NYS Urban Development Corporation Meeting

37th Floor Conference Room Thursday, 12/6/2018 11:00 AM - 1:00 PM ET

I. For Consideration

A. Jamestown (Western New York Region – Chautauqua County) – City of Jamestown Working Capital – New York Work Economic Development Fund (Working Capital Grant)

Findings and Determinations Pursuant to Section 10(g) of the Act; Authorization to Make a Grant and to Take Related Actions City of Jamestown Working Capital - Page 2

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

Adoption of Findings Pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as Amended (the "UDC Act"); Authorization to Adopt the Proposed General Project Plan ("GPP"); Acceptance of the Draft Environmental Impact Statement ("DEIS") as Satisfactory with Respect to its Scope, Content and Adequacy Under the New York State Environmental Quality Review Act and its Implementing Regulations ("SEQRA") and for its Publication, Circulation and Filing; Authorization to Hold a Public Hearing on the GPP, Pursuant to the UDC Act, and the DEIS, Prepared Pursuant to SEQRA, and in Accordance with Other Applicable Law; and Authorization to Take All Related Actions

Belmont Park Redevelopment - Page 9

Attachment A-Proposed General Project Plan - Page 27

Attachment B-Draft Environmental Impact Statement - Page 46

Attachment C-Draft Design Guidelines - Page 47

Attachment D-Site Conditions Study - Page 113



FOR CONSIDERATION

December 6, 2018

TO: The Directors

FROM: Howard A. Zemsky

SUBJECT: Jamestown (Western New York Region – Chautauqua County) – City of

Jamestown Working Capital - New York Work Economic Development

Fund (Working Capital Grant)

REQUEST FOR: Findings and Determinations Pursuant to Section 10(g) of the Act;

Authorization to Make a Grant and to Take Related Actions

Project Summary

Grantee: City of Jamestown ("Jamestown" or the "City")

ESD* Investment: A grant of up to \$1,000,000 to be used for a portion of operating costs

and administration for economic development projects

* The New York State Urban Development Corporation doing business as

Empire State Development ("ESD" or the "Corporation")

Project Location: Jamestown, Chautauqua County

Proposed Project: Funding for Economic Development Planning/Support Services, Debt

Service on downtown Public Works project and administration/salaries.

Project Type: Economic Growth Investment

Regional Council: The Western New York Regional Economic Development Council has

been made aware of this item.

II. Project Cost and Financing Sources

<u>Financing Uses</u> <u>Amount</u>

Administrative/Staff Support for Jamestown

Urban Renewal Agency (2017-18) \$684,822

Interest/Debt Service Costs for Tracy Plaza

Phase 2 Reconstruction Project (2017-18) \$105,178

Administrative/Staff Support for City of

Jamestown Economic Development Projects \$210,000

Total Project Costs \$1,000,000

Financing SourcesAmountPercentESD-Grant\$1,000,000100%

Total Project Financing \$1,000,000 100%

III. Project Description

A. Grantee

Industry: Municipality

Grantee History: The City of Jamestown, incorporated in 1886, is located on the southern

tip of Chautauqua Lake in southern Chautauqua County, approximately 60 miles south of Buffalo. Today, the City is home to around 31,730 people. This project supports the City's Downtown Jamestown

Community Development Plan that addresses the revitalization of the

downtown business district.

Ownership: Municipality

Size: The City is 9.1 square miles in area, has a population of approximately

29,775 residents.

ESD Involvement: ESD is proposing to award \$1,000,000 in financial assistance from the

New York Works Economic Development fund to continue to support Jamestown's planned community and economic development initiatives.

Competition: N/A

Past ESD Support: Funding \$3,760,000 over the past five years to the Grantee is

summarized as follows:

Program	Project #	Amount	Date Start (ESD Directors' Approval date)	Date End (Project Completion: Contract Expiration)	Purpose
Restore NY Comm. 07-08	W092	\$1,760,000	November 19, 2009	February 8, 2013	Capital – Rehabilitated two buildings (Wellman and Period Brass), space would be used for commercial and housing activities.
Restore NY Comm. 08-09	W797	\$1,000,000	June 28, 2011	March 31, 2016	Capital – Demolition & renovation of former Dahlstrom Metallic Co. Buildings.
Buffalo Regional Innovation Cluster 17-18	AC343	\$1,000,000	November 16, 2017	November 8, 2018	Working Capital

B. The Project

Completion: December 2018

Activity: The project involves a funding initiative that will include working capital

assistance for the City to finance (1) Administration of the Jamestown

Urban Renewal Agency ("JURA") that provides a variety of code

enforcement, housing/neighborhood renewal activities, planning, and economic development services; (2) debt service payments that were part of the financing package for Tracy Plaza Phase 2 Reconstruction

Project, which involves a multi-million dollar initiative to

reconstruct/rehabilitate the elevated plaza entrance to the Jamestown Municipal Building; and (3) Administration/Salaries of work performed on

various economic development projects done by City of Jamestown

employees.

Results: The funding for JURA services and City staff will contribute to the City

being able to maintain the safety of the City and improve the quality of life for all of its residents. This will include proper enforcement of life and

safety codes, upgrading the environment within the City's

neighborhoods, rebuilding infrastructure, and stimulating the retention and creation of jobs in the industrial, service, and commercial sectors. The assistance to help pay down the debt service for the Tracy Plaza

reconstruction will help facilitate a major rehabilitation effort, implement "green" energy conservation improvements, and realize an outdoor assembly venue for hosting downtown events, all of which is complementary to a number of other downtown developments and considered to be a key initiative in advancing the City's overall Downtown Urban Design Plan.

Economic Growth

Investment Project: No Benefit-Cost Analysis ("BCA") is required since these projects generate

long-term benefits not captured in the short-term period used for the

BCA and may involve no permanent job commitments.

Grantee Contact: Mr. Joseph Bellitto, Comptroller

Municipal Building, 200 East Third Street

Jamestown, NY 14701 Phone: (716) 483-7775

E-mail: bellitto@cityofjamestownny.com

ESD Project No.: 132,357

Project Team: Origination Amanda Mays

Project Management Michael Halton
Contractor & Supplier Diversity Geraldine Ford
Finance Jonevan Hornsby

Environmental Soo Kang

C. Financial Terms and Conditions

- 1. The Grantee will demonstrate no materially adverse changes in its financial condition prior to disbursement.
 - 2. Up to \$1,000,000 will be disbursed to the Grantee for working capital purposes, upon completion of the project substantially as described in these materials and documentation of project costs totaling \$1,000,000, assuming that all project approvals have been completed and funds are available.

Payment will be made upon presentation to ESD of an invoice and such other documentation as ESD may reasonably require. Expenses reimbursed by ESD's grant must be incurred on or after January 1, 2017 and no later than December 31, 2018 to be considered eligible project costs. All disbursements must be requested by June 30, 2019.

4. ESD may reallocate the project funds to another form of assistance, at an amount no greater than \$1,000,000 for this project if ESD determines that the reallocation of the assistance would better serve the needs of the Grantee and the State of New York. In no event shall the total amount of any assistance to be so reallocated exceed the total

amount of assistance approved by the Directors.

IV. Statutory Basis – New York Work Economic Development Fund

The funding was authorized or reappropriated in the 2018-2019 New York State budget. No residential relocation is required as there is no displacement associated with this funding initiative.

V. Environmental Review

ESD staff has determined that the project constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. No further environmental review is required in connection with the project.

VI. Non-Discrimination and Contractor & Supplier Diversity

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned businesses (MWBEs) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that, due to the highly specialized and unique nature of this project, there exists no potential for MWBE participation. As such, participation goals will not be established or required for this project.

VII. ESD Employment Enforcement Policy

ESD's Employment Enforcement Policy will not apply since the project will not directly create or retain jobs.

VIII. ESD Financial Assistance Subject to Availability of Funds and Additional Approval

The provision of ESD financial assistance is contingent upon the availability of funds and the approval of the State Division of the Budget.

IX. Additional Submissions to Directors

Resolution New York State Map Project Finance Memorandum Jamestown (Western New York Region – Chautauqua County) – City of Jamestown Working Capital – New York Works Economic Development Fund (Working Capital Grant) – Findings and Determinations Pursuant to Section 10(g) of the Act; Authorization to Make a Grant and to Take Related Actions

RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the City of Jamestown Working Capital — New York Works Economic Development Fund (Working Capital Grant) Project (the "Project"), the Corporation hereby determines pursuant to Section 10(g) of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"), that there are no families or individuals to be displaced from the project area; and be it further

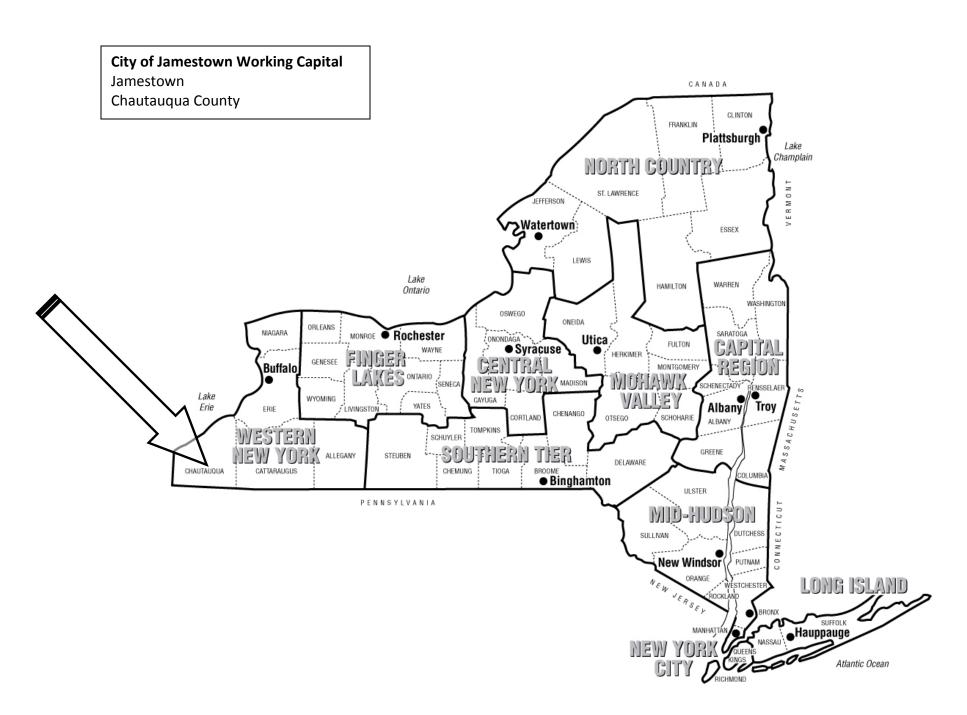
RESOLVED, that President and Chief Executive Officer of the Corporation or his designee(s) be, and each of them hereby is, authorized to make to the City of Jamestown a grant for a total amount not to exceed One million Dollars (\$1,000,000) from the New York Works Economic Development Fund, for the purposes, and substantially on the terms and conditions, set forth in the materials presented to this meeting, with such changes as the President and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, subject to the availability of funds and the approval of the State Division of the Budget; and be it further

RESOLVED, that the President and Chief Executive Officer or his designee(s) be, subsequent to the making of the grant, and each of them hereby is, authorized to take such actions and make such modifications to the terms of the grant as he or she may deem necessary or appropriate in the administration of the grant; and be it further

RESOLVED, that the provision of ESD financial assistance is expressly contingent upon: (1) the approval of the Public Authorities Control Board, if applicable, and (2) receipt of all other necessary approvals; and be it further

RESOLVED, that the President and Chief Executive Officer or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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FOR CONSIDERATION

December 6, 2018

TO: The Directors

FROM: Howard A. Zemsky

SUBJECT: Town of Hempstead (Nassau County) – Belmont Park Redevelopment

Civic and Land Use Improvement Project

REQUEST FOR: Adoption of Findings Pursuant to Section 10 of the New York State Urban

Development Corporation Act of 1968, as Amended (the "UDC Act"); Authorization to Adopt the Proposed General Project Plan ("GPP"); Acceptance of the Draft Environmental Impact Statement ("DEIS") as Satisfactory with Respect to its Scope, Content and Adequacy Under the New York State Environmental Quality Review Act and its Implementing Regulations ("SEQRA") and for its Publication, Circulation and Filing; Authorization to Hold a Public Hearing on the GPP, Pursuant to the UDC Act, and the DEIS, Prepared Pursuant to SEQRA, and in Accordance with Other Applicable Law; and Authorization to Take All Related Actions

I. <u>Project Summary</u>

Developer: New York Belmont Development Partners, LLC ("BDP" or

"Developer"), an affiliate of New York Arena Partners ("NYAP"). NYAP and BDP comprise Scott Malkin Group, Sterling Equities and

Oak View Group.

Developer Contact: Richard Browne

Sterling Project Development

4 World Trade Center New York, NY 10007

rbrowne@sterlingprojectdevelopment.com

212-485-4449

ESD Investment: Developer will pay \$40 million to ESD at closing, and New York

State Urban Development Corporation d/b/a Empire State Development ("ESD" or the "Corporation") will invest up to that amount in infrastructure improvements that the Developer will

make on the ESD-owned Project Site and related mass transit improvements. The cost of infrastructure improvements will be repaid over the term of the lease through a percentage of sales. Developer will pay all ESD third party costs associated with the Project and pay to ESD an administrative fee in an amount equivalent to 6.5% of the initial payment to ESD.

Project Location:

2150 Hempstead Turnpike Elmont, NY 11003

Project ("Project"):

The Project comprises 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, located south of Belmont Park Racetrack, 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"). 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 Development Sites are currently part of the Belmont Park Racetrack property that is ground leased to The New York Racing Association, Inc. ("NYRA") by the State of New York (the "State"), acting through the Franchise Oversight Board ("FOB") and the New York State Office of General Services ("OGS"). In accordance with that ground lease and other agreements, the State will terminate that lease with respect to the Development Sites and sever the Development Sites from the Belmont Park Racetrack property. Immediately thereafter, the State, acting through FOB and OGS, will convey to ESD fee title to the Development Sites. ESD will subsequently net ground lease the Development Sites to BDP and its affiliates.

The Project will redevelop the Project Site with:

(i) on Site A, (a) an up to 19,000 seat arena (the "Arena"), totaling approximately 690,000 gross square feet ("gsf") with approximately 40 parking spaces, for entertainment, recreational, cultural and community uses, including as the home arena for the New York Islanders (the "Islanders"), a National Hockey League ("NHL") franchise, (b) other

adjacent structures and spaces including up to 135,000 gsf¹ for experiential retail, dining, and entertainment uses, (c) a hotel (the "Hotel") of up to approximately 230,000 gsf with up to 250 keys, 400 structured parking spaces, and amenities, dining, conference, and event space, (d) a structure with commercial office space (the "Commercial Office Facilities") of up to approximately 30,000 gsf, and (e) approximately 2.0 acres of landscaped plazas;

- (ii) on Site B, (a) up to approximately 350,000 gsf² of destination retail uses with up to approximately 1,500 parking spaces located in a structure beneath the Site B retail development and (b) approximately 3.75 acres of publicly accessible passive open space including an 8-foothigh landscaped berm along the eastern perimeter of Site B, along with dense landscaping to create an evergreen tree line on top of the berm that will serve to buffer Site B development from the adjacent residential neighborhood (collectively, the "Retail Village");
- (iii) approximately 10,000 gsf of community facilities space which will be located on the Project Site and is expected to include educational and career development services; and
- (iv) grade-separated connections for pedestrians and vehicles above or below Hempstead Turnpike, providing access between Sites A and B.

The Arena, Hotel, Commercial Office Facilities, Retail Village and experiential retail are sometimes referred to collectively as the "Project Components" and individually as the "Project Component". In addition to the parking located on the Project Site, the Project would also utilize approximately 6,312 parking spaces on adjacent Belmont Park Racetrack property, located in that property's "North Lot", "South Lot", and "East Lot" (shown in Figure A) through a parking agreement among BDP, FOB, NYRA, and others that will, among other things, provide for the shared use, improvement and maintenance of those parking areas.

¹ While Site A may have up to approximately 135,000 gsf of experiential retail, dining, and entertainment uses and Site B may have up to approximately 350,000 gsf of destination retail uses, the aggregate of such uses on the Project Site will not be more than approximately 435,000 gsf.

² Please see the preceding footnote.

Project Site prohibited uses include gaming (e.g., video lottery terminals ("VLTs"), table games, pari-mutuel, simulcast wagering, and casinos) and horseracing. There will be no Arena events during the Belmont Stakes.

In addition to the Project, there are activities that will be taken in support of the Project in other affected areas which include: (i) construction of a new electrical substation by Long Island Power Authority ("LIPA") and operated by the Public Service Enterprise Group Long Island ("PSEG") in the vicinity of Cross Island Parkway Exit 26D ramps, pursuant to easement granted by FOB, totaling approximately 40,000 square feet (and installation by PSEG of conduit connecting the new substation to the Project Site), and (ii) potential improvements to the Long Island Rail Road ("LIRR") tracks to the Belmont Park Station. It is expected that Metropolitan Transportation Authority ("MTA") and LIRR will cooperate with BPD in order to automate track switches so that trains can better service the station, primarily for Arena events. It is also expected that BPD will contribute to LIRR and MTA funding for the automation of the switches and the operation of the train service. To service Arena events, LIRR is expected to provide two trains operating from the Main Line's Jamaica Station. ESD will concurrently work with LIRR to explore opportunities for a fulltime station to meet the needs of commuters and local residents.

Project Type: Civic and Land Use Improvement Project

Regional Council: The Regional Council has been made aware of the Project.

Anticipated Completion Date: 2021

Employment: Project Construction – 10,227 jobs

Permanent – 2,972 jobs upon completion

Project Team: Community Engagement: Drew Gabriel

Marion Philips

Environmental: Rachel Shatz Legal: Mariel Cohn

Richard Dorado

Laura Rogers

Real Estate: Terence Cho

Thomas Conoscenti

Holly Leicht

II. <u>Estimated Project Costs and Financing Sources</u>

The Project will be privately financed with the following sources and uses totaling \$1.18 billion:

Arena Sources and Uses

Arena Sources and Us	ses				
Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$550	69%	Hard cost (including contingency)	\$651	81%
Equity	\$250	31% Design and Engineering Fees		\$29	4%
			Consulting, Legal, and Administrative	\$42	5%
Total	\$800	100%	Permitting and Fees	\$16	2%
			Insurance	\$22	3%
			Financing Costs	\$41	5%
			Total	\$800	100%
Retail Village Sources					
Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$168	65%	Hard cost	\$167	65%
Equity	\$90	35%	Tenant Improvements	\$34	13%
			Soft Cost	\$22	8%
Total	\$258	100%	Financing Costs	\$20	8%
			Leasing, Marketing & Reserves	\$16	6%
			Total	\$258	100%
Hotel Sources and Us	es				
Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$77	65%	Hard Cost	\$95	80%
Equity	\$42	35%	Soft Cost	\$13	11%
			Financing Costs	\$7	6%
Total	\$119	100%	Pre-Opening and Reserves	\$4	3%
			Total	\$119	100%

III. Background

One of the country's preeminent thoroughbred horseracing facilities, Belmont Park Racetrack began active use in 1905. It hosts the annual Belmont Stakes, the final race of the thoroughbred horseracing's Triple Crown, as part of its Spring Meet racing season that runs from the end of April through mid-July. The Fall Meet racing season runs from early September through October. In addition, Belmont Park Racetrack is used year-round as a thoroughbred horse boarding and training facility, including stables for equine-athletes and residential accommodations for racing-related employees. The Grandstand portion of the racetrack facility, one of the largest in thoroughbred racing, was redeveloped between 1964 and 1968 and has a seating capacity of 33,000 with a total capacity for 100,000 attendees. The Belmont Stakes, the facility's premier racing event, typically attracts between 60,000 to 100,000 visitors; however, average daily attendance is approximately 3,000 visitors during the Spring and Fall Meets with a few races also attracting a larger than average daily attendance approximately in the range of 10,000 to 17,000 visitors. Average daily attendance has been in decline since its peak of approximately 27,000 in 1970. This decrease in attendance contributed to the deterioration and underutilization of the Development Sites, and the State sought to formulate strategies to enhance economic development opportunities on those parcels. As a result of the sharp decrease in attendance and other factors, the former operator of Belmont Park Racetrack (the New York Racing Association as it was then constituted) filed for bankruptcy in 2006. Since that time, the State has sought to formulate strategies to redevelop the Development Sites.

Belmont Park Racetrack is the largest single land use within Elmont and the gateway into the County from the central portion of the New York City borough of Queens. The portion of Hempstead Turnpike adjacent to Belmont Park Racetrack property is characterized as densely developed with commercial retail uses on the road's south side set back approximately 100 to 200 feet from the roadway with residential uses behind the commercial retail development. Intermittent vegetation and street trees line the north side of Hempstead Turnpike along the Belmont Park Racetrack property. The Project Site's 43 acres represent about ten percent of the current total Belmont Park Racetrack property.

Prior Board Actions

On December 21, 2017, the Directors conditionally designated NYAP as the developer of the Project subject to all public approval processes as required by law, including but not limited to further review and approval by the ESD Directors. The Conditional Designation was based on a procurement undertaken by the Corporation in the second half of 2017. BPD, an affiliate of NYAP, will be the Project's Developer and master ground lessee of the Development Sites. BPD is expected to sublease the Project's Components, including the Arena, Hotel and Retail Village, to one or more entities.

IV. Essential Terms of the Transaction

Below is a summary of the essential terms of the transaction, which are described in greater detail in the GPP.

Site Acquisition

The Project Site is part of the Belmont Park Racetrack property. The State acting by and through FOB currently holds fee title to the Project Site and ground leases the Belmont Park Racetrack to NYRA. Pursuant to the ground lease and other agreements between NYRA and FOB, NYRA will surrender its leasehold with respect to the Project Site, and FOB will terminate the ground lease with respect to the Project Site and sever the Project Site from the Belmont Racetrack Property. For nominal consideration, the State, acting through FOB and OGS, will convey to ESD, for the Project, fee title to the Project Site.

Lease Structure

ESD and BDP will implement a net lease structure consisting of a single master ground lease (the "Master Lease"), between ESD, as the fee owner of the Project Site and as the lessor under the Master Lease (ESD in such capacity the "Master Lessor"), and BDP as the lessee thereunder ("Master Lessee"). The initial term of the lease is 49 years with renewal options for a total of 99 years. Pursuant to the Master Lease, at closing of the Master Lease, BDP will make to ESD a one-time upfront nonrefundable deposit of \$40,000,000 into an ESD account to be held by ESD. ESD will invest those funds for infrastructure improvements that the Developer will make on the ESD-owned Project Site and related mass transit improvements. The Developer will repay any funds used for infrastructure improvements through a percentage of sales on the Development Sites.

It is expected that there will be several subleases under the Master Lease (each, a "Sublease", and collectively the "Subleases"), with respect to one or more of the Project Components, including Subleases for: (i) the Arena, (ii) the Hotel, and (iii) the Retail Village. The form of the Arena sublease is expected to be set out in the Master Lease and each Sublease is expected to be on substantially similar terms to the Arena sublease (except for the economic terms and matters specific to the uses and operation of each sub-leasehold premises). One or more newly-formed entities (expected to be BDP affiliates) will enter into each Sublease. Upon achieving Substantial Completion (as defined below) of each Project Component, it is expected that each respective Sublease premises shall be severed from the Master Lease and become a direct lease from ESD. "Substantial Completion" shall mean that a temporary certificate of occupancy or completion issued by the permitting authority for the Building Code (as defined below) has been obtained for such Project Component. Interests in the Master Lease and the Subleases shall be transferable, directly or indirectly, subject only to compliance with typical ESD "Prohibited Person" standards and the prior approval of ESD (not to be unreasonably withheld) regarding the ability of the transferee to successfully conduct and sustain the use contemplated by the lease, and the ability of the transferee and its guarantors, to pay all amounts (including, without limiting the foregoing, PILOT, as defined below) due pursuant to such lease.

Labor Peace

With respect to the Hotel, the transaction documents will require that the Master Lessee, its sublessee and the direct lessee or Hotel operator demonstrate compliance with § 2879-b of the Public Authorities Law regarding labor peace.

Public Improvements

The Master Lessee shall be responsible to complete improvements to Elmont Road Park, a public park near the Project Site, regardless of whether any of the Project Components are substantially completed. The improvements will be based on coordination with local officials and community stakeholders. The Master Lessee will be responsible for the cost of all aspects (*e.g.*, all costs of planning, design, insurance, approvals and inspections, and construction) of the Elmont Road Park improvements.

PILOT

Notwithstanding the fact that the Project Site is exempt from real estate taxes due to its fee ownership by ESD, the lessee of each Project Component shall pay to ESD, as supplemental rent, PILOT. PILOT shall mean (i) in the case of the Arena, a per event a fee of (i) \$10,000 per full event as defined as more than 5,000 attendees or (ii) \$5,000 per half-event as defined as 5,000 or fewer attendees (such amount in addition to any entertainment tax imposed by the County on events held within the County). NYAP guarantees a minimum annual payment of \$1,000,000 with annual escalation for the Arena; (ii) in the case of the Hotel, an amount equivalent to the actual real estate taxes subject to a twenty year abatement period on the improvements phased in on a straight line basis with fixed per annum rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments; (iii) in the case of the Retail Village an amount equivalent to the actual real estate taxes subject to a fifteen year abatement period on the improvements phased in on a straight line basis with fixed per annum rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments; and (iv) in the case of any other Project Component an amount equivalent to the actual real estate taxes subject to a ten year abatement period on the improvements phased in on a straight line basis with fixed per annum rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments. ESD will cooperate in a sales tax exemption with respect to building materials, fixtures and items related to construction occurring on the Development Sites and mortgage recording tax exemption for the financing of the Project development.

The Master Lease, each sublease, and each severed direct lease is expected to fund a capital improvement fund or another arrangement to assure that at the end of the applicable lease term each facility on the leasehold premises is an up-to-date facility suitable for continued use or the leasehold premise is cleared of all improvements and returned to a raw graded condition.

V. Project Schedule

The Project is anticipated to open in late 2021.

VII. Land Use Improvement Project, Civic Project and Other Findings

1. Land Use Improvement Project Findings

A. That the area in which the Project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

The Development Sites, considered as a whole, are substandard and underutilized, economically stagnant and in danger of becoming insanitary. They generate minimal employment and do not contribute to the sound growth and economic well-being of the surrounding area or the Town.

The parking lots located in Sites A and B are in poor condition with cracked and uneven pavement. Both sites exhibit drainage problems evidenced by sinking storm drains that are surrounded by sediment and uneven or broken pavement, and most of the storm drains do not properly operate. Vehicle access throughout both lots is in poor condition. There is minimal signage to guide users of the parking, and the signage that does exist is not clear. The parking spaces are poorly marked, if marked at all. Handicapped stalls are also inadequately marked and difficult to find. Roadways have been established using yellow-painted concrete wheel-stops that are unevenly spaced, in fair to poor condition, and difficult to navigate in a vehicle. The fencing that surrounds Sites A and B is mostly in poor condition and failing in some locations. Lighting is inadequate with light poles of varying conditions. Litter lines the perimeter of Site B and filled garbage bags have been observed in a few parking spaces. The pedestrian tunnel that connects Site A and Site B is in poor condition: paint is peeling and dirty, lighting is poor, and the floor is littered with debris and sediment. The vehicle tunnel is in fair condition; however, its pedestrian walkway is dark and overgrown with vines. The Site B bus shelters are in poor condition.

In addition to being in fair to poor condition, the parking lots that comprise most of the area of the Development Sites' area are underutilized. The parking lots were built during the period of peak usage of Belmont, during the 1960's and 1970's. Since that time, general attendance at Belmont Park Racetrack has dropped significantly (*e.g.*, average daily attendance declined to approximately 3,000 in 2017 from approximately 27,000 visitors in 1970).

The parking lots on the Development Sites are currently used for patron parking only on approximately 90 days per year. The approximate aggregate of 3,700 vehicles that can be parked on Sites A and B can be accommodated in Belmont's other parking areas.

Even on Belmont Stakes day, the racetrack's peak attendance day, there has been a surplus of approximately 4,000 parking spaces throughout Belmont parking areas over the past three years. Because Site B is so grossly underutilized for Belmont Park Racetrack events, it is primarily used year-round for car dealership vehicle storage, except on a handful of large-volume event days.

The current uses of the parking lots on Sites A and B generate neither significant employment nor revenue. The parking lot sites neither provide any direct benefit to the local community, nor do they spur significant indirect or secondary benefits. The existing parking uses on Sites A and B are not anticipated to contribute towards economic growth in the future if existing uses continue.

The current adopted Comprehensive Plan for Nassau County, prepared in 1998, identifies the Belmont property as being underutilized and having the potential for redevelopment.

Moreover, the Development Sites do not generate significant tax revenue. Under an arrangement entered into with NYRA pursuant to the bankruptcy settlement, the State, rather than NYRA, pays property taxes at Belmont. Site A is part of a large tax lot that also contains the Grandstand, the Backyard Area, and parking lots other than those within Site B. That large tax lot generates over \$12.3 million in property taxes for Nassau County, the Town of Hempstead, and Elmont Union Free School District, but these tax payments are driven primarily by the horse racing facilities at the Belmont Park Racetrack that are outside of Site A. Site B generates approximately \$300,000 in annual property taxes (approximately \$10,700 per acre). The State's tax payments have not changed since 2013.

Approximately seven acres at the eastern edge of Site A are part of an area of the Belmont Park Racetrack referred to as the "Backyard". These acres do not include the Paddock, where race horses are exhibited to racing patrons on race days. While the Backyard is in good condition, it is open only on racing days (approximately 90 days of the year) and only to Belmont Park Racetrack patrons. The recreational uses and other amenities (e.g., playground, water feature, benches, and mature trees) in the Backyard are ancillary to the ubiquitous horse-racing digital video monitors and numerous betting windows and machines, located throughout the Backyard, that serve the purposes of betting and race watching that are the principal functions of Belmont Park Racetrack. These monitors and the betting windows and machines are redundant so that, after the disposition to ESD by the State of Site A, the betting activities currently conducted in this portion of the Backyard would be conducted in Belmont's numerous other existing areas for betting and digital monitor race viewing.

A Site Conditions Study (attached) has been prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. that documents in more detail conditions at the Development Sites.

B. That the Project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.

The Project will redevelop the substandard, underutilized and redundant Development Sites with:

- (i) on Site A, (a) the Arena, of up to approximately 690,000 gsf for entertainment, recreational, cultural and community uses, including as the home arena for Islanders franchise; (b) other adjacent structures and spaces for experiential retail, dining, recreational, and entertainment uses totaling up to approximately 135,000 gsf³; (c) a hotel of up to approximately 230,000 gsf with up to 250 keys, 400 structured parking spaces, and amenities, dining, conference, and event space; (d) a structure with commercial office space, of up to approximately 30,000 gsf; (e) approximately 2.0 acres of landscaped plazas;
- (ii) on Site B, (a) up to approximately 350,000 gsf⁴ of destination retail uses with approximately 1,500 parking spaces located in a structure beneath the Site B retail development and (b) approximately 3.75 acres of publicly accessible passive open space buffering adjacent residential areas from the Site B development;
- (iii) community facilities space aggregating up to approximately 10,000 gsf; and $\,$
- (iv) grade-separated connections for pedestrians and vehicles above or below Hempstead Turnpike, providing access between Sites A and B.

C. <u>That the plan or undertaking affords maximum opportunity for participation by</u> private enterprise, consistent with the sound needs of the municipality as a whole.

Each of the Developer and NYAP, the Developer's affiliate, is a private enterprise, and the Developer's other affiliates, when formed, will each be a private enterprise. These enterprises will develop, finance, and operate the Project's components, which are expected to include the Arena, Hotel, Retail Village and other retail, commercial office and community facilities uses, and open space. The Project is consistent with the sound need of the municipality and the adjacent communities. The Project improves, activates, and revitalizes the Development Sites by providing new sports, entertainment, cultural, recreational, retail, hospitality, office and community facilities uses that offer substantial employment opportunities that can be locally accessed by adjacent communities. The Project creates a gateway to Long Island by creating a striking new presence for Town, County, and region, and the Project will transform the current vacant, underutilized, and deteriorated Development Sites for the benefit of the municipality and the community.

