

April 25, 2014 Responses of BME Associates
to comments received on the
Wilmot Casino and Resort Development Plan

April 25, 2014

Mr. Adam Cummings, PE
Barton & Loguidice PC
11 Centre Park
Rochester, New York 14614

**Re: Wilmot Casino & Resort Development Plan
Response to Comments**

2392

Dear Adam:

We have prepared responses to your April 9, 2014 memorandum addressed to Supervisor Ron McGreevy regarding the Wilmot Casino & Resort Development Plan. Also included are responses to the conditions the Planning Board include in their April 15th resolution to the Town Board regarding the Development Plan. We have provided the original comment with our responses immediately following in bold lettering:

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.

Additional detail regarding the wet ponds, including more detail contouring, outlet structure details, and Phase II calculations, have been provided with the Site Plan Application to the Town. The ponds have been designed and will be constructed as wet ponds, which will maintain a permanent pool. The additional detail provided illustrates this design. This information can be found on the plans and within the Engineer's Report (Appendix A).

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.

The drainage analysis section of the Engineer's Report was revised to state, "...to downstream areas at a controlled rate which will not be increased from pre-development peak runoff rates." A representative from the Town Department of Public Works was contacted regarding the culvert under Chase Road. It was

confirmed that there have not been any flooding or backup issues to their knowledge. Since flows leaving the site under proposed conditions will be not be increased from pre-development rates, the existing culvert should have adequate capacity to allow storm water to flow north under Chase Road.

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.

Two circulation plans have been provided with this letter for review. The first shows the paths for deliveries, employees, and the bus routes within the site. The second shows the traffic paths for visitors within the site.

Two turning template plans have also been provided with this letter for review. The vehicles used for the turning templates were selected based upon the largest anticipated, which will provide deliveries to the site. We acknowledge that some modifications to curb radii and islands, as well as additional points of access within the parking fields may be required to allow these vehicles to navigate effectively. These modifications will be incorporated once the larger vehicles that enter the site are confirmed with the client.

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 dioicus*) (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.

The applicant will utilize native and non-native plant materials and will avoid the use of any non-native invasive species as listed on available invasive species listings from the NYSDEC for the proposed landscaping on the site.

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.

The soil groups have been revised accordingly and all calculations provided with the Site Plan Application to the Town have been updated to reflect these changes. The soils map within Appendix A of the Engineer's Report has also been revised per the updated hydrologic soils groups.

6. Rainfall values utilized in the stormwater calculations should be obtained from: <http://precip.eas.cornell.edu/>. Please confirm.

The rainfall data used within the stormwater calculations was updated per the website provided and is reflected within all calculations submitted with the Site Plan Application. A copy of the 24-hour storm events obtained from the website has also been included within Appendix A.

7. The runoff curve numbers utilized in the stormwater calculations should be updated based on the new HSGs. Please confirm.

The runoff curve numbers have been updated per the new hydrologic soil groups and reflected within the stormwater calculations that were submitted with the Site Plan Application to the Town.

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.

The acreage discrepancies were revised and correctly show the size of 84.957 acres within all the materials included within the Site Plan Application.

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.

The proposed buildings will be built on slabs. The geotechnical investigation included 15 test pits within the site and has been included within the Engineer's Report (Appendix H) that was submitted to the Town with the Site Plan Application. The results did not indicate that the water table was 3.3 feet below the surface, and a water table was not encountered in any of the test pits, which were excavated to a depth of ± 9 feet. Slight seepage was encountered in some of the test pits. This water was likely infiltrated water from snow melt and current rainfall perched on the less pervious soil layer various depths. Using chemicals for regular lawn/landscape treatment should not therefore be an issue on groundwater.

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.

The lighting plan was revised as requested, and was included on the drawings with the Site Plan Application to Town.

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.

At this point, the building mounted lighting fixtures have not been selected for the project. The project architect will be selecting and proposing decorative sconce down-light fixtures as part of the development of the finalized architectural plans. The building mounted fixtures will be full cut-off, as per the recommendations of the IESNA, that will illuminate the area immediately around the building perimeter. The illumination from these fixtures will not promote any light spillage off of the property.

3. Locations of proposed building mounted light fixtures and proposed under canopy lighting should be shown on the lighting plan.

The building mounted fixtures and under canopy fixtures will be selected during the finalization of the architectural plans by the project architect. The lighting fixture information will be provided for review during the building code review process with the Town of Tyre.

4. Include the proposed building mounted and under canopy light fixtures in the Luminaire Schedule.

The building mounted fixtures and under canopy fixtures will be selected during the finalization of the architectural plans by the project architect. The lighting fixture information will be provided for review during the building code review process with the Town of Tyre.

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.

The 14' tall fixtures on the perimeter of the parking garage are LED fixtures that will be fitted with house-side shields. Per the manufacturer point plot analysis, it is

anticipated that with the aiming of the LED engine along with the inclusion of the house side shield, the applicant will be able to prevent measurable light spillage from the top of the garage. The light source may be evident from the ground, but illumination values will be so small that they will be unmeasurable at ground level.

The source of illumination from these fixtures may be evident from a number of locations surrounding the perimeter of the site but due to the ability of aiming of the fixtures and the proposed wattages of the LED engine, there will be limited to no glare produced by these fixtures that will affect surrounding neighboring properties. The distance at which you will be able to see the light source from these fixtures will be dependent on climatic conditions and vegetative coverage at the time of viewing.

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.

The Noise Monitoring Locations exhibit (Figure-07, Appendix E), that was submitted with the site plan application to the Town, has been revised and now identifies the location of the existing homes in the project vicinity.

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.

