SEQR

State Environmental Quality Review
Notice of Determination of Significance

NEGATIVE DECLARATION

Date: March 28, 2024

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law.

The New York State Franchise Oversight Board (FOB) as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: New York Racing Association (NYRA) Belmont Park Grandstand Improvement

Location: Belmont Park, 2150 Hempstead Turnpike (SBL: 32-B-82A), Hamlet of Elmont, Town of Hempstead, Nassau County, New York

SEQR Action Classification: Type 1 X

Unlisted _

Conditioned Negative Declaration: ☐ Yes
☒No

Description of Action:

NYRA proposes to redevelop an approximately 16-acre portion of the Belmont Park horse racing facility in the unincorporated hamlet of Elmont, Town of Hempstead, Nassau County, NY.

The approximately 16-acre area proposed for redevelopment (herein referred to as the "Project Site") consists of the following:

• The footprint of the existing Belmont Park Grandstand structure (the "Grandstand");

• The area west of the existing Grandstand, including a portion of the elevated pedestrian bridge that connects the Grandstand to the Long Island Railroad (LIRR) Belmont Park station; and

• The footprint of the existing lawn area located to the south of the Grandstand and to the east of the UBS Arena (known as the "Backyard") containing the walking ring/paddock, as well as concessions, seating areas, and other outdoor amenities.

The Project Site is part of the larger Belmont Park property owned by the State of New York (the State) acting by and through the Franchise Oversight Board (FOB), that is leased through a ground lease to NYRA.

Pursuant to Part X of Chapter 59 of the Laws of 2023 and the corresponding appropriation bill, NYRA has, pursuant to a loan repayment agreement, been allocated $455 million to redevelop the Project Site with a replacement, smaller-footprint Grandstand and an improved landscaped Backyard which would be expanded to include the area west of the new Grandstand (collectively referred to as the "Proposed Project" and described further below). The Proposed Project would be administered by the FOB and/or other State agencies. The Proposed Project may also require certain FOB approval of the physical site improvements as the lessor of the Site.

The table below identifies the Involved and Interested Agencies and the approvals/reviews required for the Proposed Project.

Involved Agencies	Approval / Review
Franchise Oversight Board (FOB)	Execution of Repayment Agreement and approval of expenditure of capital funds to implement the Proposed Project (discretionary)
NYS Department of Budget	Execution of Repayment Agreement for the funding to implement the Proposed Project (discretionary)
NYS DEC	Coverage under general stormwater permit for disturbance of more than one acre (non-discretionary)
NYS Office of General Services (OGS)	Authorization of demolition and construction under the NYS Uniform Fire Prevention and Building Code (non-discretionary)
Empire State Development Corporation (ESD)	Execution of Repayment Agreement, execution of a grant distribution agreement, and approval of expenditure of capital funds to implement the Proposed Project (discretionary)
Interested Agencies	
Metropolitan Transportation Authority (MTA)	No approvals required (proximity of MTA facilities to Proposed Project)
Town of Hempstead	No approvals required (informational – local municipality)
Water Authority of Western Nassau County	No approvals required (utility provider)
Nassau County Department of Public Works	No approvals required (utility provider)
Long Island Power Authority (LIPA)	No approvals required (utility provider)

Within the approximately 16-acre Project Site, NYRA proposes to demolish the existing Grandstand structure and replace it with a new, smaller-footprint Grandstand structure, make improvements to the existing Backyard area, and expand the Backyard's greenspace north and west into the area to be vacated by the reduced Grandstand footprint. A portion of the existing elevated pedestrian bridge east of the rotunda would be demolished to facilitate activation of the new Backyard greenspace west of the new Grandstand. Pedestrians would be able to access the newly expanded Backyard and new Grandstand via a proposed set of stairs and elevators from the remaining portion of the pedestrian bridge down to grade.

