

FOR CONSIDERATION

February 18, 2021

TO: The Directors

FROM: Eric J. Gertler

SUBJECT: Town of Hempstead (Nassau County) – Belmont Park Redevelopment
Civic and Land Use Improvement Project

REQUEST FOR: Authorization to Affirm Modifications to the 2019 Modified General
Project Plan; Determination that No Supplemental Environmental Impact
Statement is Needed; and Authorization to Take Related Actions

I. Project Summary

Developer: New York Belmont Development Partners, LLC (“BDP” or “Developer”), an affiliate of New York Arena Partners (“NYAP”). NYAP and BDP are comprised of Scott Malkin Group, Sterling Equities and Oak View Group.

Project Site: 2150 Hempstead Turnpike, Elmont, NY 11003

Project Description: The Project is the construction, in the unincorporated hamlet of Elmont in the Town of Hempstead (“Town”) in Nassau County (“County”), of a major commercial and civic development in an approximately 43-acre area that was formerly part of the southwestern portion of the State-owned Belmont Park Racetrack. That area (the “Project Site”) is bisected by Hempstead Turnpike, and generally bounded by Belmont Park Racetrack to the north, Cross Island Parkway to the west, Belmont Park Racetrack, Huntley Road and Wellington Road to the east, and Cross Island Parkway Exit 26A exit ramp and Hathaway Avenue to the south. The Project Site consists of two development parcels: the approximately 15 acre “Site A”, north of Hempstead Turnpike, and the approximately 28 acre “Site B”, south of Hempstead Turnpike (collectively, the “Development Sites”).

The Project as described in the Modified General Project Plan affirmed on August 8, 2019 provides for the redevelopment of the Project Site with:

(i) on Site A,

- a. an up to 19,000 seat arena, of approximately 745,000 square feet (“sf”) with approximately 40 below-grade parking spaces, for entertainment, recreational, cultural and community uses, including as the home arena for the New York Islanders, a National Hockey League franchise (the “Arena Component”),
- b. retail and office space including approximately 2.0 acres of landscaped plaza (collectively, the “Site A Retail/Office Component”), and
- c. an up to 250-key hotel, structured parking spaces, dining and other amenities (the “Hotel Component”);

(ii) on Site B, destination retail uses with parking spaces, a road circumnavigating Site B, two designated drop-off and pick-up locations for taxis and rideshare vehicles on the south end and eastern side of Site B, a staging lot for rideshare vehicles located at the south end of Site B, and approximately 3.75 acres of passive open space, including an 8-foot-high landscaped berm along the eastern perimeter of Site B, that would serve to buffer the Site B development from the adjacent residential neighborhood, (the foregoing, collectively, the “Retail Village Component”); and

(iii) one or more grade-separated connections for pedestrians and vehicles above or below Hempstead Turnpike, providing access between Sites A and B (the “Grade Separated Connections”).

The Arena Component, the Site A Retail/Office Component, the Hotel Component, and the Retail Village Component are sometimes referred to collectively as the “Project Components” and individually as a “Project Component”

The Project would also deliver the following additional community benefits: 10,000 square feet of community space and renovations to two nearby parks. In addition to the Project, a new full-service LIRR Elmont Station will be added to the LIRR Main Line adjacent to the North Lot that will provide regular direct train service to/from points east and west and regular train service to the local community.

General Project Plan:	The General Project Plan (“GPP”) was adopted by the ESD Directors on December 6, 2018. On August 8, 2019, the Directors modified and affirmed the GPP (the “2019 MGPP”).
Modifications to be Affirmed:	It is requested that the ESD affirm the modifications to the 2019 MGPP as set forth in the modification (the “2020 Modification”) that

accompanies these materials as Exhibit A. Except as provided in the 2020 Modification, no other provisions of the 2019 MGPP would be modified, and no other Project Components are affected. The 2020 Modification is summarized below.

II. Project Background and Update

In July 2019, the ESD Directors accepted a Final Environmental Impact Statement (the “FEIS”) for the Project pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and in August 2019 the Directors adopted SEQRA Findings and affirmed the 2019 MGPP.

On September 24, 2019, construction of the first phase of the Project, the Arena Component, commenced. Construction was briefly halted at the end of March 2020 due to the COVID-19 pandemic and resumed at the end of May 2020. At present, the Arena Component is roughly 51% complete. Construction of the Elmont LIRR Station has begun and is expected to be completed in November 2022. Construction of the Retail Village Component is expected to begin in the first quarter of 2022.

The Design Guidelines for the Project (the “Design Guidelines”) set forth general goals and specific requirements for Project design, such as building density, program and setbacks; access and visibility from surrounding streets and existing context; lighting; signage; parking; and open space.

III. Summary of Second Modification to the General Project Plan

1. Relocation of Parking on Site B from Beneath the Retail Village to a Freestanding Parking Structure. Replace the approximately 1,500 parking spaces originally programmed beneath the retail buildings with a freestanding, approximately 1,500-space garage (the “Site B Parking Component”). That parking structure would be located on the northernmost portion of Site B, on the frontage of Hempstead Turnpike, west of the site entrance jug handle (as shown for illustrative purposes in Figure 1 attached to Exhibit A). The structure would provide parking on multiple levels including the roof and would have a height of no more than 60 feet. The garage would be constructed of materials similar to those of the Arena Component and would be of open deck construction with circulation towers at the northwest and northeast corners of the building, stairs and elevators in the northeast tower, and stairs in the northwest tower. Both the northwest and northeast towers would be capped with a “lantern” design element on the top floor that mirrors the architectural details of the arena. The southeast and the southwest corners of the structure, those closest to the residential neighborhood, would have neither a tower/lantern feature nor circulation. The parking structure would serve both the Retail Village Component and the Arena Component, and such shared use is consistent with the 2019 MGPP.

2. Reallocation of 25,000 Square Feet of Retail from Site A to Site B. Reallocation to Site B, for use as destination retail, of 25,000 gross square feet (“gsf”) of commercial space originally approved in the 2019 MGPP for Site A. The Project would continue to include no more than 350,000 gsf of retail, dining and entertainment uses across Sites A and B. In the 2019 MGPP, this consists of up to approximately 35,000 gsf of experiential retail, dining, and entertainment uses on Site A, and up to approximately 315,000 gsf of destination retail use on Site B. As provided in the 2020 Modification, there will be up to 10,000 gsf of experiential retail, dining and entertainment uses on Site A and 340,000 gsf of destination retail use on Site B.
3. Increase in Allowable Ground Leases. In addition to the four subleases contemplated in the 2019 MGPP, the 2020 Modification provides for two additional subleases to be permitted under the master lease agreement with the Developer: one for the Site B Parking Component and one for a potential commercial building on Site A (the “Site A Commercial Building Component”) — enabling each of these components to be separately financed. As is the case with the subleases authorized in the 2019 MGPP, upon substantial completion of construction of such improvements on each sublease site, the sublease is converted to a direct ground lease between ESD and the sublessee.
4. Substitution of a Landscaped Wall Rather Than a Landscaped Berm Along the Eastern Perimeter of Site B, and Extension of the Landscaped Wall Along the Southern Perimeter of Site B. Include a 10-foot concrete wall and extensive landscaping as the buffer on the eastern boundary of Site B (rather than the berm described in the 2019 MGPP) and extend that wall and buffer along the southern perimeter of Site B. The 2019 MGPP included approximately 3.75 acres of landscaped publicly accessible open space on Site B, including an 8-foot-high landscaped berm along the eastern perimeter to buffer the Site B Retail Village Component from the adjacent residential neighborhood. The 2020 Modification replaces the berm with a 10-foot-high wall adjacent to the backyards of homes along Wellington Road. This change addresses public comments on the adopted draft of the 2020 Modification by extending this wall from the end of Site B’s eastern boundary along the span of the southern boundary. The entire wall would be constructed of concrete, and the landscaping would include mature trees on the neighborhood side of the wall of approximately 12 feet in height at planting. The Developer would maintain the trees and landscaping. The 2019 MGPP provided for an emergency gated accessway through the landscaped berm in the eastern perimeter of Site B, and the 2020 Modification provides for a similar emergency access gate through the wall on the eastern perimeter of Site B. The 3.75 acres of publicly accessible open space remains in the 2020 Modification.
5. Inclusion of Hydrogen Fuel Cell Technology Option for Project Shuttle Transportation. The 2019 MGPP required that the Developer provide electric shuttle transportation to the Project Site from the Long Island Rail Road’s Elmont Station and from Belmont Park Racetrack’s North, South and East Lots, to the extent that these lots are utilized

by the Developer. The 2020 Modification allows for such shuttle transportation to also or alternatively operate on zero-emission hydrogen fuel cell technology.

IV. Local Law and Regulation Overrides

Pursuant to the Town of Hempstead Building Zone Ordinance (“BZO”): (i) the Project Site is generally zoned residential (Residence B), (ii) Site B’s Hempstead Turnpike frontage is zoned Business X for a depth of 100 feet, and (iii) Site B is included within the Town’s Hempstead Turnpike – Elmont Overlay Zone (Gateway) (HT-E, G). The modifications set forth in the 2020 Modification do not conform to local requirements, including zoning and land use requirements (e.g., uses, signage, mapping, lighting, storm water management, subdivision, fencing, etc.). Therefore, in order for ESD to effectuate the modification of the Project, ESD finds and determines that compliance with the requirements of such local laws, ordinances, codes, charters or regulations is not feasible or practicable, and ESD overrides the local zoning, land use, planning, and construction-related requirements and restrictions, including, without limiting the foregoing, the BZO and the Hempstead Town Code to the extent that they are inconsistent with the 2020 Modification. Such overrides are in addition to, and not in replacement of, the overrides effectuated by the 2019 MGPP. Any previously affirmed overrides in the 2019 MGPP are undisturbed by the 2020 Modification and remain in full force and effect.

V. Discussion

The overall amount of retail space authorized in the 2019 MGPP (i.e., 350,000 gsf) remains unchanged by the 2020 Modification; however, the 2020 Modification reallocates 25,000 gsf of retail space from Site A to Site B. The 2020 Modification does not introduce new land uses that were not previously approved. In the 2019 MGPP, the Project’s retail uses were located above the Site B Parking Component. The 2020 Modification provides that the Site B Parking Component is a freestanding parking structure fronting on Hempstead Turnpike, which would reduce the height of the Retail Village Component.

