

State Environmental Quality Review Act
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance
 Development and Operation of a Video Lottery Facility at Aqueduct Racetrack
 (NYSOGS Project No. S5190)
 Jamaica (Borough of Queens), New York

Date: October 20, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law.

The New York State Division of the Lottery (NY Lottery), as Lead Agency, has determined that the proposed action described below will not have a significant adverse environmental impact and an Environmental Impact Statement will not be prepared.

Name of Action: Development and Operation of a Video Lottery Facility at Aqueduct Racetrack

SEQRA Status: Type 1 (Coordinated Review)
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The NY Lottery is proposing to install approximately 4500± video lottery terminals (VLTs) at the existing Aqueduct Racetrack located in Jamaica (Borough of Queens), NY. To support the project, the NY Lottery proposes the following site modifications, which will be implemented by Genting New York, LLC (GeNY):

- ⊛ Interior and exterior renovations of the existing Grandstand and Clubhouse building to accommodate the VLTs and food and beverage program supporting a VLT gaming facility
- ⊛ Construction of a new building entrance (Porte-Cochere)
- ⊛ Construction of an eight-story, 2,858± vehicle parking garage and repaving of existing surface parking
- ⊛ Construction of a pedestrian bridge to connect the facility to an existing transit station
- ⊛ Utility connections (*i.e.*, service connections, upgrades)
- ⊛ Improvements to existing on and off-site roadways consisting of onsite circulation improvements, removal of entrance booths on Rockaway Blvd., and off-site signalization changes
- ⊛ Construction of a 6,000± square foot electrical service building (transformer enclosure and related switchgear)
- ⊛ Modifications to the existing storm water management system

Location: The project will be located at 110-00 Rockaway Boulevard, Jamaica, Borough of Queens, (Queens County), New York (see Figure 1).

Reasons Supporting This Determination:

The NY Lottery has considered the following materials (the record) upon which this decision is based:

- 1. Full Environmental Assessment Form (Parts 1, 2 and 3)
- 2. Supplemental Environmental Assessment & Supporting Studies:
 - » Greenhouse gas evaluation
 - » Storm water impact evaluation
 - » Traffic impact evaluation
 - » Utility assessment
 - » Noise study

Based on a review of the record, sufficient information is available for consideration by the Lead Agency in support of this determination. Reasons supporting this determination, identified from the record, are summarized in the following sections.

1. Land**1.1 Impacts and project improvements**

With implementation of project improvements, the proposed development should have minimal impact on land. The following potential large impacts were considered:

- Construction of paved parking for 1,000 or more vehicles.
- Construction that will continue for more than 1 year or involve more than one phase or stage.

Construction of paved parking for 1,000 or more vehicles. The project will result in the construction of an eight-story, 2,858± vehicle parking garage and repaving of existing surface parking spaces. With the addition of the parking garage, existing parking spaces will increase from 6,280± spaces to 7,000± spaces, a net increase of 720± spaces.

The locations of the new parking garage, as well as the existing surface parking spaces, represent existing impervious surfaces. Based on GeNY's preliminary design, maintenance of existing lawn/landscaped area and the addition of pervious area (*i.e.*, landscaped parking islands added during resurfacing activities) will result in an overall net increase in lawn/landscaped/pervious area between existing and proposed conditions (+10± acres).

Storm water runoff from the project site will be collected and discharged to the Jamaica Sewage Treatment Plant via a connection to the existing combined sewer. Water quality treatment of the runoff will be provided for at the treatment plant; and, as confirmed to GeNY by the New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP), will not be required on the project site. The NYCDEP indicated that street sewers surrounding the project site were designed for a 5-year frequency storm, with sufficient capacity to handle flows from the modified Aqueduct site. Storm water runoff during >5-year storm events will be managed through the installation of four, 50,000 gallon underground storage chambers designed to reduce peak runoff rates from the site to the City's combined 5-year storm sewer system per NYCDEP regulations and guidelines. Tank locations will be proximate to existing storm water mains on-site. The NYCDEP and NYSDEC confirmed that coverage under the NYSDEC's State Pollutant Discharge Elimination System (SPDES) *General Permit for Storm Water Runoff from Construction Activity* (GP-0-10-001), as well as preparation of a Storm Water Pollution Prevention Plan (SWPPP) will not be necessary. GeNY will prepare an Erosion and Sedimentation Control (E&SC) Plan to maximize erosion control and minimize nutrient and sediment run-off during construction phase activities. The E&SC plan will be prepared in conformance with the *New York Standards and*

Specifications for Erosion and Sediment Control (NYSDEC 2005) and the *New York State Stormwater Management Design Manual* (the Design Manual) prepared by the Center for Watershed Protection for the NYSDEC (2008). Based on discussions with the NYSDEC and NYCDEP and proposed storm water management related improvements, the project should not result in adverse impacts on land resources due to site alteration activities.

Construction that will continue for more than 1 year or involve more than one phase or stage. It is anticipated that construction will extend over an 18± month period. Contractors will be required to adhere to measures outlined in the Environmental Assessment including project improvements related to E&SCs, maintenance and protection of traffic, noise, etc. Potential impacts will be short-term; lasting only through the construction phase, and minimized through implementation of project improvements.

1.2 Conclusions

Based on project specific information and proposed project improvements identified in the record, no adverse impacts on land from construction or operation of the project are anticipated.

2. Water

2.1 Impacts and project improvements

With implementation of project improvements, the proposed development should have minimal impact on water resources. The following potential large impacts were considered:

- * Proposed action would use water in excess of 20,000 gallons per day (gpd).
- * Proposed action will require the storage of petroleum products greater than 1,100 gallons.

