26 EFFECTS ON DISADVANTAGED COMMUNITIES

26.1 Introduction

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* predates these revisions to the Environmental Conservation Law and does not provide guidance regarding the scope of this analysis~~; further, as of the publication date of this Draft EIS~~. On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) ~~has not~~ proposed ~~a rule that provides additional considerations regarding~~draft revisions to its State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617) to implement this new statutory provision.

This assessment considers the impacts that have been identified pursuant to the *CEQR Technical Manual* as well as applicable guidance from NYSDEC in determining whether the Proposed Actions would result in disproportionate impacts on disadvantaged communities. 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.~~

26.2 Principal Conclusions

The Proposed Development would be developed outside of any Census Tract comprised of Disadvantaged Communities (DACs) - both higher and lower vulnerability levels (see definitions in Section 26.3 below). The Proposed Actions have the potential to result in significant adverse impacts in the following CEQR technical areas: shadows; noise (mobile source); transportation (traffic); and construction (traffic).

The Proposed Actions would not result in a disproportionate pollution burden on DACs. Most of the potential significant adverse impacts would occur in non-DACs or in DACs with "lower burdens and vulnerabilities." The Proposed Actions would also not cause a greater or more severe pollution burden in DACs as compared to non-DACs.

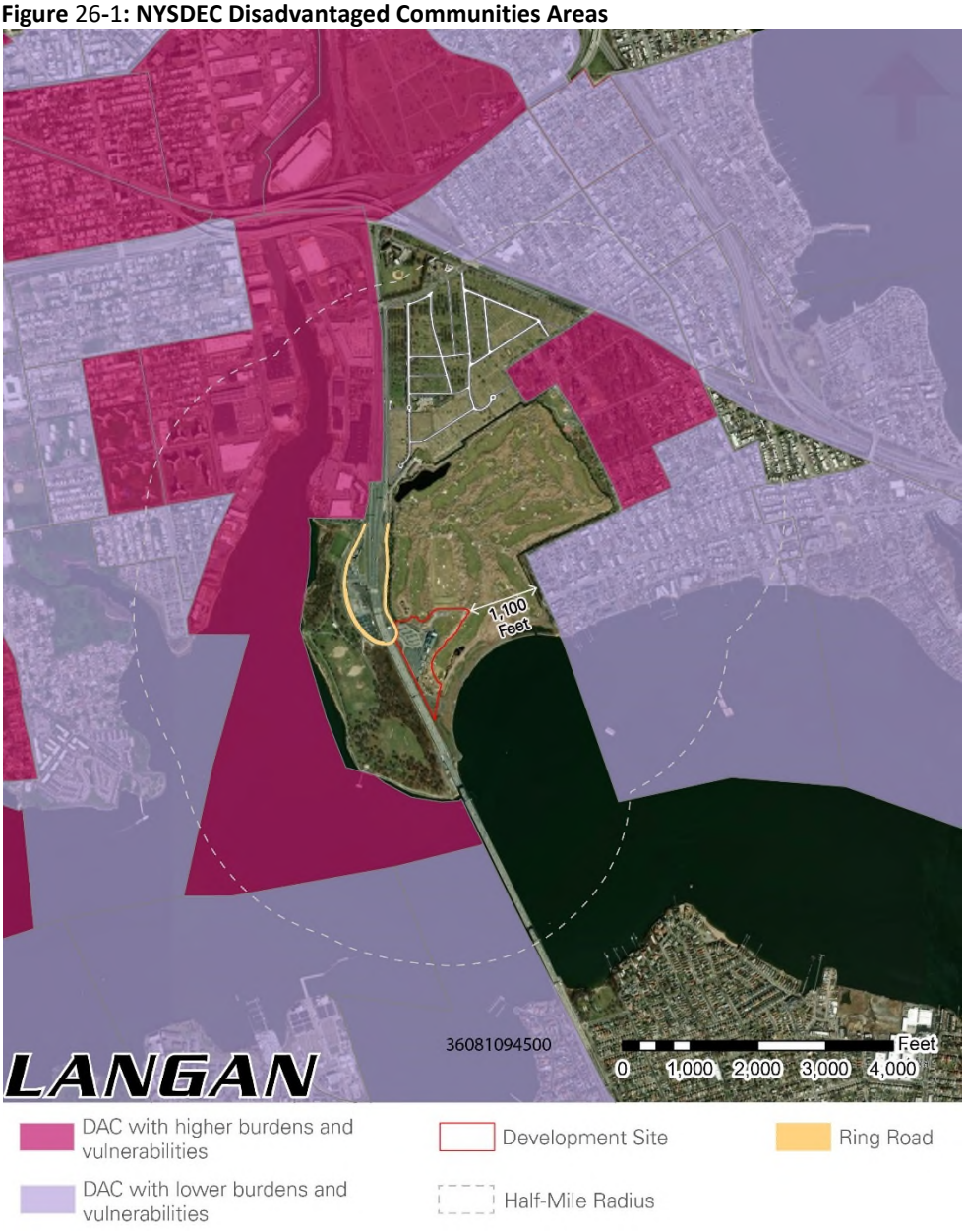
26.3 Identification of Disadvantaged Communities

