

## **Chapter 2: Land Use, Community Character, Zoning, and Public Policy**

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### **A. INTRODUCTION**

As discussed in Chapter 1, “Project Description,” EPT Concord II, LLC (the “Applicant”) has petitioned the Town Board of the Town of Thompson for an amendment to the Town of Thompson Planned Resort Development (“PRD”) section of the zoning law (Town Code § 270-27.2) to enable the development of the EPT Concord Resort at the site of the former Concord Resort (“Proposed Action”). In addition, the Applicant seeks approval from the Town Board for a new PRD/Comprehensive Development Plan (CDP) for the approximately 1,538-acre Project Site (“Proposed Project”). The approval of the CDP is contingent on the adoption of the proposed zoning text amendments. Refer to Chapter 1 herein for details on the Proposed Action, CDP, and Phase 1 of the Proposed Project along with information on the previous CALP project.

The development of the Proposed Project will be market driven and will be built out in phases. Phase 1 of the Proposed Project will be the Resort Core. The keystone of the Resort Core will be the Casino Resort. This area is located south of Thompsonville Road and west of Joyland Road.

The Applicant is also seeking Site Plan Approval from the Town of Thompson Planning Board for the first phase development of the Proposed Project (“Phase 1”). Phase 1 will develop an approximately 125-acre portion of the site with a casino, hotel, harness horse racetrack, and related facilities. Access to Phase 1 will be via an improved Joyland Road.

The first part of this chapter sets forth a ‘generic’ environmental impact analysis (DGEIS) of land use, community character, zoning, and public policy as it relates to the CDP) for the Proposed Project. The second part of this chapter sets forth a more detailed and site-specific impact analysis (DEIS) of land use, community character, zoning, and public policy as it relates to the approximately 125 acres included in the Phase 1 development area.

### **B. PROPOSED ZONING ACTION AND PROPOSED COMPREHENSIVE DEVELOPMENT PLAN (DGEIS)**

#### **EXISTING CONDITIONS**

##### *LAND USE AND COMMUNITY CHARACTER*

##### *Project Site*

The Applicant proposes to develop a master planned destination resort community (the “EPT Concord Resort”) on approximately 1,538 acres of land it owns in Thompson, New York (the “Project Site”). The Project Site consists of mostly contiguous parcels located at the crossroads of Joyland Road and Thompsonville Road, generally bound by Kiamesha Lake Road to the north, NYS Route 17 to the south, Concord Road to the west, and Route 161 to the east, in Sullivan County, NY. The primary entrance into the Project Site is off of NYS Route 17, Exit

106. The Exit 106 ramp connects to Joyland Road which leads motorists north and into the Project Site. Secondary access to the site is possible from NYS Route 17 Exits 107 and 105.

Existing land uses on the 1,538-acre Project Site include residential, resort, recreation (existing and abandoned), commercial, and former agricultural uses. Several cottages, barns, houses, and bungalow colonies lie within the Project Site. Most are situated along the roadways that traverse the property. Some have been abandoned or recently demolished. Dominating the character of the Project Site is the presence of the 7,650-yard Monster Golf Course, an 18-hole championship course considered one of America's 100 greatest golf courses. Approximately 5,000 visitors a year come to play the par-72 Monster Golf Course to be challenged by the long fairways and extensive bunkering. Although once neighbored by the International Golf Course (abandoned in 2008), a small ski area, and the extensive resort facilities that comprised the historic Concord Resort, the Monster Golf Course is now isolated and minimally supported by a small clubhouse and restaurant, and several outbuildings including a pump house and maintenance building. Three roadways traverse the property: Joyland Road, Thompsonville Road, and Chalet Road. Each of these roadways is local and maintained by the Town of Thompson. Thompsonville Road is a two-way, east-west roadway extending between Heiden Road (County Route 161) and Rock Ridge Drive

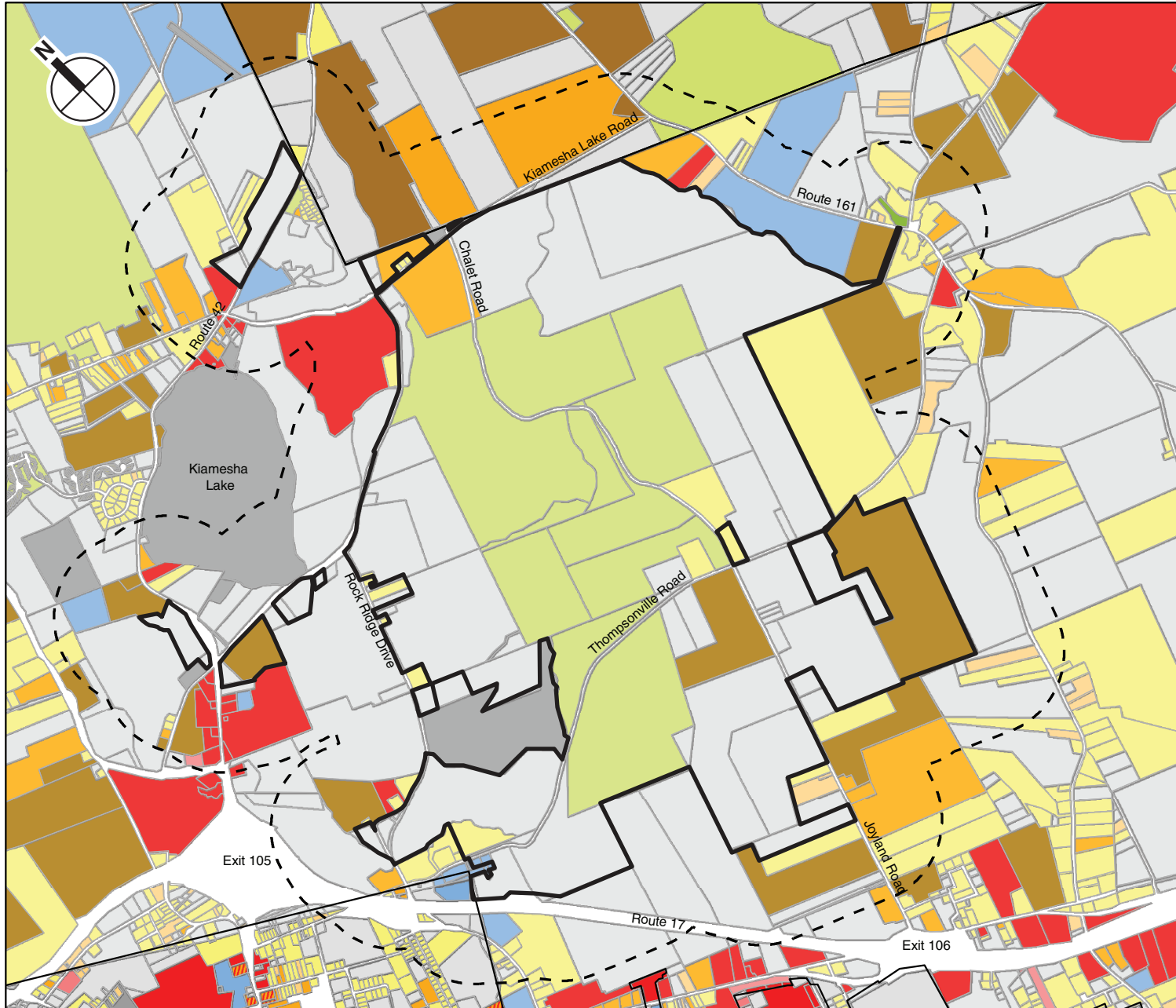
#### *Study Area*

For purposes of this generic environmental impact analysis, the properties within ¼ mile around the Project Site were evaluated (the "study area"). The study area includes a mix of residential, resort, commercial, and agricultural uses (see **Figure 2-1**). Photographs of the study area are included in Chapter 16, "Visual Resources." Northwest of the Project Site is the former Concord Hotel property and adjacent nine-hole Challenger Golf Course. The Concord Hotel was demolished in 2008, and the Challenger Golf Course is no longer in use.

The study area has been a vacation destination since 1935, and peaked as a recreational community in the 1950s. During this period of time, bungalow colonies and summer camps were popular and a number of them still remain in various states of disrepair.

