated in the Rural Use (RU) Zoning District as designated by Town of Wawarsing Zoning Map. According to Chapter 112, Zoning, of the Code of the Town of Wawarsing, the RU District is intended to conserve large areas of open space while allowing for very-low-density development and accommodation of larger land uses of an agricultural, rural, or recreational nature. The Nevele and the Honors Haven resorts predate the current zoning designation.
- E. The Town of Wawarsing Comprehensive Plan acknowledges the need to take proactive measures that will encourage investments and improvements to the Town's aging tourism resort infrastructure. Goal No. 2 proposes to improve the Town's economic base by "providing sites for further resort development; by providing sites for compatible industries; [and] by providing sites for business development." Specifically the Plan recommends: 1) Establish[ing] zoning and development policies that support the existing resort industry in the Town and 2) Establish[ing] zoning and development policies that respond to the emerging needs of the tourism industry for bed and breakfast facilities, ecotourism, campgrounds and small-scale "niche" resorts.
- F. The project includes a proposal for the establishment of a new zoning district that will allow for greater flexibility and enhance the proposed redevelopment of the property. The proposed Planned Resort Recreation District (PRRD) has been drafted to provide streamlined and flexible zoning to facilitate redevelopment of the existing resort. The Town's Zoning Map will also be amended by local law. The PRRD will encourage the redevelopment of existing, dated, destination resorts through comprehensive planning and maximum flexibility of design. The Project will comply with all of the bulk and area regulations of the PRRD District.
- G. The PRRD requires the Project Sponsor to submit a Site Development Plan (SDP). The Town Board will review the SDP and then refer the SDP to the Town Planning Board for review and

comment and will coordinate with other regional municipal entities such as the Ulster County Planning Board.

- H. Once the review of the SDP has been completed, and the public hearing has been held, the Town Board may impose mitigation measures as conditions to the approval of the SDP. All approvals within the PRRD will be within the purview of the Town Board. For gaming resorts such as the Nevele, the review of the Town Board will also be in accordance with and limited by the jurisdiction reserved to the Gaming Board by the Gaming Law and regulations enacted after the passage of the NYS Constitutional Amendment.
- I. The proposed project is consistent with local land use, zoning, and the Town's Comprehensive Plan. One of the main economic development recommendations of the Comprehensive Plan is to support the existing resort industry. At the time the Comprehensive Plan was completed, Nevele was still in operation. The proposed project will reopen Nevele and renew operations of the resort with new gaming and recreational facilities.
- J. The Comprehensive Plan specifically recommends establishing zoning and development policies that support the existing resort industry in the Town and promotes establishing zoning and development policies that respond to the emerging needs of the tourism industry. The adoption of the PRRD regulation and the redevelopment of the existing resort is consistent with the community's goals and will provide significant community benefits, and therefore, no further mitigation measures are required.

3.10 Visual Character

- A. The Nevele is a large resort property located on 524± acres that includes 34 buildings containing over 640,000 square feet of building area. With a maximum height of 10-stories (the LBJ Tower), the developed/building area is spread over a relatively small footprint in the northeast area of the property. Many of the existing structures are degraded and in poor condition and will be replaced with structures that are newly constructed and aesthetically pleasing.
- B. A viewshed analysis was conducted in accordance with the NYSDEC Program Policy for Assessing and Mitigating Visual Impacts (DEP-00-2). Twenty-one (21) scenic and aesthetic resources have been identified within a five-mile radius of the Project site. The existing hotel tower (at 110 feet in height) on the site is the tallest structure currently (and is taller than any of the planned additions). The viewshed analysis concluded that the Project's theoretical visibility is confined to areas immediately surrounding the Project site as well as from the Shawangunk Mountains Scenic Byway.
- C. The existing project will be intermittently visible as it has been since the Nevele Resort was constructed. Within the five (5) mile radius where the Project would be theoretically visible, within the foreground area, visibility is limited to locations along US Route 209 and at higher elevations along NYS Route 52. Views from the middle ground will likely be screened by existing vegetation and significant elevation change. The Nevele project will be visible from the

southernmost lookout on NYS Route 52. There is minimal to no visibility anticipated from locations in excess of 3 miles from the Nevele project, as elements typically lose detailed distinctions at or beyond this distance.

- D. The Nevele has been a fixture on the landscape for nearly 100 years. Viewers from higher elevations along Route 52 have clear views of Ellenville, along with Nevele's golf course, the existing hotel structures, the iconic Nevele Tower (or LBJ Tower), the adjacent Honors Haven Resort and the greater Rondout Valley.
- E. Structures will be illuminated to the minimum extent required to provide safe ingress and egress to the structures to minimize lighting impacts on adjacent structures and properties. Lighting at the off-site parking facility (the Kelley farm) will be lit in a similar fashion. All lights will be controlled by photocell switches, creating a natural lighting pattern. A lighting plan will be developed for Site Development Plan review. This plan will further identify the efforts to minimize lighting impacts, including glare, spill, and sky glow.
- F. The Nevele project will have a minimal impact on aesthetic resources within the Rondout Valley. The visual simulations demonstrate minor contrasts between the existing views and the proposed condition. These impacts are negligible given the current visual landscape is occupied by the Nevele and Honors Haven Resorts. Slight increases in building massing are noted. The proposed building style, form, and coloration are designed to be consistent with the current condition in order to minimize visual contrast.
- G. The proposed project has been designed to complement the physical and visual landscape of both the site and the greater Rondout Valley area. This includes the construction of a green roof above the casino building, which will further mitigate the visual impact of the Project while promoting sustainable practices.

3.11 Noise

- A. A Noise Impact Assessment was prepared to determine existing background (ambient) noise conditions at the Project site and to model the future conditions arising from the Nevele. The noise environment of the Project site is largely dominated by noise created from the surrounding transportation network, primarily US Route 209.
- B. Existing noise level measurements were taken during the PM peak hour on Wednesday, January 8, 2014 and during the AM peak hour on Thursday, January 9, 2014 at six locations. Existing traffic related noise levels on US Route 209 were determined using the time weighted average (Leq) method based on measurements conducted continuously for 15 minute intervals. Existing noise level measurements range from 62 dBA - 71 dBA.
- C. Traffic related noise levels are expected to increase to a maximum of 4 dBA over existing noise levels along US Route 209 at one receiver location during the Weekday PM peak traffic period

and at two receiver locations during the Weekend PM peak traffic period. The remaining receivers will experience traffic noise increases of less than 4 dBA. According to NYSDOT and NYSDEC Noise Policy, the human reaction to this increase is considered unnoticed to tolerable, and does not constitute a significant impact. No traffic related noise levels are expected to approach or exceed the Noise Abatement Criteria (NAC) for the Weekday PM peak hour or the Weekend PM peak hour.

- D. Overall it is noted that the development of the Project will result in noise level increases in the Project area that may be noticeable, but are not increased by a level that requires mitigation. Based on the results of the noise analysis, a noise abatement assessment for noise associated with traffic is not necessary.
- E. Temporary short-term increases in noise levels will occur due to the use of construction equipment and earth-moving activities associated with the proposed Project. The noise level at receptors within the surrounding area will vary depending on the specific location in which construction is taking place and on intervening topography and vegetation. Construction activities will result in short-term increases in noise during construction activities that will be limited to hours of operation consistent with Town of Wawarsing ordinance, unless additional hours are authorized by the Town.
- F. Permanent noise impacts from the Nevele are primarily associated with vehicular traffic. A traffic noise study was completed to quantify the effect of the increase in traffic volumes on traffic noise in the study area extending along US Route 209. Traffic related noise levels are expected to increase between 1 and 4 dBA during peak operating conditions. The predicted noise level increases do not exceed the 6 dBA increase or levels within 1 dBA of the noise abatement criteria that would require mitigation.
- G. For these reasons, the increase in traffic volumes along affected roadways due to the proposed project will not create a significant noise impact requiring mitigation. Operation of the Nevele is not anticipated to result in a significant increase in noise levels above the historical levels occurring at the site.
- H. Construction-related noise is an unavoidable impact of development; however, it is short-term in duration and will occur in accordance with the Noise Section of the Town Code, which, in part, restricts construction activities to between the hours of 6:00 a.m. and 10:00 p.m.
- I. The NYSDEC Noise Policy identifies best management practices (BMP) that reduce noise frequency and impulse noise at the source of generation, reduce noise generation, and reduce noise sound pressure levels. To the extent practicable, construction contractors will be required to use the BMPs as recommended by NYSDEC and FHWA:
 - 1. All construction vehicles and equipment will be well maintained and operated in an efficient manner. Construction equipment will be required to be equipped with noise

attenuation devices and mufflers. In particular, the mufflers on all construction equipment will be fully functional and well maintained by the construction contractor. Mufflers will reduce the frequency of sound on machinery that pulses, such as diesel engines and compressed air machinery. All exhaust systems will be maintained in good working order. Properly designed engine enclosures and intake silencers will be required. Regular maintenance will be required.

