

Village Of South Blooming Grove

Incorporated in July 14, 2006

P.O. Box 295

Blooming Grove, New York 10914

www.villageofsouthbloominggrove.com

SPECIAL LAND USE APPLICATION

COPY

Special Land Use Permit

All applicants are encouraged to consult the Village's Zoning Code when preparing an application for a special land use permit.

Note: Special Land Use is in addition to fee for Site Plan Approval

INSTRUCTIONS

The following steps must be completed before the application is deemed complete and scheduled for review by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees:

1. Filing fee (see fee schedule) sought plus actual publication sought.
2. Twelve (12) copies of the application, twelve plot plans drawn to scale (showing setbacks and other dimensions) or twelve surveys that has been sworn or attested to as being true and accurate.
3. Twelve (12) copies of a narrative describing why the applicant is a Special Land Use and does not conform to the Village's code.
4. Twelve (12) copies of reference to the Building Inspector's determination, referral from the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees.
5. List of names and addresses, along with stamped self-addressed envelopes, of all property owners within a **500 foot radius** of the property covered in the application.
6. Twelve (12) copies of a vicinity map.
7. Twelve (12) copies of a site plan.
8. Applicable escrow fees as determined by the Village's professionals.

The completed application must be received at least four (4) weeks prior to be scheduled for review by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees meeting and is subject to the review by the Village's professionals. You will be notified as the date of the meeting and or CDRC conference to review this application.

***NOTE:** Incomplete applications, which include applications submitted without the proper fees will not be considered for CDRC conferences and / or meeting with any Village Boards or professionals representing the Village. By submitting this application, the applicant/property owner hereby grants permission to the Village of South Blooming Grove, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession."*

PART I

Date: 5/15/14

Project Name: Live! Hotel and Casino New York

Applicant Name: OCCR Enterprises, LLC

Phone # (410) 752-5444 Cell Phone # _____

E-Mail Address: cjacobs@cordish.com

Address: c/o The Cordish Companies, 601 East Pratt St., 6th Floor, Baltimore, MD 21202
Street Name & Number (Post Office) State Zip code

Property Owner: Section 223, Block 1, Lot 1 - Infinity Holdings Northeast LLC

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: 401 S. Water Street, Newburgh, NY 12550
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: Malcolm G. McLaren, P.E., McLaren Engineering Group

Web Site: www.mclaren.com

E-Mail Address: mmclaren@mgmclaren.com

Phone # (845) 353-6400 Ext. 328 Cell Phone # _____

License # 56880 State of issue New York

Address: 100 Snake Hill Road, West Nyack, NY 10994
Street Name & Number (Post Office) State Zip code

Property Owner: 223-1-2 - Rieger Construction, Inc.

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: 6 Old North Plank Road, Newburgh, NY 12550
Street Name & Number (Post Office) State Zip code

Village Of South Blooming Grove - SPECIAL LAND USE APPLICATION: Page 3

Date: 5/15/14

Attorney: Robert E. Krahulik, Esq., Beattie & Krahulik

Web Site: www.hudsonvalleylaw.us

E-Mail Address: bob@hudsonvalleylaw.us

Phone # (845) 986-1156 Cell Phone # (845) 987-6970

Address: 2 Bank Street, Warwick, NY 10990
Street Name & Number (Post Office) State Zip code

Contact Person: Charles Jacobs, General Counsel

E-Mail Address: cjacobs@cordish.com

Phone # (410) 752-5444 Cell Phone # _____

Address: The Cordish Companies, 601 E. Pratt St., 6th Floor, Baltimore, MD 21202
Street Name & Number (Post Office) State Zip code

Secondary Contact Person: Jeffrey Snyder

E-Mail Address: jsnyder@cordish.com

Phone # (410) 752-5444 Cell Phone # _____

Address: The Cordish Companies, 601 E. Pratt St., 6th Floor, Baltimore, MD 21202
Street Name & Number (Post Office) State Zip code

Village Of South Blooming Grove - SPECIAL LAND USE APPLICATION: Page 4

Date: 5/15/14

TYPE OF SPECIAL USE REQUESTED:

