

Appendix A
SEQR and Municipal Documents

Appendix A-1
SEQR Documents

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE — Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions.

Amendments to PRD & New CDP for EPT Concord Resort

Name of Action

Town of Thompson Town Board

Name of Lead Agency

Anthony P. Cellini

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Nanette H. Bourne

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

March 9, 2012

Date

PART I — PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Amendments to PRD & New CDP for EPT Concord Resort		
LOCATION OF ACTION (INCLUDE STREET ADDRESS, MUNICIPALITY AND COUNTY) Town of Thompson, Sullivan County, 12701 See Map		
NAME OF APPLICANT/SPONSOR EPT Concord II, LLC	BUSINESS TELEPHONE (816) 472-1700	
ADDRESS 909 Walnut, Suite 200		
CITY/PO Kansas City	STATE MISSOURI	ZIP CODE 64106
NAME OF OWNER (IF DIFFERENT)	BUSINESS TELEPHONE ()	
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION The proposed action is 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 (the “Project”) at the site of the former Concord Resort. The Project is a new PRD Comprehensive Development Plan (“CDP”) for an approximately 1,538 acre site (the “Project Site”) owned by EPT Concord II, LLC (the “Applicant”). When complete, the Project will include an 18-hole golf course, a racino and harness racing track, hotels, residential units, and RV parks. The Applicant owns approximately 1,538 acres of the 1,735 acre PRD district. The Project will be constructed in phases as market conditions warrant. The Applicant will prepare a Generic Environmental Impact Statement for the proposed action and the Project Site with a site specific impact analysis for the first phase of the Project. The first phase of the Project will include a racino, hotel, harness track and related facilities. The Project will require amendments to the “PRD-Planned Resort Development” zoning law relating to allowable uses, density, building arrangement, and Comprehensive Development Plan and site development plan application requirements. The Project will also require the submission of a site development plan application, and applications for all other applicable local, state, and federal approvals as set forth in section B(25) of the EAF.		

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Golf Course, Hotel/Restaurant

	PRESENTLY	AFTER COMPLETION
2. Total acreage of project area: <u>1,538± acres of</u> <u>1,735± acre PRD</u> <u>zoning district</u>		
APPROXIMATE ACREAGE		
Meadow or Brushland (Non-agricultural)	<u>11</u> acres	<u>TBD</u> acres
Forested	<u>735</u> acres	<u>TBD</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>4</u> acres	<u>TBD</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	<u>282</u> acres	<u>TBD</u> acres
Water Surface Area	<u>51</u> acres	<u>TBD</u> acres
Unvegetated (Rock, earth or fill)	<u>5</u> acres	<u>TBD</u> acres
Roads, buildings and other paved surfaces	<u>34</u> acres	<u>TBD</u> acres
Other (Indicate type) <u>Golf Course</u>	<u>416</u> acres	<u>TBD</u> acres

3. What is predominant soil type(s) on the project site? Wellsboro and Wurtsboro Soils; Wellsboro gravelly loam; Arnot-Oquaga complex; Wurtsboro loam
- a. Soil drainage: Well drained 4 % of site Moderately well drained 66 % of site.
 Poorly drained 30 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 267± Acres (see 1NYCRR 370)
4. Are there bedrock outcroppings on project site? Yes No
What is the depth to bedrock? (in feet) <= 60 inches; to be confirmed
5. Approximate percentage of proposed project site with slopes: 0-10% 95.3 % 10-15% 4.3 %
 15% or greater 0.4 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? **[there may be resources eligible for listing]** Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? <5 feet (to be verified)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No
According to: NYSDEC in 03/03/2012 letter and NYSDEC Environmental Resource Mapper.
Identify each species: _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes or other geological formations?) Yes No
Describe: _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? Yes No
If yes, explain:
As 18 hole golf course, the Monster Course, is actively used.
14. Does the present site include scenic views known to be important to the community? Yes No
15. Streams within or contiguous to project area? Kiamesha Creek
a. Name of Stream and name of River to which it is tributary: Sheldrake Stream to Neversink River
16. Lakes, ponds, wetland areas within or contiguous to project area:
a. Name: Wetlands, Lakes, Ponds (various and un-named) on site; Kiamesha Lake off site.
b. Size (in acres): 320± acres within entire Project Site.
17. Is the site served by existing public utilities? Yes No
An existing sewer system exists. A water system does not exist.
a. If YES, does sufficient capacity exist to allow connection? Yes No
There is capacity at the existing sewer system for Phase I.
b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No

20. Has the site ever been used for the disposal of solid or hazardous waste?
Site is currently under NYSDEC-supervised remediation pursuant to a Brownfield Cleanup Agreement (BCA)

Yes

No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor 1538± acres . of 1,735± acre PRD zoning district

b. Project acreage to be developed: 140± acres initially for Phase I; 1538± acres ultimately

c. Project acreage to remain undeveloped n/a acres.

d. Length of project, in miles: N/A (If appropriate)

e. If the project is an expansion, indicate percent of expansion proposed N/A %

f. Number of off-street parking spaces existing 100± ; proposed 3,300 for Phase 1; Total TBD

g. Maximum vehicular trips generated per hour 2,384 first phase; Total TBD

h. If residential: Number and type of housing units?

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ultimately	<u>1,000 – Overall; Distribution and type not yet determined</u>			

i. Dimensions (in feet) of largest proposed structure TBD height; TBD width; TBD length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 18,000± ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.

3. Will disturbed areas be reclaimed? **N/A** **Yes** **No**

a. If yes, for what intended purpose is the site being reclaimed? _____

b. Will topsoil be stockpiled for reclamation? **Yes** **No**

c. Will upper subsoil be stockpiled for reclamation? **Yes** **No**

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? TBD acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? **Yes** **No**

6. If single phase project: Anticipated period of construction N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 5 (number)

b. Anticipated date of commencement phase 1 Nov month 2012 year, including (demolition)

c. Approximate completion date of final phase _____ month 2022 year.

d. Is phase 1 functionally dependent of subsequent phases? **Yes** **No**

8. Will blasting occur during construction? TBD **Yes** **No**

9. Number of jobs generated: during construction 2,410 for Phase 1; Full Build Out: TBD ; after project is complete Phase 1: TBD; Full Build Out: >1,000
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? Yes No
 If yes, explain: _____
-
12. Is surface liquid waste disposal involved? Yes No
 a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____
 b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Type _____ Yes No
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
 If yes, explain: _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 a. If yes, what is the amount per month? TBD tons
 b. If yes, will an existing solid waste facility be used? Yes No
 c. If yes, give name Private Carter for disposal at approved facility; location TBD
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? TBD Yes No
 e. If yes, explain: _____
17. Will the project involve the disposal of solid waste? Yes No
 a. If yes, what is the anticipated rate of disposal? _____ tons/month
 b. If yes, what is the anticipated site life? _____ years
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels?
Operating noise from traffic, building mechanicals, and on-site recreation will likely be above ambient noise levels. Yes No
21. Will project result in an increase in energy use? Yes No
 If yes, indicate type(s): Electricity, propane
22. If water supply is from wells, indicate pumping capacity TBD gallons/minute
23. Total anticipated water usage per day Domestic _____ gallons/day
 Phase 1: 325,000
 Full Build Out: TBD
24. Does project involve Local, State, or Federal funding? Yes No
 If yes, explain: _____

25. Approvals Required:

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Text Amendment; Comprehensive Development Plan (CDP)	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Text Amendment, CDP; Site Plan Approval; Stripping of Land	_____
City, Town, Village Zoning Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____
City, County Health Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water/sewer connection	_____
Other Local Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Highway Department, County Planning	_____
Other Regional Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Delaware River Basin Commission Water and Wastewater Permits	_____
State Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wetlands (DEC), SPDES (DEC), Air Quality (DEC), Highway (DOT), Water/Sewer (DOH/DEC); NYS Racing and Wagering; NYS Lottery	_____
Federal Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wetlands (Army Corps)	_____

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
If Yes, indicate decision required:
 Zoning amendment Zoning variance New/revision of master plan Subdivision
 Site plan Special use permit Resource management plan Other _____
- What is the zoning classification(s) of the site? PRD-Planned Resort Development
- What is the maximum potential development of the site if developed as permitted by the present zoning?
Combination of uses including racino, harness track, destination retail, restaurants, amusements, recreational and residential uses as described in the existing approved CDP, as amended. _____
- What is the proposed zoning of the site? PRD-Planned Resort Development
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
Combination of complimentary development including racino, harness track, destination retail, restaurants, amusements, recreational, residential, recreational vehicle, medical services, and brew pub uses to be described in the forthcoming CDP for the Project Site. _____
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a ¼-mile radius of proposed action?
Residential, commercial, undeveloped/ SR, RR, NC, HC, CI, REC
- Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? To be determined
 - What is the minimum lot size proposed? _____
- Will the proposed action require authorization(s) for the formation of sewer of water districts? Yes No
Project will require the formation of a water district. Sewer district exists.
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 - If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 - If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be an adverse impacts associated with your proposal, please discuss such impacts and the measures which you proposed to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name EPT Concord II, LLC Date 2/2/12

Signature *MLH* Michael L. Hiron Title Vice President

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Chrysta V. Zinser



CHRYSA V. ZINSER
My Commission Expires
September 23, 2012
Jackson County
Commission #08642449

Notice of Intent to Declare Lead Agency

At a Special Meeting of the Town Board of
the Town of Thompson held in the Sullivan County
BOCES Adult Education Center, 22 St. John Street,
Monticello, New York on March 08, 2012

RESOLUTION OF TOWN BOARD'S INTENT TO DECLARE LEAD AGENCY STATUS

WHEREAS, EPT Concord II, LLC (the "Applicant") submitted a petition to amend the Town of Thompson Zoning Law with respect to the Planned Resort Development ("PRD") and to establish a new Comprehensive Development Plan ("CDP") for the EPT Concord Resort; and,

WHEREAS, The Applicant submitted a full Environmental Assessment (EAF) of this action; and,

WHEREAS, The Town Board has the broadest governmental powers for investigating the impact of the proposed action; and,

WHEREAS, The Town Board has the capability of providing the most thorough environmental assessment of the proposed action.

NOW THEREFORE, BE IT RESOLVED, that The Town Board hereby accepts the full EAF of this project, prepared by AKRF, and, be it

FURTHER RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQRA) regulations, the Town Board of the Town of Thompson hereby announces its intent to serve as lead agency to review the above actions; and, be it

FURTHER RESOLVED, the Town Board has determined that the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board will notify the Involved and Interested Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form.

Moved by: Councilman Richard Sush

Seconded by: Councilman Scott Mace

Adopted the 8th day of March, 2012.

The members of the Town Board voted as follows:

Supervisor ANTHONY P. CELLINI	Yes [X] No []
Councilman PETER T. BRIGGS	Yes [X] No []
Councilman SHARON JANKIEWICZ	Yes [X] No []
Councilman RICHARD SUSH	Yes [X] No []
Councilman SCOTT MACE	Yes [X] No []

STATE OF NEW YORK:
COUNTY OF SULLIVAN: §

The undersigned, Town Clerk of the Town of Thompson, Sullivan County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Thompson on the 8th, day of March, 2012, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on March 09, 2012.



Marilee J. Calhoun, Town Clerk

Part II - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? NO YES

Examples that would apply to column 2:

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts:

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) NO YES

Examples that would apply to column 2:

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

4. Will proposed action affect any non-protected existing or new body of water? NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10-acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.

Other impacts:

5. Will Proposed Action affect surface or groundwater quality or quantity? NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.
- Proposed Action would change flood water flows
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: Stormwater Management – Construction of Project will have large positive impact on the stormwater management of the Project Site.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Will proposed action alter drainage flow or patterns, or surface water runoff? NO YES

Examples that would apply to column 2

- Proposed action would change flood water flows
- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts:

IMPACT ON AIR

7. Will proposed action affect air quality? NO YES

Examples that would apply to column 2:

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed Action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts:

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? NO YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.

Other impacts:

9. Will Proposed Action substantially affect non-threatened or non-endangered species? NO YES

Examples that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.
- Other impact: Proposed Project and Project construction would disturb or require the relocation of present species.

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? NO YES

Examples that would apply to column 2

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).
- Other impacts:

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? NO YES
(If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources, which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.
- Other impacts:

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? NO YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts:

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? NO YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other Impacts: The Proposed Project will have a positive impact on open space and recreation by providing increased amenities to the community

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IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? NO YES

List the environmental characteristics that caused the designation of the CEA.

- 1.
- 2.
- 3.
- 4.
- 5.

Examples that would apply to column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?

Other impacts:

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods
- Proposed Action will result in major traffic problems.
- Other impacts:

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply? NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).

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- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.

Other impacts:

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. To be determined.
- Other Impacts:

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with officially adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.).
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: The proposed project will have a positive impact on the local economy by creating jobs and enhancing tax revenues.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? NO YES **Unknown at this time**

1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

Positive Declaration

State Environmental Quality Review
POSITIVE DECLARATION
 Notice of Intent to Prepare a Draft EIS
 Determination of Significance

Project Number**Date**

4/10/2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The *Town Board of the Town of Thompson* as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

EPT Concord Resort

SEQR Status: Type 1
 Unlisted

Scoping: No Yes If yes, indicate how scoping will be conducted:

The Town of Thompson will issue a draft scope identifying issues associated with the Action described below to be addressed in the draft Generic Environmental Impact Statement and the site specific draft Environmental Impact Statement. The draft scope will be posted on the Town of Thompson's website and Public input will be sought. A public scoping meeting will be held to solicit public comments. Written comments will also be accepted on the draft scope. A final scope will be issued in accordance with 6 NYCRR 617.8.

Description of Action:

EPT Concord II, LLC (the "Applicant") proposes to develop a master planned destination resort community (the "EPT Concord Resort") on approximately 1,538 acres of land that it owns in the Town of Thompson. When complete, the EPT Concord Resort will include an 18-hole golf course, a racino and harness racing track, hotels, a residential village with a mix of unit types including condos, apartments, townhouses and detached single family homes, a civic center, a medical home, an active adult community, an entertainment district with cinema and supporting retail, an RV park, and a multi-use trail system with abundant open space. To develop the EPT Concord Resort, the Applicant has initiated the following: First, 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.

Second, the Applicant seeks approval from the Town Board for a new PRD Comprehensive Development Plan ("CDP") for the approximately 1,538 acre Project Site. The approval of the CDP is contingent on the adoption of the proposed zoning text. Third, the Applicant seeks Site Plan Approval from the Town of Thompson Planning Board for the first phase development of the Proposed Project ("Phase 1") that will include a racino, hotel, harness track and related facilities. The Applicant intends to begin construction of Phase 1 by the end of 2012, pending the receipt of the necessary approvals. To evaluate the impacts of the Proposed Action and the Proposed Comprehensive Development Plan Project a Draft Generic Environmental Impact Statement (DGEIS) will be prepared. The DGEIS will also include a Site Specific Draft Environmental Impact Statement (DEIS) to analyze the potential impacts of the proposed development of Phase 1.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The proposed project is located primarily on the east side of Concord Road, south of Kiamesha Lake Road, southeast of Rock Ridge Drive and an irregular boundary on the eastern side, in the Town of Thompson, County of Sullivan, NY (See Regional Site Location Map and Project Site Map: EPT Concord Resort prepared by Hart/Howerton, dated February 2012).

Reasons Supporting This Determination:

The Proposed Action and the size of the proposed project development require analyses of potential impacts associated with the following:

Land Use, Community Character, Zoning, and Public Policy, Community Services, Geology, Soils, Topography, Natural Resources, Surface Water Resources and Wetlands, Stormwater Management, Water Supply, Sanitary Sewer Service, Energy & Telecommunications, Traffic and Transportation, Air Quality, Noise, Economic Conditions, Cultural Resources, Visual Resources and Hazardous Materials.

Assessment of these potential impacts will be addressed in a joint DGEIS and DEIS. The DGEIS portion will be prepared to fully consider the potential impacts of the Proposed Action and the DEIS portion will be prepared to fully consider the potential impacts associated with Phase I of the Project. It has therefore been determined that the proposed Action named herein warrants the issuance of this SEQR positive declaration.

For Further Information:

Contact Person: *Supervisor, Anthony Cellini*

Address: *Town of Thompson, 4052 State Route 42, Monticello, New York, 12701*

Telephone Number: *(845) 794-2500*

A copy of this notice must be sent to:

Department of Environmental Conservation, 625 Broadway, Albany, NY 12233

Chief Executive Officer, Town/City/Village of *Thompson*

Any person requesting a copy

All Involved and Interested agencies, (see attached)

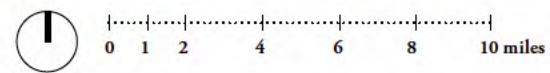
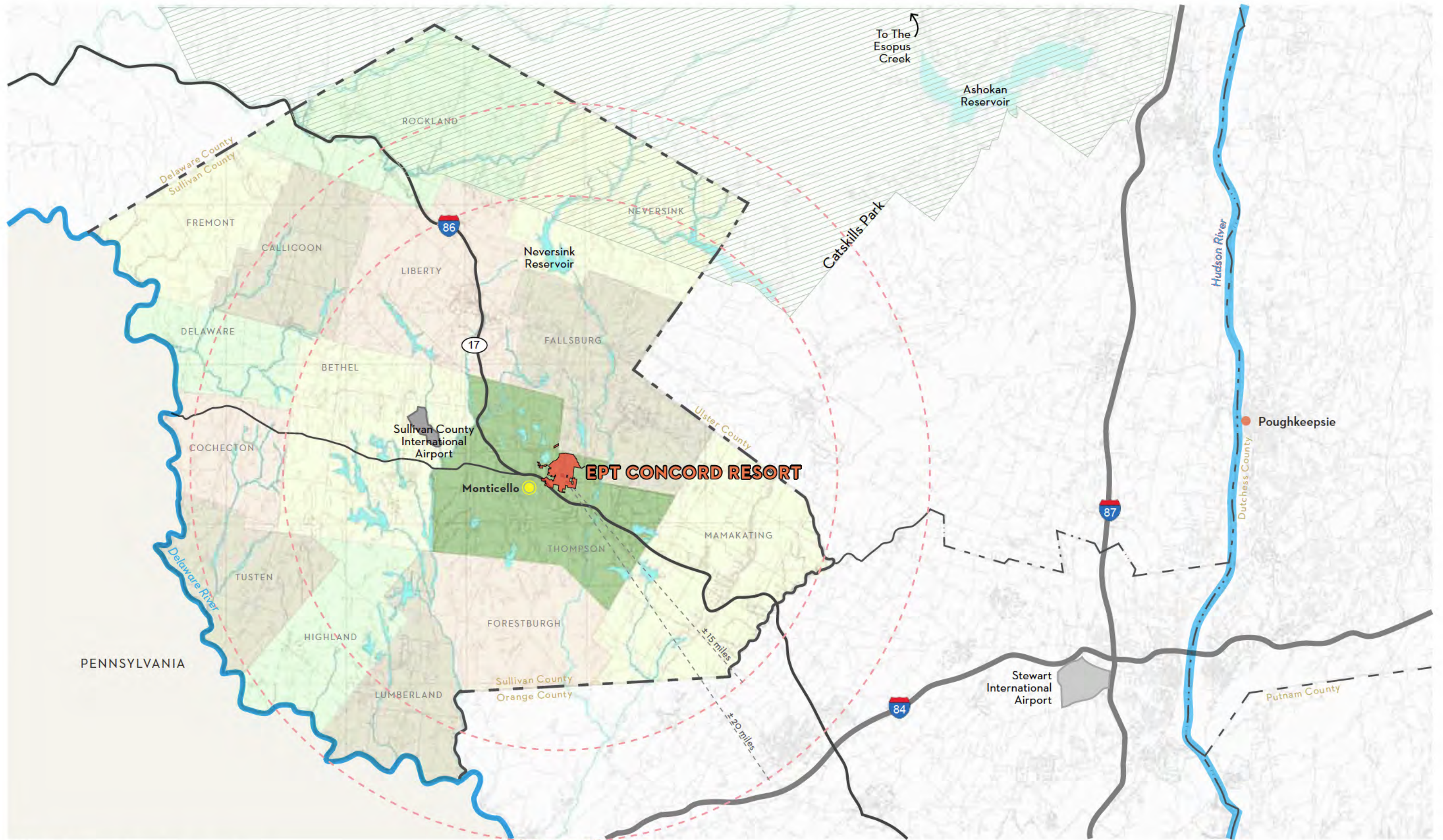
Applicant: EPT Concord II, LLC

Environmental Notice Bulletin: enb@gw.dec.state.ny.us,

PROPERTY TAX PARCELS WITHIN PRD ZONING DISTRICT

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13.-3-12
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9-1-34.5
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9-1-34.7
10-15-8
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10-13-6
23-2-5
10-15-8
10-13-6
23-2-5





Involved Agencies

Marilee J. Calhoun
Town Clerk, Town of Thompson, Town Board
4052 Route 42
Monticello, New York 12701

Nora Hughson
Secretary, Town of Thompson, Planning Board
4052 Route 42
Monticello, New York 12701

Richard Benjamin Jr.
Highway Superintendent, Town of Thompson,
Highway Department
4052 Route 42
Monticello, New York 12701

Luiz C. Aragon
Commissioner, Sullivan County Division of
Planning & Environmental Management
100 North Street
Monticello, New York 12701

Robert A. Meyer, P.E.
Commissioner, Sullivan County Division of
Public Works
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Monticello, New York 12701

Jennifer C.S. Brylinski
Executive Director, County of Sullivan
Industrial Development Agency
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Ferndale, New York 12734

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21 South Putt Corners Road
New Paltz, New York 12561

NYS Dept. of Environmental Conservation
Division of Environmental Permits
625 Broadway
Albany, New York 12233-1750

Jack Williams
Regional Director, NYS DOT Region 9
44 Hawley Street
Binghamton, New York 13901

Ruth Pierpont
Director & Acting Deputy Commissioner, NYS
Historic Preservation Office
10 Delaware Avenue North
Cohoes, New York 12047

Nirav R. Shah, M.D., M.P.H.
Commissioner, New York State Department of
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Corning Tower Empire State Plaza
Albany, New York 12237

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Schenectady, New York 12301

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Board
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Schenectady, New York 12305

Carol R. Collier
Executive Director, Delaware River Basin
Commission
25 State Police Drive
P.O. Box 7360
West Trenton, New Jersey 08628-0360

Chris Mallery
Chief of Western Permit Section, US Army
Corps of Engineers New York District
Regulatory Branch
26 Federal Plaza
Room 1937
New York, New York 10278-0090

US Fish & Wildlife Service - New York Field
Office
3817 Luker Road
Cortland, New York 13045

Interested Agencies

Anthony P. Cellini
Supervisor, Town of Thompson
4052 Route 42
Monticello, New York 12701

James Carnell
Chair, Town of Thompson, Zoning Board of Appeals
4052 Route 42
Monticello, New York 12701

William Culligan
Chair, Town of Thompson, Conservation Advisory Council
4052 Route 42
Monticello, New York 12701

Arnold Seletsky
Deputy Supervisor, Town of Fallsburg
19 Railroad Plaza
South Fallsburg, New York 12779

Daniel A. Teplesky
Superintendent of Schools, Monticello Central School District
237 Forestburgh Road
Monticello, New York 12701

William Culligan
Superintendent, Kiamesha Lake Sewer District
128 Rock Ridge Drive
Monticello, New York 12701

Gordon Jenkins
Mayor, Monticello Village Hall
2 Pleasant Street
Monticello, New York 12701

David P. Fanslau
County Manager, Sullivan County
100 North Street
Monticello, New York 12701

Mark Freidland
Chief, Monticello Fire Department
23 Richardson Avenue
Monticello, New York 12701

Scott B. Samuelson
Chair, Sullivan County Board of Legislators
100 North Street
Monticello, New York 12701

Approved Scoping Document

EPT CONCORD RESORT

Draft Generic Environmental Impact Statement (DGEIS) & Phase 1 Draft Environmental Impact Statement (DEIS)

Scoping Outline

April 17, 2012

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A. PROPOSED PROJECT

EPT Concord II, LLC (referred to as “EPT” or the “Applicant”) proposes to develop a master planned destination resort community (referred to as “EPT Concord Resort”) on approximately 1,538 acres of land that it owns in the Town of Thompson (the “Project Site”). See Figure 1 for location of the Project Site. EPT Concord Resort will provide a variety of spaces, residential choices, destinations, amenities and experiences for a diverse market. When complete, the EPT Concord Resort will include an 18-hole golf course, a racino and harness racing track, hotels, a residential village with a mix of unit types including condos, apartments, townhouses and detached single family homes, a civic center, a medical home, an active adult community, an entertainment district with cinema and supporting retail, an RV park, and a multi-use trail system with abundant open space.

To develop the EPT Concord Resort, the Applicant has initiated the following: First, 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”). Second, 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 amendment. See Figure 2 for a schematic overview of the proposed Comprehensive Development Plan for the master planned destination resort. The Proposed Project is independent of the previously approved project sponsored by Concord Associates, LP (CALP) adjacent to the Project Site, on the west side of Concord Road and within the PRD zoning district. Third, the Applicant seeks Site Plan Approval from the Town of Thompson Planning Board for the first phase development of the Proposed Project (“Phase 1”) that will include a racino, hotel, harness track and related facilities, including manure management. The location of Phase 1 is shown on Figure 3. The Applicant intends to begin construction of Phase 1 by the end of 2012, pending the receipt of the necessary approvals. To evaluate the impacts of the Proposed Action and the Proposed Comprehensive Development Plan Project a Draft Generic Environmental Impact Statement (DGEIS) will be prepared. The DGEIS will also include a Site Specific Draft Environmental Impact Statement (DEIS) to analyze the potential impacts of the proposed development of Phase 1.

For ease of understanding, each technical chapter of the combined DGEIS and Phase 1 DEIS will be organized to include a generic analysis of the proposed zoning amendment and new PRD Comprehensive Development Plan for the Project Site. Also included in each chapter will be a Site specific analysis for Phase 1. Within each chapter the existing conditions, future without the Proposed Project, probable impacts of the Proposed Project, and mitigation will be discussed.

The combined DGEIS and Phase 1 DEIS will be prepared in accordance with this Scoping Document and will include, at a minimum, the elements described below.

REQUIRED APPROVALS

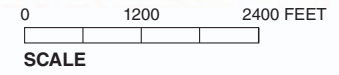
The Proposed Action and Proposed Project will require amendments to the “PRD-Planned Resort Development” zoning law relating to allowable uses, density, and building arrangement, as well as amending the site development plan requirements for creating a new or amended Comprehensive Development Plan. The adoption of the CDP is dependent on the adoption of the proposed zoning amendments. The development of Phase 1 of the Proposed Project will require the submission of a site development plan application, and applications for applicable local, state, and federal approvals. Table 1 sets forth the anticipated permits, approvals, and reviews that will be required.

Table 1
Required Approvals

Agency	Approval or Permit Required
Town of Thompson Town Board	Zoning Text Amendment
Town of Thompson Town Board	Comprehensive Development Plan (CDP)
Town of Thompson Planning Board	Site Plan Approval
Town of Thompson Planning Board	Stripping of Land Permit
Town of Thompson Planning Board	Subdivision Approval
Town of Thompson Highway Department	Road Improvement Permit
Town of Thompson	Sanitary sewer extension
Sullivan County Division of Planning and Environmental Management	GML Section 239 Project Review
Delaware River Basin Commission	Ground and/or Surface Water Withdrawal
Delaware River Basin Commission	Discharge of Pollutants into Surface Waters or Groundwaters of the Delaware River Basin
Delaware River Basin Commission	Total Dissolved Solids Determination
NYS Department of Environmental Conservation (DEC)	Public Water Supply Permit
NYS Department of Health (DOH)	Public Water Supply Permit
NYS DEC	SPDES Permit(s) – General Permit for Stormwater Discharges from Construction Activity
NYS DOH	Sewer System Extension Permit
NYS DEC	Article 15 Protection of Waters Permit
NYS DEC	Article 24 Freshwater Wetland Permit
NYS DEC	Water Quality Certification (Section 401)
NYS DEC	Air Quality Permit or Registration
NYS DEC	Concentrated Animal Feeding Operations
NYS DEC	Water Withdrawal Permit
NYS DEC	Mining Permit Exemption
NYS DEC	Sewer Extension Approval/Formation of Sewage Corporation
NYS DEC	Protected Species and Habitats Review
NYS Department of Transportation	Road Improvement Permit
New York State Historic Preservation Office (SHPO)	Section 106 and Section 14.09 Cultural Resources Coordination
NYS Racing and Wagering Board	Section 322 Approval
NYS Lottery	Section 1617A Approval
US Army Corps of Engineers	Nationwide or Individual Wetland Permit
U.S. Fish and Wildlife Service (USFWS)	Threatened and Endangered Species Review



Project Site Boundary

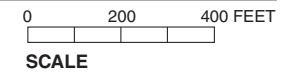




SOURCE: Hart Howerton



 Phase I Area



B. REQUIRED ELEMENTS OF THE COMBINED DGEIS & PHASE 1 DEIS

The combined DGEIS and Phase 1 DEIS shall contain an analysis of environmental impacts in the substantive areas outlined below:

- A description of the Proposed Action, Proposed Project, and their environmental setting;
- A Site specific description of the environmental setting in Phase 1;
- A generic analysis of the potential environmental impacts of the Proposed Action and Proposed Project, including their short- and long-term effects, and typical associated environmental effects;
- A Site specific analysis of the potential environmental impacts in Phase 1 development, including short- and long- term effects, and typical associated environmental effects;
- An identification of significant adverse environmental effects that cannot be avoided if the Proposed Action is adopted, and the Proposed Project and Phase 1 are implemented;
- A discussion of alternatives to the Proposed Action and Proposed Project;
- An identification of irreversible and irretrievable commitments of resources that will be involved if the Proposed Action is adopted, and the Proposed Project and Phase 1 are implemented; and,
- A description of mitigation measures proposed to minimize or avoid significant adverse environmental impacts of the Proposed Action, Proposed Project, and Phase 1.

EXISTING AND BASELINE CONDITION ASSUMPTIONS

For purposes of evaluating the potential impacts of the Proposed Action, the Proposed Project, and the Phase 1, the combined DGEIS and Phase 1 DEIS will generally assume, where applicable, that the existing conditions presented in the 2006 DGEIS for the Concord Resort remain valid. Where the conditions presented in the 2006 DGEIS have materially changed, or they are no longer valid, the combined DGEIS and Phase 1 DEIS will, to the extent practicable, account for that as well. In both cases, the combined DGEIS and Phase 1 DEIS will explicitly state the existing conditions.

For purposes of evaluating the potential impacts of the Proposed Action, the Proposed Project, and the Phase 1, the combined DGEIS and Phase 1 DEIS will assume that certain other projects within the PRD District, such as those sponsored by CALP will be completed as approved by the Town. These projects will be considered in determining the baseline condition, also sometimes known as the ‘no-build’ condition, for purposes of this combined DGEIS and Phase 1 DEIS.

Finally, the impact analysis of this DGEIS will be organized into two parts. First, a ‘generic’ impact analysis will be presented of the overall plan for the 1538 acre property for what is referred herein as the “Comprehensive Development Plan.” Second, a more detailed and site specific impact analysis of development proposed for the approximately 130 acres included in the Phase 1 development area.

ORGANIZATION AND EXPECTED CONTENT OF THE COMBINED DGEIS & PHASE 1 DEIS

COVER SHEET AND GENERAL INFORMATION

The Cover Sheet shall identify: the Proposed Action, Proposed Comprehensive Development Plan Project, and Phase 1; its location; the name, address, and phone number of the Lead Agency; the name, address, and phone number of the Preparer of the combined DGEIS and Phase 1 DEIS; the document as a combined Draft Generic Environmental Impact Statement and Site specific DEIS for Phase 1; the Date of Acceptance of the combined DGEIS and Phase 1 DEIS by the Lead Agency; and the date of the Public Hearing and the closing of the Public Comment Period.

Additional information, to be provided on pages following the Cover Sheet, shall list: the name(s) and address(es) of the applicant and its representatives; and the name(s) and address(es) of all consultants involved in the project and their respective roles.

The combined DGEIS and Phase 1 DEIS shall include a list of all Involved and Interested Agencies to which copies of the document and supporting material will be distributed.

A Table of Contents followed by a List of Tables and List of Figures shall be provided.

EXECUTIVE SUMMARY

- A. Introduction
- B. Description of the Proposed Action, Proposed Project, and Phase 1
- C. List of all Local, County, State, and other approvals required
- D. Statement of project purpose and need
- E. Summary of significant adverse environmental impacts identified in each subject area
- F. Summary of mitigation measures proposed for significant adverse environmental impacts
- G. Description of alternatives analyzed

CHAPTER 1 – PROJECT DESCRIPTION

- A. Project Site Description and Setting
- B. Proposed Action, Proposed Comprehensive Development Plan Project, and Phase 1– Describe the three components as follows:
 - 1. Proposed amendments to the PRD zoning regulations. (Proposed Action)
 - 2. Comprehensive Development Plan – Description in text and graphics, of the proposed Comprehensive Development Plan (CDP) for the proposed master planned destination resort (Proposed Project). This section will include the number, type and location of uses, proposed bulk and density requirements for the development, proposed open space, recreation and conservation areas, and a description of circulation and site access. This section will also describe the minimum standards and the sustainability components that are included in the CDP to ensure that as the project is built out, there is compatibility with the architecture, character, and sustainability goals. This section will also identify the relationship between the zoning amendment and the CDP.
 - 3. Phase 1 – Detailed description in text and graphics of the physical components of the Phase 1 program, including the location and architectural design of the proposed racino and harness racing track, site lighting, landscaping, signage, site access and circulation, and infrastructure needs. This section will evaluate the consistency of

the Phase 1 components with the design guidelines, minimum standards, and sustainability goals for the CDP.

- C. Purpose and Need
- D. Project History
 - 1. Existing on Site development, including a description of existing structures and other site features that will be reused/rehabilitated and those that will be demolished.
 - 2. Approved Projects in Study Area
 - a. Concord Resort (CALP)
 - b. Harness Track (CALP)
 - c. Others Projects in Study Area
 - 3. Summary of dates and conclusions for previously completed DGEIS, FGEIS, and Findings.
- E. Permits and Approvals

CHAPTER 2 – LAND USE, COMMUNITY CHARACTER, ZONING, AND PUBLIC POLICY

- A. Proposed Zoning Action and Proposed Comprehensive Development Plan
 - 1. Existing Conditions
 - a. Describe and map existing land uses within ¼ mile of the Project Site unless otherwise specified by the Lead Agency.
 - b. Describe and map existing zoning within ¼ mile of the Project Site.
 - c. Describe the existing zoning and CALP Comprehensive Development Plan.
 - d. Describe pending or recently approved projects within the Town of Thompson as specified by the Planning Board and in Monticello and Fallsburg within proximity to EPT Concord Resort.
 - e. Describe community character using text and photographs.
 - f. Summarize relevant sections of relevant public policy documents (Town of Thompson/Village of Monticello; Sullivan County; New York State) as specified by the Lead Agency.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Identify projects that are already approved within one (1) mile of the Project Site, or other relevant projects as specified by the Lead Agency.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Land Use, Community Character, and Zoning
 - i. Describe the impacts of the Zoning Text Amendment (Proposed Action) on land use, community character, and zoning, including the submission of a new CDP;
 - ii. Describe Impacts of the proposed Comprehensive Development Plan (Proposed Project) on land use, community character, and zoning; and,
 - iii. Describe cumulative impacts of Proposed Action and Proposed Project and other approved projects as specified in Section 2.A.2.a.
 - b. Consistency with Public Policy – Describe the consistency of the Proposed Action and Proposed Project with existing planning documents and public policies identified above in 2.A.1.f.
 - 4. Mitigation – Describe the measures, if any, which will be implemented to mitigate adverse impacts to Land Use, Community Character, Zoning, and Public Policy from the Proposed Action and Proposed Project.

