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**STATE OF NEW YORK  
FRANCHISE OVERSIGHT BOARD**

May 20, 2013

Honorable Scott T. Johnson  
Mayor  
City of Saratoga Springs  
474 Broadway  
Saratoga Springs, NY 12866

**RECEIVED**  
**MAY 22 2013**  
**MAYOR'S OFFICE**

Subject: New York Racing Association  
Saratoga Race Course Development Plan  
SEQRA Lead Agency Coordination

Dear Mayor Johnson:

The New York Racing Association (NYRA) currently manages and operates the historic Saratoga Race Course in Saratoga Springs, New York. As part of its long term commitment to racing in Saratoga, NYRA has developed a long range plan of improvements to the race course facilities to upgrade the racing experience for its customers and improve the accommodations for track staff, trainers, and horsemen.

The New York State Franchise Oversight Board (FOB) is responsible for the review and approval of capital improvements to the Saratoga Race Course which is owned by the State of New York. Accordingly, FOB is seeking to serve as SEQRA Lead Agency for the environmental review of NYRA's long range improvement plan.

NYRA is proposing to prepare a generic environmental impact statement under the New York State Environmental Quality Review Act, ECL Article 8 and NYCRR Part 617 (SEQRA) to study the effects of its long range plan. NYRA has completed Part 1 of a Full Environmental Assessment Form which is enclosed for your consideration.

As your entity may be an involved agency under SEQRA, FOB would like your agency's concurrence with FOB's SEQRA Lead Agency status for the review of this proposed project. If your agency determines that it is an involved agency, please state your concurrence or opposition to FOB acting as Lead Agency, as well as your agency's interests in the action and its concerns regarding the potential impacts of the action. Written comments should be submitted within thirty days of this letter, otherwise your agency will be considered to have no interest in the choice of Lead Agency and no comments on the action at this time. If confirmed as Lead Agency, FOB intends to

conduct a public scoping session pursuant to the SEQRA regulations (6 NYCRR § 617.8) and will notify you of the date.

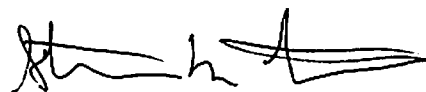
To formalize your Agency's concurrence, you may sign and complete the concurrence as indicated and return the signed letter to my attention by mail or email (preferred) to:

Franchise Oversight Board  
State Capitol, Room 106M  
Albany, NY 12224

Steven.Lowenstein@budget.ny.gov

If you wish to discuss this proposed project or have any questions, please contact me at (518) 474-8202.

Sincerely,



Steven M. Lowenstein  
Secretary and Administrative Officer

Our agency concurs with the New York State Franchise Oversight Board being designated as the SEQRA Lead Agency for the review of the proposed NYRA Saratoga Race Course Development Plan.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE — Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:  Part 1       Part 2       Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.\*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\* A Conditioned Negative Declaration is only valid for Unlisted Actions.

New York Racing Association - Saratoga Race Course Redevelopment

Name of Action

New York State Franchise Oversight Board (FOB)

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

May 20, 2013

Date

## PART I — PROJECT INFORMATION

### Prepared by Project Sponsor

**NOTICE:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

<b>NAME OF ACTION</b> New York Racing Association Saratoga Race Course Development Plan		
<b>LOCATION OF ACTION (INCLUDE STREET ADDRESS, MUNICIPALITY AND COUNTY)</b> 267 Union Ave., City of Saratoga Springs, Saratoga County, 12866 - See Figure 1		
<b>NAME OF APPLICANT/SPONSOR</b> New York Racing Association (NYRA)	<b>BUSINESS TELEPHONE</b> (518) 584-6200	
<b>ADDRESS</b> 267 Union Avenue , NY 12866		
<b>CITY/PO</b> Saratoga Springs	<b>STATE</b> NY	<b>ZIP CODE</b> 12866
<b>NAME OF OWNER (IF DIFFERENT)</b> The State of New York	<b>BUSINESS TELEPHONE</b>	
<b>ADDRESS</b>		
<b>CITY/PO</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>DESCRIPTION OF ACTION</b> The New York Racing Association (NYRA) ("the Applicant") has established a comprehensive development plan to preserve, restore and enhance the approximately 330 acre historic Saratoga Race Course in Saratoga Springs, New York (the "Project"). The goal of the proposed project is to ensure that the Saratoga Race Course retains its status as a world-class horse racing facility and a key component in the character or the local community and the regional economy. The proposed improvements seek to maintain and emphasize the historic character of the Race Course while responding to changes in the global racing landscape to ensure a sustainable future for racing at Saratoga but not affect attendance.  The Race Course season is open for six and a half weeks a year from July into September. Attendance is heaviest on Saturdays and lower during the early part of the work week. In 2011, attendance exceeded 50,000 on two Saturdays and was estimated at between 30,000 to 50,000 on seven days, while the majority of the remaining race days were below 20,000 daily visitors. The proposed development plan is not expected to lengthen the racing season and would not substantially increase overall attendance or attendance patterns, particularly on peak Saturdays. There would also be no substantial changes to the existing non-seasonal use of the facility as a result of the proposed project.  It is expected that the proposed project will include construction of new buildings, parking areas, pedestrian facilities including walkways and pavilions, horse paths, planted areas, etc., the renovation of existing buildings and facilities, including upgrades to utilities, and removal of certain structures, will be implemented over an assumed ten year period based on need, schedule, and funding. Improvements will be divided between the Frontside and Backstretch portions of the project site (see attached Figures 2 and 3). It is the intent of NYRA to prepare a Generic Environmental Impact Statement (GEIS) to document the assessment of potential impacts of the development plan and to ensure opportunity for public comment. The GEIS will incorporate the more specific concepts associated with the Frontside Master Plan as well as an overall approach to master plan elements for the Backstretch which are likely to be further refined as implementation progresses.		

