The Coney Community Advisory Committee

Member Book

July 22, 2025

Contents:

- Meeting Notice & Agenda
- Proposed Resolution 25-01 – Public Access to Meetings of the Community Advisory Committee
- Proposed Resolution 25-02 – Administration of the Freedom of Information Law by the Community Advisory Committee
- Model Rule Text: Public Access to Meetings of the Community Advisory Committee
- Model Rule Text: Administration of the Freedom of Information Law by the Community Advisory Committee
- PML Section 1321-D (language regarding Community Advisory Committees

Meeting Notice & Agenda

For Immediate Release: July 18, 2025

***** PUBLIC NOTICE AND MEDIA ADVISORY *****

WHAT: Meeting of The Coney Community Advisory Committee

WHEN: Tuesday, July 22, 2025 at 11 a.m.

WHERE: PRIMARY LOCATION
ADDRESS

***** OPEN PRESS *****

ORGANIZATIONAL MEETING AGENDA

1. Call to Order and Establishment of Quorum
2. Consideration of Resolution: Appointment of Community Advisory Committee Chair
3. Brief Introduction and Task Overview
4. Best Practices Resolution Consideration
    a. Open Meetings Law
    b. Freedom of Information Law
5. Consideration of Schedule and Timeline
6. Adjourn

IMPORTANT NOTES REGARDING THIS MEETING

The meeting will be webcast at The Coney Community Advisory Committee website.

There is no public comment portion at this meeting and space is limited. Members of the public are encouraged to view the proceedings via webcast.

Public seating is very limited and available on a first-come, first-serve basis. To ease entry to the meeting space, those who wish to attend the meeting in person should email TheConeyPublicComment@nystec.com by 5 p.m. on Monday, July 21, 2025.

The meeting book of material to be discussed at the meeting may be found online.

The recording and transcript of the meeting will be posted on The Coney Community Advisory Committee website as soon as possible after the meeting.

PUBLIC HEARINGS AND COMMENTS ON THE CONEY

Public Hearings on The Coney: The Coney Community Advisory Committee will soon hold public hearings to hear and receive comments regarding The Coney. Details will be announced once they are finalized.

Written Comments on The Coney: Members of the public are encouraged to submit written comments to the Community Advisory Committee regarding The Coney via:

Email: TheConeyPublicComment@nystec.com

Standard mail: Attn: The Coney Community Advisory Committee

NYSTEC
Attn: CAC Consultant Team
540 Broadway
3rd Floor
Albany, New York 12207

All comments received regarding The Coney will be reviewed by the Committee.

While there is no deadline for submitting comments, please note that Community Advisory Committees must complete their work by September 30, 2025. Those wishing to submit comment are advised to do so with adequate time for Committee review and consideration.

Previously submitted comments regarding The Coney that were sent to the Gaming Commission and/or Gaming Facility Location Board will be provided to the Committee for consideration.

ADDITIONAL INFORMATION AND UPDATES

Application Material for The Coney may be found at https://nycasinos.ny.gov/coney-application-materials

Information regarding The Coney Community Advisory Committee may be found at The Coney Community Advisory Committee website.

The NYS Gaming Commission's social media will promote all Community Advisory Committee events.

- Facebook
- X (formerly Twitter)
- Bluesky

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Proposed Resolution 25-01 – Public Access to Meetings

Resolution No. 25-01

PUBLIC ACCESS TO MEETINGS OF
FREEDOM PLAZA COMMUNITY ADVISORY COMMITTEE

WHEREAS, N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1321-d. 3. (c) specifies that the activities of a community advisory committee constituted pursuant to § 1321-d shall be subject to the open meetings provisions contained in article seven of the N.Y. Public Officers Law, and

WHEREAS, the N.Y.S. Committee on Open Government has developed Model Rules for Public Bodies to assist public bodies comply with such law; and

WHEREAS, these Model Rules offer guidance on conducting open meetings, allowing for public attendance, recording, and participation, as well as handling executive sessions.

RESOLVED, that the Freedom Plaza Community Advisory Committee adopts the Model Rules for Public Bodies, as adapted for this body.

VOTE:

Member Name	***Aye***	***Nay***	***Abstain***	***Absent***

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Freedom Plaza Community Advisory Committee conducted on July 17, 2025.

_____

Chair

Model Rule Text: Public Access to Meetings of the Community Advisory Committee

Model Rules for Public Access to Meetings of a Community Advisory Committee

Section 1. Purpose and scope:

a. The people's right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of meetings of public bodies must be protected and maintained.

b. This Community Advisory Committee adopts these guidelines in order to provide direction concerning the procedures by which public meetings of this public body may be photographed, recorded and broadcast.