In 2023, the Climate Justice Working Group identified 45 indicators to identify DACs in New York State. Approximately 35 percent of New York State Census Tracts were identified as DACs. The criteria includes multiple indicators that represent the environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change. Each Census Tract was scored based on relative burden, risk, vulnerability, or sensitivity. Specifically, the percentile ranks of the indicators for each Census Tract were combined to produce a value measuring a Census Tract's relative level of "Environmental Burdens and Climate Change Risks" as well as "Population Characteristics and Health Vulnerabilities" relative to other Census Tracts. Census Tracts with higher scores relative to other Census Tracts statewide or to their region (i.e., New York City) were identified as DACs.

NYSDEC's Disadvantaged Community Assessment Tool (DACAT) compares three scores (Combined Score, Burden Component Score, and Vulnerability Component Score) for each Census Tract to non-DAC comparison scenarios (statewide urban, statewide rural, and urban/rural for each of the ten regions). The tool then selects the lowest score in each of the comparison scenarios, called the "aggregate denominator." The tool also displays the percent difference between the three scores and the statewide mean or median for each. The DACAT compares the three scores with the identified aggregate denominators. If the Combined Score is 25 percent higher than its aggregate denominator, and one or both the Burden and Vulnerability Component Scores are 35 percent higher than their aggregate denominators, then DACAT highlights the Census Tract as having comparatively higher existing burdens or vulnerabilities. A community with higher existing burdens or vulnerabilities indicates an increased likelihood that a proposed action may have a moderate or large impact on the DAC. If the conditions above are not met, then the DACAT highlights the Census Tract as having comparatively lower existing burdens or vulnerabilities, and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC.

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. The half-mile study area includes 14 Census Tracts identified as DACs, three with higher burdens and vulnerabilities, and 11 with lower burdens and vulnerabilities. The Census Tract that the Development Site is within and others within the surrounding half-mile study area were not identified as DACs by NYSDEC. Details of the DACs within the study area are shown in Table 26-1 below.

Figure 26-1: NYSDEC Disadvantaged Communities Areas



Source: InfoLocator Tool maintained by New York State Department of Environmental Conservation
Note: This graphic was revised for the FEIS.

Table 26-1: NYS Disadvantaged Communities in the Half-Mile Study Area

Borough	Census Tract	DAC Burden and Vulnerabilities	Location
Bronx	4	Lower	Study Area
Bronx	84	Lower	Study Area
Bronx	86	Higher	Study Area
Bronx	90	Higher	Study Area
Bronx	118	Lower	Study Area
Bronx	132	Lower	Study Area
Bronx	138	Lower	Study Area
Bronx	144	Higher	Study Area
Bronx	152	Lower	Study Area
Bronx	158	Lower	Study Area
Bronx	162	Lower	Study Area
Bronx	166	Lower	Study Area
Queens	939	Lower	Study Area
Queens	945	Lower	Study Area

Source: NYSDEC DACAT
Note: This table was added for the FEIS.

26.4 Disadvantaged Communities Assessment

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; noise; 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. Significant adverse noise impacts from vehicular traffic would occur within approximately 90 feet (west) exterior to Ring Road. ~~and significant adverse noise~~Transportation impacts ~~from project-generated traffic~~ would ~~only occur in~~be throughout the ~~portions of Ferry Point Park that are west of the Hutchinson River Expressway and immediately adjacent to Ring Road, which is also~~ Study Area both within and outside ~~of a DAC~~DACs.

As the *CEQR Technical Manual* has not been updated to include guidance for an assessment of Effects of Disadvantaged Communities, the draft proposed revised SEQRA Environmental Assessment Form (EAF) has been consulted for guidance for this analysis. The proposed Full EAF identifies direct or indirect impacts that may affect a DAC, including: new noise sources or expansions/modifications of existing noise sources (i.e., noise from operational sources or construction activities); emissions of air pollutants including mobile emissions; wastewater discharges; generation of odors; light pollution; new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal.

Of the pollutants of concern noted in the EAF, the Proposed Development would only potentially increase vehicular emissions of light, noise, and air along streets in a DAC. The *CEQR Technical Manual* provides guidance to evaluate the potential for significant adverse impacts from noise and air emissions. The analyses in these areas found that there would be no significant adverse air quality impacts. Significant adverse noise impacts were identified; however, these impacts would be within Ferry Point Park, which is outside a

DAC Census Tract. Further, these impacts would be limited to areas approximately 90 feet exterior to the western side of Ring Road, and Park users could move to other areas of the Park where the noise level is lower.

