

EXHIBIT VIII.C.3.c.

NECESSARY PERMITS



See attached for memorandums from Greenberg Traurig, the Applicant's counsel, and VHB Engineering, Surveying, and Landscape Architecture, P.C., the Applicant's engineer.

Memorandum

TO: NYS Funding LLC

FROM: William A. Hurst

DATE: June 26, 2014

EXHIBIT VIII.C.3.c

8.5 REQUIRED LOCAL AND STATE PERMITS AND APPROVALS

Various local and state agencies may have permit or approval jurisdiction over elements of the proposed Project. Table 1 summarizes the permits and required approvals that are applicable to the proposed action.

TABLE 1: REQUIRED LOCAL AND STATE PERMITS AND APPROVALS¹

ISSUING AGENCY	PERMIT OR APPROVAL
City of Rensselaer Common Council	Planned Development District (PDD) Zoning Amendment
City of Rensselaer Planning Commission	Preliminary and Final Site Plan Approval Stormwater Pollution Prevention Plan Approval
City of Rensselaer Public Works Dep't	Water Line Extension Approval Sewer Line Extension Approval Curb Cut Permit(s) Flood Damage Prevention Development Permit Sign Permit Building Permits
New York State Department of Environmental Conservation	SPDES General Stormwater Permit for Construction Activities Section 401 Water Quality Certification Sewer Extension Approval
Rensselaer County Health Department	Water and Sewer Line Approvals
Rensselaer County Sewer District No. 1	Approvals for sewer infrastructure modifications
NYS Department of State	Coastal Zone Consistency Determination under Coastal Zone Management Act

¹ Various federal agencies may also have permit or approval jurisdiction over the proposed Project.

8.5.1 PROCEDURE FOR OBTAINING APPLICABLE PERMITS AND APPROVALS

In 2009, the City of Rensselaer completed the FGEIS within twenty-one (21) months of the initial project submission. Because of the groundwork laid in 2009, and because the Project fits within the footprint and densities approved then, we believe that the proposed Project could obtain all necessary permits and approvals within the timeframes proposed by the Applicant for construction of the Gaming Facility.

8.5.2 SITE PLAN APPROVAL

The Project Sponsor will submit to the City of Rensselaer Planning Commission a preliminary and final site plan, which shall include:

- (1) Site plan showing proposed building locations and land use areas;
- (2) Traffic circulation, required parking and loading areas and pedestrian walks;
- (3) Landscaping plan, including site grading and landscape planting and structures;
- (4) Preliminary drawings of buildings to be constructed in the current phase including floor plans, exterior elevations and sections;
- (5) Final engineering plans, including street improvements, drainage system and public utility extension;
- (6) Engineering feasibility studies for the solution of anticipated problems that may arise due to the proposed development, as required by the City Engineer;
- (7) Offers of cession and proposed restrictive covenants;
- (8) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, as applicable;
- (9) Complete documentation of means for the continual maintenance of common open space and buildings; and
- (10) Completed Stormwater Pollution Prevention Plan (SWPP).

If required, a public hearing shall be held within forty-five (45) days of submission of a complete final site plan application. The Planning Commission shall approve, conditionally approve with or without modifications, or reject the Final Site Plan within forty-five (45) calendar days of submission or public hearing, as applicable. The Final Site Plan must also be filed with the Rensselaer County Clerk within sixty (60) calendar days of the approval.

8.5.3. BUILDING PERMITS

A copy of the Final Site Plan must be transmitted to the Building and Zoning Administrator for issuance of building permits and certificates of occupancy. These are ministerial acts.

8.5.4 SEWER PERMIT

Applicants for a permit to discharge sewage combined with industrial wastes or other wastes into public sewers within the City of Rensselaer must apply for a permit from the Commissioner of Public Works. The permit application must contain:

- A. Plans of the property showing accurately all sewers, drains and house connections;
- B. Plans and specifications covering any work proposed to be performed under the permit;
- C. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property or premises, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses;
- D. The name and address of the person or firm who will be responsible for the performance of the work to be covered by the permit, and the name and address of the person or firm who will be responsible for operating the facilities in accordance with the terms and conditions of the permit.

