



Appendix 2-6

Positive Declaration for Sands Integrated Resort Lease and Final Scope

**State Environmental Quality Review Act (SEQRA)
Determination of Significance
Positive Declaration
Proposed Lease for Sands New York Integrated Resort**

Date: August 5, 2024

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the implementing regulations therefor at 6 NYCRR Part 617.

Name of Action: Proposed Lease for Sands New York Integrated Resort

Project Location: Nassau Veterans Memorial Coliseum, 1255 Hempstead Turnpike, Uniondale
(NCTM Nos. Section 44 – Block F – Lots 351, 411, 412, 415)

Marriott Hotel property, 101 James Doolittle Boulevard, Uniondale
(NCTM Nos. Section 44 – Block F – Lots 326, 401 and 402)

Lead Agency: Nassau County Legislature
1550 Franklin Avenue
Mineola, New York 11501

SEQR Status: Type I

Description of Action: The proposed action consists of the approval and execution of a proposed lease between Nassau County and LVS NY Holdco 2, LLC for the approximately 71.6-acre Nassau Veterans Memorial Coliseum (Coliseum) property and, potentially, the adjacent approximately 14.7-acre Marriott Hotel property, to facilitate the development of the Sands New York Integrated Resort. Among other things, approval of the lease would facilitate the redevelopment of the Coliseum property by LVS NY Holdco 2, LLC (Sands), subject to land use, zoning and other required approvals, into the Sands Integrated Resort. No changes are proposed to the Marriott Hotel, with the exception of parking reconfiguration at the southern portions of that property, and the potential renovation of the existing hotel (no expansion of the Marriott Hotel is planned).

Both the Coliseum and Marriott Hotel properties are situated within the Town of Hempstead's Mitchel Field Mixed-Use (MFM) District, and the development of the proposed Integrated Resort would require either relief from/amendments to that district or the creation of a new zoning district, as may be deemed appropriate by the Town of Hempstead Town Board.

Sands is proposing a world-class Integrated Resort that incorporates multiple components of leisure, business and entertainment to provide a wide range of experiences for the local community and guests. The Integrated Resort concept leverages the complementary travel patterns of business travelers who attend meetings and conferences during workdays and that of leisure tourists and visitors who visit on weekends. The Integrated Resort is proposing to offer an array of experiences under a single roof. The

destination will feature gaming, four and five-star hotels, meeting spaces, a live performance venue, immersive experiences, and restaurant and supportive retail experiences. Each component will be integrated through a series of landscape strategies and united by a common theme of environmentally-sustainable design. The Integrated Resort is proposed to include the following new development:

- Two new hotels with a total of 1,670 rooms, spa, fitness center and pools
- Casino with 393,726 net square feet of gaming area
- 147,292 square feet of food and beverage with 3,337 seats
- 213,000 square foot conference center
- 4,500 seat arena/live performance venue
- 60,000 square foot public attraction space
- 31,200 leasable square feet of retail space
- Three parking garages
- Various back-of-house support spaces, circulation and interior utility spaces.

Reasons Supporting this Determination:

The Nassau County Legislature has reviewed the proposed lease terms and the information included in Parts 1, 2 and 3 of the Environmental Assessment Form (EAF), has compared same to the thresholds set forth at 6 NYCRR §617.4, and has determined that the Proposed Action is a Type I action. A coordinated review was undertaken with involved agencies in accordance with 6 NYCRR §617.6(b)(2) and (3) of the implementing regulations of the New York State Environmental Quality Review Act.

Based upon the information contained in the proposed lease terms, Parts 1, 2 and 3 of the EAF, and testimony and information presented, the Nassau County Legislature, after due deliberation, review and analysis of the aforesaid information and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the proposed action may result in significant adverse impacts to the environment and a Draft Environmental Impact Statement must be prepared. This determination is supported by the following:

- Implementation of the proposed action, which would facilitate development of the Integrated Resort, will result in the physical disturbance of over 78 acres for a projected five-year construction period. The construction activity would result in significant demolition, excavation, soil disturbance and transport, and related activities that would result in on-site erosion and potential sediment transport to roadways that must be controlled
- The proposed Integrated Resort would significantly increase the demand for water, and a new water supply well is required to address that demand. There may be contamination in the area associated with the former Mitchel Field military airfield, which is listed as a New York State Superfund Class P (potential Registry site). As the former Mitchel Field military airfield consists of approximately 1,500 acres that includes the Coliseum and Marriott Hotel properties, analyses must be conducted to ensure that the proposed new well will not affect contamination

(particularly groundwater plumes) that may exist from the former military airfield or other industrial sources

- Upon development of the Integrated Resort, a significant amount of stormwater will be generated, and potential significant drainage impacts must be evaluated
- The proposed Integrated Resort may contain buildings that would cast shadows on the Hempstead Plains, which could adversely affect its habitat
- The proposed Integrated Resort does not comply with various parameters of the existing Mitchel Field Mixed-Use (MFM) Zoning District (e.g., height, various design guidelines) that help to regulate potential impacts to aesthetic character. Moreover, there are designated scenic by-ways, residential neighborhoods, cultural facilities and other potentially-sensitive receptors whose visual landscape may be impacted by the proposed Integrated Resort
- Implementation of the proposed action is expected to result in substantial increase in site-generated traffic and the impact of same on the operating conditions of the surrounding roadway system must be assessed. There will also be a significant parking demand associated with the proposed Integrated Resort, and the sufficiency of proposed parking must be demonstrated, including access thereto
- As East Meadow Brook runs along the Meadowbrook State Parkway, if traffic mitigation is required along that roadway, potential impacts to surface water and associated wetlands may result
- Implementation of the proposed action would result in an increase in traffic and associated emissions within an identified disadvantaged community (part of Hempstead/New Cassel/Roosevelt/Uniondale/Westbury) that could adversely impact air quality
- The Integrated Resort proposes extensive structured parking, and would generate emissions within the garages that may affect air quality
- Approximately 3.8 million square feet of building space is proposed within the Integrated Resort that would require heating and cooling, which would create a significant demand for energy. The Integrated Resort would also require energy for lighting and other purposes. An evaluation must be conducted to determine whether utility providers can meet the projected demand without causing adverse impacts to the energy system
- As the construction of the proposed Integrated Resort is anticipated over an approximately five-year period, construction-related noise and associated impacts are anticipated
- On an operational basis, the level of activity associated with the Integrated Resort would be greater than that associated with the Coliseum, and, as such, operational noise would increase at the property

- The proposed lighting associated with the Integrated Resort has the potential to cause light trespass and sky glow
- There may be contamination in the area associated with the former Mitchel Field military airfield, which is listed as a New York State Superfund Class P (potential Registry site), and excavation and soil disturbance associated with the Integrated Resort could disturb contamination and/or undocumented, potentially hazardous features that may exist (e.g., undocumented underground storage tanks)
- The proposed Integrated Resort will generate greater quantities of solid waste than that generated by the Coliseum use, which could affect solid waste management handling and disposal facilities
- As there will be a casino component to the Integrated Resort, there could be a potential increase in problem gambling
- Implementation of the proposed action does not comply with various parameters of the prevailing Town of Hempstead MFM District, which could result in various zoning and related impacts. In addition, consistency of the proposed action with relevant community and regional plans must be assessed
- The proposed Integrated Resort may affect community character
- The proposed Integrated Resort will create additional demands on community services (e.g., police, fire, solid waste), the impacts of which must be evaluated
- The proposed Integrated Resort and other pending applications (including the NYU Langone Hospital that is contemplated at Nassau Community College) may result in significant cumulative impacts.

Scoping: Formal scoping will be conducted in accordance with 6 NYCRR §617.8. A public scoping meeting will be held on Monday, September 9, 2024, at 5:00 p.m., at the Peter J. Schmitt Memorial Legislative Chamber in the Theodore Roosevelt Executive and Legislative Building, 1550 Franklin Avenue, Mineola, New York, and a written comment period on the Draft Scope will remain open until September 19, 2024. Written comments should be submitted to the contact person listed below. Copies of the Draft Scope will be made available, within five (5) days after the County Legislature’s receipt of the Draft Scope, at <https://www.nassaucountyny.gov/5712/Las-Vegas-Sands-Nassau-Coliseum-Site-Doc>, at the Office of the Nassau County Legislature located at 1550 Franklin Avenue, Mineola, New York, and at the following locations:

East Meadow Public Library
1886 Front Street
East Meadow, NY 11554

Garden City Public Library
60 7th Street
Garden City, NY 11530

Hempstead Public Library
115 James A. Garner Way
Hempstead, NY 11550

Uniondale Public Library
400 Uniondale Avenue
Uniondale, NY 11553

For Further Information:

Contact Person: Michael C. Pulitzer, Clerk of the Nassau County Legislature

Address: Theodore Roosevelt Executive & Legislative Building
1550 Franklin Avenue
Mineola, New York 11501

Telephone Number: 516-571-4252

E-Mail Address: mpulitzer@nassaucountyny.gov

A Copy of this Notice is filed with the Lead Agency and has been Sent to:

The Honorable Bruce A. Blakeman
Nassau County Executive
Office of the County Executive
1550 Franklin Avenue
Mineola, NY 11501

William Nimmo, Deputy Commissioner
Nassau County Department of Public Works
1194 Prospect Avenue
Westbury, NY 11590-2723

Dr. Irina Gelman, Commissioner
Nassau County Department of Health
200 County Seat Drive
North Entrance
Mineola, NY 11501

Michael F. Uttaro, Chief Fire Marshal
Nassau County Fire Marshal
1194 Prospect Avenue
Westbury, NY 11590

William Rockensies, Chairman
Nassau County Industrial Development Agency
1 West Street, 4th Floor
Mineola, NY 11501

Sheldon L. Shrenkel, CEO/Executive Director
Nassau County Industrial Development Agency
One West Street – Fourth Floor
Mineola, New York 11501

Town of Hempstead Town Board
Town Hall
1 Washington Street
Hempstead, NY 11550

John F. Ragano, Chairman
Town of Hempstead Board of Appeals
1 Washington Street
Hempstead, NY 11550

John Reinhardt, Commissioner
Town of Hempstead Water
Department
1995 Prospect Avenue
East Meadow, NY 11554

Town of Hempstead Building Department
1 Washington Street - 2nd Floor
Hempstead, NY 11550

Antonio Fanizzi, Commissioner
Town of Hempstead Highway Department
350 Front Street
Hempstead, NY 11550

Richard B. Causin, P.E., Regional Director
New York State Department of Transportation,
Region 10
State Office Building
250 Veterans Memorial Highway
Hauppauge, NY 11788

Leonard H. Shapiro, Chairperson
Nassau County Planning Commission
1194 Prospect Avenue
Westbury, NY 11590

The Honorable Donald X. Clavin Jr.,
Town Supervisor
Town Hall
1 Washington Street
Hempstead, NY 11550

New York State Gaming Facility Location Board
354 Broadway
Schenectady, NY 12305

New York State Gaming Commission
354 Broadway
Schenectady, NY 12305

Lisanne Altmann, Major Account Executive
PSEG Long Island
999 Stewart Avenue
Bethpage, NY 11714

Corporate Headquarters
ENGIE Resources
1360 Post Oak Boulevard, Suite 400
Houston, TX 77056

Environmental Notice Bulletin at:
enb@gw.dec.state.ny.us
625 Broadway
Albany, NY 12233-1750

Cathy Haas, Regional Director
New York State Department of Environmental
Conservation
Region 1
SUNY @ Stony Brook
50 Circle Road
Stony Brook, NY 11790

Dr. James V. McDonald, Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

FAA/Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Valarie Hunter, Account Representative
National Grid
25 Hub Drive
Melville, NY 11747

LVS NY Holdco 2, LLC
5420 S. Durango Drive
Las Vegas, Nevada 89113

RESOLUTION NO. 157 -2024

A RESOLUTION adopting the Final Scope for the Draft Environmental Impact Statement (DEIS) for the proposed lease between Nassau County and LVS NY Holdco 2, LLC and the ultimate development of the Sands New York Integrated Resort.

APPROVED AS TO FORM

Deputy County Attorney

Passed by Nassau County Legislature on
08/24 **A voice vote was taken with**
Legislators present.
Voting: aye 18, nay 0, abstained 0, recused 0
Became a resolution on 10/8/24
With the approval of the County Executive

WHEREAS, the Nassau County Legislature (the "Legislature") is considering the approval and execution of a proposed lease between Nassau County and LVS NY Holdco 2, LLC ("Sands") for the approximately 71.6-acre Nassau Veterans Memorial Coliseum (Coliseum) property and, potentially, the adjacent approximately 14.7-acre Marriott Hotel property, to facilitate the development of the Sands New York Integrated Resort on the Coliseum property; and

WHEREAS, the Legislature, acting as "lead agency," is currently reviewing the potential environmental impacts of the aforesaid proposed lease, and the development proposed thereunder, pursuant to the New York State Environmental Quality Review Act ("SEQRA" – Article 8 of the New York State Environmental Conservation Law) and the SEQRA implementing regulations set forth in 6 NYCRR Part 617; and

WHEREAS, on August 5, 2024, the Legislature, acting as SEQRA "lead agency," issued a "positive declaration" for the aforesaid proposed lease, which (a) determined that the proposed lease, which would facilitate development of the Sands New York Integrated Resort on the Coliseum property, may result in significant adverse impacts to the environment and a Draft Environmental Impact Statement ("DEIS") must be prepared for the proposed action, and (b) determined that formal scoping would be conducted, in accordance with 6 NYCRR §617.8, by means of a public scoping meeting to be held on Monday, September 9, 2024, at 5:00 p.m., at the

Peter J. Schmitt Memorial Legislative Chamber in the Theodore Roosevelt Executive and Legislative Building, 1550 Franklin Avenue, Mineola, New York, and that a written comment period on the "Draft Scope" would remain open until September 19, 2024; and

WHEREAS, a "Draft Scope," pursuant to 6 NYCRR §617.8, was submitted by Sands to the Legislature on August 5, 2024, and was thereafter distributed in accordance with 6 NYCRR §617.8; and

WHEREAS, as provided in the aforesaid "positive declaration," a public scoping meeting was held before the Legislature on September 9, 2024, at which meeting numerous oral and written comments were received on the aforesaid "Draft Scope," and additional written comments on the aforesaid "Draft Scope" were received through September 19, 2024; and

WHEREAS, 6 NYCRR §617.8(e) provides, among other things, that the SEQRA lead agency must provide a final written scope to the project sponsor within 60 days of its receipt of a draft scope; and

WHEREAS, the project sponsor (Sands) has consented to the Legislature having until October 7, 2024 to provide a final written scope with respect to the proposed action; and

WHEREAS, the Legislature, based on review of the numerous oral and written comments received on the aforesaid "Draft Scope," has prepared the "Final Scope" for the proposed action that is annexed hereto as Exhibit "A" and desires to adopt and issue same, pursuant to 6 NYCRR §617.8(e);

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby adopts and issues the "Final Scope" for the proposed action that is annexed hereto as Exhibit "A," and directs that the Clerk of the Legislature provide such "Final Scope" to the project sponsor and others in accordance with 6 NYCRR §617.8(e).

