NEW YORK STATE

COMMUNITY ADVISORY COMMITTEE

THE CONEY

GAMING FACILITY LOCATION BOARD STATUTE

The N.Y.S. Gaming Commission was obligated, per Racing, Pari-Mutuel Wagering and Breeding Law § 109-a, to establish a separate board to be known as the New York Gaming Facility Location Board to perform certain designated functions including the issuance of requests for application to award up to three casino licenses and the evaluation of applications received in response.

NEW YORK STATE | Gaming Facility Location Board

REQUEST FOR APPLICATIONS
TO DEVELOP AND OPERATE A GAMING FACILITY IN
NEW YORK STATE

January 3, 2023

Member		Occupation
Vicki L. Been Chair		Judge Edward Weinfeld Professor of Law New York University School of Law
Terryl Brown		Vice President & General Counsel Pace University
Marion Phillips, III		Senior Vice President for Community Development & DEI U.S. News & World Report
Greg Reimers		Real estate finance executive Retired

COMMUNITY ADVISORY COMMITTEE STATUTE

The establishment of Community Advisory Committees, or CACs, is a requirement of Racing, Pari-Mutuel Wagering and Breeding Law § 1321-d (3). Upon the receipt of a completed application in response to the Request For Applications issued pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Title 2-A, the N.Y.S. Gaming Commission established a Community Advisory Committee for each application received based upon the physical location of the proposed gaming facility.

Committees consist of appointees of elected officials representing the physical location of the project.

Appointing Authorities for Projects **Within N.Y.C.** (6 members):

- N.Y.S. Governor
- N.Y.C. Mayor
- Applicable N.Y.S. Senator
- Applicable N.Y.S. Assemblymember
- Applicable Borough President
- Applicable N.Y.C. City Councilmember

Appointing Authorities for Projects **Outside N.Y.C.** (5 members):

- N.Y.S. Governor
- Applicable County Executive
- Applicable N.Y.S. Senator
- Applicable N.Y.S. Assemblymember
- Applicable locality's senior elected official:
  - City: Mayor / Town: Town Supervisor / Village: Jointly by the Village Mayor and the Town Supervisor

HOW DID WE END UP HERE?

Eight applications have been received. Thus, eight Community Advisory Committees are formed to review the proposals under their respective jurisdiction:

The Avenir - 11th Avenue & 41st Street, Hudson Yards, Manhattan (Operator: Rush Street Gaming, LLC)

Bally's New York Casino - Ferry Point, The Bronx (Operator: Bally's Corporation)

Caesars Palace Times Square - 1515 Broadway, Manhattan (Operator: CPTS manager LLC)

The Coney, Coney Island - Brooklyn (Operator: Global Gaming NY, LLC)

Freedom Plaza - 686 1st Avenue, Manhattan (Operator: Mohegan NY Management LLC d/b/a Mohegan NYC at Freedom Plaza)