The calibrated noise meter make/model was an Amprobe SM-20-A Sound Level Meter and was set to record A-weighted sound level pressures every 15 seconds and averaged into one minute intervals. The readings at the Turning Stone Casino were obtained on March 1st 2014, the wind was light at 0-5 mph and the temperature was approximately 30 degrees. The meter location for Snyder Road was approximately 10 feet off the shoulder of the road, the Patrick Road location was in a Turning Stone parking lot approximately 5 feet from a drive lane for shuttle pick up and the back of house location was approximately 30 feet from a perimeter ring road. All readings were taken approximately 5 above ground level.

The readings in the area of the proposed casino were obtained on March 4, 2014. The wind was light at 0-5 mph and the temperature was approximately 20 degrees. At all locations the meter was placed at or within 5 feet of the edge of pavement, approximately 5 feet above the existing ground. The primary source of noise was vehicular traffic on the NYS Thruway along with vehicular traffic on Black Brook Road, Chase Road and NYS Rt. 414.

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.

Potential noise impacts during the evening will be similar to those during the day time hours. The majority of the noise generated by the project will be those associated with vehicular traffic entering and exiting the site. The closest noise receptor is a single family home which is located approximately 600 feet north of the Casino/Resort entrance and approximately 1000 feet northwest of the proposed building.

4. Proposed construction noise mitigation measures should be discussed (hours of work, noise mitigation equipment). Explain in the Supplement.

The temporary anticipated noise during construction operations will be mitigated by several different factors. Construction operations will only be allowed during the hours designated by the Town of Tyre at the project pre-construction meeting with the developer and contractor. Tentatively those hours are proposed to be from 7 a.m. to 7 p.m. Maintaining existing vegetative buffers will also serve to reduce the construction noise heard by the adjoining properties. The existing hedge row along the north portion of the site is proposed to remain. This will help buffer the anticipated temporary construction noise from the surrounding residents.

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.

The noise levels at all of the locations excepting the Route 414 location were generally equivalent to noise levels of a quiet suburb or conversation at home. Virtually all noise readings at the Turning Stone Casino were generated from passing vehicles. In the absence of any passing vehicles there was little to no appreciable sound. As noted in the study the lowest reading taken was less than 100 feet from the back of the casino. Our intention was to determine noise levels at given distances similar to the house locations on Rt. 414 and Chase Road at the proposed Casino site. The New York State Thruway has passenger cars and tractor trailer generated noise 24 hours a day, 365 days a year. The proposed casino building could possibly block some of this background noise generated by this traffic to the receptors located to the north. The nearest receptor is ±600 feet from the site entrance. As noted in the study there is a 6 dBA reduction for every 50 feet of distance separating the noise generator and the receptor. No significant noise

impacts are anticipated with the introduction of the Casino to this area given the presence of the thruway to the site and the designated receptors.

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

Dust created as a result of the proposed site work can be controlled via the measures as listed in the most current version of the New York Standards and Specifications for Erosion and Sediment Control. Common approved forms of dust control which can be implemented on this project include, but are not limited to: establishing a vegetative cover, mulching, and/or applying water or polymer additives.

Potential erosion as a result of the proposed clearing and earthwork/mass grading operations will be addressed by utilizing the approved forms of construction erosion control measures as listed in the most current version of the New York Standards and Specifications for Erosion and Sediment Control. Each phase of construction will also be designed to conform to the construction erosion control requirements of the current New York State Department of Environmental Conservation (NYSDEC), State Pollutant Discharge Elimination System (SPDES), General Permit.

Each phase of construction will include a stabilized construction entrance to keep the site access roads free of mud and debris. Other common NYSDEC approved forms of construction erosion control that can be implemented on this site include but are not limited to, silt fence installation, stone check dams, sediment traps, temporary diversion swales and rock outlet protection. Additionally a Stormwater Pollution Prevention Plan (SWPPP) will be prepared for this project. As part of the SWPPP any disturbance greater than 1 acre but less than 5 acres requires a weekly site inspection by a qualified person. All disturbances over 5 acres are required to be visited twice a week to monitor any potential site erosion. The inspection reports shall be sent to the developer, contractor and the Town of Tyre. The inspection reports shall note any deficiencies and/or discrepancies in the erosion control measures from the approved SWPPP that need to be corrected.

The construction site access to the project site will be off NYS Rt. 414. The anticipated temporary increase in traffic due to the mobilization of construction equipment and required construction vehicles during the various stages of construction can be mitigated by several different methods. First all vehicles travelling to and from the site will be licensed commercial vehicles allowed to use the state highway system. Initial mobilization will likely only require a day or two to complete, and thus is a short term temporary situation. The typical daily construction vehicle (pick-up trucks, personnel vehicles, etc.) traffic should not add a noticeable increase in volume to the site access roads, and adequate capacity exists on the highway networks.

Construction waste/spoils generated on-site shall be hauled off-site to an approved construction and demolition (C&D) landfill by licensed haulers.

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.

Per the NYS DEC Resource Mapper through the Full Environmental Assessment Form the project site does not contain or is not substantially contiguous to a building, archeological site, or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.

Included in the attachments to the Full Environmental Assessment Form is a map depicting all of the Nationally Registered Historic Places in the vicinity of the project. Also included in the attachments is a copy of the circle and squares map with the project located noted.

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.

This information has been included in Appendix F of the updated Engineer's Report that was submitted with the Site Plan Application to the Town.

2. Provide an evaluation of the visual impact of the project from West Tyre Road, located at a higher elevation than Chase Road.