2. Stationary equipment will be placed as far away from sensitive receptors as possible.
3. Staging areas for equipment, construction materials, soil, and building materials will be placed internal to the site along the southern limits of the work area to maintain separation from adjoining land uses.
4. Shielding mechanisms will be employed where possible. The use of sound barriers such as screens or berms around noise generating equipment or near the point of reception can be an effective sound barrier.
5. Disposal sites and haul routes will be chosen to minimize objectionable noise impacts.

To the extent practicable, construction contractors will be required to use the following effective noise mitigation techniques as recommended by FHWA:

1. The construction contractor will be required to use equipment with mufflers, on-board shields and any other sound reduction equipment maintained to their original specification.
 2. Equipment will not be allowed to idle when not in use.
 3. Any equipment for which there is a choice of locations, such as electrical generators and air compressors, will be situated as far as possible from the closest receptors.
 4. Loose engine parts or other parts with loose or missing screws, bolts or metal plates will be repaired so that vibration and noise generation are reduced.
 5. Enclosures, such as plywood barriers, will be constructed around significant stationary sources of sound if the noise from such equipment cannot be effectively mitigated by distance or other means.
 6. The slamming of tailgates by dump trucks or trailers will be discouraged, and rubber gate gaskets will be required.
- J. The Project's construction manager will post construction schedules, anticipated high activity times, and establish a point of contact for communications regarding objectionable noise on the Town of Wawarsing websites. .
- K. By utilizing these accepted noise impact reduction techniques, the sound increases associated with construction will be substantially mitigated to the highest degree possible and will be a temporary condition.

3.12 Traffic & Roadway Infrastructure

- A. Creighton Manning Engineering prepared a Traffic Impact Study dated April 11, 2012, a Traffic Impact Study Addendum dated April 30, 2014, a Traffic Impact Study Addendum #2 dated June 9, 2014 and a Traffic Impact Study Addendum #3 dated June 16, 2014 to assess the impacts the proposed Nevele Resort, Casino, & Spa Development Project would have to the surrounding roadway network.
- B. The traffic studies included an assessment of the existing Friday PM and Sunday PM peak hours of 13 intersections with US Route 209 at US Route 44/NY Route 55, NY Route 55, Maple Avenue, Canal Street (NY Route 52), Center Street (NY Route 52), Warren Street, Nevele Road (north - County Club Road), Nevele Road (south), Gumaer Falls Road/Kohl's Warehouse Driveway, Sullivan Street, NYS Route 17 Exit 113 Westbound ramp, NY Route 17 Eastbound Ramp, and Nevele Road with Arrowhead Road.
- C. Access to the site is currently provided via Nevele Road (AKA Country Club Road) which intersects US Route 209 in two locations that form unsignalized intersections; one intersection is adjacent to the site to the south and the second is located to the north just inside the Village of Ellenville.
- D. The project includes a new main entrance to the site. The new entrance is formed by realigning the existing Nevele Road (south) approximately 670-feet to the north such that it intersects with US Route 209 as "T" intersection. Proposed as a signalized intersection, this entrance will include a southbound exclusive left-turn lane, a northbound right-turn lane and separate lanes for left and right turn movements exiting the site.
- E. The project includes modifying the existing intersection of Nevele Road with Arrowhead Road, such that the north leg of Nevele Road is realigned to intersect perpendicular to Arrowhead Road forming an unsignalized "T" intersection. The Nevele Road southbound approach will be Stop controlled.
- F. Signage will be installed on US Route 209 to clearly direct patrons to the main site entrance on US Route 209. Signage and the realignment will discourage use of the northern leg of Nevele Road/Country Club Road to access the site from US Route 209.
- G. The traffic studies completed for the project analyzed designated intersections under the 2014 Existing, 2017 No-Build, and 2017 Build conditions.
- H. The traffic impact analysis was conducted during peak seasonal traffic conditions in the study area which will also coincide with peak operations at the proposed Nevele Resort, Casino & Spa. Existing intersection turning movement counts were conducted at the study area intersections on a Friday afternoon during the evening peak period from 4:30 to 6:30 p.m. and on Sunday afternoon during the evening peak period from 3:00 to 5:00 p.m. These peak periods represent the peak weekday

afternoon and peak weekend traffic operating periods during the higher summer peak season in the study area.

- I. Turning movement counts were conducted at the US Route 209 intersections at Canal Street, Center Street, Nevele Road (south), Sullivan Street, NYS Route 17 Exit 113 Westbound ramp, NY Route 17 Eastbound Ramp, and Nevele Road with Arrowhead Road in August 2012.
- J. Traffic counts were supplemented with additional turning movement counts on US Route 209 at US Route 44/NY Route 55, NY Route 55, Maple Avenue, Warren Street, and Nevele Road north, conducted in October 2012 based on additions to the scope made during the SEQR scoping process.
- K. The October 2012 turning movement counts were factored to peak summer August conditions based on seasonal rates in the NYSDOT *Seasonal Adjustment Factors for Traffic Count Processing 2012* table for Factor Group 40 roadways.
- L. Turning movement counts were conducted at the US Route 209 intersections at Nevele Road (north) and Gumaer Falls Road/Kohl's Warehouse Driveway in May/June 2014.
- M. Turning movement counts were supplemented by automatic traffic recording (ATR) data for a five day 24 hour period between Friday, August 17, 2012 and Wednesday, August 22, 2014 on US Route 209 north of Nevele Road, south of McDonald Road, south of Sullivan Street, and on Nevele Road south of Arrowhead Road. ATR data was also collected from Tuesday, October 12, 2012 to Friday, October 26, 2012 at locations along US Route 209 north of NY Route 55 and south of Shoprite Boulevard, on NY Route 55 west of US Route 209 and on Nevele Road north of Arrowhead Road.
- N. Historical traffic volume data indicates that average traffic volume growth in the vicinity of the site has increased by approximately 0.36 percent per year over the last several years on US Route 209, NY Route 17 and NY Route 52. Therefore, to account for the increase in traffic, a 0.5% per year background growth rate was applied to the 2012 turning movement counts for two years to obtain the 2014 Existing traffic conditions.
- O. The 2017 No-Build traffic volumes are based on an analysis of existing traffic growth trends and other developments in the Project area. Using the same background growth rate of 0.5% per year, it was applied to the 2014 Existing traffic volumes to obtain the 2017 (design year) background conditions.
- P. In addition to background traffic growth, vehicle trips associated with other developments in the Project area were considered when developing the No-Build traffic volumes. Creighton Manning contacted the Towns of Wawarsing and Mamakating and the Villages of Ellenville and Wurtsboro to determine other developments to be included in the No-Build traffic volumes. The following other developments are included in the No-Build traffic volumes: Wal-Mart (125,000 SF), AutoZone (6,816 SF), Wawarsing Estates (182 Condominium), Yukiguni Maitake Manufacturing Facility (825,377 SF), and G-Mart Expansion (23,000 SF).

- Q. The 2017 No-Build and 2017 Build condition capacity analyses assume that an AutoZone automobile parts store, which has been approved on the west side of US Route 209, will add a fourth leg to the US Route 209/ Maple Avenue intersection.
- R. Safety Information Management System (SIMS) and Accident Location Information System (ALIS) data was provided by NYSDOT at thirteen study area intersections along US Route 209 and the Nevele Road/Arrowhead Road intersection. In addition, a separate Priority Investigation Locations (PIL) or Priority Investigation Intersections (PII) report was provided by NYSDOT. It was noted that a PIL was identified in the Village of Wurtsboro and Village of Ellenville and previously listed under the 2010 and 2011 High Accident Locations (HAL). It was also noted that there are no such locations along US Route 209 in the project corridor during the latest three year period of available data (June 1, 2010 through May 31, 2012) under the 2012 HAL and that the high percentage of the accidents were a result of driver inattention or error. A re-evaluation of the accident history will be required two years after the opening of the resort and casino in order to confirm the results of this review. The scope of the evaluation will be determined in consultation with the Town Board. Impacts, if any, will be identified and appropriate mitigation proposed
- S. A review of the existing road network indicates that sidewalks are typically provided within the Village of Ellenville, within the Village of Wurtsboro, and on the east side of the US Route 209 overpass that spans NY Route 17. Crosswalks, pedestrian push-buttons and indicators are provided at all signalized study intersections within the Villages of Ellenville and Wurtsboro and on the northern, western, and eastern legs of the US Route 209/NY Route 17 Exit 113 Eastbound Ramp intersection. A crosswalk is also provided on the eastern leg of the unsignalized US Route 209/NY Route 17 Exit 113 Westbound Ramp intersection. There are no roadways in the study area designated as bike routes; therefore, bicycle traffic must share the road with vehicles.
- T. Site generated traffic was estimated using trip generation information from other similar existing casino projects that include hotel facilities. The proposed Nevele Resort will generate approximately 924 Weekday PM Peak hour trips and 982 Weekend PM Peak hour trips at the site driveway. It is noted that the development will also generate approximately 101 to 108 off-site employee trips during the Weekday PM and Weekend PM peak hours, respectively, that will travel through the majority of the study area intersections.
- U. Intersection and stopping sight distance analyses of the US Route 209 / Nevele Road north, realigned US Route 209/ Nevele Road south, and US Route 209 / Off-site employee parking lot were assessed by comparing the potential available sight distance to the recommended sight distances presented in the American Association of State Highway and Transportation Officials (AASHTO's) *A Policy on Geometric Design of Highways and Streets*, 2011. The preliminary analysis indicates that the available sight distance for these three intersections exceed the recommended intersection and stopping sight distances corresponding to a 40 mph, 60 mph, 50 mph roadway, respectively.