APPROVED


County Executive

ARTHUR T. WALSH

Date Chief Deputy County Executive

10-8-24



EXHIBIT A

FINAL SCOPE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PROPOSED LEASE FOR SANDS NEW YORK INTEGRATED RESORT

OVERVIEW

This document is a Final Scope for the Draft Environmental Impact Statement (DEIS) for the proposed lease between Nassau County and LVS NY Holdco 2, LLC (Sands or Lessee) and the ultimate development of the Sands New York Integrated Resort (Integrated Resort) on the subject property, which consists of the approximately 71.6-acre Nassau Veterans Memorial Coliseum (Coliseum) site, located at 1255 Hempstead Turnpike, Uniondale (NCTM Nos. Section 44 – Block F – Lots 351, 411, 412, 415) and, potentially, the adjacent approximately 14.7-acre Marriott Hotel site, located at 101 James Doolittle Boulevard, Uniondale (NCTM Nos. Section 44 – Block F – Lots 326, 401 and 402) (see Attachment A – Site Location Map) (collectively the subject property).

The proposed action consists of the execution of a lease with Nassau County for the Coliseum site, and potentially, the Marriott Hotel site, to facilitate the development of the proposed Integrated Resort. Various other approvals from involved agencies would also be required (described later in this Final Scope). The Town of Hempstead Town Board (Town Board) possesses jurisdiction over the required zoning approvals and various other land use approvals. A petition is in the process of being prepared for filing with the Town Board for the creation of the Mitchel Field Integrated Resort District (MF-IRD);¹ application of that new zoning district to the subject property;² and in accordance with the proposed zoning district, Conceptual Master Plan approval and site plan approval (in addition to other required approvals), to allow the development of the Integrated Resort. Separately, the New York State Gaming Commission and the New York State Facility Location Board have sole discretion to grant a license to operate a casino within New York State in accordance with State law.

To ensure that the DEIS will address all significant and relevant issues, the Nassau County Legislature (Legislature), as lead agency, has conducted formal scoping in accordance with 6 NYCRR §617.8 of the implementing regulations of the New York State Environmental Quality Review Act (SEQRA). To initiate the public scoping process, the Lessee prepared a Draft Scope in accordance with 6 NYCRR §617.8(b) and (e)(1) through (5) to outline its proposed content for the DEIS. Pursuant to 6 NYCRR §617.8(e)(1) through (7), the Legislature, as lead agency has prepared this Final Scope, which includes:

- a brief description of the proposed action
- the potentially significant adverse impacts identified both in Part 3 of the environmental assessment form and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted
- the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information
- an initial identification of mitigation measures
- the reasonable alternatives to be considered

¹ Memorial Sloan Kettering Cancer Center owns and occupies 1101 Hempstead Turnpike (Section 44 – Block F - Lot 413), and this property will remain zoned within the existing Mitchel Field Mixed-Use District.

² The development of the Integrated Resort, as proposed, would either require relief from/amendments to the existing Mitchel Field Mixed-Use District, in which the subject property is situated, or the adoption of the proposed MF-IRD and rezoning of the subject property thereto.

- an identification of the information or data that should be included in an appendix rather than the body of the draft EIS
- a brief description of the prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review and the reasons why those issues were not included in the final scope.

The SEQR Handbook (NYSDEC, Fourth Edition, 2020) succinctly explains the benefits of scoping (Pages 100 and 101):

Scoping is advantageous because it provides several benefits, most importantly, the scope itself. A scope is a written product in which the lead agency and project sponsor eliminate non-significant issues and focus the draft EIS on the most significant potential adverse environmental impacts.

A written scope of issues developed through a public scoping process benefits the lead agency and the sponsor by providing explicit guidance as to what criteria will be used to determine whether a submitted draft EIS is adequate. The written scope provides a means of ensuring that significant topics have not been missed and that the level of analysis in the EIS satisfies standards established during the scoping process.

Scoping also gives the lead agency and involved agencies greater control over the ultimate EIS product and ensures that the lead and involved agencies' environmental concerns are adequately addressed. Scoping can help reduce criticisms that an EIS is inadequate and reduce future challenges to EIS adequacy by involving the public in developing the specifications for the content of the EIS. An important component of those specifications can be agreements on specific methods, techniques, conditions, or timing for new studies, which let public comments on the draft EIS focus on study results and implications for decisions.

Finally, when a scope enables the EIS to focus on just the significant adverse environmental impacts, there can be cost and time savings for all parties, including the public, because a smaller, more targeted EIS will need to be prepared and reviewed.

The Legislature has prepared this Final Scope to conform to the above-described requirements and to inform involved agencies, interested parties and the public as to the proposed content of the DEIS, including the relevant potentially significant impacts that the DEIS will focus on. This Final Scope is being issued by the Legislature, as the lead agency, pursuant to 6 NYCRR §617.8(e) of the SEQRA regulations and after consideration of all comments raised during the scoping meeting and public comment period on the Draft Scope.

This is the second scoping process being conducted for the proposed Integrated Resort. The first scoping process was performed by the Town Board as part of a SEQRA process initiated in response to a petition filed by the Lessee. That SEQRA process was suspended as a result of litigation commenced by Hofstra University against Nassau County. By way of litigation history, in April 2023, the Nassau County Planning Commission voted to recommend approval of the execution of a lease between Nassau County and the Lessee (the prior lease), and on May 22, 2023, the Legislature voted to approve the execution of that prior lease. Thereafter, in August of 2023, the Lessee submitted a petition to the Town Board (with accompanying documentation including a Part 1 – Environmental Assessment Form) requesting the creation of a new zoning district (the MF-IRD), the rezoning of the subject property into that district, and approval of a Conceptual Master Plan for the development of the proposed Integrated Resort. The Town Board reviewed the application package and commenced the SEQRA process; conducted coordinated review with all involved agencies; declared itself to be lead agency; issued a

positive declaration requiring the preparation of a draft environmental impact statement; and conducted formal scoping, which included a two-session scoping meeting and written public comment period.

During the Town's review of the aforesaid petition and administration of the SEQRA process, a Decision and Order was rendered in litigation that was brought by Hofstra University challenging Nassau County's approval of the prior lease. That Decision and Order, issued on November 9, 2023, determined, among other things, that Nassau County had violated provisions of the New York State Public Officers Law and SEQRA and annulled the prior lease between the Applicant and Nassau County.³ Nassau County has filed an appeal of this Decision and Order with the Appellate Division of the Supreme Court of the State of New York. While a temporary restraining order was initially granted by the Appellate Division, Nassau County's request to stay enforcement of the Order pending hearing and determination of the appeal was denied.

Subsequent to the above Decision and Order, Hofstra sought a judgment declaring that Nassau County's lease of the Nassau Coliseum to Nassau Live Center, LLC, which the Applicant had separately acquired for \$241 million, was also invalid. A decision was rendered on February 23, 2024 declaring, among other things, that Nassau Live Center, LLC's lease had been terminated and that the Applicant holds "no leasehold interest in the land upon which the Nassau Coliseum sits."⁴ An appeal is also pending for this Order.

Notwithstanding the pending appeals, the Lessee and Nassau County are complying with the above Decisions and Orders, and a new lease has been proposed and is undergoing a SEQRA process, which is being administered by the Legislature. The Legislature has reviewed and considered the scoping record of the Town Board and has incorporated relevant issues into this Final Scope.

BRIEF DESCRIPTION OF THE PROPOSED ACTION

As indicated above, the proposed action consists of the execution of a lease(s) between Nassau County and Sands for the Coliseum site, and potentially, the Marriott Hotel site, to facilitate the development of the proposed Integrated Resort. Sands has indicated that a petition is in the process of being prepared for filing with the Town Board for zoning and Conceptual Master Plan (see Attachment B) approvals (among others) for development of the Integrated Resort. No changes are proposed to the Marriott Hotel site at this time, with the exception of proposed parking reconfiguration at the southern portion of that property. It should also be noted that the Lessee does not currently have a lease on the Marriott property, but it does have an option from the Marriott operator. The Lessee has confirmed that, if it ultimately decides to secure the Marriott property, it may renovate the existing hotel, however, it has no plans to expand the hotel nor does it plan to change the current uses. The goal of the renovation, if the Marriott is ultimately secured, would be to upgrade its quality (room quality, food and beverage). If an expansion or a change in use was to be proposed in the future by the Lessee or another party, an application would have to be made to the Town and a SEQRA process would have to be conducted.

The existing Mitchel Field Mixed-Use (MFM) District was established in 2011 to facilitate the renovation of the Nassau Veterans Memorial Coliseum, which was the home of the New York Islanders, as well as the redevelopment of the overall Coliseum property for mixed-use purposes. Except for a renovation of the Coliseum and the development of the Memorial Sloan Kettering Cancer Center along Hempstead Turnpike, no other development has taken place. Also, the New York Islanders relocated to Barclays Center in Brooklyn in 2015 and then to UBS Arena in Elmont in 2021, and the utilization of the Nassau Veterans Memorial Coliseum has significantly decreased, threatening its overall viability. The MFM District was designed, in pertinent part, to "...promote the

³Decision and Order ("Order"), dated November 9, 2023, in the action entitled In the Matter of Hofstra University v Nassau County Planning Commission, et al, Supreme Court, Nassau County, Index No. 606293/2023

⁴ Decision, Order and Interlocutory Judgment, dated February 23, 2024

desirable and suitable use of land within the greater Mitchel Field area and provide opportunities for development or redevelopment of land surrounding the Nassau Veterans Memorial Coliseum in a manner consistent with sound planning principles.”⁵ Moreover, the MFM District presumed that development on the Coliseum property would take place around an active Nassau Veterans Memorial Coliseum building, as the “Permitted Uses” indicate, in pertinent part: “... In addition to the Nassau Veterans Memorial Coliseum, a lot or premises shall be used for at least two or more of the following purposes...”⁶ (emphasis added). As the utilization of the Nassau Veterans Memorial Coliseum has significantly decreased since the adoption of the MFM District and as Nassau County, as the property owner, is considering a lease with the Lessee that contemplates full redevelopment of the Coliseum property, a new zoning district is being proposed to facilitate that overall property redevelopment. The proposed zoning legislation is being designed to accommodate two different development options: the proposed action, which includes the Integrated Resort with a casino; and an alternative development, in the event Sands does not secure a gaming license (the second option is identified in the section of this Final Scope entitled *REASONABLE ALTERNATIVES TO BE CONSIDERED*). Notwithstanding this, it is the Town Board that will determine whether a new zoning district should be created or whether relief from/amendments to the existing MFM District would be considered.

Sands is proposed to be a world-class Integrated Resort that incorporates multiple components of leisure, business and entertainment to provide a wide range of experiences for the local community and guests. The Integrated Resort concept leverages the complementary travel patterns of business travelers who attend meetings and conferences during workdays and that of leisure tourists and visitors who visit on weekends. The Integrated Resort will offer an array of experiences under a single roof. The destination will feature gaming, four and five-star hotels, meeting spaces, a live performance venue, immersive experiences, and a wide range of restaurant and supportive retail experiences. Each component of Sands will be thoughtfully integrated and woven together through a series of articulated landscape strategies and united by a common theme of environmentally sustainable design.

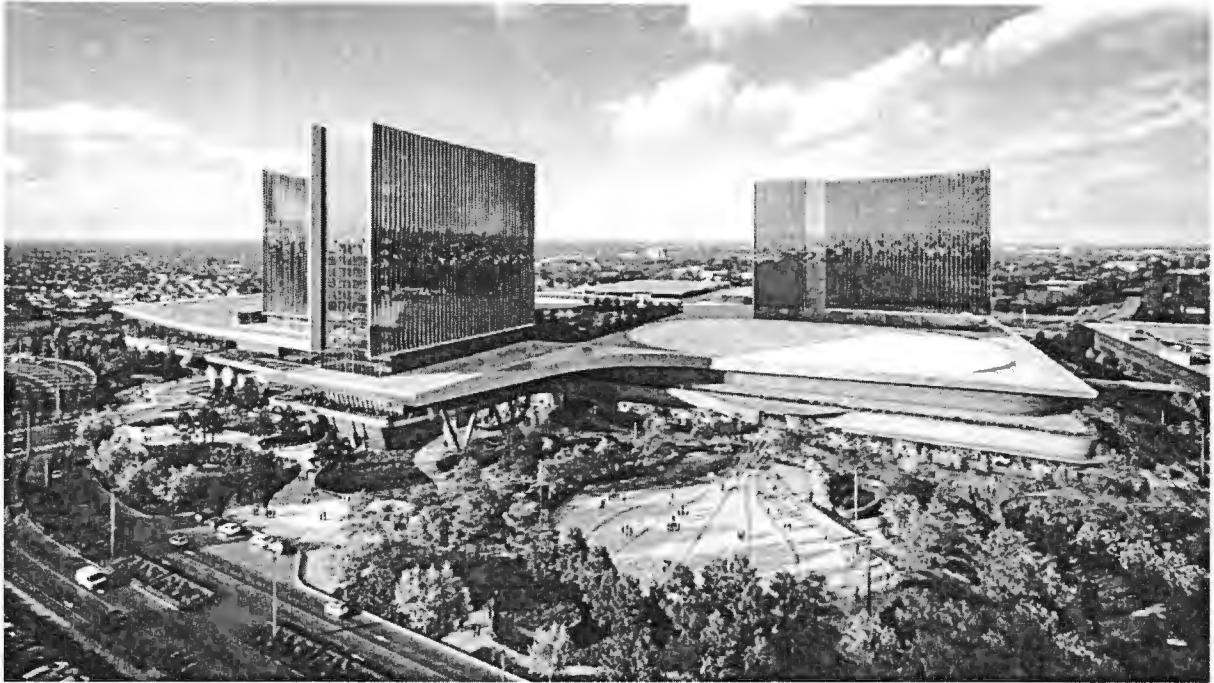
The Integrated Resort is proposed to include the following new development:⁷

- Two new hotels with a total of 1,670 rooms, spa, fitness center and pools
- Casino with 393,726 net square foot gaming area
- 147,292 square feet of food and beverage with 3,337 seats
- 213,000 square foot conference center
- 4,500 seat arena/live performance venue
- 60,000 square foot public attraction space
- 31,200 square feet of retail space
- Three parking garages
- Various back of house support spaces, circulation and interior utility spaces.

⁵ Town of Hempstead Building Zone Ordinance, §146.1B.(2)

⁶ Town of Hempstead Building Zone Ordinance, §146.1C.

⁷ This is the maximum development being considered, which will be analyzed in the DEIS to ensure a comprehensive environmental assessment.



The Integrated Resort is proposed to be constructed in two phases. Phase 1, which is expected to commence construction in 2026, consists of the remodeling of the Coliseum such that it is adaptively reused as casino space with supportive services (e.g., food and beverage, retail, circulation, support operations). Various site and arrival improvements will also be made, and one of the proposed three parking garages will be constructed, along with one of the central utilities plants (which will be housed within the parking garage). Phase 2, anticipated for completion in 2030, includes, among other things, the remainder of the proposed site development, including additional casino gaming space; two hotel towers; additional food and beverage spaces; conference center; live performance venue; public attraction space; additional retail space; two additional parking garages; central utilities plant; and associated site improvements.

