

Town of Tyre

State Environmental Quality Review Act Lago Resort and Casino Proposal

Review of Potential Impacts

Parts 2 and 3 of the Full Environmental Assessment Form

Introduction

The Tyre Town Board (the “Board”) must review the Full Environmental Assessment Form (“FEAF”), which includes Part 1 provided by the Applicant and Parts 2 and 3, together with all the supplemental information provided by the Applicant, the public, and the Town’s Engineer,¹ and decide whether the proposal to construct a resort and casino in the Town (the “Project”) is likely to have a “significant adverse impact upon the environment.” SEQRA requires the approving agency to identify and assess the potential impacts of a proposed action “in order to avoid or reduce significant adverse environmental impacts while meeting the social and economic needs of a community.”² Completing Part 2 of the FEAF will help the Board identify those topics that need to be discussed further in Part 3. Together, Parts 2 and 3 assist the Board in making its determination of environmental significance. If the Board finds that the Project will result in one or more impacts that are both “significant” and “adverse,” then it must issue a positive declaration identifying the significant adverse impacts and requiring the preparation of an Environmental Impact Statement (“EIS”). If the Board finds that the Project will have no significant adverse impacts on the environment, no EIS is necessary and a negative declaration must be prepared.

Part 2 Analysis

Part 2 is designed to help the Board, as lead agency, inventory all potential resources that could be affected by the Project and assess whether there are any potential adverse impacts that need further consideration. Specifically, Part 2 is designed to assist the Board in determining whether

¹ The SEQRA Workbook makes it clear that the Board may consider any information submitted by the Applicant as part of the Application. The Workbook also indicates that the Board may request clarification or expansion of information submitted in Part 1 in order to complete Parts 2 and 3.

² NYSDEC, Local Official’s Guide to SEQRA, <http://www.dec.ny.gov/permits/36860.html>, accessed 9/8/2015.

any identified impacts will have no impact or a small impact, or a moderate to large impact. This decision should be based on the magnitude of the potential impact. Magnitude is not just the physical size of the project, but also depends on the scale,³ context⁴ and severity of a project's potential impacts. Interpretation on the size or significance of an impact is at the discretion of the Board as the lead agency.

Part 3 Analysis

For each impact in Part 2 that the Board identifies as moderate to large, the Board must undertake further analysis in Part 3 to determine whether those impacts are both significant and adverse and require further study. Specifically, in Part 3, the Board must discuss for each potential moderate to large impact the magnitude, duration of impact, likelihood of the impact and importance of the impact in the context of the site and the community. Part 3 is also the place where the Board may identify whether the Project includes aspects or design features that lessen an impact to the point where it is no longer a significant concern.

- **Magnitude** assesses factors such as severity, size or extent of an impact. Magnitude is conveyed as moderate to large. Moderate impacts tend to be more localized. Large impacts tend to be broader and of regional concern.
- **Duration** looks at how long the impact will occur. Duration is assessed as short-term, medium-term, long-term or irreversible.
- **Likelihood** measures the probability of an impact occurring. Likelihood involves determining whether the impact is unlikely to occur, will possibly occur or will probably occur.
- **Importance** relates to how people or resources will be qualitatively impacted in the context of the status quo conditions in the community and the environment. Importance is more subjective and is based on a consideration of the magnitude, duration, likelihood, environmental setting and on the scale and context of the project, the site and the community.

³ Scale refers to the overall size of the project and features that measure the intensity of the project.

⁴ Context refers to the conditions on the project site and its relation to adjacent parcels, the neighborhood, and the community as a whole.

Example

For each potential impact, there are combinations of magnitude, duration and likelihood. However, there is no universally accepted measure of significance – the criteria must be considered on a case-by-case basis. The SEQRA Handbook published by the New York State Department of Environmental Conservation provides the following example to illustrate the process an agency must use when evaluating the above factors:

“A bridge is proposed to cross a river. Potential erosion during construction could be large in magnitude. If the stream into which the eroded soil would fall is presently a relatively "muddy" stream, already carrying large quantities of sediment, the addition of such a temporary load during construction would likely not be important. However, if the same amount of material were to wash into a clear trout stream, particularly during or immediately following spawning, or to settle downstream in a productive wetland, this impact should be viewed as more important because of the high value of the wetland and trout stream resources.”