- B. Phase 1— The land use, community character, zoning, and public policy analysis will assess the potential for impacts on any sensitive land uses from Phase 1. The analysis will evaluate impacts within an area of approximately ¼-mile around the Phase 1 Site.
1. Existing Conditions
 - a. Land Use and Community Character - This analysis will describe existing land uses and character of the Phase 1 Site and the area immediately adjacent to the Phase 1 Site. All land use information will be compiled and mapped primarily from published data, supplemented with field surveys and aerial photography, as appropriate.
 - b. Zoning - This analysis will describe existing zoning regulations that apply to the Phase 1 Site, including information on allowed uses, building bulk, and setbacks.
 - c. Public Policy - The analysis of public policy will outline the relevant land use policies that apply to the Phase 1 Site.
 2. Probable Impacts
 - a. Land Use - Potential land use impacts will be assessed based on the activities associated with Phase 1, relative to the surrounding land uses.
 - b. Zoning - Describe the proposed zoning changes that will apply to the Phase 1 Site and how Phase 1 will conform to the zoning.
 - c. Public Policy - The public policy analysis will consider consistency of Phase 1 with existing land use policies that apply to the Phase 1 Site.
 3. Mitigation
 - a. Discuss measures, if any, which will be implemented to mitigate any adverse impacts to land use, zoning, or public policy from Phase 1.

CHAPTER 3 – COMMUNITY SERVICES

- A. Comprehensive Development Plan (Generic Analysis)
1. Existing Conditions
 - a. Describe educational, police, fire, emergency service, health care, recreational and solid waste facilities and providers potentially affected by development of the Proposed Project.
 - b. Through consultation with the school district, Town of Thompson, fire department, and emergency medical service providers, describe the current operations and capacity of the community services identified above.
 2. Future Without the Proposed Action and the Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe impacts to educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers in the future without the Proposed Project.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition). Describe impacts of the Proposed Project Site development on the provision of educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers.
 - a. Discuss the anticipated public cost associated with the provision of educational, police, fire, emergency service, health care, recreational, gambling-related social services and solid waste facilities and providers to the Project Site.
 - b. Describe the potential impacts to the response times of emergency vehicles to the Project Site.

- c. Discuss cumulative impacts that the Proposed Action and the Proposed Project and other approved projects identified in Chapter 2 may have on the provision of educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers.
 - 4. Mitigation
 - a. Describe mitigation that may be required as a result of the Proposed Action and Proposed Project including estimated costs associated with manpower and equipment.
 - b. Compare the potential costs of providing community services to the economic benefits of the Proposed Project as detailed in Chapter 14.
- B. Phase 1
 - 1. This section will describe the potential impacts of Phase 1 on educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers and any proposed mitigation including estimated costs associated with manpower and equipment.

CHAPTER 4 – GEOLOGY, SOILS, AND TOPOGRAPHY

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Describe and map existing Project Site geology using existing available information.
 - b. Describe and map existing Project Site soils using existing available information.
 - c. Describe and map existing Project Site topography. Identify slopes in the following categories: 0-20%; 20%-30%; >30%.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information and previously completed documentation, describe the potential impacts on geology, soils and topography from the development of previously approved projects on the Project Site
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Describe impacts of development of the Project Site on Site geology, topography and soils
 - 4. Mitigation
 - a. Describe measures, if any, which will be implemented to mitigate potentially adverse impacts from the Proposed Action and the Proposed Comprehensive Development Plan.
- B. Phase 1
 - 1. Existing Conditions
 - a. Describe and map existing geology, soils and topography within the boundaries of Phase 1.
 - b. Summarize data collected during site specific geotechnical investigations.
 - 2. Probable Impacts of Phase 1.
 - a. Describe potential impacts of Phase 1 development including approximate quantities of soil disturbance and cut and fill. Indicate the approximate number of truck trips to and from the Site, the approximate duration of the truck trips, and, if known, the origin and/or destination of the trips.

3. Mitigation
 - a. Describe measures, if any, which will be implemented to mitigate potentially adverse impacts from Phase 1 to geology, soils, and topography.

CHAPTER 5 – NATURAL RESOURCES

- A. Comprehensive Development Plan (Generic Analysis)
 1. Existing Conditions
 - a. Using publicly available and previously published information, and aerial photography, describe and map habitat types present within the Project Site.
 - b. Based on existing site surveys, consultation with the NYSDEC Natural Heritage Program and USFWS, and drawing on other resources as appropriate, describe Rare, Threatened and Endangered Species or species listed as Special Concern, which may be on the Project Site.
 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information and previously completed studies, describe the potential environmental impacts on natural resources from the development of previously approved project(s) on the Project Site.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Describe the potential environmental impacts to natural resources, including impacts to Rare, Threatened and Endangered Species or species listed as Special Concern as a result of the Proposed Action and Proposed Project.
 - b. Identify potential cumulative impacts to natural resources from the Proposed Action and Proposed Project and other approved projects as described in Chapter 2.
 4. Mitigation
 - a. Identify the measures, if any, which will be implemented to mitigate adverse impacts to natural resources.
 - b. Describe in text and graphics the conceptual landscaping plan for the Comprehensive Development Plan. Discuss the use of native species as well as deer resistant species.
 - c. Describe the process and criteria for identifying and mitigating potentially adverse impacts to natural resources not addressed in the DGEIS from future phases of the Proposed Project.
- B. Phase 1
 1. Existing Conditions
 - a. Discuss and document the vegetation, wildlife, threatened and endangered species and habitats present on the Phase 1 site through site specific field surveys and a review of other existing material as appropriate.
 2. Probable Impacts of Phase 1
 - a. Describe the potential impacts to natural resources, including any impacts to Threatened and Endangered Species or species listed as Special Concern from the development of Phase 1.
 - b. Discuss the potential effect of light levels on birds in the area.
 3. Mitigation
 - a. Discuss measures, if any, which will be implemented to mitigate any adverse impacts to natural resources from Phase 1.

CHAPTER 6 – SURFACE WATER RESOURCES AND WETLANDS

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Identify and describe surface water resources and wetlands based on published, federal, state and local wetland mapping resources and site specific, previously issued USACE Jurisdictional Determinations and NYSDEC Freshwater Wetland Validations.
 - b. Identify any principal or primary aquifers within the Project Site. Describe the water table depth within the Project Site, to the extent it is known.
 - c. Identify and map areas that have an increased risk of flooding, including any FEMA identified flood zones and dam hazard areas.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information and previously prepared studies, describe the potential impacts to surface water resources and wetlands in the future without the Proposed Action and Proposed Project.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Qualitatively discuss the potential impact of development of the Project Site on surface water resources and wetlands.
 - b. Identify the impacts to any aquifers that are located on Site. Describe the impacts that the Project may have on the local water table level, or that the water table level may have on the Proposed Project.
 - c. Identify the impacts of the Proposed Project on areas of increased flooding risk.
 - 4. Mitigation
 - a. Describe proposed mitigation measures, if any, to address potentially adverse impacts to surface water resources and wetlands.
 - b. Qualitatively describe the process for identifying and mitigating impacts to surface water resources and wetlands not addressed in the DGEIS from future phases of the Proposed Project.
- B. Phase 1
 - 1. Existing Conditions
 - a. Document the surface water resources and wetlands within the boundaries of Phase 1.
 - 2. Probable Impacts of Phase 1
 - a. Describe the potentially adverse impacts to surface water resources and wetlands from Phase 1.
 - b. Identify the impacts to any aquifers that are located on the Phase 1 Site. Describe the impacts that Phase 1 may have on the local water table level, or that the water table level may have on Phase 1.
 - c. Identify the impacts of Phase 1 on areas of increased flooding risk.
 - d. Identify potential alternatives, if any.
 - 3. Mitigation
 - a. Describe the measures, if any, which will be implemented to mitigate potentially adverse impacts to surface water resources and wetlands from Phase 1.

CHAPTER 7 – STORMWATER MANAGEMENT

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Describe the general drainage flow patterns, existing facilities and impervious surface coverage, and stormwater infrastructure that prevail on the Project Site.
 - b. Qualitatively describe stormwater quantity or quality control features within the Project Site.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information, discuss the possible stormwater impacts of other approved projects within the study area.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Discuss potential stormwater impacts from the Proposed Action and the full development of the Proposed Project
 - b. Discuss the potential for cumulative stormwater impacts from the Proposed Action and Proposed Project and other approved projects within the study area.
 - 4. Mitigation
 - a. Discuss the regulatory context of stormwater runoff management, including the involvement of local, state, and regional authorities.
 - b. Discuss the requirements of stormwater management within the PRD zoning district and the Comprehensive Development Plan.
 - c. Discuss the process for evaluating and mitigating possible impacts from future phases of the Proposed Project.
 - d. Discuss potential stormwater treatment techniques that may be applied.
- B. Phase 1
 - 1. Existing Conditions
 - a. Describe existing drainage facilities and patterns within Phase 1.
 - 2. Probable Impacts of Phase 1
 - a. Describe potential stormwater impacts from the development of Phase 1.
 - 3. Mitigation
 - a. Describe the stormwater drainage and treatment system within Phase 1, including stormwater collection, conveyance and treatment practices.
 - b. Summarize the preliminary SWPPP prepared for Phase 1 and its conformance with applicable NYS standards.
 - c. Summarize the Erosion and Sediment Control Plan that will be detailed in Chapter 18, Construction Impacts.
 - d. Summarize the Concentrated Animal Feeding Operations (CAFO) permit and related manure requirements.

CHAPTER 8 – WATER SUPPLY

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Identify the existing water supply to the Project Site.
 - b. Describe the current requirements for water supply systems within the PRD.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information and previously completed studies, describe the anticipated impact to water supplies of previously approved projects within the study area.

3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Describe the proposed water conveyance system to serve the entire project.
 - b. Describe the anticipated demand for potable water generated by development of the Project Site, including usage and sources.
 4. Mitigation
 - a. Discuss the requirements of local, state, and regional regulations including those of the PRD, Comprehensive Development Plan, NYSDEC, NYSDOH, and the Delaware River Basin Commission (DRBC).
 - b. Discuss the potential build out of the water systems that will serve the Project Site, including sources, treatment facilities, and transmission and distribution networks.
 - c. Discuss potential impacts that the development of the proposed water system will have and mitigation required for areas within the study area.
- B. Phase 1
1. Existing Conditions
 - a. Describe existing on site and public off site water supply including capacity for domestic, fire protection and irrigation.
 2. Probable Impacts of Phase 1
 - a. Describe the water supply requirements for Phase 1, including usage, sources, and location of proposed infrastructure.
 - b. Describe the proposed conveyance system and related infrastructure.
 3. Mitigation
 - a. Describe plans for provision of water to Phase 1, including sources, treatment facilities, and proposed transmission and distribution networks.
 - b. Summarize the hydrogeological assessment performed as available.

CHAPTER 9 – SANITARY SEWER SERVICE

- A. Comprehensive Development Plan (Generic Analysis)
1. Existing Conditions
 - a. Describe the sewage collection and treatment systems that serve the Project Site.
 - b. Describe the infrastructure of the Kiamesha Lake Sewer District (KLSD), including a discussion of the capacity of the treatment plant.
 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Describe the potential impacts of currently approved projects in the KLSD on the capacity of the existing treatment plant.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Describe the demand for wastewater treatment generated by development of the Project Site.
 - b. Describe the proposed plan for providing sanitary sewer service for the project.
 - c. Describe the impacts of the Proposed Project on the capacity of the existing treatment plant.
 4. Mitigation
 - a. Regulatory Context – Discuss the requirements of local, state, and regional regulations including those of the PRD, Comprehensive Development Plan, NYSDEC, and NYSDOH, and the DRBC with respect to the provision of sanitary sewer service.

- b. Discuss the potential build out of the sewage collection and conveyance systems that will serve the Project Site.
 - c. Impacts to other sites in the KLSD – Discuss the impacts that the Proposed Action and Proposed Project will have on other sites within KLSD with respect to the provision of infrastructure and the capacity of the KLSD treatment plant.
- B. Phase 1
- 1. Existing Conditions
 - a. Describe existing sanitary sewer service to Phase 1 including the location of lines, sewer district boundaries, capacity and demand.
 - 2. Probable Impacts of Phase 1
 - a. Describe anticipated increase in demand generated by development of Phase 1
 - b. Describe the proposed collection system for Phase 1.
 - 3. Mitigation
 - a. Discuss proposed plans for providing sanitary sewer service to Phase 1, including collection and conveyance.

CHAPTER 10 – ENERGY & TELECOMMUNICATIONS

- A. Comprehensive Development Plan (Generic Analysis)
- 1. Existing Conditions
 - a. Describe the current electrical and telecommunications services provided to the Project Site, as well as the capacity of current service providers and infrastructure.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe the potential demand for energy and telecommunications in the future without the Proposed Action and Proposed Project.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Describe the estimated electrical and telecommunication requirements generated by development of the Project Site.
 - 4. Mitigation
 - a. Regulatory Context – Describe the requirements of the PRD, Comprehensive Development Plan and other local and state regulations with respect to the provision of energy and telecommunications.
 - b. Describe plans to provide electricity and other energy required for the Project Site.
 - c. Electricity – Describe the capacity of local service providers to provide electricity to the Project Site. Discuss the potential for non-traditional energy generation on the Project Site, including renewable energy generation.
 - d. Heating Energy – Describe the plans for providing energy for the Proposed Project’s heating and non-electrical energy needs.
 - e. Telecommunications – Discuss infrastructure improvements that will be required to provide the Project Site with required telecommunications service.
- B. Phase 1
- 1. Existing Conditions
 - a. Describe the current electrical and telecommunications services provided to Phase 1, as well as the capacity of current service providers and infrastructure.

2. Probable Impacts of Phase 1
 - a. Describe the anticipated electrical and telecommunications demands generated by Phase 1.
3. Mitigation
 - a. Electricity
 - i. Discuss the capacity of local service providers to provide electricity service for Phase 1. Describe any plans for the provision of energy from non-traditional sources, such as renewable energy.
 - ii. Identify the location of infrastructure improvements required for Phase 1.
 - b. Heating Energy
 - i. Discuss plans for providing energy for the heating and non-electrical energy needs of Phase 1.
 - ii. Describe infrastructure improvements that will be required for Phase 1, including safety requirements.
 - c. Telecommunications
 - i. Discussion of the infrastructure improvements that will be required for Phase 1 telecommunications service.

CHAPTER 11 – TRAFFIC AND TRANSPORTATION

This chapter will summarize and incorporate the key findings of the Traffic Impact Study (TIS) and present the results of the traffic related analyses including project related trip generation and assignment, no-build and build condition volumes, pedestrian and transit assessment, accident analysis, and related roadway and intersection improvements.

- A. Comprehensive Development Plan (Generic Analysis)
 1. Existing Conditions
 - a. Describe the physical conditions of the street network on and immediately surrounding the Project Site, including roadway classifications, general condition, speed limits, number of lanes by direction, pavement markings, and traffic control.
 - b. Describe the existing usage and capacity (the operation of intersections will be analyzed using the Synchro 7 traffic software applying the methodology presented in the 2000 Highway Capacity Manual, HCM) of the exit and entrance off of NYS Route 17 that will be used as the primary entrance to Project Site, as well as its surrounding intersections. Intersections to be studied are:
 - i. NYS Route 42/Kiamesha Lake Road/Fraser Road
 - ii. NYS Route 42/Broadway
 - iii. Concord Road/Kiamesha Lake Road
 - iv. Concord Road/Rock Ridge Drive
 - v. Kiamesha Lake Road/Heiden Road
 - vi. Heiden Road/Thompsonville Road
 - vii. Chalet Road/Kiamesha Lake Road
 - viii. Thompsonville Road/Joyland Road/Chalet Road
 - ix. Thompsonville Road/Rock Ridge Drive
 - x. Old Liberty Road/Fraser Road
 - xi. Liberty Street/Broadway

- xii. Joyland Road/NYS Route 17 Interchange (4 intersections)
 - xiii. NYS Route 42/Concord Road/Lanahans Road
 - xiv. NYS Route 42/Depot Drive
 - xv. NYS Route 42/Anawana Lake Road
 - xvi. NYS Route 42/NYS Route 17 Interchange
 - c. Obtain three (3) years of the most recent available accident data records from the New York State Department of Transportation (NYSDOT) and the Town of Thompson for intersections in the Traffic Impact Area and summarize in tabular form to determine general vehicular safety conditions in the study area.
 - d. Describe the existing pedestrian circulation within and adjacent to the Project Site.
 - e. Describe the existing public transportation system that serves the Project Site.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Discuss the potential impact on levels of service at the intersections described above in 11.A.1.b for other approved (No-Build) projects based on publicly available and previously approved information.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Traffic - Qualitative discussion of the potential traffic impacts associated with full project build out at intersections noted in 11.A.1.b.
 - b. Pedestrian - Identification of the requirements for pedestrian improvements within future phases of the Proposed Project.
 - c. Identification of impacts to public transit from the Proposed Project.
 - d. Potential Cumulative Impacts
 - i. Discussion of cumulative effects on traffic that may occur as a result of the Proposed Project and other approved projects identified in Chapter 2.
 - 4. Mitigation
 - a. Describe the process for identifying and mitigating impacts to traffic and transportation from future phases of the Proposed Project.
 - b. Discussion of mitigation measures that may be necessary as a result of cumulative impacts from the Proposed Project and other approved projects identified in Chapter 2.
- B. Phase 1
- 1. Existing Conditions
 - a. Summarize existing traffic conditions, pedestrian and transit services directly serving the Phase 1 Site.
 - 2. Probable Impacts of Phase 1
 - a. Traffic - Based on trip generation assumptions and traffic modeling, and using text as well as graphics and tables, describe the anticipated traffic impacts as a result of Phase 1. Discuss the impacts to the intersections, entrances, and exits listed in 11.A.1.b.
 - b. Pedestrian - Discuss pedestrian improvements that will be made during Phase 1. Describe new circulation patterns and amenities that will be provided.
 - c. Transit – Discuss impacts to public transit service from Phase 1 including demand and routes.
 - 3. Mitigation
 - a. Describe measures necessary to mitigate adverse traffic impacts associated with Phase 1.

CHAPTER 12 – AIR QUALITY

- A. Comprehensive Development Plan (Generic Analysis)
1. Existing Conditions
 - a. Discuss commercial, institutional, or large residential developments adjacent to the Project Site and describe the potential impacts of those developments on air quality within and immediately adjacent to the Project Site.
 2. Future Without the Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe potential impacts to air quality in the future without the Proposed Project.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Mobile Source Impacts of the Proposed Project – For the Proposed Project analysis of carbon monoxide impacts using procedures from the New York State Department of Transportation (NYSDOT) *Environmental Procedures Manual (EPM)* or latest available NYSDOT guidance, and traffic data (i.e., volume diagrams, HCS outputs, etc.).
 - i. Perform a screening analysis of intersections evaluated under the traffic analysis to determine, which locations will be chosen for further detailed study. Intersections will be chosen based on the procedures outlined in the NYSDOT EPM or latest available NYSDOT guidance and the United States Environmental Protection Agency’s (EPA) Guidelines for Modeling Carbon Monoxide Roadway Intersections.
 - ii. For intersections with a Level of Service of “D” or worse in the Build Condition, use the EPM capture criteria to determine whether intersections require further study. If any of the capture criteria are met, perform a volume threshold screening analysis at affected intersections.
 - iii. The intersections selected for first level screening will be based on the traffic network. The future build year analyses will consider both Phase 1 and the entire project as a whole.
 - iv. If any intersections do not pass the volume threshold screening criteria, a mobile source analysis will be performed using EPA’s CAL3QHC dispersion model version 2 to predict the maximum change in carbon monoxide concentrations, and to determine if the potential for exceedances of the carbon monoxide ambient standard exists at intersections near the Project Site.
 - b. Stationary Source Impacts of the Proposed Action and Proposed Project
 - i. Stationary source emissions will be evaluated using NYSDEC Policy DAR-1 (Air Guide 1) screening analyses to determine the potential for significant pollutant concentrations from fossil-fuel fired HVAC heating systems. Project-on-project impacts will also be determined, where applicable. In addition, a screening level analysis will be conducted to determine the potential for significant adverse impacts from nearby commercial, institutional or large residential developments on the proposed project.
 - ii. If the screening analysis predicts impacts that exceed National and State Ambient Air Quality Standards (NAAQS), a refined stationary source analysis will be performed.

4. Mitigation
 - a. Mobile Sources - For locations where significant traffic impacts are identified, the feasibility of potential mitigation measures will be evaluated.
 - b. Stationary Sources - In the event that exceedance of NAAQS are predicted, design features, such as fuel switching, adjusting the stack locations on the buildings, and adjusting stack heights or velocities will be considered to reduce pollutant levels to within NAAQS.
- B. Phase 1
 1. Summarize the results of the technical air quality analyses, impacts and mitigation as they relate specifically to Phase 1.

CHAPTER 13 – NOISE

- A. Comprehensive Development Plan (Generic Analysis)
 1. Existing Conditions
 - a. Description and quantification of existing levels of noise on the Project Site based on noise monitoring at specified receptor locations.
 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe potential noise related impacts in the future without the Proposed Project.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Qualitative discussion of the potential noise impacts resulting from development of the Project Site on both the Site itself and on sensitive receptors surrounding the Project Site.
 - i. Building HVAC system - Qualitative discussion of potential noise impacts from the Proposed Project's HVAC systems.
 - ii. Construction related noise – Qualitatively describe the potential for construction noise impacts, including: types of equipment and activities, location of activities, duration of activities, material deliveries, and work schedules. Identify noise sensitive locations adjacent to the proposed construction activities.
 4. Mitigation
 - a. Describe the process for mitigating impacts of the Proposed Action and the Proposed Project including:
 - i. Mobile source noise mitigation, if any
 - ii. Harness racing track noise mitigation, if any
 - b. Qualitative discussion of building attenuation to achieve acceptable noise levels within project buildings.
 - c. Describe codes and ordinances applicable to construction related noise.
- B. Phase 1
 1. Existing Conditions
 - a. Describe the existing environment within and adjacent to the Phase 1 Site.
 2. Probable Impacts of Phase 1
 - a. Describe the noise impacts of Phase 1 from mobile sources, the outdoor harness racing track, and the buildings HVAC systems as well as potential construction related noise.

- i. Mobile sources of noise (i.e., project-generated traffic)
 - (a) Select sensitive receptor locations along major streets to and from Phase 1 based on the results of the traffic analysis, and other appropriate considerations.
 - (b) At each receptor location identified, determine noise levels without the Proposed Project using existing noise levels, acoustical fundamentals, the results of the traffic study and the FHWA Traffic Noise Model (TNM).
 - (c) At each receptor location identified, determine noise levels after the implementation of Phase 1 by using existing noise levels, acoustical fundamentals, the results of the traffic study and the FHWA TNM.
- ii. Harness racing track
 - (a) Perform noise measurements at Monticello Casino and Raceway in Monticello, New York.
 - (b) Using the results of the noise survey at Monticello Casino and Raceway, acoustical fundamentals and a spreadsheet model, describe the potential impacts from the proposed harness racing track.
- b. Describe construction related noise impacts.
- 3. Mitigation
 - a. Describe the process for mitigating impacts resulting from Phase 1.
 - b. Describe mobile source noise mitigation, if any.
 - c. Describe harness racing track noise mitigation, if any.
 - d. Qualitatively describe the building attenuation to achieve acceptable noise levels within Phase 1 buildings.
 - e. Describe the codes and ordinances applicable to construction related noise.

CHAPTER 14 – ECONOMIC CONDITIONS

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Describe the existing demographic and economic conditions in the Town of Thompson and Sullivan County using 2010 Census data and American Community Survey Data.
 - b. Describe the existing inventory of hotel, racino, spa/lodge, retail, residential, and other commercial uses in the Town and County.
 - c. Describe the existing tax revenues to the Town, School District, other special taxing districts, County, and State from the Project Site.
 - 2. Future without the Proposed Action and Proposed Project (No-Build Condition).
 - a. Using publicly available information and previously prepared and approved documents summarize the potential economic impacts of previously approved projects in the Town of Thompson as identified by the Lead Agency.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Qualitatively describe the potential impacts of development of the Project Site.
 - b. Quantitatively analyze the potential economic impacts of the Proposed Action and Proposed Project.

- c. Discuss estimated tax revenues generated by the Proposed Action and Proposed Project to the Town of Thompson, School District, other special taxing districts, Sullivan County, and New York State.
 - d. Discuss any programs for which the Proposed Project, or portions thereof, may be eligible for financial assistance and other assistance pursuant to Article 18-A of the General Municipal Law of New York State.
 - e. Discuss the approximate number of employees that will be generated by the Proposed Project, including information with regard to type, salary level, and full-time or part-time status.
 - f. Analyze the economic and fiscal benefits during the construction period, including: the number of jobs to be generated directly and indirectly as a result of construction and income to the local economy from sales of construction material, construction labor, and sales tax.
 - g. Describe the capacity of the local workforce with regards to Phase 1 construction. Identify any impacts associated with the use of non-local labor.
4. Mitigation
- a. Using the analysis performed in Chapter 3, Community Facilities, compare the estimated economic benefits of the Proposed Project with the potential costs associated with providing additional municipal services at the local, county and State level.
- B. Phase 1
1. Existing Conditions
 - a. Summarize the existing economic conditions within the Phase 1 Site.
 2. Probable Impacts of Phase 1
 - a. Describe the potential revenue generated by development of Phase 1, including taxes, jobs, and secondary economic benefits.
 3. Proposed Mitigation
 - a. Using the analysis performed in Chapter 3, Community Services, compare the estimated economic benefits of the Proposed Project with the potential costs associated with providing additional municipal services at the local, school district, other special taxing districts, county and state level.

CHAPTER 15 – CULTURAL RESOURCES

- A. Comprehensive Development Plan (Generic Analysis)
1. Existing Conditions
 - a. Describe applicable state and federal requirements related to historic and cultural resources.
 - b. Describe potential historic properties and areas of archaeological sensitivity on the Project Site using previously completed and approved studies.
 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe the potential impacts to cultural resources of approved projects on the Project Site.
 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Using existing studies and resources currently available, qualitatively describe the potential impacts to cultural resources from the Proposed Project.

4. Mitigation
 - a. Describe the process for evaluating and mitigating impacts resulting from development of the Project Site.
- B. Phase 1
 1. Existing Conditions
 - a. Describe potentially historic properties and areas of archaeological sensitivity within the Phase 1 area using previous studies as well as current field investigations and coordination with the Office of Parks, Recreation and Historic Preservation (OPRHP).
 2. Probable Impacts of Phase 1
 - a. Describe and map all cultural resources identified in the indirect and direct areas of potential effect (APE) of Phase 1.
 - b. Identify cultural resources that may be indirectly impacted by the Phase 1, in accordance with state requirements and guidance.
 3. Mitigation
 - a. If listed or eligible resources are identified that will be adversely affected by Phase 1, describe measures to mitigate those unavoidable impacts.

CHAPTER 16 – VISUAL RESOURCES

- A. Comprehensive Development Plan (Generic Analysis)
 1. Existing Conditions
 - a. Provide a description and photography of existing visual conditions on the Project Site during leaf off condition.
 - b. Qualitatively describe the visibility of the overall project components from four specific vantage points as identified by the Lead Agency.
 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publicly available information, describe the visual impact of approved projects on the Project Site.
 3. Probable Impacts of the Proposed Action and Proposed Project
 - a. Qualitatively describe the visual impacts of the Proposed Project.
 - b. Discuss the effect on night time light conditions.
 4. Mitigation
 - a. Describe the process for defining and mitigating impacts resulting from development of the Project Site.
- B. Phase 1
 1. Existing Conditions
 - a. Document, through photographs and descriptive text, the visibility of the Phase 1 Site from three locations as specified by the Lead Agency.
 2. Probable Impacts of Phase 1
 - a. Prepare renderings and/or visual simulations documenting the anticipated visual impacts of Phase 1 from three locations as specified by the Lead Agency.
 3. Mitigation
 - a. Describe measures, if any, which will be implemented to mitigate the visual impacts of Phase 1.

CHAPTER 17 – HAZARDOUS MATERIALS

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Existing Conditions
 - a. Based on an Environmental Site Assessment, site inspections, and a review of available records and historical maps and/or aerial photography, describe the previous uses of the Project Site.
 - b. Describe the potential for hazardous materials to be present within the Project Site based on the above and an evaluation of regulatory database listings.
 - c. Identify and map the location of areas within the Project Site entered into the Brownfield Cleanup Program (BCP). Summarize the status of the BCP that has been authorized on the Project Site. Discuss the process and parties responsible for continuing the remediation of those sites.
 - 2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Discuss the potential for the future removal of hazardous materials on Site in the absence of the Proposed Project.
 - 3. Probable Impacts of the Proposed Action and Proposed Project (Build Condition)
 - a. Qualitatively describe the potential impacts to hazardous materials from development of the Project Site.
 - 4. Mitigation
 - a. Describe the requirements to document hazardous materials on the Project Site, as well as what mitigation may be required.
 - b. Describe the process for the continuation and completion of the BCP project that has been authorized on the Project Site.
- B. Phase 1
 - 1. Existing Conditions
 - a. Summarize the documentation and literature review regarding hazardous material research as it relates specifically to Phase 1.
 - 2. Probable Impacts of Phase 1
 - a. Discuss the potential impacts of Phase 1 on hazardous materials identified on the Phase 1 Site.
 - 3. Mitigation
 - a. Describe the mitigation measures, if any, which will be required to mitigate the impacts to hazardous materials from Phase 1.

CHAPTER 18 – CONSTRUCTION

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Introduction
 - a. Phasing – Discuss the anticipated phasing of construction for the Proposed Project, including a description of the areas included in each phase, the general types of construction anticipated to occur within each phase, and the anticipated development timeline.
 - b. Qualitatively describe Site preparation and grading work that will be required.
 - c. Discuss the local, regional, and State requirements relating to construction noise, impacts to air quality and traffic, stormwater, and erosion control.

2. Future Without the Proposed Action and Proposed Project (No-Build Condition)
 - a. Using publically available information and previously completed and approved documentation, describe the potential construction impacts from approved projects within the Project Site.
 3. Probable Impacts of Construction (Build Condition)
 - a. Qualitatively describe the impacts of Phase 1 construction on traffic generation, air quality, and noise.
 4. Mitigation
 - a. Describe a range of general construction mitigation measures, which will be implemented to mitigate the impacts of construction on the Proposed Site and to adjacent land uses.
 - b. Describe the erosion and sediment control plan.
- B. Phase 1
1. Phase 1 Construction Plan – Detailed description of the construction plan for Phase 1 including anticipated truck routes and staging areas.
 2. Probable Impacts of Phase 1
 - a. Qualitatively describe the impacts of Phase 1 construction on traffic generation, air quality, noise, stormwater, and erosion control.
 3. Mitigation
 - a. Describe measures, if any, which will be implemented to mitigate the impacts of Phase 1 construction on traffic, air quality, noise, and stormwater.
 - b. Describe the erosion and sediment control plan.

CHAPTER 19 – ALTERNATIVES

- A. No Action Alternative
- B. Development under Existing PRD Zoning and Comprehensive Development Plan
- C. Alternative Racino Location
- D. Alternative Access

CHAPTER 20 – UNAVOIDABLE ADVERSE IMPACTS

- A. Comprehensive Development Plan (Generic Analysis)
 1. Document the significant unavoidable impacts identified in the previous chapters.
- B. Phase 1
 1. Discuss significant unavoidable impacts identified related to Phase 1.

CHAPTER 21 – MITIGATION

- A. Comprehensive Development Plan (Generic Analysis)
 1. Describe measures proposed to mitigate the significant unavoidable impacts disclosed in the previous chapter.
 2. Describe the process for evaluating and mitigating significant unavoidable impacts from future phases of the Proposed Project that were not described in the DGEIS.
- B. Phase 1
 1. Describe measures proposed to mitigate the significant unavoidable impacts resulting from Phase 1.

CHAPTER 22 – IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Qualitatively describe the irreversible and irretrievable commitment of resources resulting from development of the Project Site.
- B. Phase 1
 - 1. Qualitatively describe the irreversible and irretrievable commitment of resources resulting from Phase 1.

CHAPTER 23 – GROWTH INDUCING EFFECTS

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Discuss the potential growth-inducing impacts resulting from development of the Project Site.
- B. Phase 1
 - 1. Discuss the potential growth-inducing impacts resulting from Phase 1.

CHAPTER 24 – IMPACTS ON THE USE AND CONSERVATION OF ENERGY

- A. Comprehensive Development Plan (Generic Analysis)
 - 1. Summarize the anticipated energy demands of the Proposed Project as described in Chapter 10.
 - 2. Discuss the strategies proposed for reducing the Proposed Project's energy demand.
- B. Phase 1
 - 1. Summarize the anticipated energy demands of Phase 1.
 - 2. Discuss the strategies proposed for reducing the energy demands of Phase 1.

List of Involved and Interested Agencies

**EPT Concord Resort
Involved & Interested Agencies**

Involved Agencies

Members of the Town Board (Lead Agency)
c/o Hon. Anthony P. Cellini, Supervisor
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Monticello, New York 12701

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Town Clerk, Town of Thompson, Town Board
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Monticello, New York 12701

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Nirav R. Shah, M.D., M.P.H.
Commissioner, New York State Department of Health
Corning Tower Empire State Plaza
Albany, New York 12237

Ruth Pierpont
Director & Acting Deputy Commissioner, NYS Historic
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Executive Director, Delaware River Basin Commission
25 State Police Drive
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West Trenton, New Jersey 08628-0360

Chris Mallery
Chief of Western Permit Section, U.S. Army Corps of
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New York District Regulatory Branch
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U.S. Fish & Wildlife Service - New York Field Office
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Cortland, New York 13045

**EPT Concord Resort
Involved & Interested Agencies**

Interested Agencies

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Mayor, Monticello Village Hall
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Arnold Seletsky
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Scott B. Samuelson
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Mark Freidland
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Monticello, New York 12701

Appendix A-2
Municipal Documents

Proposed Zoning Amendments

§ 250-27.2. Planned resort development.