Environmental sustainability is a critical consideration in the design of any modern development, and the Sands world-class Integrated Resort is no exception. The Integrated Resort is being designed with an eye towards reducing its environmental impact in several key areas:

- Operational carbon (reduction of carbon emissions associated with the day-to-day operation of the development, including energy use for lighting, heating, and cooling). The heating, ventilation and air conditioning (HVAC) systems are all electric and will not burn fossil fuels through gas or steam to serve the buildings. Heating and air conditioning will be provided via electric air source heat pumps located on building roofs, rejecting heat to the outdoors
- Daylighting (use of natural light to illuminate interior spaces, reducing the need for artificial lighting and associated energy use)
- Water conservation (use of low-flow fixtures, water-efficient irrigation systems, as well as stormwater management strategies, such as green roofs, to minimize runoff and promote groundwater recharge)
- Embodied carbon (focus on local sourcing of materials and the use of sustainable, low-carbon materials such as cross-laminated timber and recycled steel, reuse of portions of the existing Coliseum building)
- Smart Waste Management (incorporating strategies such as recycling, and waste reduction programs and use of smart waste management technologies)

- Sustainable Transportation (including busing and ride share programs, and linkage to the LIRR. Ample bicycle parking and electric vehicle charging stations will be distributed throughout the development. Pedestrian-friendly design strategies, such as wide sidewalks and dedicated pedestrian crossings, will also be incorporated into the design to encourage walking and reduce reliance on private automobiles).

Site access would be from a new north-south through road, connecting Charles Lindbergh Boulevard with Hempstead Turnpike. An additional access point is also provided at the western portion of the property along Hempstead Turnpike. Access points are proposed along Earle Ovington Boulevard. There will also be access points to the proposed development from James Doolittle Boulevard. Bicycle and pedestrian access and circulation will be accommodated throughout the site.

Parking for the overall development would be provided by a combination of parking garages and surface parking spaces. The parking garages are proposed to contain photovoltaic panels on the top level. The development includes areas for bus drop-off/pick-up, taxis and ride-hailing services (e.g., Uber, Lyft).

The proposed Integrated Resort would be connected to the Roosevelt Industrial Area Sewer District of the Nassau County sewer system for sewage disposal (with discharge to the Cedar Creek Water Pollution Control Plant) and the Town of Hempstead Water Department, Uniondale Water District for water supply. Stormwater runoff would be through on-site infiltration via a network of drywells, with overflow to Nassau County Recharge Basin No. 537, located along Glenn Curtiss Boulevard.

The proposed Integrated Resort is anticipated to generate over 7,000 jobs during the construction phase of the development and at Full Build (i.e., completion of Phases I and 2) is projected to produce over 7,800 permanent jobs (approximately 5,000 full-time equivalents) throughout all the project components. The Lessee has indicated its commitment to developing talent and ensuring that the workforce evolves. Specific workforce development programs will target local unemployed individuals and prepare them for the workforce. Programs include, amongst others: developing a training hub at Nassau Community College (NCC); collaborating with NCC and Long Island University (LIU) to develop hospitality degree programs; partnering with Minority Millennials to build a diverse local talent pipeline; partnering with Empower, Assist, Care (EAC) Network to support local community recruitment plans; identifying key stakeholders to provide awareness of job opportunities at the Integrated Resort; providing mentoring and leadership development for best-in-class team member advancement and retention strategies; and offering a comprehensive benefits package, including childcare (through the YMCA), healthcare, on-site meals, and wellness programs.

As part of its lease negotiations with Nassau County and based on its numerous meetings with government officials and community representatives, the Lessee has indicated its commitment to provide significant economic and community benefits, many of which are designed to mitigate potential impacts associated with the Integrated Resort. In addition to annual rent payments and permit review fees⁸ to Nassau County, the Lessee has agreed to provide the following:

- A one-time upfront payment of \$54 million to Nassau County
- Construction of a new 1,500-square-foot police substation with parking, and provision of up to \$500,000.00 for interior fit-out

⁸ Rent payments will be \$5 million per year with 2 percent escalation per year (this would also be the annual rent payment terms if a gaming license is not secured). If a gaming license is issued to Sands, the base rent would increase to \$10 million per year, upon commencement of casino operations. Approximately \$8.75 million will be paid to the Nassau County Department of Public Works for the 239-f review.

- Payment of \$900,000.00 per year to Nassau County, with a 2 percent annual escalation, for police services prior to casino opening. If the gaming license is awarded, upon opening of the casino, this payment will increase to \$1.8 million annually, with a 2 percent annual escalation
- Community Benefits Payments (CBP) of \$4 million per year, if a gaming license is granted, or \$2 million per year upon substantial completion of development of an alternative plan (with no casino), if a gaming license is not granted. The CBP will support and enhance fire departments and districts and ambulance service providers; school districts; libraries and library districts; athletic fields, ballfields and parks; and other community facilities. Forty percent of the CBP will be designated for community facilities in Uniondale
- \$25 million divided amongst Uniondale (\$10 million), East Meadow (\$10 million) and the Village of Hempstead (\$5 million) for community benefits to be paid upon Sands being selected by New York State to receive a commercial gaming license
- At least \$1 million for the construction of an appropriate monument, memorial, or other tribute to veterans of the armed forces of the United States of America
- If a gaming license is granted, guaranteed host community gaming revenue to Nassau County in the amount of \$25 million for the first three years of casino operation, rising to a guarantee of \$50 million per year after the first three years of casino operation, with 2 percent annual escalation
- Guaranteed host community gaming revenue to the Town of Hempstead in the amount of \$10 million for the first three years of casino operation, rising to a guarantee of \$20 million per year after the first three years of casino operation, with 2 percent annual escalation.

The DEIS will explain that an advisory committee will be established for the CBP, comprising an equal number of representatives appointed by Sands and the County Executive and one representative appointed by each of the following: (i) the Majority caucus of the Nassau County Legislature; (ii) the Minority caucus of the Nassau County Legislature; (iii) the Town of Hempstead Supervisor; and (iv) the Hempstead Town Board. The Advisory Committee would review and advise regarding the elements of the CBP. The Advisory Committee's recommendations for the CBP will be focused on how best to allocate the community benefit funding. The CBP shall be the basis for a community benefits agreement between the County and Sands that shall include a provision for an independent compliance monitor.

These payments are in addition to the millions of dollars of rent, hotel tax, sales tax, entertainment tax and other taxes and payments that will be paid by the Lessee.

The Town of Hempstead, through its consultant, issued a comment regarding potential community benefits for the Town of Hempstead, in addition to those identified above, including the annual minimum guaranteed tax revenue. If impacts are identified through the SEQR process that warrant additional mitigation funding directly to the Town of Hempstead, Sands would address same.

This section of the DEIS will also include a discussion of the Lessee's community outreach and engagement program (those that have occurred up to DEIS submission and those that are planned), identifying the organizations and the dates of meetings and commitments made to mitigate issues raised.

The following approvals would be required for implementation of the proposed action:

Agency	Permit/Approval/Funding/Review
Town of Hempstead Town Board	Adoption of new zoning district and Rezoning of Subject Property to new zoning district or relief from/amendments of MFM District, Approval of Conceptual Master Plan, Site Plan Approval
Town of Hempstead Board of Appeals	Potential Variance(s)
Town of Hempstead Building Department	Building Permits
Town of Hempstead Water Department/Uniondale Water District	Water Connection, Water Availability
Town of Hempstead Highway Department	Curb Cuts/Highway Work Permits
Nassau County Executive and Legislature	Lease Approval
Nassau County Department of Health	Backflow prevention devices, Swimming Pools, Plans for Public Water Supply Improvement
Nassau County Department of Public Works	239-f Review, Sewer Connection/Availability for Discharge to Cedar Creek Water Pollution Control Plant, Stormwater, Curb Cuts, Highway Work Permits
Nassau County Planning Commission	Lease referral, 239-m Referral, Subdivision (potential)
Nassau County Open Space & Parks Advisory Committee	Lease referral
Nassau County Industrial Development Agency	Lease Assignments and/or Lease and PILOT Agreement Amendments/Restatements in connection with Potential Grants of Financial Assistance Pursuant To General Municipal Law, Art.18-A
Nassau County Fire Marshal	Site Plan Approval, Oxidizer Storage (for Water Treatment Chemicals)
New York State Department of Transportation	Curb Cuts/Highway Work Permits
New York State Department of Environmental Conservation	SPDES General Permit for Stormwater Discharges for Construction Activities Long Island Well Permit, Chemical Bulk Storage for Water Treatment Chemicals
New York State Department of Health	Plans for Public Water Supply Improvement
New York State Gaming Facility Location Board	Gaming License
New York State Gaming Commission	Gaming License
PSEG Long Island	Utility Connection
National Grid	Utility Connection
Engie (Nassau Energy Corp.)	Utility Connection/Disconnect
Federal Aviation Administration	Determination of No Hazard to Air Navigation

This section of the DEIS will discuss the proposed sequencing of required approvals and the process for gaming license review and approval (and timing, if the Gaming Commission and/or Gaming Facility Location Board has issued same prior to submission of the DEIS). This section will also confirm the timing for zoning approval and how it relates to the application for a gaming license.

The section of the DEIS entitled *Description of the Proposed Action* will also include the following information:

- History of the development and use of the subject property as well as prior applications for development that were not implemented
- Terms of the proposed lease between the Lessee and Nassau County and the Option between the Lessee and the Marriott operator
- A description of the Integrated Resort and the components thereof and uses therein
- A description of the two phases proposed for the development
- A summary of the proposed MF-IRD zoning district, including the intent and objectives
- A description of the proposed Conceptual Master Plan and overall site design
- Proposed land uses, including buildings, ancillary structures and features, pavement, natural areas, and landscaping
- Project purpose, need and benefits
- Physical characteristics of the site, including the boundaries, size, existing pervious and impervious areas, buildings, and ancillary structures and features
- Historical and current level of activities on the site
- Utilities and existing on-site and adjacent infrastructure systems
- Surrounding land uses and roadway/highway network
- Proposed traffic and circulation plan, which encompasses on-site vehicular and pedestrian circulation, parking, loading, and access
- Infrastructure requirements, including water supply, wastewater, stormwater management, and energy
- Project phasing (including phasing plan) and construction schedule
- Deed restrictions or encumbrances that may exist and required modifications thereto
- Required approvals.

POTENTIALLY SIGNIFICANT ADVERSE IMPACTS

The DEIS will be prepared in accordance with the Final Scope promulgated by the lead agency and consistent with 6 NYCRR §617.9(b). The Lessee proposes to prepare a DEIS to evaluate the existing conditions/environmental setting, potential significant adverse impacts and mitigation measures for the topics outlined below, including, as relevant, impacts for each phase.

Soils, Topography and Subsurface Conditions

The USDA Web Soil Services and the *Soil Survey of Nassau County* will be used to identify the general soil types on the site as well as the characteristics of such soils. This information will be supplemented with site-specific test-hole data. The suitability of the soils and potential engineering limitations for the proposed site alterations and proposed uses on the site will also be examined. The DEIS will include topographic information obtained through review of relevant USGS maps and site-specific surveys.

The DEIS will also include information regarding surface and subsurface soil quality, as collected from publicly-available sources and Environmental Site Assessments conducted on the subject property. Information will include the presence of existing known or suspected hazardous materials that may exist from former aviation and manufacturing uses at and surrounding the historic Mitchel Field based on the results of environmental site assessments.

A narrative description of potential impacts to soils and topography and strategies to eliminate or minimize such impacts will be included in the DEIS. A description of measures that will be implemented to eliminate, reduce and/or mitigate impacts related to potential erosion and off-site sediment transport will be presented in this section. A conceptual erosion and sedimentation control plan will be provided. Discussion regarding potential presence of hazardous materials and the handling and disposal of such materials will also be included in this section.

The DEIS will also discuss proposed changes in topography and will provide estimates of cut and fill, accounting for site grading, foundation excavation and subsurface drainage infrastructure. A conceptual grading plan and cut and fill analysis will be developed for the subject property. The DEIS will also describe mitigation measures to avoid or minimize impacts to soils and topography along with the management/disposal of impacted surface or subsurface materials that are identified.

Water Resources

This section of the DEIS will document existing conditions and evaluate impacts relating to groundwater, water supply, sanitary discharge, stormwater management, and floodplains.

Regional and local hydrogeological conditions and water quality will be discussed. Depth to groundwater and direction of flow will also be identified. The DEIS will document that the subject property is not situated within a Special Groundwater Protection Area and will also confirm and document that there are no surface waters on the subject property. The nearest surface waters and other surface waters that could be impacted by the proposed action, if any, will be identified and discussed. This section of the DEIS will also confirm that the subject property is not within a special flood hazard area and is within Zone X of the Federal Emergency Management Agency's Flood Maps.

Available historical and current water use for the subject property will be provided in the DEIS. Projections will be made of water demand (including fire flow and irrigation [peak demand]) and impacts to existing infrastructure. As the Sands Integrated Resort is committed to sustainability and resiliency, the DEIS will identify proposed water conservation measures to be employed (e.g., low-flow fixtures, water-efficient irrigation systems) and will quantify the water savings that would be achieved by these measures. Sands is also evaluating the potential of water reuse, and the DEIS will assess viability based on consultations with the Town of Hempstead and the Nassau County Department of Health (NCDH). Based on preliminary discussions with the Town of Hempstead Water Department, a new public water supply well will be required to serve the Integrated Resort at full build and the DEIS will evaluate impacts associated with the supply well. The Lessee will work with the Town and County to identify potential well sites, analyze the suitability of the site(s) for the location of a supply well, evaluate the impacts associated with the development of the well (including drawdown, impacts on plumes that may exist, potential impacts to surface waters and associated wetlands, cumulative pumpage impacts, and potential effects of water pumpage on saltwater intrusion), and prepare reports and documents necessary for permitting of the well. The DEIS will also document coordination with the Town and the New York State Department of Environmental Conservation (NYSDEC) regarding well permitting. The DEIS will discuss all analyses completed and describe the process and timing anticipated for well permitting and construction. The DEIS will also document progress on securing confirmation of water availability.

Historical and current sanitary flow will be documented in the DEIS. Projected sanitary flow will be calculated using Nassau County Department of Public Works (NCDPW) factors and will also be presented based on the anticipated reduced flow associated with the implementation of proposed water conservation measures. Coordination with the NCDPW will be undertaken and documented to confirm the ability of the Nassau County

municipal sewer system and Cedar Creek Water Pollution Control Plant to handle projected sanitary flow. Consistency with the Nassau County Public Health Ordinance will be assessed.

Existing recharge and the existing stormwater management system on the site will be described. In addition, post-development recharge and stormwater management conditions will be evaluated, and a conceptual drainage plan will be presented. This evaluation will include calculations of stormwater to be generated, discussion of the proposed collection and management systems, discussion of anticipated changes in drainage patterns, and analysis of how the proposed stormwater management system will comply with applicable regulatory requirements, particularly those of the NCDPW, as some stormwater currently discharges to a Nassau County recharge basin located along Glenn Curtiss Boulevard. The proposed action would reduce impervious area on the site, and thus, there will be an associated reduction in stormwater discharged to the Nassau County system. Documentation of coordination with NCDPW will be included in the DEIS.

A preliminary Stormwater Pollution Prevention Plan (SWPPP) will be prepared and provided as a DEIS appendix, understanding that the SWPPP will be finalized for review and approval by the Town at a later stage in the process, prior to the issuance of building permits. The SWPPP will include an evaluation of existing stormwater discharge locations from the site, as well as potential for discharges to nearby surface waters and wetlands via overland flow or via private or municipal drainage infrastructure based on the 100-year storm. A summary discussion of the SWPPP will be presented in this section of the DEIS.

Mitigation measures that will be employed to minimize impacts to groundwater and to minimize overall water demand will also be documented in this section of the DEIS.

Ecological Resources

The subject property is predominantly improved with impervious surfaces and little, if any, natural vegetation exists. However, vegetation present on the site will be documented to establish a baseline for site habitat characteristics. As part of the ecological assessment, a field investigation will be performed, and this section will also include information from the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program. Additionally, the Hempstead Plains habitat, east of the subject property, will be described.