³ While Site A may have up to approximately 135,000 gsf of experiential retail, dining, and entertainment uses and Site B may have up to approximately 350,000 gsf of destination retail uses, the aggregate of such uses on the Project Site will not be more than approximately 435,000 gsf

⁴ Please see the preceding footnote.

2. Civic Project Findings

A. That there exists in the area in which the Project is to be located, a need for the educational, cultural, recreational, community, municipal, public service(s) or other civic facility to be included in the Project.

The Project fulfills several needs of the community, Town, County and region. The Project will create a new gateway into Long Island due to the Project's central location at the border of New York City and Long Island. The Arena will allow the Islanders to return to their Long Island roots and provide a suitable home for the franchise by providing it with a venue that is designed to meet the NHL's requirements and is located closer to the people that regularly attend Islander games. More generally, the new state-of the-art Arena will attract new event attendees and provide the necessary capacity and features to host events for the region's schools, colleges, sports clubs and cultural and community organizations and attract large-scale events such as nationally known music concerts and family entertainment. Creating a new, up-to-date venue for these events will meet an existing need of the Town and the wider Long Island community, generate economic benefits, and promote civic pride. The Project will also provide community facilities space that will be tenanted and programed for civic and educational uses for the community (e.g., educational and career development).

B. That the Project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes.

The Arena will be suitable for community and regional college, school and sports club events as well as cultural, recreational, and community events, music concerts, and family entertainment.

In addition to the open space described below, BDP is required to provide improvements and/or renovation to Elmont Road Park, an existing community park located off-site in the Town, based on coordination with local officials and community stakeholders.

The Project's approximately 10,000 gsf of community facilities space will offer various community-oriented programming options (e.g., educational and career development services).

The Project's approximately 5.75 acres of open space would provide hard-scaped and soft-scaped plazas on Site A and naturally landscaped areas on Site B. Site A will have approximately 2.0 acres of landscaped plazas that could include sitting areas and gathering spaces for on-site events and programming. Site B will have approximately 3.75 acres of publicly accessible passive landscaped open space, most of it separating and buffering adjacent residential areas that will provide visual relief and sound dampening for community residents in the homes adjacent to Site B.

C. That such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the Project.

ESD is a corporate governmental agency of the State, constituting a political subdivision and a public benefit corporation. ESD will retain fee ownership of the Development Sites through the term of the ESD ground lease of the Development Sites. The initial ground lease term is expected to be 49 years with possible renewal terms for a total of 99 years. Upon termination of the lease, it is expected that the ownership of the Development Sites will revert to the fee ownership of the State.

The Development Sites are surplus to the needs of the State, and ESD expects to certify to the Commissioner of General Services that that the property is necessary and convenient for ESD's purposes as described in the GPP and that the Commissioner will convey the fee title to the property to ESD for development in accordance with this GPP. ESD will ground lease the Development Sites to BDP or one or more development affiliates of BDP and in each instance, the private tenant will be responsible for financing, constructing, operating and maintaining the Project for the term of the ground lease, and thereafter, the ownership of the Project Site will revert to the State. Project documentation will include adequate provision for the payment by BDP or its affiliates of the costs of the construction, operation, maintenance and upkeep of the Project.

D. <u>That the plans and specifications assure or will assure adequate light, air, sanitation</u> and fire protection.

Qualified ESD staff or a qualified consultant on ESD's behalf will review and approve all plans and specifications for the Project to ensure that the above criteria are complied with. Those criteria are reflected in the Design Guidelines (as defined below). All Project improvements will be designed and constructed in accordance with the Design Guidelines and the New York State Uniform Fire and Prevention and Building Code ("Building Code"). For purposes of the Building Code, OGS is the permitting authority, and the Project will be constructed pursuant to approvals by OGS and building permits issued by OGS, to the extent applicable.

3. Findings for all ESD Projects

That there is a feasible method for the relocation of families and individuals displaced from the Project area into decent, safe and sanitary dwellings, which are or will be provided in the Project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

There are no families or individuals living or located on the Development Sites, and no families or individuals are being displaced from the Project area.

VI. Overrides and Design Guidelines

In order to construct the Project as described in the GPP, ESD will override and implement development controls in lieu of local zoning and other requirements pursuant to the UDC Act. ESD will establish design guidelines (the "Design Guidelines") for the Project that address, among other things, use, bulk, and dimensional and form parameters to be applied in lieu of zoning and other local regulations. The Developer and all other tenants and subtenants will be required to comply with the Design Guidelines. Draft Design Guidelines are attached hereto and will be finalized by staff along with the transaction documents.

Subject to such overrides and the Design Guidelines, the Building Code will apply, including with respect to all construction, buildings, structures and infrastructure on the Project Site. The permitting authority for the purposes of the Building Code is OGS.

Construction is anticipated to commence in 2019. ESD will review the design/construction documents for compliance with the GPP and the Design Guidelines and monitor construction progress.

VII. Environmental Review and Required Hearing

ESD, acting as lead agency, determined that an Environmental Impact Statement ("EIS") is necessary to be prepared pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617). The Draft EIS ("DEIS") for the Project is a comprehensive document that includes extensive technical analyses of potential impacts on the environment and proposes measures to mitigate identified potential significant adverse impacts of the proposed Project.

The DEIS, prepared by ESD's consultant, AKRF and its team of subconsultants, has been reviewed by ESD staff ("Staff"). It is the opinion of Staff that the DEIS is satisfactory with respect to its scope, content and adequacy for purposes of SEQRA and the implementing regulations of the New York State Department of Environmental Conservation. Upon acceptance of the DEIS by the ESD Directors, Staff will undertake to circulate and file the DEIS as required by SEQRA. Circulation of the DEIS affords an opportunity for the public and involved and interested parties to review and comment on the proposed Project, for a statutorily required minimum period of 30 days. All substantive comments received by ESD on the DEIS shall be addressed in the Final EIS ("FEIS") where applicable. Pursuant to SEQRA, a duly-noticed public hearing will be held on the DEIS. The hearing will also provide an opportunity for public comments on the Project and the proposed GPP and will satisfy ESD's statutory obligation to hold a hearing to approve the GPP.

VIII. Non-Discrimination and Contractor and Supplier Diversity Requirements

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. The Developer shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority and Women Business Enterprises (MWBEs) and Service-Disabled Veteran-owned Businesses (SDVOBs) for any contractual opportunities generated in connection with the Project, and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2) to achieve an overall MWBE Participation Goal of 30% and an overall SDVOB goal of 6% related to the total value of the Project. The overall MWBE goal shall include a Minority Business Enterprise Participation Goal of 15% and a Women Business Enterprise Participation Goal of 15%.

IX. Requested Actions

The Directors are being asked to: (a) adopt project findings pursuant to Section 10 of the UDC Act; (b) adopt the proposed GPP; (c) issue a Notice of Completion of the DEIS, thus accepting it as satisfactory with respect to its scope, content and adequacy under SEQRA and authorizing its publication, circulation and filing; (d) authorize a public hearing on the proposed GPP, the essential terms of the transaction pursuant to the UDC Act and the DEIS, and under other applicable law; and (e) authorize all related actions.

X. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

XI. Attachments

Resolutions

Attachment A: Proposed General Project Plan

Attachment B: Draft Environmental Impact Statement – Provided to Directors Under

Separate Cover

Attachment C: Draft Design Guidelines
Attachment D: Site Conditions Study

NEW YORK STATE URBAN DEVELOPMENT CORPORATION D/B/A EMPIRE STATE DEVELOPMENT – Town of Hempstead (Nassau County) – Belmont Park Redevelopment Civic and Land Use Improvement Project - Adoption of Findings Pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as Amended (the "UDC Act"); Authorization to Adopt the Proposed General Project Plan ("GPP"); Acceptance of the Draft Environmental Impact Statement ("DEIS") as Satisfactory with Respect to Its Scope, Content and Adequacy under the New York State Environmental Quality Review Act and its Implementing Regulations (collectively "SEQRA") and for Publication, Circulation and Filing; Authorization to Hold a Public Hearing on the GPP, Pursuant to the UDC Act and on the DEIS Prepared Pursuant to SEQRA and in Accordance with Other Applicable Law; and Authorization to Take All Related Actions

RESOLVED, that, on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation (the "Materials"), relating to the Belmont Park Redevelopment Civic and Land Use Improvement Project (the "Project"), the Corporation hereby finds pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as amended (the "UDC Act"):

- 1. That the area in which the Project is to be located is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.
- 2. That the Project consists of a plan or undertaking for the clearance, re-planning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.
- 3. That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality.
- 4. That there exists in the area in which the Project is to be located, a need for the educational, cultural, recreational, community, municipal, public service(s) or other civic facility to be included in the Project.
- 5. That the Project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes.
- 6. That such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will

be made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the Project.

7. That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection; and be it further

RESOLVED, that on the basis of the Materials relating to the Project, indicating that there are no families or individuals to be displaced from the Project area, the Corporation hereby finds that the requirements of Section 10(g) of the UDC Act are satisfied; and be it further

RESOLVED, that on the basis of the Materials, and substantially on the terms and conditions described in the Materials, the Corporation does hereby adopt, subject to and pursuant to, and for the purposes of a public hearing required by Sections 6 and 16 of the UDC Act, and as may be appropriate pursuant to other applicable laws:

- (1) The proposed General Project Plan (the "GPP") for the Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which GPP, together with such changes, is hereby ordered filed with the recent record of the Corporation; and
- (2) The essential terms of the proposed transaction described in the Materials; and be it further

RESOLVED, that the GPP shall not be final until action is taken by the Directors as provided in the UDC Act and until such time as all requirements of the UDC Act and other applicable law in connection therewith have been satisfied; and be it further

RESOLVED, that the Draft Environmental Impact Statement ("DEIS") for the Project, as presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation relating to the Project, is satisfactory with respect to its scope, content and adequacy for purposes of New York State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation (collectively "SEQRA"), and is hereby accepted by the Corporation; and be it further

RESOLVED, that the Chairman and Chief Executive Officer, or his designee, be, and each of them hereby is, authorized in the name of and on behalf of the Corporation to take such actions as may be considered necessary or appropriate in connection with the holding of the public hearings required pursuant to Sections 6 and 16 of the UDC Act, SEQRA, and other applicable law (which hearings may be held simultaneously with one or more hearings which may be held pursuant to other applicable law), including without limitation, the providing, filing or making available copies of the GPP or a digest thereof and the findings required by Section 10 of the UDC Act relating to the Project and copies of the DEIS, the fixing of a date for such hearing, the publication of a notice relating to the GPP and the DEIS and such hearing in accordance with the

UDC Act, SEQRA and its implementing regulations, other applicable law, and the procedures heretofore approved by the Corporation with respect to similar hearings, and the making of a report or reports to the Directors on such hearings, written comments received, and any local governmental recommendations respecting the GPP and the DEIS; and be it further

RESOLVED, that the Chairman and Chief Executive Office, or his designee, be, and each of them hereby is, authorized in the name of and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as may be considered necessary or appropriate in connection with carrying out the public hearing(s) and to effectuate the foregoing resolutions.

* * *

New York State Urban Development Corporation d/b/a Empire State Development Belmont Park Redevelopment Civic and Land Use Improvement Project General Project Plan December 6, 2018

A. INTRODUCTION

New York State Urban Development Corporation d/b/a Empire State Development ("ESD") adopts this General Project Plan ("GPP") for the Belmont Park Redevelopment Civic and Land Use Improvement Project (the "Project") in accordance with the New York State Urban Development Corporation Act (the "UDC Act"). This GPP sets out ESD's plan and findings for the Project. ESD and New York Belmont Development Partners LLC and its affiliates, including New York Arena Partners, LLC ("NYAP") and successors (collectively, "BDP" or the "Developer") will undertake the Project. The State of New York (the "State"), acting by and through the Franchise Oversight Board ("FOB") and the New York State Office of General Services ("OGS"), will participate in the Project.

The Project comprises the construction, in the unincorporated hamlet of Elmont in the Town of Hempstead (the "Town") in Nassau County (the "County"), of a major commercial and civic development in an approximately 43-acre area, located to the south of Belmont Park Racetrack, bisected by Hempstead Turnpike, and generally bounded by Belmont Park Racetrack and Grandstand to the north; Cross Island Parkway to the west; Belmont Park Paddock, 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"). The Project Site consists of two parcels: the approximately 15-acre "Site A", north of Hempstead Turnpike, and the approximately 28-acre "Site B", south of Hempstead Turnpike (Sites A and B generally as shown on **Figure A** and sometimes referred to collectively as the "Development Sites").

The Development Sites are currently part of the Belmont Park Racetrack property that is leased to The New York Racing Association, Inc. ("NYRA") by the State, acting through FOB (OGS assists FOB in its capacity as the lessor). In accordance with that lease and other agreements, the State will terminate that lease with respect to the Development Sites and sever the Development Sites from the Belmont Park Racetrack property, immediately thereafter, the State, acting through FOB, will convey fee title to the Development Sites to ESD. ¹ ESD will, in turn, net ground lease the Development Sites to BDP and its affiliates. It is expected that fee title to the Development Sites, or portions thereof, will revert to the State in the event that the same are no longer needed for the Project.

The Project will redevelop the Project Site with:

(i) on Site A, (a) an up to 19,000 seat arena (the "Arena"), totaling approximately 690,000 gross square feet ("gsf") with approximately 40 parking spaces, for entertainment, recreational,

¹ Prior to the State's conveyance to ESD, NYRA will surrender to the State an approximately seven-acre parcel of the NYRA lease premises that is included in Site A.

cultural and community uses, including as the home arena for the New York Islanders (the "Islanders"), a National Hockey League ("NHL") franchise, (b) other adjacent structures and spaces including up to approximately 135,000 gsf for experiential retail, dining, and entertainment uses², (c) a hotel (the "Hotel") of up to approximately 230,000 gsf with up to 250 keys, 400 structured parking spaces, and amenities, dining, conference, and event space, (d) a structure with commercial office space (the "Commercial Office Facilities"), of up to approximately 30,000 gsf, and (e) approximately two acres of open space;

- (ii) on Site B, (a) up to approximately 350,000 gsf of destination retail uses with up to approximately 1,500 parking spaces located in a structure beneath the Site B retail development and (b) approximately 3.75 acres of publicly accessible passive open space and landscaped berms that will serve to buffer Site B development from the adjacent residential neighborhood (collectively, the "Retail Village");³
- (iii) an aggregate of approximately 10,000 gsf of community facilities space; and
- (iv) grade-separated connections for pedestrians and vehicles above or below Hempstead Turnpike, providing access between Sites A and B.

In addition to the parking located on the Project Site, the Project would also utilize approximately 6,312 parking spaces on adjacent Belmont Park Racetrack property, located in that property's "North Lot", "South Lot", and "East Lot" (shown in **Figure A**) through a parking agreement among BDP, FOB, NYRA, and others that will, among other things, provide for the shared use, improvement and maintenance of those parking areas.

The development of the Project's entertainment, cultural, recreational, community, commercial, retail, and hospitality uses, which are expected to open in 2021, are intended to strengthen and complement horse racing at the adjacent Belmont Park Racetrack. Project Site prohibited uses include gaming (e.g., video lottery terminals ("VLTs"), table games, pari-mutuel, simulcast wagering, and casinos) and horseracing. There will be no Arena events during the Belmont Stakes.

B. PROJECT LOCATION

The Project Site is located within the Town and is generally bounded by Belmont Park Racetrack and its Grandstand to the north; Cross Island Parkway to the west; Belmont Park Racetrack Paddock, Huntley Road and Wellington Road to the east; and Cross Island Parkway Exit 26A exit ramp and Hathaway Avenue to the south, and is bisected by Hempstead Turnpike with Site A to the north and Site B to the South. The Project Site includes the following tax parcels in the Town in the County in the State of New York: with respect to Site A, 32-B-82A (portion of) north of Hempstead Turnpike, and with respect to Site B, 32-372-81, 32-374-1 thru 60, 32-391-36 thru 46, 147, 148, 49 thru 70, 32-392-226, 32-393-1 thru

² While Site A may have up to approximately 135,000 gsf of experiential retail, dining, and entertainment uses and Site B may have up to approximately 350,000 gsf of destination retail uses, the aggregate of such uses on the Project Site will not be more than approximately 435,000 gsf.

³ See footnote above.

42, 32-394-1 thru 32, 32-395-1 thru 10, 111, 113 and 14 thru 23, 32-396-1 thru 27, and 32-397-50 thru 89 south of Hempstead Turnpike. These tax parcels locations may be renamed and reconfigured (*e.g.*, merged, reapportioned, *etc.*) in furtherance of the Project A "Project Site Plan" is attached as **Figure B**.

C. BACKGROUND

One of the country's preeminent thoroughbred horseracing facilities, Belmont Park Racetrack began active use in 1905. It hosts the annual Belmont Stakes, the final race of thoroughbred horseracing's Triple Crown, as part of its Spring Meet racing season that runs from the end of April through mid-July. The Fall Meet racing season runs from early September through October. In addition, Belmont Park Racetrack is used year-round as a thoroughbred horse boarding and training facility, including stables for equine-athletes and residential accommodations for racing-related employees. The Grandstand portion of the racetrack facility, one of the largest in thoroughbred racing, was redeveloped to its current form between 1964 and 1968 and has a seating capacity of 33,000 with a total capacity for 100,000 attendees. The Belmont Stakes, the facility's premier racing event, typically attracts between 60,000 to 100,000 visitors; however, average daily attendance is approximately 3,000 visitors during the Spring and Fall Meets with a few races also attracting a larger than average daily attendance approximately in the range of 10,000 to 17,000 visitors. Average daily attendance has been in decline since its peak of approximately 27,000 in 1970. This decrease in attendance contributed to the deterioration and underutilization of the Development Sites.

As a result of the sharp decrease in attendance and other factors, the former operator of Belmont Park Racetrack (the New York Racing Association as it was then constituted) filed for bankruptcy in 2006. Since that time, the State has sought to formulate strategies to redevelop the Development Sites.

Belmont Park Racetrack is the largest single land use within Elmont and the gateway into the County from the central portion of the New York City borough of Queens. The portion of Hempstead Turnpike adjacent to Belmont Park Racetrack property is characterized as densely developed with commercial retail uses on the road's south side set back approximately 100 to 200 feet from the roadway with residential uses behind the commercial retail development. Intermittent vegetation and street trees line the north side of Hempstead Turnpike along the Belmont Park Racetrack property. The Development Site's 43 acres represent about ten percent of the current total Belmont Park Racetrack property.

D. PROJECT DESCRIPTION

a. <u>Generally</u>. The Project would improve the underutilized and deteriorated paved parking lots that exist on the Development Sites with: (i) on Site A, the Arena, experiential retail, dining, and entertainment uses, the Hotel, the Commercial Office Facilities and community facilities space, and open space; (ii) on Site B, the Retail Village and open space; and (iii) pedestrian and vehicle connections providing access between Sites A and B. Additional descriptions of the principal Project components (the "Project Components") are provided below. For illustrative purposes, **Figure B** presents the Project site plan and the location of the various Project Components.

b. <u>Arena</u>. Located in the western central portion of Site A, the approximately 690,000 gsf and approximately 19,000 seat multi-purpose Arena would host concerts and other cultural events, professional, college and local sports events, conferences, and family entertainment, and other recreational events. Subject to the timely completion of the Arena and execution of definitive documentation, the Arena will be the new long-term home arena for the Islanders. For ice hockey, the Arena will be configured with 18,000 seats, and the Arena is designed to accommodate the NHL's specifications for an NHL game venue.

c. <u>Retail, Dining, and Entertainment</u>. Apart from the Arena, the Project will include up to approximately 435,000 gsf⁴ of retail, dining and entertainment uses for Site A and Site B as described below.

I. <u>Site A.</u> Site A will have up to approximately 135,000 gsf of experiential retail, dining, and entertainment uses.

II. Site B. The Retail Village will have up to approximately 350,000 gsf of destination retail uses. It is currently expected to have an average storefront size of approximately 2,000 square feet within a "retail village" type setting, incorporating pedestrian pathways and squares, lined with small and unique buildings featuring boutiques, restaurants, and special events that complement the shopping experience. The Retail Village will have approximately 1,500 parking spaces located in a structure beneath the Retail Village. Large-format "big box" retail uses will not be permitted. The Retail Village is intended to be a complementary, stand-alone use that would not be reliant on the Arena's or the Belmont Park Racetrack's invitees and would be expected to draw customers from Long Island and the Greater New York City metropolitan area, as well as from the national and international tourism industry.

c. Hotel.

The Hotel will be located along Hempstead Turnpike on Site A, between the proposed arena and the South Lot (see **Figure B**). The Hotel's maximum height would be 150 feet tall (exclusive of parapet and mechanicals). The Hotel would be up to approximately 230,000 gsf, with up to 250 keys, amenities, dining, conference, and event space and up to approximately 400 parking spaces in the Hotel's podium. The Hotel would serve the existing Belmont Park Racetrack and surrounding community, as well as new demand generated by the Arena and the Retail Village.

d. Commercial Office Facilities.

The Commercial Office Facilities would be up to approximately 30,000 gsf of commercial office space and is expected to be used by employees associated with the Islanders and proposed Project operations and others.

⁴ While Site A may have up to approximately 135,000 gsf of experiential retail, dining, and entertainment uses and Site B may have up to approximately 350,000 gsf of destination retail uses, the aggregate of such uses on the Project Site will not be more than approximately 435,000 gsf.

f. Community Facilities Space.

The Project Site is expected to have approximately 10,000 gsf of community facilities space operated and maintained by BDP, NYAP or their affiliates, that is expected to offer education and career development services.

g. Open Spaces.

The Project's expected approximately 250,470 square feet (approximately 5.75 acres) of open space would provide hard-scaped and soft-scaped plazas on Site A and naturally landscaped areas on Site B. Site A is expected to have approximately 2.0 acres of landscaped plazas that could include sitting areas and gathering spaces for on-site events and programming. Site B is expected to have approximately 3.75 acres of landscaped publicly accessible passive open space. That open space will include an 8-foothigh landscaped berm along the eastern perimeter of Site B, along with dense landscaping to create an evergreen tree line on top of the berm that will serve to buffer Site B development from the adjacent residential neighborhood. In addition to the open space on the Development Sites, BDP is required to provide improvements and/or renovation to Elmont Road Park, an existing community park located off-site in the Town based on coordination with local officials and community stakeholders.

h. Parking and Circulation. Parking will accommodate the Project's uses as follows.

I. Site A

There would be limited surface and structured parking on Site A, including up to approximately 400 spaces in new structured parking in the Hotel's podium that would primarily serve the Hotel's invitees and employees and up to approximately 40 spaces within the Arena and its marshalling area, primarily serving Islanders' team members and Arena employees.

II. Site B

On Site B, the Retail Village will have approximately 1,500 parking spaces located in a structure beneath the Retail Village. These parking spaces are expected to be primarily dedicated to Site B to serve its retail and entertainment operations but will also be available to Arena invitees and to NYRA invitees for certain NYRA events (e.g., the Belmont Stakes) pursuant to the parking agreement described below. Site B will also have surface-level drop-off and staging areas for taxi/ride-share services and buses.

i. Access Between Sites A and B.

Pedestrian access between Sites A and B is expected to be through one or more of the following: a new pedestrian bridge above Hempstead Turnpike; improvement of the pedestrian/vehicular tunnel under Hempstead Turnpike that currently connects Site B to Belmont Park Racetrack; and/or improvement of the pedestrian-only tunnel under Hempstead Turnpike that currently connects Site B to Belmont Park Racetrack.

j. Other Affected Areas

- 1. Electrical Substation. The Project would require the construction of a new electrical substation to serve the Project's energy demands. The substation will be constructed and located directly adjacent to and west of the North Lot, in the vicinity of the Cross Island Parkway Exit 26D ramps (see Figure A). Underground distribution feeders and underground transmission lines will be installed to connect the new substation with the Development Sites. This new substation and conduits would be constructed and installed by the Long Island Lighting Company d/b/a Long Island Power Authority ("LIPA") and operated by the Public Service Enterprise Group Long Island ("PSEG Long Island"). PSEG Long Island would obtain easements from FOB for an approximately 42,450 square foot area for the construction of the substation. Under the western edge of the Belmont Park Racetrack, underground distribution feeder cables from the substation would extend south to the Development Sites. Underground transmission lines would extend west from the substation along Belmont Park Road for approximately 1.5 miles, and tie into existing overhead power lines on Plainfield Avenue. An overhead power line bypass would be installed on Plainfield Avenue.
- 2. Long Island Rail Road Belmont Park Station. Belmont Park Racetrack is currently served by a spur to the Belmont Park Station from the Main Line of the Long Island Rail Road ("LIRR"), an operating entity of the Metropolitan Transportation Authority ("MTA"). The spur has manually operated switches that direct trains from the Main Line to the spur. LIRR currently provides a switch operator for the Belmont Stakes and other races during the Spring and Fall Meets, the only times that trains arrive and depart the Belmont Park Station. It is expected that MTA and LIRR will cooperate with BPD in order to automate the switch so that trains can service the station, primarily for Arena events. It is also expected that BPD will contribute to LIRR and MTA funding for the automation of the switches and the operation of the train service. To service Arena events, LIRR is expected to provide two trains operating from the Main Line's Jamaica Station. ESD will concurrently work with LIRR to explore opportunities for a full-time station to meet the needs of commuters and local residents.
- 3. North, South and East Lots. Through a shared parking agreement among FOB, NYRA, BDP, and others, existing surface parking on the North Lot, South Lot and East Lot totaling up to approximately 6,312 surface parking spaces would be utilized for the Project. The North Lot is an unpaved parcel located north of the principal racetrack that will accommodate up to approximately 2,860 parking spaces,⁵ and is currently utilized for parking only for the Belmont Stakes and as storage for various vehicle retailers' inventory pursuant to terminable licenses granted by NYRA. The North Lot is bordered by the Long Island Rail Road ("LIRR") tracks to the north, the Floral Park-Bellerose Elementary School athletic field and private residences to the east, and the Cross Island Parkway to the west. The South Lot is a paved

⁵ Approximately 150 of these parking spaces (located in a proposed ride share staging area) would not be available when the Arena is fully utilized for an event (e.g., approximately 19,000 seats).

parcel located to the east of the Arena and south of the Belmont Park Racetrack's grandstand, and the South Lot can accommodate up to approximately 1,150 parking spaces. The East Lot is a partially paved parcel located in the infield of the Belmont Park Racetrack practice track, which will accommodate up to approximately 2,302 parking spaces, and that lot is currently utilized for parking only on Belmont Stakes day and otherwise as storage for various vehicle retailers' inventory pursuant to terminable licenses granted by NYRA and for parking for some of NYRA's employees. The North, South, and East Lots would be resurfaced and restriped to maximize the number of spaces that can be achieved, and new lighting would be installed in all of the lots. BDP will provide shuttle transportation to the Project Site from the North, South and East Lots. There will be no Arena events during the Belmont Stakes, when the North, South and East Lots would be available to serve Belmont Park Racetrack visitors.

E. PURPOSE AND NEED

The purposes and needs for the Project include:

- Transforming the underutilized and deteriorating Development Sites into Long Island's premier
 destinations for entertainment, sports, hospitality, and retail, with uses that are complementary to
 the existing uses of Belmont Park Racetrack;
- Providing a state-of-the-art Arena to accommodate the return to Long Island of the Islanders while
 also providing a first-class facility for the region's colleges and local academic institutions and sports
 club events and competitions, and a new venue for a variety of cultural, musical, entertainment,
 recreational, and civic events;
- Generating additional new private economic activity and related State, County and municipal tax revenues (including sales tax revenues from operations and entertainment tax and income tax revenues from events at the Arena, and the Project's retail, hotel, food and beverage uses and commercial office uses) by providing a venue for professional hockey and other events in the County that would otherwise occur elsewhere and by the new jobs for New York residents to be created by the Project's Arena, Hotel and Retail Village uses;.
- Maximizing economic benefits to the State while minimizing adverse environmental impacts;
- Benefiting the Long Island region and the neighborhoods and communities adjacent to and surrounding the Project;
- Maximizing incorporation of green building and sustainable design practices; and
- Meaningful participation of Minority-Owned Business Enterprises ("MBE") and Women-Owned Business Enterprises ("WBE", and sometimes collectively referred to as "MWBE"), and Service-Disabled Veteran-Owned Businesses ("SDVOB").

In its current condition, the character of the Project Site is defined mostly by the underutilized and deteriorated Belmont Park Racetrack paved parking lots that constitute most of Sites A and B. These parking lots are generally flat and barren (with the exception of some mature trees in the landscaped area on the eastern end of Site A and the Hempstead Turnpike frontage and intermittent mature trees and stands of vegetation along the remainder of the periphery of the Development Sites). NYRA primarily uses the Development Sites for public parking, but most of the parking spaces are not used by racing patrons except during the Belmont Stakes. During the remainder of the year, NYRA licenses a

substantial portion of the spaces in the parking lots to motor vehicle retailers for the temporary storage of hundreds of the retailers' inventory vehicles and allows some NYRA employees to park on Site B. In the weeks prior to the Belmont Stakes, those vehicles are removed from the parking lots only to return after that event. Other than for the Belmont Stakes, the parking lots are surplus to NYRA's and the State's needs.

The Project will improve, activate, and revitalize the Development Sites by providing new retail, hospitality, and entertainment uses and substantial employment opportunities that can be locally accessed by adjacent communities. The Project will create a gateway to Long Island by creating a striking new presence for the Town, County, and region, and the Project's architectural design, signage, and landscape elements will transform the current vacant, underutilized, and deteriorated Development Sites for the benefit of the community. The Project will further create a premier destination by providing a year-round arena, retail, hotel, commercial office space and community facilities space that complement Belmont Park Racetrack, including the return to Long Island of the NHL's Islanders. The activation of the Development Sites will promote public safety and create an asset of lasting importance and value to the greater community.

The implementation of the Project is anticipated to create over 2,900 permanent jobs and 10,000 temporary construction jobs, including direct and indirect jobs. This significant private investment in the Project would spur economic development and produce reliable revenue streams for the benefit of the public. In the construction of the Project, BDP and its affiliates are required to pay prevailing wage and encourage local, MBE, WBE and SDVOB participation.

The Project further diversifies the economic base for Belmont Park Racetrack, the Town and the County and enhances economic benefit from the Development Sites in comparison with their current underutilized and deteriorated character. The new economic activity generated by the Project will increase State, County and municipal tax revenues (including sales tax revenues from the retail uses and Arena operations, entertainment tax revenues, and income tax revenues) from the Arena, retail, hotel, food and beverage, and commercial office uses. While this ESD-owned Project is exempt from real estate taxes, pursuant to the Development Sites ground lease, the Developer will be required to pay to ESD, as supplemental rent, payments in lieu of taxes ("PILOT"), as described below, that will be assigned to the local tax collecting jurisdiction by ESD. The economic risks of the Project would be addressed by a commitment to long term ground lease terms and conditions as negotiated between BDP and ESD that will induce and require private sector investment in the Development Sites and the private sector's financing, construction, operation and maintenance of world-class sports, entertainment, cultural, recreational, retail, and hospitality uses.

The Project prioritizes environmental sustainability. The Project will target LEED v4 (or its equivalent) certification for a sustainably designed and built project. The Project will be required to implement a variety of low-impact development methods, including the use of green storm water infrastructure, preand post-consumer recycled materials, and high efficiency LED lighting, and other infrastructure improvements to reduce total energy demand. The Project incorporates passive open space within plazas on Site A and naturally landscaped green spaces along the eastern edge and south end of Site B.

The Project will revitalize these underutilized and deteriorating Development Sites with vibrant new uses that complement the Belmont Park Racetracks operations, activate the vacant sites, create jobs for New York State residents, and produce new revenues for the Town, County and the State.

F. LAND USE IMPROVEMENT PROJECT, CIVIC PROJECT AND OTHER FINDINGS

1. Land Use Improvement Project Findings

A. That the area in which the Project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

The Development Sites, considered as a whole, are substandard and underutilized, economically stagnant and in danger of becoming insanitary. They generate minimal employment and do not contribute to the sound growth and economic well-being of the surrounding area or the Town.

