



Integrated Resort

PREPARED FOR

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

PREPARED BY



**VHB Engineering, Surveying, Landscape
Architecture and Geology, P.C.**
100 Motor Parkway, Suite 350
Hauppauge, NY 11788

April 2025

**FINAL ENVIRONMENTAL STATEMENT
SANDS NEW YORK INTEGRATED RESORT**

- PROJECT LOCATION:** 1255 Hempstead Turnpike (Nassau County Veterans Memorial Coliseum Parcel) and 101 James Doolittle Boulevard (Marriott Hotel Parcel), Uniondale, Town of Hempstead, Nassau County, New York
- TAX MAP NUMBERS:** NCTM Nos. Section 44 – Block F – Lots 351, 411, 412, 415 for Nassau Veterans Memorial Coliseum Property and NCTM Nos. Section 44 – Block F – Lots 326, 401 and 402 for Marriott Property
- APPLICANT/LESSEE:** LVS NY Holdco 2, LLC
c/o Daniel J. Baker, Esq.
Greenberg Traurig LLP
900 Stewart Avenue
Garden City, New York 11530
- LEAD AGENCY:** Nassau County Legislature
Theodore Roosevelt Executive & Legislative Building
1550 Franklin Avenue
Mineola, New York 11501
- Contact: Michael C. Pulitzer
Clerk of the Nassau County Legislature
516.571.4252
mpulitzer@nassaucountyny.gov
- PREPARER & CONTACT:** This Final Environmental Impact Statement was
Prepared by:
- VHB Engineering, Surveying, Landscape Architecture and
Geology, P.C.
100 Motor Parkway, Suite 350
Hauppauge, New York 11788
- Contact: Terri Elkowitz, Senior Principal
Louis Bekofsky, Managing Director
631.787.3400

With input from:

Architect

Populous

601 West 26th Street, Suite 601

New York, NY 10001

Civil Engineers

H2M

539 Broadhollow Road

Melville, NY 11747

Mechanical, Plumbing & Electrical Engineer

Jaros, Baum & Bolles (JB&B)

80 Pine Street

New York, NY 10005

Landscape Designer

Martha Schwartz Partners

233 Broadway, 16th Floor

New York, NY 10279

Pre-Construction Manager

Pavarini McGovern

330 West 34th Street, 12th Floor

New York, NY 10001

Lighting Designer

Tillotson Design Associates

40 Worth Street, Room 703

New York, NY 10013

Acoustic/Noise Analyst

Longman Lindsey

200 West 41st Street, Suite 1100

New York, NY 10036

Air Quality Consultant

Inch and Meter

106 W 32nd Street, Floor 2

New York, NY 10001

Sustainability Consultant

Transsolar Inc.
220 East 23rd Street, Suite 403
New York, NY 10010

Socioeconomics

Ernst & Young LLP
Quantitative Economics & Statistics Practice
1101 New York Avenue, NW
Washington, D.C. 20005

Site Surveyor/Geotechnical/Environmental Consultant

Langan
360 W 31st Street, 8th Floor
New York, NY 10001

Traffic Information

Philip Habib & Associates
432 Park Avenue South, 6th Floor
New York, NY 10016

Legal Counsel

Greenberg Traurig
900 Stewart Avenue
Garden City, NY 11530

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This document, together with the Draft Environmental Impact Statement (DEIS), constitutes the Final Environmental Impact Statement (FEIS), which has been prepared on behalf of the Lead Agency. Copies are available for public review and comment at the offices of the Lead Agency and are also available electronically at:
<https://www.nassaucountyny.gov/5712/Las-Vegas-Sands-Nassau-Coliseum-Site-Doc>

This document is a Final Environmental Impact Statement (FEIS) for the proposed Sands New York Integrated Resort located at 1255 Hempstead Turnpike (Nassau County Veterans Memorial Coliseum Parcel) and 101 James Doolittle Boulevard (Marriott Hotel Parcel), Uniondale, Town of Hempstead, Nassau County, New York. This FEIS incorporates, by reference, the Draft Environmental Impact Statement (DEIS) for this proposed action, dated October 2024, which was accepted as complete and adequate for public review by the lead agency on November 20, 2024.

The DEIS was the subject of a public hearing on December 9, 2024, and written comments on the DEIS were accepted until January 21, 2025 (comment period was extended from the initial date of January 6, 2025).

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Introduction

This document is a Final Environmental Impact Statement (FEIS) prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 New York Codes, Rules and Regulations (NYCRR) Part 617 to address the substantive comments received by the lead agency, the Nassau County Legislature (Legislature) on the Draft Environmental Impact Statement (DEIS), dated October 2024, for a proposed lease between Nassau County and LVS NY Holdco 2, LLC (Sands or the Lessee) and the ultimate development of the proposed Integrated Resort on the subject property, which consists of the approximately 71.6-acre Nassau Veterans Memorial Coliseum (Coliseum or Coliseum property) site located at 1255 Hempstead Turnpike, Uniondale (Nassau County Tax Map [NCTM] Nos. Section 44 – Block F – Lots 351, 411, 412, 415) and the adjacent approximately 14.7-acre Marriott Hotel property (or Marriott property), located at 101 James Doolittle Boulevard, Uniondale (NCTM Nos. Section 44 – Block F – Lots 326, 401 and 402).¹

The DEIS was accepted by the Legislature on November 20, 2024, and the Legislature, as lead agency, held a public hearing on the DEIS on December 9, 2024, and written comments were accepted by the Legislature through January 21, 2025 at 5 p.m.² Extensive comments were received by the Legislature both orally and in writing at the public hearing and in writing during the public comment period. These comments included substantive comments on the DEIS as well as comments expressing general support and general opposition to the proposed Integrated Resort. The Legislature has reviewed and is considering all comments received in its overall deliberations on the lease.

On April 23, 2025, Sands³ announced that it has been negotiating with a third party (potential successor) to assume the bid for a downstate gaming license. If the deal is finalized, the successor would also assume all obligations and commitments provided in a lease proposed to be entered into by Nassau County after the completion of this SEQR process. These obligations and commitments of the potential successor entity also include all mitigation measures identified and described in the DEIS and this FEIS.

¹ This FEIS collectively refers to the Nassau Veterans Memorial Coliseum property and the Marriott Hotel property as the “subject property”

² The Legislature extended the public comment period on the DEIS from the initial date of January 6, 2025 to January 21, 2025.

³References to Sands as they pertain to future actions and commitments should be deemed a reference to Sands or the aforementioned successor entity that would pursue a New York State casino license in lieu of Sands.

As explained in response to comment PA-3 in the *Proposed Action* chapter of this FEIS, Sands originally projected its investment in development of the Integrated Resort at \$5 billion. Sands has been working with a construction manager and contractors to refine the actual costs for development of the proposed Integrated Resort, which, based on the data collected, are expected to exceed \$7.6 billion. Based on this, the anticipated timeframe for casino licensing awards, discussions with the potential successor, and the refinement of the program as part of the preparation of the response to the Gaming Facility Location Board's *REQUEST FOR APPLICATIONS TO DEVELOP AND OPERATE A GAMING FACILITY IN NEW YORK STATE*, Sands is proposing to modify the phasing of the Integrated Resort such that at least a portion of multiple components are developed in the first phase, and this revised first phase would be completed in 2030. The proposed revised Phase 1 of the Integrated Resort would consist of the following:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)
- › Performance Venue (58,200 SF – 1,500 seats)
- › Support Areas (326,977 SF)
- › MEP Areas (210,953 SF)
- › Veterans Memorial.

The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS) may be developed, but only as market conditions and demand allow. Despite when or whether the remaining full-build development is constructed, all of the mitigation identified and described in the DEIS and FEIS that is attributable to the full-build would be constructed to serve the smaller, revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

Response to comment CON-2 in the *Construction* chapter of this FEIS presents a comparison and analysis of impacts among Phase 1 as contemplated in the DEIS, the proposed revised Phase 1 program, and the full-build condition presented in the DEIS. As demonstrated in response to comment CON-2, all the Phase 1 impacts are less significant than those associated with the full-build condition (which was fully analyzed with required mitigation identified in the DEIS). As indicated above, the build year for the revised Phase 1 would be 2030, and Sands would meet the obligations of the full-build mitigation for the revised Phase 1 conditions. In addition, the revised Phase 1 program would require substantially less earthwork than the prior Phase 1 evaluated in the DEIS, as, since the time of preparation of the DEIS, Sands has revised the proposed excavation approach to reduce the amount of earthwork and soil material required to be excavated and removed from the project site. The DEIS explained that deep excavations were proposed (approximately 23.5 feet below the surface elevations), and, in some areas, excavations for the construction of elevator pits,

grease interceptors, and foundation footings associated with below grade portions of parking garages were anticipated to extend 12 feet below the groundwater table (thereby necessitating dewatering). Since the time of preparation of the DEIS, the project design has been revised and these deep excavations have been eliminated, which not only reduces the amount of material removal and overall earthwork, but also eliminates the need for dewatering.

With respect to traffic, as explained in response to comment CON-2, the vehicle trips for the revised Phase 1 program would be greater than those associated with the prior Phase 1 program considered in the DEIS. However, they would be notably less than those associated with the full-build program. Notwithstanding this, Sands has committed to constructing the full-build mitigation for the revised Phase 1 program. The reduction in material removal and earthwork would also reduce the number of truck trips associated with the construction of the project.

The analyses of the revised Phase 1 program presented in this FEIS confirm that this revised Phase 1 would not result in any impacts not previously identified and analyzed in the DEIS, for which mitigation has already been proposed. Also, various impacts have been reduced and the need for dewatering has been eliminated. Moreover, as explained earlier, Sands has committed to implementing all full-build mitigation identified in the DEIS for the revised Phase 1 program. Also, if in the future, based on market conditions and demand, Sands decides to proceed with additional development beyond Phase 1, the lead agency would evaluate whether additional SEQR analysis would be warranted at that time.

1.1 FEIS Content and Format

With respect to the content of the FEIS, 6 NYCRR §617.9(b)(8) states, in pertinent part:

A final EIS must consist of the following: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference...

The SEQR Handbook (NYSDEC, 4th Edition, 2020)⁴ provides guidance regarding this requirement on Page 135), as follows:

The lead agency may either directly include the full draft EIS or may incorporate the draft EIS by reference. In either case, however, the lead agency should include any necessary changes or additions to the draft EIS with the reasons for these changes. Where changes are relatively few, and do not involve substantive changes to the draft EIS, an errata sheet listing changes to be made to the draft will suffice as the summary of changes. Where major substantive changes will be made to the draft EIS, revised text sections may be more practical.

...The lead agency must respond to substantive comments. General statements of objection or support should be noted in the comment summary but need no response.

⁴ NYSDEC. *The SEQR Handbook, Fourth Edition* (2020). Available at: https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf

The lead agency may choose to group comments by topic, and respond only once for each topic, so that responses in the final EIS are not repetitive. Comments do not need to be responded to individually or in order of their receipt.

The SEQR Handbook provides additional guidance regarding substantive comments on Page 136, as follows:

In determining whether comments received are substantive, the lead agency should assess the relevance of the comments to identified impacts, alternatives, and mitigation, or whether the comments raise important, new environmental issues not previously addressed. The lead agency may also choose to use its responses to comments as an opportunity to explain why an impact is not significant, why a topic is not included in the final EIS, or how an alternative or proposed mitigation would work. Clarification of scientific terms, concepts, or data interpretation may also be necessary in a final EIS.

When a subject has been raised frequently, even if the issue is not relevant to the proposed action, it is good practice to address that topic at least briefly. Speculative comments, or assertions that are not supported by reasonable observations or data, need no response.

Where comments identify minor discrepancies in wording or typographical errors, the lead agency should make those corrections, but no other response is needed.

In conformance with these requirements, copies of written comments received in general support of the proposed Integrated Resort are included in **Appendix 1-1** of this FEIS, and copies of written comments received in general opposition to the proposed Integrated Resort are included in **Appendix 1-2** of this FEIS. A copy of the transcript of the public hearing is included in **Appendix 1-3** of this FEIS, and copies of substantive written comments received are included in **Appendix 1-4** of this FEIS.

Substantive comments, whether received orally during the public hearing or in writing, have been grouped in this FEIS by the DEIS section to which the comments relate, and comments have been grouped by topic to minimize repetition. Each commentator who offered a substantive comment(s) at the public hearing has been assigned an identification number that begins with an "H," and each commentator who offered a substantive comment(s) as part of written correspondence has been assigned an identification number that begins with a "C."⁵ For each comment, the identification number(s) of the commentator(s) associated with that comment has been listed. Responses are provided for all substantive comments and include updated information and additional consultations with regulatory agencies, as available.

There were very few instances where changes or additions to the DEIS were necessary as a result of comments made. Accordingly, an errata sheet addressing those limited issues is included in Section 3.0 of this FEIS.

⁵ If a commentator submitted multiple, separate written comments that addressed different issues, they were assigned separate identification numbers.

1.2 Summary of Comments in General Support and General Opposition to the Proposed Integrated Resort

Numerous comments were received that expressed general support or general opposition to the proposed Integrated Resort.

Comments provided in general support of the proposed Integrated Resort offered statements and opinions generally relate to:

- › Overall boost in economic benefits and substantially increased tax revenue
- › Improvement to local economy (e.g., increased economic activity for existing businesses, workforce development, increased employment, commitment to union jobs, benefits associated with Sands financial commitments and contributions)
- › Commitment to workforce development (during construction and operation), investment in community
- › Support of youth mentorship and empowerment
- › Support for critical infrastructure improvements (e.g., roadway improvements, public supply well)
- › Transformation of the Nassau Veterans Coliseum property
- › Sustainability efforts.

Comments provided in general opposition to the proposed Integrated Resort offered statements and opinions generally relate to:

- › The casino will result in social problems (poverty associated with gambling losses/addiction, increased alcoholism, increased drunk driving, human trafficking, threat to nearby educational institutions)
- › The roadways are congested and the casino will cause further congestion on the roadways
- › Lack of mass transportation to the site will impose an enormous increase in traffic volume that will negatively impact residents throughout Nassau County
- › If the casino was to draw from the available pool of renewable energy, current customers would be forced to revert to fossil fuels
- › The emergencies from the casino will overwhelm emergency service providers
- › Taxpayers will be responsible for infrastructure, roads, sewage, water, police protection, fire protection, etc.
- › The casino will negatively impact local restaurants and businesses
- › There will be lost sales tax revenue from the diversion of dollars into gambling losses
- › There will be potential economic loss to homeowners near the casino from lower home values
- › There will be harm to the local tourism industry
- › There will be a loss of potential economic activity from companies who will not want to expand in Nassau County due to the increase in traffic and other casino impacts

- › The presence of the casino would deter students from enrolling in Hofstra University and Nassau Community College (NCC).

2

Responses to Substantive Comments

This section includes the comments made either at the public hearing or during the public comment period and associated responses. The comments are arranged by topic, similar to the arrangement within the DEIS. Similar comments have been summarized and grouped together, as appropriate, to cover a range of repeated or related comments.

Comments are arranged by the following topics, which generally follow the sections set forth in the DEIS:

- › Description of the Proposed Action (PA)
- › Soils, Topography and Subsurface Conditions (ST)
- › Water Resources (WR)
- › Ecological Resources (EC)
- › Land Use, Zoning and Community Character (LUZ)
- › Transportation and Parking (TP)
- › Air Quality (AQ)
- › Noise and Vibration (NV)
- › Public Health – Problem Gambling (PH)
- › Socioeconomics (SE)
- › Community Facilities and Services (CF)
- › Aesthetic Resources (AR)
- › Cultural Resources (CR)
- › Use and Conservation of Energy and Utilities (EU)
- › Greenhouse Gas Emissions, Climate Change and Sustainability (GHG)
- › Construction (CON)
- › Cumulative Impacts (CI)
- › Alternatives (AL)
- › Growth-Inducing Aspects of the Proposed Action (GIA)
- › Unavoidable Adverse Effects (UAE)

- › SEQRA Procedure/Process (PR)
- › Non-SEQR Comments (NS)

2.1 Proposed Action (PA)

- PA-1. It is important to re-emphasize that the Marriott parcel is incorporated into the overall proposed action, since it would be rezoned to Mitchel Field Integrated Resort District (MF-IRD) and is an integral component of the CMP; this is true regardless of whether the Lessee procures a lease for that portion of the subject property, or the current lessee continues its control of the parcel, or the lease is conveyed to another entity. In the absence of constraints on the Marriott parcel (i.e., limitation to upgrades to rooms, food/beverage quality, parking lots and no expansion of operations or uses), the DEIS analysis would have been obligated to address the impacts associated with potential development of this parcel permissible under the proposed MF-IRD zoning (i.e., a reasonable scenario of full buildout). (C96)**

The language in the DEIS identifies the “proposed action” and the “whole action,” which is comprehensively evaluated in the DEIS, in accordance with the Final Scope promulgated by the lead agency.

As explained in Section 2.1 of the DEIS (which is the *Introduction* subsection of the *Description of the Proposed Action* section)

This Draft Environmental Impact Statement (DEIS) has been prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617 for the proposed lease between Nassau County and LVS NY Holdco 2, LLC (Sands or the Lessee) and the ultimate development of the Sands New York Integrated Resort (the “Integrated Resort”) on the subject property, which consists of the approximately 71.6-acre Nassau Veterans Memorial Coliseum (Coliseum or Coliseum property) 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 property (or Marriott property), located at 101 James Doolittle Boulevard, Uniondale (NCTM Nos. Section 44 – Block F – Lots 326, 401 and 402)(Figure 1 and Figure 2).⁶ [Figure 1 of the DEIS is a Site Location Map and Figure 2 of the DEIS is a Tax Map, both of which indicate the Nassau Veterans Memorial Coliseum Property and the Marriott Hotel Property]

The proposed action consists of the execution of a lease with Nassau County for the Coliseum property, and potentially, the Marriott Hotel property, to facilitate the development of the proposed Integrated Resort. Various other approvals from involved agencies would be required (described later in this section of the DEIS). The Town of Hempstead Town Board (Town Board) possesses jurisdiction over the required zoning approvals and various other land use approvals. A Petition is being filed with the Town Board for the creation of the Mitchel Field Integrated Resort

⁶ This FEIS collectively refers to the Nassau Veterans Memorial Coliseum property and the Marriott Hotel property as the “subject property”

District (MF-IRD);⁷ application of that new zoning district to the subject property;⁸ and in accordance with the proposed zoning district, Conceptual Master Plan approval and site plan approval to allow the development of the Integrated Resort (in addition to other required approvals, see Section 2.7, Required Permits and Approvals) to allow for the development of the Integrated Resort.

While Sands has not yet negotiated a lease with Nassau County for the Marriott Hotel property, LVS NYC Holdco, LLC, which has the same principals as LVS NY Holdco 2, LLC, has a purchase and sale agreement with the Marriott operator (Appendix 2-8). Sands 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 operation 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 this Lessee or another party, an application would have to be made to the Town and a SEQR process would have to be conducted.

Following years of failed attempts to redevelop the Coliseum site, and the loss of the New York Islanders to the UBS Arena, the proposed action would reinvigorate and redevelop the Coliseum property with a world-class destination that would incorporate components of leisure, business and entertainment, and provide significant economic and community benefits for Nassau County, the Town of Hempstead, and the entire region. The Integrated Resort is proposed to include the following new development, which is discussed in greater detail in Section 2.4, Description of the Proposed Action:⁹

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

⁷ Memorial Sloan Kettering Cancer Center owns and occupies 1101 Hempstead Turnpike (Section 44 – Block F - Lot 413), and this property would remain zoned within the existing Mitchel Field Mixed-Use District.

⁸ 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.

⁹ This is the maximum development being considered, which is being analyzed in this DEIS to ensure a comprehensive environmental assessment.

In addition, Section 2.4.3.1 of the DEIS (which is part of the section that describes the action), entitled *Components of the CMP by Phase*, provides further detail regarding the Lessee's proposed plan for the Marriott Hotel property:

Marriott Hotel

Other than the proposed parking reconfiguration at the southern end of the Marriott Hotel property (Lot F), there are no plans for any changes to the Marriott Hotel. As explained above, while Sands has not negotiated a lease with Nassau County for the Marriott Hotel property, it has a purchase and sale agreement with the Marriott operator (Appendix 2-8). Sands 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 operation 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 this Lessee or another party, an application would have to be made to the Town and a SEQR process would have to be conducted.

The DEIS is not required to "address the impacts associated with potential development of" the Marriott Hotel parcel "permissible under the proposed MF-IRD zoning" because the redevelopment of the Marriott Hotel parcel is neither proposed nor is it being considered by the lead agency or any involved agencies. To the contrary, as explained in multiple sections of the DEIS, with the exception of reconfiguration of a parking area (which is identified and evaluated in the DEIS), no changes to the use and operation of the Marriott Hotel are proposed or would be permitted without further environmental review. As noted in the DEIS, "[i]f an expansion or a change in use was to be proposed in the future by this Lessee or another party, an application would have to be made to the Town and a SEQR process would have to be conducted."

Thus, the Marriott Hotel is being proposed, as part of the whole action evaluated in the DEIS, to remain as a hotel. Effectively, the commentator is requesting that the DEIS speculate on impacts that may or may not occur from an activity that is not being proposed and cannot go forward without additional discretionary approvals and additional environmental review, and there is no basis in the SEQR regulations for such speculative analysis.

- PA-2. In order to substantiate and better understand the visitor estimate, since it is critical for all the quantitative analysis presented in the DEIS, it is recommended that the FEIS identify and explain the specific factors that were included in the referenced market analysis which led to the estimate of 10 million annual visitors. (C44)(C96)**

Projection of Visitation

To determine property visitation, Sands engaged the industry-leading gaming consulting firm, Meczka Marketing Research Consulting (MMRC), and Oxford Economics (OE). MMRC and OE employed a comprehensive approach that integrated both bottom-up and top-

down methodologies and leveraged Sands global operating experience. The analysis contained proprietary data, which has been redacted from this response.

Bottom-Up Approach

MMRC analyzed demand on a customer segment level, categorizing patrons into eight distinct groups based on their frequency of visits and gaming budgets. These categories ranged from "Avid Enthusiasts," who visit more than twice per week, to "Observational" patrons, who visit once per year. By examining casino databases and segmenting them based on recency, frequency, and monetary value of visits, MMRC ascribed penetration rates to the addressable population. This segmentation provided a detailed understanding of different gaming value segments and their respective visitation patterns. Data analyzed included customer characteristics and gaming population, gaming days per year, gaming visits, win per visit (WPV) and projected gaming demand, based upon the customer characteristics.

Top-Down Approach

MMRC projected property-level Gross Gaming Revenues (GGR) and applied a WPV metric to estimate total property visitation. For example, in projecting visitation for Sands New York, the projected GGR was divided by the estimated WPV, resulting in approximately 10 million gaming visits. This method considered various factors influencing demand, such as the quality of the gaming facility, non-gaming amenities, accessibility, and marketing strategies.

These two approaches were combined to ensure a robust and accurate determination of property visitation, accounting for both individual customer behaviors and overall market dynamics. The results of the analysis projected annual visitation at 10 million patrons, which was used to project trip generation impacts in the Traffic Impact Study (Appendix 3.5-1 of the DEIS), as described in the following section.

Trip Generation Validation

To validate the projected visitation and confirm the results of the TIS, a review of casino resorts was performed to identify those that had a similar mix and size of uses and similar siting characteristics (e.g., primary access by roadways) as the proposed Integrated Resort. This review used public information sources to collect available data on the uses/components and their square footages, square footages of gaming areas, annual visitation, numbers of gaming positions, and other available relevant data. As a result of this review, it was determined that casino resorts in the Northeast would be the most relevant, due to their siting characteristics, as southeast casino resorts have more extensive outdoor amenities that attract more families and others on a year-round basis not specifically destined to the casino.

Attempts were then made to count actual vehicles/visitors from existing casino resorts that were determined to be similar including Mohegan Sun, Foxwoods and Encore Boston Harbor (see **Table 1** for comparison information). However, the actual collection of empirical traffic data was not possible. Attempts at traffic counts were made in February 2025 at Mohegan Sun Casino & Resort, which is owned and operated by the Mohegan Tribe and located on tribal reservation lands. Attempts at traffic counts were also made

at Foxwoods Resort & Casino in February 2025, which is owned and operated by the Mashantucket Pequot Tribal Nation and located on tribal reservation lands. Attempts to count at these locations were not successful due to the interruption of data collection by authorities and removal of traffic count cameras. When repeated attempts were made to obtain a permit to collect traffic count data at locations on a ConnDOT right-of-way (ROW), repeated calls and emails were not returned, and no permit was granted. Traffic count data collection was considered at Encore Boston Harbor, but due to the high shuttle use (connected to mass transportation) at this location, it would be necessary to count actual patrons entering the facility. This could only be done from within the actual Encore property, which was not authorized. Thus, it was not feasible to collect new empirical data at these locations.

As physical traffic counts were not possible, review of publicly-available sources was conducted to find relevant data for these other casino resorts. A 2019 article in the Hartford Business Journal indicated that Mohegan Sun is visited by 5.5 million guests each year.¹⁰ Recent press information (Hartford Courant) for Foxwoods indicates that they have had 330 million visitors since 1992, which correlates to an average of approximately 10 million visitors per year.¹¹ Information available for Encore Boston Harbor projected 8 million visitors each year.¹² According to the announcement for the proposed Experience Center expansion at the Resorts World NYC facility, an average of five million guests visit the existing 1,888,535 gross square foot facility each year.¹³ Other sources of information regarding patronage at similar existing casino resorts and proposed casinos that are going through public regulatory review processes were identified and are included in the table below. The locations where relevant data was publicly available for casino resorts include:

- › Foxwoods
- › Mohegan Sun
- › MGM Detroit
- › Empire City Casino
- › Encore Boston Harbor
- › Resorts World NYC
- › Queens Future
- › Yonkers MGM
- › MGM Springfield

¹⁰ Hartford Business Journal. *Mohegan Sun Sparked \$5.2B in Economic Activity During 2019, Report Finds* (2022). Available at: <https://www.hartfordbusiness.com/article/mohegan-sun-sparked-52b-in-economic-activity-during-2019-report-finds>. Accessed April 2025.

¹¹ Foxwoods Resort Casino. *About Us*. Available at: <https://www.foxwoods.com/about/about-us/>. Accessed April 2025.

¹² Boston Herald. *Encore Executives Share Plans to Attract 8 Million Visitors a Year to Casino* (2019). Available at: <https://www.bostonherald.com/2019/06/07/encore-executives-share-plans-to-attract-8-million-visitors-a-year-to-casino/>. Accessed April 2025.

¹³ Resorts World New York City. *Resorts World New York City's Immersive Experience Center Showcasing \$5 Billion Redevelopment Vision Comes to Life* (2025). Available at: <https://rwnewyork.com/press-releases/resorts-world-new-york-citys-immersive-experience-center-showcasing-5-billion-redevelopment-vision-comes-to-life/>. Accessed April 2025.

Also relevant to this analysis, and as explained in the *Introduction* chapter of this FEIS and in response to comment CON-2 in the *Construction* section of this FEIS, is that Sands is proposing a revised Phase 1 program for the Integrated Resort with a build year of 2030 and would construct the remainder of the full-build only as market conditions and demand allow. As documented in response to comment PA-14, Sands has indicated that the visitation for the revised Phase 1 program would be 6.86 million patrons per year and would include 6,100 gaming positions. As further explained in response to comment CON-2, the revised Phase 1 trip generation is projected at 1,943 vehicle trips during the Friday evening peak hour and 2,467 vehicle trips during the Saturday evening peak hour. These correspond to a trip rate of 0.32 Friday evening peak hour trips per gaming position and 0.40 Saturday evening peak hour trips per gaming position. This trip rate, as well as the trip rates for the other casino resorts identified above, are provided in the table below. As the projection of 10 million annual visitors was used as the basis for the trip generation for casino visitation for the proposed Integrated Resort, a comparison of the resulting trip rates used in the TIS with rates from similar casino resorts was also undertaken.

As demonstrated in the table below, the development of trip generation for the proposed Integrated Resort, based upon a projection of 10 million annual visitors per year, is validated by the data collected.

Table 1 - Casino Comparisons

	Foxwoods ¹	Mohegan Sun ²	MGM Detroit ³	Empire City Casino ⁴	Resorts World NYC ⁵	MGM Springfield ⁶	Encore Boston Harbor ⁷	Queens Future ⁸	Yonkers MGM ⁹	Proposed Integrated Resort	
										Sands FEIS Revised Phase 1 RFA Low	Sands DEIS/FEIS Full-Build
Facility Metrics											
<i>Date of Source Data</i>	2002	2002	2012	2024	2024	2012	2014	2024	2024	2025	2024
<i>Gaming Area (in thousand square feet)</i>	320	300	-	-	260.538	432.7	200	445	-	242.8	393.726
<i>Gaming Positions</i>	11,230	10,000	-	4,443	6,650	-	4,000	8,700	4,746	6,100	-
<i>Annual Patrons</i>	10,000,000	5,500,000	-	-	5,000,000	-	8,000,000	-	-	6,860,000	10,000,000
Trip Rate Per Gaming Position											
<i>Fri Evening Peak</i>	0.344	0.2976	0.26	0.19	0.307		0.37		0.26	0.32	
<i>Sat Midday Peak</i>			0.25	0.18	0.178				0.23	0.27	
<i>Sat Evening Peak</i>	0.384	0.3123	0.30		0.399		0.44	0.469		0.40	
Trip Rate Per Gaming Area (in thousand square feet)											
<i>Friday Evening</i>					7.84	6.49	7.42			8.00	9.04
<i>Saturday Midday</i>					4.56					6.82	7.02
<i>Saturday Evening</i>					10.19	7.31	8.75	9.17		10.16	9.90

Notes:

- ¹ **Foxwoods'** 2002 trip rates, gaming area, and gaming positions are sourced from the Nevele Resort, Casino, & Spa Development Project Traffic Impact Study (TIS) prepared by Creighton Manning in 2014 (trip counts for Foxwoods are fax dated August 16, 2002, within the TIS). Annual patrons and total facility area are sourced from a 2021 Hartford Business Journal article titled "Despite Downturn, Foxwoods CEO Guyot Says New Amenities are on the Way".
- ² **Mohegan Sun's** 2002 trip rates, gaming area, and gaming positions are sourced from the Nevele Resort, Casino, & Spa Development Project Traffic Impact Study prepared by Creighton Manning in 2014 (trips were counted by CME in August 2002). Annual patrons are sourced from a 2022 Hartford Business Journal article titled "Mohegan Sun Sparked \$5.2B in Economic Activity During 2019, Report Finds".
- ³ **MGM Detroit's** 2012 trip rates are sourced from the MGM Springfield Traffic Impact and Access Study prepared by TEC, Inc. in December 2012 (trip rates were based off hourly footfall information MGM Detroit provided MGM Springfield in a memorandum dated November 2012).
- ⁴ **Empire City Casino's** 2024 trip rates and gaming positions are sourced from the MGM Empire City Traffic Impact Study prepared by LaBella in September 2024.
- ⁵ **Resorts World NYC's** projected 2024 gaming area, and positions are sourced from Resorts World Casino Expansion Phase 2 Final Scope of Work prepared by VHB in 2024. Annual patrons are sourced from a press release on Resorts World New York City's website from 2025. Trip generation used to create the trip rates is sourced from a Transportation Demand Forecast done in 2009. https://franchiseoversightboard.ny.gov/system/files/documents/2024/10/final-scope-of-work_rw-nyc_2024-10-09.pdf, <https://rwnewyork.com/press-releases/resorts-world-new-york-citys-immersive-experience-center-showcasing-5-billion-redevelopment-vision-comes-to-life/>
- ⁶ **MGM Springfield's** 2012 trip rates and total facility area are sourced from the MGM Springfield Traffic Impact and Access Study prepared by TEC, Inc. in December 2012. Gaming area is sourced from the MGM Springfield Website (site accessed: 2025). <https://www.playma.com/casinos/mgm-springfield/>
- ⁷ **Encore Boston's** 2014 trip generation and gaming positions are sourced from Stantec's 2014 memo addressed to Boston Transportation Department regarding the Wynn Resort – Transportation chapter of their Draft Environmental Impact Report (DEIR). Gaming area is sourced from the Encore Boston Harbor website from 2025, and annual patrons is sourced from a 2019 article in GGB News titled "Wynn Outlines Plans to Attract 8 Million Annually to Encore". <https://www.encorebostonharbor.com/hotel-information/casino>
- ⁸ **Queens Future** proposed gaming positions and non-gameday trip rate are sourced from the Queens Future Draft Environmental Impact Statement (DEIS) prepared by VHB in 2024.
- ⁹ **Yonkers MGM's** proposed gaming positions are sourced from the MGM Empire City Traffic Impact Study prepared by LaBella in September 2024. The Wooster Study of Hollywood Casino, Sugar House Casino, and The Meadows, described in MGM Empire City's Traffic Impact Study was used to create Yonkers MGM's trip rates.

As indicated above, when calculated based on gaming positions, the trip rate for the proposed Integrated Resort revised Phase 1 program, at 0.32 trips per gaming position during the Friday evening peak hour, is consistent with the rates from other gaming facilities researched which range from 0.19 to 0.37 trips per gaming position. During the Saturday midday peak hour, the proposed Integrated Resort revised Phase 1 program resulted in a trip rate of 0.27 trips per gaming position, which is higher than the rates at other gaming resorts which ranged from only 0.178 to 0.23 trips per gaming position. The Saturday evening trip rate for the proposed Integrated Resort revised Phase 1 program, at 0.40 trips per gaming position, is consistent with the rates from other gaming facilities researched which range from 0.30 to 0.469 trips per gaming position.

Also, as shown in the above table, the trip rate per thousand square feet of gaming area for the proposed Integrated is higher than that of the other gaming resorts, which confirms that the trip generation methodology utilized, which was based on projected visitation, was conservative.

Thus, based on available data from multiple existing and proposed facilities, the methodology used to project trip generation and associated traffic impacts for the proposed Integrated Resort are valid.

PA-3. It is recommended that details be provided regarding the calculation of the Lessee's \$5 billion investment for the proposed Integrated Resort, to better substantiate this important economic benefit of the proposed action. (C96)

Since the time that the initial data was compiled for preparation of the DEIS, Sands has been refining its cost estimates based on consultations with the design team, cost consultants and potential contractors. Sands has further developed the design drawings to solicit bids from multiple contractors, engaged with contractors to accurately estimate labor hours and rates, obtained accurate pricing for material costs in consideration of material availability and price fluctuations and accounted for current market conditions and possible impact due to tariffs etc. Sands also analyzed other costs such as FFE/OSE/Equipment/IT, and has undertaken in depth study of the utility infrastructure requirements to understand the cost of the infrastructure, including the proposed mitigation measures identified in the traffic study prepared as part of the DEIS.

Based on this information, Sands' cost consultants have prepared a cost estimate, and the actual development costs for the full-build of the proposed Integrated Resort are now estimated at over \$7.6 billion, as follows:

Table 2 - Estimated Development Costs for the Full-Build of the Proposed Integrated Resort

PRE-DEVELOPMENT COST	\$133,000,000
TOTAL CONSTRUCTION COST	\$6,164,000,000
<i>HARD CONSTRUCTION COST</i>	\$4,046,000,000
<i>SOFT COSTS</i>	\$636,000,000
<i>FFE/OSE</i>	\$331,000,000
<i>IT/SECURITY/EQUIP/INFRASTRUCTURE</i>	\$394,000,000
<i>CONTINGENCY</i>	\$560,000,000

<i>ESCALATION</i>	\$199,000,000
GAMING LICENSE FEE	\$500,000,000
LEASEHOLD, RENT, PRE-OPENING AND OTHER	\$514,000,000
CONSTRUCTION FINANCING FEES	\$292,000,000
TOTAL	\$7,603,000,000

Based on these cost estimates, Sands is proposing a new phasing program, which is explained in response to comment CON-2.

- PA-4. In order to assist in better understanding the functional and operational design and layout of the proposed facility, including both the occupied spaces and the parking layout/capacity in the garages, it is requested that the FEIS provide a complete set of architectural floor plans. A more detailed description should be provided regarding the features that are planned or intended to be included in the eastern plaza, understanding that there may be changes as the review process progresses. (C96)**

Architectural plans that are available are included in **Appendix 2.1-1** of this FEIS. While it is understood that the Town will require such plans for issuance of building permits, detailed information on individual floor plates is not necessary to assess the environmental impacts of the proposed Integrated Resort.

- PA-5. For proper context, since the current DEIS details the development program presented in the Lighthouse DGEIS (in terms of uses, floor areas, hotel rooms, residential units, etc.), which was superseded, similar quantification should be provided for the revised development scenario presented in the February 2011 FGEIS which was the basis of the subsequent (June 2011) findings statement for the MFM Zoning District that ultimately was adopted and remains in effect today. (C96)**

The referenced information regarding the prior Lighthouse application was presented in Section 2.3.2 of the DEIS, *Prior Applications* and included as part of the description of the "Site Development and Application History," as required by the Final Scope issued by the lead agency. The Lighthouse application included different components than the proposed Integrated Resort, and included more properties than just the Nassau Veterans Memorial Coliseum and Marriott Hotel. Thus, the comparison of what was proposed in the original Lighthouse application, what was identified as a program in the Lighthouse FGEIS, and the actual level of development assessed in the traffic evaluation included in the Lighthouse FGEIS (which was different from the program identified in Lighthouse FGEIS [identified in the FGEIS as the "MFM District Lower-Density Alternative"], as explained later in this response) has no relevance to the evaluation of impacts of the proposed Integrated Resort, which is the subject of the SEQR process being undertaken by the Legislature.

Notwithstanding the above, the requested information is presented below:

Properties Involved in the Lighthouse Application – 149.98 acres

- › Nassau Veterans Memorial Coliseum (77± acres, which, at that time, included the 5.0±-acre Memorial Sloan Kettering Cancer Center (MSKCC) parcel prior to its sale)

- › Marriott Hotel (14.3 acres)
- › RXR (formerly RexCorp) Plaza East (developed)(28.25± acres)
- › RXR (formerly RexCorp) Plaza West (undeveloped)(8.17± acres)
- › The Omni (22.26 acres)

Properties Involved in the Proposed Integrated Resort – 86.3 acres

- › Nassau Veterans Memorial Coliseum
- › Marriott Hotel

Below is a comparison table of the originally-proposed Lighthouse development with the Lighthouse FGEIS Program. However, when one reads the actual FGEIS and its underlying analyses, the reader finds that there are internal inconsistencies among the FGEIS program, the traffic analyses in the FGEIS and the water use analyses in the FGEIS. **Table 3** below indicates the programs set forth in the DGEIS, FGEIS and Findings Statement, and the programs evaluated in the FGEIS traffic and water analyses.

Table 3 - Lighthouse Project Data

Type of Use	Original Lighthouse Application (DGEIS) ¹	Lighthouse FGEIS Program ²	Program Used for Lighthouse FGEIS Traffic and/or Water Demand Analyses ^{2, 3}
Nassau Veterans Memorial Coliseum - Sports Complex (SF)	787,000 new 1,203,000 total	416,000 existing	Not specified in traffic analysis 650,000 in water analysis
Convention/Exhibition/Meeting/Event (Banquet)(SF)	118,000 new 200,000 total	207,000	Not included in traffic analysis
Retail (SF)	413,000	275,000	275,000
Restaurant (SF)	82,000	90,500	60,000 in traffic analysis
Residential (Units)	2,306	468	468
Hotel (Keys)	300 new 917 total	1,970, including Marriott	1,353 new
Office (SF)	1,000,000 new 2,636,254 total	150,000	150,000
Multiplex Cinema (Seats)	--	2,012	2,012

¹ Draft Generic Environmental Impact Statement for "The Lighthouse at Long Island," Hamlet of Uniondale, Town of Hempstead, Nassau County, New York, June 2009. See Table 3.5.2: *Existing and Proposed Uses (in SF, unless otherwise noted)* in Section 3.5.2 of the DGEIS. Note that Table 3.5.2 combined the retail and restaurant space into the retail category.

² Final Generic Environmental Impact Statement for "The Lighthouse at Long Island" Hamlet of Uniondale, Town of Hempstead, Nassau County, New York, January 2011. See page 15 for MFM District Alternative Potential Development Scenario and page 41 for the MFM District Lower-Density Alternative traffic analysis program.

³ The traffic study included in the Lower-Density MFM District Alternatives Analysis within the FGEIS did not include the 207,000 SF of conference/meeting space, and included only 60,000 SF of restaurants.

The Findings Statement ultimately adopted by the Town Board did not include the level of development that was evaluated in the FGEIS or upon which the findings were made. Accordingly, it was not possible to reconcile the differences in FGEIS analyses.

As is evident from the above, the properties involved and uses proposed in the Lighthouse project are very different from those associated with the proposed Integrated Resort. Moreover, given the length of time that has elapsed since the analyses for the Lighthouse were conducted (i.e., the initial traffic counts were collected in 2007, according to Appendix 3.6.1, Traffic and Parking Study, of The Lighthouse at Long Island Draft Generic Environmental Impact Statement), the internal inconsistencies in FGEIS analyses, and the fact that the Findings Statement did not indicate the level of development upon which the FGEIS analyses were based or upon which the findings were made, the applicability of Lighthouse analyses and findings to the proposed Integrated Resort is limited.

- PA-6. In order to better substantiate the conclusion that development under the MFM is not feasible, the magnitude of relief that was granted for the MSKCC facility should be detailed. A statement earlier in the DEIS (page 16) points to a variance that was granted for the height of the MSKCC parking garage but does not specify the magnitude of this variance or whether this is the only relief that has been needed. (C96)**

As explained in Section 2.3.2 of the DEIS:

In 2017, Nassau County sold approximately five acres of the total 77 acres, situated south of the Nassau Veterans Memorial Coliseum, east of Earle Ovington Boulevard and north of Hempstead Turnpike, to MSKCC, which developed and opened a cancer treatment center and parking garage in 2019. The original approvals for MSKCC reflect the ultimate construction of 140,000 sf, not including the parking garage. As currently constructed, MSKCC contains approximately 114,000 sf and the 26,000 sf of additional floor area that was not previously constructed was to be built in the future...The proposed expansion commenced in June 2024. This development required zoning relief for the height of the parking garage, which was granted by the Town Board.

Based on review of the *Site Alignment Plan, MSKCC Nassau Regional #8*, prepared by RMS Engineering, last revised 9/29/16, the parking garage required relief from the Town Board to permit a height of 43.5 feet where 40 feet was permitted.

- PA-7. Central plaza uses are compared to Bryant Park, a facility under public/governmental control. It would be helpful to have additional details regarding the intended programming of the central plaza, perhaps based on the use of analogous spaces at the Lessee's existing facilities. (C96)**

As explained in Sections 2.4.3.1 and 3.4.2.1 of the DEIS:

The Central Plaza located between the Coliseum Casino and the existing Marriott Hotel on the east side of the subject property would be similar in size to the western lawn at Bryant Park in Manhattan.

The statement compares the size of the proposed Central Plaza to the western lawn at Bryant Park in Manhattan and not to similarities in programming.

The intention is for this area to be a privately-owned and maintained public green space to be enjoyed by those visiting the site. No specific programming is planned (although, as shown on the Conceptual Master Plan [CMP] included as Appendix 2-1 of the DEIS), the Veterans Memorial is proposed to be located in this plaza, but it is envisioned that the space could be used for walking, picnicking, and similar activities.

PA-8. Uniondale and East Meadow are unincorporated areas of the Town. The mechanism that would be established to effectively administer the community benefit funds, which does not entail the involvement of Town government, should be explained. (C96)(C57)

As explained in the DEIS, this requirement is detailed in the proposed lease (see, for example, Section 3.10.2, and also see Appendix 2-5 of the DEIS). With respect to the Community Benefits Program (CBP), the proposed lease specifically states:

- (a) *Tenant shall undertake a community benefits program designed to ensure that Tenant helps address the needs of the surrounding area, with a particular focus on communities in need and communities that are traditionally underrepresented in the workforce. The plan is expected to include a combination of collaborative programs and financial investment that will support, enhance and/or promote the following: (i) fire departments and districts and ambulance service providers; (ii) school districts; (iii) libraries and library districts; (iv) athletic fields, ballfields and parks; (v) public hospitals and (vi) rehabilitation of abandoned, blighted and vacant residential and commercial properties and other public benefits (collectively, the "Community Benefits Program").*
- (b) *No less than 40% of the total value of the benefits conferred under the Community Benefits Program shall be used for initiatives directly benefitting the residents of Uniondale for the purposes enumerated in subsections (i) through (vi) in subsection (a) above. The remaining value shall be used for the same community benefit purposes in the surrounding area.*
- (c) *An advisory committee shall be established to consult on the Community Benefits Program (the "Advisory Committee") comprising an equal number of representatives appointed by Tenant and the County Executive and one (1) 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 shall review and advise regarding the elements of the Community Benefits Program. The Advisory Committee's recommendations for the Community Benefits Program will be focused on how best to allocate the community benefit funding. The Community Benefits Program shall be the basis for a community benefits agreement between the County and Tenant that shall include a provision for an independent compliance monitor.*
- (d) *Tenant shall fund the Community Benefits Program with no less than \$2 million annually commencing upon the earlier of the satisfaction of the Casino Operation Condition or substantial completion of the Improvements set forth in the Final Alternate Site Plan and every annual anniversary thereafter. Notwithstanding the foregoing to the contrary, commencing upon the satisfaction of Casino Operation Condition and continuing until the date the Casino Operation Condition is no longer satisfied, Tenant shall fund the Community Benefits Program with no less than \$4 million annually.*

Supplemental community benefits have also been committed to, as explained in response to comment SE-5 in *Socioeconomics* chapter of this FEIS.

As demonstrated above, the Town would have representation on the Advisory Committee. Also, based upon a meeting between representatives of Sands and community leaders of Uniondale on March 4, 2025, clarification of community benefits was requested as they relate to the fire and ambulance districts. With respect to the fire and ambulance districts, requirements for identified mitigation measures due to impacts caused by the development of the proposed Integrated Resort, if any, would be addressed separately by Sands and would not be funded through the Community Benefits Program.

PA-9. Under the list of approvals – the meaning of “potential” under subdivision approval should be explained. What are the factors that would determine whether or not a subdivision is pursued? The word “potential” raises questions regarding the specific nature of the subdivision if it is pursued (i.e., as identified with a subdivision parcel sketch and/or description). (C96)

While no property subdivision is being proposed at this time, there is the potential that a subdivision in the future could be necessary for financing or other purposes. Accordingly, to ensure that the list of involved agencies included those agencies that could potentially have approval authority over some aspect of the proposed Integrated Resort in the future, a “potential” subdivision was identified, the jurisdiction over which would be the Nassau County Planning Commission.

PA-10. Since the lease is a fundamental component of the proposed action and is the basis for the County’s lead agency status, specifying requirements governing the permissible use of the subject property and operations thereon, among other provisions that are relevant to the impact analysis and, ultimately, agency findings under SEQRA, it is recommended that the FEIS present the updated lease. (C96)

The proposed lease was included in Appendix 2-5 of the DEIS.

PA-11. It is requested that a more detailed description be provided regarding the current concept for the features and activities included in the proposed Integrated Resort’s public attraction and experiential attraction space, based upon the Lessee’s existing facilities as applicable. (H12)(C59)(C96)

As explained in Section 2.4.3.1 of the DEIS, the proposed Integrated Resort intends to provide approximately 60,000 SF of public/experiential attraction space and indicates that “[s]ince customer tastes and preferences change, Sands is proposing to wait until closer to property opening to finalize a specific attraction.”

As further explained in Section 2.6 of the DEIS, Sands has undertaken an extensive community outreach program, which would continue throughout and after the development of the proposed Integrated Resort. It is Sands’ intention to gather additional input from the community as to the public/experiential attraction space. However, this space is not meant to be a separate “destination” that would attract people that are not destined to other components of the Integrated Resort. Thus, it is not designed for or expected to draw a

significant number of users who are not already on the property (i.e., visiting another component of the Integrated Resort). Accordingly, this public attraction space is not expected to affect the impact evaluations presented in the DEIS.

Finally, as the Town of Hempstead has authority over the zoning and site plan, Sands will work with the Town to revise the plan if the Town has concerns over the public attraction space.

PA-12. The DEIS lists the following other needs (page ES-18): workforce development, business development and tourism, environment and sustainability, public safety, and community needs, but provides minimal explanation about what those needs are or how they are addressed by the proposed project. (C59)

The commentator cites to page ES-18, which is part of the *Executive Summary* of the DEIS. The *Executive Summary* explains, in pertinent part, that

...This executive summary, while a critical component of the DEIS, cannot substitute for the review of the detailed existing conditions and technical analyses presented throughout the document, as it is designed primarily to provide a concise overview. The technical analyses cannot be fully represented in the limited scope of an executive summary...

Review of the Executive Summary is not a substitute for the full evaluation of the proposed action performed in the following sections of this DEIS.

With respect to needs, Page ES-18 of the DEIS states, in pertinent part:

Sands has been seeking public commentary from various organizations and community members for some time. Sands has met with over 600 separate organizations and individuals (some multiple times) for a total of about 1,500 community engagements, and has established various working groups to provide input to Sands on various issues facing the Town, County and broader Long Island region including workforce development, business development and tourism, environment and sustainability, transportation and infrastructure, public safety, and community needs.

In addition, Sands has committed hundreds of millions of dollars to the Town of Hempstead, Nassau County, and various taxing entities and community groups, which furthers the State's identified objectives of benefitting tax-supported entities, problem gambling treatment services and other community needs...

Section 2.6 of the DEIS provides additional details on Sands' community outreach initiatives and explains, in pertinent part, that Sands has developed a comprehensive community engagement program that consists of core working groups addressing various topics, and meetings with hundreds of community members, stakeholders and other parties who have expressed interest in the proposed Integrated Resort. From the outset, Sands has focused on connecting and collaborating with the community. Building on the work done for past proposals at the Coliseum property, Sands and its team convened six community-based working groups to gather information regarding issues already experienced in the communities surrounding the Coliseum property, to identify concerns regarding potential development impacts, and to define the goals and aspirations of the surrounding communities. Participation in the working groups is an open process with several key

community members and stakeholders actively working to promote broad community participation in these groups. These six working groups include:

- › Workforce Development
- › Community Partnerships
- › Transportation & Infrastructure
- › Public Safety
- › Environment & Sustainability
- › Business Development/Tourism.

Section 2.6 of the DEIS further details the goals of these working groups with respect to the identified community needs.

PA-13. The host community should be Uniondale, not just Nassau and Hempstead Town. References to East Garden City should be eliminated. The Uniondale Census Designated Place (CDP) expanded from 2010 to 2020 to include this area. (H22)(C57)(C70)(C106)

The hamlet of Uniondale is the home community for the proposed Integrated Resort. Throughout the DEIS, Uniondale is identified as the location of the proposed Integrated Resort, including on the inside cover, which indicates:

PROJECT LOCATION: *1255 Hempstead Turnpike (Nassau County Veterans Memorial Coliseum Parcel) and 101 James Doolittle Boulevard (Marriott Hotel Parcel), Uniondale, Town of Hempstead, Nassau County, New York*

As it relates to casino licensing, the New York State Gambling Facility Location Board has a specific definition of the term "host community." As explained in responses to the First Round of Questions relating to the casino license application process:¹⁴

Q.165: *Please define "host community".*

A.165: *The most localized political subdivision encompassing the project location.*

The Town of Hempstead is the most localized political subdivision encompassing the project location. As a hamlet, Uniondale is not a political subdivision.

The DEIS clearly identifies Uniondale as the proposed home of the Integrated Resort throughout the document. There are two references to East Garden City in the DEIS (compared to over 300 references to Uniondale). The first reference to East Garden City is as a note to Table 75 in Section 3.9 of the DEIS, which stated:

***Uniondale CDP expanded from 2010 to 2020, incorporating East Garden City into the census designated place boundary, thus the 2020 data includes a broader geographic*

¹⁴ New York State Gaming Facility Location Board. Request for Applications to Develop and Operate a Gaming Facility in New York State. Available at: <https://nycasinos.ny.gov/system/files/documents/2023/08/08.30.23.round1questionsanswers.pdf>. Accessed February 2025.

area. The boundary changes makes comparison of population growth over time difficult to discern.

The second reference is in Section 3.10.1.2 of the DEIS in the discussion of police protection, which stated:

The Third Precinct covers 41 square miles and serves the following communities within Nassau County, the Town of Hempstead and the Town of North Hempstead: Albertson; Bellerose Terrace; Bellerose Village; Carle Place; East Garden City; East Meadow; East Williston; Floral Park Center; Garden City Park; Herricks; Mineola; New Cassel; New Hyde Park; North New Hyde Park; Roslyn Heights; Salisbury; Searingtown; Stewart Manor; Uniondale; Westbury; and Williston Park.

The above information was taken directly from the Nassau County Police Department website, which described the Third Precinct (<https://www.pdcn.org/278/About-Precinct>).

Notwithstanding the above, "East Garden City" has been abolished as a CDP. In 2015, community leaders in Uniondale spoke out against East Garden City being established as a CDP arguing that it was carved out of Uniondale's CDP to distinguish the prime real estate north of Hempstead Turnpike from the racially diverse neighborhood to the south. Uniondale community leaders called on elected officials to abolish the CDP of East Garden City. They garnered bi-partisan support at every level of local government and were successful with the US Census Bureau agreeing to dissolve the East Garden City CDP and have the area reconnected to Uniondale. Thus, the area previously identified as "East Garden City" is properly identified as the community of Uniondale (see **Appendix 2.1-2** of this FEIS for associated resolutions).

PA-14. The number of gaming positions should be provided. (H12)

As explained in response to comment CON-2, since the time of DEIS preparation, Sands has revised the proposed phasing such that the revised Phase 1 would include:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)
- › Performance Venue (58,200 SF – 1,500 seats)
- › Support Areas (326,977 SF)
- › Mechanical, electrical, and plumbing (MEP) Areas (210,953 SF)
- › Veterans Memorial

The gaming positions included in the revised Phase 1 program is 6,100, and the projected annual visitation for this phase is 6.86 million persons per year.

As the full-build development would only occur as market conditions and demand may allow, the number of gaming positions associated with the full-build has not yet been determined.

The balance of the proposed Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS and in response to comment CON-2, would be developed as market conditions and demand allow. Despite when or whether the remaining “full-build” development is actually constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

PA-15. Sands representatives stated that the casino was only going to be 10% of the proposed property, but it is almost 400,000 net square feet. (H32)

As explained in various sections of the DEIS (see, for example, Section 2.1), the net square footage of the gaming area is 393,726 square feet for the full-build condition. The overall square footage of the proposed Integrated Resort (excluding structured parking) for the full-build condition is 4,516,933. Thus, the proposed gaming area is approximately 8.7% of the overall square footage of the proposed Integrated Resort.

PA-16. There are other gambling facilities in New York, such as Aqueduct and Jake’s 58, so why is this needed. (C32)

The purpose, need and benefits of the proposed Integrated Resort are explained in Section 2.5 of the DEIS.

PA-17. The DEIS' evaluations of proposed environmental impacts from the proposed Sands New York Integrated Resort depend upon assumptions and projections of future water demands, sewage discharge, air emissions, traffic patterns, traffic volumes, and other future conditions that are apparently based on an expectation of 10 million visitors to the Resort per year, and also assume the effectiveness of measures proposed to mitigate the environmental impacts of the Resort. What remedies exist if the foregoing assumptions, projections, and expectations turn out to be incorrect, projected environmental impacts from the Resort are worse than anticipated in the DEIS, and/or proposed mitigation measures are ineffective in reducing or eliminating projected traffic or other adverse environmental impacts? (C62)

As part of the formal scoping process for the DEIS, the lead agency, with the assistance of involved agencies and the public who provided comments on the Draft Scope, promulgated a Final Scope that set forth the analyses to be conducted and the methodologies to be followed, based on established engineering, planning and environmental practices, which Sands was required to follow in the preparation of its DEIS analyses. For example, as required by the Final Scope, water and sewer projections were required to use NCDPW established design flows. As a further example, per the Final Scope, air analyses utilized established NYSDEC, New York State Department of Transportation (NYSDOT)(Transportation Environmental Manual), and United States Environmental Protection Agency (USEPA)(MOVES model) protocols. Traffic, which was the only impact evaluated that was based on the projected 10 million visitors per year, used the Institute of Transportation Engineers (ITE)

publication, *Trip Generation; Highway Capacity Manual; Synchro plus SimTraffic; ITE Parking Generation; among other established sources.*

Upon submission of the DEIS by Sands, it was reviewed by the lead agency and its consultants to confirm conformance with the Final Scope and to make a recommendation as to whether it was complete and adequate for public review.

The anticipated number of patrons per year anticipated to visit the Integrated Resort was compared to the visitation rates experienced at similar resorts. As shown in the response to comment PA-2 above, the projection of 10 million visits per year is consistent with other similar facilities for which data was available.

Upon the conclusion of the public consideration period on this FEIS and using all of the information before it, the Nassau County Legislature will deliberate on this matter, and will issue a Findings Statement.

Where the lead agency deems appropriate, the findings will identify appropriate measures to avoid or minimize adverse environmental impacts. All other involved agencies must also adopt their own Findings Statements before issuing decisions on the applications pending before them. Through compliance with the requirements of SEQR and its implementing regulations at 6 NYCRR Part 617, the lead agency and other involved agencies, must confirm, in their respective findings statements, that "adverse impacts will be avoided or minimized to the maximum extent practicable" and can ensure implementation of those measures by incorporating them as conditions to their decisions/permits/approvals, as deemed appropriate.

PA-18. A community advisory board should be formed to measure the outcomes/impacts of the proposed casino and ensure proposed mitigation has been implemented. Monitoring and management of the casino should be transparent. (H6)(H22)(C21)(C116)

As explained in Section 2.6 of the DEIS and responses to comments SE-15 and SE-17 in the *Socioeconomics* section of this FEIS, Sands has developed a comprehensive community engagement program that consists of core working groups addressing various topics. These working groups have identified goals for each working group, which include:

- > Workforce Development
- > Community Partnerships
- > Transportation & Infrastructure
- > Public Safety
- > Environment & Sustainability
- > Business Development/Tourism.

As part of its continuing community outreach, metrics have been developed to measure the effectiveness of Sands' efforts regarding the working group goals and the community benefit funding.

With respect to the administration and use of community benefits funding, Section 2.5 of the DEIS discusses the CBP, part of which includes a one-time \$25 million payment to be distributed to Uniondale, East Meadow and Hempstead, pursuant to an agreement between

Sands and Nassau County. Section 3.9.2.3 of the DEIS further describes how these revenues would be administered:

After the opening of the Integrated Resort, the annual payment associated with the CBP would total \$4 million. In addition, Sands would make a one-time \$25 million payment. All payments would be distributed to affected communities in the following proportions: Uniondale (40 percent), East Meadow (40 percent), and the Village of Hempstead (20 percent). It is noted that per the terms of the proposed lease with Nassau County, an advisory committee would 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 would be focused on how best to allocate the community benefit funding. The CBP shall be the basis for a CBA between the County and Sands that shall include a provision for an independent compliance monitor.

There will be an application process for the community benefit funds; accordingly, the specific programs and projects to be funded have not yet determined. As indicated in the above excerpt, in addition to the Advisory Committee and to ensure that the community has a voice on the use of these funds, there will also be two sets of bi-annual meetings convened to help inform the Advisory Committee:

- › Sands Community Civic Association: Stemming from the recommendation of the six work groups that have been established and advising Sands as part of its extensive community outreach program (see Section 2.6 of the DEIS), a community advisory council made up of community activists and members will convene to discuss issues in the community, facility operations, and general health and welfare needs in the surrounding communities. A recommendations report will be generated from the community council meetings for use by the Advisory Committee.
- › Local Non-Profits: The New York Community Trust will convene bi-annual meetings with the non-profits working in the underserved communities in Nassau County and produce a report for the Advisory Committee on continuing issues as well as emerging issues with recommended requests for proposals from the community-based non-profit groups to best address the identified issues.

This process and collaboration not only establish a robust fund but provide a community-based approach for disbursement of funds. Also, as explained above, progress towards achievement of the overarching goals of each of six community-based work groups that continue to advise Sands (see Section 2.6 of the DEIS) will be independently reviewed. Sands will partner with the United Way and the Social Justice Institute at State University of New York (SUNY) Old Westbury to produce an annual report on the economic and social impact of the facility.

PA-19. DEIS does not address what happens to benefits/payments to Nassau County and promises of environmental mitigation in the extremely likely scenario that Sands flips the Casino in 5, 10 or 20 years? Does Nassau County have a right of first refusal on a

party that acquires the property to ensure they are a “good actor” and will fulfill obligations? (C31)

As explained in the *Introduction* chapter of this FEIS, any successor to Sands would assume all obligations and commitments provided in a lease proposed to be entered into by Nassau County after the completion of this SEQR process. These obligations and commitments of the potential successor entity also include all mitigation measures identified and described in the DEIS and this FEIS.

PA-20. The proposed site plan includes large surface parking areas in the northeast, southeast and southwest corners of the site, which seems like a less-than-optimal use of these areas on a valuable tract of public land. (C96)

- 1) **It is recommended that serious consideration be given to examining the feasibility of shifting what is currently proposed as grade-level parking into the three proposed parking garages in order to provide expanded areas of open space on the redeveloped site. Although the DEIS indicates that the proposed CMP would increase the vegetated area on the subject property by 7.4± acres, this mostly would comprise disjointed landscaping throughout the site; and the suggested consolidation of parking would create the opportunity for a significant contiguous area of usable public open space and/or Hempstead Plains habitat restoration. This is consistent with the Long Island Regional Economic Development Council: A Strategic Economic Development Plan for The Long Island Region (2011) which, according to the DEIS (page 166), specifies that “...it is critical to develop parking garages within the Hub to provide more productive use of space in the area. ”**
- 2) **To the degree it is determined that significant areas of surface parking are necessary or desirable for the proposed development, this should be explained in the FEIS.**

Multiple parking garages are proposed as shown on the CMP (Appendix 2-1 of the DEIS). As may be required by the Town of Hempstead during the site plan review process, Sands would landbank various rows of spaces within the southwestern parking lot, along Hempstead Turnpike, so that they could be vegetated until needed.

PA-21. On-site collection of solid waste is proposed to occur within underground loading docks and service areas. Due to the close proximity to Hofstra University and other sensitive receptors, rodent control and smell associated with the large volume of waste need to be addressed to protect the health and safety of students, residents and visitors. (C59)

Sands will implement a comprehensive solid waste management program and pest control program that will ensure that waste is contained, odors are controlled, and vermin are not attracted to the site. In addition, Sands will have an extensive on-site maintenance team that will regularly inspect the entirety of the property and confirm that there is no debris, waste, odors, vermin, etc. that could affect the proposed Integrated Resort property or its neighbors.

Sands will keep food waste and excess prepared food carefully separated and stored for recycling, with a frequent shipping schedule (often daily). Food waste and food to be recycled will be separated from general waste and will be stored in tightly closed containers for transport. This will eliminate the potential for contamination of general waste, and will minimize the potential for nuisance odors and attraction of vermin.

PA-22. Will the conference center banquet facility/ballroom accommodate weddings and other non-conference events? Anticipated frequency? (H27)(C59)(C96)

The proposed meeting and conference center could accommodate weddings and other non-conference events. The TIS, Appendix 3.5-1 of the DEIS, utilized a typical daily usage of 1,000 attendees per day as a reasonable estimate of activity in the meeting and conference space, as indicated by Sands based on their experience and expectations for the proposed Integrated Resort.

While it is not possible to accurately predict an exact number of non-conference events or their frequency, logistics and staffing would inherently limit the number of activities that could concurrently take place at the meeting and conference space. As an example, business meetings typically utilize multiple rooms – rooms for actual meetings, rooms for meals, breakout rooms. Weddings are similar in that multiple rooms are also assigned for one event – cocktail hour rooms, and main event rooms. Also, when a space is being used for a full-day meeting or conference, it is not feasible to utilize those rooms for a wedding, due to the time associated with room breakdown, clean-up and setup. Furthermore, given the proposed configuration of the meeting and conference space (see **Appendix 2.1-1** of this FEIS), a maximum of three weddings could be held concurrently. The average guest count at weddings in Nassau County in 2024 ranges from 277 to 287.¹⁵ So, if three weddings were held concurrently, the maximum attendees would be under 900. Also, the meeting and conference space is primarily used on weekdays for meetings, and on weekends for weddings and similar social events. Accordingly, the 1,000 average attendees is reasonable for impact analysis purposes.

¹⁵ The Wedding Report. *Nassau NY Wedding Market Statistics 2024*. Available at: https://wedding.report/index.cfm/action/wedding_statistics/view/market/id/36059/idtype/c/location/Nassau_NY/.

2.2 Soils, Topography and Subsurface Conditions (ST)

ST-1. It would be helpful for the FEIS to include a preliminary soil and materials management plan to outline the measures that would be implemented for the proper handling of impacted soils and related conditions (including underground storage tanks (USTs) and other subsurface features) requiring removal from the site during construction. (C96)

The DEIS includes a preliminary soil and materials management plan that outlines the measures that will be implemented for the proper handling of impacted soils and related conditions (including underground storage tanks and other subsurface features) requiring removal from the site during construction in both Section 3.1.3 and Section 3.15.3 of the DEIS. The plan includes the following:

- › *Excess soil generated during redevelopment would be handled, transported and disposed of or recycled in accordance with 6 NYCRR Part 360 regulations and the requirements of recycling and disposal facilities to which the soils are being transported. Soil and/or nonnative material would be characterized in accordance with the testing requirements of the proposed permitted disposal or recycling facility prior to removal from the site.*
- › *Uncontaminated soil and non-native material that is derived from the subject property that is not observed to be petroleum-impacted and exhibits no signs of staining or odor, would be reused as part of the construction process. Reuse of on-site soil or non-native material would be conducted in accordance with applicable agency requirements.*
- › *If any underground storage tanks (USTs) and/or associated appurtenances (e.g., fill lines, vent line, and electrical conduit) are encountered during redevelopment of the subject property, decommissioning, removal and off-site disposal would occur in accordance with NYSDEC and Nassau County Department of Health (NCDH) UST closure requirements. Previously unidentified USTs, if encountered, would be registered with the NYSDEC and NCDH, as necessary, prior to decommissioning or removal.*
- › *A CHASP would be prepared that would identify the known (such as ACM and lead-based paint) and potential on-site contaminants and outline procedures and guidelines to be followed to mitigate exposure risks and protect the health of on-site workers during construction activities.*
- › *Although not anticipated based upon on-site investigations, should contaminated soil be encountered, all on-site contractor and sub-contractor personnel and any other persons visiting or working at the project site who may have the potential for contacting contaminated soil would be required to read, review, and comply with the CHASP. Furthermore, excess soils that may require off-site disposal may require waste characterization sampling by a disposal or recycling facility prior to or in conjunction with redevelopment activities. In addition, any impacted soils, if encountered, would require additional sampling and proper handling, transport and disposal in accordance with regulatory requirements.*

ST-2. The technical analysis on which the earthwork quantities were based should be presented (e.g., cut-and-fill plan with elevation/grade change contours). (C96)

The DEIS summarized the cut-and-fill earthwork analysis for the full-build plan, prepared by Pavarini McGovern, which preliminarily projected removal of approximately 660,000 cubic yards of material (see **Appendix 2.2-1** of this FEIS).

As explained in detail in response to comment CON-2, since the time of preparation of the DEIS, the proposed grading of the site has been refined such that the deep excavations previously proposed and analyzed in the DEIS have been eliminated. H2M has prepared an updated cut-and-fill earthwork analysis that projects removal of 67,000 cubic yards of material from the site. For the full-build condition, approximately 60,000 cy of additional material would be excavated for the full-build (after development of the revised Phase 1 program). Based on the excavation revisions, the amount of material to be removed has been substantially reduced (from approximately 660,000 cy to 127,000 cy). This change in excavation approach also eliminates the need for dewatering, as groundwater would not be encountered during construction. Thus, these revisions reduce construction impacts associated with excavation and material removal, truck traffic associated with transport of material that would have been removed from the site, and dewatering.

There is the potential that, upon final design of the full-build, the existing subgrade exposition space at the existing Coliseum building would be demolished. In the event that it was to be demolished, the subterranean void space would need to be filled, which is projected to require approximately 250,000 cy of material. Assuming the estimated material excavated to facilitate the construction of the full-build project (i.e., the 60,000 cy) was reused to fill the subterranean void, an estimated 190,000 cy of material would have to be imported to the site. Even if this were to occur, the truck trips associated with this import, combined with the above-described material export, would still be substantially less than the material transport projected under the construction condition evaluated as part of the DEIS full-build analysis.

ST-3. The DEIS does not indicate whether the subject property contains underground injection wells that would require decommissioning under the program administered by the U.S. Environmental Protection Agency in conjunction with the Nassau County Department of Health. If underground injection wells are present on the site, the process for their decommissioning should be outlined. (C96)

There are no known underground injection wells that would require decommissioning under the Underground Injection Control (UIC) program administered by the USEPA. If underground injection wells are identified at the subject property that fall under the jurisdiction of the USEPA UIC program, they would be evaluated and remediated, if necessary, in accordance with the UIC program requirements.

ST-4. The FEIS should include a copy of the draft Notice of Intent related to the SWPPP. Per Part III.B.1.e of the General Permit, the SWPPP should include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice, as well as the minimum timeframes that each practice should remain in place or be implemented. The SWPPP should include a definition of "final stabilization" per Appendix A of the General Permit, a detailed temporary and permanent soil stabilization plan per Part III.B.1.f of the General Permit, and operation and

**maintenance requirements for all erosion and sediment control practices (Part III.B.1.h)
A construction phasing plan should be provided in the SWPPP, including erosion controls for each phase of the proposed project. (C96)**

A Draft Notice of Intent has been prepared and is included in Appendix D of the updated Preliminary Stormwater Pollution Prevention Plan (SWPPP)(see **Appendix 2.2-2** of this FEIS).

The updated Preliminary SWPPP provides a general sequence of construction that identifies the timing of initial placement or implementation of erosion and sediment control practice, including the specific practices further defined below. However, timeframes and locations for specific practices to be maintained will vary based on construction schedule and phasing plans. Phase-specific Erosion and Sediment Control Plans and updated SWPPPs will be prepared prior to construction. SWPPP practices will adhere to the following guidelines until the project achieves Final Stabilization, as defined in the SWPPP and below:

- › Concrete Truck Washout stations shall be installed on site prior to any concrete work being performed and shall be maintained until all concrete pouring is complete
- › Stabilized Construction Entrances shall be installed at all points of construction ingress and egress prior to any soil disturbance activity and maintained until the vehicular surfaces for construction traffic are stabilized
- › Silt fence shall be installed in locations indicated on the Erosion and Sediment Control Plans prior to any soil disturbance activity and shall be maintained until the site achieves final stabilization
- › Storm Drain Inlet Protection shall be installed in all existing inlets on site and in adjoining Right-of-Way prior to any soil disturbance activity and on proposed storm drain inlets as soon as they are installed. Existing inlets that will be removed shall have protection installed and maintained until removal or disconnection from drainage systems. All other inlets shall have protection maintained until the area tributary to the achieves final stabilization.

All practices would be maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, from which Specifications Sheets for relevant practices are included in Appendix J of the SWPPP (**Appendix 2.2-2** of this FEIS).

Final Stabilization would be achieved when all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, or washed/crushed stone, have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

ST-5. The Erosion and Sediment Control Plan should include a detail for dust control, and should identify the location and design of a concrete washout station. (C96)

The Erosion and Sediment Control Plan (C-300.00)(Appendix 2-2 of the DEIS) indicates that the contractor shall “[u]tilize Appropriate means to control dust during construction, including, but not limited to, applying water to bare soil surfaces.” This Plan also includes the location of two concrete washout stations, and details are included in the Erosion and Sediment Control Details (C505.00)(Appendix 2-2 of the DEIS). In addition, Appendix J of the SWPPP Report (**Appendix 2.2-2** of this FEIS) includes the Standard and Specifications Sheets

for Dust Control and Concrete Truck Washouts from the New York State Standards and Specifications for Erosion and Sediment Control.

ST-6. Percolation tests should be undertaken to confirm the following statement on page 74 of the DEIS. If this testing has already been performed, the results should be presented and discussed in the FEIS. If not, the anticipated timing and procedures for this test should be discussed. (C96)

The Infiltration Testing Memorandum, prepared by Langan and dated September 14, 2023 (see **Appendix 2.2-2** of this FEIS) explains that four infiltration tests were conducted within boreholes proximate to the proposed surface parking lots where the majority of the drywell systems are proposed to be installed. Testing was conducted in general accordance with the procedures outlined in Appendix D of the Draft New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation [NYSDEC], 2022). Four trials were conducted within each borehole at about 20 feet below grade. Infiltration rates varied from 48 in/hr to 19.2 in/hr in LBD-02 (northeast parking lot), 3.6 inches (in)/hour (hr) to 1.2 in/hr in LBD-05 (SE parking lot), and 17.5 in/hr to 13.1 in/hr in LBD-08 (southwest parking lot). In all cases, the infiltration rates were greater than 0.5 in/hr, indicating the soils are suitable for the use of infiltrative practices in accordance with the NYSDEC Stormwater Management Design Manual.

ST-7. The site-specific geotechnical investigations noted the presence of soils exhibiting good leaching properties beneath the upper levels. Drainage structures would involve excavation of materials to install drywells that would be backfilled with clean material around these structures. This would provide capacity within the leaching structure and good percolation through the side walls and bottom of these systems. Stormwater Modeling and Analysis Report is required which includes:

- › **map(s) showing pre-development conditions (with watershed/subcatchments boundaries, flow paths/routing, and design points);**
- › **map(s) showing post-development conditions (with watershed/ subcatchments boundaries, flow paths/routing, and design points and post-construction stormwater management practices);**
- › **results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events, along with supporting calculations (model runs), methodology, and a summary table that compares pre- and post-development runoff rates and volumes for the different storm events;**
- › **summary table, with supporting calculations, which demonstrates that each postconstruction stormwater management practice has been designed in conformance with the sizing criteria in the Design Manual;**
- › **identification of any sizing criteria that are not required based on the requirements included in Part I.C. of the permit;**
- › **identification of any elements of the design that are not in conformance with the performance criteria in the Design Manual, along with the reason(s) for the**

deviation or alternative design and information to demonstrate that the deviation or alternative design is equivalent to the Design Manual; and

- › **detail as to how the water quality treatment objective shall be achieved per Part I.C.2.c of the General Permit.**

Although it is understood that the SWPPP presented in Appendix 3.2-6 of the DEIS is a preliminary document and that a final SWPPP would be prepared for review and approval by the Town at a later stage in the process, prior to the issuance of building permits, it is respectfully requested that appropriate revisions or responses addressing the foregoing comments be provided in the FEIS for the purposes of SEQRA to ensure that potential project-related impacts with respect to stormwater generation are properly mitigated. (C96)

As explained in response to comment ST-4, phase-specific Erosion and Sediment Control Plans and updated SWPPPs will be prepared prior to construction. H2M has prepared an Updated Preliminary SWPPP and performed Stormwater Modeling Analysis based on the full-build stormwater management design. A summary of the analysis is tabulated in the SWPPP Report and modeling results are included in Appendix G of the SWPPP Report, along with Pre- and Post-Development Tributary Maps in Appendix I (**Appendix 2.2-2** of this FEIS). All stormwater management practices have been designed in accordance with the sizing and performance criteria proscribed by the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-25-001 and the NYS Stormwater Management Design Manual, dated July 31, 2024, and supporting calculations are included in the SWPPP Report and on the drainage plans.

As explained in Section 3.2.2.5 of the DEIS, the redevelopment of the project site will reduce the stormwater runoff from the site by increasing the pervious cover as well as providing new on-site drywells that will infiltrate stormwater runoff from the parking lot areas. Areas tributary to the drywells will be provided with pretreatment devices (hydrodynamic separators) sized to treat 50% of the water quality volume in accordance with the NYS Stormwater Management Design Manual. The drywell systems will overflow to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which will continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, will utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

- ST-8. The DEIS fails to accurately describe the contamination that has been identified at the Site to date and thus the conclusions with respect to subsurface conditions are incomplete at best. First, the scope of the Phase II sampling is insufficient because the presence of historic shooting ranges were RECs in the Phase I ESA and yet only one (1) soil sample on the Coliseum parcel was collected from “surface soils” (0-2-feet) and two (2) samples were collected from “near surface” (2-4-feet) where heavy metal impacts from past artillery range operations may have been observed in soil quality. The remaining soils samples were collected from 5-7-feet in two (2) locations and then greater than 12 feet below grade in the remaining borings (12-14, 13-15, 18-20, 22-24, 30-32 feet). Similarly, on the Marriott parcel, only one (1) soil sample was collected from “surface soils” (0-2-feet) and three (3) samples were collected from “near surface” (1-3 feet or 2-4 feet) where heavy metal impacts from past artillery range operations**

may have been observed in soil quality. The remaining soils samples were collected from 3-5 feet in one (1) location, 5-7 feet in two (2) locations and then greater than 6 feet below grade in the remaining borings (6-8, 7-9, 10-12 feet).

The 2023 Phase II Environmental Site Assessment Report (Attachment 3.1-4) includes a copy of a 2014 Phase II ESA prepared by Roux, which identifies PCBs in two (2) of their twenty-six (26) soil samples at concentrations exceeding Commercial Soil Cleanup Objectives (CSCOs). Roux recommended further delineation of PCB-contaminated soils, however there is no additional mention of these PCBs in soils throughout the Phase II ESA, subsequent reports or the DEIS text. The DEIS makes no reference to these sampling results and the 2023 Phase II ESA sampling failed to further delineate previously identified PCB-contaminated soils, determine a potential source area, or identify potential groundwater impacts. Furthermore, each of the four (4) monitoring wells were installed to 40 feet below grade surface (bgs) and included only 10 feet of screen. Static groundwater (GW) levels were measured at 26.3, 28.97, 29.33 and 31.5 feet bgs. Screened intervals have been submerged in at least three (3) of the four (4) MWs. Submerged screens inhibit the ability to sample contaminants that are considered to be less dense than water; as a result, there is not sufficient information to support the conclusions reached in the DEIS.

Soil vapor data should be compared to the updated NYSDOH Soil Vapor Intrusion Guidance Decision Matrices for petroleum-related compounds to determine if further action is required. It would be helpful if clarification were provided in the FEIS regarding the magnitude of impact identified in soil vapor samples and the justification for concluding that the soil vapor testing results are not likely indicative of an on-site release such that no further action is necessary.

On p. 83, paragraph 2, the DEIS states that “based on the sampling conducted by Langan, there is no indication that impacts associated with the potential concerns identified in the Phase I ESAs are present in groundwater beneath the subject property.” This statement is inaccurate and misleading because: (1) It does not take into account groundwater and soil vapor data generated by investigations other than Langan’s; and (2) Subsurface investigations to date are not sufficient to rule out the possibility that on-site groundwater has been impacted. Furthermore, detailed plans for monitoring wells in neighboring communities (Uniondale, Hempstead, Westbury, Carle Place, East Meadow and Garden City) should be provided. (C61)(C96)(C110)

In addition to the 2023 Phase II Environmental Site Investigations (ESIs) by Langan, areas within the former Mitchel Field were sampled in 2008 in a Phase II Limited ESI by Kleinfelder East Inc. (Kleinfelder) and in 2009 as part of a Site Inspection Report (SIR) for Mitchel Field prepared for the United States Army Corps of Engineers (USACE)(**Appendix 2.2-3** of this FEIS). In the USACE SIR, shallow soil samples were collected near and around the suspected firing points, located outside the boundary of the Coliseum and Marriott parcels. Site surface soil was not considered to represent an unacceptable risk to human or ecological receptors at MRS 2 and MRS 5, despite containing lead and iron above background levels. Kleinfelder screened shallow soils and ultimately sampled deeper soil intervals to investigate soils exhibiting staining, chemical odor, or highest photoionization detector response. The Phase II Assessment also included groundwater collection and sampling to identify environmental impacts due to the historic Mitchel Field facility. Total lead found above NYSDEC Water Quality Standards in two out of 15 samples was attributed to galvanized well screen that

could have been used to construct the wells. The Phase II sampling scope is sufficient to accurately characterize the subsurface conditions and address the RECs identified in the Phase I Environmental Site Assessment (ESA) considering these historical assessments, which also evaluated potential impacts of the former artillery range operations.

With respect to polychlorinated biphenyls (PCBs), the 2014 draft Phase II ESA prepared by Roux, included in Appendix A of the Phase II ESI for the Coliseum property (Appendix 3.1-4 of the DEIS), identified PCBs in two of the twenty-six soil samples at a depth of 27-29 feet, with concentrations of 0.11 milligrams per kilogram (mg/kg) and 0.13 mg/kg, marginally above the PCB Unrestricted Use (UU) Soil Cleanup Objective (SCO) of 0.1 mg/kg. However, these concentrations are an order of magnitude less than the current PCB Commercial Use (CU) SCO, which is 1.0 mg/kg. Thus, based on the proposed use, additional investigation was not conducted. The 2023 Phase II ESAs detected PCBs in one of the 21 samples, and the concentration was below the UU SCO. Additionally, PCBs were not detected in groundwater in any of the investigations conducted in 2023 or 2014. Thus, further delineation or remediation of this contaminant in soil is not warranted, as explained in Section 3.1.1.3 of the DEIS.

Relative to the comments regarding submerged well screens, these screens do not necessarily inhibit the ability to detect contaminants that may be considered less dense than water. If there was free-phase contamination floating atop the groundwater, the dissolved phase impacts would likely be encountered within the first ten feet of the water column, which is where the samples were collected. Additionally, there was no indication of gross contamination that would be indicative of free-phase contamination in any of the soil boring logs.

Revised Phase II ESI Reports were prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan) in March 2025^{16,17} (**Appendices 2.2-4** and **2.2-5** of this FEIS) to include a comparison of soil vapor data to the most recent (February 2024) New York State Department of Health (NYSDOH) Soil Vapor/Indoor Air Decision Matrices (the original Langan studies were performed prior to the issuance of the February 2024 NYSDOH publication). The narratives in the Phase II ESIs have been modified to address this updated information, and the text of the updated Phase II ESIs are included in **Appendices 2.2-4** and **2.2-5** of this FEIS.¹⁸ The revised Phase II ESI Reports conclude that petroleum-related and chlorinated Volatile Organic Compounds (VOCs) were detected in soil vapor at various concentrations. When concentrations are evaluated using the NYSDOH Decision Matrices, recommendations range between “no further action” and “mitigate” for occupied structures depending on corresponding indoor-air concentration. Langan’s Environmental Considerations Memoranda, dated March 20, 2025 (**Appendix 2.2-5** of this FEIS) states that petroleum-related and chlorinated VOCs were detected in soil vapor, but not at concentrations likely indicative of an on-site release. As presented in Langan’s March 20, 2025 letter summarizing the revisions to the Phase II ESI Reports and Environmental Considerations Memoranda (**Appendix 2.2-6** of this FEIS), the petroleum-related VOCs were detected in soil vapor, and based on a conservative comparison to the NYSDOH Decision

¹⁶ Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. *Phase II Environmental Site Investigation for Sands, 1255 Hempstead Turnpike Uniondale, New York*. (August 15, 2023; revised March 14, 2025).

¹⁷ Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. *Phase II Environmental Site Investigation for Sands, 101 James Doolittle Boulevard Uniondale, New York*. (May 18, 2023; revised March 14, 2025).

¹⁸ As no changes to the figures or appendices of these Phase II ESIs have been made, they have not been reproduced in this FEIS but can be found in Appendices 3.1-4 and 3.1-5 of the DEIS.

Matrices, soil vapor concentrations could warrant mitigation in future development. Therefore, prior to occupancy of any buildings on-site, a soil vapor intrusion evaluation will be conducted, based on NYSDOH guidance, for any occupied spaces. If necessary, based on the results of this evaluation, ongoing soil vapor intrusion monitoring and/or mitigation that may be necessary would be identified. With proper monitoring and/or mitigation (if soil vapor is detected during the evaluation), the intrusion exposure pathway can be eliminated.

Regarding groundwater conditions, as discussed in the Test Well Program Preliminary Test Well and Construction and Analysis report prepared by H2M in March 2025,¹⁹ included as **Appendix 2.3-3** to this FEIS, during testing in support of the design of the proposed potable supply well at the site, no tetrachloroethane (PCE) or other chlorinated solvents were detected in groundwater underlying the site. Also, as discussed in Section 3.2.2.2 of the DEIS, Sands is proposing a new water supply well is proposed, including water quality treatment. That section of the DEIS states, in pertinent part:

To address potential contamination that could impact the new water supply well, it is anticipated that water treatment systems, based on other public supply facilities in the vicinity of the subject property, would include ion exchange for nitrate removal, air stripping for volatile organic compounds (VOC) removal, advanced oxidation for 1,4-dioxane removal, and granular activated carbon for filtering of potentially harmful chemicals.

Even though the test well program conducted since the time of DEIS preparation did not detect PCE or other chlorinated solvents in groundwater, Sands has committed to providing treatment for the proposed public supply well. As part of the well permitting process, both the Town of Hempstead Water Department and the NYSDEC will be reviewing the test well results and the engineering report being prepared as part of the public supply well application and will determine the treatment required.

H2M also collected samples from four on-site groundwater observation wells previously installed by Langan, as explained in Section 3.15.5 of the DEIS. The wells, consisting of 10 feet of 2-inch diameter PVC screen and 30 feet of solid riser pipe, were installed to approximately 40 feet below grade (bg). This sampling was conducted to determine whether PFAS was likely to be detected in dewatered groundwater because, at the time of sampling, the proposed construction plan likely would have required dewatering. As explained in response to comment CON-2 in the *Construction* chapter of this FEIS, dewatering is no longer anticipated to be necessary due to the proposed change in phasing and revised proposed depth of excavation. While PFAS compounds were detected above the relevant standards in these monitoring wells (see Appendix 3.15-3 of the DEIS), these were relatively shallow wells (40 feet bgs) that are more susceptible to contamination. While the sampled levels are above regulatory standards, the concentrations of PFAS observed are not unusual for Long Island and are not necessarily indicative of specific on-site impact. The United States Geological Survey (USGS) has published a dataset of PFAS concentrations in shallow wells throughout

¹⁹ H2M architects + engineers. *Test Well Program Preliminary Test Well Construction and Analysis, Sands New York Integrated Resort, Nassau County, New York.* (January 2025; March 2025)

Long Island²⁰ and found that twenty-six of thirty-seven wells sampled had at least one PFAS compound detected, and concentrations ranged from 3.4 – 93 parts per thousand (ppt).

DEIS Section 3.15.5 explained that groundwater treatment would be employed during construction phase dewatering activities, and the disposition of dewatered groundwater would be managed in accordance with applicable local and regional regulations. The treatment would involve directing discharges to settlement tanks and temporary granular activated carbon (GAC) treatment systems in series. GAC is an accepted technology for the removal of PFAS to regulatory standards. As noted in response to WR-10 in the *Water Resources* chapter of this FEIS, in addition to other treatment technologies, the water supply well treatment facility will be equipped with GAC for PFAS removal. As explained in CON-2, as the proposed phasing and depth of excavation have evolved since the preparation of the DEIS, dewatering is no longer required. Thus, there would be no need to discharge water on site.

Based on the above and the analyses presented in Sections 3.1.1.3, 3.1.2.3, 3.15.5 and Appendices 3.1-4, 3.1-4a, 3.1-5, 3.1-5a, and 3.15-3 of the DEIS and **Appendices 2.2-4, 2.2-5, 2.2-6, and 2.3-3** of this FEIS, there is no evidence of contamination sources on the subject site that would affect the broader community nor would the installation of monitoring wells in neighboring communities be warranted.

ST-9. This former military base has only received screening level investigation around 2005 which involved collecting a small number of samples from undeveloped areas present at that time. The potential exists that redevelopment of the site, which is anticipated to generate 845,000 +/- tons of soil, will encounter and disturb contamination associated with the former airfield, which may include VOCs. Additionally, the potential for encountering unexploded ordinance (UXO) and disposed munitions (MEC) is also possible. There is reference to a 2009 report by the ACOE citing the danger of unexploded ordinances as low, however the report was not included in the documentation and there seems to be no records regarding the volume or locations for the disposal areas for the ordinances. This could potentially be an issue during excavation and construction. The Environmental Impact Statement should include a plan for investigating and characterizing this site to evaluate existing contamination and potential UXO/MEC, develop a plan for handling these types of material during construction and develop plans for safety and air monitoring for workers and the public during construction activities. (C14)(C18)(C61)

As explained in Section 3.1.1.3 of the DEIS, the 2009 USACE investigation of the former Mitchel Field addressed potential munitions, including UXO. According to the 2009 USACE report, the explosive risk for MRS 2, which extends onto the northeastern portion of the subject property, and MRS 5, which crosses the southwestern corner of the subject property, is low to nonexistent, as only small arms were known to be used in these areas. Additionally, this site is currently developed and has been redeveloped over time with no reports of potential munitions, including UXO, affecting the site.

²⁰ US Department of the Interior. *Occurrence of per- and polyfluoroalkyl substances, Long Island and New York City, New York*. <https://catalog.data.gov/dataset/occurrence-of-per-and-polyfluoroalkyl-substances-long-island-and-new-york-city-new-york>. Accessed March 2025.

Even though it is not expected that munitions would be encountered, a preliminary soil and materials management plan that would be implemented for the proper handling of potential impacted soils or related conditions (including underground storage tanks and other subsurface features) that could be encountered and could require removal from the site during construction, is presented in Sections 3.1.3 and 3.15.3 of the DEIS. The plan includes the following:

- › *Excess soil generated during redevelopment would be handled, transported and disposed of or recycled in accordance with 6 NYCRR Part 360 regulations and the requirements of recycling and disposal facilities to which the soils are being transported. Soil and/or nonnative material would be characterized in accordance with the testing requirements of the proposed permitted disposal or recycling facility prior to removal from the site.*
- › *Uncontaminated soil and non-native material that is derived from the subject property that is not observed to be petroleum-impacted and exhibits no signs of staining or odor, would be reused as part of the construction process. Reuse of on-site soil or non-native material would be conducted in accordance with applicable agency requirements.*
- › *If any underground storage tanks (USTs) and/or associated appurtenances (e.g., fill lines, vent line, and electrical conduit) are encountered during redevelopment of the subject property, decommissioning, removal and off-site disposal would occur in accordance with NYSDEC and Nassau County Department of Health (NCDH) UST closure requirements. Previously unidentified USTs, if encountered, would be registered with the NYSDEC and NCDH, as necessary, prior to decommissioning or removal.*
- › *A CHASP would be prepared that would identify the known (such as ACM and lead-based paint) and potential on-site contaminants and outline procedures and guidelines to be followed to mitigate exposure risks and protect the health of on-site workers during construction activities.*
- › *Although not anticipated based upon on-site investigations, should contaminated soil be encountered, all on-site contractor and sub-contractor personnel and any other persons visiting or working at the project site who may have the potential for contacting contaminated soil would be required to read, review, and comply with the CHASP. Furthermore, excess soils that may require off-site disposal may require waste characterization sampling by a disposal or recycling facility prior to or in conjunction with redevelopment activities. In addition, any impacted soils, if encountered, would require additional sampling and proper handling, transport and disposal in accordance with regulatory requirements.*

ST-10. The source of the VOCs has not been determined, in part because Phase I and Phase II ESA investigations performed to date were not designed to pinpoint on-site VOC sources; they served only as screening exercises to check for the presence of VOCs and other contaminants at or near the ground surface or groundwater surface. There has not been a comprehensive investigation focused on identifying VOC sources, and, therefore, it is not possible to rule out the possibility that significant on-site sources exist. The DEIS acknowledges as much. In Section 3.2-1, p. 82, paragraph 2, it states: “The former Mitchel Field military airbase, which includes the subject property, is listed in the State Hazardous Wastes Site (SHWS)(the New York State Superfund database). The listing has a Class P (potential registry site) classification, indicating that there is a

potential for concern about site contamination. Information regarding a Class P site is preliminary in nature and unverified because a full investigation of the entire Mitchel Field airbase was not completed (Appendix 3.2-1).” (C61)

As explained in Sections 3.1.1.3, 3.2.1.1 and 3.15.3 of the DEIS, the subject property is included as part of the Mitchel Field State Superfund Site (NYSDEC Site No: 130112), which is listed as Class P. The Class P designation is used for sites where preliminary information indicates that a site may have contamination that makes it eligible for consideration for placement on the Registry of Inactive Hazardous Waste Disposal Sites (commonly referred to as the list of State Superfund Sites). According to NYSDEC records, included as Appendix 3.2-1 of the DEIS, “In 2009, the USACE completed an assessment of the property for the presence of military munitions or the components of military munitions. The assessment concluded that there were no unacceptable risks to human or ecological receptors identified.”

Furthermore, this site is currently developed and has been redeveloped over time, and NYSDEC has not required further investigation to date. If NYSDEC were to require additional investigation, Sands would cooperate with NYSDEC.

- ST-11. The chlorinated solvent PCE is present in near-surface soil vapor across the site. Most groundwater and soil samples to date were limited to the groundwater surface and overlying capillary fringe, which would not necessarily detect source areas of PCE. Chlorinated solvents such as PCE in their undissolved form are denser than water, and, therefore, could be present in groundwater and soils significantly deeper than where the monitoring wells were screened. Hazardous materials such as BTEX, PCE and their breakdown products have been documented to have adverse human health impacts, and some are known carcinogens. Therefore, such contaminants need to be delineated and characterized to determine proper and reasonable alternatives, design mitigation in the form of worker health and safety plans and community air monitoring, or rule out significant adverse impacts on construction workers, neighbors, and property occupants. (C61)**

See responses to comments ST-8, ST-9 and ST-10 in this FEIS chapter.

- ST-12. All of the project site is within the boundary of the former Mitchel Air Field. Portions of this airfield were turned over to various entities including Nassau County shortly after the base was closed in 1961. Most of these transfers carried various forms of deed restriction regarding re-use (i.e., parkland use only) primarily to limit ground disturbance of these transferred lands. Does this land have a deed restriction that restricts it to parkland use? (C14)**

By deed dated June 27, 1963 and recorded June 28, 1963 in Liber 7174, Page 177, the United States of America conveyed Lots 326, 351, 401, and 402 to the County of Nassau (the “1963 Deed”). The 1963 Deed contained no deed restrictions that restricted the use of the property to parkland. As to lots 411, 412, and 415, a review of an October 12, 2022 title report prepared by First American Title Insurance Company revealed no deed restrictions limiting the use of the property to parkland.

- ST-13. The DEIS indicates that the Engie facility is listed in the Resource Conservation and Recovery Act (RCRA) generator databases for generation of corrosive-, silver- and halogenated- hazardous wastes and houses multiple aboveground storage tanks (ASTs) containing solvents, acids and waste oil. Undocumented spills or releases of solvents, chemicals, or other hazardous substances associated with these current and historical operations may have adversely affected groundwater, and/or soil vapor on the subject property." For due diligence in the DEIS, it is desirable to test the Nassau Energy cogeneration plant and grounds for the above environmental impacts. (C99)**

The Engie facility's designation as a RCRA generator requires that it comply with State and Federal regulations regarding management, investigation, remediation, and reporting of RCRA regulated hazardous substances. This includes spills or releases of solvents, chemicals, or other hazardous substances associated with current and historical operations that may have adversely affected groundwater, and/or soil vapor on off-site parcels. The proposed Integrated Resort will in no way affect the property occupied by Engie.

2.3 Water Resources (WR)

- WR-1. The DEIS should specify the actual commitments to water conservation devices and methods. Water conservation of 25% is noted in the DEIS resulting from use of high-efficiency plumbing fixtures. Further details or reference documentation should be provided to justify this savings. The DEIS indicates that the Lessee's water conservation program includes real-time monitoring of water consumption to provide data that can be used to identify measures for improving efficiency and performance. Comprehension of this mitigation measure would be enhanced with specific examples of how it has worked at the Lessee's existing facilities and/or similar supporting details. (H3)(C59)(C96)(C116)**

As detailed in Section 3.2.1.2 of the DEIS, Sands prioritizes water efficiency and conservation, and has set global potable water reduction targets to strategically integrate water conservation into operations at the proposed Integrated Resort. The proposed project design is centered around water efficiency and conservation. To achieve this, all plumbing fixtures in the Integrated Resort are proposed to be high-efficiency water-conserving fixtures meeting all water-conserving statutes in accordance with the New York State Plumbing Code, Energy Policy Act of 1992, as amended, as well as the current Leadership in Energy and Environmental Design (LEED) rating system for water efficiency. Appliances that use water, such as dishwashers and washing machines, would be energy efficient, including Energy Star-certified, with the most energy and water efficient operation. The proposed Integrated Resort would not use cooling towers for air conditioning heat rejection (which utilizes substantial amounts of water), representing a significant water conservation measure.

In addition, Sands proposes the use of a central rainwater capture and reuse system that collects, filters and stores rainwater for reuse. This system (for no-contact irrigation use, decorative fountains and possibly for exterior non-contact surface cleaning, if acceptable based upon consultation with the appropriate agencies of Nassau County [Nassau County Department of Public Works (NCDPW) and/or Nassau County Department of Health (NCDH)]) would be a sustainable source of non-potable water use in the project and, therefore, would reduce the demand for potable water. Sands has installed water sub-metering at its other integrated resorts to understand water consumption profiles for distinct building areas and types. The purpose of the informational metering is to determine normal demand and to assist in identifying unusual flow periods possibly indicative of a leak or other problem. This is planned to be employed at the proposed Integrated Resort. Because this proposed Integrated Resort will not have any evaporative type cooling systems (i.e. cooling towers), the water consumption and associated sub-metering will be limited to discrete internal building areas and exterior irrigation ideally served from reclaimed rainwater, if approved by Nassau County.

Water conservation is also important to the Uniondale Water District, which implemented Nassau County's mandatory water conservation regulations in an effort to minimize water use. These regulations limit the hours of lawn sprinkling, prohibit water-cooled air conditioning (unless the water is recycled), require that all car/fleet car washes recycle water, and require that suppliers monitor non-fire protection uses for their fire hydrants. In 2017, NYSDEC required that each water supplier submit a Water Conservation Plan, and subsequent

annual updates, which include usage statistics and conservation methodology for NYSDEC review.

WR-2. A plan showing proposed easements for storm, sanitary, access and utilities is needed. (C61)

Existing easements across the property are identified on the ALTA Survey prepared by Langan Engineering, included as **Appendix 2.3-1** of this FEIS. Existing easements may require modifications and/or new easements will be required on the property. As the design progresses and engineering details are finalized, easements will be reviewed and determined through consultations among Sands, Nassau County, the Town of Hempstead and other affected governing entities/utility providers.

WR-3. Sands should work closely with the appropriate Nassau County agencies and state agencies (NYSDEC and NYSDOH) to implement a water re-use program on the site. (C116)

Sands will work closely with appropriate agencies to implement a water re-use program on the subject site. This is acknowledged in various sections of the DEIS (including, for example, Section 3.2.2.2), which states, in pertinent part:

...Sands proposes the use of a central rainwater capture and reuse system that collects, filters and stores rainwater for reuse. This system (for no-contact irrigation use, decorative fountains and possibly for exterior non-contact surface cleaning, if acceptable, based on consultations with the appropriate agencies of Nassau County [NCDPW and/or NCDHI]) would be a sustainable source of non-potable water use in the project and, therefore, would reduce the demand for potable water. (emphasis added)

Additional details are provided in responses to comments WR-1 and WR-6.

WR-4. Sands should pilot nitrogen diversion technologies at its facilities. This could be done in men's restrooms. The diverted nitrogen could be marketed for re-use as fertilizer to other business. This program can be a model for other large developments on Long Island and in NYS. (C116)

Sands has committed to exploring sustainable solutions and applying proven technology that is available at the time of construction and operations. Nitrogen diversion will be one of a number of sustainable solutions that will be considered.

WR-5. The DEIS specifies that the fire flow for the proposed development would be 3,500 gallons/minute (gpm) for three hours, or 0.63 million gallons per day (mgd). The basis of this calculation should be specified (i.e., whether it is required by Code, conforms to standard engineering design, etc.). Fire suppression flow is noted as 2,000 gpm. Has the Town of Hempstead provided confirmation that there is sufficient capacity to serve this

facility? If the “Magothy” aquifer is compromised and cannot provide the volume of water required for a huge fire, where then does the water come from? (C59)(C32)(C96)

This issue was addressed in Sections 3.2.1.2 and 3.2.2.2 of the DEIS. The maximum day plus fire flow value was provided in the context of the overall Uniondale Water District capacity assessment and is a typical engineering assumption for this application, and 3,500 gallons per minute (gpm) fire flow is a practical upper limit most water suppliers should anticipate based on a three-hour duration or 0.63 million gallons (mg) storage capacity for one fire event (AWWA Manual M31, 4th edition). A fire suppression flow value of 2,000 gpm was provided in the context of the proposed Integrated Resort sprinkler system and booster pump design.

Hydrant flow testing was completed on the water purveyor distribution system facilities south and northwest of the subject property on August 22, 2023, indicating more than 4,000 gpm of available fire flow at 20 psi residual pressure (see **Appendix 2.3-8** of this FEIS). Infrastructure improvements around the subject property are proposed including water main replacement and siting of a new public water supply well, which would enhance the existing water system fire protection capabilities.

With respect to the question regarding capacity to serve the proposed Integrated Resort, as explained in Section 3.2.2.2 of the DEIS, a new water supply well, with a capacity of 1.98 mgd, as well as associated treatment systems, backup power generation, and transmission water main, are proposed to support the full build-out of the proposed Integrated Resort, with excess capacity of over 1.1 mgd provided as a public benefit. The permitting for this well is subject to a comprehensive review and permitting process by the NYSDEC, NYSDOH and the Town of Hempstead. Thus, the well would not be approved if the aquifer from which the water would be drawn could not support same. Also, Sands has requested a letter of water availability from the Town of Hempstead (see Appendix 3.2-3 of the DEIS), and continues to work with the Town regarding this request.

- WR-6. The DEIS provides imprecise information concerning the inclusion of the rainwater harvesting (rainwater capture and reuse) system in the proposed action to mitigate project-related water use. The degree to which the Lessee will implement rainwater harvesting for the proposed development should be stated more definitively. In order to more clearly understand the mitigative value of rainwater harvesting under the proposed action, the FEIS should provide the estimated percentage of non-domestic water consumption to be served by rainwater harvesting, with appropriate supporting documentation, identification/description of the storage location(s) for harvested rainwater, description of the type(s) of filtration/treatment to be provided, and the status of the Lessee’s evaluation of this measure, including any consultation that has occurred with NCDH to confirm its feasibility. (C96)**

As explained in response to comment WR-3, to reduce potable water demand Sands is proposing the use of a central rainwater capture and reuse system that collects, filters and stores rainwater for reuse, if acceptable, based on consultations with the appropriate agencies of Nassau County. Once the design of engineering plans are finalized, Sands would meet with the appropriate Nassau County agencies to discuss the specifics of the proposed system. The rainwater capture system is currently contemplated to be located in central area(s) such as loading dock/parking garage vicinity for ease of access to tank(s), pumps, and filtration

equipment with distribution to landscaped areas. Treatment is expected to include particulate filtration and UV light disinfection

- WR-7. The DEIS indicates that cost-sharing may be employed for the proposed new water supply well “if significant additional users are identified.” To better understand the intent of this statement, the meaning of “significant additional users” should be clarified and the mechanism by which such cost-sharing would be implemented should be explained. (C96)**

As explained in Section 3.2.3 of the DEIS:

A new 1.98 mgd water supply well, associated treatment systems, backup power generation, and transmission water mains would be constructed to support the Full Build-out of the Integrated Resort, which is expected to have a water demand of approximately 0.763 mgd during the growing season. Construction of the new well would result in a benefit to the greater community by increasing the capacity and resiliency of the public water supply in the UWD. Sands has committed to funding this new well and associated facilities. However, if significant additional users of the well are identified, cost-sharing may be employed.

The reference to “significant additional users” was inserted due to the identified contemplated development, during the scoping process for the Integrated Resort, of an NYU Langone Hospital facility at the NCC campus, which would have been a significant water consumer, as reflected in the cumulative impact analysis contained in Section 4.3 of the DEIS. As explained in response to comment CI-4 of the *Cumulative Impacts* chapter of this FEIS, since the time of preparation of the DEIS, the potential development of an NYU Langone Hospital on the NCC property has been put on indefinite pause. See a NEWSDAY article, dated March 21, 2025 (see **Appendix 2.17-1** of this FEIS).

- WR-8. The DEIS does not appear to account for water usage associated with swimming pools in the proposed Integrated Resort. (C96)**

The specific pools have not yet been designed, but with the exception of the initial filling of the pools, the water associated with make-up water would be minimal and not influence overall water demand for the proposed Integrated Resort. Moreover, the pools would be filled prior to the occupancy of the hotels, thus there would be little to no water use associated with the use of the buildings at the time the pools are being filled. So, even the initial filling of the pools would be expected to fall within projected demand.

- WR-9. The DEIS does not appear to address the potential cumulative impact of the additional flow from the proposed action and other proposed projects, in addition to the diverted flow from the South Shore Water Reclamation Facility (SSWRF), with respect to the question of whether the capacity of the Cedar Creek Water Pollution Control Plant (CCWPCP) outfall pipe is adequate to handle the total anticipated flow. (C96)**

NCDPW is currently undertaking a project to convey treated water from the SSWRF (previously known as Bay Park Sewage Treatment Plant) to the CCWPCP ocean outfall

pipe. Sands is not proposing, nor does it have any influence or control over, the diversion of effluent from the SSWRF to an outfall pipe for the Water Pollution Control Plant (WPCP). Moreover, this diversion is not being caused by or due to the proposed Integrated Resort. Accordingly, such diversion is not part of the action evaluated as part of this SEQR process.

This SEQR process for the proposed Integrated Resort identifies, evaluates and mitigates, to the extent practicable, impacts associated with the proposed Integrated Resort. The impacts from sanitary waste from the proposed Integrated Resort were evaluated in Section 3.2.2.3 of the DEIS. That section states, in pertinent part:

Based on the projected sewage flow and the results of the flow monitoring described above, a Letter of Sewer Availability was requested from the NCDPW on April 30, 2024, based on the NCDPW Design Flow factors. In a letter dated May 10, 2024, the NCDPW indicated that there is sufficient capacity in the sewer and treatment facilities (Appendix 3.2-5).

Accordingly, NCDPW (which has jurisdiction over the SSWRF and the WPCP), has confirmed that there is sufficient capacity to handle the projected sanitary flow from the proposed Integrated Resort.

- WR-10. The project will require digging a new water well which will draw from our already polluted aquifer. Will contamination from existing plumes be spread due to the additional pumping thereby affecting our drinking water? To better understand the new water supply well, additional information should be provided, including: map delineating the parcel that is actively being investigated for this well; acreage of the prospective well location, along with the minimum acreage that is necessary to accommodate all the facilities contemplated (i.e., pumphouse, treatment facilities¹ and other appurtenances, etc.), with sufficient area for possible expansion in the future; updated discussion of the engineering investigation in progress for the selected site; steps and timeline for completion of the engineering investigation, design, review and permitting process, based on the experience for similar recent well installations if possible; detailed analysis of the compliance of the proposed well with all applicable regulatory siting requirements including, but not limited to, setbacks; meaningful discussion and analysis to clearly demonstrate the viability of the proposed well if regulatory approval/confirmation of this conclusion is not available at the time of the issuance of the FEIS, including evaluation of the impacts of the new well on existing water supply wells and groundwater contamination plumes in the area of the subject property; and mechanism for funding the long-term operation and maintenance of the new well, including possible additional remediation that may become necessary in the future beyond what is included in the initial construction. (H1)(C4)(C19)(C20)(C32)(C96)**

As explained in Section 3.2.2.2 of the DEIS:

A new water supply well, with a capacity of 1.98 mgd, as well as associated treatment systems, backup power generation, and transmission water main, are proposed to support the Full Build-out of the proposed Integrated Resort, with excess capacity provided as a public benefit. Locations for the water supply well and treatment facilities to enhance UWD capacity are currently under investigation. A potential well site on Nassau County-owned property situated within the right-of-way median at the

intersection of Charles Lindbergh Boulevard and Earle Ovington Boulevard is currently being investigated. Sands has formally engaged a well driller, and H2M has prepared a work plan for the test well in coordination with the well driller. The work plan was presented to the NCDPW and the Town of Hempstead Water Department. A road opening permit application for formal approval for construction of the test well was submitted to NCDPW on September 4, 2024, and the permit was issued on September 11, 2024. With respect to coordination with the NYSDEC, an application for test well drilling was submitted to NYSDEC, and NYSDEC issued an Approval to Sink Well on September 13, 2024. As explained above, an application will be submitted to the NYSDEC for the proposed water supply well and further coordination with NYSDEC will be conducted at that time.

Should results of this investigation support further pursuit of a public water supply well at this location,²¹ an application to NYSDEC would be prepared for a water withdrawal permit for public water supply. This application would include an engineering design report that considers, among other things, the effect of the proposed aquifer withdrawal on known contamination plumes/toxic sites identified within a one-mile radius of the subject property, including the National Priority List (NPL) New Cassel/Hicksville Ground Water Contamination site (for which the EPA has prepared a clean-up plan)²² and Mitchel Field Air Base, 425 Merrick Avenue, Purex-Mitchel Field and Award Packaging Corp., which were identified on the NYSDEC Inactive Hazardous Waste Disposal Site Registry...

The engineering design report would use the well characteristics identified during the test well investigation phase and include calculations of the cone of depression²³ and zone of capture for the proposed production well. The report would consider the influence of the proposed well on the water bearing formation, groundwater migration, saltwater interface, nearby surface water bodies and wells. Upon submission and review, the NYSDEC would determine what, if any, additional analysis/investigation would be necessary for issuance of a permit to construct the permanent well.

Further testing and investigation have been conducted since the preparation of the DEIS, and based upon evaluation conducted by H2M, contaminant migration from existing plumes is anticipated and wellhead treatment on the new public water supply well is proposed and would accelerate the groundwater remediation. Treatment would be designed to be protective of public health and meet all regulatory agency requirements. Responses to comments WR-13 and WR-16 provide additional information on the proposed new public supply well and treatment facilities, including costs and anticipated schedule of activities. As

²¹ *If the test well at this location determines that a public supply well at this location would not be feasible, additional well sites would be identified and investigated. Whatever the location, the process described after identification of the public supply well connection would be the same.*

²² See <https://semspub.epa.gov/work/02/718470.pdf>. The EPA released a Clean-up Plan in April 2024, which involves a "plan is to install underground wells and pipes in the area to remove contaminated groundwater and treat it at a water treatment facility. This would prevent people from potentially being exposed to the contaminated groundwater in the future, minimize the spread of the contaminated groundwater, and treat the groundwater to meet strict federal and state standards. The plan also requires that the groundwater is monitored and uses existing county and state restrictions to ensure that drinking water wells are not installed on site without a permit" and <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0203974>, which provides the discussion outline for EPA's public meeting held in June 2024 regarding the superfund process, the operable units and the clean-up plan for operable unit (OU) 3, which is located in the Eisenhower Park, Salisbury area, east of the subject property. Both accessed April 2025.

²³ A depression in the water table that develops around a pumped well. NYSDEC. *Glossary of Environmental Cleanup Terms*. Available at: <https://dec.ny.gov/regulatory/regulations/glossary-of-environmental-cleanup-terms#C>. Accessed April 2025.

explained above, the potential impacts from existing contaminant plumes on the proposed water supply well have been investigated and the potential for migration has been analyzed, as required to support a permit application to the NYSDEC for water withdrawal. If, during its review of the permit application, NYSDEC requires other information or analysis (e.g., a hydrogeologic analysis), it would be provided.

As identified in the DEIS, the new water supply well is proposed to be located in the Nassau County-owned right-of-way, at the intersection of Charles Lindbergh and Earle Ovington Boulevards. As such, there are no associated tax parcel identifiers, property line delineation, or zoning for setback requirements. **Appendix 2.3-2** of this FEIS contains a conceptual intersection reconfiguration with a preliminary well site layout overlaid. Based on that conceptual intersection reconfiguration, the available area for the well site is 1.99 acres, and is sufficient to accommodate the well, proposed treatment facilities, and generator. The figure shows a 200-foot sanitary radius around the well, a New York State Sanitary Code requirement within which the water supplier is to control land use activities. The 200-foot radius around the new water supply well would include Nassau County-owned road right-of-way and a northwestern portion of the subject property. Sands and Nassau County would execute a non-pollution agreement with the Town of Hempstead as the anticipated water system operator.

