

## **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.*

### **State of New York**

As per New York State GPB10 Bill, a casino activity is considered an approved activity for the Project Site under the town's zoning ordinance. The Bill states:

“Notwithstanding any inconsistent provision of law, gaming authorized at a location pursuant to this article shall be deemed an approved activity for such location under the relevant city, county, town, or village land use or zoning ordinances, rules, or regulations.”  
(GPB10, § 1366. Zoning)

### **County of Orange**

The Project Site is located in a Priority Growth Area (PGA) as identified by the Orange County Planning Department's 2010 Comprehensive Plan (Exhibit VIII.C.3.b Figure 2). PGAs are differentiated between a range of urban areas where density and infrastructure investment are most appropriately focused, and rural areas that contain important agricultural land and open space or environmental resources. Furthermore, PGAs are assessed based on a regional level with respect to water and sewer service areas, land use, local zoning districts, certain environmental constraints and protected open space.

### **Town of Newburgh**

The Project Site is zoned within the Interchange Business (IB) District and the Stewart Airport Overlay District (Exhibit VIII.C.3.b Figure 1). The IB District allows retail, entertainment and light industrial uses subject to site plan review by the Planning Board. The IB District also identifies municipal and residential uses as permitted uses. Hotels are a specifically permitted use within the IB District. In addition, restaurants, conference or banquet facilities are permitted accessory uses of the principal hotel use. The Stewart Airport Overlay District regulates building heights at various distances from the Stewart International Airport based on Federal Aviation Administration (FAA) regulations.

The most applicable local zoning use designation and associated bulk standards for the Project is a hotel use, which is a permitted use in the Town of Newburgh's IB District. The proposed accessory uses, including restaurants, offices, conference centers, banquet halls, and loading and service areas, are permitted accessory uses within the IB District.

The proposed ±89-acre Project Site provides a more than adequate lot area to meet the minimum lot area for hotel uses within the IB District, which is 5 acres, and provides sufficient space for the proposed casino use and accessory uses, which will serve as a regional amenity. Sufficient buffering from adjacent land uses will be provided in addition to the setbacks of the casino and hotel building. All other bulk requirements for the hotel use are satisfied with the exception of the height requirement.

The proposed building height of the hotel is approximately 110 feet. The applicant will apply to the Town of Newburgh for variance relief for the maximum building height requirement of 50 feet. In addition, the entire project site is within the Stewart Airport Overlay District. The FAA Part 77 Regulations require certain height limits around all airports. In addition, the Port Authority of New York and New Jersey, which serves as the Stewart International Airport operator, will review the site plan for compliance with current flight path requirements as determined by the Terminal Instrument Procedures (TERPS). A no hazard determination for objects affecting navigable airspace is anticipated to be issued by the FAA, confirming the Project conforms to the aforementioned requirements.

Parking for the proposed casino and hotel use will be determined based on the local code, industry standards and regional market analysis. The proposed casino and hotel provides approximately 4,150 parking spaces, which will meet the demands of the proposed casino and hotel use. A total of three loading spaces will be provided. Based on the Town’s Zoning Ordinance, the minimum number of required load spaces is calculated to be 15 loading spaces. The three loading spaces are designed to accommodate the anticipated demand for truck deliveries.

The bulk standards for hotel uses within the IB District and the proposed hotel use are as follows:

<b>INTERCHANGE BUSINESS (IB) DISTRICT BULK REQUIREMENTS</b>		
<b>Bulk Regulation</b>	<b>Permitted/Required</b>	<b>Proposed</b>
MIN. LOT AREA	5 AC	± 88.65 AC
MIN. LOT WIDTH	200 FT	675 FT
MIN. LOT DEPTH	200 FT	2,748 FT
MIN. FRONT YARD BUILDING SETBACK	50 FT	827 FT
MIN. REAR YARD BUILDING SETBACK	60 FT	126 FT
MIN. ONE SIDE YARD BUILDING SETBACK	50 FT	126 FT
MIN. BOTH SIDE YARD BUILDING SETBACKS	100 FT	421 FT
MIN. FRONT YARD PARKING SETBACK	35 FT	1,235 FT
MAX. DWELLING UNIT PER ACRE	1	0
MAX. LOT SURFACE COVERAGE	60%	37%
MAX. LOT BUILDING COVERAGE	25%	16%
MIN. PARKING LOT LANDSCAPE COVERAGE	5%	8%
MAX. BUILDING HEIGHT	50 FT	110 FT (V)
<b>Parking Spaces</b>		
9X18 FT SPACES		4,077 SPACES
ADA SPACES		95 SPACES
TOTAL SPACES		4,172 SPACES
LOADING SPACES	15 SPACES	3 SPACES (V)