In the 2019 MGPP, an access road circumnavigated Site B, and two designated drop-off and pick-up locations for taxis and rideshare vehicles were located on the south end and eastern side of Site B. A staging lot for rideshare vehicles was also located at the south end of Site B. The 2020 Modification moves the access road further west, eliminating the eastern drop-off and pick-up location. It retains a designated drop-off and pick-up location for taxis and rideshare vehicles in the southwestern portion of Site B, as well as a staging lot for rideshare vehicles. The relocation of the main internal access and service roadways, bus stop, and drop-off location for rideshare would limit vehicular activity on the easternmost side of Site B, which is closest to the adjacent Elmont residential neighborhood.

The substitution of the landscaped berm with a 10-foot-high wall and landscaping along the eastern perimeter of Site B and the extension along Site B’s southern perimeter would not substantively alter the Project’s land use, zoning, or community character effects, but would

provide additional security and visual buffering between the adjacent neighborhood and the Retail Village Component.

The 2019 MGPP provided that shuttle transportation to the Project site from the Elmont Station and the North, South and East Lots would operate on electric technology. The 2020 Modification allows such shuttle transportation to operate on hydrogen fuel cell technology that does not result in any air quality impacts, as this type of shuttle transportation would be in zero emission vehicles. Hydrogen fuel cell vehicles are powered by hydrogen and oxygen, and the only byproduct produced is water.

The estimated cost and financing described in the 2019 MGPP is not affected by the modifications. The essential terms of the Project described in the 2019 MGPP are altered in the 2020 Modification only to the extent that, in addition to the four subleases contemplated in the 2019 MGPP, two additional subleases would be permitted under the master lease agreement with the Developer: one for the Site B Parking Component and one for the potential Site A Commercial Building Component. As is the case with the Project's other subleases, upon substantial completion of construction on each sublease site, the sublease would be converted to a direct ground lease between ESD and the sublessee as the ground tenant and would make payment-in-lieu-of taxes that ESD would forward to Nassau County for distribution to local taxing entities.

The 2020 Modification does not change the Project's program (including retail square footage and number of parking spaces) from that of the 2019 MGPP. The Project as modified by the 2020 Modification continues to be subject to the land use and design controls of the 2019 MGPP (except as specifically modified by the 2020 Modification) and the New York State Fire Prevention and Building Code (the "State Building Code") continues to serve in lieu of the local zoning and building code.

Except as specifically modified by the 2020 Modification, the 2019 MGPP remains in full force and effect. Moreover, the 2020 Modification does not disturb the Project findings made by ESD pursuant to Section 10 of the UDC Act in affirming the 2019 MGPP.

VI. Environmental Review

An Environmental Impact Statement ("EIS") was prepared for the Project pursuant to the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. The ESD Directors accepted the Final EIS in July 2019 and adopted SEQRA Findings on August 8, 2019.

In order to adequately assess whether any new or substantially different significant adverse environmental impacts could result from the 2020 Modification, ESD prepared a Technical Memorandum (the "2020 Tech Memo"). The 2020 Tech Memo concludes that the modifications set out in the 2020 Modification do not result in any significant adverse environmental impacts not previously identified in the Project's environmental review. Therefore, a Supplemental

Environmental Impact Statement is not warranted, and no further environmental review is needed in connection with the 2020 Modification.

VII. Cooperation with Municipalities

Throughout the planning and development of the 2020 Modification, ESD has (i) worked closely, consulted or cooperated with local elected officials and community leaders, (ii) given primary consideration to the local needs and desires, and (iii) fostered local initiative and participation in connection with the planning and development of the 2020 Modification for the Project.¹ In the planning and development process, ESD conducted or participated in: three virtual meetings with homeowners along the Site B eastern perimeter, a Community Advisory Committee virtual meeting and several elected official virtual meetings. In addition, ESD staff has engaged in ongoing communications with elected officials, the staff of local agencies and community groups. Below is a summary of these efforts and how they have shaped the 2020 Modification for the Project.

Community Advisory Committee

In February of 2018, pursuant to UDC Act Section 4(7), ESD established for the Project a Community Advisory Committee (the “CAC”), an advisory body with 15 community members appointed by local elected officials and ESD. The CAC advises ESD on local needs and desires and the planning and development of the Project and facilitates communication and engagement among stakeholders and ESD.

The CAC members include: Danilo Archbold, community resident; Evan Babbs, Tudor Manor Civic Association; Edu Hermlyn, community resident; Leonard Hookum, community resident; Jon Johnson, local youth mentor and coach; Dave Kapell, Kapell Real Estate, Inc.; Robert Barker, community resident; Cheryl Lee, community resident; Dominick Longobardi, Mayor of the Village of Floral Park; Mark McMillan, Member, Community Board 13 (Queens); Geoffrey Prime, Mayor of South Floral Park; Sandra Smith, Elmont Coalition for Sustainable Development; Joyce Stowe, Tudor Manor Civic Association; and David Viana, Office of the Nassau County Executive. The CAC met on November 17, 2020 regarding the 2020 Modification.

This meeting provided a forum for residents, community leaders, elected officials, and other stakeholders to: be briefed on the planning of the 2020 Modification for the Project; express local needs, desires, and concerns; have opportunities for local initiative and participation in the planning and development of the 2020 Modification; advise and inform ESD on planning and

¹ In the affirming the 2019 MGPP, ESD considered local and regional goals and policies as expressed in local comprehensive land use plans and regional plans, including the community-based *2008 Elmont Community Vision Plan*, the *Nassau County Comprehensive Plan (1998)*, *2008 Nassau County Master Plan Update*, and the draft *2010 Nassau County Master Plan*. Nothing in the 2020 Modification affects ESD’s consideration those regional goals and policies in connection with the Project as described in the materials submitted for the Directors consideration for their affirmation of the 2019 MGPP.

development of the 2020 Modification; and otherwise discuss elements of the 2020 Modification for the Project. ESD has scheduled another CAC virtual meeting on February 16, 2021 to discuss how ESD modifications to the proposed 2020 Modification address the public comments received by ESD.

Consultation and Cooperation with Elected Officials

Over the course of the planning and development of the 2020 Modification, ESD has consulted with local elected officials, including:

- United States Congress Member Gregory Meeks
- New York State Senators Leroy Comrie, Todd Kaminsky, and Anna Kaplan
- New York State Assembly Members Michaelle Solages and Clyde Vanel;
- Nassau County Executive Laura Curran;
- Nassau County Legislator Carrié Solages;
- Town of Hempstead Supervisor Donald Clavin

UDC Act Public Hearing and Comment Period

On November 19, 2020, (pursuant Section 16 of the UDC Act) ESD: (i) determined that on the basis of a technical memorandum environmental analysis, a Supplemental Environmental Impact Statement (SEIS) for the Project was not necessary; (ii) adopted for public comment and review the draft 2020 Modification to the 2019 MGPP; and (iii) authorized the holding of a public meeting to, among other things, receive public comment on the proposed 2020 Modification. These actions occurred at a virtual public meeting of ESD's Directors. On November 20, 2020, ESD published in *Newsday*, a newspaper of general circulation in the Town of Hempstead and Nassau County, the municipalities in which the Project is located, and in adjacent Queens County, City of New York, notice of the virtual public hearing to occur on the Zoom platform for the consideration of the adopted draft 2020 Modification. The hearing's purpose was to: (1) inform the public about the proposed modification of the Project; and (2) give all interested persons an opportunity to comment on the adopted draft 2020 Modification, pursuant to UDC Act Section 16. The public hearing commenced on Monday, December 21, 2020, at 6:00 p.m. and adjourned at approximately 9:00 p.m. The hearing included over 130 attendees, and nearly 50 presentations were made with some speakers giving more than one presentation. The meeting notice stated, and it was announced at the hearing, that the public could give written comments, in hard copy or digital form, until 5:00 p.m. January 20, 2021. Nearly 20 letters and emails were received.

ESD reviewed and considered the testimony and comments. The transcript of testimony given at the public hearing is available on ESD's website <https://esd.ny.gov/belmont-park-redevelopment-project>. Schedule 1 attached to these materials aggregates the hearing testimony and the written comments into a number of substantive comments on the 2020 Modification and the Project and provides ESD's written response to those comments. Most of the comments expressed concerns about the implementation of the 2020 Modification. The greatest number of comments related to the length and construction of the wall along Site B's eastern and southern perimeters. The second greatest number of comments related to the Site

B Parking Component. Other comments related to aspects of the Project that are not part of the 2020 Modification including the retail shopping use on Site B, the Project's overall size, the public park improvements, the progress on and need for the community center, general impacts on the community's quality of life, and the Project's economic impact.

During ESD's review of the public comments and preparation the modifications to the adopted 2020 Modification, ESD gave primary consideration to local needs and desires as ESD continued to work closely, consult and cooperate with local elected officials and community groups and their leaders, fostered local initiatives and participation in connection with the planning and development of the Project's 2020 Modification, and considered the local goals as expressed in the received comments and in ESD's outreach efforts.

ESD's Response to Local Needs and Desires

After receiving feedback from the CAC, elected officials, and Elmont residents, ESD requested that the Developer modify the proposed changes described in the adopted 2020 Modification to (i) extend the proposed 10-foot-high wall adjacent to the backyards of homes along Wellington Road from the end of Site B's eastern boundary along the span of Site B's southern boundary; (ii) construct the entire wall with concrete, (iii) landscape the wall's buffer, including mature trees of approximately 12 feet in height at planting. The wall and buffer would also separate the commercial and bus and shared vehicle parking uses from the adjacent existing residences to the east and south of Site B.

VIII. Requested Actions

The Directors are requested to affirm the 2020 Modification's modification of the 2019 Modified General Project Plan; make a determination that no Supplemental Environmental Impact Statement is needed; and authorize all actions related to the foregoing.

IX. Staff Recommendations

Based on the foregoing, staff recommends approval of the requested actions.

