21 ALTERNATIVES

21.1 Introduction

As described in the *2021 CEQR Technical Manual,* the State Environmental Quality Review Act (SEQRA) requires that alternatives to the proposed project be identified and evaluated in an Environmental Impact Statement (EIS). An alternatives assessment considers whether reasonable alternatives exist that would minimize or avoid adverse environmental effects. This EIS considers reasonable alternatives to the Proposed Development that have the potential to feasibly reduce or eliminate impacts while still meeting the project's Purpose and Need, as described in Chapter 1 of this EIS, "Project Description."

Bally's New York Operating Company, LLC (Bally's), seeks a series of discretionary land use actions, as described below, to effectuate the "Bally's Bronx" gaming and recreation facility (the "Proposed Facility") in the Throggs Neck neighborhood of Bronx Community District 10. The Proposed Facility would contain an approximately 3,093,880-gross-square-foot (gsf) gaming facility containing up to 5,146 gaming positions[1], restaurants, a 500-key hotel with a spa and meeting space, retail space, a 2,000-person event center, and parking for approximately 4,660 vehicles. The Proposed Facility would be located on an approximately 18-acre parcel (the "Development Site") within Bally's Golf Links at Ferry Point (the "Golf Course"), a 222-acre public golf course in the Bronx. The Golf Course occupies a portion of Ferry Point Park (the "Park"). Bally's operates the Golf Course, pursuant to a license agreement with the New York City Department of Parks and Recreation (NYC Parks) and intends to construct the Proposed Facility within a portion of the Golf Course that is currently used for parking, the golf clubhouse, a portion of the practice area, and additional landscaped areas. Bally's would construct a replacement standalone clubhouse for the Golf Course, which would remain on land owned by NYC Parks~~ as part of either a concession and/or lease~~.

[1] Defined as one seat at a slot machine or table game.

In connection with the Proposed Facility, the uninterrupted circular roadway within the Park that connects the southbound and northbound Hutchinson River Expressway service roads (the "Ring Road") would be widened and improved in coordination with the New York City Department of Transportation (NYCDOT). Collectively, the Development Site and the improved Ring Road comprise the "Affected Area." The Proposed Facility and improvements to Ring Road comprise the "Proposed Development."

This assessment contemplates two alternatives to the Proposed Actions:

1. The No-Action Alternative: An analysis of a No-Action Alternative is mandated by SEQRA and demonstrates the environmental conditions that would exist if the Proposed Actions are not adopted. This alternative is equivalent to the No-Action Condition.
2. The No Unmitigated Impact Alternative: This alternative eliminates unmitigated impacts resulting from a proposed project. The Proposed Actions have the potential to result in unmitigated significant adverse impacts to shadows, noise, transportation (vehicular traffic), and construction (vehicular traffic) because no feasible mitigation measure was identified that would fully mitigate impacts in these areas.

21.2 Principal Conclusions

No-Action Alternative

In the No-Action Alternative, existing conditions on the Development Site and Ring Road are expected to remain. Uses that support the Golf Course would continue to occupy the Development Site. Ring Road would remain as a park roadway and would not be improved in accordance with the recommendations of the *Hutchinson River Parkway Transportation Corridor Study*.

Compared to the With-Action Condition, the No-Action Alternative would not result in the development of a gaming facility or generate additional demands for community resources such as police and fire protection, changes to open space resources, or increased demand for water, electricity, or solid waste and sanitation services. The No-Action Alternative would not result in any significant adverse impacts (as defined by the *CEQR Technical Manual*); however, the No-Action Alternative would not achieve the purpose and need of the Proposed Actions because there would be no new economic activity, including the approximately 3,500 permanent jobs and up to 1,400~~1,800~~ temporary construction jobs that would not be created, and no privately funded improvements to the Park and Ring Road would be implemented.

No Unmitigated Impact Alternative

The No Unmitigated Impact Alternative analyzed the potential reduction in programming for a project that would not result in unmitigated significant adverse impacts. The No Unmitigated Impact Alternative analyzed was found to reduce the Proposed Development to a point where it would no longer be economically viable. While the No Unmitigated Impact Alternative would not be expected to result in any unmitigated potentially significant adverse shadows, noise or traffic (operational and construction) impacts, it would no longer meet the programmatic goals or Purpose and Need of the Proposed Actions.

A sensitivity analysis was conducted to determine the amount by which the Proposed Development would need to be reduced such that there would be no unmitigated significant adverse impacts. The sensitivity analysis found that the Proposed Development could not be reduced in height to avoid significant adverse shadow impacts because of its location in a park, a sunlight-sensitive resource.

For noise, the Proposed Development would need to be reduced by up to approximately 58 percent (to approximately 42 percent of the total program) to avoid a significant adverse impact from mobile sources. Reduction of the Proposed Development by 58 percent would result in a gaming facility providing approximately 2,161 gaming positions, 210 hotel rooms, an 840-person capacity event space, and 2,562 square feet (sf) of sundry retail space. While this reduced development program would not be expected to result in an unmitigated significant adverse noise impact, the Proposed Development would no longer meet the programmatic goals or Purpose and Need of the Proposed Actions.

In order to eliminate all unmitigated significant adverse traffic impacts at local intersections, the Proposed Development would need to be reduced by approximately 90 percent (to approximately 10 percent of the total program) to avoid all unmitigated significant adverse impacts (both operational and construction). Reduction of the Proposed Development by 90 percent would result in a gaming facility providing approximately 515 gaming positions, 50 hotel rooms, a 200-person capacity event space, and 610 sf of sundry retail space. While this reduced development program would not result in an unmitigated significant adverse traffic impact, this reduced development program would, similar to the above, compromise the goals or Purpose and Need of the Proposed Actions.