A test well program has been completed, with an exploratory boring drilled to a depth of approximately 610 feet with cores and samples collected to evaluate the geology best suited to support a water supply well. A report of the test well program is included in **Appendix 2.3-3** of this FEIS.

The test well program was concluded in March 2025. As explained in response to comment WR-12, the preliminary water quality results from the test well indicate excellent water quality for the area, and the site is viable from a water quality and quantity perspective. A water withdrawal permit for construction of a permanent well will be prepared and submitted to the NYSDEC, in conjunction with a submission to the NYSDOH. This permit application and engineering study is anticipated to be completed and submitted to the listed state agencies in mid-2025. Design of the permanent well (excluding the water treatment plant design) is expected to occur over a similar timeline. Results from the final phase of the test well project will be included in the engineering report and application to NYSDEC for water withdrawal permit, planned submission to be made in the second quarter of 2025. With land agreement and regulatory approvals in place, construction of the permanent well is scheduled to start after the second quarter of 2026, followed by treatment plant construction in the fourth quarter of 2026.

The water withdrawal permit application includes several requirements regarding distances between the well, potential sources of pollution and other public supply wells. For example, the NYSDOH has requirements for activities within 300', 200', 100' and 50' radii of the well.

As presented in the DEIS, Sands has committed to funding the construction of the new water supply well, including water treatment systems necessary to provide drinking water that meets water quality standards. Although the treatment system requirements will be based on the water quality obtained from the well, it is anticipated, based on the groundwater quality in the vicinity, that the potential for: air stripping treatment for volatile organic compound removal; ion exchange for nitrate removal; advanced oxidation for 1,4-Dioxane removal; and granular activated carbon for PFAS removal, may be required. As such, the initial supply well

facility will be equipped with all currently utilized treatment technologies for anticipated contaminant removal of currently regulated contaminants. The facility will be designed to comply with County and State regulatory requirements, as well as Town of Hempstead standards for its water supply facilities. Once completed, the facility will be transferred to the Town of Hempstead as the owner/operator. This facility is not designed to solely satisfy the water demand of the proposed Integrated Resort, it will also provide substantial excess capacity, as explained in Section is purposed to satisfy the water demand of the Uniondale community and support the public good.

After the transfer of the facility to the Town, the costs of operation will be funded by the Town through its receipt of revenue via standard water usage rates, which is consistent with the mechanism currently employed by the Town for funding water plant operations throughout the Town. This approach to funding operations is standard in the water supply industry.

WR-11. Further information should be provided to explain how exacerbating the existing water deficit condition, probably for at least several years until the new supply well is activated subsequent to the completion of Phase 1 construction, would not be problematic. Mitigation measures should be developed to include recharging of the sole source aquifer based on what is being taken from the new water supply well as there has been an ongoing water deficit. Figure 11 discusses mitigation measures, but a quantitative analysis should be provided. What remedies exist if the new water supply well proposed to meet the water needs of the proposed Sands New York Integrated Resort either fails or does not actually supply adequate water for the Resort and all other existing and proposed uses in the area of the Resort? (C4)(C62)(C96)

"Theoretical deficit" is terminology utilized in water supply planning; it is not actual deficit. The intent of calculating theoretical deficit for a water supply system is to recognize a very conservative natured approach in capacity analysis of a dynamic system. On its face, the capacity of a water supply system, such as the Uniondale Water District, is based primarily on both the total authorized groundwater production capacity permitted by the NYSDEC for all permitted wells and the total capacity of water storage tanks. From a planning perspective, the full capacity of a water supply system is not considered completely reliant, as system maintenance and wear need to be considered. For example, Recommended Standards for Water Works (Ten States Standards), the guidance document utilized in New York State for water supply system planning and design, states that the total groundwater source capacity "shall equal or exceed the design maximum day demand with the largest producing well or pump out of service." Further, in order to account for general wear and maintenance, a production capacity discount of 20 percent is applied to the nominal capacity of the remaining wells. Lastly, water storage is equalized over a 24-hour period, and that daily capacity is added to the discounted production capacity of the remaining wells. When the maximum day demand plus fire flow exceeds the discounted water supply system capacity, it is considered to be in theoretical deficit for planning purposes, not an actual deficit.

The Uniondale Water District operates six (6) public supply wells with a total pumping capacity of 10.09 mgd and one water storage tank with a capacity of 1.25 mg. The total capacity of the District is therefore 11.34 mgd.

The conservative analysis presented in Section 3.2.2 of the DEIS applied a significant discount to the District capacity for planning purposes. First, the largest well (Well No. 6) was taken out of the capacity analysis, removing 2.01 mgd from the capacity. Second, the production capacity of the remaining wells was discounted by 20 percent, removing another 1.62 mgd. As a result, 7.71 mgd was used as the water system capacity for evaluation purposes. This represents a 32 percent discount as compared to the actual capacity of the District's water system. The strong conservativeness in this approach, following industry planning standards, is the basis of comparison to determine whether or not there is a "theoretical deficit."

The demand-capacity analysis presented in the DEIS compared the discounted capacity to the maximum demand day recorded between 2013 and 2022 plus fire flow demand. The maximum day demand was recorded in 2014 at 7.84 mgd. A fire flow demand event requiring 3,500 gpm for a three-hour period (0.63 mgd) was added to the maximum day demand in the DEIS analysis, resulting in a maximum day plus fire flow of demand of 8.47 mgd. As compared against the actual District capacity of 11.34 mgd, the application of maximum day plus fire flow leaves an excess capacity of 2.87 mgd. However, as compared to the discounted District capacity of 7.71 mgd, the application of maximum day plus fire flow leaves a deficit of 0.76 mgd. This conservative capacity-demand analysis approach as presented in the DEIS supported standard water system planning in determining the need for an additional supply well for the full-build development to overcome the "theoretical deficit." This strategy was not and should not be employed in determining the availability of system capacity to satisfy the incremental increase in demand for the first phase of the development.

The District system is not in an actual deficit. As the current demand of the site is already incorporated into the maximum day demand recorded by the District, the negligible potential increase in demand of 0.01 mgd for Phase 1, as identified in the DEIS, is readily satisfied by the actual capacity of the District system. The 0.01 mgd increase in demand represents a mere 0.13% increase in maximum day. Further, as shown in the analysis of actual system capacity, there is 2.87 mgd in excess capacity that is available to account for the 0.01 mgd additional demand for Phase 1. From the perspective of overall system capacity, the incremental additional demand is essentially unnoticeable. As such, the current system capacity can satisfy the added demand of Phase 1, as contemplated in the DEIS.

As explained in the response to comment CON-2 in the *Construction* chapter of the DEIS, the revised Phase 1 program would require 272,790 gpd of water, and the proposed supply well would address this demand, as the build year for the revised Phase 1 is projected at 2030.

- WR-12. The aquifers are under stress. The Lessee should review the latest USGS report and the information from the Long Island Commission for Aquifer Protection to determine the impact of the proposed project and new proposed water supply well with respect to drawdown and saltwater intrusion within the aquifer. Will this water use accelerate saltwater intrusion? Careful analysis should be provided on the scientific modeling of predicted drawdown of the water table due to construction and operation. Scientific modeling of contaminants leaching from Superfund sites and spill locations. The DEIS needs to use the identified USGS groundwater model to include the impact this new well will have on current plume migration. Mitigation should be identified when the**

change in plume migration will result in other wells being contaminated. Well specifications and borehole logs, aquifer test results, water quality results should be provided. Nassau county does not have any plans in place to reclaim water by reusing treated wastewater the way Suffolk County does. (H1)(H4)(H7)(C7)(C14)(C23)(C32)(C33)(C50)(C52)(C59)(C64)(C69)(C75)(C76)(C83)(C92)(C93)(C94)(C99)(C102)(C103)(C104)(C110)(C115)

The new water supply contemplated as part of the proposed project would not result in significant adverse impacts on the aquifer. As an island that utilizes an underground freshwater aquifer system, there exists a natural freshwater/saltwater interface. This interface has been studied over the years, most notably by the USGS – with its north and south shore designations typically found along the coastlines. In general, the freshwater/saltwater interface occurs at a point of pressure equilibrium between the freshwater of the aquifer system and the saltwater of the surface water system. During periods when the aquifer system is in a “positive” pressure condition, whereby recharge exceeds withdrawal, the freshwater/saltwater interface may push outland. Similarly, when the aquifer system is in a “negative” pressure condition, the freshwater/saltwater interface may push inland. In relation to the aquifer system used for drinking water, the positive pressure condition can cause freshwater exfiltration, and the negative pressure condition can cause saline water infiltration, or saltwater intrusion. A negative effect on the movement of the freshwater/saltwater interface can be due to close-proximity groundwater pumping, which creates a cone of depression and a localized negative pressure condition that can potentially draw-in saline water. Thus, in essence, the further away groundwater pumping moves from the freshwater/saltwater interface, the lower the potential to induce saltwater intrusion.

The USGS, in collaboration with the NYSDEC, recently completed two comprehensive scientific investigation reports related to saltwater intrusion. The first report (2024-5044) is called *Simulation of Groundwater Flow in the Long Island, New York Regional Aquifer System for Pumping and Recharge Conditions from 1900 to 2019*. This report was based primarily on updated hydrologic and hydrogeologic modeling performed by USGS on the Long Island aquifer system. The second report (2024-5048) is called *Hydrogeologic Framework and Extent of Saltwater Intrusion in Kings, Queens, and Nassau Counties, Long Island, New York*. This report was based primarily on geologic, hydrogeologic, hydrologic, water-use and water quality data, both historic and current. These reports provide a strong understanding of the effects on and the current conditions of the freshwater/saltwater interface on both the north and south shore of Long Island. The south shore freshwater/saltwater interface is currently represented in the USGS reports as beneath Long Beach for the Magothy aquifer, which is the expected screen zone for the new well. The proposed well site is approximately 8.5 miles north of the freshwater/saltwater interface.

The proposed water supply well site is just northwest of the project site. Hydrologically, the well site is located south (downgradient) of the high-water table elevation represented in the USGS reports, with gradient contours indicating natural groundwater flow through the proposed well site from the middle of the island (north) towards the south shore (south-southwest). Generally, the water supply to the new well during pumping will be primarily contributed from the north based on the water table gradient. As such, the cone of depression for the well is expected to extend further north than south. Although the cone of depression will also extend south, it is expected to be no more than 0.25 to 0.5 mile from the

site.²⁴ Given the 8.5 mile distance from the current understanding of the freshwater/saltwater interface and the expected extent of the cone of depression from pumping the new well, the well will have no effect on and will not induce saltwater intrusion.

Well specifications will be developed using NYSDEC standards for potable water wells. Aquifer test result analyses are ongoing, and a preliminary test well and a permanent test well were constructed. Transmissivity values for the aquifer are estimated to be on the order of 100,000 – 200,000 gpd/feet, indicating a radius of influence less than a half of a mile around the site for the final production well (pumping at full capacity over a 30-day duration). The radius of influence is not expected to overlap with any of the existing supply wells in the area or with nearby plumes.

The preliminary water quality results from the test well indicate excellent water quality for the area. No VOC compounds were detected in the well water from the test well in any of the zones, with a limit of quantification of 0.5 ug/L. Iron was detected in the shallowest testing zone between 102 – 103 ug/L, and not detected in the deeper zones at a minimum detection limit of 100 ug/L, including in the selected screen zone of 400 – 440 feet below grade (see Appendix 3 within **Appendix 2.3-3** of this FEIS).

See response to comment WR-10 for a discussion of plume migration and the results from the test well.

- WR-13. Sands intends to pump 5.3 million gallons of water each week, which would increase water usage in the Uniondale Water District by 11%, potentially straining the already limited aquifer system (including the Lloyd aquifer) and impacting local water resources. The DEIS needs to discuss the impacts on the Lloyd aquifer, if that is where the new well will be drawing from. The impacts associated with a projected deficit need further detail to ensure that a new well and additional draw upon the aquifer can be achieved without greater harm related to existing contamination plumes and intrusion. Despite documented groundwater contamination on and surrounding the Site (including PFOA and PFOS as noted in the PFAS Sampling Report prepared by H2M, dated October 30, 2024 that indicated exceedances), which was only discussed in the dewatering section of the DEIS (and Appendix 3.15-3), the DEIS does not analyze the effect that dewatering would have on such contamination plumes, nor does it identify the treatment and disposal requirements for such contaminated groundwater. Treatment for PFAS can be extraordinarily complicated and costly. The DEIS must demonstrate the contamination that would be encountered, the technical feasibility of treatment systems for such contamination and a full analysis of all costs associated with the well system, and all costs associated with water treatment. This contamination was not considered in reaching the unsupported and questionable conclusions that there are no environmental issues of concern on the Site. With regard to groundwater contamination plumes in the vicinity of the proposed public supply well, two further investigations and impact analyses must be conducted. First, available documentation must be reviewed to understand where the plume limits are currently located and their relationship to the capture zone of the proposed well. Second, there is the possibility**

²⁴Detailed analysis will be conducted and further expressed as part of the engineering report for the new supply well, which will be submitted as part of the permitting process.

that the new well could influence existing plume supply. Thus, an analysis of the cone of influence of the new well and modeling of existing plumes considering existing treatment capacities must be conducted with the well owners and involved regulatory agencies. This is what is required to identify potentially significant adverse impacts to currently ongoing remediation processes and address modifications that may be required to develop mitigation, should such impacts be identified. Such analyses must be included in the DEIS. The DEIS must demonstrate the contamination that would be encountered, the technical feasibility of treatment systems for such contamination and a full analysis of all costs associated with the well system, and all costs associated with water treatment. Mitigation measures with regard to potential impacts to existing groundwater contamination plumes and adjacent water districts as a result of the Resort development (e.g., the proposed new water supply well) should be identified and described. (C59)(C61)(C62)(C23)(C32)(C37)(H4)(H10)(C56)(C96)

The conclusions of the DEIS with regard to potential adverse impacts on the aquifer are not unsupported. The proposed water supply well will source water from the Magothy aquifer, not the Lloyd aquifer. Uniondale Water District wells are also screened in the Magothy aquifer. Based on data collected during the test well program (see response to comment WR-12), the screen zone for the permanent well will be located between approximately 400 and 440 feet below grade. This would place the screen zone in the Magothy Aquifer, and due to the Raritan clay above the Lloyd, the well will be hydraulically separated from the Lloyd aquifer.

The existing conditions assessment for water supplier Uniondale Water District indicated a “theoretical deficit,” not an actual deficit (see response to comment WR-11 for an explanation of the “theoretical deficit”). When demand or need dictates, the Town has the general ability to move water throughout its five-district service area, considering any gradient limitations, through existing inter-district interconnections. From a planning perspective, the theoretical deficit for Uniondale Water District would be mitigated by enhancement to the District’s source water capacity through construction of the proposed new water supply well. Including withdrawal from the proposed well, the water balance presented shows groundwater recharge exceeds withdrawal. A projected deficit does not exist.

See response to comment WR-12 for discussion of “saltwater intrusion.”

Based on preliminary analysis from the test well program, the transmissivity in this region for the Magothy aquifer is between 100,000 – 200,000 gpd/feet. This is corroborated by the 2020 USGS Report, *Aquifer Transmissivity in Nassau, Queens, and Kings Counties, New York, Estimated from Specific Capacity Tests at Production Wells*²⁵ which found a 10th percentile value transmissivity value of 20,197 gpd/ft (2,700 ft²/day), and a 90th percentile value of 97,247 gpd/feet (13,000 ft²/day). The most conservative available value by others can be

²⁵ USGS. *Aquifer Transmissivity in Nassau, Queens, and Kings Counties, New York, Estimated From Specific-Capacity Tests at Production Wells* (2020). Available at: https://health.ny.gov/environmental/water/drinking/nyc_nassau_county_feasibility_study/Aquifer%20Transmissivity%20in%20Nassau,%20Queens,%20and%20Kings%20Counties,%20New%20York,%20Estimated%20From%20Specific-Capacity%20Tests%20at%20Production%20Wells.pdf.

taken from *Water-Transmitting Properties of Aquifers on Long Island, New York*,²⁶ equivalent to 250,000 gpd/ft.

As such, the estimated radius of influence is on the order of 0.5 mile. **Appendix 2.3-4** of this FEIS identifies the proposed new water supply well location and shows the well's estimated radius of influence, informed by measurement and observations completed under the test well project. The radius of influence is defined as the distance from the well, where drawdown or change in water table elevation due to pumping the well is less than six inches. As shown in **Appendix 2.3-4**, there are no active public water supply wells identified within this 0.5-mile radius of influence. Active vicinity plume boundaries are also mapped in the aforesaid Appendix and are further discussed below. The well's estimated radius of influence does not overlap with these boundaries. However, from a planning perspective, hydrogeologic groundwater movement would indicate the likelihood that groundwater plumes in the vicinity could impact the proposed water supply well in the future. Therefore, as documented in response to comment WR-10, Sands will provide wellhead treatment, consistent with most other Nassau County supply wells threatened by legacy industrial activity.

The typical one-mile radius NYSDEC database search for toxic sites around a proposed public water supply well was expanded to a two-mile radius search. National Priority List (NPL), Inactive Hazardous Waste Disposal Site Registry and Registry Qualifying sites were identified and mapped.

Appendix 2.3-4 of this FEIS shows the NYSDEC listing locations of NPL sites New Cassel/Hicksville Groundwater Contamination Site and Old Roosevelt Field Contaminated GW Area, and Inactive Hazardous Waste Disposal Site Registry site 123 Post Avenue which is classified "2," representing a "significant threat to the public health or environment – action required." That Appendix also shows plume boundaries of each. These boundaries are compilations of the latest available graphical representations as indicated by the plume managers and are inclusive of various plume contaminants, all ranges of concentration above 5 ug/L, and at all depths from the ground surface. Locations of associated remediation facilities are also shown on the figure. These remediation facilities do not fall within the proposed new water supply well's estimated radius of influence.

The New Cassel/Hicksville Groundwater Contamination (also known as New Cassel Industrial Area plume) originates from industrial activities at several facilities, including the Sylvania Properties and General Instruments facility. The primary contaminants observed in the plume are VOCs including PCE, trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), and vinyl chloride. Remediation is managed by the USEPA and USACE and is broken down into three discrete phases or components, known as operable units (OUs). **Appendix 2.3-4** of this FEIS shows the extents of contamination at the New Cassel/Hicksville OUs, as identified in the *Record of Decision, Operable Unit One*²⁷ from September 2013; the USACE report entitled *Final Remedial Investigation Report for the Sylvania Corning FUSRAP Site, Town of Oyster Bay*,

²⁶ McClymonds, N.E., Franke, O.L., prepared for the US Department of the Interior. *Water-Transmitting Properties of Aquifers on Long Island, New York* (1972). Available at: <https://pubs.usgs.gov/pp/0627e/report.pdf>

²⁷ NYSDEC. *Record of Decision: Old Roosevelt Field Contaminated Groundwater Area, Operable Unit Number 1* (2013). Available at: https://extapps.dec.ny.gov/data/DecDocs/130215/ROD.HW.130215.2013-09-30.OU1_ROD.pdf.

*Nassau County, New York*²⁸ published in September 2021, and the *Record of Decision: New Cassel/Hicksville Groundwater Contamination Superfund Site, Operable Unit 3, Nassau County, New York*²⁹ from March 2024.

The Old Roosevelt Field Groundwater Contamination Area originates from the former Roosevelt Field Airfield and is located roughly in the same location as the current Roosevelt Field Mall. The primary contaminants of concern at this site are PCE and TCE. The USEPA has designated two OUs to address the Old Roosevelt Field Groundwater Contamination Area. The extents of contamination observed within each OU are shown in **Appendix 2.3-4**, as identified by the EPA's *Annual Progress Report – Year 12 for Old Roosevelt Field Contaminated Groundwater Area Superfund Site, Garden City, New York*³⁰ published in May 2024 and "Final Pre-Design Investigation Report, Old Roosevelt Field Contaminated Groundwater Area Superfund Site, Operable Unit 2, Remedial Design" published in December 2020.

The groundwater contamination plume originating at 123 Post Avenue, Westbury results from dry cleaning activities conducted since the 1950s. The groundwater contaminants of concern are PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE). The site is being managed by the NYSDEC as two operable units, OU1 and OU2. **Appendix 2.3-4** of this FEIS shows the extents of contamination at OU2, as identified in the NYSDEC's *123 Post Ave - Operable Unit 2 Feasibility Study Report*³¹ published in November 2021.

Mitchel Field and 115 Old Country Road sites are NYSDEC classified "P," representing a potential site due to historical site usages. Listing locations are shown in **Appendix 2.3-4**. The remaining sites identified in the NYSDEC 2-mile radius search are not shown on **Appendix 2.3-4** as they are either south of the proposed well site (groundwater flow in this location is from the north); classified "C" completed or "N" no further action at this time; classified "4" site is properly closed – requires continued management; or classified "2" but noted "Remediation at the site is complete."

Refer to response to comment WR-16 for commentary on the technical feasibility and cost of the proposed new public water supply well and treatment facilities, and response to comment WR -10 for potential impacts from contaminant migration from existing plumes toward the new public water supply well and proposed treatment. Modeling of surrounding groundwater plumes is not typical practice for siting new public water supply wells, and as such, would only be completed for this application if directed by the NYSDEC.

DEIS Section 3.15.5 explained that groundwater treatment would be employed during construction phase dewatering activities, and the disposition of dewatered groundwater would be managed in accordance with applicable local and regional regulations. The treatment would involve directing discharges to settlement tanks and temporary GAC treatment systems in series. GAC is an accepted technology for the removal of PFAS to

²⁸ US Army Corps of Engineers. *Final Remedial Investigation Report for the Sylvania Corning FUSRAP Site, Town of Oyster Bay, Nassau County, New York* (2021). Available at: https://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/ny/fusrap/Final_RI_Sylvania_FUSRAP_09_10_21_TextTablesFigure_s.pdf?ver=HlbYBtwtndFDyvh0qYwrQ%3d%3d.

²⁹ US Environmental Protection Agency. *Record of Decision: New Cassel/Hicksville Groundwater Contamination Superfund Site, Operable Unit 3, Nassau County, New York* (2024). Available at: <https://semspub.epa.gov/work/02/701335.pdf>.

³⁰ US Environmental Protection Agency. *Annual Progress Report – Year 12 for Old Roosevelt Field Contaminated Groundwater Area Superfund Site, Garden City, New York* (2024). Available at: <https://semspub.epa.gov/work/02/647067.pdf>.

³¹ NYSDEC. *123 Post Ave - Operable Unit 2 Feasibility Study Report* (2021). Available at: https://extapps.dec.ny.gov/data/DecDocs/130088/Report.HW.130088.2021-11-04.OU2_FS_Final.pdf.

regulatory standards. As explained in response to comment CON-2, as the proposed phasing and depth of excavation have been modified since the preparation of the DEIS, dewatering is no longer required.

WR-14. Irrigation demands are estimated for 1 inch per week, which may be reasonable, but the calculated irrigation demands to obtain 1 inch per week need to be provided to show their values and demonstrate accuracy. Reduction to irrigation needs should be part of a mitigation plan which can include native plants, rain swells, rain gardens, grey water systems etc. Statements of native flora, meadows, and no mow zones were to be included in the new pervious area of 15.7 acres. (C56)(C59)

As a general guideline, lawns and other vegetation require about one inch of water per week during the growing season, either from rainfall or irrigation. The irrigation demand was calculated based on the conservative assumption that, during the worst-case week, no rainfall occurs and the full water need for landscaped areas would be supplied by irrigation.

Therefore, the anticipated irrigation demand was estimated based on the following data and calculations:

- › Total Landscaped Area = 681,892 square feet (15.65 Acres)
- › Anticipated irrigation rate of 1.0 inch/week
- › 1 cubic foot of water = 7.48 gallons

Irrigation Water Demand (daily average during growing season):

- › 681,892 square feet x 1.0 inch/week x 1 foot/12 inches x 1 week/7 days x 7.48 gallons/1 cubic foot = 60,720 gallons / day (±62,000 GPD)

WR-15. Will the new water supply well be a public or private well? Who will be responsible for the long-term operations and maintenance? (C58)

The new water supply well will be a public water supply facility. See response to comment WR-10.

WR-16. The water supply is dwindling and a new well will not increase the supply of water; it will accelerate the use of water. The final location of the new well, its viability and related impacts have not been identified or analyzed. The DEIS must demonstrate that the Proposed Project is viable and can be constructed without overburdening the existing water supply. While the DEIS lists one potential location, it also states that “[i]f the test well at this location determines that a public supply well at this location would not be feasible, additional well sites would be identified and investigated. Whatever the location, the process described after identification of the public supply well connection would be the same.” (See page 98, FN 149.) Accordingly, the DEIS fails not only to analyze the potential impacts associated with the proposed well location, but also any other potential sites, including the likelihood of encountering contaminated groundwater and the costs and technical feasibility of treating such water such that it would be safe for human consumption. Since the build-out of Phase 2 depends on the

new well, the issue should be more thoroughly addressed and resolved in the FEIS. Feasibility of the 1.98 mgd well must be established in the FEIS. (C63)(C88)(C61)(H1)(H7)(H8)(C4)(C7)(C32)

A new water supply well would increase the amount of water withdrawn from the Magothy aquifer and the amount of potable water available within the Uniondale Water District public supply system, so that sufficient water supply would exist to serve the proposed Integrated Resort with over 1.1 mgd of extra capacity provided as a public benefit.

As explained in response to comment WR-10, a test well has been completed at the proposed new public supply well location in the right-of-way at the intersection of Charles Lindbergh and Earle Ovington Boulevards. Preliminary results are presented in the report entitled *Test Well Program Preliminary Test Well Construction and Analysis*, compiled March 2025 and included in **Appendix 2.3-3**. The site was determined to be viable from a water quality and quantity perspective. Results from the final phase of the test well project will be included in the engineering report and application to NYSDEC for a water withdrawal permit, which is planned for submission in the second quarter of 2025. With land agreement and regulatory approvals in place, construction of the permanent well is scheduled to start after the second quarter of 2026, followed by treatment plant construction in the fourth quarter of 2026. The site was determined to be viable from a water quality and quantity perspective.

The proposed public water supply well continues to be conceptualized with advanced treatments to address solvent related contaminants typically detected in industrial plumes, so that any water from this new supply well would be protective of public health and meet all regulatory agency requirements. Considered treatment systems include air stripping for volatile organic compound (VOC) removal, advanced oxidation for 1,4-dioxane removal, granular activated carbon adsorption, and ion exchange for PFAS removal, all of which are technically feasible systems.

Total construction costs for the new supply well were projected by H2M at \$18± million, with \$3± million in new well construction, \$10± million in treatment construction and \$5± million in water main construction. Sands has committed to funding the construction of this new well and associated facilities. The water supply infrastructure would be initiated, designed and constructed by Sands to the standards and approval of the Town of Hempstead Water Department and the Uniondale Water District, and dedicated to the Town of Hempstead to be operated by the UWD. As such, operation and maintenance costs would be paid by the operator and the funds raised from consumers, like Sands, through water rates.

- WR-17. The project will create a cone of depression in the aquifer and the impact of this cone to the surrounding community or wells needs proper analysis because the 0.25-mile to 0.5-mile drawdown radius surrounding the proposed well at the intersection of Charles Lindbergh Boulevard and Earle Ovington Boulevard would overlap the subject property and potentially induce flow of groundwater from the subject property into the well. Because groundwater contamination on the subject property has not been fully characterized, and because potential contaminant sources on the subject property have not been ruled out, the feasibility of the selected well location – and thus the feasibility of the Proposed Project - is in question. The DEIS must demonstrate that there is an adequate water supply for the Proposed Project and what impacts will result from such pumping. The cone of depression that is created from the pumping of the proposed**

new well, which will lower the base flood elevation and further degrade the East Meadow Brook, needs to be studied and mitigated to the maximum extent practicable. (C82)(H2)(C56)(C61)(C100)(C102)(C110)(C99)

As explained in responses to comments WR-10, WR-12, and WR-13, based on test well data, the water quality results from the test well indicate excellent water quality for the area, and the site is viable from a water quality and quantity perspective. The radius of influence has been projected at 0.5 mile, and active plume boundaries were identified and evaluated (see **Appendix 2.3-4** of this FEIS). The well's estimated radius of influence does not overlap with these boundaries. However, from a planning perspective, hydrogeologic groundwater movement would indicate the likelihood that groundwater plumes in the vicinity could impact the proposed water supply well in the future. Therefore, as documented in response to comment WR-10, Sands will provide wellhead treatment, consistent with most other Nassau County supply wells threatened by legacy industrial activity.

See response to comment WR-18 for a discussion of potential impact of the proposed public supply well pumping on the East Meadow Brook.

WR-18. Additional pumping of the Magothy aquifer risks pulling existing offsite contaminant plumes deeper into the aquifer, decreasing the flow of groundwater feeding Meadow Brook, and drawing water away from surrounding public supply wells. We cannot risk spread of contaminated plumes through our water supply by excessive pumping. The DEIS is inadequate because it does not consider the impact of a new high-volume supply well on the local hydrologic system, risking negative impacts to existing community water supplies and surface waterways. The DEIS must analyze whether the infiltration of stormwater will pass through and potentially mobilize hazardous materials contaminants, potentially causing additional impacts to potable water or migration of contaminants to offsite locations. (H1)(C61)(C4)(C20)(C32)(C50)(C99)(C102)(C115)(C116)

With regard to East Meadow Brook, Section 3.3.2.4 of the DEIS explains that that the hydrology of the stream is driven by stormwater rather than groundwater influences. That DEIS section also explains, in pertinent part:

The East Meadow Brook is a stream that has been highly impacted by development, including significant alterations to the stream channel due [to] the construction of the Meadowbrook State Parkway, as well as impacts from the dense commercial, institutional, and residential development that characterize the general surrounding area. The portion of the East Meadow Brook in the area of the Hempstead Turnpike/Meadowbrook State Parkway interchange functions primarily as an intermittent conduit for stormwater runoff from the surrounding roads and development. The East Meadow Brook flows southward along the west side of the Meadowbrook State Parkway and crosses beneath the parkway via three box culverts located just south of the Glenn Curtiss Boulevard overpass and within the proposed Hempstead Turnpike/Meadowbrook State Parkway interchange traffic mitigation area. Surface flow from the East Meadow Brook ultimately discharge to the tidal waters of Stadium Park Canal and Merrick Bay, located 4.75± miles to the south.

The 1997 USGS Report *Urbanization and Recharge in the Vicinity of East Meadow Brook, Nassau County, New York*³² indicates the start-of-flow (the point at which the water table intersects the stream channel and baseflow begins) for East Meadow Brook is downstream of the proposed action's project site and the proposed water supply well location, and therefore, East Meadow Brook is not fed by groundwater baseflow in the vicinity of the project site. The report describes how stream flow of East Meadow Brook decreased over the second half of the twentieth century, attributed to the effects of sanitary sewerage of Nassau County (Sewer Districts 2 and 3) as well as storm sewers that that direct runoff to streams rather than recharging the aquifer.

Stormwater Quality Treatment requirements, per the NYSDEC SPDES General Permit GP-0-25-001, would be met by providing new on-site drywells in the proposed parking areas with pretreatment devices (hydrodynamic separators) installed upstream of the drywells and sized to treat 50 percent of the water quality volume in accordance with the NYS Stormwater Management Design Manual, dated July 31, 2024. The drywell systems will overflow to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which would continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, would utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

Also see responses to comments WR-10, WR-12, WR-13 and WR-16 for a discussion of off-site contaminant plumes and potential related contaminant migration associated with pumpage from the proposed water supply well.

WR-19. The water district's water caps have been exceeded. What happens if the DEC starts enforcing the caps? Do we forego the hospital and other developments that will provide housing, office space, and shopping in favor of a casino related project/resort? The DEIS fails to address the impact on the UWD cap limit nor what responsibility the project will take if the DEC decides to enforce the cap. Instead, it provided a misleading assessment that groups several adjacent water districts and their caps with the UWD cap. (H10)(C99)

NYSDEC could seek enforcement action for water cap exceedances, should the Governor request such action, regardless of whether or not a new well is built. Assuming that NYSDEC would seek such enforcement is speculative. However, in the event such enforcement were to occur, all public water suppliers on Long Island would need to take action regardless of the proposed Integrated Resort. The application for a new well will be submitted and reviewed by the NYSDEC. As an involved agency, a copy of the DEIS has been provided to the NYSDEC was provided to the NYSDEC, and no comments have been received from the NYSDEC expressing concern with the proposed additional well.

With respect to the assertion that the presentation of the grouping of several adjacent water districts in the DEIS was misleading, as indicated in footnote 135 in Section 3.2.1.2 of the DEIS, the water cap grouping "Town of Hempstead five-district aggregate" was presented by the NCDH in its publication *Ground Water and Public Water Supply Facts* (June 1991). Lastly, as it relates to the new supply well, the proposed well will be located within the current Mitchel

³² Scorca, M.P. *Urbanization and Recharge in the Vicinity of East Meadow Brook, Nassau County, New York* (1997). Available at: <https://pubs.usgs.gov/wri/1996/4187/report.pdf>

Field Water Supply Area (MFWSA). The MFWSA currently possesses NYSDEC authorized and permitted withdrawal capacity of 3.5 mgd annually. Currently, the only withdrawal is for irrigation at Eisenhower Park capped at an average of 0.2 mgd annually. As such, the groundwater withdrawal of the new well is within the permitted capacity already granted by the NYSDEC in the vicinity of the of the proposed new well.

WR-20. All water districts share the same aquifer, and water usage at one location affects other locations. According to the 2023 report of the Long Island Commission for Aquifer Protection, drought periods have outnumbered wet periods in the past ten years, and aquifer levels were dropping at the end of the study period in 2023. How does that affect the impact from additional water pumpage and use from the proposed development? (H10)(C59)

On Long Island, it is standard and accepted to account for 50% of precipitation contributing to groundwater recharge, originating from *Ground-Water-Recharge Rates in Nassau and Suffolk Counties, New York*.³³ This proportion has been accepted in and cited by numerous USGS resources, including the USGS New York Water Science Center's *Long Island Precipitation and Recharge* educational website³⁴ and the 2024 USGS report describing the most recent USGS and NYSDEC groundwater model for Long Island, *Simulated Groundwater Flow in the Long Island Aquifer for Pumping and Recharge Conditions, 1900 – 2019*.³⁵ The 50% recharge proportion is further cited by the Long Island Commission for Aquifer Protection (LICAP) in its *Groundwater Resources Management Plan*.³⁶

With an average precipitation of about 44 inches per year (2013 – 2022), approximately 22 inches (50 percent) is recharged to the aquifer. The average annual precipitation and recharge estimates are well documented for Long Island and Nassau County. LICAP, created collaboratively by the Legislatures of Nassau and Suffolk Counties in late 2013, has issued reports on the state of the aquifer since 2016. In its initial report in 2016, LICAP indicates that most parts of Long Island receive from 42 to 50 inches of precipitation a year (referencing USGS publications for annual precipitation totals for Long Island), with half the precipitation entering the aquifer system. It further states that approximately 300 billion gallons of water is added to the Long Island aquifer annually through precipitation, with total annual pumpage for both Nassau and Suffolk counties ranging between 150 and 200 billion gallons, leaving a significant net aquifer gain in most years. In 2020, the LICAP State of the Aquifer report provided more specific precipitation data, referring to the National Oceanographic and Atmospheric Association precipitation data for Long Island MacArthur airport. The annual precipitation in 2020 was 46 inches and ranged between 41.87 and 58.14 inches annually from 2017 through 2020. The 2021 LICAP report indicated an annual precipitation of 50.23 inches from September 2020 through August 2021. Lastly, the 2022 State of the Aquifer

³³ Peterson, D.S. *Ground-Water-Recharge Rates in Nassau and Suffolk Counties, New York* (1987). Available at: <https://pubs.usgs.gov/wri/1986/4181/report.pdf>.

³⁴ USGS. *Long Island Precipitation and Recharge*. Available at: <https://www.usgs.gov/centers/new-york-water-science-center/science/long-island-precipitation-and-recharge>.

³⁵ US Geological Survey. *Simulation of Groundwater Flow in the Long Island, New York Regional Aquifer System for Pumping and Recharge Conditions from 1900 to 2019* (2024). Available at: <https://pubs.usgs.gov/sir/2024/5044/sir20245044.pdf>.

³⁶ Long Island Commission for Aquifer Protection (LICAP). *Groundwater Resources Management Plan* (2019). Available at: https://health.ny.gov/environmental/water/drinking/nyc_nassau_county_feasibility_study/LICAP_SCWA-GRMP-2019.pdf.

report presented annual precipitation rates for Long Island from the 2020 – 2022 water years ranging from 36.23 to 51.58 inches, taken from the National Centers for Environmental Information (variations in reported annual precipitation seem to be based on variations in the time of year assessed), and further stated the 30-year climatic normal for Long Island as 45.99 inches.

The utilization of 44 inches of average annual precipitation in regard to evaluating aquifer recharge and conducting water balance assessments is standard, conservative, and well supported by past studies and publicly available data as described above. Water levels fluctuate naturally over time due to variations in aquifer inflow and outflow (primarily recharge and pumpage) and must be considered on a macro basis, based on water balance and given the fact that it takes years for precipitation to reach the water table.

- WR-21. The May 10, 2024, letter from Nassau County Department of Public Works confirming sanitary sewer availability for the proposed project indicates that an industrial waste permit may be needed. The FEIS should discuss the regulatory provisions which dictate whether this permit is required; and if it is determined to be potentially applicable to the proposed action, the implications of constructing a facility subject to an industrial waste permit should also be discussed. (C96)**

An Industrial Waste Permit will be needed from the NCDPW for kitchen waste lines, possibly for elevator sump pits, and for floor drains prior to connection to NCDPW sewers. Plans will be submitted to the NCDPW Industrial Waste Division for review of the grease traps and/or oil-water separators required for these discharges prior to construction.

- WR-22. Has the exact increase in sewage flow from the proposed Sands facility been determined? Is there existing capacity at the Cedar Creek facility to handle the projected sewage flow? Is additional capacity needed and is it feasible to expand capacity, if expansion is required? The agency should provide a letter verifying here is sufficient capacity of the existing sanitary sewerage system downstream of the site. The DEIS also needs to include a discussion of peaking factors utilized with respect to the sanitary sewer calculations. The wide range of uses on the site can result in coinciding peaks by different uses which could impact the ability of the receiving system to convey the effluent. The Lessee should Install equipment to monitor flow of the system post construction to verify the sanitary sewer design flows. (C5)(C14)(C35)(C42)(C59)(C64)(C69)(C93)**

As detailed in Section 3.2.2.3 of the DEIS, the proposed Integrated Resort is expected to generate a total of approximately 701,400 gpd of sewage (taking no credit for the existing Coliseum sewage generation). The sewage generation from the Marriott Hotel would remain unchanged. At the request of NCDPW, flow monitoring was conducted between April 19 and June 1, 2023 (43 days), measuring sanitary flows upstream and downstream of the proposed facilities. Based on review of the flow monitoring data, as well as other available information, it was determined that the existing NCDPW downstream sewer infrastructure has sufficient capacity to accommodate the additional flows anticipated from the proposed new facilities. The flow monitoring and sewer capacity analysis is further detailed in the *Sanitary Flow Monitoring and Capacity Evaluation Report* (H2M, April 2024) included in **Appendix 2.3-5** of

this FEIS, which was submitted to NCDPW. In a letter dated May 10, 2024, the NCDPW indicated that there is sufficient capacity in the sewer and treatment facilities (see Appendix 3.2-5 of the DEIS). As further detailed in the *Sanitary Flow Monitoring and Capacity Evaluation Report*, a projected peak flow rate was calculated using a peaking factor of 3.04 based on the methodology described in the Ten State Standards.

WR-23. The Integrated Resort is planning to be connected to Roosevelt Industrial Area Sewer District in Nassau County for sewer disposal (with discharge to the cedar creek water pollution control plant). It is my understanding that Cedar Creek water control plant will be closing and will direct sewage treatment to Bay Park. Is this correct? What is the timeframe? Will it be at taxpayers' expense? (C107)

The site would be connected to the Roosevelt Industrial Area sewer district and discharge to the CCWPCP. As explained in response to comment WR-9, NCDPW is currently undergoing a project to convey treated water from the South Shore Water Reclamation Facility (previously known as Bay Park Sewage Treatment Plant) to the CCWPCP ocean outfall pipe. NCDPW has issued a Sanitary Sewer Availability, dated May 10, 2024, for Sands New York Integrated Resort which indicates that the sanitary sewer collection system and the CCWPCP have sufficient capacity for the projected sanitary discharge (see Appendix 3.2-5 of the DEIS).

WR-24. The DEIS states that the Proposed Project will reduce stormwater runoff by reducing impervious areas and expanding stormwater capture/reuse, landscaping, and infiltration systems. However, the DEIS does not provide the data or even summary analysis that supports the claim of reduced stormwater runoff. The DEIS must provide the calculations and documentation that the infiltration system designs account for actual infiltration rates recorded at the proposed design depths of each system. The DEIS must explain whether the infiltration system locations will be retested during construction to reconfirm that design infiltration rates are accurate (construction activity will lead to disturbance/compaction of these areas and rates should be reconfirmed). The DEIS must explain alternative stormwater management options if the infiltration system locations are found to be nonviable for infiltration. The DEIS should provide calculations for runoff reduction, water quality, and channel protection, overbank flood, extreme flood events as per the referenced Section 9.2-1(A) of the Stormwater Design Manual for redevelopment sites and the DEIS should provide soil percolation rates to verify the proposed drywell infiltration. Additional details should be provided, including the types and frequency of water quality testing, location and frequency of flow monitoring, specific maintenance protocols to be followed, and provisions for oversight to ensure follow-through on implementation. (C59)(C61)(C96)

An updated Preliminary SWPPP has been prepared, and a Stormwater Modeling Analysis has been performed based on the full-build stormwater management design by H2M (see **Appendix 2.2-2** of this FEIS). A summary of the analysis is tabulated in the SWPPP Report and modeling results are included in Appendix G of the SWPPP Report, along with Pre- and Post-Development Tributary Maps in Appendix I of the SWPPP. All stormwater management practices (SMPs) have been designed in accordance with the sizing and performance criteria proscribed by the NYSDEC SPDES General Permit GP-0-25-001 and the NYS Stormwater

Management Design Manual, Dated July 31, 2024, including water quality and runoff reduction volumes, channel protection, overbank flood, and extreme flood events.

Infiltration rates utilized in the analysis were based on the Infiltration Testing Memorandum prepared by Langan dated September 14, 2023, included in **Appendix 2.3-6** of this FEIS. Four infiltration tests were conducted within boreholes proximate to the proposed surface parking lots where most of the drywell systems are proposed to be installed. Testing was conducted in general accordance with the procedures outlined in Appendix D of the Draft New York State Stormwater Management Design Manual (NYSDEC, 2022).

Four trials were conducted within each borehole at about 20 feet below grade. Infiltration rates varied from 48 in/hr to 19.2 in/hr in LBD-02 (NE parking lot), 3.6 in/hr to 1.2 in/hr in LBD-05 (SE parking lot), and 17.5 in/hr to 13.1 in/hr in LBD-08 (SW parking lot). In all cases, the infiltration rates were greater than 0.5 in/hr indicating the soils as suitable for the use of infiltrative practices in accordance with the NYSDEC Stormwater Management Design Manual.

All SMPs will be maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, from which Specifications Sheets for relevant SMPs are included in Appendix J of the SWPPP (which is included in **Appendix 2.2-2** of this FEIS).

WR-25. The DEIS indicates that the drainage system for the proposed Integrated Resort would accommodate the runoff from a five-inch storm event. However, the Nassau County standard for drainage system design is an eight-inch storm event. The procedures for relief from the County's eight-inch standard should be explained. (C96)

As indicated in April 3, 2024 correspondence from NCDPW, provided in Appendix 3.2-7 of the DEIS, NCDPW confirmed that the area proposed for redevelopment is tributary to Nassau County Recharge Basin No. 537, which was designed to accommodate a storage volume based on a five-inch rainfall event with the ability to overflow to another positive system. NCDPW indicated that it had no objections to the design intent and methodology of the proposed stormwater management system for the Integrated Resort.

As explained in Section 3.2.2.5 of the DEIS, the redevelopment of the project site will reduce the stormwater runoff leaving the site tributary to Nassau County Basin No. 537 by increasing pervious area as well as providing new on-site drywells that would infiltrate stormwater runoff from the parking lot areas. Rooftop greenspace and stormwater harvesting would also be incorporated into the design, further reducing the stormwater flows to Nassau County Basin No. 537.

The drywell systems would overflow to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which would continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, would utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

Although Nassau County standards for onsite storage requires a system to accommodate eight (8) inches of runoff, as acknowledged in the NCDPW correspondence included in Appendix 3.2-7 of the DEIS, Nassau County Basin No. 537 was designed to accommodate the storage volume based on a five-inch rainfall event with the ability to overflow to another

positive system, and its tributary area included the fully developed Nassau Veterans Memorial Coliseum site. New on-site drywells would provide additional storage volume to control stormwater runoff, and the proposed Integrated Resort would reduce current stormwater volume by reducing impervious area and incorporating rooftop greenspace and stormwater harvesting in the project design. If required, a waiver of the on-site storage requirement may be requested in accordance with the *NCDPW Drainage Requirements*.³⁷

WR-26. The analysis of stormwater management impacts should clarify whether off-site conditions were accounted for and potential impacts properly addressed, particularly with respect to stormwater runoff generation in areas where project mitigation includes expansion of roadway pavement or other impervious surfaces (i.e., to confirm that adequate stormwater management would be provided in off-site areas where project-related development would increase runoff volumes). Increased traffic will cause a commensurate increase in road runoff contamination of water bodies. This nonpoint source pollution occurs when runoff from rain and snowmelt carries pollutants into waterways such as the East Meadow Brook stream and wetlands. To preserve and protect these natural resources, consider minimizing such impacts by implementing roadside swales with native vegetation to help filter out contaminants in road runoff before it enters our waterways. (C96)(C99)

Section 3.3.2.4 of the DEIS provides an analysis of potential ecological impacts from proposed roadway improvements. As documented in that section of the DEIS, there are no wetlands or surface waters located within or adjacent to the areas of the Meadowbrook State Parkway or Northern State Parkway that would be affected by proposed traffic mitigation. A recharge basin located within the Meadowbrook State Parkway/Northern State Parkway interchange exists within approximately 100 feet of the traffic mitigation area. The proposed traffic mitigation would not result in clearing, grading, ground disturbance, or other direct impacts to the recharge basin, and indirect impacts would be avoided due to implementation of erosion and sediment controls and stormwater best management practices (BMPs) identified in an approved SWPPP (see response to comment WR-24).

Improvements within the Hempstead Turnpike/Meadowbrook State Parkway interchange traffic mitigation area would occur proximate to East Meadow Brook. The portion of the East Meadow Brook around the Hempstead Turnpike/Meadowbrook State Parkway interchange functions primarily as an intermittent conduit for stormwater runoff from the surrounding roads and development. Grading in areas adjacent to the East Meadow Brook and potential culvert improvements may be necessary to accomplish the proposed mitigation work. Direct or indirect impacts to the East Meadow Brook would be avoided by implementing erosion and sediment controls, stormwater BMPs to occur under an approved SWPPP, and adherence to potential NYSDEC permitting requirements.

There are no wetlands or surface waters located within or adjacent to the Charles Lindbergh Boulevard/Meadowbrook State Parkway interchange traffic mitigation area. Freshwater wetlands regulated by the NYSDEC (formerly mapped NYSDEC Freshwater Wetland F-1), is located beyond the C-D Road to the west of the roadway median where traffic mitigation is

³⁷ Nassau County Department of Public Works. *Drainage Requirements*. Available at: <https://www.askarcnassau.com/DocumentCenter/View/1295/Drainage-Requirements?bidId=>. Accessed April 2025.

proposed. The anticipated limits of disturbance for the proposed traffic mitigation work occur beyond the regulated 100-foot adjacent area associated with Freshwater Wetland F-1. As such, the work would not be subject to NYSDEC Article 24 Freshwater Wetlands Act regulation.

WR-27. For the Marriott parcel, the Grading and Drainage Plan shows some new drainage infrastructure in the north and south surface parking lots. However, the existing storage and proposed new capacities are not clear, or whether the combined volume would provide storage for the five-inch rainfall event. Also, no new drainage infrastructure is identified around the hotel building, and the capacity of the existing system in this area is not clear. (C96)

Contrary to the comment, the proposed parking area in the northeast corner of the proposed Integrated Resort is not located on a parcel that is part of the existing Marriott property. New drywells are proposed with the redevelopment of the parking lot in the southeast corner of the proposed action development area, which is partially located on a parcel that is part of the existing Marriott property. However, the balance of the Marriott property, including all of NCTM Tax Lot Section 44-Block F-Lot 326, upon which the Marriott hotel is located, is not proposed for redevelopment under the proposed action and that portion of the project site will remain undisturbed. As such, no changes are proposed regarding stormwater control at the Marriott property, which will remain in its existing condition.

In the existing condition, the Marriott property is tributary to Nassau County Basin No. 537, which was designed to accommodate the storage volume based on a five (5) inch rainfall event with the ability to overflow to another positive system.

WR-28. Due to the nature of the probable construction, a General Permit SWPPP should be prepared and reviewed in accordance with New York State regulations. Sands must prepare a maintenance plan for the stormwater management system that details how clogged stormwater systems will be repaired, how the systems will be checked after storm events, etc. This maintenance plan should be public and submitted to the Town of Hempstead to ensure it is followed. The April 3rd letter from NCDPW regarding the drainage system for the proposed development states that the Lessee may be required "...as part of its SWPPP preparation, to implement additional measures in order to reduce pollutants from entering the MS4". The FEIS should address whether this requirement applies to the proposed project and, if so, what the implications are with respect to the need for treatment capabilities for the proposed drainage system. (C61)(C14)(C96)

As explained in response to comment WR-24, an Updated Preliminary SWPPP has been prepared, and the proposed SMPs have been designed in accordance with the sizing and performance criteria proscribed by the NYSDEC SPDES General Permit GP-0-25-001 and the NYS Stormwater Management Design Manual, dated July 31, 2024. The redevelopment of the project site will reduce the stormwater runoff from the site by increasing the pervious cover as well as providing new on-site drywells that will infiltrate stormwater runoff from the parking lot areas. Areas tributary to the drywells will be provided with pretreatment devices (hydrodynamic separators) sized to treat 50 percent of the water quality volume in

accordance with the NYS Stormwater Management Design Manual in addition to catch basin inserts on all stormwater inlets. The drywell systems will overflow to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which will continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, will utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

All SMPs would be maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, from which Specifications Sheets for relevant SMPs are included in Appendix J of the SWPPP (included in **Appendix 2.2-2** of this FEIS).

- WR-29. The DEIS should provide supporting information for the tabulations listed as existing and proposed land cover/impervious surfaces. The drainage analysis should identify hydrologic points of interest based on locations of concentrated stormwater runoff exiting the site, provide delineated drainage subareas for each location, and show the corresponding existing versus proposed land cover, impervious surface, and peak runoff rates at each hydrologic point of interest. Calculations should be provided to demonstrate no diversion of stormwater runoff between points of interest. A review of the DEIS did not show the land elevation which relates to the slope of the land across Hempstead Turnpike and down Uniondale Ave and through the densely populated residential area of Uniondale. If you are not aware, our library and other institutions in Uniondale have been experiencing a rise in water levels. (C106)(C59)**

The requested support information related to the stormwater modeling analysis (including runoff curve numbers based on land coverages, points of analysis and modeling results) can be found in the Updated Preliminary SWPPP (**Appendix 2.2-2** of this FEIS) and the civil engineering plans contained in Appendix 2-2 of the DEIS. Detailed grade elevations for the adjoining roadways are also shown on the civil engineering plans.

Runoff from proposed surface parking lot areas of the project site would be collected and conveyed to new on-site drywells that would infiltrate stormwater runoff before overflowing to Nassau County Basin No. 537. Runoff from the balance of the project site would be collected and conveyed to the existing on-site drainage systems that discharge stormwater to Nassau County Basin No. 537. Stormwater runoff from the project site is not intended to be discharged to the surrounding roadways.

Detailed grade elevations for the adjoining roadways are shown on the Grading and Drainage Plans in **Appendix 2.3-7** of this FEIS.

- WR-30. Show existing conditions topography on the Grading and Drainage Plans. Verify the pipe capacity of the storm drainage pipe on site that crosses the MSKCC outparcel. Provide rim, structure invert, and pipe inverts for the proposed drywells on the Grading and Drainage Plans. Show locations of stormwater overflow from the drywell systems. Provide drainage area maps and calculations to support the sizing of the individual drywell galleries. For Drainage System C, demonstrate that the four proposed catch basins have capacity via the field inlet grates to receive the total design rainstorm. The site plans note "Connect to existing drainage system" at the location of the proposed twin 60-inch pipes that tie into the existing to remain 6 feet by 10 feet box culvert at**

Hempstead Turnpike. The SWPPP references an existing twin 72-inch pipe system that discharges to the box culvert; this should be added to the site plan with detailed design information. (C59)

Existing topographic conditions are shown on the detailed Grading and Drainage Plans prepared for the proposed Integrated Resort, well as structure schedules that indicate rim, structure invert, pipe invert, and overflow locations for the proposed drywell systems (see **Appendix 2.3-7** of this FEIS).

Also, as explained in the response to comment WR-25, the project site is tributary to Nassau County Recharge Basin No. 537, which was designed to accommodate a storage volume based on a five (5) inch rainfall event with the ability to overflow to another positive system. The redevelopment of the project site will reduce the stormwater runoff leaving the site tributary to Nassau County Basin No. 537 by increasing the pervious area as well as providing new on-site drywells that will infiltrate stormwater runoff from the parking lot areas. Rooftop greenspace and stormwater harvesting will also be incorporated into the design, further reducing the stormwater flows to Nassau County Basin No. 537.

The proposed drywell systems are not sized for a specific rainfall event. Rather, they are intended to provide additional infiltration and water quality treatment with the redevelopment of the project site while maintaining connection to Nassau County Basin No. 537. Overflow from the drywell systems will be provided via connections to the stormwater collection system that runs through the project site and discharges to Nassau County Basin No 537.

H2M consulted with NCDPW and submitted a summary of the planned approach to stormwater management and NCDPW had no objections to the design intent and methodology (see Appendix 3.2-7 of the DEIS).

The capacity of the existing and proposed stormwater conveyance system has been analyzed to ensure adequate capacities to accommodate runoff from the proposed development.

- WR-31. The DEIS must disclose whether Nassau County Basin No. 537 has existing capacity to accommodate the stormwater flow from the Proposed Project. The DEIS notes that the Proposed Project would reduce the volume of stormwater directed to the Basin compared to what is currently permitted for the subject property. However, the DEIS does not compare the Basin's baseline capacity at the time the stormwater discharge allowance was issued for the subject property compared to current conditions. New stormwater discharges from surrounding properties may have constrained the capacity of the Basin such that even a reduced volume from the subject property compared to the permitted condition would create an impact and would necessitate the detention of additional water on the casino site to prevent Basin overflow. (C61)**

As explained in Section 3.2.2.5 of the DEIS and in response to comment WR-25, coordination has been undertaken with NCDPW to discuss stormwater management requirements and continued connection to the County recharge basin. A letter was sent to NCDPW regarding the proposed stormwater management concepts for the proposed Integrated Resort, and a response was received on April 3, 2024 from NCDPW indicating that the project is subject to 239-f review and approval, and that "NCDPW does concur with H2M's assessment as it relates to NCDPW Drainage Requirements" (see Appendix 3.2-7 of the DEIS).

- WR-32. The DEIS must provide an exhibit showing which stormwater systems will remain private to be operated and maintained indefinitely by Sands (e.g., on-site structures, drywells, conveyance pipes, etc.) and which will be publicly dedicated (e.g., structures and conveyance pipes in public rights-of-ways) so that the Town of Hempstead understands its annual maintenance obligations and costs. The DEIS must identify whether there are infiltration systems planned in land intended for public dedication, such as roads, or whether there are only conveyance systems proposed in these areas. If infiltration systems are planned in land intended for dedication to the Town, the DEIS must identify the entity responsible for the operation and maintenance of such infiltration systems. (C61)**

There are no roads or stormwater systems that are intended for dedication to the Town. All on-site stormwater systems will be maintained by Sands. Any new drainage structures that may be required as part of the off-site improvements will connect to existing stormwater systems in the subject right-of-way and will be maintained by the owning jurisdiction (NYSDOT or NCDPW).

- WR-33. Regarding the NC stormwater basin (No. 537), the stormwater calculations assume that the recharge basin is draining and “recharging” the aquifer. Multiple site visits and a review of aerial photographs show the basin is ponded and not draining as designed. As such, much of the stormwater generated on the site will end up discharging to East Meadow Brook without further stormwater management. This needs to be studied and mitigated to the maximum extent practicable. The following mitigation measures should be considered: maximize on-site retention of stormwater; use green spaces for above-ground stormwater swales; exploration of permeable pavements in walkways and/or parking lots; use appropriate native vegetation within swales to mimic the wetlands adjacent to East Meadow Brook; while constructing Parkway improvements, consider adding vegetated swales to capture and infiltrate stormwater from the Meadowbrook State Parkway with overflow back to the Parkway and associated drainage infrastructure; remove patches of invasive vines and shrubs adjacent to East Meadow Brook and restore forested wetlands that existed prior to development; explore ways to promote healthy stream flow by removing dams, wherever possible; and support efforts to restore and steward the Hempstead Plains. (C82)(C99)(C116)**

As explained in Section 3.2.2.5 of the DEIS and in response to comment WR-25, Nassau County Basin No. 537 is a County-owned and maintained facility. The recharge basin was designed to accommodate runoff from a five-inch storm event for the watershed area tributary to the recharge basin, including the subject property, in its current developed configuration. The redevelopment of the project site will result in the reduction of stormwater runoff discharging from the subject property to Nassau County Basin No. 537 by increasing the pervious area as well as providing new on-site drywells that will infiltrate stormwater runoff from the surface parking lot areas. Various stormwater mitigation measures and ecological mitigation measures have been incorporated into the proposed Integrated Resort, as explained in Sections 3.2.3 and 3.3.3 of the DEIS, including some suggested above. Rooftop greenspace and stormwater harvesting are also being incorporated into the design, further reducing the stormwater flows to Nassau County Basin

No. 537. The proposed drywell systems are proposed to include upstream pretreatment devices (hydrodynamic separators) sized to treat 50 percent of the water quality volume in accordance with the NYS Stormwater Management Design Manual, in addition to catch basin inserts on all stormwater inlets, before ultimately overflowing to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which will continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, will utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

With respect to the proposed Meadowbrook State Parkway improvements, Sands will discuss the suggestions in the aforesaid comment with the NYSDOT as part of the design of the roadway improvements.

- WR-34. The DEIS does not acknowledge that the high-use parking lots to be drained by the on-site infiltration network of 120 drywells are likely to be highly contaminated by vehicle oil and fluid leakage, exhaust emission, and rubber tire abrasion. The DEIS does not acknowledge a potential environmental impact that drywells could contaminate groundwater by reducing the distance contaminated stormwater must travel to filter through sediment to reach groundwater. The DEIS should include using landscaping for on-site retention and filtration of stormwater above ground within swales (with appropriate native vegetation) that can receive stormwater from adjacent parking lots as pre-treatment for drywells, with capacity overflow to the underground system, as this will help remove contaminants. (C99)**

First, it must be understood that, in the existing condition, the Coliseum property is predominantly developed with parking lots and the Nassau Veterans Memorial Coliseum building. These parking lots have been heavily used for decades. Notwithstanding this, to address the potential for contamination, parking lot areas that will be tributary to the drywells will be provided with pretreatment devices (hydrodynamic separators) sized to treat 50 percent of the water quality volume in accordance with the NYS Stormwater Management Design Manual in addition to catch basin inserts on all stormwater inlets. The remainder of the site, which will continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, will utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system.

- WR-35. The Magothy is sourced from water that infiltrates from the surface, therefore additional impervious surface has the potential to limit the ability of the aquifer to recharge. The infiltration of stormwater would seem to ameliorate this; however, this water will likely be contaminated by road salt, petroleum and other contaminants associated with stormwater. The project should evaluate methods to treat stormwater to allow for this water to be safely returned to the groundwater resource. The DEIS is silent on whether consultants performed due diligence to inspect Nassau County Recharge Basin# 537 to assess its capacity to handle the stormwater recharge use proposed in the DEIS plans. Sands should use stormwater filtration systems (including some innovative technologies) to reduce polluted runoff and ensure these systems are properly maintained. (C14)(C99)(C116)(C115)**

Contrary to the assertion, the proposed action will not result in additional impervious surfaces. Rather, as explained in Section 3.2.2.5 of the DEIS and in responses to comments WR-24 and WR-25, the proposed redevelopment will increase pervious area as well as providing new on-site drywells that will infiltrate stormwater runoff from the parking lot areas, thereby increasing the ability of the aquifer to recharge, and NCDPW has reviewed the proposed stormwater management concept and concurred with the design approach (see Appendix 3.2-7 of the DEIS). Areas tributary to the drywells will be provided with pretreatment devices (hydrodynamic separators) sized to treat 50 percent of the water quality volume in accordance with the NYS Stormwater Management Design Manual in addition to catch basin inserts on all stormwater inlets. The drywell systems will overflow to the existing drainage systems that convey stormwater to Nassau County Basin No. 537. The remainder of the site, which will continue to be tributary to the existing drainage systems that convey stormwater to Nassau County Basin No. 537, will utilize catch basin inserts on all stormwater inlets upstream of connections to the existing drainage system. Rooftop greenspace and stormwater harvesting will also be incorporated into the design, further reducing the stormwater flows to Nassau County Basin No. 537.

Increasing the pervious area, providing new on-site drywells, and incorporating rooftop greenspace and stormwater harvesting will reduce the volume of stormwater runoff leaving the site and contributing to Nassau County Basin No. 537, which was originally sized to accommodate runoff from a five-inch storm event from its tributary watershed, which included the fully developed Nassau Veterans Memorial Coliseum site.

WR-36. Sands should incorporate the use of native landscaping and no-mow lawns in its design for the Integrated Resort for the FEIS in order to reduce irrigation. Native landscaping will assist with stormwater runoff management since native plants tend to have deeper, more robust root systems to take up water during rain events. (C116)

As shown on the updated Overall Planting Plan (Appendix 3.3-3 of the DEIS), Planting Mix E is composed of 287,112 SF of landscaping to be planted with "No-Mow" Fescue. The Planting Schedule (**Appendix 2.4-1** of this FEIS) features 34 plant species (83 percent) that are native to Long Island, including 17 species that are native to the Hempstead Plains.

WR-37. I did not see any mention of the effect the current or future use by the Sands would have on East Meadow Brook ponds to the south (such as Mullener Pond), and the Merrick Bay or wetlands. The DEIS should evaluate whether the project will impact any nearby tributaries or streams in their water levels, particularly the streams and tributaries to the South Shore Estuary Reserve. (H3)(C24)(C52)(C50)(C99)(C102)(C115)(C116)

This information is provided in Section 3.3.2.4 of the DEIS and responses to comments WR-18 and WR-38.

WR-38. The DEIS makes no mention of the proposed Integrated Resort's effect on the West Meadow Brook, another stream that runs down Brookside Avenue, next to Hofstra. In

both cases, this will affect the mix of fresh and saltwater that exists at the mouths of these streams. (C102)

The comment references West Meadow Brook as a “stream that runs down Brookside Avenue, next to Hofstra.” However, Brookside Avenue does not run next to or proximate to Hofstra University. Uniondale Avenue, which adjoins the Hofstra campus to the east, runs southward and turns into Brookside Avenue when it crosses the Southern State Parkway, over two miles south of the Hofstra campus. Just south of the Southern State Parkway, a stream (Milburn Creek) begins and runs parallel to Brookside Avenue. However, based on review of aerial imagery and the Environmental Resource Mapper, National Wetlands Inventory, and National Hydrography Dataset, there is no evidence of a stream running along any portions of Brookside Avenue (Uniondale Avenue) to the north of the Southern State Parkway.

It appears that the stream referenced in the comment as running “down Brookside Avenue” is Milburn Creek, located $2.35\pm$ miles to the south/southwest of the proposed Integrated Resort (there are currently no streams located adjacent to the Hofstra University campus). As detailed in the response to comment WR-25, NCDPW confirmed that the area proposed for redevelopment with the Integrated Resort is tributary to Nassau County Recharge Basin No. 537. Overflows from Nassau County Recharge Basin No. 537 are conveyed to the East Meadow Brook. According to the U.S. Geological Survey National Hydrography Dataset (NHD), the East Meadow Brook is located in a separate NHD watershed (HUC-12 Watershed 020302020203) from Milburn Creek (HUC-12 Watershed 020302020205). Therefore, stormwater from the Integrated Resort, Nassau County Recharge Basin No. 537, and the East Meadow Brook does not have the potential to flow to or otherwise affect Milburn Creek. Moreover, as explained in Section 3.2.2.5 of the DEIS, the redevelopment of the project site will reduce the stormwater runoff leaving the site and conveyed to Nassau County Basin No. 537 by increasing pervious area as well as providing new on-site drywells that will infiltrate stormwater runoff from the parking lot areas. Rooftop greenspace and stormwater harvesting will also be incorporated into the design, further reducing the stormwater flows to Nassau County Basin No. 537. Therefore, construction of the Integrated Resort would reduce the potential for overflow from Nassau County Basin No. 537 to the East Meadow Brook, thereby reducing the potential to impact the mix of fresh and salt water at the mouth of the East Meadow Brook, as referenced in the comment.

2.4 Ecological Resources (EC)

- EC-1. The potential ecological impacts related to any expansion of the existing Lindbergh substation or construction of a new substation in vicinity of the existing location should be appropriately analyzed, including the effect on any rare, threatened or endangered species that may utilize the habitat adjacent to the plains (i.e., the disturbance of vegetated areas within the substation expansion/construction footprint), as well as indirect effects such as stormwater runoff during construction (which are expected to be addressed through implementation of the SWPPP). (C96)**

As explained in response to comment CON-2, Sands is proposing to modify the phasing of the Integrated Resort such that at least a portion of multiple components are developed in the first phase, and this revised first phase would be completed in 2030. The proposed revised Phase 1 of the Integrated Resort would consist of the following:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)
- › Performance Venue (58,200 SF – 1,500 seats)
- › Veterans Memorial
- › Support Areas (326,977 SF)
- › MEP Areas (210,953 SF)

The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS, would be developed as market conditions and demand allow. Despite when or whether the remaining “full-build” development is actually constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

PSEG LI has confirmed that a substation expansion or construction of a new substation will not be required to meet the energy needs for the revised Phase 1 (see **Appendix 2.16-1** of this FEIS). Should future development beyond Phase 1 be proposed based on market conditions, Sands would consult with PSEG LI regarding the potential need for an expanded or new substation at that time.

- EC-2. The DEIS references herbaceous plants including, but not limited to, purple cone flower (*Echinacea pallida*), prairie blazing star (*Liatris Pycnostachya*), Northern prairie dropseed (*Sporobolus heterolepsis*), and bloodtwig dogwood (*Cornus sanguinea*), all of which are incorrectly identified as “native” to the project location. The landscaping plan**

should not introduce landscaping stock from outside the ecoregion. The NY Flora Atlas and New York Natural Heritage Program (NYNHP) comprehensive list of native plants should be consulted. Certain species mentioned in the DEIS (e.g., purple coneflowers and other non-natives) should not be used. It is recommended that the meadow species identified in the proposed planting plan be re-assessed and that only Long Island ecotypes of native plants consistent with the Hempstead Plains grasslands be utilized, as they are the most appropriate given the sensitive nature of the nearby properties. It is also recommended that the remainder of the species in the Landscape Plan be re-evaluated to replace non-native species. Pollinator gardens should also be considered in the Landscape Plan. (C96)(C99)(C116)

The Planting Schedule has been amended to replace a number of plant species (including the four species noted in the comment) with native Hempstead Plains and Long Island species (see **Appendix 2.4-1** of this FEIS).

As compared to the original Planting Schedule included in Appendix 3.3-3 of the DEIS (which totaled 36 species), the amended Planting Schedule has an increased total of 41 species, with 17 species native to the Hempstead Plains, as determined by the NYNHP and review of site-specific studies of the Hempstead Plains flora.^{38,39,40,41} An additional 17 species are native to Long Island, making 34 of the 41 plant species (83 percent) in the amended Planting Schedule native to Long Island, as determined by species mapping provided in the *New York State Flora Atlas*.⁴²

Significantly, of the sixteen grasses and forbs included in the Friends of the Hempstead Plains publication *Guide to Using Native Plants Found on the Hempstead Plains*,⁴³ 11 are included in the amended Planting Schedule. To the degree practicable during implementation of the landscape plan, all plants listed in the amended Planting Schedule will be commercially sourced from Long Island nurseries.

It is important to note that tree species, which generally do not occur within the prairie habitat of the Hempstead Plains grassland community but are necessary for shade and aesthetic purposes at the proposed Integrated Resort, make up the majority of the seven species in the amended Planting Schedule that are not native to Long Island. Nevertheless, the majority of the trees in the amended Planting Schedule are native to Long Island, and none of the included tree species appear in the *New York State Prohibited and Regulated Invasive Plants List* published by the NYSDEC and the New York State Department of Agriculture and Markets (NYS DAM).⁴⁴

³⁸ New York Natural Heritage Program. Online Conservation Guide for Hempstead Plains Grassland. Available from: <https://guides.nynhp.org/hempstead-plains-grassland/>. Accessed March 2025.

³⁹ Stalter, R. 1989. The Vegetation History of the Hempstead Plains, New York. St. John's University, Jamaica, New York.

⁴⁰ Edinger, G.J., & Young, S.M. 2018. Hempstead Plains Grassland Ecological Community Mapping and Rare Plant Survey. New York Natural Heritage Program, Albany, NY.

⁴¹ Sandplain Grassland Network. Selective Vegetation Removal: Hempstead Plains. Available from: <https://sandplaingrassland.net/case-studies/hempstead-plains/>. Accessed March 2025.

⁴² New York Flora Association. New York Flora Atlas. Available from: <https://newyork.plantatlas.usf.edu/>. Accessed March 2025.

⁴³ Romar, S. 2009. Guide to Using Native Plants Found on the Hempstead Plains Friends of Hempstead Plains at Nassau Community College. Nassau Community College Department of Biology.

⁴⁴ New York State Department of Environmental Conservation & New York State Department of Agriculture and Markets. 2014. New York State Prohibited and Regulated Invasive Plants.

With respect to the pollinator gardens referenced in the comment, the "Meadow Mix" plants selected for the proposed meadow habitats in the amended Planting Schedule include a number of native Hempstead Plains pollinator plants known to be used by a variety of pollinator species (e.g., butterflies, bees, hummingbirds, and other organisms that move pollen between flowering plants, thereby facilitating plant reproduction and biodiversity), including Butterfly Weed (*Asclepias tuberosa*), Common Milkweed (*Asclepias syriaca*), Yellow Wild Indigo (*Baptisia tinctoria*), Early Goldenrod (*Solidago juncea*), and others. As such, the proposed extensive acreage of meadow habitats at the proposed Integrated Resort would function as pollinator gardens.

EC-3. It is recommended that the proposed Landscape Plan be amended to specify Hempstead Plains species and ecotypes. As noted in the DEIS, seed dispersal to off-site vegetated areas may potentially occur and the proposed landscape should be conducive to the continuance of the ecotypes encountered in the remnant Hempstead Plains. (C96)(C99)

As detailed in the response to comment EC-2, the amended Planting Schedule includes 17 species native to the Hempstead Plains, including 11 grass and forb species listed in the Friends of the Hempstead Plains publication *Guide to Using Native Plants Found on the Hempstead Plains* (see **Appendix 2.4-1** of this FEIS). Moreover, 13 of the 14 "Meadow Mix" species to be planted within the proposed meadow habitats are native to the Hempstead Plains, and all are native to Long Island. Similarly, nine of 11 species included in the "Streetscape and Parking Lot Mix" are native to the Hempstead Plains. As such, any potential offsite seed dispersal to the Hempstead Plains Preserve and Purcell Preserve would be dominated by native herbaceous plant species that are conducive to the continuance of the ecotypes encountered in the remnant Hempstead Plains, as referenced in the comment.

EC-4. In order to ensure that the ecological objectives of the proposed planting plan are sustained over the long term, it is recommended that measures be identified to monitor for invasive species intrusion, since disturbed or newly created areas can be vulnerable to non-native species. (C96)

To ensure the successful establishment of the landscape plan plantings, Sands has agreed to require that the selected landscape contractor perform monitoring and would include the monitoring requirements in their contract. The monitoring would require that, during the first three growing seasons following full installation of the site landscaping, annual monitoring is to be conducted to identify the presence of invasive plant occurrences. Any significant invasive plant occurrences observed during the monitoring inspections would be removed and replaced with the appropriate native species or approved alternative.

EC-5. The proposed action would significantly increase human presence at the subject property, which has the potential to exacerbate an existing problem with unauthorized/after-hours access to the adjacent Purcell Preserve. It is separated from the preserve by a tertiary street only, providing little if any buffer. Any measures that the Lessee would implement to assist in addressing this issue should be discussed (e.g.,

funding for programs intended to increase public awareness and enjoyment of the Hempstead Plains). (C96)(C99)

The Purcell Preserve, which is owned by Nassau County, is not designated for public use. According to the County's website:

*Francis T. Purcell Preserve is part of [sic] county's green-space holdings but is not designed for public access at this time.*⁴⁵

Although not designated for public use, under existing conditions, the Purcell Preserve is subject to substantial access by the public (e.g., evidence of all-terrain vehicle use, bicycle trails). Access to the Purcell Preserve occurs through numerous gaps in the fence surrounding the property, including some gaps large enough to allow access by automobiles.

As explained in response to comment PA-8, as part of the proposed lease, Sands will be funding a CBP, which could be used for improvements to the Hempstead Plains, including the Purcell Preserve, if desired by the community.

EC-6. Effective conservation efforts on the subject property will be essential to protecting the integrity of the Hempstead Plains unique community from potential impacts of invasive species, genetic diffusion of non-ecotype plantings in the vicinity, and plant inclusions that may be regionally native but not native to the Hempstead Plains. Note that a founder's plot on Hempstead Plains Nature Study Area Parcel B is proposed to establish a supply source of native seeds and plants endemic to the Hempstead Plains grassland community, which should be used as one source of plants for the project. Plants that are not invasive, but non-native, will not provide suitable habitat for native insects and birds. The location of this unique habitat in reference to the subject property poses the potential for impacts from the proposed development due to the proximity of pollinators, wind dispersal, and other environmental factors. Seeds from under existing paved parking areas could also be exposed. (C96)(C115)(C99)

As detailed in the responses to comments EC-2 and EC-3, the amended Planting Schedule features 17 plant species that are native to the Hempstead Plains, including 11 grass and forb species listed in the Friends of the Hempstead Plains publication *Guide to Using Native Plants Found on the Hempstead Plains* (see **Appendix 2.4-1** of this FEIS). In total, 83 percent of the plant species included in the amended Planting Schedule are native to Long Island, none of the species are included in the *New York State Prohibited and Regulated Invasive Plants List* published by the NYSDEC and NYSDAM. To the degree practicable during implementation of the landscape plan, all plants listed in the amended Planting Schedule will be commercially sourced from Long Island nurseries.

Also, as explained in the response to comment EC-4, during the first three growing seasons following full installation of the site landscaping, annual monitoring will be conducted to identify the presence of invasive plant occurrences. Any significant invasive plant occurrences observed during the monitoring inspections will be removed and will be replaced with the appropriate native species or approved alternative. Based on the foregoing landscape design, plant sourcing, and monitoring measures, potential offsite pollen and/or seed dispersal to the

⁴⁵ Nassau County Department of Department of Parks, Recreation, & Museums. *Nassau County Preserves*. Available from: <https://www.nassaucountyny.gov/5565/Francis-T-Purcell-Preserve> Accessed February 2025.

Hempstead Plains Preserve and Purcell Preserve from wind or pollinator organisms would be dominated by native herbaceous plant species that currently occur in the Hempstead Plains Preserve and Purcell Preserve. Based on the foregoing, potential adverse impacts to the Hempstead Plains Preserve and Purcell Preserve from invasive species are not expected.

With respect to buried seeds, given that construction of the paved parking areas of the Nassau Veterans Memorial Coliseum that compose the majority of the subject property was completed in 1972, and taking into account that significant portions of the subject property were paved prior to that time with runways and taxiways of the former Mitchel Field beginning in 1917, the potential for viable seeds beneath paved areas that would pose a significant threat to the flora of the Hempstead Plains is negligible. Moreover, any potential threat from exposure of buried seed stocks would be avoided or minimized through soil and equipment BMPs, as well as soil excavation, handling, and stockpiling conducted under the *Overall Soil Erosion and Sediment Control Plan, Construction Health and Safety Plan*, and NYSDEC SPDES General Permit GP-0-25-001, as detailed in Section 3.15 of the DEIS.

Finally, it is important to note that, prior to development of Mitchel Field and the Nassau Veterans Memorial Coliseum, the pre-development subject property was occupied by Hempstead Plains grassland habitat dominated by native herbaceous plants.⁴⁶ As such, it is expected that any remnant seed stock that may be located beneath the paved areas to be removed during construction of the proposed Integrated Resort would be composed of seeds from native Hempstead Plains species that would bolster, rather than pose a threat to, existing native flora and the Hempstead Plains ecotype.

EC-7. The DEIS indicates there will be high species diversity. However, the proposed Landscape Plan includes only 47 species, which does not appear to provide a highly diverse species richness for 15+ acres of multiple communities represented. Utilizing so few species on such a large property increases the potential for loss through disease, drought, and other factors. Accordingly, it is recommended that the site landscaping be upgraded with a more robust and diverse planting schedule. (C96)

As explained in responses to comments EC-2 and EC-3, the original Planting Schedule included 36 species, and the amended Planting Schedule has been expanded to include 41 species (see **Appendix 2.4-1** of this FEIS). In addition, the amended Planting Schedule has been tailored to include high diversity among plant species that are native to the Hempstead Plains. Specifically, the amended Planting Schedule includes 17 species that are native to the Hempstead Plains, including 11 grass and forb species listed in the Friends of the Hempstead Plains publication *Guide to Using Native Plants Found on the Hempstead Plains*. Moreover, 13 of the "Meadow Mix" species to be planted within the proposed meadow habitats and nine of the "Streetscape and Parking Lot Mix" species are native to the Hempstead Plains. As a result, the focus of the landscape plan design is to provide for a high diversity of native plant species that occur within the nearby Hempstead Plains Preserve and Purcell Preserve.

With respect to the potential for loss of landscape plantings through disease, drought, and other factors referenced in the comment, native plant species, in general, and the native Hempstead Plains species included in the amended Planting Schedule, in particular, are

⁴⁶ Stalter, R. 1989. *The Vegetation History of the Hempstead Plains*, New York. St. John's University, Jamaica, New York.

adapted to local environmental conditions, and require little or no supplemental watering, fertilizers, or pesticides, therefore making them less susceptible to loss as a result of environmental factors such as disease and drought. Moreover, as explained in response to comment EC-4, annual landscape monitoring will be conducted during the first three growing seasons following full installation of the site landscaping, and any significant loss of landscape plantings will be replaced with the appropriate native species or approved alternative.

- EC-8. Only 22 of the 47 species (47 percent) in the proposed Landscape Plan are native to Long Island and few are truly native to the Hempstead Plains. Therefore, it is recommended that the plantings in the proposed development be upgraded to conform to the Hempstead Plains ecotype and respond to the highly sensitive setting of the subject property; native plants will interact with the remnant prairie as it is so close. More specifically, to the degree practicable, it is recommended that all plants should not only be native, but Long Island-collected to prevent any continued erosion of Hempstead Plains genetics for these species. While it would be acceptable for some native species other than those from the Hempstead Plains to be considered, the use of Hempstead Plains species should be prioritized so as not to impact the last remaining remnant of this important habitat. (C96)**

As explained in the responses to Comments EC-2, EC-3, EC-6, and EC-7, the amended Planting Schedule has been designed to include a majority of native Hempstead Plains and/or Long Island plant species. Specifically, 17 plant species that are native to the Hempstead Plains, including 11 grass and forb species listed in the Friends of the Hempstead Plains publication *Guide to Using Native Plants Found on the Hempstead Plains* are included in the amended Planting Schedule. In total, 83 percent of the plant species included in the amended Planting Schedule are native to Long Island. To the degree practicable during implementation of the landscape plan, all plants listed in the amended Planting Schedule will be commercially sourced from Long Island nurseries.

- EC-9. Consideration should be given to incorporating into the proposed development plan Green Innovative solutions, such as rain gardens, bioswales and tree trenches, as feasible. These will help capture, slow down and treat polluted runoff. Sands should commit to not using neonicotinoids and should adopt an organic pest control methods for green spaces. (C96)(C116)**

As discussed in Section 3.2.2.5 of the DEIS, Sands has committed to increasing stormwater recharge on site by installing, as part of the stormwater management system, approximately 120 12-foot diameter drywells with a cumulative effective depth of 1,865 linear feet, and a five-foot effective depth leaching galley, which amounts to 195,821 cf of storage capacity. These features contribute to pretreatment and local infiltration of stormwater and are, therefore, defined as green infrastructure practices by the NYSDEC.⁴⁷ To achieve added pretreatment of stormwater runoff, as explained in the response to comments WR-34 and

⁴⁷ New York State Department of Environmental Conservation. 2013. *Frequently Asked Questions About Implementation Criteria and Other General Issues On The New York State Stormwater Management Design Manual August 2010 Version*

WR-35, Sands will also incorporate other green stormwater infrastructure practices, including drywell systems augmented with hydrodynamic separators and catch basin inserts.

In furtherance of the commitment to protect surface water and other ecological resources, Sands commits to not using neonicotinoids and will adopt environmentally friendly pest control methods for green spaces.

- EC-10. The proposed project does not adequately protect the Purcell Preserve, Hempstead Preserve or the East Meadow Brook/Meadowbrook Riparian Corridor, which are all globally rare ecosystems. Sands casino can have a huge and irreparable impact on neighboring nature preserves that are the last 100-acres of the Hempstead Plains. In addition to providing habitat for a number of rare and threatened species, they host programs in environmental education and ecological sciences that serve children and academic specialists. Please preserve what is left of the Hempstead Plains and stop the Casino development - or at a minimum require that the casino is built around the Plains with adequate protection for the Plains. (H30)(H34)(C6)(C17)(C22)(C25)(C32)(C34)(C59)(C64)(C69)(C76)(C87)(C94)(C94)(C24)(C105)(C109)(C113)(C116)**

As explained in Section 3.3.2.3 of the DEIS, the proposed Integrated Resort would be constructed on land located outside the Hempstead Plains Preserve, Purcell Preserve, and the East Meadow Brook and would not develop or otherwise infringe upon any of these resources, including the rare/protected species habitats and the Hempstead Plains Preserve educational facilities referenced in the comment. The potential for indirect impacts to the aforementioned resources was thoroughly analyzed in the DEIS, including analyses of potential impacts due to light, noise, shadows, construction, and bird collision potential (see Section 3.3.2 of the DEIS). As demonstrated in these impact analyses, through project design features, avoidance, minimization, and mitigation measures, management practices, and adherence to regulatory agency guidelines, potential significant adverse impacts to the Hempstead Plains Preserve, Purcell Preserve, and the East Meadow Brook from the proposed Integrated Resort would be avoided or mitigated.

- EC-11. The DEIS provides no details about state or federally threatened or endangered species in direct proximity to the proposed project site or the impact that the development may have on them. A full Endangered Species Act Section 7 review will be required due to the improvements along the ramps to the Meadowbrook State Parkway. (C56)(C59)(C99)**

A detailed discussion of records for federal and New York State listed plant and wildlife species and significant natural communities records for the vicinity of the subject property, including the Hempstead Plains Preserve and Purcell Preserve, is provided in Sections 3.3.1.3 and 3.3.1.5 of the DEIS. Detailed discussions of potential impacts to rare/protected species and other ecological resources from light, noise, shadows, construction, and bird collision potential and are provided in Section 3.3.2 of the DEIS. As described in these discussions, through project design features, project avoidance, minimization, and mitigation measures, BMPs, and adherence to regulatory agency guidelines, significant adverse impacts to rare protected species are not expected.

More specifically, the extant threatened and endangered species that occur in the vicinity of the subject property include 12 listed plant species growing within the Hempstead Plains Preserve and/or Purcell Preserve. The proposed Integrated Resort would be constructed on land located beyond the two preserves and would not develop or otherwise infringe upon either. As such, the DEIS identified that habitat removal is not a potential threat to the 12 listed plants species and other vegetation growing within the two preserves.

As part of the formal scoping process conducted by the Nassau County Legislature, shadows were identified by interested parties as the primary potential impact to listed plants and other vegetation posed by the proposed Integrated Resort. Accordingly, a detailed shadows study was conducted and is presented in Section 3.11.2.4 of the DEIS, and a detailed discussion on potential shadows impacts to the Hempstead Plains Preserve and Purcell Preserve is provided in Section 3.3.2.3 of the DEIS. As detailed in the latter DEIS section, the proposed Integrated Resort would not cast incremental shadows on the Hempstead Plains Preserve, and therefore, would have no impact on vegetation located within this preserve.

For the Purcell Preserve, the shadow analysis indicates that, similar to the existing condition where the Marriott Hotel building casts shadows for limited periods, incremental shadows would be cast onto minimal portions of the westernmost area of the Purcell Preserve for limited periods during the representative seasonal analysis days used in the study. The largest areal extent of shading would occur during the December 21 analysis day, during the period when the sunlight needs of resident vegetation for photosynthesis and other biological processes are minimal to non-existent, as the aboveground portions of the herbaceous vegetation that predominates within the westernmost portions of the Purcell Preserve have died back or are dormant during the non-growing season months. In all analysis days, substantial periods of direct sunlight to vegetation would occur within the affected areas, particularly during the growing season. Significantly, with the exception of the westernmost portions of the Purcell Preserve, the remainder of the preserve would be unaffected by incremental shadows. Based on the foregoing, the shadows analysis concluded that the areal and temporal extent of incremental shading from the proposed Integrated Resort would be negligible and would not result in significant adverse effects to vegetation at the Purcell Preserve, including threatened and endangered plant species.

Regarding potential impacts to threatened and endangered species from the proposed traffic mitigation work along the Meadowbrook State Parkway, as summarized in Section 3.3.2.4 of the DEIS, records for federal or New York State listed species do not exist for this location, and the pavement, linear roadway shoulder, and border areas that comprise the projected work area do not represent suitable habitat for listed species known to occur locally and regionally. As such, the required clearing would not result in adverse impacts to listed species. However, should review of potential impacts to listed species under Section 7 of the federal Endangered Species Act ultimately be required, Sands will conduct the required consultations with the U.S. Fish and Wildlife Service.

- EC-12. The DEIS acknowledges that there may be impacts to freshwater wetlands or wetland adjacent areas associated with the proposed off-site traffic mitigation, but fails to quantify such impacts, assess the significance thereof, or identify alternatives or means to limit such impacts. Also, wetlands disturbances associated with roadway improvements will need to be mitigated. There is no information in the DEIS indicating**

if a delineation of these areas has been performed. Also, the DEIS does recognize that permits (Nationwide Permit no. 14 - Minor Road crossings) may be required from the USACE for these off-site roadway improvements if they encroach into regulated areas. However, the fact that a permit from the NYSDEC may be required does not absolve the lead agency of its SEQRA responsibility to take a hard look at the potential environmental impacts of the Proposed Project. Provide an updated letter from NYSDEC regarding the Article 24 Freshwater Wetlands Permit for roadway improvement. DEIS Appendix 3.3-1 contains an outdated letter to Mr. Rob Marsh of NYSDEC dated July 18, 2008. (C56)(C59)(C61)

The DEIS addresses the anticipated ecological impacts of traffic mitigation, including potential impacts to freshwater wetlands, in Section 3.3.2.4 of the DEIS, but also explains that the final design of the improvements have not been completed and will be determined by NYSDOT as part of its permitting process. As stated in that section:

...until the specific mitigation measures are designed, in coordination with the NYSDOT (which has jurisdiction over these roadways), the precise limits of disturbance cannot be determined. Nevertheless, any proposed work occurring within NYSDEC jurisdictional areas would be subject to review, permitting, and any applicable avoidance, minimization, and mitigation measures for the protection of regulated resources, as determined by the NYSDEC. The precise limits of disturbance would be determined upon completion of the mitigation design, and formal consultations would be undertaken with the NYSDEC at that time to obtain an Article 24 Freshwater Wetlands Permit, if necessary.

Though final design of traffic mitigation has not yet been completed and would be dependent upon the NYSDOT permitting process, it is proposed that the installation of the proposed 400 linear foot extension of the existing Meadowbrook State Parkway southbound acceleration lane would occur primarily within the existing road shoulder consisting of pavement and mowed maintained grasses, thereby avoiding direct disturbance to the nearby East Meadow Brook. Moreover, as noted above, any improvements located within the NYSDEC's freshwater wetland jurisdictional area (which includes upland areas within 100 feet of the East Meadow Brook) would be accomplished under an NYSDEC permit, inclusive of all applicable conditions, restrictions, and mitigation measures for the protection of regulated resources.

The 2008 NYSDEC letter referenced in the comment was not included as an assertion that the NYSDEC has commented upon the specific mitigation proposed for the Integrated Report. That letter was included for comparison purposes with traffic mitigation measures in the same area that were proposed as part of a prior application. As noted in Section 3.3.2.4 of the DEIS:

It should be noted that, as part of the 2009 Draft Generic Environmental Impact Statement for the Lighthouse at Long Island project, more extensive traffic mitigation with a greater degree of potential impacts to regulated freshwater wetland resources was contemplated for this area. During a July 15, 2008 pre-application meeting for the Lighthouse at Long Island project, the NYSDEC indicated that significant impediments to the issuance of a Freshwater Wetlands permit for the project were not anticipated, provided that drainage and water quality improvements required under the NYSDEC General Permit for Stormwater Discharges from Construction Activities were implemented.

By comparison, the currently proposed traffic mitigation measures, which would be conducted in accordance with all applicable requirements and conditions of the NYSDEC General Permit for Stormwater Discharges from Construction Activities and any applicable Article 24 Freshwater Wetlands Permit, would result in lesser impacts to regulated resources than those proposed within the same area under the Lighthouse at Long Island project, which the NYSDEC deemed as compatible with Article 24 Freshwater Wetlands program standards in 2008 in the above-referenced letter.

- EC-13. The limits of disturbance in Appendix 3.1-7 show that tree removals are proposed along the State Parkway due to off-site traffic mitigation. The tree removals may require concurrence from NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and/or the United States Fish and Wildlife Service (USFWS). Furthermore, damage or removal of vegetation as a result of the project may require a full replacement since the existing mature plantings along the Meadowbrook State Parkway screen commercial development along the Parkway from view. (C56)**

Removal of buffer vegetation is not expected as part of the implementation of the proposed traffic mitigation measures. If the final design of mitigation measures and NYSDOT permitting requires removal of trees or vegetation, consultations will be conducted with NYS OPRHP and/or the United States Fish and Wildlife Service to determine appropriate replacement.

- EC-14. As used in the DEIS, "Hempstead Plains South" is not a generally recognized name. It should be referenced as the Francis T. Purcell Preserve. The same is true for "Hempstead Plains North," which should be cited as Hempstead Plains Preserve. (C99)**

To facilitate easier understanding by the reader and to establish the physical locations of the two preserves in relation to each other, the Hempstead Plains Preserve was referred to as the "Hempstead Plains North" in the DEIS and the western portions of the Purcell Preserve were referred to as the "Hempstead Plains South." This was explained in Section 3.3.1.5 of the DEIS, which stated, in pertinent part:

The Hempstead Plains are comprised of two non-adjointing properties. The 19±-acre property located on the NCC campus (the "Hempstead Plains North") is actively managed by the Friends of Hempstead Plains at Nassau Community College, Inc...The 26± acres of the Francis T. Purcell Preserve (the "Hempstead Plains South" or the "Purcell Preserve"), is owned by Nassau County.

- EC-15. Aside from desktop research, it will be important to also conduct field studies to evaluate various ecological resources, both plant and animal, on and adjacent to the project. Given the location of the Hempstead Plains, a resource containing several threatened and endangered species, the impact of this development on this resource should be assessed including but not limited to effects from 24-hour operation (noise and lighting), emissions from the additional traffic, potential overuse by visitors to the entertainment venue(s), noise and dust created during construction activities, and**

stormwater discharges to the resource area from the development both during and post construction. (C14)(C64)(C69)(C93)(C94)(C94)(C113)(C99)

Extensive field studies were conducted as part of the preparation of the DEIS. Field surveys of onsite and offsite ecological resources, inclusive of the subject property, the Hempstead Plains Preserve, the Purcell Preserve, the East Meadow Brook riparian corridor, and the proposed offsite traffic mitigation sites were conducted on September 14, 2023, December 14, 2023, August 6, 2024, and August 23, 2024, as documented in Section 3.3 of the DEIS. Additionally, a supplemental field survey of the Purcell Preserve was conducted for this FEIS on February 21, 2025. The results of these field surveys are summarized in Sections 3.3.1 through 3.3.3 of the DEIS and are further presented in the responses to the various ecological resources comments included in this FEIS, as applicable.

The potential impacts of noise and lighting on the Hempstead Plains and Purcell Preserves are assessed in Section 3.3.2.3 of the DEIS, and the potential impacts of noise and dust from construction activities are assessed in Section 3.3.2.1 of the DEIS. The potential impacts of traffic emissions are analyzed in Sections 3.5.3 and 3.6.2 of the DEIS. Stormwater impact analyses are provided in Section 3.3.2 of the DEIS. The potential impacts of the environmental stressors listed in the comment are further assessed and discussed in the responses to the various ecological comments in this chapter of the FEIS.

- EC-16. The DEIS asserts that the 30 acres of the Hempstead Plains is severely degraded. This characterization is inaccurate in terms of both quantity and quality. According to the exhaustive botanical study, 24.17 acres may be classified as Hempstead Plains Grassland; the survey's plot analysis does not characterize this acreage as "severely degraded." Indeed, the study describes a functioning, though threatened ecosystem with an array of characteristic native plants, many of which are rare. In addition, there is additional acreage in both the Purcell and Hempstead Plains Preserves which are healthy enough (and not "severely degraded") to be restored under wise management, yielding over 40 acres in total. There are additional acres beyond these, however, which may be termed "severely degraded" though these acres are entirely separate from the 30- acre "degraded" total cited, incorrectly, in the DEIS. Overall, with proper stewardship, up to 76 acres at Purcell are restorable to vibrant, globally rare and locally historical Hempstead Plains grassland ecological community. (C99)**

The existing ecological conditions description for the Hempstead Plains provided in Section 3.3.1.5 of the DEIS details that the Hempstead Plains is a rare habitat type that has been designated as a Significant Natural Community by the NYNHP, is characterized by a prevalence of native grassland plants, and supports a number of rare, threatened, and endangered plant species. The existing ecological conditions description further includes field observations that the Hempstead Plains Preserve, and particularly the Purcell Preserve, include some areas where non-native/invasive plant species are present or even dominant. The description does not include any field observations describing the Hempstead Plains as "severely degraded," nor does the text include any statement regarding the potential for the two preserves (which are not owned or controlled by Sands) to be restored. The "severely degraded" text referenced in the comment is from G.J. Edinger's (et. al.) description of the Hempstead Plains Grassland community in the NYNHP publication *Ecological Communities of*

*New York State, Second Edition*⁴⁸ (*ECNYS*) which was included and cited in Section 3.3.1.5 of the DEIS. The verbatim community description text provided in Section 3.3.1.5 of the DEIS describes the Hempstead Plains Grassland community as follows:

A tall grassland community that occurs on rolling outwash plains in west-central Long Island. This community occurs inland, beyond the influence of offshore winds and salt spray. Historically this community covered approximately 38,000 acres (15,400 ha) of western Long Island; less than 30 acres (12 ha) remain today, and most of these are severely degraded.

As explained in response to comment PA-8, Sands' proposed lease with Nassau County requires the establishment of a CBP, which could be used for improvements to the Hempstead Plains Preserve and/or the Purcell Preserve, if desired by the community.

EC-17. The DEIS document fails to recognize the remarkable biodiversity of the Purcell Preserve, which not only includes native grassland, but such ecological communities as a red-maple hardwood swamp. The DEIS needs to recognize this red-maple hardwood swamp exists because water usage volume will adversely impact (reduce water level or dry up) this and other NYS-protected wetlands downstream along the East Meadow Brook riparian corridor. (C99)

The Red-Maple Hardwood Swamp is a forested wetland community described by the NYNHP in *ECNYS*. As indicated in the comment, an occurrence of the Red Maple-Hardwood Swamp community was noted at the Purcell Preserve during a 2018 field survey conducted by G.J. Edinger of the NYNHP.⁴⁹ As observed during field surveys conducted during preparation of the DEIS (see response to comment EC-15), a wetland habitat with Red Maple (*Acer rubrum*) as the dominant canopy tree species occurs proximate to the East Meadow Brook channel at the southeastern portions of the Purcell Preserve. In contrast to the *ECNYS* community description for the Red-Maple Hardwood Swamp, characteristic well-developed shrub and herbaceous groundcover layers populated by native shrubs, ferns, and other herbaceous plants are largely absent throughout much of the wetland community. Understory vegetation is completely absent within portions of the community, while in other areas the native understory flora has been replaced by substantial occurrences of non-native/invasive shrubs, woody vines, and herbaceous plants. The absence of understory vegetation and prevalence of non-native invasive plant species in these areas appears to be related at least in part to significant historical and ongoing anthropogenic disturbances to the Purcell Preserve, including areas cleared for ATV/bicycle trails, refuse and debris, and other disturbances, all of which occur at multiple locations throughout the community. The above field observations from the Purcell Preserve are corroborated by 2024 and 2025 field observations of invasive species and impacted wetland habitat conditions by the Long Island Conservancy, which acknowledges the impaired conditions described above and recommends measures to mitigate for significant adverse environmental impacts to the East Meadow Brook:

⁴⁸ Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014. *Ecological Communities of New York State. Second Edition*. A revised and expanded edition of Carol Reschke's *Ecological Communities of New York State*. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

⁴⁹ Edinger, G.J., & Young, S.M. 2018. *Hempstead Plains Grassland Ecological Community Mapping and Rare Plant Survey*. New York Natural Heritage Program, Albany, NY.

*Remove large patches of invasive vines and shrubs adjacent to the East Meadow Brook and restore the historic forested wetland that existed prior to development.*⁵⁰

As explained in response to comment PA-8, Sands' proposed lease with Nassau County requires the establishment of a CBP, which could be used for improvements to the Hempstead Plains, inclusive of the Purcell Preserve, if desired by the community.

With respect to the potential impacts to the hydrology of the East Meadow Brook due to water usage from the proposed Integrated Resort, it is important to note that the hydrology of the portions of the East Meadow Brook that traverse the Purcell Preserve and adjoin the Hempstead Turnpike and Meadowbrook State Parkway offsite traffic mitigation areas is driven primarily by stormwater, rather than groundwater. According to the USGS, due to the suburban development boom in Nassau County that began after World War II, the amount of road surfaces drained by storm sewers significantly increased the amount of direct runoff directed to streams, including the East Meadow Brook, which receives most of the stormwater runoff from the surrounding area. During the same time period, the removal of large quantities of water from the groundwater aquifer system through the construction of sanitary sewer and storm sewer systems decreased stream flow and lowered ground-water levels within the East Meadow Brook's drainage area by as much as six feet from pre-development levels.⁵¹ As a result, depth to groundwater within the northern half of the East Meadow Brook's topographic drainage area "*greatly exceeds 20 feet.*"⁵² Moreover, due to these influences, base flow within the East Meadow Brook has declined by a minimum of 65 to 70 percent to a maximum of 83 percent from its estimated predevelopment volume,⁵³ and stormwater, rather than groundwater, currently drives the hydrology of the upper reaches of the East Meadow Brook. Accordingly, groundwater withdrawals to support the water needs of the proposed Integrated Resort would not result in significant adverse impacts to the hydrology of the East Meadow Brook.

- EC-18. The structural mass of the project will act as a wall and windbreak interrupting the natural flow of the prevailing winds which have been an integral part of the Plains environment since time immemorial. Until now, the adjacent structures have not formed a solidly built, tall block. This change will certainly impact the air and ground temperature of adjacent lands. In addition to the prevailing air flow, the sprawling bulk of the entertainment complex, with its new configuration of shadows, mechanical exhaust volume, and structural reflectivity/absorption of heat and sunlight, will create a variety of microclimate which will undoubtedly impact daytime and nighttime temperatures and air circulation. The possible cumulative effects of these environmental factors have not been calculated or properly addressed in the DEIS. When these factors are added to the already perceptible effects of present and future**

⁵⁰ The Long Island Conservancy. Comments on the Draft Environmental Impact Statement for the Sands New York, prepared for the Nassau County Legislature. January 19, 2025.

⁵¹ Scorca, M.P. 1997. Urbanization and Recharge in the Vicinity of East Meadow Brook, Nassau County, New York Part 1 Streamflow and Water-Table Altitude, 1939-90. U.S. Geological Survey Water-Resources Investigations Report 96-4187.

⁵² Franke, O.L., and McClymonds, N.E. 1972. Summary of the hydrologic situation on Long Island, N.Y., as a guide to water-management alternatives: U.S. Geological Survey Professional Paper 627-F, 59 p.

⁵³ Reilly, T.E., and Buxton, H.T., 1985. Effects of sanitary sewerage on ground-water levels and streams in Nassau County New York, Part 3 Development and application of southern Nassau County model: U.S. Geological Survey Water-Resources Investigations Report 83-4210,41 p.

climate change, there is heightened concern for the macro and this project's microclimate impacts on the adjacent natural areas and the ecological communities present there. Use of a vast array of solar panels may intensify the site's adverse microclimate at the Purcell Preserve (C99)

As described in Section 3.3.1.1 of the DEIS, under existing conditions, the vast majority of the subject property is already developed with buildings and paved surfaces, including the Coliseum, the Marriott Hotel, and expansive paved parking lots. The subject property contains approximately 78 acres of impervious surfaces (90.4 percent of site coverage) as compared to 8.3 acres of landscaped areas (9.6 percent of site coverage). As such, under existing conditions, any potential microclimates created by impervious surfaces at the subject property are already at or near theoretical maximum limits. In contrast, following implementation of the proposed project, lawns, landscaping, and other pervious surfaces would increase to 15.7 acres (18.2 percent of site coverage) with a corresponding decrease in impervious surfaces to 70.6 acres (81.8 percent of site coverage).⁵⁴ Therefore, as compared to existing conditions, the increased vegetated coverage and decreased impervious ground surface coverage of the Integrated Resort would reduce the possibility for potential microclimates from the subject property to impact the Hempstead Plains Preserve and Purcell Preserve.

With respect to air flow and prevailing winds, the subject property is not located at or immediately adjacent to the Hempstead Plains Preserve or Purcell Preserve, and the proposed Integrated Resort would be constructed within the central and western portions of the subject property and therefore significantly further from the two preserves, as compared to the existing development at the eastern portions of the subject property. No new buildings would be constructed on the eastern portions of the subject property that occur proximate to the two preserves, and the existing Marriott Hotel, located across James Doolittle Boulevard from the Purcell Preserve, would remain. As such, similar to existing conditions, the Marriott Hotel would continue to function as a partial windbreak for prevailing westerly winds, while the remainder of the eastern subject property area would remain undeveloped with buildings that might function as potential impediments to air flow and prevailing winds for properties located to the east.

Regarding the potential for mechanical exhaust volume, as described in Sections 3.1.13 and 3.1.14 of the DEIS, the energy strategy for the proposed Integrated Resort is consistent with Sands' overall commitment to sustainability. Accordingly, Sands proposes a high-efficiency, nearly all-electric complex, with the only non-electric uses proposed being natural gas for commercial kitchens and diesel-fueled backup generators for emergency power supply. The heating, air conditioning and ventilation (HVAC) mechanical systems for the proposed Integrated Resort would be electric driven, would use high performance and efficient heat pump technology with heat recovery, and would not burn any fossil fuels in a boiler or furnace to make hot water or steam. Overall, in addition to conserving fossil fuels and minimizing potential carbon emissions, this proposed energy strategy substantially avoids mechanical exhaust volume and the potential for same to create microclimates that might adversely impact nearby properties, including the Hempstead Plains Preserve and Purcell Preserve.

⁵⁴ As the solar panels will be placed on rooftops, they would not add to the area of impervious surface on the site.

As explained in response to comment EC-11, a shadows study was conducted and is summarized in Section 3.11.2.4 of the DEIS, and a detailed discussion of potential shadows impacts to the Hempstead Plains Preserve and Purcell Preserve is provided in Section 3.3.2.3 of the DEIS. The shadows analysis demonstrated that the areal and temporal extent of incremental shading from the proposed Integrated Resort would be negligible and would not result in significant adverse effects to the Purcell Preserve and would not have any impact on the Hempstead Plains Preserve.

EC-19. The impact of the drastically increased traffic load on the adjacent sensitive ecological sites has not been addressed by the DEIS. The addition of thousands of motor vehicles to the site and the adjacent access roads will, by its very nature, cause a deterioration of the air quality at the Purcell and Hempstead Plains Preserves as well. The impact of this increased air pollution on the various rare species has not been addressed with empirical data in the DEIS, which constitutes a serious omission. (C99)

The DEIS included extensive traffic and air quality analyses. Using the information from the Traffic Impact Study (TIS), which was summarized in Section 3.5 of the DEIS and contained in its entirety in Appendix 3.5-1 of the DEIS, a comprehensive air quality analysis was conducted. As described in Section 3.6.2 of the DEIS, based on empirical data, including the NYSDOT Transportation Environmental Manual (TEM) screening analysis, detailed microscale analysis at two intersections, and mesoscale analysis, vehicle emissions from the proposed Integrated Resort would not result in significant adverse impacts to air quality. The TIS, described in Section 3.5.3 of the DEIS and included in Appendix 3.5-1 of the DEIS, included a total of 180 study locations on local roadways and along the Meadowbrook State Parkway, the Northern State Parkway, the Southern State Parkway, and their ramps. The 180 total study locations where empirical data were collected included multiple locations along the local roadways that are adjacent to the Hempstead Plains Preserve and the Purcell Preserve (i.e., James Doolittle Boulevard, Charles Lindbergh Boulevard, Perimeter Road, and the C-D Road). The results of the intersection capacity analysis indicate that, for all time periods analyzed, the mitigation proposed retains good levels of traffic service or returns intersection delays and LOS to No-Build Condition levels. Sands intends to implement all required physical intersection mitigation for the Full-build during the Phase 1 construction period, to minimize disruption and vehicle emissions on local roads.

Based on the foregoing, traffic and vehicle emissions from the proposed Integrated Resort have been subject to extensive analyses. The empirical data collected in these analyses indicates that traffic and vehicle emissions from the proposed Integrated Resort would not result in significant adverse impacts to air quality, including air quality at the Hempstead Plains Preserve and the Purcell Preserve.

EC-20. The second-largest existing population (and with wide annual quantitative variation, arguably the largest) of *Agalinis decemloba*, a federally-protected endangered species, lies only yards from one of the major access roads to the entertainment complex, and in peak periods this road (now largely underused) will be heavily used, and possibly choked with traffic. The *Agalinis* is, moreover, acutely responsive to environmental conditions such as air pollution, resulting in wide fluctuations in number in the annual

census. The effects of these environmental changes on *Agalinis* and other sensitive, rare species has not been addressed in the DEIS. (C99)

As described in detail in the response to comment EC-19, vehicle air emissions from the proposed Integrated Resort would not result in significant adverse impacts to air quality, including air quality at the Hempstead Plains Preserve and the Purcell Preserve. Moreover, air emissions from vehicles have not been identified as one of the primary threats to the federal and New York State Endangered plant Sandplain *Agalinis* (*Agalinis decemloba*). According to the NYNHP⁵⁵ and the USFWS,⁵⁶ there are four known populations of Sandplain *Agalinis* in New York State. The four populations occur on Long Island, including the actively managed population at the Hempstead Plains Preserve. As noted in the comment, the Hempstead Plains Preserve population varies widely from year-to-year during annual surveys conducted by Friends of Hempstead Plains, with 2,400 plants reported in 2020, under 1,500 plants reported in 2021, and 3,700 plants reported in 2022.⁵⁷ The NYNHP and USFWS sources referenced above do not identify air pollution as a primary cause for these fluctuations in population sizes. Rather, habitat loss due to development, browsing by animals, natural succession of habitats, and competition from invasive plant species are identified as the primary threats to the four existing Long Island Sandplain *Agalinis* populations and the extirpation of historical Long Island populations. Regarding the Hempstead Plains Preserve population in particular, Friends of Hempstead Plains has identified the latter two factors (habitat succession and invasive plants) as the primary threats to Sandplain *Agalinis* and other native plant populations:

*There are many factors that affect the abundance and vigor of these plants. The plant communities within the protected *Agalinis* area likely have the greatest influence.*⁵⁸

In recognition of the identified primary threats posed by habitat succession and invasive plants, Friends of Hempstead Plains uses winter mowing, woody plant removal, prescribed burns, and other active management techniques to combat the negative effects of these two threats to Sandplain *Agalinis* populations.⁵⁹

Based on the foregoing, traffic and vehicle emissions from the proposed Integrated Resort have been subject to extensive analyses, which confirm that same would not result in significant adverse impacts to air quality to the Hempstead Plains Preserve or the Purcell Preserve. Moreover, the NYNHP, USFWS, and Friends of Hempstead Plains have not identified air pollution as a primary threat to the Sandplain *Agalinis* population at the Hempstead Plains Preserve. Finally, the proposed Integrated Resort does not include development within the Hempstead Plains Preserve, and therefore, would not interfere with the management

⁵⁵ New York Natural Heritage Program. Conservation Guide for Sandplain *Agalinis*. Available from: <https://guides.nynhp.org/sandplain-agalinis/> Accessed February 2025.

⁵⁶ U.S. Fish and Wildlife Service. Sandplain *Gerardia*. Available from: <https://www.fws.gov/species/sandplain-gerardia-agalinis-acuta> Accessed February 2025.

⁵⁷ Friends of Hempstead Plains. *Annual Sandplain *Gerardia* Count Yields a Ten Year High!* Available from: <https://www.hempsteadplains.org/news/blog-post-title-two-6cpl2> Accessed February 2025.

⁵⁸ Friends of Hempstead Plains. *Annual Sandplain *Gerardia* Count Yields a Ten Year High!* Available from: <https://www.hempsteadplains.org/news/blog-post-title-two-6cpl2> Accessed February 2025.

⁵⁹ Friends of Hempstead Plains. *Fire Returns to Hempstead Plains!* Available from: <https://www.hempsteadplains.org/news/fire-returns-to-hempstead-plains> Accessed February 2025.

techniques currently being employed to combat habitat succession and invasive plants within the preserve, which have been identified as the primary threats to Sandplain Agalinis.

As explained in response to comment PA-8, Sands' proposed lease with Nassau County requires the establishment of a CBP, which could be used for improvements to the Hempstead Plains and the Purcell Preserve, if desired by the community.

EC-21. To minimize impacts (including noise) to the rare grassland preserves during construction, James Doolittle Boulevard should be closed to traffic and construction equipment should be located as far away as possible from rare grassland preserves. The DEIS needs to acknowledge and address in the DEIS that vibration and construction would have a significant adverse impact on the globally rare grassland ecology at Purcell Preserve if not mitigated. (C99)

James Doolittle Boulevard is a public roadway, under the jurisdiction of NCDPW. According to the Phase I ESA prepared for the Marriott property (Appendix 3.1-5 in the DEIS), and the Nassau County Land Records Viewer,⁶⁰ James Doolittle Boulevard was developed in the early 1980's. Thus, this road has carried traffic for over 40 years, including during the times of significant traffic associated with New York Islanders hockey games, concerts and other well-attended events at the Nassau Veterans Memorial Coliseum.

The construction of the proposed Integrated Resort buildings would be concentrated within the central and western portions of the subject property, and therefore would not occur on, adjacent, or proximate to James Doolittle Boulevard, thereby minimizing the potential for significant adverse noise or vibration impacts to the Purcell Preserve, located to the east of James Doolittle Boulevard. Moreover, with the exception of proposed traffic improvements at the intersection of James Doolittle Boulevard and Charles Lindbergh Boulevard, work on James Doolittle Boulevard would be limited to minor improvements (e.g., pavement repairs, restriping).

