26 EFFECTS ON DISADVANTAGED COMMUNITIES

Effective 30 December 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that this Environmental Impact Statement (EIS) include a statement of the effects of the Proposed Actions on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden. The 2021 *CEQR Technical Manual* does not provide guidance regarding the scope of this analysis; further, as of the publication date of this Draft EIS, the New York State Department of Environmental Conservation (NYSDEC) has not proposed a rule that provides additional considerations regarding this new statutory provision.

As described in Chapter 1 of this EIS, "Project Description," the Proposed Actions would allow the Proposed Facility, an approximately 3,093,880-gross-square-foot (gsf) gaming space with food and beverage space, a hotel, an event center, retail, and a 4,660-space parking garage. Bally's has also committed to develop a police substation in the Proposed Facility. In connection with the Proposed Facility, a replacement golf clubhouse would also be constructed in Ferry Point Park and the uninterrupted circular roadway within the Park that connects the southbound and northbound Hutchinson River Expressway service roads (the "Ring Road") would be converted to a City Street under New York City Department of Transportation (NYCDOT) jurisdiction. Collectively, the Proposed Facility, replacement golf clubhouse, and construction of Ring Road comprise the "Proposed Development." As described in Chapter 1 of this EIS, "Project Description," the Development Site and the improved Ring Road comprise the "Affected Area."

The InfoLocator application maintained by NYSDEC maps the boundaries of Disadvantaged Communities (DAC) in New York State. As shown in Figure 26-1, the Affected Area is wholly outside of a DAC. The closest DAC is approximately 1,100 feet from the nearest point of the Development Site.

Figure 26-1: NYSDEC Disadvantaged Communities Areas



Source: InfoLocator Tool maintained by New York State Department of Environmental Conservation

The Proposed Actions 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.

Significant adverse impacts have the potential to occur in the following CEQR technical areas: shadows; transportation; noise; and construction (traffic and noise). However, the location of the significant adverse impacts related to shadows and construction-noise would be limited to the Golf Course, which is wholly outside a DAC and significant adverse noise impacts from project-generated traffic would only occur in the portions of Ferry Point Park that are west of the Hutchinson River Expressway and immediately adjacent to Ring Road, which is also outside of a DAC.

This EIS discloses that the Proposed Actions have the potential to result in significant adverse traffic impacts at certain local intersections and highway segments. Traffic congestion occurs in locations throughout New York City, including in areas outside of DACs. In the Existing and No-Action Condition, the Hutchinson River Expressway and the Whitestone Bridge would still be present even without the Proposed Development. 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.

While this EIS discloses potential significant adverse traffic impacts, the Proposed Actions would not result in a significant adverse air quality impact from mobile sources (vehicular traffic), as described in Chapters 15 and 20 of this EIS, "Air Quality" and "Construction," because modeled pollutant concentrations are not projected to exceed National Ambient Air Quality Standards or CEQR *de minimis* criteria. Similarly, as described in Chapters 17 and 20 of this EIS, "Noise" and "Construction," the Proposed Actions would not generate a significant adverse noise impact from mobile sources on or in a DAC.

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 Highway would have a limited effect on the community through which it traverses.

The Proposed Actions have the potential to result in significant adverse traffic impacts at up to seven intersections/approach lane groups, of which three could be fully mitigated as described in Chapter 22 of this EIS, "Mitigation." As also discussed in Chapter 22 of this EIS, "Mitigation," the remaining significant adverse traffic impacts at four intersections/approach lane groups may be vastly improved or fully mitigated during one or more peak hours.

Bally's is exploring the feasibility of constructing a one-way westbound overpass from the northbound Hutchinson River Parkway Service Road to the southbound Hutchinson River Parkway Service Road. This potential overpass would enable traffic to bypass the signalized intersections at Lafayette Avenue. Significant adverse impacts identified at the intersection of Lafayette Avenue and the northbound Hutchinson River Parkway Service Road and at the intersection of Lafayette Avenue and the southbound Hutchinson River Parkway Service Road would be fully mitigated or vastly improved with this potential overpass.

Accordingly, with the mitigation included in this Draft EIS and those that will be further studied between Draft and Final EIS, the Proposed Actions would have limited to no effect on traffic conditions in a DAC.