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DOMINICK A. LONGOBARDI

TRUSTEE
KEVIN M. FITZGERALD

TRUSTEE
DR. LYNN POMBONYO

TRUSTEE
ARCHIE T. CHENG, ESQ.

TRUSTEE
FRANK J. CHIARA



VILLAGE ADMINISTRATOR
GERARD M. BAMBRICK

VILLAGE CLERK
SUSAN E. WALSH

**SUPERINTENDENT
PUBLIC WORKS & BUILDINGS**
STEPHEN L. SIWINSKI

POLICE COMMISSIONER
STEPHEN G. McALLISTER

Incorporated Village of Floral Park

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January 29, 2019

BY-HAND DELIVERY

Honorable Laura Curran
Nassau County Executive
1550 Franklin Avenue
Mineola, NY 11501

Dear County Executive Curran,

We are writing to you in regard to the proposed Belmont Park Redevelopment Civic and Land Use Improvement Project (the "Proposed Project"). As you know, the Empire State Development Corp ("ESD") plan would bring a new arena, mall, hotel, and office building to a 43-acre site at Belmont Park. A project of this magnitude will significantly increase traffic congestion and overwhelm the local road system, resulting in far ranging impacts on the surrounding neighborhoods and destroying the character of these unique communities. As ESD has indicated that approvals for this project could be granted within the next few months, we urge you to have the Nassau County Planning Department and other relevant departments undertake a full and independent traffic study to identify potential impacts and consider whether sufficient mitigation is possible given the size and scope of the Proposed Project. Further, in order to accommodate this study, we ask that you request ESD to leave the DEIS comment period open so that the results of your study can be incorporated into the environmental impact statement record for the project. It is unfortunate that we have to ask Nassau County to undertake such an analysis but are compelled to do so because the assessment undertaken by ESD, despite its lead agency status, is wholly inadequate.

It is expected that the Proposed Project could bring up to 50,000 new visitors to the site per day which today only sees approximately 3,000 to 5,000 visitors during the racing season. The ESD's recently released Draft Environmental Impact Statement ("DEIS") even acknowledges that most of the visitors (up to 85%) will arrive at the site via the Cross-Island Parkway ("CIP") and that the CIP is already at or over capacity at peak periods which will overlap with events at the proposed arena. ESD acknowledged, when they approved the release of the DEIS, that "*the Cross-Island Parkway is a bit of a challenge*" in terms of mitigation. That understatement belies the fact

that, if most of the traffic is expected to arrive via the CIP and the CIP is already at or over capacity at relevant times, it is inevitable that the local streets adjacent to the site can expect to absorb the significant overflow. Despite this obvious point, the DEIS concludes, without explanation or analysis, that the traffic for the Proposed Project will be contained to the CIP and promises to develop a traffic management plan at some point in the future that will miraculously makes these problems go away. The Village views this as the very opposite of sound analysis and planning and therefore is seeking the County's assistance.

A FULL AND INDEPENDENT TRAFFIC STUDY TO ANALYZE THE IMPACTS ON THE RESIDENTS OF NASSAU COUNTY IS WARRANTED

It is our understanding that the Nassau County Planning Commission is reviewing and preparing comments to the DEIS on behalf of the County, and the Village is appreciative of that¹. However, the Village believes, given the lack of analysis of the traffic impacts evidenced by the DEIS and the identification of major deficiencies in the methodologies employed in the existing traffic analysis, a full and independent traffic analysis of this Proposed Project is warranted by Nassau County.

As you may be aware, the New York City Comptroller, Scott Stringer, cited the paucity of analysis of the traffic impacts on the Queens side of this project in his request for the New York City Department of Transportation to undertake a study of the impacts of the Proposed Project on the residents of Queens. The NYC DOT recently announced that, given the concerns raised by Comptroller Stringer and other elected official on the Queens side of the Proposed Project, the NYC DOT will expand their own traffic study "to see how the state's Belmont Park redevelopment would affect eastern Queens' residents and address community concerns"²

As Nassau County and the Town of Hempstead are responsible for the roads east and south of the site, as well as Plainfield Ave in Floral Park, it would seem appropriate, if not imperative, that Nassau County, fully and independently of the ESD, examine the impacts that the expected significant increase in traffic will have on the daily lives of the residents of the surrounding communities