I. Impact on Historic and Archeological Resources (Page 6 of Part 2 of EAF): **The proposed action may occur in or adjacent to a historic or archaeological resource.**

A. Part 2, Section 10, Item a – “The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological 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.”

1. Relevant Project Information:

- a) According to a portion of the New York State Archeological Site Location Map and the Cultural Resource Information System (CRIS), there are no archeologically or historically sensitive areas at or in proximity to the site.
- b) On May 16, 2014, the New York State Office of Historic Preservation (OPRHP) determined that the project "will have no impact upon cultural resources in or eligible inclusion in the State and National Register of Historic Places" (Appendix 10.B).
- c) On August 7, 2015, OPRHP determined that the project "will continue [to] have no impact on archeological and/or historic resources listed or eligible for the New York State and National Registers of Historic Places" (Appendix 10.C).

2. Key Considerations:

- a) Pursuant to the NYSDEC SEQRA Workbook, “[i]f there are no buildings, archaeological sites or historic districts listed or nominated to be listed on the State or National Register of Historic Places on or contiguous to the proposed project, then there will be no related impacts.”

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? ___ Yes ___ No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

B. Part 2, Section 10, Item b – “The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.”

1. Relevant Project Information:
 - a) According to the NYSDEC Environmental Resource Mapper, there are no archeological resources known for the project site. The mapper highlights areas of concern around documented locations of known archeological resources.
 - b) In addition, based on the New York State Archeological Site Location Map there are no archeologically or historically sensitive areas at or in proximity to the site.
 - c) On May 16, 2014, the New York State Office of Historic Preservation (OPRHP) determined that the project "will have no impact upon cultural resources in or eligible inclusion in the State and National Register of Historic Places" (Appendix 10.B).
 - d) On August 7, 2015, OPRHP determined that the project "will continue [to] have no impact on archeological and/or historic resources listed or eligible for the New York State and National Registers of Historic Places" (Appendix 10.C).
2. Relevant Public Comment:
 - a) Ms. Nearpass submitted a document that provided an overview of Native American archeological sites.

b) Hodgson Russ letter contended that it was not enough to rely on the EAF Mapper or comments from another agency in conducting an investigation into potential impacts to historic and archaeological sources.

3. Key Considerations:

- a) Pursuant to the NYSDEC SEQRA Workbook, “[i]f there are no areas designated as sensitive for archaeological sites on or contiguous to the project site, then there will be no related impacts.”
- b) Nevertheless, despite the absence of any known resources of cultural, archeological or historical significance, in July 2015, the applicant retained the archeological consulting firm of Deuel Archeology & CRM to perform a Phase IA Cultural Resource Investigation (Appendix 10.D).
- c) According to the Phase IA, Report, the specific environmental setting of the project area did not meet the threshold required for OPRHP to recommend a Phase IA/IB cultural resource investigation.
- d) No cultural resources in or eligible for inclusion in the State or National Registers of Historic Places were observed within the area of potential effect.
- e) According to the Archaeological Sensitivity Map, no portions of the Project area are located within an archaeologically sensitive area. The closest archaeological sites are located about 2 miles to the south-southeast.
- f) Despite the comments from Hodgson Russ, case law and correspondence from Hartgen Archaeological Associates, dated August 27, 2015 (Appendix 10.E), notes that it is a commonly accepted practice for lead agencies to rely on comments from OPRHP to assess potential impacts on historic or archaeological resources.

Hartgen’s letter also notes that the OPRHP site files are the most comprehensive inventory of

archaeological and historical properties in New York. These files were examined by the Deuel as part of the Phase IA.

