

Exhibit I



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

April 12, 2018

[Via US Mail & Email \(belmontoutreach@esd.ny.gov\)](mailto:belmontoutreach@esd.ny.gov)

Michael Avolio
Empire State Development
633 Third Avenue
New York, NY 10017

Re: Belmont Park Redevelopment Project: Comments of the Village of Floral Park on the Draft SEQRA Scoping Document

Dear Mr. Avolio:

This firm has been retained by the Incorporated Village of Floral Park (“Floral Park” or “Village”) to represent it in relation to the proposed Belmont Park Redevelopment Project. The proposed project is subject to review under the State Environmental Quality Review Act (“SEQRA”). This letter constitutes the Village’s comments to the draft Scoping Document issued by Empire State Development (“ESD”). Please note that these comments on behalf of the Village supplement and do not displace any comments previously submitted by Village officials or additional comments and questions on specific topic areas being concurrently submitted by the Village.

On July 31, 2017, ESD issued a request for proposals (“RFP”) for the development of two parcels (Site A consisting of 15 acres and Site B consisting of 28 acres, the “Project Sites”) within the Belmont Park Property for entertainment, sports recreation, retail and hospitality purposes. At the completion of the process, a proposal by New York Arena Partners, LLC (“NYAP”) was tentatively selected. Central to the proposal is the development of a new arena to host the New York Islanders hockey team, but that arena venue would also host numerous other large events, like concerts, throughout the year. The project also would include (i) retail, entertainment and dining facilities that, taken alone, would be comparable to a significantly sized mall development, (ii) a 250 room hotel which would stand 265 feet high dwarfing all other development in the surrounding area, and (iii) other ancillary uses (office space, community center and open space). What Floral Park initially had understood would be a proposal situated almost exclusively within the 43 acres comprising the two Project Sites has morphed into an

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enormous project that will extend throughout and even beyond Belmont Park Property and is spurring even further expansion and improvements by the New York Racing Association (“NYRA”) (the impacts of which apparently will not be considered in this SEQRA process).

To be clear, Floral Park has long supported the need to develop underutilized parcels within Belmont Park. It has been consistent on this front. But it also has called for the development of a Master Plan for Belmont Park to guide development in an appropriate, measured way that not only enhances local and regional economic development but also protects the unique character of the communities surrounding Belmont Park and Belmont Park itself.

Mayor Dominick Longobardi explained it thus in his initial comments on the draft scope:

The Village wishes to keep Belmont Park the beautiful place that it is and the continuation and enhancement of this crown jewel of thoroughbred racing nationwide.

Mayor Longobardi further confirmed that the Village strongly supports development that will “complement and enhance Belmont Park.”

However, the growing magnitude and scope of NYAP’s proposal seems to be out of control. For illustration, ESD initially publically stated that the proposed project would not rely on the North Lot which is well outside the Project Sites for parking (this was consistent with the understanding that the NYAP project would be largely self-contained and appropriately sized as a result). Just months later, the North Lot – proximate to Floral Park residences, a local elementary school and youth athletic fields – has become integral to the project’s ability to handle the Project’s traffic – though, as explained below, even that is questionable.

At issue, therefore, is not whether these underutilized parcels should be put to productive use. No one seriously debates that. At issue is whether the proposal complements, enhances and protects the unique nature of Belmont Park as a historic venue for thoroughbred horseracing and protects the character of the communities surrounding Belmont Park. The Village is concerned that the project’s current scope is facing a failing grade on both fronts, but importantly, there is still time to correct course.

For the residents of Floral Park, Belmont Park has long represented a bulwark against the encroachment of urbanized development to the west. The proposed project risks turning that over century-old shield into a gateway to dense urban development.

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Laura Ferone, a resident of Floral Park and Vice President of the Floral Park Bellerose School District, which would be directly impacted by the project, captured the essence of the concerns of the Floral Park community:

It seems as though much of the fallout from this development is the urbanization of the suburbs.

The proposed project has become so large and expansive, one might rightly ask if it is being proposed for Downtown Manhattan, as opposed to an area next to quiet suburban residential communities. Floral Park respectfully asks that ESD take stock of the location of this project and scale it appropriately – in other words, sound planning principles should be applied to reign in the scope of this proposal before it is too late. Floral Park stands ready to help.

In the meantime, Floral Park offers the following comments on the draft scope.

Inadequate Public Comment Period

Notice of ESD's positive declaration and public scoping appeared in the February 28, 2018 issue of the Environmental Notice Bulletin.¹ The notice announced the comment period would end on April 6, 2018. Despite the complex, multi-faceted and expanding nature of the proposed project, the notice provided only 37 days for the public to review the proposal and submit comments on the draft Scoping Document. By letter dated March 12, 2018, the Village requested that the comment period be extended given the complexity and importance of the project. ESD subsequently extended the period by a mere six days – to April 12th. The Easter and Passover periods, both of significant religious importance, fell in the middle of this time period. This is too short a period for the Village and the public to adequately and meaningfully review the draft scope, and prepare adequate comments for submission to ESD.

The concern is compounded by at least three additional factors. First, between the selection of the NYAP/Islanders proposal by ESD and the issuance of the draft Scoping Document, the scope of the project seems to have expanded immensely. The public should not be expected to comment on a moving target. Second, as discussed in this and other submissions, many of the details of the project and proposed analyses, even preliminary details, are missing, incomplete, inaccurate or even contradictory (*e.g.*, discussion below regarding proposed study area). The public should not be expected to comment on a project proposal, even at the scoping stage, that is missing basic details. Third, at the March 22nd scoping session, Richard Browne, representing the developer, announced that another meeting had been scheduled for April 24th at which the development team would answer questions from the public. Why would ESD close the public

¹ http://www.dec.ny.gov/enb/20180228_not1.html.

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comment period on the draft Scoping Document prior to that Q&A, especially when there is so much confusion over the project and why it keeps changing?

Regulations under SEQRA establish a default time period of 60 days for the scoping process, which includes both the solicitation of public comment and the preparation of a final scope. However, the 60-day time period may be extended by agreement between a project sponsor and the Lead Agency.² For particularly complex or sensitive projects like this one, an extended scoping timetable is “frequently necessary” to ensure that the final scope appropriately addresses all relevant issues and specifications for review.³ For scoping, the Lead Agency has an overriding mandate to “include an opportunity for public participation.”⁴ Implicit in this mandate is that the public’s opportunity to participate must be informed and meaningful.

In light of all of these facts, a 43-day public comment period is plainly inadequate. There is no good reason to limit the comment period in this way under these circumstances, especially with the April 24th Q&A session only days away. The Village respectfully requests that ESD and NYAP agree to extend comment period to 30 days beyond the April 24th Q&A session. ESD and NYAP can use this additional time to supplement and correct the information in the draft scoping document. The project and process will benefit from such an extension.