(CHECK ONLY ONES THAT APPLIES)

A) Commercial Use	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	B) Residential Use	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
C) Utility	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	D) Amusement	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
E) Railroad	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	F) PUB / BAR	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
G) Agriculture	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	H) Industrial	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
G) Manufacturing	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	H) OTHER (explain below)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

TO THE BEST OF YOUR ABILITY PLEASE DESCRIBE THE NATURE OF THE SPECIAL USE REQUESTED:

The Applicant seeks a Special Use Permit from the Village of South Blooming Grove for the construction of a hotel, conference center, entertainment complex, retail establishments (over 2000 square feet), restaurants, club, bar and casino on Route 208 on premises known as Tax Map Section 223, Block 1, Lots 1 and 2. This application is being filed in conjunction with a gaming facility application with the New York State Gaming Commission under the Upstate New York Gaming Economic Development Act of 2013.

Tax Map Designation:

Section 223 Block 1 Lot(s): 1

Section 223 Block 1 Lot(s): 2

Location: On the west side of Route 208,
0 feet north of Pondside Lane.

Acreage of Parcel 125± Zoning District ORI/RR

School District Monroe Woodbury CSD Postal District Monroe

Project Description: *(If additional space required, please attach a narrative summary.)*
SEE ATTACHED

If subdivision:

1) Is any variance from the subdivision regulations required? yes

2) Is any open space being offered? Yes. If
so, what amount? See Site Plan. Exact acreage unknown.

Project History: Has this project ever been reviewed before? No

If so, list case number, name, date, and the board you appeared before. _____

List tax map section, block & lot numbers for all other abutting properties in the same ownership as
this project. None

PROJECT DESCRIPTION

The Applicant seeks a Special Use Permit from the Village of South Blooming Grove for the construction of a hotel, conference center, entertainment complex, retail establishments (over 2000 square feet), restaurants, club, bar and casino on Route 208 on premises known as Tax Map Section 223, Block 1, Lots 1 and 2. This application is being filed in conjunction with a gaming facility application with the New York State Gaming Commission under the Upstate New York Gaming Economic Development Act of 2013.

Village Of South Blooming Grove - SPECIAL LAND USE APPLICATION: Page 6

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE Orange COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

<input checked="" type="checkbox"/> State Road / Highway	County Road
<input type="checkbox"/> State or County Park	County Stream
<input checked="" type="checkbox"/> Municipal Boundary	County Facility
<input type="checkbox"/> Municipal Facility	State Facility

List name(s) of facility checked above. NYS Route 208, Town of Blooming Grove

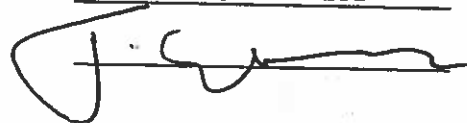
Applicant's Signature and Certification

State of New York)
 County of Orange) SS.:
 Town/Village of _____)

I, Joseph S. Weinberg, hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address: 601 E. Pratt St., 6th Floor

Baltimore, MD 21202



SWORN to before this

15th day of May, 2014

Emily Wood
 Notary Public



Affidavit of Ownership/Owner's Consent

State of New York)
County of Orange) SS.:
Town/Village of South Blooming Grove)

I, Steven E. Rieger, being duly sworn, hereby
depose and say that I reside at: 5 Hillair Circle White Plains NY

in the county of Westchester in the state of New York.

Vice President of
I am the * Rieger Construction, Inc. owner in fee simple of premises located at:
Route 208, Village of South Blooming Grove
described in a certain deed of said premises recorded in the Orange County Clerk's Office in Liber
1970 of conveyances, page 984.

Said premises have been in my/its possession since 1974. Said premises are also known and
designated on the Town / Village of South Blooming Grove Tax Map as:
Section 223 block 1 lot(s) 2.

I hereby authorize the within application on my behalf, and that the statements of fact contained in
said application are true, and agree to be bound by the determination of the board.