The Proposed Development cannot be reduced such that there would be an elimination of all unmitigated significant adverse traffic impacts on all highway segments within the transportation study area (both operational and construction). The Proposed Development's program could not be reduced to avoid unmitigated significant adverse transportation impacts because there are no measures that may be undertaken by Bally's to improve the operational capacity of the existing highway network.

The No Unmitigated Impact Alternative would not provide a destination gaming facility with gaming and recreational uses, hotel rooms, and accessory commercial uses necessary to complement the existing Golf Course.

21.3 No-Action Alternative

In the No-Action Alternative, existing conditions on the Development Site are expected to remain. The one-story, 25,265-gsf golf clubhouse, accessory parking lot, practice area and other landscaped areas would remain as existing conditions. No new public infrastructure – such as roadway or park improvements – would be developed. The existing uses on the Development Site are permitted within the Park and operate pursuant to a license agreement between Bally's and NYC Parks.

The No-Action Alternative would not achieve the goals and objectives of the Proposed Actions because:

- The No-Action Alternative would not create a destination gaming facility that would complement the existing Nicklaus Design Golf Course.

- The No-Action Alternative would not include new park improvements and/or replacement parkland provided by Bally's. Bally's also would not contribute funds to the City of New York to be devoted to NYC Parks for such public improvements (or perform the improvements at NYC Parks' direction) and would not deed the designated new parkland to NYC Parks.
- The No-Action Alternative would not result in new employment in the area, including up to 1,400~~1,800~~ temporary construction jobs for more than two years during construction and up to 3,500 permanent jobs that would be created during the operational phase of the Proposed Development. Indirect employment from the Proposed Development would also not occur within the surrounding area.
- The No-Action Alternative would not provide new economic activity for the surrounding area via increased local spending at nearby restaurants, gas stations, convenience stores or retail establishments.
- The No-Action Alternative would not benefit both the City or State via new gaming taxes, corporate and employee income taxes, sales, hotel, and property taxes, and bridge/tunnel tolls.
- The No-Action Alternative would not include improvements to Ring Road, including the improvements recommended by the NYC Department of City Planning (DCP) in its 2015 *Hutchinson River Parkway Transportation Corridor Study*. Ring Road would not be mapped as a City Street and transferred to NYCDOT, and improvements to reduce congestion and enhance pedestrian and cyclist safety would not be implemented. Ring Road would not be improved in coordination with NYCDOT and NYC Department of Environmental Protection (NYCDEP).
- The No-Action Alternative would not include a pedestrian connection linking the east and west portions of Ferry Point Park beneath the Hutchinson River Expressway.
- The No-Action Alternative would not further the goals of citywide public policies such as the New York City Waterfront Revitalization Program (WRP), *Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery,* the *NYC Streets Plan,* and *Vision Zero*. The No-Action Alternative would not support the recommendations made in the *Hutchinson River Transportation Corridor Parkway Study* by making infrastructure and safety improvements to Ring Road, the Park, and the surrounding roadways.
- Stormwater generated within the Affected Area would continue to be discharged directly to the East River or Westchester Creek in the No-Action Alternative. These discharges may not comply with current NYCDEP standards such as the Uniform Stormwater Rule and water quality conditions would not be improved in the No-Action Alternative.
- Stormwater generated within the Affected Area would continue to flood Ring Road and no improvements to stormwater infrastructure in the roadway would occur in the No-Action Alternative.

Conditions under the No-Action Alternative in comparison to the future with the Proposed Actions are described below.

Land-Use, Public Policy, and Zoning

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse land-use, public policy or zoning impacts. However, in the No-Action Alternative, the Development Site would not be removed from the Park and would not be rezoned to a C8-4 commercial zoning district. Existing land use and zoning conditions would continue in the No-Action Alternative, and a large portion of the Affected Area mapped as parkland would remain as a surface parking lot and would not be considered recreational open space for Park users. Additionally, the existing uses on the Development Site would not support goals of *OneNYC 2050* through improvements to public infrastructure. The No-Action Alternative would not create up to 3,500 permanent jobs and up to 1,400~~1,800~~ temporary construction jobs.

The No-Action Alternative would not improve Ring Road and therefore would not introduce new pedestrian and cycling infrastructure that would connect to existing pedestrian and cycling routes. Ring Road would also not be transferred from NYC Parks to NYCDOT and mapped as a City Street. Levels of traffic within the Study Area would continue to grow due to background growth, and privately-funded infrastructure improvements proposed in the With-Action Condition would not be undertaken. The No-Action Alternative would also not support the safety goals of *Vision Zero*, which aims to enhance circulation, safety, and access to the Development Site for pedestrians, cyclists, and vehicles. Lastly, the No-Action Alternative would not support localized planning policies such as the implementation of city-sponsored recommendations identified in the *Hutchinson River Parkway Transportation Corridor Study*. Accordingly, neither the No-Action Alternative nor the Proposed Actions would result in a significant adverse land use, zoning, and public policy impact.

Socioeconomic Conditions

In the No-Action Alternative, existing conditions would remain. Similar to the With-Action Condition, the No-Action Alternative would not displace residents nor introduce a new residential population and would not increase the demands for goods and services in the surrounding area. Further, like the With-Action Condition, the No-Action Alternative would not displace existing businesses and would not have the potential to affect real estate market conditions. However, the No-Action Alternative would not provide new commercial uses on the Development Site and would not generate up to 3,500 new permanent jobs and up to 1,400~~1,800~~ temporary construction jobs. Accordingly, neither the No-Action Alternative nor the Proposed Actions would result in a significant adverse socioeconomics impact.