Deficiencies in the Draft Scoping Document

The Village has concerns and preliminary comments regarding specific subject areas that are addressed below.⁵ This section raises concerns that are more general in nature.

1. The Draft Scope Fails to Adequately Define the “Study Areas” and Omitted a Study Area Map That ESD has Already Developed

A key element of conducting adequate analyses during an environmental review is properly establishing the study areas. If a study area fails to reach areas that will be impacted by a project, the review – by definition – is inadequate. This lesson was learned in a recent case involving the National Environmental Policy Act – the federal counterpart to SEQRA. In *Standing Rock Sioux Tribe, v U.S. Army Corp of Engineers*, 2017 WL 2573994 (D. D.C. 2017), the District Court of the District of Columbia annulled an environmental impact statement reviewing a proposed oil pipeline because, among other things, it limited the study area to ½ mile from the proposed project while ignoring sacred Indian lands only 80 yards beyond the

² 6 NYCRR § 617.3(i).

³ NYSDEC, SEQR Handbook, Chapter 5, § B(9).

⁴ 6 NYCRR § 617.8(e).

⁵ As noted earlier, the Village is also concurrently submitting additional comments and questions on specific topics.

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study area boundary. The court ruled that the ½ mile study analysis area was arbitrary and capricious.

For a project of this magnitude, the study area must be very carefully considered and not only linked to the physical locations of the project's components, but the type of impact being assessed. In this instance, the draft scoping document is deficient in defining the study areas. First and foremost, it is clear that the project extends well beyond the 43 acres comprising the Project Sites, and includes extensive construction and use of other parts of Belmont Park: NYAP's project contemplates shared parking use of NYRA's North and South Lots, use of existing internal road infrastructure to provide shuttle transportation to and from the North Lot, construction of a large substation north of the North Lot (close to an elementary school, athletic fields and residences but, notably, quite distant from NYAP's main development), and transforming an existing pedestrian tunnel for utilization by NYAP for running cables and other services.

Floral Park also understands that the project, as proposed, will trigger construction and other activities beyond the boundaries of Belmont Park. For example, the project apparently will trigger construction activities at the Floral Park substation, as well as a new 1 ½ mile electric transmission line beneath the local roadway system. What is not yet known is whether other off-site activities will also be needed or how extensive they will be, such as improvements on the Cross Island Parkway and other roads, and offsite sewer and water supply utility improvements.

With this in mind, it is disconcerting that the draft Scoping Document has proposed a study area of ½ mile – primarily measured from the Project Sites. For example, the draft scope states that in relation to other proposed development (p. 9), “[g]overnmental entities with jurisdiction in an approximately ½-mile radius surrounding the Project Sites . . . as well as NYRA will be contacted for information regarding planned future development and capital projects.” This would omit any proposed development just to the north of the North Lot and proposed 40,000 square foot substation even though both are integral to NYAP's proposal.

In fairness, the language of the draft scope is unclear on this point. At times, it vaguely references a study area in relation to the “Project Sites and other directly affected areas” (*e.g.*, p. 15), but this is not clearly delineated as it should be in a draft scope. This alone deprives the public of its right to meaningfully comment at this critical juncture. Clarity would have been provided had the draft scope included study area maps, as would be expected for a project of this magnitude.

Floral Park learned after the fact that ESD has developed such a map, but quite frankly, the map raises even more questions. Immediately below is a study area map that was provided to Village officials by ESD at a March 13th meeting.

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This map shows a Primary Study Area ($\frac{1}{4}$ mile boundary) and a Secondary Study Area ($\frac{1}{2}$ mile boundary). Helpfully, it appears to show the study area radius measured from major on-site components of the project and not merely from the Project Sites. However, the map raises at least three questions:

- Why was a study area map not included with the draft Scoping Document?
- Why are off-site components of the project not reflected in the study area boundaries?
- Why does this map include reference to a “Primary Study Area” of $\frac{1}{4}$ mile when the draft scope makes no reference to such a small study area?

The draft scope only references a $\frac{1}{2}$ mile study area, and makes no mention of a **Primary Study Area** and a **Secondary Study Area**. The Village does not believe that a $\frac{1}{2}$ mile study area is adequate for some analyses and now apparently a $\frac{1}{4}$ mile study area is being contemplated with no explanation provided to the public. The Village requests that the scope be reissued as a draft with clearly defined proposed study areas so that the public can understand the proposed analyses and comment accordingly. Floral Park believes that certain key analyses such as those addressing impacts to community character and adverse socioeconomic impacts must use a much broader study area of up to 3 miles from the project development area.

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2. The Project Needs Better Definition

Floral Park understands that at the draft scope stage some details concerning a proposed project may not be known. Nevertheless, too many basic components of this project seem to be in flux based on the information presented in the draft scope and comments made by NYAP at the scoping session. While the draft scope provides an overview of what is expected to occur within Belmont Park, information is scant on off-site work. This is important because it relates to the appropriate study area boundary definition. If significant off-site work is expected, then the study area should be adjusted accordingly.

Off-site electric utility work is an example of this problem. The draft scope acknowledges (p. 3) that “[u]nderground transmission lines would extend north within road beds approximately 1.5 miles, connecting to the Floral Park substation.” This activity alone has the potential to cause significant impacts during construction, including major traffic impacts along the local roadway system. Yet the proposed route is not described, let alone the associated analysis of traffic impacts. Further, the Village understands that significant work will also take place at the Floral Park substation. This work is not described, even in a general way, let alone a commitment to assess impacts associated with the work.

The scope needs to be revised to better define the project and address off-site issues with much more clarity.

Purpose & Need: The Project’s Size and Scope Will Impact the Unique Character of the Floral Park Community

The Village’s concerns over the size and magnitude of the proposal have been noted above, but there are several additional points that show how the project, as currently proposed, could forever alter the character of Floral Park in a negative way.

It is understood that ESD has unique authority to override local zoning requirements to implement a project it sponsors, and it comes as no surprise that this proposal would necessitate overriding the Town of Hempstead’s Zoning Ordinance restriction limiting the use of the parcels in question to residential purposes. It is entirely reasonable to assume this zoning restriction would be overridden to accommodate any development of the Project Sites.

However, the ESD also proposes to override numerous dimensional zoning restrictions that are specifically designed to minimize impacts on adjacent and nearby uses. They include (p. 8):

- Minimum lot area and width;
- Maximum building area and height;
- Minimum front, side, and rear yard depths;
- Maximum building coverage and heights; and

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- Minimum parking stalls, stall size, aisle width, and parking setbacks.