- g) According to the Phase IA Report, the information submitted by Ms. Dagmar Nearpass reinforces the presence of Native American groups in the region, but none of the sites that have archaeological provenience are located within one mile of the Project site.
- h) Although prominent drumlins and terraces above wetlands would have been suitable locations for Native American precontact sites, the drumlin within the Project area was not prominent and the steep slopes would have been unsuitable for large base camps or villages.
- i) Review of the environmental and soils data indicated that the Project site is located in a drumlin landscape within the Erie-Ontario-Mohawk physiographic province with no alluvial soils. Alluvial soil is a fine grained fertile soil deposited by water flowing over flood plains or in river beds that have the potential for buried cultural resources.
- j) The Investigation further concluded that "[d]ue to the limited archeological sensitivity and prior grounds disturbances, the potential for identifying intact archeological deposits within the [area of potential effect] is low. Continued development of the project site will have no impact upon cultural resources in or eligible for inclusion in the State or National Registers of Historic Places." No further archeological investigation of the Project site was recommended.

Hartgen reviewed Ms. Nearpass's study. As noted by Hartgen, Ms. Nearpass identified artifacts found in fields along White Brook, but these sites are more than a mile from the project Site.

Ms. Nearpass's comments regarding artifacts found on a nearby site cannot be critically evaluated due to the absence of the artifacts and clear provenance information (or information on the point of origin).

- k) The applicant also retained the consulting firm of Hartgen Archeological Associates, Inc. to advise as to potential impacts upon archeological and historical resources (Appendix 10.E).
- l) With respect to the document prepared by Ms. Nearpass related to Native American archeological sites, Hartgen indicated that Ms. Nearpass' report "erroneously conflates the presence of these sites elsewhere in Seneca County with the assertion that 'a significant archeological and historic resource . . . would be destroyed by construction of the Lago Casino.' In fact, there are no reported Native American archeological deposits within or adjacent to the Project."
- m) The Cayuga Indian Nation was contacted for information by Hartgen, but has not responded to this inquiry (although they inquire with OPRHP directly regarding the Project, acknowledging receipt of the Hartgen correspondence, but providing no comments).
- n) Hartgen concluded that further consideration of performing an archeological field survey is unwarranted.

4. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

5. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

C. Part 2, Section 10, Item c – “The proposed action may occur wholly or partially within, or substantially contiguous to, an

archaeological site not included on the NY SHPO inventory.
Source _____”

1. Relevant Project Information:

- a) The applicant engaged an archeological consultant to prepare a Phase IA archeological survey, which concluded the specific environmental setting of the project area does not meet the threshold required for the OPRHP to recommend a Phase IA/IB Cultural Resource Investigation.
- b) Field reconnaissance was conducted to identify any areas in which cultural resources or archaeological features may exist.
- c) The applicant also retained the consulting firm of Hartgen Archeological Associates, Inc. to advise as to potential impacts upon archeological and historical resources (Appendix 10.E).
- d) With respect to the document prepared by Ms. Nearpass related to Native American archeological sites, Hartgen indicated that Ms. Nearpass' report "erroneously conflates the presence of these sites elsewhere in Seneca County with the assertion that 'a significant archeological and historic resource . . . would be destroyed by construction of the Lago Casino.' In fact, there are no reported Native American archeological deposits within or adjacent to the Project."
- e) Hartgen concluded that further consideration of performing an archeological field survey is unwarranted

2. Relevant Public Comment: Ms. Nearpass submitted a document that provided an overview of Native American archeological sites.

3. Key Considerations:

- a) This question covers areas that may be of local importance or based on local knowledge, despite the absence of any known resources of cultural,

archeological or historical significance, in July 2015, the applicant retained the archeological consulting firm of Deuel Archeology & CRM to perform a Phase IA Cultural Resource Investigation (Appendix 10.D).

- b) According to the Phase IA, Report, the specific environmental setting of the project area did not meet the threshold required for OPRHP to recommend a Phase IA/IB cultural resource investigation.
- c) No cultural resources in or eligible for inclusion in the State or National Registers of Historic Places were observed within the area of potential effect.
- d) According to the Archaeological Sensitivity Map, no portions of the Project area are located within an archaeologically sensitive area. The closest archaeological sites are located about 2 miles to the south-southeast.
- e) Despite the comments from Hodgson Russ, case law and correspondence from Hartgen Archaeological Associates, dated August 27, 2015 (Appendix 10.E), notes that it is a commonly accepted practice for lead agencies to rely on comments from OPRHP to assess potential impacts on historic or archaeological resources.

Hartgen's letter also notes that the OPRHP site files are the most comprehensive inventory of archaeological and historical properties in New York. These files were examined by the Deuel as part of the Phase IA.