Wildlife that may inhabit the site and surrounding area will be identified with consideration of relevant New York State Natural Heritage Program data, the Breeding Bird Atlas, and the characteristics of the site and nearby Hempstead Plains habitat.

The NYSDEC Environmental Resource Mapper, NYSDEC Freshwater wetland maps, and United States Fish and Wildlife Service National Wetland Inventory maps will be used to determine the presence of wetlands on the subject property or within 500 feet thereof. Potential impacts to wetlands or regulated wetland buffers on and within 500 feet of the site and compliance with applicable regulatory requirements will be described in this section of the DEIS. In addition, if wetlands beyond this range would be expected to be impacted by site redevelopment or operations, including the potential for roadway or other utility improvements determined necessary for site redevelopment, those wetlands would be identified, and the impacts thereto assessed. Additionally, if the proposed well would result in impacts to wetlands and surface waters, the ecological effects would be discussed in this section.

Once the existing conditions data are obtained, future changes expected to impact natural resources on the site and in the surrounding area will be assessed (including the potential for bird collisions with proposed buildings). Also, if insects, which are an avian food source, would be adversely impacted by proposed lights, this impact will

be assessed. Specifically, this section of the DEIS will evaluate potential impacts of the proposed redevelopment plan on the site and adjacent area ecology. In addition, if it is determined that shadows may be cast from the Integrated Resort onto the Hempstead Plains (see *Aesthetic Resources* section, below) the impact of such shadows will be evaluated. The proposed landscape plan will be discussed in this section of the DEIS, including the degree to which the proposed plant species are considered native to the region or otherwise may provide habitat benefits. The impact of potential seed dispersal on the Hempstead Plains will also be discussed.

Mitigation measures to minimize potential impacts to ecological conditions, as required, will be presented in this section of the DEIS.

Land Use, Zoning and Community Character

For the purposes of this section of the DEIS, the Land Use, Zoning and Community Character Study Area will include the subject property and an area generally bounded by Stewart Avenue/Meadowbrook State Parkway to the north, Merrick Avenue to the east, Front Street to the south and Oak Street to the west. This section of the DEIS will describe existing land use, zoning and community character on the subject property and in the study area. This assessment will be based on research and field observations. The regional location of the site and its location within Nassau County and the Town of Hempstead will be presented. This section will also describe the 2013 amendment to the New York State Constitution that authorized the licensing of up to seven commercial casinos, and the locations of the nearest licensed casinos. A physical description of the site will be provided. A map and identification of land use and zoning classifications for the subject property and the study area will be presented. A description of land use and zoning regulations and applicable Federal Aviation Administration (FAA) regulations and/or requirements will be presented. The existing zoning discussion will describe the legislative purpose, permitted uses, bulk and dimensional requirements, parking requirements, public open space requirements, and green site and building requirements of the current MFM zoning district, as set forth in §146.1 of the Town's Building Zone Ordinance (BZO). A discussion of development potential in strict adherence to the MFM zoning district as well as a history of prior applications for redevelopment of the Coliseum property in accordance with the MFM zoning district will also be provided.

A description of relevant land use plans will also be presented, and their applicability to the subject property and the proposed redevelopment will be evaluated. Plans to be reviewed include the *Nassau County Comprehensive Plan* (1998 and 2008 Update), the *Nassau County Open Space Plan*, the *Nassau Hub Major Investment Study*, the *Uniondale Hamlet Vision Plan* and the following plans prepared by the Long Island Regional Economic Development Council: *A Strategic Economic Development Plan For The Long Island Region* (2011) and *Long Island on the Rise: A Region Reaching for New Heights of Innovation and Inclusion: The Strategic Economic Development Plan for Long Island* (2016).

This section of the DEIS will also describe the proposed action in detail, including the proposed MF-IRD zoning district, the uses permitted within such district, and the bulk and dimensional requirements of such district and compliance of the proposed action therewith. A comparison of the existing MFM zoning district and the proposed MF-IRD zoning district will be presented. The proposed MF-IRD zoning district will also be appended to the DEIS. In addition, the DEIS will describe the consistency and compatibility of the new zone with the purpose and intent of Article XIII of the Town of Hempstead BZO, *Planned Development Districts at Mitchel Field*, and with the existing land use and zoning setting in the study area. Deed restrictions and encumbrances will be described, and required modifications will be discussed, if and as applicable.

The DEIS will also describe the Conceptual Master Plan and conceptual site plan and will explain and quantify the areas to be developed with buildings, parking areas, roadways, walkways, and other features and will compare

these data to the existing conditions. Based on the foregoing information, the DEIS will assess the impacts and compatibility of the proposed action on land use and zoning of the site and the study area.

The DEIS will also explain the procedures pertaining to future review and approval for development of the subject property if the proposed MF-IRD zoning district and Conceptual Master Plan are approved, including final site plan and building permit approvals. This section will also discuss the review process if changes are proposed to the Conceptual Master Plan after approval (including SEQR compliance).

This section of the DEIS will include an assessment of the impacts to community character that would result from implementation of the proposed action. As explained in *The SEQR Handbook*, "generally, through the exercise of their zoning and planning powers, municipalities are given the job of defining their own character." Accordingly, the assessment of community character in this section of the DEIS will include an evaluation of the proposed action's consistency with the purpose and intent of the *Planned Development Districts at Mitchel Field* and of the MFM zoning district, as set forth in the BZO, as well as the development that has occurred pursuant to those sections of the BZO, which, among other things, regulates land use mix, height, bulk and architectural treatment.

This assessment will also describe changes to the site expected upon implementation of the proposed action (including site uses, layout, buildings, landscaping and buffering) and the potential for them to affect the established and planned character of the area. If the proposed action will result in potential significant adverse impacts to other elements of the environment (i.e., aesthetic resources, traffic, noise or socioeconomics) for which mitigation is not provided, the effect of those impacts on community character will also be evaluated.

Mitigation measures to minimize impacts to land use, zoning patterns and community character will also be presented in this section of the DEIS.

Transportation and Parking

This section of the DEIS will describe the existing traffic conditions and evaluate the impacts of the proposed action (both Phase 1 and full build [completion of Phases 1 and 2]) on the surrounding roadways and public transportation systems. Locations to be studied are depicted in the figures in Attachment C (these figures have been color coded to depict the analysis seasons for each location – non-summer, summer and/or holiday). A *Traffic Impact Study* will be prepared, which will be summarized in the body of the DEIS and appended in its entirety. This section of the DEIS will include the following:

- Existing roadway features in the study area, including number, direction and width of travel lanes and shoulder, posted speed limits, maintenance jurisdiction, parking regulations, signs and traffic control devices and pedestrian accommodations, on-street parking, bus transit stops, and traffic signal phasing and timing will be recorded
- Existing intersection turning movement counts representative of typical (non-summer) conditions will be conducted during two weekday peak periods and two Saturday peak periods. These data will be collected using video cameras, and electronic vehicle probe data will be used, as appropriate, to supplement the video data. The weekday counts will be conducted during the morning peak period from 7:00 AM – 10:00 AM and during the afternoon/evening peak period from 3:00 PM – 11:00 PM. Weekday data will be collected for a typical weekday (Tuesday, Wednesday or Thursday) and on a Friday. The Saturday counts will be collected during the midday peak period from 11:00 AM to 3:00 PM and during the afternoon/evening peak period from 4:00 PM to 11:00 PM. Data will be collected at the following locations:

1. Hempstead Turnpike at James Doolittle Boulevard
2. Hempstead Turnpike at Glenn Curtiss Boulevard/Nassau Coliseum Main Entrance
3. Hempstead Turnpike at Cunningham Avenue
4. Hempstead Turnpike at Memorial Sloan Kettering (MSK) Entrance
5. Hempstead Turnpike at Earle Ovington Boulevard/Uniondale Avenue
6. Earle Ovington Boulevard at Hofstra East Gate Road/Site Access
7. Charles Lindbergh Boulevard Eastbound (EB) at Earle Ovington Boulevard/Site Access
8. Charles Lindbergh Boulevard Westbound (WB) at Earle Ovington Boulevard/Nassau Community College
9. Charles Lindbergh Boulevard EB at James Doolittle Boulevard/Site Access
10. Charles Lindbergh Boulevard WB at Nassau Community College Perimeter Road
11. Merrick Avenue at Charles Lindbergh Boulevard
12. Hempstead Turnpike at Merrick Avenue
13. Hempstead Turnpike at Eisenhower Park Pedestrian Entrance
14. Hempstead Turnpike at Coolidge Drive
15. Hempstead Turnpike at Park Boulevard/East Meadow Avenue
16. Merrick Avenue at Glenn Curtiss Boulevard/Peters Gate
17. Hempstead Turnpike at California Avenue/Hofstra Boulevard
18. Hempstead Turnpike at Oak Street/Hofstra
19. Front Street at Merrick Avenue
20. Front Street at Uniondale Avenue
21. Front Street at California Avenue
22. Fulton Avenue at Peninsula Boulevard/Bennett Avenue
23. Fulton Avenue at Clinton Street
24. Fulton Avenue at N Franklin Street
25. Franklin Avenue at Stewart Avenue
26. Old Country Road at Franklin Avenue/Mineola Boulevard
27. Old Country Road at Clinton Road/Glen Cove Road
28. Old Country Road at Merchants Concourse/Ellison Avenue
29. Old Country Road at Merrick Avenue/Post Avenue
30. Merrick Avenue at Stewart Avenue/Park Boulevard
31. Stewart Avenue at Endo Boulevard/Merchants Concourse
32. Stewart Avenue at Quentin Roosevelt Boulevard/South Street
33. Stewart Avenue at Clinton Road
34. Oak Street at Commercial Avenue
35. Commercial Avenue at Quentin Roosevelt Boulevard
36. Charles Lindbergh Boulevard at Westbury Boulevard (Meadow Street)
37. Charles Lindbergh Boulevard WB at U-Turn (near Earle Ovington Boulevard)
38. Charles Lindbergh Boulevard EB at Coliseum North Exit Gate
39. Earle Ovington Boulevard at Coliseum Media/Staff Parking
40. Hempstead Turnpike WB at Meadowbrook State Parkway SB Off Ramp
41. Hempstead Turnpike WB at Meadowbrook State Parkway NB Off Ramp
42. Hempstead Turnpike EB at Meadowbrook State Parkway SB Off Ramp
43. Hempstead Turnpike EB at Meadowbrook State Parkway NB Off Ramp
44. Hempstead Turnpike at Front Street
45. Hempstead Turnpike at Carman Avenue/3rd Street
46. Hempstead Turnpike at Newbridge Road

47. Merrick Avenue at Bellmore Avenue
48. Merrick Avenue at North Jerusalem Avenue
49. Merrick Avenue at Jerusalem Avenue
50. Uniondale Avenue at Jerusalem Avenue
51. Uniondale Avenue/Brookside Avenue at Nassau Road
52. Stewart Avenue at Ring Road West (Roosevelt Field)
53. Old Country Road at Roosevelt Field Mall Entrance
54. Old Country Road at Salisbury Park Drive/School Street
55. Merrick Avenue at Corporate Drive
56. Merrick Avenue at Privado Road
57. Jericho Turnpike at Post Avenue/Post Road
58. Main Street/2nd Street at Franklin Avenue
59. Main Street at Meadow Street
60. Meadow Street at Washington Avenue
61. Meadow Street at Clinton Road
62. Meadow Street at Lindbergh Street
63. Westbury Boulevard at Lindbergh Street
64. Oak Street at Westbury Boulevard/Meadow Street
65. Hempstead Turnpike at Perimeter Road East/Franklin Avenue
66. Washington Street at West Columbia Street

The intersection turning movement counts will include data on pedestrians, bicyclists, U-turns, right turns on red, and vehicle classification. Signal timing information will be requested from the appropriate agencies.

Utilizing these data, five critical peak hours will be determined as follows: the average weekday AM peak hour and weekday PM peak hour coinciding with the commuter peak periods, a Friday evening peak hour that evaluates a combination of peak site and adjacent traffic levels, a Saturday midday peak hour and evening peak hour that evaluates a combination of peak site and adjacent traffic levels. The five peak hour periods will be analyzed for full buildout of the project (Phases 1 and 2). A sensitivity analysis will be conducted to identify operations and mitigation related to Phase 1.

- Automatic traffic recorder (ATR) counts for seven consecutive days representing typical (non-summer) conditions to document traffic volumes at key locations on area arterials and local surface streets will be taken at the locations listed below and will be supplemented, as appropriate, with electronic vehicle probe data:
 1. Hempstead Turnpike (NY 24) between James Doolittle Boulevard and Meadowbrook State Parkway Ramps – Both EB and WB directions
 2. Earle Ovington Boulevard between Charles Lindbergh Boulevard EB and Hofstra East Gate Road – Both Northbound (NB) and Southbound (SB) directions
 3. Charles Lindbergh Boulevard between Earle Ovington Boulevard and James Doolittle Boulevard - Both EB and WB directions
 4. Charles Lindbergh Boulevard WB to EB U-turn
 5. Charles Lindbergh Boulevard EB to WB U-turn
 6. Hempstead Turnpike west of Newbridge Road (NY 106) – Both EB and WB directions
 7. Old Country Road east of Zeckendorf Boulevard – Both EB and WB directions

- ATR counts for seven consecutive days representing typical (non-summer) conditions as well as during peak summer season (a weekend) capturing beach travel conditions to document traffic volumes, vehicle classifications, and speeds at key locations on the Meadowbrook State Parkway (between Northern State Parkway and Sunrise Highway), the Northern State Parkway, and the Southern State Parkway. These data will be supplemented, as appropriate, with electronic vehicle probe data. These counts will be taken at the following locations:

8. Northern State Parkway EB Exit Ramp to Post Avenue
9. Post Avenue Entrance Ramp to Northern State Parkway EB
10. Northern State Parkway WB Exit Ramp to Post Avenue
11. Post Avenue Entrance Ramp to Northern State Parkway WB
12. Northern State Parkway EB Mainline East of Post Avenue
13. Northern State Parkway WB Mainline East of Post Avenue
14. Northern State Parkway WB Connector to Meadowbrook State Parkway SB
15. Meadowbrook State Parkway NB Ramp to Northern State Parkway EB
16. Northern State Parkway EB Connector to Meadowbrook State Parkway SB
17. Meadowbrook State Parkway NB Connector to Northern State Parkway WB
18. Northern State Parkway EB Mainline through Meadowbrook State Parkway interchange
19. Northern State Parkway WB Exit Ramp to Glen Cove Road NB
20. Glen Cove Road Entrance Ramp to Northern State Parkway EB
21. Glen Cove Road Entrance Ramp to Meadowbrook State Parkway SB
22. Meadowbrook State Parkway NB Mainline North of Old Country Road
23. Meadowbrook State Parkway SB Mainline North of Old Country Road
24. Old Country Road WB Entrance Ramp to Meadowbrook State Parkway NB
25. Meadowbrook State Parkway SB Exit Ramp to Old Country Road WB
26. Old Country Road Entrance Ramp to Meadowbrook State Parkway SB
27. Ring Road East Entrance Ramp to Meadowbrook State Parkway SB
28. Meadowbrook State Parkway SB Exit Ramp to Old Country Road EB
29. Old Country Road EB Entrance Ramp to Meadowbrook State Parkway NB
30. Meadowbrook State Parkway NB Exit Ramp to Old Country Road
31. Meadowbrook State Parkway NB Mainline South of Old Country Road
32. Meadowbrook State Parkway SB Mainline South of Old Country Road
33. Zeckendorf Boulevard WB Entrance Ramp to Meadowbrook State Parkway NB
34. Meadowbrook State Parkway NB Exit Ramp to Roosevelt Field
35. Zeckendorf Boulevard WB Entrance Ramp to Meadowbrook State Parkway SB
36. Meadowbrook State Parkway SB Exit Ramp to Zeckendorf Boulevard EB
37. Zeckendorf Boulevard EB Entrance Ramp to Meadowbrook State Parkway SB
38. Zeckendorf Boulevard EB Entrance Ramp to Meadowbrook State Parkway NB
39. Meadowbrook State Parkway NB Exit Ramp to Zeckendorf Boulevard (Dibblee Drive)
40. Meadowbrook State Parkway SB Exit Ramp to Roosevelt Field
41. Meadowbrook State Parkway NB Mainline South of Zeckendorf Boulevard
42. Meadowbrook State Parkway SB Mainline South of Zeckendorf Boulevard
43. Merchants Concourse Entrance Ramp to Meadowbrook State Parkway NB
44. Meadowbrook State Parkway NB Exit Ramp to Merchants Concourse NB
45. Meadowbrook State Parkway SB Exit Ramp to Stewart Ave/Endo Boulevard
46. Meadowbrook State Parkway NB Exit Ramp to Stewart Ave/Endo Boulevard
47. Meadowbrook State Parkway SB Exit Ramp to Merchants Concourse NB
48. Meadowbrook State Parkway north of Stewart Avenue NB

