



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

Resolution No. 13-03

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, 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 redevelopment and capital improvements of the Saratoga Race Course for review by and approval of the FOB (the “Redevelopment Plan”) 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 implementing the Redevelopment Plan (the “Proposed Project”); and

WHEREAS, the FOB is the SEQRA agency principally responsible for review and approval of the Proposed Project for the Saratoga Race Course; and

WHEREAS, the FOB has retained the New York State Office of General Services (“OGS”) as its agent to provide construction, demolition, and other permitting, engineering and certification services at the Franchised Racetracks, and OGS has retained the services of O’Brien & Gere (“OB&G”) to provide technical expertise to assist the FOB in its review of the Proposed Project and compliance with SEQRA; and

WHEREAS, at a duly noticed public meeting on June 12, 2013, the FOB adopted Resolution No. 13-02, which (i) confirmed that the FOB is the SEQRA Lead Agency for the review of the Proposed Project; (ii) directed the FOB staff to issue a SEQRA Positive Declaration requiring the preparation of a Draft GEIS by NYRA for the Proposed Project; (iii) directed the FOB staff to circulate the draft Scoping Outline prepared by NYRA and to hold a public scoping session in the City of Saratoga Springs on July 11, 2013 to consider the draft Scoping Outline; and (iv) established July 30, 2013 as the closing date of the public comment period on the draft Scoping Outline; and

WHEREAS, the public scoping session was held and all public comments received on the draft Scoping Outline have been considered and, where necessary, addressed by NYRA and its consultants in preparing the final Scoping Outline;

WHEREAS, after carefully reviewing the final Scoping Outline and ensuring that NYRA and its consultants have addressed all comments and concerns, the FOB staff, OGS, and OB&G recommend that the FOB approve the final Scoping Outline, which sets forth the issues and analyses that will be addressed in the Draft GEIS; and

WHEREAS, the members of the FOB have carefully reviewed the final Scoping Outline submitted by NYRA and the recommendations of the FOB staff, OGS, and OB&G.

NOW, THEREFORE, be it resolved that the FOB hereby approves the final Scoping Outline for the Draft GEIS of the Proposed Project for the Saratoga Race Course.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert Williams, Chair	x			
Beth Garvey	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 September 16, 2013.



Robert Williams
Chair
Franchise Oversight Board

September 16, 2013