Roadway and intersection improvement plans will be developed for Site Development Plan review. Proposed geometric improvements and conformance to AASHTO guidelines will be reviewed with concurrence required from NYSDOT and the Town Board prior to Site Development Plan approval.

- V. A signal warrant analysis was conducted for the proposed realigned Nevele Road at US Route 209 to determine if a signal would be warranted based upon the warranting criteria found in the National Manual on Uniform Traffic Control Devices (MUTCD), 2009 edition, published by the Federal Highway Administration (FHWA) and the NYS Supplement. The signal warrant analysis showed that the 2017 Build traffic volumes were sufficient to meet Warrant 3, the Peak Hour Warrant. Therefore, the analysis assumed that the US Route 209 / Nevele Road intersection would be signalized.
- W. A capacity analysis was performed using Synchro 8 and in accordance with current standards for evaluating capacity and operating conditions as contained in the 2010 Highway Capacity Manual (HCM), published by the Transportation Research Board (TRB), for each of the intersections to determine its Level of Service (LOS) under Existing, No Build, and Build conditions.
- X. The capacity analysis indicates that the majority of the study area intersections are expected to operate with all movements at level of service D or better during the Weekday PM and Weekend PM Peak hours of adjacent street traffic after full build-out of the Nevele. It should be noted that a LOS D is acceptable during peak periods according to the 2010 Highway Capacity Manual. The intersections listed below will experience a drop in level of service between the 2017 No-Build to 2017 Build conditions; however, no mitigation is recommended since they will experience minimal increase in vehicle delay and will maintain acceptable operating conditions.
 - 1. US Route 209/NY Route 44/55
 - 2. US Route 209/NY Route 55
 - 3. US Route 209/NY Route 17 Westbound Ramp
- Y. The intersections listed below will experience a drop in level of service between the 2017 No-Build to 2017 Build conditions. Mitigation is recommended at these intersections in order to maintain adequate traffic operations during the weekday and weekend afternoon peak periods.
 - 1. US Route 209/Maple Avenue
 - 2. US Route 209/Canal Street
 - 3. US Route 209/Center Street
 - 4. US Route 209/Nevele Road
 - 5. US Route 209/Sullivan Street
 - 6. US Route 209/NY Route 17 Eastbound Ramp
 - 7. Nevele Road/Arrowhead Road

- Z. The following off-site intersection mitigation is proposed as follows:
1. Signal timing optimization at the US Route 209/Maple Avenue intersection.
 2. A coordinated signal timing plan will be implemented at the Canal Street and Center Street intersections on US Route 209.
 3. Re-striping of US Route 209 in the vicinity of Warren Street to provide a two-way left-turn center median in the corridor that extends from approximately Essex Street to the existing northbound left-turn lane at Center Street.
 4. Construction of exclusive northbound and southbound left-turn lanes at the US Route 209/Sullivan Street intersection and replacement of the existing traffic signal system to accommodate the geometric improvements.
 5. Re-striping to extend the southbound left-turn lane on US Route 209 at the NY Route 17 Eastbound Ramps.
 6. Widening of US Route 209 at the unsignalized employee lot driveway intersection to provide an exclusive southbound left-turn lane and a Two-way Left Turn Lane (TWLTL) section on US Route 209 to facilitate two stage left-turn movements exiting the site. The westbound driveway approach will provide separate lanes for left and right turn movements.
 7. All above noted geometric improvements will be designed to NYSDOT standards. Design details will be coordinated and reviewed by NYSDOT during the highway work permit process.
- AA. The traffic analysis includes the average and 95th percentile queues associated with the Friday PM and Sunday PM peak periods. The results of the Build with Improvements analyses indicate that the maximum queue could extend past adjacent intersections and/or block adjacent turn lanes during the peak hours at the US Route 209 intersections with Maple Avenue, Center Street, Sullivan Street and NYS Route 17 eastbound ramp. Although the queues may affect operations, no additional improvements are proposed at this time.
- BB. In order to confirm the results of the studies and to insure that traffic associated with the project does not result in any significant impacts on adjacent intersections, a re-evaluation of the traffic will be required two years after the opening of the resort and casino. The scope of the evaluations will be subject to the approval of the Town. Impacts, if any, will be identified and appropriate mitigation proposed.
- CC. The new intersections on US Route 209 at the main site driveway and the off-site employee parking lot will be designed to NYSDOT standards which accommodate emergency and other large vehicles.

Design details will be coordinated and reviewed by NYSDOT during the highway work permit process.

- DD. Traffic mitigation measures will be in place prior to issuance of a certificate of occupancy to the Nevele.
- EE. The Nevele Property includes a section of the D&H Canal Heritage Corridor extending from the Nevele's northern boundary to the Sullivan County line at Spring Glen. The Project Sponsor has donated this former rail bed to public use by the grant of an easement to the Town of Wawarsing as stipulated in the Community Mitigation Plan.
- FF. Transit service in the Project area is provided by the Ulster County Area Transit (UCAT) via bus Route UE (Kingston – Ellenville). Route UE serves US Route 209, however there are no existing bus stops located on US Route 209, Nevele Road, or Arrowhead Road in the vicinity of the Project site. The closest bus stops are located north of the Project site in the Village of Ellenville and at the ShopRite and Wal-Mart plazas.
- GG. A transit plan using existing transit services and expanded transit related services to and from the site for both employees and patrons will be implemented for the Nevele. Further enhancement of transit services has the potential to reduce the single vehicle trips in the study area accessing the Project site during peak and off-peak periods of travel.
- HH. The Project Sponsor has coordinated with the Ulster County Area Transit (UCAT) on the proposed transit service plan for the Nevele, which consists of two tiers of service. Tier 1 will be a Nevele Resort operated employee shuttle servicing two primary employee locations – 1) Peripheral Off-Site Employee Lot and 2) Newburgh/Beacon Railway Station. Tier 2 would be a potential local bus loop operated by UCAT. Overall, the transit service will help to reduce single vehicle trips to the site during peak and off-peak periods of travel.

Parking Demand

- II. The site will accommodate 2,490 total onsite guest parking spaces. This includes 1,891 structure parking spaces, 470 valet spots, 4 service vehicle spaces, 94 parking spaces for the golf course, and 31 parking spaces for buses, trucks and RV's. An off-site satellite parking lot located approximately 1½ miles south of the Nevele (and formerly used as parking for HITS) near Lewis Lane (known as the "Kelly Farm") will provide approximately 545 parking spaces for employees and overflow patron parking.

Emergency Access

- JJ. Emergency access to the site will be provided via the modified main site access intersection with US Route 209. The improved site access intersection will improve the current accessibility to the project site by emergency vehicles and address flooding concern. The new signalized intersection will be

designed and constructed to NYSDOT standards which accommodate emergency and other large vehicles. On-Site Circulation

- KK. An internal loop roadway providing access in a counterclockwise direction will be designed and constructed to accommodate emergency access.

Construction Traffic

- LL. It is anticipated that that construction activity will take place Monday to Saturday from approximately 7:00 a.m. to 6:00 p.m. and will last approximately 18 to 24 months. The necessary labor to construct the Nevele will ramp up from 100 workers to approximately 1,000 workers during peak times. Typical material deliveries to the site vary from 50 to 100 trucks per day while precast and steel deliveries will vary from 6 to 10 trucks per day. It is anticipated that Arrowhead Road will need to be resurfaced at the Project Sponsor's expense at the completion of the construction phase.
- MM. A Truck Route Logistic Plan has been prepared to minimize construction related traffic impacts. Construction vehicles Types A through E (Class 2-21) will enter the site from south via US Route 209. Type A vehicles (Class 2-5) may access the site from the north via Nevele Road and US Route 209. Traffic entering the Arrowhead Road will be controlled by a flag to avoid potential conflicts at the bridge and with visitors to the Honors Haven Resort.
- NN. To help reduce the traffic entering and exiting the site, employees will park off-site. The employees will be shuttled to and from the site which will help reduce the single vehicle trips at the site by transporting numerous employees at once. The Project Sponsor also proposes providing a shuttle stop in the downtown area that could be used by employees residing in the Village so they can walk to the shuttle. This will further reduce vehicular travel associated with the site.
- OO. Nevele shall provide free parking, either on the Nevele Site or at the Kelley Farm site, free transportation to and from the Nevele Site for all employees of the Nevele, the construction manager, or its sub-contractors will be provided to help alleviate interference with parking in the Host Community.

