



**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF THOMPSON
MAKING A DETERMINATION IN COMPLIANCE WITH THE NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH PHASE 1 OF
THE EPT CONCORD RESORT**

WHEREAS, on February 13, 2013, EPT Concord II, LLC (“EPT”) submitted applications to the Town of Thompson Planning Board (the “Planning Board”), seeking approval for preliminary subdivision plat approval, lot improvement/consolidation plan, and preliminary site plan approval in connection with and to enable the development of the first phase (“Phase 1”) of the master planned destination resort community at the former Concord Resort in the Town of Thompson (the “EPT Concord Resort” or the “Project”); and

WHEREAS, Phase 1 will include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, parking facilities, related facilities, and other mitigation and related actions; and

WHEREAS, throughout 2012, the Town Board, as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, in consultation with and the participation of the Planning Board as an involved agency, conducted an extensive coordinated environmental review of the EPT Concord Resort, including Phase 1, as set forth more fully herein; and

WHEREAS, to develop the EPT Concord Resort, on February 21, 2012, EPT submitted for approval and adoption (a) a Petition to the Town of Thompson Town Board (the “Town Board”) to amend the Town of Thompson Town Zoning Law (the “Town Zoning Law”) with respect to the Planned Resort Development (“PRD”) district, and (b) a new PRD Comprehensive Development Plan (“CDP”) for the proposed EPT Concord Resort; and

WHEREAS, on April 17, 2012, the Town Board accepted and adopted a Final Draft Generic Environmental Impact Statement (“DGEIS”) and Phase 1 Draft Environmental Impact Statement (“DEIS”) Scoping Outline, and directed EPT to prepare a DGEIS and DEIS consistent with the accepted final Scoping Outline; and

WHEREAS, on June 5, 2012, the Town Board accepted a revised Petition to amend the Town Zoning Law and referred such Petition to the Planning Board for review and consideration in accordance with Section 250-82 B of the Town Zoning Law and, at the same meeting, the Town Board accepted for consideration EPT’s CDP and referred it to the Town Planning Board for review and consideration in accordance with Section 250-27.2 C(1)(a) of the Town Zoning Law; and

WHEREAS, EPT prepared a DGEIS and DEIS, consistent with the Scoping Outline, and submitted same to the Town Board on July 6, 2012, for review and consideration; and

WHEREAS, the Town Board of the Town of Thompson referred the requested amendment to the Town Zoning Law to the Sullivan County Planning Department pursuant to General

Municipal Law §§ 239-l and 239-m, as well as the Planning Board for their respective review and recommendation; and

WHEREAS, on July 24, 2012, following its review of the DGEIS and DEIS, the Town Board pursuant to SEQRA regulations set forth in 6 NYCRR Sections 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review, and thus prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS, requesting and accepting public comment until September 7, 2012; and

WHEREAS, on August 28, 2012, pursuant to 6 NYCRR Section 617.9, the Town Board held a public hearing on the DGEIS and DEIS and received public comment thereon; and

WHEREAS, on November 8, 2012, in accordance with public comment under SEQRA, the Applicant submitted a revised Petition to amend the Town Zoning Law to the Town Board, and the Town Board again referred the matter to the Planning Board and Sullivan County Planning Department for review and consideration; and

WHEREAS, a preliminary Final Generic Environmental Impact Statement (“FGEIS”) and Phase 1 Final Environmental Impact Statement (“FEIS”) were prepared, which incorporated by reference the DGEIS, DEIS, and relevant comments thereto, assembled the relevant and material facts, analyzed and undertook the requisite hard look of the potentially significant adverse environmental impacts related to the EPT Concord Resort Project, including Phase 1 as relevant hereunder, evaluated all reasonable alternatives, and included relevant mitigation measures; and

WHEREAS, on January 2, 2013, following its review of the preliminary FGEIS and FEIS, the Town Board pursuant to SEQRA regulations set forth in 6 NYCRR Sections 617.9 and 617.10 determined that the FGEIS and FEIS were complete for public review, and caused to be prepared, filed, and duly published a Notice of Completion of the FGEIS and FEIS, and