Attachments

Resolutions

Schedule 1 – Response to Comments on the 2020 Modification

Exhibit A – 2020 Modification of the 2019 MGPP

February 18, 2021

Town of Hempstead (Nassau County) – Belmont Park Redevelopment Civic and Land Use Improvement Project – Authorization to Affirm the Modifications to the 2019 Modified General Project Plan; Determination that No Supplemental Environmental Impact Statement is Needed; and Authorization to Take Related Actions

RESOLVED, that on the basis of the materials presented to this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation relating to the Belmont Park Redevelopment Civic and Land Use Improvement Project (the “Project”), the Corporation does hereby affirm the modification to the 2019 Modified General Project Plan for the Project as set forth in the Materials (the “2020 Modification”), together with such other changes as the Chief Executive Officer of the Corporation or his designee(s) may deem appropriate; and be it further

RESOLVED, that after review of the Final Environmental Impact Statement prepared in July 2019, the Findings of the Corporation under the State Environmental Quality Review Act adopted on August 8, 2019, and the Technical Memorandum, referred to in the Materials, the Corporation finds that a Supplemental Environmental Impact Statement is not needed for the 2020 Modification; and be it further

RESOLVED, that the Chief Executive Officer Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized and directed, in the name and on behalf of the Corporation, to hold public hearings, to provide requisite notice of such public hearings, and to execute and deliver any and all documents and to take any and all such actions as may be necessary or appropriate to effectuate the foregoing resolutions.

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Response to Comments on the 2020 Modification

A. INTRODUCTION

This document summarizes and responds to the oral and written comments received on the modifications to the 2019 Modified General Project Plan (2020 Modification) for the Belmont Park Redevelopment Civic and Land Use Improvement Project (the Project). Oral comments on the 2020 Modification were received during the December 21, 2020 public hearing which, due to the COVID-19 pandemic and restrictions on public gatherings, was conducted as a virtual meeting utilizing the Zoom video communications and teleconferencing platform. Written comments were also accepted during the public hearing comment period that ended at 5:00 p.m. on January 20, 2021.

Section B of this document identifies the organizations or individuals who commented at the public hearing and/or in writing, and (if applicable), the entity or entity on whose behalf they commented. Section C summarizes comments and responds to each substantive comment. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. The comments are organized by subject area. After each comment is a list of the people who made the comment, as referenced in Section B. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE 2020 MODIFICATION¹

ELECTED OFFICIALS AND AGENCIES

1. Leroy Comrie, New York State Senate, oral comments delivered December 21, 2020 (Comrie_032)
2. Laura Curran, Nassau County Executive, oral comments delivered December 21, 2020 (Curran_027)
3. Todd Kaminsky, New York State Senate, oral comments delivered December 21, 2020 (Kaminsky_021)
4. Carrie Solages, Nassau County Legislature, email dated December 21, 2020 (Solages_011)
5. Michaelle Solages, New York State Assembly, oral comments delivered December 21, 2020 (Solages_038), and letter dated January 20, 2021 (Solages_057)
6. Clyde Vanel, New York State Assemblyman, oral comments delivered December 21, 2020 (Vanel_031)

ORGANIZATIONS

7. Andrew Bohnet, Elmont Fire Dept., email dated December 21, 2020 (Bohnet_008)

¹ Citations in parentheses refer to internal comment tracking annotations.

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8. Mohamood Ishmael, President, Queens Village Civic Association, email dated December 21, 2020 (Ishmael_012) and oral comments delivered December 21, 2020 (Ishmael_023)
9. Boris Segovia, Chief, Elmont Fire Dept., email dated December 21, 2020 (Segovia_010)

GENERAL PUBLIC

10. Eric Altstadter, oral comments delivered December 21, 2020 (Altstadter_024)
11. Virginia Amato, oral comments delivered December 21, 2020 (Amato_014, Amato_047, Amato_052) and email dated January 19, 2021 (Amato_056)
12. Natasha Appleby, oral comments delivered December 21, 2020 (Appelby_048)
13. Susan Augustus, email dated December 20, 2020 (Augustus_001) and oral comments delivered December 21, 2020 (Augustus_016)
14. Eva Babb, oral comments delivered December 21, 2020 (Babb_020)
15. Ciro Cesarano, oral comments delivered December 21, 2020 (Cesarano_022)
16. Patrick Dowd, oral comments delivered December 21, 2020 (Dowd_028)
17. Max Feinberg, oral comments delivered December 21, 2020 (Feinberg_033)
18. Franc Galinanes, oral comments delivered December 21, 2020 (Galinanes_034)
19. Claudia Gray, oral comments delivered December 21, 2020 (Gray_045)
20. Alexis Greaves, email dated December 21, 2020 (Greaves_002)
21. Alexis Greaves, oral comments delivered December 21, 2020 (Greaves_013)
22. Lori Halop, oral comments delivered December 21, 2020 (Halop_041)
23. Gary Harding, oral comments delivered December 21, 2020 (Harding_026)
24. Erika Klein, oral comments delivered December 21, 2020 (Klein_018)
25. Dan Krupa, oral comments delivered December 21, 2020 (Krupa_039)
26. Rachelle Lewis, oral comments delivered December 21, 2020 (Lewis_017)
27. Alana Lindsay, oral comments delivered December 21, 2020 (Lindsay_044)
28. Dean Lykos, oral comments delivered December 21, 2020 (Lykos_042)
29. Syd Mandelbaum, oral comments delivered December 21, 2020 (Mandelbaum_030)
30. Brenda McDonald, email dated December 21, 2020 (McDonald_006)
31. Evan Minogue, oral comments delivered December 21, 2020 (Minogue_029)
32. Sheila Moriarty, email dated January 21, 2021 (Moriarty_058)
33. Magaly Polo, oral comments delivered December 21, 2020 (Polo_051) (Polo_054)
34. Charles Razenson, email dated December 21, 2020 (Razenson_009)
35. Donald Rosner, oral comments delivered December 21, 2020 (Rosner_015)
36. Judy Sanford-Guise, email dated December 21, 2020 (Sanford Guise_005) and oral comments delivered December 21, 2020 (Sanford-Guise_040)
37. Andrew Sapienza, oral comments delivered December 21, 2020 (Sapienza_036)
38. Brian Sigler, oral comments delivered December 21, 2020 (Sigler_050)
39. Aallyah Steinberg, oral comments delivered December 21, 2020 (Steinberg_046)
40. Simmonie Swaby, oral comments delivered December 21, 2020 (Swaby_043)
41. Jeanne Terry, email dated December 21, 2020 (Terry_007)
42. Luke Velazquez, email dated January 20, 2021 (Velazquez_055)
43. Benji Vogel, oral comments delivered December 21, 2020 (Vogel_025)
44. Julie Wender, oral comments delivered December 21, 2020 (Wender_037)

C. COMMENTS AND RESPONSES

PUBLIC PROCESS

Comment 1: Have all residents in the vicinity of Site B been specifically made aware of these modifications and the proposed meeting and comment period? (Solages_011)

Why was the virtual hearing planned for the week of Christmas, when residents are less likely to attend or view? (Solages_011, Amato_014, Amato_047, Amato_052)

Response: Given the pre-set schedule of ESD Directors' Meetings, the late December public hearing date could not be avoided; however, the availability of virtual meetings created the opportunity for a hearing during the holidays to be accessible to many. Two e-mail blasts were sent to over 150 residents who reside in or represent neighborhoods around the Project Sites. The modifications and upcoming hearing were shared with the Belmont Community Advisory Committee and residents who live closest to Site B. Attendance of over 130 individuals at the hearing reflects the effectiveness of these outreach efforts.

Comment 2: Given the time of the hearing, can the public comment period be extended to ensure all residential questions and concerns are heard and answered? (Solages_011)

Response: ESD provided notice of the proposed 2020 Modification 30 days prior to the public hearing, and 30 days of public comment followed the hearing date on December 21, 2021. ESD received comments throughout this 60-day period and believes that the allotted time was adequate.

Comment 3: What is the next step after this hearing? (Polo_054)

Response: Following the public hearing, written comments were accepted during the public hearing comment period that ended at 5:00 p.m. on January 20, 2021. This document summarizes all comments received during the public comment period. All comments received through this public process as well as additional input received at a February 4, 2021 community meeting will be considered by ESD in its decision-making process with respect to the 2020 Modification.

COMMUNITY OUTREACH

Comment 4: You know, they form an advisory board. I never heard about who they were. I don't know their names. I don't know who's on it. I put my name on the list to be on that board with Curran's office, Gillen's office, Kaplan's office, Muscarella's office, Kaminsky's office and the Solages' offices. We aren't being properly notified with anything about this project. If you're not on Facebook, you're not

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going to hear about it. And I don't think that's fair to the residents that don't go on the computer and don't go to meetings and don't know about meetings. I barely knew about these meetings. And they aren't on Facebook. And that is not fair. That is not properly notifying people. (Amato_014, Amato_047, Amato_052, Amato_056)

Response: ESD announced formation of the Belmont Community Advisory Committee on February 6, 2018. The announcement can be found at: <https://esd.ny.gov/esd-media-center/press-releases/belmont-community-advisory-committee>. There is also a Belmont Racetrack advisory board that has been active since 2019.

Comment 5: I think the full newsletter to the entire community is important and should be done and we can do everything possible to ensure that there's no one in the community that's not aware of all aspects of the project. (Comrie_032)

I really liked the idea of a community newsletter. Sometimes I try to have conversations concerning the project but people are just not well informed on the project, its benefit and possibly negative points that they may or may not surmise. (Swaby_043)

The people involved, the owners, the operators, everyone needs to do more outreach to the community, to the civic associations, to the residents to let us know what is going to be happening there. There needs to be more outreach and more communication between the owners and people at Empire State Development and this community. (Halop_041)

We want to make sure that the community is properly involved. (Vanel_031)

I urge ESD and the developer to continue hosting community meetings, however increase the frequency of those meetings and, also, expand them to the entire community. (Solages_038, Solages_057)

Response: Informational meetings related to the Project, including the quarterly meetings jointly hosted by ESD and NYAP, are open to the public. ESD will make these meetings available virtually in response to the current situation posed by the pandemic. ESD regularly holds CAC meetings to update community members.

Comment 6: I certainly came to this project hearing the information with some hesitance. I have to say over the last year ESD, as well as the Islanders has done significant reach out. I applaud the team, the construction so far has been not interruptive at all. We had a couple of meetings over the last two to three weeks as well to get input from residents specifically on the retail space, the parking structure, as well as the landscaping. And I applaud again the team for allowing us to provide feedback into what gets constructed close to our property and how we are impacted by that. I understand folks concern. I have the same concern with the retail space in a post COVID environment. But we would have to place some trust in you guys that you will have an open forum to discuss what is to come,

considering, you know, these changes in, you know, economic status and the like. (Appleby_048)

Response: Comment noted. Please also see response to Comment 10.