[Added 11-21-2006 by L.L. No. 6-2006]

A. Purpose; zoning objectives; other zoning regulations.

- (1) Purpose. Section 2.2.5 of the Town of Thompson— Village of Monticello Joint Comprehensive Plan states that "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." It is the intent of this section to establish a use entitled "planned resort development" ("PRD") which facilitates the accomplishment of these goals and objectives, and which provides for the orderly development of complementary commercial, residential and entertainment uses and the creation of a more desirable community environment than would be possible through strict application of the zoning regulations found elsewhere in Part 1 of this chapter. The use of sound integrated resort planning and land use concepts which reinforce the goals and objectives of the PRD shall be considered.
- (2) Zoning objectives. The objectives of a PRD are the development and/or redevelopment of ~~a~~one or more destination resort(s) having various commercial, retail, lodging, entertainment and recreational facilities and complementary one-family dwellings and ~~multiple~~multi-family dwellings through comprehensive planning and maximum flexibility of design, which will in turn result in or 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.

- (3) Other zoning regulations. Except with respect to the land use and development regulations, procedures and requirements which are set forth in Subsections [B](#) and [C](#) below, § [250-14B,250-22C](#) and [250-28](#) of this chapter, a PRD shall comply with all other provisions of this Part 1.

B. Land use and development regulations.

- (1) Permitted zoning districts. A PRD may be established within the RR-1 Rural Residential-1 District, the SR Suburban Residential District, the HC-1 Highway Commercial-1 District, and the HC-2 Highway Commercial-2 District; provided, however, that a PRD may only be established in the HC Highway Commercial District on lots or parcels having frontage on a state or county highway and which are located within 2,500 feet of the intersection of two or more state or county highways.

- (2) Permitted land uses in a PRD:

- (a) Permitted principal uses:

- [1] Hotels and motels and related ancillary facilities and amenities including convention centers, exposition centers and theaters (as defined below).
- [2] Convention centers and exposition centers, whether or not ancillary to a hotel/motel.
- [3] Casino [and Racino](#) uses (as defined below).
- [4] One-family dwellings and ~~multiple~~[multi-family](#) dwellings, in any combination of detached, semidetached, attached, mid-rise or high-rise structures, whether such residences are to be owned in fee simple, rentals, time shares or made subject to a declaration of condominium or membership in a homeowners' association, or any combination thereof.
- [5] Seasonal and year-round indoor and outdoor ~~commercial, private and public~~ recreational, [cultural](#), sports and amusement uses, including:
- ~~;~~ [golf courses and related facilities;](#)
 - ~~;~~ [snow](#) skiing, snowboarding, [snow-tubing](#) and cross country ~~ski touring~~[skiing facilities including](#) lifts, trails, [lodges, snow-making,](#) and [related](#) facilities;
 - ~~;~~ [snowmobiling trails and related facilities;](#) ~~ice skating;~~
 - ~~;~~ [ice skating rink\(s\) and related facilities;](#)
 - ~~;~~ [horse drawn sleigh ride facilities;](#)
 - ~~;~~ [general winter recreational activity facilities;](#)
 - ~~;~~ roller skating and skateboarding facilities;
 - ~~;~~ [off-road motorized and non-motorized vehicle trails, tracks and related facilities;](#)
 - ~~;~~ [mountain biking trails and related facilities;](#)
 - ~~;~~ boating, fishing and ~~related~~[other aquatic-based recreational](#) facilities;
 - ~~;~~ tennis courts and related facilities; ~~aquatic;~~
 - ~~;~~ [amusement and family entertainment centers and related](#) facilities ~~and amusements~~ including [indoor and outdoor](#) water ~~slides, equestrian facilities, mountain biking trails, parks~~
 - ~~;~~ [equestrian trails and related facilities including harness and horseracing tracks and related facilities;](#)
 - ~~;~~ bowling facilities;
 - ~~;~~ trap and skeet shooting, ~~and family entertainment centers and facilities, including range and related~~ [facilities;](#)
 - ~~;~~ [recreational and cultural facilities; and](#)
 - ~~;~~ arcades and game rooms.

- [6] Agricultural uses, including farmers markets, farm stands, community gardens, farms, and farming educational centers and related wholesale and retail sales.
- [7] Theaters and Production Studios (as defined below).
- [8] Retail uses including:
 - [a] Neighborhood retail (as defined below); and
 - [b] Destination retail (as defined below); ~~provided, however, that destination retail uses may only be located on a lot(s) or parcel(s) located in the HC Highway Commercial District.~~
- [9] Personal service shops and business offices ~~including medical and dental offices and clinics.~~
- [10] Restaurants ~~and~~ catering facilities, and restaurant brewers, i.e. "brew pubs", and supplemental restaurant brewers.
- [11] Health spas, whether or not accessory to a hotel or motel.
- [12] Utility structures and facilities, public and private, including telecommunications facilities and structures.
- [13] Child day-care centers.
- [14] Heliport; provided, however, that a heliport shall not be permitted within 750 feet of a residential use, and that the hours of operation and flight path shall be subject to the approval of the Planning Board. The Planning Board may limit the number of heliports in a PRD.

- [15] Medical Services (as defined below)
- [16] Nursing Homes (as defined in this Part 1)
- [17] Recreational Vehicle Parks (as defined below).
- [18] Civic Centers
- [19] Brewery (as defined below)
- [20] Distillery (as defined below)

- (b) Permitted accessory uses: uses and facilities accessory to any of the above.
 - (c) Adult eating and drinking establishments, adult establishments, adult theaters and adult uses shall all be prohibited in a PRD.
 - (d) Commercial agriculture shall be prohibited in a PRD, except commercial wineries shall be permitted, subject to applicable state law.
- (3) Development regulations. All of the development regulations for a PRD set forth in this section, including those regulating permitted land uses and the density and arrangement of buildings and structures, shall be applied ~~on~~ an overall basis to the entire PRD site to each approved PRD Comprehensive Development Plan as a whole and shall not be applied to any individual areas within the PRD Comprehensive Development Plan site, notwithstanding the subdivision of the PRD site pursuant to Subsection C(3) below into two or more separate

development sites and/or the separate ownership of such development sites, provided that no development within the PRD Comprehensive Development Plan may take place except in material conformance with a PRD Comprehensive Development Plan (as defined below) approved by the Town Board. The development regulations for a PRD are as follows:

- (a) Minimum site area: 1,200 contiguous acres in common ownership at the time of the ~~original~~ application for approval of a PRD Comprehensive Development Plan, which must include at least one eighteen-hole regulation golf course; provided, however, that:

- [1] The lots(s) or parcel(s) which constitute the PRD (including the minimum site area of the PRD) may be divided by public or private streets or rights-of-way; and
- [2] Noncontiguous land in excess of the minimum site area in common ownership with the minimum site area at the time of the ~~original~~ application for approval of a PRD Comprehensive Plan may be used as a PRD provided that the lot(s) or parcel(s) are located within 2,500~~3,500~~ feet of the ~~land which constitutes the~~ minimum site area. as set forth in subparagraph 3(a) hereof.

- (b) Permitted density of residential uses:

- [1] Maximum number of residential units per approved CDP: 4.0 units per acre of net site area.
- [a] Maximum aggregate total net floor area of residential accessory uses: 10% of the aggregate total net floor area of residential uses.

- (c) Permitted density of nonresidential uses:

- [1] Maximum number of hotel/motel units (excluding units existing and/or approved as of the date that application for approval of a PRD Comprehensive Development Plan is submitted to the Town Board pursuant to Subsection C below): ~~0.75~~ per approved CDP: 1.75 units per acre of net site area.
- [a] Maximum aggregate net floor area of hotel/motel accessory uses: ~~10~~ per approved CDP: 15% of the aggregate total net floor area of hotel/motel uses.
- [2] Maximum net floor area of casino/racino uses per approved CDP: 450,000 square feet.
- [3] Maximum aggregate total floor area ratio of permitted principal and accessory commercial uses per approved CDP (except casino uses and hotel/motel accessory uses): 0.0175.

- (d) Permitted building height of all uses: The maximum building height shall be 350 feet, measured from the average elevation of the finished grade along the sidefront of the structure ~~fronting on the nearest street~~ to the ceiling of the highest occupied floor of such structure. For purposes of this section, the front of the structure shall be identified as the façade containing the main point of ingress and egress.

[Added 8-18-2008 by L.L. No. 7-2008 *Editor's Note: This ordinance also redesignated former Subsections B(3)(d), (e), (f) and (g) as Subsections B(3)(e), (f), (g) and (h), respectively.*]

- (e) Minimum number and locations of parking and loading spaces: The minimum number and locations of parking and loading spaces for each use in a PRD shall be set forth in the design standards (as defined below) for the PRD Comprehensive Development Plan (as defined below).

[Amended 8-18-2008 by L.L. No. 7-2008]

- (f) Notwithstanding § [250-14B](#) of this chapter, the following shall be excluded from the calculation of building height: flagpole, spire, belfry, chimney, transmission tower, skylight, elevator or stair bulkhead, and mechanical equipment, provided that such mechanical equipment shall be screened and the visibility of such equipment from public rights-of-way shall be minimized to the extent feasible under the circumstances.

[Amended 8-18-2008 by L.L. No. 7-2008]

- (g) Section [250-16](#) of this chapter shall not apply to commonly owned residential accessory uses in a PRD, including community pools and clubhouses.

[Amended 8-18-2008 by L.L. No. 7-2008]

- (h) Notwithstanding § [250-18](#) of this chapter, fences and walls may exceed six feet in height with the approval of the Town Engineer.

[Amended 8-18-2008 by L.L. No. 7-2008]

- (4) Utilities. All ~~uses of~~ [contiguous land within](#) a ~~PRD~~ [CDP](#) shall be served by [commonly controlled](#) central water and sewer systems. All water, sewer and gas lines and all other lines providing power and communications service shall be installed underground in the manner prescribed by the state and local agencies having jurisdiction.
- (5) Open space. Not less than 35% of the gross site area of a PRD shall be devoted to open space which may be used for public or private recreational purposes including, but not limited to, a golf course, and/or preserved in its natural state. The open space shall include lands having significant ecological, aesthetic and recreational characteristics, with topography, dimension, location access and improvements suitable for its intended purposes.
- (6) Certain definitions. For the purposes of this section, the following terms shall have the following meanings:

BREWERY

A brewery, as defined by the New York State Alcohol Beverage Control Law, producing less than 60,000 barrels per year.

CASINO AND RACINO USES

Gaming casinos and [racinos \(including, without limitation, facilities established and activities conducted pursuant to Article 34 of the New York State Tax Law, as amended, the New York State Racing, Pari-Mutuel Wagering and Breeding law, as amended, and other applicable laws\), simulcasting facilities, and other](#) related ancillary facilities and amenities.

DESTINATION RETAIL

Retail uses not intended primarily to serve the residents of the PRD or guests of a hotel/motel, including but not limited to shopping centers and "big-box" retailers.

DISTILLERY

A distillery, as defined by the New York State Alcohol Beverage Control Law, producing less than 35,000 gallons per year.

FLOOR AREA RATIO

The net floor area of all buildings divided by the net site area.

MEDICAL SERVICES

Assisted living/Skilled Nursing Facilities (including hospice and rehabilitation) providing short and long-term in-patient and outpatient services (as may be defined by the Public Health Laws and Social Services Laws of New York), Medical Clinics (including medical and dental offices, labs), and other health care services related facilities.

NEIGHBORHOOD RETAIL

Retail uses intended primarily to serve the residents of the PRD or guests of a hotel/motel.

NET FLOOR AREA

The sum of the total horizontal floor areas of a building which are devoted to the exclusive use and occupancy of tenants or owner operators, measured from the interior faces of interior walls, but not including the areas of: floor space of cellars; floor space devoted to off-street parking or loading; elevator shafts; stairwells, common corridors and exit corridors; floor space used for mechanical equipment or storage; and any other floor space not accessible to the general public.

NET SITE AREA

The gross area of the PRD site less the area of land underwater, wetlands (but not wetland buffer or adjacent area) as defined under state law, existing public roads and existing public and private vehicular rights-of-way, and existing private and public utility easements.

RECREATIONAL VEHICLE PARK

Any property where one or more sites are rented to users of Recreational Vehicles (as defined in this Part 1) and which are occupied for temporary purposes (maximum of ninety (90) consecutive days in any twelve (12)-month period).

THEATERS AND PRODUCTION STUDIOS

Movie theaters, indoor performance theaters, outdoor performance amphitheatres, ~~and~~ dinner theaters, and stage, sound, movie, television, and video multimedia production studios and related facilities.

- (7) PRD comprehensive development plan. ~~An overall conceptual~~ Conceptual development plan(s) of the ~~entire~~ PRD ("PRD comprehensive development plan") shall be submitted to and approved by the Town Board in accordance with Subsection C below. A PRD shall only be developed in compliance with the land use and development regulations set forth in this Subsection B and in material conformance with ~~an~~ one or more approved PRD comprehensive development plan(s), as such plan may be amended from time to time.

(8) In the event of any conflict or inconsistency between these PRD land use and development regulations (Section 250-27.2 B et seq.), and Article II of Chapter 250 (Section 250-2 et seq.) of the Town Code, then the PRD land use and development regulations shall control.

C. PRD comprehensive development plan approval; site development plan approval; subdivision approval.

- (1) PRD comprehensive development plan approval. The development of a PRD shall materially conform to the PRD Comprehensive Development Plan(s) approved by the Town Board. The PRD Comprehensive Development Plan(s) shall conceptually show the general layout and disposition of currently proposed and potential future uses, buildings and structures, the densities of such buildings and structures, parking and loading areas, pedestrian and vehicular rights-of-way, access and circulation, private and public open spaces and public uses, if any, and the proposed phasing of development. ~~The~~ Each PRD Comprehensive Development Plan shall show on-site wetlands, water bodies and watercourses, and other significant topographic and ecological features,

generally show the proposed architectural character and design concepts of ~~all~~ uses and structures, and shall identify proposed stormwater management techniques and generally show existing and proposed new sanitary sewer and water facilities, whether public or private. The PRD Comprehensive Development Plan shall set forth design standards, including but not limited to maximum building heights, minimum required yards and setbacks, buffer and screening requirements, lighting standards, street and roadway widths, and off-street parking and loading requirements ("design standards"). From and after the approval of a PRD Comprehensive Development Plan, the design standards shall be deemed to be additional development regulations for the purposes of Subsection [B\(3\)](#) above.

- (a)** An application for approval or amendment of a PRD Comprehensive Development Plan shall be submitted to the Town Board, which shall immediately thereafter refer the application to the Planning Board for its report and recommendation, which may include recommendations for appropriate conditions or modifications to the plan. The Planning Board shall review the PRD Comprehensive Development Plan and shall submit its report and recommendation to the Town Board within 60 days after the first regularly scheduled meeting of the Planning Board after the referral by the Town Board. The Planning Board may hold a public hearing on the proposed PRD Comprehensive Development Plan, provided that notice of the public hearing is advertised at least once in a newspaper of general circulation in the Town at least 10 days prior to the hearing. In the event that the Planning Board fails to submit its report and recommendation to the Town Board within such sixty-day period, then the Town Board may approve the PRD Comprehensive Development Plan without regard for such report.
- (b)** The Town Board shall hold a public hearing on the application within 30 days after the date on which the report of the Planning Board is due as provided in Subsection [C\(1\)\(a\)](#), above. The public hearing must be advertised at least once in a newspaper of general circulation in the Town at least 10 days prior to the hearing.
- (c)** Within 45 days after the public hearing, the Town Board shall act to approve with modifications or disapprove the application. Notwithstanding the foregoing, the time within which a final decision must be rendered may be extended by mutual agreement of the Town Board and the applicant.
- (d)** The Town Board may condition such approval as is reasonably necessary to accomplish the purposes and objectives of a PRD, and may set time periods within which such conditions must be satisfied. Such conditions may include, but are not limited to, conditions requiring the phased installation of sewer, water and other public utility infrastructure and road improvements sufficient to serve the immediate and anticipated future needs of the PRD, and requiring that the performance of such improvements be adequately secured to the Town by written agreement, recorded instrument, and/or performance and/or maintenance bonds in form, sufficiency, manner of execution and surety satisfactory to the Town Board and Town Attorney.
- (e)** An application for approval of a PRD Comprehensive Development Plan shall be subject to compliance with the State Environmental Quality Review Act ("SEQRA"). Mitigation measures imposed or required by the Town Board as conditions to approval of the PRD Comprehensive Development Plan under SEQRA shall without further action by the Town Board be deemed to be conditions to all subsequently approved site development plans of the portion, phase and/or development site of the PRD to which such conditions relate.

(f) The PRD Comprehensive Development Plan may from time to time be amended in accordance with the procedure set forth above; provided, however, that application for amendment of a PRD Comprehensive Development Plan may only be made by the Master Association (as defined below) of the PRD.

(2) Site development plan approval. Before a building permit may be issued by the Building Officer for any use within a PRD, a site development plan of such use shall be approved by the Planning Board in accordance with and subject to all provisions of §§ [250-50](#), [250-51](#), [250-52](#) and [250-52.1](#) of this chapter and the provisions of this Subsection [C](#), provided that the Planning Board shall not unreasonably withhold approval of a site development plan submitted under this section or require that such site plan be materially revised or amended if the site development plan substantially and materially conforms to a PRD Comprehensive Development Plan approved by the Town Board and complies with this section and all other applicable provisions of this chapter. An application may be submitted for site development plan approval of all or any portion, phase and/or separate development site of the PRD.

(a) An application for site development plan approval shall be made by the Master Association, or if the ~~phase,~~ portion, [phase](#), and/or [separate](#) development site of the PRD for which site development plan approval is sought is owned by a different person or entity; then jointly by the Master Association and that person or entity. In the event ~~that the request for a joint application to the Planning Board is denied by the Master Association—refuses to participate in the joint application with the property owner, then,~~ the Master Association shall ~~state its objections to joint participation in writing within thirty (30) days of the application. The owner shall then have the right, within sixty (60) days after its receipt of the Master Association's written objection, to file an application for site development plan approval in accordance with the provisions of this Subsection C2.—have sixty (60) days from the date of the applicant's first formal written request to state in writing to the applicant and Planning Board the reasons, consistent with this Subsection C2, for its objection to the application. Failure to provide such written objection shall be deemed to be Master Association consent to the application.~~

(b) An application for site development plan approval shall be subject to § [52-3D](#) of the Town Code, requiring the applicant to pay for the costs of the Planning Board's consultants.

(c) Notwithstanding any provision of this section, a site development plan shall not be approved by the Planning Board unless it is in material conformance with the approved PRD Comprehensive Development Plan, as the same may be amended from time to time. An application for site development plan approval which does not materially conform to the approved PRD Comprehensive Development Plan shall not be made except in conjunction with a corresponding application to the Town Board for amendment of the PRD Comprehensive Development Plan.

(d) In connection with the approval of a site development plan, the Planning Board is authorized to approve minor modifications to the design standards that the Planning Board determines to be appropriate with respect to the specific portion, phase or development site for which approval is sought. Notwithstanding any provision of this section, the approval of such minor modifications to the design standards shall not be considered to be an amendment to the PRD Comprehensive Development Plan and shall not be subject to the procedures set forth in Subsection [C\(1\)](#) above. For the purposes of this Subsection [C\(2\)\(d\)](#), a minor modification shall be a modification that does not increase or decrease, as the case may be, any design standard by more than 15%.

(e) An application for site development plan approval shall be subject to compliance with SEQRA. In connection with the SEQRA review of an application for site development plan approval, the Planning Board may

require the applicant to identify and analyze, and mitigate, potential environmental impacts which were either not addressed by the Town Board in connection with the SEQRA review of the PRD Comprehensive Development Plan, or which might arise as a result of changed circumstances or conditions within the PRD and elsewhere.

[1] Mitigation measures imposed or required by the Town Board as conditions to approval of ~~the~~ PRD Comprehensive Development Plan under SEQRA shall without further action by the Planning Board be deemed to be conditions to all subsequently approved site development plans of the portion, phase and/or development site of the PRD CDP to which such conditions relate.

(3) Subdivision approval. Subsequent to the approval of a PRD, all or any portion of the land area which constitutes a PRD may be subdivided either horizontally or vertically into separate development sites for purposes of sale, lease or mortgage and/or (to the extent permitted by law) tax lot creation without regard to the minimum site area or any minimum lot area or to any other bulk, dimensional or development regulation set forth in Subsection B(3) above or elsewhere in this chapter except the approved design standards of the PRD Comprehensive Development Plan provided that all lots, parcels or development sites so created shall in all events be developed and used only in conformance with the approved PRD Comprehensive Development Plan, the approved design standards of the PRD Comprehensive Development Plan and with any approved site development plan(s). Applications for subdivision approval shall be made to the Planning Board as set forth in Chapter 212 of the Town Code (the Town of Thompson Land Subdivision Regulations) and shall be subject to the provisions of Chapter 212; provided, however, that in the event of any conflict or inconsistency between the PRD Comprehensive Development Plan and/or the design standards and the standards contained in Article IV of Chapter 212, then the PRD Comprehensive Development Plan and the design standards shall control.

(4) Master Association. It is anticipated that ~~the~~each PRD Comprehensive Development Plan will be developed in phases over time, and that different phases, portions and/or development sites of ~~the~~each PRD Comprehensive Development Plan will be developed and owned by different persons and entities, including duly formed condominium and/or homeowners' associations. To ensure that conditions of approval of a PRD Comprehensive Plan may effectively be enforced by the Town, and to prevent potential conflict between the different future owners, the applicant for the original approval of a PRD Comprehensive Development Plan shall be required to: duly form an association under New York State Law to act as the master developer of the PRD (the "Master Association") against which conditions of the approval of the PRD Comprehensive Development Plan may be enforced; and require all future owners of the separate phases, portions and/or development sites of the PRD Comprehensive Development Plan to be members of the Master Association. The organizational documents of the Master Association shall provide that only the Master Association shall be entitled to apply to the Town Board for an amendment to the PRD Comprehensive Development Plan.

D. Effect on New York Town Law. To the extent that any one or more of the provisions of this section is inconsistent with any provision of the New York Town Law, including NYS Town Law section 274-a, then this section shall, pursuant to the New York Municipal Home Rule Law, be deemed to supersede any such inconsistent provision.

Comprehensive Development Plan



HART | HOWERTON

Comprehensive Development Plan
EPT CONCORD RESORT

Sullivan County, New York

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Lead Agency

Town Board of the Town of Thompson
Town of Thompson Town Hall
4052 State Route 42
Monticello, New York 12701

Applicant/Project Sponsor

Entertainment Properties Trust LLC
909 Walnut
Suite 200
Kansas City, MO 64106

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I. INTRODUCTION

A. PROJECT OVERVIEW

Entertainment Properties Trust controls an unsurpassed real estate opportunity to successfully redevelop the historic Concord Resort, reclaiming the resort's unique position in the regional economy by leveraging the site's unique physical and commercial opportunities into a long-term, value-based development proposition.

The EPT Concord Resort has all of the ingredients to ensure long-term value - location, gaming and amenities, leisure, hospitality and outdoor pursuits - alongside a compelling, regional lifestyle proposition. This will be the place where the region comes to experience the best that the Catskills has to offer. It will reconnect people with their community, offering the opportunity to, once again, experience the Concord.

The EPT Concord Resort contains a series of prime sites - linked by efficient and sustainable infrastructure - that encompass a range of settings and price points - all catering to a wide variety of potential owners, co-investors, developers and operating partners.

Real estate in the Catskills with enough area to accommodate a thriving, energetic hospitality experience and build on an inherent tradition of family entertainment is scarce. Long term value and sustainable real estate investment will be generated as the EPT Concord Resort redevelops over time and creates a true sense of vitality and energy in the region.

The development and design of a high-quality range of products and amenities in the EPT Concord Resort, innovatively arranged to privilege views to the rural Catskills setting, capitalizes on the value generation potential created through complementary uses. The strategic management of this opportunity and land asset will create the type of special products that attract segments of the regional market while maintaining the long-term integrity of the plan and the EPT Concord Resort environment. This approach responds to the decline in conventional, commodity real estate products and amenities common to the region as the market demands greater content per foot, hour, and dollar invested with a wider range of experiences.

1. Concept Master Plan

Developed over several years, the EPT Concord Resort will have a variety of destinations, product types, amenities and experiences. The Concept Master Plan will be comprised of several distinct centers of activity, each rooted in their particular site and setting.

The Resort Core will include the Casino Resort, the Entertainment Village and a Lakefront Hotel with Conference Facilities. The Lake Club, consisting of a Residential Vehicle Park and timeshare units will be developed alongside the Resort Core on adjacent parcels.

The 18-hole Monster Golf Course will be renovated to allow for fair, yet challenging play while repairing the current flooding issues found throughout. A new Golf Clubhouse and several Golf Cottages will also be constructed adjacent to the course.

A Family Resort Hotel will provide an opportunity for a large, family-focused resort adjacent to a variety of outdoor recreation options, including a ski/tubing hill. An indoor waterpark, a conference center and a spa may all be potential accessory uses to the Hotel.

Situated on the hilltop at the eastern edge of the EPT Concord Resort, a Sporting Club will offer experiential-based hospitality with a Hotel, Spa, and Branded Residential lots that will evoke the peaceful, rural setting of the Catskills while still being proximate to the excitement of the Resort Core.

The Residential Village located along Chalet Road near Kiamesha Lake Road will offer a mix of real estate offerings that will appeal to a wide range of potential buyers. The Village will also contain a Civic or Community Center to generate local activity and an on-site Medical Home that will become a regional resource for all of Sullivan County. Should future market trends demonstrate the need for additional residential product, the Conceptual Master Plan has included parcels for supplementary development.

The plans presented throughout this document are Illustrative Concept Plans and are not intended for construction.

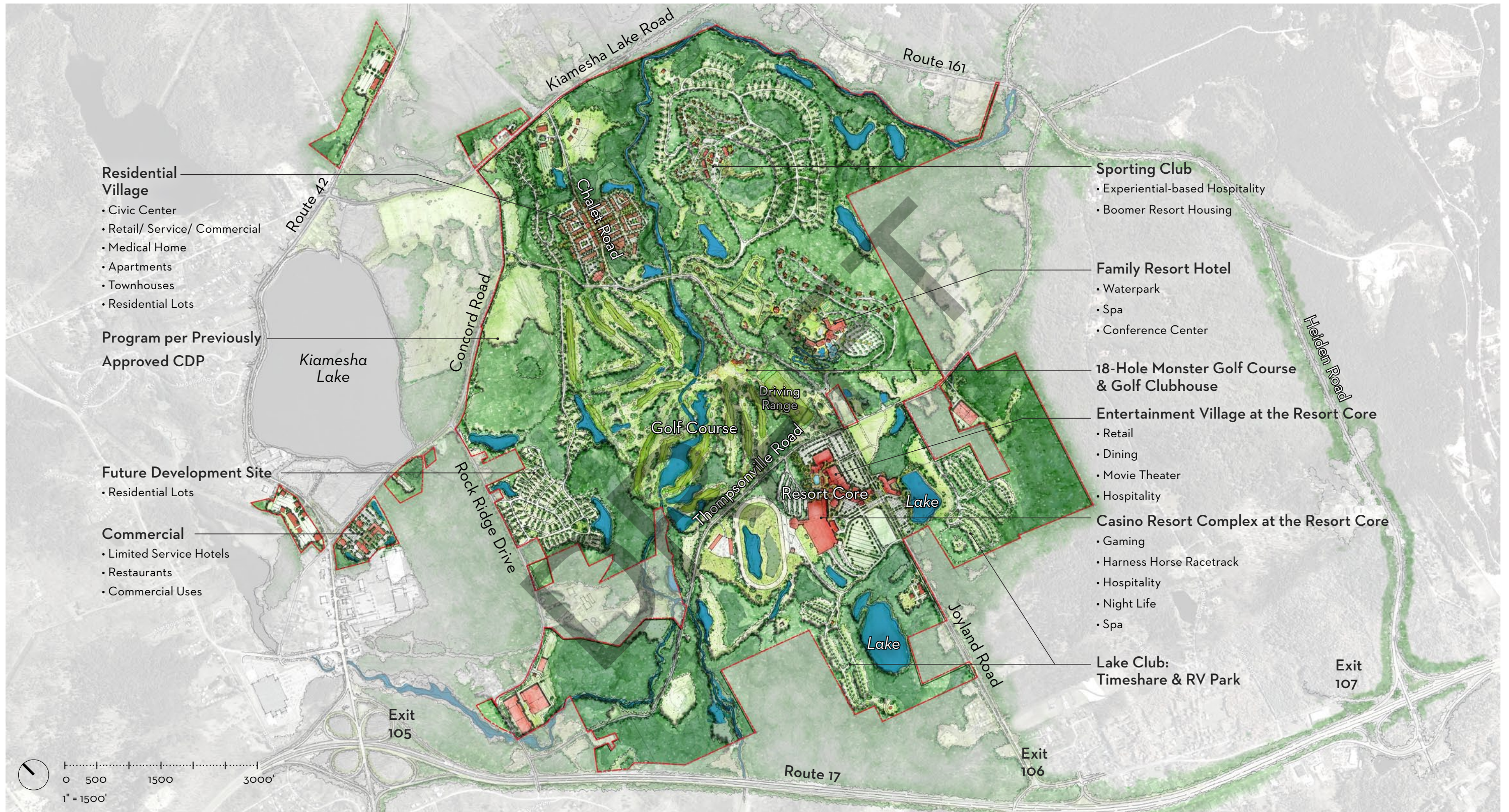


EXHIBIT 1: CONCEPT MASTER PLAN



LEGEND

1	Entertainment Village • 115,000 sf Entertainment Retail • 40,000 sf Theater	7	Casino Resort	13	Lakefront Park
2	Ice Rink	8	Casino Employee Parking	14	Entertainment District Parking
3	Nature Trail	9	Casino Parking	15	“Tent” Event Field
4	Casino Resort Hotel	10	Gateway Park	16	Stormwater Retention
5	Future Casino Resort Hotel	11	Hotel & Conference Center	17	Grandstand/Showroom
6	Entry Feature	12	Conference Hotel Parking	18	Harness Horse Racetrack
				19	Grandstand/Showroom Parking

EXHIBIT 2: RESORT CORE

2. Resort Core

The Resort Core includes the Casino Resort and the Entertainment Village. It is an area of high energy, activity, and visual stimulation.

The prospect of relocating, subject to regulatory approval, the licenses under which the Monticello Raceway Management, Inc. operates to the Concord Resort provides a catalyst necessary for the development of a thriving, high-energy destination resort in the Catskills.

The Entertainment Village, comprised of a cinema and complementary retail and dining outlets, is the centerpiece of the non-casino market-driven program at the bustling Resort Core. In concert with this destination experience, the Entertainment Village's diverse open space program is designed to enable a variety of community and lifestyle activities that are connected by a network of pedestrian and shared-surface streets. Wider streets facilitate vehicular traffic, while more narrow streets enhance a leisurely-paced pedestrian retail experience.

A mutually reinforcing relationship is thus created between the architectural and open space design:

streets and squares leverage retail and amenity opportunities in order to best activate spaces, and spaces are organized and scaled to reinforce particular programs, leading a guest through a navigable sequence of spaces and linking key amenities such as the casino, the market square, the cinema and the native forest setting.

Phase 1 - Casino Resort

The Phase 1 development area is approximately 125 acres of a roughly 200 acre parcel to be leased to Monticello Raceway Management, Inc. for the casino, harness horse racetrack, hotel and entertainment complex. The Phase 1 development area is located in the south central portion of the project site with access from Joyland and Thompsonville Roads. The site is bordered on the north and west by Thompsonville Road, on the east by Joyland Road, and on the south by wetlands. As shown in Exhibit 3, the Phase 1 development area includes the casino and associated support and back of house uses, the harness horse racetrack, stables, casino and hotel and associated parking for all proposed uses.

Construction for Phase 1 will begin upon receipt of approvals, permits and necessary financing and is anticipated to be completed by late 2013 or early 2014, based on those assumptions.



EXHIBIT 3: CASINO SITE DEVELOPMENT PLAN

B. PURPOSE OF CDP

EPT Concord II, LLC (the “Applicant”) has prepared this Comprehensive Development Plan (CDP) for the approximately 1,538 acre site known as the EPT Concord Resort. The EPT Concord Resort is a Planned Resort Development (PRD) subject to the regulations set forth in Sections 250-27.2 of the Zoning Laws of the Town of Thompson, including any amendments thereto proposed in connection with the development of the EPT Concord Resort Site.

The PRD regulations require the preparation of a CDP, to be approved by the Town Board, showing the manner in which the resort is to be developed over time and how the various land uses tie together in a cohesive manner.

To that end, the Town has set forth the objectives of the PRD to be “...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, which will in turn result in or 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 demonstrated herein, the CDP describes the site’s existing conditions, provides a conceptual framework for the development of the EPT Concord Resort site consistent with the PRD objectives established by the Town, and provides design and development standards which create the desired resort community form and character.

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II. EXISTING CONDITIONS

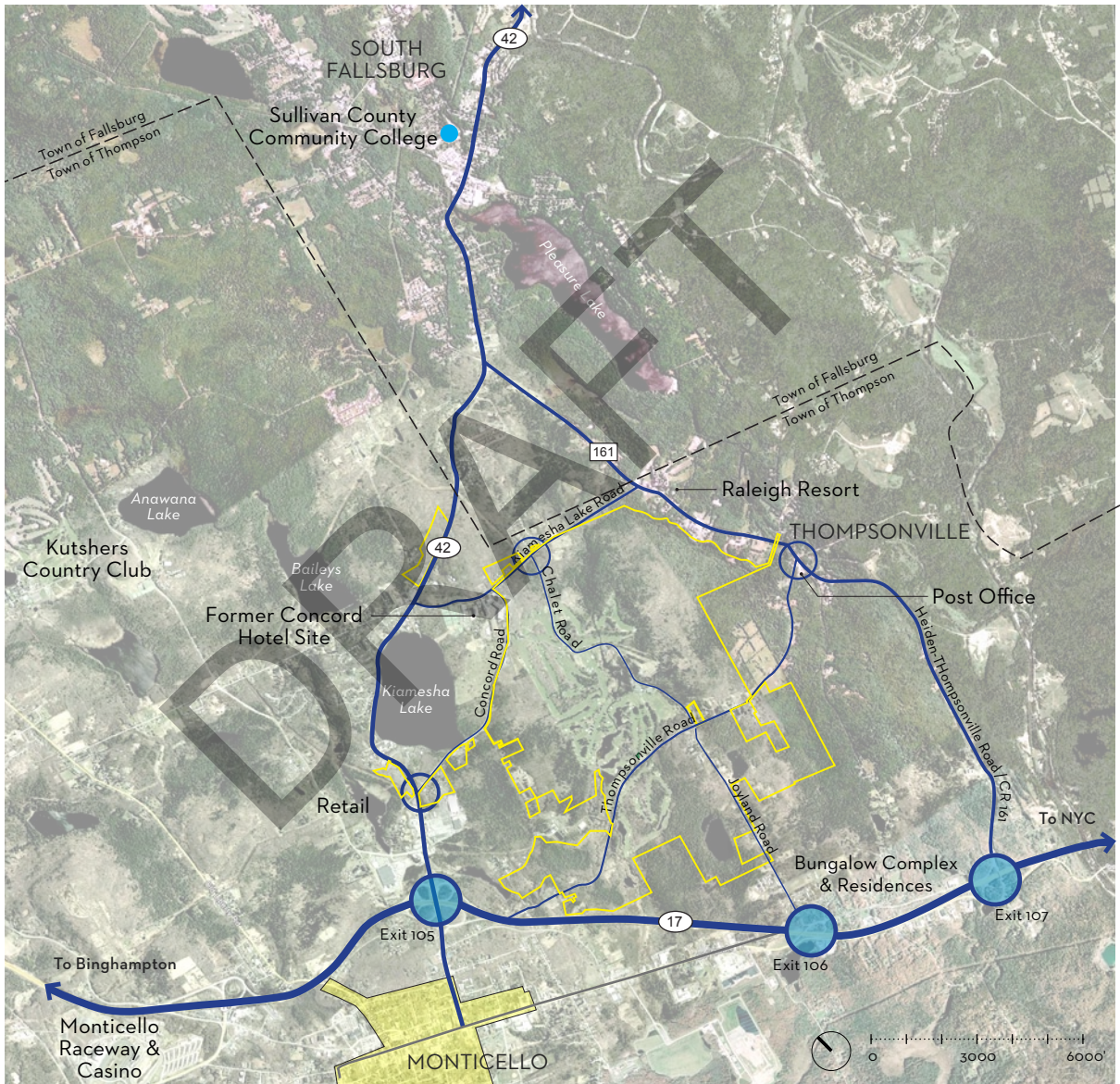
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A. SITE DESCRIPTION

The EPT Concord Resort consists of approximately 1,538 acres of mostly contiguous parcels located at the crossroads of Joyland Road and Thompsonville Road in Sullivan County, New York. The site is generally bound by Kiamesha Lake Road to the North, Route 17 to the South, Concord Road to the West and Route 161 to the East.