WHEREAS, the Town Board reviewed and carefully considered the FGEIS and FEIS, as well as all written and oral comments received with respect to (i) the Petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, on January 15, 2013, the Town Board, in its capacity as Lead Agency for the coordinated review of the EPT Concord Resort and all related actions under SEQRA, approved and adopted a Lead Agency SEQRA Findings Statement, detailing the procedural steps undertaken by the Town Board to ensure full compliance with SEQRA, as well as setting forth a reasoned elaboration with respect to the EPT Concord Resort Project’s, including Phase 1’s, environmental impacts based upon the facts and conclusions as developed in the GDEIS, DEIS, GFEIS and FEIS, and in response to public and agency comments collected as part of the review process; and

WHEREAS, by resolution also adopted January 15, 2013, the Town Board approved the requested amendments to the Town Zoning Law, adopted a new Comprehensive Development Plan and duly filed said resolutions with the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, as an involved agency, has thoroughly reviewed, considered and deliberated upon the record, and the deliberation and proceedings, which were before the Town Board for the SEQRA reviews of the EPT Concord Resort, including, Phase 1 herein, and that said record, including, the GDEIS, DEIS, GFEIS, FEIS and SEQRA Findings are incorporated herein by reference in their entirety; and

BE IT FURTHER RESOLVED, that the Planning Board has considered the relevant environmental impacts, facts and conclusions disclosed in said record, and Findings Statement, and has weighed and balanced the relevant environmental impacts with the social, economic and other considerations as they relate to the actions currently before it concerning the EPT Concord Resort Project, including Phase 1 hereunder; and

BE IT FURTHER RESOLVED, that the Planning Board, as an involved agency hereunder, hereby ratifies the Findings Statement issued by the Town Board for the Project, and finds that there are no new significant potential adverse environmental impacts or changes in circumstances related to the Project or Phase 1 of the Project that would require the Applicant to further identify and analyze, or mitigate such impacts in a supplementary environmental review; and that all environmental impacts, if any, related to the proposed actions hereunder have been satisfactorily addressed and mitigation measures identified within the SEQRA review already conducted for the Project and Phase 1; and

BE IT FURTHER RESOLVED, that the Planning Board finds that all of the provisions of SEQRA that are required to be complied with as a condition precedent to its consideration and determination of the Applications before it relating to Applicant's request for approval of preliminary subdivision plat, lot improvement/consolidation plan, and preliminary site plan relating to the development of the Project and Phase 1 of the Project, have been satisfied; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall, together with the attachments hereto, be placed on file with the Town Clerk where same shall be available for public inspection during normal business hours, and notices of this SEQRA determination shall be filed in such offices, posted in such places, and published in such publications as may be necessary pursuant to the requirements of SEQRA.

Adopted April 10, 2013 by the Planning Board of the Town of Thompson.

Filed in the Office of the Town Clerk of the Town of Thompson on 4-17, 2013.

RECEIVED

APR 17 2013

TOWNSHIP CLERK
TOWN OF THOMPSON

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF THOMPSON
APPROVING A LOT IMPROVEMENT/CONSOLIDATION PLAN FOR THE EPT
CONCORD RESORT**

WHEREAS, on February 13, 2013, EPT Concord II, LLC (“EPT”) submitted an application (the “Application”) to the Town of Thompson Planning Board (the “Planning Board”) for Lot Improvements and Consolidation in connection with and to enable the development of the first phase (“Phase 1”), and other aspects of the master planned destination resort community at the former Concord Resort in the Town of Thompson (the “EPT Concord Resort” or the “Project”); and

WHEREAS, the Applicant submitted five copies of the Application to the Planning Board in compliance with Town Code Section 212-9 for approval of a lot improvement/consolidation plan (“Lot Consolidation Plan”) to merge tax parcels 23-1-50, 23-1-51, 31-1-65.1, 31-1-17.1, and 31-1-19.2 into a new Parcel A, and tax parcels 23-2-31, 23-2-32, and 23-2-33 into new Parcel B; and

WHEREAS, the Lot Consolidation Plan is shown and identified on the Topographic Lot Consolidation Survey prepared by Hart Howerton, dated September 12, 2012, as revised; and

WHEREAS, pursuant to a separate Resolution adopted by the Planning Board on April 10, 2013, the Planning Board found that the action to be undertaken herein is in compliance with the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”),

