

ZONING

Exhibit VIII. C.3.c

Anticipated government approvals and/or permits that will be necessary for the Resorts World Hudson Valley project are detailed in Table VIII. C.3.c-1. No government funding is anticipated for this project.

Table VIII. C.3.c-1. Resorts World Hudson Valley Government Approvals

Potential Approval(s) or Permit(s) Required	Agency	Application Date	Estimated Date of Receipt*
Local			
Host Community Agreement	Montgomery Town Board	6/12/2014	6/29/2014
Local Architectural Review Board Approval	Town of Montgomery Architectural Review Board	6/30/2014	3/15/2015
Maple Avenue Abandonment	Town of Montgomery Board	6/30/2014	3/15/2014
Special Permit	Town of Montgomery Planning Board	6/30/2014	3/15/2014
Special Use Exception	Town of Montgomery Planning Board	6/30/2014	3/15/2014
Curb Cut Permit (Maple Avenue)	Town of Montgomery Highway Superintendent	6/30/2014	3/15/2014
Local Site Plan Approval	Town of Montgomery Planning Board	6/30/2014	3/15/2014
Floodplain Development Permit	Town of Montgomery	7/30/2014	12/20/2014
County Site Plan Approval (GML §239m) Orange County Planning	Orange County Planning	6/30/2014	2/28/2015
Highway Access Approval/ Section 136 of the Highway Law	Orange County Public Works	12/1/2014	2/28/2015
Sanitary Wastewater Disposal Permit	Town of Montgomery Building Department	12/1/2014	5/15/2015
Highway Road Permit	Town of Montgomery Highway Department	12/1/2014	5/15/2015
Building Permit	Town of Montgomery Building Department	12/1/2014	5/15/2015
Water Service Extension	Orange County Health Department	12/1/2014	5/15/2015
New York State			
New York State Environmental Quality Review Act (SEQRA)	Town of Montgomery (Lead Agency)	6/30/2014	3/15/2014
Section 14.09 New York State Historic Preservation Act	NYS OPRHP	6/30/2014	3/15/2014
NYS ECL Article 15, Title 5. Protection of Waters/Stream Disturbance**	NYSDEC	7/30/2014	5/15/2015

ZONING

Table VIII. C.3.c-1. Resorts World Hudson Valley Government Approvals

Potential Approval(s) or Permit(s) Required	Agency	Application Date	Estimated Date of Receipt*
NYS ECL Article 24, Freshwater Wetlands**	NYSDEC	7/30/2014	5/15/2015
Water Quality Certification, Section 401 of the Clean Water Act**	NYSDEC	7/30/2014	5/15/2015
Water Withdrawal Permit**	NYSDEC	7/30/2014	5/15/2015
Water Service Extension	NYSDOH	6/30/2014	5/15/2015
Use and Occupancy Permit and Utility Work Permit for Utilities	NYSDOT	10/15/2014	5/15/2015
State Pollutant Discharge Elimination System (SPDES) Permit – Sanitary Discharge	NYSDEC	11/1/2014	5/15/2015
State Pollutant Discharge Elimination System General Permit – Storm Water Discharges from Construction Activity	NYSDEC	11/1/2014	5/15/2015
Chapter 55: Flood Damage Prevention - Floodplain Development Permit	NYSDEC	12/1/2014	5/15/2015
Storm Water Maintenance Agreement	NYSDEC	12/1/2014	5/15/2015
State Facility Permit	NYSDEC	9/15/2014	5/15/2015
Visual / Sign Approvals	NYSDOT	12/1/2014	5/15/2015
State Highway Access Permit	NYSDOT	12/1/2014	5/15/2015
State Highway Work Permit	NYSDOT	12/1/2014	5/15/2015
Utility Work Permit	NYSDOT	12/1/2014	5/15/2015
Federal			
Section 404 Permit, Clean Water Act**	USACE	7/30/2014	5/15/2015
Section 106, National Historic Preservation Act / Tribal Consultation	NYS OPRHP	7/30/2014	3/15/2015
Section 7 Threatened/Endangered Species Coordination	USFWS	6/6/2014	2/28/2015
Conditional Letter of Map Revision	FEMA	12/1/2014	5/30/2015
FAA Form 7460-1 Filing	FAA	7/7/2014	10/7/2014

*All dates are estimates, subject to further site investigation and interagency coordination.