Community Facilities and Services

Similar to the With-Action Condition, the No-Action Alternative would not result in a significant adverse impact to community facilities and services. However, the No-Action Alternative would not add additional year-round visitors to the Development Site. The No-Action Alternative would not generate up to 650 workers and 5,800 visitors (at a given time) at the Proposed Facility and replacement golf clubhouse. Similar to the With-Action Condition, the No-Action Alternative would not create a sizable new neighborhood where none existed before and would not introduce a residential use. Public infrastructure improvements such as fire hydrants and stormwater drainage would not be installed

along Ring Road and the park roadway would not be widened and comply with NYCDOT regulations. Additionally, a police substation would not be developed, and privately-employed security personnel would not be present within the Affected Area. A designated area for emergency management and medical services with trained staff members would also not be employed within the Proposed Facility to assist during emergencies. Accordingly, neither the No-Action Alternative nor the With-Action Condition would result in a significant adverse impact to community facilities and services.

Open Space

Similar to the With-Action Condition, the No-Action Alternative would not have a significant adverse impact to open space. The No-Action Alternative would not result in the alienation of parkland, including where the existing parking, golf clubhouse, a portion of the practice area, and other landscaped areas are located. Ring Road would not be widened and improved as a City Street and would not be transferred to NYCDOT. Similar to the With-Action Condition, the No-Action Alternative would not introduce new residents to the Study Area and the residential open space ratio (OSR) would continue to be higher than the CEQR guideline of 2.5 acres per 1,000 residents. Additionally, similar to the With-Action Condition, the No-Action Alternative would also not introduce a non-residential population that would decrease the OSR below 0.15 acres of passive open space per 1,000 employees. However, in the No-Action Alternative, park improvements and funds devoted to NYC Parks would not be provided by Bally's. Accordingly, neither the No-Action Alternative nor the Proposed Actions would result in a significant adverse impact to open space.

Shadows

In the No-Action Alternative, the one-story golf clubhouse, parking lot, a portion of the practice area, and other landscaped areas would remain on the Development Site. Similar to the With-Action Condition, the No-Action Alternative would cast shadow on portions of the Golf Course throughout the four analysis days due to the existing golf clubhouse. Like the With-Action Condition, other portions of Ferry Point Park and portions of the Golf Course would continue to receive more than six hours of direct sunlight – the amount specified in the *CEQR Technical Manual* as typically necessary for vegetation to grow – throughout all four analysis days. With the Proposed Actions, incremental shadow would also be cast on portions of the East River, a wetland near the southern tip of Ring Road, and the area proposed to construct a wetland mitigation project by NYCDOT; however, this shadow would not rise to the level of a significant adverse impact.

The No-Action Alternative would not result in a significant adverse shadows impact to the vegetation (grass) on the Golf Course, but shadow would continue to be cast on hole 18 and the practice area from the clubhouse. There would be no significant adverse impacts to very small portions of holes 1 (including the putting practice area near hole 1), 9, 10, and 18 and the driving range to various degrees on select analysis days, including with respect to the potential to affect utilization. The With-Action Condition would reduce the amount of available sunlight to less than six hours of direct sunlight to the small, discrete areas of the Golf Course noted above on the March, May and June analysis days, and the Proposed Development could result in significant adverse impacts to the Golf Course's grass in limited areas, which in turn could affect utilization.

Historic and Cultural Resources

Similar to the With-Action Condition, the No-Action Alternative would not have the potential to result in significant adverse historic and cultural resource impacts. In a letter dated 24 September 2024, the Landmarks Preservation Commission (LPC) indicated that the Development Site does not contain architectural or archaeological historic resources. In the No-Action Alternative, existing conditions are projected to continue, and no new ground disturbance would occur on the Development Site. No architectural resources were identified within 400 feet of the Development Site.

The Development Site is shown within an "archaeological buffer area" on CRIS.[2] Project-generated development would disturb areas below the closed landfill where soils may have not been previously disturbed. As indicated in correspondence from LPC dated 02 April 2024, the Affected Area has no archaeological significance. Therefore, the No-Action Alternative, as well as the With-Action Condition, does not have the potential to result in significant adverse historic and cultural resource impacts.

Urban Design and Visual Resources

Similar to the With-Action Condition, the No-Action Alternative does not have the potential to result in significant adverse urban design and visual resources impacts. Visual resources within the Urban Design and Visual Resources Study Area include the Park, the East River and its shoreline, Westchester Creek, the Whitestone Bridge, and the Queens and Manhattan skylines. In the No-Action Alternative, no new construction would occur, and the views of visual resources would remain as under existing conditions.

In the With-Action Condition, the Proposed Facility would complement the existing Golf Course, create pedestrian connections to the East River waterfront walking paths, connect the east and west portions of Ferry Point Park beneath the Whitestone Bridge underpass, and widen and improve Ring Road. Portions of the Proposed Facility – including the ground floor lobby and rooftop – would be publicly accessible and new views would be introduced to visual resources that are not available today, particularly the East River and its shoreline, the Whitestone Bridge, and the Manhattan and Queens skylines.

