



Request for Proposals for the Long-Term Lease of Property at Belmont Park

Addendum #3

Release Date: September 6, 2017

The following is a partial list of responses to questions submitted by prospective respondents ("Respondents") to the Request for Proposals for the Long-Term Lease of Property at Belmont Park ("RFP"). A copy of the RFP is available at: https://esd.ny.gov/request-proposals-long-term-lease-property-belmont-park.

Responses to the remaining questions submitted by Respondents to this RFP will be posted by Friday, September 8, 2017 in an additional addendum.

Belmont Park RFP Responses to Questions

Table with 3 columns: No., Question, Answer. Contains 4 rows of questions and answers regarding community input, approval process, outreach plans, and NYRA redevelopment.

No.	Question	Answer
5	Will a study be done on the potential increase in the demand for utilities (i.e., electric, gas, water) and how will this impact the host communities?	These analyses will be included in the environmental review for the project required under SEQRA.
6	The RFP indicates SEQRA review (therefore probably a full Environmental Impact Statement) must be completed before execution of the lease. An EIS will likely take 12-24 months – how does that work with ESD’s lease signing schedule?	A lease will be entered into once the public approvals are completed. These approvals include the processes to satisfy SEQRA, the UDC Act and, if applicable, the Public Authorities Accountability Act ("PAAA").
7	Please confirm that ESD will serve as lead agency for SEQRA. Will the Town of Hempstead have a role? If so, what will be the Town of Hempstead’s role and have they been involved in this RFP process to date?	ESD will be the SEQRA lead agency. The Town of Hempstead will be invited to participate in the SEQRA process as an involved/interested agency.
8	What are the dimensions (width and height) of the landscape buffer required on Site B?	The specifics of this buffer feature will be determined through the environmental review process.
9	What is the time frame of the SEQRA process and where will any public hearings take place?	ESD will coordinate the SEQRA review with the UDC Act public process. Typically, the time frame for the coordinated process varies from one to two years. At a minimum, there will be a public scoping session and a combined public hearing on the draft Environmental Impact Statement ("DEIS") and the General Project Plan.
10	Will there be a requirement for traffic studies that include the impact on local municipalities such as Floral Park, Bellerose, South Floral Park and Stewart Manor?	The SEQRA review will include traffic, transportation and parking analyses. The neighborhoods to be included will be determined during the public scoping process.
11	Do you require an upfront payment for the site?	Upfront payment is not a requirement for the Site.

No.	Question	Answer
12	What demonstration of financial ability to complete the proposed project will be required of each proposed developer?	Respondents are required to provide current financials that detail the financial strength of the entity or entities that comprise the Respondent team. In addition, Respondent teams must submit a pro forma statement, sources and uses of funds, identification of financing sources including equity and debt, and letters of interest from lenders or investors. Please see pp. 11 & 13 of the RFP for more information.
13	The "Real Estate Development Parcels" described in the Ground Lease refer to exhibits G1 and G2 but they were not included with the exhibits along with the others. Can you forward?	Exhibits A, B, G-1, G-2, and G-3 are all represented by the map found on (viewer) p. 38 of the Ground Lease under Appendix C of the RFP.
14	Have the Real Estate Development Parcels been "recaptured" by the Lessor yet? Or is that something the State still needs to do? And how is it done?	The parcels have not yet been "recaptured" by the State of New York. Upon approval by FOB of a project, FOB will begin the process to recapture the parcels.
15	What is the proposed term length for the ground lease of the site?	Respondents are asked to propose a term length for the ground lease. Term lengths shall be appropriate to permit the acquisition of sufficient financing and investment capital by the Designated Developer to support the types of uses contemplated by this RFP, but may not exceed 99 years. Please see p. 8 of the RFP for more information.
16	At page 7 of the RFP, it states: "Each Site will be offered to the Designated Developer through a long-term lease granted by the FOB. Respondents should specify the term of lease and other terms of the Ground Lease and lease necessary to permit financing of the proposed Project on each Site." Can you explain the meaning of this sentence?	The Designated Developer (lessee) will hold a ground lease of the Site granted by the Franchise Oversight Board (lessor). Respondents are asked to propose lease terms and lease term length for the Ground Lease. The length of the lease term is required to be of an appropriate length to permit the acquisition of sufficient financing or investment capital by the Designated Developer to support the types of uses contemplated by this RFP. Please see p. 8 of the RFP for more information.