PROPOSED MODIFICATIONS

GENERAL

Comment 7: Please consider green roofs and sustainable materials in building this component of the project. Trees and plants should be used throughout, as well as shaded areas and areas for recreation, such as group yoga or tai chi. It would engage the community and bring more people into a space they may otherwise avoid. (Velazquez_055)

Response: As described in the 2019 FEIS, all Project uses would be designed to achieve LEED version 4 certification at a minimum, and are expected to achieve energy efficiency resulting in energy expenditure in the range of 12 to 20 percent lower than buildings designed to meet but not exceed building code requirements. Site B would include approximately 3.75 acres of passive open space with landscaped areas that would serve as a buffer between the retail and parking uses and the neighboring Elmont residential community.

RELOCATION OF RETAIL FROM SITE A TO SITE B

Comment 8: If there is a relocation of 25,000 square feet of retail from Site A to Site B, will that free up square footage in Site A? And if so, what will that be allocated to? (Terry_007)

Response: As described in the 2020 Technical Memorandum, the Proposed Modifications would re-allocate approximately 25,000 gross square feet (gsf) of retail use from Site A to Site B. This would result in 25,000 fewer gsf of experiential retail, dining and entertainment uses on Site A (for a total of 10,000 gsf instead of 35,000 gsf), and 340,000 gsf of destination retail on Site B. The overall amount of retail would remain unchanged at the permitted 350,000 gsf.

Comment 9: How does the additional 25,000 square feet of retail space affect the original layout of Site B, particularly will stores, roads, or dumpsters be moved closer to the residential homes on the eastern border? (Solages_011)

Response: The layout of Site B has been modified in response to the addition of the proposed parking garage, not as a result of the additional 25,000 gsf of retail. With the Proposed Modifications, the reconfigured site plan would shift the main internal access roadway from the east side of the site (adjacent to the Elmont neighborhood) to the west side of the site (adjacent to the Cross Island Parkway). The bus stop that was to accommodate both coach buses and shuttles would also

be shifted from a location along the east side of the site (adjacent to the Elmont neighborhood) to a location at the southern end of the site. With the Proposed Modifications, the Project will continue to provide a service yard that would be located along the northern, eastern, western, and southern sides of the retail village at the same level as the retail stores, which will continue to only be accessible to trucks and emergency vehicles. The service yard along the eastern side of the site would be generally located in the location of the previous internal access roadway. The service area would be at a lower elevation than originally proposed, as with the Proposed Modifications, there would no longer be a partially below-grade parking garage under the retail village. Additionally, with the Proposed Modifications, the Project would continue to include a linear open space including a vegetated buffer with a minimum width of 50 feet along the east side of Site B, adjacent to the Elmont neighborhood. Any waste management would take place in service yards, and all waste will be stored in close containers rather than open dumpsters.

Comment 10: I'm really confused about why anyone thinks we need another shopping area while we're watching a major area die. The people from the five towns and from Far Rockaway, they're not going to come up to Elmont to shop. They come to Green Acres. So I'm really very concerned about that. (Sanford-Guise_040)

I remain curious about why anyone thinks a new group of retail stores will be attractive to anyone? (Sanford-Guise_005)

I'm hoping that the retail space will be viable. (Babb_020)

We told you we didn't want retail. Retail is on its way out. All of a sudden, we're getting retail. (Amato_014, Amato_056)

As for the retail component, considering the effect quarantine had had on retail, and the overall glut of retail space that sits empty on Long Island, please consider less retail and more commercial. Elmont could use more gyms, more clothing and shoe stores, and restaurants. (Velazquez_055)

Response: As noted in response to Comment 1-66 in Chapter 22 of the FEIS, the retail village would be expected to draw customers from an area beyond the local communities surrounding the Project Sites, given that price-sensitive customers looking for particular high-value goods at outlet prices are more willing to travel greater distances to obtain those goods. Additionally, the product offering at the luxury outlet retail component would be distinct from other outlet shopping experiences. Value Retail, which would be the operator of the luxury outlet retail space, specializes in creating "full-price" environments for "outlet price" goods. This combination creates a unique shopping experience that attracts local and regional customers, as well as national and international visitors, as Value Retail's experience in Bicester, United Kingdom and in Shanghai, China has shown. The primary trade area considered for the competition analysis for the luxury outlet

retail component is therefore the entire New York-Newark-Jersey City, NY-NJ-PA Metropolitan Statistical Area (“the MSA”).

Even when including the Project, the growth rate in retail trade jobs in the MSA would remain slightly below the 1.6 percent increase observed from 2000 to 2016 in the New York City Region, suggesting that the MSA has the capacity to absorb the new luxury outlet retail at the Project without significantly altering trends in this sector. This is particularly true because the trends in population, income, and tourism in the MSA are positive and the value offering at the luxury outlet retail component of the Project would be differentiated from the rest of the market. For the following reasons, the Project’s luxury outlet retail offering would not lead to the displacement of other outlet shopping centers: the primary trade area for the luxury outlet retail component of the Project is the entire MSA; retail trade growth in the MSA is expected to be positive; the concept offered by the luxury outlet retail component would be unique for the primary trade area; and the demand at this development would be supplemented by international destination shoppers.

With respect to the effects of the Covid-19 pandemic on retail market conditions, the retail would not be completed until the fourth quarter of 2023 at the earliest, at which point it is reasonable to expect that retail demand and consumer patterns will have largely returned to pre-Covid-19 conditions.

Comment 11: Is there room for a grocery store with and/or a communal greenhouse for locally sourced organic produce? Could be a great example of sustaining one using rain water, solar power, etc. (Augustus_001)

Response: At this time, the Project does not anticipate the above-described uses within the retail village.

REPLACEMENT OF SITE B PARKING BENEATH RETAIL VILLAGE TO FREE-STANDING PARKING STRUCTURE/MODIFICATION TO SITE B SITE PLAN

Parking Structure

Comment 12: Regarding relocating the proposed parking from beneath the retail village to a freestanding parking structure. The exact location of the garage was not listed in the proposed GPP. I want to make sure that it is in the final document and that it is clearly stated and written so there’s no changes without community input. It should not be placed on the residential side of the property. So please let us know the exact location. (Solages_038, Solages_057)

What is the exact location of the six-story garage on Site B and how close will it be to homes, as a garage along the eastern border, near homes, may cause noise, visual and air pollution concerns from neighbors? (Solages_011)

Response: The location of the parking structure with the Proposed Modifications is provided in Figure 3 of the 2020 Technical Memorandum. As described in the 2020

Technical Memorandum, the parking structure would be located on the northern portion of Site B, on the frontage of Hempstead Turnpike. It would not be located along the eastern border of Site B adjacent to the Elmont neighborhood, and would be located at a distance farther than the planned retail uses (see Figure 1 of the 2020 Modification). Any change in the proposed garage's location from the position indicated would require ESD approval. The 2020 Technical Memorandum concluded that the Proposed Modifications would not result in any significant adverse environmental impacts not previously identified and adequately addressed for the Project in the 2019 FEIS. Specifically, like the Project analyzed in the 2019 FEIS, the Proposed Modifications would not result in significant adverse impacts to neighbors in the areas of noise, air quality or visual resources.

Comment 13: Hopefully the parking garage will be aesthetically pleasing and complement the stadium structure. (Babb_020)

I am supporting this modification. I think the fact that the parking structure has the same facade as the arena is a real bonus, is a real win. (Curran_027)

Response: Comment noted. The exterior design of the parking structure would be similar to the arena, with similar brick and metal details. Please see Figures 1 and 2 in the 2020 Technical Memorandum for illustrative renderings of proposed parking structure under the Proposed Modifications.

Comment 14: The replacement of an underground parking garage with an above ground garage is an aesthetic mistake. It runs the risk of making the retail village look low class, urban, and cluttered. (Velazquez_055)

Response: As described above and illustrated in Figures 1 and 2 of the 2020 Technical Memorandum, the design of the parking structure is meant to complement the arena on the north side of Hempstead Turnpike, with similar brick and metal details.

Comment 15: We told you a million times we didn't want parking structures over there and now you're going to give us parking structures. Your parking garage is very dangerous to have in Elmont, especially by the parkway, on the Queens border. I would never want to park in a garage. Too many things could take place behind the structure that won't be able to be seen from the street, very unsafe! (Amato_047, Amato_014, Amato_056)

It would also be something of a security risk, whereas you can better control access to an underground facility. It would also require less maintenance in the long run, as it would be less exposed to the elements. (Velazquez_055)

I'm concerned about the security. A parking garage is not a secure facility or building. (Halop_041)

Response: As described in Chapter 1 of the 2019 FEIS, the Project incorporates a number of measures to promote public safety. The individual uses would establish security staffing and protocols specific to their needs, and NYAP and NYRA would also implement a property-wide security plan in conjunction with this development. NYAP would have security cameras in the garage, and footage would feed back to the arena's command center. Roving security guards would patrol parking areas including the garage. For additional details, please see the "Project Management and Site Security" section in Chapter 1 of the 2019 FEIS.

