



Department of
Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

CARL F. FORD, P.E.
Regional Director

September 21, 2015

Ms. Virginia C. Robbins
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, NY 13202-1355

RECEIVED

SEP 23 2015

BOND, SCHOENECK & KING PLLC

Dear Ms. Robbins:

RE: SEQR – LEAD AGENCY DESIGNATION
PROPOSED LAGO CASINO AND RESORT
TOWN OF TYRE, SENECA COUNTY

Subsequent to sending you our letter dated August 6, 2015, which concurred with the Town of Tyre Town Board being the lead agency for SEQR, we received a letter from Mr. Arthur W. Wentlandt of MacKenzie Hughes LLP dated August 11, 2015 (copy attached). This letter was sent to Mr. Carl Ford, NYSDOT Regional Director, on behalf of the Amish community in Seneca County.

NYSDOT respectfully requests that the Traffic Impact study (TIS) be revised to include a determination of where the Amish population resides, what roads they use, and what impact the proposed off-site work may have on their travels (i.e. non-standard features of the roadway). If there are any non-standard features identified in the project limits, these should be corrected.

If you have any questions, please contact our Regional Permit Engineer, Betsy Parmley of our Regional Traffic Safety & Mobility Group at (315) 428-4382. We are requesting that the revised TIS be sent to Betsy for her review.

Very truly yours,

MARK FRECHETTE, P.E.
Director, Planning and Program Management

By

John G. Reichert, P.E.
Civil Engineer II

Attachment

RECEIVED

August 11, 2015

AUG 13 2015

NYSDOT REGION 3

Carl F. Ford, P.E.
Regional Director
State of New York
Department of Transportation
Region 3
333 E. Washington Street
Syracuse, New York 13202

Reg. Dir.	MAIL ROOM	Asst. Dir.	
LT.		Construction	
Design		Fleet Admin.	
Admin. Svcs.		PPM	
RECEIVED REG. DIRECTOR R-3			
AUG 13 2015			
Real Estate		Safety	
Traffic		Operations	
All GDs		All REs	
		Michelle	

Re: Request for Traffic Safety Evaluation for Lago Casino Project

Dear Mr. Ford:

I am writing to notify you of the grave public safety hazard that the Lago casino, presently proposed to be located on State Route 414 in the Town of Tyre, poses to the Amish community throughout Seneca County. Several Amish families live in close proximity to the proposed casino site. They have chosen to live in this rural community partly because the low traffic in the area enables them to travel safely over public roadways by horse drawn carriage, in keeping with their religious values and beliefs. Needless to say, construction of a large casino would drastically change the character of their community in many ways, not the least of which would be an enormous increase in motorized vehicular traffic of all types. This traffic increase inevitably would present dangers to both the Amish utilizing their traditional means of transportation and motor vehicle operators who are unaware of, and unfamiliar with, the special hazards presented by roadway use of horse drawn vehicles.

The Amish community makes frequent use of Seneca County roadways, including those in the immediate vicinity of the proposed casino, and do so for many of the same purposes as the non-Amish. The Amish travel by horse and buggy to obtain necessary supplies, engage in farming and business activities, and gather for religious observances and social occasions. While Amish children ordinarily travel to and from their community's schools via buses provided by local school districts, the Amish school calendar does not mirror the public school calendar, particularly with regard to school vacations and many traditional school and local administrative holidays. On those occasions, Amish school children are transported to and from school via horse and buggy. Avoiding all State maintained highways and intersections of State highways with local roadways is not viable. Therefore,

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keeping highways free from unaddressed, known, potentially deadly risks is essential.

The importance of safe roadway conditions for the Amish is underscored by the recent spate of tragic accidents between motorized and horse drawn vehicles. One need only refer to websites such as <http://www.mapministry.org/news-and-stories/amish-buggy-accidents> to become aware of the extent of the problem. The results often are fatal, as shown by the death of an Amish infant after a car/buggy collision in Lewis County in 2012. These dangers have fueled efforts outside Seneca County, including the Share the Road campaign championed by North Country State Senator Patti Ritchie, to make local roadways safer for Amish buggy traffic. As these efforts show, the public safety issues associated with buggy usage are undeniable. Lago's plans for a massive casino visited by 9,000 patrons arriving each day by vehicle (with parking lots for 3,000 vehicles), in the midst of a sizable, established Amish community, would exponentially increase the potential for additional tragedies of this type.

In light of the obvious risk to the Amish in Seneca County that is presented by the Lago project, I request that DOT carefully examine the traffic impacts of the proposed casino and take whatever measures are necessary to protect the safety of the Amish community in response to the pending casino proposal.

The DOT's intervention is essential because neither the developer nor the Town has conducted any meaningful study of the impact on the Amish of the traffic this massive development would generate. The Traffic Impact Study undertaken by McFarland Johnson dated March 11, 2014 (attached hereto as Exhibit A) did not address Amish roadway usage at all. Documents associated with the Lago project indicate that the only traffic assessment of Amish usage was a two day traffic count conducted in late November 2013 at a single intersection - the intersection of Route 414 and Chase Road immediately north of the proposed casino site (see the letter of Michael A. Simon of BME Associates to Adam Cummings, PE of Barton & Loguidice dated May 29, 2014 attached hereto as Exhibit B). Because the study did not observe any Amish at that one intersection during that cold-weather time of year¹, and even though it is undeniable that Amish live in and frequently travel the local roadways, a negative SEQRA declaration was issued by the Tyre Town Board that completely ignored the traffic dangers to the Amish community posed by the Lago development.

The Town of Tyre's superficial traffic analysis underscores its failure to take a careful or hard look to date with respect to the proposed Lago development. Indeed, the Appellate

¹ In addition, the vast majority of the total of 18 hours during which the "study" was conducted occurred after sunset.

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Division, Fourth Department, recently declared the negative declaration issued by the Town a nullity because there was no written reasoned statement to support it. A SEQRA re-determination is now pending before the Tyre Town Board. I understand that the DOT is an involved agency and will be participating in this re-determination. We urge the DOT to ensure that a comprehensive traffic study is undertaken.

A comprehensive study must analyze the traffic effects not only in the area immediately adjacent to the entrance to the casino, but also on the winding, undulating roads that will funnel employees, vendors, suppliers, and patrons to the proposed casino. Design changes to these roads must be assessed. In addition to local roads, these roads include State Routes 414, 318, 96, 89, 14, 31 and 5/US 20. A comprehensive traffic safety study addressing the potentially deadly danger presented by the inherent conflict between motorized and horse drawn vehicular traffic over these roadways, and at their intersections with less traveled local roadways, can prevent future tragedies involving the Amish and those who encounter them on the roadways.

An Amish representative recently has raised concerns with the Office of the Attorney General about mistreatment of the Amish during the Lago project development process. As a result, you may find it helpful to discuss this request with your Region's liaison in the Office of the Attorney General.

Thank you for your kind attention and I look forward to your further involvement in this very important public safety issue.

Very truly yours,

MACKENZIE HUGHES LLP

Arthur W. Wentlandt

AWW/mad
Enclosures
cc:w/enc.:

Mr. Christopher Covert
Resident Engineer
Cayuga/Seneca Residency
New York State Department of Transportation
78 East River Street
Waterloo, New York 13165