Section 2. Recording and Broadcasting Public Portions of Meetings:

a. The public portion of any meeting of a public body may be photographed, recorded and broadcast.

b. A public body may adopt reasonable rules governing the location of equipment and personnel used to photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process.

c. There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.

Section 3. Rules for Recording and Broadcasting Public Portions of Meetings:

a. Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.

b. Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.

c. Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.

d. Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.

e. Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.

f. Use of equipment necessary to photograph, record and/or broadcast a meeting shall not be limited to a location from which such equipment is not reasonably capable of photographing, recording and/or broadcasting.

g. Persons operating equipment necessary to photograph, record and/or broadcast shall be given a reasonable opportunity to modify their actions in order to avoid interference with the deliberative process.

Section 4. Public notice:

These rules governing the operation of equipment necessary to photograph, record or broadcast a meeting shall be posted in a designated location. Written copies of such rules shall be provided upon request, free of charge, to those in attendance at or who seek to attend a meeting.

Section 5. Severability:

If any provision of these guidelines or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Proposed Resolution 25-02 – Administration of the Freedom of Information Law

Resolution No. 25-02

ADMINISTRATION OF THE FREEDOM OF INFORMATION LAW BY FREEDOM PLAZA COMMUNITY ADVISORY COMMITTEE

WHEREAS, N.Y. Public Officers Law Article 6 requires that agencies, as such term is defined, make available records and establish the times and places such records are available and the persons from whom such records may be obtained; and

WHEREAS, the N.Y.S. Committee on Open Government has developed Model Rules for Agencies to assist public bodies to comply with such law; and

WHEREAS, these Model Rules offer guidance on proper rights of access to records, reflective of governmental decisions and policies; and

RESOLVED, that the Freedom Plaza Community Advisory Committee adopts the Freedom of Information Law Model Rules for Agencies, as adapted for this body; and be it further

RESOLVED, that this Community Advisory Committee authorizes the Chair to designate a records access officer, the person or persons or body to determine appeals regarding denial of access to records, and a location at which Community Advisory Committee records shall be available for public inspection and copying.

VOTE:

Member Name	***Aye***	***Nay***	***Abstain***	***Absent***

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Freedom Plaza Community Advisory Committee conducted on July 17, 2025.

_____

Chair

Model Rule Text: Administration of the Freedom of Information Law by the Community Advisory Committee

Freedom of Information Best Practice for a Community Advisory Committee

Section 1. Purpose and scope:

a. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

b. These regulations provide information concerning the procedures by which records may be obtained.

c. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

d. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2. Designation of records access officer:

a. The Community Advisory Committee is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

_____
Name

_____
_____
_____
Address

b. The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

1. Maintain an up-to-date subject matter list.

2. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

3. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

4. Upon locating the records, take one of the following actions:

a. Make records available for inspection; or,

b. Deny access to the records in whole or in part and explain in writing the reasons therefor.

5. Upon request for copies of records:

a. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,

b. Permit the requester to copy those records.

6. Upon request, certify that a record is a true copy; and

7. Upon failure to locate records, certify that;

a. The Community Advisory Board is not the custodian for such records, or

b. The records of which Community Advisory Board is a custodian cannot be found after diligent search.

Section 3. Location:

Records shall be available for public inspection and copying at:

_____

Location

_____

_____

_____

Address

Section 4. Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are:

_____

Section 5. Requests for public access to records:

a. A written request may be required, but oral requests may be accepted when records are readily available.

b. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

c. A response shall be given within five business days of receipt of a request by:

1. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

2. granting or denying access to records in whole or in part;

3. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

4. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do

so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

d. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

e. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

1. fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

2. acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

3. furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

4. fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

5. determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

6. does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

7. responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6. Subject matter list:

a. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

b. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

c. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7. Denial of access to records:

a. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.

b. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

c. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

_____
Name

_____
_____
_____
Address

d. Any person denied access to records may appeal within thirty days of a denial.

e. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

1. the date and location of requests for records;

2. a description, to the extent possible, of the records that were denied; and

3. the name and return address of the person denied access.

f. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

g. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

h. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8. Fees:

a. There shall be no fee charged for:

1. inspection of records;

2. search for records; or

3. any certification pursuant to this part.

b. Copies may be provided without charging a fee.

c. Fees for copies may be charged, provided that:

1. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less that 25 cents for such copies;

2. the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

3. an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

d. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

1. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

2. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

3. the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

e. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (4)(1) and (2) above.
f. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

g. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

h. An agency may waive a fee in whole or in part when making copies of records available.

