27 RESPONSE TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

27.1 Introduction

This document summarizes and responds to comments on the *Bally's Bronx Draft Environmental Impact Statement* (DEIS), issued on January 17, 2025, 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.

A public meeting was held by the Deputy Mayor for Housing, Economic Development, and Workforce (ODMHEDW), the Lead Agency, on April 23, 2025. The public hearing was accessible in-person (New York City Department of City Planning [DCP] hearing room at 120 Broadway) and remotely through the City's Engage NYC portal. Written comments were accepted through the duration of the public comment period, which was originally scheduled for May 4, 2025. The comment period was extended through May 22, 2025. A Final Environmental Impact Statement (FEIS) was issued on June 6, 2025, incorporating verbal and written comments received on the DEIS where relevant and appropriate.

Section 2 below lists the elected officials, organizations, and individuals that provided relevant comments on the DEIS. Section 3 contains a summary of and response to relevant comments. Comments are organized by subject matter and parallel the chapter structure of the DEIS. The comments 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. Appendix A contains the written comments received on the DEIS and Appendix B contains the transcript from the DEIS public hearing.

27.2 List of Members of the Commission, Organizations, and Individuals who Commented on the Draft Environmental Impact Statement

New York City Planning Commission (CPC)

1. Daniel R. Garodnick, CPC Chair; verbal statement delivered at public meeting.
2. Juan Camilo Osorio, CPC Commissioner; verbal statement delivered at public meeting.
3. Gail Benjamin, CPC Commissioner; verbal statement delivered at public meeting.
4. Orlando Marin, CPC Commissioner; verbal statement delivered at public meeting.
5. Alfred C. Cerullo III, Esq., CPC Commissioner; verbal statement delivered at public meeting.
6. David Gold, Esq., CPC Commissioner; verbal statement delivered at public meeting.

Organizations

7. Karen Argenti, Bronx Council for Environmental Quality; verbal statement delivered at the public meeting and written comment delivered May 22nd, 2025.
8. David Abreu, Save the Sound; verbal statement delivered at the public meeting and written comment delivered May 22nd, 2025.
9. Robert Fanuzzi, Bronx Council for Environmental Quality; verbal statement delivered at public meeting and written comment delivered May 22nd, 2025.
10. Dara Illowsky, Save the Sound; verbal statement delivered at the public meeting and written comment delivered May 22nd, 2025.
11. Lisa Sorin, Bronx Chamber of Commerce; verbal statement delivered at the public meeting.
12. Romario Rodriguez, Union Leader – Hotel and Gaming Council; verbal statement delivered at public meeting.
13. Danielle Campbell, Travel with Chaz; verbal statement delivered at public meeting.
14. Vincent Albanese, New York State (NYS) Laborers International Union North America (LiUNA); verbal statement delivered at public meeting.
15. Aubrey Makhanlall, Empire City Subway Co. Ltd., written comment received on May 20th, 2025.
16. Allison C. de Cerreño, Metropolitan Transportation Authority (MTA) Bridges and Tunnels, written comment received May 16th, 2025.

Other Interested Public

17. Eddie Marerro; verbal statement delivered at public meeting and written comment April 23rd, 2025.

18. Marcus Payne; verbal statement delivered at public meeting.
19. Lauren Patterson; verbal statement delivered at public meeting.
20. Elisa Toapha, written comment dated April 19th, 2025.
21. Jose Santos, written comment dated April 21st, 2025.
22. Steve and Theresa Hudec, written comment dated April 21st, 2025.
23. Frank Toapha, written comment dated April 21st, 2025.
24. Lidia Corridi, written comment dated April 21st, 2025.
25. Jennifer Valentine, written comment dated May 6th, 2025, and May 19th, 2025.
26. Frederick Ramftl, written comments dated May 6th, 2025.
27. Dominico Pizzo, written comment dated May 7th, 2025.
28. Stuart Sorell, written comment dated May 7th, 2025.
29. E. Sterling, written comment dated May 7th, 2025.
30. C. Swet, written comment dated May 7th, 2025.
31. Thomas Buehler, written comment dated May 7th, 2025, and May 10th, 2025.
32. Maria Barresi, written comment dated May 11th, 2025.

27.3 Comments and Responses on the Draft Environmental Impact Statement

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

Executive Summary and Project Description

Comment 1: **I support or oppose this project or aspects of the project (7, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32)**

Response 1: Comment noted.

Comment 2: **The Proposed Development would be beneficial to the neighborhood and for the Bronx. (11, 12, 13, 18, 19, 20, 21, 22, 23, 24)**

Response 2: Comment noted.

Comment 3: **Bally's has shown a clear commitment to aligning its goals with the needs of the community. (11, 13)**

Response 3: Comment noted.

Comment 4: **The Proposed Facility would provide other cultural and leisure opportunities that would be beneficial to the Bronx. (11)**

Response 4: Comment noted.

Comment 5: The ULURP application and DEIS do not mention parkland alienation. How does rezoning work if parkland does not have zoning? (7, 9)

Response 5: Chapter 1 of the DEIS, "Project Description" contains 24 mentions of "alienation," "alienate," or "alienated." Other mentions of alienation are included in the DEIS, including Chapter 5 of the DEIS, "Open Space." The DEIS and Uniform Land Use Review Procedure (ULURP) application list three proposed actions related to the alienation of parkland. The alienation process is described on pages 1-5, 1-10, and 1-11 in Chapter 1 of the DEIS, "Project Description." The FEIS will continue to describe the alienation process.

The parkland is mapped over an existing zoning district. As part of the Proposed Actions, described in Chapter 1, "Project Description," State Legislation and Governor's Approval to authorize the alienation and disposition of parkland within Ferry Point Park is required. Next, a City Map Amendment would be required to demap a portion of the Development Site as parkland to remove Ring Road and the Disposition Parcel from Ferry Point Park on the City Map. A disposition of City-owned real property is needed to transfer ownership of the Disposition Parcel from the City to Bally's. Further, a Zoning Map Amendment is required to designate existing parkland as a C8-4 commercial zoning district, a district where gaming facilities are an as-of-right use pursuant to NYC Zoning Resolution Sections 32-10 (32-18, 32-181, 32-183).

Comment 6: The changes sought by the ULURP application cannot occur until and unless the Development Site is no longer parkland, and it cannot be alienated until the City of New York has provided the fair market value with which to establish the alienation agreement. (7, 8, 9, 10)

Response 6: Comment noted. Determining the fair market value of the Development Site is outside of the scope of CEQR.

Comment 7: The parkland replacement proposed has not been vetted or audited for the accuracy of "fair market value." (7, 9)

Response 7: Bally's and NYC Parks are engaged in discussions regarding replacement parkland and potential park improvements, as well as the possibility for Bally's to make financial payments to a fund established by NYC Parks, are the subject of ongoing discussions between Bally's and NYC Parks. The Department of Citywide Administrative Services (DCAS) will determine the value of the subject parkland. Bally's submitted a request for valuation to DCAS, which is pending. DCAS will ultimately determine the valuation of this parkland in accordance with the applicable laws, rules, regulations and appraisal methodologies utilized by DCAS and its outside appraisers.

Comment 8: The fair market value should be based on an appraisal from an unbiased expert selected by NYC Parks and paid for by Bally's. (8, 10)

Response 8: See response to Comment 7 above.

Comment 9: Bally's should commit to reach the independently assessed fair market value threshold with at least a dollar-for-dollar funding for improvements to Ferry Point Park or other parkland within the communities most impacted by the casino complex. (8, 10)

Response 9: See response to Comment 7 above.

Comment 10: There should be clear binding commitments specifically identifying substitute parkland and capital improvement projects Bally's intends to pursue. (10)

Response 10: Determining binding commitments is outside the scope of the EIS. Bally's will comply with all legal requirements, including those set forth in the Alienation Legislation, related to its acquisition of parkland. Once DCAS has established the value of the subject parkland and NYC Parks has determined what combination of replacement parkland, parkland improvements, and payment is preferred, Bally's will enter into appropriate agreements with the City and its agencies.

Comment 11: Replacement parkland or funding for parkland improvements should be additive, and not simply providing private funding for projects the City was already planning to complete. (8, 10)

Response 11: Comment noted.

Comment 12: What is the net difference in parkland with this project and what is the 15.7 acres used for currently? (1, 5, 7, 9)

Response 12: As described on page 1-10 of Chapter 1 of the DEIS, "Project Description," approximately 15.73 acres of parkland would be alienated and disposed by the City to Bally's to allow construction of the Proposed Facility. Between Draft and Final EIS, the boundaries of the Disposition Parcel were refined, and the acreage was reduced to 15.71 acres. The 15.71 acres proposed to be alienated and disposed of by the City currently contains approximately 31,000 sf of buildings, approximately 231,000 sf of parking lot or paved walkways, and approximately 423,000 sf of landscaping.

As described on pages 1-11, 1-12, and 1-13 in Chapter 1 of the DEIS, "Project Description," Ring Road is a park roadway with a footprint of approximately 2.41 acres. The Proposed Development would remove approximately 4.10 acres from Ferry Point Park for a newly constructed Ring Road, which would be transferred from NYC Parks to the New York City Department of Transportation (NYCDOT).With the Proposed Actions, the approximately 2.41-acre roadbed would be widened and converted to an approximately 4.10-acre NYCDOT mapped street. The greater roadway acreage reflects an improved Ring Road, with wider lanes, buffers and a bike path.

The DEIS also notes on page 1-11 that the 1.45 acres that comprise the Waterfront Access Roadway would be alienated but remain under NYC Parks ownership and a part of the Park. Therefore, the EIS analyzes the alienated area – 21.26 acres – but only 19.81 acres are proposed to be removed from the Park.

Comment 13: The DEIS fails to clearly communicate exactly how much parkland Bally's proposes to alienate. The DEIS mentions the Disposition Parcel and the Waterfront Access Roadway, and also mentions 12 acres would be alienated within the Open Space chapter. (8, 10)

Response 13: See response to comment 12 above. 15.71 acres of parkland currently used for the existing golf clubhouse, golf course parking and landscaping would be alienated and disposed to Bally's for the development of the gaming facility. 1.45 acres would be alienated to allow for non-park use by Bally's and the public, but the City will not dispose of this property and it will remain NYC Parks property. 4.10 acres would be alienated and transferred from NYC Parks jurisdiction to NYCDOT jurisdiction to facilitate the construction of an improved roadway where the existing park roadway currently sits.

Chapter 5 of the FEIS, "Open Space" notes that of the 15.71 acres proposed to be alienated and removed from the Park, 11.98 acres are classified as "open space" for purposes of the Open Space analysis (the remaining 3.73 acres are surface parking lot and are not considered open space for CEQR purposes).

Comment 14: The DEIS does not explain how Bally's will mitigate the loss of at least 17 acres of Bronx parkland from the public domain. The DEIS does not elaborate on where replacement parkland or funding for park improvements will go. There is no "replacing" Ferry Point Park. (8, 10)

Response 14: Chapter 5 of the FEIS, "Open Space," includes further detail on potential replacement parkland, park funding and park improvements. The FEIS notes that between the Hutchinson River Expressway southbound service road and the Waterfront Access Roadway, a two-way protected bike lane is planned along the exterior of Ring Road, outside the mapped limits of Ring Road and in the Park. The size of, and programming for, the bike lane and additional park improvements would be coordinated between NYC Parks and Bally's. Programming may also be coordinated with NYCDOT.

In connection with the requirements of the proposed parkland alienation legislation, potential parkland improvements and replacement parkland options have been submitted to NYC Parks for consideration. The measures proposed include:

1. Improvements to Ferry Point Park and/or other Bronx parks to be undertaken by either NYC Parks or Bally's;
2. Dedication of replacement parkland in Bronx Community District 10; and/or
3. A financial payment to NYC Parks.

Potential improvements to Ferry Point Park could include, but are not limited to, a formal pedestrian connection along the waterfront beneath the Whitestone Bridge to connect existing shoreline walkways on the east and west side of the park, new bathrooms, improvements to the existing soccer and cricket fields, adding a 9/11 memorial, additional Park lighting, and removing overgrowth within the Park. In the alternative or in addition to these improvements, two parcels in Bronx Community District 10 totaling approximately seven acres may be transferred from Bally's to NYC Parks as replacement parkland. Additional park improvements in other public parks in the Bronx may also be developed by Bally's, or funded by Bally's and improved by NYC Parks. Bally's and NYC Parks are currently developing the scope and location of these improvements.

Comment 15: The replacement parkland suggested by Bally's does not adequately balance the loss of unique waterfront land and does not equate to the loss of parkland for the public and nearby residences (8, 10).

Response 15: Comment noted. No waterfront areas are proposed to be removed from the Park. See responses to comments 12 and 14.

Comment 16: Public parkland should benefit the general public, not private corporations. (10, 32)

Response 16: Comment noted.

Comment 17: How much is the public relying on the Development Site for recreational purposes? (7, 9)

Response 17: See response to comment 12. The Development Site contains approximately 31,000 sf of buildings, approximately 231,000 sf of paved walkways, and approximately 423,000 sf of landscaping. These areas are within the east side of Ferry Point Park within the licensed

premises of the Golf Course. All of these uses support golfers and the Golf Course. The Development Site does not include any of the Golf Course's 18 holes. The core recreational facilities within the west side of the Park such as the sports fields, barbecuing areas, and dog-friendly areas would remain as-is with the Proposed Development.

Comment 18: Will new replacement parkland be proposed, and if so, where would it be? (7)

Response 18: See response to comment 14.

Comment 19: Will the new, replacement parkland serve visitors that currently attend the parkland expected to be alienated? (7)

Response 19: The existing parkland that would be alienated and removed from parkland is primarily accessory to the Golf Course (parking lot, landscaping, practice area, walking paths) and the existing park roadway (Ring Road), as described in Chapter 1 of the DEIS, "Project Description." A replacement golf clubhouse would be reconstructed on what would remain part of the Park and the Golf Course. The displaced parking and golf practice area would also be replaced with comparable facilities on the Development Site or Golf Course. As noted in Chapter 22 of the FEIS, "Mitigation," the putting practice area between the teeing area of hole 1 and golf clubhouse would be enlarged and a new chipping area would be developed between the driving range and hole 10. If selected by NYC Parks, the replacement parkland and parkland improvements will be primarily within the same community district and neighborhood in which the subject parkland is located, although parkland improvements at other locations outside of the community district, and the use of parkland replacement and improvement funds paid by Bally's in connection with the alienation, may be allocated by NYC Parks in accordance with applicable laws, rules and regulations.

Comment 20: This project should have some benefit to the public, not just the Golf Course. (3)

Response 20: See response to comment 14. Bally's plans to implement a community benefits commitment, which includes offering fully unionized labor with competitive pay and benefits, upgrades to the surrounding transportation network (as described in the DEIS), a New York City Police Department substation within the Proposed Facility, and Community Benefits Agreement (CBA) that would benefit several stakeholders. The CBA could support schools, Parent-Teacher Associations, community housing, and mental health and substance abuse programs. The taxes and fees generated both directly and indirectly by the Proposed Facility would also result in benefits to the public.

Comment 21: Is there a rendering of the potential bike path connecting the east and west sides of Ferry Point Park? (3)

Response 21: A rendering of the potential bike path is provided in Chapter 8 of the FEIS, "Urban Design and Visual Resources."

Comment 22: Will any of the park improvements occur if the license is not awarded to Bally's? (3)

Response 22: No.

Comment 23: Provide a rendering from Harding Avenue showing how trees would likely prevent any view of the casino from the neighborhood east of the Development Site. (4)

Response 23: A rendering from Harding Avenue showing how trees would prevent views of the Proposed Facility is provided in Chapter 8 of the FEIS, "Urban Design and Visual Resources."

Comment 24: The Proposed Facility is anticipated to be a 24-hour facility? (6)

Response 24: Yes, as noted in Chapter 13 of the DEIS, "Energy," the Proposed Facility would be open 24 hours a day.

Comment 25: What is the expected date to build and complete the Proposed Development? (6)

Response 25: As described on page 1-32 in Chapter 1 of the DEIS, "Projected Description," the construction of the Proposed Development is expected to start in 2027 and be operational before the end of 2030. An illustrative construction schedule is also provided in Chapter 20 of the DEIS.

Comment 26: Why would Ring Road be mapped as an NYCDOT Street? (1,5)

Response 26: Page 1-6 Chapter 1 of the DEIS, "Project Description," notes that Ring Road would be mapped as a City Street to: 1) support the recommendations of the *Hutchinson River Parkway Transportation Corridor Study* published by DCP in 2015; 2) to accommodate vehicles, cyclists, and pedestrians; and 3) to install new stormwater infrastructure to minimize the potential for flooding during larger storm events. As noted on Page 1-28, Bally's would fund and/or construct these improvements to Ring Road.

Comment 27: Why is it better that Ring Road be mapped as an NYCDOT road rather than an NYC Parks road? (1)

Response 27: See Response 26.

Comment 28: Will there be any private roadways as a part of the Proposed Development? (5)

Response 28: No private roads are proposed. The main access to the Proposed Facility would be through a private driveway that is accessed from Ring Road.

Comment 29: Would the transition from park roadway to NYCDOT mapped street occur if Bally's is not awarded the license? (6)

Response 29: No.

Comment 30: The Proposed Project will not help local residents. It will only increase crime. (28)

Response 30: See response to Comment 20. Changes in crime rates due to development is beyond the scope of CEQR.

As noted in Chapter 4 of the DEIS "Community Facilities and Services," Bally's plans to employ on-site security personnel and have 24-hour security surveillance. Security personnel would oversee operations on-site and maintain and organize security camera recordings. 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.

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 also provide enhanced access to the Development Site during emergencies.

Comment 31: Casinos lower property values and displace people. (29)

Response 31: As noted in Chapter 3 of the DEIS "Socioeconomic Conditions," the Proposed Actions would not directly displace residents nor introduce new residential units. Therefore, a residential displacement analysis was not required per CEQR.

Changes to property values are beyond the scope of CEQR.

Comment 32: I oppose any changes and variations to existing park regulations. (31)

Response 32: Comment noted. The regulation of parkland will remain in the discretion of NYC Parks. Upon transfer to NYCDOT, Ring Road would be regulated in accordance with applicable law and NYCDOT's standards, rules and regulations. Upon transfer to Bally's, the Development Site will be subject operated in accordance with applicable laws, rules and regulations, including, without limitation, those of the City of New York and the New York State Gaming Commission

Comment 33: This is a residential area, not an entertainment district. (32)

Response 33: Comment noted. As noted on page 2-3 in Chapter 2 of the DEIS, "Land Use, Public Policy, and Zoning," the study area comprises commercial, industrial, park, and residential uses.

Comment 34: The Project will erode the character and peace of the nearby neighborhoods such as Country Club and Throggs Neck. (32)

Response 34: As noted on pages 19-2 through 19-5 of Chapter 19 of the DEIS, "Neighborhood Character," the Proposed Actions would not result in significant adverse impacts on neighborhood character. The Proposed Development would not alter current land uses beyond the Development Site. On page 19-3 of the *CEQR Technical Manual*, a change of 3 dB(A) is just noticeable. The incremental noise from the Proposed Facility would not exceed this threshold at a tax lot outside of the Park and would not result in a significant adverse noise impact to the nearby residential neighborhoods.

Comment 35: Repurposing parkland for private use sets a dangerous/negative precedent. (31, 32)

Response 35: Comment noted.

Comment 36: The Bronx needs more public green space and access to the Long Island Sound, not less. (25)

Response 36: Comment noted.

Comment 37: The DEIS is extremely difficult to navigate, confuses the reader, and includes unnecessarily cumbersome lingo and project descriptions, and buries important public safety information in a lengthy and unusable appendix. This substantially interferes with the public's ability to meaningfully participate in the CEQR or ULURP processes. The DEIS therefore doesn't satisfy CEQR or SEQR requirements. (8, 10)

Response 37: The format of the EIS follows the structure recommended in Chapter 1, Section 242 of the *CEQR Technical Manual*. The chapters and appendices comprising the DEIS were reviewed by the Lead Agency and the relevant involved agencies, who all deemed the DEIS and its individual chapters suitable for publication.

The Draft Scope of Work was published on May 22nd, 2024, and a public hearing on the Draft Scope of Work occurred on June 25th, 2024. A written comment period was available for the public to make comments until July 12th, 2024. The DEIS was published on January 17th, 2025 and a DEIS public hearing occurred on April 23rd, 2025. The comment period for the DEIS was extended from May 4th, 2025 to May 22nd, 2025. The FEIS included meaningful participation for the public to review and comment.

Comment 38: The DEIS does not explain why the replacement Golf Clubhouse would be larger than the existing one. (8, 10)

Response 38: As noted in Chapter 1 of the DEIS, "Project Description," the replacement golf clubhouse would include enhanced services for users of the public golf course and patrons.

Additional space would allow for enhanced amenity spaces for golfers and include an event space and terrace overlooking the course from the second and third floors. The proposed golf clubhouse was designed with input from NYC Parks.

Comment 39: The extension and modification of the Golf Course concession license is not germane to the Proposed Development's purpose and is a separate action that should be left to NYC Parks to decide after the license has expired in 2035. (8, 10)

Response 39: Comment noted.

Comment 40: Appendices G and F of the DEIS are extremely long and neither of these documents have a table of contents. Much of Appendix F is not text searchable. (8, 10)

Response 40: Appendix G and F of the FEIS will include bookmark features that will allow users to more easily search the document. Note that some software may offer an option to search text, while others may not. This is entirely dependent on the capabilities of the software used.

Comment 41: The DEIS overcomplicates things by having too many shorthand words for different combinations of project elements. (8, 10)

Response 41: Comment noted. The DEIS uses language and terminology that is standard for environmental review in New York City and New York State and that is consistent with the *CEQR Technical Manual*.

Comment 42: The DEIS should identify and analyze a potential NYCDOT Wetland Mitigation project located south of the Development Site. Wetlands can assist in stormwater mitigation and a solution such as this should be considered as well. (8, 10)

Response 42: The NYCDOT Wetland Mitigation project was identified as a project being pursued by NYCDOT that is occurring independent of the Proposed Actions and the Proposed Development, as noted on DEIS pages 2-14, 5-20, 6-4, among other locations. The Proposed Development would not direct stormwater to this potential future wetland and the Proposed Development would not substantively inhibit NYCDOT's ability to construct the wetland.

Land Use, Zoning, and Public Policy

Comment 43: The DEIS does not state the size of the Proposed Rezoning Area or explain its purpose. The DEIS does not explain how much additional parkland would be alienated for the Proposed Rezoning Area. (8, 10)

Response 43: As noted in Chapter 2 of the DEIS, "Land Use, Zoning, and Public Policy," the Proposed Rezoning Area is defined by a line 2,870 feet north of the U.S. Pierhead and Bulkhead Line south of Ferry Point Park to the north, a line 1,390 northwest of the U.S. Pierhead and Bulkhead Line to the south, a line 950 feet west of Emerson Avenue to the east, and a line 2,250 feet west of Emerson Avenue to the west. The Proposed Rezoning Area boundary was determined in consultation with the Lead Agency and DCP. The total area of the Proposed Rezoning Area is approximately 1,347,700 sf.

The Proposed Rezoning Area would not change the acreage of parkland alienated for the Proposed Development.

Comment 44: The Proposed Rezoning Area stretching beyond the Development Site opens the door for future expansion of private development within the Park. (8, 10)

Response 44: There is an existing zoning district mapped beneath Ferry Point Park (and most NYC parks); the existence of an underlying zoning district does not authorize non-park use or private development. The only property within the Proposed Rezoning Area that has been authorized for alienation and disposition is the Disposition Parcel.

Comment 45: How far is the Proposed Facility from the velocity zone and what would be the impact of storm surge? (2)

Response 45: The Waterfront Revitalization Program Consistency Assessment provided in Appendix A of the DEIS shows the nearest flood zone subject to wave-action. The nearest wave-action zone is over 200 feet southeast of the Proposed Facility.

Comment 46: Are there cross-sections of the Proposed Facility in comparison to future sea-level rise and the previous Sandy Superstorm water levels? (2)

Response 46: A graphic showing the projected one percent-annual-chance hazard area in 2100 was provided in the Waterfront Revitalization Program Consistency Assessment, which is included in Appendix A of the DEIS. A graphic showing the Superstorm Sandy inundation limits is in Chapter 16 of the FEIS, "Greenhouse Gas Emissions and Climate Change."

Socioeconomic Conditions

Comment 47: The Proposed Development would bring jobs, provide economic vitality to the Bronx, and provide other economic benefits. (11, 12, 13, 14, 17, 19)

Response 47: Comment noted.

Comment 48: If developed, the Proposed Facility would be one of the largest employers in the Bronx, and citizens need access to benefits and well-paying jobs. (12, 13, 14, 17)

Response 48: Comment noted.

Comment 49: The Proposed Facility would provide significant tax dollars that could fund schools and other public improvements. (17)

Response 49: Commented noted.

Community Facilities and Services

Comment 50: Bally's has proven to be a good neighbor by providing shuttle buses and supporting Preston High School. (17, 18, 20, 22, 23)

Response 50: Comment noted.

Comment 51: Bally's community benefits commitment would support the Bronx community for many years. (18)

Response 51: Comment noted.

Open Space

Comment 52: The DEIS does not adequately analyze the loss of parkland. (8, 9, 10)

Response 52: Comment noted. Please also see response to Comments 5-16, above. The loss of parkland is described in Chapter 5 of the DEIS, "Open Space." Per *CEQR Technical Manual* Chapter 7 Section 343, to assess the adequacy of open space, the environmental review for the proposed actions should calculate the open space ratio, both active and passive, for both residential and non-residential populations. The EIS calculated the open space ratio, both active and passive, for both residential and non-residential populations.

Comment 53: Save the Sound objects to the renewal of the Bally's license as part of the Proposed Actions. The license is set to expire in 2035. This community and NYC Parks could envision alternatives such as family-friendly uses of this park space after the license expires. (10)

Response 53: Comment noted. Potential Park improvements, as listed in response to Comment 14, include several family-friendly uses of the Park space.

Comment 54: Are there adequate recreational activities within the municipality if the parkland is alienated? (7)

Response 54: The Proposed Actions will not result in the removal of any recreational activities within the Park. Further, Chapter 5 of the DEIS, "Open Space," analyzed the adequacy of open space on the Development Site and within the study area per CEQR methodologies and determined that the Proposed Development would not result in a significant adverse open space impact (passive or active), as defined by the *CEQR Technical Manual*.

Comment 55: Bally's must request jurisdictional determination from NYSDEC regarding the freshwater wetland near Ring Road and potentially apply for a wetlands permit. The DEIS should also include any coordination with the United States Army Corps of Engineers (USACE) if there are any wetlands subject to USACE. (8, 10)

Response 55: As noted in Chapter 9 of the DEIS, "Natural Resources," one freshwater wetland was delineated immediately south of Ring Road. This wetland is not anticipated to be regulated by NYSDEC pursuant to § 24-0107 of the NYSDEC Freshwater Wetlands Act but may be regulated by USACE pursuant to Section 404 of the Clean Water Act.[1] No direct disturbance is proposed in the freshwater wetland located to the south of Ring Road.

