New York City Environmental Quality Review Act (CEQR)

Final Scope of Work for a Draft Environmental Impact Statement

BALLY'S BRONX

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THROGGS NECK, BRONX



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17 January 2025

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Table of Acronyms or Initials

Acronym or Initials	Name
ATR	Automatic Traffic Recorder
CCC	City Coastal Commission
CEQR	City Environmental Quality Review
CO	Carbon Monoxide
CPC	City Planning Commission
CWFS	Citywide Ferry Service
DAC	Disadvantaged Community
DCP	New York City Department of City Planning
DEIS	Draft Environmental Impact Statement
DOB	New York City Department of Buildings
DOL	Department of Labor
DSNY	New York City Department of Sanitation
EAS	Environmental Assessment Statement
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
ESI	Environmental Site Investigation
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration
GHG	Greenhouse Gas
GPD	Gallons per Day
GSF	Gross Square Feet
HCM	Highway Capacity Manual
HVAC	Heating, Ventilation, and Cooling
ITE	Institute of Transportation Engineers
JPA	Joint Permit Application
LOS	Level of Service
LPC	New York City Landmarks Preservation Commission
LTCP	Long Term Control Plan
MBT	MTA Bridges and Tunnels
MTA	Metropolitan Transportation Authority
NOAA	National Oceanic and Atmospheric Administration
NHL	National Historic Landmark
NYC	New York City
NYCDEP	New York City Department of Environmental Protection
NYCDOT	New York City Department of Transportation
NYCT	New York City Transit
NYCL	New York City Landmark
NYC Parks	New York City Department of Parks and Recreation
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NO_2	Nitrogen Dioxide
ODMHEDW	Office of the Deputy Mayor for Housing, Economic Development, and Workforce
OER	Mayor's Office of Environmental Remediation
OSR	Open Space Ratio
PCE	Passenger-Car-Equivalent
PCCCP	Post Construction Custodial Care Plan

pFIRM	Preliminary Flood Insurance Rate Map
PM	Particulate Matter
POPS	Privately Owned Public Spaces
SBS	Select Bus Service
SEQR	State Environmental Quality Review
SEQRA	State Environmental Quality Review Act
SF	Square Feet
SHAFT	Suitable Habitat Assessment Form for Trees
SHPO	New York State Historic Preservation Office
S/NR	State or National Registers of Historic Places
SWMP	Solid Waste Management Plan
TDF	Transportation Demand Factors
ULURP	Uniform Land Use Review Procedure
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
V/C	Volume-to-Capacity
VOC	Volatile Organic Compound
WRP	Waterfront Revitalization Program

FINAL SCOPE OF WORK FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT

Bally's Bronx | CEQR Number: 24DME011X |17 January 2025

1. Introduction

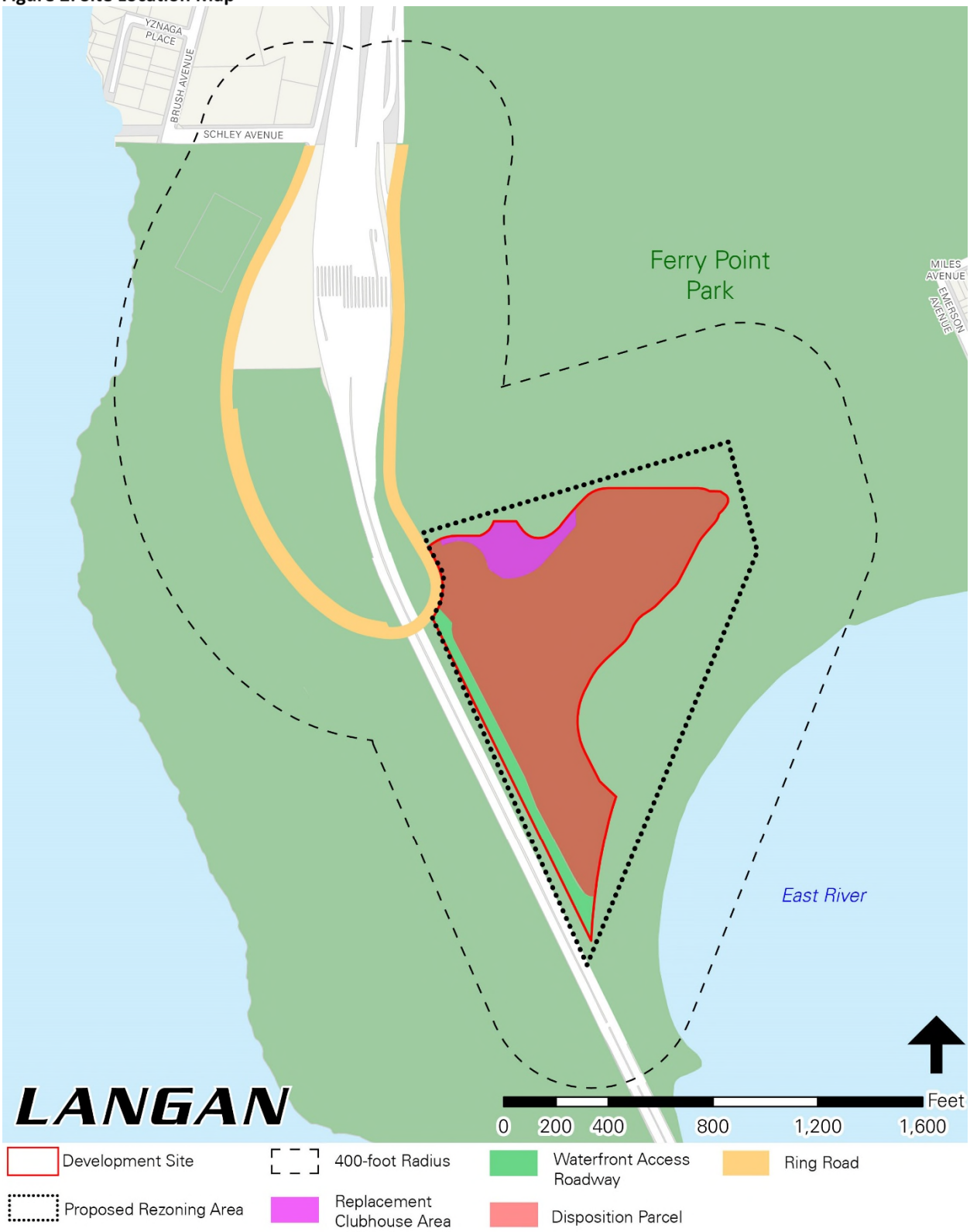
This ~~Draft~~Final Scope of Work (the "~~Draft~~Final Scope") outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the proposed "Bally's Bronx" gaming and recreation facility (the "Proposed Facility") in the Throggs Neck neighborhood of Bronx Community District 10 (see Figures 1, 2, and 3). The EIS will assess the Proposed Facility, which would contain gaming ~~space with~~and food and beverage ~~services~~space, a hotel, an event center, retail, ~~and~~ a 4,660-space parking garage, and an approximately 2,000 square foot (sf) police substation, located on an approximately ~~19~~18.38-acre parcel (the "Development Site") within Bally's Golf Links at Ferry Point, a 222-acre public golf course in the Bronx (the "Golf Course"). The Golf Course, including the area where the replacement golf clubhouse would be located is, and will remain, a part of Ferry Point Park (the "Park"). The Applicant, Bally's New York Operating Company, LLC (~~the~~ "Bally's~~Applicant~~") has operated the Golf Course since September 2023 pursuant a license agreement with the New York City Department of Parks and Recreation (NYC Parks) and intends to construct the Proposed Facility within a portion of the Golf Course that is currently used for parking, the golf~~course~~ clubhouse, ~~and~~ a portion of the practice area, and other landscaped areas.

A replacement golf clubhouse would also be constructed north of the Proposed Facility and the existing Park access roadway west of where the Proposed Facility would be located (the "Waterfront Access Roadway") would be improved so that it can also be used to access portions of the Proposed Facility. An easement or similar agreement between Bally's and NYC Parks would allow for joint use of this roadway and it would continue to serve as access for park users to areas near the waterfront.

Figure 1: Location Map

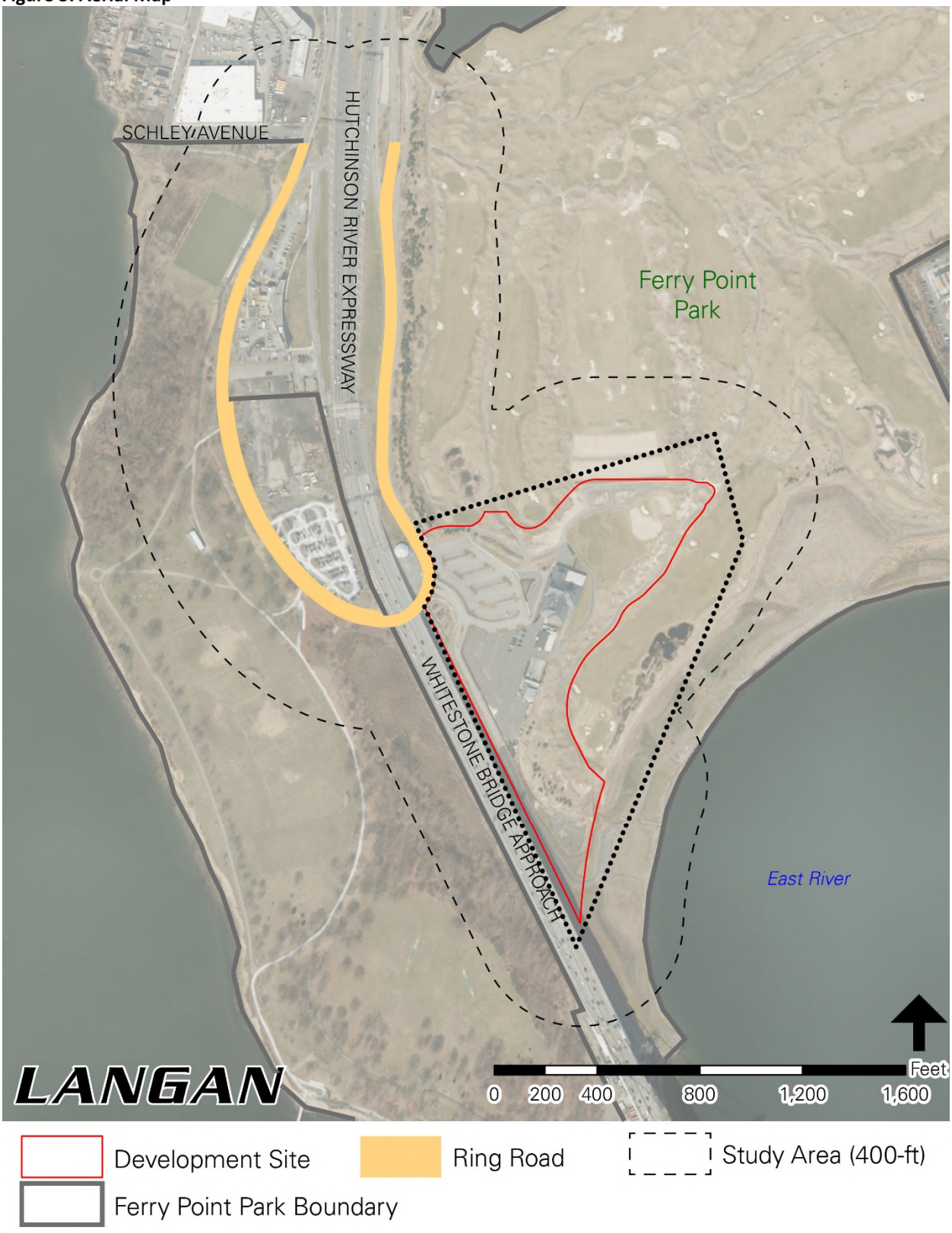


Figure 2: Site Location Map



Note: This graphic was updated for the Final Scope of Work.

Figure 3: Aerial Map



Note: This graphic was updated for the Final Scope of Work.

In connection with the Proposed Facility, the uninterrupted circular roadway within the Park that connects the southbound and northbound Hutchinson River Expressway service roads (the "Ring Road") would be ~~widened and improved in coordination with the~~converted to a City Street, under the jurisdiction of the New York City Department of Transportation (NYCDOT~~). Supplemental roadway improvements~~). The street would be ~~undertaken to improve circulation near the Development Site. Additionally, the Applicant intends to design~~widened and improved in coordination with NYCDOT, NYC Parks, NYC Department of Environmental Protection (NYCDEP), and ~~construct improvements to the Park and adjacent roadways in coordination with the City of~~ the Metropolitan Transportation Authority (MTA) (including New York~~.~~ City Transit [NYCT] and Bridges and Tunnels [TBTA]). ~~Collectively, the Development Site and the Ring Road comprise the" Affected Area." ~~The Proposed Facility, replacement golf clubhouse, improved ~~and improvements to~~ Waterfront Access Roadway, and improvements to Ring Road comprise the "Proposed Development." Collectively, the Development Site and the improved Ring Road comprise the" Affected Area."

To enable the Proposed Facility, the majority of the Development Site would be the subject of State legislation authorizing its alienation so that it can be transferred to ~~the Applicant~~Bally's and used for ~~the Applicant's~~Bally's non-park use~~. In connection~~(the portion of the Development Site where the replacement golf clubhouse would be located will remain as parkland). Park improvements and replacement parkland would also be provided consistent with the requirements of the State alienation~~, the~~ legislation. Bally's~~Applicant intends to transfer to be identified properties~~would contribute funds to the City of New York to be devoted to NYC Parks for ~~use as~~ such public improvements and deed the designated new parkland ~~and provide upgrades~~ to ~~existing parkland. The final replacement parkland sites will be identified before publication of the Final EIS.~~NYC Parks. Ring Road is also currently parkland; therefore, it too would ~~also~~ be the subject of State alienation legislation to allow it to be transferred to ~~the~~ NYCDOT for use as a ~~public roadway~~mapped City street.

~~The Proposed Facility and improvements to Ring Road comprise the "Proposed Development." Collectively, the Development Site and the Ring Road comprise the "Affected Area."~~

The discretionary actions proposed to implement the Proposed Development include:

Required City Approvals

- A City Map Amendment to ~~City Map Amendments: D~~demap a portion of the Development Site (the "Disposition Parcel") a~~s~~ parkland allowing for the disposition of an interest in those areas.
- ~~.~~ A City Map Amendment to map the widened Ring Road~~, proposed to be widened,~~ as a City Street.
- ~~Zoning Map Amendments~~ A Zoning Map Amendment to d~~D~~esignate ~~19 acres of alienated~~existing parkland as a C8-4 commercial zoning district, in which gaming facilities are permitted pursuant to NYC Zoning Resolution ~~Sections~~Sections 32-10 (32-18, 32-181, 32-283~~) and 42-10 (42-18, 42-181, 42-183~~) and 42-10 (42-18, 42-181, 42-183).
- Approval for the disposition of City-owned real property to facilitate the transfer of a non-exclusive access easement or other similar agreement over the Waterfront Access

Roadway necessary for the Proposed Development from the City of New York (through NYC Parks) to Bally's.

~~Disposition of Real Property~~

~~Disposition of non-residential, city-owned property to the Applicant.~~

~~Acquisition of Real Property~~

~~Acquisition of replacement parkland by the City of New York from the Applicant.~~

~~Modification of Existing Concession License~~

- The extension and modification of the existing Golf Course Concession, through a renewal concession and/or a lease to facilitate the long-term operation of the public Golf Course by Bally's.
- ~~Renewal and amendment of the existing Concession License between the Applicant and NYC Parks to facilitate the long-term operation of the public Golf Course by Applicant.~~

~~Other City approvals may include approval from the Public Design Commission (PDC) and amendments to the City map and/or zoning map to show replacement parkland areas as "Park".~~ In addition, ~~to facilitate the Proposed Development,~~ coordination and~~(or~~ approvals for public improvements~~)~~ will be required ~~with~~ from City agencies such as ~~the NYC Department of Transportation (NYCDOT).~~NYC Parks, NYCDOT and NYCDEP.

Required State Approvals

- State Legislation and Governor's Approval to authorize~~ing~~ the a~~A~~lienation and disposition of p~~P~~arkland within Ferry Point Park (the Park).
- ~~To facilitate the disposition of the 19-acre Development Site to develop the Proposed Facility and the use of Ring Road as a mapped City street.~~
- ~~The Proposed Development is anticipated to require the approval of the following discretionary actions:~~
- ~~-~~Approval by the Gaming Facility Location Board and issuance of a gaming license from the New York State Gaming Commission to allow the operation of the Proposed Facility.
- ~~To allow the operation of the Proposed Facility.~~
- Approval from New York State Department of Environmental Conservation (NYSDEC) of a "Change of Use Workplan" to allow the use of and construction on the Development Site because it is part of a closed landfill
- ~~To allow the use of and construction on the Affected Area~~

Other State approvals ~~may~~ include approval from NYSDEC for stormwater discharges during construction and approvals from ~~the New York State Department of Transportation (~~NYSDOT~~)~~ and potentially other State agencies to facilitate certain street improvements ~~in the area of~~near the Hutchinson River ~~Parkway~~Expressway~~, the issuance of wetland permits from NYSDEC and the United States Army Corps of Engineers (USACE), and potentially other NYSDEC permits~~. In addition, ~~to facilitate the Proposed Development,~~ coordination (or approvals for public improvements) may be required with the State agencies or authorities such as ~~Metropolitan Transportation Authority (MTA) and MTA Bridges and Tunnels (MBT).~~MTA (including NYCT and TBTA).

The Proposed Development would also include various ministerial actions, such as approval from the Public Design Commission (PDC) for the replacement golf clubhouse.

Proposed Development

The Proposed Actions would allow the Proposed Facility, an approximately 3,~~134,040~~093,880-gross-square-foot (gsf) gaming facility containing up to 5,146 gaming positions, restaurants, a 500-key hotel with a spa and meeting space, retail space, a 2,000-person event center, ~~and~~ parking for approximately 4,660 vehicles~~.~~ and a police substation. ~~The Applicant~~Bally's would also construct a replacement standalone clubhouse for the Golf Course ~~in the northern portion~~north of the ~~Development Site.~~Proposed Facility. This portion of the parcel would remain as part of the Golf Course Concession or lease agreement. The ~~remainder of the~~ Golf Course would otherwise substantively remain as currently configured and would continue to be open to the public. Golf Course users would be provided parking within the Proposed Facility, ensured through a~~. A permanent~~ reservation in the deed to Bally's ~~easement~~ or other legal instrument ~~will be established to ensure parking access for Golf Course users~~.

Supplemental improvements will be undertaken to improve circulation near the Development Site. ~~The Applicant is investigating the feasibility of a new vehicular overpass across the Hutchinson River Expressway near Lafayette Avenue.~~ Ring Road would be widened and improved in coordination with the NYCDOT. ~~Additionally, the Applicant intends~~New traffic controls are proposed to ~~design and construct~~enhance pedestrian safety when crossing Ring Road. Pedestrian improvements ~~to the~~ such as paved sidewalks would also enhance connectivity along Ring Road beneath the Whitestone Bridge, allowing improved connections between the Development Site and Ferry Point Park west of the Hutchinson River Expressway. New stormwater infrastructure would be installed in ~~coordination with the City of New York.~~Ring Road as per NYCDOT requirements to minimize the potential for flooding during and as a result of precipitation events.

City Environmental Quality Review Process

Collectively, the Proposed Actions are classified as a Type I action pursuant to Part 617 of the New York Codes, Rules, and Regulations, and a coordinated review with City and State agencies is required. The Office of the Deputy Mayor for Housing, Economic Development, and Workforce (ODMHEDW) is the CEQR Lead Agency.

This ~~Draft~~Final Scope outlines the technical analysis areas and methods proposed for these analysis areas. The purpose of the EIS is to review and disclose the projected reasonable worst-case environmental impacts that could reasonably be expected to occur if the Proposed Actions are adopted. This information will allow the decision makers to make an "informed decision" on the potential consequences of approving the Proposed Actions.

Type I actions require an environmental review to be completed to inform the decision makers of the potential consequences of their decisions, pursuant to the State Environmental Quality Review Act (SEQRA). The act allows a local government to promulgate its own procedures as long as the procedures are no less protective of the environment, public participation, and judicial review than provided by the SEQRA. The City of New York exercised this prerogative by promulgating its own procedures, known as City Environmental Quality Review (CEQR), to reflect the environmental setting of New York City.

An Environmental Assessment Statement (EAS) and Positive Declaration were issued on May 22, 2024, by ODMHEDW in its capacity as CEQR lead agency. Based on the analyses provided in the EAS, ODMHEDW has determined that the Proposed Actions have the potential to result in significant adverse environmental impacts and directed that an EIS be prepared.

2. Affected Area

Background

The Park, located at 450 Hutchinson River Parkway, is identified on the New York City tax map as Bronx Block 5622, Lot 1 and Block 5583, Lot 100. The 413.8-acre park is bisected by the Whitestone Bridge and the Hutchinson River Expressway. The Ppark was created through a combination of land purchase and reclamation. The Ppark's original 171 acres were purchased by the City in proceedings to acquire land for the Whitestone Bridge in 1937, and plans were made for a beach, bathhouse, and cafeteria complex with a bus terminal and parking field. When the portion of the Park that is west of the Whitestone Bridge opened in 1941, the design had been scaled back and included a comfort station, baseball diamonds, an overlook, and picnic areas. In 1948, two park additions totaling 243 acres were acquired by condemnation. The NYC Department of Sanitation (DSNY) operated a municipal solid waste landfill on a portion of the Park that is east of the Whitestone Bridge from 1952 to 1970.[1] In 2015, the public 18-hole Golf Course was completed over the former landfill, within the Park.

The Golf Course concession was originally licensed to Trump Ferry Point LLC for a term extending through March 31, 2035, pursuant to a license agreement dated February 21, 2012. The license was assigned to the Applicant Bally's on September 12, 2023.

Also in 2015, improvements were made to the Park, including the construction of ballfields, bicycle and pedestrian pathways, basketball courts, and a comfort station. A new comfort station was added to thea portion of the Park that is located west of the Whitestone Bridge in 2018.

The "Ferry Pont Park Passive Waterfront Path and Landscape Construction" project, which created a waterfront path and saltwater marsh at the base of the Park between the Whitestone Bridge and Emerson Avenue, was completed in March of 2021. The Ferry Point Park ferry terminal, located in the southwestern portion of the Park, was also completed in 2021 and provides ferry access along the Soundview route between the Bronx and Manhattan seven days a week.

The Park also contains areas that are inaccessible to the public outside of the Affected Area. The TBTA uses space under the Whitestone Bridge for maintenance activities. The TBTA also maintains a salt dome on the interior of Ring Road, east of the Whitestone Bridge.

The Development Site – the area of Ferry Point Park where the proposed facilityProposed Facility would be constructed, as shown in Figure 2 – comprises about 1918.38 acres and includes the Golf Course's clubhouse, parking lot, and portion of the practice area, and other landscaped areas.

[1] https://www.nycgovparks.org/parks/ferry-point-park/history

Development Site

The Development Site is an approximately ~~19~~18.38-acre area~~parcel located~~ entirely within the Golf Course. As noted above, the Golf Course is part of Ferry Point Park, and under the jurisdiction of NYC Parks. ~~The Applicant~~Bally's is the licensee and operator of the Golf Course.

The Development Site is bounded by Hutchinson River Expressway to the west, and ~~otherwise bounded by~~ the Golf Course and Park on all other boundaries. ~~The Ring Road parcel is generally within the area of the existing Ring Road, with wider boundaries in some areas~~ (see Appendix C~~A~~ of the EIS for the metes and bounds of the ~~two~~ parcels comprising the Affected Area). The Development Site is currently improved with the ~~Golf Course~~golf clubhouse, ~~pro shop,~~ parking lot, ~~and~~ a portion of the golf course practice area, and other landscaped areas. The clubhouse is one story and has approximately 25,265 gsf of floor area.

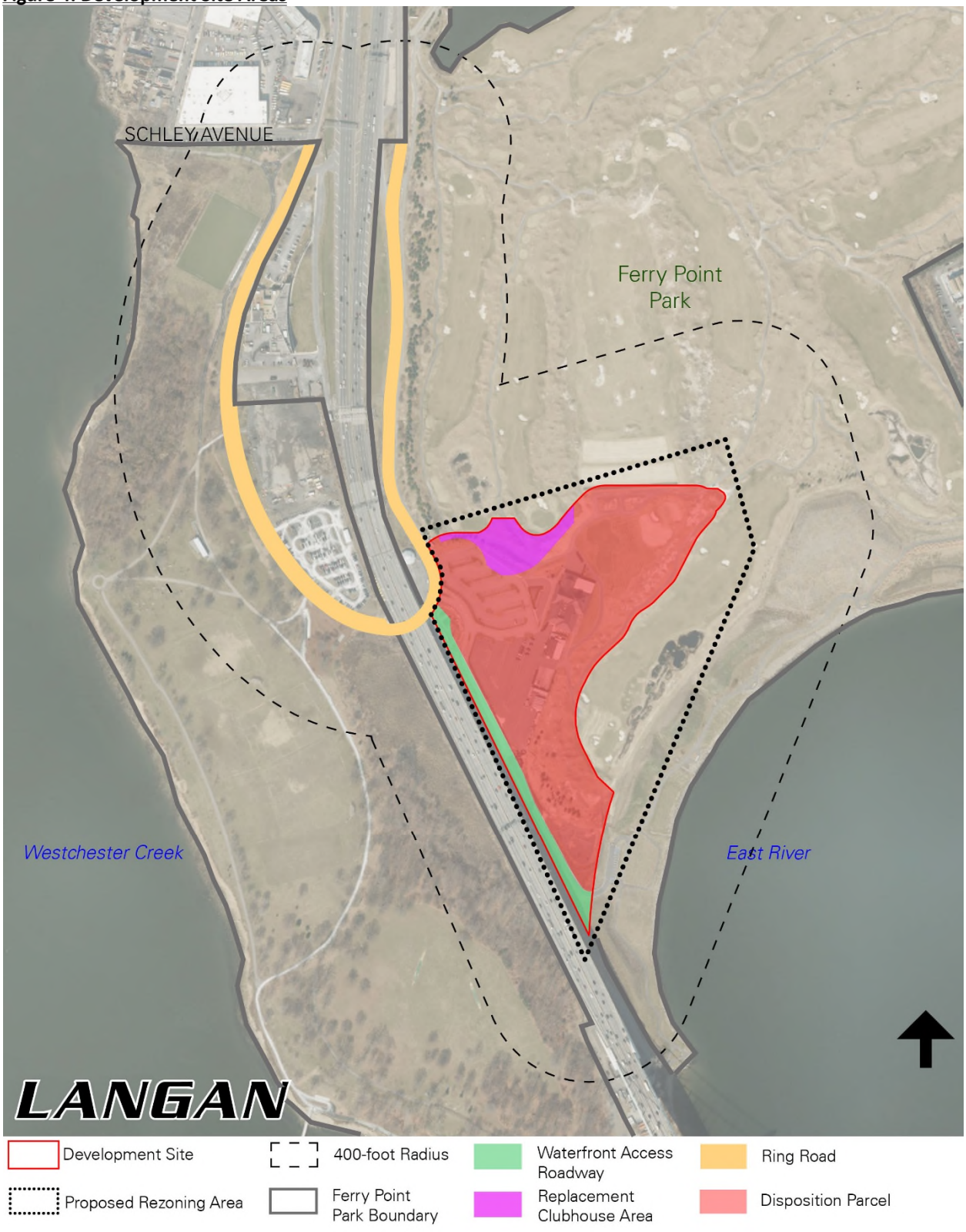
As noted in Figure 4, the Development Site comprises three areas:

1. The "Disposition Parcel" is a 15.73-acre parcel of parkland that would be alienated through State legislation and disposed by the City to Bally's to allow construction of the Proposed Facility;
2. The replacement clubhouse area includes approximately 1.23 acres that would be developed with the replacement golf clubhouse and associated Golf Course improvements. This land would continue to be part of the Golf Course and would remain parkland owned by NYC Parks. The land is within the area that would be operated by Bally's either through an extension and modification of the existing Golf Course Concession and/or lease; and
3. The Waterfront Access Roadway is a 1.42-acre parcel of land east of the Whitestone Bridge and is within the location of a roadway that connects Ring Road and the East River Park Lot – an area of the Park south of the Development Site and outside the Golf Couse that contains a surface parking lot near the waterfront. An easement or similar agreement would allow Bally's to share use of this roadway. The access area would be alienated to allow this use along the roadway. The Waterfront Access Roadway would remain under ownership of NYC Parks and part of the Park.

The preliminary Flood Insurance Rate Map (pFIRM) published by the Federal Emergency Management Agency (FEMA) shows that portions of the Development Site are in the 100-year (Zone AE) and 500-year floodplains, and other portions are in an area of minimal flood hazard chance. The base flood elevation at the Development Site is 13 feet. The Development Site is also within the New York City Coastal Zone Boundary, which requires a consistency review against the policies of the NYC Waterfront Revitalization Program (WRP).

The Development Site is accessed from Hutchinson River Expressway and the local street network via the one-directional Ring Road at Schley Avenue, which connects the southbound Hutchinson River Expressway service road to the northbound service road by looping beneath the Whitestone Bridge within the Park. To the north, the Hutchinson River Expressway provides access to interstates 95, 278, and 295. These interstate highways allow ~~onward~~ regional connections to areas such as the Bronx, Westchester, New Jersey, and Connecticut. Southbound, the Hutchinson River Expressway provides access across the East River via the Whitestone Bridge to the Cross Island Parkway, which provides onward connections to Queens and Long Island.

Figure 4: Development Site Areas



Note: This graphic is new for the Final Scope of Work.

The Development Site is approximately 0.25 miles west of the Bx42 bus stop along Harding Avenue, and approximately 0.25 miles northeast of the Ferry Point Park ferry ~~terminal~~stop. The Development Site is also within one mile of bus stops served by the BxM9, Q50, and Q44 – Select Bus Service (SBS) bus lines. The Middletown Road, Castle Hill Avenue, Zerega Avenue, and Westchester Square-East Tremont Avenue stations of the No. 6 subway line are within two miles of the Development Site. The area surrounding the Affected Area contains a mix of open spaces (the remainder of the Park and the St. Raymond's New Cemetery). On the periphery of the Park, land uses include vacant land, institutional and industrial uses, multifamily housing, and one- and two-family ~~buildings~~ residences (see Figure ~~4~~5).

Former Landfill

The Development Site is part of an area previously ~~was~~ used by ~~the NYC Department of Sanitation~~DSNY as a landfill (1952 to 1970). The overall landfill generally comprises the area of the Golf Course.

In July 2000, NYSDEC issued permit No. 2-6006-00014/00011 to allow the importation of fill material to construct the Golf Course~~ on the Development Site.~~. The permit, as subsequently modified during construction activities, ~~expires~~expired in May 2024. As required by the NYSDEC permit, a post construction custodial plan (PCCCP) was established to set forth post-construction and monitoring requirements ~~associated with~~for the ~~former landfill use and construction allowed by the permit.~~site. Monitoring, as required by the ~~post construction custodial plan~~PCCCP, is currently conducted by NYC Parks, who would continue with this responsibility.

Ring Road

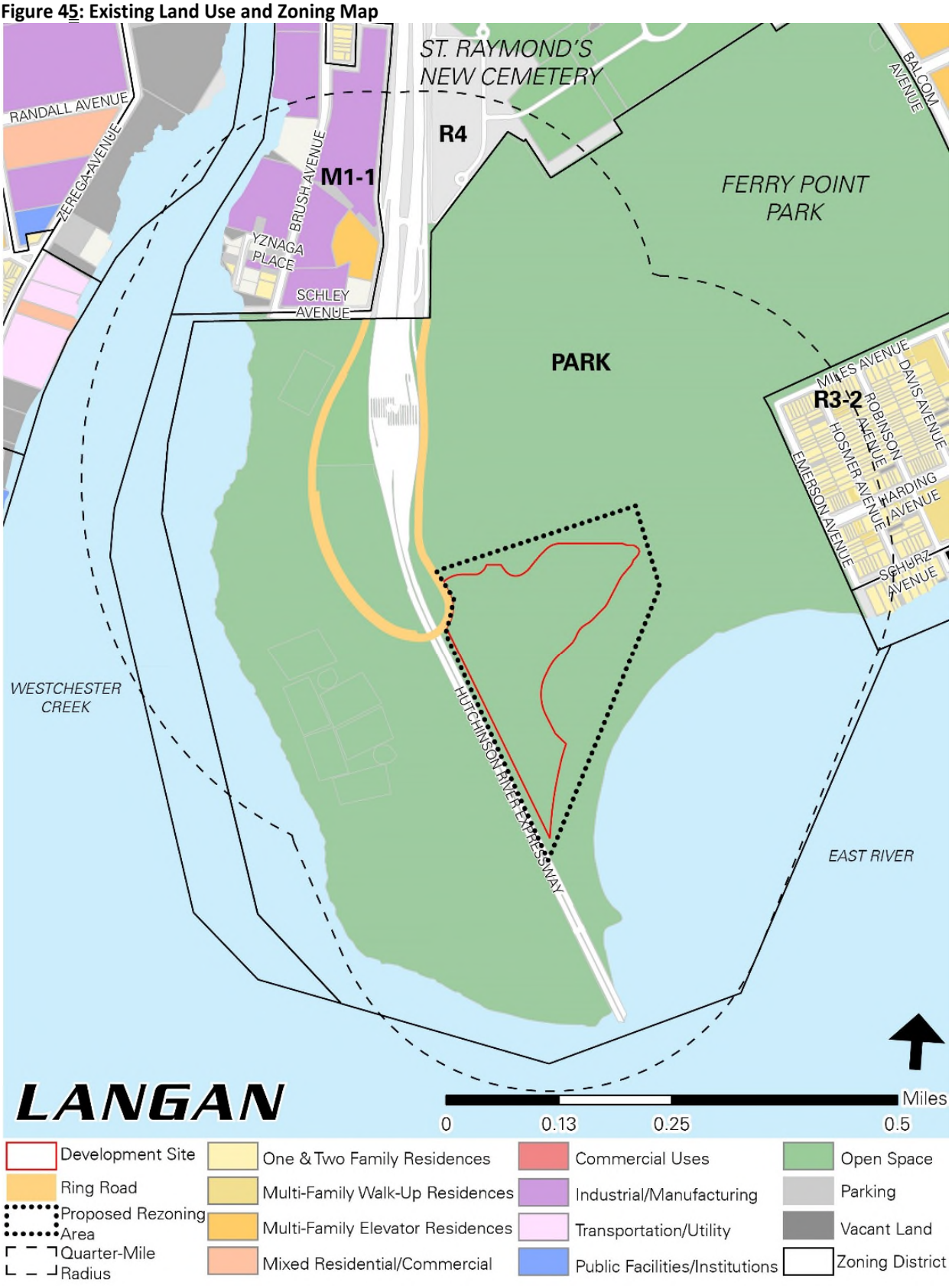
~~The~~ Ring Road ~~parcel~~ is ~~the~~an approximately ~~5.5~~2.41-acre area of the Park that is an unstriped, one-directional park roadway. The width of Ring Road varies but is generally 24 feet wide. Grassy areas front along either side of the roadway except in front the MTA office building near the entrance to the Park close to Schley Avenue, under the Whitestone Bridge, and along a TBTA maintenance facility, where the salt dome is located, next to the Whitestone Bridge.

~~that would be alienated and mapped as a city street under the jurisdiction of NYCDOT. The Ring Road parcel would be wider than the existing roadway to allow design flexibility to accommodate vehicles, bicycles, and pedestrians accessing the Park and the Proposed Facility~~.

Replacement Parkland and Park Improvements

~~In connection~~Park improvements and replacement parkland would also be provided consistent with the ~~Proposed Development,~~ requirements of the State alienation legislation. Bally's~~Applicant intends~~would contribute funds to ~~provide land within~~ the ~~Bronx~~City of New York to be ~~used as replacement parkland under the jurisdiction of~~ devoted to NYC Parks~~. The replacement~~ for such public improvements and deed the designated new parkland ~~will be the subject of an acquisition action by the City. The to-be-identified replacement parkland would be identified in the EIS~~to NYC Parks.

Figure 45: Existing Land Use and Zoning Map



Note: This graphic was updated for the Final Scope of Work.

3. Surrounding Area

Study Area

The land within a quarter-mile radius of the Affected Area is predominantly parkland associated with Ferry Point Park, which spans across the east and west sides of the Hutchinson River Expressway. The Golf Course is a 222-acre regional public recreation facility located on the eastern portion of the Park, bounded by the Whitestone Bridge to the west, Balcom Avenue and Emerson Avenue to the east, Schley Avenue and St. Raymond's New Cemetery to the north, and the East River to the south. The 18-hole links-style course was designed by ~~Jack~~ Nicklaus Design[2] and features native grasses and dunes with teeing grounds that rise at varied elevations. The Golf Course was designed to accommodate national and international tournaments and is open to the public for a fee. Beyond the Golf Course, ~~in the western portion~~and to the west of the Whitestone Bridge, the Park offers barbecuing areas, basketball courts, cricket fields, football fields, dog-friendly areas, handball courts, playgrounds, public restrooms, soccer fields, and Wi-Fi Hot Spots. The Park is over 400 acres and is one of the City's flagship~~premier~~ parks.

The area south of the Cross Bronx Expressway and west of Hutchinson River Expressway is predominately industrial, although residential uses are present on the blocks bounded by Wenner Place, Hutchinson River Expressway, Jay Place, and Brush Avenue. The non-residential uses in this area include the Throggs Neck Shopping Center, ~~The~~ a Home Depot, Monsignor Scanlan High School, a beverage distributing facility, construction contractor yards, UPS and FedEx facilities, and a homeless shelter. North of the Park is the 180-acre St. Raymond's New Cemetery. The area east of the Park is the predominately residential Throggs Neck neighborhood. Figure ~~4~~5 shows the land uses within a quarter-mile of the Development Site.

Relevant Planning Initiatives

Hutchinson River Parkway Transportation Corridor Study

In the spring of 2013, the NYC Department of City Planning began the *Hutchinson River Parkway Transportation Corridor Study* to evaluate the transportation needs along and surrounding the Hutchinson River Parkway corridor. The goal of the study was to develop long-term recommendations to relieve congestion, improve circulation and access to and from the Hutchinson River Parkway, and improve the operation and maintenance of Ring Road. The study area extended from Pelham Parkway through the Park. The *Hutchinson River Parkway Study* was completed in May 2015. The *Hutchinson River Parkway Study* found that Ring Road did not have the necessary facilities to support the then-current level of traffic and did not provide adequate access and crossing points for pedestrians. The NYC Department of City Planning recommended that Ring Road be improved and transferred to NYCDOT. The *Hutchinson River Parkway Study* also recommended safety improvements for pedestrians, cyclists, and vehicles. Several of the recommendations would be fulfilled through the completion of the Proposed Development.