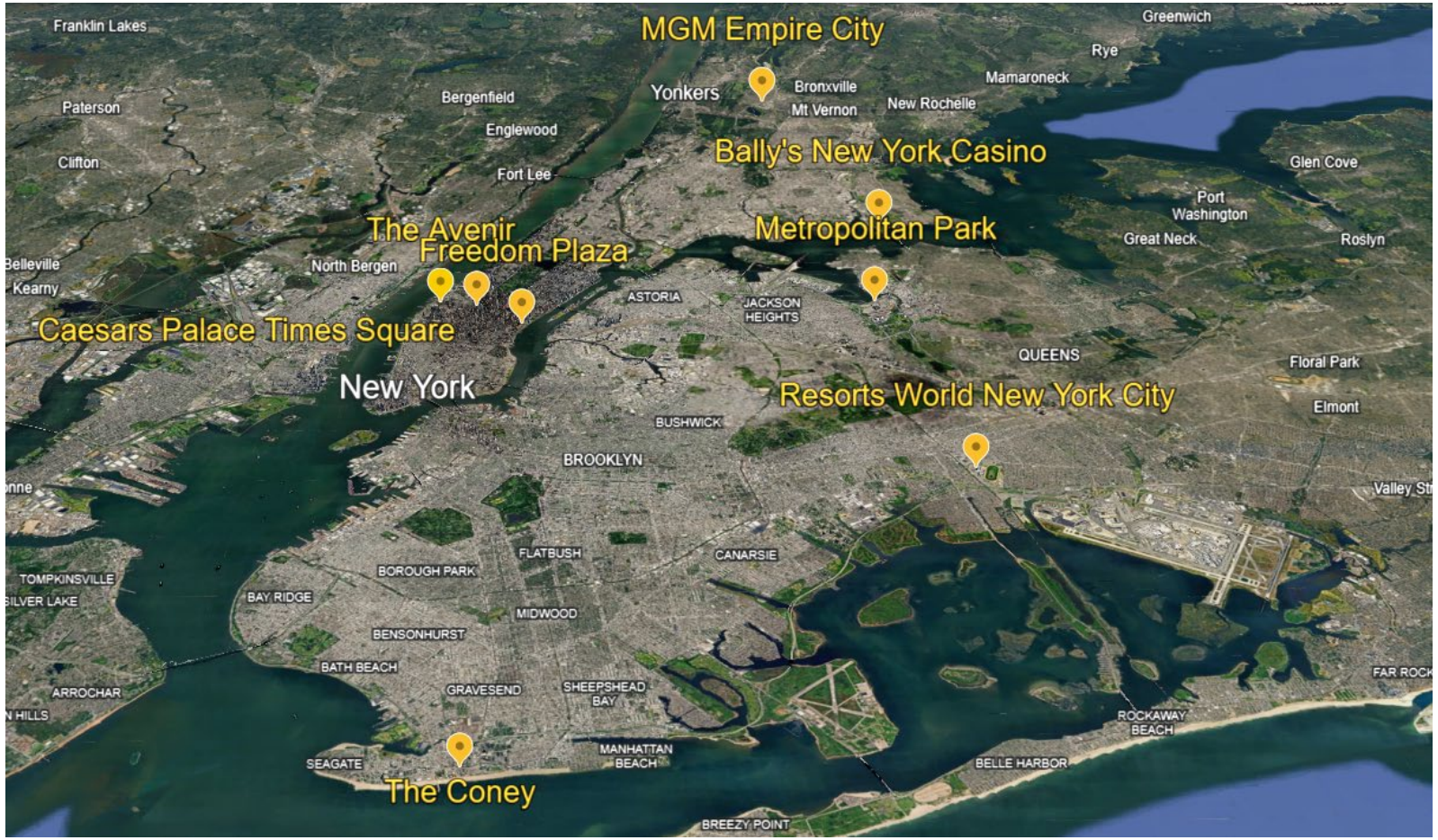
MGM Empire City Casino - Yonkers (Operator: MGM Yonkers, Inc.)

Metropolitan Park - Willets Point, Queens (Operator: HR NYC Manager, LLC)

Resorts World New York City - Aqueduct Racetrack, Queens (Operator: Genting New York LLC d/b/a Resorts World New York City)

WHY AM I HERE?

You have been appointed by an Appointing Authority to serve on the Community Advisory Committee for The Coney, located at Coney Island



THE CONEY

THE CONEY — OFFICIAL PROPOSAL

Entertainment District — Sunset on the Boardwalk

Executive Summary

An executive summary, not to exceed 4 pages in length, highlighting the principal terms of its Application. The Executive Summary should include specific metrics including but not limited to:

- *Employment figures (including number of full-time and part-time jobs and median wage, weighted by full-time equivalents)*
- *Construction jobs*
- *Proposed investment*
- *Facility layout*
- *Details of amenities*
- *Anticipated annual gross gaming revenue*

When the downstate casino process was announced, it became clear that it would be more than a business decision for the State; it was a turning point. Whichever neighborhood is chosen will be forever changed, its future rewritten. The weight of this moment is immense. This choice isn't just about selecting an operator; it's about selecting a home. A place. A people. A history. A community poised to rise with the tide of economic renewal.