Urban Design and Visual Resources

Comment 56: The physical structure of the Proposed Development would interfere with the enjoyment of the iconic views within Ferry Point Park. (8, 10)

Response 56: As discussed in Chapter 8 of the DEIS, "Urban Design and Visual Resources," while the Proposed Development would be visible to pedestrians from certain locations in the west side of the Park, views of visual resources within the area including the Whitestone Bridge, East River, Westchester Creek, and Manhattan and Queens skylines from the west side of

[1] As of January 1, 2025, NYSDEC will regulate certain urban freshwater wetlands if they meet one of NYSDEC's 11 newly established criteria. Currently, this freshwater wetland is regulated exclusively by USACE and there is no regulated buffer area. If NYSDEC asserts jurisdiction over this wetland and its adjacent areas, the expansion of Ring Road would be subject to permitting requirements for freshwater wetland adjacent areas, which might include additional measures to protect the wetland, if deemed necessary by NYSDEC.

the Park would not be obstructed by the Proposed Development. Chapter 8 of the DEIS, "Urban Design and Visual Resources," also provides representations of views from the Golf Course. From areas of the Park east of the Whitestone Bridge, views of the Manhattan skyline are severely limited.

Comment 57: Bally's should provide realistic visual representations of many different views around Ferry Point Park to compare a "before and after" scenario. These visual representations should be offered for multiple seasons. (8, 10)

Response 57: Chapter 8 of the FEIS, "Urban Design and Visual Resources" provides representations of the No-Action and With-Action conditions to compare the changes in views from the pedestrian level. Seasonal differences would not significantly change many of the views of the Proposed Development due to the lack of trees in and around the Golf Course; however, page 8-49 provides a view of the Proposed Facility from the east during the winter season. Conifer trees have been planted along the edge of the Golf Course to minimize views to the Development Site from areas outside of the Park. An additional view along Harding Avenue was included in the FEIS to show the potential pedestrian view when the conifer trees at the eastern edge of the Park are further matured.

Natural Resources

Comment 58: Impacts to wildlife would diminish recreational opportunities such as birding or wildlife-watching. (8, 10)

Response 58: As noted previously in response to Comment 12, the existing 15.71 acres that comprise the Disposition Parcel currently contains approximately 31,000 sf of buildings, approximately 231,000 sf of parking lot or paved walkways, and approximately 423,000 sf of landscaping. In both the No-Action and With-Action conditions, the Development Site would be mostly comprised of paved surfaces, buildings, and landscaped areas accessory to the Golf Course. Ring Road would constitute an active roadway in either condition. The majority of the Golf Course and existing vegetated parkland to the west and south of Ring Road and along the East River would generally remain undisturbed by the Proposed Development.

As noted in Chapter 9 of the DEIS, "Natural Resources," the Proposed Actions are not anticipated to result in significant adverse impacts to wildlife. Passive recreational activities such as birding would continue to be available from Ferry Point Park, including along the Park's existing waterfront areas. Further, as noted in Chapter 9 of the DEIS, "Natural Resources," the Proposed Actions would adhere to Local Law 15 of 2020, which requires buildings be constructed to bird-friendly design requirements.

Comment 59: The New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP) may reclassify the East River through a Use Attainability Analysis because of requirements of the Clean Water Act. (7, 9)

Response 59: Comment Noted.

Comment 60: The DEIS does not adequately address potential adverse impacts to wildlife. It does not justify the two-day bird survey or explain how building and site design would minimize bird collisions. (8, 10)

Response 60: See response to comment 57. As described in Chapter 9 of the EIS, the Development Site is mostly a paved parking lot and internal access drives, existing buildings, paved walking

paths and a practice driving range consisting of maintained lawn areas and sand traps. The southern portion of the Development Site includes an area of landscaped meadow with scattered low trees and an area of gravel-covered surface. Landscape areas and a vegetated stormwater basin are also present onsite. To the south and southeast of the Development Site are vegetated drainage swales and paved walking paths and grassy slopes. Additionally, habitat within Ring Road generally comprises an active paved roadway, portions below the Whitestone Bridge, and adjoining landscaped areas. Chapter 11, Section 150 of the *CEQR Technical Manual* defines "significant, sensitive, or designated resources," which include "protected species." The DEIS analyzed protected wildlife species beginning on page 9-21 of the DEIS. As noted in Chapter 9 of the DEIS, "Natural Resources," field surveys did not identify any state- or federally-listed threatened or endangered species, or U.S. Fish and Wildlife Service (USFWS)-listed Birds of Conservation Concern on the Development Site. Because of the size of Ferry Point Park and space for similar habitat nearby, wildlife currently using the Development Site or Ring Road would have access to similar, nearby habitat when development commences. Alteration of habitat within the area is therefore not anticipated to have a significant adverse impact on local populations of terrestrial wildlife.

Further, as noted in Chapter 9 of the DEIS, "Natural Resources" and in the Final Scope of Work, CEQR requires a two-season bird survey (*CEQR Technical Manual* page 11-13). Field scientists performed this bird survey on 22 May 2024 and 9 October 2024 in accordance with CEQR requirements. As noted on page 9-17 of the DEIS, the times were selected based on the Probability of Presence Summary for migratory birds generated by the USFWS Information for Planning and Consultation System for the Development Site and Ring Road. The selected months maximize the number of bird species potentially present in the Study Area during the spring and fall site visits.

Chapter 1 of the DEIS, "Project Description" also notes that the Proposed Actions would adhere to Local Law 15 of 2020, which requires buildings be constructed to bird-friendly design requirements.

Comment 61: The Development Site is located in the Atlantic Flyway. The DEIS makes no commitments or plans to ensure bird collisions with buildings are minimized or avoided. (8, 10)

Response 61: As noted in Chapter 1 of the DEIS, "Project Description," new buildings would comply with Local Law 15 of 2020, which requires buildings be constructed to bird-friendly design requirements.

Comment 62: Disturbing habitat makes wildlife stressed and therefore less capable of successfully competing with pre-existing populations in adjoining areas. (8, 10)

Response 62: Comment noted. As noted in Chapter 9 of the DEIS, "Natural Resources," the Development Site primarily comprises a surface parking lot, buildings, and landscaped areas within a Golf Course.

Comment 63: The DEIS claims that there is a lack of terrestrial wildlife, based not on actual surveys of what mammals, reptiles, or amphibians are present, but rather an NYC Parks website, which is not specific to Ferry Point Park. (8, 11)

Response 63: Section 150 of Chapter 11 of the *CEQR Technical Manual* notes the "significant, sensitive, or designated" natural resources. While "protected species" are noted in this section, general wildlife is not. As stated in Section 322 of Chapter 11 of the *CEQR Technical Manual*, "Discussion and substantive input from managing and associated agencies early

in the process is required to clearly define the level of investigation expected for field reconnaissance." Here, and in accordance with this guidance, NYC Parks and NYCDEP reviewed and approved the Final Scope of Work which included the scope of the investigation/survey..

An NYC Parks website was used to list common species present in NYC Parks. The ability and likelihood of the Development Site to support significant populations of these species, however, was based primarily on an in-person characterization of habitat onsite. This is consistent with the guidance in Section 322 of Chapter 11 of the *CEQR Technical Manual*, which states, "The presence or absence of a resource may be assumed, based on landscaped features, without field verification; however, if the resource is sufficiently critical, such as the probable presence of a state and federally endangered species or a unique wetland habitat, then a higher level of investigation may be required." This is also consistent with Section 323.2 of Chapter 11 of the *CEQR Technical Manual*, which states, "General characterizations about animals on a site can be made from either knowledge about the site's available habitat or literature documenting animal species in an area."

Furthermore, site-specific consultations with the United States Fish and Wildlife Service, the NYSDEC, and the National Oceanic and Atmospheric Administration were performed to identify potential protected species in the Study Area, as provided in Appendix E of the DEIS. A species-specific habitat suitability assessment was performed for each protected species identified as possibly present on or in the vicinity of the Development Site. This included an assessment of all trees within the Development Site and along Ring Road for suitable habitat for protected bat species, as discussed on pages 9-22 through 9-24 of the DEIS.

Finally, limited wildlife surveys were performed onsite in accordance with the Final Scope of Work. These included a two-season bird survey performed in eight locations within and adjacent to the Development Site, which were located to be generally representative of the major land cover types present within the Study Area, as discussed on pages 9-17 through 9-19 of the DEIS. The surveys also included a structural survey for bats performed on the Bronx Whitestone Bridge in the vicinity of proposed work, discussed on page 9-25 of the DEIS.

Comment 64: The FEIS must be updated to reflect current freshwater wetland regulations and NYSDEC jurisdiction. Bally's must request a jurisdictional determination from NYSDEC. The DEIS should also include any coordination with the United States Army Corps of Engineers (USACE) if there are any wetlands subject to USACE. (8, 10)

Response 64: The FEIS has been updated to reflect the freshwater wetland rules adopted by NYSDEC on January 1, 2025. No direct disturbance is proposed in the freshwater wetland located to the south of Ring Road. USACE or NYSDEC may assert jurisdiction over the wetland, which would be confirmed through the jurisdictional determination process. If NYSDEC asserts jurisdiction over this wetland and dependent on the final design of Ring Road, a freshwater wetlands permit would be sought.

Hazardous Materials

Comment 65: Ground intrusion of the landfill cap should have additional analysis because of the potential leaching of environmental hazards such as the release of methane gas. (8, 32)

Response 65: The potential for the release of methane gas has been thoroughly analyzed for over a decade as documented in the Post Construction Custodial Care Plan (PCCCP) and the Semi-Annual Post-Closure Certification Reports (which was attached to the DEIS in Appendix F). The former landfill is equipped with environmental protection systems that were approved by the NYSDEC that are regularly monitored and maintained by NYC Parks in accordance with NYSDEC regulations, including biennial soil gas and groundwater sampling. No further monitoring has been warranted or requested by NYSDEC to date. Future ground intrusive work will be done in conformance with the Change of Use Work Plan, which has been conditionally approved by the NYSDEC. The new Post Construction Custodial Care Plan and the Declarations of Covenants and Restrictions would provide for monitoring methane after construction is complete on the Development Site. The existing PCCCP will be amended to exclude the Development Site (and there will be a separate PCCCP for the Development Site), but the long-term management of ECs and ICs within the remainder of the former landfill area will be continued by NYC Parks.

In accordance with the foregoing, Bally's would adhere to NYCDEP and NYSDEC regulations and follow site-specific restrictions and provisions outlined by both agencies. Thus, ground intrusion of the landfill cap will not result in the leaching of methane gas at the Development Site.

Comment 66: The DEIS should provide data explaining why a passive venting system will be adequate to prevent dangerous accumulations of methane. (8, 10)

Response 66: An active venting system is proposed beneath all building footprints of the Proposed Development as noted in the Change of Use Work Plan (which was conditionally approved by NYSDEC) provided in Appendix F of the FEIS.

Comment 67: The FEIS should clarify if concentrations of methane were found just below the top of the landfill cap or below the deepest layer of the cap. (8, 10)

Response 67: Samples were collected at the NYSDEC-designated sampling points. These samples represent methane concentrations at all layers beneath the cap and were also taken in accordance with the PCCCP, which was attached to the DEIS in Appendix F.

Comment 68: The DEIS does not adequately describe Bally's plan to breach the landfill cap or how potential impacts would be minimized, managed, or mitigated by constructing the proposed casino complex on top of a former landfill. (8, 10)

Response 68: As described in Chapter 10 of the DEIS, "Hazardous Materials," ground-intrusive activities necessary to develop the Proposed Facility would be conducted pursuant to a Change of Use Work Plan which was conditionally approved by NYSDEC following the DEIS (see Appendix F of the FEIS). The Change of Use Work Plan adequately describes Bally's plan to breach the landfill cap and specifies, how soil will be excavated, stockpiled, handled, sampled, loaded and transported for off-site disposal or reused, and how excavated areas will be backfilled in accordance with all local, state and federal regulations.

Comment 69: Construction of the Proposed Facility relies on the ability of the current systems to avoid hazardous releases that endanger the public but provides little information on Bally's ability to contain underground toxic substances within the landfill. (8, 10)

Response 69: The landfill cap currently protects from direct human exposure to underlying soil and the existing vapor mitigation system in the clubhouse prevents inhalation of potential vapors from intrusion. The Change of Use Work Plan describes the measures that will be taken to prevent exposure to impacted soil, groundwater, and soil vapor during construction. The revised PCCCP will outline the institutional and engineering controls (ICs/ECs) necessary to prevent exposure during future operations; including the re-installation of environmental infrastructure, re-installation of a composite cover system and installation of sub-membrane depressurization systems (SMDS) in all new structures.

Comment 70: The FEIS should explain what environmental oversight and monitoring during ground-intrusive activities and post-construction would occur, how often it will be conducted, and who results will be reported to. (8, 10)

Response 70: As described in Chapter 10 of the DEIS, "Hazardous Materials," a NY State licensed engineer would oversee the screening of excavated material, observe the importation of materials, and implement both a Community Air Monitoring Program (CAMP) and a Stormwater Pollution Prevention Plan (SWPPP). Monitoring and reporting would be conducted in accordance with NYSDEC requirements. Excavated material would be characterized and would be either reused on the Development Site, if it meets NYSDEC reuse requirements, or disposed in accordance with applicable local, state, and federal regulations at an approved permitted disposal facility.

The Change of Use Workplan would govern operations during construction. Following completion of subsurface work but prior to completion of overall construction, a new Post Construction Custodial Care Plan (PCCCP) would be generated to define the future operation, maintenance, and monitoring requirements for the operator of the Development Site.

Reporting both during construction and following completion of the Proposed Development would be submitted to NYSDEC, and the public could request results of the Proposed Development's environmental monitoring from NYSDEC.

Comment 71: The PCCCP should be updated and analyzed in the DEIS. (8, 10)

Response 71: The existing PCCCP defines the post-construction criteria applicable to operate, monitor, and maintain the environmental protection systems installed at the former landfill (see Appendix F of the FEIS). Following completion of subsurface work (in accordance with the Change of Use Work Plan), a new PCCCP would define the future operation, maintenance, and monitoring requirements for the operator of the Development Site. The existing PCCCP will be amended to exclude the Development Site, but the long-term management of ECs and ICs within the remainder of the former landfill area will be continued by NYC Parks.

Comment 72: The FEIS should explain what kinds of restrictions were placed on the Development Site, why they were placed, and whether it is appropriate or safe to construct the Proposed Facility. (8, 10)

Response 72: The Development Site currently operates under the NYSDEC-approved PCCCP, which outlines the operational restrictions and management systems on the existing location of the Development Site (which was attached to the DEIS in Appendix F). During construction of the Development Site, the NYSDEC-conditionally approved Change of Use Work Plan,

which includes a Health and Safety Plan, will outline appropriate safety measures to be implemented during construction. Following construction, a new PCCCP specifically for the Development Site, will provide provisions for the safe operation of the Casino.

Comment 73: It is contradictory to state in the Phase I ESA that there have been documented spills of hazardous substances which have adversely affected soil vapor near Ring Road, while simultaneously suggesting in the Phase II ESI that soil vapor analysis is not required because there are no enclosed structures adjacent to Ring Road. (8, 10)

Response 73: The Phase II Environmental Site Investigation (ESI) was performed in accordance with a Phase II ESI Work Plan approved by the NYCDEP. Soil and groundwater samples were collected; soil gas samples were not collected as soil and groundwater sampling was sufficient to inform soil vapor conditions per NYCDEP. Also, New York state does not currently have regulatory standards for soil vapor samples collected without co-located indoor air samples.

Comment 74: Save the Sound has concerns about outsourcing environmental monitoring to a private company. (8, 10)

Response 74: Independent environmental monitoring is common place for projects within New York City of this scope and magnitude.

Water and Sewer Infrastructure

Comment 75: There should be additional analysis on the Hunts Point Wastewater Resource Recovery Facility (WRRF). (8)

Response 75: The DEIS analyzed the Hunts Point WRRF in accordance with the *CEQR Technical Manual*. As outlined in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," the Hunts Point WRRF has operated since 1952 and has a design capacity to treat 200 million gallons per day (mgd) of wastewater. In 2023-2024, Hunts Point WRRF received an average dry weather flow of 135.08 mgd, well below its design capacity. Per the *CEQR Technical Manual*, "plants are designed to handle twice their average design dry-weather flow" to account for wet-weather events. Based on these average flows, the WRRF has an excess dry-weather capacity of 66.64 mgd, which is approximately 33 percent of its total capacity. The incremental 382,053 gpd (0.38 mgd) of wastewater generated by the project would represent 0.19 percent of Hunts Point WRRF's total capacity and 0.57 percent of the excess capacity. With the approximately 0.38 mgd of additional wastewater flows, the Hunts Point WRRF would process an average of approximately 133.74 mgd of wastewater in the With-Action Condition and would still have an average excess capacity of approximately 66.26 mgd.

Comment 76: An additional permit should be added for stormwater and sewer outfalls into adjacent waterbodies. This permit may be from the State and require the use of green infrastructure. (7, 9)

Response 76: As discussed in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," the Proposed Development is anticipated to connect to existing stormwater infrastructure in the Park and Bally's would follow the applicable connection permitting processes. Further, the Proposed Development would be required to adhere to the City's Unified Stormwater Rule, which encourages green infrastructure where possible. As noted on page 11-17 of the FEIS, stormwater management best practices such as bioswales, infiltration basins, pervious pavement, precast porous concrete panels, and green infrastructure would be

explored during the design phase, which could be incorporated into the Proposed Development.

Comment 77: The East River and Westchester Creek are considered impaired waterbodies, but this is not stated in the DEIS. (8, 10)

Response 77: The FEIS will note that these are impaired waterbodies. Given this classification, NYCDEP would consider the impaired status of these waterbodies in its review and approval of the SWPPP. The fact that the East River and Westchester Creek are impaired waterbodies will not change the findings in the FEIS, which determined that the Proposed Development would not result in a significant adverse water and sewer infrastructure impact.

Comment 78: The Proposed Development must comply with the Unified Stormwater Rule and provide green infrastructure. Measures proposed to comply with the Unified Stormwater Rule and mitigate stormwater impacts should be included in the DEIS so the public can comment on it. (8, 10)

Response 78: Chapter 11 of the FEIS, "Water and Sewer Infrastructure," will note that both the Development Site and Ring Road will be subject to the applicable NYCDEP and NYSDEC stormwater regulations both during and post-construction. The project design will include design and permitting, demonstrating compliance with erosion and sediment control requirements during construction and water quantity, water quality (including known waterway impaired pollutants) and runoff reduction measures post-construction. Page 13-8 of the *CEQR Technical Manual* notes that the sewer connection permitting process is separate from the CEQR environmental review. The specific measures proposed to comply with the Unified Stormwater Rule will be developed in coordination with NYCDEP as part of the site connection permit process. However, the FEIS will note that the Proposed Development would adhere to NYCDEP's Unified Stormwater Rule, and that detention tanks, detention ponds or other means of detaining stormwater would be used to meet these requirements and assist in controlling the volume of stormwater entering the East River via an existing outfall. The volume of stormwater discharging from the Development Site would be restricted and treated for water quality, which does not exist with the current conditions. Because of this, the Proposed Development would not overburden or exceed the capacity of the existing stormwater infrastructure.

Comment 79: The DEIS claims it will comply with the Unified Stormwater Rule but does not provide evidence of its ability to actually follow through. (8, 10)

Response 79: See response to Comment 78. New development in New York City must comply with the Unified Stormwater Rule. The means to comply with the Unified Stormwater Rule will be identified in coordination with NYCDEP during the preparation of the SWPPP and site connection permit. Page 13-8 of the CEQR Technical Manual notes that the these permitting processes are separate from the CEQR environmental review. Without the SWPPP approval and a Stormwater Construction permit, NYCDOB would not issue any construction permits relating to the construction of the site and new building. Thus, the SWPPP is separate from the CEQR analysis provided in the DEIS.

Comment 80: The DEIS does not include a discussion on the impacts of groundwater or surface water via stormwater runoff from chemicals that may be used to maintain the Golf Course. (8, 10)

Response 80: Comment noted. This is outside of the scope of the Proposed Actions. As described in Chapter 1 of the DEIS, "Project Description," the Proposed Development would reduce the area of the Golf Course and the Golf Course would generally remain in its existing

condition absent the Proposed Development. Bally's would continue to adhere to the applicable federal, state and city regulations related to chemicals that are used to maintain the Golf Course.

Comment 81: Green infrastructure should be prioritized over gray infrastructure, and if not, an explanation should be provided. (8, 10)

Response 81: Comment noted.

Comment 82: Stormwater treatment practices such as rain gardens, green roofs, hydrodynamic separators, bioretention basins, and media filters should be deployed to treat stormwater, particularly around Ring Road where contaminants from vehicles can be picked up. Maintenance responsibilities for these resources should be identified in the FEIS. (8, 10)

Response 82: Stormwater best management practices for the Development Site and Ring Road will be coordinated between NYCDEP, NYSDEC, and NYCDOT to determine the feasibility and applicability of such practices. The transfer of the to-be-constructed Ring Road from NYC Parks to NYCDOT jurisdiction would result in additional regulations to improve the street conditions and improved stormwater management (e.g. adhering to an approved SWPPP and the Unified Stormwater Rule, construction of stormwater catchment infrastructure). Maintenance of these practices will be determined in consultation with the applicable agencies.

Comment 83: The DEIS states that the Proposed Development would adhere to the Unified Stormwater Rule, which is merely the law. This does not provide an assessment of stormwater management measures. (9)

Response 83: See response to Comment 78 above.

Comment 84: The DEIS implies that the Proposed Development may cause or contribute to an exceedance of the capacity of an existing combined sewer connection, which could represent a significant adverse impact that was not disclosed in the DEIS. (8, 10)

Response 84: The DEIS neither states nor implies that the Proposed Development may cause or contribute to an exceedance. If the H&H study performed during the site connection permit review indicates that capacity of the sewer is exceeded, Bally's would work with NYCDEP to upgrade the capacity of the sewer to accommodate additional flow. There is no potential for an exceedance of the capacity of a combined sewer due to the Proposed Development. As noted in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," prior to obtaining construction permits from the New York City Department of Buildings (NYCDOB), NYCDEP must certify that the sewer system can accommodate, or "accept", the projected sanitary discharge; this is accomplished through their site connection permit process. NYCDEP's site connection process would identify if sewer upgrades are required prior to granting approval for the Proposed Development's site connection. Without the site connection permit, NYCDOB would not issue a building permit or certificate of occupancy. Thus, the site connection process is separate from the CEQR analysis provided in the DEIS and would not result in a significant adverse water and sewer infrastructure impact.

Comment 85: The DEIS offers no solution to the potential upgrade of a combined sewer connection and does not state if Bally's has communicated with DEP to ensure there is budget and planning capacity to upgrade this system. (8, 10)

Response 85: See response to Comments 78 and 82 above. If necessary, Bally's would be responsible for the potential upgrades to the combined sewer and would be required to coordinate with NYCDEP to ensure that the upgraded combined sewer has sufficient capacity. NYCDEP must certify that the sewer system can accommodate the projected sanitary discharge through the site connection permit process. This process is separate from the CEQR analysis provided in the DEIS.

Comment 86: Observing only that the sewer connection may need to be upgraded suggests that Bally's is waiting until the Proposed Development is completed to determine if there is a problem. (8, 10)

Response 86: See response to Comments 78 and 82 above.

Comment 87: The CPC should attach conditions for adding botanical measures affiliated with the Unified Stormwater Management Rule to offset the impervious surface impact. (9)

Response 87: Comment noted.

Comment 88: The DEIS affirms the escalating impacts of discharge on citywide water quality attainment. (9)

Response 88: The DEIS does not affirm escalating impacts of discharge on citywide water quality standards. The DEIS affirms that the Proposed Development would adhere to the Unified Stormwater Rule, which would require both detention and water quality treatment of discharge prior to release into the surrounding waterbodies. Accordingly, the Proposed Development would not further escalate impacts of discharge on citywide water quality attainment.

Comment 89: The DEIS fails to capture the full scope of stormwater and sewage impacts by failing to complete a wet weather analysis and disregards potentially unmitigable impacts to sewer connection capacity. The CPC should request a wet weather analysis. (8, 10)

Response 89: As noted on page 13-8 of the 2021 *CEQR Technical Manual*, "the sewer connection permitting process and the CEQR environmental review are separate." The Proposed Development would direct stormwater to an existing stormwater sewer in the Park. Stormwater would not be directed to a combined sewer or a combined sewer overflow (CSO). Stormwater would be directed to on-site, NYC Parks-owned storm drainage infrastructure that discharges to water bodies. The water and sewer infrastructure analysis in the DEIS follows the guidelines of the *CEQR Technical Manual*. The Proposed Development would not result in conditions outlined in Chapter 13 Section 420.2 of the *CEQR Technical Manual* (pages 13-16 through 13-17). NYCDEP reviewed the analysis and determined that the Proposed Development did not have the potential to exacerbate CSO volumes or frequency. A wet-weather analysis – called a hydrologic and hydraulic study (H&H study) – will be completed as part of the site connection permit process (i.e., the permit required to make sanitary/storm connections to city sewer). Based on the H&H Study, NYCDEP will determine if upgrades to the sewer are required to handle the projected flows. If sewer upgrades are required as a result of projected flows, the improvements would be the responsibility of Bally's. This will be noted in the FEIS. NYCDEP's site connection permit process precludes the potential for unmitigable significant adverse water and sewer infrastructure impacts because NYCDEP will not issue

a site connection permit if the combined sewer cannot accommodate the projected additional flows.

Comment 90: The DEIS does not adequately address the Proposed Development's impacts on combined sewer overflows (CSO). (8, 10)

Response 90: See response to Comment 87 above. CSO events are driven by the intensity and duration of precipitation events. The project would not significantly increase the potential for CSO events because project-generated stormwater would not be directed to the combined sewer system.

Comment 91: Can there really be no impact when there is a 71 percent increase in impervious surface coverage with the Proposed Development? (9)

Response 91: Per Chapter 11 of the DEIS "Water and Sewer Infrastructure," the Development Site currently contains about 37 percent impervious and 63 percent pervious surfaces. With the Proposed Development, about 71 percent of the Development Site's surfaces would be impervious and 29 percent pervious. The Proposed Development would increase the percent-impervious by 34 percentage points, not by 71 percent.

As detailed in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," the runoff coefficient at the Development Site would increase from 0.45 to 0.73 per CEQR methodologies. Because of this increase, the Development Site would have an increase in stormwater runoff compared to the existing and No-Action conditions. While the DEIS discloses that the Proposed Development would increase stormwater runoff, the increase would not rise to level of a significant adverse impact, as defined in the *CEQR Technical Manual*.

Comment 92: The goal for the Proposed Development should be zero percent discharge into the East River and Westchester Creek. (9)

Response 92: Comment noted. Zero discharge to the East River or Westchester Creek would increase the potential for CSO events because stormwater would be directed to a combined sewer. To minimize the potential for CSO events, the Proposed Development would discharge stormwater to the Westchester Creek and East River and in accordance with current standards.

Comment 93: The Proposed Development will dramatically increase roof and parking lot area, which means more rain running off impervious surfaces and carrying pollutants to Westchester Creek, the upper East River, and Long Island Sound. (25)

Response 93: As described in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," the Proposed Development would increase stormwater runoff compared to the existing and No-Action conditions. However, the Proposed Development would adhere to NYCDEP's Unified Stormwater Rule. This rule requires the use of stormwater detention and limits the rate of stormwater discharge to a City sewer; accordingly, the volume of stormwater discharging from the Development Site would be restricted and treated for water quality and the Proposed Actions, as opposed to the No-Action condition.

