



**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF THOMPSON
GRANTING FINAL SITE DEVELOPMENT PLAN APPROVAL WITH CONDITIONS
FOR PHASE 1 of the EPT CONCORD RESORT**

WHEREAS, on January 15, 2013, the Town of Thompson Town Board ("Town Board") approved a PRD Comprehensive Development Plan for the EPT Concord Resort, a planned resort development on approximately 1700 acres of property located at and around the former Concord Resort in the Town of Thompson (the "Master Development Site") as shown on the Comprehensive Development Plan as the EPT Concord Resort (the "Project"); and

WHEREAS, on January 15, 2013, the Town Board, acting in its capacity as Lead Agency of a coordinated review, pursuant to Article 8 State Environmental Quality Review Act ("SEQRA"), duly adopted a Findings Statement in connection with the Project, and duly filed said Findings Statement with the Town Clerk; and

WHEREAS, the Planning Board was an "involved agency" in connection with a coordinated review conducted by the Town Board pursuant to SEQRA with regard to the Project; and

WHEREAS, on February 13, 2013, EPT Concord II, LLC ("EPT"), acting on behalf of the Master Association for the Project and Monticello Raceway Management Inc., ("MRMI") (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 of the Project, and to enable the first phase of the master planned destination resort community; and

WHEREAS, Phase 1 of the Project shall include a casino, hotel, harness horse racetrack, grandstand/showroom, simulcast facility, banquet event center, restaurants, parking facilities, and related facilities and infrastructure (collectively, "Phase 1" or the "Casino Resort"); and

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

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		HH	3/27/2013
PLANTING DETAILS			
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., respectively, 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, in accordance with Section 250-50(D)(3) of the Town of Thompson Zoning Code, the Application was referred to the Sullivan County Division of Planning and Environmental Management by letter dated March 6, 2013; 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, and several comments were received regarding, among other areas, landscaping, lighting, traffic and other minor concerns; and

WHEREAS, on March 25, 2013, Robert Geneslaw Co. issued a 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 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 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 as set forth in the Technical Memoranda; and

WHEREAS, by letter dated April 3, 2013, the Sullivan County Division of Planning and Environmental Management recommended approval of the Application, and issued technical comments thereto; and

WHEREAS, on April 4, 2013, MH&E issued a 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, by separate Resolution adopted on April 10, 2013, and filed with the Office of the Town Clerk on April 17, 2013, the Planning Board, as an “involved agency” pursuant to the provisions of SEQRA, found that it thoroughly reviewed, considered and deliberated upon the entire record that was before the Planning Board and Town Board for the Project and Casino Resort, including, but not limited to, the Findings Statement and the record of documents and proceedings referenced therein, and ratified the Findings Statement issued by the Town Board for the Project and Casino Resort, thus certifying that it complied with the requirements of the SEQRA by taking a “hard-look” with respect to said Application, and that proposed mitigation measures previously reviewed and adopted by the Town Board would avoid significant adverse impacts to the maximum extent practicable; and

WHEREAS, by separate Resolution adopted by the Planning Board on April 10, 2013, and filed with the Office of the Town Clerk on April 17, 2013, the Planning Board granted Preliminary Site Plan Approval to the Applicant pursuant to the authority vested in it by Sections 250-27.2 and 250-50 through 250-52 of the Town Code; and

WHEREAS, by separate Resolution adopted by the Planning Board on April 10, 2013, and filed with the Office of the Town Clerk on April 17, 2013, the Planning Board approved the Applicant’s Lot Improvement/Consolidation Plan; and

WHEREAS, by separate Resolution adopted by the Planning Board on April 10, 2013 and filed with the Office of the Town Clerk on April 17, 2013, the Planning Board granted the Applicant’s application for Preliminary Subdivision Plat Approval; and

WHEREAS, by letter dated April 29, 2013, the New York State Department of Environmental Conservation (“DEC”) found that the Joint Permit Application submitted to the DEC and United States Army Corps of Engineers (“ACOE”) met its permit issuance standards; and

WHEREAS, on May 3, 2013, the ACOE issued a Jurisdictional Determination relating to the federally regulated wetlands on the Master Development Site; and

