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MEMORANDUM

TO: Town of Tyre
Ronald F. McGreevy, Supervisor **JN. 1650.001.001**

FROM: Adam Cummings, P.E., BCEE

DATE: 3 September 2015

SUBJECT: Project Proposal SEQRA Documentation and Development Plan Review for
Lago 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 Project Proposal SEQRA Documentation and Development Plan, dated August 2015, documents.

Submittal Documents provided for review:

- Project Proposal SEQRA Documentation (2 Volumes), prepared by BME Associates and dated August 2015;
- Development Plan (12 sheets), prepared by BME Associates and dated August 2015;
- Part 1 EAF Clarification Letter, prepared by BME Associates and dated August 20, 2015.

We respectfully submit the following comments:

Lighting Comments

1. The Lighting Plan should demonstrate where the foot-candle limit becomes 0.0 to document no light spillage from the property. Please revise to show these readings.
2. Sheets 05 and 05A indicate several areas where “Lighting in this area to be provided by others”. We respectfully request that these areas be included in the lighting photometric analysis. If they are already included in the analysis, please submit supporting documentation substantiating this claim.





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3. Locations of proposed entrance gateway signs, overhead signs, building mounted light fixtures and proposed under canopy lighting should be clearly shown and labeled on the lighting plans. Lighting Note No. 4 instructs us to refer to Architectural Plan for Details, but these have not been provided at this time. Please provide the appropriate Architectural Plan Sheets for our review and consideration.
4. It is not discernible if the photometric analysis takes into account the general and special lighting in and around the buildings including porte-cochere down lighting, paver marker lighting, column accent lighting, exterior building lighting and entry/egress lighting. Please confirm. If the analysis does not, the plan should be modified to add these light sources in the photometric output.
5. There is no discussion regarding potential lighting impacts to adjoining properties, particularly to the north, from vehicular traffic traveling along the internal circulation roadways or within the multi-story parking garage. Please provide more detail of potential impacts, or lack thereof, related to these mobile light sources.
6. Please provide more detail regarding changing or animated lighting on the site.

Air and Noise Comments

1. Provide further information regarding potential construction noise impacts and elaborate in more detail on the statements that “noise levels [from construction activities] are not anticipated above any regulated levels, are temporary, and will only occur during a short term”.
2. Temporary construction impacts to air quality during intrusive activities prone to dust generation should be minimized to the maximum extent practicable employing the methods described in the application materials. In addition, we recommend the institution of a Community Air Monitoring Plan focused on fugitive dust, or particulate, monitoring to proactively protect the adjacent property owners to the north and provide more objective indicators to employ the described dust control measures.



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3. Provide more detailed information regarding the statement that air emissions from vehicular traffic will be similar to existing levels upon development of the site.

Surface Water Comments

1. The SWPPP and Final Plans reviewed included and referenced GP-0-10-001. This permit was replaced by GP-0-15-002 on January 29, 2015. An owner or operator of a construction activity with coverage under GP-0-10-001 is authorized to discharge in accordance with GP-0-15-002, unless otherwise notified by the NYSDEC. An owner or operator may continue to implement the technical/design components of the post-construction stormwater management controls provided that the design was done in conformance with the applicable technical standards. However, the owner or operator must comply with the other, non-design provisions of GP-0-15-002. Some of the changes, which we recommend to be updated accordingly in the SWPPP, include:
 - a. Erosion and Sediment Control Requirements - The owner or operator must select, design, install, implement and maintain control measures to minimize the discharge of pollutants and prevent a violation of the water quality standards. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of GP-0-15-002.
 - b. Part IV.B of the general permit has been updated to specify that the “Trained Contractor” shall perform the required maintenance inspections of the erosion and sediment controls being used on the site.
2. The existing SWPPP and Plans should reference and be updated to include the applicable provisions of GP-0-15-002. The Certification statements should be reviewed to ensure they match the GP-0-15-002 language. The SWPPP reviewed did not identify any subcontractors. Applicable subcontractors should also certify the SWPPP.
 - a. The Plans indicate use of phosphorus containing fertilizer. Use of phosphorus containing fertilizer should be conducted in accordance with the NY Nutrient Runoff Law.



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- b. Clarification should be provided if pretreatment is provided prior to the StormTech infiltration units.

Endangered Species Comments

1. The species list provided is an Unofficial List populated by the iPac online resource created and maintained by the U.S. Fish and Wildlife Service. Please provide an Official List to ensure that the appropriate species have been identified and evaluated.
2. On page 4 of the Bat Acoustical Survey Report contained in Appendix 7.D, there is a reference to a “2015 Deans Corner Project”. Clarify that this reference as it relates to this project.
3. Clarify why the trees located along the southern and northern treelines on the property site were not included as sampling sites.

Wetlands Comments

1. The Freshwater Wetlands identified on the eastern portion of the site are identified as New York State Regulated Wetlands, but were also identified as Federally Regulated Wetlands in the Preliminary Jurisdictional Determination. These wetlands should be labelled correctly to reflect this determination.
2. The New York State Department of Environmental Conservation Freshwater Wetland Delineation Determination does not reference the off-site wetlands located to the north of the project site (SF-23). Please confirm these boundaries and the associated 100-foot buffer is outside of the project site boundary.

Public Health Comments

1. It was noted that the Central Plant will house the HVAC equipment. Please clarify the type of equipment. If Cooling Towers will be utilized, please confirm that precautions will be taken to minimize the risk of Legionnaire’s Disease bacterial growth.



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Traffic Comments

1. Provide clarification regarding future growth buffering included in the Traffic Impact Study in the areas surrounding the project site.
2. Provide an analysis of construction traffic using a worst-case scenario, assuming a peak hourly rate estimate to project the potential impact to identified local roads.
3. Provide clarification why seasonal traffic fluctuations are not appropriate or necessary.
4. Provide more defined explanation of the buffer capacity used in the build scenario to ensure that a reasonable amount of foreseeable future growth is included.

We have also examined the August 20, 2015 EAF Part I Clarification letter from BME Associates to the Tyre Town Board. After examining the Project Proposal SEQRA Documentation, we have the following comments:

D.2.b.i – Information regarding the on-site wetland assessment at the Project site is included in the Federal Wetland Delineation Report prepared by BME and submitted to the Department of the Army Corps of Engineers and NYSDEC. Please clarify your response to this question by identifying the areas of the site that were studied and conclusions reached relative to wetlands, whether regulated or unregulated, and other areas studied, including the identified wet area labeled ‘Wetland X’ in the ERM Report, referred to here as “Wet Area X”.

D.2.b.iii – Based on the information provided in the SEQRA Documentation, please clarify your current response relative to sediment-laden discharges for the Town Board.

D.2.b.iv – Please clarify whether any aquatic vegetation was removed from Wet Area X referred to in this section.

D.2.m.ii – Please clarify how the Project building will act as a noise barrier to the nearest receptors to the Project property.



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E.2.o – The SEQRA Documentation states that neither the Indiana Bat nor the Northern long-eared bat was found at the Project site. However, is it the case that the existing trees could serve as suitable habitat for the northern long-eared bat and the Indiana bat, and for this reason the applicant adhered NYSDEC guidelines regarding removal time frames when it removed some on-site trees? If so, shouldn't the response to this question relative to any areas identified as habitat for an endangered or threatened species be "yes?"