Comment 94: Visitors to the casino and hotel complex will also generate significant additional wastewater. (25)

Response 94: As described in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," the Proposed Development would generate up to 388, 117 gpd (0.38 mgd) of wastewater per day. This represents about 0.57 percent of the Hunts Point WRRF excess capacity and approximately 0.19 percent of the overall design capacity.

Comment 95: Ring Road widening and construction of the casino and parking lots demand a thorough evaluation of stormwater load. (7, 9)

Response 95: Chapter 11 of the FEIS, "Water and Sewer Infrastructure," evaluates the stormwater load in accordance with CEQR methodologies.

Comment 96: Although the increase in imperviousness will increase stormwater discharge through the existing East River outfall, there is no water quality assessment or measurement offered in the With-Action Condition. (7, 9)

Response 96: The *CEQR Technical Manual* does not require a water quality assessment or measurement unless NYCDEP determines one is needed based on the measures outlined in Chapter 13 Section 330 of the *CEQR Technical Manual*. As part of their review, NYCDEP did not determine that a water quality assessment or measurement was required. As described in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," stormwater that runs off the Development Site currently collects in detention ponds adjacent to Ring Road and ultimately discharges without treatment to the East River via an outfall south of the Development Site. With the Proposed Actions, the Proposed Development would adhere to NYCDEP's Unified Stormwater Rule, which requires stormwater detention and water treatment.

Comment 97: The DEIS is lacking a water quality analysis that will allow the CPC to evaluate the impact of development-created stormwater discharge into the East River. (7, 9)

Response 97: See response to Comment 94.

Comment 98: The DEIS finds that the stormwater coefficient will not adversely impact the existing stormwater management system infrastructure, but that is not the same as impact on water. Because the DEIS does not note current water quality comprised by existing discharge, it cannot document the additional impacts of discharge caused by nearly 50 percent increased imperviousness. (7, 9)

Response 98: Analysis of current water quality standards due to existing discharge into a waterbody is beyond the scope of CEQR. Per Chapter 11 of the CEQR Technical Manual Section 351, projects that indirectly affect surface water bodies and require an assessment are limited to projects that create industrial discharges; sewage treatment plants subject to the SPDES permitting procedure; large-area land use changes; a project, such as the introduction of a new stormwater outfall or construction of a bulkhead, pier, or other waterfront structure, that could disturb a portion of the environment, particularly the benthic community; maintenance dredging that would disturb the bottom sediments on a regular basis; changes of the physical condition of the water, such as temperature, currents, flow, channel shape, etc.; or draining or filling of a water body or a portion of a water body. The Proposed Actions did not warrant an analysis of on surface waterbodies based on CEQR methodologies. NYCDEP reviewed and approved of the analysis provided in the DEIS.

Comment 99: Please demonstrate how runoff from the elevated waterfront access road will be captured and prevented from spilling onto MTA service road. (16)

Response 99: The Waterfront Access Roadway would be reconstructed generally at the same grade as the existing condition. Stormwater runoff was analyzed as a part of the Development Site within Chapter 11 of the DEIS, "Water and Sewer Infrastructure" and it was determined that runoff would not result in a significant adverse impact. All stormwater drainage will be designed and treated in accordance with city and state regulations and to the

satisfaction of NYC Parks. Bally's will coordinate further submissions to the MTA following the publication of the FEIS and prior to construction.

Transportation

Comment 100: What other mitigation measures are being made to alleviate traffic? (6)

Response 100: The DEIS describes potential mitigation measures and noted that mitigation would be further studied between Draft and Final EIS. The DEIS also identified that mitigation measures would be explored in coordination with NYCDOT via a Traffic Monitoring Plan (TMP). The TMP will measure the actual travel demand generated by the Proposed Actions at the time the Proposed Development is complete and will include the roadway improvements that have been implemented in the Study Area at that time. The TMP, if necessary, will revise the traffic analyses based on the new travel demand surveys and would incorporate NYCDOT improvement projects that have been implemented within the Transportation Study Area developed as a part of the TMP. The TMP and supporting documentation will be reviewed by applicable agencies, including the Lead Agency, NYCDOT, NYSDOT, NYC Parks, and MTA. At the time of the TMP's implementation, if reviewing agencies determine that additional or alternative mitigation measures would more adequately address traffic impacts, Bally's would work with NYCDOT and appropriate reviewing agencies, as needed, to evaluate the feasibility and implementation of such mitigation measures.

Comment 101: Will there be any benefits made to make the Waterfront Access Roadway more accessible to the public such as signage? (3)

Response 101: Comment noted. This is beyond the scope of CEQR. Bally's will explore ways to improve signage in coordination with NYC Parks.

Comment 102: The Proposed Project would necessitate entrances and exits into quiet residential areas. (27)

Response 102: The DEIS does not propose new entrances or exits from the Proposed Facility onto any residential streets or into residential neighborhoods or areas. The Proposed Facility would only be accessed via the improved Ring Road and secondary entrances from the Waterfront Access Roadway for select users.

Comment 103: The Proposed Project will not help local residents. It will only increase traffic. (28, 32)

Response 103: Comment noted. See response to Comment 14. As described in Chapter 1 of the DEIS "Project Description," 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 improve Ring Road to enhance circulation, safety, and access throughout Ferry Point Park for pedestrians, cyclists, and vehicles.

Comment 104: The MTA requests Bally's to perform an analysis to evaluate the change in response time for emergency responders to access the Bronx bridge Anchorage and Bronx Tower due to the proposed new location of the MTA service road access gate relocated from Ring Road to the waterfront access road. (16)

Response 104: This is outside the scope of the EIS. In accordance with Chapter 16 of the *CEQR Technical Manual* Section 711, an assessment of emergency responders would only be required if a publicly mapped street was closed. Bally's and MTA continue to engage in discussions regarding MTA access to its facilities throughout Ferry Point Park, including discussion of response times for emergency responders. As noted above, parkland and roadway

improvements will mitigate potential hazards and increase capacity for vehicles, including emergency responders.

Comment 105: The 65-foot-wide access apron seems to just accommodate the truck's swept path. Please widen the apron to match the new perimeter fence layout. (16)

Response 105: Comment noted. This is outside of the scope of CEQR.

Comment 106: The MTA received an auto turn analysis for trucks entering the Waterfront Access Roadway; however, an auto turn analysis for trucks moving in the other direction still needs to be submitted to the MTA. (16)

Response 106: Comment noted. This is outside of the scope of CEQR. Additional truck turns have been incorporated into latest illustrative layout.

Comment 107: The triangular traffic island at the northern end of the Waterfront Access Roadway needs to be cut back as trucks' rear wheels will likely roll over it. Please submit to the MTA a revised island alignment. (16)

Response 107: Comment noted. This is outside of the scope of CEQR.

Comment 108: MTA prefers a manual locking mechanism on the new gate as opposed to a mechanized one because a mechanized one requires additional maintenance and is more prone to failure given the environment of this location. (16)

Response 108: Comment noted.

Comment 109: Show the location of the new MTA bus stop on the layout sketch. (16)

Response 109: The location(s) of the proposed MTA bus stops have been updated on the illustrative layout per NYCDOT.

Comment 110: Bally's should submit engineering drawings to the MTA for review when available, including civil, structural, striping/signage and lighting. (16)

Response 110: Comment noted. This is outside of the scope of CEQR.

Comment 111: The Proposed Development would introduce a massive influx of vehicular traffic to the already overburdened approach to the Whitestone Bridge. (32)

Response 111: Chapter 14 of the DEIS, "Transportation" analyzes the projected effects of the Proposed Development on the surrounding transportation network. The Proposed Development is conservatively projected to introduce between 49 to 464 vehicles per hour to the approaches to the Whitestone Bridge during the peak hours that were studied. As discussed in Chapter 14 of the DEIS, "Transportation", the approach to the Whitestone Bridge would be significantly impacted during the Weekday Midday, PM and Saturday PM peak hour(s). Impacts would be improved but would remain unmitigated, as discussed in Chapter 22 of the FEIS, "Mitigation."

Also as discussed in Chapter 22, it is not practicable to propose changes to the highway network. However, Bally's has committed to a Traffic Monitoring Program (TMP), to measure traffic volumes and develop mitigation measures as needed in the future.

Air Quality

Comment 112: A detailed air quality assessment should be done for all intersections and highway segments that would experience a significant adverse traffic impacts. The FEIS must

clarify how the determination of no significant adverse impact from mobile sources was reached (8, 10)

Response 112: Per page 17-17 of the *CEQR Technical Manual*, a mobile source analysis should "choose three or four intersections where the projected incremental traffic increase is greater than the thresholds suggested above. These should be the intersections with the worst conditions." As described in Chapter 15 of the DEIS, "Air Quality," four 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 Point Park, etc.) and represent a range of worst-case locations for project-generated mobile source emissions.

A refined mobile source air quality analysis was conducted for 1- and 8-hour carbon monoxide (CO), 1-hour and annual nitrogen dioxide NO_2, 24-hour $PM_{2.5}$, annual $PM_{2.5}$, and 24-hour PM_{10}. This refined analysis applied emission factors specific to each peak hour traffic period – i.e., AM, midday (MD), evening (PM), overnight (ON), and Saturday (SAT) – to their respective peak hour traffic volume. The refined analysis – which incorporated roadway and projected emissions from the two proposed parking garages – found that concentrations for all pollutants would not exceed the National Ambient Air Quality Standards or CEQR de minimis thresholds. Per CEQR criteria, the Proposed Development would not result in significant adverse air quality impacts.

Comment 113: The air quality analysis does not use the correct baselines and uses data from non-representative air monitoring sites to establish baseline air quality, likely inflating background pollutant concentrations. (8, 10)

Response 113: As described in Chapter 15 of the DEIS, "Air Quality," the air quality analysis follows CEQR guidelines. Per the *CEQR Technical Manual* Chapter 20 Section 322.2, background pollutant concentrations were obtained from the latest NYSDEC Ambient Air Quality Report, which for this analysis was the 2023 report. Background pollutant concentrations were determined by obtaining data from monitors most representative of the Development Site based on proximity for each pollutant of concern.

Comment 114: The air quality analysis ignores impacts from increased vehicular traffic that can be expected throughout the local community. (8, 10)

Response 114: As described in Chapter 15 of the DEIS, "Air Quality," the air quality analysis follows CEQR guidelines, which recommend analyzing the worst-case locations. If significant adverse air quality impacts can be ruled out at the worst-case locations, the effects at other locations are assumed to be less.

Comment 115: Bally's should explore the feasibility of installing electric vehicle charging stations within the parking structure as a commitment to promote clean energy and as an additional community benefit. (8, 10)

Response 115: Comment noted. Examining the feasibility of installing electric vehicle charging stations is beyond the scope of CEQR.

Greenhouse Gas Emissions and Climate Change

Comment 116: Can you expand on the strategies you intend to develop at the Proposed Facility to combat sea-level rise? (2)

Response 116: Strategies to minimize the potential for increased flooding at the Proposed Facility are provided in the Waterfront Revitalization Program Consistency Assessment, which is in Appendix A of the DEIS.

Comment 117: The DEIS does not state how sustainability improvements will be incorporated into the design of the Proposed Development, a large waterfront development. (9)

Response 117: As described in Chapter 16 of the DEIS, "Greenhouse Gas Emissions and Climate Change," the Proposed Development would include protections to minimize the potential damage from sea level rise. The Proposed Development would have a Design Flood Elevation (DFE) of 15 feet as measured in the North American Vertical Datum of 1988 (NAVD88) (Base Flood Elevation [BFE] plus 2 feet of freeboard). Further, native and non-invasive vegetation would be planted on the Development Site, which would capture and sequester CO2 through photosynthesis.

As detailed in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," detention tanks, detention ponds or other means of detaining stormwater would be used to meet the requirements of the Unified Stormwater Rule and would assist in controlling the volume of stormwater entering the East River via an existing outfall. New development would use stormwater Best Management Practices (BMPs) such as green roofs, hydrodynamic separators, or other NYCDEP/NYSDEC-approved stormwater management practices to treat the stormwater directed off-site. Additionally, Ring Road would be improved with new infrastructure to manage stormwater and reduce the potential for flooding.

Public Health

Comment 118: The DEIS does not adequately address the risks to public health and safety by construction the proposed casino complex on top of a landfill. (8, 10)

Response 118: See response to Comments 63-68.

Comment 119: The resulting congestion of the Proposed Development would degrade air quality/worsen air pollution, (25, 32) which could increase cases of asthma in children. (25)

Response 119: See response to Comment 110. Further, as stated in Chapter 20 of the *CEQR Technical Manual* Section 200, a CEQR Public Health analysis was not warranted for air quality because the Proposed Actions would not result in a significant adverse air quality impact.

Neighborhood Character

Comment 120: Depending on where a park-goer is standing in relation to the complex, the physical structure and the light, traffic, and noise it produces would interfere with enjoyment of iconic views and the peace and quiet that is so rare in the city but can be enjoyed in Ferry Point Park. (8, 10)

Response 120: The DEIS included a neighborhood character assessment in Chapter 19 of the DEIS, "Neighborhood Character," which took in to account the cumulative effects of elements such as shadows, urban design, transportation, and noise. The analysis in this DEIS chapter

– along with the analyses in DEIS chapters 6, "Shadows," 8, "Urban Design and Visual Resources," 14, "Transportation," and 17, "Noise" – describe why the Proposed Development would not result in a significant adverse neighborhood character impact, as defined in the *CEQR Technical Manual*.

Construction

Comment 121: The pole that is located at the east side of Hutchinson River Parkway and Schley Avenue is owned by Empire City Subway Co. (ECS), and it will need to be relocated. The estimated cost to the developer for the relocation of the ECS pole would be approximately $163,000. (15)

Response 121: This comment is outside the scope of the EIS.

Alternatives

Comment 122: The DEIS did not provide a full range of reasonable alternatives. It only offers the No-Action and No-Unmitigated impacts alternatives. (8, 10)

Response 122: Comment noted.

Comment 123: The DEIS does not include alternatives that eliminate elements not germane to the Proposed Development's purpose. (8, 10)

Response 123: Section 1.6, "Purpose and Need" of the DEIS describes the purpose and need for the project. Bally's believes all proposed elements of the Proposed Development are necessary to obtain a gaming license through the New York State Gaming Commission's competitive process.

Comment 124: The DEIS includes three alternatives that assume that the current concession license will continue in perpetuity; however, Ferry Point Park has many potential futures other than as a golf course or casino site and the DEIS should consider those other possibilities. (8, 10)

Response 124: Projecting future potential options for NYC Parks at Ferry Point Park is beyond the scope of CEQR. Further, these other possibilities are not contemplated by Bally's or NYC Parks and are not part of the Proposed Actions that are the subject of the DEIS.

Comment 125: The No-Action Alternative should consider the current conditions, where the license to operate the golf course expires in 2035. In response to a comment on the Draft Scope of Work requesting that the alternatives analysis "should include consideration of a potential future outcome where the current lease is not renewed," Bally's stated that if the concession license 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." But that is not what is reflected in the DEIS, which states that under the No-Action Alternative "existing conditions on the Development Site and Ring Road are expected to remain," including "uses that support the Golf Course" such as the clubhouse and practice area. The lead agency must compare how different alternatives — some of which perhaps include the continued operation of the golf course, some of which do

not — minimize or avoid significant adverse environmental impacts. This is not possible if the EIS erroneously includes the golf course in every alternative. (8, 10)

Response 125: The build year of 2030 was selected per guidance in Chapter 2, Section 100 of the *CEQR Technical Manual*. The No-Action Alternative considers the current conditions of the Development Site up to the build year – 2030 – per CEQR guidance. Thus, an alternative where the license expires in 2035 and is not renewed was not explored in the DEIS, per the guidance of the *CEQR Technical Manual*.

Comment 126: The DEIS compares the No-Action Alternative to the With-Action alternative in an artificially positive light, assigning benefits to the With-Action and drawbacks to the No-Action Alternative that are not supported. (8, 10)

Response 126: Comment noted. Chapter 21 of the DEIS, "Alternatives" provides an overview of the differences between the No-Action Alternative and the With-Action Condition.

Comment 127: Provide an alternatives analysis and siting for any new sewer outfalls in the DEIS. (7, 9)

Response 127: The Proposed Development would connect to existing stormwater sewers in Ferry Point Park. Bally's does not anticipate a need for new sewer outfalls.

Mitigation

Comment 128: Can an enlarged graphic of the potential overpass across the Hutchinson River Expressway be provided and can this overpass be further explained? (4)

Response 128: A graphic depicting the proposed overpass near Lafayette Avenue will be provided in Chapter 22 of the FEIS, "Mitigation."

Comment 129: The DEIS does not adequately disclose significant adverse impacts and identify mitigation measures. (10)

Response 129: Chapter 6, "Shadows," Chapter 14, "Transportation," and Chapter 20, "Construction," of the DEIS note the potential for the Proposed Development to result in significant adverse impacts, as defined by the *CEQR Technical Manual*. Chapter 22 of the DEIS, "Mitigation," notes the mitigation measures that may be employed to mitigate these significant adverse impacts.

Effects on Disadvantaged Communities

Comment 130: The DEIS excuses Bally's from considering impacts to disadvantaged communities (DACs) by stating that the Project Site is 1,100 feet from a DAC and does not adequately disclose significant adverse impacts that inevitably spill out beyond the Development Site and into communities, such as traffic and associated air and noise pollution, land use changes, loss of open space, increased stormwater runoff, and burdens to sewer capacity. (8, 10)

Response 130: Chapter 26 of the DEIS, "Effects on Disadvantaged Communities" provides an analysis that discloses potential significant adverse impacts and potential measures to mitigate these impacts. With respect to the distance between a DAC and the Development Site, the DEIS notes that the significant adverse shadows impacts would be limited to the Golf Course, which is outside of a DAC. Further, the DEIS discloses how the significant adverse transportation and construction impacts would not affect the DAC. The DEIS's Effects of Disadvantaged Communities assessment indicates that the air pollution generated by the

Proposed Development would not exceed CEQR impact or *de minimis* criteria. As described in Chapter 17 of the FEIS, "Noise," the significant adverse noise impact is limited to areas of the Park that are west of the Hutchinson River Expressway and approximately 90 feet exterior (west) to Ring Road. A significant adverse noise impact was not identified in a DAC or even east of the Hutchinson River Expressway.

Comment 131: The DEIS does not address the potential impacts to DACs within the neighborhoods of Throggs Neck, Soundview and Pelham Bay. (8, 10)

Response 131: Chapter 26 of the DEIS, "Effects on Disadvantaged Communities" provides an analysis based on the requirements outlined by NYSDEC and the practices currently employed by City agencies.

Comment 132: The DEIS provides an over-generalization of the likely traffic impact to the surrounding DACs because traffic impacts should likely result in air and noise impacts. Emissions-related impact analysis should be undertaken for highway segments where significant adverse transportation impacts were identified. (8, 10)

Response 132: As noted on page 26-2 of the DEIS, "Air and noise emissions associated with traffic may have the potential to create a pollution burden on a DAC, but traffic itself does not constitute pollution." As noted in Chapter 15 of the DEIS "Air Quality", detailed air analyses were undertaken – including in locations where highway impacts would occur, such as the base of the Whitestone Bridge – and concluded that the Proposed Development would not result in significant adverse air quality impacts from the Proposed Development. For vehicular-generated noise, see response to Comment 130.

ATTACHMENT A – COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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

May 22, 2025

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

Dear Ms. Brunner,

Save the Sound hereby submits the following comments regarding the Draft Environmental Impact Statement ("DEIS") for the Bally's Bronx Casino Project, proposed for construction in Ferry Point Park ("the Project"). We have serious concerns about this project and the inadequate DEIS submitted by the project applicant, Bally's Corporation, as described in detail below. Bally's must address these deficiencies in the Final Environmental Impact Statement ("FEIS"); if it cannot, the Mayor's Office of Environmental Coordination ("MOEC") and all involved agencies must disapprove this project in negative findings statements.

The DEIS fails to adequately disclose the significant adverse environmental impacts that are likely to result from this large private development on invaluable waterfront NYC parkland, identify effective and feasible mitigation measures, analyze a sufficient range of alternatives, or provide a document that facilitates meaningful public involvement, among other deficiencies described below. It therefore does not satisfy City Environmental Quality Review (CEQR) or State Environmental Quality Review Act (SEQRA) requirements and cannot provide a rationale to proceed with the Project. Our reasoning is detailed below and summarized here:

- **Parkland Alienation and Loss of Irreplaceable Open Space:** The Bally's proposal requires parkland alienation legislation permanently removing at least 17 acres of NYC parkland located directly on the East River and proximate to Long Island Sound from the public domain for private use by Bally's to build a casino complex in the middle of Ferry Point Park. Save the Sound does not believe that parkland improvements or replacement parkland is available that would adequately balance such a massive loss of unique waterfront land to the local community or the NYC Parks system, and the DEIS presents no evidence to the contrary.

- **Failure to Consider Range of Reasonable Alternatives**: The DEIS's alternatives analysis does not consider a reasonable range of alternatives, instead focusing only on the Action, No-Action, and No Unmitigated Impact Alternatives. It fails to consider alternatives that reduce the size of the Project, such as by reducing the Project footprint (i.e. reducing the number of gaming positions, hotel rooms, or parking spaces) or removing components that are not germane to the Project's purpose (i.e. any component other than the casino). Further, it assumes in the three alternatives currently in the DEIS that the existing golf course will continue to operate in perpetuity, despite that the current concession license will expire in 2035. Ferry Point Park has many potential futures other than as a golf course or casino site, and the DEIS must consider a reasonable range of these alternatives.

- **Inadequate Analysis of Stormwater and Sewage Impacts.** The DEIS fails to capture the full scope of the Project's stormwater and sewage impacts by failing to complete a wet weather analysis of impacts to sewer capacity and combined sewer overflows (CSOs), not once mentioning the current impairment of Westchester Creek or the East River and how the Project would avoid further perpetuating the water quality challenges facing those waterbodies, and disregards potentially unmitigable impacts to sewer connection capacity. The DEIS does not identify specific stormwater mitigation solutions, including green infrastructure practices which are to be prioritized under the Unified Stormwater Rule.

- **Faulty Methodology Obscuring Air Quality Impacts.** The DEIS ignores air quality impacts from increased vehicular traffic that can be expected throughout the local community and uses data from non-representative air monitoring sites to establish baseline air quality, likely inflating background pollutant concentrations and making it appear as though the Project would cause a lesser increase in air pollution than would actually be the case.

- **Harms to Disadvantaged Communities.** The DEIS excuses Bally's from considering adverse impacts to New York State Department of Environmental Conservation-identified disadvantaged communities (DACs) by stating the Project site is 1,100 feet from the nearest DAC. But that is because the Project site is in the middle of a public park. This should provide no excuse for insisting, as the DEIS does, that the Project will not result in significant adverse impacts to the nearby DACs from impacts that would inevitably spill out beyond the Project site and into these communities, such as traffic and associated air and noise pollution, land use changes, loss of open space, increased stormwater runoff, and burdens to sewer capacity.

- **Hazardous Materials and Toxics.** The DEIS does not adequately address the risks to public health and safety presented by constructing the proposed casino complex on top of a former landfill. It includes internal inconsistencies that obscure the potential for releases of hazardous materials and toxics from the site, lacks important monitoring data for hazardous gases such as methane, and does not adequately inform the public or decisionmakers of how Bally's plans to mitigate these impacts.

- **Wildlife.** The DEIS does not adequately address potential adverse impacts to wildlife. It does not justify the minimal effort put into bird surveys (only two days) or adequately explain how building and site design will avoid or minimize bird and bat collisions, especially given the Project's location within the Atlantic Flyway. Nor does it explain the complete lack of surveys for mammals, reptiles, or amphibians. It also bases its conclusion that wildlife will not be significantly adversely impacted on the unsupported assumption that wildlife displaced by construction will simply relocate to other habitat without adverse complications, such as nearby habitat already being occupied.

- **Wetlands.** The DEIS notes the presence of freshwater wetlands which, under new regulations effective January 1, 2025, may be subject to New York State Department of Environmental Conservation ("NYSDEC") jurisdiction. Bally's must request a jurisdictional determination from DEC regarding these wetlands and, if they are jurisdictional, apply for a freshwater wetlands permit. The DEIS must also describe if, when, and how it has corresponded with the U.S. Army Corps of Engineers ("Corps") regarding freshwater wetlands within the Study Area potentially subject to Corps jurisdiction.

- **The DEIS is Not Usable by the General Public.** The DEIS is extremely difficult to navigate, confuses the reader and obfuscates the Project's environmental impact with unnecessarily cumbersome lingo and project descriptions, and buries important public safety information in a lengthy and unusable appendix. This substantially interferes with the public's ability to meaningfully participate in the CEQR or ULURP processes.

We describe these concerns in further detail here:

I. <u>Parkland Alienation and Loss of Irreplaceable Open Space</u>

A large area of open space sitting on a beautiful piece of waterfront property with views of multiple bridges, Manhattan, across the East River, and out to Long Island Sound, Ferry Point Park is unique not just for the Bronx but for all of New York City. Even if there were

at least 17 acres of space in the Bronx to "replace" the land Bally's proposes to alienate, there is no "replacing" Ferry Point Park.

A. The DEIS does not explain how Bally's will mitigate the loss of at least 17 acres of Bronx parkland from the public domain.

The Proposed Action would require the permanent loss of approximately 17.15 acres of public NYC parkland to Bally's private use for this 3,093,880 gsf casino and hotel complex. The DEIS papers over the gravity of this loss by promising vague "park improvements and replacement parkland… consistent with the requirements of the State alienation legislation," (DEIS 2-13) but it does not elaborate on where this replacement parkland or funding for park improvements will go. This part of the Bronx is already densely developed, leaving few, if any, options for new parkland close enough to Ferry Point Park that the communities most deeply and directly affected by the proposed alienation would actually benefit.

Save the Sound does not believe that parkland improvements or replacement parkland is available that would adequately balance the massive loss within Ferry Point Park that Bally's proposes. The FEIS must list specific projects it intends to pursue so that the community and the City fully understand what would be imposed upon them and what they would be receiving in exchange before this proposal moves forward. The FEIS should identify and commit to acquiring replacement parkland of at least the fair market value (FMV) of the parkland proposed for alienation, and preferably of at least the same acreage and recreational value as the alienated parkland. The FMV should be based on an appraisal from an unbiased expert selected by NYC Parks and paid for by Bally's.

To the extent identifying and acquiring such substitute parkland is not possible, the FEIS should clearly detail what efforts Bally's made and why they were ultimately unsuccessful. The FEIS should then commit Bally's to reaching the independently assessed FMV threshold with at least dollar-for-dollar funding for improvements to Ferry Point Park or other parkland within the communities most impacted by the casino complex. Replacement parkland or funding for parkland improvements should be additive, and not simply providing private funding for projects the City was already planning to complete.