[2] Nicklaus Design is a golf course design organization that produces premium golf courses across the world, https://nicklausdesign.com/

~~***Penn Station Access***~~

~~In September 2021, the Federal Transit Administration (FTA) issued a Finding of No Significant Impact for the Penn Station Access project, which includes four new Metro-North stations in the East Bronx. These new stations provide additional public transit options between the East Bronx and Penn Station, Westchester County, and Connecticut via the Metro North. The planned Parkchester/Van Nest station is planned to be constructed near the intersection of East Tremont Avenue and Unionport Road, about 2.5 miles northwest of the Development Site.~~

~~***Bronx Metro-North Rezoning***~~

~~The City is proposing zoning text and map amendments and changes to the City Map in an approximately 46-block area primarily along major corridors – East Tremont Avenue, White Plains Road, Bronxdale Avenue, Eastchester Road, and Stillwell Avenue — near the future Parkchester/Van Nest and Morris Park Metro-North stations in Bronx Community Districts 9, 10 and 11. In January 2024, the NYC Department of City Planning published the *Bronx Metro-North Station Area Study Draft Environmental Impact Statement* (CEQR No. 23DCP065X).~~

Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery

A Blueprint for New York City's Economic Recovery is a plan to accelerate the recovery of New York City's economy after the 2020 COVID-19 pandemic. The plan is intended to propel job creation back to pre-pandemic employment levels and create equitable economic opportunities for all. The core principles of the plan are to focus on people, build on existing strengths, tap into New York City's innovators and entrepreneurs, break down government silos, promote equity and economic opportunity, and call New York businesses and organizations to work together. The Proposed Development would generate up to 1,800 temporary construction jobs for up to 30 months and up to 3,500 new permanent jobs in the Bronx. The Proposed Facility would generate new demands for local goods and services such as food suppliers, trade specialists, or event suppliers (i.e., event planners or florists). Visitors of the Proposed Development could also patronize existing local businesses within the Study Area. This increase in activity has the potential to indirectly increase employment opportunities within the Study Area. The Proposed Facility would increase the number of employment opportunities, both directly and indirectly–, and would therefore support the economic recovery of the Bronx, and New York City, after the COVID-19 pandemic.

NYC Streets Plan (2024 Update)

The *2021 New York City Streets Plan* created a vision for planning and designing New York City streets, including ten goals to be achieved through recommendations across ten program areas. The 2024 update is the second update to the plan, which includes the work performed by NYCDOT in 2023 and the ongoing efforts to achieve the *NYC Streets Plan* goals. The Proposed Actions would include improvements to Ring Road and other supplemental improvements to enhance the circulation near the Development Site. Improvements to Ring Road would reduce congestion, enhance pedestrian and cyclist safety, and would be designed in coordination with NYCDOT, NYCDEP, NYC Parks, and the MTA.

Vision Zero

The *Vision Zero Action Plan* was developed under Mayor Bill de Blasio's administration in 2014. It is the guiding plan and foundation for ending traffic deaths and injuries on New York City streets. *Vision Zero* is a collaborative effort to eliminate traffic fatalities through support from the City, NYPD, and the private sector to make NYC streets safer. The Proposed Development would improve Ring Road and the surrounding roadways in coordination with NYCDOT. Improvements would enhance safety for pedestrian, cyclists, and drivers, furthering the goal of the *Vision Zero Action Plan*. Pedestrian improvements such as paved sidewalks would also enhance connectivity along Ring Road beneath the Whitestone Bridge, allowing improved connections between the Development Site and the western portions of the Park.

4. Proposed Development

The Proposed Development includes the Proposed Facility on the Development Site, ~~the new Golf Clubhouse, and the new~~a replacement golf clubhouse, the improved Waterfront Access Roadway and improvements to~~ be improved infrastructure located on and off site to facilitate the future operation of the Proposed Facility~~ Ring Road.

As a part of the project design, Bally's~~the Applicant~~ has also committed to developing a police substation and employing on-site security personnel ~~on~~at the ~~Development Site~~Proposed Facility. Further details of the police substation will be provided in the EIS.

Proposed Facility

The Proposed Actions would ~~allow the Proposed Facility, which would~~ contain ~~about~~ approximately 561,320 gsf of gaming and food and beverage space, a 500-key hotel with a spa and meeting space, a 2,000-person event center, approximately 6,100 gsf of retail, and approximately 40,160 gsf for a ~~new~~ replacement golf clubhouse. The Proposed Facility would be supported by about 1,941,910 gsf of parking (4,660 spaces). The Proposed Facility would have about 3,~~134,040~~093,880-gsf and rise to a maximum height of 245 feet (elevation 280 feet~~. The facility's exterior~~ North American Vertical Datum 88 [NAVD88]). An approximately 40-foot-tall (at an elevation of 75 feet NAVD88), 40,160-gsf replacement golf clubhouse would be developed north of the Proposed Facility on land that would remain under the jurisdiction of NYC Parks. Exterior glazing of both buildings would comply with the bird-friendly design of Local Law 15 of 2020. The proposed floor area by use is shown in Table 1, and the proposed site plan is shown in Figure ~~5~~6.

Table 1: Proposed Facility and Golf Clubhouse – Gross Square Footage by Use

Use	New Construction (GSF)
Replacement Golf Clubhouse	40,160
Gaming Facility (Gaming and Food/Beverage)	561,320
Hotel, Spa, & Meeting	509,330
Event Center	75,220
Sundry Retail	6,100
Parking	1,941,910
TOTAL	**3,134,040**

Figure 56: Proposed Site Plan



Source: HKS Architects

Note: This graphic was updated for the Final Scope of Work.

Replacement Golf Clubhouse

Bally's would construct a replacement golf clubhouse to the north of the Proposed Facility. The proposed clubhouse would be built on land that would continue to be owned by NYC Parks and operated by Bally's. The proposed L-shaped golf clubhouse would enhance service for its existing client base. A replacement golf practice area – being designed by Bally's in consultation with and subject to approval by Nicklaus Design and NYC Parks – would replace the existing practice area and would be located near the replacement clubhouse.

Construction of the Proposed Development

The Proposed Development would be supported by deep foundations, bypassing the loose historic fill and very soft clay, and bearing in suitable material (dense sand and/or bedrock) about 80 to 120 feet below ground surface. Deep foundation options potentially include:

- drilled displacement piles in which soils are displaced laterally as the drill rig tooling is advanced to suitable bearing material;
- drilled piles, in which steel casing is advanced to bedrock and the pile is then socketed into the bedrock; or
- or steel or precast concrete piles driven to the suitable bearing material.

Installation of these piles would require a breach of the landfill cover system, including possible pre-drilling through the historic fill stratum underlying the barrier protection material. Pre-drilling methods would be conducted using water to mitigate dust creation, and with methods to mitigate the amount of material removed at each pile location.

The slabs of the new buildings would introduce new site caps across the building footprint. The cap of nonhazardous, regulated fill in the areas outside the building footprints would be restored following construction.

Ground-intrusive activities necessary to develop the Proposed Development would be conducted pursuant to a Change of Use Workplan approved by NYSDEC, and environmental oversight and monitoring would be conducted under the supervision of a NY State licensed engineer. Future monitoring within the Development Site would be the responsibility of Bally's.

Ring Road

As a part of the Proposed Development, ~~the Applicant~~Bally's intends to make improvements to Ring Road to enhance circulation, safety, and access to the Development Site for pedestrians, cyclists, and vehicles. The Proposed Facility would be accessible from Ring Road, an existing park road currently under NYC Parks' jurisdiction. Traffic volumes along Ring Road are expected to grow with the Proposed Development, which would require widening in some areas and other improvements as a part of the Proposed Development.

Pedestrian access improvements would be implemented along Ring Road to enhance connectivity beneath the Hutchinson River Expressway overpass, allowing improved connection between the Development Site and the western portion of the Park.

Ring Road would be alienated by the State legislature, mapped as a ~~city street~~City street, and placed under the jurisdiction ~~transferred from NYC Parks to~~of NYCDOT. ~~The~~

~~Applicant~~Bally's would design and construct the improvements to Ring Road in coordination with NYCDOT with input from other agencies such as NYCDEP~~ and the Metropolitan Transportation Authority (MTA) Bridges and Tunnels (formerly Triborough Bridge and Tunnel Authority).~~, and MTA (including NYCT and TBTA).

~~Off-Site Improvements~~Replacement Parkland and Park Improvements

~~*Ferry Point Park*~~

Park improvements and replacement parkland would also be provided consistent with the requirements of the State alienation legislation. ~~The Applicant~~Bally's ~~intends~~would contribute funds to ~~design and construct improvements to the Park in coordination with the~~ the City of New York~~.~~ to be devoted to NYC Parks ~~requires construction permits~~ for ~~any project that affects assets under its jurisdiction,~~ such ~~as natural areas, greenstreets and green infrastructure, monuments, or concessions, as well as the sidewalks and roadways that serve these features.~~

~~An access easement or other legal instrument would be in place on the Development Site to allow park users continued access to the Park's parking lot and roadway south of the Development Site for connectivity to the waterfront and recreational uses. Pedestrian access would be available from the Golf Course to the waterfront in Ferry Point Park via a paved sidewalk or other pedestrian element.~~

~~*Replacement Parkland*~~

~~The Applicant will provide replacement parkland and will also make~~ public improvements ~~to existing~~ and deed the designated new parkland to ~~replace the parkland that would be dedicated to non-park uses pursuant to the proposed alienation legislation. Replacement parkland and improvements to existing portions of Ferry Point Park are anticipated to be identified during the alienation and CEQR processes. The final replacement parkland sites will be identified before publication of the Final EIS. The to-be-identified parkland would be transferred from the Applicant to~~ NYC Parks~~ to be operated as public parkland. Additional mapping actions (i.e., City Map and zoning map amendments) may be warranted in connection with the replacement parkland.~~

~~*Potential New Sewer Outfalls*~~

~~As a part of the Proposed Development, new sewer outfalls may be required at to-be-determined locations. The issuance of wetland permits from NYSDEC and the USACE would be required for potential new stormwater outfalls in adjacent waterbodies such as the East River or Westchester Creek – approvals that would be sought through a Joint Permit Application (JPA). Outfalls would be constructed with a design capacity that has been reviewed and approved by NYSDEC. If new outfalls are constructed, placement of outfalls would be discussed with NYC Parks and NYCDOT to avoid damage to current wetland mitigation projects along the East River. Prior to being released into nearby waterbodies, any sewage generated from the Proposed Development would be pre-treated, per applicable regulations~~.

5. Proposed Actions

The following discretionary actions (the Proposed Actions) are necessary to facilitate the Proposed Development:

Required City Approvals

~~City Map Amendments:~~

- A City Map Amendment to ~~D~~demap a portion of the Development Site (the "Disposition Parcel") as parkland allowing for the disposition of an interest in those areas.
- ~~-~~A City Map Amendment to map the widened Ring Road~~, proposed to be widened,~~ as a City Street.
- ~~Zoning Map Amendments~~ A Zoning Map Amendment to d~~D~~esignate ~~19 acres of alienated~~existing parkland as a C8-4 commercial zoning district, in which gaming facilities are permitted pursuant to NYC Zoning Resolution Sections 32-10 (32-18, 32-181, 32-283~~) and 42-10 (42-18, 42-181, 42-183~~) and 42-10 (42-18, 42-181, 42-183).

~~Disposition of Real Property~~

- ~~Disposition of non-residential, city-owned property alienated parkland to the Applicant.~~

~~Acquisition of Real Property~~

- ~~Acquisition of replacement parkland by~~Bally's to construct, and to use for access to, ~~the City of New York from the Applicant~~Proposed Facility~~.~~

~~Modification of Existing Concession License~~

- Approval for the disposition of City-owned real property to facilitate the transfer of a non-exclusive access easement or other similar agreement over the Waterfront Access Roadway necessary for the Proposed Development from the City of New York (through NYC Parks) to Bally's
- The extension and modification of the existing Golf Course Concession, through a renewal concession and/or a lease to facilitate the long-term operation of the public Golf Course by Bally's.
- ~~Renewal and amendment of the existing Concession License between the Applicant and NYC Parks to facilitate the long-term operation of the public Golf Course by Applicant.~~

~~Other City approvals may include approval from the Public Design Commission (PDC) and amendments to the City map and/or zoning map to show replacement parkland areas as "Park".~~ In addition, ~~to facilitate the Proposed Development,~~ coordination~~ (or~~ and approvals for public improvements~~)~~ will be required with ~~the NYC Department of Transportation (NYCDOT).~~NYC Parks, NYCDOT and NYCDEP.

Required State Approvals

- State Legislation and Governor's Approval to authoriz~~ing~~e the a~~A~~lienation and disposition of p~~P~~arkland within Ferry Point Park (the Park).
- ~~To facilitate the disposition of the 19-acre Development Site to develop the Proposed Facility and the use of Ring Road as a mapped City street.~~
- ~~The Proposed Development is anticipated to require the approval of the following discretionary actions:~~
- Approval by the Gaming Facility Location Board and issuance of a gaming license from the New York State Gaming Commission to allow the operation of the Proposed Facility.
- ~~To allow the operation of the Proposed Facility.~~

- ~~–~~Approval from ~~New York State Department of Environmental Conservation (~~NYSDEC~~)~~
- ~~T~~ to ~~to~~ of a "Change of Use Workplan" to a~~A~~allow the use of and construction on the ~~Affected Area~~Development Site because it is part of a closed landfill.

Other State approvals~~ may~~ include approval from NYSDEC for stormwater discharges during construction and from~~the~~ NYSDOT and potentially other State agencies to facilitate certain street improvements ~~in the area of~~near the Hutchinson River Expressway~~, the issuance of wetland permits from NYSDEC and the USACE, and potentially other NYSDEC permits.~~ In addition, ~~to facilitate the Proposed Development,~~ coordination (or approvals for public improvements) may be required with State agencies or authorities such as the MTA (including the NYCT and ~~MBT~~TBTA.

The Proposed Development would also include various ministerial actions, such as approval from the Public Design Commission (PDC) for the replacement golf clubhouse.

Uniform Land Use Review Procedure

Several of the Proposed Actions are subject to the City of New York's Uniform Land Use Review Procedure (ULURP), namely the city and zoning map amendment~~, city map amendment, acquisition of city-owned property, and disposition of city-owned property~~s and the disposition of an easement interest in the Waterfront Access Roadway. ULURP is mandated by the City Charter and requires opportunities for review and comment by the public; the application and environmental review documents are referred to the affected community board(s) and borough president for advisory votes. The application is then voted on by the New York City Planning Commission, and, if approved, is voted on by the New York City Council. If the application is approved by City Council, the mayor has up to five days to veto, which can be overridden by City Council with a two-thirds vote.

NYC Waterfront Revitalization Program

The Development Site is within the City's Coastal Zone; accordingly, the Proposed Actions are subject to review for consistency with the policies of the New York City Waterfront Revitalization Program (WRP). The City Planning Commission (CPC), in its capacity as the City Coastal Commission (CCC), and the New York City Department of City Planning (DCP) are responsible for administering the WRP. The CCC reviews and makes WRP consistency determinations for local actions that come before the ~~City Planning Commission~~CPC, as well as reviews certain state and federal actions. DCP will review the WRP consistency assessment~~ and lead all inter-agency coordination~~. DCP and CCC review of state and federal actions is advisory and for the purpose of consultation in accordance with state and federal laws and regulations.

6. Purpose and Need

In 2013, the New York State Constitution was amended to authorize up to seven commercial casinos in the state. Four commercial casinos were sited in upstate New York, and in 2022, the New York State budget established a new siting process and criteria for the remaining three licenses that would be established in downstate New York.[3] The process is competitive, with clearly defined legislative purposes and intent. However, it differs from the process to allow casinos in upstate New York because each proposed

[3] https://cbsix.org/resources/casino-license-awarding-process/

casino applicant is required to obtain Community Advisory Committee approval and substantially complete all land use entitlement processes before the Gaming Facility Location Board will review an application.

Revenue from new gaming facilities is expected to generate substantial fiscal benefit to New York's public schools, local governments, and gambling treatment services.[4] The development of a gaming facility is contingent upon receiving a gaming license from the New York State Gaming Commission.

The Proposed Actions would enable a destination gaming facility ~~in an area of the~~ that is projected to generate significant tax revenue for the City and State directly (through gaming taxes, corporate and employee income taxes, sales, hotel, and property taxes) and indirectly (such as, for example, through bridge tolls). This additional tax revenue would benefit residents of the Northeast Bronx ~~that~~ and the City as a whole. The Proposed Development is projected to increase the production and sales at nearby businesses due to the increased demand generated by the Proposed Development and increase the demand of goods and service providers that will support the Proposed Development.

The Development Site is well-suited to ~~accommodate it. The site is strategically located in proximity to~~ attract tourists and residents because of its location within the Park and accessibility from regional destinations via the Hutchinson River Expressway and other nearby major interstate highways ~~and regional~~, as well as New York City's airports~~, but its location within a park offers a degree of separation from the adjacent community for minimal neighborhood affect. The Development Site will be located on~~. Additionally, the Proposed Facility would include a hotel, event center, and other accessory uses to support the proposed gaming uses and the existing ~~golf course parking lot and clubhouse, allowing the majority of the golf course (over 200 acres) to remain intact and open to the public.~~ Golf Course. The Proposed Development would become the Bronx's second-largest private employer thereby significantly increasing employment in the area, both directly and indirectly, and creating a vibrant destination in a largely underutilized area of the Bronx. The Proposed Development would generate up to 1,800 temporary construction jobs –and up to 3,500 new permanent jobs in the Bronx. The Proposed Facility would generate new demands for local goods and services such as food suppliers, trade specialists, or event suppliers (i.e., event planners or florists). Visitors of the Proposed Development could also patronize existing local businesses within the Study Area. This increase in activity has the potential to indirectly increase employment opportunities within the Study Area.

~~Importantly, Bally's Bronx will generate meaningful economic activity for the Borough, City and State, including significant new tax revenue. The project is expected to create thousands of construction jobs and 3,500 permanent jobs. When complete, the project would be one the largest Bronx employers and one of the largest privately funded projects in Bronx's history.~~

~~The project will~~In addition to the Proposed Facility, Park improvements and replacement parkland would be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and would deed the designated new parkland to NYC Parks. Bally's would also construct privately-funded improvements to Ring Road, including roadway widening, new pedestrian and cycling infrastructure, and improvements to stormwater drainage.

[4] https://nycasinos.ny.gov/system/files/documents/2023/01/01.03.23.rfa_.pdf

The Proposed Development would further the goals ~~in the 2015~~of citywide public policies such as the New York City WRP through the inclusion of flood-resistant measures to protect the Proposed Development from the effects of climate change and *Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery* through the creation of up to 3,500 new permanent jobs in the Bronx. The Proposed Actions would also support the recommendations made in the *Hutchinson River Transportation Corridor Parkway Study* by making ~~privately-funded~~ infrastructure and safety improvements to ~~the~~ Ring Road, the Park, and the surrounding roadways. ~~The study recommended mapping Ring Road as a city street, as well as improving connectivity to the Park. In partnership with New York City, Bally's Bronx will implement these important transportation objectives. Additionally, Bally's Bronx will improve Park facilities to complement the City's recent park upgrades including the newly created waterfront access and ferry terminal.~~

~~The Proposed Facility would be an economic boon to the City of New York, significantly increase employment in the area both directly and indirectly, and create a vibrant destination in a largely underutilized area of the Bronx.~~

7. Analysis Framework

The *2021 CEQR Technical Manual* will serve as guidance for the environmental review. Consistent with the guidelines set forth in the *CEQR Technical Manual*:

- Existing conditions will be described.
- Conditions will then be forecast to the future analysis (build) year absent the Proposed Actions (the "No-Action Condition").
- The With-Action Condition assumes the Proposed Actions would be adopted and the Development Site would be redeveloped and fully occupied by the analysis (build) year.
- The With-Action Condition will be compared to the No-Action Condition to determine the project "increment," the incremental changes in the nineteen review areas between the No-Action and With-Action conditions in the build year.
- The increment will be used to determine the effects of the Proposed Actions over the No-Action Condition.

The CEQR process will determine whether the Proposed Actions have potential to result in significant adverse impacts, as defined in the *CEQR Technical Manual* (and pursuant to both Title 62 of the Rules of the City of New York and Part 617 of the New York Codes, Rules, and Regulations). Collectively, the existing, No-Action, and With-Action conditions are referred to as the CEQR analysis framework.

As described in Section 1 of this document, "Introduction," the Proposed Development requires discretionary actions from both the State and the City.

Analysis (Build) Year

The analysis year established for this project is 2030 the year when new development generated by the Proposed Actions would be complete and fully operable. Construction of the Proposed Development would begin after the Proposed Actions have been approved and Bally's has obtained all ~~other~~ required permits ~~have been approved and the Applicant has obtained the gaming license~~. Construction is expected to commence in

2027~~ or 2028~~. Assuming a construction duration of approximately 30 months, the Proposed Development, including the Proposed Facility, replacement golf clubhouse, and roadway improvements would be complete and fully occupied in 2030.

No-Action Condition

The Development Site is part of a City park and is under the jurisdiction of NYC Parks. In the No-Action Condition, existing conditions on the Development Site and Ring Road would remain. The one-story, 25,265-gsf golf clubhouse, ~~pro shop,~~ accessory parking lot, ~~and~~ practice area, and landscaped areas would remain as existing conditions on the Development Site. No new public infrastructure – such as roadway or park improvements – would be developed, and Ring Road would continue to experience flooding. ~~-~~The existing uses on the Development Site are considered allowable uses on parkland and are in place pursuant to a license agreement between ~~the Applicant~~Bally's and NYC Parks.

Propel Transmission Line

Absent and independent of the Proposed Development, Propel plans to develop a transmission line through a portion of Ferry Point Park. The exact route of Propel's infrastructure has not been finalized. While it is likely that all the transmission infrastructure will be located west of the Hutchinson River Expressway, this has not yet been confirmed. Construction staging locations have not yet been determined and are dependent on the transmission line's route through the Park. The time of construction is projected to commence by the end of 2026 and is proposed to be finalized by 2027; however, the construction timeline is not final and is dependent on State and City permitting processes in addition to the final route and method of crossing the Park. To the greatest extent practicable, Propel will be required by the City to limit their work in the Park to the recreational "off season" of roughly December through March.

With-Action Condition

In the With-Action Condition, the Proposed Actions would be adopted, and a portion of the Development Site and Ring Road would be alienated from Ferry Point Park. The ~~Development Site~~Proposed Rezoning Area would be rezoned to a C8-4 commercial district and portions of the Development Site would be conveyed from the City to ~~the Applicant~~Bally's. ~~The Applicant~~Bally's would demolish the existing golf clubhouse, accessory parking lot, ~~and~~ a portion of the practice area and other landscaped areas to construct the Proposed Facility, as described in Section 4, "Proposed Development." The alienation legislation would provide a legal instrument that would restrict Bally's use of the Development Site.~~As part of the disposition of the land to the Applicant, a land disposition or other agreement between the City and the Applicant would provide a legal instrument that would restrict the Applicant's use of the Development Site.~~

Increment

Compared to the No-Action Condition, the With-Action Condition would result in ~~a larger building envelope with gaming, a hotel, event centers, restaurants and food businesses, and retail space, and~~ an increment of approximately 3,108,775 gsf on the Development Site. The incremental difference between the No-Action and With-Action is shown in Table 2.

Table 2: Project Increment by Use

	No-Action	With-Action	Increment
Development Site (GSF)			
Golf Clubhouse	25,265	40,160	14,895
Gaming Facility	0	561,320	561,320
Hotel with Spa and Meeting Rooms	0	509,330	509,330
Event Center	0	75,220	75,220
Sundry Retail	0	6,100	6,100
Parking	0	1,941,910	1,941,910
Total (GSF)	**25,265**	**3,134,040**	**3,108,775**
Other Attributes			
Gaming Positions	0	5,146	5,146[1]
Hotel Rooms	0	500	500
Event Center (Person Capacity)	0	2,000	2,000
Jobs	165	3,665	3,500
Parking (Spaces)	315	4,660	4,345
Alienated Open Space (Acres)	0.00	26.752.66	26.752.66
Building Height (Feet)	40	280[2]	240

[1] The capacity of the gaming facility, as measured in available spaces for gamers.
[2] At an elevation of 35 feet, the Proposed Facility would rise 245 feet to an elevation of 280 feet NAVD88.

8. City Environmental Quality Review and Scoping

City Environmental Quality Review

The Proposed Actions require environmental review pursuant to SEQRA and its implementing regulations (Part 617 of 6 New York Codes, Rules, and Regulations) and the procedures of City Environmental Quality Review (CEQR) found in Executive Order 91 of 1977 and the rules and procedures adopted in 1991 and are found in Title 62 Rules of the City of New York, Chapter 5).

The environmental review process first requires the selection of a "Lead Agency" that will complete the environmental review and make the requisite decisions and determinations required under the applicable statutes and regulations. For the Proposed Actions, ODMHEDW will serve as the CEQR Lead Agency.

The Proposed Actions are classified as Type I pursuant to Part 617.4(b)(6)(i)(iv)(vi) and 617.4(b)(10)**,** of the New York Codes, Rules, and Regulations, and are subject to environmental review in accordance with SEQRA and CEQR. An EAS was completed on May 22, 2024 and the Lead Agency determined that the Proposed Actions have the potential for significant adverse environmental impacts (as defined in the *CEQR Technical Manual*). Accordingly, on May 22, 2024, the Lead Agency issued a Positive Declaration, a formal determination that the Proposed Actions may have a significant adverse impact on the environment. When the Lead Agency determines that a project may have a significant adverse environmental impact, an EIS must be prepared.

The Lead Agency begins the environmental review process by completing public scoping that reviews the content and technical analysis of the EIS. The scoping process allows opportunities for the public to provide input on the analyses proposed to be conducted for the EIS.

The Lead Agency then oversees the preparation of a Draft ~~Environmental Impact Statement~~EIS (DEIS) in accordance with the Final Scope, and in conformance with all

applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at Part 617 of the New York Code, Rules, and Regulations, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5, of the Rules of the City of New York.

Once the Lead Agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the City Planning Commission hearing on the land use applications to afford interested parties the opportunity to submit verbal and written comments. The record will remain open for at least 10 days after the public hearing to allow additional written comments on the DEIS. A Final EIS (FEIS) will be prepared that will respond to the substantive comments on the DEIS and incorporate revisions to the technical analyses that are necessary to respond to those comments. The FEIS will address the identified significant adverse impacts and identify the planned mitigation measures. The FEIS forms the basis for the Lead Agency's Findings, which the Lead Agency (and to the extent applicable Involved Agencies) make before approving the Proposed Action.

Scoping

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Actions. At the same time, the process allows other agencies and the public a voice in framing the scope of the EIS. This ~~Draft~~Final Scope sets forth the analyses and analysis methods ~~proposed for~~that will be used to prepare the EIS. During the scoping period, those interested in reviewing and commenting on the Draft Scope ~~may~~were able to do so in writing or verbally at a public scoping meeting ~~to be~~that was held virtually on June 25, 2024, via an online platform. A summary of comments received during the public comment period and responses to those comments are provided in Attachment A.

Comments received during the Draft Scope's public meeting and written comments received through 5:00 pm, Friday, July 12, 2024, ~~will be~~were considered and incorporated as appropriate into ~~a~~this Final Scope of Work ("Final Scope"). ODMHEDW, the Lead Agency, ~~will oversee~~oversaw the preparation of the Final Scope, which ~~will incorporate~~incorporates the relevant comments on the Draft Scope and ~~revise~~revised the analysis methods, as appropriate, in response to comments made during scoping. As noted above, the DEIS will be prepared in accordance with the Final Scope.

9. Proposed Scope of Work for the EIS

Environmental review provides a means for decision-makers to consider systematically environmental effects and other aspects of project planning and design. The process is intended to identify and mitigate – where practicable – significant adverse environmental impacts. For projects where significant adverse impacts have been identified, reasonable alternatives must also be explored.

Under CEQR, the first step to prepare the EIS document is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues to be studied in the EIS.

The EIS will include analysis in all the 19 technical areas outlined in the *CEQR Technical Manual*. The scope of work and the proposed impact assessment criteria below are based on the guidance set forth in the *CEQR Technical Manual*.

The EIS will contain:

- A description of the Proposed Actions, the Affected Area, the Proposed Development, and its environmental setting;
- A statement of the potential environmental impacts of the Proposed Actions, including its short- and long-term effects and typical associated environmental effects;
- An identification of any potential significant adverse impacts that cannot be avoided if the Proposed Actions are approved;
- A discussion of reasonable alternatives to the Proposed Actions;
- A description of irreversible and irretrievable commitments of resources that would be involved in the Proposed Development if built; and
- A description of mitigation measures proposed to minimize or fully mitigate any significant adverse environmental impacts.

As described in Section 7, "Analysis Framework," absent the Proposed Actions, the existing conditions would remain in the Affected Area in the 2030 analysis year. The specific CEQR technical areas and tasks to be included in the EIS are described below.

Task 1: Project Description

The first chapter of the EIS will introduce the Proposed Actions and set the context of the environmental review. This chapter is basic to understanding the Proposed Actions and its potential impacts and gives the public and decision-makers a context from which to evaluate the Proposed Development and compare the No-Action and With-Action Conditions. The chapter will contain:

- a narrative about the location and history of the Development Site and its existing condition;
- a statement of purpose and need;
- a description of the Proposed Actions, the Proposed Development, and the CEQR analysis framework; and
- a discussion of the roles of involved public agencies, procedures to be followed, and the role of the EIS in the CEQR process.

~~The issuance of wetland permits from NYSDEC and a permit from the USACE for potential new or modified stormwater outfalls – an action that will be sought through a Joint Permit Application (JPA) between the two agencies – may be required. If new sewer outfalls are required, this will be included in the Project Description of the EIS.~~

Task 2: Land Use, Zoning, and Public Policy

Land Use and Zoning

The Proposed Actions include parkland alienation through the New York State Legislature, parkland ~~mapping and~~ de-mapping, street mapping, a zoning map amendment, disposition ~~and acquisition~~ of city-owned land, ~~amendment~~extension and modification of a concession and/or lease, approvals by NYSDEC, and the issuance of a gaming license. These land use actions would result in changes to current land uses, disposition of an interest in city-owned land, and the addition of zoning regulations and new development

on the Development Site. The Proposed Actions would also affect the Affected Area. Analysis of the changes to the Affected Area would be analyzed within a quarter-mile radius (the Study Area). The land use and zoning assessment will include the following subtasks:

- Describe the existing and proposed land use on the Project Site;
- Describe existing and proposed land uses and development trends in the Study Area that could potentially be affected by the Proposed Actions by the Build Year;
- Describe the existing and proposed zoning on the Development Site;
- Describe proposed developments within the Study Area that could be affected by the Proposed Development; and
- Describe existing and proposed zoning in the Study Area and the type of development that the zoning typically yields in new developments based on the Build Year.

Public Policy

The public policy assessment will be prepared to determine the potential for the Proposed Actions to alter or conflict with applicable public policies and plans. The public policy assessment will:

- Describe public policies that may be applicable to the Development Site and the Study Area; and
- Determine whether the Proposed Actions are compatible with those conditions and policies, and whether the Proposed Actions have the potential to adversely affect or conflict with the goals of the relevant public policies.

Because the Development Site is within the Coastal Zone Boundary, a ~~Waterfront Revitalization Plan (~~WRP~~)~~ consistency assessment will be provided as an appendix to the EIS. The WRP will discuss applicable initiatives and policies related to the Proposed Development~~,~~ and include information on any adaptive management strategies and flood-resistant measures to protect against the effects of climate change and sea-level rise included as a part of the project.

If the project would result in significant adverse impacts on land use, zoning, or public policy, the EIS would identify measures to avoid or mitigate such impacts.

Task 3: Socioeconomic Conditions

As defined in the *CEQR Technical Manual,* the socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area, regardless of whether the changes result in other environmental impacts under CEQR.

A socioeconomic assessment considers whether a proposed project could result in significant adverse impacts on the socioeconomic character of an area due to:

- direct residential displacement;
- indirect residential displacement;

- direct business displacement;
- indirect business displacement due to retail market saturation and/or increased rents; or
- adverse effects on specific industries.

The Proposed Actions would not directly displace more than 500 residents or more than 100 employees, the CEQR preliminary screening thresholds for direct displacement; thus, a socioeconomic assessment is not anticipated in the areas of direct residential or business displacement.

The Proposed Actions would not introduce more ~~-~~than 200 residential units, which is the CEQR preliminary screening threshold for indirect residential displacement. ~~Thus, the Proposed Actions do not warrant~~However, conservatively, an indirect residential displacement analysis will be provided in the EIS to assess the potential for an indirect residential displacement impact as a result of the Proposed Actions.

~~However, the~~The Proposed Actions would result in new non-residential development larger than 200,000 gsf – the *CEQR Technical Manual* threshold for an analysis of commercial development – that is markedly different from existing uses. Therefore, ~~a socioeconomics conditions analysis that focuses on~~an indirect business displacement analysis will be presented in the EIS. The analysis will also describe the anticipated socioeconomic benefits that are projected to arise from the Proposed Actions.

~~Additionally, T~~The Proposed Actions would not directly affect goods or services provided on the Development Site that a substantial number of residents or workers depend on and would not result in the loss or substantial diminishment of a particularly important product or service within New York City – the *CEQR Technical Manual* threshold for an analysis of the effects on a specific industry. Therefore, the Proposed Actions would not adversely affect conditions in a specific industry and no analysis of project generated effects on specific industries is warranted.

Indirect Business Displacement

Indirect displacement is defined in the *CEQR Technical Manual* as "the involuntary displacement of residents, businesses, or employees that results from a change in socioeconomic conditions created by a proposed project." The objective of an indirect business displacement assessment is to determine whether the Proposed Actions may either introduce or accelerate an economic trend that may potentially displace surrounding businesses that provide products or services essential to the local economy.

The assessment will determine if the Proposed Actions introduce trends that make it difficult for these businesses to remain in the area. In most cases, indirect displacement occurs when a project markedly increases property values and rents throughout the study area. The assessment will also determine if the Proposed Actions have the potential to adversely affect businesses that are subject to regulations or publicly adopted plans designed to preserve, enhance, or protect certain trades or services.

The Socioeconomic Conditions Study Area will include all 2020 Census Tracts where 50 percent or more of the tract's area is within one half-mile of the ~~Development Site.~~Affected Area. Figure ~~6~~7 shows that 2020 Census Tracts 84, 90, and 110 have more than 50 percent of their area within one half-mile of the affected area. In addition, for conservative analysis purposes and to be comprehensive, Census Tracts 132 and 144 were added to the Study Area even though less than 50 percent of their areas were within the radius. The EIS will also provide a qualitative discussion of other gaming facilities in New

York State and their effects on socioeconomic conditions within the surrounding area. Regulations of gaming facilities within New York City will also be discussed, including the regulations of casinos in New York City and how they affect socioeconomic conditions, where applicable.

Figure 67: Socioeconomics Conditions Study Area



Note: This graphic was updated for the Final Scope of Work.

*Census Tract 90 spans across the east and west sides of Westchester Creek

The potential for indirect displacement depends not only on the characteristics of the project, but also on the characteristics of a study area. The characteristics to be disclosed in the indirect business displacement analysis will include:

- Increases in Property Values and Rent. This assessment may use information received from real estate brokers active in the study area, in addition to review of online market data for current and recent commercial listings in the study area and surrounding environs.
- Employment and Business Trends. ~~Field surveys, New York State Department of Labor (DOL) and~~ Census data will be considered to characterize conditions and trends in employment and business.
- Customer Base. This assessment will analyze whether the Proposed Actions would indirectly displace residents, workers, or visitors who form the customer base of existing businesses in the area.

After identifying these characteristics, the socioeconomic analysis will comprise the following components:

- Determine if the Proposed Actions would introduce trends that make it difficult for businesses that are essential to the local economy to continue;
- Determine whether the Proposed Actions would introduce new economic activity to an extent that would alter existing economic patterns;
- Determine whether the Proposed Actions would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns;
- Determine whether the Proposed Actions would directly displace uses of any type that directly support businesses in the area or bring people to the area that form a customer base for local businesses; and
- Determine if the Proposed Actions would directly or indirectly displace residents, visitors or workers who form the customer base for such essential businesses.

The results of the analysis will be compared to the impact criteria of the *CEQR Technical Manual*. If it is determined that a socioeconomic impact may be likely or cannot be ruled out based on the preliminary assessment, a detailed analysis is warranted. The analysis would further characterize existing conditions of residents and housing to identify the vulnerable population that may be subject to displacement, assess current and future socioeconomic trends in the area that may affect these populations, and examine the effects of the Proposed Development on prevailing socioeconomic trends and its impact on the identified populations at risk. Following a detailed analysis, if the project would result in significant adverse socioeconomic impacts, the EIS would identify measures to avoid or mitigate such impacts.

Indirect Residential Displacement

Indirect displacement is defined in the *CEQR Technical Manual* as "the involuntary displacement of residents, businesses, or employees that results from a change in socioeconomic conditions created by a proposed project." The objective of an indirect residential displacement analysis is to determine whether a proposed project may either introduce or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population; for example, renters living in privately held dwelling units that are unprotected by rent control, rent stabilization, or other government regulations. Per the *CEQR Technical Manual*, an indirect residential displacement analysis is warranted if more than 200 residential units would be developed

by a proposed project. The Proposed Actions would not develop residential units and would not result in significant adverse impacts related to direct residential displacement.

The Proposed Actions would result in substantial new development that is markedly different from existing uses on the Development Site and could result in an increase in residential population in the Study Area due to the relocation of employees hired from outside of the Study Area. Therefore, a preliminary indirect residential displacement analysis was conservatively provided to determine if the Proposed Development could introduce or accelerate residential displacement. The indirect residential displacement Study Area would be consistent with the indirect business displacement study area shown in Figure 7.

The potential for indirect residential displacement depends not only on the characteristics of the imposed project but also on the characteristics of a study area. The characteristics to be disclosed in the indirect residential displacement analysis will include:

- Total population by Census Tract, the Bronx, and New York City. In addition, demographic data from the larger Public Use Microdata Area (PUMA) 3703 (generally comprising Bronx Community District 10) or 3709 (generally comprising Bronx Community 9) will also be considered;
- Housing values and rent. This assessment may use online market data for current and recent rental listings in the study area and surrounding environs;
- Estimates of the number of housing units not subject to rent control. This assessment will use data published by the U.S. Census Bureau related to the total number of rental units in the study area and will identify existing and protected rental units; and
- Household income. Median household income will be identified based on data from the U.S. Census.

After identifying these characteristics, the socioeconomic analysis will comprise three general components:

1. Determine if the Proposed Actions would add new population with higher average incomes than existing and projected average incomes in the study area;
2. Determine if the increase in population due to the Proposed Actions is large enough, relative to the size of the population expected to live in the study area without the Proposed Actions, to affect the local residential real estate market for rental properties. If the population increase is five percent or greater, then further analysis will be needed; and
3. Consider whether the study area has experienced a readily observable trend toward increasing rents and the likely effect of the Proposed Actions on such trends;

Per the *CEQR Technical Manual*, if the population that is vulnerable to displacement due to increasing rents exceeds five percent of a study area, a significant adverse impact may occur. If the project would result in significant adverse socioeconomic impacts, the EIS would identify measures to avoid, minimize, or mitigate such adverse impacts.

Task 4: Community Facilities and Services

Per the *CEQR Technical Manual*, community facilities are defined as public or publicly funded schools, childcare centers, libraries, health care facilities, and fire and police protection. A project can affect community facility services when it physically displaces or alters a community facility, or if a project causes a change in population that may affect

the services delivered by a community facility. New workers or residents generated from a proposed project could create more substantial and permanent demands for community facilities services, or could strain the demand of existing services.

The Proposed Actions would not directly eliminate, displace, or alter public or publicly funded community facilities, and would not warrant an analysis of direct effects on community facilities. The Proposed Development would not result in any residential uses and thus, the Proposed Development would not introduce a population that would overburden community facilities and services such as schools, childcare facilities, libraries, and health care facilities. Therefore, no analysis of schools, childcare facilities, or libraries will be provided.

