



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

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.

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

October 3, 2018

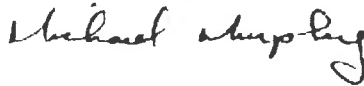
Page 2

- Any and all 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](mailto: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

**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.

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

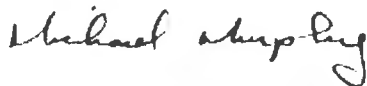
Please provide copies of the following records (dated or created on January 1, 2015 or later unless otherwise indicated in a specific request):

- 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.

Please contact me at (212) 702-5436 or at [mmurphy@bdlaw.com](mailto: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

**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 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

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](mailto:mmurphy@bdlaw.com) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael Murphy". The signature is written in a cursive style with a loop at the end of the last name.

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

**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.

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.

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.

Please contact me at (212) 702-5436 or at [mmurphy@bdlaw.com](mailto: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

**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.

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.
- “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

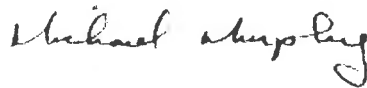
Please provide copies of the following records (dated or created on January 1, 2015 or later unless otherwise indicated in a specific request):

- 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.

Please contact me at (212) 702-5436 or at [mmurphy@bdlaw.com](mailto: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

**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:

- 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.

BEVERIDGE & DIAMOND

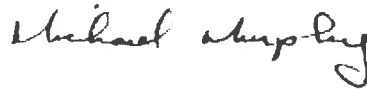
October 3, 2018

Page 2

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](mailto:mmurphy@bdlaw.com) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael Murphy". The signature is written in a cursive style with a large, looped "y" at the end.

Michael Murphy

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

December 19, 2018

VIA EMAIL ([FOIL@esd.ny.gov](mailto: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 Requests (#2640 - #2644)

Dear Sir or Madam:

I am writing in connection with the above referenced Freedom of Information Law requests, which were submitted to you and have been pending since October 3, 2018. Empire State Development (ESD) has repeatedly delayed the processing these requests, while providing no reasonable basis for such delay. Further, the recently issued Draft Environmental Impact Statement for the Belmont Park Redevelopment Project (DEIS) makes it clear that much of the information requested has been available to ESD for some time.

Specifically, the DEIS refers to certain traffic studies completed by or on behalf of ESD to assess anticipated traffic impacts from the project. The raw data from these studies, however, is not included in the materials provided in Appendix F – Transportation, and has not been provided to us pursuant to our above requests. Without this data, it is impossible for our client, the Village of Floral Park, to assess the adequacy of the DEIS's traffic impacts analysis or its proposed mitigation measures. We request that ESD immediately provide the following data:

1. Raw turning movement counts at all study locations, including dates and times of each count; and
2. Analysis reports for each level of service calculation showing the parameters utilized to determine the calculated levels of service.

We reserve all of our rights under Public Officers Law, Article 6, §§ 84-90, with respect to all of the materials requested in the referenced requests, including seeking attorney fees

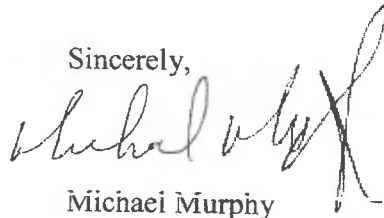
Empire State Development  
Records Access Officer  
Page 2

incurred by the Village as a result of ESD's repeated failure to provide the requested information in a timely manner.

It is requested that the above data be emailed to me as soon as possible at the email address provided below.

