

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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TOWN OF THOMPSON

LEAD AGENCY FINDINGS STATEMENT
State Environmental Quality Review Act

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

Lead Agency: Town Board of the Town of Thompson (Town Board)
Address: Town Hall
4052 Route 42
Monticello, NY

Name of Proposed Action: EPT Concord Resort

SEQRA Classification: Type 1 Action

Description of Proposed

Action: 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 1,583 acres of land located in the Town of Thompson, Sullivan County, New York. When complete, the EPT Concord Resort will include an 18-hole golf course, Casino Resort, harness horse racetrack, grandstand/showroom, simulcast facility, hotels, an RV park, and an entertainment village with a cinema and supporting retail. In addition, there will be a residential village with a mix of unit types including condos, apartments, townhouses and detached single family homes, a civic center, and an active adult residential community. This mix of uses will be connected, via a multi-use trail system, to abundant open space.

To develop the EPT Concord Resort, the Applicant is seeking approval for: an amendment to the PRD section of the zoning law (Proposed Action); a new PRD Comprehensive Development Plan (Proposed Project); and Site Plan Approval for the first phase of the Proposed Project (Phase 1).

Location: The Project Site is bordered on the south by New York State Route 17 (NYS Route 17), on the west by New York State Route 42 (NYS Route 42), on the north by County Route 109 (CR 109 - Kiamesha Lake Road), and on the east by County Route 161 (CR-161 Heiden Road).

A. SEQRA INTRODUCTION

This Findings Statement for the EPT Concord Resort project provides the Town Board's rationale for its decision on the Project, drawing upon information in the Final Generic Environmental Impact Statement/Final Environmental Impact Statement (FGEIS/FEIS) prepared at the direction of the Town Board as SEQRA lead agency, as well as related documents and public comments received on the Project, including the Draft Generic Environmental Impact Statement/Draft Environmental Impact Statement (DGEIS/DEIS), dated July 24, 2012.

A Petition was filed by EPT Concord II, LLC (referred to as "EPT" or the "Applicant") requesting the Town Board of the Town of Thompson amend the Town of Thompson Planned Resort Development ("PRD") section of the zoning law (Town Code § 250-27.2) to enable the development of the EPT Concord Resort at the site of the former Concord Resort ("Proposed Action").

The Applicant also sought the approval from the Town Board for a new PRD Comprehensive Development Plan ("CDP") for the approximately 1,583-acre Project Site. The zoning amendment and approval of the CDP are contingent upon each other.

The Applicant will also seek Site Plan Approval from the Town of Thompson Planning Board to develop the Casino Resort complex at the Resort Core as detailed in the proposed CDP. This initial site plan will include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, and related facilities.

This Findings Statement also certifies that the Town Board, as lead agency, has met the applicable requirements of Part 617 in reviewing the Project, including but not limited to:

- The Town Board of the Town of Thompson assumed the role of lead agency under SEQRA on March 8, 2012, and issued a draft scoping outline on March 30, 2012. A final scoping outline was then adopted on April 17, 2012.
- A DGEIS and DEIS was prepared for the Town Board by the Applicant, analyzing both specific impacts of the proposed Project for the Phase 1 development, as well as broad land use considerations/trends and qualitative information for the full build out that is subject to change based on market demand. The DGEIS and DEIS was reviewed by the Town's professional staff and professional consultants and was determined complete by the Town of Thompson Town Board on July 24, 2012.
- On August 28, 2012, a public hearing was held to receive comments on the DGEIS and DEIS. Written comments on the DGEIS and DEIS were accepted by the Town of Thompson Town Board from July 24, 2012 until September 7, 2012. A transcript of the public hearing, and the written comments received, were included with the FGEIS and FEIS.
- After circulation of the DGEIS and DEIS was complete, and in response to comments, a FGEIS and a FEIS were prepared by the Applicant for consideration with revisions to the Proposed Comprehensive Development Plan (CDP) Project, and the site specific development of Phase 1.
- Clarifying and technical alterations to the proposed text amendments to the PRD were made and considered in the FGEIS and FEIS based on comments received. These alterations

clarified several proposed permitted uses, specifically uses accessory to the principal uses such as “seasonal indoor/outdoor uses” and the agricultural uses that were proposed.

- The need for the proposed health care facilities was reconsidered based on comments, the assessment of existing capacity at regional medical facilities and projected demands for medical services that may result from the Proposed Project. The proposed health care facility (medical home) use was deleted.
- Following a careful review and analysis, the development plan was revised and an FGEIS and FEIS reflecting these revisions was issued by the Town Board on **January 2, 2013**, and circulated to the involved and interested agencies and the public. Comments on the FGEIS and FEIS were received from the public through **January 14, 2012**, and from other agencies.
- The Town Board has carefully and thoroughly reviewed the information contained in the FGEIS and FEIS, including the DGEIS and DEIS and its Appendices A-M and the volumes which constitute the FGEIS and FEIS, and comments thereon and found it to be an adequate examination of all important potential adverse impacts which would result from affirmative action on the subject zoning amendment, and CDP approval. In particular, a broad review of land use, community character, zoning, public policy, community services, geology, soils, topography, natural resources, surface water resources and wetlands, stormwater management, water supply, sanitary sewer service, energy & telecommunications, traffic & transportation, air quality, noise, economic conditions, cultural resources, visual resources, hazardous waste materials, construction, alternatives, unavoidable adverse impacts, mitigation, irreversible and irretrievable commitment of resources, growth-inducing effects, and use and conservation of energy considerations was undertaken and included in the DGEIS and DEIS. Comments were received on that information and responses to that commentary were included in the FGEIS and FEIS, which responses this Board has carefully and thoroughly reviewed and determined to be adequate.
- Since receipt of the FGEIS and FEIS, the Town Board has received additional comments. The Town Board has carefully and thoroughly considered these additional comments and had determined that the issues raised by such comments were adequately treated in the FGEIS and FEIS.

The proceedings related to the EPT Concord Resort GEIS and EIS have occurred over a period of several months. During this period, the Town Board has reviewed extensive documentation and written submissions, received oral comments and carefully reviewed, questioned and analyzed, with the Town’s consultants, the various impacts of, alternatives to, and potential mitigative measures for the Proposed Project.

The Town’s professional staff, outside professional engineering and planning consultants, attorneys and members of the Town Board have carefully reviewed comments on the various potential issues made by involved and interested government agencies, other experts and the public that reflect hundreds of hours of examination of the project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential adverse impacts of this project as a basis for considering the Proposed Project.

SEQRA was designed to foster a careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequence has the most meaning. This review is conducted prior to any agency decision regarding permits or approvals and when the Proposed Project is still in its conceptual and formative stages. This early environmental analysis of a proposal is particularly appropriate in the case of the Proposed Action. The filing of conceptual plans for a major project is common and affords important

opportunities to obtain information and help shape the ultimate project which will be presented for more detailed review by the Town Planning Board for the site plan review stages. The environmental review of the Proposed Action has afforded the Town Board and other involved agencies a clear understanding of the potential environmental impacts that might arise from the actual construction and operation of the EPT Concord Resort. To the extent possible, the Applicant presented detailed information regarding certain impacts, including land use, community character, zoning, public policy, community services, geology, soils, topography, natural resources, surface water resources and wetlands, stormwater management, water supply, sanitary sewer service, energy & telecommunications, traffic & transportation, air quality, noise, economic conditions, cultural resources, visual resources, hazardous waste materials, construction, alternatives, unavoidable adverse impacts, mitigation, irreversible and irretrievable commitment of resources, growth-inducing effects, and use and conservation of energy which can be reasonably anticipated and analyzed at an early stage of review.

The environmental review process has provided the Town Board with a clearer understanding of the nature and potential impacts associated with EPT's development.

The Town Board and other agencies of the Town seek to work closely with the NYSDEC and other relevant agencies having jurisdiction to ensure that all appropriate steps are taken to minimize any risk to public health or the environment that might arise from the proposed construction and operation of the EPT Concord Resort.

B. PROJECT SUMMARY

The members of the Town Board are familiar with the Project Site, as defined below, and the area surrounding the Project Site within the Town of Thompson and Sullivan County.

EPT proposes to develop a master planned destination resort community (referred to as "EPT Concord Resort") on approximately 1,583 acres of land located in the Town of Thompson (the "Project Site"), Sullivan County, New York. When complete, the EPT Concord Resort will include an 18-hole golf course, Casino Resort, harness horse racetrack, grandstand/showroom, simulcast facility, hotels, an RV park, indoor water park, and an entertainment village with a cinema and supporting retail. In addition, there will be a residential village with a mix of unit types including condos, apartments, townhouses and detached single family homes, a civic center, and an active adult residential community. This mix of uses will be connected to abundant open space, via a multi-use trail system. In response to comments on the DGEIS and DEIS, revisions have been made to the development program to further avoid and mitigate potentially adverse impacts, and to clarify components of the Proposed Project.

The Project Site is bordered on the south by New York State route 17 (NYS Route 17), on the west by New York State Route 42 (NYS Route 42), on the north by County Route 109 (CR 109 - Kiamesha Lake Road), and on the east by County Route 161 (CR-161 Heiden Road).

The table that follows, Tax Parcels in the PRD, CDP and Phase 1, presents the tax parcels that comprise the existing PRD district, the subset of parcels that comprise the Project Site and the parcels that comprise Phase 1 of the Proposed Project.

Tax Parcels in the PRD, CDP and Phase 1

Section	Blk.	Lot	PRD	CDP ⁽³⁾	Phase 1 ⁽¹⁾
9	1	18.1		*	
9	1	34.1			
9	1	34.2			
9	1	34.4			
9	1	34.5			
9	1	34.6			
9	1	34.7			
9	1	35.0			
10	15	8			
10	15	5.2			
10	13	6			
15	1	4		*	
15	1	5		*	
15	1	11.1			
15	1	11.2			
15	1	12.1		*	
15	1	12.3			
15	1	13			
15	1	14.1			
15	1	14.2			
15	1	14.3			
15	1	15			
15	1	16			
15	1	17			
15	1	18			
15	1	19			
15	1	22			
15	1	24			
15	1	25			
15	1	35.7			
15	1	49		*	
15	1	50			
15	1	51			
23	1	11.3			
23	2	1			
23	2	2			
23	2	3			
23	2	4			
23	2	6			
23	2	8			
23	2	10			
23	1	48			
23	1	52			
23	1	53			

Tax Parcels in the PRD, CDP and Phase 1

Section	Blk.	Lot	PRD	CDP ⁽³⁾	Phase 1 ⁽¹⁾
23	1	54.1			
23	1	54.2			
23	1	54.3			
23	1	54.4			
23	1	55			
23	1	61.2			
13	1	28		*	
13	1	53		*	
13	3	2.1		*	
13	3	2.2		*	
13	3	5		*	
13	3	7		*	
13	3	12			
13	3	17			
13	3	18			
13	3	19.1			
13	3	19.3			
13	3	20.1			
13	3	20.2			
13	3	20.3			
13	3	22			
13	3	25.1			
13	3	25.2			
13	3	25.3			
13	3	26.1			
13	3	26.2			
13	3	45		*	

Notes:
 (1) Tax Parcels noted for the Phase 1 Site may be all or part of the tax parcel.
 (2) Parcels do not include those outside of the PRD, such as those that will be required for widening of Joyland Road.
 (3) Parcels included in the CDP are owned or controlled by the Applicant. Parcels not included in the CDP, but that are within the PRD, are assumed to be owned or controlled by CALP or others.
 Parcels marked with an asterisk (*) are non-contiguous parcels.
Source: Entertainment Properties Trust

PROPOSED ACTIONS AND PROPOSED PROJECT (GEIS)

To develop the EPT Concord Resort, the Applicant has initiated several actions. First, the Applicant has petitioned the Town Board for an amendment to the Town of Thompson Planned Resort Development (“PRD”) section of the zoning law (Town Code 250-27.2) to enable the development of the EPT Concord Resort at the site of the former Concord Resort. The amended zoning law will apply to the entire PRD District, which is comprised of approximately 1,735 acres.

Second, the Applicant seeks approval from the Town Board for a new PRD Comprehensive Development Plan (“CDP”) for the approximately 1,583 acre Project Site (“Proposed Project”).

The CDP proposes to develop a market driven, master planned, destination resort community on the approximately Project Site. The approval of the CDP is contingent on the adoption of the proposed zoning amendment.

Below is a summary of the phases of development:

- Phase 1 – Casino Resort A. This phase is anticipated to include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, and related facilities. Phase 1 comprises an approximately 117-acre development area in the southern portion of the Project Site. Construction of Phase 1 is expected to occur between 2013 and 2014, and is the subject of a more detailed site-specific analysis later in this chapter.
- Golf - The Golf Phase, at approximately 229 acres, will be comprised of renovation of the Monster Golf Course and construction of the golf clubhouse, golf maintenance building, and the golf cottages. After the receipt of site plan approval for Phase 1, the Applicant will finalize design review details for the golf course program which will be subject to site specific environmental review and site plan approval. Construction of the golf course program is anticipated to occur in 2014.
- Entertainment Village - The Entertainment Village Phase will comprise the movie theater, the event field, and approximately 115,000 square feet of commercial retail. After the receipt of site plan approval for Phase 1, the Applicant will finalize design review details for the select components of this program, which will be subject to site-specific environmental review and site plan approval. Construction of select components of the entertainment village is anticipated to occur in 2014.
- Casino Resort B - The Casino Resort B Phase, at approximately 69 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 supplementary back-of-house needs for the Casino Resort.
- Residential Village, Hospitality & Recreation - This phase will include several parcels within the Project Site totaling approximately 478 acres. It will consist of the Recreational Vehicle Park as well as a Lakefront Conference Hotel. In addition, it will include the Residential Village, Recreation Core, and Resort Hotel.
- Hospitality, Commercial & Residential - This phase will include several parcels within the Project Site totaling approximately 605 acres. It will include the Sporting Club, as well as future residential and commercial uses.

Third, the Applicant will seek Site Plan Approval from the Town of Thompson Planning Board for the first phase development of the Proposed Project (“Phase 1”) that will include the Casino Resort complex at the Resort Core.¹ This phase is anticipated to include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, and related facilities (“Casino Resort”). The Applicant intends to begin construction of Phase 1 in the spring of 2013, pending the receipt of the necessary permits, approvals and financing.

Each of these actions was assessed for its potential to result in significant adverse impacts in the DGEIS/DEIS and FGEIS/FEIS. The Town Board of the Town of Thompson, as lead agency, reviewed a conceptual site plan for the EPT Concord Resort. The detailed site plan to be prepared for each phase of the project will take into account the comments of the involved

¹ See Concept Master Plan within Revised Proposed Comprehensive Development Plan, included in Appendix A-4 of the FGEIS/FEIS.

agencies, including those of the NYSDOT regarding roadway improvements and the NYSDEC/USACE regarding construction and disturbance of wetlands.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

The Proposed Project is to be built out in several phases, with each phase being evaluated separately and subject to change based on market conditions.

The Casino Resort is proposed to be located in the southeast portion of the Project Site on the west sides of Joyland Road, south of Thompsonville Road. The Casino Resort includes the following:

CASINO HOTEL:

The Casino Hotel will consist of 2,150 Video Gaming Machines (VGMs), 1 restaurant and food service with a combined seating of approximately 600, a 248-room hotel, events center, harness horse racetrack, grandstand/showroom and support buildings, and structured and surface parking on approximately 117 acres.

BACK OF HOUSE/SUPPORT SPACE:

The Back of House includes employee services, changing facilities, uniform service, and employee dining. There will be a main kitchen for the food services, preparatory kitchens at the fine dining and entertainment restaurants, and casino support and infrastructure.

HOTEL AND EVENTS CENTER:

The Hotel will have 248 rooms, including 232 standard rooms and 16 suites. The hotel is proposed to be eight stories, above the main level for a total of nine stories. There will be a lobby/reception area, two dividable meeting rooms, one large ballroom with a stage, a spa, and indoor pool located on the main level of the hotel.

HARNESS HORSE RACETRACK:

The Harness track will have eight lanes, measure in an oval at 1/2 of a mile with an asphalt apron for trackside viewing. There will be paddock and maintenance buildings located to the north and a grandstand/showroom with seating for approximately 500 patrons as well as a snack stand.

PARKING AND PLANT:

There will be three levels of subsurface parking below the Casino level providing approximately 1,300 spaces, and surface parking for approximately 2,000 cars. There will be a prepackaged central plant for boilers and chillers located near the Loading and Warehouse.

The proposed *gateway* to the EPT Concord Resort will be via the Resort Entry Road. The Resort Entry Road will connect to the Exit 106 off-ramp at its intersection with Towner and County Route 173/Cimarron Road. From here, the road will convey traffic north before turning west to meet with a newly improved Joyland CR 173/Cimarron Road intersection. At this point, the Resort Entry Road will travel west for a short distance before curving to the north, passing to the west of the lake and then turning to the northeast after which it enters the Phase 1 Site before rejoining Joyland Road. In order to facilitate the construction of the Resort Entry Road, the Applicant has acquired several parcels to the west of Joyland Road and to the south of the Project Site.

As mitigation for wetland disturbance, approximately 10.867 acres of contiguous wetlands will be created concurrently with the Phase 1 development. Several road improvements will also be undertaken to mitigate the impact of traffic generated from Phase 1. These road improvements include:

ROAD IMPROVEMENTS:

NYS Route 42 / Kiamesha Lake Road

- ◇ Adjust signal timings to reallocate green time to westbound approach during the Sunday peak hour

Joyland Road / Cimarron Road (County Road 173)

- ◇ Install traffic signal
- ◇ Provide separate eastbound left-turn lane
- ◇ Widen Cimarron Road to provide two westbound lanes between the NYS Route 17 Westbound ramps and Joyland road

NYS Route 17 Westbound Ramps / Towner Road / Cimarron Road (County Road 173)

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

NYS Route 17 Eastbound Ramps / Cimarron Road (County Road 173)

- ◇ Install a traffic signal
- ◇ Re-stripe overpass over NYS Route 17 to provide a separate southbound left-turn lane
- ◇ Install back of queue detectors to prevent vehicle spillback onto NYS Route 17 eastbound

To serve the Proposed Project with potable water, the Applicant will construct the necessary infrastructure to meet the required potable water demands.

The Applicant will also construct on-site sanitary sewer network, including gravity mains or force mains, sanitary pump stations connected to emergency backup power, to flow to the Wastewater Treatment Plant for the Kiamesha Lake Sewer District which the Project Site is located within.

To meet the heating and air conditioning needs of Phase 1, the Applicant will construct a 30,000 gallon propane tank located at least 100 feet from the nearest building.

Residential and commercial development, like that proposed for the EPT Concord Resort, are permitted uses in the PRD zoning district within which the Project Site is located.

INFRASTRUCTURE IMPROVEMENTS

Infrastructure improvements for roads, water and sewer systems, stormwater facilities and drainage systems in each phase of the Proposed Project will require financial security from the project sponsor and/or managing entity(s) in the form of bonds and/or letters of credit and/or cash deposits. Financial securities shall be made prior to signature of final plat or site plan approval by the Planning Board Chair.

C. INVOLVED AGENCIES

In addition to approval by the Town Board of the zoning text amendment and CDP, other approvals are summarized in the table below.

Involved Agencies and Required Approvals

Approving Agency/Department	Approval/Permit Required
Town of Thompson	
Planning Board	Site Plan Approval for Phase 1
Planning Board	Stripping of Land Permit
Highway Department	Road Improvement Permit
Sullivan County	
Division of Planning and Environmental Management	GML Section 239 Project Review
New York State	
Department of Environmental Conservation (DEC)	Public Water Supply Permit
DEC	SPDES Permit(s)
DEC	Article 15 Protection of Waters Permit
DEC	Article 24 Freshwater Wetland Permit
DEC	Water Quality Certification (Section 401)
DEC	Endangered and Threatened Species Review
DEC	Brownfields Cleanup Agreement (BCA)
DEC	CAFOS
DEC	Water Withdrawal Permit
DEC	Sewer Extension Approval
Department of Health (DOH)	Public Water Supply Permit
DOH	Sewer System Extension Permit
Department of Transportation (DOT)	Road Improvement Permit(s)
Office of Parks, Recreation, and Historic Preservation (OPRHP; also known as SHPO)	Section 106 and Section 14.09 Cultural Resources Review
NYS Racing and Wagering Board	Section 322 Approval
NYS Lottery	Section 1617A Approval
Regional	
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
Federal	
U.S. Fish and Wildlife Service (USFWS)	Section 7 ESA Review (Endangered and Threatened Species)
U.S. Army Corps of Engineers (ACOE)	Individual Wetland Permit

While preliminary approval of site plans may be granted prior to receipt of other regulatory agency approvals, final approval of the site plans will be conditioned upon the receipt of any necessary regulatory agency approvals. Such regulatory agency approvals will be determined by the Town of Thompson Planning Board.

This Findings Statement attests to the fact that the Town Board has given due consideration to the DGEIS, DEIS, FGEIS and FEIS prepared in conjunction with this action. Further, this Findings Statement considers the relevant environmental impacts, facts and conclusions disclosed in the DGEIS, DEIS and FGEIS and FEIS relied upon by the Town Board to support its decisions and indicate the social, economic and other essential factors and standards will form the basis for its decisions.

A. LAND USE, COMMUNITY CHARACTER, ZONING AND PUBLIC POLICY

PROPOSED ZONING ACTION AND PROPOSED COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

Land Use and Community Character

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

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

Zoning

To develop the EPT Concord Resort, the Applicant has petitioned the Town Board of the Town of Thompson for an amendment to the Town of Thompson Planned Resort Development (“PRD”) section of the zoning law (Town Code §250-27.2). The proposed zoning text amendments allow the development of a CDP by any property owner that meets the minimum PRD site requirements or has received prior approvals and associated development rights before this Proposed Action. The proposed PRD zoning amendments do not affect the previous approvals or development rights received by CALP for the 160± acres it owns or has certain lease rights.²

The zoning amendments also propose additional non-residential density for hotel/motel units, codify certain uses already permitted in the PRD, expand retail use throughout the PRD and includes additional permitted uses within the PRD.

Neither the proposed PRD zoning text amendments nor the Proposed Project alter the intent of the PRD. In addition, no changes are proposed to the requirement that each phase of the proposed development require site plan approval from the Planning Board.

² In response to comment, Applicant fully acknowledges its contractual obligation to grant certain easements as set forth in its letter to the Town of Thompson, dated July 9, 2012, attached hereto for reference.

The proposed PRD Zoning text (§250-27.2.) still requires the Applicant to submit a CDP, which presents a conceptual development plan for the entire Project Site. Among other things, the proposed CDP still must illustrate and describe uses proposed on the Project Site, the proposed roadways, circulation, site access, infrastructure, open space, and other site amenities.

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

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

Compliance with PRD Zoning (Existing and Proposed)

Pursuant to Town Code Section 250-27.2(B)(3)(a), to qualify for PRD CDP approval, an applicant must own 1,200 contiguous acres of land and have an 18 hole golf course. The Applicant currently holds title to greater than 1,200 contiguous acres and owns an 18 hole golf course, and thus satisfies this requirement. The existing PRD district requires non-contiguous land in excess of the minimum site area be located within 2,500 feet of the property that constitutes the minimum site area. Proposed PRD text amendments would increase to 3,500 feet the distance from the minimum contiguous site area that non-contiguous parcels can be located. The noncontiguous parcels owned by the Applicant are within the proposed 3,500 feet of the Project Site.

As a result of the finalized survey that adjusted the acreage of the EPT Concord Resort Project Site, the Net Site Area, as defined by the PRD, increased from 1,192 acres to 1,236 acres. As such, the theoretical maximum number of dwelling units permitted by the PRD increased from 4,766 to 4,944; the theoretical maximum number of hotel keys increased from 2,085 to 2,183; and, the theoretical maximum amount of commercial space permitted increased from 908,341sf to 942,210sf. However, it should be noted that except as discussed below in the Revised CDP, these increases are those which could theoretically be developed and are not proposed increases to this project.

While retail uses are permitted within the PRD, the Proposed Project does not currently propose any “big-box” retail. For any retail uses to be included on the Project Site in the future, a site plan application would need to be submitted. The site plan application would be reviewed by the Planning Board, which would assess the application for consistency with adjacent land uses, consistency with the overall master development plan, as well as for potential traffic and other environmental impacts.

Two houses to the east of Joyland Road and the north of Cimarron Road, both acquired by the Applicant in 2012, will need to be removed to allow for the reconfiguration of Exit 106. However, because Joyland Road will not be widened as part of the Proposed Project, the existing structures and uses along Joyland Road that would have been disturbed will remain in place.

With regard to the acquisition of the property needed for the reconfiguration of the Exit 106 off ramp and the Resort Entry Road, these properties are currently zoned HC-2 and RR-1. No

changes to the zoning of these properties are anticipated. At the request of the Town and its consultants, a subdivision to merge these parcels will be needed. Future development of these merged parcels is not proposed and therefore not considered in this environmental review. Should development be proposed on these parcels in the future, the project would be subject to SEQRA.

