



**Resolution No. 16-05**

**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 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” or “Proposed Project”) 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; 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 review the final Scoping Outline and ensuring that NYRA and its consultants have addressed all comments and concerns, the FOB approved the final Scoping Outline in its Resolution 13-03, which sets forth the issues and analyses that would be addressed in the Draft GEIS; and

**WHEREAS**, NYRA prepared a proposed Draft GEIS in accordance with the final Scoping Outline and FOB staff, OGS and OB&G reviewed the Draft GEIS for completeness and after several revisions by NYRA responding to staff comments and edits, a revised Draft GEIS has been submitted to the members of the FOB for their review; and

**WHEREAS**, the members of the FOB carefully reviewed the revised Draft GEIS submitted by NYRA along with the recommendations of the FOB staff, OGS and OB&G and accepted the Draft GEIS as complete in its Resolution 15-02; and

**WHEREAS**, the Draft GEIS was the subject of a public hearing held on May 28, 2015 at the Saratoga Springs Civic Center, 522 Broadway, Saratoga Springs, NY and written public comments were accepted initially through June 15, 2015 and the comment period was extended to June 29, 2015; and

**WHEREAS**, included in Appendix E to the Draft GEIS was a Draft Letter of Resolution (“Draft LOR”) between NYRA, FOB, and the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) which set forth a process for avoiding potential adverse impacts to contributing cultural resources at the Saratoga Race Course as proposed projects identified in the Saratoga Race Course Redevelopment Plan and Draft GEIS may in the future be advanced to final design and construction; and

**WHEREAS**, the FOB received many comments on the Draft GEIS and Draft LOR, which have been carefully evaluated and considered by the OGS and its consultant OB&G, the FOB, NYRA and OPRHP and responses to these collective comments have been developed and incorporated into a proposed Final GEIS and a Final Letter of Resolution (“Final LOR”) including some modifications to concept plans by NYRA in response to public comments; and

**WHEREAS**, NYRA prepared a proposed Final GEIS considering and responding to the public comments received and FOB staff, OGS and OB&G reviewed the proposed Final GEIS for content and completeness and after several revisions by NYRA responding to staff comments and edits, a revised Final GEIS has been submitted to the members of the FOB for their review;

**WHEREAS**, the Final LOR and additional information requested and responsive to the public comments received, which will provide an invaluable comprehensive collection of information about the history and resources of the Saratoga Race Course to help guide future activities and avoid or minimize potentially adverse effects on the historic Saratoga race Course to the maximum extent practicable; and

**WHEREAS**, the members of the FOB carefully reviewed the Final LOR and its attachments, as well as the advice and recommendations of the FOB Staff, OGS and its consultant OB&G and approved the Final LOR on May 3, 2016 in its Resolution 16-03 and which has since been executed by the parties thereto; and

**WHEREAS**, the Final GEIS incorporates the Draft GEIS, the Final LOR and additional information requested and responsive to the public comments received, which will provide an invaluable comprehensive collection of information about the history and resources of the Saratoga Race Course to help guide future activities and avoid or minimize potentially adverse environmental effects to the maximum extent practicable; and

**WHEREAS**, the members of the FOB carefully reviewed the Final GEIS and its appendices, the advice and recommendations of the FOB Staff, OGS and its consultant OB&G and approved the Final GEIS as complete in accordance with the requirements of SEQRA in its Resolution 16-04; and

**WHEREAS**, the FOB staff, OGS and its consultant OB&G have prepared a draft SEQRA Findings Statement for the Saratoga Race Course Redevelopment Plan in accordance with the SEQRA requirements in 6 NYCRR §617.11, that considers the relevant environmental impacts presented in the Final GEIS and concludes that no significant adverse effects will occur if future projects are carried out consistent with the plans described in the Final GEIS; and

**WHEREAS**, the members of the FOB carefully reviewed and considered the draft Findings Statement as well as the advice and recommendations of the FOB Staff, OGS and its consultant OB&G, and determined that the draft Findings Statement fairly and accurately reflects the facts and conclusions of the Final GEIS, including the environmental, social and economic effects of approving and implementing the Saratoga Race Course Redevelopment Plan proposed by NYRA.

**NOW THEREFORE**, be it resolved that the FOB hereby approves the SEQRA Findings Statement attached hereto for the Saratoga Race Course Redevelopment Plan, effective 10 days from the date hereof and authorizes the Chairman of the FOB to execute the SEQRA Findings Statement on behalf of the FOB; and


**BE IT FURTHER RESOLVED**, that the SEQRA Findings Statement be circulated to involved and interested agencies; 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, Jr.	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on October 25, 2016.



Robert Williams  
Chair  
Franchise Oversight Board

October 25, 2016