- f) According to the Phase IA Report, the information submitted by Ms. Dagmar Nearpass reinforces the presence of Native American groups in the region, but none of the sites that have archaeological provenience are located within one mile of the Project site.
- g) Although prominent drumlins and terraces above wetlands would have been suitable locations for Native American pre-contact sites, the drumlin within the Project area was not prominent and the steep slopes

would have been unsuitable for large base camps or villages.

- h) Review of the environmental and soils data indicated that the Project site is located in a drumlin landscape within the Erie-Ontario-Mohawk physiographic province with no alluvial soils. Alluvial soil is a fine grained fertile soil deposited by water flowing over flood plains or in river beds that have the potential for buried cultural resources.
- i) The Investigation further concluded that "[d]ue to the limited archeological sensitivity and prior grounds disturbances, the potential for identifying intact archeological deposits within the [area of potential effect] is low. Continued development of the project site will have no impact upon cultural resources in or eligible for inclusion in the State or National Registers of Historic Places." No further archeological investigation of the Project site was recommended.
- j) The applicant also retained the consulting firm of Hartgen Archeological Associates, Inc. to advise as to potential impacts upon archeological and historical resources (Appendix 10.E).

Hartgen reviewed Ms. Nearpass's study. As noted by Hartgen, Ms. Nearpass identified artifacts found in fields along White Brook, but these sites are more than a mile from the project Site.

Ms. Nearpass's comments regarding artifacts found on a nearby site cannot be critically evaluated due to the absence of the artifacts and clear provenance information (or information on the point of origin).

- k) With respect to the document prepared by Ms. Nearpass related to Native American archeological sites, Hartgen indicated that Ms. Nearpass' report "erroneously conflates the presence of these sites elsewhere in Seneca County with the assertion that 'a significant archeological and historic resource . . . would be destroyed by construction of the Lago Casino.' In fact, there are no reported Native American

archeological deposits within or adjacent to the Project."

- l) The Cayuga Indian Nation was contacted for information by Hartgen, but has not responded to this inquiry (although they inquire with OPRHP directly regarding the Project, acknowledging receipt of the Hartgen correspondence, but providing no comments).
- m) Hartgen concluded that further consideration of performing an archeological field survey is unwarranted.

4. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

5. Part 3 Analysis required? Yes No

- a) Magnitude:
- b) Duration:
- c) Likelihood:
- d) Importance:
- e) Key Question: Is the impact significant and adverse?

D. Part 2, Section 10, Item d – "Other impacts."

1. Relevant Project Information:

- a) The Project site contains a family burial plot dating to the mid to late 1800s. According to the Phase IA Cultural Resource Investigation, in May 2014, a cemetery consultant, Richard Fishman, visited the plot, prepared a report, and recommended that the project be redesigned to avoid impacts to the burial plot.
- b) Following those recommendations, the applicant reconfigured the parking area for the Project to avoid and preserve the burial plot. Specifically, an area measuring 75 x 75 feet around the plot will be

preserved. This area is larger than the historically referenced size of the plot. In addition, the applicant will provide right-of-way access to the family associated with the burial plot.

On July 29, 2015, a Deuel Archaeology representative conducted field reconnaissance to assess the potential for unmarked burials outside the limits of the cemetery.

- c) The burial plot is neither of historic significance nor eligible for state or federal designation as a historic resource.
 - d) In the event any human remains are inadvertently discovered during construction activities, the human remains discovery protocols set forth in an attachment to the Phase IA Report will be implemented.
 - e) On August 27, 2015, Deuel Archeology & CRM provided a letter concerning the private family burial plot to OPRHP confirming that the project was redesigned to avoid impacts to the burial plot (Appendix 10.F).
2. Relevant Public Comment: Several commenters expressed concern about the family cemetery located on the Project site.
3. Key Considerations:
- a) All soil removed and grading activities in the vicinity of the cemetery have been completed.
 - b) The Weaver Family cemetery will not be disturbed by continued development of the Project.
4. Item identified as:
- No impact
 - Potential small impact
 - Potential moderate to large impact
5. Part 3 Analysis required? Yes No
- a) Magnitude

- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

E. Part 2, Section 10, Item e - “If any of the above (a-d) are answered ‘Yes’, continue with the following questions to help support conclusions in Part 3:

1. The proposed action may result in the destruction or alteration of all or part of the site or property.
2. The proposed action may result in the alteration of the property’s setting or integrity.
3. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.”