Moreover, as described in detail in Sections 3.7.2.3, 3.7.2.4, and 3.7.3 of the DEIS, while construction activities at the subject property would result in temporary noise impacts to receptor locations, Sands would conduct such activities in accordance with the Town of Hempstead Noise Ordinance (Chapter 144). Construction-related noise and vibration impacts would be avoided, minimized, and or mitigated through implementation of a Construction Management Plan designed to ensure compliance with noise regulations, as well as various other proactive measures and BMPs, including, but not limited to: installation of construction fencing and hoarding walls to attenuate construction noise, siting of construction equipment as far from sensitive receptors as possible, requirements for properly operating noise muffler systems on construction equipment, use of quieter-type back-up alarms on construction vehicles, a prohibition on the excessive idling of construction equipment engines, and the use of non-vibratory pile driving to minimize vibration impacts. As such, the proposed Integrated Resort has been designed to avoid or reduce temporary construction sound and vibration levels to the Purcell Preserve to the maximum extent practicable and would implement the measures described above to further minimize noise. Based on the foregoing, no significant adverse impacts to the Purcell Preserve are anticipated.

⁶⁰ Nassau County. *Land Records Viewer*. Available at: <https://lr.v.nassaucountyny.gov/>

- EC-22. Over 340 wild and resplendent bird species (not counting vagrants) will visit, vacation and 146 will stay to raise families on Long Island annually, coming from our southern states, Mexico, Caribbean, Central and South America. The DEIS does not acknowledge that, as Nassau County is only 23 miles wide at its widest point, many of the 7,824,900 and 28,175,400 federally protected migratory birds that cross Nassau County at night in spring and fall respectively, will be impacted by night light pollution and/or noise pollution from the proposed casino site. The DEIS must develop a mitigation plan for this impact that will cause harm to federally protected migratory birds, possibly including an earthen berm. (C99)(C105)(C116)**

Similar to all of Nassau County and the surrounding regions of Long Island, New York State, and the entire eastern coast of the North American continent, the subject property is located within the Atlantic Flyway, which is a recognized pathway for migratory birds during the spring and fall seasons.⁶¹ Seasonal migratory flyovers, and use of the subject property by migratory birds, are noted in Section 3.3.1.2 of the DEIS, which indicates "*Seasonal species richness at the subject property is likely highest during the spring and early autumn, when warblers and other migratory birds move through the area.*"

As summarized in Sections 3.3.2.1, 3.3.2.3 and 3.11.2.5 of the DEIS, to avoid or minimize the potential for adverse impacts to migratory birds, the lighting plan for the Proposed Integrated Resort has been designed to avoid or minimize glare, skyglow, light trespass, and light spill. Accordingly, the lighting has been designed to comply with the U.S. Green Building Council's recommendation to not exceed 0.10 fc of vertical illuminance at the project boundary, in order to minimize light trespass and achieve consistency with applicable Town of Hempstead requirements. The Lighting and Photometric Plans (Appendix 3.11-4 of the DEIS) demonstrate that lighting levels reduce to zero at and near the site boundaries, and at other locations throughout the site where illumination is not required for key functions and security (e.g., walking paths and parking areas). All exterior lighting will be controlled by a timed, centralized dimming system, which will turn off uplit features after midnight and can further reduce the illumination times of ambient light and non-essential light during the March 15-May 31 and August 15-November 15 migration periods. Light emission from building interiors will be minimized through vertical mullions at windows to baffle interior lighting as viewed from exterior areas, as well as through installation of interior curtains within hotel tower rooms. The lighting plan further incorporates a variety of additional light pollution avoidance, minimization, and mitigation measures, including, but not limited to, concealed and integrated exterior building lighting, fully shielded lighting systems to mark access points, pole-mounted full-cutoff luminaires at surface parking areas, soft, indirect cove lights at the hotel entry drop-off points, perimeter walking paths illuminated with low-level bollards, in-grade paver lights at the proposed Veterans Memorial Plaza, and parking garage interiors lit with non-directional, shielded, surface-mounted cylinders that would direct light downward to minimize potential light-spill. . As such, the proposed Integrated Resort would avoid unnecessary light and would not result in light trespass beyond the boundaries of the subject property.

⁶¹ U.S. Fish and Wildlife Service. *Migratory Bird Program Administrative Flyways*. Available from: <https://www.fws.gov/partner/migratory-bird-program-administrative-flyways> Accessed March 2025.

With respect to the potential for noise pollution from the Integrated Resort to impact migratory birds, a detailed noise analysis was conducted to evaluate existing and proposed noise levels for mobile and stationary sources at and in the area of the subject property (Section 3.7 of the DEIS) and potential noise impacts to the Hempstead Plains Preserve and Purcell Preserve are analyzed in Section 3.3.2.3 of the DEIS. The results of the noise analysis indicated that the construction of the proposed development, with proposed mitigation measures, is not anticipated to result in any long-term adverse noise impacts. In the short term, construction noise may result in temporary increases in ambient noise at some sensitive receptor locations. Construction-related noise impacts would be avoided, minimized, and/or mitigated through implementation of a Construction Management Plan designed to ensure compliance with noise regulations, as well as various other proactive measures and BMPs. These include, but are not limited to: installation of construction fencing and hoarding walls to attenuate construction noise, siting of construction equipment as far from sensitive receptors as possible, requirements for properly operating noise muffler systems on construction equipment, use of quieter-type back-up alarms on construction vehicles, a prohibition on the excessive idling of construction equipment engines, and the use of non-vibratory pile driving to minimize vibration impacts. Moreover, sound levels would be evaluated at each phase of construction to determine if additional construction noise mitigation measures are necessary.

- EC-23. With regard to bird collisions, all glazed facades, especially those facing habitats should include detailed plans for bird-safe design. Specifically, all bird-safe products used should have a Threat Factor of 25 or less, as determined by the American Bird Conservancy or based on tunnel tests conducted by the American Bird Conservancy to align with the standards in nearby NYC. More detail on the measures to be taken and their specific location is needed to ensure the project effectively minimizes bird collisions. Any glass facades, including glass lower on the lower 75 feet adjacent to green spaces must be bird-safe, including windows, railing and other glass features on terraced landscape or green roofs. Details on which fritted glass product will be used on the hotel towers, noting the spacing of the frit markers in the pattern use and which glass surface it will be applied to needs to be provided. The spacing between the exterior opaque vertical louvers that will be installed on the towers should be specified. While some information is provided, more details should be provided on where specifically bird collision mitigation measures will be installed and what products will be used. (C68)(C107)(C105)**

The comment is noted, and final building designs have not yet been completed. However, as explained in Section 3.3.2.1 of the DEIS, Sands will incorporate the following structural and non-structural bird collision avoidance measures into the proposed Integrated Resort design:

- › The minimization of the amount of high-risk glazed areas throughout the project.
- › On the hotel towers, where glass is present at high altitudes, exterior opaque vertical louvers spaced a five-foot intervals and treated frit patterns would be installed to reduce the risk of bird collisions.
- › Exterior screens, grilles, shutters, blinds, and aesthetic and privacy options such as etching, sandblasting, or texturing would be used to help make transparent site elements more evident to birds.

- › Strategic placement of shrubs and trees away from the glazed faces of the towers.
- › The lighting plan has been designed to avoid or minimize glare, skyglow, light trespass and light spill.

EC-24. The DEIS shows a misunderstanding of the risk of collisions to birds resulting from glazed facades and artificial light at night. Light attracts and disorients birds, and it can also directly lead to collisions. The lighting plan does not address uplighting (which is the most attractive to birds) or light emitted from windows at night. The majority of bird-building collisions occur during migration (March 15 to May 31, and August 15 to November 15), yet migration receives little attention in the DEIS. The DEIS should acknowledge the level of migration near the proposed site in the ecological resources section. Like NYC's buildings, it is recommended incorporating a plan that reduces or eliminates ornamental (non-essential) lighting after 11 p.m. during migration to prevent lethal impacts on birds. Uplighting should be eliminated from the design. Light emissions should be reduced through the use of blinds or exterior louvers. The DEIS should consider the most recent and accepted scientific research instead of relying on website references that may not be based on scientific research. (C68)

An evaluation of the potential for glass, other reflective surfaces, and lighting to pose bird collision hazards and disrupt migratory patterns, and mitigation therefor, is provided in Sections 3.3.2.1 and 3.3.3.3 of the DEIS. Specific bird collision avoidance, minimization, and mitigation measures for glazed surfaces are provided in the response to comment EC-23. The presence of migratory birds at and near the subject property is addressed in Section 3.3.1.2 of the DEIS and is also discussed in the response to comment EC-22. The information sources referenced in Section 3.3 of the DEIS, and in this FEIS includes scientific studies, as well as regulatory agency websites (e.g., USFWS, NYSDEC, etc.), and non-government agency websites (e.g., NYC Bird Alliance etc.) that provide guidance for bird-friendly building design based on scientific studies, as cited on the referenced websites. As such, the bird-friendly design measures of the Integrated Resort are based on recent and accepted scientific research.

With respect to lighting, as described in detail in the response to comment EC-22, to avoid or minimize the potential for adverse impacts to migratory birds, the lighting plan for the Proposed Integrated Resort has been designed to avoid or minimize glare, skyglow, light trespass, and light spill and would comply with the U.S. Green Building Council's recommendation to not exceed 0.10 fc of vertical illuminance at the project boundary, in order to minimize light trespass. The Lighting and Photometric Plans (Appendix 3.11-4 of the DEIS) demonstrate that lighting levels reduce to zero at and near the site boundaries, and at other locations throughout the site where illumination is not required for key functions and security (e.g., walking paths and parking areas).

The lighting plan further incorporates a variety of light pollution avoidance, minimization, and mitigation measures, including measures included in the comment. As designed, there is very minimal uplighting of the building façade, as all uplighting is fully cut off by overhangs, preventing light from illuminating the night sky. All exterior lighting will be controlled by a timed, centralized dimming system, which will turn off uplit features after midnight and can further reduce the illumination times of ambient light and non-essential light during the March 15-May 31 and August 15-November 15 migration periods. Light emission from

building interiors will be minimized through vertical mullions at windows to baffle interior lighting as viewed from exterior areas, as well as through installation of interior curtains within hotel tower rooms.

Additional avoidance and minimization measures include concealed and integrated exterior building lighting, fully shielded lighting systems to mark access points, pole-mounted full-cutoff luminaires at surface parking areas, soft, indirect cove lights at the hotel entry drop-off points, perimeter walking paths illuminated with low-level bollards, in-grade paver lights at the proposed Veterans Memorial Plaza, and parking garage interiors lit with non-directional, shielded, surface-mounted cylinders that would direct light downward to minimize potential light-spill.

Based on the foregoing, the proposed Integrated Resort would avoid unnecessary light (including uplighting of the night sky), minimize the temporal extent of night illumination, minimize light emissions from building interiors, and would avoid light trespass beyond the boundaries of the subject property through the various design measures described above.

- EC-25. The shadows of the south hotel tower would create an artificial and premature sunset -type effect in the shadow-impacted areas of the Purcell Preserve, which will affect not just plant growth but also animal and bird behavior and air and ground temperatures. The DEIS also fails to recognize the importance of natural twilight on the prairie ecosystem, its flora and fauna. Building shadow impacts change atmospheric light suddenly, unlike the gradual natural light gradations of sunrise and sunset, which along with other atmospheric changes (like temperature) brought on by twilight, triggers biological life cycle processes in plants and animals at specific measurable degrees and durations of light or dark before, during and after twilight. This should be acknowledged in the DEIS. The DEIS does not acknowledge that late spring through summer, when days are longest, baby birds are being born and abound, often depending entirely on their parents to take turns throughout summer's extended daylight hours to continuously forage and return with insectivorous baby food to nourish their growth. It is a critical time of year when baby birds on the Hempstead Plains must develop rapidly (in just a few weeks) to become strong enough to leave their nests and to fly south on their first fall migration. If they are not sufficiently fed as babies, they will not make it. The DEIS acknowledges there will be a reduction in hours of sunlight available to the Purcell Preserve. The increase in darkness will make the Purcell Preserve inhospitable to birds in winter. The DEIS does not acknowledge that there will be significant negative impacts to existing fauna. Include renderings in the DEIS of the project with the south tower at a height that would not have any shadow impacts on the Purcell Preserve. (C99)**

As described in the response to comment EC-11, Sands conducted a shadows study that is summarized in Section 3.11.2.4 of the DEIS. A detailed discussion of potential shadows impacts to the Hempstead Plains Preserve and Purcell Preserve is provided in Section 3.3.2.3 of the DEIS. As described in these sections, the proposed Integrated Resort would not cast incremental shadows on the Hempstead Plains Preserve and therefore would have no impact on birds or other fauna of the preserve. For the Purcell Preserve, the shadow analysis indicates that, similar to the existing condition where the Marriott Hotel building casts shadows for limited periods, incremental shadows would be cast onto minimal portions of the

westernmost area of the Purcell Preserve for limited periods during the representative seasonal analysis days used in the study. Significantly, the largest areal extent of shading would occur during the December 21 analysis day, as opposed to late spring and early summer when avian breeding activities, including nesting, hatching, and development of juvenile birds, occurs. In all analysis days, substantial periods of direct sunlight would occur within the limited affected areas, particularly during avian breeding periods. Despite having the largest areal extent of shadows, incremental shading on the December 21 analysis day would only affect a minimal portion of the westernmost area of the Purcell Preserve for limited periods of time. As such, the vast majority of the Purcell Preserve would not be affected by incremental shadows, and, therefore, the preserve would not be rendered inhospitable to birds during winter, as suggested in the comment.

Based on the foregoing, the shadows analysis concluded that the areal and temporal extent of incremental shading from the proposed Integrated Resort would be negligible during all seasons. Accordingly, significant adverse impacts to birds and other resident fauna are not expected, and buildings at heights other than what is currently included in the Integrated Resort design are not proposed.

- EC-26. Sands DEIS does not acknowledge what the impact would be, starting in and continuing from the initial phase by adding four (4) 10 megavolt-amperes (MVA), 13.2kV feeders to the existing Lindbergh Substation to provide 20 MVA of capacity encroaching upon and just across a narrow street from two sensitive sites. First, the Hempstead Plains Preserve Visitor Education Center and parking lot. The second sensitive site is the proposed Hempstead Plains Nature Study Area Parcel B where a 4-to-5-acre founder's plot is planned for establishing an endemic native seed supply and for public educational purposes. Any new or expanded substation should be constructed on and reuse previously developed land (ideally, of no current or little use) on or adjacent to the Nassau Hub, provided the location is not within 200 yards of any part of the proposed Hempstead Plains Nature Study Area. The permanent impacts related to construction and operation of a new substation (or expansion of an existing substation) may be substantial depending on the location of the new site and its proximity to residences and other sensitive sites such as the Hempstead Plains Nature Study Area. Among the more important and long-lasting impacts are land use changes and habitat loss (including those to endangered and threatened species), changes to local aesthetics and viewsheds, noise, and lighting. This should be studied in the DEIS. (C99)**

See response to comment EC-1. PSEG LI has confirmed that a substation expansion or construction of a new substation will not be required to meet the energy needs for the revised Phase 1 (see **Appendix 2.16-1** of this FEIS). Should future development beyond Phase 1 be proposed based on market conditions, Sands would consult with PSEG LI, and the potential need for an expanded or new substation will be reevaluated at that time.

2.5 Land Use, Zoning and Community Character (LUZ)

LUZ-1. Appendix 2-7 of the DEIS presents the Lessee’s proposed zoning legislation for the MF-IRD. Review of this document suggests that it used the existing MFM District in §146.1, Article XIII, of the BZO as a starting point, with additions, deletions, and other modifications for the purposes of the proposed development. The current and proposed zoning were compared, and the following substantive changes have been identified for the MF-IRD in relation to the existing provisions for the MFM District, with references to existing BZO sections provided where applicable. It would be helpful to the Town’s review of the proposed zoning amendment if the FEIS discussed the reasons and/or justifications for the proposed revisions identified below:

a. Signs –

- **REVISED – The current provision specifying that signs are required to comply with the Town’s existing sign ordinance in Article XXIV of the BZO would be superseded by new provisions specific to the MF-IRD. §146.1.E**

A primary concern with the proposed new provisions pertains to the potential aesthetic impacts associated with the allowance for a 45-foot-tall pylon sign along each frontage, where 15 feet is the maximum height of signs currently permitted under Article XXIV of the BZO (for detached and mobile signs – pylon signs are not currently defined in the BZO).

b. Floor area ratio (FAR): §146.1.F

- **DELETED – Provision that excludes public ROWs from the FAR calculation**

As discussed elsewhere in this correspondence, this proposed provision may complicate an understanding of the density of the proposed development because FAR comparisons would not be on an “apples-to-apples” basis for the MF-IRD versus the MFM District. It is not clear why this revision is being proposed.

c. Exceptions to FAR calculation: §146.1.G

- **REVISED – The entire area of parking garages would be excluded from the FAR calculation; whereas, only the grade level portion of garages currently is excluded in the MFM District.**

As with the revision discussed above regarding public ROWs, this proposed provision may complicate an understanding of the density of the proposed development because FAR comparisons would not be on an “apples-to-apples” basis for the MF-IRD versus the MFM District. Again, it is not clear why this revision is being proposed.

- **DELETED – The portion of this provision indicated as follows: An arcade, covered plaza or atrium ~~that is not used for any purpose other than pedestrian traffic.~~**

The primary concern is that the proposed revision may allow these areas to be used for purposes other than pedestrian traffic (e.g., sales kiosks and similar facilities) which typically are included in FAR calculations.

d. Rear yards: §146.1.J

- **DELETED** – Provision requiring additional 5-foot rear yard setback for each 10-foot increase (or part thereof) in nonresidential or mixed-use building height above 40 feet.

This proposal would set the rear yard requirement in the MF-IRD at 10 feet, which applies to much shorter buildings (maximum 60-foot height) in the MFM District. In this way, very tall buildings could be placed along the perimeter of the site with minimal setbacks, thereby magnifying the apparent bulk of the development as compared to the current standard requiring increased setbacks for taller buildings. Although the current 5:10 ratio between increase in rear yard versus increase in building height may not be appropriate, there appears to be merit to the concept of providing a greater setback for buildings of the height contemplated under the proposed action. It is noted that Table 28 in the DEIS indicates that the proposed development would provide a minimum 65.5-foot rear yard, which suggests that the 10-foot proposed standard could be increased substantially while still maintaining compliance.

- e. Required yards for building height exceeding 60 feet: **§146.1.K**

- **DELETED** – Provision requiring a minimum yard depth along street frontages of 20 feet for the first 60 feet of building height, and an additional 1-foot setback for each 3 feet of building height over 60 feet.

This issue is similar to what is discussed above regarding rear yards.

- f. Parking for nonresidential uses: **§146.1.L**

- **REVISED** – The current provision applying the general parking standards in §319 of the BZO to all nonresidential uses would be replaced by district-specific requirements for certain uses (i.e., casino/gaming, conference center, support areas, and central utility plant/mechanical spaces). All other nonresidential uses would continue to be governed by the parking standards in §319. **§146.1.L(1)**

It should be demonstrated that the specified standards are appropriate for the given uses, based on suitable technical analysis.

- **REVISED** – A new provision proposed for the MF-IRD would require surface parking lots to contain either raised islands or a screening buffer along public roadway frontages, which would replace the current provision applying the general standards for landscaped islands in §319 of the BZO specifying that:

*...raised landscaped islands shall be provided for the purpose of preventing the diagonal movement of vehicles, alleviating the visual impact of large expanses of paved areas and otherwise improving traffic and pedestrian safety. Such landscaped islands shall be located: at the ends of each parking bay containing 10 or more spaces, and separating opposing rows of parking spaces at least every third parking bay. The minimum width of landscaped islands shall be five feet where located at the ends of parking bays and eight feet where separating opposing rows of parking spaces or adjacent to circulation aisles. **§146.1.L(1)***

Deleting the requirement for raised landscaped islands would contravene the stated purposes of §146.1.L(1) to restrict the diagonal movement of vehicles within parking lots, improve traffic and pedestrian safety and reduce large

expanses of pavement, while also decreasing the heat island effect resulting from large areas of pavement. It is not clear why this revision is being proposed.

- DELETED – Requirement for 15-foot setback from property lines for surface parking for nonresidential uses, with suitable landscaping in the buffer area. §146.1.L(6)

It appears that this revision would allow surface parking lots to extend to the property line without setback, which would increase the potential for visual impacts at adjacent off-site locations.

g. Requirements for residential uses: §146.1.N

- DELETED – Maximum building area of 35%. §146.1.N(3)
- INCREASED – Maximum height of residential buildings to 250 feet, from 40 feet. §146.1.N(4)
- DELETED – Parking requirement of 4 spaces for every 3 residential units; it does not appear that a residential parking standard is specified in the draft legislation. §146.1.N(9)
- DELETED – Open space requirement of 1,000 square feet per dwelling unit for residential buildings and 500 square feet per dwelling unit for mixed-use buildings. §146.1.N(10)
- ADDED – Provision excluding internal ROWs from requirements for front, rear and side yard setbacks.

Concerns regarding these proposed Code revisions for residential uses parallel the issues discussed above with respect to nonresidential uses.

h. Supplementary regulations: §146.1.O

- DELETED – Provision excluding stormwater basins and public ROWs from requirement for 3% of the area in the district to be set aside as public open space (while retaining the current exclusions for required building setbacks, parking areas and driveways). §146.1.O(2)

The inclusion of stormwater basins and public ROWs as “open space” does not appear to be consistent with generally accepted definitions of this term, especially with respect to the ROWs. An explanation should be provided to justify this proposed revision.

i. Design guidelines §146.1.P

- DELETED – Requirement for transparent windows and/or entrances to comprise 25% of residential first-floor façade and 50% of nonresidential first-floor façade. §146.1.P(1)(d)[3][b] and §146.1.P(1)(d)[3][c]
- DELETED – Maximum 50-foot blank walls on building exteriors. §146.1.P(1)(d)[3][3][d]
- DELETED – Provision specifying that visibility of parking structures from first-floor and street-level areas of activities should be reduced. §146.1.P(1)(i)[1]

The intent of these existing provisions of the MFM District is to minimize visual impacts and optimize the aesthetic appeal of site development, so it is not clear

why they should be eliminated. Explanation should be provided to justify these proposed revisions.

- j. **New section of the BZO establishing a Design Review Board for development applications in the MF-IRD – The Town Board ultimately will determine the merit of this provision, giving due consideration to the degree of discretion it wishes to reserve for itself over future decisions for development of the subject property. (C96)**

The comment is noted. Based on meetings with representatives of the Town of Hempstead over the past two years, Sands has proposed a new zoning district (MF-IRD). The approach, as discussed with the Town, was to use the existing MFM District as a base and propose a new zoning district that modified MFM District parameters, as needed, to accommodate the proposed Integrated Resort. The Design Review Board was added based on suggestions from Town representatives.

The DEIS explains (see, for example, Section 2.1):

In order to develop the proposed Integrated Resort and realize the associated economic and community benefits, a new zoning district is being proposed. The Town of Hempstead Town Board has zoning authority over the subject property, and accordingly, it would be the Town Board's determination as to whether the proposed new zoning district, the MF-IRD, would be adopted and applied to the subject property or if the Town Board would consider relief from/amendments to the existing Mitchel Field Mixed-Use (MFM) Zoning District to allow the development of the Integrated Resort.

Thus, the Town of Hempstead Town Board has ultimate authority over all zoning decisions, including modification to the proposed MF-IRD if deemed appropriate.

- LUZ-2. It is reasonable to consider that the applicable dimensional and other standards should be differentiated to a certain degree for the two scenarios presented by the Lessee for redevelopment of the subject property – (a) the proposed action, which includes a casino and associated facilities for the Integrated Resort; and (b) the alternative plan without a casino, which consists of a dissimilar mix of uses including a residential component that would not be provided in the Integrated Resort. However, the draft MF-IRD zoning legislation does not make such a distinction; and as presented in the DEIS, a single set of standards would apply to both development scenarios despite their fundamental differences. In order to address this issue, it is recommended that alternate zoning mechanisms be explored that would achieve the desired objectives while eliminating the potential drawbacks of trying to devise a single set of standards that may not be fitting for both development scenarios. Consideration could be given to limiting the applicability of the proposed MF-IRD zoning to the casino development scenario comprising the proposed action presented in the DEIS, perhaps as an overlay district, with the non-casino alternative remaining subject to the underlying MFM District which has applied to the various previous proposals for development of the subject property; or a new base zoning district could be created for the non-casino alternative, with the MF-IRD zoning as an overlay district for the casino development scenario. Other available mechanisms may also merit evaluation. While much of the language in the MF-IRD is the same as what appears in the existing MFM Zoning**

District, the changes that have been made represent a transformation in the desired future of the district, from one that prioritizes mixed-use, “highest-quality” sustainable, community-oriented development to one that prioritizes commercialization and massive development over local residents, including:

- › **Removes the phrase “highest-quality” before “sustainable development”**
- › **Removes the phrase “mixed-use” before “buildings” in B(4) and adds “entertainment, hospitality, commercial” uses.**
- › **Removes “public streets and roadways of new mixed-use neighborhoods” in the discussion of the promotion of the integration of pedestrian amenities and public transportation**
- › **Adds to “permitted uses” casino/gaming, in addition to innocuous uses including movie theatre, golf entertainment, miniature golf, and bowling.**
- › **Removes “noncommercial” before “park, recreational, or open space uses” and the addition of “including outdoor entertainment uses” in C(20).**
- › **Allows a significant increase in permitted development:**
 - **Over 4-8x increase in height from 30 feet (60 feet if certain conditions are met) to 250 feet for nonresidential and mixed uses**
 - **Nearly 3x increase in hotel height from 100 to 280 feet**
 - **More than 2x increase in parking structure height from 40 to 95 feet**
 - **Over 6x increase in residential use height from 40 to 250 feet**
- › **Completely eliminates the requirement to establish public rights-of-way and provisions for “complete streets.”**
- › **Completely eliminates the requirement for ground-floor facades to be publicly accessible and for parking structures to be located in less-visible areas. (C61)(C96)**

As indicated in the response to comment LUZ-1, based on meetings with the Town of Hempstead, the approach was to, using the existing MFM District as a base, prepare a new zoning district that would accommodate the proposed Integrated Resort.

Review of the existing MFM District (<https://ecode360.com/15284366#14496282>) indicates that it has multiple permitted and accessory uses, that are not very different from those proposed in the MF-IRD. The permitted and accessory uses in the existing MFM District are listed below in regular type. Text proposed to be changed for the proposed MF-IRD (Appendix 2-7 of the DEIS) are shown in *italics* for text proposed to be added, and ~~strikeout~~ for text proposed to be deleted.

Permitted Uses

- › Arena, convention center, exhibition facility, *casino/gaming*, ~~or~~ theater~~(s)~~, *movie theatre, golf entertainment, miniature golf, bowling*, and similar entertainment uses as may be approved by the Town Board.
- › Hotel or conference center.
- › Offices, bank, ~~or~~ financial institution *or brokerage service*.
- › Medical or dental office or clinic.

- › Store for the sale, at retail, of articles to be used off the premises, ~~except that a freestanding retail building shall not exceed 100,000 square feet of floor area.~~
- › Supermarket
- › Restaurant, cafe or luncheonette, excluding a ~~diner, lunch wagon,~~ drive-in restaurant, drive-in luncheonette, drive-in counter or drive-in refreshment stand.
- › Personal service establishment, such as retail hand laundry, custom tailoring, hand dressmaking or shoe repairing.
- › Research and development facilities (including medical research and laboratories).
- › Hospital and medical center.
- › Public school, parochial school, private school ~~for the instruction of elementary grades, academic grades, or both, chartered by the Board of Regents of the State of New York;~~ college or university; trade school or training facilities; music, dancing or other instructional school; dormitory for educational institutions.
- › Senior citizen congregate-care facility, assisted living facility, or nursing home.
- › Day-care facility.
- › Health club or spa.
- › Cultural facilities, museums, performing arts venues, memorials
- › Club, fraternal organization, lodge or philanthropic use.
- › Townhouses or and multiple-family dwellings ~~containing no more than six dwelling units per building.~~
- › Post office, library, emergency services or other municipal building or government uses.
- › Religious uses.
- › ~~Noncommercial~~ Park, recreational ~~and~~ or open space uses, including outdoor entertainment uses.
- › Public and private transportation facilities.

Permitted Accessory Uses

- › In relation to hotels *and/or conference facilities*, accessory uses and structures on the same lot or premises with, and of a nature customarily incidental and subordinate to, the principal use or structure, including restaurants, cocktail lounges, public banquet halls, ballrooms, meeting rooms, swimming pools, *spas, fitness centers*, tennis courts, boutiques, gift shops, drugstores and other business uses customarily incidental to the operation of a hotel *and/or conference center*.
- › In relation to offices, accessory uses and structures permitted on the same lot or premises with the principal use or structure shall be limited to uses customary and incidental to the principal use, *fitness centers*, recreational facilities, cafeterias, retail and service shops and facilities.
- › Clubhouse and meeting rooms.
- › Outdoor in-ground or indoor swimming pools and tennis courts.
- › *Utility and energy facilities, including renewable energy facilities.*
- › Open surface parking and parking structures.

As evident from the above, the MFM District, like the proposed MF-IRD, contains many of the same “dissimilar mix of uses.” However, the existing MFM District, like many of the other non-residential districts in the Town of Hempstead and other municipalities on Long Island and beyond, allow varied uses in specific zoning districts. The mix of uses actually allowed on a specific property is typically determined through the SEQR process and the application of zoning and other relevant land use regulations.

Notwithstanding the above, and as indicated in response to comment LUZ-1, the Town of Hempstead Town Board has ultimate authority over all zoning decisions and can choose to modify the proposed MF-IRD, if deemed appropriate.

LUZ-3. The following questions arise regarding the floor area ratio (FAR) information in Table 28 (Compliance of proposed action with MF-IRD), which also touch upon issues pertaining to the proposed MF-IRD legislation provided in DEIS Appendix 2-7 as discussed above:

- a. **The current standard in the MFM District for maximum permitted FAR is retained at 1.6 for the MF-IRD, which appears to be excessive given that the FAR of the proposed development would be only 1.0.**
- b. **Relatedly, it is noted that the proposed MF-IRD legislation revises the calculation of FAR as compared to the MFM District by excluding roadway rights-of-way and parking garages. It seems that the proposed development density would be more easily understood if the current FAR definition for the MFM District were retained. An explanation would help in understanding the intent of the proposed revisions for calculating FAR.**
- c. **It is indicated that the proposed development contains 147,952 square feet of open space, comprising 3.9% percent of the site, in compliance with the 3.0 percent requirement in the proposed MF-IRD. A sketch plan showing the location of the areas of the site included in this open space acreage, similar to the graphic provided in Figure 20 for the MFM-compliant plan, would be helpful.**
- d. **The label for the Maximum Non-Residential/Mixed-Use Building Height in this table has an asterisk which should be defined if, for example, it is intended to point to a note that has been omitted. (C96)**

With respect to items a. and b., as explained in response to comment LUZ-1, the approach, as discussed with the Town, was to use the existing MFM District as a base and propose a new zoning district that modified MFM District parameters, as needed, to accommodate the proposed Integrated Resort. As also explained in the response to that comment, the Town of Hempstead Town Board has ultimate authority over all zoning decisions and can choose to modify the proposed MF-IRD if deemed appropriate.

With respect to comment c., a plan indicating the open space is included in **Appendix 2.5-1** of this FEIS.

Regarding comment d., the asterisk is extraneous and should have been removed. No definition is needed.

LUZ-4. This proposed 26 story, two tower casino will forever alter the character of our town. The report seems to minimize how much this project could change the character of our community, an effect that could be irreversible. A project of the scale proposed will create an entirely new character. Most casino related retail is luxury based/splurge merchandise (high end clothing, jewelry, electronics, luggage, etc.) and not geared toward the average customer. With wraparound parking decks and lack of exterior windows and storefront doors, the site will remain an area that visitors may not find safe or inviting to explore on foot. It veers from the intent of the land use and zoning intended for the Greater Mitchel Field Area. (C59)(H28)(C23)(C25)(C47)

With respect to the proposed hotels (i.e., the towers referred to in the comment), as demonstrated in Section 3.11.2 and Appendices 3.11-2 and 3.11-3 of the DEIS, the visibility of these hotels does not extend significantly beyond the immediate surrounding area. Thus, as demonstrated in Section 3.11.2 of the DEIS, there would not be a significant impact to the visual character of the community.

In addition, Section 3.4.2 of the DEIS assesses, in detail, how the proposed action is appropriate for the subject site with respect to the proposed land uses, bulk requirements, goals of the locally-adopted land use plans, and existing community character. The proposed retail area is limited and is designed to be "supportive retail" for patrons of the Integrated Resort. It is not designed as a retail destination for the community nor is it designed to compete with area retail destinations. As explained in Section 2.0 of the DEIS, the proposed supportive retail consists of only 31,200 square feet of space (which represents approximately half the square footage of the recently-opened Hobby Lobby store at 895 East Gate Boulevard in Garden City).⁶² Information regarding the extensive retail offerings in the area is presented in response to comment SE-11.

As specifically explained in Section 3.4.2.1 of the DEIS, the proposed Integrated Resort would repurpose the underutilized Nassau Veterans Memorial Coliseum property and create a lively resort that fosters a sense of community and connectivity within its surroundings and draws people together. The Central Plaza proposed (approximately five acres) would provide the community with space to gather. As part of the Central Plaza, Sands would develop a veterans' memorial to honor the site's origins.

Furthermore, as indicated in Section 3.4.2.5 of the DEIS, Sands conducted extensive community engagement to create a plan that enhances the community character with amenities and uses to serve local residents. A primary design objective is to fully integrate the development with the community and add value to the neighborhood through linkages and synergies with surrounding areas.

LUZ-5. How does scale of the proposed development relate to scale of community? There are two extremely tall "local" structures noted for comparison - one is a stack, and another is a medical facility that is over a mile and a half away. Those are not comparable with regards to height of structures in the neighborhood. The tallest buildings in the immediate area are closer in height to the Hofstra dormitories and RXR Plaza. Why is

⁶² Hobby Lobby. *New Store Opening in Garden City, New York* (December 26, 2025). Available at: <https://newsroom.hobbylobby.com/new-stores/new-store-opening-in-garden-city-new-york#:~:text=A%20new%20Hobby%20Lobby%20store,shopping%2C%20visit%20hobbylobby.com>.

there a need to exceed the height of neighboring structures? The scale of development (including height, massing, open space, etc.) should be discussed in comparison to the surrounding neighborhoods and the broader region, with concept drawings for comparison. (C59)

The height comparisons provided in Sections 3.4.1.4 and 3.11.1.5 include buildings immediately proximate to the Coliseum property (RXR Plaza, Omni Building, Hofstra Residence Halls, NCC Administration Building), and also include the Reworld™ facility and Nassau University Medical Center. The majority of the buildings used for comparison are within 0.5 mile of the Coliseum property.

As explained in response to comment LUZ-4 in this chapter of the FEIS, Section 3.11.2 and Appendices 3.11-2 and 3.11-3 of the DEIS demonstrate that the visibility of the proposed Integrated Resort, including the proposed hotels, does not extend significantly beyond the immediate surrounding area. Accordingly, from an environmental impact perspective, the proposed scale of the Integrated Resort, as demonstrated in Section 3.11.2 of the DEIS, would not adversely affect the character of the community.

- LUZ-6. The Proposed Project aims to transform the Site into the third-largest casino in the United States, along with hotel, event, and retail spaces. However, the DEIS does not adequately evaluate the Proposed Project's consistency with applicable land use plans for the Town of Hempstead, Uniondale Hamlet, or the Long Island Region, which envision a reasonable development containing a mix of uses (not including casinos) that will enhance the offerings of the local community, promote economic growth, sustainability of residential neighborhoods, and draw upon the region's rich history. None of the land use plans express a desire for a casino; they express a desire for a college town that offers opportunities to enhance local innovation and manufacturing, the need for additional housing, and the desire to have tourism that draws upon Long Island's rich history. The existing zoning envisions a community-oriented future with mixed-use development, not an insular, massive resort walled off from the community by tall parking garages. The DEIS does not analyze how the Proposed Project would fundamentally and adversely impact the existing and desired community character of the area. While the uses other than a casino are permitted in the MFM Zoning District, the FGEIS for the Lighthouse proposal required that the ground floor of structures facing the street should be retail or service uses with sufficient display windows. Also, in the Nassau County Master Plan, development of the subject site is envisioned to be outward facing with storefronts offering a greater degree of commercial vitality and "eyes on the street." The proposed retail associated with the casino Integrated Resort concept is inward facing like a mall, not creating a vibrant streetscape and it is not aligned with local plans, including the Nassau County Master Plan. This singular building of immense size, bounded by parking lots and garages and multi-lane roads, is inconsistent with the goal of creating a distinct regional town center -- a goal summarized in County and local planning documents and cited multiple times by Sands' own DEIS. Regional town centers are composed of pedestrian-scale roads (typically 3 lanes or less), on-street parking, streetscapes activated by transparent outward facing first floors, and small road grid/block sizes to note a few characteristics. The Sands' concept is more like a regional shopping mall (the quintessential autocentric, automobile dependent use) with a "lifestyle complex" focusing on keeping**

visitors circulating inside the building. This concept is not a distinct town center with a unique and inviting network of activated streetscapes and thus is in direct conflict with duly adopted existing land use, zoning and community plans. The concept offered is inward facing and does not provide the street front vibrancy projected as the long-range vision for the subject site by the Nassau County Master Plan. (C59)(C60)(C61)

The comment is not correct, as Section 3.4.1.2 of the DEIS describes the relevant land use plans and Section 3.4.2.3 of the DEIS provides an analysis of the proposed Integrated Resort's consistency with these relevant land use plans, including:

- › Nassau County Comprehensive Plan – 1998
- › Nassau County Open Space Plan – 2001
- › Nassau Hub Major Investment Study Final Report – 2006
- › Uniondale Hamlet Vision Plan – 2012
- › Long Island Regional Economic Development Council: 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 (*2016 LIREDC Plan*).

One of the assertions made in the comment is that none of the plans recommend that the Coliseum property be developed with a casino. As indicated in Section 2.5 of the DEIS, "the impetus for the proposed project dates back to 2013, when New York State approved a constitutional amendment authorizing up to seven commercial casinos. Subsequently, in 2015 and 2016, the New York State Gaming Commission awarded licenses to four upstate casinos. . ." (page 44) "Potential licensing for Sands is a competitive process. On January 3, 2023, the New York State Gaming Facility Location Board issued a REQUEST FOR APPLICATIONS TO DEVELOP AND OPERATE A GAMING FACILITY IN NEW YORK STATE (RFA) for up to three downstate casinos." (page 45) With the exception of the *2016 LIREDC Plan*, all of the evaluated plans were prepared prior to the original constitutional amendment to authorize commercial casinos in New York State. Also, all of the plans were prepared prior to the State Gaming Facility Location Board issuing an RFA for downstate commercial casino licenses. Therefore, it was not possible or reasonable for any of the plans to recommend a casino use for the subject property because it was not a permitted use in New York State prior to 2013 and casinos were not contemplated for development downstate until 2023.

Various other statements offered in the comment are selectively excerpted from the aforesaid plans and do not accurately represent the complete recommendations contained therein. For example, the comment indicates that housing is repeatedly cited as a desired and needed use at the Hub and the Coliseum site throughout multiple planning documents. However, as documented in the DEIS, housing is more generally cited in the aforesaid plans as a *region-wide* need, although some documents mention the potential use of the subject property for housing. For example, Section 3.4.1.2 of the DEIS states that "the *Comprehensive Plan* indicates that Nassau County has a variety of sites with significant potential for redevelopment. The *Comprehensive Plan* notes that 'one of the opportunities to create new housing and mixed uses is in the redevelopment of vacant or underutilized parcels'" (Page II-10 of the *Comprehensive Plan*). Amongst the sites identified in the 27-year-old *Nassau County Comprehensive Plan* was the Coliseum property, which is included among many other vacant,

underused or unimproved sites that could potentially be developed with new uses and activities.

Further, with respect to the *Nassau Hub Major Investment Study Final Report (HUB MIS)*, Section 3.4.1.2 of the DEIS indicates that “the goal of the Nassau Hub Study is to define new transportation options and identify land use strategies that would help promote economic development, create jobs, and improve access and mobility within the area.” This document does not promote the idea of housing on the Coliseum property. Also, the *Uniondale Hamlet Vision Plan* and the Long Island Regional Economic Development Plans do not specifically recommend housing for the subject property.

As detailed in Section 2.3.2 of the DEIS, prior proposals for the subject property that included housing (The Lighthouse at Long Island – 2,306 housing units and the Nassau Hub Innovation District – 500 units) never proceeded.⁶³ However, the proposal that was approved by the Town in 2015 (Nassau Events Center [NEC] CMP), after all but one of the aforementioned plans were adopted, did not include any housing. As the proposed lease between Nassau County and Sands contemplates an Integrated Resort that includes a casino, subject to licensing by the New York State Gaming Commission, the lease also provides for an alternative in the event a gaming license is not awarded to Sands, which includes housing. Accordingly, the Alternative CMP, analyzed in Section 8.2 of the DEIS, includes 500 residential units.

Moreover, the proposed Integrated Resort incorporates a mix of uses on the subject property, including hospitality, conference space, entertainment uses, retail uses and a veterans memorial. A mixed-use concept is recommended in various land use plans, including the *Nassau County Comprehensive Plan*.

The comment above also claims that the *Uniondale Hamlet Vision Plan* expresses a desire for a college town that offers opportunities to enhance local innovation and manufacturing. While the *Uniondale Hamlet Vision Plan* notes the desire for enhancing a “college town” concept within Uniondale, it is not directed toward the Nassau Veterans Memorial Coliseum or the subject property. Further, as stated in Section 3.4.1.2 of the DEIS, while the Hub and Coliseum property are in the hamlet of Uniondale, the focus of the *Uniondale Hamlet Vision Plan* is mainly south of Hempstead Turnpike, including the downtown area and residential areas. While the DEIS acknowledges that parts of the *Uniondale Hamlet Vision Plan* mention the Hub area as an entryway into the community, it is not the main focus of this plan, which is “concentrated on Uniondale’s residential neighborhoods and local commercial areas that serve the community. . .” Therefore, the comment is also incorrect in its reference to the subject property being associated with Uniondale’s expressed desire for a “college town” that offers opportunities to enhance local innovation and manufacturing.

Nonetheless, with respect to enhancing higher education in the area, unlike the existing Coliseum, Sands is proposing to reinforce and strengthen its ties with NCC, as it is proposing a partnership with “NCC to LIU to create a new, comprehensive hospitality program for Long Island’s college students. The strategic partnership would generate new career opportunities

⁶³Also, as explained in detail in response to comment PA-5, comparing the Lighthouse proposal and its GEIS has no relevance to the evaluation of impacts of the proposed Integrated Resort.

for students and graduates interested in hospitality management and culinary arts industries..." (Section 3.4.2.3 of the DEIS).

The comment above cites a desire to have tourism that draws upon Long Island's rich history, as described in several of the land use plans. The proposed Integrated Resort will help to achieve several of the key vision elements, as described in Section 3.4.1.2 of the DEIS. The DEIS explained that one of the goals of the *2016 LIREDC Plan* is to "attract travelers from across the globe by leveraging Long Island's unique heritage and tourism assets to convey our rich contributions to American history, the arts, and culture." The *2016 LIREDC Plan* further noted the after previous false starts (including The Lighthouse at Long Island), the Nassau HUB redevelopment is taking shape and the LIREDC once again recommends funding for the infrastructure work required on the site... The renovation of the Nassau Veterans Memorial Coliseum and the development of a surrounding sports and entertainment district also are underway at the Uniondale site..."(Page 73). Page 91 of the *2016 LIREDC Plan* referred to the proposed redevelopment of Nassau Veterans Memorial Coliseum (Nassau Event Center's sports and entertainment district) as a tourist destination. The proposed Integrated Resort is expected to have a greater positive impact on tourism than any previous proposal that has been made for the subject site. Section 7.0 of the DEIS explained that:

Sands has committed to promoting existing businesses and drawing tourists to the area that could greatly benefit existing venues and attractions. Sands proposes to market day-trip destinations to wineries, golf courses, beaches, ocean activities; to introduce room booking packages (e.g., a room paired with Islanders tickets and a winery tour); and to feature Long Island wines in their restaurants and hotel rooms. Therefore, the proposed Integrated Resort is anticipated to advance the tourist industry on Long Island, not just due to the Resort itself, but in coordination and cooperation with other tourist attractions.

Section 7.0 of the DEIS further explained that the proposed Integrated Resort "is also expected to benefit the existing cultural resources and park facilities located in the adjacent area, such as Museum Row and the 913-acre Eisenhower Park" by attracting tourists to the area. As noted in the DEIS, the Cradle of Aviation Museum, which provides records and houses the history of the Mitchel Field area an Air Base, endorsed the proposed Integrated Resort, indicating that it "aligns with our mission of promoting education, culture and the overall well-being of Long Island" and that it can be a "catalyst for economic growth in the region. . . fostering a vibrant cultural scene, enriching the lives of residents and visitors alike" (see Appendix 7-1 of the DEIS).

Thus, the proposed Integrated Resort is expected to attract people from all over the world, enhancing its status as a world-class tourist destination, and helping to benefit existing tourist attractions by bringing people to Long Island and promoting existing businesses and the myriad assets and features of the area.

Another theme in the comment above is that the DEIS does not analyze the impact of the proposed Integrated Resort on the character of the area and claims that it would adversely affect community character. However, the DEIS provides a detailed discussion of impacts to land use, zoning and community character in Section 3.4.2 thereof. As also explained in Section 2.3.1 of the DEIS, the character and traditions of the area and the history of the subject property confirm that, for over 50 years (since the time the Mitchel Air Base property

was transferred to Nassau County), the subject property has provided entertainment and hospitality uses. Moreover, the Planned Development Districts (PDDs) at Mitchel Field (within which the subject property is situated) was, in part, created based on this concept. Similar to the approved NEC project, the entertainment and hospitality uses proposed as part of the Integrated Resort would continue the types of uses found on the subject site for over a half century.

Furthermore, the proposed project maintains its connection to Nassau Memorial Veterans Coliseum and area veterans "to honor the site's origins" with the establishment of a minimum \$1 million monument or memorial on the subject site, paying tribute to veterans of the armed forces of the United States of America, as described in Section 2.4 of the DEIS. The proposed Integrated Resort also contains a performance venue, which, as noted in Section 2.4 of the DEIS, continues "...the legacy of the live events at the Nassau Veterans Memorial Coliseum," providing a "wide range of events, from small intimate performances to larger-scale concerts and shows." These elements of the proposed Integrated Resort will help maintain different parts of the community character that have developed over the last half century. Entertainment and hospitality uses have defined the character of the subject site since the 1970s, when the air base was turned over from the federal government to Nassau County. The proposed Integrated Resort will maintain and expand upon these types of uses.

The comment goes on to discuss the types of retail recommended in the *Nassau County Comprehensive Plan*. The *Comprehensive Plan* designates the Nassau Hub⁶⁴ as the only "regional center" in the County. The uses mentioned as existing in this central core are educational, commercial and recreational, "which attract people from within and outside Nassau County" (Page II-4). This section of the *Comprehensive Plan* also mentions proposed plans for entertainment, cultural and recreational activities, as well as housing. There is no mention of retail. As indicated in the footnote below, the Nassau Hub area discussed in the *Comprehensive Plan* is much more geographically extensive than the subject property and its immediate surrounding area. Therefore, the recommendations cited in that study are not directed specifically to the subject property.

The proposed Integrated Resort does not include a regional mall or any similar retail configuration. As explained in response to comment SE-11 in the *Socioeconomics* chapter of this FEIS, only 31,200 square feet of net retail space is proposed. This amount of retail represents only 0.8 percent of the overall square footage of the proposed development, with Section 3.4.2 of the DEIS indicating that the Integrated Resort contains only "limited retail shops" and not identifying it as a major facility within the development. As explained in Section 2.1 of the DEIS, Sands has programmed this as "supportive retail," designed to serve the patrons of the Integrated Resort (e.g., hotel and casino guests), and not draw retail demand from within the surrounding communities.

⁶⁴ The *Nassau County Comprehensive Plan* notes that "Nassau Hub, as defined in the Nassau Hub Study, is the area bounded by Old Country Road, Hempstead Turnpike, Clinton Road and Merrick Avenue. The High Range of Development Intensity depicted on the Comprehensive Plan Map does not necessarily coincide with these Hub boundaries" from <https://www.nassaucountyny.gov/DocumentCenter/View/2775/1998ComprehensiveMasterPlanCompletereduced?bidId=>, accessed March 2025

Comparing the Sands concept to an inward facing regional mall, as indicated in the comment, is not appropriate. As indicated above, the Integrated Resort has been designed to embrace neighboring communities, as discussed in Section 2.4.3 of the DEIS, which states:

Through its community outreach. . . Sands has worked with the community to create a plan for amenities to serve local residents. These include a live performance venue, outdoor plazas, meeting spaces, and complementary retail and restaurant offerings. The goal is to design a property that is fully integrated with the community and supports a variety of land uses to add value to the neighborhood. Through linkages and synergies with surrounding areas and community needs. Sands has defined neighborhood connectivity through several avenues, which include increasing positive economic impact, strengthening pedestrian linkages, introducing new amenities, and enhancing public spaces. . . central amenity would be the large eastern plaza with year-round programming to serve as a primary space for community engagement and entertainment.

Overall, based on the above, and the discussions and analyses presented in the above-cited DEIS sections, it was not feasible for the identified land use plans to recommend casino development at the Coliseum property because casinos were not authorized downstate at the times the plans were prepared. Moreover, the proposed Integrated Resort would help achieve many of the goals identified in the aforesaid land use plans.

LUZ-7. A casino and parking garage do not constitute the type of mixed-use development envisioned in the Nassau County comprehensive master plan for the subject site. Page 159 of the DEIS summarizes that the Nassau County Comprehensive Plan states that the project site is appropriate for Transit Oriented Development (TOD). The concept of a TOD is to reduce automobile dependency. Located 3-miles from a train station, this will not likely be a TOD. What modes and intensity of public transit are expected? Will they run 24/7? And assuming it is indeed a TOD, why is so much parking being proposed? A TOD generally has reduced parking to encourage the use of mass transit. (C59)

As indicated in Section 3.4.1.2 of the DEIS, the *Nassau County Comprehensive Plan* specifically identified the subject property as an underutilized parcel with the opportunity for development of a balance of land uses, leveraging existing infrastructure and mass transit, and emphasizes the important role of recreational facilities and cultural attractions. The *Nassau County Comprehensive Plan* also states the importance of fostering economic development activities that would provide an increased tax base, provide jobs and lead to a stable land use pattern. As demonstrated in the analysis presented in Section 3.4.2.3, the proposed Integrated Resort addresses these priorities. Also, as explained in the response to comment CI-1 in the *Cumulative Impacts* chapter of this FEIS, the DEIS does not indicate that the proposed Integrated Resort is a TOD.

Regarding TOD, the *Nassau County Comprehensive Plan* states that idea behind TOD is to incorporate a mix of land uses proximate or connected to a transit stop, and provide pedestrian amenities, open space and alternative transportation opportunities. While not a TOD, the mix of uses within the proposed Integrated Resort, along with pedestrian design features and activities, shuttles to train stations, and bus circulation, encourages transit use (see Section 3.5.3 and Appendix 3.5-1 of the DEIS for a discussion of transit use and provision of shuttles). The overall land use goal of the *Nassau County Comprehensive Plan* is to

"promote a balanced pattern of land use that encourages the concentration of future development in established areas with adequate infrastructure and facilities, so as to make efficient utilization of the transportation network, preserve the County's environmental and scenic resources, and revitalize existing downtowns and Center" (Page II-12). As demonstrated in Section 3.4.2.3 of the DEIS, the proposed Integrated Resort complies with these goals.

LUZ-8. The Uniondale Hamlet Vision Plan (DEIS page 164) establishes as part of the vision to "reinforce Uniondale as a 'college town.'" In what way would a casino support this vision? (C59)(C61)

The *Vision Plan* does not recommend that the Coliseum property be used to reinforce Uniondale as a college town. Section 3.4.1.2 of the DEIS explains that, although the *Vision Plan* notes that the focus of the plan is, for the most part, not the Hub area, it recognizes the Hub, including the Coliseum property, as a major sports center on Long Island. The *Vision Plan* notes that the Hub serves as an entryway to the community and that "marketing package[s] should include a plan to draw visitors to area destinations, such as the Coliseum and Marriott Hotel, into Uniondale (Page V-21)." The *Vision Plan* further notes that Hub area is not the focus of that plan, which is concentrated on Uniondale's residential neighborhoods and local commercial areas that serve the community. Notwithstanding the above, as explained in Section 3.4.2.3 of the DEIS, the proposed Integrated Resort would be consistent with many of the key elements of the *Vision Plan*, as follows:

- › Improve the streetscape along the community's commercial corridors.
- › Brand Uniondale as a global village in order to attract regional consumers to Uniondale as a unique destination within Nassau County and Long Island.
- › Attract new, high quality commercial uses.
- › Provide additional recreational/open space opportunities.
- › Promote environmental sustainability.

LUZ-9. With respect to the casino, one of the permitted uses in the MFM Zoning District is: "Arena, convention center, exhibition facility or theater(s), and similar entertainment uses as may be approved by the Town Board." While this may be true for the non-casino alternative in the DEIS, this interpretation is not appropriate where a casino is under consideration. The DEIS should provide an analysis of the Town's existing MFM zoning and the interpretation that legalized gambling was contemplated thereunder. The DEIS incorrectly asserts that a casino is a permissible use under the existing Town of Hempstead's MFM Zoning District. The MFM Zoning District was established long before casinos (outside of tribal casinos) existed or were legalized in New York State; clearly casinos were not among the "similar entertainment uses" contemplated when the language was drafted, and the DEIS provides no relevant evidence otherwise. Casino uses have different impacts than theaters or other entertainment venues, including but not limited to hours of operation (casinos are close to 24-hour operations), addiction issues, need for enhanced police presence 24/7, and proximity to sensitive receptors such as schools, houses of worship, etc. Moreover, if casinos were truly the same as "similar entertaining uses," there would be no need for the state to regulate gambling any differently than other entertainment uses. (C59)(C60)(C80)

See responses to comments LUZ-1 and LUZ-2 of this chapter of the FEIS and the detailed analysis presented in Section 3.4 of the DEIS. Also, as explained in Section 2.4.2 (and elsewhere) of the DEIS, a petition has been filed with the Town of Hempstead Town Board, requesting that the Town Board create the MF-IRD, which would allow “casino/gaming” as a permitted use.

LUZ-10. The DEIS fails to analyze how the Proposed Project is consistent with the LIREDC Strategic Economic Development Plans for the Long Island Region. The 2016 Long Island Update outlines several strategies for growth that are not supported by the Proposed Project. Those strategies include, among other things, developing interdisciplinary facilities to support the commercialization of innovative products created at the region’s research institutions and reinvigorating Long Island’s manufacturing sector. (C61)

Section 3.4.1.2 of the DEIS details strategies for growth documented in the *Long Island Regional Economic Development Council: A Strategic Economic Development Plan for The Long Island Region* (2011)(the “2011 LIREDC Plan”) that are relevant to the subject site. This plan sets forth economic strategies for the entire Long Island region; thus, every recommendation is not relevant to the subject property, and no one site or project would achieve all stated economic strategies for the region. Section 3.4.1.2 of the DEIS explained that “the redevelopment of the Hub was identified in the *2011 LIREDC Plan* as a project that is Important for Long Island’s FUTURE.” LIREDC’s updated plan entitled *Long Island on the Rise: A Region Reaching for New Heights of Innovation and Inclusion: The Strategic Economic Development Plan for Long Island* (2016)(*2016 LIREDC Plan*) was described in Section 3.4.1.2 of the DEIS and directly addressed the specific redevelopment proposal at the Nassau Veterans Memorial Coliseum site (the NEC sports and entertainment district, as approved by the Town of Hempstead in 2015). The *2016 LIREDC Plan* supported the development of the approved NEC plan on the Nassau Veterans Memorial Coliseum site, which included a mix of uses⁶⁵ and recommended continued support of funding for infrastructure beneficial to the NEC development. The *2016 LIREDC Plan* also mentioned the subject property as a job center and tourist destination and discussed the development of a training and recruitment center for the area workforce to work at the Coliseum site.

Similar to the approved NEC project, much of the currently-proposed development includes new entertainment, hotel, restaurant and convention (conference) space. The Integrated Resort would also serve as a job center, generating thousands of construction and operational jobs, as explained in detail in Section 3.9.2 of the DEIS. The *2016 LIREDC Plan* recognizes that the subject site is “mostly a sea of asphalt serving a badly aging Coliseum, the site requires both a large parking garage and added bus service connected to nearby Long Island Rail Road (LIRR) stations, to free up land for more productive purposes, including a state-of-the-art indoor sports arena, an exhibition center, a minor league baseball field and research facilities connected to Hofstra’s new medical and engineering schools.” The proposed Integrated Resort includes parking garages, bus circulation, and shuttles to the Hempstead LIRR station.

⁶⁵ No housing was included in the approved NEC development.

Furthermore, the 2016 LIREDC Plan urges Nassau County “to prioritize an imaginative plan for development that can catalyze the transformation of this site into an engine of growth for the entire region” and “enable it to become a major economic engine that creates quality jobs.” It further states that the Hub would be an ideal location for entertainment venues and should integrate a mix of daytime and night-time uses. The proposed Integrated Resort would achieve these goals.

As explained in Section 2.5 and Section 3.9.2 of the DEIS, Sands is also addressing the need for training and recruitment of the local workforce, as identified in the 2016 LIREDC Plan:

...generate new career opportunities for students and graduates interested in hospitality management and culinary arts, two areas where there would be significant employment needs at the proposed Integrated Resort. This partnership is also helping to facilitate a bridge between NCC and LIU, whereby those graduating with an associate’s degree from NCC can advance to a bachelor’s degree program at LIU.

...with respect to construction, Sands has pledged to work with Minority Millennials regarding a pre-apprenticeship fair, where local unions and training centers can recruit new members for potential construction-related opportunities. . . Sands has also partnered with the not-for-profit Minority Millennials to build a diverse local talent pipeline for... procurement opportunities associated with the proposed Integrated Resort. This partnership would enable Minority Millennials to further its mission of helping young people of color access jobs and build wealth. Minority Millennials would work with Sands to prepare local students and young professionals to take advantage of the extensive career opportunities at the proposed Integrated Resort.” Also, “Sands is partnering with Empower, Assist, Care (EAC) Network to support local community recruitment plans and identifying key stakeholders to provide awareness of job opportunities at the Integrated Resort.

These programs, among others, would address workforce development and training for jobs and careers at the Integrated Resort, similar to what was discussed in the 2016 LIREDC Plan.

LUZ-11. The DEIS fails to analyze how the Proposed Project would “foster a sense of community and connectivity with its surroundings and draw people together” when the site is “physically separated from existing neighboring uses” by parking lots, garages, and landscaping that effectively create walls around the property. Walls of parking garages are not complementary to or an improvement on the community aesthetic and character. (C61)

As demonstrated in the photosimulations of the proposed development (Appendices 3.11-2 and 3.11-3 of the DEIS, and **Appendix 2.12-2** of this FEIS), the proposed Integrated Resort is not designed with walls of unscreened parking garages. As explained in various sections of the DEIS, the proposed Integrated Resort has been designed to be a community asset, as demonstrated by its plaza, restaurants, performance venue, and casino. The mix of uses being offered at the Integrated Resort are designed for members of the community, as well as visitors to the area. As detailed in Section 3.6.2 of the DEIS, to connect the surrounding community, the Integrated Resort includes:

...pedestrian-friendly design strategies, including wide sidewalks and dedicated pedestrian crossings, as well as connections to exterior multiuse paths [that] will be

incorporated to encourage walking. The multi-use path system and sidewalk network will provide connections to adjacent neighborhoods. . .

Additionally, with respect to bicycle connections, Section 3.11.2 of the DEIS notes that:

...at locations throughout the proposed Integrated Resort, internal bicycle lanes would connect to the external Mitchel Field pedestrian path and bikeway, which leads to the Long Island Motor Parkway Trail. Bike racks would be located throughout the proposed Integrated Resort.

Beyond these physical connections, the proposed Integrated Resort has been designed to allow for links with the community. Specifically, as indicated in Section 2.4 of the DEIS, the proposed Integrated Resort would “transform the subject property into a next-generation, mixed-entertainment destination that fosters a sense of community and connectivity within its surroundings and draws people together.” Section 2.4.3 of the DEIS explains that the planning and design strategy is grounded in a commitment to integrating and complementing the local community. Through its extensive community outreach (detailed in Section 2.6 of the DEIS), Sands has worked with the community to create a plan for amenities to serve local residents. More specifically, as described in the response to comment LUZ-6, the proposed Integrated Resort includes amenities and uses, including the public attraction/experiential space, as well as a five-acre central plaza for hosting neighborhood events, winter festivals, summer markets, art shows, outdoor music performances and other community activities that would directly allow the opportunity for community use and involvement.

Section 3.4.2 of the DEIS also explains that the proposed meeting and conference space (both indoor and outdoor) would be capable of accommodating a variety of functions from business meetings and conferences to parties and celebrations. As such, the meeting spaces would target conference travel, local business organization meetings, and other events.

Section 3.11.2.2 of the DEIS (and Appendix 3.3-3) explains the intentionality of providing landscape buffers along the proposed parking garages, describing that:

Additional landscaping along the property’s perimeter would help soften the views of the garages, particularly along their lower portions. All three surface parking lots would be landscaped around their perimeters to minimize visual impacts to the surrounding roadways, including Charles Lindbergh Boulevard, Hempstead Turnpike at James Doolittle Boulevard/Sands Boulevard, and Hempstead Turnpike at Earle Ovington Boulevard, respectively, and landscaped islands would be installed throughout. The landscape design strategy for the Integrated Resort represents a significant enhancement from the sea of asphalt that currently dominates the site.

Landscaping would feature a variety of trees, shrubs and groundcovers arranged in different configurations along the development’s borders, creating natural buffers between the development and the surrounding areas (see landscape plans in Appendix 3.3-3 of the DEIS and updated planting schedule in **Appendix 2.4-1** of this FEIS).

LUZ-12. The DEIS does not adequately analyze how the proposed development will promote, incorporate, or fund multimodal transportation options in accordance with the HUB MIS. In addition, the DEIS summarizes the HUB MIS from 2006, but does not include discussion or analysis of the studies that have been done since then in 2014 and 2023.

For example, the DEIS offers no analysis on how to incorporate the Locally Preferred Alternative (LPA) identified in these more recent studies into the Proposed Project. The Locally Preferred Alternative includes a short-term bus rapid transit (BRT) system with the long-term goal of converting the route to a modern streetcar system. The HUB MIS shows the proposed route through the Proposed Project. The DEIS fails to provide details on how the proposed transportation system (short and long term) and route can be accommodated and incorporated into the site plan. (C61)

The 2006 *HUB MIS* examined and analyzed the demographic, economic and transportation issues within an area known as the "Nassau Hub," particularly evaluating efforts to position the County for Federal grant eligibility. The *Hub MIS* concluded that the County should further study potential transit and related land use improvements, within the context of the Federal Transit Administration's (FTA's) project development process." (Page 1-2 of *The Nassau Hub Study: Alternatives Analysis/Environmental Impact Statement* – August 2014, prepared by Jacobs)

The Nassau Hub Study: Alternatives Analysis/Environmental Impact Statement – August 2014

In 2014 Nassau County completed an Alternatives Analysis to address transportation issues within the Nassau Hub, which includes the subject property. The *2014 Alternatives Analysis* examined the existing conditions in the study area, including historic development patterns, land use, socioeconomic conditions, the transportation network, travel patterns and transportation limitations. Based on the existing conditions, the 2014 Alternatives Analysis stated the problems, purpose and needs, as well as the following goals used to select the LPA:

- › Develop transit improvements that will enhance mobility to, from and within the Study Area in a cost-effective manner
- › Develop transit improvements that encourage the development of sustainable, transit-friendly land use patterns and support economic development activities
- › Develop transit improvements that enhance quality of life and minimize adverse environmental impact.
- › Develop transit improvements that support and complement transit-friendly and economically sustainable parking strategies.

Based on the analysis presented and the environmental screening included in the report, the LPA was identified -- "The alignment and modern streetcar technology comprising the LPA are recommended as the long-term vision for transit improvement in the Nassau Hub." (Page 15-1) However, to establish ridership growth over time, an initial operating segment (IOS) was chosen as a financially feasible starting point for near-term implementation. According to the report, "The IOS is proposed to operate initially using premium bus technology, similar to BRT vehicles. When proposed developments are completed and funding is identified and available, the balance of the LPA alignment would be constructed and BRT/premium bus vehicles would be replaced with modern streetcars."

The Nassau Hub Transit Initiative Alternative Analysis Update: Alternatives Analysis Final Report

The *Nassau Hub Transit Initiative Alternative Analysis Update: Alternatives Analysis Final Report* (hereinafter the “Alternative Analysis Update”⁶⁶), dated Fall 2024 Version 1.2, was prepared by the NCDPW and WSP, USA as a follow-up to the 2014 Alternatives Analysis. According to the NCDPW, who released the report, The Alternatives Analysis Update Report examines opportunities for transit improvements within the Nassau Hub area and recommends an LPA that extends BRT service from the Rosa Parks-Hempstead Transit Center to the LIRR Main Line. The LPA was selected from a range of BRT alternatives to address congestion, and to create enhanced connectivity between major destinations and the LIRR.⁶⁷

The Alternatives Analysis Update aims to identify an alternative that alleviates congestion on county roads, enhances connections between major destinations, and supports compact development in the Study Area extending from the IOS (defined in the 2014 Alternatives Analysis, including potential future projects such as those at the Nassau Veterans Memorial Coliseum). The Alternatives Analysis Update specifically mentioned coordination with Las Vegas Sands regarding the Coliseum site. It emphasizes improved public transit to and within the congested Nassau Hub, offering increased capacity, reliability, and efficient access to key employment and activity centers. Enhancing regional connectivity through expanded local transit services linked to the LIRR Main Line, and developing intermodal hubs, are also main objectives. The plan seeks to boost transit ridership, reduce congestion, improve economic vitality, and enhance overall mobility.

With respect to the Nassau Veterans Memorial Coliseum site, Chapter 7.4 of the Alternatives Analysis Update indicates that since 1998 there have been a number of proposals to redevelop the subject property. Page 145 of the Alternatives Analysis Update states “[i]n 2023, the Las Vegas Sands Corporation secured the long-term lease of the Nassau Coliseum site to develop a proposed \$4 billion-dollar integrated resort, which would include a casino, luxury hotel, and an entertainment venue on the site.”⁶⁸

The report discusses a three-tiered screening approach for the various alternatives examined. The screening analysis was used to identify which BRT Alternative best meets the identified goals and objectives. Based on this evaluation, “Westbury Alternative 6 best met all Goals and Objectives for the Short-List Screening. . . Alternative 6 connects the Village of Hempstead to the Village of Westbury via the IOS alignment, Stewart Avenue, Merrick Avenue, and Post Avenue. Alternative 6 was recommended to advance as the LPA for the Nassau Hub Transit Initiative Main Line Connection BRT service.” (page 7). As noted on page 9 and other portions of the report, Alternative 6 offers the best mix of travel time savings, access to key locations, and utilization of existing county investments. It leverages around 95 percent of the capital work from the IOS alignment to Roosevelt Field Mall and connects five major ridership sites, including NCC from both its north and south sides. This enhances access to the college from either terminus. Alternative 6 could integrate with four Nassau Inter-County Express Bus routes and serve four new residential developments within the study area. It is projected to have the highest ridership and new riders among the three Short-List Alternatives, leading to

⁶⁶ Nassau Hub Transit Initiative. *Welcome to the Nassau Hub Transit Initiative Website*. Available at: <http://www.nassauhubtransit.com/>. Accessed March 2025.

⁶⁷ Nassau County. *Nassau Hub Transit Initiative Alternative Analysis Update* (Fall 2024). Available at: http://www.nassauhubtransit.com/PDF/Nassau_Hub_Transit_Initiative_Alternatives_Analysis_Update_10-2024.pdf

⁶⁸ At present the proposed lease and proposed Sands New York Integrated Resort are undergoing environmental review as part of the State Environmental Quality Review (SEQR) process.

the lowest annual operations and maintenance cost per trip and the highest farebox recovery ratio.

The Alternatives Analysis Update and the selection of an LPA meet the FTA requirements for federal funding eligibility. Nassau County plans to seek federal Small Starts funds for the design and construction of the Main Line Connection. The project's next steps include:

- › Continued coordination with the FTA and stakeholders during project development
- › Collaboration with the leaseholder and development team at the Nassau Veterans Memorial Coliseum site (Las Vegas Sands) regarding future development
- › Identifying and refining state and local funding opportunities with local partner
- › Detailed development and cost refinement of the LPA during design phases
- › Completing the environmental review process
- › Performing a detailed cash flow analysis and refining financial plans.

As indicated in the DEIS, Sands "is committed to working with Nassau County on the BRT implementation to better serve the project site and the general area with convenient public transit to reduce the need for private vehicles trips and provide additional viable travel options." The traffic analysis in the DEIS considered the potential for a future Nassau County BRT system in the area of the proposed Integrated Resort for the 2030 No-Build Condition.

LUZ-13. Housing is repeatedly cited as a desired and needed use at the Hub and the Coliseum site throughout multiple planning documents. The DEIS must explain why housing is not a consideration on this site within their preferred plan, how the Proposed Project is consistent with the planning documents that focus on the need for housing, and how this significant adverse impact on land use, zoning and community character would be mitigated. (C8)(C61)(C73)

The Lessee's Purpose and Need for the proposed action is described in detail in Section 2.5 of the DEIS, and as explained in the introductory paragraphs of that Section:

Sands' purpose in developing the proposed Integrated Resort is to revitalize an underperforming publicly-owned asset into a sustainable, world class and vibrant destination that generates significant economic and fiscal benefits for the community and achieves stated goals of New York State, Nassau County and the Town of Hempstead as further discussed below.

When evaluating the purpose, need and expected benefits of the proposed Integrated Resort, it is important to understand the framework within which this Resort, and particularly, the proposed casino component, is being considered. The impetus for the proposed project dates back to 2013, when New York State approved a constitutional amendment authorizing up to seven commercial casinos. Subsequently, in 2015 and 2016, the New York State Gaming Commission awarded licenses to four upstate casinos -- Tioga Downs Casino, Town of Nichols, Tioga County; del Lago Resort and Casino, Town of Tyre, Seneca County; Rivers Casino and Resort, City of Schenectady, County of Schenectady; Resorts World Catskills Casino, Town of Thompson, Sullivan County

Thus, Sands primary purpose is to develop an Integrated Resort, which includes gaming, and the proposed lease reflects this (see Appendix 2.5 of the DEIS). Sands is not proposing housing as part of the Integrated Resort. However, as explained in Section 8.2 of the DEIS:

According to the proposed lease with Nassau County, should New York State not grant a gaming license to Sands for redevelopment of the subject property, the Lessee is required to develop a mixed-use complex, including a "Ritz-Carlton," "St. Regis" or equivalently-branded hotel containing at least 200 rooms and amenities, including 24-hour reception, a concierge, dining, valet parking, a pool, a fitness center and suites; up to 500 residences, which may include workforce housing, condominium units or cooperative units; an entertainment venue containing a minimum of 3,600 seats; and any other lawful use subject to the County's prior written consent.

Section 8.2 of the DEIS goes on to present and analyze an Alternative CMP that includes housing.

Responses to comments LUZ-8, LUZ-10, LUZ-12, and LUZ-14 of this chapter of the FEIS and Section 3.4.2 of the DEIS analyze the proposed action's consistency with relevant land use plans. In reviewing the planning documents analyzed in the DEIS, housing is more generally cited as a region-wide need, although some documents mention the potential use of the subject property for housing. For example, the DEIS at Page 159 states that "the Comprehensive Plan indicates that Nassau County has a variety of sites with significant potential for redevelopment. The plan notes that 'one of the opportunities to create new housing and mixed uses is in the redevelopment of vacant or underutilized parcels'" (Page II-10). Amongst the sites identified in the 27-year-old *Nassau County Comprehensive Plan* was the Nassau Veterans Memorial Coliseum property, which is included among many other vacant, underused or unimproved sites that could be developed with new uses and activities. Additionally, while creation of housing and mixed uses are mentioned, the mix of uses is not specified.

In contrast, the *Hub MIS*, described in Section 3.4.1.2 of the DEIS, indicates that "the goal of the Nassau Hub Study is to define new transportation options and identify land use strategies that would help promote economic development, create jobs, and improve access and mobility within the area." This document does not promote the idea of housing on the Coliseum property. Also, the *Uniondale Hamlet Vision Plan* and the Long Island Regional Economic Development Plans do not specifically recommend housing for the subject property.

As detailed in Section 2.3.2 of the DEIS, prior proposals for the subject property that included housing (e.g., The Lighthouse at Long Island – 2,306 housing units and the Nassau Hub Innovation District – 500 units), never proceeded. The proposal that was approved by the Town in 2015 pursuant to the existing MFM District (NEC CMP) did not include any housing.

- LUZ-14. The DEIS does not adequately analyze the Proposed Project's potential impacts on community character. The SEQR Handbook states that "[c]ommunity character relates not only to the built and natural environments of a community, but also to how people function within and perceive that community . . . Courts have supported reliance upon a municipality's comprehensive plan and zoning as expressions of the community's desired future state or character," and other resource-focused plans "may further**

articulate desired future uses within the planning area.” (SEQR Handbook at 84.) Analysis should include impact on the character of the community of the siting of a casino alone, and separately a casino/integrated resort in a largely suburban setting with residential communities in close proximity to the development. (C59)(C61)

With respect to community character, the Final Scope indicated that:

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.

This analysis was provided in Section 3.4 of the DEIS. In addition, Section 3.4.1.2 of the DEIS provides a summary of relevant comprehensive land use plans and updates to those plans. The DEIS then analyzes the consistency of the proposed Integrated Resort with those plans in Sections 3.4.2.3 and 3.4.2.5. thereof. Sands is not proposing a casino alone, and as explained in response to comment PR-3 of this FEIS, the development of a casino alone would not occur.

- LUZ-15. If the Lessee is requesting a zoning change, there should not be a need for any variances. Variances would require a new SEQR review of the action to determine if any significant adverse impact may occur from the proposed change. The proposed rezoning should demonstrate consistency with the intent and purposes of the MFM Zoning District. The analysis should address why a rezoning is warranted and whether any permitted uses of the existing MFM Zoning District are no longer viable or appropriate. No such analysis is included (as mentioned above, A footnote on page 614 states that “the MFM-Compliant Plan is not feasible for Sands to pursue, no quantitative environmental analysis has been performed.”) Nevertheless, many uses in the current MFM zone are proposed in the non-casino alternative. (C59)**

The DEIS does not suggest that any variances would be required, assuming that the MF-IRD zoning is adopted as proposed. Section 3.4 of the DEIS provides both an analysis of consistency of the proposed Integrated Resort with the proposed MF-IRD as well as with the prevailing MFM District. The only reasons that variances were mentioned in the DEIS is that (a) as explained in Section 3.4.2.4, if the Town Board does not adopt the proposed MF-IRD,

relief would be required from the MFM District, and (b) if the Town Board were to decide to adopt a modified version of the proposed MF-IRD, variances may be required.

See response to comment AL-7 in the *Alternatives* chapter of this FEIS for a discussion of the MFM-compliant plan and associated analysis thereof.

- LUZ-16. For purposes of evaluating Land Use, Zoning, and Community Character, there should be two study areas analyzed. First, the local area (surrounding neighborhoods) cited in the scoping document consisting of the area 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 area studied in this DEIS. Second, should be a much broader regional area including the entirety of the Town of Hempstead including but not limited to the hamlets of Uniondale, East Meadow, Salisbury, West Hempstead and East Garden City, Town of North Hempstead, Village of Garden City, Village of Hempstead, Village of Mineola, Village of Westbury and Village of Freeport. (C59)**

The Final Scope defines the analysis that must be included in the DEIS, and the Final Scope states that, for the purposes of evaluating potential land use, zoning and community character, the 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 is not a small, localized area, but extends approximately 0.85 mile to the north, 0.47 mile to the east, 0.67 mile to the south, and 0.61 mile to the west, from the boundaries of the subject property. As explained in Section 3.4.2.5, the proposed Integrated Resort would not adversely affect the community character of the study area. Accordingly, it would not result in adverse land use, zoning or community character impacts on areas more distant from the study area, as defined in the Final Scope and the DEIS.

The comment fails to acknowledge that much broader study areas were included in the DEIS analyses of other environmental impacts, as broader areas were relevant to other technical analyses (see, for example the transportation analyses in Section 3.5 and Appendix 3.5-1 of the DEIS, and aesthetic analyses in Section 3.11 and Appendices 3.11-1, 3.11-2 and 3.11-3 of the DEIS), which as relevant, considered the areas mentioned in the comment.

- LUZ-17. The DEIS focuses exclusively on the changes that will occur at the Proposed Project site and in its immediate vicinity; it fails to consider the Proposed Project’s impacts on the character of the broader community. The Proposed Project is designed to attract visitors from the surrounding area, New York City, and the rest of the world, yet the community character analysis is focused exclusively on the fact that the site will look different when it is redeveloped and will generate a lot of money. (C61)**

In accordance with the Final Scope issued by the lead agency (Appendix 2-6 to the DEIS), the study area for the analysis of land use, zoning and community character went well beyond the “project site and its immediate vicinity,” The Final Scope specifically required that:

...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.

Though the distances slightly vary due to the shape of the subject property and orientation of the roadways noted above, this area extended almost one mile to the north, to the north side of Stewart Avenue (a major east-west road in the area), which forms a boundary between Roosevelt Field Shopping Mall and portions of the Meadowbrook State Parkway. This boundary represents a change in character from the area to the south of the Stewart Avenue corridor. The study area boundary extends one-half mile to the east, across Meadowbrook State Parkway and Merrick Avenue, where the 913-acre Eisenhower Park demarcates the extent of the study area and forms a substantial physical boundary. The study area extends approximately two-thirds mile to the south to Front Street in Uniondale, which, along with Hempstead Turnpike, is one of the major commercial corridors in the hamlet. The western extent of the study area is Oak Street, which is approximately two-thirds mile from the subject property. Oak Street is the western extent of the Hofstra University campus on the north side of Hempstead Turnpike, and contains other non-residential development, prior to it becoming more residential to the west. The study area boundaries incorporate significant roadways in the area, which mark changes in character from one side of the boundary to the other.

In addition to the land use analysis, which examines one aspect of community character, the DEIS also includes detailed impact analyses for the various other elements of the environment that comprise the character of an area (e.g., visual resources, traffic, air quality, socioeconomics). With respect to the analysis of aesthetic impacts, the viewshed analysis study area for the proposed project (as shown on Figure 48 in Section 3.11.1.2 of the DEIS) is 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, which comprises a 31± square-mile area.

In addition to the expanded area of the visual analysis, the traffic impact analysis reviewed areas that extend far beyond the study area evaluated in the land use chapter. Figure 24 in Section 3.5.1 of the DEIS depicts the extent of the study area intersection examined in the TIS. The areal extent includes Jericho Turnpike to the north, Franklin Avenue/Mineola Boulevard and Franklin Street to the west, intersections near the Southern State Parkway to the south and Newbridge Road/Route 106 to the east. Additionally automatic traffic recorders that collected traffic data were installed from the area south of Sunrise Highway at the Meadowbrook State Parkway to the south to the Northern State Parkway at Meadowbrook State Parkway to the north, as illustrated on Figure 25 in Section 3.5.1 of the DEIS. The traffic impact analysis also looked at the potential traffic impacts of other planned developments (OPDs), which extend from the Village of Freeport in the south to the Villages of Mineola and Westbury to the north, and to the Village of Hempstead to the west.

The areal extent of the air quality analysis also generally tracks the analysis locations included in the traffic study and reviews places that are well beyond the study area of the land use analysis.

Furthermore, the socioeconomics of the wider region (which comprises a key feature of community character) were also examined as demonstrated by the analysis included in Section 3.9.2 of the DEIS, which evaluates the impacts to Uniondale, the Town of Hempstead, Nassau County and the Long Island region. This section looks at the socioeconomic impacts

of the Integrated Resort during both construction and operation, focusing on jobs/employment, income, economic output, various taxes (e.g., sales, property, hotel, entertainment), population and housing, and local school districts, as well as other community service providers, among other socioeconomic factors. The extent of these analyses and economic benefits associated with the proposed Integrated Resort cover not just the immediate, local area, but the entire Town of Hempstead, Nassau County, the Long Island region, and, in some cases, New York State.

As explained in Sections 3.4.3, 3.5.4, 3.6.3 and 3.11.3, the proposed Integrated Resort has also incorporated mitigation measures to minimize the potential adverse impacts to land use, traffic, air quality and aesthetic resources, among other environmental elements that contribute to community character.

Accordingly, the DEIS has evaluated and demonstrated that the proposed Integrated Resort would not result in significant adverse impacts to the "broader community."

2.6 Transportation and Parking (TP)

The NYSDOT provided a comment letter on the DEIS, dated January 3, 2025, which raised a number of questions relating to, among other things, the TIS and the impacts to and mitigation proposed for the Meadowbrook State Parkway. Sands' consultant, VHB, has been communicating with the NYSDOT to address the issues that were raised. As a result of these meetings, NYSDOT has issued an updated letter to the Nassau County Legislature, as lead agency, addressing the resolution of comments, which is included as **Appendix 2.6-1** of this FEIS.

- TP-1. Table 26 seems to indicate that the internal roadways for the proposed development would not be publicly dedicated. Clarification should be provided regarding the proposed ownership of these roadways and responsibility for their maintenance. Is Nassau County picking up the tab for construction of these roadways? If not, whom? When completed will this be a new public use road? State, County, or Town road? (C107)(C96)(C96)**

Internal roads that are part of the Integrated Resort development will be constructed and maintained by Sands. However, the subject property will continue to be owned by Nassau County and leased to Sands.

- TP-2. The DEIS states that under the 2030 Build Conditions, the Integrated Resort will generate between 27 to 90 walking and/or bicycle trips, depending on the peak hour. However, the DEIS fails to provide any data or documentation to support this conclusion, including information regarding current use of walking and cycling paths to/from the subject property. In general, the DEIS traffic analysis is substantively flawed because the basis for the number of trips generated, modal split and scope of the study are not explained or justified. (C61)**

Appendix 3.5-1 of the DEIS, TIS, in Section 3, beginning on page 61, outlined the basis for the calculation of the number of trips generated and the modal splits assumed for each land use of the proposed development, and complies with the requirements of the Final Scope issued by the lead agency. Currently, the site of the proposed Integrated Resort is frequently inactive, and the level of pedestrian and bicycle activity in and out of the site is, therefore, very low.

The level of walk/bike mode share utilized in the TIS includes conservative assumptions of one to two percent for some trip types. In support of the walk/bike mode share used for employees, data from the US Census Bureau (2021 Estimate) was queried using the Bureau's online tools. This data indicates that for the CDP of Uniondale there were 34,814 employed persons of which 745 persons walked to work. This represents 2.1 percent of employed persons working in the Uniondale CDP. The percentage of persons who may be biking is not broken out in the dataset. As indicated on Table 12 on Page 61, a two percent walk/bike mode share was used for both casino and non-casino employee

trips. This dataset was downloaded and is included in **Appendix 2.6-2** of this FEIS. As a conservative assumption reflective of the likelihood that some persons residing or working in the adjacent area would walk or bike to the Integrated Resort, a one percent walk/bike mode share was used for casino patrons. The mode share assumptions discussed and utilized in the development of the trip generation in the TIS are intentionally modest. This includes a walk/bike mode share assumption for other trip types of zero (other than for employees), as it is less likely that a patron would walk or ride a bike to a restaurant or a conference at the site, as examples. This approach provides a conservative analysis and reflects between 85 percent and 95 percent of persons travelling to and from the site by private automobile or rideshare (depending on trip type).

- TP-3. All the locations requested for the summer analysis in our 9/16/24 comments were not counted as part of the Summer Analysis. The study indicates that a threshold is indicated in the scope to determine if summer analysis is needed but this threshold could not be identified by a review of the scoping document available online. (C59)**

The Final Scope requires that "...if summer weekend peak hour volumes on the Meadowbrook State Parkway between Northern State Parkway and Sunrise Highway were determined to be significantly higher (more than 10%) than September volumes, the summer volumes will be analyzed."

Section 3.5.2.4 of the DEIS explains that "...summer season traffic volumes on the Meadowbrook State Parkway do not meet the threshold in the Final Scope that would require a summer season analysis of the Parkway. At most locations, the summer volumes are, in fact, lower than the September volumes." A detailed evaluation of summer season volumes collected to arrive at this conclusion is included in Section 2 of the TIS, Appendix 3.5-1 of the DEIS, and in Section 3 starting on Page 20 with a comparison of the summer season to September counts presented in Table 1.

- TP-4. Critical reference is made to Philip Habib & Associates (PHA) study of existing casinos in New York City Metro area and the FEIS for the Proposed No. 7 Subway Extension-Far West Midtown Manhattan Rezoning - Memorandum, Metzger, E. Convention Center Expansion Transportation Planning Assumptions (September 28, 2004), but neither document is provided for reference. Given limited time to review the documents, these should have been provided for ease of reference. In addition, there is no comparable casino to that which is proposed in the New York City Metro area, so it is not clear how the PHA study referenced applies. (C59)**

The Metzger Memorandum is included in **Appendix 2.6-3** of this FEIS. PHA was the initial traffic consultant for Sands that prepared the trip generation, and has since terminated its operations. However, the information utilized by PHA was for Resorts World NYC. Resorts World NYC information was then reviewed and as explained in response to comment PA-2, the resulting trip rate per gaming position for the proposed Integrated Resort was found to be equal to or higher than the trip rates used in the

Resorts World study and a number of other casino resorts. The Saturday evening peak hour trip generation for the revised Phase 1 of the proposed Integrated Resort was found to be 0.40 trips per gaming position, while Resorts World NYC has a peak Saturday evening trip rate of 0.399 trips per gaming position. This consistency validates the trip generation approach used for the proposed Integrated Resort.

- TP-5. The study analyzes the 2027 and 2030 traffic design years. However, many of the improvements proposed to area intersections and especially the improvements proposed along the Meadowbrook State Parkway are under NYSDOT jurisdiction. Based on NYSDOT Highway Design Manual Chapter 5 (Section 5.2.2.3) the proposed improvements would require analysis of an Estimate Time of Completion (ETC) plus 10 or 20 years depending on the magnitude of reconstruction work. The Meadowbrook State Parkway modifications would certainly necessitate an ETC+20-year analysis. These future conditions analyses have not been provided. (C59)**

The future years analysis requirement cited in the comment (ETC plus 10 and ETC plus 20 years) relates to capital projects performed by the NYSDOT with public funds and are intended to ensure that the expenditure of public funds provide a reasonably long-lasting improvement. This requirement does not apply to permit projects performed with private funds, as is the case with the mitigation proposed. The proposed roadway improvements would be undertaken by Sands, with private funds, under permit from NYSDOT.

The analysis years utilized for the TIS included in the DEIS were appropriate to determine potential impacts and associated mitigation, as they reflected the Phase 1 build and full-build years for the Integrated Resort, and they complied with the requirements of the Final Scope issued by the lead agency. As explained in the response to comment CON-2, since the time of DEIS preparation, a revised Phase 1 program has been developed, and Sands has committed to constructing the full-build roadway mitigation for the revised Phase 1 program. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 program and the full-build analyzed in the DEIS) is undertaken.

- TP-6. The discussion of Casino and Hotel Patrons Distribution on Page 68 of the TIS makes reference to figures D-1a, D-1b, D-1c, D-1d and Figure D-1e. There is no indication of where these figures can be found and a search of the various TIS attachments did not identify the location of these figures. (C59)**

The figures were included in TIS Attachment E – Figures, Section D – 2030 Trip Distributions (Appendix 3.5-1 of the DEIS). Casino and hotel patron distribution figures are D-2a and D-2b and distribution figures for employees are Figures D-3a and D-3g.

- TP-7. The traffic study uses an arcade for trip generation in the Alternative Development Plan. Is a 200,000 sq. ft. arcade actually reasonable in the Alternative Development plan? (C59)**

See response to comment AL-17 in the *Alternatives* chapter of this FEIS.

TP-8. Include a table of contents, with page numbers, in the Signal Timings and Phasing attachment to the TIS, Attachment S. Indicate the meaning of the color-coded highlights on the signal timing sheets in the Signal Timings and Phasing attachment to the TIS, Attachment S. (C56)

This comment was received from NYSDOT in a comment letter on the DEIS, dated January 3, 2025. Sands' consultant, VHB, has been communicating with the NYSDOT to address the issues that were raised. NYSDOT has been provided a separate submission with the requested table of contents for Attachment S of the TIS. The color-coded highlights on the signal timing sheets were done by the individual who performed the evaluation of the timing plans for use in the Synchro analysis models. The colors have no significance other than to confirm that the timing plan in question was reflected in the model.

Appendix 2.6-1 of this FEIS includes correspondence between VHB and NYSDOT as well as updated correspondence from NYSDOT to the Nassau County Legislature regarding the resolution of the comments in NYSDOT's January 3, 2025 letter.

TP-9. Include proposed timing sheets for the impacted signals in the Signal Timings and Phasing attachment to the TIS, Attachment S. Any proposed timing changes, including cycle time, offset, split times, etc. should be incorporated into the revised timing plans. (C56)

As discussed between Sands' consultant (VHB) and NYSDOT (see relevant correspondence in **Appendix 2.6-1** of this FEIS), signal timing plans for all locations where signal timing changes are proposed as part of mitigation will be included with Highway Work Permit Plans prepared for all physical mitigation proposed within New York State Right-of-Way.

TP-10. The LOS comparison tables in Attachment M to the TIS appear to be missing for the Holiday Weekday PM and Holiday Saturday Midday peak periods. These should be included. (C56)

This information was provided in Attachment M of the TIS included as Appendix 3.5-1 of the DEIS.

TP-11. Submit the Synchro files used in the traffic analysis for review by NYSDOT. (C56)

The electronic Synchro files were provided to NYSDOT, as requested in this comment (see **Appendices 1-4** and **2.6-1** of this FEIS).

TP-12. A Use & Occupancy permit may be required if additional landscaping or improvements within State ROW are proposed or if State ROW is used to meet zoning requirements. (C56)

No part of the State right-of-way is proposed to be used to meet zoning requirements. In the event that the final design of roadway mitigation requires additional landscaping or improvements in the right-of-way that would necessitate a Use and Occupancy permit, and same would be applied for.

TP-13. Develop the Highway Work Permit plans in accordance with the NYSDOT Project Design Manual. Each of the proposed improvements within State Right-of-Way, including replacement of multiple bridges, modifying ramps, and traffic signal modifications, will require extensive coordination. (C56)

Sands and its representatives will coordinate with the NYSDOT as the roadway mitigation design advances, and Highway Work Permit Plans will be prepared and provided to NYSDOT for all mitigation proposed within New York State right-of-way.

TP-14. There will be delays with students getting to classes in the area. (H31)

The transportation analysis as part of the TIS, included as Appendix 3.5-1 of the DEIS, evaluated the impact of the project on the delay per vehicle (including school trips) at each of the study area intersections and proposed mitigation to reduce that delay impact by implementing either signal timing or geometric improvements, where necessary. The traffic volumes collected, which serve as the basis for this analysis, includes all school traffic.

Study intersections 20 (Front Street at Uniondale Avenue), 48 (N. Jerusalem Road at Merrick Avenue), 50 (Jerusalem Avenue at Uniondale Avenue), and 51 (Uniondale Avenue/Brookside Avenue at Nassau Road) are located within the Uniondale Union Free School District (UFSD). The trip generation of the proposed Integrated Resort and the distribution of those trips are discussed in Section 3, Future Conditions, of the TIS. The trips associated with the project at the study intersections are included in Attachment E of the TIS on Figures E-1a through E-5f. The results of the capacity analysis performed for the study intersections are discussed in Section 4 of the TIS, Future Conditions and presented in detail in Table 24 for the weekday AM peak hour and Table 25 for the weekday PM peak hour.

At study intersection 20, near California Avenue Elementary School, there would be 36 or fewer trips associated with the proposed Integrated Resort, resulting in a delay increase of less than two seconds. Similar or lesser impacts are expected at other nearby intersections. At study intersections 48, 50, and 51, near other schools in the district, there would be 14 or fewer trips associated with the proposed Integrated Resort at these intersections, leading to a delay increase of less than one second at each intersection.

Study intersections 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), and 33 (Stewart Avenue at Clinton Road) are located within the Garden City UFSD. At study intersection 25, near Garden City Middle School, there would be 14 trips associated with the proposed Integrated Resort, resulting in a delay increase of less than one second. Mitigation that Sands has committed to will reduce the delay at this intersection by over 26 seconds from the 2030 No Build conditions. At study intersections 26, 27 and 33, near other schools in the district, there is a delay increase of less than two seconds at each intersection.

In summary, the impact of the proposed Integrated Resort on proximate public schools was evaluated in the TIS prepared for the proposed Integrated Resort.

TP-15. The day and night traffic associated with a large casino would undoubtedly disrupt the operation of Hempstead Plains, local museums, Memorial Sloan Kettering, etc. (C17)(C19)

The TIS, Appendix 3.5-1 of the DEIS, was performed in accordance with the Final Scope for the DEIS, which reflects the unique nature of the Integrated Resort and that it would operate 24 hours a day, seven days a week. Due to the nature of the Integrated Resort, and in compliance with the Final Scope, the TIS performed detailed evaluations of traffic conditions during five identified peak periods in contrast to what would be done for a more traditional development where three peak periods would be studied. Within the five peak periods, five peak hours were identified as follows:

- › *Weekday AM Peak Hour: 7:30 a.m. to 8:30 a.m. – This hour represents the combined peak of area background and site traffic within the weekday morning peak commuting period (traditionally 7:00 a.m. to 9:00 p.m.). This condition represents the weekday morning peak condition of background traffic and congestion along with site traffic volumes.*
- › *Weekday PM Peak Hour: 5:00 p.m. to 6:00 p.m. - This hour represents the combined peak of area background and site traffic within the weekday afternoon peak commuting period (traditionally 4:00 p.m. to 6:00 p.m.). This condition represents the weekday afternoon peak condition of background traffic and congestion along with site traffic volumes.*
- › *Friday Evening Peak Hour: 6:00 p.m. to 7:00 p.m. – This hour was chosen to specifically address a request to capture the peak period for events on Friday (6:00 to 7:00 PM) during the Friday evening where the area background traffic has not dropped significantly from the commuting periods and the site traffic level is higher than during the traditional commuter peak period.*
- › *Saturday Midday Peak Hour: 1:15 p.m. to 2:15 p.m. – This hour represents the combined peak of area background and site traffic within the Saturday midday peak period (traditionally 10:00 a.m. to 2:00 p.m.). This condition represents the Saturday midday peak condition of background traffic and congestion along with the site traffic volumes.*
- › *Saturday Evening Peak Hour: 7:15 p.m. to 8:15 p.m. – This hour represents the absolute peak of hourly site traffic along with Saturday evening background traffic. While background traffic at this hour has eased, the peak of site traffic generation will be*

present at this time, the study area will see the largest increases due to site traffic, and the site access points will see their highest traffic levels.

The transportation analysis evaluated the potential delays associated with the project at each of the study area intersections, in accordance with the Final Scope, and proposed mitigation measures to reduce the delay, either through signal optimization or geometric improvements. These measurements are designed to reduce delay impact associated with the Integrated Resort within the study area, which includes over 180 different intersections, highway ramps and parkway and roadway segments. Sands has committed to optimizing signal timing, phasing and offsets at the intersection of Hempstead Turnpike and the MSKCC Entrance. This optimization ensures minimal delays and reduces the delay times from 2023 Existing Conditions to 2030 Build Condition with Mitigation during both the weekday PM peak hour and the Saturday Midday peak hour.

TP-16. Garden City, known for its quiet, tree-lined streets and residential character, may see a surge in traffic as visitors navigate through or around the village to access the casino. This could lead to increased noise, air pollution, and disruption to the community's suburban atmosphere. (C23)

The Nassau County Legislature (as lead agency), in consultation with interested and involved agencies and the public, developed a thorough scope for the transportation analysis to identify the impacts of the proposed Integrated Resort on the transportation network and mitigation to address those impacts. With respect to potential impacts within the Village of Garden City, the TIS, included as Attachment 3.5-1 of the DEIS, evaluated the following key roadways in and/or leading to the Village of Garden City:

- › Old Country Road
- › Stewart Avenue
- › Commercial Avenue
- › Meadow Street
- › Clinton Road/Glen Cove Road
- › Washington Avenue
- › Franklin Avenue/Mineola Boulevard.

The following intersections within the Village of Garden City were evaluated in detail:

- › Franklin Avenue at Stewart Avenue (Loc 25)
- › Old Country Road at Franklin Avenue/Mineola Boulevard (Loc 26)
- › Old Country Road at Clinton Road/Glen Cove Road (Loc 27)
- › Stewart Avenue at Clinton Road (Loc 33)
- › Main Street/2nd Street at Franklin Avenue (Loc 58)
- › Main Street at Meadow Street (Loc 59)
- › Meadow Street at Washington Avenue (Loc 60)
- › Meadow Street at Clinton Road (Loc 61)

- › Meadow Street at Lindbergh Street (Loc 62).

Section 4 of the TIS, beginning on Page 136, discusses the potential for traffic diversions and the site of the proposed Integrated Resort being well situated for immediate access to the Meadowbrook State Parkway where a significant majority of site traffic will arrive.

As a result of the analyses conducted, the DEIS identified significant improvements to the Meadowbrook State Parkway and its interchange with the Northern State Parkway that would address existing and future congestion in this area that, without these improvements, could lead to diversions of traffic proximate to Garden City. With these improvements, traffic would be oriented to Meadowbrook State Parkway as it would provide the most efficient route to and from the proposed Integrated Resort, thereby minimizing the potential for diversions onto local roadways, including those proximate to Garden City.

TP-17. Many intersections where additional project traffic will be added are shown to experience a significant crash history. Where significantly high numbers of crashes have been identified and project traffic will potentially contribute to additional crashes at the intersections, mitigation measures should be identified. (C59)

Page 46 of the TIS (Appendix 3.5-1 of the DEIS) explains that, given the nature of the roadways in the study area (which includes a mix of local roadways, as well as urban arterials and connectors with multiple intersecting side streets, frequent curb cuts providing access from adjacent properties, and high traffic volumes), the level of crash experience that was indicated by the data is not unusual. The crash analysis and evaluation conducted in the TIS is consistent with NYSDOT and NCDPW requirements and expectations for preparation of traffic impact studies for development projects.

Many locations are identified later in the TIS as being improved with geometric and/or signal upgrades. Safety measures (such as meeting geometric design standards and checking adequate clearance times at signals) will be included in these improvements. As an example, the intersection of Hempstead Turnpike at Glenn Curtis Boulevard/Site Access experienced 121 crashes in the three-year study period as noted in Table 4 of the TIS on Page 32. As indicated on Table 29 on Page 93 of the TIS, the mitigation at this location includes modifications to the westbound, northbound and southbound approaches and a complete reconstruction of the traffic signal. To the west, at the intersection of Hempstead Turnpike at Earle Ovington Boulevard/Uniondale Avenue, additional lanes will be added southbound as noted in Table 29 along with traffic signal improvements.

Even though not required due to potential traffic impacts related to the proposed Integrated Resort, based upon a meeting between representatives of Sands and community leaders of Uniondale on March 4, 2025, Sands has agreed to provide various improvements along Uniondale Avenue that would also help to improve safety. These include Uniondale Avenue traffic calming and safety improvements from Hempstead Turnpike to Nassau Road; traffic signal improvements at Uniondale Avenue at Front Street; traffic signal improvements at Uniondale Avenue at Jerusalem Avenue; and traffic

signal improvements at Uniondale Avenue at Nassau Road. In addition, Sands has agreed to streetscape improvements along Uniondale Avenue from Hempstead Turnpike to Front Street.

TP-18. Traffic signal timing/phasing optimization are recommended for 15 intersection locations, some of which are also related to physical intersection modifications. It should be identified what specific timing modifications are recommended, how these will be implemented, and which specific agency has jurisdiction over each signal with which the modifications will need to be coordinated. This is especially important for the intersections of Hempstead Turnpike at California Ave/Hofstra Blvd and Hempstead Turnpike at Oak Street/Hofstra South Campus Driveway as they may have an impact on Hofstra employees and students directly. What is the timing of the traffic signal timing/phasing optimization implementation? Are these proposed to be fully implemented as part of Phase 1? (C59)(H23)(C16)(C32)

Traffic signal timing and phasing improvements will be incorporated as a part of Phase 1 of the proposed development and will involve reallocating green time to optimize operations. Table 29 of the TIS, Appendix 3.5.1 of the DEIS, is reproduced below and a column has been added with the agency with jurisdiction over that location.

Table 4 – Mitigation Measures

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry	Agency of Jurisdiction
Hempstead Turnpike (NY 24) at Glenn Curtiss Boulevard/Site Access	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR, R SB: L, LT, TR, R	WB: Remove channelized right-turn lane SB: Restripe southbound approach to provide two left-turn lanes and a shared thru-right lane NB: Restripe approach to provide two left-turn lanes, a shared thru-right lane and a right-turn lane Restrict WB U-Turns (PM Peak) ⁶⁹ Optimize signal timing/phasing (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LL, TTT, R WB: LL, TTT, R NB: LL, TR, R SB: LL, TR	NYSDOT
Hempstead Turnpike (NY 24) at Cunningham Avenue	EB: TT, TR WB: L, TTT, R NB: LR	Optimize signal timing/phasing/ Offsets (AM, PM, SAT EVE, FRI EVE, SAT MID)	EB: TT, TR WB: L, TTT, R NB: LR	NYSDOT

⁶⁹ As explained in responses to comments TP-99 and TP-133, the restriction of westbound U-turns is no longer proposed.

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry	Agency of Jurisdiction
Hempstead Turnpike (NY 24) at MSKCC Entrance	EB: LL, TTT WB: TTT, R SB: RR	Optimize signal timing/ phasing/ Offsets (AM, PM, SAT EVE, FRI EVE, SAT MID)	EB: LL, TTT WB: TTT, R SB: RR	NYSDOT
Hempstead Turnpike (NY Route 24) at Earle Ovington Boulevard/Uniondale Avenue	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR SB: L, LT, TR, R	SB: Construct additional right-turn lane. ⁷⁰ Restripe southbound approach to provide two left-turn lanes, a thru lane, a shared thru-right lane, and a right-turn lane Optimize signal timing/ phasing (AM, PM, SAT EVE, FRI EVE, SAT MID)	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR SB: LL, T, TR, R	NYSDOT
Earle Ovington Boulevard at Charles Lindbergh Boulevard (EB)/Site Access	EB: LL, T, R WB: LL, R NB: TTT, TR SB: L, TT	EB: Construct an additional left-turn lane WB: Remove one left-turn lane, construct an additional channelized right turn lane SB: Construct an additional U-turn only lane (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LLL, T, R WB: L, RR NB: TTT, TR SB: U, L, TT	NCDPW
Hempstead Turnpike (NY 24) at Park Boulevard/E. Meadow Avenue	EB: L, TT, TR WB: L, TTT, R NB: LL, TR SB: LL, TR	Optimize signal timing/ phasing (PM)	EB: L, TT, TR WB: L, TTT, R NB: LL, TR SB: LL, TR	NYSDOT
Hempstead Turnpike (NY 24) at Hofstra Boulevard/California Avenue	EB: L, TTT, R WB: L, TTT, R NB: LT, R SB: L, T, R	Optimize signal timing/ phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: L, TTT, R WB: L, TTT, R NB: LT, R SB: L, T, R	NYSDOT
Hempstead Turnpike (NY 24) at Oak Street/Hofstra Boulevard	EB: LL, TT, R WB: L, TT, R NB: LTR SB: LL, TR, R	Optimize signal timing/ phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LL, TT, R WB: L, TT, R NB: LTR SB: LL, TR, R	NYSDOT
Fulton Avenue at N. Franklin Street	EB: L, TT, R WB: LT, TR NB: L, T, TR SB: L, T, TR	Optimize signal timing/ phasing (PM)	EB: L, TT, R WB: LT, TR NB: L, T, TR SB: L, T, TR	NYSDOT

⁷⁰Consists of widening the approach to provide five lanes.

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry	Agency of Jurisdiction
Stewart Avenue at Franklin Avenue	EB: T, TR WB: L, TT, R NB: T, TR SB: L, T, TR	Optimize signal timing/phasing (PM)	EB: T, TR WB: L, TT, R NB: T, TR SB: L, T, TR	NCDPW
Merrick Avenue at Corporate Drive	EB: LL, R NB: L, TT SB: T, TR	Optimize signal timing/phasing (PM, SAT MID)	EB: LL, R NB: L, TT SB: T, TR	NCDPW
Merrick Avenue at Privado Road	EB: L, R NB: L, TTT SB: T, TR	Optimize signal timing/phasing (PM)	EB: L, R NB: L, TTT SB: T, TR	NCDPW
Jericho Turnpike at Post Avenue	EB: L, TTT, R WB: L, TTT, R NB: L, TR SB: LTR	Optimize signal timing/phasing (PM, FRI EVE)	EB: L, TTT, R WB: L, TTT, R NB: L, TR SB: LTR	NYSDOT
Oak Street at Westbury Boulevard/Meadow Street	EB: L, T, R WB: LT, R NB: L, TT, R SB: L, TT, R	Optimize signal timing/phasing (PM)	EB: L, T, R WB: LT, R NB: L, TT, R SB: L, TT, R	NCDPW
Charles Lindbergh Boulevard at Site Access (Sands Blvd.)	NA	Optimize signal timing/phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: TTTT, TR WB: LL, TTT NB: RR	NCDPW

During the weekday PM peak hour, time was shifted from Hempstead Turnpike movements to the north/south approaches of California Avenue and Hofstra Boulevard. No specific changes were made at Oak Street and Hofstra Boulevard with the exception of modifying the coordination along the Hempstead Turnpike. All intersections on Hempstead Turnpike are under the jurisdiction of the NYSDOT. Table 71 on Page 140 of the TIS indicates the governing jurisdictions of roadways and intersections in the study area.

TP-19. The traffic data is insufficient for the intersections of Mineola Boulevard and 2nd Street in Mineola and Post Avenue and Union Avenue in Westbury. (H12)

The two locations were not included in the Final Scope issued by the lead agency, as they were not identified as locations that would be expected to be adversely affected by traffic from the proposed Integrated Resort. In fact, the analyses conducted in the TIS (Appendix 3.5-1) demonstrate that these would not be significantly impacted by the proposed Integrated Resort.

The intersection of Mineola Boulevard and Old Country Road was analyzed in the TIS, and this intersection is approximately 1,000 feet closer (along Mineola Boulevard) to the proposed Integrated Resort than the intersection of Mineola Boulevard and 2nd Street. The Mineola Boulevard at Old Country Road intersection experienced an increase in delay of less than two seconds as a result of project related traffic during the time period with the most site related trips using it. As it is further away from the proposed Integrated Resort than the analyzed intersection along Mineola Boulevard, the intersection at Mineola Boulevard and 2nd Street would be expected to experience even lesser delay.

Similarly, the intersection of Merrick Avenue/Post Avenue and Old Country Road, which was analyzed in the TIS, is approximately 500 feet closer (along Post Avenue) to the proposed Integrated Resort than the intersection of Post Avenue and Union Avenue. The intersection of Merrick Avenue/Post Avenue and Old Country Road experienced a delay of one second during the time period with the most related trips using it. Again, as it is further away from the proposed Integrated Resort than the Merrick Avenue/Post Avenue and Old Country Road intersection, the intersection of Post Avenue and Union Avenue would be expected to experience even lesser delay.

Also, see response to comment TP-32.

TP-20. The EIS should address direct impacts that might affect school crossings and intersections and potential impacts on school facilities. (C14)

As explained in response to comment TP-14, the impacts to intersections near schools from the proposed Integrated Resort were evaluated in the TIS (Appendix 3.5-1 of the DEIS), and the proposed project was found to have minimal impacts at these locations. Accordingly, the corresponding potential impacts to school crossings would also be minimal. School arrival and departure times occur during relatively low levels of traffic activity associated with the proposed Integrated Resort, and thus, the traffic impact and impact on school crossings during the school arrival and departure times would be even less than that experienced during the peak periods evaluated in the DEIS.

TP-21. Provide a pole loading analysis for all intersections where the traffic signal is being modified. The traffic signal improvements may require that the signals are fully rebuilt. Detailed traffic signal plans shall be provided for each signal being modified as part of the Highway Work Permit plan set. (C56)

This information will be provided as part of the detailed Highway Work Permit Plans that will be submitted to NYSDOT for locations under NYSDOT jurisdiction and the Nassau County Department of Public Works (NCDPW) for the locations under their jurisdiction for review and approval prior to the construction of proposed roadway mitigation.

- TP-22. Submit a "network/system" simulation model to ensure that the signal systems along the State Highways and the NYS Parkways will continue to operate in an acceptable manner. (C56)**

This comment was made by NYSDOT, and as part of the communications between Sands' consultant, VHB, and the NYSDOT, the Synchro SimTraffic simulation model was run for each of the state highways as requested and was submitted to NYSDOT in digital form. The VISSIM data files used for the analysis of the parkways in the study area have also been provided to the NYSDOT in digital form (see **Appendices 1-4** and **2.6-1** of this FEIS).

- TP-23. The DEIS states (page 269) that "Sands would work with the Town of Hempstead during site plan review to potentially landbank surface parking areas along Hempstead Turnpike..." It is recommended that a specific land banking proposal be presented in the FEIS based on the parking surplus that is anticipated with respect to the actual peak parking demand for the proposed development, including delineating the land banked area and describing the plantings that would be installed at this location. (C96)**

See response to comment PA-20 in the *Proposed Action* section of this FEIS.

- TP-24. The FEIS should discuss whether and to what degree there would be a fee for parking on the redeveloped site; and if a fee were to be applied, the potential impacts resulting from off-site, project-generated traffic by those wishing to avoid the fees should be addressed. (C96)**

Sands has indicated that both free and paid parking would be provided at the proposed Integrated Resort, and the majority of the parking would be free. As discussed during meetings with the Town of Hempstead, Sands is committed to providing sufficient and convenient parking, such that there would be no reason for patrons to seek parking off-site. Also, see response to comment TP-25.

- TP-25. A total of 12,450 parking spaces are proposed to be provided on the site. The parking analysis conducted in the TIS indicates that a peak demand of 10,561 parked vehicles on Saturday can be expected, nearly 2,000 less than will be provided. It should be explored if there is any ability to reduce the overall parking supply based on the parking analysis. This would allow for a potential increase pervious area, green space, and separation from nearby existing development. (C59)**

Because different areas of the site are anticipated to peak at different times of the day, there will be time periods when certain parking areas would experience less demand than others. In addition, it is possible that there could be times when there are overlaps in parking demand as one land use is exiting and another is entering. As explained in response to comment TP-24, Sands is committed to providing sufficient and convenient

parking, such that patrons would not be inconvenienced and then seek parking off the site. Maintaining adequate parking to accommodate each use in the appropriate areas would also reduce the potential for entry point congestion to affect the roadways that access the site.

TP-26. How many EV charging stations will there be? Will they be in Phase 1 or only when entire project is complete. What types of EV chargers will there be? (C107)

While this detail has not yet been finalized, Sands anticipates that two percent of available parking spaces in garages will be equipped with EV charging stations in the initial phase, with the ability to expand to ten percent. The EV chargers to be provided will be universal.

TP-27. The number of parking spaces versus the number of trips doesn't equate. With large visitor numbers, the demand for parking might spill into adjacent areas, increasing local traffic woes. How many vehicles will be able to park in each garage? Include breakdown on weekdays and weekends for taxis, ride share, limousines, and large commuter buses for the casino and when the entire project is complete. Do all three garages include employee parking? If no, where will they park? More information regarding the number of employees and their shifts, and how they relate to parking should be provided. (H12)(H32)(C29)(C107)

As outlined in Section 3.5.3.3 Parking, Site Access and Circulation of the DEIS, the parking demand for a number of land uses and populations were developed from the trip generation. Specifically, the parking demand per hour for the most significant generator on the site, casino patrons, as well as that for casino employees, meetings and conference, etc. were each developed based on the trips entering and exiting the site each hour. As further described in Section 3.5.3.3 Parking, Site Access and Circulation of the DEIS:

...an analysis of the actual parking demands expected to occur at the site was performed to confirm the parking provided would accommodate actual anticipated peak parking demand. Parking evaluation of other uses on the site utilized peak parking demand rate data contained in ITE's Parking Generation, 6th Edition.