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board finds and determines that the purpose and effect of the Lot Consolidation Plan is to merge smaller lots into a fewer number of larger lots, and with respect to the EPT Concord Resort as a whole, the result is to create a lesser number of lots.
2. The Planning Board finds that approval of the Lot Consolidation Plan does not authorize any development related to the development of the EPT Concord Resort, unless the Planning Board has granted separate site plan approval for such development.
3. Having reviewed the Application and taken into consideration the public health, safety and general welfare of the public in general and the residents of the immediate neighborhood in particular, the Planning Board hereby approves the Lot Consolidation Plan as proposed by the applicant and as shown and identified on Topographic Lot Consolidation Survey prepared by Hart Howerton, dated September 12, 2012, as revised, and hereby authorizes the Planning Board Chairman to sign the Plan with the notation that “approval is granted for recording purposes only in accordance with Section 212-9 of the Town of Thompson Subdivision Law.”

Adopted April 10, 2013 by the Planning Board of the Town of Thompson.

Filed in the Office of the Town Clerk of the Town of Thompson on April 11, 2013.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF THOMPSON
APPROVING PRELIMINARY SUBDIVISION PLAT APPROVAL AT THE EPT
CONCORD RESORT**

WHEREAS, on February 13, 2013, EPT Concord II, LLC (“EPT” or “Applicant”) submitted an application (the “Application”) to the Town of Thompson Planning Board (the “Planning Board”), seeking Preliminary Subdivision Plat Approval, in connection with and to enable the development of the first phase (“Phase 1”) of the master planned destination resort community at the former Concord Resort in the Town of Thompson (the “EPT Concord Resort” or the “Project”); and

WHEREAS, in accordance with Sections 250-27.2(C)(3) and 212-8 of the Thompson Town Code, said Application requests preliminary subdivision plat approval of certain parcels (“Parcels”), all of which are located within the Planned Resort Development District (“PRD”) and PRD Comprehensive Development Plan (“CDP”) adopted by the Town Board on January 15, 2013, into four (4) parcels: Parcel 1, Parcel 2, Parcel 3, and Parcel 4 (collectively, “Four Parcels”), all shown and identified on the proposed Subdivision Plan entitled “Figure 1 – Proposed Subdivision Plan” prepared by Hart Howerton, dated Feb. 13, last revised on _____, and the Preliminary Subdivision Plans entitled “Map of Parcel 1, Map of Parcel 2, Parcel 3 Boundary, and Parcel 4 Boundary” prepared by Contracting Line and Grade South, LLC, last revised October 18, 2012; and

WHEREAS, the Applicant currently owns all of the adjoining parcels subject to this Application; and

WHEREAS, certain portions of the Parcels located north of the southerly boundary of Thompsonville Road are proposed to be consolidated into other adjoining parcels owned by EPT, pursuant to Town Code Section 212-9; and

WHEREAS, Section 250-27.2(C)(3) of the Thompson Town Code specifically permits all or any portion of the land area which constitutes a PRD to be subdivided either horizontally or vertically into separate development sites for purposes of sale, lease or mortgage and/or (to the extent permitted by law) tax lot creation without regard to the minimum site area or any minimum lot area or to any other bulk, dimensional or development regulation, and that in the event of any inconsistency or conflict between the PRD Comprehensive Plan and/or the design standards adopted by the Town Board in connection with the Project and Phase 1, and Chapter 12 of the Town Code, the CDP shall govern; and

WHEREAS, that in the event of any inconsistency or conflict between any provision of New York Town Law, Section 276, and Section 250-27.2 of the Town Code, then Section 250-27.2 shall supersede and govern; and

WHEREAS, the proposed subdivision does not conflict with any provisions or portion of the Town Comprehensive Plan or the approved CDP for the EPT Concord Resort; and

WHEREAS, the proposed subdivision constitutes a “minor subdivision” as defined in Section 212-5 of the Town Subdivision of Land Law since, if approved, it will contain only the Four Parcels; and

WHEREAS, any future development of any lots not previously authorized to be developed on will be subject to future site plan review and approval by the Planning Board, and shall comply with the regulations for a PRD and the approved CDP for the EPT Concord Resort; and

WHEREAS, pursuant to a separate Resolution adopted by the Planning Board on April 10, 2013, the Planning Board found that the action to be undertaken herein is in compliance with the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”),