The Commissioner of Public Works may impose conditions on the permit, including: on the volume of sewage and the rate of flow permitted from the premises; on the applicant's agreement to monitor and measure the discharge; on the installation by the applicant of detention tanks and other facilities and equipment for reducing peak flows of sewage to such a percentage of the twenty-four hour rate as may be required by the Commissioner of Public Works; on the installation by the applicant of suitable manholes, grease, oil and sand interceptors, and any other terms or conditions as may be necessary to protect the sewer system and carry out the intent and provisions of the City sewer ordinance.

8.5.5 FLOOD DAMAGE PREVENTION DEVELOPMENT PERMIT

A flood damage development permit must be obtained before the start of construction within an area of special flood hazard. The City of Rensselaer Planning Commission reviews applications for development permits. The Applicant must provide, where applicable:

- (1) Elevation, in relation to mean sea level, of the proposed lowest floor, including basement or cellar, of all structures;
- (2) Elevation, in relation to mean sea level, to which any nonresidential structure will be flood proofed;
- (3) When required, a certificate from a licensed professional engineer or architect that the utility flood proofing is adequate;
- (4) Certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure will meet the City's flood proofing criteria;
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

8.5.6 SIGN PERMIT

Where more than one sign is involved, the Applicant must submit a sign site plan to the City Building and Zoning Administrator who shall, within sixty (60) days, approve, modify, or deny an application for a sign site plan. The Building and Zoning Administrator may defer the authority to approve or deny a sign site plan to the City Planning Commission.

Within seven business days after the placement of the approved signs, the Applicant must provide a photograph of the sign(s) to the Building and Zoning Administrator or Planning Commission, as the case may be, which shall thereafter issue a certificate of sign compliance.

The Applicant anticipates that it will submit a sign site plan as part of its Final Site Plan application.

ALB 1789542v1



Memorandum

To: NYS Funding LLC
c/o Och-Ziff Real Estate
9 West 57th Street, 39th Floor
New York, New York 10019

Date: June 20, 2014

Project No.: 29266.00

From: Michael B. Tucker, P.E.
Director of Land Development

Re: Permit Memo

Introduction

The project site for the proposed Rensselaer Casino project was previously designed and permitted as de Laet's Landing (also known as the Rensselaer Waterfront Redevelopment). The de Laet's Landing development consisted of approximately 515 residential units, 165,000 square feet of retail space, 250,000 square feet of office space, a 300-room hotel and 1,830 parking spaces. The project was permitted with the flexibility of varying each of the proposed uses by 30% to account for changes in the market demands as the project was being built out. Therefore, the analyses in the Final Generic Environmental Impact Statement evaluated the increased uses that would result in the greatest impacts; for example, if the traffic impact would be the greatest with a 30 percent increase in retail space, that component of the program was increased, and the impacts from that increase were analyzed.

The proposed casino project will consist of 1,800 gaming positions (1,500 slot machines and 50 table games with 6 seats each), a 100-room hotel, 2-3 restaurants, a 75-seat Center Bar, a small retail area, meeting space and various support services. There will be approximately 1,500 parking spaces proposed for the site.

The following sections discuss the permitting beyond SEQR that was anticipated for the de Laet's Landing project, and the requirement of each associated with the casino project.

Federal Permits

1. U.S. Army Corps of Engineers - Section 404 Permit

Impacts to the federal wetlands under the jurisdiction of the USACOE are subject to permitting under Section 404 of the Clean Water Act, either under one of the Nationwide Permits or an Individual Permit, depending on the type and size of the potential impact.

It is not likely that this permit would still be applicable to the proposed project.

2. Special Aquatic Sites

Since no water or waterfront elements will be considered for this proposed project, disturbance of submerged aquatic vegetation (SAV) and aquatic fauna (AF) will not occur. A permit under this area will not be needed for this proposed project.

3. Section 10 of the 1899 Rivers Harbors Act for work in Navigable Waters

Since no water or waterfront elements will be considered for this proposed project, obstruction of the navigable capacity of any of the waters of the United States will not occur. A permit under this area will not be needed for this proposed project.

4. Permits for floating objects in navigable water

Since no water or waterfront elements will be considered for this proposed project, no floating objects are proposed. A permit under this area will not be needed for this proposed project.