A cross section has been created from the highest residence along West Tyre Road, and provided under separate cover to Barton & Loguidice for review. This cross section was not included within the Engineer's Report for the Site Plan Application due to the large size of the drawing it would be required to be printed on (approximately 16 feet in length). It should be noted that West Tyre Road is 1.5 miles north of the project site. The current view from this vantage point includes a partial sighting of the Petro station and the 105 foot tall lights within its parking field.

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.

The NYSDEC Spill Incidents and Bulk Storage Databases were searched within Seneca County and the results for each have been included with this letter. The results were reviewed and it was determined that no spill incident occurred or bulk storage existed on or adjacent to the project parcel.

Endangered Species Comments

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.

The New York State Department of Conservation at Natural Heritage database doesn't indicate potential presence of any endangered species. The site was also surveyed by the representatives from BME Associates and Barton & Loguidice. There was no Bog Turtle habitat found within or adjacent to the site. Bats inhabit usually tree crevices, hollow trees and bark of certain tree species (hickory sp., etc.). This project was laid out to avoid any significant disturbance to the large woodlot to the east and to save the hedgerow along the perimeter of the property. The proposed clearing is of an insignificant amount and therefore this project shall have no effect to this species habitat.

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.

The New York State Department of Environmental Conservation online Environmental Resource Mapper site is an appropriate site for the NYS SEQRA purpose. The site doesn't reveal any listed rare plant or animal species. The absolute majority of the site is an active agriculture field which is not a habitat supporting rare or listed species.

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.

The New York State Department of Environmental Conservation online Environmental Resource Mapper site is an appropriate site for the NYS SEQRA purpose. The site doesn't reveal any listed or rare plant or animal species. The absolute majority of the site is an active agriculture field which is not a habitat supporting rare or listed species.

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.

The New York State Department of Environmental Conservation online Environmental Resource Mapper site is an appropriate site for the NYS SEQRA purpose. The site doesn't reveal any listed or rare plant or animal species. The absolute majority of the site is an active agriculture field which is not a habitat supporting rare or listed species.

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.

The 2009 Northeast Regional Supplement revised in 2012 was used to delineate the onsite wetlands.

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.

The existing high quality wetlands on the east side of the project in the wooded areas will remain undisturbed along with the adjacent woods. The small wetlands on the west side are supported by drainage coming from the Petro site via a Thruway culvert. These wetlands are lower in quality and are surrounded by active agriculture fields, which isolate these areas from natural habitats. The two wetland areas to the north are actually within the active agriculture field and have been historically plowed, disced and seeded every year with crop plants. Therefore, they do not provide wildlife habitat functions.

Under developed conditions, the wetland areas will not be disturbed by farming operations and therefore will get a chance to establish wetland vegetation. The drainage to these wetlands will be maintained as well as their hydrologic connection to the wetlands to the north. The proposed stormwater management wetland ponds will also provide more diversified habitat in their shallow wetland areas, deeper open water with aquatic plants, and wetland meadow areas along its perimeter. There will be a net increase of wetland area when the site is developed.

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 and existing agricultural district, although a removal request is pending.

It is anticipated that the project applicant will utilize an integrated pest management system (IPM) to the maximum extent practicable; however, there may be instances on the project site that may warrant the use of pesticide and/or herbicides. Only approved pesticides and herbicides will be applied by licensed applicators per the use and safety requirements as outlined within local, state and federal regulations. No effects on groundwater or adjacent agricultural lands are

anticipated from the use of these permitted compounds, given the lack of presence of the water table, and the implementation of the stormwater management plan to provide water quality treatment.

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.

Further review of water use estimates the average daily water consumption at 148,000 gpd. Please refer to the Appendix B of the updated Engineers Report for Water Supply Calculations. Village of Waterloo personnel were present during flow testing.

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.

Per the document referenced above 110 gpd for Hotels can be utilized for post 1994 plumbing fixtures, the 150 gpd is for pre 1980 plumbing fixtures.

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.

This will be more of a fast food oriented area. The 2014 Design Standards for Intermediate sized Wastewater Treatment Systems, NYSDEC recommends 25 gallons per seat which is what was used in the calculations.

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?

The projected maximum daily demand for the development is 296,000 gallons per day (double the average daily demand). This information was included in the Water System section of the Engineer's Report that was submitted to the Town with the Site Plan Application.

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.

The hydrant flow test data has been included within Appendix B of the Engineer's Report that was submitted with the Site Plan Application. A theoretical model of the tank has also been provided with this appendix, which is consistent with the test performed on December 18, 2013 by the Village of Waterloo water system personnel and BME Associates.

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.

Through consultation with the building architect it was determined that 1,250 gpm for the sprinkler system would provide adequate protection. If in the event that additional fire protection is required as the building design progresses, the storage tank and pumping system for the sprinkler system will be increased accordingly. The fire protection flows required will be subject to the NYS Building Code and Insurance Services Offices, Inc. The remaining 890 gpm of fire protection flow is what has been calculated to be available at the most remote hydrant at 20 psi, while still providing a domestic flow of 103 gpm to the proposed building.

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 is 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.

Projected wastewater loading calculations expected to be generated from the project site have been provided with this letter. A copy of the current loading and maximum capacity loading at the wastewater treatment plant and supporting information as to how the rates were determined has also been provided. Based upon these calculations there is more than sufficient capacity at the Seneca Falls WWTP to accommodate the increased loadings from the proposed development.

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.

Early design concepts anticipated the discharge to the manhole on the south side of the Thruway, the revised plan reflects the current design to discharge the Route

414 (Petro) Pump Station. This will reserve capacity in the existing 8” gravity sewer for adjacent users per the Seneca County Route 318 Sewer Study.

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.

Figure-06 in Appendix C has been updated as requested and was included with the Site Plan Application to the Town.