II. Impact on Land (page 1 of Part 2 of FEAF): “The proposed action may involve the construction on, or physical alteration of, the land surface of the proposed site.”

A. Part 2, Section 1, Item a – “The proposed action may involve construction on land where depth to water table is less than 3 feet.”

1. Relevant Project Information:

- a) The average depth to the water table at the Site is generally more than 10 feet based on soil borings. No borings indicated a depth to the water table less than 3 feet.
- b) Foundation Design, P.C., completed a Preliminary Geotechnical Evaluation in April 2014 and a complete Geotechnical evaluation in September 2014 and concluded after performing soil borings that the construction of the Project will not be affected by a high water table.

2. Relevant Public Comment: None.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

B. Part 2, Section 1, Item b – “The proposed action may involve construction on slopes of 15% or greater.”

1. Relevant Project Information:

- a) Approximate proportion of the entire Site with slopes:
 - 0-10%: 87% of site
 - 10-15%: 8% of site
 - 15% or greater: 5% of site
- b) Much of the sloped area identified in Part 1 has already been graded to eliminate steep slope of 15% grade or greater.
- c) The remaining sloped area consists of less than an acre of land directly adjacent to the NYS Thruway. This small sloped area will not be disturbed under the current plan and will remain green space.

2. Relevant Public Comment: None.

3. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

4. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

C. Part 2, Section, 1, Item c – “The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.”

1. Relevant Project Information:

- a) No bedrock will be exposed as part of construction activity at the Site. Foundation Design, P.C., completed a Preliminary Geotechnical Evaluation in April 2014 and a complete Geotechnical evaluation

in September 2014 and concluded after performing soil borings that the construction of the Project will not be affected by bedrock.

- b) Foundation Design determined that deeper soils transition to bedrock at the Site approximately 10 feet below grade. The overall Site is an undifferentiated area of Camillus (upper) and Syracuse (lower) formations. Intact bedrock (hard dolomite layers) were not found until borings reached at least 445 feet below the surface.

2. Relevant Public Comment: None.

3. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

4. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

D. Part 2, Section, 1, Item d – “The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.”

1. Relevant Project Information:

a) While the proposed action does include excavation, this activity will be limited to general site preparation, grading, installation of utilities, and installation of foundations, where all excavated materials will remain on site.

b) The Project does not involve any mining activities.

- c) There will not be onsite dewatering or processing of excavated materials.
- d) The excavation will not involve blasting.
- 2. Relevant Public Comment: None.
- 3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
- 4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

E. Part 2, Section, 1, Item e – “The proposed action may involve construction that continues for more than one year or in multiple phases.”

- 1. Relevant Project Information:
 - a) Construction activity at the Site was originally anticipated to last for no more than 24 months, including earthwork and grading.
 - b) All clearing work and the majority of mass earth moving have already been completed.
 - c) The applicant estimates that the construction period from the date of receipt of necessary approvals will be 13 to 15 months until project completion.
 - d) There will only be one phase of construction.
- 2. Relevant Public Comment: None.
- 3. Item identified as:
 - No impact
 - Potential small impact

___ Potential moderate to large impact

4. Part 3 Analysis required? ___ Yes ___ No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

F. Part 2, Section, 1, Item f – “The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).”

1. Relevant Project Information:
 - a) The proposed action will disturb more than one acre and have stormwater runoff.
 - b) The applicant has obtained coverage under NYSDEC SPDES General Permit for Stormwater Discharges for Construction Activity GP-0-10-001 and was granted a 5-acre waiver from NYSDEC. The 5-acre waiver allows the applicant to disturb more than 5 acres at a time and still obtain coverage under the General Permit.
 - c) Pursuant to NYS regulations, the Applicant prepared a Storm Water Pollution Prevention Plan (“SWPPP”) to control erosion and sedimentation, which was reviewed and approved by the NYSDEC. The Project’s SWPPP provides a comprehensive erosion control plan and a design to ensure that construction activity and post-construction activity will not result in increased erosion.
 - d) In connection with the approved SWPPP, various practices to control soil erosion have been implemented throughout the Site.
 - The stormwater management ponds, which have been constructed, act as settling basins during and after construction. The basins will

be monitored regularly and accumulated silt will be excavated as necessary. Each stormwater management pond has been undercut to allow for additional silt accumulation during construction.