It must also be understood that parking demand is not directly correlated with trip generation, as parking demand is related to the accumulation of vehicles and also reflects times of overlap, where vehicles may be exiting parking areas while others are entering. Also, as explained in the responses to comments TP-24 and TP-25, above, as discussed with representatives of the Town of Hempstead, Sands is committed to providing sufficient and convenient parking, such that patrons would not be inconvenienced and then seek parking off the subject site.

TP-28. Eisenhower Park must not be used as a parking or staging area for charter buses or any casino/resort-related vehicles, traffic or other activities. (C91)

Eisenhower Park will not be used for parking or as a staging area for charter buses or any other Integrated Resort related vehicles, traffic or other activities. As outlined in Section 3.5.3.3 of the DEIS and evaluated in detail in the TIS, Appendix 3.5-1 of the DEIS, sufficient vehicular and bus parking would be provided on-site. Also, see responses to comments TP-24, TP-25 and TP-27, above.

- TP-29. The DEIS indicates (page 233) that BRT system is being planned and refers to the full TIS in Appendix 3.5-1 for additional information. However, while the TIS states that “[t]he developer of the Integrated Resort is committed to working with Nassau County on the BRT implementation to better serve the project site and the general area with convenient public transit to reduce the need for private vehicles trips and provide additional viable travel options...” there does not appear to be any indication that outreach to the County has occurred to obtain additional information on the timing of the activation of this system or to coordinate for its integration into the transportation planning for the proposed Integrated Resort. A further discussion of the proposed BRT system is not found in the study and should be provided. The timing of implementation by the County should also be discussed relative to the opening timeline of the Project. NYSDOT believes that all options to reduce the need for vehicle trips should be considered and that the Lessee should continue working with Nassau County to coordinate the Integrated Resort with the BRT system. (C56)(C59)(C96)**

See response to comment LUZ-12 in the *Land Use, Zoning and Community Character* chapter of this FEIS. Among other things, that response summarizes the relevant sections of the *Nassau Hub Transit Initiative Alternative Analysis Update: Alternatives Analysis Final Report* (hereinafter the “*Alternative Analysis Update*”⁷¹), dated Fall 2024 Version 1.2, prepared by NCDPW and WSP USA as a follow-up to the 2014 Alternatives Analysis. According to the NCDPW, who released the report, the Alternatives Analysis Update examines opportunities for transit improvements within the Nassau Hub area and recommends an LPA that extends BRT service from the Rosa Parks-Hempstead Transit Center to the LIRR Main Line. The LPA was selected from a range of BRT alternatives to address congestion, and to create enhanced connectivity between major destinations and the LIRR.⁷²

With respect to the Nassau Veterans Memorial Coliseum site, Chapter 7.4 of the Alternatives Analysis Update indicates that since 1998 there have been a number of proposals to redevelop the subject property. Page 145 of the Alternatives Analysis Update states “[i]n 2023, the Las Vegas Sands Corporation secured the long-term lease of the

⁷¹ Nassau Hub Transit Initiative. *Welcome to the Nassau Hub Transit Initiative Website*. Available at: <http://www.nassauhubtransit.com/>. Accessed March 2025.

⁷²Nassau County. *Nassau Hub Transit Initiative Alternative Analysis Update* (Fall 2024). Available at: http://www.nassauhubtransit.com/PDF/Nassau_Hub_Transit_Initiative_Alternatives_Analysis_Update_10-2024.pdf

Nassau Coliseum site to develop a proposed \$4 billion-dollar integrated resort, which would include a casino, luxury hotel, and an entertainment venue on the site.”⁷³

The Alternatives Analysis Update identifies the project's next steps as:

1. Continued coordination with the FTA and stakeholders during project development
2. Collaboration with the leaseholder and development team at the Nassau Veterans Memorial Coliseum site (Las Vegas Sands) regarding future development
3. Identifying and refining state and local funding opportunities with local partner
4. Detailed development and cost refinement of the LPA during design phases
5. Completing the environmental review process
6. Performing a detailed cash flow analysis and refining financial plans.

As indicated in the DEIS, Sands “is committed to working with Nassau County on the BRT implementation to better serve the project site and the general area with convenient public transit to reduce the need for private vehicles trips and provide additional viable travel options.” Sands will continue to work with NCDPW as it progresses with its BRT plans.

TP-30. The DEIS explains that the Integrated Resort will expand on existing NICE bus service to encourage public transit use and avoid vehicular traffic impacts. However, the DEIS does not explain how the bus service will be expanded—i.e., by how much and along which routes—and therefore what traffic impacts the expanded bus service might cause. The discussion of existing and projected public bus service ridership appears to indicate that there is sufficient capacity within the existing bus services to accommodate the anticipated additional ridership generated by the site. However, the analysis does not account for additional ridership growth that may be generated by other nearby proposed/approved projects as were accounted for in the traffic analysis. In addition, it should be discussed how increases in bus capacity above what has been identified in the analysis and above the NICE capacity thresholds would be handled. Would additional mitigation be required? (H8)(C17)(C59)(C61)

Evaluation of NICE bus service capacity is included in Section 6 of the TIS, Appendix 3.5-1 of the DEIS, beginning on Page 155. The evaluation indicates that local bus routes are generally underutilized compared to their daily capacity. In addition, 2023 ridership remains 33 percent below the historic high ridership levels experienced in 2019. As a result, the system can absorb significant increases in ridership prior to reaching capacity, even with the proposed Integrated Resort in place. Precise passenger load analyses cannot be conducted without existing passenger load information, which was not provided upon e-mail request. Requests for NICE Bus information were made orally and

⁷³ At present the proposed lease and proposed Sands New York Integrated Resort are undergoing environmental review as part of the State Environmental Quality Review (SEQR) process.

by e-mail in January, 2024; February, 2024; February, 2025; and April, 2025. While information received was incorporated into the DEIS (see **Appendix 2.6-4** of this FEIS), passenger load information has not been received as of the date of preparation of this FEIS.

During specific peak periods for the Integrated Resort (anticipated to be Saturday evening), given the infrequent NICE bus service, if there was a high demand for NICE bus service by Integrated Resort patrons, there could theoretically be situations with passenger overcrowding on individual NICE bus trips. However, this is extremely unlikely, as Sands will be providing its own free shuttle from various locations, as explained in Section 6 of the TIS (Appendix 3.5-1 of the DEIS), beginning on page 156, including to and from the Hempstead LIRR station. Thus, it is not anticipated that NICE bus service would be adversely impacted from utilization by Integrated Resort patrons. Sands has also confirmed that it would manage transit needs by increasing the shuttle trips that connect to the Hempstead LIRR station and Rosa Parks Hempstead Transit Center, as patron and employee demand may necessitate.

- TP-31. The DEIS acknowledges that the Integrated Resort will increase LIRR ridership on the Hempstead line and that Sands will provide a shuttle from the Hempstead station to the subject property. However, the DEIS does not analyze the traffic impacts, particularly on local streets, of LIRR riders disembarking at stations before the Hempstead station and taking for-hire vehicles to the subject property. Based on data provided for the LIRR, the Lessee concludes that there is sufficient capacity on the LIRR to accommodate the project. However, items not addressed are: 1) Is there any anticipated significant ridership increase associated with other nearby proposed developments that should also be accounted for in the analysis? 2) The LIRR report referenced in the TIS also indicates significant trends in ridership increases since the COVID low point in 2020, indicating a likelihood of ridership returning to pre-COVID levels in the near future. The analysis of LIRR ridership should consider the potential impacts if ridership returns to the pre-COVID levels within the next 5-year build period identified for the project. With the recent implementation of New York City Congestion Pricing, it is anticipated that further increases in ridership on the LIRR will occur. (C59)(C61)**

While it may be possible that someone destined to the proposed Integrated Resort who takes the LIRR may decide to disembark at a station before the Hempstead station and pay a for-hire vehicle to transport them to the proposed Integrated Resort, given that Sands would be providing regular, free shuttle service to and from the Hempstead LIRR station, it is not expected that a large number of patrons would do so.

Further reducing the likelihood of a significant traffic impact from a person disembarking the LIRR to take a for-hire vehicle is that, as explained in Section 3.5.3.4 (and other sections) of the DEIS, Sands would also provide direct bus connection from New York City and potential other locations (based on demand) via a coach shuttle. Sands would also have a Transportation Coordinator who would monitor usage of the various

Transportation Demand Management (TDM) measures, including tracking shuttle usage and increasing supply as demand may necessitate.

Despite growth in recent years on all LIRR lines, as outlined in the DEIS, as of 2023, ridership is still down by over 15 percent from 2019 levels while having more service (300 daily trips in 2023 vs. 246 daily trips in 2019). LIRR data collected in February 2025 shows that, even with Congestion Pricing in effect, LIRR ridership (at 5,556,021 monthly riders) continues to be 15 percent lower than 2019 monthly ridership (6,544,351 monthly riders). Therefore, there is significant growth in ridership that could be accommodated by the LIRR before reaching pre-pandemic levels.

Also, see response to comment TP-32.

TP-32. The Traffic Study did not examine Mineola Boulevard at 2nd Street (Mineola Train Station Access) and Post Avenue at Union Avenue (Westbury Train Station Access). The DEIS indicates that it was not required since a shuttle will be provided to the Hempstead Train Station. It should be clarified why this station was chosen. While it is understood that good access to and from NYC is provided at this location, it appears that other nearby stations, including the Mineola and Westbury Station, which is within a similar proximity to the site would potentially provide greater access from areas both east and west in Long Island without need for transfers. There is no way for the project to ensure that only the Hempstead Train Station will be utilized by patrons of the project, therefore additional traffic through these intersections is still possible and likely as well as ridership at these stations. (C59)

As discussed in Section 6 of the TIS (Appendix 3.5-1 of the DEIS) beginning on page 156, Sands has committed to employing various measures to make the use of the Hempstead Train Station attractive to employees and visitors of the subject site while minimizing the use of other area train stations. Measures include:

- › Frequent free shuttle service to and from the station, which will be scaled to demand to minimize wait times, and a robust education campaign to promote the use of this convenient, free service
- › Improvements at the Hempstead station to support the service, including an indoor, climate-controlled waiting area
- › Convenient indoor waiting area at the proposed Integrated Resort.

Also, the Hempstead Train Station is located across the street from the Rosa Parks Hempstead Transit Center, which provides robust NICE bus service in essentially the same location, creating an additional rider stream beyond the LIRR for local residents in this densely-populated area.

Review of the LIRR's Hempstead Branch weekday and weekend/holiday schedules⁷⁴ reveals frequent service that mimics the service provided at both the Garden City and

⁷⁴ Metropolitan Transportation Authority (MTA). *Hempstead Branch Timetable, Effective March 3 – May 18, 2025*. Available at: <https://www.mta.info/document/85001>. Accessed April 2025.

Country Life Press stations. Any train that stops at Garden City or Country Life Press also serves the Hempstead station. Given that the train service provided is the same at these three stations and that a convenient and free shuttle will be provided, it is not likely that patrons or employees arriving via the LIRR would use the Garden City or Country Life Press stations.

Of the remaining two stations considered here, the Mineola station has the most frequent service,⁷⁵ but is significantly further away from the subject site than the Hempstead station. As noted above, patron and employee utilization of the LIRR and embarking/disembarking at the Hempstead Station using the convenient and free shuttle service will be encouraged.

Even in the unlikely event that patrons traveled to the other stations, these volumes would be minimal. The peak of LIRR usage is anticipated during the Saturday peak hour, coinciding with the peak of site traffic. During this hour, as presented in the TIS (Section 3 in Table 19 on Page 66 [Appendix 3.5-1 of the DEIS]), 15 shuttle buses are expected. At 25 persons per bus, this would be a total of 375 persons. This represents two-way travel to and from the site, combined. Even if 25 percent of the anticipated LIRR riders associated with the site diverted to other stations (94 persons) a total of 54 new vehicle trips would be created, at a conservatively low average vehicle occupancy of 1.75 persons per vehicle. These trips would be, based on the comment, split amongst four other train stations. This is an average of fewer than 14 new trips per station, and even those trips would be split inbound to and outbound from the site. This level of trips is so low as to have no significant impact on travel in the area of the train stations or the routes to and from the site.

Also, see response to comment TP-19.

TP-33. The DEIS notes that areas for bus drop-off/pick-up, taxis, and ride-sharing services will be provided. Figure A-15 of the TIS appears to show that these areas will be provided within Garage A. Is this the only location? How will vehicles be directed to these locations? Based on the various entry and egress points for different vehicle types it would appear that significant signage, both on and off-site, will be necessary to direct vehicles to the appropriate access locations. No discussion or detail of this has been provided in the DEIS. (C59)

As stated in Section 2.1 of the DEIS "dedicated areas for bus drop-off/pick-up, taxis and ride-hailing services (e.g., Uber, Lyft) have been thoughtfully incorporated into the project to enhance parking and site circulation." Valet service for patron passenger cars would be provided in a dedicated area on the ground floor of Parking Garage A, as would ridesharing such as Uber and Lyft, noted in Section 2.4.3.1 of the DEIS. Additionally, there are pick-up/drop-off loops provided in front of Hotel Tower 1 and Hotel Tower 2 for valet and ridesharing to use. In terms of site access wayfinding, the proposed Integrated

⁷⁵ Metropolitan Transportation Authority (MTA). *Port Jefferson Branch Timetable, Effective March 3 – May 18, 2025*. Available at: <https://www.mta.info/document/85026>.

Resort would feature signs that would be “selectively deployed for wayfinding or informational purposes at primary entries,” as noted in Section 3.11.2.5 of the DEIS.

TP-34. Is the shuttle service proposed to be provided as part of the Phase 1 development? (C59)

Yes, shuttle service would be provided as part of Phase 1.

TP-35. How will the Casino get buses directly from NYC to the project site and how many Casino buses will travel our local streets? There is a concern about bringing buses along Hempstead Turnpike and how they get into the Casino. The number of anticipated buses and routes that they would traverse must be included in the EIS to provide a true reflection of this project’s impact on our environment. (H8)(H26)(C19)(C91)

The trip generation for the proposed Integrated Resort presented in Table 45 of Section 3.5.3.4 of the DEIS and Tables 73, 74 and 75 in Chapter 6 of the TIS (Appendix 3.5-1 of the DEIS) included shuttle and bus trips. These trips were assigned to their likely routes (shuttle trips to and from the Hempstead LIRR Station and coach shuttle trips to and from the destinations in New York City and beyond), and the impact of those trips were included in the operations summary provided in Section 3.5.3 of the DEIS. Detailed routing of those trips are depicted on Figures E-7a, E-7g, E-8a, and E-8g of Attachment E in Appendix 3.5-1 of the DEIS.

TP-36. While the DEIS notes that peak-hour traffic volumes may decrease compared to previous events at the Nassau Veterans Memorial Coliseum, the resort’s daily operations are expected to significantly increase annual VMT. Please provide specific details of sustainable transportation, including busing, ridesharing and details to/from LIRR station(s) for the Casino only and when the entire project is complete. To mitigate these effects, the following is recommended:

- › **Exploring Light Rail Integration - Investigate the feasibility of utilizing existing rail infrastructure, such as the Garden City–Mitchel Field Secondary line, to establish a light rail connection directly to the resort. This would provide a sustainable alternative to personal vehicle use, reducing traffic congestion and emissions;**
- › **Enhancing Public Transit Services - Expand shuttle services to nearby LIRR Stations and collaborate with local transit authorities to improve bus services, encouraging the use of public transportation among visitors and employees; and**
- › **Funding Roadway Wear and Tear - Given the anticipated traffic increase, the County should secure funding from the developers to maintain and improve local infrastructure impacted by resort-related traffic. (C27)(C107)**

Section 3.5.3.4 of the DEIS provides information on alternative modes of travel and TDM commitments for the proposed Integrated Resort. The Integrated Resort is well served by six bus routes as well as robust pedestrian and bicycle networks. In addition, Section 3.5.3.4 of the DEIS explains that “the Integrated Resort is also committed to encouraging the use of non-vehicular modes and plans to leverage the proximity of the LIRR by providing a shuttle,” which creates a convenient free connection from the site to the Hempstead LIRR Station as well as the Rosa Parks Hempstead Transit Center, further encouraging the use of these modes. Also, see responses to comments TP-29, TP-30, TP-31 and TP-32, above.

TP-37. The number of casino visitors will peak during evening hours and weekends and most of them will arrive by car and by bus. Building the Integrated Resort in a locale without mass transit compounding our traffic to untenable levels, leading to more congestion on Hempstead Turnpike, Meadowbrook State Parkway, Wantagh Parkway and Old Country Road, and is not environmentally responsible. (C21)(C32)

As explained in responses to comments TP-29, TP-30, TP-31, TP-32 and TP-36, the proposed Integrated Resort will be well served by NICE bus service with six bus routes serving the site currently and the LIRR. Sands has committed to provide frequent shuttle service to the Hempstead LIRR Station and Rosa Parks Transit Center that will connect to the 18 other bus routes at the Rosa Parks Transit Center. Sands will also be providing coach shuttles from New York City and potentially other locations, as demand warrants. The impacts of both transit and personal vehicles on area roadways, including during weekend and Friday peak hours, in addition to weekday AM and PM peaks, have been fully evaluated in the TIS, included as Appendix 3.5-1 of the DEIS.

TP-38. The Uniondale UFSD heavily relies on school buses to transport students to and from the individual schools. The proposed development will cause an increase in employment for workers, increase in student population in the school system, and specifically the increase in the private cars and school buses used to transport the students to the school during arrival and departure periods. The need for additional school buses for transport of students and the traffic impacts inherent with the increased automotive and school bus population should be addressed. (C14)

As explained in the response to comment TP-14, the TIS (Appendix 3.5-1 of the DEIS) evaluated the impact of the proposed project on the delay per vehicle (including school trips) at each of the study area intersections and proposed mitigation to reduce that delay impact by implementing signal timing and/or geometric improvements, where necessary. The traffic volumes collected, which serve as the basis for this analysis, include all school traffic.

The projected increases in population (projected at 246 households) and school-aged children (projected at 33 across multiple different school districts) that would be expected as a result of development of the proposed Integrated Resort would be minimal, as explained in Sections 3.9.2.4 and 3.10.2.3 of the DEIS and responses to comments SE-3

and SE-22 of the *Socioeconomics* chapter of this FEIS. These minimal increases would result in minimal to no need for additional school buses and minimal additional traffic.

- TP-39. The discussion of potential traffic diversions does not consider potential diversions of existing traffic associated with over congested roadway segments that may exist or result from the project. For example, the interchange of Meadowbrook State Parkway and the Southern State Parkway has been identified as an existing over capacity area that will be worsened by the project with no mitigation proposed. This may result in diversions of existing traffic around this interchange that could result in impacts in other areas. This should be discussed and analyzed further. Also, this is one potential example. Other potential diversions of existing traffic should be identified and analyzed/discussed by the Lessee. (C59)**

The trip distributions developed for the proposed Integrated Resort (see Section 3, Page 67 of the TIS, included in Appendix 3.5-1 of the DEIS) included a review of likely diversion routes based on traffic congestion and resulting travel times. Potential for traffic diversions was also discussed in Section 4 of the TIS starting on Page 136 with respect to crashes or other events that may cause drivers to divert from their intended route. The TIS evaluated 66 key intersections on major and minor routes in accordance with the Final Scope to identify and mitigate project impacts that could otherwise lead to the diversion conditions noted in the comment.

With regard to the Meadowbrook State Parkway, the proposed Integrated Resort is well situated for immediate access to the parkway, which provides connections to the Northern State Parkway, the Southern State Parkway and beyond. The Meadowbrook State Parkway is the best way to travel north/south in the area between the Northern State and Southern State Parkways. A motorist diverting from the Meadowbrook State Parkway for any distance on a local roadway would encounter conditions that include high volumes on two-lane roadways, numerous traffic signals, pedestrians, roadside parking, and activities at roadside businesses that make the local roadway diversion unattractive and inefficient.

As an example, Uniondale Avenue from the Southern State Parkway to Hempstead Turnpike is a two-lane roadway, posted with a 30 mile per hour speed limit, and is 2 ¼ miles long. It is densely developed, particularly north of Jerusalem Avenue, with roadside businesses and parking in an active downtown area. There are eleven traffic signals along this route that a driver would encounter between the Southern State Parkway and Hempstead Turnpike. These signals and other activity along this roadway make this route much less attractive as a cut-through to the proposed Integrated Resort than the Meadowbrook State Parkway.

Similarly, a diversion from the Southern State Parkway to Merrick Avenue and Glenn Curtiss Boulevard to the subject site would encounter 12 traffic signals and speed limits of 30 to 40 miles per hour. This route would also not be attractive when compared to the Meadowbrook State Parkway.

TP-40. Traffic on the Meadowbrook State Parkway will be mitigated, but the ramps and surrounding streets will experience congestion. (H6)

The TIS (Appendix 3.5-1 of the DEIS) included detailed impact analyses, not only for the Meadowbrook State Parkway, but also on 66 local and ramp intersections. Mitigation was proposed at those locations where congestion resulting from traffic associated with the proposed Integrated Resort, as outlined in Table 38 of the TIS.

TP-41. We already are congested. Busloads of people will be brought to the casino causing further congestion on the roadways. (H9)(C33)(H24)(C101)

Although the existing transportation infrastructure experiences congestion, Sands has committed to significant improvements on the Meadowbrook State Parkway and a number of surface intersections to address, not only the impact of the project itself, but to also address existing congestion. These improvements are outlined in Section 3.5.3.2 and Appendix 3.5-1 of the DEIS and response to comment TP-92.

TP-42. The congestion on the Meadowbrook State Parkway, Hempstead Turnpike, Merrick Ave and the local surrounding side streets (which people cut through to beat the gridlock and traffic lights) is ridiculous. Hempstead Turnpike in East Meadow is particularly congested from 2PM to 7PM. I live on Peters Ave and sometimes can't get out of my own driveway due to cars lined up or speeding through to bypass the light at Front St and Merrick Ave. I used to come home through Glenn Curtiss Boulevard and try to go straight over Merrick Ave at the light into Peters Gate, but was blocked by gridlock backed up from Front St sometimes for up to 4 or 5 light changes. I tried coming through Uniondale on Front St but would also wait sometime 3-4 light changes before getting through the Front and Merrick intersection. Bringing more cars into the area with the complex intended for the Coliseum site has not been honestly evaluated for the effects of traffic congestion on the local streets, main roads and parkways. (C11)(C17)

The TIS, included in Appendix 3.5-1 of the DEIS, evaluated the traffic impacts associated with the proposed Integrated Resort at multiple locations along the identified roadways. At intersections that experienced impacts associated with the Integrated Resort, mitigation has been proposed to address those impacts. In addition, Sands has proposed a mitigation program that will increase the capacity on the Meadowbrook State Parkway such that it will accommodate not only the increased demand associated with the Integrated Resort, but it will also provide capacity to address various existing congestion conditions. These improvements will reduce travel times along the Meadowbrook State Parkway such that it will encourage site-generated traffic and others to use the Parkway, reducing the project impact on the local arterials indicated in the comment.

Only ten Integrated Resort trips are expected to pass through the intersection of Front Street and Merrick Avenue during the highest peak hour resulting in a delay increase of less than one second. In addition, as outlined in Section 3.5.4 of the DEIS, Sands is committed to upgrading traffic signal infrastructure and performing physical

improvements to allow for optimal operation at various study area intersections to minimize impacts at those intersections.

- TP-43. Sands delivery and service trucks would also contribute to added congestion 24 hours a day, seven days a week. Designing truck travel routes that avoid or minimize impact to disadvantaged communities funneling a majority of commercial traffic onto Old Country Road and Hempstead Turnpike to avoid disadvantaged communities exacerbates Nassau County's gridlock crisis. The closest highway to the Coliseum site is the Meadowbrook State Parkway which prohibits large trucks and buses from traveling on it. Because of that all larger commercial vehicles must utilize our smaller and slower local roads to travel throughout Nassau County, adding to our already overburdened roads. (H29)(C17)(C36)(C53)**

The anticipated number and routing of deliveries/trucks was described in detail in Section 3.15.2 and Appendix 3.5-1 of the DEIS. Based on information provided by Sands, eight delivery truck trips entering and eight exiting are anticipated for each peak hour, and a total of approximately 100 truck trips are projected to enter and exit per day. For reference, this level of traffic represents less than 0.3 percent of background traffic during the PM peak hour on Hempstead Turnpike and will not result in any significant impacts to traffic conditions.

The DEIS also evaluated available truck arrival and departure routes to identify and propose routes that minimize impacts to roadways and communities from this relatively small volume of trucks. Figures D-10a through D-10l in the TIS, Appendix 3.5-1 of the DEIS, describe the routes and were developed to utilize main roadways.

- TP-44. The only reason why LVS is proposing to expand the Meadowbrook State Parkway and other surrounding roads is because the 10 million visitors they expect per year will otherwise overwhelm our already inadequate traffic infrastructure. After years of inconvenience during road construction, traffic will remain just as bad if not worse. Our congested roads are simply not designed to handle an additional 20,000+ vehicles per day, particularly Old County Road, Hempstead Turnpike, Stewart Ave, and gridlock will bleed over to every secondary street in our towns and villages. (C21)(C32)(C37)(C74)**

As explained in Section 3.5.4 and Appendix 3.5-1 of the DEIS, Sands has proposed to improve the infrastructure at various locations on the Meadowbrook State Parkway in areas where the majority of site-generated traffic is anticipated, not only to accommodate the trips proposed by the Integrated Resort, but also to address existing congestion conditions. Improvements that facilitate less congestion and reduced travel times on the Meadowbrook State Parkway would make this route more appealing than local roadways, reducing impacts from potential diversion onto local roadways for those destined to the proposed Integrated Resort and other area destinations.

TP-45. The DEIS report fails to recognize the sizable developments, primarily housing that have been erected throughout Nassau County since the time of the Coliseum's peak usage. Some of these developments are within one mile of the Coliseum site and have contributed to ever increasing traffic in Nassau County. (C36)

The existing traffic data presented in the DEIS was developed by counting traffic at all 66 intersections and 114 roadway segments and ramps in 2023. Thus, the growth identified by the commentator was captured in the transportation analysis. In addition, as discussed in Section 3 of the TIS, Appendix 3.5-1 of the DEIS, on page 49:

...to account for increases in general population and background growth not related to the proposed Integrated Resort, an annual growth factor was applied to the existing traffic volumes. Based on review of NYSDOT published growth rates for the study area and correspondence with the NCDPW (provided in Attachment I), the anticipated growth rate for the study area was established at 0.6 percent per year. The 0.6 percent annual growth rate was applied to the 2023 existing traffic volumes for seven years to represent 2030 background traffic volumes.

In addition, potential traffic from relevant OPDs (see Section 3 of the TIS), through the 2030 build year, was also included to incorporate potential additional growth (exclusive of the proposed Integrated Resort) that may occur.

TP-46. In order to better substantiate the trip generation volumes used in the Traffic Impact Study (TIS), which were a critical input to the capacity analysis modeling, it is recommended that the following factors be more clearly explained:

- a. **For visitors to the proposed facility:**
 - › **peak visitations for each month**
 - › **daily visitations on an hourly basis for a typical weekend and a typical weekday**
 - › **any holiday or seasonal fluctuations for a typical weekend and typical weekday.**
- b. **For employees of the proposed facility, information on staffing similar to what is requested above for visitors (e.g., number of employees during each shift, and holiday and seasonal fluctuations in staffing); with a breakdown of this staffing information for the different uses (casino, hotels, retail, special events, etc.).**
- c. **The TIS indicates that staffing data were derived from the Sands facility in Singapore. How is this facility and its operations comparable to the proposed facility?**
- d. **Regarding the methodology utilized in determining trip generation for the casino and associated uses:**
 1. **The TIS indicates that the 24-hour distribution of casino visitors was based on Jake's 58 Long Island Hotel & Casino in Islandia, which does not appear to be an analogous facility. What is the basis of this aspect of the methodology?**

2. **Explanation would be helpful to provide guidance through the process of estimating the casino trip generation using the peak monthly, peak daily and peak hourly data found in TIS Attachment J. The TIS uses data from 2013 and 2016, which appear to be outdated. Also, it is indicated that these data were from casinos in the NY City Metro Area but does not identify the casinos or their locations. Which specific casinos were included in the analysis and how were those data (for an urban area) converted to the proposed Integrated Resort (in a suburban setting)? Supporting data should be provided. The Lessee has indicated to the Town that it has conducted traffic volume counts at an analogous facility, the Hard Rock resort in Hollywood Florida. These data should be presented and analyzed in the FEIS.**
 3. **Explanation should be provided regarding the rationale behind utilizing the daily distribution for Recreational Homes to determine the total daily trips for the proposed hotel towers. What was the reason for not collecting data from comparable locations? Supporting data should be provided.**
 4. **Clarification should be provided regarding the reasoning for assuming that all Food and Beverage (restaurant) uses associated with food courts, coffee shops, fast-food outlets, bars and lounges, and private gaming food services would not generate external trips. Are there any data from existing resorts that substantiate the assumption that these services would be used solely by resort patrons without generating external traffic?**
 5. **Explanation should be provided regarding the trip generation methodology for the Meetings and Conference space, Public Attraction space, Arena/Live Performance Venue and Employees.**
 6. **Explanation should be provided regarding the methodology and assumptions used for the credits related to travel mode, vehicle occupancy, and internal capture trips. Supporting data should be provided. (C96)**
- a. **For visitors to the proposed facility:**
- › **peak visitations for each month**
 - › **daily visitations on an hourly basis for a typical weekend and a typical weekday**
 - › **any holiday or seasonal fluctuations for a typical weekend and typical weekday.**

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort and each of the factors, monthly and daily, requested in the comment. Detailed trip generation calculations are provided in **Appendix 2.6-2** of the FEIS. This appendix presents page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day and includes notes regarding sources of information for factors selected.

- b. For employees of the proposed facility, information on staffing similar to what is requested above for visitors (e.g., number of employees during each shift, and holiday and seasonal fluctuations in staffing); with a breakdown of this staffing information for the different uses (casino, hotels, retail, special events, etc.).**

Employee information for the casino portion of the site was included in the trip generation calculations described in the TIS (Appendix 3.5-1 of the DEIS) and in the trip generation provided in the Attachment J of the TIS. Detailed trip generation calculations for the casino employees are provided in **Appendix 2.6-2** of the FEIS. This appendix presents page-by-page spreadsheet calculations for casino and non-casino employee trips for each 15-minute period of the day and includes notes regarding sources of information for factors selected. Trip generation for land uses that are based on ITE Trip Generation data include all trips to those land uses, including employee trips, so no additional calculations are provided when ITE Trip Generation data were used.

- c. The TIS indicates that staffing data were derived from the Sands facility in Singapore. How is this facility and its operations comparable to the proposed facility?**

Although the proposed Integrated Resort is anticipated to employ 30 percent fewer employees than the Sands Singapore facility. Sands provided this information as it was representative of the employee shifts at an existing Sands' integrated resort, which would be similar for the proposed Integrated Resort. The Singapore staffing information was included in the trip generation calculations for staff trips. That shift information is provided in **Appendix 2.6-10** of this FEIS.

- d. Regarding the methodology utilized in determining trip generation for the casino and associated uses:**

- 1. The TIS indicates that the 24-hour distribution of casino visitors was based on Jake's 58 Long Island Hotel & Casino in Islandia, which does not appear to be an analogous facility. What is the basis of this aspect of the methodology?**

As outlined in the TIS (Appendix 3.5-1 of the DEIS), the hourly distribution over the course of the day was based on Jake's 58 and later compared to the distributions for other similar casinos using a table that was provided in Attachment J of the TIS (Appendix 3.5-1 of the DEIS), which showed similar patterns to the Jake's 58 data.

- 2. Explanation would be helpful to provide guidance through the process of estimating the casino trip generation using the peak monthly, peak daily and peak hourly data found in TIS Attachment J. The TIS uses data from 2013 and 2016, which appear to be outdated. Also, it is indicated that these data were from casinos in the NY City Metro Area but does not identify the casinos or their locations. Which specific casinos were included in the analysis and how were those data (for an urban area) converted to the proposed Integrated**

Resort (in a suburban setting)? Supporting data should be provided. The Lessee has indicated to the Town that it has conducted traffic volume counts at an analogous facility, the Hard Rock resort in Hollywood Florida. These data should be presented and analyzed in the FEIS.

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Detailed trip generation calculations are provided in **Appendix 2.6-2** of the FEIS. This appendix presents page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day and includes notes regarding sources of information for factors selected.

As explained in response to comment PA-2, to validate the trip generation information presented in the DEIS (and TIS included in Appendix 3.5-1 thereof), data was ascertained for a number of casino resorts and trip rates were developed based upon visitation, square footage of gaming area, and gaming positions. As explained in response to comment PA-2, these data validated the trip generation factors used in the TIS for the proposed Integrated Resort.

3. Explanation should be provided regarding the rationale behind utilizing the daily distribution for Recreational Homes to determine the total daily trips for the proposed hotel towers. What was the reason for not collecting data from comparable locations? Supporting data should be provided.

See response to comment PA-2 for relevant information on comparable casino resort locations. Also, see response to comment TP-57, which explains that the hotel component of the proposed Integrated Resort is not a significant traffic generator, independent trip generator, due to the substantial internal capture from trips made to other components of the Integrated Resort, which make the ITE factors for a hotel not appropriate. The hourly distribution for recreational homes was found to be the most consistent with the Integrated Resort visitor trip-making pattern.

4. Clarification should be provided regarding the reasoning for assuming that all Food and Beverage (restaurant) uses associated with food courts, coffee shops, fast-food outlets, bars and lounges, and private gaming food services would not generate external trips. Are there any data from existing resorts that substantiate the assumption that these services would be used solely by resort patrons without generating external traffic?

These fast food/drink land uses are available throughout the region in more convenient locations and with access that does not require travel through numerous parking lots and passing through the Integrated Resort to access the facilities. Furthermore, the ITE Trip Generation Manual Handbook data indicates that most of the trips to these high turnover land uses are pass-by trips that stop on their way between destinations, or diverted link

trips, that divert on their typical route to these land uses.⁷⁶ As outlined in response to comment PA-2, the trip generation rates of comparable casino resorts were researched and the resulting Sands trip rate are consistent with the rates at other resorts, thereby confirming that the methodology used is appropriate.

5. Explanation should be provided regarding the trip generation methodology for the Meetings and Conference space, Public Attraction space, Arena/Live Performance Venue and Employees.

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Detailed trip generation calculations, with source data, are provided in **Appendix 2.6-2** of the FEIS. This appendix presents page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day, and includes notes regarding sources of information for factors selected.

6. Explanation should be provided regarding the methodology and assumptions used for the credits related to travel mode, vehicle occupancy, and internal capture trips. Supporting data should be provided.

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Detailed trip generation calculations, including source data, are provided in **Appendix 2.6-2** of the FEIS.

TP-47. Intersection Impact Evaluation Summary – N+P (Town of Hempstead consultant) conducted a comprehensive review of each study intersection, analyzing both existing and future traffic operations. Based on this review, the study intersections have been categorized into two distinct groups, as outlined below, according to the level of impact and proposed mitigation measures.

- a. **Category 1: Intersections with Proposed Mitigation Measures – This category comprises intersections where certain turning movements operate at a Level of Service (LOS) F under existing and 2030 No-Build conditions. With the addition of project-generated traffic, delays would increase further. Despite proposed mitigation measures, some movements will continue to experience operating conditions at or near LOS F. It is recommended that further mitigation options be reviewed to assess the feasibility of improving the performance of LOS F movements. Intersections in this category include:**

2. Hempstead Tpke at Glen Curtiss Blvd/Nassau Veterans Memorial Coliseum Access

⁷⁶ Institute of Transportation Engineers. *Trip Generation Manual*, 11th Edition. Washington, DC: Institute of Transportation Engineers, 2021. ISBN: 978-1-7345078-7-4.

5. Hempstead Tpke at Earle Ovington Blvd/Uniondale Ave

15. Hempstead Tpke at Park Blvd/East Meadow Ave

17. Hempstead Tpke at California Ave/Hofstra Blvd

18. Hempstead Tpke at Oak St/Hofstra Blvd

24. Fulton Ave at N Franklin St

25. Stewart Ave at Franklin Ave

55. Merrick Ave at Corporate Dr

57. Jericho Tpke at Post Ave/Post Rd

- b. Category 2: Intersections with LOS F and substantial project-generated traffic impact, with no mitigation proposed – These intersections already operate at LOS F under existing and 2030 No-Build conditions. The addition of project-generated traffic would increase these delays.**

Since no mitigation measures are proposed, it is recommended that further mitigation options be reviewed to minimize the impact of project-generated traffic and improve overall performance. Intersections in this category include (C96):

26. Old Country Rd at Franklin Ave/Mineola Blvd

29. Old Country Rd at Merrick Ave/Post Ave

30. Merrick Ave at Stewart Ave/Park Blvd

Within Category 1, the mitigation measures recommended at each of these intersections, as described on page 93 of the TIS (Appendix 3.5-1 of the DEIS), were developed based on a review of the impacts of the project as well as the limitations (physical and otherwise) at each location in question. Additionally, mitigation was not proposed at each intersection for several reasons, as follows:

1. Additional mitigation was not warranted – Applicable to Locations 2, 5, 15, 24, 25, 55, and 57. Based on a review of Attachment M of the TIS, Appendix 3.5-1 of the DEIS, the results of the Build Condition with the implementation of the mitigation demonstrates that these locations are able to operate consistent with the No Build condition or maintain the LOS of the mainline and of the intersecting roads. Based on these results, additional mitigation is not warranted.
2. Mitigation was proposed due to system coordination – Applicable to Locations 17 and 18. Mitigation was proposed at each of these locations because they are a part of a coordinated system on the state roadway. Based on a review of Attachment M of the TIS, Appendix 3.5-1 of the DEIS, mitigation is not warranted at these intersections but, due to the coordination at subsequent traffic signals, timing changes must be imposed to maintain the offsets at other locations where mitigation is required.

3. Additional timing mitigation would potentially impact other locations – Applicable to Locations 2, 5, 15, 17, and 18. Each of these locations were noted to be on the same system of traffic signals under the jurisdiction of the NYSDOT. Any timing or phasing mitigation proposed at each of these locations would have to be reflected at other signals along the corridor. While additional improvements could be realized at some locations when considered in isolation, these changes would result in negative impacts at other locations within the coordinated system and would not result in an overall improvement to the roadway network.
4. Additional physical mitigation cannot be implemented – Applicable to Locations 5, 24, 25, 55, and 57. Review of the intersection descriptions contained in Attachment D of the TIS, Appendix 3.5-1 of the DEIS, as well as available record plans for each of these locations, sufficient right-of-way does not exist to implement physical changes to these locations.

The proposed mitigation at each of the referenced intersections is appropriate given the level of project impact and feasibility, considering the factors described above.

Within Category 2, at each of the locations, mitigation was not proposed because the results of the analysis did not warrant improvements at the intersections because they were not significantly impacted from site-generated traffic. As detailed in Attachment M of the TIS, Appendix 3.5-1 of the DEIS, each of these locations experience only modest increases in overall delay (<5 seconds) and generally do not experience changes in LOS for individual movements or overall operations. Furthermore, the only LOS changes noted are due to a particular movement in the No-Build condition being at the high end of the delay ranges for that LOS. Based on this, and the fact that the movements that operate at an LOS F generally do so in the existing and No-Build conditions, it is neither appropriate nor customary for a private applicant to provide mitigation due to existing and/or background traffic not related to significant impacts caused by a proposed development.

TP-48. Based on N+P’s review of the Traffic Analysis section of the TIS, it is recommended that the analysis for the following locations be revisited to further review the mitigation options to determine whether it is feasible to provide enhanced intersection operations in the Project Build condition:

- a. **Saturday Midday Peak Hour – For Location 108A (Meadowbrook State Parkway SB Mainline South of Zeckendorf Boulevard), the combined trip assignment volumes and 2030 No-Build traffic volumes for the eastbound through movement do not sum correctly. The figure should be updated and it should be ensured that site-generated traffic volumes are properly incorporated into the No-Build traffic for all peak periods to develop accurate 2030 future traffic volumes.**
- b. **2030 Full-build Analysis –**
 1. **AM Peak Hour Analysis:**

- **Location 4 (Hempstead Turnpike at MSKCC Entrance):** The eastbound left-turn approach would experience a delay resulting in LOS E under the Build-with-Mitigation scenario, with higher delays and queue lengths compared to the 2030 No-Build condition.
- **Location 17 (Hempstead Tpke at California Ave/Hofstra Blvd):** The eastbound left- turn approach would operate at LOS F under the Build-with-Mitigation scenario, with increased delays and longer queues, compared to the 2030 No-Build condition.
- **Locations 45 & 46 (Hempstead Tpke at Carman Ave/3rd St; Hempstead Tpke at Newbridge Rd):** All approach movements at these intersections would operate at LOS F under No-Build conditions. Adding site traffic would increase delays.
- **Location 57 (Jericho Tpke at Post Ave/Post Rd):** The eastbound, westbound, and northbound left-turns, as well as the southbound through movements, would operate at LOS F under existing and No-Build conditions. Adding site traffic would increase delays.
- **Location 79 (Hempstead Tpke at Franklin Ave/Perimeter E/Hospital St):** All approach movements at this intersection would operate at LOS F under No-Build conditions. Adding site traffic would increase delays.

2. PM Peak Hour Analysis:

- **Location 2 (Hempstead Tpke at Glen Curtiss Blvd/Nassau Veterans Memorial Coliseum Access):** The northbound through-right movement is projected to operate at LOS D in the 2030 No- Build Condition. However, after implementing the proposed mitigation measures, this approach is expected to degrade to LOS F, with a substantial increase in delay and nearly double the queue length compared to the No-Build scenario. Similarly, the southbound left-turn movement is projected to operate at LOS E in the 2030 No-Build Condition but will also degrade to LOS F under the proposed mitigation, with substantial delays and nearly double the queue length.
- **Location 4 (Hempstead Turnpike at MSKCC Entrance):** 2030 Build-with-Mitigation analysis shows degradation of the eastbound left-turn from LOS D to LOS E, compared to the No-Build scenario.
- **Location 15 (Hempstead Tpke at Park Blvd/East Meadow Ave):** The mitigation analysis shows increased delays (LOS F) for the eastbound left-turn, westbound left- turn, and northbound approaches compared to the 2030 No-Build condition.
- **Location 25 (Stewart Ave at Franklin Ave):** The mitigation analysis indicates that the eastbound through-right movement would experience substantial delays (LOS F), with the overall intersection also at LOS F under the 2030 Build-with-Mitigation scenario.

- **Location 31 (Stewart Ave at Endo Blvd/Merchants Concourse):** The eastbound left- turn approach would operate at LOS F with increased delays in the 2030 Build analysis.
- **Location 33 (Stewart Ave at Clinton Rd):** All approaches would operate at LOS F with substantial delays under existing conditions. Adding site traffic would increase delays, and no mitigation measures are provided.
- **Location 46 (Hempstead Tpke at Newbridge Rd):** Similar to Location 33, all approaches would operate at LOS F with substantial delays under existing conditions. Adding site traffic would increase delays, yet no mitigation measures are proposed.
- **Location 57 (Jericho Tpke at Post Ave/Post Rd):** The intersection would continue to operate at LOS F across all approaches in the 2030 Build-with-Mitigation scenario.

3. Friday Evening Analysis:

- **Location 2 (Hempstead Tpke at Glen Curtiss Blvd/Nassau Veterans Memorial Coliseum Access):** With the proposed mitigation, the northbound approach at this intersection is projected to degrade to LOS F, compared to LOS E under the 2030 No-Build condition, reflecting a substantial increase in delay.
- **Location 5 (Hempstead Tpke at Earle Ovington Blvd/Uniondale Ave):** The proposed mitigation results in the eastbound left-turn approach operating at LOS D, with an increase in delay compared to the No-Build condition.
- **Location 33 (Stewart Ave at Clinton Rd):** The southbound through approach is anticipated to operate at LOS F, with an increase in delay compared to the No-Build condition.
- **Location 55 (Merrick Ave at Corporate Dr):** The southbound through approach is expected to operate at LOS F under the Build condition, with increased delays compared to the No-Build scenario. The addition of site traffic would substantially increase delays.

4. Saturday Midday Peak Hour Analysis:

- **Location 27 (Old Country Rd at Clinton Rd/Glen Cove Rd):** The southbound left-turn approach is anticipated to operate at LOS F, with an increase in delay compared to No-Build conditions.
- **Location 45 (Hempstead Tpke at Carman Ave/3rd St):** The westbound through approach is anticipated to operate at LOS F, with an increase in delay compared to No-Build conditions.
- **Location 53 (Old Country Rd at Roosevelt Field Entrance):** The eastbound through approach is anticipated to operate at LOS F, with an increase in delay, thereby increasing the 95th percentile queue length compared to the No-Build scenario. The addition of site traffic would substantially increase delays.

5. Saturday Evening Peak Hour Analysis:

- **Location 4 (Hempstead Turnpike at MSKCC Entrance): Under the Build-with-Mitigation scenario, the eastbound left-turn approach would experience a delay resulting in LOS E, from LOS D, with increased delays and queue lengths, compared to the 2030 No-Build condition.**

6. Weekday PM Peak Hour Analysis – Holiday:

- **Location 29 & 33 (Old Country Rd at Merrick Ave/Post Ave; Stewart Ave at Clinton Rd): The approach movements that would operate at LOS F under both the No-Build and Build scenarios would continue to experience deteriorated conditions in the 2030 Build-with-Mitigation scenario, showing only marginal reduction in delay.**

7. Saturday Midday Peak Hour – Holiday:

- **Location 53 (Old Country Rd at Roosevelt Field Entrance): The approach movements that would operate at LOS F under both the no-build and build scenarios would continue to experience LOS F in the 2030 Build-with-Mitigation scenario, showing only marginal improvements in delay. (C96)**

As indicated on the Errata Sheet (Section 3 of this FEIS), there was an error on Node 108A. However, that error was not carried through spreadsheets or analysis presented in the DEIS. Revised figures are provided in **Appendix 3-1** of this FEIS.

2030 Build Analysis

1. AM Peak Hour Analysis

- **Location 4 (Hempstead Turnpike at MSKCC Entrance): The eastbound left-turn approach would experience a delay resulting in LOS E under the Build-with-Mitigation scenario, with higher delays and queue lengths compared to the 2030 No-Build condition.**

As stated on Page 90 of the TIS, Appendix 3.5-1 of the DEIS:

The Hempstead Turnpike at the Memorial Sloan Kettering (MSKCC) Entrance Driveway and Hempstead Turnpike at Cunningham Avenue intersections are coordinated with the surrounding signals. Due to the recommended improvements at the surrounding signals in the coordinated network, it is recommended that the signal timing, phasing, and offsets be optimized at these intersections.

The LOS results for this intersection, as summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS) do not indicate the need for mitigation, but the proposed timing and phasing optimizations are recommended at this location due to the coordination between the other intersections where mitigation is required. It is due to this that the timing changes result in increased delays for the eastbound left turns into the subject property.

The intersection descriptions contained in Attachment D of the TIS state that the eastbound left-turn movement is already accommodated by two turn lanes for traffic entering the subject site.

- **Location 17 (Hempstead Tpke at California Ave/Hofstra Blvd): The eastbound left- turn approach would operate at LOS F under the Build-with-Mitigation scenario, with increased delays and longer queues, compared to the 2030 No-Build condition.**

As stated on Page 90 of the TIS, Appendix 3.5-1 of the DEIS:

The Hempstead Turnpike at California Avenue/Hofstra Boulevard intersection is coordinated with the surrounding signals. Due to the recommended improvements at the surrounding signals in the coordinated network, it is recommended that the signal timing, phasing, and offsets be optimized at this intersection.

The LOS results for this intersection, as summarized in Attachment M of the TIS do not indicate the need for mitigation, but the proposed timing and phasing optimizations are recommended at this location due to the coordination between other intersections where mitigation is required. It is because of this that the timing changes result in increased delays for the eastbound left turns and the overall operation of the signal.

Figure E-1d of Attachment E of the TIS illustrates the total site-generated traffic through this intersection is 57 vehicles during this peak hour, with 54 of those vehicles performing either the eastbound or westbound through movements. Based on this level of traffic and the overall results, additional mitigation is not warranted at this location.

- **Locations 45 & 46 (Hempstead Tpke at Carman Ave/3rd St; Hempstead Tpke at Newbridge Rd): All approach movements at these intersections would operate at LOS F under No-Build conditions. Adding site traffic would increase delays.**

As shown in Attachment M of the TIS, the overall delay at each of these intersections increases by less than one second because of the site-generated traffic during this time period. Furthermore, each individual movement through the intersections experiences only small increases in delay and does not experience a change in LOS. Based on these results, mitigation is not warranted at either location because of the site-generated traffic.

- **Location 57 (Jericho Tpke at Post Ave/Post Rd): The eastbound, westbound, and northbound left-turns, as well as the southbound through movements, would operate at LOS F under existing and No-Build conditions. Adding site traffic would increase delays.**

As shown in Figure E-1e, Attachment E of the TIS (Appendix 3.5-1 of the DEIS), only 29 site-generated trips would travel through this intersection during the relevant peak hour. Additionally, the LOS results summarized in Attachment M of the TIS show that overall LOS at this intersection remains consistent with the No-Build condition with the addition of this traffic. Based on this, mitigation was not proposed at this intersection. Additionally, as-built plans for this location show there is limited right-of-way on both the northbound and southbound approaches to this intersection, limiting the opportunity to provide mitigation at this location.

- **Location 79 (Hempstead Tpke at Franklin Ave/Perimeter E/Hospital St): All approach movements at this intersection would operate at LOS F under No-Build conditions. Adding site traffic would increase delays.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 0.1 second because of the site-generated traffic, and the overall LOS and LOS of each individual movement remained the same from the No-Build condition to the Build condition. Based on these results, mitigation is not warranted at this location as a result of the site-generated traffic.

2. **PM Peak Hour Analysis:**

- **Location 2 (Hempstead Tpke at Glen Curtiss Blvd/Nassau Veterans Memorial Coliseum Access): The northbound through-right movement is projected to operate at LOS D in the 2030 No- Build Condition. However, after implementing the proposed mitigation measures, this approach is expected to degrade to LOS F, with a substantial increase in delay and nearly double the queue length compared to the No-Build scenario. Similarly, the southbound left-turn movement is projected to operate at LOS E in the 2030 No-Build Condition but will also degrade to LOS F under the proposed mitigation, with substantial delays and nearly double the queue length.**

This location is a direct access point to the subject property. As the Nassau Veterans Memorial Coliseum did not have a major event when the data was collected, the volume of traffic on the southbound left-turn movement is minimal in the Existing and No-Build conditions, and is significantly increased in the Build condition due to site-generated traffic (where virtually no traffic exists in the Existing and No-Build conditions). As a result, the increase in delays and queuing for this movement from the No-Build to Build conditions is not unexpected or inappropriate. Because this activity is maintained within the boundaries of the subject property, further mitigation is not warranted.

With respect to the northbound movements, Attachment M of the TIS (Appendix 3.5-1 of the DEIS) demonstrates that, while the delays and queuing increase on the northbound left-through and through-right movements, the mitigation allows the dedicated northbound left and right-turn lanes to operate with an improved LOS more consistent with the No-Build condition. This results in an improvement of the overall operation of the intersection by 18.4 seconds, which is significant. Based on this, the proposed mitigation is appropriate in addressing the operation of this location.

- **Location 4 (Hempstead Turnpike at MSKCC Entrance): 2030 Build-with-Mitigation analysis shows degradation of the eastbound left-turn from LOS D to LOS E, compared to the No-Build scenario.**

As stated on Page 90 of the TIS, Appendix 3.5-1 of the DEIS:

The Hempstead Turnpike at the Memorial Sloan Kettering (MSKCC) Entrance Driveway and Hempstead Turnpike at Cunningham Avenue intersections are coordinated with the surrounding signals. Due to the recommended improvements at the surrounding signals in the coordinated network, it is recommended that the signal timing, phasing, and offsets be optimized at these intersections.

The LOS results for this intersection, as summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), do not indicate the need for mitigation, but proposed timing and phasing optimizations are recommended due to the coordination among the other intersections where mitigation is required. It is due to this that the timing changes result in increased delays for the eastbound left turns into the subject property. It is further noted that the intersection descriptions in Attachment D of the TIS state that the eastbound left-turn movement is already accommodated by two turn lanes for traffic entering the site.

- **Location 15 (Hempstead Tpke at Park Blvd/East Meadow Ave): The mitigation analysis shows increased delays (LOS F) for the eastbound left-turn, westbound left- turn, and northbound approaches compared to the 2030 No-Build condition.**

Despite the increase in delays for the movements indicated above, the LOS results for this intersection, as summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), show that the proposed mitigation results in a significant improvement to the westbound through movement while allowing the eastbound through movements to operate consistent with the No-Build condition. Because Hempstead Turnpike (NY 24) is a principal arterial highway that carries significantly more traffic in the east/west direction of travel than the north/south side streets, the mitigation results in a reduction in the overall level of delay by 8.5 seconds from the No-Build condition to the Build condition with mitigation. Based on this, the proposed mitigation is appropriate.

- **Location 25 (Stewart Ave at Franklin Ave): The mitigation analysis indicates that the eastbound through-right movement would experience substantial delays (LOS F), with the overall intersection also at LOS F under the 2030 Build-with-Mitigation scenario.**

Despite the increase in delays for the movements indicated above, the LOS results for this intersection, as summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), show that the proposed mitigation results in a significant improvement to the westbound left-turn movement when compared to the No-Build condition, Build Condition, and Build with Mitigation condition. Because the westbound left-turn movement at this intersection operates with delays of more than several hundred seconds, the proposed mitigation allows the overall operation of the intersection to improve by 26.3 seconds from the No-Build to Build with Mitigation conditions. Based on this, the proposed mitigation is appropriate for this location.

- **Location 31 (Stewart Ave at Endo Blvd/Merchants Concourse): The eastbound left- turn approach would operate at LOS F with increased delays in the 2030 Build analysis.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 0.3 second because of the site-generated traffic, and the overall LOS and LOS of each individual movement remained the same from the No-Build condition to the Build condition. Furthermore, Figure E-2c of Attachment E of the TIS indicates that only four peak hour trips from the proposed Integrated Resort would

traverse this intersection in the Build condition. Based on these results, mitigation is not warranted due to site-generated traffic.

- **Location 33 (Stewart Ave at Clinton Rd): All approaches would operate at LOS F with substantial delays under existing conditions. Adding site traffic would increase delays, and no mitigation measures are provided.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 1.3 seconds due to the site-generated traffic, and the overall LOS and LOS of each individual movement remained the same from the No-Build condition to the Build condition. Furthermore, as shown on Figure E-2c of Attachment E of the TIS, only 16 peak hour trips from the proposed Integrated Resort would traverse this intersection in the Build condition. Based on these results, mitigation is not warranted due to site-generated traffic.

- **Location 46 (Hempstead Tpke at Newbridge Rd): Similar to Location 33, all approaches would operate at LOS F with substantial delays under existing conditions. Adding site traffic would increase delays, yet no mitigation measures are proposed.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increased by 0.5 second because of the site-generated traffic, and the overall LOS and LOS of each individual movement remained the same from the No-Build condition to the Build condition. Based on these results, mitigation is not warranted due to site-generated traffic.

- **Location 57 (Jericho Tpke at Post Ave/Post Rd): The intersection would continue to operate at LOS F across all approaches in the 2030 Build-with-Mitigation scenario.**

As shown on Figure E-1e in Attachment E of the TIS (Appendix 3.5-1 of the DEIS), a total of 42 site-generated trips would travel through this intersection during the relevant peak hour. Additionally, the LOS results summarized in Attachment M of the TIS show that overall delay at the intersection is improved with the implementation of the proposed mitigation. Based on this, the mitigation is appropriate. Also, review of as-built plans for this location shows there is limited availability of right-of-way on both the northbound and southbound approaches to this intersection, limiting the opportunity to provide mitigation at this location.

3. **Friday Evening Analysis:**

- **Location 2 (Hempstead Tpke at Glen Curtiss Blvd/Nassau Veterans Memorial Coliseum Access): With the proposed mitigation, the northbound approach at this intersection is projected to degrade to LOS F, compared to LOS E under the 2030 No-Build condition, reflecting a substantial increase in delay.**

Attachment M of the TIS (Appendix 3.5-1 of the DEIS) shows that the northbound left-through and through-right movements increase delay to a LOS F, but the northbound left-turn and right-turn movements improve relative to the No-Build condition with the implementation of the proposed mitigation. As the northbound through movements are

lower in volume relative to the left and right turns during this peak hour, the overall operation of this approach would improve with the implementation of the mitigation. This, combined with the significant improvement to the operation of the eastbound left-turn with implementation of the mitigation, allows this site access to operate acceptably in the future condition even with the addition of the site-generated traffic. Based on this, the proposed mitigation is appropriate.

- **Location 5 (Hempstead Tpke at Earle Ovington Blvd/Uniondale Ave): The proposed mitigation results in the eastbound left-turn approach operating at LOS D, with an increase in delay compared to the No-Build condition.**

As summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), while the delay increases for the eastbound left turn by 4.6 seconds with the implementation of the mitigation, the delay for the westbound left-turn improves by 39.3 seconds when comparing the Build condition to the Build with Mitigation condition. This improvement allows the overall operation of the intersection to improve by 13.9 seconds from the Build to Build with Mitigation conditions. Based on this, the proposed mitigation is appropriate for this location.

- **Location 33 (Stewart Ave at Clinton Rd): The southbound through approach is anticipated to operate at LOS F, with an increase in delay compared to the No-Build condition.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 1.8 seconds due to the site-generated traffic and the overall LOS and LOS of each individual movement remained the same from the No-Build condition to the Build condition. Furthermore, as shown on Figure E-3c in Attachment E of the TIS, only 33 peak hour trips from the proposed Integrated Resort would traverse this intersection in the Build condition. Based on these results, mitigation is not warranted at this intersection as a result of the site-generated traffic.

- **Location 55 (Merrick Ave at Corporate Dr): The southbound through approach is expected to operate at LOS F under the Build condition, with increased delays compared to the No-Build scenario. The addition of site traffic would substantially increase delays.**

The results presented in Table M-1 in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), have been reviewed. While there is limited ability to provide capacity improvements (due to its location adjacent to Eisenhower Park with developed parcels on other corners and little available right-of-way), the optimization of the traffic signal's phase splits would provide significant improvement to overall intersection operation and the southbound approach.

A Build with Mitigation analysis has been prepared for this location and is included in **Appendix 2.6-5** of this FEIS. This analysis demonstrates that the optimization of the traffic signal's phase splits, while maintaining the current traffic signal cycle length, results in an improvement to an overall intersection LOS B (from LOS D in the No-Build and Build conditions) and an improvement to the southbound approach to LOS C (From LOS F in the No-Build and Build conditions).

4. **Saturday Midday Peak Hour Analysis:**

- **Location 27 (Old Country Rd at Clinton Rd/Glen Cove Rd): The southbound left-turn approach is anticipated to operate at LOS F, with an increase in delay compared to No-Build conditions.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 1.3 seconds because of the site-generated traffic, and the overall LOS and LOS of each individual movement remain the same from the No-Build condition to the Build condition. Based on these results, mitigation is not warranted at this location as a result of the site-generated traffic.

- **Location 45 (Hempstead Tpke at Carman Ave/3rd St): The westbound through approach is anticipated to operate at LOS F, with an increase in delay compared to No-Build conditions.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 4.9 seconds because of the site-generated traffic, and the overall LOS and LOS of each individual movement remain the same from the No-Build condition to the Build condition. Based on these results, mitigation is not warranted at this location.

- **Location 53 (Old Country Rd at Roosevelt Field Entrance): The eastbound through approach is anticipated to operate at LOS F, with an increase in delay, thereby increasing the 95th percentile queue length compared to the No-Build scenario. The addition of site traffic would substantially increase delays.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at this intersection increases by 5.6 seconds because of the site-generated traffic, and the overall LOS and LOS of each individual movement remain the same from the No-Build condition to the Build condition. While there are significant delays on various movements through this intersection during this time period, these delays are primarily the result of the high volumes of existing ambient traffic through this intersection. Based on this, site-generated traffic is not causing a significant impact, and mitigation is not warranted at this location.

5. **Saturday Evening Peak Hour Analysis:**

- **Location 4 (Hempstead Turnpike at MSKCC Entrance): Under the Build-with-Mitigation scenario, the eastbound left-turn approach would experience a delay resulting in LOS E, from LOS D, with increased delays and queue lengths, compared to the 2030 No-Build condition.**

As stated on Page 90 of the TIS (Appendix 3.5-1 of the DEIS):

The Hempstead Turnpike at the Memorial Sloan Kettering (MSKCC) Entrance Driveway and Hempstead Turnpike at Cunningham Avenue intersections are coordinated with the surrounding signals. Due to the recommended improvements at the surrounding signals in the coordinated network, it is recommended that the signal timing, phasing, and offsets be optimized at these intersections.

The LOS results for this intersection, as summarized in Attachment M of the TIS (Appendix 3.5-1 of the DEIS) do not indicate the need for mitigation, but the proposed timing and phasing optimizations are recommended at this location due to the coordination among the other intersections where mitigation is required. It is due to this that the timing changes result in increased delays for the eastbound left turns into the property.

Also, the intersection descriptions in Attachment D of the TIS demonstrates that the eastbound left-turn movement is already accommodated by two turn lanes for traffic entering the site.

6. Weekday PM Peak Hour Analysis – Holiday:

- **Location 29 & 33 (Old Country Rd at Merrick Ave/Post Ave; Stewart Ave at Clinton Rd): The approach movements that would operate at LOS F under both the No-Build and Build scenarios would continue to experience deteriorated conditions in the 2030 Build-with-Mitigation scenario, showing only marginal reduction in delay.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at Location 29 improves by 7.9 seconds from the Build condition to the Build with Mitigation condition, and the overall delay at Location 33 improves by 16.0 seconds from the Build to the Build with Mitigation condition. For both of these locations, the delay and LOS of each individual movement also improves or stays the same with the implementation of the mitigation, and the overall operation of the signals is improved relative to the No-Build condition. Given these results, the mitigation appropriately addresses the impacts of the site-generated traffic at this location.

7. Saturday Midday Peak Hour – Holiday:

- **Location 53 (Old Country Rd at Roosevelt Field Entrance): The approach movements that would operate at LOS F under both the no-build and build scenarios would continue to experience LOS F in the 2030 Build-with-Mitigation scenario, showing only marginal improvements in delay.**

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the overall delay at Location 53 improves by 5.3 seconds from the Build condition to the Build with Mitigation condition. The LOS remains the same for each individual movement with the implementation of the mitigation. Given these results, the mitigation appropriately addresses the impacts of the site-generated traffic at this location.

TP-49. The DEIS traffic analysis is flawed because it is founded on “common network peak hours,” which is the combination of roadway peaks and Integrated Resort peaks. To accurately evaluate traffic impacts, the DEIS must evaluate traffic to/from the Integrated Resort during the roadway peaks—and separately evaluate Integrated Resort peak traffic during average roadway conditions. This methodology captures both roadway and Integrated Resort peaks, which may not always overlap. The traffic study incorrectly selects a set of “common network peak hours” that combines peak traffic on the roadways and peak traffic to/from the Site. This

methodology ignores, and therefore does not analyze, the true project impacts. It also ignores non-peak project traffic entirely, which may have different traffic patterns, including on strained local roads, as compared to peak project traffic. As the Site is largely vacant during daytime hours, the additional traffic at "off-peak" hours may still result in very significant increases in volume and associated delays. The determination of critical peak hours discussed on Page 18 of the TIS needs to be further reviewed and clarified by the Lessee. It appears that the critical peak hours identified and analyzed in the TIS do not actually coincide with the combined peak hours of traffic for the Friday Evening and Saturday Peak Hours. (C59)(C60)(C61)

The Friday Evening and Saturday Evening periods supplement the standard peak hour periods (Weekday AM and PM and Saturday MIDDAY). The reference to "common" in the TIS (Appendix 3.5-1 of the DEIS) refers to the methodology that was used to select the hours to be studied -- typically peak hours of either or both the proposed Integrated Resort and surrounding roadways. The numerical data provided by the reviewer in at least one of the comments (see table immediately below) did not match the traffic count data provided in the DEIS.

Table 5 – Reviewer’s Critical Peak Hours

Peak Hour	TIS Critical Peak		CED* Identified Peak		Volume Difference	% Change
	Time	Network Build Volume	Time	Network Build Volume		
Meadowbrook State Parkway Peak Hour Analysis						
<i>Friday PM</i>	6:00 PM – 7:00 PM	9,288	4:45 PM – 5:45 PM	10,166	+878	+9.5%
<i>Saturday MIDDAY</i>	1:15 PM – 2:15 PM	8,551	12:15 PM – 1:15 PM	8,874	+323	+3.8%
<i>Saturday PM</i>	7:15 PM – 8:15 PM	7,420	4:15 PM – 5:15 PM	9,111	+1,691	+22.8%
Intersection Peak Hour Analysis						
<i>Friday PM</i>	6:00 PM – 7:00 PM	30,332	4:45 PM – 5:45 PM	37,849	+7,517	+25%
<i>Saturday MIDDAY</i>	1:15 PM – 2:15 PM	28,717	12:15 PM – 1:15 PM	28,837	+121	+0.42%
<i>Saturday PM</i>	7:15 PM – 8:15 PM	20,404	4:15 PM – 5:15 PM	28,666	+8,262	+40%

* CED = Colliers Engineering & Design

Unable to duplicate the volumes in the table provided by the reviewer, a revised table is included below, which illustrates that the Tuesday PM peak hour captures the highest volume of traffic across the twelve (12) intersections. A similar situation exists on Saturdays. The 1:15 to 2:15 PM period was identified as being the highest volume period across the 12 intersections and was analyzed to reflect a worst-case condition.

Table 6 – Reviewers Critical Peak Hours

<i>Peak Hour</i>	<i>TIS Critical Peak</i>	<i>Exist Vol TMC (Int 1-12) + Trip Gen</i>	<i>CED Identified Peak</i>	<i>Exist Vol TMC (Int 1-12) + Trip Gen</i>
<i>Tuesday PM</i>	5:00-6:00 PM	37,198		
<i>Friday PM</i>	6:00-7:00 PM	28,430	4:45-5:45 PM	35,337
<i>Saturday MIDDAY</i>	1:15-2:15 PM	27,726	1:30-2:30 PM	27,436
<i>Saturday PM</i>	7:15-8:15 PM	19,055	4:15-5:15 PM	26,584

The second figure in the comment inaccurately describes the network volumes for peak hours. A revised table is included below that describes the volume differences. This table shows that the Friday PM peak hour captures the highest volume of traffic on Meadowbrook State Parkway; greater than any of the commentator-identified peak hour volumes by at least 296 trips.

Table 7 – Comparison Between Selected Peak Hours and Reviewer Peak Hours

<i>Peak Hour</i>	<i>TIS Critical Peak</i>	<i>Analysis Build Volumes (ATR 48 +49)</i>	<i>CED Identified Combined Peak</i>	<i>Analysis Build Volumes (ATR 48+49)</i>	<i>Volume Difference</i>	<i>Volume Reduction Change</i>
<i>Tuesday PM</i>	5:00-6:00 PM	10,084				
<i>Friday PM</i>	6:00-7:00 PM	10,462	4:45-5:45 PM	10,166	-296	-2.8%
<i>Saturday MIDDAY</i>	1:15-2:15 PM	9,837	1:30-2:30 PM	8,874	-963	-9.8%
<i>Saturday PM</i>	7:15-8:15 PM	9,155	4:15-5:15 PM	9,111	-44	-0.5%

Peak hours for Weekday AM and PM, as well as Saturday MIDDAY, were chosen based on hourly volumes. To avoid repeating the same PM analysis for Weekdays, Fridays, and Saturdays, the Friday and Saturday PM peak hours were selected based on a combination of volume and event timing. Specifically, the Friday PM peak hour was chosen to examine the impact of increased event venue trips due to a 7:00 PM event, while the Saturday peak hour

was chosen as a time critical for site trip-generation overlapping with existing roadway volumes prior to when these base volumes dropped off significantly.

Graphs have been prepared illustrating the baseline turning movement count (TMC) volumes at intersections surrounding the site over the course of the day as well as the site-related trips over the course of the day. As shown on **Figure 1** below (full-size copies of all graphs are included in **Appendix 2.6-6** of this FEIS), the weekday peaks of the TMC data are clear: 7:30 to 8:30 AM and 5:00 to 6:00 PM.

Figure 1 - Traffic Distribution – Tuesday

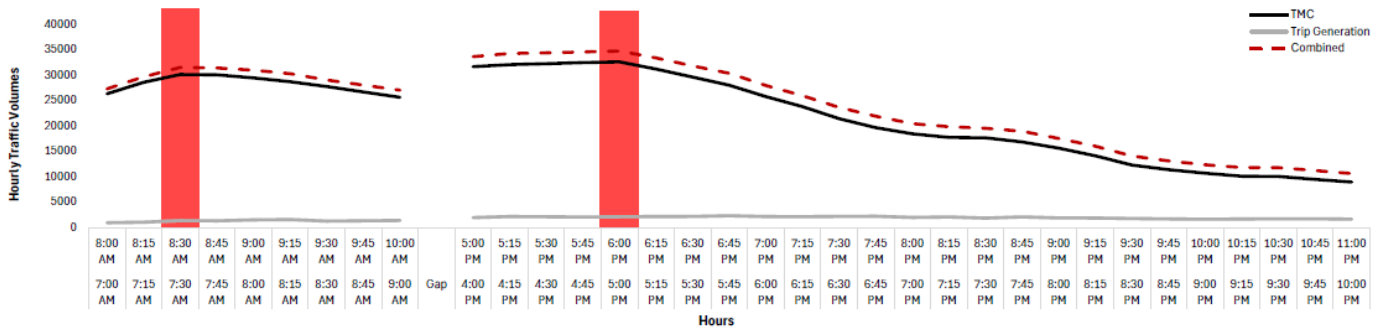
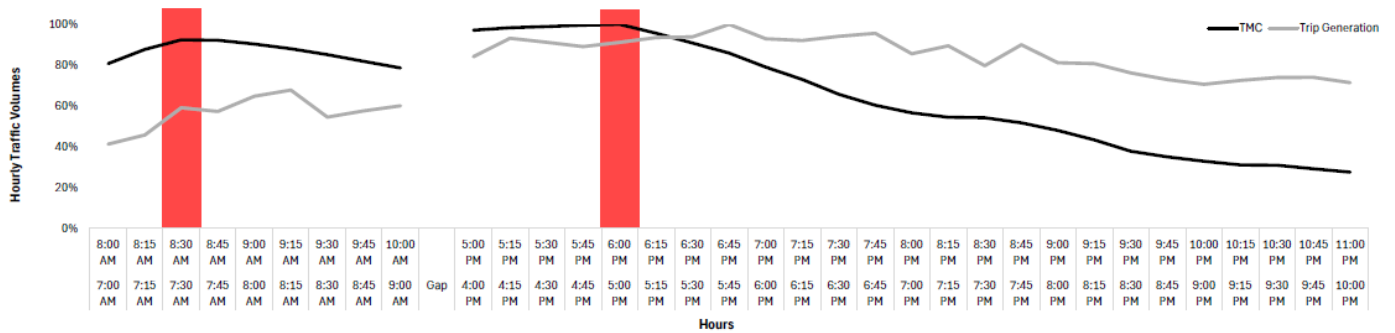


Figure 3. Comparison of Tuesday TMC to trip generation.



Friday TMC and trip data were collected to specifically address a request to capture the peak period for events on Friday (6:00 to 7:00 PM). Therefore, this peak hour was added to the study. The variation is illustrated in **Figure 2** below and backup data is provided in **Appendix 2.6-6** of this FEIS.

Figure 2 - Traffic Distribution – Friday

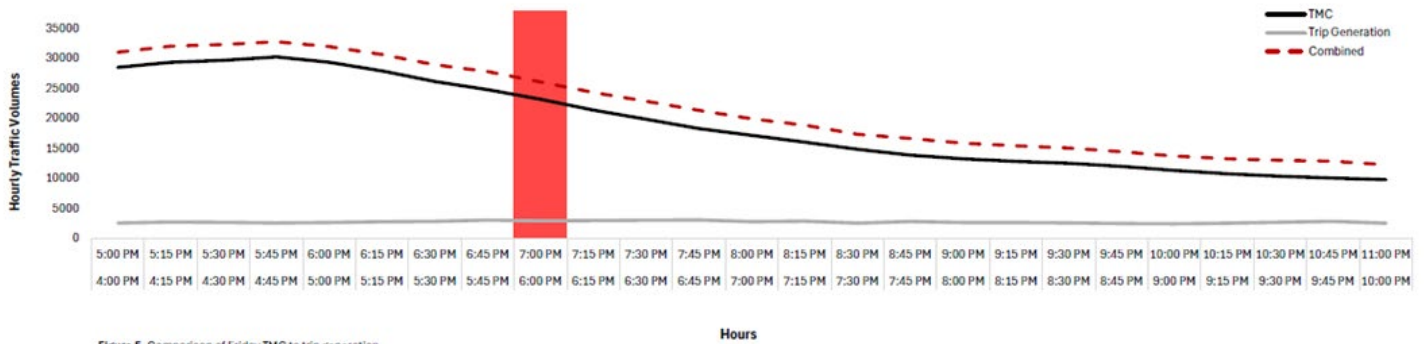
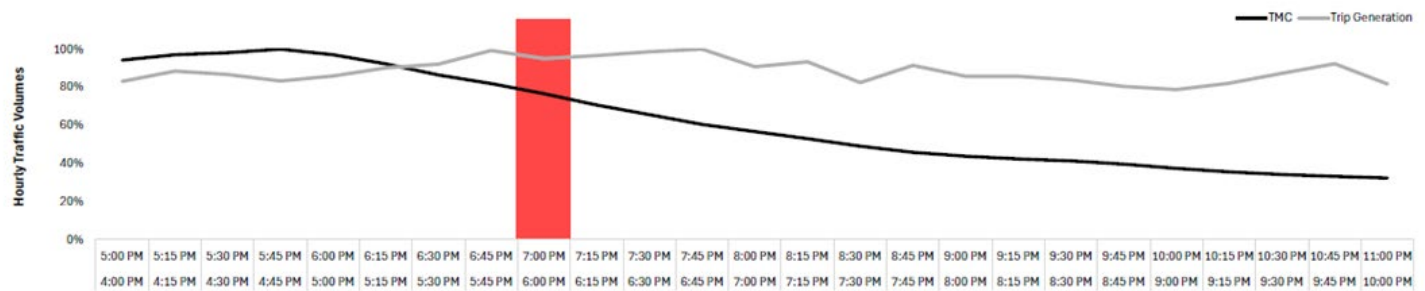


Figure 5. Comparison of Friday TMC to trip generation.



Saturday TMC data shows a clear peak from 1:15 to 2:15 PM with a steady drop after that time into the evening hours. Without a clear TMC peak in the evening, the 7:15 PM to 8:15 PM hour was selected for the analysis on Saturday evening, as during this hour both site-related and TMC data were at a high level. Although the site-related traffic peaks after the 7:15 to 8:15 PM time period, the surrounding roadway volume is significantly lower at that time. **Figure 3** illustrates the TMC and trip variation over the course of Saturday. Backup data is provided in **Appendix 2.6-6** of this FEIS.

Figure 3 - Traffic Distribution – Saturday

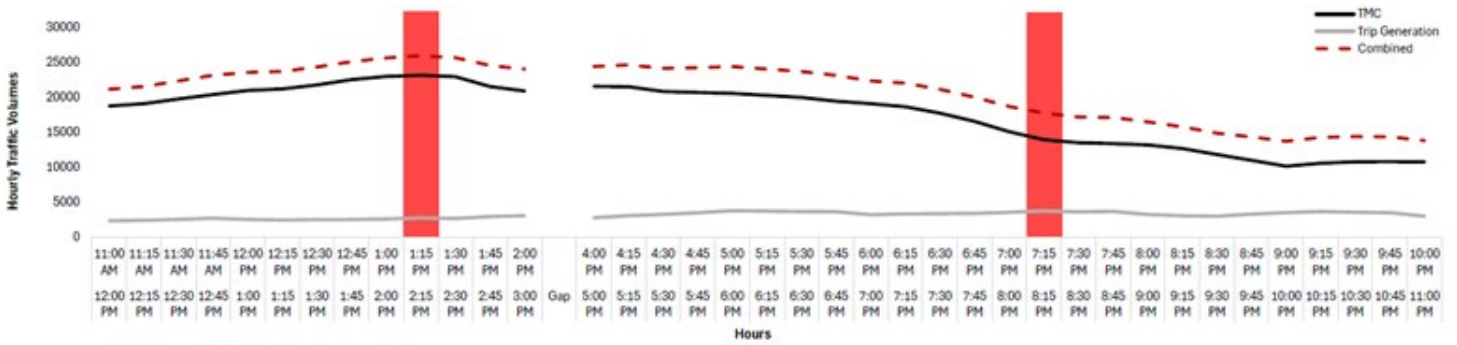
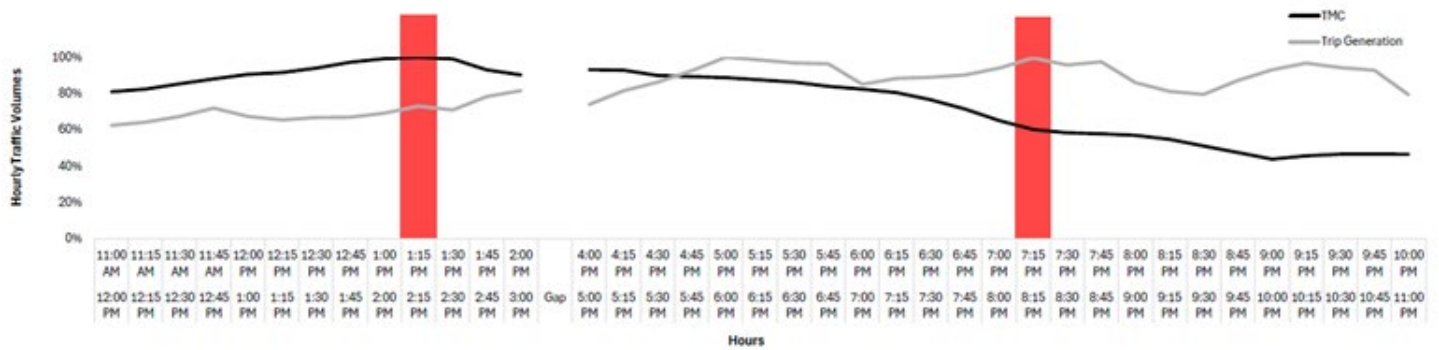


Figure 1. Comparison of Saturday TMC to trip generation.



TP-50. The Village of Garden City is extremely concerned that a significant number of delivery trucks visiting the site once it is constructed will end up on Village owned and maintained roads, which will result in increased safety concerns and required maintenance and repair work, as well as significant adverse traffic and associated air quality and noise impacts. (C61)

As explained in response to comment TP-43 above, the anticipated number and routing of deliveries/trucks was described in detail in Section 3.15.2 and Appendix 3.5-1 of the DEIS. The anticipated number and routing of deliveries/trucks was provided in the TIS Attachment E on Figures D-10a through D-10l, Trip Distribution – Deliveries and Figures E-9a1 through E-9l5, Trip Assignment. These routes do not utilize any roadways within the Village of Garden City. Based on the full-build analysis in the DEIS, eight truck trips entering and eight exiting are anticipated for each peak hour, for a total of approximately 100 truck trips projected to enter and exit per day. Delivery vehicles will not be admitted to the property unless cleared and scheduled with Sands and will be required to follow prescribed routes. Sands also committed, in a letter to the Town of Hempstead (see **Appendix 2.6-7** of this FEIS), that Sands will require construction and commercial vehicles destined to and from the Integrated Resort commit to using only the prescribed routes. The level of anticipated truck traffic represents less than 0.3 percent of background traffic during the PM peak hour on Hempstead Turnpike, for example, and will not result in significant impacts to traffic conditions. This represents a minor increase in traffic on local roadways which would not significantly impact safety, roadway wear, or air quality or noise impacts.

- TP-51. To inform the traffic analysis, a traffic data collection program was developed, including obtaining TMCs at 66 study intersections during the “typical (non-summer) period.” The DEIS fails to explain why summer traffic at the selected intersections was not studied. (C61)**

See response to comment TP-3.

- TP-52. The No-Build (2030) traffic analysis incorporates projected traffic from the operation of 15 analyzed OPDs. However, the DEIS does not include reference data on the OPDs or describe the construction traffic impacts from the OPDs, including traffic volume, patterns, and timing. Nor does the DEIS synchronize the no-build traffic, the OPD construction traffic, and the Integrated Resort construction traffic. Only combined OPD figures are provided in Attachment E. Assignment and appropriateness of OPD traffic cannot be confirmed based on the information provided. The No-Build condition improperly excludes the proposed development at 353 Union Avenue in Westbury, NY, simply because “the Village specified that there was no current action on the application.” (See TIS at page 54.) The TIS does not explain what “no current action on the application means,” but just because there is no current activity does not preclude future project activity and traffic, which the DEIS must evaluate. (C59)(C61)**

Information regarding the OPDs (including the specific types of development) was provided in Section 4.6 of the DEIS and Section 3 of Appendix 3.5-1 of the DEIS. As explained in that section, if a development was planned to be constructed and occupied prior to 2030 (the build year), the traffic associated with that project was included in the transportation analysis for the project. As is standard practice for traffic analyses as part of a SEQR process, if a project would not have a completion date of 2030 or sooner, that project was not included in the development of 2030 traffic volumes.⁷⁷ It is also not standard practice to add construction trips for OPDs to that of a proposed development, as it is not possible to calculate the construction trips for projects not under the control of a project sponsor. Actual trip generation data on each OPD is provided as Attachment I of the DEIS. The traffic assignment for each OPD is included in **Appendix 2.6-8** of this FEIS.

- TP-53. The Full-build (2030) analysis is flawed because it only considers peak traffic from the Integrated Resort and not average traffic from the Integrated Resort. If the pattern of average traffic differs from peak traffic, then it may impact different roadways that have not been analyzed in the DEIS. In addition, average traffic from the proposed project may cause a significant adverse impact at sensitive locations. An analysis of this potential is critical to a proper DEIS traffic analysis. It also does not analyze operational traffic beyond visitor traffic; for example, it fails to identify and analyze traffic related to solid waste removal, deliveries, and the like. (C61)**

The transportation analysis included in the DEIS follows industry standards and practices and is consistent with the Final Scope issued by the lead agency. The practice of evaluating peak hours ensures that the time periods of most significant impact (the worst case) are analyzed.

⁷⁷ With the exception of the previously-proposed NYU Langone Hospital facility at the Nassau Community College Campus, which was specifically included in the Final Scope

For this project, the peak hours included both the most congested time periods on the area roadway network (weekday commuter peaks typically) and the period of the most significant impact of the proposed Integrated Resort (the Saturday evening peak hour). See response to comment TP-49 for a further discussion of how the peak analysis periods were developed. As described in the response to comment TP-43 above, truck and service trips associated with the proposed Integrated Resort were also evaluated in the TIS.

- TP-54. The analysis does not describe the data or information that were used to set the percentages for the modal splits (e.g., personal automobile, ride-sharing, bus). Thus, there is no quantitative analysis of the number of gaming tables, restaurant seats and hotel rooms, employee count and service trips, product/materials/employees) and their respective occupancy and turnover rates. Without this analysis the traffic analysis cannot be properly calculated. (C61)**

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Source data for the mode splits and other factors are provided in **Appendix 2.6-2** of this FEIS. This appendix presents the page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day and includes notes regarding sources of information for factors selected.

- TP-55. The TIS indicates that "For the Friday and Saturday evening, the Friday evening peak hour of 6:00 p.m. to 7:00 p.m. and Saturday evening peak hour of 7:15 p.m. to 8:15 p.m. were used for all intersections." This being the case, it is our opinion that the analysis of the Friday Evening and Saturday Peak Hours is not representative of peak conditions and the analysis should be updated for reflect the 4:45 PM to 5:45 PM for the Friday Evening Peak Hour and 5:00 PM to 6:00 PM for the Saturday Evening Peak Hour. In addition, a similar analysis of the critical peak hours should be conducted by the Lessee to confirm that the Weekday AM Peak Hour: 7:30 AM to 8:30 AM and Weekday PM Peak Hour: 5:00 PM to 6:00 PM actually represent the peak hours of combined traffic during these time periods for the twelve (12) intersections closest to the site. The TIS notes "For the Friday and Saturday evening, the Friday evening peak hour of 6:00 p.m. to 7:00 p.m. and Saturday evening peak hour of 7:15 p.m. to 8:15 p.m. were used for all intersections." This being the case, the analysis of all intersections for the Friday and Saturday evening peak hours should be conducted for the actual peak hours identified above. (C59)**

See response to comment TP-49. As outlined in that response, the Weekday AM and Weekday PM analysis hours correspond directly to the background peak hours of traffic as well as the combined peaks of the background plus site traffic. The Friday and Saturday evening peak hours document particular peak hour conditions associated with the site-generated traffic, not the commuter peak hours. Also, the Friday evening analysis supplements, and does not replace, the Weekday PM peak hour analysis.

- TP-56. The DEIS needs to provide clear steps/calculations of how they got from 10-Million Visitors/Year to Hourly Trip Generation. What is the proposed number of casino**

gaming positions? How would this equate to the trip generation rates provided in the TEC Memo contained in Attachment J? The TIS says that the estimates are conservative based on the gaming position rates in the TEC Memo, but this can't be confirmed without the information on the number of proposed gaming positions. It difficult to confirm the accuracy of the estimated traffic generation volumes, which could be more than 20,000 cars daily, without the number of gaming positions. The report does not disclose the number of visitors during weekdays and weekends and does not disclose the percentage of visitors who will be from Long Island or off Long Island. Comparison is made to other data available for the Mohegan Sun Casino and MGM Detroit Casino based on data contained in a memo prepared by The Engineering Corp, dated September 20, 2013, included in Attachment J of the TIS. Conclusion is made in the TIS that the traffic generation used in the report are comparable to or less than if the traffic generation estimates were based on the data for the Mohegan Sun Casino and MGM Detroit Casino. However, it is not clear how this conclusion is made since the traffic generation data for the Mohegan Sun Casino and MGM Detroit Casino are based on the number of casino gaming positions provided at each location. No information on the proposed number of gaming positions for the proposed casino has been provided anywhere in EIS. (H23)(H12)(C59)

See response to comment TP-54. Section 3 of the TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort, starting from annual casino patrons and providing data regarding variations by month and then day of week. The source data for the mode splits and other factors, and all hourly calculations, are provided in **Appendix 2.6-2** of this FEIS. The comparison between the trip rate for the proposed Integrated Resort and the Mohegan Sun Casino and MGM Detroit Casino was calculated in the TIS based on the trip generation per square footage, not per gaming positions.

See response to comment PA-2 for detailed comparisons of trip generation factors based on visitation, gaming square footage and gaming positions for various casino resorts to the proposed Integrated Resort, all of which validate the trip generation used in the TIS.

- TP-57. Trip generation for the hotel in Attachment J appears very low compared to ITE. ITE shows peak hour total vehicle trips of 606 during AM and 813 for PM. Attachment J shows Peak of 299 on Tuesday, 149 on Friday and 169 on Saturday. The methodology for these numbers is not clear. The traffic generation estimates show that the hotel traffic generation is higher on a Tuesday than on Friday/Saturday. This should be reviewed and clarified. It does not intuitively make sense that Hotel generation could be higher on a Tuesday than on a Friday/Saturday nor does ITE support this conclusion. ITE does not provide specific hourly data for Hotel Generation for Friday or Saturday. How were these numbers determined? There are similar Issues for Retail and Food/Beverage (Restaurant Uses). (H12)(C59)**

As discussed in the TIS (Appendix 3.5-1 of the DEIS) in Section 3 beginning on Page 62, the trip generation for the proposed Integrated Resort accounts for its nature as a multi-use site and the interaction between uses in the form of internal trip-making. This comment ignores the effect of the relationship between multiple uses on the site and the internal capture of trips among the various uses on-site. As seen in Tables 16 through 19 in Section 3 of the TIS,

the casino patron trip generation on Friday evenings and on Saturday is almost double to almost triple that on a Tuesday evening (see table below).

Table 8 - Casino Patron External Trip Generation

Tuesday PM Peak	1,124
Friday PM Peak	2,047
Saturday Midday Peak	2,214
Saturday Evening Peak	3,102

In addition to a significantly larger casino patron base leading to more internal trips with the hotel use, as noted in Table 14 in Section 3 of the TIS (Appendix 3.5-1 of the DEIS), and discussed on Page 63 thereof, the internal capture rate for the hotel use on Fridays and weekends used in the study is 75 percent as compared to 50 percent Monday through Thursday. This accounts for a larger percentage of hotel patrons visiting the casino as compared to potential business travelers during the week. The numbers cited in the comment reflect the net external trip generation after internal trips are accounted for and not the typical characteristics of a hotel that would exist in isolation (not part of an interrelated, multi-use development). The ITE rates for a hotel do not reflect the significant internal capture that would occur with the proposed Integrated Resort.

Retail and restaurant trip generation were developed using time of day distributions directly from ITE and are subject to the same effect on internal trip making due to larger numbers of casino patrons as described above. All factors applied are discussed in Section 3 of the TIS and provided in Attachment J to Appendix 3.5-1 of the DEIS.

TP-58. Traffic generation of the meetings and conferences is based on "a daily average of 1,000 attendees." What is the potential peak attendance that could be accommodated in the Meetings/Conference Space? How would this potentially impact the traffic generation associated with this space? (C59)

As explained in response to comment PA-22, the proposed meeting and conference center could accommodate weddings and other non-conference events. The TIS, Appendix 3.5-1 of the DEIS, utilized a typical daily usage of 1,000 attendees per day as a reasonable estimate of activity in the meeting and conference space, as indicated by Sands based on their experience and expectations for the proposed Integrated Resort.

While it is not possible to accurately predict an exact number of non-conference events or their frequency, logistics and staffing would inherently limit the number of activities that could concurrently take place at the meeting and conference space. As an example, business meetings typically utilize multiple rooms – rooms for actual meetings, rooms for meals, breakout rooms. Weddings are similar in that multiple rooms are also assigned for one event – cocktail hour rooms, and main event rooms. Also, when a space is being used for a full-day meeting or conference, it is not feasible to utilize those rooms for a wedding, due to the time associated with room breakdown, clean up and setup. Furthermore, given the proposed configuration of the meeting and conference space (see **Appendix 2.1-1** of this FEIS), a maximum of three weddings could be held concurrently. The average guest count at

weddings in Nassau County in 2024 ranges from 277 to 287.⁷⁸ So, if three weddings were held concurrently, the maximum attendees would be under 900. Also, the meeting and conference space is primarily used on weekdays for meetings, and on weekends for weddings and similar social events. Accordingly, the 1,000 average attendees is reasonable for impact analysis purposes.

TP-59. Details of how the Performance Arts Center traffic generation volumes were calculated for the Alternative Development should be provided. No backup information is provided to justify the identified volumes other than Note G, which indicates "Trip generation estimate based on Vehicle Occupancy/Entering and Exiting Counts at Nassau Veterans Memorial Coliseum". (C59)

Trips associated with the Performing Arts Center were calculated using steps consistent with those used for the proposed Integrated Resort program. Details on those rates and adjustments are provided in Attachment J to Appendix 3.5-1 of the DEIS and in **Appendix 2.6-2** of this FEIS.

TP-60. What are the specific peak hours of traffic being analyzed for the Alternative Development Scenario? (C59)

As outlined in Section 9 of the TIS (Appendix 3.5-1 of the DEIS), based on the uses and densities proposed, the Alternative Development Scenario is anticipated to peak at the typical commuter and roadway peaks: commuter AM, commuter PM and Saturday midday. The specific peak hours within those peaks that were used in the analysis of the Alternative Development Scenario are the same as those used for the Integrated Resort. Specifically, 7:30 to 8:30 AM and 5:00 to 6:00 PM on a weekday, and 1:15 to 2:15 PM for Saturday midday were studied for this scenario.

TP-61. No analysis of the potential parkway impacts has been included as part of the Alternative Development Scenario. Similarly, the improvements identified as part of the Alternative Development Scenario do not include any improvements on the parkways. Considering the potential additional traffic from the development is identified to be similar to the Casino Development traffic generation during the Weekday PM and Saturday Peak Hour, it is not clear why an analysis of parkway impacts has not been conducted to assess potential need for improvements along the parkway associated with the Alternative Development Scenario. It is our opinion that this should be provided. (C59)

A VISSIM analysis was completed to assess the impacts of the Alternative Development Scenario, and the results of this analysis are included in **Appendix 2.6-9** of this FEIS. This analysis included an evaluation of the potential traffic impacts of the Alternative Development Scenario on sections of the Northern State Parkway, the Meadowbrook State Parkway and the Southern State Parkway, similar to how the proposed Integrated Resort was evaluated and

⁷⁸ The Wedding Report. *Nassau NY Wedding Market Statistics 2024*. Available at: https://wedding.report/index.cfm/action/wedding_statistics/view/market/id/36059/idtype/c/location/Nassau_NY/. Accessed April 2025.

discussed in Section 4 of the TIS (Appendix 3.5-1 of the DEIS). In addition, the ramp junctions along Hempstead Turnpike and along Charles Lindbergh Boulevard at their interchanges with the Meadowbrook State Parkway were evaluated. This evaluation identified needed capacity improvements on Hempstead Turnpike, the Northern State Parkway and the Meadowbrook State Parkway to predominantly address existing and future No-Build background conditions.

With respect to the analysis of the Alternative Development Scenario, Section 9 of the TIS explained, in pertinent part:

In considering this Alternative Development Scenario, it is important to note that a typical mixed-use development will experience its peak activity more in line with the commuter peak hours for the roadway network. This is to say, unlike the Integrated Resort, the level of traffic activity would be reduced for this alternative during the evening hours when area traffic volumes are also lower. Therefore, in order to evaluate the impacts of the Alternative Development Scenario, the analysis focused in on the typical commuter peak hours on a weekday (7:00 AM to 9:00 AM in the AM and 4:00 PM to 6:00 PM in the PM) as well as the Saturday midday peak hours.

Unlike the proposed Integrated Resort that is the main focus of this study, it should be noted that the Alternative Development Plan will not draw visitors on a regional level to anywhere near the same degree. As such, the traffic generation patterns are focused more on the local roadway system in the vicinity of the Nassau Veterans Memorial Coliseum property. Furthermore, as with past studies of mixed use [sic] development proposals, as each component of the alternative development would draw from the same pool of local residents, a single distribution was developed which was applied to the entire net trip generation for the scenario. This remains consistent with the previously approved methodologies employed for a mixed-use development on the Nassau Veterans Memorial Coliseum property.

Given the significant differences in the traffic-generating characteristics between the proposed Integrated Resort and Alternative Development Scenario presented in the DEIS, the impacts on the parkway system differ markedly. The traffic volumes that the Alternative Development Scenario would place on the parkways are significantly lower than those associated with the proposed Integrated Resort, with correspondingly lesser impacts on the parkway segments within the study area. This difference can be seen in the VISSIM results in **Appendix 2.6-9** of this FEIS.

The table below illustrates these differences and provides the percentage of Sands traffic relative to background traffic for both the proposed Integrated Resort and the Alternative Development Plan for various parkway segments.

Table 9 - Full-build Traffic vs. Background Traffic – Weekday PM Peak Hour Combined Northbound and Southbound

Location	2030 No-Build	Integrated Resort		Alternate Development Plan	
		2030 Trip Gen	% Sands Traffic Relative to Background Traffic	Trip Gen	% Sands Traffic Relative to Background Traffic
Northern State Parkway East of Meadowbrook State Parkway	7,918	319	4.0%	134	1.7%
Northern State Parkway West of Meadowbrook State Parkway	11,390	791	6.9%	156	1.4%
Meadowbrook State Parkway between Northern State Parkway and Old Country Rd	10,450	1,110	10.6%	264	2.5%
Meadowbrook State Parkway between Old Country Rd and Zeckendorf Blvd	9,830	1,219	12.4%	384	3.9%
Meadowbrook State Parkway between Zeckendorf Blvd and Merchants Concourse	9,062	1,219	13.5%	384	4.2%
Meadowbrook State Parkway between Merchants Concourse and Stewart Ave	8,863	1,219	13.8%	384	4.3%
Meadowbrook State Parkway between Stewart Ave and CD Road	8,863	1,219	13.8%	384	4.3%
Meadowbrook State Parkway between CD Road and Charles Lindbergh Blvd	7,442	0	0.0%	0	0.0%
Meadowbrook State Parkway between Charles Lindbergh Blvd and Hempstead Tpke	8,172	341	4.2%	311	3.8%
Meadowbrook State Parkway between Hempstead Turnpike and Southern State Parkway	10,034	720	7.2%	577	5.8%
Meadowbrook State Parkway between Southern State Parkway and Babylon Tpke	8,928	109	1.2%	95	1.1%
Southern State Parkway east of Meadowbrook State Parkway	9,249	296	3.2%	246	2.6%
Southern State Parkway west of Meadowbrook State Parkway	9,081	315	3.5%	246	2.7%

The table demonstrates the significant differences in parkway volumes associated with the two development scenarios. Significantly, the traffic associated with the Alternative Development Scenario is significantly lower than that associated with the proposed

Integrated Resort. This is most pronounced north of the subject site where site volumes for the Alternative Development Scenario are roughly one-third of those projected for the proposed Integrated Resort, and the lower traffic levels are evident south of the subject site as well. These lower volumes are documented in the VISSIM results in **Appendix 2.6-9** of the FEIS and are reflected in the proposed mitigation developed for the Alternative Development Scenario discussed below.

Response to comment TP-116 presents relevant information regarding the mitigation package for the parkways for the proposed Integrated Resort and its relationship to the provision of increased capacity on a freeway. This response indicates, in pertinent part:

As with most capacity improvements, increases in capacity on the parkway are associated with the addition of travel lanes. These lanes have capacities on the order of 2,000 passenger vehicles per hour per lane (pvphpl) and can only be added in their entirety. There are only very large increments of capacity increases that can be applied, and the lane additions proposed by Sands greatly exceed that necessary to accommodate impacts of the Integrated Resort. This being the case, significant thought and effort was put into determining where these additional lanes should be provided, accounting for the level of site traffic in that area, as well as the effectiveness of the widening in providing improvements to traffic operations.

Based on the results of the VISSIM analysis performed for the Alternative Development Scenario, that alternative does not warrant the mitigation at the north end of the parkway (north of Zeckendorf Boulevard), which is proposed for the Integrated Resort, due to the lesser traffic volumes associated with the alternative. Site traffic volumes south of the subject site (south of Hempstead Turnpike) associated with the Alternative Development Scenario are also less than those associated with the proposed Integrated Resort. The increases in traffic expected in these areas for the Alternative Development Scenario (between 1.1 percent and 5.8 percent) have limited impact on parkway operations during peak hours of study, including the critical weekday PM period. However, as found under the Integrated Resort Full-Build conditions, and discussed in Section 4 of the TIS (Appendix 3.5-1 of the DEIS), a bottleneck currently exists at the Meadowbrook State Parkway at Southern State Parkway interchange, which is impacted to a lesser degree by site traffic under the Alternative Development Scenario. As explained in the TIS:

As previously mentioned, this bottleneck impacts southbound Meadowbrook State Parkway traffic; additionally, it impacts eastbound Southern State Parkway traffic. Both impacts are due to an existing substandard interchange weave segment on eastbound Southern State Parkway. This weave segment is between the southbound Meadowbrook State Parkway ramp to eastbound Southern State Parkway and the eastbound Southern State Parkway ramp to northbound Meadowbrook State Parkway. In existing conditions, this weave segment is already congested and overcapacity, resulting in slow traffic on eastbound Southern State Parkway in all five peak hours and slow traffic on southbound Meadowbrook State Parkway in the Weekday PM peak hour. In No Build 2030 conditions, traffic flow continues to degrade.

In Build 2030 conditions, despite the addition of only a few hundred additional vehicles to the weave segment, the traffic flow breaks down in the Saturday Midday and Saturday Evening peak hours. This appears to be a condition where the interchange is already overcapacity, and the addition of demand pushed it into a "failing" condition. It

is important to note that traffic demand would eventually materialize within a few additional years even without the Integrated Resort. Mitigating the overcapacity weave segment would require an interchange modification, including the construction of at least one new flyover ramp. This level of mitigation is beyond the contributing impact associated with this project, particularly given the existing congested state of the interchange and the relatively low amount of traffic that the Integrated Resort is adding to this specific interchange.

The mitigation identified for the Alternative Development Scenario, detailed below, includes improvements to the Meadowbrook State Parkway at the Southern State Parkway Interchange, as follows:

- › Extension of the deceleration lane onto the ramp from eastbound Hempstead Turnpike to southbound Meadowbrook State Parkway (approximately 500 feet) and extension of the acceleration lane from the same ramp onto the southbound Meadowbrook State Parkway (approximately 400 feet).
- › Extension of the two-lane section of the ramp from eastbound Charles Lindbergh Boulevard to southbound Meadowbrook State Parkway (approximately 350 feet) and extension of the acceleration lane from the same ramp onto the southbound Meadowbrook State Parkway (approximately 450 feet).
- › Construction of a deceleration lane on the Southbound Meadowbrook State Parkway for the southbound Meadowbrook State Parkway Ramp to the westbound Southern State Parkway (approximately 500 feet).
- › Extension of the two-lane section of the ramp acceleration lane from southbound Meadowbrook State Parkway to westbound Southern State Parkway (approximately 350 feet) and extension of the one-lane acceleration lane to restore the length of the one-lane acceleration lane (approximately 300 feet).

The infrastructure outlined above is, in many cases, needed due to existing constraints in the roadway network, and not required due to impacts associated with the Alternative Development Scenario.

Also, similar to the proposed Integrated Resort, the mitigation for the Alternative Development Scenario does not include an interchange modification at the Meadowbrook State Parkway/Southern State Parkway interchange, as this level of mitigation is beyond the contributing impact associated with Alternative Development Scenario. As explained above, the need for the interchange modification at the Meadowbrook State Parkway/Southern State Parkway is due to the existing congested state of the interchange. The amount of site-generated traffic that the Alternative Development Scenario would contribute to the interchange is very low (and even less than what would be contributed by the proposed Integrated Resort), as demonstrated in the above table.

TP-62. The Alternative Development Scenario analysis identifies a credit of 5% Transit Usage, however there is no indication of what this entails, i.e. bus, train, etc. How does this compare to existing transit usage in the area. (C59)

The five percent transit use mode share is on the low-side/conservative and consistent with, or lower than, the public transportation mode share revealed in the Census Journey to Work

information (2022 ACS 5-Year Estimate) for trips in this area. Section 6 of the TIS, included as Attachment 3.5-1 of the DEIS, outlines impacts to public bus services (beginning on Page 152) and impacts to the LIRR (on Page 152). This evaluation concludes that the existing NICE bus network and the LIRR have significant capacity available to accommodate additional ridership.

Also see responses to comments TP-30 and TP-31.

TP-63. Would a shuttle be provided to the train considering the 500 apartment units that would be proposed in the Alternative Development Plan? (C59)

There are currently no plans to provide shuttle service from the subject site to area railroad stations under the Alternative Development Plan, as the demand from a development of such size would not support a shuttle. A determination of the level of potential LIRR new ridership associated with the 500 apartment units in the Alternative Development Plan was performed by calculating the number of anticipated employed persons that would reside at the subject site and how many of those people could be expected to use the LIRR.

The Alternative Development Plan contains a total of 500 residential units. None of these units are planned as age-restricted. As noted in Section 8.2.8 of the DEIS, EY projected a direct population of 949 persons for the proposed 500 residential units in the Alternative CMP, based on 2022 United States Census data for the area. Of these residents, 45 are anticipated to be school-aged children, resulting in 904 non-school aged persons residing on the site.

To determine the residents of the development who would likely be employed, as well as other relevant statistics, data available from the U.S. Census Bureau's Population Estimates Program was utilized. According to the US Census Bureau Website (Census Bureau Data) dataset *Means to Transportation to Work by Selected Characteristics* for Uniondale, NY (2021), it is expected that 61.2 percent of persons residing at the subject site will work (554 persons). Some portion of this working population can be expected to utilize the LIRR for commutation to their place of work. The same census data indicated that in the Uniondale CDP, 10.6 percent of workers took some form of public transportation as part of their commute. While a specific percentage relating to LIRR usage is not available, eight percent is utilized here to estimate LIRR usage, as a portion of this 10.6 percent is assumed to use public transportation other than the LIRR.

Applying eight percent as LIRR users results in an estimated 44 potential site residents that would use the LIRR. It is unlikely that all 44 persons would take a shuttle, as many LIRR riders drive their own personal cars to the LIRR station. Also, it is unlikely that these 44 residents would all commute at the same time. Thus, there would not be sufficient demand to support a shuttle for a 500-unit residential development on the subject site.

TP-64. It seems highly unlikely that all 50,000 sq. ft. of restaurant space would be Quality/Fine Dining Restaurant under this scenario as is assumed in the analysis. Fast-food, high-turnover sit-down, or fast casual restaurants would significantly change restaurant traffic generation. (C59)

The identification of the restaurant space as Quality/Fine Dining, and the utilization of the Institute of Transportation Engineers (ITE) land use classification appropriate for that type of

facility, was based on discussions with Sands. Lower internal capture percentages were applied to this restaurant space, as it is expected that a significant number of visitors (local residents and employees in area businesses) would patronize these restaurants as a destination (i.e., without visiting another component of the proposed Integrated Resort). Other ITE land use classifications for restaurants, such as fast food and high turnover sit-down restaurants, are associated with significant passby trips or trips made among other destinations. Thus, the use of the Quality/Fine Dining Restaurant classification to project trip generation in the DEIS was appropriate.

Furthermore, if the ITE land use classifications suggested in the comment (i.e., fast-food, high-turnover sit-down, or fast casual restaurants) were applied, it would have no measurable effect on overall trip generation.

- TP-65. The TIS indicates that "the public attraction is expected to generate a maximum daily attendance of 3,000 patrons spread throughout the course of the day." There is no information on what this will actually be other than to say it is a 60,000 SF public attraction space. How can we know if 3,000 patrons per day is a reasonable number without knowing what it will be? The study indicates "The daily trips were shifted to account for the hours of operation for the public attraction space. The detailed trip generation estimate is included in Attachment J." Based on this statement, it would appear that there is some idea of what this Public Attraction space will be, and more information is available. (C59)**

As stated in response to comment PA-11, Section 2.4.3.1 of the DEIS explained that the proposed Integrated Resort intends to provide approximately 60,000 SF of public/experiential attraction space and indicated that "[s]ince customer tastes and preferences change, Sands is proposing to wait until closer to property opening to finalize a specific attraction." It is Sands' intention to gather additional input from the community as to the public/experiential attraction space. However, this space is not meant to be a separate "destination" that would attract people that are not destined to other components of the Integrated Resort. Thus, it is not designed for or expected to draw a significant number of users who are not already on the property (i.e., visiting another component of the Integrated Resort).

Despite this, and in order to provide a conservative analysis, based on discussions with Sands, the TIS included 3,000 attendees per day (i.e., that were not already at the Integrated Resort for another purpose). The distribution over the hours of the day were based on the typical operating hours for a public attraction (10:00 AM – 10:00 PM) and, as stated on page 60 of the TIS (Appendix 3.5-1 of the DEIS), "entering and exiting trips for the weekday and Saturday were distributed throughout the day based on ITE LUC 411 – Public Park."

- TP-66. For the arena/performance venue, the TIS indicates that "...trip generation estimate for this use was completed using Lessee provided site-specific data." No reference information was provided for confirmation. Furthermore, the TIS indicates "the entering and exiting trips were distributed throughout Friday and Saturday based on arrival and departure distributions associated with a New York Islanders Hockey game." No reference information was provided for confirmation. (C59)**

As explained in response to comment TP-54, the TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Source data for the mode splits and other factors are provided in **Appendix 2.6-2** of this FEIS. This appendix presents the page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day and includes notes regarding sources of information for factors selected. This appendix includes this data for the performance venue.

- TP-67. None of the employee numbers and shift patterns from Marina Bay Sands casino (which were used to estimate the proposed employee numbers/shifts) were provided as support for trip generation estimates. (C59)**

The employee shift information is included in **Appendix 2.6-10** of this FEIS.

- TP-68. The Tables provided in Attachment J provide only the "Final" Trip Generation Estimates for each land use. There is no clear methodology/intermediate calculations provided. It is assumed that there are various calculations that were completed to get to these numbers, but there is not enough information provided to recreate or confirm these numbers. The base traffic generation assumptions from ITE or otherwise should be provided for confirmation. (C59)**

The TIS (Appendix 3.5-1 of the DEIS) included a detailed description of the methodology followed to determine the trip generation for each component of the proposed Integrated Resort. Detailed trip generation calculations are provided in **Appendix 2.6-2** of the FEIS. This appendix presents page-by-page spreadsheet calculations for each land use and population for each 15-minute period of the day and includes notes regarding sources of information for factors selected.

Section 3 of the TIS in Appendix 3.5-1 of the DEIS explains the steps followed to calculate the trip generation, and detailed trip generation information is included in Attachment J of the TIS. Source data for the mode splits and other factors are provided in **Appendix 2.6-2** of this FEIS.

- TP-69. The study presents Travel Mode Factors in Table 12 of the TIS, but no support for how these modal factors were derived is provided in the study. These are critical to the traffic generation estimates. (C59)**

Calculations for factors outlined for each land use are provided in **Appendix 2.6-2** of this FEIS.

- TP-70. Vehicle Occupancy assumptions are provided in Table 13 of the TIS, but no support for how these vehicle occupancy numbers were derived is provided in the study. These are critical to the traffic generation estimates since all estimates are based on Person Trips. (C59)**

Source data for the mode splits and vehicle occupancy are provided in **Appendix 2.6-2** of this FEIS. Vehicle occupancy numbers are within accepted industry standards.

- TP-71. The tables provided in Attachment J are not clear for public review. The 15-minute hourly periods should be explained. Columns for "Total Person Trips" are provided but not labeled. (C59)**

An updated trip generation table is provided in **Appendix 2.6-2** of this FEIS with additional labeling.

- TP-72. Internal Capture Percentages are presented in Table 14 of the TIS. We understand the use of engineering judgement to determine these credits, but it is not clear from the "Final Trip Generation Numbers" in Attachment J how these credits were specifically applied. (C59)**

The internal capture percentage is a reduction in trip generation to account for the trips to one land use that have also visited another land use on the subject site (such that their "trip" to the overall Integrated Resort property has already been accounted for in the trip generation calculations). The analysis is presented in **Appendix 2.6-2** of this FEIS in tables that supplement the information presented in the DEIS.

- TP-73. The TIS makes a comparison to an Islander's Hockey Game (attendance 13,900+) traffic generation to show that the proposed use will be comparable to the previous Coliseum Events. However, no detailed traffic information for the Coliseum Event is provided to support the numbers provided in Table 21 of the TIS nor any indication of the source of the data. While the comparison to the Islander's Hockey game is reasonable for the comparison of Peak Hours, the Islander's Hockey game and most other events at the Nassau Veterans Memorial Coliseum would typically experience an approximately 2-hour period of entering generation prior to an event, a lull of little to no traffic generation during an event and then a surge of traffic exiting after the event for a 1 to 2-hour period, whereas the proposed Project will have traffic generation 24-hours per day, 365 days per year. Even during peak use of the Coliseum daily events were not a regular occurrence (at most four times a week, during the evening hours). For these reasons comparison to the former Nassau Veterans Memorial Coliseum use is not a reasonable comparison. Furthermore, based on available data, the Nassau Veterans Memorial Coliseum has a maximum capacity of approximately 13,900 for hockey, 14,500 for basketball, and 16,000 concerts. Based on the data provided in the TIS, it is estimated that the Casino resort could experience between 20,000 and 55,000 visitors per day during peak months and operate 24/7 365 days a year. This represents a nearly 3.5 - 4x increase in visitors to the site over previous use of the site. The TIS should provide a discussion of peak use of the Coliseum regarding how many events per year were typically held and how that compares to the everyday operation of the Sands Resort. (H29)(C32)(C36)(C56)(C59)(C118)**

The comment is asserting that the TIS for the proposed Integrated Resort (Appendix 3.5-1 of the DEIS) used peak event traffic volume for a hockey game at the Nassau Veterans Memorial

Coliseum as a baseline for analysis of the proposed Integrated Resort peak month Saturday traffic volume. However, this is not the case. This information was merely presented as a point of reference that the subject property, and the area roadways, have experienced similar peak levels of traffic. This data was not used as a baseline condition for any of the traffic analyses performed for the proposed Integrated Resort.

