



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

### **Resolution No. 14-01**

**WHEREAS**, in 2008, the New York State Legislature amended the New York Racing, Pari-Mutuel Wagering and Breeding 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**, in June 2010, the 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 intends to construct a new three-story, 94-bed dormitory at Belmont Park to replace six residential cottages that were closed in 2012 and 2013 by NYRA after receiving notices of violation from the New York State Office of Fire Prevention and Control; and

**WHEREAS**, the FOB is the SEQRA agency principally responsible for review and approval of NYRA’s capital improvements proposed for Belmont Park; and

**WHEREAS**, in accordance with the SEQRA regulations, NYRA has submitted to the FOB Part 1 of the Full Environmental Assessment Form (“EAF”) for the Belmont Park dormitory project and OGS staff has prepared Parts 2 and 3 of the EAF on behalf of the FOB; and

**WHEREAS**, staff of the FOB and OGS have reviewed the EAF and recommend that a SEQRA Negative Declaration be issued by the FOB; and

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

NOW, THEREFORE, be it resolved that the FOB hereby declares that it is the SEQRA Lead Agency for NYRA's Belmont Park dormitory project; and

BE IT FURTHER RESOLVED that the FOB finds that the Belmont Park dormitory project will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement does not need to be prepared; and

BE IT FURTHER RESOLVED that a SEQRA Negative Declaration be issued for the Belmont Park dormitory project and circulated by staff as required by SEQRA; 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 T. Williams, Chair	x			
Elizabeth C. Garvey	x			
Steven I. Newman	x			
Joseph J. Rabito	x			
James T. Towne	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on May 13, 2014.



Robert T. Williams  
Chair  
Franchise Oversight Board

May 13, 2014