

**Comment 1:** I write this letter in support of the proposed EPT Concord Resort Project which has much to offer for needed economic development in Sullivan County. The project is estimated to create 2,600 full-time jobs and generate \$42.5MM in new property tax income. This project could help revitalize the county with 1,800 new hotel rooms, 900,000 s.f. of commercial space and will likely become a destination for tourists and residents. My hope is that this project becomes a catalyst to spur other development around the county. Please support this important development. (Kinne; 8/27/12)

**Response:** Comment noted.

**Comment 2:** I am writing this letter as a business owner in the Town to express my support for the proposed Entertainment Properties Trust Concord development. I have been involved in Economic Development in varying capacities for over 23 years. The majority of that time spent in Sullivan County as a practitioner, administrator, and now a consultant. I have worked on many projects in many locations throughout the county of differing scale. Yet no project to date has had the potential positive impact that this project will have. It has been well known that a project of significant scale will be needed in order to create a critical mass of activity that can provide broad based opportunities for Sullivan County residents, service providers and businesses alike. The EPT project clearly will create this critical mass.

From the construction costs exceeding \$600 million, the creation of over 600 jobs, the reintroduction of 1,800 desperately needed hotel rooms and annual payroll, to the 900,000 sq ft of commercial space proposed, the EPT project will not only have immediate positive economic impacts, but also will induce positive economic activity from throughout the region. Moreover, the adaptive reuse of formerly developed space and the improvement of neglected infrastructure coupled with environmental sensitivity in its design is an added benefit from an environmental impact perspective.

Finally, as tourism has always been a strength of the Catskills, EPT's proposed development plan will surely encourage entertainment and recreational use while creating centers of activity that will benefit the Town and County for years to come. (Baez; 8/27/12)

**Response:** Comment noted.

## **EPT Concord Resort**

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**Comment 3:** On behalf of M&M Auto Group, myself and my family, please accept this letter as support for the EPT Concord Resort project. As an involved business owner and resident, there is nothing more that I would like to see for Sullivan County and the world-famous Concord site.

It has been a long time coming and now with the help of the EPT Concord Resort project we can start to re-create the Catskills. Not only will the project create more than 2,600 full-time equivalent jobs, it will also generate \$42.5M in property tax, with more than \$29M of that going to the school district. The project will help revitalize our community by creating 1,800 hotel rooms, more than 900,000 square foot of commercial space for local and national businesses and will provide entertainment and recreational uses for residents and tourists alike.

If Sullivan County is to reach its potential, we must continue to invest in those things that our region needs to become great and I believe the EPT Concord Resort project can help us exceed our potential. (Braunstein; 8/27/2012)

**Response:** Comment noted.

**Comment 4:** It is with great enthusiasm that I write to convey my strong support for the EPT Concord Resort project. As an actively involved business owner and resident, I am significantly invested in the interest of our County's future.

The project will be a critical and purposeful step toward our county and region's strategic growth objectives. It is one of the most advantageous opportunities we've had over the last few years to initiate strong momentum and growth as we work towards making our area more attractive for capital investors, tourists and residents.

I look forward to the creation of the expected 2,600 full-time equivalent jobs, in addition to the nearly \$2.4 billion of prospective economic activity in the State. This project not only represents a new cornerstone of economic development for our County, but a chance for the renowned Concord site to become a landmark in our region once again.

The opportunity to take a bold step forward to making Sullivan County a world-class destination should not be lost. (Goldstein; 8/27/12)

**Response:** Comment noted.

**Comment 5:** On behalf of the Sullivan County Visitors Association, I am pleased to convey my enthusiastic support for the Entertainment Properties Trust (EPT) Concord Resort project located in the Town of Thompson, Sullivan County.

The Sullivan County Catskills has been and remains a destination for millions of visitors. The economic health of Sullivan County is dependent upon the tourism industry. A project of this magnitude will spark an economic resurgence for the Sullivan County Catskills and additional investment with ancillary businesses

developing to fulfill the needs of the resort and the additional employees working and living here.

The creation of a world-class destination resort in Sullivan County is a high priority for SCVA in fulfilling our mission of making the Sullivan County Catskills a premier tourism and travel destination. The primary criteria is to leverage the region's outstanding natural resources in a natural infrastructure strategy that views agriculture, tourism and the environment as quality of life attributes that are critical to attracting and retaining high-quality jobs for key industry sectors. The EPT Concord Resort Development would invest in the creation of a destination hotel to capitalize on and enhance existing attractions and support more overnight stays that would lead to greater and longer tourist visitation from outside the region and greater local expenditure. In addition, the project would restore and build on the heritage, culture and natural resources of the region.

After construction that will be done in phases over 10 years employing the equivalent of 632 full-time employees per year with \$676 million in payroll and an impact of \$2.4 billion in economic activity to the State of New York, the resort itself will employ over 1,200 new jobs in resort operations.

Tourism has always been an environmentally friendly industry and EPT's plans for this site include leaving 45% or approximately 696 acres of open space. It will contain unique neighborhood areas. It will also incorporate a center of activities and trails for walking and biking. The anchor hotel will serve as a landmark for the region with 1,800 rooms and entertainment venues. The signature golf course, the Monster, will be rehabilitated to once again become a world class golf course. At full operation, this project will generate \$42.5 million in property tax with more than \$29 million going towards the school district. This does not include the million generated in sales tax revenue for the local and state governments. The Concord project will not only produce a stimulus for the economy in Sullivan County and New York State but will serve as a world class destination for tourists and a quality of life for the residents of Sullivan County. (Byron-Lockwood; 8/27/12)

**Response:** Comment noted.

**Comment 6:** As a co-president of Verticon, I would like to express our support of the Entertainment Properties Trust (EPT) Concord Resort.

This is a critically important project for Sullivan County, one that will result in desperately needed jobs and bring significant economic growth. It will reignite our tourist industry and bring hundreds of millions of dollars of private capital to Sullivan County and the region.

As a family and entertainment destination, the EPT Concord Resort will attract residents and visitors to the area resulting in transformative economic impact from dollars spent, sales tax revenue and job creation. It will help to combat our nearly

## EPT Concord Resort

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10% unemployment rate in Sullivan County, bringing thousands of sustainable jobs to the region. The project's success will result in increased demand for goods and services, a windfall for local businesses and healthcare providers.

This project holds promise for a brighter future in Sullivan County and represents is an unprecedented opportunity that we must seize. (Zuckerman; 8/24/12)

**Response:** Comment noted.

**Comment 7:** I am writing to express my support for the Entertainment Properties Trust (EPT) Concord Resort as an important project for Sullivan County. The resort will help tourism and foster economic growth, bringing jobs, accommodations and amenities to our region.

The developers' reputation means this resort will be a focal point for guests wanting to visit Sullivan County annually. It is planned to include up to 1,800 hotel rooms in several different hotels, an indoor waterpark and spa, and a renovated Monster Golf Course, among a host of other amenities.

This project will stimulate private investment and growth for the region. With more than 900,000 square feet of commercial space including retail and recreation, the EPT Concord Resort will also benefit local residents and generate tens of millions of dollars in tax revenues for our communities and schools. (Davidson; 8/27/12)

**Response:** Comment noted.

**Comment 8:** As a local business owner, with the EPT Concord Resort, I believe we finally have a project for the former Concord site which can be successful.

It will become a cornerstone of regional tourism, leveraging the region's outstanding natural resources and helping create significant economic growth. It will bring the former site of a famed Catskills resort back to life and encourage private investment and growth in other industries, such as financial and professional services, as well as construction, hospitality, food and beverage, housing and more.

I believe the EPT Concord Resort project will drive economic opportunity and foster job creation throughout the region. It is expected to support more than 2,600 permanent full-time equivalent jobs, providing our community with sustainable long term employment and giving our young professionals career opportunities close to home. To combat Sullivan County's high unemployment and shuttered businesses calls for big ideas and this project is poised to deliver for Sullivan County. (Pavloff; 8/22/12)

**Response:** Comment noted.

**Comment 9:** I am writing in support of the Entertainment Properties Trust (EPT) Concord Resort as a Priority Project for the Mid-Hudson Region. As President and one of the owners of Monticello Motor Club – currently the largest capital improvement project in Monticello, NY – we believe this project can bring transformative growth to the region. It will create over 1,000 new jobs and leverage our outstanding natural resources to further the development of a thriving tourism economy.

As a family and entertainment destination, the EPT Concord Resort’s positive impacts will be felt throughout the region, creating economic opportunity for small businesses, entrepreneurs and ancillary industries including financial and professional services, hospitality, agriculture, food and beverage, construction, housing and healthcare.

The EPT Concord Resort will provide sustainable, long-term employment and career opportunities for our region's young professionals, helping to strengthen our middle class. Hundreds of millions of dollars of private investment and thousands of desperately needed jobs are associated with this project.

A destination resort of this scope can be transformative for the region. When combined with successful projects like our club and Bethel Woods Center for the Arts, Sullivan County will be poised to regain its reputation as one of the premier tourist destinations in the Northeast. Public-private partnerships such as this can help reverse years of rising unemployment and economic hardship and help to transform our regional economy. (Straus; 8/24/12)

**Response:** Comment noted.

**Comment 10:** Today, with the EPT Concord Resort project, we have a development team ready to build a world-class destination resort that will revitalize our community and include 1,800 hotel rooms, more than 900,000 square feet of commercial space, a rehabilitated Monster Golf Course, residential units and the relocated Monticello Casino and Raceway, among other entertainment and recreational amenities.

The EPT Concord Resort can help to transform the economic landscape of the region. In addition to direct construction expenditures and over 2,600 full-time equivalent jobs, the project will increase long-term demand for goods and services, creating a more robust local economy and raising the standard of living.

The project's economic impact will include direct expenditures, sales and property tax revenue, small business growth and job creation. Thousands of jobs, good wages, and tourism dollars will pour into our local economy. It will help to revive construction and housing; while increasing demand for many goods and services. The benefits of this project will positively impact everyone who lives or does business in Sullivan County and the surrounding area. (Schmidt; 8/22/12)

**Response:** Comment noted.

**Comment 11:** I believe the EPT Concord Resort represents a transformative vision we must embrace. It will be a catalyst for investment and opportunity in Sullivan County, directly supporting over 2,600 permanent full-time equivalent jobs, while creating thousands of additional employment opportunities in the region. It will result in sustainable long term employment, infinite opportunity and tens of millions in tax revenues.

This project meets the challenges we face head on, attracting private investment, tourism and creating jobs. Revitalizing the former site of a famed Catskills resort and refurbishing the Monster Golf Course, the EPT Concord Resort will become a cornerstone of tourism, leveraging our abundant natural resources. (Smith; 8/23/12)

**Response:** Comment noted.

**Comment 12:** I am writing to express my strong support for the Entertainment Properties Trust (EPT) Concord Resort. I believe this project is uniquely positioned to drive significant economic growth, tourism and job creation in our community.

The planned resort will include up to 1,800 hotel rooms in several different hotels; an indoor waterpark and spa, and a renovated Monster Golf Course among a host of other amenities. With over 900,000 square feet of commercial space including retail and recreation, plus approximately 45% of the site devoted to open space, the EPT Concord Resort will also benefit local residents and generate tens of millions of dollars in tax revenues for our communities and schools.

Additionally, it will trigger private investment in Sullivan County, drive private sector growth in local businesses and encourage new business development while leveraging and protecting the County's natural resources.

Sullivan County is eager to reap the economic benefits a project of this scope can provide. I urge you to act in support of this extraordinary opportunity which promises an investment of hundreds of millions of private dollars and the creation of approximately 2,600 FTE jobs. (Rouis; 8/23/12)

**Response:** Comment noted.

**Comment 13:** I am writing to urge the Board's support of this project. The EPT Concord Resort can help to transform the economic landscape of the region. It will bring thousands of jobs, good wages and revive the lagging Sullivan County tourist economy. It will create demand for goods and services, as well as construction and housing. The project leverages hundreds of millions of dollars of private investment and cross regional partnerships to chart a new path for prosperity.

As a family and entertainment destination, the EPT Concord Resort will attract residents and visitors to the area which will result in transformative economic impact from direct expenditures, sales tax revenue and job creation. It will help reduce Sullivan County's high unemployment rate by creating thousands of

sustainable jobs and opportunity for growth in small businesses such as ours, which has done many projects in Sullivan County. In addition to direct construction expenditures, the project will increase long-term demand for goods and services, creating a more robust local economy and raising the standard of living.

The benefits of this project will positively impact everyone who lives or does business in Sullivan County and the surrounding area. (Berman; 8/24/12)

**Response:** Comment noted.

**Comment 14:** I am writing to express my Association's support for the Entertainment Properties Trust (EPT) Concord Resort as a critical project for Sullivan County and our local workforce. The planned destination resort will help to create tourism and economic growth, bringing critically important jobs, accommodations and additional amenities to our region.

I understand that it is planned to include up to 1,800 hotel rooms in several different hotels; an indoor water park and spa and a renovated Monster Golf Course, among a host of other amenities. The development partners' reputation for quality ensures that this resort will continue the tradition of excellence that draws hundreds of thousands of guests to Sullivan County annually.

This project will stimulate private investment and growth, creating transformative economic impacts for the region. With over 900,000 square feet of commercial space including retail and recreation, plus approximately 45% of the site devoted to open space, the EPT Concord Resort will also benefit local residents and generate tens of millions of dollars in tax revenues for our communities and schools. (Seidman; 8/27/12)

**Response:** Comment noted.

**Comment 15:** I believe the EPT Concord Resort is an unprecedented economic opportunity for Sullivan County and one that will have quite a ripple effect, with benefits trickling down through the local economy to businesses small and large...businesses such as mine, Misner Benefits.

Hundreds of millions of dollars of private investment and thousands of desperately needed jobs are associated with this project. It will further the development of our tourism industry, create thousands of jobs and offer enormous opportunity for local businesses.

A destination resort of this scope can be transformative for the region. The project is planned to include 1,800 hotel rooms, more than 900,000 sf of commercial space, over 696 acres of open space, a rehabilitated Monster Golf Course, varied entertainment and recreational uses, and nearly 900 new residential units. When combined with successful projects like the Monticello Motor Club, and Bethel

Woods Center for the Arts, Sullivan County will be poised to regain its reputation as one of the premier tourist destinations in the northeast.

I hope you agree that projects such as the EPT Concord Resort can help reverse years of rising unemployment, property taxes and economic hardship, putting our economy on the path to prosperity. (Heyman; 8/24/12)

**Response:** Comment noted.

**Comment 16:** The EPT Concord Resort can help to transform the economic landscape of the region. It will bring thousands of jobs, good wages and revive our lagging tourist economy. It will create demand for goods and services, as well as construction and housing. The project leverages hundreds of millions of dollars of private investment and cross regional partnerships to chart a new path for prosperity.

As a family and entertainment destination, the EPT Concord Resort will attract residents and visitors to the area which will result in transformative economic impact from direct expenditures, sales tax revenue and job creation. It will help reduce our county's high unemployment rate by creating thousands of sustainable jobs and opportunity for growth in small businesses such as ours. In addition to direct construction expenditures, the project will increase long-term demand for goods and services, creating a more robust local economy and raising the standard of living.

The benefits of this project will positively impact everyone who lives or does business in Sullivan County and the surrounding area. (Mickelson; 8/24/12)

**Response:** Comment noted.

**Comment 17:** I respectfully urge your support of this important project. I have followed this project with a watchful eye and judging from the company's impressive record, I firmly believe this planned destination resort will help to revitalize our community, driving tourism and economic growth, encouraging private investment and business development, creating sustainable jobs and bringing additional amenities to our region. Construction of the project is expected to create more than 2,600 FTE jobs and generate more than \$42.5 million in property tax, with more than \$29 million benefiting local schools.