The parking lots located in Sites A and B are in poor condition with cracked and uneven pavement. Both sites exhibit drainage problems evidenced by sinking storm drains that are surrounded by sediment and uneven or broken pavement and most of the storm drains do not properly operate. Vehicle access throughout both lots is in poor condition. There is minimal signage to guide users of the parking, and the signage that does exist is not clear. The parking spaces are poorly marked, if marked at all. Handicapped stalls are also inadequately marked and difficult to find. Roadways have been established using yellow-painted concrete wheel-stops that are unevenly spaced, in fair to poor condition and difficult to navigate in a vehicle. The fencing that surrounds Sites A and B is mostly in poor condition and failing in some locations. Lighting is inadequate with light poles of varying conditions. Litter lines the perimeter of Site B and filled garbage bags have been observed in a few parking spaces. The pedestrian tunnel that connects Site A and Site B is in poor condition: paint is peeling and dirty, lighting is poor, and the floor is littered with debris and sediment. The vehicle tunnel is in fair condition; however, its pedestrian walkway is dark and overgrown with vines. The Site B bus shelters are in poor condition.

In addition to being in fair to poor condition, the parking lots that comprise most of the area of the Development Sites' area are underutilized. The parking lots were built during the period of peak usage of Belmont during the 1960's and 1970's. Since that time, general attendance at Belmont Park Racetrack has dropped significantly (*e.g.*, average daily attendance declined to approximately 3,000 in 2017 from approximately 27,000 visitors in 1970).

The parking lots on the Development Sites are currently used for patron parking only on approximately 90 days per year. The approximate aggregate of 3,700 vehicles that can be parked on Sites A and B can be accommodated in Belmont's other parking areas. Even on Belmont Stakes day, the racetrack's peak attendance day, there has been a surplus of approximately 4,000 parking spaces throughout Belmont parking areas over the past three years. Because Site B is so grossly underutilized for Belmont Park

Racetrack events, it is primarily used year-round for car dealership vehicle storage, except on a handful of large-volume event days.

The current uses of the parking lots on Sites A and B generate neither significant employment nor revenue. The parking lot sites neither provide any direct benefit to the local community, nor do they spur significant indirect or secondary benefits. The existing parking uses on Sites A and B are not anticipated to contribute towards economic growth in the future if existing uses continue.

The current adopted Comprehensive Plan for Nassau County, prepared in 1998, identifies the Belmont property as being underutilized and having the potential for redevelopment.

Moreover, the Development Sites do not generate significant tax revenue. Under an arrangement entered into with NYRA pursuant to the bankruptcy settlement, the State, rather than NYRA, pays property taxes at Belmont. Site A is part of a large tax lot that also contains the Grandstand, the Backyard Area, and parking lots other than those within Site B. That large tax lot generates over \$12.3 million in property taxes for Nassau County, the Town of Hempstead, and Elmont Union Free School District, but these tax payments are driven primarily by the horse racing facilities at the Belmont Park Racetrack that are outside of Site A. Site B generates approximately \$300,000 in annual property taxes (approximately \$10,700 per acre). The State's tax payments have not changed since 2013.

Approximately seven acres at the eastern edge of Site A are part of an area of the Belmont Park Racetrack referred to as the "Backyard". These acres do not include the Paddock, where race horses are exhibited to racing patrons on race days. While the Backyard is in good condition, it is open only on racing days (approximately 90 days of the year) and only to Belmont Park Racetrack patrons. The recreational uses and other amenities (*e.g.*, playground, water feature, benches, and mature trees) in the Backyard are ancillary to the ubiquitous horse-racing digital video monitors and numerous betting windows and machines, located throughout the Backyard, that serve the purposes of betting and race watching that are the principal functions of Belmont Park Racetrack. These monitors and the betting windows and machines are redundant so that, after the disposition to ESD by the State of Site A, the betting activities currently conducted in this portion of the Backyard would be conducted in Belmont's numerous other existing areas for betting and digital monitor race viewing.

B. That the Project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.

The Project will redevelop the substandard, underutilized and redundant Development Sites with:

(i) on Site A, (a) the Arena, of up to approximately 690,000 gsf for entertainment, recreational, cultural and community uses, including as the home arena for the Islanders; (b) other adjacent structures and spaces for experiential retail, dining, recreational, and entertainment uses totaling up to approximately 135,000 gsf; (c) a hotel of up to approximately 230,000 gsf with up to 250 keys, 400 structured parking spaces, and amenities, dining, conference, and event space;

- (d) a structure with commercial office space, of up to approximately 30,000 gsf; and (e) approximately 2.0 acres of landscaped plazas
- (ii) on Site B, (a) up to approximately 350,000 gsf of destination retail uses with approximately 1,500 parking spaces located in a structure beneath the Site B retail development; and (b) approximately 3.75 acres of publicly accessible passive open space buffering adjacent residential areas from the Site B development;
- (iii) community facilities space aggregating up to 10,000 gsf on the Project Site; and
- (iv) grade-separated connections for pedestrians and vehicles above or below Hempstead Turnpike, providing access between Sites A and B.
- C. That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

Each of the Developer and NYAP, the Developer's affiliate, is a private enterprise, and the Developer's other affiliates, when formed, will each be a private enterprise. These enterprises will develop, finance, and operate the Project Components, which are expected to include the Arena, Hotel, Retail Village and other retail, commercial office and community facility uses, and open space. The Project is consistent with the sound needs of the municipality and the adjacent communities. The Project improves, activates, and revitalizes the Development Sites by providing new sports, entertainment, cultural, recreational, retail, hospitality, office, and community facilities uses that offer substantial employment opportunities that can be locally accessed by adjacent communities. The Project creates a gateway to Long Island by creating a striking new presence for the Town, County, and region, and the Project will transform the current vacant, underutilized, and deteriorated Development Sites for the benefit of the municipality and the community.

2. Civic Project Findings

A. That there exists in the area in which the Project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the Project.

The Project fulfills several needs of the community, Town, County and region. The Project will create a new gateway into Long Island due to the Project's central location at the border of New York City and Long Island. The Arena will allow the Islanders to return to their Long Island roots and provide a suitable home for the franchise by providing it with a venue that is designed to meet the NHL's requirements and is located closer to the people that regularly attend Islander games. More generally, the new state-of the-art Arena will attract new event attendees and provide the necessary capacity and features to host events for the region's schools, colleges, sports clubs and cultural and community organizations and attract large-scale events such as nationally known music concerts and family entertainment. Creating a new, up-to-date venue for these events will meet an existing need of the Town and the wider Long Island community, generate economic benefits and promote civic pride. The Project will also provide

community facilities space that will be tenanted and programed for civic and educational uses for the community (e.g., educational and career development).

B. That the Project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes.

The Arena will be suitable for community and regional college, school and sport club events as well as cultural, recreational, and community events, music concerts, and family entertainment.

In addition to the open space described below, BDP is required to provide improvements and/or renovation to Elmont Road Park, an existing community park located off-site in the Town, based on coordination with local officials and community stakeholders.

The Project's approximately 10,000 gsf of community facilities space will offer various community-oriented programming options (e.g., educational and career development services).

The Project's approximately 5.75 acres of open space would provide hard-scaped and soft-scaped plazas on Site A and naturally landscaped areas on Site B. Site A will have approximately 2.0 acres of landscaped plazas that could include sitting areas and gathering spaces for on-site events and programming. Site B will have approximately 3.75 acres of landscaped publicly accessible passive open space, most of it separating and buffering adjacent residential areas that will provide visual relief and sound dampening for community residents in the homes adjacent to Site B.

C. That such Project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the Project.

ESD is a corporate governmental agency of the State, constituting a political subdivision and a public benefit corporation. ESD will retain fee ownership of the Development Sites through the term of the ESD ground lease of the Development Sites. The initial ground lease term is expected to be 49 years with possible renewal terms for a total of 99 years. Upon termination of the lease, it is expected that the ownership of the Development Sites will revert to the fee ownership of the State.

The Development Sites are surplus to the needs of the State, and ESD expects to certify to the Commissioner of General Services that that the property is necessary and convenient for ESD's purposes as described in this GPP and that the Commissioner will convey the fee title to the property to ESD for development in accordance with this GPP. ESD will ground lease the Development Sites to BDP or one or more development affiliates of BDP and in each instance, the private tenant will be responsible for financing, constructing, operating and maintaining the Project for the term of the ground lease, and thereafter, the ownership of the Project Site will revert to the State. Project documentation will include adequate provision for the payment by BDP or its affiliates of the costs of the construction, operation, maintenance and upkeep of the Project.

D. That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

Qualified ESD staff or a qualified consultant on ESD's behalf will review and approve all plans and specifications for the Project to ensure that the above criteria are complied with. Those criteria are reflected in the Design Guidelines (as defined below). All Project improvements will be designed and constructed in accordance with the Design Guidelines and the New York State Uniform Fire and Prevention and Building Code ("Building Code"). For purposes of the Building Code, OGS is the permitting authority, and the Project will be constructed pursuant to approvals by OGS and building permits issued by OGS, to the extent applicable.

3. Findings for all ESD Projects

That there is a feasible method for the relocation of families and individuals displaced from the Project area into decent, safe and sanitary dwellings, which are or will be provided in the Project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

There are no families or individuals living or located on the Development Sites and no families or individuals are being displaced from the Project area.

G. ESSENTIAL TRANSACTION TERMS – SITE ACQUISITION, LEASING, AND FINANCING STRUCTURE

- 1. <u>Site Acquisition</u>. The Development Sites are part of the Belmont Park Racetrack property. The State acting by and through FOB currently holds fee title to the Development Sites and ground leases the Belmont Park Racetrack to NYRA. Pursuant to the ground lease and other agreements between NYRA and FOB, NYRA will surrender its leasehold with respect to the Development Sites, and FOB will terminate the ground lease with respect to the Development Sites and sever the Development Sites from the Belmont Racetrack Property. For nominal consideration, the State, acting through FOB and OGS, will convey to ESD, for the Project, fee title to the Development Sites.
- 2. <u>Lease Structure</u>. ESD and BDP will implement a lease structure consisting of a single master ground lease (the "Master Lease"), between ESD, as the fee owner of the Project Site and as the lessor under the Master Lease (ESD in such capacity the "Master Lessor") and BDP as the lessee thereunder ("Master Lessee"). The initial term of the lease is 49 years with renewal options for a total of 99 years. Pursuant to the Master Lease, at closing of the Master Lease, BDP will make to ESD a one-time up-front nonrefundable deposit of \$40,000,000 into an ESD account to be held by ESD. ESD will invest those funds for infrastructure improvements that the Developer will make on the ESD-owned Project Site and related mass transit improvements. The Developer will repay any funds used for infrastructure improvements through a percentage of sales on the Development Sites.

It is expected that there will be several subleases under the Master Lease (each, a "Sublease", and collectively the "Subleases") for individual Project Components, including: (i) the Arena (the form of which sublease is expected to be set out in the Master Lease), (ii) the Hotel, (iii) the Retail Village. Each sublease is expected to be on substantially similar terms to the Sublease for the Arena (except for the economic terms and matters specific to the uses and operation of each sub-leasehold premises).

One or more newly-formed limited liability companies (expected to be BDP affiliates) will enter into the Subleases. Upon achieving Substantial Completion (as defined below) of each Project Component, it is expected that each respective Sublease premises will be severed from the Master Lease and become a direct lease from ESD. "Substantial Completion" shall mean that a temporary certificate of occupancy or completion (issued by the permitting authority for the Building Code) has been obtained for such Project Component. Interests in the Master Lease and the Subleases shall be transferable, directly or indirectly, subject only to compliance with typical ESD "Prohibited Person" standards and the prior approval of ESD (not to be unreasonably withheld) regarding the ability of the transferee to successfully conduct and sustain the use contemplated by the lease, and the ability of the transferee and its guarantors, to pay all amounts (including, without limiting the foregoing, PILOT) due pursuant to such direct lease. With respect to the Hotel, the transaction documents will require that the Master Lessee, its sublessee and the direct lessee or the Hotel operator demonstrate compliance with § 2879-b of the Public Authorities Law regarding labor peace.

The Master Lessee shall be responsible to complete the Elmont Road Park improvements regardless of whether any of the Project Components are substantially completed. The Master Lessee will be responsible for the cost of all aspects (e.g., all costs of planning, design, insurance, approvals and inspections, and construction) of the Elmont Road Park improvements.

Notwithstanding the fact that the Project Site is exempt from real estate taxes due to its fee ownership by ESD, the lessee of each Project Component shall pay to ESD, as supplemental rent, PILOT. PILOT shall mean (i) in the case of the Arena, a per event a fee of (i) \$10,000 per full event as defined as more than 5,000 attendees or (ii) \$5,000 per half-event as defined as 5,000 or fewer attendees (such amount in addition to any entertainment tax imposed by the County on events held within the County). NYAP will guarantee a minimum annual payment of \$1,000,000 with annual escalation for the Arena; (ii) in the case of the Hotel, an amount equivalent to the actual real estate taxes subject to a twenty year abatement period on the improvements phased in on a straight line basis with fixed per annum incremental rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments; (iii) in the case of the Retail Village an amount equivalent the real estate taxes subject to a fifteen year abatement period on the improvements phased in on a straight line basis with fixed per annum incremental rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments; and (iv) in the case of any other Project Component an amount equivalent to actual real estate taxes subject to a ten year abatement period on the improvements phased in on a straight line basis with fixed per annum incremental rate increases to reach full tax equivalency and subject to subsequent assessments and special assessments. ESD will cooperate in a sales tax exemption with respect to building materials, fixtures and items related to construction

occurring on the Development Sites and mortgage recording tax exemption for the financing of the Project development.

The Master Lease, each sublease, and each severed direct lease is expected to fund a capital improvement reserve or another arrangement to assure that at the end of the applicable lease term (i) each facility on the leasehold premises is an up-to-date facility suitable for continued use or (ii) the leasehold premise is cleared of all improvements and returned to a raw graded condition.

3. Project Funding

The Project will be privately financed with the following sources and uses totaling \$1.18 billion.

Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$550	69%	Hard cost (including contingency)	\$651	81%
Equity	\$250	31%	Design and Engineering Fees	\$29	4%
			Consulting, Legal, and Administrative	\$42	5%
Total	\$800	100%	Permitting and Fees	\$16	2%
			Insurance	\$22	3%
			Financing Costs	\$41	5%
			Total	\$800	100%
Retail Village Source	s and Uses				
Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$168	65%	Hard cost	\$167	65%
Equity	\$90	35%	Tenant Improvements	\$34	13%
			Soft Cost	\$22	8%
Total	\$258	100%	Financing Costs	\$20	8%
			Leasing, Marketing & Reserves	\$16	6%
			Total	\$258	100%
Hotel Sources and Us	ses				
Sources	\$MM	%	Uses	\$MM	%
Construction Loan	\$77	65%	Hard Cost	\$95	80%
Equity	\$42	35%	Soft Cost	\$13	11%
			Financing Costs	\$7	6%
Total	\$119	100%	Pre-Opening and Reserves	\$4	3%
			Total	\$119	100%

I. LOCAL LAW AND REGULATION OVERRIDES AND DESIGN GUIDELINES

Pursuant to the Town of Hempstead Building Zone Ordinance ("BZO"): (i) the Development Sites are 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). Neither the Development Sites' historical uses nor the Project's uses would conform to the local zoning and land use requirements (*e.g.*, uses, signage, lighting, storm water management, fencing, *etc.*) of the Hempstead Town Code. Therefore, in order for ESD to effectuate the Project, compliance with the requirements of such local laws, ordinances, codes, charters or regulations is not feasible or practicable, and ESD overrides the local zoning and land use requirements and restrictions, including, without limiting the foregoing, the Town's BZO and the Hempstead Town Code, to the extent local zoning and the Town Code are inconsistent with the Project.

The Master Lease will require the Developer and its affiliates, successors and assignees to construct and maintain the Project in accordance with design guidelines which provide for, among other things, use, bulk, dimensional, and form parameters to be applied in lieu of zoning and other local regulations (the "Design Guidelines").

Subject to these overrides and the Design Guidelines, the Building Code will apply, including with respect to all construction, buildings, structures and infrastructure on the Project Site. The permitting authority for the purposes of the Building Code is OGS.

J. ENVIRONMENTAL REVIEW

ESD, acting as lead agency, determined that a Draft Environmental Impact Statement ("DEIS") was necessary to be prepared pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617). The Draft EIS ("DEIS") for the Project is a comprehensive document that includes extensive technical analyses of potential impacts on the environment and proposes measures to mitigate identified potential significant adverse impacts of the proposed Project.

The DEIS, prepared by ESD's consultant, AKRF and its team of subconsultants, has been reviewed by ESD staff ("Staff"). It is the opinion of Staff that the DEIS is satisfactory with respect to its scope, content and adequacy for purposes of SEQRA and the implementing regulations of the New York State Department of Environmental Conservation. Upon acceptance of the DEIS by the ESD Directors, Staff will undertake to issue a Notice of Completion for the DEIS and circulate and file the DEIS as required by SEQRA. All substantive comments received by ESD on the DEIS will be addressed in the Final EIS ("FEIS") where applicable. Pursuant to SEQRA, a duly-noticed public hearing will be held on the DEIS. The hearing will also provide an opportunity for public comments on the Project and the proposed GPP and will satisfy ESD's statutory obligation to hold a hearing to approve the GPP.

K. NON-DISCRIMINATION AND CONTRACTOR AND SUPPLIER DIVERSITY REQUIREMENTS

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. The Developer shall be required to include minorities and women in any job opportunities created, to solicit and utilize MWBEs and SDVOBs for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2) to achieve an overall MWBE Participation Goal of 30% and an overall SDVOB goal of 6% related to the total value of the Project. The overall MWBE goal shall include a MBE Participation Goal of 15% and a WBE Participation Goal of 15%.

Attachments

Figure A – Development Sites
Figure B – Site Plan

Figure A



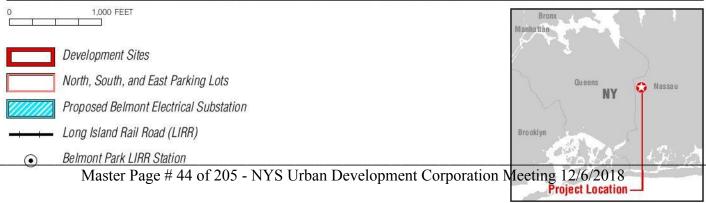
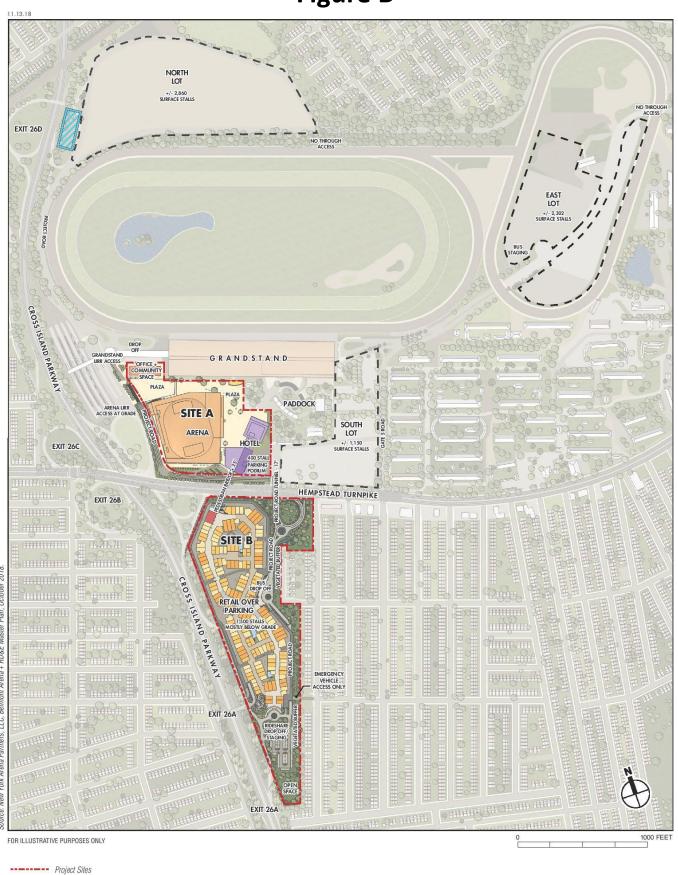


Figure B



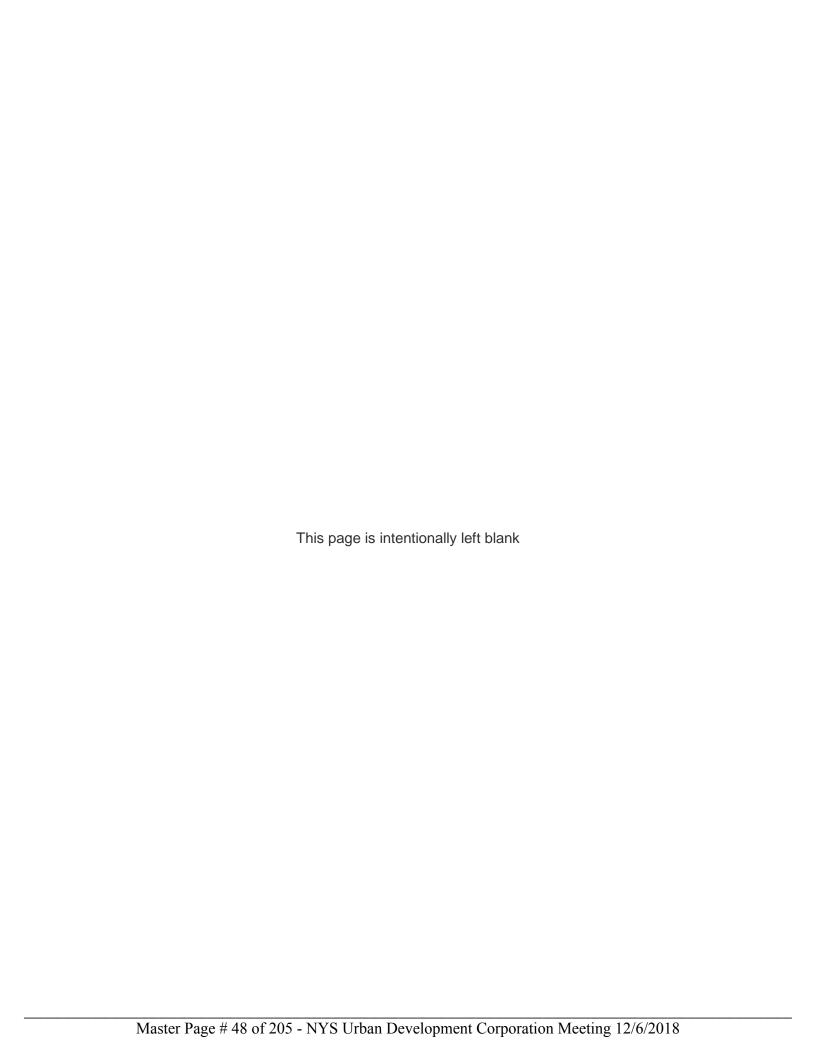
Draft Environmental Impact Statement – Provided to Directors Under Separate Cover.

Will be available at the following ESD website link on December 6th after conclusion of the meeting:

https://esd.ny.gov/belmont-park-redevelopment-project

Belmont Park Redevelopment Civic and Land Use Improvement Project **Design Guidelines**

December 2018 DRAFT



BELMONT PARK REDEVELOPMENT CIVIC AND LAND USE IMPROVEMENT PROJECT TABLE OF CONTENTS I - DESIGN GUIDELINES

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SECTION 1 SITE WIDE DESIGN GUIDELINES

1.1 GENERAL GOALS AND OBJECTIVES

The following Design Guidelines for the Belmont Park Redevelopment Civic and Land Use Improvement Project (the "Project") have been developed to provide an overall framework establishing the design intent for this significant project. The criteria within the Design Guidelines establishes the general parameters for creating a cohesive development, identifying the critical site and building components that will enable a successful project inclusive of building density and program; setbacks, access and visibility from surrounding streets and existing context; lighting; signage; parking; and open space.

The Design Guidelines seek to enable a development that will be flexible enough to adapt to the changing needs and goals of the Project. The Design Guidelines outlined herein shall apply in lieu of the Town of Hempstead Zoning Ordinance. The construction of all buildings and public improvement shall conform to all other applicable statutory or regulatory requirements.

The scope of review shall be limited to exterior walls, envelope components, sustainability, site circulation and open space. Below-grade construction shall be excluded from review.

The following goals and principles inform the Design Guidelines and establish their intent:

1.1.1 SITE ORGANIZATION

- (1) The Belmont Park Redevelopment Project is divided into two sites: Site A and Site B. Refer to Figure III-1 for extent and relationship of Site A to Site B and extent of the Project Boundary.
- (2) The primary uses of this project are classified into the following. Each of these primary classifications and their associated accessory uses are described in the use-specific sections that follow:
 - a. Arena
 - b. Hotel
 - c. Office
 - d. Community Space
 - e. Retail, Dining, and Entertainment
 - f. Open Space



- (3) The Arena and Hotel shall be located within a respectful distance from site boundaries and the existing grandstand and paddock area and shall provide visibility from the Cross Island Parkway and Hempstead Turnpike.
- (4) Site B Retail shall be located on the south side of Hempstead Turnpike with an appropriate buffer from the residential neighborhood to the east.
- (5) The Proposed Development shall endeavor to create a visual connection between the two sites.
- (6) Accessibility requirements of State and federal agencies shall be accommodated throughout the site.

1.2 DEFINITIONS

For purposes of these Design Guidelines, the following definitions shall apply:

ACCESSORY BUILDING

A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE

A use conducted on the same parcel as the primary use to which it is related. It is a use which is clearly incidental to, and customarily found in connection with, the primary use.

ARCADE

A continuous area, predominantly for pedestrian use, open to a street, to a covered plaza or to a pedestrian plaza, which is open and unobstructed to a height of not less than 15 feet. Planting, landscaping, water features, seating, street furniture, kiosks, works of art, light wells and other site features may be permitted in a portion of pedestrian space but not in such a manner as to impede pedestrian movement.

ARENA

A commercial establishment designed, intended, or used primarily for indoor or outdoor largescale spectator events including, but not limited to, professional and amateur sporting events, concerts, and theatrical presentations.

BASEMENT

Any floor or level located below the mean grade level of the site in which it is located.

COVERED PLAZA

A partially or fully enclosed space, directly accessible to the public from an adjoining street, arcade or pedestrian plaza, which is open and unobstructed to a minimum height of 15 feet.

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COMMERCIAL USE

Non-residential uses including business, retail, community, office space, and associated backof-house spaces.

CURB CUT ZONE

Portion of a sidewalk where vehicular curb cuts are permitted.

EMERGENCY VEHICLE ACCESS (EVA)

A roadway, arcade, plaza (open or covered), or other pedestrian area used by emergency responders for access in an emergency.

FENCE

A screen or separating feature that may consist of either woven wire, woven wood, picket, decorative masonry, concrete, plastic/vinyl, or similar materials, or a cultivated or natural growth of shrubs or trees. Barbed wire and poultry wire shall be prohibited.

FLOOR AREA

The sum, in square feet (SF), of the areas of all floors of a building or buildings, measured horizontally in a plane to the exterior faces of perimeter walls or from the center line of walls separating buildings. Exemptions from floor area calculation shall be as follows:

- a. The floor area of a basement
- b. The floor area of an arcade, pedestrian plaza, covered plaza, atrium, and pedestrian bridge
- c. The gross unobstructed surface area of loading spaces including stalls, driveways and maneuvering areas
- d. Mezzanines
- e. Areas of interior balconies, enclosed porches, partitions, columns, stairwells, elevator shafts, duct shafts, elevator rooms, mechanical penthouses and the floor area of accessory buildings and structures
- f. Mechanical rooms, pipe spaces, spaces having headroom of less than 6 feet, balconies projecting beyond exterior walls, covered terraces, covered walkways, and covered porches
- g. Permitted uses which serve as associated support areas for primary retail use.
- h. Roof projections
- i. Kiosks, open-air cafes, partially enclosed structures, gateways, and other site features

GROUND OR FIRST STORY

The lowest story entirely above the level of the ground in front of the building or mean grade level.

HEIGHT OF BUILDING

The height of a building shall be measured as the vertical distance from the mean grade level to the highest level of a flat or mansard roof, or to the peak of a pitched, gable, hip or gambrel roof. Refer to Permitted Obstructions for elements that may exceed this height limitation.

HOTEL

A building, the primary purpose of which is to provide sleeping accommodations for transient occupancy in units which may be rented on a daily basis. A hotel may have one or more common entrance to serve all such units and provides one or more of the following services: desk service, maid, telephone, bellboy or linens.

KIOSK

A temporary, semi-permanent, or permanent one-story structure, predominantly of light materials. A kiosk may be freestanding or may be attached on only one side to a wall of the building. Any area occupied by a kiosk shall be excluded from the calculation of floor area, and may be occupied by news or magazine stands, candy stands, food preparation for open-air cafes, flower stands, public service/information booths, or other similar vendor functions. Individual kiosks may occupy a maximum area of 650 square feet.

LOT AREA

The area of a site on which a building and its accessories are located, provided that the area shall be measured to the property line only.

LOT LINE

A property line defining the boundary of a tract of land intended for development but may or may not be in line with the Project Boundary.

MEAN GRADE LEVEL

The level of a site measured from averaging heights of the center-line grade of the street(s) adjacent to the lot. The mean grade level for Site A shall be +75 and for Site B shall be +70.

MEZZANINE

An intermediate level or levels between the floor and ceiling of any story. Mezzanines shall be excluded from the calculation of floor area.

MICE

Meeting, incentive, conference, and exhibition (MICE) space is intended to cater for specialized tourism that is dedicated to planning, booking, and facilitating conferences, seminars, and other events. MICE events can be centered on a theme or topic and are typically aimed at a professional, school, academic or trade organization or other special interest group.

OFFICE

A room, set of rooms, or building used as a place for business, commercial, professional, or bureaucratic work.

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OPEN-AIR CAFÉ

Where an open-air café is provided, it shall be an unenclosed or partially enclosed restaurant or eating or drinking place, which may have waiter or table service, and is open to the sky except for permitted obstructions such as trees, arbors, awnings or canopies. An open-air café shall be accessible from a minimum of two sides where there is a boundary with the remainder of the project open space. The boundary shall be defined by planters or decorative barricades. Seating may be reserved for customers.

PEDESTRIAN BRIDGE

A continuous bridge that crosses over Hempstead Turnpike and connects Site A to Site B, providing primary pedestrian access points to both sites. It is designated to encourage pedestrian circulation and other appropriate uses. The overall width of the pedestrian bridge shall not be less than 25 feet. The pedestrian bridge shall meet New York State DOT requirements and include provisions to mitigate littering onto Hempstead Turnpike.

PEDESTRIAN PLAZA

An open space between building(s) and a street, unobstructed from its lowest level to the sky and accessible to the public from an adjoining street, arcade, covered plaza, pedestrian bridge, or pedestrian walkway. A pedestrian plaza may include the following: flagpoles, open terraces, steps, water features, seating, railings or screen walls (solid or semi-open), planting beds, shrubs, trees, open-air cafes or street furniture, shade structures, recreational facilities, kiosks for retail or food and beverage use, play areas, banking tellers, or similar functions. A pedestrian plaza is permitted to be gated during non-operating hours. Refer to Permitted Obstructions and Section 8 for additional elements permitted within pedestrian plazas.

PEDESTRIAN MALL

The internal pedestrian promenades and boulevards between retail buildings on Site B of the Proposed Development. The pedestrian mall shall be open or covered and may be gated during non-operating hours.

PEDESTRIAN WALKWAY

A continuous, open way, designated to encourage pedestrian circulation and other appropriate uses, separated from the through lanes for motor vehicles by space or barrier but accessible for Emergency Vehicle use. Pedestrian walkways can be located within pedestrian plazas.

