

April 9, 2014 Comments of Barton & Loguidice
on the Development Plan Phase Documents
for Wilmot Casino and Resort



Engineers - Environmental Scientists - Planners - Landscape Architects

Celebrating over 50 years of service

MEMORANDUM

TO: Town of Tyre
Ronald F. McGreevy, Supervisor

JN. 1650.001.001

FROM: Adam Cummings, P.E., BCEE

DATE: 9 April 2014

SUBJECT: Development Plan Phase Documents Review for Wilmot Casino and Resort, Town of Tyre, Seneca County, New York

Staff from B&L have reviewed the documentation referenced below and have the following questions/comments for the applicant regarding the SEQRA and Development Plan documents. We request the submission of a Supplement in response to this review.

Submittal Documents provided for review:

- SEQRA Documentation and Engineer’s Report, prepared by BME and dated March 2014
- Appendices to Engineer’s Report, prepared by BME and dated March 2014
- Development Plans (six sheets), prepared by BME and dated March 2014

Development Plan comments:

1. The pond elevations in the drainage calculations do not match the elevations on the site plans. The Engineer’s Report indicates the ponds will be wet ponds. As modeled, the pond outlets are on the floor which would render them dry. If the ponds are intended to be wet ponds, the starting water surface elevation (i.e. available pond storage area) should be modified to match the invert elevation of the outlet. Please explain.
2. The drainage analysis indicates that treated stormwater will be released, “to downstream areas at a significantly reduced, controlled rate”. The standard should be that stormwater peak rates of runoff will not be increased from pre-development rates. Please confirm. Also confirm in the Supplement that the culverts on Chase Road that carry storm water to the north have adequate capacity.
3. A circulation plan for all traffic (visitor, busses, deliveries, etc.) should be provided for review. Turning templates depicting larger vehicle movements (trucks, busses, etc.) should be provided for review.





4. Proposed plantings on the site are described as, “indigenous and adaptive plant material”. It is not clear what is meant by “adaptive plant material”. The applicant indicates that, “to the greatest extent practicable, native materials will be utilized for landscaping purposes”, but species listed for potential use on the site include: Kentucky Coffee Tree (*Gymnocladus dioica*) (primarily a Midwestern species), Beautyberry (*Callicarpa americana*) (native to southeastern U.S.), Sweetshrub (*Calycanthus floridus*) (native to southeastern U.S.), Bush honeysuckle (*Diervilla lonicera*) (grows in dry rocky/sandy soils in evergreen woods – not a suitable site), Hydrangea (*Hydrangea spp.*) (cultivated), Mountain Andromeda (*Pieris floribunda*) (native to southeastern U.S.), Canada Yew (*Taxus canadensis*) (cultivated), most of which are either not native to New York, are inappropriate to the site, or are only available as ornamental cultivars that do not provide the benefits of the true native. Native or non-native ornamental plant materials are acceptable for landscape design, but the applicant should commit to avoidance of non-native invasive species in their planting scheme. Please confirm.
5. The hydrologic soil groups (HSGs) in New York have been updated. The soil groups utilized in the analysis should be reviewed at:
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/ny/soils/?cid=nrcs144p2_027280. Please confirm.
6. Rainfall values utilized in the stormwater calculations should be obtained from:
<http://precip.eas.cornell.edu/>. Please confirm.
7. The runoff curve numbers utilized in the stormwater calculations should be updated based on the new HSGs. Please confirm.
8. The project description describes the site as being 83.4 acres in size. In other documentation, it is indicated as 83.9 acres. The survey states 84.957 acres. Please address these discrepancies and use the survey acreage consistently.
9. Depth to Water Table figures indicate that most of the site has water at 101 cm, or about 3.3 feet below the surface. Will the proposed buildings be built on slabs to prevent building below water table? Since groundwater is relatively close to the surface, pesticides, herbicides, and fertilizers should be avoided or employed minimally.

Lighting Comments

1. The photometric plan should be expanded to show where the foot-candle limit becomes 0.0 to document no light spillage from the property.
2. Section G of the Engineer’s Report indicates that there will be building mounted light fixtures (wall sconces); however, it does not appear that the photometric plan takes into account these



proposed wall mounted fixture or under canopy lighting. If it does not, the plan should be modified to add these light sources.