**Signifies NYSDEC / USACE Joint Application Form

Local Permits and Approvals

Host Community Agreement

RW Orange County LLC is presently negotiating a host community agreement with the Town of Montgomery. The Town and RW Orange County LLC are working collaboratively to draft a host community

ZONING

agreement, in consultation with the Town's professional engineers and staff. The draft host agreement is anticipated by June 29, 2014. The Town Board will select a law firm to manage the project, which will assist the town with selecting additional consultants to provide analysis and guidance to safeguard the future needs of the town in the areas of traffic, economic and environmental impact, public safety, and other matters. RW Orange County LLC is entirely funding the costs of procuring all consultants and has already advanced the town a sizable deposit in order for these experts to be engaged. Potential conditions on the Host Community Agreement include mitigation for the cost of increased emergency response services by the Montgomery Fire Department, Police Department and Volunteer Ambulance Corps, as well as other host community mitigation and compensation measures.

Local Architectural Review Board Approval

The Town of Montgomery Architectural Review application will be submitted, including a description of the project and full plans as well as renderings of the building's façade. Plans will indicate the size, placement and type of windows and doorways, all architectural details and samples of materials to be used and the name of the manufacturer of these products, per the Town of Montgomery Architectural Review Board Guidelines. Potential conditions that will be placed on Architectural Review Board Approval may include utilizing different materials or minor changes to architectural details.

Local Site Plan Approval, Special Use Exception and Special Permit

RW Orange County LLC will submit an application to the Town of Montgomery, including: complete site plans, traffic study, engineering studies and technical reports, and full SEQR EAF. RW Orange County LLC will submit fees per the application plus any costs incurred by the Town related to professional reviews by Planners, Engineers and/or Attorneys. A special permit from the Planning Board based on Federal Aviation Administration (FAA) requirements will be necessary per Town of Montgomery Code §235-6.4. Potential conditions for Local Site Plan Approval may include minor changes to the proposed Site Plan.

Floodplain Development Permit

RW Orange County LLC will submit a Floodplain Development Application in accordance with Town of Montgomery Code §116-11. Potential conditions for the floodplain development permit include minor changes to the proposed site plan.

County Site Plan Approval

The Town of Montgomery Planning Board will submit a full statement to the Orange County Planning Department per GML §239m, including: all materials required by and submitted to the local board as an application; all materials required by and submitted to the local board in order to make its determination of significance under SEQRA; any additional materials agreed upon by the local boards and County Planning; and a statement of the relationship between the project and the County Comprehensive Plan. RW Orange County LLC will work in partnership with the County to address any concerns and expedite County Site Plan Approval. Potential conditions for the County Site Plan Approval may include minor changes to the proposed Amendment and Site Plan.

Building Permit

RW Orange County LLC will submit a properly completed building permit application to the clerk at Town Hall including Section-Block-Lot identification as well as intended usage. The application will be signed, notarized, and must be accompanied by a Certificate of Occupation Acknowledgement, Worker's Compensation Form 1 & Form 2, and a Certificate of Insurance naming the Town of Montgomery as additional insured apply to the Town of Montgomery for a building permit, as is required for new construction. RW Orange County LLC will also submit plans and specifications, site plan and copies of the septic system as well as required fees to the Town of Montgomery. No site preparation or construction

ZONING

shall commence until a valid entrance permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law. Potential conditions for the Building Permit are not anticipated, yet will be addressed per Town requirements if applicable.

Visual and Sign Approval

RW Orange County LLC will submit all forms and fees required by New York State Department of Transportation (NYSDOT) for signs along New York State roadways and interstate highways. Potential conditions are not anticipated, yet will be addressed per NYSDOT requirements if applicable.