49. Meadowbrook State Parkway north of Stewart Avenue SB
50. EB Stewart Avenue Ramp to NB Meadowbrook State Parkway
51. Meadowbrook State Parkway NB Off-Ramp to EB Stewart Avenue
52. Stewart Avenue Ramp to SB Meadowbrook State Parkway
53. Meadowbrook State Parkway NB between Charles Lindbergh Boulevard and Stewart Avenue ramps
54. Meadowbrook State Parkway NB CD Road between Charles Lindbergh Boulevard and Stewart Avenue ramps
55. Meadowbrook State Parkway SB Off-Ramp to Charles Lindbergh Boulevard
56. Charles Lindbergh Boulevard Ramp to SB Meadowbrook State Parkway
57. Charles Lindbergh Boulevard Ramp to NB Meadowbrook State Parkway
58. Meadowbrook State Parkway NB Off-Ramp to Charles Lindbergh Boulevard
59. Meadowbrook State Parkway SB south of Charles Lindbergh overpass
60. Meadowbrook State Parkway SB CD Road south of Charles Lindbergh overpass
61. Meadowbrook State Parkway SB Off-Ramp to WB Hempstead Turnpike
62. Meadowbrook State Parkway SB Off-Ramp to EB Hempstead Turnpike
63. Meadowbrook State Parkway NB Off-Ramp to WB Hempstead Turnpike
64. Meadowbrook State Parkway NB Off-Ramp to EB Hempstead Turnpike
65. EB Hempstead Turnpike ramp to NB Meadowbrook State Parkway
66. EB Hempstead Turnpike ramp to SB Meadowbrook State Parkway
67. WB Hempstead Turnpike ramp to NB Meadowbrook State Parkway
68. WB Hempstead Turnpike ramp to SB Meadowbrook State Parkway
69. Meadowbrook State Parkway south of Hempstead Turnpike NB
70. Meadowbrook State Parkway south of Hempstead Turnpike SB
71. Southern State Parkway WB Exit Ramp to Meadowbrook State Parkway NB
72. Southern State Parkway EB Exit Ramp to Meadowbrook State Parkway NB
73. Meadowbrook State Parkway NB Exit Ramp to Southern State Parkway EB
74. Meadowbrook State Parkway SB Exit Ramp to Southern State Parkway EB
75. Meadowbrook State Parkway NB Exit Ramp to Southern State Parkway WB
76. Southern State Parkway WB Exit Ramp to Meadowbrook State Parkway SB
77. Southern State Parkway EB Exit Ramp to Meadowbrook State Parkway SB
78. Meadowbrook State Parkway SB Exit Ramp to Southern State Parkway WB
79. Southern State Parkway EB mainline west of Meadowbrook State Parkway
80. Southern State Parkway WB mainline west of Meadowbrook State Parkway
81. Southern State Parkway WB Exit Ramp to Nassau Road
82. Nassau Road Entrance Ramp to Southern State Parkway EB
83. Nassau Road Entrance Ramp to Southern State Parkway WB
84. Southern State Parkway EB Exit Ramp to Nassau Road
85. Southern State Parkway WB Exit Ramp to Meadowbrook Road
86. Southern State Parkway EB Exit Ramp to Meadowbrook Road
87. Meadowbrook Road Entrance Ramp to Southern State Parkway EB
88. Meadowbrook Road Entrance Ramp to Southern State Parkway WB
89. Merrick Avenue SB Entrance Ramp to Southern State Parkway WB
90. Southern State Parkway WB Exit Ramp to Merrick Avenue SB
91. Merrick Avenue NB Entrance Ramp to Southern State Parkway WB
92. Southern State Parkway WB Exit Ramp to Merrick Avenue NB
93. Merrick Avenue NB Entrance Ramp to Southern State Parkway EB
94. Southern State Parkway EB Exit Ramp to Merrick Avenue NB

95. Merrick Avenue SB Entrance Ramp to Southern State Parkway EB
96. Southern State Parkway EB Exit Ramp to Merrick Avenue SB
97. Babylon Turnpike WB Entrance Ramp to Meadowbrook State Parkway NB
98. Babylon Turnpike EB Entrance Ramp to Meadowbrook State Parkway NB
99. Meadowbrook State Parkway NB Exit Ramp to Babylon Turnpike EB
100. Meadowbrook State Parkway SB Exit Ramp to Babylon Turnpike EB
101. Babylon Turnpike WB Entrance Ramp to Meadowbrook State Parkway SB
102. Babylon Turnpike EB Entrance Ramp to Meadowbrook State Parkway SB
103. Meadowbrook State Parkway NB Exit Ramp to Babylon Turnpike WB
104. Meadowbrook State Parkway SB Exit Ramp to Babylon Turnpike WB
105. Meadowbrook State Parkway NB mainline south of Babylon Turnpike
106. Meadowbrook State Parkway SB mainline north of Babylon Turnpike
107. Sunrise Highway WB Entrance Ramp to Meadowbrook State Parkway NB
108. Sunrise Highway EB Entrance Ramp to Meadowbrook State Parkway NB
109. Meadowbrook State Parkway NB Exit Ramp to Sunrise Highway EB
110. Meadowbrook State Parkway SB Exit Ramp to Sunrise Highway EB
111. Sunrise Highway WB Entrance Ramp to Meadowbrook State Parkway SB
112. Sunrise Highway EB Entrance Ramp to Meadowbrook State Parkway SB
113. Meadowbrook State Parkway NB Exit Ramp to Sunrise Highway WB
114. Meadowbrook State Parkway SB Exit Ramp to Sunrise Highway WB

The ATR data on the Northern State Parkway, Meadowbrook State Parkway and Southern State Parkway will be summarized to develop peak hour traffic volumes for the five critical peak periods and a Saturday midday peak hour summer condition.

- Traffic Impacts for the holiday period (late-November through late-December) will be evaluated at the study locations below. The traffic analysis for the late-November through late-December holiday period will use the traffic counts collected during the typical (non-summer) period for the listed intersections and highway segments and ramp junctions on the Meadowbrook State Parkway. These counts will be adjusted to reflect the holiday period using historic counts collected at the Roosevelt Field Mall and recent probe data or counts from the Holiday Period to update traffic patterns. This evaluation will include the weekday PM and Saturday midday peak periods.

Signalized intersections in the vicinity of the Roosevelt Field Mall and adjacent retail area:

1. Old Country Road at Clinton Road/Glen Cove Road
2. Old Country Road at Roosevelt Field Mall Entrance
3. Old Country Road at Merchants Concourse/Ellison Avenue
4. Old Country Road at Merrick Avenue/Post Avenue
5. Stewart Avenue at Clinton Road
6. Stewart Avenue at Ring Road West (Roosevelt Field)
7. Stewart Avenue at Quentin Roosevelt Boulevard/South Street
8. Stewart Avenue at Endo Boulevard/Merchants Concourse
9. Merrick Avenue at Privado Road
10. Merrick Avenue at Corporate Drive
11. Merrick Avenue at Stewart Avenue/Park Boulevard

Segments and ramp junctions along the Meadowbrook State Parkway:

1. Meadowbrook State Parkway mainline from north of its Interchange with Old Country Road (M1) to south of its interchange with Zeckendorf Boulevard (M2)
 2. All ramp merge and diverge points along the Meadowbrook State Parkway at its interchange with Old Country Road (M1)
 3. All ramp merge and diverge points along the Meadowbrook State Parkway at its interchange with Zeckendorf Boulevard (M2)
- The latest crash data will be obtained from NYSDOT for the three-year period prior to the COVID-19 pandemic for the Study Area intersections and along the project frontages on Hempstead Turnpike, Earle Ovington Boulevard, Charles Lindbergh Boulevard, and James Doolittle Boulevard. In addition, crash data will be reviewed on the Meadowbrook State Parkway main line and ramps at the Charles Lindbergh Boulevard and Hempstead Turnpike interchanges. Data obtained from the NYSDOT will be summarized in a table identifying the number of crashes by crash severity and crash type for the Study Area intersections and project frontage roadway segments. Data will also be requested and reviewed for 2022 and 2023 to determine if the frequency of crashes has changed. The crash analysis will be conducted in accordance with the requirements of NYSDOT and NCDPW for traffic studies of this type.
 - Trip generation estimates for Phase 1 and Phase 2 of the proposed project will be developed based on the specific characteristics of the uses proposed on the site. This will include the use of published sources, trip data from similar sites or components of the overall site and information provided by Sands. The combination of the Phase 1 and Phase 2 peak hour trip generation estimates for each of the five identified critical peak hours will be developed and documented. Trip credits for transit mode, internal capture, and pass-by traffic will be considered and applied to the gross trip generation to develop the appropriate net level of traffic to be generated by the proposed development. Trip generation for busses, taxi/rideshare and shuttle busses/vans will be identified separately for each peak hour. Delivery trips will also be discussed. Public transportation options available proximate to the project site will be identified and the likelihood of such options to be used by visitors or employees will be presented. The effect of proposed enhancements to public transportation at the site in the form of bus rapid transit (BRT) planned by Nassau County will be discussed and reflected in site trip analysis. Details of the determination of trip credits shall be presented in the report. As available, traffic generation from other existing casino developments (to the extent that they are comparable to the proposed Integrated Resort), will be obtained to verify trip generation projections.
 - A directional distribution of site generated traffic will be developed using gravity models specific to the proposed development. This will account for the locations of the development components on the site in relation to the adjacent street network and for the internal roadway system and proposed access points. The assumptions regarding the origins of trips for visitors and guests (including taxi/rideshare), employees, buses and delivery vehicles in the development of these distributions will be presented. Based on the development plan and expected number of employees, more than one distribution may be required to characterize the expected trips. The potential for traffic diversion from primary routes will be discussed.
 - Information from the Town of Hempstead, Town of North Hempstead, Village of Garden City, Village of Hempstead, Village of Mineola, Village of Westbury, Village of Freeport, NCDPW and New York State Department of Transportation (NYSDOT) will be obtained regarding other planned development (OPD) projects and/or roadway/intersection improvements within the Study Area that are expected to occur by

the Project's Phase I and Phase 2 design years. Such improvements, based upon responses received, will be incorporated into the future No-Build and Build analyses.

- The No-Build base traffic conditions will be estimated by applying an annual background traffic growth factor using NYSDOT's growth rates specific to the area. This annual background growth rate will be applied to the existing traffic volumes to develop the Phase 1 and Phase 2 operating conditions of the Proposed Project. In addition, traffic generated by OPDs in the vicinity of the site will be included in the Phase I and Phase 2 No-Build conditions.
- The net site-generated traffic will be added to the No-Build (Phase 1 and 2) volumes at each of the Study Area intersections to determine the Build conditions (full build with Phases 1 and 2).
- A capacity analysis will be conducted of the Existing, No-Build and Full Build operating conditions during the five identified critical peak hours using the appropriate methodology presented in the Highway Capacity Manual, 6th Edition (using Synchro 11 modeling software) at the study area intersections. The Meadowbrook State Parkway will be analyzed using Vissim software for the five identified critical peak hours. Note that if summer weekend peak hour volumes on the Meadowbrook State Parkway between Northern State Parkway and Sunrise Highway are determined to be significantly higher (more than 10%) than September volumes, the summer volumes will be analyzed. In addition to the intersection and Parkway analyses, a merge/weave analysis for vehicles using the two U-turns on Charles Lindbergh Boulevard will be completed for the five critical peak hours, if applicable. A summary of the capacity analysis results will be presented, with technical supporting information provided in the appendix.
- Based on a review of the mitigation measures identified for Full Build of the site (Phases 1 and 2), a sensitivity evaluation will be conducted to determine what mitigation measures would be needed for Phase 1. The evaluation will include development of Build traffic volumes for the five critical peak hours for Phase 1 development and analysis at the study area intersections where mitigation was identified in the Full Build analysis.

A traffic mitigation program will be developed based on the analysis results, and conceptual plans will be prepared to illustrate the key recommended physical improvements. Agencies with jurisdiction over the mitigation measures will be identified, and a copy of the completed Traffic Impact Study will be provided to those agencies as part of DEIS distribution.

- An evaluation of the proposed site access configuration, parking layout and overall site layout with regard to access and internal circulation will be conducted. This will include an evaluation of the site's internal roadways and intersections and the ability of the internal infrastructure to accommodate expected traffic flows on the site, such that they do not adversely impact access points and adjoining roadways. As part of this task, a Traffic Signal Warrant Study will be performed (where new external signals and internal signals are proposed) to confirm it would be appropriate to provide signalization at the site's proposed access point(s) on Charles Lindbergh Boulevard as well as major internal intersections. This study will be performed in accordance with the warrants contained in the Federal Manual on Uniform Traffic Control Devices, 11th Edition and the New York State Supplement (latest revisions).
- An evaluation of site area non-motorized travel and accommodations will be performed. This will include an inventory of existing pedestrian and bicycle facilities and accommodations in the vicinity of the site and identification of significant generators in the area that could result in increases in pedestrian and/or bicycle activity to and from the site. Key pathways to and from the site will be identified and potential

mitigation to pedestrian and/or bicycle accommodations to improve efficiency and safety will be identified. Walking routes to and from the site to existing and proposed area bus stops (including BRT) will be identified and evaluated.

- Transportation Demand Management (TDM) strategies will be evaluated to identify the potential to reduce the use of single occupancy vehicle travel to and from the site. This will include strategies and potential operational changes to encourage ridesharing, walking, biking and the use of public transportation (including the Hempstead LIRR station and NICE bus) or private shuttle services to reduce the use of automobiles by visitors and employees. The evaluation of TDM will include strategies such as educational campaigns, incentive programs, and design and technology upgrades.
- The adequacy of the parking to be provided on the subject site will be evaluated with respect to the requirements of the proposed zoning code and actual projected parking demand (including patrons arriving by different means, and employees). The actual projected parking demand (peak demand) will be developed for each component of the development plan through the use of published sources such as the Institute of Transportation Engineers *Parking Generation*, latest edition, available parking demand data, and other sources. This evaluation will be compared to the parking requirements of the proposed MF-IRD.