Modest relief from these requirements likely would not be objectionable. But, the Village suspects that the NYAP proposal will far exceed the underlying restrictions reflecting the massive size of the project and unfettered “urbanization” of what is otherwise a suburban area. In contrast to the proposed project, the surrounding communities are mostly comprised of quiet suburban residential areas, schools and small local commercial, retail and business hubs.

The project’s magnitude is further reflected in its description of “events” at the arena. Not only will the arena host Islander home games, it will host numerous other high-attendance concerts and events – as many as 180 - 200 high attendance events throughout the year. The nature of these events will cause compressed high volume traffic in the evening hours – first, during the latter part of the existing evening rush hours when attendees make their way to the event, and then late at night when they leave. Once again, the looming threat of “urbanization of our suburbs” is present.

SEQRA requires that these issues be considered. Environmental Conservation Law (“ECL”) § 8-0101 states that SEQRA’s purpose is, among other things, to “prevent or eliminate damage to the environment and **enhance human and community resources.**” SEQRA further states that “the protection and enhancement of the environment, **human and community resources shall be given appropriate weight with social and economic considerations in public policy.** Social, economic, and environmental factors shall be considered together in reaching decisions on proposed activities.” ECL § 8-0103(7). Case law has long recognized that “neighborhood character” is a physical condition of the environment that must be considered in an environmental review. *See Chinese Staff & Workers Ass’n v. City of New York*, 68 N.Y.2d 359 (1986); *H.O.M.E.S. v. New York State Urban Dev. Corp.*, 69 A.D.2d 222 (4th Dep’t 1979) (SEQRA violated for failure to consider project’s effect on neighborhood).

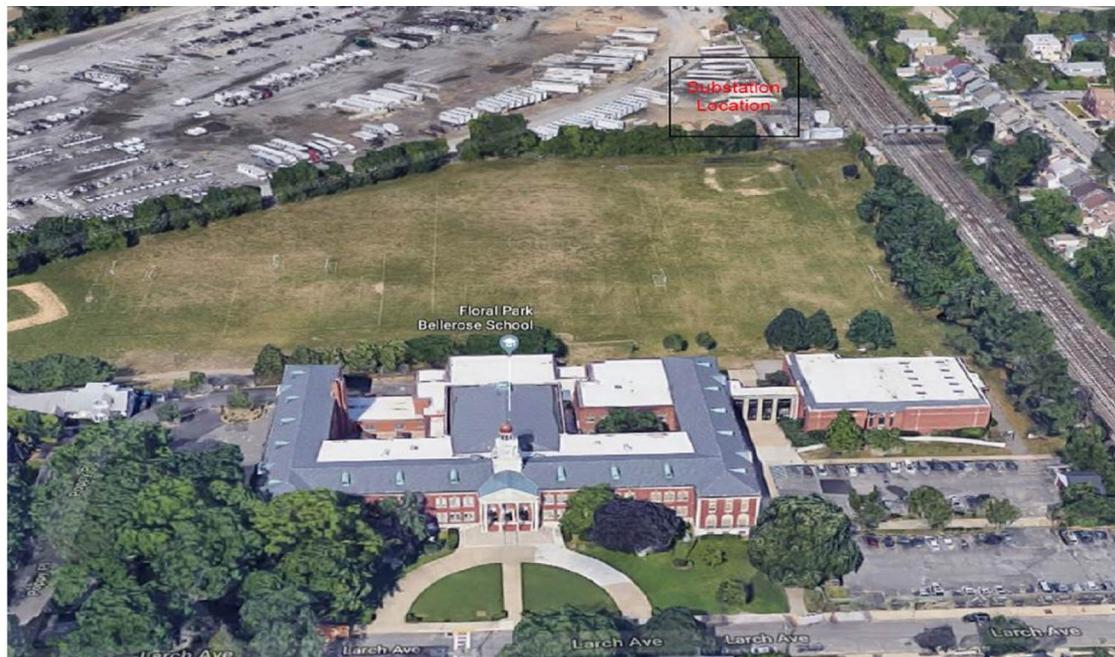
The Village does not question that the Project Sites should be developed, but the development should not be inconsistent with its setting. An example of the Village’s concern about the project’s size relates to the proposed hotel structure, the size and height of which are completely incompatible with the surrounding area.

Another example relates to the project’s need to utilize the North Lot and placement of the 40,000 square foot substation near an elementary school and next to youth athletic fields, despite the fact that the Project Sites consist of 43 acres.

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The Google map⁶ above shows a westerly view of the Floral Park Bellerose Elementary School in the foreground, with youth athletic fields just behind. Just to the north are residences. NYAP proposes to have extensive shared use of the North Lot next to the athletic fields and placement of a large substation approximately at the location shown.

Of note, ESD publically stated in December 2017 that use of the North Lot was not necessary. The following is a response to a question posed regarding the North Lot.

Q. Page 13 of the RFP states the need for "parking calculations." Will the North Lot (north of the track) and its existing roads be utilized in any way for traffic flow or parking to accommodate developments of either Parcel A or Parcel B? Are there plans to light the parking lots and roads?

A. It is not anticipated that the North Lot will be used to accommodate parking for development projects on Site A, Site B or Alternative Site A. NYRA plans to continue to use the North Lot for parking, but no paving or additional work is currently contemplated

RFP Addendum No. 4, Q. No. 62

(https://esd.ny.gov/sites/default/files/rfp/Belmont_Addendum_4_QA.pdf)

⁶ Aerial view of Floral Park Bellerose Elementary School looking to the west; imagery ©2018 Google, map data ©2018 Google. Approximate location of substation added.

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What changed – in the matter of a few months? The only discernable change is the increasing size of the project. Recall that the proposed project contemplates hundreds of high-attendance events each year so there will be a dramatic increase in the use of the North Lot.

These factors point to an overall project that is massive in terms of scope and inconsistent with the surrounding communities.

Presumably, a smaller project would not require the use of the North Lot and allow of the placement of the substation within the Project Sites well away from the athletic fields and elementary school. If this happened, residents would not be raising concerns over electromagnetic field impacts and “leering eyes” near their children. Why should children going to school and playing sports and residents be burdened in this way simply because NYAP’s project is not appropriately sized? Why is ESD sponsoring a project of this size, and walking back its statement regarding the North Lot.

We address other impact specific concerns relating to community character below.

Socioeconomic Impacts Must Be Carefully Studied

In his comments, Deputy Mayor Kevin Fitzgerald highlighted concerns over how the proposal will impose an enormous strain on the Village’s infrastructure. Similar to concerns over how needed improvements will be funded, the Village needs to understand how NYAP intends to mitigate these problems, including the provision of funding to repair and maintain such infrastructure.

