

A. INTRODUCTION

The technical analyses presented in this DGEIS/DEIS examined the potential for significant adverse impacts resulting from the Proposed Project and the site specific development of Phase 1. Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impacts; and
- There are no reasonable alternatives to the Proposed Project or Phase 1 that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

B. COMPREHENSIVE DEVELOPMENT PLAN (DGEIS)

As discussed in each of the technical chapters in the DGEIS, the Proposed Project would create a number of physical changes to the Project Site. Several environmental impacts would result that cannot be avoided. As noted in Chapter 21, “Mitigation,” the Proposed Project has been designed and developed to avoid, minimize, and mitigate potential impacts to the maximum extent practicable. All potential adverse impacts will be avoided, minimized or mitigated by the Proposed Project. Therefore, it is the Applicant’s belief that the Proposed Project would have no unavoidable significant adverse impacts.

WETLANDS AND WATERBODIES

The Comprehensive Development Plan (“CDP”) has been designed to avoid wetland and stream areas to the maximum extent practicable. As shown in Figure 6-3, most components of the Proposed Project have been arranged on the landscape to avoid state and federally regulated wetlands and 100-foot NYSDEC wetland adjacent areas (buffers). With the exception of the Phase 1 Site and the proposed revisions to the Monster Golf Course, the only wetland impacts from the Proposed Project are necessitated by proposed improvements to Chalet Road and Thompsonville Road and for access to upland areas proposed for development. Aside from roadway access, none of the residential components of the Proposed Project require wetland or wetland buffer disturbance.

To realize certain components of the Proposed Project, wetland and surface water loss will occur. Wetland loss will result from the placement of fill material within the wetland boundary. Specific areas of wetland impacts are depicted in Figure 6-3. The acreage of wetland impacts by wetland type and jurisdiction is listed in Tables 6-2, 6-3, and 6-4.

In total, 8.23 acres of regulated wetlands and waters is expected to be disturbed by the Proposed Project. This includes 6.4 acres of direct disturbance (fill) of vegetated wetlands, 0.67 acres of direct disturbance (fill) to unvegetated wetlands (golf course ponds); and 1.15 acres of hand-

clearing of vegetated wetlands within the proposed Monster Golf Course to reduce the height of vegetation and facilitate golf course play-over areas.

TRAFFIC AND TRANSPORTATION

To assess the impact of the full build out of the Proposed Project on traffic, a qualitative assessment was performed that assumed full build out over a ten (10) year period. Trip estimates for the full build out of the Proposed Project and turning movements at the study intersections were developed for the qualitative assessment; however, detailed intersection analyses were not conducted. It is assumed that, as the anticipated development schedule will be market driven and built out in phases, subsequent development components will require detailed supplemental traffic studies to determine the actual impacts and mitigation measures needed to accommodate traffic generated by each development phase of the Proposed Project.

Based on this qualitative analysis, potential significant adverse impacts were identified, as described below.

- Pleasant Street and Broadway – based on the No Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Anawana Lake Road– based on the No Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Depot Drive – based on the No Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Concord Road– based on the No Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Kiamesha Lake Road – based on the No Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- Rock Ridge Drive and Concord Road – at full build out, the Proposed Project would add approximately 700 vehicles to this intersection during both the Friday and Sunday peak hours.
- Concord Road and Kiamesha Lake Drive – at full build out, the Proposed Project would add 600 and 400 vehicles trips during the Friday and Sunday peak hours, respectively.
- Joyland Road and Thompsonville Road – at full build out, the proposed EPT Concord Resort project would add a significant amount of traffic to this intersection.
- The inclusion the Kelli Wood, Gan-Eden, and Senior / Workforce Housing developments would exacerbate the unacceptable conditions along NYS Route 42.

Phase 1 of the Proposed Project (i.e. Casino Resort) would require mitigation measures at the Cimarron Road/NYS Route 17 Exit 106 Ramp intersections and at the Joyland Road/Cimarron Road intersection to provide acceptable LOS conditions. A majority of the traffic from the full build out of the Proposed Project would continue to traverse these intersections and may degrade operations at these intersections to unacceptable (LOS E or F) conditions.

NOISE

Noise levels in the future with the Proposed Project will be expected to increase as a result of increased traffic traveling to and from the Project Site and additional mechanical equipment associated with the full build out of the Proposed Project. Furthermore, noise levels at the Project Site itself will also increase as a result of these same noise sources. Increased traffic noise in the future with the Proposed Project may result in perceptible and or readily noticeable noise level increases at some nearby sensitive receptors due to the low levels of traffic and noise in the existing condition and the substantial increases in traffic associated with the Proposed Project.