In addition, outside professional consultants hired by the Village of Floral Park have determined that an independent review of the DEIS traffic study is warranted. In September of 2018, in preparation for the release of the DEIS, the Village of Floral Park hired, at the expense of our residents, the traffic consulting firm NV5 to perform a "peer review" study of the data that was to be used in the DEIS with specific focus on the impacts to our Village. The Village's intention was to have NV5 review the data generated by the traffic study underlying the DEIS in order to have NV5 perform its own analysis and review based on the data generated by ESD's traffic study. However, the Village's efforts to obtain the traffic data from ESD in advance of the release of the

¹ Also, since the County is considered a municipality under the UDC Act, the Village of Floral Park, by a separate letter dated January 29, 2019, is also asking the Nassau County Planning Commission to exercise its apparent jurisdiction under NYS UDC Act § 6266 to review the proposed project and to recommend disapproval or modification of the Project.

² <https://comptroller.nyc.gov/newsroom/in-a-victory-for-queens-residents-dot-to-perform-traffic-impact-study-of-belmont-redevelopment/>

DEIS were unsuccessful. Still further, when the DEIS was released, the appendices to the DEIS did not contain much of the traffic data that would normally be included as an appendix to a draft environmental impact statement for a project of the size, scope and significance of this Proposed Project. It was not until the Village's environmental counsel for this Proposed Project, Beveridge & Diamond, threatened litigation to get this data was the relevant data ultimately, and very recently, provided to the Village on January 9th (See attached correspondence from Beveridge & Diamond to ESD, dated January 4, 2019.)

We are advised by our outside consultants, NV5, that after having reviewed the data contained in the appendices to the DEIS as well as the data recently released by the DEIS, they have identified major deficiencies in the methodology employed in the traffic analysis in the DEIS for the Proposed Project. Consequently, they confirm that a full and independent traffic review is warranted.

We look forward to the Nassau County Planning Commission and Nassau County DOT reviewing the impacts of this project and commenting prior to the closing of the comment period for the DEIS. As set forth above, we believe there is more than ample basis for Nassau County to undertake its own full and independent traffic review to ascertain the impacts the Proposed Project will have on the residents of Nassau County. The Village of Floral Park will of course provide the additional traffic data we have recently received from ESD and would welcome the relevant County personnel to contact NV5 to discuss NV5's findings to date.

We understand a full and independent traffic review would be difficult if not impossible for the County to conclude prior to the February 11th deadline for comments to the DEIS. Accordingly, we also ask the County to join in the Village's request to extend the comment period for the DEIS, as set forth in the January 4, 2019 letter from Beveridge & Diamond to ESD.

Thank you for your cooperation in this matter and we would welcome the opportunity to discuss this matter with you further.

Sincerely



Dominick A Longobardi
Mayor

cc: Honorable Laura Gillen
Presiding Officer Richard Nicoello
Honorable Vincent Muscarella
Martin Glennon, Chairman, Nassau County Planning Commission
Michael Murphy, Esq.

January 4, 2019

Mr. Howard Zemsky, President and CEO
Empire State Development
633 Third Avenue – Floor 37
New York, NY 10017

Re: Belmont Park Redevelopment Project: State Environmental Quality Review Act
("SEQRA") Process and Failure to Respond to Village of Floral Park FOIL
Requests

Dear Mr. Zemsky:

This firm represents the Incorporated Village of Floral Park (the "Village") in relation to the proposed Belmont Park Redevelopment Project (the "Project"). I write to express the Village's utter exasperation with Empire State Development's ("ESD") continued failure to provide access to documents legitimately requested by the Village pursuant to Freedom of Information Law, and clearly within the possession of ESD. The continued failure of ESD to provide the requested documents, as described in more detail below, has made it virtually impossible for the Village to properly assess the Draft Environmental Impacts Statement ("DEIS") issued by ESD for the Project in the time allotted to do so. As a result, we request your immediate intervention into this matter to ensure that the documents requested by the Village are provided without further delay, and that the Village's time to provide written comments on the DEIS be extended to at least March 8, 2019 in consideration of the lengthy delays involved in providing the requested documents.