WHEREAS, a proceeding challenging the aforementioned approvals was made against the Planning Board by Petition dated May 14, 2013; and

WHEREAS, pursuant to Town Law Section 282, the filing of the Petition does not preclude the Planning Board from entertaining the Final Site Plan Submission or issuing Final Site Plan approval; and

WHEREAS, by letters dated May 15 (MRMI) and May 29 (EPT Concord II), 2013, the New York State Department of Environmental Conservation issued a Letter of Acknowledgement of Notice of Intent for coverage under the SPDES General Permit for Stormwater Discharges from

Construction Activity (GP-0-10-001), with a condition that the Applicant submit a five acre disturbance waiver and water treatment chemical use approval; and

WHEREAS, on May 22, 2013, the Town Engineer and the Highway Superintendent conducted an inspection of certain roads surrounding the Master Development Site with the Applicant's representatives; and

WHEREAS, by letter dated May 24, 2013, the ACOE issued comments to the Joint Permit Application; and

WHEREAS, on June 3, 2013, the Applicant made an initial submission to the New York State Department of Transportation relating to permits and approvals required for the proposed improvements to the NYS Route 17, exit 106 ramps and signal plans at the intersection of the ramps with County and/or Town roads, as well as those permits required to install water mains, project signage and landscaping within the Rights of Ways for NYS Route 17 and NYS Route 42; and

WHEREAS, the Applicant submitted a Final Site Plan to the Planning Board on June 26, 2013 (the "Final Site Plan Submission"); and

WHEREAS, the Town of Thompson Planning Board is in receipt of the following drawings prepared by AKRF, Inc. which constitute the Final Site Plan Submission:

Drawing No.	TITLE	Prepared By	Last Revised
	Cover Sheet and Index of Drawings	JCI	06/26/13
	Topographic Boundary and Utility Survey (submitted previously under separate cover)	Contractors' Line & Grade South	09/25/12
C-100	Key Plan	AKRF	06/26/13
C-101 to C-102	Notes	AKRF	06/26/13
C-200	Overall Existing Conditions Plan	AKRF	06/26/13
C-201 to C-209	Existing Conditions Plan (Tiles 1 to 9)	AKRF	06/26/13
C-300	Overall Demolition Plan	AKRF	06/26/13
C-301 to C-309	Demolition Plan (Tiles 1 to 9)	AKRF	06/26/13
C-400	Overall Site Geometry Plan	AKRF	06/26/13
C-401 to C-409	Site Geometry Plan (Tiles 1 to 9)	AKRF	06/26/13
C-500	Overall Grading, Paving and Drainage Plan	AKRF	06/26/13
C-501 to C-509	Grading, Paving and Drainage Plan (Tiles 1 to 9)	AKRF	06/26/13
C-505A	Enlargements	AKRF	06/26/13
C-600	Overall Composite Utility Plan	AKRF	06/26/13
C-601 to C-609	Composite Utility Plan (Tiles 1 to 9)	AKRF	06/26/13
C-700	Overall Erosion and Sediment Control Plan	AKRF	06/26/13
C-700 to C-709	Erosion and Sediment Control Plan (Tiles 1 to 9)	AKRF	06/26/13