1. Property Ownership

The Applicant owns approximately 1,538 acres of real property within the existing 1,735 acre PRD district. The Applicant acquired the site on June 18, 2010 and received fee title to both the International and Monster Golf Course properties on December 7, 2011.



LEGEND	
	Site Access Points
	Property Line

EXHIBIT 4: EXISTING AND ADJACENT LAND USES

B. EXISTING SITE ACCESS

The primary entrance to the EPT Concord Resort is off of NYS Route 17, exit 106. The exit 106 ramp connects to Joyland Road which leads motorists north and into the site. NYS Route 17 is a four-lane divided highway that runs east-west. The highway falls under the jurisdiction of the New York State Department of Transportation (NYSDOT) which connects to NYS Thruway (Interstate-87) in the east and with Interstate 81 in the west. NYS Route 17 connects to NYS Route 42 with a full clover-leaf interchange.

The site is bordered by three roadways - Kiamesha Lake Road to the north, Concord Road to the northwest and Rock Ridge Drive to the west. Kiamesha Lake Road (County Road 109) is a two-way, east-west roadway extending from NYS Route 42 to Heiden Road (County

Road 161) and is under Sullivan County jurisdiction. Concord Road (County Road 182), under the Town of Thompson jurisdiction, is a two-way, east-west roadway extending from NYS Route 42 to Kiamesha Lake Road (County Road 109). Rock Ridge Drive, also under the Town of Thompson jurisdiction, is a two-way north-south roadway extending between Concord Road (County Road 182) and Thompsonville Road.

There are three roadways which traverse the project site: Joyland Road, Thompsonville Road and Chalet Road. Each of these roadways is local, being owned 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. Chalet Road/Joyland Road is a two-way, north-south roadway extending between Kiamesha Lake Road and NYS Route 17.

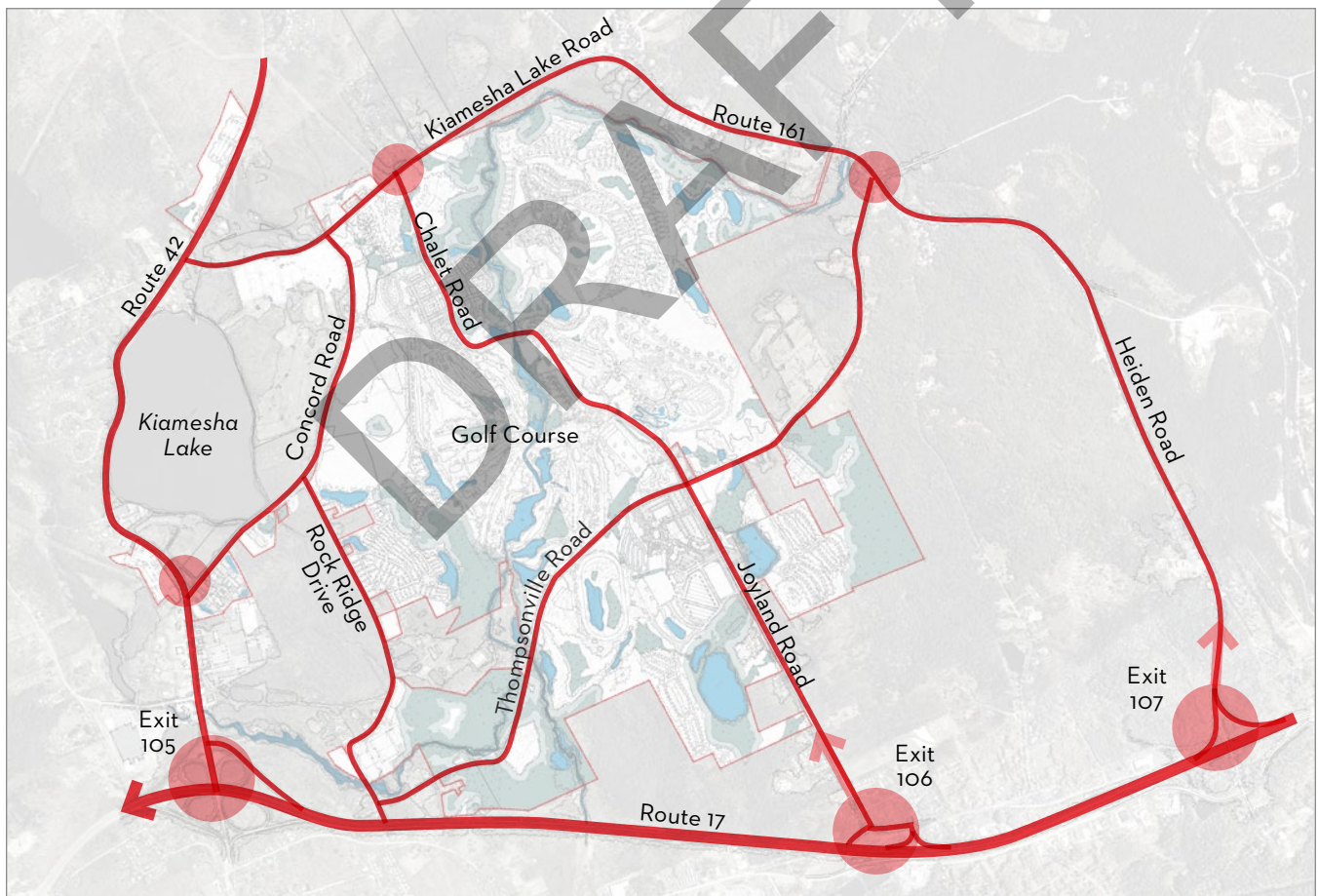


EXHIBIT 5: EXISTING SITE ACCESS

C. EXISTING NATURAL FEATURES

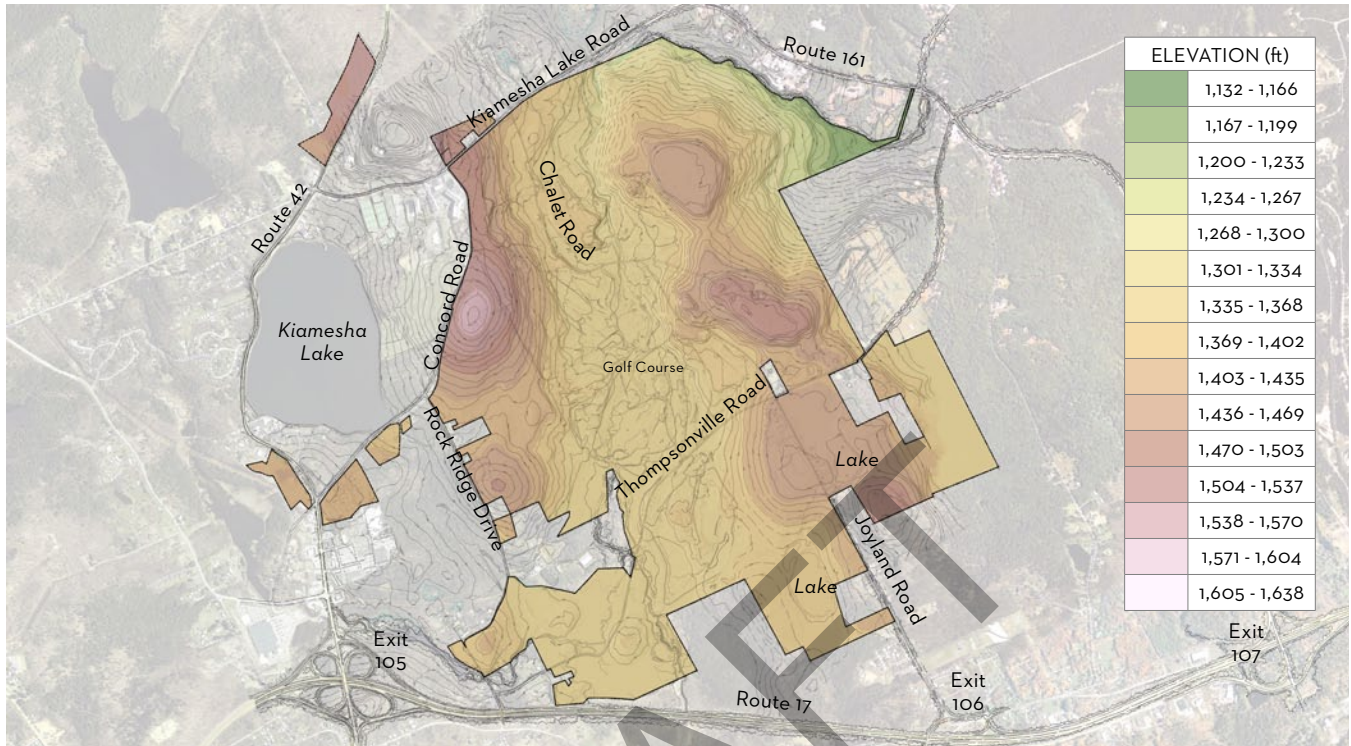


EXHIBIT 6: ELEVATION STUDY

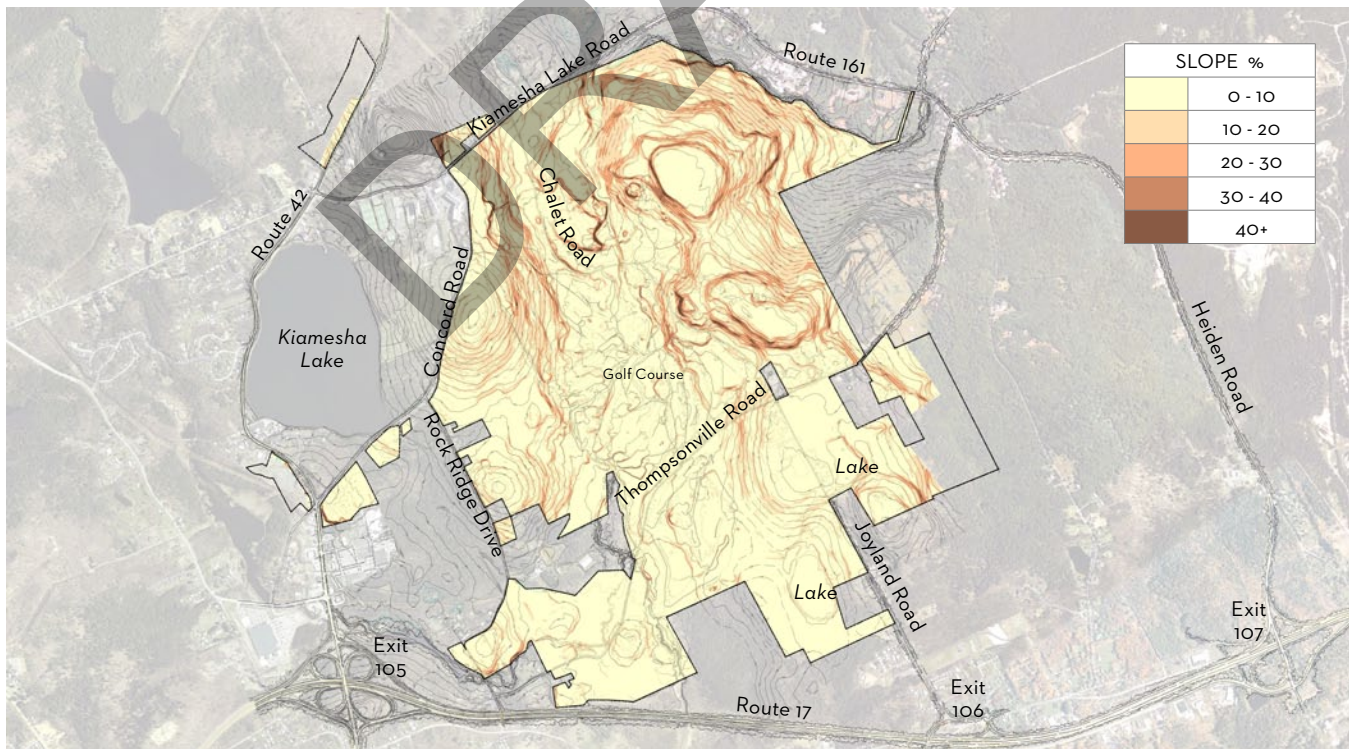


EXHIBIT 7: SLOPE ANALYSIS

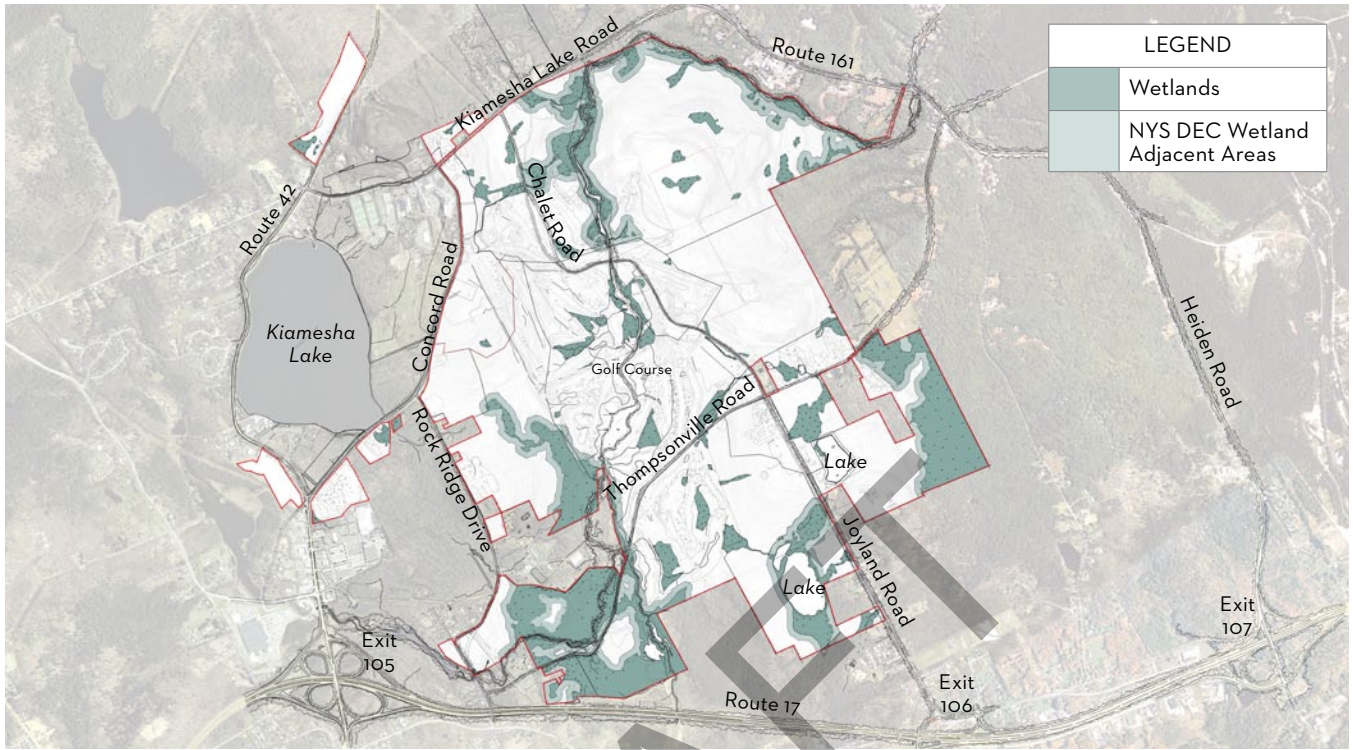


EXHIBIT 8: WETLANDS

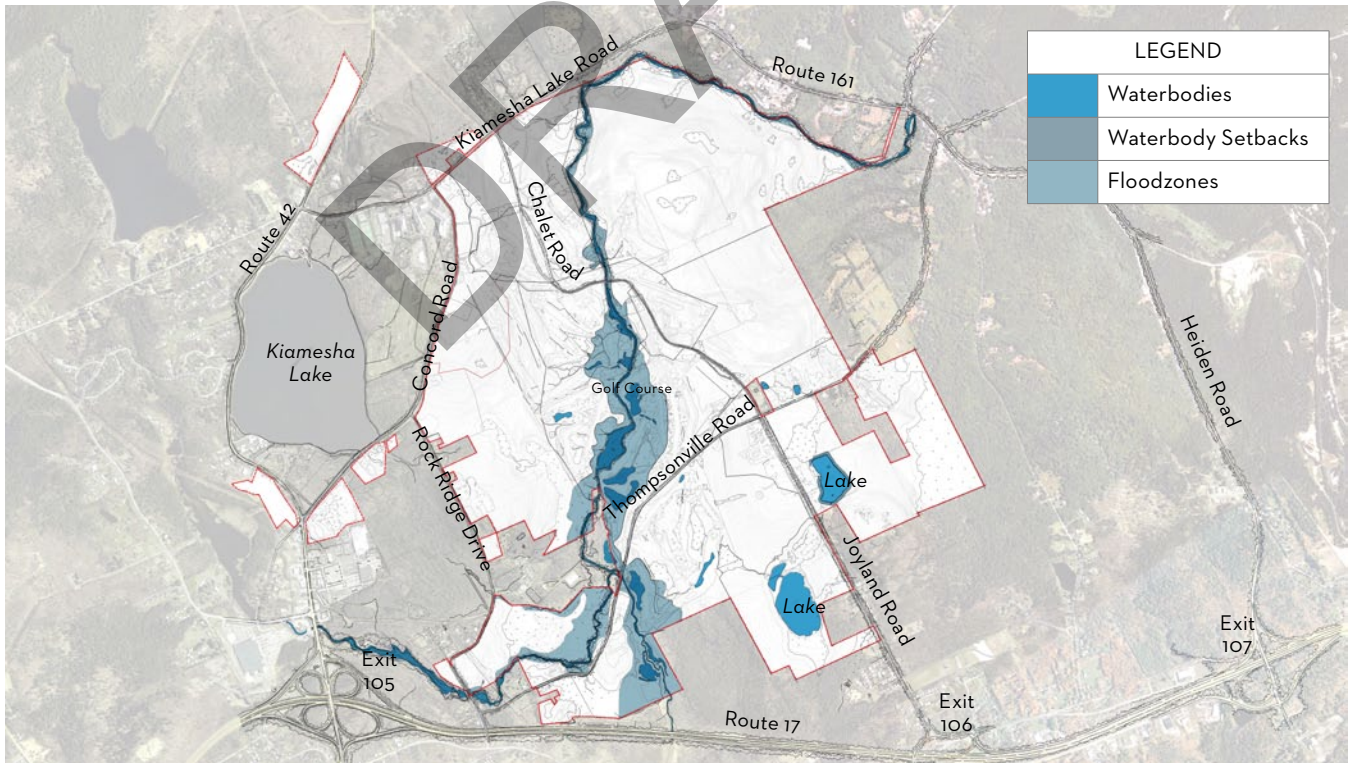


EXHIBIT 9: WATERBODIES



Total Site Area	1,538.00 ac
Wetlands	282.71 ac
NYS DEC Wetland Adjacent Areas	159.10 ac
Waterbodies	41.21 ac
Water Body Setbacks	20.25 ac
Floodzone	38.65 ac
Steep Slopes (30%+)	19.59 ac
Land within NYSDEC Brownfield Cleanup Program (BCP)	12.10 ac
Developable Land	964.39 ac
* Diagrammatic representation	

EXHIBIT 10: DEVELOPABLE LAND

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III. COMPREHENSIVE DEVELOPMENT PLAN

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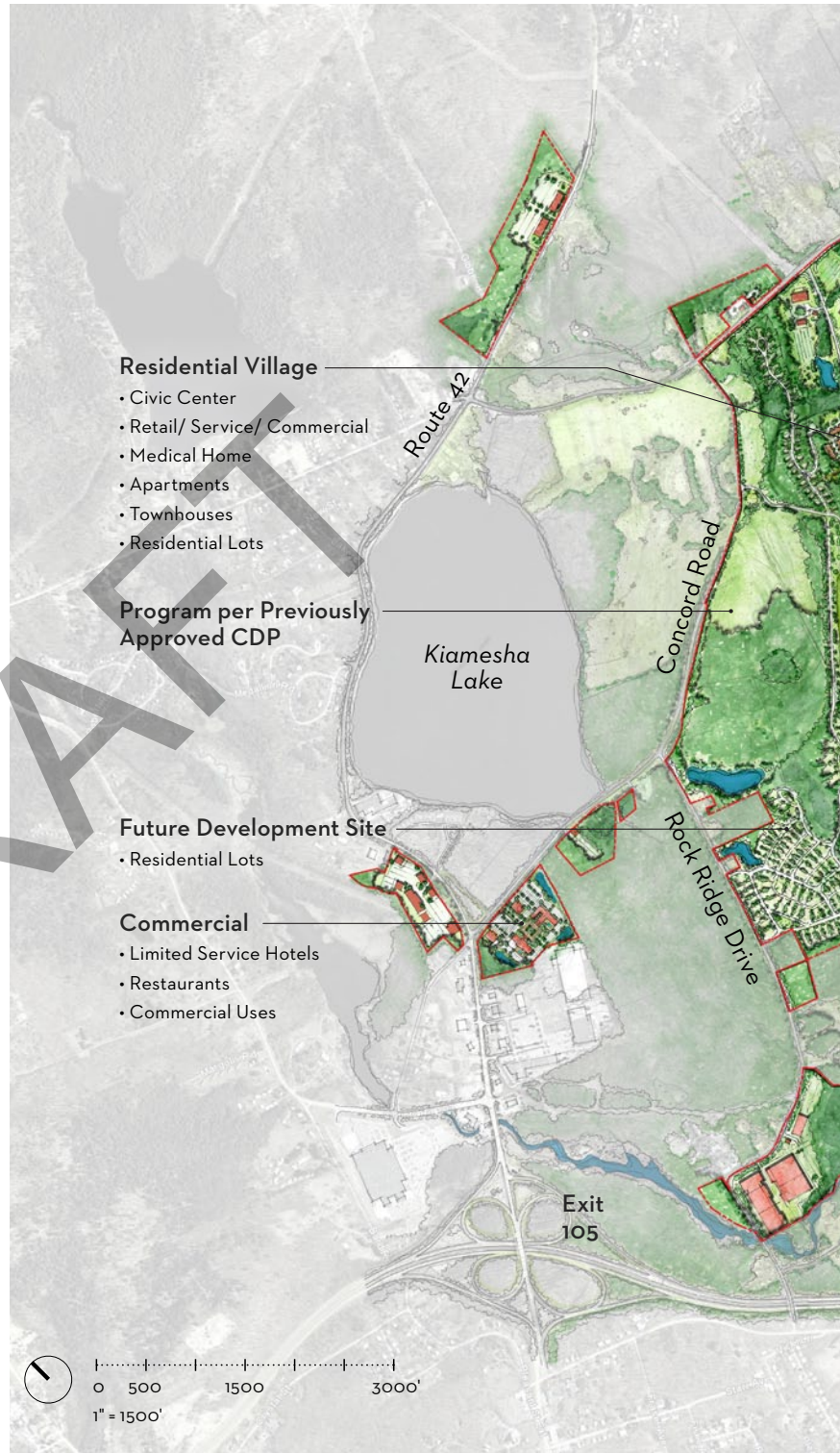
A. PROPOSED DEVELOPMENT USES

1. Permitted Uses (per PRD)

In accordance with the PRD, the maximum allowable density for residential uses is 4.0 dwelling units per acre of the Net Site Area (the "NSA"). The NSA for the EPT Concord Resort, as defined in Section 250-27.2-B(6) of the of the Zoning Laws of the Town of Thompson, is 1,191.58 acres. Applying that density across the site yields a maximum of 4,766 units that may be built at the EPT Concord Resort. All residential accessory uses shall be less than or equal to 10% of the aggregate total net floor area of the residential uses.

For non-residential uses, the maximum allowable density for hotel/motel units is 1.75 keys per acre of NSA, permitting up to 2,085 keys for the project. All motel/hotel accessory uses shall be less than or equal to 15% of the aggregate total net floor area of all hotel/motel uses. The maximum net floor area for all casino and racino uses is 450,000 square feet. The maximum total floor area ratio (FAR) of principal and accessory commercial uses (excluding casino and hotel/motel uses) is 0.0175. Applying that FAR across the site yields a potential maximum of 908,341 square feet of commercial use. The maximum building height is 350 feet.

LAND USE PROGRAM SUMMARY		
PROGRAM	EPT CONCORD RESORT CDP	ALLOWABLE PROGRAM
Residential	897 du	4,766 du (@ 4 du/ net acre)
Hotel	1,800 keys	2,085 keys (@ 1.75 keys/ net acre)
Spa	7,500 sf	
Indoor Waterpark	45,000 sf	
Conference Center	50,000 sf	
Casino Resort Hotel Amenities	15,000 sf	
Casino	405,000 sf	450,000 sf
Commercial (Retail)	475,000 sf	
Commercial (Other)		
Golf Clubhouse	20,000 sf	
Golf School	4,000 sf	
Golf Maintenance Building	9,000 sf	
Support/ BOH	30,000 sf	
RV Park	60,000 sf	
Medical Home	90,000 sf	
Recreational Sports Center	40,000 sf	
Movie Studio	175,000 sf	
Total Commercial	903,000 sf	908,341 sf (allowable commercial SF @ .0175 FAR)
Civic Center	35,000 sf	



Residential Village

- Civic Center
- Retail/ Service/ Commercial
- Medical Home
- Apartments
- Townhouses
- Residential Lots

Program per Previously Approved CDP

Future Development Site

- Residential Lots

Commercial

- Limited Service Hotels
- Restaurants
- Commercial Uses

du	dwelling unit(s)
key	unit of hospitality accommodation (regardless of unit size)
sf	square feet

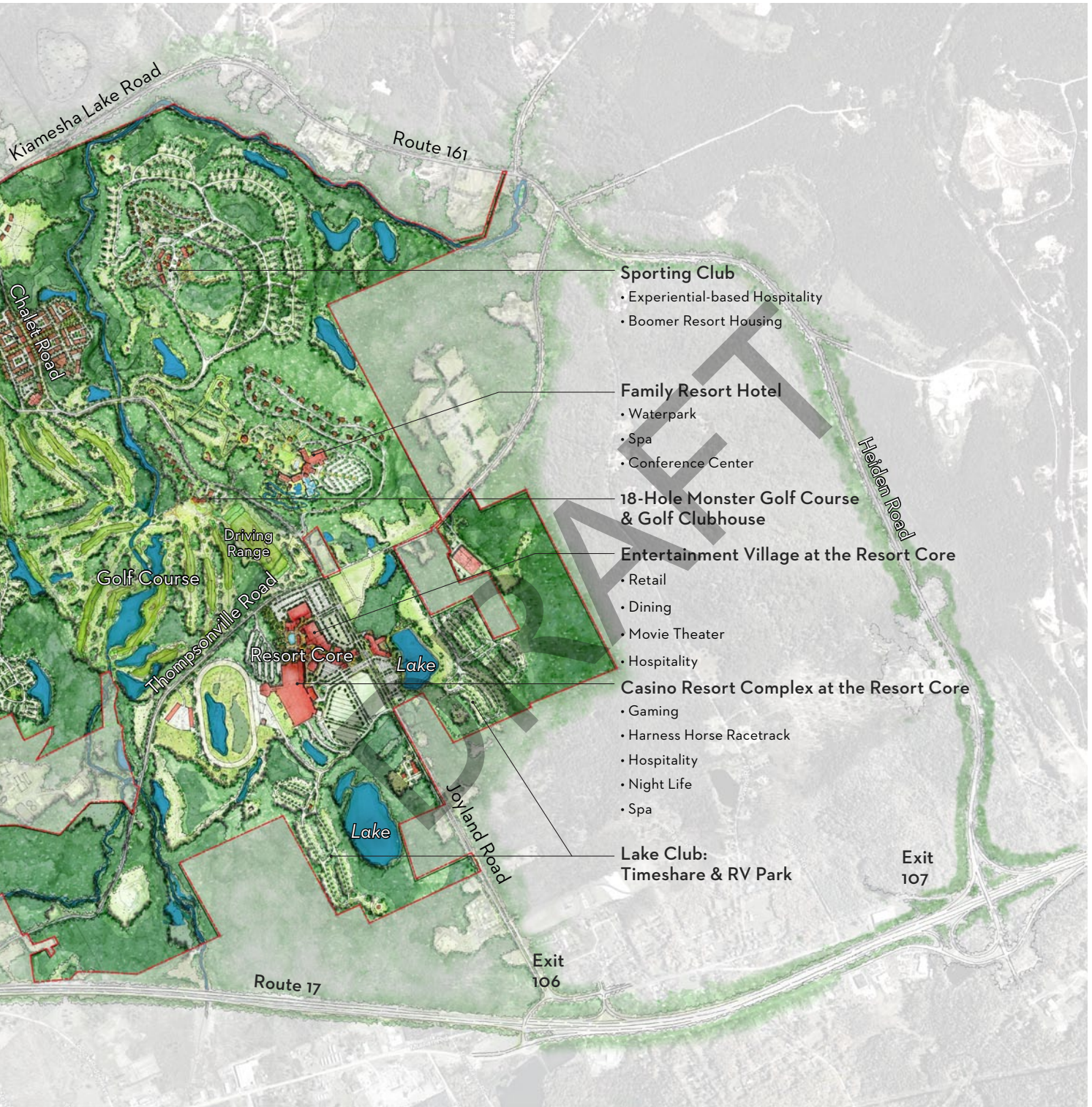









EXHIBIT 11: CONCEPT MASTER PLAN

	LAND USE
	Residential
	Hospitality
	Harness Horse Racetrack
	Casino
	Commercial
	Golf
	Hotel/ Casino/ Harness Horse Racetrack/ Convention Center/Retail (per previously approved CDP)

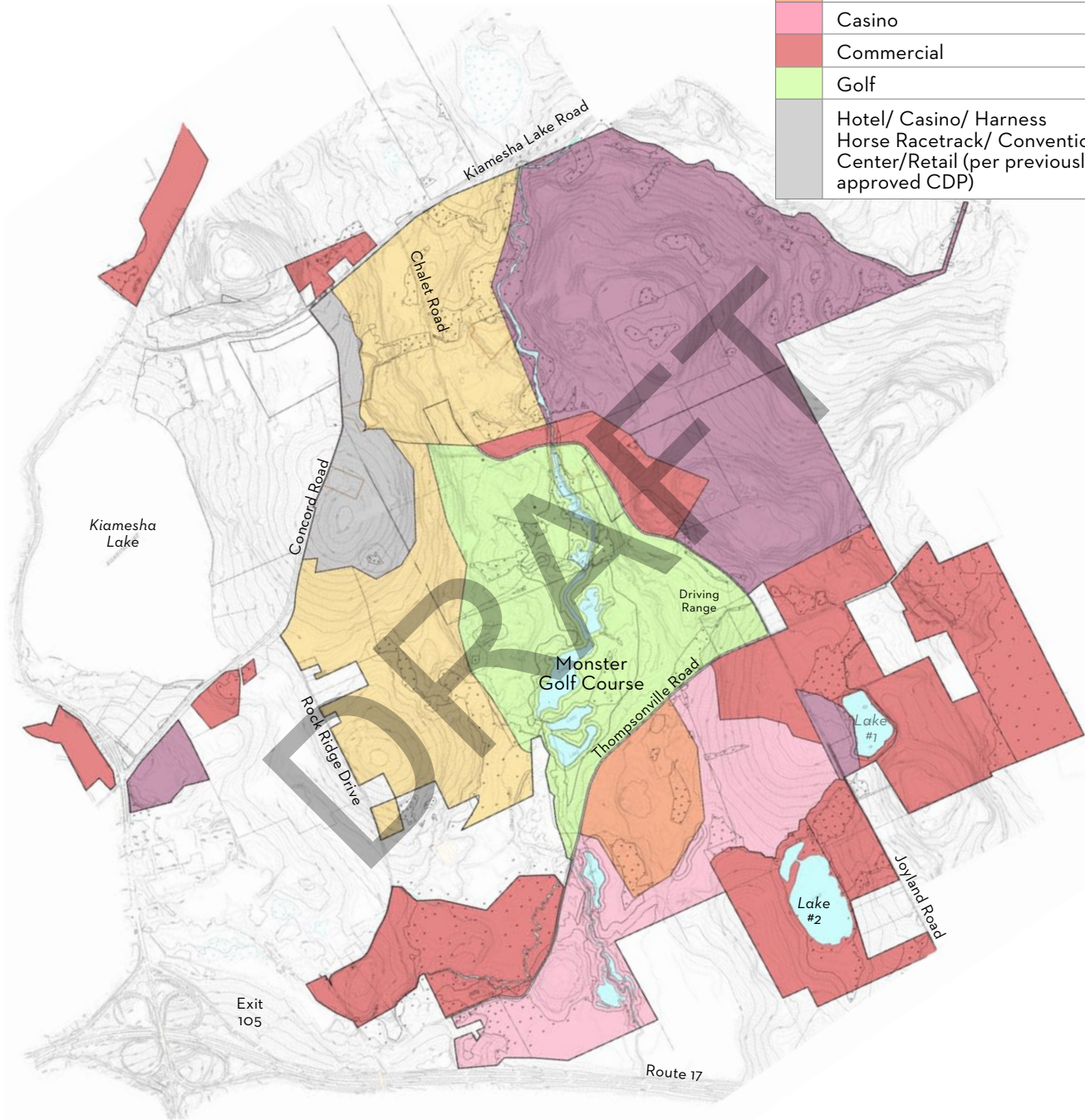


EXHIBIT 12: LAND USE PLAN

2. Proposed Program

Developed over several years, the EPT Concord Resort will have a variety of spaces, products, destinations, amenities and experiences. Clustered development will protect valuable open space and preserve the Catskills character while creating centers of activity that attract visitors from the New York Metropolitan area and beyond.