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to the authority granted to the Planning Board by Chapters 212 and 250-27.2 of the Town Code, the Planning Board hereby grants Preliminary Subdivision Plat Approval for the proposed Four Parcel subdivision of existing tax parcels into four lots, subject to the Town Engineer’s acceptance of a Subdivision Plat as shown and identified on the proposed Preliminary Subdivision Plan entitled “Figure 1 – Proposed Subdivision Plan” prepared by Hart Howerton dated Feb. 13 and last revised on _____, and Preliminary Subdivision Plans entitled “Map of Parcel 1, Map of Parcel 2, Parcel 3 Boundary, and Parcel 4 Boundary” prepared by Contracting Line and Grade South, LLC, last revised October 18, 2012, and consistent with Sections 212-8 and 250-27.2 of the Town Code, and the filing and recording by the Applicant of a Final Plat properly signed by the duly authorized person or persons in the Town in the Office of the Sullivan County Clerk in accordance with Chapters 212 and Section 250-27.2 of the Town Code.
2. Pursuant to Section 212-14 and 250-27.2(c)(3), the Planning Board hereby waives certain requirements of Section 212-8 of the Town Code, after determining that not requiring at this time all the information and form of the plat as provided under said provisions will not have an adverse effect on adjacent property or on the public health or safety, and that the conditions and restrictions herein will serve the Town’s purpose of understanding and approving the layout of the proposed subdivision, subject to receiving and reviewing the subsequent filings and submissions.
3. The Planning Board hereby authorizes the consolidation of those certain portions of the Parcels located north of the southerly boundary of Thompsonville Road as proposed to be consolidated into other adjoining parcels owned by EPT pursuant to Town Code Section 212-9.
- 4.. Approval of the proposed Preliminary Subdivision Plat herein does not authorize the development on any lot not authorized by the applicable Site Plan approval duly granted by the Planning Board, and the filing and recording by the Applicant of a Final Plat properly signed by the duly authorized person or persons in the Town in the Office of the Sullivan County Clerk in accordance with Chapters 212 and Section 250-27.2 of the Town Code.

Adopted April 10, 2013 by the Planning Board of the Town of Thompson.

Filed in the Office of the Town Clerk of the Town of Thompson on 4-17, 2013.

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APR 17 2013

TOWN CLERK
TOWN OF THOMPSON

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF THOMPSON
GRANTING PRELIMINARY SITE DEVELOPMENT PLAN APPROVAL FOR PHASE
1 OF THE EPT CONCORD RESORT**

WHEREAS, on February 13, 2013, EPT Concord II, LLC (“EPT”), acting on behalf of the relevant Master Association, and Monticello Raceway Management Inc., (“MRMI”) with EPT, collectively, the “Applicant”) jointly submitted an application (the “Application”) to the Town of Thompson Planning Board (the “Planning Board”) pursuant to Section 250-50 of the Town Code for site development plan approval in connection with the development and to enable the first phase (“Phase 1”) of the master planned destination resort community at the former Concord Resort in the Town of Thompson (the “EPT Concord Resort” or the “Project”); and

WHEREAS, Phase 1 will include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, parking facilities, and related facilities and infrastructure; and

WHEREAS, the Application consisted of the following plans and drawings: entitled, EPT Concord Resort-Phase 1, Site Plan Submission dated February 11, 2013:

Drawings			
Drawing No.	Title	Prepared by	Last Revised
COVER SHEET AND INDEX OF DRAWINGS		AKRF	3/27/2013
COMPOSITE MAP (Sheets 1 through 37)	TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY (27 Sheets)	Contractors' Line and Grade South	9/25/2012
C-100	OVERALL SITE PLAN	AKRF	3/27/2013
C-101	NOTES	AKRF	3/27/2013
C-201- C-219	EXISTING CONDITIONS PLAN	AKRF	3/27/2013
C-401- C-419	SITE GEOMETRY PLAN- TILES 1 TO 19	AKRF	3/27/2013
C-501- C-519	GRADING, PAVING AND DRAINAGE PLAN- TILES 1 TO 19	AKRF	3/27/2013
C-601- C-626	COMPOSITE UTILITY PLAN- 1 TO 26	AKRF	3/27/2013
C-701- C-719	EROSION AND SEDIMENT CONTROL PLAN- TILES 1 TO 19	AKRF	4/5/13
C-801- C-829	SCHEDULES, SECTIONS AND PROFILES	AKRF	3/27/2013
C-900- C-909	DETAILS	AKRF	3/27/2013
L0.01- L0.04	SITE AND PLANTING NOTES	HH	3/27/2013
L1.00-L1.16B	HARDSCAPE PLANS (SEE L1.00 FOR INCLUDED SHEETS)	HH	3/27/2013
L2.01	LANDSCAPE SECTIONS	HH	3/27/2013
L3.00-L3.16B	PLANTING PLANS	HH	3/27/2013
L4.01	HARDSCAPE DETAILS	HH	3/27/2013
L5.01-L5.03	PLANTING SCHEDULE	HH	3/27/2013
L5.04 PLANTING DETAILS		HH	3/27/2013
L-101	SITE PLANTING PLAN	CR3	3/27/2013
L-102	SITE PLANTING PLAN	CR3	3/27/2013
L-103	SITE PLANTING PLAN	CR3	3/27/2013
L-104	SITE PLANTING PLAN	CR3	3/27/2013
L-105	SITE PLANTING PLAN	CR3	3/27/2013