The Village is pleased that the draft scope makes the following commitment (p. 17):

The socioeconomic impact assessment will include analyses of potential competitive effects (retail sales for local businesses) and/or displacement effects (changes in the vacancy rate) as well as potential synergies with local retail concentrations as well as larger entertainment venues.

That said, the Village is very concerned that the NYAP proposal, which includes retail, entertainment and dining, will compete directly with Floral Park’s three thriving business, entertainment and retail areas, which also include an array of restaurants. Thus, the analysis must not be limited to “retail” alone. Further, the concern is magnified by the reality that the proposed NYAP project and NYRA’s operations (current and planned) both relate to uses that not only will compete with each other for family discretionary spending, but also combine to compete with Floral Park’s retail, entertainment and restaurant businesses for the same limited funds.

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These areas are the lifeblood of Floral Park. It is essential that ESD make a commitment to consult with Floral Park to ensure that these areas are included in the socioeconomic impacts analysis regardless of any artificially created study area boundaries. Floral Park cannot risk adverse impacts to these local economic drivers which provide local jobs and pivotal support to the tax base.

Moreover, the socioeconomic analysis cannot be generic or merely qualitative. It must be data driven so the true impacts are understood. In other words, an accurate characterization of the adverse competitive impact on Floral Park's "hubs" must be required to ensure there is no risk of localized blight in the community.

Traffic and Transportation, Community Facilities/Resources and Safety

The Village has many concerns relating to the draft scope's proposed assessment of community facilities' impacts, safety, and traffic and transportation impacts. These and other issues are addressed in the concurrently submitted Village comments and below.

1. The Draft Scope Does Not Even List Any Floral Park Agency, Including the Police Department, for Consultation in Key Areas

The draft scope states (p. 12-13):

The existing community facilities and services and utilities serving the Project Sites will be described, including: Nassau County Police Department, 5th Precinct; Nassau County Police Medic Association (for emergency medical services); Elmont Fire Department (for fire protection and ambulance service); private solid waste collection and disposal services; Water Authority of Western Nassau County for potable water supply; Nassau County Department of Public Works for sewage collection, treatment, and disposal; PSEG Long Island for electricity; National Grid for natural gas; and Elmont Memorial Library.

Not one Floral Park agency is mentioned, not even the Floral Park Police Department. The Floral Park Police Department is required to deploy additional resources every time there is a significant event at Belmont Park. The proposed project will be no different, except the strain on local police department resources will be commonplace instead of infrequent.

The Police Department has developed accident incident data for intersections along Plainfield Avenue that should be incorporated into the review. The Police Commissioner, Stephen McAllister, has key insights into traffic congestion and safety needs and concerns associated with events at Belmont Park. Commissioner McAllister has consulted with other police department officials in areas that host events similar to those of the proposed project to gain a

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data driven understanding of the increased demand on his department's limited resources. There are only 24 patrol staff in the Floral Park Police Department. What increased staffing will be needed due to events at Belmont Park? How will this be funded? Can Floral Park count on NYAP to offset additional costs incurred by the Police Department and other local services (Fire Department and ambulance services) so that local taxpayers are not burdened by these costs?

The Floral Park Police Department, Fire Department and local ambulance service providers must be consulted as part of this review, and the draft scope should be revised accordingly.

2. The Draft Scope's Discussion and Reliance on LIRR Services is Contradictory and Unreliable

The draft scope appears to rely on the use of the LIRR system to accommodate anticipated events. At one point, the draft scope states (p. 23):

The LIRR is committed to developing a plan to expand LIRR service to Belmont Park station for events year-round; the extent and utilization of this service expansion will be confirmed with MTA/LIRR.

With due respect, this statement is completely at odds with MTA/LIRR's public statements and announced plans. Floral Park Trustee Archie Cheng addressed this issue at length at the March 22nd scoping session, including the following:

In January, during questioning by Sen. Kaminsky, MTA Chairman, Joseph Lhota used the word "concerned" about the possibility of providing LIRR service to Belmont. He stated "We're at capacity on the main line during rush hour, and so we're going to look at that and weigh that in. I'm concerned about how that's going to fit in at any one particular point in time."

Mr. Lhota was also concerned about the design of the Belmont spur off the main line. The only access to the Belmont spur is the one eastbound track to Hempstead. During the Belmont Stakes day, all service on the eastbound Hempstead branch is affected because the LIRR stores trains on that eastbound track to go into Belmont Park to take passengers to Jamaica. At the present time, a train from the east would have to either go to Jamaica so passengers could transfer back to Belmont or the train would have to basically make a three point turn somewhere around Queens Village and then travel southeast to Belmont. The latter would entail crossing several switches (not yet installed) stopping the train and then going in the opposite direction once the train was on the Belmont track. It has been estimated that that maneuver would take between 5-10 minutes. Five to ten minutes that the LIRR's schedule does not have, especially during rush hour.

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The MTA's 2014-2019 Five Year Capital Plan which has already been amended for the 3rd track project does not contain funds for any design or engineering at the Belmont Park LIRR station let alone construction for improvement. I am certain that the MTA has been diligently working on its next Five Year Plan which already contains desperately needed infrastructure improvement funding. My question then is; what will be taken out of already proposed projects to fund the study and engineering of making Belmont station full time and, if feasible, construction of the improvements. Who will fund this improvement which should be privately financed?

An environmental impact study cannot proceed on the basis of a wish that is totally contradicted by reality.

Furthermore, there appears to be a fundamental flaw in the assumptions underlying the proposed analysis even if LIRR service is dramatically expanded at Belmont Park. There is simply no reason to believe that significant numbers of people traveling from eastern Long Island to attend an evening event at the Belmont arena will travel by rail when the trip almost certainly will involve a reverse transfer at Jamaica. Lower rail transportation volumes mean higher than anticipated road volumes and associated impacts prior to and after events. The analyses must not make unreasonable assumptions regarding the rail use to falsely minimize road traffic volumes and impacts due to Belmont Park events.

3. The Proposed Traffic Analysis Must be Revised to Account for the Increased Use of Traffic Apps

The proposed project will cause the road network surrounding Belmont Park to frequently experience extremely high volumes of traffic. The description of the traffic analysis is deficient because it fails to consider the growing use of navigation applications during such conditions and the resulting adverse impacts on local communities.

Adverse impacts associated with the use of these applications have caused municipalities around the country to resort to severely curtailed road access and even road closures in some instances. A recent article in the New York Times lays the problem bare:

It is bumper to bumper as far as the eye can see, the kind of soul-sucking traffic jam that afflicts highways the way bad food afflicts rest stops.

