

Exhibit T



Michael G. Murphy
15th Floor
477 Madison Avenue
New York, NY 10022-5802
+1.212.702.5436
mmurphy@bdlaw.com

April 3, 2019

Via Email (belmontoutreach@esd.ny.gov)

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

**Re: Belmont Park Redevelopment Project: Second Set of Supplemental
Comments – Natural Gas Supply**

Dear Mr. Avolio:

This firm represents the Incorporated Village of Floral Park (“Floral Park” or “Village”) in relation to the proposed Belmont Park Redevelopment Project. On March 1, 2019, we submitted an extensive set of comments on behalf of the Village concerning the New York Arena Partners’ (“NYAP”) proposal to develop portions of the Belmont Park property. Empire State Development (“ESD”) had established March 1st as the deadline for comments on the project pursuant to the State Environmental Quality Review Act (“SEQRA”) and Urban Development Corporation Act (“UDC Act”). On March 19, we submitted a set of supplemental comments based on the receipt of information after the March 1st deadline in response to Freedom of Information Law requests submitted to the Franchise Oversight Board (“FOB”) over five months earlier. This second supplemental submission is being made because a recent Newsday article (discussed below) contradicts certain information in the draft environmental impact statement (“DEIS”), therefore requiring ESD to update and release in draft form certain sections of the DEIS for further public comment and review.

Chapter 3 of the DEIS addresses the proposed project’s impacts on community facilities and utilities. In relation to required natural gas supply, the DEIS states that natural gas would be provided by National Grid, and concludes: “During preliminary discussions, National Grid indicated that there are no capacity concerns for natural gas service regarding the proposed redevelopment.” DEIS at 3-25. The discussion then goes on to describe these preliminary discussions.

The March 27, 2019 edition of Newsday tells a different story. An article entitled, *Grid steps up pressure to get state approval of undersea pipeline*, explains that “National Grid will begin

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

April 3, 2019

Page 2

notifying the dozens of midsize companies that apply for new natural-gas service that it won't be able to supply them with firm gas service if a new undersea pipeline fails to win state approval." <https://www.newsday.com/news/region-state/grid-pipeline-project-1.28996040>. The article goes on: "The latest letters this week will include a footnote that tells customers their future service is 'contingent on the successful and timely approval and permitting' of the Northeast Supply Enhancement Project, a \$1 billion pipeline to bring an additional 400 million cubic feet of natural gas per day to the region." However, a prior set of letters had already gone out:

National Grid announced in February that it had put 35 large customers on notice about a potential moratorium on new gas service, informing them of its inability to supply "firm" gas service to planned projects such as the redevelopment of Belmont Park.

This information is not disclosed or discussed in the DEIS, and contradicts the conclusion that "there are no capacity concerns" in relation to natural gas supply for the NYAP project. Moreover, based on the current posture of the NYS Department of Environmental Conservation, the prospect of a water quality certification approval of the National Grid project seems bleak, at best. Indeed, the article states that if National Grid "fails to get the state permit by May 15, it will be forced to declare a moratorium on **all new gas hookups for Long Island and New York City.**"

The discussion in the DEIS is no longer valid. NYAP's ability to secure a natural gas hookup for its project is seriously in doubt, or at the very least, even if it can secure a hook up, it now faces the prospect of natural gas supply constraints or interruptions. SEQRA requires a supplemental EIS when, among other things, there is "newly discovered information" or "a change in circumstances related to the project." 6 NYCRR 617.9(a)(7). The pertinent sections of the DEIS must be updated with new analysis, and re-issued in draft form for public comment and review.

Sincerely,



Michael Murphy

cc:

Mr. Howard Zemsky, President and CEO Empire State Development
Rachel Shatz, VP Planning and Environmental Review, Lead Agency Contact, ESD
Village of Floral Park:
Hon. Dominick Longobardi, Mayor
Gerard Bambrick, Village Administrator
Village Board of the Village of Floral Park