



Resolution No. 20-04

WHEREAS, in 2008, the New York State Legislature (i) amended the New York Racing, Pari-Mutuel Wagering and Breeding Law 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 Racetrack, and Saratoga Racecourse (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 2008, the FOB leased the Franchised Racetracks to NYRA pursuant to various leases (the “Leases”);

WHEREAS, the City of Saratoga Springs (the “City”), a municipality in the County of Saratoga and State of New York, desires to build a fire/EMS facility on a portion of the Saratoga Racecourse and has requested an easement for the property necessary for such construction from the FOB;

WHEREAS, on March 9, 2020, the FOB has provided notice to NYRA of its intent to recapture 2.36 acres of land heretofore leased to NYRA at the Saratoga Racecourse;

WHEREAS, pursuant to an agreement, dated April 16, 2020, between among the FOB, NYRA, and the New York State Office of General Services (“OGS”), the FOB has retained OGS to act as its agent for construction, demolition and other permitting services at the Franchised Racetracks; 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, the FOB is the agency principally responsible for review and approval of the proposed grant of the easement to the City under SEQRA; and

WHEREAS, in accordance with the SEQRA regulations, the City has submitted to the FOB Part 1 of the Short Environmental Assessment Form (“EAF”) for the easement 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 the conveyance of the easement to the City; and

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

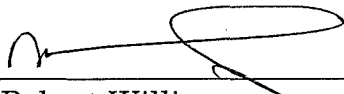
BE IT FURTHER RESOLVED that a SEQRA Negative Declaration be issued for the easement and circulated by staff as required by SEQRA; and

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	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 August 18, 2020.



Robert Williams
Chair
Franchise Oversight Board
August 18, 2020