The Proposed Development would result in additional year-round visitors to the Development Site that may result in an increase in demand for police protection, and fire protection, including emergency services. The EIS will consider the indirect impacts on police and fire protection services by describing the locations of existing fire and police stations and emergency services. Given the potential change in the Development Site's uses and number of visitors, however, a qualitative discussion of the police and fire protection facilities serving the Development Site will be provided in the EIS. The following subtasks will be undertaken:

- Police Protection: Increases in the need for police protection will be discussed qualitatively. Anticipated security services such as a police substation on the Development Site, provided by the Bally's~~Applicant~~, will also be considered.
- Fire Protection: The location of the fire station serving the project site will be identified, and future conditions with the Proposed Development will be qualitatively described.

If the project would result in significant adverse impacts on community facilities and/or services, the EIS would identify measures to avoid or mitigate such impacts.

Task 5: Open Space

Per the *CEQR Technical Manual*, an assessment of potential effects on open space resources is typically required if a project would have the potential to result in either direct or indirect effects on open spaces. Direct effects may occur when the Proposed Development would encroach on, or cause a loss of, open space. Indirect effects may occur when the population generated by a project overtaxes the capacity of existing open spaces so that their service to the future population of the affected area would be substantially or noticeably diminished. The *CEQR Technical Manual* requires an assessment of indirect effects to open space if the population generated by the proposed project is greater than 200 residents or 500 employees.

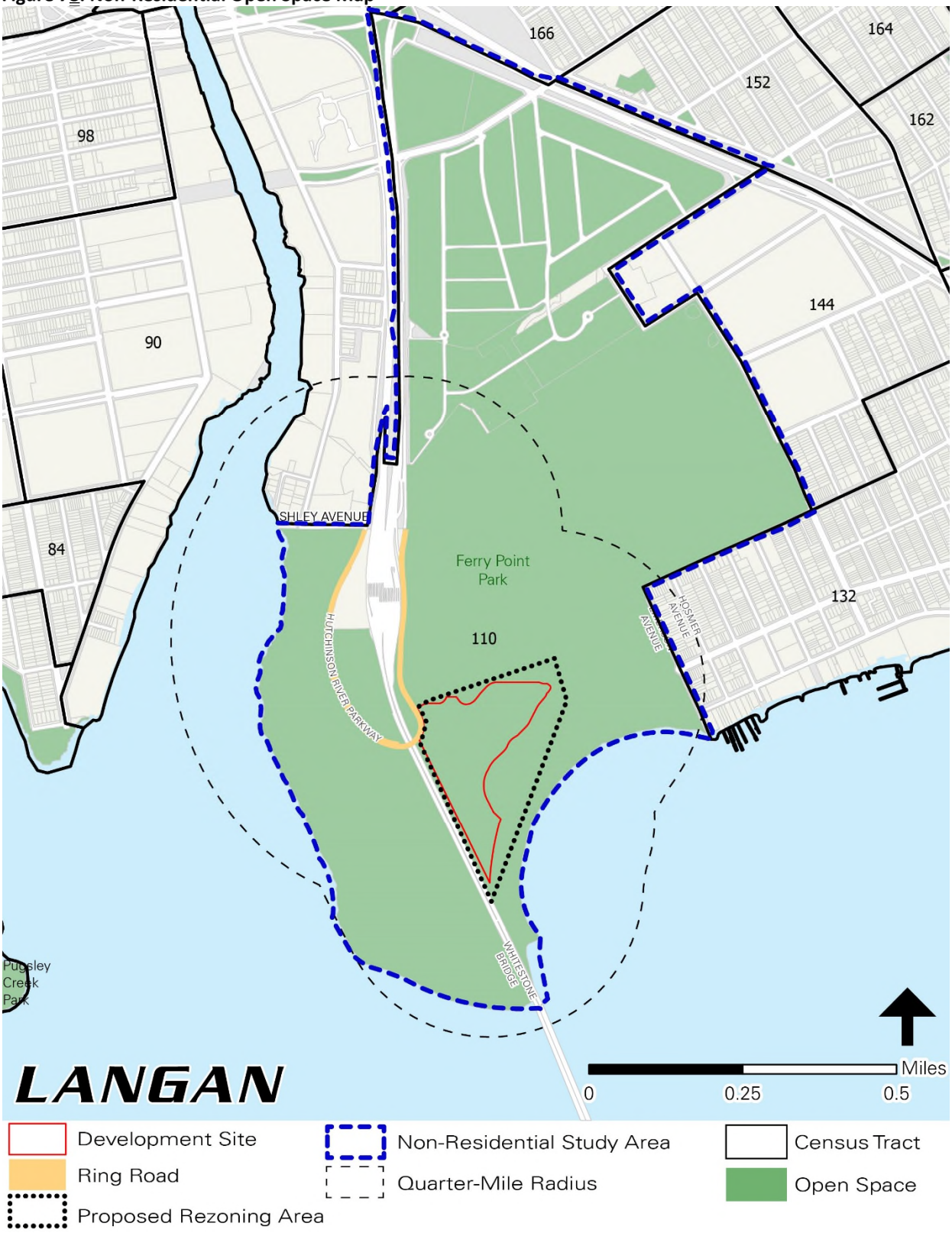
The Proposed Actions would result in a direct effect to an existing public open space and would result in an estimated 3,500 incremental workers and additional visitors to the Proposed Facility for gaming and hotel uses. Because parkland alienation would be necessary to facilitate the Proposed Development, both a direct and indirect open space analysis will be provided in the EIS for both residential and non-residential populations. The non-residential population would include the employees and visitors of the Proposed Development.

The open space analysis will involve the following:

- Background section about the location, context, and history of Ferry Point Park, including that portions of the park are built on a landfill and existing uses of the park.
- Determine if the affected area is within a Walk to a Park Service Area, an area identified by NYC Parks that describes areas within a walking distance of a park.
- A study area comprising the 2020 census tracts with 50 percent or more of their area within a quarter-mile of the Development Site will be identified for the non-residential analysis. A half-mile study area will be established for the residential analysis Figure ~~7~~8 shows that 2020 Census Tract 110 has more than 50 percent of its area within a quarter-mile of the Development Site, and Figure ~~8~~9 shows that 2020 Census Tracts 84, 90, 110, 132, 144, and 152 have more than 50 percent of their area within a half-mile of Ferry Point Park.
- Inventory the open space resources in the Open Space Study Area. These include but are not necessarily limited to NYC Parks-operated parks, Privately Owned Public Spaces (POPS), and publicly accessible open areas on private properties.
- The existing and proposed programming in the areas where a direct effect would occur will be described.
- The existing, No-Action, and With-Action populations in the Open Space Study Area will be determined using population reported in the 2020 Census and from background development occurring in the Study Area independent of the Proposed Actions.
- The study area's open space ratio (OSR) – the acreage of open space per 1,000 residents and non-residents – will be calculated for existing, No-Action, and With-Action conditions.
- The study area population by age group as reported in the 2020 United States Decennial Census or the most recent American Community Survey will be described.
- The availability and quality of open space programming of open space for age groups will be described.
- Qualitatively describe the direct effects to open space, including continued access to the parking lot and waterfront south of the Development Site via an access easement or other legal instrument.

If the project would result in significant adverse open space impacts (i.e., would result in conflicts in open space use or result in a user group being underserved), the EIS would identify measures to avoid or mitigate such impacts.

Figure ~~7~~8: Non-Residential Open Space Map



Note: This graphic was updated for the Final Scope of Work.

Figure ~~89~~: Residential Open Space Map



Note: This graphic was updated for the Final Scope of Work.

Task 6: Shadows

Sunlight-sensitive resources are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Incremental shadows occur when a shadow from a proposed project is cast on a publicly accessible open space, historic landscape, or other historic resource that relies on sunlight for its enjoyment by the public, or its architectural and historic integrity (e.g., stained glass windows), or if the shadow falls on a natural feature and adversely affects its use or landscaping and vegetation.

The Proposed Actions would facilitate development of one or more buildings greater than 50 feet in height that would be located on the Project Site in Ferry Point Park, and therefore near sunlight-sensitive resources. The EIS will assess the potential for the Proposed Development to shade nearby sunlight-sensitive resources.

The Proposed Actions would result in the development of the Proposed Facility and new golf clubhouse, new structures greater than 50 feet in height. Both structures ~~will~~would be ~~adjacent~~ proximate to four sunlight-sensitive resources: the East River, ~~Westchester Creek, St. Raymond's New Cemetery~~a wetland west of the Hutchinson River Expressway, a potential NYCDOT wetland mitigation area, and Ferry Point Park. The EIS will analyze the potential incremental shadows resulting from the Proposed Development. Specifically, the following tasks will be undertaken:

A shadow screening analysis will be performed per CEQR guidelines to determine whether project generated shadows may reach any sunlight-sensitive resources at any point throughout the year.

- A Tier 1 Screening Assessment will be conducted to determine the Shadows Study Area based on the maximum height of the Proposed Development. Per CEQR guidance, the Shadow Study Area will comprise the area that is within a buffer equal to 4.3 times the maximum height of a structure. At a maximum elevation ~~height~~ of 280 feet, a Shadows Study Area comprising the area within 1,204 feet of the Development Site will be established. Within this radius, sunlight-sensitive resources will be identified. A base map that illustrates the locations of the Proposed Facility and new golf clubhouse in relation to sunlight-sensitive resources will be created;
- A Tier 2 Screening Assessment will be conducted if one or more sunlight-sensitive resources are within the Shadows Study Area. The Tier 2 assessment will determine the area that cannot be shaded by the Proposed Development, which, per CEQR guidance, is the area that is beyond +108 and -108 degrees from true north in New York City; and
- A Tier 3 Screening Assessment will be conducted if one or more sunlight-sensitive resources are within the area that could be potentially shaded by incremental project-generated shadows. A three-dimensional computer modeling program will be used to determine if project-generated shadows (based on a worst-case representation of the Proposed Development, topography, streets and existing buildings) can reach sunlight-sensitive resources in the absence of intervening buildings on four representative analysis days per CEQR guidance: the summer solstice (June 21st), the winter solstice (December 21st), the equinox (March 21st or September 21st), and midway between the equinox and summer solstice (May 6th or August 6th). The times and durations of project-generated shadows that

would occur on each sunlight-sensitive resource in the Shadows Study Area absent intervening buildings will be reported for each of the CEQR analysis days.

If the Tier 1 through Tier 3 screenings cannot eliminate the possibility that project-generated shadows could result in significant adverse shadows impacts, then a detailed shadow analysis will be prepared. The detailed analysis will determine the extent and duration of the incremental shadow (the difference in shadow between the No-Action and With-Action conditions) expected to result from the Proposed Actions when accounting for intervening and surrounding buildings. The detailed analysis, if required, will include the following tasks:

- Graphics that compare shadows resulting from the No-Action and With-Action conditions will be prepared to demonstrate – on approximately an hourly basis – the incremental shadow. For each sunlight-sensitive resource, the analysis will examine the analysis days where the Tier 1 through Tier 3 screenings could not rule out the possibility of significant adverse shadows impacts;
- A summary table will be prepared that lists the entry and exit times and duration of incremental shadow on each affected resource for each applicable CEQR analysis day; and
- An assessment of the significance of any shadow impacts on sunlight-sensitive resources, following the impact criteria described in the *CEQR Technical Manual*.

If the project would result in significant adverse shadows impacts, the EIS will identify measures to avoid or mitigate such impacts.

Task 7: Historic and Cultural Resources

Architectural resources generally include historically important buildings, structures, objects, sites, and districts including:

- Buildings and properties designated as a New York City Landmark (NYCL) or historic district by the New York City Landmarks Preservation Commission (LPC), or buildings and properties calendared for NYCL consideration;
- Properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing;
- Properties recommended by the New York State Board for listing on the S/NR, National Historic Landmarks (NHL) designated by the U.S. Secretary of the Interior; and
- Properties not identified by one of the programs listed above, but that meet their eligibility requirements by the New York State Historic Preservation Office (SHPO).

Historic and cultural resources within 400 feet of the Development Site will be documented and a qualitative discussion on the effects of the Proposed Actions on these resources will be provided.

The Proposed Development would involve ground disturbance, and the Development Site is in a general area classified by SHPO as "an archaeological buffer area," meaning that the Development Site is near a known or suspected archaeological resource.

In response to a consultation request, SHPO reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966 and issued a letter on ~~26 February~~24 September 2024, that concluded the project will not affect architectural resources.

At the local level, a site-specific consultation request was submitted to LPC on 21 March 2024. On 2 April 2024, the NYC Landmarks Preservation Commission issued a determination that the Development Site does not have the potential to contain archaeological or architectural resources of significance.

As described in the EAS, LPC correspondence dated 2 April 2024 noted that there are no archeological or architectural resources on the Development Site; this determination is provided in Appendix B of the Draft EIS. Additionally, LPC reviewed and had no comments on the Draft Scope and EAS for the project (see Appendix B of the Draft EIS). The EIS will identify the architectural historic resources – as defined by the *CEQR Technical Manual* – that are within 400 feet of the Development Site. If any architectural historic resources are identified within the radius, the historical significance of this resource will be described along with the direct, physical effects on a historic resource and indirect (contextual) effects that may result from the Proposed Actions.

If the project would result in significant adverse impacts on historic and cultural resources, the EIS would identify measures to avoid or mitigate such impacts.

Task 8: Urban Design and Visual Resources

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. When a project would potentially obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood or study area by developing additional buildings or noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources is typically appropriate.

The Proposed Actions would include parkland alienation and multiple land use actions to facilitate commercial development on the Development Site which is currently mapped as parkland used for the Golf Course clubhouse, ~~pro shop,~~ parking lot, ~~and~~ portion of a golf practice area, and landscaped areas. The Development Site has been mapped parkland since and was developed into the Golf Course in 2015. The Proposed Actions would map new zoning regulations onto the Development Site. The Proposed Facility will rise to a maximum height of 245 feet (at elevation 280 feet~~,~~ NAVD88), and the new golf clubhouse to a height of ~~75~~40 feet~~,~~ (at elevation 75 feet NAVD88), which has the potential to alter the pedestrian experience. Therefore, a preliminary assessment of urban design and visual resources will be provided in the EIS. The Urban Design Study Area will be coterminous with the Study Area used for the land use, zoning, and public policy analysis (delineated by a quarter-mile radius around the Affected Area), in accordance with the *CEQR Technical Manual*. For visual resources, the view corridors within the Study Area from which such resources are publicly viewable will be identified. The preliminary assessment will be based on *CEQR Technical Manual* methodologies and include the following:

- Based on field visits, the urban design and visual resources of the Development Site and Study Area will be described using text, photographs, and other graphic material, as necessary, to identify critical urban design features such as use, bulk,

form, materiality orientation, and scale of the Study Area and views of natural resources;

- In coordination with Task 2, "Land Use, Zoning, and Public Policy," the changes expected in the urban design and visual character of the Study Area in the No-Action Condition will be described to account for development projects in the Study Area that are planned independent of the Proposed Actions;
- A description of potential changes that could occur to the urban design of the Study Area because of the Proposed Actions will be provided. The analysis will focus on the pedestrian views within Ferry Point Park with the addition of the Proposed Facility and new golf clubhouse. The assessment will describe resulting street wall heights, setbacks, and building envelopes for the Proposed Facility and new golf clubhouse. An analysis of the pedestrian view with the changes to Ring Road and the additional roadway improvements will also be provided. Photographs and graphic material – including renderings and massing diagrams – will be used to assess the potential effects on urban design and visual resources in the Study Area in accordance with CEQR impact criteria; and

Detailed analyses are generally appropriate for area-wide rezonings that include an increase in permitted floor area or changes in height and setback requirements, general large-scale developments, or projects that would result in substantial changes to a historic district or building. If the Lead Agency determines that a detailed analysis is warranted, the analysis would describe potential changes that could occur to urban design and visual resources in the With-Action Condition compared to No-Action Condition for the Development Site and Study Area, focusing on the changes that could negatively affect a pedestrian's experience of the area within Ferry Point Park and surrounding areas. The analysis would describe the Proposed Actions potential to result in a change to the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area. An analysis of the potential obstruction of visual resources, whether permanent, seasonal, or temporary, would also be included. The analysis would also note if the view of visual resources exists in other locations and how many viewers it could potentially affect.

If the project would result in significant adverse urban design and visual resources impacts, the EIS will identify measures to avoid or mitigate such impacts.

Task 9: Natural Resources

The *CEQR Technical Manual* states that a natural resources assessment should be prepared if there is the presence of a natural resource on or near the site of the project and the proposed project has the potential to cause disturbance of that resource. The *CEQR Technical Manual* defines natural resources as:

- the city's biodiversity (plants, wildlife, and other organisms);
- any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and
- any areas capable of functioning in support of the ecological systems that maintain the city's environmental stability.

The Development Site itself is not adjacent to the waterfront, however it is part of Ferry Point Park, a public park which fronts along the East River and Westchester Creek, which are natural resources as defined by the *CEQR Technical Manual*. In addition, portions of

Ring Road and Ferry Point Park west of the Hutchinson River Expressway are denoted on the NYSDEC Environmental Resource Mapper as located in the vicinity of "rare plants or animals, rare dragonflies and damselflies". Accordingly, a natural resources assessment will be provided in the EIS. This section of the EIS will evaluate the potential presence of natural resources and the potential impact that the Proposed Actions may have on natural resources. The assessment will describe existing regulatory context, wildlife, vegetation, geology and soils, ground and surface water, water quality and aquatic resources, wetlands, and rare, threatened, or endangered species. The Development Site is located wholly outside areas classified by NYSDEC as areas of "rare plants or animals" or "significant natural communities." Consultations will be made with local, state, and federal agencies for further input on the natural resources on or near the Development Site.

The assessment will contain the following sub-tasks:

- Request information on any rare, special concern, threatened, endangered, or candidate species within the Study Area, as well as any unique association or habitat communities from the U.S. Fish and Wildlife Service (USFWS) New York Field Office, the New York Natural Heritage Program, and the National Oceanic and Atmospheric Administration (NOAA)- National Marine Fisheries Service (Northeast Region);
- Examine the environmental systems that support the natural resources within a 400-foot Study Area;
- Conduct a two-season bird survey on the Development Site per *CEQR Technical Manual* guidelines and submit appropriate forms and figures for review and approval by the U.S. Fish and Wildlife Service such as a bridge/structure bat assessment that will include a survey of bats on the Development Site and Whitestone Bridge, and submission of NYSDOT Suitable Habitat Assessment Form for Trees (SHAFT). If additional wildlife is identified in the survey, they will be noted in the EIS as well.;
- Wetland delineation of any wetlands or portions of wetlands on the Development Site or within 150 feet of the Development Site or Ring Road, and directly affected areas within the Study Area;
- Describe the construction activities associated with the Proposed Actions and analyze their interaction with the natural resources within the Study Area and the environmental systems that support it;
- The With-Action Condition will be compared to the No-Action Condition to determine the incremental effects of the Proposed Actions. The incremental effects will be compared to the impact criteria of the *CEQR Technical Manual*; and
- The Proposed Development's consistency with the WRP, including projections of future sea level rise and flood zone boundaries, and any adaptive management strategies and flood-resistant measures included as a part of the project as they relate to natural resources.

Detailed analysis and field work will be performed for the portions of the Study Area that would be directly affected by the Proposed Development. A desktop review will be performed for areas within the 400-foot Study Area that will not be directly affected by the Proposed Development. If the project would result in significant adverse natural resources impacts, the EIS will identify measures to avoid or mitigate such impacts.

Task 10: Hazardous Materials

The potential for significant impacts from hazardous materials occurs when hazardous materials exist on a site and an action could increase pathways to their exposure to humans and the environment. Significant adverse hazardous materials impacts may also occur if an action would introduce new activities or processes using hazardous materials or if the Proposed Actions have the potential to introduce a population to potential human or environmental exposure from off-site sources. Potential routes of exposure to hazardous materials can include direct contact, such as contact between contaminated soil and skin (dermal contact), breathing of volatile organic compounds or chemicals associated with suspended soil particles (inhalation), or swallowing soil or water (ingestion).

Ferry Point Park is a 413.8-acre park which is bisected by the Whitestone Bridge and the Hutchinson River Expressway. The ~~NYC Department of Sanitation (~~DSNY~~)~~ operated a municipal solid waste landfill on a portion of the Park that is east of the Whitestone Bridge from 1952 to 1970. A portion of the former landfill is ~~considered~~part of the Development Site for the Proposed Development. In July 2000, NYSDEC issued permit No. 2-6006-00014/00011 to allow the importation of fill material to construct the Golf Course on the Development Site. ~~-~~In 2015, the public 18-hole Golf Course was completed over a portion of the former landfill, within the Park. Ongoing maintenance and monitoring of the Golf Course and Development Site is currently conducted by NYC Parks. Ongoing maintenance and monitoring of the Golf Course and Development Site is currently conducted by NYC Parks. As a part of the Proposed Actions, approvals from NYSDEC will be required to enable the Proposed Facility on the Development Site. Due to the Development Site's former use as a municipal solid waste landfill, a hazardous materials assessment will be provided in the EIS. The EIS will incorporate findings of previous studies and the existing engineering and institutional controls on the site as required by the NYSDEC permit.

The hazardous materials section of the EIS will examine the potential for the Proposed Actions to result in significant hazardous materials impacts, as defined in the *CEQR Technical Manual*. The EIS will include a discussion of the Development Site's history and current environmental conditions. The EIS will include a discussion of the former municipal solid waste landfill use and the fill materials subsequently imported to the site pursuant to the Part 360 permit, as well as the monitoring and maintenance requirements described in the *2013 Ferry Point Park East Post Construction Custodial Care Plan*. The section will describe the existing engineering and institutional controls ~~on t~~for~~he~~ managing the former landfill area on the Development Site and any additional measures and controls likely to be required prior, during, or after construction. ~~Construction outside of the landfill area may require a~~A Phase I Environmental Site Assessment (ESA) ~~and Phase II Environmental Site Investigation (ESI)~~ was conducted in September 2024 for Ring Road, and NYCDEP approved the Phase II Environmental Site Investigation work plan in a letter dated 30 September 2024~~.~~ ~~If required, these will be performed to *CEQR Technical Manual* guidelines to characterize the site and address the potential for impacts. The appropriate remedial measures required at the Development Site will be described in the EIS.~~ If necessary, measures to avoid or mitigate potential significant adverse impacts will be identified and discussed in the EIS.

Task 11: Water and Sewer Infrastructure

The water and sewer infrastructure assessment is important to ensure that the City's systems have adequate capacity to accommodate land use or density changes. For new

development, it is critical to avoid environmental health problems such as sewer back-ups, street flooding, or pressure reductions.

The Proposed Actions would increase demand for water and sewer infrastructure services, including demand for water and wastewater treatment services. Per the *CEQR Technical Manual*, projects that result in more than one million gallons per day (gpd) require a water supply assessment. The projected water demand resulting from the Proposed Actions would be approximately ~~442,729~~485,534 ~~gpd~~gallons[5] ~~per day (gpd)~~, less than the one-million-gpd threshold that warrants a water supply assessment and no further analysis of water supply is required. The worst-case development scenario was assumed for the analysis for the demand for water based on the *CEQR Technical Manual* guidance; however, the analysis of the projected water demand ~~will be~~was refined between the draft and final scope of work. ~~Between the draft and final scope,~~ The water demand ~~will be~~is projected to be 590,779 gpd based on historic data from Bally's~~the Applicant~~ and model projections based on projects of similar size.

Per the *CEQR Technical Manual*, projects in the Bronx that would develop more than 150,000 sf of commercial space warrant a wastewater and stormwater infrastructure assessment. The Proposed Development would introduce 3,134,040-gsf of new floor area/commercial space to the Development Site. Further, the Development Site is within the Westchester Creek drainage area, and the Proposed Development involves development on a site that is larger than one acre where the amount of impervious surface may increase. Accordingly, the estimated sewage generation and stormwater discharge rates associated with the Proposed Actions will be evaluated in accordance with the analysis methods of the *CEQR Technical Manual* to determine that the capacity of the network is sufficient. The effects of the Proposed Actions will be compared to CEQR impact criteria to determine if the Proposed Actions would result in any significant adverse impacts, as defined in the *CEQR Technical Manual*. The following tasks will be completed to determine if the Proposed Actions have the potential to result in significant adverse water and sewer infrastructure impacts:

Wastewater and Stormwater Infrastructure

- The appropriate Study Area for the assessment would be established per CEQR guidelines and in consultation with NYCDEP;
- The existing stormwater drainage system and surfaces at the Development Site will be described, and the amount of stormwater generated on these sites will be estimated using NYCDEP's volume calculation worksheet;
- The existing sewer system serving the Study Area will be described based on records obtained from NYCDEP;
- Changes to the stormwater drainage plan, sewer system, and surface area expected between the No-Acton and With-Action conditions will be described; The volume of stormwater projected to be generated by the Development Site will be evaluated against CEQR impact criteria; and
- ~~The location, design, capacity, and management of any potential new or modified stormwater outfalls, including required permitting and regulatory inspections by the appropriate agencies, if required; and~~

[5] Based on the *CEQR Technical Manual* thresholds for commercial and hotel uses. For the EIS, calculations will be refined to be more specific to casino uses.

- Sanitary sewer demands that could be generated by the Proposed Facility will be estimated and compared to CEQR impact criteria.

The EIS will describe the underlying regulations that will apply to new development on the Development Site. Per the *CEQR Technical Manual* and in consultation with NYCDEP, a more detailed assessment may be required if increased sanitary or stormwater discharges from the Development Site is predicted to affect the capacity of the existing sewer system, exacerbate combined sewer overflow volumes or frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving water bodies.

If the project would result in significant adverse impacts to the water supply and/or wastewater and stormwater infrastructure, the EIS would identify measures to avoid or mitigate such impacts.

Task 12: Solid Waste and Sanitation Services

The *CEQR Technical Manual* states that an assessment of solid waste and sanitation services is warranted if an action would have the potential to result in a substantial increase in solid waste production that could overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP) or with state policy related to the City's integrated solid waste management system. Per the *CEQR Technical Manual*, actions resulting in substantial waste generation, defined as 50 tons (100,000 pounds) per week or more, warrant additional analysis for effects on solid waste and sanitation services.

Based on the average daily solid waste generation rates provided in Table 14-1 of the *CEQR Technical Manual*, it is estimated that the Proposed Development would result in approximately ~~289,535~~439,695 pounds[6] (~~144.77~~219.85 tons) of solid waste per week. The worst-case development scenario was assumed for the analysis for the daily solid waste generation rates based on the CEQR Technical Manual guidance; however, the analysis of the solid waste generation will be refined between the draft and final scope of work. Between the draft and final scope, solid waste generation will be projected based on historic data from Bally's~~the Applicant~~ and model projections based on projects of similar size.

The Proposed Development is a private commercial project. Commercial establishments in New York City contract with private carters for collection and processing of waste. Therefore, the Proposed Actions are not expected to affect ~~Department of Sanitation~~DSNY services. The analysis will include the following:

- Describe how the Proposed Development would adhere to the hierarchy of preferred solid waste management; The analysis will take into account the Commercial Waste Zone Program that will be in place by the Build Year.
- Estimate solid waste generation on the Development Site under existing conditions, the No-Action Condition, and the With-Action Condition.
- Identify proposed locations and storage methods for commercial refuse and recyclables;
- Identify the volume of refuse and recyclables; and
- Consider the project's consistency with the City's SWMP.

[6] Based on the *CEQR Technical Manual* thresholds for general retail, per guidance provided by DSNY. For the EIS, calculations will be refined to be more specific to casino uses.

If the project would result in significant adverse solid waste and sanitation services impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 13: Energy

Per the *CEQR Technical Manual*, because all new structures requiring heating and cooling are subject to the New York State Energy Conservation Code – which reflects State and City energy policy – actions resulting in new construction would not create significant energy impacts, and as such would not require a detailed energy assessment. For CEQR purposes, energy impact analysis focuses on an action's consumption of energy.

Based on factors provided in Table 15-1 of the *CEQR Technical Manual*, it is estimated that the Proposed Actions would result in an annual energy consumption of approximately 677 billion MBTUs, an increment of 672 billion MBTUs[7] over the No-Action Condition. Energy consumption on the Development Site will be considered an energy-intensive facility per the *CEQR Technical Manual* because it will operate 24 hours a day, seven days a week. Therefore, an energy analysis will be included in the EIS. This would include an estimate of the additional energy consumption associated with the Proposed Development, including an estimate of the demand load on electricity, gas, and other energy sources, and an assessment of available supply. The Proposed Development's conformance to local regulations, including Local Law 97 and Local Law 154, will be included. Energy efficiency standards included in the Proposed Development will be described, including Bally's~~the Applicant's~~ commitment to using all electric-powered heating ventilation, and cooling (HVAC) systems. The analysis will also describe any energy-related utility relocations or new energy infrastructure resulting from the Proposed Actions.

If the project would result in significant adverse energy impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 14: Transportation

The objective of a transportation analysis is to determine whether a proposed action may have a potentially significant adverse impact on traffic operations and mobility; public transportation facilities and services; pedestrian elements and flow; safety of roadway users (pedestrians, bicyclists, and vehicles); and public parking. The *CEQR Technical Manual* describes a two-tier screening process to determine if quantified analyses of transportation conditions are warranted. The preliminary assessment begins with a trip generation analysis (Level-1 screening assessment) to estimate person and vehicle trips that would result from the Proposed Actions.

Per the *CEQR Technical Manual*, a project that is expected to result in fewer than 50 peak-hour vehicle trips and fewer than 200 peak-hour transit or pedestrian trips does not warrant further quantified analyses. When these thresholds are exceeded, detailed trip assignments (Level-2 screening assessment) are performed to estimate the incremental project-generated trips at specific transportation elements and to identify potential locations for further quantitative analyses. If the trip assignments show that the Proposed Actions could generate 50 or more peak-hour vehicle trips at an intersection, 200 or more peak-hour subway trips at a station or in one direction along a subway route, 50 or more peak-hour bus trips in one direction along a bus route, 50 or more peak-hour Citywide Ferry Service (CWFS) trips at a landing or along a CWFS route, or 200 or more peak-hour

[7] Based on the *CEQR Technical Manual* thresholds for commercial uses. For the EIS, calculations will be refined to be more specific to casino uses.

pedestrian trips traversing a pedestrian element (i.e., sidewalks, corners, and crosswalks), then further quantified analyses of transportation conditions may be warranted to assess transportation conditions in the study area.

Based on a preliminary travel demand assessment, the Proposed Facility's hotel, spa, meeting and event center, gaming facility, food and beverage, and sundry retail trip generation would exceed CEQR thresholds for detailed transportation analyses during the weekday AM, midday, PM, and Saturday midday and PM peak hours ("analysis peak hours"). Therefore, quantified analyses will be required to assess the potential impacts of project-generated trips on key traffic intersections, pedestrian locations, nearby transit services, the area's public parking resources, and vehicular and pedestrian safety conditions. Specific tasks to be undertaken as part of the transportation assessment are as follows:

Travel Demand Screening Assessment

Travel demand estimates for the Proposed Facility will be prepared based on trip generation, modal split, and vehicle occupancy assumptions developed using operations information provided by:

- Bally's~~the Applicant~~;
- transportation characteristics of other integrated gaming resort developments provided by NYCDOT;
- information published in standard sources, including (but not limited to) the *CEQR Technical Manual*, U.S. Census data, and the Institute of Transportation Engineers (ITE) *Trip Generation Manual*;
- previously approved studies; and
- other potential references.

The trip estimates (Level-1 screening assessment) will be summarized by peak hour, mode of travel, and person versus vehicle trips. Based on the preliminary travel demand assessment (Level-1 screening), which considers the Development Site's location within the existing Ferry Point Park golf course, a Level-2 screening assessment is not anticipated to be warranted for subway, bus, railroad, CWFS, or pedestrian trips.

The trip estimates for non-vehicular travel modes will identify the number of peak-hour person trips made by transit (subway, bus, railroad, and CWFS) and the number of pedestrian trips traversing the area's sidewalks, corner reservoirs, and crosswalks. The results of these estimates will be summarized in the draft Travel Demand Factors (TDF) memorandum that will be prepared and finalized in coordination with the Lead Agency and NYCDOT. In addition to trip estimates, detailed vehicle trip assignments are being prepared to validate the intersections and highway segments where quantified analyses will be undertaken.

Traffic

A traffic analysis study area will be defined pursuant to *CEQR Technical Manual* guidelines and in coordination with the Lead Agency and NYCDOT as part of the transportation assessment conducted during the environmental review process. The study area will include intersections closest to the Development Site in addition to key intersections along routes connecting the Development Site with the regional highway network that would experience a significant volume of project-generated traffic.

Additionally, the traffic study area will be defined in coordination with the Lead Agency, NYCDOT, and NYSDOT to include highway network segments (i.e., ramps and merge, diverge, and weave sections) that provide access to the Development Site and would experience a significant volume of project-generated traffic.

Data Collection

Traffic data collection will be conducted for the study area intersections and highway segments pursuant to *CEQR Technical Manual* guidelines and in consultation with the Lead Agency and NYCDOT. The study area intersection data collection will include manual turning movement counts inclusive of conflicting bikes and pedestrians, automatic traffic recorder (ATR) machine counts, detailed vehicle classification counts at key intersections, and travel time studies ("speed runs") along key roadway segments during the weekday AM, midday, PM, and Saturday midday and PM peak hours. The ATR counts will be conducted along key roadways for continuous (9-day) periods during typical (i.e., non-summer) and summer conditions to identify temporal, daily, and seasonal traffic variations in the study area. Traffic volume data will also be collected along the study area highway segments for the weekday AM, midday, PM, and Saturday midday and PM peak hours during typical and summer conditions.

Additionally, travel time (speed run) data will be collected during the relevant peak hours to provide operational inputs for the CEQR mobile source air quality analysis. The baseline data will be normalized to establish estimated current conditions. Information pertaining to street widths, traffic flow directions, lane markings, parking regulations, and bus stop locations at study area intersections will be inventoried and traffic control devices (including signal timings) in the study area will be recorded and verified with official signal timing data from NYCDOT.

Existing Traffic Analysis

Balanced peak hour baseline traffic volume networks will be prepared to conduct peak hour capacity analyses of study area intersections and highway segments. The intersection capacity analyses will be conducted pursuant to *CEQR Technical Manual* guidelines using *2000 Highway Capacity Manual* (HCM) methodology with NYCDOT's approved version of the Synchro traffic modeling software. The existing intersection volume-to-capacity (v/c) ratios, delays, and levels of service (LOS) for the weekday AM, midday, PM, and Saturday midday and PM peak hours will be calculated and summarized.

The highway segment capacity analyses will be conducted using the Aimsun microsimulation software, and the existing densities and LOS for the weekday AM, midday, PM, and Saturday midday and PM peak hours will be calculated and summarized.

No-Action Condition Analysis

No-Action condition traffic volumes will be developed in accordance with *CEQR Technical Manual* guidelines by incorporating background growth to existing traffic volumes and accounting for incremental changes in future traffic volumes that could result from planned development projects in the study area ("No-Build development projects"). Trip estimates for applicable No-Build development projects will be developed using the approved set of travel demand factors and other appropriate references. Additionally, planned geometric and operational transportation improvements that could be implemented within the study area, independent of the Proposed Development, will be incorporated into the No-Action condition traffic analyses. The No-Action condition v/c

ratios, delays, and LOS at the study area intersections; and densities and LOS for the study area highway segments will be calculated and summarized.

With-Action Condition Analysis

Traffic impact analyses for the Proposed Development will be conducted by adding project-generated trips onto the No-Action Condition traffic network. Physical and operational transportation improvements that would be implemented in the study area as part of the Proposed Development will also be incorporated into the With-Action Condition traffic analyses. The potential for significant adverse traffic impacts due to the Proposed Development will be evaluated in accordance with *CEQR Technical Manual* criteria. If significant adverse traffic impacts are identified, transportation improvement measures will be recommended in the EIS to mitigate such impacts to the extent practicable.

Parking

Parking surveys will be performed within ¼-mile of the Development Site to record on- and off-street public parking supply and utilization. Parking accumulation estimates for the Proposed Development will be developed to identify peak parking periods and 24-hour entering/exiting activities for the proposed on-site parking facility. If applicable, project-generated public parking demand projections will be compared to the available supply in the study area to determine if project-generated demand could result in a potential public parking shortfall. The effects of on-street parking space displacement resulting from proposed transportation mitigation measures will also be addressed. Should the parking supply within ¼-mile of the Development Site prove to be insufficient to accommodate the peak parking demand of the Proposed Development, the study area will be extended to include parking surveys of on- and off-street public parking supply and utilization within ½-mile of the Development Site.

Transit

The Development Site is not directly served by New York City Transit (NYCT)/ MTA subway or bus service, railroad service, or the CWFS. As such, the transit trips generated by the Proposed Facility are not expected to exceed CEQR Level 1 thresholds. However, a qualitative assessment of available transit services in the general vicinity of the Development Site will be conducted as part of the overall transportation analyses in addition to the CEQR Level-1 transit screening assessment.

Pedestrians

The Development Site is generally inaccessible via public pedestrian infrastructure. Project-generated parking demand is expected to be accommodated within the proposed on-site parking facility, and taxi/rideshare vehicles are expected to conduct passenger drop-off/pick-up activities within the Development Site. As such, project-generated person trips are not expected to use public pedestrian infrastructure to access or egress the Development Site, and therefore are not expected to exceed CEQR Level 1 thresholds. However, a qualitative assessment of available public pedestrian infrastructure in the general vicinity of the Development Site will be conducted as part of the overall transportation analyses in addition to the CEQR Level-1 pedestrian screening assessment.

Bicycles

The EIS will include a qualitative bicycle analysis focusing on the connectivity, circulation, and infrastructure improvements within the Development Site and its surrounding areas, taking into account connections to nearby bike facilities and other potentially affected locations in the study area. This qualitative analysis will assess existing and proposed bicycle facilities, such as bike lanes, shared paths, greenways, and bike parking, and evaluate the enhancements brought by the Proposed Development. The following outlines the anticipated scope of work for the bicycle analysis:

- Review existing and planned bicycle facilities, greenways, routes, infrastructure, and connectivity in the study area, with a focus on key routes connecting the Development Site to the surrounding neighborhoods and park facilities;
- Identify proposed changes and additions to the bicycle network expected to occur in conjunction with the Proposed Development, such as new connections to existing designated bike paths and planned greenways.
- Qualitatively assess the impact of the Proposed Development on existing and planned bicycle facilities, greenways, routes, connectivity, and circulation, including any potential conflicts or enhancements to the existing network.

Vehicular and Pedestrian Safety

Accident data for the study area intersections, highway segments, and other nearby sensitive locations will be obtained from NYCDOT and NYSDOT for years 2019, 2022, and 2023, which represent the most recent three-year period not affected by the COVID-19 pandemic. The data will be summarized by accident-type on a yearly basis to determine if any of the study area intersections may be classified as a high pedestrian/bicycle accident location per *CEQR Technical Manual* criteria. Similarly, the data will be summarized for the study area highway segments and compared to NYSDOT average crash rates. If applicable, engineering measures will be recommended at these locations to alleviate potential safety issues. In addition, existing Ring Road pedestrian crossings will be assessed for potential conflicts between park users and increased vehicular traffic in the With-Action condition.

If the project would result in significant adverse transportation impacts, the EIS would identify measures to avoid or mitigate such impacts to the extent practicable.

Task 15: Air Quality

Per *CEQR Technical Manual* guidelines, an air quality analysis is conducted to assess the effect of a proposed action on ambient air quality (i.e., the quality of the surrounding air), or effects on a proposed project because of ambient air quality. Air quality can be affected by mobile sources (such as pollutants produced by motor vehicles) and by stationary sources (such as pollutants produced by stationary industrial facilities).