B. The DEIS is ambiguous as to how much parkland Bally's proposes for alienation.

The DEIS fails to clearly communicate exactly how much parkland Bally's proposes the City alienate from the public domain for its private use, with inconsistent or confusing numbers appearing throughout. For example, the Project Description at 1-10 states that the "'Disposition Parcel' is a 15.73-acre parcel of parkland that would be alienated through State legislation," but then almost immediately mentions what seems to be an additional

1.42-acre parcel east of the Whitestone Bridge that would also be alienated. But on page 5-20 of the Open Space section the draft EIS identifies only "12 acres that comprise a portion of the Development Site" that "would be removed from the Park and converted to a non-Park use." Save the Sound also notes that Bally's representative Chris Jewett, in his presentation at an April 9, 2025 hearing before the Bronx Borough President as part of the Uniform Land Use Review Procedure (ULURP), added further confusion by stating that the Project would require the alienation of "15 acres" of parkland. This is inconsistent with what is stated in the DEIS, and if something has changed in the project design then Bally's must complete a supplemental EIS to explain the change.[1]

The DEIS also describes a "Proposed Rezoning Area" as "the area proposed to be rezoned to a C8-4 district" and diagrams it as stretching well outside the Development Site, especially on the east side of the Development Site where it comes closest to the East River. (DEIS 1-7, 1-13) But the DEIS does not state the size of the Proposed Rezoning Area or explain its purpose beyond "ensur[ing] that the entirety of the Development Site was included in the Proposed Rezoning Area while providing regular dimensions that keyed off existing street and pierhead/bulkhead lines." (DEIS 1-13) The DEIS does not clearly state how much of the Proposed Rezoning Area is parkland that would need to be alienated in addition to the parkland already identified for alienation within the Development Site. Bally's must explain these inconsistencies and state clearly how much parkland will be lost to build its casino and hotel complex.

C. <u>The DEIS does not adequately address the likely impacts to the remaining public portions of Ferry Point Park.</u>

While it is true that even with the loss of these acres of public parkland nearly 400 acres would remain, those 400 acres and the public's use and enjoyment of them would be permanently and fundamentally changed by the presence of the casino and hotel complex. Depending on where a park-goer is standing in relation to the complex, the physical structure and the light, traffic, and noise it produces would interfere with enjoyment of iconic views and the peace and quiet that is so rare in the city but can be enjoyed in Ferry Point Park. Further, as discussed in more detail in Section VII below, the DEIS fails to adequately address likely adverse impacts to wildlife which may be injured, killed, displaced, or otherwise harmed by the Project. Such impacts would diminish recreational opportunities such as birding and other wildlife-watching well beyond the approximately 17 acres of parkland proposed for alienation.

[1] *See* 6 NYCRR 617.9(a)(7)(i) (stating that a supplemental EIS may be required when significant adverse environmental affects not addressed or inadequately addressed in the EIS arise from changes proposed for the project or newly discovered information).

Parts of the DEIS seem to downplay these impacts based on technicalities. But while it may be true that the casino and hotel will not proportionately *block* much given the expansiveness of the viewscapes available in Ferry Point Park, or may not produce much noise in the grand scheme of "noise" in New York City, the fact remains that this is a massive new structure producing light, noise, and traffic where previously there was open space. Bally's should provide realistic visual representations of many different views from many different directions and distances around Ferry Point Park that compare a "before" and "after" scenario. These visual representations should be offered for multiple seasons, including winter, when trees are bare of leaves that may in other seasons shield the sight of the casino from certain parts of the surrounding neighborhood.

Access to quiet, green, open spaces is an important but rare resource in New York City. The disruption of such access for the sake of placing a private casino and hotel complex on public parkland is an issue not to be taken lightly; yet the DEIS does not address it with the substance it warrants. In sum, the FEIS must:

- Identify specific locations for substitute parkland of equivalent FMV and, if at all possible, size and recreational value.
    - If this is not possible, Bally's must explain why not, and identify the specific parkland improvements it intends to fund instead, dollar-for-dollar according to an appraisal paid for by Bally's.
- Provide a single, clear number for the acreage of NYC Parks land to be alienated. Inconsistent or confusing numbers appear throughout the draft EIS. If the numbers that are provided in the draft EIS are no longer consistent with Bally's plan, then a supplemental EIS must be prepared to address any design changes.
- Provide realistic visual representations of many different views from many different directions and distances around Ferry Point Park that compare a "before" and "after" scenario in multiple seasons, including, at least, winter.

II. <u>Failure to Consider Range of Reasonable Alternatives</u>

A. <u>The DEIS does not consider alternatives that minimize the Project's impact.</u>

A DEIS must consider "the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor."[2] This analysis is essential to enable the lead agency to "certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent

[2] 6 NYCRR § 617.9(5)(iii)(v).

practicable."[3] The DEIS fails in this regard because it considers only the Action and the No-Action and No Unmitigated Impact Alternatives.

Despite that the Project's impact may be reduced by reducing the size of the Project, the DEIS does not include any alternatives that reduce the footprint of proposed structures or eliminate elements not germane to the project's purpose.[4] For example, reasonable alternatives that would still serve the Project's purpose of "enabl[ing] a destination gaming facility" (DEIS 1-28) might reduce the number of gaming positions, number of hotel rooms, size of the parking structure, or size of the replacement golf clubhouse (which would be nearly 15,000 gsf larger than the existing clubhouse under the Action, a detail the DEIS does not substantively comment on or explain the reasoning behind). Other reasonable alternatives might eliminate the retail space or event center, for example. But the DEIS considers none of these.

B. <u>The continued operation of the golf course should not be assumed inherent in every alternative.</u>

Save the Sound notes in particular the DEIS's failure to consider any alternative under which the golf course ceases operations upon the expiration of its concession license in 2035. As anyone who has driven over the Whitestone Bridge well knows, 222 acres of Ferry Point Park east of the bridge is currently utilized as a public golf course, operated by Bally's pursuant to a concession license, where anyone is welcome to play 18 holes for $210 on the weekends if they are a New York City resident (non-residents pay $266). The current concession license expires on March 31, 2035. (DEIS ES-4) After that time, NYC Parks could renew the license, or it could, in theory, convert the land to a use that is truly accessible to all New Yorkers, improves the health of our environment, and provides a beautiful welcome into the Bronx from the Whitestone Bridge. It could involve the community in this process and facilitate the cultivation of an open space that prioritizes the needs and visions of Bronx community members and their families.

But Bally's proposes to preempt and prevent this vision not just by taking public land for its own private use to build a 20-floor 3,093,880 gsf hotel and casino complex on prime waterfront property that is supposed to be for the use and enjoyment of the public in one of the most densely populated cities in the world, but also by including in its proposed Action

[3] 6 NYCRR § 617.11(d)(5).
[4] *See* NYC MAYOR'S OFFICE OF ENVIRONMENTAL COORDINATION, CITY ENVIRONMENTAL QUALITY REVIEW TECHNICAL MANUAL 23-1–23-2 (2021) (hereinafter, "CEQR Technical Manual") (explaining that an alternative that reduces a project's size or density "may be reasonable for projects for which the degree of potential impact is related to the size or density of the project. In that event, a lesser size or density alternative with the potential to reduce the impacts of a proposed project while, to some extent, still meeting the project's stated purpose and need may be considered").

an extension and modification of the golf course concession license. (DEIS ES-10) Such an action is not germane to the Project's Purpose of "enabl[ing] a destination gaming facility." (DEIS ES-11) Whether or not to extend the golf course concession license is a separate matter that should be left to NYC Parks upon the expiration of the current license based on all applicable review procedures, including a separate CEQR process focused on the impacts of the golf course. And if Bally's is going to continue to include the golf course in the Proposed Action, it must expand the scope of the EIS to include potential adverse environmental impacts from the entire Project area, including the golf course. This would very likely require a supplemental EIS.

The DEIS also assumes the continued operation of the golf course in the No-Action Alternative. In response to Save the Sound's comment on the Draft Scope of Work requesting that the alternatives analysis "should include consideration of a potential future outcome where the current lease is not renewed," Bally's stated that if the concession license 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." (Final Scope of Work, Response to Comments on the Draft Scope of Work 23) But that is not what is reflected in the DEIS, which states that under the No-Action Alternative "existing conditions on the Development Site and Ring Road are expected to remain," including "uses that support the Golf Course" such as the clubhouse and practice area. (DEIS 21-2–21-3)

A "range of reasonable alternatives" for the Project should, as explained above, include alternatives that reduce the size of the Project. That should include at least one alternative where some form of the casino complex is constructed, but without the continued operation of the golf course beyond the expiration of the current concession license. Further, if Bally's sees fit to consider an alternative where the golf course concession license is renewed, but other proposed project elements are not implemented, it must do that in a separate additional alternative, *not* the No-Action Alternative. The No-Action Alternative should consider the *current* conditions, wherein Bally's operates the golf course pursuant to a concession license that will expire in 2035.

The appropriate treatment of the golf course in the EIS is especially important because of the potential adverse environmental impacts of the golf course itself. Golf courses are generally notoriously bad for the environment due to their high water demand and the pesticides, fertilizers, and other chemicals utilized to maintain them. The lead agency must compare how different alternatives — some of which perhaps include the continued operation of the golf course, some of which do not — minimize or avoid significant adverse environmental impacts. This is not possible if the EIS erroneously includes the golf course in every alternative.

C. The comparison of alternatives assigns benefits to the Proposed Action that are not supported in the record.

The DEIS compares the Action and the No-Action Alternative in misleading ways that cast the Action in an artificially positive light, assigning benefits to the Action and drawbacks to the No-Action Alternative that are not supported elsewhere in the DEIS. For example, the DEIS states that under the No-Action Alternative Bally's "would not deed the designated new parkland to NYC Parks." But Bally's has not committed to deed new parkland to NYC Parks under the Action either, and even if it did, the City would *be losing the alienated land at Ferry Point Park*. The DEIS implies the City would *gain* parkland under the Action, but nowhere else in the DEIS does Bally's commit to such an outcome.

The record also does not support the assertion that under the Action "water quality discharged into the surrounding waterbodies would be improved." (DEIS 21-9) As detailed further below in Section III, the DEIS does not explain how Bally's plans to mitigate the environmental impacts of the increased stormwater runoff anticipated from its proposed casino complex. The assertion in the alternatives analysis that the Proposed Action will improve water quality conditions as compared to the No-Action Alternative is therefore a conclusory statement unsupported by any evidence or data. This unacceptably deprives MOEC, involved agencies, other decision makers, and community members of a complete understanding of whether Bally's is capable of managing the volume of stormwater a 3.1 million gsf facility will generate in the middle of a public park adjacent to two impaired waterbodies (upper East River and Westchester Creek, as discussed further below) such that the Action will present an improvement in conditions, as Bally's claims.

In sum, the FEIS must:

- Analyze alternatives that reduce the size of the Project by reducing the footprint of proposed structures.
- Analyze alternatives that reduce the size of the Project by removing project components that are not germane to the purpose of operating a gaming facility, such as the continued operation of the golf course beyond 2035, the retail space, and the event center, for example.
- Analyze alternatives that combine elements from the above two recommendations (i.e. an alternative that both reduces the size of the casino and excludes the event center, golf course, and retail space).

III. Stormwater and Sewage

The effects of increased rainfall on New York City's communities are more apparent than ever as climate change continues to exacerbate the stormwater and wastewater issues faced by the City's aging infrastructure. Stormwater runoff provides a vector for contaminants such as oil and grease, animal waste, fertilizers, and pesticides to enter our waterways, leading to water quality impairments. Untreated wastewater discharges from overburdened treatment facilities also have negative impacts on water quality such as decreased oxygen levels and pathogen contamination. Furthermore, portions of the Project and accompanying re-development of Ring Road lie within the 100- and 500-year floodplains and will be subjected to continuous flood risks (Ring Road already floods under current conditions). Therefore, significant mitigation efforts are needed to adequately address concerns stemming from flooding, polluted wastewater discharge, and contaminated stormwater.

While Bally's has provided some insight into their plans to floodproof the Project and address stormwater runoff, the DEIS' current analysis is insufficient, and more details must be provided to allow community members and decision makers to make an informed assessment.

A. The DEIS does not adequately address the Project's impacts on combined sewer overflows (CSO).

Wastewater generated from the Project site is discharged to the combined sewer system on Emerson Avenue and conveyed to the Hunts Point WRRF, as will remain the case if the Project is completed. (DEIS 11-11) During periods of heavy rain, stormwater enters the combined sewer system and mixes with wastewater, overwhelming the sewer system and WRRF. As a result of this overburdening of the system's capacity, the WRRF has no choice but to discharge partially treated or untreated sewage into the nearest waterway (in this case the Upper East River). The DEIS states that the additional wastewater the Project would generate would not cause the Hunts Point WRRF to exceed its operational capacity, but it based this conclusion only on the WRRF's average dry weather flow. (DEIS 11-13) The lack of any wet weather analysis is a serious oversight, especially given that rainfall is projected to increase in the coming years as a result of climate change, so Hunts Point WRRF is likely to operate closer to its maximum capacity more often, with CSO discharges likely happening more frequently. The FEIS must include a wet weather analysis of the Project's potential significant adverse water and sewer impacts related to wastewater treatment, and a range of wastewater projections should be presented.

B. The DEIS does not adequately address potentially significant adverse impacts to sewer capacity or appropriate mitigation measures.

The Project is projected to generate an average of 388,117 gpd of wastewater, a 98% increase from the 6,064 gpd generated on average under the No-Action condition. (DEIS

11-13). The DEIS acknowledges that as a result of such a large increase in wastewater volume "the existing connection to the NYCDEP combined sewer on Emerson Avenue *may need to be upgraded* and, *if required*," would require review and approval through the NYC Department of Environmental Protection (NYCDEP) permitting process. (DEIS 11-13 (emphasis added)) This process would include a hydraulic analysis which may reveal a need to amend the existing drainage plan. (DEIS 11-13)

There are several problems here:

1) This discussion seems to imply, without directly acknowledging, that the Project may cause or contribute to an exceedance of the capacity of the existing connection. If this is indeed the case, it may represent a significant adverse impact that was not disclosed in the DEIS and which may be unmitigable. Failure to disclose this critical information ahead of the public comment period unacceptably deprives the public of an opportunity to review and comment on this issue, warranting the completion of a supplemental EIS.

2) To address this potentially significant adverse environmental impact, Bally's offers no solutions other than the vague suggestion that the connection "may need to be upgraded." And even that suggestion, as the DEIS acknowledges, would require extensive involvement from DEP, including both a permitting process for the connection upgrade and potentially an amendment to the drainage plan. The DEIS says nothing about whether Bally's has communicated with DEP about this issue and received assurances from DEP that this is something within their budgetary, planning, or staff capacity. Absent such assurances, Bally's is making promises regarding its ability to mitigate impacts to sewer capacity it has no ability to keep.

3) Observing only that the connection "*may need to be upgraded*" suggests that Bally's is waiting until the Project is completed to determine if there is even a problem here. That is not how CEQR works. As explained in (1) above, Bally's must evaluate and disclose significant adverse environmental impacts and explain how they will be minimized or avoided *now*, not when the Project is completed and the problem reveals itself, requiring Bally's and the City to both clean up the mess and identify and implement a solution. Should this scenario arise, it would, at the very least, require the permitting process noted in the DEIS, plus any other design, funding, environmental review, and other processes that may be needed. All the while, the environment and the surrounding communities would be suffering the consequences of a problem Bally's could have, and should have, anticipated when drafting the DEIS.

The omission of a meaningful analysis of potential significant adverse environmental impacts to sewer capacity, including identification of feasible and effective mitigation measures, renders the DEIS inadequate and may warrant a supplemental EIS so that the public may review and comment on this previously undisclosed significant adverse impact.

C. The DEIS does not adequately address impacts to impaired waterways from stormwater runoff.

It is imperative that stormwater runoff be mitigated to prevent contaminants from entering the impaired waterways surrounding the Project site. Stormwater will be conveyed to existing outfalls that discharge to Westchester Creek and the East River. (DEIS 11-14, 11-16) These waterways are listed as impaired per 2018 Section 303(d) List of Impaired Waters Requiring a total maximum daily load (TMDL), a calculation that determines the maximum amount of a pollutant that a waterbody can receive while still meeting water quality standards. The word "impaired" does not appear in the DEIS' Water and Sewer Infrastructure chapter, which is an oversight of current water quality conditions. Bally's must comply with New York City's 2022 Unified Stormwater Rule for new developments which prioritizes green infrastructure such as rain gardens, green roofs, porous pavements, and bioretention to address stormwater runoff. These solutions should be implemented throughout the Project and take priority over traditional "grey" infrastructure, and if they cannot be implemented, detailed explanations as to why must be provided. Furthermore, stormwater treatment practices such as hydrodynamic separators and media filters should also be deployed to treat stormwater that is not mitigated by green infrastructure, particularly around Ring Road where contaminants from vehicles can be picked up. Maintenance responsibilities for these resources must be identified in the FEIS, and adequate support must be provided to ensure these solutions operate properly.

While Bally's claims it will comply with the Unified Stormwater Rule, it provides no evidence of its ability to actually follow through on this empty assertion. Bally's must explain how exactly it plans to mitigate the additional stormwater runoff this project will generate, and demonstrate that these plans will be effective under the conditions specific to this Project in this location.

D. The DEIS disregards impacts to groundwater and stormwater runoff from chemical inputs for the maintenance of the golf course.

The DEIS does not include any discussion of impacts to groundwater or surface waters via stormwater runoff from chemicals that may be used for maintenance of the golf course, such as pesticides, herbicides, and fertilizers. As explained in Section II above, the FEIS must consider alternatives in which the golf course ceases operations by the time its concession license expires in 2035. If Bally's is going to continue to include the continued operation of

the golf course beyond that time in its Proposed Action or any alternatives, in the FEIS it must disclose if, how, and to what extent it intends to use such chemicals and how it will contain all overland precipitation runoff onsite to prevent these chemicals from entering nearby wetlands, the East River, or Westchester Creek.

The FEIS must also provide modeling to demonstrate chemical inputs on the golf course will not contaminate the groundwater. Even if the groundwater has already been contaminated by the landfill or past or existing activities on the golf course, the FEIS must demonstrate that the Proposed Action will not add to this existing contamination.

In sum, the FEIS, or a supplemental EIS, must:

- Provide wet weather analysis of wastewater flows to the Hunts Point WRRF to determine whether the Project would cause or contribute to exceedances of operational capacity during rain events.
- Determine whether the Project will significantly adversely affect sewer capacity and, if so, identify feasible and effective mitigation measures to minimize or avoid the impact.
- Identify specific stormwater mitigation solutions that prioritize green infrastructure practices such as rain gardens, green roofs, and bioretention basins among other strategies. Simply suggesting that they will be considered is not enough.
    - Should these practices be deemed infeasible, detailed explanations as to why must be provided.
    - Stormwater pre-treatment practices must also be specified and maintenance responsibilities for all stormwater mitigation solutions need to be clarified.
- Identify and analyze a potential NYCDOT Wetland Mitigation project located south of the Project site. Wetlands can assist in stormwater mitigation and a solution such as this should be considered as well.

IV. Air Quality

Clean air is critical to maintaining a healthy quality of life. Air pollution can lead to serious health problems, especially for vulnerable populations. Vehicle emissions, building emissions, and weather events can all contribute to worsening air quality. It is important to carefully consider and analyze how air quality can be negatively impacted by the introduction of new emission sources. The DEIS states that there will be no significant adverse impact to air quality from mobile sources; however, the FEIS must clarify how that conclusion was reached. The DEIS does not provide an adequate explanation, and more work needs to be done to fully understand the scope of how increased vehicular traffic and mobile emissions will contribute to air quality impacts.

Four intersections were selected to represent worst-case Project-generated mobile source emissions: **(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)** the Project's proposed parking garage and garage driveway on the Project site. However, there were a total of 15 identified intersections that could experience 50 or more peak hour vehicle trips. Furthermore, there were 15 identified highway segments that would have traffic impacts that exceed CEQR thresholds. As traffic is a major source of emissions, a detailed air quality analysis must be done along **all** these intersections and highway segments, not just the representative worst-case intersections. Mitigation in many of these intersections and highway segments was deemed infeasible or impractical, subjecting them to increased vehicular volume and resulting emissions. The FEIS must do more to help the public understand how air quality will be impacted, especially because many of these highway segments and intersections run along residential neighborhoods.

In addition to insufficient air monitoring analysis, the background air quality concentrations used to obtain the projected cumulative pollutant levels are questionable. Background pollutant concentrations were obtained from the nearest monitoring stations provided in the New York State Ambient Air Quality Report for 2023 published by NYSDEC. The only active monitoring stations are: IS 52 (Girls Prep Bronx Elementary Charter School – 681 Kelly St, Bronx, NY 10455), IS 74 (Hyde Leadership Charter School - 730 Bryant Ave, Bronx, NY 10474), and Queens NR (153-03 61st Rd, Flushing, NY 11367). These monitoring stations are wholly outside the Project site, relatively far from Throggs Neck, and experience their own heavy air pollution loads. Using data from these sources can inflate the resultant background concentrations and provide an inaccurate analysis of projected cumulative pollutant levels near the Project site, therefore Bally's must provide clarification in the DEIS as to what those monitoring stations recorded, and what cumulative pollutant levels would look like either without those stations as background levels, or with different monitoring stations used. All air quality assessments must be gauged against levels found within Throggs Neck and Ferry Point Park.

In sum, the FEIS must:

- Specify why air quality analysis was not performed at all the intersections and highway segments identified as having significant adverse traffic impacts.
- Perform that air quality analysis at those identified locations.
    - While Bally's may feel confident in their initial assessment, the community must be absolutely sure given that this Project will be irreversible once completed.

- Provide more clarity regarding background pollutant concentrations, and that current air quality conditions in Ferry Point Park and Throggs Neck are compared against projected mobile source emissions.
- Explore the feasibility of installing electric vehicle charging stations at the portions of parking that will be accessible to the general public as a commitment to promoting clean energy. The Project will already be implementing electric heating and hot water systems and should explore this possibility as another community benefit.

V. Inadequate Consideration of Harms to Disadvantaged Communities

The Project site is located within Ferry Point Park, entirely bordered by New York State Department of Environmental Conservation-identified disadvantaged communities (DACs). ECL § 75-0101(5) defines DACs as communities that bear disproportionate burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socio-economic criteria, or comprise high-concentrations of low- and moderate- income households. The DEIS was required to consider whether the Project "may cause or increase a disproportionate burden on a disadvantaged community," including communities "directly or significantly indirectly affected."[5] The DEIS's 3-page analysis fails in this regard.

The DEIS highlights that the Project site is 1,100 feet away from the nearest DAC (the closest street being Emerson Ave.) and notes that the Project would not result in significant adverse impacts in the following CEQR technical areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions and climate change; public health; and neighborhood character. The implication seems to be that Bally's need not address the burdens this Project may bring to DACs in the neighborhoods of Throggs Neck, Soundview, and Pelham Bay simply because the Development Site does not sit squarely within these neighborhoods, but rather within a park bordering these neighborhoods. This is a serious oversimplification of how these adverse impacts may play out in a community.

The DEIS states: "The Proposed Actions have the potential to result in significant adverse traffic impacts at up to 15 highway segments. **While these highway segments are located partially within** and outside of a DAC, the purpose of the Interstate Highway system is to allow transportation between neighborhoods and cities along a limited-access roadway. **Outside of air and noise emissions**, additional vehicular volume on an existing Interstate

[5] ECL § 8-0109.

Highway would have a limited effect on the community through which it traverses." DEIS 26-3. This is an over-generalization of the likely traffic impact in the DACs surrounding Ferry Point Park. Should significant adverse traffic impacts exist, air and noise emissions will follow. Residents know that many sections of highway, particularly the Bruckner Expressway, Cross Bronx Expressway, Throgs Neck Expressway, and Hutchinson River Parkway, already experience significant traffic during different parts of the day, and a project of this size and scope will exacerbate those conditions especially with their projected levels of vehicular volume. Bally's cannot simply dismiss their responsibility to address concerns of disadvantaged communities outside of Ferry Point Park simply because their development is not located squarely in those communities, even more so when they are posing their project as being of such a benefit to The Bronx. It must consider both direct and significant indirect impacts to these communities.

This section of the DEIS also relies on the fault air quality analysis described in Section IV above to claim no harms to DACs. But as explained above, by using non-representative air monitoring stations to establish baseline air quality, the DEIS fails to accurately present how much air quality may worsen from that baseline with this Project.

The FEIS must provide a complete and thorough analysis of the impacts of this Project on the DACs outside of Ferry Point Park, and the appropriate air and noise analysis should be conducted as indicated in the Air Quality segment above.

In sum, the FEIS must:

- Expand their disadvantaged community scope to include the neighborhoods which people seeking to visit their casino will need to traverse.
- A full analysis of the effects on Disadvantaged Communities outside of the development site, including but not limited to Throggs Neck, Soundview, and Pelham Bay.
    - As Bally's has identified highway segments that traverse these neighborhoods as potentially experiencing significant adverse impacts from traffic, they should perform an in-depth and transparent analysis on emission-related impacts.

VI. Hazardous Materials and Toxics

Hazardous materials are any substances that pose threats to human health or the environment. They can include substances such as heavy metals, volatile organic compounds (VOCs), or polychlorinated biphenyls (PCBs) among others. It is well known that the current golf course and proposed Project site are located on a former municipal

landfill. (DEIS 10-1) The original test programs in the 1990s showed high concentrations of methane gas and PCBS, lead, and arsenic above safety criteria. (DEIS 10-2) The DEIS notes a passive ventilation system located throughout the park, and an active system in the clubhouse. (DEIS 10-2) According to the DEIS ongoing monitoring suggests that hazardous gas conditions are stable, but groundwater beneath certain sections of the golf course contains VOCs, SVOCs, metals, ammonia, sulfate, and cyanide above NYSDEC Ambient Water Quality Standards (AWQS) signaling persistent contamination beneath the surface. (DEIS 10-3)

A. The DEIS does not adequately disclose potential risks associated with major construction atop a former landfill or adequately identify effective and feasible mitigation measures and monitoring plans.

Construction of a facility of this size on top of a former landfill requires clear, detailed plans to ensure public health and safety in and around the Project. The DEIS seems to rely heavily on the ability of current systems to avoid hazardous releases that endanger public safety, but provides little information on Bally's ability to contain underground the many toxic substances lurking in the landfill once a massive casino and hotel complex is sitting atop what is currently only a golf course. As environmental advocates noted during the original golf course construction, adding weight on top of the landfill "threatens to further compact the garbage like a giant whoopie cushion, sending not only potentially explosive methane gas into neighboring homes but also polluting the East River with toxic chemicals."[6] Indeed, golf course construction was stalled when explosive methane gas was detected in surrounding communities, including in the basement of Throggs Neck Houses.[7] While hazardous material management has come a long way since the golf course construction, the risks are too serious to simply trust that Bally's will be able to manage them without a clear plan and data to back it up.

The FEIS must explain what environmental oversight and monitoring during ground-intrusive activities and post-construction will look like, including how often it will be conducted, to whom results will be reported or where they will be publicly available, and who will be responsible if indeed a problem is detected. If these details are contained within the nearly 5,200-page Appendix F, they should be separated and highlighted in the Hazardous Materials chapter itself. The DEIS seems to characterize the idea that Bally's would become responsible for monitoring within the Development Site as an unequivocally positive change because of the resources it would save NYC Parks. **But Save the Sound has trepidations about outsourcing public health matters to a private company operating the**

[6] John J. Goldman, *One Man's Trash, Another's Fairway*, THE LOS ANGELES TIMES (May 27, 2002), https://www.latimes.com/archives/la-xpm-2002-may-27-na-golf27-story.html.
[7] *Id.*

facility atop the former landfill and how well that serves the public's best interest. The FEIS must provide more clarity on to whom and how Bally's will be accountable.