3. Locations of proposed building mounted light fixtures and proposed under canopy lighting should be shown on the lighting plan.
4. Include the proposed building mounted and under canopy light fixtures in the Luminaire Schedule.
5. There are fifteen 14' tall light poles atop the 6-story parking garage. Will light cast from these fixtures be cast beyond the parking structure? As shown on the photometric plan, it appears that the limit of the model for these light fixtures ends at the edge of the garage. Further, given the total height above adjacent ground, how far away will these light fixtures be visible? Please confirm.

Air and Noise Comments

1. There are five residences noted in the Project Sound Analysis. Identify these locations on a figure and add it to the Analysis.
2. Noise monitoring procedures and equipment used for obtaining data presented in the assessment should be described in more detail, including but not limited to: noise meter make/model, meter calibrations, meter measurement settings, weather conditions, and location of the meters to nearby noise sources.
3. There is no discussion of the potential noise impacts during nighttime hours. Since the proposed facility will be open 24/7, the impact assessment should include potential nighttime impacts. Please add.
4. Proposed construction noise mitigation measures should be discussed (hours of work, noise mitigation equipment). Explain in the Supplement.
5. The results of the noise data obtained from monitoring at the Turning Stone Casino is approximately 10 dBA greater than the background noise levels at two of the four locations monitored around the proposed project site. This equates to a doubling of the sound levels currently experienced at those receptors. The analysis should incorporate a comparison of existing background sound levels at nearby receptor locations to sound levels projected to be experienced at these locations due to the project. NYSDEC's program policy document "Assessing and Mitigation Noise Impacts" should be referenced.



6. Temporary construction impacts to air quality, including dust generation, and practices to minimize any impacts should be discussed.

Historical/Archeological Comments

1. It is recommended that supporting documentation for the conclusions regarding cultural resources be provided (circles and squares map and Sphinx database findings). Also, the NYS OPRHP be consulted regarding obtaining a determination of impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

Visual Impact Comments

1. The Visual Impact section of the report indicates that the visual assessment of the site is pending. Please supplement this section with newly developed documentation and provide responses to questions set forth in the FEAF.
2. Provide an evaluation of the visual impact of the project from West Tyre Road, located at a higher elevation than Chase Road.

Spills or Remediation Sites Comments

1. E.1.h. Contaminated sites database. This question is answered correctly, but in supporting documentation, the applicant inserted the Environmental Site Remediation Database Search Results in Appendix E.1.h. The sites reported by this database are all well outside the area of concern when it comes to possible impacts on the project parcel. If the results were included for the remediation database, why were the results for the Spills Database and the Bulk Storage Database omitted? Neither of these databases reported any incidents on or adjacent to the project parcel. Please include a reference to these databases in a supplement.

Endangered Species

1. **SEQR Form Section E.2.o.** According to the U.S. Fish & Wildlife Service's online Information Planning and Conservation (IPaC) system, the project site falls within the range of the Northern Long-Eared Bat (*Myotis septentrionalis*), which is a federal proposed endangered species, Indiana Bat (*Myotis sodalis*), an endangered species, and Bog Turtle (*Glyptemys muhlenbergii*), a threatened species. Forested habitat on the site is potentially suitable habitat for both bat species. Either the applicant should conduct presence/probable absence surveys for these species to determine whether they may occupy the site, or should assume that they occupy the site and plan conservation measures to avoid take of these species. A habitat assessment and proximity analysis to known bog turtle locations should be conducted to determine potential adverse effects to bog turtles. If no effect to these species is determined, then a Letter of No Effect should be obtained from the USFWS to confirm it.