The Village borders Belmont Park, and its residents will be directly and significantly impacted by the proposed Project. The Village has long been on record as a proponent of reasonable, responsible development of underutilized parcels within Belmont Park, and has been an active participant in the Project since its announcement. The Village takes seriously the obligation to its residents to work with ESD to ensure that the Project's environmental impacts are appropriately studied and mitigated to the extent reasonably practicable. The Village's efforts to ensure a complete and thorough environmental review process consistent with SEQRA requirements and its right to participate fully in that process, however, have been frustrated by ESD's continuing failure to provide the Village with information it possesses, that is relevant to the Village's assessment of the Project. As the SEQRA Lead Agency and the State authority responsible for the selection of this Project, ESD cannot divest itself of these obligations. The Village is entitled to a greater level of comity in this process than what it has received to date from ESD.

Mr. Howard Zemsky

January 4, 2019

Page 2

On October 3, 2018, I submitted FOIL Requests Nos. 2639-2644 on behalf of the Village seeking documents and other supporting data regarding the Project (copies attached). Receipt of these requests was acknowledged via email from ESD on October 12, 2018, with ESD stating that the Village would be notified of the results of its search for responsive documents within 20 business days. No responsive documents were provided. Instead, on November 9, 2018, ESD sent another email noting that it continued to search for responsive documents, and would “endeavor” to provide the Village with responsive documents on or before December 26, 2018.

In the interim, on December 6, 2018, ESD released the DEIS. The issuance of the DEIS makes clear that ESD, for some time, has had ready access to and/or has been in possession of documents and data which are responsive to the Village’s FOIL requests, particularly in the area of traffic analyses. On December 19, 2018, I wrote ESD’s Records Access Officer expressing our dismay with ESD’s repeated delays in providing responsive documents, when the DEIS clearly shows the documents to be in ESD’s possession. In that letter, I specifically requested immediate production of certain traffic data, which should have been, but was not included in the DEIS as an appendix. This data is critical to allow the Village to properly assess the adequacy of the DEIS’s evaluation of the Project’s traffic impacts in and around the Village.¹

Not only were no documents or data forthcoming from ESD, but on December 26, 2018, I received another email from ESD indicating that the Village’s FOIL requests were still under review, and the new date by which ESD would “endeavor” to provide responsive documents was February 8, 2019. None of the emails I’ve received regarding the Village’s FOIL requests have provided any reasonable basis, nor any basis at all for that matter, to justify the delays.

ESD is holding public hearing on the DEIS next week; January 8-10, 2019. The final date to submit written comments on the DEIS is February 11, 2019. ESD’s repeated failure to provide documents responsive to the FOIL requests has placed the Village in the untenable position of not having sufficient information to assess the adequacy of the DEIS in advance of the public hearings, or fully understand the Project’s potential impacts. It will provide little comfort to the Village if, against past precedent, ESD actually does produce responsive documents on February 8th, as that will only leave the Village 3 days to assess those documents prior to the deadline for submission of written comments.

This is absolutely unacceptable to the Village, and, since ESD is the responsible State agency, we hope it is unacceptable to you as well. The Village should not be viewed as an adversary to be stonewalled. ESD and the Village should have a shared goal of ensuring an adequate environmental review of the Project. In this vein, we respectfully request your immediate

¹ The full magnitude and scope of the Project’s traffic impacts cannot be determined because the DEIS does not include information critical to making that determination. This is of great concern to the Village. Adverse traffic impacts go beyond those impacts themselves; they jeopardize the very character of the Floral Park community.

Mr. Howard Zemsky

January 4, 2019

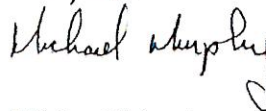
Page 3

intervention to assure that the requested documents are provided to the Village without further delay, and that the Village's time to provide written comments on the DEIS be extended to March 8, 2019 in consideration of the lengthy delays involved in providing the requested documents.

The Village reserves all of its rights under Public Officers Law, Article 6, §§ 84-90, with respect to all of the material requested in the reference FOIL requests, including seeking attorney fees incurred by the Village as a result of ESD's repeated, unreasonable and unjustified failure to provide the requested information in a timely manner. The Village reserves all other rights under State law to protect its interests and the interests of its residents.