Further, a revised or supplemental DEIS should detail the Post Construction Custodial Care Plan (PCCCP) for the project site. According to the DEIS, the PCCCP would not be completed until after subsurface work is completed. But the information the PCCCP would contain, including use restrictions and monitoring and maintenance of environmental protection systems, is important for decision makers and the public to understand the environmental impacts of the proposed project. **These sorts of disclosures are due at the time of the DEIS**; they should not be delayed until after ground has been broken and it may be "too late" to make needed changes to avoid dangerous environmental or public health impacts.

Finally, the FEIS must also explain what kinds of use restrictions were placed on the land in the past, why, and whether it is appropriate or safe to construct a facility of this size in this location.

B. <u>The DEIS does not adequately disclose or address potential risks associated with the release of methane from the former landfill.</u>

Methane is an extremely flammable and explosive gas generated in landfills as bacteria breaks down organic wastes.[8] It can move through soil into the open air, or into nearby buildings through cracks in the structure, utility entry points, sump pump holes, or floor drains ("soil vapor intrusion", discussed further below).[9] In addition to its explosive properties, methane can have serious health effects when it aggregates in high levels.[10]

The Hazardous Materials chapter of the DEIS states that a 1999 Environmental Assessment Statement (EAS) evaluating the area now occupied by the golf course for development as a public recreational facility reported "high methane concentrations at some locations at a depth of two- to three-feet below the surface of the landfill; however, negligible concentrations were found at the surface." (DEIS 10-2) The DEIS does not, however, provide the actual concentrations found or any kind of methane monitoring results.[11] The FEIS must provide and clearly identify these monitoring reports for methane and all

[8] New York State Dep't of Health, *Important Things to Know About Landfill Gas*, https://www.health.ny.gov/environmental/outdoors/air/landfill_gas (last updated Feb. 2024).
[9] *Id.*
[10] *Id.*
[11] It is possible that some of this reporting appears in Appendix F, but as discussed further below, Appendix F is virtually impossible to navigate and cannot be relied upon as any kind of demonstration of disclosure to the public of risks, monitoring, or mitigation of hazardous materials.

monitored landfill gases, beginning from when monitoring began through the most recent report.

Methane and other landfill gas monitoring reports are particularly important for the public and decision makers to review because the DEIS indicates Bally's intends to continue to rely on passive venting systems to prevent methane from accumulating to dangerous levels inside the landfill. (*See* DEIS 10-3) If methane levels are high enough, passive venting may not be adequate and an active system may be necessary. The FEIS must provide this data and explain why passive venting will be adequate to prevent dangerous accumulations of methane.

The FEIS must also clarify what is meant by the remark that high methane concentrations were found "at a depth of two- to three-feet below the surface of the landfill." It is not clear if these high concentrations were found just below the top of the landfill cap, such that they were penetrating partway through the cap, or if they were found below the deepest layer of the cap.

C. <u>The DEIS does not adequately describe Bally's plan to breach the landfill cap or how potential impacts and hazards of doing so will be managed and mitigated.</u>

The DEIS states that the installation of piles to support the Project "would require a breach of the landfill cap and excavation of material underlying the existing cap." (DEIS 10-3) Such a breach increases the risk that the hazardous materials contained by the cap will spread.[12] To fully inform decision makers and the public of the risks involved here and Bally's ability to manage and mitigate them, the FEIS must include diagrams showing the extent of the landfill, what Bally's plans to do in regards to breaching the cap, and provide information about how they will seal the landfill after the pilings are installed in order to prevent additional methane and other hazardous materials from escaping. The FEIS must also include plans for a methane detection system in the area of the pilings to determine if there is a methane release both before, during, and following construction.

D. <u>The "Hazardous Materials" section of the DEIS is internally inconsistent and fails to adequately address potential significant adverse impacts from soil vapors.</u>

A Phase I environmental site assessment (ESA) was performed in September 2024, which identified two Recognized Environmental Conditions (RECs): **(1)** "Current and Historical Use of the Adjoining and Surrounding Properties: Historical adjoining and surrounding use of the Development Site, within the footprint of a former municipal solid waste landfill, a United Parcel Service (UPS) facility with petroleum and chemical bulk storage, and a

[12] Env't Prot. Agency, *Community Guide to Capping*, https://semspub.epa.gov/work/HQ/401585.pdf (2021).

Metropolitan Transportation Authority (MTA) bridge support facility with petroleum bulk storage are proximate to Ring Road. **Documented and undocumented spills or releases of petroleum products of hazardous substances associated with these properties have adversely affected groundwater and/or soil vapor near Ring Road.",** and **(2)** "Non-Native Fill: Non-native fill is potentially beneath Ring Road above native soil. Non-native fill in New York City may contain contaminants, particularly metals and SVOCs, at concentrations that exceed applicable state and/or federal standards." (DEIS 10-10) A subsequent Phase II ESI Work Plan was prepared and approved in September 2024 that outlines the subsurface investigation, environmental sampling, and laboratory analyses to be performed. The Phase II ESI Work Plan focused on areas identified as RECs in the Phase I ESA.

The Hazardous Materials chapter states that as part of the Phase II ESI Work Plan: "There are no enclosed structures along Ring Road or in the adjacent area; therefore, no soil vapor sampling is proposed", which directly contradicts the Phase I ESA and facts on the ground. There is an MTA building (which the phase I ESA identified) between Ring Road and the Hutchinson River Expressway, and an enclosed public restroom southwest of that location. Soil vapor does not just move vertically from ground to atmosphere. It can move horizontally through circuitous routes and find its way up into basements and other underground spaces, causing people to get ill.[13] It seems both contradictory and negligent to state in the Phase I ESA that there have been documented spills of hazardous substances which have adversely affected soil vapor near Ring Road, while simultaneously suggesting in the Phase II ESI that soil vapor analysis is not required because there are no enclosed structures adjacent to Ring Road. The FEIS must take these structures into account and perform the appropriate analysis to ensure that public safety is maintained at these locations.

In addition, the DEIS notes that the Phase II ESI Report will be prepared following completion of the field activities and receipt of the laboratory data. (DEIS 10-11) The report will provide detailed summaries of the investigative procedures and findings. MOEC, involved agencies, other decision makers, and the public must be able to review this report before any findings statements are made.

In sum, the FEIS must:

- Provide the results of a soil vapor analysis (currently not planned), which MOEC should require to include structures along Ring Road such as the enclosed public restroom and MTA building.

[13] *See* Agency for Toxic Substances and Disease Registry, *Landfill Gas Control Measures*, https://www.atsdr.cdc.gov/hac/landfill/html/ch5.html (last updated November 2001) (discussing importance of preventing off0site migration of landfill gas).

- Provide specific plans to ensure public health and safety in and around the hotel and casino complex during and after ground-intrusive construction work.
- Clarify who will hold Bally's accountable for monitoring within the Development Site.
- Detail the Post Construction Custodial Care Plan (PCCCP) for the project site in a revised DEIS, **before** groundbreaking to allow for adequate time to review.
- Explain the use restrictions placed on the land, and address safety concerns of constructing a facility of this size in this location.

VII. Natural Resources

A. The DEIS's analysis of impacts to birds and bats in flight is seriously deficient.

The DEIS does not adequately address and mitigate likely adverse impacts to wildlife, especially birds in flight. The "Natural Resources" section notes only two single-day bird surveys: one on May 22, 2024, and one on October 9, 2024, to document spring and fall migration. (DEIS 9-17) It does not state how long or during what time of day surveyors conducted their species counts, or explain why only two days of survey were deemed sufficient. It also does not provide any analysis of the collision- risks a large structure that appears in architectural renderings to be comprised largely of glass poses to birds and bats, especially given New York City's location in the Atlantic Flyway and the Project's location on the upper East River, so near to where it opens to the Sound.

The DEIS does give a brief nod to "bird-friendly design requirements" and a vague intent to explore methods to minimize light pollution, but makes no commitment to, or even mention of, actual plans to ensure building collisions are minimized or avoided. Again, it is not enough to expect the public and decision makers to simply trust that Bally's has the ability to mitigate these impacts; Bally's must enable informed decision making by demonstrating it has feasible, effective methods to protect wildlife.

B. The DEIS's assertion that the Project will not significantly impact terrestrial wildlife is scientifically unsound and unsupported.

The Natural Resources chapter dismissively asserts that "any wildlife currently using the Affected Area as habitat would have access to similar, nearby habitat when development within the Affected Area commences, and therefore "[a]lteration of habitat within the Affected Area is… not anticipated to have a significant impact on local populations of terrestrial wildlife." (DEIS 9-3) But animals cannot simply move to another nearby suitable location if they are being disturbed or if their habitat is modified or destroyed. This assertion ignores that if adjoining habitats are suitable, they are most likely already occupied, or may

be proximal to defended territories. This is particularly problematic for animals moving into adjoining areas as a result of disturbance, as they are already stressed and therefore less capable of competing successfully with the pre-existing populations in the adjoining areas. In sum, disturbance to habitat reduces population size and adversely affects fitness; these are adverse impacts the DEIS wholly disregards.

Moreover, the DEIS's conjectures about the alleged lack of impact to terrestrial wildlife are based not on actual surveys of what mammals, reptiles, or amphibians are present at the Project site, but rather on an NYC Parks website that appears to be intended to educate the general public on what animal species "can be found in our parks."[14] The website is not specific to Ferry Point Park, or even to the Bronx; rather, it describes some of the wildlife that one might encounter somewhere in the NYC Parks system.

Further, the DEIS does not even attempt any kind of analysis based on this list; rather, it simply states that "[b]ecause the Study Area partly comprises an NYC public park, some of these species may be found in the Study Area." (DEIS 9-19–9-20) This is a wholly inadequate basis on which to conclude the Project would not result in a significant adverse impact to natural resources. The FEIS must undertake a wildlife survey in earnest and, based on the actual data collected and analyzed, consider whether the wildlife present will be significantly adversely affected by the Project.

C. The FEIS must be updated to reflect current freshwater wetland regulations and NYSDEC jurisdiction.

The DEIS was presumably drafted sometime in 2024, but was published on January 17, 2025. This means the Project is subject to the new freshwater wetlands regulations which became effective on January 1, 2025.[15] The DEIS notes what was presumably at the time of drafting the impending effective date of the new regulations, and passively acknowledges that upon the effective date New York State Department of Environmental Conservation (NYSDEC) could potentially assert jurisdiction over the one freshwater wetland in the Study Area and its adjacent areas, requiring a freshwater wetland permit for the Project to proceed. (DEIS 9-5) But this passive acknowledgement is not sufficient. Bally's must request a jurisdictional determination from NYSDEC and report the Department's findings and their implications in the FEIS. Taking this step is of particular significance because the subject wetland could fit the criteria for a jurisdictional urban freshwater wetland, which

[14] NYC Parks, *Wildlife in New York City*, https://www.nycgovparks.org/learn/wildlife-in-new-york-city (last visited May 21, 2025).
[15] *See* New York State Dep't of Env't Cons., *Freshwater Wetlands Program*, https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program (last visited May 22, 2025).

would be considered a "wetland of unusual importance" under the new regulations. The FEIS must also update the wetlands discussion generally to reflect the new regulations.

VIII. The DEIS is Extremely Difficult to Navigate and Inaccessible to the General Public

Public participation is a fundamental component of the CEQR process. The lead agency must provide opportunity for public comment and include and respond to substantive public comments in the FEIS.[16] But for the public to comment, the DEIS must be usable. The DEIS here suffers from several deficiencies that make it inaccessible to the public:

- Appendices F (Hazardous Materials – Supporting Documentation) and G (As-Built Drawings) are extremely long — 295 pages and 5,146 pages, respectively. Neither of these appendices includes a table of contents, and much of Appendix F is not text searchable, rendering them both essentially unusable. This is particularly concerning in the context of Appendix F, the title of which suggests it includes vital information regarding how Bally's intends to protect public health and safety from hazardous materials found on site and to which workers and visitors may be exposed. But without a table of contents or the ability to search the text it is virtually impossible for anyone to locate relevant information to understand the risks posed by this Project.

- The DEIS creates its own vocabulary to describe the Project. In many ways this can be useful. But the DEIS overcomplicates things, noting in the Executive Summary several different shorthands for different combinations of project elements. For example, the "Proposed Action," the "Proposed Facility," the "Proposed Rezoning Area," the "Affected Area," and the list goes on. Some of these shorthands encompass the others; for example, the "Proposed Rezoning Area" includes the "Development Site," which in turn includes the "Proposed Facility," which *does* include the casino and hotel, but *not* the replacement golf clubhouse. When these shorthands are then employed throughout the DEIS, it is impossible to keep track of what is and is not being discussed, obfuscating the discussion of the Project's adverse environmental impacts.

The DEIS also makes it difficult to understand the project footprint and its impacts to public parkland due, in part, to obscure allusions to the "Proposed Rezoning Area." The DEIS describes the Proposed Rezoning Area as "the area proposed to be rezoned to a C8-4 district" and diagrams it as stretching well outside the Development Site, especially on the

[16] 6 NYCRR 617.9(a)(3), (b)(8).

east side of the Development Site where it comes closest to the East River. (DEIS 1-7, 1-13) But the DEIS does not state the size of the Proposed Rezoning Area or explain its purpose beyond "ensur[ing] that the entirety of the Development Site was included in the Proposed Rezoning Area while providing regular dimensions that keyed off existing street and pierhead/bulkhead lines." (DEIS 1-13) The DEIS does not clearly state how much of the Proposed Rezoning Area is parkland that would need to be alienated in addition to the parkland already identified for alienation within the Development Site.

Further, the extension of the Proposed Rezoning Area beyond the Development Site raises serious concerns about Bally's intentions for the future of Ferry Point Park. As detrimental as the current proposal would be for this waterfront public park, the Proposed Rezoning Area stretching beyond the Development Site may prop the door open for future expansion of this private development even further into the park. In the FEIS Bally's must fully explain the nature, size, purpose, and impacts of the Proposed Rezoning Area in its entirety.

In sum, the FEIS must:

- Ensure the entire DEIS, including all appendices, are text searchable and include tables of contents to assist the public and decision makers in locating useful information.
- Include in the DEIS a glossary of terms and abbreviations, including unambiguous descriptions of what each project-specific term includes and the size of the project component the terms allude to.
- Clearly state the precise size/area/footprint of each project component as well as the total size/area/footprint of the entire Project, including clearly explaining the precise size, purpose, and impacts, both individually and cumulatively with the rest of the Project, of the Proposed Rezoning Area.
- Clearly state the total area of parkland it proposes to alienate and clearly indicate on a map where this alienation would take place.

IX. Conclusion

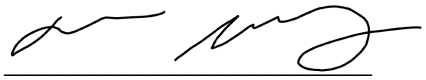
In conclusion, the DEIS fails to take the "hard look" at the potential significant adverse environmental impacts of the proposed Bally's Bronx casino complex as required by CEQR.[17] It lacks critical information on and analysis of numerous environmental concerns, including parkland, water quality, sewer capacity, air quality, disproportionate burdens on disadvantaged communities, hazardous materials, wildlife, and wetlands, and it fails to

[17] *See* CEQR Technical Manual at 1-20; *see also Friends of P.S. 163, Inc. v. Jewish Home Lifecare, 30 N.E.3d 1253, 1260 (N.Y. 2017) (quoting Akpan v. Koch, 554 N.E.2d 53, 57 (N.Y. 1990)).*

adequately explore alternatives or mitigation measures to minimize or avoid potential impacts. The FEIS — or a supplemental EIS, as may be required — must address these deficiencies; if it does not, the requirements of CEQR will not have been met, there will be no rationale to support approval of the Proposed Action, and negative findings statements from MOEC and all involved agencies will be required.

Thank you for your consideration of these comments. If you have any questions or would like to further discuss our concerns, please do not hesitate to contact us.

Respectfully submitted,



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WORLD & NATION

One Man's Trash, Another's Fairway

By JOHN J. GOLDMAN

May 27, 2002 12 AM PT

TIMES STAFF WRITER

NEW YORK — Ferry Point Park in the Bronx is one of this city's last, big pieces of undeveloped land. At 414 acres, it's half the size of Central Park, with spectacular waterfront views and vistas of the Empire State Building.

Seemingly the perfect spot for a PGA-caliber golf course being billed as the "Pebble Beach of the East." At least that was what city officials had in mind two years ago, when the parks department awarded developers the rights to construct the course.

But work at Ferry Point stopped in January because the land--a former garbage dump built atop a marsh--is sinking. Today the site resembles a moonscape, stripped of foliage and covered by a layer of gray construction debris.

The developers want to shore up Ferry Point by bringing in an additional 550,000 cubic yards of landfill. But environmental groups are protesting the plan, which they argue threatens to further compact the garbage like a giant whoopie cushion, sending not only potentially explosive methane gas into neighboring homes but also polluting the East River with toxic chemicals.

All sides in the controversy agree the stakes are sizable.

“It is essentially a good and honorable deal for everyone,” said Henry Stern, who was the city’s parks commissioner under former Mayor Rudolph W. Giuliani. “It was a wasteland for 30 years, and it is making the desert bloom.”

The project has the support of virtually all politicians in the Bronx. Giuliani, an enthusiastic golfer, had lobbied to make the course a stop on the PGA tour.

But Leslie Lowe--former executive director of the New York Environmental Justice Alliance, which filed an unsuccessful suit seeking to cancel the developer’s contract--charged that Ferry Point “has all the landmarks of a wired deal.... The project is undercapitalized. They put all of the potential liability off on the taxpayers.... You don’t play PGA tournaments on a toxic golf course.”

The accusation caused Edward C. Wallace, one of the developer’s principal lawyers, to bristle.

“Nobody would put up tens of millions of dollars to produce a toxic golf course.... I count on my client to do the right thing,” he said.

ADVERTISEMENT

“You are taking a landfill that was a horrific eyesore.... [The course] will be next to Yankee Stadium and the Botanical Gardens and the Bronx Zoo, the fourth jewel of the crown of the Bronx,” Wallace predicted.

In the 1950s and ‘60s, the Ferry Point site was a garbage dump where hazardous materials, including lead paint and asbestos, were deposited. Authorized use of the landfill stopped in the 1970s, but illegal dumping of used cars, drums of chemicals and old refrigerators continued.

During the summers, brush fires fed by methane from decomposing waste were so frequent that a fire engine often was stationed next to the park.

“When I moved here in January 1978, Ferry Point Park looked like something out of a science fiction movie,” Lehra Brooks, a longtime neighborhood resident, said in a court affidavit. “There were deep craters and the ground was very uneven. Parts of it sank below street level. For a long time, I didn’t know that it was a park.... This ooze came up between the cracks [in the asphalt].... In the spring and summer, you would see lots of rats, really big rats, and the odors were horrible.”

In May 2000, the parks department awarded the concession to build the golf course on 222 acres to Ferry Point Partners, a consortium consisting of J. Pierre Gagne, a White Plains, N.Y., developer, Jack Nicklaus’ design firm and several New York investors.

The 35-year contract called for Ferry Point Partners to build the course at its own expense and pay the city $60 million in fees over the life of the agreement.

“I think it is one of the most spectacular locations for a golf course in the United States,” Gagne said, praising Nicklaus as the designer. “You have 140,000 cars that pass that property a day. Multiply it by a year, and it is one-third the population. It is surrounded by 13 million people.”

The original 2001 completion date for the course has been pushed back to 2004. The cost has risen from $22 million to more than $40 million, and some estimates are that it could reach $50 million.

One reason is that techniques used these days to prevent the spread of contamination were not employed back when the dump was sealed decades ago. Because of a lack of cover materials over the garbage, it became necessary to bring in debris from construction and demolition sites to build up the ground so the course could be shaped, soil put down and grass planted.

Adding to these problems, methane gas was detected in surrounding communities. Prompted by worries from residents, several environmental groups began investigating.

Lowe charged that the Giuliani administration “made it impossible” to obtain information. When methane readings occurred in the basement of Throggs Neck Houses, a development with more than 3,500 residents next to the site, the New York City Housing Authority was queried. No response. Requests for records of previous fires at the site went unanswered. So did letters to the Department of Sanitation asking for listings of what was dumped back when Ferry Point Park was a landfill.

Former Bronx Borough President Fernando Ferrer, a supporter of the project, also had trouble getting information from the Giuliani administration.

“The mayor’s attitude was he wanted to get this done. His term was getting done,” Stern said. “He wanted to get this done beyond the point of no return.”

But completion has proved to be difficult. The project is stalled while the New York State Department of Environmental Conservation considers whether to issue the permit for the additional landfill--and whether remedies for the methane, including a 5,350-foot trench the developer dug at the department's direction to vent the gas, are sufficient.

Environmental groups see the permit request as a chance to reopen the case.

So it doesn't look like Tiger Woods will be teeing off at a PGA tournament at Ferry Point anytime soon.

More to Read

Corona-area dump burdened with underground fire sought to accept debris from L.A. infernos

Feb. 28, 2025



Protesters, elected officials take action to halt flow of toxic debris to local landfills

Feb. 21, 2025



Finally we know where toxic ash from the L.A. wildfires could end up

Feb. 7, 2025



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Important Things to Know About Landfill Gas

Landfills can produce objectionable odors and landfill gas can move through soil and collect in nearby buildings. Of the gases produced in landfills, ammonia, sulfides, methane, and carbon dioxide are of most concern. Ammonia and hydrogen sulfide are responsible for most of the odors at landfills. Methane is flammable and concentrations have sometimes exceeded explosive levels indoors. Methane and carbon dioxide can also collect in nearby buildings and displace oxygen.

This fact sheet provides information on what measures can be taken to prevent gases from leaving landfills and entering off-site structures and how building owners can reduce landfill gas collection indoors, particularly in confined areas like basements and crawl spaces.

Landfill Gas

Landfill gas contains many different gases. Methane and carbon dioxide make up 90 to 98% of landfill gas. The remaining 2 to 10% includes nitrogen, oxygen, ammonia, sulfides, hydrogen, and various other gases. Landfill gases are produced when bacteria break down organic waste. The amount of these gases depends on the type of waste present in the landfill, the age of the landfill, oxygen content, the amount of moisture, and temperature. For example, gas production will increase if the temperature or moisture content increases. Though production of these gases generally reaches a peak in five to seven years, a landfill can continue to produce gases for more than 50 years.

Movement of Landfill Gases into Buildings

Landfill gases can move from a landfill through soil into outdoor air as well as the indoor air of nearby buildings. Landfill gases in outdoor air can enter a building through windows, doors, and ventilation systems. In soil, landfill gases can migrate and enter a building through cracks in the basement floors and walls, utility entry points (e.g., where underground water or electrical lines enter a building), sump pump holes or floor drains. This is called soil vapor intrusion. Once they enter a building, landfill gases may collect in areas of poor ventilation, such as basements, crawlspaces, and utility tunnels.

Odors from Landfill Gas

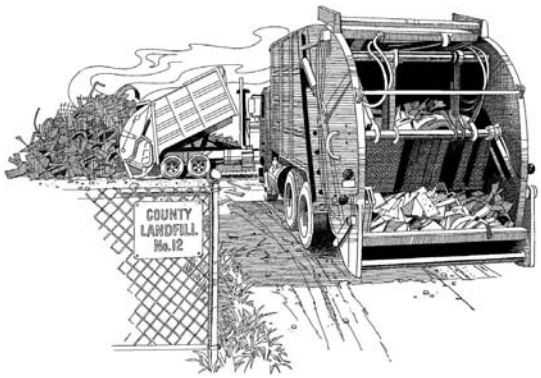
Odors in landfill gas are caused primarily by hydrogen sulfide and ammonia, which are produced during breakdown of waste material. For example, if construction and demolition debris contain large quantities of wallboard (also called drywall or gypsum board), large amounts of hydrogen sulfide can be formed. Hydrogen sulfide has the foul smell of rotten eggs, while ammonia has a strong pungent odor. Humans can detect hydrogen sulfide and ammonia odors at very low levels in air, generally below levels that would cause health effects.

Health Effects of Ammonia and Hydrogen Sulfide

Short-term exposures (typically up to about two weeks) to elevated levels of ammonia and hydrogen sulfide in air can cause coughing, irritation of the eyes, nose, and throat, headache, nausea, and breathing difficulties. These effects usually go away once the exposure is stopped. Studies have been conducted in communities near landfills and waste lagoons to evaluate health effects associated with exposure to landfill gases. These studies lasted for several months and reported health complaints which coincided with periods of elevated levels of hydrogen sulfide and landfill odors. The reported health complaints included eye, throat and lung irritation, nausea, headache, nasal blockage, sleeping difficulties, weight loss, chest pain, and aggravation of asthma. Although other chemicals may have been present in the air, many of these effects are consistent with exposure to hydrogen sulfide.

Methane Safety Hazards

Methane is the major component of natural gas. It is highly flammable and can form explosive mixtures with air if it concentrates in an enclosed space with poor ventilation. The range of air concentrations at which methane levels are considered to be an explosion hazard is 5 to 15% of the total air volume. Landfill gas explosions are not common occurrences.



Health Effects Associated with Methane and Carbon Dioxide

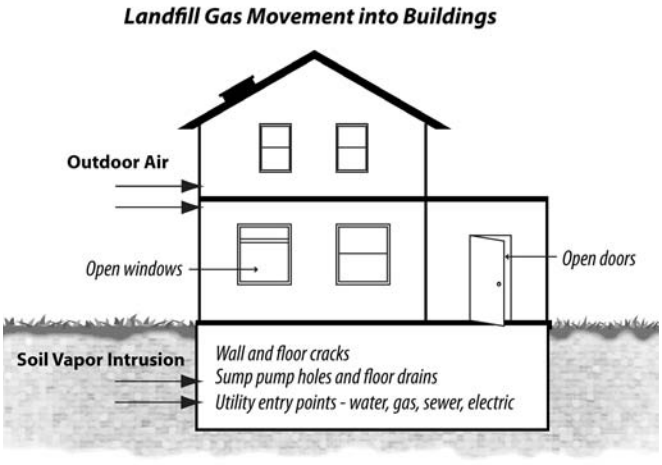
Methane and carbon dioxide are colorless, odorless gases that can displace oxygen in enclosed spaces. Health effects associated with both methane and carbon dioxide result from the lack of oxygen rather than direct exposure to these gases. Health effects caused by a reduced oxygen level include a faster heartbeat and having to take deeper breaths, similar to the effects felt after vigorous exercise. A greatly reduced oxygen level (that is, when the oxygen level is well below its usual level of 21% of the total air volume) can cause reduced coordination, fatigue, nausea, vomiting, and unconsciousness. These effects have rarely been reported from landfills.

Controlling Landfill Gas Migration at Landfills

When landfills have reached the maximum amount of waste they can hold, several feet of cover material are placed over the landfill mass. Gas collection wells are then installed throughout the capped landfill. These wells are made of perforated pipes which give the gas an easy path to move vertically to the surface rather than laterally (outward) toward off-site locations (e.g., buildings). As the gases enter these wells they are either vented into the outdoor air, passed through a flame and broken down by burning, passed through a filter, or used in an energy recovery program. Landfill gas vents need to be kept drained and clear of obstructions such as snow and debris. Older landfills and smaller dumps may not have gas control measures.