It will become a destination for tourists and residents alike, with more than 1,800 hotel rooms, 900,000 sf of commercial space, entertainment and recreational uses, a rehabilitated Monster Golf Course and nearly 900 new residential units, including workforce housing. (Fisher; 8/24/12)

**Response:** Comment noted.

**Comment 18:** I am writing to express my support for the Entertainment Properties Trust (EPT) Concord Resort. The planned destination resort will help to drive tourism and

economic growth, bringing critically important jobs, accommodations and additional amenities to our region.

It is planned to include up to 1,800 hotel rooms, a renovated Monster Golf Course, the relocated Monticello Casino and Raceway, plus many other amenities which will result in increased tourism while also providing visitors and locals with more to do when they are here.

This project will stimulate private investment and growth, creating positive economic impacts for local businesses throughout the County. With over 900,000 square feet of commercial space including retail and recreation, plus approximately 45% of the site devoted to open space, the EPT Concord Resort will also generate tens of millions of dollars in tax revenues for our communities and schools. (Passante; 8/27/12)

**Response:** Comment noted.

**Comment 19:** I am writing on behalf of the Sullivan County Partnership for Economic Development to express our continued support of your efforts to get the EPT Concord Resort project approved. The EPT Concord project is consistent with our long term support of economic development in Sullivan County.

As you know the EPT Concord Resort project will be the largest construction project in Sullivan County. It is expected to support the equivalent of 632 full-time employees per year for 10 years and result in \$2.48 of economic activity in the State, including \$676M in employee compensation. Approximately 2,600 jobs full-time equivalent jobs will be created with an additional 1,200 jobs created because of the Resort's operation.

The project spans 1,500 acres which will include 1,800 hotel rooms, more than 900,000 square feet of commercial space, entertainment and recreational uses for residents and tourists and a rehabilitated Monster Golf Course. The proposed development of the legendary Concord site is a once in a generation opportunity to positively change the face of Sullivan County and bring revitalization to our community. (Scott; 8/28/12)

**Response:** Comment noted.

**Comment 20:** I am writing to express my support for the EPT Concord Resort project. I believe this project is a critical step toward achieving our county's strategic growth objectives.

The planned resort will include up to 1,800 hotel rooms, more than 900,000 square feet of commercial space, an indoor water park and spa, and a rehabilitated Monster Golf Course among a host of other amenities and services. Along with the 2,600 full-time jobs the project is expected to create, the construction of the project

is estimated to support the equivalent of 632 full-time employees per year for 10 years.

As we continue to make our community more attractive for investors, tourists and residents, the EPT project, if approved, will be an invaluable step forward by becoming a significant landmark for the region. (Klugman; 8/28/12)

**Response:** Comment noted.

**Comment 21:** In our opinion the DGEIS/DEIS is comprehensive and meets the procedural requirements of SEQR...In our opinion, the DGEIS/DEIS is substantially consistent with the scoping outline. One exception would be items already requested by the traffic consultant to the Town (CHA). (Geneslaw; 9/5/2012)

**Response:** Comment noted. Please see Chapter 3.11 of this FEIS for detailed responses to comments made by the Town's traffic consultant, CHA. The traffic impact study is included in its entirety in Appendix E of this FEIS.

**Comment 22:** Workforce housing – this element is proposed for a future development phase. The following elements should be discussed in the FEIS:

1. How much employee housing is estimated to be needed?
2. Are existing housing resources available in the interim?
3. When will workforce housing be available?
4. How will units be set aside for on-site employees?
5. At the time that the development phase with workforce housing is proposed, an administrative and eligibility program will have to be established.

(Geneslaw; 9/5/2012)

**Response:** At full build out, in 2022, it is anticipated that EPT Concord Resort will be supported by approximately 2,642 direct permanent full-time equivalent (FTE) jobs. It is expected that those employed for the initial phases of development<sup>1</sup> will find housing within the existing housing stock available for rent or for sale in Sullivan County. In 2012, it is estimated that there are 2,453 housing units available in Sullivan County, and 9,289 in the Catskills region. While the residential phase of the project will be market driven, it is anticipated that the 288 units of workforce housing proposed as part of the EPT Concord Resort will be available between 2017 and 2022. These workforce housing units will be a mix of

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<sup>1</sup> As previously stated, the development sequence for the EPT Concord Resort will be market driven. Nonetheless, for the purpose of this FGEIS/FEIS it is assumed that the early phases of development will include the Casino Resort, Entertainment Village, golf course, golf clubhouse, and cottages. For the purpose of evaluating impacts, the work force housing is being included in the later phases of development, likely to be started between 2017 and 2022.

one-and two-bedroom units with an average unit size of approximately 900 s.f. As construction of the workforce housing is underway, the Applicant will work with the Town to establish an administrative and eligibility program.

**Comment 23:** Construction of this project is expected to support the equivalent of 632 fulltime employees per year for at least ten years. 1,200 jobs will be created in Sullivan County because of the resort operations. The project will create trails throughout the resort to encourage walking and biking, which will improve the health of our residents. The project would generate 42.5 million in property taxes with more than 29 million of that going to our school districts. Construction of the project is expected to result in 2.4 billion dollars of economic activity in the State of New York, including 676 million in employee compensation. There will be 1,800 hotel rooms. The project will become a destination for tourism and all residents of our county. More than 900,000 square feet of commercial space, which will create businesses. Nearly 900 new residential units were important to our community, especially if it's affordable housing. The casino resort will serve as an anchor for the project and will spur development in and around this project site. The casino hotel will be a new and significant building that will become a landmark for the region. As the Representative for the 98th Assembly District, I think this is a very, very important project to all of us. We've been talking about this project since 1972. I was graduating from high school at that point and I think that if we all work together we'll have a wonderful project. Thanks. (Aileen Gunther, NYS Assembly; 8/28/2012)

**Response:** Comment noted.

**Comment 24:** I am writing on behalf of the Sullivan County Partnership for Economic Development to express our continued support of your efforts to get the EPT Concord Resort project approved. The EPT Concord Project is consistent with our longterm support of economic development in Sullivan County. As you know, the EPT Concord Resort Project will be the largest construction project in Sullivan County. It is expected to support the equivalent of 632 fulltime employees per year for a period of ten years and result in the investment of 2.4 billion of economic activity in the state, including 676 million in employee compensations. Approximately 2,600 jobs, fulltime equivalent jobs will be created with an additional 1,200 jobs created because of the resort's operation. The project spans 1,500 acres, which will include 1800 hotel rooms, more than 900,000 square feet of commercial space, entertainment and recreational uses for residents and tourists and a totally rehabilitated Monster Golf Course. The proposed development of the legendary Concord site is a once in a generation opportunity to positively change the face of Sullivan County and bring revitalization to our community. I encourage you to support this invaluable project. 1,538 acres, 374,000 square foot casino, 250 key casino hotel; phase two another 250 keys are planned, 50,000 square foot conference event center, 250 room convention hotel, 140,000 square feet prime

lease space for entertainment, dining and retail. An additional 400 room resort hotel with water park, leisure activities, and a completely new redesigned by Rees Jones of the championship golf, formally known as the Monster Course. Let's get it done. (Allan Scott, Sullivan County Partnership for Economic Development; 8/28/2012)

**Response:** Comment noted.

**Comment 25:** I'm Ira Steingart. I'm County Legislator of District 8. The project is in my area. I'm also the Chairman of the Committee on Economic Development and the Chairman of the IDA. I was on the Planning Board in Fallsburg for over 20 years and co-chair, so I know about this process of SEQRA and how detail orientated it is and time-consuming. Sullivan County needs this project now and I urge the Board to move as quickly as they can. I ran for the Legislature because my family, four generations in the printing business, saw all the hotels which were 90 percent of my business disappear. It's probably less than five percent of my business now and I wanted to make a difference so my children have the opportunity to stay here, so dealing as a new Legislator our biggest challenge now is our budget. Sullivan County is different than a lot of the surrounding counties. We basically get our revenues from two areas, our sales tax and property tax, and I think we all agree our property tax, although we're going to have to go over the two percent per the mandate from the state, we can't afford to keep on raising our taxes, so the only way we're going to be able to make it so someone can survive the area and grow, is to create jobs which this project does, bring sales tax so the burden gets off the landowners, so I urge the Town to move as quickly as possible. Aileen and Allan gave all the numbers, although I had them also as far as the jobs created. The bottom line is, we need this, we need it quickly, and it's going to make a big difference in Sullivan County, so I urge this Board to move as quickly as possible. Thank you. (Ira Steingart, Sullivan County Board of Legislators; 8/28/2012)

**Response:** Comment noted.

**Comment 26:** My name is Terri Ward. I'm the President and CEO of the Sullivan Chamber of Commerce. I also hold one of two voting seats in Sullivan County on Governor Cuomo's Economic Development Council, and I can tell you that we've seen a plethora of projects come across the table from New York State and not one project comes even close to what this project is offering for not only Sullivan County, but the entire State of New York and the entire northeast region in this country. There is not one project that comes close to the job creation, there's not one project that comes close to the tax generation and that is the EPT Concord Resort Project. This project will revitalize not only the Town of Thompson, but it will become a catalyst for economic development throughout the entire county and throughout New York State. The Sullivan County Chamber of Commerce fully supports and endorses this project and urges the Town of Thompson to move swiftly. (Terri Ward; Chair; Sullivan County Chamber of Commerce; 8/28/2012)

**Response:** Comment noted.

**Comment 27:** My name is Mike Oates, I am the President and CEO of the Hudson Valley Economic Development Corporation. Clearly, we're facing challenging economic times. One of the most important issues that is critical for our region is the attraction of jobs and investment into the region. You've heard from speakers earlier tonight that got into some of the specifics in terms of the job numbers and the investment and what this project means. Hudson Valley Economic Development Corporation is a strong supporter of this project for a variety of reasons. Most importantly, we're going to see jobs come to this region and this is going to be a beacon for other economic development that can attract into our region, so we again are strong supporters. I want to be brief tonight because I know a lot of the speakers are going to get into the specific numbers, but we are in agreement with everything Assemblywoman Gunther said earlier, as well as some of our other speakers, so again, we urge you to take all of these points into consideration and move forward with this project as soon as possible. (Mike Oates; Hudson Valley Economic Development Corporation; 8/28/2012)

**Response:** Comment noted.

**Comment 28:** I'm Roberta Lockwood, President of the Visitors Association, and on behalf of the Sullivan County Visitors Association it's with my pleasure to convey my enthusiastic support for Entertainment Property Trust EPT, Concord Resort Project, and thank you for allowing me to speak in support of this project. The Sullivan County Catskills has been and remains a destination for millions of visitors. The economic health of Sullivan County is dependent on the tourism industry. The project of this magnitude will spark an economic resurgence to the Sullivan County Catskills and additional investment with ancillary businesses developing to fulfill the needs of the resort and the additional employees working and living here. The creation of a world class destination resort in Sullivan County is a high priority for the Sullivan County Visitors Association in fulfilling our mission of making this county a premier tourism destination. The primary criteria is to leverage this region's outstanding natural resources, infrastructure strategies of agriculture, tourism and the environment as quality of life attributes that are critical to attracting and retaining high quality jobs for key industry sectors. The EPT Concord Resort Development would invest in the creation of a destination hotel to capitalize on and enhance existing attractions and support more overnight stays that would lead to greater and longer visitor visitation, tourist visitation from outside the region and greater local expenditure within our county. In addition, the project would restore and build on the heritage, culture and natural resources in this region and county has been so proud of. After construction- I know I'm going over the stats again for you, folks, so I'll reinforce it because it's so important - after construction that will be done on phases over ten years, employing the equivalent of 632 fulltime employees per year, with 676 million in payroll and an impact of

2.4 billion in economic activity to our State of New York. The resort itself will employ over 1,200 new jobs in the operations. Tourism has always been an environmentally friendly industry and EPT's plans for this site includes leaving forty-five percent or approximately 696 acres of open space. This will contain unique neighborhood areas, create incorporated center of activities and trails for walking, biking; the anchor hotel would serve as a landmark for the region with 1,800 rooms and entertainment venues. The signature golf course, the Monster, will be rehabilitated to once again become the world class golf course that we've all loved. At full operation, this project is going to generate 42.5 million [dollars] in property tax with more than 29 million [dollars] going towards the school districts. This does not include the millions generated in sales tax for local and state governments. This project at the Concord will not only produce a stimulus for the economy of the Sullivan County tax bills in New York, but it will serve as a world class destination for tourists and the quality of life for our residents and we call upon you to please support this and move this forward. It's important to our entire industry. (Roberta Lockwood, President, Sullivan County Visitors' Association; 8/28/2012)

**Response:** Comment noted.

**Comment 29:** Regarding project Concord, continual setback due to identifiable cyber bullying, ongoing litigation to mitigate and provide unencumbered path for sufficient clarity. P.S., please do not get ahead of yourselves. (Barbara Burton; 8/28/2012)

**Response:** Comment noted.

**Comment 30:** I'm Rob Green and I'm also Chairman of the Sullivan County Work Force Development Board, and as most of you know, I am a strong advocate of safe, positive economic growth. This project appears to be such. I highly support any project that will grow our local economy in both our town and county. Our county has a reported unemployment rate of almost 10 percent. If you add in those people who are underemployment as in working part-time, etc. and those who have exhausted their unemployment benefits, our unemployment rate in Sullivan County is closer to 18 percent. That means that almost one out of five people in our work force is unemployed. The EPT Concord Project reports that they will create more than 2,600 jobs. The 2,600 good paying jobs will have a tremendous positive impact on our town and county. Group that together with the spin-off jobs for construction as well as additional local spin-off, we could find our local economic base booming. Please support this project. (Rob Green, Chair, Sullivan County Workforce Board, 8/28/2012)

**Response:** Comment noted.

**Comment 31:** I think it's telling the time and when the comments from our County Planning Environmental team only had five comments, one dealing with farming, which I'm

sure we're amending our code to include. Another one, dealing with the timber rattlesnakes and they're not habitating in our area, which is a good thing. The birds, these are comments that, you know, it just goes to show what a great job you guys have done with your project so far and I look forward to working with you. (Sharon Jankiewicz; Town Board; Town of Thompson; 8/28/2012)

**Response:** Comment noted.

**Comment 32:** We represent Concord Associates, L.P. ("CALP"), the duly designated Master Developer under the Comprehensive Development Plan for the Concord Resort (the "CDP") adopted by the Town Board on November 21, 2006. The CDP, which is currently in full force and effect, encompasses, and therefore legally controls, the development of the same land now proposed by EPT Concord II, LLC ("EPT") to be made subject to a new and different comprehensive development plan. As a matter of both existing Town law and the law as proposed by EPT to be amended, as well as simple logic and common sense, two different and inconsistent comprehensive development plans for the same land cannot both be in effect at the same time. Therefore, regardless of how EPT mischaracterizes it, their proposal necessarily includes the amendment of the existing CDP. This EPT cannot do without CALP's participation and consent. In this regard, we respectfully refer the Town Board to our prior letters to you dated January 20, 2012, February 10, 2012 and April 3, 2012. (Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action(s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 33:** EPT's intentional disregard of the effect its proposal will have on the existing CDP, and for that matter, on CALP's fully approved project, permeates the DGEIS, which utterly fails to compare the proposed new comprehensive development plan with the existing CDP and approved project, both of which were carefully crafted through more than ten years of collaboration between the Town and CALP, at very significant expense to CALP. This comparison should be the principal focus of all of the impact analyses, since the proposed plan is intended to amend and supersede the existing CDP with respect to approximately 90% of the land area currently subject to the CDP.