I thank you in advance for your considered attention to this matter. Please feel free to contact me at (212) 702-5436 or at mmurphy@bdlaw.com if you have any questions or if you would like to discuss this matter further.

Sincerely,



Michael Murphy

Encs.

cc: Elizabeth Fine, Executive Vice President, Legal and General Counsel ESD
Rachel Shatz, Vice President Planning and Environmental Review, Lead Agency Contact
Records Access Officer, ESD
Hon. Dominick Longobardi, Mayor, Floral Park
Gerard Bambrick, Village Administrator, Floral Park
Village Board of the Village of Floral Park

October 3, 2018

VIA EMAIL (FOIL@esd.ny.gov)

Empire State Development
Records Access Officer
633 Third Avenue, Floor 37
New York, NY 10017

Re: Belmont Park Redevelopment Project: Freedom of Information Law Request

Dear Sir or Madam:

I am writing to request records under the Freedom of Information Law, Article 6 of the Public Officers Law. The requested records relate to the Belmont Park Redevelopment Project. However, in responding to the requests below, please do not view foregoing reference to the Belmont Park Development Project as limiting in any manner. In other words, responsive records to each request should be produced regardless of whether the records explicitly or implicitly reference the Belmont Park Redevelopment Project or regardless of whether the records are contained within files or folders relating to the Belmont Park Redevelopment Project.

Please provide copies of the following records (dated or created January 1, 2015 or later):

- Any and all records pertaining to parking for the Belmont Park Redevelopment Project, including but not limited to parking studies that have been completed for the project.
- Any and all records pertaining to, or data collected in relation to, parking for the Belmont Park Redevelopment Project.
- Any and all correspondence concerning the use of the North Lot for the Belmont Park Redevelopment Project.
- Any and all traffic studies that have been completed in relation to the Belmont Park Redevelopment Project.

October 3, 2018

Page 2

- Any and all traffic-related data that has been collected in relation to the Belmont Park Redevelopment Project, Belmont Park or surrounding areas, regardless of whether the data will be or has been used on a traffic study relating to the Belmont Park Development Project.
- Any and all records related to the prohibited use of Belmont Park Road and Plainfield Avenue exit from Belmont Park.
- Any and all correspondence regarding the selection of intersections for the traffic study for the Belmont Park Development Project.
- Any and all correspondence regarding the use or changes required for the Cross Island Parkway relating to the Belmont Park Development Project.
- Any and all traffic studies performed for areas outside Belmont Park boundaries, specifically within the Incorporated Village of Floral Park.
- Any and all data collected for traffic studies performed, or to be performed, for areas outside Belmont Park boundaries, specifically within the Incorporated Village of Floral Park.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or DVD, or please advise me of the appropriate time during normal business hours for inspecting the records prior to obtaining copies.

Please contact me at (212) 702-5436 or at mmurphy@bdlaw.com if you have any questions.

Sincerely,



Michael Murphy

cc: Hon. Dominick Longobardi, Mayor, Floral Park
Gerard Bambrick, Village Administrator, Floral Park
Village Board of the Village of Floral Park



Michael G. Murphy
15th Floor
477 Madison Avenue
New York, NY 10022-5802
Direct: (212) 702-5456
Fax: (212) 702-5450

October 3, 2018

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For purposes of these requests:

- “ESD” means Empire State Development, and/or any employee, consultant, agency, agent of person acting for, or on behalf of, Empire State Development.
- “NYAP” means New York Arena Partners, LLC, any owners or investors in New York Arena Partners, LLC, and/or any employee, consultant, agency, agent of person acting for, or on behalf of, New York Arena Partners, LLC.
- “MTA” means Metropolitan Transportation Authority.
- “LIRR” means Long Island Rail Road.