An Air Quality Protocol Memo was submitted to NYCDEP on 15 April 2024 for review and was approved on 8 November 2024~~al~~. The Protocol Memo outlines the methodologies for the air quality analysis. ~~and will be provided as an appendix to the EIS.~~

Stationary Industrial and Large or Major Source Emissions

A preliminary review indicates there are no large or major sources within 1,000 feet of the Study Area, and a large or major source analysis is not anticipated to be required. The

Clean Air Tracking System maintained by NYCDEP will be reviewed to identify potential sources of emissions from manufacturing or industrial operations within the 400-foot Study Area. A preliminary review of CATS found one industrial source emissions permit within 400 feet of the Study Area, which was registered to the Development Site. A site visit will be completed to identify industrial facilities that may operate without a permit (i.e., automotive spray-painting booths). If any such sources are identified, an industrial source air quality assessment will be conducted following the *CEQR Technical Manual* guidance. If required, dispersion will be modeled using either the AERSCREEN or the AERMOD programs published by the Environmental Protection Agency (EPA).

Stationary Source Emissions from HVAC Systems

Emissions from the HVAC systems of project-generated buildings may affect air quality levels at nearby existing or future land uses. The effects of these emissions would be a function of fuel type, boiler capacity and type, stack height and location, building dimension, and location relative to a nearby sensitive receptor sites. The Proposed Development's heat and hot water systems are anticipated to be electric-powered. ~~However, an HVAC screening would be completed following the guidance provided in the *CEQR Technical Manual*.~~

Mobile Source Emissions

The Proposed Actions are expected to generate traffic volumes that exceed the heavy-duty vehicle-equivalent thresholds listed in Chapter 17, Section 210 of the *CEQR Technical Manual*, and a mobile source assessment will be conducted for particulate matter ($PM_{2.5}$ and PM_{10}) following the guidance established in the *CEQR Technical Manual*. A screening will be conducted to determine the intersections that are most sensitive to air quality conditions. If the project-generated traffic exceeds the *CEQR Technical Manual* threshold of 170 incremental auto trips at any intersection, a detailed analysis of carbon monoxide (CO) emissions would be conducted per CEQR guidance. An analysis of nitrogen dioxide (NO_2) will also be included for comparison with the National Ambient Air Quality Standards.

As warranted, background concentrations of $PM_{2.5}$, PM_{10}, ~~and~~ CO, and NO_2 will be obtained from nearest monitoring station, as published by NYSDEC in the latest New York State Ambient Air Quality Report. Meteorological conditions will be obtained from NYSDEC for the latest 5-year dataset, excluding years influenced by COVID-19, at the nearest monitoring stations. Emissions factors at the representative intersections will be calculated using the latest version of MOVES, an emissions program published by the United States Environmental Protection Agency. The emissions factors will be analyzed in AERMOD, an air dispersion modeling program. The resulting concentrations in the No-Action and With-Action conditions will be described and compared to CEQR impact criteria.

Based on the existing traffic network, the detailed analysis of mobile source emissions of $PM_{2.5}$, ~~and~~ PM_{10}, CO, and NO_2 will be analyzed at the following locations:

- Hutchinson River Parkway service roads and Lafayette Avenue;
- Ring Road, Schley Avenue, and southbound Hutchinson River Parkway service road;
- Ring Road, Hutchinson River Expressway, and the Development Site; and
- Proposed parking garage and garage driveway on the Development Site.

The Proposed Development includes two partially enclosed ~~a large~~ parking facilities~~y~~, each with two cellar levels; therefore, ~~and~~ a parking facility air quality assessment will ~~therefore~~ be provided in the EIS~~undertaken~~. For the parking garage assessment, hourly entering and exiting vehicular trips will be obtained from the traffic analysis. $PM_{2.5}$, PM_{10}, CO and NO_2 ~~PM~~ engine emission factors will be computed using the assumed build year of 2030. The inputs and use of MOVES and AERMOD will incorporate the most current guidance available from NYSDEC and the United States Environmental Protection Agency.

If the project would result in significant adverse air quality impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 16: Greenhouse Gas (GHG) Emissions and Climate Change

As described in the *CEQR Technical Manual,* the Greenhouse Gas Emissions and Climate Change assessment consists of two steps, which include estimating the project's emissions and examining the project in terms of the qualitative goals for reducing GHG emissions**.** The operational and mobile source emissions generated by the Proposed Actions will be estimated using Table 15-1 of the *CEQR Technical Manual*. The EIS will then qualitatively assess the project in terms of the qualitative goals to reduce greenhouse gas emissions. Construction emissions will be described qualitatively. Once the emissions are estimated, measures to reduce the emissions of GHGs will be discussed, and the project's consistency with the City's greenhouse gas reduction goal will be assessed following the guidance of the *CEQR Technical Manual*. The Proposed Development's compliance with local regulations, including Local Law 97 and Local Law 154, will be included in the EIS. Energy efficiency standards included in the Proposed Development will also be described, including Bally~~the Applicant~~'s commitment to using all electric-powered ~~heating ventilation, and cooling (~~HVAC~~)~~ systems.

Rising sea levels and increases in storm surge and coastal flooding are the most immediate threats in New York City for many projects due to climate change. Projects located within the 100 or 500-year floodplain would require a policy consistency review with the WRP, including projections of future sea level rise and flood zone boundaries. The EIS will discuss any adaptive management strategies and flood-resistant measures included as a part of the project, including any city, state, or federal initiatives to improve coastal resilience, where applicable.

If the project would result in significant adverse greenhouse gas emissions and climate change impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 17: Noise

The noise assessment will analyze the potential noise effects associated with the Proposed Actions. The Proposed Actions would introduce new noise-sensitive receptors to the Development Site, consisting of hotel ~~units~~rooms, public meeting facilities (event center and conference space), a replacement golf clubhouse, and pedestrian connections to Ferry Point Park.

The noise analysis will establish the ambient noise levels and determine the level of building attenuation required to satisfy applicable CEQR interior noise criteria. For this project, noise assessment is warranted in the areas of both mobile and stationary sources.

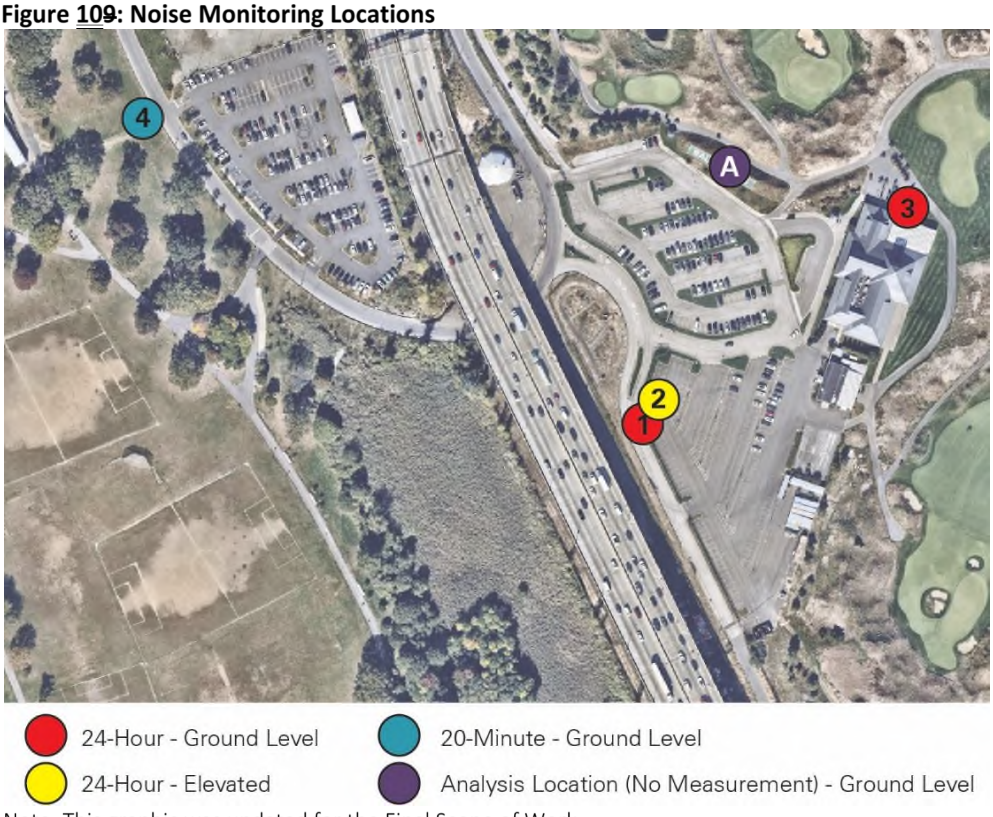
A Noise Protocol Memo was submitted to NYCDEP on 10 April 2024 for review and was approved on 09 August 2024 ~~approval~~. The Protocol Memo outlines the methodologies for the noise analysis~~ and will be provided as an appendix to the EIS~~.

Mobile noise sources move in relation to receptors. The mobile source screening assessment will address potential noise impacts associated with vehicular traffic generated by the Proposed Development on the local street network and the Hutchinson River Expressway. Mobile noise assessment will be completed using proportional modeling of passenger-car-equivalents (PCEs) using traffic data analyzed in the transportation assessment. This traffic data will be used to calculate the existing, No-Action, and With-Action noise levels and to determine if attenuation is warranted in specific locations per CEQR guidance.

Stationary noise sources do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment, such as those associated with a building's heat and hot water systems. Project-generated development would introduce new stationary noise sources such as mechanical equipment, and therefore a stationary source assessment will be provided. The EIS will assess project-generated stationary noise sources and noise generated by nearby stationary noise sources.

Noise survey locations were selected by examining the Development Site's location and the location of the dominant sources of ambient noise and are shown in Figure 10~~9~~. Existing noise levels will be determined at each representative location by performing field measurements over ~~a~~ 24-hour periods, as well as 20-minute peak traffic periods. Measurements will include peak weekday AM, midday, and PM traffic periods and Saturday midday. Noise measurements will include all vehicular traffic, air traffic, and stationary noise sources. Building mechanical systems will be assumed to be designed to meet all applicable noise regulations to avoid producing levels that would result in any significant increase in ambient noise levels.

Figure 10~~9~~: Noise Monitoring Locations



Note: This graphic was updated for the Final Scope of Work.
Source: Cerami & Associates

Analysis location A will be analyzed to represent worst-case conditions for project-generated noise on the Golf Course.

Consistent with the guidelines of the *CEQR Technical Manual*, noise levels will be imported into a noise model and adjusted as appropriate to match existing traffic conditions represented in the transportation assessment. The measured noise levels will be used to determine minimum window/wall attenuation requirements to satisfy CEQR interior noise level criteria. If warranted, required window/wall sound attenuation would be defined and mandated through a legal instrument, such as an E-Designation, or a restrictive declaration. If the project would result in significant adverse noise impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 18: Public Health

As stated in the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and the reduction of inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur because of a proposed project, and if so, to identify measures to mitigate such effects.

When no significant unmitigated adverse impacts are found in other CEQR analysis areas – such as air quality, water quality, hazardous materials, or noise – a public health analysis is not warranted. If unmitigated adverse impacts are found in any of these technical areas and the Lead Agency determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas in accordance with CEQR guidelines. If the project would result in significant adverse public health impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 19: Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, natural and visual resources, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns. Most of these elements will be covered in other EIS chapters but salient points from those analyses will be summarized in the Neighborhood Character chapter of the EIS. The Study Area for the Neighborhood Character assessment will be consistent with the Land Use, Zoning, and Public Policy Study Area – a quarter-mile radius around the Affected Area. Specific tasks to analyze the Proposed Actions' effects on neighborhood character will include:

- Define the predominant factors that contribute to the character of Ferry Point Park and the surrounding neighborhoods will be described, as summarized in other EIS sections such as land use, zoning and public policy, socioeconomic conditions, community facilities, urban design and visual resources, historic resources, transportation, and noise;
- Summarize the changes that can be expected to the character of Ferry Point Park and the surrounding neighborhood, including the views of natural and visual resources, changes to open space and traffic conditions, and park usability based on the Proposed Actions;

- The Proposed Action's cumulative effects on neighborhood character relative to the No-Action Condition will be assessed and summarized based on the analysis of impacts from other chapters of the EIS including, socioeconomic conditions, open space, urban design and visual resources, shadows, traffic, and noise;

If the preliminary assessment determines that the Proposed Actions would affect neighborhood character, a detailed analysis would be conducted in accordance with the *CEQR Technical Manual* guidelines. If the project would result in significant adverse neighborhood character impacts, the EIS would identify measures to avoid or mitigate such impacts.

Task 20: Construction

The EIS will present the anticipated construction duration and phasing of the Proposed Development, including the improvements to Ring Road. Potential improvements include street bed widening and stormwater and drainage improvements that would involve regrading, repaving, and the installation of new drainage features reconstructed to NYCDOT standards. Information will be provided on the applicable oversight and regulations for various aspects of construction, such as the oversight provided by NYSDEC for development on the former municipal solid waste landfill and potential new or modified outfalls, by NYSDOT for improvements to Ring Road, by NYCDEP or Mayor's Office of Environmental Remediation (OER) for hazardous materials, and by NYCDOT for improvements to Ring Road As a part of construction, dewatering may be required and likely discharged to the city's combined sewer system with oversight from NYCDEP.

Information on how New York City regulates construction will be described in the EIS and will include a discussion of the major pieces of construction equipment anticipated to be used in each construction phase for the Proposed Development. ~~-~~Detailed description of the proposed temporary changes to the G~~g~~olf C~~c~~ourse (including how the functions currently performed in the clubhouse and parking lot will be replaced or modified) while the Proposed Facility is under construction will be included in the EIS.

The Proposed Development is anticipated to be constructed over a period of more than two years, and therefore will be classified as "long-term" per CEQR. Thus, the potential for construction-period impacts in the areas of land use, natural resources, water and sewer infrastructure, transportation, air quality, noise, historic resources, and hazardous materials will be assessed per the guidance set forth in the *CEQR Technical Manual*. For construction on the Development Site, quantitative transportation, air quality and noise impact analyses will be undertaken and compared to the relevant CEQR impact criteria. Measures to minimize the effects of construction on the surrounding environment will be described, including mechanisms to allow for continued city and public access to Ferry Point Park, including the parking lot south of the Development Site. If the project would result in a significant adverse construction impact, the EIS would identify measures to avoid or mitigate such impacts.

Task 21: Mitigation

In the CEQR technical areas where significant adverse impacts are identified, measures to avoid or mitigate those impacts to the greatest extent practicable will be described. These measures will be developed in coordination with the Lead Agency and the city and state agencies with jurisdiction over the area of impact. If the identified significant adverse impacts cannot be mitigated or can only be partially mitigated, they will be disclosed as

unmitigated impacts and described in the "Unavoidable Adverse Impacts" chapter (see "EIS Summary Chapters" below).

Task 22: Alternatives

The purpose of an alternatives analysis is to examine reasonable and practicable project alternatives what would avoid or reduce project-related significant adverse impacts while achieving the stated goals and objectives of the Proposed Actions. Alternatives must be feasible and consider the objectives and capabilities of the project sponsor. Typically, alternatives to a proposed project are identified as the project-generated impacts are clarified during the preparation of the EIS.

The EIS will identify a No-Action Alternative, which assumes that the Proposed Actions would not be approved. In addition, if unmitigated significant adverse impacts are identified during the preparation of the EIS, a No-Unmitigated Significant Adverse Impacts Alternative will be included to describe the project modifications that would be needed to avoid significant adverse impacts. Additional alternatives to the Proposed Actions may also be considered and evaluated pursuant to *CEQR Technical Manual* guidelines.

Task 23: EIS Summary Chapters

Per *CEQR Technical Manual* guidelines, the EIS will include the following three summary chapters:

- Unavoidable Adverse Impacts. This chapter will summarize any significant adverse impacts that are unavoidable regardless of the mitigation employed (or if mitigation is not feasible). This includes partial mitigation as a result of minimized significant adverse impacts;
- Growth-Inducing Aspects of the Proposed Actions. This chapter will qualitatively describe the potential for the Proposed Actions to trigger or unlock additional development; and
- Irreversible and Irretrievable Commitments of Environmental Resources. This chapter will summarize the Proposed Actions and their impacts in terms of the loss of resources (loss of vegetation, use of fossil fuels and materials for construction, parkland alienation, etc.), both in the immediate future and in the long-term.

Task 24: Executive Summary

The executive summary will use relevant material from the body of the EIS to describe the Proposed Actions, their significant adverse environmental impacts, measures to avoid or mitigate those impacts, and alternatives to the Proposed Development.

Task 25: Effects on Disadvantaged Communities

Effective 30 December 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that an EIS include a detailed statement of the effects of the Proposed Actions on disadvantaged communities, including whether the action(s) may cause or increase a disproportionate pollution burden on a disadvantaged community. The 2021 CEQR Technical Manual does not provide guidance regarding the scope of this analysis; further, as of the publication date of this Final Scope of Work, NYSDEC has not

proposed a rule that provides additional information regarding this new statutory provision.

The InfoLocator application maintained by NYSDEC maps the boundaries of Disadvantaged Communities (DAC) in New York State. The EIS will disclose whether the Affected Area is in or near a DAC. The EIS will also include a statement on the potential, project-generated disproportionate pollution burden on disadvantaged communities. The findings of the relevant CEQR analyses will be included in this chapter to assist with the determination as to whether the Proposed Development may disproportionately affect nearby DACs.

A

Bally's Bronx
Final Scope of Work (FSOW)
Comments Received on the Draft Scope of Work

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RESPONSE TO COMMENTS ON THE DRAFT SCOPE OF WORK

1. Introduction

This document summarizes and responds to comments on the Draft Scope of Work (DSOW), issued on May 22, 2024, prepared in connection with the "Bally's Bronx" gaming and recreation facility (the "Proposed Facility") at Bally's Golf Links at Ferry Point (the "Golf Course") in the Throggs Neck neighborhood of Bronx Community District 10. Verbal and written comments were received during the virtual public meeting held by the Office of the Deputy Mayor for Housing, Economic Development, and Workforce (ODMHEDW) on June 25, 2024. Written comments were accepted through the duration of the public comment period, which ended at 5 p.m. on Friday, July 12, 2024. The written and verbal comments received on the Draft Scope of Work are provided in Attachment B of this document. A Final Scope of Work was issued on January 17, 2025, incorporating comments received on the DSOW where relevant and appropriate.

Section 2 below lists the elected officials, organizations, and individuals that provided relevant comments on the DSOW. Section 3 contains a summary of and response to relevant comments. Comments are organized by subject matter and convey the substance of the issue but are not necessarily quoted verbatim. The comments and responses in Section 3 correspond to the commenters numbered in Section 2. A transcript of verbal statements delivered at the virtual public meeting is provided in Attachment C. This Response to Comments on the Draft Scope of Work parallels the chapter structure of the DSOW.

2. List of Elected Officials, Organizations, and Individuals who Commented on the Draft Scope of Work

Elected Official

1. Kristy Marmorato, Councilmember 13th District, Bronx; verbal statement delivered at public scoping and written submission dated July 5, 2024.

Organizations

2. Lisa Sorin, Bronx Chamber of Commerce; verbal statement delivered at public scoping.
3. Vincent Albanese, New York State (NYS) Laborers Political Action Committee (PAC); verbal statement delivered at public scoping.
4. Alexander Bruno, Local 692; verbal statement delivered at public scoping meeting.
5. Michael Walter, Local 6A; verbal statement delivered at public scoping meeting.
6. Edward McWilliams, Cement and Concrete Workers; verbal statement delivered at public scoping meeting.
7. William Rivera, Bronx Community Board 9; verbal statement delivered at public scoping meeting.
8. David Abreu, Save the Sound; written submission dated July 12, 2024.
9. Karen Argenti, Bronx Council for Environmental Quality; written submission dated July 12, 2024.

Interested Public

10. Daisy Colon-Flores; written submission dated June 25, 2024.
11. Stephen Franciosa; verbal statement delivered at public scoping meeting and written submission dated June 25, 2024.
12. James Scheflen; written submission dated June 29, 2024.
13. Dorothea Poggi; written submission dated June 29, 2024.
14. Judith Chirico; written submission dated July 3, 2024.
15. Andrew Chirico; verbal statement delivered at public scoping meeting and written submission dated July 4, 2024.
16. Alex Porco; written submission dated July 11, 2024.
17. Giancarlo Rachielle; verbal statement delivered at public scoping meeting.
18. Thomas Messina; verbal statement delivered at public scoping meeting.
19. Laura Guerriero; verbal statement delivered at public scoping meeting.
20. Rosemary DeLuca; verbal statement delivered at public scoping meeting.
21. Edward Angelino; verbal statement delivered at public scoping meeting.
22. Kay Cardona; verbal statement delivered at public scoping meeting.
23. Carole Dechiara; verbal statement delivered at public scoping meeting.
24. Anibal Vazquez, Jr.; verbal statement delivered at public scoping meeting.
25. Brandon Mohammed; verbal statement delivered at public scoping meeting.
26. Kevin Delamere; verbal statement delivered at public scoping meeting.

27. Daisy Colone; verbal statement delivered at public scoping meeting.
28. Alejandro Angelo; verbal statement delivered at public scoping meeting.
29. Cathy C; verbal statement delivered at public scoping meeting.
30. Rene Luciano; verbal statement delivered at public scoping meeting.

3. Comments and Responses on the Draft Scope of Work

The numbers in the parentheses following comments in this section correspond with commenters as numbered in Section 2.

Project Description

Comment 1: **I support or oppose this project or aspects of the project (3, 10, 12, 14, 15, 18, 19, 20, 21, 23, 24, 27, 28)**

Response 1: Comment noted.

Comment 2: **The Proposed Development would be beneficial to the neighborhood and for the Bronx. (2, 7, 18)**

Response 2: Comment noted.

Comment 3: **Identify the sources of funding for the initial acquisition of the land proposed for alienation. (8)**

Response 3: The Environmental Impact Statement (EIS) will describe the State alienation legislation process. Bally's would be responsible for the acquisition costs of the Disposition Parcel (a portion of the Development Site – as defined in Chapter 1 of the EIS, "Project Description), which requires that Bally's assume all responsibility for the cost of acquisition and alienation of parkland.

Comment 4: **A study area of 400 feet is too small. The study area has to extend to the first impacted receptor. (9) The true affected area should be from Bush Avenue into East Tremont Avenue, Westchester Square, Pelham Bay, and Bruckner Boulevard. (10)**

Response 4: Study Areas were developed in accordance with the 2021 *CEQR Technical Manual* and in coordination with the Lead Agency. For example, the "Land Use, Zoning, and Public Policy" and the "Urban Design and Visual Resources" study areas will be a quarter mile and the study area for "Open Space" will be the 2020 U.S. Census Tracts with more than 50 percent of their area within a 0.5-mile radius. The traffic analysis will analyze key intersections that would experience 50 or more vehicular trips in a peak hour – a study area that is anticipated to include intersections over a mile away from the Proposed Facility. The "Historic and Cultural Resources" and "Natural Resources" study areas include a 400-foot radius around the Affected Area (the Development Site and Ring Road).

Comment 5: **In the documents, change "Expressway" to "Parkway" to delineate where it becomes the "Bridge Approach" and allows trucks. (9)**

Response 5: The Hutchinson River Expressway is the portion of Interstate 678 that is between the Whitestone Bridge and the Bruckner Expressway; thus, trucks are allowed on this stretch of highway. For northbound traffic on the expressway, a sign located about 200 feet south of Bruckner Boulevard identifies the start of the Hutchinson River Parkway. Trucks are not

allowed on parkways. Throughout the EIS, the roadway will be referred to as the Hutchinson River Expressway, as appropriate.

Comment 6: The process for the acquisition of parkland should follow the public and transparent State process. (9)

Response 6: The alienation and acquisition of parkland will follow the State and local processes for those actions.

Comment 7: The process of modification and amendment of the existing concession should follow the public and transparent City process. (9)

Response 7: Comment noted. Bally's will follow required City processes as it seeks an extension of the existing New York City Department of Parks and Recreation (NYC Parks) concession or lease beyond the current approximately 11 years of remaining term.

Comment 8: The project should add parkland and/or financial support for Ferry Point Park and within Bronx Community Board 10. (9)

Response 8: As set forth in the DSOW, Park improvements and replacement parkland would be provided consistent with the requirements of the State alienation legislation. Bally's, in consultation with NYC Parks will select new site(s) for parkland in addition to areas within Ferry Point Park and elsewhere for new public park improvements. Bally's will be responsible for the costs associated with the acquisitions and improvements.

Comment 9: What are the reasonable expectations that this project would be approved above other projects that are being proposed in Queens and in Manhattan? (6)

Response 9: Approval of a gaming license is at the discretion of the New York State Gaming Commission. Bally's intends to make a competitive application for a gaming license. Pursuant to the gaming application requirements, Bally's must obtain all necessary land use approvals prior to providing a final application to the Gaming Commission.

Comment 10: The adjacent communities should also be analyzed for potential significant adverse impacts from the Proposed Development. (25)

Response 10: Areas near the Affected Area will be analyzed in the EIS for impacts in accordance with the guidance set forth in the 2021 *CEQR Technical Manual*.

Comment 11: How would Bally's get permission from New York City to build on parkland?

Response 11: As described in the DSOW, the Development Site and Ring Road would be alienated from the Park through the State alienation legislation. Once the New York State Legislature authorizes the alienation of parkland, the City of New York would be able to dispose of portions of the Development Site to Bally's in accordance with the requirements of the approved legislation.

Comment 12: Gambling did not improve Atlantic City - the neighborhood around it is still a slum. Also, gambling did not improve Yonkers. (15)

Response 12: Comment noted. Examining the effects of gambling on Atlantic City or Yonkers is beyond the scope of the project.

Comment 13: **Can you provide the zoom link for the public scoping meeting? (13, 16) I was wondering if you had any post meeting summary or minutes that include the verbal and written testimony? (16)**

Response 13: The zoom link was provided to all individuals that requested the link in both English and Spanish. The scoping meets was recorded and is available to the public in both languages.

English: https://youtu.be/6sTvVoimXcw

Spanish: https://youtu.be/Srthke_SRiE

The transcript for the Draft Scope of Work Scoping Meeting is in Attachment C of this document.

Comment 14: **There should be better communication about the timing of the scoping meeting (25, 27, 29) and one place where residents can view all documentation about the Proposed Development. (29)**

Response 14: Comment noted. Relevant information on the Proposed Development can be found on the NYC Mayor's Office of Environmental Coordination CEQR Access site using the project number: 24DME011X or by searching for "Bally's Bronx."

https://a002-ceqraccess.nyc.gov/ceqr/

Land Use, Zoning, and Public Policy

Comment 15: **Surrendering parkland sets the tone for overdevelopment. The precedent of parkland alienation would allow development. The Low-Density Growth Management under [Councilman James] Vacca was meant to protect our zoning. (15)**

Response 15: The proposed alienation would allow new development on the Development Site and allow Ring Road to be mapped and improved as a City Street under jurisdiction of the New York City Department of Transportation (NYCDOT). The Affected Area is wholly outside the Lower-Density Growth Management Area. The precedent of parkland alienation will not allow additional development in other parkland areas because the alienation process is site specific and requires multiple discretionary approvals at both the State and local levels before any development may occur. The Proposed Actions do not propose to rezone or increase the zoning capacity of areas outside of the Proposed Rezoning Area, including the low-density residential districts in the Lower-Density Growth Management Area.

Socioeconomic Conditions

Comment 16: **This project would create more jobs for the Bronx (2, 4, 7, 20, 21, 25), especially within the construction and building industry (18).**

Response 16: As noted in the DSOW, the Proposed Actions are projected to generate approximately 3,500 new permanent jobs and up to 1,800 additional temporary construction jobs.

Comment 17: **A casino would not benefit the residents of the Northeast Bronx. (14)**

Response 17: See response to Comment 16. The Proposed Development is projected to increase the production and sales at nearby businesses due to the increased demand generated by the Proposed Development and increase the demand of goods and service providers that will support the Proposed Development. The Proposed Facility is also projected to generate significant tax revenue for the City and State directly (through gaming taxes, corporate

and employee income taxes, sales, hotel, and property taxes) and indirectly (such as, for example, through bridge tolls). This additional tax revenue would benefit residents of the Northeast Bronx and the City as a whole. The socioeconomic benefits of the Proposed Development are furthered outlined in Chapter 3 of the EIS, "Socioeconomic Conditions."

Comment 18: A deal should be made that Bronx residents have priority in receiving jobs at the Proposed Facility. (28)

Response 18: Comment noted.

Comment 19: I am in support of this project creating union jobs (3, 4, 5, 18, 19). What commitment would Bally's make to the union labor for this project? (4, 6)

Response 19: As mentioned in the DSOW, the Proposed Development would generate unionized labor jobs during the construction and operational phases of the project. Further information on this topic is not within the scope of CEQR.

Comment 20: Site-specific studies show the negative impact of casinos on home prices. (10)

Response 20: As described in the DSOW, a socioeconomic conditions analysis will be provided in the EIS.

Comment 21: I think property values would go up when the Proposed Facility is built. (18)

Response 21: See response to Comment 20.

Comment 22: While casinos can generate local gaming tax revenue, there can be misguided expectations to the public benefit of casinos. (10)

Response 22: Comment noted.

Comment 23: Unlike the Bronx Zoo or Yankee Stadium, the Proposed Development would provide year-round tax revenue for the Bronx. (4, 19, 20) This revenue could support vital public services and infrastructure. (4)

Response 23: Comment noted.

Community Facilities and Services

Comment 24: There are concerns about crime rates increasing (including drugs and prostitution) with the development of a casino in the Bronx (10, 14, 15).

Response 24: Increased crime rates due to development is beyond the scope of CEQR.

As noted in Chapter 4 of the EIS "Community Facilities and Services," Bally's plans to employ on-site security personnel during business hours and have 24-hour security surveillance. Security personnel would oversee operations on-site and maintain and organize security camera recordings. As noted in the DSOW, Bally's has also committed to include a police substation on the Development Site. Security personnel at the Proposed Facility would work with law enforcement agencies as applicable, including the New York City Police Department (NYPD).

Improvements to Ring Road – the only roadway that provides access to the Development Site and portions of Ferry Point Park west of the expressway – would provide enhanced access to the site during emergencies.

Comment 25: Elementary and middle schools within a mile of the project area would be affected with the crime that can be created from the casino. (24)

Response 25: Three public schools are proximate to the Development Site – Preston High School (2780 Schurz Avenue), Ivy Prep Learning Academy (4022 East Tremont Avenue), and St. Francis de Chantel School. Preston High School is the closest school in the area and is approximately 3,300 feet east of the Development Site. All other schools are sited farther from the Development Site (Ivy League Prep, approximately 4,400 feet, and St. Francis de Chantel School, approximately 5,100 feet from the Development Site). The closest elementary school is approximately 4,900 feet from the Development Site.

These schools are also separated from the Development Site by Ferry Point Park to the west and east, Saint Raymond's New Cemetery to the north, and the existing road network such as the Hutchinson River Expressway and the Cross Bronx Expressway. Ring Road, the only roadway that allows access and egress to the Development Site, does not provide access to a school.

Bally's is committed to the safety of visitors to the Development Site and to the surrounding area. As noted above, crime on the Development Site would be managed by on-site security and the NYPD. Crime at schools would be the responsibility of NYPD. As described in the DSOW, the need for police services will be qualitatively described in the EIS.

Comment 26: Building a casino would add thousands more people using our roads, police, fire, hospitals and infrastructure. Two local hospitals – Einstein and Jacobi – are failing and dangerously overcrowded. (11)

Response 26: Per the *CEQR Technical Manual*, a detailed assessment of service delivery is conducted for healthcare facilities if a project would affect the physical operations of – or access to and from – a hospital or a public health clinic, or where a project would create a sizeable new neighborhood where none existed before. The Proposed Development would not affect the physical operations of a hospital or public health clinic and would not change the access to or from one of these facilities. The Proposed Development would also not create a sizable neighborhood where none existed before. However, the EIS will provide a qualitative description of the emergency management and medical services planned in the Proposed Facility.

Chapter 14 of the EIS, "Transportation" will include a detailed analysis of the effects of the Proposed Development on traffic. Additionally, Chapter 11 of the EIS, "Water and Sewer Infrastructure" will include an analysis of water and sewer infrastructure for the Development Site and Ring Road.

Comment 27: What strategies would be employed to ensure that the increased demands on emergency services do not negatively impact the existing communities? (1)

Response 27: As noted previously, the Proposed Development would not affect the physical operations of an emergency service provider and would not change the access to or from an emergency service provider. The Proposed Development would also not create a sizable neighborhood where none existed before. The EIS will include a description of the on-site security personnel, police substation, and area for emergency management and medical services planned in the Proposed Facility. Regarding fire safety, the Proposed Development would be constructed in accordance with New York City Fire Code and in consultation with the New York City Fire Department (FDNY). Beyond the Development

Site, new fire hydrants would be installed in Ring Road, thereby increasing fire safety for areas around Ring Road.

Comment 28: **The Proposed Development would result in an increased demand for police protection, fire protection, and emergency services. There is no mention of an increase in fire protection or emergency services, only a police substation. If there has been a decrease in police hires and our precinct is already short-staffed, how would the city be able to provide the staffing for this new police substation? Where would the funding come from to create the patrol for this substation? (1)**

Response 28: According to the *CEQR Technical Manual*, FDNY and NYPD review and, if necessary, improve upon personnel and staffing levels based on independent evaluations of an area's needs and current resources available. Adjustments are made based on these evaluations, rather than proposed or projected developments in an area. According to the *CEQR Technical Manual,* an assessment of fire and police protection is generally not warranted unless a project would affect the physical operations or access to and from a fire station house or a police precinct house, or if a project would create a sizable new neighborhood where none existed before.

The EIS will provide a qualitative description of the on-site security personnel, police substation, and area for emergency management and medical services planned in the Proposed Facility.

Comment 29: **People are continuing to dump toxic waste on the Development Site. (14, 23)**

Response 29: The Development Site, which is part of a former municipal solid waste landfill, operates as a golf course by Bally's. The former landfill is actively monitored by NYC Parks. Chapter 10 of the EIS, "Hazardous Materials" will provide additional information on the existing monitoring, maintenance, and environmental protection systems in place at the Development Site.

Open Space

Comment 30: **Parkland and green open spaces are a precious commodity that once rezoned or taken away from the community would never get the same quality or size of open space back. (27)**

Response 30: Comment noted. As discussed in the DSOW, the Proposed Actions would result in a direct effect to Ferry Point Park. Because parkland alienation would be necessary to effectuate the Proposed Development, both a direct and indirect open space analysis and potential significant adverse impacts to open space, if any, would be disclosed in the EIS.

The EIS will include information on the core active and passive recreational facilities at the Park – including the Golf Course, sports fields, barbeque areas, public restrooms, and dog-friendly areas and the Ferry Point Park Ferry Terminal.

Comment 31: **When the park was designed it was never supposed to be any other use but a park. (10)**

Response 31: Comment noted.

Comment 32: **On any given weekend, kids are playing soccer games and there are concerts for the community. Giving up green space does not make sense for the community (24).**

Response 32: As will be described in more detail in the EIS, the Park's soccer fields and open recreational areas would remain in place with the Proposed Actions. Moreover, Bally's would provide

park improvements in accordance with the alienation legislation. The approximately 15.73 acres that would be displaced for the Disposition Parcel (a portion of the Development Site) are within the existing Golf Course and include about 31,000 square feet (sf) associated with the clubhouse, about 230,000 sf of parking lot or paved walkways, and about 423,000 sf of landscaped area that supports the Golf Course (which includes about 97,000 sf of golf practice area). None of the core active and passive uses of the Park beyond the Golf Course including the sports fields, and barbecue areas would be removed with the Proposed Actions.

Comment 33: This is an opportunity to work with Bally's to bring social programming to the area and fix things in the Park or engage with the housing nearby. (7)

Response 33: The park improvements and replacement parkland will be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and would deed the designated new parkland to NYC Parks. Further coordination of park improvements would be discussed with NYC Parks.

Social programming and engagement with nearby housing is beyond the scope of CEQR.

Comment 34: How large is the piece of parkland, and is all of it being alienated or only a part of it? (5)

Response 34: As discussed in the DSOW, Ferry Point Park is an approximately 413.8-acre park within the Bronx. The DSOW notes that approximately 23.81 acres would be alienated. Since publication of the DSOW, Bally's has refined the proposal and reduced the amount of parkland that would be alienated. The EIS will analyze the effects of removing 15.3 acres of parkland that would be alienated and disposed to Bally's to develop the Proposed Facility. The 15.73 acres of alienated parkland would include approximately 31,000 sf of buildings, approximately 230,000 sf of parking lot or paved walkways, and approximately 423,000 sf of landscaped area that supports the Golf Course. A 1.42 acre roadway east of the Whitestone Bridge that runs along the western border of the Development Site (the "Waterfront Access Roadway") would be alienated and the City will dispose of an easement interest to allow an access easement or similar agreement for Bally's non-exclusive use of the Waterfront Access Roadway. This easement or similar agreement would allow for joint use of this roadway, and it would continue to serve as access for park users to use areas near the waterfront.

The EIS will also analyze an additional approximately 4.89 acres of parkland alienation (for a 60-foot right-of-way) for the proposed improvements to Ring Road. These 4.89 acres would include the existing Ring Road and vegetation and gravel areas along the outside edge of the roadway. The State alienation legislation would also permit the alienation of up to 9.61 acres, which would conservatively allow for an up to a 100-foot right-of-way for Ring Road. Permission from the State to alienate this amount of parkland is necessary to accommodate design flexibility required by NYCDOT, NYC Department of Environmental Protection (NYCDEP), NYC Parks, and the Metropolitan Transportation Authority (MTA) along with potential minor modifications to the configuration of Ring Road that may arise, and to allow temporary construction activities within the area. Areas not mapped for the final 60-foot-wide roadway will remain parkland under the jurisdiction of NYC Parks. Improvements to Ring Road would widen the roadway, create pedestrian and cycling infrastructure and improve stormwater drainage.

Comment 35: Bally's should make all practicable efforts to locate replacement parkland in an area of the Bronx where green space is currently lacking (i.e. below average as compared to

the rest of the borough). The DEIS should include a full description of how the location of the replacement parkland was selected, what alternative locations were considered, and why those alternatives were rejected. (8)

Response 35: Park improvements and replacement parkland would be provided consistent with the requirements of the State alienation legislation and in coordination with NYC Parks.

Urban Design and Visual Resources

Comment 36: How would a hotel with bright lights impact City Council Districts 14, 18, and 19? (1)

Response 36: The Proposed Development would be designed and constructed to meet the lighting requirements of the NYC Building Code and other underlying requirements. Additionally, the Development Site is separated from non-park uses by barriers such as the Golf Course (which has conifer trees near its northern and eastern boundaries), the East River, and the Whitestone Bridge. Project lighting will be discussed in Chapter 8 of the EIS, "Urban Design and Visual Resources."