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.

The seasonal adjustment factors from NYSDOT Design Manual Chapter 6 range from 0.1% to 11.5% for the areas “Moderately Effected by the Seasons”. The primary intersections in the study area have a significant amount of truck traffic, commuter traffic and traffic associated with the Seneca Meadows Landfill. None of these traffic generators are affected by the season and therefore it was assumed that no season adjustment factors are necessary, especially when other conservative measures were assumed.

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.

Route 414 south of the project study area may see a season variation as commuters and truck traffic typically use Route 318 to by-pass the Villages of Waterloo and Seneca Falls avoiding this roadway segment; however any recreational traffic with destinations in the Finger Lakes would likely use this section of Route 414.

It is possible that Turning Stone also sees an increase in traffic during summer months as compared with November and December.

Wilmorite’s VP in charge of casino development has stated that casinos typically see little seasonal variations as that are typically just as popular during the winter months as they are in the summer months, particularly the gaming machine aspect which is the governing factor used to develop peak hour traffic volumes.

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.

The primary reason for widening Route 414 is for additional capacity. The increased visibility created as a result of the widening is a secondary benefit. The proposed eastbound dual left turn lanes, dual northbound through lanes and the new dedicated southbound right turn lane require a 4-lane roadway section north of the Thruway Exit 41 intersection. The traffic model showed that without a 4-lane roadway section north to the site driveway, drivers will tend to only utilize a single travel lane when proceeding to/from the north thus produce capacity issues at the Thruway Exit 41 at Route 414 intersection.

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.

This is correct, and the NYSDOT did not have any comments relating to the lane drops. The NYSDOT's concern with lane drops is for through vehicles getting stuck in a turn only lane, typically when there is heavy through traffic volumes. At the proposed site driveway, the overall build volumes have between 75-80% of the northbound approach volume turning right into the development with a minimal amount of through traffic in comparison to the right turn traffic. At the Thruway Exit 41 the southbound dedicated right turn lane drop has similar reasoning; however there is also a channelized eastbound right turn lane that is yield sign controlled and constructing a lane drop south of the intersection would result in additional driver confusion and potentially safety concerns. Based on this current and proposed intersection geometry, we do not feel it is appropriate to extend the lane beyond the intersection and NYSDOT also did not comment on these proposed improvements.

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.

The proposed additional westbound travel lane to the toll plaza allows for two lanes from the intersection to the toll booths. The right lane is typically an EZ-Pass Only lane (5mph) and the left lane is typically the ticket/EZ-Pass Lane. The data provided by the NYSTA showed that heavy vehicles utilized both ticket and EZ-

Pass to the pay their tolls and also sometimes utilize the Cash/EZ-Pass Lane even when using EZ-Pass to better direct them to the appropriate thruway ramp. Based on this, we feel that both travel lanes exiting the Petro Truck Plaza will be utilized by the Thruway bound trucks.

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.

The memo associated with the safety review at the secondary intersection on Route 318 is attached to this document.

6. Quantify the buffer capacity used in the build scenario.

After a follow up telephone conversation, it is understood that the planning board is inquiring as to the existence of any additional capacity available for seasonally related peak traffic volumes which may travel to/from the Finger Lakes, particularly utilizing Route 89. The traffic analysis shows that the proposed development after mitigation will maintain the existing B (16 seconds of delay) and A (10 seconds of delay) Levels of Service (LOS) at the Route 89 at Routes 5 & 20 intersection during the Friday and Saturday peak hours respectively. These LOS represent very good operating conditions with minimal delay, while the intersection can handle significant additional traffic prior to any sub-standard operating conditions as NYSDOT considers LOS D or worse (>35 seconds of delay) to be considered non-standard. Approximately 50% more traffic (150 vehicles) can be added to the northbound and southbound approaches before any sub-standard movements exist and around 280 vehicles before sub-standard overall intersection delays result. There is sufficient buffer capacity to account for seasonal event related additional traffic prior to any sub-standard operations.

7. Has an evaluation of traffic impacts from a possible rail spur serving Seneca Meadows been performed?

No evaluation has been performed as it relates to the Seneca Meadows rail spur. Based on the Traffic Impact Study research, there is no definitive timeline for any specific project as it relates to a rail line; however should any project occur in the future it would be beneficial to the operations of the roadway networks due to the resultant decrease in truck traffic associated with Seneca Meadows Landfill.

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.

A complete analysis of the PETRO's northwest stormwater management facility was completed and included within Engineer's Report submitted with the Site Plan Application to the Town.

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.

The existing wetland on the north side of the building is an active farm field and gets plowed, disced and seeded every year. Therefore, it cannot maintain wetland vegetation. This wet area is currently an island in the middle of a farm field. We feel that it could improve when the disturbance associated with farming will cease. The existing drainage pattern from Petro site will be maintained through the proposed project as it is under existing conditions.

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.

It is anticipated that the project applicant will utilize an integrated pest management system (IPM) to the maximum extent practicable; however, there may be instances on the project Site that may warrant the use of pesticide and/or herbicides. For example, the use of herbicides, and/or pesticides, may be used on invasive species that have encroached on the site and their removal or eradication may be beneficial to maintain the health of existing and proposed flora and fauna on the site. Only approved pesticides and herbicides will be applied by licensed applicators per the use and safety requirements as outlined within local, state and federal regulations. No impacts are anticipated from the use of these permitted compounds.

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.

The applicant will, to the greatest extent practicable, utilize a native plant palette lessening the need for extensive chemical amendments or treatments, and will incorporate an Integrated Pest Management strategy as part of the overall site maintenance that will reduce the need and use of herbicides, pesticides and fertilizers. Alternative plantings, i.e. native cool season grasses and native groundcover plantings will be investigated and utilized on the site where appropriate.