C-801 to C-803	Storm Drainage Schedule I Thru III	AKRF	06/26/13
C-804 to C-810	Sections I Thru VII	AKRF	06/26/13
C-811	Porous Pavement Section Location Plan	AKRF	06/26/13
C-812	Porous Pavement Sections	AKRF	06/26/13
C-813 to C-822	Storm Drainage Profiles I Thru X	AKRF	06/26/13
C-823 to C-824	Sanitary Profiles I and II	AKRF	06/26/13
C-900 to C-909	Details I Thru X	AKRF	06/26/13
C-1000	Overall Striping and Signage Plan	AKRF	06/26/13
C-1001 to C-1009	Striping and Signage Plan (Tiles 1 to 9)	AKRF	06/26/13
L-101	Site Planting Plan	CR3	05/29/13
L-102 to L-109	Site Planting Plan	CR3	05/29/13
L-110	Site Fencing Plan	CR3	03/27/13
L-111	Site Planting Plan	CR3	05/29/13
WL-101 to WL-103	Landscaping Plan - Wetland 45A and 45B - Sheets 1 Thru 3	AKRF	03/27/13
AS-1000	Architectural Site Plan	JCJ	06/26/13
AS-1001	Enlarged Track	JCJ	06/26/13
AS-1002	Enlarged Site Elements	JCJ	06/26/13
AS-1003	Site Details	JCJ	06/26/13
AS-1004	Site Details	JCJ	06/26/13
AS-1005	Zoning Analysis	JCJ	06/26/13
PK-101	Lower Level 3 - Striping/Signage Plan	JCJ	04/05/13
PK-102	Lower Level 2 - Striping/Signage Plan	JCJ	04/05/13
PK-103	Lower Level 1 - Striping/Signage Plan	JCJ	04/05/13
PK-900	Parking Garage Signage Details	JCJ	04/05/13

Drawing No.	TITLE	Prepared By	Last Revised
	Cover Sheet and Index of Drawings	AKRF	06/26/13
	Topographic Boundary and Utility Survey (submitted previously under separate cover)	Contractors' Line & Grade South	09/25/12
C-100	Overall Site Plan	AKRF	06/26/13
C-101	Notes	AKRF	06/26/13
C-102	Legends	AKRF	06/26/13
C-103 to C-104	Roadway Right of Way Metes and Bounds	AKRF	06/26/13
C-201 to C-224	Existing Conditions Plan	AKRF	06/26/13
C-301 to C-317	Demolition Plan	AKRF	06/26/13
C-401 to C-416	Roadway Geometry Plan	AKRF	06/26/13
C-501 to C-516	Grading, Paving and Drainage Plan	AKRF	06/26/13
C-601 to C-624	Composite Utility Plan	AKRF	06/26/13
C-701 to C-717	Erosion and Sediment Control Plan	AKRF	06/26/13
C-801 to C-846	Schedules, Sections and Profiles	AKRF	06/26/13

C-900 to C-914	Details	AKRF	06/26/13
C-1001 to C-1016	Striping and Signage Plan	AKRF	06/26/13
C-1101 to C-1104	Traffic Signal Plan	AKRF	06/26/13
C-1202 to C-1216	Roadway Electrical Plan	AKRF	06/26/13
C-1302 to C-1316	Lighting and Photometrics Plan	AKRF	06/26/13
C-1401 to C-1405	Retaining Wall Plan, Profile, Details and Notes (@ Roundabout)	AKRF	06/26/13
L0.00	General Notes	HH	06/26/13
L1.00	Layout Plan Index Sheet	HH	06/26/13
L1.02B to L1.07A	Hardscape Plan	HH	06/26/13
L3.00 to L3.16B	Planting Plan	HH	06/26/13
L3.20	Landscape Sections	HH	06/26/13
L4.01	Materials Legend	HH	06/26/13
L5.01 to L5.03	Planting Schedule	HH	06/26/13
L5.04 to L5.05	Planting Details	HH	06/26/13
GR.1	Sign Inventory and Location Plan	HH	03/13/13
GR.2	Sign Type 1.1	HH	03/13/13
GR.3	Sign Type 1.2/1.4	HH	03/13/13
GR.4	Sign Type 2.2/3.1	HH	03/13/13
STR-01	Foundation Plan	KSI	06/26/13
STR-02	Wall 1 Elevations	KSI	06/26/13
STR-03	Wall 2 & 3 Elevations	KSI	06/26/13
STR-04	Wall 4 & 5 Elevations	KSI	06/26/13
STR-05 to STR-06	Wall 6 Elevations	KSI	06/26/13
STR-07	Wall Details	KSI	06/26/13

WHEREAS, the Planning Board has reviewed said drawings in addition to correspondence and reports relating to same, including a Lighting Report prepared by M/E Engineering dated April 19, 2013, last revised June 26, 2013 and a Lighting Package consisting of thirty-six (36) drawings numbered E-0001-E0008, EL-1101-EL-1109, ELL-1103-ELL-1511, EL-1611-EL-1613 and E-2000-E-6203, last revised June 26, 2013, and has caused same to be reviewed by its consultants; and