(V) - Variance required

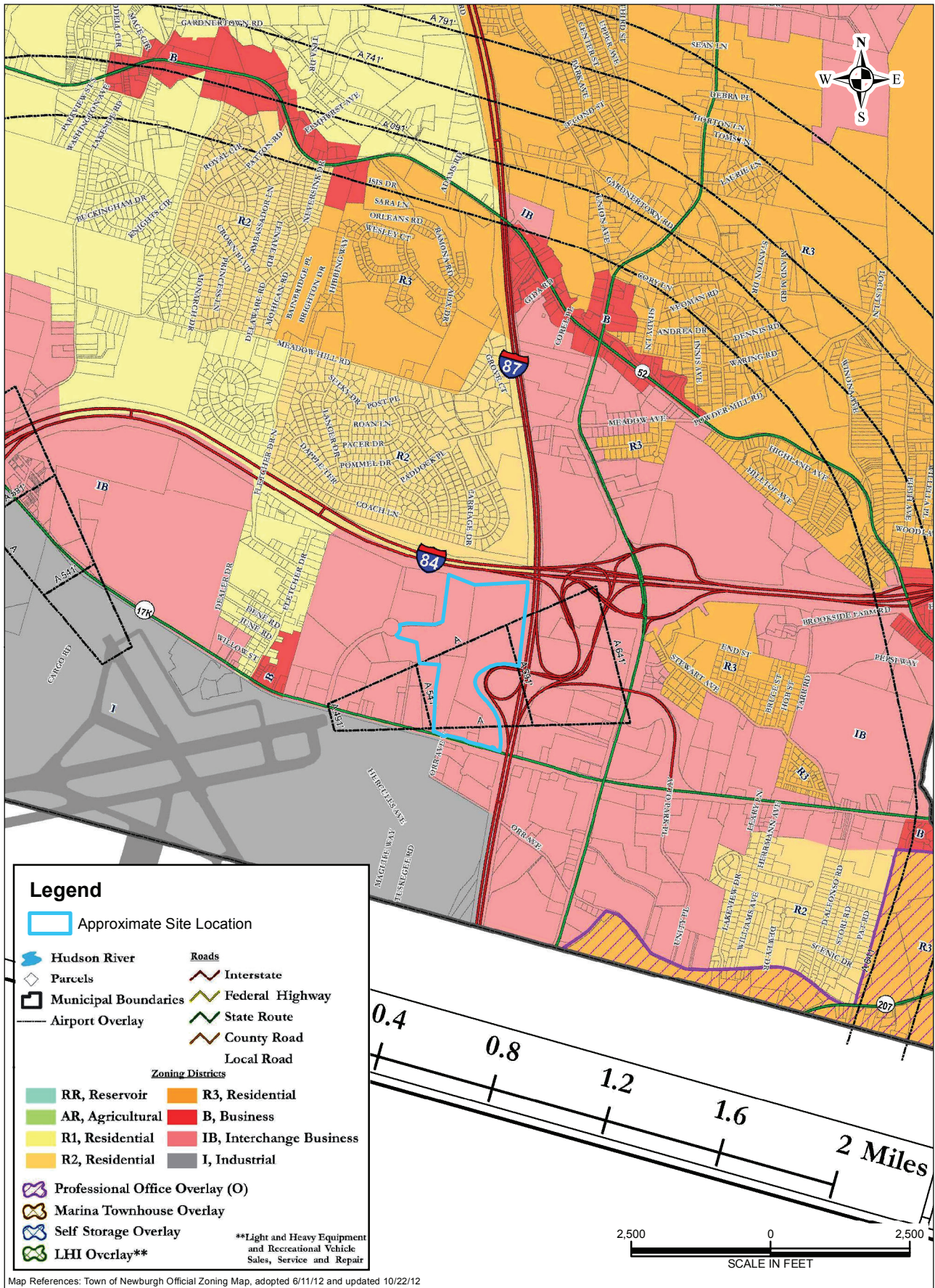
Attachments/Figures

Exhibit VIII.C.3. - Figure 1

Exhibit VIII.C.3. - Figure 2

Zoning Map

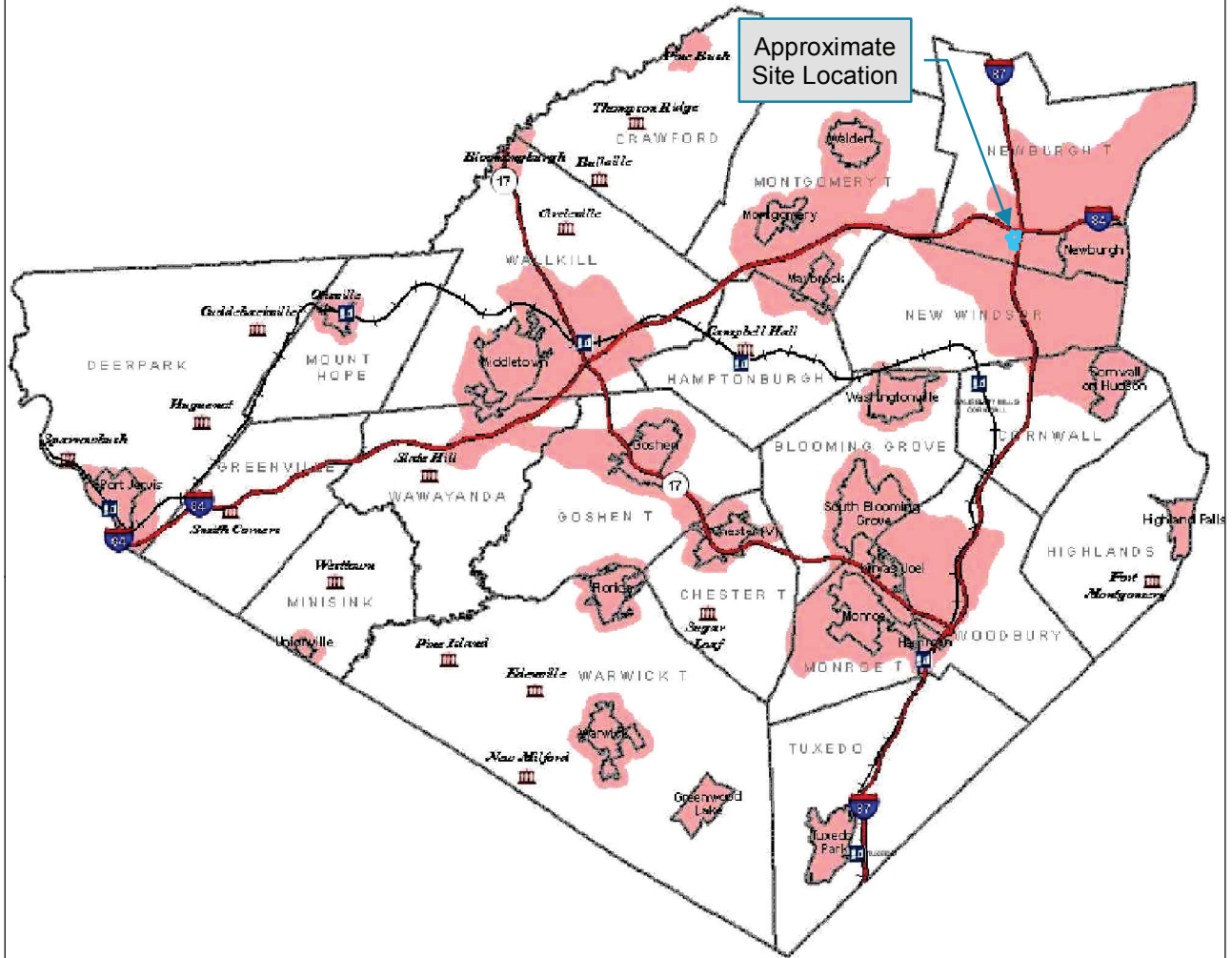
Priority Growth Areas Map



# ZONING MAP FIGURE 1

**Exhibit  
VIII.C.3.b**

PERKINS EASTMAN - LANGAN - THORNTON TOMASETTI - JAROS BAUM & BOLLES - CLEO DESIGN



**Legend**

- Approximate Site Location
- Growth Areas
- Commuter Rail Stations
- Local Centers
- MTA / NJ Transit Rail
- Interstates, Route 17
- Municipal Boundaries



Map References: Priority Growth Areas figure created by Orange County Planning Department (2010) from Municipal Guide to NYS General Municipal Law §239: Required Planning, Zoning, and Subdivision Referrals



# PRIORITY GROWTH AREAS MAP

## FIGURE 2

**Exhibit VIII.C.3.b**