It should be noted that the construction of the selected alternative Resort Entry Road will be the primary entrance to the entire EPT Concord Resort, and will be constructed concurrent with Phase 1.

Public Policy

The Proposed Action seeks an amendment to the Town Code to develop a destination resort attraction within the Town of Thompson. The Town established the PRD zoning district with the purpose of furthering the goals and objectives of the Town of Thompson – Village of Monticello Joint Comprehensive Plan (“Comprehensive Plan”). The proposed amendments would further the tourism industry through the inclusion of land uses that are complementary to a resort community. Therefore, the Proposed Action seeks an amendment to the Town Code to develop a destination resort attraction within the Town of Thompson that is consistent with the Comprehensive Plan in an area where others have deteriorated or where development plans languished due to the current economic climate.

The amendments sought by the Applicant as part of the Proposed Project would not affect previously issued Town approvals within the PRD, would rejuvenate the area of the former Concord Resort and encourage further development, economic stimulus, and employment opportunities within the Town.

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

Significant impacts to land use, community character, zoning or public policy will not result from the Revised Proposed Action within the Project Site.

CUMULATIVE IMPACTS

The cumulative impacts of this Application along with other projects proposed within the study area are consistent with the goals and intent of the zoning and public policies stated within the respective comprehensive plans. Overall, the substantial cumulative impacts that will result from this as well as other projects within the study area will be overwhelmingly beneficial to the local as well as the regional economy.

MITIGATION

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

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

Phase 1 of the Proposed Project proposes the Casino Resort. The Casino Resort will consist of 2,150 Video Gaming Machines (VGMs), restaurants and food service, a 248-room hotel, events center, harness horse racetrack, grandstand/showroom and support buildings, and structured and surface parking.

POTENTIAL IMPACTS

Land Use and Community Character

The design for the proposed Casino Hotel would be an architecturally significant marquis building, with a contemporary design, utilizing a significant amount of glass to maximize views of the Resort.

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

Zoning

The proposed zoning text amendments are applicable to the entire PRD and not limited to the Phase 1 Site. Phase 1 of the Proposed Project requires the adoption of the text amendments that are being proposed for the PRD district and the adoption of a new CDP by the Town Board. Neither the adoption of the PRD, nor the CDP is anticipated to result in any significant adverse zoning or land use impacts. The proposed PRD zoning text amendments would not preclude any development from taking place on other lands within the PRD Zoning District not controlled by the Applicant. The proposed PRD zoning amendments do not affect the previous approvals or development rights received by CALP for the 160± acres it owns or has certain lease rights.³

Public Policy

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

³ In response to comment, Applicant fully acknowledges its contractual obligation to grant certain easements as set forth in its letter to the Town of Thompson, dated July 9, 2012, attached hereto for reference.

PROPOSED SUBDIVISION OF PARCELS COMPRISING PHASE 1 AND RESORT ENTRY ROAD

Pursuant to Section 250-27.2(C)(3) of the Town of Thompson Town Code, the Applicant proposes to subdivide various parcels comprising Phase 1 into four (4) separate parcels in order to accommodate the development of the Casino Resort and to delineate the approximate 117 acres that is proposed to be leased to MRMI. Application for this subdivision will be made simultaneously with application for site development plan approval for Phase 1.

Pursuant to Section 212-9 of the Town of Thompson Town Code, the Applicant also proposes to consolidate several parcels acquired for the Resort Entry Road into two parcels. Application for the consolidation of these several parcels will be made simultaneously with application for site development plan approval for Phase 1.

MITIGATION

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

B. COMMUNITY SERVICES

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The Proposed Project would be expected to increase the residential population of the Town of Thompson by approximately 2,400 persons, including 340 school-aged children. The projected increase in the Town of Thompson residential population would result in an increase in the demand for community services. In addition, the project would generate additional employment and visitors.

POTENTIAL IMPACTS

Police Protection Services

At full build-out the Proposed Project-generated residential population would potentially increase staffing needs from the New York State Police and the Sullivan County Sheriff's Department by approximately six persons. The Proposed Project has coordinated with both the New York State Police and the Sullivan County Sheriff's Department to determine their anticipated needs associated with the development. The tax and fee revenues generated by the construction and operation of the EPT Concord will be available to offset any increased cost to provide added police protection.

The casino and harness horse racetrack operation will retain its own trained security staff to assist with the operations of these facilities. When necessary, this staff will coordinate with law enforcement and other emergency service providers. As such, this private security staff may lessen the need for the hiring of addition Deputies by the Sullivan County Sheriff's Department.

Fire Protection

It is expected that the project-generated residential population may increase staffing needs from the Monticello Fire Department by approximately four persons. If the Proposed Project results in

the need for additional paid firefighters, tax revenue (real property, gaming, hotel, and sales) would be expected to offset the potential increases in public cost.

Emergency Medical Services

The potential demand for emergency medical services (EMS) generated by the Proposed Project would likely require MobileMedic to increase staff, ambulances, and equipment to accommodate the EPT Concord Resort. As a private contract provider, MobileMedic would increase their services to accommodate project-generated demand.

Upon full build out, the Proposed Project would maintain on-site medical services available to residents and visitors to the EPT Concord Resort. In addition, there would be first-aid stations located in several locations throughout the Resort including the Entertainment Village and the Golf Clubhouse, and various Resort staff would be trained in first aid.

Health Care Facilities

Full project build out for the EPT Concord Resort would be expected to occur over approximately 10 years, which would result in a gradual introduction of both full-time residential population and commercial employee and visitor population. As such, it is expected that increases in population would be accommodated by the two regional medical centers and additional health service providers locally. At full build out of the Proposed Project would require 2-3 full-time health care professionals and one vehicle. As these services are private contractor provided, the Applicant will look for opportunities to coordinate emergency medical and health care services with the existing local providers, such as, but not limited to, Catskill Regional Medical Center, Orange Regional Medical Center, and the Crystal Run Healthcare Practice.

Monticello Central School District

At full build out, the EPT Concord Resort could generate approximately 340 school-aged children to the Monticello Central School District. As a result, increase in enrollment may require the hiring of additional staff.

Solid Waste Management Facilities

At full build out, the residential components of the Proposed Project would be expected to generate approximately five tons of solid waste and recyclables per month. The Proposed Project will incorporate facilities to compost waste from the golf course, equestrian facilities and resort kitchens, and will look for innovative ways to incorporate composting from the residential and commercial areas of the EPT Concord Resort in the future as well. The commercial and entertainment components of the Proposed Project are expected to generate approximately 31 tons/month of solid waste and recyclables per month.

Recreational Facilities

The EPT Concord Resort includes numerous indoor and outdoor recreation facilities, programs, and activities, which would not only be available for use by residents of the development, visitors to the hotel, and other commercial and entertainment venues, but also to the local community. The recreation amenities offered by the Proposed Project would significantly augment the local and regional opportunities.

MITIGATION

The property tax revenues, fee-based revenues, retail sales taxes, hotel occupancy taxes and Video Gaming Machine (VGM) revenues – in combination with Payment of Lieu of Tax payments – is anticipated to generate substantial economic and fiscal benefits to the Town and other taxing jurisdictions. As such, the Proposed Project will not result in significant adverse impacts to the provision of community services. It is anticipated that by 2037 the Proposed Project will annually generate approximately \$42.5 million in real property tax, \$8.6 million in sales and hotel occupancy tax for Sullivan County, as well as \$5.1 million and \$1.7 million in VGM fees for the Town of Thompson and Sullivan County, respectively. These taxes and fees will be used to offset the costs of the additional staff and equipment needs.

The gradual construction of the Project and future build of residential units (dependent upon market conditions) will allow for a gradual increase in population and building development, thus potential increases in demand for community services will be introduced gradually over time. These analyses indicate that, to the extent that the Proposed Project results in impacts to community services, such impacts will be offset by additional staff and services. Public cost for the additional staff or services would be reduced by tax revenues generated by the future builds. As demand for community facilities and services grow over time, the tax revenues on the various taxing jurisdictions will change to accommodate the need.

The tax and fee revenues generated by the construction and operation of the EPT Concord Resort will be available to offset increased costs to police, fire, EMS and school services associated with increases in resident and visitor populations. Additional information regarding the projected amounts of those taxes and fees can be found in the “Economic Conditions” section below.

The selected alternative Resort Entry Road will not adversely impact the ability of community service providers to serve the Project Site. In fact, the Resort Entry Road will be beneficial to community service providers, because as a new and dedicated road, there will be fewer conflicts with existing development along Joyland Road.

As part of the site plan approval process with the Town of Thompson Planning Board, all proposed points of access and egress to, and circulation within, the Proposed Project will be reviewed with the Monticello Fire Department and other community service providers to confirm that they are sufficient to accommodate emergency vehicles. As such, any required mitigation will be built into the final site plan design submitted to the Town of Thompson.

It is assumed that solid waste and recyclable materials generated by the Proposed Project would continue to be managed by a private carting service, which would expand their truck fleets and staff to accommodate project-generated demand. As is the current practice, the private carting services would collect the refuse and recyclable materials from the Project Site and bring them to the transfer station where they would be sorted for disposal at one of the Sullivan County Landfills. A Solid Waste Management Plan will be prepared during the Site Plan Review process for each phase of development. The Solid Waste Management Plan would identify the location of solid waste and recycling collection.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

Police Protection Services

Phase 1 will create new demand for police protection services from both the New York State Police and the Sullivan County Sheriff's Department. The increased demand for police and life safety personnel is attributable to the increase in population, from employees of the Project moving into the region, and visitors to the casino. Of note, due to the sophisticated security and surveillance presence, casinos are generally found to be a deterrent to crime. The Sullivan County Sheriff's Department anticipates that, with the development of Phase 1, response times for emergencies would remain the same as present.

Fire Protection Services

The Applicant has and will continue to coordinate with the Monticello Fire Department to insure that the Proposed Project provides sufficient fire safety measures including: standpipes, adequate and unencumbered access points of arrival and departure for emergency vehicles, and hydrants/siamese connections. Phase 1 buildings will be equipped with required fire safety equipment including alarms, sprinklers, and smoke and fire detectors as required by New York State and local Building Codes.

Schools

Phase 1 of the EPT Concord Resort does not propose any residential development, and as such is not anticipated to generate any additional demand to the Monticello Central School District.

Medical Services

The potential demand generated by Phase 1 of the Proposed Project will likely require MobileMedic to increase staff, ambulances, and equipment to accommodate the planned development. On-site services such as EMTs and first aid equipment will lessen the additional demand placed on MobileMedic services.

Solid Waste

The EPT Concord Resort is expected to generate approximately ten tons per month of solid waste. Of this, approximately one-third (3.41 tons/month) will be expected to be recyclables and almost seven tons will be refuse.

MITIGATION

The casino and harness horse racetrack operation will retain its own trained security staff to assist with the operations of these facilities. The level of security that will be employed will be based on research conducted at similar facilities that have shown that because of the level of security and surveillance presence, a casino can be a deterrent to crime. Nonetheless, as necessary, security staff from the Casino Resort will interface and coordinate with law enforcement and other emergency services providers as necessary. Consequently, this private security staff may lessen the need for the hiring of additional Deputies by the Sullivan County Sheriff's Department.

Phase 1 would generate an estimated \$1.0 million annually in sales tax and hotel occupancy tax revenues for Sullivan County as well as \$415,000 annually in sales tax revenues for New York

State. It is estimated that New York State would also receive an estimated \$46.5 million annually in VGM revenues from the Proposed Project for aid to education. Separately, in accordance with Section 54-1 of the State Finance Law, counties, towns, or villages that host a video lottery gaming facility receive annual aid payments from New York State that can be used to defray local costs associated with a video lottery gaming facility or to reduce real estate taxes. The estimated annual \$193 million from the Proposed Project's annual net machine income equates to approximately \$1.7 million for Sullivan County annually for Sullivan County and approximately \$5.1 million annually for the Town of Thompson. The Proposed Project is also estimated to pay approximately \$2.2 million in real property tax to the Town and the County, as well as approximately \$273,000 to the Monticello Central School District. It is anticipated that these funds would offset additional demand for emergency services resulting from Phase 1. This development phase does not include a residential component; therefore, taxes and payments to the Monticello Central School District would be surplus.

As previously noted, Phase 1 does not propose residential development and as such, any additional demand for recreation would be met with by the provision of the on-site recreation facilities.

C. GEOLOGY, SOILS AND TOPOGRAPHY

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

Topography

Grading and modification of the site's topography is required to develop the property, including the installation of roadways, building foundations and parking areas. Over 90 percent of the grading for the EPT Concord Resort will occur in areas with slopes of less than 20 percent.

Geology

Geologic maps indicate that the Project Site is underlain by bedrock of the Upper and Lower Walton formations of the West Fall Group. The detailed geology of the Project Site is set forth in Chapter 4 of the DGEIS.

Soils

The Project Site contains 27 different soil mapping units, but four units together account for more than 60 percent of the Site's acreage, while the remaining units each account for less than five percent of the total acreage. The detailed soil distribution across the Project Site is set forth in Chapter 4 of the DGEIS.

POTENTIAL IMPACTS

The EPT Concord Resort design largely conforms to the Project Site's existing contours. Additionally, nearly the entire Project Site has slopes of less than 20 percent, such that development of the Proposed Project would require minimal grading or other alteration of the site's topography. Steep slopes (>20 percent) are primarily located in the northern section of the Project Site. There, elevation rises to two distinct peaks and steep slopes occur on the hillsides. Proposed development in these areas includes the Sporting Club (hotel, age-targeted residences, outdoor amenities) and the Residential Village (civic center, retail/service space, apartments, townhouses), respectively, and would require measures to stabilize and maintain the integrity of slopes during and following construction.

Geology

Substantial bedrock excavation is not expected to occur due to the depth of bedrock throughout the majority of the Project Site and the moderate depths of excavation required to implement the Proposed Project. Small outcrops of rock that exist in some places within the Project Site would likely require removal.

Should bedrock removal be required, standard construction equipment is typically sufficient to excavate or “rip” the bedrock. If the rock is less weathered and stronger, additional mechanical devices, such as a hydraulic hammer mounted on an excavator, may be required to break the rock down into removable size pieces for excavation. While not expected to be required, as a last resort, to break apart massive, strong, and fresh (non-weathered) bedrock, drill and blast operations would be used if required to fragment the rock so that it can be excavated. By using a combination of these techniques, rock excavation can be performed in a responsible manner.

Soils

The erosion hazard for most of the soil types identified within the limit of disturbance of the CDP is slight to moderate, and therefore, impacts from construction activities would be avoidable through implementation of standard erosion and sediment control practices, as discussed below. Two of the most abundant soil types within the Project Site, Wellsboro gravelly loam and Wurtsboro loam, are classified as having higher erosion risk, but only in areas with slopes >8 percent (WeC and WuC soil types). There is only a small proportion (<6 percent) of the Project Site’s acreage where these soils and slopes that exceed eight percent are both present. The soils on the Project Site are suitable to support building foundations. When locations of new buildings for future project phases are finalized and floor elevations are established, test pit and/or boring explorations would need to be undertaken to evaluate the subsurface soil, rock, and groundwater conditions within the proposed building areas.

To prevent the potential negative effects of soil erosion, the Proposed Project would conform to the requirements of NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activity. This permit requires that projects disturbing more than one acre of land must develop a Stormwater Pollution Prevention Plan (SWPPP), containing both temporary erosion control measures during construction and post-construction stormwater management practices to avoid flooding and water quality impacts in the long term. By conforming to the approved SWPPP, and diligent monitoring of erosion control measures, the Project would avoid any significant amounts of particulate matter from being transported into any surface water features on or adjacent to the Project Site. Thus, the proposed excavation and grading activities would not cause any significant adverse impacts.

In all areas of land disturbance that would be landscaped post-construction, topsoil that has been removed from areas of development and stockpiled would be replaced as an appropriate planting medium. Outside of the specific areas of disturbance, no changes to plant species composition or coverage would occur from erosion or soil movement due to strict adherence to the erosion control specifications and post-construction stormwater management requirements contained in the SWPPP.

The area between the western edge of the pond and the Project Site boundary where the Resort Entry Road will be built is generally level with limited slopes. The slopes are generally 0-5 percent. Approximately one-tenth of an acre of slopes greater than 20 percent may be disturbed by the Resort Entry Roadway in areas of man-made grading immediately adjacent to NYS Route

17. The soils under the Resort Entry Road and Exit 106 modifications are generally similar in nature to those found in the Project Site.

None of the Prime Farmland soils that would be disturbed by the Proposed Project are currently used for agriculture; this is not considered an impact and does not require mitigation. Impacts to site soils are not anticipated and mitigation is not proposed.

If it is determined that blasting is necessary for bedrock removal on-site, it would be carried out in conformance with all local, State, and Federal laws and regulations. To ensure compliance with the appropriate laws and regulations, a site-specific blasting plan would be developed and provided to the Town. This plan would include schedules for blasting and rock ripping (day, hour, and duration), safety protocols associated with both blasting activities and the handling and transport of blasting materials and measures to reduce noise-related impacts. Compliance with the blasting plan will minimize potential impacts associated with blasting. All blasting and related activities would be conducted by and under the direct control and supervision of a licensed and fully insured blasting contractor. If blasting is necessary, the Applicant and/or blasting contractor will conduct pre-blast inspections to determine the existing conditions of structures and infrastructure through a combination of background vibration monitoring and pre-blast site surveys. During blasting, ground vibrations and air blast pressures would be monitored and recorded at various intervals from the blast site and at nearby structures. The Applicant and/or blasting contractor will also work with the Town to immediately respond to complaints arising from blasting activity and will conduct post-blast inspections of structures or infrastructure that may have been affected by blasting.

With the implementation of the measures noted above, the potential cumulative impacts on the geology, soils, and/or topography on or in the vicinity of the Project Site resulting from the development of the Proposed Project in conjunction with those associated with other approved projects in the area are not expected to be significant.

All mitigation measures will be re-evaluated when later Phases are proposed in greater detail.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

Based upon the selected Phase 1 Site Plan and a revised grading plan for Phase 1, it is expected that Phase 1 will require approximately 263,670 cubic yards of cut and approximately 372,277 cubic yards of fill. The Applicant will obtain the appropriate fill necessary from commercially available sources. No specific location for the source of this fill has been identified at this time. The amount of fill necessary for Phase 1 is commercially available.

In response to comments received and a continuing effort to reduce the overall impacts of the Project, the total area required to be disturbed for construction of the Casino Resort was reduced slightly from that presented in the DEIS through more detailed engineering design. Therefore, disturbance to soils will be similar to, though slightly less than, what was presented in the DEIS. Disturbance to steep slopes and bedrock will not be substantially different from the conditions analyzed in the DEIS.

No bedrock excavation or blasting is expected to occur within the Phase 1 development area due to the depth of bedrock in the disturbance area and the moderate depths of excavation required for building Phase 1 facilities. During the geotechnical investigation, relatively sound sandstone bedrock was encountered 20 to 46 feet below surface grade which is expected to be below the

levels required to construct the proposed facilities within the Phase 1 development area. Large boulders were encountered in some areas during the geotechnical survey and may need to be excavated. No rock outcrops are known to occur within the Phase 1 development area. Investigation of the proposed Resort Entry Road route indicates that, as with the Phase 1 Site, there are large boulders in certain areas. It is expected that these would also be excavated.

If it is determined that blasting is necessary for bedrock removal on-site, it would be carried out in conformance with all local, State, and Federal laws and regulations. To ensure compliance with the appropriate laws and regulations, a site-specific blasting plan would be developed and provided to the Town. This plan would include schedules for blasting and rock ripping (day, hour, and duration), safety protocols associated with both blasting activities and the handling and transport of blasting materials and measures to reduce noise-related impacts. Compliance with the blasting plan will minimize potential impacts associated with blasting.

All blasting and related activities would be conducted by and under the direct control and supervision of a licensed and fully insured blasting contractor. If blasting is necessary, the Applicant and/or blasting contractor will conduct pre-blast inspections to determine the existing conditions of structures and infrastructure through a combination of background vibration monitoring and pre-blast site surveys. During blasting, ground vibrations and air blast pressures would be monitored and recorded at various intervals from the blast site and at nearby structures. The Applicant and/or blasting contractor will also work with the Town to immediately respond to complaints arising from blasting activity and will conduct post-blast inspections of structures or infrastructure that may have been affected by blasting.

MITIGATION

Through the implementation of a New York State approved Stormwater Pollution Prevention Plan, Phase 1 would avoid any adverse impacts to soils and topographic resources. Principally through use of sedimentation and erosion control measures, the movement of soil downslope or downstream would be avoided. This would prevent detrimental impacts to receiving waters and wetlands. These measures would be installed prior to construction and would be monitored and maintained constantly during construction.

Impacts to site soils are not anticipated and mitigation is not proposed.

With the implementation of the measures noted above, the potential cumulative impacts on the geology, soils, and/or topography on or in the vicinity of the Phase 1 Site resulting from the development of the Proposed Project in conjunction with those associated with other approved projects in the area are not expected to be significant.

D. NATURAL RESOURCES

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The 1,583-acre Project Site contains a number of habitat types, including deciduous and evergreen forested upland and wetland and open lands comprised of mowed golf course, emergent and scrub/shrub wetlands, and old field habitats. These habitats accommodate a range of wildlife species capable of utilizing a mix of larger, undeveloped lands and cleared/developed areas. As discussed below, the Project will cluster development in discrete areas to minimize habitat disturbance and preserve contiguous open space to the maximum extent practicable.

POTENTIAL IMPACTS

Construction and operation of the Proposed Project would result in a loss of forested cover of the property and increase in the mowed lawn and urban structure communities. In total, the Proposed Project would require disturbance to approximately 700 acres of land. Of this total, approximately 214 acres of the overall disturbance for the proposed CDP would be located on areas currently disturbed with existing golf course, buildings, or other developments.

As detailed in the DGEIS and FGEIS, no significant adverse impacts to vegetation and wildlife are expected as a consequence of the construction or operation of the EPT Concord Resort. In addition to assessing the impacts to the vegetation and wildlife currently, or potentially, on-Site in general, the DGEIS and FGEIS specifically analyzed the potential impacts to the following threatened or endangered species that are known to, or may potentially, occur within or near the Project Site: bog turtle, dwarf wedgemussel, bald eagle, osprey, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, Jefferson salamander, blue-spotted salamander, timber rattlesnake, and northern blue monkshood.

Vegetation

The abundance and acreage of forested communities will diminish with the Proposed Project by approximately 450 acres. Despite the diminishment in natural habitats, the diversity of plant species present on the Project Site is expected to be maintained through the establishment of representative open space areas.

Wildlife

With the Proposed Project, the majority of the 1,583-acre Project Site would eventually be developed, leaving behind small fragments of remnant habitat. In turn, wildlife community composition, particularly in the largely forested eastern half of the Project Site, would substantially shift from mostly area-sensitive, specialist species towards generalists that are highly tolerant of disturbance and can thrive in degraded areas. The bird, reptile, amphibian, and mammal communities would likely become dominated by common, synanthropic species such as house sparrow, European starling, mourning dove, American robin, blue jay, brown snake, house mouse, gray squirrel, and raccoon. While local populations may be affected, at a broader scale, the Proposed Project by itself is unlikely to cause significant adverse impacts to, or jeopardize the continued existence of, displaced species within the County or the State. Although habitat for species other than disturbance-tolerant generalists would no longer be available to other species that may be present on and in the vicinity of the Project Site, comparable habitat would remain available in the surrounding landscape following the development of the Proposed Project and other approved projects in the area.

The selected alternative Resort Entry Road will bisect the tract of upland hemlock forest to the west of the freshwater pond and north of NYS Route 17 such that the area will be less viable for interior woodland species known or expected to currently occur in the area. Forest interior wildlife species may decline, whereas disturbance-tolerant generalists will likely increase in abundance. Wildlife inhabiting the area around the Resort Entry Road will be at increased risk of vehicle collision mortality. However, given the quantity of locally comparable habitat within the surrounding landscape, no significant impacts to populations of forest interior or other wildlife species will be expected to occur.

Threatened, Endangered, and Special Concern Species

Threatened, endangered, or special concern species that are considered to have the potential to occur within the Project Site include sharp-shinned hawk, Cooper's hawk, Jefferson salamander, and blue-spotted salamander. Red-shouldered hawk was the only listed species observed within the Project Site during AKRF, Inc. site visits. Development of the Proposed Project would remove habitat potentially used by such species, but given the amount of similar habitat available in the surrounding landscape, no significant impacts to their populations would occur.

MITIGATION

Potential adverse impacts to vegetation and wildlife will be minimized and offset to the fullest extent feasible through site selection and design. Buffers along Kiamesha creek and other water bodies will be maintained, existing areas of open space will be maintained where possible, and re-vegetation and landscaping with native plant species will be implemented. Additional design measures, such as the provision of large box culverts, use of low-profile curbing, and shielded and directional lighting will also be considered in future phases. These measures will be evaluated and proposed during site development plan review and approval for future phases.

