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**Via Email and Regular Mail**  
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Gail P. Thorpe, Supervisor of Contract Administration  
New York State Gaming Commission  
Contracts Office  
New York State Gaming Commission  
P.O. Box 7500  
Schenectady, New York 12301-7500

**Re: Proposed Casino Sites in the Village of Woodbury and Town of Tuxedo, Orange County**

Dear Resort Gaming Facility Location Board Members:

We write to express our strong opposition to the proposals submitted to your Board in response to the Request for Application for Gaming Facilities ("RFA") by Caesars Gaming Company for the "Caesars New York" destination resort to be located in the Village of Woodbury, and by Genting Americas for the "Sterling Forest Resort" proposed for the Town of Tuxedo, both in Orange County. Scenic Hudson, Inc. is deeply concerned about the proposed siting of extremely high-traffic and intense land uses in the midst of the pristine Sterling Forest State Park and other valuable public lands. Of additional concern is the potential impact that these developments, located in the Ramapo River watershed, will have on the drinking water supply for millions of New York and New Jersey residents.

Scenic Hudson works to protect and restore the Hudson River and its valley as an irreplaceable national treasure and a vital resource for residents and visitors. A crusader for these resources since 1963, today we are the largest environmental group focused on the Hudson River Valley. Scenic Hudson combines land acquisition, support for agriculture, citizen-based advocacy and sophisticated planning tools to create environmentally healthy communities, champion smart economic growth, open up riverfronts to the public, and preserve the valley's inspiring beauty and natural resources.

**Additional Public Hearings Should be Held**

The public hearing held in Poughkeepsie on September 23rd was oversubscribed, and people who signed up to speak were not able to before the session ended. Due to the huge public interest in the matter of choosing the number and locations of casino facilities by the Resort Gaming Facility Location Board ("Location Board"), additional public hearings should be scheduled to allow for a complete public record.

**The Casino Siting Process Violates SEQRA**

As a threshold matter, Scenic Hudson is concerned by violations of the State Environmental Quality Review Act ("SEQRA") in the casino siting process, specifically with regard to the Sterling Forest Resort and Caesars New York proposals. The Gaming Commission, through the Location Board, will be choosing casino sites purportedly based on an analysis of which will result in the highest and best value for the region and the State, which is in turn based on the exact size and location of the casinos as proposed. As part of their applications, developers were required to obtain "Resolutions of Support" from

the communities in which they plan to locate the casinos. In the case of the Sterling Forest Resort, its proponent has gone so far as to secure "Community Agreements" with the Town of Tuxedo and the Village of Tuxedo Park, wherein it promises the municipalities many millions of dollars. And, apparently because of the short time that the casinos have to open and commence gaming if granted a license, the applicants for both projects have already applied to the host municipalities for required zoning amendments and land use approvals for the proposed developments, despite the fact that the Location Board has not made any final decisions.

Clearly, this process raises the specter of illegal segmentation under SEQRA, with municipalities taking actions, including issuing Resolutions of Support, entering into contracts, and adopting zoning amendments, well before the Location Board has made any determination, much less completion of full environmental review. Even more concerning is the fact that the "Resolutions of Support," coupled with huge monetary incentives in the Community Agreements, raises the question of whether the lead agency for the site specific development review is "un-interested" enough to take a valid "hard look" at the impacts of a proposal as required under SEQRA. Further, the Location Board's siting decision, if it chooses one or both of these projects, essentially makes it a foregone conclusion that the Lead Agency will approve the development as proposed, rather than identifying, studying and requiring mitigation of significant impacts as mandated by SEQRA. Finally, this process renders the analysis of alternatives - including the "no action alternative - which is the central tenet of SEQRA, a meaningless exercise.

Clearly, the Location Board's decision is the "action" as that term is defined under SEQRA. Preparation of an environmental impact statement by the host community is nothing but an "after-the-fact" review which does not comply with the requirements of SEQRA.

### **The Proposal to Site the Caesars New York Resort at the Northern Gateway to the Sterling Forest and Other Public Lands Must Be Rejected**

The proposal for the "Caesars New York" resort would squeeze 2.1 million square feet of especially dense development on an 11.5 acre footprint at the northern boundary of Sterling Forest State Park. And Sterling Forest is not the only public land at risk. Just on the other side of the New York State Thruway from the proposed Caesars development lie Harriman State Park, the Palisades Interstate Park and Bear Mountain State Park. The development of a huge, Las Vegas-style casino and entertainment resort in this location will have significant adverse impacts on these important public lands.

Sterling Forest is a 22,000 acre pristine natural resource. It is a refuge that supports a variety of wildlife and recreational opportunities, and, very importantly, is also the watershed for more than 4.5 million residents of New York and New Jersey. Its woodlands provide important habitat for both resident and migratory species, and contain significant bird conservation areas. Sterling Forest contains wetlands, waterbodies, steep slopes and sheer rock outcrops that provide an unsurpassed aesthetic backdrop for recreational activities and the trail network that runs through it. The Appalachian Trail is also nearby. Sterling Forest is a unique public treasure for the residents of New York State and beyond, and must remain that way.

Scenic Hudson played a significant role in the preservation of the Sterling Forest, which became protected state land after a lengthy citizens' campaign and unprecedented collaboration between the Palisades Interstate Park Commission, the National Park Service, New York, New Jersey, and numerous other private and non-profit organizations at the cost of \$100 million. Scenic Hudson itself contributed \$4 million to purchase 1,200 acres which were turned over to the State, along with other lands purchased by the Open Space Institute and the Trust for Public Land, to create the Sterling Forest State Park. At the time, it was the largest unprotected forested area in southeastern New York, and its preservation was

spurred by the threat of a large commercial and residential development. Once again, Sterling Forest, and now additional adjacent public lands, are at risk.