PERMITTED OBSTRUCTIONS

Shall mean any of the following (see definitions for additional information):

- a. Height of Building
 - i. Chimneys, flues or spires
 - ii. Mechanical equipment
 - iii. Elevator and stair bulkheads



- iv. Penthouses and similar construction enclosing equipment that is less than 12 feet in height as measured from the roof upon which they are located and do not occupy more than 30% of the area of the roof
- v. Flagpoles and aerials including lightning protection
- vi. Parapet walls in accordance with State and Federal requirements
- vii. Renewable energy equipment
- viii. Screening
- ix. Pedestrian bridges
- x. Skylights
- xi. Signage
- b. Setbacks
 - i. Sentry boxes and guard booths
 - ii. Vehicular roads (passage, service, and emergency)
 - iii. Loading zones
 - iv. Basement
 - v. Decorative fencing and gates
 - vi. Landscape elements and structures
 - vii. Lighting fixtures (freestanding and attached)
 - viii. Kiosks and freestanding signage
 - ix. Art installations (permanent and temporary)
 - x. Districting elements
 - xi. Pedestrian bridges
 - xii. Roof overhangs and canopies
 - xiii. Plazas, open space features
- c. Open Space Features
 - i. Arbors, trellises, gazebos, and other shade structures
 - ii. Benches, seats, outdoor furniture (fixed or moveable)
 - iii. Litter receptacles, maintenance enclosures
 - iv. Open-air cafes
 - v. Outdoor restaurant seating
 - vi. Lights and lighting stanchions
 - vii. Public telephones
 - viii. Balconies and bay windows
 - ix. Awnings, canopies, roof overhangs and downspouts
 - x. Marquees
 - xi. Stairs, ramps and bollards
 - xii. Building entries
 - xiii. Retail storefronts
 - xiv. Signage and directories
 - xv. Banking tellers
 - xvi. Trees, shrubs
 - xvii. Art installations and sculptures (permanent and temporary)
 - xviii. Bulkheads or other mechanical and electrical equipment
 - xix. Recreational or play equipment

xx. Sidewalks

xxi. Bicycle paths

xxii. Vehicular roads (service and emergency)

xxiii. Security booths

xxiv. Screens and fencing

xxv. Food and beverage trucks

xxvi.Performance stages

xxvii. Temporary facilities

xxviii. Vehicular and bus drop-offs

PRIMARY ENTRANCE ZONE

The primary building entrance location for pedestrians. Buildings may have more than one Primary Entrance Zone and multiple secondary entrances.

PRIMARY PEDESTRIAN ACCESS POINT

The primary site entrance location for pedestrians. Sites may have more than one Primary Pedestrian Access Point and multiple secondary entrances. This shall not include Emergency Vehicle Access points required by New York State building code but can be used for Emergency Vehicle Access if required

PROJECT BOUNDARY

Denotes areas of project and can extend inside and outside of established lot lines.

PUBLICLY ACCESSIBLE OPEN SPACE

Open space and recreational resources that can be utilized by the community on a regular basis, including during designated periods, for active or passive recreation or set aside for the protection and/or enhancement of the natural environment. Publicly accessible open spaces can be under government control or owned by a private entity, so long as they allow public access to the property.

SERVICE YARD

An area adjacent to a building or group of buildings that can be used for loading, layout space, container storage, and garbage and recycling collection.

SETBACK

The required separation between the envelope of a building and the lot line of any street on which the lot abuts. Refer to Permitted Obstructions for elements that are permitted within this space.

SIGNAGE

Any writing, pictorial representation, emblem, flag or banner that (a) is a structure or any part thereof, and is attached to, painted on, or in any other way represented on a building or structure, (b) is visible from outside a building and is intended to direct attention to a sponsor,

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business profession, commodity, service or entertainment activity or provide directions. Artwork, environmental graphics, directional, and wayfinding signage shall not be subject to review.

- Accessory Signage: Signage incidental to and that directs attention to a use, person, business, or activity located on the project site and is customary for such use, person, business or activity.
- b. Advertising Signage: Signage that directs attention to a use, person, business, or activity located elsewhere than upon the project site and is not accessory to a use on the project site.
- c. Animated Sign: A sign which performs through action or motion by flashing or otherwise, requiring electrical energy, electronic or other source of supply.
- d. Area of Sign: For the purposes of computation, the entire background area of the sign shall be computed by standard mathematical formulas for known or common shapes. For irregular shapes, devices, pennants, branded banners, bunting or fluttering devices, the entire background area shall be considered that area which is or would be encompassed within the extremities of straight lines drawn closest to the extremities of the shape or device.
- e. Awning Sign: Any lettering attached to or inscribed on an awning.
- f. Banner Sign: A long strip of cloth bearing a slogan or design.
- g. Canopy Sign: Any lettering attached to or inscribed on a canopy, or any sign attached thereto.
- h. Detached Sign: Any sign which is suspended from or attached to and supported by one or more columns, up-rights or braces, embedded in the ground, and in which neither the sign nor the supports thereof are attached to or are dependent on any building for support or bracing.
- i. Directional Sign: Any sign which is located outdoors and is used for guidance, instruction or direction.
- j. Double-Faced Sign: A sign having its opposite surface areas used in any manner described under the definition of "sign" in this section of this article.
- k. Façade Sign: Any sign erected on a façade.
- I. Freestanding Sign: refer to Detached Sign.
- m. Illuminated Sign: A sign which is illuminated by an artificial source of light to make the message more discernible and shall include internally and externally lighted signs.
- n. Lighting Device: Any nonintermittent source of light, string or group of lights located or arranged to cast illumination on a sign or which is used to attract the attention of the public to the premises.
- o. Marquee Sign: Any lettering attached to or inscribed on a marquee, or any sign attached thereto.
- p. Monument Sign: Refer to Detached Sign.
- q. Multifaced Sign: At least three or more single-faced signs, of the same size, the vertical sides of which are substantially fastened to each other to form a continuous sign area and securely mounted or affixed to a pole or post which is imbedded in the ground.

- r. Poster Sign: A sign which affixed to a surface by the use of an adhesive.
- s. Projecting Sign: Any sign which extends more than 12" horizontally from an exterior wall of a building or structure to which it is attached.
- t. Roof Sign: Any sign which is painted on or is erected upon or above a roof of a building except a façade sign as defined elsewhere in these Design Guidelines.
- u. Temporary Sign: A sign which is permitted to be used or erected for a limited period of time pursuant to the provisions of these Design Guidelines.
- v. Transparent Sign: Any sign that is sufficiently transparent to make activity within the building and the interior architecture visible to passersby, and the surrounding exterior architecture and activity is visible to people on the interior.
- w. Variable Message Sign: A sign which has content that is changeable to meet usage needs.
- x. Window Sign: A sign which is either temporarily or permanently attached or affixed to the interior or exterior surface of a display window and is used for advertisement, announcement, or notice, directional matter, company name or trade name which is relative to the business, products or services provided. Window signage set back 12" minimum from glazing shall not be subject to review.

STORY

The part of a building between the surface of a floor (whether or not counted for purposes of computing floor area) and the ceiling immediately above.

VEHICULAR AND BUS DROP OFF

An opened or covered passenger zone for publicly or privately operated vehicles and bus lines. Where applicable, drop off areas shall include and connect hard top surface parking with appropriate pedestrian walkways and queueing areas.

1.3 VEHICULAR CIRCULATION

1.3.1 CURB CUT ZONES

The following defines the requirement of new curb cuts within the Curb Cut Zones. Any existing curb cuts that may require modification shall not be subject to review by the Design Guidelines but are subject to New York State DOT requirements.

(1) Cars and small vehicles

a. The maximum width of a new curb cut shall be 25 feet for one-way traffic and 50 feet for two-way traffic (excluding radii), curb cuts may be combined without separation if required by local conditions. A maximum of 3 curb cuts are permitted per curb cut zone. The curb cut requirements shall be in addition to any other applicable New York State DOT rules or regulations concerning driveway curb cuts. When permitted, curb cuts are to be kept to a minimum size and number. For all parcels, no new curb cuts shall be permitted within a minimum of

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10 feet of the intersection of local street lines and 100 feet of the Cross Island Parkway and Hempstead Turnpike intersection. For all specific locational requirements, refer to Figures III-2 and III-2.1.

(2) Trucks, Buses and Emergency Vehicles

- a. The maximum width of a new curb cut shall be 75 feet for one-way traffic and 140 feet for two-way traffic (including radii). A maximum of 2 curb cuts are permitted per curb cut zone. The curb cut requirements shall be in addition to any other applicable New York State DOT rules or regulations concerning driveway curb cuts. When permitted, curb cuts are to be kept to a minimum size and number. For all parcels, no curb cuts shall be permitted within minimum of 10 feet of the intersection of local street lines and 100 feet of the Cross Island Parkway and Hempstead Turnpike intersection. For all specific locational requirements, refer to Figures III-2 and III-2.1.
- (3) Circulation and parking entry and exit points shall include safety lighting and audio cues to alert pedestrians of on-coming traffic where possible. Additional or alternate methods can be suggested by design professionals.
- (4) Vehicular circulation shall be permitted within the Building Envelope Boundaries as defined in Figures III-3 and III-3.1 where required by the specific circumstances of the design.

1.3.2 VEHICULAR ACCESS ZONES

(1) For all specific locational requirements, refer to Figures III-2 and III-2.1.

1.4 PARKING AND LOADING

1.4.1 GENERAL PARKING STANDARDS

- (1) For required minimum quantities of planned parking spaces, refer to Table II.
- (2) A maximum of 20% of planned parking spaces may be designated for compact or small cars only.
- (3) If required by local conditions, structured parking areas shall be permitted to provide a car parking system for ticketing and payment or submittal of a parking voucher. The system may have the ability to direct drivers to vacant spaces and read license plates if required. Automated controls shall be acceptable. Surface parking shall provide signage to allow identification of the general area of parking.
- (4) Wayfinding signage shall be provided where necessary based on operational conditions.

- (5) Where a walkway crosses a driveway or aisle, the driveway or aisle shall be clearly marked and signed to indicate the location of the walkway and to require vehicles to stop for individuals using the walkway.
- (6) Vehicular ramp slopes shall not exceed 16%.
- (7) Accessible parking spaces and access aisles shall be provided in accordance with New York State building code.
- (8) Wayfinding signage and graphic banners required in parking areas shall not be limited in size or quantity.
- (9) One-way traffic aisles shall be a minimum of 17 feet in width. Two-way traffic aisles shall be a minimum of 23 feet in width.
- (10) A typical valet/assisted parking stall shall measure a minimum of 8 feet in width and 17 feet in length. Where appropriate, valet parking zones may be double stacked, measuring 8 feet in width and 34 feet in length.
- (11) A typical employee parking stall shall measure a minimum of 8'-3" in width and 18 feet in length.
- (12) A typical bus parking stall shall measure a minimum of 10 feet in width and 35 feet in length. Where appropriate, bus parking zones may be double stacked, measuring a minimum of 10 feet in width and 70 feet in length,
- (13) Refer to specific use sections for further parking stall dimensions.

1.4.2 SURFACE PARKING

- (1) Surface parking lots shall be covered with a hard-top surface of cement concrete, bituminous concrete, asphalt, or pervious pavement, including all accessways and/or driveways from the street.
- (2) Parking paths shall allow for pedestrian circulation between the parking spaces and lot perimeter areas.
- (3) When a parking area abuts a residential district, a screen, planted berm, or fence shall be provided. Breaks shall be permitted at pedestrian and vehicular entry and exit points.
- (4) Landscaped areas shall be introduced every 100 contiguous parking spaces minimum. These areas shall not be sized less than 100 square feet.

1.4.3 STRUCTURED PARKING

- (1) Permitted accessory uses within structured parking include support, administrative spaces, mechanical spaces (occupied and unoccupied), and support and loading spaces for adjacent uses.
- (2) Structured parking shall be permitted below grade on Site A and Site B and within the Project Boundary defined in Figure III-1. Refer to Section 1.2 for Permitted Obstructions that are excluded from setbacks.
- (3) Where structured parking is built above mean grade level in the Hotel, the maximum height shall not exceed 65 feet.
- (4) Each floor level shall maintain a minimum clear height of 7 feet.
- (5) Entrances to structured parking garages shall be permitted for use by all passenger vehicles, rideshare vehicles, local transport shuttles and service vehicles as needed.
- (6) Structured parking garage entrances and exits shall meet dimensional requirements as defined in Section 1.3.1

1.4.4 LOADING

- (1) Refer to Table II for the minimum number of loading spaces.
- (2) Loading shall be permitted as elevated docks and/or at grade loading.
- (3) Loading shall be a permitted accessory use in all buildings.
- (4) Access points shall meet New York State and federal requirements for sight distance.
- (5) To the greatest extent possible, loading shall be screened from adjoining streets with fencing or walls consistent with these Design Guidelines.
- (6) To the greatest extent possible, loading zones shall be separated from pedestrian circulation areas. Fencing and signage shall be used to alert pedestrians.
- (7) To the greatest extent possible, Service Yards shall have adequate room for truck access and temporary layout for tenants.
- (8) Each loading space shall be a minimum of 10 feet wide and provide clearance height of not less than 12 feet.

1.5 SCREENING AND FENCING

- (1) Screening shall be ornamental in nature and consist of either a continuous planting screen, fences, walls, or parapets. Introduction of modulation and a variety of landscape material is encouraged. The screens or walls may be interrupted by or include entry/exit doors and gates.
- (2) Screening shall be installed and maintained in a manner designed to:
 - a. Limit the view of persons on adjacent properties
 - b. Prevent lighting trespass
 - c. Face finished side toward the adjacent property
- (3) To the greatest extent possible, rooftop and ground mounted mechanical equipment shall not be visible from adjacent parcels. Where screens or fences are used, materials shall complement the building architecture.
- (4) Maximum height for fencing and screens shall be 12 feet as measured from bottom of fence or screen to top of fence or screen.
- (5) The following fencing materials shall be prohibited:
 - a. Barbed wire
 - b. Poultry netting

1.6 SIGNAGE

- (1) Refer to Section 1.2 for definitions and types of signage. All types of signage defined shall be permitted within the Proposed Development.
- (2) Provide building identification signage for the primary use(s) of the building(s) and provide additional signage as required by New York State building code.
- (3) Continuous signage comprised of multiple panels and/or individual signs in aggregate shall be permitted.
- (4) Unless noted otherwise, the maximum total aggregate signage area per building shall not exceed 1,500 square feet or 20% of the total building envelope area; whichever is greater.
- (5) The maximum surface area of an individual sign shall not exceed 1,500 square feet.
- (6) Illuminated and Variable Message Signage shall be permitted to ensure clear vehicular circulation is maintained.

- (7) Animated signage shall be permitted within extent of signage zones. Refer to Figures III-6 through III-6.7.
- (8) Signage shall be venue specific including but not limited to upcoming programming and events.
- (9) Arena signage shall not include product advertisements.
- (10) Sponsorship signage shall be permitted in certain areas on and around the Arena.
- (11) Fixed illumination and LED illumination shall be permitted within extent of signage zones. Refer to Figures III-6 through III 6.7.
- (12) Opaque signage shall be limited to 50% coverage of transparent building envelope area(s) within signage zones.

1.7 SUSTAINABILITY

- (1) The Proposed Development shall target LEED version 4 certification at a minimum by implementing a variety of low-impact development methods which would result in lower greenhouse gas emissions.
- (2) The Proposed Development shall target incorporation of energy efficient design that results in energy expenditure in the range of 12 to 20 percent lower than buildings designed to meet but not exceed building code requirements.
- (3) Sustainable strategies to be considered for the Proposed Development shall include, but are not limited to the following:
 - a. Green stormwater infrastructure
 - b. Pre- and post-consumer recycled building materials
 - c. High efficiency LED lighting
 - d. Cement replacements such as fly ash and/or slag
 - e. Utilizing natural gas for the typical operation of the heat and hot water systems
 - f. On-site renewables such as wind or solar may be considered for certain processes (e.g., heating water for HVAC/hot water systems)
 - g. Reducing the use of refrigerants in cooling and climate systems
- (4) Sustainable strategies to be considered for the Arena shall include, but are not limited to, the following:
 - Energy-efficient building envelope and energy-efficient glazing designed to reduce heat loss and facilitate daylight harvesting by admitting more daylight than solar heat
 - b. High-efficiency heating, ventilation, and air conditioning systems
 - c. High-albedo roofing material

- d. Motion/occupancy sensors for lighting and climate control
- e. Water conserving plumbing fixtures exceeding New York State building code requirements
- f. Waterless urinals which indirectly reduce energy consumption associated with potable water production and delivery
- g. Use of cement meeting ASTM C1157 in order to integrate low-carbon content
- (5) The Proposed Development shall strive to provide tenant, user, and visitor recycling opportunities throughout, including waste diversion and recycling for glass, metal, paper, cardboard, and plastic products.
- (6) The Proposed Development shall include collection, safe storage, and proper disposal of both batteries and electronic waste.
- (7) The Proposed Development shall pursue strategies for reduced parking footprint, including but not limited to onsite parking and carpool preferred parking within the structured parking platforms of the Hotel and Site B Retail.
- (8) Recycling storage and management facilities shall be permitted to be located on the exterior of buildings, and available to guests, visitors, and transient occupants throughout both sites.

1.8 EXTERIOR BUILDING MATERIALS

- (1) Facades shall be developed to incorporate various architectural elements introducing scale, texture, and color that are appropriate for the Proposed Development's location and visibility.
- (2) Roof surface materials shall avoid high reflectivity and contrasting colors. Permitted Obstructions such as vents, bulkheads and cooling units shall be finished in materials which are compatible to the surrounding building surfaces.
- (3) All building materials shall meet New York State building code requirements.
- (4) Examples of suggested exterior building materials shall include, but are not limited to, the following:
 - a. Brick
 - b. Stone
 - c. Bronze
 - d. Copper
 - e. Aluminum
 - f. Steel
 - g. Wood
 - h. Cast in place concrete

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- i. Precast concrete
- i. Glass
- k. Glass fiber reinforced concrete
- I. Terra cotta
- m. Metal panel
- n. Cast stone
- o. Polycarbonate panel
- p. Weathering steel
- (5) To the greatest extent possible, manhole, utility covers, and access doors shall be coordinated and compatible with other site and building finishes.
- (6) To the greatest extent possible, all exposed conduits, devices and similar infrastructure shall be compatible with surrounding building finishes.
- (7) Where appropriate, strategies to reduce daytime bird collisions shall include, but are not limited to, the following:
 - a. Reducing the proportion of reflective glass as compared to other building materials within the first two stories above mean grade level
 - b. Use of low reflectivity glass that is patterned, fritted, or transparent within the first two stories above mean grade level
 - c. Where glass materials are present within the first two stories above mean grade level that could reflect landscaping, vegetation shall be located at a distance where it would not be clearly reflected by glass or within 3 feet of buildings
 - d. Other methods as recommended by design professionals

1.9 SECURITY

- (1) The Proposed Development shall be designed with state-of-the-art security and safety components incorporated therein.
- (2) Areas of focus shall include the use of modern and effective screening and surveillance equipment as well as the establishment of a secured perimeter to the Arena.
- (3) The Development shall include security command center(s) related to Primary Uses as well as self-testing.
- (4) The Proposed Development shall include an integrated operational plan coordinated with New York State and federal law enforcement. This plan shall include a space for the New York State Department of Homeland Security and Emergency Services.

1.10 LIGHTING

- (1) Time clocks, daylight sensors and lighting control systems shall be provided to create multiple scenes for differing times at night, and differing events on Site A and Site B.
- (2) Light trespass shall be controlled through the selection and locations of the lighting luminaires.
- (3) Lighting levels shall be designed to create appropriate atmosphere for the different types of usages and light levels shall be adjusted by a lighting control system for different evening settings.
- (4) Lighting shall minimize blue light emissions.
- (5) Where appropriate, lighting fixtures shall be fully shielded and pointing downward. Fixtures which are not fully shielded shall be controlled in terms of overall lumen output and orientation.
- (6) Uplighting, where provided, shall be focused on architectural or landscape features to control light trespass.
- (7) Where appropriate in areas that border lot lines, fixtures shall be selected that comply with Dark Sky-Friendly Cutoff Classifications.
- (8) Illuminating Engineering Society of North America (IESNA) Cutoff classifications and considerations call for shielded fixtures that have optics to control light distribution and that can limit or omit upward light. The use of fixtures with a full cut-off classification shall be encouraged to the greatest extent possible.
 - a. Full cut-off = 0% of luminaire lumens upward light distribution above 90 degrees (no upward light at all).
 - b. Cut-off = 0% 20% of luminaire lumens upward light distribution above 90 degrees.
 - c. Semi cut-off = 0% 40% of luminaire lumens upward light distribution above 90 degrees.
- (9) Refer to Section 9 for further lighting design guidelines.



SECTION 2 ARENA DESIGN GUIDELINES

The proposed multi-purpose Arena shall be a state-of-the-art facility located in the western central portion of Site A. The Arena shall provide up to 18,000 seats for hockey and up to 19,000 seats for other select events. It shall be designed to the demand specifications of an NHL facility. In addition to serving as a professional hockey venue, the building is anticipated to host major concerts, amateur sports, conferences, and family events.

2.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Arena
 - b. Amateur and professional sporting events
 - c. Entertainment
 - d. Retail including eating and drinking establishments
 - e. Community space
 - f. Surface and structured parking
 - g. Fire control areas
 - h. Open space
- (2) Associated Arena support areas including maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, and lobbies.

2.2 BULK CONTROLS

2.2.1 SETBACKS

(1) Refer to Figure III-3 for Building Envelope Boundaries.

2.2.2 FLOOR AREA

- (1) The above-grade designated gross floor area shall not exceed 690,000 square feet.
- (2) Refer to Section 1.2 for exemptions from floor area calculation.
- (3) The footprint area of below grade parking shall not exceed the lot lines identified in Figure III-1.

2.2.3 HEIGHT OF BUILDING

(1) The maximum building height shall not exceed 125 feet. Refer to Figure III-5.

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(2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

2.3 ARCHITECTURAL ELEMENTS

2.3.1 PRIMARY ENTRANCE ZONES

- (1) Refer to Figure III-4 for Primary Entrance Zones.
- (2) Secondary entrances from below grade parking structures shall be permitted.

2.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines.

2.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) Three dimensional and graphic roof signage shall be permitted. Signage is excluded from maximum building height in accordance with Section 1.2 Permitted Obstructions.
- (3) Seasonal decorative signage shall be permitted for limited durations as appropriate.

2.3.4 BUILDING MATERIALS

(1) Refer to Section 1.8 for Exterior Building Material requirements.

2.4 PARKING

- (1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.
- (2) A typical parking stall shall measure a minimum of 8'-3" in width and 18 feet in length.
- (3) Parking spaces dedicated for small cars only shall measure a minimum of 8 feet in width and 16 feet in length.

SECTION 3 HOTEL DESIGN GUIDELINES

The proposed Hotel shall be located along Hempstead Turnpike on Site A, between the proposed Arena and the South Lot. The Hotel shall provide up to 250 keys with conference facilities and associated accessory uses and shall be constructed above a structured parking platform.

3.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Hotel
 - b. Conference and meeting spaces
 - c. Retail including eating and drinking establishments
 - d. Health and fitness clubs
 - e. Surface and structured parking
 - f. Community space
 - g. Personal service uses
- (2) Associated Hotel support areas including maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, and lobbies.

3.2 BULK CONTROLS

3.2.1 SETBACKS

(1) Refer to Figure III-3 for Building Envelope Boundaries.

3.2.2 FLOOR AREA

- (1) The above-grade designated gross floor area shall not exceed 230,000 square feet.
- (2) Refer to Section 1.2 for exemptions from floor area calculation.

3.2.3 HEIGHT OF BUILDING

- (1) The maximum building height shall not exceed 150 feet. Refer to Figure III-5.1.
- (2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

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3.3 ARCHITECTURAL ELEMENTS

3.3.1 PRIMARY ENTRANCE ZONES

- (1) Refer to Figure III-4 for Primary Entrance Zones.
- (2) Secondary entrances from below grade parking structures shall be permitted.

3.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines.

3.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) Three dimensional and graphic roof signage shall be permitted. Signage is excluded from maximum building height in accordance with Section 1.2 Permitted Obstructions.

3.3.4 BUILDING MATERIALS

- (1) Refer to Section 1.8 for Exterior Building Material requirements.
- (2) In order to limit Leq (equivalent continuous) sound levels at the Hotel to 45 dBA or less, the building envelope of the Hotel shall be designed to provide a minimum of 25 dBA window/wall attenuation.

3.4 PARKING

- (1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.
- (2) A typical visitor parking stall shall measure a minimum of 8'-6" in width and 18 feet in length.
- (3) Parking spaces dedicated for small cars only shall measure a minimum of 8 feet in width and 16 feet in length.

SECTION 4 OFFICE DESIGN GUIDELINES

The proposed office space shall be located on Site A and is expected to be used primarily by the Proposed Development's operations. The remainder shall be available as flexible space.

4.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Office
 - b. Community space
 - c. Entertainment
 - d. Retail including food services establishments
 - e. Conference space
 - f. Exhibition space
 - g. Surface and structured parking
- (2) Associated Office support areas including maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, and lobbies.

4.2 BULK CONTROLS

4.2.1 SETBACKS

(1) Refer to Figure III-3 for Building Envelope Boundaries.

4.2.2 FLOOR AREA

- (1) The above-grade designated gross floor area shall not exceed 30,000 square feet.
- (2) Refer to Section 1.2 for exemptions from floor area calculation.

4.2.3 HEIGHT OF BUILDING

- (1) The maximum building height shall not exceed 60 feet. Refer to Figure III-5.2.
- (2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

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4.3 ARCHITECTURAL ELEMENTS

4.3.1 PRIMARY ENTRANCE ZONES

(1) Refer to Figure III-4 for Primary Entrance Zones.

4.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines

4.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) The maximum total aggregate signage area shall not exceed 30% of the building envelope area.

4.3.4 BUILDING MATERIALS

(1) Refer to Section 1.8 for Exterior Building Material requirements.

4.4 PARKING

(1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.

SECTION 5 COMMUNITY SPACE DESIGN GUIDELINES

Community spaces are anticipated to be located on Site A and Site B and offer an array of programming options with focus on health and wellness, as well as educational and career development services. In keeping with the project goal to use the Arena and other elements of the Proposed Development as a platform for innovation in live entertainment and guest experience, it is the intent for these spaces to provide educational and job training opportunities for community members interested in careers in audio and light technology, sports, music, retail and event management, tourism development, and hospitality.

5.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Community space
 - b. Educational
 - c. Rehearsal
 - d. Entertainment
 - e. Retail including food services establishments
 - f. Conference space
 - g. Exhibition space
 - h. Surface and structured parking
- (2) Associated Community Space support areas including maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, and lobbies.

5.2 BULK CONTROLS

5.2.1 SETBACKS

(1) Refer to Figure III-3 for Building Envelope Boundaries.

5.2.2 FLOOR AREA

- (1) The above-grade designated gross floor area shall not exceed 10,000 square feet across the Proposed Development.
- (2) Refer to Section 1.2 for exemptions from floor area calculation.

5.2.3 HEIGHT OF BUILDING

(1) Refer to Table II for maximum building height.

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(2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

5.3 ARCHITECTURAL ELEMENTS

5.3.1 PRIMARY ENTRANCE ZONES

(1) Refer to Figure III-4 for Primary Entrance Zones.

5.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines.

5.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) The maximum total aggregate signage area shall not exceed 30% of the building envelope area.

5.3.4 BUILDING MATERIALS

(1) Refer to Section 1.8 for Exterior Building Material requirements.

5.4 PARKING

(1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.

SECTION 6 SITE A RETAIL DESIGN GUIDELINES

The Design Guidelines for this section have been prepared to establish criteria for stand-alone experiential retail and food and beverage uses on Site A.

The experiential retail proposed on Site A shall be expected to be attractive not only to the proposed Hotel's guests and Arena attendees but also to the public and community at large in order to animate the area independent of Arena events.

6.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Retail
 - b. Food and dining
 - c. Associated food service spaces
 - d. On-site kiosks and carts
 - e. Assembly
 - f. Entertainment
 - g. Management and administration office areas
 - h. Surface and structured parking
- (2) Associated Retail support areas including maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, and lobbies.

6.2 BULK CONTROLS

6.2.1 SETBACKS

(1) Refer to Figure III-3 for Building Envelope Boundaries.

6.2.2 FLOOR AREA

- (1) The above-grade designated gross floor area for Site A Retail shall not exceed 85,000 square feet.
- (2) Retail floor area not used on Site A can be allocated to Site B. The maximum Retail floor area across the Proposed Development shall not exceed 435,000 square feet.
- (3) Refer to Section 1.2 for exemptions from floor area calculation.

6.2.3 HEIGHT OF BUILDING

(1) The maximum building height shall not exceed 40 feet. Refer to Figure III-5.2.

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(2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

6.3 ARCHITECTURAL ELEMENTS

6.3.1 PRIMARY ENTRANCE ZONES

- (1) Refer to Figure III-4 for Primary Entrance Zones.
- (2) The nature of experiential retail may require multiple distributed entrances in a pattern based on tenant occupancy in coordination with overall site design.

6.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines.

6.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) The maximum total aggregate signage area shall not exceed 30% of the building envelope area.

6.3.4 BUILDING MATERIALS

(1) Refer to Section 1.8 for Exterior Building Material requirements.

6.4 PARKING

- (1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.
- (2) A typical visitor parking stall shall measure a minimum of 8'-6" in width and 18 feet in length.
- (3) Parking spaces dedicated for small cars only shall measure a minimum of 8 feet in width and 16 feet in length.

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SECTION 7 SITE B RETAIL DESIGN GUIDELINES

As detailed below, a distinct retail, dining, and entertainment experience is proposed on Site B. This retail area is intended to create a village-type atmosphere that will incorporate pedestrian boulevards and associated site features lined with small and unique buildings featuring boutiques, restaurants, and special events to complement the shopping experience. The retail village will be built above a structured parking platform located below the mean grade level with perimeter walls that will be exposed to the exterior, where required, for air ventilation.

7.1 PERMITTED USES

- (1) Permitted uses shall include:
 - a. Retail
 - b. Guest service and support functions
 - c. Food and dining
 - d. Associated food service spaces
 - e. On-site kiosks and carts
 - f. Assembly and entertainment
 - g. Surface and structured parking.
 - h. Open space
- (2) Associated Retail support areas including management and administrative office areas, MICE space, maintenance and repair areas, utility rooms, storage rooms, service areas, toilet rooms, lobbies, and VIP lounges.

7.2 BULK CONTROLS

7.2.1 SETBACKS

- (1) Refer to Figure III-3.1 for Building Envelope Boundaries.
- (2) Refer to Section 1.2 for Permitted Obstructions that are excluded from setbacks.

7.2.2 FLOOR AREA

- (1) The combined above-grade designated gross floor area for Site A Retail and Site B Retail shall not exceed 435,000 square feet.
- (2) Refer to Section 1.2 for exemptions from floor area calculation.
- (3) The footprint area of below grade parking shall not exceed the lot lines identified in Figure III-1.

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7.2.3 HEIGHT OF BUILDING

- (1) The maximum building height shall not exceed 45 feet along the eastern edge and 60 feet elsewhere on Site B. Refer to Figures III-3.1 and III-5.3.
- (2) Refer to Section 1.2 for Permitted Obstructions that are excluded from maximum building height.

7.3 ARCHITECTURAL ELEMENTS

7.3.1 PRIMARY ENTRANCE ZONES

- (1) Refer to Figure III-4.1 for Primary Entrance Zones.
- (2) Secondary entrances from below grade parking structures shall be permitted.

7.3.2 LIGHTING CRITERIA

(1) Refer to Section 9 for Lighting Design Guidelines.

7.3.3 SIGNAGE CRITERIA

- (1) Refer to Section 1.6 for Site Wide Signage Requirements.
- (2) The maximum total aggregate signage area shall not exceed 30% of the building envelope area.
- (3) Interior brand and commercial signage which is located and directed towards internal retail village common and pedestrian areas are not subject to these Design Guidelines or associated review.

7.3.4 BUILDING MATERIALS

(1) Refer to Section 1.8 for Exterior Building material requirements.

7.4 PARKING

- (1) Refer to Sections 1.4.1 through 1.4.3 for site wide parking requirements.
- (2) A typical visitor parking stall shall measure a minimum of 8'-6" in width and 18 feet in length.
- (3) Parking spaces dedicated for small cars only shall measure a minimum of 8 feet in width and 16 feet in length.

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SECTION 8 OPEN SPACE DESIGN GUIDELINES

The Proposed Development shall introduce Publicly Accessible Open Spaces to Belmont Park, including hard and softscape pedestrian plazas on Site A and a landscaped linear park on the eastern edge of Site B.

The Site A pedestrian plazas shall include sitting areas, gathering spaces for on-site events, and programming. The Site B linear park shall feature walking trails that link open space northward along the adjacent vegetated buffer area. The vegetated buffer on Site B shall include a landscaped berm, hedges, and dense vegetation in order to separate the Proposed Development from the residential neighborhood.