CULTURAL RESOURCES

There is one known historic resource on the EPT Concord Resort Project Site: the Breezy Corners Bungalow Colony at 253 Joyland Road. Demolition of the Breezy Corners Bungalow Colony would constitute an adverse effect on cultural resources.

C. SITE SPECIFIC DEVELOPMENT OF PHASE 1 (DEIS)

As with the Proposed Project, development of Phase 1, while designed to avoid and minimize impacts will result in impacts to the environment. However, as documented in each of the technical chapters in the DEIS and in Chapter 21, "Mitigation," the impacts identified will be mitigated to the maximum extent practicable. Therefore, it is the Applicant's belief that development of Phase 1, as proposed, would have no unavoidable significant adverse impacts.

WETLANDS AND WATERBODIES

As shown in Figure 6-6 and Table 6-6, several wetland areas would be disturbed for construction of buildings, parking, roadway improvements, and the racetrack in Phase 1. Specifically, direct wetland impacts (fill) are anticipated to occur at the following wetland areas:

- A 0.64 acre sloped forested red maple wetland (Wetland #32) will be filled for placement of the Casino Resort parking area.
- Two forested red maple wetland areas (Wetland #s 33A and 33B) totalling 0.67 acres will be filled for the roadway improvements (widening) of Thompson Road.
- A small 0.14 acre pond (unvegetated water feature – Wetland #103) within the golf course will be filled for placement of the racetrack.
- Two depression forested hemlock wetlands, 0.27 and 2.84 acres (Wetland #s 45A and 45B respectively) in size are located within the interior of the proposed harness horse racetrack. These two wetland areas will be cleared to facilitate viewing the race events. Due to their location, sustaining wetland vegetation and hydrology in these wetlands may not be possible. Therefore, they are included in the total wetland disturbance for Phase 1.

Infrastructure to implement the Phase 1 project component includes the widening of Joyland and Thompsonville Roads, and construction of utility infrastructure including connection to the offsite Sewage Treatment Plant and construction of the potable drinking water well field and its distribution. In total, 1.42 additional wetland acres is expected to be filled for these infrastructure improvements, as shown in Table 6-7. The majority of the Phase 1 Infrastructure wetland impacts are associated with the widening of the primary Project Site access road – Joyland Road.

TRAFFIC AND TRANSPORTATION

For the purpose of this analysis, significant adverse impacts are identified as: (1) any change in LOS D or better to LOS E or F; or, (2) any change from LOS E to LOS F. The significant impact criteria are applied to the approach/lane group LOS for signalized intersections and approach/movement group LOS for unsignalized intersections. In addition to intersection LOS, 95th percentile queue lengths were analyzed to determine if the addition of project-generated trips result in turning volumes significantly exceeding storage capacity of turning lane. The significance criteria were developed with the Town of Thompson and the Town's consultant. Under the 2013 Phase 1 conditions, absent mitigation measures, there would be the following significant impacts for the following intersections based on the criteria described above:

- NYS Route 42 and Kiamesha Lake Road – during the Sunday peak hour, the westbound approach would deteriorate from LOS E and LOS F conditions.
- Joyland Road and Cimarron Road – the southbound approach would deteriorate from LOS B to LOS F conditions during the Friday and Sunday peak hours.
- NYS Route 17 Westbound Ramps/Towner Road and Cimarron Road – the northbound approach would deteriorate from LOS B to LOS F conditions during the Sunday peak hour.
NYS Route 17 Eastbound Ramps and Cimarron Road – the eastbound approach would deteriorate from LOS B to LOS F conditions during the Friday and Sunday peak hours.

NOISE

At receptor site 1, which is representative of the one residence and five bungalows along Joyland Road between Lorraine Drive (Towner Road) and Cimarron Road, traffic associated with Phase 1 would be expected to result in a noise level increment of 6.5 dBA and total noise level of 66.5 dBA during the Friday Evening time period, and a noise level increment of 15.4 dBA and total noise level of 66.7 dBA during the Sunday Afternoon time period. Both of these potential noise level increments would exceed NYSDEC's threshold for a significant noise level increase of 6 dBA and would be considered readily to very noticeable. Furthermore, the total noise levels with Phase 1 would be expected to exceed NYSDEC's acceptable level for residential uses of 65 dBA. Consequently, traffic associated with Phase 1, due to its potential to result in readily noticeable noise level increases and absolute noise levels exceeding NYSDEC's recommended level for residential uses will be expected to result in a significant impact at receptor site 1.

CULTURAL RESOURCES

Since one contributing building of the Breezy Corners Bungalow Colony will be demolished as a result of the proposed Joyland Road widening, Phase 1 will have an adverse effect on historic resources. *