Please Complete Each Question—Indicate N.A. if not applicable

# A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other **Recreation & Entertainment - Horse Race Course**

2. Total acreage of project area: Approximately 330 acres PRESENTLY AFTER COMPLETION

**APPROXIMATE ACREAGE**

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>TBD</u> acres
Forested	<u>17</u> acres	<u>TBD</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>TBD</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	<u>4</u> acres	<u>TBD</u> acres
Water Surface Area	<u>3</u> acres	<u>TBD</u> acres
Unvegetated (Rock, earth or fill) Unvegetated race course surfaces only	<u>74</u> acres	<u>TBD</u> acres
Roads, buildings and other paved surfaces	<u>47</u> acres	<u>TBD</u> acres
Other (Indicate type) <u>Previously disturbed areas including the race course in fields and grass track, lawn and other vegetated and unvegetated open space with and without trees, shrubs, etc., dirt paths, and spaces between buildings, etc.</u>	<u>185</u> acres	<u>TBD</u> acres

3. What is predominant soil type(s) on the project site? Deerfield loamy fine sand; Palms muck; Scarborough muck loamy sand; Windsor loamy sand

- a. Soil drainage:  Well drained 90 % of site  Moderately well drained 8 % of site.  
 Poorly drained 2 % of site (Coverage is approximate)

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA Acres (see 1NYCRR 370)

4. Are there bedrock outcroppings on project site?  Yes  No

What is the depth to bedrock? (in feet) > 6.5 feet based on soil survey

5. Approximate percentage of proposed project site with slopes:  0-10% 100 %  10-15% \_\_\_\_\_ %  
 15% or greater \_\_\_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? Variable

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to: Communication initiated with NYSDEC HNHP. TBD in EIS.

Identify each species: A "Rare Animal" is noted as occurring in the vicinity of the project site by NYSDEC Environmental Resource Mapper

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes or other geological formations)?  Yes  No

Describe: \_\_\_\_\_

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  Yes  No

If yes, explain: The Saratoga Race Course is actively used.

14. Does the present site include scenic views known to be important to the community?  Yes  No
15. Streams within or contiguous to project area? Class C streams are located off-site near the southeast corner on the NYRA parcels.
- a. Name of Stream and name of River to which it is tributary: Streams flow into Fish Creek and ultimately the Hudson River
16. Lakes, ponds, wetland areas within or contiguous to project area:
- a. Name: An NW1 Freshwater Forested/Shrub Wetland is located in the eastern portion of the project site and a pond is mapped in the center of the race course. Similar wetlands are located to the east of the project site and emergent wetlands are found along the stream to the south of the project site.
- b. Size (in acres): Approximately seven +/- acres of wetlands and open water within the Project Site.
17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection? TBD in EIS  Yes  No
- b. If YES, will improvements be necessary to allow connection? TBD in EIS  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous waste?  Yes  No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor – Approximately 330 acres
- b. Project acreage to be developed: Approximately 11 acres of buildings under full build out. Does not account for removal of existing buildings.
- c. Project acreage to remain undeveloped Approximately 30 acres – roughly the same as under the current condition.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed Approximately 10% of the previously developed site if all Master Plan components (building, parking, walkways, landscaping, etc.) are developed.
- f. Number of off-street parking spaces existing 3,910 not including Lot E; proposed TBD in EIS
- g. Maximum vehicular trips generated per hour TBD in EIS – new trips would not substantially exceed existing peak Saturday Race Course trip generation
- h. If residential: Number and type of housing units? New dormitories are proposed. Their number and the number of rooms will be determined for assessment in the EIS.
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>0</u>   | <u>0</u>   | <u>TBD</u>      | <u>0</u>    |
| Ultimately | <u>0</u>   | <u>0</u>   | <u>TBD</u>      | <u>0</u>    |
- i. Dimensions (in feet) of largest proposed structure Nelson Ave Building - "L" shaped. Approx. height; 40' Approx. width; 140' Approx. Length; 250'
- j. Linear feet of frontage along a public thoroughfare project will occupy is? Approximately 1,650 ft on Henning Road, 1,550 ft on East Ave., 3,900 ft on Union Ave., 2,900 ft in two locations on Nelson Ave., and 500 feet on Caroline St.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? TBD in EIS tons/cubic yards.