Suddenly, a path to hope presents itself: **An alternate route, your smartphone suggests, can save time. Next thing you know, you're headed down an exit ramp, blithely following directions into the residential streets of some unsuspecting town, along with a slew of other frustrated**

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motorists.

“Without question, the game changer has been the navigation apps,” said Tom Rowe, Leonia’s police chief. “In the morning, if I sign onto my Waze account, I find there are 250,000 ‘Wazers’ in the area. When the primary roads become congested, it directs vehicles into Leonia and pushes them onto secondary and tertiary roads. **We have had days when people can’t get out of their driveways.**”

“Navigation Apps Are Turning Quiet Neighborhoods Into Traffic Nightmares,” NEW YORK TIMES, Dec. 24, 2017 (available at <https://www.nytimes.com/2017/12/24/nyregion/traffic-apps-gps-neighborhoods.html>) (emphasis added). *See also* “Traffic apps such as Google Maps, Waze present challenges for traffic engineers,” FOX 31, Dec, 11, 2017 (available at <http://kdvr.com/2017/12/11/traffic-apps-like-google-maps-waze-present-challenges-for-traffic-engineers/>) (“[T]raffic engineers are seeing an increase in side-street traffic because of traffic apps such as Apple Maps, Google Maps and Waze. . . . As a result of congested highways and interstates, **the traffic apps reroute drivers onto quieter side streets to avoid traffic.**”) (emphasis added); “Driving apps like Waze are creating new traffic problems” KLAU LOCAL PUBLIC RADIO, Mar. 23, 2017 (available at <http://kalw.org/post/driving-apps-waze-are-creating-new-traffic-problems#stream/0>) (“If traffic is bad on the highway, [the Navigation Apps will] often send drivers onto local roads. This is getting to be a problem in Fremont. . . . **Unsurprisingly, residents are upset about the increased traffic on their streets.** I spoke to one elderly woman who says it’s gotten so bad that she tries not to leave the house after 2 p.m.”) (emphasis added).

Because these navigation applications are readily available, standard assumptions for traffic distribution are no longer valid or reliable. This is certainly the case here because the nature of the proposed project will be primarily event-driven, causing large volumes of traffic to and from Belmont Park over extremely condensed periods of time. The problem will be compounded as NYRA expands activities that overlap with prime event days. Neither NYRA’s expanded activities nor the growth in use of navigation applications is even acknowledged in the draft scope, let alone incorporated into the proposed traffic analysis.

This is of critical concern to Floral Park. Once the evening hour rush traffic subsides, Floral Park roads generally experience modest traffic loading. The relative calm during this time of day is viewed as integral to the community’s appealing character.

These significant deficiencies must be corrected in the Scoping Document. It is essential that adverse traffic impacts on local roads be accurately assessed and quantified so that the environmental impact analysis can determine whether appropriate mitigation measures such as local road closures or restrictions (e.g., restricted to local residential traffic only) are appropriate or even feasible. Further, even if local road closures or restrictions are determined to be

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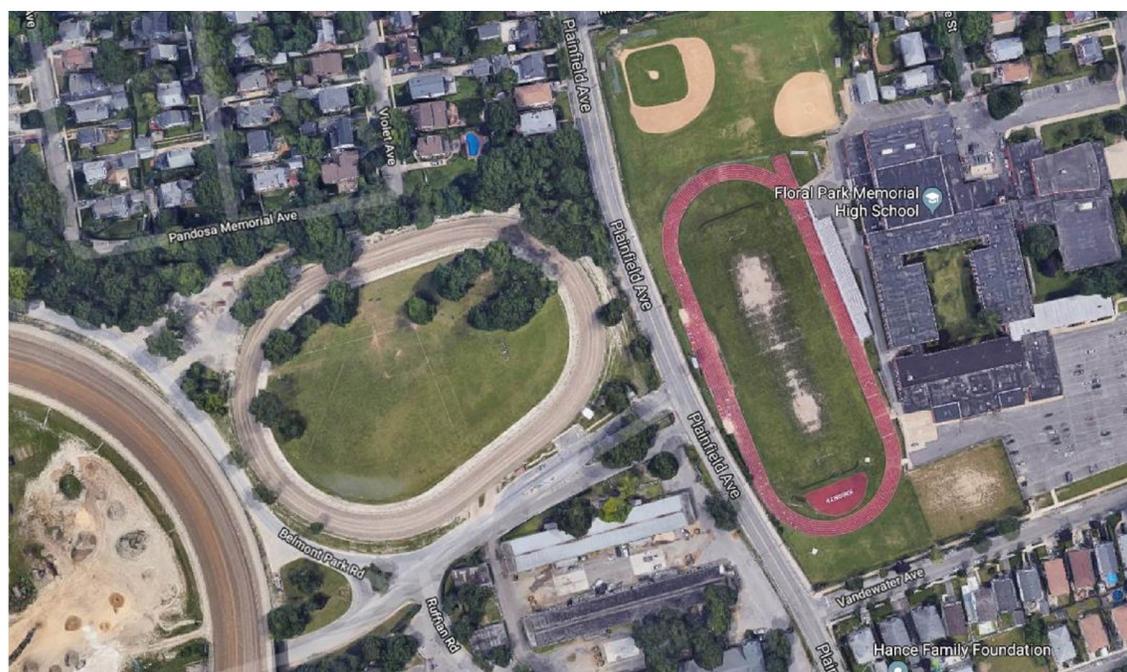
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appropriate and feasible, the assessment should determine what level of local resources (*i.e.*, police department staffing and equipment) would be required to enforce such conditions, and how those resources would be funded.

4. Traffic Impacts Near the Floral Park Memorial High School Must be Carefully Assessed

There is an existing entrance to Belmont Park on Plainfield Avenue, directly across from the Floral Park Memorial High School.



This entrance, shown above,⁷ currently has very limited use that generally does not impact the high school. The draft scope must disclose whether NYAP's project will cause, directly or indirectly, increased use of this access point to the Belmont Park property, and specifically identify that location as a point that the traffic analysis will cover.

5. Emergency Response Times

Deputy Mayor Kevin Fitzgerald called for detailed consideration of the project's impacts on emergency response times. If the types of issues noted above are not incorporated into the traffic analysis, then the analysis will not accurately reflect the proposed project's impacts on

⁷ Aerial view of Floral Park Memorial High School and entrance to Belmont Park across Plainfield Avenue; imagery ©2018 Google, map data ©2018 Google.