In the With-Action Condition, Ring Road would be widened to two travel lanes and an on-street parking lane, which would also have the capacity to serve, in part, as a bus stop. New street lighting, street trees, and drainage would be developed to current NYCDOT and NYCDEP standards. Additionally, new sidewalks and a dedicated bicycle route would be developed within Ring Road's right-of-way. These new sidewalks and a two-way, protected bike lane would create new pedestrian and cycling connections under the Whitestone Bridge, where no formal sidewalk or bicycle lanes currently exist. These new pedestrian and biking connections would also connect to existing sidewalks north of the Proposed Facility adjacent to Saint Raymond's New Cemetery, which would provide Park users enhanced access to the Park and nearby neighborhoods. Conversely, these proposed improvements to urban design would not occur in the No-Action Alternative. Thus, the urban design of the Study Area would be improved over the No-Action Alternative.

[2] According to the NYS SHPO, an archeological buffer area is an area proximate to recorded archeological resources. Locations within these buffer areas may or may not be archeologically sensitive.

Natural Resources

Similar to the With-Action Condition, the No-Action Alternative does not have the potential to result in significant adverse natural resource impacts. Habitat within the Affected Area generally comprises paved surfaces, buildings, landscaped areas, the Whitestone Bridge, and inaccessible areas maintained by the Metropolitan Transportation Authority (MTA) Bridges and Tunnels (TBTA). As in the With-Action Condition, the majority of the Golf Course, vegetated parkland, sports fields, and the existing freshwater wetland south of Ring Road would remain undisturbed in the No-Action Alternative. The Affected Area is not anticipated to serve as habitat for large populations of terrestrial wildlife, which would remain in the No-Action Alternative.

In the No-Action Alternative, existing conditions would remain. The stormwater system that serves the Affected Area was constructed prior to adoption of the Unified Stormwater Rule and stormwater that is discharged into the East River or Westchester Creek likely does not meet current standards for discharge. Thus, water quality would be improved in the With-Action Condition over the No-Action Alternative because the stormwater system would be improved to comply with current standards, including the Unified Stormwater Rule. However, both the No-Action Alternative and the With-Action Condition would still not result in a significant natural resources impact.

Hazardous Materials

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse hazardous materials impacts. In the No-Action Alternative, NYC Parks would continue to monitor the Golf Course, as required by the existing Post Construction Custodial Care Plan (PCCCP). NYC Parks would remain responsible for inspection, monitoring, reporting, and oversight of operations and maintenance of the Park. In the No-Action Alternative, no ground disturbance would occur on the Development Site and the existing landfill infrastructure would remain as currently developed. NYC Parks would continue to dedicate resources to monitor the Development Site.

In the No-Action Alternative, no ground disturbance would occur on Ring Road, and it would remain as a one-lane, one-way park roadway. The roadway would not be widened, and no additional improvements would be made to the roadway or existing roadway infrastructure. Unlike the With-Action Condition, in the No-Action Alternative, construction on the Development Site would not occur, and the potential to encounter hazardous or municipal solid waste materials during construction would be avoided. However, in the With-Action Condition, hazardous materials or municipal solid waste encountered during construction would be subject to remedial actions pursuant to local, state, and federal policies, and Bally's would assume responsibility to monitor the closed landfill on the Development Site. Under both the No-Action Alternative and the With-Action Condition, protections would be provided by the PCCCP in place at the Golf Course. Accordingly, in the No-Action Alternative, NYC Parks would maintain responsibility to monitor and maintain the Affected Area and be required to dedicate resources to such activities. Thus, both the No-Action Alternative and With-Action Condition would not result in a significant hazardous materials impact.

Water and Sewer Infrastructure

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse impacts to water supply, wastewater conveyance and treatment, or stormwater management. The No-Action Alternative would not increase the water demand on the Development Site and would not require new sewer connections. The Golf Course has multiple drainage areas that discharge stormwater to multiple conveyance and treatment systems and stormwater generated within the Affected Area would continue to be discharged via existing stormwater outfalls to the East River or Westchester Creek in the No-Action Alternative. These discharges may not comply with current NYCDEP standards and water quality conditions would not be improved in the No-Action Alternative. Additionally, in the No-Action Alternative Ring Road's stormwater infrastructure would not be upgraded to meet current NYCDEP and NYCDOT regulations and design standards. Thus, Ring Road would have a greater potential to experience flooding in the No-Action Alternative compared to the With-Action Condition.

Development in the With-Action Condition would increase stormwater runoff compared to the No-Action Alternative because new impervious surfaces (pavement and buildings) would be introduced. The specific stormwater management practices would be refined in coordination with NYCDEP during the detailed design process. New development, however, would be required to comply with the Unified Stormwater Rule and water quality discharged into the surrounding waterbodies would be improved over the No-Action Alternative. Additionally, Ring Road would be improved with upgraded stormwater infrastructure to reduce the existing flooding of the roadway and would meet NYCDOT and NYCDEP regulations and design standards.

Solid Waste and Sanitation Services

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse impacts to solid waste and sanitation services. Like the With-Action Condition, the No-Action Alternative would not directly affect an active solid waste management facility. The No-Action Alternative would also not generate additional solid waste that would be handled by the New York State Department of Sanitation (DSNY) or private carters.

In the With-Action Condition, waste generation at the Proposed Facility would be handled by private carters, rather than DSNY, thereby reducing the obligation of the City to collect refuse at the Development Site. The Proposed Development would follow a waste management program that prioritizes landfill avoidance, recycling, and reuse. Once the Proposed Development is operational, Bally's intends to conduct a waste stream audit to confirm baseline conditions and validate or adjust the program.

