

August 9, 2018

VIA FEDEX

Hon. Howard Zemsky, CEO
Empire State Development
633 Third Avenue, Floor 37
New York, NY 10017

Re: Belmont Park Redevelopment Project: Status of SEQRA Scoping Document

Dear Mr. Zemsky:

This firm has been retained by the Incorporated Village of Floral Park (“Floral Park” or “Village”) to represent it in relation to the Belmont Park Redevelopment Project proposed by New York Arena Partners, LLC (“NYAP”). The Village previously submitted detailed comments to the draft Scoping Document issued by Empire State Development (“ESD”), pursuant to the State Environmental Quality Review Act (“SEQRA”). Based on a recently disclosed ESD document, concerns have been raised that ESD and NYAP quickly disregarded scoping comments of the Village and the public at large by forging ahead with an unacceptably oversized project. The same document also raises concerns that ESD and NYAP also may be seeking to take advantage a little utilized regulatory provision to circumvent the spirit and intent of SEQRA’s key goals of transparency and meaningful public involvement.

Through a notice dated February 27, 2018, ESD released a draft of the Scoping Document for public review and comment. The notice indicated that comments on the draft would be accepted through April 6, 2018. Multiple requests to extend the comments period were made. Despite the enormous scope and magnitude of the proposed project, the period was minimally extended by six days through April 12, 2018.

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In describing the environmental review process in the draft Scoping Document, ESD made the following statements and commitments (emphasis added):

The Applicant is currently seeking community input and is consulting with retail specialists to understand how to optimize the arrangement of uses for the Proposed Project's visitors. **The preferred site plan option will be presented in the Final Scope . . .** (p. 4)

All comments received prior to the close of the comment period **will be considered** by the lead agency and **a Final Scope inclusive of any changes as appropriate will be prepared and distributed.** (p. 9)

Upon its determination that the DEIS document is complete and sufficiently analyzes the environmental effects of the Proposed Project **pursuant to the Final Scope**, the lead agency will issue a Notice of Completion. (p. 9)

Since the comment period closed four months ago, this begs the question: Where is the final Scoping Document?

Normally, unless the project sponsor (in this case NYAP) agrees to extend the deadline the lead agency must issue a final scope within 60 days of receipt of a draft scope. 6 NYCRR 617-8(f). It is common, however, that an applicant and lead agency agree to extend this deadline. However, if there is no agreement and a final scope is not issued in a timely manner, the project sponsor may prepare and submit a draft environmental impact statement ("DEIS") in accordance the draft scope. This of course would be completely at odds with the commitments made by ESD in the draft Scoping Document.

Up to this point, Floral Park had reasonably assumed that ESD and NYAP had mutually agreed to extend the 60-day deadline given the serious flaws and concerns raised by the Village and the public at large, including the overwhelming local concern over the scope and magnitude of the proposal. Not least among the project's flaws is the fact that, as proposed, it is completely at odds with the character of the surrounding areas and would result in the unfettered urbanization of these quiet suburbs.

However, materials (copy enclosed) presented by ESD to Belmont Park Community Coalition on July 18, 2018 indicate that the Village's assumption may have been incorrect. There are two very troubling aspects to the presentation materials. Page 2 of the materials purports to show an "updated" **Belmont Arena + RD&E Master Plan**. Instead of showing a reduced scale project that respects the comments and concerns of the public, including local residents who will have to live with this project, the plan still shows an aggressively over-sized project, including 7,000 parking spaces that encompass 3,000 parking spaces on the North Lot **next to residences, youth**

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athletic fields and a school. The date of the “updated” plan – April 25, 2018 – shocks the conscience. Thus, merely one and a half weeks after the close of the scoping comment period, ESD and NYAP apparently had already determined that the project would not be reduced in size and scope to match the character of its setting and the surrounding community. If this is indeed the plan (and it must be since ESD was showing it at a July 18th community meeting), it evidences a manifest disregard of the public’s comments during the comment period and makes a mockery of the SEQRA process.

Then on page 6, the ESD outlines its Planning & Approval Timeline, which includes as its next step the “release of the Draft Environmental Impact Statement (DEIS)” in the 4th quarter of 2018. There is therefore no indication that ESD will issue a final Scoping Document, despite its prior public promises and commitments. It is possible ESD plans to issue the final Scoping Document shortly before the DEIS. This too would be very revealing. An orderly process would ensure that the public would have more than enough time to review, properly digest and understand what NYAP and ESD intend to include in the DEIS by issuing the final scope well in advance of the DEIS release. Waiting to release the final scope until shortly before the DEIS will lead to confusion, result in a lack of adequate time to prepare, and undermine the public’s meaningful participation in the SEQRA process. To illustrate this point, the Village is keenly interested in whether NYAP and ESD has taken its comments over traffic impacts and analyses seriously. The final Scoping Document would show this. If the Village’s concerns have not been taken into account, then it will need to hire its own traffic consultant to develop an analysis showing the project’s true impacts to the Floral Park community. This requires resources, and takes time, planning and effort. Not issuing a final scope or waiting to do so until the last possible moment before releasing the DEIS undermines the Village’s effort to protect its interests.