WHEREAS, the Planning Board understands that the Applicant is developing the necessary infrastructure for the overall Project and Phase 1 hereunder; and

WHEREAS, the Planning Board also understands that the Applicant is actively pursuing all necessary applications with other involved agencies to obtain all approvals and permits necessary for the Project and Phase 1 following the Planning Board approval of the Final Site Plan; and

WHEREAS, Section 250-51(D) of the Thompson Zoning Code provides that all approvals from all pertinent departments and agencies shall be obtained before final site plan approval may be granted on any project; and

WHEREAS, the Applicant has not yet received all necessary permits and approvals from other involved agencies for the Project or Phase 1, but shall continue to coordinate with the Town and other agencies to prepare all necessary applications to obtain those additional approvals and permits required for the Project and Phase 1 following the Planning Board approval of the Final Site Plan; and

NOW THEREFORE BE IT,

RESOLVED, that the Planning Board and its professional consultants have duly reviewed the Application and Final Site Plan Submission pursuant to the criteria set forth in Sections 250-27.2, 250-50, 250-51 and 250-52 of the Town Code; and

BE IT FURTHER RESOLVED, that the Planning Board finds on the basis of its own review and the review and comments received from its consultants that the Final Site Plan Submission is in substantial conformance with the approved Comprehensive Development Plan, pursuant to Section 250-27.2(C)(2) of the Town of Thompson Zoning Code, and is in accordance with Sections 250-50-52 of the Town of Thompson Zoning Code, and New York State Town Law Section 274-a; and

BE IT FURTHER RESOLVED, that the Planning Board finds the Final Site Plan Submission addresses the specific requests of the Planning Board's consultants and of other approving agencies and in response to public comment during the hearing held, with the intent to improve the overall development of the Master Development Site and/or to further minimize any environmental impacts; and

BE IT FURTHER RESOLVED, that there are no unstudied significant adverse environmental impacts that were not addressed in the Phase 1 Final Environmental Impact Statement, arising from changes proposed for Phase 1 or newly discovered information, or changes in circumstances to Phase 1 since the Planning Board issued SEQRA Findings in connection with the Preliminary Site Plan Approval; and

BE IT FURTHER RESOLVED, that pursuant to Section 250-50(D)(3) of the Thompson Zoning Code, the Planning Board in its discretion determines that a public hearing on the Final Site Plan is not necessary because the Final Site Plan is not materially different from the Preliminary Site Plan; and

BE IT FURTHER RESOLVED, that the Planning Board acknowledges that concurrent with this Final Site Plan Approval with Conditions, the Applicant is continuing to diligently pursue all necessary permits, and that to the extent as may be applicable under Section 250-59 of the Thompson Zoning Code, the Planning Board finds that it is appropriate for the Planning Board to waive the requirements of Section 250-51(D); and

BE IT FURTHER RESOLVED, that pursuant to Section 250-51(C), approval of the Final Site Plan with Conditions shall be valid for a period of twelve (12) months from the date of this Resolution unless extended by the Planning Board in accordance the Town of Thompson Zoning Code; and

BE IT FURTHER RESOLVED, that pursuant to Section 250-50(D)(3)(b)(10)(c) of the Thompson Zoning Code, conditions set forth herein shall be satisfied within six months from the date of this Resolution this Approval unless extended by the Planning Board in accordance the Town of Thompson Zoning Code.

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 Sections 250-27.2 and 250-50-52 of the Town Code, the Planning Board hereby approves the Final Site Plan Application for the proposed Project, subject to the conditions set forth in the Town Board's January 15, 2013 SEQRA Findings, and the Conditions listed below:

General Conditions

1. The Applicant must conform to all applicable rules, regulations, and ordinances of the Town of Thompson, County of Sullivan and State of New York.
2. This Resolution shall supplement the approved Final Site Plan, and the Applicant shall comply with all conditions included in the approved Final Site Plan and this Resolution.
3. All outstanding technical review comments from Town Consultants as of July 10, 2013, shall be addressed and resolved between the respective Consultant and the Applicant prior to the commencement of the relevant construction activity, as applicable, except for site clearing or grading, whereby site clearing and grading shall be permitted to proceed to the extent permitted by law and the applicable regulations.