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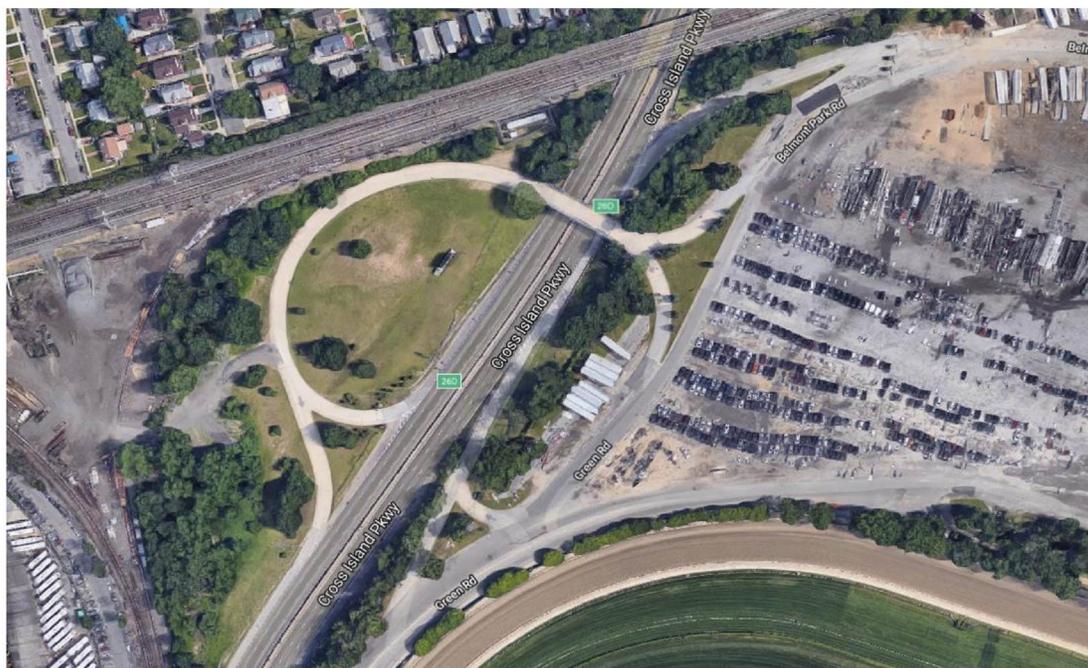
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emergency response times. Increased traffic on the local road system could have a dramatic impact on emergency response times, risking loss of life.

6. What Improvements are Proposed for the Cross Island Parkway and Key Ramps

The Cross Island Parkway is already overburdened. As noted above, event driven traffic will overlap with the evening rush hour, exacerbating already poor traffic conditions. Also, for the reasons stated above, rail access is unlikely to significantly alleviate these conditions. Thus, traffic impacts along the Cross Island Parkway is of particular concern, especially if navigation applications cause drivers to utilize local roadways instead.

There are two major entrance/exit ramps off the Cross Island leading directly or indirectly to Belmont Park as shown below:

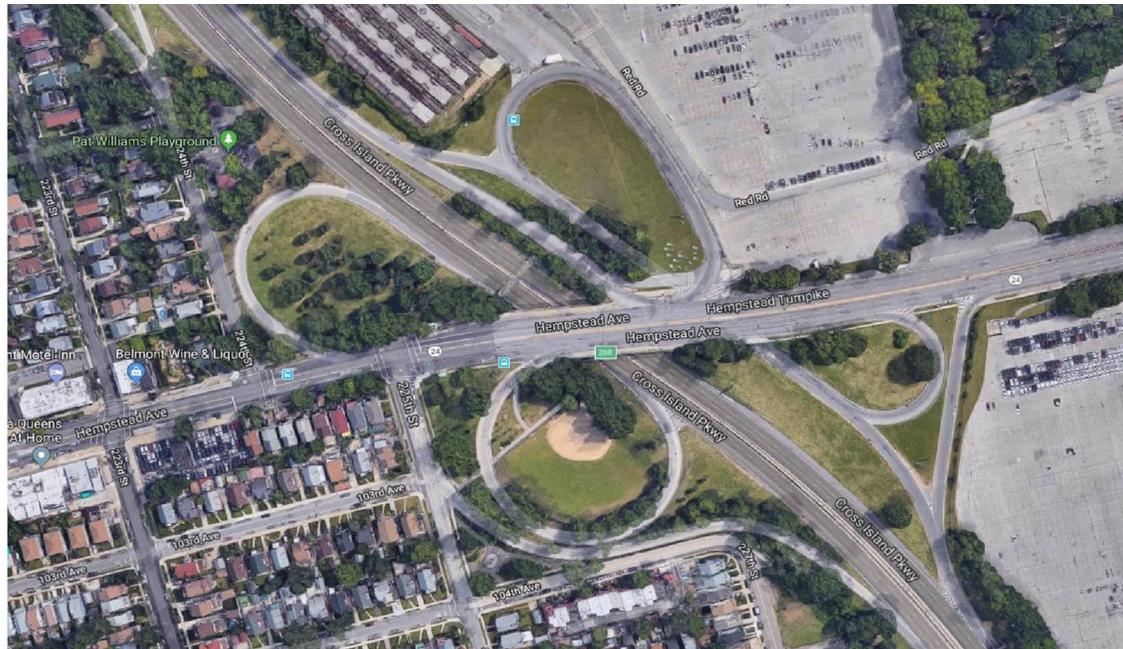


Aerial view of section of Cross Island Parkway near Belmont Park North Lot; imagery ©2018 Google, map data ©2018 Google.

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Aerial view of section of Cross Island Parkway at Hempstead Turnpike near Project Sites and Belmont Park South Lot; imagery ©2018 Google, map data ©2018 Google.

These two Cross Island Parkway access points may require extensive off-site reconstruction to support the planned activities. The draft scope should disclose known information regarding these activities and how ESD intends to study impacts associated with these activities. Floral Park also requests information relating to how these and other offsite activities will be funded? Will taxpayers be burdened with the costs?

Project Alternatives, in Particular a Smaller Scaled Project, Must be Carefully Analyzed

Environmental impact statements (“EIS”) often pay little attention to project alternatives, as such analyses typically consist of a rote discussion without any granularity or meaningful assessment. That cannot happen here.

SEQRA requires that an EIS “evaluate all reasonable alternatives.” 6 NYCRR § 617.9(b)(1). For a project like this, the alternatives analyses should pay particular attention to the “scale and magnitude” of the proposal, including whether a smaller development could avoid or greatly ameliorate adverse impacts to the surrounding communities. *Id.* § 617.9(b)(5)(v). There is no doubt that a smaller project is a “reasonable alternative” that must be considered.

Shockingly, the draft scope currently only pays lip service to this issue, stating (p. 29):

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No Unmitigated Impact Alternative: If the analyses in the DEIS demonstrate that the Proposed Project would result in significant adverse impacts, an alternative will be considered that could avoid or reduce the impacts.