Last renovated in 1968, the existing oversized and underutilized Grandstand would be replaced with a modern and refined Grandstand building. The new Grandstand would have a gross floor area of approximately 300,000 sf and a building footprint of approximately 56,000 sf (560 x 100 feet), representing a 76 percent reduction of gross floor area (decrease of approximately 950,000 sf) and an 83 percent reduction of building footprint (decrease of 279,490 sf). The new Grandstand would be approximately 100 feet tall, a reduction of approximately five feet from the existing structure and would include a similar range of amenities as the existing Grandstand, including spectator seating, dining facilities, the Clubhouse, and add-on hospitality areas. However, due to its substantially reduced size, the new Grandstand would have a lower seating capacity of approximately 8,500 patrons. Unlike the existing Grandstand, which provides add-on hospitality only during the Belmont Stakes, the new Grandstand would feature year-round, dynamic hospitality areas that could be adapted to suit varying events and needs, some of which may remain open to the public on non-race days.

The reduced Grandstand footprint would allow for the creation of new greenspace as part of the expanded the Backyard. The Proposed Project would expand the Backyard into the newly vacated area south and west of the proposed Grandstand, resulting in a Backyard area of approximately 570,000 sf – an increase of 90 percent (270,000 sf). To improve the safety of the horses and personnel, the size of the walking ring in the Backyard paddock would be increased and the new paddock would be moved slightly north into the space created by the reduced Grandstand footprint. By scaling back the Grandstand's footprint and expanding the Backyard, the Proposed Project would reduce impervious coverage and create approximately 4 acres of new greenspace within the Project Site. The new Backyard would be connected into the broader Belmont Park greenspace network, which is being expanded as part of the

long-term capital improvements. Enhanced landscaping installed as part of the Proposed Project would facilitate a distinctive sense of place in the Backyard that builds on this unique element of Belmont Park.

While the footprint and capacity of the Grandstand would be reduced, the current maximum permitted capacity of Belmont Park, required to accommodate singular events such as the Belmont Stakes and the Breeders Cup, would not change as a result of the Proposed Project because the maximum permitted capacity would be accommodated within the expanded capacity of the proposed Backyard, combined with newly activated spaces currently underway as part of other previously approved and funded long-term capital improvement projects, such as the track infield.

Reasons Supporting This Determination:

FOB, as Lead Agency, has accepted a SEQRA Supplemental Narrative Report (the "Report") as a supplement to Part 1 of the Environmental Assessment Form (EAF) that includes various exhibits, supplemental analyses completed, and Involved Agency correspondence. The referenced Report (incorporated by reference herein and dated January 3, 2024) serves as the Lead Agency's reasoned elaboration for determining that the Proposed Project has eliminated or adequately minimized/mitigated all potential significant adverse impacts identified in Part 2 of the EAF.

Having considered the above-referenced Report against the criteria for determining significance found in Part 617.7(c) of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law, the Lead Agency has determined that the Proposed Project will not have a significant adverse impact on the environment, and a Negative Declaration is therefore appropriate pursuant to the following criteria:

> The Proposed Project will not result in any significant impacts from "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" **(§ 617.7(c)(1)(i))**. As noted above, the Proposed Project will reduce the footprint of the Grandstand by approximately 83 percent and will also result in a reduction in the gross floor area and overall height of the Grandstand. The reduction in footprint will facilitate the expansion of the Backyard by approximately 90 percent, including approximately 4 acres of new greenspace on the Project Site. No State or federal emission permits will be required for the Grandstand's heating and hot water system, which will utilize a combination of electric and fossil fuel systems. Water demand resulting from the Proposed Project is expected to be comparable to existing conditions. Water-saving measures are proposed as part of the design of the new Grandstand and associated landscaped areas. As discussed in the ***attached*** memorandum responding to comments by the Water Authority of Western Nassau County, the Proposed Project would reduce the number of on-site plumbing fixtures by nearly 70%, significantly increase the efficiency of the fixtures installed, and remove between 13 and 15 million gallons a year from the Site's municipal water demand by installing private wells to irrigate the turf track. As documented under the "Noise" and "Traffic and Parking" topics covered in Section F of the Report, the Proposed Project would not result in significant adverse impacts noise, transportation or parking related impacts. As documented in the "Traffic and Parking" topic covered in Section F and Appendix B of the Report, the Proposed Project would yield no more than 80 incremental peak hour vehicle trips when compared to existing conditions. Most of these trips would converge at the intersection of Hempstead Turnpike and Locustwood Boulevard/Gate 5 Road. This intersection is located just outside of the Queens border in Nassau County. The New York State (NYS) Department of Environmental Conservation Environmental Assessment Form Workbooks consider a trip generation of fewer than 100 peak hour vehicle-trips (for NYS intersections that are outside of NYC) to be not significant. With the Cross Island Parkway and Hempstead Turnpike/Avenue typically serving during daytime hours over 2,000 vehicles and approximately 1,000 vehicles, respectively, in each direction, the projected incremental hourly vehicle trips (about one per minute), distributed among eastbound and westbound Hempstead Turnpike and southbound Gate 5 Road would be imperceptible and are unlikely to have any effects on the operations of these roadways. Belmont Park contains a total of approximately 6,670 parking spaces. The parking lots currently in use for Belmont Park and UBS Arena are considered adequate and no changes are proposed (or needed) as a result of the Proposed

