

VIII. ECONOMIC ACTIVITY AND BUSINESS DEVELOPMENT

C. LAND, CONSTRUCTION AND DESIGN OF PHYSICAL PLANT

3. ZONING

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.

Project Site Zoning Designation

The Project Site is subject to Chapter 235, Zoning, of the Village of South Blooming Grove. The Project site is located in the Rural Residential (RR) District and the Office Research/Light Industrial District (ORI), see Figure A). The RR district is located west of existing O&R power transmission lines on the site.

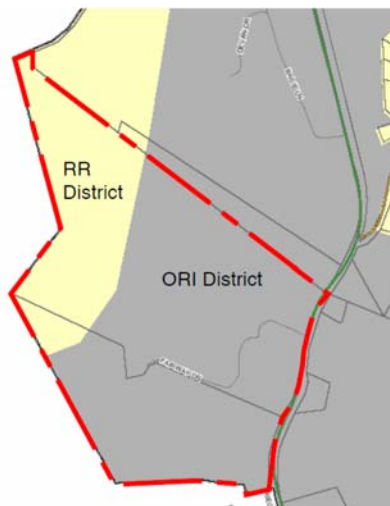


Figure A – Zoning Map

The proposed Casino use will be an allowable zoning use in accordance with New York State Gaming Commission under the Upstate New York Gaming Economic Development Act of 2013. The Village ORI District permits uses including light industrial, service commercial, office and research facilities. The ORI District allows restaurants subject to a Conditional Use Permit by the Planning Board and entertainment, hotels, conference centers and “unlisted actions” subject to a Special Use Permit by the Village Board. The Village Zoning Code provides supplemental regulations for hotel and entertainment complexes.

The Village Zoning Code also provides for overlay districts developed to protect specific types of resources such as scenic viewsheds, scenic roads, and ridgelines. The Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically stated. The Project Site is located in the Scenic Viewshed, Significant Biological and

Surface Water, Scenic Gateways and Ridgeline Overlay Districts, see Figure B. Compliance with these districts will be addressed with the Village Town Board and Planning Board during the SEQR and Site Plan Approvals.



Figure B – Overlay Districts

The following Land Use Table provides a summary of compliance with the Village Zoning Code:

TABLE OF LAND USE	
PRINCIPAL USES	
CASINO	PERMITTED USE PER THE UPSTATE NEW YORK GAMING ECONOMIC DEVELOPMENT ACT OF 2013
ENTERTAINMENT COMPLEX HOTEL/CONFERENCE/ UNLISTED USES	VILLAGE BOARD SPECIAL PERMIT & VILLAGE OF BOARD SITE PLAN APPROVAL
RESTAURANT	PLANNING BOARD CONDITIONAL USE PERMIT & VILLAGE OF BOARD SITE PLAN APPROVAL

OFFICE RESEARCH/LIGHT INDUSTRIAL DISTRICT

CATEGORY	PERMITTED/ REQUIRED	EXISTING	PROPOSED
LOT DIMENSIONS			
MINIMUM LOT SIZE	20,000 SQUARE FEET (0.46 ACRES)	125 ACRES	125 ACRES
MINIMUM FRONTAGE	200 FT		
MAXIMUM BUILDING COVERAGE	20%	LESS THAN 1%	16%±
PRIMARY STRUCTURE			
MINIMUM FRONT YARD SETBACK	50 FT	-	509 FT
MINIMUM SIDE YARD	50 FT	-	168 FT
MINIMUM REAR YARD SETBACK	50 FT	-	844 FT
MAXIMUM HEIGHT (IN STORIES)	2 STORIES	-	12 STORIES + PARAPET (1)
MAXIMUM HEIGHT (IN FT)	35 FT	-	183 FT (1)
ACCESSORY STRUCTURE (PARKING GARAGE)			
MINIMUM SIDE YARD	25 FT	-	95 FT
MINIMUM REAR YARD SETBACK	25 FT	-	488 FT
MAXIMUM HEIGHT (IN STORIES)	1 STORY	-	7 (1)
MAXIMUM HEIGHT (IN FT)	35 FT	-	71 FT (1)
ACCESSORY STRUCTURE (DAY CARE/HR OFFICE)			
MINIMUM FRONT YARD SETBACK	-	-	286 FT
MINIMUM SIDE YARD	25 FT	-	397 FT
MINIMUM REAR YARD SETBACK	25 FT	-	1,083 FT
MAXIMUM HEIGHT (IN STORIES)	1 STORY	-	2 STORES (1)
MAXIMUM HEIGHT (IN FT)	35 FT	-	35 FT
OTHER REQUIREMENTS			
SETBACK FROM CEMETERY (§ 235-22.5)	100 FT TO BUILDING OR STRUCTURE	-	302 FT ±
PARKING	PER § 235-23	-	SUBJECT TO PLANNING BOARD APPROVAL
SPECIAL PERMIT USE STANDARDS			
HOTEL (§ 235-37)			