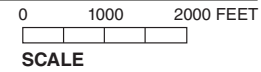
The study area west of the Project Site is dominated by Kiamesha Lake and the highway commercial area along Route 42 between its intersection with Concord Road and NYS Route 17. This area has been the focus of retail and commercial activity in the Town. NYS Route 42, near Exit 105 off NYS Route 17, to the southwest of the Project Site, is dominated by strip mall developments and "big box" retail outlets including Walmart, Home Depot, Staples, and ShopRite. This regional shopping area includes national fast food and auto service retailers, as well as banks, restaurants, and some independent businesses.

The land use character of the northwest portion of the study area is more rural, with houses, undeveloped land, bungalow colonies, and older commercial buildings adjacent to wooded areas in the vicinity of Kiamesha Lake. There is an electrical transmission line that follows NYS Route 42 in a north-south direction. As described in Chapter 1, only commercial development is proposed on that portion of the Project Site adjacent to Route 42. The study area north of the Project Site is predominantly rural, with fallow fields, vacant farm properties, and wooded areas. The 90-acre Raleigh Resort is located at the intersection of Kiamesha Lake Road and Heiden Road. The resort provides guests with a swimming pool, tennis courts, and recreational



- Project Site Boundary
- 1/4-Mile Land Use Study Area Boundary
- Municipal Boundary
- Vacant
- Agriculture
- Public Parkland
- Low Density Residential
- Medium Density Res
- High Density Res
- Cottages
- Mixed Use
- Private Recreation
- Commercial/Manufacturing
- Office
- Institutional
- Public Utilities

SOURCE: County of Sullivan, New York, U.S.A. Digital Tax Maps, 2012





grounds.<sup>1</sup> South and east of the Project Site, and along Joyland Road, the study area is dominated by single-family homes, bungalow colonies, and wooded areas. The bungalow colonies along Joyland Road include Joyland Acres, 10 cottages at 253 Joyland Road, and Breezy Corners, a vacant colony at 130 Joyland Road. East of the Project Site is the hamlet of Thompsonville. The hamlet has a few residential and commercial uses but does not have a distinct center or community center.

Southwest of the Project Site is the Village of Monticello. The major roadway in this portion of the Village is Broadway, which was the historic access to Monticello prior to the construction of NYS Route 17. On either side of Broadway are a variety of commercial uses and vacant storefronts.

### ZONING

#### *Project Site*

The Project Site is located entirely within the Town of Thompson's Planned Resort Development ("PRD") zoning district, as defined and delineated by the PRD Zoning Law and the Zoning Map of the Town of Thompson (see **Figure 2-2**). When the PRD Zoning Law was originally adopted in 2006, the entire 1,735± acre property within the PRD zoning district was owned or controlled by Concord Resort, LLC and/or its affiliates ("CALP")<sup>2</sup>. In November 2006 the Town Board approved a Comprehensive Development Plan ("CDP"), a requirement of the PRD, for the 1,735± acres owned or controlled by CALP. The CDP was later amended by CALP in 2008 to include a casino and harness horse racetrack. However, in June 2010, CALP and/or its affiliates, without completing any phases of construction, surrendered ownership and control over the majority of the land within the PRD zoning district and CDP to the Applicant.<sup>3</sup> As a result, the Applicant currently owns the bulk of the original Project Site consisting of approximately 1,538± acres or 90 percent of the property within the PRD district as shown on **Figure 2-3**. CALP either currently owns or has an option to lease approximately 160 acres (less than 10 percent) of land within the PRD zoning district) which principally constitutes the site of the former Concord Hotel and a portion of land adjacent to Concord Road<sup>4</sup> as shown on Figure 2-3.

The PRD zoning district is intended to permit flexibility of design by permitting development that is comprehensively planned as a whole. The primary objective of the PRD is to encourage master planned mixed-use communities which include a wide range of uses – from single-family residential to destination retail, resort, and entertainment uses. The minimum site area required

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<sup>1</sup> There is an application pending before the Village of Fallsburg for the redevelopment of the Raleigh Hotel site with 230-250 hotel rooms and the new construction of 236 single family and duplex condominium units. This is included in the no-build analysis.

<sup>2</sup> Including, but not limited to, Concord Associates, L.P., Louis R. Cappelli, Concord Spa & Golf, LLC, Concord Kiamesha, LLC, and related entities.

<sup>3</sup> The Applicant took ownership of a majority of the land within the PRD zoning district pursuant to a Deed In Lieu of Foreclosure in June 2010. In 2011, the Applicant acquired further property within the PRD zoning district, known as the Monster Golf Course and the International Golf Course, in December 2011.

<sup>4</sup> This acreage includes land on the east side of Concord Road (proposed by CALP for a harness track) that CALP has the option to exercise from EPT Concord II Resort by 2015.

for the PRD district is 1,200 acres in common ownership, which must include at least one 18-hole golf course. There is a minimum open space requirement of 35 percent that is to be devoted to open spaces for public or private recreational purposes. The overall density is up to four residential units per net acre, which is defined within the PRD district as the gross area of the PRD site less the area of land under water, wetlands as defined by the State, and public and private roads, rights-of-way, and easements.

Permitted principal uses within the PRD district include, but are not limited to hotels, motels, convention centers, theaters, casino uses, one-family and multiple dwellings in any combination of detached, attached, mid or high-rise structures, seasonal and year-round indoor and outdoor commercial, private and public recreational sports and amusement facilities, agricultural uses, neighborhood and destination retail, restaurants, health spas, utility facilities, child day care centers, and heliports.

#### *CALP PRD/CDP*

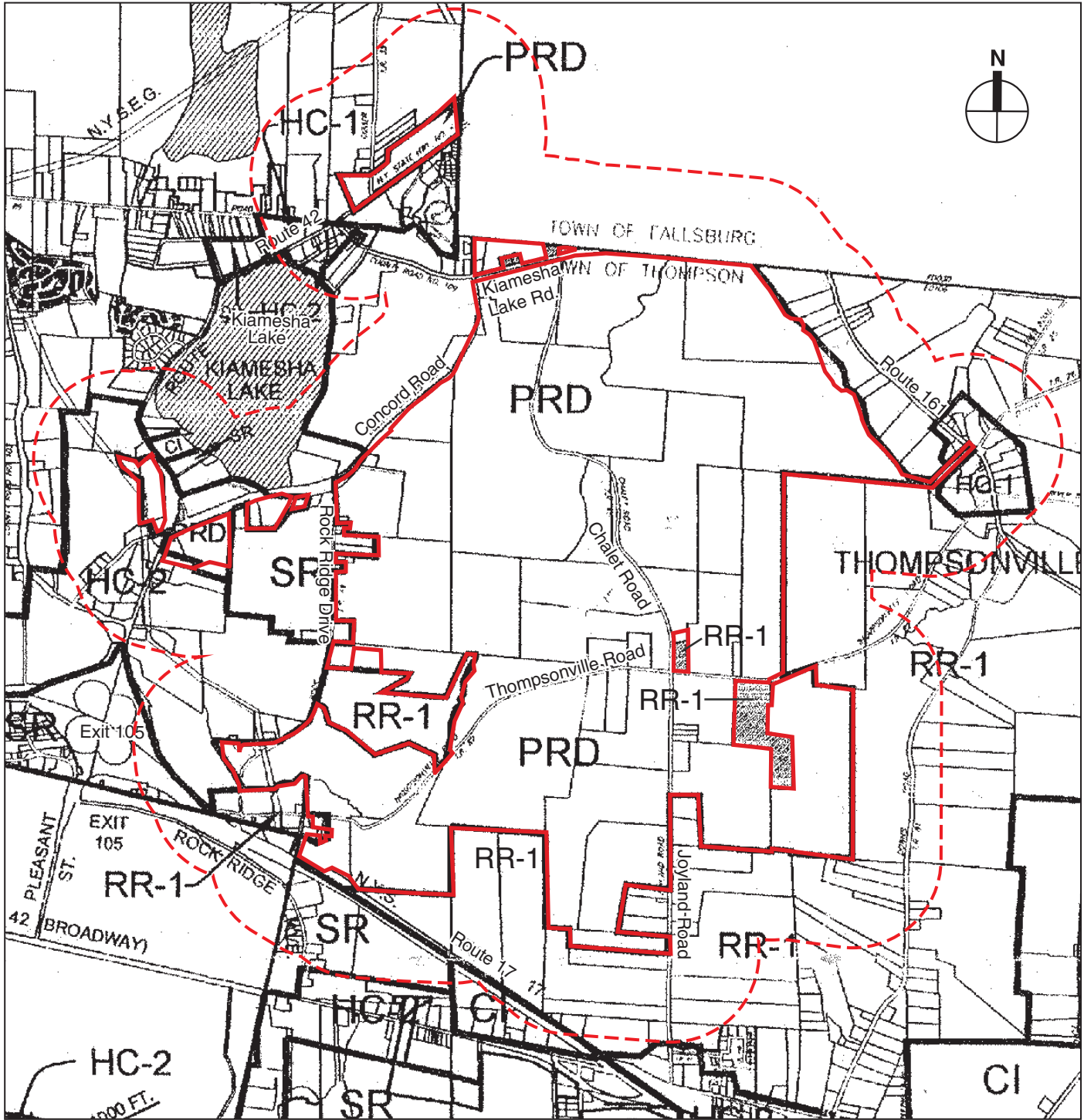
Prior to the Applicant's acquisition of the Project Site, CALP and/or its affiliates obtained various approvals for the development of the 1,735± acres of land within the PRD district, but that project was never completed. Those approvals and associated development rights, as they relate to the site of the former Concord Hotel, which is not part of the Project Site, and with respect to any other land that CALP and/or its affiliates owns or has a right to lease, would not be affected by the proposed amendments to the text of the PRD Zoning Law, nor would they be affected by the Applicant's development plans. As such, those approvals are acknowledged and are being considered as part of the baseline (a.k.a. No Build) conditions in this environmental analysis. Those approvals include the development of a hotel, convention center, casino and harness horse racetrack on the site of the former Concord Hotel as shown on Figure 2-3.