Air Quality

The existing air quality of the area will be evaluated in this section of the DEIS. Monitoring data available from the NYSDEC will be used to document existing air quality levels. Existing levels will be compared to Federal and State air quality standards.

Post-development sources of air emissions will be identified, and emission rates and source characteristics will be determined and will form the basis of the air quality impact analysis. Both stationary and mobile source impacts will be evaluated. Site traffic (including truck traffic) will be one of the sources, and its impact on air quality levels will be assessed. Based upon the traffic study results, intersections with significant increases in traffic or significant decreases in level of service will be identified and will undergo air quality analyses following NYSDEC protocols. This will include a Level of Service (LOS) Screening Analysis for carbon monoxide for local streets and intersections and a capture criteria screening for more impacted intersections. If ambient particulate levels in the area are determined to require additional analysis, EPA MOVES model outputs would be used to quantify particulate and other traffic related emissions to quantify overall impacts on the surrounding community. Air emissions from the structured parking would be modeled; and stationary emission sources and emergency generators will be evaluated with AERMOD, the standard EPA approved air dispersion model. Comparisons of the analytical results will be made to Federal and State guidelines. Project air quality impacts, once quantified, will be combined with local air quality measurements to define the total air quality impacts on surrounding areas and the sensitive receptors. The DEIS will include an analysis of vehicular emissions at the proposed garages.

The NYSDEC Office of Environmental Justice is undertaking a statewide community air quality monitoring effort in ten disadvantaged communities, which were identified as having a disproportionate air pollution burden. One of the identified communities is Hempstead/New Cassel/Roosevelt/Uniondale/Westbury. As part of the preparation of the DEIS, the NYSDEC Office of Environmental Justice will be consulted to secure information regarding the status of and results of the community air monitoring initiative and relevant information received will be included in the DEIS and considered in the impact analysis.

If potential significant adverse impacts are identified, mitigation measures will be presented.

Noise and Vibration

This section of the DEIS will evaluate mobile source and stationary source noise from the proposed action. The existing noise levels will be compared to the future build sound levels on the project site and at potential sensitive receptors in the surrounding area. Projected sound levels will be compared to applicable noise standards/guidance of the Town of Hempstead, the Federal Highway Administration (FHWA), NYSDOT, and the United States Department of Housing and Urban Development.

Using land use and zoning maps, sensitive receptors proximate to the subject property have been identified, as follows:

- Hofstra University at Earle Ovington Boulevard
- Omni Office Building at Earle Ovington Boulevard
- Nassau Energy Corporation at Charles Lindbergh Boulevard
- Marriott Hotel at James Doolittle Boulevard
- Francis T. Purcell Preserve at James Doolittle Boulevard
- Residential properties and Kellenberg High School fields, south of Hempstead Turnpike
- Memorial Sloan Kettering Cancer Center at Hempstead Turnpike.

Noise monitoring will be conducted at the above receptor locations to establish existing conditions and to calibrate the noise model. Three time periods will be evaluated at the above receptor locations: weekday daytime, weekday nighttime, and weekend nighttime. A minimum of 24-hours of continuous noise monitoring will occur, and data will be evaluated for the typical daytime, nighttime, and weekend hours at the identified monitoring sites. Sound levels will be developed for existing and build conditions for both the daytime and nighttime conditions for the sensitive receptor locations.

Once preliminary noise monitoring data have been collected at the sensitive receptor locations, traffic noise impacts will be assessed. Roadway noise will be calculated utilizing industry standard equations for noise estimation and projection, DataKustic (CadnaA) noise projection software, and/or FHWA's TNM⁹ model.

The changes in sound levels will be compared to the applicable noise regulations and guidance identified above. If noise and/or vibration impacts are identified, noise and vibration mitigation measures will be developed and evaluated.

With respect to stationary sources, the noise analysis will evaluate projected stationary source sound levels, which will include equipment located within the project central utilities plants, rooftop mechanical equipment, and emergency generator noise sources. Special noise sources such as impulse-type noises and noises from emergency generators, if any, will be evaluated based upon manufacturer's sound level data, site geometry, and the properties of the propagation path of the noise sources. Future (Build) sound levels will be compared to the existing sound levels. The proposed projected generated sound levels will be calculated for receptor locations based on manufacturer provided reference sound level data. The proposed project generated sound levels will be projected to receptor locations using the properties of sound propagation for the appropriate ground terrain. Finally, the existing and proposed project-generated sound levels will be added together to determine the proposed mechanical equipments' potential impact on existing sound levels.

⁹ The Traffic Noise Model ("TNM") will be validated through field measurements

Demolition and construction activities will also be evaluated, and estimated sound levels will be calculated to determine if mitigation is required and how it will be implemented. Activities such as pile driving or mechanical earth tamping that produce both noise and vibration, if anticipated, will be evaluated and sound and vibration levels will be calculated to determine if mitigation is required and how it would be implemented.

Public Health – Problem Gambling

Using publicly available research, this section of the DEIS will describe the trends in problem gambling. Based on this data, the DEIS will discuss the potential impact that the development of the casino component of the Integrated Resort may have on problem gambling. This section of the DEIS will also explain the various programs/services that the Sands Integrated Resort will have to recognize and address problem gambling.

Socioeconomics

This section of the DEIS will include a socioeconomic analysis that will document existing revenues generated at the subject property, based on publicly-available information, for Nassau County, the Town of Hempstead and special districts/community service providers. Existing demographic information (population, age cohorts, income, unemployment and housing data) will be presented for Nassau County, the Town of Hempstead and the hamlet of Uniondale. The boundaries of the Potential Environmental Justice Area (PEJA) will be identified.

Post-development economic impacts will also be assessed. Net economic and fiscal benefits of the proposed action will be provided, accounting for current benefits associated with the existing facilities on the subject property. This will include a discussion of the proposed payment-in-lieu of taxes (PILOT) and the voluntary payments and contributions that Sands has committed to, and comparison to potential impacts/costs to the County, Town and special districts/community service providers.

The number and types of jobs to be created and range of salaries will be presented for both the construction and operational phases of the proposed action, along with Sands' programs for development of a local employment base and negotiation of a Project Labor Agreement. This section of the DEIS will also explain the status and substance of discussions/negotiations between Sands and the building trades. The IMPLAN economic modeling software will be used to estimate of the number of direct and secondary jobs to be supported by the proposed development during construction and during the operational phase of the project, and to provide a summary of the anticipated economic impacts of the proposed development, including an estimation of labor income and economic output during the construction and operational phases of the project.

Community Facilities and Services

Community service providers that serve the subject property will be identified, and available information regarding services provided will be presented. Publicly available information will be researched, and consultations will be undertaken with the services providers regarding existing facilities and capacity. Specifically, the Nassau County Police Department and the Nassau County Fire Marshal will be contacted. Open space and recreational facilities in the area will also be identified. On-site services to be provided to minimize impacts on community services will be identified and described. This section of the DEIS will also describe the security programs and measures that Sands will incorporate into its proposed action to minimize impacts to emergency services and the community.

The amount of solid waste to be generated, and on-site waste management and solid waste reduction measures, including re-use and recycling, and transport will be presented in this section of the DEIS. Documentation of

consultation with Reworld™ Hempstead (formerly Covanta) and its ability to handle waste generated by the Integrated Resort will be provided. This section of the DEIS will also explain the requirements of the New York State Food Donation and Food Scraps Recycling Law, which became effective in January 2022, and requires certain businesses and institutions that generate an annual average of two tons or more of wasted food per week to donate excess eligible food and recycle all remaining scraps if located within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

The impacts of the proposed action on the community services identified above will be evaluated. The impact assessment will include consultations with identified service providers with documentation of all requests made to and information received from such service providers. The DEIS will describe anticipated demands for community services and compare same to expected revenue to be provided. Mitigation measures, as required, will be presented.

Aesthetic Resources

This section of the DEIS will evaluate the aesthetic and visual impacts of the proposed action on the site and surrounding areas. This section of the DEIS will include a description, using text and photographs, of the existing visual characteristics of the site and surrounding areas. In order to determine the specific areas to be evaluated, a preliminary viewshed analysis will be conducted using ArcGIS® Spatial Analyst, a computer modeling tool developed by Environmental Systems Research Institute, Inc (Esri). For purposes of this analysis, the viewshed refers to the area on the ground from which the proposed project is expected to be visible. The viewshed represents the areas that would be potentially affected by the proposed project in terms of the visual environment. The viewshed analysis will rely on Light Detection and Ranging (LIDAR) data available within a study area generally bounded by Southern State Parkway on the south, Northern State Parkway/New York State Route 25/Jericho Turnpike on the north, Wantagh State Parkway on the east and Nassau Boulevard on the west (see Attachment D). The LIDAR data will be used to generate a Digital Surface Model (DSM). The DSM represents ground elevations, trees, shrubs, buildings, structures and other visual objects. Visually dominant resources, including the Covanta stack, Nassau University Medical Center, RXR Plaza, Hofstra dormitories, and NCC Administration Building that are located within the area of potential visual impact will be located, identified and described. This section of the DEIS will also present a narrative description of the Integrated Resort's design intention and architectural characteristics supported by graphical depictions, including elevation drawings and perspective renderings of the proposed facility. The impact assessment will incorporate the project design and architectural information.

Digital renderings will be created for the below-listed locations. These rendering locations were selected based upon review of the NYSDEC publication, *DEP-00-2 Assessing and Mitigating Visual and Aesthetic Impacts* and incorporating sensitive locations within proximate residential communities, State listed historic buildings, potential environmental justice area communities, State parks, local parks and nature preserves, and State scenic roads and byways. To create the digital renderings, the massing model will be imported into Google Earth Pro, and from each location, a street view image will be exported. Images will be captured of the proposed massing model on the bare earth 3D terrain and with 3D buildings. These images will then be merged into Photoshop, facilitating the integration of the proposed project with the street view image. The digital renderings will serve to validate the results of the viewshed analysis. Digital renderings will be prepared for the following locations:

1. Northern State Parkway at Jericho Turnpike
2. Meadowbrook State Parkway exit ramp at Charles Lindburgh Boulevard
3. Meadowbrook State Parkway at Glenn Curtiss Boulevard overpass
4. Meadowbrook State Parkway exit ramp at Hempstead Turnpike

5. Intersection of Hempstead Turnpike and Meadowbrook Road
6. Meadowbrook State Parkway at Southern State Parkway
7. Museum Row
8. Old Westbury Gardens
9. Hempstead Lake State Park
10. Eisenhower Park
11. Jones Beach State Park
12. Intersection of Hempstead Turnpike and Cunningham Avenue
13. Intersection of Hempstead Turnpike and Earle Ovington Boulevard
14. Hempstead Plains
15. Norman J. Levy Park and Preserve
16. Hofstra University Athletic Field
17. Staller Mansion/Lannin House at Eisenhower Park
18. The Carleton at Eisenhower Park
19. Mitchel Field Officers Quarters
20. Meadowbrook State Parkway at Old Country Road
21. Town of Hempstead Town Hall
22. Intersection of 9th Street and Hilton Avenue
23. Intersection of 5th Street and Hilton Avenue
24. St. Paul's School
25. Intersection of Jericho Turnpike and Nassau Boulevard
26. Northern State Parkway at Wantagh State Parkway
27. Wantagh State Parkway at Southern State Parkway
28. Intersection of Hempstead Avenue and Taylor Road
29. Intersection of Nassau Boulevard and Stewart Avenue
30. Intersection of Hempstead Turnpike and Nassau Boulevard
31. Wantagh State Parkway at the intersection of Hempstead Turnpike
32. Intersection of Carman Avenue and Salisbury Park Drive
33. Intersection of Cherry Valley Avenue, 11th Street, and Hilton Avenue
34. Intersection of Braxton Street and Uniondale Avenue
35. Intersection of Front Street and Bedford Avenue
36. Intersection of East Meadow Avenue and Lenox Avenue
37. Intersection of School Street and Madison Street
38. Intersection of Prospect Street and 2nd Street
39. Intersection of Hempstead Turnpike and Merrick Avenue.

Based on the visibility from the above locations, photosimulations will be prepared for the ten locations that exhibit the greatest potential visual impact and will portray the visual effect of the project using 3-D models of the proposed structures based on architectural design information. Existing conditions photographs will be taken at each location using a high-quality digital camera. GPS equipment will then be used to document the position of each photograph. Images will be adjusted for color levels and exposure, as needed, for image clarity.

Following existing conditions data collection, proposed structures, landscaping, and conceptual site grading will be modeled in three dimensions using modeling software (such as, Civil 3D, Sketchup, Infracore, and/or MicroStation) to build and assemble existing and proposed conditions. After generating the 3D model, the GPS data collected when the existing photographs were captured will be used to match the viewpoint used for collecting the photographs. The images captured from the model will be merged with the equivalent existing conditions photographs to provide a realistic photosimulation. Photosimulations will depict the visual and

aesthetic impacts of the proposed project, and the location of the photosimulations will be keyed to a location map. The DEIS will summarize the results of the photosimulation analysis and will describe the locations of the various project components that would be visible from the identified simulation areas. Nighttime renderings will also be included.

In addition to the visual impact assessment, an analysis of the potential impacts from shadows will be conducted. This shadow assessment will be performed using a combination of three-dimensional modeling (3D) and publicly-available spatial data to provide a graphic representation of the shadows generated from the proposed structures in the project area. The longest shadow that a structure can cast at the latitude of the Town of Hempstead occurs on the morning of the winter solstice and is approximately 4.1 times the height of the structure. Using this metric, a radius around the proposed building will be projected to represent the maximum shadow length. An analysis using 3D modeling software will be used to model and geolocate the proposed building envelope and evaluate the potential shadow over the course of representative days. Terrain will be incorporated into the model to account for how changes in elevation throughout the study area can influence shadows that could be cast by the proposed building envelope. The representative analysis days are December 21 (winter solstice), June 21 (summer solstice), March 21/September 21 (vernal/autumnal equinox), and May 6/August 6 (halfway between summer solstice and the equinoxes). Each analysis day considers those shadows occurring between 1.5 hours after sunrise and 1.5 hours before sunset in the absence of intervening buildings or foliage. The extent of project-generated shadows will be discussed for each of the analysis days.

The DEIS will also discuss potential lighting impacts, including potential sky-glow, associated with the Integrated Resort based on the proposed conceptual lighting plan, photometric plan and the Town of Hempstead standards regarding exterior lighting. This analysis will consider proposed sources of exterior lighting, including site and building-mounted lighting, signage and illumination from building interiors passing through the glazing.

If potential significant adverse impacts are identified, mitigation measures will be presented.

Cultural Resources

Information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resources Inventory System (CRIS) will be researched to identify properties of historic and/or archaeological significance situated on or substantially contiguous to the subject property. This section of the DEIS will also summarize the findings of the *Phase 1A Literature Search and Archaeological Sensitivity Assessment* that was prepared as part of prior development application on the subject property and will append this document to the DEIS. Additionally, this section will review Chapter 76 of the Town Code, *Landmarks Preservation* to document that there are no such landmarks on or substantially contiguous to the subject property. In addition, prior cultural resources studies conducted on the site, and prior coordination with OPRHP will be presented. If potential significant adverse impacts are identified, mitigation measures will also be presented in this section of the DEIS.