While every proposal has its pitch, only one evokes a truth so clear that it needs no embellishment. ***Coney Island. It just makes sense.***

Coney Island has always embodied the spirit of opportunity and innovation: a people's playground for New Yorkers and world travelers. It was here in the late 19th century that New Yorkers first experienced true leisure, entertainment, and even gaming, setting the stage for an enduring legacy. People around the world who have never set foot in the United States, let alone Brooklyn, are familiar with Coney Island from its character and timelessness. Enshrined in movies and songs as a beacon for fun, escapism, and entertainment, the words "Coney Island" evoke a powerful emotional response. It's a warm summer breeze on the boardwalk, the ocean's crisp cold, the Cyclone's excitement, and the taste of a Nathan's hot dog.

It's everything weird, exciting, and offbeat that makes Brooklyn, Brooklyn: No matter how much time passes. In its heyday, Coney Island was a vacation destination for those looking to escape, both physically and mentally, from their daily lives—a reverie on the ocean. But as decades passed, neglect dimmed its lights and silenced its laughter, leaving it a seasonal echo of its former vibrancy.

EXECUTIVE SUMMARY 1

CASINO SITING PROCESS MILESTONES

Milestone	Date
RFA Issued	January 3, 2023
Applications Submitted	June 27. 2025
Work of Community Advisory Committees	**June 27, 2025 to September 30, 2025**
Gaming Facility Location Board Consideration	October 1, 2025 to December 1, 2025
Gaming Commission License Consideration	Through December 31, 2025

OBLIGATION AND DEADLINE

Obligation. Each Community Advisory Committee established is required to review the provided application(s), solicit public comments and written submissions of such comments regarding the application, and hold no less than two public hearings.

Deadline. By 11:59 p.m. on September 30, 2025, each Community Advisory Committee "shall issue a finding either establishing public support approving or disapproving the application." For an application to be advanced for Gaming Facility Location Board consideration, a two-thirds majority vote of the total number of members a committee is required. A failure to evidence a qualifying approving vote shall be deemed a rejection by the applicable Community Advisory Committee of the application.

COMMUNITY ADVISORY COMMITTEE DUTIES

Community Advisory Committee Members must:

- Vote for a Chair at the organizational meeting
- Review The Coney application
- Attend public meetings and hearings and participate accordingly
- Hear, receive and review public comments about The Coney application
- Vote in a public meeting by September 30, 2025 whether The Coney should be advanced to the Gaming Facility Location Board for consideration one of up to three commercial casinos.

Community Advisory Committees must:

- Conduct all business in accordance with New York State's Open Meetings Law
- Elect a Chair at its first organizational meeting via a majority vote
- Hold at least two public hearings to solicit public comments on the project
- Review public comments (written, electronic, oral, etc.) on the project
- Vote to establish public support approving or disapproving The Coney application.

For The Coney application to advance to the Gaming Facility Location Board for consideration, **four** Committee members must vote in the affirmative.