#### *Study Area*

The ¼ mile study area encompasses land within the Town of Thompson and the Town of Fallsburg. Within the Town of Thompson, the majority of the land within the ¼ mile study area is located within the Rural Residential (RR-1) Zoning District. The remainder of the land is located within the Suburban Residential (SR), Highway Commercial-1 (HC-1), Highway Commercial-2 (HC-2), Planned Resort Development (PRD), and Commercial Industrial (CI) Zoning Districts (see Figure 2-2). In the Town of Fallsburg, the majority of the ¼ mile Study Area is within the Low-Density Residential/Recreation (REC-1) and Planned Resort (PR).

The study area east and south of the Project Site is predominantly zoned RR-1, which permits single-family residential and agricultural uses as-of-right, and multi-family residential with Planning Board site plan review. Bed and breakfasts, summer camps, commercial recreational facilities, planned resort developments, and similar tourism based uses are also permitted subject to Planning Board site plan review. The study area west and south west of the Project Site comprises a mix of commercial and residential zoning districts, which reflects the land uses described above.

The purpose of the REC-1 zoning district located north of the Project Site and within the Town of Fallsburg is to conserve open space by encouraging a very low density development pattern while permitting clustering at higher densities, under the condition that both central water and sewer service and common opens space are provided. The purpose of the B-1 Zoning District, also north of the Project Site and within the Town of Fallsburg, is to provide for the development of small commerce to serve the traveling public as well as local residents.



- Project Site
- - - 1/4-Mile Study Area Boundary
- Zoning District Boundary

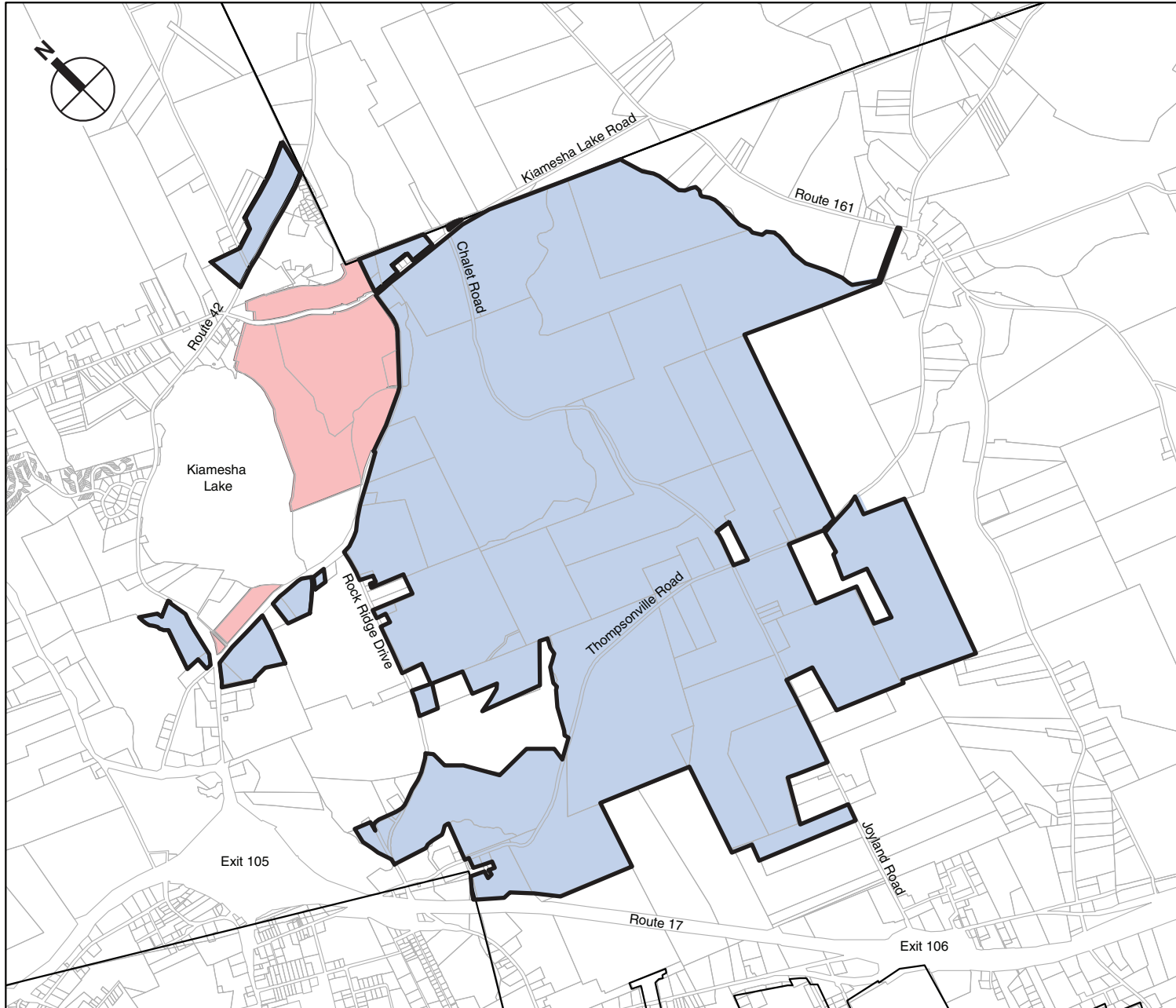
**ZONING DISTRICTS**




|                                      |                                       |
|--------------------------------------|---------------------------------------|
| <b>SR</b> Suburban Residential       | <b>CI</b> Commercial Industry         |
| <b>RR-1</b> Rural Residential        | <b>E</b> Extractive Industry          |
| <b>RR-2</b> Agricultural Residential | <b>V</b> Village of Monticello        |
| <b>HC-1</b> Highway Commercial-1     | <b>PRD</b> Planned Resort Development |
| <b>HC-2</b> Highway Commercial-2     | <b>PBP</b> Planned Business Park      |

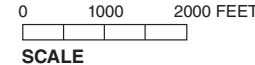
Existing Zoning  
Figure 2-2







-  Project Site Boundary
-  PRD Parcels Outside of Project Site
-  PRD Parcels Within Project Site





### *PUBLIC POLICY*

#### *Town of Thompson/Village of Monticello Comprehensive Plan*

Adopted by both municipalities in 1999, the Town of Thompson/Village of Monticello Comprehensive Plan (“Comprehensive Plan”) was prepared by the Thompson-Monticello Joint Comprehensive Plan Committee.