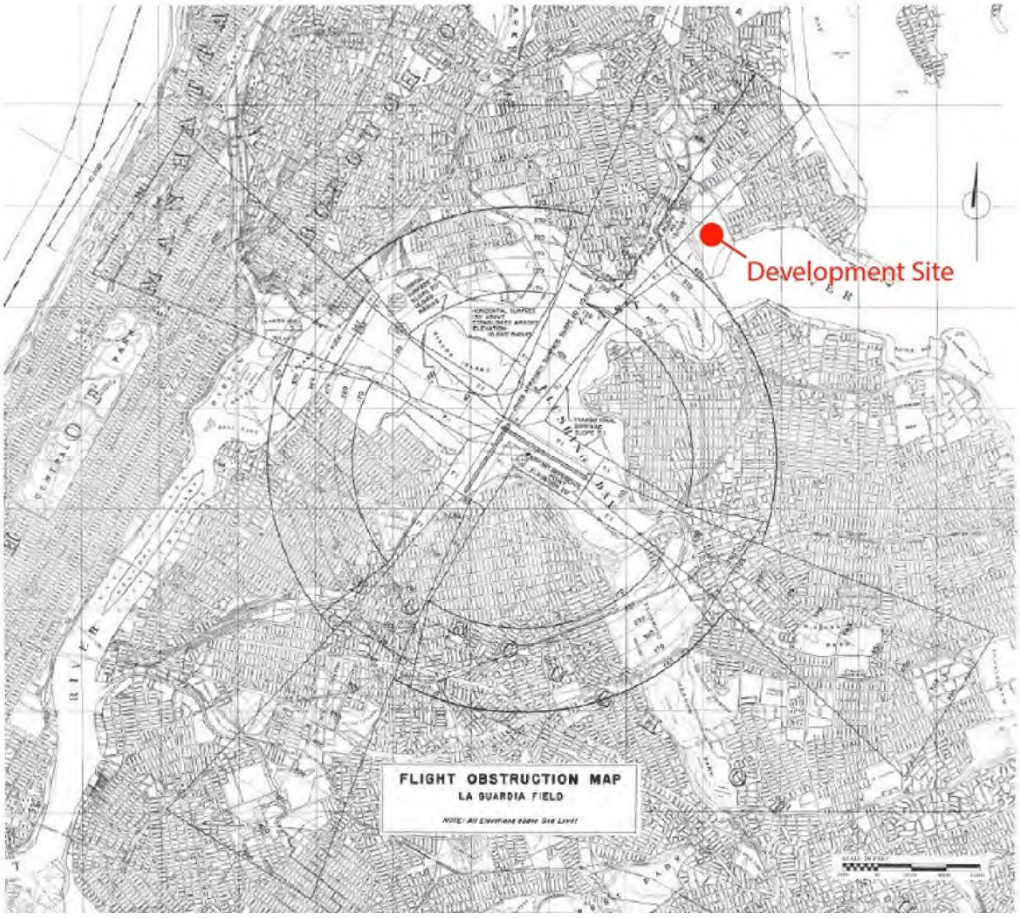
Comment 37: A casino is an eyesore and does not belong in this neighborhood. Scale down the project to make it more adaptable to the neighborhood. (23)

Response 37: Comment noted. The DSOW notes that the EIS will analyze potential impacts to urban design and visual resources in accordance with the *CEQR Technical Manual,* which analyzes the visual scale and context a proposed development. The EIS will also include a "Neighborhood Character" analysis that will identify the elements that contribute to defining the character of the neighborhood.

Comment 38: The hotel and casino would be located a quarter of a mile from the LaGuardia Airport runway, and it is also in the path of runway 22. Would the brightness from the facility impact the planes taking off and landing? Are there plans for light pollution control and who would be responsible for the costs associated with implementing these measures? (1)

Response 38: The Development Site is outside of the Flight Obstruction path for LaGuardia Airport and the Development Site is about 2.5 miles from LaGuardia's runway 22 (see Figure 1). The proposed signage would comply with NYC Building Code. Lighting would comply with NYC Building Code and Federal Aviation Administration regulations.

Figure 1: LaGuardia Airport Flight Path Map



Natural Resources

Comment 39: **Species such as the Northern Long-Eared Bat (endangered), Tricolored Bat (proposed endangered), Piping Plover (threatened), and the Monarch Butterfly (candidate) may be affected by the Proposed Development. How would the development impact their habitats? would there be conservation efforts to protect these species, and what measures would be taken to mitigate any negative effects on the local wildlife? (1)**

Response 39: As discussed in the DSOW, the EIS will include consultations with local, state, and federal agencies on rare, special concern, threatened, endangered, or candidate species within the Study Area, as well as any unique association or habitat communities from the U.S. Fish and Wildlife Service (USFWS) New York Field Office, the New York Natural Heritage Program, and the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (Northeast Region). If significant adverse impacts are identified, measures to mitigate would be explored and described in the EIS.

Comment 40: **How would the Proposed Development impact the aquatic ecosystem? (1)**

Response 40: The Development Site does not contain a surface waterbody. As discussed in the DSOW, the EIS will analyze the potential for the Proposed Development to result in significant adverse impacts to aquatic ecosystems. Specifically, aquatic ecosystems will be addressed

as part of the "Shadows," "Natural Resources," and "Water and Sewer Infrastructure" assessments.

Hazardous Materials

Comment 41: What sort of remediation would be done before any construction occurs? (11)

Response 41: As mentioned in the DSOW and further discussed in Chapter 10 of the EIS, "Hazardous Materials," the NYC Department of Sanitation (DSNY) operated a municipal solid waste landfill on a portion of the Park from 1952 to the mid-1960s. In 2000, NYSDEC issued a Part 360 Permit jointly to Ferry Point Park and NYC Parks to allow the import and placement of nonhazardous regulated fill necessary to construct the Golf Course. The Part 360 Permit required that a Post Construction Custodial Care Plan (PCCCP) be established to set post-construction and monitoring requirements associated with the former landfill use and the construction of the Golf Course. NYC Parks continues to monitor and maintain the former landfill per the PCCCP. Thus, no remediation is required on the portion of the Development Site that was a landfill before construction begins.

Chapter 10 of the EIS, "Hazardous Materials" will also include the findings of the Phase I Environmental Site Assessment (ESA) and information about the Phase II Environmental Site Investigation (ESI) work plan for Ring Road. The Phase II ESI will include the collection of soil and groundwater samples. NYCDEP will review and approve the Phase II ESI, along with any remedial recommendations, if required.

Bally's proposes to incorporate construction and operations measures that will ensure protection of human health and the environment. The DEIS will describe the proposed measures to be incorporated. Further, the EIS will describe the required environmental oversight and monitoring that would be conducted under the supervision of a licensed engineer during construction.

Comment 42: The land under the golf course is a toxic waste dump/swamp. (14, 15, 25). This location should never be disturbed or built on because it would disturb the toxins beneath and would pose a health hazard to the surrounding communities by getting into the water supply and releasing hazardous gases into the air. (14)

Response 42: Comment noted. NYC Parks continues to monitor the former landfill. Chapter 10 of the EIS, "Hazardous Materials" will describe measures to be employed during construction to minimize the potential for exposure to hazardous materials. The EIS will also describe the oversight that would be provided by NYSDEC. If significant adverse hazardous materials impacts are identified, these would be disclosed in the EIS and mitigation measures would be explored.

Comment 43: The site was originally a garbage dump. Decomposing garbage underground creates methane gas, which is highly volatile. When the golf course was constructed, the Lower Explosive Levels (LEL) were higher than 5 percent on 41 different occasions. Anything over 5 percent can potentially cause an explosion. would this be monitored and addressed? If the methane gas levels exceed 5 percent, would construction continue? (1, 23)

Response 43: As discussed in the DSOW, ongoing maintenance and monitoring of a portion of the Development Site within the footprint of the former landfill is currently conducted by NYC Parks. A landfill gas control system is installed within the waste layer of the former landfill to monitor the generation of landfill gas. Landfill gas is currently monitored on a quarterly basis and results have been well below the applicable thresholds established by NYSDEC.

Chapter 10 of the EIS, "Hazardous Materials" will examine the potential for the Proposed Actions to result in significant hazardous materials impacts, as defined in the *CEQR Technical Manual*. The EIS will include a discussion of the Development Site's history and current environmental conditions and disclose any potential significant adverse hazardous materials impacts. The EIS will also describe the oversight that would be provided by NYSDEC.

Comment 44: Will continuous monitoring and emergency response plans be put in place to handle any potential hazardous emissions and who would bear the costs for these monitoring and safety measures? (1, 9)

Response 44: As discussed in the DSOW, a portion of the Development Site is bound by the requirements contained within the PCCCP that was prepared to define the post-construction criteria applicable to operate, monitor, and maintain the environmental protection systems installed at the former landfill. In addition, a Declaration of Covenants and Restrictions was recorded against the former landfill that requires written authorization be obtained from NYSDEC for a change of use other than for the project described in the Part 360 Permit. Through the process to amend the declaration, NYSDEC has the authority to mandate mitigation measures or engineering controls that it deems appropriate. Further measures to monitor the Development Site following construction are detailed in the EIS.

Costs associated with the monitoring and maintenance of hazardous materials would be the responsibility of Bally's.

Comment 45: What safeguards would be implemented to prevent contamination, and how would the effectiveness of these safeguards be monitored over time? Who would be responsible for covering the costs associated with these safeguards? (1)

Response 45: NYSDEC has regulatory oversight during and after construction on the Development Site. The costs associated with the implementation of the required safeguards deemed necessary by NYSDEC would be Bally's responsibility. The responsibility of monitoring the former landfill would be transferred from NYC Parks to Bally's, thereby reducing the burden on the City to monitor the former landfill.

Water and Sewer Infrastructure

Comment 46: Impervious surfaces would exacerbate future flooding events when rainfall becomes too heavy for the stormwater system to handle. (8)

Response 46: As discussed in the DSOW, Chapter 11 of the EIS, "Water and Sewer Infrastructure" will include an assessment of existing wastewater and stormwater infrastructure and the potential for the Proposed Development to result in significant adverse impacts, as defined in the *CEQR Technical Manual*. The estimated sewage generation and stormwater discharge rates associated with the Proposed Actions will be evaluated in the EIS in accordance with the analysis methods of the *CEQR Technical Manual* to determine if the capacity of the network is sufficient. The EIS will also note that Ring Road is prone to flooding and that improvements to Ring Road would be required to meet NYCDOT and NYCDEP regulations, including those for drainage.

Comment 47: There should be significant analysis on how flooding can primarily be addressed through varied green infrastructure solutions such as porous pavements and bioswales, and how these mitigation efforts can be employed throughout the rest of

Ferry Point Park. These improvements should be sufficient to address flooding and provide resiliency especially in the face of sea level rise. (8)

Response 47: Comment noted. Chapter 11 of the EIS, "Water and Sewer Infrastructure" will discuss the measures to minimize the potential for flooding from stormwater. As also discussed in the DSOW, the EIS will include a Waterfront Revitalization Program (WRP) consistency assessment, which will include an analysis of applicable initiatives and policies related to the Proposed Development. The WRP assessment will include information on any adaptive management strategies and flood-resistant measures to protect the project-generated improvements from the effects of climate change and sea-level rise included as a part of the project.

Comment 48: There are concerns with the additional stormwater outfalls along the East River and Westchester Creek without significant mitigation measures. (8) As part of the project, any sewage generated from the proposed development would be pretreated and released along the East River via sewer outfalls. How would these locations be determined, and what happens if the pretreatment fails? (1)

Response 48: As discussed in the DSOW, the project would generate both stormwater and wastewater over existing levels. The estimated sewage generation and stormwater discharge rates associated with the Proposed Actions will be evaluated in accordance with the analysis methods of the *CEQR Technical Manual* to determine that the capacity of the network is sufficient. The EIS will describe that sanitary waste would be directed to the City's combined sewer system. Stormwater generated at the Development Site is directly discharged to the East River via an existing outfall. Stormwater generated along Ring Road is directly discharged to Westchester Creek via two existing outfalls or to the East River via the outfall that serves the Development Site. Following construction of the Proposed Development, project-generated stormwater would be discharged via these existing stormwater outfalls and in accordance with NYCDEP regulations. Further discussion on the use of existing outfalls will be discussed in Chapter 11 of the EIS, "Water and Sewer Infrastructure".

Comment 49: Local water quality will be affected due to runoff from construction. Provide a description of the NYC Parks Department current monitoring program. Provide a projection date of completion of the cleanup and/or monitoring, and who is paying for it. (8, 9)

Response 49: As discussed in the DSOW, the PCCCP prepared by NYC Parks defines the post-construction criteria applicable to operate, monitor, and maintain the environmental protection systems installed at the former landfill. The PCCCP follows both City and State environmental regulations. Groundwater monitoring wells on-site are being sampled on a biennial basis per the *2023 Semi-Annual Post-Closure Certification Report.* Absent the Proposed Actions, the PCCCP would govern the operation, monitoring, and maintenance of the Development Site.

The EIS will describe that Bally's would be required to prepare a Stormwater Pollution Protection Plan (SWPPP), which would be reviewed and approved by NYCDEP prior to construction. The SWPPP would require protections for water quality during construction.

Comment 50: Add an additional permit for the stormwater and sewer outfalls into adjacent waterbodies such as the East River and Westchester Creek. This would require an additional permit from the State (or maybe even the Unified Stormwater Rule for

municipal property) that follow the new rules to use Green Infrastructure (GI) and if not feasible, file for an exemption. (9)

Response 50: Comment noted. The EIS will describe that the Proposed Development would connect to existing stormwater outfalls that ultimately discharge to the East River and Westchester Creek. The EIS will also describe that connection to these systems would follow the applicable permitting process.

Energy

Comment 51: The Proposed Facility would operate 24 hours a day and 7 days a week, and it would be considered an energy-intensive facility. Bally's plans on using all-electric-powered heating, ventilation, and cooling (HVAC) systems. Would there be an energy analysis to estimate the demand load on electricity, gas, and other energy sources? Who would pay for this new energy infrastructure? (1)

Response 51: As noted in the DSOW, new structures that require heating and cooling in New York City must follow the New York City Energy Conservation Code, which reflects State and City energy policy. Electricity used in New York City is generated both within and outside the City and is delivered to most users by Consolidated Edison (Con Edison). Projected generation and transmission requirements are forecasted by both the New York State Independent System Operator and Con Edison, ensuring that the City's power supply and transmission systems have the capacity to meet expected future demand.

The EIS will include an energy analysis that will estimate the energy consumption associated with the Proposed Development. Energy efficiency standards included in the Proposed Development will be qualitatively described. Energy-efficiency measures employed at the Development Site would be the responsibility of Bally's.

Comment 52: What renewable energy sources or energy-saving technologies would be integrated into the project to minimize its environmental footprint? (1)

Response 52: Energy efficiency standards included in the Proposed Development will be described in Chapter 13 of the EIS, "Energy," including Bally's commitment to using electric-powered HVAC systems.

Transportation

Traffic/Congestion

Comment 53: Traffic generated from the Proposed Development is a concern. (1, 2, 7, 10, 14, 15, 20, 21, 24) What has been done to address the safety, congestion, and operational capacity of these streets? (1)

Response 53: Chapter 14 of the EIS, "Transportation" will analyze the operational capacity of the key intersections that are used to access or egress the Development Site and those within the surrounding area. The analysis will include projections of traffic volumes on roadways within the Study Area. If significant adverse impacts are identified, Bally's would explore the potential for mitigation measures or operational improvements.

As discussed in the DSOW, the *Hutchinson River Parkway Transportation Corridor Study* was completed by DCP in May 2015 and found that Ring Road did not have the necessary facilities to support the then-current level of traffic and did not provide adequate access and crossing points for pedestrians. As a part of the Proposed Development, Bally's

intends to significantly improve Ring Road to enhance circulation, safety, and access throughout Ferry Point Park for pedestrians, cyclists, and vehicles. Pedestrian access improvements would be implemented along Ring Road to enhance connectivity beneath the Hutchinson River Expressway overpass, allowing improved connection between the Development Site and the western portion of the Park.

Comment 54: How would the two-lane road improvements to Ring Road accommodate the future traffic at the Development Site? (17)

Response 54: As described in the DSOW, DCP found in 2015 that Ring Road did not have the necessary facilities to support the then-current level of traffic. As a part of the Proposed Development, Bally's intends to significantly improve Ring Road to enhance circulation, safety, and access throughout Ferry Point Park for pedestrians, cyclists, and vehicles. Pedestrian access improvements would be implemented along Ring Road to enhance connectivity beneath the Hutchinson River Expressway overpass, allowing improved connection between the Development Site and the western portion of the Park.

Comment 55: Will there be dedicated lanes for commercial vehicles to alleviate some of the traffic pressure? (1)

Response 55: In coordination with NYCDOT, Ring Road would be widened to allow design flexibility to accommodate vehicles, bicycles, and pedestrians accessing the Park and the Proposed Facility. Additional roadway improvements to the surrounding road network may be identified as mitigation measures between the Draft and Final EIS. Dedicated traffic lanes for commercial vehicles in the surrounding traffic network may be explored in coordination with the Lead Agency and NYCDOT.

Comment 56: Brush Avenue is the entrance to Target, the Whitestone Bridge, and the Golf Course. At that entrance, there is a one-million-square-foot "Same Day Delivery" Amazon warehouse that is not operating at full capacity. What would happen when trucks are operating in and out of the warehouse 24 hours a day? Brush Avenue provides access to the Throggs Neck Shopping Center (i.e., Target) loading docks and secondary patron access driveways along Lafayette Avenue and Brush Avenue. Note that one of the primary Shopping Center patron access driveways is located along the Hutchinson River Parkway Service Road, south of Lafayette Avenue, and Brush Avenue does not provide direct access to this driveway location. (1, 30)

Response 56: Brush Avenue does not provide direct access to the Whitestone Bridge or to Ring Road but may provide secondary access to these facilities for select cut-through traffic diverting from Bruckner Boulevard and the Hutchinson River Parkway Service Road; however, this volume is expected to be relatively minimal compared to the volume of traffic expected to utilize the Hutchinson River Expressway, Bruckner Boulevard, and the Hutchinson River Parkway Service Road to access the Whitestone Bridge and the Development Site.

The No-Action and With-Action conditions transportation analyses in the EIS will consider the fully occupied one million gross-square-foot (gsf) warehouse building accessed via the Bruckner Boulevard/Brush Avenue intersection by conservatively projecting the volume of traffic that could be generated in the study area by additional tenants occupying the currently vacant warehouse space.

Further, the Bruckner Boulevard/Brush Avenue intersection is under construction as part of the Unionport Bridge construction project being undertaken by NYCDOT. Once NYCDOT's construction is completed, improvements to the intersection would be expected to improve traffic operations at this location and result in fewer vehicles using

Brush Avenue to divert from eastbound Bruckner Boulevard and the Hutchinson River Parkway Service Road to access Ring Road and the southbound Hutchinson River Expressway mainline.

The EIS will include a detailed traffic study and analysis of traffic volumes by incorporating background growth to existing traffic volumes and accounting for incremental changes in future traffic volumes that could result from planned development projects within the study area ("No-Build Projects"). If warranted, mitigation measures will be explored to offset the effects of project-generated traffic conditions.

Comment 57: **The traffic heading towards the Whitestone Bridge is already congested at peak times. (1, 24) How would the increase in traffic from casino patrons impact the Whitestone neighborhood, given there are two local entrances to the expressway? Additionally, how would the increase in traffic impact the Whitestone Expressway and the Cross Island Parkway? would traffic studies be conducted? (1, 7) Furthermore, are there plans for infrastructure improvements to accommodate this increased traffic, and who would cover these costs? (1)**

Response 57: The DSOW notes that a detailed traffic analysis will be conducted. Quantified analyses will assess the potential impacts of project-generated trips on key traffic intersections, pedestrian locations, nearby transit services, the area's public parking resources, and vehicular and pedestrian safety conditions. These analyses would be completed for the EIS in coordination with the Lead Agency, and NYCDOT. The analysis locations to be evaluated in the EIS will be identified in accordance with the *CEQR Technical Manual* and in coordination with NYCDOT. With the analysis locations identified in the Transportation Study Area, the resulting project-generated traffic conditions will be modeled and compared to CEQR impact criteria. If warranted, mitigation measures would be explored to offset the effects of project-generated traffic. Bally's would be responsible for costs associated with mitigation measures.

Comment 58: **Traffic near Bruckner Boulevard and the Cross Bronx Expressway, especially during rush hour, is already really congested. (17, 23)**

Response 58: Comment noted. Traffic along Bruckner Boulevard and the Cross Bronx Expressway will be analyzed in the EIS.

Comment 59: **Congestion would increase on the Throggs Neck Bridge. (17)**

Response 59: The DSOW notes that a detailed traffic study will be conducted for the Proposed Development. If the analysis finds that congestion would increase on the Throggs Neck Bridge, mitigation measures would be explored to offset the effects of project-generated traffic.

Transit

Comment 60: **Ferry Point Park is a transit desert, (24) and most people who go to casinos drive. The traffic going to Target and over the Whitestone Bridge is already heavy. At peak operating hours, there would be approximately 5,800 people at this location. A comprehensive traffic study should be conducted on the highway and service road, especially concentrating on Fridays, Saturdays, and weekdays during rush hour. This study should include potential mitigations such as improved public transportation options or shuttle services to reduce the number of personal vehicles. (1)**

Response 60: The DSOW notes that a detailed traffic study would be conducted during the weekday AM, midday, PM, and Saturday midday and PM peak hours (collectively, the "analysis peak

hours"). The analysis peak hours have been selected in accordance with the *CEQR Technical Manual* and in coordination with NYCDOT. Quantified analyses will be required to assess the potential impacts of project-generated trips on key traffic intersections, critical highway and ramp locations, pedestrian locations, nearby transit services, the area's public parking resources, and vehicular and pedestrian safety conditions. These analyses would be completed for the EIS in coordination with the Lead Agency and NYCDOT and NYSDOT. The resulting traffic conditions would be compared to CEQR impact criteria. If warranted, mitigation measures would be explored to offset the effects of project-generated traffic conditions during the CEQR review process.

Comment 61: Will the Proposed Development provide some form of public transit other than the ferry stop to support visitors? (4, 24)

Response 61: As noted in the DSOW, a qualitative assessment of available transit services in the general vicinity of the Development Site will be conducted as part of the overall transportation analyses. In coordination with NYCDOT and MTA, Bally's is exploring infrastructure on the Development Site and along Ring Road to support the addition of MTA bus stops. This will be further described in the EIS.

Comment 62: Currently, when there is traffic going over the Whitestone Bridge towards Queens, commuters would exit the highway onto Lafayette Avenue and head to the Throggs Neck Bridge. How would this increase in traffic impact local businesses? (1)

Response 62: The DSOW notes that a detailed traffic study would be conducted during the weekday AM, midday, PM, and Saturday midday and PM peak hours (collectively, the "analysis peak hours"). Quantified analyses will assess the potential impacts of project-generated trips on key traffic intersections, pedestrian locations, nearby transit services, the area's public parking resources, and vehicular and pedestrian safety conditions. The effects of potential traffic on local businesses are beyond the scope of CEQR; however, if warranted, mitigation measures would be explored to offset the effects of project-generated traffic in the study area.

Safety

Comment 63: The Proposed Development may cause traffic hazards when children are crossing the street. (24)

Response 63: The Development Site is not proximate to nearby schools and does not provide pedestrian infrastructure for children to walk along Ring Road or cross at an intersection. However, a vehicular and pedestrian safety analysis will be included in the EIS. If required, mitigation measures will be considered for pedestrian safety in the EIS.

Air Quality

Stationary Sources

Comment 64: What type of air emissions would be released from this operating system? (1)

Response 64: As discussed in the DSOW, the Proposed Development's heat and hot water systems are anticipated to be electric-powered. The EIS will describe that the Proposed Development would conform with Local Laws 97 (of 2019) and 154 (of 2021) to support New York City's goal of being carbon neutral by 2050. The EIS will qualitatively describe the operations of proposed emergency generator units.

Mobile Sources

Comment 65: There are three schools located on Lafayette Avenue with over one thousand students. How would the increase in traffic impact overall air quality, including around the school grounds? (1)

Response 65: A detailed assessment of mobile source emissions will be included in the EIS. Following the guidance of the *CEQR Technical Manual*, the mobile source air quality assessment will analyze particulate matter ($PM_{2.5}$ and PM_{10}) and carbon monoxide. An analysis of NO_2 will be included for purposes of completeness and for comparison with the National Ambient Air Quality Standards.

The mobile source air quality analyses will be completed for the EIS in coordination with the Lead Agency, NYCDEP, NYSDOT, and NYCDOT. The resulting project-generated vehicular emissions will be compared to CEQR impact criteria and the National Ambient Air Quality Standards. If warranted, mitigation measures will be explored to offset the effects of project-generated vehicular emissions to protect the public, including nearby students, from potential adverse air quality impacts.

Comment 66: The nearest monitoring stations should be identified in the DEIS, and special consideration should be given to the nearby communities that may be impacted by increased vehicular traffic in the neighborhood. (8)

Response 66: The nearest monitoring stations for criteria air pollutants will be identified in Chapter 15 of the EIS, "Air Quality." If significant adverse impacts are identified, measures to mitigate significant adverse air quality impacts will be explored in the EIS.

Comment 67: Mobile source emissions should also be tracked from a wider area than the locations identified in the DSOW, as there would inevitably be an increase in traffic before arriving at the Proposed Facility and the Ring Road. (8)

Response 67: Mobile source emissions and the associated study area will be identified in accordance with the guidance of the *CEQR Technical Manual*. Mobile source air quality assessment will analyze particulate matter ($PM_{2.5}$ and PM_{10}) and carbon monoxide within the study area. An analysis of NO_2 will be included for purposes of completeness and for comparison with the National Ambient Air Quality Standards.

Greenhouse Gas Emissions and Climate Change

Comment 68: Parkland should never be alienated, especially in a time where we are experiencing global warming. (12)

Response 68: Comment noted.

Comment 69: We urge that the greenhouse gas emissions associated with the Development and mobile sources be extensively mitigated if the analysis indicates they are impacted. (8)

Response 69: As mentioned in the DSOW, the operational and mobile source emissions generated by the Proposed Development will be estimated using Table 15-1 of the *CEQR Technical Manual*. The EIS will qualitatively assess the Proposed Development in terms of the qualitative goals to reduce greenhouse gas emissions. Construction emissions will also be described qualitatively in the EIS. Once the emissions are estimated, measures to reduce the emissions of GHGs will be discussed, and the Proposed Development's consistency with the City's greenhouse gas reduction goal will be assessed following the guidance of the *CEQR Technical Manual*. If the assessment determines that the project will result in

significant adverse greenhouse gas emissions and climate change impacts, the EIS will explore measures to avoid or mitigate such impacts.

Noise

Comment 70: This part of Ferry Point Park [proximate to the Development Site] tends to get noisy at night, with people blasting music. Would the existing noise be addressed by the City or Bally's? (17) Noise studies need to be done for this project. (7)

Response 70: Comment noted. Enforcement is beyond the scope of CEQR.

Per the DSOW, a noise assessment will be conducted in accordance with the *CEQR Technical Manual* guidance to evaluate the potential for the Proposed Actions to result in significant adverse noise impacts. Chapter 17 of the EIS, "Noise" will include an assessment of both stationary and mobile noise sources as well as the construction-period effects to noise conditions in the EIS.

Comment 71: How would external noise from the increase in traffic and the internal noise from the gaming facility plus a 2,000-person event center impact the surrounding districts? Are there plans for noise abatement control? Additionally, who would be responsible for the costs associated with implementing these measures? (1, 10)

Response 71: As noted in the DSOW, the EIS will analyze the effects of project-generated noise on the surrounding area, including the effects of project-generated traffic. The proposed gaming facility and event center would be enclosed within the Proposed Facility. Existing noise levels will be determined by performing field measurements during the peak weekend traffic periods and the peak weekday AM, midday, and PM traffic periods. Noise measurements will include vehicular traffic, air traffic, and stationary noise sources. The resulting project-generated noise will be layered onto existing noise measurements and compared to CEQR impact criteria. Noise modeling and analyses will be completed in coordination with the Lead Agency and NYCDEP. If warranted, the EIS will identify the required attenuation to achieve an acceptable interior noise environment, as described in the *CEQR Technical Manual*. If mitigation is required for the Proposed Development, Bally's will assume all responsibility for the cost of such measures.

Comment 72: How would the noise from the traffic impact students? (1)

Response 72: Per the *CEQR Technical Manual*, schools are classified as noise-sensitive receptors. A detailed noise analysis will be included as a part of the EIS to analyze the effects of project-generated noise on the surrounding area, including schools.

Public Health

Comment 73: Disturbing this land would cause serious illness and death to people in the surrounding community. Bally's plans would expose the toxins and endanger our entire community. (15)

Response 73: As described in the DSOW, the EIS will include a public health assessment in accordance with CEQR guidelines. If the Proposed Development would result in significant adverse public health impacts, the EIS would explore measures to avoid or mitigate such impacts.

Comment 74: Gambling addiction is a serious problem that can be accompanied by other addictions and mental illnesses. Gambling addictions are highest amongst vulnerable populations

and can sometimes lead to increased suicidality. Gambling addictions can affect others who do not have an addiction. (10)

Response 74: The EIS will include a qualitative discussion on gambling addiction, or "problem gambling." As a part of the EIS, Bally's measures to support local communities and reduce the prevalence of gambling addiction will be described.

Neighborhood Character

Comment 75: I am concerned about the integrity of the neighborhood and how a casino may impact (30) or destroy (14) the neighborhood's quality of life. (14, 30)

Response 75: Comment noted. The DSOW notes that the EIS will include a neighborhood character assessment, which will be conducted in accordance with the guidelines of the *CEQR Technical Manual*.

Comment 76: The Proposed Development would not be beneficial to the type of neighborhood character that exists in the Throggs Neck area. (24) A casino does not do anything to bring value to the neighborhood. (10)

Response 76: Comment noted. As described in the DSOW, the EIS will include a neighborhood character assessment.

Comment 77: This is a quiet, low-density community which would only suffer from the addition of this proposed casino, hotel and concert hall. (14)

Response 77: As described in the DSOW, the EIS will include a neighborhood character assessment. The Development Site is in Ferry Point Park and is proximate to noise sources such as vehicular traffic along the Whitestone Bridge, the Hutchinson River Expressway, Ring Road, and industrial areas to the northwest.

Construction

Comment 78: Since the construction of the casino would take place between 2027 and 2028, how would it impact the students while they are in class? (1)

Response 78: Three public schools are proximate to the Development Site, with the closest located over 3,000 feet from the site. All other schools are sited farther from the Development Site. Ring Road is the sole access and egress available to the Development Site, and no schools are accessible along Ring Road. Construction activities would not obstruct access to a school and would not result in changes to the school's activities.

The EIS will include an analysis of construction-generated noise and air quality effects on the surrounding area from project-generated construction traffic. The analysis will note sensitive receptors within the Study Area, and the Proposed Development's potential to result in significant adverse impacts to these sensitive nearby uses such as public schools.

If significant adverse impacts are identified, measures to mitigate significant adverse construction impacts will be explored in the EIS.

Comment 79: What measures would be taken to ensure student safety and minimal disruption during construction? (1)

Response 79: As described in the DSOW, the EIS will include a construction assessment. If significant adverse construction impacts are identified, mitigation measures will be explored in the EIS.

Comment 80: Who would front the costs for these safety measures, and how would their effectiveness be monitored? (1)

Response 80: The EIS will discuss the safety measures that would be implemented during construction of the Proposed Development and the oversight that would be provided by agencies such as NYCDEP, NYSDOT, and NYCDOT. Bally's would be responsible to implement the safety measures developed in coordination with these agencies.

Comment 81: When constructing the proposed site, would helical piles be used, and if so, how deep would they go? would these helical piles disrupt the landfill by releasing radon or methane? (1)

Response 81: The Proposed Development would be supported by deep foundations, bypassing the loose historic fill and very soft clay, and bearing in suitable material (dense sand and/or bedrock) about 80 to 120 feet below ground surface. Deep foundation options potentially include:

- drilled displacement piles in which soils are displaced laterally as the drill rig tooling is advanced to suitable bearing material;
- drilled piles, in which steel casing is advanced to bedrock and the pile is then socketed into the bedrock; or
- or steel or precast concrete piles driven to the suitable bearing material.

While helical piles are beneficial for site conditions on certain projects, they would likely not be constructable or provide adequate capacity on this site. The NYC Building Code limits the maximum permissible axial capacity of a helical pile to 30 tons. The pile types noted above can provide about 3 or more times this capacity per pile.

Installation of the proposed piles would require a breach of the landfill cover system, including possible pre-drilling through the historic fill stratum underlying the barrier protection material. Pre-drilling methods would be conducted using water to mitigate dust creation, and with methods to mitigate the amount of material removed at each pile location.

The slabs of the new buildings would introduce new site caps across the building footprint. The cap of nonhazardous, regulated fill in the areas outside the building footprints would be restored following construction.

The EIS will describe the cap of nonhazardous fill and potential deep foundation systems.

Chapter 10 of the EIS "Hazardous Materials," will describe the measures that were incorporated in the development of the Golf Course to minimize exposure pathways to materials in the former landfill.

Ground-intrusive activities necessary to develop the Proposed Development would be conducted pursuant to a Change of Use Workplan approved by NYSDEC, and environmental oversight and monitoring would be conducted under the supervision of a NY State licensed engineer.

Following completion of subsurface work but prior to completion of overall construction, a new Post-Construction Custodial Care Plan will be generated to define the future operation, maintenance, and monitoring requirements for the operator of the Development Site. Future monitoring within the Development Site would be the responsibility of Bally's.

In addition to describing the Change of Use Workplan and the Post-Construction Custodial Care Plan, the EIS will provide a description of additional measures that would provide protection from hazardous materials during construction.

Comment 82: **Green space would be removed to make way for the increase in impervious surfaces from the Proposed Facility. Assurances should be made that significant measures would be taken to ensure pollutants such as sediments and oil and grease are contained to the Development Site during the approximately 30-month construction period (8)**

Response 82: Comment noted. Approximately 15.73 acres would be alienated and conveyed to Bally's within the existing Golf Course and include about 31,000 sf associated with the clubhouse, about 230,000 sf of parking lot or paved walkways, and about 423,000 sf of landscaped area that supports the Golf Course (which includes about 97,000 sf of golf practice area). With the Proposed Development the replacement of the clubhouse, practice areas, and parking would be provided on the Golf Course or the Development Site and would be comparable to the removed uses. The areas to be removed from the Park include impervious surfaces and manicured lawns within the Golf Course. None of the core active and passive uses of the Park beyond the Golf Course including the sports fields, and barbecue areas would be removed with the Proposed Actions.

As discussed in the DSOW, information will be provided in the EIS on the applicable oversight and regulations for various aspects of construction. The EIS will also describe the oversight provided by NYSDEC for new development on the former municipal solid waste landfill. If identified during construction of the Proposed Development, hazardous or municipal solid waste materials would be removed pursuant to local, state, and federal policies. Further details on construction of the site will be discussed in the EIS.

Comment 83: **Will the hotel and conference center be complete before the casino opens?**

Response 83: The hotel and conference center within the Proposed Facility would open simultaneously with the casino. Opening of the Proposed Development, including the replacement golf clubhouse, would not occur in phases but at the end of the 30-month construction period. The anticipated construction phasing will be described in the EIS.

Alternatives

Comment 84: **The DSOW should ensure that this analysis would be conducted beyond only a "no-action alternative" and a "proposed action alternative." This analysis should include consideration of a potential future outcome where the current lease is not renewed upon its expiration on March 31, 2025, or the possibility that under the No-Action Condition the Golf Course may not be relicensed and the parkland could be reclaimed for other park uses. (8)**

Response 84: Bally's is seeking an extension of the existing NYC Parks concession to extend beyond the current approximately 11 years of remaining term. If the concession is not extended, Bally's would cease operations of the Golf Course, and maintenance and operations would become the responsibility of NYC Parks; this would result in conditions represented by the No-Action Alternative.

Comment 85: **Provide alternative proposals for the NYSDEC and USACE wetland permits, including the areas considered, provide more details in the DEIS concerning the need for such work, and how long wetland monitoring would occur. (9)**

Response 85: After publication of the DSOW, Bally's further explored whether any work to construct the Proposed Development would require wetland permits. After this additional investigation, Bally's anticipates that, at current, there will not be any work associated with the Proposed Development that requires wetland permits from NYSDEC or USACE. The EIS will reflect this change.

Comment 86: **Provide an alternatives analysis and siting for any new sewer outfalls and their location should be presented in the DEIS and EIS. As the infrastructure is limited in this section of the Bronx, an upgrade may be required, and should be identified in the documents. (9)**

Response 86: After publication of the DSOW, Bally's further explored stormwater solutions. After this additional investigation, Bally's does not anticipate the need for new sewer outfalls. Bally's plans to connect the Proposed Development to existing stormwater infrastructure within the Park. All sanitary wastewater will be directed to the City's sewer system in Emerson Avenue.

Comment 87: **A full Alternative to the Proposed Action should be added. (9)**

Response 87: Comment Noted.

Comment 88: **What happens to the site if this project doesn't work out? Is there a long-term plan and how would that affect the community? (22, 25) Would the City convert this space into housing? (11, 22)**

Response 88: If Bally's is not awarded a license by the Gaming Commission, Bally's will not make changes to the Affected Area, and the Affected Area would remain in its current condition. Parkland alienation and changes to the City Map would not occur. The DSOW describes further the No-Action Condition, which is the condition that is projected to occur if the Proposed Actions are not adopted.

The proposed C8-4 commercial district at the Development Site would not allow residential uses as-of-right. Thus, the Proposed Actions would not allow the development of residential uses in the Affected Area or the Park.

Mitigation

Comment 89: **Substantial mitigation efforts, green infrastructure, and replacement parkland should be included to address adverse environmental and social impacts. Nature-based solutions and other green infrastructure should be identified as the core of any efforts highlighted in the DEIS to mitigate the significant adverse environmental impacts of this project. Bally's should make all practicable efforts to locate replacement parkland as near as possible to the communities adjacent to, and most affected by, the Proposed Facility. (8)**

Response 89: The EIS will describe the park improvements and replacement parkland, which would be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and would deed the designated new parkland to NYC Parks. Further coordination of park improvements would be discussed with NYC Parks.

B

Bally's Bronx
Final Scope of Work (FSOW)
Comments Received on the Draft Scope of Work

LANGAN

Attn: Esther Brunner, Deputy Director
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New York, New York 10038
Email: ebrunner@cityhall.nyc.gov

I have many concerns about the environmental impact that Bally's Casino at Ferry Point Park will have not only on my District 13 but also on the surrounding Districts 18 and 19.

My first major concern is traffic. Ferry Point Park is a transit desert, and most people who go to casinos drive. The traffic going to Target and over the Whitestone Bridge is already heavy. At peak operating hours, there will be approximately 5,800 people at this location. How will the increase in automobiles affect air quality? A comprehensive traffic study should be conducted on the highway and service road, especially concentrating on Fridays, Saturdays, and weekdays during rush hour. This study should include potential mitigations such as improved public transportation options or shuttle services to reduce the number of personal vehicles.

Brush Avenue is the entrance to Target, the Whitestone Bridge, and Bally's. At that entrance, there is a one-million-square-foot "Same Day Delivery" Amazon warehouse that is not operating at full capacity. Only one of the three levels of the warehouse is being used. Despite construction to widen the bridge at Bruckner and Brush Avenue, there has been no relief in traffic congestion. What will happen when trucks are operating in and out of the warehouse 24 hours a day? Will there be dedicated lanes for commercial vehicles to alleviate some of the traffic pressure? What has been done to address the safety, congestion, and operational capacity of these streets?

Currently, when there is traffic going over the Whitestone Bridge towards Queens, commuters will exit the highway onto Lafayette Avenue and head to the Throggs Neck Bridge. How will this increase in traffic impact local businesses and air quality? There are three schools located on Lafayette Avenue with over one thousand students. How will the increase in traffic impact air

quality around the school grounds? How will the noise from the traffic impact these students? Since the construction of Bally's Casino would take place between 2027 and 2028, how will it impact the students while they are in class? Additionally, what measures will be taken to ensure student safety and minimal disruption during construction? Who will front the costs for these safety measures, and how will their effectiveness be monitored?

The traffic heading towards the Bronx from Queens over the Whitestone Bridge is already congested at peak times. How will the increase in traffic from casino patrons impact the Whitestone neighborhood, given there are two local entrances to the expressway? Additionally, how will the increase in traffic impact the Whitestone Expressway and the Cross Island Parkway? Will traffic studies be conducted? Furthermore, are there plans for infrastructure improvements to accommodate this increased traffic, and who will cover these costs?