In addition, future phases of the Proposed Project will be subject to independent review and site-specific assessment of impacts to natural resources at the time of their site development plan approval.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

The development of Phase 1, including infrastructure, will result in 127 acres of vegetative habitat disturbance. Among the types of areas disturbed are hemlock-northern hardwood forest, beech maple mesic forest, forested hemlock wetlands, red maple wetlands, and mowed lawn with trees & residential structures. The disturbance of this habitat will result in impacts to the individual vegetative and wildlife species on-Site. However, impacts at the population level for the natural resources occurring on the Phase 1 Site are not expected to be significant.

Vegetation

Under the Phase 1 plan presented in the FEIS, disturbance to vegetative communities for Phase 1 will total roughly 127 acres. There is a five acre reduction in area disturbed as compared to the DGEIS and is a result mainly of site specific engineering completed for the Phase 1 Site.

Potential habitat for the federally threatened plant species, the Northern blue monkshood (*A. noveboracense*), was inspected by AKRF, Inc. on August 17, 2012. No individuals of *A. noveboracense* were identified and areas of potential habitat were determined to be marginal for this species.

Wildlife

Development of the Phase 1 Site will remove habitat for woodland wildlife species such as forest songbirds and pool-breeding amphibians such that most of these species will no longer occur within the site following construction of the Proposed Project. Given the amount of comparable habitat that will remain in the surrounding landscape, no significant impacts to populations of these species will occur. Disturbance-tolerant, generalist species of wildlife that

presently inhabit degraded areas of the Phase 1 Site, such as areas of golf course, are likely to continue to occur within the site following the Proposed Project.

Bird Collisions

The south side of the casino and hotel will face, and be within 300-feet of, a hemlock forest that is likely to be inhabited by several species of birds that are known to collide with windows (e.g., various migratory songbirds). During detailed design, attention will be given to south-facing windows to reduce reflectivity and the overall potential for bird collisions. Similarly, buildings in future phases of the Proposed Project that are within close proximity to natural areas will be evaluated for their potential to result in bird collisions and modified accordingly.

Vernal Pool Breeding Species

A follow-up vernal pool survey was conducted on September 21, 2012. Only four (4) woodland pools were observed to contain egg masses and adult wood frog species, three (3) of which would be directly disturbed by the Project footprint. The pools occurring within the LOD of the Phase 1 site will be lost during project development under the current site plan or any variation thereof, given that nearly all of the approximately 130 acres of the Phase 1 LOD will be disturbed. This will result in a relatively small loss of on-Site breeding habitat for the wood frog (the only vernal pool-obligate confirmed breeding at the site) and any other vernal pool-obligate species potentially present. No Jefferson or blue-spotted salamanders were observed in or near any vernal pools on site.

Threatened, Endangered, and Special Concern Species

There are three species of animals that are state-listed (Special Concern that may have a presence at or near the Phase 1 Site. These species (sharp-shinned hawk, Cooper's hawk, Jefferson salamander) have not been confirmed, and the loss of any potential habitat for these species on the Phase 1 Site would not have significant impacts to their populations.

MITIGATION

Potential adverse impacts to vegetation, ecological communities, and wildlife from Phase 1 will be minimized and offset to the fullest extent feasible. Green spaces within the limit of disturbance will be vegetated with native plant species that are relatively resistant to deer browsing but beneficial to other native wildlife. Low-profile curbing is anticipated to also be used to avoid impediment of reptile and amphibian movements. Directional and shielded lighting are anticipated to be used to minimize spillage from the Phase 1 Site into neighboring habitats. With the implementation of the measures noted above, the potential cumulative impacts on the natural resources on or in the vicinity of the Project Site resulting from the development of the Proposed Project in conjunction with those associated with other approved projects in the area are not expected to be significant.

E. SURFACE WATER RESOURCES AND WETLANDS

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The Project Site contains streams, wetlands and surface waters which have been delineated, mapped, and reviewed by the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC). The primary water body which bisects the site at the lowest elevations and receives surface water runoff from most of the site is Kiamesha Creek. Bordering this stream is 100-year floodplain primarily located within portions

of the existing golf course. During development of the Comprehensive Development Plan and DEIS/FEIS, several additional wetland areas were delineated, mapped, and reviewed by the USACE and NYSDEC within newly acquired parcels purchased to accommodate the Resort Entry Road. In total, the site contains 301 acres of vegetated wetlands, 187 acres of unvegetated lakes/streams, and over 30,000 feet of perennial and intermittent/ephemeral watercourses. As discussed below, careful site design and use of non-wetland areas has allowed the Project to avoid disturbance to wetlands and surface waters to the maximum extent practicable.

POTENTIAL IMPACTS

In total, 7.669 acres of regulated wetlands and waters are expected to be disturbed by the Proposed Project. The total includes 3.733 of direct disturbance (fill) of vegetated wetlands, 3.400 acres of disturbance by hand-clearing of vegetated wetlands, and 0.536 acres of direct disturbance (fill) to unvegetated wetlands (golf course ponds). In addition to permanent wetland impacts, 0.35 acres of temporary impacts to onsite wetlands will be required principally for installation of the force main to connect the Proposed Project with the existing Town Sewage Treatment Plant, and also for temporary clearing of vegetation to facilitate road and building construction. This acreage is the same for the DGEIS and the Proposed Project presented in the FGEIS. All areas of temporary wetland impact will be replanted by wetland adapted plants post-construction.

In addition to the 0.38 reduction in wetland impacts realized by the Resort Entry Road, further reductions in wetland impacts were achieved as a result of the detailed engineering underway as part of the specific Phase 1 site development plan. For example, by developing more detailed grading plans, stormwater infrastructure could be strategically located outside of wetland areas, thus reducing the overall footprint of Phase 1. As such, the selected alternatives for the Proposed Project will require disturbance to 7.669 acres in order to implement the entire CDP, as compared to the projected 8.362 acres of wetland disturbance presented in the DGEIS.

Regarding flooding, all areas of the Proposed Project that will be constructed within the 100-year floodplain will be designed to conform to FEMA regulations to meet the National Flood Insurance Program and Chapter 140: Flood Damage Prevention of the Town of Thompson Code. As currently proposed, only non-habitable site improvements will be located within the 100-year floodplain, including the proposed golf course, improvements to existing roadways and stream crossings, stormwater facilities, and new utility connections to access the Town's sewage treatment facility. In addition, all improvements and grading for the proposed golf course placed within Special Flood Hazard Areas or within a designated Floodway will be built to prevent an increase in the surface elevation of the base flood. An engineering study attesting to the Proposed Project's conformity with floodplain regulations will be provided in final design documents for each phase of the project as part of Site Plan Approval.

MITIGATION

To mitigate for the permanent wetland disturbance required to implement the Proposed Project, a comprehensive wetland mitigation plan is being prepared. This plan, which will be informed by input from the Town during SEQRA and Site Plan review, will be submitted to the Town and regulatory authorities upon its completion.

Three areas of the Project Site currently occupied by golf course fairway were identified as potential mitigation areas due to their topographic position, proximity to existing wetlands, and available hydrology. These potential mitigation areas were studied in detail to determine their

viability as locations for wetland creation. Sub-surface geology and groundwater conditions have been studied via test pits and piezometers. In total, the wetland mitigation plan will propose to create approximately 13 acres of new wetland in formerly upland areas currently occupied by golf course fairway.

By creating wetland in portions of the existing Monster Golf Course that suffer from saturated soil and periodic flooding, the mitigation plan will reclaim and recreate floodplain forest. These wetland creation areas are all located immediately adjacent to formerly connected wetland patches now isolated and of lower value. By expanding and spanning the non-wetland spaces between remnant areas of existing wetland habitat now isolated within the Monster Golf Course's lower elevations, the wetland mitigation plan will not only exceed the wetland acreage disturbed by a ratio of greater than 2:1, it will also create contiguous wetland habitat that currently does not exist. The net benefit to wetland functions and values, including wetland flora and fauna functions, will be substantially increased. The proposed mitigation areas are physically separate from other project components, and can therefore be constructed independently of the development construction schedule.

Implementation and adjustment to the wetland mitigation plan during its construction and grow-in period will employ an Adaptive Management approach. This is a science-based approach for managing ecological systems and communities that are continuously evolving. A multi-disciplinary Adaptive Management Team will track the mitigation project against expected progress to ensure that the project stays on the appropriate trajectory to success. As necessary and appropriate, the Adaptive Management Team will address any identified problems on an ongoing basis and will implement appropriate monitoring programs and/or alternatives to guide the mitigation.

Detailed construction and planting plans, water budgets, recorded groundwater levels, wetland establishment period monitoring and maintenance plans will be included in the final Wetland Mitigation Plan Report as presented to the regulatory authorities and the Town.

The mitigation plan for the Proposed Project is subject to review and approval by the USACE and NYSDEC. These agencies requested that a complete wetland mitigation plan be prepared and set aside for all phases of the Proposed Project. In this way, viable land areas capable of supporting wetland creation have been designated and set aside for future use. The wetland mitigation areas will then be built as needed for each phase, with certain features, including necessary hydrology and water conveyance structures, built from the outset. Much of the wetland mitigation will be built in Phase 1 as the Casino Resort comprises a large percentage of the overall wetland impacts. The remainder of the wetland creation areas will be built and planted as the successive phases are constructed. Ultimately, the timing and phasing of the wetland mitigation component of the Project will be determined by the USACE and NYSDEC and will be incorporated in the Project's Federal and State wetland permits.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

The proposed project Phase 1 and Phase 1 infrastructure development will result in 6.211 acres of USACE wetlands disturbance. This includes 3.101 acres of direct disturbance (fill) of vegetated wetlands, 3.110 acres of disturbance by hand-clearing of vegetated wetlands. There will be no disturbance to unvegetated wetlands. A permit will be required from the NYSDEC and the USACE for the disturbance to regulated wetlands.

MITIGATION

Wetland mitigation for the development of Phase 1 would be undertaken concurrently with the overall Comprehensive Development Plan wetland mitigation as described above.

F. STORMWATER MANAGEMENT

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

While the proposed impacts associated with the new impervious surface and change in land use would potentially increase the peak flow, decrease infiltration and increase the pollutants in stormwater runoff, the proposed stormwater mitigation measures would minimize potentially adverse impacts. The post-development stormwater flows will be attenuated to the pre-development flow conditions which would help to decrease potential erosion and improve water quality. The runoff reduction volume would be achieved through the maximum extent practicable, through the use of on-site rain gardens/bioretention basins, porous pavement, pervious pavers, and open channels. These practices help to re-introduce infiltration, provide filtering, and promote evapotranspiration.

MITIGATION

The design approach to stormwater management for the full CDP includes a system of green infrastructure and stormwater ponds designed to capture, treat and detain stormwater runoff to the predevelopment conditions. The design intent for stormwater management is to comply with the New York State Stormwater Management Design Manual (the Manual) to the extent practicable. If the design requires deviation from the Manual, the Applicant will work with New York State Department of Environmental Conservation (NYSDEC) to develop measures that meet the intent of the Manual. The intent is to capture the water quality volume in various green infrastructure practices, thereby reducing the stormwater runoff volume from post-development conditions. Therefore, green infrastructure planning techniques would be evaluated in each phase to maintain the existing hydrologic patterns.

The Proposed Project will not result in any significant adverse impacts from stormwater runoff. Locations and sufficient space for the required stormwater infrastructure required have been incorporated in the future development phases of the Proposed Project. For each phase of the Proposed Project, changes in stormwater runoff characteristics will be evaluated and a Stormwater Pollution Prevention Plan (SWPPP) would be developed in accordance with NYSDEC design guidelines and SPDES General Permit No. GP-0-10-001 to mitigate potential impacts identified. The resulting SWPPP will require review and approval by the NYSDEC in advance of the development of each future phase of the Proposed Project. Therefore, potential impacts from stormwater runoff, including sediment and erosion impacts, will be avoided. No further mitigation will be required.

The Proposed Project will redesign the existing Monster Golf Course in the center of the Project Site to retain a wide central green space on either side of Kiamesha Creek. Development of new buildings, roadways, and related impervious surfaces is not proposed in close proximity to Kiamesha Creek so that the stream resource can be protected and enhanced. In the past, the low-lying topography of the course resulted in frequent flooding, which has likely been exacerbated

by upstream development along the Kiamesha Creek corridor. Proposed Project components intended to remedy this situation include:

- Implementation of stormwater management practices to capture, detain, and recharge the groundwater close to the source of the runoff so that the Creek is not overburdened with Proposed Project-generated runoff.
- The redesigned golf course would improve course irrigation and drainage systems to reduce weather-related course closings.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

Construction of Phase 1 will increase the impervious coverage of the Phase 1 Site and thereby produce greater stormwater volumes and increase pollutant loading in the stormwater runoff. These changes in the quantity and quality of the stormwater runoff from the Phase 1 Site have the potential to result in downstream flooding, increased erosion and sediment deposition as well as impacts to surface waterbodies from increased pollutant loads carried in the stormwater runoff. Other potential impacts associated with construction activities for Phase 1 include sediment deposition, erosion, and turbidity within receiving waterbodies.

In addition to potential increase in pollutants associated with the new impervious surfaces, the race track operations will increase the potential for pollutants associated with the horse excrement.

MITIGATION

To address these potential impacts during construction, an Erosion and Sediment Control Plan will be developed in accordance with the New York Standards and Specifications for Erosion and Sediment Controls and SPDES General Permit GP-0-10-001.

To address the long-term pollutants associated with the proposed impervious surfaces, the Phase 1 Site Plan and associated stormwater design includes green infrastructure practices, including rain gardens/bioretention basins, pervious pavers, porous pavement, and open channels that are sized to capture and treat the Water Quality Volume from the contributing drainage area. There are also several ponds located on-site that will provide secondary treatment of the WQv and provide attenuation of the larger storm events. The system is designed to meet the requirements of the NYSDEC Stormwater Management Design Manual where the post-development flows will not exceed pre-development flows for the 1, 10, and 100-year, 24-hour storm events.

In addition to developing the stormwater management system in conformance with the NYSDEC GP-0-10-001, areas that have contact with the horsing operations will be designed to meet the requirements of NYSDEC Concentrated Animal Feeding Operations (CAFOs) design and permitting. The existing CAFOs permit for the Monticello track will be modified to include the operations at the proposed paddock and racetrack. The paddock and stalls will be an enclosed building located to the west of the proposed racetrack. The stormwater runoff from the track will be conveyed overland through a grassed filter strip to a vegetated swale discharging into a stormwater pond in the center of the track. The stormwater pond is designed to detain the flows during the 1, 2, 10, 25, and 100-year, 24-hour storm event. An outlet control structure will be designed to detain the flows and convey stormwater under the track to a vegetated treatment area (VTA) located between the track and Thompsonville Road. A second VTA is proposed at the

southwest corner of the track providing treatment from the stormwater runoff and snowmelt from the snow stockpile area.

Implementation of the State-approved SWPPP and modified CAFOs permit for Phase 1 will avoid potential adverse impacts caused by surface water runoff. Therefore, no further mitigation will be required.

G. WATER SUPPLY

The water supply system will be built to municipal standards (10 State Standards and AWWA Standards). The water supply system, including storage facilities, water mains and pressure booster pump stations, as applicable, will be sized to serve the domestic and fire flow needs of each phase of the Proposed Project.

When required, the proposed Transportation or Water Works Corporation (Corporation) will be formed by the project sponsor under the New York State Transportation Corporation Law. The Corporation will own, operate, maintain and expand the system as required to serve the growth of the proposed project. The Water Works Corporation will be responsible for the oversight, daily management, maintenance, repair and expansion of all water supply system infrastructure within the confines of the lands owned or controlled by the project sponsor and/or all other subdivisions of the original lands of the project sponsor.

The Transportation Corporation or Water Works Corporation will be responsible for any and all water source expansions (development of new wells or interconnection with other approved supplies i.e., Village of Monticello, or KASWC including water mains, storage and pumping facilities.

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

The anticipated water demand for all phases of the Proposed Project is approximately 960,000 gallons per day (GPD) with water-saving fixtures. Water demand estimates by project phase is presented below.

Water Demand Calculations

Project Phase	Water (Daily Demand)	Daily Demand with Water Saving Fixtures*
Phase 1 – Casino Resort A	228,719	201,586
Golf	21,800	17,440
Casino Resort B	32,750	26,200
Entertainment Village	118,408	95,991
Residential Village, Hospitality, and Recreation	433,830	391,864
Hospitality, Commercial, and Residential	283,500	226,800
Total	1,119,008	959,880
Note: * 20 percent reduction, when applicable - in GPD		
Source: AKRF Engineering, P.C.		

While sufficient for the current demand of the golf course Chalet Pro Shop and Maintenance Building, the existing potable water supply on the Project Site is not sufficient to support the water supply demand for the Proposed Project. Therefore, a potable water infrastructure system will be designed and constructed, in phases, to provide adequate water supply for the respective

development phases. Once multiple phases of development have been introduced, the different water systems would be consolidated through interconnection.

The following water supply sources have been identified as possible sources that may be used for the Proposed Project.

Off-Site Water Supply

As both the Village of Monticello Water Department and the KASWC have water supply infrastructure within close proximity to the Project Site, it may be possible to enter into a contractual agreement with one or both of these providers to meet the required potable water needs of the Proposed Project.

Village of Monticello Water Department

The Village of Monticello Water Department has a 600,000 GPD surplus of potable water supply, which is not sufficient to be the sole provider of potable water to the Project Site at full build out. Therefore, additional sources of water will be necessary to augment the water supply to support the 960,000 GPD water demand for the Project Site at full build out. Use of water from the Village's Water Department would require coordination with the Village to allow for water to be provided outside of the current water district. Additionally, new infrastructure will be required to convey water from the existing system to the various elements of the Proposed Project.

Kiamesha Artesian Spring Water Company (KASWC)

The KASWC has approximately 726,000 GPD of excess capacity. Therefore, the KASWC will also not be capable of being the sole provider of potable water for the Proposed Project. The KASWC system will need to be augmented with the design and construction of an additional groundwater supply well, or by increasing the water withdrawal rate from the Kiamesha Lake. The water storage tank and treatment facility will need to be upgraded to address the additional volume of water. Use of water from the KASWC will require coordination with the operator of the company to allow for water to be provided outside of the current area of service. A new conveyance system(s) will need to be designed and constructed to provide water from the KASWC to the various elements of the Proposed Project.

According to previous studies, groundwater within the Project Site has the potential to produce enough water to meet the requirements of the previously analyzed 2006 CALP development plan, which was estimated at 1.4 million gallons per day (MGD). Therefore, the potential impacts associated with the increased water withdrawal from the KASWC or Village of Monticello Water Department could be mitigated through an interconnection to existing and proposed on-site wells. Groundwater withdrawals will be monitored to ensure that neighboring properties will not be affected. If the monitoring reveals adverse impacts to neighboring wells, water supply impacts will be mitigated by the Applicant as provided in a Water Replacement Plan to be reviewed and approved by the Town.

On-Site Groundwater Water Supply Wells

For each phase of the Proposed Project, the option to design and construct a system of groundwater supply wells located within the vicinity of the particular phase of development will be investigated. Each proposed conceptual water system would 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.

Initial steps towards the development of the well fields and water distribution systems would involve coordination with the New York State Department of Health (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 New York State Department of Environmental Conservation (NYSDEC), NYSDOH, Delaware River Basin Commission (DRBC), and the New York State Public Service Commission (NYSPSC).

MITIGATION

All water infrastructure proposed by the Applicant will be designed and constructed in conformance with the Recommended Standards for Water Works - 2007 Edition and the NYSDOH Sanitary Code. As the water source(s) for future phases of the Proposed Project are determined, designs for supply, treatment, transmission, and distribution systems will be developed in conformance with all local, regional, and State regulations. The final design of the infrastructure will avoid and minimize, to the extent practicable, impacts on environmentally sensitive features, such as wetlands. Ultimately, the water supply systems for each development phase will be reviewed and approved by all agencies with jurisdiction over water supply in the vicinity of the Proposed Project.

Existing NYSDEC and DRBC permits may need to be modified to address the anticipated increased water withdrawal rates. The associated Drought Management Plan and Non-Point Source Pollution Control Plan (NPSPCP) would also need to be revised to adequately reflect the increase in the water withdrawal rate. NYSDOH permits for community water systems may also have to be modified to reflect the anticipated population served by the Proposed Project for each of the three supply options.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

The Phase 1 water supply demand can be met by at least one of, or any combination of, the options outlined in this chapter. Therefore, no potential impacts are anticipated as a result of the Phase 1 water supply demands.

However, the Applicant is negotiating with the Village of Monticello Water Department to provide water for Phase 1 components of the Proposed Project. On November 20, 2012, the Village of Monticello adopted a resolution that authorized continued negotiations with EPT Concord Resort regarding a water contract. The Village of Monticello is in the process of engaging an engineer with expertise in water supply to review the details of interconnecting the Village's water system with the Proposed Project.

MITIGATION

The Phase 1 water supply demand can be met by at least one of, or any combination of, the options outlined previously. Therefore, no potential impacts are anticipated as a result of the Phase 1 water supply demands and, as a result mitigation is not required.

H. SANITARY SEWER SERVICE

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

It is anticipated at full build that the site will generate approximately 880,200 gallons per day (GPD) of wastewater. Over 600,000 GPD of this generation are attributed to the Residential Village and Commercial development. Although the Project will be constructed in phases, the sanitary infrastructure will be designed to accommodate flows from the maximum build out of the Proposed Project.

Project Phase	Incremental Sewer Demand
Phase 1 – Casino Resort A	121,800 GPD
Golf	17,500 GPD
Casino Resort B and Entertainment Village	122,200 GPD
Residential Village, Hospitality & Recreation	391,900 GPD
Hospitality, Commercial & Residential	226,800 GPD
Total	880, 200 GPD
Source: Water and Sewer Demand Calculations (AKRF Engineering, May 2012)	

Proposed Wastewater Infrastructure

The development of the Proposed Project will require an on-site sanitary sewer network. The Applicant will construct this sanitary sewer network as part of the Proposed Project, and the network will subsequently be privately owned and operated. Portions of the proposed system may be located within the public right-of-way where an easement will be obtained from the municipality as necessary. This sanitary sewer network may include gravity and/or force main piping as well as associated pump stations, manholes, and lateral connections to proposed buildings. As part of the site development plan approval process, sewage facilities for each of the proposed development phases will be required to be sized to serve the needs of the overall development as envisioned in the CDP and PRD as well as any anticipated future needs as determined by the Planning Board. It will be the responsibility of the Master Association to make any necessary common (Infrastructure improvements) to accommodate the future needs of the overall development.

MITIGATION

Regulatory Requirements

The current PRD zoning regulations, and the amendments proposed by the Applicant, require that “all contiguous land within a CDP shall be served by commonly controlled publicly owned and/or publicly regulated central water and sewer systems.” (§250-27.2(B)(4)). It is currently intended that the Proposed Project will construct, maintain, and operate the sanitary sewer network. As the Proposed Project is within the Kiamesha Lake Sewer District (KLSD), this network will connect to the KLSD Sewage Treatment Plant (STP). Therefore, the Proposed Project will conform to the requirements of the PRD by utilizing a central conveyance and treatment system for project generated sanitary sewage flows.

All conveyance systems will be designed and constructed to minimize impacts and prevent leaks at stream crossings. The proposed sanitary pump stations will be located outside of the existing 100-year floodplain, thereby minimizing potential for sanitary overflows into surface waters. The system will be designed in accordance with Ten State Standards, and New York State Department of Environmental Conservation-88 (NYSDEC-88) Design Standards. The Applicant, at the appropriate time, will establish a sewage works corporation pursuant to the New York State Transportation Corporation Law. As such, the proposed sewerage collection system will be designed and constructed in conformance with the regulations of the New York State Department of Health and NYSDEC.

The KLSD STP is also subject to state and regional regulation. As described above, the KLSD STP is currently permitted by New York State to treat two million gallons per day (MGD) of wastewater flow and is located within the Delaware River Basin. Therefore, the KLSD STP is also required to comply with the requirements of the Delaware River Basin Commission (DRBC) and is currently permitted under Docket No. D-89-11 CP. Any expansion of the plant to treat additional flows will require the approval of both NYSDEC and the DRBC. If additional capacity is required at the STP, the KLSD and Town of Thompson will apply for, and secure, the necessary approvals.

Sewer Treatment Plant Capacity Improvements

As noted, the KLSD STP is currently permitted to treat two MGD. Accounting for existing use and capacity that has been previously contractually committed, the facility currently has excess capacity to receive between 500,000 and 700,000 GPD.

At full build out, the projected flows generated by the Proposed Project will be greater than the existing capacity of the STP, thereby potentially requiring modifications to the STP. According to the Water and Sewer Superintendent of the STP, the plant was originally designed and constructed so that additional treatment modules could be added to the facility once wastewater flows reached the designed capacity. If any expansion and/or other treatment modification to the STP is the sole result of capacity demands or treatment level modifications required for the Proposed Project, the Applicant shall be solely responsible for the improvements. If expansion of the STP or any other STP treatment modification is otherwise necessary, the Applicant will be responsible for its proportionate fair share of the costs, as they are needed. In addition, as a tax paying property within the KLSD, the Applicant has the same rights to excess capacity as other property owners within the district, including those who may have opted out of hooking-up. As such the Proposed Project will not preclude other properties within the KLSD from hooking up to the STP in the future.