Owner: S.E. Rieger

Mailing Address: 6 Old North Plank Rd.
Newburgh, NY 12550

SWORN to before this
6th day of May, 2014
Jeanine M Oleary
Notary Public

JEANINE M OLEARY
NOTARY PUBLIC-STATE OF NEW YORK
No. 010L6217913
Qualified in Orange County
My Commission Expires February 22, ~~2014~~
2018

* If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list
of all directors, officers and stockholders owning more than 5% of any class of stock.
All directors, officers and stockholders include Steven E. Rieger,
Jan M. Rieger and Robert J. Rieger.

Affidavit of Ownership/Owner's Consent

State of New York)
County of Orange)
Town/Village of South Blooming Grove) SS.:

I, Brian Plotkin, being duly sworn, hereby
depose and say that I reside at: 401 S. Water St. Newburgh NY 12550

in the county of Orange in the state of New York

Member of
I am the * Infinity Holdings Northeast, LLC owner in fee simple of premises located at:
Route 208, Village of South Blooming Grove
described in a certain deed of said premises recorded in the Orange County Clerk's Office in Liber
12985 of conveyances, page 1712

Said premises have been in my/its possession since 2010. Said premises are also known and
designated on the Town / Village of South Blooming Grove Tax Map as:
Section 223 block 1 lot(s) 1

I hereby authorize the within application on my behalf, and that the statements of fact contained in
said application are true, and agree to be bound by the determination of the board.

Owner: [Signature] Managing Member

Mailing Address: 401 S. Water St.
Newburgh, NY 12553

SWORN to before this

6th day of May, 2014
Kimberly O'Leary
Notary Public

KIMBERLY O'LEARY
Notary Public, State of New York
No. 0106190213
Qualified in Westchester County
Term Expires July 21, 2016

* If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list
of all directors, officers and stockholders owning more than 5% of any class of stock.

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)
County of Orange) SS.:
Town of Blooming Grove)
Village of South Blooming Grove)

I, Joseph S. Weinberg, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

1. Print or type full name and post office address: The Cordish Companies, 601 E. Pratt Street, 6th Floor, Baltimore, MD 21202

certifies that he is owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application for the relief below set forth:

2. To the Village Board of the Town/Village of South Blooming Grove (Board, Commission or Agency), Orange County, New York:

Application, petition or request is hereby submitted for:

(X) Special Use permit per the requirements of Section 235-93;

() Other (explain)

The Applicant seeks a Special Use Permit from the Village of South Blooming Grove for the construction of a hotel, conference center, entertainment complex, retail establishments (over 2000 square feet), restaurants, club, bar and casino on Route 208 on premises known as Tax Map Section 223, Block 1, Lots 1 and 2. This application is being filed in conjunction with a gaming facility application with the New York State Gaming Commission under the Upstate New York Gaming Economic Development Act of 2013.

3. Premises affected are in a ORT/RR zone and from the Village of South Blooming Grove tax map, the property is know as Section 223, Block, 1, Lot(s) 1 and 2.

Village Of South Blooming Grove - SPECIAL LAND USE APPLICATION: Page 9

4. There is no state officer, Orange County Officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. That to the extent that the same is known to your applicant, and to the owner of the subject premises there is disclosed herewith the interest of the following officer or employee of the State of New York or the County of Orange or of the ~~Town~~/Village of South Blooming Grove in the petition, request or application or in the property or subject matter to which it relates: (If none, so state).

a. Name and address of officer or employee None

b. Nature of interest _____

c. If stockholder, number of shares _____

d. If officer or partner, nature of office and name of partnership _____

e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. _____

f. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Orange, or of the Town/Village of _____

I, _____, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address: _____

Sworn to before me this 15th day of May, 2014

Emily Wood
Notary Public



AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK }
COUNTY OF Orange } SS:

Brian Plotkin being duly sworn, deposes and says that he/she resides at 401 S. Water St. Newburgh, NY 12553 in the County of Orange, State of New York; that he/she is the *owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of South Blooming Grove, and designated on the Town of Blooming Grove Map as Section No. 223 Block No. 1 Lot No. 1 and that he/she hereby authorizes the attached application to be submitted in his/her behalf and that the statements of fact contained in said application are true to the best of the applicant's knowledge. The applicant is the (owner) (contract vendee) of the said property.