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.

A pedestrian sidewalk is being considered between the Petro Facility and the development site. The widened Route 414 will include paved shoulders in accordance with the NYSDOT design standards, which will have sufficient space for biking.

Below are responses to the Planning Board conditions set for their April 15th, 2014 resolution to the Town Board regarding the Development Plan.

- (a) The Town Board shall request the Town's engineers (Barton & Loguidice) to review and advise the Town Board regarding the McFarland supplemental traffic assessment of the Whiskey Hill/Route 318 and Gravel Road/Route 318 intersections;

Please see number 5. under the Traffic section above. The traffic engineer from Barton and Loguidice has confirmed the conclusions regarding these intersections.

- (b) The Town Board shall evaluate the impact, if any; of the timbering that occurred in the last week on the project land on visual impact and landscaping; and

The majority of the trees that were removed along NYS Route 414 would have been removed for the construction of the site entrance. There will be no visual impact regarding the tree removal activity. The residence to the immediate north of the project site is located east of the tree removal area therefore there will be no visual impact in this regard.

- (c) The Town Board shall request information from Whitetail 414, LLC, regarding the relocation of the burial site on the project land.

The applicant is working with the family representative and a funeral home and will proceed at a later date to address the burial area. The applicant is getting

state and regional guidance and will likely seek approval to go beyond what is required in these matters.

Please feel free to contact our office with any comments or questions you may have in this regard.

Thank you.

Sincerely,
BME ASSOCIATES

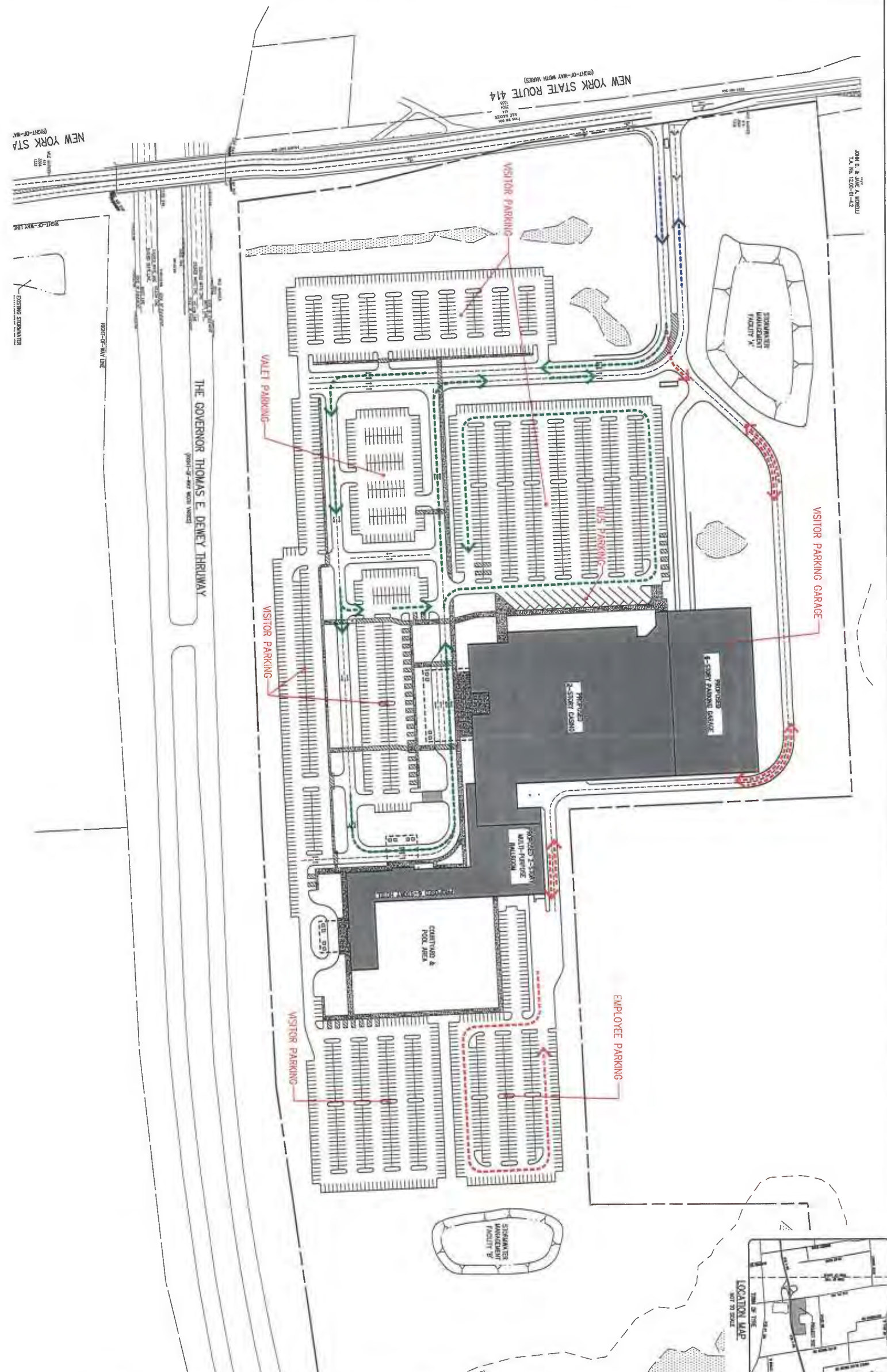


Michael A. Simon

MAS

Attachments

c: Ron McGreevy, Supervisor; Town of Tyre
Virginia Robbins, Esq.; Bond Schoeneck and King
Juris Basens; Whitetail 414, LLC
Shawn Griffin, Esq.; Harris Beach