Comment 16: I think the parking garage that is being proposed makes sense in that area. I did not ever think that an underground garage would be viable. (Comrie_032)

One of the best things about this project and about the parking structure is, it will keep people from parking off the side streets and it will help people have a place to park instead of scattering all over the place trying to find a place to park and, you know, I just think that that's very important. When you're parking and you have to walk a mile down residential areas, you know, it could be unsafe, where if you have a parking structure there could be security and they could, you know, keep people safe. (Rosner_015)

The additional parking garage is crucial to the success of the project because it would relieve traffic coming into the building and clear congestion in the streets. The proposed parking structure project is a great idea as it will only benefit the Islanders and the community of loyal fans and the residents of Long Island. (Klein_018)

I'll be driving to a lot of games. I think the parking garage is a great idea. Not only a great idea but a necessity for safety, for convenience and I think the modifications are a great thing. (Cesarano_022)

Access to parking is imperative for an arena like this to be successful. Parking in a facility that is being proposed will be safer for the fans, as well as for the local community. (Altstadter_024)

I know many people have been discussing the parking garage. I'd like to say that is absolutely necessary just because of the congestion that could be on the public streets would not be for the parking garage. (Vogel_025)

The parking garage will be a great asset for the Islanders and for their fans because it will eliminate all those elements such as the snow, the rain and any kind of uncomfortable situations. (Dowd_028)

It seems to me that an above-ground parking facility would be a lot better than digging a giant hole in the ground, more environmentally friendly than digging a giant hole in the ground, as was previously proposed. (Minogue_029)

I believe that the parking facility will only add to the comfort of those fans that we are going to gain. (Mandelbaum_030)

The parking changes will enable a safe and contained parking for events, shopping and hotel in a manner that fits with the look and feel of the racetrack in the area. (Galinanes_034)

The main thing I think we're here today is about the garage being moved. It was supposed to be underground and they're moving it above ground. I think that's a no brainer. It's definitely safer. It keeps people safe from the elements. (Sapienza_036)

Response: Comment noted.

Comment 17: How will the fire department access the garage? (Bohnet_008)

There has been concern regarding the possibility of fire department activity in a proposed parking structure. As a member of the Elmont Fire Department, I can assure you that our response to a potential car fire is the same whether the car is in an above ground or underground parking structure. We rely on standpipes for a water connection, and wouldn't be bringing rigs into the structure at all. The rig would stay outside the structure and pump water into the standpipe system, where we would connect hoses and proceed as normal. Sprinklers would also be fed by use from outside the structure. Please make hydrants readily available for us as this is an issue that larger commercial properties and even Belmont Park have trouble adequately supplying. (Velazquez_055)

Response: As discussed in the 2019 FEIS, based on initial correspondence with the Elmont Fire Department, for Site B, it was decided that emergency access would be provided via Hempstead Turnpike, Cross Island Parkway exit 26A, and 109th Avenue. These access routes do not change with the Proposed Modifications. Additionally, emergency vehicle access route options were discussed, as well as snow removal plans, the need for access between the proposed building for hoses and gurneys, and the need for additional standpipes throughout the Site B retail village. NYAP held separate meetings with the Office of Fire Prevention and Control and the Elmont Fire Department on January 11, 2021 to review the garage and updated Site B site plan. NYAP will continue to communicate with the Office of Fire Prevention and Control and the Elmont Fire Department to ensure appropriate standpipe locations, hydrant locations and size of hydrant mains, as well as fire service through separate mains in Hempstead Turnpike and 109th Avenue are incorporated into the final Site B design.

Comment 18: The garage's lower level should be designed to accommodate high-top vans for the handicapped. (Razenson_009)

Response: Every floor in the garage would have clearance for high-top vans for the handicapped.

Site Plan

Comment 19: The public road to circumnavigate Site B is being moved westward. Will this result in just one drop off/pick up spot for taxis and ride-share vehicles? (Terry_007)

Response: The 2019 FEIS assumed that a designated drop-off and pick-up location for taxis and rideshare vehicles would be located on the south end of the retail village, and a staging lot for rideshare vehicles would be located at the south end of Site B. With the Proposed Modifications, this designated drop-off and pick-up location and staging lot for rideshare vehicles would continue to be located at the south end of the retail village.

Comment 20: There should be a better site plan put down just because there's not a lot of bike and pedestrian byways. I don't really see a lot of that. Do a better job of making sure that there are pedestrian walkways all over the place—as well as, in conjunction with the roadways, there's bike parking and bicycle lanes. That should be more clear on this plan. (Lindsay_044)

Response: As discussed in the 2020 Technical Memorandum, with the Proposed Modifications, the Project will continue to maintain the same pedestrian connections between the Project Sites and proposed parking facilities (including the North, South, and East Lots) and public transportation services as was assumed in the 2019 FEIS. With the Proposed Modifications, pedestrians would be able to travel between the retail village and Site A using the sidewalk on the west side of the Belmont Park Road underpass, which would be widened to approximately 20 feet in width and improved with respect to security. The retail village would continue to consist of pedestrian boulevards and squares lined with storefronts. The Proposed Modifications would not affect the commitment of NYAP to construct a pedestrian walkway from the south side of Hempstead Turnpike near the intersection of Wellington Road to the northeast corner of the retail village, running on the south side of the exit ramp to Gate 14, to provide access to bus riders on the N1, N6, and N6X routes operating along Hempstead Turnpike; this sidewalk would continue along the north side of the retail village to the entrance for patrons parking in the multi-level parking garage. With or without the Proposed Modifications, dedicated bicycle lanes are not anticipated within the Project Sites, however bicycle racks are provided at the Grandstand and will be provided at the new LIRR Elmont Station.

SUBSTITUTION OF THE LANDSCAPED BERM WITH A LANDSCAPED WALL ALONG THE EASTERN AND SOUTHERN PERIMETER OF SITE B

Comment 21: What is the reason for the switch from a landscaped berm to a landscaped wall? (Solages_011)

Response: The proposed replacement of a berm with a wall was advanced by NYAP as a means of providing a better visual buffer to the adjacent residential neighborhood, and to provide both a more pleasant visual experience and more usable open space than with the berm. Community meetings were held on November 12, 2020, December 10, 2020, and February 4, 2021 to solicit comments from homeowners regarding the Proposed Modification. The response from the community was generally in favor of replacing the proposed berm with a wall, as it would also help to address community concerns with respect to security and privacy.

Comment 22: With the reallocation of thousands of square feet of retail space from site A to site B, there needs to be a proper barrier between the residents and the residential village. It has to be concrete or solid wall, not transparent. In addition, the wall proposed should be the entire length of the property on the residential side. What is the length and composition of the wall? What will the view of this wall be from the residential side? (Solages_038, Solages_057, Solages_011)

The modifications does not include the landscaped wall for the most southern part of the lot bordering Hathaway. That had been included during our last zoom meeting for the homeowners most affected. (McDonald_006)

Response: As discussed in the 2020 Technical Memorandum, the Proposed Modifications would include a 10-foot high wall with plantings and landscaping on the side facing the neighborhood. The wall would be constructed of concrete, and sections of the open space that are on the neighborhood side of the proposed wall would be landscaped with trees approximately 12 feet high at planting. Please see Figures 5 and 6 of the 2020 Technical Memorandum for illustrative views north along Huntley Road. Based on community input, the wall would continue along the southern perimeter of Site B.

Comment 23: As per the green wall in lieu of a berm separating the retail from the residences, this is an acceptable and more easily maintained option. Consider offering the residences landscaping services or help planting shrubs to screen the wall on their side, as this will be seen as a good faith gesture and will only beautify the neighborhood. Trees and green space are in short supply in Elmont. (Velazquez_055)

MGA mentions a wall to replace berm and state plantings will be maintained. How will the condition of the plantings and wall be monitored so they can be well cared for? (Terry_007)

Response: Through the Project's Memorandum of Environmental Commitments (MEC), NYAP is committed to properly maintaining the trees and vegetation within the linear open space on Site B subsequent to installation and replacing failing vegetation as necessary. This includes the vegetation on the neighborhood side of the proposed wall on Site B.

Comment 24: The developer should also commit to providing security outside the wall, especially on game days, shopping holidays such as Christmas and during the Belmont Stakes. Many community residents said that a car or some type of security should come on the outside. (Solages_038, Solages_057)

Response: Along the section of the proposed open space adjacent to Huntley Road, NYAP would provide 24/7 security cameras that face the neighborhood side of the proposed wall. Security patrols would occur within the open space sections that are on the retail village side of the proposed wall.

Comment 25: As far as the berm wall, it's a solid wall that they're putting up with the expansion of the third rail and it looks a lot better than looking at the railroad tracks themselves. So I think the wall is a good thing instead of the berm. You know, it allows the residents to have a little bit more privacy from other people walking in. (Krupa_039)

Response: Comment noted.

INCLUSION OF HYDROGEN FUEL CELL TECHNOLOGY FOR SHUTTLE VEHICLES

Comment 26: We're very proud that the hydrogen fuel cells are going to be used. (Mandelbaum_030)

Response: Comment noted.

Comment 27: Where will the hydrogen fuel cell technology for shuttle transportation be located? (McDonald_006)

Response: As described in the 2020 Technical Memorandum, refueling of the shuttle transportation would occur off-site at an existing facility.

Comment 28: Not sure about the hydrogen fuel cell technology option and any environmental impacts on the community. We will need more information. (Ishmael_012)

Response: The hydrogen fuel cell technology option was analyzed in the 2020 Technical Memorandum. As described in the 2020 Technical Memorandum, hydrogen fuel cell vehicles are powered by hydrogen and oxygen. They are zero-emission vehicles, as the only byproduct produced is water. Therefore, the Proposed Modifications to allow shuttle transportation to operate on hydrogen fuel cell technology would not result in any air quality impacts. Refueling of the shuttle vehicles would occur off-site at an existing facility.

Comment 29: You said you're using hydrogen for the buses but this is an opportunity to get more green space and solar energy, water, wind energy to use to power this facility and all the other facilities going up. This is a great opportunity to get green

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and even have a greenhouse for local residents or for whoever wants to utilize it, a greenhouse for organic produce and so that hopefully this propane idea is not going through. Hopefully the gas line has been resolved. (Augustus_016)

Response: Please see response to Comment 49. Additionally, a greenhouse is not currently anticipated on the Project Sites.

INCREASE OF THE NUMBER OF SUBLEASES ALLOWED UNDER THE GPP

Comment 30: Will the additional subleases, or any of the proposed modifications, have an impact on the payments-in-lieu-of-taxes for this project? (Solages_011)

Response: No. Payments-in-lieu-of-taxes will continue to be collected on the new sublease sites, and after completion of the improvements on each such site, the payment-in-lieu-of-taxes for such site will be adjusted based on assessment of the value of the site improvements.

Comment 31: What usage is being envisioned for the commercial building (for Site A) that is mentioned in the request for additional subleases? (Terry_007)

Response: Potential uses would include office, retail, restaurant, and/or entertainment space.