Merely identifying CALP's approved project as part of the "no-build" condition is also wholly inadequate, because it fails to account for, and analyze, the potential cumulative impacts of that project with full build-out under EPT's proposed plan, including all of the duplicated uses. Without this kind of thorough analysis, the Town cannot know whether the duplicated uses proposed by EPT are, in fact, viable. This deficiency in the DGEIS is not cured by simply ignoring CALP's project except where it serves EPT's interests 1 - EPT is not privileged to assume

that its proposal will be developed but CALP's approved project will not - and is so fundamental an error that it cannot be cured in a final environmental impact statement. (Wise; 8/28/2012)

**Response:** When the PRD Zoning Law was adopted in 2006, the Town Board approved a CDP for the entire 1,735± acre property within the PRD zoning district that was owned or controlled by CALP, and/or its affiliates. In June 2010, CALP, without completing any phases of construction, deeded ownership and control over the majority of land (approximately 1,583 acres) within the PRD zoning district and CDP to the Applicant. On or about December 7, 2011, the Applicant also acquired fee title to the properties known as the Monster Golf Course and International Golf Course.

The CALP project, including the associated CDP, was the subject of a thorough environmental review that culminated in a Statement of Findings that was adopted by the Thompson Town Board in 2006. Therefore, it would be outside the scope of this Proposed Project, as well as contrary to the purpose and intent of SEQRA to re-open and re-evaluate potentially adverse environmental impacts of the former CALP project – much of which involves land no longer owned or controlled by CALP. Notwithstanding prior SEQRA analyses on the CALP project site, development according to the CALP CDP was included as a development scenario in Chapter 19 (“Alternatives”) of the EPT Concord Resort DGEIS/DEIS for comparative purposes.

In addition, prior to the Applicant’s acquisition of the Project Site, CALP and/or its affiliates obtained various approvals for the development of the 1,735 acres of land within the PRD District, including the adoption of a CDP, but the project was never completed. Nonetheless, the approvals and associated development rights, as they relate to the site of the former Concord Hotel, which is not part of the Project Site, and with respect to any other land that CALP and/or its affiliates owns or has a right to lease, will not be affected by the proposed PRD text amendments, nor will they be affected by the development plans being proposed by the Applicant as part of this application. As such, those approvals are acknowledged and are being considered as part of the baseline (No Build) conditions in this environmental analysis.

The full text of the proposed text changes to the PRD can be found in Appendix A-3 of this FGEIS/FEIS.

**Comment 34:** The DGEIS needs to compare the existing CDP and CALP's approved project with the proposed uses and amount of development, along with the location of major plan components, road access, etc., so the Town can decide if the proposed new plan is, or is not preferable to the existing CDP in terms of land use planning, aesthetics and all other potential impacts, and whether and how any such any impacts- including those on CALP's approved project- are being mitigated. (Wise; 8/28/12)

**Response:** See response to Comment 33 above.

**Comment 35:** Perhaps most importantly, in our attached April 30, 2012 letter, we noted that EPT's allegation in its Petition to the Town alleging that CALP's vested development rights "as they relate to the Concord Parcel and with respect to the land [CALP] owned (sic.) or have a right to lease, will not be affected by the requested amendments to the text of the PRD Zoning Law nor will they be affected by Petitioner's development plans" was specious and unsupported, and must be thoroughly and rigorously tested in the DGEIS, particularly with respect to potential adverse impacts from traffic and on sewer and water utilities, and that the DGEIS should also thoroughly analyze the potential effect of the amendments on CALP's approved and vested development rights to ensure that the fully approved project would not be rendered non-conforming under any provision of the Town Code. The DGEIS fails to do so. Instead, the DGEIS merely reiterates the broad and unsubstantiated assertion that EPT's proposed development will not affect CALP's approved project, without any meaningful analysis to support the conclusion, and without addressing potential inconsistencies and incompatibilities between the approved CDP and CALP's approved site plan and EPT's proposed development plan, including with respect to road, sewer, water and storm water drainage/management infrastructure. (Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 36:** No approvals for the development of any portion of the Concord Resort can be granted to anyone other than Associates without Associates' participation or consent. This is not an unforeseen or unintended consequence of the Town Zoning Law, but rather exactly what is intended and required by the amendments to the Town Zoning Law that establish the "Planned Resort Development", use. Those amendments and the corresponding Comprehensive Development Plan for the Concord Resort (the "CDP") were both adopted on November 21, 2006. The amendments are codified as Section 250-27.2 of the Zoning Law (the "PRD Regulations"). Section 250-27.2.C(4) of the Zoning Law recognizes that a "PRD will be developed in phases over time, and that different phases, portions and/or development sites of the PRD will be developed and owned by different persons and entities." To prevent the Town from being involuntarily placed in the middle of the very same kind of conflict that is now potentially arising between Associates and EPT, the law requires that a Master Association be formed "to act as the master developer of the PRD" and expressly and specifically: (i) permits only the "applicant for the original approval of a PRD Comprehensive Development Plan" to form the Master Association; and (ii) requires that the "[t]he organizational documents of the Master Association shall provide that only the Master

Association shall be entitled to apply to the Town Board for an amendment to the PRD Comprehensive Development Plan."

With respect to the amendments to the CDP which would undeniably be required for any proposed development by EPT of any portion of the Concord Resort site that differs from the development permitted by the current approved CDP, the PRD Regulations also provide as follows:

"The PRD Comprehensive Development Plan may from time to time be amended in accordance with the procedure set forth [in subsections (a) through (e)] above; provided, however, that application for amendment of a PRD Comprehensive Development Plan may only be made by the Master Association... of the PRD." (Section 250-27.2.C(1)(f) of the Zoning Law).

The PRD Regulations further provide that subsequent to approval of any required amendment to a PRD Comprehensive Development Plan, an application for site development plan approval for the development permitted by the PRD Comprehensive Development Plan:

"shall be made by the Master Association, or if the phase, portion and/or development site of the PRD for which site development plan approval is sought is owned by a different person or entity, then jointly by the Master Association and that person or entity." (Section 250-27.2.C(2)(a) of the Zoning Law).

Therefore: (i) because it was the sole "applicant for the original approval" of the CDP for the Concord Resort, only Associates can form the Master Association; (ii) only the Master Association can apply for an amendment to the CDP for the Concord Resort; and (iii) an application for site development plan approval of any portion of the Concord Resort can be made only by the Master Association, or jointly with the Master Association. (Wise; 1/20/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 37:** The approved CDP for the Concord Resort provides that the members of the Master Association shall include:

"One representative (President) of each HOA, Condominium Association, commercial owner and rental residential owner and a representative of Concord Associates, L.P., or its successor in interest ("Master Developer"). Master Developer maintains majority vote on all Master Association matters including.... approval of applications by members to the Town Planning Board for site plan and/or subdivision approvals and as well as applications to the

Town Board to amend the CDP." (Emphasis added. See table captioned "Concord Resort Community" on page II-17 of the CDP).

Because as a matter of law only Associates can form the Master Association, and because Associates is the "Master Developer" entitled to the majority vote on all Master Association matters, Associates controls the Master Association for all purposes of the PRD Regulations. Therefore, without Associates' consent, no other owner of any portion of the Concord Resort site - including but not limited to EPT - is legally entitled to apply to the Town for any amendment to the CDP, or for site plan approval of any proposed development. (Wise; 1/20/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 38:** We understand that EPT has alleged that Associates' "Master Developer" rights were somehow transferred by Associates to EPT. This is simply not true. In August, 2008, Concord Resorts, LLC acquired a portion of the Concord Resort site from Associates, but did not acquire any of Associates' Master Association or "Master Developer" rights. In June 2010, Concord Resorts, LLC - not Concord Associates, L.P. - transferred title to EPT. Simply stated, Concord Resorts, LLC could not transfer to EPT rights it did not have. (Wise; 1/20/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 39:** We also understand that the Town has asked EPT to explain their position with respect to alleged "Master Developer" rights, but they have not done so. It should be noted that EPT has made conclusory allegations regarding alleged rights as "Master Developer" in a counterclaim pending in the Supreme Court, Sullivan County, and that this issue is therefore now the subject of litigation between Associates and EPT. Associates has moved to dismiss that counterclaim, but has not yet received a response from EPT. (Wise; 1/20/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 40:** Finally, we advise you that as of this date, Associates has not consented to any development plan for the portion of the Concord Resort site owned by EPT. If and when EPT provides a proposed development plan to Associates, Associates will review it, consistent with its legal rights and obligations. (Wise; 1/20/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 41:** We write in response to the letter dated February 6, 2012, from Entertainment Properties Trust ("EPT"). In its letter EPT claims it is "entitled to put forward a plan to develop [its] property" (the "EPT Property"), and indicates it intends to file an application for development of the property in the upcoming week notwithstanding the fact that the proposal has not been submitted to, reviewed, or considered by the Master Association which has been formed for the Concord Resort as required by, and in accordance with, applicable provisions of the Town Zoning Law. In addition, EPT makes the claim that it received an "absolute conveyance" of the property without reservation of entitlements, which EPT would have this Board believe resulted in the transfer of Concord Associates, L.P.'s status as "Master Developer" with respect to the EPT Property. EPT's assertion is factually and legally incorrect.

In our January 20, 2012 letter to the Town Board, we advised you that the issue of Master Developer status is currently being litigated in the Supreme Court of the State of New York.<sup>1</sup> As we stated in that letter and make clear in that litigation, the EPT Property was transferred to EPT's affiliate (EPT Concord II) by Concord Resort, LLC ("Resort"), and not by Concord Associates, L.P. ("CALP"). CALP was not a party to the deed conveying the EPT Property. Furthermore, and critically, Resort was not at that time, and has never been, the Master Developer of the Concord Resort. It is absolutely fundamental that Resort could not transfer legal rights it did not have. The simple fact is that EPT never bargained or paid for a transfer of CALP's Master Developer rights, and CALP never expressly or impliedly agreed to a transfer. That CALP remains the Master Developer of the Concord Resort - and continues to have the controlling interest in the Master Association - is exactly what the Town intends and Section 250-27.2.C(4) of the Zoning Law requires. (Donnellan; 2/10/12 via Wise; 8/28/12)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 42:** Furthermore, as a matter of law, EPT is not entitled to proceed with development of the EPT Property without the participation of the Master Association. Under Section 250-27.2.C(1)(t) of the Zoning Law, only the Master Association can apply for the amendments to the Concord Resort Comprehensive Development Plan "CDP") that are required to accommodate EPT's proposal. And the Town Zoning Law is unambiguous: subsequent to approval of any required amendment to the CDP, an application for site development plan approval can only be:

"made by the Master Association, or if the phase, portion and/or development site of the PRD for which site development plan approval is sought is owned by a different person or entity, then jointly by the Master Association and that person or entity." (Section 250-27.2.C(2)(a) of the Zoning Law).

In the case of the Concord Resort, the approved CDP provides that as parcels within the resort "are sold to others or developed by [CALP] or others ... each owner ... will become a member of the Master Association." The CDP further requires that CALP, as the Master Developer, have the majority vote on all Master Association matters, including, without limitation, determinations of consistency with the development standards and requirements set forth in Section 3 of the CDP, and approval of applications by members to amendments to the CDP and for site plan and subdivision approval. It is therefore indisputable that EPT is required to become a member of the Master Association and to submit its proposed development plan to the Master Association for consideration and approval before any application is submitted to the Town. EPT has repeatedly been reminded of its obligations, but apparently chooses to ignore the Town's legal requirements. (Donnellan; 2/10/12 via Wise; 8/28/12)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 43:** For more than a decade CALP has been committed to bringing the Concord Resort project to fruition. CALP has invested many millions of dollars into the project and has worked cooperatively with the Town and County to overcome obstacles and achieve key development milestones. CALP is ready and willing to proceed with the project, but its diligent and good faith efforts have repeatedly been frustrated by EPT, Empire Resorts, Inc., and their foreign partners. EPT and its cohorts have gone to great lengths to sabotage development of CALP's approved project, including baseless litigation (such as Empire's proceeding challenging the renewal of CALP's building permits, which the Town and CALP is now defending), and EPT's steadfast refusal to meet its contractual obligations to CALP [Such as its refusal to provide a ground lease to CALP, which EPT now acknowledges it is required to provide, at a critical juncture in CALP's bond financing last fall.],

which forced CALP to commence its own litigation against EPT. (Donnellan; 2/10/12 via Wise; 8/28/12)

EPT's development proposal is premature under both the Town Zoning Law and the approved CDP for the Concord Resort. We respectfully remind the Town Board that neither CALP nor the Master Association has yet consented to any development plan for any portion of the EPT Property. EPT's proposal should therefore not be considered by the Town at this time. (Donnellan; 2/10/12 via Wise; 8/28/12)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 44:** On November 21, 2006, more than six years of intensive effort and collaboration between the Town and Concord Associates, L.P. ("CALP") culminated in the Town's adoption of Section 250-27.2 of the Town Code (the "PRD Regulations"), which established a new class of permitted use known as "Planned Resort Development" ("PRD") and provides the regulatory framework for master planned, coordinated development of all the land that comprises a PRD. It is indisputable that the law was enacted to comprehensively address the proposed redevelopment of not just the land on which the former Concord Hotel buildings were located, but the entire 1735 acre "Concord Resort" site, and to ensure that this critically important part of the Town could not be developed piecemeal over time, resulting in potentially incompatible land uses, and conflicting and inadequate roads, sewer and water utilities, and other public and private infrastructure.

In our prior letters to you dated January 20, 2012 and February 10, 2012, both of which are incorporated here by reference, we pointed out that the PRD Regulations achieve these objectives by (i) recognizing that a "PRD will be developed in phases over time, and that different phases, portions and/or development sites of the PRD will be developed and owned by different persons and entities," and (ii) requiring that all development applications be made on behalf of the owners by a "Master Association" which shall "act as the master developer of the PRD" and in which all owners must be members. Under the PRD Regulations, only the "applicant for the original approval of a PRD Comprehensive Development Plan»-in this case, CALP - can form the Master Association and "[t]he organizational documents of the Master Association shall provide that only the Master Association shall be entitled to apply to the-Town Board for an amendment to the PRD Comprehensive Development Plan,' for the Concord Resort. Under the Comprehensive Development Plan for the Concord Resort (the "CDP"), which was also adopted by the Town Board on November 21, 2006, CALP is the Master Developer of the PRD, and is required to have the "majority vote on all Master Association matters including... approval of applications by members to the Town Planning Board for

site plan and/or subdivision approvals and as well as applications to the Town Board to amend the CDP." (See table captioned "Concord Resort Community" on page II-17 of the CDP). (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 45:** Conferring control of the Concord Resort Master Association on CALP, the original sponsor of the Concord Resort, makes good sense, not only because whatever development rights and privileges any subsequent owner of any portion of the Concord Resort may seek to exercise exist in the first instance only as a direct result of the significant efforts of, and expense incurred by, CALP, but also because the master planning for the entire Concord Resort embodied in the approved CDP is CALP's vision for the future of the Concord Resort, and fundamental fairness demands that CALP be permitted to rely on this vision to protect the significant financial investment that as the original applicant is has already made. This is also fundamentally fair to subsequent owners -including EPT Concord II, LLC ("EPT") -because they all necessarily take title knowing that Section 250-27.2 of the Town Code and the approved CDP require CALP (and only CALP) to control the Master Association in which they must be a member, and that changes to the CDP can only be accomplished with the participation and consent of the Master Association. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 46:** EPT has nevertheless concluded that laws carefully crafted by the Town and expressly intended to regulate their conduct as an owner of a portion of the Concord Resort should not apply to them, and has submitted to the Town Board a petition for proposed amendments to the PRD Regulations that would eviscerate the control that CALP has over future development of the Concord Resort and permit them to be the sponsor of their own, separate PRD and Comprehensive Development Plan. In one stroke, EPT proposes to thoroughly make a mockery of the Town's clearly stated objective to always require truly comprehensive, coordinated planning of the entire Concord Resort. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a

response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 47:** The Town has the legal discretion not to entertain the petition. EPT has not presented its proposed plan to the Master Association, or sought its consent. We reiterate what we said in our January 20, 2012 letter: if and when EPT honors its obligation and presents a proposed development plan to CALP, CALP will review it, consistent with its legal rights and obligations as Master Developer under the PRD Regulations and Concord Resort CDP. Because EPT has not yet done so, we respectfully request that the Town reject the petition and EPT's attempted "end run" around the PRD Regulations, the CDP and the rights of CALP and the Master Association. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 48:** The allegation in paragraph 6 of the petition that EPT "satisfies the requirements for bringing a Petition to the Town Board for PRD CDP approval pursuant to Town Code Section 250-27.2(B)(3)(a)" is incorrect and misleading, and a wholly inadequate basis for jurisdiction. Section 250-27.2 (B)(3)(a) merely sets the minimum lot area for a PRD. As discussed above, the fundamental legal prerequisite for bringing a proposed amended CDP for the Concord Resort to the Town Board is that the proponent either be the Master Association or have the Master Association's consent, and neither is the case here. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 49:** Likewise, the-allegation in paragraph 22 of the petition that "the requested text amendments to the zoning code will enable the [EPT] Project to proceed in a manner that is completely consistent with the purposes and objectives of the PRD Zoning Law as set forth in § 250-27.2(A) and the Town of Thompson Zoning Code" is simply not true. As discussed above, the indisputable purpose and intent of the PRD Regulations is to ensure comprehensive, coordinated master planning of an entire PRD. The proposed amendments would permit approval of separate and distinct plans for different portions of the land that comprises a PRD, thereby resulting in exactly the opposite. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The PRD amendments are the subject of this DGEIS/DEIS and are being evaluated as part of a comprehensive planning process for the revised CDP and remaining

elements of the CALP project, which are identified, in the baseline no build alternative.