3. Will disturbed areas be reclaimed?  Yes  No  
 a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_  
 b. Will topsoil be stockpiled for reclamation?  Yes  No  
 c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? TBD in EIS acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  Yes  No
6. If single phase project: Anticipated period of construction \_\_\_\_\_ months, (including demolition)
7. If multi-phased:  
 a. Total number of phases anticipated TBD in EIS (number)  
 b. Anticipated date of commencement phase 1 Nov month 2014 year, including (demolition)  
 c. Approximate completion date of final phase \_\_\_\_\_ month 2024 year.  
 d. Is phase 1 functionally dependent of subsequent phases?  Yes  No
8. Will blasting occur during construction? TBD in EIS  Yes  No
9. Number of jobs generated: during construction TBD in EIS; after project is complete TBD in EIS
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities?  Yes  No  
 If yes, explain: \_\_\_\_\_
- 
12. Is surface liquid waste disposal involved?  Yes  No  
 a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_  
 b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved? Type \_\_\_\_\_  Yes  No
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
 If yes, explain: Assumes no change to the pond located on the track infield.
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No  
 a. If yes, what is the amount per month? TBD in EIS tons  
 b. If yes, will an existing solid waste facility be used?  Yes  No  
 c. If yes, give name Private carting company for disposal at approved facility; details TBD in EIS  
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No  
 e. If yes, explain: \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No  
 a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month  
 b. If yes, what is the anticipated site life? \_\_\_\_\_ years
18. Will project use herbicides or pesticides? Similar to existing condition.  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use? The project may result in an increase in energy useage.  Yes  No  
 If yes, indicate type(s): Electricity and gas
22. If water supply is from wells, indicate pumping capacity NA gallons/minute

23. Total anticipated water usage per day TBD in EIS gallons/day
24. Does project involve Local, State, or Federal funding?  Yes  No  
 If yes, explain: NYRA financed.
25. Approvals Required: TBD in EIS
- |                                    | Yes                                 | No                                  | Type   | Submittal Date |
|------------------------------------|-------------------------------------|-------------------------------------|--|----------------|
| City, Town, Village Board          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |
| City, Town, Village Planning Board | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |
| City, Town, Village Zoning Board   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |
| City, County Health Department     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Possible new water/sewer connections                         |                |
| Other Local Agencies               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |
| Other Regional Agencies            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |
| State Agencies                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Possible permits/approvals by DEC; DOT; DOH; FOB; OPRHP, OGS |                |
| Federal Agencies                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |  |                |

### C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision?  Yes  No  
 If Yes, indicate decision required:  
 Zoning amendment     Zoning variance     New/revision of master plan     Subdivision  
 Site plan     Special use permit     Resource management plan     Other \_\_\_\_\_
2. What is the zoning classification(s) of the site? Institutional Horse Track Related District (INST-HTR)
3. What is the maximum potential development of the site if developed as permitted by the present zoning?  
Maximum density and use under the existing zoning would be similar to the existing condition.
4. What is the proposed zoning of the site? No zoning change is proposed.
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? NA
6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
7. What are the predominant land use(s) and zoning classifications within a ¼-mile radius of proposed action?  
Uses are agriculture, residential, vacant, commercial, recreation & entertainment, community services, industrial, public service and conservation. Zoning is urban residential (UR), Tourist Related Business District (TRBD), Institutional Horse Track Related District (INST-HTR), Institutional Educational (INST-ED), Institutional Parkland/Recreation (INST-PR) as well as Historic Review and Architectural Review Overlay Districts.
8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No
9. If the proposed action is the subdivision of land, how many lots are proposed? NA  
 a. What is the minimum lot size proposed? NA
10. Will the proposed action require authorization(s) for the formation of sewer or water districts?  Yes  No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? The demand resulting from the proposed project is expected to be similar to that under the existing condition.  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No  
**TBD in EIS**  
 a. If yes, is the existing road network adequate to handle the additional traffic? **TBD in EIS**  Yes  No

## D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be an adverse impacts associated with your proposal, please discuss such impacts and the measures which you proposed to mitigate or avoid them.

## E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.**