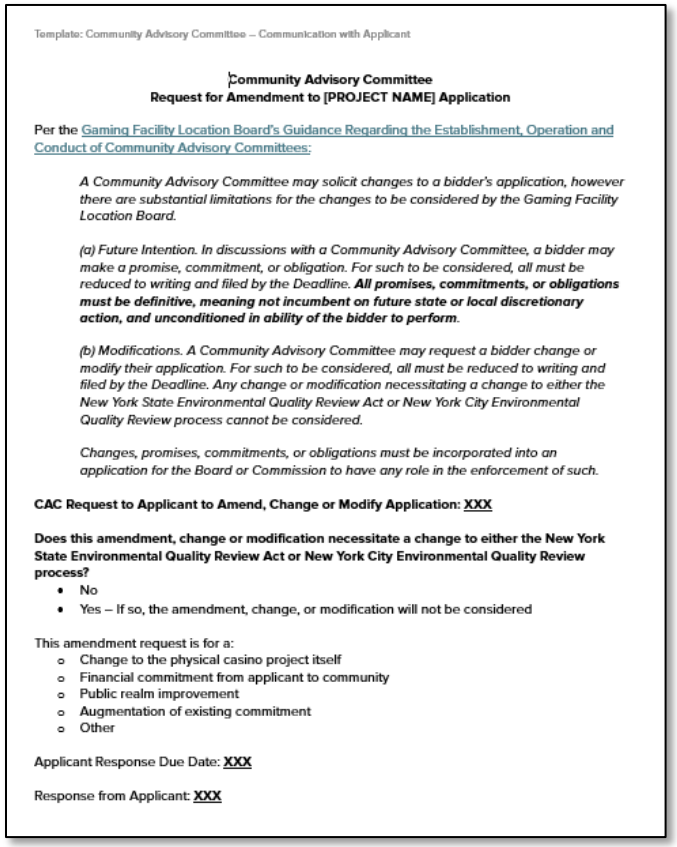
APPLICATION CHANGES

A Community Advisory Committee may solicit changes to a bidder's application, however there are substantial limitations for the changes to be considered by the Gaming Facility Location Board.

Future Intention. In discussions with a Community Advisory Committee, a bidder may make a promise, commitment, or obligation. For such to be considered, all must be reduced to writing and filed by the Deadline. All promises, commitments, or obligations must be definitive, meaning not incumbent on future state or local discretionary action, and unconditioned in ability of the bidder to perform.

Modifications. A Community Advisory Committee may request a bidder change or modify their application. For such to be considered, all must be reduced to writing and filed by the Deadline.

Any change or modification necessitating a change to either the New York State Environmental Quality Review Act or New York City Environmental Quality Review process cannot be considered.



Template: Community Advisory Committee – Communication with Applicant

Community Advisory Committee
Request for Amendment to [PROJECT NAME] Application

Per the Gaming Facility Location Board's Guidance Regarding the Establishment, Operation and Conduct of Community Advisory Committees:

A Community Advisory Committee may solicit changes to a bidder's application, however there are substantial limitations for the changes to be considered by the Gaming Facility Location Board.

(a) Future Intention. In discussions with a Community Advisory Committee, a bidder may make a promise, commitment, or obligation. For such to be considered, all must be reduced to writing and filed by the Deadline. ***All promises, commitments, or obligations must be definitive, meaning not incumbent on future state or local discretionary action, and unconditioned in ability of the bidder to perform.***

(b) Modifications. A Community Advisory Committee may request a bidder change or modify their application. For such to be considered, all must be reduced to writing and filed by the Deadline. Any change or modification necessitating a change to either the New York State Environmental Quality Review Act or New York City Environmental Quality Review process cannot be considered.

Changes, promises, commitments, or obligations must be incorporated into an application for the Board or Commission to have any role in the enforcement of such.

CAC Request to Applicant to Amend, Change or Modify Application: XXX

Does this amendment, change or modification necessitate a change to either the New York State Environmental Quality Review Act or New York City Environmental Quality Review process?

- No
- Yes – If so, the amendment, change, or modification will not be considered

This amendment request is for a:

- Change to the physical casino project itself
- Financial commitment from applicant to community
- Public realm improvement
- Augmentation of existing commitment
- Other

Applicant Response Due Date: XXX

Response from Applicant: XXX

TO ADVANCE AN APPLICATION

For the purposes of enabling the Gaming Facility Location Board to consider an approved application, it is necessary for the Gaming Facility Location Board to have received notification from the Community Advisory Committee of such unconditional affirmative vote by the Deadline. This notification can be facilitated by providing such written notification directly to the Commission.

Pursuant to the Request For Applications, for the avoidance of doubt a copy of all materials upon which the affirmative decision was based is required to be delivered to the Gaming Facility Location Board, with members of the CAC concurring in the positive determination signing the title page of such material.