8.1 SIZE REQUIREMENTS

- (1) Approximately 5.75 acres of Publicly Accessible Open Space in aggregate shall be provided on Site A and Site B.
- (2) A minimum of 2.0 acres of the required Publicly Accessible Open Space shall be located on Site A.
- (3) A minimum of 3.75 acres of the required Publicly Accessible Open Space shall be located on Site B.
- (4) The calculation of area for Publicly Accessible Open Space shall include unbuilt land within the allowable Building Envelope Boundaries.
- (5) Refer to Figures III-4 and III-4.1 for full extent of open space locations.

8.2 PRIMARY PEDESTRIAN ACCESS POINTS

- (1) The Publicly Accessible Open Space shall include Primary Pedestrian Access Points as indicated in Figures III-4 and III-4.1.
- (2) Primary Pedestrian Access Points shall have a minimum width of 20 feet.
- (3) Each Primary Pedestrian Access Point shall include a clear and unobstructed walkway with a minimum width of 5 feet.

8.3 OPEN SPACE TYPOLOGIES

- (1) Pedestrian plazas
 - a. The Publicly Accessible Open Space on Site A shall include pedestrian plazas as indicated in Figure III-4.
 - b. A pedestrian plaza shall be permitted on top of structured parking platform(s).

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c. Refer to Section 1.2 Permitted Obstructions for open space features which are permitted within pedestrian plazas.

(2) Linear park

- a. The Publicly Accessible Open Space on Site B shall include a linear park as indicated in Figure III 4.1.
- b. Refer to Section 1.2 Permitted Obstructions for open space features which are permitted within the linear park.

(3) Vegetated buffers

- a. The Publicly Accessible Open Space on Site A and Site B shall include vegetated buffers as indicated in Figures III-4 and III-4.1.
- b. Site A:
 - i. The vegetated buffer shall be a minimum of 10 feet wide in order to separate the Proposed Development from Hempstead Turnpike.
- c. Site B:
 - The vegetated buffer shall be a minimum of 50 feet wide in order to separate the Proposed Development from the adjacent residential neighborhood.
 - ii. The vegetated buffer earthwork shall be no less than 8 feet in height as measured from existing adjacent grade.
- (4) Temporary facilities that operate no more than 130 days per year shall not occupy more than 30% of Open Space at any one time.

8.4 PLANTING AND TREES

- (1) Where trees are planted within Publicly Accessible Open Space, they shall measure a minimum of 4" in caliper at the time of planting. They shall be planted with a minimum soil depth of 36" or as recommended by a licensed professional.
- (2) The permeable surface area at the base of planted trees shall be a minimum of 9 square feet.
- (3) Where planting beds are provided, they shall have minimum soil depth of 18" for grass or other ground cover, and 24" for shrubs or as recommended by a licensed professional.
- (4) Where planting beds or tree pits are located above occupied structure, provisions for subsurface drainage shall be included.
- (5) Landscaping shall have a provision for drainage in accordance with New York State stormwater performance standards.

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- (6) Recommended planting materials shall include, but are not limited to, the following:
 - a. Overall Tree Planting: Mature and high-canopy trees may be provided to allow visual clearance to retail, entries, and Primary Pedestrian Access Points. Any planting areas should not block circulation flows to building entries and retail windows. Tree planting and planters shall leave appropriate clearance.
 - b. Evergreen Trees: Evergreens may be used within the landscape to screen undesirable views and utilities, frame and direct desired views, help define spaces lacking architectural edges, provide winter interest, and provide protection from winter winds.
 - c. Flowering and Small Trees: May be provided for adding seasonal interests and accent in the landscape, helping define small spaces and emphasizing human scale.
 - d. Shrub, perennial and groundcover: May be used to help shape and define spaces, screen elements such as utility vents, and maintain soil moisture and health of micro ecology.
 - e. Seasonal Annual Planting: May be used to selectively fill pots, planters, and plant beds to enrich the open space atmosphere. A seasonal color schedule should be planned, corresponding to event calendar.

8.5 PAVING

- (1) Acceptable paving materials within Publicly Accessible Open Space shall include, but are not limited to, the following:
 - a. Stone
 - b. Brick
 - c. Concrete
 - d. Dust stone
 - e. Exposed aggregate concrete
 - f. Pervious pavers
- (2) All vehicular paving shall meet New York State DOT requirements.

8.6 SEATING

- (1) Seating shall be provided in Site A pedestrian plazas.
- (2) Seating shall not be required in vegetated buffers or the Site B linear park.
- (3) Seating materials shall be durable, comfortable, and minimize temperature conduction and maintenance requirements.

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- (4) Where seating is provided, there shall be a minimum of one linear foot of seating for each 75 square feet of required Publicly Accessible Open Space.
- (5) Moveable seating is permitted and shall be credited as 30" of linear seating per chair. Moveable seating shall be permitted within Emergency Vehicle Access zones.
- (6) Seating without backs shall have a minimum depth of 16". Seating 30" or more in depth shall count double provided there is access to both sides.
- (7) Seating higher than 24" and lower than 12" above the level of the adjacent walking surface shall not count toward meeting the seating requirements with the exception of seating steps as outlined below.
- (8) Seating steps shall not include any steps intended for circulation and must have a height not less than 6" nor greater than 30".
- (9) The tops of walls, including but not limited to those which bound planting beds and water features, may be counted as seating when they conform to the dimensional standards previously stated above.
- (10) Seating in open-air cafes shall not count toward meeting the seating requirements.

8.7 WATER FEATURES

- (1) Water Features shall be permitted in Site A and Site B Open Space.
- (2) Materials used in water features shall be durable and resist damage caused by water cracks, weather, stains, and freeze-thaw cycles. Suitable materials include, but are not limited to, stone, concrete, brick, tile and metal such as copper, bronze, cast iron and steel.

8.8 OPEN-AIR CAFES

- (1) Open-air cafés shall be permitted in Site A and Site B Open Space.
- (2) The maximum floor area of any individual open-air café shall not exceed 2,500 square feet.
- (3) Open-air cafes may occupy an aggregate area not exceeding 30% in any one contiguous area of the Publicly Accessible Open Space.
- (4) Open-air cafes shall be excluded from floor area calculation in accordance with Section 1.2.

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(5) Signage and lighting of an open-air café shall conform to Sections 1.6 and 9.

8.9 RECREATIONAL AREAS

- (1) Recreational areas shall be permitted in Site A and Site B Open Space.
- (2) Recreational and play equipment shall be secured in accordance with manufacturer's guidelines.
- (3) Surfacing beneath play equipment for young children shall comply with New York State and federal safety standards.
- (4) Equipment shall be acceptable to New York State and federal agencies as appropriate for child use.
- (5) All playground equipment shall be made of materials that are rust-proof and weather resistant.

8.10 MAINTENANCE AREAS

- (1) The building owner shall be responsible for the maintenance of the Publicly Accessible Open Space including, but not limited to, litter control, snow and ice removal, and the care and replacement of vegetation within the project site and the adjacent sidewalk area.
- (2) Maintenance enclosures shall be provided on Site A and Site B to accommodate equipment and materials required for or used in maintaining the Publicly Accessible Open Space. Individual maintenance enclosures shall not exceed 2,000 square feet.
- (3) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of Publicly Accessible Open Space.

8.11 CIRCULATION AND ACCESS

- (1) Refer to Figures III-2 and III-2.1 for Vehicular Circulation Controls.
- (2) Emergency, service, and commercial vehicular access shall be permitted within open space.
- (3) Roadways and vehicular/bus drop-offs shall be permitted within open space.

8.12 SIGNAGE

(1) See Section 1.6 for Site Wide Signage allowances.

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SECTION 9 LIGHTING DESIGN GUIDELINES

The pedestrian plazas and surrounding areas of Site A shall be lit for large scale crowds. The Arena itself shall be illuminated as the central element of the site. Specialized lighting events shall also be created in the pedestrian plazas to provide focal elements for the crowds at night. Lighting for safety and security shall also be provided.

Lighting design for the retail village on Site B shall create a comfortable environment to allow shoppers to browse, rest and relax. Retail storefronts shall be the focus on this site, where merchandise is displayed, and the lighting throughout shall help draw focus to these areas. Lighting at night shall help to reinforce the theming of the architectural design, and help to create areas for events, dining and leisure activities.

Please refer to Figure III-7 for the extent of lighting zones discussed below.

9.1 ARENA AND PEDESTRIAN PLAZAS

- (1) Pedestrian plazas shall be lit with a combination of sources that shall be permitted to vary from 10 to 30 feet in height.
- (2) Lighting sources shall include, but are not limited to, pedestrian-scaled poles, steplights, illuminated railings, bench lighting, and landscape lighting.
- (3) Lighting levels shall not be less than 0.5 footcandle and shall not exceed 10 footcandles along the walking surface.
- (4) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to end of operations.
- (5) The facades of the Arena shall be illuminated at night. Façade lighting shall be focused onto specific elements and contained within. Vertical lighting into the sky shall be controlled.
- (6) Permitted façade lighting strategies shall include, but are not limited to, uplighting, projection of light onto façade, downlighting of loggias, and terrace lighting.
- (7) Uplighting or projection lighting shall be focused onto specific facades and contained within.
- (8) A lighting control system shall provide the ability to lower light levels after midnight to provide sufficient safety and security lighting.

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9.2 HOTEL AND SITE A RETAIL

- (1) Roadways to drop-offs shall be lit with a combination of sources that shall be permitted to vary from 25 to 35 feet in height.
- (2) Lighting levels shall not be less than 0.5 footcandle and shall not exceed 5 footcandles along the driving surface.
- (3) Low scale pedestrian poles shall be provided for pedestrian walkways and shall vary from 10 to 20 feet in height.
- (4) The facades of the Hotel shall be illuminated at night. Façade lighting shall be focused onto specific elements and contained within. Vertical lighting into the sky shall be controlled.
- (5) Permitted façade lighting strategies shall include, but are not limited to, discrete accents to architectural features, cornice illumination, and rooftop and amenity deck illumination.
- (6) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to end of operations.
- (7) A lighting control system shall provide the ability to lower light levels after midnight to provide sufficient safety and security lighting.

9.3 SITE B RETAIL

- (1) Pedestrian walkways and boulevards shall be lit with a combination of sources that shall be permitted to vary from 0 (ground mounted) to 20 feet in height.
- (2) Lighting levels shall not be less than 1 footcandle and shall not exceed 10 footcandles along the walking surface.
- (3) At squares and other gathering areas, lighting levels shall not exceed 30 footcandles.
- (4) Retail buildings shall be lit with a variety of luminaires that shall be permitted to include, but are not limited to, decorative sconce fixtures; uplights on architectural features; downlights from cornices, eaves or other overhanging structures; internally illuminated windows; and highlights to tower elements.
- (5) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to end of operations.

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- (6) A lighting control system shall provide the ability to lower light levels after closing to provide sufficient safety and security lighting.
- (7) Retail village lighting shall mostly be directed internally. For service and loading areas, wall-mounted lights at lower heights shall be permitted.
- (8) Retail units that face towards the residential neighborhood shall utilize security and safety lighting that is located out of view and controlled in its distribution.

9.4 LINEAR PARK

- (1) Roadways to drop offs shall be lit with a combination of sources that shall be permitted to vary from 25 to 35 feet in height with full cut-off luminaires.
- (2) Lighting levels shall not be less than 0.5 footcandle and shall not exceed 5 footcandles along the driving surface.
- (3) Full cut-off luminaires shall be spaced evenly along the roadway at approximately 60 to 80 feet on center with appropriate light distribution to mitigate light trespass off site.
- (4) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to dawn.
- (5) The lighting control system shall provide the ability to lower light levels after events on site to provide sufficient safety and security lighting.
- (6) A vegetated buffer shall be used to shield the perimeter roadway from view of the adjacent residential neighborhood. Full cut-off luminaires shall mitigate light trespass at the eastern lot line with no direct lighting beyond.
- (6) Lighting levels at bus drop off areas shall be increased for safety during active business hours. Lighting fixtures shall include, but are not limited to, the following: pole-mounted fixtures and fixtures mounted to canopy structures.
- (7) Fixtures shall be shielded to prevent light trespass outside of the drop off area.

9.5 SURFACE PARKING LOTS

- (1) Parking field poles shall be permitted to vary from 30 to 40 feet in height.
- (2) Lighting levels shall not be less than 1 footcandle and shall not exceed 10 footcandles on the parking surface.
- (3) Full cut-off luminaires shall be spaced to provide even illumination in the parking fields and control light spillage off site.

Belmont Park Redevelopment Civic and Land Use Improvement Project Design Guidelines

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- (4) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to dawn.
- (5) A lighting control system shall provide the ability to lower light levels after events on site to provide sufficient safety and security lighting.

9.6 STRUCTURED PARKING

- (1) Structured parking areas shall be lit with surface or pendant mounted fixtures with 3000K color temperature.
- (2) Lighting levels shall not be less than 2 footcandles and shall not exceed 15 footcandles on parking and driving surfaces.
- (3) Entrance areas shall have increased illumination in the daytime not less than five times the average illumination for proper visual adjustment from/to full sunlight.
- (4) Roof top level(s) shall be lit with light poles that shall not exceed 30 feet in height with full-cut off luminaires.
- (5) Lighting levels shall not be less than 1 footcandle and shall not exceed 10 footcandles on parking and driving surfaces.
- (6) Luminaires shall be located inboard of the edge of above grade structured parking garages so as to minimize any light spillage beyond the building footprint.
- (7) A lighting control system shall be used to reduce entrance light levels at nighttime and overall light levels when structured parking garages are not in use.

9.7 PEDESTRIAN BRIDGE

- (1) Low scale illumination shall provide lighting levels not less than 0.5 footcandle and shall not exceed 5 footcandles along the walking surface.
- (2) Lighting sources shall include, but are not limited to, the following: illuminated handrails, low step lights, under bench lighting, low landscape lighting, illuminated bollards, or short pedestrian poles.
- (3) Illumination shall be controlled by time clock and daylight sensors to operate from dusk to dawn.

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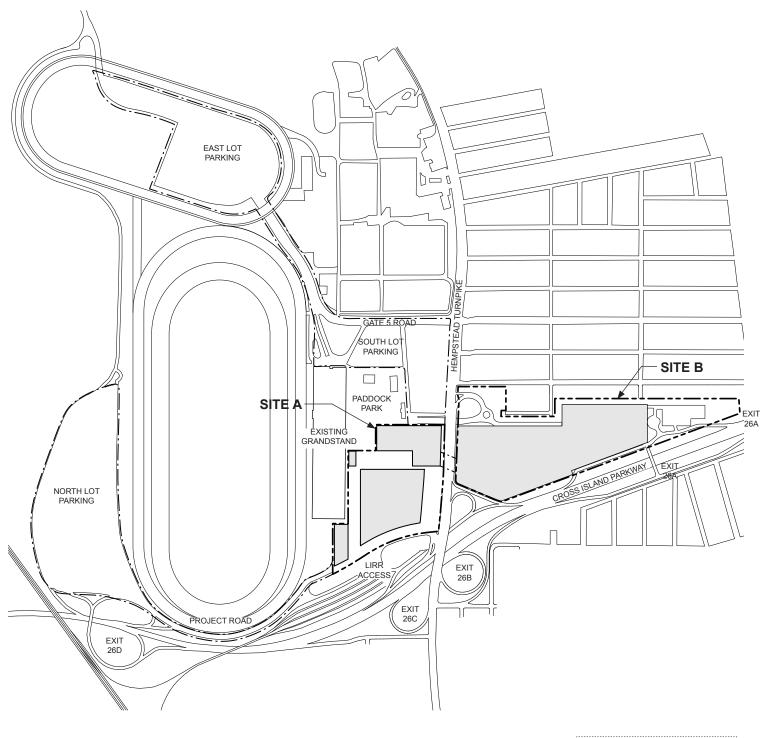
(4)	A lighting control system shall provide the ability to lower light levels after events on site to provide sufficient safety and security lighting.
(5)	Lighting shall be lower than screening walls directed in towards walking surfaces where appropriate.

II - LIST OF TABLES
TABLE II: SUMMARY OF PROGRAM, BULK AND USE CONTROLS

SITE - A	Floor Area (SF) ³	Maximum Building Height (feet)	Minimum Parking (# spaces) ²	Minimum Loading (# spaces)	Open Space (Acres)
Arena Hotel	690,000 230,000	125 150	-	4 2	
Office	30,000	60		N/A	
Community Space	7,500	N/A		N/A]
Retail	85,000 ¹	40		1	
SUB-TOTAL - A	1,042,500 ¹		440	7	2.00
SITE - B	Floor Area (SF) ³	Maximum Building Height (feet)	Minimum Parking (# spaces) ²	Minimum Loading (# spaces)	Open Space (Acres)
Retail	350,000 ¹	60 ⁴		2	
Community Space	2,500	N/A		N/A	
SUB-TOTAL - B	352,500 ¹		1,500	2	3.75
TOTAL - A & B	1,395,000 ¹		1,940	9	5.75

Notes:

- (1) Site B Retail floor area can be increased with square footage not used for Site A Retail. The total maximum Retail floor area across the Proposed Development shall not exceed 435,000 square feet.
- (2) In addition to parking provided on Sites A and B, it is anticipated that NYAP, through a shared parking agreement with the FOB and NYRA, would utilize existing parking on the North, South, and East Lots (up to approximately 6,312 surface parking spaces).
- (3) Refer to Section 1.2 for exemptions from floor area calculation.
- (4) Refer to Figure III-5.3 for maximum building height of Site B Retail.



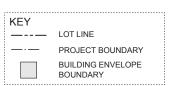






FIG. III-1 OVERALL PROJECT PLAN

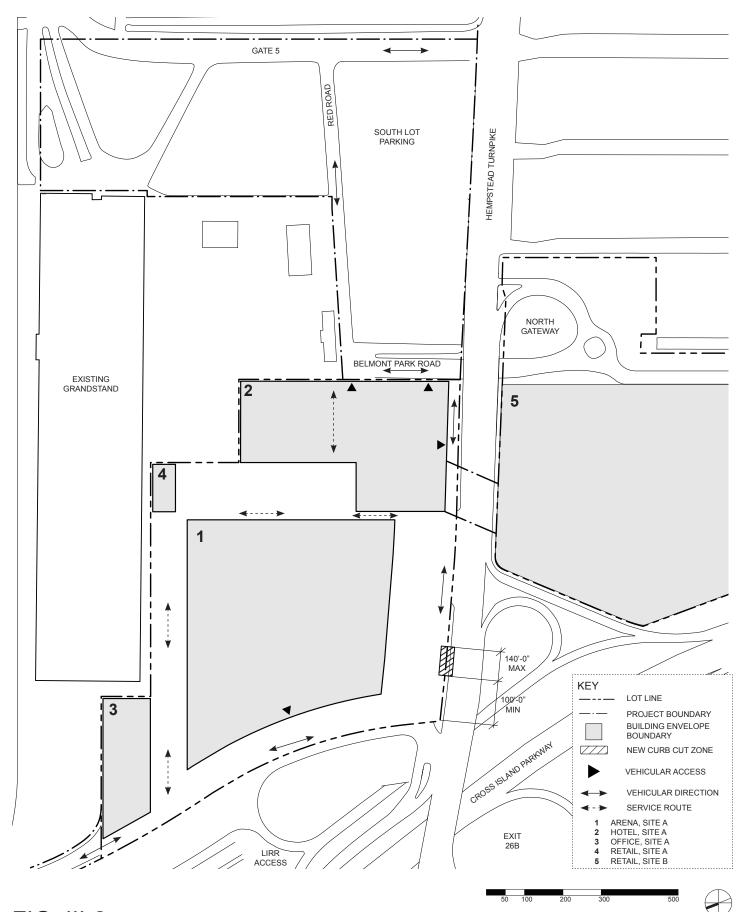


FIG. III-2 VEHICULAR CIRCULATION CONTROLS - SITE A



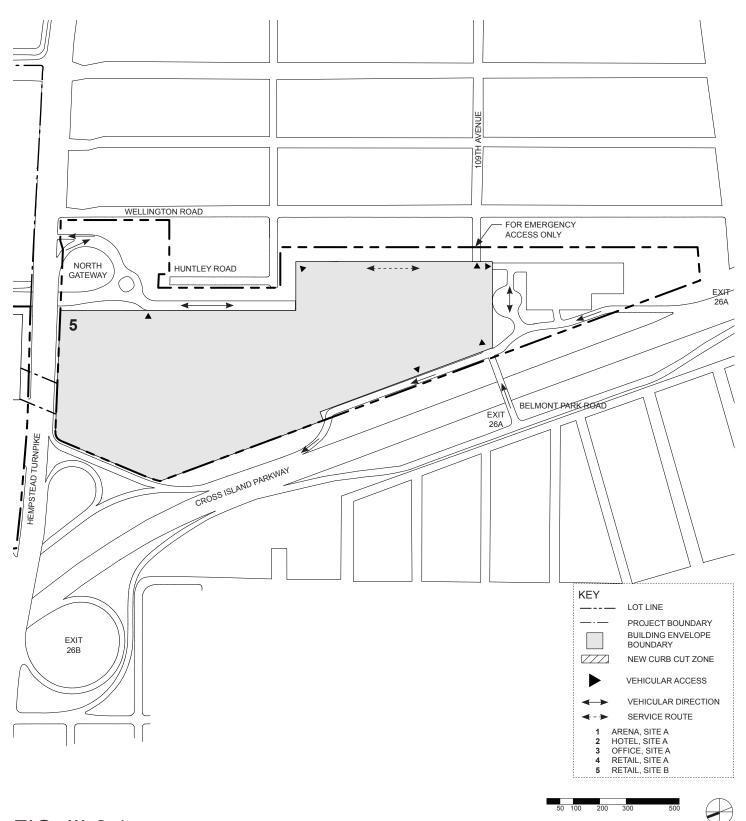


FIG. III-2.1 VEHICULAR CIRCULATION CONTROLS - SITE B



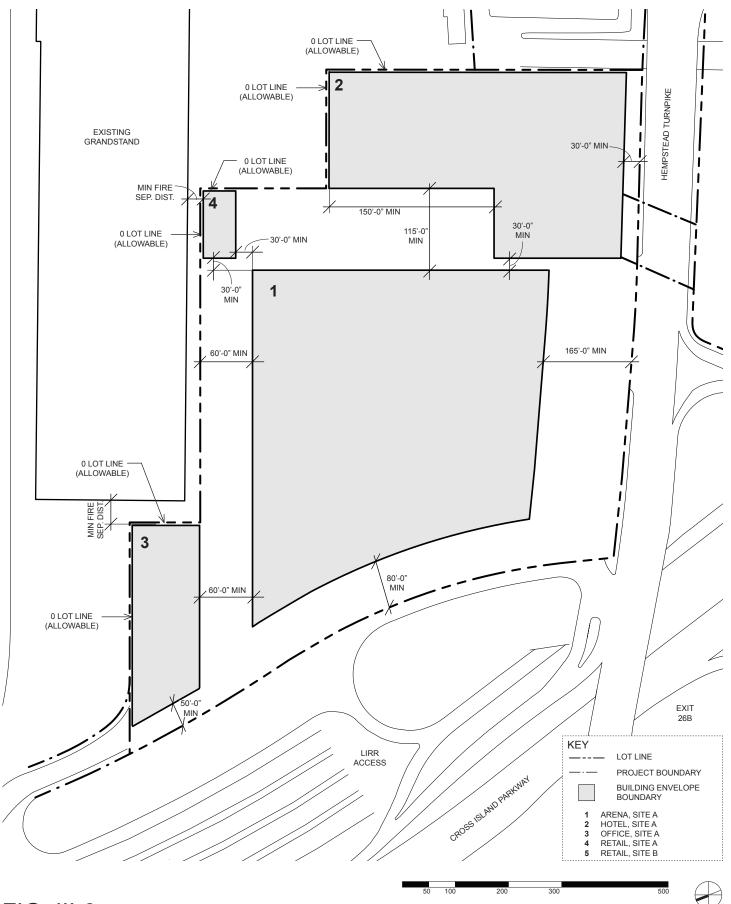


FIG. III-3 BUILDING ENVELOPE BOUNDARIES - SITE A

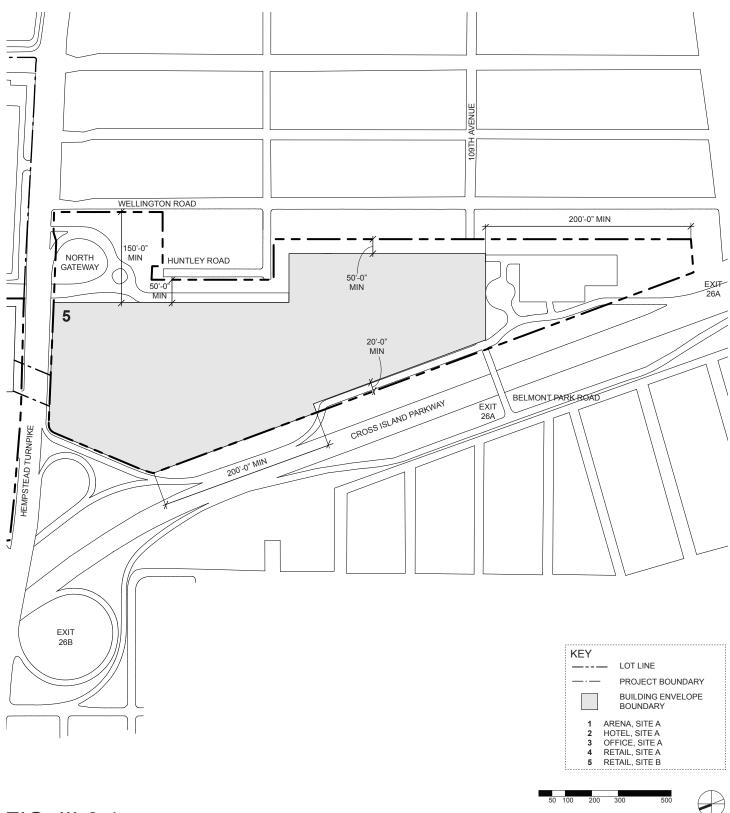
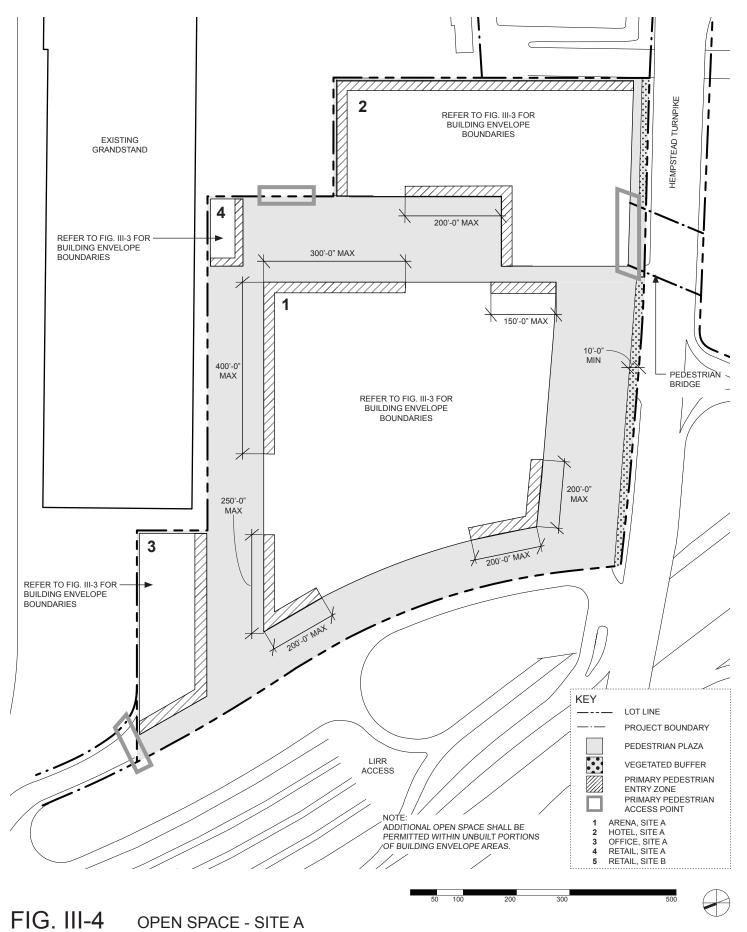


FIG. III-3.1 BUILDING ENVELOPE BOUNDARIES - SITE B







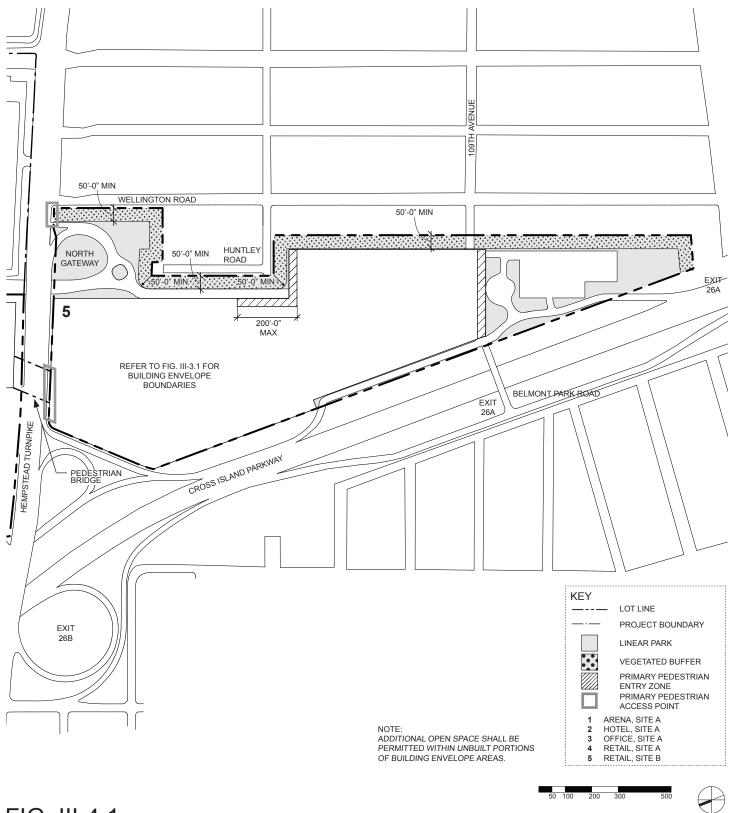
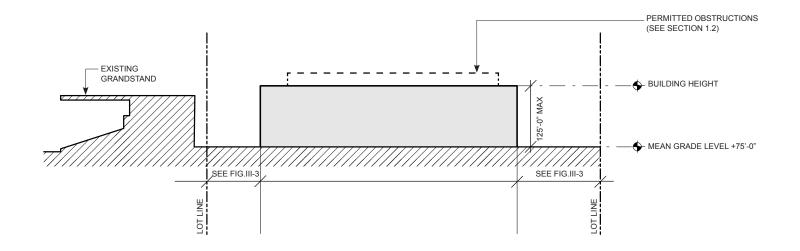


FIG. III-4.1 OPEN SPACE - SITE B





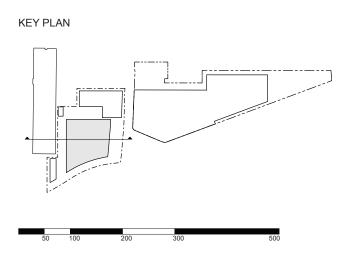
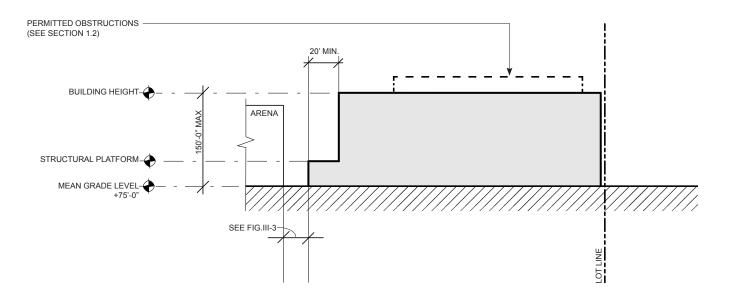


FIG. III-5 BUILDING HEIGHTS - ARENA





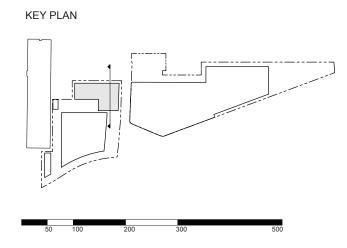
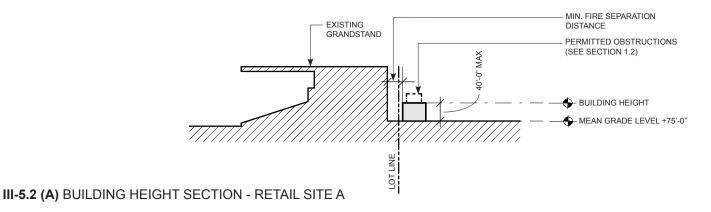
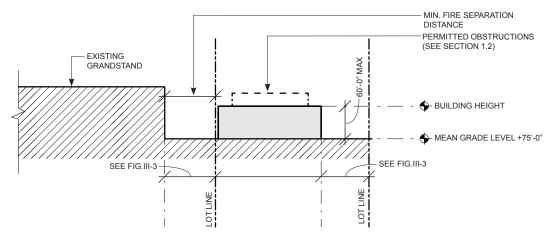


FIG. III-5.1 BUILDING HEIGHTS - HOTEL







III-5.2 (B) BUILDING HEIGHT SECTION - OFFICE

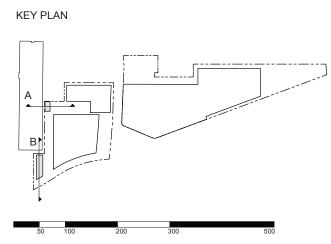
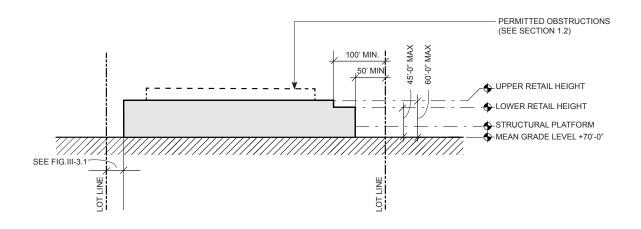


FIG. III-5.2 BUILDING HEIGHTS - RETAIL SITE A; OFFICE





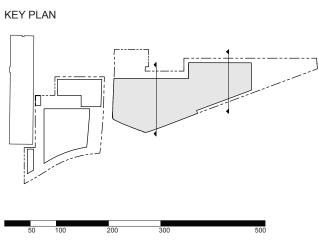
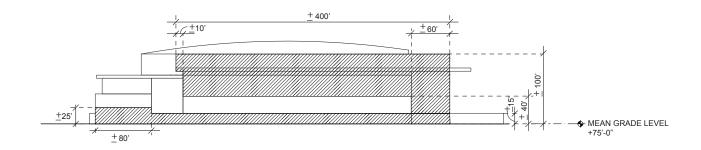
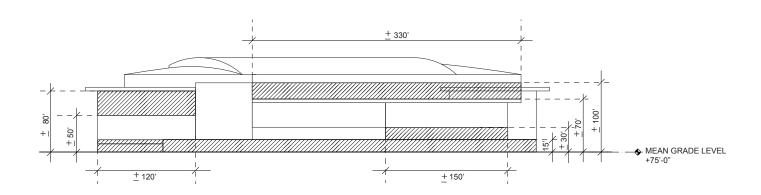


FIG. III-5.3 BUILDING HEIGHTS - RETAIL SITE B

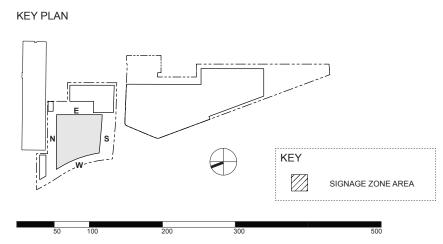




III-6 (A) NORTH ELEVATION, ARENA



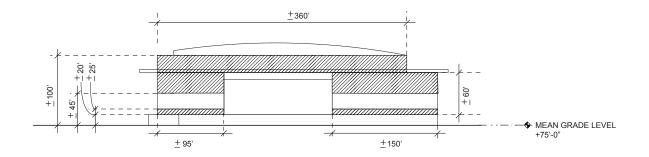
III-6 (B) EAST ELEVATION, ARENA



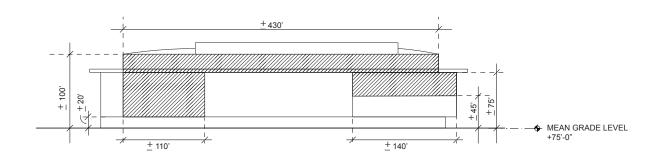
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.