3.13 Utilities (Electricity, Gas, Telecommunications)

- A. Electric power to the site is currently provided by Central Hudson Gas & Electric (CHG&E), a Fortis company, from the Greenfield substation approx. 9000' northwest the site. Electric power also enters the site from the Clinton Avenue Substation approx. 2000' northeast of the site.
- B. Central Hudson Gas & Electric Corporation has indicated in writing a willingness and capacity to serve the proposed Nevele Project. Expansions of capacity are not required. Extensions of services may be conducted at cost to the Project Sponsor.
- C. Extension of electric services from existing off-site terminations may impact Town or County roads or rights-of-ways off-site. The traveling public may experience minor delays in passage

should travel be slowed or stopped to allow for construction activities. Impacts to soils will be minimal as the areas where these facilities are to be extended have been previously disturbed by road construction.

- D. Any upgrade of electric and telecommunications services to the site will be coordinated with the Town Highway Department and County Department of Public Works as well as NYSDOT to minimize disruptions to the traveling public and to ensure restoration of public roads and rights-of-way in accordance with permits issued and local standards.
- E. On-site impacts will involve excavation to allow for underground installation of conduits and lines. This work will be conducted in conjunction with the installation of the water distribution systems, wastewater collection systems and the construction of the roads. During construction, erosion and sedimentation, as well as fugitive dust may result from the activities involved in the installation of these utilities.
- F. Gas is not currently provided to the site and the nearest CHG&E gas service is approximately 24 miles from the site near the intersection of US Route 209 & Route 28 in Hurley. No extension of natural gas service is proposed.
- G. The project includes the installation of a back-up power system. Four 2.0 Megawatt emergency generators (Diesel Standby Power Plant) will back up the entire site during a power failure and be used for life safety loads such as lighting, smoke control, fire pump power, elevator recall, etc.
- H. Two, new 20,000 gallon No. 2 fuel oil underground storage tanks are proposed to serve the facility for heating, domestic hot water heating, and diesel standby power plant. The diesel standby power plant will be a standby system and will be in operation only when there is an outage of the normal utility electric service. Four new 1,000 gallon above ground liquid propane storage tanks will be provided to serve the restaurant cooking facility.
- I. All on site generators systems will utilize air pollution control measures to reduce NOx emissions, hydrocarbons, and particulate matter in accordance with the latest federal regulations
- J. On site, installation of all electric, and telecommunications facilities will be coordinated with construction of water and wastewater lines as well as the roads so as to minimize construction impacts.
- K. Verizon telecommunications services the site with a central office switching station within 1 mile of the site. Additional Fiber optic capability is currently available within that distance for additional capacity. Verizon telecommunications services may be upgraded. These upgrades will occur within the current infrastructure system (i.e., existing conduit and/or pole mounted system).

- L. Time Warner Cable of the Hudson Valley services the area with both co-axial and fiber facilities to meet the site needs.

3.14 Community Services (Schools, Solid Waste, Cultural Institutions and Recreation)

School District

- A. The Project site is located within the Ellenville Central School District. There are three schools (Elementary, Middle School, and High School) in operation within the District located on a central campus in the Village of Ellenville with approximately 1,750 students and 275 employees according to 2013 reported figures. Enrollment in 2000 was approximately 1,950 students. Enrollment has been in decline for more than 15 years according to information published by the NYS Education Department.
- B. There will be no new residential construction as part of this project, and therefore no direct increase in population or school aged children. However, the Project will employ upward of 2,000 employees and some employees may be attracted to live and reside within the Ellenville School District. Based on the decline in student population and demographic trends it is anticipated that adequate capacity exists for new students.
- C. Based on the findings of the Economic and Fiscal Analysis, a net fiscal benefit will be realized by the district. This benefit is projected at \$88.59 million over a 20-year time period (which correlates to the commencement of construction and beyond the life of the anticipated 15 year PILOT agreement).
- D. No adverse impacts to the Ellenville School District are anticipated and no mitigation is proposed.

Solid Waste

- E. The Nevele is estimated to produce approximately 1,456 tons of solid waste per year once the resort is fully operational. The recycling and composting of food wastes will be explored.
- F. A private carting service will collect the refuse and recyclable materials from the Nevele and transport them to a duly licensed transfer station, either the Town's transfer station or to Ulster County Resource Recovery Agency (UCRRA) transfer stations in Kingston, New Paltz, or Ulster. Waste accepted by the UCRRA is transported to the Seneca Meadows landfill in Waterloo New York, a facility licensed by the NYSDEC. Recycled materials are sent to a facility in Liverpool New York for processing. All waste and recycled material will be disposed of consistent with local, regional, and statewide regulatory controls.

- G. No adverse impacts to solid waste disposal services or capacity are anticipated. No adverse impacts on the available capacity of the receiving landfills are expected to result from the Nevele's projected solid waste output. No additional mitigation measures are necessary.

Cultural and Recreational Facilities

- H. Wawarsing is approximately 135 square miles in area (including the Village of Ellenville) and has a diverse range of natural areas and improved recreational facilities. The Shawangunk Ridge to the east, the Catskill Forest Preserve and other natural areas provide extensive opportunities for all forms of recreations (hiking, climbing, biking, etc.).
- I. Additional recreational resources within Ulster County include Belleayre Mountain/Pine Hill Lake Day Use Area, Kenneth Wilson Campground, Ulster County Pool, Ulster Landing Park, and Woodland Valley Campground.
- J. The Hudson Valley boasts many unique cultural institutions. Its rich history has produced several excellent live entertainment venues. Among them are the Shadowland Theatre, located in downtown Ellenville, the Bardavon, Ulster Performing Arts Center and Bethel Woods. Nevele is committed to extensive cross-promotion and collaboration with these regional entertainment venues. Nevele has executed a Memorandum of Understanding (MOU) with the Shadowland that promises: (a) to purchase twenty percent of the Theatre's seats for every main stage performance; (b) develop extensive cross-marketing plans; and (c) provide free transportation to and from the Nevele and Shadowland. These efforts are expanded upon in the Shadowland Support Agreement whereby the Nevele will make an annual payment of fifty-thousand dollars (\$50,000) to fund the theatre's general operations. This will qualify Nevele as an "Executive Underwriting Producer" of the Shadowland Theatre. Furthermore, Nevele will provide scholarships for children of its qualified employees to attend the Shadowland's childrens acting academy. Nevele is also working with the Upstate Theater Coalition for a Fair Game ("Fairgame Coalition") which represents major theaters, performing arts centers and event centers in the Catskills, Southern Tier and Capital Region and has executed a MOU with them whereby Nevele has agreed to provide substantial annual payments to the Fairgame Coalition's Fairgame Fund.
- K. A variety of trails are located in or proximate to the Town of Wawarsing principally along the Shawangunk Ridge. Within Ulster County there are approximately 350 miles of hiking trails that traverse the Catskill Forest Preserve, Shawangunk Ridge, Wallkill Valley, Esopus/Rondout Valley, and the Hudson River Valley Rail Trail. The Shawangunk Ridge Trail connects the Long Path with the northern Shawangunks into Minnewaska State Park Preserve and Mohonk Preserve.
- L. The Project is not a residential housing project and no new homes are being constructed; therefore impact on the Town's resident population and demand for new recreational facilities is anticipated to be negligible.

- M. Visitors to the Nevele will have access to the Project's amenities including the 18-hole golf course, pool, spa, ski slope, and exercise room. Nevele visitors are not anticipated to have a significant demand for the Town's improved recreational facilities, however, visitors will be encouraged to bike, visit downtown Ellenville, and the Region's outdoor amenities including the Shawangunks, Minnewaska State Park, Sam's Point and the Catskill Preserve.
- N. The Project's positive fiscal impacts are significant. By year 20, the Nevele is anticipated to have net positive impact of \$11.7 million annually to the Town and Special Districts. The cumulative benefit (over 20 years) is estimated at \$142.7million. The Town may choose to utilize the additional tax revenue to upgrade or invest in new improved recreational facilities and infrastructure.
- O. The Nevele Property includes a section of the D&H Canal Heritage Corridor extending from the Nevele's northern boundary to the Sullivan County line at Spring Glen. The Project Sponsor has donated this former rail bed to public use by the grant of an easement to the Town of Wawarsing.
- P. No adverse impacts to cultural and recreational facilities are anticipated. The Project will draw additional tourists and visitors to the region. Many of the visitors will utilize the Nevele's on site recreational amenities. The Town will benefit from significant increases in revenues and may choose to utilize this revenue to upgrade or invest in new improved recreational facilities and infrastructure that will benefit all residents and the visiting public.