The program includes the following uses: Casino, Harness Horse Racetrack, Hospitality, Residential, Commercial, and Golf and Recreation.

Casino Resort

Phase 1 of the EPT Concord Resort project proposes the Casino, Hotel and Entertainment Core. The casino will consist of 2,150 Video Gaming Machines (VGM), restaurants and food service, a 248 room hotel, events center, harness horse racetrack, grandstand/showroom and support buildings, and structured and surface parking on approximately 125 acres.

The primary access to the Phase 1 Development Area will be via a signed boulevard entry off Joyland Road. This main entrance will lead visitors and guests to the casino/hotel. A secondary entrance located just south of the main entrance will provide access directly to the visitor parking area. An employee/service access is proposed from Thompsonville Road, at the northern portion of the Phase 1 site. Two additional points of entry are proposed from Thompsonville Road to provide access/egress to the harness horse racetrack and associated equestrian support facilities and employee parking.

The planning and layout of Phase 1 of the EPT Concord Resort was heavily influenced by the varied site topography. Rather than re-grading significant portions of the Phase 1 site to accommodate project components, the project components were laid out to maximize the benefit of the existing topography. For example, the parking garage is proposed to be located underneath the podium level of the main building to best utilize the significant change in grade and the harness horse racetrack is proposed for the most level area within the Phase 1 site.

A detailed list and description of the Phase 1 Site development components is provided below:

Casino and Restaurant/Food Service:

- 2,150 VGMs.
- Center Bar Lounge with seating for approximately 68 guests.
- Fine Dining - Shared lounge/bar supporting two restaurants, with seating for approximately 80 guests, each and a private dining area for 14 guests
- Buffet with 225 seats
- Entertainment Restaurant with seating for approximately 202 including bar seating
- Secondary entrance to the casino with grab and go food service
- Grab and Go food service located near the Bus Lobby for prepackaged food sales

Back of House/Support Space:

- Employee services, including changing facilities, uniform service, and employee dining room
- Administrative offices on the casino level
- Main kitchen producing most of the food for the food service venues.
- Preparatory kitchens at the fine dining and entertainment restaurants
- Casino support and infrastructure will be located on the first floor under the casino level.

Hotel and Events Center:

- Hotel with 248 rooms (232 standard rooms, 16 suites). The hotel is proposed to be nine stories total, including eight stories of rooms.
- Lobby / reception area located on the main level at the hotel access from the main entry
- Events center will include two dividable meeting rooms, one large ballroom with stage dividable into three rooms and a pre-function area with an exterior terrace
- Spa and indoor pool located on the main level of the Hotel.

Horse Racing:

- Eight lane (and one safety lane) 5/8-mile Harness Horse Racetrack with an asphalt apron for trackside viewing
- Paddock and maintenance buildings located to the north of the track

- Grandstand/Showroom with seating for approximately 500 patrons for viewing a showroom for entertainment events (simulcast facility would be located below the Grandstand/Showroom).

- Snack Stand

Parking:

- Three levels of subsurface parking below the Casino level providing approximately 1,300 spaces
- Surface parking for approximately 2,000 cars

Central Plant:

- Prepackaged Central Plant for boilers and chillers located near the Loading and Warehouse area.

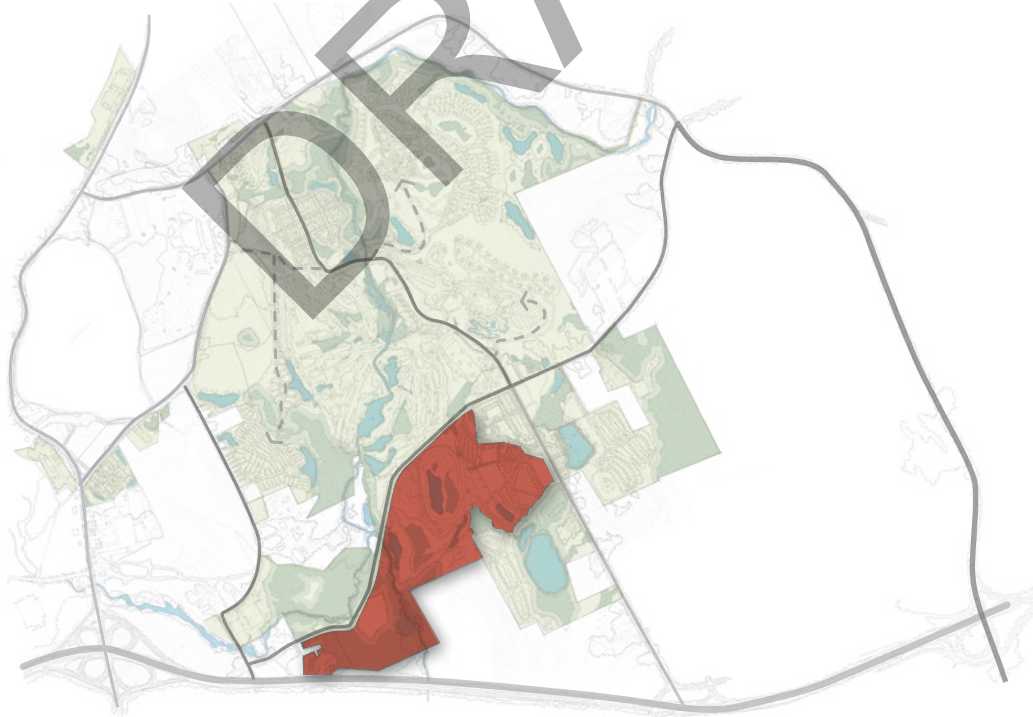


EXHIBIT 13: LOCATION OF CASINO RESORT PROGRAM

Sustainability Plan

The Applicant is committed to the usage of green materials and good design practices throughout the design and implementation of the project. Specific practices to be incorporated into the Phase I development area include:

- Usage of propane gas: The combination of propane gas and low emissions boilers will limit the amount of pollutants created by this facility and minimize air quality impacts;
- Usage of window/glass glazing: The project will utilize advanced glazing systems with increased R values to reduce solar heat gain, preventing unnecessary energy use;
- Provision of significant additional landscaping - The project will retain the maximum number of mature trees as is practicable and augment with significant additional landscaping;
- Usage of green materials in building interiors: Interior finishes will incorporate numerous materials that are green by design, including: low VOC paints for the interior walls, ceilings which are made from partially recycled materials, and the use of wood species, which are harvested as recoverable species;
- Use of efficient LED lighting at specialty fixtures and exterior site lighting fixtures;
- Use of heat recovery units to temper the incoming fresh air and heat capture from the laundry operations;
- Use of pervious asphalt and paver materials to reduce the amount of stormwater runoff in parking areas;
- Implementation of a stormwater management plan to limit the pollutants generated from run off and assist in controlling excessive discharge;
- Usage of efficient bathroom and faucet fixtures;
- Implementation of ongoing operational initiatives including recycling of cans, bottles, grease recovery etc. and water saving methods including two or three day cycles for the hotel laundry.

Hospitality

The Family Resort Hotel site will provide an opportunity for a large, family-focused resort adjacent to a variety of outdoor recreation opportunities. The hotel could include up to 550 rooms, restaurants and a fitness center and spa. A 40,000 - 50,000 sf Conference Center and 30,000 - 40,000 sf indoor/outdoor waterpark could act as possible accessory uses to the hotel. A generous lawn could be programmed for a variety of activities such as a skating rink, croquet lawn and an amphitheater/ event area. Additional outdoor activities could include tennis, volleyball and basketball, shuffleboard, bocce, horseshoes and a putting course. The hotel site will also connect to a system of trails circulating throughout the site and to the adjacent tubing (winter) and biking (summer) hill.

The Sporting Club will fit within the surrounding landscape and will celebrate the outdoor-oriented lifestyle and traditions of the Catskills. The core of the Sporting Club could include a Lodge of up to 250 rooms, Spa, and Fitness Center. 170 branded residential lots could also be developed alongside and

serviced by the Sporting Club. A series of wooded trails would connect to a variety of destinations both within the Sporting Club site and to the larger resort-wide trail system.

The Resort will include a Casino Hotel of 248 rooms that will be in the initial phase of the EPT Concord Resort Project. At a later phase, an additional Casino Hotel of up to 250 rooms may be introduced.

The 250-room Lakefront Resort and Conference Center is located in the Resort Core. Demand for this facility may emanate from growth in the overnight visitor market in the region and induced demand from the New York Metropolitan Area.

At the intersection of Concord Road and NYS Route 42, the parcel program includes up to two (2) 125- room hotels; one limited service hotel and one extended stay hotel.

In the Recreational Vehicle Park (discussed in more depth in the Commercial Section), timeshares and/or fractionals will be an allowable hospitality use.

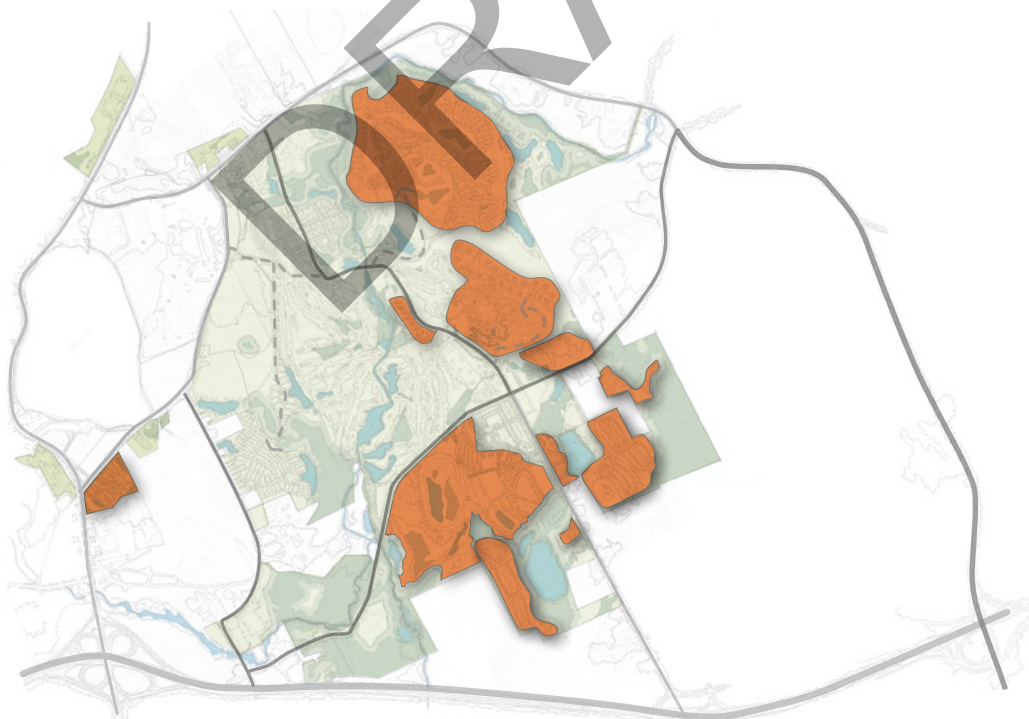


EXHIBIT 14: LOCATION OF HOSPITALITY PROGRAM

Residential

EPT Concord Resort will offer distinct neighborhoods with a diverse assortment of products that range from single-family executive homes to multi-family apartments in the Residential Village. Careful market-driven phasing will create complete neighborhoods and will maximize the full value of the property.

With approximately 365 residences, the Residential Village will provide a variety of housing opportunities for existing area employers and their employees. From single family lots to townhouses and flats, the housing mix will create a compact neighborhood while protecting natural resources. The Residential Village could also contain a small commercial zone within a five-minute walk from all neighborhood residences. A new Civic or Community Center will be an additional allowable use within the Residential Village that would also generate local energy in the neighborhood. The Civic or Community Center would increase vehicular and pedestrian traffic to the EPT Concord Resort. The Residential Village may also contain an approximately 90,000 square foot Medical Home.

Following market demand, the Residential Village may expand to an adjacent parcel to the west and southwest. The future development site may contain up to 350 single family residential lots.

Additional residential development may occur within the Sporting Club parcel, as is mentioned above. These approximately 170 branded residential lots may be developed nearby and with central services and amenities provided by the Sporting Club.

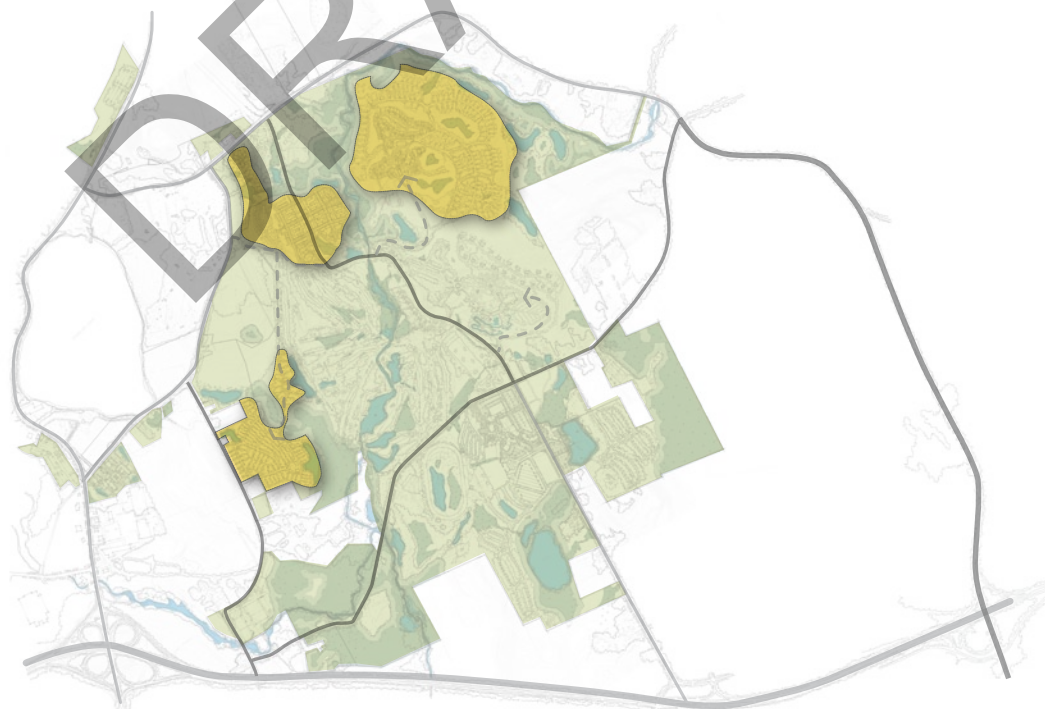


EXHIBIT 15: LOCATION OF RESIDENTIAL PROGRAM

Commercial

A thoughtful retail and commercial pattern will recognize the varied requirements of the gaming guest, the community member, the destination tourist and groups arriving to the site.

One element of the Entertainment Village commercial program will be a 40,000 square foot movie theater with twelve (12) screens. The theater will be supported by on-site and casino visitors as well as by the local 25-mile market. Additional commercial program in the Entertainment Village, totaling approximately 115,000 square feet, will complement both the casino and the movie theater. This program may include four to five restaurants, a 15,000 square foot Comedy Museum, a 28-lane bowling alley, a local wine and farmer's market, a Kids Quest activity center, and rotating exhibit space to showcase local artists.

The Residential Village will contain approximately 20,000 square feet of neighborhood convenience retail that can serve the village residents. Additional commercial uses on the site may include:

- 290,00 square feet of commercial in the non-contiguous parcels located along NYS Route 42, Concord Road, and Kiamesha Lake Road
- 20,000 square feet of neighborhood convenience retail in the Residential Village (described above)
- 175,000 square feet of movie/production studios
- 60,000 square feet of amenities associated with the 150-space Recreational Vehicle Park. Timeshares (as listed in the Hospitality Section) may be permitted within the Recreational Vehicle Park.
- 90,000 square foot Medical Home
- 40,000 square foot Recreational Sports Center
- 20,000 square foot Golf Clubhouse
- 4,000 square foot Golf Academy
- 39,000 square feet of Back-of-House and support structures for commercial uses, including a Golf Maintenance building
- 5,000 square feet for a Demonstration Farm



EXHIBIT 16: LOCATION OF COMMERCIAL PROGRAM

Golf, Recreation, Community/Civic

The renovated 18-hole Monster Golf Course will feature a new Golf Clubhouse with the potential for a bar, a clubhouse dining and event space, convenience locker rooms, and lounge area. The Golf Academy and instructional space will further augment the golf and resort experience. There is also opportunity for golf cottages adjacent to the clubhouse and overlooking the course.

Since the EPT Concord Resort is located in an environment where there cannot be year-round play, the golf course and Golf Clubhouse could be used in the off-season for winter activities. The golf course will provide an opportunity for sleigh rides, cross-country skiing, and snowshoeing, and the Golf Clubhouse will serve as a Nordic Center and central location for other area amenities and activities.

The renovation of the Monster 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. Improvement to the course irrigation and drainage system will reduce the number of weather-related course closings.

Additional recreational pursuits include the rehabilitated Concord Ski Area which will be reinvented as a snow tubing and sledding hill in the winter and a venue for mountain biking during the remaining three seasons.

Trails are a significant part of the EPT Concord Resort experience. A proposed trail system connects the various areas of the resort and provides an array of experiences. Trails will provide access to the natural features within the site including Kiamesha Creek, hillside hikes, and on-site lakes. Trail types will vary and will allow for a range of trail-based activities. The EPT Concord Resort will also look for opportunities to connect to regional trail systems including access to the Neversink and other area amenities.

Each village or neighborhood will have a local network of green connections, which in turn support the larger site-wide green corridors. These greenways may include community lakes, parks, trails, streets and open spaces and recreation areas.

Civic & Community Support

A Civic or Community Center and other community support facilities provide an opportunity for centralized services integrated into a neighborhood setting.



EXHIBIT 17: LOCATION OF GOLF, RECREATION, COMMUNITY/ CIVIC

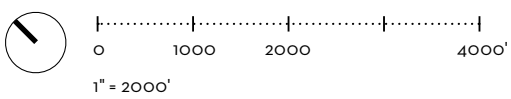
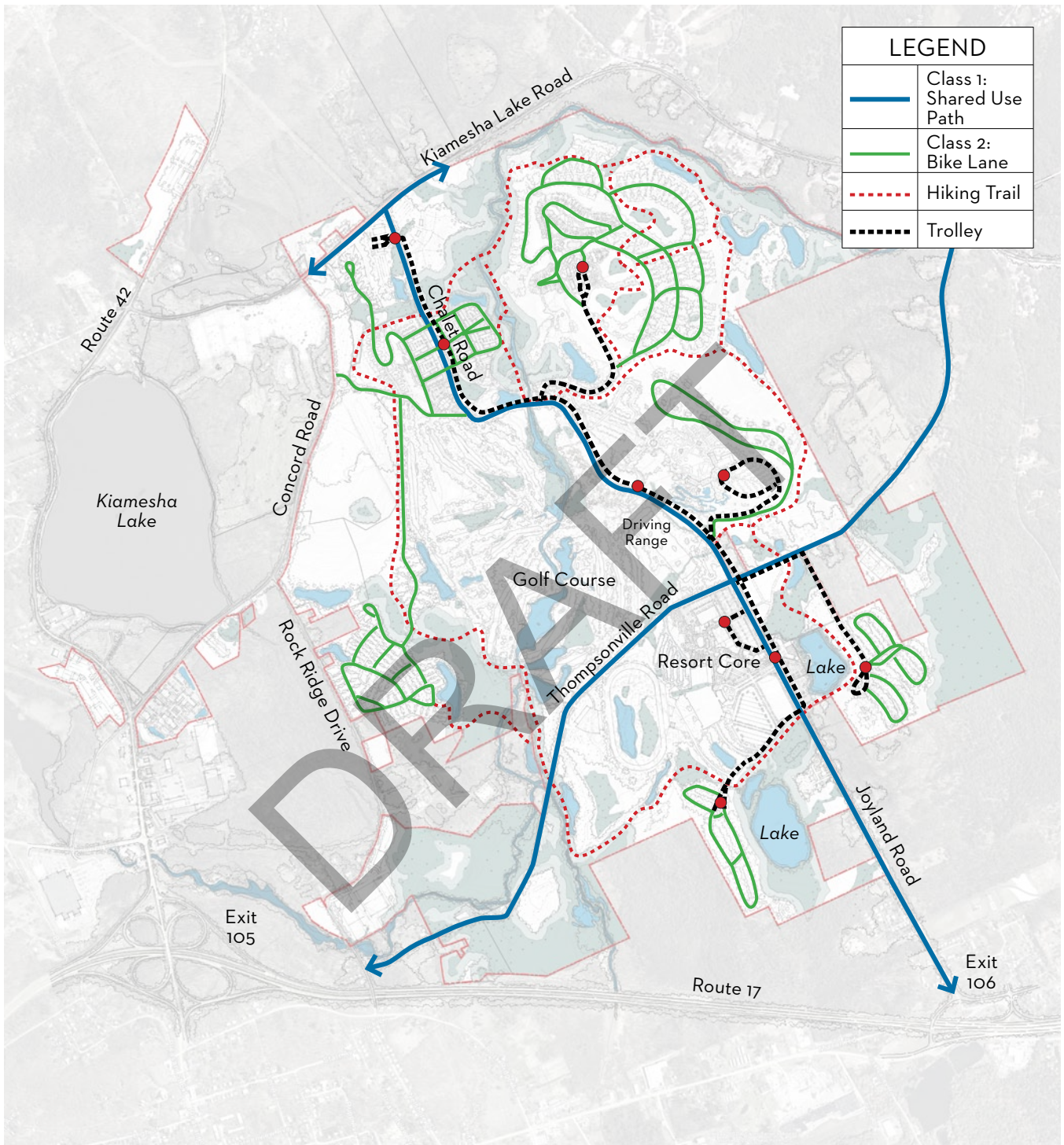


EXHIBIT 18: TRAILS DIAGRAM

3. Landscape Vision

The landscape at the EPT Concord Resort provides a framework that will link together the individual neighborhoods, districts and amenities, expressing the special qualities of the site and establishing a unique sense of place. Existing features of the site will be restored and enhanced to deepen the guest's awareness of natural settings, wildlife and native plant communities, and cultural landscape traditions. To heighten the guest experience, a network of roads and trails are designed to interface with unique site features. The essential qualities of the Catskills building traditions are represented by the design, details and materials palette for buildings, site structures and site elements, based on a clean, straight-forward design aesthetic, hand-crafted details and regionally sourced stone, metal, timber and wood materials.







There will be four guiding principles for the landscape at the EPT Concord Resort:

- Nurture a restorative landscape that sustains the streams, forest and wetlands of the site.
- Create a simple road network that blends into the landscape and orients guests.
- Develop a network of pedestrian streets, trails, and walking paths that will serve as important social and recreational amenities for guests and residents.
- Establish a cultivated Catskills aesthetic: a refined Adirondack style that is less decorative, with 'beefy' materials crafted from local elements that could be found on-site or within the region. The desired visual aesthetic is not an historic re-creation, but instead draws from historic precedents to define a new pattern language that is contemporary and well-established.

4. Guidelines per Landscape Zone:

Natural Landscape

- *Wetlands:* A system of protected, interconnected wetlands weaves through the resort and functions as a unique ecological amenity. NYS DEC wetland adjacent areas shall be respected and enhanced to improve biodiversity, functionality and aesthetics and to improve the vitality of the natural setting and enhance the resort experience.
- *Lakes, Ponds and Streams:* The existing stream corridor and two larger lakes shall be preserved and restored as allowed by regulation, in order to improve water quality, support wildlife, increase biodiversity, and improve aesthetics. Banks shall be stabilized and revegetated with appropriate erosion control methods and native plantings. Shorelines shall also be revegetated to restore plant diversity, benefit wildlife and improve soil function. Public access trails and amenities shall be designed for low impact to natural systems, with typical details such as elevated trails, footbridges, and dock facilities.
- *Forest Management:* Based on an assessment of specific site conditions (forest type, age, species composition, understory character, slope, aspect, soils and groundwater) the intent is to actively manage the forest to achieve a healthier and more diverse natural condition with an improved appearance. To fulfill these objectives, the following potential steps may occur:
 - Manage growth of the forest setting for Old Growth characteristics: clearings, multilayered conditions (understory, mid-story and overstory), and presence of larger specimens, snags and forest floor debris. Achieving this character would also augment biodiversity, provide a rich and varied nature experience and enhance aesthetics.
 - Increase tree species diversity.
 - Manage dense stands with a release treatment to reduce competition for the better tree individuals.

LEGEND	
	Lakes & Streams (existing & proposed)
	Wetland
	Forest / Development within Forest Framework
	Entry Landscape
	Golf Landscape
	Development Area

LEGEND			
1	Residential Village	6	Sporting Club
2	Program Per Previously Approved CDP (Intermediate Phase: Meadow)	7	Family Resort Hotel & Ski Hill
3	Future Development Site (Potential Residential Neighborhood)	8	Monster Golf Course Landscape
4	Commercial	9	Resort Core & Parking Lot Landscape
5	Potential Residential Neighborhood	10	Lake Club: Timehsare & RV Park

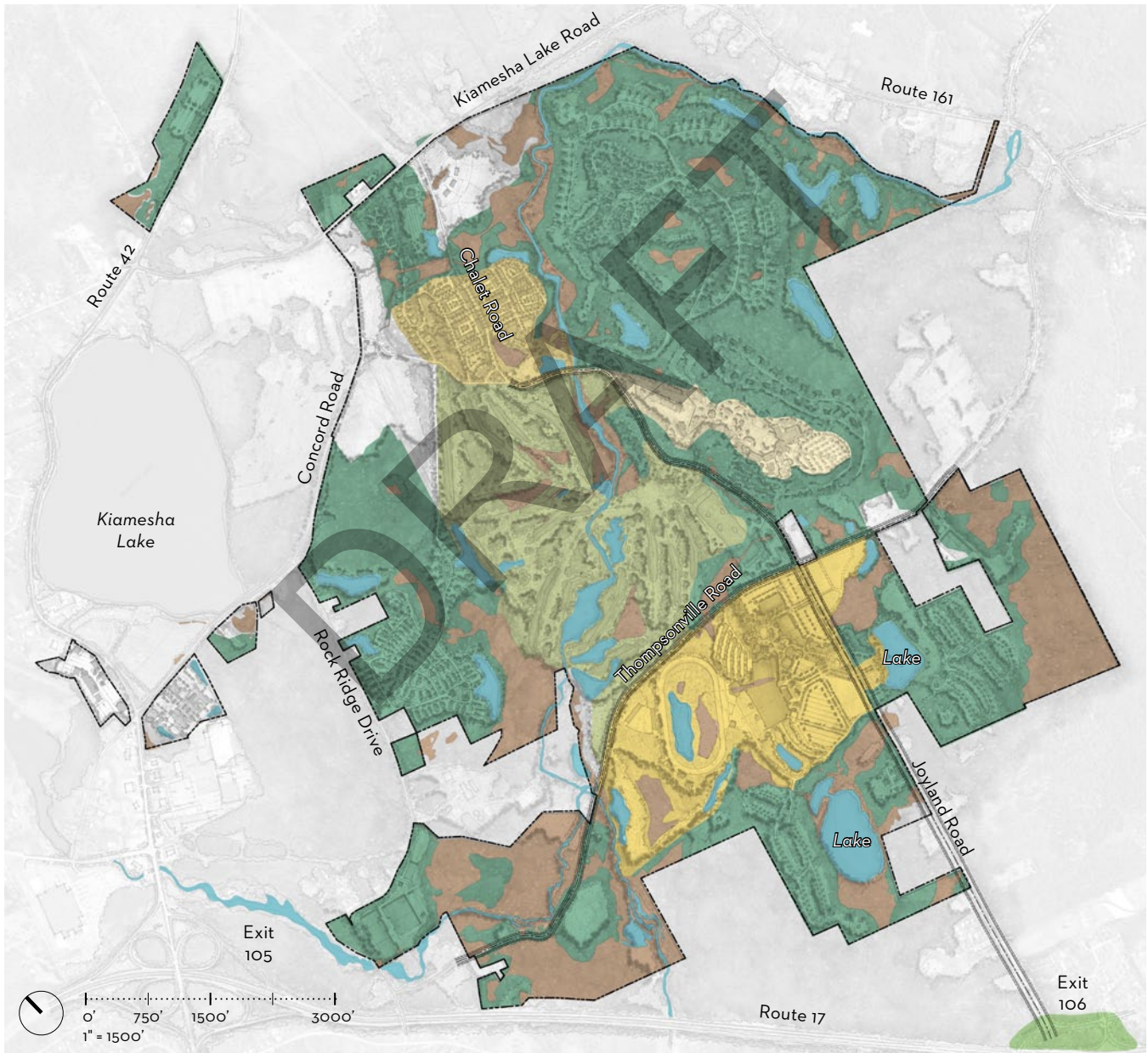


EXHIBIT 18: LANDSCAPE ZONE DIAGRAM

- Create openings: small to moderate scale clearings that allow more light and encourage an increase in plant diversity.
- Shape the edges of newly cleared stands during the development process along roads, parcels, and trails to create a more natural, undulating forest edge to the stands.
- Diversify plantings with multi-layered qualities and seasonal interest at forest edges.
- Restore existing dry-stack stone walls as part of site/cultural history.
- Enhance site walls associated with hiking trails with native mosses and lycopodium species.
- Identify specific species of trees, shrubs, herbaceous species, ferns and grasses that are natural plant communities suited to site conditions; emphasis on providing a rich and diverse viewing experience for hiker/recreational user.
- Emphasize a regional identity focused on forest enhancement while creating unique experiences throughout the property.
- *Meadows:* An existing abandoned golf course fairway near the resort core may be restored to a meadow condition, reseeded with native grasses and planted with tree species to attract wildlife and create viewing opportunities for resort users.

Golf Landscape

The Monster Golf Course will be re-designed and restored, once again providing an expansive visual and lifestyle amenity for the EPT Concord Resort. Current drainage issues, the flooding and siltation of Kiamesha Creek, and required improvements to the irrigation system may be addressed as part of the golf course redesign. Major view corridors may be maintained and enhanced. To expand multi-seasonal recreation opportunities, during winter months the golf course may be used for cross-country skiing and horse-drawn sleigh rides.

Roads

The landscape character of the roads will maintain the rural character of the existing roads. The roads will be designed and landscaped to provide a generous buffer to surrounding land uses, and will take advantage of important view opportunities.

Entry Landscape

The primary resort entry will create a strong gateway experience for the resort, with a large scale permanent entry sign monument and associated landscape design that is clearly visible from the approach road at Exit 106 from NYS Route 17. The entry sign will provide a welcome point at the entry, confirming project identity and information about the resort. From the entry, the road immediately transitions to the natural forested environment of the EPT Concord Resort. The secondary entrances from Kiamesha Lake Road and Thompsonville Road will have small scale resort monument signs for project identification and wayfinding. Signage may have minimal landscaping to integrate the monument with the forest setting.

Resort Core

- *Casino and Entertainment Core:* The casino, conference, retail and entertainment facilities at the resort core will be connected by a main pedestrian street that is active during all four seasons. A series of nodes along this thoroughfare will provide opportunities for social gathering, markets, festivals, an ice rink and passive entertainment. Lighting effects will transform the look and feel of the resort core seasonally; site furnishings and signage are intended to be artistic, lively, and playful. Long views to the golf course and the Family Resort Hotel visually connect the Resort Core with the rest of the resort. Plantings will express a contemporary Catskills design aesthetic, and shall provide an exciting counterpoint to site art and furnishings, creating a series of outdoor settings within hardscape areas. Plantings will define entries and circulation, shade seating areas, screen service areas, and generally create appropriate transitions to the surrounding natural environment. Paving materials should be permeable where feasible, and stormwater methods should be integral with the landscape design, using bioswales and rain gardens to capture, treat and infiltrate stormwater run-off from paved surfaces and buildings.
- *Lake Club:* The Lake Club will be one of the anchors of the Resort Core, drawing casino and entertainment visitors to enjoy some of the site's natural amenities. A boardwalk trail around the lake may be provided as well as a dock for fishing and access to water sports. The vegetation within the lake setback may be preserved and enhanced with native grasses, willows, berries, and sedges.
- *RV Park:* The RV Park shall integrate into the surrounding existing forest character and the layout of parking spaces should be designed around existing trees, walls, and rock features. A series of vegetated islands should be incorporated to break up the parking into smaller "rooms".

Residential Village

The Residential Village will have a network of green spaces including small parks and recreation areas, a central village green and several small ponds. Streets shall generally have regular plantings of large scale canopy shade trees and low groundcover or grass planting strips along road edges. Site circulation shall provide a safe integration of the pedestrian and vehicular environment, with pedestrian access to the community trails system. The village open space network and circulation will have a strong visual and physical connection to Kiamesha Creek.

Residential Neighborhoods

- *Forested Buffer:* As a consequence of development clearing operations, the residential neighborhoods will have the appearance of clearings, with new forest edges that have exposed trees that were formerly within the middle of a forest and therefore devoid of foliage. To both restore and enhance the natural forest edge condition, a forest buffer is proposed in the adjacent open space surrounding the neighborhoods. This forest buffer will include a vertically tiered, staggered planting of forest canopy trees, understory trees, and a forest floor shrub and herbaceous layer. Plant materials will be based on the existing native forest conditions.
- *Recreational Landscape:* The parks and commons areas will retain a natural setting and overall character, incorporating informal native plantings to complement the site character and landscape aesthetic, buffering the edges and transitioning to natural woodland. More traditional garden and landscape design elements may also occur within the core areas.
- *Rain Gardens:* The road edges should incorporate a system of planted bioswales that collect, store, treat, and convey road run-off and provide a distinctive visual amenity for the residential neighborhoods.

- *Slope Stabilization:* Based on sustainable practices, use of mechanical stabilization of slopes exceeding 25% and revegetation of all slopes with appropriate erosion control plantings that complement the natural setting will occur. Construction should avoid impacts to slopes exceeding 30%, and efforts to retain natural rock outcroppings in their state will also be a priority.

Sporting Club & Family Resort Hotel/ Ski Hill

Located on two of the site's higher elevations, the Sporting Club and Family Resort Hotel should be nestled within the surrounding forest context. The layout and positioning of these resort roads and cottages should respect the existing topography and forest framework. Existing forest will be preserved to the greatest extent possible to maintain a naturalistic feel and experience. The Ski Hill shall be maintained as a meadow and used throughout the year for seasonal activities. Parking lot guidelines are found in Chapter IV.

Trail Network

A network of hiking, biking, and walking trails may be provided to connect the amenities, neighborhoods, and natural landscapes of the EPT Concord Resort and offer a variety of multi-seasonal recreational experiences for guests and residents of the resort as well as the local community. The major multi-use trails should generally consist of asphalt or stabilized soil materials to accommodate pedestrians, bicyclists, and meet ADA accessibility requirements. The minor hiking and biking trails in the natural areas may revert to pervious, natural materials such as stabilized gravel or soil.