This does not bode well and is contrary to the spirit of SEQRA. ESD has touted, with pride, its commitment to community outreach and engagement. However, thus far, both in terms of process and substance, ESD has fallen short, apparently intent on ramming a wholly oversized project through with little to no regard to the communities that will be stuck suffering the consequences.

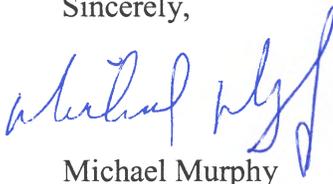
ESD can correct course. As it has stated many times, Floral Park fully supports the development of underutilized lots in Belmont Park. But any proposed use must respect its quiet surrounding suburban setting. Similarly, the process must be inclusive, transparent and live up to ESD’s commitments and SEQRA’s goals. The public deserves no less. This includes the release of the final Scoping Document well in advance of the DEIS so the public can understand whether their comments have been properly considered and can be oriented to ESD’s preferred project alternative in advance.

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Floral Park trusts that ESD will take appropriate action to address the concerns outlined above.

Sincerely,



Michael Murphy

Encl.

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



**Empire State
Development**

Belmont Park Community Meeting

7/18/18

BELMONT ARENA + RD&E MASTER PLAN

NYAP / JRDV+POPULOUS+STANTEC
UPDATED: APRIL 25, 2018

SCALE IN FEET
0 100 250 500 1000



- 18,000-seat Arena for NHL hockey (up to 19,000 seats for other events)
- Up to 250-room full-service Hotel
- 435,000 gsf Retail, Dining and Entertainment
- 30,000 gsf Office
- 10,000 gsf Community Space
- Onsite Public Open Space and Offsite Open Space Improvements
- Parking on Site A, Site B and NYRA Property
- Parking for approximately 7,000 vehicles, inclusive of NYRA parking areas

Community Engagement

To date :

- 4 public meetings
- 11 tours and smaller community meetings
- 11 Community Advisory Committee and elected official meetings
- Ongoing communications with elected officials and other local/state government agencies and staff

Community Engagement

Groups that we have met with include:

- Elmont Cardinals
- Elmont Chamber of Commerce
- Elmont Neighbors
- Floral Park Belmont Taskforce
- Muscle Moms
- Parkhurst Civic Association
- Queens Village Civic Association
- Queens Delegation
- Town of Hempstead
- Village of Bellerose
- Village of Floral Park
- Village of South Floral Park

Sampling of Transformative ESD Projects



Victoria Theater,
Harlem, NYC



Lower Manhattan,
NYC



Inner
Harbor,
Buffalo



Planning & Approval Timeline

Milestone

Anticipated Timeline

Release of draft scope; public hearing on draft scope	Q1 2018
Release of Draft Environmental Impact Statement (DEIS)	Q4 2018
Public hearing on Project and DEIS	Q4 2018
Release of Final Environmental Impact Statement (FEIS)	Q2 2019
Start of Construction	Q2 2019
Project Opening	Q4 2021

Planning & Approval (SEQR)

ESD as the lead agency is responsible for preparing the Environmental Impact Statement (EIS), which analyzes the Proposed Project's potential effects on the following:

- Land Use, Zoning and Community Character
- Community Facilities and Utilities
- Open Space/Recreational Resources
- Historic and Cultural Resources
- Visual Resources
- Socioeconomic Resources
- Hazardous Material
- Water Resources
- Natural Resources
- Transportation
- Air Quality
- Noise
- Climate Change
- Construction

Planning & Approval (SEQR)

- The EIS analyzes the data collected in the areas on the previous slide to determine Mitigation measures to address significant adverse impacts.
- The EIS also includes assessment of Unavoidable Impacts and Cumulative Effects.

Planning & Public Approvals

- No agency or authority can take an action on a project until SEQR has been completed.
- Following environmental review, the following approvals are expected in Q2 2019:
 - ESD Board
 - Franchise Oversight Board
 - Public Authorities Control Board
 - LIPA/PSEG
 - Attorney General/Comptroller

Synergy with Belmont Park

- ***Elmont Community Vision Plan (Key Vision Plan Elements):***
“**Reinforce Belmont Park-Related Uses** by attracting businesses that are specifically related to horse racing or that could benefit from proximity to this major attraction, including the redevelopment of the parking lot and adjacent areas south of Hempstead Turnpike across from Belmont Park with a hotel, restaurants and quality retail.”
- ***ESD RFP:*** “Extent to which proposed Project strengthens Belmont as a premier destination for entertainment, sports, recreation, retail and hospitality on Long Island: 30%”

Transportation

- LIRR is evaluating existing rail infrastructure and what can be done to provide more regular service to Belmont Park.
- The evaluation is expected to conclude by the end of Q3 2018.
- ESD and NYAP have met with the MTA/LIRR 4 times and is in regular communication.
- We have relayed to LIRR the community concerns we have heard during our outreach process.