No.	Question	Answer
17	What happens if the lessee cannot fulfill the terms of the lease during the life of the lease?	In the event the lessee cannot fulfill the terms of the lease, the lease would be under default. Remedies to cure the default would be sought by FOB under the default remedies provisions outlined in the lease.
18	Does "rent" being paid go to New York State General Fund or a specific use?	Absent any legislation that directs the rent revenue into a different fund, the rent paid by the Designated Developer will go to the general fund.
19	Does the very specific exclusion of “video lottery terminals, table games, pari-mutuel and simulcast wagering” effectively prohibit the inclusion of a casino in the new development plans?	Casinos will not be considered for this RFP.
20	Can the use of the property change over the course of the lease without the FOB approval and/or what is the process (i.e., can a casino ever go in)?	Use of the property under the terms of the lease must be consistent with this Procurement. Please also see previous answer.
21	Are there any prohibited uses for the Sites according to the New York Racing, Wagering, and Breeding Law?	The allowed uses and restrictions on use of the Sites are set forth in Article X of the Ground Lease between the FOB and NYRA. The Racing, Pari-Mutuel Wagering and Breeding Law does not prohibit any uses of the Sites.
22	Does our RFP response need to include an MWBE Utilization Plan (specifically the ESD Form s– OCSC-1, 2 and 4) in our response or are you simply looking for our strategy and approach as to how we will achieve the stated project goals?	Respondents must submit an MWBE Utilization Plan and completed OCSD-1, OCSD-2 and OCSD-4 forms. See pp. 23-24 of the RFP for links to the required forms.
23	To what extent will the NYRA have a formal approval role in connection with this RFP, or in any of the specific programmatic components? Does NYRA have the same approval rights for the Site A extension as it does for Sites A and B?	NYRA is not involved in this RFP. In addition, any space adjustment(s) to Site A and Alternative Site A will require cooperation from NYRA should the State approve a project that includes Alternative Site A.

No.	Question	Answer
24	<p>Both Site A and B are located on existing space currently utilized for parking. Will the existing parking stalls be replaced? If so, where will the new parking be located? And can this relocated parking be utilized by the Respondent at times that do not conflict with horse racing during the Belmont Stakes and Breeders Cup periods?</p> <p>Are there any exceptions to the requirement that any parking built on Site A and Site B be made available on race days?</p>	<p>The current parking spaces on the Site will not be replaced. However, as per p. 13 of the RFP, any parking developed on the Site must be made available for use by Belmont Park, in connection with the running of the Belmont Stakes and the Breeder's Cup.</p>
25	<p>Will shared parking at Belmont Park be permitted with regularly scheduled horse racing—except during the Belmont Stakes and Breeders Cup periods?</p>	<p>Respondents are encouraged to propose construction of all required parking on the parcels made available in this RFP. Any use of parking spaces not located on the Site should be addressed in the Proposal.</p>
26	<p>What are the parking requirements for the racetrack on race days for the sites? Does a site plan have to be created to have enough parking spots for race day? If so, what is the minimum number of spots?</p>	<p>There is no minimum number of parking spaces. However, Respondents are encouraged to place all parking spaces required by the proposed Project on Sites A & B or Alternative Site A.</p>
27	<p>Where will the parking to support each proposal exactly be located?</p>	<p>There is no designated area on either Site where parking must be located. Respondents are asked to detail in their Proposals the Project's parking requirements as well as the location(s) of the proposed parking.</p>
28	<p>To what extent is a PILOT payment part of the negotiation if selected? Is it discussed when negotiating the new ground lease?</p>	<p>A PILOT is anticipated, and Respondents are required to submit a proposed PILOT schedule for the Site based on tax assumptions for the Respondents' proposed uses for the Site.</p>
29	<p>Will the upcoming privatization of NYRA have any effect on negotiations for PILOT and/or tax payments?</p>	<p>The privatization of NYRA does not have an effect on negotiations for PILOT and/or tax payments.</p>
30	<p>What types of jobs and/or what industry are you looking to bring to the Belmont Site?</p>	<p>ESD is seeking jobs and industries related to uses contemplated in this RFP.</p>

No.	Question	Answer
31	Can you provide some insight as to why the original RFP did not move forward and what are ESD's expectations at this time?	The 2012 RFP was canceled in order to consider economic benefits and job creation opportunities beyond the scope of the original RFP. Please see pp. 8 and 15 for the Development Objectives and Selection Criteria for ESD's goals and requirements for the current RFP.
32	Is a Respondent required to have a sports team in tow with its proposal?	A Respondent is not required to have a sports team in tow with its proposal.
33	Has ESD looked at other racetracks and developments at or near other racetracks?	ESD has not performed a formal review of other racetrack developments. However, ESD has reviewed and incorporated feedback that has referenced other entertainment, commercial and retail developments.
34	Who will be on the Selection Committee for the RFP?	ESD will form a Selection Committee on a date to be determined. The Committee will be comprised of New York State officials.
35	Are we restricted to submitting only 8.5 by 11 images or can we produce larger ones (11 X17)?	Images or documents larger than 8.5 x 11" are permitted.
36	What is the timeline after the RFP deadline?	At this time, ESD does not have a timeline after the RFP response deadline.
37	Will any development need to meet a requirement of having stand-alone on-site utilities included within the proposals?	Stand-alone on-site utilities will be required for any development proposed on the Site.
38	What is ESD's definition of "complementary to horse racing and pari-mutuel wagering"?	ESD is open to all entertainment, sports, recreation, hospitality, retail and commercial uses that reflect the location and context of the Site except those uses specifically listed on p. 4 of the RFP as uses that will not be considered. In addition, any proposed uses of 39the Site will require unanimous consent by FOB.
39	On page 7 of the RFP, it states New York Racing Association plans a 2 year redevelopment project at Belmont Park. Is this RFP planned to be expedited to coincide with NYRA's plans?	The timeline for the RFP is not being expedited to coincide with NYRA's plans for redevelopment at Belmont Park. However, the Designated Developer will be expected to coordinate construction activities with NYRA.