Please contact me at (212) 702-5436 or at [mmurphy@bdlaw.com](mailto: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

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.<sup>1</sup>

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 8<sup>th</sup>, 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

---

<sup>1</sup> 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**

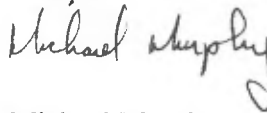
Page 3

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](mailto: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

## Michael G. Murphy

---

**From:** esd.sm.foil <FOIL@esd.ny.gov>  
**Sent:** Wednesday, December 26, 2018 4:55 PM  
**To:** Michael G. Murphy  
**Cc:** esd.sm.foil  
**Subject:** FW: (#2639 - #2644 Murphy) FOIL Request - Status Update  
**Attachments:** Murphy FOIL Request #2639 - re train station.pdf; Murphy FOIL Request #2640 - re parking.pdf; Murphy FOIL Request #2641 - re visitors.pdf; Murphy FOIL Request #2642 - re misc.pdf; Murphy FOIL Request #2643 - re nyra.pdf; Murphy FOIL Request #2644 - re specs.pdf

Dear Mr. Murphy:

Please be advised that ESD continues to review documents responsive to the attached FOIL requests in accordance with the Freedom of Information Law (Public Officers Law, Section 84 et seq.) ("FOIL") and its rules concerning access to ESD's records. ESD will notify you of the status of its review and endeavor to provide you with any responsive documents and/or determination(s) made pursuant to FOIL on or before February 8, 2019.

Thank you.

Records Access Officer  
[FOIL@esd.ny.gov](mailto:FOIL@esd.ny.gov)

---

**From:** esd.sm.foil  
**Sent:** Friday, November 09, 2018 5:05 PM  
**To:** 'mmurphy@bdlaw.com' <mmurphy@bdlaw.com>  
**Cc:** esd.sm.foil <FOIL@esd.ny.gov>  
**Subject:** FW: (#2639 - #2644 Murphy) FOIL Request - Status Update

Dear Mr. Murphy:

Please be advised that ESD continues to review documents responsive to the attached FOIL requests in accordance with the Freedom of Information Law (Public Officers Law, Section 84 et seq.) ("FOIL") and its rules concerning access to ESD's records. ESD will notify you of the status of its review and endeavor to provide you with any responsive documents and/or determination(s) made pursuant to FOIL on or before December 26, 2018.

Thank you.

Records Access Officer  
[FOIL@esd.ny.gov](mailto:FOIL@esd.ny.gov)

---

**From:** esd.sm.foil  
**Sent:** Friday, October 12, 2018 9:25 AM  
**To:** 'mmurphy@bdlaw.com'  
**Cc:** esd.sm.foil  
**Subject:** (#2639 - #2644 Murphy) FOIL Request - Acknowledgement

Dear Mr. Murphy:

ESD is in receipt of the attached FOIL request seeking access to certain records of the New York State Urban Development Corporation (“UDC”) doing business as Empire State Development (“ESD”).

ESD is considering your request in accordance with the Freedom of Information Law (Public Officers law, Section 84 et seq.) and its rules concerning access to the records of the Corporation. ESD will notify you of the results of its search for responsive documents within twenty (20) business days.

Thank you.

Records Access Officer

[FOIL@esd.ny.gov](mailto:FOIL@esd.ny.gov)

**IMPORTANT:** This e-mail message and any attachments contain information intended for the exclusive use of the individual(s) or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please immediately notify the sender by electronic mail or notify the System Administrator by telephone (518)292-5180 or e-mail ([administrator@esd.ny.gov](mailto:administrator@esd.ny.gov)) and delete the message. Thank you.

## Michael G. Murphy

---

**From:** esd.sm.foil <FOIL@esd.ny.gov>  
**Sent:** Friday, February 8, 2019 9:43 PM  
**To:** Michael G. Murphy  
**Cc:** esd.sm.foil  
**Subject:** FOIL Response - Murphy #2639-2644 /1  
**Attachments:** #2639-2644 Email Binder\_Part1.pdf

Dear Mr. Murphy,

This email responds in sequential order to your October 4, 2018, FOIL requests #2639-2644 for the following:

### #2639

- *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.*

Records responsive to your FOIL request #2639 are attached.

Pursuant to Public Officers Law §87(2)(b), we have redacted information that "if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article." Pursuant to Public Officers Law §87(2)(c), we have withheld some records as they contain information that "if disclosed would impair present or imminent contract awards."

Pursuant to Public Officers Law §87(2)(g), we have withheld other records from disclosure as they are "inter-agency or intra-agency materials which are not (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final agency policy or determination; (iv) external audits, including but not limited to audits performed by the comptroller and the federal government."