Energy

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse impacts to energy. In the No-Action Alternative, energy demand would not increase and there would be no changes to energy efficiency or conservation. Alternatively, in the With-Action Condition new development would comply with the NYC Energy Conservation Code and meet standards for energy conservation, efficiency, and combined thermal transmittance. The Proposed Development would use state-of-the-art

mechanical systems and heat pump technology and use energy efficient building materials.

Transportation

In the No-Action Alternative, traffic volumes, pedestrian volumes, parking demand, and transit volumes in the Study Area would be expected to increase because of background growth and other planned development in the Study Area. Thus, overall traffic operating conditions would be expected to decline in the No-Action Alternative as compared to existing conditions.

Traffic

In the No-Action Alternative, 11~~eight~~ of the 54 total intersection approaches/lane groups in the Transportation Study Area would operate at a Level of Service (LOS) E or worse in at least one peak hour. Absent measures to reduce these delays, the following intersection approaches/lane groups would experience a LOS E or worse during peak hours:

- The westbound Lafayette Avenue left-turn at the southbound Hutchinson River Parkway Service Road (LOS E with an average delay of 65.0 seconds during the weekday PM peak hour).
- The eastbound Bruckner Boulevard left-turn at Brush Avenue (LOS F with an average delay of 82.1 seconds during the weekday AM peak hour, LOS E with an average delay of 57.1 seconds during the weekday midday peak hour, and LOS E with an average delay of 60.2 seconds during the Saturday midday peak hour).
- The eastbound Bruckner Boulevard through movement at Brush Avenue (LOS E with an average delay of 66.9 seconds during the weekday AM peak hour).
- The eastbound Bruckner Boulevard right-turn at Brush Avenue (LOS F with an average delay of 91.1 seconds during the weekday AM peak hour, LOS F with an average delay of 491.0 seconds during the weekday midday peak hour, LOS F with an average delay of 374.7 seconds during the weekday PM peak hour, LOS F with an average delay of 476.4 seconds during the Saturday midday peak hour, and LOS F with an average delay of 332.9 seconds during the Saturday PM peak hour).
- The northbound Brush Avenue left-turn movement at Bruckner Boulevard (LOS F with an average delay of 89.1 seconds during the weekday AM peak hour, LOS E with an average delay of 75.3 seconds during the weekday midday peak hour, LOS F with an average delay of 98.5 seconds during the weekday PM peak hour, LOS F with an average delay of 183.3 seconds during the Saturday midday peak hour, and LOS F with an average delay of 153.0 seconds during the Saturday PM peak hour).
- The northbound Brush Avenue through/right-turn movement at Bruckner Boulevard (LOS E with an average delay of 58.2 seconds during the Saturday midday peak hour).
- The southbound Brush Avenue left-turn/through movement at Bruckner Boulevard (LOS E with an average delay of 65.9 seconds during the weekday AM peak hour, LOS F with an average delay of 95.0 seconds during the weekday midday peak hour, LOS E with an average delay of 60.8 seconds during the weekday PM peak hour, LOS F with an average delay of 165.7 seconds during the Saturday midday peak hour, and LOS E with an average delay of 59.1 seconds during the Saturday PM peak hour).

- The eastbound Lafayette Avenue approach at the southbound Cross Bronx Expressway Extension (LOS E with an average delay of 65.1 seconds during the Saturday midday peak hour).
- The southbound Cross Bronx Expressway Extension approach at Lafayette Avenue (LOS E with an average delay of 60.0 seconds during the weekday midday peak hour).
- The southbound Brush Avenue left-turn movement at the Home Depot Driveway (LOS E with an average delay of 73.2 seconds during the weekday morning peak hour).
- The westbound Lafayette Avenue right-turn at Brush Avenue (LOS F with an average delay of 101.5 seconds during the weekday AM peak hour, LOS F with an average delay of 80.3 seconds during the weekday PM peak hour, LOS E with an average delay of 63.8 seconds during the Saturday midday peak hour, and LOS E with an average delay of 66.0 seconds during the Saturday PM peak hour).

Additionally, the following 1918 highway segments would also experience a LOS E or F in the No-Action Alternative:

- WB Cross Bronx Expressway, Before Exit 5A (Weekday AM, Midday and Weekend PM)
- SB Hutchinson River Parkway, After Exit 1A (Weekday PM and Weekend PM)
- NB Hutchinson River Parkway, Before the Gas station Exit (Weekend Midday)
- WB Bruckner Expressway, Before Exit 53 (Weekday AM, Midday and PM)
- SB Cross Bronx Expressway, Before I-695 Merge (Weekday AM, Midday and PM, Weekend Midday and PM)
- NB Bruckner Expressway, Before I-695 Merge (Weekday AM, Midday and PM, Weekend Midday and PM)
- SB Hutchinson River Expressway near Bronx-Whitestone Bridge MTA Building (Weekday Midday, PM, Weekend Midday and PM)
- NB Hutchinson River Expressway, downstream of Bronx-Whitestone Bridge (Weekday AM and PM)
- SB Hutchinson River Expressway, After Exit 18 (Weekday PM, Weekend Midday and PM)
- NB Cross Bronx Expressway, at Castle Hill Ave (Weekday AM and Midday)
- WB Bruckner Expressway, at Castle Hill Ave (Weekday AM, Midday and PM)
- WB Bruckner Expressway, Exit 6B diverge to I-678 and I-95 (Weekday AM and PM~~Midday~~)
- EB Bruckner Expressway Exit 54 diverge to I-678 and Bruckner Blvd (Weekday AM, Midday, and PM and Weekend Midday and PM)
- EB Bruckner Expressway Diverge at Exit 54 (Weekday AM and PM)
- SB I-678 Hutchinson River Expressway Merge with Ramps from CBE & Bruckner Expressway (Weekday PM, Weekend Midday and PM)
- WB Cross Bronx Expressway Merge with I-95 (Weekday PM~~AM~~, and Weekend Midday and PM~~, and Weekend PM~~)