3.15 Police, Fire and Emergency Services

Police

- A. The Nevele Project site is currently served by the NYS Police, Ulster County Sheriff's Office and on occasion the Village of Ellenville Police Department.
- B. The Ulster County Sheriff's Law Enforcement Center is located at 380 Boulevard, Kingston NY 12401. The Ulster County Jail is also located at this facility. The Project site is approximately 4.3 miles from the Wawarsing Sub-Station. The response time to the Project site will vary depending on the nature of the call and the location of a patrolling Sheriff at the time of the call.
- C. The New York State Police Troop F – Zone 3, which is headquartered at 1791 Route 209 Kingston, NY 12401 provides law enforcement and police protection to the Project site in conjunction with the Ulster County Sheriff. Typical response time to the Project site will be 5-10 minutes.
- D. The Village of Ellenville Police does not directly provide law enforcement and police protection to the Project site. However, the Village Police Department provides these services in the community adjacent to the proposed Project and provides support when called upon. The Police

Department is located at 2 Elting Court, Ellenville, NY 12428. In the event they would respond to a call, the Police Department is just two miles from the Project site.

- E. The Casino Operator will have on-site security forces that will handle all security related issues at the Nevele. The Nevele will include a security station and detention center in the Lower Level of the Nevele that will be easily accessible to the exterior. The entire facility will be under 24-hour surveillance and license plate readers will be installed to capture all license plates entering and leaving the site. A designated emergency services station will be located on-site adjacent to the golf parking lot as the emergency command center.
- F. On-site emergency services will be coordinated with New York State Police, Ulster County Sheriff, Ellenville Police, Ellenville Fire District, and Ellenville First Aid and Rescue Squad. Standard operating procedures and an emergency action plan will be prepared in coordination with these emergency service providers, prior to issuance of a Certificate of Occupancy. In addition, emergency preparedness response training will be held on site prior to the opening of the Nevele and on-going with new hires.
- G. There is some potential for a higher incidence of police related calls as a result of the construction of the Project. The analyses of impacts to Village Police operation concluded that the Project will likely result in an increase in the activity of the Village of Ellenville Police. While Ellenville Police activity was not specifically studied in the Camoin Report prepared for the D/FGEIS it does project an approximately fifteen (15%) percent increase in fire and EMT activity as a result of the Project. As a component of the Community Mitigation Plan, the project sponsor and the Village agreed that it is reasonable to assume that there will be a corresponding increase in the activity of the Ellenville Police.
- H. The Project will return additional direct revenue and sales tax revenue to Ulster County and New York State that will also mitigate any additional operation expenses to the police forces.
- I. The robust security at the Project will handle the majority of on-site incidents. It is anticipated, therefore, that the increased police activity will stem from an increase in the number of people in the general area and be characterized by specific incidents such as alcohol-related, motor vehicle and disorderly conduct matters. In order to remediate this projected increase of the activity of the Ellenville Village Police, Nevele will fund a full-time Drug Abuse Resistance Education ("DARE") and community education specialist, allowing the previously terminated DARE program to be reinstated. The CMP allows the funded officer, at the direction of the Village of Ellenville, to assume typical patrol activities.
- J. Nevele will fund one hundred (100%) percent of the salary, employee benefits plus DARE program fees associated with the full-time DARE and community education specialist on an annual basis with a cap of \$100,000 per year. Details of the program are included in the Community Mitigation Plan Agreement ("CMP") which was executed between and among the

Town of Wawarsing, Village of Ellenville and the Nevele on June 12, 2014. The CMP also provides that Nevele will fund a review of the impacts of its Project on the Town and Village two years after commencing gaming operations. The CMP is therefore open to review of effectiveness and may be modified to address additional community needs. At the option of the Town and the Village and second review may be conducted four years after commencement of gaming operations.

- K. While Nevele has not studied the impacts of the Project on the local court system, it is reasonable to assume that the anticipated increase in police activity extrapolated from the Camoin Report will result in an increase in activity in the local courts. This would mean that activity in local courts could increase as much as fifteen (15%) percent. In order to mitigate this impact, Nevele has agreed in the CMP to commit \$100,000.00 per year, consisting of \$75,000 to the Town and \$25,000 to the Village. Such funds will be applied by the Town and Village to supplement court costs. In the event the Town and Village courts are consolidated, or the Village is dissolved, during the term of this Agreement, Nevele will pay the entire \$100,000.00 to the Town on an annual basis thereafter to supplement court costs.

Fire

- L. The Ellenville Fire District (District) provides fire protection services to the Project site as well as the Village of Ellenville and part of the Town of Wawarsing. Response times to the Project site are estimated at less than 5 minutes. The District's equipment includes: four fire engines, one tanker truck, one aerial ladder truck, one heavy rescue truck, and one utility/brush truck outfitted with a brush fire trailer with two ATV's. The District's aerial ladder truck can reach heights up to 160 feet.
- M. Ulster County has a Mutual Aid Plan that coordinates the use of personnel, equipment, and physical facilities of all participating fire departments for fire or other emergencies in which the services of firefighters will be used throughout Ulster County and adjacent areas. A total of 41 Fire Departments within Ulster County participate in this plan. The Ulster County Emergency Communications Center is located at 238 Gold Hill Lane, Kingston NY 12401.
- N. The Fire Chief contacted other fire districts with similar casino amenities in New York and Pennsylvania to get a sense of the type and volume of calls these projects can generate. Based on this research, it is expected that the Ellenville Fire District will experience a 15 percent increase in call volume upon full build-out of the Project. Most of these calls are expected to be traffic accident calls; few will likely be to the Project site itself.
- O. The Fire District raises revenue through imposition of a property tax. As a result of the Project's increase in assessed value, approximately \$693,359 in additional tax revenue will be provided to the District annually. This revenue will offset the Project impacts to Fire District operating expenses and result in a net revenue increase of \$587,565.

- P. The findings set forth in the Camoin Report indicate that call volume/activity of fire and EMT services of the Host Community are projected to increase by approximately fifteen (15%) percent as a result of the Project. In order to mitigate this projected increase in volume, Nevele has agreed in the CMP to fund fifty (50%) percent of the cost of a replacement ladder truck for the Ellenville Fire District over a five (5) year period, provided that such ladder truck is capable of serving the Project. The expected cost of this mitigation is \$350,000.00 payable over five (5) years.

EMS

- Q. Emergency Medical Services (EMS), including basic and advanced life support, is provided to the Project site, the Village of Ellenville, and Town of Wawarsing by the Ellenville First Aid and Rescue Squad (Squad). The Project site is approximately 1.5 miles from the Squad's station on Webster Street within the Village of Ellenville. Response times to the Project site are estimated at 2-3 minutes.
- R. The Squad's equipment includes: three fully equipped basic life support ambulances, two fully equipped advanced life support vehicles, one rescue vehicle (high angle rope and dive rescue), and one motorized pontoon boat.
- S. Medical related emergencies occurring at the Nevele will initially be administered by on-site security and paramedics. Medical emergencies requiring additional assistance will be coordinated with the Rescue Squad and the assigned hospital facility.
- T. According to information provided by the Ellenville First Aid and Rescue Squad, the Nevele site is used as a helicopter landing site for emergency medical evaluations. The regional medivac services utilize the current golf driving range for emergency transport to the region's advanced trauma and burn centers.
- U. Based on discussions with the Chief Paramedic, the Squad expects a 14.8 percent increase in call volume. Based on projected increase in call volume, an additional \$41,266 in Rescue Squad expenses are anticipated as a result of the Project. However, the increase in assessed value of the Site will generate a total of \$66,931 in new Rescue Squad revenue. New net revenue to the Rescue Squad is anticipated to total \$25,665 annually.
- V. The Economic and Fiscal Analysis projects an additional \$66,931 in tax revenue that will benefit the Rescue Squad and offset the increased expense. This revenue will offset the Project impacts to operations of the Rescue Squad and will result in a net revenue increase of \$25,665. Therefore, no mitigation measures are required.

Hospitals

- W. There are three hospitals and several urgent care facilities located in close proximity to the Nevele. These include Ellenville Regional Hospital, HealthAlliance Hospital Broadway Campus and Health Alliance Hospital Mary's Avenue Campus in Kingston, First Care Walk-In Medical Center in Kingston, EMERGENCY ONE in Kingston, Orange Regional Medical Center in Wallkill, and Immediate Medical Care in Ellenville.
- X. Medical related emergencies occurring at the Nevele will initially be administered by on-site security and paramedics. Medical emergencies requiring additional assistance will be coordinated with the Rescue Squad and the assigned hospital facility. The Project does not include a residential component increasing the number of residents in the area that will require healthcare services.

Three identified hospitals and several urgent care facilities located in proximity to the Nevele maintain adequate staff and equipment. Therefore no impacts on healthcare services from the Nevele are expected.