DESIGN CHANGES TO LIRR ELMONT STATION VISUAL BARRIER

Comment 32: Bellerose Terrace Long Island Railroad (LIRR) Visual Barrier should be kept as is. The document has required that the advanced design of the station necessitates the shift of the south (eastbound) platform to the west by approximately 125 feet due to construction constraints in connection with the location of existing utilities. LIRR has requested that the eastern limits of the visual barrier (on the north side of the station) also be shifted westward. I request that visual barrier at the North (Westbound) Platform not be modified and kept as proposed. (Solages_057)

We, the community, ask that the visual barrier on the side adjacent to the residential homes not be modified, and we request that the visual barrier be maintained as described in the 2019 FEIS. The community of Bellerose Terrace has not been engaged with in good faith as part of the original process, and we demand that our homes be protected. (Moriarty_058)

Response: The purpose of the visual barrier on the north side of the station is to block views from the south platform of the station of the backyards of the residences that line the south side of Superior Road. Due to construction constraints in connection with the location of existing utilities, the south platform would be shifted to the west by approximately 125 feet. The eastern limits of the visual barrier (on the north side of the station) would also shift westward, and as detailed in the 2020 Technical Memorandum, with this change, the visual barrier would extend approximately 55 feet past the eastern-most end of the south platform, which is

approximately 35 feet farther east from the platform than assumed in the 2019 FEIS (see Figure 4 of the 2020 Technical Memorandum). With the adjustments in platform length, the adjustments in location of the visual barrier would continue to block views from the station of the backyards of the residences that line the south side of Superior Road, and in fact, provide an additional 35 feet of barrier than the design presented in the 2019 FEIS.

ENVIRONMENTAL ANALYSES

VISUAL RESOURCES

Comment 33: The congestion of site B has eliminated the open space that was necessary for a landscape berm, which will be replaced with an unsightly wall for the residents on the east. Not sure of the height or material impact on the community and the environmental impact that was done. We will need some more information. (Ishmael_023, Ishmael_012)

Response: As described in the 2020 Technical Memorandum, the Proposed Modifications would not change the amount of open space to be provided on Site B (3.75 acres). The Proposed Modifications would, however, replace the landscaped berm with a 10-foot-high wall with plantings and landscaping in the sections of the open space that are on the neighborhood side of the proposed wall. In addition to the public hearing held for the 2020 Modification, Community meetings were held on November 12, 2020, December 10, 2020, and February 4, 2021 to solicit comments from homeowners regarding the Proposed Modifications, including the proposed wall. The response from the community was generally in favor of replacing the proposed berm with a wall, as it would help to address community concerns with respect to security and privacy. The wall would be constructed of concrete, and sections of the open space that are on the neighborhood side of the proposed wall, would be landscaped with trees approximately 12 feet high at planting. The 2020 Technical Memorandum analyzed the visual impacts of the Proposed Modifications, including the proposed wall and plantings (please see Figures 5 and 6 of the 2020 Technical Memorandum for illustrative views north along Huntley Road depicting). The 2020 Technical Memorandum concluded that the Proposed Modifications on Site B would not result in any impacts to views to aesthetic resources, diminish the public's enjoyment of a resource, or significantly impact residential viewers.

TRANSPORTATION

Traffic

Comment 34: While we at Queens Village Civic support this overall project, we need to record our concerns regarding the amendment on site B. We feel this amendment will make that area more congested as far as the impacting the residents of Elmont and

Queens Village. Also, the amendments on site B will result in a negative impact on community residents. It's our main concern. It's a large parking structure shifting space from site A to site B will make site B, which is closer to residents, more congested. The residents of Queens Village were always concerned about the traffic impacts the overall structure will have on the surrounding area and especially in Queens Village. We would like to see the latest impact study and the scope of the work to mitigate the additional traffic. (Ishmael_012, Ishmael_023)

I am just concerned about the increase in traffic that Elmont will see as a result of the development. (Polo_051)

I'm concerned about the traffic. (Halop_041)

Response: The Proposed Modifications would not result in additional traffic compared to what was analyzed in the 2019 FEIS. Although at the time of the 2019 FEIS, the program for Site B was reduced to approximately 315,000 gsf, the transportation analyses of the FEIS conservatively analyzed a total of 350,000 gsf of retail on Site B. With the Proposed Modifications, there would be approximately 340,000 gsf of retail space. Therefore, the 2019 FEIS analyses were based on 10,000 gsf more retail that is currently proposed with the Proposed Modifications. As described in the 2019 FEIS, based on these conservative assumptions, the Project would have the potential to result in significant adverse transportation impacts along highway segments and within the local street network, including in Elmont. All practicable mitigation measures and commitments to address these impacts are described in Chapter 17 "Mitigation," of the 2019 FEIS. As discussed in the 2020 Technical Memorandum, the Proposed Modifications would not result in any new significant adverse transportation impacts during the weekday AM, weekday PM, Saturday midday, Saturday PM, and Saturday night peak hours that were not previously disclosed in the 2019 FEIS. The effectiveness of the mitigation measures recommended in the 2019 FEIS for the Project's significant adverse transportation impacts would not change as a result of the Proposed Modifications. Please see the transportation analysis in the 2020 Technical Memorandum for further details.

Parking

Comment 35: I want to make sure there's enough parking for all the fans in the parking garage. I'm just curious about that. I want to know exactly how many spots because I know since it's a 19,000 seat arena and I believe a little bit less for the fans on game night. I'm a little bit curious to hear about how many cars will be allowed to park in the garage because if it's only a small amount I'm afraid that it will overcrowd the train station. (Vogel_025)

The parking garage will not hold enough people. They're still going to go onto the streets. (Halop_041)

We want to make sure there is ample parking. (Vanel_031)

Response: As described in Chapter 1 of the 2019 FEIS, new parking on Sites A and B, and improved parking in the North, South and East lots would accommodate the Project's patrons and employees. The Proposed Modifications would provide the same amount of Site B parking (approximately 1,500 spaces) as was originally proposed, but would replace the parking structure beneath the retail uses with a free-standing, above-ground parking structure. As described in the 2020 Technical Memorandum, as in the 2019 FEIS, with the Proposed Modifications both the maximum parking demand generated by the Project and the combined parking demand of the Project with live racing at Belmont Park could be accommodated by the parking provided on Sites A and B and the North, South, and East Lots. Please also see response to Comment 37.

Comment 36: They are going to have to wait a long time to get out of that parking garage. They're not going to use that parking garage. I know I don't like to wait to get out anywhere. (Amato_047)

I would think that maybe to help ease congestion and traffic during the games, or any event that's at the arena, if you had sort of an EZPass-style entry so that nobody has to pay the attendant or get change for a \$50 or a \$20 or try to find the app on their phone that has the bar code to enter the parking—the building or the north lot. (Minogue_029)

Response: As described in the 2020 Technical Memorandum, and shown in Figure 3, entrances and exits to the parking garage would be located on the east and west sides of the garage. Ramps would allow vehicles to travel between levels and internal circulation within the garage would allow vehicles on each level to enter or exit from either side of the garage. Guide signs within the garage would be used to direct exiting vehicles to their ultimate destination. To optimize vehicle entry into this parking facility and to minimize queuing from spilling back, vehicles would enter the parking facility without waiting to collect a ticket. As with the below-grade parking structure planned for Site B in the 2019 FEIS, parkers needing to pay will continue to be encouraged to pay on foot at pay stations and fees will continue to be collected on exit. A total of four entry/exit lanes would be provided on the east side of the garage and five entry/exit lanes would be provided on the west side of the garage. The Transportation Management Plan, a draft copy of which is included in Appendix J of the 2019 FEIS, includes an operations plan that shows more details of the operation of the parking facilities, including the North Lot; there will be different ways to pay that combine new technologies with standard pay on entry depending on the lot.

Comment 37: Residents are always concerned with people parking on the street. Parking is sometimes scarce, especially on the side streets in that area in Elmont. And if we can keep the fans parking in a parking lot, it will only help alleviate those concerns. (Feinberg_033)

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They will still bombard our streets, and they won't want to pay for parking. (Amato_056)

Response: As discussed in the 2020 Technical Memorandum, the Proposed Modifications would not affect the commitment of NYAP to take a proactive approach to prevent off-site parking from occurring if attendees may attempt to park for free in the surrounding neighborhoods and walk to the arena.

Pedestrian Circulation

Comment 38: What about those of us who travel by bus? Do we get to walk through an entire parking lot in order to get into a retail space area that we may or may not need? (Sanford-Guise_040)

Response: As described in the 2020 Technical Memorandum, the Proposed Modifications would not affect NYAP's commitment to construct a pedestrian walkway from the south side of Hempstead Turnpike near the intersection of Wellington Road to the northeast corner of the retail village, running on the south side of the exit ramp to Gate 14, to provide access to bus riders on the N1, N6, and N6X routes operating along Hempstead Turnpike.

CONCERNS NOT RELATED TO THE PROPOSED MODIFICATIONS

ARENA

Comment 39: What's going to happen when there aren't Islanders games going on? What are the other things that are planned? (Halop_041)

Response: As described in the 2019 FEIS, in addition to serving as a professional hockey venue, the arena would host major concerts, college sports, conferences, cultural, community, recreational and family events.

HOTEL

Comment 40: We shot down the whole idea of a casino over there and I know someone who is on one of the construction crews and she said, you are getting a casino. It is in our plans and we are putting it in that hotel that they are building. (Amato_014, Amato_047, Amato_052, Amato_056)

Response: As outlined in the 2019 Modified General Project Plan, Project Site prohibited uses include video lottery terminals ("VLTs"), casino and gambling table games, pari-mutuel wagering, simulcast wagering, casinos and horseracing. The 2020 Modification does not change this prohibition.

COMMUNITY SPACE

Comment 41: Our understanding was that Queens Village and the surrounding communities were promised athletic programs in schools and community centers. We would like to see details on the plans and any roll out schedule. We would like to have details on the community space and the community access and usage of that space. (Ishmael_023)

Residents are concerned by the lack of discussion regarding the proposed community center. (Solages_057)

We want to make sure that the community space is done well. (Vanel_031)

Response: As plans progress for the community space the developers will keep the community updated through CAC meetings. In addition, the Islanders have brought programming to 15 schools in Queens Village and the surrounding communities. The initiatives include; the Islanders School Assembly with Islanders staff members, the team mascot and students that stresses the importance of respectful treatment of peers, teamwork and leading an active lifestyle; and the Islanders Floorball Program, which brings the game of hockey into the physical education curriculums of local schools.