- SB I-678 Hutchinson River Expressway Merge with Ramp from I-95 (Weekday PM, Weekend Midday and PM)
- NB I-95 Bruckner Expressway Merge with ramp from I-678 (Weekend Midday and PM)
- SB Hutchinson River Expressway, Between On-ramp and Exit 18 (Weekday PM, Weekend Midday and PM)

The No-Action Alternative would not result in a significant adverse transportation impacts related to vehicular traffic because the alternative would not decrease LOS over the No-Action Condition. In the With-Action Condition, additional intersection approaches/lane groups and highway segments in the Study Area are projected to operate worse than LOS D in at least one peak hour because of projected background growth in traffic volumes. Accordingly, similar to the With-Action Condition, several intersection approaches/lane groups and highway segments would operate worse than LOS D within the Study Area.

Transit

Similar to the With-Action Condition, the No-Action Alternative would not generate bus and railroad trips above the CEQR Level 1 screening threshold. Transit would continue to be limited to the Development Site. The nearest bus stop would continue to be the Bx42 bus stop along Harding Avenue, which is approximately 0.25 miles east of the Development Site.

Pedestrians

Similar to the With-Action Condition, the No-Action Alternative would not generate pedestrian trips above the CEQR Level 1 screening threshold. In the No-Action Alternative, no formal pedestrian connection would be available along Ring Road and pedestrians would continue to use the roadbed to access the east and west portions of the Park.

Vehicular and Pedestrian Safety

In the No-Action Alternative, vehicular and pedestrian safety would remain the same. Existing roadway geometry and pedestrian safety measures along Ring Road and throughout the Study Area would be consistent with existing conditions.

Roadway Improvements

No roadway improvements would occur in the No-Action Alternative. Ring Road would not be widened and improved in coordination with NYDOT and NYCDEP. New pedestrian and cycling connections would not be introduced, linking the west and east portions of Ferry Point Park. Further, additional mitigation measures including traffic signal timings, on-street parking restrictions, and lane assignments would not be developed.

Air Quality

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse impacts to air quality. In the No-Action Alternative, the Affected Area would remain in its existing condition, and would not generate additional passenger-car-equivalent trips on the surrounding street network. No new stationary emissions sources would be introduced on the Development Site. Mobile source emissions would nominally increase over existing conditions because of background traffic growth and the resulting

traffic delays. Accordingly, both the No-Action Alternative and the With-Action Condition would not result in significant adverse air quality impacts from stationary or mobile source emissions.

Greenhouse Gas (GHG) Emissions and Climate Change

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse impacts to greenhouse gas emissions and climate change. The No-Action Alternative is not projected to result in new development or changes in energy consumption and would not generate GHG emissions from traffic (beyond potential background growth) or construction of the Proposed Development.

Noise

The No-Action Alternative would not introduce new noise-sensitive receptors or stationary noise sources to the Development Site. Similar to the With-Action Condition, however, the No-Action Alternative would result in an increase in background traffic. In the No-Action Alternative, the sound levels would typically increase by 0.0 to 0.2 dB(A) from the existing noise levels due to background traffic growth. Compared to the With-Action Condition, the No-Action Alternative would not require an E-Designation and would not result in any new development with specified attenuation requirements. The No-Action Alternative would not generate sufficient traffic to result in a significant adverse noise impact from mobile sources.

Public Health

The No-Action Alternative does not have the potential to result in significant adverse impacts in any of the technical areas related to public health (hazardous materials, water quality, air quality, or noise). However, the No-Action Alternative would not be required to comply with the various regulatory mechanisms in place to ensure certain CEQR standards are met. The No-Action Alternative would not require an E-Designation for noise or air quality. New development in the With-Action Condition would be required to comply with the Unified Stormwater Rule and water quality discharged into the surrounding waterbodies would be improved over the No-Action Alternative. Additionally, Ring Road would be improved with upgraded stormwater infrastructure to reduce the existing flooding of the roadway and would meet NYCDOT and NYCDEP regulations and design standards.

Therefore, the No-Action Alternative would provide less oversight to protect public health and fewer improvements to improve water quality and stormwater infrastructure compared to the With-Action Condition.

Neighborhood Character

Similar to the With-Action Condition, the No-Action Alternative would not result in significant adverse neighborhood character impacts. The No-Action Alternative would not alter the key elements that define the character of the surrounding neighborhood, such as the East River, Westchester Creek, Ferry Point Park, and Ring Road. The No-Action Alternative would not result in significant adverse impacts in the contributing technical areas of: land use, zoning, and public policy; open space; historic and cultural resources;

urban design and visual resources; or noise. The significant adverse impacts identified for the Proposed Actions due to shadows, noise, and transportation (operational and construction traffic) would not occur under the No-Action Alternative, and there will not be a significant adverse impact on neighborhood character in the With-Action Condition.

However, under the No-Action Alternative, none of the beneficial effects to neighborhood character resulting from the Proposed Development would occur. Ring Road would not be improved and meet NYCDOT and NYCDEP standards. Pedestrian and cycling connections would not be built to connect the east and west portions of Ferry Point Park. Traffic signals and pedestrian safety infrastructure would also not be implemented. Development would not occur on the Development Site and 3,500 permanent jobs and up to 1,400~~1,800~~ temporary construction jobs would not be provided to the Study Area. Accordingly, the No-Action Alternative would not result in the improvements to neighborhood character that would occur with the Proposed Actions.