**Comment 50:** Paragraph 7 of the petition alleges that CALP's vested development rights "as they relate to the Concord Parcel and with respect to the land [CALP] owned (sic.) or have a right to lease, will not be affected by the requested amendments to the text of the PRD Zoning Law nor will they be affected by Petitioner's development plans." This specious and wholly unsupported conclusion must be thoroughly and rigorously tested in the DEIS, particularly with respect to potential adverse impacts from traffic and on sewer and water utilities, as set forth below. The DEIS should also thoroughly analyze the potential effect of the amendments on CALP's approved and vested development rights to ensure that the fully approved development would not be rendered non-conforming under any provision of the Town Code. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The comment pertains to an interpretation of legal entitlements between the Applicant and CALP, and is not a comment on the proposed action (s). As such, a response is outside the scope of this FGEIS/FEIS and contrary to the purpose and intent of SEQRA.

**Comment 51:** The proposed Comprehensive Development Plan for the EPT Concord Resort (dated March, 2012) lacks depth and specificity, and should be required to address all of same issues as the approved CDP for the Concord Resort, at the same level of detail. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The proposed Comprehensive Development Plan (CDP) for EPT adheres to the requirements of Town of Thompson Planned Resort Development ("PRD") section of the zoning law (Town Code Section 270-27.2). The proposed CDP for the EPT Concord Resort, included as Appendix A-4, and illustrated in Figure 1-3 presents the conceptual development of the entire 1583-acre Project Site. As illustrated, the CDP is divided into five key neighborhood areas: (1) the Resort Core, (2) Golf, (3) Residential Village, (4) Resort Hotel, and (5) Sporting Club. In addition to proposed land use, it includes details on the bulk and density requirements, and phasing, as required by the PRD. Contrary to the commentor, the proposed CDP includes all of the detail, depth and specificity required by the PRD.

**Comment 52:** The EPT Plan and the existing CDP differ significantly with respect to traffic patterns. By making Joyland Road and Exit 106 of Route 17 the main access to their property, the EPT plan changes the anticipated traffic distribution that was extensively studied in the environmental review of the CDP. The prior environmental review was based upon a mix of uses and attractions that balanced traffic flows from three Route 17 exits to the Concord Resort. Clearly, the proposed redesign will require a new comprehensive traffic study and the EPT plan will need to identify all new traffic improvements and the appropriate modifications to the

## EPT Concord Resort

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already approved improvements that are required to accommodate all components of the Concord Resort, including full build-out of CALP's vested development. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** A traffic study has been prepared to analyze potential impacts of the proposed EPT Concord Resort project with and without the 160± acres that remains of the CALP project. This traffic study includes the possibility that traffic for future development of the CALP project would have as its main access Exit 105 of Route 17, and traffic for the proposed EPT Concord Resort would have as its main access a new Resort Entry Road from Exit 106. See Appendix E for the Traffic Study.

**Comment 53:** The EPT Plan is too vague with respect to sewer and water supply. With respect to sewer capacity, the plan is also inaccurate: under a court ordered stipulation, the 1,000,000 gallons per day of sewer treatment capacity referred to by EPT as being "allotted" and available to its project is allocable by CALP in its discretion, and CALP has not allocated any portion of that capacity. Given this, a detailed plan for sewerage that does not rely on the unallocated capacity must be formulated and studied. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** The Applicant has identified several water supply sources and ongoing investigations demonstrate that the three water supply sources (e.g. on-site groundwater sources, Village of Monticello, and Kiamesha Artesian Spring Water Company (KASWC)) discussed in the DGEIS/DEIS remain viable options. The issue at hand is which water source is optimal to connect to the initial phases of the project, that being the 2014 build year, and which source or sources in combination will be used to supply water for the remaining phases of development (to 2022). Site plan approvals will not be granted by the Town without EPT Concord Resort demonstrating an adequate supply of potable water. It should be noted that the Applicant is currently in discussions with the Village of Monticello regarding the negotiation of a water supply agreement.

**Comment 54:** The density of development under the proposed EPT plan is significantly increased on Joyland, Chalet and Thompsonville Roads without any mitigation or balancing of this increase by reduction of density elsewhere on the property. The overall high density of development and elimination of one of the existing golf courses will likely have a significant impact on stormwater management for the Concord Resort. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** It is a mischaracterization to say that the density of the EPT plan is significantly increased on Joyland, Chalet and Thompsonville Road without mitigation or balancing. First, the configuration and location of land uses is significantly different from the CALP CDP, making a comparison difficult, if not impossible. Second, to reflect current market conditions, the residential density of the EPT Concord Resort CDP is 30% less than that proposed in the CALP CDP. Finally, unlike the CALP CDP, EPT's CDP proposes substantially less retail development.

In fact, the Proposed Project, as shown in the CDP, includes none of the big-box retail that was a part of the CALP project. As for stormwater, the Proposed Project is required to, and will comply with, New York State's stormwater management regulations thereby mitigating any potential impact related to stormwater runoff.

**Comment 55:** Most egregiously, not only does the EPT plan fail to discuss the relationship- and potential inconsistency- of EPT's proposed development program and CALP's approved development program, it fails to even acknowledge the existence of CALP's development. The EPT plan is therefore "un-comprehensive," which is precisely what the Town's PRD Regulations are intended to prohibit. EPT's cavalier and dismissive approach to planning for this vitally important part of the Town should be rejected. (Wise; 4/3/2012 via Wise; 8/28/2012)

**Response:** It is a mischaracterization to state that the EPT plan fails to discuss the relationship of EPT to CALP. In fact, the 160-acres that remain within ownership of CALP, and the land uses that are proposed for those acreages, are included in the no-build analysis for the Proposed Project, including the mitigation that is proposed as part of CALP.

## Chapter 3.2: Response to Comments – Land Use, Community Character and Zoning

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**Comment 1:** It appears that the intent is to include, "farmers markets, farm stands, community gardens, farms and farming educational centers." However, an inconsistency is created by not removing or modifying §250-27.2.B.(2)(d), which essentially prohibits all types of commercial farming. (Aragon; 7/3/12)

**Response:** In response to this comment, §250-27.2.B.(2)(d) has been deleted from the proposed zoning text. Please see Appendix A-3 for the revised proposed amendments to the PRD zoning text, which modifies the referenced section.

**Comment 2:** Merely identifying CALP's approved project as part of the "no-build" condition is also wholly inadequate, because it fails to account for, and analyze, the potential cumulative impacts of that project with full build-out under EPT's proposed plan, including all of the duplicated uses. Without this kind of thorough analysis, the Town cannot know whether the duplicated uses proposed by EPT are, in fact, viable. This deficiency in the DGEIS is not cured by simply ignoring CALP's project except where it serves EPT's interests 1 - EPT is not privileged to assume that its proposal will be developed but CALP's approved project will not - and is so fundamental an error that it cannot be cured in a final environmental impact statement. (Wise; 8/28/12)

**Response:** See response to Comment 32, above.

**Comment 3:** The DGEIS needs to compare the existing CDP and CALP's approved project with the proposed uses and amount of development, along with the location of major plan components, road access, etc., so the Town can decide if the proposed new plan is, or is not preferable to the existing CDP in terms of land use planning, aesthetics and all other potential impacts, and whether and how any such any impacts- including those on CALP's approved project- are being mitigated. (Wise; 8/28/12)

**Response:** See response to Comment 32 above.

**Chapter 3.3: Response to Comments – Community Services**

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NO COMMENTS RECEIVED

**Chapter 3.4 Response to Comments – Geology, Soils, and Topography**

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NO COMMENTS RECEIVED

**Chapter 3.5: Response to Comments – Natural Resources**

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**Comment 1:** The DGEIS should mention that the project site does not contain any prime habitat for the timber rattlesnake, so it is unlikely they would occur there. The timber rattlesnake is found in other parts of Sullivan County, and have a listed status of "threatened" in New York State, with a current effort to upgrade the NYS status to "endangered". (Aragon; 8/28/12)

**Response:** Comment noted. The Applicant concurs that timber rattlesnakes would not occur on the Project Site, which is why they were not listed in the DGEIS/DEIS among the reptiles with the potential to occur in the area. Although timber rattlesnakes occur in Sullivan County, they inhabit rugged and rocky mountain slopes of deciduous-dominated forest, which the Project Site lacks. As such, development of the Proposed Project would be unlikely to adversely impact timber rattlesnakes or timber rattlesnake habitat.

**Comment 2:** The height and likely materials of the signature building in the resort core could be dangerous to birds if not properly addressed. Birds often fly into buildings with both clear and reflective glass exteriors. There are programs supported by Audubon in many major cities, including New York, which provide information on how to prevent these collisions. We are including brochures from New York City's and San Francisco's programs. (Aragon; 8/28/12)

**Response:** Bird collisions with windows are most commonly the result of windows reflecting images of nearby trees and other vegetation. As such, a building's proximity to bird habitat is one of the primary factors influencing collision potential. The above-mentioned San Francisco Standards for Bird-safe Buildings regulate buildings within 300-feet of two or more acres of bird habitat. Beyond this distance, windows are unlikely to reflect images of the habitat to create the potential for collisions. The south side of the Phase I resort casino will be the only side of the buildings within 300 feet of vegetation that would provide habitat for the species of birds that are most vulnerable to window collisions. The generalist and mostly non-native species of birds that are expected to occur in the minimally vegetated areas surrounding the other three sides of the buildings (e.g., European starling, house sparrow) seldom collide with windows. 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.

**Comment 3:** Are all vernal or woodland pools mapped for Phase 1 or any other sections of the development? [NYSDEC] would recommend further avoidance of vernal and woodland pool and the maintenance of adequate upland buffers and connections around such pools and other wetlands. The best management practices specified in Calhoun and Klemens 2002 should be followed to preserve functional populations of amphibians in the appropriate habitat on site. (NYSDEC; 10/3/12)

**Response:** During the March 30 and May 24, 2012 wildlife surveys and during visits to the site for other purposes, three potential vernal pools (small topographic depressions) were noted within the limit of disturbance (LOD) for Phase 1 of the project and one pool was noted immediately south of the Phase 1 LOD, near the eastern side of the large freshwater pond. Of the three pools within the LOD, one pool is within a dirt road and was likely created by compaction of the ground by ATV's or other motorized vehicles. The other two pools appear to be natural and are located immediately east of the stream that is fed by the outflow of the large freshwater pond south of the Phase 1 LOD. The hydrology of these two pools is likely independent of the stream.

To better document the presence and distribution of potential vernal pools within Phase 1 (including the route of the proposed Resort Entry Road), a follow-up pool survey was conducted on September 21, 2012. A memo detailing this survey is included in Appendix G. Locations of the pools found during previous visits to the site and all additional pools encountered during the survey were recorded with a handheld GPS. Some pools contained standing water upon inspection, whereas others were free of standing water but presumed to contain standing water periodically based on evidence of blackened leaves and detrital material, a clear depression in the topography that would be sufficient to collect and retain water, and evidence of soil saturation. Each pool found within the Phase 1 LOD (including the areas of disturbance for the proposed Resort Entry Road) is within an existing wetland area, with the exception of three pools that are in uplands. Two of these three pools in upland areas are within dirt roadway depressions.

The wood frog was the only vernal pool-obligate species documented during surveys of the project area. The assumption in the DGEIS that state-listed Jefferson and blue-spotted salamanders have the potential to occur within or in close proximity to the Phase 1 LOD is conservative and strictly based upon descriptions of their habitat requirements. Detection probability of adult fossorial salamanders, such as Jefferson and blue-spotted salamanders, with visual encounter and cover object surveys is notoriously low, but if vernal pools within and near the Phase 1 LOD were being used as breeding habitat by these species, their egg masses would have likely been observed during the March 30, 2012 survey. Although the eggs of wood frogs, Jefferson salamanders, and blue-spotted salamanders look similar (a

black circle encased in a clear or cloudy gelatinous matrix), the configuration of the egg masses differs among species. Wood frog egg masses are spherical, whereas Jefferson and blue-spotted salamander egg masses are more linear, often attached lengthwise to a submerged branch. There was no evidence of Jefferson or blue-spotted salamander egg masses in any of the pools identified onsite. Additionally, no Jefferson or blue-spotted salamanders were found beneath cover objects around the margins of the pools—places where adults of these species often occur prior to and after mating and egg laying.

Of the fourteen pools that were encountered and mapped during the September 21, 2012 survey, seven occur within the Phase 1 LOD (including the route of the proposed Resort Entry Road). Six of the seven pools outside of the LOD are less than 200 feet away from the nearest LOD boundary. 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 the loss of on-site breeding habitat for the wood frog—the only vernal pool-obligate confirmed breeding at the site.

Because wood frogs and most other vernal pool-breeding amphibian species migrate several hundred feet into surrounding upland forest after breeding, loss of the upland forest within the Phase 1 LOD may affect amphibians that breed in the vernal pools outside of the LOD. Upon construction of Phase 1, these pools will be bounded by development a short distance to the east (Phase 1 facilities or Joyland Road), west (Resort Entry Road or Phase 1 facilities), north (Resort Entry Road or Phase 1 facilities), and south (Resort Entry Road and NYS Route 17). As such, the functionality and viability of these pools as breeding habitat for wood frogs and any additional vernal pool-breeding amphibians potentially present (none were observed) will be adversely affected by the loss of the upland forest within the Phase 1 LOD.

As stated in the DGEIS, the loss and degradation of these pools occurring within and near, respectively, the Phase 1 LOD is not expected to have significant adverse impacts to local populations of the wood frog or any other vernal pool-obligate species conservatively considered to have the potential to occur at the site (none were observed), including Jefferson and blue-spotted salamanders. Following the valuation scheme of Calhoun and Klemens (2002), the pools found and inspected during the March 30 and May 24, 2012 surveys within and adjacent to the Phase 1 LOD are Tier III pools. They lacked the quantity of egg masses, number of breeding species, and presence of state-listed species needed for a higher tier ranking. Because most of the additional pools that were documented during the September 21, 2012 survey did not contain water at the time, and the date of the survey was beyond the breeding period of any local amphibian species, they cannot currently be assigned a tier ranking. However, given their close proximity and similarity to the pools inspected during the earlier surveys, it is likely that these pools support the same species and are of the same ranking. It should also be noted that, in their current condition, nearly all of the pools are bordered by some form of development and inhospitable land cover (e.g., golf course, Joyland Road, residential properties) in at least one direction such that the integrity and intactness of their “envelope” and/or “critical terrestrial habitat” have already been partly

compromised (Calhoun and Klemens 2002). Seven of the 14 pools contain 25-50% development within the 750 foot “critical terrestrial habitat” radius defined by Calhoun and Klemens (2002). Best development practices for vernal pools treat Tier III pools as of the lowest conservation priority. The loss or reduced viability of the pools within and near the Phase 1 site, respectively, would not be likely to have significant adverse impacts to local populations of the wood frog or other amphibians potentially present.