*Member of ~~the~~ Infinity Holdings
Northeast, LLC

Owner: [Signature], Managing member
Address: 401 S. Water St.
Newburgh, NY 12553

Sworn to before me this
6th day of May 2014

Kimberly O'Leary
Notary Public

KIMBERLY O'LEARY
Notary Public, State of New York
No. 01OL6190213
Qualified in Westchester County
Term Expires July 21, 2016

AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK
COUNTY OF ORANGE

}
} SS:

Steven E. Rieger being duly sworn, deposes and says that he/she resides at 5 Hillair Circle, White Plains, NY in the County of Orange, State of New York; that he/she is the*owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of South Blooming Grove, and designated on the Town of Blooming Grove Map as Section No. 223 Block No. 1 Lot No. 2 and that he/she hereby authorizes the attached application to be submitted in his/her behalf and that the statements of fact contained in said application are true to the best of the applicant's knowledge. The applicant is the (owner) (contract vendee) of the said property.

^{Vice}
*President of the

Owner: STE Rieger
Address: 6 Old North Plank Rd.
Newburgh, NY 12550

Sworn to before me this

6th day of May 20 14

Jeanine M. O'Leary
Notary Public

JEANINE M. O'LEARY
NOTARY PUBLIC-STATE OF NEW YORK
No. 010L6217913
Qualified in Orange County
My Commission Expires February 22, 2014
2018

AFFIDAVIT

State of New York)
County of Orange) SS.:
Town/Village of _____)

I, Robert J Kvalurik being duly sworn deposes and says that he is
the ~~applicant agent or~~ attorney for applicant, in the matter of the petition before the
Village Board of Trustees (board) in the town/village
of S. Blooming Grove affecting property located at
Route 208, Village of South Blooming Grove Orange County, New York.

That the following are all of the owners of property 500 feet (distance)
from the premises as to which this application is being taken.

SECTION/BLOCK/LOT	NAME	ADDRESS
SEE ATTACHED		

Sworn to before me this
15th day of May 2014
Karen P. Costanzo
Notary Public

KAREN P. COSTANZO
Notary Public, State of New York
No. 01CO6170568
Qualified in Orange County 15
Commission Expires July 9, 20

TOWN OF BLOOMING GROVE

Rieger Enterprises LLC
6 Old North Plank Road
Newburgh, NY 12550
53-1-19

Linda Joy Roosa
April L. Cox
24 Museum Village Road
Monroe, NY 10950
53-1-21.2

Timothy G. & Nicole Jackson
17 Celtic Place
Monroe, NY 10950
53-1-24

James J. Farrell
26 Museum Village Road
Monroe, NY 10950
53-1-27

Kenneth Reilly
Margaret Johnson-Reilly
34 Museum Village Road
Monroe, NY 10950
53-1-30

Patco Homes Inc.
P.O. Box 386
Central Valley, NY 10917
53-1-35

Mediacom Realty LLC
100 Crystal Run Road
Middletown, NY 10941
54-1-8.21

Orange & Rockland Utilities, Inc.
Tax Dept.
1 Blue Hill Plaza
Pearl River, NY 10965
54-1-5

Bull Mine LLC
52-47 Browvale Lane
Little Neck, NY 11362
44-1-111

Stephen P. & Stacy Douthit
31 Alta Mira
Chester, NY 10918
52-1-56.16

Jason & Beth E. Gibbs
16 Museum Village Road
Monroe, NY 10950
53-1-20

William L. McPeck
Katherine M. McPeck
9 Romeo Drive
Monroe, NY 10950
53-1-22

Colleen M. & George W. Anast
11 Celtic Place
Monroe, NY 10950
53-1-25

Joseph & Amy Frost
28 Museum Village Road
Monroe, NY 10950
53-1-28

Pat D. Coviello
P.O. Box 386
Central Valley, NY 10917
53-1-31

Orange & Rockland Utilities Inc.
Tax Dept.
1 Blue Hill Plaza
Pearl River, NY 10965
54-1-8.22