The *CEQR Technical Manual* does not provide guidance as to how to analyze the effects of vehicular light sources. Ambient light sources in the area include existing vehicular traffic – including along the Hutchinson River Expressway, Whitestone Bridge and the streets surrounding the Development Site – street lighting, park lighting, illuminated signage at existing commercial establishments, and other light sources typical of an urban area. Illuminated signage in the area would be required to comply with applicable zoning regulations; with regards to the Development Site, any such illuminated lighting would be more than 1,100 feet from a DAC. New street lighting would be provided along Ring Road in accordance with NYCDOT design standards.

The Proposed Actions would not result in significant adverse impacts in most of these technical areas in DACs or in non-DACs, nor would it cause a combination of moderate effects which together may result in a pollution impact in the Affected Area or surrounding study area. This EIS discloses the potential for shadow, noise, transportation, and construction impacts. These significant adverse impacts would not constitute pollution in a DAC; however, they are described below.

Transportation

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.

The Proposed Actions have the potential to result in significant adverse traffic impacts at up to ~~15~~16 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~~five 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~~two intersections/approach lane groups may be vastly improved or fully mitigated during one or more peak hours.

Bally's ~~is exploring the feasibility of~~has proposed 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~~ that would enable traffic to bypass ~~the~~their respective signalized intersections at Lafayette Avenue. ~~Significant adverse impacts identified at the intersection of Lafayette Avenue~~The proposed overpass has received conceptual approval from NYCDOT and New York State Department of Transportation (NYSDOT) prior to the preparation of this Final EIS (FEIS) and has been

analyzed as a mitigation in this FEIS. Final design of the proposed overpass will be completed prior to commencement of construction of the ~~northbound Hutchinson River Parkway Service Road and at the intersection of Lafayette Avenue~~proposed overpass, and ~~the southbound Hutchinson River Parkway Service Road~~approvals of the final design would be ~~fully mitigated or vastly improved with this potential overpass.~~ required from relevant agencies, such as NYSDOT and NYCDOT.

Accordingly, with the traffic mitigation ~~included~~proposed in this ~~Draft EIS and those that will be further studied between Draft and Final EIS~~FEIS, the Proposed Actions would not have ~~limited to no effect on traffic conditions~~ a disproportionate pollution burden in a DAC.

Air and Noise Emissions from Traffic

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.

As discussed in Chapter 17 of this FEIS, "Noise," a significant adverse noise impact could result from project-generated traffic along Ring Road. This potential significant adverse noise impact could occur within the Park in the area that is west of the Hutchinson River Expressway and within approximately 90 feet exterior (west) to Ring Road. A significant adverse noise impact would not occur beyond 90 feet of Ring Road, including in other areas of the 413.8-acre Park where users are more likely to recreate. Increases in noise would be less as users move away from Ring Road. Significant adverse noise impacts would be limited to the Park and would not occur in a DAC. Further, as also described in Chapter 17 of this FEIS, "Noise," the projected noise levels would not exceed 72.5 A-weighted decibels (dB(A)) and would not result in exposures that exceed CEQR "nuisance" levels. Noise levels would also not exceed the 85-dB(A) levels that the *CEQR Technical Manual* indicates will eventually harm hearing. The area that could experience a significant adverse noise impact does not contain residential uses and is predominately used by transient park users (i.e., daytime users) for recreational uses. These users are currently exposed to noise generated by nearby roadways as well as other recreational users (including for organized sports, public gatherings, recreational events, barbecues, and picnics) and this area is not used for serenity and quiet.

As described in Chapter 20 of this EIS, "Construction," the Proposed Actions would not generate a significant adverse construction noise impact. Thus, construction-generated vehicular noise would not have a significant adverse noise impact on a disadvantaged community.

Shadows

As discussed in Chapter 6 of this EIS, "Shadows," the Proposed Development could result in significant adverse impacts to the Golf Course's (vegetation) grass in the following limited areas:

- Hole 1: The putting practice area and rough around the teeing areas;
- Hole 9: The green and surrounding fairway and rough;

- Hole 10: The southern fringe of the southernmost tee box;
- Hole 18: The fairway and rough at southwestern edge of the hole; and
- Driving Range: The southern extent of the teeing area.

No significant adverse shadow impacts were identified for other sunlight-sensitive features of an open space resource. These significant adverse impacts would be concentrated to the Golf Course, which is within a non-DAC Census Tract, and would not result in increased shadow pollution in a DAC. Based on the measures outlined in Chapter 22 of this EIS, "Mitigation," shadow impacts would be either fully or partially mitigated for each area of the Golf Course. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on disadvantaged communities from shadows.

Accordingly, the Proposed Actions would not have a disproportionate pollution burden because of shadows impacts in a DAC.