3.16 Fiscal Conditions

- A. For fiscal year 2013, the Project site had a total assessed value of \$83,000 and approximately \$171,366 in real property taxes for the Town of Wawarsing, Ulster County, special districts including the Ellenville Fire District and Ellenville First Aid and Rescue Squad, and the Ellenville Central School District.
- B. It is anticipated the Project Sponsor will negotiate payments in lieu of taxes (PILOT) with the Ulster County IDA that will apply an exemption on the assessed value. According to the Ulster County IDA, the Project is expected to qualify for the IDA's Uniform Tax Exemption Policy, Category 4 PILOT, which has a 15-year tax exemption policy. Through this period the rate of exemption decreases from 100 percent down to 0 percent at the end of the 15 year term. Once the PILOT fully expires, real property taxes will be collected in full.
- C. Emergency Medical Services (EMS) is provided to the Town of Wawarsing by the Ellenville First Aid and Rescue Squad (Rescue Squad). Based on projected increase in call volume, an additional \$41,266 in Rescue Squad expenses is anticipated as a result of the Project. However, the increase in assessed value of the Site will generate a total of \$66,931 annually in new Rescue Squad revenue. New net revenue to the Rescue Squad is anticipated to total \$25,665 annually.
- D. The Ellenville Fire District (District) provides fire protection services to the Project site. Based on projected increase in call volume, an additional \$105,794 in District expenses is anticipated. However, the increase in assessed value of the Site will generate a total of \$693,359 annually in new District revenue. New net revenue to the District is anticipated to total \$587,565 annually.

- E. As the host community, the Town will receive 5 percent of the gaming tax revenue collected by the State. The State will impose a tax rate of 39 percent on revenue from slot machines and a 10 percent tax on all other gaming. Gaming tax revenue is summarized below.

Gaming Tax Revenue to Town & County	
Gross Gaming Revenue	\$310,449,750
Slot Machine Revenue	\$223,523,625
Tax Rate on Slot Machine Revenue	39%
Slot Machine Tax Revenue	\$87,174,214
Other Gaming Revenue	\$86,926,125
Tax Rate on Other Gaming	10%
Other Gaming Tax Revenue	\$8,692,613
Gaming Revenue to Host Municipalities (10% of total)	\$9,586,683
Gaming Revenue to Town	\$4,793,341
Gaming Revenue to County	\$4,793,341
<i>Source: The Innovation Group, Camoin Associates, NYS Local Gaming Facility RFA</i>	

- F. Taking into account inflation (3% annually) and the expected 15 year PILOT, variable expenses, special districts, and gaming tax revenue, by year 20, the Nevele is anticipated to have net positive impact of \$11.7 million in revenue annually to the Town and Special Districts. The cumulative benefit (over 20 years) is estimated at \$142.7million.
- G. Since this is not a residential project, the only direct impact to the Ellenville Central School District will be an increase in PILOT/property tax revenue. It is acknowledged that employees of the Project may choose to move and relocate to the Town and with that a corresponding increase in students. It is difficult at this time to make reliable assessments of these indirect impacts. By year 20, the Nevele is anticipated to have a net positive impact of \$11.6 million in revenue annually to the School District. Over a 20-year time period the total fiscal impact (net benefit) of the Project on the School District is \$88.6 million.

- H. The Project will have one time and ongoing economic impacts on the regional economy resulting from new spending coming into the region as a result of the Project and, in turn, the new jobs created at the Site. Construction related impacts are those that occur as a result of the new spending associated with the construction at the Site. Ongoing impacts are those associated with the operation of the Nevele that occur as a result of new visitor spending associated with operations at the Site.
- I. There will be \$121 million in net new spending associated with the construction of the Project. Additional construction spending sales will create new jobs. Those employees will receive wages and in turn spend a portion of those dollars in the local economy for daily needs, housing, and other expenses. A portion of those dollars are again re-spent in the local economy.
- J. Once construction is complete and all of the proposed amenities are operational, the Project is expected to generate \$473 million in sales supporting nearly 3,600 jobs that earn \$143 million annually. Applying an inflation factor of three percent annually, the projected total economic impacts through year 20 increases to \$831 million in sales and \$251 million in earnings.

Local Business Impacts

- K. It is expected that there will be a significant positive impact on local businesses. First, there will be an influx of visitors drawn to the area from a wider area. These patrons will spend money in the local economy to the benefit of the local businesses. In addition, many of the projected local casino visitors currently visit out-of-state casinos in New Jersey and Pennsylvania and to a lesser extent Connecticut and Rhode Island and thus their recapture to a facility in-state represents a net gain.
- L. Compounding the effect from visitors, there will also be the positive impact on local businesses by bringing a sizeable number of employees into the immediate area around the Nevele. These employees will spend money on food and beverages in the local area, and will buy gasoline and other convenience and retail items. This is spending which does not currently occur in the area and which can be further enhanced by instituting a discount program for casino employees who patronize local businesses. This not only benefits local merchants but, from the casino's perspective provides an additional benefit to its employees.
- M. As stipulated in the Community Mitigation Plan, the Nevele will use commercially reasonable efforts to work with qualifying businesses in the Host Community to implement a program that allows casino patrons to redeem points at such businesses. As an additional initiative to enhance revenues for local businesses, Nevele will endeavor to establish a list of businesses in the Host Community which provide special offers or discounts to Nevele's players' club members. Nevele will promote to Nevele players' club members the availability of these special offers and discounts and the identity of the participating businesses in the Host Community.

- N. As stipulated in the Community Mitigation Plan, Nevele has agreed to endeavor to “buy local” via a program administered through the Ellenville Wawarsing Chamber of Commerce. Nevele will also work with local businesses through the Ellenville Wawarsing Chamber of Commerce to promote local businesses within the Project. Finally, Nevele has agreed to commit \$50,000 per year to the Ellenville Wawarsing Chamber of Commerce to be used to promote and retain local businesses, develop new businesses and promote tourism. These funds will be subject to the requirement that the Ellenville Wawarsing Chamber of Commerce submit an annual report to the Town and Nevele setting forth its uses of such funds.
- O. Nevele will make a free shuttle available to Nevele employees and patrons to facilitate their travel to and from the Village, and specifically Village restaurants, the Shadowland Theater and the Hunt Memorial Building.
- P. Economic and Fiscal Impact Analyses indicates the Nevele will have profound positive effect on the Hudson Valley economy as well as on the Town of Wawarsing and Ulster County. This includes increases in real property tax revenues to the Town and the Town’s Fire and EMS Special Districts, the Ellenville School District, and Ulster County. Over the 20 year periods described above, PILOT and other revenues from the Project more than offset the increase in costs the Project may generate through increased demand for public services.
- Q. Nearly 3,600 jobs will be created over the 20 year period, spending/sales will reach \$830 million and wage/earning will reach \$251 million.
- R. Ulster County will benefit from increased annual sales tax revenue of \$2.5 million, occupancy tax revenue of \$371,231, and gaming tax revenue of \$4.8 million.

3.17 Demographics and Socioeconomic Impacts

- A. According to the 2010 US Census, the Town of Wawarsing has a population of 13,157, which represents an approximately two (2) percent increase since 2000 (12,889). Despite modest population growth within the Town, a steady decline in Ulster County’s population and significant declines within Ulster County school districts has been predicted by studies performed by Cornell University and Hudson Valley Patterns for Progress.
- B. There are a total of 6,211 housing units within the Town of Wawarsing. Of these, approximately 64 percent of the Town of Wawarsing’s occupied housing units (4,509) are single-family detached dwelling units. Twenty seven percent of the Town’s housing units are vacant, of which, 60 percent are for seasonal, recreation, or occasional use.
- C. The proposed project will have minor impacts to the Town of Wawarsing’s future growth projections. The proposed project will improve the region’s unemployment characteristics by providing well-paying jobs that will benefit the existing supply of available labor.

- D. The proposed project does not include any new housing units and any new housing demand will likely be absorbed by existing housing vacancies (at least 680 unoccupied housing units) or by limited new construction. Any influx of new residents will likely have a positive effect on the quality of housing stock; creating minor demand for upgrades as well as providing new employment and wages for housing.
- E. The proposed project will generate 318 construction jobs in year 1 and 590 construction jobs in year 2. The Project will also generate 114 and 213 indirect jobs in the first and second years of construction, respectively. With respect to long-term employment, the proposed project is forecast to generate 2,350 direct and 1,152 indirect jobs. A significant number of these jobs will be filled by the existing supply of available labor. Many Wawarsing residents currently have extensive travel times to work. As such, new job opportunities within the Town will provide an increase in local employment options.
- F. One of the stated goals of the Town of Wawarsing's Comprehensive Plan is to improve its economic base by providing sites for further resort development. The proposed Project will improve an existing resort facility, providing new, well-paying job opportunities for the region's population. Many of these jobs will be filled by the existing supply of labor (unemployed) or by those that would like to decrease their existing travel times to work, thus resulting in no adverse impacts.