Financial and Legal Considerations

1. Prior to any site clearing, grading or construction activity, the Applicant shall: (a) enter into a Site Plan Infrastructure Security Agreement, which allows the installation and construction of certain improvements upon the posting by Applicant of a performance guaranty, provided, that the Applicant posts the necessary performance or security bonds as required, such Agreement shall be acceptable to the Town Board and Town Attorney; (b) re-establish an engineering escrow which shall be periodically re-established at the request of the Town; and (c) receive the necessary approvals from any other agency with jurisdiction over such activity.
2. Prior to the issuance of a Building Permit, the Applicant shall file a performance bond with the Town in accordance with Section 250-52.1(B)(2) of the Town of Thompson Zoning Code; such bond amount to have been previously approved by the Town Engineer; an escrow account for Engineering shall continue to be posted as well, in an amount acceptable to the Town Board and Town Attorney.
3. Any outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Final Certificate of Occupancy.

4. Prior to the issuance of a Temporary or Final Certificate of Occupancy for the Casino Resort, the Applicant shall obtain Town Board consent for the creation of Special Improvement Districts to assume responsibility for one or more of the following: water supply, sewage disposal and treatment, roadway maintenance, lighting, and stormwater collection and treatment and enter into agreements, as necessary, to facilitate same.
5. All conditions associated with this approval shall apply to the Applicant, and all successors in interest to the Master Development Site.
6. All Performance Guarantees and Escrows shall be posted prior to the start of construction of the relevant activity.
7. Prior to the issuance of a Temporary or Final Certificate of Occupancy, all requisite maintenance agreements shall be submitted to the Planning Board in a form acceptable to the Planning Board and Town Attorney.

Local Roadway Conditions

1. During construction of Phase 1, the Applicant shall make a good faith commitment to maintain Joyland Road, and the portion of Thompsonville Road from Heiden Road to the Tannery Brook Crossing in their existing condition.
2. In order to ensure that Joyland Road, and the portion of Thompsonville Road from Heiden Road to the Tannery Brook Crossing are maintained in their existing condition during construction, the Applicant shall document the condition of such roads by means of video recording and/or photography within one week prior to the commencement of construction of Phase 1, and a copy of such documentation shall be provided to the Planning Board.
3. Prior to commencement of construction of Phase 1, the Applicant shall post a bond or other security acceptable to the Planning Board, in the amount of One Hundred Thousand Dollars (\$100,000.00) to ensure its obligation to maintain, in their existing condition during construction, Joyland Road, and the portion of Thompsonville Road from Heiden Road to the Tannery Brook Crossing.
4. Prior to the issuance of a Temporary or Final Certificate of Occupancy for Phase 1, or such earlier date as may be agreed to by the parties, the Applicant shall fund the cost of local roadway resurfacing to be implemented by the Town, which shall consist of milling, binding and placement of a new topcoat within the existing roadbed up to the amount of One Million One Hundred Thousand Dollars (\$1,100,000.00), for the following portions of roads, which are outside of the boundaries of the Master Development Site:

- (a) Thompsonville Road from Heiden Road to Rock Ridge Road;
- (b) Chalet Road from Thompsonville Road to Kiamesha Lake Road; and
- (c) Joyland Road from Resort Entry Road to the Crossover Road intersection.

- 5. Prior to the issuance of a Building Permit for Phase 1, jersey barriers shall be placed on Thompsonville Road to enhance public safety for motorists travelling in the vicinity of the Tannery Brook crossing.

Regulatory Permits

U. S. Army Corps of Engineers (ACOE)

- 1. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, the Applicant shall obtain and adhere to all requirements of the Individual Permit for the disturbance of federally regulated surface waters.