Other Mitigation Activities

The Proposed Project will use water-saving plumbing fixtures, when available. In addition to reducing the demand for potable water, efficient plumbing fixtures also reduce the amount of the wastewater that is generated. The sanitary sewer demand presented above already takes into account the use of water-saving fixtures, where applicable. The Applicant is also investigating potential water use initiatives that could further reduce the wastewater flows that reach the KLSD STP, as well as options for reusing the treated wastewater effluent from the plant on the Project Site, thereby reducing the wastewater discharges from the STP.

Any sewage collection or conveyance system improvements that are within or adjacent to Town roads or within specific utility easements may be dedicated to the Town at the Town's

discretion. Components of the sewage collection system that are not dedicated to the town will be owned and maintained by the Project Sponsor and/or Master Association.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

It is estimated that Phase 1 will generate approximately 121,800 gallons of wastewater per day. Preliminary design calls for wastewater to be collected from Phase 1 via new sanitary laterals from the Casino and Hotel buildings to a connection at a newly constructed manhole along the proposed sanitary main in Thompsonville Road. From this connection, the wastewater will travel by gravity main in Thompsonville Road to a pump station located on the north side of the road near the proposed maintenance building. From this pump station, the flow will be conveyed via force main along an existing path leading to the manhole at the head works of the KLSO STP. The design will avoid and minimize, to the maximum extent practicable, disturbance of the land in this area, which is within the 100-foot adjacent area of a NYSDEC wetland and crosses a regulated water course. To this end, it is proposed that the sanitary force main be constructed using trenchless technology, which will require a minimal amount of disturbance at Tannery Brook and no disturbance to the stream bed and banks or the wetlands.

MITIGATION

Based on the permitted capacity and current daily flows, the STP has adequate capacity to treat the wastewater generated by Phase 1. In accordance with NYSDEC requirements, grease interceptors will be provided on laterals emanating from all kitchen facilities to prevent grease and oil from entering the sanitary sewer system. Backflow preventers will be installed on the lateral ahead of the grease trap to ensure the kitchen waste does not re-enter the building system. In addition, each of the sanitary pump stations will be designed and constructed with flow meters recording the daily flows. The pump stations will also be equipped 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. Finally, all pump stations will be connected to emergency power in the event of a power outage.

Other Mitigation Activities

The Proposed Project will use water-saving plumbing fixtures, when available. In addition to reducing the demand for potable water, efficient plumbing fixtures also reduce the amount of the wastewater that is generated. The sanitary sewer demand presented above already takes into account the use of water-saving fixtures, where applicable.

The Applicant is also investigating potential water use initiatives that could further reduce the wastewater flows that reach the KLSO STP, as well as options for reusing the treated wastewater effluent from the plant on the Project Site, thereby reducing the wastewater discharges from the STP. Reuse of treated effluent for track watering purposes is currently being investigated to limit the increase in flows generated by the development and to reduce the potable water demand of the Proposed Project.

I. ENERGY AND TELECOMMUNICATIONS

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

ENERGY

Development of the EPT Concord Resort would place an increased demand on the existing electric service provided by NYSEG. The electric loads assume that heat and air conditioning would be provided by propane gas. NYSEG has indicated that they would be able to extend their electric service to the Project Site and could accommodate the entire project's demand to meet the 10-year multi-phased development program.

Energy would be provided to the Project Site in compliance with the requirements of the PRD, CDP, and other local and State regulation. The Applicant has requested, in a meeting with NYSEG, that all overhead wires be buried within the EPT Concord Resort property. NYSEG stated that one or more of the three existing substations would need to be upgraded to serve the Proposed Project. NYSEG has provided a 'will serve' letter confirming that it can provide the electric load required by both the Casino Resort and the Entertainment Village.

To provide fuel for heating and cooking, propane gas would be incorporated into the design of the buildings. All propane gas fuel tanks would be installed to meet or exceed local, State, and Federal safety and environmental standards.

TELECOMMUNICATIONS

The Proposed Project would not result in impacts to existing telecommunications services, currently provided by Time Warner cable and Verizon. These services are provided by private companies that would expand service areas as needed to accommodate customer demand. Telecommunications would be provided to the Project Site in compliance with the requirements of the PRD, CDP, and other local and State regulation.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

ENERGY

As stated above, on September 18, 2012, NYSEG provided the Applicant with a 'will serve' letter indicating they are able to provide the necessary electricity to the Casino Resort and the Entertainment Village. NYSEG confirmed that the existing electrical infrastructure would require upgrades to serve the Phase 1 development. To that end, NYSEG is in the process of determining from which substation(s) the Phase 1 power would be provided.

The upgrades to the electrical infrastructure described above would be required for the development of Phase 1, including upgrades to one or more of the existing substations and upgrades to the existing power lines. In addition, the demand for electricity would be reduced through incorporation of Sustainable Design Strategies.

The energy required for heating, air conditioning and other non-electrical energy needs would be provided by a 30,000-gallon propane tank located on the Project Site. As safety precautions, emergency shutoff valves in the associated piping would be provided at the tank and 50 feet away from the tank. Bollards would be located around the tank adjacent to vehicle access points.

TELECOMMUNICATIONS

The Phase 1 development would not result in impacts to existing telecommunications services. These services are provided by private companies that would expand service areas as needed to accommodate customer demand.

J. TRANSPORTATION

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

A qualitative assessment was performed and potential mitigation identified for each of the Lead Agency identified study intersections based on the volumes developed for the full build of the Proposed Project. As the proposed EPT Concord Resort development program advances, supplemental detailed traffic studies and intersection analyses will be needed to specifically identify potential impacts and required mitigation. The implementation of intelligent transportation systems (ITS) will be included in the analyses of future mitigation. Specific impacts of future phases will be analyzed at the time of their Application. The Applicant will continue to coordinate with the Town and other regulatory agencies to determine the appropriate mitigation for the impacts of these future phases at the time that they are proposed. Updated traffic studies shall be required to be submitted with site plan/subdivision applications for approval as found necessary by the Planning Board during the course of the site plan/subdivision review.

Below is a list of potential impacts as a result of future builds based on the qualitative assessment.

Signalized Intersections

- Liberty Street and Broadway – at full build out, the Proposed Project is estimated to generate approximately 330 (Sunday peak hour) and 400 (Friday peak hour) more vehicles along Broadway.
- Pleasant Street and Broadway – at full build out, the Proposed Project is estimated to generate approximately 330 (Sunday peak hour) and 400 (Friday peak hour) more vehicles at this intersection. Based on the No Build and Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Anawana Lake Road – at full build out, the Proposed Project is estimated to generate approximately 1,120 (Sunday peak hour) and 1,920 (Friday peak hour) more vehicles at this intersection. Based on the No Build and Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions. NYS Route 42 and Depot Drive – at full build out, the Proposed Project is estimated to generate approximately 1,120 (Sunday peak hour) and 1,920 (Friday peak hour) more vehicles at this intersection. Based on the No Build and Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.
- NYS Route 42 and Concord Road – at full build out, the Proposed Project is estimated to generate approximately 1,140 (Sunday peak hour) and 1,960 (Friday peak hour) more

vehicles at this intersection. Based on the No Build and Build, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.

- NYS Route 42 and Kiamesha Lake Road – at full build out, the Proposed Project is estimated to generate approximately 500 (Sunday peak hour) and 790 (Friday peak hour) more vehicles at this intersection. Based on the No Build and Build volumes, this intersection may deteriorate to unacceptable LOS E or LOS F conditions with project traffic exacerbating conditions.

Unsignalized Intersections

- Old Liberty Road and Fraser Road – this intersection will likely continue to operate at acceptable conditions and will not need mitigation to accommodate project traffic.
- Rock Ridge Drive and Concord Road – at full build out, the Proposed Project will add approximately 700 vehicles to this intersection during both the Friday and Sunday peak hours.
- Rock Ridge Drive and Thompsonville Road – at full build out, the Proposed Project will add less than 300 vehicles to this intersection during both the Friday and Sunday peak hours. Given the low background volumes at this intersection and small increase in traffic due to the project, mitigation may not be needed.
- Concord Road and Kiamesha Lake Drive – at full build out, the Proposed Project will add 600 and 400 vehicles trips during the Friday and Sunday peak hours, respectively. Chalet Road and Kiamesha Lake Drive – at full build out, the Proposed Project will add less than 250 vehicles trips during the Friday and Sunday peak hours. Given the small amount of project trips added and low background volumes, mitigation may not be needed at this intersection.
- Joyland Road and Thompsonville Road – at full build out, the proposed EPT Concord Resort project will add a significant amount of traffic to this intersection. Heiden Road and Thompsonville Road – at full build out, the Proposed Project will add less than 50 vehicle trips during the Friday and Sunday peak hours. Given the small amount of project trips added to low background volumes, mitigation may not be needed at this intersection.
- Heiden Road and Lake Kiamesha Road – at full build out, the Proposed Project will add less than 170 vehicles trips during the Friday and Sunday peak hours. Given the small amount of project trips added and low background volumes, mitigation may not be needed at this intersection.

The inclusion the Kelli Wood and Gan-Eden developments would exacerbate the unacceptable conditions along NYS Route 42. However, these developments would have little impact on traffic operations along Joyland Road, Heiden Road, Kiamesha Lake Road, Concord Road, and Thompsonville Road.

NYS Route 17 Interchange 106 (Joyland Road)

To accommodate the Proposed Project components anticipated coming on line in 2014, (i.e. Phase 1, Golf Course, and select components of the Entertainment Village), mitigation is required at the Cimarron Road/NYS Route 17 Interchange 106 Ramp intersections and at the Joyland Road/Cimarron Road intersection to provide acceptable LOS conditions. A majority of the traffic from the full build out of the Proposed Project will continue to traverse these intersections and may degrade operations at them and the two-lane overpass to unacceptable

conditions. Given the right of way constraints in this area and the limited available width on the overpass, full build out of the Proposed Project may require additional mitigation that could include a re-design and re-construction of this interchange to accommodate the increased vehicle turning movements. Re-design could include widening the overpass from a two-lane to four-lane roadway and expanding the roundabout at County Road 173/Overpass intersection from a single-lane to two-lane roundabout.

For future studies, the viability of using Heiden Road for vehicles to access parcels to the north of Thompsonville Road should be studied to reduce the high traffic volumes on Interchange 106. If subsequent supplemental studies assign the Proposed Project's trips to Heiden Road, then intersections at Interchange 107 (Heiden Road) and between Interchange 107 and Thompsonville Road should be added to the study area to be analyzed.

Public Transportation

Under the full build out of the Proposed Project, it is anticipated that small to moderate increases in public transportation demand will occur mainly as a result of the development of the proposed residential component. However, it is the policy of the transportation agencies to adjust their schedules to meet the projected increases in demand. Additionally, a shuttle service will also be provided to guests and residents of the EPT Concord Resort offering transportation to locations throughout the Casino Resort, thereby eliminating additional vehicle trips.

Pedestrian and Bicycle Conditions

Under the full build out of the Proposed Project, there will be small to moderate increases in both pedestrian and bicycle traffic at certain locations throughout the study area. It is also assumed that, as the anticipated development schedule will be market driven and built in phases, subsequent development components will require detailed supplemental pedestrian studies to determine the need for improvements to existing facilities or the creation of new pedestrian and bicycle facilities. Any pedestrian/bicycle/vehicular conflict issues that will require safety improvement measures will also be examined.

MITIGATION

Potential mitigation measures based on the impacts identified in the qualitative assessment are summarized below. Specific impacts of future phases will be analyzed at the time of their Application. The Applicant will continue to coordinate with the Town and other regulatory agencies to determine the appropriate mitigation for the impacts of these future phases at the time that they are proposed.

Full Build Out Potential Mitigation Measures Summary

Intersection	Mitigations Measures
Liberty Street / Broadway	Potential signal re-timings
Pleasant Street / Broadway	Potential signal re-timings Potential improvements to eastbound and westbound approaches
NYS Route 42 / Anawana Lake Road	Potential signal re-timings Potential for lane geometry improvements
NYS Route 42 / Depot Drive	Potential signal re-timings Potential for lane geometry improvements
NYS Route 42 / Concord Road	Potential signal re-timings Potential for lane geometry improvements
NYS Route 42 / Kiamesha Lake Road	Potential for lane geometry improvements
Rock Ridge Drive / Concord Road	Potential signalization of intersection Potential to provide turn lanes on Concord Road
Concord Road / Kiamesha Lake Road	Potential signalization of intersection
Joyland Road / Thompsonville Road	Potential signalization of intersection
NYS Route 17 Interchange 106	Potential overpass widening and expanding the single lane roundabout to a two-lane roundabout.
Note:	Mitigation measures identified for the full build out are preliminary based on a qualitative analysis of the full build volumes. Location specific mitigation measure will be identified in future studies when detailed intersection operation analyses are conducted based on an identified development program.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

In the 2014 Build Year, which includes the Phase 1 Casino Resort, Monster Golf Course improvements, Golf Cottages and select components of the Entertainment Village, absent mitigation, there would be the following significant impacts for the following intersections:

- Pleasant Street and Broadway – during the Friday peak hour, the eastbound left-turn lane would deteriorate from LOS E to LOS F conditions.
- NYS Route 42 and Concord Road – during the Friday peak hour, the westbound left-turn lane deteriorates from LOS D to LOS E conditions.
- NYS Route 42 and Kiamesha Lake Road – during the Sunday peak hour, the westbound approach would deteriorate from LOS E to LOS F conditions.
- Joyland Road and Cimarron Road – the westbound and northbound approaches would deteriorate from LOS A to LOS F conditions during the Friday and Sunday peak hours.
- NYS Route 17 Westbound Ramps/Towner Road and Cimarron Road – the northbound approach would deteriorate from LOS B to LOS F conditions during the Friday and Sunday peak hour.
- NYS Route 17 Eastbound Ramps and Cimarron Road – the eastbound approach would deteriorate from LOS B to LOS F conditions during the Friday and Sunday peak hours.

EPT Concord Resort

Public Transportation

Approximately 10 to 15 buses per day will service the casino, thus likely not having an impact during peak hours of traffic operations. Although there may be a small increase in public transportation demand with Phase 1, this impact would not be considered significant.

Pedestrian and Bicycle Conditions

Although there may be a small increase in pedestrians and bicycles with the development of Phase 1, this impact would not be considered significant. Nonetheless, as part of the mitigation required at the Cimarron Road/NYS Route 17 Exit 106 Ramp intersections, the shoulder widths on the overpass will remain unchanged, thus still accommodating pedestrian and bicycle traffic. In addition, the construction of the selected alternative Resort Entry Road parallel to Joyland Road will lower vehicular volumes on Joyland Road, thus improving pedestrian safety on this section of roadway.

MITIGATION

The following presents a summary of the proposed mitigation at each of the impacted intersection locations. The following proposed mitigation measures were also presented to the New York State Department of Transportation (NYSDOT) Region 9 at meetings in May 2012, July 2012, and November 2012:

2014 Build Year Mitigation Measures Summary

Intersection	Mitigations Measures
Pleasant Street and Broadway	Adjust signal timings to reallocate green time to eastbound left-turn lane during the Friday peak hour.
NYS Route 42 / Concord Road	Adjust signal timings to reallocate green time to westbound approach during the Friday peak hour.
NYS Route 42 / Kiamesha Lake Road	Adjust signal timings to reallocate green time to westbound approach during the Sunday peak hour.
Interchange 106 (Joyland Road/Cimarron Road; NYS Route 17 WB Ramps/Cimarron Road; NYS Route 17 EB Ramps/Cimarron Road)	Realign Cimarron Road. Install signal at NYS Route 17 WB ramps/Cimarron Road intersection. Install signal at Joyland Road/Cimarron Road/New Entry Road intersection. Install signal at NYS Route 17 EB ramps/Cimarron Road intersection. Prohibit westbound left-turns and southbound left-turns at NYS Route 17 EB ramps/Cimarron Road intersection Install roundabout at County Road 173/Cimarron Road intersection
*Note: Local roads, including Chalet, Thompsonville, Rock Ridge and Concord Road, will be assessed as part of site plan review for each phase.	

In addition, improvements to local roads, if necessary, may be required for Phase 1 and subsequent phases. The mitigation measures developed meet the criteria established by the Town of Thompson and the Town’s traffic consultant, for intersection operations. In addition, and in response to comment, the Applicant will coordinate with the Town and/or County (“Municipality”), as required, on a program to monitor the conditions of the public roadways utilized for access to Phase 1. Based on the results of this monitoring program, the Applicant and the Municipality will agree upon the work necessary to improve the roads. The Applicant will either construct or fund the cost of the agreed upon roadway improvements.

For each subsequent phase, the Applicant will be required to perform condition evaluations of local roads in the vicinity of the project site at the time of site plan submission and review by the Planning Board. If in the opinion of the Planning Board, upon the recommendation of Highway Superintendent and/or Town Engineer, improvements are required, the Applicant will either construct or fund the cost of the agreed upon roadway improvements as a condition of any site plan approval.

In consultation with and approval from NYSDOT and other involved agencies, an innovative approach towards addressing proposed mitigation, Intelligent Transportation Systems (ITS), will also be considered.

A sensitivity analysis was conducted along NYS Route 42 assuming the trips generated by, and improvements associated with, the CALP project were removed. Under this scenario, the impacts were mitigated with signal timing adjustments at Pleasant Street and Broadway, NYS Route 42 and Anawana Lake Road, and NYS Route 42 and Depot Drive.

All mitigation will require a Highway Work Permit (HWP) from NYSDOT and possibly other government agencies such as the Sullivan County Department of Public Works (DPW) and Town of Thompson DPW.

Infrastructure improvements for roads will require financial security from the project sponsor and/or managing entity(s) in the form of bonds and/or letters of credit and/or cash deposits. Financial securities shall be made prior to signature of final plat or site plan approval by the Planning Board Chair.

K. AIR QUALITY

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

Mobile Source Air Quality Screening Analysis

Based on the Volume Threshold screening, the Proposed Project-related traffic volumes in the Build year at each of the intersections would be below the Volume Threshold criteria. Although the Proposed Project would generate additional traffic at the intersections analyzed, it would not be enough to necessitate further study. Therefore, a detailed CO microscale air quality analysis was not warranted at these intersections for the Proposed Project. As such, no significant adverse air quality impacts are expected to result from the mobile sources associated with the Proposed Project.

Stationary Source Air Quality Screening Analysis

Future phase developments will utilize propane fuel and/or consider utilizing electrical power for heating and cooking purposes.

For the Proposed Project's fossil-fueled heating and hot water systems, the primary pollutants of concern are NO₂ and SO₂ when burning propane. Monitored concentrations of these pollutants indicate that levels are well below the standards in the study area, and the Proposed Project would not be a major source of stationary source emissions. Therefore, the Proposed Project is not expected to result in significant adverse air quality impacts due to stationary sources.

Consistency with the New York State Air Quality Implementation Plan

The Proposed Project is not expected to cause any new exceedance of air quality standards or exacerbate any existing exceedance for the projected 2014, 2015, 2016, 2019, and 2022 Build conditions. Therefore, the Proposed Project would not have a significant adverse impact on local air quality, and would be consistent with the requirements of the New York State Implementation Plan (SIP).

MITIGATION

Since there would be no significant adverse air quality impacts from the Proposed Project, mitigation is not required.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

Mobile Source Air Quality Screening Analysis

An assessment of the potential air quality effects of CO emissions that will result from vehicles traveling to and departing from the development of Phase 1 was conducted. This assessment concluded that, based on the selected alternatives and mitigation for Phase 1, none of the Phase 1-affected intersections would require a detailed microscale air quality analysis.

The area roadway intersections were reviewed based on NYSDOT's *EPM* criteria for determining locations that may warrant a CO microscale air quality analysis. The screening analysis examined the LOS and projected volume increases by intersection approach.

The potential for CO impacts was assessed using traffic data for the Build year during Friday peak traffic hour (3:30 PM to 4:30 PM) and the Sunday peak traffic hour (5:00 PM to 6:00 PM). The following multi-step EPM screening procedure was used to determine whether a detailed air quality analysis of CO concentrations is needed for any of the intersections in the study area for Phase 1.

The LOS screening criteria were first applied to identify those intersections with approach LOS D or worse. Eight intersections were projected to operate at LOS D or worse during any of the peak traffic periods:

- Route 42/Pleasant Street & Anawana Lake Road
- Route 42/Pleasant Street & Depot Road
- Route 42/Pleasant Street & Concord Road
- Route 42/Pleasant Street & Fraser Road/Kiamesha Lake Road
- Route 42/Pleasant Street and Broadway
- Cimarron Road & Joyland Road
- Cimarron Road & Towner Road
- Cimarron Road & Route 17 Ramps

Of the eight intersections identified, four intersections met one of the Capture Criteria identified in the *EPM*, namely there would be a 10 percent or more increase in traffic volume and a 10 percent or more reduction in the source-to-receptor distance (widening). These intersections are:

- Route 42/Pleasant Street & Fraser Road/Kiamesha Lake Road
- Cimarron Road & Joyland Road
- Cimarron Road & Towner Road
- Cimarron Road & Route 17 Ramps

A Volume Threshold screening analysis was conducted on these four intersections to determine the need for a microscale air quality analysis. Based on the volume thresholds provided in the *EPM*, the four intersections would not require further study. Therefore, no significant adverse air quality impacts are expected to occur as a result of the Phase 1's mobile sources.

Stationary Source Air Quality Screening Analysis

Phase 1 is expected to have a total of seven propane fired, 4 million British Thermal Units per hour (mmBtu/hr), low NO_x condensing boilers associated with the heating and hot water systems located in the central utility plant. In addition, Phase 1 is also expected to have two, 1 mmBtu/hr, hot water heaters located in the podium building and three, 1.3 mmBtu/hr hot water heaters located in the showroom building. Potential concentrations from these sources are not expected to contribute to the potential concentrations from the boilers since they are relatively small sources and are located in separate areas of the site. Additionally, it is envisioned that Phase 1 would also include several very small dryers (less than 1 mmBtu/hr each) for the laundry and two 1,000 kilowatt (KW) emergency generators. The potential emissions from the dryers would be a relatively small fraction of the emissions from the heating and hot water systems, and are not expected to occur in the same location. Potential air quality impacts from the emergency generators would be insignificant, since they would be used only for testing purposes outside of an actual emergency use, and individual generators would be tested at different times. Therefore, only the air quality impacts of the boilers were modeled.

Stationary source emissions were evaluated using NYSDEC Policy DAR-1 (Air Guide 1) screening analyses to determine the potential for significant pollutant concentrations from these systems. Potential impacts from criteria pollutants were evaluated using the EPA-approved AERSCREEN model (version 11076, EPA 2011).

A screening level modeling analysis of criteria pollutants was performed to determine the potential for significant adverse impacts from the heating and hot water systems for Phase 1. The model calculates 1-hour average concentrations. For other periods, the emissions were prorated to determine longer-term concentrations using EPA-approved conversion factors. Maximum predicted concentrations from the modeling analysis were added to the maximum ambient background concentrations and compared to the NAAQS. Criteria pollutant impacts from Phase 1 are less than their respective NAAQS; therefore, Phase 1 would not result in any significant adverse air quality impacts due to the proposed heating and hot water system.

Consistency with the New York State Air Quality Implementation Plan

Phase 1 is not expected to cause any new exceedance of air quality standards or exacerbate any existing exceedance for the projected Build condition. Therefore, Phase 1 is not expected to have a significant adverse impact on local air quality, and would be consistent with the requirements of the New York SIP.

MITIGATION

Since there would be no significant adverse air quality impacts from Phase 1, mitigation is not required.

L. NOISE

COMPREHENSIVE DEVELOPMENT PLAN (GEIS):

POTENTIAL IMPACTS

Noise from operation of the Proposed Project was considered at six locations near the Project Site:

- Site 1: Lorraine Drive between Joyland Road and Towner Road
- Site 2: Joyland Road between Route 17 and Lorraine Drive
- Site 3: Joyland Road between Lorraine Drive and Thompsonville Road
- Site 4: Northeast corner of Thompsonville Road and Joyland Road
- Site 5: Downs Road at Melissa Terrace
- Site 6: Thompsonville Road between Rock Ridge Drive and Joyland Road

These locations represent the noise-sensitive land uses that would be most likely to experience noise level increases due to the Proposed Project or Phase 1 because of their proximity to the Project Site and the roadways leading to and from the Project Site. Other sensitive land uses in the area would be expected to experience less noise resulting from the Proposed Project or Phase 1 than these sites.

Noise levels in the future with the EPT Concord Resort will be expected to increase as a result of increased traffic traveling to and from the Site and additional mechanical equipment associated with the full build out of the Project Site. Furthermore, noise levels at the Project Site itself will also increase as a result of these same noise sources.

Use of all-terrain vehicles (ATV's) is not included as part of the Proposed Project. Any plans to include ATV uses as part of the Proposed Project would require a separate site plan application. The site plan application would be reviewed by the Planning Board, which would assess the application for consistency with adjacent land uses, consistency with the overall master development plan, as well as for potential noise and other environmental impacts.