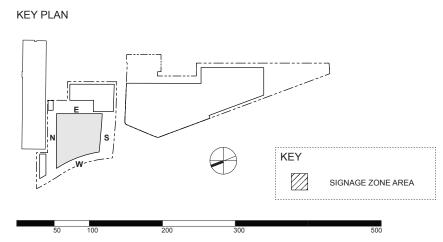




III-6.1 (C) SOUTH ELEVATION, ARENA



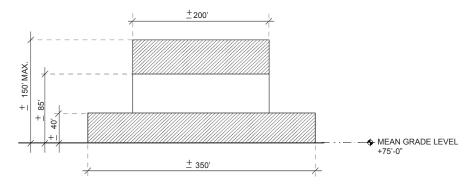
III-6.1 (D) WEST ELEVATION, ARENA



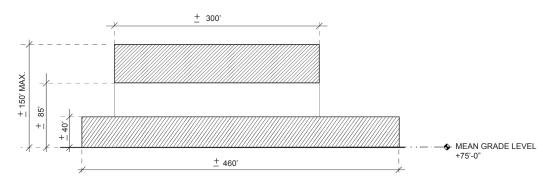
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

FIG. III-6.1 BUILDING SIGNAGE - ARENA, SOUTH AND WEST

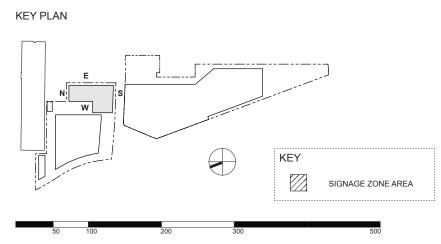




III-6.2 (A) NORTH ELEVATION, HOTEL



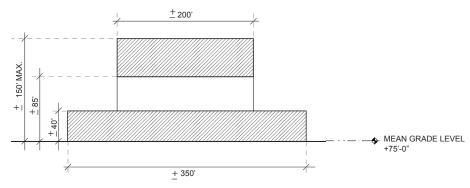
III-6.2 (B) EAST ELEVATION, HOTEL



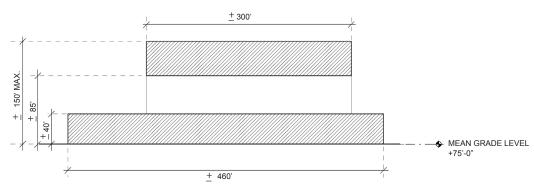
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

FIG. III-6.2 BUILDING SIGNAGE - HOTEL, NORTH AND EAST

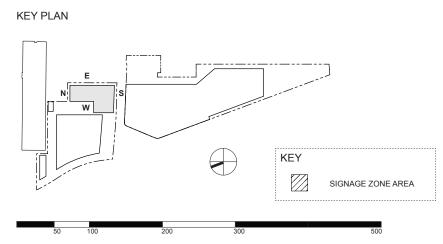




III-6.3 (C) SOUTH ELEVATION, HOTEL



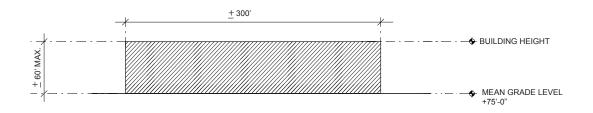
III-6.3 (D) WEST ELEVATION, HOTEL



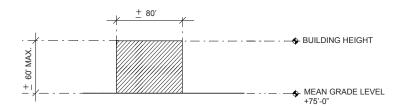
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

FIG. III-6.3 BUILDING SIGNAGE - HOTEL, SOUTH AND WEST

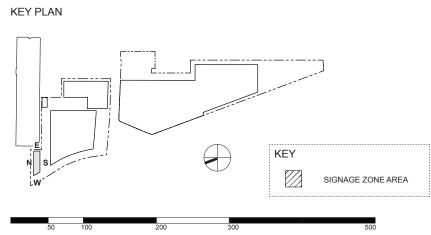




III-6.4 (A) NORTH / SOUTH ELEVATION, OFFICE



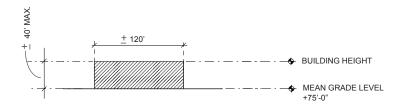
III-6.4 (B) EAST / WEST ELEVATION, OFFICE



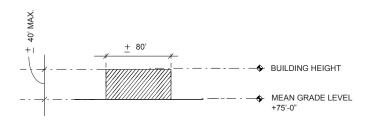
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.



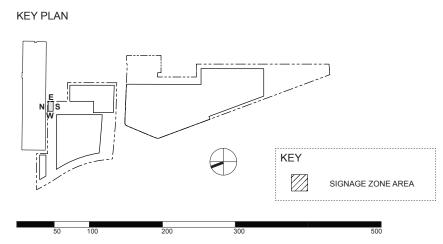




III-6.5 (A) NORTH / SOUTH ELEVATIONS, RETAIL SITE A



III-6.5 (B) EAST / WEST ELEVATIONS RETAIL SITE A



NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

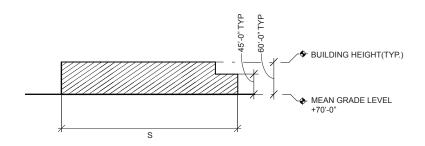


Please note these figures are illustrative in nature and are meant to convey the design intent for the development.

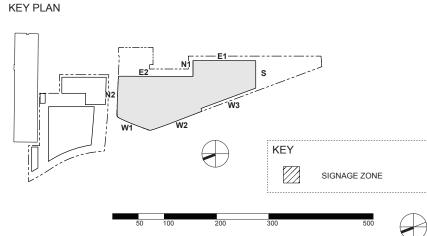




III-6.6 (A) NORTH ELEVATION, RETAIL SITE B



III-6.6 (B) SOUTH ELEVATION, RETAIL SITE B



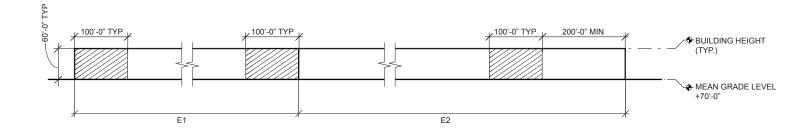
NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

FIG. III-6.6 BUILDING SIGNAGE - RETAIL SITE B, NORTH AND SOUTH

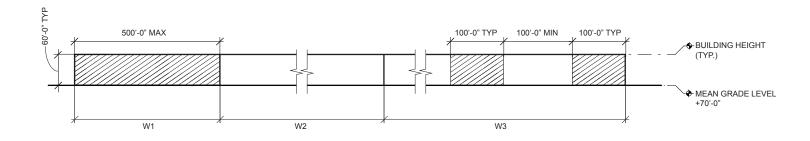
Please note these figures are illustrative in nature and are meant to convey the design intent for the development.



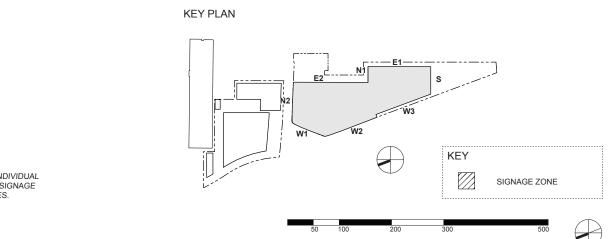
III-6.6



III-6.7 (C) EAST ELEVATION, RETAIL SITE B



III-6.7 (D) WEST ELEVATION, RETAIL SITE B

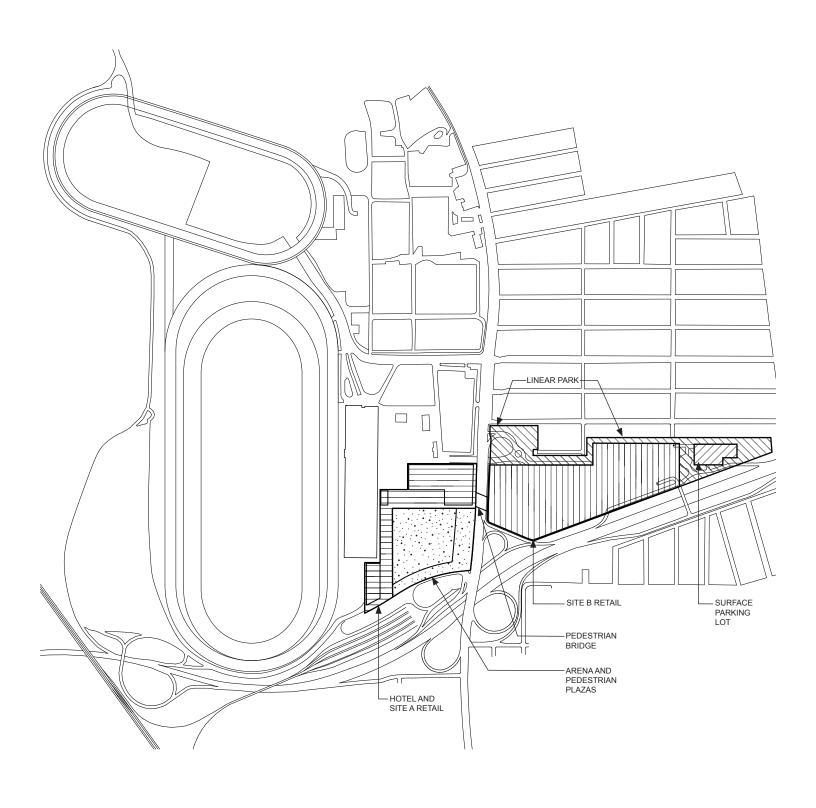


NOTE: REFER TO SECTION 1.6 AND INDIVIDUAL USE CHAPTERS FOR SIZE OF SIGNAGE PERMITTED IN SIGNAGE ZONES.

FIG. III-6.7 BUILDING SIGNAGE - RETAIL SITE B, EAST AND WEST

Please note these figures are illustrative in nature and are meant to convey the design intent for the development.









Please note these figures are illustrative in nature and are meant to convey the design intent for the development.

Site Conditions Study Belmont Park Race Track

Hempstead Turnpike Town of Hempstead Nassau County, New York

PREPARED FOR

Empire State Development 633 Third Avenue – Floor 37 New York, NY 10017

PREPARED BY



VHB Engineering, Surveying, Landscape Architecture and Geology, P.C.

November 2018



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Appendix A Site Aerials

Appendix B Photograph Log

Site Conditions Study	
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1

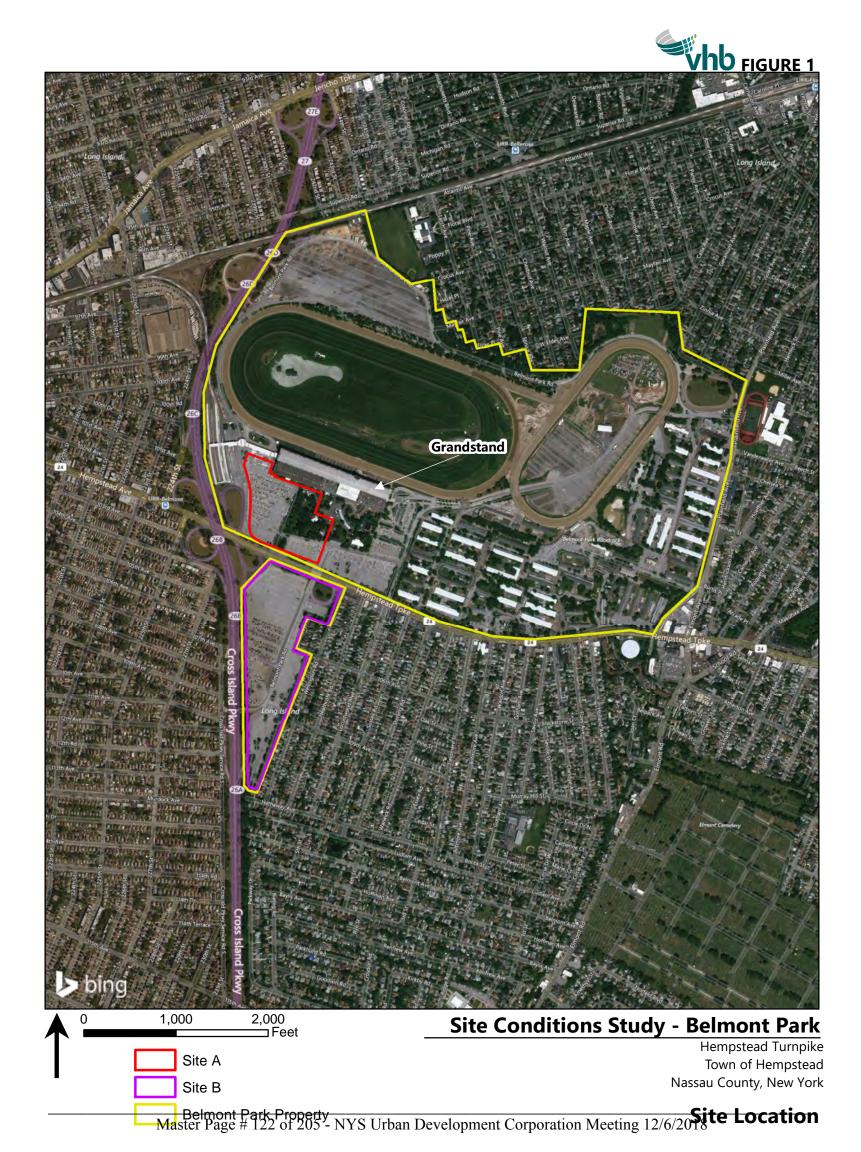
Introduction

1.1 Purpose of Study

The following report presents an analysis of existing conditions at two sites (Sites A and B) within Belmont Park Race Track (Belmont) located in the Town of Hempstead New York (see Figure 1, Study Area Location). The two sites total approximately 43 acres, consisting of approximately 15 acres on Site A, north of Hempstead Turnpike, and approximately 28 acres on Site B, south of Hempstead Turnpike.

These sites (the Study Area) are included in a proposed Belmont Park Race Track Civic and Land Use Improvement Project under consideration by the New York State Urban Development Corporation doing business as Empire State Development (ESD). Sites A and B are being considered for redevelopment under the New York State Urban Development Corporation Act which empowers ESD to undertake projects aimed at promoting a vigorous economy, preventing economic stagnation, addressing substandard and insanitary conditions, creating new job opportunities and achieving other public purposes. Among the projects that ESD may undertake are "land use improvement projects," which the ESD Directors may authorize upon finding:

(1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;



- (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto;
- (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

VHB has undertaken this study to examine conditions in the Study Area, and to do so in the context of its past use and the history of Belmont Park Race Track, as well as economic conditions and current land uses and zoning in the Study Area and surrounding areas.

1.2 Methodology

This report presents a history of Belmont Park Race Track as well as past and present use of and physical conditions of the Study Area. The sites are examined in the context of Belmont as a whole, and in relation to current and anticipated trends regarding the use of Belmont. To analyze the sites, a variety of resources were used to document historic and present uses and conditions.

The history of Belmont was chronicled using information developed by ESD and its consultants in preparing the Belmont Park Civic and Land Use Improvement Project Draft Environmental Impact Statement (DEIS). Attendance and current use of Belmont Park was documented using data from The New York Racing Association (NYRA) Media Guides. Changes to the Study Area over time were chronicled by review of historical aerial photographs, which are attached in Appendix A (Site Aerials).

The description of land use and zoning of the site and surrounding neighborhoods was prepared using information compiled by ESD's consultants for the DEIS. Data on the parking space capacity for all lots within Belmont was obtained from the DEIS. In preparation of the DEIS, on-site parking surveys were conducted at Site A, Site B, and South Lot in October 2017 to assess current parking utilization.

The site has been considered in public policy and planning documents prepared at both the local and County level. The following documents were reviewed to establish the planning history of the site:

- ➤ Town of Hempstead Building Zone Ordinance (https://ecode360.com/HE0972)
- Saccardi & Schiff, Inc. and Sustainable Long Island, *Elmont Community Vision Plan*, Town of Hempstead (June 2008)
- Nassau County Planning Commission, Nassau County Comprehensive Plan,
 Nassau County, New York (December 1998)
- Nassau County Planning Commission, Nassau County Master Plan Update 2008: Trends Analysis, Nassau County, New York (2008)
- Nassau County Planning Department et al., 2010 Nassau County Master Plan (Draft October 2010)

Current physical conditions of the site were based on field observations. Field observations and photographs were taken of Sites A and B on September 24, September 29, and October 3 in 2018.

- September 24 was a non-racing day with the parking lots containing no visitor parking. Site photographs are contained in Appendix B, Photographic Log.
- September 29 was a Saturday racing day with stakes races and an advertised Family Day with special amenities and events for families.
- October 3 was a weekday racing day with no special events.

A commercial property inventory was conducted on November 14, 2018.

Information regarding current economic conditions of the site was obtained from ESD and the DEIS. ESD also provided information regarding the history of the Belmont Park Redevelopment Project. The current development program of the Belmont Park Redevelopment Project was informed by ESD and information developed for the DEIS.

Combined, these resources provide the basis for an assessment of past and current conditions of the site, as well as its future potential.

2

Site History

2.1 History of Belmont

Belmont first opened on May 4, 1905. The grand opening attracted more than 40,000 fans. August Belmont, Jr., along with other investors created Belmont Park Race Track at its current location in the unincorporated hamlet of Elmont, in the Town of Hempstead, New York. This track replaced Jerome Park Race track in the Bronx, which was closed to build the Jerome Park Reservoir. The Belmont Stakes started in the Jerome Park Race track and was moved to Belmont after the closure of the race track at Jerome Park.

Belmont experienced the same waves of popularity as the rest of the horse racing sport did nationwide. By the 1920s, racing was in its golden age, and the track drew elite, middle class, and working-class spectators. The American public continued to love horse racing into the 1930s and 1940s, when several super-star horses were featured in intersectional races, resulting in Triple Crown winners in 1930, 1935, 1937, and 1941.

Racing faced a decline during World War II, when several tracks were closed for military use. After the war ended, the sport experienced a slow return, but by the 1950s and 1960s spectators returned. During this time, Belmont was renovated, increasing seating and modernizing the track. As a result, around 1968 Belmont became the largest Thoroughbred racing track in North America with seating for 33,000 and a total capacity for 90,000±.

In 1970 Belmont had an average daily attendance of 27,425¹ at the Fall Meet (Fall Meet takes place mid-September through late October). Belmont did not hold a Spring Meet (Spring Meet takes place late April through mid-July) until 1975. In 1971, New York State created the Off-Track Betting Corporation (OTB), which no longer required bets to be made at the track, causing attendance at Belmont to drop. When a track was constructed at the Meadowlands in New Jersey, it also caused a noted decrease in attendance at Belmont. Between 1970 and 1983, racing attendance declined at Belmont from the average daily attendance for the Fall Meet of 27,425 in 1970 to 19,521 (Spring Meet) and 16,732 (Fall Meet) in 1983².

In the 1980s and 1990s, the number of racing days also decreased, attendance fell, and the purses were reduced at Belmont. The rise of other forms of legalized gambling, including legal casinos, state lotteries, bingo, and charitable gambling also impacted horse racing. Simulcast racing significantly affected track attendance, because although there was still an interest in horse racing, there was no longer the need to attend the races to bet on them. This greatly affected Belmont, where in the early 1990s, more than 100,000 people (about half of the racing handle) bet on Belmont events at OTB. This type of betting prevented NYRA from retaining the 9.3% of each wager it would have received if a bet was placed at its track. Instead, it only received 2.5% of each wager for OTB bets. From 1995 onward Belmont's profits declined and it sustained losses every year beginning in 2001³. The impact from OTB compounded NYRA's problems because many of the OTB establishments were facing financial difficulties of their own and by 2006 NYRA was owed \$11,500,000 from OTB⁴. As a result of this and other factors NYRA filed a petition for bankruptcy in late 2006.

Under a settlement approved in the bankruptcy proceeding in 2008, NYRA acknowledged the State of New York's title to Belmont. Among other things, the bankruptcy settlement provided for the creation of a new not-for-profit entity called The New York Racing Association, Inc. (referred to in the bankruptcy documents as "New NYRA", which is the current tenant of Belmont). Pursuant to the bankruptcy settlement New NYRA took over operation of Belmont under a ground lease with the State and a franchise agreement among New NYRA, the State and the State's Franchise Oversight Board. Both the ground lease and the franchise agreement reserved to the State the right to develop certain real estate parcels at Belmont, with conditions, which encompass Site B and most of Site A⁵.

Today, horse racing still generates attendance at Belmont, but not to the same extent it has in the past. Featured, intersectional races and the Belmont Stakes continue to draw

¹ NYRA media guides 1980-2009

² NYRA media guides 1980-2009

³ Disclosure Statement for the Plan of Debtor Pursuant to Chapter 11 of the United States Bankruptcy Court dated October 23, 2007

⁴ Disclosure Statement for the Plan of Debtor Pursuant to Chapter 11 of the United States Bankruptcy Court dated October 23, 2007

⁵ Prior to the State's conveyance to ESD, NYRA would surrender to the State an approximately seven-acre parcel of the NYRA lease premises that is included in Site A

nationwide attention as televised events, but these are few in number and the daily races at Belmont continue to face low attendance rates, where daily average attendance in the fall of 2017 was 3,037 and 4,293⁶ in the spring, representing a decline in daily average attendance of more than 85% since the peak in the 1970s.

2.2 Changes to the Site Over Time

EDR, an environmental consulting firm, conducted a search and provided copies of available historical aerial photographs showing the Study Area (Sites A and B), as well as surrounding properties. VHB reviewed aerial photographs available from EDR (1924, 1951, 1954, 1961, 1966, 1976, 1980, 1984, 1994, 2006, 2009, 2013 and 2017) to identify information regarding past uses of the Study Area and surrounding properties. (These photographs are attached as Appendix A).

Table 1 is a summary of information provided by the aforementioned historical aerial photographs. Based on the aerial documentation, the development of the lots at Sites A and B also corresponds to the decades when the park experienced peak attendance (1960's and 1970's). No significant changes were noted to the Study Area between 1976 and 2017 except for the addition of two structures and a helipad marking present on Site A within the 1994 aerial photograph depiction. These structures were no longer present as of the subsequent (2006) aerial photograph. It is noted that while daily average attendance decreased by more than 85% percent through the 1980's to the present, Sites A and B, which were developed with surface parking and racing-related uses during the period of peak attendance at Belmont, have not been improved since Belmont's heyday.

The 1924 photograph depicts the properties surrounding Belmont as consisting of sparse residential development with cleared land and small areas of agriculture. By 1951, the majority of the area was built out with single-family residences, exclusive of the area within the Belmont Park Race Track Facility. The Cross Island Parkway to the west of Site A and Site B was developed and Hempstead Turnpike was expanded by 1951. Between 1951 and 2017 little change was noted to the surrounding areas. Aerials show that at least since 2013 portions of Site B have been used for car dealership vehicle storage.

⁶ New York Racing Association Media Guides (2017 and 2018)

 Table 1
 Historical Aerial Descriptions of Study Area

Date	Comments
1924	Site A consists of a treed landscape area with a long, covered pathway leading to the main entrance of the former race track Grandstand. Portions of the Grandstand building are within the limits of Site A in this aerial photograph depiction. Two structures, likely residential, are present at the southeast portions of Site A. A Long Island Rail Road (LIRR) terminal is present at the northern portions of Site B followed by cleared area, likely former agriculture, and an undeveloped forested area to the south. The race track is present to the north of Site A. Surrounding sites consist of sparse residential and agricultural development. The LIRR train tracks continue to the north along the western border of Site A and Hempstead Turnpike is present running east-to-west between Site A and Site B.
1951	The western portions of Site A have been disturbed in preparation for the currently existing parking lot. A residential structure is visible at the southern portions of this disturbed area (southwest portions of Site A). A small man-made water feature is now visible at the east-central portions of Site A. The southern portions of Site B have been partially cleared. The Cross Island Parkway has been developed to the west of the subject property and the majority of the surrounding area has been built out with residences. An artificial pond has been developed within the race track, and Hempstead Turnpike has been expanded.
1954	The Study Area is shown as consistent with its 1951 aerial photograph depiction.
1961	A parking lot has been developed to the east of Site A and encroaches onto the southeast portions of Site A, replacing the former structures at this location. In addition, the aforementioned structure at the southwest portions of the Site A has been demolished. The northeast portions of Site A continue to consist of treed landscaped areas. The disturbed area at the western portions of Site A has been cleared. Site B consists of cleared land with several access roads providing access to surrounding roadways. The aforementioned LIRR terminal has been removed from this location and a new terminal has been developed adjacent to the west of Site A. An additional pond has been developed within the race track.
1966	The former Grandstand has been demolished and replaced with a new Grandstand. The new structure is located completely outside of Site A. Portions of the aforementioned pathway have been demolished. A small structure is now present within the landscaped area at the northeast portions of Site A.
1976	The areas of disturbance within Site A and Site B have been developed with the existing parking areas for Belmont. The remainder of the main entrance pathway has been removed. Several small structures, likely amenity buildings for the raceway, are now visible within the northeast portions of Site A.
1980- 1984	The Study Area is shown as consistent with its 1976 aerial photograph depiction.
1994	Two structures are now present on the western parking lot of Site A. In addition, a helipad marking is visible on this parking area.
2006	The aforementioned structures and marking are no longer present within the Site A parking lot.
2009- 2017	The Study Area is shown as consistent with its 1976 aerial photograph depiction. However, from 2013 forward, portions of Site B are now used for vehicle storage for car dealerships.

3

Land Use/Utilization of Land

3.1 Land Use

3.1.1 Land Use of the Site

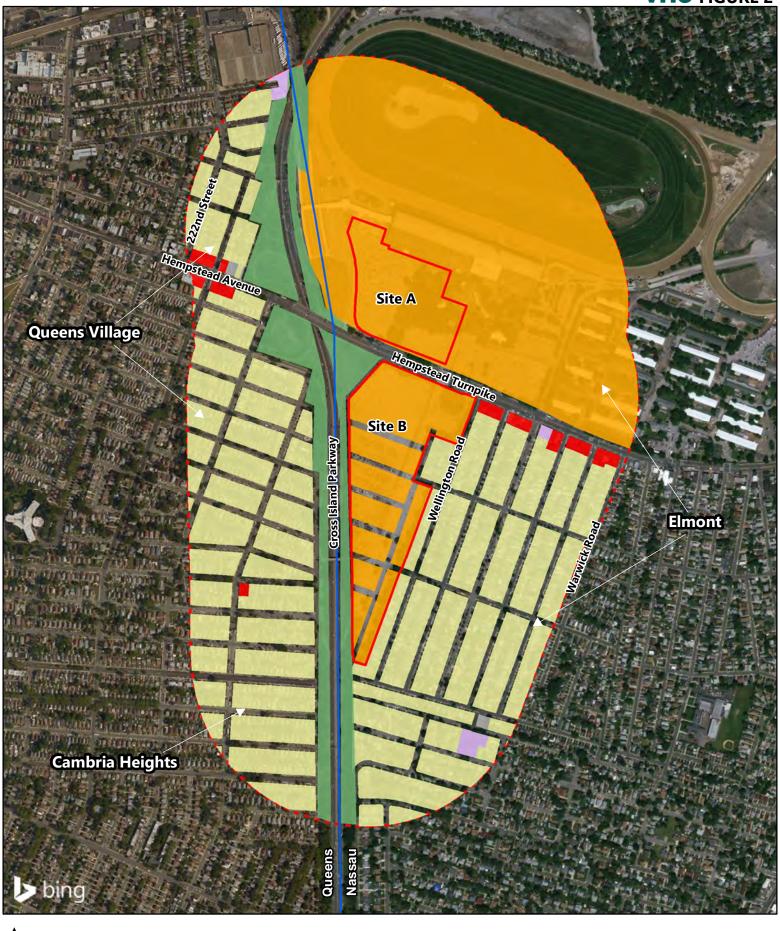
The existing uses of Site A and Site B are summarized in Sections 3.3.1 and 3.3.2, respectively. Site A encompasses an existing parking lot for Belmont employees and patrons, and a portion of Belmont's Backyard area. Site B comprises an existing parking lot that is generally used for overflow parking for Belmont, as well as vehicle storage for car dealerships.