Water Service Extension

Initial investigation indicates there is insufficient capacity in the existing infrastructure to provide water to the site. Therefore, Resorts World Hudson Valley will have to construct a water source through groundwater wells, storage, and treatment on-site. It is anticipated that the water demand will be more than 100,000 gallons per day. A Water Withdrawal Permit from New York State Department of Environmental Conservation (NYSDEC) Region 3 will be required. Additionally, approvals from the Orange County Department of Health and the New York State Department of Health will be required for construction of the wells, storage, and treatment. Permit applications is made to Orange County Health Department.

State and Federal Reviews and Approvals

New York State Environmental Quality Review Act (SEQRA)

Resorts World Hudson Valley will require a SEQRA coordinated review process. The proposed Type I action "Resorts World Hudson Valley" requires several local, county, and state discretionary approvals for the development of the applicant's proposed gaming facility.

Section 14.09 New York State Historic Preservation Act and Section 106 of National Historic Preservation Act

Section 14.09 applies to the Resorts World Hudson Valley project. Section 106 of National Historic Preservation Act and Tribal Consultation may be necessary, pending a U.S. Army Corps of Engineers Section 404 Permit, discussed below. Tribal consultation is government-to-government and is the responsibility of the lead federal agency.

Phase IB archaeological identification survey, which locates any archaeological sites in a project area will be required in archaeologically sensitive areas in parcels in the project area that have not been previously surveyed. (Phase IA to be completed on June 23, 2014). The reports are submitted to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), who has 30 days to respond.

If no historical sites are found, and the OPRHP concurs with the findings, a "No Adverse Effect" letter is issued. If historical sites are found, they need to be evaluated to determine if they are eligible for listing on the National Register of Historic Places; a site exam or evaluation (Phase II) is conducted to achieve this, the results are documented, and the report is submitted to the OPRHP. If any sites are found that are eligible for listing on the NRHP, then the project will result in an adverse effect if these resources cannot be avoided. Several parcels in the project area have already had historic properties identified and evaluated. As a result of these surveys, there are four National Register-listed or eligible properties in or adjacent to the project area. Adverse effects will be mitigated to complete the Section 106 process.

NYS ECL Article 15, Title 5. Protection of Waters/Stream Disturbance; NYS ECL Article 15, Title 5. Protection of Waters/Dams and Impoundment Structures Permit; Water Withdrawal Permit; NYS ECL Article 24, Freshwater Wetlands; Water Quality Certification; Section 401 of the Clean Water Act

In order to apply for the state permits listed above, RW Orange County LLC is delineating wetland/open water habitat and will prepare a Wetland Delineation Report as well as prepare draft plans with potential wetland/open water impacts. Applicant will then meet with regulatory agencies (New York

ZONING

State Department of Environmental Conservation [NYSDEC] and U.S. Army Corps of Engineers [USACE]) at a pre-application meeting to introduce the project and present the package with wetland/open waters delineated on-site as well as potential impacts identified. At this time, permitting options and other concerns/mitigation options will be discussed with the agencies.

The applications will be prepared in a Joint Permit Application for submittal to both NYSDEC/USACE. The application must include wetland mitigation that includes avoidance, minimization, and replacement of impacted wetlands. Joint Permit Application review time is normally 180 days. With submittal of the Joint Permit Application at the end of July 2014, permit can be anticipated in May 2015.

Potential conditions that are likely to be placed on the permits include:

- Permit valid for 5 years.
- Construction timing restrictions could be placed by NYSDEC for in-water construction to protect fish species.
- Categorize and removal of hazardous waste.
- Culvert or stream structures capable of fish passage (elliptical culverts)
- Wildlife fencing (heavy silt fence) installation around key wildlife habitat (i.e. vernal pools, wetlands)
- Planted trees/shrubs (as part of the mitigation effort) achieve a 85% survival rate
- Monitor wetland mitigation areas for a 5-year period. Provide annual reports.
- Prevent invasive species in wetland mitigation areas.