Construction

There would be no construction in the No-Action Alternative, and the Development Site and Ring Road would remain as existing conditions. Unlike the With-Action Condition, the No-Action Alternative would not result in significant adverse construction traffic impacts during the construction period. The No-Action Alternative does not have the potential to result in a significant adverse construction impact in any contributing technical area.

21.4 No Unmitigated Impact Alternative

When a project would result in unmitigated significant adverse impacts, it may be appropriate to include an assessment of an alternative to the project that would not result in unmitigated impacts while achieving the project's goals and objectives. The purpose of this alternative is to determine how much the proposed project would need to be reduced to avoid unmitigated significant adverse impacts. Based on the analysis presented in other chapters of this EIS, the Proposed Development would result in significant adverse impacts in the areas of shadows, noise, transportation (vehicular traffic), and construction (vehicular traffic).

To eliminate all unmitigated significant adverse impacts, the Proposed Actions would need to be so substantially modified that the goal and objectives of the Proposed Development would not be realized.

Shadows

The Proposed Development would reduce the amount of available sunlight to less than six hours of direct sunlight in small, discrete vegetated areas of the Golf Course on several analysis days; thus, the Proposed Development could result in significant adverse impacts to small portions of the Golf Course's vegetation (grass) in several limited areas. Because of shadow on the Golf Course, adverse impacts may also result on portions of holes 1, 9, 10, and 18 with respect to utilization.

Significant adverse shadows impacts from the Proposed Facility and replacement golf clubhouse would be unavoidable. Due to the location of the replacement golf clubhouse and Proposed Facility, which would be constructed on portions of the existing Golf Course, incremental shadow would shade portions of holes 1, 9, 10 and 18 and the driving range

closest to the Proposed Facility and replacement golf clubhouse. Significant adverse shadows impacts would occur regardless of building height because of the proximity of the Golf Course's configuration and could also shade additional vegetation nearest the Proposed Facility. Shadow impacts on small portions of the Golf Course where the replacement golf clubhouse and Proposed Facility would be located would be unavoidable, and reduction in height of the Proposed Development would not avoid significant adverse shadow impacts. Reducing the height of the buildings to reduce or avoid shadow on the Golf Course would reduce the Proposed Development to the extent that it would no longer meet the programmatic goals and Purpose and Need of the Proposed Actions or be economically viable.

Measures to mitigate these significant adverse impacts are discussed in Chapter 22 of this EIS, "Mitigation." ~~and will be further explored between Draft and Final EIS.~~ With these mitigation measures, potentially significant adverse impacts ~~may~~ will be partially ~~or fully~~ mitigated.

Noise

As discussed in Chapter 17 of this EIS, "Noise," a potentially significant adverse noise impact could result from project-generated traffic along Ring Road. This potential significant adverse noise impact could occur within Ferry Point Park in the area that is west of the Hutchinson River Expressway and immediate to the exterior of Ring Road. This impact would only occur west of the Hutchinson River Expressway and up to 90 feet exterior (west) to Ring Road and would not disturb other areas of the Park where users are more likely to recreate. Increases in noise would be less as users move away from Ring Road.

While the noise levels would not exceed the upper range of the CEQR nuisance levels, L_{eq} noise levels could increase by more than 3 dB(A) over the No-Action noise levels during peak hours at a single noise analysis location. A sensitivity analysis was conducted to determine the amount by which the Proposed Development would need to be reduced such that there would be no unmitigated noise impacts from mobile sources. The sensitivity analysis found that the Proposed Development would need to be reduced by approximately 58 percent (to approximately 42 percent of the total program) for the noise impacts identified in Chapter 17 of this EIS, "Noise" to be avoided. Reduction of the Proposed Development by up to 58 percent would result in a gaming facility providing approximately 2,161 gaming positions, 210 hotel rooms, an 840-person capacity event space, and 2,562-sf of sundry retail space. While this reduced development program would not be expected to result in an unmitigated significant adverse noise impact, the Proposed Development would no longer meet the programmatic goals and purpose and need of the Proposed Actions (as set forth in Chapter 1 of this EIS, "Project Description").

Transportation

As discussed in Chapter 14 of this EIS, "Transportation," the Proposed Actions would result in unmitigated significant adverse traffic impacts. Up to seven intersection approaches/lane groups at six study area intersections have the potential to experience a significant adverse impact in at least one or more peak hours. The significant adverse impacts at ~~three~~ five out of the seven impacted intersection approaches/lane groups could be mitigated during all five peak hours analyzed with the construction of the proposed overpass between the northbound and southbound Hutchinson River Parkway

Service Roads, as discussed in Chapter 22 of this EIS "Mitigation," geometric improvements, modification of traffic signal timings, on-street parking restrictions, and lane assignment modifications.[3] However, ~~four~~ two intersection approaches/lane groups that could potentially experience significant adverse impacts would remain unmitigated with the Proposed Actions during one or more peak hours. These include the ~~northbound Hutchinson River Parkway Service Road left-turn at Lafayette Avenue, the westbound Lafayette Avenue left-turn at the southbound Hutchinson River Parkway Service Road, the~~ eastbound Bruckner Boulevard right-turn at Brush Avenue~~,~~ and the eastbound Schley Avenue approach at the southbound Hutchinson River Parkway Service Road. The existing roadway widths and traffic signal timings limit opportunities to mitigate the identified significant adverse impacts.