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC

October 3, 2018

Page 2

Please provide copies of the following records (dated or created on January 1, 2015 or later unless otherwise indicated in a specific request):

- Any and all records concerning the LIRR train station at Belmont Park (“Belmont train station”). These records include but are not limited to:
 - Any and all correspondence between the MTA or LIRR and the ESD regarding the Belmont train station.
 - Any and all correspondence between the MTA or LIRR and NYAP regarding the Belmont train station.
 - Any analysis regarding the Belmont train station.
- Any and all correspondence between MTA or LIRR and the ESD concerning the Belmont Park Redevelopment Project.
- Any and all correspondence between MTA or LIRR and NYAP concerning the Belmont Park Redevelopment Project.
- Any and all correspondence with any party related to use of any LIRR train station outside the Belmont Park in relation to the Belmont Park Redevelopment Project.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or DVD, or please advise me of the appropriate time during normal business hours for inspecting the records prior to obtaining copies.

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Please provide copies of the following records (dated or created on January 1, 2015 or later unless otherwise indicated in a specific request):

- Any and all correspondence, studies, analyses, or estimates relating to the number of visitors to the arena component of the proposed Belmont Park Redevelopment Project.
- Any and all correspondence, studies, analyses, or estimates relating to the number of visitors to the hotel component of the proposed Belmont Park Redevelopment Project.
- Any and all correspondence, studies, analyses, or estimates relating to the number of visitors to the retail component of the proposed Belmont Park Redevelopment Project.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC


October 3, 2018

Page 2

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Sincerely,

A handwritten signature in black ink that reads "Michael Murphy". The signature is written in a cursive style with a small flourish at the end.

Michael Murphy

cc: Hon. Dominick Longobardi, Mayor, Floral Park
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For purposes of these requests:

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- “NYAP” means New York Arena Partners, LLC, any owners or investors in New York Arena Partners, LLC, and/or any employee, consultant, agency, agent of person acting for, or on behalf of, New York Arena Partners, LLC.

Please provide copies of the following records (dated or created January 1, 2015 or later):

- Any and all records that were presented to the Selection Committee relating to the Belmont Park Redevelopment Project. These records include but are not limited to:

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC

October 3, 2018

Page 2

- Any and all records relating to scoring or final scores that each proposal received by ESD.
- The names, titles and experience of the members of the Selection Committee.
- Any and all records concerning or justifying the selection of NYAP's proposal for the Belmont Park Redevelopment Project.
- Any and all correspondence with the Nassau County Department of Public Works relating to the Belmont Park Redevelopment Project.
- Any and all records, including but not limited to correspondence, relating to the selection or use of the half-mile study area for the environmental analyses of the Belmont Park Redevelopment Project.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or DVD, or please advise me of the appropriate time during normal business hours for inspecting the records prior to obtaining copies.

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Michael Murphy

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Gerard Bambrick, Village Administrator, Floral Park
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- “FOB” means the Franchise Oversight Board.
- “NYRA” means the New York Racing Association.

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC

October 3, 2018

Page 2

Please provide copies of the following records (dated or created on January 1, 2015 or later unless otherwise indicated in a specific request):

- Any and all records, including correspondence, relating to planned or proposed improvements, construction, reconstruction, development or expansion of any kind, on NYRA-leased, licensed or controlled property at Belmont Park, regardless of whether (i) the planned or proposed improvements, construction, reconstruction, development or expansion of any kind are explicitly linked to the proposed Belmont Park Redevelopment Project, or (ii) the planned or proposed improvements, construction, reconstruction, development or expansion of any kind are being or were proposed by NYAP, NYRA, ESD or any other person or entity.
- Any and all correspondence, dated January 1, 2016 or later, with or involving the FOB concerning Belmont Park, NYRA's current or future activities at Belmont Park, or the Belmont Park Redevelopment Project.

It is requested that responsive documents be emailed to me at the email address provided below. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or DVD, or please advise me of the appropriate time during normal business hours for inspecting the records prior to obtaining copies.

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Please provide copies of the following records:

- Any and all preliminary and design development drawings showing architectural and site development work of the Belmont Park Redevelopment Project, including presentation renderings, on site traffic analyses, plans, building elevations and building sections.
- Any and all documents and specifications pertaining to geo-technical investigations and site work studies for the Belmont Park Redevelopment Project.
- Licensed survey plans, including topographic surveys, depicting the North Lot and its boundary along the Incorporated Village of Floral Park border.

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC

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Michael Murphy

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Gerard Bambrick, Village Administrator, Floral Park
Village Board of the Village of Floral Park