The proposed development would place an inconsistent and inappropriate land use at the northern gateway to all of these pristine public areas. In addition to the casino, the project includes 300 luxury hotel rooms, suites and villas, 6 planned restaurants<sup>1</sup>, a spa, pool and fitness center. It will also have entertainment space, an outside venue component, and 5,000 on-site surface and covered parking spaces. The \$880 million proposal is estimated to draw 10 million visitors a year - nearly doubling the number of visitors to the area - when 13 million a year already visit the adjacent Woodbury Commons Outlets. The traffic in the region is already known for being problematic. The proposal will require significant work on area roadways, with no guarantee that they will successfully handle the influx of traffic. Clearly, the introduction of such an inconsistent and intense use with huge environmental impacts at this location near protected public lands is inappropriate, and the application should be rejected.

We also note that despite the numerous potential significant adverse environmental impacts of the Caesars New York proposal, the SEQRA review of this huge development will be in the form of a Supplemental Environmental Impact Statement ("EIS") only, with the basis being a 1989 EIS prepared for a previously proposed, but never built, project. Clearly, the passage of 25 years and an entirely different project, which includes zoning amendments, mandates establishment of new baselines and a thorough study in a new EIS. Also, to avoid segmentation, the zoning amendment sought by the applicant to exceed the allowed building height in the Transit Village (TV) Zoning District in the Village of Woodbury must be included in the environmental review.

**The Proposal to Site a \$1.5 Billion Casino Resort in the Heart of Sterling Forest Must Be Rejected**  
Scenic Hudson also opposes the development of the proposed Sterling Forest Resort in the Town of Tuxedo in the middle of the Sterling Forest.<sup>2</sup> As noted above, the Sterling Forest became protected state land after a lengthy citizens' campaign and unprecedented public-private collaboration. Many millions of dollars in federal, state and private funds were spent to create this exceptional oasis.

The Sterling Forest Resort proposal, a 365 day/four season development on 238 acres, will consist of a million square feet of commercial space with 1,000 hotel rooms and a 10-story parking garage housing 7,600 vehicles, and will bring with it many acres of impervious surfaces, water use, a sewage treatment plant, and numerous road projects in anticipation of the huge increase in traffic from seven million annual visitors, including widening Route 17A into a multi-lane highway right through Sterling Forest. This huge development will negatively impact the environment and introduce inconsistent commercial land uses into the middle of protected State Forest land. The density and intensity of this proposal in the middle of preserved public lands would be unprecedented and highly destructive. The location is completely inappropriate, and it will erode Sterling Forest from the inside out, laying waste to the immense amount of time, money and effort expended.<sup>3</sup>

#### **Huge Casino/Resort Developments Should Not be Located in the Ramapo Watershed**

An additional significant concern is the fact that both proposals are located in the Ramapo River watershed and the US Environmental Protection Agency Sole Source Aquifer that extends from New York into New Jersey. This watershed supplies drinking water to millions of New York and New Jersey residents.

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<sup>1</sup> The Scoping Document included in the application materials submitted to the Location Board states that there will be a total of 1,500 seats between approximately ten (10) restaurants and four (4) lounges.

<sup>2</sup> Scenic Hudson also submitted a letter to your Board opposing the Sterling Forest Resort proposal on July 23, 2014.

<sup>3</sup> Please also refer to our letter of July 23, 2014, sent to the Gaming Facility Location Board.

The Caesars New York project site, which totals 115 acres, contains significant NYS Department of Environmental Conservation regulated wetlands, U.S. Army Corps jurisdictional wetlands, and a classified stream. The access to the project requires crossing the wetlands, which will also be impacted by other project components. The project will also require connection to municipal sewer and water. The Sterling Forest Resort project site also contains wetlands which will be impacted by the development, including being the receiving bodies for treated wastewater. These huge developments will also use tremendous amounts of water, potentially impacting the safe yield of reservoirs in the watershed. In addition, the stormwater impacts from the large amount of impervious surfaces in these developments will impact water quality.

The water use, waste production and stormwater impacts that would result from these casino proposals in Tuxedo and Woodbury have the potential to result in significant negative impacts to drinking water quality and water supply. Therefore, these developments should not be located in the Ramapo River Watershed.

**Conclusion**

Scenic Hudson opposes the development of the proposed Caesars New York and Sterling Forest Resort in the midst of important public lands and a drinking watershed. While Scenic Hudson takes no position on gambling in New York State, we believe that locating such huge, dense and land use intensive developments in these sensitive areas of Orange County is inappropriate, and the applications must be rejected. In addition, the process for these two proposals violates SEQRA, which must be applied now to the Location Board's siting decision, not in an "after-the-fact" review when the development is already a foregone conclusion.

We thank you for your time and attention to our concerns. The State's laudable goals of economic development, property tax relief, school funding and job creation should not - and need not - come at the expense of its pristine and invaluable publicly owned lands and drinking watersheds. We hope that you consider and fully weigh our comments when making your determination regarding casino locations in New York State.

Sincerely,



Audrey Friedrichsen, Esq., LLM  
Land Use and Environmental Advocate  
Scenic Hudson, Inc.

- Cc: New York State Resort Gaming Facility Location Board
- The New York State Gaming Commission
- New York State Department of Environmental Conservation
- U.S Forest Service
- Palisades Interstate Park Commission
- NY Office of Parks, Recreation and Historic Preservation
- Village of Woodbury Town Board
- Village of Woodbury Planning Board
- Town of Tuxedo Town Board