The Comprehensive Plan identifies the land use and open space challenges that the area faces due to the years of economic decline and neglect of the resort hotel, horse racing, and bungalow colony tourist industries. In the “future land use vision,” the Comprehensive Plan recommends providing for land uses such as the former Concord Resort Hotel as necessary to preserve major employment centers and a source of attraction to the Town of Thompson and the region. The plan notes that the number of major resorts has dwindled, and that those which remain should be protected and should be “permitted to expand and develop,” provided that the development plans protect the Town’s natural resources, which are integral to the tourist industry. The Comprehensive Plan also encourages “flexibility in development of land to facilitate economical provisions of streets, utilities and parks; preserve the natural and scenic qualities of open space lands for public use and enjoyment; and provide varied housing choices.”

Specific to the project area, the Comprehensive Plan identifies the Kiamesha/Route 42 corridor as an area that can support large scale commercial and retail developments “without unnecessarily burdening the regional highway system.” “The Kiamesha Regional Center,” which is defined in the Comprehensive Plan as NYS Route 17 (I-86), Concord Road, Bard Road, and Rock Ridge Lane, is described as a developing regional shopping and service center. The Comprehensive Plan recommends that the area continue to develop as a regional center, but emphasizes protections for existing neighborhoods, as well as measures to improve the quality of the development. In particular, the Comprehensive Plan recommends:

- Infill development through the establishment of internal street systems east of Route 42 and new means of access.
- Buffers and transitional zones between residences on Rock Ridge Lane and the regional center, including lower-density mixed uses such as multi-family housing and offices.
- Apartments located within walking distance of shops and services to facilitate pedestrian access.
- Trail system links around adjoining wetlands and pond areas.
- The retention of a seasonal residential character on Rock Ridge Road.

*Sullivan 2020: Defining an Image and Managing Change: A Strategic Plan for Sullivan County, May 2005*

“Sullivan 2020: Defining an Image and Managing Change: A Strategic Plan for Sullivan County – Volume I, May 2005,” and its companion document “Sullivan 2020: An Implementation Tool Box for Municipalities and Community Partners – Volume II” comprise the Sullivan County comprehensive plan (“Sullivan 2020”). Volume I of the document contains the justification and rationalization for the vision, critical policy areas, and strategies established through the stakeholder process. Volume II is an on-line resource that presents the specific action plans to implement the strategies, as well as fact sheets, sources, and sample planning techniques.

Sullivan 2020 identifies the importance of redefining and enhancing the tourist industry in Sullivan County. It identifies tourism as a vital component of Sullivan County’s economic

development, and states that it should be “one of the elements of a diversified economy in Sullivan County.” It specifically recommends tourism that comprises a balanced mix of year-round activities that include eco-tourism and recreational venues; agri-tourism; casinos, hotels, and resorts; and the cultural arts. Sullivan 2020 recommends the development of high quality resorts, accommodations, service facilities, and infrastructure. The plan also offers strategies for communities to plan for, and manage, the impacts of gaming to ensure the equitable distribution of community and monetary benefits, as well as describes appropriate actions to counter the adverse effects of this type of use.

*Town of Fallsburg Comprehensive Plan*

The Town of Fallsburg, NY, located to the north of the Project Site and bordering the Town of Thompson to the north, adopted a Comprehensive Development Plan on October 10, 2006. The Plan states that its intent is “...[t]o guide future growth and development within the Town of Fallsburg in a manner that respects the Town’s rural character so that its unique sense of place is enhanced; its agricultural, historic, and natural resources protected: its hamlets revitalized and its social and economic vitality ensured for years to come.”<sup>1</sup>

The goals and objectives included in the Plan focus on improvements and development within the Town Fallsburg. With the exception of coordination with the Town of Thompson on a linear park along the Neversink River, impacts from development projects in the Town of Thompson are not addressed in this document. Upgrades to roadways in the Town of Thompson that link the Town Fallsburg to NYS Route 42 have the potential to improve access both through private vehicle and public transit to the Town. The increase in the number of visitors to the area has the potential to bring new patrons into the Town.

**THE FUTURE WITHOUT THE PROPOSED ACTIONS AND PROPOSED PROJECT (NOBUILD CONDITION IN DGEIS)**

In the future without the proposed PRD zoning text changes and without the proposed EPT Concord Resort CDP, the Project Site would either be developed by the Applicant according to the PRD/CDP that was proposed by CALP or there would be no development of any kind on the Project Site.

If developed as approved for the original 1,735± acre CALP project, and as amended, the Project Site would be developed as a mixed use residential resort community that would include the following:

- 3,000 residential units
- 1,800-room hotel
- 300,000-square-foot lodge spa (200 rooms)
- 90,000-square-foot golf clubhouse
- 210,000-square-foot casino
- 200,000-square-foot convention center plus 200,000-square-foot back of house support uses)

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<sup>1</sup> Town of Fallsburg, NY Comprehensive Plan, Prepared by Town of Fallsburg Comprehensive Plan Committee with Planit Main Street, Inc., adopted October 10, 2006

- 625,000 square feet of retail
- Harness horse racetrack
- Redeveloped Monster Golf Course

However, as mentioned above, prior to the Applicant's acquisition of the Project Site, CALP and/or its affiliates obtained various approvals for the development of the 1,735± acres of land within the PRD district, but that project was never completed. Those approvals and associated development rights, as they relate to the site of the former Concord Hotel, which is not part of the Project Site, and with respect to any other land that CALP owns or has a right to lease, would not be affected by the proposed amendments to the text of the PRD Zoning Law, nor would they be affected by the Applicant's development plans. As such, those approvals are acknowledged and are being considered as part of the baseline (a.k.a. No Build) conditions in this environmental analysis. Those approvals include the development of a hotel, convention center, casino, and harness horse racetrack on the site of the former Concord Hotel as shown on Figure 2-3.

In addition, in the future without the Proposed Project and Proposed Actions, there is the potential for several additional projects to be developed adjacent to the Project Site (see **Figure 2-4**). Table 2-1 below presents projects located within or in close proximity to the study area that were identified by the Lead Agency and local officials associated with nearby municipalities as potential No Build projects.

The Stockbridge-Munsee Community Band of Mohican Indians proposed to develop a casino (the "Stockbridge-Munsee Casino") on County Highway 161 at NYS Route 17, Exit 107, in the Town of Thompson. The proposed casino was to consist of a 584,000-square-foot casino, including food and beverage outlets, retail facilities, a service station, a warehouse, and parking, to be constructed on 333 acres of land to be taken into federal trust for the Stockbridge-Munsee Community Band of Mohican Indians. This proposal was the subject of a Federal National Environmental Policy Act (NEPA) review, beginning with an Environmental Assessment (EA) in February 2001 and an Environmental Impact Statement (EIS) in November 2003. However, in March 2008, the Bureau of Indian Affairs (BIA) announced that it was cancelling work on the EIS because the U.S. Department of the Interior had decided not to accept the land into trust, on the basis that the land did not adequately meet the criteria set forth in the Federal regulations 25 CFR 151.3; 151.10(b); 151.10(c); and 151.11(b), for trust acquisition.