Section 404 of the Clean Water Act

The Section 404 permit will be applied for in the same package as the state permits listed above. Joint Permit Application review time is normally 180 days. With submittal of the Joint Permit Application at the end of June 2014, permit can be anticipated in May 2015. Potential conditions that are likely to be placed on the permits include:

- Permit valid for 5 years;
- Categorize and removal of hazardous waste;
- Culvert or stream structures capable of fish passage (elliptical culverts);
- Planted trees/shrubs (as part of the mitigation effort) achieve a 85% survival rate;
- Monitor wetland mitigation areas for a 5 year period. Provide annual reports; and
- Prevent invasive species in wetland mitigation areas.

Water Withdrawal Permit

The project will require groundwater wells to be installed on site with estimated water demand greater than 100,000 gallons per day. A Water Withdrawal Permit from New York State Department of Environmental Conservation (NYSDEC) Region 3 will be required. It is recommended that meetings with NYSDEC be incorporated early in the planning process to expedite approval.

Section 7 Threatened/Endangered Species Coordination

A special status species studies and findings report is presently being conducted and the findings of that report will be submitted to agencies for concurrence if no species are found on site. If species or their habitat is identified, the report will identify what avoidance measures would be taken for mitigation.

Potential conditions that are likely to be placed on the permits include:

- Construction timing restrictions by NYSDEC for in-water construction to protect animal species (if habitat found on-site); and
- Wildlife fencing (heavy silt fence) installation around key wildlife habitat (i.e. vernal pools, wetlands).

ZONING

Conditional Letter of Map Revision

A Conditional Letter of Map Revision (CLOMR) is the Federal Emergency Management Agency's (FEMA's) comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). It is the intent of the project design to ensure no net increases in flood water elevations as a result of the project development.

State Pollutant Discharge Elimination System (SPDES) Permits; Wastewater Treatment Plant Permit

A State Pollutant Discharge Elimination System (SPDES) Permit is required for discharge from the proposed water reclamation facility, while a SPDES General Permit for Storm Water Discharges from construction activity is required for storm water management. Site engineers will develop a storm water management plan/storm water pollution prevention plan, as well as an erosion control plan/post construction storm water management plan. RW Orange County LLC will hold a pre-application meeting with the Region 3 office of the NYSDEC to get preliminary answers to questions concerning project plans, effluent limits and standards for permit issuance. Following the pre-application, a complete SPDES application will be filed, including a location map, site plan, and completed SEQR Environmental Assessment Form. Potential conditions for the SPDES permit may include limitations on work or minor modifications of site plans, per standards for issuance in 6NYCRR Section 750-1.11(a), or the preparation of a storm water maintenance agreement.

State Facility Permit

A State Facility Permit will be required from NYSDEC for the natural gas boilers used to provide heating for the Resorts World Hudson Valley project. RW Orange County LLC will complete the permit application using NYSDEC's online Air Facility System.

Use and Occupancy Permit and Utility Work Permit for Utility Rights of Way

A Use and Occupancy Permit may be required for the installation of trenches for utility systems within State highway right-of-way. A utility work permit will be required for utility work within the state highway right of way. RW Orange County LLC will submit complete permit applications to the Region 8 office of the New York State Department of Transportation (NYSDOT). Potential conditions for the Use and Occupancy Permit may include limitations on work or minor modifications of site plans.

State Highway Access Permit, State Highway Work Permit

The NYSDOT will require a Highway Work Permit for all work along NY State Highways and I-84 related to the Resorts World Hudson Valley project. RW Orange County LLC will submit a complete Highway Work Permit Application to NYSDOT's Region 8 office. Potential conditions for the State Highway Access Permit and State Highway Work Permit may include limitations on work or minor modifications of site plans. Interstate 84, New York State Route 17k, and New York State Route 747 are within NYSDOT jurisdiction.

Federal Aviation Administration Form 7460-1 Filing

An FAA Form 7460-1 filing will be submitted for the project to determine whether or not the proposed development would penetrate the Airport Horizontal Surface of Stewart International Airport (SWF) and constitute a hazard to aeronautical navigation. Potential mitigating measures could include marking and lighting, etc.