

COVER LETTER Via email only

N.Y.S. Gaming Commission
Office of the Secretary, 5th Floor
One Broadway Center
Schenectady, New York 12305

Via email to: Kristen.Buckley@gaming.ny.gov, Stacey.Relation@gaming.ny.gov,
Alysan.Bowers@gaming.ny.gov

December 6, 2021

Dear NYS Gaming Commission:

Enclosed please find a letter including comments from the Queens Civic Congress with several comments and concerns regarding the RFI Issued on October 20, 2021, pertaining to potential licensing of casino facilities in downstate New York, in particular a potential proposal located at or near Citi Field in Northeast Queens.

Below is the organization's information as requested in the RFI.

- Submitter's Name – Queens Civic Congress, Inc.
- Contact Name and Title – Kevin J. Forrestal, President
- [REDACTED]
- [REDACTED]
- [REDACTED]

We hope you will seriously consider impacts to Queens communities. Please keep Queens Civic Congress apprised of any future proposals or hearings on this or any related project.

Sincerely

Kevin J. Forrestal, President

N.Y.S. Gaming Commission
Office of the Secretary, 5th Floor
One Broadway Center
Schenectady, New York 12305

Via email to: Kristen.Buckley@gaming.ny.gov, Stacey.Relation@gaming.ny.gov,
Alysan.Bowers@gaming.ny.gov

December 6, 2021

Dear NYS Gaming Commission:

This letter is in response to your Request for Information (RFI) dated October 20, 2021, pertaining to potential licensing of casino facilities in downstate New York.

Queens Civic Congress is an umbrella group representing over sixty civic associations covering the entire Borough of Queens. We are commenting specifically on a potential site in Northeast Queens. Queens Civic Congress was a signatory in opposition to a previous proposal regarding the use of public parkland west of Citi Field Stadium for a shopping and entertainment center. The retention of public spaces, especially parkland, in the Borough is a high priority of this organization and our member civic associations. With the pressure to build more, bigger and higher residential and commercial buildings in Queens, we and our members are committed to protecting parklands. In addition, due to existing traffic congestion and other environmental issues, this organization is concerned about any project that would greatly increase traffic and infrastructure use in our borough.

Queens Civic Congress is aware that the Commission published a “Gaming Market Study” in January 2021 which identified “northeast Queens” as a potential site of a new full casino, also described as a “large-scale integrated resort”. The report also acknowledges that “the scale ultimately proposed for an integrated resort casino may be much larger than we are considering” in the report.

Since past and present owners of the New York Mets have expressed interest in properties adjacent to Citi Field for casino use, we are deeply concerned that a prospective developer/operator may propose one of these properties for casino use. One such property, west of Citi Field, includes public parkland, as well as the second property which is within the neighborhood of Willets Point that is located east of Citi Field.

The former New York Mets owners, the Wilpons and Saul Katz, proposed in 2011 to construct a full, Las Vegas-style casino on the parkland property located just west of Citi Field stadium. (See https://bit.ly/NYPost_Mar2013) It is crucial to note that on June 6, 2017, the New York State Court of Appeals ruled that the 1961 legislation does not authorize construction of a retail complex and movie theater on that public parkland, because it had not been explicitly authorized by the state legislature (see https://bit.ly/citiland_Willetts_decision and *Avella v. City of New York*, NY Slip 04383 [Court of Appeals June 6, 2017]). Queens Civic Congress would strongly and actively oppose any effort to subvert this ruling or any effort to amend state legislation to permit alienation of this valuable parkland.

The current New York Mets owner, Steven Cohen, reportedly is now “in discussions with Las Vegas Sands about bringing a casino to the Citi Field area.” (See https://bit.ly/Casino_Cohen_Sands) It is not known at this point whether Mr. Cohen prefers as a casino site the parkland property located west of Citi

Field or vacant Willets Point property located east of Citi Field – but a full casino at either of those sites flanking the Citi Field area would cause similar negative impacts to the surrounding communities.

In reference to RFI Question 3.2.4 regarding consideration of traffic impacts we note that vehicular entry to and egress from the Citi Field area impinges on numerous highways and local roadways on which the broad Queens community and businesses rely for efficient travel, including the Whitestone Expressway, the Van Wyck Expressway, the Grand Central Parkway, Roosevelt Avenue, College Point Boulevard and Northern Boulevard, among others.

Although New York Mets events and the U.S. Open tennis tournament already trigger significant traffic impacts on nearby highways and roads, several large development projects and facilities are also already approved to be built in the vicinity of Citi Field. For example:

- The 62-acre Willets Point development, consisting of up to 8.94 million gross square feet of new construction. Traffic analyses performed for this development conclude that numerous intersections surrounding Citi Field will operate at Level of Service “F” (i.e., “Fail”) with no mitigation possible. Expert traffic engineer Bernard Adler testified: “I have never seen this level of unmitigated impact, in the forty years I’ve been practicing.”
- The 29-acre Special Flushing Waterfront District, consisting of 2,993,768 gross square feet of new development. Traffic analyses performed for this development acknowledge such poor traffic flow on College Point Boulevard as to require 3,655 seconds (more than one hour) to exit the development.
- The LaGuardia Airport AirTrain, if ultimately approved would include a dedicated new parking garage to be accessed from Roosevelt Avenue, which is intended to draw in the vehicular traffic of AirTrain passengers.

A full casino, and particularly a “large-scale integrated resort,” would be a unique attraction for the entire City and downstate. Adding this facility to the mix at this Citi Field location will jeopardize the reliable use of the surrounding highways and local roads, to the detriment of nearby residents, businesses and anyone commuting through the area.

Any process to evaluate casino license proposals must require a thorough assessment of the cumulative environmental impacts of a new casino, together with existing impacts, as well as impacts expected to arise from other approved nearby projects – regardless of the expected completion dates of such projects. The process must provide meaningful opportunities, with substantial advance notice, for the public and independent experts to submit information to decision-makers and to influence the outcome.

We note that question 3.2.5 in your RFI specifically asks, when evaluating potential casino sites: “Should local zoning requirements be considered?”

Our answer is “Yes, absolutely.”

In New York City, in the event that a proposed new land use does not comport with existing zoning, a proposal must be made to re-zone the involved land pursuant to the Uniform Land Use Review Procedure (ULURP; NYC Charter § 197-c). This provides for public hearings and decisions by the affected Community Boards, Borough President, City Planning Commission and City Council.

In evaluating or approving casino license proposals, New York State officials must not circumvent ULURP if it would be required, or override ULURP via any means.

As concerns properties that flank Citi Field stadium and that could be proposed as a potential new casino site: The public parkland property located west of Citi Field stadium is un-zoned. We believe that it would therefore need to become zoned through ULURP in a zoning district allowing such use in order for a casino use to be permitted there. The Willets Point property located east of Citi Field stadium is currently zoned C4-4, which does not permit a casino use. It would have to be rezoned through ULURP in order for a casino use to be permitted there.

Please inform our organization of any steps the Commission takes, relating to casino licensing in downstate New York.

Sincerely,

Kevin J. Forrestal, President