LEGEND

ALL TRAFFIC

DELIVERIES AND EMPLOYEE ROUTE

BUS ROUTE

MILITARY TRACT, TOWNSHIP JUNIUS, LOT 45, TAX MAP NUMBER 12.00-01-36

PROJECT: WILMOT CASINO AND RESORT
 LOCATION: TOWN OF TINC, SENeca COUNTY, NEW YORK STATE
 CLIENT: WILMOT CASINO, LLC
 1200 SOUTHWALK ROAD
 ROCKEFELLER, NEW YORK 14624

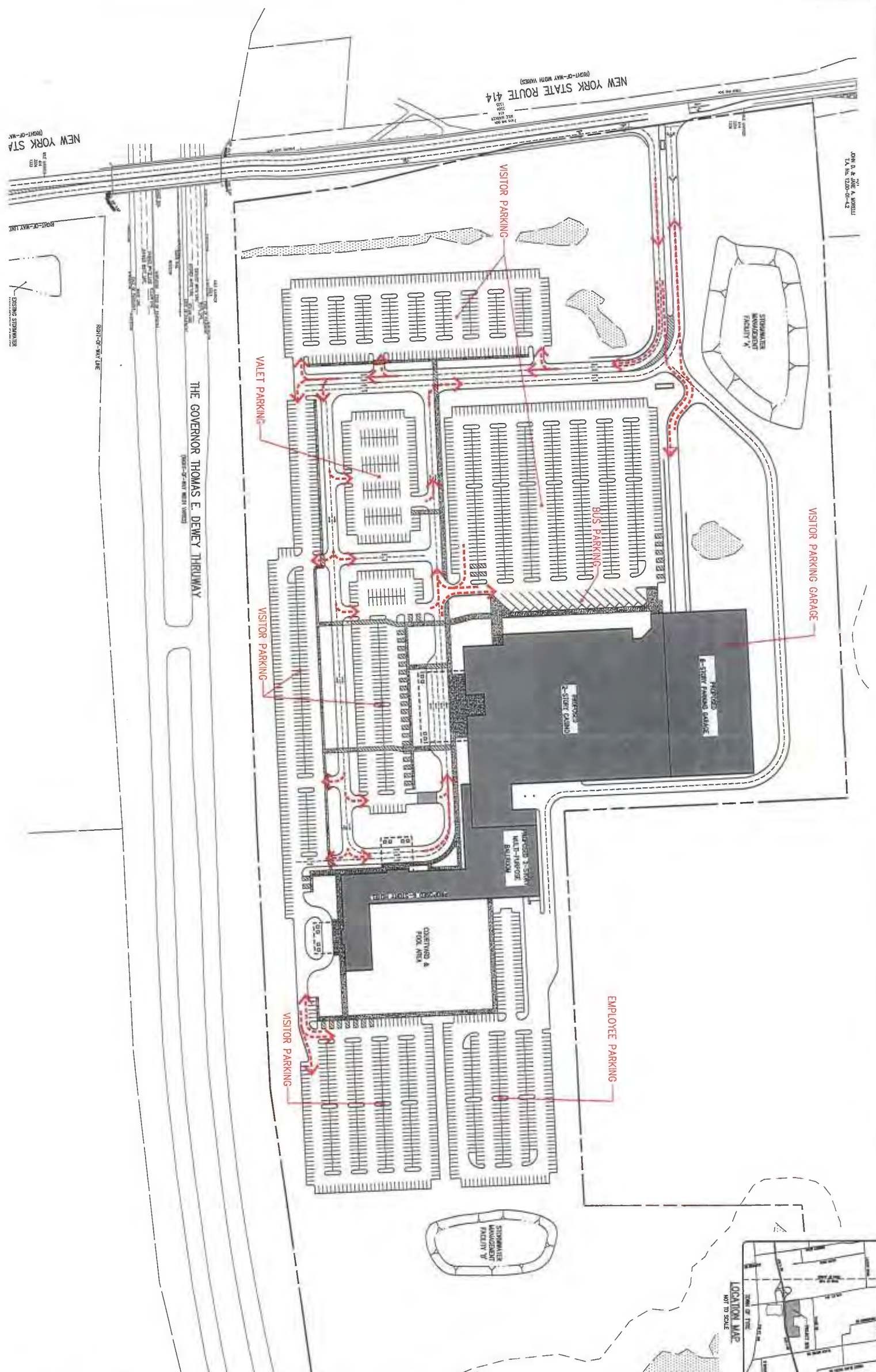
PROJECT NUMBER: 2392
 DRAWING TITLE: CIRCULATION PLAN (1 OF 2)