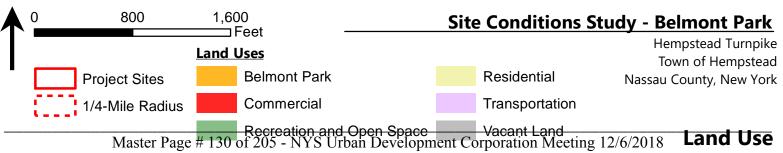
3.1.2 Land Use of the Surrounding Area

This section examines the existing land uses in the surrounding area within an approximately ¼-mile radius from the Study Area.

An initial land use map was created using both Nassau County and New York City geographic information system (GIS) data. This information was then verified by a drivethrough of the area conducted in 2018. Adjustments were then made and a final land use map, depicting the land uses within the entire ¼-mile radius Study Srea was created (see Figure 2, Land Use).







Outside of Belmont itself and the nearby primary commercial corridors of Hempstead Turnpike, the predominant land use in the Study Area is single-family residential.

The commercial core closest to Sites A and B consists of approximately nine stores located in predominantly lower-density free-standing commercial buildings that contain fast food restaurants, convenience retail, medical building, gas station and a used car dealership. These uses line the south side of Hempstead Turnpike eastward from Wellington Road (directly across from Belmont) to Warwick Road and located next to Site B, as seen in Figure 2. A windshield survey indicated that one store, a sit-down restaurant, in this nearby commercial strip was vacant as of November 2018.

Further away from Sites A and B, west of the Cross Island Parkway, along Hempstead Avenue (Hempstead Turnpike changes to Hempstead Avenue in Queens County), small-scale buildings are found which include medical, motel, liquor store, bar, and office uses. There are approximately 10 commercial buildings, two of which are vacant.

Land Uses in 1/4 Mile Radius

The area within a ¼ mile radius of Sites A and B include communities within both the Town of Hempstead in Nassau County and the Borough of Queens in New York City. For ease of reference, the geographic areas are identified on Figure 2.

Aside from portions of Belmont that are not part of the Sites, the predominant land use within the ¼ mile radius from the Study Area is single-family residential, with some two-family and multi-family residential. The exception is that the predominant use along Hempstead Turnpike is commercial. The most prominent land use features of the surrounding communities are discussed below.

Elmont

Elmont is a neighborhood located in the Town of Hempstead, Nassau County. This neighborhood is located south and southeast of the Sites. The Elmont neighborhood is predominantly residential with commercial uses along the Hempstead Turnpike corridor.

Queens Village (south)/Cambria Heights

This area consists of the neighborhoods of Cambria Heights and a portion of Queens Village, both within the Borough of Queens. This area is a largely residential area with a few mixed residential and commercial uses. The Cross Island Parkway and its interchange with Hempstead Turnpike defines the eastern boundary of these neighborhoods.

Queens Village (north)/Bellerose Manor

This area comprises the neighborhoods of Bellerose Manor and a portion of Queens Village, both situated in the Borough of Queens. These neighborhoods contain a diversity of uses including residential, industrial and manufacturing, transportation and utility, and community facilities. The Cross Island Parkway and its right-of-way generally define the eastern edge of these neighborhoods. The Cross Island Parkway is a major transportation corridor located within this area.

3.2 Current Use of Belmont

The 430±-acre Belmont Park Race Track complex and the structures and facilities inside it are owned by the State of New York and are operated by NYRA under a long-term lease with the State. It is one of the major Thoroughbred horseracing facilities in the country and has been in active use since 1905.

Belmont is typically open for racing from late April through mid-July (known as the Spring Meet), and again from mid-September through late October (the Fall Meet). The Grandstand seats about 33,000 and the Race track facility can accommodate up to 90,000±. The premier racing event is the Belmont Stakes, a one day event which typically attracts between 60,000 to 100,000 attendees. It is the third leg of the Triple Crown of Thoroughbred racing, held in the beginning of June. Several stakes races in the Spring and Fall Meets typically attract a larger-than-average daily attendance. Outside of these specific events, Belmont has an average daily attendance of approximately 3,000-4,000 visitors during the Spring and Fall Meets. In 2017, total attendance during the Spring Meet was 285,250 (54 days, including the Belmont Stakes), with 106,306 total visitors during the Fall Meet (35 days)⁷.

Belmont Park Race Track not only contains the main track and Grandstand (which includes seating for viewing the races, the Clubhouse, and a number of dining facilities), but comprises other areas, including the Backyard area. East of the Grandstand and Backyard area are: parking for the Horsemen (including trailers); the Backstretch area (including the training track, indoor track, pony track, barns and stables, blacksmith, exercise and grooming areas, backstretch personnel living quarters/dormitories), and the Anna House. There is an on-site pedestrian bridge connection between the Grandstand area (on the west) and the Long Island Rail Road (LIRR) platforms. In addition, there are two tunnels under Hempstead Turnpike that connect the Belmont Grandstand area with the parking lot on Site B.

3.3 Current Use of Site A and Site B

3.3.1 Site A

Approximately 8 acres of Site A have the capacity for surface parking of 1,185 cars. Site A also includes a portion (approximately 7 acres) of a NYRA-operated outdoor area (the Backyard) adjacent to Belmont's Grandstand and paddock. The site is bordered on the south by Hempstead Turnpike, a four-to six-lane arterial road that is a major commercial corridor. Site A is also adjacent to the Cross Island Parkway, a six-lane limited access highway that extends north from the interchange of the Southern State and Belt Parkways

⁷ New York Racing Association Media Guides (2017 and 2018)

⁸ The Backyard area contains picnic tables, concession stands, televisions and betting kiosks, a playground, a duck pond and the Paddock (where horses are saddled before races, and which is accessible to the viewing public).

⁹ The Anna House is a childcare and early childhood education facility, located within Gate 6 at Belmont Park approximately 0.29 mile from the South Lot. The Anna House is only accessible to employees of Belmont and Aqueduct Race track, specifically for the children of parents working in the thoroughbred racing backstretch area at New York State's Belmont Park Race Track, Aqueduct Race track and Saratoga Race Course.

near Valley Stream to its interchange with the Whitestone Expressway near College Point, Queens. West of Site A, the Cross Island Parkway runs along the Nassau-Queens border. Immediately west of Site A is the Belmont terminal of the LIRR, located on a spur of the Hempstead Branch. The terminal is a seasonal-use LIRR facility; the terminal is open and train service is provided only during the Belmont racing seasons and only on live racing days.

3.3.2 Site B

Site B, located south of Hempstead Turnpike, is an approximately 28-acre triangular-shaped parcel currently used for vehicle storage for 10 different car dealerships for a majority of the year and as surface parking for Belmont visitors on large-volume event days (e.g., the Belmont Stakes). At times a small area of Site B is used for staff parking. Site B has a total capacity of 2,580 vehicles in the parking lot at Site B. It is bounded on the east by residential development and the west by the Cross Island Parkway. There is currently no substantial buffer area between the residential homes and the parking lot, only chain-linked fencing and some sparse vegetation.

3.4 Current Utilization of Parking at Belmont

Existing parking at Belmont is provided in four main areas—on Site A (north of the Hempstead Turnpike and west of the Backyard), on Site B (south of Hempstead Turnpike), in the South Lot (between the Hempstead Turnpike and the Grandstand/Backyard), and in the North Lot (on the north side of the race track). Based on information provided in the DEIS, parking capacity is as follows:

- 1,185 spaces on Site A;
- > 2,580 spaces on Site B;
- 1,150 spaces in the South Lot; and
- 3,000 spaces in the North Lot.

Besides the parking lots typically or occasionally used by race track attendees, there are an additional 3,420 spaces located in lots that are usually not in use for attendees (see Table 2). With all Belmont parking lots combined, there is a combined parking capacity of approximately 11,335 spaces.

The locations of the existing parking areas are illustrated in Figure 3, Parking Lots. On typical racing days, general parking on Site B and the North Lot is free, while preferred parking in the other parking areas ranges from \$3.00 to \$7.00. It is also noted that other parking areas are provided at Belmont for trainers and backstretch workers (in the vicinity of the barn/stable area and the Blue Lot in the training track) and by race track attendees during the Belmont Stakes (these areas include the Blue Lot, White Lot, and Pony Track Lot, in the vicinity of the training track).

Site A is regularly used for patron and staff parking on racing days because it is located close to the Grandstand and other facilities and cars are typically directed towards Site A when entering the site. The northern portion of Site B is generally used for some patron parking on racing days because parking is free on this lot and patrons take advantage of the free parking.



Based on existing parking utilization surveys conducted at Site A, Site B, the North Lot and the South Lot in October 2017 for the DEIS, midday parking utilization associated with race track patrons during racing season at Belmont ranges from approximately 795 vehicles on a weekday to approximately 2,030 vehicles on a Saturday.

In addition to accommodating parking demand for race track patrons, it is noted that the parking lots at Belmont were also being used to store new and used cars prior to being delivered to auto dealerships as well as trucks and trailers. Approximately 6,600 to 7,200 dealership cars and 100 trucks/trailers were observed as being stored in Site A, Site B, the Blue Lot, the North Lot and the South Lot during the October 2017 surveys, which were counted separately from the vehicles associated with race track patrons.

Peak demand for parking spaces at Belmont occurs during the annual Belmont Stakes. Based on data provided by NYRA, on Belmont Stakes day in 2016, 8,932 parking spaces were used for patron, staff and vendor parking (attendance was 60,114 people). In 2017, 6,537 parking spaces were used (attendance was 57,729 people), and in 2018, 7,316 parking spaces were used (attendance was 90,327). Note that attendance for 2018 was especially high because it was a year with a possibility for a Triple Crown winner. LIRR ridership consistently increased over those three years. Therefore, with peak attendance at the Belmont Stakes in 2018, 7,316 parking spaces were needed, leaving 4,019 parking spaces unused.

As noted above, approximately 2,030 parking spaces were needed on a typical Saturday racing day, leaving a surplus of 9,305 parking spaces. The racing seasons at Belmont run from late April through mid-July and from mid-September through late October. In 2018 there were a total of 90 racing days¹⁰. For at least 275 days of the year, when racing is not in session, these parking lots are used for car dealership and truck storage and staff parking or are otherwise vacant and not utilized. As a whole, the parking lots in the Study Area are significantly underutilized on all but one day per year (Belmont Stakes day) and even on that day there has been a significant amount of unused spaces in recent years.

The parking facilities were built during times of peak attendance at Belmont, however, average daily attendance levels have dropped significantly over the decades and on Belmont Stakes Day transportation modes other than individual passenger cars (including LIRR and ride sharing) have increased in recent years. The lots are not used at all for Belmont patrons during the three-quarters of the year falling outside of racing season. While the parking lots at Sites A and B are in regular use on racing days, Belmont has capacity to accommodate the 3,765 vehicles that Sites A and B can hold on other lots within Belmont on racing days, such as the Blue Lot and the North Lot which now are typically not used on racing days. The parking capacity on Sites A and B is no longer needed even on peak days. On the peak attendance day over the past two years there was a surplus of at least 4,019 parking spaces, which exceeds the number of parking spaces in Sites A and B.

¹⁰ https://www.nyra.com/belmont/calendar/

Table 2 Number of Parking Spaces Per Lot and Uses

Parking Lot	Parking Spaces	Notes
Site A	1,185	Currently used on racing days
Site B	2,580	Currently used primarily for car storage, some staff parking, and general parking on racing days
North Lot	3,000	Currently used for car storage and other ancillary uses more than general parking on racing days
South Lot	1,150	Used for clubhouse parking, executive parking, jockey parking, owner and trainers parking, and general parking on racing days
Blue	2,520	Inside the practice track, currently used for car storage and uses other than general parking
White	400	Currently not in use
Pony Track	500	Gate 8 entrance off Plainfield Avenue, currently not in use
Total Parking Spaces at Belmont	11,335	

Source: DEIS

4

Planning History for the Sites

Belmont and its appurtenant parking lots have been the subject of studies and revitalization plans for several decades. The area has been recognized as one that is in need of economic enhancement and has the potential for additional development.

The following identifies the various public policy and planning documents that identify the redevelopment of Belmont as a driver of economic development and revitalization and enhancement of the area surrounding the property, as well as the foundation for the creation of a gateway into Elmont and Nassau County.

4.1 Nassau County Comprehensive Plans

The current adopted Nassau County Comprehensive Plan was prepared in 1998. However, there have been several updates to this plan since that time, the latest in 2008. Nassau County also began preparing a new comprehensive plan in 2010, but this plan is in draft format and has not been adopted by the County. However, Belmont is identified in two of the versions as being underutilized and a potential area for redevelopment to increase economic activity.

4.1.1 1998 Comprehensive Plan

The 1998 Comprehensive Plan identifies the Belmont property in the Land Use Chapter and Appendix B as being underutilized and having the potential for redevelopment. In addition, the economic chapter of the plan identifies the need for additional economic

development activities to provide jobs, increase the tax base and expand the diversity of employment sectors within the County.

4.1.2 Draft 2010 Nassau County Master Plan

While it has not been adopted, the Draft 2010 Nassau County Master Plan ("2010 Master Plan") highlights the need for economic development in Elmont.

Specific to the Study Area, the economic chapter of the *2010 Master Plan* references the ESD proposal to redevelop the 36 acres, ¹¹ which are largely surface parking lots into recreation-related uses that would create jobs, generate additional tax revenue, and bolster economic development in Elmont, Bellerose, and Floral Park. The plan notes that the proposed redevelopment options could transform Belmont into a vibrant destination center.

4.2 2008 Elmont Community Vision Plan

Nassau County's Community Visioning Program provided grants to local communities to engage the public and develop a consensus on where and how the community should grow both in the long- and short-terms. The 2008 Elmont Community Vision Plan was one of the documents that resulted from this program, and was created to provide a long-term blueprint that would serve as a roadmap for future development in the Elmont community and along Hempstead Turnpike within this community

The 2008 Elmont Community Vision Plan surveys socioeconomic data pertaining to the Elmont area, noting that Elmont's median income is lower than the median incomes for the Town of Hempstead and Nassau County and that Elmont's poverty rate is higher than that of the Town of Hempstead and Nassau County. The Vision Plan states that the general condition of the commercial uses on Hempstead Turnpike and elsewhere in Elmont varies, from well-kept fully-functioning businesses to concentrations of storefront vacancies. According to the Vision Plan on page 28, the "varied conditions of the uses, along with the hodge-podge mix of uses ..., inconsistent and uncontrolled signage (in some cases commercial uses do not contain signage at all), poor maintenance of facades and sidewalks, a lack of a proper buffer between residential and non-residential uses, and the shallow depths of typical commercial properties, has resulted in an aesthetically unpleasing situation." The Vision Plan also notes that "the various vacancies within the community highlight the challenge to provide employment opportunities to Elmont residents."

The principal goal of the 2008 Elmont Community Vision Plan is to create a desirable aesthetic for the community around the Belmont facility; to foster economic development and community revitalization; and to create a range of housing opportunities.

¹¹ The overall Project Sites now encompass 43 acres, as an additional 7 acres were added to the eastern portion of Site A, east of the existing parking area.

The *Vision Plan* states that the Belmont Park facility is not well integrated into the community and does not embrace its local location; it further criticizes the visual appearance of Belmont's frontage on Hempstead Turnpike.

The *Vision Plan* suggests that Belmont allow "year-round" recreation to provide additional public facilities in the area, which acknowledges the fact that the site remains unused a majority of the time. Furthermore, as Belmont is located on the border of Nassau and Queens Counties, the plan identifies goals to beautify the appearance of the community to create a unique suburban identity. The *Vision Plan* envisions significant improvements in Belmont's landscaping, trees, cross walks, sidewalks and lighting, to improve the aesthetics of the facility.

The *Vision Plan* identifies attracting a hotel and conference center to the site and identifies locating those uses on the underutilized parking areas south of Hempstead Turnpike, which is Site B.

5

Site Conditions

5.1 Methodology of Physical Conditions Review

This section describes the physical conditions observed on September 24, September 29, and October 3, 2018. Photographs of the parking lots were taken on September 24, the day when the fewest number of vehicles were observed in the Study Area. All photographs from September 24 are included in Appendix B. Four photographs were taken at each location to observe conditions to the north, east, south and west. Photographs are labeled by location and direction that correspond with Figure 4, Photograph Locations. For example, Photograph 31E was taken at location 31 and is facing east. Photos taken of the Backyard area on September 29 and October 3, 2018 are identified by date.

5.2 Physical Conditions of Parking Lots on Sites A and B

Cracked and uneven pavement was observed throughout both lots, with conditions especially poor on Site B. See photos 13S, 19N, and 41E. Both lots have drainage problems evidenced by sinking storm drains that are surrounded by sediment and uneven or broken pavement. Most observed storm drains were not properly operating. An area of standing water was observed on Site A, making a few parking spaces unusable.



Poor grading with steep angles on portions of Site B makes a few parking spaces unusable in this lot. See photos 30W, 38N, 45S, and 71S.

Vehicle access throughout both lots is in poor condition. There are few signs and those that exist are not clear. The parking spaces are poorly marked, if marked at all. Handicapped stalls are also inadequately marked and difficult to find. Roadways have been established using yellow-painted concrete wheel-stops. The wheel-stops are unevenly spaced, in fair to poor condition and difficult to navigate in a car.

The fencing that surrounds Sites A and B is in fair to poor condition and failing in some locations, as shown in Photos 19E, 38W, 55W, and 62W. Several areas of fencing were observed to be rusty, uneven, bent, peeling, or leaning over. Lighting is inadequate in both lots and fixed on poles of varying conditions. Site B also contains several trees with no tree pits or other tree protection, resulting in bulging, cracked, and uneven pavement from tree roots. Dead trees were also observed in Site B. Site A contains one tree with no tree protection that interferes with the roadway in the lot. See photos 19S and 67W.

Litter lines the perimeter of Site B and filled garbage bags were observed in a few parking spaces. See Photos 55W and 62W.

The pedestrian tunnel that connects Site A and Site B is in visibly poor condition, contributing to a sense of unease rather than safety. Paint is peeling and dirty, lighting is poor, and the floor is littered with debris and sediment. Also, the pedestrian tunnel that leads to the very northwestern corner of Site B has no pedestrian facilities, such as sidewalks, and provides little access to the rest of the large parking lot. Pedestrians may also use a sidewalk in the vehicle tunnel located near the entrance to Site B to access the area of Belmont that leads to the Grandstand area. The vehicle tunnel is in fair condition, however, the pedestrian walkway is dark, and becoming overgrown with vines. See Photos 34S, 41N, and 43N. During field visits, no pedestrians were observed in the pedestrian only tunnel. Some people walked in the vehicle tunnel and others used the school bus that took patrons from Site B to Belmont's Grandstand area. The bus stops in Site B are in poor condition, as shown in Photos 52N and 65S.

The conditions observed on parking lots on Site A and Site B indicate that they are substandard and outmoded parking facilities.

5.3 Physical Conditions of Belmont Backyard

The Belmont Backyard contains grassy areas with benches and picnic tables, concession stands, a tented area with betting stalls, a one-story building with betting stalls, televisions and large screens for viewing races, a playground, a manmade water feature, and walkways leading to parking lots, the paddock, and the main building. Overall, the Backyard is in good condition. See Photos on the next page.

Except for special events sponsored by NYRA, the Backyard is open only on racing days (approximately 90 days of the year) and only to patrons of Belmont. As demonstrated in the photographs, the recreational uses and other amenities contained in the Backyard are ancillary to the horse-racing and betting that are the main activities at Belmont.

Drainage Conditions

Photo 30W



Photo 38N

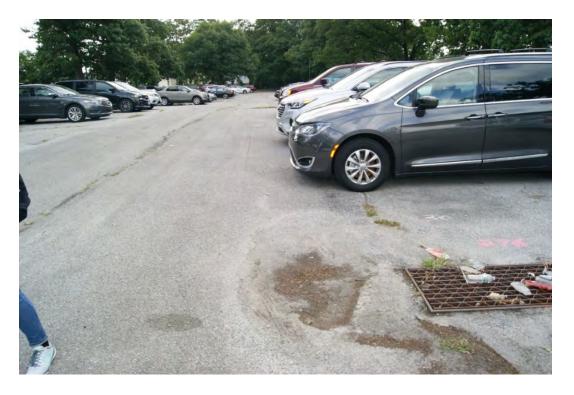


Photos 31E and 38S show the conditions of storm drains on Site A. All observed storm drains were surrounded by excessive pavement cracking and sediment.

Photo 45S



Photo 71S



Photos 45S and 71S show poor drainage conditions on Site B. The storm drain shown in Photo 45S is sunken so low that vehicles have to park at odd angles.

Pavement Conditions

Photo 13S



Photo 19N



Photos 13S and 19N show cracked and crumbling pavement on Site A.

Photo 41E



Photo 41E shows cracked pavement on Site B. The cracks on Site B are mostly filled with weeds and vegetation.

Wheel-Stops and Lines

Photo 35 N



Photo 8S



Photos 35N and 8S show the wheel-stops used to define the roadways within the parking lots. These photos also show that the striping in the lot is either missing, needs to be repainted, or does not line up with the wheel-stops.

Bus Stops

Photo 52N



Photo 65S



Photos 52N and 65S show the poor conditions of the bus stops on Site B. Bus stops were not observed to be in use during racing days. On one day no buses were used. On the other racing day, a school bus was used to shuttle passengers who flagged the bus down.

Fences and Litter

Photo 19E



Photo 38W



Fences lining both sites are in fair to poor condition as shown in Photos 19E, 38W, 55W and 62W. Photo 38W also shows an unappealing pedestrian entrance to Site A that is left open on racing and non-racing days.

Photo 55



Photo 62W



Photos 55W and 62W show fence conditions and litter on Site B. Photo 55W also shows parked cars that are not for sale or belong to Belmont patrons. Photo 62W shows an open fence to the Cross Island Expressway that was observed to be used as a cut-through entrance to the Expressway on non-racing days.

Trees

Photo 19S



Photo 67W



Photos 19S and 67W show trees on both sites that are not protected and interfere with the roadways and parking spaces. Tree roots have led to large cracks and bulges in the pavement. Photo 67W also shows a vehicle trailer with a wheel lock currently stored on Site B.

Pedestrian Tunnel

Photo 34S



Photo 41N (file 1864)



Photos 34S and 41N show the pedestrian tunnel that link Sites A and B. The tunnel is dimly lit and in poor condition. It is also inefficiently located at the far end of Site B. Photo 34S is taken from Site A and Photo 41N is taken from Site B.

Photo 43N



Photo 43N shows the vehicle tunnel that links Sites A and B. The tunnel was open to vehicles on racing days. Pedestrians were observed using this tunnel although the sidewalk is narrow, dim, and overgrown with vegetation.

Miscellaneous

Photo 36 N



Photo 36N shows a fire hydrant on Site A that is located in the parking lot and not near a fire lane.

Photo 60W



Photo 60W shows the active car dealership uses on Site B. Also shown are the poorly placed yellow wheelstops that inadequately delineate roadways in the parking lot.

Belmont Backyard

Photo taken on 10/3/18



Photo taken 10/3/18



Photos shows the gathering spaces and current conditions of the site on weekday racing day. The photos include examples of the televised broadcasting systems within the Backyard area.

Photo taken 9/29/18



Photo taken 9/29/18



Photos show the gathering spaces and current conditions of the site during a weekend racing day. The photos also include examples of the televised broadcasting systems within the Backyard area.

Photo 17 W



Photo 17N



Photos 17 W and 17 N display the locations and structures to place bets on the races in the Backyard area.

6

Zoning

6.1 Zoning of the Site and Surrounding Area

All of Belmont, including Sites A and B, is located within the Town of Hempstead in Nassau County. Pursuant to the *Hempstead Building Zone Ordinance* (BZO) and *Building Zone Map of the Town of Hempstead, Nassau County, New York*, Belmont including Site A, as well as much of the surrounding area, is mapped as a Residence B District, which is primarily a single-family residential zone. ¹² Site B's Hempstead Turnpike frontage is zoned as Business X ("Bus" as depicted on the Town Zoning Map) while the rest of the property is zoned Residence B.

Residence B Zoning District

The Residence B zoning district permits single-family detached homes or senior residences, agricultural or nursery uses that do not display for commercial purpose or advertisement on the premises, municipal recreational use, and railway passenger stations. Accessory uses such as private garages including rooms used for home occupations are permitted on the same lot with the above-permitted uses.

Business X Zoning District

Site B's Hempstead Turnpike frontage is designated as Business X ("Bus" as depicted on the Zoning Map). The Business X zoning district is a general commercial district that permits uses such as office space, restaurants, retail stores, motor vehicle repair

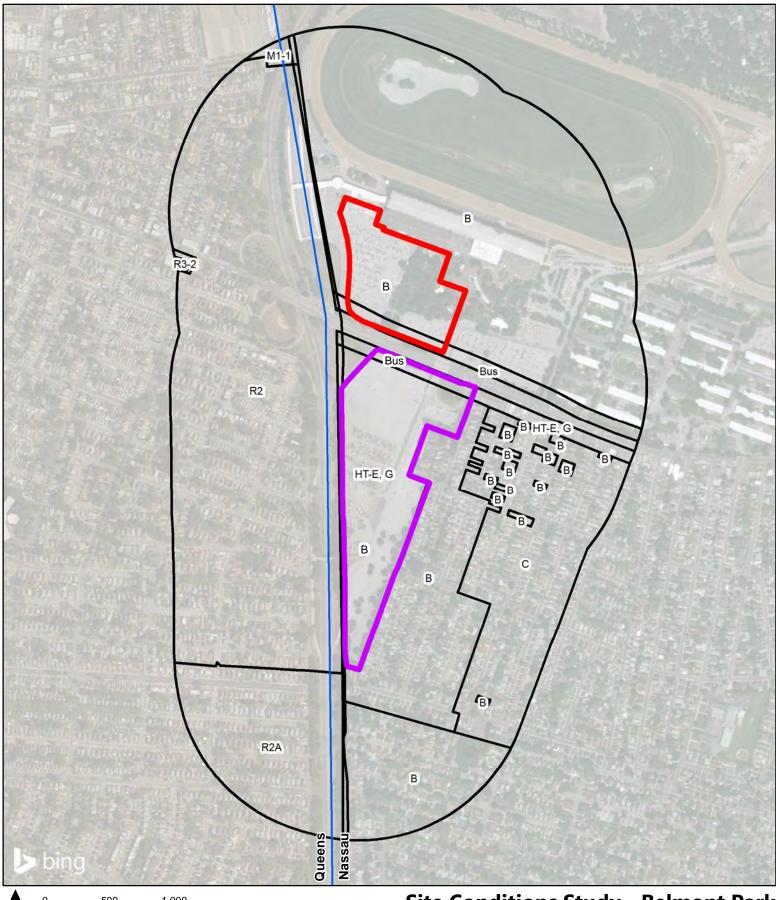
¹² Many of the Town of Hempstead Zoning Maps indicate that if no zoning is noted on the map, it is assumed to be Residence B. Therefore, Residence B is an extremely common zoning district within the Town of Hempstead.

shops, and other community oriented retail uses. It also allows for single-family and two-family detached dwellings, institutional uses such as hospitals, educational schools, philanthropic uses and dormitories, agricultural uses, and recreational uses.

6.2 Conformity to Zoning

Belmont and its associated buildings do not conform to the local zoning regulations. However, Belmont is permitted to operate as a pre-existing non-conforming use because it pre-dates zoning in this area. Furthermore, Belmont is a State-owned property, making it exempt from local zoning. Parking as a principal use does not conform to the zoning code but must be part of a business or residential home. The parking lots of Sites A and B do not meet the accessory parking regulations of the zoning code in relation to landscaping and other dimensional requirements.







7

Economic Conditions

7.1 Current Tax Revenue of the Site

Pursuant to the Franchise Agreement between the New York State Franchise Oversight Board and NYRA, the State pays property taxes on Belmont Park Race Track, including Sites A and B. Site A is part of a large tax lot (32-B-82A) that also contains the Grandstand, the Backyard Area, and the Belmont parking lots (other than those within Sites A and B). That tax lot generates over \$12.3 million in property taxes for Nassau County, Town of Hempstead, and the Elmont Union Free School District (see Table 3, Study Area Tax Payments), primarily driven by the horse racing facilities. Site B is comprised of nine tax lots listed in Table 3, which together generate approximately \$300,000 in annual property taxes (approximately \$10,700 per acre). The horse racing facilities at Belmont will not change as a result of the disposition of Sites A and B. The State's tax payments change every year and are set by the assessments. The assessments have largely remained the same. For example, the assessment for tax lot 32-B-82A increased from \$1,270,485 in 2012 to \$1,274,268 in 2013. The assessment has remained the same since 2013.

Table 3 Study Area Tax Payments 2018

		Special District				
No.	Tax Lot	Nassau Co Tax	Hempstead Tax	Tax*	School Tax	Total Tax PMT
1	32-B-82A	\$2,142,178	\$1,176,233	\$1,838,831	\$7,163,361	\$12,320,603
2	32-372-81	\$22,495	\$12,693	\$21,507	\$74,958	\$131,653
3	32-374-1	\$4,687	\$2,559	\$4,481	\$15,617	\$27,343
4	32-391-36	\$2,711	\$1,480	\$2,592	\$9,034	\$15,817
5	32-392-226	\$5,232	\$2,857	\$5,002	\$17,432	\$30,523
6	32-393-1	\$4,273	\$2,334	\$4,086	\$14,239	\$24,932
7	32-394-1	\$3,416	\$1,866	\$3,266	\$11,384	\$19,932
8	32-395-1	\$2,357	\$1,287	\$2,253	\$7,853	\$13,750
9	32-396-1	\$1,844	\$1,007	\$1,763	\$6,144	\$10,758
10	32-397-50	\$3,082	\$1,683	\$2,947	\$10,271	\$17,983
TOTAL		\$2,192,275	\$1,203,999	\$1,886,727	\$7,330,293	\$12,613,295

^{*}Special District includes Elmont Fire District and Sanitary District 6

7.2 Current Revenues (Site A and B)

As previously noted, Site A is currently used for Belmont parking on racing days. Site A is used for both employee parking and paid patron parking, thereby generating parking revenue for NYRA. It is noted that there are only approximately 90 scheduled racing days during the year, therefore, for most of the year Site A is not generating revenue of any kind for NYRA.

A portion of Site B is currently used for free Belmont patron parking on racing days. Most of Site B, however, is used as car dealership vehicle storage. Revenue derived from the agreements with car dealerships is paid to NYRA. Site B is used for car dealership vehicle storage for most of the year. Stored vehicles are temporarily moved off the site for Belmont Stakes day.

Revenue on Sites A and B is collected by NYRA. As such, it does not directly benefit the local community. The use of Site A for patron parking is an amenity of Belmont, but in and of itself does not propel new patrons to Belmont. Likewise, the uses on Site B do not draw visitors to the area and it is estimated that the few workers on the site generate few indirect benefits to the community.

There are no employees with full-time jobs for the parking lots on Site A and Site B. Thus, the sites themselves do not generate employment nor do they generate significant revenue. Any revenue that is generated benefits NYRA. The sites do not provide any direct benefit to the local community, nor do they spur significant indirect or secondary benefits. The existing uses of Sites A and B do not currently support economic growth in the local or regional economy and are not anticipated to do so in the future if existing uses continue.

8

Conclusions

It is found that the Study Area, considered as a whole, is substandard and underutilized. The parking areas do not generate employment and do not contribute to the economic well-being of the surrounding area or the Town of Hempstead.

The parking lots located in Sites A and B are in poor condition with cracked and uneven pavement observed throughout both sites. Both sites exhibit drainage problems evidenced by sinking storm drains that are surrounded by sediment and uneven or broken pavement. Most observed storm drains were not properly operating. Vehicle access throughout both lots is in poor condition. There are few signs and those that exist are not clear. The parking spaces are poorly marked, if marked at all. Handicapped spaces are also inadequately marked and difficult to find. Roadways have been established using yellow-painted concrete wheel-stops. The wheel-stops are unevenly spaced, in fair to poor condition and difficult to navigate in a car. The fencing that surrounds Sites A and B is typically in poor condition and failing in some locations. Lighting is inadequate in both lots and fixed on poles of varying conditions. Litter lines the perimeter of Site B and filled garbage bags were observed in a few parking spaces. The pedestrian tunnel that connects Site A and Site B is in visibly poor condition, contributing to a sense of unease rather than safety. Paint is peeling and dirty, lighting is poor, and the floor is littered with debris and sediment. Also, the pedestrian tunnel leads to the very northwestern corner of Site B which has no pedestrian facilities, such as sidewalks, and provides little access to the rest of the large parking lot. The vehicle tunnel is in fair condition,

however, the pedestrian walkway is dark, and becoming overgrown with vines. The bus stops in Site B are in poor condition.

