

Exhibit VIII.C.3.b – Applicable Zoning Designation

Submit as Exhibit VIII.C.3.b. a description of the applicable zoning designation for the Project Site.

The project site is currently zoned R-B Residential Buffer. Consistent with current New York State law, this zone does not specifically allow casino uses by right.

The Upstate New York Gaming Economic Development Act allows for the creation of four destination resort casinos in three regions in Upstate New York. The Capital View Casino and Resort proposal has been prepared as a result of the above and the New York State Gaming Facility Location Board's issuance of a Request for Applications (RFA) to develop and operate a gaming facility in New York State.

Locally, voters in East Greenbush and Rensselaer County approved the 2013 referendum, and the Town Board unanimously adopted Resolution 65-2014, "A Resolution In Support of Proposals for Casino Sites within the Town of East Greenbush", at its April 16, 2014 Town Board Meeting. Subsequent to the initial resolution, Resolution 85-2014, "A Resolution in support of the site on Thompson Hill Road", was adopted at its June 12, 2014 meeting.

Based on this support, the applicant has submitted to the Town Board a request for a Planned Development District (PDD) at this site. The PDD will establish the specific requirements to provide for the use and area parameters specific to the project. Approval of that submission, along with the issuance of a Gaming Facility Site License by the New York State Gaming Commission, will provide the legal authority for the operation of a casino at this site.