- In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures are installed. The soil stabilization measures conform to the most current version of the technical standards.
 - Stone check dams and silt fences are used to slow the passage of runoff and filter silt from runoff. Sediment traps and silt fence have been installed around storm sewer inlets.
 - Stabilized construction entrances have been utilized to minimize the tracking of sediment onto public streets.
 - Street sweeping has occurred, and will occur, as necessary to clean adjacent roads during the construction process.
 - Water trucks have been, and will be, used onsite to control dust.
 - Barriers in the form of silt fence have been provided along limits of disturbance adjacent to the wetlands to prevent the transportation of silt into the wetlands.
 - Erosion control features will be maintained and replaced as necessary throughout construction.
- e) Pursuant to the General Permit, the applicant must inspect the site's erosion control practices twice a week. These inspections have been completed as required since the start of construction on December 26, 2014. The only exception was during the winter shut-down period from February 24, 2015

and March 11, 2015, during which time all disturbed areas were stabilized and one inspection per month was performed, as required.

- Ben Groth of NYSDEC Region 8 was onsite January 15, 2015 to review perimeter erosion control measures. Following the inspection, NYSDEC issued a letter and report stating that the project site was in satisfactory compliance with the General Permit.
 - Since construction commenced over 60 inspections have been performed and no violations were noted.
 - The Project site has been stabilized pursuant to regulatory requirements as a result of the temporary cessation of construction activity effective July 10, 2015.
 - On August 6, 2015, Mr. Groth performed an on-site SWPPP inspection. The Project site was found to be "in satisfactory compliance with the requirements and limitations as set forth in the" General Permit.
 - As a result of its inspection on August 6, 2015, NYSDEC required the removal of two sections of silt fencing located at the discharge points of the two stormwater ponds. According to NYSDEC, the silt fence in those locations acted as a barrier and would typically promote erosion.
- f) Approximately 32 acres of impervious surface will be created on the 84.95 acre parcel.
- g) Stormwater will be directed to two onsite Stormwater Management Facilities ("SWMFs"), and then will be discharged to runoff discharge points found on the Site. The intent of the SWMFs is to replicate the pre-construction infiltration, peak runoff flow, discharge volume, as well as minimization of concentrated flow by using runoff control techniques

to provide treatment in a distributed manner before runoff reaches offsite discharge locations.

- h) The SWMFs will control the discharge from the site and ensure that runoff rates post-construction are the same as they were under pre-development conditions.
- i) Some stormwater runoff will flow onto adjacent properties, but at the same rate as present conditions.
- j) Pesticides and herbicides will be applied to the lawn and landscaped areas (22.7 acres) around the Site to prevent weeds and insect damage. The Site previously contained 45 acres of farmland where presumably pesticides and herbicides were applied.
- k) The Project will an Integrated Pest Management Plan to minimize the use of pesticides and encourage natural pest control methods.

2. Relevant Public Comments:

- a) Akin Gump and others commented that the Project has resulted in significant erosion, runoff from the Site, and flooding of adjacent areas, including inundation of a wetland on a neighboring parcel.
- b) Akin Gump's comment acknowledges that a NYSDEC approved SWPPP is in place, but argues that the sediment and erosion control features of the SWPPP are not adequate.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood

- d) Importance
- e) Key Question: Is the impact significant and adverse?