L-106	SITE PLANTING PLAN	CR3	3/27/2013
L-107	SITE PLANTING PLAN	CR3	3/27/2013
L-108	SITE PLANTING PLAN	CR3	3/27/2013
L-109	SITE PLANTING PLAN	CR3	3/27/2013
L-110	SITE FENCING PLAN	CR3	3/27/2013
WL-101	LANDSCAPING PLAN- WETLAND 45A AND 45B- SHEET 1	AKRF	3/27/2013
WL-102	LANDSCAPING PLAN- WETLAND 45A AND 45B- SHEET 2	AKRF	3/27/2013
WL-103	LANDSCAPING PLAN- WETLAND 45A AND 45B- SHEET 3	AKRF	3/27/2013
AS-1000	ARCHITECTURAL SITE PLAN	JCJ	3/27/2013
AS-1001	ENLARGED TRACK	JCJ	3/27/2013
AS-1002	ENLARGED SITE ELEMENTS	JCJ	3/27/2013
AS-1003	SITE DETAILS	JCJ	3/27/2013
AS-1004	SITE DETAILS	JCJ	3/27/2013

WHEREAS, by Memoranda dated February 25, 2013, the engineering and planning consultants for the Planning Board, MH&E, PC and Robert Geneslaw Co., provided to the Planning Board and the Applicant technical comments on the Application (the “First and Second Technical Memorandum,” respectively); and

WHEREAS, by Memorandum dated February 27, 2013, MH&E, PC provided to the Planning Board and the Applicant additional technical comments on the Application (the “Third Technical Memorandum”); and

WHEREAS, on February 27, 2013, during a regularly scheduled Planning Board meeting, a Sketch Plan Conference was held by the Planning Board with the Applicant regarding the Application pursuant to Town Code Section 250-50(D)(1); and

WHEREAS, also on February 27, 2013, the Planning Board scheduled a public hearing on the Preliminary Site Plan for March 13, 2013; providing notice of said hearing in accordance with the provisions of the Town of Thompson Town Code Section 250-50(D)(3)(b)[4] and 250-55; and

WHEREAS, on March 8, 2013, the Applicant’s representative, by way of electronic transmittal, provided materials documenting that Concentrated Animal Feeding Operations (CAFOs) were addressed during SEQRA, thereby satisfactorily addressing the comment from the Town Planner in the Second Technical Memorandum; and

WHEREAS, by Letter dated March 11, 2013, the Applicant’s engineer provided responses to the Third Technical Memorandum; and

WHEREAS, on March 13, 2013 at 7:30 p.m., the Planning Board held its duly noticed public hearing on the Application, in which notice of the Hearing was read, the Applicant presented a summary of the Project, and various members of the public and the Planning Board were heard

on the Application, including, several comments were received regarding, among other areas, lighting, traffic and other concerns; and

WHEREAS, on March 25, 2013, Robert Geneslaw Co. issued a second technical Memorandum on the Application to the Planning Board and the Applicant (the "Fourth Technical Memorandum"); and

WHEREAS, on March 27, 2013, MH&E issued a third technical Memorandum on the Application to the Planning Board and the Applicant (the "Fifth Technical Memorandum"); and

WHEREAS, by letter dated March 27, 2013, the Applicant's engineer provided further responses to the Third Technical Memorandum based on topics discussed during the March 13, 2013 Planning Board meeting; and

WHEREAS, on March 27, 2013, the Applicant's technical consultants met with MH&E to review the additional comments and concerns raised in the Fifth Technical Memorandum concerning the Application; and