Reducing Landfill Gas in Homes

Homeowners should contact their Regional New York State Department of Environmental Conservation office if they suspect landfill gases are entering their home. A link for contact information is provided in the "For Additional Information: On a specific landfill" section of this fact sheet. Measures a homeowner or developer can take to help prevent landfill gas from entering a building include minimizing entry points and making sure there is adequate ventilation. Entry points for landfill gas can be minimized by eliminating cracks and gaps in the basement by caulking and sealing. These measures will help to reduce the potential for landfill gases to build-up in indoor air. In some cases, additional measures may be needed to reduce landfill gas migration from soil into buildings. For example, installing a sub-slab depressurization system will direct soil vapor away from the building. A sub-slab depressurization system is often included in new construction on or adjacent to landfills.



For Additional Information

On a specific landfill:

New York State Department of Environmental Conservation
Regional Office Contact Information
www.dec.ny.gov/about/558.html

On a specific landfill gas:

U.S. Environmental Protection Agency
www.epa.gov/methane/

New York State Department of Health
www.health.state.ny.us/environmental/emergency/chemical_terrorism/ammonia_tech.htm
www.health.state.ny.us/environmental/chemicals/hydrogen_sulfide/index.htm

Landfills & landfill gas control measures:

Agency for Toxic Substances and Disease Registry
www.atsdr.cdc.gov/HAC/landfill/html/intro.html

U.S. Environmental Protection Agency
www.epa.gov/landfill/

U.S. Energy Information Administration
www.eia.doe.gov/cneaf/solar.renewables/page/landfillgas/landfillgas.html

Exposure:

New York State Department of Health
www.health.state.ny.us/environmental/about/exposure.htm

Soil vapor intrusion:

New York State Department of Health
www.health.state.ny.us/environmental/indoors/vapor_intrusion/index.htm

U.S. Environmental Protection Agency
www.epa.gov/region02/superfund/npl/vaporintrusion/

Landfill gas health effects, contact:

New York State Department of Health
Bureau of Toxic Substance Assessment
ESP, Corning Tower, Albany, New York 12237
518-402-7800 or 1-800-458-1158
e-mail at: *btsa@health.state.ny.us*

State of New York Department of Health
April 2010

www.bceq.org

Esther Brunner
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New York, NY 10038

Phone: (212) 788-6822 ebrunner@cityhall.nyc.gov

RE: Bally's Bronx, CEQR 24DME011X

Dear Ms. Brunner:

Bronx Council for Environmental Quality (BCEQ) submits the following comments on the Draft Environmental Impact Statement (DEIS) pursuant to public review requirements under CEQR. BCEQ is an all volunteer 501c3 environmental advocacy organization whose mission is "to establish — as an Inherent Human Right — a sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage." For 54 years, our organization has played a key role in our city in advocating for green infrastructure, water quality, parkland stewardship, point of pollution and stormwater control, vigilant and effective permitting, and alienation in the public trust. This submission incorporates and supplements oral testimony delivered by BCEQ board members at the City Planning Commission (CPC) hearing. BCEQ now urges the Mayor's Office of Environmental Coordination (MOER), or Decision-Maker, to delay its decision on the DEIS because it is fatally flawed and to request a supplemental study for the consideration of the City Planning Commission on these grounds:

Alienation and the Public Trust

BCEQ is historically vested in the alienation process, having participated in the community-driven process that resulted in the landmark legal case, Friends of Van Cortlandt Park vs. City of New York. The decision rendered by New York State Supreme Court in 2001 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."[1] The same court case established that New York City shall provide "equal or greater fair market value" or perform "capital improvements to existing park and recreational facilities which are equal to or greater than the fair market value of those lands." 2003 N.Y. Sess. Laws. Ch. 175 (A.8069-C § 2) (McKinney). New York State Department of Parks, Recreation, and Historic Preservation guidelines for municipal parkland alienation adopts these principles of Friends of Van Cortlandt Park vs. City of New York for all NYS legislation.

[1] Friends of Van Cortlandt Park v. City of New York, 750 N.E.2d 1050, 1053-54 (N.Y. 2001) (citing Miller v. City of New York, 15 N.Y.2d 34, 37 (1964)); Avella v. City of New York, 2017 N.Y. Slip Op. 04383.

The primacy of the public trust doctrine in the disposition of municipally owned property raises questions about whether the MOER and the CPC can proceed with the CEQR requirements for this ULURP action while the property in question remains parkland. Parkland has no zoning; it cannot be subject to a rezoning resolution. The changes sought by the ULURP cannot occur until and unless it is no longer parkland. And it cannot be alienated until the City of New York has provided the fair market value with which to establish the alienation agreement.

Though reassuring, the verbal assurances of parkland replacement offered in the public hearing do not constitute a financial commitment and have not been vetted or audited for the accuracy of "fair market value." The proposed ULURP action is therefore peremptory until the terms have been reached that enables it to be rezoned.

Alienation and Parkland

Casual discussion of parkland replacement and community benefit do not meet the standards of the CEQR process. The role of the public during an alienation action should meet the standard of environmental review. The EIS transparency provides an opportunity to consider potential significant adverse environmental impacts, to weigh alternatives, and minimize or mitigate any environmental damage potentially caused by those actions.

The guidelines provided by the New York State Department of Parks, Recreation, and Historic Preservation for municipal parkland alienation include good government questions that test and establish the public use and need for the alienated parkland:

1. What are the existing uses of the property being considered for alienation? b. What kind of recreational opportunities exist on the parcel?

2. What are the current uses of the parkland? How much is the public relying on the parkland for recreational activities?

3. Are there adequate recreational opportunities within the municipality currently? If the parkland in question is alienated?

4. Is replacement land being proposed if the parkland in question is diverted to another use? a. If so, what is the location of the substitute parcel? b. Will it accommodate the current users of the parkland being alienated?

The proposal that New York City makes to the State of New York for its alienation legislation should not proceed until these questions have been answered. Because alienation has not occurred, these questions have not been asked or answered. Without the alienation process, parkland interests cannot be served by this ULURP action.

Environmental Impacts of Parkland Alienation

The Draft Environmental Impact Statement evaluation of 19-acre parkland loss in its assessment of Open Space explains why the CPC cannot proceed with the ULURP action without a DEIS that includes information provided by the alienation process. The existing DEIS is therefore incomplete.

The only specific parkland benefit we know so far—the construction of wetlands--is separately funded by NYC DOT, and not part of this action. If approved without supplemental information, the DEIS will be used to approve the rezoning of parkland that is not alienated without knowing what the public is getting in the way of open space replacement. How can the DEIS evaluate the impact of lost parkland without this information?

The Ring Road widening and construction of the casino and parking lots demand a thorough evaluation of stormwater load. Characterized as a parkland improvement, the proposal for the Ring Road project contributes to the increase in the overall imperviousness of the site while its project description makes only glancing reference to a "buffer". Since 2009. BCEQ has held a standard of "zero impact" from development on CSO and MS4 discharge, but MOER should hold the project to a still higher standard given the environmental sensitivity of the site and the outright reversal of the proportion of previous and impervious surfaces in the development area. As stated in Section 11, the with action alternative changes the percentage of previous surfaces from 63% to 29%, and the percentage of impervious surfaces from 37% to 71%. We discuss the need to mitigate the impacts of increased imperviousness below.

Environmental Impacts of Stormwater Discharge

The DEIS Chapter 9 on Natural Resources states that the proposed development will use existing outfalls into the East River to manage its stormwater. This may be the most dispositive environmental impact stated in the DEIS, given that the development increases imperviousness by almost 50%, far above the 10% increase standard of with-action alternatives. Although the increase in imperviousness will increase stormwater discharge through the existing East River outfall, there is no water quality assessment or measurement offered with the proposed with-action alternative..

This is a serious omission that the Decision Maker should rectify in light of reporting requirements under the Clean Water Act. MOER should also consider the impact of its decision on the New York State Department of Environmental Conservation proposal to reclassify New York City waterways through a Use Attainability Analysis (UAA). This reclassification process has begun with the Harlem River but it is required under the Clean Water Act because New York City has not met the goals stated in its Open Waters Long Term Control Plan for water quality. NYS DEC and NYC Department of Environmental Protection now propose to change the classification of the Harlem River to allow the substandard water quality measures to remain. The process that is now underway

with the Harlem River will continue with other water bodies with Long Term Control Plans, including the East River.

Sewer and Wastewater

The consequences of allowing direct stormwater discharge into the East River are enormous. Water quality will suffer. As you know, there is no more room in the combined sewer overflow areas, and new developments particularly along the waterfront need to apply for a separate SPDES permit to the New York State Department of Environmental Conservation (NYSDEC). Moreover, the agency letters which explain how much room is at the WRRF at Hunts Point should be available to the public for review.

We reiterate our comments from the DSOW.

> ***Add an additional permit*** *for the stormwater and sewer outfalls into adjacent water bodies 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 follows 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 the increase in imperviousness created by parking lot, roadway, and facility construction when measuring outfall. We suggest you clarify the applicability of Unified Stormwater Rules to building and what option they are using. We look forward to that in the DEIS and EIS.*
>
> ***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.*

Water Quality and Stormwater Management

NYS DEC will proceed with its modification of the Long Term Control Plan for the East River with the same proposal with which it now amends its Open Waters/Harlem River Long Term Control Plan: a new classification that recognizes the city's failure to reach higher water quality standards, and which impairs recreational access after storms.

BCEQ board members have spent a half century fighting for improved water quality for our urban waters. We played instrumental roles in the rescue and community access plans of the Bronx River. We play the same role for the Harlem River and the East River. We successfully included Bronx waterways in the Urban Water Federal Partnership to bring federal, state, and city jurisdictions together with community needs. The DEIS is lacking a water quality analysis that will allow the CPS to evaluate the impact of development-created stormwater discharge into the East River. Though the task of creating a stormwater management action plan will fall to the developer in compliance

with the NYC DEP's Unified Stormwater Rules, MOER will be making its decision without knowing the impact of the proposed action on water quality. The DEIS finds that the stormwater coefficient will not adversely impact the existing stormwater management system infrastructure, but that is not the same as impact on water. Because the DEIS remains silent on current water quality compromised by existing discharge, it cannot document the additional impacts of discharge caused by nearly 50 percent increased imperviousness.

We are grateful to play our part in the public environmental review process for this ULURP application and submit these comments in the spirit of the standards set by CEQR. We are also cognizant of the enormous complexity of a process that combines 5 NYC actions, 3 NYS actions and several additional environmental permits. With these comments, we call attention to the importance of order of the actions that leaves the linchpin, NYS legislative alienation, at the end. This deprives the Decision Maker and the public of an EIS that can answer questions about environmental impacts.

For these reasons, BCEQ proposes a postponement of the recommendation from the MOER and CPC vote until a supplemental EIS will answer the questions posed in these comments.

We look forward to your response to our comments.

Robert Fanuzzi, President of BCEQ

Karen Argenti, Chair of BCEQ Water Committee

May 22, 2025

From: Chaim Simon (DCP)
To: Stephen Johnson (DCP)
Cc: Abraham Abreu (DCP)
Subject: Fw: [EXTERNAL] Re: [E] 250085 MMX - Bally"s Ferry Point Map Amendment Pre-Certification Report
Date: Thursday, May 22, 2025 2:33:01 PM
Attachments: image.png

Hi Stephen,

We just received the email below from Verizon in response to the Pre-Certification Report email from December.

Chaim

From: Paulino, Rocio Jasmin <rocio.paulino@verizon.com>
Sent: Tuesday, May 20, 2025 2:05 PM
To: Chaim Simon (DCP) <CSimon@planning.nyc.gov>; Keyes, Emily (Law) <ekeyes@law.nyc.gov>; Jacqulyn Nicole Walker <jacqulyn.walker@verizon.com>
Cc: Mario J Liriano <mario.liriano@verizon.com>
Subject: [EXTERNAL] Re: [E] 250085 MMX - Bally's Ferry Point Map Amendment Pre-Certification Report

You don't often get email from rocio.paulino@verizon.com. Learn why this is important

CAUTION! EXTERNAL SENDER. Never click on links or open attachments if sender is unknown, and never provide user ID or password. If **suspicious**, report this email by hitting the **Phish Alert Button**. If the button is unavailable or you are on a mobile device, forward as an attachment to phish@oti.nyc.gov.

Good afternoon,
The pole that is located at the East side of **Hutchinson River Parkway and Schley Avenue** is owned by ECS, and it will need to be relocated. The estimated cost to the developer for the relocation of the ECS pole would be approximately **$163,000.**



Please keep us informed of any further developments.
Regards.

On Tue, Dec 31, 2024 at 11:36 AM Makhanlall, Aubrey N <aubrey.n.makhanlall@verizon.com> wrote:

> Hi Rocio;
> Please use the link and download the documents under "Public Documents". We have to check to see if we have any impact by the demapping.
> Thanks.
>
> Aubrey Makhanlall, P.E.
> Empire City Subway Co. Ltd.
> Area Manager, Municipal Operations
> Citywide PreEngineering & Manhattan Field
>
> 516-758-3705
> *7 Washington Ave,*
> *Lynbrook, NY 11563*
>
> ---------- Forwarded message ---------

From: **Chaim Simon (DCP)** <CSimon@planning.nyc.gov>
Date: Tue, Dec 31, 2024 at 11:30 AM
Subject: [E] 250085 MMX - Bally's Ferry Point Map Amendment Pre-Certification Report
To: Jaden Vazquez <jvazquez@bronxbp.nyc.gov>, Gurung, Tika <TGurung@dot.nyc.gov>, Stewart, Khalilah <kstewart@dot.nyc.gov>, Carrea, Steve <scarrea@dep.nyc.gov>, Cheng, Lixin <lcheng@dep.nyc.gov>, Lu, Andy <alu@dep.nyc.gov>, Keyes, Emily (Law) <ekeyes@law.nyc.gov>, Molloy, Kevin M. (FDNY) <Kevin.Molloy@fdny.nyc.gov>, Christian Grove (DCAS) <CGROVE@dcas.nyc.gov>, jessica.wurwarg@mtacd.org <jessica.wurwarg@mtacd.org>, truongp@coned.com <truongp@coned.com>, inesp@coned.com <inesp@coned.com>, neville.jacobs@nationalgrid.com <neville.jacobs@nationalgrid.com>, jacqulyn.walker@verizon.com <jacqulyn.walker@verizon.com>, rohan.o.eccles@verizon.com <rohan.o.eccles@verizon.com>, aubrey.n.makhanlall@verizon.com <aubrey.n.makhanlall@verizon.com>, BX10@cb.nyc.gov (CB) <BX10@cb.nyc.gov>
Cc: carol.rosenthal@friedfrank.com <carol.rosenthal@friedfrank.com>, Steven Lenard (DCP) <SLENARD@planning.nyc.gov>, Abraham Abreu (DCP) <AABREU@planning.nyc.gov>, Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>

Good morning,

Please find the Pre-Certification Report for the Bally's Ferry Point Map Amendment project (ULURP No. 250085 MMX) at the link below. After you click on the link, click on Public Documents, and then Pre-Certification Report. There, you will find the Pre-Certification Report and related materials.

https://zap.planning.nyc.gov/projects/2024X0237

If you have any questions, please don't hesitate to reach out.

Thanks,

Chaim Simon
City Map Specialist • Technical Review Division
(he/him)

NYC Department of City Planning
212-720-3662 (O)
120 Broadway, 31st Floor, New York, NY 10271
csimon@planning.nyc.gov

--
Rocio Paulino
Empire City Subway Co./Ltd.
Pre-Engineering_ Project Manager

2 Broadway
New York, NY 10004
646 252-7000 Tel

Allison L. C. de Cerreño, Ph.D.
Chief Operating Officer

MTA Bridges and Tunnels

May 12, 2025

Sent Electronically via DCP website

Dan Garodnick, Director
Department of City Planning
120 Broadway, 31st floor
New York, N.Y. 10271

RE: C 250085 MMX Bally's Ferry Point Map Amendment

Dear Director Garodnick:

MTA Bridges and Tunnels (MTABT) and MTA Construction & Development have been meeting regularly with the Bally's team to address the potential impacts of the above-mentioned project on MTABT facilities and operations. In accordance with MTA comments, Bally's modified aspects of their design of Ring Road to avoid impacting MTABT facilities and operations negatively. As part of Bally's Ring Road modified design, MTABT's access to the Bronx-Whitestone Bridge service road used by maintenance contractors and MTABT Facility Management/Emergency Response, was relocated from Ring Road, under the bridge, to the waterfront access road.

Written comments related to the relocated access point, along with comments marked on a layout drawing previously submitted to the MTA, were provided to Bally's on 4/07/25 and reviewed at a meeting held on 4/22/25. These comments are still not addressed; we remain concerned that there may be negative operational and/or facility impacts, including potential safety impacts. Thus, we are formally submitting these comments to the Commission for the record. Below and on the proposed layout sketch, please find MTA's comments.

- The MTA requests Bally's to perform an analysis to evaluate the change in response time for emergency responders to access the Bronx bridge Anchorage and Bronx Tower due to the proposed new location of the MTA service road access gate relocated from Ring Road to the waterfront access road.
- The 65' wide access apron seems to just accommodate the truck's swept path. Please widen the apron to match the new perimeter fence layout.
- The MTA received an Autoturn analysis for trucks entering the service road; however, an Autoturn analysis for trucks moving in the other direction still needs to be submitted to the MTA.
- As can be seen from the attached sketch provided by Bally's consultant, the west corner of the triangular traffic island needs to be cut back as trucks' rear wheels will likely roll over it. Please submit to the MTA a revised island alignment.

- MTA prefers a manual locking mechanism on the new gate as opposed to a mechanized one suggested by Bally's as the latter requires additional maintenance and is more prone to failure given the environment of this location.
- Show the location of the new MTA bus stop on the layout sketch.
- Please demonstrate how runoff from the elevated waterfront access road will be captured and prevented from spilling onto MTA service road.
- Bally's should submit engineering drawings to the MTA for review when available, including civil, structural, striping/signage and lighting.

Please be advised that the MTA does not have objections to the project; however, we would like assurances that our comments are addressed. If there are any questions, please let us know by contacting Philip Swanton at Philip.swanton@mtacd.org; 646-252-7709, or Marlene Thompson at mthompso@mtabt.org; 646-252-7852.

Sincerely,

Allison C. de Cerreño, Ph.D.
Chief Operating Officer
MTA Bridges and Tunnels

cc: Mr. Aris Stathopoulos, VP, Deputy Chief Engineer, Program Management
Mr. Philip Swanton, VP, Deputy Program Executive, Construction & Development
Ms. Marlene Thompson, SVP, Facility Management, MTABT

Attachments: 2025-03-24 C-112 Curbcut MTA_comment.pdf

REMARKS BY EDDIE MARRERO TO THE NYC PLANNINNG COMMISSION ON THE ULURRP FOR BALLY'S CASINO PROJECT IN FERRY POINT PARK

APRIL 23, 2025, 10:00 am

Good Morning.

Today, we stand at the crossroads of opportunity and transformation. The Bally's Casino Project isn't just another development—it's a game-changer! At a time when families are struggling with rising costs and uncertainty, **this project is our shot at real economic revival and long-term prosperity.**

Economic Growth & Job Creation – A BOOM for The Bronx!

Picture this: **thousands of well-paying jobs!** Construction workers, hospitality professionals, entertainers, and retail workers—this project will fuel careers and financial security for generations. But that's not all! Bally's will pump millions into our local economy, funding **schools, infrastructure, and essential services** that keep our city thriving.

Community Investment – A Bronx Uplift!

This isn't just about a casino—it's about **empowering our communities!** Bally's is committed to investing in **education, affordable housing, and recreation.** That means funding for local schools, afterschool programs, and job training. This project ensures that The Bronx doesn't just grow—it THRIVES!

And let's be clear—**Bally's has already proven themselves to be a good neighbor.** They've provided a community shuttle bus, improving access and connectivity. And most recently, they **saved Preston High School** by purchasing the property, fully refurbishing it, and **leasing it back to the Sisters for just one dollar a year—for the next 25 years**. That's not just investment—that's partnership. That's heart.

Justice for The Bronx – Economic, Social & Environmental

This project brings more than prosperity—it brings **justice. Economic justice** for the working-class families who need opportunities. **Social justice** for communities who've too often been ignored. And **environmental justice** for a borough disproportionately burdened by pollution and climate risk. For too long, poor and middle-class families in The Bronx have been forgotten, left behind, or left out. This project says: **Not anymore.**

It's a shining example of what happens when the **private and public sectors come together for the betterment of society.** The scale of investment Bally's is bringing is the kind we'd expect from the federal government—yet that support too often skips over our borough. But Bally's sees us. They believe in us. They're investing in us. And that's a **win for all of us.**

Sustainability & Environmental Responsibility – A Greener, Stronger Bronx!

A waterfront project done right! Bally's is bringing **state-of-the-art flood protection, green building technology, and eco-friendly infrastructure** to our borough. This means a **healthier environment, stronger climate resilience, and enhanced public spaces** that benefit ALL of us.

Addressing Concerns – Smart, Thoughtful Development!

Bally's will work with city leaders to implement **transportation improvements** that keep traffic flowing smoothly. And for homeowners? Studies show that projects like this **increase property values**, boosting wealth for local families and businesses alike.

A Vote for the Future – The Bronx Rises!

This is our moment. Supporting Bally's means saying **YES** to jobs, **YES** to investment, **YES** to justice. Let's reject the fear, reject the doubt, and embrace a future where The Bronx LEADS the way in opportunity and smart development!

This is a win for all of us! Let's get this done! The Bronx deserves it. New York City needs it. And together, we will make it happen!

Thank you!

Frank and Elisa Toapha
1555 Merry Avenue
Bronx, New York 10461
toaphagirls@gmail.com
845.721.3206

April 18, 2025

New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Support for Bally's Casino at Ferry Point Park

Dear Commissioners,

On behalf of my husband and myself, Frank and Elisa Toapha, we are writing to express our strong support for the proposed Bally's Casino project at Ferry Point Park in the Bronx.

We believe this project represents a major opportunity for economic investment in the Bronx, a borough that has long been underserved in terms of job creation and infrastructure development. The Bally's proposal will generate thousands of good-paying, union jobs in both the construction and hospitality sectors—jobs that come with family-sustaining wages, benefits, and long-term career opportunities for Bronx residents.

In addition to employment opportunities, the project will bring critical infrastructure improvements and community investments to the surrounding area. This includes enhancements to transit access, upgrades to public spaces, and the transformation of underutilized land into an economic engine for the Bronx.

We have resided in the Bronx as a family for almost 20 years, and love our community. We are hard working community members who know our community deserves the best. We also have a strong belief in giving back to our community. We know that Bally's will not only provide employment opportunities, enhancements to the land and surrounding areas, but also to fund schools, and PTAs, and mental health and substance abuse programs, much needed areas of attention. Bally's already provides free shuttle bus rides, a great service to our community.

We respectfully urge the Department of City Planning to move this project forward. We see Bally's Ferry Point not only as a smart development decision, but as a powerful step toward building a more equitable and prosperous Bronx.

Sincerely,
Frank and Elisa Toapha

Steve and Theresa Hudec
269 Throggs Neck Blvd
Bronx, New York 10465
blessingsix@aol.com
917.299.6884

April 21, 2025

New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Support for Bally's Casino at Ferry Point Park

Dear Commissioners,

On behalf of my husband and myself, Steve and Theresa Hudec, we are writing to express our strong support for the proposed Bally's Casino project at Ferry Point Park in the Bronx.

We believe this project represents a major opportunity for economic investment in the Bronx, a borough that has long been underserved in terms of job creation and infrastructure development. The Bally's proposal will generate thousands of good-paying, union jobs in both the construction and hospitality sectors—jobs that come with family-sustaining wages, benefits, and long-term career opportunities for Bronx residents.

In addition to employment opportunities, the project will bring critical infrastructure improvements and community investments to the surrounding area. This includes enhancements to transit access, upgrades to public spaces, and the transformation of underutilized land into an economic engine for the Bronx.

We have resided in the Bronx our entire lives, and love our community. We as community members know our community deserves the best. We also are big proponents of giving back to our community. Bally's already provides free shuttle bus rides, a great service to our community. As senior citizens, we want the Bronx to continue to grow in all ways possible, and we know Bally's will help us to do just that! We shouldn't have to travel out of the Bronx to enjoy all the amazing resources and luxuries that Bally's will offer!

We respectfully urge the Department of City Planning to move this project forward. We see Bally's Ferry Point not only as a smart development decision, but as a powerful step toward building a more equitable and prosperous Bronx.

Sincerely,
Steve and Theresa Hudec

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:33 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: [EXTERNAL] My name is Lidia Corridori, I want the casino at the neighborhood, can bring a lot of work , I comunity need group up ,thank you !

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038 Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

-----Original Message-----
From: lidia corridori <lcorridori@icloud.com>
Sent: Monday, April 21, 2025 2:04 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] My name is Lidia Corridori, I want the casino at the neighborhood, can bring a lot of work , I comunity need group up ,thank you !

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<mailto:phish@oti.nyc.gov> as an attachment (Click the More button, then forward as attachment).

Sent from my iPhone

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Friday, May 23, 2025 11:43 AM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: [EXTERNAL] Protect NYC Parkland and the upper East River!

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

-----Original Message-----
From: Jennifer Valentine <Jennifer.Valentine.789285146@grassrootsmessages.com>
Sent: Monday, May 19, 2025 2:42 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] Protect NYC Parkland and the upper East River!

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 <mailto:phish@oti.nyc.gov> as an attachment (Click the More button, then forward as attachment).

Dear Deputy Director Esther Brunner,

As a resident of New York City who cares about public open space and healthy waters, I ask you to oppose the Bally's Casino and Hotel project. I have serious concerns about the project, and the Draft Environmental Impact Statement fails to adequately disclose vital information about the impact it would have on the environment and my community. Bally's must address these deficiencies in the Final Environmental Impact Statement; if it does not, the Mayor's Office of Environmental Coordination and all involved agencies cannot approve this project.

This project will dramatically increase roof and parking lot area, which means more rain running off impervious surfaces and carrying pollutants to Westchester Creek, the upper East River, and Long Island Sound. Visitors to the casino and hotel complex will also generate significant additional wastewater. The current analysis doesn't sufficiently analyze the impacts of these changes and doesn't provide enough detail about how they'll be managed.

Ferry Point Park is public parkland and should not be alienated from public ownership for private gain.

Those 17 acres of waterside land are irreplaceable. The Bronx needs more public green space and access to the Sound, not less.

This site has potentially hazardous landfill materials below the surface, and the project proposes to breach the landfill cap, which could have serious environmental and human health consequences. Bally's has not disclosed nearly enough about the public safety risks or what they will do to avoid serious dangers from the release of gases such as methane.

Plus, increased vehicle traffic will worsen air pollution in the neighborhood and means more cases of asthma for more kids.

If Bally's is unable to address my concerns in a Final Environmental Impact Statement, I urge you and all involved agencies to disapprove the project with a negative findings statement. Bally's must do more to inform the public and decision makers of the consequences of what they are proposing and whether or not those consequences can be avoided.

Thank you for your attention to this matter.