Proposed action would use water in excess of 20,000 gallons per day (gpd). The project will utilize approximately 74,000± gpd. Based on the GeNY's consultation with City representatives (NYCDEP), adequate capacity exists within the existing system serving the site to provide the required capacity. No off-site improvements to the water system are proposed.

Proposed action will require the storage of petroleum products greater than 1,100 gallons. Fuel oil (diesel) generators will be used during the construction and operation phases. Fuel oil-fired emergency generator sets will be required to be provided with secondary containment and leak detection mechanisms. In addition, because the storage of fuel is over 1,320 gallons, GeNY will prepare and implement a Spill Control and Countermeasure (SPCC) Plan.

2.2 Conclusions

Based on project specific information and proposed project improvements identified in the record, no adverse impacts on local water resources within or proximal to the project area are anticipated.

3. Air

3.1 Impacts and project improvements

With implementation of project improvements, the proposed development should have minimal impact on air quality. The following potential large impacts were considered:

- * Proposed action will induce 1,000 or more vehicle trips in any given hour.

Proposed action will induce 1,000 or more vehicle trips in any given hour. To minimize traffic-related delays (*i.e.*, increase queuing of vehicles resulting in idling of vehicles and increase emissions), a traffic impact study was performed. The traffic impact study

with Section 14.09 of the State Historic Preservation Act. Based on previous coordination with OPRHP, it was identified that the depth of fill over possible original soils will not allow the standard testing approach, but that a Letter of Resolution (LOR), which may require a Monitoring Plan, has been executed, which ensures that the project will be archaeologically monitored if necessary and that any deposits found will be addressed appropriately in consultation with OPRHP. Adherence to the conditions set forth in the LOR signed by NY Lottery, NYSOGS, GeNY, and OPRHP, will ensure that any potential resources that may exist in areas to be disturbed on the site will be adequately protected during construction.

4.2 Conclusions

Based on project specific information and proposed project improvements identified in the record, no adverse impacts on historic and archaeological resources are anticipated.

5. Transportation

5.1 Impacts and project improvements

With implementation of project improvements, the proposed development should have minimal impact on transportation. The following potential large impacts were considered:

- Proposed action will increase traffic on local roadways.

Proposed action will increase traffic on local roadways. As indicated in Section 3, a traffic impact study was completed for the project, which resulted in the identification of project improvements to alleviate potential traffic-related impacts (see Section 3).

5.2 Conclusions

Based on project specific information and proposed project improvements identified in the record, no adverse impacts on transportation are anticipated.

6. Growth and character of community or neighborhood

6.1 Impacts and project improvements

With implementation of project improvements, the proposed development should have minimal impact on the growth and character of the community or neighborhood. The following potential large impacts were considered:

- Development will create a demand for additional community services.

Development will create a demand for additional community services. The project will result in short-term, construction-related and long-term, employment opportunities. In addition, the projected increased use of the site will result in an increased demand for additional community services (e.g., police and fire). Based on discussions with the New York City Police Department, the size of the local precinct police force has dropped by 25% over the last 10 years (200 officers [previous] to 150 officers [existing]). Based on similar operations, NY Lottery is estimating that approximately 3-4 incidents per week will require a response from the New York City Police Department (i.e., arrests or other law enforcement involvement). Relative to proposed Aqueduct operations, the City Police Department indicated that due to force reduction, officer response time could vary depending on the urgency and number of calls received within the precinct.

GeNY has reported that security provisions will be implemented during construction, and once the facility is operational there will be a dedicated security team in place. This security team is expected to include approximately 14 security personnel during operating hours and 6 to 8 facility personnel during non-operating hours. In addition, it is expected that at least one or

more security guards on duty for each shift will be trained EMTs. The on-site security force will act as first responders to on-site incidents; off-site support will be requested on an as-needed basis.

6.2 Conclusions

Based on project specific information and proposed project improvements identified in the record, no adverse impacts on the growth and character of the community or neighborhood are anticipated.

In conclusion, the NY Lottery as Lead Agency, finds that the project will not result in adverse environmental impacts and thus a determination of non-significance meets the criteria pursuant to 6 NYCRR § 617.7 pertaining to the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law (ECL).

For Further Information:

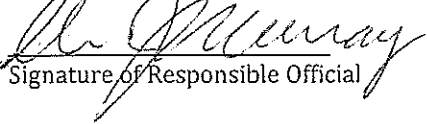
Contact Person: Ms. Carolyn Dunderdale, L.A. (Agent for the New York State Division of the Lottery)
Senior Landscape Architect
New York State Office of General Services

Address: New York State Office of General Services
Design & Construction Group
34th Floor, Corning Tower
The Governor Nelson A. Rockefeller Empire State Plaza
Albany, NY 12242

Telephone Number: (518) 474-5100

New York State Division of the Lottery

Name of Lead Agency


Signature of Responsible Official

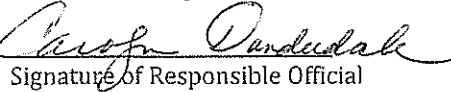
William I. Murray
Name of Responsible Official

Deputy Director and General Counsel
Title of Responsible Official

October 20, 2010
Date

New York State Office of General Services

Name of Lead Agency's Agent


Signature of Responsible Official

Carolyn Dunderdale, L.A.
Name of Responsible Official

Senior Landscape Architect
Title of Responsible Official

October 20, 2010
Date

A Copy of this Notice has been sent to:

Involved & Interested Agencies
Environmental Notice Bulletin
New York State Division of the Lottery