**Comment 4:** [NYSDEC] would also recommend further limiting forest fragmentation and avoiding the need to create new roads in the area. (NYSDEC, 10/3/12)

**Response:** The Comprehensive Development Plan for the Proposed Project will retain and use all existing interior roads within the project site. These interior roads will provide access/egress to the development clusters, including the Resort Core, Entertainment Village, Sporting Club, and Family Residential. Consequently, forest fragmentation can be kept to a minimum. For example, the Resort Core site was chosen to make use of existing roadways without the need for realigning existing roadways, and avoids disturbing existing traffic patterns.

The only new road that is proposed will serve as the gateway to the Resort, referred to herein as the “Resort Entry Road.” The Resort Entry Road connects to NYS Route 17 at Exit 106 and will parallel NYS Route 17 towards the westerly side of Joyland Road, and then turn north towards the heart of the Resort Core. A detailed description of the road is included in Chapter 1 of this FGEIS/FEIS.

It should be noted that initially, the primary access to the Resort investigated was an improved Joyland Road. In fact, the DGEIS/DEIS included preliminary plans for Joyland Road to be widened to 140-feet. The Resort Entry Road was also assessed in the DGEIS/DEIS as an alternate access for the Propose Project.

Based on analyses of the two options, it has been determined that the Joyland Road improvement option would result in approximately 0.38 more acres of impacts to Federally and State-regulated wetlands than the Resort Entry Road option. Improvements to Joyland Road required to develop an appropriate entry to the Resort would also result in demolition of existing structures on lands not owned by the Applicant and a conflict of existing (pedestrian) and proposed (resort entry road) uses.

Finally, in pursuit of creating a master-planned destination resort with the potential to revitalize this Catskills community, an appropriate gateway to the project is an important design component. Unlike Joyland Road, which will still be used by local residents, the Resort Entry Road will provide a dedicated entry for visitors to the Resort Core and Entertainment Village. Lastly, the undeveloped lands through which the Resort Entry Road would traverse are currently isolated to a large degree by NYS Route 17 to the south and Joyland/Thompsonville Roads to the northwest and east. Although the new Resort Entry Road would bifurcate this habitat, the negative effects of habitat fragmentation to resident and migratory flora and fauna



**Chapter 3.8**

**Response to Comments – Water Supply**

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**Comment 1:** The DGEIS discussion of water supply is fragmented and inadequate. Multiple sources are identified but the viability of these sources is not addressed. As part of the approved CDP and its associated environmental impact statement, CALP was required to develop and study a plan for adequate supply to serve the entire development program. EPT should be required to do the same in the DGEIS. (Wise; 8/28/12)

**Response:** The Applicant has identified several water supply sources and ongoing investigations demonstrate that the three water supply sources (e.g. on-site groundwater sources, Village of Monticello, and Kiamesha Artesian Spring Water Company (KASWC)) discussed in the DGEIS/DEIS remain viable options. The issue at hand is which water source is optimal to connect to the initial phases of the project, that being the 2014 build year, and which source or sources in combination will be used to supply water for the remaining phases of development (to 2022). Site plan approvals will not be granted by the Town without EPT Concord Resort demonstrating an adequate supply of potable water.

It should be noted that the Applicant is currently in discussions with the Village of Monticello regarding the negotiation of a water supply agreement.

**Comment 2:** Water supply – the ongoing evaluation of identified alternatives have been shown to be the Village of Monticello, Kiamesha Artesian Spring Water Co., and/or a series of individual wells for each phase, or some combination of these alternatives should be continued, so that a more definitive course of action may be made in the Final Environmental Impact Statement (FEIS) and/or Findings Statement. (Geneslaw; 9/5/2012)

**Response:** See response to Comment 1, above.

**Chapter 3.9**

**Response to Comments – Sanitary Sewer Service**

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**Comment 1:** With respect to sewer capacity, the DGEIS states that the wastewater treatment plant has capacity to treat an additional 500,000 to 700,000 gallons per day. The DGEIS fails to acknowledge that under a court ordered stipulation, 1,000,000 gallons per day of sewer treatment capacity is allocable by CALP in its discretion, and CALP has not allocated any portion of that capacity to EPT. The DGEIS assumes that the noted excess capacity accounts for the CALP controlled flow and that the Town's current usage fluctuates between 300,000 and 500,000 gallons per day. Appropriate engineering design protocol would be to base the available capacity to treat additional sewage on the upper limit of existing use, not a range. In addition, the New York State Department of Environmental Conservation ("NYSDEC") sets the maximum percentage of a wastewater treatment plant's total design capacity that can be allocated without approval by NYSDEC of a special flow plan. Given these factors, a detailed plan for sewerage that does not rely on CALP's unallocated capacity must be formulated and studied. (Wise; 8/28/12)

**Response:** Page 9-1 of the DGEIS/DEIS discusses the capacity of the STP and identifies CALP's stipulation with the Kiamesha Lake Sewer District (KLSD) and the allocation of 1,000,000 gallons per day (GPD) of sewer capacity. On that page, it states, "One MGD of wastewater capacity at the STP has been allocated to CALP pursuant to a Settlement Stipulation and Agreement, dated January 21, 2012." Given that the plant has a rated capacity of two MGD and currently treats up to 500,000 GPD, it has the capacity to treat at least an additional 500,000 GPD. This excess capacity is exclusive of CALP's unallocated capacity. Contrary to the commentor, the Applicant does not require an allocation of capacity from CALP as sufficient capacity currently exists at the KLSD wastewater treatment plant to accommodate the Project's projected sewer capacity for the 2014 Build year. Assuming full utilization of CALP's allocation and the upper limit of KLSD current flows (500,000 GPD) the KLSD wastewater treatment plant has, conservatively, 500,000 GPD of available capacity. The program for the EPT Concord Resort proposed through the 2014 Build year will require 300,000 GPD of capacity from KLSD leaving 200,000 GPD of capacity available.

NYSDEC regulates the operation of publicly-owned wastewater treatment plants. KLSD is a publicly-owned wastewater treatment plant. A special flow plan is

needed when a wastewater treatment plant's *annual actual flows* exceeds 95% of the plant's design flow. (See 6 NYCRR Part 750-2.9(c)(1)). For the KLSD wastewater treatment plant this means that the plant's *annual actual flows* would have to be 1,900,000 MGD for the regulations to be triggered and a special flow plan required. Currently, the KLSD plant's annual flows range between 300,000 and 500,000 GPD or 15% and 25%, respectively, of design flow capacity. According to CALP's current program it would generate only 490,000 GPD in wastewater flows. Nevertheless, even assuming CALP's full capacity allocation (i.e. 1,000,000 GPD) and EPT Concord Resort's capacity requirement of 300,000 GPD for 2014, there is sufficient capacity at the KLSD without triggering the regulations requiring a special flow plan.

It is expected that the KLSD STP will acquire all necessary approvals and permits to treat the wastewater generated from this Project, and other property owners within the KLSD.

**Comment 2:** Sanitary Sewer – the same approach as noted above should be further evaluated, for the same reasons as outlined above. [“the ongoing evaluation of identified alternatives...should be continued so that a more definitive course of action may be made in the Final Environmental Impact Statement (FEIS) and/or Findings Statement.”] (Geneslaw; 9/5/2012)

**Response:** The Proposed Project is located within the Kiamesha Lake Sewer District (KLSD). An agreement in principal has been reached between the Applicant KLSD, operated by the Town of Thompson, to construct, maintain, and operate a sanitary sewer network for the entire EPT Concord Resort project that will connect to the KLSD 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.

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### Chapter 3.10 Response to Comments – Energy and Telecommunications

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NO COMMENTS RECEIVED

### **Chapter 3.11: Response to Comments – Traffic and Transportation**

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**Comment 1:** Bicycles and pedestrians are currently accommodated on 2.4 m shoulders on each side of the County Route 173A bridge. Pedestrians and bicyclists must have adequate accommodations to cross NYS Route 17 in the vicinity of this bridge. Those accommodations can be on the bridge or on a separate structure suitably connected to public roadways. Proposed pedestrian accommodations must meet ADA requirements. (NYSDOT; 8/8/12)

**Response:** Comment noted. Based on this comment and others pertaining to the proposed restriping of the bridge as mitigation to offset increased vehicular volumes resulting from the Proposed Project as presented in the DGEIS/DEIS, the access road network has been redesigned to avoid altering the bridge and the existing shoulders. As such, impacts to pedestrians crossing the bridge would not result. The proposed roundabout to the south will also be designed to maintain a shoulder for pedestrian circulation. Additionally, a plan to accommodate pedestrians and bicyclists within the Proposed Project and connect to regional trails is included in the Comprehensive Development Plan, see Appendix A-4.

**Comment 2:** The widths of proposed traffic lanes on County Route 173A must take into account off-tracking of the design vehicle, such that the design vehicle can traverse the horizontal curve(s) without encroachment into adjacent lanes. Guidance is provided in AASHTO's "A Policy on Geometric Design of Highways and Streets." The centerline of the bridge has a 150m radius. (NYSDOT; 8/8/12)

**Response:** Based on this comment and others pertaining to the proposed restriping of the bridge as mitigation to offset increased vehicular volumes resulting from the Proposed Project as presented in the DGEIS/DEIS, the access road network has been redesigned to avoid altering the bridge and the existing striping. As such, impacts associated with the off-tracking of design vehicles would not result.

**Comment 3:** We request the electronic Synchro files of the new alternatives that were presented at the meeting on July 26th. The files can be posted to ProjectWise and should be named so they are clearly distinguishable from the original versions. The Department will provide additional comments after reviewing these Synchro files. (NYSDOT; 8/8/12)

**Response:** All of electronic files related to project related traffic analyses and chapters have been, and will continue to be, posted to ProjectWise, thereby maximizing NYSDOT access.

**Comment 4:** Single lane roundabouts will work for 2013 volumes, but not the full build scenario. (NYSDOT; 8/8/12)

**Response:** A single lane roundabout is being proposed south of Route 17 at the Overpass/County Road 173 intersection, the analysis of the roundabout shows that a single lane roundabout will accommodate traffic in 2014 (the quantitative analysis year). A qualitative analysis of the roundabout under full conditions is included in the traffic analysis report. It is likely a single lane roundabout will not be able to accommodate traffic level associated with the full build, and thus other measures, such as building a multi-lane roundabout or directing traffic to Interchange 107, will be explored.

**Comment 5:** An option of retaining a two-lane configuration on the bridge (County Route 173A bridge) may be feasible with the roundabouts, but metering signals would likely be necessary as well. (NYSDOT; 8/8/12)

**Response:** The VISSIM simulation software was used to analyze the proposed Interchange 106 improvements under 2014 conditions. Based on the results of the analysis, metering signals are not needed to accommodate year 2014 traffic.

**Comment 6:** Grades might be challenging for the eastbound-side roundabout. (NYSDOT; 8/8/12)

**Response:** Comment noted. As part of the design of the roundabout grades adjacent to the roundabout will be looked at and accounted for in the design of the roundabout.

**Comment 7:** The plans include both class one and class two bicycle lanes, which could help reduce some of the motor vehicle trips. To further encourage bicycle use by resort visitors, and employees, these lanes should have connections to the site destinations such as the resort core and family resort areas. Provisions for bicycle parking accommodations are also recommended. (Aragon; 8/28/12)

**Response:** As noted above, trails are a significant part of the EPT Concord Resort, and are being designed to connect visitors, residents, and employees to the various areas of the resort and the natural features within the site. The entire system is intended to encourage bicycle use and provide a safe and convenient system that can be utilized by all. These trails include Class 1 paths/multi-trails, and Class 2 bike lanes. The bike trails and bike lanes will connect to the resort core, family resort areas, residential village, and other destinations within the Proposed Project. In addition, storage of and parking for bicycles will be designated throughout the resort. This is discussed more fully in the revised proposed CDP (Appendix A-4).

**Comment 8:** A comparison of the traffic count data included in Appendix J and the 2011 Existing Traffic Volume figures shows that the intersections below do not match between the two sources. The document mentions that the counts at the Exit 106 interchange were adjusted to reflect the peak summer conditions since those intersections were counted in December. However, it does not mention that any other intersections were adjusted and the discrepancies do not appear to be consistently high, low or related to balancing.

- Old Liberty Road/Fraser Road (Fri & Sun)
- Liberty Street/Broadway (Fri & Sun)
- NYS Route 42/Broadway (Fri)
- NYS Route 42/ Anawana Lake Road (Fri)
- NYS Route 42/Depot Drive (Fri)
- NYS Route 42/Concord Road/Lanahans Road (Fri)
- NYS Route 42/Kiamesha Lake Road/Fraser Road (Fri)
- Concord Road/Rock Ridge Drive (Fri)
- Thompsonville Road/Rock Ridge Drive (Fri)
- Concord Road/Kiamesha Lake Road (Fri)
- Chalet Road/Kiamesha Lake Road (Fri)
- Thompsonville Road/Joyland Road/Chalet Road (Fri)
- Heiden Road/Thompsonville Road (Fri)
- Kiamesha Lake Road/Heiden Road (Fri)

Any errors in the peak hour traffic volumes should be corrected, or adjustments that were made should be described in the document. (Douglas; 7/10/12)

**Response:** The traffic count data presented in Appendix J were adjusted for balancing, resulting in the count data presented in Appendix J not matching traffic volumes presented in the Existing Traffic Volume figures. AKRF added text to the chapter noting that the raw traffic counts were adjusted. AKRF provided CHA with the Friday and Sunday volume spreadsheets that present the raw turning movement volumes and the balanced turning movements volumes used in the analysis. The spreadsheets highlight which movements have been adjusted and by how many vehicles.

**Comment 9:** The No-Build traffic volumes include peak hour generated trips from other projects within the vicinity of the project. The backup data showing the trip generation and trip assignment for these other projects should be included in the Appendix J to support the No-Build traffic volume calculations. Without the backup information, the calculation of No-Build volumes cannot be verified. (Douglas; 7/10/12)

**Response:** The backup data for the non-build traffic volumes included in the traffic study is included in Appendix E of this FGEIS/FEIS.

**Comment 10:** The document states that through consultation with CHA ("the Town's traffic consultant"), the signalized intersections were analyzed using the Percentile Delay methodology using Synchro 7. We agree that the capacity analysis methodology was discussed, and that it was agreed that HCM 2000 and Synchro 7 were to be used, but not that the Percentile Delay method was to be used. The analysis should use the HCM reports from Synchro 7 to evaluate the impacts at signalized intersections; this is also NYSDOT's policy. The tabulated level of service results used in the traffic impact evaluation and the reports included in the Appendix J should be based on the HCM reports. Since the traffic impact evaluation was not based on the correct reporting method, the impacts related to the project could not be reviewed. (Douglas; 7/10/12)

**Response:** AKRF presented the Percentile Delay from Synchro 7 which is consistent with past and current projects AKRF has worked on with the NYSDOT. Based on conversations between CHA and NYSDOT (August 20, 2012 email from Christine Klein (NYSDOT)) AKRF has updated the analysis to report results using the HCM reports from Synchro 7. The HCM reports are included in the revised analysis

**Comment 11:** NYSDOT issued some preliminary comments on the Synchro analysis on 07/18/12 that should be resolved with NYSDOT and revisions made as necessary. The comments included timing adjustments to the signals on Route 42, which may affect the impact evaluation and mitigation recommended in the study. (Douglas; 7/10/12)

**Response:** A response memo to NYSDOT comments on the Synchro analysis was submitted to NYSDOT on July 20, 2012 and is provided in Appendix E.