MITIGATION

Future phases of the Proposed Project will be subject to environmental analysis, as required by SEQRA, at the time of their application for site plan approval. If any significant adverse noise impacts are anticipated, measures to mitigate those impacts would, to the extent practical, be implemented.

As specific uses are identified and development programs set for each future phase of the Proposed Project, noise from mobile sources (traffic) and stationary source (building mechanicals) will be assessed. If noise levels from project-generated vehicle trips or operation of building mechanical equipment results in a significant impact, a variety of mitigation measures will be considered.

Residential structures included in the Proposed Project would be designed to provide sufficient noise attenuation to ensure interior noise levels less than 45 dBA, which is a generally accepted interior noise level threshold for residential uses.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

As part of the evaluation of alternatives and mitigation, the Phase 1 assessment examined noise associated with the vehicular traffic, the operation of the harness horse racetrack and the building mechanical equipment. The analyses indicated that impacts related to the operation of the harness horse race track and building mechanical equipment would not result in significant noise related impacts at the receptor locations.

Mobile Source Noise Impacts

Noise from the operation of Phase 1 was considered at the previously identified six locations near the Project. Noise measurements, taken in decibels were assessed against industry standard tests of perceptibility. The NYSDEC's threshold for a significant noise level increase is 6.0 decibels of increase. The NYSDEC's acceptable level of total decibels for residential uses is below 65 decibels.

With Joyland Road as the main entry route into the site, analyses in the DEIS indicated that traffic associated with the Proposed Project would result in noise level increments at receptor sites 3, 5, and 6 of 4.0 dBA or less, which would be considered perceptible but not significant according to NYSDEC impact criteria.

At receptor site 2, which is representative of residences along Lorraine Drive near Joyland Road, during the Sunday Afternoon time period, traffic associated with Phase 1 will be expected to result in a noise level increase of 7.0 dBA and a total noise level of 56.3 dBA. This noise level increment will be readily noticeable and would exceed 6.0 dBA, which is NYSDEC's threshold for a significant noise level increase; however, the absolute level of 56.3 dBA would be well below NYSDEC's acceptable level for residential uses of 65 dBA. Consequently, traffic associated with Phase 1, while it would result in readily noticeable noise level increases during the Sunday Afternoon peak hour, will not result in a significant impact at receptor site 2.

At receptor site 4, which is representative of the residences at the northeast corner of Joyland Road and Thompsonville Road, during the Friday Evening time period, traffic associated with Phase 1 would be expected to result in a noise level increase of 8.9 dBA and a total noise level of 56.3 dBA. This noise level increment would be readily noticeable and would exceed 6.0 dBA, which is NYSDEC's threshold for a significant noise level increase; however, the absolute level of 56.3 dBA would be well below NYSDEC's acceptable level for residential uses of 65 dBA. Consequently, traffic associated with Phase 1, while it would result in readily noticeable noise level increases during the Friday Evening peak hour, will not result in a significant impact at receptor site 4.

At receptor site 1, which is representative of the one residence and five bungalows along Joyland Road between Lorraine Drive (Towner Road) and Cimarron Road, traffic associated with Phase 1 would be expected to result in a noise level increment of 6.5 dBA and total noise level of 66.5 dBA during the Friday Evening time period, and a noise level increment of 15.4 dBA and total noise level of 66.7 dBA during the Sunday Afternoon time period. Both of these potential noise level increments would exceed NYSDEC's threshold for a significant noise level increase of 6

dba and would be considered readily to very noticeable. Furthermore, the total noise levels with Phase 1 would be expected to exceed NYSDEC's acceptable level for residential uses of 65 dba. Consequently, traffic associated with Phase 1, due to its potential to result in readily noticeable noise level increases and absolute noise levels exceeding NYSDEC's recommended level for residential uses will be expected to result in a significant impact at receptor site 1.

Using the same methodology as in the DEIS, the potential noise effects of vehicular traffic under the selected alternatives and mitigation for Phase 1 (the main entrance along the new Resort Entry Road) were examined.

At receptor sites 3, 5, and 6, the results of the revised mobile source noise analysis for the selected alternatives and mitigation for Phase 1 are comparable to those of the DEIS mobile source analysis, and no significant noise impacts are predicted to occur.

At receptor sites 1 and 2, the selected alternatives and mitigation for Phase 1 are predicted to result in noise level increases well below those predicted in the DEIS analysis. The scenario analyzed in the DEIS, Joyland Road as the main entrance route, predicted nearly a tripling of perceived noise level at receptor 1 during the Sunday Afternoon peak hour, but with the selected alternatives and mitigation for Phase 1, the Resort Entry Road as the main entrance route, only a barely noticeable increase in noise levels will occur at this location. The scenario analyzed in the DEIS predicted a readily noticeable change in noise levels at receptor 2 during the Sunday Afternoon peak hour, but with the selected alternatives and mitigation for Phase 1, only a barely noticeable increase in noise levels will occur. These receptors are located along Joyland Road north of where the Revised Entry Road diverges from Joyland Road and Cimarron Road. All project generated traffic will use the Resort Entry Road to enter the Project Site which will decrease the volume of vehicles on Joyland Road between Cimarron Road and where the Resort Entry Road re-connects to Joyland Road. The lower traffic volumes on this segment of Joyland Road result in decreased noise levels at receptors 1 and 2 as compared to the results of the DEIS noise analysis, and consequently, no significant noise impacts at these locations are predicted to occur.

At receptor site 4, the selected alternatives and mitigation for Phase 1 are predicted to result in noise level increases less than a decibel greater than those predicted in the DEIS analysis, including an increase of 9.4 dba during the Friday Evening peak hour. This is a readily noticeable change in noise levels and would exceed NYSDEC's threshold for a significant noise level increase. However, the absolute level of 56.8 dba will be well below NYSDEC's acceptable level for residential uses of 65 dba, and will therefore not constitute a significant impact.

MITIGATION

Based on the analysis performed, operation of Phase 1 will not result in significant adverse noise impacts at nearby receptors due to the operation of the proposed harness horse racetrack according to NYSDEC noise impact guidance. Furthermore, any mechanical equipment associated with Phase 1 will be designed to avoid noise impacts, and residential buildings associated with Phase 1 will be designed to provide sufficient window/wall attenuation to result in generally acceptable interior noise levels.

As part of the Proposed Project, the Applicant acquired the properties along the west side of Joyland Road near site 1, and intends to leave them unoccupied. Because the properties will remain unoccupied, no significant adverse noise impacts to site 1 will occur.

At other locations in the study area, traffic associated with Phase 1 could potentially result in noticeable noise level increases, but would not result in significant noise impacts according to NYSDEC criteria.

M. ECONOMIC CONDITIONS

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

ECONOMIC IMPACTS

This section presents economic impacts resulting from the construction period and from annual operations of the Proposed Project.

Construction

Based on preliminary estimates, the total cost for developing the Proposed Project is estimated at \$1,538.84 million in 2012 dollars, which includes \$327.93 million for Phase 1 construction. These figures include furniture, fixtures and equipment.

Employment

The construction cost for the economic benefits analysis is \$1,398 million in New York State, of which \$1,202 million is assumed to occur in the Catskills region. As a result of the direct expenditures, direct employment from construction of the Proposed Project (including both on-site construction jobs and jobs resulting from construction soft costs such as architecture and engineering) is estimated at 6,325 person-years of employment in New York State, of which 5,674 person-years are anticipated in the Catskills region. (A person-year is the equivalent of one person working full time for a year.) Over the estimated 10-year construction build out, construction would generate an average of 567 fulltime equivalent jobs in the Catskills region and 632 full-time equivalent jobs in New York State.

Construction of the Proposed Project is anticipated to generate an additional 1,268 person-years of indirect employment and 1,842 person-years of induced employment within the region, bringing the total number of jobs from construction to 8,784 person-years. In the larger New York State economy, the model estimates that construction would generate 5,031 person-years of indirect and induced employment, bringing the total direct and generated jobs to 11,356 person-years of employment.

Employee Compensation

The direct employee compensation during the construction period of the Proposed Project is estimated at \$298.52 million in the Catskills region and \$375.54 million in New York State. Total direct, indirect, and induced employee compensation in the Catskills region resulting from construction of the Proposed Project is estimated at \$441.04 million. In the broader New York State economy, total direct, indirect, and induced employee compensation from construction of the Proposed Project is estimated at \$675.98 million.

Total Effect on the Local Economy

The total construction cost appropriate for the economic benefits analysis is \$1,398 million in New York State, of which \$1,202 million is expected to occur in the region. Based on the models for the Catskills region and New York State, the total economic activity that would result from construction of the Proposed Project is estimated at \$2,389 million in New York State, of which \$1,681 million would occur in the Catskills region.

Annual Operations of the Proposed Project

Employment

Direct employment for the entire Proposed Project is estimated at approximately 2,642 permanent, FTE jobs, which includes an estimated 1,143 new FTE jobs by 2014 with the completion of Phase 1, the golf course program, and select components of the Entertainment Village at the Resort Core.

The Proposed Project would generate an additional 1,229 FTE indirect and induced permanent FTE jobs within the County, bringing the total number of direct, indirect, and induced jobs from the annual operation of the Proposed Project to 3,871 jobs within the County. In the larger New York State economy, it is estimated that the Proposed Project would generate 1,505 indirect and induced jobs, bringing the total number of direct, indirect, and induced jobs in the State to 4,147 FTE jobs.

Employee Compensation

Employee compensation from the annual operation of the Proposed Project is estimated at \$94.31 million. Total direct, indirect, and induced employee compensation resulting in Sullivan County from the annual operation of the completed development is estimated at \$138.63 million. In the broader New York State economy, total direct, indirect, and induced employee compensation from the annual operation of the completed development is estimated at \$155.84 million.

Total Effect on the Local Economy

The direct effect on the local economy from the Proposed Project, measured as economic output or demand, is estimated at approximately \$427.97 million annually. The total economic activity that is anticipated to result from operation of the Proposed Project, including indirect and induced demand, is estimated at \$656.63 million annually in New York State. Of that amount, \$598.53 million annually would occur in Sullivan County.

TAX REVENUES

The Proposed Project would generate significant tax revenues for the Town of Thompson, Sullivan County, and New York State through annual real property tax and fees, retail sales tax, hotel occupancy tax, and vendor track fees. Based on current tax rates and regulations, the Proposed Project at full build out is estimated to annually generate approximately \$42.5 million in real property tax, \$8.5 million in sales tax, \$4.4 million in hotel occupancy tax, and \$46.5 million in vendor track fees.

To the extent that financial assistance programs of the Sullivan County Industrial Development Agency are utilized for the Proposed Project, payments in lieu of taxes (PILOTs) would be negotiated. The PILOT would be applicable to County, Municipal, and School Taxes.

Real Property Taxes

At full build out, the Proposed Project would generate approximately \$42.5 million annually in real property taxes. Of this, approximately \$29.3 million would go to the Monticello Central School District, \$737,000 would go to Sullivan County, and \$12.5 million would go to the Town of Thompson. Solid waste fees would be additional.

Retail Sales Tax

Annual sales from Proposed Project retail stores and eating and drinking establishments are estimated at \$106.4 million. These sales would produce approximately \$8.5 million in annual sales tax, split evenly between Sullivan County and New York State.

Hotel Occupancy Tax

Sullivan County collects a 5.0 percent tax on hotel room charges. Based on an occupancy rate of 65 percent and an average room rate of \$205 per night, annual revenue from the Proposed Project's 1,800 hotel rooms would be approximately \$87 million. These sales would generate approximately \$4.38 million in hotel occupancy taxes for Sullivan County each year.

Video Gaming Machine Revenues and Vendor Track Fees

The Applicant estimates net revenue from Video Gaming Machine (VGM) operations to be \$193 million annually, which includes \$186 million for casino net revenue and \$7 million in grandstand net revenue. Based on the current New York State law, the vendor track's fee is estimated at \$46.5 million annually. Vendor track fees are used, in part, for New York State education programs.

Sullivan County Industrial Development Agency Financing

It is anticipated that all elements of the Proposed Project would be eligible for Sullivan County Industrial Development Agency (Sullivan County IDA) financial assistance under the "Destination Resort Program," adopted by Sullivan County IDA on April 8, 2008. It is also anticipated that the Applicant of the Proposed Project will submit an application to the Sullivan County Industrial Development Agency for financial assistance pursuant to the Destination Resort Program. Under the provisions of the Destination Resort Program, the Proposed Project would be eligible for the tax abatements and exemptions on:

- Real Property Tax on the increased value resulting from property improvements over a sixteen year period on a declining annual amount.
- Sales tax on all taxable purchases made in connection with the construction of the Proposed Project. The economic impacts presented above do not assume the collection of these taxes. Retail sales and hotel occupancy taxes are not abated.
- Mortgage tax on all loans financing the Proposed Project. The economic impacts presented above do not assume benefits from mortgage recording taxes.

If Sullivan County IDA participates in the providing of financial assistance to the Proposed Project, the real property tax revenues estimated above will be reduced, but in no case will they be less than the tax revenue in the year preceding IDA involvement. However, the economic impacts from construction and operation, as well as the employment benefits, sales tax, VGM and vendor track fees will NOT be reduced. In addition, by 2014, the Proposed Project would pay all incremental fees associated with sewer, water, fire, and solid-waste services. The table below summarizes the real property tax revenue for the Proposed Project assuming Sullivan County IDA financing. The below estimates assume that the improvements are completed by the taxable status date.

**Project Site Real Property Tax Revenues
Assuming Sullivan County IDA Financing**

Taxing Purpose	2014	2022	2037
County Levy	\$6,931	\$29,868	\$737,068
Town to Highway	\$35,439	\$153,653	\$3,798,733
Highway Outside Village	\$24,719	\$107,204	\$2,650,609
General Fund Outside of Village	\$815	\$3,462	\$85,046
Monticello Joint Fire District	\$631,652	\$2,537,214	\$2,537,214
EB Crawford Memorial Library	\$116,450	\$467,754	\$467,754
Kiamesha Lake Sewer	\$1,372,214	\$2,921,999	\$2,921,999
Solid Waste Fee	NA	NA	NA
Total Town/County Taxes from Real Property Tax	\$2,188,220	\$6,221,154	\$13,198,423
Monticello Central School District Revenues from Real Property Tax	\$273,289	\$1,190,233	\$29,312,614
Total Real Property Taxes Billed	\$2,461,509	\$7,411,387	\$42,511,037
Sources: Real Property Tax Bills for fiscal year 2012 (fiscal year 1/1/2012-12/31/12) and Statement of School Taxes for Monticello Central School for fiscal years 2011 (fiscal year 7/1/2011-6/30/2012), provided by EPT Concord II, LLC; AKRF, Inc.			

If Sullivan County IDA financial assistance is utilized for the Proposed Project, payment in lieu of taxes (PILOTs) would be negotiated and implemented. The process of developing a PILOT has not been formally initiated, but it would be informed by cost-benefit analysis that is required for financing.

With Sullivan County IDA financial assistance, property tax abatement associated with the 2014 component of the Proposed Project would fully expire by 2029, and the Proposed Project would be subject to full property taxes associated with the incremental value of the 2014 improvements, as well as a percentage of the incremental value associated with post-2014 improvements. By 2037, with Sullivan County IDA financial assistance the Proposed Project would pay full property taxes associated with all project improvements.

Even with Sullivan County IDA financial assistance, the property tax revenues, fee-based revenues, retail sales taxes, hotel occupancy taxes, VGM, and vendor track fee revenues described above—in combination with PILOT payments—would generate substantial economic and fiscal benefits to the Town of Thompson and other taxing jurisdictions, and would not result in significant adverse impacts to the provision of community services.

Effect on Labor Pool

The Proposed Project is expected to generate approximately 2,642 permanent FTE jobs. This would be a 7.7 percent increase in the labor force in Sullivan County, or a 1.2 percent increase in the Catskills region’s labor force in 2011. New jobs created by the Proposed Project would be diverse, catering to the wide range of skill sets already within the study area’s employment base. It is assumed that many of the positions at the Proposed Project would be filled by unemployed workers who are searching for employment, as well as workers in the area who work part-time jobs but are looking for additional work.

It is estimated that the Proposed Project would generate an additional 1,229 indirect and induced FTE jobs in Sullivan County. Similar to the direct employment generated by the Proposed Project, this indirect and induced employment would largely be met by a combination of unemployed and underemployed residents currently in the area.

MITIGATION

The Proposed Project would be beneficial to the local as well as the regional Catskill economy and is not anticipated to result in any significant adverse socioeconomic impacts. Therefore, no mitigation measures are proposed.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

ECONOMIC IMPACTS

This section presents economic impacts resulting from the construction period and from annual operation of the Phase 1 development.

Construction

Based on preliminary estimates, the total cost for the construction of Phase 1 alone is \$327.93 million, including \$29.66 million for infrastructure. These include hard and soft costs, but exclude the cost of land and financing.

Employment

Phase 1 would generate 1,523 person-years of employment in New York State, of which 1,475 person-years would be in the region.

In the Catskill region, construction would generate an additional 246 person-years of indirect employment and 475 person-years of induced employment within the region, bringing the total number of jobs from construction to 2,196 person-years. In the larger New York State economy, the model estimates that Phase 1 construction would generate 1,064 person-years of indirect and induced employment, bringing the total direct and generated jobs from Phase 1 construction to 2,587 person-years of employment.

Employee Compensation

Direct employee compensation during the construction period of Phase 1 is estimated at \$83.78 million in New York State, of which \$78.19 million is estimated in the Catskills region. Total direct, indirect, and induced employee compensation resulting in the Catskills region from Phase 1 construction is estimated at \$111.62 million. In the broader New York State economy, total direct, indirect, and induced employee compensation from Phase 1 construction is estimated at \$146.42 million.

Total Effect on the Local Community

The total economic activity that would result from Phase 1 construction is estimated at \$518.24 million in New York State, of which \$409.01 million would occur in the region.

Annual Operations

Employment

In 2014 with the completion of Phase 1, the golf course program and select components of the Entertainment Village at the Resort Core, it is anticipated that 1,143 new FTE jobs would be created. Of the 1,143 FTE jobs, the Casino Resort is estimated to create approximately 817 FTE jobs, the golf course program is expected to create approximately 33 FTE jobs, and the select components of the Entertainment Village that would be completed in 2014 are anticipated to create 293 FTE jobs.

Phase 1 would generate an additional 779 permanent FTE jobs within Sullivan County, bringing the total number of direct, indirect, and induced jobs from the annual operation of the Phase 1 development to 1,596 FTE jobs within the County. In the larger New York State economy, it is estimated that Phase 1 would generate 888 indirect and induced jobs, bringing the total number of direct, indirect, and induced jobs in the State to 1,705 FTE.

Employee Compensation

Employee compensation from the annual operation of Phase 1 only is estimated at \$32.96 million. Total direct, indirect, and induced employee compensation resulting in Sullivan County from the annual operation of the completed Phase 1 development is estimated at \$60.24 million. In the broader New York State economy, total direct, indirect, and induced employee compensation from the annual operation of Phase 1 is estimated at \$67.24 million.

Total Annual Effect on the Local Economy

The direct effect on the local economy from the completed Phase 1 development, measured as economic output or demand, is estimated at approximately \$288.11 million annually. The total economic activity that would result from Phase 1 operations alone is estimated at \$418.33 million annually in New York State. Of that amount, \$394.99 million annually would occur in Sullivan County.

Tax Revenues

Real Property Tax

Phase 1 would generate approximately \$10.1 million annually in real property taxes. Of this, approximately \$6.5 million would go to the Monticello Central School District, \$164,000 would go to Sullivan County, and \$3.3 million would go to the Town of Thompson. Solid waste fees would be additional.

As stated above, it is anticipated that the Applicant will submit an application to the Sullivan County IDA for financial assistance pursuant to the Destination Resort Program. If Sullivan County IDA provides financial assistance to the Proposed Project, the real property tax revenues estimated above will be reduced, but in no case will they be less than the tax revenue in the year preceding IDA involvement. Estimated real property tax revenue for 2014 is presented in the table above.

With Sullivan County IDA financial assistance, property tax abatement associated with the 2014 component of the Proposed Project would fully expire by 2029, and the Proposed Project would be subject to full property taxes associated with the incremental value of the 2014 improvements.

Sales Tax

Annual sales from Phase 1 eating and drinking establishments are estimated at \$10.4 million. These sales would produce approximately \$831,000 in annual sales tax, split evenly between Sullivan County and New York State.

Hotel Occupancy Tax

Based on an occupancy rate of 65 percent and an average room rate of \$205 per night, annual revenue from the 248 hotel rooms included in Phase 1 of the Proposed Project would be approximately \$12.1 million. Taxed at five percent, these hotel room revenues would generate approximately \$603,000 annually in hotel occupancy taxes for Sullivan County.

VGM Revenues and Vendor Track Fees

As described above, revenue from the Proposed Project's gaming component would generate substantial annual revenues for the State of New York. Revenue from vendor track fees from Phase 1 is estimated at \$46.5 million annually. Vendor track fees are used, in part, for New York State education programs.

Separately, in accordance with Section 54-1 of the State Finance Law, counties, towns, or villages that host a video lottery gaming facility receive annual aid payments from New York State that can be used to defray local costs associated with a video lottery gaming facility or to reduce real estate taxes. While vendor fees allocated to host municipalities are not based on VGM revenues from an individual VLT facility, applying benchmark distributions to the estimated annual \$193 million from the Proposed Project's annual net machine income equates to approximately \$1.7 million annually for Sullivan County and approximately \$5.1 million annually for the Town of Thompson.

MITIGATION

Even with Sullivan County IDA financial assistance, the property tax revenues, fee-based revenues, retail sales taxes, hotel occupancy taxes, VGM and vendor track fees described above—in combination with PILOT payments—would generate substantial economic and fiscal benefits to the Town of Thompson and other taxing jurisdictions, and would not result in significant adverse socioeconomic impacts. Therefore, no mitigation is proposed.

N. CULTURAL RESOURCES

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The area to be developed as reflected in the CDP has been the subject of a number of cultural resources surveys that were conducted as part of the approximately 1,735-acre CALP proposed development of the Concord Resort, prior to initiation of this project. These assessments included both historic and archeological resources.

ARCHEOLOGICAL RESOURCES

Potential Impacts

The Project Site was included in a number of cultural resources surveys that were conducted as part of the approximately 1,735-acre CALP proposed development of the Concord Resort. The CALP project completed Phase 1A and Phase 1B literature review and archaeological sensitivity assessments (Hartgen Archeological Associates, Inc.). The Phase 1A archaeological assessment was prepared for the full approximately 1,735-acre CALP proposed development that includes the Project Site and concluded that level areas in the vicinity of wetlands were sensitive for the presence of precontact resources and identified through cartographic analysis the location of several historic homesteads. Phase 1B archaeological testing was undertaken for specific parcels or sections of the Project Site located north and east of the proposed Phase 1 Site. The few archaeological resources discovered were not significant.

Mitigation

As plans for the current EPT Concord Resort are developed and site plan approvals and permits are requested, additional cultural resource investigations may be required on archaeologically

sensitive and previously untested portions of the Project Site, including newly acquired parcels, to determine the presence or absence of archaeological resources. If archaeological resources are identified, they will be evaluated prior to project initiation to determine their integrity, significance, and eligibility for listing on the S/NR. If any such resources are determined to lack integrity or significance and are therefore considered ineligible for listing, there will be no impacts to archaeological resources from the project. However, if any such resources are determined to be S/NR eligible and if they cannot be avoided, the Proposed Project will likely have an adverse effect.

HISTORIC RESOURCES

Potential Impacts

Based on SHPO review of materials provided on the project site and surrounding environs, there is one known historic resource on the EPT Concord Resort Project Site (Phase 1): the Breezy Corners Bungalow Colony at 253 Joyland Road. Three additional properties, the H. Rumsey House and Echo Mountain Bungalow Colony on Thompsonville Road and the Osterhoudt-Towner Farm on Cimarron Road are located adjacent to the Project Site.

Additionally, as part of their review of the previous CALP project, SHPO determined a property referred to as the J. Gray House and Barn located on Chalet Road, as NR eligible. The house was demolished prior to the Applicant's taking ownership of the project site and the SHPO determined that the remaining barn is not individually NR eligible.

The CDP depicts impacts that would result to the Breezy Corners Bungalow Colony property to accommodate the development of the Resort Core, the other three eligible resources would remain undisturbed.

Mitigation

Demolition of the Breezy Corners Bungalow Colony, or any other identified S/NR eligible resource, would constitute an adverse effect on an historic resource and would require, in consultation with SHPO, that alternatives to demolition be explored and measures to mitigate such adverse effects be implemented. Appropriate mitigation measures will be developed in consultation with SHPO and will be set forth in a Letter of Resolution, or a Memorandum of Agreement, or a Programmatic Agreement describing the measures by which adverse effects on the Breezy Corners Bungalow Colony will be mitigated, and will indicate the responsible parties for the implementation of such measures.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

ARCHAEOLOGICAL RESOURCES

Potential Impacts

An archaeological survey of Phase 1, the area northeast of Phase 1 bound to the north and east by Thompsonville Road and Joyland Road, and a small area on the east side of Joyland Road was conducted involving the hand excavation of approximately 2,000 shovel test pits and analysis of recovered artifacts in accordance with State standards. Three archaeological resources were identified: (1) a historic site on the south side of Thompsonville Road consisting

of foundation remains, a stone-lined well, and associated artifact deposits (U. Clark Foundation Historic Site), (2) a second historic foundation on the west side of Joyland Road (N. Rumsey Foundation Historic Site), and (3) a historic bottle dump (Krum Bottle Dump Site).