With due respect, given the nature, scale and scope of the proposed project, this is unacceptable. ESD must commit in the Scoping Document to assessing a smaller-scaled project in the EIS. This is of the utmost importance to the residents of Floral Park and other surrounding communities.

The requirement to place significant emphasis on this issue is reinforced by mandates placed on ESD under the Urban Development Corporation Act (“UDC Act”). UDC Act § 6266(1) provides that the 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. (emphasis added)

Floral Park has expressed its needs and desires in this and other submissions. ESD cannot ignore the character and quiet suburban setting of the Village of Floral Park in assessing the impacts of the proposed NYAP project. ESD is statutorily required to give “primary consideration” to such issues. The draft scope should be revised to reflect these important mandates, particularly in relation to project alternatives, including a smaller scaled alternative.

Floral Park Should be Consulted in Selecting Photo-Simulation Locations

The draft scope states in relation to the visual impacts analysis (p. 16):

As appropriate, the potential impacts of the Proposed Project will be illustrated with renderings and photo-simulations that will reflect the height and dimensions of the Proposed Project.

Floral Park supports the preparation of photo-simulations as part of the visual impact assessment. This will provide the public with a visual understanding of the height and bulk of the project. Floral Park requests that the draft scope be revised to require that Floral Park and other community officials be consulted in relation to the selection of locations for which photo-simulations will be prepared.

Review of the NYAP Project Cannot be Segmented in Violation of SEQRA

Floral Park is deeply concerned that the environmental review of anticipated development on Belmont Park is being improperly segmented. An isolated SEQRA review of the NYAP project, while ignoring impending future actions by NYRA at Belmont Park, is untenable. This issue is

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critical to ensuring an adequate environmental review so that surrounding communities have a full understanding of the impacts of what is about to occur at Belmont Park. These residents deserve no less because NYRA's current and planned use of the Belmont Property is inextricably linked to NYAP's proposed development.

1. Belmont Park Ground Lease

a. NYAP's Project Requires More Than the Ground Lease's "Licensed" Parcels; NYAP's "Project Sites" Also Include Part of NYRA's "Leased Premises" for Its Development

The background to this issue starts with the 2008 Belmont Park Ground Lease, under which the State of New York granted NYRA long term rights to use the Belmont Park property. Belmont Park consists of approximately 430 acres of land. Under the Ground Lease, the Belmont Park property is comprised of "Leased Premises" (most of the property) and "Licensed Premises" (comprising two parcels, referred to as the "Hempstead Parcel" (approximately 28 acres) and the "Train Station Parcel" (approximately 8 acres)). The Ground Lease further specifies that the Licensed Premises may be "recaptured" by the State under certain circumstances for development by a third party; there is no provision for recapturing any of the Leased Premises.

Importantly, only one of these two "licensed" parcels fully aligns with the Project Sites described in the draft Scoping Document. Project Site B in the draft scope consists of 28 acres of land and corresponds with the licensed "Hempstead Parcel" described in the Ground Lease. However, Project Site A consists of 15 acres, incorporating but extending well beyond the licensed 7-acre "Train Station Parcel." Thus, pursuit of the proposed development will not merely trigger the "recapture" provisions in the Ground Lease, it also will require an amendment to the Ground Lease with the approval of NYRA. The draft Scoping Document even alludes to this issue in footnote 2.

b. NYAP's Project Seeks Addition Development and Use of NYRA's Leased Premises beyond the Project Sites.

Even ignoring the fact that the Project Sites where the primary NYAP development will occur extend beyond the areas subject to "recapture" under the Ground Lease, the proposed project also calls for extensive development and use of other portions of NYRA's leased premises. As discussed above, NYAP's project contemplates shared parking use of NYRA's North and South Lots, use of existing internal road infrastructure to provide shuttle transportation to and from the North Lot, construction of a large substation north of the North Lot, and transforming an existing pedestrian tunnel for utilization by NYAP for running cables and other services.

All of this would occur on NYRA's "Leased Premises" and outside of the "Licensed Premises." No doubt, as the project evolves, the proposed project will necessitate additional activities on

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NYRA's property. For example, Floral Park suspects that improvements will be required in the road infrastructure leading to and from the North Lot in order to alleviate traffic loading and congestion on the Cross Island Parkway.

2. NYRA Has Its Own Plans for Development and Expanded Activities on the Belmont Park Property

a. Shortly After the NYAP Project Was Selected NYRA Disclosed Its Own Plans for Development

NYRA is planning significant improvements at Belmont Park. While specific details have never been disclosed to the public in the past, NYRA has long spoken about its desire to expand operations and make improvements at Belmont. Specifics on NYRA's plans are now emerging and they are directly linked to the announcement of the NYAP project.

A January 2018 BloodHorse magazine article confirms that NYRA intends on piggyback on NYAP's proposal.

NYRA president and CEO Chris Kay recently told *BloodHorse* that when development of the planned 18,000-seat new home of the New York Islanders begins next year, NYRA hopes to begin its own upgrades that would include lighting for night racing, renovated racing surfaces, new luxury boxes, a renovated clubhouse, and renovated grounds—including dining and entertainment options centered on the paddock area.

See <https://www.bloodhorse.com/horse-racing/articles/225624/in-budget-plan-cuomo-backs-nighttime-racing-at-belmont>

So NYAP and NYRA are both contemplating extensive sporting, dining and entertainment activities and improvements within the Belmont Park property, and NYRA is planning to use the NYAP project to kick start its own expanded activities and improvements.

In a separate December 2017 interview, Mr. Kay explained that improvements such as the foregoing are necessary in order to attract the Breeders' Cup:

So let me be clear: When I met with the board of the Breeders' Cup in 2013, roughly a month after I took the job, they said "We want to bring the Breeders' Cup back to New York. When are you going to have [Belmont] renovated?" That's because our building doesn't have any heat. The first week of November can be very cold. It's essentially concrete, and concrete holds the cold.

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As part of our plan, we want to see Belmont renovated. . . . We need to provide updated amenities, and we're working towards that day.

See <http://www.thoroughbreddailynews.com/ga-with-chris-kay/>. The types of improvements Mr. Kay is referring to would also increase the prospect of having year-round racing. In the same interview, Mr. Kay also discussed how nighttime racing could overlap with other "events" at Belmont Park creating consistent traffic for restaurants at the site.⁸

b. There Are Increasing Signs That NYRA Will Seek to Relocate Aqueduct Racing to Belmont

In another recent development, there is now a major push to move Aqueduct racing to Belmont Park. According to a March 7, 2018 Paulick Report Article,

Permanently moving racing from Aqueduct to Belmont Park is a top priority of the Long Island Association, the largest business group on Long Island, according to a report in Newsday.