For purposes of advancing an application to the Gaming Facility Location Board, this Community Advisory Committee must realize four affirmative member votes.

AN 2/3 AFFIRMATIVE VOTE (4 VOTES) IS A REQUIREMENT FOR THE APPLICATION TO BE ADVANCED FOR CONSIDERATION BY THE GAMING FACILITY LOCATION BOARD.

COMMUNITY ADVISORY COMMITTEE - SCHEDULE

Each Community Advisory Committee is responsible for its own schedule and cadence of work but must complete its work by September 30, 2025.

Proposed meeting schedule:

Public Organizational Meeting	ASAP (once quorum established)
Public Hearing #1	July 21-August 1, 2025
Public Hearing #2	August 11-22, 2025
Additional Public Hearings/Meetings (as determined by CAC)	September 1-12, 2025
Final Public Meeting to vote on Proposal and Transmission of Vote Result to Gaming Facility Location Board	By September 30, 2025

COMMUNITY ADVISORY COMMITTEE - PUBLIC COMMENTS

Members of the public are encouraged to submit written comments to the Community Advisory Committee regarding the proposed project.

All comments received will be considered by the Committee.

Comments may be emailed to TheConeyPublicComment@nystec.com

Comments may be submitted via standard mail to:

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

While there is no deadline for submitting comments, those wishing to do so are advised that CAC operations will cease after September 30, 2025. Commenters should ensure their submissions are made well enough in advance for Committee consideration.

Comments previously submitted to the Gaming Commission and Gaming Facility Location Board regarding this project will be provided to Community Advisory Committee members.

Each Community Advisory Committee may also independently solicit, receive and review public comments.

UNREDACTED APPLICATION MATERIAL

Sensitive Application Material: As a member of the Committee, you have received a digital copy of the redacted and unredacted versions of the application.

The unredacted materials contain Personally Identifiable Information and trade secrets which if disclosed would cause substantial injury to the competitive position of the submitting entity. Committee members may compare the redacted and unredacted versions of the application to determine which specific language the Applicant deems to be confidential.

Each Community Advisory Committee member should exercise care to prevent inappropriate or unauthorized disclosure of information.

Each member should be cognizant of the discussion of confidential information in an open meeting setting.

OPEN MEETINGS LAW & LOGISTICS

The NYS Gaming Commission representative is providing logistical assistance to each Committee, including securing meeting locations, necessary technology, materials, and more to effectuate meetings and hearings.

The representative will, among other tasks:

- Contact you as soon as possible to coordinate scheduling of the organizational meeting, including determining the appropriate venue, day and time (the representative may schedule a conference call with all members for efficiency's sake);
- Coordinate secure delivery of application materials to Committee Members;
- Serve as the Presiding Officer of the organizational meeting and provide an overview of the Committee's tasks; and,
- Provide all necessary materials and support staff at each meeting and hearing.

As required by State Law, all Committee meetings and hearings will be open to the public and media, accessible, webcast and recorded.

While there are no restrictions regarding Committee members interacting with members of the media or public, members may wish to consult with their Appointing Authority on how to handle such engagements.

EVENT LOCATIONS

Committee members are encouraged to recommend appropriate meeting spaces, including those that are conducive to hosting public meetings and venues available via their Appointing Authorities to the Commission's representative.

PROPOSED COMMUNITY ADVISORY COMMITTEE EVENTS

Organizational Meeting: A public organizational meeting to elect a Chair, discuss scheduling, receive a presentation from the Applicant, and conduct any other initial business necessary.

Hearings: Committees must hold at least two public hearings to receive comments from the community. Hearings should be scheduled for convenient times, at appropriate durations, and at locations of adequate size and scope.

Final Vote Meeting: A public meeting will be scheduled to vote on the project. For the application to advance to the Gaming Facility Location Board for consideration, **four** Committee members must vote in the affirmative.

