

Inc. Village of Floral Park
January 21, 2020
Board of Trustees Meeting

Recreation and Pool Department – Trustee Lynn Pombonyo

Trustee Pombonyo announced that it's about 145 days until the Village pool opens on Sunday, June 14th. Stay tuned for details about the upcoming, exciting pool season!

Meanwhile, there are still openings for the Recreation Session II winter season. Visit the Village website at www.fpvillage.org or the Recreation/Pool Building Monday-Friday, 9:00 am to 7:00 pm, to register for youth Zumba, yoga, gardening and tiny tots gymnastics, and adult aerobics, cardio kickboxing and toning, Latin fusion exercise, knitting, senior agility and strengthening, silver sneakers exercise and gentle movement, and spring tennis lessons. Stay healthy and fit at our Recreation winter programs!

To use the park facilities, a 2020-21 Leisure Pass or Resident Pool Pass for 2019, through the spring, and 2020, once the pool season starts, is required. Leisure passes may be renewed by presenting a current leisure pass and utility bill at the Rec Center. New leisure passes may be obtained by completing an application. Questions? You may contact the Rec Center by phone at 516-326-6336.

Also coming soon, the 23rd Annual Great Backyard Bird Count at Centennial Gardens on Friday, February 14th, 12:00 pm-4:00 pm; Saturday, February 15th, 12:00 pm-1:00 pm; and Sunday, February 16th, 1:00 pm-2:00 pm. Join the Conservation Society and our neighbors to observe the magnificent birds who inhabit our Village. And visit the highly interesting and beautiful Bird Count website at gbbc.birdcount.org for fascinating details about birds and birdwatching.

Covert Avenue Chamber of Commerce – Trustee Lynn Pombonyo

Trustee Pombonyo congratulated the new 2020 officers of the Covert Avenue Chamber of Commerce: President Magdalena (Maggie) Chen of Carvel, Vice President Rene Jorglewich of Body Works Day Spa, Secretary Nancy Millus of the Gateway, Treasurer Kelsey Clarke of K.Hunter Boutique, and Board member Cathy Grasman of Jo-Mar Grooming & Boarding. We thank all in Floral Park and Stewart Manor for supporting our local businesses.

Fire Department – Trustee Archie Cheng

Trustee Cheng reported that on Sunday, January 19th, the Village Board was given a demonstration of a new piece of equipment that was donated by the Hecker family to the Fire Department and, in particular, the Rescue Company. The machine is called "The Lukas Device". It is a machine that performs the cardio portion of CPR. It is secured to a patient's body and delivers chest compressions with the amount of force and depth that is optimal. Its battery lasts for 45 minutes which is long enough to get to the nearest hospital. This machine enables rescue personnel to perform other functions like establishing an airway, starting an IV, administering medications and even defibrillation without interrupting chest compressions. Interruption of

chest compressions results in less oxygenated blood circulation and it takes valuable time to obtain sufficient blood flow. The Village is extremely thankful for this most generous donation made by the Hecker's. While we, of course, hope its use is never necessary, we are proud to add this life saving innovation to the Rescue Company.

Third Track – Trustee Archie Cheng

Trustee Cheng said work on the retaining and sound walls should be completed on both sides of the right of way in approximately two months. We are having a meeting on Thursday, January 23rd to discuss numerous issues with the MTA and 3TC.

Library – Mayor Dominick Longobardi

Mayor Longobardi presented Trustee Chiara's report in his absence. Mayor Longobardi reported that the Friends of the Library Book Sale is on Saturday, January 25th and Sunday, January 26th. The Friends made a Valentine's Day basket that will be raffled off. Please stop by to support the sale and take a chance on the Valentine's basket. The Friends of the Library put these events together to help support and fund the many events the Library has for all our residents to enjoy. Thank you to the Friends of the Library and the Library staff for all they do to make our Library such an enjoyable place to visit.

Belmont – Trustee Kevin Fitzgerald

Trustee Fitzgerald made the following comments:

‘On Friday, January 10, 2020, three days **after** the filing deadline for submissions in the Village's litigation against Empire State Development (ESD), Franchise Oversight Board (FOB) and New York Arena Partners regarding the Belmont Redevelopment Project (the "Project"), ESD finally produced some documents in response to the Village's counsel's Freedom of Information Law (FOIL) requests. These documents were produced **five months** after the most recent FOIL request in **August 2019**. Moreover, the documents just produced should have been produced in response to the **Village's October 2018 FOIL request** – over a year ago during the environmental review process, but they were not. It is also telling that, immediately after these documents were released, ESD attempted to retract the release of these documents, despite the lack of any legal basis to withhold these documents from public disclosure. Moreover, while ESD finally produced a handful of responsive documents, it withheld an unknown number of others. Meanwhile, the same August 2019 FOIL request was filed with the FOB and has failed to provide any substantive response over the past five months, indicating that both agencies have been trying to evade transparency and looking to run the clock on the pending litigation.

A quick review of the documents produced strongly suggests why ESD sought to avoid releasing these documents. In our view, the documents belatedly turned over by ESD further support the Village's contention that the entire process, from well before the commencement of the Request for Proposal (RFP) process and continuing through the

environmental review process conducted by ESD, was merely a show to hide a predetermined outcome. Ultimately, this project was conceived in secret and pushed through to approval without adequate regard to the project's impact on surrounding communities, including Floral Park.

