

# Queens Borough President Recommendation

**APPLICATION:** Gaming Facilities Text Amendment  
**COMMUNITY BOARD:** Citywide

## DOCKET DESCRIPTION

**ULURP #N240179 ZRY – IN THE MATTER OF** an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution. This modification would allow a gaming facility licensed by the State and developed through a new State defined siting process to be developed without regard to any potential conflict with the Zoning Resolution.

## PUBLIC HEARING

A Public Hearing was held by the Queens Borough President in the Borough President's Conference Room at 120-55 Queens Boulevard, Kew Gardens NY 11424, via Zoom webinar and livestreamed on YouTube on Thursday, February 1st at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning is proposing a citywide zoning text amendment to Section 32-10 and Section 42-10 of the Zoning Resolution to allow gaming facilities as a permitted use in certain commercial districts and manufacturing districts. This modification would allow up to three (3) gaming facilities licensed by the State and chosen through a new State-defined siting process to be developed and deemed allowed under the Zoning Resolution ("ZR");
- The proposed text amendment would permit the new "Gaming Facility Use" in Use Group 8 in Commercial Districts C4-C8 (Section 32-10) and Manufacturing Districts M1-M3 (Section 42-10), and make updates to Appendix A ("Use Groups"). The text amendment also explicitly states that any gaming facility would be limited to any license issued by the NYS Gaming Commission;
- In 2013, a statewide referendum approved new commercial casinos, and the New York State Constitution was amended to authorize up to seven (7) gaming facilities. Four licenses were awarded to Upstate New York, and as a result, the New York State Gaming Commission created the NYS Gaming Facility Location Board ("GFLB"). In January 2023, the GFLB announced Requests for Applications in the Downstate New York Region including New York City, Long Island, as well as Putnam, Rockland and Westchester Counties. The GFLB must review applications on factors such as economic activity and revenue impact, local siting impact, workforce enhancement, and diversity framework;
- With this new casino siting process, the State is also authorized to put together a Community Advisory Committee ("CAC") for each proposed site. The CAC would be comprised of the Governor, Mayor, State Senator, Assemblymember, Borough President and Council Member for the proposed site. The CAC is also subject to the Open Meetings Law, must hold public hearings and issue a finding in support or opposition of a casino location by a two-thirds vote. Any opposing vote by a two-thirds vote would effectively end the licensing process for that specific location;
- There are currently nine (9) gaming facility proposals in New York City: five in Manhattan, two in Queens, one in the Bronx and one in Brooklyn. Four of these locations are also undergoing through separate Uniform Land Use Review Procedures (ULURPs): Ferry Point Golf Course in the Bronx, Future Queens Project in Queens, Coney Island in Brooklyn, and Western Rail Yards in Manhattan;
- At the time of this Recommendation signing, Queens Community Boards (CBs) 3, 4, 5, 9, 10 and 11 had voted on the text amendment and submitted their vote to the Zoning Applications Portal (ZAP).
  - CB3 voted against the text amendment by a vote of 23 in favor, 2 against and 1 abstention.
  - CB4 voted against the text amendment by a vote of 21 in favor, 0 against and 2 abstentions. Their comments included concerns about congestion in overcrowded communities, lack of CB and Borough President oversight in the ULURP process if this amendment were to pass, and the question of jobs that would be generated and if they would be "high quality."
  - CB5 voted for the text amendment with a condition by a vote of 19 in favor, 17 against and 0 abstentions. In their recommendation, they stated they had no objection to the proposed gaming facility, "provided that no more than 3 gaming licenses are issued in the entire downstate region of New York State."

- CB9 voted against the text amendment by a vote of 30 in favor, 1 against and 3 abstentions. Their comments included concerns about “insufficient information about what physical structures and uses would be permitted in the gaming zone,” and the lack of any defined public participation. There was also an issue with how close a gaming facility could be located near a residential district.
- CB10 voted against the text amendment with a vote of 25 in favor, 0 against and 0 abstentions.
- CB11 voted against the text amendment with a vote of 30 in favor, 3 against and 1 abstention.
  
- At the Borough President’s Land Use Public Hearing, the Land Use Director chaired the Public Hearing on the Borough President’s behalf. The Applicant gave a presentation, and clarified that this text amendment would only apply to the current three gaming licenses – any future gaming licenses the State may generate would be subject to a new state referendum, and eventually if the referendum passes, a new text amendment to the Zoning Resolution. The text amendment also does not apply to any future modifications or changes to a gaming facility that has been approved through the CAC process. There were no speakers, and the hearing was closed.

**RECOMMENDATION**

Based on the above consideration, I hereby recommend approval with the following condition:

- For any project approved by a CAC, there should be a Community Advisory Board (CAB) formed during the construction and a period of time determined by the Board that will act as a watchdog for local community benefits, workforce development, and issues any gaming facility may cause to the surrounding community.



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**PRESIDENT, BOROUGH OF QUEENS**

02/27/2024

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**DATE**