No.	Question	Answer
40	Will the LIRR be permitted to continue service to Belmont Park when horse racing is not scheduled to take place at Belmont Park?	As per the RFP, the MTA has expressed interest in working with ESD to explore future public transportation access in coordination with possible redevelopment at Belmont Park, but no definite plans have been made thus far. Please see p. 6 of the RFP for more information.
41	Are there any proposed improvements to the surrounding highways?	Currently, there are no proposed improvements to the surrounding highways. Respondents are welcome to propose highway improvements.
42	Section I (Introduction) of the RFP describes the 36 acres that are available in general terms. Site A totals 8 acres and Site B totals 28 acres, however no defined site boundary has been provided for either site beyond the small key plan on Page 4 of the RFP. Please confirm the extent of the site boundaries of Site A and Site B with a red line or preferably a dimensioned CAD plan.	Please see Exhibits G-1 and G-2 found on (viewer) p. 38 of the Ground Lease included with the RFP under Appendix C for the boundaries of Sites A & B. Please also see p. 14 of the Ground Lease for additional descriptions of both parcels.
43	The RFP mentions that the proposed 7 additional acres of land are currently leased by NYRA. Does the acreage that the existing grandstand currently sits on qualify under this "existing 7 acres"?	The Grandstand structure and the land underneath are not part of the property contemplated for development in this RFP.
44	Section I (Introduction) of the RFP describes an "Alternative" Site A that totals 15 acres (an additional 7 acres to Site A), however, no plan has been provided to define the location, extent and configuration of the additional 7 acres. Please confirm the extent of the Alternate A site boundaries with a red line or preferably a dimensioned CAD plan. It will not be possible to properly plan for this additional site without this information.	The RFP is flexible on the boundaries of Alternative Site A so long as the site boundaries are contained within land adjacent to Site A and north of Hempstead Turnpike. Please also see previous answer.

No.	Question	Answer
45	Please confirm if all 15 acres (Site A and Alternative Site A) must be fully utilized by the Respondent if the “Alternative” Site A is included in Respondent’s proposal	Respondents can propose development on the entire seven acres of "Alternative Site A" or a portion of "Alternative Site A."
46	Does any part of the site parcels belong to New York City? Who owns the adjoining acres?	Parcels A & B and Alternative Site A are not located in New York City. Belmont Park and the structures and facilities inside it are owned by the State of New York.
47	Belmont Racetrack is on a NYC hurricane evacuation route. Will development on Sites A & B have any effect on the evacuation route?	ESD anticipates that the use of the Belmont Racetrack as a hurricane evacuation center will continue and not be affected by development on Sites A & B and Alternative Site A.
48	Have any utility companies been contacted regarding this RFP or prior attempts to develop the site? Is the technical data from their responses available?	No utility companies have been contacted in reference to this RFP.
49	The RFP refers to “zoning overrides” a few times. Does this mean “variances”, and will the designated developer have to go to the Hempstead Town Zoning Board for such variances? Or will the state be issuing building permits and variances and if so, which State agency?	<p>ESD has the authority to override zoning per the UDC Act. A General Project Plan will be required that sets forth the replacement zoning and does not require review or approval by the Town Zoning Board. However, as part of the zoning process, ESD will engage in consultation with the Town of Hempstead regarding the override.</p> <p>As per p. 7 of the RFP, any development on the Site will be subject to New York State building codes.</p>
50	Is there a particular zoning requirement for parking for Site A, the Site A extension, or Site B? Is there a zoning requirement for a number of parking spots required if retail is built on any of the three sites?	The zoning for the Site is being overridden; required parking supply will be determined through the environmental review process and is anticipated to be mandated as part of the General Project Plan.
51	Are there zoning/planning setbacks required from the highway and associated access roads at the northwest and north sides of Site B and/or the west and south sides of Site A?	Local zoning restrictions are not applicable; however any development project on the Site will be subject to New York State Uniform Fire Prevention and Building Code.



No.	Question	Answer
52	Is any part of the site considered parkland that would require Legislative approval for alienation purposes?	No part of the Site is considered parkland that would require Legislative approval for alienation purposes.
53	Given that the land that is the subject of this RFP is currently zoned residential, what steps need to be taken to change the zoning for the land? What authorities will be involved in this decision? Does the Town of Hempstead need to approve zoning?	ESD has the authority to override local zoning. The Town of Hempstead will be consulted as part of the process. Although there is no formal approval needed from the Town, ESD will request written consent to the project and use of the override as part of the GPP process.
54	Is prevailing wage required under Labor Law for this project?	Under Labor Law, prevailing wages are required for this project.

Each of the foregoing is added to and made part of the RFP. Any questions regarding this addendum may be submitted to the designated contact account for this solicitation at BelmontParkRFP@esd.ny.gov. In order to receive an update when a new addendum is posted to the ESD website, please email BelmontParkRFP@esd.ny.gov. If you have already emailed this account, you will be notified of future updates.