COMMITTEE EVENTS - MEETINGS

As presumed in the sample templates provided:

A Community Advisory Committee **meeting** includes the conduct of business of the Committee (e.g. voting on Chair, resolutions, etc.) but does not necessarily include a public comment component.

Community Advisory Committee Meetings are webcast to the public.

The public/media may attend to observe a Community Advisory Meeting either online or from any noticed meeting location, regardless of whether there is a public comment component.

If a member wishes to participate/vote via remote videoconference, their location must be included in the meeting notice.

COMMITTEE EVENTS - HEARINGS

A Community Advisory Committee **hearing** provides an opportunity for members of the public and community to offer comment on the project for the Committee's consideration.

Such hearings generally include parameters for each speaker (e.g. 3-minute limit) and the ability to submit written remarks.

Hearings are not venues for members of the public to ask questions of the Committee members. Nor are they intended for Committee members to ask questions of the public. Hearings are intended to hear and accept comment on the proposal.

As required by state law, CAC hearings will be open to the public and media, accessible, webcast and recorded. Members of the public may attend and participate virtually.

If members of the public wish to submit a comment in writing, they may do so via email or mail.

LANGUAGE ACCESS / AMERICAN SIGN LANGUAGE

Translation services and ASL will be made available by the Commission representative for those who request such services in advance of a meeting or hearing.

Committee members may request the Commission's representative make additional language access services available for members of the public at a meeting or hearing and/or print materials in additional languages.

Per NYS Office of Language Access: The top twelve languages most commonly spoken in New York, besides English:

Arabic
Bangla
Chinese (including Cantonese and Mandarin)
French
Haitian Creole
Italian
Korean
Polish
Russian
Spanish
Urdu
Yiddish

COMMUNICATION WITH PROJECT REPRESENTATIVES

Please be mindful of Public Officers Law obligations and refrain from contact with any applicant or anyone on their behalf, except in the context of a public meeting or through a public comment process.

This limitation does not apply to official business interaction between a Community Advisory Committee member undertaking their position as a public officer or employee and an applicant limited to their pursuit of local entitlements.

ETHICS

Committee members should avail themselves of all applicable ethics laws, rules and guidelines.

The Committee on Ethics and Lobbying in Government (COELIG) ensures compliance with the State's ethics and lobbying laws and regulations with jurisdiction over State agencies and departments, including commissions, boards, State public benefit corporations, public authorities, SUNY, CUNY, and the statutory closely-affiliation corporations; the four statewide elected officials; members of the Legislature and candidates for those offices; employees of the Legislature; certain political party chairpersons; and registered lobbyists and their clients.

In addition, Committee members should consult with their Appointing Authorities regarding any additional ethics training or guidance.

APPLICABLE LAWS

Ethics and Lobbying Law. Laws under the jurisdiction of the New York State Commission on Ethics and Lobbying in Government.

Freedom of Information Law. The records produced by each Community Advisory Committee are subject to New York's Freedom of Information Law, Article 6 of the Public Officers Law.

Open Meetings Law. The activities of Community Advisory Committees are expressly subject to the Open Meetings provisions of Article 7 of the Public Officers Law.

Public Officers Law. Article 3 of the Public Officers Law governs the filling of any vacancy of a Community Advisory Committee occurring after an initial appointment.

Racing Law. Racing, Pari-Mutuel Wagering and Breeding Law § 1321-d, License applicant eligibility, is the sole section wherein Community Advisory Committees are discussed.

Records Retention. The New York State Archives, a part of the Office of Cultural Education within the New York State Education Department, has authority over the retention and disposition of certain records.

RESOURCES

New York State Gaming Facility Location Board

Applicant Material (redacted)

Guidance Regarding the Establishment, Operation and Conduct of Community Advisory Committees

RFA First Round Q&A, CAC section begins on page 12

RFA Second Round Q&A, CAC section begins on page 19

CONTACT

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

Telephone: 888-969-7832
Email: nsiddiqui@nystec.com