The additional testing of sites 1 and 3 involved the excavation of tighter interval shovel tests and larger units and was completed in June 2012. Analysis is complete, and it appears that the two sites would not be considered S/NR eligible. However, if these resources are determined to be S/NR eligible by SHPO and impacts to them cannot be avoided, the development of Phase 1 will likely have an adverse effect on archaeological resources as they are located near the current ground surface and project actions call for construction of a parking facility and infrastructure improvements in these areas.

Mitigation

The Phase 1 Site is not expected to be sensitive for archaeological resources. Therefore, no mitigation is proposed for Phase 1 with respect to archaeological resources. Should SHPO determine that there are eligible archeological resources on the Phase 1 Site, the Applicant will work with SHPO to develop the appropriate mitigation measures to offset these impacts.

HISTORIC RESOURCES

Potential Impacts

Based on review of the materials submitted to the State in support of the project, the OPRHP has determined that there are two historic resources that are State/National Registry (S/NR) eligible in the Area of Potential Effect for Phase 1 and its related infrastructure improvements: Breezy Corners Bungalow Colony and the Osterhoudt-Towner Farm.

The selected alternative Resort Entry Road will have no adverse effect on the Osterhoudt-Towner Farm. The farmhouse is located approximately 300 feet from the roadway improvements with the barn and outbuilding located at a greater distance. Based on vibration induced risk criteria for construction activities these structures are located beyond the range for architectural or structural damage from construction activities anticipated to modify and construct roadways for the Resort Entry Road, including pavement breaking, excavating and bulldozing, heavy truck traffic, and use of jackhammers. In addition, the Resort Entry Road will have no indirect effects on this historic resource. The Osterhoudt –Towner Farm is separated from the proposed new roadway that will be constructed west of Towner Road by a number of intervening properties. Therefore, there will be no adverse visual effects or detrimental effects to the setting of the historic property.

Improvements to Joyland Road will require the demolition of at least one of the contributing buildings of the Breezy Corners Bungalow Colony. Therefore, Phase 1 will have an adverse impact on historic sites.

Mitigation

Appropriate mitigation measures will be developed in consultation with SHPO and will be set forth in either a Letter of Resolution or a Memorandum of Agreement, describing the measures by which adverse effects on the Breezy Corners Bungalow Colony will be mitigated, and will indicate the responsible parties for the implementation of such measures.

O. VISUAL RESOURCES

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

Project Site and Study Area

The Project will intensify land uses that have historically been present on the Project Site and within the surrounding Study Area. While the Proposed Project will increase the amount of development on the Project Site, it will be visually consistent and compatible with the existing and historic uses of the Site and Study Area. In addition, the Proposed Project will be expected to create a cohesive site appearance evoking a distinct sense of place rooted in the cultural history of the Catskills as a resort destination.

Portions of the Proposed Project will be visible from public rights-of-way or private residences adjacent to the Project Site. The Proposed Project and Project Site improvements have been designed to be as sensitive to the existing landscape and community character as possible and to link together the individual neighborhoods, districts, and amenities, expressing the special qualities of the Site and establishing a distinct sense of place. Wherever possible, the Site's existing natural features would be maintained to promote the Site's natural settings, wildlife and native plant communities, and cultural landscape traditions.

The EPT Concord Resort will be developed over several years and will have a variety of destinations, product types, amenities, and experiences including: short- and long-term lodging opportunities; a variety of residential choices including apartments, townhouses, and single-family homes; indoor and outdoor recreation opportunities; gaming, equestrian activities, and small- and larger-scale commercial/retail options and restaurants.

The visibility of the overall project components was assessed from the following four vantage points in the Study Area as identified by the Lead Agency:

- Location A: NYS Route 17 looking northeast toward Phase 1 and the southern portion of the Project Site
- Location B: Intersection of Thompsonville Road and Heiden Road looking west
- Location C: Intersection of Heiden Road and Kiamesha Lake Road looking south
- Location D: NYS Route 42 at Kiamesha Lake looking southeast

Only from Location A will the hotel buildings proposed for the Phase 1 Site be visible. Therefore, the changes to the visual character of the Project Site and Study Area will not be significant.

Resort Entry Road

Two options to provide primary access to the EPT Concord Resort were considered. The Resort Entry Road analyzed in the DGEIS/DEIS as 'Option A' in Chapter 19, "Alternatives" is the selected alternative for access to the Project Site and was further assessed in the FGEIS/FEIS. The majority of the selected alternative Resort Entry Road will not be visible from existing roads and structures due its design and the fact that it will be located within an existing forest. The selected alternative Resort Entry Road will not be visible from NYS Route 17. However,

plantings and any signs/monuments may be visible from NYS Route 17, especially at the southwestern portion of the road where it is closest to NYS Route 17.

The southeastern portion of the Resort Entry Road and the proposed modifications to Exit 106 will be visible from several residences and Bungalow Colonies at the southern end of Joyland Road, as well as along Towner. The visual changes resulting from the selected alternative compared to those associated with the use of Joyland Road as the main access will be minimal. As opposed to the Joyland Road route, the Resort Entry Road will be located to the south of the Bungalow Colony located on the southwest of Joyland Road instead of to the east of the colony. Only a few buildings to the extreme southwest of the colony are expected to be able to see the Resort Entry Road. The remainder of the bungalow colony will not be able to see the road owing to the existing trees that will remain between the road and the colony.

The house on the east side of Joyland – just north of Towner – and the bungalow colony immediately north, as well as the house to the southwest of the intersection of Towner Road and Towner Circle will also be able to see the Resort Entry Road. The effect of this change in view will be mitigated by the retention of existing trees to the maximum extent practical, as well as by the plantings that will be installed alongside the Resort Entry Road.

The Resort Entry Road will not be visible from the S/NR eligible Osterhoudt-Towner Farm, located at 75 Cimarron Road. Therefore, no adverse effects on this potential resource are expected.

Lighting

All lighting associated with the Proposed Project will follow the general lighting guidelines as well as the specific lighting standards for streets, parking areas, pathways, and signage described in the Comprehensive Development Plan (CDP).

In addition, the following lighting standards will apply:

- Lighting would 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 would not be visible from off-site.
- Exterior landscape lighting levels would not exceed 25 watts or the equivalent level of illumination.
- Uplighting of trees and/or structures would 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 would typically be integrated into the sign or monument as shielded downlighting or concealed backlighting. Small, external low-level landscape lights may be utilized, but would be concealed within the landscape, properly shielded, and aimed to avoid glare.

MITIGATION

The design of the Proposed Project would incorporate the essential qualities of the Catskills' building traditions and 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. Therefore, the Proposed Project is not expected to

result in any significant adverse impacts to the visual character of the Project Site, Study Area, or any of the identified visual resources, and, therefore, no mitigation is required.

Hours of operation for all exterior lighting, including signage, roadways, pathways, recreational lighting in parks and community centers, and landscape lighting within individual lots, would be subject to review. In general, street lights would operate from dusk to dawn with possible reduced light levels during non-peak hours. As noted in the CDP, within individual lots, the use of timers and/or lighting controls will be required. In general, outside of the Resort Core, commercial sign lighting, commercial landscape lighting, parking lots, and pedestrian pathway lighting will not be allowed after 11 PM.

SITE SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

Phase 1 Site and Study Area

Phase 1 includes the development of a casino, a 248-room hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, and restaurants. Also included in Phase 1 are a structured parking garage (to be constructed with the casino and hotel), 2,000 additional on-site surface parking spaces, horse paddock, and maintenance building with associated truck parking. Phase 1 is located southwest of the intersection of Thompsonville and Joyland Roads. Additionally, areas of disturbance and excavation associated with proposed sanitary sewer, water, utility installations, and improvements to Thompsonville and Joyland Roads will be necessary to install the infrastructure to support Phase 1. The proposed Phase 1 Casino Hotel will be nine stories and will be an architecturally significant marquis building, with a contemporary design.

The visibility of the Phase 1 components as described above was assessed from four specific vantage points identified by the Lead Agency:

- Location E: Joyland Road at the southern edge of the Project Site looking in a northwesterly direction.
- Location F: Thompsonville Road/Joyland and Chalet Road at the northeast corner of the Phase 1 Site looking in a southwesterly direction.
- Location G: Thompsonville Road looking southeast toward Phase 1.
- Location H: Chalet Road from the Monster Golf Course parking area looking in a southwesterly location.

The hotel building will be visible from Locations F, G and H. Additionally, the racetrack and parking will be visible from Location G while surface parking will be seen from Location F.

Similar to the overall CDP, the visual changes associated with Phase 1 are expected to have a positive effect on the Study Area by redeveloping an underutilized property with resort uses. Phase 1 will enhance and expand land uses that have previously been present on the Project Site and within the surrounding Study Area. While Phase 1 would increase the intensity of the development on the Project Site, the general character and design of the hotel, casino, and associated structures are anticipated to become an icon in the region and result in the revitalization of the Study Area as a vacation destination and recreational community.

Lighting

Phase 1 lighting would follow the general lighting guidelines as well as the specific lighting standards for streets, parking areas, pathways, and signage described in the CDP, where practicable. The proposed Phase 1 nighttime lighting would vary based on location and use. Although Dark Sky lighting standards would not apply to the Phase 1 development areas, the following lighting standards would apply:

- Lighting would 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 would not be visible from off-site.
- Exterior landscape lighting levels would not exceed 25 watts or the equivalent level of illumination.
- Uplighting of trees and/or structures would 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 would typically be integrated into the sign or monument as shielded downlighting or concealed backlighting. Small, external low-level landscape lights may be utilized, but would be concealed within the landscape, properly shielded, and aimed to avoid glare.

MITIGATION

The hotel, casino, and associated resort structures were designed to complement and blend with the Site's natural setting and are anticipated to become an icon of the region and result in the revitalization of the Study Area as a vacation destination and recreational community. Phase 1 is not expected to result in any significant adverse impacts to the visual character of the Project Site, Study Area, or any of the identified visual resources. Therefore, no mitigation is required.

Hours of operation for all exterior lighting, including signage, roadways, pathways, recreational lighting in parks and community centers, and landscape lighting within individual lots would be subject to review. At the Phase 1 Site, commercial sign lighting, commercial landscape lighting, parking lots, and pedestrian pathway lighting will operate until closing.

P. HAZARDOUS MATERIALS

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

POTENTIAL IMPACTS

Previous Phase I and Phase II ESA's that were performed identified 24 Areas of Environmental Concern (AOCs) that required remedial investigation and or/remedial action within, and adjacent to the PRD zoning district. Five of these AOCs are not on the Project Site, including AOCs 1-3 as well as the horse farm dump site, and the Mountain View residence.

Reports and references to NYSDEC correspondence indicated that environmental issues associated with AOCs 4 through 9, which include the chalet dump site, the casino dump site, Breezy Corners Bungalows dump area, and the cemetery dump site, were addressed through investigations and remedial efforts. Based on the documentation reviewed, it is not believed that

further action is required. However, additional documentation may be needed to confirm this status.

AOCs 10 through 24, which are located on the Project Site, are included in a Brownfield Cleanup Agreement (BCA) that CALP and/or its affiliates have entered into with the NYSDEC. These sites were divided into four Operable Units (OUs): OU-1B; OU-1C; OU-2; and, OU-3. OU-1A is not on the Project Site. A remedial investigation (RI) was completed for each OU to identify and delineate source of contamination. With the exception of localized “hot spots” related to contaminated fill, the soil and groundwater contamination was primarily related to storage tanks and unregulated landfills.

A Qualitative Human Health Exposure Assessment was completed in November 2008 and concluded that the likelihood of adverse health effects as a result of exposure to the site contamination is remote. A Fish and Wildlife Impact Analysis indicated that there were no potential ecological risks to fish and wildlife resources in OU-1B and OU-1C. An ecological exposure pathway was reported to exist for OU-2 and OU-3, but no impacts to nearby receptors were documented. Proper remediation of the OUs would eliminate the risks.

An Interim Remedial Measures (IRM) Work Plan for OU-1B was submitted on October 31, 2008, and approved by the NYSDEC on December 3, 2008. The IRM Work Plan for OU-1B was incorporated into a RAWP for OU-1B, OU-1C, OU-2, and OU-3, which was submitted on December 5, 2008. The remediation plan for OU-1B and OU-1C included a Track 1⁴ Unrestricted Use clean-up with removal of USTs (where applicable) and contaminated soil removal. The remediation plan for OU-2 and OU-3 included a Track 2⁵ cleanup with UST removal (where applicable) and contaminated soil “hot spot” removal. In May 2011, a NYSDEC Fact Sheet was released indicating that remediation in OU-1C was planned to begin in June 2011, followed by remediation of OU-1B. The remediation schedule for OU-2 and OU-3 was not provided.

Existing public water supply services are currently not located within the CDP area, and a comprehensive water supply system would need to be constructed to provide adequate water supply for the respective development areas. One of the options for providing potable water to the Project Site is through on-Site wells. Isolated areas of dissolved contamination, delineated through the State-required investigation of the OU’s, were documented in the overburden groundwater (the saturated zone in glacial sediments overlying bedrock) beneath the BCA OUs. On-Site water supply wells would draw water from the bedrock aquifer, which consists of water-filled fractures within the bedrock that lies below the glacial sediments. There is a potential for contaminated groundwater associated with the BCP OUs to be pulled into the bedrock aquifer and impact the proposed well fields during future operation. However, steps can be taken to prevent the overburden contamination from entering the bedrock aquifer. Remediation of the BCP OUs in accordance with the NYSDEC-approved RAWP would alleviate the potential for contamination to impact the water supply system. Supply well locations would also be selected by a hydrogeologist to minimize the potential for interaction with the BCP OUs. A pumping test would be completed to determine safe well yields and the area of influence of each well field. State regulations require each proposed well to be tested at a rate that stresses the aquifer beyond

⁴ The NYSDEC BCP law provides for a multi-track approach to remediation of contaminated soil. Track 1 includes clean-up standards to achieve unrestricted use.

⁵ Track 2 is a specific cleanup standard in the BCA. Track 2 includes clean-up standards that contain land and groundwater use restrictions.

what would be utilized during normal operation. This process will confirm the limits of well influence and data collected during the test will confirm if the water supply aquifer remains isolated from the overburden aquifers in the BCA areas. As part of the pumping test process, NYSDOH-required water quality samples collected at the end of each pumping test would confirm that water quality is suitable for the proposed use. In the unlikely event that contaminants are drawn into a future well field, treatment options are available to maintain the water-quality requirements.

The remedial and safety measures documented herein will be developed and described in detail when future development phases are defined and the appropriate secondary comprehensive reviews are completed. With the implementation of these measures, no significant adverse impacts related to hazardous materials are expected to occur as a result of the construction activities for the CDP. Following construction of the Proposed Project, there would be no further potential for adverse impacts.

MITIGATION

The Proposed Project will include full remediation and clean-up of the operable units (OU's) within Brownfield Cleanup Program (BCP) sites that have been previously identified. A Remedial Action Work Plan (RAWP) for the four OU's on the Project Site was submitted, on behalf of CALP, to the NYSDEC in December 2008. Either the OUs would be cleaned up as part of the Brownfield Cleanup Agreement (BCA) between the former developer, CALP, and NYSDEC, or the BCA would be transferred to the current property owner, the Applicant, and the cleanup will commence as part of the overall EPT Concord Resort development plan.

Although there is a potential for hazardous materials impacts during construction activities and after development resulting from exposure to the contamination associated with the BCP OUs, it is anticipated that such impacts will be avoided by entering into a BCA agreement with the NYSDEC as a Volunteer and addressing the current OUs by continuing and completing the remedial program currently in place. This will allow for remediation to be completed under oversight and in accordance with the regulations of the NYSDEC. In addition, construction activities would be completed in accordance with specific protocols, including (1) implementation of a Construction Health and Safety Plan (CHASP) to manage disturbance of soil and a contingency plan to address sources or areas of contamination, if any, encountered during future construction activities, and (2) appropriate erosion and sediment controls in accordance with the project Stormwater Pollution Prevention Plan (SWPPP).

SITE-SPECIFIC DEVELOPMENT OF PHASE I (EIS)

POTENTIAL IMPACTS

A review of historical data, environmental reports, and a Phase 1 site walk-through did not identify any specific areas of concerns.

MITIGATION

To ensure that construction workers are not adversely affected by exposure to potential contamination during construction of the Phase 1 Site, a Construction Health and Safety Plan (CHASP) would be prepared prior to construction.

The CHASP would identify safety procedures, monitoring requirements, and exposure limits for worker protection in the event that contamination is encountered. Procedures for soil sampling and handling to manage excavated material and export excess fill material and procedures for identification, handling, and disposal of any unknown contaminated soil encountered during excavation, would be completed in accordance with all applicable Federal, State, and local regulations.

With these measures, no significant adverse impacts related to hazardous materials are expected to occur during Phase 1 construction and future use of the Phase I development area.

Q. CONSTRUCTION

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

SUMMARY OF THE CONSTRUCTION PROGRAM

The project would be developed in a series of phases over the course of an anticipated 10- year period, subject to market conditions and required approvals. Eventual build out of the Proposed Project would include a mix of recreational and entertainment uses (e.g., casino, hotel, harness horse racetrack, golf course, sporting club, etc.), residential uses, commercial uses, and medical uses.

Below is a summary of the phases of development:

- Phase 1 – Casino Resort A. Phase 1 would include a casino, a harness horse racetrack, and a 248-room hotel, as well as a paddock, a maintenance building, and associated parking. Phase 1 comprises approximately 117 acres of a roughly 186 acre parcel that is proposed to be leased to Monticello Raceway Management, Inc. (MRMI) in the southern portion of the Project Site. Construction of Phase 1 is expected to begin in the spring of 2013, pending the receipt of the necessary permits, approvals and financing.
- Golf - The Golf Phase, at approximately 229 acres, will be comprised of renovation of the Monster Golf Course and construction of the golf clubhouse, golf maintenance building, and the golf cottages. After the receipt of site plan approval for Phase 1, the Applicant will finalize design review details for the golf course program which will be subject to site specific environmental review and site plan approval. Construction of the golf course program is anticipated to be complete in 2014, concurrent with the completion of Phase 1.
- Entertainment Village - The Entertainment Village Phase will comprise the movie theater, the event field, and approximately 115,000 square feet of commercial retail. After the receipt of site plan approval for Phase 1, the Applicant will finalize design review details for the select components of this program, which will be subject to site-specific environmental review and site plan approval. Construction of select components of the entertainment village is anticipated to be complete in 2014, concurrent with the completion of Phase 1.
- Casino Resort B - The Casino Resort B Phase, at approximately 69 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 supplementary back-of-house needs for the Casino Resort.
- Residential Village, Hospitality & Recreation - This phase will include several parcels within the Project Site totaling approximately 478 acres. It will consist of the Recreational

Vehicle Park as well as a Lakefront Conference Hotel. In addition, it will include the Residential Village, Recreation Core, and Resort Hotel.

- Hospitality, Commercial & Residential - This phase will include several parcels within the Project Site totaling approximately 605 acres. It will include the Sporting Club, as well as future residential and commercial uses.

POTENTIAL IMPACTS

Traffic and Transportation

Construction of the Proposed Project would create daily construction-related traffic to and from the Project Site, including vehicle trips related to workers and delivery of materials and equipment. In addition, there would be some truck traffic associated with removal of construction debris, demolished structures, and potentially from excavated materials from the Project Site.

NYS Route 17 is a major limited-access roadway in close proximity to the Project Site. Based on the specific Project component under construction, construction-related vehicles would be instructed to take one of three exits off NYS Route 17 to reach the Project Site; Exit 105, Exit 106, or Exit 107. Vehicles utilizing Exit 107 would travel along Heiden Road to Thompsonville Road or Kiamesha Lake Road. Vehicles utilizing Exit 106 would travel along the Resort Entry Road or Joyland Road. Vehicles utilizing Exit 105 would travel along NYS Route 42 to Concord Road or Kiamesha Lake Road. The specific route(s) used for a given construction phase will be subject to a construction traffic management plan, which will be developed in conjunction with the Town for review and approval by the Town prior to issuance of building permits. The construction traffic management plan would also include other measures to minimize impacts on local traffic, such as the use of clear signage, detours, and flagmen, as necessary.

Air Quality

Air quality impacts associated with construction activities are typically from the generation of fugitive dust and emissions from vehicles and equipment. Fugitive dust can result from grading, excavation, filling, or movement of vehicles over dry dirt. Erosion and dust control measures to minimize impacts during construction would include:

- Installing truck mats or anti-tracking pads at egress points to clean the trucks' tires prior to leaving the Project Site;
- Watering of exposed areas during dry periods;
- Using drainage diversion methods (silt fences) to minimize soil erosion during site grading;
- Covering stored materials with a tarp to reduce windborne dust;
- Proper maintenance of equipment; and
- Using truck covers/tarp rollers that cover fully loaded trucks and keep debris and dust from being expelled/emitted from the truck along its haul route.

Fugitive dust would be expected to remain on-Site and have minimal effect on surrounding properties. Due to the distance of construction activities from sensitive land uses, fugitive dust would not result in any significant adverse impacts.

Vehicle emissions from construction vehicles and equipment can result in elevated levels of nitrogen oxides (NO_x), particulate matter (PM), and carbon monoxide (CO). Greatest impacts are typically associated with heavy duty equipment that is used for short durations. To minimize

emissions, vehicle operators would be required to comply with any applicable idling restrictions; use clean fuels as feasible; conform to any applicable local, State, or Federal emission standards; and use vehicles and equipment with Tier 2-rated engines or better. Because emissions would be temporary in nature and construction activities would not be in close proximity to sensitive land uses, construction activities would not be expected to result in any significant air quality impacts.

Noise

Construction of the Proposed Project would typically generate noise and vibration from construction equipment, construction vehicles, worker traffic, and delivery vehicles traveling to and from the Project Site. Noise levels caused by construction activities would vary widely, depending on the phase of construction—demolition, excavation, foundation, construction of the structures, etc.—and the specific task being undertaken. All construction activities would be conducted in full compliance with existing regulations, including local day and hour construction limitations. Construction activities would be conducted in full compliance with the Town’s noise ordinance (Chapter 170 of the Town Code) which restricts use of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electrical hoist or other excessively loud apparatus between the hours and 8:00 PM and 7:00 AM, unless where authorized by the Town.

The Town also has a general provision in its noise ordinance that prohibits unreasonable and disruptive noise between 8:00 PM and 7:00 AM on weekdays, and 8:00 PM and 9:00 AM on Sundays or holidays, with which construction activities would also comply. Local, State, and Federal requirements mandate that certain classifications of construction equipment and motor vehicles be used to minimize adverse impacts. The exact sequence and duration of construction activities would vary, but the equipment producing the highest noise levels would typically be used intermittently or for short durations. Because high noise levels would be temporary, proposed construction activities would be a substantial distance from sensitive land uses (e.g., residences), and all construction activities would be conducted in compliance with all applicable noise ordinances, no significant adverse noise impacts during construction would be expected.

Stormwater and Erosion and Sediment Control

Ground disturbance can expose soils to erosive forces such as rain and wind, which can lead to sedimentation of nearby waterbodies. To prevent potential impacts to water quality, any projects that disturb more than 1 acre of land are required to obtain a SPDES General Permit (GP-0-10-001) from the New York State Department of Environmental Conservation (NYSDEC). As part of this permit process, a Stormwater Pollution Prevention Plan (SWPPP) must be developed, which includes an Erosion and Sediment Control Plan (ESCP). Appropriate erosion and sediment control measures for each phase, including the construction of the Resort Entry Road, would be developed as the Proposed Project progresses. These measures would require review and approval from NYSDEC before any earth work activities can take place. Upon completion of construction activities, a landscape plan would be implemented to revegetate disturbed areas. With NYSDEC-approved erosion and sediment control measures in place, no significant adverse impacts related to erosion and sedimentation would occur.

MITIGATION

The measures referenced above will be implemented to reduce impacts from construction. These measures will be developed in full compliance with all applicable local, State, and Federal

regulations. Therefore, construction of the Proposed Project is not expected to result in any significant adverse impacts on site or in the surrounding area.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

POTENTIAL IMPACTS

As discussed in the DEIS and FEIS, any impacts associated with the construction period will be temporary and will be controlled by utilizing traffic and construction management plans, utilization of best management practices, complying with local noise ordinances, and following required erosion and sediment control and stormwater prevention permitting requirements.

Traffic and Road Construction

Construction of Phase 1 would create daily construction-related traffic to and from the Project Site, including vehicle trips related to workers as well as for the delivery of materials and equipment. In addition, there would be some truck traffic associated with removal of construction debris, demolished structures, and potentially from excavated materials from the Project Site.