Another major concern is noise and lights. How will a hotel with bright lights impact Districts 13, 18, and 19? The hotel and casino will be located a quarter of a mile from the LaGuardia Airport runway, and it is also in the path of runway 22. Will the brightness from the facility impact the planes taking off and landing? How will external noise from the increase in traffic and the internal noise from the gaming facility plus a 2,000-person event center impact the surrounding districts? Are there plans for noise abatement and light pollution control to minimize these impacts? Additionally, who will be responsible for the costs associated with implementing these measures?

The site was originally a garbage dump. Decomposing garbage underground creates methane gas, which is highly volatile. When the golf course was constructed, the Lower Explosive Levels (LEL) were higher than 5% on 41 different occasions. Anything over 5% can potentially cause an explosion. Will this be monitored and addressed? If the methane gas levels exceed 5%, will construction continue? When constructing the proposed site, will helical piles be used, and if so, how deep will they go? Will these helical piles disrupt the landfill by releasing radon or methane? Furthermore, will continuous monitoring and emergency response plans be put in

place to handle any potential hazardous emissions? Who will bear the costs for these monitoring and safety measures?

As part of the Bally's project, any sewage generated from the proposed development would be pretreated and released along the East River via sewer outfalls. How will these locations be determined, and what happens if the pretreatment fails? How will this impact the aquatic ecosystem? Additionally, what safeguards will be implemented to prevent contamination, and how will the effectiveness of these safeguards be monitored over time? Who will be responsible for covering the costs associated with these safeguards?

This proposed development site would result in an increased demand for police protection, fire protection, and emergency services. There is no mention of an increase in fire protection or emergency services, only a police substation. If there has been a decrease in police hires and our precinct is already short-staffed, how will the city be able to provide the staffing for this new police substation? Where will the funding come from to create the patrol for this substation? Moreover, what strategies will be employed to ensure that the increased demands on emergency services do not negatively impact the existing communities?

Since Bally's Casino will be operating 24 hours a day and 7 days a week, it will be considered an energy-intensive facility. Bally's plans on using all-electric-powered heating, ventilation, and cooling (HVAC) systems. Will there be an energy analysis to estimate the demand load on electricity, gas, and other energy sources? Who will pay for this new energy infrastructure? What type of air emissions will be released from this operating system? Additionally, what renewable energy sources or energy-saving technologies will be integrated into the project to minimize its environmental footprint?

The disruption of wildlife is also a concern in this already existing parkland. Species such as the Northern Long-Eared Bat (endangered), Tricolored Bat (proposed endangered), Piping Plover

(threatened), and the Monarch Butterfly (candidate) may be affected. How will the development impact their habitats? Will there be conservation efforts to protect these species, and what measures will be taken to mitigate any negative effects on the local wildlife?

In summary, while the development of Bally's Casino at Ferry Point Park promises economic benefits, it is crucial to thoroughly assess and address the environmental, traffic, noise, safety, and ecological impacts to ensure the well-being of our communities and natural resources. Additionally, clear plans and responsible parties for covering the associated costs must be identified and communicated to the public.

As the representative for Council District 13, it is quite literally my job to advocate for the betterment of our district, borough, constituents, and neighborhood. I look forward to hearing from the applicant on how they will address the concerns brought up in my testimony. Thank you for the opportunity to send in my written testimony and partaking in this process.

Respectfully,



Councilwoman Kristy Marmorato
District 13, Bronx

Save the Sound®
Action for our region's environment.

July 12, 2024

Via e-mail

Esther Brunner, Deputy Director
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, NY 10038
ebrunner@cityhall.nyc.gov

RE: Comments on the Draft Scope of Work for the Bally's Bronx Project Environmental Impact Statement

Dear Ms. Brunner,

Save the Sound is a nonprofit organization representing over 4,200 member households and 10,000 activists regionwide. Our mission is to protect and improve the land, air, and water of the Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.

Please accept these comments submitted by Save the Sound urging the Office of the Deputy Mayor for Housing, Economic Development and Workforce to carefully consider the significant adverse environmental impacts of the proposed "Bally's Bronx" gaming and recreation facility ("Proposed Facility") including:

- Adverse impacts on local water quality
- Adverse impacts on air quality
- Future sea level rise
- Substantial mitigation efforts and alternative green infrastructure to address adverse environmental impacts
- Sources of funding and improvements for parkland proposed for alienation
- Analysis of reasonable alternatives
- Potential non-renewal of current license agreement

The Draft Scope of Work ("DSOW") must ensure comprehensive consideration of these topics in the forthcoming Draft Environmental Impact Statement ("DEIS"). Additional details are provided below.

Adverse impacts on local water quality from construction, an increase in impervious surface, and additional stormwater outfalls

While water quality trends in the East River have slightly improved over the years, conditions are still highly variable and susceptible to changes in the environment. The Proposed Facility's proximity to the East River makes it nearly impossible to avoid negative impacts to the East River or Westchester Creek from the construction activity, increased impervious surface area, and additional stormwater outfalls associated with the Facility without significant mitigation measures. Stormwater runoff carries pollutants

to surface waters, making it one of the largest sources of pollution in Long Island Sound. With precipitation patterns predicted to shift in the region as a result of climate change, including both increased rainfall totals and more frequent severe storm events, runoff poses a serious threat to the ecological health of the Sound, and one which is likely only to worsen.

Save the Sound is very concerned with the removal of green space to make way for the increase in impervious surfaces from the Proposed Facility, and requests assurance that significant measures will be taken to ensure pollutants such as sediments and oil and grease are contained to the Development Site during the approximately 30-month construction period.

We are also concerned with the additional stormwater outfalls along the East River and Westchester Creek, and the associated increased pollutant load. As the DSOW identifies, traffic is expected to grow with the Proposed Facility, and it is inevitable the pollutants from these vehicles will end up in the Sound if efforts are not made to address them. Save the Sound requests assurance that an analysis will be performed on the projected pollutant load to the local waterbodies from the increased vehicular traffic, maintenance from the increased use of the Golf Course, construction and operation of the Proposed Facility, and other actions associated with the Proposed Facility that may pollute stormwater. We strongly suggest that onsite nature-based solutions and green infrastructure investments be at the core of any mitigation efforts to address this.

Adverse impacts on air quality in Ferry Point Park and the local community due to the increased road traffic and potential greenhouse gas emissions generated by the Proposed Facility

Save the Sound requests that the nearest air monitoring stations be identified in the DEIS, and that special consideration be given to the nearby communities that may be impacted by increased vehicular traffic in the neighborhood. Mobile source emissions should also be tracked from a wider area than the locations identified in the DSOW, as there will inevitably be an increase in traffic before arriving at the Proposed Facility and the Ring Road.

We urge that the greenhouse gas emissions associated with the Development and mobile sources be extensively mitigated in the immediate Development Site, and in the adjacent communities should analysis indicate they are impacted.

Flooding and future sea level rise

Portions of the Proposed Facility, and much of Ferry Point Park where renovations are promised, will sit within the 100-year floodplain. Save the Sound is concerned that the increase in impervious surfaces will also exacerbate future flooding events when rainfall becomes too heavy for the stormwater system to handle.

Save the Sound urges significant analysis on how this issue can primarily be addressed through varied green infrastructure solutions such as porous pavements and bioswales. We also request that analysis be performed on how these mitigation efforts can be employed throughout the rest of Ferry Point Park where improvements are planned.

These improvements should be identified with the DEIS to ensure that they are sufficient to address flooding and provide resiliency especially in the face of sea level rise.

Substantial mitigation efforts, green infrastructure, and replacement parkland to address adverse environmental and social impacts

As mentioned throughout these comments, Save the Sound requests that nature-based solutions and other green infrastructure be identified as the core of any efforts highlighted in the DEIS to mitigate the significant adverse environmental impacts of this project.

If a project of this scope will be placed on what is currently parkland and introduce new sources of pollutants and emissions, then all efforts should be made to ensure minimal impact to the surrounding environment and communities. Replacement parkland should be identified as soon as possible to give enough time for public comment. Save the Sound appreciates the Applicant's intent to provide replacement parkland within the Bronx. Save the Sound requests that the Applicant make all practicable efforts to locate replacement parkland as near as possible to the communities adjacent to, and most affected by, the Proposed Facility. In the alternative, the Applicant should make all practicable efforts to locate replacement parkland in an area of the Bronx where green space is currently lacking (i.e. below average as compared to the rest of the borough). The DEIS should include a full description of how the location of the replacement parkland was selected, what alternative locations were considered, and why those alternatives were rejected.

Identify the sources of funding for the initial acquisition of the land proposed for alienation

Save the Sound requests that the DSOW identify the source of the funding used to acquire the Development Site when Ferry Point Park was first created and whether the parkland to be alienated has received Federal funding pursuant to the Land and Water Conservation Fund (LWCF) or the Urban Park and Recreation Recovery Program (UPARR), or State funding under certain State programs.[1] This information is essential for understanding the environmental impact of the Proposed Facility because of the insight it provides into what would be required during the parkland alienation and replacement process. Parkland that was acquired or improved using these sources of funding have additional restrictions on their alienation and replacement.[2] The public and relevant decisionmakers must be informed as soon as possible if these restrictions will apply to the alienation of parkland for the proposed facility so they may understand if an adequate process has been undertaken to identify replacement parkland.

Identify and discuss a reasonable range of alternatives

Pursuant to the State Environmental Quality Review Act (SEQRA) and the procedures of City Environmental Quality Review (CEQR), the DEIS must identify and evaluate a reasonable range of alternatives to the Proposed Facility. The DSOW should ensure that this analysis will be conducted beyond only a "no-action alternative" and a "proposed action alternative." This analysis should include

[1] These programs may include the Park and Recreation Land Acquisition Bond Acts of 1960 and 1965, the Outdoor Recreation Development Bond Act of 1965, the Environmental Quality Review Bond Act of 1986, the Environmental Protection Act of 1993, and the Clean Water/Clean Air Bond Act of 1996. *See* NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, HANDBOOK ON THE ALIENATION AND CONVERSION OF MUNICIPAL PARKLAND IN NEW YORK 9–10 (2017) (available at https://parks.ny.gov/documents/publications/AlienationHandbook2017.pdf).

[2] *See id.* at 9–10, 17–20, 23–25.

consideration of a potential future outcome where the current lease is not renewed upon its expiration on March 31, 2025.

Consider potential non-renewal of current license agreement

The license for operation of the Golf Course will expire on March 31, 2035. This is a mere five years after the DSOW predicts the Proposed Facility will be complete. The CEQR analysis should consider the possibility that under the No-Action Condition the Golf Course may not be relicensed and the parkland could be reclaimed for other park uses.

Thank you for your consideration of these comments, and we look forward to reviewing the published DEIS.

Respectfully submitted,

/s/ David Abreu
David Abreu
Clean Water Advocacy Specialist
Save the Sound
1385 Boston Post Road, 2nd Floor | Larchmont, NY 10538
office: 914-381-3140 x 202

/s/ Dara Illowsky
Dara Illowsky
New York Staff Attorney
Save the Sound
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dillowsky@savethesound.org

BRONX COUNCIL FOR ENVIRONMENTAL QUALITY

Ballys Bronx 24DME011X on the

DRAFT SCOPE OF WORK FOR THE PROPOSED DRAFT ENVIRONMENTAL IMPACT STATEMENT

Kindly accept these comments, timely received, on the Draft Scope of Work (DSOW) for CEQR NUMBER: 24DME011X, in Bronx Community Board 10 at Throggs Neck, Bronx NY for Ballys Bronx. We would like to make sure you understand an important Bronx Council for Environmental Quality (BCEQ) principle which aligns with our advocacy for the NYS Public Trust Doctrine[1], and separately, our Low Impact Development code of conduct to protect the environmental of our great borough. The newest addition to our governing policies is: "Going forward, all EIS's shall be made to appear less ridiculous & self-serving in terms of impact denial claimed by project proponents." We would appreciate your sending all signers a copy or a link to your responses.

PROJECT DESCRIPTION

This Draft Scope of Work (the "Draft Scope") outlines the technical areas to be analyzed in the preparation of an Environmental Impact Statement (EIS) for the proposed "Bally's Bronx" gaming and recreation facility (the "Proposed Facility"). The EIS will assess the Proposed Facility, which would contain gaming space with food and beverage services, a hotel, an event center, retail,

[1] Our interest in ensuring the City keeps its commitment to use the public land as park is consistent with New York State's longstanding public policy of protecting parkland for the use of people as open space. To protect this public interest, New York State forces municipalities to get legislative approval from the State before it can repurpose parkland for another use. From the NYS Report "Once land has been dedicated to use as a park, it cannot be diverted for uses other than recreation, in whole or in part, temporarily or permanently, even for another public purpose, without legislative approval." United States v. City of New York, 96 F.Supp.2d 195, 202 (E.D.N.Y. 2000). This clear law has been applied consistently since 1871.

Implied dedication of parkland occurs through actions which demonstrate that the government considers the land to be parkland or the public used it as a park. Examples include: a municipality publicly announcing its intention to purchase the lands specifically for use as a park, "master planning" for recreational purposes, budgeting for park purposes, or "mapping" lands as parkland. Kenny v. Board of Trustees of Village of Garden City, 735 N.Y.S.2d 606, 607 (App. Div. 2nd 2001) (property acquired for recreational purposes and used for recreation was instilled with public trust even though never officially dedicated).

Courts in New York have applied the public trust doctrine to municipal parkland since the late 1800s and have emphasized the importance of parks to a community's health and the happiness of its citizens. In 2001, the highest court in New York State reaffirmed the inclusion of parkland under the public trust doctrine, declaring that "our courts have time and again reaffirmed the principle that parkland is impressed with a public trust, requiring specific legislative approval before it can be alienated or used for an extended period for non-park purposes."

and a 4,660-space parking garage, located on an approximately 19-acre parcel (the "Development Site") within Bally's Golf Links at Ferry Point, a 222-acre public golf course in the Bronx (the "Golf Course"). The Golf Course is a part of Ferry Point Park (the "Park"). Bally's New York Operating Company, LLC (the "Applicant") has operated the Golf Course since September 2023 pursuant a license agreement with the New York City Department of Parks and Recreation (NYC Parks) and intends to construct the Proposed Facility within a portion of the Golf Course that is currently used for parking, the course clubhouse, and a portion of the practice area.

COMMENTS AND CHANGES TO THE DEIS:

1. **Study area of 400 feet is too small.** The study has to extend the study area to the first impacted receptor. We also recommend that the study area start at the edges of the property line. That is the 222-acre public golf course, the area around Ring Road – not just the Development site, and the feasibility Study of a new vehicular overpass across the Hutchinson River Parkway (HRP). Therefore, the "Affected Area" needs to be revised for every and all impacts studied in this environmental review.

2. Change **Expressway** to **Parkway**, or where it becomes the **"Bridge Approach"** to allow trucks throughout the documents.

3. **Acquisition of Parkland process** should follow the public and transparent State process -- not one supplied by the applicant. We look forward to an explanation of the full alienation process -- from the bill and MOU from the Legislature, City Council, the Governor, to be described in the DEIS when published. (See footnote #1)

4. **Modification and amendment** of the existing concession should follow the public and transparent City process – as these kinds of concessions are really the taking of public land from the people and the compensation should be available for review. It should also add parkland and/or financial support for Ferry Point Park first (including the waterfront), and within Bronx Community Board 10 second.

5. **Provide alternative proposals** for the NYSDEC and USACE wetland permits, including the areas considered, provide more details in the DEIS concerning the need for such work, and how long wetland monitoring will occur.

6. **Add an additional permit** for the stormwater and sewer outfalls into adjacent waterbodies such as the East River and Westchester Creek**. This** will require an additional permit from the State (or maybe even the Unified Stormwater Rule for municipal property) that follow the new rules to use Green Infrastructure (GI) *insitu* first, and if not feasible, file for an exemption. Because of the GI requirements, the stormwater outfalls need to be presented and described at the beginning of the project design, in particular in the DEIS. We suggest you calculate increase in imperviousness created by parking lot, roadway, and facility construction when measuring outfall. We suggest you clarify applicability of Unified Stormwater Rules to building and what option they are using. We look forward to that in the DEIS and EIS.

7. **Provide a description of the NYC Parks Department current monitoring program – or any other entity monitoring** the golf course clean up, including the monitoring of escaping toxins into East River and if any run off. Provide a projection date of completion of the cleanup and/or monitoring, and who is paying for it.

8. **Provide an alternatives analysis and siting for any new sewer outfalls in the DEIS** which may be required and their location should be presented in the DEIS and EIS. As the infrastructure is limited in this section of the Bronx, an upgrade may be required, and should be identified in the documents.

9. **A full Alternative to the Proposed Action should be added.**
10. ****

This has been prepared by the Bronx Council for Environmental Quality (BCEQ), a 501c3 non-profit association. It was formed in 1971 "to establish — as an Inherent Human Right — a sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage." We are made up of volunteers as we have no staff. Between our Board of Directors and our Membership, we represent every part of the Bronx from Mott Haven – Port Morris, Highbridge, Lower Concourse, Soundview, Parkchester, Coop City, City Island, Pelham Bay Park, Pelham Parkway, Country Club, Throggs Neck, Wakefield, Woodlawn, Norwood, Van Cortlandt Park, Riverdale, Spuyten Duyvil, Jerome Park, Van Cortlandt Village, Bedford Park, etc.

Our organization's goal is to advocate for improving water quality, developing waterfront greenways and recreational uses, increasing ecosystem services, and restoring shoreline natural habitats, among others. Early on, we fought the pollution of the Pelham Bay Landfill causing its closing; we were instrumental in starting the Bronx River Alliance; we fought the Croton Filter Plant in Jerome Park Reservoir; and successfully organized the last three decades of the Bronx Parks Speak Up -- an annual parks and open space meeting of hundreds of activists and community leaders. During the past decade, we focused on developing connections to and along the Harlem River and created on-water access and activities to improve water quality. This includes the formation the Harlem River Working Group with technical assistance from National Park Service Rivers, Trails & Conservation Assistance Program. After fighting for Harlem River equity, we remain active in the Urban Waters Federal Partnership for the Bronx & Harlem River Watersheds.

These comments were prepared collaboratively with Stephen Franciosa, and Friends of Ferry Point Park, Dorothea Poggi.

Signed by

Karen Argenti — BCEQ Secretary

Robert Fanuzzi — BCEQ President

Respond to: karen@bceq.org, robert@bceq.org, paul@thegaiainstitute.org sfranciosa@cpa.com, dotti716@gmail.com, dpoggi@ferrypointpark.org

From: Dcskynic Colon-Flores <dcskynic@gmail.com>
Sent: Tuesday, June 25, 2024 6:32 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] Public Scoping Comment against Bally's Casino

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Good Afternoon, My name is Daisy Colon. I am a Bronx Resident and I am opposed to the rezoning of the Golf Links and am opposed to the Bronx having a Casino.

Ferry Point Park located in the Bronx is a beautiful scenic park that is heavily used by Bronx residents. You can go any weekend in the spring until the Fall and see different nationalities picnicking, playing soccer, listening to music, or bicycling in the park.

The State of New York nor New York City should NOT allow the (Taking) alienating 19 acres of parkland. Parks, open space, waterways and shorelines play an essential role in preserving natural resources, wildlife habitats, protecting clean water and clean air, and providing open space for current and future generations.

Public spaces focused on nature promote biodiversity and help fight climate change. Most importantly, trees and other vegetation are vital in absorbing carbon from the atmosphere and regulating the climate. This helps reduce the "heat island" effect in urban areas and improves air and water quality.

Parkland and Green open spaces are a precious commodity that once rezoned or taken away from the community it will never get the same quality or size of open space back.

The current parcels that are being looked at for a taking offer an award-winning 18-hole, Jack Nicklaus Signature Design, links-style golf course with a Clubhouse. It is designed specifically to take advantage of the dramatic and spectacular views of the Manhattan skyline, East River and Whitestone & Throggs Neck Bridges. It is the only tournament-quality course in New York City, giving avid golfers a unique and more challenging alternative to other courses in the area.

When the park was designed it was never supposed to be any other use but a park. Now because of its success as a natural resource it is being proposed to be taken from the community and sold for private purposes. A casino does not do anything to bring value to the neighborhood nor to the health and well beingof the community.

According to the 2020 Problem Gambling Prevalence Survey by the Office of Addiction Services and Supports (OASAS) found that 4.4% of New York State adults are at risk of developing a gambling problem, and 0.7% are problem or pathological gamblers. It also found that although adults experiencing gambling problems represented 4.3% of the general NYS population, they represented 14.7% of those experiencing an alcohol, tobacco, or other drug problem. Among those experiencing gambling disorder, over 73% also have an alcohol use disorder, over 60% have a nicotine dependence, and over 38% have a drug use disorder.
The 2020 Problem Gambling Prevalence study also found the highest populations vulnerable to gambling harms are :

- Households with income under 30K
- HS Diploma or Less
- Black Men
- Individuals Living with Substance Use Disorder
- 18 – 24 year old
- Older adults,
- Asian American & Pacific Islanders
- Black, Indigenous, People of Color
- Veterans

The survey also found that adults with gambling problems are more likely to have other substance use disorders:

- Over 73% also have an alcohol use disorder
- Over 60% have nicotine dependence
- Over 38% have a drug use disorder

As per a paper written by JENNA HOTALING, FINGER LAKES PROBLEM GAMBLING RESOURCE CENTER - Problem Gambling: The Hidden Addiction
“The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) classifies Gambling Disorder as a Substance-Related and Addictive Disorder. A common misconception about gambling is that it is dissimilar to drugs and alcohol because a

person does not ingest anything into the body. However, through things like Positron Emission Tomography (PET) scans and other tests, we understand that gambling causes a release of dopamine in a similar manner as with the use of drugs and alcohol. It is no surprise, then, that there is a high rate of co-occurrence between gambling and alcohol and/or drug use.

Further, repetitious exposure to gambling activities can also change brain function, and individuals can experience urges or cravings to gamble, irritability or agitation when unable to gamble, and even physical withdrawal symptoms.

Two out of three people with a gambling problem reported that their mental health suffered as a result. If left unchecked, these struggles can lead to an increased risk of suicidality. Nearly half of people with gambling disorder experience suicidal ideation, or thoughts of suicide. One in five people with a gambling problem or gambling disorder will attempt or die by suicide – the highest rate of any addiction.

The harm from problem gambling and gambling disorder are not exclusive to just the person gambling. It is estimated that each person with a gambling problem directly impacts about 10 other people in a variety of ways, physically, emotionally, financially, and more. With about 600,000 New Yorkers experiencing a gambling problem, that translates to about six million people across the state being negatively impacted by gambling.

Nearly all the affected others (91%) surveyed experienced emotional distress with more than half (57%) experiencing some kind of mental health illness.

Problem gambling is often described as a hidden addiction. Gambling itself can be easily hidden. Many of the harms associated with gambling can be hidden as well.https://nyproblemgamblinghelp.org/wp-content/uploads/2022/04/The-Bulletin-May-June-2022-12-13-hotaling-FL-1.pdf

Problem Gambling = Hidden Addiction
•Few outward signs and no overdose
•Utilizes money
•Greater cultural acceptance
•May replace other substances
•Higher rates of suicide

Casinos bring gambling addiction, drug addition, debt, traffic, congestion and noise.

Whereas, Parks provide intrinsic environmental, aesthetic, and recreation benefits to the Bronx. They are also a source of positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees.

Why would New York City consider giving up pristine parklandthat provide a source of well being for a use that have significant negative impacts to the residents of the Bronx and Queens.

Also, The TRUE Affected Area should go back from BUSH Avenue into East Tremont Ave, Westchester Square, Pelham Bay and the Bruckner boulevard.

According to the 2013 Realtor study NAR Casino Research the impact of a Casino on Home Prices in the Vicinity of the Casino is Generally Negative. Site-specific studies show the negative impact of casinos on home prices.

The studies work with a variety of databases, using several types of approaches including input/output models and econometric analyses.

According to NY Tate Comptroller DiNapoli “Casinos are not a magic fix that will solve local fiscal challenges, While casinos have generated local gaming tax revenue, the impacts vary for the communities that receive such revenues. DiNapoli also states That his hope that his report gives state and local officials a clearer perspective that can help potential host communities avoid the pitfalls that arise with misguided expectations about the public benefits of casinos. They are not a sure bet.”

Resources
https://nyproblemgamblinghelp.org/wp-content/uploads/2022/04/The-Bulletin-May-June-2022-12-13-hotaling-FL-1.pdf

https://www.osc.ny.gov/press/releases/2023/08/dinapoli-releases-report-casinos-impact-upstate-local-tax-revenues

https://nyproblemgambling.org/resource-lib-item/2020-new-york-state-problem-gambling-prevalence-survey/#resource

https://oasas.ny.gov/system/files/documents/2024/03/oasas_gambling_survey_2020.pdf

https://nyproblemgambling.org/resource-lib-item-category/nys-data/
https://capitolpressroom.org/2021/12/16/survey-more-than-4-of-new-yorkers-are-problem-gamblers/

Sent from my iPhone

From: Stephen Franciosa <sfranciosa@cpa.com>
Sent: Tuesday, June 25, 2024 5:46 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Cc: Michelle Dolgow <mdolgow@alliedgovernmentaffairs.com>
Subject: [EXTERNAL] Bally's Bronx

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Apologize for my coughing...not really sure why it occurred when it did.

I wasn't aware that I would be called upon BEFORE I raised my hand...I was considering the comments!

Also, I was kicked out after I spoke and was unable to re-enter...any reason?

Stephen

STEPHEN FRANCIOSA CPA
213 FORDHAM STREET
CITY ISLAND, NY 10464

TEL# 718-885-9191
FAX# 718-885-3131

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From: JAMES SCHEFLEN <ja1352@aol.com>
Date: June 29, 2024 at 1:24:13 AM GMT+2
To: "Brunner, Esther" <EBrunner@cityhall.nyc.gov>
Cc: andrew chirico <waterburylasalle@yahoo.com>
Subject: [EXTERNAL] Bally's Testimony

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I am writing to request your no vote for Bally's to construct a Casino at Ferry Point Park. Parkland should NEVER be alienated, especially in a time where we are experiencing global warming. We need more parkland not less!
NYC has put forth a massive deregulation program to build housing when they have not added more police and fire, more schools and hospitals, improved infrastructure so that we ameliorate our flooding problems and generally improve infrastructure. Right now, we have 2 local hospitals that are failing- Einstein rates a D and Jacobi a C- because they are dangerously overcrowded. Fix what you have before you bring more people here and make our problems worse!
Building a Casino will add thousands more people using our roads, police, fire, hospitals and infrastructure. This on top of the City of Yes is irresponsible, dangerous and unacceptable! A gift only to developers NOT the people of this community!

I am a resident of Schuylerville, Bronx NY 10461 and have been for 71 years.

VOTE NO FOR BALLY'S CASINO!

From: Dotti Poggi <dotti716@gmail.com>
Date: June 29, 2024 at 1:53:34 AM GMT+2
To: "Brunner, Esther" <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] I missed the public hearing....is there a link you can provide to a video?

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Friends of Ferry Point Park
Dorothea Poggi
720 Brush Avenue
Bronx, New York 10465
917-741-2768

Dorothea Poggi is a retired Business Owner and Long Time Advocate for her Communities Environment, Animal, and General Quality of life issues.

From: judyanne725@yahoo.com
Date: July 3, 2024 at 1:47:37 AM GMT+2
To: "Brunner, Esther" <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] Bally's at Ferry Point Park
Reply-To: "judyanne725@yahoo.com" <judyanne725@yahoo.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Attention Ms. Esther Brunner at city hall:

As a neighborhood resident of Throggs Neck, I vehemently oppose a casino at the Bally's Golf Course in Ferry Point Park for the following reasons:

1- The land under this golf course is a contaminated toxic swamp. This location should never be disturbed or built on because it will disturb the toxins beneath and would pose a health hazard to the surrounding communities by getting into the water supply and releasing hazardous gases into the air. The Bronx Borough President is so concerned about the automobile pollution on the Cross Bronx Expressway causing asthma and other medical conditions. So what does she think will happen to this neighborhood? How can the health concerns of one Bronx neighborhood be more important than another neighborhood?

2- The traffic in the immediate area is already a disaster every day of the week. This is a fact that cannot be disputed. The only road in and out of this location is a one lane service road that cannot be widened to accommodate the influx of added traffic from the Whitestone and Throggs Neck Bridges. This neighborhood is already inundated with heavy traffic and our streets are already inadequate to accommodate present day traffic and adding this casino will only attract thousands of extra vehicles and devastate our community.

3- This casino will attract more crime, drugs and prostitution within a precinct already overwhelmed and understaffed with the already out of control crime in this City. Our precinct is the largest in the Bronx by area with the least amount of police presence putting our residents in danger.

4- This is a quiet, low density community which will only suffer from the addition of this proposed casino, hotel and concert hall. Our quality of life will be greatly impacted if this venue opens.

5- In order to build this casino parkland must be sacrificed. As a resident, I cannot agree to alienate our precious parkland where our children play, residents gather to play sports, be outdoors and enjoy the open spaces all year round. A casino with all of its trappings should not be a priority.

I listened in on the conference call on June 25th and the only speakers allowed to voice an opinion were people who were in favor of the casino. Most did not even live in this area. The callers were from various unions lobbying for low-skilled jobs with no regard for our community. A casino will not benefit the residents of the North East Bronx. If this is such a wonderful idea then put it in your neighborhood, destroy your quality of life and leave our neighborhood alone.

I STRONGLY URGE the borough president to vote no on this proposal.

Judith Chirico

From: andrew chirico <andrew_c_10461@yahoo.com>
Date: July 4, 2024 at 3:47:36 PM GMT+2
To: "Brunner, Esther" <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] I oppose the Ballys casino in Ferry point park

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To Esther Brunner City Hall:

The land under the Ballys golf course is a contaminated swamp. The former Bronx city dump. Just like the Pelham Bay land fill and the Staten Island Fresh Kills dump. This land is toxic. These former city dump locations are covered over and encapsulated for safety but nothing should ever be built on them. Bally's wants to build a casino , Hotel and concert hall here this should NEVER be built. Disturbing this land would cause serious illness and death to people in the surround community. Trump built a safe golf course. Bally's plans will expose the toxins and endanger our entire community.

Alienating park land is not good for our neighborhood. It would bring more cars and more congestion. Remember gambling did not improve Atlantic City, the neighborhood around AC is still a slum. Also gambling did not in any way improve Yonkers. We should learn from the past. This would not do anything to improve Ferry Point.

Surrendering Parkland sets the tone for overdevelopment. The precedent of parkland alienation would allow development. Remember, the designated (LDGMA)Lower density growth management under Vacca was meant to protect our zoning. We must protect our Parkland. I urge you to Vote No CASINO at Ferry Point Park.

Andrew Chirico

From: Alex Porco <porco@nysenate.gov>
Sent: Thursday, July 11, 2024 12:05 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Cc: Semel, Hilary <HSemel@cityhall.nyc.gov>
Subject: Re: [EXTERNAL] Ballys Scoping Meeting

Thank you very much!

--

Alex Porco | *Senior Advisor*
State Senator Nathalia Fernandez | The Bronx & Westchester
(718) 822-2049 | porco@nysenate.gov | learn more!

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Date: Tuesday, July 9, 2024 at 6:10 PM
To: Alex Porco <porco@nysenate.gov>
Cc: Semel, Hilary <HSemel@cityhall.nyc.gov>
Subject: Re: [EXTERNAL] Ballys Scoping Meeting

You don't often get email from ebrunner@cityhall.nyc.gov. Learn why this is important

Dear Alex,

Please see the scoping meeting recording links below.

I will provide the transcript as soon as possible.

Best,
Esther

English: https://youtu.be/6sTvVoimXcw

Spanish: https://youtu.be/Srthke_SRiE

Sent from my iPhone

On Jul 8, 2024, at 5:40 PM, Alex Porco <porco@nysenate.gov> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Hi Esther,

Thank you and your office for putting together the public scoping meeting.

I was wondering if you had any post meeting summary or minutes that include the oral and written testimony?

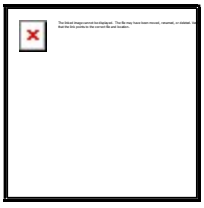
Please let me know as any materials would be a huge help to our office.

Thanks and hope all is well!

Best,

AP

--



Alex Porco | *Senior Advisor*
State Senator Nathalia Fernandez | The Bronx & Westchester
(718) 822-2049 | porco@nysenate.gov | learn more!

C

Bally's Bronx
Final Scope of Work (FSOW)
Transcript of Oral Comments on Draft Scope of Work

LANGAN

OFFICE OF THE DEPUTY MAYOR

FOR HOUSING ECONOMIC DEVELOPMENT and WORKFORCE

----------X

BALLY'S BRONX VIRTUAL PUBLIC SCOPING MEETING

CEQR NO. 24DME011X

----------X

VIA WEBEX

June 25, 2023

4:07 p.m.

B E F O R E:

ESTHER BRUNNER,

THE CHAIR

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P R O C E E D I N G S

CHAIR BRUNNER: Hello, welcome. Good afternoon. Good afternoon. Thank you for joining the Public Scoping Meeting for the Bally's Bronx Project. I hope that everybody can hear me. Good afternoon and welcome to the Public Scoping Meeting for the Bally's Bronx Project.

For our record, the CEQR number for this project is 24DME011X. The project documents are available through CEQR Access and the link to get there will be provided in the chat.

Today's date is Tuesday, June 25th, 2024, and the time is now approximately 4:00 p.m. If you wish to join the Spanish translation meeting on PC or mobile application, select "Show Chat" to view the link for the Spanish meeting. If there are questions on how to access the meeting at the top of the chat window, click "All Panelists" and type your message to the panelists, then click "Send."

If you are a dial-in user, call on (844)-992-4726. When prompted, enter the access code "26321475919". When prompted, enter the password, "2024". For American Sign Language

Services, holler over the video of Sign Nexus ASL services and right-click on their video. Click 'Move to stage'.

My name is Esther Brunner and I'm the Deputy Director of the Mayor's office of Environmental Coordination. Today I represent office of the Deputy Mayor for Housing Economic Development and Workforce within the office of the Mayor, which is the lead agency for the environmental review of this project. As the lead agency, we will oversee the preparation and completion of the Environmental Impact Statement, or EIS, for the Bally's Bronx Project. I'll be chairing today's scoping meeting. Please note that this meeting is being recorded.

This slide is about how you can provide comments on the Draft Scope of Work today. Those who pre-register to speak today are already in queue and will be called first during the comment portion of this meeting.

If you did not pre-register to speak but would like to, you can still provide verbal comments today. During the testimony portion of today's meeting, you will be able to

join -- you will be able to join the speaking queue using the "raise hand" function on WebEx. Instructions for which -- sorry. Instructions for this are being shown on your screen now and will be shown again during the testimony portion after the applicant's presentation.

When your hand is raised, the hand icon will appear next to your name on the attendee's list in the WebEx application. The meeting moderator will lower your hand when your name has been added to the speaking list.

If you are joining by phone, you may dial *3 to raise your hand and indicate your desire to provide verbal comments. Participants using the raise hand function or *3, will be added to the end of the pre-registered speaker list.

Once all speakers in the queue have provided testimony, we will take a short break. This will allow anyone else in the meeting who may be considering providing verbal testimony time to raise their hand. We will then resume the meeting and once all remaining speakers testified, conclude the Scoping Meeting.

Again, these instructions will

appear at the end of the applicant's presentation and will remain on screen during the testimony portion of the meeting.

When it is your time to speak, your name will be called and then you will be given the option to unmute yourself. Click "unmute" to speak when prompted.

Today we are here to receive your comments on the Draft Scope of Work for the Environmental Impact Statement for the Bally's Bronx Project. The Draft Scope of Work identifies all subjects that will be analyzed in the upcoming EIS and explains how those subjects will be studied.

The Draft Scope of Work is available on the CEQR Access website which will also be linked in our chat. The required notices advertising this meeting were published in the city record, the Environmental Notice Bulletin, the Bronx Times, and Noticias.

The purpose of today's scoping meeting is to allow for public participation in the preparation of the EIS at the earliest stage possible. Today the lead agency will have an

opportunity to receive verbal comments on the Draft Scope from elected officials, government agencies, community board representatives, and members of the public.

We also welcome written comments on the Draft Scope of Work. Written comments can be submitted through Friday, July 12th, 2024 at 5:00 p.m. At the end of the written comment period, the Deputy Mayor's Office, as lead agency, will review all comments; those we hear today as well as written comments we received.

Comments received during the comment period will be considered and incorporated and responded to as appropriate in the Final Scope of Work. The Final Scope of Work will serve as the basis for preparing the Draft EIS.

Please note that there will also be a public hearing on the Draft EIS after the Draft EIS is issued, to allow additional public input on the findings of the EIS.

Today's scoping meeting marks the beginning of the environmental review process for the Bally's Bronx Project. No decisions will be made today regarding the Draft Scope of Work. The

purpose of this meeting is to allow the public to provide their comments about the Draft Scope of Work and to allow the Deputy Mayor's Office to listen to those comments. It's important for all voices to be heard today.

I'd like to focus on the structure of today's meeting which will be divided into three parts. During the first part, the applicant team will give a brief overview describing the project, the proposed actions, and the Draft Scope of Work.

During the second part of the meeting, we will receive comments on the Draft Scope from elected officials, government agencies, and community board representatives.

During the third and final part of the meeting, we will receive comments from the general public. The meeting will end when everybody who has signed up to provide testimony or has raised their hand in the meeting, has had a chance to speak.

Here are a few logistical items for today's scoping meeting. The protocol is intended to ensure that everybody has a chance to speak and that all voices can be heard. When it is

your turn to speak, your name will be called and you will be prompted to unmute your microphone. Please note that readying speakers can take some time, so we ask that everyone is patient. Once you have unmuted your microphone, you will be asked to convey your remarks.

To allow us to hear from everyone who wishes to speak, we ask you to please limit your remarks to three minutes or less. At the three-minute mark, your time will expire and you will be asked to conclude your remarks. There are a few exceptions to the three-minute time limit. Elected officials, for example, are given the courtesy of jumping to the front of the queue and are not limited to three minutes.

An additional note of instructions for those of you joining us by phone today, if you wish to provide testimony via telephone, please select *3 to raise your hand. Please listen for me to call out the last four digits of your phone number. At that point, you will be given the temporary ability to share your testimony. You must press *6 to unmute your telephone and we will be able to hear you speak.

When your testimony is complete or your three minutes have expired, we will mute you again. Please note that muting and unmuting registered speakers may take a moment. We ask for your patience with this process.

Before we begin the testimony portion of this meeting to hear your comments, we will hear from Christopher Jewett, Senior Vice President at Bally's Corporation, the applicant; Carol Rosenthal from Fried Frank, representing the applicant for the proposed project; followed by Max Stember-Young from Langan, the consultant who is preparing the project's Environmental Impact Statement.

I'd like to introduce Christopher Jewett who will provide a brief description of the proposed project. If you are joining us on your computer or via the WebEx app, you will see the presentation on your screen as he speaks.

MR. JEWETT: Thank you, Esther. Good afternoon. My name is Jewett, and I am the Senior Vice President of Corporate Development at Bally's Corporation, the parent company of the applicant. I am pleased to be here today

representing our project team for the proposed Bally's Bronx Project.

Bally's Corporation is an owner, operator, and developer of world-class casinos and resorts throughout the United States. Currently, we own and operate 16 casinos and resorts across 10 US states and a golf course in the Bronx; Bally's Golf Links at Ferry Point, which will be home to our proposed casino project.

We formally acquired the rights to operate the golf course concession from the previous operator in September of 2023. We believe that we have a comprehensive plan that reflects community feedback and our desire to provide a first-class experience.