Mediacom Realty LLC
100 Crystal Run Road
Middletown, NY 10941
54-1-6.222

Bull Mine LLC
52-47 Browvale Lane
Little Neck, NY 11362
44-1-61.12

Ronald F. Cifu
43 Alta Mira
Chester, NY 10918
52-1-56.14

Angelos Georgopoulos
14 Melrose Lane
Douglaston, NY 11363
52-1-54.4

Clinton C. & Linda J. Roosa
24 Museum Village Road
Monroe, NY 10950
53-1-21.1

Donovan Mannings
Verisha Holt-Mannings
17 Romeo Drive
Monroe, NY 10950
53-1-23

James & Barbara McManus
7 Celtic Place
Monroe, NY 10950
53-1-26

Mikhail Bezyerkhnyy
Svetlana Khmel'nitskaya
9 Celtic Place
Monroe, NY 10950
53-1-29

Walter & Tanya Perchuk
84-11 259th Street
Floral Park, NY 11001
53-1-32

Orange & Rockland Utilities, Inc.
Tax Dept.
1 Blue Hill Plaza
Pearl River, NY 10965
54-1-9.1

Christopher M. Franco
Christie A. Franco
32 Mansion Ridge Road
Monroe, NY 10950
54-1-4

Bull Mine LLC
52-47 Browvale Lane
Little Neck, NY 11362
44-1-110

Hamann-Marrott Rev. Trust
David Hamann, Trustee
41 Alta Mira
Chester, NY 10918
52-1-56.15

Mary DePatto
74 Bull Mine Road
Chester, NY 10918
52-1-54.3

TOWN OF BLOOMING GROVE

Vincent & Brenda A. Formisano
69 Bull Mine Road
P.O. Box 502
Chester, NY 10918
52-1-50.4

VILLAGE OF SOUTH BLOOMING GROVE

Gerald & Linda Gagliardi
15 Bailie Lane
Monroe, NY 10950
219-1-1

Route 208 Realty Holdings LLC
590 Route 208
Monroe, NY 10950
291-1-3

John Lipari
55 Long Hill Road
Highland Mills, NY 10930
219-1-14

Matthew & Rachel Coyle
580 Route 208
Monroe, NY 10950
224-1-1

Daulan Funding LLC
113 North Cole Avenue
Spring Valley, NY 10977
224-1-3

Nicholas P. Freely
Kimberly M. Purdue
520 Route 208
Monroe, NY 10950
224-1-5

Metro Asset Management LLC
P.O. Box 731
Washingtonville, NY 10992
219-1-2

Louise Luck
600 Route 208
Monroe, NY 10950
219-1-4

Lust Family LLC
Richard & Ronald Heisler
4016 137th Street W.
Rosemont, MN 55068
220-1-1

Leonid Limtcher
572 Route 207
Monroe, NY 10950
224-1-2

Yoel Wagschal
9 Kingsville Drive
Monroe, NY 10950
224-1-4

Orange & Rockland Utilities Inc.
Tax Dept.
1 Blue Hill Plaza
Pearl River, NY 10965
224-1-6

VILLAGE OF SOUTH BLOOMING GROVE

PO BOX 295
BLOOMING GROVE, NEW YORK 10914
(845) 782-2600 Fax: (845) 782-2601

AFFIDAVIT OF POSTING

STATE OF NEW YORK }
COUNTY OF ORANGE } SS:
VILLAGE OF SOUTH BLOOMING GROVE }

_____ being duly sworn, deposes and says that he/she is the applicant in the matter of an application before the Village of South Blooming Grove affecting property located at _____ Village of South Blooming Grove, Town of Blooming Grove, Orange County, New York.

That on the _____ day of _____ 20____, he/she posted the notices provided by the Village of South Blooming Grove giving notice of the hearing on this application in a conspicuous place visible from every street along the frontage of the plot affected by this application.