Our counsel, Beveridge & Diamond, submitted a request to Judge Mahon on Friday, January 17, 2020 requesting that these documents also be considered by the court. A copy of Beveridge & Diamond's submission can be viewed here [link]. Some of the documents from ESD reveal that senior members of ESD (including, significantly, its Chairman and its Vice President of Planning and Environmental Review) and other senior State Officials were in receipt of a secret "master plan" for the redevelopment of Belmont in 2016. The communications further reveal that multiple meetings with ESD and FOB were scheduled to occur. It is important to note that in 2016 there was already an open RFP for the site. That RFP was abruptly cancelled and a new RFP was issued six months later. In hindsight, now that we have this additional information, it is extremely difficult not to conclude that the new RFP was designed specifically for this project that was already known to various senior members of ESD, including the individual at ESD responsible for ensuring compliance with SEQRA. In light of these documents, which ESD was so reluctant to release, it is extremely difficult to accept ESD's assertion that the process by which the project was selected was "open and competitive", as required by State law.

Another troubling aspect of this for the communities surrounding Belmont is that ESD designated itself as the lead agency to conduct, and ultimately decide the adequacy of, the environmental review for this project under the State Environmental Quality Review Act (SEQRA). It is nearly impossible to accept that ESD undertook this crucial role in an objective and unbiased manner when it has sought to hide the fact that it apparently played a critical role in the development of this specific project. Are the residents of the communities that are to be impacted by this project supposed to be confident that the near unanimous request of residents that this project be significantly scaled back in size and scope to reduce the project's impact was properly considered by ESD when ESD has gone to great lengths to conceal its involvement in the development of this oversized project?

Just one example of why this is so troubling is the glaring deficiency of ESD to include a proper analysis of the alternative to building this project without the 435,000 square foot retail mall (that is, having the project proceed with just the arena aspect of the proposal). Clearly a "No Mall Alternative" should have been included and thoroughly analyzed in the Draft Environmental Impact Statement so that the impacted communities could review and comment on the adequacy of the analysis. Rather, ESD inserted a perfunctory and flawed "No Mall Alternative" in the Final Environmental Impact Statement, giving the impacted public merely a few days to analyze and comment on it before the ESD Board, without questioning this, approved the project. When you view these facts, it is hard to believe that ESD "gave primary consideration to community wants and desires" as they are required to do by State law that created ESD.

Some questions that now must be asked and answered:

- SEQRA “*requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making*”. When a lead agency shepherds a proposal through the environmental review process, it must ensure that it is subjected to public scrutiny. This requires full transparency so that the public’s participation is meaningful and informed. Otherwise, a principal objective of SEQRA is violated. ESD’s efforts to conceal these documents point to a predetermined outcome and raises serious concerns over whether ESD fulfilled its obligations as lead agency under the SEQRA process. Is this indicative of how the State is representing the interests of impacted communities, and New York taxpayers generally, in relation to private development on State-owned land?
- In the press release in July 2017 when the RFP was issued, Howard Zemsky, the Chairman of the ESD stated “*We encourage respondents to submit creative proposals that stimulate vibrant community and economic growth in the region.*” As it is now evident that eight months before the RFP was issued, Mr. Zemsky and other high-level State officials received a secret master plan virtually identical to the now approved project. Did the ESD really expect or want creative proposals to be brought forth, particularly since the RFP was narrowly tailored to meet the plan that was previously reviewed in detail by him and other senior members of the ESD?
- ESD attempted to recall the FOIL production that was received by Beveridge & Diamond on January 10th. Why did they try to recall the production?
- ESD delayed five months to provide a substantive response to the Village’s August 2019 FOIL request. Why did it take ESD five months to produce four emails and why was the production made after the deadline for filing final documents with the Court?
- As Beveridge & Diamond points out in its recent filing, while some documents were produced, there are other documents that ESD refuses to release and FOB has not provided a substantive response at all. Why are ESD and FOB refusing to release responsive documents?
- ESD, through its spokesperson Jack Sterne, on a number of occasions has stated “*The Belmont Redevelopment Project has gone through a transparent, public process over multiple years, and has adhered to all requirements under state law.*” If it was transparent, why wasn’t this secret plan disclosed before the RFP was issued, or at least promptly in response to the October 2018 FOIL request?

In closing, I think all residents of Floral Park, the surrounding communities and the entire State should be extremely disappointed in how this entire process has unfolded and continues to unfold. In the past, the Village and its residents have always brought forth reasonable questions in the interest of ensuring that our community is not significantly impacted in a negative manner. The Village and its residents never said they were against development at Belmont Park. All we asked for (and quite frankly have a legal right to) was to have meaningful input in the process from the beginning. It is now even clearer, based on the aforementioned partial discovery, that it appears that it never was the intent of the ESD as lead agency to have meaningful conversations and take those concerns from those meetings into serious consideration. The meetings and entire

SEQRA process that were held were just a “check the box exercise” as the project apparently was deemed to be approved since 2016.

The Village of Floral Park is a special place and we continue to fight to ensure it remains that way!’

Mayor’s Report – Mayor Dominick Longobardi

Mayor Longobardi responded to Trustee Fitzgerald’s report on Belmont. The Village will continue to fight to protect the quality of life of our residents and our surrounding neighbors. Every one of our residents works hard to protect their homes. We will continue to work to uncover all information. There appeared to be a well thought out, predetermined outcome to the process with no transparency. If residents have a question, please do not hesitate to get in contact with us.

Mayor Longobardi thanked Felix Procaccia for filming this evening’s meeting and the press for attending.