- TP-74. The number of anticipated deliveries/trucks per day is not identified or discussed at all as was requested in our 9/16/24 Comments. The report ancillary discusses distributions of trucks with the Shuttle & Delivery Distribution discussion in the DEIS. It isn't possible to enforce specific truck routes. The Deliveries trip assignment figures for each of the peak hours ("E" Figures in Attachment E of the TIS) appear to blindly show 8 entering and exiting delivery trips during each of the peak hours with no justification for the number of trips. The discussion of Shuttle and Delivery Distributions does not provide any discussion of deliveries other than to note the location of the Delivery distribution figures. (C59)**

As explained in response to comment TP-43, the anticipated number and routing of deliveries/trucks was described in detail in Section 3.15.2 and Appendix 3.5-1 of the DEIS. Eight truck trips entering and eight exiting are anticipated for each peak hour, for a total of approximately 100 truck trips projected to enter and exit per day, which is not significant. Taking into account truck prohibitions and typical preferred truck routing as well as mapping software regarding travel times, the likely routes to and from the proposed Integrated Resort were determined. Sands will require that vendors adhere to the preferred routes.

- TP-75. The analysis of Phase 1 indicates that trip distributions for Phase 1 will be the same as the full buildout distributions. However, the Phase 1 development will not include the development of the hotels proposed as part of the Full Build-out. Since there will be no hotels as part of the Phase 1 development, it is anticipated that the Casino will be a more local draw rather than the regional draw that it will be under the Full Build-out scenario. A sensitivity analysis of Phase 1 conditions accounting for a more local draw of the casino under these conditions should be provided to assess potential impacts to local intersections under these conditions. (C59)**

Although no hotels were included in the Phase 1 program presented in the DEIS, the Marriott Hotel would continue to function adjacent to the proposed Integrated Resort and would be expected to serve those destined to the Integrated Resort. Also, as explained in response to comment CON-2, since the time of DEIS preparation, the phasing has been revised such that Phase 1 will include at least a portion of multiple components, including a 250-room hotel. The impacts of this revised phasing are evaluated in response to comment CON-2.

- TP-76. Between Phase 1 and Full Build-out is it anticipated that other portions of the development will be occupied as they are completed, or will all portions of the Full Build-out development be occupied at the same time in 2030? If occupancy as the additional portions are completed, it needs to be identified when specifically further improvements associated with the Full Build-out are actually needed. For example, are the Meadowbrook State Parkway improvements needed sooner than 2030 to**

accommodate portions of the Full Build-out development occupied sooner than 2030? Or will there be a condition of approval that occupancy of the Full Build-out cannot occur until the Full Build-out improvements are completed? (C59)

It was not contemplated that interim occupancy would occur during the Phase 1 and full-build conditions presented in the DEIS. However, as explained and analyzed in response to comment CON-2, since the time of the DEIS, phasing has been revised, such that the proposed Phase 1 program now includes:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)
- › Performance Venue (58,200 SF – 1,500 seats)
- › Support Areas (326,977 SF)
- › MEP Areas (210,953 SF)
- › Veterans Memorial

The build year for the revised Phase 1 would be 2030, and the remainder of the full-build Integrated Resort would be developed as market conditions and demand allow. Despite when or whether the remaining “full-build” development is actually constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

TP-77. No figures are provided for the distributions of traffic along the Parkways like those provided for the area intersection on Figures D-2a through D-101. This makes confirmation of trip assignments and distributions difficult, especially since the trip assignments for the Restaurant, Retail, Public Attraction, Theater and Meetings/Conference trips have been combined onto one set of figures. (C59)

The trip generation volumes on the parkways for each land use were developed as part of Section 3 of the TIS, included as Appendix 3.5-1 of the DEIS. The resulting traffic assignments on the parkways are provided in **Appendix 2.6-11** of this FEIS.

TP-78. The Delivery Distributions indicate use of Glen Cove Road to Old Country Road to Merrick Avenue to get between the Long Island Expressway (1-495) and the site. Similar routing is identified for deliveries departing the site as well. GPS devices and mapping programs indicate other recommended routes. How will the proposed routes be enforced? Could this become a local enforcement issue for the nearby municipalities? Commercial traffic (e.g., deliveries) will be created, but it has not been considered in

the DEIS. There will be tens of thousands of pounds of materials moving through Garden City and surrounding communities. (H36)(C59)

The anticipated number and routing of deliveries/trucks was provided in the TIS Attachment E on Figures D-10a through D-10l, Trip Distribution – Deliveries and Figures E-9a1 through E-9l5, Trip Assignment – Deliveries (in Appendix 3.5-1 of the DEIS). Eight truck trips entering and eight exiting were projected for each peak hour. This corresponds to approximately 100 truck trips entering and existing per day, which represents a conservative estimate of the anticipated truck traffic at this location and represents a minor increase in traffic on local roadways.

Taking into account truck prohibitions and typical preferred truck routing as well as mapping software regarding travel times, the likely routes to and from the Integrated Resort were determined and illustrated in the referenced figures. Sands will require that vendors follow prescribed truck routes. Also, see response to comment TP-43.

- TP-79. For all uses in the Alternative Development scenario based on ITE data, the ITE manual should be reviewed to confirm whether ITE recommends the use of the average rate or fitted curve equation for each time period. In many instances the fitted curve rates are recommended and would result in higher traffic generation. (C59)**

To avoid criticism for variations, for each land use, the fitted curve or average rate for the Alternative Development scenario land uses was used, consistent with that used for the proposed Integrated Resort.

- TP-80. How many more tractor trailers will be required to support the project on a daily basis? (C19)**

As explained in response to comment TP-74 above, the anticipated number and routing of deliveries/trucks was provided in the TIS Attachment E on Figures D-10a through D-10l, Trip Distribution – Deliveries and Figures E-9a1 through E-9l5, Trip Assignment – Deliveries (in Appendix 3.5-1 of the DEIS). Eight truck trips entering and eight exiting were projected for each peak hour, which would result in a minimal impact, even if they were tractor trailers.

- TP-81. The UBS arena experience proves that traffic cannot be mitigated and Nassau County cannot handle 27,000 (up to 55,000 estimated for peak demand days) visitors per day to the hub. In addition, there is an element of consumer choice in transportation. Given the choice, most car owners would choose to drive to the casino if it is in a suburban area like the Hub. Additional commercial activity around the casino might draw even more traffic to the area. (C29)**

The use and location of UBS is not relevant to the location or use of the subject property. As required by the Final Scope, the transportation impacts of the Integrated Resort were fully evaluated in Section 3.5 of the DEIS, with the complete TIS included in Appendix 3.5-1 of the DEIS. Extensive mitigation has been proposed by Sands to mitigate traffic impacts and to improve conditions for the traveling public, as summarized in Section 1.3.5 of the DEIS. In

addition to significant roadway improvements, Sands has committed to employing TDM measures to encourage trips via transit to the extent possible.

- TP-82. In addition to the 'regular' volume of traffic, there will be even greater volumes of traffic whenever there is: a special concert within the facility; a scheduled show performance (e.g., Cirque Soleil); any special promotion (e.g., similar to ones being run by Jake's 58); and all holiday, Fridays, and Saturday nights. (C29)**

To analyze a conservatively high condition, the TIS, included as Appendix 3.5-1 of the DEIS, included a transportation impact analysis of the highest visitation trip hour of the week during the peak month of casino visitation. Thus, the evaluation in the DEIS presents a conservative analysis of a peak condition, which considers event traffic.

- TP-83. The traffic count program seriously undervalues the nearby schools, significantly those of the Uniondale UFSD. The School District contains eight (8) schools within its system. These are: the California Avenue Elementary School; the Northern Parkway Elementary School; the Uniondale High School; the Grand Avenue Elementary School; the Smith Street Elementary School; the Walnut Street Elementary School, the Lawrence Road Middle School; and, the Turtle Hook Middle School. While these schools are in close proximity to the proposed development, the major intersections surrounding these schools are not always addressed. Accordingly, the following intersections should be added to the scope of study: 1. Hempstead Turnpike at Lawrence Street; 2. Front Street at Maple Grove Avenue; 3. Jerusalem Avenue at Smith Street; 4. Jerusalem Avenue at Union Drive; 5. Uniondale Avenue at Northern Parkway; 6. Nassau Road at Northern Parkway 7. Uniondale Avenue at Goodrich Street; 8. Front Street at Compass Street; 9. Greenwich Street at Milburn Avenue; 10. 975 Jerusalem Avenue; 11. Grand Avenue at Southern State Parkway eastbound off ramps; 12. Grand Avenue at Southern State Parkway westbound off ramp; 13. Weir Street and Baldwin Avenue. It is recommended that the weekday afternoon count period begin at 2:00 p.m. rather than 3:00 p.m. Further, because departure time is so important to the school system, the peak departure time period (typically 2:00 to 3:00 p.m.) should be specifically addressed rather than combined with an overall PM Peak Highway Hour. (C14)**

See responses to comments TP-14 and TP-20. The scope of the TIS was directed by the Final Scope for the DEIS issued by the lead agency. The TIS evaluated a very large study area including 66 intersections along with significant segments of the Meadowbrook State Parkway, Northern State Parkway and Southern State Parkway. The study area was formulated to capture locations where the proposed project was likely to result in potential significant adverse impacts to traffic conditions and, where such potential impacts were identified, to propose mitigation to address those impacts. Locations not included in the TIS study area, including those listed above, were omitted because project impacts were not anticipated due to anticipated project trip routing and distance from the subject site. The TIS identified a range of improvements that will mitigate project impacts at locations where the proposed Integrated Resort was found to have a significant impact. The TIS also, pursuant to the Final Scope, evaluated time periods when impacts were expected to be the most significant, including the weekday commuter peak times when background traffic levels are higher (see response to comment TP-49). During the time periods cited in the comment,

background traffic levels are lower, as are volumes associated with the proposed Integrated Resort, indicating that significant impacts are not expected to occur during these times.

TP-84. There is inadequate data provided about the number of employees, their shifts, their commuting and their parking. (H12)

Additional information regarding the number of employees by shift is provided in **Appendix 2.6-10** of this FEIS. The DEIS, in Section 3.9.2.2 presents information regarding the numbers of employees anticipated at the subject site at Phase 1 and Full-build. Employee commuting is discussed in Section 3.9.2.2 of the DEIS. Section 3.5.3.3 of the DEIS presents information on specific parking areas, access points that would be used by visitors and employees, and internal circulation.

Section 5 of the TIS, Appendix 3.5-1 of the DEIS, evaluated the projected parking demands and supply at Phase 1 and Full-build, along with how parking demand rates for each project component was derived and applied. Spreadsheets presenting the actual calculation of anticipated parking demands are included in Attachment U of the TIS.

TP-85. NYSDOT anticipates that the development will increase traffic volumes on local roads, including Stewart Avenue and Merrick Avenue. The increased traffic volumes will necessitate a traffic signal to be installed at the Maintenance Residency at 925 Stewart Avenue and possibly another at the Maintenance yard near the East Meadow State Police Barracks to provide for an efficient response for both highway maintenance and emergency response. An additional access point from the Maintenance Residency to the Meadowbrook State Parkway should also be provided. Provide a Signal Warrant Analysis for these locations. (C56)

Sands has indicated that, if required by the NYSDOT, Sands would provide these signals.

TP-86. Provide the reasoning behind how the distribution of trips generated by the Integrated Resort was selected. NYSDOT believes that a higher than projected share of the trips will use the Southern State Parkway to access the Integrated Resort. Based on the traffic volumes expected by the TIS, additional analysis should be provided for Park Boulevard/East Meadow Avenue. Traffic volumes on this roadway may cause delays on NYS Routes 24 and 102 under the full-build condition. (C56)

A detailed description of the trip distribution methodology was included on page 68 of the TIS (Appendix 3.5-1 of the DEIS). The distribution was developed based on an up to two-hour capture area for casino patrons and hotels trips based on travel times derived from commercially available travel mapping applications and likely routes to and from the site of the proposed Integrated Resort.

As discussed in the TIS, the evaluation of the proposed Integrated Resort utilizes two basic directional distributions derived from census population data accounting for distance to the site (gravity model). There is a regional distribution applied to casino and hotel patrons and a local distribution applied to other components, except for coach buses, shuttle buses and deliveries. These two distributions were refined with the use of a detailed ArcGIS Pro Project.

ArcGIS Pro Project allowed for the spatial distribution of populations of a multitude of CDPs within the drawing area to be assigned to a particular route or routes and allowed the relative proportions of the total population on a particular route to be calculated. This exercise provided a data-based foundation for the directional distributions used in the TIS, which correctly reflects a bias to and from the north, reflective of population centers and the presence of the Northern State Parkway and Long Island Expressway north of the subject site.

In addition, consultations with Sands were held to confirm that the distributions were consistent with the expectations of their proprietary market studies performed for the subject site.

TP-87. Regarding the proposed mitigation measures:

- a. **The DEIS proposal for a lane reduction on the mainline of Meadowbrook State Parkway (MSP) northbound, from three to two lanes to permit a two-lane entrance from the adjacent northbound CD Road, appears to be problematic. In response to specific concerns raised by the Town, the Lessee has agreed to retain three continuous travel lanes on northbound MSP to merge with the proposed two-lane CD Road (expanded from a single existing lane), as set forth in correspondence dated January 15, 2025 (see Attachment B). This modification of the proposed action should be presented and appropriately analyzed in the FEIS.**
- b. **Further discussion would be helpful to explain why all the proposed work on MSP would occur between Hempstead Turnpike and Northern State Parkway (NSP), with no improvements to the south of Hempstead Turnpike. Development under the Alternative CMP (Without a Casino) is proposed for the subject property if the casino is not approved. In this case, the development would not have the regional attraction of a casino and is believed to be more akin to the Lighthouse Project which provided \$50 million for improvements to Meadowbrook State Parkway south of Hempstead Turnpike.**
- c. **Figure D (Charles Lindbergh Blvd and Earle Ovington Blvd/NCCC entrance/exit) –**
 1. **The methodology used to calculate the traffic volumes for the single left turn lane out of NCCC exit should be explained.**
 2. **The existing configuration for this intersection provides two westbound right turn lanes and two northbound through lanes into the NCCC entrance. It should be explained whether these lanes would no longer be necessary under the proposed action. (C96)**
- a. **The DEIS proposal for a lane reduction on the mainline of Meadowbrook State Parkway (MSP) northbound, from three to two lanes to permit a two-lane entrance from the adjacent northbound CD Road, appears to be problematic. In response to specific concerns raised by the Town, the Lessee has agreed to retain three continuous travel lanes on northbound MSP to merge with the proposed two-lane CD Road (expanded from a single existing lane), as set forth in correspondence dated January 15, 2025 (see Attachment B). This modification of the proposed action should be presented and appropriately analyzed in the FEIS.**

While the detailed analysis indicates that no such bottleneck would exist, based on this input, as well as a request from the Town of Hempstead, Sands has agreed to eliminate this proposed mitigation. The condition that this mitigation was designed to address is limited to the Saturday evening period and affects mostly Sands site-related traffic and some limited congestion that forms on the C-D road during that limited period.

- b. Further discussion would be helpful to explain why all the proposed work on MSP would occur between Hempstead Turnpike and Northern State Parkway (NSP), with no improvements to the south of Hempstead Turnpike. Development under the Alternative CMP (Without a Casino) is proposed for the subject property if the casino is not approved. In this case, the development would not have the regional attraction of a casino and is believed to be more akin to the Lighthouse Project which provided \$50 million for improvements to Meadowbrook State Parkway south of Hempstead Turnpike.**

See response to comment TP-61.

- c. Figure D (Charles Lindbergh Blvd and Earle Ovington Blvd/NCCC entrance/exit) –**
- 1. The methodology used to calculate the traffic volumes for the single left turn lane out of NCCC exit should be explained.**

The development of the projected traffic volumes at this location considered a number of factors. Currently, there is no direct path for motorists exiting the NCCC campus to head east on Charles Lindbergh Boulevard to access the Meadowbrook State Parkway. Motorists exiting the campus at the signalized main access on Charles Lindbergh Boulevard can either proceed south to the next intersection and negotiate a U-turn or proceed west on one-way Charles Lindbergh Boulevard in a circuitous path back to Earle Ovington Boulevard north then east on Charles Lindbergh Boulevard to the parkway.

In formulating the design of the improvements in this local area, and along Charles Lindbergh Boulevard in general, a review of the traffic volumes at the NCC main entrance and the intersection of Charles Lindbergh Boulevard at Earle Ovington Boulevard to the south (presented in peak hour intersection volume figures in Attachment E of the TIS, Appendix 3.5-1 of the DEIS) reveal that the Weekday p.m. peak hour is significantly more critical for design purposes given the volume of traffic exiting NCC here as compared to the other periods.

During the Weekday p.m. peak hour, 117 vehicles exit NCC southbound while a total of 225 vehicles perform a U-turn at the intersection to the south. To confirm that the proposed single southbound left-turn lane would be adequate to accommodate vehicles who wish to head directly east to the parkway in the future condition, it was conservatively assumed that 85 percent of these 117 vehicles would make the left turn to eastbound Charles Lindbergh Boulevard. As can be seen in tables detailing the Synchro capacity analysis results contained in Attachment M to the TIS, this volume (100 vehicles per hour [vph]) is processed through with a single left-turn lane with a volume-to-capacity ratio of only 0.52. This analysis confirms that the single left-turn lane is sufficient to handle anticipated volumes in all time periods.

- 2. The existing configuration for this intersection provides two westbound right turn lanes and two northbound through lanes into the NCCC entrance. It should be explained whether these lanes would no longer be necessary under the proposed action.**

Modifications at this location, to improve local circulation in this area and for traffic exiting the NCC campus at its main access, are discussed in Section 4 the TIS (included as Appendix 3.5-1 of the DEIS), beginning on Page 99. As evaluated in that section, the operation of the intersection will result in levels of service equal to or better than the No-Build condition with the proposed mitigation while providing more direct access to the east and to the Meadowbrook State Parkway for those exiting the NCC campus. The two westbound right-turn lanes (one shared) and two northbound through lanes that currently exist are not necessary to provide good levels of traffic service.

TP-88. In order to enhance public safety:

- a. **The Town has requested that consideration be given to installing a pedestrian overpass across Hempstead Turnpike connecting to the proposed Integrated Resort. The provision of this amenity would be consistent with the Lessee's representations that the proposed Integrated Resort contemplates, and is actively promoting, a workforce which draws significantly from the local community, including the residential area to the immediate south and people who may arrive by bus along Hempstead Turnpike. Furthermore, this would be consistent with the Long Island on the Rise: A Region Reaching for New Heights of Innovation and Inclusion: The Strategic Economic Development Plan for Long Island (2016) which according to the DEIS (page 166), specifies that the County "...would like to build three pedestrian bridges to the Hub over busy thoroughfares to cut down on the number of cars at the Coliseum and bio-medical facilities, as well as nearby museums and parks." In correspondence dated January 15, 2025 (see Attachment B), the Lessee indicates it is in the process of studying the feasibility of this measure.**
- b. **The feasibility of appropriate barriers along the southerly edge of the proposed development to prevent mid-block pedestrian crossings should also be examined. (C96)**

The proposed Integrated Resort has designed its entrances and sidewalk connections strategically to provide safe pedestrian routes to and across area roadways. Sands has committed to upgrade all pedestrian crossing features and controls at the intersections that would be expected to see the highest levels of pedestrian activity around the perimeter of the site and those that will receive physical mitigation. This will include Americans with Disabilities Act (ADA)-compliant pedestrian ramps and features and pedestrian control and safety features in compliance with NYSDOT and NCDPW requirements. In addition, changes are proposed to intersection geometry at site access points to better protect pedestrian traffic including the elimination of uncontrolled free right-turning movements in favor of full control, allowing for fully-protected pedestrian crossings at these locations. The consistent use of a location by pedestrians with correct signal timing sets the proper driver expectation for safe interaction.

Sands is not proposing a pedestrian overpass for several reasons. First, as described above, the pedestrian crossings provided would conform to NYSDOT, NCDPW and ADA requirements and guidelines and will exist at three convenient locations across the site's frontage on Hempstead Turnpike; at the main site entrance across from Glenn Curtis

Boulevard; at the MSKCC access; and at Earle Ovington Boulevard/Uniondale Avenue. Also, construction of an overpass would significantly increase the distance required for pedestrian crossings, and many pedestrians would continue to cross at grade because it would be more convenient. The feasibility of constructing an overpass is also questionable, as such a structure across Hempstead Turnpike requires a significant area of suitable public right-of-way on the south side of the roadway to accommodate the south abutment of the structure. This right-of-way does not exist as these areas are improved with existing commercial development with narrow right-of-way between the roadway and the commercial uses.

- TP-89. Since the proposed action includes replacement of the Old Country Road overpass on Meadowbrook State Parkway and related ramp improvements to accommodate project-generated traffic, the Town has requested that consideration be given to determining whether this work presents an opportunity for more global improvements to the interchange to address other constraints/deficiencies. In correspondence dated January 15, 2025 (see Attachment B), the Lessee indicates it will provide reasonable additional improvements at this interchange to facilitate the movement of traffic exiting MSP onto Old Country Road. The specific proposal for this work should be presented and appropriately analyzed in the FEIS. (C96)**

Sands has advised both NYSDOT and the Town of Hempstead that, during the replacement of the Old Country Road bridge, the cross section on Old Country Road would be modified to reduce the delays on the Meadowbrook State Parkway southbound off ramp to eastbound Old Country Road (see NYSDOT correspondence in **Appendix 2.6-1** of this FEIS and correspondence to the Town of Hempstead in **Appendix 2.6-7** of this FEIS).

- TP-90. The DEIS indicates the Lessee's intent to direct project-generated rideshare traffic to/from Hempstead station. However, it is possible that other railroad stations may be preferred by visitors to the proposed Integrated Resort and the question arises regarding the measures that can/would be implemented to effectively direct this traffic to Hempstead station as planned, particularly given that other stations are the same distance or only slightly further from the site, per the information in Section 3.5.2.5:**

- › **Hempstead station – 2 miles**
- › **Westbury station – 2 miles**
- › **Carle Place station – 2 miles**
- › **Garden City station: 2.5 miles**
- › **Mineola station – 3 miles.**

In response to this specific concern raised by the Town, the Lessee, in correspondence dated January 15, 2025 (see Attachment B), has confirmed that:

...the only shuttle to be provided between the Long Island Rail Road and the proposed Integrated Resort will be at the Hempstead Rail Road Station. This shuttle will be free. An indoor waiting area will also be provided by the Lessee at the Hempstead Rail Road Station for ride-share patrons and shuttle patrons. The Lessee will not endorse patron utilization of other Long Island Rail Road

stations, and transportation information provided by the Integrated Resort will only identify the Hempstead Rail Road Station.

The foregoing commitment should be discussed in the FEIS. (C96)

Sands has confirmed the commitment provided in the noted correspondence. Also, see response to comment TP-32.

TP-91. The DEIS (page 609) states that the proposed action "...would, in various circumstances, help to improve existing roadway conditions that contribute to current delays and congestion." It would be helpful for considering the balance of impacts and benefits in decision-making for the proposed action if the specific improvements to be undertaken by the Lessee falling into this category, beyond measures designed to offset the impacts of project-generated traffic, were identified. It has been further requested by the Town that the list of roadway improvements under the proposed action directed at improving existing conditions outside of what is necessary for project-related mitigation be revisited and augmented to the degree practicable. In response to this request from the Town, the Lessee has identified some proposed traffic improvements (e.g., modifications to the MSP interchange at Old Country Road and widening of Charles Lindbergh Boulevard) in correspondence dated January 15, 2025. These measures should be finalized for inclusion in the FEIS. (C96)

The intersection capacity analysis performed in the TIS (Appendix 3.5-1 of the DEIS) evaluated the potential for impacts at the 66 intersections and 114 roadway segments and ramps along sections of the Meadowbrook State Parkway, Northern State Parkway and Southern State Parkway. This study revealed several locations where improvements are warranted to address existing traffic conditions and/or site-generated traffic. The results of this analysis are presented in detail in Section 4 of the TIS.

Tables 23 and 29 in Section 4 of the DEIS detail the proposed mitigation, which includes physical geometric changes as well as signal timing improvements at 18 locations. These tables are reproduced below as **Table 10** and **Table 11**.

Table 10 - Improvements to Site Access

Intersection	Existing Geometry	Improvement	Proposed Build Geometry
Hempstead Turnpike (NY 24) at Glenn Curtiss Boulevard/Site Access	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR, R SB: L, LT, TR, R	WB: Modify right-turn lane to eliminate uncontrolled movement SB: Restripe southbound approach to provide two left-turn lanes and a shared thru-right lane	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR, R SB: LL, TR
Earle Ovington Boulevard at Charles Lindbergh Boulevard (EB)/Site Access	EB: LL, T, R WB: LL, R NB: TTT, TR SB: L, TT	WB: Remove one left-turn lane, construct an additional channelized right turn lane	EB: LL, T, R WB: L, RR NB: TTT, TR SB: L, TT

Earle Ovington Boulevard and Charles Lindbergh Boulevard at Site Access Bus Loop	NA	Construct Bus deceleration lane and off ramp from Earle Ovington Boulevard. Construct a right out only from the site onto Charles Lindbergh Boulevard.	NA
Charles Lindbergh Boulevard at Site Access (Sands Blvd.)	NA	Construct Intersection and Signalize with optimized timing/phasing	EB: TTTT, TR WB: LL, TTT NB: RR
Charles Lindbergh Boulevard at James Doolittle Boulevard	EB: TTT, TR, R WB: TTTT NB: RR	EB: Remove right-turn lane Remove right-turn lane	EB: TTT, TR WB: TTTT NB: R

Table 11 - Mitigation Measures

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry
Hempstead Turnpike (NY 24) at Glenn Curtiss Boulevard/Site Access	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR, R SB: L, LT, TR, R	WB: Remove channelized right-turn lane SB: Restripe southbound approach to provide two left-turn lanes and a shared thru-right lane NB: Restripe approach to provide two left-turn lanes, a shared thru-right lane and a right-turn lane Restrict WB U-Turns (PM Peak) Optimize signal timing/phasing (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LL, TTT, R WB: LL, TTT, R NB: LL, TR, R SB: LL, TR
Hempstead Turnpike (NY 24) at Cunningham Avenue	EB: TT, TR WB: L, TTT, R NB: LR	Optimize signal timing/phasing/ Offsets (AM, PM, SAT EVE, FRI EVE, SAT MID)	EB: TT, TR WB: L, TTT, R NB: LR
Hempstead Turnpike (NY 24) at MSKCC Entrance	EB: LL, TTT WB: TTT, R SB: RR	Optimize signal timing/phasing/ Offsets (AM, PM, SAT EVE, FRI EVE, SAT MID)	EB: LL, TTT WB: TTT, R SB: RR
Hempstead Turnpike (NY Route 24) at Earle Ovington Boulevard/Uniondale Avenue	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR SB: L, LT, TR, R	SB: Construct additional right-turn lane. Restripe southbound approach to provide two left-turn lanes, a thru lane, a shared thru-right lane, and a right-turn lane	EB: LL, TTT, R WB: LL, TTT, R NB: L, LT, TR SB: LL, T, TR, R

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry
		Optimize signal timing/ phasing (AM, PM, SAT EVE, FRI EVE, SAT MID)	
Earle Ovington Boulevard at Charles Lindbergh Boulevard (EB)/Site Access	EB: LL, T, R WB: LL, R NB: TTT, TR SB: L, TT	EB: Construct an additional left-turn lane WB: Remove one left-turn lane, construct an additional channelized right turn lane SB: Construct an additional U-turn only lane (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LLL, T, R WB: L, RR NB: TTT, TR SB: U, L, TT
Hempstead Turnpike (NY 24) at Park Boulevard/E. Meadow Avenue	EB: L, TT, TR WB: L, TTT, R NB: LL, TR SB: LL, TR	Optimize signal timing/ phasing (PM)	EB: L, TT, TR WB: L, TTT, R NB: LL, TR SB: LL, TR
Hempstead Turnpike (NY 24) at Hofstra Boulevard/California Avenue	EB: L, TTT, R WB: L, TTT, R NB: LT, R SB: L, T, R	Optimize signal timing/ phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: L, TTT, R WB: L, TTT, R NB: LT, R SB: L, T, R
Hempstead Turnpike (NY 24) at Oak Street/Hofstra Boulevard	EB: LL, TT, R WB: L, TT, R NB: LTR SB: LL, TR, R	Optimize signal timing/ phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: LL, TT, R WB: L, TT, R NB: LTR SB: LL, TR, R
Fulton Avenue at N. Franklin Street	EB: L, TT, R WB: LT, TR NB: L, T, TR SB: L, T, TR	Optimize signal timing/ phasing (PM)	EB: L, TT, R WB: LT, TR NB: L, T, TR SB: L, T, TR
Stewart Avenue at Franklin Avenue	EB: T, TR WB: L, TT, R NB: T, TR SB: L, T, TR	Optimize signal timing/ phasing (PM)	EB: T, TR WB: L, TT, R NB: T, TR SB: L, T, TR
Merrick Avenue at Corporate Drive	EB: LL, R NB: L, TT SB: T, TR	Optimize signal timing/ phasing (PM, SAT MID)	EB: LL, R NB: L, TT SB: T, TR
Merrick Avenue at Privado Road	EB: L, R NB: L, TTT SB: T, TR	Optimize signal timing/ phasing (PM)	EB: L, R NB: L, TTT SB: T, TR
Jericho Turnpike at Post Avenue	EB: L, TTT, R WB: L, TTT, R NB: L, TR SB: LTR	Optimize signal timing/ phasing (PM, FRI EVE)	EB: L, TTT, R WB: L, TTT, R NB: L, TR SB: LTR

Intersection	Existing/No-Build Geometry	Improvement	Build with Mitigation Geometry
Oak Street at Westbury Boulevard/Meadow Street	EB: L, T, R WB: LT, R NB: L, TT, R SB: L, TT, R	Optimize signal timing/phasing (PM)	EB: L, T, R WB: LT, R NB: L, TT, R SB: L, TT, R
Charles Lindbergh Boulevard at Site Access (Sands Blvd.)	NA	Optimize signal timing/phasing/offset (AM, PM, SAT MID, SAT EVE, FRI EVE)	EB: TTTT, TR WB: LL, TTT NB: RR

In addition to the mitigation identified above, to address existing traffic conditions and/or site-generated traffic, Sands has committed to upgrade all pedestrian crossing features and controls at the intersections that would see the highest levels of pedestrian activity around the perimeter of the site and those that will receive physical mitigation. This will include ADA-compliant pedestrian ramps and features and pedestrian control and safety features in compliance with NYSDOT and NCDPW requirements. In addition, changes are proposed to intersection geometry at site access points to better protect pedestrian traffic, including the elimination of uncontrolled free right-turning movements in favor of full control, allowing for fully-protected pedestrian crossings at these locations. These pedestrian improvements will benefit not just site visitors but the general travelling public.

In accordance with the Final Scope for the DEIS, the TIS included an evaluation of the potential traffic impacts of the proposed Integrated Resort on sections of the Northern State Parkway, the Meadowbrook State Parkway and the Southern State Parkway as discussed in Section 4 of the TIS. In addition, the TIS evaluated ramp junctions along Hempstead Turnpike at its interchange with the Meadowbrook State Parkway and ramp junctions along Charles Lindbergh Boulevard. This evaluation identified capacity improvements on Hempstead Turnpike, the Northern State Parkway and the Meadowbrook State Parkway to address existing conditions and project impacts as follows:

- › Removal of the existing lane drop to widen to two full lanes the ramp from westbound Northern State Parkway to southbound Meadowbrook State Parkway as well as widening to provide a fourth lane southbound on the Meadowbrook State Parkway from Northern State Parkway to Zeckendorf Boulevard.
- › Widening of northbound Meadowbrook State Parkway to four lanes from Old Country Road to the Northern State Parkway ramps and the widening of the ramp to the eastbound Northern State Parkway to two lanes all the way onto Northern State Parkway.
- › An extension of the deceleration lane onto the ramp from eastbound Hempstead Turnpike to southbound Meadowbrook State Parkway (approximately 500 feet) and an extension of the acceleration lane from the same ramp onto the southbound Meadowbrook State Parkway (approximately 400 feet).
- › An extension of the two-lane section of the ramp from eastbound Charles Lindbergh Boulevard to southbound Meadowbrook State Parkway (approximately 350 feet) and an extension of the acceleration lane from the same ramp onto the southbound Meadowbrook State Parkway (approximately 450 feet).

Details regarding the location and extent of these improvements on the parkways are presented on concept plans in Attachment P of the TIS (Appendix 3.5-1 of the DEIS). This

mitigation includes the replacement of two bridges over the parkway to provide the additional width needed for the new lanes to pass under them, as well as the widening of a third bridge to carry the new lanes over a surface street. As shown in Attachment P of the TIS, the Old Country Road bridge over the parkway will be replaced with a longer span as will the MTA LIRR bridge over the parkway to its north. The bridge carrying the parkway over Westbury Avenue will be widened along its length to accommodate a fourth lane on the parkway in each direction.

As noted above, the improvements that Sands is proposing on the parkways would not only address impacts related to the proposed Integrated Resort but would also improve existing conditions. As with most capacity improvements, increases in capacity on the parkway are associated with the addition of travel lanes. These lanes have capacities of approximately 2,000 pvphpl and can only be added in their entirety. There are only very large increments of capacity increases that can be applied, and the lane additions proposed by Sands greatly exceed that necessary to accommodate impacts of the proposed Integrated Resort. This being the case, significant thought and effort was put into determining where these additional lanes should be provided, accounting for the level of site traffic in that area, as well as the effectiveness of the widening in improving traffic operations. The provision of additional lanes in both directions, over essentially the six-mile length of the parkway, provides capacity in excess of that needed to address the impacts of the proposed Integrated Resort. Section 4 of the TIS (Appendix 3.5-1 of the DEIS) details these efforts, starting on Page 100.

As an example, to the north of the site on Meadowbrook State Parkway, the maximum site traffic northbound is projected to be 1,200 vehicles on a Saturday evening. The additional lane to be provided as mitigation increases capacity by approximately 2,000 vehicles per hour. This means that the Integrated Resort will only use 60 percent of the added capacity with 40 percent of the capacity of the lane available traffic traveling to other destinations. During the Weekday p.m. peak hour, the projected 900 vehicle trips will use only 45 percent of the lane capacity with the rest available for the traveling public.

Table 12 below presents the anticipated No-Build volumes in 2030 on segments of the Meadowbrook State Parkway, Northern State Parkway, and Southern State Parkway along with the site-generated traffic on those sections for the critical Weekday p.m. peak period that drives the proposed mitigation. Also presented in **Table 12** is the Sands traffic as a percentage of the background traffic on that segment.

Table 12 - Full-build Traffic vs. Background Traffic – Weekday PM Peak Hour Combined Northbound and Southbound

Location	2030 No- Build	2030 Trip Gen	% Sands Traffic Relative to Background Traffic
Northern State Parkway East of Meadowbrook State Parkway	7,918	319	4.0%
Northern State Parkway West of Meadowbrook State Parkway	11,390	791	6.9%
Meadowbrook State Parkway between Northern State Parkway and Old Country Rd	10,450	1,110	10.6%

Location	2030 No- Build	2030 Trip Gen	% Sands Traffic Relative to Background Traffic
Meadowbrook State Parkway between Old Country Rd and Zeckendorf Blvd	9,830	1,219	12.4%
Meadowbrook State Parkway between Zeckendorf Blvd and Merchants Concourse	9,062	1,219	13.5%
Meadowbrook State Parkway between Merchants Concourse and Stewart Ave	8,863	1,219	13.8%
Meadowbrook State Parkway between Stewart Ave and CD Road	8,863	1,219	13.8%
Meadowbrook State Parkway between CD Road and Charles Lindbergh Blvd	7,442	0	0.0%
Meadowbrook State Parkway between Charles Lindbergh Blvd and Hempstead Tpke	8,172	341	4.2%
Meadowbrook State Parkway between Hempstead Turnpike and Southern State Parkway	10,034	720	7.2%
Meadowbrook State Parkway between Southern State Parkway and Babylon Tpke	8,928	109	1.2%
Southern State Parkway east of Meadowbrook State Parkway	9,249	296	3.2%
Southern State Parkway west of Meadowbrook State Parkway	9,081	315	3.5%

Based on discussions with and input from the NYSDOT, Town of Hempstead, and Uniondale community leaders, Sands has also committed to providing additional improvements beyond those identified in the DEIS as public benefits (i.e., they are not required to mitigate site-generated traffic impacts). These include:

- › Based on discussions with NYSDOT (see **Appendix 2.6-1** of this FEIS), Sands has agreed to construct a deceleration lane at the ramp from the southbound Meadowbrook State Parkway to the westbound Southern State Parkway. This deceleration lane will be approximately 500 feet in length and will commence just south of the Jerusalem Avenue bridge over the Meadowbrook State Parkway (an acceleration lane to the northbound Meadowbrook State Parkway from the ramp from the westbound Southern State Parkway already exists).
- › Based on discussions with the NYSDOT, Sands would install two new traffic signals at 925 Stewart Avenue and at the East Meadow State Police Barracks on Merrick Road (see **Appendix 2.6-1** of this FEIS), if required by NYSDOT.
- › Per discussions with the Town of Hempstead, Sands has advised that during the replacement of the Old Country Road bridge, the cross section on Old Country Road would be modified to reduce the delays on the Meadowbrook State Parkway southbound off ramp to eastbound Old Country Road (see correspondence to the Town of Hempstead in **Appendix 2.6-7** of this FEIS).
- › Based on discussions with the Town of Hempstead, Sands has committed to a requested widening of Charles Lindbergh Boulevard (see correspondence with the Town of Hempstead in **Appendix 2.6-7** of this FEIS).

- › Based upon a meeting between representatives of Sands and community leaders of Uniondale on March 4, 2025, Sands has agreed to provide streetscape improvements along Uniondale Avenue from Hempstead Turnpike to Front Street; Uniondale Avenue traffic calming and safety improvements from Hempstead Turnpike to Nassau Road; traffic signal improvements at Uniondale Avenue at Front Street; traffic signal improvements at Uniondale Avenue at Jerusalem Avenue; and traffic signal improvements at Uniondale Avenue at Nassau Road.

TP-92. The prior Lighthouse proposal included a mitigation program for area roadways that was more extensive than is included in the instant proposed action. It would be helpful in understanding the current mitigation proposal if a comparative analysis was presented in the FEIS to explain the reasons for the differences between the two mitigation plans. (C96)

As explained in the response to comment PA-5, comparison of the Lighthouse proposal, which never proceeded and was never approved, to the proposed Integrated Resort, is of little relevance. Response to comment PA-5 documented that the properties involved and uses proposed in the Lighthouse project are very different from those associated with the proposed Integrated Resort. Moreover, that response explained that, given the length of time that has elapsed since the analyses for the Lighthouse were conducted (i.e., the initial traffic counts were collected in 2007, according to Appendix 3.6.1, Traffic and Parking Study, of The Lighthouse at Long Island Draft Generic Environmental Impact Statement), the internal inconsistencies in FGEIS analyses, and the fact that the Findings Statement did not indicate the level of development upon which the FGEIS analyses were based or upon which the findings were made, the applicability of Lighthouse analyses and findings to the proposed Integrated Resort is limited.

Notwithstanding the above, to address the inquiries in the comment, a comparison of the mitigation identified under the prior Lighthouse development proposal with the mitigation proposed for the Integrated Resort in the full-build condition was prepared and is included in **Appendix 2.6-12** of this FEIS. For the purposes of this response, the mitigation proposed under both projects was divided into two parts: that required along the Meadowbrook State Parkway and its interchanges; and that required at study area surface streets and roadways.

Importantly, the Lighthouse project is significantly different from the proposed Integrated Resort. The proposed Integrated Resort consists of a casino and entertainment complex, while the Lighthouse had components that generated trips from a shorter travel distance than the Integrated Resort, such as housing, office, retail, restaurant and entertainment. As such, the patterns by which patrons and visitors would arrive at the subject site would be very different, and the time periods of peak traffic would also be different. As an example, the peak weekday site traffic at the Integrated Resort would occur on Friday evening, after the weekday commuter peak period, with similar traffic patterns on Saturday evenings. The regional draw of the proposed Integrated Resort necessitated a detailed evaluation of its capture area, presented in Section 3 and Attachment K of the TIS (Appendix 3.5-1 of the DEIS), which resulted in a distribution that is heavily weighted to and from the north on the Meadowbrook State Parkway (57% of total site traffic) compared to only 33% to and from the south on Meadowbrook State Parkway. This was not the case with the Lighthouse. As a result, this distribution results in different required mitigation to address potential traffic

impacts. These differences are summarized below and included in **Appendix 2.6-12** of this FEIS.

Significantly, in the TIS for the Lighthouse project (Appendix Section 3.6 of that DEIS), the developers of that project (Lighthouse Development Group) committed to funding only \$55 million dollars toward the proposed mitigation solutions identified in that study, as noted on Page 155 thereof:

As per Lighthouse Development's current development agreement with Nassau County, Lighthouse Development Group will contribute, by full build-out, up to \$55 million dollars towards the proposed mitigation solutions provided herein including but not limited to projects like roadway improvements, improved bus stations, on-site easements, express bus service, trolley service and pedestrian bridges.

Notably, Sands has committed to construct all mitigation identified as necessary in the TIS to mitigate project-related traffic impacts.

Meadowbrook State Parkway

The Lighthouse Identified the need to reconstruct the parkway's interchange with Hempstead Turnpike to a single-point diamond interchange and to add a fourth southbound lane from Hempstead Turnpike to the Southern State Parkway interchange, a length of approximately 10,000 feet. This required the lengthening or widening of four bridges, and did not include any interchange improvements. Also included was a short (400 foot) section of a fourth lane northbound south of Charles Lindbergh Boulevard.

The Integrated Resort proposes to add sections of a fourth lane northbound and southbound. Northbound, a fourth lane would be added from Old Country Road to the Northern State Parkway Interchange where the interchange would be improved with a two-lane ramp to the eastbound Northern State Parkway, a distance of approximately 5,000 feet. In addition, a fourth southbound lane would be added from the interchange with Northern State Parkway, eliminating a problematic lane drop there, to Zeckendorf Boulevard, approximately 6,000 feet. This would require the replacement of widening of three bridges. In addition, ramp improvements, including widenings and extensions of acceleration and deceleration lanes, are proposed at the parkway's interchanges with Charles Lindbergh Boulevard and Hempstead Turnpike. Also, since the publication of the DEIS, Sands has committed to evaluating and addressing, to the extent possible within right-of-way constraints, capacity issues on Old Country Road at the parkway interchange as part of the proposed bridge replacement as well as constructing a deceleration lane prior to the southbound exit ramp from the Meadowbrook State Parkway to the westbound Southern State Parkway.

Surface Streets

The Lighthouse identified required mitigation at a total of 11 intersections, which included a mix of traffic signal timing changes and physical improvements including restriping of lanes.⁷⁹ The Integrated Resort proposes mitigation at a total of 17 intersections including a mix of traffic signal timing changes and physical improvement including restriping of lanes.

⁷⁹ At one of the intersections where signalization was identified as needed, Hempstead Turnpike at the site access point at MSKCC and Cunningham Avenue, the signalization has been performed since the time the Lighthouse traffic impact study was prepared.

Based on the analysis summarized above (also see **Appendix 2.6-12** of this FEIS) and more fully discussed in Section 3.5.4 of the DEIS, the mitigation proposed for the Integrated Resort, along with additional improvements subsequently committed to by Sands, represents greater levels of improvement than those identified as part of the Lighthouse TIS. This includes capacity improvements at additional interchanges, greater lengths of added fourth lane on the Meadowbrook State Parkway and improvements at additional intersections compared to the Lighthouse. Also, as explained above, Sands has committed to performing the required mitigation, where the Lighthouse commitment was to contribute a maximum of \$55 million to required mitigation.

TP-93. The DEIS omits critical data and information to support the proposed mitigation for project-related traffic, including the basis for the estimated public transit ridership, the traffic impacts from expanded transportation options, and the feasibility of roadway improvements. (C60)

As outlined in Section 3.5.3.4 of the DEIS and the TIS (Appendix 3.5-1 of the DEIS), the public transit ridership was based on the existing census mode share information as well as planned expansion of shuttle options for the subject site. The analysis performed in the DEIS accounts for additional vehicles associated with anticipated transit ridership including Sands proposed shuttles to the LIRR Hempstead Station and coach shuttle from New York City (and potentially other locations based on demand). The feasibility of the proposed roadway improvements has been investigated and cost estimates have been developed for the work required, which have been discussed with NYSDOT at a meeting with Sands' consultants in March 2025 (see correspondence in **Appendix 2.6-1** of this FEIS).

TP-94. The DEIS has failed to identify and analyze mitigation of traffic impacts on the parkways to the south of the subject property—and failed to analyze potential impacts on local roadways due to diversions caused by parkway congestion. For example, the DEIS acknowledges that the Meadowbrook State Parkway/Southern State Parkway interchange is already a congestion bottleneck and will be worsened by the project traffic, with speeds decreasing from 53 mph to 11 mph at midday on Saturday between the No Build 2030 condition and the Build 2030 condition (see TIS on page 108). However, the DEIS intentionally declines to undertake a mitigation analysis of these impacts, stating that the traffic impacts are not as severe as those to the north. This is not a valid reason for omitting the required analysis of how to mitigate impacts, especially as there is a real risk that drivers will divert from the parkways and use local roads—an impact that the DEIS fails to analyze. (C61)

See responses to comments TP-16, TP- 39 and TP-44 for a discussion of diversion analyses, and response to comment TP-116 for a detailed discussion of proposed mitigation on the Meadowbrook State Parkway.

Sands' consultant (VHB) has been meeting with NYSDOT to discuss the impacts of the traffic associated with the proposed Integrated Resort on the existing constrained Meadowbrook State Parkway. As a result of these meetings, and other related comments, Sands has committed to provide an improvement at the Meadowbrook State Parkway's interchange with the Southern State Parkway. Specifically, Sands will provide a deceleration lane from the

southbound Meadowbrook State Parkway to the westbound Southern State Parkway to improve conditions there. This deceleration lane will increase capacity for those vehicles exiting the Meadowbrook State Parkway to access Southern State Parkway, thereby reducing the potential for exiting vehicles to slow down traffic on the mainline Meadowbrook State Parkway. See **Appendix 2.6-1** of this FEIS for the correspondence between the NYSDOT and VHB.

- TP-95. The DEIS describes a series of roadway improvement mitigation measures but fails to provide any permitting and construction schedule that would support the conclusion that the improvements are feasible. This is especially the case given the tight timeframes that Sands proposes: the completion of surface intersection mitigation measures by Phase 1 operation and completion of parkway mitigation measures by Phase 2 completion. The DEIS does not provide a clear indication of the timing of traffic mitigation improvements other than to say, "All proposed mitigation measures would be funded by Sands and be in place by completion of Phase 2." The TIS does indicate that certain improvements will be completed as part of Phase 1 and others to be completed as part of Phase 2. This discussion should be clearly presented in the DEIS for ease of review and clarity for the public. (C59)(C61)**

As explained in response to comment CON-2 in the *Construction* chapter of this FEIS and in response to comment TP-76, above, since the time of the preparation of the DEIS, Sands has revised its Phase 1 program. The build year for the revised Phase 1 would be 2030, and the remainder of the full-build Integrated Resort would be developed as market conditions and demand allow. Despite when or whether the remaining "full-build" development is actually constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development by 2030. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

- TP-96. Section 4.6 of the DEIS provides inadequate mitigation that includes signal timing adjustments. A more substantive mitigation approach is required (e.g., on Old Country Road, Stewart Avenue, and Clinton Avenue). (C61)**

Traffic mitigation was developed based on the requirements of the SEQRA regulations and include measures "...to avoid or minimize adverse environmental impacts" associated with the proposed action (6 NYCRR §617.2[y]), and the traffic mitigation provided is more extensive than just signal timing adjustments, as explained in the TIS included as Appendix 3.5-1 of the DEIS, and outlined in response to comment TP-91.

The Final Scope for the DEIS included the evaluation of 14 intersections along the roadways identified in the comment. The TIS (Appendix 3.5-1 of the DEIS) evaluated each of these intersections in detail in Section 4 thereof. These roadways include the following study intersections:

- › Location 23 - Fulton Avenue at Clinton Street
- › Location 25 - Franklin Avenue at Stewart Avenue
- › Location 26 - Old Country Road at Franklin Avenue/Mineola Boulevard

- › Location 27 - Old Country Road at Clinton Avenue/Glen Cove Road
- › Location 28 - Old Country Road at Merchants Concourse/Ellison Avenue
- › Location 29 - Old Country Road at Merrick Avenue/Post Avenue
- › Location 30 - Merrick Avenue at Stewart Avenue/Park Boulevard
- › Location 31 - Stewart Avenue at Endo Boulevard/Merchants Concourse
- › Location 32 - Stewart Avenue at Quentin Roosevelt Boulevard/South Street
- › Location 33 - Stewart Avenue at Clinton Road
- › Location 52 - Stewart Avenue at Ring Road West (Roosevelt Field)
- › Location 53 - Old Country Road at Roosevelt Field Mall Entrance
- › Location 54 - Old Country Road at Salisbury Park Drive/School Street
- › Location 61 - Clinton Road at Meadow Street

As shown in Section 4 of the TIS (on Tables 24 through 28), some of these intersections (specifically Location 25 and Location 33) experience increases in delay of upwards of 30 seconds overall from the Existing to No-Build Conditions. These increases in delay are due to the background growth of area traffic and are not attributable to traffic from the proposed Integrated Resort. Accordingly, additional mitigation based on the site-specific traffic is not warranted at these locations.

At the remainder of the intersections listed above, the TIS reviewed the potential maximum level of site-generated traffic through each intersection relative to the existing level of traffic. This information is presented on Figure E-5a and Figure A-8 in Attachment E of the TIS (Appendix 3.5-1 of the DEIS) for the Saturday Evening Peak Hour, as that time period exhibits the greatest overall trip generation as presented in Section 3 of the TIS in Table 20. Based on this, the following ratios, representing the increase in traffic over existing, were calculated:

- › Location 23 - Fulton Avenue at Clinton Street 93 trips / 2,191 vehicles = 4.2%
- › Location 25 - Franklin Avenue at Stewart Avenue 26 trips / 2,088 vehicles = 1.2%
- › Location 26 - Old Country Road at Stewart Avenue 140 Trips / 2,541 vehicles = 5.5%
- › Location 27 - Old Country Road at Clinton Avenue/Glen Cove Road 170 trips / 4,150 vehicles = 4.1%
- › Location 28 - Old Country Road at Merchants Concourse/Ellison Avenue 15 trips / 2,549 vehicles = 0.6%
- › Location 29 - Old Country Road at Merrick Avenue/Post Avenue 85 trips / 3,097 vehicles = 2.7%
- › Location 30 - Merrick Avenue at Stewart Avenue/Park Boulevard 92 trips / 1,740 vehicles = 5.3%
- › Location 31 - Stewart Avenue at Endo Boulevard/Merchants Concourse 7 trips / 1,947 vehicles = 0.4%
- › Location 32 - Stewart Avenue at Quentin Roosevelt Boulevard/South Street 35 trips / 1,746 vehicles = 2.0%
- › Location 33 - Stewart Avenue at Clinton Road 35 trips / 2,343 vehicles = 1.5%
- › Location 52 - Stewart Avenue at Ring Road West (Roosevelt Field) 35 trips / 1,561 vehicles = 2.2%

- › Location 53 - Old Country Road at Roosevelt Field Mall Entrance 160 trips / 3,937 vehicles = 4.1%
- › Location 54 - Old Country Road at Salisbury Park Drive/School Street 65 trips / 2,101 vehicles = 3.1%
- › Location 61 - Clinton Road at Meadow Street 14 trips / 1,021 vehicles = 1.4%

As demonstrated above, the percent increase in total traffic through each of these intersections ranges from 0.4 percent to 5.5 percent. In general, it would be expected for there to be a daily fluctuation of traffic on any given roadway of approximately 5 percent to 10 percent. Accordingly, the site-generated traffic at the intersections identified in the comment is within the range of the expected daily fluctuations in traffic. Notwithstanding this, the TIS evaluated impacts to each location and identified mitigation to address those impacts. Review of the information contained in Section 4 of the TIS, in Tables 24 through 28, indicates that the maximum increase in overall delay is 5.6 seconds at the intersection of Old Country Road and the Roosevelt Field Mall Entrance during the Saturday midday peak hour, with the remainder of the delays not exceeding three seconds. Based on these delays, as well as the modest percent increase in traffic at each relevant intersection, additional mitigation is not warranted beyond that identified in the TIS.

- TP-97. It needs to be clarified whether all improvements will be fully funded and completed by the Lessee or if other funding sources will be sought. This includes the physical mitigation improvements at Intersections, the physical mitigation improvements on parkways and interchanges and the recommended traffic signal timing/phasing optimization changes at various intersections, as well as other project specific Transportation Demand Management items. (C59)**

Section 3.5.4 of the DEIS explains that Sands would fund and perform the required improvements (this commitment also applies to additional mitigation identified in the FEIS), including the TDM program.

- TP-98. Significant improvements are proposed along the Meadowbrook and Northern State Parkways. Indication should be provided as to the feasibility of these improvements and discussions that have been had with the overseeing Agencies that would be involved with approval of these improvements including NYSDOT, LIRR, Nassau County, etc. These improvements are critical to the Project and some indication of their feasibility and approvability needs to be provided. It also does not appear that there has been any review of the additional potential environmental impacts of the improvements along the Meadowbrook and Northern State Parkways including items such as wetlands, stormwater, etc. These should be assessed as part of the SEQRA review for the project. (C59)**

Sands' consultant has met with the NYSDOT to resolve the comments regarding the proposed improvements, as documented in the correspondence included in **Appendix 2.6-1** of this FEIS.

- TP-99. For the intersection of Hempstead Turnpike at Glenn Curtiss Boulevard/Coliseum Entrance (Page 90) the TIS identifies "Additionally, it is recommended that westbound U- turns be restricted during the Weekday PM peak hour and the signal timing and phasing be optimized for all peak periods." It should be clarified how prohibiting westbound U-Turns during the Weekday PM Peak Hour only is proposed to be accomplished and what benefit this provides. It needs to be further identified what hours of the day this prohibition would specifically apply to. It is noted that TIS Figure A- 5a: 2023 Existing Traffic Volumes - Weekday PM Peak Hour indicates there are currently 44 vehicles currently making this U-turn maneuver. No analysis of where these vehicles would be redirected to and what impact that may have on other area intersections has been provided. (C59)**

The traffic operations at this location have been reevaluated and the results included in **Appendix 2.6-5** of this FEIS. It has been determined that, with signal timing adjustments, this location can accommodate the anticipated U-turn volumes. Therefore, the proposed restriction of U-turns is no longer being proposed.

- TP-100. The intersection of Franklin Avenue at Stewart Avenue currently operates at a LOS F during the Weekday PM Peak Hour under existing conditions. Signal timing changes have been identified to reduce the delay at this intersection, but it will continue to operate at a LOS F. Is additional mitigation necessary at this location? (C59)**

Tables 24 through 28 in Section 4 of the TIS (Appendix 3.5-1 of the DEIS) present the Existing, No-Build and Build traffic conditions at study intersections, including Franklin Avenue at Stewart Avenue, for the five studied peak hours. These tables indicate that without the proposed Integrated Resort in 2030 (2030 No-Build), this intersection would operate at LOS F during the weekday AM and PM peak hours with overall delays of 101.8 and 124.7 seconds, respectively. During the Saturday midday peak hour, the intersection would operate at LOS D with an overall delay of 43.7 seconds. With the introduction of site traffic in the Full-build condition, the overall delays at this intersection would increase by only fractions of a second, as reflected in the above-referenced tables. Although improvements are necessary to address existing capacity concerns at this location, the project impact is minimal and mitigated by signal timing and phasing upgrades. Furthermore, Attachment M of the TIS (included in Appendix 3.5-1 of the DEIS) shows that in the weekday PM peak hour cited in the comment, the proposed signal timing mitigation results in a significant improvement to the westbound left-turn movement compared to the No-Build condition and Build condition. Because the westbound left-turn movement at this intersection operates with delays of more than several hundred seconds, the improvement in the Build condition allows the overall operation of the intersection to improve by 26.3 seconds from the No-Build to the Build with Mitigation condition and reduces the delay to the westbound left turn by more than half compared to the No-Build condition. Based on this, the proposed mitigation is appropriate for this location, and accounts for the very small impacts caused by the proposed Integrated Resort. Furthermore, a physical capacity improvement at this intersection to address the poor westbound left-turn operation would involve the construction of a second westbound left-turn lane. This would require widening the roadway into the median area. This median area is improved to a plaza-like condition with ornamental landscaping, seating areas and a large clock, which would be adversely impacted by any such widening.

- TP-101. For TIS Table 38 Speed (mph) Metrics for Northbound Meadowbrook State Parkway (South of Northern State Parkway) - It should be clarified why speeds are shown to increase for the Ramp from Meadowbrook State Parkway northbound to Northern State Parkway eastbound from Existing to No-Build to Build conditions without any modifications at this location in the background scenarios. Is this a result of increasing congestion elsewhere along the parkways? (C59)**

Increasing congestion on eastbound Northern State Parkway approaching Meadowbrook State Parkway from the west, in part due to spillback from the Northern State Parkway ramp merge on southbound Meadowbrook State Parkway, is restricting traffic from reaching eastbound Northern State Parkway, east of Meadowbrook State Parkway. The lower volume throughput in the No Build and Build conditions on this segment of eastbound Northern State Parkway results in higher speeds on the Parkway, and thus, also on the on-ramp from northbound Meadowbrook State Parkway.

- TP-102. In the TIS Table 40 Speed (mph) Metrics for Southbound Meadowbrook State Parkway (at Charles Lindbergh Boulevard and Hempstead Turnpike) - Significant impacts are shown to result from the Project at the Meadowbrook State Parkway southbound at Charles Lindbergh Boulevard and Meadowbrook State Parkway southbound at Hempstead Turnpike during the Weekday PM Peak Hour without any mitigation identified. (C59)**

Potential mitigation measures, including extending the acceleration lane for the southbound on-ramp at Hempstead Turnpike and widening southbound Meadowbrook State Parkway to Southern State Parkway, were evaluated to address the speed reductions in the Build condition at this location. Neither mitigation measure significantly improved operating conditions, indicating that the decreased speeds result from the already over capacity, substandard interchange weave on eastbound Southern State Parkway at Meadowbrook State Parkway, which is discussed in detail on Pages 107-108 of the TIS (Appendix 3.5-1 of the DEIS). The addition of a relatively low traffic demand increase pushes the weave into a failing condition, which would materialize due to background growth within a few additional years (i.e., without the proposed Integrated Resort). See response to comment TP-116 for a detailed discussion on the identification of mitigation on the parkways.

- TP-103. In the TIS Table 41 Speed (mph) Metrics for Meadowbrook State Parkway/ Southern State Parkway Interchange - Significant impacts are shown to result from the Project during the Saturday Midday and Evening hours at the Meadowbrook State Parkway southbound at Southern State Parkway with travel speeds shown to decrease from by up to 79% from No-Build (53 MPH) to Build (10 MPH) conditions. No mitigation has been identified for this significant impact. (C59)**

This impact is associated with the already over capacity, substandard interchange weave on eastbound Southern State Parkway at Meadowbrook State Parkway, which is discussed in detail on Pages 107-108 of the TIS (Appendix 3.5-1 of the DEIS). The addition of a relatively low traffic demand increase pushes the weave into a failing condition, which would materialize within a few additional years due to background growth (i.e., without the

proposed Integrated Resort). See response to comment TP-116 for a detailed discussion on the identification of mitigation on the parkways. Since the completion of the DEIS, based on discussions with NYSDOT (see **Appendix 2.6-1** of this FEIS), Sands has committed to construct a deceleration lane for the ramp from the Meadowbrook State Parkway southbound to westbound Southern State Parkway to improve conditions. This deceleration lane will increase capacity for those vehicles exiting the Meadowbrook State Parkway to access Southern State Parkway, thereby reducing the potential for exiting vehicles to slow down traffic on the mainline Meadowbrook State Parkway.

TP-104. In the TIS Table 43 PM - Hempstead Turnpike Ramp Junctions - It should be explained why the Hempstead Tpke. EB On Ramp from Meadowbrook State Parkway SB is shown improving significantly from 2030 No-Build to 2030 Build conditions (without improvements) and then operating worse from 2030 Build conditions to 2030 Build with Mitigation conditions. (C59)

Eastbound Hempstead Turnpike volume throughput west of its interchange with the Meadowbrook State Parkway decreases in the Build condition and then rebounds somewhat in the Build with Mitigation condition. This change in volume throughput on eastbound Hempstead Turnpike impacts the operations of the ramp junction for the eastbound on-ramp. The volume throughput changes are due to congestion spillback from Meadowbrook State Parkway onto Hempstead Turnpike. Since the completion of the DEIS, based on discussions with NYSDOT (see **Appendix 2.6-1** of this FEIS), Sands has committed to construct a deceleration lane for the ramp from the Meadowbrook State Parkway southbound to westbound Southern State Parkway to improve conditions. This deceleration lane will increase capacity for those vehicles exiting the Meadowbrook State Parkway to access Southern State Parkway, thereby reducing the potential for exiting vehicles to slow down traffic on the mainline Meadowbrook State Parkway. Also, see response to comment TP-116 for a detailed discussion on the identification of mitigation on the parkways.

TP-105. Meadowbrook State Parkway mitigation (additional lanes) should go from the Northern State Parkway to the Southern State Parkway. (H16)(H29)

See response to comment TP-116 for a detailed discussion of the proposed mitigation on the parkways. Also, since the completion of the DEIS, based on discussions with the NYSDOT (see **Appendix 2.6-1** of this FEIS), Sands has committed to constructing a deceleration lane for the ramp from the Meadowbrook State Parkway southbound to westbound Southern State Parkway to provide additional capacity for exiting traffic and reduce the potential for exiting vehicles to slow down traffic on the mainline Meadowbrook State Parkway.

TP-106. Building additional lanes on the Meadowbrook State Parkway will only move the choke points to the Northern and Southern State Parkways. The increase in automobiles is the problem, not that there aren't enough lanes on the Meadowbrook. These transient drivers will spill out onto the side streets of Nassau and that cannot be solved by road expansion. As for widening the Meadowbrook State Parkway from Zeckendorf Boulevard northbound to North State Parkway and southbound to Old Country Road

from the Northern State Parkway, that does not alleviate the severe congestion occurring from the south. In particular, widening the Meadowbrook Southbound for the Northern State Parkway up until the old Country Road interchange will create a dangerous bottleneck. For reference just sample the Southern State Parkway eastbound at exit 18 when it turns from four lanes to three. Seven days a week it causes bottlenecks and sudden stops which leads to accidents every week. Bottlenecks create traffic jams, increase fuel burning, increase air pollution, and increase accidents. Furthermore, this targeted cure presumes bordering business and home owners would sacrifice their properties for Sands. "Signal timings" are not a solution. (H29)(C20)(C21)(C36)(C52)

The comment appears to be combining different mitigation measures. The Meadowbrook State Parkway currently includes merge points, similar to that described in the comment, that are being improved via the mitigation proposed. For example, the Meadowbrook State Parkway drops southbound from five lanes entering at the Northern State Parkway, quickly narrowing to only three lanes where the Meadowbrook State Parkway passes over Westbury Avenue. Extending a fourth southbound lane to provide capacity, in combination with improvements to the Old Country Road interchange, would reduce the congestion experienced along this segment. A graphic of the improvements proposed on the Meadowbrook State Parkway was provided in Figures 38, 39 and 40 in Section 3.5.3.2 of the DEIS. Also, see response to comment TP-106.

The improvements at signalized intersections are separate from the above and vary by location including full equipment upgrades and geometric improvements. The TIS (Appendix 3.5-1 of the DEIS) evaluated 66 intersections, and where significant impacts were found as a result of site-generated traffic, mitigation to eliminate bottlenecks were proposed. These commitments are outlined in Tables 37 and 38 in Section 3.5 of the DEIS.

The improvements proposed do not involve the use of any private property and will occur only on public property.

TP-107. There should be a roadway connection between NCC and the Integrated Resort. (H16)

Sands has committed to signalization of the intersection of Charles Lindbergh Boulevard and Sands Boulevard, which will improve the pedestrian and bicyclist connection between the Integrated Resort and NCC. Sands advised that it would consider constructing a roadway connection if requested by NCC.

TP-108. The weave from the Northern State Parkway Westbound to Old Country Road needs to be improved. (H16)

It is assumed that the commentator is referring to the weaving area between the ramp from the westbound Northern State Parkway and the southbound exit to Old Country Road on Meadowbrook State Parkway. This weave length is limited by the geographic distance available between the two routes. As outlined in the TIS (Appendix 3.5-1 of the DEIS), VISSIM was used to simulate traffic conditions along the parkway system within the study area for existing and future conditions. This process is described in detail in Section 4 of the TIS beginning on Page 100. The application of VISSIM to the parkway allows simulation of very

complex roadway geometry and congested conditions and explicitly includes the effects of the weaving characteristics in a way that a more traditional weaving analysis using Highway Capacity Software does not allow. The VISSIM results are summarized in Attachment O of the TIS.

The mitigation proposed on this section of the Meadowbrook State Parkway includes the addition of a fourth southbound lane and the elimination of the two-lane to one-lane merge at the south end for the ramp from Westbound Northern State Parkway. This will allow vehicles coming off the Meadowbrook State Parkway that are not moving to Old Country Road to remain in the left-most through lane and reduce volume in the weaving area, improving traffic flow through this area. In addition, as explained in response to comment TP-89, Sands has advised both NYSDOT and the Town of Hempstead that, during the replacement of the Old Country Road bridge, the cross section on Old Country Road would be modified to reduce the delays on the Meadowbrook State Parkway southbound off ramp to eastbound Old Country Road.

TP-109. The expansion of the Meadowbrook State Parkway, which also serves the Roosevelt Field Mall and other shopping centers in the same area, will do little to alleviate the traffic nightmare that will ensue. (C7)

The Roadway Improvement Summary, Section 10 of the TIS, Appendix 3.5-1 of the DEIS, outlines the improvements proposed along the Meadowbrook State Parkway and at study intersections. Section 4 of the TIS details the resulting operational benefits of the mitigation both on the Meadowbrook State Parkway and at area intersections, including the parkway in proximity to the Roosevelt Field Mall and other Shopping Centers in the area. Also, see response to comment TP-91, which includes additional roadway improvements that Sands has committed to as a public benefit, since the time of preparation of the DEIS.

TP-110. Hempstead Turnpike is densely built on both sides and cannot be widened. (C7)

The proposed improvements to Hempstead Turnpike summarized in Section 10 of the TIS and graphically on figures in Attachment P to the TIS (Appendix 3.5-1 of the DEIS) do not require the widening of Hempstead Turnpike.

TP-111. Plans to expand the Meadowbrook State Parkway to accommodate increased traffic may lead to permanent alterations in the county's suburban character and further exacerbate congestion. Such infrastructure changes could disrupt local ecosystems and diminish residents' quality of life. (C23)

As depicted on Figures 38, 39 and 40 in Section 3.5.3.2 of the DEIS, the proposed improvements to the Meadowbrook State Parkway will be confined to public right-of-way areas. Sections 3.3.2.4, 3.7.2.5 and 3.15.11 of the DEIS include the analyses of potential impacts associated with proposed roadway mitigation and demonstrate that there would be no significant adverse ecological impacts or quality of life impacts (construction impacts, noise impacts) that would diminish residents' quality of life.

TP-112. The proposed traffic mitigation measures include improvements to the Meadowbrook State Parkway (MSP), Northern State Parkway (NSP) and surrounding parkland. Approvals from the New York State OPRHP may be required. NYS OPRHP should be an involved agency in the review of this development. (C56)

As explained in various sections of the DEIS that relate to traffic mitigation (see, for example, Sections 3.1.2.4, 3.3.2.4, 3.7.2.5, and 3.15.11), the Lessee must coordinate with and secure permits from the NYSDOT to implement proposed mitigation measures on the above-referenced parkways. The final design of improvements cannot be accomplished until after the NYSDOT has completed its review of the proposed mitigation and the preliminary design thereof. As also documented in Attachment P in Appendix 3.5-1 of the DEIS, based upon review of the mitigation design concepts, all work is proposed within the existing rights-of-way of the parkways. The Lessee understands that NYSDOT consultation with OPRHP would be required prior to implementing the proposed traffic mitigation. A link to the DEIS has been provided to the regional office of OPRHP. In addition, the Nassau County Legislature has added OPRHP on the involved agency distribution list of all SEQR documents relating to the proposed Integrated Resort.

TP-113. What is the cost associated with the proposed traffic mitigation? Section 2.6 of the DEIS states that over \$150 million in roadway improvements will be performed. However, this estimate may need to be increased to more accurately reflect the cost of the roadway improvements discussed in the DEIS. It is expected that the anticipated traffic impacts of the development will be fully mitigated by the developer. (C56)

The \$150 million construction cost estimate is based on the infrastructure improvement commitments made by Sands and described in the DEIS and this FEIS and includes costs of design and construction (including contingency). The construction cost estimates for bridge replacement and widenings were developed using the NYSDOT Preliminary Cost Estimate Worksheet for New and Replacement Bridges in Regions 1-10 and are based on concept-level sketches. The other roadway widenings on the parkway and surface streets and signal cost estimates were developed utilizing information obtained from recently-awarded construction projects of similar size and scope, supplier and contractor information, the NYSDOT pay item catalog and the NYSDOT preliminary cost estimating tool. Contingencies appropriate for this scoping stage of the project were also utilized. As indicated in Table 71 in Section 4 of the TIS, Appendix 3.5-1 of the DEIS, mitigation on the parkways is under the jurisdiction of the NYSDOT, and it is understood that the ultimate mitigation is subject to coordination with and approval by the NYSDOT. That process has been initiated (see correspondence with NYSDOT in **Appendix 2.6-1** of this FEIS). The DEIS indicates that Sands will perform the required mitigation.

TP-114. The Meadowbrook State Parkway improvements will require review and approval from the Federal Highway Administration and is expected to be a Class I or Class II National Environmental Policy Act (NEPA) action. "Logical termini" describing the beginning and end points of the project and the basis of their selection must be provided as the Meadowbrook State Parkway improvements are expected to be a NEPA action. The "logical termini" for this project (and subsequently the additional lane along the

Meadowbrook State Parkway) should be the Northern State Parkway and Southern State Parkway. (C56)

Based on discussions with NYSDOT (see correspondence in **Appendix 2.6-1** of this FEIS), it is understood that NYSDOT will make a referral of documentation regarding the proposed improvements to the Federal Highway Administration (FHWA) for its review. The Lessee will provide documentation necessary to support the referral to FHWA, as NYSDOT may request, and will follow any process FHWA identifies as necessary.

TP-115. An Access Modification Report shall be submitted as improvements are proposed to various ramps along the Meadowbrook State Parkway. (C56)

Based on review of the NYSDOT's Project Development Manual, Appendix 8 Access Control & Modifications for Interstates & Other Freeways (revised February 23, 2021), it is understood that Sands would be required to submit an Access Modification Report, which would be appended to the Design Approval Document for NYSDOT review and approval.

TP-116. The Meadowbrook State Parkway and Southern State Parkway interchange is noted to experience traffic flow breakdowns because of this project during the Saturday Midday and Saturday Evening peak hours. Mitigation to address this breakdown should be proposed. The study notes that the required mitigation to fix this would be a new flyover, which would be outside the scope of the project. NYSDOT recommends that mitigation to address this breakdown be implemented in this project. (C56)

As outlined in the TIS, included as Appendix 3.5-1 of the DEIS, VISSIM software was used to model the entire Meadowbrook State Parkway. The capacity constraints associated with the interchange at Meadowbrook State Parkway and Southern State Parkway are noted in the existing condition for this project and have been documented in studies performed for previously proposed projects in this area, including the Lighthouse project in 2008. This "breakdown" is not associated with impacts caused by the Sands project.

As outlined in Appendix 3.5-1 of the DEIS, given the significant difference in the amount of project related traffic at the north end of the study area than the south end of the study area (approximately 64% of project related traffic on the Meadowbrook State Parkway is oriented to and from the north, while only 36% of project-related traffic on the Meadowbrook State Parkway is oriented to and from the south), the mitigation for this project was focused on adding capacity at the north end of Meadowbrook State Parkway (see response to comment TP-86 for a further discussion of the development of the traffic directional distribution).

The mitigation package identified in Appendix 3.5-1 of the DEIS was developed looking at the length of the Meadowbrook State Parkway from the Northern State Parkway south beyond its interchange with the Southern State Parkway and included sections of the Northern State Parkway and Southern State Parkway to each side of the interchanges. The VISSIM modelling effort revealed existing capacity constraints that, in many instances, were worsened by background traffic growth in the future, as well as areas where the proposed Integrated Resort would affect traffic conditions.

It is well understood that, under existing conditions, congestion occurs in areas along the Meadowbrook State Parkway and at its interchanges with the Northern State Parkway and

Southern State Parkway. The Meadowbrook State Parkway between the Northern State Parkway and Southern State Parkway is approximately six miles in length with numerous interchanges and bridges. There are various deficiencies along the Meadowbrook State Parkway that have existed for decades and would continue to worsen in the no-build conditions.

However, the improvements that Sands proposes to implement would not only address impacts related to the proposed Integrated Resort but would also improve existing conditions. As with most capacity improvements, increases in capacity on the parkway are associated with the addition of travel lanes. These lanes have capacities on the order of 2,000 pvphpl and can only be added in their entirety. There are only very large increments of capacity increases that can be applied and the lane additions proposed by Sands greatly exceed that necessary to accommodate impacts of the proposed Integrated Resort. This being the case, significant thought and effort was put into determining where these additional lanes should be provided, accounting for the level of site traffic in that area, as well as the effectiveness of the widening in providing improvements to traffic operations. The provision of additional lanes in both directions over essentially the six-mile length of the parkway provides capacity in excess of that needed to address the impacts of the proposed Integrated Resort. Section 4 in Appendix 3.5-1 of the DEIS details these efforts starting on Page 100.

As an example, to the north of the site on Meadowbrook State Parkway, the maximum site traffic northbound is projected to be 1,200 vehicles on a Saturday evening. The additional lane to be provided as mitigation increases capacity by approximately 2,000 vehicles per hour. This means that the proposed Integrated Resort will only use 60 percent of the added capacity with 40 percent of the capacity of the lane available for the travelling public. During the weekday p.m. peak hour, the projected 900 vehicle trips will use only 45 percent of the lane capacity with the rest available for the traveling public. South of the subject site, the maximum southbound traffic is 650 vehicles on a Saturday evening, which would represent only one-third of the lane capacity if an additional lane was provided. During the weekday p.m. peak hour, the 475 vehicles at that location represents only 21 percent of the capacity of a lane. In addition, the percentage of site traffic at the north end of the Meadowbrook State Parkway during the weekday p.m. peak hour (i.e., the peak period that affects impacts and mitigation most directly), represents 12 percent of background traffic levels, while at the south end, it represents only 6 percent of background traffic levels.

Clearly, the provision of additional capacity at the north end of the parkway, as proposed, has a direct nexus to the impacts of the proposed Integrated Resort, and such nexus does not exist at the south end where the potential project impact is significantly less. **Table 13** below presents the anticipated No-Build volumes in 2030 on segments of the Meadowbrook State Parkway as well as the Northern State Parkway and Southern State Parkway along with the site generated traffic on those sections for the critical weekday p.m. peak period that drives the proposed mitigation. Also presented in **Table 13** is the Sands traffic as a percentage of the background traffic on that segment.

Table 13 - Full-build Traffic vs. Background Traffic – Weekday PM Peak Hour Combined Northbound and Southbound

Location	2030 No-Build	2030 Trip Gen	% Sands Traffic Relative to Background Traffic
Northern State Parkway East of Meadowbrook State Parkway	7918	319	4.0%
Northern State Parkway West of Meadowbrook State Parkway	11390	791	6.9%
Meadowbrook State Parkway between Northern State Parkway and Old Country Rd	10450	1110	10.6%
Meadowbrook State Parkway between Old Country Rd and Zeckendorf Blvd	9830	1219	12.4%
Meadowbrook State Parkway between Zeckendorf Blvd and Merchants Concourse	9062	1219	13.5%
Meadowbrook State Parkway between Merchants Concourse and Stewart Ave	8863	1219	13.8%
Meadowbrook State Parkway between Stewart Ave and CD Road	8863	1219	13.8%
Meadowbrook State Parkway between CD Road and Charles Lindbergh Blvd	7442	0	0.0%
Meadowbrook State Parkway between Charles Lindbergh Blvd and Hempstead Tpke	8172	341	4.2%
Meadowbrook State Parkway between Hempstead Turnpike and Southern State Parkway	10034	720	7.2%
Meadowbrook State Parkway between Southern State Parkway and Babylon Tpke	8928	109	1.2%
Southern State Parkway east of Meadowbrook State Parkway	9249	296	3.2%
Southern State Parkway west of Meadowbrook State Parkway	9081	315	3.5%

As can be seen in **Table 13**, the highest concentrations of site traffic on the parkways are expected to occur north of the subject site, due to the trip arrival and departure patterns noted above. This is true of not only the number of trips but also of the relative percentage of trips when compared to background volumes. **Table 13** demonstrates that the volumes and relative percentages are significantly lower to the south along Meadowbrook State Parkway, as well as on the Northern State Parkway and Southern State Parkway segments east and west of the Meadowbrook State Parkway.

Through the iterative use of modelling of future operations with VISSIM, a number of mitigation strategies were tested to identify the most effective and feasible strategies to mitigate impacts and address conditions due to background traffic. This effort, in keeping with the site traffic patterns discussed above and presented in **Table 13**, resulted in the proposed mitigation included in the TIS that adds additional lanes to the Meadowbrook State

Parkway near the north end of the study area with spot improvements to ramp junctions along the Meadowbrook State Parkway and surface streets near the site.

Notwithstanding the above, the Meadowbrook State Parkway's interchange with the Southern State Parkway was evaluated to determine if there are feasible, additional mitigation measures that Sands could perform to assist with addressing existing traffic issues. Based on this analysis, Sands has advised NYSDOT (see **Appendix 2.6-1** of this FEIS) that it would construct a deceleration lane at the ramp from the southbound Meadowbrook State Parkway to the westbound Southern State Parkway. This deceleration lane will be approximately 500 feet in length and commence just south of the Jerusalem Avenue bridge over the Meadowbrook State Parkway (an acceleration lane to the northbound Meadowbrook State Parkway from the ramp from the westbound Southern State Parkway already exists).

TP-117. A deceleration lane to allow vehicles to merge from the Meadowbrook State Parkway southbound to the Southern State Parkway westbound and an acceleration lane from the Southern State Parkway westbound to the Meadowbrook State Parkway northbound should be provided. This will require the Jerusalem Avenue bridge to be widened to accommodate the additional lanes. (C56)

As explained in response to comment TP-112, Sands has offered to construct a deceleration lane at the ramp from the southbound Meadowbrook State Parkway to the westbound Southern State Parkway. This deceleration lane will be approximately 500 feet in length and commence just south of the Jerusalem Avenue bridge over the Meadowbrook State Parkway. An acceleration lane to the northbound Meadowbrook State Parkway from the ramp from the westbound Southern State Parkway already exists.

TP-118. The improvements on the Meadowbrook State Parkway are stated to be completed prior to full build-out of the site. Indicate the impacts of the 2027 Phase 1 build out of the site on the Meadowbrook State Parkway. Will mitigation along the Meadowbrook State Parkway be needed prior to the Phase 1 build out? (C56)

The total anticipated external trip generation for the proposed Integrated Resort is presented in Table 20 and Table 22 of the TIS (Appendix 3.5-1 of the DEIS) for the Full-Build and Phase I conditions, respectively. The total external trip generation from these tables is reproduced in **Table 14** below, along with the percentage of Full-Build that Phase I (as contemplated in the DEIS) represents for each of the five analysis periods.

Table 14 - Total External Trip Generation Comparison – Phase I and Full-Build

Peak Hour	Hour	Phase I	Full-Build	Phase I Percent of Full-Build
Weekday AM	7:30 to 8:30 a.m.	401	1,455	27.5%
Weekday PM	5:00 to 6:00 p.m.	580	2,304	25.1%
Friday Evening	6:00 to 7:00 p.m.	847	3,107	27.3%
Saturday Midday	1:15 to 2:15 p.m.	840	3,011	27.9%
Saturday Evening	7:15 to 8:15 p.m.	1,235	4,186	29.5%

As can be seen in **Table 14**, the Phase I trip generation is a relatively small fraction of the Full-Build trip generation during all peak periods, representing less than 30% of Full-Build volumes in all cases.

As presented in Section 4 of the TIS (Appendix 3.5-1 of the DEIS), the Weekday PM peak hour (5:00 p.m. to 6:00 p.m.) represents the time period where both No-Build and Build congestion are most prevalent and is the primary catalyst of the proposed mitigation. As can be seen in the table above, at that time, Phase I (as contemplated in the DEIS) generates only one quarter of the Full-Build traffic -- 580 trips. These trips are distributed amongst surface streets and the parkway from and to the north and the south and include exiting and entering trips. The peak direction of site traffic at this hour, exiting from the subject site, is projected at 339 trips. In the 2023 existing condition, the Meadowbrook State Parkway, moving away from the site to the north and south, accommodates 9,650 vehicles. Were the entirety of the exiting traffic to utilize the parkway (it will, in fact, be significantly less), this represents 3.5 percent of background traffic, which is well within the range of normal daily variation and would not have any significant impact on traffic operations. These 580 trips represent less than would be anticipated during this time period by a 200,000 sf retail center.

Based on the above, no mitigation is necessary to address traffic impacts from Phase I operation of the proposed Integrated Resort, as contemplated in the DEIS, on the Meadowbrook State Parkway.

As explained in response to comment CON-2 in the *Construction* section of this FEIS, and TP-76 above, since the time of DEIS preparation, a revised Phase 1 program has been developed, and Sands has committed to constructing the full-build roadway mitigation for the revised Phase 1 program. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 program and the full-build analyzed in the DEIS) is undertaken.

TP-119. The addition of a fourth thru lane on southbound Meadowbrook State Parkway from the Northern State Parkway to Zeckendorf Boulevard and then dropping the lane at Zeckendorf Boulevard will create a bottleneck. Analyze the impacts of extending the additional lane further south. (C56)

See response to comment TP-106 for a discussion of the improvements to the southbound Meadowbrook State Parkway and how the additional lane proposed will not cause a bottleneck. See response to comment TP-116 for a discussion on the identification of the appropriate mitigation on the Meadowbrook State Parkway.

As outlined in Section 4 of the TIS (Appendix 3.5-1 of the DEIS), the traffic operations of the entire Meadowbrook State Parkway from Northern State Parkway to the Sunrise Highway were modeled using VISSIM simulations. This analysis was conducted to identify and document existing operational deficiencies and areas of greatest site-generated traffic impact, which were then used to identify appropriate links and start and end points for each element of the proposed mitigation. The VISSIM also accounts for the roadway network processing additional traffic through this area as a result of added capacity with the proposed mitigation and the effect of this additional traffic is captured

in the analysis. This analysis indicates a significant improvement by adding the southbound lane from the Northern State Parkway to Zeckendorf Boulevard where it is appropriately terminated as the start of the southbound exit ramp to westbound Zeckendorf Boulevard. The presentation of the VISSIM analysis results is provided in Attachment O of Appendix 3.5-1 of the DEIS.

TP-120. The increased traffic volumes from this development requires additional mitigation of the Meadowbrook State Parkway south of NYS Route 24. This will include widened shoulders and an additional lane in the northbound and southbound directions. (C56)

See response to comment TP-116 for a discussion of the identification of the appropriate mitigation on the Meadowbrook State Parkway.

As outlined in Section 4 of the TIS (Appendix 3.5-1 of the DEIS), the operations of the entire Meadowbrook State Parkway from Northern State Parkway to the Sunrise Highway were modeled using VISSIM simulations to determine the existing operational deficiencies and areas of greatest site-generated traffic impact, which were then used to identify appropriate links and start and end points for each element of the proposed mitigation. The overlap of existing congestion and the greatest site-generated traffic occurs to the north of the subject site. As illustrated in Attachment O of the TIS, and discussed in response to comment TP-116, the improvements proposed provide additional capacity to address not only site-related impacts but also accommodate a significant volume of non-site related traffic by providing excess capacity in the critical area at the north end of Meadowbrook State Parkway.

TP-121. A weaving analysis should be included to show the effects of the improvements at the ramp from the westbound Northern State Parkway to the southbound Meadowbrook State Parkway. In particular, the effects of traffic weaving from the westbound Northern State Parkway to the off ramp to Old Country Road should be considered. (C56)

In the preparation of the TIS, Appendix 3.5-1 of the DEIS, the state-of-the-art tool, VISSIM, was used to simulate traffic conditions along the parkway system within the study area for existing and future conditions. In this manner, the effects of the noted weave on traffic flow in this area are included in the performance metric reported in this section and Table 37 in TIS Section 4. This process is described in detail in Section 4 of the TIS beginning on Page 100. The application of VISSIM to the parkway allows simulation of complex roadway geometry and congested conditions and explicitly includes the effects of the weaving characteristics in a way that a more traditional weaving analysis, through the use of Highway Capacity Software, does not allow. VISSIM is an accepted modeling tool by NYSDOT. Table 37 from the TIS is reproduced below.

Table 15 - Speed (mph) Metrics for Southbound Meadowbrook State Parkway (South of Northern State Parkway)

Roadway	Scenario	Weekday AM	Weekday PM	Friday PM	Saturday Midday	Saturday Evening
Ramp from Northern State Parkway eastbound to Meadowbrook State Parkway southbound	Existing	54	16	52	16	55
	No Build 2030	54	13	26	11	54
	Build 2030	54	12	22	15	53
	Build 2030 with Mitigation	54	30	22	23	53
Ramp from Northern State Parkway westbound to Meadowbrook State Parkway southbound	Existing	23	10	41	31	51
	No Build 2030	21	6	19	7	51
	Build 2030	8	6	11	8	49
	Build 2030 with Mitigation	52	52	52	52	53
Meadowbrook State Parkway southbound	Existing	53	17	49	17	55
	No Build 2030	53	15	25	15	55
	Build 2030	52	15	26	18	54
	Build 2030 with Mitigation	54	26	21	28	53

As can be seen in the table, when comparing the No Build 2030 condition with the Build 2030 with Mitigation condition, the speeds on the ramps from the Northern State Parkway to the southbound Meadowbrook State Parkway increase or remain the same in every time period, reflecting an improvement in traffic flow, with the exception of the Friday evening peak hour and Saturday evening peak hour on the ramp from the eastbound Northern State Parkway where speeds minimally decrease. The table also indicates that, with two exceptions, the speeds on the southbound Meadowbrook State Parkway in this area increase with the proposed mitigation. The exceptions to this are during the Saturday evening peak hour, when speeds are relatively high without the improvement and see a drop of only two miles per hour, and during the Friday evening peak hour when speeds drop four miles per hour.

The VISSIM results are summarized in Attachment O of the TIS (Appendix 3.5-1 of the DEIS).

TP-122. Additional mitigation may be needed on the Northern State Parkway between the Meadowbrook State Parkway and Post Avenue in both directions. (C56)

As outlined in the TIS, Appendix 3.5-1 of the DEIS and Attachment O thereof, the operations of the entire Meadowbrook State Parkway, as well as segments of the Northern and Southern State Parkways, were modeled using VISSIM, and the results of that analysis were used to develop the mitigation program presented in the DEIS.

Based on this evaluation, the proposed widening of the westbound Northern State Parkway to southbound Meadowbrook State Parkway ramp, to eliminate the existing two-to-one lane drop southbound, improves conditions on westbound Northern State Parkway between Post Avenue and Meadowbrook State Parkway. In No-Build conditions, this lane drop contributes to congestion and queues spill back onto westbound Northern State Parkway. In the proposed mitigation scenario, the widened on-ramp eliminates the lane drop and the

corresponding queue spillback onto westbound Northern State Parkway. Comparing No Build and Build with Mitigation conditions, the travel speeds on westbound Northern State Parkway between Post Avenue and Meadowbrook State Parkway are either equivalent to or higher than the No-Build condition despite the traffic volume increase.

The proposed widening of the northbound Meadowbrook State Parkway ramp to eastbound Northern State Parkway to a two-lane ramp significantly improves travel speeds along northbound Meadowbrook State Parkway compared to No-Build conditions. Providing additional capacity on the northbound Meadowbrook State Parkway ramp increases the volume throughput onto eastbound Northern State Parkway. During the Weekday AM and Saturday Middy and Evening conditions, travel speeds on eastbound Northern State Parkway between Meadowbrook State Parkway and Post Avenue are comparable between No-Build and Build with Mitigation conditions, despite the traffic volume increase. The eastbound Northern State Parkway would receive more of the No-Build volume demand because the proposed mitigation on the ramp would address the bottleneck on the northbound Meadowbrook State Parkway and allow vehicles currently being held back by congestion to reach the Northern State Parkway eastbound. In the Weekday PM and Friday Evening conditions, there is No-Build congestion on eastbound Northern State Parkway due to constraints outside the VISSIM study area (i.e., Wantagh State Parkway and farther east). The proposed widening of the northbound Meadowbrook State Parkway ramp to eastbound Northern State Parkway addresses the choke point within the study area and improves conditions on northbound Meadowbrook State Parkway to better than No-Build conditions. This allows more background volume onto eastbound Northern State Parkway, which adds to congestion caused by No-Build traffic. This results in Build with Mitigation condition speeds that are lower than No-Build; however, additional mitigation for this condition would primarily be addressing a No-Build traffic constraint.

TP-123. The TIS proposes to widen the northbound Meadowbrook State Parkway ramp to eastbound Northern State Parkway to a two-lane ramp. How is the added traffic volume onto the eastbound Northern State Parkway addressed? Will the lane drop be relocated further east? The Northern State Parkway should be widened to 3 lanes under the Wantagh State Parkway and then drop to two lanes. (C56)

The proposed widened two-lane ramp from northbound Meadowbrook State Parkway would merge onto the existing three-lane eastbound Northern State Parkway over a longer distance than the current condition. The outside ramp lane drops at the location of the existing single-lane ramp drop. The inside ramp lane then drops prior to the Carle Road bridge to avoid impacts to that structure. The proposed mitigation would transition into the existing three-lane section on eastbound Northern State Parkway prior to the Carle Road Bridge and significantly improves the operations of this merge.

Regarding the Northern State Parkway at the Wantagh State Parkway, while this interchange is not within the study area or VISSIM model, the site volumes expected to approach the interchange eastbound are projected and are presented on figures V-D-1 through V-D-5 in Attachment J of the TIS, Appendix 3.5-1 of the DEIS. During the periods of highest volumes on this section of the Northern State Parkway, the Weekday PM peak and Friday Evening peak, the projected site traffic in this direction is only 152 and 196 vehicles per hour, respectively. A portion of this volume will divert to the Wantagh State Parkway southbound

resulting in even lower levels of site traffic that would join the two-lane section of the Northern State Parkway. Therefore, the suggested additional mitigation of widening eastbound Northern State Parkway to three lanes through the Wantagh State Parkway interchange is not warranted.

TP-124. Reducing the northbound thru lanes on the Meadowbrook State Parkway from three to two south of Stewart Avenue and adding a lane on the Meadowbrook State Parkway C-D Road may create a bottleneck on northbound Meadowbrook State Parkway. Analyze the impacts of extending the additional lane further north. (C56)

See response to comment TP-112 regarding the process of identifying appropriate effective mitigation measures along the Meadowbrook State Parkway. While the detailed analysis indicates that no such bottleneck would exist, based on this input, as well as a request from the Town of Hempstead, this proposed mitigation is no longer proposed. The condition that this mitigation was designed to address is limited to the Saturday evening period and affects mostly Sands site-related traffic and some congestion that forms on the C-D road during that limited period.

TP-125. The TIS proposes to widen the north end of the northbound Meadowbrook State Parkway C-D Road. The existing northbound Meadowbrook State Parkway travel lane would be dropped prior to the C-D Road merge. An alternative to this should be recommended. The Meadowbrook State Parkway needs to be maintained for other purposes, such as a coastal evacuation or alternate route for incident management (for example if the Wantagh State Parkway closes). (C56)

See response to comment TP-116 regarding the process of identifying appropriate effective mitigation measures along the Meadowbrook State Parkway. While the detailed analysis indicates that no such bottleneck would exist, based on this comment, as well as a request from the Town of Hempstead, Sands has agreed to eliminate this proposed mitigation. The condition that this mitigation was designed to address is limited to the Saturday evening period and affects mostly site-related traffic and some congestion that forms on the C-D road during that limited period.

TP-126. The proposed two lanes on the C-D Road will require the widening of the Stewart Avenue bridge in both directions. The Meadowbrook State Parkway lanes under Merchants Concourse will also need to be widened to maintain traffic flow on the Meadowbrook State Parkway. (C56)

See responses to comments TP-87 and TP-124. This mitigation has been eliminated from the mitigation plan.

TP-127. Consider as part of the traffic analysis the increase in delays that will be caused by the proposed two-lane entrance ramp from northbound Meadowbrook State Parkway to eastbound Northern State Parkway. (C56)

See response to comment TP-119. Provision of a second northbound lane on Meadowbrook State Parkway to eastbound Northern State Parkway will reduce the delays for this movement that are currently caused by the limited capacity. The proposed two-lane ramp from Meadowbrook State Parkway will process additional volume for a longer period to more efficiently allow the traffic to merge with the eastbound Northern State Parkway, and two-lane entrance ramps are used in numerous locations where there are high volumes of traffic entering a freeway. These results are outlined in Section 4 and Attachment O of the TIS (which includes the VISSIMS results). The TIS is included in its entirety in Appendix 3.5-1 of the DEIS.

TP-128. The northbound Meadowbrook State Parkway on-ramp at Old Country Road should be lengthened to eastbound Northern State Parkway to form the second off-ramp lane. (C56)

As explained on Pages 104 and 105 of the TIS and depicted on Attachment P thereof (see Appendix 3.5-1 of the DEIS), this improvement is already proposed as a mitigation measure.

TP-129. Provide a summary table of the intersections where the overall LOS degraded under the build condition and the proposed mitigation measures. (C56)

Table 24 (Page 75) through Table 28 (Page 87) of the TIS (Appendix 3.5-1 of the DEIS) contain the overall levels of service related to the proposed Integrated Resort for the Build condition. Mitigation measures identified to address projected impacts are summarized in Table 29 on Pages 93 and 94 of the TIS.

TP-130. An additional westbound right turn lane or additional storage length may need to be considered at the intersections of NYS Route 24 and the Memorial Sloan Kettering entrance & Cunningham Avenue. (C56)

As illustrated in Tables 24 to 28 of the TIS (Appendix 3.5-1 of the DEIS), the Synchro analysis findings do not demonstrate the need for an additional westbound right turn lane. This movement operates at LOS A with queues of only 50 feet.

TP-131. The Meadowbrook State Parkway southbound ramp to NYS Route 24 eastbound may need to be increased in radius. The eastbound NYS Route 24 to southbound Meadowbrook State Parkway on-ramp may need to be moved over to accommodate that improvement. (C56)

The proposed Integrated Resort does not add any traffic to this southbound and eastbound movement, which is from the north and then away from the site on Hempstead Turnpike, and the TIS makes no reference to modifying or increasing the radius of that ramp. Therefore, the relocation of the eastbound Hempstead Turnpike to southbound Meadowbrook State Parkway southbound ramp is not warranted.

- TP-132. The southbound approach at NYS Route 24 and Glenn Curtiss Boulevard/Site Access, exiting the site, provides two left turn lanes and a shared right-thru lane. This will remove the existing dedicated right turn lane. This may require additional green time at the signal for vehicles exiting the venue and should be analyzed and discussed in the analysis. (C56)**

Given the overall site layout and proposed locations of access points and parking garages, the southbound right turn movement at this location is not expected to accommodate significant volume (a maximum of 20 vehicles during the commuter peak hours, as shown on Figures F-1a Thru F-7a in Attachment E of the TIS, Appendix 3.5-1 of the DEIS). The analysis, included in the TIS in Section 4, confirms that the proposed lane allocation is the most efficient operation for that approach.

- TP-133. The TIS proposes to restrict westbound U-turn movements at NYS Route 24 and Glenn Curtiss Boulevard/Site Access. Experience shows that such restrictions are rarely adhered to. Please explain the justification for this modification. (C56)**

The traffic operations at this location were re-evaluated, and it was determined that, with signal timing adjustments, this location can accommodate the anticipated U-turn volumes. Therefore, the proposed restriction of U-turns at this location is no longer proposed. Also, see response to comment TP-99.

- TP-134. The TIS proposes to extend the deceleration lane for eastbound NYS Route 24 to southbound Meadowbrook State Parkway and to extend the acceleration lane for the ramp for southbound Meadowbrook State Parkway to eastbound NYS Route 24. The added length of the lane and taper may impact the loop ramp and acceleration lane for the westbound NYS Route 24 to southbound Meadowbrook State Parkway loop ramp. The extension of the acceleration lane should be verified with current design standards. (C56)**

See response to comment TP-131. The TIS, Appendix 3.5-1 of the DEIS, did not result in the recommendation for mitigation to the ramp for the southbound Meadowbrook State Parkway to eastbound NYS Route 24 ramp. The proposed mitigation is summarized in Section 10 of the TIS. Thus, there would be no potential for impacts to the westbound NYS Route 24 to the southbound parkway loop ramp acceleration lane.

- TP-135. An analysis of additional lanes along NYS Route 24 should be considered to Merrick Avenue. One lane should be added up to the Meadowbrook State Parkway northbound off ramp. An acceleration/deceleration lane should be considered on the bridge in both directions, in addition to a thru lane. (C56)**

As shown in Tables 24 to 28 of the TIS (Appendix 3.5-1 of the DEIS), the operations along NYS Route 24 are typically LOS D/E during the commuter peak hours under the No-Build and Build condition. Overall delays increase by fewer than two seconds during the commuter peaks. Thus, no additional widening is required.

TP-136. An analysis of continuous additional lanes along NYS Route 24 in both directions between the Meadowbrook State Parkway and Earle Ovington Boulevard should be provided. (C56)

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), the operations along NYS Route 24 currently include long delays for eastbound and westbound vehicles. With the implementation of the proposed mitigation, many of these eastbound and westbound delays decrease during the commuter peak hours. Thus, no additional widening, beyond that proposed in the TIS, is required.

TP-137. Based on the information provided in the TIS, Merrick Avenue needs further study and mitigation. Existing delays on Merrick Avenue back traffic up to the intersection NYS Route 102 and Merrick Avenue, which would be increased because of traffic from the development. (C56)

As shown in Attachment M of the TIS (Appendix 3.5-1 of the DEIS), there is no increase in delays for through movements on Merrick Avenue at the Merrick Avenue/Hempstead Turnpike intersection during the commuter peaks because of the proposed Integrated Resort. Thus, mitigation is not warranted.

TP-138. The proposed Transportation Demand Management strategies discussed may not have the assumed impacts that are included in the TIS. The developer should document how and to what extent the expected mitigation will address the impacts of the development for further review. (C56)

The TDM strategies include commitments (such as a dedicated shuttle to and from the Hempstead LIRR Station and longer-range coach buses) to reduce site traffic impacts. The mode share assumptions discussed and utilized in the development of the trip generation in Section 3 of the TIS (Appendix 3.5-1 of the DEIS) are intentionally modest to provide a conservative traffic analysis and reflect between 85 percent and 95 percent of persons travelling to and from the subject site by private automobile or rideshare (depending on trip type) with relatively small percentages arriving by public bus, Sands LIRR shuttle or coach bus as discussed starting on page 61 and presented in Table 12 of the TIS (Appendix 3.5-1 of the DEIS).

The mitigation package identified in the TIS addresses project impacts on surface roadways and intersections as noted in Section 4 thereof and discussed in response to comment TP-106 above. With regard to the parkways, as discussed and presented starting on page 100 of the TIS, given the significant difference in the amount of project-related traffic at the north end of the study area than the south end of the study area (approximately 64 percent of project related traffic on the Meadowbrook State Parkway is oriented to and from the north, while only 36 percent of project related traffic on the Meadowbrook State Parkway is oriented to and from the south), the mitigation for this project was focused on adding capacity at the north end of Meadowbrook State Parkway. As noted in Section 4 of the TIS, the proposed mitigation measures are focused on providing improvements north of the subject site where site volumes are highest and investments can result in the most significant improvements in traffic conditions for visitors and the motoring public in general. The proposed capacity improvements address deficiencies present today and the project demand only uses a portion

of the capacity associated with the widening that Sands is committed to providing. Also, see response to comment TP-116.

TP-139. Consider removing the abandoned LIRR bridge over the Meadowbrook State Parkway. (C56)

As the proposed Integrated Resort would not impact the abandoned LIRR bridge, the Lessee is not proposing to remove this bridge.

TP-140. There are several environmental justice communities surrounding the project area. All mitigation measures must be considered to reduce impacts to the communities and the environmental justice procedure according to Executive Order 12898 must be followed. (C56)

New York State has identified several of Potential Environmental Justice Areas (PEJA) and Disadvantaged Communities (DAC)(see Figures 42 and 47 of the DEIS). The DEIS documents their locations and provides impact analyses in various sections of the DEIS (see, for example, Sections 3.6, 3.15, and 4.0).

With respect to the Executive Order cited in the comment, on January 21, 2025, President Trump issued an Executive Order, entitled *ENDING ILLEGAL DISCRIMINATION AND RESTORING MERIT-BASED OPPORTUNITY*. Section 3 of that Executive Order states, in pertinent part:

Sec. 3. Terminating Illegal Discrimination in the Federal Government. (a) The following executive actions are hereby revoked:

(i) Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)

Accordingly, Executive Order 12898 has been revoked. In addition, as noted earlier, at the present time, it is not anticipated that any federal approvals or funding would be required.

TP-141. The Uniondale community is seeking discussion, follow-up, and action regarding questions posed about traffic on Uniondale Avenue, and possible mitigation to the difficult conditions there. Direct mitigation [measures] seemed to be absent in the DEIS discussion of traffic impacts. Collaboration on solutions and mitigations to significant traffic challenges in Uniondale, especially along Uniondale Avenue, are requested. (C57)

The intersections of Uniondale Avenue at Jerusalem Avenue and Uniondale Avenue at Nassau Road were included in the intersections evaluated in the TIS. As shown in trip assignment Figures E-1a to E-5a in Attachment E of the TIS (Appendix 3.5-1 of the DEIS), the analysis showed that during the weekday PM commuter peak hour, only 14 site related trips are anticipated to travel on Uniondale Avenue, approximately an 0.48 percent increase over the 2030 No Build conditions.

Despite the above, based upon a meeting between representatives of Sands and community leaders of Uniondale on March 4, 2025, Sands has agreed to provide streetscape improvements along Uniondale Avenue from Hempstead Turnpike to Front Street; Uniondale

Avenue traffic calming and safety improvements from Hempstead Turnpike to Nassau Road; traffic signal improvements at Uniondale Avenue at Front Street; traffic signal improvements at Uniondale Avenue at Jerusalem Avenue; and traffic signal improvements at Uniondale Avenue at Nassau Road.

TP-142. How is the intersection of Stewart Avenue and Clinton Avenue going to be mitigated? It does not seem possible. (H8)

As shown in Attachment M to the TIS (Appendix 3.5-1 of the DEIS), the overall delays at this intersection resulting from the proposed project are not significant (1.3 seconds during the Weekday p.m. peak hour and 1.8 seconds during the Friday evening peak hour, for example). Based on these results and the low level of site-generated traffic at this location, as presented on Figures E-1a through E-5a in Attachment E of the TIS, no mitigation is warranted at this location.

TP-143. The DEIS includes minimal traffic mitigation, aside from futile turning lane extensions and traffic signal reprogramming solely on the roads in immediate proximity to the Coliseum site. What about the many other gridlock roads nearby and the surrounding communities like Uniondale Avenue and Merrick Avenue, just to name a few, that was studied according to the TIS? What is the plan for them? (H29)(C43)

The Final Scope for the TIS (Appendix 3.5-1 of the DEIS) included a total of 66 intersections for detailed evaluation in the study. These included:

Uniondale Avenue:

- › Uniondale Avenue at Hempstead Turnpike/Earle Ovington Boulevard (Loc 5)
- › Uniondale Avenue at Front Street (Loc 20)
- › Uniondale Avenue at Jerusalem Avenue (Loc 50)
- › Uniondale Avenue at Nassau Road (Loc 51)

Merrick Avenue:

- › Merrick Road/Post Avenue at Old Country Road (Loc 29)
- › Merrick Road at Privado Road (Loc 56)
- › Merrick Road at Corporate Drive (Loc 55)
- › Merrick Road at Stewart Avenue/Park Boulevard (Loc 30)
- › Merrick Road at Charles Lindbergh Boulevard (Loc 11)
- › Merrick Road at Hempstead Turnpike (Loc 12)
- › Merrick Road at Glenn Curtiss Boulevard/Peters Gate (Loc 16)
- › Merrick Road at Front Street (Loc 19)
- › Merrick Road at Bellmore Avenue (Loc 47)
- › Merrick Road at N. Jerusalem Avenue (Loc 48)
- › Merrick Road at Jerusalem Avenue (Loc 49)

The results of the traffic impact analyses at these locations are summarized in Tables 24 through 28 in Section 4 of the TIS for the five peak hours studied and indicate low levels of project impacts that do not require mitigation in most cases. Mitigation is proposed at:

- › Uniondale Avenue at Hempstead Turnpike/Earle Ovington Boulevard (Loc 5)
- › Merrick Road at Privado Road (Loc 56)
- › Merrick Road at Corporate Drive (Loc 55)

Due to the more regional nature of the trips visiting the proposed Integrated Resort, fewer are impacting local roadways compared to previous proposals for the subject site. The directional distribution developed for the project is presented in the TIS (Appendix 3.5-1 of the DEIS), in Section 3 beginning on Page 67. The majority of the Integrated Resort trips are oriented to and from the Meadowbrook State Parkway, mostly to the north. As a result, local roadway impacts are most concentrated at intersections surrounding the subject site. As outlined in Table 29 on Page 93 and the accompanying text of the TIS, the proposed improvements include geometric changes as well as traffic signal equipment and timing and phasing changes. At locations where mitigation is not proposed, the project would not result in significant impacts to traffic conditions. See response to comments TP-141 and TP-91 for a discussion regarding Uniondale Avenue impacts and improvements and a summary of proposed roadway mitigation.

TP-144. Among the proposed mitigations of potential traffic impacts from the proposed Sands New York Integrated Resort development of the Coliseum site appears to be a reduction, from three lanes to two, of northbound traffic on a portion of Meadowbrook State Parkway, adjacent to existing northbound collector-distributor (C- D) lanes of the Parkway, north of Hempstead Turnpike (New York State 24). There is concern that such a reconfiguration of existing northbound traffic lanes may cause a bottleneck or "pinch point" in northbound traffic on the Meadowbrook State Parkway resulting in traffic delays that do not currently exist. This proposed mitigation should be reconsidered. (C62)

See response to comment TP-87.

TP-145. The DEIS should explain how shuttle vehicles, buses, delivery trucks, and other commercial traffic will be required to utilize specific routes and/or roadways to arrive at and depart from the proposed Sands New York Integrated Resort. In particular, a specific route for buses and other such vehicular traffic between the Long Island Expressway and the Resort should be identified and described. How will such routing requirements be enforced? Mitigation measures with regard to a potential increase in commercial truck or bus traffic from southern portions of Nassau County -- particularly Sunrise Highway and Merrick Road - to and from the Sands New York Integrated Resort should be identified and described. (C62)

The proposed and anticipated routes for the two proposed bus services (LIRR shuttle and coach shuttle) as well as that of delivery vehicles is discussed in Section 3 of the TIS (Appendix 3.5-1 of the DEIS) on Page 69 and includes the following:

The distribution patterns developed for the LIRR and coach shuttles and facility deliveries avoid roadways with heavy vehicle limitations. The detailed trip distributions are included in Attachment E on the following figures:

- › *Figures D-8a through D-8l, Trip Distribution – LIRR Shuttle*
- › *Figures D-9a through D-9l, Trip Distribution – Coach Shuttle*
- › *Figures D-10a through D-10l, Trip Distribution – Deliveries*

These figures describe the routes to be used by these vehicles and were developed to utilize main roadways and avoid congested downtown areas. The use of these vehicles on parkway facilities is prohibited by law. The number of anticipated vehicles of each type is accounted for in the trip generation, traffic assignments and capacity analyses performed in the TIS and is, therefore, reflected in the proposed mitigation.

The number of each type of bus anticipated during each of the analysis peak hours is presented on Tables 15 through 19 in Section 3 of the TIS (Appendix 3.5-1 of the DEIS). A conservative estimate of eight entering and eight exiting delivery vehicles were assigned to the roadway network in the figures referenced above, based on an expected 100 deliveries to the subject site per day, as provided by Sands.

With respect to enforcement, the LIRR shuttle will be operated by Sands and will follow the prescribed route. The coach shuttles will be operated by Sands and Sands' identified and approved partners with no other shuttles being admitted to the subject property. In this manner, Sands will prescribe the routes that these vehicles can take. Likewise, delivery vehicles will not be admitted to the property unless cleared and scheduled with Sands and will be required to follow prescribed routes.

Sands has also committed, in a letter to the Town of Hempstead (see **Appendix 2.6-7** of this FEIS), that Sands will require that construction and commercial vehicles destined to and from the Integrated Resort commit to using only the prescribed routes. Construction and commercial vehicle operators will also be advised that those destined to the proposed Integrated Resort are prohibited from traveling on Clinton Road in Garden City. It must be understood, however, that some local deliveries will include vehicles that are already in the area making deliveries to other nearby properties, for example, vendors such as beverage and certain pre-packaged food distribution.

TP-146. One proposal is to widen the Meadowbrook State Parkway from the Northern State Parkway to only Hempstead Turnpike. Why are the Southern State Parkway and south shore residents being ignored? The widening of the Meadowbrook is not going to solve problems with traffic on Hempstead Turnpike, which is already overburdened with delays many times during the day. What about traffic mitigation on Hempstead Turnpike? It is likely most people traveling to the proposed project will be traveling by car since the nearest LIRR stations are two miles away. (C64)(C69)(C93)

See response to comment TP-116 regarding the process of identifying appropriate effective mitigation measures along the Meadowbrook State Parkway. As outlined in Section 4 of the TIS, Appendix 3.5-1 of the DEIS, the operations of the entire Meadowbrook State Parkway from Northern State Parkway to the Sunrise Highway were modeled using VISSIM simulations to determine the existing operational deficiencies and areas of greatest site-generated traffic

impact, which were then used to identify appropriate links and start and end points for each element of the proposed mitigation. The overlap of existing congestion and the greatest site-generated traffic occurs to the north of the subject site. As illustrated in Attachment O of the TIS, the improvements proposed provide additional capacity to address not only site-related impacts but also accommodate a significant volume of non-site related traffic by providing excess capacity in the critical area at the north end of Meadowbrook State Parkway. In addition, because of this and other related comments, Sands has committed to provide an improvement at the Meadowbrook State Parkway's interchange with the Southern State Parkway. Specifically, Sands will provide a deceleration lane from the southbound Meadowbrook State Parkway to the westbound Southern State Parkway to improve conditions in that area. This deceleration lane will increase capacity for those vehicles exiting the Meadowbrook State Parkway to access Southern State Parkway, thereby reducing the potential for exiting vehicles to slow down traffic on the mainline Meadowbrook State Parkway.