3.18 Greenhouse Gas Emissions

- A. A Greenhouse Gas Assessment, consistent with NYSDEC's *Policy on Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements* (GHG Policy) was prepared for the project. The carbon footprint for the Nevele is the total set of all GHG emissions and is calculated as metric tons of carbon dioxide equivalent (CO₂e) per year. Consistent with the GHG Policy, the assessment addresses project emissions from direct stationary and non-stationary sources, indirect stationary and non-stationary sources, and waste generation from the Nevele Project.
- B. The Nevele facility exists today as a 450 unit hotel, golf course and resort complex with an excess of 650,000 SF of building space. When operational, the facility utilized conventional fossil fuels (propane gas, fuel oil) and electricity in a non-efficient manner (pre 1950's construction and energy systems). The new facilities will all be constructed as energy efficient building envelopes and energy systems. The GHG Assessment methodologies do not account for this 'replacement' of old systems with new and, therefore overstates 'net new' greenhouse gas emissions. This principle is also true with respect to project generated traffic.
- C. The Nevele is estimated to generate approximately 29,109 metric tons of CO₂e based on calculations of direct stationary(12,615), indirect stationary (8437), indirect mobile (8049) and

solid waste (8) sources of GHG emissions. These source categories represent all significant GHG sources associated with the Nevele Project.

- D. The new facilities will all be constructed as energy efficient building envelopes and energy systems. The GHG Assessment methodologies do not account for this 'replacement' of old systems with new and, therefore overstates 'net new' greenhouse gas emissions. This principle is also true with respect to project generated traffic.
- E. The GHG Policy identifies example mitigation measures that can increase energy efficiency, reduce energy demand, and reduce GHG emissions from proposed projects within the following categories: building design and operation measures, efficiency or mitigation measures for on-site GHG sources, site selection and design measures, transportation measures, and waste reduction or management measures.
- F. This will be further evaluated in the Site Development Plan and at that time the site specific details will seek to incorporate the types of mitigation measures identified in the GHG Policy, along with other design strategies to reduce GHG emissions resulting from the Nevele Project. The application of these example mitigation measures will successfully reduce the amount of GHG emissions stemming from the Nevele Project.
- G. Incorporating these green building principles into the Nevele project will result in a number of important mitigation measures to lower energy consumption and reduce the GHG emissions estimated in this analysis. No clearing of forested areas is proposed and so trees and other plants remaining on-site will continue to provide carbon sequestration.

4.0 ALTERNATIVES

SEQRA calls for the evaluation of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the Project Sponsor. In accordance with the Final Scoping Document, the following alternatives to the proposed action were considered:

4.1 “No-Action” Alternative

The “No-Build” alternative is the scenario that would occur if no development were to take place on this site. The site has been shuttered since 2009 and would likely continue to remain vacant, although there is no guarantee that the site would not otherwise be developed at some point in the future.

Without investment in the adaptive reuse of the building, the site may remain an attractive nuisance and fall into further disrepair. This could further lead to any number of safety hazards and threats to public health.

Under the “No-Build” Alternative, there would be:

- No soil or vegetation disturbance;
- No increase in vehicular traffic;
- No increase in demand for public services such as police or fire protection;
- No removal of the current environmental contamination at the site;
- No positive fiscal benefits; and
- No long term economic/job creation benefits.

This alternative is not consistent with the objectives of the Project Sponsor and would provide a less positive impact compared to the Project because of the lack of fiscal and economic/job creation benefits.

4.2 As-of-Right Residential Development Plan

Under this alternative, a conventional residential housing development consistent with the permitted Rural (RU) zoning designation would be developed. Rural zoning allows single family residential development on a 120,000 SF lot. Under this alternative a total of 60 single family homes could be constructed on approximately 300 acres of land that is not constrained with steep slopes, wetlands and other sensitive features. For the purposes of this evaluation it was assumed the homes would be two-story, three bedroom single family homes. The golf course would remain in place and operate as the primary attraction to owning a home overlooking or adjacent to an existing 18-hole golf course.

In terms of site disturbance it is expected that approximately 1 acres of land clearing activities (roads, driveway, home site, stormwater features, septic) would be associated with each lot. Water and sewer utilities would consist of conventional on-site septic systems and drilled wells. Access to the developable lands would require the construction of roadways and require the crossing of some steep slopes as well as streams and wetland areas. These construction activities have the potential to impact sensitive habitats that may be occupied by protected species.

Under this alternative, the harvesting of timber on those lands not developed as single family homes could occur as a principle permitted use. Mining and extractive uses are also classified as permitted principal uses within the Rural zoning designation. These activities would likely disturb large land areas on the eastern facing upland slopes of the mountainous terrain along US Route 209 that would be visible from the public ROW as well as from the Shawangunk Scenic Byway.

Under the "As of Right" Alternative, there would be:

- Significant soil and vegetation disturbance;
- Potential for additional impacts to wetlands, steep slopes, vegetative habitat, and sensitive natural resource areas;
- Development activities outside of the current development footprint;
- No use of Village of Ellenville water & sewer facilities and thus no revenue to the Village for the operation of these systems;
- A reduction of vehicular traffic in contrast with the proposed project (or indeed the existing resort if reopened);
- Negligible positive fiscal benefits as residential land uses are expected to require greater levels of community services than they pay in local property taxes; and
- Construction of housing units would create temporary jobs, but there would be no permanent economic/job creation benefits.

This alternative is not consistent with the objectives of the Project Sponsor and would result in a less positive impact compared to the Project because of increased site disturbance impacts, and limited positive fiscal impacts, and permanent economic/job creation benefits. It is not an adaptive reuse of the existing resort facility and does not advance the objectives set forth in the Comprehensive Plan.

4.3 Community/Educational Facility Alternative

Under this alternative the site and existing facilities would be adapted for reuse by a not-for-profit such as an educational facility with elements of a charitable or retreat institution. The end uses would consist of a mix of administrative offices, on site residential care facility, hospice or other form of nursing care, workforce training, retreat hospitality, religious institution, post-secondary educational facilities and/or other ancillary uses.

Under this alternative much of the Project site would remain in the same condition with large open spaces with the potential to increase vegetative habitat for local species and introduce on-site interpretive signage linked to local history and ecology.

Given the current state of structures on-site, a significant investment would need to be made to initially restore the buildings to meet New York State Uniform Fire Prevention and Building Code, if possible, in addition to the cost of adapting the buildings for such uses. Renovation activities would require the removal of asbestos containing materials and demolition of certain structures not suitable for reprogramming due to size, age, quality or past use. Demolition and asbestos abatement costs alone are estimated at \$3M.

The Project Sponsor would operate the Project as a not-for-profit and the property would be removed from the tax rolls. No development would occur west of US Route 209.

Under the Community/Educational Facility Alternative there would be:

- No/minimal soil or vegetation disturbance;
- No/minimal impacts to wetlands and sensitive natural resource areas;
- No use of Village of Ellenville sewer facilities and therefore reduced revenue to the Village;
- Minor increases in vehicular traffic;
- Increase in population of the Town from potential residents of the proposed alternative;
- Elimination of property taxes paid to the Town, County, School District, Fire District, and EMS Squad given the not for profit status;
- Significant rehabilitation and asbestos remediation costs;
- Negligible positive fiscal benefits; and
- Minimal long term economic/job creation benefits.

This alternative is not consistent with the objectives of the Project Sponsor and would result in a less positive impact compared to the Project because of the significant capital investment required for this alternative and the limited positive fiscal impact from the operation of a community or educational facility prevent the ability of this alternative to be profitable.

4.4 Re-establishment of Former Use

This alternative examines the reestablishment of the Nevele Resort without the proposed casino component.

Under this alternative the Project site would generally remain in the same condition with a fully operational 18-hole golf course. On-site improvements would include improved recreational fields and

courts, ski slope, ice skating arena, swimming pool, and additional recreational elements that could include trails, an aerial adventure course, and equestrian facilities.

Given the current state of structures on-site, a substantial capital investment would be necessary to initially restore the buildings to meet New York State Uniform Fire Prevention and Building Code in addition to the cost to modernize the buildings to attract the target traveler/tourist market. Significant investment in renovation activities would require the removal of asbestos containing materials and demolition of certain structures not suitable for reprogramming due to size, age, quality or past use.

Under the Reestablishment of Former Nevele Resort Alternative there would be:

- Similar levels of soil and vegetative disturbance;
- Additional on-site recreational improvements;
- Minimal impacts to wetlands and sensitive natural resource areas;
- No direct increase in residents within the Town of Wawarsing;
- Increased traffic coming to and from the Project site;
- Limited increase in property taxes paid to the Town, County, School District, Fire District, and EMS;
- Significant rehabilitation and asbestos remediation costs; and
- Minimal increase in long term/economic job creation benefits.

This alternative is not consistent with the objectives of the Project Sponsor and would result in a less positive impact compared to the Project because of the significant capital investment (\$50-\$60 million) required to refurbish the resort to make it attractive.

It should be noted that the prior ownership attempted, unsuccessfully, to operate the Nevele as a hotel, resort and convention center. The successful redevelopment of the Nevele without a casino is unlikely due to the difficulty of obtaining financing to make the necessary substantial capital improvements to the property.

4.5 Redevelopment as Gaming Resort at Higher Density

At the time the scoping document was adopted, it was anticipated that a fifth alternative including a higher density gaming resort would be evaluated as a reasonable alternative. However, based on the adoption of the Upstate New York Gaming Economic Development Act of 2013, the NYS Constitutional amendment and the subsequent issuance of the gaming license request for application (RFA) details, only a single proposal for a gaming license can be proposed for each site. As such, a higher density gaming resort alternative cannot be proposed and therefore is not included.