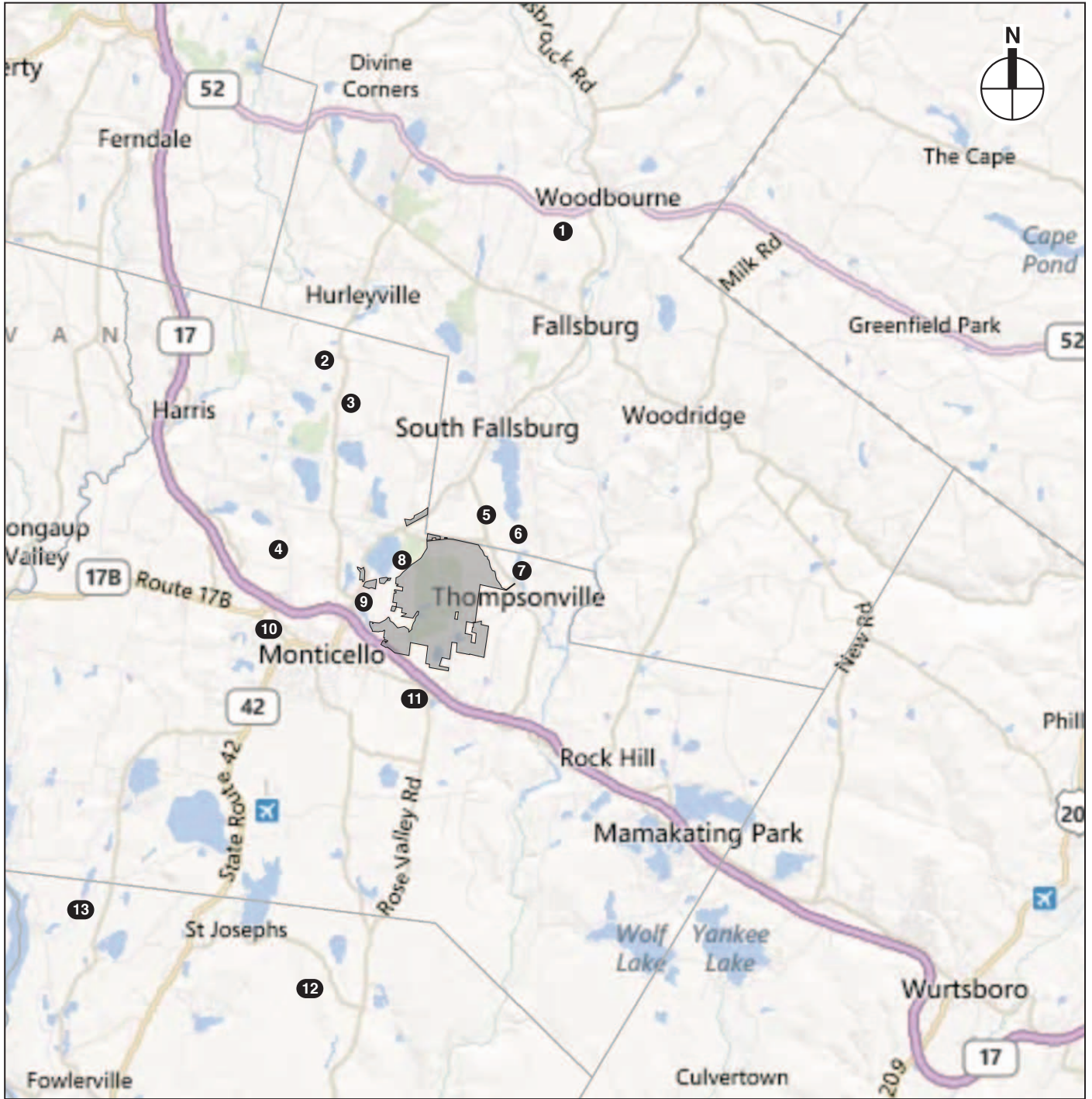
Furthermore, the Tribal – State Compact that was required in order for the Stockbridge Casino to be developed, was disapproved by the U.S. Department of the Interior in February 2011, for being in violation of the Indian Gaming Regulatory Act ("IGRA"). Based on the above, there is no requirement to consider the formerly proposed Stockbridge-Munsee Casino in the No Build condition for this DGEIS/DEIS. Should a similar proposal be modified at some time in the future to meet the requirements of the IGRA, a subsequent environmental review may need to be conducted to consider cumulative impacts under the provisions of NEPA. In addition, any later approved project would need to be evaluated under SEQRA to determine whether these new baseline conditions constitute a change in circumstances sufficient to warrant a Supplemental EIS during future development phases of the EPT Concord Resort. (See Appendix B)

**Table 2-1  
Potential No Build Projects**

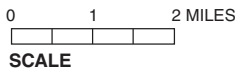
| Municipality  | Project                       | Description  | Build Year (Date of Completion)                    |
|---|-------------------------------|--|--|
| Town of Forestburgh   | Lost Lake Resort              | A residential /recreational resort on 2,079.51 acres consisting of a gated community of single-family residential lots, a cottage and condominium component, hotel/conference facilities, and extensive recreational amenities | 2016 (Phase 1)<br>2021 (Phase 2)                   |
| Village of Monticello   | Apollo Mall                   | Abandoned mall - no definitive plans for this site*  | Not Available.                                     |
|   | Dunbar Towers                 | Mid-rise residential building with 94 condominium units, mostly complete, but not finished. Recently taken over by a new developer.  | 2013   |
| Town of Fallsburg   | Raleigh and Heiden Properties | Continued operation of the Raleigh Hotel (230-250 rooms) and construction of 236 single family and duplex condominium units.   | 2015   |
|   | Miron Hills                   | Proposal for 50 seasonal condominium units   | 2015   |
|   | Westbourne Estates            | Mixed residential development consisting of 331 units; 196 apartment style units (44 are existing), 31 single family units, 104 two-family/duplex units **   | 2014 (Phase 1)<br>2016 (Phase 2)<br>2019 (Phase 3) |
| Town of Thompson  | Concord (CALP)                | 1,500-room hotel<br>210,000-sq-ft casino<br>54,000-sq-ft convention center<br>33,000-sq-ft harness horse racetrack facility***   | 2013   |
|   | Gemstar                       | 69-unit mobile home development.   | 2013   |
|   | RNR                           | 120-unit mobile home development (40 units developed for Phase 1)  | 2013   |
|   | Birchwood                     | 60-70 units  | 2013   |
|   | Kelli Woods                   | 320 dwelling units (160 duplexes)  | 2019   |
|   | Gan-Eden                      | 885 dwelling units   | 2019   |
|   | Senior / Workforce Housing    | Zoning for up to 500 dwelling units  | 2019   |
| <b>Notes:</b>   |                               |  |  |
| * At this time there are no definitive plans for the Apollo Mall and an environmental review under SEQRA has not been initiated. Since a development plan does not exist and impacts are not known, the Apollo Mall is not analyzed as a No Build project in this DGEIS/DEIS. If this should change in the future, it would be included in subsequent no-build analysis conditions. |                               |  |  |
| ** FEIS is in progress and a detailed site plan is currently in preparation.  |                               |  |  |
| *** Concord CALP was the subject of a detailed SEQRA analysis in 2006, and was also approved in 2006, with several subsequent amendments. Currently, CALP only owns 10%, or 160 acres, of the land that was included in the original project plans.   |                               |  |  |
| <b>Source:</b> Telephone communications to municipal officials/staff  |                               |  |  |

*LAND USE*

In the future without the proposed PRD zoning text changes and Proposed Project, the Project Site would remain in its present condition. The site would still have the PRD zoning and CDP, and the development entitlements approved as part of the CALP project – until such time as the approvals and permits either expire or are no longer renewed.



 *Approximate Project Site*



**1** *No Build Project*

- |  |   |
|--|---|
| 1 Westbourne Estates (Town of Forestburgh)           | 8 CALP (Town of Thompson)                     |
| 2 Gan Eden (Town of Thompson)                        | 9 Senior-Workforce Housing (Town of Thompson) |
| 3 Kelli Woods (Town of Thompson)                     | 10 Dunbar Towers (Village of Monticello)      |
| 4 RNR - Mobile Home Park (Town of Thompson)          | 11 Apollo Mall (Village of Monticello)        |
| 5 Miron Hills (Town of Fallsburgh)                   | 12 Lost Lake Resort (Town of Forestburgh)     |
| 6 Raleigh and Heiden Properties (Town of Fallsburgh) | 13 Birchwood Estates                          |
| 7 Gemstar - Mobile Home Park (Town of Thompson)      |   |





In the future without the Proposed Project, the Applicant could continue to manage and maintain the Monster Course and Chalet Clubhouse. The golf course site would continue to flood even in the most moderate of rain events, and the paths and cartways would continue to be impassible for days at a time, requiring the course to close while stormwater subsides. In addition, unless the Applicant were to make a significant capital investment in the infrastructure and buildings/facilities on the Project Site, the buildings and uses would continue to deteriorate, and this deterioration would continue to have a significant adverse impact on the character and economy of the Sullivan County community in general and the Town of Thompson community specifically. Without the Proposed Action, the Applicant would be entitled to pursue other smaller-scale and piecemeal development opportunities on the Project Site. The ability to develop the Project Site as a year-round recreational destination, and employment and economic generator would therefore be limited.