Use and Conservation of Energy and Utilities

This section will identify and summarize the existing energy sources used at the subject property, including PSEG-Long Island, National Grid and Nassau Energy Corp. Engie facility.

The DEIS will also discuss the energy sources to be used by the proposed action as well as the demand on such facilities. It will discuss the proposed on-site central utilities plants and how they will be designed to provide energy (and back-up resources) to the proposed Integrated Resort. In addition, consultations with energy

providers will be undertaken to discuss the existing infrastructure and determine the capacity of such resources to assist in serving the Integrated Resort and improvements required, if any.

This section will identify and discuss the mitigation strategies to be employed to reduce energy consumption. Renewable energy sources to be used will also be discussed.

Greenhouse Gas Emissions, Climate Change and Sustainability

Based on the information included in the *Use and Conservation of Energy and Utilities* section, direct and indirect energy estimates will be developed. The procedures used to assess and quantify the energy consumption impacts of the project will be based on NYSDEC's *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements* and projected impacts associated with project-related electrical energy requirements and vehicle miles traveled (VMT). GHG estimates of direct (Scope 1) emissions, indirect (Scope 2) emissions and of mobile source emissions associated with the proposed project will be estimated. Scope 1 emissions include emissions generated on-site by burning fossil fuels, Scope 2 includes emissions from generating the purchased electricity.

The mobile source GHG emissions will be projected based on the annual VMT for the generated vehicle trips. The total GHG emissions in the CO₂e will be compared to the emissions of the Town of Hempstead, Nassau County, Long Island and New York State, as applicable, to assess the scale of impact from the proposed project. Potential GHG emissions from construction of the project will be discussed qualitatively.

This section of the DEIS will consider regulatory requirements related to climate change, such as the New York State Climate Leadership and Community Protection Act and describe compliance with these requirements. Consistency with applicable State and local carbon reduction goals will be evaluated for the proposed project. A qualitative discussion of potential effects of the proposed project related to climate change will be provided. Design/sustainability measures and adaptation strategies (including green infrastructure) that would be incorporated into the Integrated Resort to reduce, minimize or avoid GHG and climate-related impacts will be described.

Construction

This section of the DEIS will evaluate the impacts resulting from construction activities. It will present information regarding the proposed construction schedule and phasing, days and hours of construction and the construction logistics plans. Anticipated construction equipment, construction materials and methods will be described, including soil processing and reuse, if proposed. Projections of the types, quantities and disposition of demolition materials generated will be provided, as available. This section will also discuss the depth of proposed excavation and dewatering, as necessary. The method for identifying and handling potential hazardous regulated materials, if encountered, during demolition and site preparation, will be presented. Asbestos reports, as available, will be summarized, and removal/remediation requirements during construction will be discussed. Construction worker safety information will also be presented. Further, this section of the DEIS will describe on-site security during the construction period. The section will also confirm that a rodent inspection will be performed prior to construction commencement.

The potential for erosion and sedimentation due to earthwork during construction will be identified, and impacts evaluated. Measures to control same will be presented in this section of the DEIS. The DEIS will also discuss stormwater control measures to be implemented based on the proposed conceptual erosion and sediment control plan and associated stormwater management measures as well as the preliminary SWPPP.

Expected construction traffic will be presented and its impact on area roadways will be evaluated. The potential impacts of construction-period activities on the roadway network in the vicinity of the site will be assessed, and recommendations regarding specifics of routing of construction vehicles (including heavy vehicles, deliveries, demolition and excavation export, and worker vehicles) will be made. In addition, the construction traffic analysis will discuss:

- Construction equipment to be used on-site and the arrival routes and access points to be used
- Demolition, as well as cut and fill, and estimate of trucks trips associated with these activities
- Construction material deliveries
- Internal construction traffic circulation
- Number of construction workers to be on-site and the arrival/departure routes and access points to be used
- Parking accommodations for construction workers
- Methods to minimize construction-related traffic and parking impacts
- Construction mitigation, such as work zone traffic control.

This section of the DEIS will also assess air quality impacts associated with site preparation and construction activities and will present mitigation measures to minimize constructed-related air impacts.

The demolition and construction activity noise impacts will be quantitatively addressed following NYSDOT guidelines. The construction generated sound levels will be projected to receptor locations using the properties of sound propagation for the appropriate ground terrain and the FHWA's Roadway Construction Noise Model. Additionally, if pile driving or earth tamping (or similar) methods will be used that will cause noise and vibration, said activities will be described and mitigation measures for these activities will be identified. With respect to air quality, sources of air emissions and impacts associated with construction, including fuel combustion and airborne dust generation, will be identified and measures to minimize such impacts will be described.

Construction employment (including numbers of jobs, types of jobs, salaries, local recruitment programs) will be discussed along with the economic impacts of the overall construction operation. In addition, an estimation of labor income and economic output during the construction phase of the project will be presented.

Cumulative Impacts

The SEQR Handbook (NYSDEC, Fourth Edition, 2020, pages 80 and 82) explains, in pertinent part, that:

Cumulative impacts occur when multiple actions affect the same resource(s). . .

Cumulative impacts must be assessed when actions are proposed, or can be foreseen as likely, to take place simultaneously or sequentially in a way that the combined impacts may be significant. As with direct impacts, assessment of cumulative impacts should be limited to consideration of reasonably foreseeable impacts, not speculative ones. . .

. . . If two or more actions affecting the same resource(s) are proposed at about the same time, or one after the other, their cumulative impact may be significant. If a third action is subsequently proposed, the need to examine cumulative impact may be even more important. For example, multiple developments using the same road segment, sewage treatment plant, or water supply may incrementally increase existing impacts to a significant level.

Courts, however, have set some limits and standards for when a lead agency may consider cumulative impacts. The lead agency must clearly articulate at least one basis for requiring cumulative impact assessment:

- *The actions themselves can be demonstrated to be clearly related;*
- *Two or more separate actions can be demonstrated to be likely to cause specific impacts on a specific, single resource; or*
- *Two or more actions are proposed within a designated protected resource area for which an adopted management plan exists.*

Note that in all such cases, the lead agency must clearly articulate the functional connections of potential impacts to resources, as courts have generally not accepted proximity alone as a basis for requiring cumulative impact analysis.

The Town of Hempstead, the Town of North Hempstead, the Village of Garden City, the Village of Hempstead, the Village of Mineola, the Village of Westbury and the Village of Freeport will be consulted to identify recently-approved or planned developments within the study area for the traffic impact study (given the broad geographic study area for the traffic analysis). The NCDPW and NYSDOT will also be consulted to identify planned roadway improvements in that study area. Cumulative traffic impacts from identified recently approved or planned developments impacting the same locations/environmental factors as the proposed action will be evaluated.

As requested by the Town of Hempstead, the cumulative impact analysis will also account for the contemplated development of an NYU Langone Hospital facility, even if a formal application has not been submitted for this facility at the time of DEIS submission. Based on information provided by NYU Langone on October 23, 2023, the NYU Langone Hospital facility is proposed to consist of:

- 800-bed Hospital
- Academic/research and administrative offices – 350,000 sf
- Student/staff housing – 200,000 sf
- Ambulatory medical use – 250,000 sf

The build year for the NYU Langone Hospital facility is at least two years after the 2030 full-build year for Sands. A traffic sensitivity analysis will be conducted to determine the additive impact of the NYU Langone Hospital facility to the full-build Sands condition. This analysis will evaluate the weekday AM and PM time periods, coinciding with the highest levels of traffic anticipated to be associated with the contemplated Hospital facility at the following intersections:

1. Charles Lindbergh Boulevard at Merrick Avenue
2. Charles Lindbergh Boulevard WB at NCC Perimeter Road
3. Charles Lindbergh Boulevard EB at James Doolittle Boulevard
4. Charles Lindbergh Boulevard WB at Earle Ovington Boulevard/NCC Access
5. Earle Ovington Boulevard at Charles Lindbergh Boulevard EB/Nassau Coliseum Access
6. Earle Ovington Boulevard at East Gate Road/Nassau Coliseum Access
7. Hempstead Turnpike at Earle Ovington Boulevard/Uniondale Avenue
8. Hempstead Turnpike at Glenn Curtiss Boulevard/Nassau Coliseum Access
9. Hempstead Turnpike at Merrick Avenue
10. Quentin Roosevelt Boulevard at Commercial Avenue

11. Stewart Avenue at Quentin Roosevelt Boulevard/South Street
12. Stewart Avenue at Endo Boulevard/Merchants Concourse.

As part of its original site plan application, Memorial Sloan Kettering Cancer Center indicated “future additions” of 26,000 square feet. This anticipated expansion will also be evaluated as part of the cumulative impact assessment. The cumulative impact analysis for this project will also include a discussion of any agreements that may be in place between Memorial Sloan Kettering Cancer Center and Sands.

Projects will be analyzed for cumulative impacts on water supply (for projects that are proposed within the service area of the Town of Hempstead Water Department or the Mitchel Field Water Supply Area), sewage generation (for projects that would discharge sanitary waste to the Cedar Creek Water Pollution Control Plant), electrical supply (for NYU Langone Hospital facility, if NYU is able to provide calculated electric loads) and air quality (for projects that are situated within the NYSDEC-designated Hempstead/New Cassell/Roosevelt/Uniondale/Westbury disadvantaged community having a disproportionate air pollution burden).

Unavoidable Adverse Impacts

Where significant environmental impacts of the proposed action cannot be mitigated, these will be identified as unavoidable adverse impacts and will be described. Such impacts may be short-term (construction related) or long-term in nature.

Irretrievable and Irreversible Commitment of Resources

This section of the DEIS will assess the resources that would be consumed or made unavailable for future use if the proposed action is implemented.

Growth-Inducing Aspects of the Proposed Action

As explained in *The SEQR Handbook* (NYSDEC, Fourth Edition, 2020, page 122):

The growth inducement section of an EIS should thus describe any further development which the proposed action may support or encourage, such as:

- *Attracting significant increases in local population by creating or relocating employment, or by providing support facilities or services (stores, public services, etc.); or*
- *Increasing the development potential of a local area, for example, by the extension of roads, sewers, water mains, or other utilities. . .*

This section of the DEIS will identify what, if any, growth and further development would be induced as a result of implementation of the proposed action.

EXTENT AND QUALITY OF INFORMATION NEEDED

Pursuant to the requirements of SEQRA, the Final Scope must identify the extent and quality of information needed for the DEIS preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new

information. While it is not possible to determine all information sources to be used, the following represent sources/research that have been preliminarily identified as necessary to perform the required analyses in the DEIS.

Soils, Topography and Subsurface Conditions

- *Soil Survey of Nassau County*
- USDA Web Soil Service
- Soil boring data
- USGS Maps and site-specific topographic survey, including ALTA survey
- Environmental Site Assessments for subject property

Water Resources

- *Special Groundwater Protection Area Plan*
- *Nassau County Public Health Ordinance*
- *New York State Stormwater Management Design Manual*
- *New York Standards and Specifications for Erosion and Sediment Control*
- NCDPW Drainage Requirements
- NCDPW Design Sewage Flow Rates
- Consultations with and information from the NCDPW and the Hempstead Water Department
- New York State Sanitary Code
- Article 15, Title 15 of the Environmental Conservation Law: 6NYCRR Part 601 (Water Supply Applications) and Part 602 (Long Island Wells)
- NYSDEC memorandum "Division of Water, Technical and Operational Guidance Series (3.2.2), Engineer's Reports; Application for Water Supply and Long Island Well Permits"
- Coordination with the Town of Hempstead and NYSDEC

Ecological Resources

- Site inspections
- USFWS National Wetlands Inventory
- NYSDEC Freshwater Wetlands Maps
- NYSDEC Environmental Resource Mapper
- New York Natural Heritage Program

Land Use, Zoning and Community Character

- Town of Hempstead Building Zone Ordinance and Map
- Site and Area Inspections and Photographs
- Aerial Photographs
- *Nassau County Master Plan 1998 and 2008 Update*
- *Nassau County Open Space Plan*
- *HUB Major Investment Study 2006*
- Uniondale Hamlet Vision Plan, 2012
- *A Strategic Economic Development Plan For The Long Island Region (2011)*
- *Long Island on the Rise: A Region Reaching for New Heights of Innovation and Inclusion: The Strategic Economic Development Plan for Long Island (2016)*
- Proposed Zoning Legislation

- Proposed lease between the Lessee and Nassau County and Redacted Option between Lessee and Marriott operator
- Federal Aviation Administration Regulations and Requirements

Transportation and Parking

- Traffic Counts (ATR, video cameras and electronic vehicle probe data)
- Crash data obtained from NYSDOT CLEAR system
- Institute of Transportation Engineers (ITE) publication entitled *Trip Generation, 11th Edition*
- Available data from similar uses
- *Highway Capacity Manual, 7th Edition*
- *Synchro plus SimTraffic version 11*
- *PTV Vissim version 11*
- American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets, 7th Edition*
- *ITE Parking Generation, 6th Edition*
- NYSDOT *Long Island Transportation Plan 2000*
- Consultations with NYSDOT, NCDPW, Town of Hempstead
- Federal Manual on Uniform Traffic Control Devices, 11th Edition and the New York State Supplement (latest revisions)

Air Quality

- Local air quality data
- State and Federal Air Quality Standards
- NYSDEC Community Air Monitoring in Disadvantaged Communities
- Traffic analyses
- EPA MOVES and AERMOD Models

Noise and Vibration

- Noise monitoring data
- Stationary and mobile source data
- Town of Hempstead Noise Ordinance and FHWA, NYSDOT and HUD guidance
- NYSDEC Program Policy for Assessing and Mitigating Noise Impacts
- DataKustic (CadnaA) noise projection software, and/or FHWA's Traffic Noise Model
- FHWA's Roadway Construction Noise Model

Public Health – Problem Gambling

- Publicly-available data on problem gambling

Socioeconomics

- United States Census
- US Bureau of Labor Statistics Local Area Unemployment Statistics
- Quarterly Census of Employment and Wages
- US Census American Community Survey

- US American Community Survey Public-Use Microdata Sample (ACS)
- US Bureau of Labor Statistics Current Population Survey
- Redfin Regional Housing Market Data
- Consumer Price Inflation Index
- IMPLAN, economic modeling software
- New York State Education Department
- National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency (School District) Universe Survey"
- *A Strategic Economic Development Plan For The Long Island Region* (2011)
- *Long Island on the Rise: A Region Reaching for New Heights of Innovation and Inclusion: The Strategic Economic Development Plan for Long Island* (2016)
- *2006 Nassau Hub Major Investment Study*

Community Facilities and Services

- Consultations with community service providers (Nassau County Police Department, and Nassau County Fire Marshal)
- Consultation with Covanta

Aesthetic Resources

- Site and area inspections
- Aerial photographs
- Site and area photographs
- Architectural massing model
- Architectural renderings
- ARC GIS Spatial Analyst
- Light Detection and Ranging (LIDAR) data
- 3D Civil, Sketchup, Infracore or equivalent

Cultural Resources

- OPRHP CRIS Database
- Town of Hempstead Landmark Preservation, Chapter 76 of the Town Code
- *Phase 1A Literature Search and Archaeological Sensitivity Assessment (2008)*

Use and Conservation of Energy and Utilities

- Consultation with PSEG-Long Island
- Consultation with Nassau Energy Corp. (Engie)
- Consultation with National Grid

Greenhouse Gas, Climate Change and Sustainability

- Climate Leadership and Community Protection Act
- New York State Greenhouse Gas Inventory: 1990–2016: Final Report July 2019
- 2022 Statewide GHG Emissions Report
- U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Documentation

Construction Impacts

- Town of Hempstead Noise Ordinance, Chapter 144 of the Town Code
- Construction Logistics Plans
- Asbestos Report, as available

Cumulative Impacts

- Consultations with municipal officials regarding other planned developments

INITIAL IDENTIFICATION OF MITIGATION MEASURES

As the DEIS analyses have not yet been conducted, proposals for specific mitigation measures have not yet been developed. Nonetheless, preliminary mitigation measures have been identified, as follows:

- Construction of a 1,500 square foot police substation on-site and payment of up to \$500,000 for interior fit-out of substation
- Payment of \$900,000 to NCPD, rising to \$1.8 million annually after casino opens with 2% annual escalation
- Community Benefits Payments (CBP) of \$4 million per year, if a gaming license is granted, or \$2 million per year upon substantial completion of development of an alternative plan (with no casino), if a gaming license is not granted, to support and enhance fire departments and districts and ambulance service providers; school districts; libraries and library districts; athletic fields, ballfields and parks; and other community facilities. Forty percent of the CBP will be designated for community facilities in Uniondale
- \$25 million for community benefits to be paid upon Sands being selected by New York State to receive a commercial gaming license
- At least \$1 million for the construction of an appropriate monument, memorial, or other tribute to veterans of the armed forces of the United States of America
- Adaptive re-use of the Nassau Veterans Memorial Coliseum building and recycling of various materials
- Use of electric HVAC systems, to the maximum extent practicable, to minimize fossil fuel use and associated emissions
- Reduced impervious surfaces and increased stormwater recharge on site over existing conditions
- Implementation of water conservation features (use of low-flow fixtures, water-efficient irrigation systems, green roofs and potential additional measures that are currently under study and evaluation)
- Implementation of Smart Waste Management techniques
- Sustainable transportation measures to encourage alternative travel means (including private busing, provision of bicycle parking, pedestrian-friendly design to encourage walking)
- Provision of EV charging stations
- Use of daylighting (i.e., use of natural light to illuminate interior spaces, reducing the need for artificial lighting and associated energy use)
- Rainwater harvesting, subject to Nassau County approval.