MAXIMUM HEIGHT	35 FT	-	150 FT
ENTERTAINMENT COMPLEXES (§ 235-45.2)			
BUILDING SETBACK TO ANY PROPERTY LINE	100 FT	-	168 FT
BUILDING SETBACK TO RESIDENTIAL ZONING DISTRICT	150 FT	-	419 FT
PARKING SETBACK TO RESIDENTIAL ZONING DISTRICT	75 FT	-	122 FT
VEGETATED BUFFER BETWEEN BUILDINGS AND PROPERTY LINES	35 FT	-	35 FT
IMPERVIOUS COVERAGE	50%	-	34%

Table of Land Use Notes

(1) Variance Required

Zoning Variances Anticipated

A variance application will be made to the Village Zoning Board in accordance with Article XVII, Zoning Board of Appeal, of the Village Zoning Code upon referral from the Planning Board or Village Board. Variances from the Village Zoning Code are noted in the above table and are summarized below:

- Primary and Accessory Structure Height – Per ORI Zone and Overlay District
- Floodplain and Wetland Setback – Per the Surface Water Overlay District.
- Signs – Size and number of signs

Status of Zoning Approval

The Applicant has initiated the following Zoning Approvals as of June 30, 2014:

- May 17, 2014 – Submitted Application for Special Use Permit, including SEQRA Long EAF to the Village of South Blooming Grove Town Board. (See Attachment A and B)
- May 20, 2014 - Village of South Blooming Grove Town Board accepted application for Special Use Permit and designated Intent to be Lead Agency under SEQR.
- May 23, 2014 - Village of South Blooming distributed of Intent for Lead Agency to all involved and interested agencies. (See Attachment C)
- June 23, 2014 - Village of South Blooming Grove Town Board designates itself as Lead Agency under SEQRA. (See Attachment D)
- June 23, 2014 - Village of South Blooming Grove Town Board issues a Positive Declaration under SEQRA. (See Attachment E)
- June 23, 2014 - Village of South Blooming Grove Town Board refers the Special Use Permit to the Planning Board for review and recommendation to the Town Board.

June 23, 2014 - The Village of South Blooming Grove Town Board issues a draft scoping document for the Draft Environmental Impact Statement (DEIS) and schedules a public scoping meeting for July 19, 2014. (See Attachment F)

- A. Special Use Permit Application
- B. Long Environmental Assessment Form
- C. Village distribution of Intent for Lead Agency.

Schedule of Applications for Zoning Approvals and Anticipated Approval Date

The Project will be subject to the Village of South Blooming Grove Zoning Code and the State Environmental Quality Review (SEQR) per 6 NYCRR Part 617. As such, no approvals can be granted by the Village Town Board, Planning Board or Zoning Board of Appeals until the Findings Statement has been adopted by the Lead Agency. The following is a listing of the anticipated zoning approvals and anticipated approval dates, including the SEQR process:

<u>Action</u>	<u>Board</u>	<u>Submission Date</u>	<u>Anticipated Approval</u>
<u>SEQR</u>			
SEQR Lead Agency	Village Board	May 20, 2014	June 30, 2014
Public Scoping	Village Board	July 14, 2014	N/A
Final Scoping Document	Village Board	N/A	July 28, 2014
Review Draft DEIS	Village Board/Consultants	September 19, 2014	November 15, 2014
Accept Draft DEIS	Village Board	N/A	November 18, 2014
DEIS Public Hearings	Village Board	December 2014	N/A
Close Public Comments	Village Board	January 3, 2014	N/A
Accept Final FEIS	Village Board	January 23, 2014	February 20, 2015
Adopt SEQR Negative Declaration & Findings Statement	Village Board	N/A	February 20, 2015
<u>Zoning Approvals</u>			
Special Use Permit	Village Board	May 17, 2014	February 23, 2015
Site Plan Approval	Planning Board	December 15, 2014	March 29, 2015
Variances	Zoning Board of Appeals	March 3, 2015	March 11, 2015