WHEREAS, on April 4, 2013, MH&E issued a fourth technical Memorandum on the Application to the Planning Board and the Applicant (the "Sixth Technical Memorandum"); and

WHEREAS, per the request of the Town Engineer, the Applicant revised the drawings to address those comments made by MH&E, which were requirements of Preliminary Site Development Plan approval, and said changes were submitted to the Planning Board on or about April 5, 2013; and

WHEREAS, on March 27, 2013, in a regularly scheduled meeting of the Planning Board, the Board reviewed the Applicant's responses to the Planning Board's and its consultants' comments; and

WHEREAS, all members of the Planning Board voting on this Resolution have attended the public hearings, and/or have reviewed all relevant submissions thoroughly; and

WHEREAS, the Planning Board and its professional consultants have duly reviewed the Application and submissions pursuant to the criteria set forth in Sections 250-27.2 and 250-50 of the Town Code, and are relying upon the representations and statements thereto; and

WHEREAS, the Planning Board understands that the Applicant is developing the necessary infrastructure for the overall Project and Phase I hereunder; and

WHEREAS, the Planning Board understands that the Applicant is actively preparing all necessary applications with other involved agencies to obtain all approvals and permits necessary for the Project following the Planning Board approval including:

1. US Army Corps of Engineers - Individual Permit for the disturbance of federally regulated surface waters.

2. New York State Department of Environmental Conservation (NYSDEC) - State Pollutant Discharge Elimination System (SPDES) General Permit, GP-0-10-001, for Stormwater Discharges from Construction Activity (includes a Stormwater Pollution Prevention Plan (SWPPP)), a SPDES General Permit, GP-0-09-001, for Concentrated Animal Feeding Operations (CAFOs), an Article 24 Freshwater Wetland, an Article 15 Protection of Waters, a Section 104 Water Quality Certification.
3. New York State Department of Transportation - all permits and/or approvals required for the proposed improvements to and signal plans at the intersection of the Route 17, exit 106 ramps with County and/or Town roads, as well as those permits required to install water mains and project signage within the Rights of Ways for Route 17 and Route 42.
4. Sullivan County Department of Public Works - all permits and/or approvals required for the proposed improvements and/or abandonment of CR 173A and CR 173.
5. New York State Department of Health (NYSDOH) - all permits and/or approvals required for the provision of water and wastewater services to the proposed Project.
6. All other permits and/or approvals required operation of a relocated casino and raceway.

WHEREAS, the Planning Board understands that the Applicant will continue to coordinate with the Town and other agencies to determine the need for additional approvals and permits, and shall prepare all necessary applications to obtain those additional approvals and permits required for the Project following the Planning Board approval; and

WHEREAS, by separate Resolution adopted by the Planning Board on April 10, 2013, the Planning Board made a determination certifying that it complied with the requirements of the New York State Environmental Quality Review Act and its implementing regulations ("SEQRA") with respect to said Application,

NOW THEREFORE BE IT RESOLVED, that the Planning Board pursuant to Town Zoning Law Section 250-50 et seq. has reviewed and considered the comments received during the Public Hearing, as well as all comments received from all involved agencies; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Application and the Site Development Plan requested herein substantially and materially conforms with the PRD Comprehensive Development Plan approved by the Town Board for the Project by Resolution dated January 15, 2013; and

BE IT FURTHER RESOLVED, that having reviewed the Application and taken into consideration the public health, safety and general welfare of the public in general and the residents of the immediate neighborhood in particular, and pursuant to the authority vested in it by Section 250-250-27.2 and 250-50-52 of the Town Code, the Planning Board hereby approves the Preliminary Site Development Plan Application for the proposed Project, including the Application Plans identified herein, subject to the Conditions listed below:

BE IT FURTHER RESOLVED, that pending obtaining Final Site Plan and Final Subdivision Plat Approval, the Planning Board authorizes the appropriate Town official to enter into a Site Plan Infrastructure Security Agreement that allows the installation and construction of certain improvements upon the posting by EPT of a performance guaranty, provided, that the Applicant posts the necessary performance or security bonds as required, and has the necessary approvals from any other agency with jurisdiction over such activity.

Adopted April 10, 2013 by the Planning Board of the Town of Thompson.

Filed in the Office of the Town Clerk of the Town of Thompson on 4-17, 2013.