Project. Construction of the Proposed Project is anticipated to take place over an approximately 18- to 21-month period and any potential effects from construction would be short-term and temporary. During construction, there would be temporary increases in vehicular trips associated with workers and equipment. Based on the activities anticipated, it is estimated that the incremental construction-related trips generated by the Proposed Project would be those associated with up to approximately 50 workers on-site and up to approximately 10 truck trips per day. Concrete and brick debris resulting from the demolition of the existing Grandstand structure will be crushed on-site and utilized as backfill, reducing the generation of solid waste and related truck traffic accordingly. Based on the relatively modest increase in vehicular trips due to construction activities, this increased activity is not anticipated to cause a significant mobile source air quality impact during construction. Potential construction effects would be short-term and temporary and would occur generally away from nearby sensitive receptor locations. As appropriate, all necessary measures would be implemented during construction to prevent dust from becoming airborne from construction activities. Construction associated with the Proposed Project would take place at least 400 feet from the nearest noise-sensitive receptors, i.e., existing dormitories on the Belmont Park grounds. At this distance, construction noise would be substantially reduced. Additionally, as discussed above, the duration of construction would be limited to approximately 18 to 21 months, with the most noise-intensive construction activities (i.e., excavation and foundation construction for the new Grandstand) occurring over only a portion of that time. A noise control plan during construction activities is expected to include such measures as restrictions on the locations of generators and avoiding unnecessary evening construction and truck idling. Based on the distance of construction from noise-sensitive receptors, the short-term duration of construction and the implementation of a noise control plan, the Proposed Project would not result in any significant adverse construction noise impacts. Solid waste generation is expected to be comparable to existing levels. The Proposed Project would remove approximately 4 acres of existing impervious coverage on the Project Site and replace it with landscaping. Stormwater runoff will be captured on-Site and discharged directly into existing infrastructure after meeting required water quality treatment. Refer to FEAF Part 1 and attached Report – Section F – topics of “Water Resources,” “Utilities,” “Noise,” and “Traffic and Parking” for additional information.

The Proposed Project will not result in any significant impacts from “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;” **(§ 617.7(c)(1)(ii)).** Wildlife habitat in the area of the Project Site is limited to areas of paved roads, maintained lawns and garden beds, and urban structure exteriors. As such, wildlife with the potential to occur within the area are primarily limited to urban-adapted, disturbance-tolerant species that are ubiquitous throughout heavily developed areas of Nassau County. Any temporary loss of habitat during construction of the Proposed Project would not adversely affect wildlife as similar habitat for urban-adapted and disturbance-tolerant species would be available within the adjacent developed area. With the creation of approximately 4 acres of additional greenspace, the Proposed Project has the potential to improve conditions for wildlife by expanding available habitat. Therefore, the Proposed Project would not have the potential to adversely affect wildlife. Refer to attached Report – Section F – “Natural Resources” for additional information.

The Proposed Project will not result in “the impairment of the environmental characteristics of a Critical Environmental Area (CEA) as designated pursuant to subdivision **§ 617.14(g)” (§ 617.7(c)(1)(iii))**. The Project Site is not located within a designated CEA.