Sworn to before me this

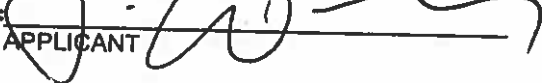
_____ day of _____ 20____

Notary Public

DISCLAIMER

APPLICANT TAKES FULL RESPONSIBILITY FOR RESEARCHING THE TAX MAP FOR THE LIST OF NAMES OF PROPERTY OWNERS ON THE ENCLOSED *AFFIDAVIT OF MAILING LIST*, AND SUPPLYING THE NECESSARY AMOUNT OF SELF-ADDRESSED STAMPED ENVELOPES. THE APPLICANT'S ENVELOPES MUST COINCIDE WITH THE LIST. THE CLERK'S RESPONSIBILITY IS LIMITED TO CHECKING NAMES ON THE ENVELOPES AGAINST THE AFOREMENTIONED AFFIDAVIT BEFORE MAILING THEM.

RECEIPT OF THIS DISCLAIMER IS ACKNOWLEDGED
OCCR ENTERPRISES, LLC

By: 
APPLICANT

5.15.14
DATED

AS APPLICABLE, COMPLETE THE FOLLOWING:

- 1) SHORT ENVIRONMENTAL ASSESSMENT FORM
- 2) FULL ENVIRONMENTAL ASSESSMENT FORM

For access to the above State Environmental Quality Review forms:

<http://www.dec.ny.gov/public/6191.html>

PART I I

Date 5/15/14

The Village may approve, approve with conditions, or deny a Special Land Use application after review and consideration of the following standards:

1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

The hotel casino project will be developed on property within the ORI Zoning District – the commercial zoning district within the Village. The buildings will be located into the property parcel with significant set backs from all roads and other property lines. The partners of the applicant, an affiliate of The Cordish Companies and Penn National Gaming are two of the most highly renowned developers of casino and entertainment projects. This hotel, casino project will be a first class development with exquisite design of both buildings and the open areas with substantial landscaping that will complement the essential character of the area.

2. The use is, or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to municipal streets, police, ambulance, and fire protection, storm water drainage infrastructures, refuse disposal, water and sewer facilities and school.

Siting of the casino in South Blooming Grove will provide significant economic benefits to the Village and school district under the allocation formulas in the New York Gaming Statute. The applicant, together with the Village leaders and employees will work to assure that the design will provide necessary structural infrastructure to construct and operate the project and that public services are adequate to service any increased demand created by the project.

3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odor.

The hotel casino project is primarily an indoor venue that will not generate detrimental conditions by reason of noise, smoke, fumes, glare or odor. The applicant is conducting extensive traffic studies to determine enhancements necessary, if any, to the existing roadways. The applicant notes that casino traffic is generally counter-cyclical with peak periods that do not coincide with either morning or evening commuter rush hours and dispersed over extended times allowing for a normal flow even during peak periods.

4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

A large portion of the project property will remain open space with existing streams and other natural features. The project will be developed as LEED certified with the applicant committed to development with energy and natural resource conservation as a key element of the design process.

5. The site plan proposed for such use demonstrates compliance with land uses specific design standards contained in Village Code Section 235 and in all other applicable requirements of the Village's code.

The current site plan will be in compliance with land uses specific design standards under the Village Code and will be supplemented upon further progress in the design under the accelerated gaming statute schedule.

6. If proposed in a residential district, the use will be compatible with the surrounding residential neighborhood, and the scale, density, or bulk of the use will be consistent with neighborhood character, scope and size. Demolition of existing residential buildings is presumed to be inconsistent with maintaining the residential character of the Village.

The proposed project is not in a residential district.

Date 5/15/14

7. Site plan requirements for a Special Land Use permit must contain the following:

A) In considering and acting upon site development plans, the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and to accomplish the following objectives in particular:

(1) Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and located on a roadway capable of adequately and safely handling the additional traffic; and will provide for other similar safety considerations.

(2) Circulation and parking. Adequate off-street parking and loading spaces are provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.