**Comment 12:** The No-Build and Build Synchro models contain some fatal errors related to incorrect lane geometry surrounding the Chalet Road realignment. While these errors do not impact the tabulated traffic evaluation, they should be fixed in the models to reflect the correct roadway geometry. (Douglas; 7/10/12)

**Response:** The intersection in question was not analyzed as part of the traffic analysis and was only placed in the model as an extra node in case it was needed for future analysis. Since the analysis is only using the HCM Synchro analysis, this extra node without lanes coded in would not impact the result of the adjacent intersections, therefore should not be considered a fatal flaw since the traffic operation analysis would not change. However, AKRF has coded in lanes in Synchro analysis for the new 2014 build year.

**Comment 13:** The document states that Phase 1 will result in a small increase in public transportation demand, without significant impact. While the project may not impact the local bus services, the document should discuss that it is expected that the site will generate bus traffic, as the concept plan includes a bus drop-off area and bus parking. An approximation of the anticipated site generated buses, their

anticipated routes and whether the bus traffic was included in the site generated traffic estimates should be identified in the documentation. (Douglas; 8/28/12)

**Response:** It is expected that the Casino Resort will induce additional regional bus services that are destination demand oriented. In this case, point-to-point bus service would bring visitors directly to the Casino Resort. To encourage and accommodate this point-to-point bus service, designated bus-ways, drop-offs and parking areas have been designed as an integral part of the EPT Concord Resort project. It is anticipated that 10 to 15 busses per day would be providing transportation to the Casino Resort. Consequently, a 160-ft exclusive passenger bus drop off, capable of accommodating up to five busses has been located adjacent to one of the Casino Resort entries. See Figure 1-7 for details concerning the exclusive bus entry, bus queue, and bus parking.

**Comment 14:** As stated previously in our completeness review letter and in NYSDOT's preliminary comments, the project impacts for Phase 1 should be evaluated without the Concord Associates project traffic and mitigation measures. This exercise will be especially valuable in evaluating the traffic impacts on Route 42. (Douglas; 7/10/12)

**Response:** In response to comments, a revised Traffic Impact Study (TIS) has been prepared to evaluate impacts for Phase 1 with and without the CALP project traffic and mitigation measures. This TIS is included in Appendix E.

**Comment 15:** Traffic impacts and mitigation should be identified for intersection approaches that operate at LOS F in the No-Build condition and degrade to higher levels of delay and congestion in the Build condition. (Douglas; 7/10/12)

**Response:** In discussions with NYSDOT Region 9 and the Town's Consultant, significant adverse impacts are identified as: (1) any change in LOS D or better to LOS E or F; or (2) any change from LOS E to LOS F. The significant impact criteria are applied to the approach/lane group LOS for signalized intersections and approach/movement group LOS for unsignalized intersections. There are no significance criteria for intersections operating at LOS F under the No Build scenario and continuing to operate at LOS F under the Build scenario. Along NYS Route 42, many of the intersections operate at LOS F under No Build conditions prior to the 2014 Build Year trip generation. Under the Build condition in 2014, less than 100 peak hour vehicles (approximately two to three percent of the No Build traffic volumes) are introduced onto NYS Route 42. While this increase does not constitute a significant impact, improvement measures focused on adjusting signal timings were provided in the FGEIS/FEIS to return the 2014 Build conditions LOS to No Build conditions.

Future phases of the EPT Concord Resort project are market driven. As subsequent development phases are defined, supplemental environmental studies that will

include further analyses of identified intersections will be conducted in accordance with SEQRA. These intersections along NYS Route 42, among others, that could potentially receive project related traffic, will be reanalyzed to determine if future phases of the project result in changes in the LOS requiring physical improvements along NYS Route 42.

**Comment 16:** Since the DGEIS/DEIS was accepted on 07/25/12, discussions with the Applicant's consultant and NYSDOT have been ongoing in regards to improvement concepts (including intersection roundabout control) at the intersections surround the Route 17 Exit 106 interchange. NYSDOT has issued preliminary comments regarding their requirements for continued accommodation of pedestrians and heavy vehicles on the CR 173A bridge (Cimarron Road) over Route 17. In addition, the NYSDOT Intersection Design Squad has provided guidance on the design elements and analysis methods for testing the roundabout scenarios. Once the additional analyses for the interchange intersections and for the site access intersections are conducted, we will review and provide comment. (Douglas; 7/10/12)

**Response:** AKRF has developed a new interchange design that includes a realigned Cimarron Road north of Route 17 and a new roundabout south of Route 17 and the Overpass/County Road 173. The interchange design accommodates Year 2014 traffic while providing wide shoulders to facilitate pedestrian circulation.

**Comment 17:** For the Entertainment Village, a generic 20 trips was applied for each peak hour for various uses, such as Billiards, Gallery and others. But the document does not identify an ITE land use code or other method for estimating those trips. (Douglas; 7/10/12)

**Response:** Certain land uses that are being proposed for the Entertainment Village are not included in the ITE Trip Generation handbook. These land uses, including a music venue, billiards, gallery, comedy club, and kid's quest, will likely be ancillary to the casino resort, however, to present a conservative analysis, we assumed a low level of trips generated (10 in, 10 out) from these land uses.

**Comment 18:** A 25% internal capture rate was used for the trip generation estimates for the full buildout of the site. The document should identify how this internal capture rate was determined to be applicable for this site. (Douglas; 7/10/12)

**Response:** A 25 percent internal capture rate was applied to reflect the interaction between the different land uses of the project (Casino Resort, Entertainment Village, etc.) While it may be reasonable to assume a higher internal rate given that the Entertainment Village will likely serve a lot of the casino, hotel, and residential traffic in the near vicinity, it is the highest rate that DOT has historically been comfortable using. Therefore, a higher rate was not applied.

**Comment 19:** Our completeness review letter provides comments regarding the approach to mitigation recommendations. A more in depth review of the mitigation measures will be conducted once the additional analyses related to the roundabout testing and revised analyses related to the comments in this letter are addressed. (Douglas; 7/10/12)

**Response:** Comment noted. The revised TIS is included in Appendix E of this document.

**Comment 20:** There is no analysis of the NYS Route 17 ramp junctions (merge/diverge) included in the documentation and we feel that it should be evaluated at Exit 106 since that is being used as the primary access point for the Phase 1 development. (Douglas; 7/10/12)

**Response:** In correspondence with NYSDOT on August 24, 2012, DOT requested that only the Route 17 eastbound merge be analyzed. The analysis demonstrated that under 2014 conditions the merge would operate at an acceptable LOS B condition.

**Comment 21:** The site driveway intersections on Joyland Road and Thompsonville Road should be evaluated in the FEIS. (Douglas; 7/10/12)

**Response:** As presented in Chapter 1, the Resort Entry Road, has been selected as the preferred EPT gateway to the project. This selection was based on design information and comparing potentially adverse impacts between the widening of Joyland Road, and construction of the resort entry drive. The selection of the preferred resort entry road, initially presented in the DGEIS/DEIS, Chapter 19, Alternatives, (Alternative 4 – Alternative Access (Option A), was found to minimize potentially significant community impacts that would have occurred from improving an existing 20-foot wide road to a 140-foot wide entry boulevard. The preferred alternative also reduces impacts to Federal and State regulated wetlands by approximately 0.4 acres over the Joyland Road option. A driveway analysis into the Casino Resort site is included in the revised TIS included in Appendix E.

**Comment 22:** The revised TIS includes analyses of each of the site driveways on Joyland and Thompsonville Roads. These analyses indicate that...We agree with the methodology used in the study that uses sample trip rates for three other Sullivan County casino studies to estimate the site traffic for the Casino Resort. However, it was discussed previously (scoping meeting on 03/29/12 at Town Hall and conference call on 3/30/12) that the DGEIS should evaluate the site with and without table gaming, since it is dependent on State legislation. The study should provide a comparison of trip rates for casinos with and without table gaming to justify the use of the same trip rate for both conditions (such as being based on whichever is higher) or evaluate them as two separate alternatives with different trip rates. All backup material used to develop the trip rates should be provided in the technical appendix, including descriptions of the internal uses and sizes of the sample sites used. (Douglas; 7/10/12)

**Response:** At this time, table gaming is not authorized in New York State. However, previous casino studies used to develop trip generation rates for the Phase 1 Casino do include table gaming. As such, the trips generated by the Phase 1 Casino and analyzed in the 2014 build year are likely higher than for a casino without table gaming. If table gaming is approved, a second hotel is proposed to be built on the Phase 1 site. The trips associated with the second hotel would be associated with the approval of table gaming and thus trigger the need for a future review.

**Comment 23:** We agree with the trip distribution used to assign the Phase 1 site trips. From the qualitative assessment of the full buildout, it is apparent that future development access will require evaluating additional interchanges and/or a reconfiguration of Exit 106. (Douglas; 7/10/12)

**Response:** Beyond 2014, the full build was qualitatively assessed in the revised TIS that is included in Appendix E of this FGEIS/FEIS. The need for analyses at additional interchanges for future phases will be determined during subsequent analyses as future phases come on-line.

**Comment 24:** Local roadways – In the existing condition inventory, a number of roadways are identified as having poor to fair pavement condition and/or narrow lanes and shoulders. The mitigation measures should also consider the sufficiency of these roadways to accommodate the increased traffic volumes and identify roads to be rehabilitated or reconstructed if necessary. (Douglas; 7/10/12)

**Response:** As part of Phase 1, Thompsonville Road adjacent to the Project Site and Joyland Road between Thompsonville Road and the new Resort Entry Road will be improved to accommodate future traffic. As other phases come on-line, adjacent roadways will be improved.

**Comment 25:** As requested by NYSDOT, intersections that are proposed to have signalized control as mitigation should also be tested for the feasibility and operation of a roundabout control. (Douglas; 7/10/12)

**Response:** Based on geometric constraints and acceptable operations of the proposed signal locations, only one roundabout is proposed at the intersection of the Interchange 106 Overpass and County Road 173.

**Comment 26:** The No-Build evaluations include site traffic and transportation improvements for vicinity developments, including the Concord Associates project with the status of the Concord Associates project uncertain, even though they have approvals, it would be prudent to make an assessment of the EPT Concord project impacts if the Concord Associates project and improvements were not constructed. (Douglas; 7/10/12)

**Response:** In response to comments, the TIS has been revised to analyze traffic impacts along Route 42 with and without the CALP project traffic and improvements. This analysis is included in Appendix E.

**Comment 27:** With the amount of site generated trips estimated in the qualitative assessment of full buildout (5708 during Friday PM peak, 4749 during Sunday PM peak), it is to be expected that the mitigation measures will be numerous and extensive. The study notes for many intersections that additional lane geometry "may not be feasible given right-of-way constraints." This is unacceptable and the Applicant should be prepared to acquire property in order to construct a transportation network that supports the project's traffic. (Douglas; 7/10/12)

**Response:** In response to comments, the Applicant has developed more detailed engineering of critical intersections. Consequently, to construct the scope of transportation network required to support the Proposed Project's traffic in the near and long term, over 100 acres of property was acquired by the Applicant. Along Route 42, the report has been updated to state that future improvements within the DOT right-of-way may be needed. However, detailed mitigation measures will be identified in subsequent supplemental analysis as future phases come online

**Comment 28:** The traffic mitigation program required under the existing CDP is far more specific than the program proposed and addressed in the DGEIS, which presents only an inadequate qualitative analysis of traffic impacts and a general approach to mitigation. The Town cannot determine if the traffic impacts of the proposed plan are acceptable, because the DGEIS analysis is not capable of being directly compared to the more exhaustive quantitative study undertaken for the existing CDP. (Wise; 8/28/12)

**Response:** The DGEIS provided a 'generic' evaluation of the Proposed Project under full-build conditions, i.e., 2022. However, it must be emphasized that given that the build-out and phasing of the Proposed Project is market driven, the timing of construction is to-be-determined. Thus, a quantitative analysis was only conducted for Phase 1 of the project. As previously stated, as subsequent phases come on-line they will be evaluated in supplemental traffic studies to determine impacts, and whether additional improvements are needed.

**Comment 29:** Standard traffic engineering practice requires a quantitative analysis (detailed intersection analyses) of proposed actions to provide hard data on the increase in delays which will be experienced by motorists and whether proposed mitigation measures will actually reduce the projected increases in delay to values comparable to the "no-build" condition. The deficiency of the qualitative analysis performed in the DGEIS is demonstrated by the fact that practically all impacts and possible mitigation measures except with respect to the intersection of Joyland Road and Thompsonville Road are qualified by the words "may" and "could" (page 21-5),

including reconstruction of Interchange 106 on Route 17, confirming that the analysis is an insufficient basis for any determinations regarding impacts and required mitigation. The insufficiency of the qualitative analysis is highlighted by the assertion in the DGEIS that certain intersections may "deteriorate to unacceptable LOS E or LOS F conditions" but that certain of the measures which could be needed to mitigate these impacts "may not be feasible." Without the same kind of quantitative analyses which were performed for the existing CDP, it is simply not possible to determine if the admittedly infeasible measures are, in fact, needed. And the suggested substitution of less effective measures ("signal timings and signal equipment") for infeasible mitigation measures ("providing additional lanes") will not be sufficient, as road widening is typically only proposed when the signal improvements do not provide the additional capacity needed. (Wise; 8/28/12)

**Response:** As subsequent phases come on line they will be evaluated in supplemental traffic studies to determine if additional improvements are needed. Since the future phases are market driven and their timing has not been determined, the longer term, future phases were assessed qualitatively. Once the supplemental studies are conducted, specific impacts will be identified, and improvement measures will be developed, as appropriate.

**Comment 30:** A review of the capacity information summarized in Table 11 -3 and Table 11-4 for, respectively, the signalized intersections and unsignalized intersection under Existing Conditions, as well as the subsequent summary tables, only provides information for the intersection of NY Route 42 and NY Route 17 Westbound Direct Off-Ramp. No capacity or Level-of-Service information is contained in the DEIS for NY Route 42/NY Route 17 Eastbound Ramps; NY Route 42/NY Route 17 Eastbound Loop Ramps; NY Route 42/NY Route 17 Westbound Loop Ramps; and, NY Route 42/NY Route 17 Westbound On-Ramp. Without the ramp and weave capacity analyses for these locations, the DGEIS and Phase I DEIS is not complete, since not all the information required by the Scoping Document has been provided. (Adler; 9/6/12)

**Response:** The scope of work, developed in coordination with DOT and the Town and its consultant, focused on evaluating intersections that have a signal or stop control.

**Comment 31:** It is further noted that the roadway inventory information is not provided for the following intersections; Joyland Road with Cimarron Road; NY Route 17 with Cimarron Road/Towner Road; and NY Route 17 ramps with Joyland Road. This information is needed to check the veracity of the capacity analyses performed to assure that the impacts of the project are fully documented. (Adler; 9/6/12)

**Response:** The inventory at these locations has been included in revised TIS that is included in Appendix E of this FGEIS/FEIS.

**Comment 32:** Lastly, the DGEIS contains only a qualitative analysis of the Future Build conditions for the complete project. Without the full quantitative analyses for the Future Build conditions for the entire project, the Town of Thompson cannot assess the anticipated impacts of the full build-out and the traffic improvements required to be constructed to mitigate these impacts. Accordingly, the entire Phase II should not be considered part of the Application in that it does not conform to the standards of the SEQRA process. (Adler; 9/6/12)

**Response:** As previously noted, a 'generic' traffic impact analysis was conducted for the Future Build conditions. This analysis was predicated upon a detailed quantitative analysis of Phase 1 traffic impacts and mitigation. Given that subsequent phases are 'market driven' and to-be-determined, it would be inappropriate to conduct a detailed traffic analysis. As subsequent phases come on line they will be evaluated in supplemental traffic studies to determine if additional improvements are needed.