### *ZONING*

Other than certain amendments that the Applicant seeks to make to the PRD Zoning Law, there are no other known planned amendments to the Town of Thompson's zoning law that would affect the Project Site and surrounding areas. The site would continue to be zoned PRD and would continue to be governed by the CDP adopted as part of the CALP project.

### *PUBLIC POLICY*

There are no known imminent plans for the Town of Thompson to update the Comprehensive Plan. Without the Proposed Project, the existing plan would continue to be used by the Town as a tool to guide growth and development within the Town.

Since Sullivan 2020 is described as a "living document," it is anticipated that the "tool kit" will be updated as appropriate on an on-going basis to provide Sullivan County stakeholders with the appropriate tools to guide development in their communities.

## **PROBABLE IMPACTS OF THE PROPOSED ACTIONS AND PROPOSED PROJECT**

### *LAND USE AND COMMUNITY CHARACTER*

The EPT Concord Resort has been designed to create a sense of place that respects and enhances the natural landscape of the Catskills. The proposed EPT Concord Resort project includes a mix of land uses, resort amenities, open spaces, and roads and trails that will bring residents and guests to the best features the Project Site has to offer. And, once construction is underway, the Proposed Project will represent the first significant and sustained investment in the local and regional economy in several decades. As such, the development of the EPT Concord Resort will have the potential to transform this portion of the Catskills into an economic engine the likes of which have been sought by the community for some time.

As further described in Chapter 1, "Project Description," the character of the site would be seen in the details on and within buildings, structures, and site elements crafted from the materials and the building traditions of the area. Abiding by four key development principles, the resort would:

- Nurture a restorative landscape that sustains the streams, forest, and wetlands of the Project Site
- Provide an improved stormwater infrastructure system

## **EPT Concord Resort**

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- Create a simple road and trail network that blends with the landscape yet orients and leads guests to the social and recreational spaces at the resort.
- Express a cultivated Catskills aesthetic; a refined Adirondack style, less decorative, with ‘beefy’ materials that are crafted from local materials that could be found on-site. (The exception to this is the Casino Hotel, which will be a marquis building, featuring a more contemporary design.)

As discussed in Chapter 1, the EPT Concord Resort will include five areas of development that are based on existing topographic features, drainage ways, and infrastructure of the Project Site. These areas are more fully described in Chapter 1 and the CDP, included in Appendix A. The five areas include:

- Resort Core (which will include the Casino Resort (Phase 1) and the Entertainment Village);
- Family Resort Hotel;
- The Monster Golf Course;
- Residential Village; and
- Sporting Club.

The Resort Core, with its Casino Resort and Entertainment Village, will be an area of high energy, activity, and visual stimulation. The architecture and landscape character will be evocative of the Catskills, defining a wider style for the resort. The Casino Resort, with the 2,150-slot machine casino, 248-room hotel, harness horse racetrack, and restaurants that will comprise Phase 1, will work to provide a critical mass of entertainment experiences to attract visitors from the New York metropolitan area. The Entertainment Village will include retail, rotating exhibit space, Kids Quest, bowling, restaurants, and a Comedy Museum.

Adjacent to both the Casino Resort and the Entertainment Village, and overlooking the Kiamesha Creek valley, a Family Resort Hotel with up to 550 rooms will provide a combination of guest experiences including a traditional Catskills lodge, individual cottages, an indoor-outdoor water park, as well as connections to outdoor activities including tubing (winter) and biking (summer). In addition, a generous lawn could be programmed for a variety of activities throughout the year. This hotel will also connect to a system of trails circulating throughout the resort. Hotel guests will have access to a resort-wide shuttle and be able to move throughout the resort as well as to area amenities without getting back into their car during their stay. A Recreation Vehicle Park with 180 spaces for camping is proposed adjacent to the Entertainment Village.

A renovated Monster Golf Course will provide an amenity for the overall resort. The golf course will feature a new clubhouse with dining and event space. In addition, an on-site Golf Academy with instructional space is proposed. Future opportunities for 12 luxury golf cottages adjacent to the clubhouse and overlooking the course, are also part of the overall master plan. The renovated golf course will feature the natural landscape, Kiamesha Creek, and will also take advantage of the rolling terrain of the former International Course to provide a premier golf experience. The golf course and clubhouse could be used in the off-season for winter activities, such as sleigh rides, cross-country skiing, and snowshoeing. During the winter months, the clubhouse will serve as a Nordic Center and jumping-off point to other area amenities.

EPT Concord Resort will develop 897 residential units in a diversity of sizes and styles to respond to the residential demand and to meet the needs of employers in the area. Each neighborhood will be designed to reinforce the fact that there is no other place like this in the

region and will be clustered within a short walk of a system of interconnected pathways, streets, and open spaces. From the gracious village green and carefully integrated Kiamesha Creek, the proposed neighborhoods will be comfortable, stylish, unique, and contemporary. The Civic Center will occupy a special place in the plan within the neighborhood setting overlooking the golf course and with direct access to the primary resort roadway and nearby local streets. The EPT Concord Resort will also include an innovative health care facility of approximately 90,000 square feet that could include some combination of a medical clinic, pharmacy, short- and long-term skilled nursing care, and children's respite care and day care facility.

Surrounded by woodlands with views north to the Catskills, a Sporting Club is proposed to fit discreetly within its surrounding landscape and celebrate the outdoor-oriented lifestyle and traditions of the Catskills. As a resort or a Boomer-targeted residential neighborhood, the Sporting Club site will offer a landscape ripe with hiking and walking trails, access to Kiamesha Creek as well as neighborhood or resort amenities. The 170 Branded Residential Lots will offer an alternate product type for the Sporting Club guest. In addition, the Outdoor Leisure Resort would offer up to 128 additional rooms and would serve the casino visitors.

Overall, the land use changes associated with the Proposed Project will have a positive effect on the Town of Thompson by redeveloping an underutilized property, improving recreational and tourist opportunities in the Town, and encouraging economic growth. The Proposed Project seeks to enhance and expand land uses that have historically been present on the Project Site and within the surrounding area. While the Proposed Project will increase the intensity of the development on the Project Site, the general character will reflect the resort style of the region.

### ZONING

To develop the EPT Concord Resort, the Applicant has petitioned the Town Board of the Town of Thompson for an amendment to the Town of Thompson Planned Resort Development ("PRD") section of the zoning law (Town Code §270-27.2). When the PRD Zoning Law was originally adopted in 2006, the entire 1,735± acre property within the PRD zoning district was owned or controlled by CALP. In November 2006 the Town Board approved a CDP, a requirement of the PRD, for the 1,735± owned or controlled by CALP. In 2008 the Town Board amended the CDP to include a casino and harness horse racetrack facility. However, in June 2010, CALP, without completing any phases of construction, surrendered ownership and/or control over the majority of the land within the PRD zoning district and CDP.<sup>1</sup> Subsequently, the Applicant determined that a new master plan was needed to meet current market demands for their 1,538± acres.

The proposed zoning text amendments allow the development of a CDP by any property owner that meets the minimum PRD site requirements or has received prior approvals and associated development rights before this Proposed Action. The proposed PRD zoning amendments do not affect the previous approvals or development rights received by CALP for the 160± acres it owns or has certain lease rights to, nor would they be affected by the Applicant's development

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<sup>1</sup> The Applicant took ownership of a majority of the land within the PRD zoning district pursuant to a Deed In Lieu of Foreclosure in June 2010. The Applicant acquired further property within the PRD zoning district, known as the Monster Golf Course and the International Golf Course, in December 2011.

plans. The full text of the proposed zoning amendment can be found in Appendix A-1 of this DGEIS.