5 Architectural Character & Design Concepts

The architecture and landscape character of the EPT Concord Resort should be evocative of the Catskills, defining a wider vernacular for the resort. Architecture in the Catskills is informed by the land and rolling landforms with materials that draw on those within the area, including wood, timber and stone. Historic Resorts within the Catskills were typically large lodges, positioned iconically within the landscape. Other vernacular building forms come from agricultural complexes and include round barns and octagon houses. The EPT Concord Resort will reflect tradition, reference the historic resorts in color, texture, form, and materials while incorporating a contemporary use of glazing and materials. Materials should include stone and timber.

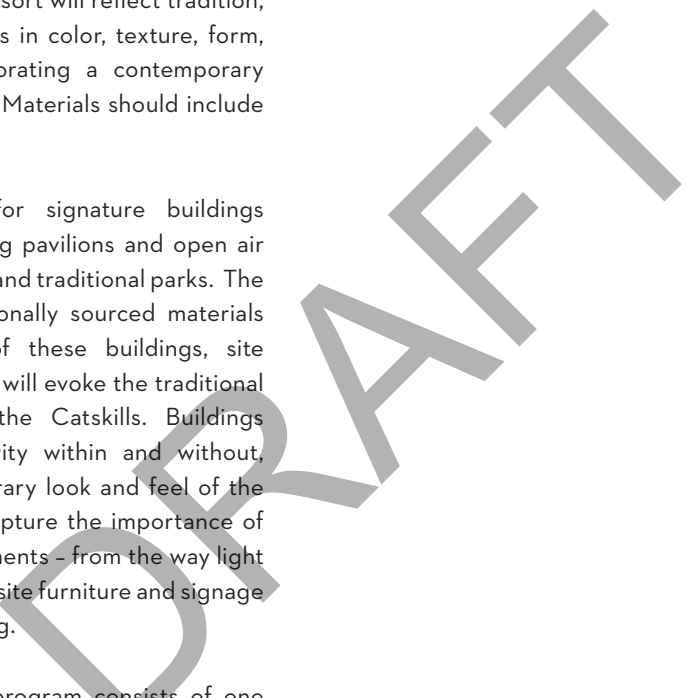
There are opportunities for signature buildings throughout the site, including pavilions and open air structures, gathering spaces and traditional parks. The clean design aesthetic, regionally sourced materials and hand-crafted details of these buildings, site structures, and site elements will evoke the traditional construction language of the Catskills. Buildings should capture views, activity within and without, and reinforce the contemporary look and feel of the place. Public spaces must capture the importance of designing complete environments - from the way light transforms spaces to the way site furniture and signage helps set the spirit of a setting.

The Entertainment Village program consists of one and two story buildings. Vertical elements will be important to balance the predominant horizontal and the dominant vertical towers of the Casino Resort. Architectural features and roof forms that increase the height and help balance the massing while creating a diverse streetscape should be implemented.

Architectural Character will be comprehensively addressed in commercial and residential design guidelines developed and enforced by the Master Association.

Refer to Exhibits 19-23 for Illustrative Concept Plans of Key Neighborhoods at the EPT Concord Resort.

Although detailed design for the proposed Casino/Hotel and Entertainment Center core buildings have not been finalized, it is anticipated that the Casino Hotel would be an architecturally significant marquis building, with a modern design, utilizing glass to maximize views of the Resort. The current casino building design uses metal panels throughout with stone and wood accents while curtainwall glass and storefront glass with metal panel banding and stone accent would be utilized on the hotel tower.



LEGEND			
1	Entertainment District • 115,000 sf Entertainment Retail • 40,000 sf Theater	10	Gateway Park
2	Ice Rink	11	Hotel & Conference Center
3	Nature Trail	12	Conference Hotel Parking
4	Casino Resort Hotel	13	Lakefront Park
5	Future Casino Resort Hotel	14	Entertainment District Parking
6	Entry Feature	15	"Tent" Event Field
7	Casino Resort	16	Stormwater Retention
8	Casino Employee Parking	17	Grandstand/Showroom
9	Casino Parking	18	Harness Horse Racetrack
		19	Grandstand/Showroom Parking

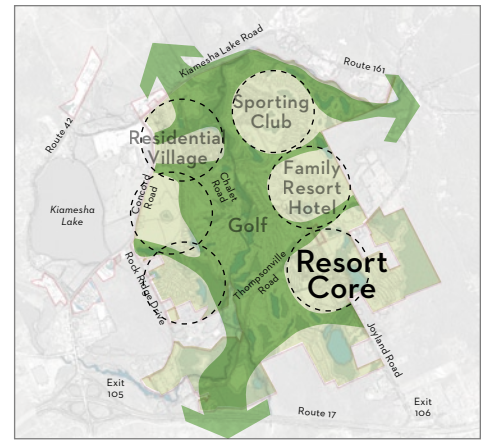


EXHIBIT 19: RESORT CORE



LEGEND			
1	Chairlift or Tube Pull	7	Gatehouse
2	Hilltop Lodge – Center for skiing/boarding, tubing, mountain biking; restaurant	8	Parking Lot
3	Putting Course	9	Family Resort Hotel – 550 keys; restaurants; fitness center; spa
4	Lawn – skating rink; croquet lawn; amphitheater; event area	10	Conference Center (40,000 - 50,000 sf)
5	Outdoor Waterpark – pools; waterslides; spa; lazy river; pool bar	11	Lawn & Raquet Sports – croquet; tennis; volleyball; basketball; shuffleboard; bocce; horsehoes
6	Indoor Waterpark (30,000 - 40,000 sf)	12	Hotel Cottages (included in total number of keys)

EXHIBIT 20: FAMILY RESORT HOTEL



LEGEND			
1	Single Family Residential Lots	6	Park Pavilion
2	Overlook	7	Creek Crossing & Nature Walk
3	Multi-family Residential	8	Medical Home
4	Retail / Commercial	9	Neighborhood Park
5	Esplanade	10	Civic Center

EXHIBIT 21: VILLAGE



EPT CONCORD RESORT
COMPREHENSIVE DEVELOPMENT PLAN



LEGEND	
1	The Lodge
2	The Spa
3	Cabins
4	Branded Residential Lots
5	Gatehouse
6	Fitness, Pilates & Yoga
7	Nature Center
8	Fish Camp
9	Outdoor Sporting Club Adventure

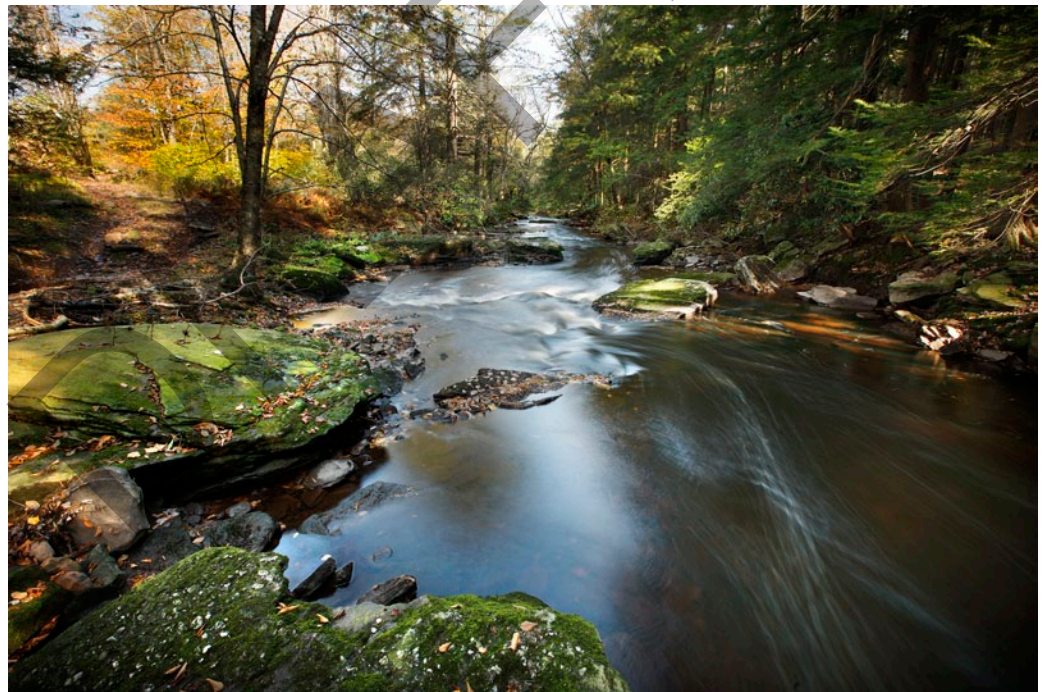
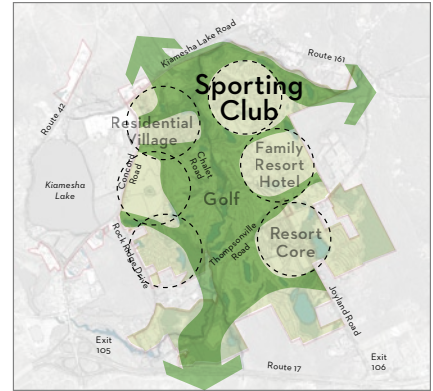
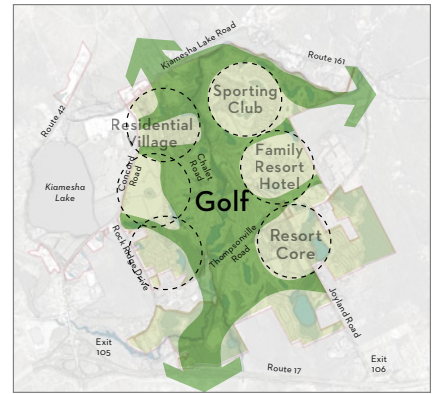


EXHIBIT 22: SPORTING CLUB





LEGEND	
1	Golf Clubhouse – Pro Shop; Locker Rooms; Bar & Grille
2	Clubhouse Dining
3	Driving Range
4	Practice Putting Green
5	Bag & Cart Storage
6	Golf Academy

EXHIBIT 23: GOLF

B. SITE INFRASTRUCTURE

1. Access & Circulation






The EPT Concord Resort will utilize a simple road network that blends with the landscape and orients guests.

ROW, Access, Circulation Improvements

The existing roadways located throughout the project site will be improved to accommodate increased traffic volumes and to create an appropriate gateway into the proposed development*. Joyland Road is proposed to be upgraded from two to four lanes. The other existing roadways within the project will need to be redesigned to incorporate wider drive lanes in conformance with current Town of Thompson design standards. In addition, all roadways are proposed to incorporate landscaping as well as pedestrian and multi-use path components to improve circulation and the aesthetic environment within the resort.

The proposed conceptual roadway alignments reflect horizontal curves which have been designed based on AASHTO design criteria for 30 mph roadways and where possible, have been situated along similar alignments of the existing roadways. The new roadway designs will potentially require bridge improvements and/or replacements in two locations (Kiamesha Creek intersections with Thompsonville Road and Chalet Road) to accommodate for utility infrastructure upgrades and widened roadway cross-sections.

Trip generation estimates were developed and then assigned to the roadway network for Phase 1 (Year 2013) of the Proposed Project. Intersection infrastructure improvements may be needed with implementation of Phase 1 to maintain level of service (LOS) D or better traffic operations at all intersection movements. LOS D conditions are generally considered the upper range of tolerable operating conditions for drivers. It is not uncommon for operations to degrade to worse than LOS D operations during the peak hours when traffic

LEGEND	
	<p>Entry Parkway (92-120' R.O.W. within Entertainment Village)</p> <ul style="list-style-type: none"> • Divided boulevard - two lanes each way. Vegetated median; width varies, 25' minimum. Travelways need not be parallel. • 35 mph design speed • Native trees/shrubs to supplement existing vegetation; canopy over road; retain existing trees wherever feasible; natural planting pattern, not formal.
	<p>Country Road (36' R.O.W.)</p> <ul style="list-style-type: none"> • Meandering country road. Alignment follows topography and responds to existing trees and rock outcrops • 30 mph design speed
	<p>Village Commercial (50' R.O.W.)</p> <ul style="list-style-type: none"> • Generally straight country road that is the "main street" through the residential village. Alignment follows village residential blocks. • 25 mph design speed
	<p>Village Residential (50-60' R.O.W.)</p> <ul style="list-style-type: none"> • R.O.W. varies based on on-street parking • 25 mph design speed
	<p>Neighborhood (36' R.O.W.)</p> <ul style="list-style-type: none"> • R.O.W. includes sidewalk and planting strip • 25 mph design speed

* The previously approved realignment of Concord Road will be accomplished by others.

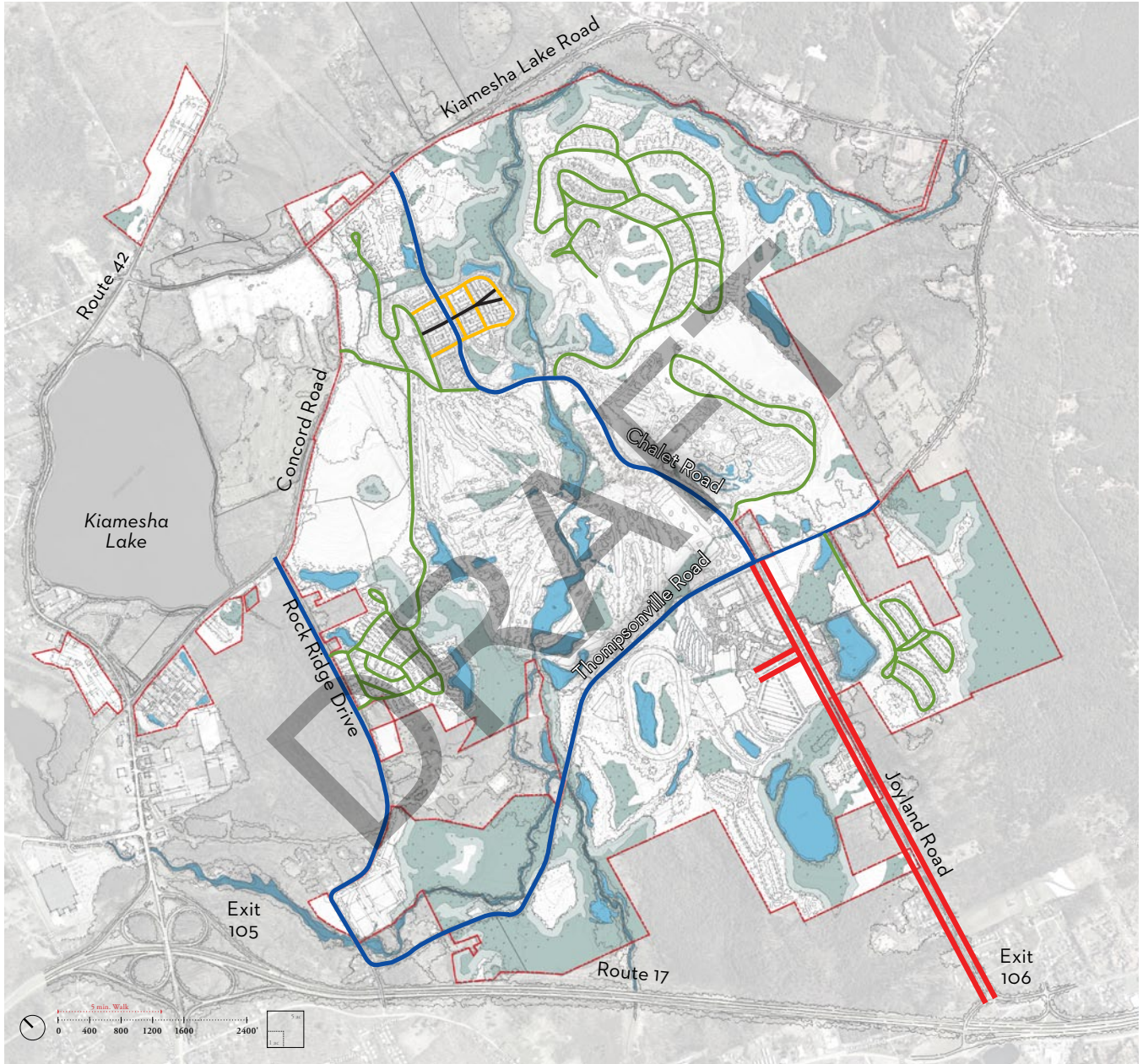


EXHIBIT 24: ROAD USE TYPES

volume is at its highest level compared to the rest of the day, however, it is desired to try to achieve LOS D operations. If the intersection was operating at worse than LOS D conditions under the No Build condition, then improvements were identified only if the Proposed Project resulted in a drop in level of service. All improvement measures will need to be coordinated with the governing agencies.

Based on the results of the DGEIS, the FEIS and the anticipated development schedule, the following improvements are tentatively deemed attributable to the development of specific Parcels:

Joyland Road and Cimarron Road Intersection:

- Install traffic signal;
- Provide separate southbound right-turn and left-turn lane;
- Separate eastbound left-turn lane; and
- Provide additional westbound lane. Re-stripe westbound approach to provide a right-turn lane and a shared through/right-turn lane.

NYS Route 17 Westbound Ramps and Cimarron Road:

- Install traffic signal;
- Re-stripe northbound approach to provide a separate left-turn lane and a shared left-turn/through/right-turn lane; and
- Install back of queue detectors to prevent vehicle spillback onto NYS Route 17 westbound.

NYS Route 17 Eastbound Ramps and Joyland Road intersection:

- Install traffic signal;
- Re-stripe bridge to provide a separate southbound left-turn lane; and
- Install back of queue detectors to prevent vehicle spillback onto NYS Route 17 eastbound.

With the Phase 1 development, Joyland Road between NYS Route 17 and Thompsonville Road would operate

at LOS D conditions. While this is an acceptable level of service, congestion would still be experienced along the roadway. Therefore, it is recommended that Joyland Road be widened from a two lane roadway to a four-lane roadway from NYS Route 17 to Thompsonville Road to accommodate the increase in traffic due to project-generated trips.

The need for the implementation of specific improvements tied to the development of specific Parcels, as outlined above, may vary depending on the ultimate phasing of the development as well as the extent of background traffic growth, which is dependent upon the completion of other developments in the area.

Pedestrian Circulation

A hierarchy of trails will flow throughout the resort, linking different districts and bringing guests into a close connection with the landscape. A paved, multi-use/bike path will link the major districts of the resort. The primary spine will run north-south from the Route 17 interchange to Kiamesha Lake Road. In addition, loop spurs will link off of the main spine, expanding the recreation options for guests.

Within the Entertainment Village, the pedestrian street will be an important outdoor gathering space that serves guests with retail establishments and recreational amenities. The vitality of the pedestrian street will have multiple uses and flexible spaces that can accommodate seasonal attractions.

Walking trails will provide links within districts as well as between districts and the multi-use/bike path. These trails will typically be wide enough for two people to walk side-by-side and may be composed from a variety of pavement surfaces. These trails will blend with the natural terrain and may incorporate stairs when steep grades are encountered.

Sidewalks parallel to roadways within the Residential Village and where appropriate are accommodated within the Right-of-Way design.

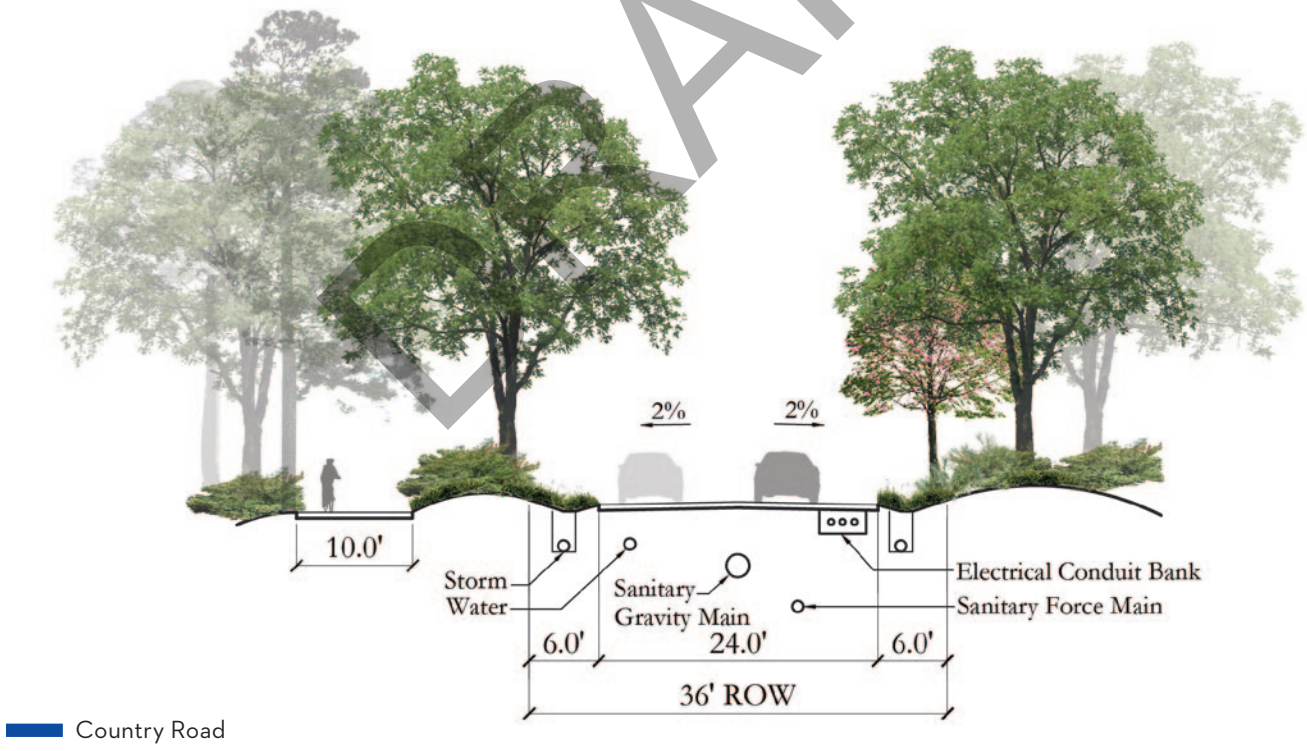
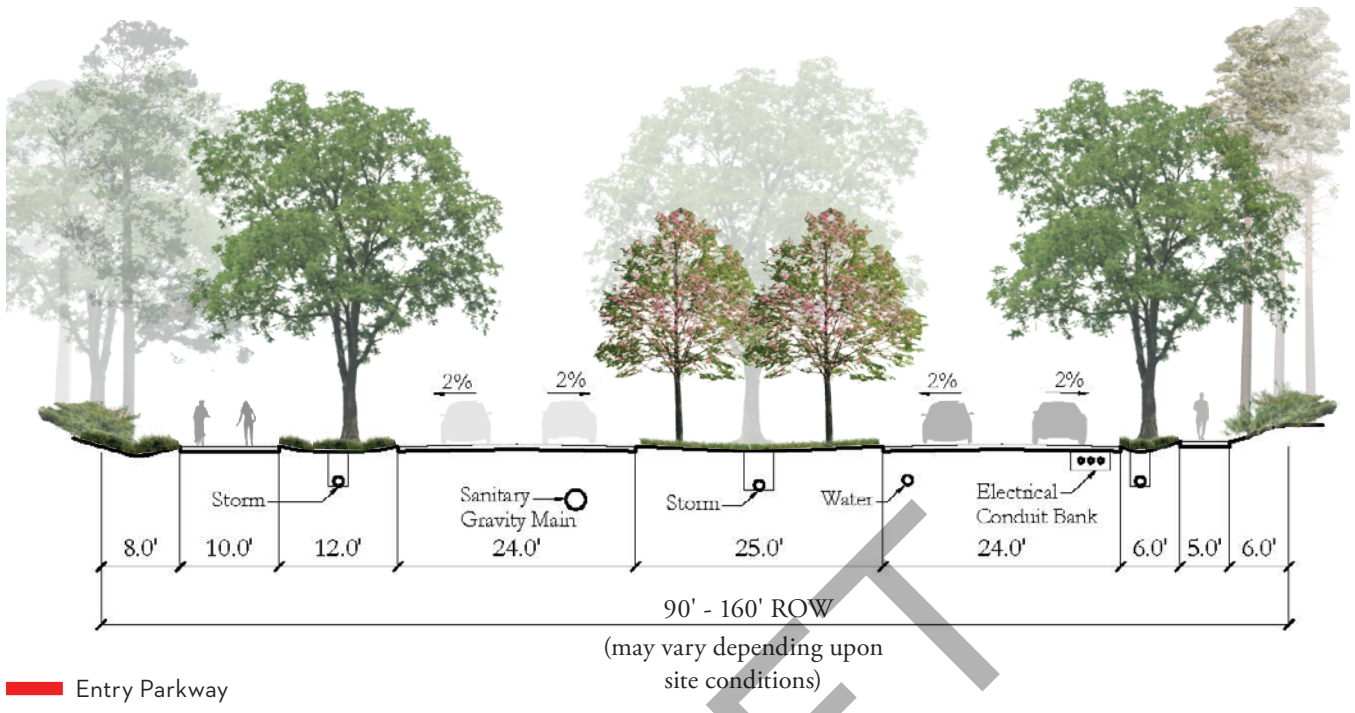
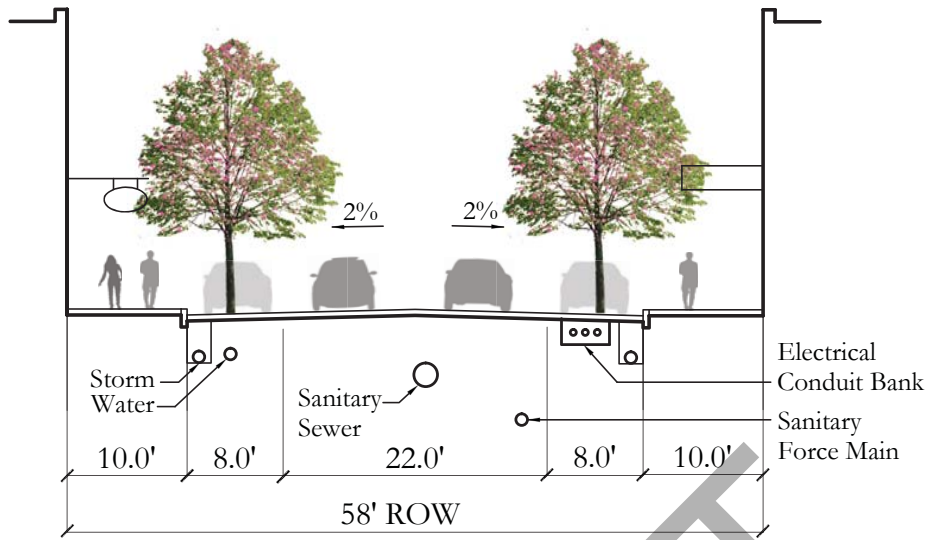
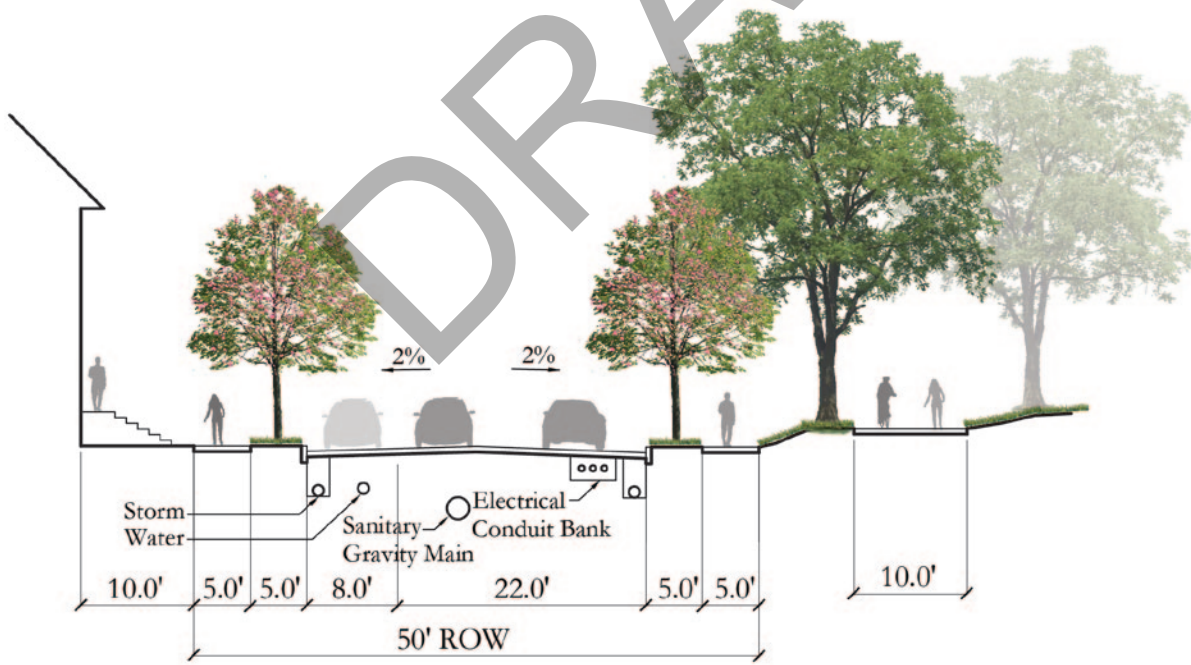


EXHIBIT 25A: ROAD SECTIONS



■ Village Commercial Street



■ Village Residential Street

EXHIBIT 25B: ROAD SECTIONS

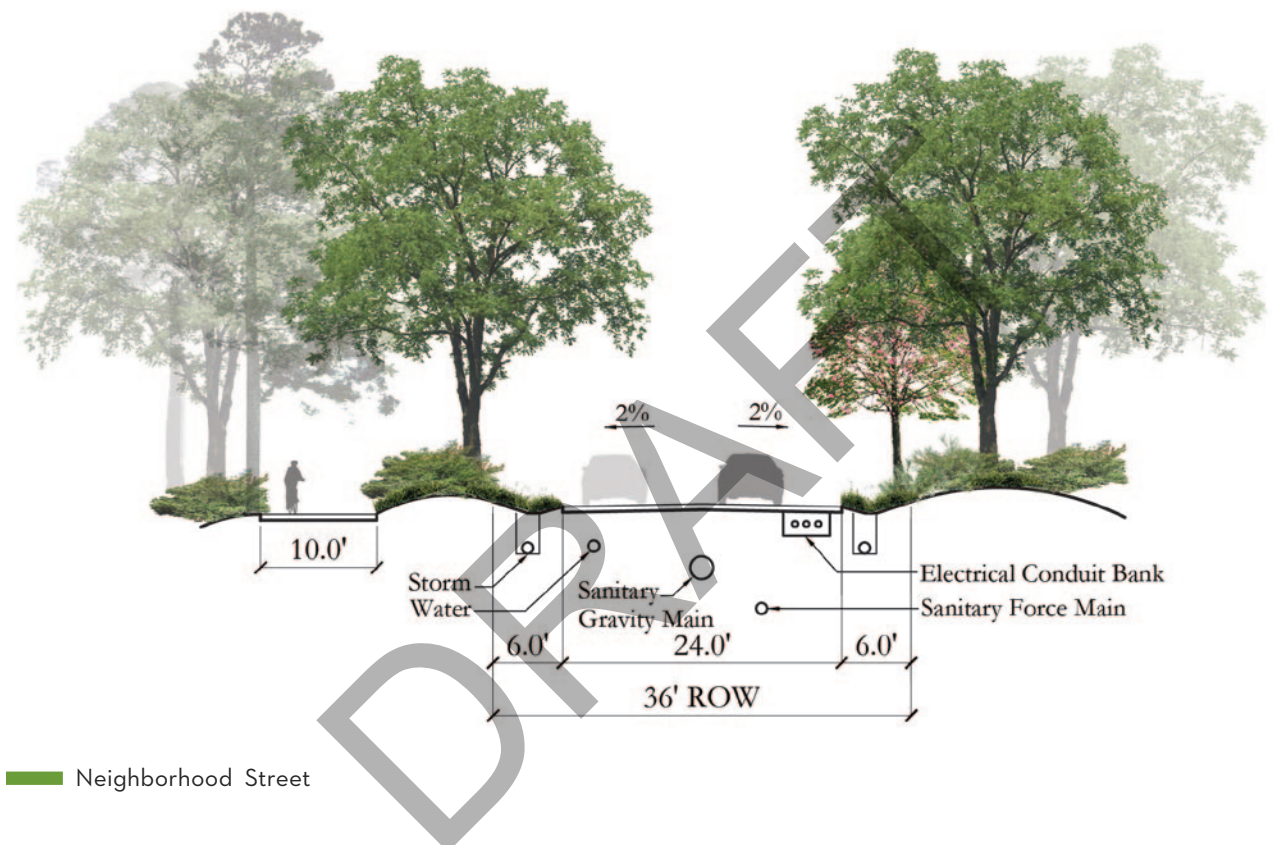


EXHIBIT 25C: ROAD SECTIONS

C. STORMWATER MANAGEMENT

Techniques, Standards and Requirements

In general, the Project Site contains mostly wooded and grass cover with a mix of single family residences, roadways and golf course related buildings. The roadway networks contain limited stormwater collection and conveyance systems with a majority of the stormwater flows directed overland and/or through culverts towards Kiamesha Creek, which traverses the site from south to north.

Proposed Techniques

The proposed will provide greater impervious surfaces to the Project Site and will thus increase stormwater peak flow rates and volumes. To mitigate for potentially adverse environmental impacts, a proposed conceptual stormwater management plan will be designed to implement both structural and non-structural best management practices. The proposed conceptual water quality measures will include but will not be limited to: grass and rock-lined swales, rain gardens and bio-retention facilities. Stormwater flows from larger storm events will be conveyed via non-structural (swales) or structural (piped) networks to extended detention facilities located throughout the different development zones. These facilities will be used to detain post-development stormwater and reduce flow rates to those equal to or less than pre-development conditions thereby protecting against downstream flooding. The overall stormwater management network will control and convey the stormwater flows on the project site in a non-erosive manner; introduce water quality measures to treat 90% of the average annual stormwater runoff volume; and incorporate water quantity controls prior to discharging into Kiamesha Creek. The desired approach will integrate green infrastructure practices throughout the proposed neighborhoods and create natural edges which meld seamlessly with the proposed development program. All stormwater facilities will be designed to comply with the NYS Stormwater Management Design Manual and Town of Thompson stormwater regulations.