State Permits

NYS Department of Environmental Conservation

5. SPDES Stormwater Permit for Construction Activities/SWPPP

A SPDES Permit and Storm Water Pollution Prevention Plan (SWPPP) will be required for the proposed project. The construction of the proposed project will involve land disturbance in excess of one (1) acre. New York State has a state program which has been approved by the United States Environmental Protection Agency (USEPA) for the control of wastewater and stormwater discharges, in accordance with the Clean Water Act. Under New York State law the program is known as the State Pollutant Discharge Elimination System (SPDES) and it is administered by the NYSDEC.

In accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP 0 10-001), we will develop a Stormwater Pollution Prevention Plan (SWPPP) and file the Notice of Intent (NOI) for construction and post development activities associated with the proposed project. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges. In addition, the SWPPP shall describe the process to monitor implementation of practices which will be used to reduce pollutants in stormwater discharges for compliance with the terms and conditions of the SPDES general permit. As part of this work, we will prepare a project erosion and sediment control (E&SC) plan illustrating any required erosion and sedimentation control features. The E&SC plan shall be developed in accordance with the document, "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society.

6. Section 401 Water Quality Certification

Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate.

This permit may be required if the proposed stormwater management design result in a new discharge to the Hudson River.

7. Article 15 Protection of Waters/Coastal Erosion Control Permit

Since no water or waterfront elements will be considered for this proposed project, no disturbance to the bed or banks of protected streams is proposed. A permit under this area will not be needed for this proposed project.

8. Sanitary sewer extension approval

Approval under this area will be required for the proposed project. A sanitary sewer with a minimum diameter of 8 inches will be constructed to the southern quadrant of the Broadway/New Broadway intersection is proposed. In order to facilitate future contributions by other developments, a manhole will be constructed at the terminating end of the proposed new sewer.

NYS Department of State

9. Coastal Zone Management Consistency

Revitalization of the waterfront of the City of Rensselaer is vital to the City's overall strategy for community and economic development. This statement sets the tone for the City of Rensselaer LWRP accepted by the NYS Department of State and U.S. Office of Ocean and Coastal Resource Management in 1987, and updated in July, 2011.

The City of Rensselaer has received a grant to construct a multi-use path along the Hudson River through the project site and the property to the north. Public access will be provided through the site from Broadway to establish a connection to the proposed path.

An updated consistency review should be completed to reflect the site plan of the proposed project, most importantly the absence of water or waterfront elements such as docks previously included in the de Laet's Landing Plan. The Applicant, however, currently intends to seek to cooperate with the City to locate a multi-use path along the Hudson River through the project site.

NYS Office of Parks, Recreation and Historic Preservation

10. Sign-off on cultural resources impacts and mitigations

The State Historic Preservation Office indicated during the Lead Agency Coordination for SEQR that the site has potential to contain significant archeological resources despite the historic use of river dredge spoils to create buildable land in this section of Rensselaer and has requested further study. Potential impacts on archaeological resources are unknown.

A Phase 1B archeological report was completed by Hartgen Archeological Associates, under SHPO Project Review Number 08PR00763, which resulted in a recommendation of no further archeological work. Their conclusion stated that "...there are not likely to be any Contact-period or early Colonial-period deposits in the Rensselaer Waterfront Development project area because the surface of the island was re-worked in the 19th century for construction of the various railroad complexes."

NYS Department of Transportation

11. Acceptance of Traffic Impact Mitigation Measures along Broadway

Potential mitigation measures associated with the proposed project will be in coordination and consultation with the City of Rensselaer and the NYSDOT. Approval under this area is required for the proposed project.

Local Permits

- 12. Rensselaer County Sewer District No. 1**
Review and approval of new connections to the County sewer system.
- 13. Rensselaer County Health Department**
Review and approval of public water and sewer extensions to service the project.
- 14. City of Rensselaer Public Works Department**
Curb cut approval, water line extension approval, sewer extension approval and water and sewer connection approvals for the project.
- 15. City Council of the City of Rensselaer**
Potential modification and/or amendment of the existing Planned Development Zoning Ordinance.
- 16. City of Rensselaer Planning Commission**
Site Plan Approval for the proposed project.
- 17. City of Rensselaer Planning Commission**
Lead Agency for a supplemental FGEIS related to SEQR.