

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.

Current Zoning Approvals/Proposed Rezoning or Variance

Currently there are no existing land use approvals or any approved rezoning or variances for the Project.

The Project satisfies all local requirements including use and bulk requirements for the proposed casino and hotel, with the exception of the building height and loading space requirements. The Project will require variance approval for the proposed building height, where the proposed height is approximately 110 feet and the current zoning only permits 50 feet as per the Town of Newburgh's Zoning Ordinance. A loading space variance will also be required as the Township's Zoning Ordinance requires a calculated total of 15 loading spaces, whereas the applicant anticipates the need for only three loading spaces. In addition, we will evaluate the need for a signage variance as the project design progresses. The aforementioned variance approvals will be requested from the Town's Planning/Zoning Board.

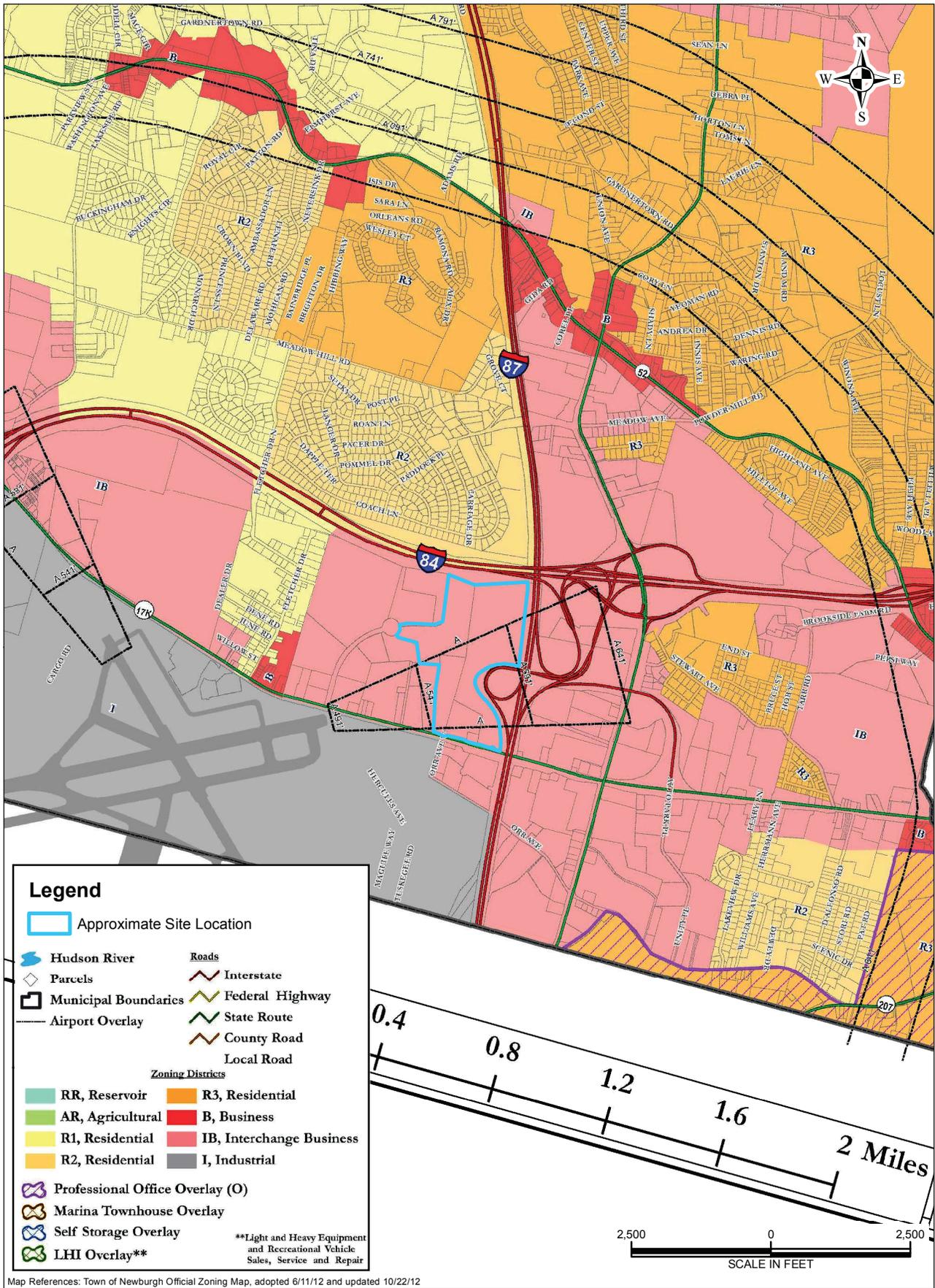
The Project was designed in a manner as to orient and construct the casino and hotel to conform with the guidelines and requirements for development within close proximity to the Stewart International Airport. The applicant will submit plans for review and approval for the proposed building height to the Port Authority of New York and New Jersey, the operator of Stewart International Airport, and the Federal Aviation Administration (FAA).

The complete schedule for the project, including anticipated zoning approvals and construction time frames, is provided in Exhibit VIII.C.3.c of this application.

Attachments/Figures

Exhibit VIII.C.3. - Figure 1

Zoning Map



ZONING MAP FIGURE 1

**Exhibit
VIII.C.3.a**

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