The zoning amendments also propose additional non-residential density for hotel/motel units, codifies certain uses already permitted in the PRD, and seeks to include additional permitted uses within the PRD, including for example, a casino, equestrian facilities including harness horse racetrack, farm markets, amusement parks and community gardens, medical services, breweries, and a distillery. Microbreweries and micro-distilleries, as well as brew pubs, are contemplated uses within the Proposed Project. Large-scale commercial breweries and distilleries are not envisioned.

Neither the proposed PRD zoning text amendments nor the Proposed Project would alter the intent of the PRD. The PRD would still require that the Town Board approve an overall site development plan (“CDP”) for a minimum 1,200-acre site, and will still encourage flexibility in designing the site consistent with the existing zoning text. The PRD will still require at least one 18-hole golf course, must still devote 35 percent of the gross site area for open space and have a maximum residential density for the approved CDP of 4.0 units per acre of net site area. In addition, no changes are proposed to the requirement that each phase of the proposed development require site plan approval from the Planning Board.

As previously noted, the proposed PRD Zoning text (§250-27.2.) still requires the Applicant to submit a CDP, which presents a conceptual development plan for the entire Project Site. The proposed CDP still must illustrate and describe uses proposed on the Project Site, the proposed roadways, circulation, site access, infrastructure, open space, and other site amenities. The CDP must also include conceptual “bulk and dimensional standards” and aggregate residential density for the Project Site.

Because the CDP is considered conceptual and the Proposed Project will be built in phases, the CDP will be flexible to allow for unanticipated changes to site conditions, ownership, and/or market conditions. The proposed PRD Zoning text amendments will allow flexibility to accommodate changes in circumstances as long as the overall CDP is consistent with the PRD Zoning Regulations.

The proposed PRD Zoning text will require Town Board approval for the CDP, and each development phase would still require Site Plan approval from the Planning Board. If a change were to be proposed that is not consistent with the approved CDP, an amendment to the CDP will have to be approved by the Town Board. The Applicant is requesting approval of a new CDP, along with text amendments to the PRD district, as described above. The approval of the new CDP is contingent on the adoption of the proposed Zoning Text Amendments.

*COMPLIANCE WITH PRD ZONING (EXISTING AND PROPOSED)*

As discussed above, pursuant to Town Code Section 250-27.2(B)(3)(a), to qualify for PRD CDP approval, an applicant must own 1,200 contiguous acres of land. The existing PRD district requires non-contiguous land in excess of the minimum site area be located within 2,500 feet of the property that constitutes the minimum site area. Proposed PRD text amendments would increase to 3,500 feet the distance from the minimum contiguous site area that non-contiguous parcels can be located. The Applicant currently holds title to greater than 1,200 contiguous acres and thus satisfies

the requirements for bringing a Petition to the Town Board for PRD CDP approval. The non-contiguous parcels owned by the Applicant are within the proposed 3,500 feet of the Project Site.<sup>1</sup>

Prior to the Applicant's acquisition of the Project Site, its predecessor in interest and affiliated companies obtained various approvals for the development of the 1,735± acres of land within the PRD district, but the project was never completed. Those approvals and associated development rights, as they relate to the site of the former Concord Hotel, which is not part of the Project Site, and with respect to any other land that the predecessor in interest owned or has a right to lease, would not be affected by the proposed amendments to the text of the PRD Zoning Law, nor would they be affected by the Applicant's development plans.

The current permitted principal uses within the PRD district include, but are not limited to, hotels, motels, convention centers, theaters, casino uses, one-family and multi-family dwellings in any combination of detached, attached, mid- or high-rise structures, seasonal and year-round indoor and outdoor commercial, private and public recreational sports and amusement facilities, agricultural uses, neighborhood and destination retail, restaurants, health spas, utility facilities, child day care centers, and heliports. The proposed text amendments are sought for the purpose of providing the Applicant with tools to develop the property into a premier destination resort having various commercial, retail, lodging, entertainment and recreational facilities, and complementary housing components.

These changes will permit the redevelopment of the property in a manner that would lead to the enhancement and revitalization of commercial, entertainment, and recreational opportunities for residents of the Town, County, and region, enhance the functionality and economic viability of the parcels within the PRD district, create major employment centers, and expand and develop tourism in and around the Town of Thompson. Briefly stated, the requested text amendments (1) explicitly codify certain existing permitted uses by including casinos, harness horse racetracks, and related facilities as permitted uses; (2) expand the permitted land uses within the seasonal and year-round indoor and outdoor recreational category to include numerous complementary recreational uses consistent with current market conditions; (3) expand the agricultural category to include complementary permitted uses; and (4) expand the restaurant category to include several complementary restaurant-related uses such as brew pubs and supplemental restaurant brewers.

In addition, several complementary new uses are proposed within the requested text amendments to the PRD Zoning Law, such as establishing (1) medical services; (2) nursing homes; (3) recreational vehicle parks; (4) civic centers; (5) microbreweries; and (6) distilleries as permitted uses. Certain modifications are proposed to be made to the development regulations set forth at §250-27.2 B(3) to accommodate minor changes and modifications to the project due to market conditions. Lastly, amendments are proposed to the procedure for CDP approval.

The proposed zoning amendments will further the purpose of the PRD Zoning District, as defined in the Town Zoning Code. The Town Zoning Code states that it is the intent of the PRD to facilitate the goals and objectives of the Comprehensive Plan and to provide for the "orderly development of complementary commercial, residential and entertainment uses... and the

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<sup>1</sup> All areas of the Project Site are within the PRD zoning district, as shown in Figure 2-3. One of the non-contiguous parcels included in the PRD district and owned by the Applicant is greater than 2,500 ft from the contiguous minimum site area owned by the Applicant.

creation of a more desirable community environment than would be possible through strict application of the zoning regulations...”

The Code further states that the objectives of the PRD are to permit “the development and/or redevelopment of a destination resort having various commercial, retail, lodging, entertainment and recreational facilities and complementary one-family dwellings and multiple dwellings through comprehensive planning and maximum flexibility of design.” The purpose of the flexibility in design is to accomplish the following:

- (a) Preservation of significant natural resources, such as wetlands and water bodies, and other areas of scenic and ecological value.*
- (b) Innovation and variety in the type and design of residential development and lodging, providing a wide choice of living environment, occupancy tenure and housing cost.*
- (c) Efficient use of a site to facilitate adequate and economical construction and maintenance of streets, stormwater management facilities, and water supply and sanitary sewerage systems.*
- (d) Preservation of property values in the vicinity of a PRD and the protection of neighboring areas from any adverse impacts of development of a PRD.*
- (e) Enhancement of commercial, entertainment and recreational opportunities for residents of the Town, County, and region.*
- (f) Creation of diverse full- and part-time employment opportunities for residents of the Town, County, and region.*
- (g) Inducement of private investment in the Town, County, and region, including reinvestment in existing businesses and the attraction of new seasonal and year-round businesses.*

As proposed, the Proposed Project would accomplish the above goals through the careful layout of the Project Site and a balanced mix of uses. A summary of the conformance of the Proposed Project with the PRD district, as proposed, is provided in **Table 2-2**.