Comment 42: Who said we needed community space in this new thing? Because we all talked about it and we said we already have that at the library. We don't need another community space. We already have meeting spaces. (Amato_014, Amato_047, Amato_052)

Response: Comment noted.

OPEN SPACE–ELMONT ROAD PARK

Comment 43: I live right behind Elmont Road Park. When it's time to fix that up, what are you going to do for the houses that live behind there? The last time that Elmont Road Park got fixed, we had mice and rodents all in our backyards. Are you going to prevent that from happening to us? There's not a lot of security at all. What are you guys going to do to secure our park? What kind of security measures are you going to put in place for the houses behind the park? (Greaves_013, (Greaves_002)

Response: Pest control measures will be implemented in the areas of the park that are disturbed during construction. During construction, security will be provided by the general contractor. Once construction is complete, the Town of Hempstead has agreed to put a security booth for a security guard in the park. There will also be over 40 new lighting stands in the park.

Belmont Park Redevelopment Civic and Land Use Improvement Project

Comment 44: The residents of Elmont are very disgusted with the fact that there's a constant change in plans and/or lack of transparency of what is exactly is being done at Elmont Road Park. We want to know what the plans are. They've had one meeting about a year, a year-and-a-half ago and nothing has come out of it. There's no reason why there's only shared information through a virtual platform and/or through someone you know. We are requesting that the residents of Elmont get a newsletter, every home, about what is being done in Elmont, not just with the arena, which is great and dandy for everyone but we want to know about Elmont Road Park. (Lewis_017)

Residents are concerned by the lack of discussion regarding upgrades to Elmont Road Park. (Solages_057)

We want to make sure that Elmont Road Park is constructed well and other park spaces and outdoor spaces are done well. (Vanel_031)

Response: ESD is committed to the park opening at the same time as the arena. NYAP is working towards this deadline. ESD will share updates/site plans at CAC meetings and quarterly meetings as the project moves forward.

SITE SECURITY

Comment 45: Is there a plan to have policing in the area at the times that special events are taking place, where we're going to have large crowds? (Polo_051)

Response: As described in Chapter 1 of the 2019 FEIS, the Project incorporates a number of measures to promote public safety. The individual uses (arena, hotel, and retail) would establish security staffing and protocols specific to their needs, and NYAP and NYRA would also implement a property-wide security plan in conjunction with this development. For additional details, please see the "Project Management and Site Security" section in Chapter 1 of the 2019 FEIS.

PILOT/DEVELOPER AND BUSINESS TAXES/PAYMENTS/COSTS

Comment 46: We were told that the project over here, the arena, was going to help absorb taxes. Instead my taxes just went up \$1,000. And everybody's taking a hit on that. The school didn't hear about that or they're ignoring us saying that we voted for a \$1,000 increase on taxes. The Town is saying it's not them. It's nobody's fault why our taxes went up. All of a sudden it's our fault that our taxes went up. We know what's going to help absorb those taxes. And now we see, again, once again, we've been footing the bill for Belmont Park all our lives and I see we're going to foot the bill for the arena now. (Amato_014, Amato_047, Amato_052)

Response: As discussed in response to Comment 1-117 of the 2019 FEIS, per the GPP, in the first three years following closing, the Applicant would contribute \$50 million towards infrastructure improvements and related mass transit improvements.

Thereafter it would continue to make annual payments to ESD following the opening of the train station. The total amount of payments would be approximately \$117 million. All other project costs would be privately funded and borne by the Applicant. PILOT and sales tax revenues from the Project would flow through the County to local municipalities, including local school districts. Please see the essential terms of the transaction of the GPP. The Proposed Modifications do not affect these terms.

JOBS

Comment 47: In terms of the local area residents, it should have a priority in terms of jobs. All the new jobs that have Elmont qualified residents that want to apply for them, they should get first dibs and hopefully this will be taken into consideration. What steps are being taken for qualified Elmont area residents to get first shots at the new jobs that will be created in the arena and the other new businesses? (Augustus_001)

We need to make sure that residents are prioritized and we're making sure that local people who are qualified for getting great jobs and that's what the community really needs. (Kaminsky_021)

Based off of the discussion with the panel with *Newsday* during the summer, there was a concern that it was stated that displaced workers from the Nassau Coliseum would get first dibs at the jobs that will be coming up at the arena. So we do want to clarify that point. We would like that to be explained further or just to be clarified. (Lewis_017)

We urge NYAP to prioritize jobs for community members within the surrounding zip codes. In addition, NYAP should build relationships with many of the restaurants and small businesses in the surrounding communities especially minority and women owned businesses. (Solages_057)

Executive jobs with six figure salary should be sourced to Queens Village residents. Job training opportunities for Queens residents, especially due to the impact of COVID-19. Internship opportunities for students from Queens Village; and, a partnership with York College. Opportunities for children with disabilities. (Gray_045)

Response: ESDs' stated objectives for the Project include providing a source of quality jobs for area and New York State residents and benefitting the neighborhoods and communities adjacent to and surrounding Belmont Park. NYAP will be hosting job fairs throughout 2021. The project's goal is to draw 30 percent of its workforce from zip codes within a four-mile radius.

Comment 48: There are not going to be jobs. We heard Ledecy on the news saying that this thing is so state of the art that there's not going to be people serving you your

food. You're going to order on an app and the machine's going to hand it to you. So what jobs? And those are minimum wage jobs anyway. We don't need minimum wage jobs. (Amato_014, Amato_047, Amato_052)

Response: The Project would create a substantial number of temporary and permanent jobs. As detailed in Chapter 7, “Socioeconomic Conditions,” Tables 7-12 and 7-13 of the 2019 FEIS, construction activities associated with the Project would generate an estimated 9,240 full-time equivalent (FTE) temporary jobs. Once operational, the Project would generate an estimated 3,179 FTE permanent jobs; this includes an estimated 2,455 direct on-site FTE jobs and an estimated 724 indirect and induced FTE jobs within the region. The direct permanent jobs would be largely within the “Luxury Outlet Retail” and “Arena” introduced by the Project. There would be a range of opportunities from high/managerial level jobs to entry level/low skilled jobs.

SUSTAINABILITY

Comment 49: What green energy proposals are included in construction: solar, wind, water powered generators? (Augustus_001)

Response: As described in the 2019 FEIS, the Applicant is currently evaluating specific energy efficiency measures and design elements that may be implemented, and is seeking to achieve certification under the Leadership in Energy and Environmental Design (LEED) for Building Design and Construction rating system, version 4. The Applicant is committed at a minimum to achieve the prerequisite energy efficiency requirements under LEED and would likely exceed them. To qualify for LEED, the Project would be required to exceed the energy requirements of New York State’s Energy Conservation Construction Code (currently the same as ASHRAE 90.1-2013), resulting in energy expenditure lower than a baseline building designed to meet but not exceed the minimum building code requirements by approximately 12 to 20 percent for new construction. Furthermore, additional energy savings would likely be achieved via guidance for tenant build-out, which would control much of the building’s energy use and efficiency, but those are unknown at this time. The Project’s commitment to building energy efficiency, exceeding the energy code requirements, would ensure consistency with the decreased energy use goal defined in the *Climate Smart Communities Pledge* as part of the Town’s GHG reduction goal.

The Project would also support the other GHG goals by virtue of its proximity to public transportation, reliance on natural gas, commitment to construction air quality controls, and the fact that as a matter of course, construction in the New York City metropolitan region uses recycled steel and includes cement replacements. All of these factors demonstrate that the proposed development supports the GHG reduction goal.

UTILITIES

Comment 50: Has the gas line issue been resolved so natural gas can be utilized instead of the more volatile propane? (Augustus_001)

Response: Subsequent to the issuance of the 2019 FEIS, it has been determined that natural gas will be available to service the Project.

LIRR BELMONT PARK STATION (SPUR)

Comment 51: The current LIRR station should be a 24/7/365 for Elmont residents to get to and from Manhattan, not just when the games are on or when there's concerts. If not, there has to be a shuttle bus from the new one for Elmont area residents 24/7/265 to get to BOTH sides of Hempstead turnpike to the N6 bus, not just set aside parking. (Augustus_001, Augustus_016)

Response: As described in the 2019 FEIS, the new LIRR Elmont Station would provide full-time train service to the local community. The LIRR studied the option of providing full-time service at the Belmont Park Station and determined that it would create severe negative impacts to LIRR operations system-wide. The Belmont Park spur and its infrastructure limitation do not allow for thru-service and full-time service would require dedicated fleet as well as potential service cancellations in order to allow trains to cross over the Main Line tracks in regularly scheduled intervals. The LIRR can only provide special event service to the existing Belmont Park Station. As discussed in the 2020 Technical Memorandum, with the Proposed Modifications, the Project would continue to provide shuttle service between the new LIRR Elmont Station and the retail village when the arena is not hosting an event.

NEW LIRR ELMONT STATION

Comment 52: Which LIRR line will Elmont station be on? Original proposal, reiterated in the Modified General Plan, mentions the main line. Which would be good. Is this decision, of which line, solely up to LIRR? (Terry_007)

Response: The new LIRR Elmont Station will operate on the Main Line adjacent to the North Lot.

Comment 53: With respect to the railroad, it would be great if Elmont residents would have access to that, especially during rush hour times. (Babb_020)

We want to make sure that the Long Island Rail Road station is a full-time station, were residents are able to use the station. (Vanel_031)

Response: As described in the 2019 FEIS, the new LIRR Elmont Station would provide full-time train service to the local community. The LIRR anticipates that the new

LIRR Elmont Station would be used by commuters residing in Elmont and Bellerose Terrace. A total of 150 parking spaces in the North Lot would be reserved for use by commuters. It is anticipated that commuter parking permits would be made available for purchase by Town of Hempstead residents, including those living in Elmont. Vehicular access to the commuter parking in the North Lot would be provided via Exit 26D of the Cross Island Parkway, which provides access and egress to both directions of the parkway, and the Red Road running along the west side of the racetrack and the south and west sides of the arena, which provides a connection to the local street network at the intersection of Hempstead Turnpike at Locustwood Boulevard/Gate 5 Road.