**Comment 33:** The DGEIS and Phase I DEIS indicate that traffic volume data were collected in August and September of 2011 and that " ... the counts and traffic observations were conducted over the Labor Day weekend when recreational travel peaks." The DEIS further states that "...turning movement counts were collected ... on a Friday and a Sunday..." Data collected on the Sunday (emphasis added) of the Labor Day weekend, however, is not representative of the recreational travel peak nor would the counts provide for a conservative data base, in that the weekend return trip is spread over the Sunday and Monday of a Labor Day weekend. (Adler; 9/6/12)

**Response:** The volumes have been reviewed by the traffic and engineering consultants for the Town of Thompson, and staff from NYSDOT. Both traffic engineering professional have found the volumes acceptable and representative of recreational travel peaks.

**Comment 34:** The DGEIS and Phase I DEIS further states that traffic counts were performed at the Joyland Road/NY Route 17 Interchange in December, 2011 after the reconstruction of the Interchange was completed and that the data were then adjusted to reflect summer conditions. No information was provided concerning when the data were collected in December and whether the data collection effort avoided the traffic fluctuations caused by the Hanukkah and Christmas holidays. In addition, the methodologies used to adjust December counts "to reflect summer conditions" are not provided. The adjustment methodologies are not provided nor explained. (Adler; 9/6/12)

**Response:** Updated counts collected in August 2012 were collected at Interchange 106 to reflect summer conditions. These updated counts are incorporated into the analysis, see Appendix E of this FGEIS/FEIS.

**Comment 35:** The DGEIS and Phase I DEIS states that pedestrian volumes were generally light in the study area. It appears, however, that no pedestrian volume data were

collected for the study, despite the presence of sidewalks along portions of NY Route 12, East Broadway, Liberty Street, and Anawana Road, among other locations. Further, there is a considerable summer bungalow colony activity in the area. In addition, there are several children summer camps that are active in the area. The presence of the summer bungalow and summer camp populations which would result in an [sic] significant increase in pedestrian activity and which occurs in the roadbed of Joyland Road without a sidewalk requires that pedestrian counts, not merely observations, be performed during the Friday and Sunday peak hours along Joyland Road during the summer when the pedestrian population peaks. Capacity analyses should then be performed to assess the potential impacts and the need for pedestrian facilities. (Adler; 9/6/12)

**Response:** In response to comments and in recognition that Joyland Road has significant pedestrian traffic on the roadbed during the summer months, a new Resort Entry Road is being proposed that avoids traffic using Joyland Road. This alternative was presented in the Alternative Chapter 19 of the DGEIS/DEIS and has been incorporated in an updated analysis. Along Route 42, the intersection analyses were updated to include pedestrian conflicts.

**Comment 36:** With regard to safety implications, no statistical accident analysis has been performed. There is merely a summary of the accidents that had occurred over a three-year period. It is considered deficient that a complete, statistical accident analysis was not performed by the Applicant to determine the potential safety impacts of increased traffic volumes on the area roadways. The accident analysis can be used to identify the accident rates at intersections and roadway segments. (Adler; 9/6/12)

**Response:** High accident locations were identified where five or more accidents occur within a 12-month period. The five accident threshold is based on the *2000 Highway Capacity Manual*. Improvement measures that could be undertaken by the governing roadway agency at high accident locations have been outlined in the Traffic Report.

**Comment 37:** Further, these rates need to be compared with state-wide average rates for similar roadway operating conditions. It is also incumbent on the Applicant to list the locations on the most recent Priority Investigation List (PIL) available. (Adler; 9/6/12)

**Response:** See response to comment 36.

**Comment 38:** Moreover, mitigation measures need to be implemented where there is a causal relationship between the roadway and/or traffic control devices and the accident picture. With 1,190 vehicles being added in the Friday PM Peak Hour and 1,346 vehicles added to the roadway network in the Sunday PM Peak Hour, the Applicant should also identify current accident locations that would be most impacted by the

increase in volumes and propose mitigation measures for these locations. (Adler; 9/6/12)

**Response:** The majority of the Phase 1 volumes occur at Interchange 106. This interchange, as part of the mitigation measures for Phase 1, was redesigned as part of this Proposed Project. The interchange design incorporates design standards to minimize accidents.

The updated TIS identifies how many project trips are added to the high accident locations. The intersections identified as high accident locations are located along NYS Route 42, to which a minimal amount of the Phase 1 traffic is assigned. Therefore, it is unlikely the project would increase the accident rate at these locations. However, improvement measures that local agencies can implement at these locations to minimize accidents are outlined in the report.

**Comment 39:** Despite statements in the DGEIS and Phase I DEIS about the importance of providing information concerning the queues encountered on the roadways in the study area, the analysis sheets provided in Appendix J do not contain information on the queues that currently occur or are anticipated for the future operating conditions. (Adler; 9/6/12)

**Response:** Queue length outputs are provided in the Appendix to the revised TIS that is included in Appendix E of this FGEIS/FEIS.

**Comment 40:** In addition, the analysis sheets provided in Appendix J do not include information concerning the truck percentages on the roadway system an important component to accurately analyzing the roadway capacities. (Adler; 9/6/12)

**Response:** Vehicle classification counts to develop truck percentages are presented at the end of Appendix E-1. Based on vehicle classification counts, a two-percent truck percentage was coded into SYNCHRO. While we do not anticipate the project to increase heavy vehicle percentages during the peak hours, the two percent heavy vehicle coded into SYNCHRO was not lowered, thus presenting a more conservative analysis.

**Comment 41:** The traffic expected to be generated by the proposed Rock Hill Town Center is not part of the No-Build analysis. The "Concord No-Build Project List - Traffic" contained in Appendix J-3, No-Build Projects, does not include the information for the Rock Hill Town Center. Since the Rock Hill Town Center is included in Figure J-3 as Project Number 12, its omission from the Project List indicates a deficiency in the analysis. The Rock Hill Town Center should be included in the "Concord No-Build Project List- Traffic" and also the traffic from this No-Build project should be included as part of the No-Build and subsequent Build analyses. (Adler; 9/6/12)

**Response:** As directed by the Town of Thompson, the Rock Hill Town Center was removed from the No Build analysis.

**Comment 42:** The DGEIS and Phase I DEIS assumes that Phase 1 of the Concord Associates L.P. project will be constructed with the roadway improvements associated with their approval. The DGEIS and Phase 1 DEIS does not include an analysis of the roadway network that would occur if Phase I of the Concord Associates L.P. project were not constructed. Since the EPT Concord Resort and Phase 1 of the Concord Associates L.P. are substantially the same project, albeit in slightly removed locations, it is unlikely that both projects would be constructed. If the EPT Concord Resort were built, Phase 1 of the Concord Associates L.P. and the associated roadway improvements would not be constructed. However, the Applicant analyzed the No-Build and Build roadway networks that would be in place if Phase I of the Concord Associates L.P. and its associated roadway improvements were built. This assumption is tenuous at best and, in the considered professional opinion of Adler Consulting, is considered incorrect. (Adler; 9/6/12)

**Response:** A sensitivity analysis has been included in the revised TIS that is included in Appendix E of this FGEIS/FEIS that assessed the EPT Concord project impacts without traffic and improvements associated with the CALP project along Route 42.

**Comment 43:** The DGEIS and Phase 1 DEIS states that parking would be provided for the Phase 1 operations via a 1,300-space parking structure and a 2,000-space parking lot which would be located along Joyland Road south of Thompsonville Road. It is noted, however, that capacity analyses were not performed to assess the traffic impacts that the access driveways/streets would have on the Joyland Road corridor. (Adler; 9/6/12)

**Response:** Intersection analyses at the Proposed Project driveways for Phase 1 (2014 Build Year) as based on the location of driveways in the revised site plan are provided in the revised TIS.

**Comment 44:** In addition, no details have been provided concerning the exact locations of the driveways on Joyland Road, the number of portals, their proximity to other portals and intersections, the number of entering or exiting lanes, traffic control of the portals and the effects of introducing between 524 vehicles (exiting traffic during the Friday PM Peak Hour) and 592 vehicles (exiting traffic during the Sunday PM Peak Hour) onto the local roadway system. (Adler; 9/6/12)

**Response:** See response to Comment 43, above.

**Comment 45:** The arrival and departure percentages for the proposed Phase I project were based on the information contained in the Eighth Edition of Trip Generation prepared by

the Institute of Transportation Engineers (ITE). A review of the Eighth Edition of Trip Generation reveals that the percentages cited are based on the data presented for Land Use 473, "Casino/Video Lottery Establishment." However, the Applicant's use of these data as the basis for the directional distribution for the project is questioned. The Eighth Edition clearly states "Trip generation rates for full-service casinos and casino/hotel facilities are not included in this land use." Therefore, the use of the information to set arrival and departure percentages is inappropriate. (Adler; 9/6/12)

**Response:** Based on available studies, trip generation during the peak hour was derived from previous studies, however, the in and out splits were not presented in those studies. Therefore, Land Use number 473 in/out splits were used for this study.

**Comment 46:** In addition, the minimal amount of data that is provided is based on only six (6) studies. It is also noted that the information provided in Trip Generation is only for weekday PM Peak Hour. No trip generation or directional distribution data are provided for the Sunday Peak Hour and its use as the basis for the traffic assignment is not considered appropriate. (Adler; 9/6/12)

**Response:** See response to Comment 45, above.

**Comment 47:** Standard engineering practice dictates that the traffic impacts including increased delays or greater volume-to-capacity (v/c) ratios due to a development, shall be mitigated, even if the operating conditions remain at Level-of-Service "F" when comparing the No-Build and the Build scenarios. As an example, the 2010 New York City Environmental Quality Review (CEQR) Manual states that where a lane group is expected to operate at Level-of-Service "F" in the No-Build condition, an increase in the projected delay of three (3.0) seconds for the Build condition should be considered significant and, therefore, require mitigation. (Adler; 9/6/12)

**Response:** The CEQR Technical Manual was developed and is used for projects within the City of New York. Conversely, the LOS significance criteria that was established for this Proposed Project was developed in coordination with the Town Engineer and the Town's traffic engineering consultant. Locations with LOS F conditions are identified in the new TIS.

**Comment 48:** For the intersection of NY Route 42 with Anawana Lake Road, the capacity analysis indicates that the southbound through and right-turn movements are expected to experience Level-of-Service "F" conditions during the weekday PM Peak Hour in the No-Build and Build conditions. For the weekday PM Peak Hour in the Build condition, the vehicle delay is expected to be 123 .I seconds, an increase of approximately 7.5 seconds from the anticipated No-Build conditions. No mitigation is offered. (Adler; 9/6/12)

**Response:** See response to Comment 47, above.

**Comment 49:** For the intersection of NY Route 42 with Depot Drive, the capacity analysis indicates that the northbound through and right-turn movements are expected to experience Level-of-Service "F" conditions during the weekday PM Peak Hour in the No-Build and Build conditions. For the weekday PM Peak Hour in the Build condition, the vehicle delay is expected to be 107.0 seconds, an increase of approximately 10.2 seconds from the anticipated No-Build conditions. The capacity analysis also indicates that the westbound left-turn movement is expected to experience Level-of-Service "F" conditions during the Sunday PM Peak Hour in the No-Build and Build conditions. For the Sunday Peak Hour in the Build condition, the vehicle delay is expected to be 170.8 seconds, an increase of approximately 10.1 seconds from the anticipated No-Build conditions. No mitigation is offered. (Adler; 9/6/12)

**Response:** See response to Comment 47, above.

**Comment 50:** For the intersection of NY Route 42 with Fraser Road/Kiamesha Lake Road, the capacity analysis indicates that the westbound and northbound approaches are expected to experience Level-of-Service "F" conditions during the weekday PM Peak Hour in the No-Build and Build conditions. For the weekday PM Peak Hour in the Build condition, the vehicle delay for the westbound approach is expected to be 232.0 seconds, an increase of approximately 36.4 seconds from the anticipated No-Build conditions. For the northbound approach, the vehicle delay is expected to be 153.2 seconds, an increase of approximately 1.3 seconds from the anticipated No-Build conditions. The capacity analysis also indicates that the westbound approach is expected to experience Level-of-Service "F" conditions during the Sunday PM Peak Hour in the No-Build and Build conditions. For the Sunday Peak Hour in the Build condition, the vehicle delay is expected to be 93.0 seconds, an increase of approximately 23.7 seconds from the anticipated No-Build conditions. No mitigation is offered. (Adler; 9/6/12)

**Response:** See response to Comment 47, above.

**Comment 51:** The applicant proposes to mitigate the traffic impacts at the unsignalized intersections impacted by the proposed Phase 1 with the provision of turn lanes and the installation of traffic signals at the following locations: Cimarron Road with Joyland Road; Cimarron Road and Towner Road with NY Route 17 westbound ramps; and, Cimarron Road with NY Route 17 eastbound ramps. It is noted, however, that no signal-warrant analyses were included as part of the DGEIS and Phase 1 DEIS to determine if the anticipated traffic volumes warrant the installation of traffic signals. Signal warrant analyses for the intersections listed above are needed to determine whether the installation of traffic signals are warranted and appropriate mitigation measures. (Adler; 9/6/12)

**Response:** Peak hour signal warrants for rural conditions are included in the revised TIS for this Proposed Project, and included in Appendix E of this FGEIS/FEIS. Based on

the 2014 volumes, the rural peak hour signal warrant is met at the NYS Route 17 eastbound ramps/Overpass, Entry Road/Joyland Road/Cimarron Road, and the Entry Road/Main Casino Driveway intersections. The NYS Route 17 westbound ramps/Cimarron Road intersection did not meet the peak hour signal warrant; however, a signal has been proposed here to provide a control between the NYSDOT ramps and the local roadway. The applicant is working with NYSDOT on implementing a signal where the peak hour signal warrant is not met.

**Comment 52:** The analyses of the results of the proposed mitigation measures are summarized in Table 11-13 for the Friday PM Peak Hour and in Table 11-14 for the Sunday Peak Hour. It is noted that the proposed mitigation includes construction to provide a 200-foot eastbound left-turn lane for the intersection of Cimarron Road with Joyland Road; a 200-foot southbound left turn lane for the intersection of Cimarron Road with NY Route 17 eastbound ramps; and an additional 200-foot northbound left turn lane for the intersection of Cimarron Road and Towner Road with NY Route 17 westbound ramps. However, since the capacity analyses do not include information concerning vehicle queues, it is impossible to determine if the proposed additional turn lanes will be adequate to accommodate the anticipated vehicle volumes and queues. (Adler; 9/6/12)

**Response:** Mitigation for impacts to Interchange 106 has been updated to include a realigned Cimarron Road and a new roundabout south of Route 17 at the Overpass/County Road 173 intersection. To analyze the interchange, a VISSIM micro-simulation model was developed showing acceptable operations. The conclusions from this analysis demonstrated that queues did not spill back to upstream intersections and, in fact, dissipated with each cycle.

**Comment 53:** The capacity analysis information for the No-Build and Build conditions for the signalized intersections are summarized in Table 11-10. The data indicate that there will be four (4) signalized intersections where one, or more, approaches would be expected to operate with v/c ratios greater than 1.00.

- For the intersection of Pleasant Street with Broadway, the capacity analysis indicates that the eastbound left-turn movement is expected to experience a v/c ratio of 1.07 during the weekday PM Peak Hour in the Build conditions, an increase from the 1.04 v/c ratio for the anticipated No-Build conditions. No mitigation is offered.
- For the intersection of NY Route 42 with Anawana Lake Road, the capacity analysis indicates that the southbound through and right-turn movements are expected to operate with a v/c ratio of 1.18 during the weekday PM Peak Hour in the Build conditions, an increase from the 1.16 v/c ratio for the anticipated No-Build conditions. No mitigation is offered.
- For the intersection of NY Route 12 with Depot Drive, the capacity analysis indicates that the northbound through and right-turn movements are expected to operate with a v/c ratio of 1.14 during the weekday PM Peak Hour in the

Build conditions, an increase from the 1.11 v/c ratio for the anticipated No-Build conditions. The capacity analysis also indicates that the westbound left-turn movement is expected to operate with a v/c ratio of 1.23 during the Sunday Peak Hour in the Build conditions, an increase from the 1.20 v/c ratio for the anticipated No-Build conditions. No mitigation is offered.