The Long Island Association is expected to announce the move as one of its top 18 priorities for 2018 during a luncheon on Wednesday, the paper reports.

"If you had year-round racing there, you could really make the Belmont property a year-round sports and entertainment destination," Kevin Law, the Long Island Association president, told Newsday. **"The two uses will feed off of each other and free up Aqueduct for redevelopment."**

See <https://www.paulickreport.com/news/the-biz/business-group-urges-racing-move-aqueduct-belmont-park/>.

Moving Aqueduct racing to Belmont will increase activities, including traffic, at Belmont Park. The increasing racing usage of Belmont Park must be factored into the baseline to create reasonable conservative assumptions for assessing the impacts of the NYAP proposal.

⁸ It is also noteworthy that while it appears that nighttime racing at Belmont Park was not included in the most recent budget, it is edging closer to being reality. NYRA has long desired the opportunity conduct nighttime racing at Belmont. Many key state lawmakers, including Governor Cuomo, have publically stated their support for nighttime racing. Given that the NYAP project is scheduled to be operative by 2021, it would be prudent to assume in the analysis that nighttime racing at Belmont Park will also be allowed on "Thursdays, Friday and Saturdays" by that time. See NEWSDAY, Key state lawmakers say night racing at Belmont likely, Feb. 27, 2018 (<https://www.newsday.com/long-island/nassau/belmont-night-racing-1.16981235>).

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3. The Environmental Review Process Cannot be Segmented in Violation Of SEQRA

In considering whether segmentation might be occurring, several factors are considered (SEQRA Handbook, https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf). These factors were addressed in Floral Park Village Administrator Gerard Bambrick's separate comments on the draft Scoping Document:

- Is there a common purpose or goal? – both NYAP and NYRA seek to expand sporting, dining and entertainment activities.
- Is there a common geographic location? Clearly there is here.
- Timing. Based on public statements, NYRA is looking to piggyback on the Islanders project.
- Are there common impacts? Similar activities at the same location will cause similar impacts.
- Overlapping ownership and control? The Islanders project, as proposed, cannot proceed absent the consent and cooperation of NYRA.
- Will any of the interrelated phases of various proposals be considered functionally dependent on each other? In this case, we know that the Islanders project requires the use of NYRA controlled property.
- Does the approval of one phase or segment commit the agency to approve other phases? The answer to this is unclear but we already know that the Islanders project impacts the NYRA property beyond the two underdeveloped parcels, and creates conditions for NYRA to explore its own expanded activities.
- Common plan? There is no overall plan covering both projects and that's part of the problem. Floral Park has long advocated a master plan for the Belmont Park property so that disjointed development and segmented environmental impact review would be avoided.

Many of these factors are triggered in this instance, pointing to the need for a review of cumulative environmental impacts, using reasonably conservative assumptions.

The issue was paid bare by Floral Park Trustee Dr. Lynn Pombonyo in her comments on the draft scope. In the context of traffic and transportation impacts, she explained:

We can assume that, if the Proposed Project goes forward, as described in the Draft Scope, with the necessary mitigation measures and modifications, there will be aggressive marketing campaigns aimed at assuring the success of all the component businesses. Measures of success will likely include maximum utilization. That being the case, the all-important traffic analyses must take into account best case business scenarios and cumulative effects for every

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component of the Proposed Project. So, let's envision sell-out crowds at the Islanders games and other arena events; robust business in the retail village; full capacity at the hotel; total occupancy in the office space; high community interest in the community space; and increased crowds at the racing venue as a result of a spectacular grandstand renovation project, the possibility of night racing and, in the future, year round racing occurring at the same time as the arena events.

The environmental impact statement being prepared by ESD must consider the cumulative impacts of this proposal and the planned activities and improvements of NYRA. We urge ESD to avoid improper segmentation. The communities surrounding Belmont Park deserve to understand and comment on the full impacts associated with future activities at Belmont Park.

4. Floral Park Once Again Calls for the Development of a Master Plan for Belmont Park

Floral Park has long called for the development of a Master Plan for the Belmont Park Property so that all proposals or developments can proceed and work in harmony with each other while minimizing adverse impacts on the surrounding communities. The need for a Master Plan was once again called for in the comments of Kevin Flood, a member of the Belmont Task Force. It is not too late to develop such a plan in conjunction with the environmental review of the NYAP proposal. Doing so would avoid segmentation, and help shape the NYAP project in a beneficial and environmentally sound manner. Floral Park urges ESD, NYAP and NYRA to embrace this issue and agree to develop a Belmont Park Master Plan in conjunction with the NYAP proposal.

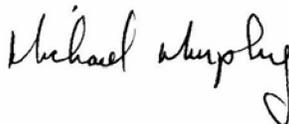
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While Floral Park shares ESD's desire to see underutilized parcels at Belmont Park developed for productive use, it has grave concerns over how NYAP's proposal seems to be spiraling out of control in terms of size and scope. The process also seems to be racing ahead of itself, as reflected by the numerous questions raised by the draft scope itself. Floral Park respectfully calls upon ESD and NYAP to work towards a project that fits the character of the local area instead of transforming it into something that is no longer recognizable.

Sincerely,



Michael Murphy

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

FILED: NASSAU COUNTY CLERK 09/09/2019 02:49 PM

NYSCEF DOC. NO. 10

INDEX NO. 612399/2019

RECEIVED NYSCEF: 09/09/2019



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

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.

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

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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.

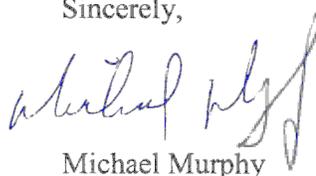
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Floral Park trusts that ESD will take appropriate action to address the concerns outlined above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Murphy".

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



Belmont Park Community Meeting

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 other local/state government agencies and sta

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 Proj



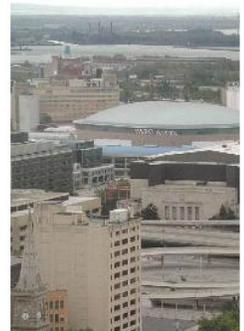
**Victoria Theater,
Harlem, NYC**



**Lower Manhattan,
NYC**



**Inner
Harbor,
Buffalo**





Planning & Approval Timeline

Milestone

Anticipated Time

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



Planning & Approval (SEQR)

ESD as the lead agency is responsible for preparing the Environmental Statement (EIS), which analyzes the Proposed Project's potential effects 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 add significant adverse impacts.
- The EIS also includes assessment of Unavoidable Imp 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 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 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 is being 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 a month and are in regular communication.
- We have relayed to LIRR the community concerns we have heard during our outreach process.

