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COUNTY OF SUFFOLK

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August 11, 2015

Mark Gearan, Chair
New York State Gaming Commission
PO Box 7500
Schenectady, New York 12301-7500

Dear Mr. Gearan:

It has been brought to my attention that Tulio Bertoli, Planning Commissioner for the Town of Brookhaven has submitted a lengthy response to the Part 1 Long Environmental Assessment Form (EAF) document submitted to them as part of the SEQRA process for the proposed OTB Medford Video Lottery Terminal Facility.

I appreciate that the Town Planning Department has documented several issues in their response including those relating to stormwater retention, parking, traffic and lighting. As you are aware, many of these points have been raised by the surrounding community and myself over the past year and it was my hope they would have been addressed during the course of a traditional site plan review. This letter makes it abundantly clear that the project, as currently designed, is not in compliance with multiple sections of Brookhaven Town code and is not in keeping with the character of the Medford community.

While I continue to believe that as a matter of law set forth in Section 1003(2)(f) of the New York State Racing, Pari-Mutuel, Wagering and Breeding Law that a formal application should be submitted, even absent that requirement, because this project is being proposed by a public benefit corporation, the strictest standards be they wastewater or local zoning and land use regulations should be imposed. While I can be sure that the Suffolk County Department of Health Services will hold the Off-Track Betting Facility to its strict standards since we have required them to submit to the review and permit process, the same has not occurred in Brookhaven Town. Absent a full review by the Town of Brookhaven's planning, building and traffic experts as done in a typical site plan application and public Planning Board review, I remain doubtful that the project will meet those strict standards as evidenced by Commissioner Bertoli's letter. In fact, I cannot see how the Town can ever issue a Certificate of Occupancy or

letter confirming local compliance, which the Commission has made if very clear will be necessary before the proposed facility can operate.

Additionally, I disagree with the Suffolk County Regional OTB Gaming Commission taking Lead Agency Status in the SEQRA process. The SCROTB holds no land use power, has no oversight over wastewater and it has not engaged community groups as part of a site plan review process. Further, the President and Vice President for SCROTB have made numerous comments in public that this project will receive a Negative Declaration during the SEQRA process. It seems to me that since these comments were made over six months ago, they have a forgone conclusion and I have no confidence in the process as long as they operate as Lead Agency.

I look forward to receiving your response, and hope that the NYS Gaming Commission ensures that the residents of Medford receive a full and public review process including SEQRA as well as compliance to all local ordinances.

Sincerely,



Robert Calarco
Suffolk County Legislator, 7th LD

CC: Phil Nolan, President, Suffolk Regional Off-Track Betting Corporation
Thomas Croci, NYS State Senator
Dean Murray, NYS Assemblyman
Supervisor Edward Romaine, Town of Brookhaven
Councilwoman Valerie Cartright, Town of Brookhaven
Councilwoman Jane Bonner, Town of Brookhaven
Councilman Kevin LaValle, Town of Brookhaven
Councilwoman Constance Kepert, Town of Brookhaven
Councilman Neil Foley, Town of Brookhaven
Councilman Daniel Panico, Town of Brookhaven
Medford Taxpayer & Civic Association
Medford Chamber of Commerce