New York State Department of Environmental Conservation (NYSDEC)

- 1. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, the Applicant shall obtain a five-acre disturbance waiver and approval of water treatment chemical use procedures pursuant to the approved SWPPP.
- 2. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, all sediment and erosion control measures or Best Management Practices indicated on the Final Site Plan and/or required for compliance with GP-0-10-001, shall be installed in accordance with the approved SWPPP and shall be inspected on a bi-weekly basis to ensure proper function.
- 3. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, the Applicant shall obtain and adhere to all requirements of the State Pollutant Discharge Elimination System ("SPDES") General Permit GP-0-10-001. A copy of the SPDES permit shall be maintained at the site construction office on-site, and provided to the Town of Thompson Planning Board upon receipt.
- 4. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, the Applicant shall obtain and adhere to all requirements of the SPDES General Permit, GP-0-09-001 for Concentrated Animal Feeding Operations (CAFOs).
- 5. Prior to the start of construction for Phase 1, except for site clearing or grading, unless and to the extent required by law, the Applicant shall obtain and adhere to all requirements of the Article 24 Freshwater Wetland Permit, Article 15 Protection of Waters Permit, and Section 104 Water Quality Certification.

New York State Department of Transportation (NYSDOT)

1. Prior to the issuance of either a Temporary or Final Certificate of Occupancy, the Applicant shall obtain and adhere to all requirements of all permits and/or approvals required for the Phase 1 proposed improvements to the NYS Route 17, Exit 106 ramps and signal plans at the intersection of the ramps with County and/or Town roads, as well as those permits and approvals required to install water mains, project signage and landscaping walls within the Rights of Ways for NYS Route 17 and NYS Route 42.

Sullivan County Department of Public Works

1. Prior to the issuance of a Temporary or Final Certificate of Occupancy the Applicant shall obtain and adhere to all requirements of permits and/or approvals of Sullivan County Department of Public Works or any other governmental agency required for the proposed improvements and/or abandonment of portions of CR 173A and CR 173, as shown on C-402 and C-403 Roadway Geometry Plans and C-303 Site Demolition Plan.

New York State Department of Health (NYSDOH)

1. Prior to the issuance of a Temporary or Final Certificate of Occupancy, the Applicant shall obtain and adhere to all requirements of all permits and/or approvals required for the provision of water and wastewater services to the proposed Project.

Gaming

1. Prior to the issuance of a Temporary or Final Certificate of Occupancy, the Applicant shall obtain and adhere to all requirements under other permits and/or approvals required in connection with the operation of a relocated casino and raceway pursuant to NYS Tax Law Section 1617-a and Racing, Pari-Mutuel Wagering and Breeding Law Section 307.

Construction Activity

1. Prior to any site clearing, grading or construction activity, the Applicant shall have the boundary of the Phase 1 property staked out by a licensed surveyor.
2. All construction activities shall adhere to the provisions for sediment and erosion control contained in the New York State Department of Environmental Conservation's "New York Standards and Specifications for Erosion and Sediment Control."
3. The design and construction of all proposed water quality and water quantity best management practices shall adhere to the "New York State Stormwater Management Design Manual."
4. Prior to any site clearing, grading or construction activity, the Applicant shall submit a Work Zone Traffic Control Plan (WZTCP) for review and approval by the Town Engineer.

5. The construction routing of vehicles shall be as follows:
 - a. Construction traffic will access the site by way of Exit 106 from Route 17
 - b. To the extent necessary, construction traffic will also access the site by way of Exit 107 from Route 17.

Roadway/Access Drive/Parking

1. The Applicant shall be responsible for the maintenance of Resort Entry Road until such time as such road is dedicated to the Town.

Utilities

1. Prior to issuance of a Temporary or Final Certificate of Occupancy for Phase 1, the Applicant shall enter into the necessary agreements with the Town and/or Village of Monticello or such other party as the Applicant deems appropriate for the supply of water in an amount sufficient to service the needs of Phase 1, and maintenance of the water supply system.
2. Prior to issuance of a Temporary or Final Certificate of Occupancy for Phase 1, the Applicant shall obtain the necessary approvals for connection and discharge to the Kiamesha Lake Wastewater Treatment Plant.

Landscaping

1. The Applicant shall submit landscaping plans for biofilters as shown on C-500 to C-509, and C-501 to C-516 for review and approval by the Town Engineer.

Adopted July 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 July 12, 2013.