

REGULAR MONTHLY MEETING (CONTINUED FROM 2/18/14)
TOWN BOARD OF THE TOWN OF LIBERTY
February 19, 2014 7:00 p.m.

At the reconvened Regular Monthly Meeting of the Town Board of the Town of Liberty held on February 19, 2014 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Town Board

Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Town Planning Board

Chairman Lynn Dowe
John VanEtten
Denise Birmingham
Branden Reeves
Vincent McPhillips
Lydia Rolle
Judy Siegel

Saratoga Associates

Daniel M. Shearer, President & CEO
William B. Kuhl, Chairman of the Board

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Town Attorney Kenneth Klein
Village Attorney Gary Silver
Mayor Dan Ratner

Police Chief Scott Kinne
Cora Edwards
Mark VanEtten

RESOLUTION NO.

SARATOGA ASSOCIATES LANDSCAPE ARCHITECTS, ARCHITECTS, ENGINEERS, AND PLANNERS, P.C. ("SARATOGA ASSOCIATES") PUD APPLICATION

The following resolution was introduced by Supervisor Barbuti, who moved its adoption, and seconded by Councilperson Hasbrouck, to wit:

WHEREAS, Foxwoods Catskills Resort, LLC (“the Applicant”) has submitted to the Town Board of the Town of Liberty (“the Town Board”) a sketch plan and related documents and information (collectively “the Sketch Plan”) for consideration by the Town Board pursuant to §147-23(G)(2) of the Zoning Law of the Town of Liberty (“the Zoning Law”) to initiate the application process for a Planned Unit Development (“PUD”) upon approximately 596.5 acres comprised of tax map parcels 23-1-78.2, 23-1-123.1, 23-1-117, 23-1-121.5, 30-1-4, 30-1-5 and 30-1-1.1 (“the Premises”); and

WHEREAS, the Town Board met with the Applicant, the Planning Board of the Town of Liberty (“the Planning Board”) representatives of the Village of Liberty and the general public at a public meeting held at the Liberty High School Auditorium on February 10, 2014, at which time they received a presentation by the Applicant concerning the Sketch Plan and the Town Board thereafter scheduled an additional joint Town Board and Planning Board Sketch Plan Conference to be held on February 19, 2014, all in accordance with §147-23(G)(3) of the Zoning Law; and

WHEREAS, aforesaid additional joint Town Board and Planning Board Sketch Plan Conference whereat the Town Board and Planning Board further discussed the proposed PUD has been concluded; and

WHEREAS, at the recommendation of their legal counsel, the Town Board and Planning Board have received a presentation by Saratoga Associates Landscape Architects, Architects, Engineers, and Planners, P.C. (“Saratoga Associates”), a multi-disciplinary professional planning firm having over 40 years of experience in providing technical assistance and consulting services throughout the Northeast and which appears to have the experience, staffing and resources to provide to the Town Board and the Planning Board in a prompt and timely fashion the independent

planning and consulting services that they shall require in evaluating the Applicant's proposed PUD.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

Section 1. The Town Board hereby (a) finds and determines that the Applicant's proposal has merit as a PUD, (b) finds and determines that the Applicant should be allowed to proceed to the next stage of review, and (c) hereby notifies the Planning Board that the foregoing constitutes the opinion of the Town Board pursuant to §147-23(G)(4) of the Zoning Law, which notification the Supervisor shall forthwith confirm in writing to the Planning Board.

Section 2. The Town Board hereby (a) finds and determines that the proposed PUD is an Action subject to State Environmental Quality Review ("SEQR") that involves the Town Board, the Planning Board and other agencies, (b) makes a preliminary classification of the proposed PUD as a Type I action under SEQR, (c) expresses its intent and preference that the Planning Board be the Lead Agency for purposes of SEQR, and (d) directs that the Planning Board, as soon as possible, communicate with all Involved Agencies in accordance with the requirements of 6 NYCRR §617.6(b)(3)(ii) of the SEQR regulations for the purpose of establishing a Lead Agency.

Section 3. The Town Board hereby authorizes the retention of Saratoga Associates to serve as the Town Board's and Planning Board's review consultant for the proposed PUD, the cost and expense of which shall be borne by the Applicant, and hereby directs that an escrow fund be established and maintained by the Town of Liberty Department of Finance, out of which Saratoga Associates' fees and expenses shall be paid, into which fund the Applicant initially shall deposit the sum of \$20,000.00, and such additional amounts as may hereafter be required for the aforesaid purposes by the Town Board and the Planning Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor Charlie Barbuti	voting	AYE
Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Russell Reeves	voting	AYE
Councilperson Brian McPhillips	voting	AYE

The resolution was thereupon declared duly adopted.

The following resolution was passed by the Planning Board:

RESOLUTION OF INTENT TO BE LEAD AGENCY

WHEREAS, by letter dated January 28, 2014 (“Application”) addressed to the Town of Liberty (“Town”), Foxwoods Catskills Resort LLC made application for Planned Unit Development (“PUD”) designation of a 672+/- acre property located generally north of NYS Route 52 and east of Clements Road in the Town (“Proposed Action”); and

WHEREAS, the Application for PUD designation contemplates the phased construction of a Casino Resort together with supporting commercial, recreational and residential development; and

WHEREAS, this Application constitutes a Type I action under SEQRA; and

WHEREAS, the anticipated impacts of the Proposed Action being considered are primarily of local significance; and

WHEREAS, the Town of Liberty Planning Board (“Planning Board”) has concluded that it is the appropriate agency to act as Lead Agency for the coordinated environmental review of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby declares its intent to act as Lead Agency for the coordinated environmental review of the Proposed Action; and, be it further

RESOLVED, that the Planning Board Secretary is hereby directed to circulate this resolution and the attached Notice of Intent to be Lead Agency (“Notice”) to all involved and

interested agencies listed in said Notice together with the Application, the Sketch Plan for the proposed project, the Narrative Supporting PUD Application and the Full Environmental Assessment Form Part 1; and, be it further

RESOLVED, that the Planning Board Secretary shall file this Resolution and the Notice with the Town Clerk.

Motion made by: John Van Etten
Motion seconded by: Judy Siegel
a roll call vote thereon as follows:

Lynn Dowe, Chairman	voting	Aye
John S. Van Etten	voting	Aye
Denise Birmingham	voting	Aye
Vincent McPhillips	voting	Aye
Judy Siegel	voting	Aye

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Brian McPhillips, the Town Board does hereby adjourn the meeting at 7:34 p.m.

Respectfully submitted,

Laurie Dutcher

(Minutes prepared by Laurie Dutcher, Town Clerk)