(3) Landscaping and screening. All recreation areas, parking and service areas will be reasonably screened from the view of adjacent residential lots and streets at all seasons of the year. The Planning Board must approve all screening and landscaping, and the Board may require the posting of a performance bond to assure that the screening and landscaping plan is properly implemented.

(4) Compatibility. Signs and lights will be compatible and in scale with building elements and will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest possible extent, development will be in harmony with the natural and scenic environment, and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project. Signs shall conform to size, shape, color, materials and location as called for by the Planning Board and/or Building Department.

(5) Development. The site development plan elements, including buildings, parking, drainage, circulation, signs and lighting, cannot adversely affect the potential of adjacent properties from being put to their highest and best use.

(6) Tree preservation. The site development plan elements, including buildings, parking, drainage, circulation, signs, and lighting, should not remove more trees than necessary for the safe use of the site.

B) Site plan contents. Site plans shall be prepared by a qualified professional licensed in the State of New York.

(1) A site plan shall contain the following information:

(a) A detailed development plan showing the applicant's entire property, lot area, adjacent properties and owners thereof and streets, at a convenient scale;

(b) Location, width and purpose of all existing and proposed easements, restrictions, covenants, reservations and setbacks;

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- (c) The proposed location, use and exterior design of all buildings and structures, together with relevant floor areas and elevations;
 - (d) Any proposed division of buildings or structures into units of separate occupancies;
 - (e) Existing topography and proposed grade elevations, watercourses, marshes, areas subject to flooding, designated wetlands, wooded areas, large trees, rock outcrops and any other existing natural site features;
 - (f) For plans containing residential units, the proposed location of land for park, playground or other recreational purposes;
 - (g) Number, location and nature of all parking and truck loading areas with access and egress drives and curb cuts, together with appropriate profiles;
 - (h) Location of outdoor storage areas, if any; including snow storage.
 - (i) Location of all existing and proposed site improvements, including drains, culverts, retaining walls, fences and sidewalks;
 - (j) Description of the method of sewage disposal and water supply, location of such facilities and impact on community sewage and water systems;
 - (k) Location, size and illumination of signs;
 - (l) Location and design of lighting facilities;
 - (m) Location and proposed development of landscaping, screening and buffer areas;
 - (n) Tree preservation plans to ensure that land stripping techniques are not used to develop the site;
 - (o) Erosion control plans; and storm-water management plans
 - (p) If the site plan shows only a first stage of development, a supplementary plan shall indicate ultimate development; and
 - (q) Any other pertinent information deemed necessary by the Planning Board to determine conformity of the site plan with the intentions of this chapter.
- (2) Specific requirements of this subsection may be waived by resolution of the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees. In waiving any requirement, the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees shall set forth the reason for said waiver. A copy of said resolution passed by the Planning or Zoning Board shall be forwarded to the Village Board.

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C) Procedure.

(1) Pre-submission conference. Prior to the submission of a site plan, the applicant shall meet in person with the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees ("pre-submission conference"). Pre-submission conferences shall take place at regular meetings of the Planning Board, by appointment only. Applicants shall contact the Secretary of the Planning Board to schedule a pre-submission conference. The purpose of the pre-submission conference is to discuss preliminarily the applicant's proposed site development, and for the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees to have the opportunity to consider any request by the applicant for a waiver pursuant to § 235-55C(2).

(2) Any application for site plan approval shall be made within six months following the pre-submission conference directly to the Secretary of the Planning Board, and in the form required by the Board. Said application shall also include the site plan, environmental assessment form and application fee, which fee shall be in accordance with the Standard Schedule of fees for the Village.

(3) No decision by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees to approve or deny a site plan application shall be made until after a public hearing. Written notice of said hearing shall be published in the official newspaper and posted at Village Hall, and sent by the applicant, at his expense, by certified mail, return receipt requested, to all known owners of property located within 500 feet of each boundary of the subject property at least ten days prior to the date of the hearing. Such other notice as required by Article 12-B of the General Municipal Law, Article 8 of the Environmental Conservation Law and other applicable laws shall also be given. The written notice of hearing shall be mailed to the applicant at least 10 days prior to the hearing date. The public hearing shall be held within 62 days after the Board's first regular meeting following receipt of a complete application, and the Board shall make a decision within 62 days after close of the public hearing, unless the Board and applicant agree upon an extension of time.