Where the impact analyses conducted in the DEIS indicate the potential for significant adverse impacts, additional mitigation measures will be identified to minimize such impacts to the maximum extent practicable.

REASONABLE ALTERNATIVES TO BE CONSIDERED

6 NYCRR §617.9(b)(5)(v) states that a DEIS must contain “a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. . .” Thus, this section of the DEIS will describe and evaluate the impacts of the alternatives listed below, to the extent that the alternatives are feasible, and compare these impacts to those associated with implementation of the proposed action for the impact issues identified above.

- SEQRA-mandated “No-Action” (subject property remains, with no new development)
- Redevelopment of the Coliseum Property, assuming a gaming license is not awarded
- Redevelopment in full compliance with MFM zoning district.

INFORMATION AND DATA TO BE INCLUDED IN AN APPENDIX RATHER THAN THE BODY OF THE DEIS

In accordance with 6 NYCRR §617.9(b)(2):

EISs must be clearly and concisely written in plain language that can be read and understood by the public... Highly technical material should be summarized and, if it must be included in its entirety, should be referenced in the statement and included in an appendix.

Therefore, technical analyses including, but not limited to, the traffic impact study and supporting appendices; air quality and greenhouse gas emissions calculations; geotechnical engineering information; environmental site assessments; correspondence with community service providers; and similar materials should be provided in an appendix to the DEIS. In addition, surveys and plans should be provided at a reasonable scale and included in the appendix. Other documentation that supports the information provided in the body of the DEIS (e.g., positive declaration, Final Scope, correspondence with community service providers, zoning information, site and area photographs, photosimulations) should also be included in the appendices.

ISSUES CONSIDERED IN THE REVIEW OF THE ENVIRONMENTAL ASSESSMENT FORM AND/OR RAISED DURING SCOPING AND DETERMINED TO BE NEITHER RELEVANT NOR ENVIRONMENTALLY SIGNIFICANT AND THE REASONS WHY THOSE ISSUES WERE NOT INCLUDED IN THIS FINAL SCOPE

During the scoping process, the Nassau County Legislature received thousands of comments, the vast majority of which expressed general support or general opposition. While the Legislature will consider these comments as part of its deliberations on the proposed lease, expressions of general support and general opposition are not relevant to the Final Scope.

The Legislature also received various comments that identified issues that were already included in the Draft Scope and did not require further edification in the Final Scope. Some comments were submitted that requested analyses of matters that were not part of the proposed action or that were based on speculative assumptions, and thus, not appropriate for inclusion in the DEIS.

Other comments were received that related to how information was to be presented/formatted and requests that the same information be repeated in multiple sections of the DEIS. As explained in 6 NYCRR §617.9(b)(5):

- (5) *The format of the draft EIS may be flexible; however, all draft EISs must include the following elements:*
- (i) a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations;*
 - (ii) a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives;*
 - (iii) a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence. . .*

As also explained in 6 NYCRR §617.9(b)(2) “. . . Highly technical material should be summarized and, if it must be included in its entirety, should be referenced in the statement and included in an appendix. . .” This Final Scope requires that the DEIS submitted by the project sponsor conform to the requirements for a DEIS, as set forth in the SEQR regulations.

Various comments addressed quality-of-life types of issues, including potential increases in crime, potential increases in drunk driving, potential increases in alcohol addiction and the like. As explained in *The SEQR Handbook* (NYSDEC, Fourth Edition, 2020) at page 114:

Some social factors may be considered arbitrary, discriminatory, or speculative, and consequently are inappropriate for inclusion in an EIS. Such factors may include, but are not limited to, potential for crime, drug problems, or psychological stress. These kinds of social concerns may be raised by the public during the comment period or hearing on an EIS. In such cases, they may be acknowledged, but given limited weight, when SEQR findings are developed during the agency's final decision making.

While the Legislature will consider all comments relating to these factors in its lease deliberations, as explained in the above excerpt of *The SEQR Handbook*, such issues are inappropriate for inclusion in the DEIS.



Attachment A

Site Location Map

Site Location

Sands New York Integrated Resort

1255 Hempstead Turnpike and 101 James Doolittle Boulevard, Uniondale, Town of Hempstead, Nassau County



 Subject Property

* Boundaries are approximate



Attachment B

Conceptual Master Plan



Attachment C

**Traffic Analysis Study Locations
Depicting Analysis Seasons for Each Location:
Non-summer, Summer and/or Holiday**



- 1 Hempstead Turnpike at James Doolittle Boulevard
- 2 Hempstead Turnpike at Glenn Curtiss Boulevard/Nassau Coliseum Main Entrance
- 3 Hempstead Turnpike at Cunningham Avenue
- 4 Hempstead Turnpike at Memorial Sloan Kettering (MSK) Entrance
- 5 Hempstead Turnpike at Earle Ovington Boulevard/Uniondale Avenue
- 6 Earle Ovington Boulevard at Hofstra East Gate Road/Site Access
- 7 Charles Lindbergh Boulevard Eastbound at Earle Ovington Boulevard/Site Access
- 8 Charles Lindbergh Boulevard Westbound at Earle Ovington Blvd/Nassau Community College
- 9 Charles Lindbergh Boulevard Eastbound at James Doolittle Boulevard/Site Access
- 10 Charles Lindbergh Boulevard Westbound at Nassau Community College Perimeter Road
- 11 Merrick Avenue at Charles Lindbergh Boulevard
- 12 Hempstead Turnpike at Merrick Avenue
- 13 Hempstead Turnpike at Eisenhower Park Pedestrian Entrance
- 14 Hempstead Turnpike at Coolidge Drive
- 15 Hempstead Turnpike at Park Boulevard/East Meadow Avenue
- 16 Merrick Avenue at Glenn Curtiss Boulevard/Peters Gate
- 17 Hempstead Turnpike at California Avenue/Hofstra Boulevard
- 18 Hempstead Turnpike at Oak Street/Hofstra
- 19 Front Street at Merrick Avenue
- 20 Front Street at Uniondale Avenue
- 21 Front Street at California Avenue
- 22 Fulton Avenue at Peninsula Boulevard/Bennett Avenue
- 23 Fulton Avenue at Clinton Street
- 24 Fulton Avenue at N Franklin Street
- 25 Franklin Avenue at Stewart Avenue
- 26 Old Country Road at Franklin Avenue/Mineola Boulevard
- 27 Old Country Road at Clinton Road/Glen Cove Road
- 28 Old Country Road at Merchants Concourse/Ellison Avenue
- 29 Old Country Road at Merrick Avenue/Post Avenue
- 30 Merrick Avenue at Stewart Avenue/Park Boulevard
- 31 Stewart Avenue at Endo Boulevard/Merchants Concourse
- 32 Stewart Avenue at Quentin Roosevelt Boulevard/South Street
- 33 Stewart Avenue at Clinton Road
- 34 Oak Street at Commercial Avenue
- 35 Commercial Avenue at Quentin Roosevelt Boulevard
- 36 Charles Lindbergh Boulevard at Westbury Boulevard
- 37 Charles Lindbergh Boulevard at Westbound U-Turn (near Earle Ovington Boulevard)
- 38 Charles Lindbergh Boulevard Eastbound at Coliseum North Exit Gate
- 39 Earle Ovington Boulevard at Coliseum Media/Staff Parking
- 40 Hempstead Turnpike Westbound at Meadowbrook State Parkway Southbound Off Ramp
- 41 Hempstead Turnpike Westbound at Meadowbrook State Parkway Northbound Off Ramp
- 42 Hempstead Turnpike Eastbound at Meadowbrook State Parkway Southbound Off Ramp
- 43 Hempstead Turnpike Eastbound at Meadowbrook State Parkway Northbound Off Ramp
- 44 Hempstead Turnpike at Front Street
- 45 Hempstead Turnpike at Carman Avenue/3rd Street
- 46 Hempstead Turnpike at Newbridge Road
- 47 Merrick Avenue at Bellmore Avenue
- 48 Merrick Avenue at North Jerusalem Avenue
- 49 Merrick Avenue at Jerusalem Avenue
- 50 Uniondale Avenue at Jerusalem Avenue
- 51 Uniondale Avenue/Brookside Avenue at Nassau Road
- 52 Stewart Avenue at Ring Road West (Roosevelt Field)
- 53 Old Country Road at Roosevelt Field Mall Entrance
- 54 Old Country Road at Salisbury Park Drive/School Street
- 55 Merrick Avenue at Corporate Drive
- 56 Merrick Avenue at Privado Road
- 57 Jericho Turnpike at Post Avenue/Post Road
- 58 Main Street/2nd Street at Franklin Avenue
- 59 Main Street at Meadow Street
- 60 Meadow Street at Washington Avenue
- 61 Meadow Street at Clinton Road
- 62 Meadow Street at Lindbergh Street
- 63 Westbury Boulevard at Lindbergh Street
- 64 Oak Street at Westbury Boulevard/Meadow Street
- 65 Hempstead Turnpike at Perimeter Road East/Franklin Avenue
- 66 Washington Street at W Columbia Street

Figure A: Traffic Analysis Study Intersections
Nassau County

Legend:
● Study intersection - Typical (Non-Summer) Only
● Study Intersection - Typical (Non-Summer) and Holiday Period (Late November Through Late December)





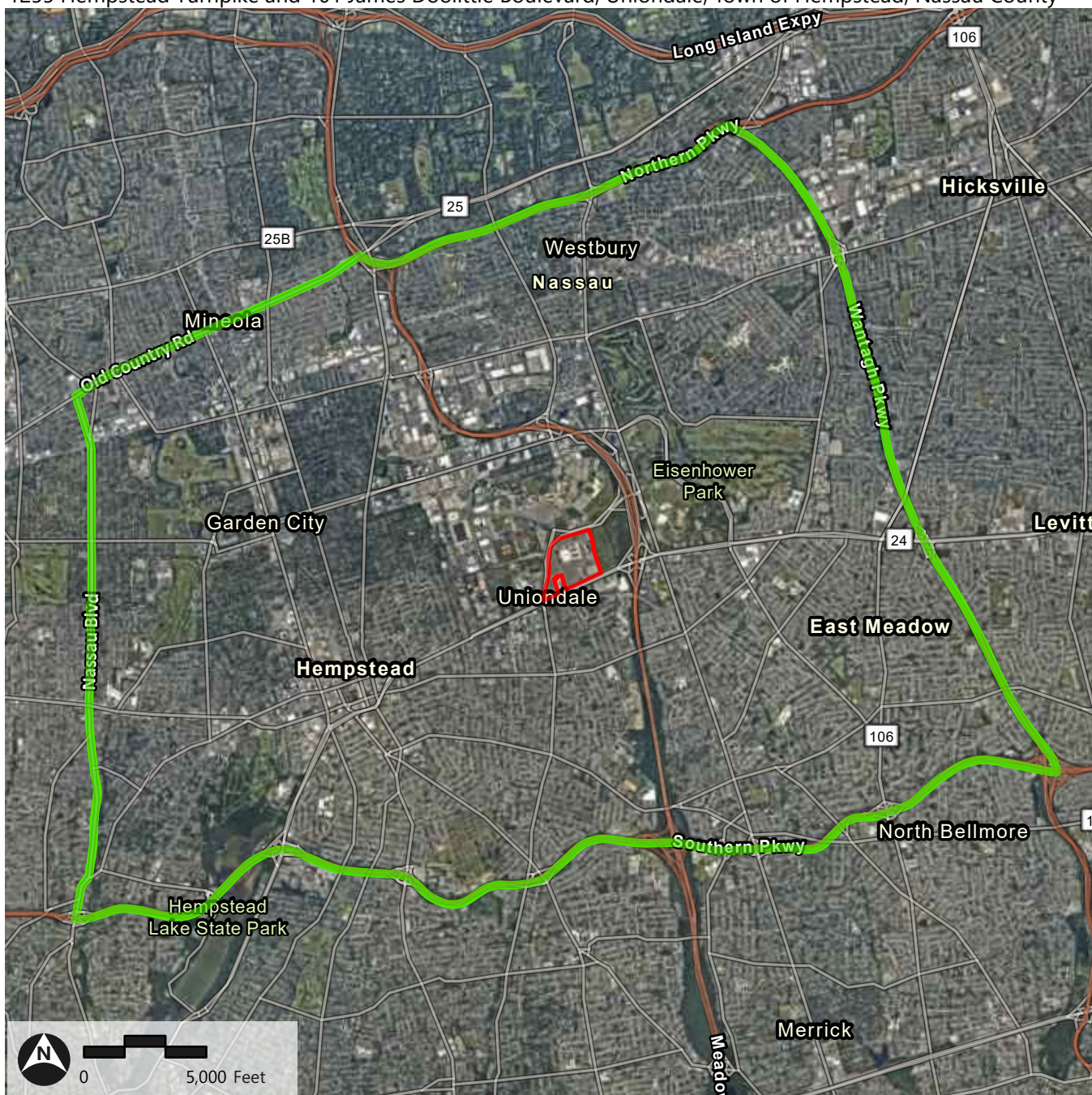
Attachment D

Viewshed Analysis Boundaries

Viewshed Analysis Boundaries

Sands New York Integrated Resort

1255 Hempstead Turnpike and 101 James Doolittle Boulevard, Uniondale, Town of Hempstead, Nassau County



- Subject Property
- Viewshed Analysis Boundary

* Boundaries are approximate