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DATE BY
 DATE BY

EXHIBIT 2392



LEGEND
 - - - - - VISITOR TRAFFIC



MILITARY TRACT, TOWNSHIP JUNIUS, LOT 45, TAX MAP NUMBER 12.00-01-36

PROJECT NO. 2392
 EXHIBIT

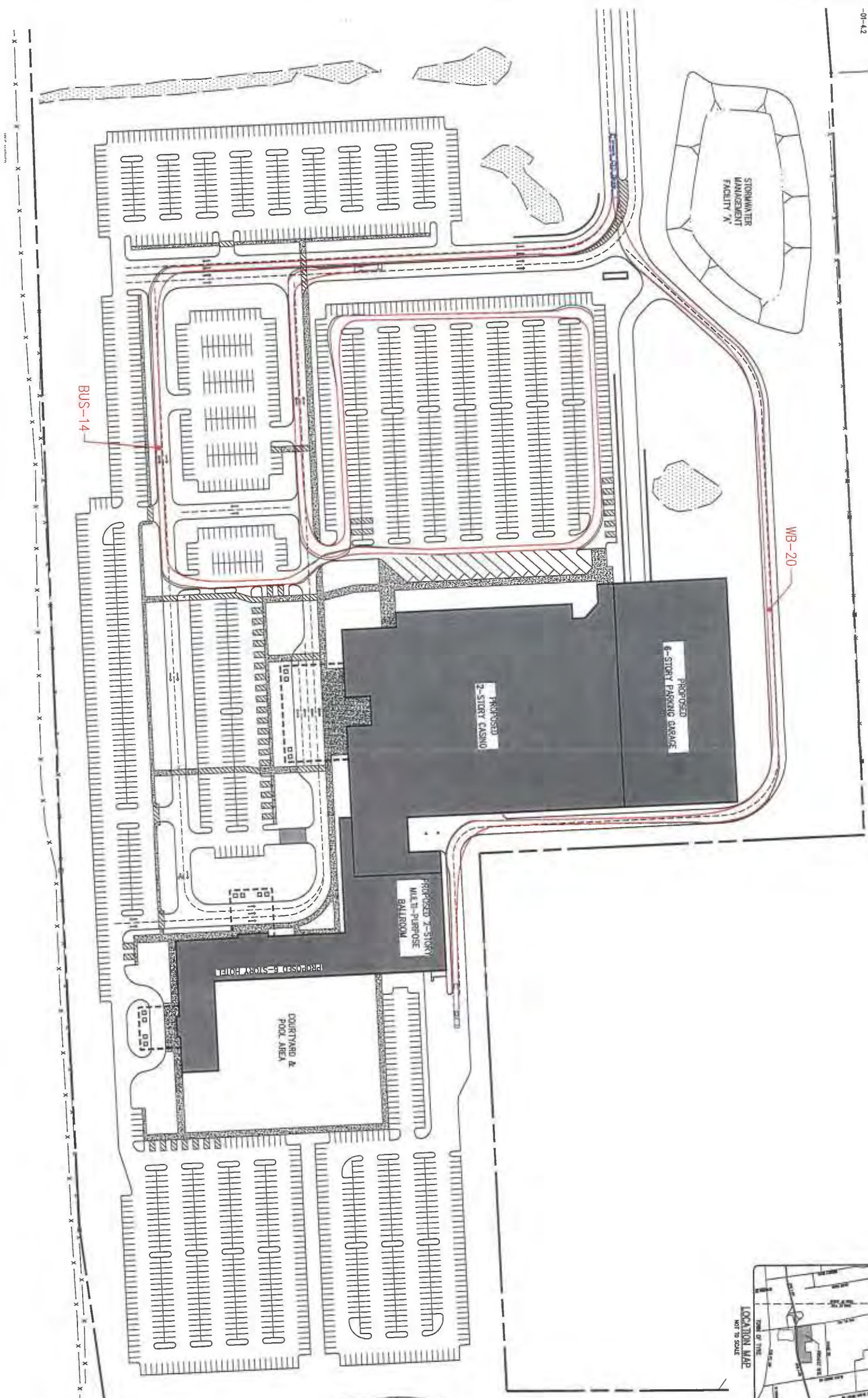
PROJECT: WILMOT CASINO AND RESORT
 LOCATION: TOWN OF TOWN, SENeca COUNTY, NEW YORK STATE
 CLIENT: WILMOT CASINO AND RESORT
 1000 SUTTON ROAD
 ROCKEFELLER, NEW YORK 14824
 DRAWING TITLE: CIRCULATION PLAN (2 OF 2)

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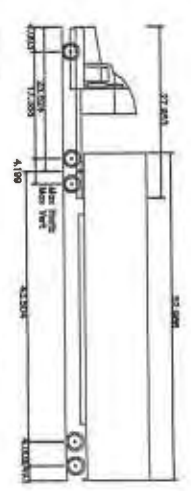
NOTES:
 1. THIS PLAN IS A PART OF A SET OF PLANS FOR THE WILMOT CASINO AND RESORT. IT IS TO BE USED IN CONJUNCTION WITH THE OTHER PLANS IN THE SET.
 2. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS BEEN ADVISED THAT THE PROPOSED WORK DOES NOT AFFECT ANY ADJACENT PROPERTY OR INTERFERE WITH THE USE OF ANY ADJACENT PROPERTY.
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LEGEND

WHEEL PATH

OVERHANG LIMITS



WB-20

Overall length 32'-0"

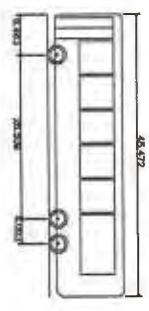
Overall width 8'-0"

Min. Body Height 7'-6"

Min. Body Ground Clearance 6'-0"

Look to Lock Time 44.816ft

Turning Radius 44.816ft



BUS-14

Overall length 26'-0"

Overall width 8'-0"

Min. Body Height 7'-6"

Min. Body Ground Clearance 6'-0"

Look to Lock Time 45.472ft

Turning Radius 45.472ft

TURNING TEMPLATES



MILITARY TRACT, TOWNSHIP JANUS, LOT 45, TAX MAP NUMBER 12.00-01-36

PROJECT	WILMOT CASINO AND RESORT
LOCATION	TOWN OF TINE, SCHENCK COUNTY, NEW YORK STATE
CLIENT	WILMOT CASINO, LLC 1200 STATE STREET ROCHESTER, NEW YORK 14624
DRAWING TITLE	TURNING TEMPLATES (1 OF 2)
PROJECT NUMBER	2392
DATE	JUNE 2014
EXHIBIT	

