



MAYOR
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

ONE FLORAL BOULEVARD, PO BOX 27, FLORAL PARK, NY 11002

TELEPHONE 516-326-6300

VILLAGE HALL FAX 516-326-2734

BUILDING DEPARTMENT FAX 516-326-2751 PUBLIC WORKS DEPARTMENT FAX 516-326-6435

WWW.FPVILLAGE.ORG

January 29, 2019

BY- HAND DELIVERY

Honorable Laura Gillen
Supervisor
Town of Hempstead
Town Hall, One Washington Street
Hempstead, NY 11550

RE: Belmont Park Redevelopment Civic and Land Use Improvement Project –
Review by Town of Hempstead Town Board Pursuant to Section 6266(1)
of the New York State Urban Development Corporation Act

Dear Supervisor Gillen and Members of the
Town of Hempstead Town Board:

We are writing to you in regard to the proposed Belmont Park Redevelopment Civic and Land Use Improvement Project (the "Proposed Project"). As set forth below, we write for two reasons. First, we request that the Town of Hempstead Town Board exercise the jurisdiction granted to it pursuant to Section 6266) of the New York State Urban Development Corp. Act (the "UDC Act") and recommend either disapproval or modification of the Proposed Project. Second, we request that the Town Board act quickly to exercise its authority under the UDC Act, as the time frame within which the Town Board may recommend disapproval or modification may expire on February 9, 2019.

As you know, the Empire State Development Corp ("ESD") plan would bring a new arena, a 435,000 square foot retail shopping mall, a 250 room hotel, and an office building to a 43-acre site at Belmont Park. During the scoping stage, there was virtually unanimity among commenters that the project was too big and needed to be dramatically downsized. ESD went in the opposite direction, increasing the size of the arena (by 30,000 square feet) and the hotel (by 37,000 square feet), downsizing open space (by as much as 120,000 square feet), and increasing parking needs

but having to move a vast amount of parking spaces from the two designated development sites to parking areas elsewhere within Belmont (that ESD said would not be used) because this project is simply too big.

A project of this magnitude will have far ranging effects on the surrounding neighborhoods, with the potential to significantly increase traffic congestion and cause negative impacts to the surrounding communities, including Floral Park, if the Proposed Project were to be approved as currently proposed.

The Town of Hempstead Zoning Code for this property provides for business development for a 100 foot depth along Hempstead Turnpike and then 6000 square foot residential parcels beyond that. The permitted intensity of development under the Town of Hempstead Zoning provisions is nowhere near the excessive and over intensive development proposed by this project. Accordingly, the ESD has made clear in the DEIS that the ESD will override the Town of Hempstead Zoning Ordinance as part of the approval process for this project.

We want to be sure that the Town Board is aware that has jurisdiction to review this Proposed Project pursuant to the terms of New York State's Urban Development Corp Act (the "UDC Act").

The UDC Act provides in relevant part:

[ESD] shall work closely, consult and cooperate with local elected officials and community leaders at the earliest practicable time. The [ESD] shall give primary consideration to local needs and desires and shall foster local initiative and participation in connection with the planning and development of its projects. After consultation with local officials . . . [ESD] shall, in constructing . . . any project, comply with the requirements of local laws, ordinances, codes, charters or regulations applicable to such construction . . . , provided however, that when, in the discretion of the corporation, such compliance is not feasible or practicable, the corporation and any subsidiary thereof shall comply with the requirements of the state building construction code . . . applicable to such construction In those circumstances where, in the discretion of the corporation, such compliance with local laws, ordinances, codes, charters or regulations is not feasible or practicable, . . . , the requirements of subdivision two of this section shall be complied with; provided, however, that (a) the corporation shall provide a copy of the plan to the chief executive officer of any municipality within which the project is to be located, the chairman of the planning board or commission of any such municipality . . . , and the public hearing to consider the plan required pursuant thereto shall be held on thirty days' notice following adoption of the plan by the corporation; (b) . . . ; (c) any municipality within which the project is to be located, by majority vote of its planning board or commission, or in the event there is no planning board or commission, by majority vote of its local governing body, may recommend

be submitted in writing to the corporation within thirty days after such hearing; and (d) after due consideration of such testimony and comments and municipal recommendations, if any, the corporation may affirm, modify or withdraw the plan in the manner provided for the initial filing of such plan in paragraph (a) of subdivision two of this section, provided, however that in the event any such municipality has recommended disapproval or modification of the plan, as provided herein, the corporation may affirm the plan only by a vote of two-thirds of the directors thereof then in office. . . .

NYS UDC Act § 6266

Consequently, it is clear that the Hempstead Town Board has jurisdiction to review the Proposed Project under UDC Act § 6266 both as a municipality within which the project is located and as a municipality whose local laws are being overridden by the ESD. The Town Board “**may recommend approval, disapproval or modification of the plan...**”. If the Town Board were to recommend disapproval or modification of the plan, then the ESD “**may affirm the plan only by a vote of two-thirds of the directors**” of the ESD.

We urge the Town Board to recommend disapproval or modification of the Proposed Plan, as proposed.

To be clear, Floral Park is not opposed to any and all development at Belmont Park. To the contrary, for at least a decade Floral Park has clearly and publicly advocated for a Master Plan for the development of Belmont Park that preserves and enhances Belmont Park’s reputation as the premier horse racing destination in the United States, while also preserving and enhancing the character and quality of life of the communities that surround Belmont Park.

However, because of the massive size and scope of the proposed development as set forth in the DEIS for the Proposed Project, it is clear that the character of the communities surrounding Belmont, including Floral Park, will not be preserved or enhanced by this project as proposed by the DEIS.

The DEIS acknowledges that there are unavoidable adverse impacts from this project and specifically acknowledges that there are adverse impacts that will result from increased traffic that cannot be mitigated. Contemporaneously with this letter, the Village is submitting a letter to County Executive Curran asking 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. A copy of that letter (together with its attachments) is attached and please consider that document as part of the Village’s request to the Town Board to review this Proposed Project pursuant to UDC Act § 6266. At a bare minimum, this project must be significantly scaled back so as to minimize the negative impacts that will result from this over-intensive development.

We also urge the Town Board to act expeditiously to recommend disapproval or modification of the Proposed Plan. Pursuant to UDC Act § 6266(3)(c) such a recommendation of disapproval or modification “**shall be submitted in writing to the corporation [ESD] within**

thirty days after such hearing.” Based on that provision, an argument can be made that the hearing referenced in UDC Act § 6266(3)(c) was the hearing on the DEIS, which took place on January 8th, 9th and 10th. Consequently, the period in which the Town Board could act to recommend disapproval or modification of the Proposed Plan may expire on February 9, 2019.

On behalf of the residents of Floral Park, I want to thank the Town Board for all of its efforts on behalf of the residents of Floral Park.

Sincerely,



Dominick A. Longobardi
Mayor

cc: Honorable Edward Ambrosino
Honorable Bruce Blakeman
Honorable Anthony D'Esposito
Honorable Dennis Dunne, Sr.
Honorable Dorothy Goosby
Honorable Erin King Sweeney
Floral Park Village Board
Michael Murphy, Esq.