- TP-147. Acknowledge there is no need for casino traffic on James Doolittle Boulevard because site plans call for a new, more convenient 4-lane express road called Sands Boulevard, in and out of the casino to be built paralleling James Doolittle Boulevard, superseding a need for casino traffic to use James Doolittle Boulevard. The DEIS should include closing off all traffic flow on James Doolittle Boulevard, a narrow, non-strategic Nassau County roadway in the site plans. The DEIS should acknowledge that access for vehicles to enter or exit the Marriott hotel property will continue to be provided at the intersection of Charles Lindbergh and James Doolittle boulevards, but the balance of James Doolittle Boulevard below that will be closed off. (C99)**

The access plan for the proposed Integrated Resort has been developed such that it encourages the use of several major New York State and Nassau County arterial roadways to enter and exit the subject site. Included in the access plan are one major signalized access point on Charles Lindbergh Boulevard and two major signalized access points on each of Hempstead Turnpike and Earle Ovington Boulevard. These provide efficient and direct access to the locations and parking areas on the site that visitors and employees will seek. This access arrangement does not encourage the use of James Doolittle Boulevard.

James Doolittle Boulevard is an existing two-lane public roadway that provides connection between Charles Lindbergh Boulevard and Hempstead Turnpike. James Doolittle Boulevard currently provides access to the Marriott Hotel from both Charles Lindbergh Boulevard and Hempstead Turnpike as well as ingress and egress to the Coliseum property at its north end. There are no plans associated with this project to close off James Doolittle Boulevard south of the Marriott Hotel, thus, the current condition will be maintained. The proposed Integrated Resort includes three minor access points to James Doolittle Boulevard that are expected to accommodate low traffic levels, as depicted on Figures E-1a through E-5a in Attachment E of the TIS, included as Appendix 3.5-1 of the DEIS. Given there will be signalized intersections at each end of Sands Boulevard, and Sands Boulevard provides the most direct access to the proposed Integrated Resort and Parking Garage A, Sands Boulevard would be the more attractive route.

TP-148. The analysis of 2022/2023 crash data indicates increases in injury crashes. These increases could indicate a general trend of increasing crash frequency with increasing volume along the roadways since COVID. The further addition of Project traffic could further contribute to crash frequency and more pedestrian-involved crashes without specific crash mitigation measures. (C59)(H32)

The crash analysis and evaluation included in the DEIS is consistent with requirements and expectations for preparation of traffic impact studies for development projects. Page 44 of the TIS, Appendix 3.5-1 of the DEIS, explains:

The COVID-19 Pandemic and the related public health response had significant impacts to travel in the United States. The number of people commuting to work, travel for other reasons and even the methods of travel were affected in a number of ways. In acknowledgement of this, traffic studies such as this one have avoided the use of crash data after February of 2020 when the COVID-19 Pandemic effects became pronounced. The three-year period prior to the onset of the COVID-19 Pandemic has been used to represent typical conditions given that the period of data available after the COVID-19 Pandemic effects subsided (to the degree they have) does not yet contain three years of data to evaluate. Studies of crash data traditionally use at least three years of data to provide a statistically relevant and stable sample. The Final Scope for this DEIS includes the review of 2022 and 2023 crash data to determine if the frequency of crashes has changed from the period prior to the COVID-19 Pandemic to this two-year period.

Further, Page 46 of the TIS states, with regard to the interpretation of the 2022 and 2023 crash history data:

This exercise, as summarized in Table 9, indicates a few trends in the data that while apparent, should be considered very preliminary given that traffic conditions during the time frame evaluated have likely not yet stabilized and represent only two years of data. There has been, based on this sample, a small but not insignificant increase in the number of crashes in the area on an annual basis. In addition, while there has been no spike in severity toward fatal crashes in the data, there is a shift away from minor, non-reportable crashes toward property damage and injury. The reasons for this are unclear and any conclusions drawn should consider the fact that only two years of data were used and it is not clear that a condition that could be referred to as a "post-Pandemic normal" has been reached in either of the two later study years. In addition, the way in which New York State Department of Motor Vehicles and NYSDOT classifies crash severity has been subject to change including a change in coding of crash severity that may influence the 2022 and 2023 data.

Interpreting the 2022 and 2023 crash history discussed in the TIS must be done with caution as there are only two years of data and not the typical three years considered to be statistically stable and representative of conditions. Furthermore, the effects of the pandemic on traffic conditions may not have been completely resolved, and the data set likely represents a snapshot of a dynamic situation. In addition, as noted in the TIS, the NYSDOT changed the way it classifies crash severity, which may affect the classification of this data as compared to data from prior years.

Four out of five of the intersections for which 2022 and 2023 crash data were evaluated in the TIS are proposed to be improved with mitigation as part of the development of the Integrated Resort, including geometric and/or signal upgrades. Safety measures (such as

performing improvements to meeting geometric design standards and checking adequate clearance times at signals) will be included in these improvements.

Even though not required due to potential traffic impacts related to the proposed Integrated Resort, based upon a meeting between representatives of Sands and community leaders of Uniondale on March 4, 2025, Sands has agreed to provide various improvements along Uniondale Avenue that would also help to improve safety. These include streetscape improvements along Uniondale Avenue from Hempstead Turnpike to Front Street; Uniondale Avenue traffic calming and safety improvements from Hempstead Turnpike to Nassau Road; traffic signal improvements at Uniondale Avenue at Front Street; traffic signal improvements at Uniondale Avenue at Jerusalem Avenue; and traffic signal improvements at Uniondale Avenue at Nassau Road.

- TP-149. The anticipated increase in traffic will likely accelerate roadway wear and tear. It is essential to: Secure Developer Contributions - Ensure that the project developers contribute to the maintenance and enhancement of local infrastructure affected by increased usage and Establish Monitoring Mechanisms - Implement systems to regularly assess infrastructure conditions and address issues promptly. (C27)**

The TIS (Appendix 3.5-1 of the DEIS) evaluated traffic conditions and project impacts at 180 locations including surface street intersections and areas of the Meadowbrook State Parkway, the Northern State Parkway and the Southern State Parkway. As described in Section 4 of the TIS and summarized in Section 10, Sands has proposed extensive improvements to roadway infrastructure that will address not only the impacts of the proposed Integrated Resort but will improve existing operation and reduce existing delays. Road maintenance is performed by the NYSDOT, NCDPW and local governments who have maintenance jurisdiction over the roadways in the area.

- TP-150. There are well-documented existing traffic delays and substandard conditions on the Meadowbrook State Parkway and other arterial and local roadways in the vicinity of the proposed Sands New York Integrated Resort development. These existing traffic delays and substandard conditions should be specifically identified in a chart or table, for future reference. (C62)**

The first step in evaluating the traffic impacts of any project is documenting the existing and future traffic conditions without the project to serve as a basis for comparison. The TIS, included as Appendix 3.1-5 of the DEIS, details the existing and future traffic operations on arterial and local roadways in Section 4, starting on Page 72. Traffic operations on the sections of the Meadowbrook State Parkway, Northern State Parkway and Southern State Parkway are provided starting on Page 100.

- TP-151. The DEIS promotes integration of pedestrian amenities and public transportation into the proposed Integrated Resort to facilitate walking, encourage the use of public transportation, and accommodate alternate modes of transportation that provide access to and from the Integrated Resort. However, there is a sea of parking indicating that visitors are expected to come by private vehicle. You can walk within the complex,**

but is walking to the site safe or practical from adjacent neighborhoods? How is pedestrian access to Marriott Hotel proposed to be handled? The existing closest door would make people want to cross in the middle of proposed Sands Boulevard where there is an existing crosswalk, but the only crossings are shown at North Drive and south end of existing Marriott lot. This seems especially important with respect to Phase 1 when the Marriott will be the only hotel. (C59)

The proposed Integrated Resort has designed its entrances and sidewalk connections strategically to provide safe pedestrian routes to and across area roadways. Sands has committed to upgrade pedestrian crossing features and controls at the intersections that would see the highest levels of pedestrian activity around the perimeter of the site and those that will receive physical mitigation. This will include Americans with Disabilities Act (ADA)-compliant pedestrian ramps and features and pedestrian control and safety features in compliance with NYSDOT and NCDPW requirements. In addition, changes are proposed to intersection geometry at site access points to better protect pedestrian traffic including the elimination of uncontrolled free right-turning movements in favor of full control, allowing for fully-protected pedestrian crossings at these locations.

At the intersection of Sands Boulevard with Charles Lindbergh Boulevard, a new pedestrian connection will cross and connect onto Sands Boulevard and to the major entrances to the subject site. With this location, pedestrian traffic to and from the site will be accommodated at a total of six signalized intersections with fully upgraded pedestrian signal equipment. The Integrated Resort will provide a safe, efficient walking route between the Marriott Hotel and upgrades to the existing crosswalks such as signing and enhanced crosswalk treatments in Phase I.

TP-152. Sands intends to make more bike lanes and pedestrian-friendly walkways, however I noticed their plans only include the area on the Coliseum site. What about all the other surrounding roads in the areas they "studied"? Publicly oriented, street facing facades provide greater eyes on the street. Wider sidewalks add to the feeling of openness. Street oriented retail and eateries add to this, while street level solid walls and parking decks detract. There should be discussion as to how the proposed development will do the same since concept drawing does not appear to contain these elements of design. For reference, I see no bike or pedestrian mitigation strategies further away from the Coliseum site on Hempstead Turnpike. However, Hempstead Turnpike ranks in the top ten as one of the deadliest roads in New York State annually, primarily due to pedestrian accidents stretching the entirety of its Nassau County segment. (C36)(C59)

Sands has committed to upgrade all pedestrian crossing features and controls at the intersections that would see the highest levels of site pedestrian activity. These include the following intersections:

- › Hempstead Turnpike at Glenn Curtis Boulevard/Main Site Access (Loc 2)
- › Hempstead Turnpike at Cunningham Avenue/MSKCC Site Access (Locs 3&4)
- › Hempstead Turnpike at Earle Ovington Boulevard/Uniondale Avenue (Loc 5)
- › Earle Ovington Boulevard at East Gate Road/Site Access (Loc 6)
- › Earle Ovington Boulevard at Charles Lindbergh Boulevard EB/Site Access (Loc 7)

- › Charles Lindbergh Boulevard at Earle Ovington Boulevard/NCC Access (Loc 8)
- › Charles Lindbergh Boulevard at New Site Access (Sands Boulevard)

These improvements will include ADA-compliant pedestrian ramps and features and pedestrian control and safety features in compliance with NYSDOT and NCDPW requirements. In addition, changes are proposed to intersection geometry at site access points to better protect pedestrian traffic including the elimination of uncontrolled free right-turning movements in favor of full control, allowing for fully protected pedestrian crossings at these locations. The locations of pedestrian crossing around the site as well as changes to intersection geometry are presented in concept sketches of the proposed improvements in Attachment P of the TIS on Figures A through F (Appendix 3.5-1 of the DEIS).

The locations noted above are proximate to the site and will see the highest numbers of persons travelling to and from the site via walking or bicycling. The Integrated Resort plans to leverage the existing pedestrian and bicycle infrastructure in the area by providing connections into its major entrances for both visitors and employees. Section 2 of the TIS (Appendix 3.5-1 of the DEIS) describes the extent of the extensive system of shared use paths (SUPs) and trails beginning on Page 28 and shown on Figure A-13. As noted in the TIS on Page 29:

Shared use (multi-use) paths are present along each of the roadways surrounding the site, including Hempstead Turnpike (NY 24), Charles Lindbergh Boulevard, and Earle Ovington Boulevard. A formal bike lane exists in each direction along James Doolittle Boulevard. The paths eventually connect to the Mitchel Field pedestrian path and bikeway, which provides greater connectivity for pedestrians and bicyclists throughout the area as a whole.

This system of paths is significantly more developed than that shown on Figure A-13. The multi-use trail system originates at the northeast corner of Eisenhower Park at the intersection of Salisbury Park Drive and Carman Avenue and extends around the north and west perimeter of the park to Hempstead Turnpike at Merric Avenue. It then extends west, over the Meadowbrook State Parkway along the north side of Hempstead Turnpike past the site and continues to Oak Street. The path also follows the length of Earle Ovington Boulevard on both sides and along both sides of Charles Lindbergh Boulevard from just west of the Meadowbrook State Parkway along the roadway's entire length as well as north along both sides of Quentin Roosevelt Boulevard to Commercial Avenue. Along Hempstead Turnpike, the roadway right-of-way narrows significantly west of Oak Street at the western termination of the multi-use path, presumably due to these constraints, and traditional sidewalk is provided.

TP-153. A future SUP is planned on both sides of the Meadowbrook State Parkway. The widening should maintain sufficient ROW to accommodate the SUP within the turf, shoulder and vegetated area buffer of the Parkway. (C56)

As indicated by NYSDOT (see related correspondence in **Appendix 2.6-1** of this FEIS), the future SUP is planned only south of Hempstead Turnpike. During the development of permit plans for any mitigation along the Meadowbrook State Parkway, coordination will be undertaken with NYSDOT to allow for potential construction of the SUP by the NYSDOT in the future.

TP-154. Consider how long it presently takes to get an ambulance to get to NYU Medical Center through traffic after 3pm at the corner of Old Country Road and Franklin Avenue, near the bus and train terminal in Mineola. Consider how long it takes to get down Stewart Avenue after 4 pm now and what would happen if it becomes a cut through to the casino, in addition to the possibility of an NYU expansion at NCC. (C39)

The Final Scope for the DEIS included seven (7) intersections along these roadways. The TIS (Appendix 3.5-1 of the DEIS) evaluated each of these intersections in detail as presented and discussed in Section 4 thereof. These roadways include the following study intersections:

- › Franklin Avenue at Stewart Avenue (Loc 25)
- › Old Country Road at Franklin Avenue/Mineola Boulevard (Loc 26)
- › Merrick Avenue at Stewart Avenue/Park Boulevard (Loc 30)
- › Stewart Avenue at Endo Boulevard/Merchants Concourse (Loc 31)
- › Stewart Avenue at Quentin Roosevelt Boulevard/South Street (Loc 32)
- › Stewart Avenue at Clinton Road (Loc 33)
- › Stewart Avenue at Ring Road West (Roosevelt Field)(Loc 52)

As shown in Table 24 of Section 4 of the TIS, the maximum increase in overall delay due to the traffic generated by the Integrated Resort during the cited weekday PM peak hour at each of these intersections would be 1.7 seconds at the intersection of Old Country Road and Franklin Avenue/Mineola Boulevard. Each of the other six (6) intersections would experience increases in delay of less than one second. These increases in delay are not significant and do not result in any change in levels of service.

Based on the results of the analysis during the weekday PM Peak Hour, the future traffic operations through these intersections with the traffic generated by the proposed Integrated Resort will closely mirror that of the future condition without the proposed project. Accordingly, the ability for an ambulance or other emergency response vehicles to traverse this corridor from 4:00 p.m. onward will be virtually unchanged when compared to the existing conditions.

With respect to the potential development of an NYU Langone hospital facility on the NCC campus, per a NEWSDAY article dated March 21, 2025, the potential hospital development has been put on indefinite pause, and thus, is no longer reasonably foreseeable (see **Appendix 2.17-1** of this FEIS).

TP-155. The following comments pertain to the viability of the proposed CMP with respect to certain transportation components:

- **The proposed plan shows several areas within the proposed development where sidewalks extend directly adjacent to or along an internal site right-of-way where no pedestrian crossings are provided, which is a cause for pedestrian/traffic safety concerns.**

- **The existing pedestrian crosswalk from the Marriott parcel to the Coliseum parcel is shown as being removed and not replaced with an alternate crossing. A safe pedestrian route between the two parcels should be specified.**
- **The information provided in the DEIS does not clearly demonstrate that Code-required parking would be maintained on the Marriott parcel under the proposed action.**
- **It is not clear that the proposed CMP complies with §319.D(5) of the BZO requiring one three-inch caliper shade tree for each ten parking spaces in surface parking lots on the redeveloped site; and this standard may be difficult to meet considering that these three proposed surface parking lots are shown without landscaped islands between rows of parking spaces. (C96)**

The CMP, included as Appendix 2-1 of the DEIS, presents the system of sidewalk and walkways to safely and efficiently support pedestrian circulation into, out of, and throughout the subject site. The plan includes a system of numerous marked crosswalks to accommodate pedestrian crossing of all internal site roadways to accommodate movements from surface parking fields and garages to and from the components of the Integrated Resort at locations where crossing movements will be present. This will include pedestrian signal-controlled crossings at six signalized internal intersections. The Integrated Resort will also provide a safe, efficient walking route between the Marriott Hotel and the Integrated Resort starting in Phase 1 with upgrades to the existing crosswalk such as signing and enhanced crosswalk treatments to increase conspicuity.

Regarding parking for the Marriott Hotel, as shown on the CMP (Appendix 2-1 of the DEIS), the parking required calculations account for 2,288 hotel rooms. Accordingly, parking required (per code) for the Marriott Hotel is included in the overall total. Also shown on the CMP, the parking provided exceeds code requirements, with the Marriott Hotel included.

Regarding landscaped islands, Sands is in the process of refining its plans and will work with the Town during site plan review to finalize landscaping in conformance with landscape requirements.

TP-156. What is the impact on Eisenhower Park from all of the construction traffic? (H13)

No construction vehicles or construction worker vehicles will enter Eisenhower Park. However, given the park's location on Old Country Road, Merrick Avenue and Hempstead Turnpike, there will be a level of construction worker and construction vehicle traffic that will pass the park on major roadways during the construction period. As noted in Section 7 of the TIS (Appendix 3.5-1 of the DEIS):

Construction activity at the site will occur weekdays between 7:00 a.m. and 6:00 p.m. It is anticipated that the majority of construction workers will be onsite prior to 7:00 a.m. at the start of the construction day. It is also anticipated that at least 75% of the construction work force will exit the site by 3:00 p.m. As such, the arrival and departure of the bulk of construction workers will occur prior to the peak period of commuting traffic in the morning and prior to the peak period of commuting traffic in the afternoon, limiting traffic impacts.

Construction vehicles would arrive and depart via access points on Hempstead Turnpike (NYS Route 24), Charles Lindbergh Boulevard and Earle Ovington Boulevard. The construction logistics plan identifies several routes to and from the site. Graphics indicating these routes are included in Section 3.15 of the DEIS.

Two routes are identified for vehicles arriving from eastern Long Island:

- › *Long Island Expressway (I-495) westbound to the Seaford-Oyster Bay Expressway (NYS Route 135) southbound to Hempstead Turnpike (NYS Route 24) westbound.*
- › *Long Island Expressway (I-495) westbound to Newbridge Road (NYS Route 106) southbound to Hempstead Turnpike (NYS Route 24) westbound.*

Similarly, three routes were identified for vehicles arriving from western Long Island, two from the Long Island Expressway and one along Sunrise Highway:

- › *Long Island Expressway (I-495) eastbound to New Hyde Park Road, southbound to Hillside Avenue (NYS route 25B), eastbound to Glen Cove Road, southbound to Old Country Road, eastbound to either Merrick Avenue, southbound to either Charles Lindbergh Boulevard or to Hempstead Turnpike.*
- › *Long Island Expressway (I-495) eastbound to Glen Cove Road to Old Country Road, to Merrick Avenue to either Charles Lindbergh Boulevard or to Hempstead Turnpike.*
- › *Southern East-West Access – Sunrise Highway (NYS Route 27) to NYS Route 106N (Newbridge Road) to Hempstead Turnpike.*

While it is difficult to determine the specific traffic levels that would be generated by the construction activities on the site, they would not approach the levels of traffic that would occur once the site is fully constructed and occupied, as evaluated in this Traffic Impact Study. The majority of vehicular activity will be associated with construction worker vehicles and, based on the carpool requirement, range from approximately 300 to 900 vehicles arriving in the morning, prior to the morning commuting peak and departing prior to the afternoon commuting peak. In this way, any temporary impacts due to this activity during construction will be minimized given the lower levels of background traffic on area roadways. The number of construction worker vehicles would not approach the numbers of workers, visitors and residents that would result in peak period traffic levels that are projected to exist once the development is complete. Material deliveries, removal of debris and other trucking operations would take place over the course of an entire day, as permitted by Town Code, as necessary, thereby reducing impacts on adjacent roadways.

Impacts from construction traffic have been minimized to the extent possible given the arrival and departure periods of the workers, and while construction vehicles would drive past the park, this activity would not be concentrated but would be spread out over the course of a day.

TP-157. As previously stated in NYSDOT's July 17, 2024, SEQRA Lead Agency Coordination letter to the Nassau County Legislature, pursuant to New York State Highway Law, a NYSDOT Highway Work Permit will be required before any work can occur within the New York

State Right-of-Way. NYSDOT will review the detailed Highway Work Permit Plans when they become available and provide comments to the Lessee. (C56)

As noted in the DEIS (see, for example, Sections 2.7 and 3.5), the requirement for NYSDOT Highway Work Permits were identified. Detailed Highway Work Permit Plans will be prepared for all mitigation proposed within New York State rights-of-way and will be submitted to NYSDOT as the design of roadway mitigation progresses.

TP-158. It is recommended that the FEIS provide additional discussion and analysis of potential impacts from construction of traffic mitigation (i.e. noise, light, dust, etc.), including potential receptors, duration and timing of impacts (especially during nighttime when ambient noises are lower), as well as potential traffic impacts expected during construction. (C63)

Sections 3.3.2.4, 3.7.2.5 and 3.15.11 of the DEIS include the requested analyses of potential impacts associated with construction of the proposed roadway mitigation.

TP-159. How will Sands enforce the carpooling requirement for construction traffic which is critical to limiting impacts of construction worker vehicle traffic? Will this be specified in contracts with general contractors/subcontractors? (C59)

Carpooling will be controlled by contract provisions, and the requirements will be set forth in each contract with contractors and subcontractors. Sands has confirmed that all workers will be required to carpool with a minimum of two workers per vehicle during peak calendar quarters of construction (see Appendix 3.15-2 of the DEIS). Sands will have security guards at the gate to prevent access for cars with fewer than two occupants. Workers will be given a warning, fined for abuse of the regulation and or prevented from accessing the project on the day of the occurrence. Therefore, if the worker attempts to park anywhere in the vicinity, they will still be prevented from entering the site thereby discouraging offsite parking.

2.7 Air Quality (AQ)

- AQ-1. The DEIS includes a cumulative air quality impact analysis for the disadvantaged community consisting of Hempstead, New Cassell, Roosevelt, Uniondale, Westbury. However, it is not specified whether an air quality permit from the NYSDEC is required for the project. The findings of the analysis in the DEIS may show that a NYSDEC air quality permit is not required and the provisions of the New York State Climate Leadership and Community Protection Act of 2019 are not applicable for the proposed development; however there does not appear to be any specific conclusion to this effect, nor is it indicated that consultation has occurred with NYSDEC to confirm non-jurisdiction in this case. It is recommended that this issue be resolved in the FEIS. (C96)**

As explained in Section 3.6.2.2 of the DEIS, the proposed Integrated Resort would be heated and cooled electrically, with minimal combustion equipment. The only stationary sources of air pollution identified and proposed are emergency generators and kitchen exhausts. There would be no other stationary air pollution sources.

Based on the above-cited regulations, fossil-fueled engine generators used only for emergency purposes as defined therein are exempt from the NYSDEC air permitting requirements *unless they are part of a Title V facility* ("major source"). Based on aggregate emissions estimates for the five 1,000 kilowatt (kW) diesel generators that would be installed to support the revised Phase 1 development, the total potential to emit nitrogen oxides (NO_x) would be below the major source permitting threshold of 25 tons per year for this pollutant.⁸⁰ All other criteria pollutants would also be below their state permitting thresholds. Therefore, this would render these emergency generators exempt from NYSDEC permitting under the applicable air permitting regulation referenced above. Sands cannot project, at this time, if or when market conditions and demand would support development of additional components of the Integrated Resort (Phase 2). If and when such additional development is contemplated, if additional emergency generators are required that would exceed the NO_x threshold of 25 tons per year, a NYSDEC air permit would be sought at that time (based the regulations found in Title 6, Chapter III of the NYCRR).

Outside of Title V, emergency generators on-site must comply with applicable Federal and State regulations pertaining to such sources. First, the units must comply with any applicable Federal Emissions Standards for Stationary Internal Combustion Engines including National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE) ([40 CFR 63 Subpart ZZZZ](#)), New Source Performance Standards (NSPS) for Stationary Compression Ignition (CI) Internal Combustion Engines ([40 CFR Part 60 Subpart IIII](#)), and NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines ([40 CFR Part 60 Subpart JJJJ](#)). In this case, the NESHAP rule does not apply, as the facility is not a major or area source of hazardous air pollutants. The NSPS rules apply to the manufacturers of the generators more than the end-user.

As explained in response to comment CON-2, Sands is proposing to modify the phasing of the Integrated Resort such that at least a portion of multiple components are developed in

⁸⁰ Emissions (24.2 tpy) based on a 1,474 bhp 1000 kW, CAT C32 diesel engine generator, a manufacturer-stated NO_x emission rate of 5.97 g/hp-hr, and an EPA recommended 500 hours of operation (EPA memo, Calculating Potential to Emit (PTE) for Emergency Generators, September 6, 1995)

the first phase, and this revised first phase would be completed in 2030. The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS and addressed in the comparison table included in response to comment CON-2) would be developed as market conditions and demand allow. Despite when or whether the remaining "full-build" development is actually constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

AQ-2. Either the emissions from all the parking facilities should be calculated to address the potential cumulative air quality impacts on receptors, or an explanation provided on why evaluating the air quality at just Garage A is sufficient and the calculation of emissions from all the parking facilities for a cumulative impact is not necessary. (C96)

Of the three garages proposed (A, B, and C), Garage A was analyzed because it includes parking for automobiles and buses. Garage A is also the largest, with the greatest number of vehicles entering or exiting the garage on both the peak hour and daily basis. Thus, the analysis of this garage represents a potential worst-case garage condition from the perspective of potential air quality impacts. A cumulative analysis was not warranted based on the results of the analysis prepared for proposed Garage A and the distances between the garages. Specifically, the distance between Garage A and Garage B is approximately 700 feet, the distance between Garage B and Garage C is approximately 900 feet, and the distance between Garage B and Garage C is approximately 200 feet. Pollutant concentrations decrease significantly with distance, as pollutants are dispersed and diluted downwind from the source.⁸¹ Accordingly, none of the garages would have a substantive effect on air quality at 200 feet (the minimum distance between two proposed garages), based on the concentrations predicted at the two modeled receptors.⁸² Concentrations at a given receptor would, therefore, not be impacted more significantly by emissions from more than one garage.

The predicted concentrations associated with the proposed Garage A that was analyzed were well below the National Ambient Air Quality Standards (NAAQS) for CO (1-hr and 8-hr) and PM_{2.5} (24-hour and annual). The greatest contribution to the predicted concentrations were ambient backgrounds. Even if the much smaller Garage B and Garage C resulted in the same concentrations as the automobile portion of the analyzed Garage A, adding those concentrations to the total predicted Garage A concentration (including bus parking, on street traffic, and ambient background) would not result in a predicted NAAQS exceedance. In fact, the emissions from the smaller Garages B and C would be lower, and the three garages would not substantively impact the same receptors.

Therefore, the evaluation of emissions from Garage A (which is the largest of the garages, would house automobiles and buses, and would have the most vehicle operations), which

⁸¹New York City 2021 CEQR Technical Manual, Table 17-3. Available at:https://www.nyc.gov/assets/oec/technical-manual/17_Air_Quality_2021.pdf. Accessed April 2025.

⁸²The New York City 2021 CEQR Technical Manual does not recommend consideration of even larger sources (atypical sources, such as elevated highways, tunnel vents, etc.), when they are at a distance greater than 200 feet from receptors of concern (Section 210)

shows no potential for a significant adverse impact, supports the conclusion that there would be no adverse impact from cumulative emissions from all the proposed garages.

AQ-3. Regarding Table 50, the incremental increases of the pollutants are substantially below the “de minimis” thresholds. To highlight that there is no potential for substantial adverse impacts on air quality, it is suggested that the de minimis thresholds be included in the table for ease of comparison. (C96)

For ease of clarity, the above referenced table has been reproduced with the de minimis thresholds added below:

Table 16 - Mobile Source Mesoscale Analysis Results (tons per year)

Pollutant	2030 No-Build	2030 Build	2030 Increment	De Minimis Thresholds
CO	1.6	1.7	0.1	100
NO _x	0.18	0.19	0.01	25
PM ₁₀	0.528	0.554	0.026	100
PM _{2.5}	0.524	0.550	0.026	100
VOC	0.031	0.033	0.002	25

AQ-4. On page 304 of the DEIS, the location of the “virtual point source” exhaust vent receptor should be stated for completeness. (C96)

The exhaust vent (virtual point source) was modeled at a height of 10 feet at the garage exit on North Drive. Two receptors are modeled – one on the sidewalk adjacent to the garage on North Drive and the second on the sidewalk along the garage exit across North Drive. Both receptors were modeled at the approximate center of each sidewalk (midpoint of the sidewalk width), closest to the garage exit. The receptors were modelled at pedestrian height, as indicated in DEIS Appendix 3.6-2 - Mobile Source Analysis.

AQ-5. Does the air quality analysis include the increased traffic that will be generated by the site on the Meadowbrook State Parkway and other roadways? (C56)

The mobile source impact analysis includes an assessment of the air quality impacts of the increased traffic that is projected to be generated by the proposed project on the Meadowbrook State Parkway. As described in Section 3.6.2.1 of the DEIS, in accordance with the TEM published by the NYSDOT,⁸³ the process to review the impacts included a three-level screening procedure to determine if an individual intersection met the criteria for further air quality analysis. Appendix 3.6-2 - *Mobile Source Analysis* of the DEIS presents a list of the intersections that were assessed as part of this screening process and includes the Meadowbrook State Parkway.

⁸³ NYSDOT. *Transportation Environmental Manual*. Available at: <https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm>. Accessed March 2025.

The Meadowbrook State Parkway intersections had a 10% or greater increase in the volume of traffic, and thus, according to the “Criteria for Determining Which Projects Require an Air Quality Analysis” in 4.4.16 of the TEM, were subject to the Volume Threshold Screening. The highest Build peak hour traffic volume at an unsignalized location advanced to the Volume Threshold Screening was projected to be 2,745, during the weekday PM peak at the eastbound approach of Hempstead Tpke at WB/Meadowbrook Pkwy SB Off Ramp. This volume is below the NYSDOT’s TEM Volume Threshold of 8,000 vehicles in the peak hour. Therefore, a CO microscale dispersion modeling was not warranted for any of the intersections that would be affected by the proposed project, as the proposed project would not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to exceed the NAAQS for CO using the criteria and methodology prescribed in TEM by NYSDOT.

AQ-6. Nassau County is in attainment for CO as of 2022. The County is specified as being a maintenance area in DEIS Section 3.6.1.3. Nassau County is no longer designated as a maintenance area for carbon monoxide (CO). (C56)

40 CFR 81 is the official designation of attainment for the country, and New York is listed in §81.333. These designations are promulgated through the Federal Register and go through all regulatory procedure. The USEPA’s online Green Book is a summary of all these designations and is arranged in a much simpler way than the regulations. The Green Book lists Nassau County as a “maintenance” area for CO. However, “maintenance” areas are applicable only to federally-funded projects in determining General Conformity. So, although it is not technically incorrect to refer to Nassau County as “Attainment-Maintenance,” the “maintenance” designation is irrelevant for non-federally-funded projects. Thus, Nassau County is in Attainment for CO for the purposes of this analysis.

AQ-7. The DEIS says that an extra 20,000 cars per day will not cause excessive pollution because most people will be driving electric vehicles in the near future. This conclusion is not supported (H12)

This statement is not accurate. The mobile source analysis presented in Section 3.6.2.1 of the DEIS did not take any credits for future use of electric vehicles. The analysis specifically notes that:

Over time, between 2030 and 2050, the VMT is projected to increase by 18 to 20 percent in both the No-Build and Build conditions. Although the total VMT would be higher in 2050 than in 2030, the mesoscale analysis was based on 2030 projections, as it is anticipated that the mobile source emissions in the area would decrease in future years due to the effect of the improvements in vehicle efficiency and the increased percentage of electric vehicles on the road, which would outweigh the growth in VMT.

To clarify, the mesoscale analysis was conservatively based on 2030 MOVES4 vehicle emission rate projections, which include a default projection of electric vehicles into the fleet mix. It is expected that the percentage of electric, zero-pollution vehicles would increase between 2030 and 2050, making any increases in Vehicle Miles Traveled (VMT) offset by larger decreases in overall fleet emission rates. Thus, the use of the 2030 fleet emission rate projections was

deliberately conservative as it did not take credit for anticipated improvements in vehicle efficiency or increased percentage of electric vehicles expected to occur by 2050.

Section 3.6.2.1 explains (with supporting references) that New York State is moving towards a Zero Emission Vehicle (ZEV) goal, whereby every passenger vehicle sold in New York in 2035 must be a ZEV. New York has already made progress in moving towards a ZEV future, with a 231 percent increase in electric vehicle sales from 2020 to 2022. Additionally, New York State is part of multi-state initiatives with a mutual goal to ensure that 100 percent of all new medium- and heavy-duty (MHD) vehicle sales will be ZEV by 2050 with an interim target of 30 percent MHD ZEV sales by 2030. MHD includes larger pickup trucks, vans, delivery trucks, box trucks, school and transit buses, and long-haul delivery trucks. ZEVs do not have any emissions and are not direct sources of air pollution. Accordingly, as no credit was taken for increased vehicle efficiency or an increased percentage of electric vehicles, the analysis presented was conservative.

AQ-8. Flight paths to JFK and LaGuardia go over the Coliseum. The primary concern is air pollution associated with existing flight paths and all the new visitors to the site. Who is monitoring air pollution? There are also about 20,000 college students living and working in a very confined area. Now we're going to add 23,000 visitors to the casino. The pollution associated with a large casino would undoubtedly disrupt the operation of Hempstead Plains, local museums, Memorial Sloan Kettering, etc. So I would like to know who's going to monitor the air pollution, which obviously is going to be much greater? (H7)(H21)(C47)

Aircraft engines are fuel combustion sources and produce emissions of criteria pollutants including NO_x, CO, sulfur dioxide (SO₂), particulate matter (PM) and VOC. Although aircraft engines are a source of air pollution, aircraft from JFK or LGA would be at sufficient altitude as to not directly affect residents in the area of the proposed Integrated Resort.

As part of NYSDEC's commitment to the USEPA and the New York State Implementation Plans (SIP, found at <https://dec.ny.gov/environmental-protection/air-quality/plans>), the State is required to develop methods and protocols to reduce emissions to bring nonattainment areas into attainment with the NAAQS. As part of these plans, they commission an air pollutant monitoring network around the state. The closest air quality monitor to the Nassau Veterans Memorial Coliseum/Marriott Hotel properties is located along the roadway at 740 Merrick Avenue between Corporate Drive and Stewart Avenue. According to USEPA's AirData website⁸⁴, this site monitors for SO₂ and meteorological variables, while it is currently inactive for CO, nitrogen dioxide (NO₂), PM₁₀, and PM_{2.5} monitoring. Since the site is operated and maintained by NYSDEC, it would be up to that agency to monitor for the other pollutants, if and as it deemed necessary.

Between 2022 and 2023, the NYSDEC collaborated with a contractor to collect air quality data in ten disadvantaged communities statewide. One of these consisted of the Hempstead/New Cassel/Roosevelt/Uniondale/Westbury area. This monitoring effort was described in Sections 3.6.1.5 and 3.6.2.3 of the DEIS.

⁸⁴ USEPA. *AirData*. Available at: <https://epa.maps.arcgis.com/apps/webappviewer/index.html/>. Accessed March 2025.

- AQ-9. Nothing in the DEIS addresses the increase in air pollution that will be imposed on our communities from casino traffic, including carbon dioxide, carbon monoxide, smog-causing volatile organic compounds and NO_xs, SO₂s, formaldehyde, benzene, ozone and microparticulates. Even with mitigation, LVS expects to contribute 120,000 tons of carbon dioxide (CO₂) into our air each year, after mitigating from 137,000 tons. Uniondale, along with Hempstead, Roosevelt, and Freeport were identified as disadvantaged communities by the NYSDEC due to high asthma and respiratory illness rates, and additional traffic will increase emissions and exacerbate respiratory health issues. (H30)(C15)(C23)(C26)(C32)(C37)(C52)(C74)(C76)(C89)(C105)**

All of the issues raised in this comment were addressed in the DEIS (see Sections 3.6, and 4.7), including air impacts on disadvantaged communities and asthma (see Sections 3.6.1.5 and 3.6.2).

As explained in those sections, based on the NYSDOT TEM screening analysis, detailed microscale analysis at two intersections, and mesoscale analysis, the vehicle emissions from the proposed project would not result in a significant adverse impact on air quality. The refined analysis of kitchen exhausts indicates that there would be no significant adverse air quality impacts from the use of gas for cooking in the proposed project kitchens. There would also be no significant adverse air quality impacts from the proposed parking facilities.

Furthermore, no significant adverse air quality impacts are expected for Disadvantaged Communities since the proposed Integrated Resort incorporates many of the NYSDEC-identified mitigation measures, as explained in Section 3.6.2.3 of the DEIS. Additionally, the microscale analysis conducted at intersections near these Disadvantaged Communities show that the predicted CO, PM_{2.5} 24-hour, and PM_{2.5} annual levels would be below the applicable NAAQS, which, as noted, are designed to protect public health and the environment.

According to the New York State 2024 Statewide GHG Emissions Report⁸⁵, total state CO₂ emissions for 2022 were 371.08 million tons of CO₂ equivalent (CO_{2e}). The 120,000 tons of CO_{2e} produced by the project accounts for 0.03% of the state total. Asthma rates and potential impacts are addressed in detail in Section 3.6.2.4 of the DEIS.

- AQ-10. Several disadvantaged communities surrounding the Nassau Hub have already been designated by the NYS DEC as overburdened from the impacts of air pollution and climate change. Air quality overall statements by the Sands of New York should be compared to the recent New York State DEC Disadvantaged Communities report. DEC has identified surrounding residential communities as disproportionately harmed by air pollution and the project will add traffic. Sands DEIS said that there would be no potential significant adverse impact on air quality from the proposed Integrated Resort at a regional level. It's quite different than what the DEC report on disadvantaged communities detailed. (H32)(C4)(C36)**

⁸⁵ NYSDEC, 2024 Statewide GHG Emissions Report, Summary Report,

Sections 3.6.1.5 and 3.6.2 address the subject matter of this comment. The Disadvantaged Community Air Monitoring (CAM) report and evaluate the air quality impacts of the proposed Integrated Resort on the Disadvantaged Communities.

As indicated in Section 3.6.1.5 of the DEIS:

NYSDEC held a Community Air Monitoring (CAM) Initiative meeting on October 3, 2024 to discuss the results of the monitoring within the Hempstead/New Cassel/Roosevelt/ Uniondale/Westbury area. Both mobile source and stationary pollutants were monitored throughout the community from September 1, 2022 through August 31, 2023. The results of the monitoring, released in August 2024, were discussed via one-on-one sessions with NYSDEC personnel, who walked through the Story Maps (Phase 1), which present a profile of the community and show the findings. . .

*As shown on the Story Maps, the focus surrounding the subject property was diesel and non-diesel mobile sources, particularly along and around Hempstead Turnpike. Mobile source emissions along Hempstead Turnpike were measured by likelihood of air quality impact, for both diesel and non-diesel sources. **Diesel sources** directly south of the subject property along Hempstead Turnpike indicated a **low likelihood of impacting air quality**, and **non-diesel sources** in the same area ranged from **moderately low to moderate** likelihood. (emphases added)*

Extensive analysis of potential air quality impacts from both stationary and mobile sources at the proposed Integrated Resort were presented in Sections 3.6.2.1 and 3.6.2.2 of the DEIS, which demonstrated that emissions from mobile and stationary sources would not exceed NAAQS. The impact analyses were summarized in Section 3.6.2.5, which states:

Based on the NYSDOT TEM screening analysis, detailed microscale analysis at two intersections, and mesoscale analysis, the vehicle emissions from the proposed project would not result in a significant adverse impact on air quality. The refined analysis of kitchen exhausts indicates that there would be no significant adverse air quality impacts from the use of gas for cooking in the proposed project kitchens. There would also be no significant adverse air quality impacts from the proposed parking facilities.

Furthermore, no significant adverse air quality impacts are expected for Disadvantaged Communities since the proposed Integrated Resort incorporates many of the NYSDEC-identified mitigation measures. Additionally, the microscale analysis conducted at intersections near these Disadvantaged Communities show that the predicted CO, PM_{2.5} 24-hour, and PM_{2.5} annual levels would be below the applicable NAAQS, which, as noted, are designed to protect public health and the environment.

AQ-11. The DEIS report states that statewide total and age adjustment asthma deaths are down roughly 25% from 2020 to 2021. Could this downturn in asthma deaths be a result of the lockdown during the pandemic, when New York State roadways were free and clear? This data would substantiate the correlation between less traffic and lower asthma rates (H30)

The New York State Asthma Dashboard presents the data as collected, but it does not provide an analysis of potential correlation between the Covid pandemic and asthma rates. Also, see responses to comments AQ-9 and AQ-10.

AQ-12. Regarding disadvantaged communities, the proposed shuttle bus service is going to utilize the LIRR's Hempstead station exclusively. Nassau County's average asthma rate is 20. Hempstead Village has a county high asthma rate of 69.1. How does adding this traffic to their roads affect the asthma rates? (H29)(C36)

Please see responses to comments AQ-9 and AQ-10, which discuss the impacts of the proposed Integrated Resort on air quality and asthma. In addition, as explained in Section 3.14.2.1, the local shuttles are expected to divert 25 passengers from local roadway traffic per trip, which correlates to approximately 12 fewer automobile trips per shuttle trip (and their associated emissions) as a result of the diversion.

AQ-13. The area of the proposed project is a documented air quality non-attainment area. The additional traffic resulting from this project will worsen existing conditions in the area and pose serious risks to human health including from ozone and other pollutants. The project should evaluate ways to reduce potential emissions to levels that do not result in levels of pollutants that may impact the health of humans and biota in the area of the project. (C14)(C110)

As explained in response to comment AQ-14, according to 40 CFR 81.333, this area of New York is in attainment for all pollutants except ozone. Section 3.6.2 of the DEIS includes a detailed analysis that demonstrates that project-generated emissions will not cause an exceedance of any pollutant NAAQS or cause the area to degrade into nonattainment status for the remaining pollutants.

Section 3.5 and Appendix 3.5-1 of the DEIS provide a detailed traffic analysis including details relating to traffic mitigation. This traffic mitigation includes physical modifications to multiple intersections, lane modifications to roadways and parkways, and signal timing modifications to intersections. These changes will improve roadway flow, reduce idling times, and help minimize air quality impacts resulting from mobile sources.

Section 3.6.3 of the DEIS details the mitigation measures proposed to reduce air quality impacts related to the proposed project. These measures include the minimal use of fossil fuel (the Integrated Resort would be an almost all-electric facility), the use of lower emission technologies, addition of electric vehicle charging stations, planting and upkeep of trees and green infrastructure, and the use of alternative process technologies that would reduce or eliminate GHG emissions or other pollutants. Section 3.6.3 specifically explains:

As demonstrated in the air quality analyses conducted for the proposed Integrated Resort to effectively minimize potential air quality impacts, Sands has incorporated the following mitigation measures into the proposed Integrated Resort:

- › *Using innovative building materials and HVAC systems, such as air-source heat pumps for heating and cooling*
- › *Designed as a high-efficiency, nearly all-electric complex (the only exception being a limited amount of natural gas utilized for cooking and emergency generators)*
- › *Using Energy Star-rated natural gas appliances in the commercial kitchens*

- › *Monitoring all major sources of energy consumption and undertaking regular and sustained efforts throughout the life cycle of the facility to maintain and improve energy efficiency and reliance on renewable sources of power*
- › *The proposed Integrated Resort would incorporate the use of renewable energy through the installation of an on-site solar PV system, which is anticipated to achieve at least eight percent of electricity needs. The solar PV array size is estimated to be approximately 8,400 kW, which will generate 10,387,000 kWh of electricity annually. Beyond the eight percent, Sands is anticipated to achieve an additional 20 percent reduction in indirect stationary source GHG emissions in the proposed action by entering into a power purchase agreement with the electricity provider to purchase energy from off-site renewable sources. The 20 percent reduction in GHG emissions assumed from the use of renewable electricity sources is a conservative estimate since Sands aims to achieve 60 percent of its annual electricity needs using renewable energy by 2030, 90 percent by 2040, and 100 percent by 2050 in alignment with the Climate Group's RE100 international reporting guidelines.*
- › *Designing with high-performance building envelopes, efficient mechanical systems, and smart lighting*
- › *Incorporating daylighting, using natural light to illuminate interior spaces*
- › *Local sourcing of materials and the use of sustainable, low-carbon materials such as recycled steel*
- › *Retaining and reusing the existing Coliseum structure, prioritizing low-embodied carbon materials with high recycled content, and using low-embodied carbon insulation and roofing materials*
- › *Designing the façade based on a high R-value insulating envelope and incorporating a rain screen technology for optimal thermal performance, water shedding and air tightness.*
- › *Developing an extensive and innovative landscaping plan, maximizing the use of native species, drought-tolerant plantings and pollinator zones*
- › *Installing landscape islands within the parking lots to avoid large expanses of pavement and act as natural heat sinks by absorbing and dissipating solar radiation*
- › *Installing landscape terraces on roof surfaces to act as natural insulators, mitigating the urban heat island effect, and contributing to stormwater management*
- › *Facilitating sustainable transportation options and TDM, such as ride sharing programs (carpooling for employees) and providing accessible and convenient connections to the Hempstead LIRR station. Providing bicycle parking, electric vehicle charging stations, and wide sidewalks and dedicated pedestrian crossings throughout the subject site, as well as connections to exterior multiuse paths.*
- › *Proposing extensive traffic mitigation to reduce potential air quality impacts*
- › *Incorporating building design, site design, sustainable transportation and transportation demand management, as well as a comprehensive landscaping plan that will specifically address a number of the NYSDEC-recommended mitigation measures related to Disadvantaged Communities, including:*
 - *Operational mitigation, such as limitations on the amount of fossil fuel combusted at the project or the allowable hours of operation for the project*

- Use of lower emission technologies
- Use of alternative process technologies that would reduce or eliminate GHG emissions or co-pollutants
- Designing truck travel routes that avoid, or minimize impact to, Disadvantaged Communities
- Adding electric vehicle charging stations at the facility
- Physical mitigation, such as the planting and upkeep of trees, green infrastructure, or other means of carbon sequestration.

AQ-14. The DEIS should be amended to include recent and historical levels of pollutants, including ozone, scientific modeling that predicts how the increased traffic would impact those levels, how this increase would impact cardiopulmonary disease in the area, and methods to reduce and mitigate this impact. Such methods may include but not be limited to the use of electric shuttle buses, free access to charging stations for electric vehicles, and tree planting in neighboring communities such as Uniondale, Hempstead, Garden City, Westbury, and Carle Place. (C100)(C110)

Existing air pollution conditions are presented in Section 3.6.1 of the DEIS. Background concentrations are the ambient pollution levels associated with existing stationary, mobile, and other emission sources from the area. The background concentrations presented in Table 47 of the DEIS are based on the most recent available monitoring data (2020-2022) at monitoring stations closest to the proposed project site. The background values were calculated consistent with Table 3 from NYSDEC's DAR-10: Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis. Existing air quality in the project area meets standards, except for ozone, which is a regional pollutant whose levels are elevated throughout the New York-Northern New Jersey-Long Island metropolitan area.

Air quality modeling showing project-generated mobile source emissions impacts is presented in Section 3.6.2. The predicted CO, PM_{2.5} 24-hour, and PM_{2.5} annual levels at the selected intersections would be below the applicable NAAQS. As explained in Section 3.6.2.4 of the DEIS:

Based on the air quality impact protocols established by EPA, NYSDEC, and local agencies, which has been complied with in preparation of the air quality analyses, the proposed project would not exceed NAAQS thresholds. The NAAQS are designed to protect public health and the environment by regulating the presence of harmful pollutants in the air. As presented above and detailed in Appendix 3.6-2, based on the air quality impact protocols established by NYSDOT and followed for this analysis of the proposed Integrated Resort, the proposed project would not result in a significant impact. (emphasis added)

Also, see response to comment AQ-13.

Despite the fact that no significant adverse air quality impacts are expected, Sands met with Uniondale community leaders on March 4, 2025, and has agreed that, subject to the approval of Nassau County and/or the Town of Hempstead, as applicable, Sands will perform streetscape improvements along Uniondale Avenue, including the planting of street trees.

- AQ-15. The proposed traffic mitigation for roadway modifications that include reducing the vegetated buffers of the parkways will harm the air quality especially in the CAM targeted underserved communities. As part of the NYS DEC statewide Community Air Monitoring (CAM) initiative, there is a recommendation to "properly designing and maintaining roadside vegetation to reduce exposure to pollution from roads with heavy traffic." (C99)**

Section 3.3.2.4 of the DEIS provides an analysis of the impacts of the proposed traffic mitigation on the parkways. That section explains, in pertinent part:

Meadowbrook State Parkway and Northern State Parkway

*As described in Section 3.5, Transportation and Parking and Appendix 3.5-1, various improvements are proposed along the Meadowbrook State Parkway and Northern State Parkway to support off-site traffic mitigation efforts. The off-site traffic mitigation sites consist of narrow, linear areas totaling approximately 6.1 acres located beyond the existing roadway edges of the Meadowbrook State Parkway and Northern State Parkway (see Figure 38 in Section 3.5, Transportation and Parking). As observed in the field, these areas include paved surfaces, grass-dominated roadway shoulders, and tree-dominated roadway borders. These conditions are representative of the ECNYS Paved/Road Path, Mowed Lawn, and Successional Southern Hardwoods communities. The former two communities are designated unranked cultural communities, while the latter community is ranked by the NYNHP as G5/S5 "demonstrably secure," both globally and in New York State. Where vegetation occurs, it is dominated by mowed/maintained turf grasses with associated weedy herbaceous vegetation within the Mowed Lawn community, and common trees, shrubs, and herbaceous plants within the Successional Southern Hardwoods community. The vegetation within the latter community includes a number of dominant, non-native/invasive species, including Tree-of-Heaven (*Ailanthus altissima*), Norway Maple, Black Locust (*Robinia pseudoacacia*), Multiflora Rose, Autumn Olive (*Elaeagnus umbellata*), Burning Bush (*Euonymus alatus*), Mugwort and others.*

Based on the existing conditions described above, the approximately 6.1 acres of roadway improvements would result in disturbance to unvegetated, impervious surfaces (ECNYS Paved Road/Path community), while clearing of vegetated habitat would be limited to the ECNYS Mowed Lawn (unranked cultural community) and Successional Southern Hardwoods (demonstrably secure globally) communities. As such, the vegetation to be cleared would consist of mowed/maintained turf grasses within the roadway shoulders, and common trees, shrubs, and herbaceous plants within edge portions of the wooded parkway borders, in areas dominated by non-native/invasive trees, shrubs, and herbaceous plants. As such, the overall limited clearing of vegetation to occur within the Meadowbrook State Parkway and Northern State Parkway traffic mitigation sites would not result in removal of sensitive habitat or significant native plant associations. Moreover, in areas where edge portions of wooded habitat would be cleared, portions of the wooded borders would remain unaffected and continue to serve as vegetated buffers between the roadways and adjacent properties...

Based on the foregoing, no significant adverse impacts to habitats and vegetation, wildlife, wetlands, surface waters, or other ecological resources are anticipated.

Hempstead Turnpike and Meadowbrook State Parkway

As detailed in Section 3.5, Transportation and Parking and Appendix 3.5-1, proposed improvements to the Hempstead Turnpike/Meadowbrook State Parkway interchange to support off-site traffic mitigation include an approximately 500 linear foot extension of the existing Hempstead Turnpike eastbound deceleration lane by removing the existing road shoulder and installing a new lane and shoulder. Additionally, an approximately 400 linear foot extension of the existing Meadowbrook State Parkway southbound acceleration lane would be accomplished by removing the existing road shoulder and installing a new lane and shoulder. Disturbance would occur primarily within unvegetated, impervious surfaces (i.e., the ECNYS Paved Road/Path community), while clearing of vegetated habitat would be limited to the ECNYS Mowed Lawn (unranked cultural community) and Successional Southern Hardwoods (demonstrably secure globally) communities. The vegetation to be cleared would be limited to mowed/maintained turf grasses within the roadway shoulders and minimal portions of the adjoining Successional Southern Hardwoods community, which is dominated by a number of non-native/invasive tree, shrub, and herbaceous plant species. As such, the limited clearing of vegetation to occur within the Hempstead Turnpike/Meadowbrook State Parkway interchange traffic mitigation area would not result in removal of sensitive habitat or significant native plant associations. Moreover, in areas where edge portions of wooded habitat would be cleared, the majority of the wooded borders would remain unaltered and continue to serve as vegetated buffers between the roadways and adjacent properties...

Charles Lindbergh Boulevard and Meadowbrook State Parkway

As described in Section 3.5, Transportation and Parking and Appendix 3.5-1, proposed improvements to the Charles Lindbergh Boulevard/Meadowbrook State Parkway interchange to support off-site mitigation efforts entail an extension of the two lane section of the ramp from eastbound Charles Lindbergh Boulevard to the southbound Meadowbrook State Parkway (approximately 350 feet), and an extension of the acceleration lane from the same ramp onto the southbound Meadowbrook State Parkway (approximately 450 feet)(Attachment P of Appendix 3.5-1). The 0.29±-acre work area occurs within two portions of the roadway median situated between the C-D Road and the Meadowbrook State Parkway that consists of paved road shoulders and adjacent mowed/maintained grass borders. These conditions are representative of the ECNYS Paved Road/Path and Mowed Lawn communities, both of which are designated as an unranked cultural communities, due to their artificial origin, disturbed/developed conditions, and wide distribution throughout New York. The former community consists of unvegetated impervious surfaces and therefore is largely insignificant from an ecological perspective. The latter community consists of turf grasses and common herbaceous plants that are subject to periodic mowing. Based on these existing conditions, the minimal proposed disturbance within the roadway median would occur partially within unvegetated areas and would not result in removal of sensitive habitats or significant native plant associations. Moreover, the existing tree- and shrub-dominated portion of the median located adjacent to the area to be cleared would remain unaltered...

Based on the foregoing, no significant adverse impacts to habitats and vegetation, wildlife, wetlands, surface waters, or other ecological resources are anticipated.

AQ-16. Given thousands of vehicles daily, the DEIS seems not to acknowledge Title 6 NYCRR Part 203, a regulation that applies to any indirect source of air contamination (i.e., parking lots). (C99)

With regard to the applicability of the regulation, Title 6 NYCRR Part 203 1.1(a) states:

This Part applies to owners and operators of equipment and components that are associated with sources in the following oil and natural gas sectors:

1. *Oil and natural gas production*
2. *Oil, condensate and produced water separation and storage*
3. *Natural gas storage*
4. *Natural gas gathering and boosting*
5. *Natural gas transmission and compressor stations*
6. *Natural gas metering and regulating stations*

This Part does not apply to distributing gas utilities or to equipment and components located downstream of a city gate. (emphasis added)

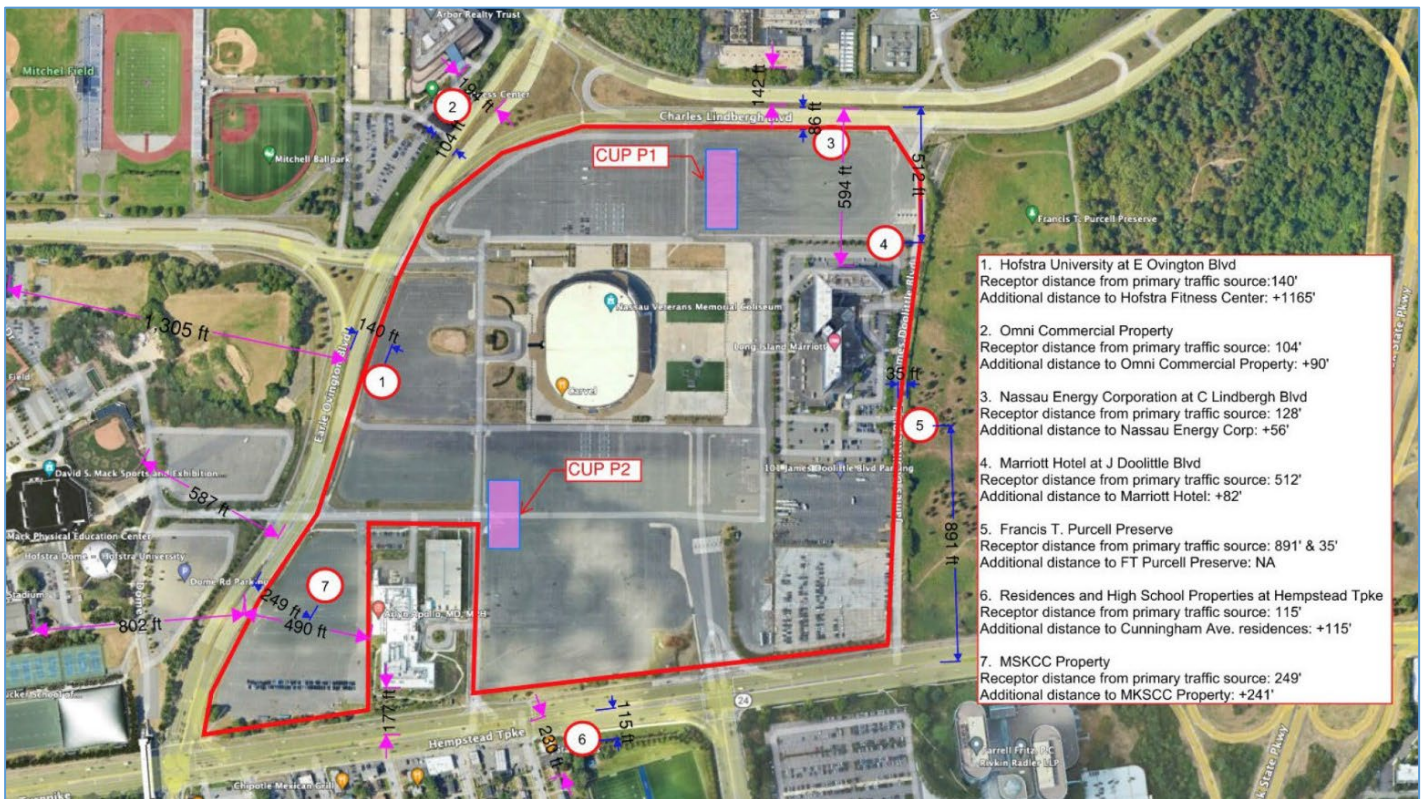
Thus, the entire Part 203 is applicable only to the oil and gas production and transmission industries and is not applicable to the proposed Integrated Resort or indirect sources of air emissions generated by it.

2.8 Noise and Vibration (NV)

NV-1. The descriptions of the noise monitoring locations would be significantly enhanced if they include the approximate distances of the monitoring locations to the primary noise contributors and to the nearest sensitive receptors. (C96)

The figure below (which uses Figure 46 in Section 3.7.1.3 of the DEIS as a base) reflects the distances to the monitoring receptors. These represent worst-case scenarios. The nearest sensitive receptors, such as residences along Cunningham Avenue, are located at greater distances than the monitoring locations, thus, the noise levels at those locations would be less than at the worst-case monitoring receptors.

Figure 4 - Noise Receptor Locations with Distances from Primary Sources and Area of the Proposed Central Utilities Plant



NV-2. From Figure 46, Location 6 (approximately 50' from the centerline of the nearest traffic lane) was intended to represent the high school's athletic fields and residences south of Hempstead Turnpike. However, the nearest residence, on Walton Avenue, is approximately 90' from the centerline of the nearest traffic lane. The nearest residences on Gilroy and Cunningham Avenues are approximately 125' from the centerline of the nearest travel lane on Hempstead Turnpike. Consequently, the noise levels for the nearest residences south of Hempstead Turnpike are likely 2 to 6 dBA lower than the noise level presented, with residences further south having even lower traffic noise levels. This should be noted. (C96)

The comment is accurate. As explained in the response to comment NV-1, the monitoring locations selected for the noise analysis were designed to be worst-case scenarios to provide a conservative analysis. Thus, receptors situated at distances further from the receptor locations analyzed would experience lower noise levels due to the increased distance from the receptor.

- NV-3. Location 7 (approximately 200' from Earle Ovington Boulevard and 150' from the northwest corner of MSKCC) is intended to represent the MSKCC, but representing the MSKCC appears problematic with just one location. Future potential sources of noise that needs to be addressed include induced traffic on Hempstead Turnpike (approximately 100' south to the nearest travel lane) and Earle Ovington Boulevard (approximately 320' to the west), Garage C (approximately 290' to the east), Garage B (approximately 300' to the north), and Central Utilities Plant (CUP) P2 (approximately 300' to the northeast). While noise levels captured at Location 7 can be adjusted to address noise from Garage B and possibly CUP P2 (which can also be addressed by presenting the potential attenuating effects of MSKCC's parking garage), addressing potential noise from Garage C and traffic on Hempstead Turnpike appears problematic without a supplemental monitoring location near the southeast corner of MSKCC building. (C96)**

The analysis for Location 6 is also applicable for MSKCC. MSKCC is approximately 177 feet from Hempstead Turnpike, and Location 6 is approximately 115 feet from Hempstead Turnpike. As Location 6 is closer to Hempstead Turnpike than MSKCC, the noise impacts experienced at MSKCC would be less than those at Location 6. Location 6 is representative of the impact of the southern face of the property, and Location 7 is representative of the west side of the property. As these two noise sources are perpendicular to each other, there would be no additive impact from the two traffic sources.

- NV-4. The terms average daytime and nighttime L_{eq} is a bit confusing. Does this refer to L_d and L_n ? If so, the use of L_d and L_n may be less confusing. When referring to the highest or lowest L_{eq} , it should be made clear that the report refers to an hourly L_{eq} ($L_{eq(1-hr)}$). (C96)**

The referenced terms are explained in Section 3.7.1.1 of the DEIS. The average daytime (7AM – 10PM) refers to L_d , and average nighttime (10PM – 7AM) to L_n , with the loudest hour referred to as $L_{eq(1hr)}$. Section 3.7.1.2 of the DEIS provides analyses of the average L_{eq} , L_d and L_n , and the highest L_{eq} levels for weekday and weekend daytime and nighttime periods. Per Table 55 of the DEIS, $L_{eq(1hr)}$ is energy averaged, one-hour, A-weighted sound level in decibels (dBA), as prescribed by the Federal Highway Administration (FHWA). It represents a constant noise level that has the same total energy as the changing noise over the one-hour measurement period.

- NV-5. Residences are located substantially further away from the traffic on Hempstead Turnpike than Monitoring Location 6. Because the area has been identified as a Potential Environmental Justice Area, the accuracy of the ambient existing noise level and projected future noise levels would be subject to heightened scrutiny. Please clarify**

how having noise levels 3 dBA or more lower than the noise levels present would or would not bear on the noise impact criteria for these residences. (C96)

The relative difference between the levels at Monitoring Location 6 and the residences that are located further away will not change. As explained in Section 3.7.2.2 of the DEIS, the NYSDOT non-highway impact criteria is + 3 dBA or greater. Thus, any projected noise level increase less than 3dBA at Monitoring Location 6 is also applicable for the residences located further away. For example, the projected increase due to the build condition is less than 3dB above existing conditions at Location 6. Therefore, the increase due to build conditions at any residences further away will also be less than 3dB; and the actual noise levels would be less, due to the increased distance.

NV-6. NYSDOT/FHWA noise impact criteria use the hourly L_{eq} metric while HUD noise impact criteria use L_{dn} metric. For clarity, when noise levels are presented, they should clearly indicate metric used. While the HUD criteria was mentioned, the L_{dn} for Location 6 was not presented. (C96)

See below **Table 17** for existing and projected Day-Night Average Sound Level (L_{dn}) data for Location 6. Shown are the L_{dn} for both the weekday and weekend. As discussed in Section 3.7.1 of the DEIS, the existing and projected weekday and weekend L_{dn} values exceed the U.S. Department of Housing and Urban Development (HUD) criteria of L_{dn} 65 dBA. The worst case L_{dn} increase of +2dB for the weekend projection is less than 3dB and, is thus, imperceptible.

Table 17 - Traffic Noise(L_{dn}) Existing and Noise Projection Results (Weekday & Weekend L_{dn} Sound Levels)

Receptor Location	2023 Existing (L_{dn})	2030 No Build Traffic (L_{dn})	2030 Build Traffic (L_{dn})	Change between Existing and Build	HUD Criteria (L_{dn})
6 – Residences and High School Properties at Hempstead Tpke (Weekday)	70	70	71	+1	65
6 – Residences and High School Properties at Hempstead Tpke (Weekend)	70	70	72	+2	65

Source: Longman Lindsey

NV-7. The text on page 326 should clarify that the study utilizes the criteria and guidelines from FHWA, NYSDOT, and NY SEQR. Separately, the project utilizes the PCE methodology from NYC’s CEQR Technical Manual to estimate the noise levels. While perfectly valid for non-highway projects, the PCE methodology is not a FHWA or NYSDOT-accepted methodology for estimating traffic noise. While clarified several paragraphs later, stating that the sound levels were “calculated following the procedures and guidance of the FHWA, NYSDOT and CEQR Technical Manual” potentially invites misunderstanding and unnecessary public comments. (C96)

Section 3.7.2.1 of the DEIS, which is entitled *Methodology*, explains the methodology used and specifically states:

This noise analysis evaluates the mobile and stationary source sound levels associated with the proposed action to determine the potential change in sound levels at receptor locations on and in the vicinity of the subject property. The mobile source noise analysis evaluates daytime sound levels, as motor vehicles are the dominant daytime noise source. The stationary noise analysis evaluates nighttime sound levels since outdoor mechanical equipment is expected to be the dominant nighttime noise source. The future sound levels include cumulative impacts from traffic growth over time and increases in traffic from the proposed development in the Study Area. Existing and future sound levels have been calculated following procedures and guidance of the FHWA, NYSDOT and CEQR Technical Manual.²⁵⁸ The future results represent the total sound levels that are expected to occur in the Study Area. (emphasis added)

²⁵⁸ The use of New York City's 2021 City Environmental Quality Review (CEQR) Technical Manual projection method is the most efficient way of providing the traffic noise projections, as there is no SEQRA equivalent projection method. Available at: https://www.nyc.gov/assets/oec/technical-manual/19_Noise_2021.pdf.

NV-8. With respect to events that may exceed Town noise standards, it is unclear how it will be determined that an event could potentially exceed the Town noise ordinance. (C96)

Sands does not expect to hold events that would exceed Town noise standards. The Town would be consulted in the unlikely event that Sands agrees to sponsor an outdoor community event that could generate noise that is outside the type of operations described in the DEIS.

NV-9. There is insufficient information to independently validate stationary noise sources. While the distance attenuation is provided, the distances from the source to the receptors were not presented in the text or in Appendix 3.7-1, Attachment D. Also absent is whether other attenuations, such as the edge of the roof, were considered. (C96)

The following table provides the requested information regarding dominant noise source, distance from receptor and distance attenuation.

Table 18 - Distance from Receptor and Relative Distance Attenuation

Receptor Location	Distance from Receptor (feet)	Distance Attenuation (dB)*	Dominant Noise Source
1 - Hofstra University at E Ovington Blvd	640	35	CUP2
2 - Omni Commercial Property	1050	38	CUP1
3 - Nassau Energy Corporation at C Lindbergh Blvd	535	33	CUP1
4 - Marriott Hotel at J Doolittle Blvd	620	35	CUP1
5 - Francis T. Purcell Preserve	1055	38	CUP1
6 - Residences and High School Properties at Hempstead Tpke	835	37	CUP2
7 - MSKCC Property	710	36	CUP2

* Distance attenuation based on starting point of 5 feet to the distances noted in the table

No additional attenuations were considered (such as edge of roof reductions, etc.), as the objective was to provide a worst-case analysis in the DEIS. Additional noise attenuation may be achieved through transmission shading from placement of equipment on roof levels and other line-of-sight barriers between noise sources and receptors. However, no additional attenuation credit has been taken for same, thereby reflecting a conservative impact analysis.

NV-10. On page 331, stationary source noise levels can utilize many different noise metrics (e.g., hourly L_{eq} , L_d , L_n , L_{dn} , L_{90} , etc.). The metric utilized should be indicated for clarity. (C96)

L_{eq} levels were used for the evaluation of stationary source noise levels.

NV-11. In Tables 66 – 69, Rather than use the term “Average”, the use of L_d and L_n would avoid misunderstandings. The reason for why the L_d and L_n metrics were used instead of the highest or lowest hourly L_{eq} (commonly utilized metrics) should be addressed. (C96)

L_d , L_n as well as the highest 1 hour L_{eq} , $L_{eq(1hr)}$ were used for completeness of analysis (both for weekday and weekend conditions).

NV-12. In order to better understand the proposed berm along the property fronting on Hempstead Turnpike, the linear extent, height and width of the berm should be specified and the plantings described. Regarding noise attenuation provided by the berm, the DEIS should use the term “could provide” rather than “would provide,” unless the attenuation of above-ground noise sources is demonstrated and presented. Is the Lessee committed to constructing a vegetated berm as a noise and visual barrier regardless of a finding of no noise impact? If so, it should be explicitly stated. (C96)

Section 3.7.2.2 states:

Also, to mitigate potential noise impacts to the residential community to the south, a vegetated berm is proposed to be constructed on the subject site along its boundary with Hempstead Turnpike, between the Integrated Resort and the neighborhood to the south. According to the NYSDOT, earthen berms are a type of noise barrier that can lower noise levels at receptor locations.²⁶¹ Therefore, such vegetated berm would provide additional noise attenuation.

²⁶¹ New York State Department of Transportation – The Transportation Environmental Manual § 4.4.18 Noise Analysis Policy and Procedures at https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/repository/4_4_18_Noise.pdf (page 39).

Sands is committed to constructing the proposed vegetated berm, as indicated above, which would help to mitigate potential noise (and visual) impacts, even though the noise analysis demonstrated that no significant adverse noise impacts would result from development of the proposed Integrated Resort.

NV-13. Insufficient details were provided to validate estimated noise levels without the distances from the source to the receptor location and type, quantity, and usage factors

of the equipment used for the worst-case scenario was not presented. For completeness, the description of the worst-case scenario should include the above information. Please briefly explain why the construction activity associated with the proposed building components would be louder than other construction activities (such as landscaping) much closer. (C96)

Section 3.7.2.3 of the DEIS indicates that “equipment to be used during the construction project include non-vibratory impact pile drivers, front end loaders, grader, bull dozers, backhoes, dump trucks, concrete mixer trucks, concrete pump trucks, cranes, flatbed trucks, pavement scarifier, pavers, hoist, excavators and pick-up trucks”. Typical noise level of the equipment at 300 feet is provided in Table 72 in Section 3.7.2.3 of the DEIS. Noise level projections have been provided from the source to the closest residential property at Cunningham Avenue, which is approximately 300 feet. This accounts for worst case scenario construction activity at the site perimeter of the proposed Integrated Resort to the nearest sensitive residential receptor across Hempstead Turnpike. Construction activity associated with the proposed building components would occur at a distance greater than 300 feet from the nearest sensitive receptor (i.e., the residential homes on Cunningham Avenue), thus, there would be additional attenuation with this increased distance. As indicated in Section 3.7.2.3 of the DEIS, a Construction Management Plan will be developed to ensure compliance with the prevailing, local noise regulations.

- NV-14. Discussion is presented on page 335 of the DEIS regarding the provision of the Town Code, §144-3.G, limiting the permissible hours of construction to 7 a.m. – 6 p.m. on weekdays, noting that construction outside of these hours would require Town permission. Other portions of the DEIS appear to indicate that construction of the proposed development would be strictly limited to the hours specified in §144-3.G. In particular, the 5th bullet on page 343 in the proposed noise mitigation section states “The performance of construction activities would adhere to the Town of Hempstead Noise Ordinance (Chapter 144), which restricts construction in the more sensitive overnight hours” (see also 2nd-to-last paragraph on page 554, 2nd paragraph on page 557, and last bullet on page 580). Clarification is requested; and if the intent is to potentially accommodate construction outside of the permissible Sands New York Integrated Resort window specified in the Code, the circumstances under which work may be expected to occur between 6 p.m. – 7 a.m. should be specified and associated impacts assessed. (C96)**

As the comment correctly indicates, Sands intends to adhere to the Town’s permissible days/hours of construction. Sands does not know of a specific situation where it would request permission for construction outside those hours. However, if such situation were to arise, Town permission would be requested as explained in the DEIS.

- NV-15. The addition of traffic lanes onto the Meadowbrook State Parkway makes the project a Type I Action as per FHWA/NYS DOT policy. Consequently, potential traffic noise impacts must utilize the FHWA and NYSDOT methodologies and criteria. As per FHWA/NYS DOT policies, traffic noise levels can only be modelled using the FHWA/NYS DOT-approved TNM noise model and the results assessed against both**

FHWA/NYS DOT the relative noise level increase criteria and the NAC criteria for the highway related portions of the project. (C96)

The comment is noted. Section 3.7.2.5 of the DEIS discusses off-site mitigation that may be required due to improvements on the Meadowbrook State Parkway and explains, in pertinent part:

The proposed traffic mitigation measures along the Meadowbrook State Parkway include the widening of northbound Meadowbrook State Parkway to four lanes from Old Country Road to the Northern State Parkway interchange, and the widening of the ramp to the eastbound Northern State Parkway to a two-lane ramp onto Northern State Parkway. These widenings (to create one additional travel lane on the northbound Meadowbrook State Parkway and ramp to eastbound Northern State Parkway) are expected to require relatively minor regrading and/or clearing of areas immediately adjacent to the existing pavement within the established highway right-of-way... Other off-site traffic mitigation measures, including additional improvements to the Meadowbrook State Parkway, are also proposed. However, the specific widening described above (i.e., at northbound Meadowbrook State Parkway and the ramp to eastbound Northern State Parkway) is the only area where roadway mitigation is proposed that is proximate to residential land uses (to the east of the existing roadway).

The Meadowbrook State Parkway is under the jurisdiction of the NYSDOT, and NYSDOT would be required to review, approve and issue permits for proposed mitigation. Sands would coordinate with NYSDOT throughout the permitting process to design and refine, as may be required by NYSDOT, the proposed roadway mitigation measures. For the purposes of the NYSDOT's review of the specific design of planned roadway mitigation, as the improvements require physical alterations to the existing roadway (i.e., addition of a travel lane), NYSDOT would review the specific noise impacts of such improvement upon their design. The results of that noise assessment would be evaluated to determine the noise impact based on two criteria, including:

- 1. if sound levels approach (within one dBA) or exceed the NAC for the specific land use...; and*
- 2. whether a substantial increase of noise levels (six dBA or more) above the existing noise level would result from the addition of the travel lane...).*

...In the case of the proposed roadway improvements along the Meadowbrook State Parkway, where the project-generated traffic would represent a fraction of the existing and future no-action traffic levels on the established highway, it is not expected that the proposed action would result in a substantial increase in noise levels at any receptor location. Nonetheless, if either of the above two criteria are met, analyses of noise abatement would be required...

As explained in Section 3.7.2.1 of the DEIS and response to comment NV-7, above, the noise analyses performed in the DEIS used NYSDOT, FHWA and CEQR noise assessment procedures. Additional noise analyses, using these procedures, have been conducted to address the impacts of the proposed addition of traffic lanes (see **Appendix 2.8-1** of this FEIS). The noise analyses, discussed below, demonstrate that for the full-build condition, the

maximum increase in sound levels for any receptor location is substantially less than the NYSDOT highway criteria of six (+6) dBA and FHWA's criteria of ten (+10) dBA.⁸⁶

Based on peak hour traffic volumes, the worst-case projected sound levels for the No-Build 2030 condition associated with vehicular traffic at the closest residential receptors at Meadowbrook State Parkway and Old Country Road, Westbury Avenue and Jamaica Boulevard would increase by less than one dBA (i.e., 0.20-0.79 dBA) for the Saturday Evening peak, as compared to the existing conditions. The worst-case projected sound levels for the Build 2030 condition associated with vehicular traffic at the residential areas at Meadowbrook State Parkway proximate to Old Country Road, Westbury Avenue and Jamaica Boulevard increase by less than 2.5 dBA (i.e., 0.47-2.32 dBA) for the Saturday Evening peak, as compared to the existing conditions.

The worst-case projected sound levels for the No Build 2030 condition associated with vehicular traffic at closest commercial receptors (Strauss Allergy & Asthma, UFCW Local 1500 and Nassau BOCES Robert E. Lupinskie Center for Curriculum, Instruction and Technology) increase by less than one dBA (i.e., 0.22-0.79 dBA) for the Saturday Evening peak, as compared to the existing conditions. For the Saturday Evening peak for the Build 2030 condition, worst-case projected sound levels increase by less than two dBA (i.e., 0.59-1.74 dBA), as compared to the existing conditions.

These increases are substantially less than the NYSDOT and FHWA impact criteria and would be barely perceptible to the human ear. Accordingly, the proposed roadway improvements would not result in significant adverse noise impacts to nearby receptors and would not warrant implementation of noise abatement measures.

- NV-16. The discussion in the DEIS noise section under 3.7.2.1, page 326 indicates that the future results represent the total sound levels that are expected to occur in the study area. However, it is unclear whether these are only the total mobile sources or whether they include the addition of the other stationary source increases. This should be clarified and adjusted accordingly to present a "total" noise condition for the future build conditions. The combined effect of both mobile and stationary sources should be added in one table to provide indication of the total noise impact resulting from the project. Even as shown separately for both the mobile and stationary sources, there are several receptors that indicate Weekday sound level increases of 3 dBA or higher (see Tables 64 and 65). Based on these levels and the reference to NYSDEC criteria, any of these increases above 3 dBA will be noticeable and should be mitigated appropriately. (C59)(C96)**

As shown in Tables 62 through 65 in Section 3.7.2.2 of the DEIS, traffic noise sound level increases during the highest weekday daytime, weekday nighttime and weekend daytime analysis periods would all fall in the range of 0-3 dBA. During the weekend nighttime analysis period, increases of 4 dBA above ambient are expected at two receptor locations, and all others would fall in the range of 0-3 dBA. In accordance with NYSDEC guidance and NYSDOT

⁸⁶ A three (3) dBA increase in sound level is just barely perceptible to the human ear.

highway noise impact criteria, these increases would be barely perceptible. Thus, mitigation is not required.

Specifically, the NYSDEC Program Policy entitled, *Assessing and Mitigating Noise Impacts*, indicates the following with respect to sound level increases:

Increases ranging from 0-3 dB should have no appreciable effect on receptors. Increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive of receptors are present. Sound pressure increases of more than 6 dB may require a closer analysis of impact potential depending on existing SPLs and the character of surrounding land use and receptors. [Sound Pressure Level (SPL)] increases approaching 10 dB result in a perceived doubling of SPL. The perceived doubling of the SPL results from the fact that SPLs are measured on a logarithmic scale. An increase of 10 dB(A) deserves consideration of avoidance and mitigation measures in most cases.
(emphases added)

The only two receptors that are expected to experience increases greater than 3 dBA in any study period (i.e., receptor 1 – Hofstra University at Earle Ovington Blvd. and receptor 2 – Omni Commercial Property), which are both expected to experience increases of 4 dBA during the Highest Weekend Nighttime Sound Levels study period only, are located in areas that are unlikely to be occupied or utilized in a way that would require exceptional quiet during this time period. Receptor 1 (see Figure 46 in Section 3.7.1.3 of the DEIS) is located opposite an area of the Hofstra campus that contains the outermost portions of a surface parking lot (east of the David S. Mack Sports and Exhibition Complex building[s]), remnants of a paved roadway/taxiway, and an unlit grass/field area that appears to be used primarily for temporary maintenance material storage. Receptor 4 is adjacent to a commercial office building and its various associated parking areas, which is unlikely to be utilized to any significant degree during a weekend nighttime period. Neither of these is expected to qualify as being among the “most sensitive of receptors” as contemplated by the NYSDEC criteria.

The NYSDOT-endorsed criteria for evaluating noise impacts are described in Section 3.7.1.2 of the DEIS, and indicate that an impact occurs where projects result in an increase of 6 dBA or more. Overall, the anticipated sound level increases do not warrant further analysis or mitigation based on the NYSDEC and NYSDOT impact criteria.

In further response to the above comment, a cumulative impact analysis has been performed as summarized in the tables below (i.e., 2030 Build for Traffic and stationary sources). While this approach to noise impact analysis is not common, the results confirm that the effect of combining traffic and stationary sources is negligible. Specifically, the difference between the cumulative impact and the impact of traffic and stationary sources taken separately is zero dBA at nearly every receptor in every study period, except for an increase of 1 dBA at a single receptor (i.e., receptor 4 – Marriott Hotel at James Doolittle Boulevard) in the Highest Weekend Nighttime study period. This is because, as acknowledged within the aforementioned NYSDEC Program Policy, “[t]he total sound pressure created by multiple sound sources does not create a mathematical additive effect” and when the sound levels generated by two sources have a difference in sound levels of 10 dBA or more, the lower sound level adds virtually nothing to the higher of the two sound levels. The cumulative impact results for each receptor location in each of the study periods are presented in the tables below:

Table 19 - Traffic Noise and Stationary Noise Projection Results (Highest Weekday Daytime Sound Levels)

Receptor Location	2023 Existing	2030 No Build Traffic	2030 Build Traffic	2030 Build Stationary Noise	2030 Build Cumulative	Increase with Stationary Sources
1 - Hofstra University at E Ovington Blvd	75	75	76	48	76	0
2 – Omni Commercial Property	67	67	68	45	68	0
3 – Nassau Energy Corporation at C Lindbergh Blvd	78	78	79	49	79	0
4 – Marriott Hotel at J Doolittle Blvd	62	62	63	48	63	0
5 – Francis T. Purcell Preserve	61	61	62	45	62	0
6 – Residences and High School Properties at Hempstead Tpke	70	70	71	46	71	0
7 – MSKCC Property	63	63	64	47	64	0

Source: Longman Lindsey

Table 20 - Traffic Noise and Stationary Noise Projection Results (Highest Weekday Nighttime Sound Levels)

Receptor Location	2023 Existing	2030 No Build Traffic	2030 Build Traffic	2030 Build Stationary Noise	2030 Build Cumulative	Increase with Stationary Sources
1 - Hofstra University at E Ovington Blvd	69	70	70	48	70	0
2 – Omni Commercial Property	63	63	63	45	63	0
3 – Nassau Energy Corporation at C Lindbergh Blvd	71	71	72	49	72	0
4 – Marriott Hotel at J Doolittle Blvd	59	59	60	48	60	0
5 – Francis T. Purcell Preserve	58	58	59	45	59	0
6 – Residences and High School Properties at Hempstead Tpke	68	68	69	46	69	0
7 – MSKCC Property	58	58	59	47	59	0

Source: Longman Lindsey

Table 21 - Traffic Noise and Stationary Noise Projection Results (Highest Weekend Daytime Sound Levels)

Receptor Location	2023 Existing	2030 No Build Traffic	2030 Build Traffic	2030 Build Stationary Noise	2030 Build Cumulative	Increase with Stationary Sources
1 - Hofstra University at E Ovington Blvd	72	72	75	48	75	0
2 - Omni Commercial Property	64	64	66	45	66	0
3 - Nassau Energy Corporation at C Lindbergh Blvd	72	72	74	49	74	0
4 - Marriott Hotel at J Doolittle Blvd	61	61	62	48	62	0
5 - Francis T. Purcell Preserve	60	60	62	45	62	0
6 - Residences and High School Properties at Hempstead Tpke	70	70	71	46	71	0
7 - MSKCC Property	64	64	66	47	66	0

Source: Longman Lindsey

Table 22 - Traffic Noise and Stationary Noise Projection Results (Highest Weekend Nighttime Sound Levels)

Receptor Location	2023 Existing	2030 No Build Traffic	2030 Build Traffic	2030 Build Stationary Noise	2030 Build Cumulative	Increase with Stationary Sources
1 - Hofstra University at E Ovington Blvd	66	66	70	48	70	0
2 - Omni Commercial Property	58	58	62	45	62	0
3 - Nassau Energy Corporation at C Lindbergh Blvd	67	67	70	49	70	0
4 - Marriott Hotel at J Doolittle Blvd	55	55	57	48	58	+1
5 - Francis T. Purcell Preserve	56	56	58	45	58	0
6 - Residences and High School Properties at Hempstead Tpke	65	66	68	46	68	0
7 - MSKCC Property	59	59	62	47	62	0

Source: Longman Lindsey

- NV-17. The existing conditions noise measurements were collected at six (6) area receptors on Friday, November 17, 2023 through Tuesday, November 21, 2023. It appears that the Weekday noise measurements were taken on November 21, which is two days prior to the Thanksgiving holiday and the time periods monitored may not be representative of typical traffic volume conditions on the roadway network and corresponding sound levels. (C59)**

Existing conditions noise measurements were collected at seven receptor locations on Friday, November 17, 2023 through Tuesday, November 21, 2023. Review of schedules indicate classes were in session for Hofstra University, NCC and Kellenberg High School, with no holidays, and therefore, the noise analysis is representative of typical weekday traffic activities.

- NV-18. It should be clarified whether the noise monitoring program was conducted continuously from 1:00 PM on Friday, November 17, 2023 through 3:00 PM on Tuesday, November 21, 2023 or if the measurements were just collected sporadically during that period. (C59)**

Continuous noise monitoring data was collected at seven receptor locations from 1:00 PM on Friday, November 17, 2023 through 3:00 PM on Tuesday, November 21, 2023, as indicated in DEIS Appendix 3.7-1, Attachment A (which contains logged data for each of the seven meters).

- NV-19. The DEIS indicates that if any special events are held outdoors, that they are expected to conform with Town of Hempstead noise criteria. This should be made a condition of the project's Findings Statement and any approvals. (C59)**

The comment is noted, and Sands intends to comply with Town of Hempstead noise regulations.

- NV-20. While the DEIS provides an equivalent A-weighted L_{eq} , the data and information analyzed does not provide the specific octave band evaluations for different frequencies of sound, which are clearly required as referenced in the Town Code. (C59)**

Spectral analysis is not relevant to traffic noise. Per Town of Hempstead Code Chapter 144, Unreasonable Noise, 144-5 - Limitation of noises, "No person shall operate or cause to be operated any mechanism or device, including but not limited to airplanes, which shall create a noise within the Town of Hempstead exceeding the limiting noise spectra set forth in Tables I and II." This section of the Town Code, which references octave band evaluations, is applicable to individuals/properties/entities and is not relevant to traffic sources. Thus, it is not applicable to this analysis.

- NV-21. The traffic study identifies several major roadway improvements, which will result in reductions in the available distances between the roadway and existing residential areas. A detailed noise analysis of these areas and receptors should be done to identify mitigation, such as a noise wall or other measure, that may need to be considered. (C56)(C59)**

See response to comment NV-15, above.

NV-22. Noise from day and nighttime casino operations could disrupt the quality of life for residents near the Nassau Veterans Memorial Coliseum, including in Garden City, the Hempstead Plains, local museums and Memorial Sloan Kettering. (H24)(C14)(C17)(C20)(C21)(C26)(C28)(C23)(C47)(C55)

Section 3.7 of the DEIS provides a detailed analysis of existing noise conditions and potential noise impacts, and concludes, in pertinent part:

The noise analysis results for mobile sources demonstrates that under the 2030 Build condition, the maximum increase in sound levels from the existing condition for any receptor location ranges from 0 to one dBA for the weekday daytime and nighttime hours and from one dBA to four dBA for the weekend daytime and nighttime hours, all of which are less than the NYSDOT highway criteria of over six (+6) dBA and FHWA's criteria of over ten (+10) dBA. It is noted that a 0 – one dBA increase is not perceptible and a three dBA increase in sound level is just barely perceptible to the human ear, with four dBA being just above this.

The noise analysis also determined that the 2030 No-Build condition sound levels at the receptor locations would be virtually the same as the existing condition sound levels with respect to stationary sources, and where there would be changes, due to the proposed project's contribution in the Build condition, the increase would be no greater than +2 dBA. In fact in the majority of cases, there would be no change in sound levels from the existing condition to the Build condition from proposed stationary sources at the Integrated Resort. Based on these results, since all of the changes are less than three dBA, they would be barely perceptible, and would meet the NYSDOT non-highway criteria of a three dBA or above increase.

Moreover, the proposed Integrated Resort has been designed to minimize construction and operational sound levels to the surrounding areas to the maximum extent practicable and would implement mitigation measures to reduce or minimize noise impacts. These mitigation measures are listed in Section 3.7.3 of the DEIS.

2.9 Public Health – Problem Gambling (PH)

PH-1. Sands intends to take “proactive” measures to mitigate issues with problem gamblers at the casino. What are these proactive measures? As far as I know, the DEIS only mentions on-site staff and a 1-800 hotline to deal with problem gambling. Not helpful given the location of this casino and unique risk given our population density & proximity to kids. Sands should provide for more gamblers anonymous meetings. Will Sands use cameras and AI to identify problem gamblers and escort them out? How many patrons does Sands exclude from the casino with the problem-gambler policy annually? What criteria does Sands use to evaluate if a patron has a betting problem? (H5 (C31)(C59))

Sections 3.8.2 and 3.8.3 of the DEIS set forth the measures that Sands would implement to mitigate problem gambling. As summarized in Section 3.8.3:

...Sands has incorporated extensive measures into its proposed Integrated Resort to identify and assist persons with problem gambling. The following is a list of the measures to be employed by Sands at the proposed Integrated Resort to minimize potential problem gambling issues:

- › *Incorporating on-site resources to promote responsible gambling and provide assistance with problem gambling, including signage, collaterals and access to the New York State Office of Addiction Services and Supports HOPEline (1-877-8-HOPENY) for further assistance.*
- › *Implementing an Exclusion Program to complement the exclusion regime provided by the New York Gaming Commission, focusing on prohibiting from entry into the casino for patrons who have been identified as displaying observable signs of potential problematic gambling behavior. Furthermore, no one under the age of 21 is permitted to be on the gaming floor longer than it takes them to reach their destination. All persons under the age of 21 would require an escort to walk through the gaming floor to ensure that no underage gaming takes place.*
- › *Maintaining records and reporting of the Exclusion Program under the New York Gaming Commission.*
- › *Stationing Security at all entrances who would have access to the Sands facial recognition system.*
- › *Partnering with the New York State office of Children and Family Services and other local support facilities, and contributing financially to organizations that provide problem gambling education, treatment for those who suffer from problem gambling, and information on the importance of responsible gaming.*
- › *Committing \$200,000 to the Family and Children’s Association toward the establishment of two new Gambling Support and Wellness Centers, in Hempstead and Hicksville.*
- › *Establishing, implementing, and operating a Responsible Gambling training program for all casino employees. Casino employees would be trained to recognize potential behavior and verbal signs exhibited by a casino patron that may indicate problematic*

gambling behavior, and in procedures/protocols to report identified patrons to a responsible Gambling Ambassador.

- › *Training Responsible Gambling Ambassadors on techniques and protocols to communicate with an identified patron and provide information on Sands' Responsible Gambling Program, counseling programs and treatment services.*
- › *Continuing to review the problem gaming programs on a regular basis with experts in the field to ensure the programs reflect current and relevant science in the responsible gambling and problem gambling fields.*
- › *Establishing an employee assistance program that would provide services to support wellbeing and prevention, short-term counseling, consultation, programs and referrals to Sands' team members.*

Sands' responsible gaming program occurs in a regulated environment where the potential for harm associated with gambling is minimized and patrons are able to make informed decisions about their participation in gambling. As explained in Section 3.8.2 of the DEIS, Sands has a variety of policies relating to responsible gambling and the assistance team members can provide to patrons. Exclusions are part of this suite of tools and are issued based on observable signs of distress that a patron may be displaying or on requests a patron may make for the casino operator to ban them.

These observable signs can vary but are illustrated and included in Sands' annual responsible gaming training for all team members who interface with gaming and hotel patrons. It is also included in Sands' Responsible Gaming Ambassador training that is facilitated by the University of Nevada, Las Vegas. These observable signs of gambling disorder are provided to Sands by the National Council on Problem Gambling, The International Center for Problem Gambling, The International Gaming Institute at the University of Nevada Las Vegas, the latest research from the International Center for Responsible Gambling, built on Sands' experience operating for 25 years and incidents its team members have observed. Some examples of these observable signs can include distressed statements made while at a table game or slot machine, asking to borrow money to gamble from another guest or a team member, making alarming statements based on actions caused by their gambling behavior, and/or asking for problem gambling resources or enrollment in the Sands exclusion program. All statements made on observable signs of distress due to gambling ignite a Responsible Gaming Ambassador interaction at our properties around the world. These Responsible Gaming Ambassadors can talk to the patron about Sands' responsible gaming program, exclusion program, and local resources in the community to connect them with. Sands' Ambassadors are able to guide them through the process of enrolling in the exclusion program. To help protect health care data privacy, Sands does not release the number of patrons who have enrolled in the exclusion program.

- PH-2. When describing the trends in problem gambling, identifying potential effects on the surrounding community should be included, particularly with the high rate of gambling among college age students and Uniondale UFSD. What are the rates of problem gambling amongst students where casinos are present? What level of increase to these numbers would the community experience if a casino is built? (C1)(C8)(C10)(C13)(C14)(C32)(C33)(C41)(C49)(C59)(C61)(C72)**

With respect to the potential for college or high school students to gamble at the proposed Integrated Resort, as stated in Section 3.8.2:

New York State has legislation in effect that prohibits persons under 21 years of age from gambling, and those under 21 would be prohibited from the casino floor of the proposed Integrated Resort. Accordingly, the development of the casino component of the proposed Integrated Resort would not provide an additional opportunity for gambling to those under 21 years of age.

With respect to trends, in the 2014-2015 NYS OASAS Youth Development Survey,⁸⁷ it was shown that 39 percent of children in grades 7-12 have gambled at least once within the past year, including betting money on raffles, charity games, or sports. In media, including television and film, gambling is shown as fun, exciting, and an easy way to make money. In many cases, the serious and dangerous side of gambling fails to be shown. Since so many forms of gambling, including online and mobile gambling, have become popular, it has become more accessible than it has ever been. Due to televised gambling tournaments and increased accessibility of gambling due to the internet (both online and by use of mobile phones), gambling amongst college students has become increasingly popular. College students can gamble on campus, at a friend's house, and at actual gambling venues like racetracks and casinos that do not serve alcohol.

A large number (approximately 75 percent) of college students gamble, and two thirds participate in online/mobile sports betting specifically. Despite this and that one in 20 college students can be categorized as compulsive gamblers, less than a quarter of colleges and universities have policies surrounding gambling and programs for gambling and other behavioral addictions.⁸⁸ One issue that colleges are having is that problem gambling is considered a hidden addiction, since it is harder to detect than a substance addiction. Another issue is that gambling is being marketed towards college students. Study apps like Quizlet have pop up advertisements for online/mobile betting apps and even universities themselves, like Louisiana State University, are advertising gambling apps on their radio shows, on their apps, and in their sports facilities.

According to a 2023 article by Birches Health, a virtual gambling addiction specific treatment program based in Phoenix, Arizona, ". . .when we think of a compulsive gambler we picture Las Vegas and slots, or perhaps an older man at a horse racing track. It may come as a surprise that college students are at a high risk for gambling addiction. With the prevalence of sports betting apps, the incidence of college students gambling is getting progressively worse."⁸⁹

The aforementioned Birches Health article cited the following facts relating to problem gambling risks around college students:⁹⁰

⁸⁷ New York State Office of Alcoholism and Substance Abuse Services. Youth Development Survey 2014-2015 Report. 2015.

⁸⁸ Reardon, L. *Colleges lack addiction resources for online sports gambling surge*, TheNewsHouse – The S.I. Newhouse School of Public Communications at Syracuse University (January 23, 2023). Available at <https://www.thenewshouse.com/off-campus/colleges-lack-addiction-resources-for-online-sports-gambling-surge/>. Accessed April 2025.

⁸⁹ Birches Health. *Gambling and Sports Betting Among College Students* (July 8, 2023). Available at: <https://bircheshealth.com/resources/gambling-college-students>. Accessed April 2025.

⁹⁰ Birches Health. *Gambling and Sports Betting Among College Students* (July 8, 2023). Available at: <https://bircheshealth.com/resources/gambling-college-students>. Accessed April 2025.

- *The rates of young individuals being at-risk for problem gambling are two to three times higher compared to adults.*
- *In terms of policies in U.S. colleges and universities, nearly all of them have guidelines regarding student alcohol use. However, only 22% of these institutions have established formal policies addressing gambling.*
- *Researchers estimate that approximately 75% of college students, whether legally or illegally, engaged in gambling within the past year.*
- *In the United States, around 6% of college students are affected by a serious gambling problem.*
- *Among college students, the most popular gambling activities include playing the lottery, with a participation rate of 41%, followed by card games at 38%, and sports betting at 23%.*
- *Approximately 67% of college students partake in sports betting.*
- *Nearly 30% of male athletes engage in sports betting, with the report indicating that 26% of these athletes began gambling before high school, while 66% started during high school.*
- *Athletes are considered high-risk individuals for sports gambling due to factors such as competitive personalities, desire for action and excitement, perception of social norms, and sense of entitlement.*

There are various existing resources that can assist college students facing gambling problems, including:

- › Campus Counseling Services
- › Support Groups (such as Gamblers Anonymous)
- › Helplines and Hotlines, such as the OASAS HOPEline (1-877-846-7369)
- › Online Resources, such as those of the NCPG and OASAS.
- › Therapy and Treatment Programs.

PH-3. We have an epidemic of gambling addiction in our country due to existing casinos, lotteries and most recently, the explosion of online betting. Many are comparing this problem to the opioid crisis where for years the problem was ignored by our elected officials and only addressed after hundreds of thousands of lives were ruined or lost. Sands makes the case that because we have an explosion of online gambling, no one should object to a massive casino. Common sense tells you that placing a massive casino in the heart of our community will only serve to make our gambling addiction crisis even worse. Sands has provided no evidence that any of its mitigation practices are effective, they are just words on paper with no supporting studies to demonstrate that any of Sands' methods have ever been successful. Sands must provide data on the expected impact of problem gambling and supporting studies that demonstrate that the policies they propose to implement to combat problem gambling have been effective at the other casinos they operate, or the DEIS should state that the mitigations proposed by Sands cannot be substantiated as having ever been effective at any Sands casino. (C32)(C41)(C81)

As explained in Section 3.8 of the DEIS, Sands has experience in ensuring responsible gaming and is incorporating extensive measures into the proposed Integrated Resort and its operations to help prevent, recognize, and address problem gambling. As explained below, research indicates that well-designed responsible gaming tools, such as those used by Sands and proposed for the Integrated Resort, are effective in reducing gambling-related harm:

- › **Employee Training & Engagement:** Studies show that casino employees trained in responsible gaming programs are more likely to detect and intervene when players exhibit signs of problem gambling. This translates into increased player referrals to support services and greater adherence to responsible gaming tools.⁹¹
- › **Educational Interventions & Self-Efficacy:** Studies have shown that educational interventions can enhance self-efficacy and reduce problem gambling rates, particularly among at-risk groups.⁹²
- › **Self-Exclusion & Voluntary Limit-Setting:** While self-exclusion programs and limit-setting tools are widely used and have been shown to be effective, their effectiveness improves when paired with active enforcement, real-time interventions, and personalized behavioral feedback.⁹³ Research on personalized feedback systems suggests that real-time alerts based on gambling patterns can significantly reduce at-risk gambling behaviors.⁹⁴
- › **Public Awareness & Responsible Gaming Messaging:** Prevention messaging has been shown to be more effective when co-designed with individuals who gamble rather than dictated by operators or policymakers alone.⁹⁵

Researchers at the Lancet Public Health Commission on Gambling, an international initiative that examined the rapid global expansion of commercial gambling and its implications for public health, systematically examined the literature to determine the effectiveness of various responsible gambling measures. Their results suggest that industry-led responsible gambling measures have shown varied effectiveness. One of the main reasons the effectiveness of responsible gaming tools remains inconclusive is the lack research with sufficient methodological rigor, requiring more longitudinal data that can measure long-term behavioral change.⁹⁶

The International Center on Responsible Gambling (ICRG) funds independent research into responsible gambling, and through contributions, ICRG commissions studies that advance

⁹¹ Gaudett, G. E., Tabri, N., Davis, C. G., & Orazani, S. N. (2024). *Player-facing casino employees: Engagement with responsible gambling programming and its association with referring players*. *Journal of Gambling Studies*; Gray, H. M., Juliver, J., & LaPlante, D. A. (2021). *Gambling industry employees' experiences with an onsite responsible gambling program*. Springer; Xu, T. P., Kraus, S. W., & Abarbanel, B. (2025). *Examining the relationship between casino employee gambling involvement, demographic characteristics, and responsible gambling program perceptions*. *Journal of Gambling Studies*.

⁹² García del Castillo-López, Á. *An integrative proposal in addiction and health behaviors psychosocial research: Overview of new trends and future orientations* (2025). *Frontiers in Psychology*; Williams, R. J., West, B. L., & Simpson, R. I. *Prevention of problem and pathological gambling: A comprehensive review of the evidence* (2023). *Journal of Behavioral Addictions*.

⁹³ Blaszczynski, A., Collins, P., & Fong, D. *Responsible gambling: General principles and minimal requirements* (2011). *International Journal of Mental Health and Addiction*, 9(1), 276–289; Gainsbury, S., & Wood, R. *Internet gambling policy in critical comparative perspective: The effectiveness of existing regulatory frameworks* (2011). *International Gambling Studies*, 11(3), 309–323.

⁹⁴ Auer, M., & Griffiths, M. D. *Personalized behavioral feedback in the promotion of responsible gambling: A brief overview* (2015). *Journal of Gambling Issues*, 29, 27–36.

⁹⁵ Bjørseth, B., Simensen, J. O., Bjørnethun, A., Griffiths, M. D., Erevik, E. K., Leino, T., & Pallesen, S. *The effects of responsible gambling pop-up messages on gambling behaviors and cognitions: A systematic review and meta-analysis* (2021). *Frontiers in Psychiatry*, 11, 601800.

⁹⁶ Blaszczynski, A., Collins, P., & Fong, D. *Responsible gambling: General principles and minimal requirements* (2011). *International Journal of Mental Health and Addiction*, 9(1), 276–289; LaPlante, D. A., Gray, H. M., & Nelson, S. E. *Should we do away with responsible gambling?* (2019). Google Books.

responsible gaming practices and regulatory frameworks. Some of the current research focused on responsible gaming being conducted through ICRG includes:

- › Research to enhance the effectiveness of responsible gaming messages by incorporating gambler feedback into message design. Findings will offer data-driven recommendations for regulators and operators to improve responsible gaming messaging strategies that resonate with players
- › Investigating whether incentives can improve adherence to self-exclusion and treatment programs. This research aims to reduce high dropout rates in gambling treatment programs, ensuring that self-exclusion measures are truly effective in preventing harm
- › Research exploring the potential of artificial intelligence (AI) to enhance responsible gambling strategies, focusing on the prevention and mitigation of gambling-related harms among online gamblers. The study will investigate AI applications such as classification models for identifying at-risk gamblers and generative AI for creating tailored responsible gaming messaging
- › Research examining the efficacy of responsible gambling messages on future gambling behavior
- › Investigating the role of voluntary versus mandatory responsible gaming tools in reducing problem gambling behavior, as well as investigating the role of incentives in promoting responsible gaming tool use.

Independent, high-integrity research is critical for shaping effective responsible gaming policies. While organizations like Sands provide funding to ICRG, the research process remains independent and free from industry influence through the following safeguards:

- › **Scientific Advisory Board (SAB) Independence:** The ICRG's SAB operates without industry input, setting research priorities and making funding decisions autonomously
- › **Firewall Between Donors & Researchers:** Sands and other industry donors have no role in reviewing proposals, shaping research agendas, or influencing publication decisions
- › **National Institutes of Health (NIH)-Style Peer Review:** ICRG follows an NIH-style independent peer-review process, ensuring that scientific merit, not donor interests, determines funding
- › **Commitment to Open Science:** Researchers are encouraged to adopt open science practices, including data sharing, study pre-registration, and transparent reporting.

Sands will continue to support independent research to improve responsible gaming tools.

2.10 Socioeconomics (SE)

- SE-1. It would be helpful if additional details were provided regarding the methodology for the IMPLAN analysis, including model input, sectors utilized, dollar year and data year used for construction and operations. This comment also applies to the analysis for the Alternative CMP (Without a Casino) in Section 8.2 of the DEIS. (C96)**

For purposes of modeling the economic impacts for construction and operations of both the casino and non-casino scenarios, Sands' consultant, EY, used the IMPLAN model with data year 2022. The dollar year was specified as 2022 to allow inputs to be in model-year terms.

Instead of using a single sector, the IMPLAN analysis employed a segment-by-segment approach to evaluate the impact of Sands' activities, such as changes in labor income and demand for various commodities. This approach allows for adjustments to underlying relationships in the IMPLAN model, such as regional purchase coefficients and spending patterns to reflect actual project information, providing a more accurate and tailored analysis of economic effects rather than relying on average sector multipliers from IMPLAN.

Model inputs for the Sands Integrated Resort (with Casino)

Table 23 and **Table 24**, below, identify the IMPLAN model inputs and specifications for the construction and operations of the fully operational Integrated Resort (with Casino).

As noted in **Table 23**, of the approximately \$5 billion in Sands' construction spending, only \$3 billion was used as inputs to the IMPLAN input. This is mainly due to the exclusion of the component that Sands categorized as "other labor costs" (e.g., industry funds, union benefit bonds, hazcom, legal expenses, etc.) from the employee compensation input, and additional exclusions to remove for out-of-state sourced professional services in soft costs. These adjustments are made to ensure that activities not impacting the New York economy are excluded from the IMPLAN model and thus do not overestimate the economic impact of Sands' construction.

Table 23 - IMPLAN Model Input for Construction of Fully Operational Sands Integrated Resort (with Casino)

Sands Category	IMPLAN Event Type	IMPLAN Activity or Sector Used	Sands' Spending (Millions \$)	IMPLAN Model Input (Millions \$)	Adjustments*
Labor	Labor income	Employee compensation	\$1,745	\$631	Excludes "Other labor costs (i.e., industry funds, union benefit bonds, hazcom, legal, etc.)" from IMPLAN input
Materials and equipment	Industry spending pattern	Construction of new commercial structures, including farm structures (55)	\$1,974	\$1,184	It is assumed that 60% of the materials and equipment will be provided by New York providers

Sands Category	IMPLAN Event Type	IMPLAN Activity or Sector Used	Sands' Spending (Millions \$)	IMPLAN Model Input (Millions \$)	Adjustments*
Soft cost-OCIP	Industry output	Insurance carriers, except direct life (444)	\$246	\$25	The input assumes for a 10% insurance margin.
Soft cost-Permitting	Industry output	Environmental and other technical consulting services (463)	\$246	\$172	It is assumed that 70% of the services will be provided by New York providers.
Soft cost-Financial services	Industry output	Other financial investment activities (442)	\$61	\$58	It is assumed that 95% of the services will be provided by New York providers.
Soft cost-Architectural	Industry output	Architectural, engineering, and related services (457)	\$61	\$52	It is assumed that 85% of the services will be provided by New York providers.
Soft cost-Accounting	Industry output	Accounting, tax preparation, bookkeeping, and payroll services (456)	\$61	\$56	It is assumed that 91% of the services will be provided by New York providers.
Soft cost-Legal	Industry output	Legal services (455)	\$61	\$60	It is assumed that 98% of the services will be provided by New York providers.
Soft other-FEE,etc**	<i>Not included</i>	<i>Not included</i>	\$645	<i>Not included</i>	Assumed to be 100% sourced from outside New York.
Total	--	--	\$5,101	\$2,238	

Source: Gardiner & Theobald, EY analysis

*'Local' refers to materials, equipment or services sourced from within New York State.

** FFE/OSE/Gaming/ELV/Branding

Once the construction inputs are entered into IMPLAN, the output is generated. Generally, the output of the economic activity from the IMPLAN model run is reported as is without further adjustments.

As noted in **Table 24**, EY used the operating budget for the Integrated Resort provided by Sands to map the relevant expense categories to the corresponding IMPLAN activity or sector. EY excluded taxes and intracompany transfers from the IMPLAN inputs, as taxes are accounted for in the tax impacts section and intracompany transfers do not represent new economic activity. IMPLAN models were run by segment (hotel, casino, food and beverage, etc.) using a multi-region input-output (MRIO) model with three regions. The impacts occur in Nassau County, while Suffolk County and the rest of New York State outside Nassau and Suffolk counties are the other regions in the model.

Table 24 - IMPLAN Model Input for Operations of Fully Operational Sands Integrated Resort (with Casino), \$ In Millions

IMPLAN Event Type	IMPLAN Activity or Sector Used	IMPLAN Model Input
Labor income	Employee compensation	\$879.7
Commodity demand	Promotional services for performing arts and sports and public figures (3500)	\$100.4
Commodity demand	Wholesale services – Other durable goods merchant wholesalers (3396)	\$60.5
Commodity demand	Wholesale services – Grocery and related product wholesalers (3398)	\$57.0
Commodity demand	Advertising, public relations, and related services (3465)	\$48.2
Commodity demand	Commercial and industrial machinery and equipment rental and leasing services (3453)	\$43.8
Commodity demand	Data processing, hosting, and related services (3436)	\$33.7
Commodity demand	Printed materials (3152)	\$21.3
Commodity demand	Transit and ground passenger transportation services (3418)	\$21.3
Commodity demand	Electricity transmission and distribution (3047)	\$17.3
Commodity demand	Maintained and repaired nonresidential structures (3060)	\$14.3
Commodity demand	Employment services (3472)	\$6.9
Commodity demand	Leasing of nonfinancial intangible assets (3454)	\$5.9
Commodity demand	Environmental and other technical consulting services (3463)	\$5.2
Commodity demand	Nondepository credit intermediation and related activities (3439)	\$4.8
Commodity demand	Waste management and remediation services (3479)	\$4.8
Commodity demand	Travel arrangement and reservation services (3474)	\$3.3
Commodity demand	Accounting, tax preparation, bookkeeping, and payroll services (3456)	\$3.3
Commodity demand	Other insurance (3444)	\$3.3
Commodity demand	Legal services (3455)	\$2.2
Commodity demand	Management consulting services (3462)	\$1.8
Commodity demand	Investigation and security services (3475)	\$1.6
Commodity demand	Water, sewage and other systems (3049)	\$1.3
Commodity demand	Community food, housing, and other relief services, including rehabilitation services (3495)	\$1.0
Commodity demand	Natural gas distribution (3048)	\$0.8
Commodity demand	Cut and sewn apparel from contractors (3124)	\$0.1
Industry employment	Full-service restaurants (509)	591
Industry employment	Retail – general merchandise stores (411)	69
Industry employment	Fitness and recreational sports centers (505)	25

Source: Las Vegas Sands, EY analysis

The IMPLAN model generated results for Sands' operation using a segment-by-segment approach. EY then adjusted the IMPLAN output to report the total impact.

- › **Indirect impact:** Direct impacts from non-labor spending are reclassified as indirect impacts because they represent economic activity for Sands Integrated Resort contractors.
- › **Direct Impact:** For direct impact analysis, EY used the employment, labor income, and revenue data provided by Sands for each segment to report total direct jobs, labor income, and direct output, respectively. Direct value added was calculated using industry averages for each segment.
- › **Induced impact:** Some of the induced impacts in Nassau County are redistributed across Suffolk County and the remainder of New York State because it was understood that not all employees at the Integrated Resort would live in Nassau County and would instead commute from another jurisdictions. The spending by these individuals, and thus their induced impacts, would occur where they live.

Model inputs for the Alternative CMP (Without a Casino)

Table 25 and **Table 26**, below, specify the IMPLAN model inputs and specifications for the construction and operations of the fully operational “Sands Multiuse Development” (Without a Casino).

As noted in **Table 25**, to model the construction impact for the Alternative CMP (Without a Casino), the total Sands spending of approximately \$3 billion was used, in comparison to \$5 billion in the Casino scenario. For the Multiuse Development scenario, EY assumed a similar allocation of spending on labor, materials, and soft costs, and maintained the same proportion of NY sourced materials versus those from out of state as in the casino scenario. Then, the relevant IMPLAN model multipliers were applied as in the Casino Scenario to estimate impacts across jobs, labor income, value added, and output, ensuring consistency and comparability between the two scenarios.