2. **E.2.o and p.** There is insufficient supporting documentation (e.g., site flora and fauna surveys, online database output (e.g., USFWS Information Planning and Conservation (IPaC) System), written inquiries to New York Natural Heritage Program (NYNHP) to support the claim that there are no listed or rare plant or animal species on this site. The exhibits only include a printout of the NYSDEC online Environmental Resource Mapper output, which is not the final authority for this information at either the state or federal level. A quick check of the IPaC system revealed three federal listed and one state-listed wildlife species that occur within Seneca County, and for which there is potential habitat on this site. Further inquiry or study is needed to determine whether these species may occur on this site.
3. As indicated earlier, the endangered species analysis for this site is incomplete. The information provided by NYSDEC's Mapper Summary Report is not intended to be the only source checked for rare or listed species. The applicant's consultant should also consult the USFWS's IPaC system, as well as submitting a written inquiry to the NYNHP. In addition, flora and fauna surveys should be conducted on the site to determine what rare or listed species may occur on the site. All of these references and studies are standard resources and typical for the preparation of a FEAF.
4. **NYSDEC Rare Plants and Animals** – The map provided is the output of NYSDEC's online Environmental Resource Mapper, which is intended for a first check on potential resources, but is not the final authority on such data. Further inquiries should be made with the USFWS's online IPaC system (referenced in E.2.o and p, above), written inquiries to NYNHP, field surveys for both plants and animals and habitats should be conducted, and if no rare or listed species are identified after all that, a Letter of No Effect should be obtained from the USFWS to concur with that finding.

Wetlands Comments

1. The Report indicates that wetlands were delineated on the site in 2013 according to, "methods described in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2009 Northeast Regional Supplement". The *Northcentral and Northeast Regional Supplement* was revised in 2012, and should have been the manual used for reference for a delineation performed in 2013. Please confirm that it was used.
2. The Engineer's Report indicates that the site design does not disturb any of the regulated wetlands. While it does not call for direct discharge of fill material into wetlands, which is regulated by the NYSDEC and U.S. Army Corps of Engineers, the federal wetlands at the west end of the property will be completely surrounded by development, effectively isolating them from surrounding natural habitats and other wetlands. Though they will not be directly filled, they will become biologically isolated and will no longer provide wildlife habitat functions that



they currently provide. If they are currently amphibian breeding sites, they will cut off migration and movement pathways for wildlife. Those effects will “disturb” these wetlands and reduce their functional capacity and value. Please explain how interconnection between the wetlands will be maintained through culverting or other means.

Agricultural Comments

1. **D.2.q.i and ii.** The project should consider the use of integrated pest management instead of pesticides and herbicides, in order to avoid adverse impacts to surrounding agricultural lands and underlying groundwater quality. This project is proposed within an existing agricultural district, although a removal request is pending.

Water Comments

1. In part 1 of SEQR, water consumption is noted as 160,000 gpd. The water consumption amount listed in the Engineering Report (Section C – Water Supply) is 148,000 gpd. Please clarify this discrepancy. Also, please confirm with the Village of Waterloo that they can provide adequate flows to meet the peak demand of 310 gpm for the development.
2. Hotel water consumption could be considered to be 150 gpd based on the recommended water use rates listed in the reference (2014 Design Standards for Intermediate-Sized Wastewater Treatment Systems, NYSDEC) used for the proposed Domestic Usage determination. Please clarify why the value of 110 gpd was selected for the analysis.
3. Is the food court planned for fast food type services? Or is it planned for more conventional restaurant/eatery services? Please clarify its planned use and reported water use rate as the water use demand may be conservatively low.
4. The average daily demand is listed as 148,000 gpd in the Engineering Report and the projected peak flowrate is shown to be 309 gpm. Please report what the projected maximum daily demand is expected to be for this proposed development?
5. Please provide hydrant test report and associated fire flow rate capacity calculations for the test performed on December 18, 2013 on the public water distribution system.
6. Please provide the methodology used to determine the required Fire Protection total flow requirements. The proposed plan provides 2,140 gpm for 30-minutes of fire protection. We recommend utilizing resources provided by the Insurance Services Offices, Inc., or similar entity, to determine the needed fire flow for this type of development.