5.0 IRREVERSIBLE COMMITMENTS OF RESOURCES AND SIGNIFICANT ADVERSE UNAVOIDABLE IMPACTS

The proposed Project, like any development, will cause the short-term and long-term commitment of environmental resources. The Nevele will be developed largely within the existing development footprint. A principal design objective of the design team was to minimize environmental impacts and maintain the existing development footprint of the site. Physical development (with the exception of the golf course) is largely confined to the 40 acre area that centers on the existing hotel structures. However, the construction of impervious surfaces and the attendant human and mechanical activities alters the landscape and the environment.

On the Project site, small portions of undeveloped land will be committed to the development of casino, hotel and associated amenities. Existing topography, soils, drainage patterns, and vegetation will be altered, some replaced with impervious surfaces and some reverting back to green-space. The Project is an adaptive reuse of an existing facility and will involve selective demolition of out of date facilities.

Resources consumed during construction of the development, including fossil fuels, electricity, and construction materials, will be committed for the life of the Project. Non-renewable fossil fuels will be irretrievably lost through the use of gasoline and diesel powered construction equipment during construction. To the extent feasible, commitments will also be made for the use of renewable and/or recyclable resources such as construction and building materials including timber, copper, ductile iron, concrete, and glass. The need for construction jobs will be an irretrievable commitment of labor resources.

As described in detail in Section 3.0, "Environmental Setting, Impacts and Mitigation Measures," the long-term demand for water and energy resources at the site will increase when the proposed land uses are operational. The proposed Project would result in the long-term commitment of these resources for the operation of the Nevele Resort, Casino & Spa. However, the amounts of water and energy used in operation of the proposed Project would be relatively small in relation to regional consumption, and sufficient quantities of water and other resources are available locally and in the region to accommodate this demand.

The Gaming Law has provided for the granting of one or possibly two gaming licenses in the Catskills/Hudson Valley Region. Assumedly, one or two licenses will be granted in the Catskills/Hudson Valley Region. Regionally, the proposed Project will not significantly impact resources and in comparison to other prospective gaming sites in the Region, the Project will have fewer adverse impacts than other prospective gaming sites in the Region.

6.0 UNAVOIDABLE ADVERSE IMPACTS

The proposed Project will have adverse impacts on the environment, which cannot be avoided if the Project is implemented. Some of these are short-term impacts that will occur primarily during construction phases. Most arise from the alteration of existing site conditions. There are, however, other adverse impacts that would have permanent or long-term environmental impacts. Most of these are an unavoidable consequence of the development process.

The following are impacts that cannot be avoided if the Project is implemented:

- Disturbance to the site for grading, construction, paving, and landscaping;
- Replacement or disturbance of onsite soils during the course of development, including disturbance of approximately 3 acres of slopes 10-25 percent, and 0.6 acres of slopes in excess of 25 percent;
- Increase in the amount of impervious surface (a total of approximately 1.5 acres);
- Alteration of on-site stormwater runoff patterns although there will be no increase in the amount or decrease in the quality of stormwater leaving the site;
- Impacts to on-site terrestrial and aquatic habitats;
- Generation of traffic. During the construction phase, trucks, machine transport vehicles, supply vehicles, and work crew vehicles would add to the present traffic. Once the development is complete, there will be additional trips generated by employees and patrons of the Nevele;
- Increase in dust particles generated at the site during construction;
- Increase in water usage and wastewater generation;
- Increase in solid waste and recyclable material generated at the site;
- Increase in lighting generated at the site; and
- Increase in energy usage, specifically electricity and heating fuels.

7.0 GROWTH-INDUCING ASPECTS

Certain actions associated with the development of land and subsequent operations of the development can result in the inducement of growth beyond the Project borders and within the community at large. Often, projects that have high employment demands result in growth in the surrounding community to support those demands. Alternatively, the provision of water and sewer as well as other infrastructure in remote areas can allow land that was previously difficult or costly to develop to become more feasible for development and thus growth occurs outside the Project boundaries. Project factors that can induce growth include:

- Demand for employees;
- Increase in demand for local retail goods and services;
- Provision of new infrastructure; and
- Increase in property values of surrounding land.

With respect to employment, it is anticipated that the proposed Project will generate generate 318 construction jobs in year 1 and 590 construction jobs in year 2 . The Project will also generate 114 and 213 indirect jobs in the first and second years of construction, respectively. With respect to long-term employment, the proposed project is forecast to generate 2,350 direct and 1,152 indirect jobs. . Once operational, the Project is forecasted to generate 2,350 direct (on site) and 1,152 indirect (off site) jobs. It is anticipated that many of these jobs will be filled by the existing supply of available labor within Ulster County and the immediate surrounding area. As such, it is unlikely that the Project will result in the need to create additional housing or a need for additional services to meet the needs of the construction workers or Nevele employees. These workers are expected to have a positive impact on existing local businesses by purchasing food, gasoline, and other goods and services while working at the Project site. There is the likelihood that demand for retail and commercial services could increase as a result of the proposed Project, which could contribute to increased commercial growth in the Village of Ellenville and in surrounding areas. This may be seen as a positive effect.

The provision of new infrastructure, particularly drinking water and wastewater collection and treatment can be an inducement to growth under some circumstances. The Project site is currently served by the Village of Ellenville Water System via an existing 8" DIP Water Main that traverses the Honors Haven property (north of the site). A utility easement benefitting the Village permits this utility to cross the Honors Haven property. Seeing as no extensions or improvements to the Village system are required, there is no potential to create growth inducing impacts related to water service.

The extension of wastewater infrastructure to the Village of Ellenville wastewater treatment plant will provide the potential for additional wastewater service to areas of the Town not presently served by sewer. The wastewater extension would be constructed at no cost to the Village/Town and be offered to the Town of Wawarsing. The Village will have the option of allowing landowners adjacent to the wastewater extension to connect.

Once operational, the assessed value of the Nevele is expected to increase from \$83,000 to \$5.8 million under the existing equalization rate. It is likely that surrounding property values will rise and as a result, there may be an increased interest in land for the purpose of development.

While some amount of induced growth is anticipated as a result of the successful implementation of the Project, mostly due to an increase in property values and new jobs, existing land use and infrastructure provision controls result in restraints that reduce and control induced growth. The Town has developed a number of associated planning documents, and possesses a number of land use management tools to address this potential growth.

8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

Through the utilization of sustainable design techniques, selection of energy efficient and environmentally sensitive construction materials and mechanical systems, and a commitment to conservation practices and low impact development techniques, the Nevele Resort, Casino & Spa Redevelopment Project will utilize energy wisely and ensure the conservation and protection of the natural environment in the short term and long term. As with all development projects, energy will be consumed during construction and will continue to be consumed upon completion and use of the Project facilities.

During construction, energy will be used to power equipment and various construction vehicles. Once construction is complete, energy will be required for operation of the resort including, heating, air conditioning, lighting, and the use of gaming machines. The design and plans for all energy conservation systems within the development will take into account the New York State Energy Code. It is expected that all systems will be modern, energy efficient units. It is anticipated that the primary source of energy for the Project will be electricity provided through Central Hudson Gas and Electric. The energy required for heating, air conditioning, and other non-electrical needs is expected to be provided by fuel oil and propane.

Renewable Energy

The project sponsor will procure or generate on-site at least ten percent of the facility's annual electricity needs from renewable energy sources qualified by the New York State Energy Research and Development Authority (NYSERDA). This commitment reflects Nevele's goal of being a sustainable development and also reflects the standards set forth in the Upstate New York Gaming Economic Development Act of 2013 and Exhibit IX.C.6. of the New York Gaming Facility Location Board's Request for Applications to Develop and Operate a Gaming Facility in New York State.

LEED Goals

The Nevele will seek a LEED Silver Certification under the United States Green Building Council within the Building Design and Construction project type. Credits and pre-requisites identified as part of the LEED Silver rating system cannot be applied to the Project at this time. However, the use of green building principles as identified in the LEED environmental categories will result in a project with lower energy consumption.

The Gaming Law has provided for the granting of one or possibly two gaming licenses in the Catskills/Hudson Valley Region. Assumedly, one or two licenses will be granted in the Catskills/Hudson Valley Region. Regionally, the proposed Project will not significantly impact resources and in comparison to other prospective gaming sites in the Region, the Project will have fewer adverse impacts than other prospective gaming sites in the Region.

9.0 CERTIFICATION

Upon consideration of the foregoing and the Draft Generic and Final Generic Environmental Impact Statements, the Town Board of the Town of Wawarsing hereby certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft Generic and Final Generic Environmental Impact Statements prepared in connection with the proposed action.
- B. It has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the proposed action.
- C. The requirements of 6 NYCRR Part 617 have been met.
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the Draft and Final Impact Statements and this Findings Statement.