**Table 2-2  
Project Conformance with PRD Regulations**

| <b>Use</b>   | <b>Current PRD Density</b>                          | <b>Proposed PRD Density*</b>                        | <b>Allowable Total (proposed)**</b> | <b>Proposed Project</b> |
|--|---|---|-------------------------------------|-------------------------|
| Residential  | 4.0 units per acre of net site area                 | No Change   | 4,766 units                         | 897 units               |
| Residential Accessory Uses   | 10% of aggregate net floor area of residential uses | No Change   | --                                  | --                      |
| Hotel/Motel Units  | 0.75 keys per acre of net site area                 | 1.75 keys per acre of net site area                 | 2,085 keys                          | 1,800 keys              |
| Hotel/Motel Accessory Uses   | 10% of aggregate net floor area of hotel/motel uses | 15% of aggregate net floor area of hotel/motel uses | 165,000 sq ft                       | 134,931 sq ft           |
| Casino and harness horse racetrack uses  | 450,000 sq ft Total                                 | No Change   | 450,000 sq ft Total                 | 405,000 sq ft           |
| Commercial uses (excluding casino uses and hotel/motel accessory uses, including RV park)                            | 0.0175 FAR  | No Change   | 908,341 sq ft                       | 903,000 sq ft           |
| Maximum building height  | 350 feet  | No Change   | 350 feet                            | 200 feet                |
| Open space   | 35% of gross site area (minimum)                    | No Change   | 538 acres (minimum)                 | 696 acres               |
| <b>Notes:</b>  |   |   |                                     |                         |
| * Proposed density as it would apply to each approved CDP.   |   |   |                                     |                         |
| ** Based on a net site area, as defined in §250-27.2(B)(6) of the Town of Thompson's Zoning Code, of 1,191.58 acres. |   |   |                                     |                         |

**PUBLIC POLICY**

*The Town of Thompson Village of Monticello Joint Comprehensive Plan*

The Town established the PRD zoning district with the purpose of furthering the goals and objectives of the Town of Thompson – Village of Monticello Joint Comprehensive Plan (“Comprehensive Plan”). With regard to the proposed land uses included in the zoning amendment, the Comprehensive Plan states:

*“Providing for land uses such as the Concord Resort Hotel is necessary to preserve major employment centers and preserve a source of attraction to the Town and region. The number of major resorts has dwindled and those which remain should be protected from incompatible adjacent land uses and permitted to expand and develop, provided those development plans maximize the protection and enjoyment of the Town's natural resources on which the bulk of the tourism industry depends.”*

The proposed amendments would further the tourism industry through the inclusion of land uses that are complementary to a resort community. Therefore, the Proposed Action seeks an amendment to the Town Code to develop a destination resort attraction within the Town of Thompson that is consistent with the Comprehensive Plan in an area where others have deteriorated or where development plans languished due to the current economic climate. The amendments sought by the Applicant as part of the Proposed Project would not affect previously issued Town approvals within the PRD, would rejuvenate the area of the former Concord Resort and encourage further development, economic stimulus, and employment opportunities within the Town. Furthermore, the development of the Proposed Project and Phase 1 would be consistent with the goals and objectives of the Comprehensive Plan.

*SULLIVAN 2020: DEFINING AN IMAGE AND MANAGING CHANGE: A STRATEGIC PLAN FOR SULLIVAN COUNTY, MAY 2005*

The Proposed Project is consistent with the goals and objectives of Sullivan 2020. The Proposed Project would redefine and enhance the tourism industry in Sullivan County by creating a master planned destination resort community which, when complete, would include an 18-hole golf course, a casino and harness racetrack, hotels, a residential village with a mix of unit types including condos, apartments, townhouses, and detached single-family homes, a civic center, an innovative health care facility, an active adult residential community, an entertainment district with cinema and supporting retail, an RV park, and a multi-use trail system with abundant open space.

As recommended by Sullivan 2020, the Proposed Project would be a year-round destination, which includes a balanced mix of activities including recreational venues, harness horse racetracks, and hotels in a comprehensive master planned resort community. Therefore, the development of the Proposed Project and Phase 1 would be consistent with the goals and objectives of the Sullivan 2020.

**CUMULATIVE IMPACTS**

The cumulative impacts of this Application along with other projects proposed within the study area are consistent with the goals and intent of the zoning and public policies stated within the respective comprehensive plans. In fact, the zoning and policy documents adopted by the communities within the study area share a common goal of economic revitalization for this area of the Catskills. And, by virtue of the specific requirements within the PRD that are intended to minimize adverse impacts to natural resources, adjacent land uses, and the requirement that a phased development approach be created for the projects within the Town's PRD district, the Town of Thompson will be able to manage the growth, and the infrastructure that will be needed to support this and other future projects. Overall, the substantial cumulative impacts that will result from this as well as other projects within the study area will be overwhelming beneficial to the local as well as the regional economy.

**MITIGATION**

As detailed above, Phase 1 would be beneficial to the local as well as the regional Catskill economy and is not anticipated to result in any significant adverse land use, community character, zoning, or public policy impacts. Therefore, no mitigation measures are proposed.



## **C. SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (DEIS)**

### **EXISTING CONDITIONS**

#### *LAND USE AND COMMUNITY CHARACTER*

The Phase 1 Site of the EPT Concord Resort project is approximately 125 acres, as shown on Figure 1-26. It is owned by the Applicant, and Monticello Raceway Management, Inc. has an option to lease the property. Monticello Raceway Management, Inc. will be the developer of the initial phase of the casino resort complex, upon exercise of their option. The current tax parcels comprising the Phase 1 development are presented in Table 1-2.

The Phase 1 Site is in the south central portion of the Project Site. Its boundaries are Thompsonville Road to the west and north, Joyland Road to the east, and a large wetland area adjacent to NYS Route 17 to the south. Access to the Phase 1 Site is available from Joyland Road and Thompsonville Road.

At present, there are no structures or built features on the proposed Phase 1 Site. The site is generally characterized as manicured lawns from the golf course use, with shade trees and wooded borders. A total of approximately 4.6 acres of wetland and surface water area is located on the Phase 1 Site. A water trap from the golf course use is located on the western portion of the Phase 1 development area.

Adjacent to the Phase 1 Site and along Joyland Road are several rural residential uses and summer bungalow colonies.

#### *ZONING*

As described above, Phase 1 is located entirely within the Planned Resort Development (PRD) district.

#### *PUBLIC POLICY*

The public policy documents described above as applicable to the CDP are also applicable to the Phase 1 development.

### **THE FUTURE WITHOUT THE DEVELOPMENT OF PHASE 1**

In the future without the proposed development of Phase 1, the 125-acre area would remain as an undeveloped forested area with several small wetlands and several surface drainage channels. The small portion of the Monster Course that is included on the Phase 1 Site would be maintained as it currently exists. There would be no investment to improve the flooding conditions that exist on the golf course.

### **PROBABLE IMPACTS OF THE DEVELOPMENT OF PHASE 1**

The site-specific development of Phase 1 is more fully described in Chapter 1, "Project Description." This section describes the potential impacts of the development of Phase 1 on land use and community character, zoning, and public policy.

*LAND USE AND COMMUNITY CHARACTER*

The design for the proposed Casino Hotel would be an architecturally significant marquis building, with a contemporary design, utilizing a significant amount of glass to maximize views of the Resort. It would be located in the Resort Core area, as described above.

Similar to the overall CDP, the land use changes associated with Phase 1 will have a positive effect on the Town of Thompson by redeveloping an underutilized property, improving recreational and tourist opportunities in the Town, and encouraging economic growth. Phase 1 will enhance and expand land uses that have historically been present on the Project Site and within the surrounding area. While Phase 1 will increase the intensity of the development on the Project Site, the general character and design of the Casino Hotel is anticipated to become an icon of the region, as was the former Concord Resort Hotel.

*ZONING*

The proposed zoning text amendments are applicable to the entire PRD and not limited to the Phase 1 Site. Phase 1 of the Proposed Project requires the adoption of the text amendments that are being proposed for the PRD district and the adoption of a new CDP by the Town Board. Neither the adoption of the PRD Zoning Amendments, nor the CDP is anticipated to result in any significant adverse zoning or land use impacts. The proposed PRD zoning text amendments would not preclude any development from taking place on other lands within the PRD Zoning District not controlled by the Applicant.

*PUBLIC POLICY*

Phase 1 would further the tourism industry in the region and would rejuvenate the former Concord Resort property. As a catalyst for the region's economic development, Phase 1 would be consistent with *Town of Thompson/Village of Monticello Comprehensive Plan* and the *Sullivan 2020 Plan*. Further, as recommended by *Sullivan 2020*, Phase 1 of the Proposed Project would represent the beginning of the kind of year-round resort destination that is a goal of the County's 2020 Plan. Therefore, the development of the Proposed Project and Phase 1 would be consistent with the goals and objectives of the *Sullivan 2020*.

**MITIGATION**

As detailed above, Phase 1 would be beneficial to the local as well as the regional Catskill economy and is not anticipated to result in any significant adverse land use, community character, zoning, or public policy impacts. Therefore, no mitigation measures are proposed. \*