Regards,
Jennifer Valentine
313 1st Ave
Massapequa Park, NY 11762
<http://admin.phone2action.com/email/open/leg/745681/208875515>
<http://url6563.grassrootsmessages.com/wf/open?upn=u001.YWGvI7S-2F5ziKkiD9hxmQt95qQ0TfO6aDIBpumtViQAed6bUkD7JbgVNQ-2BwY-2FBslt6gZThgpx6gmZUQZDd1MbiRbUqGxnWqDlk84FjYY8myPVNQyPxZWo3rOXjVg0Jl2IA929LLrp8SISQfnyThPCXVAe-2FMK-2FBSsI8hXLw2jIQi9uTozBKW2RuEausLWRStGRFXiQeDFV83v2S4GN3UERy-2FsevQ6lzhqbefh-2Bqf9FHvDww9raeMdv-2B4YJWbB8RO6TQp9InxL0saj1-2Bq8iIJwb0L8OM3B-2Ff5YsoQ76NXSSuv8a6ATNaby2WZ2-2B0ds3OdB5uTvU2-2BJTWpX05-2FnraddJOsXm3DV7kkvtRjUZVsI3jGc-3D>

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Friday, May 23, 2025 11:40 AM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Saturday, May 10, 2025 5:38 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Thomas Buehler**
Zip: **10464**

I represent: **Myself**

Details for “I Represent”:
My Comments:

Vote: I am opposed

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
As a City Island, Bronx, homeowner I fear that a variance to parkland zoning will set a negative precedent

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Friday, May 23, 2025 11:38 AM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Monday, May 12, 2025 5:16 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

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From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Sunday, May 11, 2025 7:29 AM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Maria Barresi**
Zip: **10465**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
As a concerned resident and advocate for responsible urban planning, I strongly oppose the alienation of parkland at or near Ferry Point Park—specifically the area surrounding Ferry Point—for the proposed use by Bally's Casino or any similar commercial enterprise. This proposal represents a serious misstep in the stewardship of one of the Bronx's most limited and precious resources: public green space. Our parkland is not surplus property. It is essential to the health, well-being, and environmental balance of our densely populated borough. The Bronx has historically been underserved when it comes to accessible green space. To now consider surrendering public parkland to a large-scale, profit-driven casino operation is both irresponsible and unjust. Once parkland is alienated, it is seldom returned—and generations of residents will suffer the loss. The proposed casino would introduce a massive influx of vehicular traffic to the already overburdened approach to the Whitestone Bridge. This is a residential area, not an entertainment district designed to accommodate thousands of targeted casino clients arriving daily by car or bus. The resulting congestion will not only degrade air quality and public safety, but will also erode the character and peace of nearby neighborhoods such as Country Club and Throggs Neck. Moreover, the mission of our park system is not to subsidize the profits of a corporate gambling entity. It is to provide public recreation, open space, and a refuge from urban sprawl. To repurpose public land for private casino interests sets a dangerous precedent—one that commodifies our natural resources and sidelines community needs in favor of corporate gain. I urge our elected officials, city agencies, and community leaders to reject any proposal that seeks to alienate parkland for this purpose. Let us protect our parks, preserve our neighborhoods, and prioritize the needs of Bronx families over short-term economic temptations.

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:22 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:22 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

See below.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 3:51 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Thomas Buehler**
Zip: **10464**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I oppose any changes and variations to existing parks regulations

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:19 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:21 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

See below.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 10:15 AM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Stuart Sorell**
Zip: **10464**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am opposed to the idea of alienating park land for the development of Bally's Casino or any casino in the Northeast Bronx. Once park land is alienated it can never be restored to its original condition. I feel strongly that inner city residents need clean outside space to thrive. The development of a casino will create few jobs for local residents and will increase traffic tangent to the Whitestone Bridge. Alienating park land sets a dangerous precedent. This is a bad idea that will only benefit developers, casino owners and greedy politicians. This will not help local residents. It will only increase traffic and crime.

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:21 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:21 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

See below.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 12:02 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **C Swet**
Zip: **10464**

I represent: **Other**

Details for "I Represent": **family**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project?
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project:

Additional Comments:
Do not alienate parkland The applicant has only a twenty year lease to operate BRONX golf link

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:20 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 9 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:21 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

See below.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 10:41 AM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **E Sterling**
Zip: **10464**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
These casinos bring jobs but also they bring a devaluation within the neighborhood as it becomes a tourist trap followed by the aftermath of casino life - this is going to upend the peaceful. Satire of a quiet neighborhood. Why does every piece of land have to be commercialized. You are just going to displace people in the surrounding neighborhoods and drive people out with the side effects of casino life. We have been around the outskirts of casino neighborhoods and it's definitely not anything close to what this neighborhood preserved is and can be

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:18 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 8 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:20 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

See below.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 6:16 AM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Dominico Pizzo**
Zip: **10465**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I vehemently oppose this project. A casino at this location is not wanted or needed in this quiet residential community. In addition the traffic it would bring would necessitate entrances/exits in quiet residential areas. The community will also lose scarce and valuable parkland if this project comes to fruition. This is a losing proposition for OUR community and should not be permitted.

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:18 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 7 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, May 7, 2025 4:19 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Hi Esther,

Please see the below public comment received. I will be sending 5 more, for a total of 6 in the batch today.

Erin

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Tuesday, May 6, 2025 5:37 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Frederick Ramftl**
Zip: **10464**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
No casino. Don't alienate parkland!

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:16 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 6 - FW: [EXTERNAL] we don't need a casino - leave it as natural space

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Jennifer Valentine <faboo1028@gmail.com>
Sent: Monday, May 5, 2025 4:05 PM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: [EXTERNAL] we don't need a casino - leave it as natural space

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).

ty - j valentine, ny

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:14 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 4 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment
Attachments: DCP letter .docx.pdf

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, April 23, 2025 10:12 AM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

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From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Monday, April 21, 2025 2:20 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **frank toapha**
Zip: **10461**

I represent: **Myself**

Details for "I Represent": **see attached**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
see attached

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:13 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Laremont, Anita; Schnakenberg, David
Subject: 3 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment
Attachments: hudec testimony.pdf

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, April 23, 2025 10:11 AM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

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From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Monday, April 21, 2025 2:19 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **theresa hudec**
Zip: **10465**

I represent: **Myself**

Details for "I Represent": **see attached**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
see attached letter

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:12 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Schnakenberg, David; Laremont, Anita (Planning)
Subject: 2 -FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment
Attachments: DCP letter .docx.pdf

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, April 23, 2025 10:11 AM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

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From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Saturday, April 19, 2025 11:07 AM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **elisa toapha**
Zip: **10461**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
see attached comments

Taylor Huizenga

From: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Sent: Thursday, May 22, 2025 2:10 PM
To: Taylor Huizenga; Max Stember-Young
Cc: Kozin, Jeremy; Schnakenberg, David; Laremont, Anita
Subject: 1 - FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

ESTHER BRUNNER, AICP | Deputy Director

Cell: 917-940-1175

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100 Gold Street, 2nd Floor | New York, NY 10038
Office Direct: 212-788-6822 | Office Main: 212-788-6801
ebrunner@cityhall.nyc.gov | www.nyc.gov/oec

From: Erin Whitney (DCP) <EWhitney@planning.nyc.gov>
Sent: Wednesday, April 23, 2025 10:12 AM
To: Brunner, Esther <EBrunner@cityhall.nyc.gov>
Subject: FW: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

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From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Monday, April 21, 2025 4:53 PM
To: Stephen Johnson (DCP) <SJOHNSO@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; BronxComments_DL <BronxComments_DL@planning.nyc.gov>
Subject: Comments re: C 250086 ZMX - Bally's Ferry Point Map Amendment

Re. Project: **C 250086 ZMX - Bally's Ferry Point Map Amendment**

Submitted by:

Name: **Jose Santos**
Zip: **10469**

I represent: **Myself**

Details for "I Represent":

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I firmly believe that this will be a great opportunity that will benefit the Bronx community from children to senior citizens.

ATTACHMENT B – TRANSCRIPT OF VERBAL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

DEIS HEARING TRANSCRIPT

CPC Hearing Link: https://www.youtube.com/watch?v=s1la8BbTme4&t=1305s

[START TIME: 21:44]

Madam Secretary: Borough of the Bronx, calendar numbers 21 through 23, Bally's Ferry Point Map Amendment. CD10, calendar number 21, C2500086 ZMX. Calendar number 22, N2500085 MMX. Calendar number 23 N250093 PPX public hearing in a matter of applications for a zoning map and zoning text amendment and disposition of city-owned property concerning Bally's Ferry Point Park map amendment. Notice a public hearing is being held by the public City Planning Commission in conjunction with the above action to receive comments related to a Draft Environmental Impact Statement. This hearing is being held pursuant to the State Environmental Quality Review Act and the City Environmental Quality Review.

Dan Garodnick, CPC Chair: Great. Thank you for that. On behalf of the applicant team, we have Max Stember-Young, Stanley Schlein, Christopher Jewett, Joshua Herman, Satya Muthuswamy, Nicole Campo, and Jess Corrigan. So, welcome. Whenever you all are ready, you can come right on up to the microphone and get started. You have ten minutes.

Christopher Jewett: Thank you. Can you hear me? Yeah. Appreciate this, commissioners. Want to thank all the staff, all the agencies we've been working with to get to this point and obviously our team. My name is Christopher Jewett, Senior Vice President of Corporate Development for Bally's. I've been leading this project since we acquired the rights to operate the golf course about 18 months ago. With that being said, here on behalf of the applicant, Bally's New York Operating Company, LLC.

So, a little bit about the project background and history of the site. So, today we operate about 222 acres under a concession agreement with New York City Parks for the golf course at Ferry Point Park. With that being said, about 60 plus years ago, this was really just a landfill. Over time, that landfill sat for a handful of decades and ultimately this city and New York City Parks worked with various developers to get the approvals in order to build a golf course there. That golf course was built and opened in 2015. We, subsequently, as part of our strategic action towards our greater vision for the Bronx and for an integrated resort project, negotiated to take that over and have been operating since September of 2023. As such, we're anticipating being able to submit our application to the New York State Gaming Commission in June of this year. Relative to today's operations, we think that engagement and being involved in the local community is

extremely important. You can see a ton of different examples of what we're doing today at the golf course, being involved in youth programs, PGA Junior League. We actually brought the first minority minor league golf tournament, the APGA tour last year, and we're actually holding the tour championship there this year. So, we're heavily vetted in the community. Today we employ about 160 employees. 70 percent or so are actual Bronx residents and 80 percent are New York City residents. We view our future proposed project for the integrated resort will have similar demographics and makeup. And we actually announced yesterday, it didn't make it into these slides, but we actually announced one of our sister arms, a non-profit - the Bally's Foundation - we were able to reach agreement with the Sisters of Divine Compassion as well as Preston High School, and we are acquiring that school under our non-profit and leasing it back to them for a dollar for 25 years to keep that private school open. So, these types of commitments are things that we do in every market that we operate. With that being said, I'm going to hand it to Jess Corrigan who is dialed in, and I can flip through the slides as we work through.

Jess Corrigan: Morning. Thank you, Chris. Good morning, everyone. Let's go ahead and go to the next slide, please. The rendering here is a view from the water. This is our site. It's essentially the golf course. We worked really hard to keep the new development within the area of the existing clubhouse and parking lots and preserve the golf course as much as possible. Keep going.

We really worked to incorporate a sense of the links-style golf course with flowing landscape. Combine that with the movement of the water and all of the dynamic influences, including the environment, to inform the massing and the direction of this design. We believe it'll provide a strong sense of place and an iconic presence in the Bronx for years to come and become more than just a gaming facility, but a part of the community. It'll have facilities for social events, weddings, banquets, retirement parties, all kinds of activities and pieces of life. Next. There you go.

This is a view from the water. You can see how we've stacked and masked the hotel. It's around 25 stories. It's well under the top of the bridge. We didn't want to dominate the bridge at all. We're 75 ft or so below that. It's dynamic without being imposing. We've put greenery on the parking structure, and you can see the movement along the ground plane to reflect what's going on in the landscape as well.

Next, we went over to the neighborhood just north of us and took some shots. You can see in the in the upper shot, this is the today version. And then on the lower photo, we have copied in the massing of the hotel tower beyond. You can see it's barely visible over the tops of these trees. And these trees are still growing and will even grow to hide this thing from the neighborhood. Anyway, so we feel very comfortable with how we've situated the building here on the site.

Next, here's the general massing. You can see the pink, the salmon colored, is generally the casino and the food and beverage. The food and beverage facilities will be accessible without going through the casino gaming floor. So, we feel that's an advantage to the community as well. See the meeting facilities. We'll have a rooftop venue with stunning views of the Bronx and the City and even watching planes coming in from, to LaGuardia. We have an event center that's about 2,800-3,000 seats that will be accessible again without going through the gaming facility for music events, concerts, shows of many kinds, trade shows, conventions, those kinds of things. Next.

Chris Jewett: Thanks Jess. So, to cover a few of the proposed improvements, there's significant transportation upgrades totaling somewhere around our estimates of 100

million dollars included in the project plan. For those that aren't familiar with the site, there was actually a commissioned study by City Planning back in 2015 around what I commonly refer to as Ring Road around the site. It's the access road or service road that cuts through the park. Ultimately, it determined that there's significant infrastructure upgrades that are needed just to support the current levels of volume there. And some of those are based on the fact that it sits along some floodplains and wetlands. So that area does flood significantly. It's a significant life safety issue for us today. We'll be improving that roadway to City DOT standards where there'll be two full moving lanes, a parking lane, sidewalks, you know, life safety cross pedestrian crosswalks, etc.

We've also got a commitment for two MTA bus stops. One where the EDC parking lot is to the left of our Development Site, and then one within our Development Site as we anticipate about 3,500 to 4,000 employees, and a minimum of 50 percent or so of those likely would be able to take public transit.

So, I've got a few just renderings of what that new roadway would look like for those that that are familiar. This is a much-improved view coming in, Today, it's maybe 18-20 ft wide, very little road lining, any vegetation, no sidewalks or lighting. And then this is as you continue to go south leading under the Whitestone Bridge, you can obviously see the integrated resort development in the background. But this will create safe pedestrian access under the bridge and essentially fully connect the east and west sides of the park for the first time, which doesn't exist today.

The second aspect of the transportation improvements is really to the north of the site and ultimately benefits the city streets, in particular Lafayette Avenue. So today, if you're not familiar and you're coming off of I-678, you veer off to the right onto the service road. And if you want to come back south, either into the park or to get back on I-678, you have to make two lefts at Lafayette Avenue and go over the bridge over 678. That has significant congestion issues today as a bottleneck. And ultimately, we are proposing building a new overpass just to the south of that bridge whereby you would essentially yield over top of the highway, and we would be alleviating significant transportation volumes that are currently going over that bridge as well. It obviously would benefit our project.

In addition, you can see there's a handful or so of traffic signals that we've worked with our transportation engineering experts that would need to be re-timed. And there's two small areas, one on Lafayette, one on Ring Road, whereby we are proposing in conjunction with DOT of removing street parking as that causes a current bottleneck today.

This is a better illustrative rendering or at least zoomed in, you can see the new overpass to the south. The existing overpass would also be restriped. There would be two turning lanes instead of one to try and handle better the existing volumes. With that being said, we also.

Madam Secretary: Time.

Dan Garodnick, CPC Chair: That's your time. I'm sorry, but you know what? We're going to have some questions for you. I was actually going to start here anyway as it related to the parks issues. So, let's do that. You all have a few specific actions that you're seeking here. A map amendment, the demapping of parkland, mapping of a particular zoning district at C8-4, and also the disposition of city-owned property. So, let's talk about the demapping of parkland. First of all, how much parkland are you proposing to demap? Is there any area where you are proposing to add additional parkland which is not parkland today? Tell us what the net impact is of this proposal on parkland.

Christopher Jewett: Yeah, I think the net is around 19 acres in total. The actual Development Site where essentially the current clubhouse and parking lot is today is about 15.7 acres. That's the heart of essentially where the building and the integrated resort would be built. The balance of that difference between the 19 or so and the 15.7 is essentially currently the roadway that is not a city-mapped roadway that goes through the park. It's essentially just paved parkland today. That would be dedicated back to City DOT upon completion and us paying for those improvements. Relative to new parkland options, we do have two options that we control, you know, purchase agreement options that we've had on City Island. Those total somewhere in the 7 to 8 acres in total, depending on how you want to calculate riparian land. And are working to find other options in conjunction with the conversations we're having on the parkland replacement and parkland improvements with our local electeds, New York City parks, etcetera.

Dan Garodnick, CPC Chair: Okay. So, let me just make sure I understand what you've said here. So, it's a the demapping is of 19 acres in total.

Christopher Jewett: Roughly.

Dan Garodnick, CPC Chair: Roughly. And that includes parkland plus a park road which functions as an access point but would be, as proposed here, a street instead of a park road?

Christopher Jewett: Correct.

Dan Garodnick, CPC Chair: Okay. Now just so I understand the park road to street portion. Tell us about what the 15.7 acres is what today.

Christopher Jewett: Today, if you go back to the presentation, it's essentially probably 10 or 12 of the 15.7 acres is parking lot. So today there's give or take 300 or so parking spaces that are paved there right at the entrance to the golf course. Then the remaining you know two to four acres is roughly pathways, the location where the clubhouse is, and there's about an acre where you practice your chipping and putting if you're warming up or just going and using the facility for strictly practice. Ultimately, we will be building a new clubhouse in conjunction with this that will be on existing parkland within the licensed premise, i.e., where the golf course sits today. If you're familiar where that large berm sign is, that's where that new clubhouse will go.

We'll be replacing all the parking. We have 4,600-plus parking spaces within our development itself and have committed to a permanent easement in perpetuity with New York City Parks for the concession. And then the practice chipping putting area, this is Jack Nicholas signature design course. We've been working with Nicholas Design on that final location. We believe that it's proposed as-of-right now, we're just working on final signoffs. That will go essentially to the east or to the right if you're looking at the map in the slides. And to the west or to the left of 10 tee, it'll still be equivalent about an acre, again, on map parkland.

Dan Garodnick, CPC Chair: Okay. So, 10 to 12 acres is parking lot today, but designated as parkland, correct? Two to four acres is pathways that serve the golf course. Is that correct?

Christopher Jewett: Pathways and clubhouse.

Dan Garodnick, CPC Chair: Okay, understood. And that is the, if I were to experience those two to four acres, I would experience them as the pathways and the clubhouse today and in the future, I would experience it as new clubhouse, and what?

Christopher Jewett: And pathways.

Dan Garodnick, CPC Chair: And pathways, OK.

Christopher Jewett: So, the building is actually designed so you can still circumvent the site in golf carts itself but also utilize it as a non-golf user.

Dan Garodnick, CPC Chair: Okay. And then on the Ring Road issue. So that's a park road that you're proposing becoming a DOT street. There is access today through Ring Road, correct?

Christopher Jewett: Correct.

Dan Garodnick, CPC Chair: What's the relevance? Why is it important from your perspective that this be a street as opposed to a park road?

Christopher Jewett: So, I think from a technical standpoint, and I'll let some of the other folks handle that if that's where this goes, I think today because it's a mapped parkland, it does need to get converted. I think the ultimate decision was made through zoning that it would need to get converted and assigned essentially to City DOT. And going back into the presentation, that roadway today struggles with some of the infrastructure that I mentioned, you know, the flooding, there's not enough parking there. It also, you know, doesn't have pedestrian access. There's significant improvements that were already needed.

Dan Garodnick, CPC Chair: Okay. I think I may be missing the benefit of the DOT street as opposed to park road as a technical legal matter, but that's that may be for a follow-up here. Or Anita Lamont's here. So that's fun. Hi Anita, welcome.

Anita Laremont: So, the difference is that DOT has standards that they apply to roads in terms of width of lanes, in terms of walking paths next to them, signage at the beginning and end, and lights. And in order for this to be maintained with the anticipation of a bit of incremental traffic, the thought was that it should be a DOT road that they should maintain like they do any other New York City Street. That really is the beginning of the end of it. And we worked with them a lot on the width of the lanes, etcetera, turning radiuses, etcetera. So, this road now will conform to the standards that New York City is used to in its roads. That's really it.

Dan Garodnick, CPC Chair: Okay, that makes sense. Thank you very much. Okay, let me let me go to my colleagues for questions. Let me see who's got questions for you all. Commissioner Juan Camilo Osorio.

Commissioner Juan Camilo Osorio: Thank you chair. Thanks for the presentation. The review session, I was wondering if it would be possible to see a cross-section of the proposal to see Sandy inundation levels, but also the current 100-year floodplain as well as the projections on sea level rise. Is that, is that possible?

Christopher Jewett: Yeah, we should be able to follow up on that. Jess, I believe you can speak to that in more detail.

Commissioner Juan Camilo Osorio: Great. Thank you. And if you can also discuss some of the strategies that you're planning to adapt the building to or anticipate those levels of flooding, that would be great.

Christopher Jewett: Great. Jess, can you cover that, please?

Jess Corrigan: Yes. So, the current flood level is at around elevation 7. We have established our lowest level at elevation 10. And that's at the foundation level, we're actually at 15 with the new 100-year, 100 years from now at I believe 12. We're still well above that flood level. So, we've anticipated that. I think we can go as high as 20 with our current design.

Commissioner Juan Camilo Osorio: One quick follow-up just to make sure I understood. You're using the 2100? The maximum projections, or which one?

Jess Corrigan: We're using the current but we're designing to be compatible with the 2100.

Commissioner Juan Camilo Osorio: And how far away; I mean I think you are far away enough but I'm wondering if you can share some documentation to see how far away are you from the velocity zone. Sounds like you're not in the velocity zone but it's quite near and I want to understand what's the impact of storm surge. So, if you can also share with us what was the Sandy inundation observed that would be great.

Jess Corrigan: Right. The elevation on the south side or on the on the riverside of our project is around 30, between 30 and 35. So, we're well above and we think safe from all of those factors right now.

Commissioner Juan Camilo Osorio: Thank you. That's good to hear. If you don't mind sharing some information on that so we can follow up, that would be great. A cross-section would be so useful.

Jess Corrigan: We'll be glad to do that.

Commissioner Juan Camilo Osorio: Thank you very much.

Dan Garodnick, CPC Chair: Thank you, Commissioner. Let me go to Commissioner Benjamin.

Commissioner Gail Benjamin: Hi, just a quick question about the rest of the park, particularly along the shoreline since the parking that was there was and could be used for people who wanted to go to the shoreline. Is that correct?

Christopher Jewett: Correct. Are you talking about, it's a small lot, maybe 12 or 15 spaces that you access just to the, I guess, the east of the bridge?

Commissioner Gail Benjamin: It was on the drawing with the Ring Road leading to it.

Christopher Jewett: Yes. That will still exist. It will be fully accessible.

Commissioner Gail Benjamin: Will any be efforts be made to make that more accessible to people who might want to use the park as opposed to gambling or will the parking lot be enlarged? Will it be made easier to get down to the shore? Can you talk about that?

Christopher Jewett: So, at this point we're still in conceptual design, but we can absolutely incorporate some of those thoughts and concepts. I know from what we've heard from Parks, Parks has asked us to make that area more inviting, as today it's, I don't want to say it's more industrial, but it almost, you almost don't know it exists today. So, I can appreciate that comment and hear you. We can-

Commissioner Gail Benjamin: And with signage somewhere, have you thought about that, people aren't going to know from the other side of the highway that there was something there that they can go to. So, if you, when you come back, if you could also talk about how you're going to let the public know of this new opportunity?

Christopher Jewett: Absolutely.

Commissioner Gail Benjamin: And what that opportunity will look like, how people will engage with it. Will there be restrooms? I mean, I think that this is a public park and there should be some benefit, not just to the golf course and to Bally's, but also to the public's ability to access the park.

Christopher Jewett: No, 100 percent. So, we've been talking with Parks about connecting along the waterway under the bridge in addition to also connecting along the roadway under the bridge. So, you know, didn't get to that portion, but those parkland improvements would be included in our plan. So, there would be pedestrian access along the waterway to get from east to west, not just under where the road is under the bridge.

Commissioner Gail Benjamin: And I'm assuming bike access also.

Christopher Jewett: Correct.

Commissioner Gail Benjamin: Do you, you may not have had time to do it. Do you have that conceptual plan in any of your-

Christopher Jewett: I don't have it rendered in here, but I believe it is in the text within the presentation.

Commissioner Gail Benjamin: Okay. And if this proposal is not adopted as one of the three winning proposals, will any of these improvements to the park still be done?

Christopher Jewett: No. No, our proposal is predicated upon awarding of a license by the New York State Gaming Commission.

Commissioner Gail Benjamin: That's pretty definite. Okay. Thank you.

Dan Garodnick, CPC Chair: Thank you, Commissioner. Before I go to Commissioner Marin and Gold, let me just note for people who wish to be heard on this item today, if you are experiencing any issues registering online, you can call the phone assistance line at 888-788-0099. The meeting ID is 6182377396. When they ask for your participant ID, you can just push pound to skip it. Passcode is one. A member of our team will get you signed up. You can also call 212-720-3405 if you're having difficulties, okay? Just wanted to make that quick public service announcement. Let me now go to Commissioner Marin.

Commissioner Orlando Marin: Thank you, Chair. So, first of all, thank you for answering that question for Commissioner Benjamin because I actually had posed the same question on Monday. But, you know, you mentioned that it's in the text. If a rendering could be provided, that would be appreciated. I think that there are several concerns that the community has as well that we can alleviate by providing them some visuals so they could understand.

You also show, on slide 11, a view from Harding Avenue, and you discuss the trees, your architect, does about how they're going to grow and obstruct the view of the casino. It would be beneficial if you had a rendering as well there so that we could understand how those trees would block the casino view and how folks on Harding would not be experiencing that larger mass at the end of Harding.

And then on slide 16, where you discuss the road widening, I think you did answer the question about any alienating of parkland when it's not, it's actually going to be added as park, but as streets. So, I think that those- Oh, the other one was the crossover from west to east on the Hutch.

Christopher Jewett: The overpass?

Commissions Orlando Marin: Yeah, you know, thank you for the rendering. I also requested that. I didn't know that if it was done before or not, but thank you. For me, I think what's more beneficial is understanding how that interacts with the Hutchinson and the exiting and entering. So, if maybe an enlargement of that area could be provided, that would be very helpful.

Christopher Jewett: We could do that. I can have I have some of our traffic folks if you'd like a brief minute just conversation about it.

Commissioner Orlando Marin: Now that'd be great. I mean that to understand it in concept but to see it visually I think would also again benefit the community, so they could understand that was one of their biggest concerns.

Satya Muthuswamy: Sure. The overpass that's being proposed right now will be a one-way. It will take traffic from the east side, heading north on the service road, to the west side heading south on the service road. It would primarily bypass the two signals at Lafayette Road and that's one of the main benefits of that is the local intersection impacts will be mitigated because the traffic will be avoiding the signals. We are right now in discussions with City DOT, State DOT to figure out the exact specifics so what the design and the operations would be. But that's the primary way it'll operate primarily.

Commissioner Orlando Marin: Thank you. Yeah, I just happen to think that explaining that, drawing it so people can visualize it would actually be of benefit again it was one of the biggest concerns that the community had. Although, I don't see it as much, but I would appreciate it.