BME ASSOCIATES

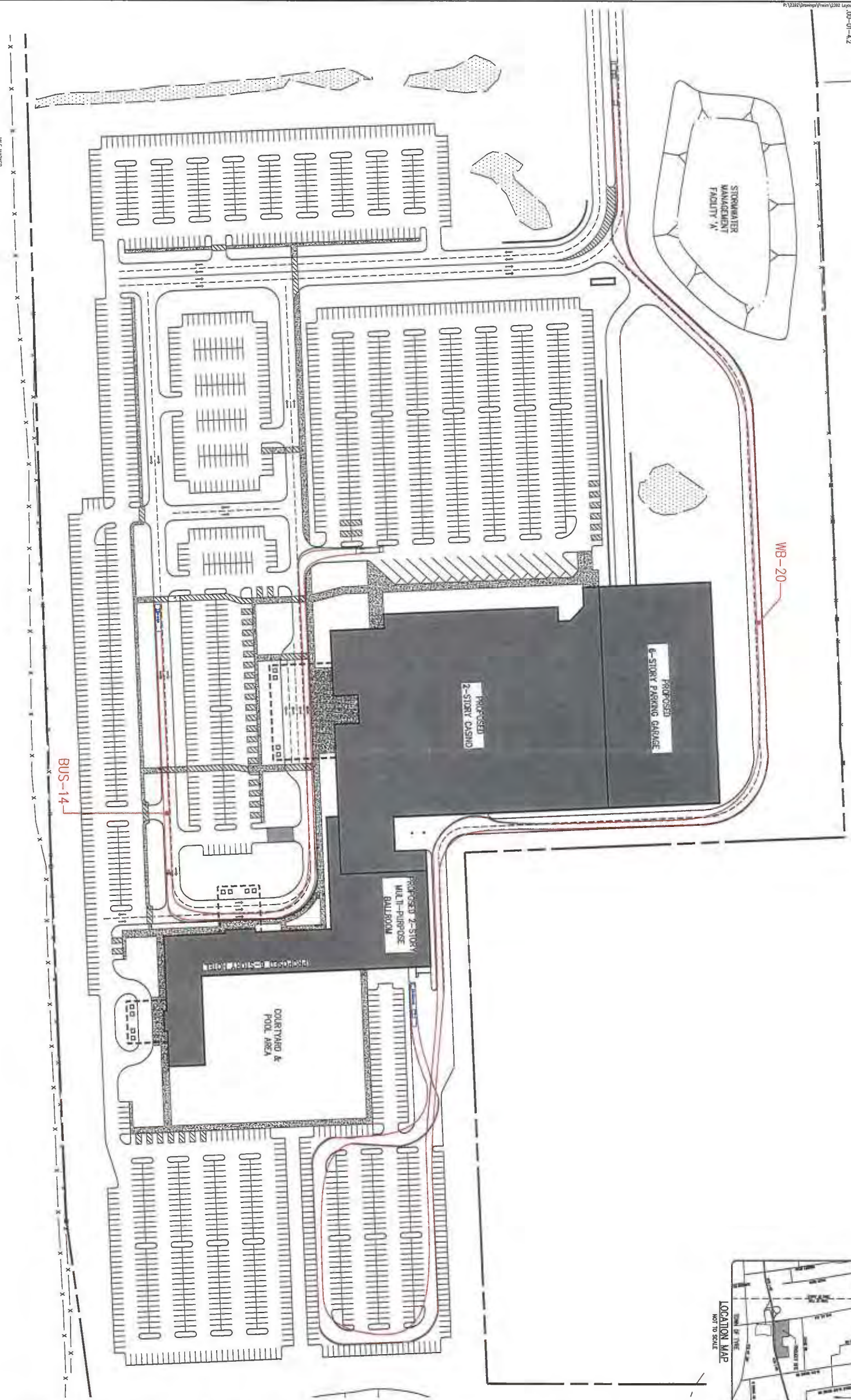
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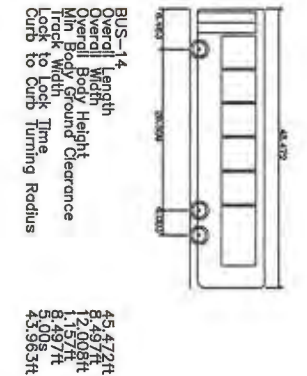
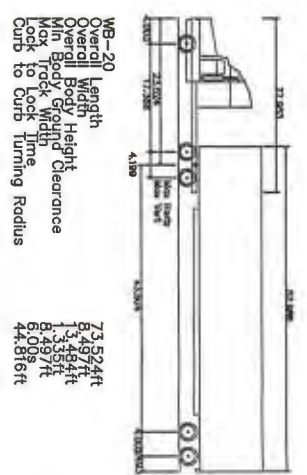
PHONE: 585.477.7240
FAX: 585.477.7200

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LEGEND
 WHEEL PATH
 OVERHANG LIMITS



MILITARY TRACT, TOWNSHIP JAMES, LOT 45, TAX MAP NUMBER 12.00-01-36

PROJECT: WILMOT CASINO AND RESORT
LOCATION: TOWN OF TARRYTOWN, ROCKLAND COUNTY, NEW YORK STATE
 1265 SCOTTSVILLE ROAD
 ROCKVILLE CENTER, NEW YORK 11580
CLIENT:
DRAWING TITLE: TURNING TEMPLATES (2 OF 2)

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PROJECT NUMBER: 2392
DATE: APR 2014
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EXHIBIT: