

Exhibit VIII.C.3.a – Current Zoning/Proposed Rezoning or Variance

Submit as Exhibit VIII.C.3.a. copies of current local zoning approvals and any rezoning or variances that are required and any land use approvals, a detailed explanation of the status of any request for any of the foregoing with copies of all filings, including a specific schedule of applications for zoning approvals and anticipated approval dates.

The Capital View Casino & Resort project will undergo several reviews at the Town level:

- Town Board is responsible for the State Environmental Quality Review Act (SEQRA) process to evaluate the impacts of the proposed Planned Development District.
- Town Board to consider proposed rezoning request.
- Planning Board is responsible for the Subdivision and Site Plan review process.

SEQRA

The Town Board is responsible for the review and approval of the request for a Planned Development District. The project will undergo an environmental review process pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, which together are known as the State Environmental Quality Review Act (SEQRA). The project is considered a Type 1 Action pursuant to SEQRA since it involves the “physical alteration of 10 acres.”

The Board will act as Lead Agency for the project. Part 1 of the Full Environmental Assessment Form has been completed and submitted to the Town Board so that it may initiate lead agency coordination procedures. Based on the size and scale of the proposed project and its departure from the growth scenario evaluated in the Western East Greenbush Final Generic Environmental Impact Statement (GEIS), it is anticipated that the Town Board will issue a positive declaration and a Draft Supplemental Environmental Impact Statement (SEIS) will be prepared to properly evaluate and mitigate potential impacts.

The SEIS process will commence with preparation a Draft Scoping Document, which will be made available for public review over the course of a 30-day Public Scoping period that includes a Public Scoping Session. The Draft SEIS will be prepared to address the topics and issues identified in the Scoping Document and incorporating comments received during Public Scoping. Subsequently, the Town will review the Supplemental Draft EIS (SDEIS) for completeness and issue a Determination of Completeness.

Once the SDEIS has been determined to be complete for public review, a 30-day Public Review and Comment period will commence to provide the opportunity to comment on the proposed change in zoning and the project. During this period, which will include a Public Hearing, residents and agencies will have the opportunity to comment on technical aspects of the SDEIS. These comments will be addressed in the preparation of a Supplemental Final EIS (SFEIS). Upon deeming the SFEIS complete, the Town of East Greenbush will file a Notice of Completion and prepare a Findings Statement to complete the SEQRA process.

PDD Application

The SEQRA review will evaluate the impacts of the proposed rezoning of these properties from R-B to Planned Development District (PDD) and will provide the Town Board with the necessary information to make this determination. The SEQRA Public Hearing and the Public Hearing on the proposed rezoning may be held concurrently.

As the SEQRA process will thoroughly evaluate the potential impacts of rezoning these properties, it is anticipated that at the time the Town Board takes action on the Statement of Findings, it will also take action on the proposed rezoning. During the SEQRA process the parameters of the new zone and the zoning language will be prepared.

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Subdivision and Site Plan

Once the Town Board refers the project to the Planning Board, it will conduct subdivision and site plan review concurrent with the SEQRA review.

The subdivision and site plan materials will be provided to the Planning Board as one submission. During preliminary site plan review the Planning Board will hold a public hearing and make the required 239-M referral to Rensselaer County. The public hearing must be held within 45 days of the submission of the preliminary site plan. The County must provide its recommendation within 30 days of the referral date.

The Planning Board must act on the preliminary submission within 60 days of receipt in the form of a written statement recommending approval, disapproval or approval with modifications. The final detailed site plan submission will incorporate the recommendations of the Planning Board and all required elements listed in the Section 4.3.1.

Final action by the Planning Board must occur within 45 days of the receipt of the Final Site Plan submission. Within forty-five (45) days of receipt of the Planning Board's recommendation, the Town Board shall advise the Building Inspector in writing as to whether or not a building permit or certificate of occupancy or use may be issued to the applicant upon stamping of the final site plan by the Planning Board and satisfaction of all applicable codes, laws, rules, regulations, and payment by the applicant of all fees and reimbursable costs due to the Town.

Status of Application

Following the adoption of Resolution 85-2014, "A Resolution in support of the site on Thompson Hill Road" at the June 12, 2014 Town Board meeting, the developer officially notified the Town in writing of its proposal to establish a PDD zone to permit the resort-casino uses on the Project Site, and has provided Part 1 of the Full Environmental Assessment Form (FEAF) and a Draft Scoping Document. Prior to this, the developer attended multiple meetings of the East Greenbush Town Board and Planning Board to present the project to the boards, their engineering and planning consultants and the public. These meetings have incorporated public hearings to solicit input from interested members of the public.

Based upon the processes described above and discussions held to date with the Town and its consultants, the timeframe of the SEQRA process is anticipated to be approximately five months from the submission of the FEAF, with completion anticipated in November 2014. The rezoning process, including Subdivision and Site Plan review, will run concurrently with the SEQRA process and is also anticipated to be completed in November 2014.