Sewer Comments

1. The Engineering Report lacks detail of the anticipated wastewater loading (i.e. BOD, TSS, NH₃) produced by the proposed development on the Seneca Falls WWTP. It is shown that they have adequate hydraulic capacity and remaining capacity for the wastewater loading; however, the anticipated loading demands for BOD, TSS, or NH₃ were not reported in the Engineering Report. Please include these calculations and documentation showing that the Seneca Falls WWTP can accommodate these increased loadings in your responses to our comments.
2. The SEQR documentation indicates that project will pump sanitary waste to existing manhole on south side of Thruway; however, the engineering report and Figure 6 state that the sanitary waste will be discharged into the Petro Pump Station. Please address this discrepancy.
3. Figure 6 indicates that exist electrical controls at Kingdom Road PS will need to be replaced. Additionally, it appears that pump replacement will be needed to handle projected flows increases. Please state that pump station improvements will be constructed as necessary.

Traffic Comments

1. The analysis does not appear to take into account seasonal fluctuations in traffic (e.g., tourists from southern wineries). Please explain why it does not. Traffic counts at study area intersections and at Turning Stone were performed in November and December 2013. These turning movement counts form the basis of the background traffic and generation traffic used in the analysis. There is a continuous count station on Route 414 north of Routes 5&20 which indicates a 15% seasonal increase in average weekday peak hour volumes from November to August 2011. It is possible that Turning Stone also sees an increase in traffic during summer months as compared with November and December.
2. The only basis we saw for widening Route 414 between the I-90 off ramp and the proposed site entrance to four lanes was the claim that it would reduce the animal related accidents in this segment. The capacity analysis did not identify this segment as requiring widening. Please explain why the bridge widening is being proposed.
3. The proposed improvements include additional northbound and southbound travel lanes on Route 414 between the I-90 off ramp and the site entrance. The southbound travel lane is depicted as ending at the I-90 off ramp intersection when it turns into a dedicated right turn only lane. Likewise the northbound travel lane is depicted as ending at the Site entrance when it turns into a dedicated right turn only lane. From Chapter 5 of NYSDOT's Highway Design Manual: "What appears to be a through lane will not be dropped at an exclusive turning lane." Dropping the additional travel lanes should occur either before or after these intersections. Please confirm.



4. There may be operational concerns with the proposed additional westbound through lane at Route 414/I-90 off ramp intersection causing the lane to be underutilized. Given the composition of westbound traffic being 85% trucks including tandem trailers and the short merge and taper lengths on the downstream side, the lane utilization factor of 95% seems high. Actual capacity may be less than predicted for this movement.
5. Please deliver the results of BME's review of the potential for increased traffic to result in more accidents at the intersections of Route 2318 and Gravel Road (County Road 101) and Route 318 and Whiskey Hill Road.
6. Quantify the buffer capacity used in the build scenario.
7. Has an evaluation of traffic impacts from a possible rail spur serving Seneca Meadows been performed?

Additional SEQRA Issues

1. Detailed analysis of off-site tributary areas and potential attenuation practices for project storm water and for impacts from nearby existing Petro development will need to be addressed as the design progresses. However, this issue needs to be addressed in the Supplement general terms at this time for purposes of the SEQRA documentation and determination.
2. Will it be possible to avoid impact to the existing federal wetland on the north side of the building? This wetland is on an "island" in the middle of this development and it may be difficult to protect it and maintain it as it exists today. If impacts to the existing wetlands are to be avoided, discussion should be provided on how the stormwater routing maintains the existing hydrology of the wetland systems.
3. Since groundwater is relatively close to the surface, pesticides, herbicides, and fertilizers should be avoided or employed minimally. Please explain planned techniques for landscape maintenance.
4. The Report further states that upon completion, "there will be approximately 52+/- acres of open/green space consisting of wooded areas, wetlands and green areas surrounding the buildings and parking fields". Much of this will be maintained grass lawn that the applicant proposes to maintain with chemical herbicides and pesticides. Such maintenance in an agricultural district with a shallow water table should be avoided. Maintained grass lawn areas should be minimized, and pest control should be accomplished through integrated pest management practices. Alternatives to lawns could include wildflower meadows, or organically maintained gardens. Native plant species should be favored for plantings.



Miscellaneous

1. Confirm whether pedestrian sidewalks will be constructed between the Petro facility and the project. Also, confirm whether a bike lane or sufficient shoulder space for biking will exist.