The site is located at the end of the Whitestone Bridge as shown in this slide. The site is located near the foot of the Whitestone Bridge as is shown in this slide. This location is within 10 miles of LaGuardia Airport, directly off of Route 678. It is also in close proximity to the ferry stop in Ferry Point Park to the west.

This image shows the existing condition of the project site, including the golf

clubhouse, practice area, and parking for approximately 270 cars outlined in red. Here you can see, in red, the location footprint of the new development which is located on the existing property for the golf course. The design keeps the majority of the new development within the existing parking areas and clubhouse as much as possible, maintaining all 18 holes as well as the driving range.

We will relocate the practice and shipping area on site and provide a new golf clubhouse. The new development is located a significant distance from any adjacent neighborhoods, neighbors, developments, or any other uses. This was intentional to reduce potential impacts to those uses, retain views, and to keep traffic away from the neighborhoods. This drawing also shows the location of Ring Road, which will be improving connection with the project.

We are in discussions currently with the New York City Parks Department regarding these improvements to be made on the southern portion of Ferry Point Park, as well as providing new parkland within the park.

The new building is shown here. The main component of the resort is in the northeast portion of the building, on the top right, including an event center and the gaming floor, as well as a significant portion of the parking for customer convenience.

The Hotel Tower is located to the Southwest corner closest to the Hutchinson Parkway to minimize the impact of shadows and views from the neighborhood to the east. Other amenities such as the spa and meeting space are located in the South Wing along with additional parking.

There's a fire lane for safety that wraps entirely around the building. The new golf clubhouse is shown between the first "T" and the ninth green. Parking for the golf course is located in the hatched area, underneath the gaming floor.

This image illustrates how the various components are organized. Gaming, event center, and parking to the north, connected by a central lobby, with the hotel wing spa, meeting rooms, and the rooftop restaurant on the south.

There are approximately 180,000

square feet for gaming, 500 hotel rooms, various food and beverage offerings, as well as an approximately 2000-seat event center and of course the existing World Class 18-hole Jack Nicklaus Design Signature golf course. This is truly a full-service resort located in the Bronx.

This slide presents an overview of the potential transportation-related improvements. The New York City Department of Planning completed a study of Ring Road in 2015 and identified a set of transportation improvements within the study area around Ferry Point Park. As part of this project, working closely with the City of New York, a set of roadway improvements will be identified and delivered to meet the needs of this project, in addition to those already identified by the city.

As shown in this slide, there are a few improvements being considered, that include a new overpass near Lafayette, the service road Ring Road being widened, parking restrictions to alleviate congestion at peak times, and pedestrian safety improvements along the road.

To facilitate the proposed project, the applicant is seeking several city and

state approvals. I'll now pass it over to Carol Rosenthal from Fried Frank to discuss these approvals.

Carol?

MS. ROSENTHAL: Good afternoon. I'm Carol Rosenthal, senior counsel at Fried Frank, and land use counsel for the project. As Chris noted, I will describe the discretionary actions needed for the project. They include the following:

The first is an action to change the formal New York City Street map. The change would allow the mapping of Ring Road, currently a Park Road, as a full city street under the jurisdiction and to the standards of the New York City Department of Transportation. The city mapping action will also de-map the development study so that it is no longer shown as parkland on the city map.

The second action would amend the City Zoning Map in order to create a zoning district for the development site. We are seeking a C8-4 Zoning District which would permit the uses needed for a licensed casino. This District does

not allow housing or any residential uses on the site.

Another action would be to authorize the City to transfer the land for the development site to the applicant.

All of the actions I just described are subject to the Uniform Land Use Review Procedure or ULURP. In addition, at the city level, we'll seek a modification of the current golf course concession with the Parks Department and approvals and reviews by various city agencies such as the New York City Department of Transportation and the Parks Department and other agencies hence appropriate for public improvements.

At the state level, the actions include legislation authorizing the alienation of Parkland for the purposes of the project and in order for Ring Road to become a City Street.

Actions also include approval by the New York State Gaming Facility Location Board and a license from the New York State Gaming Commission. Approvals will include State Department of Environmental Conservation for the

proposed construction and use of the facility and from the state DOT for matters affecting the state highway and others as necessary.

I will now turn the presentation over to Max Stember-Young who will discuss the framework for the Environmental Impact Statement under the Draft Scope of Work.

MR. STEMBER-YOUNG: My name is Max Stember-Young. I'm a senior project manager with Langan Engineering. The graphic shown on the screen shows the anticipated timeline for the key milestones related to the environmental review and the anticipated decision-making timeframes.

The Draft Scope of Work for this project was issued on May 22nd, 2024 and the Mayor's Office of Environmental Coordination also issued a positive declaration. Today, June 25th, 2024 is the Public Scoping Meeting. The written comment period will remain open until July 12th, 2024. More details will be provided later on in this presentation.

Substantive verbal and written comments will be incorporated into a Final Scope of Work. A Draft Environmental Impact Statement is

anticipated to be published by December 2024 and will be made available for public review.

A public hearing on the Draft Environmental Impact Statement is anticipated at the City Planning Commission public meeting around April 2025. A Final EIS or Environmental Impact Statement will be issued before the City Planning Commission votes on the application. If the City Planning Commission approves the application or approves it with modifications, the City Council is anticipated to vote on the application later around June, 2025. A reminder that this timeline is illustrative only and is subject to change.

City Environmental Quality Review is a disclosure process that allows decision-makers to evaluate the potential environmental consequences of a project before they approve a discretionary action or actions. City Environmental Quality Review compares a future No-Action Condition; the condition that would occur absent the project being approved, to the future With-Action Condition; the condition if the project is to be approved.

The difference between the future

no-action and With-Action Conditions is the analysis framework, and this analysis framework establishes the incremental changes expected to be introduced by a project. City Environmental Quality Review analyzes the incremental changes that could reasonably be expected to occur if the proposed actions are approved.

Comments received during today's scoping meeting and during the written comment period will be summarized and then incorporated into a Final Scope of Work. The Final Scope of Work will incorporate relevant and substantive comments as well as responses to comments upon the Draft Scope of Work. The Final Scope of Work will be published for public review. The Draft Environmental Impact Statement will follow the guidance outlined in the Final Scope of Work.

After the Draft Environmental Impact Statement is published, a public hearing will be held to allow public comment on the Draft Environmental Impact Statement. Comments received during the hearing on the Draft Environmental Impact Statement will be recorded, summarized, and incorporated into a Final Environmental Impact

Statement. This process allows for multiple opportunities for public input in the environmental review process.

This slide shows the no-action component of the analysis framework. Today, the development site contains the golf courses parking lot at approximately 25,000 square foot clubhouse, a practice area, and associated landscape. This condition is anticipated to continue if the proposed actions are not approved.

This slide shows the With-Action Condition and the project increment. The With-Action Condition is the worst case that could reasonably be projected to result if the proposed actions are adopted. The With-Action Condition reflects the proposed development. The incremental change is the change between the No-Action and With-Action Conditions. This is outlined in the Draft Scope of Work.

The Draft Scope of Work proposes to analyze the changes that would result from over 3.1 million square feet of additional development on the development site and the proposed changes to Ring Road. The Draft Scope of Work proposes to

analyze the environmental effects of up to 5,145 gaming positions, a 500-key hotel, a 2000-person event center, and other uses shown in this table.

This slide shows the technical areas proposed to be analyzed in the Draft Environmental Impact Statement. The Draft Environmental Impact Statement will analyze the project in all 19 technical areas of the 2021 version of the City Environmental Quality Review Tech manual, also known as the CEQR Tech Manual.

The specific methodologies to be used to complete the analysis are discussed in depth in the Draft Scope of Work. I will discuss several of these technical areas in the upcoming slides.

The Draft Scope of Work indicates that a land use, zoning and public policy analysis will be included in the Draft Environmental Impact Statement. The analysis will discuss the compatibility of the proposed project with surrounding land use and zoning.

The Draft Environmental Impact Statement will describe relevant public policies, and the proposed project will be analyzed for

potential inconsistencies with these public policies.

A consistency assessment will also be completed to analyze whether the project may be inconsistent with the policies of the City's Waterfront Revitalization Program. This is because the development site is in the coastal zone boundary. Consistent with the guidance provided in the CEQR Tech manual, the land use, zoning, and public policy study area is the area within a quarter mile of the development site and Ring Road.

The Draft Scope of Work outlines that an assessment of both direct and indirect effects to open space will be undertaken in the Draft Environmental Impact Statement. Direct effects to an open space can occur when a project would cause a loss of open space, or if public access to an open space is limited, or the programming of an open space changes and affects the user population.

Indirect effects can occur when the population generated by a project over-taxes the capacity of existing public open spaces so that the service provided to existing and future

populations in the area would be substantially or noticeably diminished.

The Draft Scope of Work indicates a quarter-mile study area will be used to analyze the indirect effects on non-residents in the area. To account for the direct effects to Ferry Point Park, a half-mile study area will be used to analyze the effects on the residential population in the surroundings. The analysis will be completed in coordination with the New York City Department of Parks and Recreation.

The development site is above a former non-hazardous landfill that operated in 1951 through 1960s. In the 1990s, the New York City Department of Parks and Recreation entered into an agreement to develop the golf course on the former landfill. The construction of the golf course was done with oversight from the New York City Department of Parks and Recreation and the New York State Department of Environmental Conservation. The Department of Parks and Recreation continues to monitor the landfill in coordination with the State Department of Environmental Conservation.

To construct the proposed project,

approval and oversight will be required by the New York State Department of Environmental Conservation. The transportation analysis will be completed following the guidelines of the CEQR Technical manual and in coordination with the New York City Department of Transportation.

It will include analyses of existing conditions, the future no-action condition, and the future with-action condition. The comparison between the no-action and with-action conditions will provide an assessment of the impacts associated if the proposed actions are approved. If warranted, potential mitigation measures will be developed in coordination with the City to address the impacts to the extended practicable.

That concludes the summary of the Draft Scope of Work and I will now turn the presentation back over to Esther, from the Mayor's office.

CHAIR BRUNNER: Thank you, Max, very much. Shown in these slides are the email and standard mail addresses for providing written comments on the Draft Scope. And a reminder that

the close of the public comment period will be on Friday, July 12th, 2024 at 5:00 p.m.

As I mentioned in the beginning of the meeting, if you signed up to speak before the meeting during the registration process, we have your name and you will be called in the order you registered. If you did not sign up to speak before the start of the meeting but would like to, please identify yourself using the "raise hand" function on WebEx.

Instructions for this are being shown on your screen now. If you are joining by phone, you may dial *3 to indicate your desire to provide testimony. Participants using the raise hand function or *3 will be added to the end of the pre-registered speaker list. I'll give a moment for people to raise hands or press *3.

Once all speakers in the queue have provided testimony, we will take a short break. This will allow anyone else in the meeting who may be considering the opportunity to speak ample time to raise their hand. We will then resume the meeting and once all remaining raised hands have been addressed, we will then conclude

the formal testimony portion of this meeting.

Each speaker will be allowed up to three minutes to share their comments, ensuring that everyone gets a chance to provide their thoughts here tonight. We'll begin by Max calling the name of those who have registered to speak, or the last four digits of your phone number if you are using the telephone dial-in option. Elected officials, community board, district managers, or chairs or representatives of a government agency will be provided the courtesy of speaking first.

Max, please.

MR. STEMBER-YOUNG: Thank you, Esther. The first speaker we have is Council Member Kristy Marmorato. We will promote her to be a panelist and she will then be able to take herself off mute and provide her testimony.

All right. Council Member Marmorato, you should now be able to unmute yourself and provide testimony.

COUNCIL MEMBER MARMORATO: Afternoon -- actually, good evening, everybody. And I just want to thank the mayor's office for putting this public scoping meeting together for my

community and my constituents. I have a lot of concerns about the environmental impact that this project will have on not only my district, District 13, but my neighboring districts; District 18 and 19.

One major concern is traffic. By providing one overpass, it's not going to remedy the already existing traffic issues that our community is facing, going over the Whitestone Bridge. And at peak time, there's approximately 5,800 people that will be at this casino. We already have congestion. What's going to happen is, people are going to travel from the Whitestone and cut down Lafayette Avenue to the Bronx Neck Bridge which will be a cut-through street on -- and there is a school on Lafayette Avenue, and I'm concerned that these children will have an impact with traffic.

I also am concerned about air quality due to the increase of automobiles since our borough is the highest rate of -- has the highest rate of asthma within the entire city.

I'm also concerned -- sorry, I'm just trying to look at my notes over here. As far

as noise and lights, every casino that I have been to has been very bright and loud, and I just feel like that will interfere with District 19, 18, and 13 as well.

Another concern of mine is this property was a landfill for about 20 years, and once you put a shovel into the ground, how will that impact the surrounding community and the water?

I was reading at some point, that there will be sewer drainage into the river right over there. It'll be treated, but it will be draining into the sewer. How can we basically guarantee that this is going to be treated properly and there's not going to be any kind of environmental disaster within the water?

And I just really hope that you guys take your due diligence and really make sure that my community is safe when you're studying all of these different portions of this project. I'm sure I have more, but I will write a testimony and submit it at some point.

And I just want to thank you again for having this scoping meeting, and I'm looking

forward to hearing what my community and my constituents have to say about the environmental impact on it that this project will have. Okay. Thank you.

CHAIR BRUNNER: Thank you so much, council member. We really appreciate you being here today and for your thoughtful comments. Thank you.

MR. STEMBER-YOUNG: Okay. A reminder to all participants to please speak slowly. We do have a Spanish translation channel in progress and we want to be able to translate for our Spanish speakers out there.

Esther, the next speaker we have is Eddie McWilliams. So please give me a second to promote Eddie to be a panelist.

Okay, Eddie, you should now be able to bring yourself off of mute and provide your testimony.

Eddie McWilliams, if you're available, you should be able to unmute.

Okay. We will come back to Eddie McWilliams later. We do have Albert DeAngelo from the community board who is our net one.

Albert DeAngelo, one second.

Albert, assuming you are calling in under the name Bronx Community District 9, you should be able to unmute yourself now and provide your testimony.

Okay, Albert, one more time I'm sending you a request to unmute.

Okay. We'll move on to the next presenter for the next testimony. Can we please bring on the countdown clock? Thank you.

For this component for the general public, participants will have three minutes to provide their testimony. We ask that you limit your time to three minutes to respect others' time as well and allow others to provide testimony. Our first speaker from the general public will be Giancarlo Rachielle.

All right. Giancarlo, you should now be able to unmute your microphone. There we go. We can hear you. Yes, go ahead.

MR. RACHIELLE: Okay, good. So I live in the Community (unintelligible). My concern is that bottleneck by Bruckner Boulevard, when you go by the Home Depot area, I mean, it is now during

rush hour, it a congested. It's just -- you know, it's a mess up there. And then to bring that much traffic into the area would be bigger (unintelligible). It has to be addressed.

You know, the only way over into Soundview and Castle Hill is that intersection, or you go to Westchester Square. There's no other way over. So it's bottleneck now. I can't imagine what it's going to look like when it starts to happen. Now at any given night or weekend going through the Whitestone Bridge, like Kristy said, you know, it is a little bit congested. It's a lot of congestion. You can target in that one road. And they are -- and I live closer to the Throgs Neck Bridge. It's going to get -- they're going to come around and go to the Throgs Neck Bridge and do that. There should be something to address that. I don't know, make a wider road. I don't know but maybe more overpass through Castle Hill, another way out of the area. I'm not sure.

I saw the plan of the roads coming back. I saw from what you're saying, it's not going to happen. So I'm not even going to bring that part up. If you're ever in the City Island

during the summer, the two roads in and out, it's crazy. I just see this happening between -- with the shopping mall, the Bridge, and then going into that area is going to be -- how do you -- you think that two road -- that two-lane road is going to be able to accommodate all traffic? That's my concern. That's about it.

CHAIR BRUNNER: Thank you, Giancarlo, for your comments.

MR. RACHIELLE: What about -- could I give you just one more?

CHAIR BRUNNER: Sure.

MR. RACHIELLE: I saw the public transportation out of there too. Is that -- I wasn't clear on that, but you -- I guess you're going to have buses coming out of that area, or something that's going to be able to bring public transportation there, besides the ferry that's in the park.

And one last thing. I'm from the area. You know, that part of Ferry Point Park tends to get very noisy at night. People pull up with their cars and the -- and the radios are blasting. It's almost like a concert. Is that

going to be addressed? I mean, between the noise and the casino and these people who pull up their cars and open up the back of their cars, and the blasting noise from that, is that going to be addressed by the casino or by City? I'm just bringing this up. I'm done then. Thank you.

CHAIR BRUNNER: Thank you very much for your input, Giancarlo.

Who is our next speaker?

MR. STEMBER-YOUNG: Our next speaker enrolled is Peter (unintelligible). Peter (unintelligible). Let me search for Peter. I do not see Peter listed in the attendees' list.

CHAIR BRUNNER: Okay. So let's return to him a little later, I guess.

MR. STEMBER-YOUNG: Our next speaker will be Miguel Torres, followed by Thomas Hughes.

Miguel Torres?

I do not see as a participant either.

All right. We'll then check for Thomas Hughes, who I also did not see on the attendees' list.

So next two are Karen Argenti, followed by Dorothea.

So, Karen Argenti?

MS. ARGENTI: I haven't prepared to speak, I'm just submitting testimony.

CHAIR BRUNNER: And you are Karen?

MS. ARGENTI: Yes.

CHAIR BRUNNER: Hi, Karen. Okay, thank you. So you will be providing written testimony to either my email or my office?

MS. ARGENTI: Yes.

CHAIR BRUNNER: Great.

MS. ARGENTI: I'll send by email, yeah.

CHAIR BRUNNER: Great. Thank you very much. Appreciate it. Thank you.

MR. STEMBER-YOUNG: Okay. Our next on the list is Dorothea. I do not see on the attendees' list either.

Our next speaker will then be Doreen Mendez-Sierra, who I don't see on the list of participants.

Next, we have Thomas Messina, who I do see as present. So can we promote Thomas to

panelist and allow him to provide his testimony, please?

MR. MESSINA: Can you hear me?

MR. STEMBER-YOUNG: We can hear you.

MR. MESSINA: Okay. Yeah. Well, I -- you know, I've been a resident of the Bronx my whole 73 years of living. What I feel about this place is I'm kind of for it, you know. I'm thinking of the permanent temporary jobs and the permanent jobs and the union jobs that's going to -- you know, the building trades especially. I think it's great. I think their proposals are going to be good for the neighborhood.

I know there's a lot of people against it, but I think property values will go up, because there's going to be a lot more people coming to the neighborhood and want to rent and or buy. And I think their property values will go up. And there's going to be a lot of special things made. The guy -- I golf at the golf course. It's a great golf course. And I just think that for the -- for the next couple of decades, I think it's going to be great for the Bronx, you know. So

that's my take on it.

And I'm going to get a lot of pushback. Maybe I won't, but that's how I feel. I'm for it. I'm sure everybody's got their own opinion. That's mine. I ask mine to be respected like I respect everybody else's opinion. But I think it's going to be great for the neighborhood. And basically, that's it. Thank you.

CHAIR BRUNNER: Thank you very much, Thomas, for your comment and input this afternoon. Appreciate it.

MR. MESSINA: Thank you.

CHAIR BRUNNER: Thank you.

MR. STEMBER-YOUNG: All right, Esther. The next speaker we have is Laura Guerriero who I see is -- got two lines into our meeting today. So I think we've brought it both for her. Laura, you should be able to come off mute.

MS. GUERRIERO: Yes. So, you know I agree with like what Thomas was saying, that, you know, good union jobs. I'm a lifelong resident also. And, you know, I think that this is a positive, you know. I think that the town hall

that they have addressed all the major concerns. The one thing I like to say also is that you know, unlike the Bronx Zoo or Yankee Stadium or the Botanical Gardens, this will provide 24, you know, year-round revenue for the Bronx. And I just think it's our turn to get something positive. That's it.

CHAIR BRUNNER: Thank you very much, Laura, for your comments.

MS. GUERRIERO: Thank you.

CHAIR BRUNNER: Thank you. I think our next speaker is Rosemary DeLuca.

MR. STEMBER-YOUNG: Yes. We do have Rosemary.

Rosemary, you're now to come up. All right. Excellent. Can we restart the three minutes here?

MS. DELUCA: Hi, everyone. I am in agreement with all the environmental concerns. Project of this size does not come without serious concerns. And traffic is probably the biggest, as well as the environmental issues where the golf cart -- golf course is. However, I do believe that it is a positive change for Bronx, bringing in new

jobs, potentially, hopefully, hiring Bronx people to fill those positions, and also training and skills -- training and different skill sets.

I do think that the traffic issue may be a bit of a challenge, however, I still think it's a positive impact on the Bronx. You're bringing in revenue, you're bringing in tax revenue, you're bringing in payroll taxes, you're employing people and giving them a fair opportunity to improve their living situations. And that's my 2 cents.

CHAIR BRUNNER: Thank you very much, Rosemary, for your input and for being here. Thank you.

MR. STEMBER-YOUNG: Okay. Our next speaker enrolled is Nayan Parika (phonetic), who I don't believe I see on the attendee list. One more check.

Next, we have is Edward Angelino. Ed Angelino, you should be able to now unmute yourself.

MR. ANGELINO: Hello.

MR. STEMBER-YOUNG: We can hear you.

MR. ANGELINO: Hi. Yes, I'm for the project. I believe it'll have multiple benefits to the area. I am -- the only thing I am concerned about is the traffic. However, overall, I think it'll add new jobs and it looks like a great project from the -- from the plans. So I think it'll be a positive impact. And I think it'll be good for the area.

CHAIR BRUNNER: Great. Thank you so much for your testimony, Edward.

MR. ANGELINO: Thank you.

CHAIR BRUNNER: I see in the chat, Max, that the representative from Community Board 9 is now ready.

MR. STEMBER-YOUNG: And, sorry. Remind me the name. I don't see that.

CHAIR BRUNNER: Is this Albert DeAngelo?

MR. STEMBER-YOUNG: I don't see Albert. Oh, okay. I think it's Bronx Community District 9. You should be able to unmute now.

MR. RIVERA: Oh, my name is William Rivera, not Albert, and I -- right. Am I the right person for speaking now or is there

somebody else from Community Board 9? I'm just confused.

MR. STEMBER-YOUNG: You may go ahead.

MR. RIVERA: All right. My name is William Rivera. I'm the district manager for Community Board 9 and district leader in 87th district. My district is closer here than my own. I'm born and raised in the district. I lived at Park Chester. I've been hearing the testimony. I did some research on the project. This is something that can be very beneficial for the area. Of course, traffic is a concern. I heard some noise dealing with construction and developments in our district. Sometimes you don't get overpasses and extra parking for some developments we have.

So maybe doing some intensive traffic studies. Seems like a two-way overpass is enough cars, but that's something that professionals have to work out. Especially with the noise, studies have to be done. I don't know how much noise is going to be coming from the casino. From my experience, I see those things as relatively issues that could be resolved or

mitigated with the proper studies and expertise.

This is a project that could potentially could bring, from what I read, up to 3,500 jobs, and most of the union and some jobs paying is a dishwasher of $60,000 a year with benefits, that is amazing for the Bronx. And just the construction alone will have 1500 jobs.

And it's an opportunity to engage with this -- with this developer and this applicant to really bring social programming into the area. Maybe fix some things in the park that needs to be fixed. We have a ferry there now. Across the street is housing and I'm sure that they have some needs and there's a good opportunity to engage with them.

So there's a lot of pros and there's some cons. But overall, every project is not perfect. From my experience, this is something that -- not that I wish I had in our community board, but at least I wish that we could have engagement and see what could be beneficial to the community. That's my time. Thank you.

CHAIR BRUNNER: Thank you very much, William, for your testimony.

MR. STEMBER-YOUNG: Okay. The next speaker we have listed is Carmelo Centino (phonetic.) Carmelo, I do not see in our attendees' list.

The next speaker is Andrew Chirico. Yeah, Andrew Chirico. And that's another attendee I do not see on our list.

The next speaker I see would be Jennifer who does not have a last name. And I did not see a Jennifer on our attendee list.

Next up would be Maria Diaz. We have Maria Diaz? Oh, we do have a Chirico. We're going to go back to Andrew. Make him a panelist.

Andrew, you should now be able to bring yourself off mute and provide your testimony.

MR. CHIRICO: Okay. Can you hear me?

MR. STEMBER-YOUNG: We can hear you, yes.

MR. CHIRICO: Okay. Well, I'm resident of the area for over 60 years. I am completely against this. The land under this golf course is a toxic waste dump. It should not be built on. It should not be disturbed. Also,

they'll be taking away parkland. We should not allow the alienation of Parkland. We need our parks. They should not be touched.

Another concern I have is if something like this were to be built, it's going to increase the crime in our neighborhood. As it is, our precinct is the largest in the -- in the Bronx with the smallest amount of police officers. So they cannot handle this. So I'm against it for all these reasons. It'll bring crime, it'll bring prostitution, it'll bring drugs. We do not need this in the neighborhood.

You should also be aware there are at least two petitions out there collecting names of the -- of the residents against -- or everyone is against this. If you talk to the people that live here, they're against it. You talk to some of the people we've heard today, they're -- they sound like they're for it. It doesn't belong in our neighborhood.

When Atlantic City was opened as a casino, the area was a slum. Today, 30 years later, Atlantic City, the town, is still a slum. We don't want that here. That's all I have to say.

CHAIR BRUNNER: Thank you very much for your input. Thank you.

MR. STEMBER-YOUNG: Okay. The next speaker we have after Nicole Antoine who I don't see here, is a lawyer; appears lawyer from Hutch River Green. I'm assuming that's Hutchinson River Greenway. I don't see that name on our speaking list here. We will come back later. If you do get skipped over, please raise your hand and we will find you later for testimony.

The next speaker on our list is Daisy. Daisy C who I also do not see on our list here of attendees.

William Rivera?

CHAIR BRUNNER: Yeah, max. I think he is the person who just testified from CB 9.

MR. STEMBER-YOUNG: Okay. Thank you.

Kay Cardona is here. And one second, Kay. All right, Kay, you should be able to unmute now and provide your testimony. Yes, we can hear you. Please go ahead.

MS. CARDONA: Oh, thank you. I

have forgotten to register to speak. I'm so sorry. I apologize. Yeah, I live in the Cross Bronx Parkway, Morris Park area, and stuff. And over the last few years with the Bruckner up-zoning and other things going on in other areas related to here, because we're all one big community, it's basically the same things that I'm hearing. In fact, Mr. Cal De'Angelo is not District 9; he's Community Board 11, which is here, this area. So maybe that's why you can't find him. And he's probably dying to speak to you guys. I know him for many years. I'm an activist here too.

Couple of questions. As far as this project is concerned, I don't -- I'm like -- I'm back and forth with it because I've never been to a casino in my life. So I don't -- I can't like picture like the scope of how big the place will be. But if people in the area are not for it, then I suppose I have to go with them. My other concern is, if God forbid some reason, this thing is not successful and Bally's decides to pull out, let's say a couple of years from now, five years down the road, what happens to that big complex if it's not going to be used as a casino anymore?

This, we've seen a lot of empty things between CB 10, CB 11, CB 12, CB 9, empty spaces that stood empty for years are being -- or are being used for things that we don't necessarily need or want in our communities. Has anyone put any thought into -- if for some reason, Bally's decide, okay, this is not profitable anymore, do they have like a long-term plan of what could be done with it? That's something that the community could use? I know it's an odd question, but I'm a person that thinks years down the road. So, I'm sorry.

CHAIR BRUNNER: Great. Thank you very much, Kay. We recorded your input and we'll review it together with all other comments received. We do not give responses today. But thank you very much for being here and for providing thoughtful input. We appreciate it.

MR. STEMBER-YOUNG: Okay. Thank you. And Kay, you did register to speak ahead of the time, so that's why you are on the speaker's list.

Our next enrolled speaker for -- registered speaker is Lily Urban (phonetic.) Do we

have a Lily Urban? I do not see her.

After Lily is Erica Ruggiero. Do we have Erica Ruggiero? I don't see Erica.

After Erica, I see Carole Dechiara, and I do see a Carole Dechiara who has raised their hand.

Carole, you're being promoted to panelist. You should be able to unmute yourself and provide your testimony.

MS. DECHIARA: Thank you very much. I wasn't sure. I did register ahead of time, but I wasn't sure how my phone worked with this, so thank you. One thing I'd like to say first is the time of this meeting is -- I think that's why a lot of people are not signing on. Most people are still working at this time, so in the future, I think you should keep that into consideration. Just a thought.

The second thing I have to say is the alienation of the parkland. There is not an acre of land in the Bronx to buy to replace this parkland. It's a huge amount of land. It's a big loss of green space, which the Bronx desperately needs, especially since our air quality is so poor.

We have an airport where airplanes fly over this area constantly, which is part of the reason why we have a high asthma rate. Along with the traffic with the Cross Bronx and the Bruckner and everything else, that's going to back up especially if congestion pricing goes into effect. That -- you should really take to the major part of the consideration is losing Parkland.

Second thing is, the landfill, yes, has been shut down for many, many years, but people were continuing to dump toxic stuff. It's on that landfill, including cars and trucks, and God knows what else, for at least probably 25 years after probably golf course started beginning to shut it down. So that land is definitely a toxic waste. And this was addressed in the public meeting that you had prior. I stated this before, that even the golf course had problem with methane. It was listed as one of the highest toxic areas in New York City. So that's a big concern of mine.

The other comments is that -- I have is, I don't think a lot of the concerns that we did address at the last meeting were changed. I don't really see -- I don't really see anything

that changed quite frankly and I just wonder how these comments are going to work and get incorporated in if nobody is listening. So that's a big concern; listening.

Bronxnites does not really want this casino. I think it's an eyesore. I take that coming every day and knowing that I have to come home and see a big casino as opposed to Parkland is quite frankly, not really what I want to see.

I've lived here all my life, so it, it's just not something that belongs here. And I would like you to give consideration into maybe scaling down the project and not going maybe so big. Maybe you needed to put a smaller casino there or a smaller venue. Maybe something that's a little more adaptable to the neighborhood if we're going to proceed with this. And please take that into consideration. Thank you.

CHAIR BRUNNER: Thank you very much. That was Carole? Thank you very much, Carole, for your input.

MR. STEMBER-YOUNG: Okay. The next speaker we have listed here is Victoria Masa (phonetic) who I don't see on the attendees list.

Next speaker I see pre-registering is Anibal Vasquez, Jr. We do have Anibal and she's being promoted now.

Anibal, you should be able to bring yourself off mute and provide your testimony.

MR. VASQUEZ: Good evening, everyone. Thank you for that last speaker that spoke. It was great insight with regards to the potential dangers with the toxic materials on that site. I've been a residence for about 30-something years, and I don't see the project being beneficial to a type of neighborhood character that exists in the Bronx Neck area.

You know, one of the major issues is also going to be the traffic. Right now on any given Friday, you have traffic lined up all the way up to -- close to the East Tremont area, trying to get into the Whitestone Bridge. So that alone will create that much more traffic which is going through the residential communities.

You talk about the parking situation there. You know, that area has been a transit desert for many, many years, and many of the residents like the speaker that just came off

before, you know, the ferry service was long awaited. How is it going to support, you know, the influx of people coming in using a transit system that is pretty much non-existent?

I use that ferry today. The parks are utilized on the weekends quite a bit. If you drive by the Ferry Point Park area in any given weekend, you see the soccer games and the kids and the concerts that are going on in that community. And giving up some green space for casino just does not make sense for the community.

My other major concern is I have children in the neighborhood. We have two schools, one directly on that Lafayette overpass, which is a high school along with a Charter School that's there that will be affected. There's another school within a mile that's an elementary school and middle school that will also be affected with the crime that it can bring to the neighborhood and any potential traffic hazards that could be caused by kids crossing the street.

I'm totally against the project. You know, all for some opportunities -- some economic opportunities to bring jobs to the

community, but this is not something that fits within the fabric of that neighborhood character. Thank you.

CHAIR BRUNNER: Thank you very much, Anibal, for your testimony. Appreciate it.

MR. STEMBER-YOUNG: Next on our pre-registered speakers list is Jean Mackillop (phonetic), and I do not see Jean on the attendees list.

After Jean, I see Lisa Sorin, who is here. Can you promote Lisa Sorin, please? Thank you.

Lisa, you should now be able to bring yourself off mute and provide your three minutes of testimony.

MS. SORIN: Thank you so much for this opportunity. I'm speaking on behalf of the economic development. I represent the Bronx Chamber of Commerce and I'm really listening to all the comments made by residents and others. I think that there's a lot of questions regarding this project. It's a big project no doubt, but the Bronx is going through this whole revitalization. And I think given the opportunity, it's important

for us to look past the way the Bronx used to be, to where the Bronx needs to go to be able to keep up -- to be able to keep our residents and develop as a world.

So as see, we're looking at economic impact this will have and the the amount of jobs that somebody else mentioned. The opportunities for learning about very well paid job is something we desperately need. And I think the growth within our neighborhood.

There's questions, no doubt regarding the traffic concern, but I also don't have a doubt that that's something that can definitely be addressed. I think with any changes that happen in our world, I remember the fighting that happened when we try to decrease the project and North Star, which was such a big issue. I was one of the opponents. And it's turned out that it was okay. It worked in the favor after a huge adjustment.

This is an opportunity for the Bronx that we've never had. And I think that through the changes and continue to discuss our concerns that are valid, that the team at Bally's

have been open to a lot of suggestions.

There's a long way to go. And I think this is a great starting point, but I think we should look at this as one of the biggest opportunities. We're getting our train stations, the redevelopment, all the housing and this is just an addition to the great work that's happening.

And as long as we stay involved and we ask the questions and we really demand things from Bally's, they've been open to it. And I think sitting around the table and continuing these operations over the course of the next year or however long it takes, gives us an opportunity to really look at how a booming borough we can be.

And at the end of it all, I think the Bronx in of itself would be probably the biggest benefactors as it relates to the amount of businesses and jobs and residents that would be moving in. So it is my hope that this is looked upon as something super positive with a lot of things that need to be addressed. But this is definitely something that the Bronx needs and what better company to do it than somebody who's used to building in urban areas like ours. And thank you

for the opportunity.

CHAIR BRUNNER: Thank you very much, Lisa, for your thoughts and sharing them with us today. I think the next person on the list is Stephen Franciosa.

Steven?

MR. STEMBER-YOUNG: Steven, you should now be able to unmute yourself and provide testimony. We can hear you, please begin.

MR. FRANCIOSA: Well, I've been listening to everything that everyone has to say so far, and I thought Kay Cardona have brought up a very pertinent point. Everyone who starts a business except -- expects it to be successful. And the question is, "What happens if it doesn't work out?" I think earlier in the presentation, it was mentioned that you can't have residences on this land. And I would be a little bit concerned that they, tomorrow Bally's decide close down, if New York City might attempt to make it some sort of a housing.

The other thing is that someone did mention that it sits to a toxic landfill. And I don't know what sort of remediation is planned.

I know there's an environmental impact statement, but I don't know whether or not that's prospective as opposed to, you know, looking to the past. But Bally's is intending -- I'm sorry, this Bally's is intending on -- doing any remediation of this site.

Let me just take one more quick look at some of the notes I've made. I guess that's really it. I would be most concerned with what would be the end game if it didn't work out and also in terms of it going forward, what sort of remediation would be done to the property before this -- any construction. That's it.

CHAIR BRUNNER: Great. Thank you. Thank you very much, Steven for your -- for your input.

MR. FRANCIOSA: Okay.

CHAIR BRUNNER: Thank you.

MR. STEMBER-YOUNG: Okay. The next speaker pre-registered with letter G. So G has the name or the email address (unintelligible) Ghana, which I don't see correlating to any users who are calling in today.

Okay. Next speaker is Cathy C. Do we have a Cathy C on the line? I do not see a

Cathy C.

Next up is Judy Glenchi. We have Judy. I don't see Judy either.

Pat or Kate Devine is our next on the list. Also, names I don't see on our attendees.

Catherine McKay? Another one I don't see on our list.

John Alwdark (phonetic); also not seen on the attendee list.

Roxanne Delgado? I don't see Roxanne here either.

Vincent Albanese, who I believe is here. Vincent, you should be able to unmute and start your testimony.

MR. ALBANESE: Hi. My name is Vincent Albanese, Executive Director of the New York State Laborers PAC. Here to speak on behalf of New York State Laborers and LiUNA representing over 40,000 members across the state of 22 affiliated local unions.

I'm here today to express our unequivocal support that the city of New York move forward with the planned EIS addressing all cited

impacts. As we believe that this project and its development group have and will continue to demonstrate a genuine commitment to mitigating any potential negative impacts and provide countless positive impacts for our members and the community.

While we clearly support all the proposed viable casino bids that have made commitments to use union labor during construction and operation, we felt it necessary to speak here today to particularly highlight the exceptional commitment Bally's has made to the laborers and unionized workers on this project and all across the country.

Bally's has time and time again proven their partnership with organized labor creating tens of thousands of unionized jobs, which are the backbone of our middle-class communities throughout the United States.

We see no reason that given their track record this project, should it be selected, will not also provide benefits to our members and benefits to the economic wellbeing of the entire borough. However, maybe most importantly, this project will provide life changing opportunities,

not just to our existing members, but to the next generation of laborers in the Bronx - a borough that is often left out of major infrastructure investment, this project potentially represents a historic moment in which the benefits of union membership will be available to countless new workers in and around the surrounding project site. Without investments of this scale, we fear that economic inequities across the borough will continue to perpetuate.

Over the coming weeks, as testimony is open to be submitted, dozens of our members living in and around the project location will also be submitting their own comments in support of this proposal. As stated earlier, we support any and all viable casino bids that have made commitments to union labor so they can all be evaluated on their own merits and not dismissed before being given chance to show whether or not they can mitigate negative impacts and prove the positive impacts on their plans.

We believe that if Bally's is given a fair and unbiased opportunity to address all impacts, they will clearly demonstrate the

unprecedented benefits this project will provide. Thank you for your time today.

CHAIR BRUNNER: Thank you very much, Vincent, for your testimony.

MR. STEMBER-YOUNG: Next speaker we have is Brandon Mohammed. Can we please promote Brandon to panelists? I believe Brandon also requested language accommodation. Brandon, if you prefer to provide your testimony in your native language you can do so and it will be recorded here.

MR. MOHAMMED: I can answer in English. I loved everyone's perspective here, especially locals. I've been living here in the Bronx for 30 years. I definitely support some of the centrist concerns specifically about future. The feasibility of this project succeeding not only in a five-year capacity but a 10, 15, 20, 25-year capacity. Because the footprint, as others have spoken about -- I'm sorry I'm driving. But as others have spoken about the footprint is massive and it's a big, a big -- it has big negative impact on the environment. So that goes without saying.

The positive impact of jobs, it's

absolutely necessary. But meeting these diversity metrics, it's been very poor. It hasn't been diverse and it's a conversation for another day. Hopefully, the positive impacts -- if this project does move forward, the positive impacts both far outweigh the negative impacts of the environment and any potential damage associated with this build-out.

Let's not understate the fact that outreach has not been made to adjacent communities and even this recording and this event, I was just so blessed to have found this couple of hours before even this event took place.

So communication can definitely be improved and it needs to be understood at a close, diverse level as in our Bronx communities, not just ThrogsNeck, but all the other adjacent communities that will be significantly impacted if this project moves forward at the city and state level. Thank you.

CHAIR BRUNNER: Thank you very much for your input today. Thank you.

MR. STEMBER-YOUNG: Okay, the next we have on our speakers list is George Have who I

do not see on the attendees' list.

Kevin Delamere (phonetic.) Do we have Kevin Delamere? Will you please promote to Kevin?