Section 9. Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10. Severability:

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

PML Section 1321-D (language regarding Community Advisory Committees)

Racing, Pari-Mutuel Wagering and Breeding Law (PML) CHAPTER 47-A, ARTICLE 13, TITLE 2-A

§ 1321-d. License applicant eligibility.

1. Gaming facility licenses shall only be issued to applicants who are qualified under the criteria set forth in this article, as determined by the commission.

2. Prior to official review by the board, each potential license applicant must:

(a) demonstrate to the board's satisfaction that the applicant has acquired public support and presented evidence of compliance and approval with all required state and local zoning requirements as required under subdivision three of this section and section thirteen hundred twenty-one-k of this title; and

(b) waive all rights they or any affiliated entity possess under section thirteen hundred eleven of this article to bring an action to recover a fee.

(c) pursuant to section thirteen hundred twenty-one-f of this title, an applicant shall pay to the commission an application fee of one million dollars to defray the costs associated with the processing of the application, commission expenses related to the community advisory committee, and investigation of the applicant; provided, however, that if the costs exceed the initial application fee, the applicant shall pay the additional amount to the commission within thirty days after notification of insufficient fees or the application shall be rejected and further provided that should the costs not exceed the fee remitted, any unexpended portion shall be returned to the applicant;

3. (a) For each applicant who proposes a gaming facility located in region two of zone one, there shall be established a community advisory committee. Each committee shall consist of six members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the borough president where the facility is proposed to be located, one to be appointed by the city councilmember representing the district where the facility is proposed to be located, and one to be appointed by the New York city mayor.

(b) For each applicant who proposes a gaming facility located in regions one or three of zone one, or regions one, two or five of zone two there shall be established a community advisory committee. Each committee shall consist of five members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the county executive of the county where the facility is proposed to be
located, and one to be appointed as follows:

(i) If the proposed facility is to be located in a city, one to be appointed by the mayor of such city;
(ii) If the proposed facility is to be located in a town, one to be appointed by the town supervisor of such town; or
(iii) If the proposed facility is to be located in a village, one representative to be appointed jointly by the village mayor and the town supervisor.

(c) The activities of the community advisory committees constituted pursuant to this subdivision shall be subject to the open meetings provisions contained in article seven of the public officers law.

(d) The commission may hire a consultant to serve as a community consultant to assist and manage the community advisory committee process. The commission or community consultant shall provide administrative support and technical assistance for the establishment and activities of committees constituted pursuant to this subdivision.

(e) Prior to a determination on any application by the board, the following community advisory committee process shall apply:

(i) Upon the majority of members of the board being appointed, a community consultant may be hired by the commission to manage the process and any other activities as determined by the commission;
(ii) the commission shall issue a request for applications no later than ninety days following the majority of members of the board being appointed;
(iii) interested entities may submit an application to the board who shall provide such application to the community consultant;
(iv) the community consultant shall notify the commission of all applications and notify the appropriate appointing authorities of their responsibility to submit appointments for each required community advisory committee established pursuant to this section;
(v) the community consultant shall ensure the formation of each committee, as necessary;
(vi) upon notification, the appointing authority shall appoint their respective appointees;
(vii) upon a committee's first meeting the respective appointees shall elect by majority vote a committee chair;
(viii) the community consultant shall assign applications to each appropriate committee;
(ix) each committee shall review, solicit public comments and written submissions of such comments, and hold public hearings;
(x) upon a two-thirds vote, each committee shall issue a finding either establishing public support approving or disapproving the application.

(f) Following a two-thirds vote by the applicable community advisory committee, the following shall apply:

(i) Upon notification of a finding of support in approval of an application following a two-thirds vote by the appropriate committee, the community consultant shall notify the applicant, board, and commission;
(ii) following such notification, the applicant must comply and receive approval under the applicable state and local zoning requirements;
(iii) the board shall not issue a decision on the application until the applicant presents evidence of compliance and approval with all necessary state and local zoning requirements.

4. The expiration of the seven year restricted period from the date that an initial gaming facility license was awarded is February twenty-eighth, two thousand twenty-three for the three initial casino licenses and November twenty-second, two thousand twenty-three for the final casino license awarded. Should an applicant or applicants commence gaming activities prior to such dates, such applicant or applicants shall be jointly and severally liable for payment of the proportionate fee for the respective period remaining as required by section thirteen hundred eleven of this article.