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	Preliminary Proposed Drainage Boundaries
	Diagrammatic Stormwater Facility Location
	Direction of Drainage Flow
	Wetlands
	NYS DEC Wetland Adjacent Areas
	EPT Property Boundary

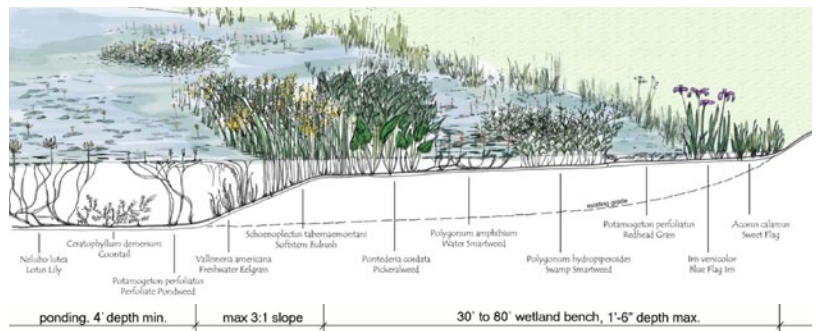


EXHIBIT 26: STORMWATER

D. WATER SUPPLY – PUBLIC OR PRIVATE

1. Existing

Based on information gathered from available records, there are three potable water supply systems in the vicinity of the Project Site, which may potentially be available to the Project. They are: private on-site groundwater supply wells, the Village of Monticello Water Department, and the Kiamesha Artesian Spring Water Company (KASWC).

On-site Groundwater Supply Wells

There are approximately 31 existing groundwater wells located throughout the Project Site, of which only two wells are currently operational. The existing groundwater wells are used to supply water to the current on-site facilities, as there are no existing public water service mains located within or adjacent to the Project Site.

The two existing operational wells (Wells Nos. 1 and 2) are permitted with an average and maximum water demand of 0.045 mg/30 days and 0.09 mg/30 days, respectively.

Village of Monticello Water Department

The Village of Monticello Water Department (Water Department) serves a population of approximately 6,300 to 12,000 people depending upon seasonal demands. The source of the Village of Monticello's community water system includes Kiamesha Lake surface water (outside of Village limits) and three groundwater wells (inside Village limits). The total current capacity of the Village of Monticello's system is 2.9 MGD. According to records, the daily use varies from an average of 1.1 MGD to a maximum of 2.3 MGD. There is approximately 600,000 gpd of excess capacity.

According to the Water Department, the Village has existing water system infrastructure within close proximity to the Project Site at the following locations:

- An existing 14-inch water main at the intersection of Concord Road and NYS Route 42.

- An existing 12-inch water main at East Broadway, south of NYS Route 17.

Kiamesha Artesian Spring Water Company (KASWC)

The KASWC is a privately owned and operated water supply company. The sources of water supply for the KASWC are surface water intakes at Kiamesha Lake and two groundwater wells. The KASWC is permitted as a community water system, providing water to a population of 500. According to KASWC, it has a daily supply capacity of approximately 926,000 gpd. The current daily demand is approximately 60,000 gpd with a peak demand of approximately 200,000 gpd. There is approximately 726,000 gpd of excess capacity.

2. Proposed

The anticipated water supply based on the proposed uses was calculated using New York State Department of Conservation (NYSDEC) Design Standards for Wastewater Treatment Works - 1988, except where noted. Based on the proposed uses, the anticipated water demand of the Phase 1 development is approximately 202,000 gpd. The anticipated water demand for all phases of the development plan is approximately 1,100,000 gpd. The following represents the possible options for the providing a potable water supply.

On-Site Groundwater Supply

The overall approach for each phase of development would be to design and construct a system of groundwater supply wells located within the vicinity of each particular phase of development.¹ Each proposed conceptual water system will consist of a well field, disinfection equipment, and water storage tanks capable of accommodating both domestic and fire protection water demand. From the water storage tanks, a looped water service distribution system would be established based on the program layout for each phase of development. Once multiple phases of development have been introduced, it would be more efficient to consolidate the different

¹According to previous reports prepared by CA Rich Associates, the Project Site had the potential to pump enough well water to meet the requirements of the previously analyzed 2006 CALP development plan, which were estimated at 1.4 MGD.

water systems into a common system to be operated by a water corporation. The Water Service concept figure (Exhibit 27, below) presents the proposed well tank and water main locations throughout the Project Site. Initial steps towards the development of the well fields and water distribution systems are expected to involve coordination with NYSDOH and the Town of Thompson to establish well site locations. Testing and development of the well field, treatment equipment, storage tanks and distribution system would be evaluated and completed. The public water supply system would be subject to the rules and regulations of NYS DEC, NYSDOH, DRBC, and the New York State Public Service Commission (NYSPSC).

Off-Site Water Supply

As previously stated, the KASWC has approximately 726,000 gpd of excess water supply capacity. In addition, the Village of Monticello has approximately 600,000 gpd of excess capacity. As both of these entities have water supply infrastructure within close proximity to the Project Site, it may be possible to enter into a contractual arrangement with one or both of these entities to meet required potable water needs of the Project. The necessary distribution infrastructure for the Project Site will be constructed and managed as needed, in accordance with all applicable rules and regulations.

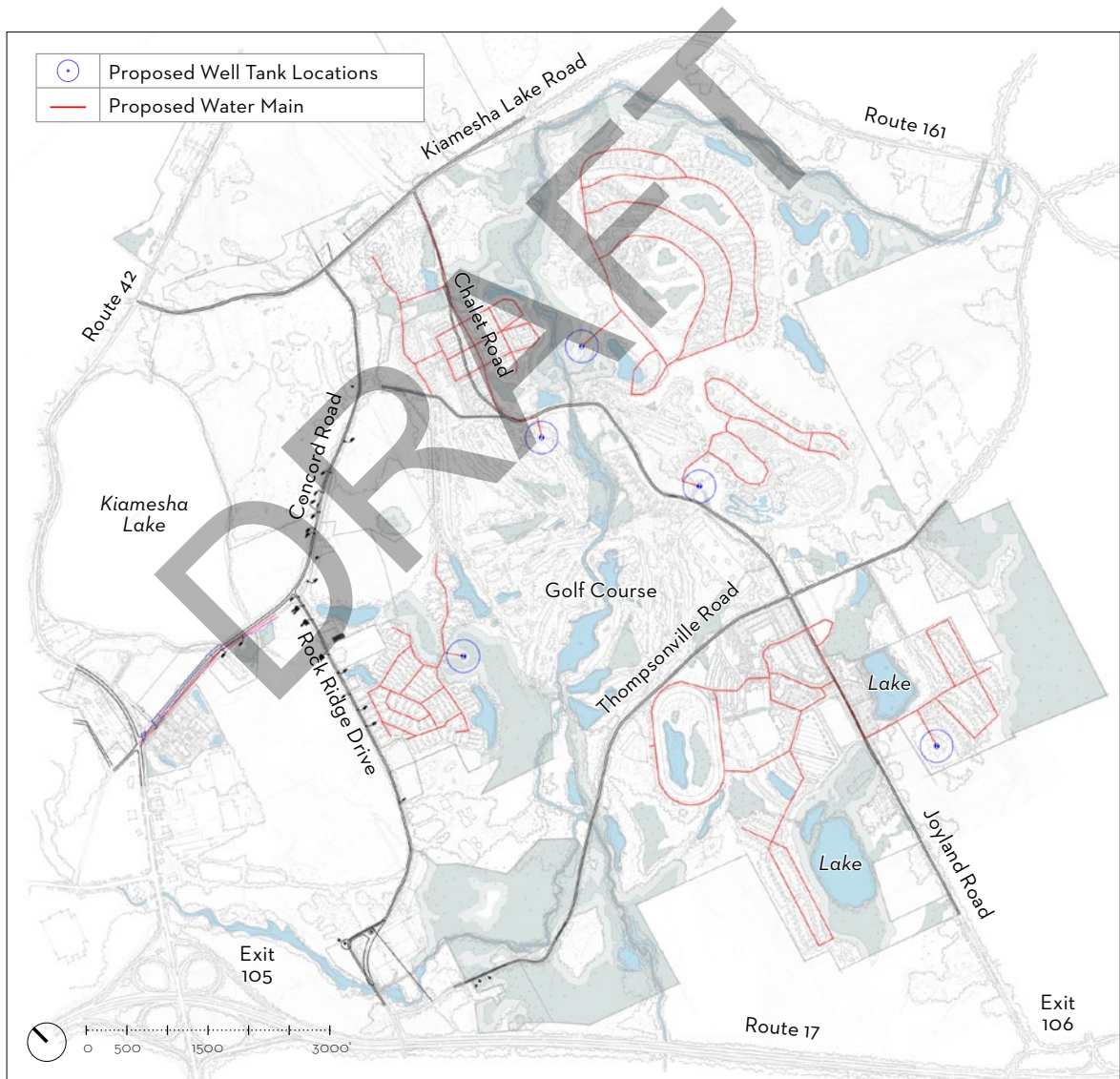


EXHIBIT 27: WATER SERVICE

E. SANITARY SEWER – PUBLIC OR PRIVATE

1. Existing

The Project Site is located within the Town of Thompson Kiamesha Lake Sewer District (“District”). The wastewater from the District is treated at the wastewater treatment facility (“KLSDSTP”) which is located along Rock Ridge Drive, just outside of the southwestern property line of the Project Site. The KLSDSTP is designed and permitted to treat 2 MGD of wastewater flow, as set forth in the NYSDEC SPDES (State Pollutant Discharge Elimination System) permit.

According to the KLSDSTP, the wastewater treatment facility currently has an available excess capacity of approximately 700,000 gpd. Phase 1 of the Proposed Project is expected to generate a total of approximately 122,000 gpd of wastewater. Accordingly, it appears that the wastewater treatment facility has the capacity to accept the wastewater needs for Phase 1 and beyond. However, at full build out the Project Site is anticipated to generate a total of approximately 972,000 gpd wastewater. According to KLSDSTP personnel, the wastewater treatment facility is designed to be expandable to accommodate future demands

2. Proposed

The Proposed Project will require all new sanitary piping, force mains and pump stations to be located on or adjacent to Town roads. It is anticipated that the sanitary network will be designed as follows:

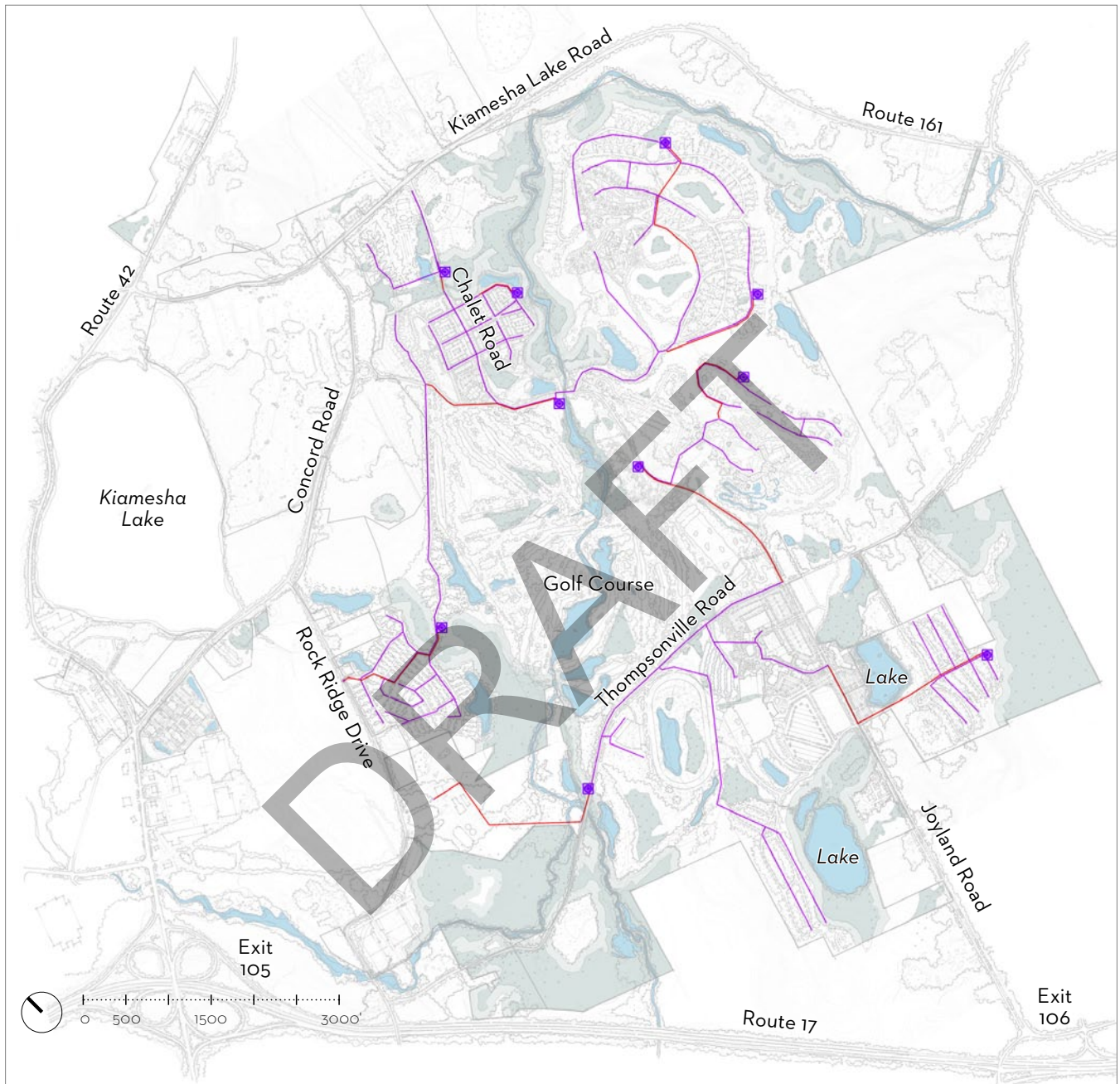
- Thompsonville Road Connection - This proposed sanitary sewer network will be constructed within the proposed Phased developments, extending into existing Thompsonville Road and Chalet Road via gravity mains and force mains in areas where the grades prohibit gravity flow. These mains will converge in a manhole at the intersection of Thompsonville Road and Joyland Road and convey the sewage via gravity and pump stations along Thompsonville Road. Ultimately, the sewage will be pumped to an existing manhole located at the

northwest corner of the existing KLSDSTP site. This portion of the collection system will be designed to convey flows from the Lake Club, Casino Resort Complex, the Resort Core, the 18-hole Golf Course & Golf Clubhouse, and the Family Resort Hotel areas.

- Rock Ridge Drive Connection - This proposed sanitary network will be constructed within the proposed Phased developments, extending into existing Chalet Road and new private roads via gravity mains and force mains in areas where the grades prohibit gravity flow. These mains will ultimately convey the sewage via gravity towards an existing sanitary line in Rock Ridge Drive. Wastewater will be conveyed to the KLSDSTP through the existing sanitary lines. This portion of the collection system will be designed to convey flows from the Village, the Sporting Club, and the Future Residential Development Site along Rock Ridge Drive.

It is anticipated that at full build out, there will be 11 pump stations constructed at low areas in the Project Site to convey the sanitary flows via force main to the KLSDSTP. These pump stations will be connected to emergency power in the event of a power outage.

Although the Proposed Project will be constructed in five phases, the sanitary infrastructure will be designed to accommodate the flows from the maximum build out of the Project Site. For example, the sanitary main proposed to be constructed in Thompsonville Road to convey the wastewater flow from Phase 1 to the existing KLSDSTP will be sized to handle not only Phase 1 flows, but the additional flows from Phases 2, 3A, 3B and 4 as they are constructed and brought into the sanitary sewer system via connections into the main in Thompsonville Road. Sanitary sewer design flow estimates are conservative and in many cases the actual flows may be less than anticipated. Each of the sanitary pump stations will be designed and constructed with flow meters recording the daily flows. The pump stations will also be designed with a high level alarm alerting the operator of potential failures, allowing for the implementation of emergency procedures to prevent discharges of sanitary wastewater to the surface.






	Proposed Sanitary Pump Station
	Proposed Gravity Sanitary Main
	Proposed Sanitary Forcemain

EXHIBIT 28: SEWER

F. ANTICIPATED DEVELOPMENT SCHEDULE

1. Introduction

The development of the EPT Concord Resort will be market driven.



Casino Resort A

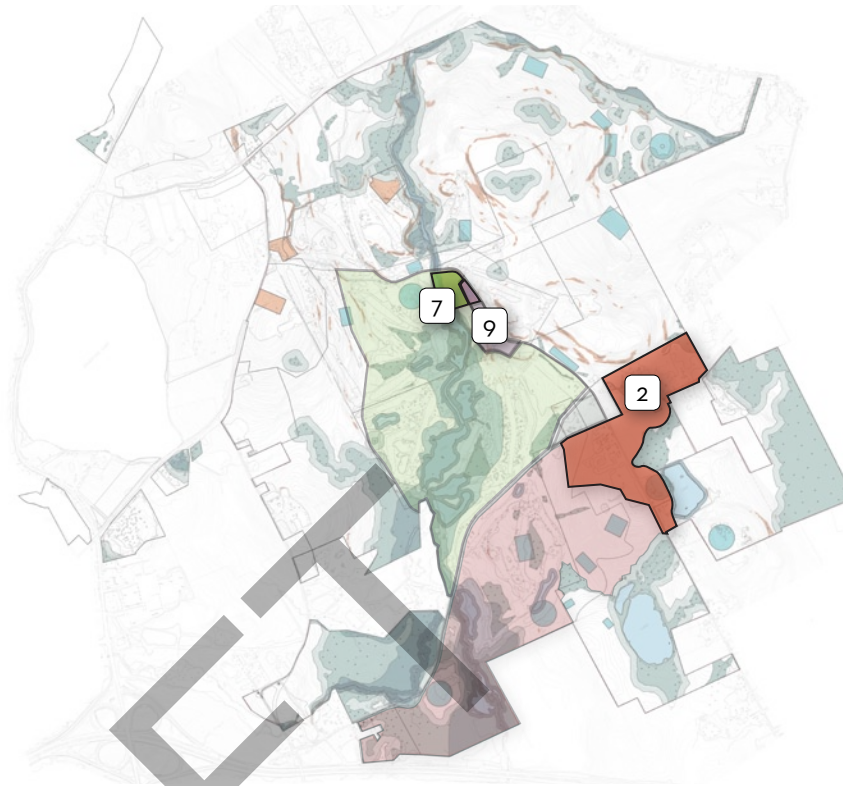


Golf





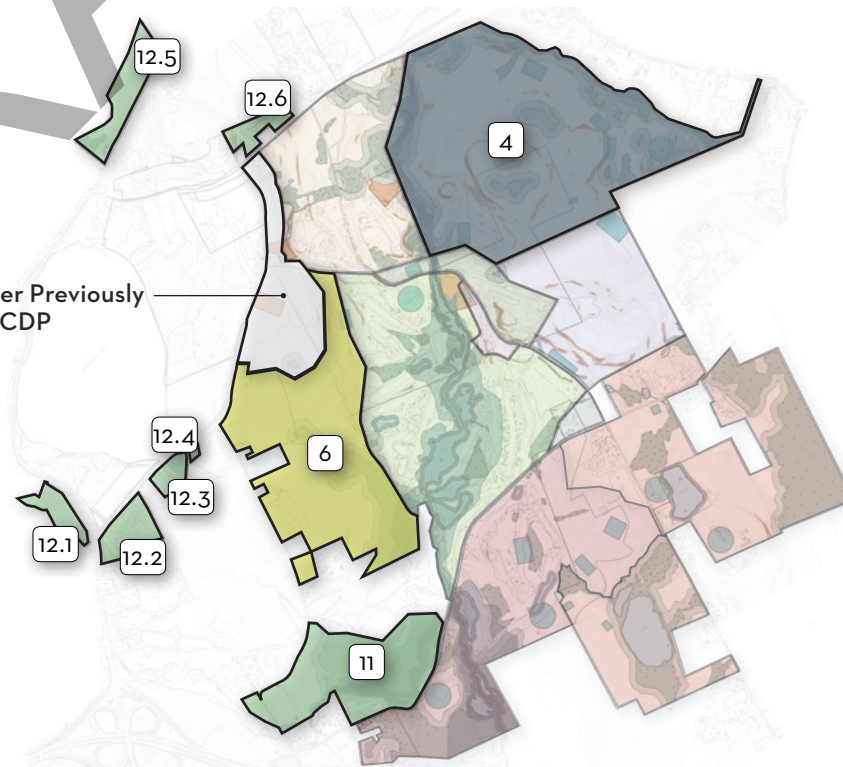
Casino Resort B



Entertainment Village



Residential Village, Hospitality & Recreation



Hospitality, Commercial & Residential

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Program per Previously Approved CDP

#	PARCEL
CASINO RESORT A: 123.90 ac	
1	Casino Resort
GOLF: 228.78 ac	
7	Golf Course
8	Golf Maintenance
9	Golf Clubhouse & Cottages
CASINO RESORT B: 69.00 ac	
1	Casino Resort
ENTERTAINMENT VILLAGE 71.86 ac	
2	Entertainment Village
RECREATIONAL & RESIDENTIAL: 478.09 ac	
2	Entertainment Village
3	Resort Hotel
5	Residential Village
10	Recreation Core
HOSPITALITY, COMMERCIAL & RESIDENTIAL: 605.50 ac	
4	Sporting Club/Residential
6	Future Development Parcel
11	Southwest Commercial Parcel
12	Commercial Parcels

EXHIBIT 29: PHASING

2. Phase 1: Casino Resort A

Location/Layout

The Casino Resort A phase is key to the success of the overall development and will focus on the Casino Resort and its associated resort roadways. The Casino Resort is a 125 acre parcel situated between Joyland Road and Thompsonville Road.

Detailed Development Program

This initial development will focus on the Casino Resort, a 248-room Hotel and Harness Horse Racetrack. Additional development will include a structured parking (constructed with the casino and hotel), 2,000 additional on-site surface parking spaces, horse paddock, and maintenance building with associated truck parking.

Access and Circulation

The main entry to the casino and the secondary entry to the surface parking lot and parking garage will be accessed from T-intersections off of Joyland Road. Entries and parking for employees, service vehicles, and horsemen will all be accessed off of Thompsonville Road.

Roadway Improvements

Joyland Road will be widened from two to four lanes and enhanced to provide a clear and controlled experience for visitors to the Casino Resort. A boulevard, with two lanes each way, will be laid out to fit with the existing terrain and serve the high volumes of casino guest traffic. The median strip will be vegetated with trees that will, in time, provide a canopy over the roadway. Vegetation on the edge of the boulevard will be preserved and enhanced to screen out adjacent land uses.



EXHIBIT 30: CASINO RESORT A

Subsequent Phases

The development of the EPT Concord Resort will be market driven.

A respect for natural features and character of the site will be applied not only to Phase 1 but to the EPT Concord Resort as a whole. Various land areas have been restricted to development including New York State Department of Environmental Conservation (NYS DEC) and United States Army Corps of Engineers (USACE) wetlands, NYS DEC wetland adjacent areas, waterbodies and any associated setbacks, FEMA-designated floodzones, slopes greater than 30%, stormwater detention basins and potable water wells and associated setbacks. After mapping these restrictions, the remaining "Net Usable Land Area" (NULA) was further reduced by incorporating privately-advocated requirements for:

- Vegetation and forestry preservation and enhancement
- Golf-view preservation and enhancement
- Roads and infrastructure
- Public parks and open space, including trails

The resulting green corridors will connect the Phase 1 and future parcels to one another and create edges which will shape the form of the neighborhoods. Each parcel will have a local network of green connections, which in turn support the site-wide linkages. These greenways may include community lakes, parks, streets, open spaces and recreation areas.

The Golf Phase, at 236.14 acres, will be comprised of renovation of the Monster Golf Course and construction of the golf clubhouse, cottages, golf maintenance building, as well as a golf clubhouse.

The Casino Resort B Phase, at 69.00 acres, is anticipated to include the construction of an additional 250-room hotel tower at the Casino Resort site, west of the Entertainment Village, and the development of any supplementary back-of-house needs for the Casino Resort.

The Entertainment Village Phase will comprise of the movie theater, the event field, and approximately 115,000 square feet of commercial retail. In addition to the Entertainment Village, the brownfield site located off of Chalet Road may complete its clean-up, allowing for additional golf cottages to be built, should the market allow, or for a more substantial landscape transition between the road and the Monster Golf Course.

A potential subsequent phase (with a cumulative parcel size of 478.09 acres) will consist of the development of the Recreational Vehicle Park along with the construction of a Lakefront Conference Hotel. Also in this phase, and market willing, the Residential Village, Recreation Core and Resort Hotel would also come on line.

The Hospitality, Commercial & Residential Phase, at approximately 605.50 acres, is anticipated to include the Sporting Club and two future development parcels – one that may comprise residential uses (Parcel 6) and the other which may comprise commercial uses (Parcel 11). As a separate alternative and depending on the market, there is potential for the Sporting Club parcel (Parcel 4) to be developed as age-qualified residential housing. The non-contiguous parcels located along NYS Route 42, Concord Road and Kiamesha Lake Road may be developed within this phase as well.



LEGEND	
	Casino Resort A
	Golf
	Casino Resort B
	Entertainment Village
	Residential Village, Hospitality & Recreation
	Hospitality, Commercial & Residential

EXHIBIT 31: CONSTRUCTION DEVELOPMENT PHASING MAP

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IV. DEVELOPMENT STANDARDS AND REQUIREMENTS

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INTRODUCTION

Development standards for the EPT Concord Resort establish the fundamental objectives and guidelines upon which the resort community will be constructed. The standards foster a variety of residential, commercial and civic uses with careful consideration to the physical scale of use types as the use types relate to each other, adjacent open space, and the surrounding landscape as a whole. The development standards described herein are instrumental in the creation of the desired community form and character and are enforceable by the Town Board and the Planning Board.

A. DEVELOPMENT CODE TABLE

The EPT Concord Resort has been planned to contain a variety of land uses and building types with the intent to support a resort community where residents and visitors can live, work, play, shop and discover. The Development Code Table on the following page presents Building Lot Bulk Design Standards and Parking Requirements that are permitted based on the resort's twelve distinct environments: the Casino Resort; Entertainment Village; Family Resort Hotel; Sporting Club; Residential Village; Future Development; Golf; Recreation Core; Southwest Commercial Parcel; and Commercial Parcels.

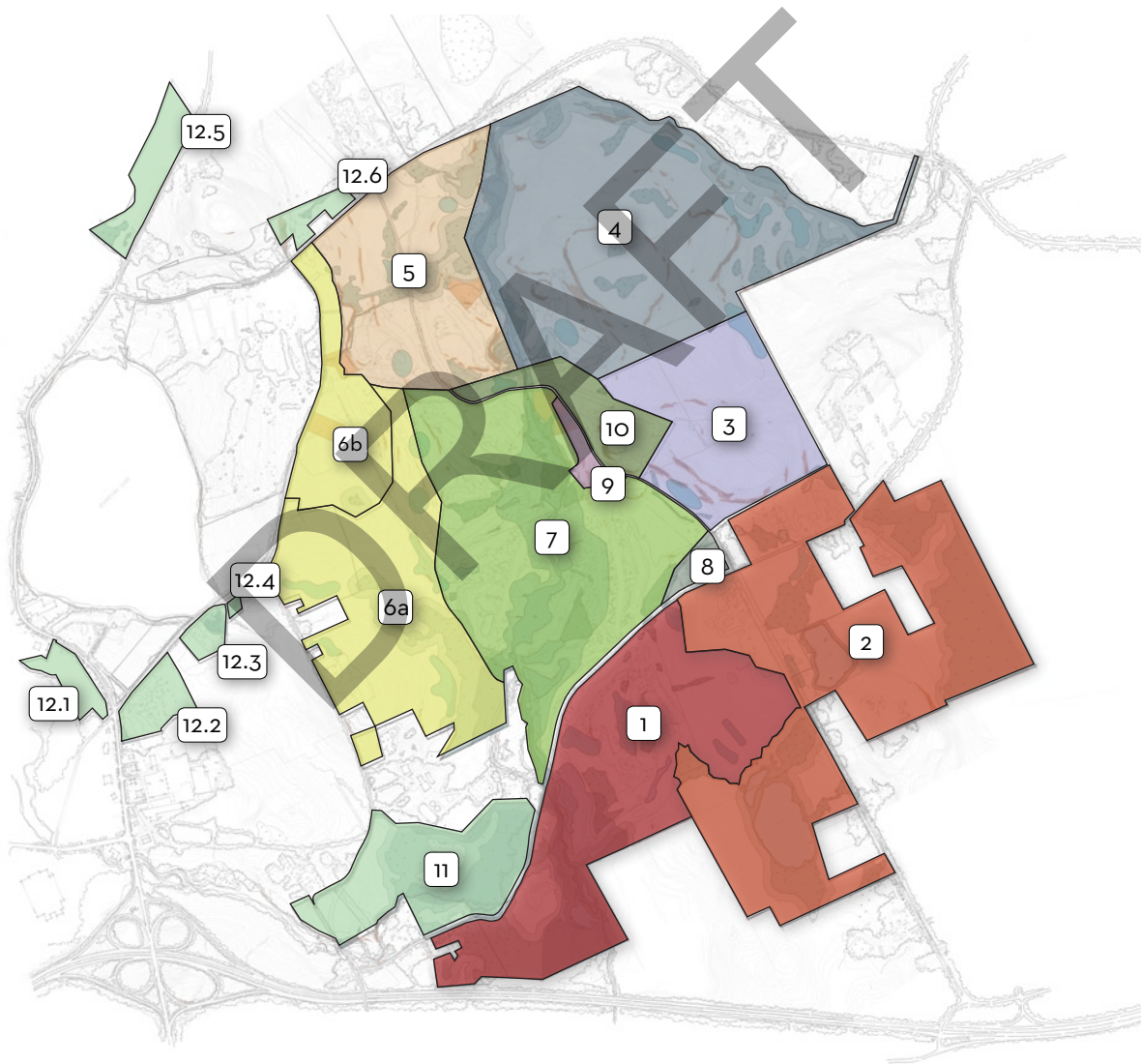


EXHIBIT 32: PARCEL PLAN

PERMITTED USE				PROPOSED PROGRAM SF, D.U. / KEYS	MAX. BUILDING HEIGHT	REQUIRED PARKING									
1. CASINO RESORT: 192.9 AC															
Hospitality				498 keys	125'	1/key + 1/employee									
Casino & Harness Horse Racetrack				331,400 sf	55'	1 per 7 VGMs									
Accessory Use				15,000 sf	55'										
Grandstand/Showroom				33,000 sf	55'	1/3 seats or 1/50 sf of seat area									
Maintenance Shed & Paddock				40,600 sf	35'	1/1500 sf - main, 1/200 sf - padd.									
2. ENTERTAINMENT VILLAGE: 282.20 AC															
Hospitality				250 keys	95'	1/key + 1/employee									
Accessory Use				50,000 sf	25'	N/A									
Commercial (Retail)				155,000 sf	45'	5/1000 sf									
Commercial				25,000 sf	35'	4/1000 sf									
3. FAMILY RESORT HOTEL: 100.55 AC															
Hospitality				550 keys	75'	1/key + 1/employee									
Accessory Use				95,000 sf	75'	N/A									
Commercial				21,500 sf	35'	N/A									
4. SPORTING CLUB: 267.10 AC*															
Option 1															
Hospitality				250 keys	55'	1/key + 1/employee									
Branded Residential**				170 du											
Option 2															
Residential (Age-Qualified)	Product Type	Typical Lot Area	Typical Density	410 du	# OF STORIES/ MAX BUILDING HEIGHT	MINIMUM BUILDING SETBACKS	REAR STANDARD/ ALLEY	SIDE	MIN. / MAX. NUMBER OF BEDROOMS	MAX. LOT COVERAGE					
	Single Family Attached	1,900 sf - 2,400 sf	14.0 - 11.0 du/ac								3.45'	6'-18'	1.5/du	1/3	95%
	Single Family Detached Small	2,900 sf - 5,775 sf	9.0 - 4.1 du/ac								2.5, 35'	6'-18'	2/du	1/4	60%
	Single Family Detached Medium	6,600 sf - 9,600 sf	3.6 - 2.5 du/ac								2.5, 35'	18'	2/du	1/5	50%
	Single Family Detached Large	21,780sf - 87,120 sf	1.0 - 0.3 du/ac								2.5, 35'	24'	2/du	1/7	33%
5. RESIDENTIAL VILLAGE: 126.61 AC															
Commercial				95,000 sf	55'	4/1000 sf									
Civic Center				35,000 sf	35'	4/1000 sf									
Mixed-Use				20,000 sf	55'	5/1000 sf & 1.5/du									
Residential	Product Type	Typical Lot Area	Typical Density	365 du	# OF STORIES/ MAX BUILDING HEIGHT	MINIMUM BUILDING SETBACKS	REAR STANDARD/ ALLEY	SIDE	MIN. / MAX. NUMBER OF BEDROOMS	MAX. LOT COVERAGE					
	Multi-Family	1,250 sf - 1,550 sf	20.0 - 17.0 du/ac								3.45'	2'-12'	1.5/du	0/3	95%
	Single Family Attached	1,900 sf - 2,400 sf	14.0 - 11.0 du/ac								3.45'	6'-18'	1.5/du	1/3	85%
	Single Family Detached Small	2,900 sf - 5,775 sf	9.0 - 4.1 du/ac								2.5, 35'	6'-18'	2/du	1/4	60%
	Single Family Detached Medium	6,600 sf - 9,600 sf	3.6 - 2.5 du/ac								2.5, 35'	18'	2/du	1/5	50%
6. FUTURE DEVEL. PARCEL: 204.46 AC															
Residential	Product Type	Typical Lot Area	Typical Density	350 du	# OF STORIES/ MAX BUILDING HEIGHT	MINIMUM BUILDING SETBACKS	REAR STANDARD/ ALLEY	SIDE	MIN. / MAX. NUMBER OF BEDROOMS	MAX. LOT COVERAGE					
	Single Family Attached	1,900 sf - 2,400 sf	14.0 - 11.0 du/ac								3.45'	6'-18'	1.5/du	1/3	85%
	Single Family Detached Small	2,900 sf - 5,775 sf	9.0 - 4.1 du/ac								2.5, 35'	6'-18'	2/du	1/4	60%
	Single Family Detached Medium	6,600 sf - 9,600 sf	3.6 - 2.5 du/ac								2.5, 35'	18'	2/du	1/5	50%
	Single Family Detached Large	21,780sf - 87,120 sf	1.0 - 0.3 du/ac								2.5, 35'	24'	2/du	1/7	33%
7. GOLF: 236.14 AC															
Commercial				24,000 sf	35'	4/1000 sf									
Accessory Use				9,000 sf	35'	N/A									
Hospitality				12 keys	35'	1/key + 1/employee									
10. RECREATION CORE: 33.23 AC															
Commercial				5,000 sf	35'	4/1000 sf									
11. SOUTHWEST PARCELS: 75.24 AC															
Commercial				175,000 sf	55'	4/1000 sf									
12. COMMERCIAL PARCELS (ALL): 58.70 AC															
Commercial				290,000 sf	55'	4/1000 sf									
Hospitality				250 keys		1/key + 1/employee									

Note: the above indicated program elements are not considered an aggregate sum; but rather, a maximum allowance for each permitted use. Refer to Chapter III, page 24, for the project-wide programming limits

Note: Parcel names and numbers correspond to Exhibit 32: Parcel Plan.

* Options 1 and 2 represent two alternate development scenarios for Parcel 4. Concurrent development of the two alternates would not occur.