In addition, the parking lots are underutilized. The parking lots in the Study Area were built during times of peak usage of Belmont (1960's -1970's). Since that time, general attendance has dropped significantly over the decades and other modes of transportation, including LIRR and ride sharing, have increased. The lots are currently used for patron parking only 90 days out of the year. As demonstrated in Section 3, the number of vehicles (3,765) that can be parked in Sites A and B can be accommodated elsewhere on site. Even on the peak attendance day over the past two years there was a surplus of at least 4,019 parking spaces at Belmont Park, more than the amount that can be provided for in Sites A and B. In addition, Site B is so underutilized as parking for Belmont Park and its related horse racing and programs that it is currently used for vehicle storage for 10 different car dealerships for a majority of the year and only as surface parking for Belmont Park visitors on large-volume event days (e.g., the Belmont Stakes).

The current uses of the parking lots at Sites A and B do not generate employment or significant revenue. Any revenue that is generated benefits NYRA. The parking lot sites do not provide any direct benefit to the local community, nor do they spur significant indirect or secondary benefits. The existing parking uses of Sites A and B are not anticipated to contribute towards economic growth in the future if existing uses continue.

A portion of the Backyard is located within Site A. The portion of the Backyard within Site A does not include the Paddock, where race horses are viewed by racing patrons on race days. While the Backyard is in good condition, it is open only on racing days, for a few special events (approximately 90 days of the year), and it is only available to patrons of Belmont. The recreational uses and other amenities contained in the Backyard are ancillary to the horse-racing and betting that are the main activities at Belmont. After the disposition of Site A, the betting activities currently conducted in the portion of the Backyard within Site A would be conducted elsewhere at Belmont at existing betting facilities.

9

References

Belmont Park Ground Lease Agreement between The People of the State of New York Acting by and through the State Franchise Oversight Board Pursuant to Chapter 18 of the Laws of 2008 and The New York Racing Association, Inc., September 12, 2008.

Belmont Park Redevelopment Civic and Land Use Improvement Project Draft Environmental Impact Statement, 2018

Nassau County Land Records Viewer https://lrv.nassaucountyny.gov/

Nassau County Planning Commission, *Nassau County Master Plan Update 2008: Trends Analysis*, Nassau County, New York, 2008

Nassau County Planning Commission, *Nassau County Comprehensive Plan*, Nassau County, New York, December 1998

Nassau County Planning Department et al., 2010 Nassau County Master Plan, Draft - October 2010

The New York Racing Association Franchise Agreement, September 12, 2008

The New York Racing Association Media Guides, 2018

The New York Racing Association Media Guides, 2017

The New York Racing Association Media Guide, 1980-2009

Town of Hempstead Building Zone Ordinance (https://ecode360.com/HE0972)

Saccardi & Schiff, Inc. and Sustainable Long Island, Elmont Community Vision Plan, Town of Hempstead, June 2008

United States Bankruptcy Court Southern District of New York Case No. 06-12618 (JMP), Order Confirming Modified Third Amended Plan of Debtor Pursuant to Chapter 11 of the United States Bankruptcy Court, April 28., 2008

United States Bankruptcy Court Southern District of New York Case No. 06-12618 (JMP), Disclosure Statement for the Plan of Debtor Pursuant to Chapter 11 of the United States Bankruptcy Court, October 23, 2007



Site Conditions Study Belmont Park Race Track Appendices

Hempstead Turnpike Town of Hempstead Nassau County, New York

PREPARED FOR

Empire State Development 633 Third Avenue – Floor 37 New York, NY 10017

PREPARED BY



VHB Engineering, Surveying, Landscape Architecture and Geology, P.C.

November 2018

Appendix A

Belmont Park

2150 Hempstead Turnpike Floral Park, NY 11001

Inquiry Number: 5408584.1

August 29, 2018

The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor Shelton, CT 06484 Toll Free: 800.352.0050 www.edrnet.com

EDR Aerial Photo Decade Package

08/29/18

Site Name: Client Name:

Belmont Park Vanasse Hangen Brustlin, Inc. 2150 Hempstead Turnpike 100 Motor Parkway, Ste. 135 Floral Park, NY 11001 Hauppauge, NY 11788 EDR Inquiry # 5408584.1 Contact: David Kennedy



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

<u>Year</u>	<u>Scale</u>	<u>Details</u>	Source
2017	1"=500'	Flight Year: 2017	USDA/NAIP
2013	1"=500'	Flight Year: 2013	USDA/NAIP
2009	1"=500'	Flight Year: 2009	USDA/NAIP
2006	1"=500'	Flight Year: 2006	USDA/NAIP
1994	1"=500'	Acquisition Date: April 04, 1994	USGS/DOQQ
1984	1"=500'	Flight Date: March 26, 1984	USGS
1980	1"=500'	Flight Date: April 06, 1980	Aero
1976	1"=500'	Flight Date: March 29, 1976	Aero
1966	1"=500'	Flight Date: February 23, 1966	USGS
1961	1"=500'	Flight Date: December 15, 1961	EDR Proprietary Aerial Viewpoint
1954	1"=500'	Flight Date: January 29, 1954	USGS
1951	1"=500'	Flight Date: April 21, 1951	EDR Proprietary Aerial Viewpoint
1924	1"=500'	Flight Date: July 01, 1924	USGS

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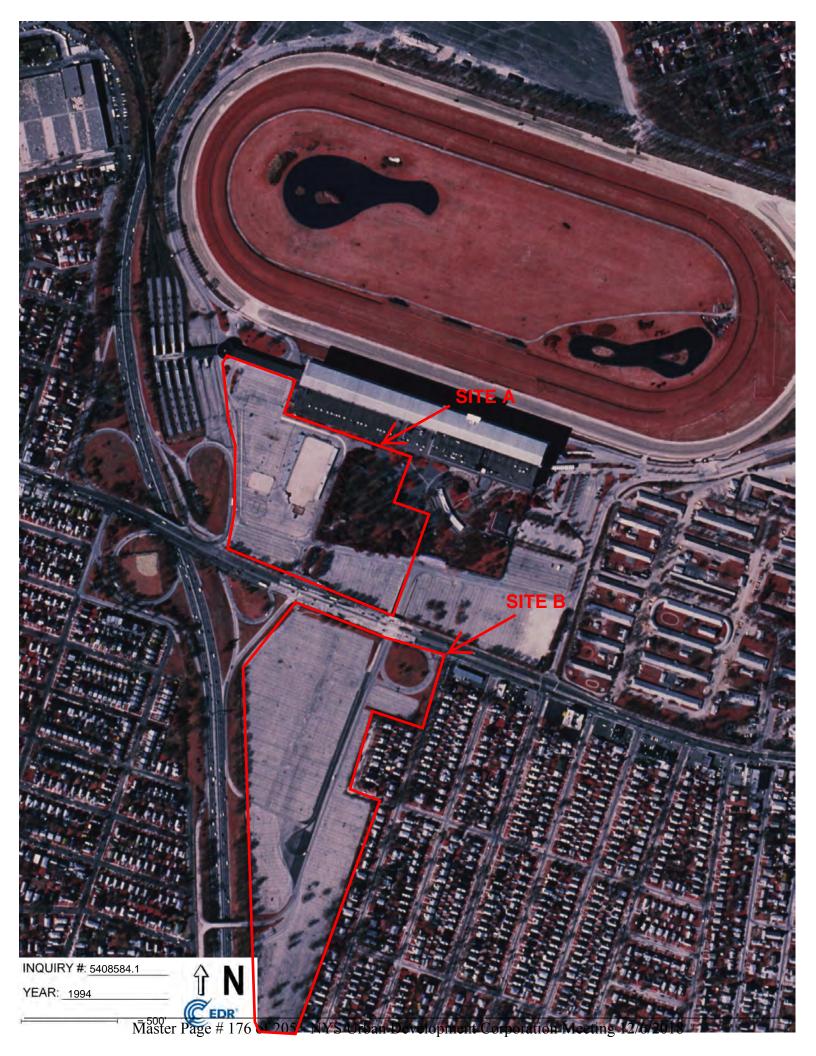
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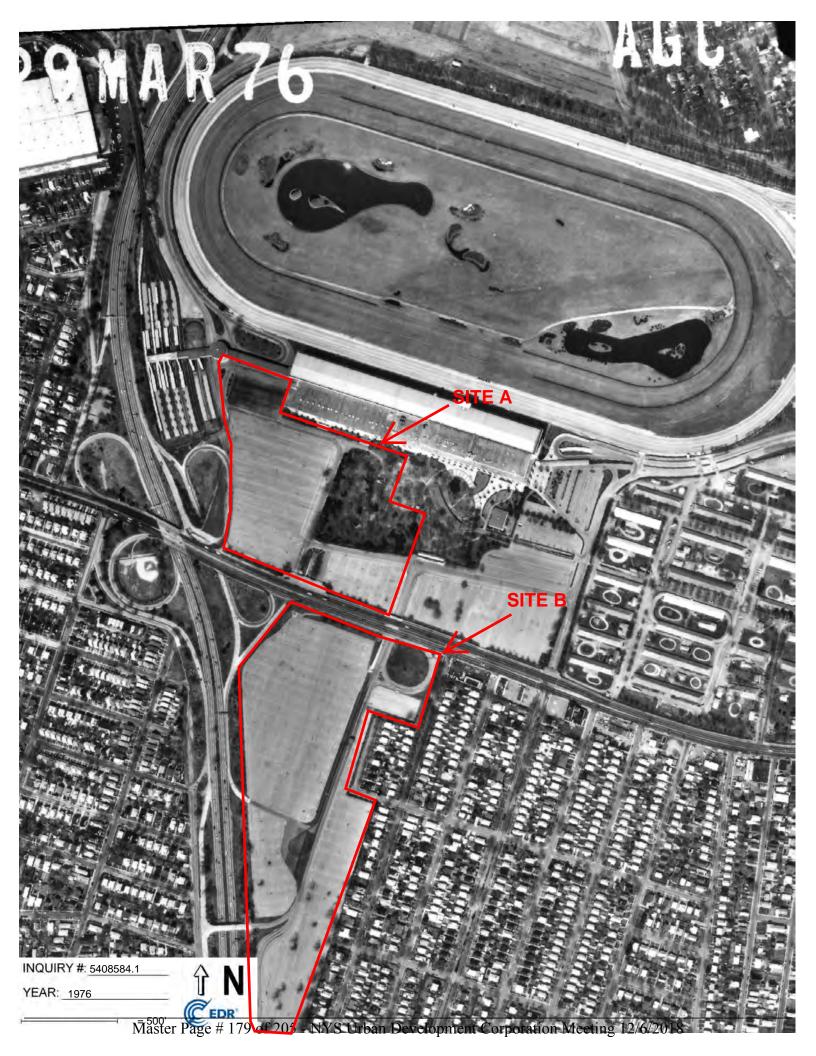


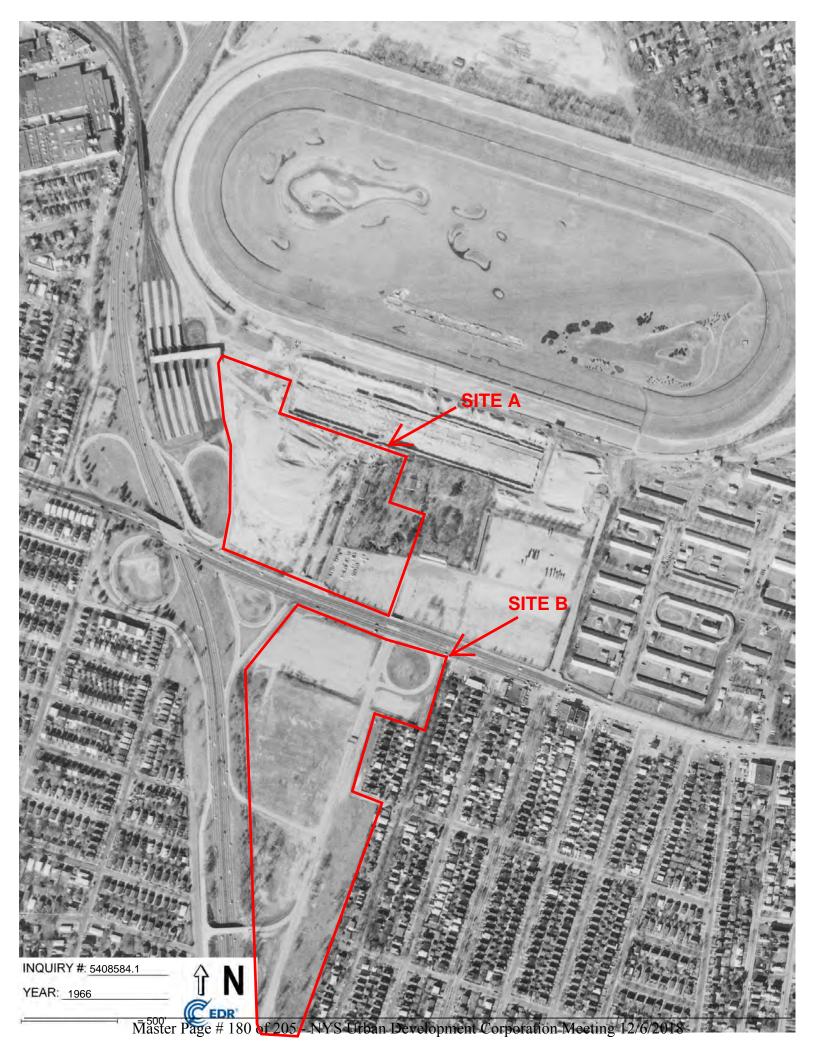






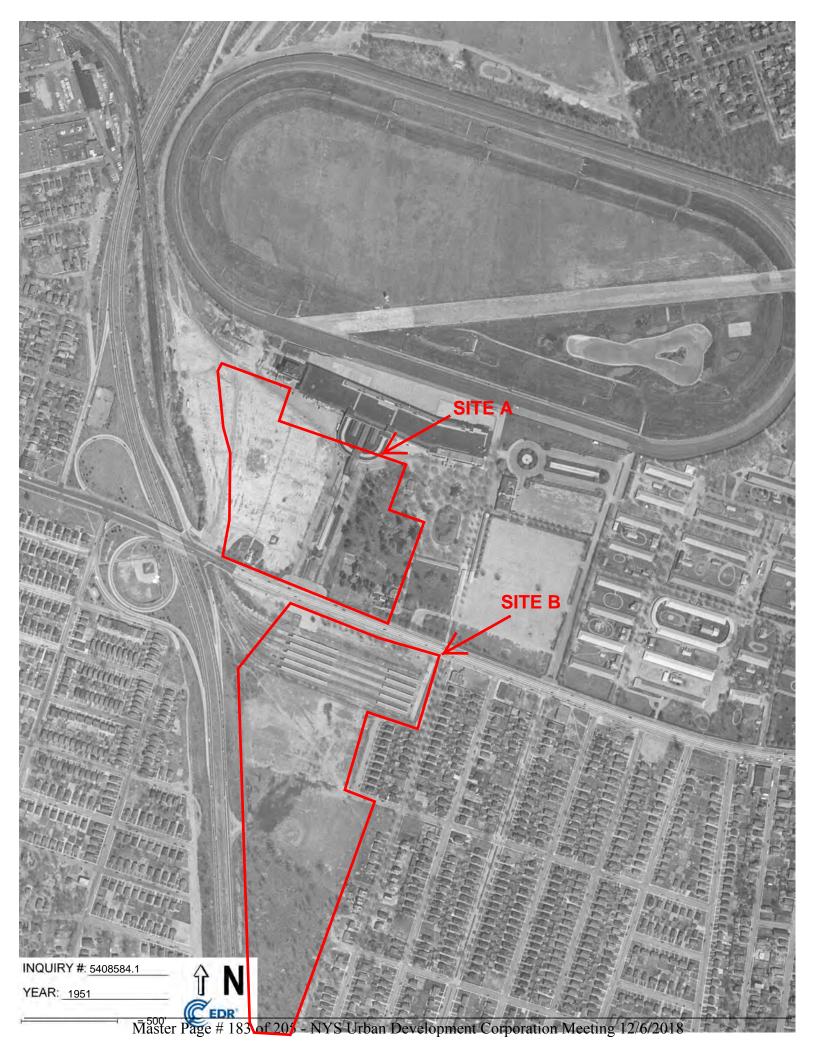








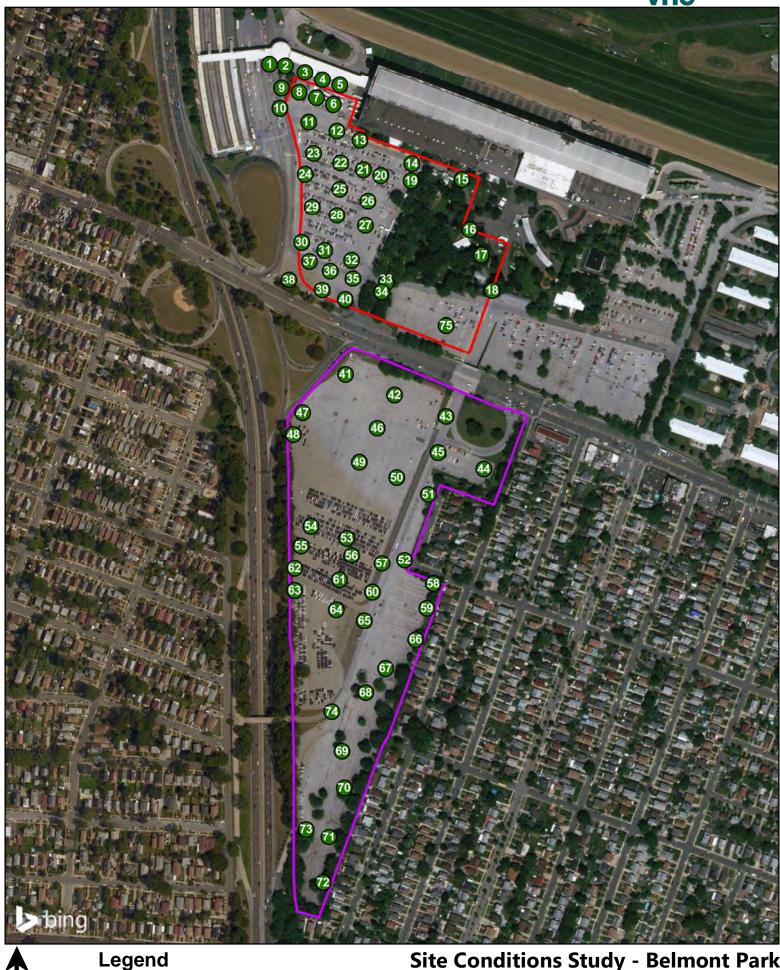






Appendix B





Site A Site B not to scale

Site Conditions Study - Belmont Park

Photograph Locations



Photograph No. 1 - North



Photograph No. 2 - North



Photograph No. 3 - North



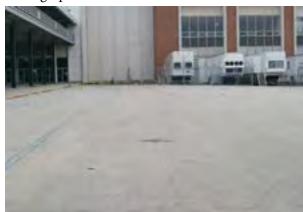
Photograph No. 4 - North



Photograph No. 1 - East



Photograph No. 2 - East



Photograph No. 3 - East



Photograph No. 4 - East



Photograph No. 1 - South



Photograph No. 2 - South



Photograph No. 3 - South



Photograph No. 4 - South



Photograph No. 1 - West



Photograph No. 2 - West



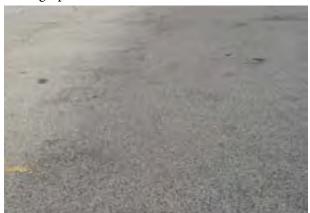
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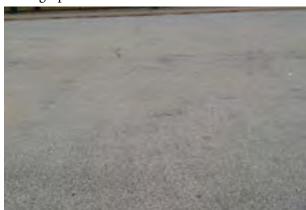
Photograph No. 4 - West



Photograph No. 5 - North



Photograph No. 6 - North



Photograph No. 7 - North



Photograph No. 8 - North



Photograph No. 5 - East



Photograph No. 6 - East



Photograph No. 7 - East



Photograph No. 8 - East



Photograph No. 5 - South



Photograph No. 6 - South



Photograph No. 7 - South



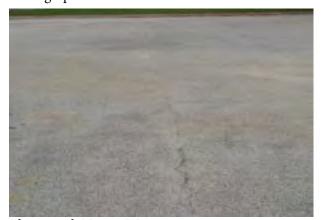
Photograph No. 8 - South



Photograph No. 5 - West



Photograph No. 6 - West



Photograph No. 7 - West



Photograph No. 8 - West



Photograph No. 9 - North



Photograph No. 10 - North



Photograph No. 11 - North



Photograph No. 12 - North



Photograph No. 9 - East



Photograph No. 10 - East



Photograph No. 11 - East



Photograph No. 12 - East



Photograph No. 9 - South



Photograph No. 10 - South



Photograph No. 11 - South



Photograph No. 12 - South



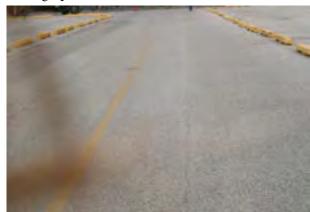
Photograph No. 9 - West



Photograph No. 10 - West



Photograph No. 11 - West



Photograph No. 12 - West



Photograph No. 13 - North



Photograph No. 14 - North



Photograph No. 15 - North



Photograph No. 16- North



Photograph No. 13 - East



Photograph No. 14 - East



Photograph No. 15 - East



Photograph No. 16 - East



Photograph No. 13 - South



Photograph No. 14 - South



Photograph No. 15 - South



Photograph No. 16 - South



Photograph No. 13 - West



Photograph No. 14 - West



Photograph No. 15 - West



Photograph No. 16 - West



Photograph No. 17 - North



Photograph No. 18 - North



Photograph No. 19 - North



Photograph No. 20 - North



Photograph No. 17 - East



Photograph No. 18 - East



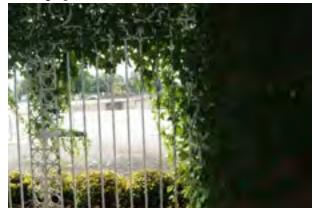
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Photograph No. 20 - East



Photograph No. 17 - South





Photograph No. 19 - South



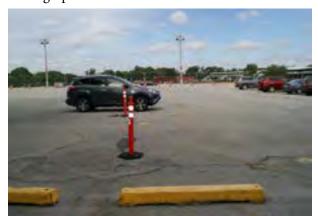
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Photograph No. 17 - West



Photograph No. 18 - West



Photograph No. 19 - West



Photograph No. 20 - West



Photograph No. 21 - North



Photograph No. 22 - North



Photograph No. 23 - North



Photograph No. 24 - North



Photograph No. 21 - East



Photograph No. 22 - East



Photograph No. 23 - East



Photograph No. 24 - East



Photograph No. 21 - South



Photograph No. 22 - South



Photograph No. 23 - South



Photograph No. 24 - South



Photograph No. 21- West



Photograph No. 22 - West



Photograph No. 23 - West



Photograph No. 24 - West



Photograph No. 25 - North



Photograph No. 26 - North



Photograph No. 27 - North



Photograph No. 28 - North



Photograph No. 25 - East



Photograph No. 26 - East



Photograph No. 27 - East



Photograph No. 28 - East



Photograph No. 25 - South



Photograph No. 26 - South



Photograph No. 27 - South



Photograph No. 28 - South



Photograph No. 25 - West



Photograph No. 26 - West



Photograph No. 27 - West



Photograph No. 28 - West



Photograph No. 29 - North



Photograph No. 30 - North



Photograph No. 31 - North



Photograph No. 32 - North



Photograph No. 29 - East



Photograph No. 30 - East



Photograph No. 31 - East



Photograph No. 32 - East



Photograph No. 29 - South



Photograph No. 30 - South



Photograph No. 31 - South



Photograph No. 32 - South



Photograph No. 29 - West



Photograph No. 30 - West



Photograph No. 31 - West



Photograph No. 32 - West



Photograph No. 33 - North



Photograph No. 34 - Pedestrian Tunnel



Photograph No. 35 - North



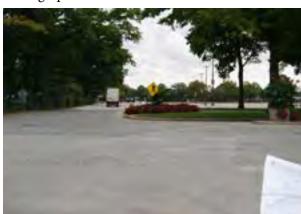
Photograph No. 36 - North



Photograph No. 33 - East



Photograph No. 34 - Pedestrian Tunnel



Photograph No. 35 - East



Photograph No. 36 - East



Photograph No. 33 - South



Photograph No. 34 - Pedestrian Tunnel



Photograph No. 35 - South



Photograph No. 36 - South



Photograph No. 33 - West



Photograph No. 34 - Pedestrian Tunnel



Photograph No. 35 - West



Photograph No. 36 - West



Photograph No. 37 - North



Photograph No. 38 - North



Photograph No. 39 - North



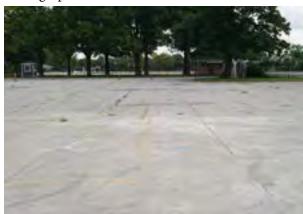
Photograph No. 40 - North



Photograph No. 37 - East



Photograph No. 38 - East



Photograph No. 39 - East



Photograph No. 40 - East



Photograph No. 37 - South



Photograph No. 38 - South



Photograph No. 39 - South



Photograph No. 40 - South



Photograph No. 37 - West



Photograph No. 38 - West



Photograph No. 39 - West



Photograph No. 40 - West



Photograph No. 41 - North



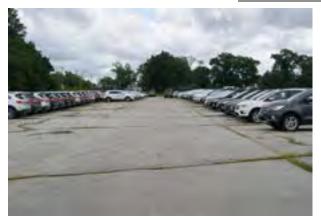
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Photograph No. 43 - North



Photograph No. 44 - North



Photograph No. 41 - East



Photograph No. 42 - East



Photograph No. 43 - East



Photograph No. 44 - East



Photograph No. 41 - South



Photograph No. 42 - South



Photograph No. 43 - South



Photograph No. 44 - South



Photograph No. 41 - West



Photograph No. 42 - West



Photograph No. 43 - West



Photograph No. 44 - West



Photograph No. 45 - North



Photograph No. 46 -North



Photograph No. 47 - North



Photograph No. 48 - North



Photograph No. 45 - East



Photograph No. 46 - East



Photograph No. 47 - East



Photograph No. 48 - East



Photograph No. 45 - South



Photograph No. 46 - South



Photograph No. 47 - South



Photograph No. 48 - South



Photograph No. 45 - West



Photograph No. 46 - West



Photograph No. 47 - West



Photograph No. 48 - West



Photograph No. 49 - North



Photograph No. 50 - North



Photograph No. 51 - North



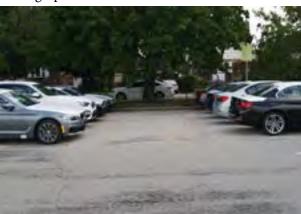
Photograph No. 52 - North



Photograph No. 49 - East



Photograph No. 50 - East



Photograph No. 51 - East



Photograph No. 52 - East



Photograph No. 49 - South



Photograph No. 50 - South



Photograph No. 51 - South



Photograph No. 52 - South



Photograph No. 49 - West



Photograph No. 50 - West



Photograph No. 51 - West



Photograph No. 52 - West



Photograph No. 53 - North



Photograph No. 54 - North



Photograph No. 55 - North



Photograph No. 56 - North



Photograph No. 53 - East



Photograph No. 54 - East



Photograph No. 55 - East



Photograph No. 56 - East



Photograph No. 53 - South



Photograph No. 54 - South



Photograph No. 55 - South



Photograph No. 56 - South



Photograph No. 53 - West



Photograph No. 54 - West



Photograph No. 55 - West



Photograph No. 56 - West



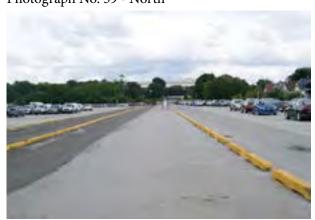
Photograph No. 57 - North



Photograph No. 58 - North



Photograph No. 59 - North



Photograph No. 60 - North



Photograph No. 57 - East



Photograph No. 58 - East



Photograph No. 59 - East



Photograph No. 60 - East



Photograph No. 57 - South



Photograph No. 58 - South



Photograph No. 59 - South



Photograph No. 60 - South



Photograph No. 57 - West



Photograph No. 58- West



Photograph No. 59 - West



Photograph No. 60 - West



Photograph No. 61 - North



Photograph No. 62 - North



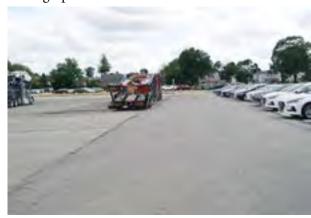
Photograph No. 63 - North



Photograph No. 64 - North



Photograph No. 61 - East



Photograph No. 62 - East



Photograph No. 63 - East



Photograph No. 64 - East



Photograph No. 61 - South



Photograph No. 62 - South



Photograph No. 63 - South



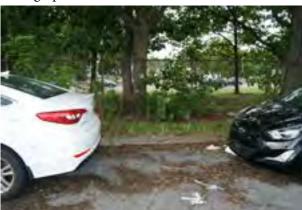
Photograph No. 64 - South



Photograph No. 61 - West



Photograph No. 62 - West



Photograph No. 63 - West



Photograph No. 64 - West



Photograph No. 65 - North



Photograph No. 66 - North



Photograph No. 67 - North



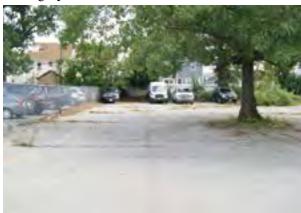
Photograph No. 68 - North



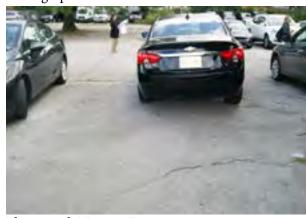
Photograph No. 65 - East



Photograph No. 66 - East



Photograph No. 67 - East

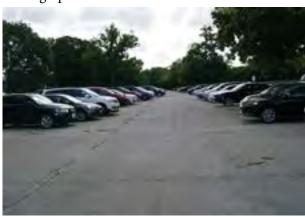


Photograph No. 68 - East



Photograph No. 65 - South





Photograph No. 67 - South



Photograph No. 68 - South



Photograph No. 65 - West



Photograph No. 66 - West



Photograph No. 67 - West



Photograph No. 68 - West



Photograph No. 69 - North



Photograph No. 70 - North



Photograph No. 71 - North



Photograph No. 72 - North



Photograph No. 69 - East



Photograph No. 70 - East



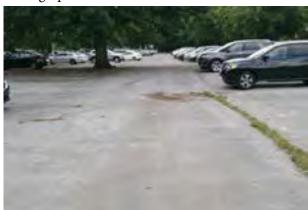
Photograph No. 71 - East



Photograph No. 72 - East



Photograph No. 69 - South



Photograph No. 70 - South



Photograph No. 71 - South



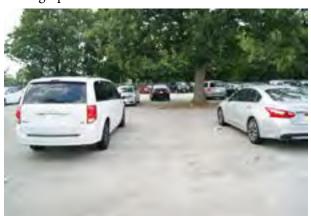
Photograph No. 72 - South



Photograph No. 69 - West



Photograph No. 70 - West



Photograph No. 71 - West



Photograph No. 72 - West



Photograph No. 73 - North



Photograph No. 74 - North



Photograph No. 75 - North



Photograph No. 73 - East



Photograph No. 74 - East



Photograph No. 75 - East



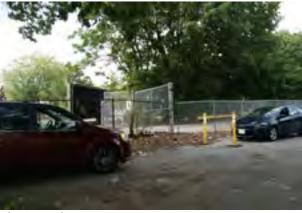
Photograph No. 73 - South



Photograph No. 74 - South



Photograph No. 75 - South



Photograph No. 73 - West



Photograph No. 74 - West



Photograph No. 75 - West