Kevin, you should be able to bring yourself off mute now and provide your testimony.

MR. DELAMERE: Yes, I kind of put a note into the chat and I'm okay with other people's testimony. I may have been not necessarily for it for a few reasons earlier, but I'm now with open eyes on some of what I've heard. That's all. Thank you.

CHAIR BRUNNER: Thank you very much, Kevin.

MR. STEMBER-YOUNG: Next on the speakers list we have Ismail Magnolias. I had Ismael and was an attendee. I do not see Ismael as an attendee.

Amanda Perez? I do see an Amanda. Amanda Perez, you may bring yourself off mute and provide your three minutes of testimony.

MS. PEREZ: I'm going to pass and I will write a written statement. Thank you so much.

CHAIR BRUNNER: Amanda, thank you. Just to clarify, you said you will provide written testimony?

MR. STEMBER-YOUNG: I believe that's what she said.

CHAIR BRUNNER: Okay. Thank you very much.

MR. STEMBER-YOUNG: I think these other ones -- so we already heard from Steven Francesca.

Vincent Albanese, I don't think we heard from you.

MR. ALBANESE: I did.

MR. STEMBER-YOUNG: Thomas Messina, we heard from as well.

I think we could go to our call-in users. We can start with call and user number nine. You've had your hand raised. Can we please promote them and -- call number nine, you may now bring yourself off mute by pressing *6.

CHAIR BRUNNER: Please state your name and affiliation if you have one, and please speak slowly. Thank you.

MR. STEMBER-YOUNG: Reminder, it's

*6 to unmute yourself.

MS. COLONE: Hello.

MR. STEMBER-YOUNG: We can hear you. Please go ahead.

MS. COLONE: Okay, so I'm Daisy Colone (phonetic). It's been difficult to get through the video and this and that and I was driving from work. I also have a strong concern that this was - actually a scoping session held at 4:00 p.m. on a weekday. That people come in and have to work and leave work and have to drive or take subways or public transportation and cannot offer testimony even if they signed up. So it is -- it's been very difficult to get on this call via -- you know, the options that were given. I would also like to provide a written testimony, but I can't see because I'm on the phone where to send that.

So if anyone can send me the address or the email to CC sign it which I have provided @gmail.com that would be helpful. But I do have something, you know, I just want to say.

"Good afternoon. My name is David Colone. I am a Bronx resident and I am opposed to

the rezoning of the Golf Link to a rezoning and am opposed to the Bronx having a casino. Ferry Point Park is located in a -- in the Bronx. It's a beautiful Phoenix park that is heavily used by Bronx residents. You can go in any weekend throughout the spring and the fall and have -- and see different nationalities, picnicking, playing soccer, listening to music, or hiking. It's a -- it's always full capacity. You have double-parked cars, you have a lot of activities going on there.

The New York State -- New York State or New York City should not allow the taking or alienating of 19 acres of Parkland. Park open space, waterways, and shorelines play an essential role in preserving our natural resources, wildlife habitats, protection -- protecting clean air, protecting water -- clean water and clean air and providing open space for current and future generations.

Public space is focused on natural --" I'm sorry, probably -- because I'm actually reading from a little thing. "Public space is focused on natural -- on nature, promote biodiversity and help fight climate change. Most

importantly, trees and other vegetation are vital in absorbing carbon from the atmosphere and regulating climate. This helps reduce the heat island effects in urban areas and improve air and water quality. Parklands and green open spaces are a precious commodity that once a public parking is rezoned or taken away from the community, it will never get the same quality or size back.

And I need to stress that we will never get 19 acres of open land again. We've seen that with the Yankee Stadium project and we saw it in Citi Field. The current park that are being looked at for taking in addition to the 19 acres are 5.5 acres of parklands to a (unintelligible) road. The Bally's Golf Link, current golf course is often award-winning 18 Hole Jack Nicklaus Signature design that offers golfers a really great experience. It is the only Golf Link style in New York City. And it is sitting at the foot of the Whitestone Bridge. It offers breathtaking views and beautiful views of the Skyline; Manhattan skyline and the East River and the Bronx and the west are Whitestone Bridge."

CHAIR BRUNNER: I'm sorry, Daisy.

Can you -- your time is expired -- your three minutes of testimony time. May I please ask you to send us your entire testimony in writing and I will email you the address where to either email or mail it?

MS. COLONE: Yes, that's fine.

CHAIR BRUNNER: Okay, great. Thank you so much for being here for sharing your thoughts. Thank you.

MR. STEMBER-YOUNG: Okay. The next speaker we have is Ann Horvath. Can we please promote Ann Horvath and allow her three minutes to provide testimony. Ann, you should be able to bring yourself off mute now and provide testimony.

Ann Horvath, if you are around, please unmute yourself and provide your testimony.

Okay. I did see another call-in user earlier who had their hand raised to speak. If you are a call-in user and you still wish to provide testimony remember to press *3 to raise your hand and we will elevate you to the speakers list.

All right. Call user number 13, please. Okay, caller number 13, you should be able

to unmute yourself by pressing *6 and you will have three minutes to provide testimony. *6 to unmute yourself. We can hear you. Please provide your turn testimony.

MR. ANGELO: Yeah. Hi, my name is Alejandro Angelo and as most people are aware of, the Bronx is the poorest borough of all the five boroughs. One of the things I think this casino would bring and I think that's a deal that must be made that the residents of the Bronx have first priority to the jobs that it would entail. I also think that if we deal with the residents of the community and some of their concerns are met, I'd be in favor of this 100 percent. But again, as I said, the poverty in the Bronx is devastating to the people in this community.

And I think that would bring jobs and it would bring up a quality of life that we haven't had in this borough for a long time -- a long time. So again, if some of the concerns of the residents are met, I would be in favor of this project 100 percent. Thank you.

CHAIR BRUNNER: Thank you very much, Al, for your testimony. Very much

appreciated

MR. STEMBER-YOUNG: Caller user number seven you have also raised your hand and you may now press *6 to unmute yourself.

MR. BRUNO: Good evening. Thank you for the opportunity to make comment this evening. My name is Alexander Bruno. I'm a proud member of union and I'm also the delegate for Local 692 Statesmen Concrete Labor in the greater New York City area. As a union leader, I believe the casino in the Bronx could be a significant economic boom for our community. It will also create hundreds of well-paying Union jobs, providing stable employment opportunities for our residents.

Moreover, the additional revenue generated could support vital public services and clean infrastructure and serve further local economic development. With the strong union presence, we can ensure that the benefits of the casino are shared fairly among workers and the broader community fostering a prosperous and equitable future for the Bronx.

I have a couple of questions. One being, what is the plan -- what is the plans for

the transportation into and out of the casino? We've heard about the ferries, but we also haven't heard about mass transit.

What commitment will they make to the union labor for this construction? Will all the amenities of the hotel and conference center be completed before the casino opens, and how will they get permission from New York City to build on a parkland? Thank you, guys for the opportunity.

CHAIR BRUNNER: Thank you, Alexander. Thank you for your testimony.

MR. STEMBER-YOUNG: I don't see any other speakers queued up. If there are any other speakers, you may raise your hand to request to speak. We do have one more call in user number 11. All right, call user number 11, you should now be able to bring yourself off mute pressing *6 and you will have three minutes to provide your testimony.

MS. CATHY: I agree with a few of the other callers. I didn't really get to see the plan. I've been on the call and it's been hard to hear. I think you need better communication in outreach. I live in a neighborhood both by and I

think you should have one unified slate for all this information. Is the plan, you know, the -- regarding the roads in and out and more community input before any parkland is alienated and environmental studies? And I think our state senator and state assemblymen should do a better outreach to the community so they could see the plans and have more people become aware of this because I think a lot of people weren't and it was hard to get on by 4:00 or 5:00. I personally didn't get on and I had to dial in. I would prefer to be on WebEx so you could look at the chat. I think you need a better outreach and one consolidated area where all this information is that could be disseminated to the Bronx Neck community and the surrounding communities and people can help decide. I don't -- I hope this is not the only scoping meeting. I'm not even sure who's running this meeting.

I saw it from a council member and Senator Fernandez to join the scoping meeting. I don't know who's running it. I mean, I don't know if you can answer that, but I think you need better outreach and before you alienate Parkland because

that's a serious thing. And you know, we also have Pelham Bay Park. Would that be next to alienate land? I'm not sure. But I do hope that's better communication and, more consolidated effort to disseminate the information. And thank you for allowing me to testify. Thank you.

CHAIR BRUNNER: Thank you. And may I please ask you to identify yourself by name-- first name, family name, and your affiliation if you have one.

MS. CATHY: Well, my name -- I was in this Cathy C. I'm a board member of the neighborhood community board to this association. But I'm testifying as myself as a resident. I'd like more information on this and I'd like to support my neighbors in what they decide. They're the closest neighbors to this project, so --

CHAIR BRUNNER: Great. Can you --

MS. CATHY: I'm asking --

CHAIR BRUNNER: Can you please repeat your name slowly that we can put it on the record?

MS. CATHY: Sure. Cathy.

CHAIR BRUNNER: Okay.

MS. CATHY: As I put in.

CHAIR BRUNNER: Great. Thank you so much, Cathy. Appreciate you being here today. Thank you.

MR. STEMBER-YOUNG: The next speaker we have in queue is Michael who has raised their hand.

Michael, you should now be a panelist and you should be able to bring yourself off of mute.

MR. WALTER: How are you today? My name is Michael Walter, member of Iron Workers Local 6A. I was just interested -- I couldn't see on the plan how large the piece of the parkland is and if all of it was being alienated or just a portion. And also of the commitment to the project to be union, but Union does support the middle class all -- all of the middle class and does improve economic development for the whole entire region. Thank you.

CHAIR BRUNNER: Thank you very much, Michael.

MR. STEMBER-YOUNG: Okay. I'm not seeing any others who have raised their hand to

provide testimony.

CHAIR BRUNNER: Okay. So what I proposed then, Max, can we go back through the whole list, because there were substantial amount of people who did not respond where their names were called.

MR. STEMBER-YOUNG: Sure.

CHAIR BRUNNER: And maybe since it's a little later now, they may be available.

MR. STEMBER-YOUNG: The first person on our list was Eddie McWilliams. She is still in the meeting. We can try Eddie again.

Eddie, if you're still in the meeting, you may unmute yourself and provide up to three minutes of testimony.

MR. MCWILLIAMS: I had a problem connecting earlier. Do you hear me now?

MR. STEMBER-YOUNG: We can hear you. Please go ahead.

MR. MCWILLIAMS: Oh, thank you. My name is Edward McWilliams. I'm the Executive Director of the Cement and Concrete Workers Blessed Fund in New York City. Our number one -- our question is -- I have a few questions. One is that

how deep is the commitment on behalf of the Bally's Corporation to build this project? 100 percent union -- with Union Labor.

Number two is, what are the reasonable expectations that this project will be approved above the other projects that are, you know, being proposed in Queens and in Manhattan? I think it's very, very important that the casino that gets approved is in New York City in the five boroughs. But we would very much like this proposal to go forward along with the other proposals that -- so that the State and the Gaming Commission has a very good opportunity to select the most economically contagious proposal for the residents of New York City. Thank you.

CHAIR BRUNNER: Thank you, Eddie, for your testimony. Thank you very much.

MR. STEMBER-YOUNG: Okay, the next two speakers I have are Peter Breton? Here again, I don't see on this attendee list.

Miguel Torres? Also, I do not see on the attendee list.

Thomas Hughes, who I do not see on the attendee list.

(Unintelligible) also not seen on the list.

Doreen Mendez Sierra. Also, I'm not seeing on the list.

Naan Parika? I'm not seeing as an attendee.

Carmelo Sentino (phonetic)? Also not seeing on the attendee list.

Maria Diaz? Also not on the attendee list.

CHAIR BRUNNER: We also have Jennifer before Maria; right?

MR. STEMBER-YOUNG: Yes.

CHAIR BRUNNER: Is Jennifer here.

MR. STEMBER-YOUNG: Jennifer Rosa. I don't see on the attendee list.

Nicole Antoine? Also, I don't see on the attendee list.

Representative from the Hutchinson River Greenway, if you're looking to provide testimony, please raise your hand? Although I believe we received a message from them that they will pass on speaking today.

Daisy C. we heard from.

William Rivera; we heard from.

Mr. Kate Gardenia -- Lily Urban. I do not see on attendee list.

Erica Richboro; also not here.

Victoria Massa?

Jean Mackillop. The person who entered their name as the letter G as an email address (unintelligible). (Unintelligible) Ghana? If that's your email address, please raise your hand.

Judy Lynch. I don't see.

Pat or Kate Divine? I don't see a Pat or a Kate.

Catherine McKay? I also don't see Catherine.

John Koldek (phonetic.) I also don't see.

Roxanne or George have. I don't see Roxanne or George.

Kevin Deloya? Kevin is here.

CHAIR BRUNNER: Yeah. He said that he didn't want to testify.

MR. STEMBER-YOUNG: Okay. Thank you. Ismail (unintelligible). I can't see it.

Amanda Perez. I do see Amanda here.

CHAIR BRUNNER: Yes, Amanda said she will provide written testimony.

MR. STEMBER-YOUNG: Thank you. And we have Donna Oroya. I don't see Donna. So I believe that concludes our list of pre-registered speakers and speakers who raised their hand to speak today.

CHAIR BRUNNER: All right. So we will now pause the meeting for about 10 minutes to permit one more opportunity for people to raise their hands and enter the queue to speak. After our 10-minute recess, we will return and begin verbal testimony starting at 6:15. If you have any immediate questions or concerns, please message "All Panelists" in the chat. Thank you.

(A recess was taken.)

MR. STEMBER-YOUNG: Okay, that concludes our 10-minute recess.

Esther, are you ready to reconvene?

CHAIR BRUNNER: Yes, I'm here. Welcome back, everybody. We'll now resume the public comment period. If there are others who

wish to speak, please follow the instructions on the screen. So if we could go back please to the instructional slide that shows how people can raise hand? Thank you very much. Please follow the instructions on the screen and use the raise hand function.

MR. STEMBER-YOUNG: If you are a call-in user, if you're using your phone to call in, you can dial star three on your telephone to raise your hand and we can identify you as your speaker. Again, it's *3 to raise your hand. Okay. We have a request from Rene to provide testimony. Can we please add Rene to the speaker list?

Okay, Rene, you should now be able to bring yourself off mute and you have three minutes to provide testimony.

Rene, are you able to unmute yourself? We can hear you. Please go ahead.

MR. LUCIANO: Okay. Hi, my name is Rene Luciano. I'm here as a private citizen and a lifelong resident of the area. I'll state that today is primary election day and it's also regular work day. So the timing and date of this meeting's a little odd.

I just wanted to state that I'm familiar with the Bally's site because I previously worked there as a security guard from 2005 to 2009 when the area was going under the building of the current golf course there. There was environmental review and there was capping of the former landfill site.

My concern is the impact that the casino might have on the area when you also consider that there is a development at 2505 Bruner, which is already completed, which will be the largest Amazon distribution facility in the country and it will also be in the same neighborhood as the proposed Bally's development. So my concern would be the -- I guess, integrity of the neighborhood and the environmental impact that this might have. I understand the economic impact and concern about jobs, but I'm looking at the long term effects that over-development of the area may have and the impact it may have on the quality of life of local residents. That is the end of my comment.

CHAIR BRUNNER: Thank you for your testimony, Rene. Thank you.

MR. STEMBER-YOUNG: I'm not seeing any other raised hands. As a reminder, if you are calling in, you can raise your hand by pressing *3 on your dial pad.

CHAIR BRUNNER: Let's give it a minute or two max to see if somebody else will join and want to testify.

MR. STEMBER-YOUNG: A reminder once again, if you are calling in to raise your hand, you need to press *3.

Esther, I'm not seeing anybody who has raised their hand to speak.

CHAIR BRUNNER: Okay. So as there are no additional speakers indicating they would like to provide comments at this time, I think we will close the meeting. It is now 6:22 p.m. Thank you again for joining us today for the Bally's Bronx Project Public Scoping Meeting.

Please note that you may submit any comments you have on the Draft Scope via the addresses on the screen. This information is also available in the notice of public scoping. Written comments will be accepted until Friday, July 12th, 2024 at 5:00 p.m. Thank you, and have a good

night.

(Whereupon, the meeting was concluded at 6:22 p.m.)

STATE OF NEW YORK)

SS.

COUNTY OF NEW YORK)

I, MARC RUSSO, a Shorthand (Stenotype) Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing pages 1 through 31, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my name this 1st day of July, 2024.



MARC RUSSO

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Bally's Bronx
Final Scope of Work (FSOW)
Air Quality Protocol Memorandum

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Technical Memorandum

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To: Esther Brunner – Mayor's Office of Environmental Coordination

From: Brendon Blachowski – Langan Engineering and Environmental Services

CC: N. Campo, M. Stember-Young – Langan Engineering and Environmental Services

Date: 15 April 2024 (revised 25 October 2024)

Re: Air Quality Protocol Memorandum
Bally's Ferry Point
Ferry Point Park, New York
Langan Project No.: 170773001

INTRODUCTION AND PURPOSE

This memorandum describes our approach to conduct an air quality analysis pursuant to City Environmental Quality Review (CEQR) for the "Bally's Bronx" gaming and recreation facility – an approximately 3.1 million-gross-square-foot (gsf) development that will contain gaming, hotel, event center, and retail and related uses (the Proposed Facility). The Applicants – Bally's New York Operating Company, LLC and the New York City Department of Parks and Recreation (NYC Parks) – seek the Proposed Actions: city map amendments, a zoning map amendment, disposition of non-residential City-owned property, acquisition of property by the City, an amendment and extension of the existing concession agreement, approvals from the New York State Department of Environmental Conservation (NYSDEC), street improvements, and the issuance of a gaming license. The Office of the Deputy Mayor for Housing, Economic Development, and Workforce (ODMHEDW) is the CEQR lead agency.

This memorandum describes the proposed methodology to evaluate the potential for significant adverse air quality impacts that may result from the Proposed Actions, as required by the *2021 CEQR Technical Manual*.

PROJECT DESCRIPTION

The Development Site is located on part of Block 5622, Lot 1 (450 Hutchinson River Parkway) in the Throggs Neck neighborhood of Community District 10, The Bronx. The Development Site is an approximately 19-acre portion of Ferry Point Park (see Figure 1). Ferry Point Park is under the jurisdiction of NYC Parks and Bally's operates the golf course through a concession. The Development Site is improved with the Golf Course clubhouse, parking lot, and a portion of the practice area.

The Proposed Actions would allow the development of the Proposed Facility, which will contain approximately 561,320 gsf of gaming and food and beverage space, a 500-key hotel with a spa and meeting space, an approximately 2,000-person event center, approximately 6,100 gsf of retail, and approximately 40,160 gsf for a replacement golf clubhouse on the Development Site.

Figure 1: Project Site Location Map and Development Site



Additionally, Bally's plans to make improvements to Ring Road – the roadway within Ferry Point Park – to enhance circulation, safety, and access to the Development Site for pedestrians, cyclists, and vehicles (collectively the "Proposed Development"). Park improvements and replacement parkland would also be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and would deed the designated new parkland to NYC Parks. The expected construction duration of the Proposed Development is approximately 30 months.

STATIONARY SOURCES

The Proposed Facility will use electric- or steam-powered heat and hot water systems with a proposed institutional control such as an E-Designation or Land Disposition Agreement. With the proposed institutional control in place, there would be no potential for significant adverse air quality impacts from project-generated HVAC and hot water systems; therefore, a project-on-existing or project-on-project analysis is not warranted for stationary sources.

Industrial Sources

Per the guidance established in the *CEQR Technical Manual*, analyses are required to assess whether the potential emissions from the nearby industrial source could be significant and adversely impact the Proposed Facility.

The Proposed Facility would not introduce a new industrial emissions source, and therefore project-on-existing and project-on-project industrial analysis is not warranted. Additionally, there are no large or major sources (Title V or State Air Facility) within 1,000 feet of the Development Site. Per the New York City Department of Environmental Protection (NYCDEP) Clean Air Tracking System (CATS), an emergency generator is registered at the existing Project Site; this source would be removed in conjunction with the Proposed Development. Therefore, an industrial source analysis is not warranted.

PROJECT-GENERATED MOBILE SOURCES

Mobile Source - Roadways

A detailed mobile source emissions analysis is required because the Proposed Facility is projected to generate a significant amount of additional peak-hour vehicular trips on the surrounding network. The key emissions associated with vehicular traffic are carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter (PM) with a diameter less than 10 microns (PM_{10}), and $PM_{2.5}$. Based on anticipated traffic counts at each identified intersection provided by the traffic engineer, we assume that detailed dispersion modeling will be required at four locations.

Using the traffic counts and vehicular speeds collected by the traffic engineer for the transportation analysis, we will calculate the No-Action, With-Action, and With-Mitigation traffic volumes by vehicle type for the selected representative intersections of:

1. Hutchinson River Parkway service roads and Lafayette Avenue;
2. Ring Road, Schley Avenue, and southbound Hutchinson River Parkway service road;
3. Ring Road, Hutchinson River Expressway, and the Development Site; and
4. Proposed parking garage and garage driveway on the Development Site.

Figure 2: Roadway Source Analysis Location Map



The identified intersections were chosen because project-generated incremental traffic volumes are anticipated to be most heavily-concentrated along the Hutchinson River Expressway (and service roads) between Lafayette Avenue and the Proposed Facility. The selected locations are proximate to sensitive receptors (e.g., nearby schools, Ferry Park, etc.) and represent a range of worst-case locations for project-generated mobile source emissions. Traffic data collection will be conducted for the study area intersections and highway segments pursuant to *CEQR Technical Manual* guidelines and in consultation with ODMHEDW and NYCDOT. The study area intersection data collection will include manual turning movement counts, automatic traffic recorder (ATR) machine counts, detailed vehicle classification counts at key intersections, and travel time studies ("speed runs") along key roadway segments during the weekday AM, midday, PM, Saturday midday, and Saturday PM peak hours. The ATR counts will be conducted along key roadways for continuous (9-day) periods during typical (i.e., non-summer) and summer conditions to identify temporal, daily, and seasonal traffic variations in the study area.

Peak hour auto vehicle volumes at the four intersections are expected to exceed the CEQR screening thresholds listed in Chapter 17 Section 210 of the *CEQR Technical Manual*. Heavy-duty diesel vehicle (HDDV) volumes will be calculated after the Travel Demand Factors (TDF) memo is approved by NYCDOT.

We will use the estimated future traffic volumes by vehicle classification on both an hourly and daily basis for a representative weekday and a weekend day for No-Action, With-Action, and With-Mitigation conditions to complete the analysis.

No-Action, With-Action, and With-Mitigation delays will be calculated using speed runs collected for the transportation analysis for existing conditions. Using these calculated delays, emissions factors will be calculated using AP-42 and the latest version of United States Environmental Protection Agency (EPA) Motor Vehicle Emission Simulator or MOVES (version "MOVES4") for the build year. The vehicle fleet composition within MOVES4 will be based on the traffic counts collected by the traffic engineer that will include a breakdown of motorcycles, passenger cars, light duty trucks, buses, single unit short-haul trucks, and combination long-haul trucks and will be normalized using the Bronx County registration data provided by NYSDEC. MOVES4 will be executed on a project scale using Bronx County database files provided by NYSDEC. The resulting emissions factors from MOVES4 along with the hourly traffic volumes will be entered into the EPA-approved AERMOD dispersion modeling program (version 23132) for the No-Action, With-Action, and With-Mitigation scenarios.

Mobile Source – Parking Garage

The Proposed Actions would introduce a large parking facility with capacity for up to 4,660 vehicles, and a parking facility analysis is warranted. The parking garage is expected to be 50 percent open for fresh air and 50 percent enclosed.

For the parking garage assessment, hourly vehicular in/out trips will be obtained from the traffic analysis. Engine emission factors will be computed using the assumed build year. The inputs and use of MOVES4 will incorporate the most current guidance available from NYSDEC and EPA. Any

open parking garages would be modeled as multi-level areas sources and any enclosed parking garages would be modeled as point sources at the location of the exhaust air vents, per NYCDEP guidance.

Potential impacts from mechanically ventilated exhaust vents will be considered in the parking garage analysis. Idle and start emissions will be included as part of the parking garage assessment as well.

Cumulative Roadway and Parking Garage Analysis

A representative digital model of the intersection's geometry will be constructed in AERMOD, and receptors will be placed in the model per CEQR and EPA guidance and as summarized in Table 1 below. We will model the vehicle-generated emissions of the No-Action, With-Action, and With-Mitigation traffic volumes at the identified analysis locations for the respective pollutant averaging periods. Trips will be assigned to each lane and turning movement per the transportation analysis. Receptors will be placed in five rows around the analysis locations (i.e., roads/intersections/driveways) at 25-meter intervals with a 1.8-meter flagpole height. Receptors will also be placed within Ferry Point Park using a receptor grid with 25-meter intervals. Multiple flagpole heights will be used to represent nearby building windows. A summary of the mobile source AERMOD modeling assumptions are provided below:

Table 1: Proposed AERMOD Modeling Assumptions

Data Type	Input Value	Notes
Pollutant	CO (1-hr, 8-hr); NO2 (1-hr, Annual); PM2.5 (24-hr, Annual); PM10 (24-hr)	--
Source	LINE	The three intersections and the parking garage will be modeled as line sources.
Width of Source	3.3 m	(per lane)
Initial Vertical Dimension	2.6 m (LDV); 6.8 m (HDV)	The combined initial vertical dimension will be estimated using an emissions-weighted average (i.e., average of LDV and HDV contribution).
Initial Vertical Dispersion Coefficient	1.2 m (LDV); 3.2 m (HDV)	Initial vertical dimension divided by 2.15.
Release Height	1.3 m (LDV); 3.4 m (HDV)	Initial vertical dimension multiplied by 0.5.
Emission Rate	MOVES-based emission rates (g/s)	Emission factors from AP-42 will be used for road dust.
Urban/Rural	Urban	--
Receptors	5-105 m away from roads (25-m intervals)	Five rows of receptors around the project following the boundaries of the project area (i.e., roads/intersections). Receptors will be placed further than 105 meters from roadways if mobile source impact is predicted at that distance.

Data Type	Input Value	Notes
	1.8 m flagpole height	Multiple flagpole heights will be used for nearby multi-story buildings.
Met Data	Most recent 5 years available (excluding years influenced by COVID-19)	LaGuardia Airport / Brookhaven (obtained from NYSDEC)
PM2.5 and CO Methodology	MOVES-based emission rates (g/s)	PM2.5 will be assessed using emission rates and volumes based on time periods (AM, midday, PM, and overnight) and four seasons (January, April, July, and October) for 24-hour and annual PM2.5 assessments. 1-hr CO will be assessed based on peak hour emission rates and volumes using a persistence factor to convert to an 8-hr CO concentration.

The emissions from the garage and roadway sources will be concurrently analyzed. The geometry and projected emissions for the proposed parking garage will be incorporated into the AERMOD model described above and in Table 1, where receptors will be placed along the analysis locations.

Background pollutant concentrations will be obtained from the nearest monitoring station provided in the latest New York State Ambient Air Quality Report published by NYSDEC. The background pollutant concentrations will be summed with the results from AERMOD to determine the likely cumulative pollutant concentrations at the sensitive receptors. Concentrations of pollutants at sensitive receptor locations will be compared against the National Ambient Air Quality Standards (NAAQS) and CEQR *de minimis* criteria. We will summarize results in the Air Quality chapter of the Draft Environmental Impact Statement.

PROJECT-GENERATED CONSTRUCTION SOURCES

Construction is anticipated to occur over a 30-month (2.5-year) duration. Bally's will commit to measures that preclude the potential for significant adverse impacts in lieu of providing a detailed construction air quality assessment for the Proposed Development.

The Development Site is a former landfill that was redeveloped into a golf course with oversight from NYC Parks and NYSDEC. The landfill is capped by fill. A landfill gas control system is installed within the waste layer of the former landfill to monitor the generation of landfill gas. Monitoring at the site overseen by NYC Parks indicates that the landfill gas comprises methane, carbon dioxide, and lesser amounts of nitrogen, oxygen, water vapor, sulfur, hydrogen, and other non-methane organic compounds.

To construct the Proposed Development, a Change of Use Workplan is required from NYSDEC because of a restrictive covenant. Construction would include penetration of the landfill cap. Thus, the Change of Use Workplan will require a Community Air Monitoring Program (CAMP) be implemented to monitor PM and volatile organic compound (VOC) emissions during construction. As described in the Change of Use Work Plan, CAMP will include real-time monitoring for VOCs and PM at the downwind perimeter of each designated work area when ground-intrusive work

is in progress. If readings exceed NAAQS thresholds, work will be stopped, and the source of exceedance will be investigated and addressed before work will be able to continue. CAMP will be overseen by an independent monitor hired at the sole cost of Bally's.

PM is the primary pollutant of concern during earth-moving construction activities. In addition to PM monitoring in the CAMP, construction of the Proposed Development will utilize dust suppression techniques such as on-site watering and use of gravel roads.

To address products of combustion such as CO, NOx, and PM from on-site construction equipment, construction of the Proposed Development will include the following emission reduction measures:

- Fugitive Dust Control Plans: In compliance with the NYC Air Pollution Control Code provisions regarding control of fugitive dust, contractors would be required to use dust suppression measures to reduce dust generation;
- Clean Fuel: Diesel engines will exclusively use ultra-low sulfur diesel (ULSD) to comply with the Rules of the City of New York Title 15, Chapter 14, Section 14-06;
- Restrictions on Vehicle Idling: Idling restrictions would be required to comply with the NYC Administrative Code Title 24, Section 24-163.
- Best Available Technology: Nonroad diesel engines with a power rating of 50 horsepower (hp) or greater will meet the Tier 4 emissions standards, which is considered Best Available Technology (BAT), to comply with the Rules of the City of New York Title 15, Chapter 14, Section 14-02.
- Electric Engines: Construction will minimize the use of diesel engines and prioritize the use of electric engines whenever possible.
- Source Location: To reduce incremental increases in concentrations at sensitive receptors, large emissions sources and activities such as concrete trucks, generators, and large compressors will be located away from nearby sensitive receptors to the extent practical.

Because of the size of the Proposed Development and construction timeline, a mobile source analysis for construction is warranted. The mobile source construction analysis will follow the same guidance as the operational mobile source air quality analysis, per the guidance of the *CEQR Technical Manual*.

CONCLUSION

The Proposed Facility will use electric- or steam-powered heat and hot water systems with a proposed institutional control; therefore, a project-on-existing analysis is not warranted.

There are no registered industrial sources within 400 feet, stationary sources, or large/major sources within 1,000 feet of the Development Site; therefore, a stationary source analysis is not warranted.

The project-generated vehicular traffic would exceed the screening thresholds outlined in Chapter 17, Section 210 of the *CEQR Technical Manual*; therefore, detailed modeling of roadway sources will be analyzed at the intersections of:

- Hutchinson River Parkway service roads and Lafayette Avenue;
- Ring Road, Schley Avenue, and southbound Hutchinson River Parkway service road;
- Ring Road, Hutchinson River Expressway, and the Development Site; and
- Proposed parking garage and garage driveway on the Development Site.

The roadway emissions will be concurrently analyzed along with the emissions from the proposed parking garage. The resulting concentrations at the representative receptors will be compared to the NAAQS and CEQR de minimis criteria.

Because of the emissions control measures that will be implemented for the Proposed Development and NYSDEC oversight through the Change of Use Workplan, a detailed air quality construction analysis of stationary sources is not warranted. However, a detailed air quality construction analysis of mobile sources will be required and will follow the same guidance as the operational mobile source air quality analysis, per the guidance of the *CEQR Technical Manual*.

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Bally's Bronx
Final Scope of Work (FSOW)
Noise Protocol Memorandum

LANGAN

Trinity Consultants | CERAMI | Longman Lindsey

Memorandum

Date: August 9, 2024

To: Department of Environmental Protection

From: Trey Geier / Cerami

CC: Max Stember-Young / Langan Engineering and Environmental Services

Project Name: Bally's Ferry Point – EIS - Noise Protocol

Comments:

The purpose of this memorandum is to outline the noise monitoring and analysis approach for the Bally's Ferry Point EIS project.

Below is a summary of the selected noise monitoring locations and noise monitoring approach to determine existing ambient noise levels at the Project Site. The measured noise levels will be used in the noise analysis to determine what level of building attenuation is necessary to provide acceptable interior noise levels under guidelines set forth by the *2021 CEQR Technical Manual*. Noise levels will be assessed for the existing and future conditions. Project-generated noise sources are anticipated to arise from buildings' mechanical equipment, and noise increases due to the Proposed Actions will be analyzed for project-on-existing effects.

Noise Receptor Locations

Motor-vehicle traffic is likely the dominant noise sources in most of the study area; stationary sources (e.g., building HVAC equipment) also contribute to noise levels.

Proposed noise receptor locations were selected based on the following:

- Location of the Project Site
- Key locations that will allow a projection of worst-case L_{10} noise levels at each of the proposed facades
- Existing land use patterns (e.g., near major roadways, stationary noise sources)

Four receptor sites are proposed for the noise analysis in the study area around the Project Site.

Noise Monitoring/Prediction

Noise measurements will consist of:

Duration	# of Measurements	Notes
24-Hours	3	Bordering the rezoning area
20-Minutes	1	Bordering Ferry Point Park

All 24-hour and 20-minute spot measurements will include peak weekday AM (8AM-9AM), midday (12PM-1PM), PM (4:30PM-5:30PM) traffic periods, as well as a Saturday midday peak period (12PM-1PM). These traffic periods reflect the anticipated peak traffic hours for the proposed project. Figure 1 shows the locations of the four noise receptor sites and Table 1 lists the noise receptor sites, dominant noise sources at each location, the duration of measurements, and receptor locations.

Measurements will be performed using Sound Level Meter (SLM) Type 1 instruments according to ANSI Standard S1.4-1983 (R2006). The SLMs will be field calibrated with a calibrator that has a laboratory calibration date within one year of the date of the measurements. All measurement procedures will be based on the guidelines outlined in ANSI Standard S1.13-2005. Measurements will be taken on days approved by the NYCDOT traffic count calendar and meteorological conditions will be documented.

Noise measurements will include all vehicular traffic, air traffic, and stationary noise sources, and the recommended attenuation levels within the study area will take these sources into account in order to determine acceptable interior noise levels. Pictures will be taken of all monitoring setups in the field. Vehicular traffic counts will only be taken for the 20-minute spots location along Hutchinson River Parkway (Measurement Location 4) and atypical noise sources such as aircraft or stationary noise sources will be noted. A nearby traffic station will be reviewed to obtain Hutchinson River Expressway volumes to conduct noise passenger car equivalent (PCE) calculations.

Construction Noise Evaluation

Construction will be evaluated for impact to surrounding receptors. A construction logistics plan will be provided by the Applicant's construction manager and used to determine the type, location, and duration of various construction equipment. A CadnaA 3D model will be constructed to evaluate the noise levels of the construction equipment and project these levels to receptors, including various locations around the golf course and park, as well as the nearest residential receivers. Noise levels for construction equipment will follow the CEQR Technical Manual, as applicable. Resulting noise levels at receptors will be compared to existing conditions to determine increases, if any, as well as the duration of any increases. Noise attenuation measures, where required, will be coordinated with the construction manager and reflected in the analysis.

E-Designation

The predicted future noise levels, specifically the maximum L_{10} values, will be used to place an E-Designation, as necessary to meet the interior noise requirements of the *CEQR Technical Manual*. In addition to window/wall attenuation requirements, the E-Designation, if warranted, will include a requirement for an alternate means of ventilation so that a closed-window condition can be maintained. Building mechanical systems will be assumed to be designed to meet all applicable noise regulations to avoid producing levels that would result in any significant increase in ambient noise levels.

Noise Receptor Site	Duration	Location
1	24-Hours	Roadway traffic noise at street level set back from the southwest property line at the closest point to Hutchinson River Expressway.
2		Roadway traffic noise, elevated, along the southwest property line at the closest point to Hutchinson River Expressway
3		Roadway traffic noise at street level along the northeast edge of the proposed casino shielded from Hutchinson River Expressway by the existing golf clubhouse.
4	20-Minutes	Roadway traffic noise at street level set back from Hutchinson River Parkway between future access road and Ferry Point Park.

Table 1. Noise Receptor Locations

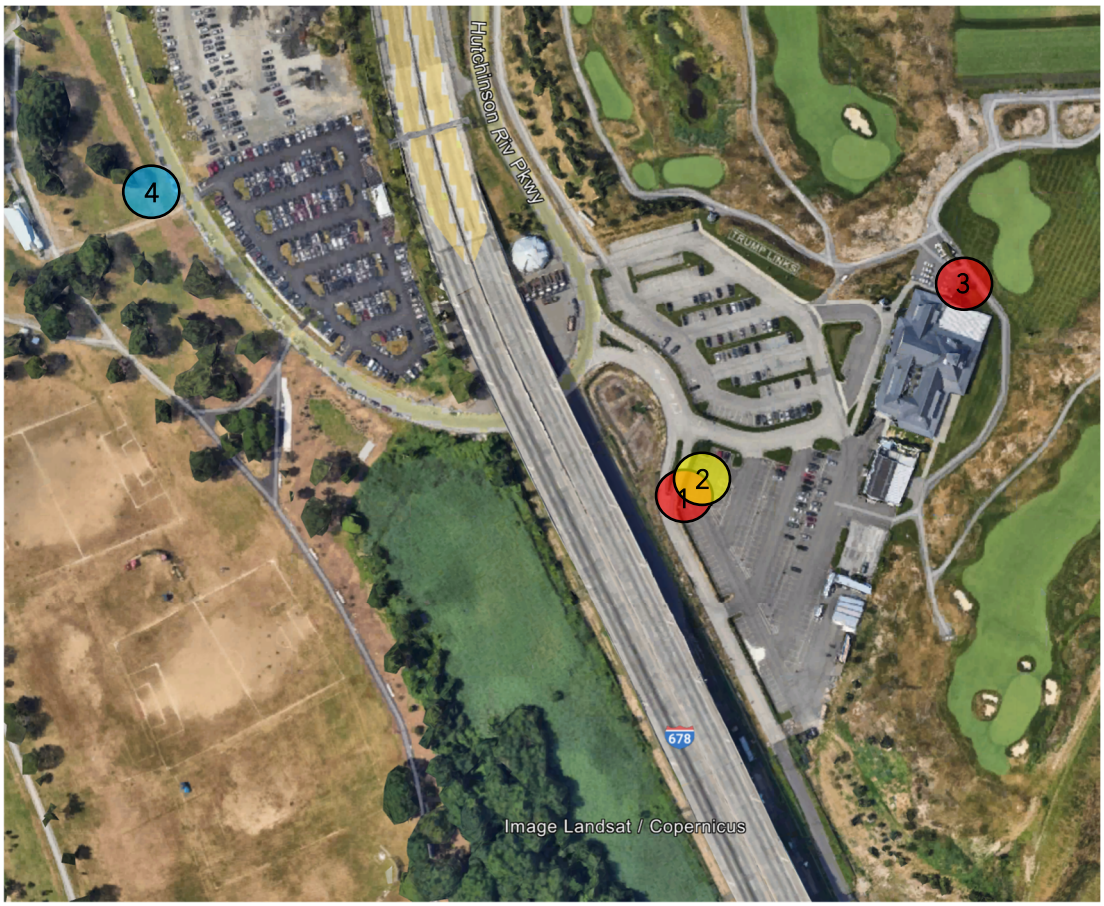


Figure 1. Proposed Monitoring Locations

24-Hour Measurement – Ground Level

24-Hour Measurement – Elevated

20-Minute Measurement – Ground Level