** See Option 2 for the range of product types and standards to be implemented as part of Option 1.

du	dwelling unit(s)
key	unit of hospitality accommodation (regardless of unit size)
sf	square feet

PARKING REQUIREMENTS	
USE	MINIMUM PARKING SPACES
Single family dwellings	1.5 for single family attached; 2 per dwelling unit for single family detached
Multi-family dwellings	1.5 per dwelling unit
Hotel	1 per guest room, plus 1 for each employee engaged on the premises; related uses, such as restaurants and meeting facilities, shall be calculated separately
Group home / Medical home	0.5 per bed
Outdoor sales	4 for the first 300 square feet of such use, plus 1 for each additional 150 square feet of sales area
Auditorium or Place of Assembly (including Grandstand/Showroom)	1 for 3 seats or 50 square feet of seating area where fixed seating is not provided; 1 for each 12 classroom seats
Retail and service stores or shops, Back of House	5 per 1000 square feet of floor area
Eating and drinking places	1 for each 3 seats
Amusement facilities, except bowling alleys	1 for each 5 patrons plus 1 for each employee
Spa/Pool/Fitness Facilities	5 per 1000 square feet of floor area
Offices	4 per 1000 square feet of floor area
Casino	1 per 7 VGMs
Paddock	1 per 1200 square feet of floor area
Maintenance Building	1 per 1500 square feet of floor area

Note: On-street parking adjacent to the lot may be considered in calculating parking spaces for the individual Lot.

Note: Minimum parking ratios for hotel or residential accessory uses are within the ratios provided for their primary use.

B. PARKING AND LOADING

Objectives

There are several key objectives for the design of parking areas in the EPT Concord Resort:

- Maximize loading and parking efficiency while minimizing the effects of extensive paving.
- Minimize visibility of loading areas/docks and parked cars or parking structures where feasible.
- Provide the feeling of a smaller overall parking area through strategic plantings and employ landscape to create parking "rooms."
- Aesthetically integrate parking areas into the overall landscape.
- Encourage uses that accommodate shared parking opportunities.
- Optimize safety and aesthetics through adequate lighting while maximizing energy efficiency through fixture selection and layout.
- Minimize stormwater runoff from impervious surfaces and maximize infiltration opportunities.
- Maximize tree canopy coverage to reduce heat island effect.

Guidelines

- Parking may be provided within 600 feet of the site that it serves.
- Where possible, loading areas, parking areas and structures should be located to the rear or sides of lots and buildings in order to minimize their visibility from public rights of way.
- Loading areas and parking lots should always be masked from the frontage streets by a liner building, streetscreens, or landscaping.
- Pedestrian safety should be considered in the layout of walkways and adequate, energy-efficient lighting.
- Where an alley is present, access to loading areas and parking areas should be provided from the alley.
- Where an alley is not present, loading areas and parking areas should be accessed by way of a driveway.
- Curb cut widths and driveways accessing the street from loading areas and parking areas should be as narrow as possible to accommodate normal vehicular ingress and egress.
- Cross-access/internal inter-parcel access drives are encouraged between parcels sharing a common parcel line.
- Curb cuts and entry driveways should be constructed as shared access points along common parcel lines where practical.
- Promote the use of bioswales as part of overall stormwater control measures and include, as feasible, native, wet-tolerant shade trees and mixed plantings with an informal native woodland character. Bioswales may occur at parking lot perimeters and / or planting islands.
- Where feasible use permeable pavement materials to reduce stormwater run off.
- Large-scale canopy trees or other shading devices should be used to provide shade cover for the parking areas.
- Add shade and overall visual relief to larger parking areas with a densely planted buffer running continuously along the parking perimeter as well as employing landscape to subdivide larger interior expanses of parking in to more human scaled "parking rooms."
- Parking areas shall provide shade trees at a rate of at least one tree per five parking spaces and such trees shall be spaced around the interior of the parking area and intermixed with appropriately sized shrubs and ground cover.
- Add landscaped berms at perimeter of larger parking areas in particular within the Entertainment Village and Casino Resort to minimize visual impact from the Entry Parkway and Country Roads.
- Street screens, which may be composed of vegetation, wood slats, masonry walls and/or metal fencing, should be provided to screen loading areas and parking areas from adjacent streets where feasible.
- Street screens should be a minimum of three feet six inches tall and a maximum of 10 feet tall measured from the adjacent street or sidewalk surface.
- Street screens over 3 1/2 feet tall should have maximum opacity of 80% for those portion above 42 inches. Street screens should have openings no larger than necessary to allow pedestrian and vehicular access.
- Street screens should be combined with appropriate plantings to soften their visual impact.

Shared Parking

When an individual block or lot within its boundaries has more than one use, shared parking may be considered in establishing the appropriate amount of parking. The Shared Parking Factors below for two functions, when divided into the sum of the two minimum parking requirements identified above, produces the Effective Parking needed for each site involved in sharing. The Sharing Factor may also be used to derive the amount of built area that could be accommodated on a site with a given amount of parking.

Function	Residential	Lodging	Office	Retail	Restaurants, Theaters, Night Clubs
Residential	1.0	1.1	1.4	1.2	1.1
Lodging	1.1	1.0	1.7	1.3	1.0
Office	1.4	1.7	1.0	1.2	1.7
Retail	1.2	1.3	1.2	1.0	1.3
Restaurants, Theaters, Night Clubs	1.1	1.0	1.7	1.3	1.0

For example, if a lot has 10 residential units and 3,000 square feet of retail space, the parking requirements would be calculated as follows:

Use	Program	Parking Requirements	Spaces Required
Residential	10 Units	1.5 spaces per unit	15 spaces
Retail	3,000 sf	1 space per 300 sf	10 spaces
Totals			25 spaces
Sharing Factor			1.2
Effective Parking Calculation			20.8 spaces
Effective Parking Requirement			21 spaces

Parking Stall Dimensions

Parking stall dimensions vary with the angle at which the stall is arranged in relation to the aisle. Stall widths may (measured perpendicular to the vehicle when parked) range from 8-1/2 to 9-1/2 feet. The typical width for public use parking spaces is 9 feet by 18 feet. Stall dimensions for compacts and similar-sized vehicles are 7-1/2 feet by 15 feet and grouped together in a prime area to promote their use. Stall width for parking lots where shoppers generally have large packages, such as supermarkets, is 9-1/2 feet wide. Parallel parking stall dimensions are 8' feet by 22 feet. Drive aisles should be 24 feet wide.

Parking Angles

Angles for parking stalls are 45, 60, and 90 degrees

Neighborhood Electric Vehicle Parking (NEV)

Support residents and guests who need a place to store their NEV, who seek to commute to work by NEV, or those who want to use their NEVs for short trips by focusing on three complementary functions of NEV parking serving a broad range of needs:

- Local parking at the NEV users dwelling
- Employee NEV parking for nearby commuters at their workplace
- General purpose NEV parking in parking lots and parking garages

Bicycle Parking

Support residents and guests who need a place to store their bikes, who seek to commute to work by bike, or those who want to use their bikes for short trips or recreation by focusing on three complementary functions of bicycle parking serving a broad range of needs:

- Local parking at the bicyclist's dwelling
- Employee bicycle parking for commuters at their workplace
- General purpose bicycle parking in parking lots and parking garages

Use a variety of parking systems, from horizontal ones to space-efficient vertical ones.

C. GRADING & DRAINAGE

Site development, grading and drainage improvements should focus on minimizing impacts to the site and landscape, protecting water quality, and promoting the continued use of natural drainage systems. Primary goals of site development efforts should include:

- Protect and preserve surrounding natural areas and wetlands.
- Preserve and/or mimic the natural hydrology of the site.
- Control stormwater at the source, to the greatest extent possible, by utilizing on-site detention/retention and infiltration techniques where feasible.
- Incorporate on-site and off-site Rainwater Best Management Practices (BMP) and low impact development (LID) concepts into site design where feasible.
- Utilize a network of small, simple stormwater control solutions where feasible to contain and infiltrate runoff on site and decrease flooding potential.

D. RAINWATER MANAGEMENT

Objectives

Contribute to effective stormwater management throughout the developed portions of the project through appropriate landscape initiatives on the individual parcels that capture and infiltrate rainwater within landscape areas.

Guidelines

- Where practicable, on-site stormwater management within individual lots shall include the use of biofiltration, porous pavement, rain gardens, cisterns and bioswales.
- The use of park areas for stormwater management is encouraged to the extent it is feasible.
- Within parking areas, the use of pervious paving and bioswales with appropriate landscaping should be used where practicable and feasible.
- Stormwater management systems should relate to the surrounding context in shape and detailing.

E. LOW IMPACT DESIGN

A building's design and siting determines its overall ecological impact. The following summarizes overall design strategies and fundamental site planning concepts of Low Impact Design (LID). The essential goal of LID is to maintain or replicate the predevelopment hydrologic functions of the site through the use of design techniques. Key LID measures include:

- Site buildings to minimize grading and earthwork. This reduces construction costs, such as those associated with retaining systems and drainage redirection, and minimizes soil erosion and downstream water impacts.
- Reduce hydrologic impacts by minimizing impervious surfaces, graded areas, and vegetation clearing.
- Allow for a distributed control of stormwater methods by using a network of smaller, simple solutions throughout the site. This includes finding increased opportunities for infiltration (utilizing pervious surfaces) or containment on-site, depression storage, bioswale applications and vegetated swales, which mimic the natural hydrologic functions of the site while at the same time adding aesthetic value.
- Control stormwater at the source rather than only using end-of-pipe solutions. Minimizing or mitigating hydrologic impacts of land use activities closer to the source of generation by infiltration, interception, retention ponds, and/or depression storage decreases the need for piping and protects the landscape and water quality.
- Decrease the utilization of typical engineering materials such as concrete and/or steel. By using materials such as native plants, soil, crushed rock applications and/or water features, a more integrated natural landscape will result.

F. LIGHTING STANDARDS

Objectives

Primary objectives for lighting within the EPT Concord Resort include:

- Provide a perception of safety, providing sufficient illumination at pedestrian ways and sidewalks that enable and encourage pedestrian-friendly districts in a manner that is unobtrusive and enhances the physical setting.
- Produce necessary and sufficient visibility at night for roadway lighting.
- Create a unified design aesthetic, utilizing streamlined, contemporary designs and a consistent lighting approach applied throughout the resort.
- Preserve the night sky and avoid light intrusion through the incorporation of dark sky lighting principles.
- Utilize energy efficient lighting technology to reduce energy use.
- Provide for flexibility to adapt and upgrade as technology advances in the future.
- Meet all jurisdictional requirements and Illuminating Engineering Society (IES) industry standards for recommended light levels.

General Lighting Guidelines

- Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment and commerce.
- Nighttime lighting through the EPT Concord Resort will vary based on location and use. Dark Sky Standards will apply outside of the Resort Core to protect the dark nighttime sky.
- Lighting should use fully shielded light sources and full cut-off fixtures designed to shield the source of light and prevent light spill or glare traveling onto other properties. Generally, lighting is not to be visible from off-site.

- Exterior landscape lighting levels should not exceed 25 watts or the equivalent level of illumination.
- Uplighting of trees and/or structure will generally be limited to focal heritage trees and/or key architectural elements that have high visibility and importance, rather than to highlight individual landscapes or buildings.
- Sign lighting should typically be integrated into the sign or monument as shielded downlighting or concealed backlighting. Small, external low-level landscape lights may be utilized, but should be concealed within the landscape, properly shielded and aimed to avoid glare.

Street, Parking Lot & Pathway Lighting Guidelines

Streets

Energy-efficient, full-cutoff pole fixtures are to be utilized to provide adequate light levels for safety. The height of street light poles varies according to street type:

Parking Lots

Energy-efficient, full-cutoff pole fixtures are to be utilized to provide adequate light levels for safety. Pole heights shall be a maximum of 20' tall, and spaced to achieve recommended light levels. For energy efficiency, either LED or metal halide fixtures shall be utilized. For visual consistency, fixtures are to have clean contemporary designs and shall be an approved dark neutral color such as dark bronze or gunmetal to blend with the forest surroundings and tree canopy.

Pathway Lights

Small pathway lights may be utilized, provided they are fully shielded and do not create a "runway" lighting effect. In public areas such as parks, plazas and wide sidewalks, pedestrian pole lights 9'-12' in height are the preferred type of path light. Commercial grade bollards and path lights may be used as appropriate.

Lighting Operations

Hours of operation for all exterior lighting, including signage, roadways, pathways, recreational lighting in parks and community centers, and landscape lighting within individual lots will be subject to review. In general, street lights will operate from Dusk to Dawn with possible reduced light levels during non-peak hours. Within individual lots, the use of timers and/or lighting controls is required. Commercial sign lighting, commercial landscape lighting, parking lots and pedestrian pathway lighting is generally not allowed after 11pm.

STREET LIGHT POLE HEIGHTS	
Road Type	Maximum Pole Ht.
Entry Parkway	16'
Entertainment District	20'
Country Roads	14'
Village Commercial Streets	12'
Village Residential Streets	12'
Residential Roads	12'
Service Roads	16'
Parking Areas	20'

G. SIGNAGE STANDARDS

Objectives

Primary objectives for signage design in the EPT Concord Resort include:

- Signage designed for the EPT Concord Resort should welcome visitors and residents to the resort while providing functional, directional and informational resources.
- All signage should complement the landscape and architectural design of the resort, contributing to a vibrant, inviting atmosphere. Signs should be designed in concert with the other street amenities in establishing the character of the overall streetscape, while clearly portraying intended information. A cohesive family of signs should provide a street presence that unifies the resort community.

Guidelines

- Signs and graphics (murals) painted directly onto a building facade are not allowed.
- In general, the maximum gross area of signs on a given facade shall not exceed 10% of the facade area.
- Signs projected from the facade shall maintain a minimum eight-foot clear height above sidewalks.

Signage Classification

Proposed signage should be organized by the following functions:

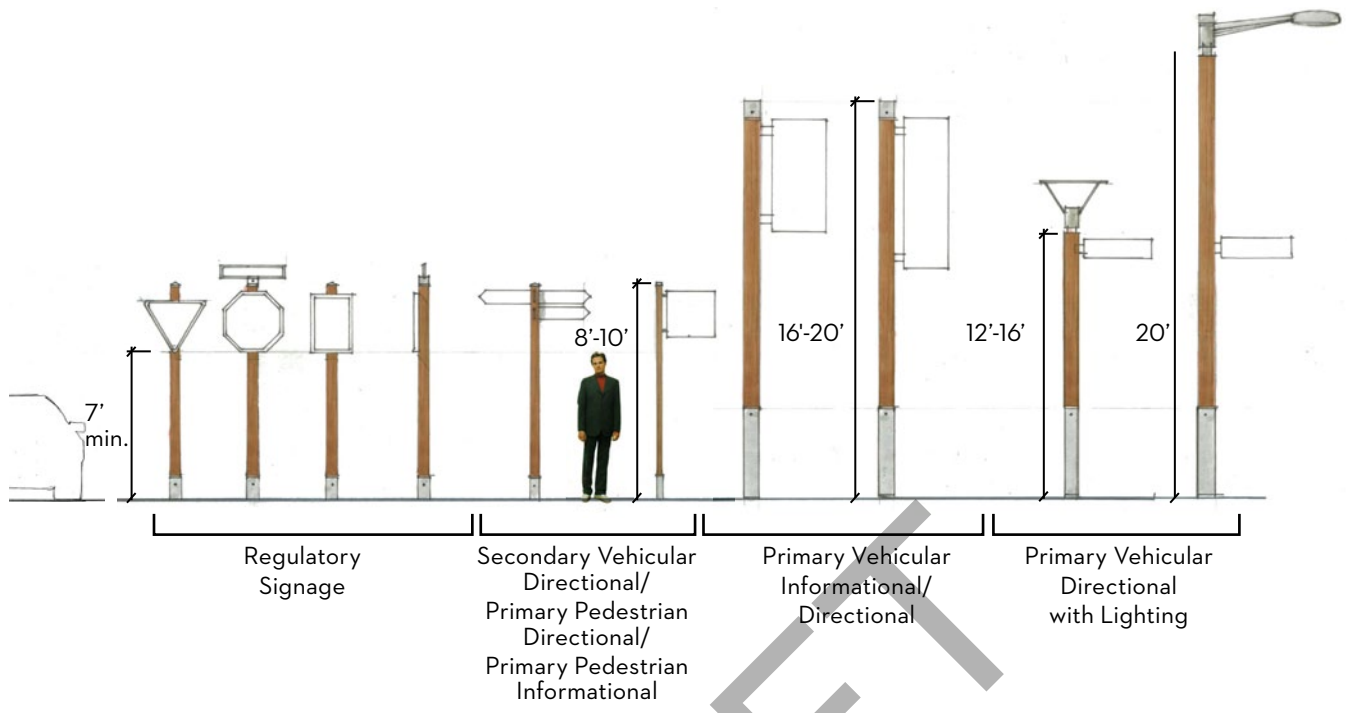
- Primary Project Identification
- Secondary Project Identification
- Primary Project Informational
- Miscellaneous Informational
- Primary Vehicular Directional
- Secondary Vehicular Directional
- Primary Pedestrian Directional
- Secondary Pedestrian Directional
- Regulatory Signage

Permitted Sign Types

Signage in the above classifications may assume the following forms:

- Awning and Canopy Signs
- Graphic/Logo Signs
- Projecting Signs
- Hanging Signs
- Marquee Signs
- Window Signs
- Plaque Signs
- Tenant Directory Signs
- A-Frame Signs/ Sandwich Boards
- Banner Signs
- Murals
- Service Station Signs
- Business Identification Signs
- Price Signs

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Note: Primary Project Identification/ Secondary Project Identification/ Primary Project Informational are not shown above.

EXHIBIT 33: ILLUSTRATIVE SIGNAGE AND LIGHTING FAMILY

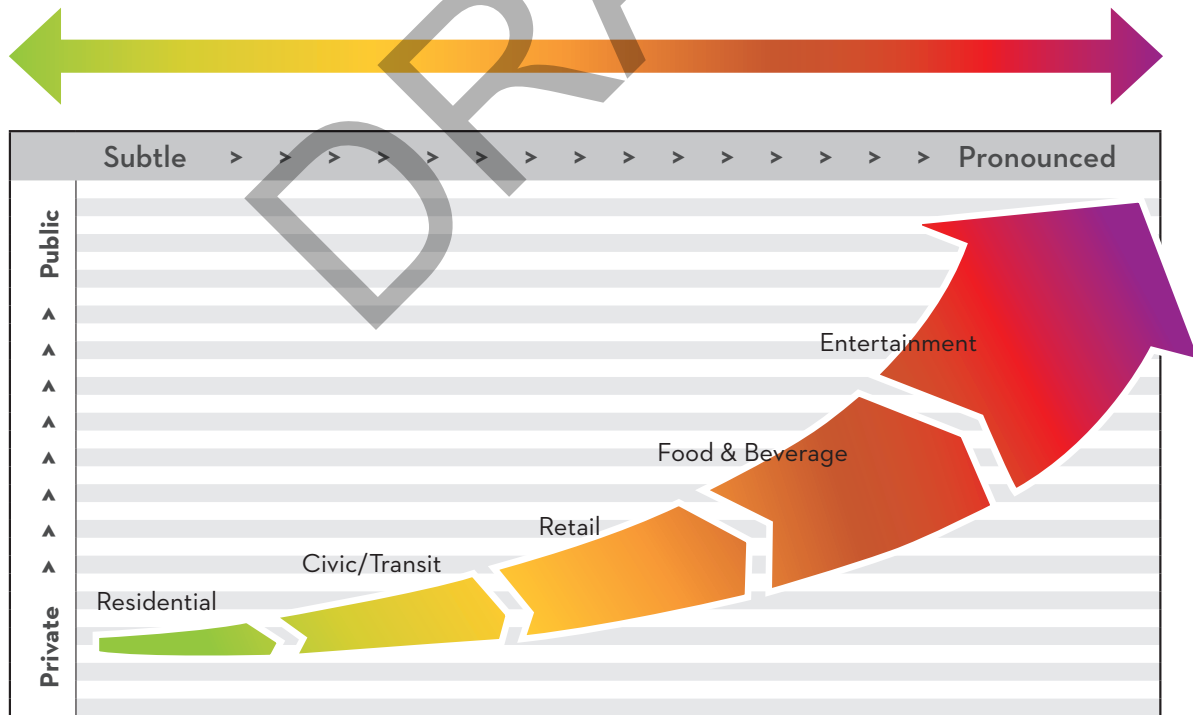


EXHIBIT 34: SIGNAGE AND LIGHTING QUALITY



EXHIBIT 35: ROAD USE TYPES

H. ROADWAY DESIGN STANDARDS

The following road design standards have been set for roads within and adjacent to the site. All public and private roadway improvements shall be bonded at

the discretion of the Planning Board. Please refer to Exhibit 35: Road Use Types for appropriate roadway designations.

ROADWAY DESIGN STANDARDS	
ROAD	TOWN OF THOMPSON STANDARDS (TOT)
Entry Parkway (per TOT, Major Road)	
A. Design Speed	35 mph
B. Right-of-Way	90' to 160'
1) Min. Radii at Street Intersections	10'
C. Horizontal Alignment	
1) Number of Lanes	4 lanes
2) Lane Width	11'; 22' paved surface each way
3) Minimum Horizontal Radii at Centerline	300' (TOT)
Min. Distance Between Street Intersections	800' (TOT)
Min. Distance Between Reverse Curves	100' (TOT)
4) Intersection Radii	25' (TOT)
D. Vertical Alignment	
1) Maximum Grade	10% (TOT)
2) Max. Grade at intersections	2% ⁽²⁾ (TOT)
e. Typical Road Crown	2%
f. Curbing	None; 2' min. grass shoulder

ROADWAY DESIGN STANDARDS

ROAD	TOWN OF THOMPSON STANDARDS (TOT)
Country Roads (per TOT, Suburban Road)	
a. Design Speed	30 mph
b. Right-of-Way	36'
1) Min. Radii at Street Intersections	10'
C. Horizontal Alignment	
1) Number of Lanes	2 lanes
2) Lane Width	11'
3) Minimum Horizontal Radii at Centerline	200' (TOT)
Min. Distance Between Street Intersections	125' (TOT)
Min. Distance Between Reverse Curves	100' (TOT)
4) Intersection Radii	25' (TOT)
D. Vertical Alignment	
1) Maximum Grade	10% (TOT)
2) Max. Grade at intersections	2% ⁽²⁾ (TOT)
e. Typical Road Crown	2%
f. Curbing	None; 2' min. grass shoulder

ROADWAY DESIGN STANDARDS	
ROAD	TOWN OF THOMPSON STANDARDS (TOT)
Village Commercial (per TOT, Suburban Road)	
a. Design Speed	25 mph
b. Right-of-Way	50'
1) Min. Radii at Street Intersections	10'
C. Horizontal Alignment	
1) Number of Lanes	2 lanes
2) Lane Width	11'
3) Minimum Horizontal Radii at Centerline	200' (TOT)
Min. Distance Between Street Intersections	125' (TOT)
Min. Distance Between Reverse Curves	100' (TOT)
4) Intersection Radii	25' (TOT)
D. Vertical Alignment	
1) Maximum Grade	10% (TOT)
2) Max. Grade at intersections	5% ⁽²⁾
e. Typical Road Crown	2%
f. Curbing	6" vertical curb

ROADWAY DESIGN STANDARDS

ROAD	TOWN OF THOMPSON STANDARDS (TOT)
Village Residential (per TOT, Rural Road)	
a. Design Speed	25 mph
b. Right-of-Way	50-60'
1) Min. Radii at Street Intersections	10'
C. Horizontal Alignment	
1) Number of Lanes	2 lanes
2) Lane Width	10'
3) Minimum Horizontal Radii at Centerline	200' (TOT)
Min. Distance Between Street Intersections	125' (TOT)
Min. Distance Between Reverse Curves	100' (TOT)
4) Intersection Radii	25' (TOT)
D. Vertical Alignment	
1) Maximum Grade	10% (TOT)
2) Max. Grade at intersections	5% ⁽²⁾
e. Typical Road Crown	2%
f. Curbing	None; 2' min. shoulder

⁽¹⁾ Equal to the required stopping distance for the road's design speed and represents an increase of 75 feet above Town Standard of 125 FT.

⁽²⁾ Two percent for a minimum of 100 feet on approaches where a stop is required on the major street (signals or four-way stop intersections).

ROADWAY DESIGN STANDARDS	
ROAD	TOWN OF THOMPSON STANDARDS (TOT)
Neighborhood (per TOT, Rural Road)	
a. Design Speed	25 mph
b. Right-of-Way	50'
1) Min. Radii at Street Intersections	10'
C. Horizontal Alignment	
1) Number of Lanes	2 lanes
2) Lane Width	10'
3) Minimum Horizontal Radii at Centerline	200' (TOT)
Min. Distance Between Street Intersections	125' (TOT)
Min. Distance Between Reverse Curves	100' (TOT)
4) Intersection Radii	25' (TOT)
D. Vertical Alignment	
1) Maximum Grade	10% (TOT)
2) Max. Grade at intersections	5% ⁽²⁾
e. Typical Road Crown	2%
f. Curbing	None; 2' min. shoulder

Internal Private Roads and Lanes

Town roadway standards will apply. However, the Applicant may seek waivers from the Planning Board subject to appropriate conditions where public health, safety and general welfare are not contravened.

Driveway

At no time shall a driveway grade exceed 12 percent.

I. MISCELLANEOUS PLANNING STANDARDS

1. Recreational Uses

The Planning Board will require that every residential project shall provide usable open space or recreational areas to adequately provide for the community's recreational needs. In single-family neighborhoods, the Planning Board shall require landscaped greens to be provided in such number and of such size as is determined by the Planning Board to be adequate to serve the social and recreational needs of future residents. Notwithstanding the foregoing or anything to the contrary in this CDP, the Planning Board shall have the right to require adequate recreation space or an appropriate fee-in-lieu in accordance with applicable State and local law.

2. Wetlands and Watercourses

The Planning Board will require that all best efforts are made with every application submitted hereafter, to avoid wetlands and stream crossings and encroachments, wherever possible.

3. Snow Storage

The Planning Board will require that every project be designed with ample area available for snow storage. For the Entry Parkway and Country Roads there will be dispersed snow storage, no collection areas. Above ground utilities on the Entry Parkway and Country Roads are to be located at least 20 feet from paved surface. For Village Commercial Roads, Village Residential Roads, and Neighborhood Roads, snow collection shall be visually unobtrusive and not block pedestrian paths or sightlines.



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V. MASTER ASSOCIATION & DESIGN REVIEW COMMITTEE

A. MASTER ASSOCIATION

The PRD regulations require that following the Town Board's adoption of the Comprehensive Development Plan ("CDP") the Applicant is to form a "Master Association" pursuant to New York State law. The purpose of the Master Association shall be to manage and provide for the orderly development and build-out of the EPT Concord Resort. It is currently contemplated that initially, the Applicant, serving as Master Developer, will be the sole member of the Master Association. As parcels are subsequently sold, leased for the development and operation of a casino gaming facility, or are developed by the Applicant or others as residential condominium or

homeowner's associations, or non-residential or commercial condominium associations, each entity and/or association shall become a member of the Master Association in accordance with the rules and regulations of the Master Association.

A summary description of the obligations of the Master Association as well as its currently contemplated constituent members is set forth below. The Applicant will serve as Master Developer until such time as set forth in the rules and regulations of Master Association. The Master Developer will become a member of the Master Association along with other member entities as provided pursuant to the rules and regulations of the Master Association.

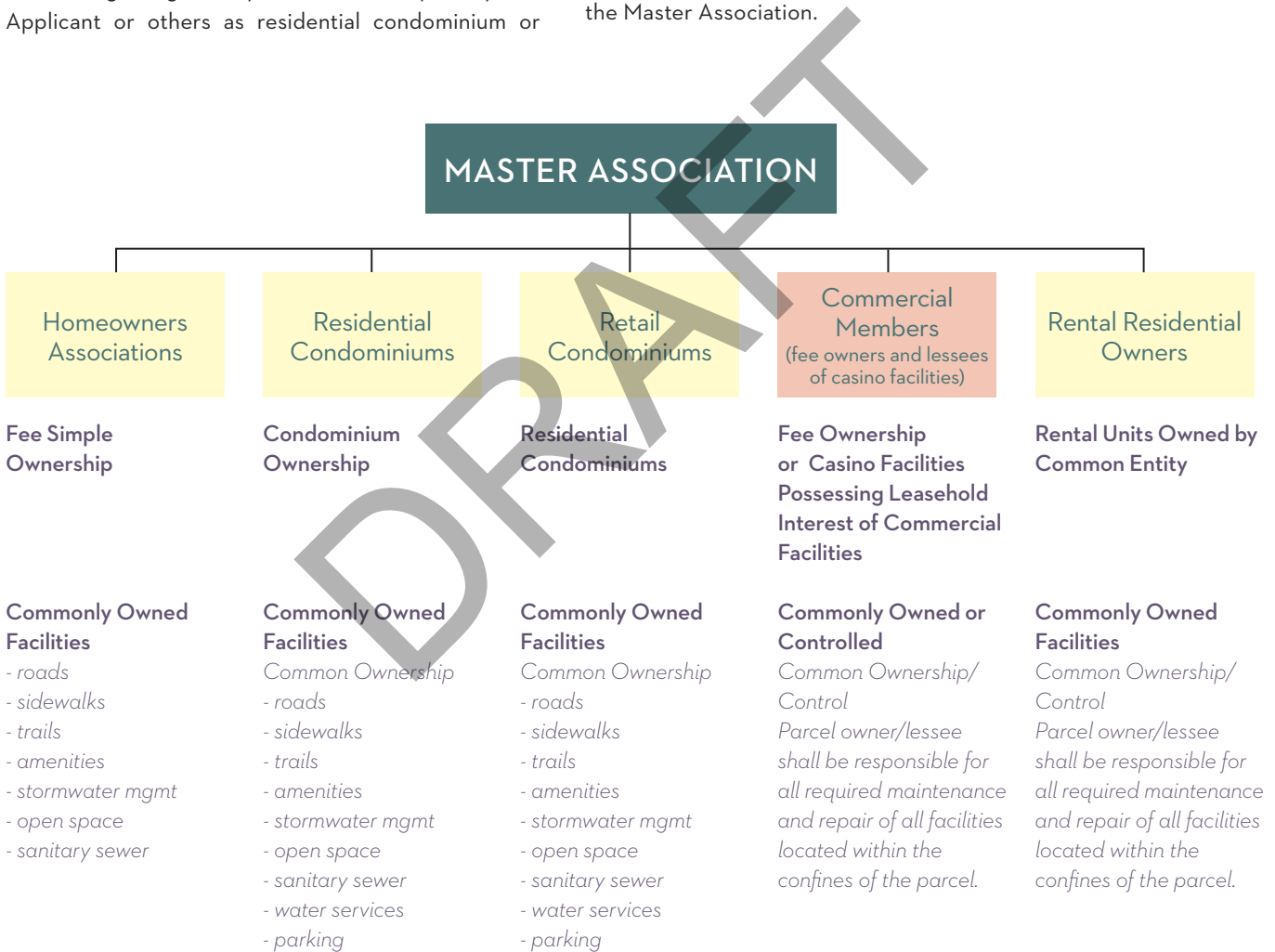


EXHIBIT 36: ORGANIZATIONAL CHART

B. MASTER DEVELOPER

The Master Developer shall be responsible for the permitting, design, and construction the infrastructure necessary for development within the EPT Concord Resort.

Master Developer's Responsibilities:

- Installation of primary roadways streetlights and streetscape improvements.
- Installation of trunk infrastructure such as water lines, sanitary sewers, and common stormwater management control basins.
- Coordination with the applicable governmental and utility providers and/or agencies for the installation the distribution systems for telephone, electric, natural gas, and cable service.
- Installation of certain entrance and roadway landscaping.
- Ownership, control, and maintenance, as appropriate, of all common areas and open spaces.
- Creation of other residential condominium or homeowner's associations, or non-residential or commercial condominium associations pursuant to New York law, as shall be determined from time to time.
- Creation of landscape master plan to provide specific landscape guidelines and design continuity for the common areas within the community.
- Development of a signage master plan for the EPT Concord Resort.
- Coordination of overall marketing of the EPT Concord Resort for consumers.
- Provision of oversight and assistance in the securing of local, state and federal development permits that pertain to overall site development and/or infrastructure.

C. MEMBERS

In addition to the Applicant, it is currently contemplated that the members of the Master Association will include one or more representatives of each fee owner, lessee engaged in the development and operation of a casino gaming facility, residential condominium and homeowner's association, non-residential and commercial condominium associations, and other entities created pursuant to the rules and regulations of the Master Association, together with a representative of EPT Concord II, LLC, or its successor in interest. Except as otherwise set forth in the rules and regulations of the Master Association, the Master Developer shall maintain a majority vote on all Master Association matters including determinations of consistency with the development standards and requirements of the CDP, approval of applications by members to the Town Planning Board for site plan and/or subdivision approvals as well as applications to the Town Board to amend the CDP.

Master Association's Responsibilities:

- When conveyed to the Master Association it will maintain all commonly-owned open spaces that are not exclusive to any specific development, such as: wooded areas, open meadows, ponds, and any other preserved areas with no proposed improvements.
- Except for stormwater system components within existing and proposed Town roads, the Master Association will own, operate and maintain, all stormwater system components that are not exclusive to any specific development, such as: catch basins, manholes, culverts, treatment structures, outlet structures, weirs, treatment and attenuation basins.
- Until the Town accepts dedication, the Master Association will own, operate and maintain all sanitary sewer system components that are not exclusive to any specific development, such as: sewer manholes, sewer mains, and pump stations.

- Until the Town accepts dedication, the Master Association will own, operate and maintain (including plowing, sanding, etc.) all commonly-owned roads that are not exclusive to any specific development, lanes, parking lots, and parking structures.
- Until the Town accepts dedication, the Master Association will own, operate, and maintain (including plowing, sanding, etc.) all commonly-owned sidewalks and trails.
- Acts as the co-applicant to every application made to the Planning Board for site plan and/or subdivision approval to insure consistency with the infrastructure construction commitments and consistency with the development standards and requirements set forth in the CDP, except non-contiguous parcels within the CDP.
- Acts as the applicant for any application to the Town Board that would require modification of the CDP, including non-contiguous parcels within the CDP.
- Has a right to cross and access all trails, sidewalks, roads, stormwater management, vacant lands, parking lots or structures to take corrective action and ownership if at any time the individual member is not performing the necessary maintenance, repairs, and/or replacement of these components in a satisfactory manner.
- Shall be responsible for providing security to the Town (i.e. bonds and/or letters of credit) for the construction of all common public improvements throughout the EPT Concord Resort, but outside of any development site or parcel that the Planning Board requires to be constructed in connection with any application for site development plan approval and/or subdivision approval of any of the individual development sites and parcels at the EPT Concord Resort.
- Shall provide the Town of Thompson with a copy of the Master Association documents, including rules and regulations.
- Shall establish and maintain various committees and appoints certain professionals providing for the orderly development of EPT Concord Resort.

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