Table 25 - IMPLAN Model Input for Construction of Fully Operational Sands Multiuse Development (Without a Casino)

Sands Expense Category	Sands’s Spending (Millions \$)
Site construction	\$217
Building construction & fit out	\$1,744
Professional fees, OCIP & permit fees	\$354
FFE/OSE	\$65
Other project costs	\$243
Development fee (1%)	\$26
Contingency	\$481
Escalation	\$188
Total	\$3,319

Source: Gardiner & Theobald

As noted in **Table 26**, to model the operational impact of Alternative CMP (without a casino), EY applied industry-average assumptions to Sands’ programming to estimate direct employment, labor income, and/or revenue (i.e., gross output). These program details and assumptions are shown in **Table 26** below along with the IMPLAN model inputs. The model was run as a multi-region input-output (MRIO) model with three regions. The impacts occur

in Nassau County while Suffolk County and the rest of New York State outside Nassau and Suffolk counties are the other regions in the model.

Table 26 - IMPLAN Model Input for Operations of Fully Operational Alternative CMP (Without a Casino)

Sands Segment	IMPLAN Event Type	IMPLAN 546 Sector Utilized	Alternative CMP Program	Assumptions	IMPLAN Model Input - Employment	IMPLAN Model Input - Labor Income (\$ In Millions)	IMPLAN Model Input - Gross Output (\$ In Millions)
Residential	Industry employment	Other real estate (447)	500 units	50 units/employee; \$583 price per sq. ft. (25% above median)	10	\$733,800	NA
Retail – Apparel	Industry impact analysis (Detailed) – Purchaser price	Retail – Clothing and clothing accessories stores (409)	20,000 sq. ft.	400 sq. ft. per employee; \$325 sales per sq. ft.	50	NA	\$6.5
Retail – Home Goods	Industry impact analysis (Detailed) – Purchaser price	Retail – Clothing and clothing accessories stores (403)	20,000 sq. ft.	400 sq. ft. per employee; \$325 sales per sq. ft.	50	NA	\$6.5
Restaurants – Fast Food	Industry impact analysis (Detailed)	Limited-service restaurants (510)	10,000 sq. ft.	50 sq. ft. per employee; \$1,388 sales per sq. ft.	200	NA	\$13.9
Restaurants – Casual and Fine Dining	Industry impact analysis (Detailed)	Full-service restaurants (509)	40,000 sq. ft.	150 sq. ft. per employee; \$1,413 sales per sq. ft.	1,133	NA	\$153.7
Hotel	Industry impact analysis (Detailed)	Hotel and motels, including casino hotels	500 keys	2 employees per key; \$625 ADR, 90% occupancy; 22% other revenue per occupied room	1,000	NA	\$125.4
Performance Arts Venue	Industry employment	Other real estate (447)	3,600 seats	372.1 seats per employee	10	\$0.3	NA
Multipurpose Recreational Facility	Industry impact analysis (Detailed)	Amusement parks and arcades (502)	200,000 sq. ft.	500 sq. ft. per employee; \$340.32 sales per sq. ft.	400	NA	\$68.1

Sands Segment	IMPLAN Event Type	IMPLAN 546 Sector Utilized	Alternative CMP Program	Assumptions	IMPLAN Model Input - Employment	IMPLAN Model Input - Labor Income (\$ In Millions)	IMPLAN Model Input - Gross Output (\$ In Millions)
R&D Office Building	Industry employment	Scientific research and development services (464)	100,384 sq. ft.	350 sq. ft. per employee	287	NA	NA
Medical Office Building - Physicians	Industry employment	Offices of physicians (483)	60,019 sq. ft.	225 sq. ft. per employee	267	NA	NA
Medical Office Building - Dentists	Industry employment	Offices of dentists (484)	60,019 sq. ft.	225 sq. ft. per employee	267	NA	NA
Medical Office Building - Other Health	Industry employment	Offices of other health practitioners (485)	60,019 sq. ft.	225 sq. ft. per employee	267	NA	NA

Source: Las Vegas Sands, EY analysis

Once the IMPLAN MRIO model produced results, EY left direct and indirect impacts unchanged. EY then adjusted the induced impact generated from the R&D and medical office employees by distributing some of the impacts in Nassau County across Suffolk County and the remainder of New York State to reflect the residence location of those employees. This adjustment was made with the understanding that not all employees in these office buildings would live in Nassau County and some would instead commute from other nearby jurisdictions.

Also, see response to comment CON-2 for various socioeconomic benefits associated with the revised Phase 1 plan.

SE-2. Table 88 of the DEIS indicates that the facilities on the Coliseum parcel currently are fully tax-exempt. A written description of the existing tax situation, including what exemptions the site currently receives and identifying any tax revenues generated by existing operations (e.g., sales tax, payroll, corporate, entertainment taxes, etc.) would be helpful in understanding this aspect of the present economic situation. (C96)

As explained in Section 3.9.1.1 of the DEIS, the Nassau Veterans Memorial Coliseum is exempt from property taxes. Table 74 in Section 3.9.1.1 of the DEIS provides the requested information, and the content of that table is reproduced below:

Table 27 – Current Tax Revenues – Nassau Veterans Memorial Coliseum

Tax Type	Amount
Annual Rental Payments	\$4 million
UI and RSF Payroll Tax	\$0.5 million

Tax Type	Amount
Individual Income Tax	\$0.7 million
MCTMT Tax	\$0.02 million
Entertainment Tax	\$0.1 million
Total	\$5 million

SE-3. The basis of the estimate in the DEIS (page 372 and other locations) that approximately 246 employees of the proposed Integrated Resort are expected to relocate to Nassau County from out of the area is not clear. How will the proposed project potentially impact the area demographics? (C96)(C59)

As described in Section 3.9.2.2 of the DEIS, Sands intends to give priority to hiring individuals from the surrounding region, including recent graduates and the unemployed workforce. Additional hires will be drawn from neighboring communities if the local workforce cannot meet the demand. As a result, the employment analysis prioritizes employing those who are currently unemployed and live in the Town of Hempstead and, specifically, communities such as Uniondale and Hempstead Village. Based on Sands' plans to partner with local colleges and nonprofits to recruit, hire, and train staff, the analysis assumes that hiring from the immediate population will be maximized before filling open jobs with commuters and job transfers.

Sands anticipates hiring across more than 50 U.S. Bureau of Labor Statistics Standard Occupational Classification (SOC) categories. The steps below outline the methodology employed by Sands and its consultant EY for estimating the available workforce in Nassau and Suffolk County and the surrounding areas to determine if there is enough supply to meet the total demand of workers for the full-build.

Step 1: Identify the total available pool. The first step was to identify the broader catchment area for workforce availability. EY defined this area as the Town of Hempstead, Nassau County, Suffolk County, NYC, and nearby regions such as parts of Westchester County, Rockland County, Connecticut, and New Jersey. EY then estimated the total potential labor supply by aggregating three components of workforce within these jurisdictions.

1. Number of unemployed workers with experience working in a job title for which Sands has hiring needs
2. 30% of the unemployed workers with prior experience in related job titles (e.g. bank teller to fill a casino cashier position). The 30% share of these unemployed workers reflects an expectation that 30% would be expected to accept a job in a slightly different occupation, identified by the Bureau of Labor Statistics as a related occupation. An example of a related occupation would be a restaurant server who would fill a position as a dealer, based on customer service experience
3. New high school and college graduates who are likely to pursue direct or related jobs with Sands.

While the calculations were done at the occupation level, **Table 28** below summarizes the aggregate summary of the total labor pool.

Table 28 - Labor Pool Summary

Segment of Labor Pool	Total Number
Number of unemployed workers in with same latest direct job title as Sands position posted before considering likelihood to commute to Nassau	323,730
Number of unemployed career transfers by workers with former jobs in top 10 related occupations as defined by BLS. <i>30% adjustment factor applied for career changes</i>	62,285
Number of new high-school and college graduates/entry-level	31,877
Total potential labor pool	417,892

Step 2: Limit the pool to workforce who can commute. The second step was to estimate the share of available workers in each nearby jurisdiction that would be expected to commute to Nassau County. To do this, EY examined the commuting patterns of current workers from each jurisdiction to Nassau County. Commuting patterns for the Town of Hempstead, the rest of Nassau County, Suffolk County, NYC, and outlying jurisdictions (Westchester County, Rockland County, and Connecticut and New Jersey) were considered. **Table 29** below shows the percentage of workers in each jurisdiction that currently commute to a job in Nassau County. Note that only 50% of available workers with experience in relevant occupations in Uniondale are assumed to be hired by Sands.

Table 29 - Percentage of Workers in Each Jurisdiction that Currently Commute to a Job in Nassau County, 2021

Locality	Percentage
Uniondale	50%
Town of Hempstead	44%
Other parts of Nassau County	44%
Suffolk County	16%
Queens County	20%
Kings County	20%
Bronx County	10%
New York County	10%
Westchester County	7%
Rockland County	5%
Other commuters from NY State	10%

Source: US Census American Community Survey, 5-year sample 2017-2021, EY analysis

Note: The table provides the breakdown of the percentage of workers in target occupations in each location that currently commute to Nassau County.

These percentages from **Table 29** above were applied to the available labor in each occupation by jurisdiction to develop an estimate of workers that would potentially commute to Nassau County by jurisdiction. This step reduced the total potential labor pool from 417,892 by about 90%, finding that 39,810 workers would be expected to commute to Nassau County (**Table 30**).

Table 30 - Labor Pool for Related Job Titles, Adjusted

Segment of Labor Pool	Total Number
Potential maximum of available supply from step 1	417,892
Adjustment for commuting patterns	(378,082)
<i>Assumes unemployed workers and new graduates with direct and related skill sets will commute at same rates of currently employed workers with the same direct and related skills. These commuting rates range from 5% to 50% and include residents of Nassau County who commute to jobs inside of Nassau County (versus residents who commute outside of the County for work).</i>	
Total available labor pool across all direct and related job titles	39,810

Step 3: Determine the actual supply by each occupation code and estimate gap by occupation

Although the total available labor pool exceeds the demand (potential supply of 39,810 vs. approximately 7,800 for the full-build), there are surpluses in some occupations and deficits in others, and surplus workers from one occupation cannot fill roles in another. Thus, the last step assesses each occupation's demand and supply individually and estimates the gaps to determine if the supply of labor force from Nassau, Suffolk, and its surrounding areas is adequate to fill the roles.

Considering each occupation individually, EY counted available workers sequentially by jurisdiction starting from the closest jurisdictions (Hempstead, other Nassau County, Suffolk County) to the farthest locations (New York City, and other parts of the state such as Staten Island, Westchester, Rockland County, as well as out of state such as Connecticut and New Jersey) and assumed workers could be sourced from nearby areas. If a job can be filled by workers in Nassau or Suffolk, Sands will not seek workers from New York City. Similarly, Sands will not hire from the rest of New York state or out-of-state commuters unless the jobs are not filled by workers in nearby jurisdictions. For example, Sands plans to hire 102 first-line supervisors of gambling service workers. There are approximately 100 suitable candidates on Long Island of which 47 are estimated to commute to Uniondale and would be considered first. Next, Sands would look to NYC, where approximately 320 suitable workers reside but due to the commute between NYC and Uniondale, only 32 workers are considered "available" to Sands, followed by 2 from the rest of NY state and 1 from out of state. This approach fills 82 positions locally, leaving 20 roles for potential movers. Because this is a relatively advanced and difficult-to-fill role, the local labor supply was limited, resulting in a larger share of movers than most other roles.

While the analysis was performed at the occupation level, **Table 31** below summarizes the aggregate summary of the total labor pool based on step 3 calculations (explained above), which reduced the total potential labor pool from 39,810 (from step 2) to 7,649.

Table 31 - Aggregate Supply After Accounting for Occupational Demand

	Town of Hempstead	Nassau County (Excluding Town of Hempstead)	Suffolk County	New York City Commuters	Rest of NY State Commuters	Out of State Commuters	Total supply (Local + Commuters)
The supply of workers in relation to the demand for each occupation.	4,695	947	324	1,639	29	14	7,649

Source: EY analysis

Note: Totals do not sum due to rounding.

At the end of step 3, the model estimates the worker deficit by occupation that cannot be filled locally (e.g., Nassau, Suffolk, and surrounding areas). Aggregating demand and supply across all occupations finds a deficit of 246 movers (*i.e.*, *aggregate demand – aggregate supply = 7,895 - 7,649 = 246*).

Focusing on Nassau and Suffolk counties only, approximately 75% of the total demand is expected to be filled by the workforce from these two counties. Nassau contributes 4,695 in the Town of Hempstead plus 947 from the rest of Nassau County, and Suffolk adds 324, totaling 5,966 out of the approximately 7,800 required, which equals approximately 75% that can be sourced locally. Thus, when the DEIS describes that 75% of Integrated Resort employees are expected to be current residents of Nassau and Suffolk Counties and therefore will not be moving to the area, this figure is not an assumption in the model, but a conclusion derived from a detailed jurisdictional analysis of each of the fifty occupations for which Sands is hiring. This analysis was built from the ground up using current unemployment figures at the occupational level, their place of residence, and their willingness to commute to Nassau based on actual commuting patterns observed for current workers.

With respect to the potential demographic impact of the potential of 246 additional households moving to Nassau County, given that the County has 456,076 households,⁹⁷ an additional 246 households represents approximately 0.054 percent increase. Thus, these additional potential households do not represent a significant increase.

SE-4. The DEIS discusses an Advisory Committee that would be established for distribution of community benefit funds provided in connection with the proposed development. This committee – which will include representation selected by the Town Supervisor and Town Board, as well as the County Executive, County Legislature and Lessee – will serve only in an advisory capacity, indicating that the actual allocation of funds will be determined by an agreement executed between the County and the Lessee. However,

⁹⁷ US Census Bureau. *Quick Facts, Nassau County, New York*. Available at: <https://www.census.gov/quickfacts/fact/table/nassaucountynewyork/HSD410223>. Accessed March 2025.

the Town will have a more direct role in substantive decisions regarding this funding. (C96)(C106)

The comment is noted. As explained in response to comment PA-8 in the *Proposed Action* chapter of this FEIS, this is a provision of the proposed lease.

SE-5. What are the parameters of the Community Benefits Payments allocation? Why do only three of the Town of Hempstead villages/hamlets receive the community benefit dollars while others will also be impacted, but not compensated? Are the community benefit payments in perpetuity or is there an end date? Are the funds earmarked so that there is a known nexus between the project and the community benefits? There should be accountability and transparency in the spending of the CBP funds. (C59)(C106)

As described in Section 2.5 of the DEIS and elsewhere throughout that document, as well as in response to comment PA-8 of this FEIS, the proposed lease prescribes the community benefit payments. With respect to the CBP, the proposed lease specifically states:

- (a) *Tenant shall undertake a community benefits program designed to ensure that Tenant helps address the needs of the surrounding area, with a particular focus on communities in need and communities that are traditionally underrepresented in the workforce. The plan is expected to include a combination of collaborative programs and financial investment that will support, enhance and/or promote the following: (i) fire departments and districts and ambulance service providers; (ii) school districts; (iii) libraries and library districts; (iv) athletic fields, ballfields and parks; (v) public hospitals and (vi) rehabilitation of abandoned, blighted and vacant residential and commercial properties and other public benefits (collectively, the "Community Benefits Program").*
- (b) *No less than 40% of the total value of the benefits conferred under the Community Benefits Program shall be used for initiatives directly benefitting the residents of Uniondale for the purposes enumerated in subsections (i) through (vi) in subsection (a) above. The remaining value shall be used for the same community benefit purposes in the surrounding area.*
- (c) *An advisory committee shall be established to consult on the Community Benefits Program (the "Advisory Committee") comprising an equal number of representatives appointed by Tenant and the County Executive and one (1) 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 shall review and advise regarding the elements of the Community Benefits Program. The Advisory Committee's recommendations for the Community Benefits Program will be focused on how best to allocate the community benefit funding. The Community Benefits Program shall be the basis for a community benefits agreement between the County and Tenant that shall include a provision for an independent compliance monitor.*
- (d) *Tenant shall fund the Community Benefits Program with no less than \$2 million annually commencing upon the earlier of the satisfaction of the Casino Operation Condition or substantial completion of the Improvements set forth in the Final Alternate Site Plan and every annual anniversary thereafter. Notwithstanding the foregoing to the contrary, commencing upon the satisfaction of Casino Operation Condition and continuing until the*

date the Casino Operation Condition is no longer satisfied, Tenant shall fund the Community Benefits Program with no less than \$4 million annually.

The proposed lease requires annual payments with no end date.

Subsequent to the negotiation of these lease provisions, and as explained in Section 2.5 of the DEIS, Sands also committed to \$10 million supplemental community benefits payments each to Uniondale and East Meadow, and \$5 million to the Village of Hempstead, for a total of \$25 million. Half of these payments, \$12.5 million, would be made by Sands during the construction of the proposed project, with 40 percent to benefit Uniondale, 40 percent to benefit East Meadow and 20 percent to benefit the Village of Hempstead. The balance of the payments made by Sands would allow Uniondale, East Meadow and the Village of Hempstead to complete their applicable community benefit projects and other approved grant applications.⁹⁸

These community benefits payments are in addition to the myriad other commitments that Sands has made, as outlined in Section 2.5 of the DEIS, as follows:

- › 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 two percent annual escalation.
- › If a gaming license is granted, 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 two percent annual escalation.⁹⁹
- › A one-time upfront payment of \$54 million to Nassau County
- › Construction of a new 1,500-sf police substation with parking, and provision of up to \$500,000.00 for interior fit-out.
- › Payment of \$900,000.00 per year to Nassau County, with a two percent annual escalation, for police services prior to casino opening. If the gaming license is awarded, upon opening of the casino, this payment would increase to \$1.8 million annually, with a two percent annual escalation.

As explained in Section 3.9.2 of the DEIS, in addition to the above, a projected \$563 million per year in gaming tax revenues would be generated, including \$52 million to Nassau County and \$54 million to the Town of Hempstead. Additional revenues will be generated via a projected Payment in Lieu of Taxes (PILOT) agreement, which would go to various taxing jurisdictions and further support local services. As such, the proposed Integrated Resort will generate substantial revenues to the broader region, not only the CBP communities immediately surrounding the subject property.

With regard to the specific use of the funds, as well as accountability and transparency, as quoted above, the lease sets forth how the revenues are to be administered (this was also described in Section 3.9.2.3 of the DEIS).

⁹⁸ An agreement regarding this payment scenario has been executed between Nassau County and Sands.

⁹⁹ If impacts are identified through the SEQR process that warrant additional mitigation funding directly to the Town of Hempstead, Sands would address same.

The means and metrics for evaluating the impacts of the community benefits are provided in responses to SE-15 and SE-17 of this chapter of the FEIS.

SE-6. How much of the host community funds will be in the form of a PILOT? What is the end date of the PILOT? The apportionment of the PILOT to the community and the Uniondale UFSD should be disclosed. (C59)(C106)

None of the host community funds will be in the form of a PILOT. See response to comment SE-5, above, and Sections 2.5 and 3.9.2 of the DEIS. Section 3.10.2 of the DEIS also provides a breakdown of the anticipated PILOT payments, which are in addition to the gaming tax revenues and minimum guarantees, community benefits payments, and other commitments that Sands has made.

SE-7. If Sands is not awarded a casino license, are they committed to providing funds to the Family and Children's Association to support the establishment of two new Gambling Support and Wellness Centers in Hempstead and Hicksville? This should be viewed as a mitigation, not a benefit. (C59)

Sands has already provided this funding to the Family and Children's Association.

SE-8. Will Sands still fund the hospitality programs for students at NCC and LIU if a casino license is not granted for this site? (C59)

Conversations among Sands, NCC and LIU regarding these programs are ongoing. However, if there are no casino or other hospitality elements, there may not be a sufficient demand for hospitality employment to warrant and support a hospitality program(s).

SE-9. How will rates of unemployment and underemployment in the area be impacted by the proposed project? Are the existing unemployed workers in the area suitably trained to work in the sectors that would be created at the subject site? Is there overlap or are the jobs not mirroring the local workforce and their skills? (C59)

As reported in Section 3.9.2.2 of the DEIS and as shown in **Table 32** below (excerpted from Table 92 of the DEIS), the Nassau County unemployment rate would be expected to decline from 2.8 percent to 2.2 percent as a result of the proposed action. Unemployment within the Town of Hempstead could decline by 3,730 workers, decreasing the rate from 3.0 percent to 2.1 percent. These estimates are based on 2022 unemployment figures. The unemployment rate in Nassau County as of December 2024 remains at 2.8%,¹⁰⁰ which is consistent with the calculations presented in the DEIS and does not significantly affect the validity of the analysis.

¹⁰⁰ Federal Reserve Bank of St. Louis. *Unemployment Rate in Nassau County*. Available at: <https://fred.stlouisfed.org/series/NYNASS9URN>. Accessed March 2025.

Table 32 - Estimated Impact on Unemployment Rates in Nassau County and Town of Hempstead

	Nassau County				Town of Hempstead			
	Civilian labor force	Empl.	Unempl.	Unempl. Rate	Civilian labor force	Empl.	Unempl.	Unempl. Rate
2022 employment	725,734	705,413	20,321	2.8%	413,005	400,615	12,390	3.0%
Potential employment after Full-build Phase	725,980	710,152	15,827	2.2%	413,209	404,548	8,660	2.1%
Incremental impact on employment	+246	+4,739	-4,494	-0.6pp	+204	+3,933	-3,730	-0.9pp

Source: US Bureau of Labor Statistics Local Area Unemployment Statistics, JobsEQ, as compiled by EY

Note: Totals do not sum due to rounding.

The analysis only considered unemployed workers in the analysis and did not take the local underemployed into account. By including just the unemployed in the labor pool, EY determined that only 246 workers would need to move to the region to take jobs with Sands, which is not substantial. If the analysis had included the underemployed, this number would be even lower.

As described in the response to comments SE-3 and SE-10, the employment analysis takes into account the job skills of the available workforce.

SE-10. How much, if at all, will the project contribute to a positive or negative change to existing poverty levels or existing costs of living ? (C59)(C41)

As explained in Section 2.1 of the DEIS (and also documented elsewhere in the DEIS):

As a result of Sands’ over \$5 billion investment to develop the proposed Integrated Resort,¹⁰¹ over 7,000 jobs would be generated during the construction period and over 7,800 permanent jobs (over 5,000 full-time equivalents [FTE]) would be created upon full development. A detailed description of economic benefits resulting from implementation of the Integrated Resort is provided in Section 3.9, Socioeconomics [of the DEIS].

Sands is committed to leveraging the area’s local workforce and talent. Specific workforce development programs would target local unemployed individuals and prepare them for the workforce. Programs include, among 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

¹⁰¹ Represents the minimum proposed development investment that would be made by Sands. It is anticipated that the actual development cost would be higher, but final costs cannot be determined until the license is awarded, design is finalized and bids are received.

advancement and retention strategies; and offering a comprehensive benefits package, including childcare (through the YMCA), healthcare, on-site meals, and wellness programs. A full discussion of proposed community benefits is provided in Section 2.5, Purpose, Need and Benefits...

Given this, and the myriad economic benefits associated with the employment (including the multiplier effects) as documented in Section 3.9.2 of the DEIS, it is expected that there would be an overall positive change to the poverty levels and a benefit to the cost of living.

Also, as explained in response to comment SE-15, independent research and tracking of the local economic impact that the proposed Integrated Resort will achieve will be conducted by the United Way of Long Island and the Social Justice Institute at SUNY Old Westbury.

SE-11. Has a retail leakage analysis (also known as a gap analysis or supply-demand analysis) been done? Are proposed retail uses anticipated to attract new dollars from outside the market area or will they draw away revenue that would otherwise go to existing local businesses? (C59)

As explained in Section 2.1 of the DEIS, the programming for the overall Integrated Resort includes a limited amount of retail space totaling 31,200 square feet of floor area. Sands has programmed this as "supportive retail," designed to serve the patrons of the Integrated Resort (e.g., hotel and casino guests), and not draw retail demand from within the surrounding communities. As indicated in response to comment LUZ-4, the 31,200 square feet of proposed supportive retail space, represents approximately half the square footage of the recently-opened Hobby Lobby store at 895 East Gate Boulevard in Garden City¹⁰².

Whereas prior proposals for the subject property included substantially greater retail components (e.g., 385,000 square feet planned in 2013 by NEC, or 150,000 square feet planned in 2018 by Nassau HUB Master Developer LLC), the current proposal by the Sands is modest with respect to proposed retail space. This is due, in part, to a recognition that the surrounding area has extensive retail shopping opportunities, including over two million square feet of retail space at the nearby Roosevelt Field Mall (1.25± miles to the northwest), over 300,000 square feet of retail space at Westbury Plaza (1.30± miles to the north), over 300,000 square feet of retail space at the Gallery at Westbury (1.40± miles to the north), and countless freestanding retail spaces and shopping centers along Hempstead Turnpike and Old Country Road in this portion of the Town of Hempstead and surrounding villages. Overall, given the relatively small scale of the proposed retail component of the Integrated Resort, no significant effect upon retail market conditions in the area are expected.

SE-12. Little attention has been given to impact on the local housing market. Cost of housing (up or down), supply of housing if workers are drawn to the area, etc. Table 109 shows the potential for 246 new households - if housing stock is low, the cost of housing would likely go up to balance demand. (C59)

¹⁰² Hobby Lobby Newsroom. *New Store Opening in Garden City, New York* (December 26, 2024). Available at: <https://newsroom.hobbylobby.com/new-stores/new-store-opening-in-garden-city-new-york#:~:text=A%20new%20Hobby%20Lobby%20store,shopping%2C%20visit%20hobbylobby.com>.

This information is presented in Section 3.9.2.4 of the DEIS, which presents an impact analysis of the potential housing demand associated with the potential additional 246 households that would relocate for employment at the proposed Integrated Resort. Among other things, the DEIS explained that approximately 2,550 residential properties are on the market for purchase each month, and new sales listings average between 850 and 1,550 per month over the past five years. Moreover, the Town of Hempstead identified at least 650 units of planned or approved housing in the nearby hamlets of West Hempstead and Baldwin alone. Accordingly, the impact of 246 new households would not significantly affect the local housing market conditions.

SE-13. The analysis relies heavily on attracting a large percentage of the 7,800+ new employees from the immediate area. Is this achievable based on current conditions of the local job market? (C59)

The response to comment SE-3, above, as well as the analysis presented in Section 3.9.2.2 of the DEIS, describes the process by which the employment analysis was conducted, which utilizes detailed data on the current local job market such as unemployment rates and the skills of the available local workforce. These data indicate that the local job market would support the anticipated demand for labor, with only a minimal number (i.e., 246 of the over 7,800 jobs) to be filled by persons relocating from out of the area.

SE-14. How was the distribution of community benefit payments decided? Impacts of the development will be experienced by a much greater area of the Town of Hempstead and portions of the Town of North Hempstead. There will be government services and roadways throughout the Town that receive impacts from the development, but no direct compensation. (C59)

This information is presented in Section 2.5 of the DEIS (and elsewhere throughout that document). Also see responses to comments PA-8 and SE-5 of this FEIS.

SE-15. The DEIS contains unsubstantiated claims that the Proposed Project would provide new jobs and career opportunities for area residents and that Sands has proposed procurement processes that would provide increased opportunities for local businesses. Written plans for ensuring local employment and supply chain contributions should be provided. The only source cited - a two-year-old newspaper article (see page 193) does not constitute such a plan or commitment. (C61)

As explained in Section 2.1 of the DEIS:

Sands is committed to leveraging the area's local workforce and talent. Specific workforce development programs would 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.

Section 3.9.2.1 also explains:

Sands has committed to a number of programs regarding the development of the local employment base for both construction and operation. With respect to construction, Sands has pledged to work with Minority Millennials regarding a pre-apprenticeship fair, where local unions and training centers can recruit new members for potential construction-related opportunities. Additionally, Sands is partnering with Empower, Assist, Care (EAC) Network to support local community recruitment plans and identifying key stakeholders to provide awareness of job opportunities at the Integrated Resort.

With respect to construction, a project labor agreement (PLA)...would be implemented, and negotiations are underway with the building trades. Sands is committed to executing a PLA for the construction of the Integrated Resort.

As further discussed in Section 2.6 of the DEIS:

Sands has developed a comprehensive community engagement program that consists of core working groups addressing various topics, and meetings with hundreds of community members, stakeholders and other parties who have expressed interest in the proposed Integrated Resort. From the outset, Sands has focused on connecting and collaborating with the community. Building on the work done for past proposals at the Nassau Veterans Memorial Coliseum property, Sands and its team convened six community-based working groups to gather information regarding issues already experienced in the communities surrounding the Coliseum property, to identify concerns regarding potential development impacts, and to define the goals and aspirations of the surrounding communities. Participation in the working groups is an open process with several key community members and stakeholders actively working to promote broad community participation in these groups...

One of these working groups is Workforce Development. As part of its continuing community outreach, including its coordination with the Workforce Development working group, metrics have been developed to measure the effectiveness of Sands' efforts. Progress towards achievement of the overarching goals of each of the work groups, including Workforce Development, will be independently reviewed. Sands will partner with the United Way and the Social Justice Institute at SUNY Old Westbury to produce an annual report on the economic and social impact of the facility. Based on research that United Way of Long Island and the Social Justice Institute at SUNY Old Westbury will conduct, the following will be evaluated with respect to local economic impact and workforce development:

Long-Term Economic Impact:

Indicator: Measuring the long-term economic benefits to the community, including increased income, reduced unemployment, and enhanced economic stability. (Identify measures for the baseline and an indicator of adverse "instability" for complete picture of the economic environment).

Indicator: Percentage of individuals or families in the surrounding five communities unable to maintain self-sufficiency and/or living below the federal poverty line. Percentage of individuals or families in the five communities living in “low income” status at baseline, and subsequent measure of income change.

Indicator: The accumulation of assets and wealth within the community.

Indicator: The accumulation of assets and wealth within the employee group as measured by participation in retirement savings, emergency fund/or another dedicated savings tool.

Workforce Development:

Indicator: The number of job opportunities created as a result of the project.

Indicator: Participation in education and training programs aimed at improving job prospects including those in the gaming, hospitality, and other areas.

Indicator: Number of education and training participants who gain and sustain FT/PT/Accommodated Employment within 60 days of training and are retained or advanced by six months later and at one year evaluation after hire.

Indicator: The percentage of local residents employed on the project (expanded employment and new employment opportunities.)

Indicator: Number of employees promoted to new job titles.

Indicator: Demographic breakdown of the employed project workforce, including gender, race, ethnicity, and other relevant characteristics to ensure employment equity and local hiring.

Indicator: The number of workers who receive job training, job training for professional development on the job, apprenticeships, or skills development opportunities.

Indicator: Length of time beyond hiring and volume of trainings offered, per demographic overlay including gender, race, ethnicity, and other characteristics such as disability status etc.

Indicator: The number of workers who complete job training and are hired by the project, or advanced, for full-time employment.

Indicator: Tracking the retention of workers employed on the project after its completion and their opportunities for career advancement.

Indicator: The level of satisfaction and feedback from workers and the community regarding workforce-related aspects of the project.

Also see responses to comments SE-3, SE-9 and SE-13 of this chapter.

- SE-16. The DEIS socioeconomic analysis is fundamentally flawed because it relies on the unsupported assumption that 75% of Integrated Resort employees will be current residents of Nassau and Suffolk Counties and therefore will not be moving to the area. This assumption forms the basis for the DEIS analysis of area-wide economic impacts, housing pricing and availability, and school capacity-and yet there is no information or data supporting the 75% figure. (C61)**

The estimate presented in Section 3.9.2.2 of the DEIS that 75 percent of employees are expected to be from Nassau and Suffolk Counties is a conclusion derived from a detailed jurisdictional analysis of each of the fifty occupations for which Sands is hiring conducted by EY. This analysis was constructed from the ground up using current unemployment figures at the occupational level, place of residence, and willingness to commute to Nassau. A detailed explanation of the data that supports this conclusion is presented in the response to comment SE-3 in this chapter of the FEIS.

SE-17. As mitigation for local impacts, Sands has promised a one-time \$25 million payment to be distributed proportionally to "affected communities," which are limited to Uniondale, East Meadow, and Hempstead. The DEIS fails to identify the impacts for which these payments are supposed to compensate and fails to explain why these communities were selected. Most importantly, there is no analysis of what the \$25 million will be spent on and what impacts result from such expenditures. The community benefits funds for the Uniondale host community should be used for "facilities and/or programs." (C57)(C61)

Section 2.5 of the DEIS discusses the community benefits program (CBP), part of which includes a one-time \$25 million payment to be distributed to Uniondale, East Meadow and Hempstead, pursuant to an agreement between Sands and Nassau County. Section 3.9.2.3 of the DEIS further describes how these revenues are expected to be administered:

After the opening of the Integrated Resort, the annual payment associated with the CBP would total \$4 million. In addition, Sands would make a one-time \$25 million payment. All payments would be distributed to affected communities in the following proportions: Uniondale (40 percent), East Meadow (40 percent), and the Village of Hempstead (20 percent). It is noted that per the terms of the proposed lease with Nassau County, an advisory committee would 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 would be focused on how best to allocate the community benefit funding. The CBP shall be the basis for a CBA between the County and Sands that shall include a provision for an independent compliance monitor.

There will be an application process for the community benefit funds; accordingly, the specific programs and projects to be funded have not yet determined. As indicated in the above excerpt, in addition to the Advisory Committee and to ensure that the community has a voice on the use of these funds, there will also be two sets of bi-annual meetings convened to help inform the Advisory Committee:

- › Sands Community Civic Association: Stemming from the recommendation of the six work groups that have been establishing and advising Sands as part of its extensive community outreach program (see Section 2.6 of the DEIS), a community advisory council made up of community activists and members will be convened to discuss issues in the community, facility operations, and general health and welfare needs in the surrounding communities.

A recommendations report will be generated from the community council meetings for use by the Advisory Committee.

- › Local Non-Profits: The New York Community Trust will convene bi-annual meetings with the non-profits working in the underserved communities in Nassau County and produce a report for the Advisory Committee on continuing issues as well as emerging issues with recommended requests for proposals from the community based non-profit groups to best address the identified issues.

This process and collaboration not only establish a robust fund but provide a community-based approach to disbursement of funds. Also, as explained in response to comment SE-15, progress towards achievement of the overarching goals of each of six community-based work groups that continue to advise Sands (see Section 2.6 of the DEIS) will be independently reviewed. Sands will partner with the United Way and the Social Justice Institute at SUNY Old Westbury to produce an annual report on the economic and social impact of the facility.

SE-18. The DEIS compares the casino economic output to the current Coliseum. A more appropriate comparison would be to an alternative project such as a life science complex. (H23)

The DEIS, including its analysis of economic output, correctly compares the existing condition at the subject property (i.e., operation of the existing Coliseum) to the conditions that would result from implementation of the proposed action (i.e., operation of the proposed Integrated Resort), in order to assess the impacts of the proposed action. This is consistent with the required content of a DEIS as set forth in the implementing regulations of SEQRA at 6 NYCRR §617.9(b). Sections 8.1 through 8.3 of the DEIS also analyze the range of reasonable alternatives to the proposed action, which was established by the lead agency and set forth in the Final Scope (see Appendix 2-6 of the DEIS), following the mandatory public scoping process required by SEQRA. While a life science complex was not specifically identified as a use to be analyzed, the DEIS included an alternative that contemplated redevelopment of the Coliseum property without a gaming license. That alternative included the potential development of both research and development space (100,384 square feet) and medical office space (180,058 square feet) that could potentially accommodate life science uses.

SE-19. The DEIS indicates that that there will be \$217 million going to the school district. There is no provision to require the State to provide more state aid to schools near a casino. Albany gets 80% of gaming taxes leaving 20% to local governments. (H23)(H33)(C21)

The distribution of casino revenue is prescribed in Section 1352, Commercial gaming revenue fund, of the Racing, Pari-Mutuel Wagering and Breeding Law (PML) Chapter 47-A, Article 13, Title 6, a copy of which is included in **Appendix 2.10-1** of this FEIS.

SE-20. While casinos create short-term jobs, many of the positions are low-wage and fail to provide long-term economic stability. The casino will create low paying service jobs for employees that will not be able to afford to live in the area and will drive young

professionals away from the county, taking with them the energy and talent we need to thrive. (H28)(C12)(C87)

Section 3.9.2.2 of the DEIS presents information on job categories, range of annual salaries and range of benefits (in dollar values) associated with the operational jobs that would be supported by the Integrated Resort. This results in a substantial payroll cost estimated at \$880 million. The total salary and benefits ranges presented in Table 90 of the DEIS demonstrate that the vast majority of salaries at the Integrated Resort would exceed \$100,000 per year, with many that are significantly higher. All listed job categories (e.g., Facilities, Security, Food and Beverage, Management and Administrative) each have several individual job classifications, indicating that employment will be available at multiple levels, and the total job estimates are assumed throughout operation of the Integrated Resort. Accordingly, the employment opportunities at the proposed Integrated Resort would not be low-wage and would help to provide long-term economic stability for employees.

SE-21. Economic and fiscal impacts discussed in the Socioeconomics section of the Draft Scoping Document (page 22) should be presented by phase, and by type of impact (construction and operations) for the full build-out and for the no casino scenario. (C14)

In accordance with the Final Scope, economic and fiscal impacts are present by phase in Section 3.9 of the DEIS. As explained in response to comment CON-2 in the *Construction* chapter of this FEIS, Sands has proposed to modify its phasing, and the economic impacts of the revised Phase 1 are presented in that response.

SE-22. When presenting net fiscal impacts, the Lessee should show the current and expected additional Uniondale UFSD costs by category for at least the Uniondale UFSD, Town of Hempstead, Nassau County and New York State. (C14)

As explained in response to comment SE-24, Section 3.9.2.2 of the DEIS provides an analysis of the number of jobs to be created and the number of employees that would be expected to relocate from out of the area (i.e., 246 employees), which is further detailed and explained in the response to comment SE-3 in this chapter of the FEIS. The analysis presented in Section 3.10.2.3 of the DEIS evaluates the potential number of school-aged children that could be expected to reside in the 246 new households associated with those relocated employees, and further assesses how many might be expected to reside in each of the nearby school districts including Uniondale UFSD. This analysis is conservative, in that it assumes all relocated households would locate within only the nearest 11 public school districts, whereas, in reality, those households could locate anywhere in a reasonable commuting distance to the proposed Integrated Resort, which includes a much larger area. The results of this analysis indicate that approximately four school-aged children could be expected to be generated by new households locating in the Uniondale UFSD. These four additional students would have minimal impact on the Uniondale UFSD, as shown in Section 3.9.2.3 of the DEIS.

SE-23. Economic impacts should be presented, breaking down direct, indirect, and induced impacts. This analysis should also present a breakdown of the jobs, industries and average salaries for each job created. (C14)

This information is presented in the DEIS. Section 3.9.2.2 of the DEIS contains a detailed breakdown of the economic impacts expected to result from the operation of the proposed Integrated Resort, including direct, indirect and induced impacts (see Tables 93 through 99 of the DEIS). With respect to jobs, the analyses of employment in Sections 3.9.2.1 and 3.2.9.2 also present breakdowns of the jobs, industries and average salaries for each of the jobs created both during construction (see Table 87 of the DEIS) and during operation (see Table 90 of the DEIS) of the proposed Integrated Resort.

SE-24. The Lessee should estimate the share of created jobs that for 1) existing residents and 2) non-residents that might relocate to work at the project, thereby resulting in an increase in population in Uniondale UFSD's geographic area. The Lessee should also estimate the share of relocated employees that might have school children (breaking down by grade and special education needs). (C14)

Section 3.9.2.2 of the DEIS provides an analysis of the number of jobs to be created and the number of employees that would be expected to relocate from out of the area (i.e., 246 employees), which is further detailed and explained in the response to comment SE-3 in this chapter of the FEIS. The analysis presented in Section 3.10.2.3 of the DEIS evaluates the potential number of school-aged children that could be expected to reside in the 246 new households associated with those relocated employees, and further assesses how many might be expected to reside in each of the nearby school districts including Uniondale UFSD. This analysis is conservative, in that it assumes all relocated households would locate within only the nearest 11 public school districts, whereas, in reality, those households could locate anywhere in a reasonable commuting distance to the proposed Integrated Resort, which includes a much larger area. The results of this analysis indicate that approximately four school-aged children could be expected to be generated by new households locating in the Uniondale UFSD. Given this low number of expected students to be added to a district that currently has an enrollment of over 6,000 students, no significant impacts to a specific grade level would result, and the addition of these students would not cause a meaningful change to special education needs.

SE-25. The DEIS should address the impact of the tax cap (N.Y. Educ. Law 2023-a[1]) on local governments and the need to mitigate the Uniondale UFSD's financial ability to accommodate the increased demands placed on its resources. (C14)

As presented in Section 3.10.2.3 of the DEIS, and summarized in the response to comment SE-24, the number of new school-aged children that could be expected to attend the Uniondale UFSD as a result of the proposed action is extraordinarily small, i.e., approximately four school-aged children within a district that has an enrollment of over 6,000 students. The demand that would be placed on the district's resources, therefore, would be minimal. Sands does not have any ability to control the tax cap referenced in the comment, or the district's relevant budgeting decisions. However, even if just the potential PILOT payments were considered, the anticipated annual PILOT payments to the Uniondale UFSD of \$2.34 million

would far exceed the cost of potential demands for services resulting from the proposed Integrated Resort.

- SE-26. Even if only the casino is built at first, where will the workers come from? There's low unemployment in Nassau County. They'll come from current businesses because the workers can earn more there. Sands will be sure to have their pay just a little bit higher than local businesses are paying. (H27)**

See in Section 3.9.2.2 of the DEIS and response to comment SE-3 in this FEIS chapter.

- SE-27. Based on the DEIS indicating that school districts and local government services would see a significant financial surplus, what property tax percentage reduction will you guarantee for the people of Nassau County if the casino is approved? (C54)**

Tax rates and the resultant tax bill received by any one resident or property in Nassau County is the product of myriad variables related to each taxing jurisdiction, such as the budgeting decisions of each governing board, costs of services, financial aid from state or federal sources, and many others, which cannot be reasonably predicted and are not within Sands' ability to control or guarantee.

- SE-28. The 2% annual increase (for inflation) must also apply to the CBP amounts. This was distinctly discussed in committees and needs to be added in writing, in all appropriate places referring to the CBP. The terms of the agreements shall remain intact, transferable, and enforceable to any future owners, lease holders, changed corporation structures or names, that may be relevant and consequential to the lease, CBP and/or outcomes for the community. (C57)**

The lease does not provide for an annual increase in the community benefit payments (see Appendix 2-5 of the DEIS). If the lease were to be transferred, the obligations contained therein would also be transferred to the new lessee.

- SE-29. How many employees are expected to work daily and weekends, for the casino and for the entire project once completed? (C107)**

Based on information provided by Sands, the number of employees that will work at the site over the course of a day varies by day of the week. It is assumed that in the comment "the casino" refers to the Phase 1 development described in the DEIS, and "entire project once completed" refers to the full-build condition evaluated in the DEIS. The table below includes this information, as provided by Sands for a typical weekday (Tuesday), a Friday and a Saturday. These figures represent the total number of employees that would work at the site over the course of the entire day (i.e., there would be at least three shifts), meaning that they will not all be present at the same time.

Table 33 - Projected Total Daily Employees

	Tuesday	Friday	Saturday
Phase 1	902	1,019	977
Full-build	3,344	3,788	3,650

SE-30. Why does the DEIS indicate a payment of \$27 Million to Suffolk County? This project is in Nassau County. (C107)

The distribution of casino revenue is prescribed in Section 1352, Commercial gaming revenue fund, of the Racing, PML Chapter 47-A, Article 13, Title 6, a copy of which is included in **Appendix 2.10-1** of this FEIS.

SE-31. Notwithstanding the community benefits that may be identified during the ongoing SEQRA process being conducted by the County for the proposed action, it is important to recognize that the Town independently will fully access and completely address community benefits for the residents of the entire Town during the zoning review process, which will include the Town Board's adoption of its own SEQRA findings statement prior to any decision on the application. (C96)

The comment is noted.

SE-32. While the socioeconomics chapter focuses exclusively on the alleged economic benefits of the Proposed Project, it entirely ignores the potential secondary displacement of small and local businesses and residents, which not only results in socioeconomic impacts, but also affects the community character of the surrounding area. The proposed facility will cause local restaurants to have a lot of business taken away from them, because everybody will go to this big, huge, beautiful facility. But it won't help our local restaurants, downtowns, retail establishments (including mom and pop shops) and entertainment facilities. Casinos frequently lead to a redistribution of local spending rather than generating new economic activity. Local businesses, restaurants and entertainment venues suffer as casinos create a monopoly on discretionary spending. (H15)(H23)(H27)(C12)(C19)(C23)(C37)(C38)(C45)(C46)(C52)(C55)(C60)(C75)(C76)(C97)(C105)

The requested analysis is appropriately included in Section 7.0 of the DEIS. Contrary to the assertion that the proposed Integrated Resort would result in secondary displacement, the Integrated Resort is expected to result in positive secondary and growth inducing Impacts. The aforesaid section of the DEIS states, in pertinent part:

The proposed Integrated Resort is expected to have positive secondary or growth-inducing impacts as small businesses in and around Nassau County are expected to benefit from the presence of the Integrated Resort. Sands proposes to support small businesses directly through vendor purchase and serving as a driver of substantial leisure and business tourism. In addition to drawing an anticipated 10 million annual domestic and global visitors, the proposed Integrated Resort is likely to recapture

spending from New Yorkers that would have otherwise visited casino properties outside of New York State.

Sands would also work in partnership with local restaurants to develop the food and beverage program elements for the Integrated Resort. As an example, Sands has entered into a Memorandum of Understanding (MOU) with Poll Restaurants, an operator of Long Island restaurants for over thirty years. Poll owns several high-end establishments in the area such as Bryant & Cooper Steakhouse. Sands has also entered into an MOU with Anthony Scotto Restaurants, who operate 6 full-service restaurants on Long Island: Blackstone Steakhouse, Rare650 Prime Steak & Sushi, Insignia Prime Steak and Sushi, Opus Mediterranean Steakhouse, One10 Modern Italian Steakhouse, Bijou Modern American Asian.

In addition to the secondary benefits described above, Sands has committed to promoting existing businesses and drawing tourists to the area that could greatly benefit existing venues and attractions. Sands proposes to market day-trip destinations to wineries, golf courses, beaches, ocean activities; to introduce room booking packages (e.g., a room paired with Islanders tickets and a winery tour); and to feature Long Island wines in their restaurants and hotel rooms. Therefore, the proposed Integrated Resort is anticipated to advance the tourist industry on Long Island, not just due to the Resort itself, but in coordination and cooperation with other tourist attractions.

The proposed Integrated Resort, attracting tourists to the area, is also expected to benefit the existing cultural resources and park facilities located in the adjacent area, such as Museum Row and the 913-acre Eisenhower Park, as detailed in Section 3.12, Cultural Resources [of the DEIS]. The Cradle of Aviation Museum, which is part of Museum Row, has endorsed the proposed Integrated Resort saying that it "aligns with our mission of promoting education, culture and the overall well-being of Long Island." The proposed action would "be a catalyst for economic growth in the region" and has the "potential for collaborative events and partnerships between the resort and cultural institutions like the Cradle of Aviation" fostering a "vibrant cultural scene, enriching the lives of residents and visitors alike" (Appendix 7-1).

As a new entertainment destination, the proposed Integrated Resort is expected to attract more tourists to the area, thereby increasing hotel bookings and revenue. The anticipated increase in visitors to the Integrated Resort is expected to increase business activity for nearby hotels. The volume of visitors to the area due to the proposed Integrated Resort is expected to significantly increase the nearby hotels' tourism footprint.

Section 7.0 of the DEIS also outlines how these positive effects were realized because of Sands' developments and commitments in Bethlehem, Pennsylvania; Sands Expo (now known as the Venetian Expo, which is part of the Venetian Resort Las Vegas); and Marina Bay Sands, Singapore. Section 7.0 of the DEIS further provides summaries of independent studies that document the positive benefits of casinos and resort casinos.

2.11 Community Facilities and Services (CF)

- CF-1. It is stated on page 398 that “Upon site plan submission, design meetings would be held to discuss, among other issues that may arise, how Sands’ design conforms to the requirements of the New Building Code, Fire Code, Plumbing Code, Electrical Code, Life Safety and other applicable requirements of New York State, Nassau County and the Town of Hempstead.” Since the Town has received a site plan submission for the proposed development, it appears that the meetings with the Town Department can proceed, and any substantive issues that arise from these discussions should be addressed in the FEIS. (C96)**

The Town of Hempstead has not provided any site plan comments to date.

- CF-2. Substantive input received or agreements/understandings that were reached in the meetings with the Nassau County Fire Marshal’s office, Uniondale Fire Department or other local fire departments as referenced in the DEIS should be summarized in the FEIS. (C96)**

The DEIS describes the interactions with these entities in Section 3.10.2.1. No further input has been received to date.

- CF-3. Regarding the DEIS’s discussion of solid waste management for the proposed Integrated Resort:**

- 1. Page 421 notes that the Lessee is in the process of identifying recycling contractors. Any further progress that has been made in more fully defining the recycling program for the proposed development should be discussed in the FEIS. It would be helpful to better understand this mitigation approach if more specific plans for the management of project- generated recyclables were provided.**
- 2. Page 422 acknowledges that the proposed Integrated Resort is identified on the New York State list of designated food scrap generators and would be subject to the State’s Food Donation and Food Scraps Recycling Law. This law requires that any designated food scrap generator must recycle all remaining food scraps if it is located within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.) that has available capacity. Therefore, at a minimum it is requested that the FEIS identify and discuss any such facilities within the specified radius distance of the subject property and any outreach the Lessee has conducted to plan for food scrap recycling. (C96)**

No further information regarding operational recycling streams is available (beyond that described in Section 3.10.2.4 of the DEIS), as it is premature for Sands identify and enter into contracts with facilities. Waste reduction measures are further discussed below in the response to comment CF-9, and information regarding construction-phase recycling measures is presented in the response to comment CON-14.

Existing known facilities accepting relevant wastes are identified by the NYSDEC within its *Food Scrap Recyclers* report (last updated August 23, 2023)¹⁰³ which includes at least one existing facility on Long Island. Given that, as explained in the response to CON-2, the timing of Phase 1 development has been revised to 2030, it is premature to negotiate with existing or planned facilities. However, as reflected in the aforesaid section of the DEIS, Sands understands its responsibility to comply with the State's requirements (including the recent modifications to the Food Scraps Recycling Law, which are effective as of January 1, 2026).

CF-4. The DEIS (page 427) indicates that in addition to a 1,500±-square foot police substation, an adjacent fire/EMT substation would be constructed in the proposed Integrated Resort.

- 1. Previously (page 411) the DEIS notes that the Lessee's staff would include on-site EMTs. However, it is not discussed whether these personnel would be the only EMT presence on-site or how the fire response aspect of this facility would be staffed and would function.**
- 2. The anticipated size of the fire/EMT substation and whether the Lessee would fund/undertake the construction of this facility should be specified. (C96)**

As stated in Section 3.10.2.1, a combination of both private and public EMT/Fire Service will be provided. This section specifically indicates the following, with respect to EMT/Fire Service and its operation:

Sands would have EMTs on staff within the proposed Integrated Resort to provide immediate, on-site medical assistance, thereby helping to mitigate potential impacts to public emergency medical services, which would also serve the site. A fire/EMT substation is proposed to be located within Parking Garage A, adjacent to the proposed police substation. Ambulance/EMT vehicles would be stationed adjacent to the substation, within Parking Garage A, to provide immediate emergency services to patrons in need at the proposed Integrated Resort. Additional public ambulance/EMT vehicles would also be able to stage at this location. (emphasis added)

The specific size of the facility and its final design will be based on discussions with Nassau County. Sands will undertake and fund the construction of the facility.

CF-5. The CBP for the Uniondale host community must be differentiated from required upgrades to Uniondale Fire Department and Emergency Medical Services lifeline facilities. The required costs for Uniondale Fire Department and the Uniondale Fire District in the host community to fulfill its responsibilities with the new and phased developments of the Sands New York Integrated Resort must be taken from a separate funding category (i.e. the PILOT). The terms "community benefit" must recognize the difference between Fire Department and Fire District requirements and benefits to the host community. Uniondale CBP resources shall have a definition that protects uses for

¹⁰³ NYSDEC Division of Materials Management. *Food Scrap Recycler* (August 23, 2023). Accessible at https://extapps.dec.ny.gov/docs/materials_minerals_pdf/foodscrapsrecyclers.pdf. Accessed March 2025.

other community facilities and services to participate appropriately and without prejudice of concerns that safety infrastructure is in the domain of “benefits.” (C57)

The CBP funding could be used for facilities and programs but would not be allocated for mitigation associated with the proposed Integrated Resort.

- CF-6. In the comparison of potential cost to potential revenue for schools, local government and other services the potential impacts section mentions how much money (“community benefit payments”) towns would get as a result of the proposed development, but there is limited attention to the impact of the development itself. The DEIS indicates that the anticipated annual gaming revenue (with the guaranteed minimums to Nassau County and the Town of Hempstead), combined with the substantial community benefits commitments (that would be available to support fire departments, ambulance services, school districts, libraries, parks, and other community facilities), and PILOT payments are expected to far exceed the costs to provide public services. A comprehensive study on the negative socioeconomic impact should be conducted, and the results should be made public. Only with a balanced understanding of both the positive and negative aspects can the legislature accurately weigh whether a casino will truly benefit the community. What protection is there to ensure that Sands cannot request a reduction of these payments in the future due to a lack of nexus between the degree of impact and amount of compensation they currently propose to provide? (H2)(C3)(C9)(C37)(C41)(C59)(C74)**

As explained in Sections 3.9.2 and 3.10.2 of the DEIS, the proposed Integrated Resort would generate incremental tax revenues as well as incremental service demands for local government services (e.g., fire, police). The socioeconomic analyses conducted confirm that the overall fiscal impact would be significantly positive for Nassau County, the Town of Hempstead and other affected taxing districts, as summarized below.

Revenue

The lease has requirements ensuring guaranteed revenue to Nassau County and the Town of Hempstead, which include, in pertinent part:

- › The lease requires that Sands make contributions to Nassau County for the provision of exterior policing and security. Initial payments would total \$900,000 per year until the opening of the casino, subject to a 2 percent annual escalation. After opening, the payments would increase to \$1.8 million subject to a 2% annual escalation.
- › Sands would also construct the shell of an approximately 1,500 sf police substation on the site and would reimburse the county up to \$500,000 for the cost of the interior fit-out.
- › Sands will be paying annual Rent of \$10 million, subject to 2.0% escalation.
- › For casinos located outside of New York City, host counties receive 5% of gaming taxes generated by the property. Per the lease, Nassau County would receive a guaranteed minimum 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. The Town of Hempstead would a guaranteed minimum 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 total guaranteed revenue generated from the development is \$81.8 million. Also, \$81.8 million does not include other taxes such as sales tax and hotel tax, PILOT payment, and others.

Cost

Nassau County's projected revenue for the 2025 fiscal year is \$4.69 billion, and the adopted operating expense budget equals the projected revenue.¹⁰⁴ With respect to police, the operating budget for Third Precinct, in which the proposed Integrated Resort would be situated, is \$28.69 million,¹⁰⁵ which is 0.61% of total Nassau County budget.

The cumulative guaranteed revenue to Nassau County that would be generated by the proposed Integrated Resort is \$61.8 million or over two times the current budget. This analysis is conservative, as it takes into consideration only the guaranteed revenue, and not the total projected revenue, and also does not include revenue associated with the proposed PILOT. As police services represent the potential greatest potential demand for County-provided services, the guaranteed gaming revenue would far exceed the potential costs associated with police protection.

To project the potential impact to fire services, the *Fiscal Impact Report for Empire City*, prepared by HR&A Advisors, Inc. was reviewed.¹⁰⁶ This *Fiscal Impact Report* projected annual calls to the local fire department (i.e., Yonkers Fire Department) at 52 for its proposed 2.9 million gross square foot casino resort in the high-growth case condition (which would represent the greatest potential impact), as shown in **Appendix 2.11-1** of this FEIS.

The gross square footage of the proposed Integrated Resort (under the full-build condition, including all parking garages) is approximately 2.4 times greater than the proposed Empire City development. Based on this and the call information provided by the Nassau County Fire Marshal (NCFM) on April 11, 2025 (see **Appendix 2.11-1** of this FEIS), it is projected that there could be 127 annual calls to the Uniondale Fire Department from the proposed Integrated Resort, with approximately two requiring mutual aid.

Based on the call information provided by the NCFM, there were 1,811 calls to the Uniondale Fire Department and 25 calls mutual aid calls to the neighboring fire departments in 2024 (see **Appendix 2.11-1** of this FEIS). The Uniondale Fire Department's budget was \$4,603,500 for 2024 (see **Appendix 2.11-2**), thus, the average cost per call was calculated at \$2,541.97. Using this average cost per call, the total annual cost to Uniondale Fire Department for an additional 129 calls would be approximately \$327,535,¹⁰⁷ as shown in the table below.

Table 34 – Fire Department Call Information

	2024 Calls	Sands New York
Uniondale Fire Department	1,811	127

¹⁰⁴ Nassau County Office of the Comptroller. *Nassau Open Budget*. Available at: <https://openbudget.nassaucountyny.gov/#!/year/default>. Accessed April 2025.

¹⁰⁵ Nassau County Office of the Comptroller. *Adopted Operating Expenses: Police Department – 3rd Precinct (2025)*. Available at: https://openbudget.nassaucountyny.gov/#!/year/2025/operating/0/departement_code/POLICE+DEPARTMENT/0/division_control_center_title/POLICE+DISTRICT/0/index_title/3+PRECINCT/0/section_responsibility_title. Accessed April 2025.

¹⁰⁶ MGM Empire City. *Fiscal Impact Report*. Available at: <https://www.yonkersny.gov/DocumentCenter/View/13167/Appendix-7---Fiscal-Impact-Report?bidId=>. Accessed April 2025.

¹⁰⁷ The Uniondale Fire Department's cost per call was used, as the number of calls to neighboring fire districts (mutual aid) is projected to be nominal

	2024 Calls	Sands New York
Neighboring Fire Departments	25	2
East Meadow	4	0.28
Garden City	0	0.00
Roosevelt	11	0.77
Westbury	2	0.14
Hempstead	8	0.56
Projected Calls for Proposed Integrated Resort		129
Total cost to Uniondale Fire Department		\$327,534.85

As explained in Section 3.9.2 of the DEIS, annual gaming tax revenues to be generated for the Town of Hempstead¹⁰⁸ is projected at \$54 million (with guaranteed host community gaming revenue to the Town 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), and the proposed PILOT would result in an additional \$984,000 in annual revenue for the Town (see Section 3.10.2 of the DEIS). Thus, substantial tax revenue would be generated to cover the projected cost of services to the Uniondale Fire Department.

CF-7. The DEIS should address the potential impacts of the proposed development with respect to Public Safety and demand for Community Services. The project as proposed will likely cause an increased need for police and fire services associated with the increase in local resident population and increased numbers of visitors to the project site. The DEIS should quantify these impacts, assess financial effects of the impacts, and develop a plan for mitigating these impacts. (H14)(C14)(C17)(C23)(C21)(C32)(C48)(C59)(C75)(C114)

In accordance with the Final Scope issued by the Legislature, these potential impacts were evaluated Section 3.9.2.4 of the DEIS. That section explains that the expected increase in Nassau population associated with the Integrated Resort is 732 persons. As the reported 2024 population of Nassau County is 1,392,438 persons,¹⁰⁹ this increase is a negligible .05 percent. Thus, the impact on community services from the projected increase in Nassau County's population would be minimal.

The existing conditions and overall impacts of the proposed Integrated Resort on community services (which include police and fire protection) are presented in Sections 3.10.1 and 3.10.2 of the DEIS, with the proposed mitigation measures detailed in Section 3.10.3 of the DEIS.

Section 3.9.2.3 of the DEIS addresses socioeconomics, including financial impacts on service providers, as well as the commitments made by Sands to mitigate potential impacts. Response to comment CF-6, above.

¹⁰⁸ As indicated in **Appendix 2.11-1** of this FEIS, the Uniondale Fire District receives its tax revenue distribution from the Town.

¹⁰⁹ US Census Bureau. *QuickFacts, Nassau County, New York*. Available at: <https://www.census.gov/quickfacts/fact/table/nassaucountynewyork/PST045224>. Accessed April 2025.

CF-8. Reworld™ Hempstead is at capacity. It can't take any more solid waste. Need to find out the capacity of Reworld. (H2)(H3)

This comment is incorrect. Reworld™ Hempstead has confirmed its ability to accept solid waste from the proposed Integrated Resort (see Sections 2.4.3.2, 3.10.2.4 and Appendix 3.10-1 of the DEIS).

CF-9. The solid waste section needs to be expanded to include a better discussion of solid waste reduction and there should be metrics established to measure the reduction in solid waste. (H3)

As explained in Sections 3.10.2.4 and 3.15.10 of the DEIS, Sands prioritizes reducing the largest waste streams through prevention, process management and ongoing education. With a focus on food, operational and construction waste, these efforts are critical components of Sands' overall resource conservation strategy.

Internal and external qualitative and quantitative targets are set for waste, including a 25 percent reduction in food waste, a 5 percent increase in operational waste diversion, and a target of 75 percent diversion for construction waste. The program supports United Nations Sustainable Development Goals: Responsible Consumption and Production.¹¹⁰ Sands' waste strategy applies to all its global properties and would be implemented in New York as well.

The resorts generate a variety of waste items, with food representing a large portion of the waste stream. Developing and renovating properties also generates large amounts of waste. Waste streams are reduced by reducing consumption when possible and reusing and recycling more.

- › Operational Waste: Increase recycling in key categories (e.g., playing cards, cardboard, linen and plastic packaging). Where appropriate, avoid over-purchasing and employ reuse models.
- › Construction Waste: Handle construction waste from new development projects responsibly, leveraging leading environmental building practices such as LEED. Sands also prioritize liquidation and recycling of assets during remodels and renovations. Additional information (including relevant excerpts from the DEIS) regarding construction waste is presented in the response to comment CON-14 in this FEIS.
- › Food Waste: Food waste represents the largest waste stream in the operations. Multifaceted food waste strategy is employed that includes:
 - Prevention: work to reduce the amount of food destined for the waste stream by addressing unnecessary inefficiencies, spoilage and overproduction, while promoting a culture of responsible consumption.
 - Rescue: properties donate usable food to relevant organizations.
 - Diversion: keep food out of landfills by exploring opportunities to generate additional value from food products when possible.
 - Measurement: monitor food loss using AI technology and data logs in Sands' systems, track the weight of food waste diverted by our digesters or donated to outside

¹¹⁰ United Nations Department of Economic and Social Affairs. *Ensure sustainable consumption and production patterns*. <https://sdgs.un.org/goals/goal12>. Accessed March 2025.

organizations, and conduct periodic audits and waste-characterization studies to measure discarded food waste.

- Collaboration: teams work with regional partners to repurpose perished food and identify alternative uses for food waste. Efforts include supporting innovative research and development projects that can reduce food waste.

Following are measures Sands has taken in its operating properties and will apply to the proposed Integrated Resort.

- › Conducting recycling training for team members to address proper handling of paper and plastics left by guests and finding creative ways to repurpose end-of-life materials.
- › Programs to upcycle amenities not used by guests
- › Paperless initiative that encouraged transition to electronic communications to reduce printing and greatly reduce paper reliance in departments with high paper consumption
- › Programs to repurpose/divert food waste for fertilizer and food source for farm animals
- › Proper waste handling : Increase waste segregating by providing clearly marked bins and enclosures with stickers and signage
- › Utilization of food waste digester system
- › Coffee ground collection system
- › Food rescue for donation to people in need
- › Add prominent signage and conducting engagement campaigns also helped improve food waste management.

CF-10. Trash generated outside the casino will proliferate and will require additional municipal equipment and work force to remove it. (C20)

Section 3.10.2.4 of the DEIS describes the proposed measures for managing solid waste at the proposed Integrated Resort. The proposed Integrated Resort would be responsible for the maintenance of the grounds and would have a maintenance team that regularly traverses and inspects the overall property (including the perimeters), and they would be responsible to ensure that littering issues, if any, are addressed.

CF-11. The proposed police substation is in the jurisdiction of Nassau County's Third Precinct. Geographically, the Third Precinct is the largest precinct in Nassau County. The county satellite station should be maintained around the clock for protection. Will additional officers and/or vehicles be needed? How many additional calls are estimated annually? Will a private security force be in place in addition to local police? The DEIS states that a police substation will be provided in the form of a core and shell (1,500 SF) and \$500,000 fit-out reimbursement. Why is it "up to" \$500,000? Will this result in a turnkey, operational facility or will the town or county (or others) need to provide additional funding if beyond \$500,000? (H32)(C59)

Sections 3.10.1.2 and 3.10.2.2 of the DEIS explain existing conditions and potential impacts to police services, and Section 3.10.3 of the DEIS identifies the mitigation measures to minimize

impacts to police services. Section 3.10.2.2 of the DEIS specifically explains the Sands' security that would be provided at the Integrated Resort, and states, in pertinent part:

Sands' proposed internal security and surveillance would include approximately 60 surveillance operators assigned to the casino and over 400 security officers throughout the property. The security staff is expected to handle most of the security incidents that occur within all portions of the proposed Integrated Resort, reducing the potential impacts on municipal law enforcement personnel.

The security department would have three sections - security operations, security support and technical systems, and business continuity management. The security operations section would manage uniformed security members and their daily operations. All officers would be required to complete a training academy and attend refresher courses. The security support and technical systems section helps enhance security operations. The technology being used includes CCTV, which involves cameras with facial recognition. Other technology includes an access control/door locking system, a license plate recognition system, panic alarms, x-ray machines, metal detectors, and a criminal and terrorism information system. Some technology being considered and evaluated for use includes drone detection, body cameras, gunshot detection software, and chemical/biological detection. The business continuity management (BCM) program supplies the framework for identifying threats, responding to emergencies, and managing crises. There are four main components of BCM: response, recovery, restoration of technology functions, and business unit continuity. It is up to security to both maintain and test BCM plans and strategies. One annual exercise involving business disruption would be conducted as a training exercise.

Video surveillance is an integral part of the security program, and video surveillance coverage would be provided for the building perimeter, building entrances, loading dock, building lobbies, elevator lobbies, stairwells, major MEP rooms, technology rooms, counting/cash rooms, secure storage, all doors that require card access, visitor gates license plate reader, employee gates license plate reader and parking areas. The video management software would be fully integrated into the card access system, such that a forced-open or alarm condition would provide full-motion recording. A viewing station with select cameras would be provided at the lobby desk, loading dock office, engineering suite, surveillance offices and reception, with remote viewing access for authorized security personnel.

An intercom system would be integrated into the access control system. The master station intercom would be at several locations, and there would be remote intercoms located throughout the facility. In addition, there would be an intrusion detection system connected to a 24/7 operated security desk. The system components include motion sensors, door contacts, window contacts and glass break detectors.

Casino security includes surveillance with cameras located through the casino floor, including at ATMs and cash kiosks, cashier windows, transaction windows, count rooms, and entrances and exits. Access control would be provided for all doors associated with the casino function. There would also be dedicated surveillance cameras for all entrances and exits from the hotel, all doors with card access, the hotel lobbies/concierge, all front-of-house amenity spaces and restaurants and for guest room elevator lobbies. Access control would be provided for all doors associated with

the hotel back-of-house function, and there would be a wireless lock system for all the guest rooms within the hotels.

Section 3.10.2.2 also provides additional information regarding security measures, including, among other things, Sands' coordination with local law enforcement and government agencies.

Potential impacts to police protection was an issue discussed during the lease negotiations between Nassau County and Sands that resulted in multiple relevant requirements contained in the proposed lease, including:

- › The requirement for Sands to construct a 1,500-square-foot police substation and to provide reimbursement to Nassau County of up to \$500,000 for the fit-out of the substation
- › The requirement for the Integrated Resort to provide a designated parking area for police vehicles
- › Required payments, by Sands, of \$900,000 per year until the opening of the casino, (with 2 percent annual escalation), rising to \$1.8 million subject after opening of the casino (with 2 percent annual escalation).

It is expected that these requirements, combined with the Sands' security program and other mitigation measures set forth in Section 3.10.3 of the DEIS, would address the potential impacts.

CF-12. The FEIS must address potential for increased student population and the impact on class sizes, need for additional teachers, guidance counselors, psychologists, special education resource providers, and transportation services to the Uniondale School District due to the project. The FEIS must analyze the potential need for building renovation, expansion, and improvements of Uniondale School District buildings due to the project. (C14)

As explained in Section 3.9.2.4 and shown in Table 110 of the DEIS, the total increase in the number of new school-aged children projected as a result of the proposed Integrated Resort is 37, but these students would not all attend the Uniondale UFSD. Section 3.10.2.3 of the DEIS explains that the projected school-aged children are expected to be distributed amongst approximately 11 school districts within Nassau County, and documents that the potential overall addition of 37 total school-aged children (including 33 public school-aged children) would not have a significant adverse impact on enrollment in any of the school districts, as the number of new students would range between one and five new students per district. Table 119 in Section 3.10.2.3 of the DEIS indicates that, of the total projected new public school students, there would be an enrollment increase of four students in the Uniondale UFSD. This minimal increase in potential students would not result in the need for building renovation, expansion, and improvements of Uniondale School District buildings, or the need for additional teachers, guidance counselors, psychologists, special education resource providers, or transportation services. An analysis of projected costs and revenues associated with the potential increase in students is presented in Section 3.9.2.3 of the DEIS.

CF-13. Regarding health care, the study merely reprints basic specs of hospital and fire department units physical capacity and member numbers. This past week NY Langone medical center at Mineola issued a "full" alert in order to have ambulances diverted to other medical institutions. Days later the East Meadow Fire Department had two simultaneous calls and was not able to respond to an emergency ambulance request. What expansion of facilities will you implement to deal with the added burden as these systems are already at capacity now? (C54)

As described at Section 3.10.1.1, fire companies coordinate to provide emergency response to a given call, and a mutual aid system is in place to allow for such coordinated response to larger emergencies. This section of the DEIS specifically indicates the following:

To protect its population, Nassau County has an efficient and well-coordinated mutual aid system that allows multiple fire companies from different areas to work together during emergencies. The benefits of this are obvious as it ensures that there are ample personnel and equipment to address emergencies within Nassau County, despite what specific fire department's jurisdiction the emergency occurs. Without this coordinated and collaborative mutual aid system, a fire department could find itself without sufficient resources to handle a large-scale emergency or multiple emergencies at the same time. Thus, this system allows for coordinated responses to emergency situations, which benefits all of Nassau County.

The scenario purported by the commentator is one example of the purpose of the mutual aid system, the need for which would continue to exist with or without the proposed Integrated Resort. Sands has had several meetings with first responder organizations, discussing a range of issues including mutual aid among fire departments (see Section 3.10.2.1 of the DEIS).

As discussed in Section 3.10.2.1 of the DEIS, Sands would have EMTs on staff within the proposed Integrated Resort to provide immediate, on-site medical assistance. This would help to address immediate needs. Furthermore, all medical incidents do not require transport to a hospital or hospital emergency room. There are other facilities that exist in the area that treat medical issues, including various urgent care facilities.

For those medical emergencies that require more in-depth treatment, there are 13 hospitals within Nassau County that are licensed to provide emergency medical services,¹¹¹ as well as additional hospitals in Suffolk County that are also licensed to provide such care. Section 3.10.1.1 of the DEIS identifies these 13 hospitals, all of which are within approximately 10 miles of the proposed Integrated Resort, and many of which receive recognition by reputable sources (e.g., U.S. News and World Report) as highly ranked for the quality of service and certified as high performing in a range of specialties, procedures and conditions.¹¹²

Also, the subject property has historically hosted large crowds of 15,000 people or more on a recurring basis, and any proposed development at the subject property would generate a population (whether transient, permanent or both) that could require emergency medical services and/or hospitalizations. Unlike most other potential uses of the site, the fact that

¹¹¹ NYS Department of Health. *Hospitals by Region/County and Service*. Available at: https://profiles.health.ny.gov/hospital/county_or_region?countyRegion=county:059&service=Emergency+Department. Accessed April 2025.

¹¹² US News and World Report. *Hospital Search*. Available at: <https://health.usnews.com/best-hospitals/search?city=Uniondale%2C%20NY>. Accessed April 2025.

Sands will have EMTs and ambulances on-site will help mitigate the impacts on local emergency services.

2.12 Aesthetic Resources (AR)

- AR-1. The photosimulations include some images that represent “evening” conditions (e.g., #2, 12, 13 and 16). However, these graphics show twilight conditions. This analysis would benefit from a true nighttime perspective(s). (C96)**

Appendix 2.12-1 of this FEIS contains additional photosimulations depicting nighttime conditions at the requested locations.

- AR-2. Although the photosimulations, combined with the renderings in Appendix 3.11-5, serve a useful purpose in depicting the overall visual/aesthetic characteristics of the proposed development, they portray views at significant distances from the site and do not fully provide a sense of visual conditions that would be experienced along the adjacent roadways. In particular, while Parking Garage C appears in Photosimulation #12 in Appendix 3.11-3, the viewing distance is roughly 200 feet and the façade treatment is not clear. Therefore, it would be helpful if a suitable, close-up graphic image were provided to illustrate the face of this garage in a view of the project frontage along Hempstead Turnpike. (C96)**

Photosimulations have been prepared from two additional locations to capture views of the property frontage and main entrances from along Charles Lindbergh Boulevard (Location 40) and along Hempstead Turnpike (Location 41), which are included in **Appendix 2.12-2** of this FEIS.

- AR-3. The view direction should be specified for each image included in Appendix 3.11-5 for the architectural renderings. (C96)**

There are four architectural renderings presented in Appendix 3.11-5 of the DEIS, in the following order:

- 1) View facing west from above Sands Boulevard toward the Central Plaza, with the Hotel Tower 1 visible at left, Hotel Tower 2 visible at right, and the gaming and parking facilities surrounding.
- 2) View facing southeast from above North Drive, with Hotel Tower 2 visible in the foreground, meeting and gaming facilities surrounding, and the existing Marriott Hotel visible in the background at left. Depicts evening conditions.
- 3) Same viewpoint as no. 2, above, during daytime conditions.
- 4) View facing east from above Earle Ovington Boulevard toward the overall Integrated Resort and its surroundings.

Captions have been added to each of these architectural renderings, which are provided in **Appendix 2.12-3** of this FEIS.

- AR-4. The second and third renderings in Appendix 3.11-5 appear to depict the same perspective of the proposed development; and although the former rendering seems to show a twilight condition, it is not clear that the two images are substantially different. As with the photosimulations discussed above, the rendering analysis would benefit from a true nighttime scenario(s). (C96)**

See **Appendix 2.12-3** of this FEIS for revised architectural renderings depicting the proposed Integrated Resort under nighttime conditions.

- AR-5. It is requested that an additional rendering be provided, depicting a view of the frontage of the proposed development from the south, along Hempstead Turnpike, which would be the primary viewpoint of the project from the community's perspective. (C96)**

An additional architectural rendering depicting the frontage of the proposed Integrated Resort from along Hempstead Turnpike (i.e., east of the main access drive) is included in **Appendix 2.12-3** of this FEIS.

- AR-6. The Lighting Plans only specify alphanumeric code labels for the proposed lighting fixtures. Enhanced understanding of the Lessee's lighting concept would be facilitated if an image of each type of fixture were provided. (C96)**

Revised lighting plans with the requested information are included in **Appendix 2.12-4** of this FEIS.

- AR-7. It should be indicated whether the proposed lighting has been designed in accordance with industry-accepted dark-sky compliance standards. (C96)(C116)**

Section 3.11.2.5 of the DEIS describes the lighting design, and indicates that, "[o]verall, the proposed lighting has been designed to comply with the U.S. Green Building Council's recommendation to not exceed 0.10 fc of vertical illuminance at the project boundary in order to minimize light trespass," as well as the relevant provisions of the Town of Hempstead Town Code that regulate light spill.

Sands has also incorporated several dark sky-approved methods to minimize the potential for light pollution:

- › All outdoor fixtures are proposed to be connected to a centralized control system that dims lights after midnight and completely turns off unnecessary uplighting
- › The outdoor lighting features a warm white color temperature (3,000K), which aligns with the recommended correlated color temperature for dark sky approval.
- › All pole lights in open parking areas are full cut-off, preventing light spill and reducing light pollution.
- › The light source at the top of the bollards is shielded by a circular flange for a total cut-off effect, directing all the light towards the ground.
- › Other fixtures have been carefully designed to minimize the potential for light pollution:

- The plaza features in-ground paver lights, each emitting only 48 lumens. According to dark sky ordinances, luminaires in the "Very High" glare zone (80° to 90° above nadir) must not exceed 250 lumens.
- Signature poles are equipped with two components: an internal uplight to illuminate the pole structure and adjustable accent lights for road illumination. These components are controlled separately, allowing the internal uplight to be turned off after midnight.
- Tree and sculpture uplighting use adjustable fixtures with glare-minimizing accessories, such as hexcell louvers and snoots, to direct light precisely where needed.

AR-8. It should be indicated whether site illumination for the proposed development would be dimmed to any degree during the overnight period or whether illumination levels would be retained at full strength during all hours of darkness to support 24-hour activities at the site. (C96)

As described in the response to commentAR-7 above, all outdoor fixtures are proposed to be connected to a centralized control system that dims lights after midnight and completely turns off unnecessary uplighting.

AR-9. The DEIS (page 507) includes four photographs/renderings, which are not captioned and it is not clear how they relate to the proposed Integrated Resort – e.g., whether they depict specific elements of the proposed development or are general representations of the type of lighting that would be employed. (C96)

The graphics at the bottom of page 507 of the DEIS are representative of the types of lighting concepts that are generally described in the surrounding portions of the text and are illustrative representations.

AR-10. It would be helpful if a more detailed analysis were provided regarding the aesthetic effect of proposed project signage. Even if specific signage design has not been completed and will not be available until a later stage in the review process, it would be beneficial if the FEIS included signage templates to illustrate standards (with respect to size, location, illumination and other relevant factors) that would be followed when the detailed signage plan is subsequently submitted for review so that this information can be accounted for under SEQRA. (C96)

Since the time of preparation of the DEIS, signage design has been further developed by Sands (see **Appendix 2.12-5** of this FEIS), which identifies the location and dimensions of the proposed signage as well as information regarding existing signage displayed at the Nassau Veterans Memorial Coliseum provided for context.

Additional photosimulations depicting the frontage of the proposed Integrated Resort on both Hempstead Turnpike and Earle Ovington Boulevard, including proposed signage, are included in **Appendix 2.12-5** of this FEIS. An additional rendering depicting the Integrated

Resort and the main entrance and primary pylon entry digital display sign is included in **Appendix 2.12-5** of this FEIS.

Information regarding signage illumination is included in the analyses of aesthetic and lighting impacts in Section 3.11.2.5 of the DEIS (and elsewhere in the DEIS). These materials allow an understanding of proposed signage concepts, which would be subject to review and approval by the Town of Hempstead.

AR-11. While Hofstra University is not fully included on the photosimulations, the potential for shading/shadows seems to exist on the portion of property closest to the proposed project site particularly in morning hours. (C59)

Shadows expected to result from the proposed Integrated Resort buildings are depicted in the shadow assessment presented in Section 3.11.2.4 of the DEIS. The assessment and the images used to present the results include surrounding areas that have the potential to be impacted by shadows, including the nearest portions of the Hofstra campus. Several conditions were analyzed to predict where shadows would occur at multiple times of day and at multiple dates throughout the calendar year to understand the full range of shadows.

As described in Section 3.11.2.4 of the DEIS, shadows extending west in the morning toward any portions of the Hofstra campus "would continue for a short duration during the morning areas only, and none of the affected areas would be considered sunlight-sensitive." In the afternoon periods, where shadows would generally extend away from the Hofstra campus, the DEIS further indicates that "shadows from the proposed Integrated Resort would remain almost entirely on-site on all analysis dates" concluding, overall, that there would be no significant adverse shadow impacts as a result of the proposed action. This conclusion applies to the Hofstra campus as well as the other surrounding properties.

AR-12. The DEIS states that Sands will take measures to minimize light trespass beyond the property line. This is important for Hofstra particularly since the height of hotel towers is proposed to be taller than the Hofstra dorms. It is imperative that measures are taken to deflect building and signage lighting as well as window glare on facades facing Hofstra campus. (C59)

Sands has conducted studies based on the U.S. Green Building Council's light trespass calculation methods. These studies demonstrate that the proposed lighting design does not exceed 0.10 foot-candles (fc) of vertical illuminance at the project boundary, such that there would be no significant adverse light trespasses onto neighboring properties. These results are presented in Section 3.11.2.5 of the DEIS, as well as on the lighting and photometric plans in Appendix 3.11-4 of the DEIS.

In addition, the glass selected for the building facades (where applicable) is of a very low reflectance property (11% Reflection Out), minimizing the potential impact of reflection beyond the property line.

Overall, no significant adverse lighting effects on Hofstra dormitories or other surrounding properties are expected from the proposed Integrated Resort.

- AR-13. If the proposed project proceeds with or without the casino, any changes to proposed configuration of structures will require that the shadow analysis be redone. (C59)**

The comment is noted.

- AR-14. Casino operations often involve bright, continuous lighting from 24/7 activities. This could cause light pollution and disrupt the quality of life in (Garden City), particularly for residents near the Nassau Veterans Memorial Coliseum site. (C20)(C23)(C26)(C28)(C37)**

As demonstrated by the lighting impacts analysis within the DEIS (see Section 3.11.2.5) and the lighting and photometrics plans in Appendix 3.11-4 of the DEIS, the proposed Integrated Resort is not expected to result in any significant adverse light spillover beyond the property boundaries, and various measures are incorporated into the lighting and building design and operation to minimize potential light impacts. No significant adverse lighting impacts have been identified, such that no significant impacts upon residential properties are expected, including residential properties in Garden City (the nearest of which are over 4,500 feet to the west of the proposed Integrated Resort).

- AR-15. A photometric plan must be required for all areas on the LVS project which includes the measurement of light, including its intensity, distribution, and interaction with surfaces. Steps must be taken to reduce the three kinds of light pollution: glare, clutter, and light trespass. Details on the engagement of a consultant, and plan specifications for the lighting design must be included in the final plan. (C71)**

Detailed lighting and photometric plans are included in Appendix 3.11-4 of the DEIS. Section 3.11.2.5 of the DEIS contains an analysis of the proposed lighting concept, including the photometrics data, documenting that no significant adverse light pollution is expected. As further described therein, various measures (e.g., use of fully dimmable, glare controlled, low brightness luminaires, shielded/cutoff lighting systems in parking areas, incorporation of automatic controls to respond to daylight and occupancy and curfews, etc.) have been incorporated into the design of the proposed lighting to minimize or eliminate the potential for adverse lighting effects. The final lighting plan will include these measures, and will be subject to review by the Town of Hempstead as part of the Site Plan review process.

- AR-16. The DEIS does not acknowledge that the visibility of the casino site, tall towers and deadening shadows cast by casino towers will significantly detract from the public's enjoyment of Purcell Preserve, a globally rare natural resource. The proposed entertainment complex will further despoil the vista, rarely experienced in urbanized central Nassau County, with a solid wall of buildings and two 300-foot skyscrapers whose visual presence will be inescapable in the immediate vicinity of the characteristically flat Plains landscape. The DEIS must include a plan to mitigate "visual impact" and "aesthetic impact" of the Sands casino site from Purcell Preserve's perspective. Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place. The towers can be shortened for instance, so they do not shadow the preserve. (C99)**

A comprehensive visual analysis was provided in Section 3.11 of the DEIS. Section 3.11.1.1 of the DEIS explained the methodology employed, as follows:

...a viewshed analysis was performed to support the analysis of aesthetic resources presented in this DEIS. Specifically, a preliminary viewshed analysis was conducted using ArcGIS® Spatial Analyst, a modeling tool developed by Environmental Systems Research Institute, Inc. (Esri). The viewshed analysis Study Area for the proposed project is 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. The viewshed refers to the areas on the ground from which the proposed project is expected to be visible. The viewshed analysis relies on Light Detection and Ranging (LIDAR) data available within the Study Area.¹¹³ The LIDAR data was used to generate a Digital Surface Model (DSM) that represents ground elevations, trees, shrubs, buildings, structures and other stationary objects that could obstruct views. Using the DSM and data on the features of the proposed Integrated Resort, the model predicted all areas from which the proposed project would be visible. The results of the viewshed analysis are graphically depicted on Figure 48 [of the DEIS], and are discussed and referenced throughout the analysis below.

Photographs were taken of the existing visual conditions in the vicinity of the subject property. These include views of and from the site; surrounding community; public rights-of-way and major roadways; and historic, recreational and open space, and institutional locations. Existing conditions photographs depict views toward the subject property by an average individual as either a pedestrian or as a driver/passenger in a passing vehicle. Figure 49 [of the DEIS], below provides the photograph locations indicating the photograph number and view/direction for each of the existing conditions photographs taken within the Study Area. Appendix 3.11-1 [of the DEIS] contains a comprehensive set of photographs of the subject property and surrounding area.

Appendices 3.11-2 and 3.11-3 provide the results of the visual analysis. Shadow impacts are addressed in Section 3.3.2.3 of the DEIS and responses to comments EC-11 and EC-25, of the *Ecological Resources* section of this FEIS.

AR-17. The Shadow Assessment, renderings (in the appendix) are provided to illustrate the projected shadows from proposed development. However, the illustration times are well before the actual time of sunset on the respective days. Therefore, kindly include illustrations in the DEIS of the projected shadow impacts for each time of year at civil dusk - the legal term for the time when the sun is 6 degrees below the horizon in the evening, which is when vehicles are required to turn on their lights. (C99)

As described in Section 3.11.2.4 of the DEIS, the methodology utilized in analyzing shadow impacts included shadow assessments at multiple dates throughout the year and at multiple times of day, consistent with the requirements of the Final Scope issued by the lead agency. Shadows were considered at a time 1.5 hours after sunrise and 1.5 hours before sunset on

¹¹³ Long Island, New York Sandy LIDAR, USGS (2014).

each analysis day. Shadows occurring between sunrise and the morning analysis time, or between the evening analysis time and sunset, are not expected to have any significant adverse shadow effects because they are fast-moving and occur for only a very short duration on any given day. This methodology and these relevant properties of early morning and late day shadow impacts provide for a thorough understanding of the potential significant adverse shadow impacts upon sensitive resources and reflect a recognized basis for conducting shadow impact analyses. This methodology is a common practice relied upon for these purposes elsewhere in the region and beyond (e.g., see Chapter 8 – Shadows of New York City's *City Environmental Quality Review Technical Manual* [2021]).

AR-18. The DEIS states that the shadows from the proposed project to the Purcell Preserve are similar to the those from the Marriott. The Shadow Illustrations in Appendix 3.3-2: Shadow Assessment clearly show that the shadow impacts from the proposed development would be significantly larger than those from the Marriott. The DEIS should be changed to address this. (C99)

With regard to shadow impacts upon the Purcell Preserve, the shadow analysis presented in Section 3.11.2.4 of the DEIS specifically explains that:

In each of the afternoon study periods, the uppermost portions of the proposed Hotel Tower 1 would cast a shadow upon a limited portion of the adjacent Purcell Preserve. This resource is considered sunlight sensitive, as it contains resident plant communities that could potentially be hindered if access to sunlight is significantly altered through incremental additional shading due to new development. A detailed analysis of the potential shadow impacts upon this resource is presented in Section 3.3, Ecological Resources. This analysis demonstrates that, similar to the existing condition where the Marriott Hotel building casts shadows during limited periods, the incremental shadows resulting from the construction of Hotel Tower 1 would be limited to only 2.0-to-3.5± hours per day in the evening or late afternoon hours. The affected areas would continue to receive six hours or more of direct sunlight in excess of the minimum sunlight requirements for most relevant grassland plant species, and the effects of the incremental shading upon the ecological community(ies) at the Purcell Preserve would be negligible. Accordingly, no significant adverse shadow impacts upon this sunlight sensitive resource are anticipated. (emphasis added)

Accordingly, the DEIS demonstrates the similarity is not necessarily related to the extent of the shadow, rather that those areas shaded by the new construction would be shaded for only a short amount of time on a given day, similar to the other areas of the Purcell Preserve that already experience those conditions today.

The shadow illustrations presented at Figure 55 of the DEIS demonstrate that the shadows cast by the proposed Integrated Resort would affect only a minor portion of the Purcell Preserve, and only for a short duration before sunset at any given time of the year (see examples from June 21st, September 21st and December 21st, at 1.5 hours before sunset, reproduced below). Overall, the conclusion of the shadow analysis confirms that these incremental additional shadows would not be expected to result in a significant adverse impact upon the Purcell Preserve.

Figure 5 - Shadow Assessment – Proposed Shadows





AR-19. DEIS footnote #173 regarding the sunlight requirements of certain plants, and the conclusion drawn from it (i.e., that 6 hours daily would meet or exceed the minimum sunlight requirements), is from a web blog, not peer reviewed science, and is unsupportable. (C99)

In addition to the reference cited in the DEIS, the following additional resources, including publications from the University of Minnesota Department of Horticultural Science and a recognized propagation nursery grower/supplier of native prairie plants, were used to review plant resource requirements:

Robinson R., White, D.B., & Meyer, M.H. 1995. *Plants in Prairie Communities*. University of Minnesota, Minnesota Extension Service.

and:

The Landscape Plug Manual. North Creek Nurseries. Landenburg, PA.

2.13 Cultural Resources (CR)

- CR-1. For the FEIS analysis, it is recommended that the conclusions in the DEIS (from the 2008 Phase 1a Literature Search and Archaeological Sensitivity Assessment) be confirmed through consultation with SHPO, including a determination as to whether there is any potential for impacts to off-site historical resources associated with development of the proposed Integrated Resort. Typically, such consultation is required for completion of the SWPPP. (C96)**

Sands' consultants met with NYSDOT (i.e., the commentator) on March 6, 2025, and it was confirmed that consultation with OPRHP is required. NYSDOT has been in contact with OPRHP Regional Director, and Sands' consultants also provided the OPRHP Regional Director with a link to the DEIS. The Nassau County Legislature is also including OPRHP on the involved agency distribution of all SEQR documents relating to the proposed Integrated Resort. Accordingly, OPRHP is now being treated as a potentially involved agency. See **Appendix 2.6-1** for correspondence with NYSDOT.

- CR-2. The Meadowbrook State Parkway is a National Register Historic Parkway. As such, the improvements will need to be evaluated for compliance with Section 106 of the National Historic Preservation Act and be reviewed by the State Historic Preservation Office (SHPO). Review will also be required by the four tribal nations on Long Island: the Delaware Tribe, the Delaware Nation, the Stockbridge Munsee Band of Mohican Indians and the Shinnecock Nation. The proposed widening of the Meadowbrook State Parkway will likely destroy the historic, beautiful stone bridges that are unique to this area. (C56)(C87)**

Review of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) mapper (see **Appendix 2.13-1** of this FEIS),¹¹⁴ the only portion of Meadowbrook State Parkway that is designated as a National Register Historic Parkway is south of the Southern State Parkway. No disturbance is proposed in this area as part of the proposed Integrated Resort development or the proposed roadway mitigation measures.

As explained in response to comment CR-1, above, NYSDOT will consult with OPRHP, and Sands would provide necessary information to NYSDOT for referrals to OPRHP/SHPO and tribal nations as may be required (see **Appendix 2.6-1** of this FEIS for correspondence with NYSDOT).

- CR-3. Section 1.3.12 of the DEIS states that "views of the proposed Integrated Resort from historic resources would be present, but not out of character with the existing development of the area, which is already seen from the existing historic resources. Further, the presence of the proposed Integrated Resort would not result in changes to**

¹¹⁴ New York State Office of Parks, Recreation, and Historic Preservation. *Cultural Resource Information System*. Available at: <https://cris.parks.ny.gov/>. Accessed March 2025.

the current or past uses or the aesthetic character of historic buildings." Provide concurrence of this statement from NYS OPRHP. (C51)(C56)

Section 1.3.12 of the DEIS is a part of the Executive Summary. The introduction to the Executive Summary explains that, among other things:

This executive summary, while a critical component of the DEIS, cannot substitute for the review of the detailed existing conditions and technical analyses presented throughout the document, as it is designed primarily to provide a concise overview. The technical analyses cannot be fully represented in the limited scope of an executive summary. The executive summary highlights key elements of the DEIS, as required by the SEQR regulations and set forth in The SEQR Handbook, (New York State Department of Environmental Conservation, Fourth Edition, 2020), and briefly summarizes the proposed action; the purpose, need and benefits; the environmental setting; significant beneficial and adverse impacts; mitigation measures proposed; and alternatives considered. It does not refer to or reproduce figures, tables or appendices that are relevant to a full understanding of the analyses contained in the DEIS. It is essential that involved agencies and interested parties review the entire DEIS to fully understand the proposed action and its purpose need and benefits, relevant existing environmental conditions, potential impacts, mitigation measures identified to minimize potential impacts, and the alternatives considered. Review of the Executive Summary is not a substitute for the full evaluation of the proposed action performed in the following sections of this DEIS.

Section 3.11 of the DEIS and its associated figures and appendices provide an evaluation of potential visual impacts, including two documented historic resources that may have views of the proposed Integrated Resort.

Also, see response to comment CR-1, which explains that NYSDOT will consult with OPRHP.

2.14 Use and Conservation of Energy and Utilities (EU)

- EU-1. The Lessee has provided the Town with a sketch plan showing discrete areas of green roofs/terraced landscaping and rooftop PV panels, which it is recommended be included and discussed in the FEIS. The total roof area proposed to be dedicated to each measure should also be specified. (C96)**

Plans depicting proposed green roofs/terraced landscaping and rooftop photovoltaic (PV) panels are included in **Appendix 2.14-1** of this FEIS. The total roof area proposed to be improved with green roofs is 26,184 square feet, with terraced landscaping is 92,915 square feet, and with PV panels is 511,143 square feet.

- EU-2. Pages 524-525 of the DEIS discuss that the proposed action requires the construction of an additional/expanded electrical substation in the general vicinity of the existing substation.**

- a. **It is stated that alternative locations are currently being explored. The FEIS should provide updated information regarding this investigation, as well as appropriate analysis of the associated impacts and proposed mitigation.**
- b. **It is stated that the Lessee "...would participate in funding the required substation expansion/new substation associated with its energy demand." On page 381 it is stated that "Sands has made other commitments/contributions, including... Construction or expansion of PSEG Long Island substation..."**
 1. **In order to more clearly discern the mitigative value of this measure, the Lessee's funding commitment should be stated more definitively.**
 2. **Similar to the proposed water supply well, it is stated that cost-sharing may be employed "if significant additional users are identified." Again, to better understand the intent of this statement, the meaning of "significant additional users" should be clarified and the mechanism by which such cost-sharing would be implemented should be explained. (C61)(C96)(C88)**

As explained in response to comment CON-2, Sands is proposing to modify the phasing of the Integrated Resort such that at least a portion of multiple components are developed in the first phase, and this revised first phase would be completed in 2030. The proposed revised Phase 1 of the Integrated Resort would consist of the following:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)

- › Performance Venue (58,200 SF – 1,500 seats)
- › Veterans Memorial
- › Support Areas (326,977 SF)
- › MEP Areas (210,953 SF)

The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS), would be developed as market conditions and demand allow. Despite when or whether the remaining “full-build” development is constructed, all full-build mitigation as identified in the DEIS would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken.

PSEG LI has confirmed that a substation expansion or construction of a new substation will not be required to meet the energy needs for the revised Phase 1 (see **Appendix 2.16-1** of this FEIS). Should future development beyond Phase 1 be proposed based on market conditions, Sands would consult with PSEG LI regarding the potential need for an expanded or new substation at that time.

- EU-3. Although the DEIS acknowledges that the Proposed Project cannot proceed without new construction of a substation, there is insufficient information regarding the substation location, expansion and funding and the impact if significant additional users are identified. The DEIS notes that cost-sharing may be employed for these significant additional users. Is this a decision of the Lessee or PSEG Long Island? Who will ultimately be responsible for the long-term operations and maintenance? Since no location has been identified, no analysis of potential environmental impacts of the substation was provided. What would be constructed if a feasible alternative substation is not identified? (H12)(C59)(C60)(C61)**

See response to comment EU-2, above.

- EU-4. The DEIS notes that the Lessee is “considering” including both a stratified chilled water thermal storage tank to shift a portion of the electrical demand of the heat pumps from the warmest part of the day and a battery storage system. However, the DEIS does not identify the proposed locations of infrastructure, its effect on energy usage, or the potential environmental impacts of such infrastructure. For example, given the safety issues associated with battery fires, the precise location of any battery storage system must be identified and the risks and measures to address such risks must be clearly set forth in the DEIS. (C61)**

Preliminary discussions with PSEG LI and New York State Energy Research and Development Authority (NYSERDA) confirmed their interest in the potential use of a stratified chilled water storage tank and storage battery solutions at the proposed Integrated Resort to provide overall benefits to PSEG LI’s electrical network. Sands has researched this and had determined that an integrated, relatively-compact 7.5MWH ABB battery system could be utilized for grid load balancing and resiliency, if financial support was available from PSEG LI and/or NYSERDA.

However, in February 2025, the Town of Hempstead Town Board unanimously enacted a one-year moratorium on battery energy storage system facilities. Until this moratorium expires and Sands reviews the regulations ultimately enacted by the Town Board, if any, Sands will not be taking any further action regarding such facilities.

- EU-5. The DEIS notes that National Grid has confirmed that capacity for the Proposed Project would be reserved until December 31, 2024, and that, once an application is made, it would be extended for an additional year. However, construction of Phase 1 is not anticipated to commence until 2026. The DEIS does not explain whether the Proposed Project could be constructed as designed if there is not sufficient natural gas supply by the time the full build-out is expected to be operational. (C61)**

Sands is continuing to work with National Grid to ensure adequate natural gas supply for the proposed project. In the event that sufficient natural gas supply is not available, the project design permits construction and operation with electric equipment, and Sands would continue work with PSEG LI to secure the electricity.

- EU-6. The region has a fixed amount of electrical generation. The demand from the proposed Integrated Resort will cause a strain on transmission lines and require upgrades to the infrastructure to address capacity. These are problems that already exist without the casino. The need to upgrade this will cause every rate payer to pay more for electrical power. (C20)(C42)**

As explained in response to comment CON-2 in the *Construction* chapter of this FEIS, PSEG LI has advised that it is able to serve the revised Phase 1 program without the need for a substation (**Appendix 2.16-1** of this FEIS). However, in the event that Sands undertakes additional development on the site (up to the full-build limit evaluated in the DEIS), as explained in Section 3.13.2 of the DEIS, Sands would participate with other major prospective new users in funding a substation, if required. Accordingly, the cost for a substation would not be the responsibility of the ratepayers.

- EU-7. The resort's substantial energy requirements, estimated at 47 MVA, necessitate the construction of new or expanded substations. This demand is particularly concerning given the projected increase in energy consumption due to artificial intelligence (AI) operations. According to McKinsey & Company, data center electricity consumption in the U.S. is expected to reach 606 terawatt-hours by 2030, accounting for 11.7% of total U.S. power demand. This underscores the need for robust energy efficiency measures. To address this I propose: Maximizing On-Site Renewable Energy Generation - Expand the installation of photovoltaic panels and explore other renewable energy sources to reduce reliance on external power supplies; Implementing Energy Storage Solutions - Incorporate battery storage systems to manage peak loads, enhance energy resilience, and support renewable energy integration; Adopting Advanced Energy Management Technologies - Utilize smart grids and energy-efficient building designs to optimize energy usage and minimize waste; and Net-Zero Energy Goals: The resort should aim for net-zero energy usage by incorporating advanced building systems, LED lighting,**

and sustainable energy practices. Additional energy mitigation, including solar and wind alternatives, should be considered. Section 1.3.13 of the DEIS considers solar alternatives, however, they could be extended to SUP's and overhang areas. Vertical wind energy should also be considered. By targeting net-zero energy, the project can lead by example in adopting forward-thinking sustainability strategies. (C27)(C56)(C32)(C43)(C92)

The majority of the proposed Integrated Resort will utilize electricity for typical commercial building uses such as lighting, HVAC, elevators and escalators, etc. with a relatively small portion attributable to on-site servers and similar equipment potentially subject to power consumption escalation with AI deployment. Regardless, as explained in Sections 3.13.2 and 3.13.3 of the DEIS, Sands is committed to developing and operating an energy efficient facility. Proposed measures to mitigate energy use and utilities include:

- › Electric HVAC systems that would not burn fossil fuels through gas or steam
- › High performance efficient heat pump technology with heat recovery
- › Central utility plants, which provide more efficient cooling and heating energy generation equipment shared across the site than distributed independent smaller equipment
- › High efficiency air source and water source heat pumps with heat recovery for the production of chilled water, space heating hot water, and domestic hot water heating
- › Air-side systems that include provisions for outside air demand response and enhanced filtration (higher grade minimum efficiency reporting value [MERV] rating) for indoor air quality and efficiency measures
- › Lighting controls arranged to allow for intelligent dimming and control and incorporate occupancy monitoring
- › LED lighting and smart sensors
- › Incorporation of daylighting and occupancy or illuminance-controlled lighting in all public spaces, hotel rooms, and office areas
- › Energy Star-rated appliances and equipment
- › Efficient variable speed parallel rack type refrigeration systems for larger walk-in coolers and freezers
- › Implementation of a plug load management/control plan that would switch off devices and/or be programmed to minimize energy use when not in use in areas that are unoccupied
- › PV panels integrated into the roofs of the various buildings. Sands is targeting a minimum of eight percent of the overall energy consumption of the proposed project to be supplied through on-site renewable energy via installation of PV systems. Sands also aims to procure off-site renewable energy within the same grid as the Integrated Resort via a power purchase agreement with the local energy provider.
- › Smart metering and methods for sharing information regarding energy usage for the building components
- › Achievement of LEED third-party certification for the proposed Integrated Resort
- › Incorporation of energy recovery from the fresh air supply, heat recovery and transfer from cooling-dominated spaces to heating-dominated spaces via hydronic systems.

Efficient EC motor-based fan coil units that optimize both interior comfort and energy efficiency to minimize HVAC fan energy.

- › Employment of facility engineers who continually monitor performance and utilize building automation technology to optimize systems operation.

Also, see response to comment EU-4 in this chapter of the FEIS.

EU-8. Sands should set yearly energy efficiency goals and include these in the public display at the resort, showcasing their energy efficiency measures and their success in achieving their goals. The property should participate in the PSEG Long Island's demand response (DR) program. This may also include a comprehensive plan to meet yearly DR commitment. (C116)

As part of the LEED certification process and Sands' internal environmental objectives, the proposed Integrated Resort will be subject to yearly energy efficiency goals that are constantly monitored and evaluated. Regarding participation in PSEG LI's Demand Response Program, please see the response to comment EU-4, which discusses potential for the development of battery storage and/or a stratified chilled water storage tank system.

EU-9. Sands should explore all-electric kitchens, with induction ranges. This is a growing trend away from natural gas appliances. Sands can pilot the technology in its kitchens, reducing the need for natural gas. (C116)

As explained in Sections 3.13.2 and 3.13.3 of the DEIS, Sands is proposing a high-efficiency, nearly all-electric facility, with minimal use of fossil fuels. While the proposed Integrated Resort would generate an increased demand for energy, it would incorporate energy efficiency and conservation strategies, install an on-site solar PV system, purchase renewable energy from the electricity provider via a power purchase agreement and secure LEED third-party certification. The only natural gas proposed is in the restaurant kitchens, as Sands' experience and research has determined that chefs prefer the use of natural gas appliances.

EU-10. The property should consider implementing all-electric load flexibility and management strategies instead of using diesel generators, such as Battery Energy Storage Systems (BESS) for emergency back-up power and chilled water thermal storage system for cooling capacity. (C116)

As explained in Section 3.13.2 and 3.13.3 of the DEIS, the proposed Integrated Resort is being designed as almost fully-electric powered, and the diesel emergency generators would only be used as an emergency back-up in the case of PSEG LI power outage. Also, see response to comment EU-4.

2.15 Greenhouse Gas Emissions, Climate Change and Sustainability (GHG)

- GHG-1. The FEIS should clarify the Lessee's intent regarding the installation of a battery system in the proposed development, including its anticipated location, size, capacity, safety provisions, etc. The FEIS should also explain how the proposed MF-IRD zoning legislation would accommodate this use. (C96)**

As explained in response to comment EU-4 in the *Use and Conservation of Energy* chapter of this FEIS, preliminary discussions with PSEG LI and NYSERDA confirmed their interest in the potential use of a stratified chilled water storage tank and storage battery solutions at the proposed Integrated Resort to provide overall benefits to PSEG LI's electrical network. Sands has researched this and had determined that an integrated, relatively-compact 7.5MWH ABB battery system could be utilized for grid load balancing and resiliency, if financial support was available from PSEG LI and/or NYSERDA.

However, in February 2025, the Town of Hempstead Town Board unanimously enacted a one-year moratorium on battery energy storage system facilities. Until this moratorium expires and Sands reviews the regulations, if any, ultimately enacted by the Town Board, Sands will not be taking any further action regarding such facilities.

- GHG-2. It would be helpful in understanding this phase-in plan if additional details were provided on the specific measures that would be implemented to increase renewable energy use from 60 to 100 percent in 20 years following project completion, including any available relevant information regarding the Lessee's existing facilities, as well the contingency plan that would apply if these goals are not met. (C96)**

Sands has advised that this would be achieved through the purchase of off-site renewable energy or renewable energy credits if such power is not available in the market.

As explained in responses to comments SE-3 and SE-15 in the *Socioeconomics* chapter of this FEIS, as part of its continuing community outreach, including its coordination with its various working groups, metrics have been developed to measure the effectiveness of Sands' efforts. Progress towards achievement of the overarching goals of each of the working groups, including the Environment & Sustainability working group (which addresses energy issues), will be independently reviewed. Sands will partner with the United Way and the Social Justice Institute at SUNY Old Westbury to produce an annual report on the economic and social impact of the facility. Based on research that United Way of Long Island and the Social Justice Institute at SUNY Old Westbury will conduct, the following will be evaluated with respect to Environment & Sustainability:

Environment & Sustainability

Indicator: Energy consumption and greenhouse gas emissions data, LEED report with a follow up Annual Environmental monitoring plan. Plans to also include waste management data, water conservation actions/measures, and light and sound environmental measures

Indicator: Measure post construction to use an institutionalized, periodic, independent environmental compliance audits for sustainable measures evaluation and community reporting.

Indicator: Sustained community green space support. Engaged community awareness of environmental sustainability goals, culture of place and positive practices.

GHG-3. To provide a better understanding the Lessee’s commitment to LEED certification, it would be helpful if the FEIS explained the process for obtaining this certification (e.g., scorecard, application, review, revision, and issuance of certification) and the distinction between the various levels of certification (certified, silver, gold, and platinum). (C96)

As indicated in Section 3.13.2 of the DEIS, Sands is committed to achieving LEED certification for the Integrated Resort under the Building Design and Construction commercial building rating system and for the entire complex under the LEED for Communities rating system.

According to the United States Green Building Council (USGBC),¹¹⁵

LEED (Leadership in Energy and Environmental Design) is the world's most widely used green building rating system. LEED certification provides a framework for healthy, highly efficient, and cost-saving green buildings, which offer environmental, social and governance benefits. LEED certification is a globally recognized symbol of sustainability achievement, and it is backed by an entire industry of committed organizations and individuals paving the way for market transformation.

There are four levels of LEED certification, which are determined by the number of points earned by “adhering to prerequisites and credits that address carbon, energy, water, waste, transportation, materials, health and indoor environmental quality:” platinum (80+ points), gold (60-70 points), silver (50-59 points) and certified (40-49 points). Additionally, there are several types of LEED certification, including: Commercial; Neighborhood Development; Residential; and Cities and Communities.

In order to obtain LEED certification at any level, an applicant must register a project by completing certain forms and paying a fee and apply by submitting completed certification forms. The LEED application is then reviewed by Green Building Certification Inc. (GBCI), which provides a certification decision. A LEED project must meet minimum program requirements for the type of LEED project being pursued. There is a scorecard of LEED credits that a project can pursue to obtain points toward a specific level of LEED certification.

Credits vary by the type of LEED program being pursued. Scorecard topics under which Commercial Buildings can earn points include, but are not limited to: location and transportation; sustainable sites; water efficiency; energy and atmosphere; materials and resources; indoor environmental quality; innovation; and regional priority. Scorecard topics for Cities and Communities for which credits can be earned are similar to the Commercial Buildings and include: integrative process; natural systems and ecology; transportation and

¹¹⁵ US Green Buildings Council. *LEED Rating System*. Available at: <https://www.usgbc.org/leed>. Accessed March 2025.

land use; water efficiency; energy and greenhouse gas emissions; materials and resources; quality of life; innovation; and regional priority.

There is a preliminary review in which GBCI checks the application for completeness and compliance with the specified rating system and the projected credits. If the preliminary review is acceptable, an applicant can accept it as final. If not satisfied, an applicant can provide supplemental information as part of a final review. Once a final certification report is accepted, it is assigned a certain level, as described above, depending upon the points earned.

As explained in Section 3.13.3 of the DEIS, Sands is committed to achieving LEED third-party certification for the proposed Integrated Resort. Its target is LEED Gold under the Building Design and Construction rating system, though the level of LEED certification cannot be confirmed until design specifications are finalized.

GHG-4. From the description of GHG Emission in Section 3.14.2.2, it is not clear whether the analysis accounts for truck traffic to be generated by the operation of the proposed Integrated Resort and, if not, whether this component would represent a significant portion of the overall indirect emissions that should be addressed. (C96)

Truck traffic is part of the Scope 2 mobile source GHG emissions estimate, as these sources would not be under direct control of the Integrated Resort. The level of delivery truck traffic expected at the Integrated Resort is described in the TIS, Appendix 3.5-1 of the DEIS, and is further discussed in response to comment TP-43 in the *Transportation and Parking* chapter of this FEIS. Only eight truck trips entering and exiting the site are expected during each of the peak hours. As an example, this represents one-third of one percent of the total site traffic expected to enter and exit the Integrated Resort at that time. This very low percentage of trucks is less than that present in the background vehicle fleet on the adjacent and area surface streets. Approximately 100 trucks are expected to enter and exit the site in an entire day, and this level of truck traffic represents an extremely small percentage of the total 135 million VMT listed under "passenger vehicles" in Appendix 3.14-1 *Greenhouse Gas Emissions Calculations* included in the DEIS.

GHG-5. The Final Scope specifies that "[t]he total GHG [greenhouse gas] emissions in the CO_{2e} 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." It does not appear that the requisite comparisons to the Town and County are provided in the DEIS. (C96)

As explained in Section 3.14.2.3 of the DEIS, "the total annual GHG emissions associated with the Integrated Resort represent less than half a tenth of a percent (approximately 0.04 percent in both the baseline scenario and the proposed action, which incorporates significant mitigation) of the 2021 statewide total net GHG emissions (325 million metric tons CO_{2e}) and less than half a percent (approximately 0.45 percent in the baseline scenario and 0.39 percent in the proposed action) of the 2020 Long Island targeted GHG emissions (36 million metric tons CO_{2e} per the CGLI Plan."

The NYSDEC annual greenhouse gas emissions reports do not present GHG data on the county or town level, and no published information was available for the Town of Hempstead or Nassau County.

GHG-6. The NYS Climate Act 2019 references a primary goal to reduce carbon emissions; how would adding 30,000 plus vehicles per day on Nassau County's already congested roadways reduce carbon emissions? (C26)

As explained in Section 3.14.2.2 of the DEIS, the added vehicles associated with patron and employee travel to and from the Resort would contribute 38,423 metric tons of CO_{2e} annually ("indirect" mobile source GHG emissions). This is a relatively small increase in carbon emissions compared to statewide emissions (325 million metric tons in 2021). While the emissions analysis did not take credit for future transition to all EVs, the state has a commitment to transition to all EVs in the future. Thus, it is likely that carbon emissions from mobile sources will decrease in the future as the state transitions to EVs and to a renewable grid consistent with the goals of the Climate Leadership and Community Protection Act (CLCPA).

GHG-7. Sands should establish a subcommittee that actively explores and recommends options for off-site renewable energies. A DEIS that states they will "explore options" is incomplete in the planning process. Exploration of additional renewable energy opportunities should occur prior to construction where possible but continue as new technology is developed. (C116)

As explained in Section 2.6 of the DEIS:

Sands has developed a comprehensive community engagement program that consists of core working groups addressing various topics, and meetings with hundreds of community members, stakeholders and other parties who have expressed interest in the proposed Integrated Resort. From the outset, Sands has focused on connecting and collaborating with the community. Building on the work done for past proposals at the Nassau Veterans Memorial Coliseum property, Sands and its team convened six community-based working groups to gather information regarding issues already experienced in the communities surrounding the Coliseum property, to identify concerns regarding potential development impacts, and to define the goals and aspirations of the surrounding communities. Participation in the working groups is an open process with several key community members and stakeholders actively working to promote broad community participation in these groups...

