



State of New York
Franchise Oversight Board
State Capitol
Albany, NY 12224

Resolution No. 13-02

WHEREAS, in 2008, the New York State Legislature amended the New York Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) (i) to establish the Franchise Oversight Board (the “FOB”) to represent the interests of the People of the State of New York as owner of the Aqueduct Racetrack, Belmont Park, and Saratoga Race Course (the “Franchised Racetracks”) and (ii) conferred upon The New York Racing Association, Inc. (“NYRA”) the right and responsibility to, among other things, operate all functions at the Franchised Racetracks; and

WHEREAS, pursuant to Racing Law § 212(8)(b), the FOB is responsible for review and approval of any modification to NYRA’s capital plan that the FOB determines is material and any future capital plans for the Franchised Racetracks involving the expenditure of more than five million dollars, in the aggregate; and

WHEREAS, in June 2010, FOB entered into an Agreement with NYRA and the NYS Office of General Services (“OGS”) to retain OGS as its agent to provide the necessary construction, demolition, and other permitting, engineering and certification services to ensure compliance with all applicable statutes and regulations for all renovation, rehabilitation, demolition, and construction projects at the Franchised Racetracks requested by NYRA and approved by FOB; and

WHEREAS, the New York State Environmental Quality Review Act, (Environmental Conservation Law Article 8 and implementing regulations set forth in 6 NYCRR part 617) (“SEQRA”) requires consideration and avoidance or mitigation of potentially significant adverse environmental effects, including effects on historic resources, whenever a State agency or authority (including the FOB) undertakes, approves or funds an action subject to SEQRA, including capital improvement or planning actions in relation thereto; and

WHEREAS, NYRA has prepared a concept or master plan for the long-term development and capital improvements of the Saratoga Race Course for review by and approval of the FOB and has proposed that it prepare a generic environmental impact statement (“GEIS”) as required by SEQRA to evaluate the environmental, social, and economic effects of its long-term development plan; and

WHEREAS, the FOB is the SEQRA agency principally responsible for review and approval of NYRA’s capital improvements proposed for the Saratoga Race Course; and

WHEREAS, the FOB caused to be circulated to all potentially involved and interested agencies a letter seeking to be confirmed as SEQRA Lead Agency to oversee the preparation of a Draft GEIS and has received confirmation that no other involved agency objects to FOB serving as SEQRA Lead Agency; and

WHEREAS, in accordance with the SEQRA regulations, NYRA has submitted to the FOB Part 1 of the Full Environmental Assessment Form ("EAF") and a draft Scoping Outline for its Draft GEIS; and

WHEREAS, SEQRA encourages the Lead Agency to provide opportunities for public participation in the preparation and review of environmental impact statements and to hold public scoping sessions to solicit early input to the content of a Draft GEIS; and

WHEREAS, staff of the FOB and OGS have reviewed and completed the EAF submitted by NYRA, as well as review of the draft Scoping Outline for the Draft GEIS and recommended that a SEQRA Positive Declaration be issued by the FOB, requiring the preparation of a Draft GEIS by NYRA and that a public scoping session be scheduled and held in the City of Saratoga Springs and further, that they be authorized to retain such additional consultants, as necessary, to assist FOB and OGS staff in their review and oversight of the preparation of the Draft GEIS on behalf of the FOB, to be reimbursed by NYRA in accordance with the June 2010 Agreement; and

WHEREAS, the members of the FOB have carefully reviewed the submitted documentation and recommendations of the staff of the FOB and OGS.

NOW, THEREFORE, be it resolved that the FOB hereby confirms that it is the SEQRA Lead Agency for the review of NYRA's Saratoga Race Course Development Plan; and

BE IT FURTHER RESOLVED that a SEQRA Positive Declaration requiring the preparation of a Draft GEIS by NYRA be issued and circulated by staff as required by SEQRA; and

BE IT FURTHER RESOLVED that staff circulate the draft Scoping Outline prepared by NYRA to Involved and Interested agencies and the general public, and that a public scoping session be scheduled, noticed and held in the City of Saratoga Springs on July 11, 2013 to consider the draft Scoping Outline and further, that the public comment period on the draft Scoping Outline close on July 30, 2013; and

BE IT FURTHER RESOLVED that Steven M. Lowenstein, as Secretary to the FOB, is authorized to execute any documents necessary to carry out the foregoing resolutions.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert Williams, Chair				x
Beth Garvey	x			
Richard Aurelio	x			
Steven Newman	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on June 12, 2013.



Robert Williams
Chair
Franchise Oversight Board

June 12, 2013