The Resort Entry Road will be used for construction traffic once it has been cleared, storm drainage and utilities have been installed, and binder course is installed. It is expected that the Resort Entry Road will be usable as a construction entrance approximately six months after the beginning of construction at the Casino Resort. During this initial period, it is expected that an average of approximately 130 truck trips per day will occur.

Prior to the Resort Entry Road being used for construction traffic, there are three options for construction traffic to reach the Phase 1 Site:

- Exit 106 off of NYS Route 17 north to Joyland Road
- Exit 107 off of NYS Route 17 to Thompsonville Road
- Exit 105 off of NYS Route 17 north on NYS Route 42 to Concord Road

The preferred alternative route for construction-related traffic during the construction of Phase 1 is to utilize Exit 106 off of NYS Route 17 and travel north along Joyland Road to the Project Site. A more detailed analysis of these alternatives is attached to the FGEIS and FEIS.

Use of these three options by construction vehicles will depend on a number of items, including truck origin, contents, size and weight. As this information will not be determined until the site plan is finalized and construction contractors and material suppliers are brought on, truck trips are not assigned to these roadways.

Air Quality

The construction of Phase 1 will involve grading activities that may result in the temporary generation of fugitive dust and particulate matter from the project site. Construction-related emissions will result from the use of diesel fuel as a source of energy for construction vehicles and equipment. Emissions and fugitive dust particles will not be in close proximity to any sensitive land uses, and will be temporary in nature. Because of these two considerations, construction activities are not expected to result in any significant air quality impacts.

Noise

Local daytime ambient noise levels will increase both on and off the Project Site during construction of Phase 1. Construction equipment on site is capable of creating noise levels as high as 90 A-weighted decibels under worst case conditions.

Stormwater and Erosion Sediment Control

Construction on the Phase 1 Site will disturb the grounds and expose the soil to erosive forces such as rain and wind, which can lead to sedimentation of waterbodies.

MITIGATION

Traffic

The Applicant will coordinate with the Town on a program to improve the conditions of the public roadways utilized by construction vehicles and to mitigate the impacts of the construction truck traffic of Phase 1. The Applicant will either construct or fund the cost of the agreed upon roadway improvements.

A construction traffic management plan will be developed in conjunction with the Town for review and approval by the Town prior to issuance of building permits. This plan will address efforts to minimize adverse impacts from construction traffic and ensure pedestrian and vehicular safety during the early phases of construction, until construction of the Resort Entry Road has advanced to the point where it can be used as the primary construction route. It will detail the selected route or routes for construction vehicles. It will also include a robust plan to ensure the safety of area pedestrians, residents, and motorists. This plan *may* include any of the following:

- Assessment of the need for roadway improvements prior to and during the course of construction.
- Providing the construction managers' contact information to all stakeholders in the area and posted on the construction signs on the Project Site.
- Notification of local stakeholders of the date and times of exceptional truck activity (oversized/weight).
- Development of a Work Zone Traffic Control Plans (WZTCP), including measures to protect pedestrian safety, to be implemented by the Applicant with the approval of and in coordination with the governing roadway agency.
- Outreach to, and coordination with, the residents and stakeholders along the construction vehicle routes focusing on pedestrian safety.
- Use of alternate routes (Exits 105 and 107) by construction traffic during times of peak summer usage of the properties along Joyland Road.
- Other activities as agreed to by the Applicant and the Town as a condition of site plan approval.

Prior to the Resort Entry Road being used, it is expected that a majority of the construction equipment and construction trips will be accommodated during normal roadway operation. However, there may be times when oversized equipment will need to be brought to, or removed from, the Project Site. During these times, it is possible that traffic control measures, including the use of flagmen and temporary lane closures on local roads near the Project Site will be

implemented. To minimize the disruption to existing traffic, the Applicant will take all reasonable steps to limit such temporary closures to off-peak hours (i.e. Mondays through Thursdays and Friday mornings).

Road Construction

Work Zone Traffic Control Plans will be developed and approved by the Town for any construction performed on roads. Roadway closures would be avoided to the furthest extent practicable. A Maintenance and Protection of Traffic Plan, as discussed above, will be developed prior to construction to minimize adverse impacts to traffic. The use of clearly marked road construction signs will be used to minimize impacts as well.

Air Quality

Erosion and dust control measures to minimize impacts during construction would include:

- Installing truck mats or anti-tracking pads at egress points to clean the trucks' tires prior to leaving the Project Site;
- Watering of exposed areas during dry periods;
- Using drainage diversion methods (silt fences) to minimize soil erosion during site grading;
- Covering stored materials with a tarp to reduce windborne dust;
- Proper maintenance of equipment; and
- Using truck covers/tarp rollers that cover fully loaded trucks and keep debris and dust from being expelled/emitted from the truck along its haul route.

Vehicle operators would be required to comply with any applicable idling restrictions; use clean fuels as feasible; conform to any applicable local, State, or Federal emission standards; and use vehicles and equipment with Tier 2-rated engines or better.

Noise

Due to the temporary nature of the noise creation by construction equipment, and because of its substantial distance away from residences and sensitive land uses (e.g. residences), and all construction activities will be conducted in compliance with all applicable noise ordinances, no significant adverse impacts are expected to occur. Construction activities will be subject to the time-of-day and day-of-week restrictions cited above.

Stormwater and Erosion

In compliance with NYSDEC, a State Pollution Discharge Elimination System Permit will be obtained, and a Stormwater Pollution Prevention Plan (SWPPP) will be created to mitigate the effects of the erosion. As part of the SWPPP, inspections will be conducted by a qualified inspector periodically in accordance with the State Pollution Discharge Elimination System Permit. Maintenance will be performed in line with the findings and recommendations of the inspector during these periodic inspections and all measures of the Prevention Plan would be maintained in good working order.

R. ALTERNATIVES

The New York State Environmental Quality Review Act (SEQRA) calls for a description and evaluation of the range of reasonable alternatives to the action, which are feasible, considering the objectives and capabilities of the project sponsor. Four alternatives were analyzed in the EPT

Concord Resort DGEIS/DEIS and FGEIS/FEIS. These alternatives are summarized below. Each of the alternatives was evaluated under 18 areas of potential impacts in the DGEIS/DEIS and FGEIS/FEIS.

ALTERNATIVE 1 - NO ACTION ALTERNATIVE

The No Action Alternative is the scenario that would occur if the site were to remain undeveloped except for the existing Monster Golf Course and existing structures. Under the No Action Alternative, none of the impacts identified in the DEIS/DGEIS, whether adverse or beneficial, would occur. The No Action Alternative does not achieve the Applicant's or the Town of Thompson's development objectives, and therefore the No Action Alternative is considered infeasible.

ALTERNATIVE 2 - DEVELOPMENT UNDER EXISTING PRD ZONING AND COMPREHENSIVE DEVELOPMENT PLAN

The DEIS/DGEIS evaluated a development scenario in accordance with the existing PRD regulations and the approved CDP⁶. The previously approved CDP was fully analyzed during the SEQRA process conducted by the Town of Thompson in 2005 and 2006. The CDP Findings Statement was adopted in 2006, and affirmed that environmental impacts resulting from the CDP had been avoided, minimized, and/or mitigated to the fullest extent practicable.

Alternative 2, which proposes development under the existing PRD district and previously approved CDP, would not meet the objectives of the Applicant. The proposed EPT Concord Resort project phasing, configuration of uses, and adjacencies presented in the proposed CDP are purposeful in their design. As previously described, the eastern side of the Project Site under the EPT Concord Resort plan would provide the resort-oriented uses while the western portion of the site would serve as the village side. All of the resort and entertainment uses are concentrated into a central core, with associated parking immediately adjacent to the entertainment uses.

The previously approved CDP proposed 30 percent more residential units than the Proposed Project. The Applicant evaluated the current and projected market demand and developed an overall program for the Project Site which would provide the most successful balance of uses. By reevaluating the need and demand for certain uses, the EPT Concord Resort Applicant is acting consistent with the implementing regulations of the PRD. The Applicant is applying to create a new CDP to better accommodate existing market conditions, develop a project that will contribute significantly to the Town of Thompson, and implement various components immediately, while rolling out the remainder of the complimentary project components over an approximately 10-year time horizon. To effectuate the proposed CDP, the language of the PRD is being amended.

⁶ The existing CDP that is referenced in this analysis refers to the approvals that were granted in 2006 (as amended) for the CALP project. As noted elsewhere in this DGEIS/DEIS, subsequent to the 2006 CALP approvals, 1,538 acres of the original 1,700 acres in the PRD/CDP were transferred to the subject Applicant. This application does not impact the approvals that were granted for the remaining CALP property.

ALTERNATIVE 3 - ALTERNATIVE CASINO RESORT LOCATION (PHASE 1)

The DEIS/DGEIS evaluated two optional locations for the Resort Core uses including the casino, hotel, harness horse racetrack, grandstand/theatre, simulcast facility, banquet event center, restaurants, and related facilities. The Resort Core was located in the south central portion of the project site in both alternatives, with access from Thompsonville and Joyland/Chalet Roads. These alternatives result in the realignment of several roads, but no tax parcel acquisition would be required.

Both alternative Resort Core sites would have similar and comparable environmental impacts to the proposed site location, with the following exceptions:

Land Use/Community Character/Zoning/Public Policy

Neither option would allow all of the Resort Core uses to be contiguous. Both options would require that the uses be separated by a realigned or newly created access road. This bifurcation does not meet the need for a pedestrian-friendly environment within the Resort Core nor would it promote land use consistency.

Geology/Soils/Topography

Both options would require significant re-grading as the alternative Resort Core locations lack a flat expanse. Therefore, both options would have a larger impact to geology, soils, and topography than the Proposed Project.

Traffic

Both options would require the reconfiguration of Joyland and Thompsonville Roads. With one option, the newly reconfigured Joyland/Chalet Road would bifurcate the Resort Core. With the other option, a large loop road would be required around most of the Resort Core that would necessitate the creation of four new intersections. The Loop Road, and its new intersections, would likely cause confusion for visitors to the Site and would also require that Chalet Road end in a cul-de-sac within the Resort Core.

Surface Water Resources and Wetlands

Both options for an alternative Resort Core location would result in significant impacts on regulated waterbodies and wetlands. Several structures and roadways would be located within or directly adjacent to wetlands and waterbodies.

ALTERNATIVE 4 - ALTERNATIVE ACCESS (OPTION A)

An alternative access road (known in the DGEIS/DEIS as Option A and in the FGEIS/FEIS as the Resort Entry Road) was considered to serve as the gateway for the EPT Concord Resort. This alternative was considered instead of widening and upgrading Joyland Road from its intersection with Cimarron Road north to Thompsonville Road. The alternative access road will connect to the Exit 106 off-ramp at its intersection with Towner and CR 173/Cimarron Road. From here, the road will convey traffic north before turning east to meet with a newly improved Joyland CR 173/Cimarron Road intersection. At this point, it will travel west for a short distance before curving to the north, passing to the west of the lake and then turning to the northeast after which it enters the Phase 1 Site before rejoining Joyland Road.

Joyland Road is a two-lane country style roadway that enters the southern portion of the Project Site in the vicinity of the Phase 1 development area. It terminates in the center of the Project Site

at its intersection with Thompsonville Road. Joyland Road is of varying widths with minimal infrastructure. Several active summer bungalow colonies and single-family homes are located along Joyland Road, with several structures located virtually at the edge of pavement. In addition, there are several vacant and deteriorating structures. Improving Joyland Road to meet the traffic demands for the Proposed Project, the desired gateway character, along with respecting the historic and existing uses and users of the road presents significant challenges.

The environmental impacts of the alternative access road were discussed in the DGEIS/DEIS and further refined in the FGEIS/FEIS. For the reasons set forth below, the alternative access road, or Resort Entry Road, was chosen as the preferred alternative for providing the gateway to the Proposed Project.

Land Use, Community Character, Zoning, and Public Policy

Under this alternative, structures along the west side of Joyland Road will no longer need to be removed to accommodate the Resort Entry Road. The Resort Entry Road will be located to the south and west of the existing camp community and residential properties on the west side of Joyland Road in areas that are currently undeveloped, changing the character of the land in this area. The Applicant has acquired the parcels needed to the west of Joyland Road and south of the Project Site to allow construction of the Resort Entry Road.

To the east of Joyland Road and north of Cimarron Road, two houses will be removed allowing the new access road to connect with Cimarron Road and ultimately the NYS Route 17 Exit 106 westbound ramp. However, these two houses would require removal regardless of whether Joyland Road or the Resort Entry Road was used.

Zoning of the parcels over which the Resort Entry Road would be built are expected to remain unchanged. This option would have no impact to any local or regional public policy. A subdivision will be needed to merge the parcels acquired for the Resort Entry Road, both to the east and west of Joyland Road.

Community Services

It is not anticipated that the Resort Entry Road will impact the ability of community service providers to serve the Project Site, nor will this alternative impact the Town of Thompson. In fact, the Resort Entry Road will be beneficial to community service providers, because as a new and dedicated road, there will be fewer conflicts with existing development along Joyland Road. As part of the site plan approval process with the Town of Thompson Planning Board, all proposed points of access and egress would be reviewed with the Monticello Fire Department and other community service providers to confirm that they are sufficient to accommodate emergency vehicles. As such, any mitigation that would be required would be built into the project design.

Geology, Soils, and Topography

The area between the western edge of the pond and the Project Site boundary where the road would be built is rather flat. The elevation high point is 1,400 feet above sea level near the western Project Site boundary and gently declines to the east, towards the pond, to a low point of 1,376 feet above sea level. The slopes are generally 0-5 percent. The soils under the Resort Entry Road are similar to those within the Project Site. Similar to the reconstruction of Joyland Road, erosion hazards will be mitigated through a SWPPP to avoid flooding and water quality impacts. Investigations indicate that there are large boulders within the Resort Entry Road path, but not

rock outcroppings. It is not expected that blasting will be necessary. The Resort Entry Road will result in greater disturbance to geology, soils, and topography than would occur under the proposed improvement of Joyland Road. Land disturbance required to implement the Resort Entry Road would be greater than under the Joyland Road access option.

Natural Resources

Wildlife impacts associated with locating the Resort Entry Road on the west side of the pond rather than widening Joyland Road are expected to be roughly the same as that described for the Phase 1 development area and would affect the same suite of species. However, there would be more impacts to the vegetated communities than there would be if Joyland Road was widened. . It will also fragment the forested area west of the pond, rendering it unsuitable to most of the woodland wildlife known to or expected to currently occur in the wooded areas of the Phase 1 site. It may also further isolate the pond from pond-breeding amphibians and disconnect the pond from upland, non-breeding amphibian habitat to the west. However, no significant adverse impacts to wildlife or to threatened and endangered species at the population level would be expected to occur from road construction or operation.

Surface Water Resources and Wetlands

Wetland impacts required for the Resort Entry Roadway will be less than expanding Joyland Road, owing to the prevalence of wetlands along the western edge of Joyland road. A single wetland area will be partially disturbed and a single stream crossing will be required. Overall, wetland impacts will be approximately 0.38 acres less than the Joyland Road option.

Stormwater Management

As with the Joyland Road route, development of the Resort Entry Road will require the design of stormwater management practices and an erosion and sediment control plan in accordance with the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. While the Resort Entry Road, which is longer than the proposed improvement of Joyland Road, will require additional and/or larger stormwater management practices due to the increase in impervious surfaces and new disturbance, the design, construction, and maintenance will result in no net increase in stormwater runoff. The alignment and grading of the selected alternative Resort Entry Road has been designed to include a system of green infrastructure practices as well as stormwater ponds that will capture, convey, and manage stormwater runoff.

Water Supply

The Resort Entry Road will have no impact on the water supply to the Project Site beyond the possible installation of a water supply main within the Resort Entry Road rather than within Joyland Road.

Sanitary Sewer Services

The Resort Entry Road will have no impact on the Proposed Project's sanitary sewer services.

Energy and Telecommunications

It is not anticipated that the Resort Entry Road will increase the demand for or use of energy on the Project Site. Similarly, the provision of or access to telecommunications technology would not be impacted if Alternative 4 were implemented.

Traffic and Transportation

The Resort Entry Road will provide a more direct “gateway” access for visitors to the Project Site. The traffic volumes would be comparable to using Joyland Road. In addition, there would need to be an additional intersection and road improvements at the point where the Resort Entry Road diverges with Joyland Road.

As a road primarily dedicated to provide access to the Proposed Project, the separation from Joyland Road will reduce potential traffic conflicts between visitors to the Proposed Project and the residents and visitors to Joyland Road. The Resort Entry Road will be beneficial for the existing uses because it would maintain a rural residential ambience along Joyland Road.

Air Quality

It is not anticipated that the Resort Entry Road will result in a significant adverse impact to the air quality in the region.

Noise

Impacts to noise resulting from the development and use of the Resort Entry Road will, for the most part, be significantly less than using Joyland Road. This owes to the fact that the Resort Entry Road will travel through mostly undeveloped areas, rather than along Joyland Road.

Economic Conditions

The Resort Entry Road alternative would not differ from the economic condition assessment of the Proposed Project that utilizes Joyland Road.

Cultural Resources

Unlike the number of improved properties along Joyland Road, the Resort Entry Road will require few if any disturbances to improved land uses. However there are two historic resources within the area of potential effect of the Resort Entry Road. The first is the Breezy Corners Bungalow Colony. Impacts to this resource from the Resort Entry Road will be the same as the Joyland Road access. The other resource is the Osterhoudt-Towner Farm. However, this resource is located approximately 300 feet from the roadway and is therefore not anticipated to be impacted by the roadway construction. Additionally, owing to a number of intervening properties between the roadway and the resource and no visual impacts to this resource are anticipated.

Once the limits of disturbance for the selected alternative Resort Entry Road are determined as a result of detailed engineering and design additional archaeological investigations will be required to determine the presence or absence of archaeological resources. These investigations will be coordinated with SHPO and will be prepared prior to the issuance of site plan approval or permits. Should SHPO determine that there are eligible archaeological resources within the selected alternative Resort Entry Road EPT will work with SHPO to develop the appropriate mitigation measures to offset these impacts.

Visual Resources

Similar to the Joyland Road route, it is not anticipated that the Resort Entry Road would result in a significant adverse impact to the visual resources in the area. The Resort Entry Road will not be visible from NYS Route 17, but plantings and signs/monuments may be. The southeastern portion of the Resort Entry Road and the proposed modifications to Exit 106 will be visible from

several residences and Bungalow Colonies at the southern end of Joyland Road, as well as along Towner. The visual changes resulting from the selected alternative compared to those associated with the use of Joyland Road as the main access will be minimal. As opposed to the Joyland Road route, the Resort Entry Road will be located to the south of the Bungalow Colony located on the southwest of Joyland Road instead of to the east of the colony. Only a few buildings to the extreme southwest of the colony are expected to be able to see the Resort Entry Road. The remainder of the bungalow colony will not be able to see the road owing to the existing trees that will remain between the road and the colony.

Hazardous Materials

Based on the location of the Resort Entry Road and considering that the area is either undeveloped or supports only single-family residences, it is not anticipated that significant impacts would result from the presence of hazardous materials. The typical areas of concern associated with the current uses (i.e., residential fuel tanks and/or local dump sites) of the parcels associated with the Resort Entry Road and Exit 106 improvements can be addressed by the mitigation measures identified in Chapter 17, "Hazardous Materials," of the DGEIS/DEIS.

Construction

Construction-related impacts for the Resort Entry Road would be expected to be similar to those of the Proposed Project. However, approximately six months after construction starts, the Resort Entry Road will be able to accommodate construction vehicles. This will greatly reduce the impacts to the residences and other uses along Joyland Road.

EVALUATION OF ALTERNATIVES

After careful evaluation of each alternative, the Proposed Project, along with the selected Resort Entry Road Alternative and mitigation, would provide the greatest number of benefits while limiting, to the maximum extent practicable, environmental impacts.

S. UNAVOIDABLE ADVERSE IMPACTS

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

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

The Proposed Project and Phase 1, together with their selected alternatives and mitigation, would create a number of physical changes to the Project Site. However, all adverse impacts would be mitigated through the implementation of the measures discussed in the substantive sections of this Statement of Findings. Therefore, the Proposed Project and Phase 1 will have no unavoidable significant adverse impacts.

T. MITIGATION

The selected alternatives and mitigation, together with the Proposed Project and Phase 1, have been designed and selected to minimize significant adverse impacts. The specific mitigation measures are described in the substantive sections of this Statement of Findings.

U. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The land that makes up the Project Site is the most basic resource irretrievably committed. Should the Proposed Actions and Proposed Project be approved, once the phases of the project are developed according to the CDP, a portion of the Project Site would no longer be available as undeveloped land or for future development. However, even at full build-out, the development of the Proposed Project would maintain approximately 45 percent of the Project Site as open space.

The actual building materials used in the construction of the Proposed Project (wood, steel, concrete, and glass, etc.) and energy, in the form of gas, propane, and electricity, consumed during the construction and operation of the Proposed Project by construction equipment and the various mechanical systems (heating, hot water, and air conditioning) would also be irretrievably committed to this particular undertaking. None of these impacts are considered significant.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

The land that makes up the Phase 1 Site is the most basic resource irretrievably committed. Should Phase 1 be approved, and developed in accordance with the proposed Site Plan, a portion of the Project Site would no longer be available as undeveloped land or for future development.

The actual building materials used in the construction of Phase 1 (wood, steel, concrete, and glass, etc.) and energy, in the form of gas, propane, and electricity, consumed during the construction and operation of the Proposed Project by construction equipment and the various mechanical systems (heating, hot water, and air conditioning) would also be irretrievably committed to this particular undertaking. None of these impacts are considered significant.

V. GROWTH-INDUCING EFFECTS

The Proposed Project could produce significantly beneficial growth-inducing effects related to economic development and the transformation of an underperforming property into a destination resort. The beneficial economic growth would come from the anticipated increase in visitors and employees, particularly with respect to their expenditures on food, shopping, overnight stays, housing, and other relevant needs. Expenditures associated with the operations of the resort itself, including new employment opportunities, would also stimulate the economic climate within the region. Furthermore, the Proposed Project would likely influence the way in which land is used, potentially encouraging economic investment in the area's infrastructure on properties that are not owned by the Applicant.

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

LOCAL ECONOMY

Many of the shopping needs of EPT Concord Resort employees and residents would be met by the existing retail uses in the Town of Thompson, as well as the commercial services offered in the region. Locally, however, if retailers perceive some unfilled market demand stemming from the increasing number of visitors or residents in the Town, new businesses would be attracted to both the Town and the surrounding area.

Employees

A portion of the 2,642 jobs would be filled by employees who would be new to the County, as they would move to the area as a result of the Proposed Project. Therefore, their spending on housing, food, recreation, and other needs would represent new money spent in the County.

Visitors

As the Proposed Project would have amenities that are attractive to both local and non-local residents, the anticipated visitor population would generally include year-round and seasonal residents of the area, day visitors, and overnight visitors. Many of these visitors would likely stay in lodging available within the resort, though some would be expected to stay in hotels, bed and breakfasts, camping, or other off-site lodging facilities.

Annual Operation of Master Planned Resort

Operating expenditures of the various components of the Proposed Project would also fuel economic growth in the area. These expenditures include non-payroll services, such as repairs and maintenance, trash removal, materials and supplies, contractual services, insurance, equipment, and catering. These types of goods and services are currently available in Sullivan County, and the Applicant would make every reasonable effort to utilize local establishments.

LAND USE AND BUILDING TRENDS

Commercial Development

The Proposed Project could be expected to trigger some secondary commercial development. As described in Chapter 2, commercial development in the SR, RR-1, and RR-2 districts is generally limited to hotels and motels, bed and breakfasts, mobile home parks, restaurants, and outdoor sales uses. To a large extent, project-generated demand for goods and services would be captured by existing commercial development in the County before new businesses are established. These effects would not change overall land use and building trends, but they would improve economic conditions.

Residential Development

The residential component of the proposed project, as well as other portions of the project would employ specialty trades that currently occur, but are underemployed locally. In addition to those trade specialties mentioned above, construction workers would be expected to travel to work at the Project Site from outside the local area, but within commuting distances such as Orange County and neighboring counties in Pennsylvania. Construction activity is not permanent but is temporary; therefore construction workers would not be expected to relocate closer to the Project Site.

The Proposed Project would likely draw employees from throughout the Catskill region, and from nearby counties outside the Catskill Region including Orange County in New York and Wayne and Pike Counties in Pennsylvania. Commuting times from portions of these counties are two hours or less, which, based on Census data, is within a reasonable commuting range.

While demand for housing would likely increase in Sullivan County, existing housing stock would be expected to absorb the initial demand for housing. As the development of the Proposed Project proceeds towards build out, additional housing demand would be met by the construction of a variety of housing products proposed for the EPT Concord Resort. The estimated 897 year-round residential units would include 365 units of workforce housing targeted specifically to local residents and employees.

With respect to farmland conversion to residential and other non-farm uses, the Proposed Project is not likely to accelerate such trends in the vicinity of the Project Site. In general, land use regulations and policies of each Town and the County, including the County's Agriculture and Farmland Protection Plan, would need to be invoked to address potential growth-inducing effects of the Proposed Project.