One of these working groups is Environment & Sustainability, which addresses energy issues such as those raised in the comment. As also explained in response to comments SE-15 in the *Socioeconomics* chapter of this FEIS and GHG-2 in this chapter of the FEIS, as part of its continuing community outreach, including its coordination with its various working groups, metrics have been developed to measure the effectiveness of Sands' efforts. Progress towards achievement of the overarching goals of each of the working groups, including the Environment & Sustainability working group will be independently reviewed, and United Way and the Social Justice Institute at SUNY Old Westbury will produce an annual report on the economic and social impact of the facility.

Sands has committed to incorporating solar PV systems as part of this proposed Integrated Resort. Sands would explore purchasing renewable energy through a power purchase agreement (PPA).

GHG-8. Sands should install Solar PV panels on ALL building roof structures suitable for solar, following proper Building and Fire Safety Codes and regulations. Sands should aim for more than 8% on-site renewable energy generation. (C116)

As explained in Section 3.13.3 of the DEIS:

PV panels would be integrated into the roofs of the proposed parking garages, meeting and conference space, and entertainment venue. Sands is targeting a minimum of eight percent of the overall energy consumption of the proposed project to be supplied through on-site renewable energy via installation of PV systems. (emphasis added)

If feasible (structurally and financially), Sands will consider the installation of additional PV systems.

GHG-9. What would it be like if we had an emergency during a snowstorm and all these people are coming into the Integrated Resort? In cases of emergency, evacuation routes identified by Nassau County all lead to the Coliseum. When Superstorm Sandy occurred, many, many Southshore homes became flooded and uninhabitable. The Nassau Veterans Memorial Coliseum was a temporary place of refuge for those that became displaced. NCC is a Hurricane Evacuation Center for south shore communities. Evacuation routes include the Meadowbrook State Parkway, Charles Lindbergh Boulevard, Earle Ovington Boulevard, Hempstead Turnpike, Peninsula Boulevard, and Baldwin Road/Henry Street. The Mitchel Field Administration Building is a designated Heating/Cooling Center. It should be demonstrated that access to these facilities and evacuation routes would not be compromised by construction of the proposed facility. Emergency preparedness should be taken into account before this project potentially advances. (C96)(C105)(C28)(C55)

As explained in Section 3.14.3 of the DEIS, Sands has committed to assisting local authorities during an emergency. This section states, among other things:

...Sands is committed to working with local authorities to provide community support, as needed, in the event of an emergency/disaster. The Integrated Resort is optimally positioned, from a structural and operational standpoint, to assist in addressing community needs in such situations. The Integrated Resort:

- › *Can operate off the grid for a significant period after a disaster due to the existence of back-up infrastructure in the event of a power outage.*
 - Power
 - Water
 - Life safety
- › *Provides temporary housing for community and government functions.*
 - People can be accommodated in hotel rooms.

- Meeting space could be repurposed for medical triage and support.
- The meeting rooms and ballrooms could accommodate major government functions.
- › *Has a robust service backbone to aid in tracking of disaster victims and to meet their daily needs.*
 - Multiple points of access and service.
 - Loading, warehouse, and storage capacity.
 - Provision of food using hotel kitchens and catering services.
 - Check-in processes can track displaced people seeking refuge.
 - Sophisticated and robust communication and data infrastructure.

With respect to access to the subject property after construction of the proposed Integrated Resort, as explained in Section 3.5.2, 3.5.3 and Appendix 3.5-1 of the DEIS, extensive mitigation measures are proposed to minimize traffic impacts associated with the proposed development as well as to increase various roadway capacities beyond that currently existing.

GHG-10. A comprehensive summary of features addressing dark sky lighting, green roofs, solar panels, green walls, bird-friendly glazing, energy star systems, LEED certification, native species, and landscaping would be useful for the review since these items are scattered throughout the DEIS. (C59)

The information indicated in the comment, as well as other proposed sustainability and conservation measures is presented in Sections 3.2.3, 3.3.3, 3.11.3, 3.13.3 and 3.14.3 of the DEIS. It is consolidated in the list below:

- › Sands will incorporate water conservation techniques, including installation of high-efficiency water-conserving fixtures in the project design.
- › The Integrated Resort will not use cooling towers for air conditioning heat rejection (which utilizes substantial amounts of water), representing a significant water conservation measure.
- › The proposed development will use low-impact development techniques that reduce the impact of stormwater runoff, including green roofs/landscaped terraces and various landscaping areas and gardens. Such green roofs/landscaped terraces provide increased potential for evapotranspiration, thereby decreasing the amount of site-generated runoff.
- › A central rainwater capture and reuse system that collects, filters and stores rainwater for reuse will be installed and used for no-contact irrigation use and possibly for exterior non-contact surface cleaning, if acceptable to NCDPW and/or NCDH. It will be a sustainable source of non-potable water use in the project and, therefore, would reduce the demand for potable water.
- › The proposed landscape plan will substantially increase the quantity and quality of native vegetation, wildlife habitat potential, and native plant diversity at the subject property, through installation of meadows and other vegetated habitats featuring native trees, shrubs, grasses, and other herbaceous plants. The proposed landscape plan will include the establishment of large, contiguous blocks of meadow habitats planted with native

herbaceous plants and grasses that replicate the plant species assemblages found within the nearby Hempstead Plains grassland community.

- › Given that the landscape plan will comprise native and native-adaptive plant species, including many characteristic native grassland plants of the Hempstead Plains community, seed dispersal from the proposed landscaped areas to off-site vegetated habitats via wind, birds, or other wildlife may serve to increase native plant abundance within the Hempstead Plains and would not exacerbate existing non-native invasive species issues and associated management concerns. It is further expected that the anticipated increase in pollinator birds and insects at the subject property resulting from the quantitative expansion of meadow habitats and native flowering plant abundance would expand the use of the Hempstead Plains and other vegetated habitats in the surrounding area by these species.
- › The design will incorporate bird-safe building designs to minimize the potential for bird collisions, including the minimization of the amount of high-risk glazed areas, as well as the installation/use of exterior opaque vertical louvers, treated frit patterns, exterior screens, grilles, shutters, blinds, etching, sandblasting, texturing, and other recognized measures to make transparent site elements more evident to birds. To further reduce the potential for bird collisions, the landscape plan includes strategic placement of shrubs and trees away from the glazed faces of the towers.
- › To avoid potential adverse impacts to avian navigation and migrator behavior, the lighting plan design will avoid or minimize the potential for glare, skyglow, light trespass and light spill. The lighting plan design would not result in light trespass beyond the boundaries of the subject property, thereby avoiding light pollution impacts to the Hempstead Plains and its resident fauna, including birds.
- › The proposed lighting will comply with the U.S. Green Building Council's recommendation to not exceed 0.10 fc of vertical illuminance at the project boundary in order to minimize light trespass and consistent with applicable Town of Hempstead requirements. Additionally, the lighting plan will incorporate a variety of measures to mitigate potential light pollution and avoid or minimize potential adverse impacts to local insect populations. These include concealed and integrated exterior building lighting, fully shielded lighting systems to mark access points, pole-mounted full-cutoff luminaires at surface parking areas, soft, indirect cove lights at the hotel entry drop-off points, perimeter walking paths illuminated with low-level bollards, in-grade paver lights at the proposed Veterans Memorial Plaza, parking garage interiors lit with non-directional, shielded, surface-mounted cylinders that would direct light downward to minimize potential light-spill, and vertical mullions at windows to baffle interior lighting as viewed from exterior areas.
- › The lighting plan will support the goals of reducing energy consumption, being mindful of glare, skyglow, light trespass and light spill from the lighting systems, and incorporating automated controls that allow for dim capabilities and time-clock settings or having sensors that provide illumination where needed for safety and security.
- › All lighting will be LED, and smart sensors would be used. Daylighting will also be incorporated into the development, and occupancy or illuminance-controlled lighting would be used in all public spaces, hotel rooms, and office areas.
- › Sands will incorporate a high-efficiency, nearly all-electric complex. The only non-electric use proposed on the subject site relates to commercial kitchen natural gas use and emergency generators.

- › The HVAC systems will all be electric, use high performance heat pump technology with heat recovery, and would not burn fossil fuels through gas or steam. No combustion equipment is expected to be used on site to produce heat, steam, or hot water. Key HVAC, equipment, and operation strategies that will be incorporated to maximize performance and efficient design include use of on-site central thermal plants, mechanical ventilation with heat recovery or air handling units with direct outside air connections, hydronic heating and cooling systems that optimize interior comfort and energy efficiency, heat recovery air source heat pumps, and efficient electric-driven water source heat pumps that simultaneously produce domestic hot water and provide chilled water generation.
- › The development will use central utility plants, which provide more efficient cooling and heating energy generation equipment shared across the site than distributed independent smaller equipment unable to move thermal energy across the site.
- › Sands will incorporate Energy Star-rated appliances and equipment to keep the energy use intensity as low as possible, including the use of Energy Star-rated natural gas appliances in the commercial kitchens.
- › Sands will implement a plug load management/control plan to switch off devices and/or programmed to minimize energy use when not in use in areas that are unoccupied.
- › The proposed Integrated Resort will install smart metering and submeter stations to track electricity and chilled and hot water use, and facility engineers would continually monitor energy performance and utilize building automation technology to optimize systems operation.
- › The Integrated Resort will incorporate energy recovery from the fresh air supply, heat recovery and transfer from cooling-dominated spaces to heating-dominated spaces via the hydronic systems. Efficient EC motor-based fan coil units that optimize both interior comfort and energy efficiency would be used to minimize HVAC fan energy.
- › Photovoltaic (PV) panels (solar) will be integrated into the roofs of the proposed parking garages, meeting and conference space, and entertainment venue. Sands is targeting a minimum of eight percent of the overall energy consumption of the proposed project to be supplied through on-site renewable energy via installation of PV systems. Sands will aim to procure off-site renewable energy within the same grid as the Integrated Resort via a power purchase agreement with the local energy provider.
- › The proposed Integrated Resort is being designed to achieve an additional 20 percent reduction in indirect stationary source GHG emissions beyond the baseline scenario by sourcing at least 20 percent of electricity from renewable sources. The reduction in GHG emissions assumed in the analysis from the use of renewable energy sources represents a conservative estimate since Sands aims to achieve 60 percent of its annual electricity needs using renewable energy by 2030, 90 percent by 2040, and 100 percent by 2050 in alignment with the Climate Group's RE100 international reporting guidelines.
- › Sands has committed to achieving LEED third-party certification for the proposed Integrated Resort. Buildings designed and constructed to achieve LEED certification help reduce energy and water use, improve indoor air quality, support better building material choices, and drive innovation. Its target is LEED Gold under the Building Design and Construction rating system, though the level of LEED certification cannot be confirmed until design specifications are finalized. Sands is also planning to pursue certification of the entire Sands complex under the LEED for Communities rating system.

- › Sands will incorporate the following to further minimize potential greenhouse gas impacts:
 - Develop the Integrated Resort within a previously disturbed, primarily paved site to reduce the overall land-use footprint.
 - Feature a layout of interconnected building components that facilitate efficiency in equipment, performance, and space allocation to minimize energy use.
 - Install electric vehicle charging infrastructure
 - Incorporate high albedo roofing and pavement materials to reduce heat island effect
 - Reduce food waste via prevention, donation and diversion strategies.

GHG-11. In the interest of controlling emissions and mitigating adverse climate impacts, the Integrated Resort should commit to investing in an all-electric fleet – buses, security and maintenance vehicles, including the Hempstead LIRR and NYC shuttle buses. (C62)(C116)

As explained in the response to comment GHG-5 and in the analyses presented in Section 3.14.2.3 of the DEIS, “the total annual GHG emissions associated with the Integrated Resort represent less than half a tenth of a percent (approximately 0.04 percent in both the baseline scenario and the proposed action, which incorporates significant mitigation) of the 2021 statewide total net GHG emissions (325 million metric tons CO_{2e}) and less than half a percent (approximately 0.45 percent in the baseline scenario and 0.39 percent in the proposed action) of the 2020 Long Island targeted GHG emissions (36 million metric tons CO_{2e} per the CGLI Plan.”

Notwithstanding the above, Sands has confirmed that its intention is to reduce emissions related to transportation with low emission and hybrid vehicles and will evaluate available electric vehicle technology closer to the time of operation (assuming a gaming license is granted).

2.16 Construction (CON)

- CON-1. The Construction Logistics Plan (Appendix 3.15-1) shows construction delivery vehicles utilizing the same access driveway as patients and staff for the MSKCC facility, creating the potential for conflicts between the two different traffic streams. It is recommended that construction vehicles be diverted to another site access location, if possible. (C96)**

As explained in greater detail in the response to comment CON-2, below, since the time of DEIS preparation, the proposed project phasing has been modified, and this has resulted in revision to the logistics plan (see **Appendix 2.16-2** of this FEIS). The revised construction logistics plan indicates that the primary access point to the site for deliveries will be via the existing signalized intersection at Earle Ovington Boulevard and Charles Lindbergh Boulevard (west). At this location, traffic will enter and exit the site at a location that has accommodated significant event traffic in the past. To a lesser extent, access points onto Charles Lindbergh Boulevard and onto Hempstead Turnpike on the eastern portion of the site may be used for these movements, but it is not anticipated that any delivery or large construction vehicles will use the access points to MSKCC for access.

- CON-2. The DEIS acknowledges that “comments were raised regarding why the casino was being developed in Phase 1 and what would happen if only Phase 1 was developed.” The response is that this condition would not occur because: 1) Phase 2 overlaps with Phase 1; 2) the intersection mitigation for the Full-build would occur during Phase 1 (subject to agency approvals); and 3) the gaming license application would include phased development that would be required to be built pursuant to that license. (Pages 26-27). This explanation is illogical and insufficient. First, the current plan to have the phases overlap speaks only to the currently anticipated timing of the two phases; it does not mean that Phase 2 is an imperative. Second, the fact that mitigation is intended for Phase 1 (if that even occurs) again speaks only to anticipated timing and does not mean that Phase 2 is required. Finally, the DEIS does not state that the phased development presented in the gaming license application (that purportedly would be required to be developed pursuant to a gaming license) would be the same as what is presented in the DEIS. In the absence of an adequate explanation for why Phase 2 must be constructed, the EIS must evaluate a Phase 1-only alternative. (C60)(C61)**

The RFA explains that “[b]ecause an Application will be evaluated and approved based on the initial design, changes that reduce the size, quality, or fit and finish of a facility will not be permitted.” Accordingly, an entity receiving a gaming license is required to meet the development and design commitments presented in its application.

As explained in response to comment PA-3, Sands projected its investment in development of the full Integrated Resort at \$5 billion. Sands has been working with a construction manager and contractors to refine the actual costs for development of the proposed Integrated Resort, which, based on the data collected, are expected to exceed \$7.6 billion in the full-build condition.

Based on this and the anticipated timeframe for casino licensing awards, Sands is proposing to modify the phasing of the Integrated Resort such that at least a portion of multiple

components are developed in the first phase, and this revised first phase would be completed by 2030. The proposed revised Phase 1 of the Integrated Resort would consist of the following:

- › Gaming (242,800 SF net gaming area)
- › Gaming Circulation and Support (169,952 SF)
- › Hotel (215,970 SF – 250 keys)
- › Spa (included in hotel square footage)
- › Meeting and conference space (90,000 SF)
- › Food and Beverage (90,000 SF – 2,000 seats)
- › Retail (1,500 SF)
- › Performance Venue (58,200 SF – 1,500 seats)
- › Support Areas (326,977 SF)
- › MEP Areas (210,953 SF)
- › Veterans Memorial

The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS and in **Table 35**) would be developed as market conditions and demand allow. Despite when or whether the remaining full-build development is actually constructed, all full-build mitigation, as identified in the DEIS and FEIS, would be constructed to serve the revised Phase 1 development. This would ensure that required mitigation is in place if and when additional development (i.e., that remaining between the revised Phase 1 identified above and the full-build analyzed in the DEIS) is undertaken. It is also noteworthy that Section 2.1 of the DEIS identified the full-build as “the maximum development being considered, which is being analyzed in this DEIS to ensure a comprehensive environmental assessment.”

Table 35 - Comparison of Revised Phase 1 Program to Prior Phase 1 Program

Parameter	Phase 1 (Original DEIS)	Phase 1 (Revised)	Full-build
Proposed Uses	Gaming (129,071 SF net gaming area)	Gaming (242,800 SF net gaming area)	Gaming (393,726 SF net gaming area)
	Gaming Circulation and Support (86,409 SF)	Gaming Circulation and Support (169,952 SF)	Gaming Circulation and Support (300,196 SF)
	Food and Beverage (51,792 SF – 1,173 seats)	Hotel (215,970 SF – 250 keys)	Hotels (2,069,918 SF – 2,288 keys)
	Retail (1,200 SF)	Spa (included in hotel square footage)	Spa (included in hotel square footage)
	Support Areas (154,435 SF)	Meeting and conference space (90,000 SF)	Meeting and conference space (234,853 SF)
	MEP Areas (175,484 SF)	Food and Beverage (90,000 SF – 2,000 seats)	Food and Beverage (162,792 SF – 3,647 seats)
		Retail (1,500 SF)	Retail (55,507 SF)
			Performance Venue (135,000 SF - 4,500 seats)
			Public Attraction Space (60,000 SF)
			Support Areas (688,068 SF)

Parameter	Phase 1 (Original DEIS)	Phase 1 (Revised)	Full-build
		Performance Venue (58,200 SF – 1,500 seats)	MEP Areas (416,874 SF) Veterans Memorial
		Support Areas (326,977 SF)	
		MEP Areas (210,953 SF)	
		Veterans Memorial	
Gross Floor Area, excluding structured parking	598,391 SF	1,406,352 SF	4,516,933 SF
Total Parking Spaces (Structured)	4,800± (4,300± structured parking spaces)	6,500± (2,500± structured parking spaces)	12,450± (9,963± structured parking spaces)
Domestic Water Demand/Sewage Generation ¹	109,792 gallons per day (gpd)	272,790 gpd	701,400± gpd
Annual Gaming Tax	\$274± million	\$402± million	\$563± million
Permanent (Operational) Annual Jobs (Direct) ²	2,950±	4,900±	7,800±
Total Annual Permanent Jobs (Direct, Indirect, Induced)	4,800±	8,483±	12,365±
Total Annual Operational Labor Income (NYS) ³	\$450± million	\$0.85± billion	\$1.26± billion
Total Annual Operational Output (NYS)	\$1.7± billion	\$2.9± billion	\$4.06± billion
Total Annual Operational State Tax (NYS)	\$51± million (+ \$113 million racing support payment)	\$93± million	\$154.2± million
Construction Jobs (Direct)	1,450±	4,600±	7,000±
Total Construction Labor Income (NYS)	\$438± million	\$0.915 billion	\$1.68± billion
Total Construction Output (NYS)	\$1.42± billion	\$3.1 billion	\$5.3± billion
Traffic Generation ⁴			
AM Weekday Peak Hour	388	827	1,374
PM Weekday Peak Hour	552	1,165	2,155
Friday Evening Peak	803	1,943	3,561
Saturday Midday Peak	784	1,655	2,762
Saturday Evening Peak	1,161	2,467	3,899

¹ Does not include irrigation.

² The permanent jobs, including direct, indirect and induced, are new jobs associated with the Integrated Resort and the Alternative CMP. The number of permanent jobs for the no action alternative reflect the current existing condition for the Nassau Veterans Memorial Coliseum.

³ The totals for labor income, output, state tax and local tax for both the operational and construction periods consider direct, indirect and induced contributions at Full-build.

⁴ The trip generation associated with the Marriott Hotel is not new trip generation, as the trips already exist on the roadway network and there would be no change to hotel operations.

Table 35 presents a comparison of impacts among Phase 1 as contemplated in the DEIS, the proposed revised Phase 1, and the full-build condition. As would be expected, all the Phase 1 impacts are less significant than those associated with the full-build condition (which was fully analyzed with required mitigation identified in the DEIS). As indicated above, the build year for the revised Phase 1 would be 2030, and Sands would meet the obligations of the full-build mitigation for the revised Phase 1 conditions.

With respect to electricity, Sands has consulted with PSEG LI regarding the proposed revised Phase 1, and it was confirmed that, similar to the originally-proposed Phase 1, this revised Phase 1 can be served without the need for a new substation. If additional development beyond Phase 1 were to be proposed in the future, Sands would be required to submit a new load letter, which would then be evaluated by PSEG LI to determine if it could be served; if a new or expanded substation or other infrastructure improvements would be required; and if a new substation is required, where it would be located. Relevant correspondence with PSEG LI is included in **Appendix 2.16-1** to this FEIS.

The revised Phase 1 plan would also require substantially less earthwork than the prior Phase 1 discussed in the DEIS, as, since the time of preparation of the DEIS, Sands has revised the excavation approach to reduce the amount of material required to be transported. Section 3.1.2.2 of the DEIS provided a discussion of the excavations that were proposed at the time the DEIS was prepared and explained that the Integrated Resort proposed portions of parking garages and/or service docks to be located approximately 23.5 feet below the surface elevations. Deep excavations were anticipated for the construction of elevator pits and grease interceptors to be located beneath the below grade parking garages and/or service docks, and for the foundation footings associated with below grade portions of parking garages. The deepest excavations associated with these elements were anticipated to extend maximally 12 feet below the groundwater table and were a significant contributor to the necessary excavation and export of a net of approximately 660,000 cubic yards of material.

Since the time of preparation of the DEIS, Sands has eliminated the deep excavations from its project design. Thus, the revised Phase 1 plan requires substantially less earthwork than the prior plan. This is primarily due to the elimination of the deep excavations required to construct the below grade parking structures, bus depot, service areas and loading docks previously contemplated. With the revised Phase 1 plan, all portions of the proposed structures will be located above grade with the exception of two minor below grade back of house/mechanical spaces and a service corridor. Modifications to the existing site grades would be minimized, generally maintaining existing grades of the surface parking areas to be repurposed for the revised Phase 1 program of the proposed Integrated Resort. Excavations are anticipated for the construction of the below grade back of house/mechanical spaces and service corridor to a maximum depth of approximately 15 feet, for the construction of building foundations, and for the installation of new stormwater management infrastructure (drywells and drainage culverts) and utility installations.

The following earthwork quantities have been projected by H2M for the revised Phase 1 program:

Excavation:

- › Back of House (BOH)/Mechanical & Service Corridor: 12,500 Cy
- › Foundations (2' Depth): 44,500 Cy

- › Drainage Infrastructure: 31,000 Cy
- › Sanitary And Water Mains: 1,000 Cy
- › **Excavation Subtotal: 89,000 Cy**

Fill:

- › Berms Along Hempstead Turnpike: 22,000 Cy
- › **Net Export: 67,000 Cy**

Regarding the full-build condition, approximately 60,000 cy of additional material would be excavated (primarily for foundations) and exported for the full-build (after development of the revised Phase 1 program). Based on the excavation revisions, the net amount of material to be transported has been substantially reduced (from approximately 660,000 cy to 127,000 cy). This change in excavation approach also eliminates the need for dewatering, as groundwater would not be encountered during construction. Thus, these revisions reduce construction impacts associated with excavation and material removal, truck traffic associated with transport of material removed from the subject site, and dewatering.

Notwithstanding the above, there is the potential that, upon final design of the revised Phase 1 plan, the Coliseum building would be demolished and the existing subgrade space at the Coliseum building would be filled. If this were to occur, approximately 250,000 cy of material would be required to fill the Coliseum subgrade and 22,000 cy of material would be required to construct berms, for a total of 272,000 cy of material import. This revised Phase 1 option would also necessitate the excavation of 89,000 cy of material, primarily for foundations and infrastructure. Thus, this revised Phase 1 option results in a net requirement of 183,000 cy of material to be imported. Under this option, it is also projected that approximately 60,000 cy of material would have to be excavated for the construction of the remainder of the full-build project. Even if this were to occur, as explained in response to comment CON-13, the truck trips associated with this import, combined with the above-described material export to complete the full-build program, would still be substantially less than that projected under the construction condition evaluated for the DEIS full-build analysis.¹¹⁶

With respect to traffic, as shown in the above table, the vehicle trips for the revised Phase 1 program would be greater than those associated with the Phase 1 program considered in the DEIS. However, they would still be substantially less than that associated with the full-build program. As explained earlier in this response, Sands has committed to constructing the full-build mitigation for the revised Phase 1 program.

An updated construction logistics plan reflecting the changes associated with the revised Phase 1 is included in **Appendix 2.16-2** of this FEIS and critical circulation is described in response to comment CON-1.

Based on the foregoing analysis, the information presented in **Table 35**, above, and, as Sands has committed to implementing the full-build mitigation for the revised Phase 1 plan, the proposed modification of the phasing would reduce various impacts identified and analyzed in the DEIS. Also, if in the future, based on market conditions and demand, Sands decided to

¹¹⁶ Response to comment CON-13 also discusses a potential option for the revised Phase 1 program of Coliseum demolition and the debris removal and truck trips associated with same.

proceed with additional development beyond Phase 1, the lead agency would evaluate whether additional SEQR analysis would be warranted at that time.

- CON-3. Although two subphases of Phase 2 are described in the construction section, it is not clear whether the intent is for all Phase 2 facilities to be opened concurrently or for these facilities to become operational sequentially as construction is completed. The FEIS should confirm, update or clarify the inferred sub-phasing information. Any sub-phasing of Phase 2 construction could have implications with respect to the timeliness of certain mitigation measures that are identified for completion by the end of Phase 2 (e.g., activation of the new water supply well, modifications to Meadowbrook State Parkway and associated transportation facilities, etc.). Concerns would arise regarding potential impacts that are not addressed in the DEIS if significant Phase 2 development becomes operational before the requisite mitigation measures are activated. (C96)**

See response to comment CON-2. It is expected that all components of the revised Phase 1 would be opened concurrently as of the 2030 build year. Mitigation for the full-build will be done concurrent with construction of the revised Phase 1. The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS and in the third column of **Table 35**) would be developed only as market conditions and demand allow.

- CON-4. The DEIS indicates construction would take place in accordance with Town requirements. Clarification is requested regarding if there is intent to potentially accommodate construction outside of the permissible window specified in the Code, the circumstances under which work may be expected to occur between 6 p.m. – 7 a.m. should be specified and associated impacts assessed. There should be a commitment on the hours of construction to ensure that construction noise levels are not impacting the area. This should be specified to be limited to those in the Town criteria similar to other uses, i.e., between 7:00 AM and 9:00 PM on weekdays and 8:00 AM and 9:00 PM on weekends. Consideration might also be given to reducing the evening timing to 7:00 PM during the week to avoid disturbing students studying. All of the BMPs listed under "Proposed Mitigation 3.7.3" (Noise Mitigation), should be made a condition of any Findings Statement and site plan approval. (C59)(C96)**

As explained in Section 3.13.1 of the DEIS:

In compliance with §144-3.G of the Hempstead Town Code, construction would occur between the hours of 7:00 a.m. and 6:00 p.m. (weather permitting), Monday through Friday. Construction work would begin at about 7:00 a.m. on weekdays, with most workers arriving between 6:00 a.m. and 7:00 a.m., with approximately 75 percent leaving by 3:00 p.m.

§144-3.G of the Hempstead Town Code specifically states that:

The erection, including excavating, demolition, alteration or repair, of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in a case of urgent necessity in the interest of public safety, and then only with a permit from the

Department of Buildings, which permit may be renewed for a period of three days or less while the emergency continues.

§144-3.M of the Hempstead Town Code goes on to indicate:

Operating or permitting the operation of any mechanical powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device, which creates an unreasonable noise across a real property boundary other than between the hours of 8:00 a.m. and 9:00 p.m. on Saturdays and Sundays, and between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays.

Sands does not anticipate activities that would contravene these restrictions. However, if such a case of urgent necessity in the interest of public safety were to occur, as required by §144-3.G, a permit would be requested from the Department of Buildings.

- CON-5. The first paragraph on page 338 acknowledges that there may be a cumulative noise impact from multiple pieces of construction equipment operating concurrently. This appears to suggest that the DEIS analysis results based on noise levels for individual pieces of equipment may underestimate actual noise levels if two or more pieces of equipment are operated concurrently in proximity to one another during construction. Clarification should be provided to more specifically explain the implications of such a scenario of multiple noise sources, which appears to represent a worst-case scenario. The FEIS should identify other specific sound level attenuation methods including noise barrier walls, berming, etc., which could be implemented to limit the impacts on any of the adjacent receptors in relation to the NYSDEC criteria. (C59)(C96)**

As specific equipment to be used during construction is not known at this time, as with most noise analyses, standard construction equipment data, as provided by the FTA, were utilized (see Table 72 in Section 3.7.2.3 of the DEIS). As explained in Sections 3.7.2.3 and 3.15.8 of the DEIS, the construction noise impact analyses conducted were designed to represent potential worst-case noise conditions.

Noise level projections have been provided from the source to the closest residential property at Cunningham Avenue, which is approximately 300 feet. This accounts for worst case scenario construction activity at the site perimeter of the proposed Integrated Resort to the nearest sensitive residential receptor across Hempstead Turnpike Construction activity associated with the proposed building components would occur at a distance greater than 300 feet from the nearest sensitive receptor (i.e., the residential homes on Cunningham Avenue), thus there would be additional attenuation with this increased distance.

Per the analysis results presented in Table 72 of the DEIS, the highest noise levels generated would be from impact driven equipment such as non-vibration pile drivers, etc. which are 9+ dB greater than any other construction equipment. Due to the logarithmic nature of noise levels, two separate noise sources with a difference of 9dB or greater will not result in an increased overall noise level. For example, a bulldozer with a noise level of 85 dBA and a pile driver (sonic) with noise level of 95dBA will result in a total noise level of 95 dBA: there is no cumulative increase in overall noise level due to the difference in source noise levels.

With respect to mitigation, **Section 3.7.3** of the DEIS identifies the construction sound attenuation methods, such as equipment wraps, noise barriers, etc., that would be utilized to minimize construction noise impacts.

- CON-6. Dewatering is a concern due to shallow water table conditions, which may require an extensive dewatering program and since water quality was noted to exceed NYSDEC standards for several emerging contaminants. The need for dewatering is not consistently discussed in the DEIS. Page 602 states that dewatering “may be required for excavations over portions of the site” while page 602 specifies more definitively that “[a]s groundwater is expected to be encountered during some excavation activities, dewatering would be performed to enable construction.” Clarification is requested to resolve this apparent ambiguity. The discussion of dewatering and the potential environmental impacts associated therewith is entirely insufficient. Rather than making reasonable assumptions, the DEIS simply states that dewatering “[u]ntil the construction plans are finalized, it is not possible to determine the extent of dewatering that must be conducted or the required design capacity of the dewatering systems that would be required.” Page 562 indicates that groundwater treatment would be necessary during construction of the proposed development and that “the disposition of dewatered groundwater would be managed in accordance with applicable local and regional regulations.” It would be helpful if a brief discussion were provided regarding the nature of this treatment (e.g., method of treatment, facilities to be constructed, disposition of recovered PFOA/PFOS, etc.) to assure that the surrounding community would not be impacted. It is recommended that Sands treat PFAS to the new EPA standard of 4 ppt. Currently NY has a drinking water standard for PFAS of 10 ppt. The 4ppt EPA standards will be phase into place by 2029. Sands needs to be proactive and treat PFAS at 4 ppt. (C59)(C61)(C96)(C116)**

See response to comment CON-2. Dewatering would no longer be required based on the revised Phase 1 plan and because the development would no longer require a deep foundation excavation.

As explained in response to comment CON-2, Section 3.1.2.2 of the DEIS provided a discussion of the deep excavations that were proposed at the time the DEIS was prepared, based on the design of the parking garages, service docks, elevator pits and grease interceptors. The deepest excavations associated with these elements were anticipated to extend maximally 12 feet below the groundwater table, which created the need for dewatering. However, since the time of preparation of the DEIS, the construction phasing and excavation have been refined, such that the deep excavations previously being considered have been eliminated, and dewatering would no longer be required.

- CON-7. The DEIS notes the potential for vibration impacts to MSKCC and asserts that “measures will be implemented to ensure that the facility is not disrupted during construction.” However, given no detailed analysis of the vibrations that would be experienced at MSKCC, nor any identification of potential mitigation measures and their efficacy, it is impossible to determine the extent of the impacts or whether mitigation measures can sufficiently address them. Based on the narrative in the DEIS, it is recommended that the Lessee contact MSKCC to determine what types of vibration-sensitive equipment**

may be present in that facility and what types of potential impacts may be associated with construction of the proposed Integrated Resort so that appropriate mitigation can be identified as necessary. The specific type of non-vibratory pile driving to be employed for the proposed development should be identified, along with a discussion of how this would mitigate potential vibration impacts during construction with respect to the specific equipment at MSKCC that may be susceptible to such impacts. (C61)(C96)

As explained in Section 3.7.2.4 of the DEIS:

The primary source of vibration from the proposed project is expected to be short-term construction operations that include large construction vehicles and non-vibratory pile driving. Vibrations are spread through the ground and diminish in strength with distance. The level of vibrations is typically measured in terms of peak particle velocity (PPV) in the units of inches per second (in/sec). The FTA Manual guidelines provide thresholds for identifying the vibration sensitivity of buildings.

It is noted that MSKCC may contain vibration-sensitive equipment in its facility. Therefore, to minimize vibration impacts across the site, including areas near MSKCC, non-vibratory pile driving is proposed on the site. However, it is noted that other common construction equipment has the potential to result in some vibration impacts. Therefore, the construction manager would coordinate with MSKCC regarding the construction methods and vibration attenuation, as necessary, to ensure the facility is not disrupted during construction.

As indicated in this DEIS excerpt, Sands has committed to coordinating with MSKCC to ensure that the facility is not disrupted during construction activities. Sands also committed to non-vibratory construction methods, such as the following:

- › Drilled Shafts (Caissons or Bored Piles)
 - A large-diameter hole is drilled, reinforced with a steel cage, and filled with concrete
 - Works well in sandy soils (which are present at this location)
 - Minimal vibration and noise, making it medical-use friendly
- › Auger Cast Piles (Continuous Flight Auger, CFA)
 - A hollow-stem auger drills into the sand while continuously pumping concrete
 - No hammering or vibration, reducing potential disturbance to MSKCC
 - Well-suited for sandy soils
- › Screw Piles (Helical Piles)
 - Steel shafts with helical plates are twisted into the ground like a screw
 - Provides excellent stability in sandy soil with minimal disturbance
 - Quick installation with no need for heavy impact equipment
- › Jet Grouting
 - High-pressure cement grout is injected into the sand, mixing with the soil to form in-situ columns
 - Reinforces weak or loose sandy soil, improving load-bearing capacity
 - Non-vibratory

- › Soil Mixing (Deep Mixing Method)
 - Similar to jet grouting, it involves mixing cement slurry with sandy soil to create a solid foundation
 - Best for soil stabilization and reducing settlement risks
 - No vibration or noise.

CON-8. The additional construction vehicle traffic should be quantified and schedules shown. The potential construction-related traffic impacts are significant, from construction workers, material deliveries, and disposal truck trips. The primary mitigation for these traffic impacts is the purported requirement that trucks use prescribed routes and that workers carpool. The DEIS does not analyze the traffic impacts should trucks take different routes (including local streets to avoid congestion). It is noted that the DEIS acknowledges that 584-1838 construction workers will be commuting to/from the subject property every day, depending on the construction year, and that they will generally use local roadways. The DEIS only proposes two mitigation measures for these impacts, which rely on unsupported assumptions and lack adequate enforcement. One, Sands will require workers to carpool such that, with public transit use as well, construction worker vehicle trips will only be about half the number of workers, about 300-900 trips per day. However, Sands must develop an enforceable mechanism to ensure that the trips are managed in accordance with this assumption. How will carpooling be monitored and enforced and what happens if workers arrive by themselves? Will they be turned away and forced to find street parking or park in nearby lots? Will this be specified in contracts with general contractors/subcontractors? Two, the DEIS states that construction workers will be commuting outside of the peak commuting times for area roadways (7:30-8:30 am and 5:00-6:00 pm). However, the DEIS does not describe what the current roadway conditions will be during the construction worker commuter periods and how the construction worker trips will impact those conditions; impacts may not be limited to roadway peak hours. (C59)(C60)(C61)(C91)(C88)

With respect to construction traffic and routes, as explained in response to comments TP-43 and TP-74 in the *Transportation and Parking* chapter of this FEIS, the anticipated number and routing of deliveries/trucks was described in detail in Section 3.15.2 and Appendix 3.5-1 of the DEIS. Taking into account truck prohibitions and typical preferred truck routing as well as mapping software regarding travel times, the likely routes to and from the Integrated Resort were determined. Sands will require that vendors adhere to the preferred routes. As outlined in response to comment CON-1, per the revised construction logistics plan, construction related vehicles will primarily enter and exit the site via the signalized intersection of Earle Ovington Boulevard at Charles Lindbergh Boulevard (west) where ample capacity is available to accommodate those vehicles. The construction vehicle trips were assigned to the most likely routing taking into account travel times and roadway prohibitions for commercial vehicles.

As explained in response to comment CON-2, above, since the time of preparation of the DEIS, the grading concept has been modified, such that instead of removing 660,000 cubic yards of material as projected in the DEIS, the revised Phase 1 program with the modified grading would only require removal of 67,000 cubic yards of material. Thus, the number of

truck trips would be significantly reduced during construction of the revised Phase 1, due to the substantial reduction in material removal. See response to comment CON-2 for a full discussion of excavation associated with the potential future full-build condition.

Carpooling will be controlled by contract provisions, and the requirements will be set forth in each contract. Sands will have security guards at the gate to prevent access for cars with fewer than two occupants. Workers will be given a warning, fined for abuse of the regulation and or prevented from accessing the project on the day of the occurrence. Therefore, if the worker attempts to park anywhere in the vicinity, they will still be prevented from entering the site thereby discouraging offsite parking.

CON-9. Proposed Offsite Mitigation (during construction) should be expanded to address any receptors where an increase of 3 dBA or higher was identified. These should be based on the cumulative sound levels of both stationary and mobile sources. (C59)

Section 3.7.2.3 of the DEIS provides the applicable codes and standards for construction. The Town of Hempstead does not include specific noise level requirements related to construction noise, only allowable hours for construction, which will be adhered to. The analysis has utilized the FTA Transit Noise and Vibration Impact Assessment Manual which includes recommended noise and vibration criteria for construction activities. Per the FTA Manual, the residential limit is 80dBA L_{eq} (8-hr) or 90dBA L_{eq} (1-hr) from construction noise, which was the criteria applied to the analysis conducted. As demonstrated in Table 72 of the DEIS, construction activities would be below the 80dBA limit, and therefore, would be complaint. Moreover, Sands is incorporating construction noise mitigation measures into its plan, as described in Section 3.7.3 of the DEIS.

CON-10. Relative to the noise receptors analyzed, additional receptors along Hempstead Turnpike and along the Parkways where Sands is proposing to make significant widening improvements should also be considered. (C59)

See response to comment NV-15 in the *Noise and Vibration* chapter of this FEIS.

CON-11. How realistic is the phasing schedule outlined in the DEIS? It appears that the neighborhood will be subjected to at least 4 years or more of construction, as well at the associated impacts including traffic, noise, dust and debris control, etc. What happens if the Lessee is unable to acquire permits or sufficient utility capacity to construct Phase 2? The DEIS does not adequately explain whether Sands will be legally required to complete the Phase 2 development. (C59)(C60)

See response to comment CON-2. Given that the revised Phase 1 build year is 2030, it is expected that all permits and approvals would be secured to accomplish construction such that the 2030 build year would be achieved. Mitigation for the full-build would be implemented concurrent with construction of the revised Phase 1. The balance of the Integrated Resort (i.e., the portion remaining of the full-build, as presented and fully analyzed in the DEIS and in the third column of **Table 35**) would be developed only as market conditions and demand allow. If in the future, based on market conditions and demand, Sands decided to proceed with additional development beyond Phase 1, the proposed

development would be evaluated to determine if and/or what level of additional SEQRA analysis would be required.

- CON-12. The DEIS estimates that the transport of demolition and excavation material will generate eight truck trips to and from the subject property per hour for 11 hours per day, for approximately 200 working days over a 16-month period. The only mitigation for this traffic is that the trucks will enter the subject property at designated locations and will only travel on major roadways as identified in a Construction Logistics Plan. However, the DEIS does not identify the proposed disposal locations or provide any other information that supports the identification of the preferred truck routes. Furthermore, Sands has no ability to force trucks to use the identified routes, even if there was logic to the routes. Therefore, there is no support for the DEIS argument that the trucks will be controlled and not use local secondary streets. The DEIS must identify the disposal locations, provide support for the identified truck routes, and analyze the impact of construction truck traffic on local streets. (C61)**

See response to comment CON-8, above, regarding the transport of demolition and excavation material and truck routes and response to comment CON-14, below, regarding construction material disposal.

- CON-13. The DEIS analysis of construction material deliveries is completely insufficient. The DEIS simply states that material deliveries would not impact traffic because (1) long-haul deliveries will use the same truck routes as the trucks transporting demolition and excavation materials (again, without providing any rationale for why this would be true and without providing any means for enforcement); (2) material deliveries will not correspond with peak commuter traffic (without providing any explanation or data for this conclusion); and (3) that material delivery traffic will be less than operational traffic from the Integrated Resort (without providing any details about the volume, traffic patterns, and timing of the anticipated material delivery traffic and how that would relate to current traffic. In addition, while the DEIS also acknowledges that local suppliers will use local roads, it fails to provide any estimate of how much traffic this would generate, at what times of day, for how long, etc. The Plan should include analyses of truck routes that limit transport through residential areas/sensitive nearby properties, maximization of mapped trucking routes, and promote overall safety. There is no analysis of community acceptance of the truck routes, existing road conditions, or mechanisms to undertake and fund road improvements for construction routes to repair damage caused by construction activities. (C61)**

See response to comment TP-145 in the Transportation and Parking chapter of this FEIS and response to comment CON-2 in this chapter.

Section 3.15.2 of the DEIS presented information regarding the levels of traffic anticipated at the site during the construction phase of the proposed Integrated Resort. This included construction workers and trucks associated with demolition and excavation. As explained in the response to comment CON-2, since the time of DEIS preparation, a revised Phase 1 program has been developed with a build year of 2030. Sands also eliminated the deep

excavations previously being considered. Thus, the revised Phase 1 plan requires substantially less earthwork than the prior Phase 1 presented in the DEIS.

As shown in the table below, the revised Phase 1 plan results in the excavation of approximately 89,000 cy of material (predominantly associated with foundations and infrastructure) and the need for approximately 22,000 cy of fill (to construct berms), for a net export of approximately 67,000 cy of material. If the full-build plan is constructed after development of the revised Phase 1 plan, approximately 60,000 cy of additional material would have to be excavated. So, the total material to be transported from the site under the revised Phase 1 plan and subsequent full-build would be approximately 127,000 cubic yards (combined export for revised Phase 1 plan and for remainder of full-build). This is in contrast to the total material export for the full-build plan evaluated in the DEIS, which proposed the net excavation of approximately 660,000 cy of material. Thus, the amount of material transport associated with the revised Phase 1 and subsequent full build is substantially less than the material transport associated with the full-build plan evaluated in the DEIS.

There is also the potential that, upon final design of the revised Phase 1 plan, the Coliseum building would be demolished and the existing subgrade space at the Coliseum building would be filled. If this were to occur, approximately 250,000 cy of material would be required to fill the subgrade Coliseum space.

Table 36 presents the relevant material export/import for the proposed revised Phase 1 plan and the revised Phase 1 plan with the option of demolishing the Coliseum building:

Table 36 - Material Export/Import

	Excavation (CY)	Fill (CY)	Net Export/Import (CY)
Revised Phase 1	89,000 (primarily foundations and infrastructure)	22,000 (berms)	67,000 Export
Option – Revised Phase 1: Potential Coliseum Demolition and Associated Filling	89,000 (primarily foundations and infrastructure)	22,000 (berms)+ 250,000 (Coliseum subgrade) = 272,000	183,000 Import

The number of truck trips necessary to export 67,000 cy of material associated with the revised Phase 1 plan is determined based on a 30-cy bulk carrier truck at 2,234 truckloads. Based on an estimated demolition and excavation period of 16 months and 200 workdays per year, the 2,234 truckloads of export equate to an average of nine truckloads per day over an 11-hour workday for an average of fewer than one truck entering and one truck exiting the site per hour.

If the potential Coliseum demolition and associated filling is performed, the number of truckloads and truck trips necessary to import 183,000 cy of material, based on 30-cy bulk carrier trucks, is 6,100. Based on a demolition and excavation period of 16 months and 200 workdays per year, the 6,100 truckloads of import equate to an average of 23 truckloads per day over an 11-hour workday for an average of just over two trucks entering and two trucks exiting the site per hour.

This revised excavation approach, which eliminates deep excavations, would also be reflected in the construction of the full-build plan and would considerably reduce the additional excavation necessary to progress the project from the revised Phase 1 to full-build (if demand and market conditions allow). The excavation required to construct the full-build plan (if it is pursued), after completion of the revised Phase 1 plan, under either option (i.e., without or with demolition of the Coliseum) is 60,000 cy. This 60,000 cy equates to approximately 2,000 truckloads and represents average daily truck trips of fewer than eight per day or fewer than one truck trip into and one truck trip out of the site per hour.

The number of trucks associated with the transport of 660,000 cy of material projected under the full-build presented in the DEIS was 22,000. The total number of trucks associated with the proposed import and export of material for the revised Phase 1 plan, assuming that there would be full-build construction thereafter, is 4,234 – substantially fewer than that projected for the full-build condition presented in the DEIS.

Also, under the revised Phase 1 program option, additional demolition debris would be generated with the demolition of the Coliseum building. Based on information provided by Sands, calculations prepared by a demolition contractor indicate that 4,820 cy of demolition debris¹¹⁷ would be generated, and 3,000 tons of steel would be removed, which would generate 281 truck trips.

Although the precise schedule of trucks delivering construction materials and transporting fill cannot be projected, as noted in Section 3.15.2 of the DEIS, material deliveries, removal of debris and other trucking operations would be spread over the course of the day, during timeframes permitted by Town Code, thereby minimizing impacts during peak commuter periods.

Sands has confirmed that, unlike construction workers who arrive and depart at the site for identified shifts, material deliveries are not bound to a consistent schedule and materials can be delivered and stored on site in designated areas until required for use (see Logistics Plans in **Appendix 2.16-2** of this FEIS). This allows for transport and delivery of materials to occur off-peak to minimize delays to construction-related vehicles and minimize impacts to traffic conditions during the commuter peaks. Sands will employ a project delivery coordinator who will be tasked with scheduling all deliveries to the site over the entire course of construction. No deliveries will be permitted to the site without prior approval from the delivery coordinator.

Section 3.15.2 of the DEIS detailed proposed construction truck routes for use during the construction of the Integrated Resort. These routes are presented graphically in Appendix 3.15-1 of the DEIS, and were selected to provide access and egress for construction trucks while using only major State and County roadways and avoiding the use of local streets. These routes use the Long Island Expressway and Sunrise Highway for longer distance east-west travel, and combinations of State and County highways from logical exit points to the project site. No local roadways are used on any of these routes. Sands also committed, in a letter to the Town of Hempstead (see **Appendix 2.6-7** of this FEIS), that it would require all construction and commercial vehicles destined to and from the proposed Integrated Resort to use only the prescribed routes. Construction and commercial vehicle operators will also be

¹¹⁷ This includes asbestos that would be removed in accordance with prevailing regulations, prior to building demolition if the revised Phase 1 option is implemented.

advised that those destined to the proposed Integrated Resort are prohibited from traveling on Clinton Road in Garden City. To provide context relative to these projected truck trips, as presented in the NYSDOT's Traffic Data Viewer web app,¹¹⁸ the Long Island Expressway in Old Westbury in 2023 carried an average of 20,100 trucks per day, and Sunrise Highway in Merrick in 2023 carried an average of 4,000 trucks per day.

CON-14. Construction and demolition ("C&D") debris, including historic fill, among other materials, are classified as solid waste and, therefore, are subject to state and local regulations. The DEIS should include a Plan for management of all such materials, not just those that exhibit petroleum impacts, staining or odors. The Plan should specify the types of excavated material to be re-used on-site and methods and equipment for converting excavated material into usable construction materials. The plan should include estimated amounts, options for disposal or re-use, and compliance with applicable regulatory requirements. The Plan should clarify whether such processing will occur on-site or off-site, and how and where such processing will take place. Truck traffic counts associated with such materials processing should be accounted for in traffic studies. The Plan should specify the recycling, re-use, or disposal destinations for each type of material. Brookhaven Landfill stopped taking construction debris. Information about each destination should include the facility registration or permit requirements and limitations for accepting such material and should include confirmation that the facilities have the capacity for accepting the amounts of material to be exported during the construction phase of the project. The Plan should explain how exported material will be tracked so that proper disposal can be verified. (C61)(C64)(C69)

The plan for the management of construction debris is discussed in detail in Section 3.15.10 of the DEIS and explains that, among other things:

Waste management directives would be in place at the construction site. The waste management landfill diversion objectives align with LEED requirements. The minimum target for waste diversion during construction is 50 percent, with an aspiration to achieve 75 percent diversion, depending on local waste management availability and infrastructure. To monitor this, the CM would be required to provide monthly reports on the quantities of material recycled for that month, as well as the overall percentage of material recycled in the project to date.

Table 127 within that DEIS section provides a summary of construction waste source/type, the disposal method and the handling procedures, which is reproduced below:

¹¹⁸ New York State Department of Transportation (NYSDOT). *The Traffic Data Viewer*. Available at: <https://nysdottrafficdata.drakewell.com/publicmultinodemap.asp>. Accessed April 2025.

Table 37 - Disposal and Handling Procedures for Construction Waste

Source	Disposal Method	Handling Procedure
<i>Demolition and Site Preparation</i>		
Topsoil	Reclaim on site for reuse on this project	Reclaim in accordance with the construction management plan
Other Soils	Reclaim on site for reuse on this project	Reclaim in accordance with the construction management plan
Site clearing waste (e.g. trees, branches bushes, etc.)	Recycle/process and divert from landfill	All brush, branches and trees would be chipped on site for use as an organic mulch
<i>Construction Activities</i>		
Concrete, Masonry and Grout, including concrete wash-out debris	Recycle	Break-Up and put in concrete Dumpster
Metals	Recycle	Deposit in scrap metal dumpster
Wood, including crates and pallets if not able to be taken back by the applicable trade contractor	Recycle	Neatly stack reusable pieces in scrap area for reuse by any who need it. Place unusable wood in the mixed waste recycling dumpster
Cardboard	Recycle	Deposit in cardboard dumpster
Carpet	Recycle	Protect from weather and set aside for vendor reclamation.
Office & News Paper	Recycle	Separate and deposit in bin to be stored adjacent CMs construction office
Bottles & Cans	Recycle	Separate and deposit in bin adjacent CMs construction office
Drywall	Recycle	All drywall would be placed within the mixed waste recycling container. However, if a local drywall facility begins operation; efforts would be made to segregate and recycling this waste stream
All other wastes	Landfill	Deposit in rubbish dumpsters

It is not possible to accurately predict the quantities of each category of waste, and given the timeframe for construction and the fluctuations in availability and pricing of disposal locations, specific disposal locations have not yet been determined. Also, as explained in the response to CON-2, above, based upon refinement of the construction plan since the time of preparation of the DEIS, there will be significantly less excavation, resulting in significantly less soil removal and disposal.

The traffic impact analysis conducted as part of the DEIS (see Section 3.5 and Appendix 3.5-1 of the DEIS) described construction impacts that included the transport of soil from the previously proposed deep excavations. As these deep excavations are no longer proposed, the truck traffic associated with the transport of same would be significantly reduced. Thus, the analysis in the TIS is extremely conservative.

CON-15. What is the plan to abate the asbestos and comply with the regulations on removal, testing, and disposal? (C71)

The requirements for asbestos testing and abatement were addressed in Section 3.15.3, which states, in pertinent part:

...a Limited Asbestos Inspection Report was conducted at the Nassau Veterans Memorial Coliseum by New York State Department of Labor-certified ACM Inspectors from Airtex Environmental Corp. in February 2024 (Appendix 3.15-3 [of the DEIS]). An historical ACM documentation review along with a physical/visual inspection of accessible areas for ACM, bulk sampling of suspect ACM materials, and quantification of suspect and confirmed ACM, were conducted.

ACM was identified at the [sic] within the Nassau Veterans Memorial Coliseum. Appendix A within Appendix 3.15-3 [of the DEIS] provides a chart showing the results of the ACM inventory. The Report indicates that if ACM would be disturbed by construction, asbestos abatement is required prior to demolition or renovation. Furthermore, if any suspect ACM that was not previously tested is encountered during the renovation/demolition, and if the material is subject to disturbance by the renovation/demolition work, the suspect material should be assumed to be ACM until confirmed by laboratory analysis to be non-ACM. Sands would conduct ACM abatement in accordance with applicable regulations.

CON-16. Before the start of demolition, a Rodent Free Certification is required by the Health Department. What is the plan to clean up and dispose of the rodenticide after the inspection is done? (C71)

The NCDH requires that a Rodent Free Certificate be obtained, and Sands will comply with the requirements of NCDH. If rodent activity is detected, a New York State licensed exterminator would be hired to eliminate the rodents prior to beginning demolition activities. This is accomplished using rodent bait stations. NCDH requires the bait stations to be serviced and/or monitored for a minimum of two weeks before an exterminator can declare the property rodent free. A copy of the exterminator's service invoices(s), listing all dates of service, must then be sent to the NCDH accompanied by a letter from the exterminator declaring the property and all buildings/structures to be rodent free. The Rodent Free Certificate could then be issued by NCDH.

Rodenticide would only be used if the bait stations were not successful in addressing the rodent activity. If rodenticide was required, it would be disposed of by the exterminator in accordance with prevailing regulations.

CON-17. What mitigation will Sands propose to prevent extreme noises, odors, and bright lights affecting MSKCC during all phases of construction? (C107)

Potential construction impacts to MSKCC are addressed in Section 3.13 of the DEIS. Also, see responses to comments CON-1 and CON-7.

CON-18. How will Sands Casino keep workers from only parking in the job site during construction? (C107)

See response to comment CON-8. Contracts with contractors and subcontractors will include requirements for carpooling. Sands will have security guards at the gate to prevent access for cars with fewer than two occupants. Workers will be given a warning, fined for abuse of the regulation and or prevented from accessing the project on the day of the occurrence. Therefore, if the worker attempts to park anywhere in the vicinity, they will still be prevented from entering the site thereby discouraging offsite parking.

CON-19. What is the dust impact during construction? Would a Community Air Monitoring Program be implemented during construction for the protection of residents in the surrounding community? (H28)(C96)

Potential impacts from dust and dust control measures are discussed in Sections 3.1.2.1, 3.3.2.1, 3.15.4, 3.15.6, 3.15.9 and 3.15.11.2 of the DEIS. Mitigation measures for dust control are set forth in Section 3.15.6 of the DEIS and include:

- › Installation of perimeter silt fencing
- › Installation of stabilized construction entrances consisting of stone and filter fabric to prevent tracking of sediment onto public rights-of-way and associated releases of dust
- › Clearing and grading would be scheduled to minimize the size of exposed areas, and the length of time areas are exposed.
- › Implementation of a dust control and watering plan during construction to prevent dust from impacting the surrounding areas.

In addition, during construction, Sands will require its contractor to monitor dust and air emissions on the site to ensure that dust and emissions are controlled and that the community is not adversely impacted.

2.17 Cumulative Impacts (CI)

- CI-1. Regarding cumulative impacts, scenarios should address the claim that (a) this will be a TOD, and (b) construction workers will carpool, and how those assumptions impact the counts. What type of credits are being assumed in the traffic counts for these factors in the cumulative impact analysis? (C59)**

The DEIS does not indicate that the proposed Integrated Resort is a transit-oriented development (TOD). The only section of the DEIS that refers to "TOD" is Section 3.4.1.2, which summarizes the goals and objectives of existing land use plans that are relevant to the redevelopment of the Nassau Veterans Memorial Coliseum property and/or the Marriott Hotel property.

Sands has confirmed that as part of the contracts with contractors and subcontractors, construction workers will be required to carpool such that there is a minimum of two workers per car. Sands will have security guards at the entrance gate(s) to prevent access for cars with fewer than two occupants. Workers attempting to enter the site will be given a warning, fined for abuse of the regulation, and access will be denied on the day of the occurrence. Therefore, if a worker attempts to park anywhere in the vicinity and walk to the construction site, the workers still be prevented from entering the site thus discouraging offsite parking.

- CI-2. The DEIS improperly limits the cumulative impact analysis to cumulative impacts with respect to water supply, sewage generation, electrical supply, air quality, and traffic. It fails to analyze the potential cumulative impacts of fifteen additional projects with respect to other areas of analysis, including construction, community character, public health, and community facilities and services. (C61)(C80)**

The cumulative impact analysis contained in the DEIS was prepared in accordance with the Final Scope issued by the lead agency, which required:

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).

As explained in Section 4.0 of the DEIS:

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. . .

The cumulative impact analysis conducted in the DEIS evaluated impacts where the pending projects identified in Section 4.0 thereof had the potential to impact the same resources as the proposed Integrated Resort. That section of the DEIS specifically states:

Sands contacted the Towns of Hempstead and North Hempstead, as well as proximate incorporated villages (e.g., Hempstead, Garden City, Mineola, Westbury, Freeport) to identify those recently-approved or planned developments [that have current pending applications] for which a cumulative impact assessment may be necessary. As required by the Final Scope and as further described below, these recently approved or planned developments have been analyzed for cumulative impacts affecting the same environmental factors as the proposed action, including water supply, sewage generation, electrical supply, traffic and air quality. Additionally, for traffic analysis purposes, the NYSDOT and NCDPW have been contacted regarding recently approved and/or planned roadway and/or infrastructure projects that may affect the roadways considered within the TIS for this application. . .

Also, potential significant cumulative impacts are unlikely because the previously-contemplated NYU Langone Hospital development on NCC property has been put on indefinite pause and, thus is no longer deemed reasonably foreseeable (see *NEWSDAY* article dated March 21, 2025, in **Appendix 2.17-1**).

- CI-3. The DEIS relies on outdated information regarding OPDs in the vicinity of the Proposed Project. The DEIS states that Freedom of Information requests were sent to seven municipalities in the vicinity as well as the Nassau County Department of Public Works and the NYSDOT regarding infrastructure/roadway projects (see page 583.) These Freedom of Information requests were sent in August 2023. These requests must be resent and any additional OPDs (or changes to existing OPDs) must be incorporated into the FEIS. Also, the DEIS contains a footnote stating that the consultant included information on OPDs that were not identified in response to the Freedom of Information requests but that the consultant otherwise was aware of. As the Freedom of Information requests clearly are insufficient to capture all potential OPDs in the vicinity of the project, additional diligence should be conducted to confirm that there are no other OPDs that should be incorporated into the analysis. (C61)**

As with any study of potential traffic impacts, the Existing and future No-Build conditions necessarily represent a period in time using data collected when the study is commenced. The use of information and data obtained at the initiation of any study during an environmental review process is typical and necessary. As an example, traffic counts (and other data) collected to document existing conditions and project future conditions are considered valid for a period of three years within the traffic engineering community and is standard and accepted practice, in keeping with the requirements of State, County and municipal review agencies. Given the scope and scale of the TIS prepared for the Integrated Resort, which included a review of over 180 different locations, preparation of the traffic impact analyses commenced in and required over a year to complete. These data and analyses are then subject to significant agency and public review, which in the context of a SEQR process that requires both draft and final environmental impact statements, can be

inherently lengthy. It is neither typical in the industry nor reasonable to re-collect data within the period of time that the study is being prepared and reviewed. In this instance, OPD information was solicited from area municipalities in late 2023, and the utilization of such data in a DEIS submitted to the lead agency in October of 2024 is appropriate.

CI-4. Over the decades, development has boxed in and isolated the preserves, obliterating the adjacent habitats and creating an artificial "palisade" around them on the north, south, and west. The DEIS fails to recognize the proposed development's central role in what has been a cumulative (including NYU Langone Hospital project) and ongoing process. (C99)

The potential for indirect impacts to the Hempstead Plains Preserve and the Purcell Preserve were thoroughly analyzed in the DEIS, including analyses of potential impacts due to light, noise, shadows, construction, and bird collision potential that are provided in Section 3.3.2 of the DEIS. As described in these impact analyses, through project design features, avoidance, minimization, mitigation measures, BMPs, and adherence to regulatory agency guidelines, the proposed Integrated Resort would not cause significant adverse impacts to the Hempstead Plains Preserve or the Purcell Preserve.

The subject property does not directly adjoin either the Hempstead Plains Preserve or the Purcell Preserve. Furthermore, the vast majority of the subject property is already developed with buildings and paved surfaces, including the Coliseum building, the Marriott Hotel (located across James Doolittle Boulevard to the west of the Purcell Preserve), and expansive paved parking lots. Significantly, the proposed Integrated Resort would be constructed within the central and western portions of the subject property, and therefore, substantially further from the Hempstead Plains Preserve and Purcell Preserve compared to the Marriott Hotel and other existing development at the eastern portions of the subject property. No new buildings would be constructed on the eastern portions of the subject property that lie closest to the two preserves. Also, implementation of the proposed project would further reduce impervious surface coverage at the subject property from 90.4 to 81.8 percent, with a corresponding increase in vegetated coverage from 9.6 percent to 18.2 percent. Accordingly, development of the proposed Integrated Resort would increase vegetated ground surfaces in the vicinity of the two preserves compared to existing conditions.

Cumulative impacts are also unlikely due to the potential development of an NYU Langone Hospital on NCC property given that, per a *NEWSDAY* article dated March 21, 2025, the potential hospital development has been put on indefinite pause and thus is no longer deemed reasonably foreseeable (see **Appendix 2.17-1**).

2.18 Alternatives (AL)

AL-1. In order to better understand this contrast between the No Action Alternative and the proposed action, it would be helpful if a list were provided of the specific components of the proposed action that would ameliorate existing deficiencies or enhance bicycle/pedestrian connections. (C96)

Section 3.5.2.5 of the DEIS details existing area pedestrian and bicycle accommodations. As described in Section 3.5.3.4 and in various other sections of the DEIS, the proposed Integrated Resort would leverage the existing system and incorporate pedestrian-friendly design strategies to encourage walking and reduce reliance on private automobiles, including, but not necessarily limited to:

- › Providing pedestrian connections into its major entrances for both visitors and employees.
- › Maintaining pedestrian accommodations around the site via the multi-use path system and dedicated bike paths.
- › Providing crosswalks at signalized intersections to facilitate connection to and from the surrounding areas.
- › Providing bicycle parking, electric vehicle charging stations, and wide sidewalks and dedicated pedestrian crossings throughout the subject site.
- › Incorporating wooded plantings along the property boundaries (particularly Hempstead Turnpike), which would connect to the surrounding neighborhood, providing greenery along the edges of the site, improving the pedestrian and biking experience along the surrounding multi-use pathways.
- › Upgrading (as approved by the agency with jurisdiction – either NYSDOT or NCDPW) all pedestrian crossing features and controls at the intersections that would see the highest levels of site pedestrian activity around the perimeter of the site and those where intersection mitigation will be performed. This will include Americans with Disabilities Act-compliant pedestrian ramps and features and pedestrian control and safety features in compliance with NYSDOT and/or NCDPW requirements. In addition, changes are proposed to intersection geometry at site access points to better protect pedestrian traffic including the elimination of uncontrolled free right-turning movements in favor of full control, allowing for fully protected pedestrian crossings at these locations.
- › Connecting Parking Garage A to the casinos and hotels/restaurants/retail by an overhead pedestrian bridge and pedestrian tunnel, that enhances safety and provides comfortable and convenient year-round access.

AL-2. For the Alternative CMP, the DEIS (page 622) states that this alternative “...may include workforce housing...” However, as a point of clarification, it should be noted that a minimum of 20 percent of the housing units in such a development scenario would be required to meet the applicable workforce housing criteria. (C96)

The comment is noted.

AL-3. For the Alternative CMP, the DEIS (page 629) states that unlike the proposed Integrated Resort, dewatering is not anticipated for this alternative due to the depths of the proposed excavations. Clarification is requested regarding the maximum depth of excavations under both development scenarios, including the portion(s) of the project that would require such excavations, in reference to the depth to groundwater. (C96)

As explained in Section 3.15 of the DEIS (and elsewhere in that document), the groundwater table ranges between elevation +46 and +51, or between 29.5 and 34.5 feet below the existing site's surface elevations, based on available geotechnical information. Section 3.1.2.2 of the DEIS provided a discussion of the excavations that were proposed at the time the DEIS was prepared and explained that the Integrated Resort proposed portions of parking garages and/or service docks to be located approximately 23.5 feet below the surface elevations. Deep excavations were anticipated for the construction of elevator pits and grease interceptors to be located beneath the below grade parking garages and/or service docks, and for the foundation footings associated with below grade portions of parking garages. The deepest excavations associated with these elements were anticipated to extend maximally 12 feet below the groundwater table, and were a significant contributor to the necessary excavation of a total of 660,000 cubic yards of material. However, as explained in response to comment CON-2 in the *Construction* chapter of the FEIS, since the time of preparation of the DEIS, the construction phasing and excavation have been refined, such that the deep excavations previously being considered have been eliminated, and dewatering would no longer be required. Thus, the impacts associated with the previously-proposed deep excavations have been substantially reduced.

The Alternative CMP, as discussed in Section 8.2 of the DEIS, does not propose below grade service areas, parking garages, or basement levels. As such, excavations associated with the Alternative CMP would be relatively shallow (less than 10 feet) and are not anticipated to extend to the groundwater table. Therefore, dewatering is not anticipated for the Alternative CMP.

AL-4. The DEIS indicates that vehicular trip distribution for the Alternative CMP would be directed more to the area street network, as compared to Meadowbrook State Parkway and other highways under the proposed action. This would result in a much greater need under the alternative for physical modifications to intersections, including roadway widenings to accommodate additional lanes. The DEIS does not examine the degree to which such roadway widenings can be contained within existing rights-of-way or, more generally, whether they are feasible. This comment applies on a more limited basis to the proposed action, which would require physical modifications to intersections at fewer locations. (C96)

The TIS (Appendix 3.5-1 of the DEIS) evaluated the study intersections under the Alternative Development Plan and identified mitigation to address existing traffic conditions as well as site impacts in Section 9 thereof. Review of the identified mitigation indicates that there are three locations where the mitigation may not be able to be accommodated in the existing public right-of-way, including:

- › Front Street at Merrick Avenue (Loc #19)
- › Old Country Road at Merrick Avenue/Post Avenue (Loc #29)

- › Jericho Turnpike at Post Avenue/Post Road (Loc #57)

At these three locations, should the Alternative Development Plan progress to development, the available right-of-way will be assessed in more detail in the early stages of preparing the roadway improvement plans and, if necessary upon consultation with the appropriate regulatory agencies, alternative mitigation measures will be evaluated.

The mitigation and site access improvements identified for the proposed Integrated Resort can be constructed completely within public right-of-way and property boundaries.

AL-5. The DEIS does not indicate whether the Alternative CMP would seek LEED certification as is the case for the proposed action. (C96)

As with the proposed Integrated Resort, the Alternative CMP would seek LEED certification (minimum of LEED Silver with target of LEED Gold).

AL-6. Regarding the MFM Compliant Plan, it is not clear whether the \$241 million lease fee presumes that development of the subject property would occur at a density that is significantly greater than what is permitted under the MFM zoning and whether the lease fee would be substantially lower if it were assumed that the development plan would be in conformance with current zoning requirements. (C96)

As explained in Section 8.3 of the DEIS:

The MFM-Compliant Plan has substantially less building square footage than the proposed Integrated Resort. Given the substantial non-recoverable investments that Sands has made, including the \$241 million paid for the private lease, as discussed in Section 2.3.3, Proposed Integrated Resort Application History); the financial commitments that Sands has made (even in the condition where a gaming license is not awarded, as explained in Section 8.2.8, above); and the costs associated with redevelopment of the Coliseum site, it is not feasible for Sands to develop a plan that fully conforms to the prevailing MFM Zoning District as there would not be sufficient yield to support the investments made... (emphasis added)

As stated in the DEIS, Sands has already paid for this lease. This is not a contract situation where the cost of the lease is tied to any particular zoning, level of development, or density.

AL-7. The DEIS (page 670) states that "Based on comments received during the scoping process, the Final Scope required that an MFM-Compliant Plan be included as part of the analysis of alternatives." It seems difficult to rationalize that the scoping document was revised in this manner merely to dismiss that such an alternative is infeasible; this explanation could directly have been provided in the Final Scope. Furthermore, this approach to addressing a zoning-compliant alternative is not consistent with the June 2009 DGEIS that was prepared for the Lighthouse proposal, which presented a detailed impact analysis of alternative development under the single-family residential zoning that was in place at that time for the subject property, even though the DGEIS specifically recognized that this development scenario was infeasible for the project sponsor. The manner in which *The SEQOR Handbook* addresses the inclusion of a zoning-

compliant alternative in a DEIS supports the provision of meaningful impact analysis, without considering whether or not such a development is feasible for the Lessee, as follows (NYSDEC, 4th Edition, 2020, page 119):

When is it appropriate to include a discussion of alternative uses or types of actions in an EIS?

Consideration of an entirely different use or action may be reasonable in the following circumstances:

The proposed action does not conform to the current zoning of the site, in which case comparison to the use allowed under the existing zoning may be informative...

In consideration of the foregoing, it is believed that an expanded discussion of the MFM-Compliant Alternative is warranted to examine impacts in a similar manner as presented in the DEIS for the No Action Alternative and Alternative CMP (without a casino) and as was addressed in the Lighthouse DGEIS. As suggested by *The SEQR Handbook*, such detail would be “informative” in that it would provide a useful frame of reference for evaluating the magnitude of development associated with the zoning revision that is under consideration, while still allowing the Lessee to make the case for rejecting this alternative as being infeasible for implementation. In the absence of adequately demonstrating that an MFM-compliant alternative would not be reasonable, such an alternative should be analyzed. (C59)(C61)(C96)

As explained in the response to comment PA-5, comparing the proposed Integrated Resort project to the Lighthouse project and its associated SEQR documents is not appropriate.

Also, the SEQR-regulations (6 NYCRR §617.9[b][5][v]) are clear that an environmental impact statement must include:

(v) 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.
(emphasis added)

The MFM-compliant plan was evaluated in both Sections 3.4 (*Land Use, Zoning and Community Character*) and 8.3 (*Alternatives and Their Impacts*) of the DEIS. An MFM-Compliant Plan was also prepared, which maximized potential density and fully-complied with all requirements of the MFM Zoning District, as shown in Table 148 of the DEIS, and depicted on Figure 23 in Section 3.4.2 of the DEIS.

Based on the analyses conducted in Sections 3.4 and 8.3 of the DEIS, Section 8.3 concluded that:

The MFM-Compliant Plan has substantially less building square footage than the proposed Integrated Resort. Given the substantial non-recoverable investments that Sands has made, including the \$241 million paid for the private lease, as discussed in Section 2.3.3 [of the DEIS], Proposed Integrated Resort Application History); the financial commitments that Sands has made (even in the condition where a gaming license is not awarded, as explained in Section 8.2.8, ...[of the DEIS]); and the costs associated with redevelopment of the Coliseum site, it is not feasible for Sands to develop a plan that fully conforms to the prevailing MFM Zoning District as there would not be sufficient yield to support the investments made. As indicated above, there has

never been a project developed or proposed under the MFM Zoning District that has not required relief from various provisions of that district. Accordingly, an MFM-Compliant Plan alternative is not feasible for Sands to pursue, and given that this alternative is not feasible, no further analysis is required.

- AL-8. If a casino license is not issued, can the amount of developer funding earmarked for community benefits be adjusted downward so that the developer can build a smaller alternative development concept at the site that is more consistent with the type of development envisioned in the Nassau County Master Plan. The alternative concept plan in the DEIS attempts to achieve economic viability by expanding the footprint of proposed uses other than a casino and adds uses such as residential and office development. (C59)**

See response to comment PA-8 in the chapter of this FEIS entitled *Proposed Action*. The Community Benefit requirements for both the proposed Integrated Resort and the Alternative Plan are set forth in the proposed lease and specify that the community benefits payments are \$4.0 million per year, if a gaming license is granted, or \$2.0 million per year upon substantial completion of development of an alternative plan (with no casino), if a gaming license is not granted.

- AL-9. The alternative without a gaming license also includes "entertainment retail," oddly the casino option does not. An explanation should be provided. (C59)**

The proposed Integrated Resort is anchored by entertainment uses, including the casino, a performance venue, and supportive retail space. However, the alternative without a gaming license does not include the entertainment uses proposed as part of the Integrated Resort. Accordingly, entertainment retail was included for the Alternative Development Plan.

- AL-10. No analysis of the potential parkway impacts has been included as part of the Alternative Development Scenario. Similarly, the improvements identified as part of the Alternative Development Scenario do not include any improvements on the parkways. Considering the potential additional traffic from the development is identified to be similar to the Casino Development traffic generation during the Weekday PM and Saturday Peak Hour it is not clear why an analysis of parkway impacts has not been conducted to assess potential need for improvements along the parkway associated with the Alternative Development Scenario. It is our opinion that this should be provided. (C59)**

See response to comment TP-61 in the *Transportation and Parking* chapter of this FEIS.

- AL-11. The DEIS maintains that site redevelopment of this 71.5-acre site will result in an increase of pervious surfaces from existing surface - about 7.4 acres - raising the total area of pervious surface to 15.7 acres. The no casino alternative has a greater amount of impervious surface than the option with a casino - consideration should be given to requiring the Lessee to reconfigure the alternative plan to provide the same amount of**

pervious surfaces as the preferred alternative. For the open space with casino option there are 3.4 acres and for the Alternate CMP there are 3.16 acres. It would seem that a rezoning to allow either of these uses (with or without casino) would enable the town to stipulate the amount of open space required. The town could ultimately require the same amount of open space regardless of use. The DEIS scenarios are based on and accommodate the layouts that the Lessee proposes. (C59)

If a casino license is not awarded to Sands and the Alternative CMP is pursued, Sands will work with the Town to increase the amount of pervious area to at least that provided under the proposed Integrated Resort plan.

- AL-12. Regarding Greenhouse Gases, the DEIS states that under the baseline redevelopment scenario, over 22,000 metric tons of CO₂ will be produced annually. This raises a question regarding CO₂ generation for the Alternative Redevelopment Strategies since related data was not provided. (C59)**

A comparison of the GHG projected to be produced by the proposed Integrated Resort and by the Alternative CMP is presented in Section 8.2.13.3 of the DEIS.

- AL-13. The Alternative CMP, like the proposed action, requires the addition of a water supply well to accommodate the Town of Hempstead's existing theoretical deficit. The functionality of either alternative (proposed action or Alternate CMP) is dependent on the results of the well conditions and the Town of Hempstead's infrastructure to provide adequate flow without negative impacts to the site or community. Sufficient information to make this determination has not been provided in the DEIS. (C59)**

Sands is committed to developing a public water supply well for either the Integrated Resort or the Alternative Plan. As explained in the responses to comments WR-10, WR-11, and WR-16, of this FEIS, the public supply well, in the location proposed, would provide adequate water without resulting in significant adverse effects to groundwater conditions.

- AL-14. In evaluating the traffic impacts of the Alternative CMP, the DEIS states that due to public transit use, "a reduction of five percent was applied to each individual land use." The DEIS fails to explain what type of public transit would be used and what data is driving that conclusion. The DEIS fails to explain what the five percent is applied to: gross trips, peak trips, trips to the subject property or from it. The DEIS fails to explain the basis for the five percent figure. Would a shuttle be provided to the train considering the 500 apartment units that would be proposed in the Alternate Development Scenario? What are the specific peak hours of traffic being analyzed for the Alternative Development Scenario? (C59)(C61)**

See responses to comments TP-62 and TP-63 in the *Transportation and Parking* section of this FEIS. Table 79 in Section 9 of the TIS (Appendix 3.5-1 of the DEIS) on Page 174 indicated the application of the 5 percent transit use. As can be seen in Table 79, the credit was taken after the effect of internal capture and applied to entering and exiting trips.

- AL-15. The “no action” alternative in the DEIS fails to take into consideration the existing 42-Year Lease, which provides for a range of potential levels of activity at the Coliseum site. The “no action” alternative assumed that the Coliseum property would continue to function as it currently does, with minimal activity, or would continue to decline. The existing 42-Year Lease requires that, at least for the first two years of the lease, the Coliseum will operate in a manner “reasonably consistent with past practice.” As noted in Section 2.2.4 of the DEIS, the level of activity associated with “past practice” could be quite significant if the site returns to the level of activity experienced in the mid-2000s through approximately 2015. On the other hand, the 42-year Lease allows the site to “go dark” starting in year three. The DEIS is silent regarding the potential range of activities at the site in the “no action” alternative and this analysis must be corrected to incorporate consideration of every scenario recently approved under the 42-Year Lease including the subdivisions and related additional uses. The DEIS claims that the no action alternative would not involve any demolition, construction, or redevelopment, and therefore remediation of asbestos-containing materials (ACM) and lead-based paint would not occur. However, under the 42-Year Lease, the property may be renovated, so long as it does not constitute “redevelopment.” Renovation likely would require the remediation of ACM and/or lead-based paint. (C61)(C60)**

Although the 42-year lease cited above is not part of this proposed action (see response to comment PR-2), as required by the SEQR regulations (specifically 6 NYCRR §617.9[b][5][v]) and the Final Scope issued by the lead agency, Section 8.1 of the DEIS includes an analysis of an alternative (i.e., the no-action alternative), where the level of development and activity on the Coliseum property and the Marriott Hotel property remain as is, consistent with historic use and the 42-year lease. As explained in Section 8.1 of the DEIS:

According to The SEQR Handbook..., the “no action” alternative is required to be discussed to:

...provide a baseline for evaluation of impacts and comparisons of other impacts. The substance of the no action discussion should be a description of the likely circumstances at the project site if the project does not proceed (page 120).

The no action alternative assumes that the Coliseum property and Marriott Hotel would either continue to function as they currently do, with minimal activity at the Coliseum (which is substantially underutilized). The no action alternative would not meet the objectives of Nassau County or Sands, as set forth in the proposed lease. The properties would remain in the MFM Zoning District, and they could be subject to future development proposals pursuant to such zoning. However, it is not possible to predict a future development scenario nor is it reasonable to speculate what development could occur, particularly on the Coliseum property. Nassau County would continue to own the property on which the Nassau Veterans Memorial Coliseum and Marriott Hotel sit, and it is assumed for this analysis that the Marriott Hotel would remain at its current operating level, and that activity at the Coliseum property would continue to decline.

Section 8.1 then provides an evaluation of impacts associated with this alternative.

AL-16. The DEIS should provide alternative plan details if the State does not grant to project's game license. (C14)

Section 8.2 of the DEIS includes an alternative entitled "Alternative CMP" which identifies and provides an environmental evaluation of a plan that assumes a gaming license is not awarded. Figure 59 and Appendix 8-1 of the DEIS include the Alternative CMP concept plan. As described in Section 8.2 of the DEIS, the Alternative CMP included the following program:

Table 38 – Alternative CMP Development Program

Proposed Use	Size (Square Feet)	Size (Other Units)
Residential	992,781	500 units
Retail	40,000	--
Restaurants	50,000	1,352± seats (estimated)
Hotel	631,794	500 keys
Performing Arts Center	147,865	3,600 seats
Multipurpose Recreational Facility	200,000	--
R&D Office Space	100,384	--
Medical Office Space	180,058	--
Veterans Memorial	23,031	--
TOTAL FLOOR AREA	2,365,913	--
Parking Structures*	1,938,221	5,099 spaces (in structures)* with 1,281 additional surface parking spaces, totaling 6,380

*Includes basement, ground level parking areas, and above grade parking structures.

AL-17. Is a 200,000 sq.ft. arcade actually reasonable in the Alternative Development Plan? (C59)

As depicted in the CMP for the Alternative Development Plan in the DEIS, this 200,000-sf space is a Multipurpose Recreational Facility that would be comprised of arcade along with other retail and entertainment uses. The exact programming mix of the space has not been determined and would only be finalized if the gaming license is not secured and the Alternative Development Plan is proposed for implementation.

2.19 Growth-Inducing Aspects of the Proposed Action (GIA)

GIA-1. The growth inducement section of an EIS should 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, as well as setting a real or imagined precedent for more intense, taller development. While report (page 611) acknowledges growth-inducing impacts as small businesses in and around Nassau County are expected to benefit from the presence of the Integrated Resort, information is not provided as to how many of such businesses exist vs how many would be created. Have new (or expanded) businesses been included in counts of additional traffic, electricity, water use, etc.? (C59)

As required by the SEQR regulations (6 NYCRR §617.9[b][5][iii][d]) and further explained in *The SEQR Handbook* (pages 84 and 85), a DEIS must include:

(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. The draft EIS should identify and discuss the following impacts only where they are relevant and significant:

...(d) any growth-inducing aspects of the proposed action;...

- *The SEQR Handbook then goes on to provide various examples of growth inducement, such as: The extension of public utilities such as sewer and water into an agricultural area previously not serviced by these utilities may encourage non-farm development and undermine the area's agricultural base;*
- *The construction of a new interchange on a limited access highway may cause the construction of fast-food establishments, motels, and gasoline stations catering to highway travelers;*
- *The expansion of an existing sewage treatment plant may result in the construction of additional single-family homes and businesses within the plant's service area; or*

The SEQR Handbook goes on to provide guidance in how to assess whether growth inducement would be significant and/or adverse, as follows:

32. How can a lead agency assess the significance of growth inducement?

The method for determining the significance of an induced impact is the same as for any other impact. First, consider the likelihood that the proposed action may induce further development. Then, identify the type of activities and the impacts that would result and determine whether any of them may have a significant environmental effect.

When discussing potential growth inducement, it is desirable to quantify or at least estimate the anticipated growth, and to document predictions and data.

33. Is growth inducement always an adverse impact?

No. Growth in and of itself is not always negative. If the growth induced by a project is consistent with the applicable zoning laws and the community's comprehensive plan, it may be viewed as a positive impact that has been planned for and is beneficial to the community.

As required by the relevant section of the SEQR regulations and the guidance in *The SEQR Handbook*, Section 7.0 of the DEIS identified and evaluated the potential growth-inducing impacts of the various infrastructure mitigation measures and potential population growth that would be expected as a result of the development of the Integrated Resort (i.e., the public water supply well, the transportation improvements, the development of [or participation in the development of] an electric substation,¹¹⁹ and impacts associated with potential increased population due to potential relocation of employees to Long Island).

Section 7.0 also addresses, pursuant to the SEQR regulations and the guidance in *The SEQR Handbook*, the positive growth inducement that would be expected as a result of implementation of the proposed action, and explains, in pertinent part:

As explained in detail in Section 3.4, Land Use, Zoning and Community Character [of the DEIS], the legislative intent and purpose set forth in the PDD at Mitchel Field, the MFM Zoning District and the proposed MF-IRD, is to facilitate development/redevelopment of the land around the Coliseum in adherence to strategic planning principles. The underlying aim is to foster the redevelopment of the Mitchel Field area, which would serve as a stimulus for economic investment on the site and would also result in the economic growth and enhancement of the surrounding communities. The proposed Integrated Resort would result in the transformative redevelopment of the Nassau County-owned property to encourage and support sustainable economic growth and vitality within Mitchel Field and beyond. After several failed attempts at redeveloping the subject property and surrounding area, the proposed Integrated Resort would finally achieve the legislative intent of the MFM Zoning District and the proposed MF-IRD through Sands' significant investment in the proposed Integrated Resort, including in excess of \$5.0 billion in development costs (which would result in not only direct, but also indirect and induced economic impacts as explained in Section 3.9, Socioeconomics [of the DEIS]), hundreds of millions of dollars in annual gaming tax revenue (with guaranteed minimums to Nassau County and the Town of Hempstead), and substantial monetary investments in the surrounding community, through community benefits and various other commitments to other governmental and community organizations as documented in Section 2.4, Description of the Proposed Action [of the DEIS]

Additionally, as discussed in Section 3.4, Land Use, Zoning and Community Character [of the DEIS], the development of the subject property has been cited in various studies

¹¹⁹ As explained in response to comments CON-2 and EU-2 (and elsewhere in this FEIS), Sands has modified Phase 1 of its development and has explained that any development that may occur after the construction of Phase 1 would occur only as market conditions and demand allow. In its review of the revised Phase 1 plan, PSEG LI has confirmed that it has the ability to serve the revised Phase 1 without the need for a new substation (see **Appendix 2.16-1** of this FEIS).

as a regional hub and a catalyst for growth within the Town, County and region by a number of comprehensive plans and similar documents.¹²⁰ As described above, and throughout this DEIS, the purpose of the proposed Integrated Resort is to redevelop and reinvigorate the subject property with a world-class destination that would provide significant economic and community benefits for Nassau County, the Town of Hempstead, and the entire region, as envisioned in these local and regional plans.

Overall, the growth inducement and beneficial secondary economic impacts that are expected to result from the proposed Integrated Resort are consistent with the legislative intent of the PDDs at Mitchel Field, the MFM Zoning District, the contemplated MF-IRD, as well as various land use and planning studies.

- GIA-2. The DEIS fails to analyze how the Proposed Project would attract global travelers by leveraging Long Island’s unique heritage and tourism assets to convey Long Island’s rich contributions to American history, the arts, and culture, in accordance with the LIREDC 2016 Long Island Update. Instead, it states only that the Proposed Project’s celebrity chef restaurants, casino, spa, and entertainment programming would attract tourists from across the world to the site; there is no connection to Long Island’s history or its artistic and cultural contributions. This development will cause potential harm to our local tourism industry from the increase in traffic that will discourage visits to current destinations like the Hamptons/North Fork. If the County were to perform a comprehensive economic analysis, it would be clear that the casino’s many harmful impacts heavily outweigh any potential benefits. (C32)(C61)**

See the response to comment PA-12. As specifically related to tourism, Section 2.6 of the DEIS also explains that, as part of its extensive community outreach efforts, Sands has a working group of community members that are dedicated to Business Development and Tourism. The response to comment PA-18 explains how the commitments that Sands has made will be evaluated after the proposed Integrated Resort is constructed and operational. The suggestion that the proposed Integrated Resort would depress tourism in other parts of Long Island is speculative and unsupported.

- GIA-3. While Sands NY does not control zoning, Sands NY can state clear intention and advocacy support that this zone, if created with gaming approval, shall not be used as a precedent-setting action or legal basis to increase gaming zoning in future interpretations of Uniondale community zoning permissions by local government. Sands NY zone approval for gaming or casino use is to remain a singular and contained zone, and only existing at this Sands NY development site. (C57)**

The comment is accurate that Sands does not control zoning. However, as explained in responses to comments GIA-1, and Section 7.0 of the DEIS, it is expected that the growth-

¹²⁰ Nassau County Comprehensive Plan (1998); Nassau County Master Plan Update: Trends Analysis (2008); Hub Major Investment Study (2006); 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).

inducing impacts of the proposed Integrated Resort would be positive, as demonstrated by the analyses presented.

2.20 Unavoidable Adverse Effects (UAE)

UAE-1. The short-term effects evaluation only identifies construction related issues. This is totally unrealistic and very limited. Under long-term effects, Sands is offering funding to Nassau and Suffolk County, police, community, local schools, Town of Hempstead. These funding issues should be decided by elected officials. Also, why is there no mention about the change of aesthetic context and other social, demographic, visual, and zoning matters under long-term effects? (H24)(C59)

Pursuant to 6 NYCRR §617.9(b)(5)(iii)(b), a DEIS must identify “those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented,” and these impacts, both short-term and long-term, are identified and assessed in Section 5.0 of the DEIS. *The SEQOR Handbook* (page 78) provides guidance on the definitions of short-term and long-term impacts, as follows:

14. What are short and long-term impacts?

Short-term impacts are the immediate and temporary results of an action, for example, noise, dust, and truck traffic during construction of a building. Long-term impacts are the continuing impacts from an action over time; for example, impacts to community health from the long-term operation of an industrial plant with substantial air emissions or the commuting traffic resulting from the completion of a new office building.

In identifying and evaluating long-term impacts, it is important to understand that some impacts may have to be assessed in terms of significance over time. For example, while local water supply may be adequate to support the initial stages of a residential development, the supply may be inadequate to support that development at full build-out. (emphasis added)

Accordingly, the DEIS appropriately concentrated on construction-related impacts in its assessment of short-term impacts.

The DEIS included comprehensive analyses (i.e., descriptions of existing environmental setting, impacts of the proposed action, and identification of mitigation measures) for all of the following environmental issues:

- › Soils, Topography and Subsurface Conditions
- › Water Resources
- › Ecological Resources
- › Zoning, Land Use and Community Character
- › Transportation and Parking
- › Air Quality
- › Noise and Vibration
- › Public Health – Problem Gambling
- › Socioeconomics
- › Community Facilities and Services

- › Aesthetic Resources
- › Cultural Resources
- › Use and Conservation of Energy and Utilities
- › Greenhouse Gas Emissions, Climate Change and Sustainability.

With respect to the impacts on aesthetic/visual resources, demographics, land use and zoning, and myriad other relevant impacts that were evaluated, the DEIS presented comprehensive measures that are proposed by Sands to avoid or minimize significant adverse impacts. In compliance with the SEQR regulations, only those impacts that cannot be avoided are identified in the section of the DEIS entitled *Unavoidable Adverse Impacts*.

UAE-2. With respect to the unavoidable adverse impact of clearing 6.1 acres of vegetation along the parkways for off-site traffic mitigation, the DEIS needs to acknowledge that revegetating with native plants that alleviate air pollution as well as swales to filter rainwater and road runoff before it enters our waterways will help mitigate the impacts caused by the proposed development. Roadway edges, islands and medians are superb habitat for planting Common Milkweed to provide the above benefits. In addition, it's a host plant for the Monarch Butterfly which has declined so dangerously, it is now proposed for federal protection to save and restore the Monarch from threat of extinction. (C99)

Ecological impacts associated with off-site traffic mitigation is evaluated in Section 3.3.2.4 of the DEIS. With respect to the mitigation proposed along the parkways, that DEIS section indicates, in pertinent part:

...the approximately 6.1 acres of roadway improvements would result in disturbance to unvegetated, impervious surfaces (ECNYS Paved Road/Path community), while clearing of vegetated habitat would be limited to the ECNYS Mowed Lawn (unranked cultural community) and Successional Southern Hardwoods (demonstrably secure globally) communities. As such, the vegetation to be cleared would consist of mowed/maintained turf grasses within the roadway shoulders, and common trees, shrubs, and herbaceous plants within edge portions of the wooded parkway borders, in areas dominated by non-native/invasive trees, shrubs, and herbaceous plants. As such, the overall limited clearing of vegetation to occur within the Meadowbrook State Parkway and Northern State Parkway traffic mitigation sites would not result in removal of sensitive habitat or significant native plant associations. Moreover, in areas where edge portions of wooded habitat would be cleared, portions of the wooded borders would remain unaffected and continue to serve as vegetated buffers between the roadways and adjacent properties.

Due to the presence of non-native invasive plant species, low overall plant species diversity, disturbed conditions, and high levels of vehicular activity occurring along the adjoining busy parkway corridors, the vegetated portions of the proposed Meadowbrook State Parkway and Northern State Parkway traffic mitigation sites have low overall wildlife habitat value. Therefore, the limited clearing of vegetation to occur within the proposed traffic mitigation sites would not result in significant adverse impacts to local wildlife populations or habitats.

Thus, no significant adverse impacts to habitats, vegetation or other ecological resources are anticipated as a result of this mitigation. Notwithstanding the above, as Sands prepares design plans for this off-site mitigation for review by NYSDOT, it will consider revegetation with native plants, as appropriate and approved by NYSDOT.

2.21 SEQRA Procedure/Process (PR)

PR-1. The Nassau County Legislature’s meeting on the DEIS was not properly published. There was only a week’s notice of the meeting with written notices buried in fine print in *Newsday* or on the County website. There were no advertisements in the paper, on the County website, or Facebook or Instagram about the casino process, how to find more information, and how to get involved. Information on website is difficult to find and poorly labeled. There have not been any mailers, Town halls or letters to constituents. Furthermore, the DEIS was not accessible on the website prior to the hearing. Public hearings and comment periods must be extended and widely publicized to ensure that all stakeholders, especially local residents, have an opportunity to voice their concerns. The 45-day comment period provided to digest approximately 28,000 pages of material is woefully insufficient, particularly for a project of this magnitude. (H4)(H11)(C19)(C52)(C60)(C111)(C112)

The SEQRA regulations, at 6 NYCRR §617.12(c)(1), (2), and (5), require that (1) notice of completion of a DEIS be published in the New York State Department of Environmental Conservation’s *Environmental Notice Bulletin* (ENB) in a manner prescribed by the Department; (2) a notice of public hearing on a DEIS be published, at least 14 days in advance of the hearing date, in a newspaper of general circulation in the area of the potential impacts of the proposed action; and (3) a notice of hearing on a DEIS be published or caused to be published on a publicly-available website (that is free of charge).

In compliance with the foregoing requirements of 6 NYCRR §617.12(c)(1), (2), and (5):

1. Notice of the County Legislature’s “Notice of Acceptance of Draft EIS and Public Hearing” for the DEIS for the proposed action, as well as notice of the December 9, 2024 meeting and public hearing with respect to the DEIS and information on where the DEIS was available for review, were published in the *ENB* on November 27, 2024 (12 days before such meeting/public hearing);
2. The aforesaid “Notice of Acceptance of Draft EIS and Public Hearing” for the DEIS, which included notice of the December 9, 2024 public hearing on the DEIS, was published in *Newsday* – a Long Island newspaper of general circulation – on November 22, 2024 (17 days before such meeting/public hearing); and
3. The DEIS was made available on the County Legislature’s website (<https://www.nassaucountyny.gov/489/County-Legislature>), free of charge, on November 21, 2024, which was (a) the day after the Legislature had accepted the DEIS as complete and adequate for public review at its November 20, 2024 meeting, and (b) 18 days prior to the December 9, 2024 public hearing on the DEIS.

The home page of the County Legislature’s website prominently displays, in underlined orange text, a link to “Las Vegas Sands Nassau Coliseum Documents,” and further clearly states the December 9, 2024 date of the public hearing on the DEIS, specifies the January 21, 2025 end date for submission of written comments on the DEIS, and explains that such written comments may be submitted to specific e-mail or regular mail addresses dedicated to such comments. Clicking on the aforesaid prominent homepage link to “Las Vegas Sands Nassau Coliseum Documents” leads to a list of links to documents associated with the

proposed action. A link to the DEIS text and appendices is the very first item on the list of links to documents.

Since the DEIS was made available on the County Legislature's website on November 21, 2024, the County Legislature – in view of both the magnitude of the proposed action and the amount of public interest in the action -- officially accepted oral and written comments on the DEIS through January 21, 2025 (a total of 61 days), and this FEIS also addresses substantive comments on the DEIS that have been received after the specified January 21, 2025 end date for written comments on the DEIS.

Accordingly, contrary to the comment, the County Legislature met or exceeded all requirements of the SEQRA regulations for publication of both notice of completion of the DEIS and notice of the public hearing on the DEIS. Moreover, the County Legislature, by providing an extended period of 61 days for receipt of public comments on the DEIS, and addressing substantive comments received even beyond those 61 days, provided extensive opportunity for stakeholders and residents to express their opinions. In fact, as a result of the County Legislature's efforts, thousands of comments were provided during the public hearing and public comment period on the DEIS, as reflected in the body of this FEIS and its appendices. Furthermore, the County Legislature will provide a public consideration period for this FEIS, in conformance with 6 NYCRR §617.11(a), prior to issuing its Findings Statement on the proposed action.

- PR-2. The DEIS is being developed in the context of a fundamentally flawed SEQRA process. The County has again improperly segmented the casino project into multiple leases to avoid evaluating the full environmental impacts. The DEIS only analyzes the casino project lease and not the 42-year lease already approved by the County that gives Sands the possession and site control required to advance zoning applications and secure approvals for the Casino. It failed to define a proper "no action baseline" against which to measure the impacts of the 42-year lease, thereby ignoring potentially significant impacts and making the conclusion drawn in the negative declaration, arbitrary and capricious. (H18)**

The 42-year lease, which does not contemplate nor authorize the casino project or any redevelopment of the project site, was properly the subject of a separate environmental review. The 42-year lease is not related to the discretionary actions that are the subject of this EIS because it is not a prerequisite or otherwise required for any of those discretionary actions. The County is a co-applicant for the zoning applications required for the proposed project, and for that and other reasons, the 42-year lease is not required to advance zoning applications or secure approvals for the proposed project. The negative declaration issued by the County for the 42-year lease is outside the scope of this EIS.

- PR-3. The environmental impacts should be separately studied for 1) Phase I construction; 2) Phase I completion without any additional construction; 3) Phase 1 completion with Phase 2 construction and 4) Phase 1 and 2 Completion. We note that the anticipated completion for Phase 1 is 2026 and the anticipated completion for Phase 2 is 2030, leaving at least four years where the casino and one parking garage will be the only completed development. The potential impact of a casino only development should be**

analyzed separately insofar as the environmental impacts and the individuals expected to utilize a casino only development may be quite different than a development with other amenities (e.g., hotel, entertainment venue, etc.). (C59)

This comment was raised during the scoping process for the DEIS. As explained in the Final Scope issued by the Nassau County Legislature, as lead agency:

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.

Accordingly, the Final Scope required that the DEIS be prepared:

...in accordance with the Final Scope promulgated by the lead agency and consistent with 6 NYCRR §617.9(b)...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. (emphasis added)

The DEIS complied with the analysis requirements of the Final Scope (i.e., Phase 1 construction, full-build, and construction phasing impacts), and also addressed the phasing comment raised during the scoping process (see Section 2.4.3 of the DEIS):

The Integrated Resort is proposed to be constructed in two phases (see Phasing Exhibit in Appendix 2-1 [of the DEIS]) Phase 1, expected to commence construction in 2026 and be completed at the end of 2027, consists of the remodeling of the Coliseum to adaptively reuse as casino space with supportive services (e.g., food and beverage, limited retail, circulation, support operations). Various site and arrival improvements would be made, and one of the proposed three parking garages would be constructed, along with one of the central utilities plants (which would be housed within Parking Garage A) and the police substation. During the public scoping process for the DEIS, comments were raised regarding why the casino was being developed in Phase 1 and what would happen if only Phase 1 was developed. However, this condition would not occur, as construction of Phase 2 (described below) would commence within six months of the commencement of construction of Phase 1 (see Section 3.15-1, Construction [of the DEIS]). Thus, there would be considerable overlap between the construction of Phase 1 and Phase 2. Furthermore, as explained in Section 3.5, Transportation and Parking [of the DEIS], as well as Appendix 3.5-1 [of the DEIS], Sands proposes to implement all required intersection mitigation for the Full Build condition during the Phase 1 construction period so that Full Build intersection mitigation is in place for Phase 1 opening, subject to approvals from the agencies having jurisdiction over the affected roadways. (emphasis added).

In addition, the gaming license application to be submitted by Sands would include phased development, which if awarded a gaming license, Sands would be required to develop in its entirety.

Thus, the DEIS addressed the comments raised, with the exception of the Phase 1 without any additional construction condition, as that condition could not occur.¹²¹

¹²¹ Also, since the time of DEIS preparation, Sands has revised its proposed phasing, as presented and evaluated in response to comment CON-2.

2.22 Non-SEQR Comments (NS)

- NS-1. It would be appropriate for the EIS to evaluate the potential for the proposed casino to prompt or enable societal problems and the impacts of these societal problems, (i.e. alcohol abuse, addiction, drunk driving, crime, property values, human trafficking, etc.). The inevitable increases in crime and problem gambling that will arise once the third-largest casino in the country is built in Nassau County will have significant adverse impacts on community character. (H23)(C1)(C2)(C8)(C10)(C13)(C14)(C30)(C32)(C33)(C40)(C41)(C44)(C49)(C59)(C60)(C61)(C65)(C66)(C67)(C72)(C73)(C75)(C76)(C77)(C78)(C79)(C81)(C84)(C85)(C86)(C89)(C94)(C95)(C96)(C97)(C98)(C101)(C102)(C105)(C108)(C117)(C119)**

As explained in the Final Scope promulgated by the lead agency (Appendix 2-6 to the DEIS):

Various comments [on the Draft Scope submitted by Sands] 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 (FNYSDEC, 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.

Even though the aforementioned social factors are "inappropriate for inclusion in an EIS," on December 12, 2024, on behalf of Sands, Greenberg Traurig made a 66-page submission to the Nassau County Legislature that addressed "various comments regarding the potential for the proposed Integrated Resort to affect various quality-of-life and legal compliance issues, including increases in crime, human trafficking, money laundering and others." That submission is included in **Appendix 2.22-1** of this FEIS.

- NS-2. Will the entire Sands casino, entertainment center, hotels and garages be smoke free? (C107)**

Yes, smoking would only be permitted outside at designated areas.

- NS-3. What influence will this have on Jakes 58 in Suffolk, Resorts at JFK, Aqueduct, in addition to other down state proposals for Casinos in NYC including nearby Citi Field? We will become oversaturated and overrun by these projects. (C19)**

Similar to societal issues, the issue of competition is not a valid SEQR issue. As explained in The SEQR Handbook (NYSDEC, Fourth Edition, 2020) at page 114:

Purely economic arguments have been disallowed by the courts as a basis for agency conclusions when concluding a SEQR review by developing Findings. Therefore, potential effects that a proposed project may have in drawing customers and profits away from established enterprises (commonly known as "competitive impacts"), a possible reduction of property values in a community, or a potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors.

Also, as explained in Section 2.5 of the DEIS:

Potential licensing for Sands is a competitive process. On January 3, 2023, the New York State Gaming Facility Location Board issued a REQUEST FOR APPLICATIONS TO DEVELOP AND OPERATE A GAMING FACILITY IN NEW YORK STATE (RFA) for up to three downstate casinos.

Thus, the Gaming Facility Location Board's application process is designed to be competitive. The proposed Integrated Resort is part of the Downstate New York RFA process, where the state plans to issue up to three full-scale casino licenses. The main goals are to boost the economy and bring gaming revenue to downstate New York that is currently going out of state. These new casinos aim to increase activity and visitors in their areas. In a comprehensive analysis commissioned by the New York State Gaming Commission, Spectrum Gaming Group evaluated New York State's gaming market, focusing on the downstate region.¹²² This study, which was completed in January 2021, examined various gaming facilities such as Indian casinos, video lottery terminals at racetracks, and commercial casinos.

The primary goal of the report was to determine if downstate New York was underserved in terms of full-scale commercial casino gaming. The study assessed market demand, revenue potential, and competition from neighboring states to evaluate the justification for expanding casino operations in the region. The report concluded that downstate New York was an underserved market with significant potential for casino expansion. It identified strong market demand, substantial revenue potential, and a competitive gap compared to neighboring states, supporting the state's decision to issue up to three full-scale casino licenses.

NS-4. Page 381 of the DEIS indicates that NCDPW would receive a projected \$8.75 million fee for the GM §239-F review of the subject application. It should also be noted that fees, yet to be quantified, would be due to the Town of Hempstead for site plan review and building permits. (C96)

The comment is noted.

¹²² Spectrum Gaming Group. *Gaming Market Study: State of New York* (January 2021). Available at: <https://www.spectrumgamingcapital.com/wp-content/uploads/2021/05/Spectrum-New-York-Gaming-Study-Main-Report-Final.pdf>

3

Errata Sheet

The following provides the modifications to the DEIS and/or the Traffic Impact Study (TIS) (contained in Appendix 3.5-1 of the DEIS), based upon comments received on the DEIS. It also provides the FEIS comment that relates to the edits made. Text removal is shown with ~~strike-outs~~, and text additions are shown in **bold text**.

FEIS Comment LUZ-3, item d: The label for the Maximum Non-Residential/Mixed-Use Building Height in this table (Table 28) has an asterisk which should be defined if, for example, it is intended to point to a note that has been omitted

Response: The asterisk is extraneous and should have been removed. No definition is needed.

Modification of DEIS, Page 204:

Table 28 - Compliance of the Proposed Action with MF-IRD

Parameter	Permitted/Required	Provided by Proposed Action
Floor Area Ratio (maximum)	1.6	1.0
Non-Residential/Mixed-Use Building Height* (maximum)	250 feet	95 feet
Hotel Building Height (maximum)	280 feet	278 feet
Parking Structure Height (maximum)	95 feet	95 feet
Front Yard (minimum)	10 feet	41.87 feet
Rear Yard (minimum)	10 feet	65.5 feet
Public Open Space (minimum)	3.0% (112,755 square feet)	3.9% (147,952 square feet)
Parking (minimum)	12,411 spaces	12,450 spaces
Loading (minimum)	24 spaces	24 spaces

FEIS Comment AQ-6: Nassau County is in attainment for CO as of 2022. The County is specified as being a maintenance area in DEIS Section 3.6.1.3. Nassau County is no longer designated as a maintenance area for CO.

Response: 40 CFR 81 is the official designation of attainment for the country, and New York is listed in §81.333. These designations are promulgated through the Federal Register and go through all regulatory procedure. The USEPA's online Green Book is a summary of all these designations and is arranged in a much simpler way than the regulations. The Green Book lists Nassau County as a "maintenance" area for CO. However, "maintenance" areas are applicable only to federally-funded projects in determining General Conformity. So, although it is not technically incorrect to refer to Nassau County as "Attainment-Maintenance," the "maintenance" designation is irrelevant for non-federally-funded projects. Thus, Nassau County is in Attainment for CO for the purposes of this analysis.

Modification of DEIS, Page 282:

Currently, Nassau County is **in attainment for CO, and is** a maintenance area for ~~CO and~~ PM_{2.5}.

FEIS Comment TP-48, Item a.: Saturday Midday Peak Hour – For Location 108A (Meadowbrook State Parkway SB Mainline South of Zeckendorf Boulevard), the combined trip assignment volumes and 2030 No-Build traffic volumes for the eastbound through movement do not sum correctly. The figure should be updated and it should be ensured that site-generated traffic volumes are properly incorporated into the No-Build traffic for all peak periods to develop accurate 2030 future traffic volumes.

Response: There was an error at Node 108A on figures E-2a, E-9g-2, F-2a, E-6g-3, E-4a, E-9g-4, and E-9g-5 of the TIS (Appendix 3.5-1 of the DEIS). That error was not carried through spreadsheets or analyses presented in the TIS. Thus, the error had no effect on the analysis results. Corrected figures are provided in **Appendix 3-1** of this FEIS.

DEIS Edit – During preparation of responses to traffic comments in the FEIS, errors were found on summary traffic tables in Section 3 of the TIS (Appendix 3.5-1 of the DEIS). These errors occurred when transferring results from the spreadsheets to the summary tables. However, these summary table errors were not on the spreadsheets used in the traffic analyses, and thus, did not affect the results of any of the analyses in the TIS. The summary tables have been corrected and are included in **Appendix 3-2** of this FEIS.

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Glossary

Acronym/Abbreviation	Phrase
ACM	Asbestos-Containing Material
AL	Alternatives
AQ	Air Quality
AR	Aesthetic Resources
AST	Aboveground storage tank
bgs	Below Ground Surface
BMP	Best management practice
BRT	Bus rapid transit
CBA	Community Benefits Agreement
CBP	Community Benefits Program
CCWPCP	Cedar Creek Water Pollution Control Plant
CDP	Census Designated Place
CED	Colliers Engineering & Design
CEQR	City Environmental Quality Review
CF	Community Facilities and Services
CHASP	Construction Health and Safety Plan
CI	Cumulative Impacts
CMP	Conceptual Master Plan
CO	Carbon monoxide
CON	Construction
CR	Cultural Resources
CSCO	Commercial Soil Cleanup Objectives
CU	Commercial Use
CUP	Central Utilities Plant
DEIS	Draft Environmental Impact Statement
DR	Demand response
EB	Eastbound
EC	Ecological Resources
ECNYS	Ecological Communities of New York State
ENB	Environmental Notice Bulletin
ESA	Environmental Site Assessment
ESI	Environmental Site Investigation
FAR	Floor area ratio
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GAC	Granular activated carbon
GBCI	Green Building Certification Inc.

Acronym/Abbreviation	Phrase
GGR	Gross Gaming Revenues
GHG	Greenhouse Gas Emissions, Climate Change and Sustainability
GIA	Growth-Inducing Aspects of the Proposed Action
gpm	Gallons per minute
GW	Groundwater
Hub MIS	Nassau Hub Major Investment Study Final Report
HUD	Housing and Urban Development
HVAC	Heating, air conditioning and ventilation
ICRG	International Center on Responsible Gambling
IOS	Initial operating segment
ITE	Institute of Transportation Engineers
Ldn	Day-Night Average Sound Level
LEED	Leadership in Energy and Environmental Design
LICAP	Long Island Commission for Aquifer Protection
LIREDC	Long Island Regional Economic Development Council
LIRR	Long Island Rail Road
LOS	Level of Service
LPA	Locally preferred alternative
LUZ	Land Use, Zoning and Community Character
MEP	Mechanical, Electrical, and Plumbing
MF-IRD	Multi-Family Integrated Resort District
mg	Million gallons
mg/kg	Milligrams per kilogram
MGD	Million gallons per day
MHD	Medium- and heavy-duty
MMRC	Meczka Marketing Research Consulting
MOU	Memorandum of Understanding
MS	Miscellaneous
MSKCC	Memorial Sloan Kettering Cancer Center
MSP	Meadowbrook State Parkway
MVA	Megavolt-amperes
NAAQS	National Ambient Air Quality Standards
NB	Northbound
NCC	Nassau Community College
NCDH	Nassau County Department of Health
NCDPW	Nassau County Department of Public Works
NCTM	Nassau County Tax Map
NEC	Nassau Events Center
NHD	National Hydrography Dataset
NIH	National Institutes of Health
NO ₂	Nitrogen dioxide
NO _x	Nitrogen Oxide

Acronym/Abbreviation	Phrase
NS	Non-SEQR Comments
NSP	Northern State Parkway
NV	Noise and Vibration
NYCRR	New York Codes, Rules and Regulations
NYNHP	New York Natural Heritage Program
NYSDAM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
NYSERDA	New York State Energy Research and Development Authority
OE	Oxford Economics
OPD	Other Planned Development
OPRHP	Office of Parks, Recreation and Historic Preservation
PA	Description of the Proposed Action
PCBs	Polychlorinated Biphenyls
PCE	Tetrachloroethane
PDD	Planned Development District
PH	Public Health – Problem Gambling
PILOT	Payment in Lieu of Taxes
PM	Particulate matter
PM ₁₀	Particulate matter 10
PM _{2.5}	Particulate matter 2.5
PML	Pari-Mutuel Wagering and Breeding Law
ppt	Parts per thousand
PPV	Peak particle velocity
PR	SEQRA Procedure/Process
PV	Photovoltaic
pvphpl	Passenger vehicles per hour per lane
RCRA	Resource Conservation and Recovery Act
RFA	REQUEST FOR APPLICATIONS
ROW	Right-of-Way
SAB	Scientific Advisory Board
SB	Southbound.
SCO	Soil Cleanup Objective
SE	Socioeconomics
SEQRA	State Environmental Quality Review Act
SF	Square Feet
SHWS	State Hazardous Waste Site
SIR	Site Inspection Report
SO ₂	Sulfur dioxide
SOC	Standard Occupational Classification
SPDES	State Pollutant Discharge Elimination System

Acronym/Abbreviation	Phrase
SSWRF	South Shore Water Reclamation Facility
ST	Soils, Topography and Subsurface Conditions
SUNY	State University of New York
SUP	Shared use path
SWPPP	Stormwater Pollution Prevention Plan
TCE	Trichloroethene
TDM	Transportation Demand Management
TEM	Transportation Environmental Manual
TIS	Traffic Impact Study
TMC	turning movement count
TOD	Transit Oriented Development
TP	Transportation and Parking
UAE	Unavoidable Adverse Effects
UCE	Use and Conservation of Energy and Utilities
UFSD	Union Free School District
UIC	Underground Injection Control
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Survey
UST	Underground Storage Tanks
UU	Unrestricted Use
UXO	Unexploded Ordnance
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WB	Westbound
WPCP	Water Pollution Control Plant
WPV	Win per visit
WR	Water Resources
ZEV	Zero Emission Vehicle