The Proposed Development would also result in significant adverse traffic impacts to two highway segments during the Weekday AM peak hour, ~~five~~ four highway segments during the weekday midday peak hour, ~~eight~~ nine highway segment during the weekday PM peak hour, nine highway segments during the weekend midday peak hour, and eight highway segments during the weekend PM peak hour. Potential measures to provide more capacity along these highways such as additional lanes are not practicable or reasonable. The proposed mitigation measures described for the local intersections may help reduce the overall impacts at the local streets/signalized intersections; ~~however, impacts~~however, impacts may remain unmitigated.

~~Bally's is exploring the feasibility of constructing construction of a one-way westbound overpass from the northbound Hutchinson River Parkway Service Road to the southbound Hutchinson River Parkway Service Road that would enable drivers to bypass their respective signalized intersections with 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 either be fully mitigated or vastly improved during one or more peak hours analyzed if the overpass is deemed feasible. If the overpass is deemed infeasible and no alternative mitigation measures can be identified, then the significant adverse traffic impacts 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 remain unmitigated.~~

In order to eliminate all unmitigated significant adverse traffic impacts at local intersections, a sensitivity analysis was conducted to determine the amount by which the Proposed Development would need to be reduced. The sensitivity analysis found that the Proposed Development would need to be reduced by approximately 90 percent (to approximately 10 percent of the total program) for all the traffic impacts identified in Chapter 14 of this EIS, "Transportation" for local intersections to be avoided. Reduction of the Proposed Development by 90 percent would result in a gaming facility providing approximately 515 gaming positions, 50 hotel rooms, a 200-person capacity event space, and 610-sf of sundry retail space. While this reduced development program would not be expected to result in any unmitigated significant adverse impacts, the project would no

[3] The feasibility of the proposed mitigation measures will be further explored by Bally's in a post-construction TMP. If, based on the TMP, any of the mitigation measures are deemed to be infeasible and no alternative mitigation measures can be identified at that time, then the significant adverse traffic impacts would continue to remain unmitigated.

longer meet the programmatic goals and Purpose and Need of the Proposed Actions (as set forth in Chapter 1 of this EIS, "Project Description").

The Proposed Development cannot be reduced such that there would be an elimination of all unmitigated significant adverse traffic impacts on all highway segments within the transportation study area. The Proposed Development's program could not be reduced to avoid unmitigated significant adverse transportation impacts because there are no measures that may be undertaken by Bally's to improve the operational capacity of the existing highway network.

Construction

The Proposed Development would result in potentially significant adverse construction traffic impacts during at least one construction peak hour at up to ~~five~~ three intersection approaches/lane groups at ~~five~~ three study area intersections. As described in Chapter 22 of this EIS, "Mitigation," two of the ~~five~~ three impacted intersection approaches/lane groups would be fully mitigated and one of the ~~five~~ three impacted intersection approaches/lane groups would remain unmitigated ~~but vastly improved~~ compared to the construction With-Action Condition with the modification of traffic signal timings, on-street parking regulations, or lane assignment modifications. The feasibility of the proposed mitigation measures will be further explored by Bally's in a post-construction TMP. ~~The proposed construction traffic mitigation measures would be subject to review and approval by NYCDOT.~~ The feasibility of these and other proposed mitigation measures will be further explored by Bally's during construction of the Proposed Development with the implementation of a Construction Transportation Monitoring Program (CTMP). ~~in consultation with NYCDOT between the Draft and Final EIS~~. If these measures are deemed infeasible and no alternative mitigation measures can be identified, then the potentially significant adverse traffic impacts during construction would remain unmitigated.

~~The potentially significant adverse construction traffic impact to the northbound Hutchinson River Parkway Service Road left-turn movement at Lafayette Avenue would remain unmitigated but vastly improved compared to the With-Action Condition with traffic signal timing modifications.~~

The potentially significant adverse construction traffic impacts to the westbound Lafayette Avenue left-turn movement at the southbound Hutchinson River Parkway Service Road during the weekday AM and PM construction peak hours ~~and to the eastbound Bruckner Boulevard right-turn movement at Brush Avenue during the weekday AM construction peak hour~~ would remain unmitigated during construction of the Proposed Development. ~~Potential alternative mitigation measures will be explored for these two intersections between the Draft and Final EIS in consultation with NYCDOT.~~ In the absence of feasible mitigation measures, these potentially significant adverse traffic impacts would remain unmitigated during construction of the Proposed Development.

Potentially significant adverse traffic impacts could result from the construction of the Proposed Development at ~~five~~ four highway segments during the weekday PM construction peak hour. There are no proposed mitigation measures to the highway network. The proposed mitigation measures described for the local intersections may help reduce the overall impacts at the local streets/signalized intersections, but the ~~four~~ one highway segments ~~(the southbound Cross Bronx Expressway Approaching I-695 Merge, during the weekday PM construction peak hour) may~~ continue to experience an unmitigated significant adverse impact, during the weekday PM construction peak hour.

Similar to the sensitivity analysis presented above, the Proposed Development would need to be reduced by approximately 90 percent (to approximately 10 percent of the total program) to avoid potentially significant adverse construction impacts related to traffic at local intersections. While this reduced program would not result in an unmitigated significant adverse construction traffic impact, the program would no longer meet the purpose and need of the Proposed Actions.

The Proposed Development cannot be reduced such that there would be an elimination of all unmitigated significant adverse traffic impacts on all highway segments within the construction transportation study area. The Proposed Development's program could not be reduced to avoid unmitigated significant adverse transportation impacts because there are no measures that may be undertaken by Bally's to improve the operational capacity of the existing highway network.