Roadway Improvements

Roadway improvements associated with the Proposed Project are not likely to induce growth beyond that needed to meet the needs of the Proposed Project. No changes to the zoning of the properties acquired for the Resort Entry Road or Exit 106 improvements are anticipated. Therefore, any future development induced by the roadway improvements will be limited both in the use and density, as well as subject to site plan approval for any uses other than a single-family home.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

LOCAL ECONOMY

In general, the additional commercial demand from Phase 1 is expected to stimulate existing businesses to expand their sales within their existing business locations. New business starts are expected to occupy existing vacant commercial space with most occurring within commercial districts of the Village and hamlet centers where individual businesses benefit from the presence of complementary business activities. This "agglomerative effect" is expected to foster village center and commercial corridor revitalization.

Employees

A portion of the Phase 1 employees would be new to the County, as they would move to the area as a result of the Proposed Project. Therefore, their spending on housing, food, recreation, and other needs would represent new money spent in the County.

Visitors

Many of visitors attracted to Phase 1 would be non-residents, including those who already visit the County each year and entirely new visitors who would not have traveled to the County in the absence of the Phase 1 development. Spending by these new visitors would represent new or additional money both on-site and off-site.

Annual Operation of Phase 1

The various components of Phase 1 are expected to spend approximately \$117 million annually. These expenditures include non-payroll services, such as repairs and maintenance, trash removal, materials and supplies, contractual services, insurance, equipment, and catering. These types of goods and services are currently available in Sullivan County, and the Applicant would make every reasonable effort to utilize local establishments.

LAND USE AND BUILDING TRENDS

Commercial Development

The development of Phase 1 could be expected to trigger some degree of secondary commercial development. As described in Chapter 2, commercial development in the SR, RR-1, and RR-2 districts is generally limited to hotels and motels, bed and breakfasts, mobile home parks, restaurants, and outdoor sales uses. Each of these uses is subject to site plan approval by the Planning Board. To a large extent, project-generated demand for goods and services would be captured by existing commercial development in the County before new businesses are established. Many existing businesses would simply experience increased sales resulting in higher profits and/or wages.

Residential Development

Housing demand in Sullivan County could rise as a result of the Phase 1 development, as some of the new jobs would be filled by those who would move to the County as a result of the Proposed Project. However, most of the employment generated by Phase 1 would be drawn from the local labor force. It is likely that any new housing demand generated by the development of Phase 1 would first be absorbed by the existing housing stock.

Roadway Improvements

It is unlikely that the road improvements associated with Phase 1 will induce growth outside of the Project Site boundaries. No changes to the zoning of the properties acquired for the Resort Entry Road or Exit 106 improvements are anticipated. Therefore, any future development induced by the roadway improvements will be limited both in the use and density, as well as subject to site plan approval for any uses other than a single-family home.

W. USE AND CONSERVATION OF ENERGY

COMPREHENSIVE DEVELOPMENT PLAN (GEIS)

The Proposed Project is estimated to have the electric demand summarized in the table below. Energy for heating, air conditioning, and other non-electrical energy needs is expected to be provided by propane stored in tanks on the Project Site.

Buildings will be designed and constructed so that the design and selection of equipment and systems for the purpose of energy conservation would comply with the applicable provisions set forth in the New York State Energy Conservation Construction Code. A number of energy conservation methods were utilized in the overall planning of the Proposed Project including designing roadway, trails, bicycle paths, and pedestrian walkways to provide direct connections between activity areas, residential neighborhoods, and retail and entertainment areas, using

EPT Concord Resort

landscaping to shade buildings and pervious pavers to minimize stormwater runoff, and orienting buildings and parking areas to make the most of natural heating and cooling processes.

Proposed Project Electrical Demand

Project Phase	Total Area of Buildings (sf)	Design KVA	Design Amps (480V)	Total VA/SF	Total Watts/SF (PF=.85)
Phase 1 – Casino Resort A	568,117	6,148	7,395	11	9.2
Golf	56,000	395	476	7	6
Casino Resort B	145,000	1,138	1,423	8	6.9
Entertainment Village	388,000	2,535	3,049	7	5.6
Residential Village, Hospitality & Recreation	819,228	5,570	6,700	7	5.8
Hospitality, Commercial & Residential	1,225,000	7,582	9,120	6	5.3

Notes: This table is a summary of the Electric Load Letters provided to NYSEG on March 30, 2012 (Appendix: G).
 KVA=Kilovolt-ampere
 V=Volt
 VA/SF = Volt-ampere per square foot
 PF= power factor
 VA=Volt-ampere
Sources: AKRF Engineering P.C.

In the planning and design of future phases of the Proposed Project, the Applicant will look for opportunities to implement non-traditional energy generation (i.e., solar panels, geothermal, etc.). In addition, opportunities for the use of alternative energy will continue to be evaluated during the operation of the Resort based on feasibility, cost and benefit. Green building design, construction, operations, and maintenance practices will be considered in developing plans for each of the future phases of the Proposed Project.

SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (EIS)

Several development controls would be incorporated to ensure that Phase 1 would not have a significant impact on the site and would minimize the demand for electricity and fuel. The project incorporates green building materials and utilizes sound design practices. The following items have been considered throughout the design process:

- Glazing – Advanced glazing systems with increased R values to reduce solar heat gain and prevent unnecessary energy use;
- Landscaping – Mature trees will be left in place wherever possible to provide shade and reduce the heat island effect and, in turn, energy needed for cooling;
- Lighting – Efficient LED lighting at specialty fixtures and exterior site lighting fixtures to reduce electric consumption;
- Water –Efficient fixtures will be utilized at lavatories, urinals, and water closets to reduce the amount of water used in the Casino Hotel pursuant to the requirements of the New York State Building Code.

In addition, the Applicant is evaluating recapturing excess heat from the laundry facility for reuse. Additional sources of renewable energy, such as solar, may become available as the project develops.

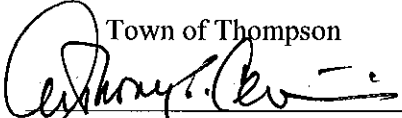
Certificate of Findings to Approve the Action:

Accordingly, having considered the DGEIS/DEIS and FGEIS/FEIS, the Town through this Findings Statement, certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the DGEIS/DEIS and FGEIS/FEIS;
- B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- C. The requirements of 6 NYCRR Part 617 have been met; and
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, deployment of the Proposed Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to development of any individual Project site those relevant mitigation measures identified in the DGEIS/DEIS, FGEIS/FEIS and this Findings Statement.

The Town hereby determines that the Action and Proposed Project will benefit the residents of the Town and should be pursued.

Certified by the Town of Thompson Town Board by Resolution adopted on January 15, 2013.

Town of Thompson
By: 
Anthony P. Cellini, Supervisor

July 9, 2012

Via Hand Delivery

Honorable Anthony Cellini
Supervisor
Town of Thompson
4052 Route 42
Monticello, New York 12702-3221

Re: Easements requested by the Town of Thompson on behalf of Concord Associates, LP, Louis Cappelli, and their affiliates (the "Cappelli Group")

Dear Supervisor Cellini:

We write in reply to your recent request for an explanation of EPT Concord II's ("EPT") position with respect to certain easements requested by the Cappelli Group in connection with their project and with certain proposed improvements to Concord Road. Please know that we are happy to respond to your request in the hope that it both clarifies our position and addresses any misinformation you may have received on the matter.

Further, we certainly understand and are well aware of the Town of Thompson's commitment to advancing development projects that create jobs which seek to sustain and improve the local economy. This commitment has been demonstrated on numerous occasions by the Town in connection EPT's current application before the Town for the development of its property. We take seriously our commitment to be an equal partner with the Town in the development of our property into a world class destination resort that will benefit the Town and region in so many ways. To that end, please know that while we intend to honor the commitments we have made, we will not agree to expand those commitments that will only serve to injure our proposed project and, in turn, work against both the Town's and our steadfast resolve of seeking to improve the local economy.

Our Obligation to Grant Easements.

In response to your request, I believe it best to begin by stating what we agreed to provide the Cappelli Group with regard to the subject easements. Pursuant to our June 18, 2010 Agreement with the Cappelli Group, EPT agreed as follows:

[EPT will grant] ...such rights which shall permit the [Cappelli Group] to complete construction of the Concord Casino, or applicable part thereof, as may be reasonably requested by the [Cappelli Group], including easements for drainage, the grant of public or quasi-public utility company rights, easements and franchises for electricity, water steam, gas, telephone or other service or right to use and maintain poles, lines, wires, cable, pipes, boxes and other fixtures and facilities in, over, under and upon the



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Resort Property (*at locations reasonably acceptable to EPT Concord and that will not interfere with future development or use of the Resort Property*), as shall be reasonably required in connection with the development of the Concord Casino.
[emphasis added].

Request for Easements.

On October 5, 2011, the Town forwarded us a request for the granting of certain drainage and access easements over our property. Included in this request was to provide the Cappelli Group access to the "...harness track site for the purposes of performing excavation..." for fill material and construction of detention ponds. Based on our previous discussions with the Cappelli Group, we had anticipated that drainage and access easements might be necessary to move storm water along Concord Road off the Cappelli Group's site, but we were completely surprised to see several requests that were not anticipated and frankly, well outside the scope of reasonableness. To that end, we notified you and the Cappelli Group that we required additional engineering information regarding this matter by our letter dated October 13, 2011, (see copy of letter enclosed herewith) but we understood the request to be moot when Mr. Cappelli's attorneys informed us by telephone that the Cappelli Group would not pursue its project on or about October 17, 2011 and tried to move its lawsuit from Sullivan to Westchester County.

Further open communication on this matter has been hampered by the three lawsuits the Cappelli controlled entities have filed seeking to block development of EPT's own project and exact additional concessions from EPT. Since October, EPT has not received any other documents on this request from the Town or the Cappelli Group, and until very recently, EPT has not been otherwise been contacted by either the Town or the Cappelli Group regarding this matter. With that said please know we are happy to resume discussions where they left off.

Preliminary Comments.

Although we have not received the engineering data we requested, we did receive a general drawing showing some easements, so we do want to point out that we have already identified some significant issues that should be addressed in order to avoid interference with the future development and use of the EPT property. In order to expedite those revisions, we make the following preliminary observations, without waiving our right to make additional comments as other information becomes available:

1. While we are willing to provide drainage easements that allow the Cappelli Group and the Town to move water along and across the EPT property in mutually agreeable locations, the construction of permanent detention facilities on our property would clearly interfere with EPT's future development and are certainly beyond the scope of the easements we agreed to provide. Specifically, the Cappelli Group's plan includes two large detention basins installed on our property—ponds that

essentially block all of EPT's Concord Road frontage, except for one narrow roundabout access point. I estimate that these ponds may occupy between 15 and 20 acres of land, and with the topography and other issues set forth below, will have the effect rendering about two-thirds of the EPT property along Concord Road undevelopable.

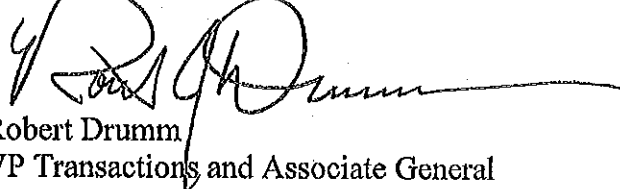
2. There is another detention pond south of the proposed harness track which appears to collect runoff from, among other things, the track, paddock and barns. As you know from our previous communications with the Town regarding the Cappelli project's lack of practice and overnight stabling facilities, we are concerned about manure and other waste migrating to the EPT property. The proposed design heightens these concerns, and we must insist that this detention area be relocated onsite, or at least at a location off EPT's property.
3. All drainage and other easements must be designed in order that they do not interfere with or adversely modify the flow rates or other engineering calculations for our own project. These calculations are being included in our current DGEIS which will soon be before the Town. We will engage our engineering firm, AKRF, to review the effect of the reengineered easements at an appropriate time.
4. The construction of Concord Road at the proposed grade creates steep embankments on the EPT property (in excess of 30 feet at places). These embankments create potential erosion and landslide issues above a location where we intend to develop other uses, as well as enhance the danger in a traffic accident where a vehicle goes over the embankment. The design also blocks natural sightlines from the EPT property. We believe the road should be reengineered in order to more closely follow the natural grade of the land and reduce the embankments.
5. The extraction of material amounts of fill from EPT's property for the construction of Concord Road likewise is significantly problematic. As is evident by the contour lines on the map, and by a visual inspection of the property, EPT's property is already below the grade of the Cappelli Group's project. Lowering elevations by removal of fill will make grading more difficult and sightlines worse on EPT's property, and will further materially impact EPT's development plans. Any fill needs to come from a source other than the EPT property.
6. Finally, the access easement "fishtail" from the northeast corner of the proposed harness track to Chalet Road was not explained as necessary and we would require more information on that easement; however, we understand that the Cappelli Group is no longer requesting that the easement be granted, and so we will not address it at this time.

As we indicated in our October 13, 2011 correspondence with the Town, we have at all times been prepared to grant reasonable easements over our property for

drainage, utilities and access, so long as the easements do not interfere with the development and use of EPT's property. We look forward to working with you to resolve this matter and to continue progress on our own project.

Yours Very Truly,

EPT Concord II, LLC

A handwritten signature in black ink, appearing to read 'Robert Drumm', written over a horizontal line.

Robert Drumm
VP Transactions and Associate General
Counsel, Entertainment Properties Trust

cc: Michael Mednick, Esq.
Paula Kay, Esq.
Thomas Kelly, Esq.
Steven Vegliante, Esq.
Catherine M. Hauber, Esq.
Kristen Roy, Esq.
Y. David Scharff, Esq.



TOWN OF THOMPSON

COUNTY OF SULLIVAN

ANTHONY P. CELLINI, Supervisor
4052 Route 42
Monticello, New York 12701-3221

October 5, 2011

(845) 794-2600
Fax (845) 794-8600

David Brain, President
Gregory K. Silvers, Vice President
Entertainment Properties Trust
909 Walnut, Suit 200
Kansas City, Missouri 64106

Re: New Concord Road Construction

Dear Messrs. Brain & Silvers:

As I'm sure you know, the Town of Thompson is committed to advancing development projects to create jobs and sustain our local economy. To that end, we have worked with numerous developers like you over the years and have vigorously promoted a development friendly environment for projects that suit the community and will have not have adverse impacts on our way of life.

To advance certain development projects in the Town, including the Concord project and a potential project on your property, the Town must make certain infrastructure improvements. These improvements include the repair and realignment of several thousand feet of Concord Road, which is currently in very poor condition, and significant improvements to the intersection of New York State Rte 42 and Concord Road, consisting of the addition of through and turning lanes and new signalization. These improvements are being undertaken by LRC Construction, LLC on the Town's behalf, and will significantly improve roadway and traffic conditions at no cost to the Town.

As you may or may not know, the State of New York has allocated significant funds for this work through a grant to Sullivan County. To ensure the completion of the road improvements funded by the grant, we have recently drafted an inter-municipal agreement between the Town of Thompson and Sullivan County for the purpose of jointly overseeing the work. We are anxious to see this work commence, as we have been assured by the State that the funds are available, and we want to make sure they are used for these critical Town infrastructure improvements.

We have been informed by the Town Engineer that the fill material needed to construct the new Concord Road was to be generated by the removal (cutting) of soil from the proposed harness track on your property in order to level the nearly 50 acres necessary to build the track. I have been advised that approximately 400,000 cubic yards of material will be required to be cut from the harness track site in order to fill the new Concord Road bed and associated



shoulders and storm water facilities. Material would otherwise have to be imported to the site to perform the fill operation, which will increase the cost of improving Concord Road and will clutter our roadways with continuous dump trucks for weeks on end if the harness track is not the source of fill material for the road.

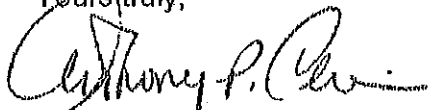
I am respectfully requesting, on behalf of the Town of Thompson, that you provide the Town and its agent, LRC Construction LLC, with access to the harness track site for the purposes of performing the excavation for the harness track that will provide the necessary source of fill material for the construction of the new Concord Road. Of course, your approval would be contingent upon funds being committed for the road improvement project in addition to the harness track site being left in a stable and appropriately graded condition.

In addition, the approved plans for the new Concord Road also provide that storm water treatment and attenuation basins be constructed along the eastern side of the proposed new Concord Road alignment where storm water collected on the new roadway is to be discharged. We ask that you agree to grant an easement in favor of the Town for the above-mentioned drainage improvements.

Please advise whether you will be willing to cooperate with the Town to permit the work described above to proceed and to provide the appropriate easements to accomplish this much need work for the benefit if the Town.

Your consideration would be greatly appreciated.

Yours truly,



Anthony P. Cellini
Supervisor Town of Thompspon

October 13, 2011

VIA Email and Federal Express

Town of Thompson, County of Sullivan
Attention: Anthony P. Cellini, Supervisor
4052 Route 42
Monticello, New York 12702-3221

Dear Mr. Cellini:

We are in receipt of your letter dated October 5, 2011, regarding Concord Road. We understand from your letter that the Town of Thompson has been allocated significant funds through a grant to Sullivan County for certain infrastructure improvements, including the repair and realignment of several thousand feet of Concord Road and improvements to the intersection of New York State Route 42 and Concord Road. We also understand from your letter that the Town would like to commence construction of these infrastructure improvements shortly.

As you know, our company has, in the past, demonstrated its willingness to cooperate with the Town of Thompson in connection with other projects. We will also be willing to cooperate with the Town in connection with the construction of the improvements to Concord Road, provided that we are given sufficient time and an opportunity to review more information about the proposed improvements and how they will impact our property. This would include a copy of plans, specifications and surveys as well as engineering plans and studies for all road work, required excavations on our property for such road work, and the storm water treatment and attenuation basins to be built in connection with the road improvements; the schedule for such work; the proposed terms of any easements, whether temporary or permanent, that the Town would be requesting with respect to our property for such road work and attenuation basins; additional information regarding, and right to approve, the contractor undertaking such work; the right to request and obtain satisfactory assurances, such as a performance bond, with respect to the completion of the work affecting our property; and the right to request indemnities and insurance in connection with any work performed on our property.

Please provide to us any of the above information that is currently available, and we will begin our due diligence and review promptly.

Sincerely,

EPT Concord II, LLC

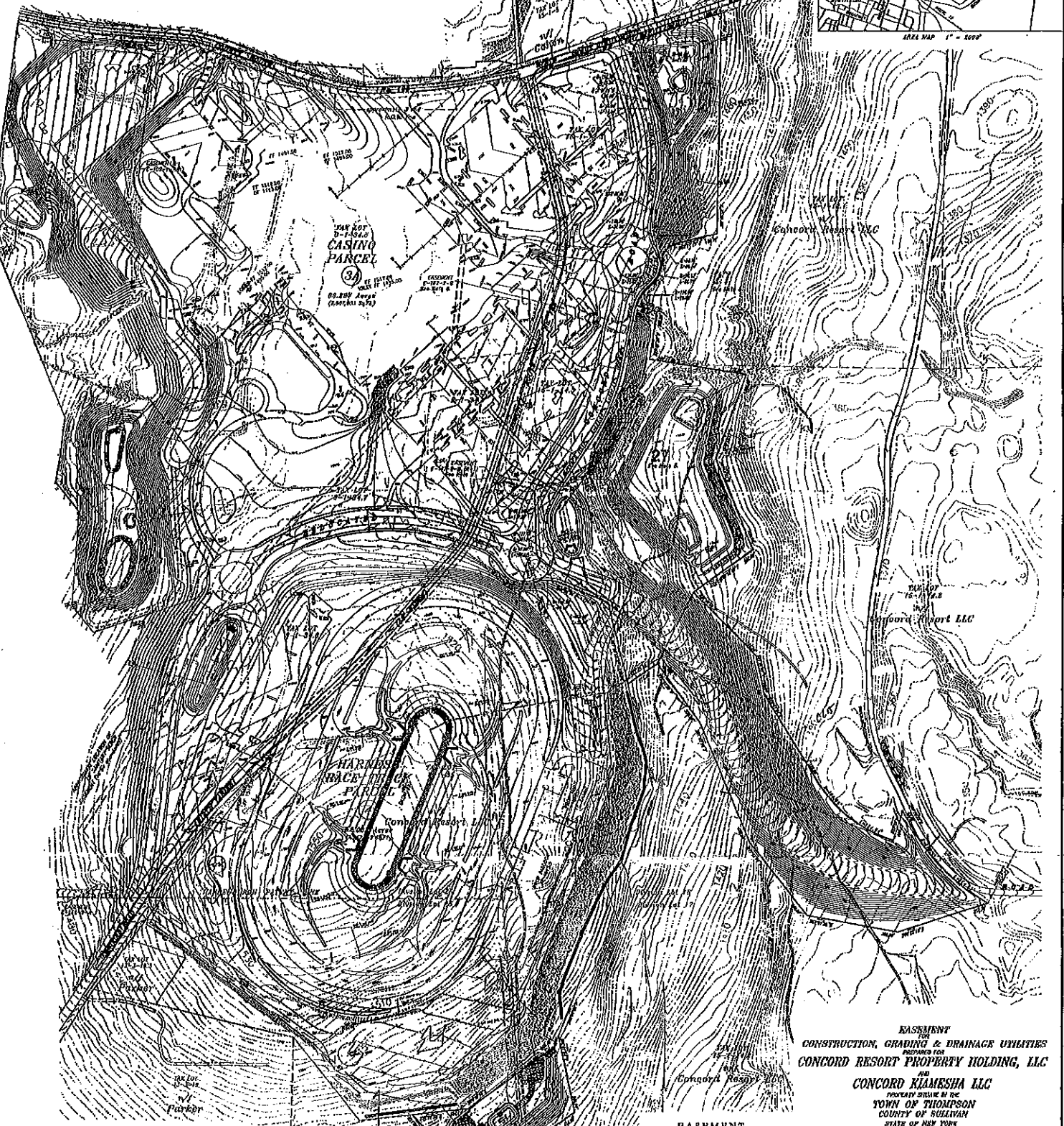
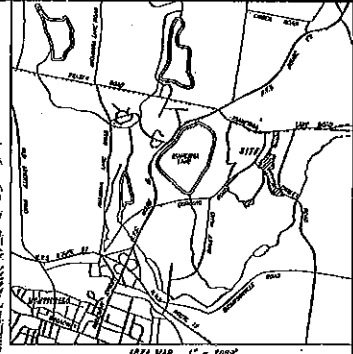
By: 

Gregory K. Silvers
Vice President



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Fax: 816-472-5794
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- Contract, as noted and dated by the title of this drawing.
1. This drawing is a plan view of a survey map showing a detailed field survey and is a subdivision of Section 7004, No. 100-100-1-1 of the New York State Parcel Map.
 2. The location of the site is shown on the map. The survey was conducted by the Surveyor General of the State of New York, and the results are shown on this drawing. The survey was conducted in accordance with the provisions of the Surveyor General's Act, Chapter 100 of the Laws of 1909, as amended.
 3. The survey was conducted by the Surveyor General of the State of New York, and the results are shown on this drawing. The survey was conducted in accordance with the provisions of the Surveyor General's Act, Chapter 100 of the Laws of 1909, as amended.
 4. The survey was conducted by the Surveyor General of the State of New York, and the results are shown on this drawing. The survey was conducted in accordance with the provisions of the Surveyor General's Act, Chapter 100 of the Laws of 1909, as amended.
 5. The survey was conducted by the Surveyor General of the State of New York, and the results are shown on this drawing. The survey was conducted in accordance with the provisions of the Surveyor General's Act, Chapter 100 of the Laws of 1909, as amended.
 6. The survey was conducted by the Surveyor General of the State of New York, and the results are shown on this drawing. The survey was conducted in accordance with the provisions of the Surveyor General's Act, Chapter 100 of the Laws of 1909, as amended.
 7. Proposed to be shown on this drawing are the proposed basements and the proposed basements. The proposed basements are shown on this drawing. The proposed basements are shown on this drawing.



**BASINMENT
CONSTRUCTION, GRADING & DRAINAGE UTILITIES**
 PREPARED FOR
CONCORD RESORT PROPERTY HOLDING, LLC
 AND
CONCORD KIAMESHA LLC
 PROPERTY OWNERS IN THE
 TOWN OF THOMPSON
 COUNTY OF SULLIVAN
 STATE OF NEW YORK
 DATE: SEPTEMBER 16, 2008

**BASINMENT
AREA SCHEDULE**

SITE	AREA	TOTAL
NO.	(ACRES)	AREA
1	2.372	2.372
2	1.175	1.175
3	1.175	1.175
4	1.175	1.175
5	1.175	1.175
6	1.175	1.175
7	1.175	1.175
8	1.175	1.175
9	1.175	1.175
10	1.175	1.175
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49	1.175	1.175
50	1.175	1.175



CONTRACTORS' LINE & GRADE BOOK, INC.
 8 North Gooden Avenue, Suite 3
 Eastford, New York 10821
 Phone: (914) 347-3141 Fax: (914) 347-3120
 Office: (914) 347-3120

CONCORD RESORT LLC