D). Other required considerations. In considering and acting upon any site plan, the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees shall consider, in addition to the elements and items set forth in Subsections B and C, the site layout and overall appearance of all buildings in the proposed site to ensure a harmonious relationship with the existing or permitted development of contiguous land and adjacent neighborhoods, to ensure that the value of adjacent land and buildings will be conserved, to encourage the most appropriate use of land and to protect the public interest and the integrity of the community and this chapter.

E). Protective plantings. The site plan for any nonresidential building or use which abuts a residential district shall include a protective planting strip not less than six feet wide, situated within the required side or rear yard, designed and laid out with suitable evergreen plant material which will attain and shall be maintained at a height of not less than eight feet, so as to provide an effective and natural screen between the nonresidential and residential districts and residential districts along side and rear lot lines. Where deemed necessary by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees, similar natural screening shall be included along the front lot line where such screening will not adversely affect public safety.

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F). Public improvement requirement. Prior to the granting of site plan approval, the applicant may be required by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees to file with the Village a letter of credit or cash bond sufficient to cover the full cost of all public improvements and land reclamation including site or building restoration in the event of project abandonment or non-performance required by development of the site. The amount of such letter or credit or cash bond shall be recommended by the Village Engineer and approved by the Village Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees.

G). Imposition of condltions authorized. Every site plan approval granted by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees may be subject to and conditioned upon conditions and safeguards which the Board deems applicable to the particular plan. Such conditions and safeguards are deemed an integral component of the site plan approval, and any violation of such conditions or safeguards shall be deemed a violation of the site plan approval and of this chapter and is punishable under the provisions of Village Code, Chapter 235, Article XVI.

H). Certificate of occupancy. No certificate of occupancy shall be issued for any development which has not been constructed in strict conformity with the approved site plan or until all necessary easements and property interests have been granted or dedicated to the Village or other governmental agencies.

I). Signing and referral of plan. Upon submission of the final site development plan with modifications required by the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees in its final approval and upon satisfaction of any conditions imposed by such approval, the Chairperson of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector, who may thereafter issue a building permit or certificate of occupancy in reliance thereon, in accordance with Article XVI.

J). Expiration of site plan approval. Site plan approval shall be valid for 180 days commencing with the date the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees adopts a resolution granting such site plan approval. The applicant may petition the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees before such approval expires for two extension(s) of 90 days each, which extension(s) may be granted or denied at the discretion of the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees. Failure to obtain a building permit within this three-hundred-sixty day period shall cause the approval to expire and be deemed null and void.

K). Amendment of plan. An application for an amendment of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the preceding provisions. Fees for an amended site development plan approval shall be in accordance with the Standard Schedule of Fees of the Village of South Blooming Grove. The approved amendment of a site plan shall not toll the time period for expiration of a site plan contained in Subsection K above, unless the Planning Board, Zoning Board of Appeals, and / or Village Board for Trustees expressly determines that an additional extension of time is warranted in view of all the facts and circumstances.

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8. A brief narrative describing the project must be attached to the site plan.

The Applicant seeks a Special Use Permit from the Village of South Blooming Grove for the construction of a hotel, conference center, entertainment complex, retail establishments (over 2000 square feet), restaurants, club, bar and casino on Route 208 on premises known as Tax Map Section 223, Block 1, Lots 1 and 2. This application is being filed in conjunction with a gaming facility application with the New York State Gaming Commission under the Upstate New York Gaming Economic Development Act of 2013.

9. Any other information to demonstrate compliance with other applicable provisions of the Village's code.

Additional information will be provided as part of the filing with the
New York State Gaming Commission on or before June 30, 2014.

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- 10. Any other information that may assist the Village to make a well informed decision on this Special Land Use application.

Additional information will be provided as part of the filing with the New York State Gaming Commission on or before June 30, 2014.

Lined area for providing additional information.