Comment 54: The LIRR needs to stop at the Queens Village Station, especially during rush hours. (Gray_045)

Response: As discussed in the 2019 FEIS, with the operation of the new LIRR Elmont Station, existing levels of commuter service would be maintained at other LIRR stations (e.g., Queens Village, Bellerose, Floral Park). The addition of the new LIRR Elmont Station would not be anticipated to result in an impact to commuter service.

MISCELLANEOUS

Comment 55: You took away Belmont Park was there first and you—we are entryway to Long Island and Long Island is about green space. I don't see green space there anymore. Your arena is blocking Belmont Park! You took away the convenient parking for the patrons of Belmont! Nobody is going to want to lug their picnic coolers, chairs and tables from across the street and certainly not through a parking garage and across the street. There is no longer a place to stop and drop stuff off and then proceed to park. Because that drop-off point, if anyone were to drop off over there, that means you're going to back up all the traffic on the turnpike. Nobody wants to look at the back of a huge building while they are picnicking in the "park". You also are blocking the breeze and air they might get on a very hot day. You know, not everybody that goes to Belmont, goes to gamble. It was a nice place for families to gather from out east, NJ, PA and CT. They all come to gather there to have a nice day out. You just ruined that. You don't even know that Belmont Park is there anymore. (Amato_014, Amato_056)

Response: As described in the 2019 FEIS, NYRA is developing a plan to relocate Backyard amenities and activities to suitable alternate locations. Larger events that have been held in Site A or the South Lot are expected to continue in the South Lot but would require coordination between NYRA and NYAP.

GENERAL SUPPORT

Comment 56: The following commenters voiced support for the Project. (Harding_026, Lykos_042, Sigler_050, Steinberg_046, Wender_037)

Response: Comment Noted. *

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
D/B/A EMPIRE STATE DEVELOPMENT
BELMONT PARK REDEVELOPMENT
CIVIC AND LAND USE IMPROVEMENT PROJECT
GENERAL PROJECT PLAN

Adopted – December 6, 2018

Affirmed as Modified – August 8, 2019

Second Modification to the General Project Plan Adopted – November 19, 2020

Second Modification to the General Project Plan Affirmed as Modified – February 18, 2021

MODIFIED GENERAL PROJECT PLAN – CONTINUED EXISTENCE

Except as modified by this Second Modification to the General Project Plan (“2020 Modification”), the Modified General Project Plan (affirmed August 9, 2019) will remain in full force and effect. Terms used in this modification, and not otherwise defined, shall have the meanings given in the 2019 Modified General Project Plan (“2019 MGPP”).

PURPOSE AND NEED

As the Developer has progressed the Project, the following changes to the 2019 MGPP (as further described below) are appropriate in order to improve and advance the Project: (i) relocation of parking on Site B from beneath the Retail Village Component to a freestanding parking structure at the north end of Site B and the reconfiguration of the Site B access road, pick-up and drop-off, and rideshare staging areas; (ii) reallocation of 25,000 gross square feet of retail space from Site A to Site B; (iii) an increase in the authorized number of subleases/ground leases for the Project; (iv) substitution of a landscaped wall rather than a landscaped berm along the eastern perimeter of Site B and the extension of that landscaped wall along the southern perimeter of Site B; and (v) inclusion of a hydrogen fuel cell technology option for the Project’s shuttle transportation. For illustrative purposes, a site plan is attached as Figure 1.

MODIFICATION

The 2019 MGPP is to be modified in all respects in order to effect the following changes to the Project:

Relocation of Parking on Site B from Beneath the Retail Village to a Freestanding Parking Structure. Replace the approximately 1,500 parking spaces originally programmed beneath the retail buildings with a freestanding, approximately 1,500-space garage (the “Site B Parking Component”). That parking structure will be located on the northernmost portion of Site B, on the frontage of Hempstead Turnpike, west of the jug handle site entrance. The structure will provide parking on multiple levels including the roof and would have a height of no more than 60 feet. The garage will be constructed of materials similar to those of the Arena Component and the garage will be of open deck construction with circulation towers at the northwest and northeast corners of the building, stairs and elevators in the northeast tower, and stairs in the northwest tower. Both the northwest and northeast towers will be capped with a “lantern”

design element on the top floor that mirrors the architectural details of the Arena Component. The southeast and the southwest corners of the structure, those closest to the residential neighborhood, would have neither a tower/lantern feature nor circulation. The parking structure will serve both the Retail Village Component and the Arena Component, and such shared use is consistent with the 2019 MGPP. In the 2019 MGPP, a public road circumnavigated Site B, and two designated drop-off and pick-up locations for taxis and rideshare vehicles were located on the south end and eastern side of Site B. A staging lot for rideshare vehicles was also located at the south end of Site B. The 2020 Modification moves the public access road further west, eliminates the eastern drop-off and pick-up location, and retains both the designated drop-off and pick-up location for taxis and rideshare vehicles at the southwestern portion of Site B and a staging lot for rideshare vehicles.

Reallocation of 25,000 Square Feet of Retail from Site A to Site B. Reallocation to Site B, for use as destination retail, of 25,000 gross square feet (“gsf”) of commercial space originally approved in the 2019 MGPP for Site A. The Project would continue to include no more than 350,000 gsf of retail, dining and entertainment uses across Sites A and B. In the 2019 MGPP, this consisted of up to approximately 35,000 gsf of experiential retail, dining, and entertainment uses on Site A, and up to approximately 315,000 gsf of destination retail use on Site B. The 2020 Modification results in 10,000 gsf of experiential retail, dining and entertainment uses on Site A, and 340,000 gsf of destination retail use on Site B.

Increase in Allowable Ground Leases. In addition to the four subleases contemplated in the 2019 MGPP, the 2020 Modification allows two additional subleases under the master lease agreement with the Developer: one for the Site B Parking Component and one for a potential commercial building on Site A (the “Site A Commercial Building Component”) — enabling each of these components to be separately financed. As is the case with the subleases authorized in the 2019 MGPP, upon substantial completion of construction of each sublease site, the sublease would be converted to a direct ground lease between ESD and the sublessee.

Substitution of a Landscaped Wall Rather Than a Landscaped Berm Along the Eastern Perimeter of Site B and Extension of that Landscaped Wall Along the Southern Perimeter of Site B. Include a 10-foot concrete wall and extensive landscaping as the buffer on the eastern boundary of Site B rather than the berm described in the 2019 MGPP and extend that landscaped wall along the southern boundary of Site B. The 2019 MGPP includes approximately 3.75 acres of landscaped publicly accessible open space on Site B, including an 8-foot-high landscaped berm along the eastern perimeter to buffer the Site B Retail Village Component from the adjacent residential neighborhood. The 2020 Modification replaces the berm with a 10-foot-high wall adjacent to the backyards of homes along Wellington Road, and the final version addresses public comments on the draft 2020 Modification by extending this wall from the end of Site B’s eastern boundary along the span of the southern boundary (see attached Figure 1). The entire wall would be constructed of concrete, and the landscaping will include mature trees on the neighborhood side of the wall of approximately 12 feet in height at planting. The Developer would maintain the trees and landscaping. The 2019 MGPP provided for an emergency gated accessway through the landscaped berm in the eastern perimeter of Site B, and the 2020 Modification provides for a similar emergency access gate through the wall on the eastern perimeter of Site B. The 3.75 acres of publicly accessible open space remains in the 2020 Modification.

Inclusion of Hydrogen Fuel Cell Technology Option for Project Shuttle Transportation. The 2019 MGPP requires that the Developer provide electric shuttle transportation to the Project Site from the Long Island Rail Road's Elmont Station and from Belmont Park Racetrack's North, South and East Lots, to the extent that these lots are utilized by the Developer. The 2020 Modification will allow for such shuttle transportation to also or alternatively operate on zero-emission hydrogen fuel cell technology.

ENVIRONMENTAL REVIEW PROCESS AND GENERAL PROJECT PLAN REVIEW

ENVIRONMENTAL REVIEW

An Environmental Impact Statement ("EIS") was prepared for the Project pursuant to the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. The ESD Directors accepted the Final EIS in July 2019 and adopted SEQRA Findings on August 8, 2019.

In order to adequately assess whether any new or substantially different significant adverse environmental impacts could result from the 2020 Modification, ESD prepared a Technical Memorandum (the "2020 Tech Memo"). The 2020 Tech Memo concludes that the modifications would not result in any significant adverse environmental impacts not previously identified and adequately addressed in the Project's environmental review. Therefore, a Supplemental Environmental Impact Statement is not warranted, and no further environmental review is needed in connection with modifications to the 2019 MGPP set forth in the 2020 Modification.

GENERAL PROJECT PLAN REVIEW

New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), in conformance with the requirements of the New York State Urban Development Corporation Act (the "UDC Act"), took the actions described below in order to further modify the 2019 MGPP. On November 19, 2020, ESD adopted the proposed 2020 Modification to the 2019 MGPP for the purposes of public review and comment on the proposed 2020 Modification. On December 21, 2020, ESD held a duly noticed public hearing on the proposed 2020 Modification at which oral and written comments were received from the general public. Further written comments were accepted through January 20, 2021. Based on further review of the adopted 2020 Modification, including those comments, the 2019 MGPP has been modified as described in this 2020 Modification.

LOCAL LAW AND REGULATION OVERRIDES

Pursuant to the Town of Hempstead Building Zone Ordinance ("BZO"): (i) the Project Site is generally zoned residential (Residence B), (ii) Site B's Hempstead Turnpike frontage is zoned Business X for a depth of 100 feet, and (iii) Site B is included within the Town's Hempstead Turnpike – Elmont Overlay Zone (Gateway) (HT-E, G). The modifications in the 2020 Modification do not conform to local requirements, including zoning and land use requirements (e.g., uses,

signage, mapping, lighting, storm water management, subdivision, fencing, etc.). Therefore, in order for ESD to effectuate the further modification to the Project, ESD determines that compliance with the requirements of such local laws, ordinances, codes, charters or regulations is not feasible or practicable, and ESD overrides the local zoning, land use, planning, and construction-related requirements and restrictions, including, without limiting the foregoing, the BZO and the Hempstead Town Code to the extent that they are inconsistent with the proposed modifications. Such overrides are in addition to, and not in replacement of, the overrides effectuated by the 2019 MGPP. Any previously affirmed overrides in the 2019 MGPP are undisturbed by the 2020 Modification and remain in full force and effect.

Figure 1: Revised 2020 Modification Site B Plan