Pursuant to Public Officers Law §87(2)(i), we have redacted certain information that "If it is if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures."

### #2640

...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*

- *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*
- *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.*

Records responsive to your FOIL request #2640 are posted under Project Resources, item 9, at the following link: <https://esd.ny.gov/belmont-park-redevelopment-project>. Posted at [https://vhub-my.sharepoint.com/:f/p/emetzger/EthcyGNrvDhOoAqOXOE59fwBk\\_7g97SnfbfJFltwSoANUw?e=YusZCs](https://vhub-my.sharepoint.com/:f/p/emetzger/EthcyGNrvDhOoAqOXOE59fwBk_7g97SnfbfJFltwSoANUw?e=YusZCs) are raw traffic data. Other records responsive to your FOIL request #2640 are attached.

Pursuant to Public Officers Law §87(2)(b), we have redacted information that “if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article.” Pursuant to Public Officers Law §87(2)(c), we have withheld some records as they contain information that “if disclosed would impair present or imminent contract awards.”

Pursuant to Public Officers Law §87(2)(g), we have withheld some records from disclosure as they are “inter-agency or intra-agency materials which are not (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final agency policy or determination; (iv) external audits, including but not limited to audits performed by the comptroller and the federal government.”

Pursuant to Public Officers Law §87(2)(i), we have redacted certain information that “If it is if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.”

#### **#2641**

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

Records responsive to your FOIL request #2641 are posted under Project Resources, item 9, at the following link: <https://esd.ny.gov/belmont-park-redevelopment-project>.

#### **#2642**

- *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:*
  - *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.* <https://esd.ny.gov/sites/default/files/news-articles/ESD-21Dec2017-BM-Posting.pdf> (pages 332-338).
- *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.*

Records responsive to your FOIL request #2642 are posted under Project Resources, items 7 and 8. at the following link: <https://esd.ny.gov/belmont-park-redevelopment-project>.

Pursuant to Public Officers Law §87(2)(c), we have withheld some records as they contain information that "if disclosed would impair present or imminent contract awards."

Pursuant to Public Officers Law §87(2)(g), we have withheld some records from disclosure as they are "inter-agency or intra-agency materials which are not (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final agency policy or determination; (iv) external audits, including but not limited to audits performed by the comptroller and the federal government."

#### **#2643**

- *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.*

Records responsive to your FOIL request #2643 are attached.

Pursuant to Public Officers Law §87(2)(b), we have redacted information that "if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article." Pursuant to Public Officers Law §87(2)(g), we have withheld some records from disclosure as they are "inter-agency or intra-agency materials which are not (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final agency policy or determination; (iv) external audits, including but not limited to audits performed by the comptroller and the federal government."

Pursuant to Public Officers Law §87(2)(i), we have redacted information that "If it is if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures."

#### **#2644**

- *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.*

Records responsive to your FOIL request #2644 are posted under Project Resources, items 9 and 10, at the following link: <https://esd.ny.gov/belmont-park-redevelopment-project>.

Due to the size of the files, the responsive records are being transmitted to you in a series of emails of which this is the first.

Pursuant to Public Officers Law §89(4)(a), you have thirty (30) days to appeal this determination. An appeal of any portion of this determination should be directed to Empire State Development's appeals officer, New York State Urban Development Corporation d/b/a Empire State Development, 633 Third Avenue, 37th Floor, New York, NY 10017, [FOILAppeal@esd.ny.gov](mailto:FOILAppeal@esd.ny.gov).

Kindly confirm receipt of this email. Thank you.

Records Access Officer  
[FOIL@esd.ny.gov](mailto:FOIL@esd.ny.gov)

**IMPORTANT:** This e-mail message and any attachments contain information intended for the exclusive use of the individual(s) or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please immediately notify the sender by electronic mail or notify the System Administrator by telephone (518)292-5180 or e-mail ([administrator@esd.ny.gov](mailto:administrator@esd.ny.gov)) and delete the message. Thank you.