- For the intersection of NY Route 42 with Fraser Road/Kiamesha Lake Road, the capacity analysis indicates that the westbound approach is expected to operate with a v/c ratio of 1.43 in the Build Condition for the PM Peak Hour, an increase from the v/c ratio of 1.34 for the anticipated No-Build Conditions. For the Sunday Peak Hour in the Build condition, the westbound approach is expected to operate with a v/c ratio of 1.09, an increase from the v/c ratio of 1.00 for the anticipated No-Build Conditions.
- The Applicant proposes to change the timing of the signal at the intersection of NY Route 42 with Fraser Road/Kiamesha Lake Road. As noted in Table 11-14, the Applicant proposes to shift 2.5 seconds of green time from the north and southbound approaches to provide additional green time for the east-and westbound approaches. It is noted, however, that even with the proposed changes to the signal timing, the westbound approach to the intersection would be expected to operate with a v/c ratio of 1.04, which still exceeds the threshold v/c ratio of 1.00 which indicates that more vehicles are trying to get through an intersection than can actually be accommodated and that further mitigation is needed. (Adler; 9/6/12)

**Response:** See response to Comment 47, above.

**Comment 54:** It is also noted that the Applicant does not recommend the implementation of this signal timing change [shifting 2.5 seconds of green time from the n/s approach to the e/w approach at NY Route 42 and Fraser Road/Kiamesha Lake Road] for the Friday Peak Hour, which leaves the intersection expected to experience Level-of-Service "F" conditions unmitigated. (Adler; 9/6/12)

**Response:** See response to Comment 47, above.

**Comment 55:** A Site Plan for the Phase 1 development was not included in the DGEIS and Phase I DEIS nor was a Site Plan included for the overall Master Plan. The renderings that are included as part of the DGEIS and Phase I DEIS do not provide sufficient detail to assess the impacts of the proposed project. (Adler; 9/6/12)

**Response:** The site plan for Phase 1 is shown in Figure 1-7, in Chapter 1 of this FGEIS/FEIS.

**Comment 56:** It is also noted that capacity analyses were not performed to assess the traffic impacts that the access driveways/streets would have on the Joyland Road corridor. In addition, no details have been provided concerning the exact locations of the driveways on Joyland Road, the number of entering and exiting portals, their proximity to other portals and intersections, the number of entering or exiting lanes, traffic controls devices at the portals, including the completion of signal

**EPT Concord Resort**

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warrant analyses as appropriate and the possible impacts of the intersection portals on Joyland Road. (Adler; 9/6/12)

**Response:** In response to comments, intersection analyses at the Proposed Project driveways have been included for the Phase 1 conditions based on the location of driveways in the revised Proposed Project, which now includes the Revised Resort Entry Road.

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**Chapter 3.12: Response to Comments – Air Quality**

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NO COMMENTS RECEIVED

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**Chapter 3.13: Response to Comments – Noise**

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NO COMMENTS RECEIVED

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**Chapter 3.14: Response to Comments – Economic Conditions**

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**Comment 1:** In the direct employment calculation, 42 state and local government jobs and 7 US Postal Service jobs are included. We feel that these jobs should not be included. Currently the USPS is proposing to close or reduce hours of operation at existing Post Offices in Sullivan County. Additionally, we do not foresee the local or state government growing. (Aragon; 8/28/12)

**Response:** The DGEIS/DEIS projected that by 2022 the proposed approximately 35,000 gross-square-foot (gsf) civic center would employ 42 state and local government workers and 7 US Postal Services workers. The exact amount and nature of direct employment associate with this 35,000-gsf facility could be different than projected

in the DGEIS/DEIS depending on the nature of government/institutional demand at the time the facility is constructed. For example, the facility may be programmed as a community center, in which case the employment associated with the use would be more heavily weighted toward workers from non-for-profit organizations rather than state and local government or US Postal Service workers. The amount of direct employment generated by a community center use would depend on the exact nature of the services, but would be expected to generate similar amounts of employment (estimate to be between 35 and 47 jobs, based on standard employment density ratios for community facility uses)

Any variation in direct employment associated with the 35,000-gsf facility would not alter the DGEIS/DEIS findings that the Proposed Project would create substantial employment opportunities within the region. The 49 jobs projected for this use represents less than two percent of the total direct employment projected for the Proposed Project.

**Comment 2:** The socio-economic and fiscal analyses in the DGEIS are also fundamentally flawed, because although participation by, and a real property tax exemption from, the Sullivan County Industrial Development Agency (and potentially other agencies capable of conferring a real property tax exemption) is expressly assumed, the DGEIS does not disclose the amount of the abatement that will be requested or analyze the potential impacts of the reduced revenues on the Town and other taxing jurisdictions. Without knowing the scale of the abatement that will be requested and, if required as mitigation, what minimum levels of payments-in-lieu-of-taxes EPT would commit to make, the purported fiscal benefits of the proposed plan cannot be demonstrated with any reasonable degree of certainty. (Wise; 8/28/12)

**Response:** The Proposed Project's utilization of Sullivan County Industrial Development Agency (IDA) financial assistance would not alter the DGEIS/DEIS findings that the Proposed Project would generate substantial economic and fiscal benefits, including significant revenues for the Town of Thompson, Sullivan County, and New York State as well as provide aid to education through annual real property taxes and fees, retail sales taxes, hotel occupancy taxes, and vendor track fees. With these revenue sources and the implementation of payment in lieu of taxes (PILOT), the utilization of Sullivan County IDA financial assistance benefits would not result in significant adverse impacts to community services provided by the Town of Thompson or other taxing jurisdictions.

The DGEIS/DEIS discloses that the Proposed Project may be eligible for financial assistance pursuant to Article 18-A of the General Municipal Law of New York State, known as the Industrial Development Agency (IDA) Act. The Sullivan County IDA offers benefits to private companies in the form of tax incentives—including real property tax abatements, sales and use tax exemptions, and mortgage tax exemptions—to attract and enhance industrial and economic development, help create jobs and maintain economic stability within municipal or regional

boundaries. Industrial development agencies were created in New York State to attract and enhance industrial and economic development, help create jobs and maintain economic stability within municipal or regional boundaries. Because New York's Constitution prohibits municipalities from making gifts or loans to private companies or individuals, the creation of IDAs provided a viable mechanism to accomplish commercial, recreational, and industrial development goals.

It is anticipated that all elements of the Proposed Project would be eligible for Sullivan County IDA financial assistance under the "Destination Resort Program," adopted by Sullivan County IDA on April 8, 2008. Under the provisions of the Destination Resort Program, the Proposed Project would be eligible for the following tax abatements and exemptions:

**Real Estate:** Real Estate (property) taxes on the increased value resulting from improvements would be abated over sixteen (16) years as follows: at one-hundred percent (100%) for years one (1) through eight (8), and years nine (9) through fifteen (15) abated as follows: year nine (9) at 87.50%, year ten (10) at 75%, year eleven (11) at 62.50%, year twelve (12) at 50%, year thirteen (13) at 37.50%, year fourteen (14) at 25%, year fifteen (15) at 12.50%, and year sixteen (16) at 0.00%. Sullivan County IDA real estate tax abatements would apply to the increased value added by construction and renovation of the Project Site parcels, and the involvement by the Sullivan County IDA would not result in any reduced revenues to the affected taxing jurisdictions in any tax year being less than the revenues received in the tax year preceding involvement by Sullivan County IDA.

**Sales:** Sales tax exemption on all taxable purchases made in connection with the acquisition, construction, installation, and equipping of the Proposed Project. The DGEIS/DEIS did not assume that the Proposed Project would generate tax revenues from purchases made in connection with construction, installation, and equipping of the Proposed Project. However, retail sales taxes and hotel occupancy taxes generated by consumer purchases at the Proposed Project would not be abated, and therefore would be the same as estimated in the DGEIS/DEIS irrespective of Sullivan County IDA financial assistance.

**Mortgage:** Mortgage tax exemption on all loans financing the Proposed Project. The DGEIS/DEIS did not assume that the Proposed Project would generate tax revenues from mortgage recording fees.

***Economic and Fiscal Impacts by 2014 assuming Sullivan County IDA financing***

With Sullivan County IDA's participation, in 2014 the Proposed Project would generate over 1,100 direct jobs at the Project Site, and would generate an estimated \$8.6 million annually in sales tax and hotel occupancy tax revenues for Sullivan County as well as \$4.3 million annually in sales tax revenues for New York State. As summarized in **Table 3-1** below, by 2014 with Sullivan County IDA financial assistance the Proposed Project would generate total real property tax revenues greater than the property tax revenues currently generated by the Project Site (existing property tax revenues are shown in **Table 14-28** of the DGEIS/DEIS). By

2014, the Proposed Project would pay all incremental fees associated with sewer, water, fire, and solid waste services. Fee-based payments are not abated under the Sullivan County IDA financial assistance programs. In addition, the Proposed Project will continue to pay all existing property taxes associated with the Sullivan County levy, highway levies, the General Fund Out of Village, and the Monticello Central School District (MCSD).

Unlike most development projects that are eligible for Sullivan County IDA financial assistance, the Proposed Project would generate substantial revenues for New York State, Sullivan County, the Town of Thompson, and in aid to education through VGM vendor fees, which would not be abated with Sullivan County IDA financing.

As described in the DGEIS/DEIS, it is estimated that New York State would 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. While vendor fees allocated to host municipalities are not based on VGM revenues from an individual VLT facility, the following percentage allocation established by Section 54-1 is used as a benchmark in determining distribution to host municipalities: eligible municipalities shall receive three and one-half percent (3.5%) of the estimated net machine income. Of such three and one-half percent (3.5%), twenty-five percent (25%) shall be distributed to the County (in this case, Sullivan County), and seventy-five percent (75%) shall be distributed to eligible municipalities other than the county (in this case, the Town of Thompson). Applying these benchmark distributions to 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.

With respect to potential impacts on MCSD, as described in the DGEIS/DEIS, by 2014 the EPT Concord Resort does not propose any residential development, and as such it is not anticipated to generate any additional school aged children demand on the MCSD. In 2014 the MCSD would continue to receive an estimated \$273,289 annually in property tax revenues from the Project Site, and aid to education from VGM vendor fee revenues. Because the Proposed Project would not generate school children by 2014, these revenues could be utilized to defray school costs not associated with the Project Site.

**Table 3-1  
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                  |
| <b>Total Town/County Taxes from Real Property Tax</b>                     | <b>\$2,188,220</b>   | <b>\$6,221,154</b> | <b>\$13,198,423</b> |
| <b>Monticello Central School District Revenues from Real Property Tax</b> | <b>\$273,289</b>   | <b>\$1,190,233</b> | <b>\$29,312,614</b> |
| <b>Total Real Property Taxes Billed</b>                                   | <b>\$2,461,509</b>   | <b>\$7,411,387</b> | <b>\$42,511,037</b> |
| <b>Sources:</b>   | 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. |                    |                     |

***Economic and Fiscal Impacts by 2022 assuming Sullivan County IDA financing***

With Sullivan County IDA financial assistance, by 2022 when the development of the Proposed Project would be complete, the Proposed Project would generate over 2,600 direct jobs at the project site, over 1,200 indirect and induced jobs within Sullivan County, and would generate nearly \$600 million in economic activity within Sullivan County. With Sullivan County IDA financial assistance, by 2022 the Proposed Project would continue to generate an estimated \$8.6 million in sales tax and hotel occupancy tax revenues for Sullivan County as well as \$4.3 million in sales tax revenues for New York State, and as described above, New York State, Sullivan County, and the Town of Thompson would continue to receive substantial revenues from VGM vendor fees, as these fees, importantly, are not abated under Sullivan County IDA financial assistance programs.

With respect to property tax revenues, by 2022 the Proposed Project would begin to provide a portion of the abated incremental tax revenues associated with the program elements that were developed by 2014 (see **Table 3-1**). As in 2014 and every operational year thereafter, in 2022 the Proposed Project would continue to pay all fees associated with sewer, water, fire, and solid waste services.

With respect to potential impacts on MCSD, as described in the DGEIS/DEIS, by 2022 if the residential units associated with the Proposed Project were built out and 100 percent occupied with families with children, the cost to educate these students would be an estimated \$7.4 million dollars, of which approximately \$3.9 million would be paid for by property tax revenues (based on the current allocation of costs between local and state/federal funding sources). With Sullivan County IDA financial assistance, it is estimated that the Proposed Project would generate property tax revenues to cover this cost by 2024 or 2025. Since the Proposed Project would generate an estimated \$273,289 annually in property tax revenues for several years prior to the introduction of residential units on the Project Site (estimated to occur between 2017 and 2022), MCSD could use

these revenues to defray the cost associated with the Proposed Project. However, it is possible that any accumulated property tax revenues would not fully defray the MCS D costs associated with the Proposed Project by 2024 or 2025.

As described in the DGEIS/DEIS, 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 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 (see **Table 3-1**).

Even with Sullivan County IDA financial assistance, the property tax revenues, fee-based revenues, retail sales taxes, hotel occupancy taxes, and VGM 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.

**Chapter 3.15: Response to Comments – Cultural Resources**

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**Comment 1:** Our office has no further concerns regarding archeology and the project: the report identifies past work and what may be required for future project activity. (SHPO; 8/29/12)

**Response:** Comment noted.

**Comment 2:** Above grade historic resources have been identified in the area over a period of several years: the most recent identification was the Breezy Corners Bungalow Colony which was recently determined to be eligible for listing in the National Register of Historic Places. Under SEQRA our office can only issue unrestricted negative comments on National Register listed properties (none of the historic properties near the project site are National Register listed). With this understanding in mind, our office notes the project will not have substantial negative results upon historic resources under SEQRA. (SHPO; 8/29/12)

**Response:** Comment noted.

**Comment 3:** However, under either state Section 14.09 or federal Section 106 any demolition of an eligible property (e.g., the Breezy Corners buildings to allow road widening) will result in an adverse impact/effect upon the resource and involve an analysis of alternatives to the undertaking and an agreement for final project resolution. This will likely become an issue when the project gets closer to implementation. (SHPO; 8/29/12)

**Response:** Comment noted. 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.

**Chapter 3.16: Response to Comments – Visual Resources**

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NO COMMENTS RECEIVED

**Chapter 3.17: Response to Comments – Hazardous Materials**

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NO COMMENTS RECEIVED

**Chapter 3.18: Response to Comments – Construction**

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NO COMMENTS RECEIVED

**Chapter 3.19: Response to Comments - Alternatives**

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**Comment 1:** Road Alignment - the alternative to Joyland Road for primary access, Option A as discussed in the DGEIS/DEIS and referenced at the public hearing should be further evaluated with respect to: wetland impacts and jurisdictional agency permit requirements, property acquisition, reduced impact on existing Joyland Road properties, potential for impacting cultural resources, and concept plan road alignment at both ends. (Geneslaw; 9/5/2012)

**Response:** For the reasons set forth in Chapter 1 of this FGEIS/FEIS, the alternative access road, known as Option A or the Resort Entry Road, has been selected by the Applicant as the preferred alternative for the primary access to the Proposed Project. Chapter 2 of this FGEIS/FEIS expands the discussion of the impacts of the Option A roadway, and the mitigation proposed for those impacts, that is found in Chapter 19 of the DGEIS/DEIS.

**Chapter 3.20: Response to Comments – Required Chapters**

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NO COMMENTS RECEIVED.

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