Satya Muthuswamy: We could definitely add.

Commissioner Orlando Marin: Thank you. Thank you, chair.

Dan Garodnick, CPC Chair: Thanks, Commissioner. Okay. Let me see if there are other questions here. Commissioner Cerullo?

Commissioner Alfred C. Cerullo: Just really just a clarification question. Two quick questions. At the point in time in the presentation, we got to the park's improvements and that's sort of when the buzzer went off, but and I was taking notes on the discussion you were having with the Chair. I just want to get a really a clearer sense of the totality of the parks, the universe of parkland that is impacted, and what will be there under the proposal.

So, it was 15 acres, and it was a 19-acre net. So, what, and I saw in the presentation quickly while the screen/the slide was up, that you're working with the local elected officials and Parks on what those sorts of improvements might be. So, I guess I'm just trying to find out with what we're starting with, and that's on the acreage, we'll say, and then what we expect to end with under the proposal, so that we at least know a number since we're not seeing the actual improvements. We're not seeing what's going to be there because those things are going to be worked out as this process continues. So, can you just fill in some of those blanks?

Christopher Jewett: Absolutely. So, I think you're spot on the acreage. The development site again is 15.7 acres, difference getting to roughly the 19, depending on how it's finally mapped, and we're near signoff on that, will get you to the difference. All of that is today within Ferry Point Park. We are awaiting a final evaluation from DCAS to better

understand what that valuation lands on. Today, we are estimating it's in the realm of somewhere around hundred million dollars based on comps.

With that being said, we've got two parcels under option on City Island. One is about three-ish, one is about four-ish, plus or minus. So that will get you to replacement options incorporating about seven-ish acres. I think the rough value on those is somewhere between 15 and 20 million dollars unimproved.

And then we understand that there's significant obvious needs within Ferry Point Park. And quite frankly, you know, a vast majority of the conversations we've had, folks think that because that is the most affected parkland, it is the affected parkland, that they should have the most benefit. So, some of the projects that we've included, obviously, pedestrian connection along the waterway, you know, the roadway improvements aren't incorporated in the parkland improvements, but those are, you know, great improvements for the area, [inaudible sneeze] bless you.

Providing new bathrooms, I think there's only two sets of bathrooms within the park and at peak that the park really needs it. Potentially paving the EDC lot. There's, I think, six or eight soccer fields to the south as well as some cricket fields that would need to be re-improved, or resurfaced or resodded. There's a 9/11 memorial that we've potentially incorporated into the project plan. New pedestrian pathways and lighting throughout the park. Trying to cut back on some of the overgrowth that is there. These are all general examples. I think that the biggest ones that will definitely have to happen though are the fields will need to be redone, is that's the vast majority of the users that are going to that park outside of using the pathways.

Commissioner Alfred C. Cerullo: Thank you for that and the clarification on that. It's very helpful. So, I had the numbers right. I just wanted to make sure that I wasn't missing something on this. The second what I think is hopefully a quick question, which Miss Laremont mentioned, in terms of the roadway. Because it's a DOT roadway, they will maintain and manage that roadway too. So, everything from plowing to whatever road. Okay. And are there any private roadways that are incorporated into this plan? It would all be public roads. Okay, great. Thank you. Thank you.

Dan Garodnick, CPC Chair: Thanks, Commissioner. We go to Commissioner Gold on Zoom.

Commissioner David Gold: Hi, thank you. Also, a couple of points of follow-up. One, just to follow up on Commissioner Cerullo's question, and just to verify. So, if the license doesn't come, does the DOT transition still happen or that doesn't happen at all in the roadway?

Christopher Jewett: No, no, no. This is all one package.

Commissioner Gold: Okay. And then two, I guess you've heard it from some of the other commissioners, including Commissioner Marin, but we look at what's out there. Obviously, the community concern and the environmental is a lot around traffic. And so we've heard some of the things you're planning to do, but it would be helpful if you could speak a little bit, I want to give you the opportunity to speak a little more fully on any other mitigation plans that you have for the potential traffic that this would bring.

Christopher Jewett: I'll let, I'm going to let Satya maybe touch upon that, but I guess you know one thing I do want to note, you know we obviously take traffic very seriously. We know that you know at peak times, and particularly in the summer at this location, there are, you know, there are issues that we believe you know a lot of these improvements will actually help address in existing condition. I will tell you we are also a 24-7, 365 business,

whereby we don't have a flood of, you know, four or 5,000 people that come in all at once and leave all at once. You know, I call it a steady drip as opposed to an open faucet. This is not the equivalent of using you know one of our counterparts in the Bronx. This is not the equivalent Yankee Stadium where we have 30,000 people coming in an hour or two before and leaving. Our max capacity is a fraction of what that would be. And I'll let Satya cover what's been incorporated into our project plan.

Satya Muthuswamy: Thank you, Chris. So, just to reiterate what Chris said in terms of traffic and mitigation, there is a plan to do a traffic monitoring plan that is included in the proposal, which is when the site is operational. There will be, in coordination with City DOT, an extensive data collection effort to make sure that the future forecasted trips and such and come up with additional measures as needed in coordination with DOT. There have been discussions as Chris mentioned earlier with the MTA, with increased possible bus service to the park, and that would potentially have some opportunities to mitigate some of the traffic impacts. Additionally, we had initial discussions with EDC. They do not have any plans at this point to augment the ferry service, but in the future, we don't know that, maybe something that might provide some additional options to mitigate some of the impact. So, in addition to what Chris described in terms of all the improvements in terms of infrastructure, there are some measures potentially on the demand side that are being proposed that'll be under consideration later on in the project to help mitigate some of the traffic.

Commissioner David Gold: Got it. And I assume this anticipated to be a 24-hour facility?

Christopher Jewett: Yeah. Yeah. Yes. Yes.

Commissioner David Gold: Okay. Got it. So, some of that can help, but I assume the ferry piece of it would be limited to those peak hours, I imagine. Okay, and then one more anticipated timeline to build. Like basically the concerns being what the construction impact is on the community and the neighborhood. How long does that run over?

Christopher Jewett: Yeah, I believe I believe our application incorporates a 29-30 build year. As it sits today, the state's essentially, you know, told us and publicized that they have the goal of making selections by the end of this calendar year. Ultimately, you know, I think based on all the other approvals that will be needed, permits and whatnot, construction would be expected to start sometime in 2027.

Commissioner David Gold: Got it. So about three years potentially.

Christopher Jewett: Correct.

Commissioner David Gold: Perfect. Thank you.

Christopher Jewett: Thank you.

Dan Garodnick, CPC Chair: All right. Thank you, Commissioner. I don't see more questions for you from the panel. So, thank you very much to you and the applicant team for being with us today, and we're going to move on with the rest of the public hearing. Okay. I'm next going to call up Karen Argenti who I believe is with us on Zoom. To be followed by David Abreu, who I believe is with us here.

Madam Secretary: Karen, are you able to unmute on Zoom? Miss Argenti?

Karen Argenti: Okay, now I can unmute. Okay, that was interesting. Hi, my name is Karen Argenti. Good morning, commissioners. I'm a member of the Board of Directors of the Bronx Council for Environmental Quality. We are a 54-year-old Bronx non-profit, all

volunteer, environmental organization with no staff. I cut my teeth on environmentalism during the alienation process in 2001, when 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 the public trust, requiring specific legislative approval before it can be alienated or used for an extended period for non-park purposes.

I come before you today to speak about the public trust doctrine and how your calendar item number just is disingenuous and fatally flawed. It doesn't even mention alienation. Even your project omits the alienation process in the ULURP and the DEIS. Explain how rezoning a park prior to the alienation process works? Parks have no zoning. The New York State Department of Environmental Conservation considers a municipal resolution requesting parkland alienation legislation an action under SEQR. The initial decision to sell, lease, or convey or change the use of parkland is also part of the action subject to SEQR. SEQR analysis should be commenced as early as possible in the decision-making process. State Parks suggests that a municipality vote on the SEQR resolution prior to voting on the alienation resolution request and on the resolution for the home municipal home-rule request.

Furthermore, New York State Parks has an alienation handbook with such questions that we almost heard today by the other commissioners. What are the current uses of the parkland? How much of the park do the public rely on the parkland for recreation activities? Are there adequate recreational activities within the municipality currently in Parkland in question if the parkland is alienated? Is replacement land being proposed if the parkland in question is diverted to another use? If so, what is the location of the substitute parcel? Will it accommodate the current users of the parkland? It goes on and on.

The role of the public during an alienation action should comply with the State Environmental Quality Review Act process. Environmental review ensures the public a meaningful role in the process before it is a done deal. The EIS transparency provides an opportunity to consider potential significant adverse environmental impacts to weigh alternatives and to minimize or mitigate any environmental damage potentially caused by those actions.

Madam Secretary: Time

Karen Argenti: I suggest a new ULURP and-

Dan Garodnick, CPC Chair: Okay, Mr. Argenti, thank you very much. Thank you for being with us. I am going to call next, David Abreu. I just will again note, thank you for joining us, Mr. Abreu. If anybody's having any difficulty registering online, call our phone assistance line at 888-788-0099. And the meeting ID is 6182377396 and push pound to skip ahead when they ask for the participant ID. Passcode is one. Our team will help you get signed up. You could also call alternatively 212-720-3405. Sorry to keep you waiting, Mr. Abreu. Welcome.

David Abreu: Of course. Thank you. Good morning. My name is David Abreu and I'm the Clean Water Advocacy Specialist at Save The Sound, a non-profit environmental organization advocating for the protection and improvement of the entire Long Island Sound region. We represent thousands of members across the region, including many in the Bronx. Thank you for the opportunity to speak today.

I'd like to speak specifically on the Draft Environmental Impact Statement and expand on the potential environmental impacts and insufficient mitigation that we've identified thus far. Save The Sound believes the currently-proposed stormwater mitigation solutions and wastewater analysis are insufficient and the commission should require these to be explicitly stated in the DEIS to inform decision-making. As we know, stormwater and wastewater are two of the most significant pollution sources impacting New York City's waterways today. And this project proposes the continuation of stormwater discharge into Westchester Creek and the Upper East River, except much more stormwater is expected to be generated as a result of the increase in impervious surfaces from the casino site and the expansion of Ring Road.

Both waterways are listed as impaired per New York State Department of Environmental Protection's 2018 section 303(d) list of impaired waters. Yet the word "impaired" does not appear once in the DEIS's Stormwater and Wastewater chapter.

Bally's must also comply with New York City's Unified Stormwater Rule, which prioritizes green infrastructure as the primary mitigation solution for new developments, and the general public needs to see the details on those specific green infrastructure practices and pre-treatment solutions that will be implemented to allow adequate time to comment on them.

Furthermore, the project will introduce additional wastewater to the combined sewer overflow system on Emerson Avenue. A dry weather analysis was performed on wastewater flows to the Hunts Point wastewater treatment facility, but as many of us are aware, rainfall and flooding levels are expected to increase in the city in the coming years, further overburdening the sewer system and leading to discharges of untreated wastewater to our waterbodies. Save The Sound recommends that the Commission also requests a wet weather analysis be performed to understand sewer capacity during rain events.

Save the Sound also shares the serious concerns expressed by the local community with construction and ground intrusion activities on the former landfill where the project is proposed and where ongoing monitoring suggests contamination persists, particularly the piercing of the landfill cap, soil vapor migration, and the potential leeching of contaminants and toxins. We look forward to expanding on that in our written comments. For these reasons, and those my colleague will also be describing after me, Save the Sound urges disapproval of this project based on these inadequacies of in the DEIS. And thank you for your time.

Dan Garodnick, CPC Chair: Thank you. Let me move on to Robert Fanuzzi on Zoom followed by Dara Ilowski here in the room. Commissioner Benjamin, do you have a question for-

Commissioner Gail Benjamin: Yes. I was just wondering if Mr. Abreu could send us, the commissioners, a copy of his written comments once you have them, particularly about your concern about the wet weather analysis for the waste treatment facilities. Thank you.

Dan Garodnick, CPC Chair: He said yes for the record. Thank you. Okay. Just wanted to say it into the microphone.

Dan Garodnick, CPC Chair: Okay, let's go to Robert Fanuzzi.

Madam Secretary: Robert, are you able to unmute on Zoom? Robert?

Robert Fanuzzi: Thank you. I apologize for this delay. I too am a representative and board member and President of the Bronx Council for Environmental Quality, and I offer my comments today at preliminary form that address the DEIS within the context of the state legislature parkland alienation to come and the peril of proceeding without any information about its cost or possible benefits. Without that information, the DEIS is fatally flawed because it is unable to provide the CPC with an accurate assessment of casino construction.

BCQ has champions of water quality, stormwater management, and green infrastructure. We're responsible for urging DEP towards its historic daylighting project. We sweat over historic increases in city imperviousness. Can there really be no impact from the 71 percent impervious coverage protected in the study area? Compliance with the Uniform Stormwater Rule, as is stated in the DEIS, is merely the law. That compliance does not provide the CPC with an assessment of stormwater management measures. We urge you to attach conditions for adding the botanical features available under the Uniformed Stormwater Rule to offset the impact of 71 percent impervious coverage in the Study Area.

We further note that as this project is currently planned, stormwater will discharge directly into the East River and Westchester Creek at the very moment when New York City DEP is piloting a new category of water quality attainment for the Harlem River that will incorporate allowances for the contaminants of wet weather discharge. The response to our comments in the Draft Scope of Work correctly note that New York State DEC conducts the permitting for this MS4 discharge, but nothing in the DEIS ensures the sustainability of waterfront development of this size. In fact, it affirms the escalating impacts of discharge on citywide water quality attainment.

Given the stakes for community recreational access and primary contact and the goals of the DCP Waterfront Revitalization Program, zero discharge should be your goal, and the EIS should provide you with a roadmap towards it. In its written statement to come, BCQ will offer detailed analysis of the no impact findings in the analysis of open space, natural resources, hazardous materials, water, sewer infrastructure, air quality, greenhouse emissions, and construction. We have a long history of ULURP participation in this area. But as my colleague, Karen Argenti noted, we are also creatures of the alienation process of the Van Cortland Park and the Croton Filtration Park. And we find here that without knowledge of the alienation agreement, you cannot correctly assess the impact of lost parkland. Thank you.

Dan Garodnick, CPC Chair: Okay. Thank you, Mr. Fanuzzi. Next up is Darra Ilowski, followed by Lisa Sorin on Zoom. Welcome.

Dara Illowsky: Thank you. Good morning. My name is Dara Ilowsky. I'm the New York staff attorney at Save the Sound. You heard from my colleague David a few minutes ago. He introduced us. Thank you very much for the opportunity to speak today.

I urge you to disapprove the Bally's Casino and Hotel complex at Ferry Point Park because the Draft Environmental Impact Statement fails to adequately disclose the likely adverse environmental impacts of this project, identify effective and feasible mitigation measures, or analyze a range of reasonable alternatives, among other deficiencies. It therefore cannot provide the basis for the commission's approval. I'll give a brief overview of some of our concerns on top of David's, which we will elaborate on in writing. One of our biggest concerns about this project is the loss it would impose on irreplaceable waterfront

parkland in Ferry Point Park. Public parkland is an extremely valuable resource, especially in the City, and it should continue to benefit the general public, not private corporations.

This complex would mean the loss of at least 17 acres of city parkland and rare open space beside the East River so that Bally's can build a 3.1 million gross-square-foot casino and hotel complex to which the local community has expressed clear opposition. Save the Sound does not believe that the substitute parkland or parkland improvement projects, which Bally's has vaguely alluded, exist to adequately balance this loss, especially for the nearby communities most deeply and directly affected. Before any vote, the commission should require Bally's to provide clear, binding, public commitments specifically identifying substitute parkland and capital improvement projects it intends to pursue. Otherwise, this proposal will move forward before we can fully understand the consequences for our communities or the environment.

Bally's has also failed to consider the required range of reasonable alternatives. The DEIS offers only the No-Action and No-Unmitigated Impacts alternatives, ignoring alternatives that reduce the project's footprint, including by removing components not germane to the project's purpose. For example, Save the Sound objects in particular to the extension of Bally's license to operate the golf course being incorporated as part of the proposed action. The license is set to expire in 2035, relatively soon. This means that the community and New York City Parks could begin a process to envision alternative family-friendly uses for this precious public park space and see them begin to be implemented in only 10 years' time, maybe less. But the range of such potential uses will be significantly curtailed if the Bally's proposal goes through as written to presuppose the continued operation of the golf course indefinitely.

The alternative analysis, and so that the DEIS, is therefore incomplete and cannot support an approval from this commission. I'd also like to briefly note we also have concerns that we'll elaborate on in a writing regarding the analysis of effects on disadvantaged communities. The air quality analysis in particular is based on using baselines in communities with their own likely higher pollution burdens than the area most closest to the park, making it seem as though there's not as much of a worsening of air quality. Thank you very much for your time.

Dan Garodnick, CPC Chair: Thank you. Thanks for being with us. Okay, next up is Lisa Sorin on Zoom.

Madam Secretary: Lisa, are you able to unmute on Zoom?

Lisa Sorin: I am now. Thank you so much. And good morning, commissioners. Thank you for allowing me to testify this morning. My name is Lisa Sorin, President of the Bronx Chamber of Commerce. The Bronx Chamber of Commerce is critical in helping local businesses in the Bronx grow, thrive, and remain competitive. The Bronx is often historically underfunded. That's why projects like Bally's proposed resort and casino at Ferry Point are so important. They represent a real opportunity to bring investment, jobs, and economic vitality to our borough. Bally's Corporation has shown itself to be more than just a developer. It has emerged as a thoughtful partner to the Bronx. From workforce development conversation and meetings with local stakeholders. Bally's has demonstrated a clear interest in aligning its visions with the needs and priorities of our neighborhoods.

Bally's represents a unique opportunity to enhance the Bronx's status as a vibrant destination for both residents and visitors. The development promises to create thousands of jobs during the construction phase and many more permanent positions

upon completion, providing employment opportunities across a range of skills, skill levels. This is particularly important to our borough, where job creation remains a top priority.

This project will spur economic growth, attract tourism, and drive new investments in the surrounding area. Local hotels, restaurants, and retailers will definitely benefit from increased foot traffic, while the development will generate significant tax revenue to support public services and infrastructure. With worldclass entertainment, dining, and recreational spaces, it will also create new cultural and leisure opportunities for our Bronx, enriching the social fabric of our community. We are confident that Bally's will serve as a catalyst for economic growth, job creation, and enhanced quality of life in the Bronx. For these reasons, the Bronx Chamber of Commerce fully supports this development project and urge you to approve this endeavor. Thank you for the opportunity.

Dan Garodnick, CPC Chair: Thank you, Miss Sorin. Romario Rodriguez.

Romario Rodriguez: Hello. Good morning. How are you guys? My name is Romario Rodriguez, and I am a proud hospitality worker and a member of the Hotels and Games Council. I am here on behalf of my union to testify to support the Bally's casino proposal. This project is an incredible opportunity for the Bronx and all of New York because it will create thousands of good paying hospitality jobs just like mine. Bally's will be one of the largest employers in the Bronx, and now more than ever hardworking New Yorkers need access to quality jobs with benefits and this project will provide that. We urge you to approve this project and thank you for listening to me. Thank you.

Dan Garodnick, CPC Chair: Great. Thank you very much. Thank you for being with us. All right. Next is Danielle Campbell. Welcome, Miss Campbell, to be followed by Eddie Marerro and Marcus Payne. All here with us at 120 Broadway. Welcome.

Danielle Campbell: Good morning. Okay. My name is Danielle Campbell, and I am here on behalf of Travel with Chaz, a non-profit organization. We are in favor of this project, the Bally's Casino. We believe it represents a major opportunity for economic investment in the Bronx, a borough that has been undeserved in terms of job creation and infrastructure development. Bally's proposal will generate thousands of good paying union jobs, both in the construction and hospitality sectors, jobs that come with family sustaining wages, benefits, and long-term career opportunities for Bronx residents.

Bally's has also shown real commitment to our community as we have done several college tours for youth, consistent attendance and participation at local events and by creating new job opportunities for families in the area. We understand that some may be wary of the large businesses entering our neighborhoods, but Bally's has maintained an open-door policy for us and from the start. They've worked with the community, not around it, and their willingness to engage consistently even prior to this project has made a meaningful difference. We believe in building together and we respectfully urge the Department of the City of Planning to move this project forward as we see Bally's Ferry Point not only as a smart development decision, but as a powerful step towards building a more equitable, prosperous Bronx. Thank you.

Dan Garodnick, CPC Chair: Great. Thank you. Next is Eddie Marerro followed by Marcus Payne, Vincent Albanese, and Lauren Patterson.

Eddie Marerro: Good morning. My name is Eddie Marerro. I am a resident in district. Today we stand at the crossroads of opportunity and transformation. The Bally's casino project isn't just another development, it's a game changer at a time when families are

struggling with rising costs and uncertainty, this project is our shot at real economic revival and long-term prosperity.

I want you to picture this: thousands of well-paying jobs. Construction workers, hospitality professionals, entertainers, retail workers. This project will fuel careers and financial security for generations. But that's not all. Bally's will pump millions into our local economy, funding schools, infrastructure, and essential services that keep our city thriving. This just isn't about a casino. It's about empowering our communities. Bally's is committed to investing in education, affordable housing, and recreation. That means funding for local schools, after-school programs, and job training. This project ensures that the Bronx doesn't just grow, it thrives. And I believe the community enhancement benefits is 650 million dollars.

And let's be clear, Bally's has already proven themselves to be a good neighbor. They provided a community shuttle bus, improving access and connectivity. And most recently, my understanding is that they've saved Preston High School by purchasing this property, fully refurbishing it, or at least committed to it, and leasing it back to the sisters for just one dollar a year for the next 25 years. I don't know many businesses who would do that.

This project brings more than prosperity. It brings justice, economic justice for the working-class families who need opportunities. Social justice for communities who've too often been ignored, and environmental justice for a borough disproportionately burdened by pollution and climate risk. For too long, poor and middle-class families in the Bronx have been forgotten, left behind, or left out. This project says not anymore. It's a shining example of what happens when the private and public sector come together for the betterment of society. The scale of investment Bally's is bringing in this kind we'd expect from the federal government. Yet that support too often skips over our borough. But Bally's sees us. They believe in us. They're investing in us. And this is a win for all of us.

Bally's will work with City leaders to implement transportation improvements that keep traffic flowing smoothly. And for homeowners, studies have shown that projects like this actually increase property values, boosting wealth for local families and businesses alike. This is our moment. Thank you very much.

Dan Garodnick, CPC Chair: Thank you, Mr. Marerro. We appreciate you being with us. Okay. Marcus Payne, Vincent Albanese, Lauren Patterson. I will note if anybody wishes to be heard on this item, now is a good time to sign up. We're getting close to the end. Thank you.

Marcus Payne: Good morning. My name is Marcus Payne. I'm from the Bronx. So, as a Bronxite and a community member and an entrepreneur, I support the Bally's community casino proposal at Ferry Point. I've worked in the Bronx for a long time, most of my career, Bronx Chamber of Commerce. I've ran a business improvement district, Southern Boulevard BID, and I've seen the benefits that the Bronx has when we have a thriving economic engine supporting us.

I believe it's the good nature, also the good nature agreement will have an impact on the borough in a really big way. The community benefits agreement will help as we increase foot traffic in the borough as well as increase community spaces that I believe will be a big deal for the Bronx as a whole. Not only from the community groups that I run because I think it's cool to have a high-level community space that we could bring people, and having hotels and in that nature, but I think the fund that is created from the revenue will help support projects throughout our borough for years to come. The benefits are in

addition to the quality jobs that are going to be proposed, not only in building it, but also the jobs that'll be there for people to work.

But I think just what it will do to the waterfront space. You know I'm from the Bronx. I drive across, travel throughout the city all the time. I'm coming into the Whitestone. Just to look and see what that could be, I think would be amazing. People are always excited about it. And also, I think just to the gentleman who came before me, the support of Preston High School, and I think what they've done, I think that builds really good credit in the borough. And I think this is an exemplary example of what a community benefits agreement should look like.

So, I appreciate the opportunity to improve the borough as a whole. I think it would be great for the Bronx and I think it'll keep the burrow excited and help give a real big boost. So, with you guys' support I hope to see that go forward. Thank you.

Dan Garodnick, CPC Chair: Great. Thank you, Mr. Payne. Appreciate you being here. Okay. Vincent Albanese?

Vincent Albanese: Hey, how are you? Vincent Albanese on behalf of LIUNA - Labor's International Union North America. I am the executive director of our political action committee as well as the director of our policy and public affairs for our organizing fund. The laborers represent over 40,000 members across the State of New York. Thousands of those members live in the Bronx and specifically in the site in the location around this project.

Unfortunately, many of those members in the Bronx are unable to work in the Bronx and are forced to travel to other boroughs and other parts of the State in order to find the good paying union jobs that are created as being part of the laborer's union. This is an unprecedented opportunity that we've never had in the Bronx. Not just for our existing members, but for the future members of our union and the future folks in the Bronx that would finally have an opportunity to work near where they live and become part of the laborer's union. For all these reasons, we support this project fully. We have members that wanted to be here today, but because of the timing of this hearing, they'll be submitting written testimony. Thank you for your time.

Dan Garodnick, CPC Chair: Great. Thank you very much, Mr. Albanese. Okay. Next up, Lauren Patterson.

Lauren Patterson: Good morning, everybody, my name is Lauren Patterson. I represent some of the organizers and people that work actively in the community. I hear a lot about the financial, the money benefit. I like to talk more about the opportunities. Sometimes when people see new businesses around or new structure, they come up with new ideas, start new business. They find a way to restart something. They find a way to connect with somebody new. I speak on behalf, or in the benefit of this project because some of the guys I deal with on a day-to-day basis don't have those opportunities to restart. I actively work with individuals who are justice-impacted, and their families are justice-impacted, and so this is an opportunity, and some of them see this as an opportunity, to come up with new ideas, or start fresh, or their second chance, and this might be an opportunity that brings them there in a positive way. So, for that I speak on behalf, let's make this happen. All right. Many blessings everybody.

Dan Garodnick, CPC Chair: Thank you very much. Thank you for being with us. Okay. I'm going to give a final call here for members of the public who wish to be heard on calendar 21, 22, and 23. The Bally's Ferry Point map amendment. Filibustering just for a moment

just to be certain. Okay, all right. Seeing no other members of the public wishing to be heard on this item, I will close the hearing on calendar 21 to 23. Madam Secretary, back to you.

Madam Secretary: Thank you, Chair. Before we close the hearing on calendar numbers 21 through 23, please, the record will remain open through 5:00 p.m. on Monday, May 5th to receive written comments on the testimony.

Dan Garodnick, CPC Chair: Great. Thank you. Sorry I did not make that announcement. Let us see if there is other business before the commission today.

Madam Secretary: No, chair. There is no other business before the commission for the public meeting. But I do have some public information to share. For those of you who are unable to or did not wish to testify, you can submit written testimony online by selecting this hearing on the NYC Engage Portal, through DCP's website, or by mailing your comments to City Planning Commission Calendar Office Information Office, 120 Broadway, 31st Floor, New York, New York, 10271 and the time now is 11:24.

Dan Garodnick, CPC Chair: Great, thank you very much. And with that, this public meeting is now adjourned.

[END TIME: 1:27:36]