The Proposed Project will not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted;” **(§ 617.7(c)(1)(iv))**. All of Belmont Park, including the Project Site, is located within the Town of Hempstead in Nassau County. Pursuant to the Hempstead Building Zone Ordinance (BZO), Belmont Park, as well as much of the surrounding area, is mapped as Residence B District, which is primarily a single-family residential zone. Much of Belmont Park predates the Hempstead BZO and is nonconforming. Thus, the

historical use of the Project Site as a destination for sports and entertainment does not conform with the underlying zoning, nor would the Proposed Project. However, the Proposed Project would not be governed by the BZO. As Belmont Park is owned by the State and its construction and operation authorized pursuant to the New York Racing, Pari-Mutuel Wagering and Breeding Law, its facilities and the Proposed Project are exempt from compliance with the local zoning ordinance.

The Proposed Project will not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" **(§ 617.7(c)(1)(v))**. Correspondence with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) concluded that Project Site is not architecturally or archaeologically significant, and that the Proposed Project will have no adverse impact on historic and cultural resources. Refer to attached Report – Section F – "Historic and Cultural Resources" for additional information.

The Proposed Project will not result in "a major change in the use of either the quantity or type of energy;" **(§ 617.7(c)(1)(vi))**. Energy service to Belmont Park is currently provided by PSEG Long Island, which operates the system by contract on behalf of the Long Island Power Authority (LIPA). According to NYRA, PSEG Long Island has indicated that the existing infrastructure at Belmont Park, which includes a substation previously constructed in the Emerald Parking Lot, is adequate to serve the Proposed Project. The Proposed Project is not expected to generate significant additional demand for energy over existing conditions or result in any significant adverse impacts related to energy demand for two reasons. First, the new design of the new Grandstand structure will incorporate energy saving measures not present in the current 1960s-era structure, such as LED lighting with motion sensors/timers, and energy efficient window glazing. Refer to attached Report – Section F – "Utilities" for additional information. Second, NYRA estimates that the amount of conditioned space in the Grandstand/ Clubhouse (that is, space that is heated or cooled) will decrease from approximately 320,000 sf to approximately 230,000 sf.

The Proposed Project will not result in "the creation of a hazard to human health;" **(§ 617.7(c)(1)(vii))**. Soil disturbance for the Proposed Project would be conducted in accordance with a Soil and Materials Management Plan (SMMP), which would conform to standard agency protocols and policies. The plan would be implemented during construction to address the remediation of potential environmental conditions and minimize the potential for impacts to the community and construction workers during excavation and other work involving soil disturbance. Refer to attached Report – Section F – "Hazardous Materials" for additional information.

The Proposed Project will not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" **(§ 617.7(c)(1)(viii)).** The Proposed Project involves the renovation and reconfiguration of an already developed, approximately 16-acre area of land within the Belmont Park horse racing venue, which will be adequately supported by Belmont Park's existing infrastructure and parking.

The Proposed Project will not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" **(§ 617.7(c)(1)(ix)).** With the Proposed Project, annual visitation to Belmont Park is anticipated to increase over existing levels. Specifically, the improved facility would allow for the potential hosting of the Breeders Cup at Belmont Park, which could draw a comparable attendance level to the Belmont Stakes. The Breeders Cup takes place at different venues each year. If Belmont Park is selected to host this event in any particular year, special event day security and traffic management efforts that are similar to those implemented at the Belmont Stakes would be imposed. The improved facility would also make possible the consolidation of racing activities currently held at Aqueduct Racetrack by adding winter racing at Belmont Park. While current attendance levels at Aqueduct Racetrack are relatively lower than those at Belmont Park, the potential consolidation of racing activities at Belmont Park is expected to normalize attendance levels and elevate Belmont Park's average attendance from a per racing day average of 2,935 currently to 3,698, an incremental increase of 763 attendees per racing day.

The Proposed Project will not result in "the creation of a material demand for other actions that would result in one of the above consequences;" **(§ 617.7(c)(1)(x)).** The Proposed Project would not create a demand for other actions, including those that may result in a significant adverse impact. Rather, the Proposed Project would rehabilitate and revitalize and existing recreation destination.

The Proposed Project will not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; **(§ 617.7(c)(1)(xi))**; or

The Project will not result in "two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria listed in § 617.7(c) **§ 617.7(c)(1) (§ 617.7(c)(1)(xii)).**

For Further Information:

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Notice of this determination has been submitted for publication in the New York State Department of Environmental Conservation's Environmental Notice Bulletin (ENB).