



Resolution No. 24-01

NOTICE OF DETERMINATION OF SIGNIFICANCE: NEGATIVE DECLARATION

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, 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 certain functions at the Franchised Racetracks; and

WHEREAS, in 2008, the FOB leased the Franchised Racetracks to NYRA pursuant to various leases (the “Leases”); and

WHEREAS, NYRA proposes to renovate an approximately 16-acre portion of the Belmont Park consisting of the replacement of the current grandstand with a modern, smaller-footprint grandstand and improvements/expansion to the landscaped backyard area to be located south and west of the new grandstand; and

WHEREAS, pursuant to an agreement dated April 16, 2020 among the FOB, NYRA, and the New York State Office of General Services (“OGS”), the FOB 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 issued a Notice of Intent to Serve as Lead Agency letter on January 18, 2024, receiving two responses, neither of which objected to the FOB’s intention; and

WHEREAS, the FOB is the lead agency, principally responsible for review and approval of the proposed renovation under SEQRA; and

WHEREAS, in accordance with the SEQRA regulations, NYRA has submitted to the FOB Part 1 of the Short Environmental Assessment Form for the redevelopment along with an EAF Supplemental Narrative and OGS staff has prepared Parts 2 and 3 of the EAF (collectively "EAF Documents") on behalf of the FOB; and

WHEREAS, staff of the FOB and OGS have reviewed the EAF Documents and recommend the FOB consider issuance of a SEQRA Negative Declaration; and

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

NOW, THEREFORE, BE IT RESOLVED that the FOB finds that the renovation will result in no significant adverse impact on the environment and, therefore, declares that no environmental impact statement be prepared; and

BE IT FURTHER RESOLVED that a SEQRA Negative Declaration be issued as required by SEQRA; and

BE IT FURTHER RESOLVED that Steven M. Lowenstein, as Administrative Officer and Secretary to the FOB, is authorized to execute any documents necessary to carry out the foregoing resolutions.

VOTE:

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Board conducted on March 28, 2024.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Victor E. Franco, Jr.	x			
Christopher T. Higgins	x			
Robert Smith				x
James T. Towne, Jr.	x			
Robert Williams	x			



Robert Williams
Chairman