G. Part 2, Section 1, Item g – “The proposed action is, or may be, located within a Coastal Erosion hazard area.”

- 1. Relevant Project Information: The Project is not within a Coastal Erosion hazard area or the waterfront area of a Designated Inland Waterway.
- 2. Relevant Public Comment: None.
- 3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
- 4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

H. Part 2, Section 1, Item h – “Other impacts”?

III. Impact on Geological Features (page 2 of Part 2 of FEAF): The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

A. Part 2, Section, 2, Item a – “Identify the specific land form(s) attached.”

1. Relevant Project Information:

- a) There are no unique geological features at or near the Site according to the List of Unique Geological Features maintained by NYSDEC. The nearest unique feature is Junius Ponds, which will not be impacted by the Project. Junius Ponds are approximately 5 miles away and are not hydrologically connected.
- b) Foundation Design, P.C., completed a Preliminary Geotechnical Evaluation in April 2014 and a complete Geotechnical evaluation in September 2014 and identified a hillside formation on the site known as a drumlin.
- c) All but 15-20% of the drumlin was removed during the construction of the NYS Thruway and the Petro Shopping Center to the south of the Site. Most of the remaining portion of the drumlin was removed during site work earlier this year.
- d) Foundation design prepared a letter dated August 20, 2014 providing additional information about the drumlin and concluding that it was not a unique or significant geological feature worthy of preservation.
- e) A drumlin is an elongated hill formed from glacial till. There are approximately 10,000 drumlin hills that have been identified on the plains of Western New York.

2. Relevant Public Comment: Two commenters noted the presence of a drumlin at the Site.

3. Item identified as:

No impact

- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

B. Part 2, Section 2, Item b – “The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.”

1. Relevant Project Information: The Project will not affect and is not adjacent to a geological feature listed as a registered National Natural Landmark.
2. Relevant Public Comment: None.
3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

C. Part 2, Section 2, Item c – “Other impacts”?

IV. Impact on Plants and Animals (page 4 of Part 2 of FEAF): The proposed action may result in a loss of flora or fauna.

A. Part 2, Section, 7, Item a – “The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.”

1. Relevant Project Information:

- a) Predevelopment conditions at the Site consisted of active agricultural fields, hedgerows, wetlands and woods. The wetlands portions of the Site will not be disturbed by the Project.
- b) No threatened or endangered species are known to exist at the Site according to the NYSDEC Environmental Resource Mapper and Nature Explorer.
- c) The U.S. Fish and Wildlife Service Information, Planning and Conservation Trust Resource Report generated in 2014 identified the Indiana Bat (Endangered), Northern Long-eared Bat (Proposed Endangered), and Bog Turtle (Threatened) as natural resources of concern in the general area. In 2015, only the Northern Long-eared Bat was listed.
- d) None of the above referenced government resources identified any critical habitats or refuges within the Site.
- e) Bat Conservation and Management performed a survey of the Site and prepared a report dated August 20, 2015. After interpreting the results from three separate acoustic monitoring locations at the Site over a four night period, Bat Conservation and Management concluded that neither the Indiana Bat, nor the Northern Long-eared Bat were present at the Site.
- f) The Town Engineer (Barton & Loguidice, D.P.C. personnel consisting of Adam Cummings and environmental biologist staff) has concluded that the

necessary groundcover to support Bog Turtles is not present at the Site. EcolSciences provided a report dated August 27, 2015 which also concluded that there is no suitable Bog Turtle habitat at the Site.

- g) The nearest documented Bald Eagle nest is located at the Montezuma National Wildlife Refuge approximately 3 miles east of the Site.
- h) Dr. Kevin McGowan conducted an onsite investigation and submitted a report dated August 25, 2015, that concluded the Site is not an area of attraction to eagles because it has no features that would entice an eagle to visit or linger. Specifically, the Site contains no feeding sites or nesting sites attractive to eagles. He further concluded that conversion of the Site from agricultural use will have no impact on the eagles' likelihood to visit the Site, and no impact on the likelihood of an eagle being killed by an automobile considering the already high traffic volumes present on the NYS Thruway which borders the site.
- i) EcolSciences also prepared a report studying potential impacts on eagles dated August 27, 2015, and concluded at the Project would have a negligible or insignificant impact on eagles and their habitat. EcolSciences further concluded that the installation of onsite SWMFs represents a negligible change to the region when compared with the large quantity of far superior habitats for eagles. Thus, EcolSciences concluded that the Project will not change eagle distribution, movements or local concentrations.
- j) McGowan concluded that wooded wetland area on the eastern portion of the Site could be used for migratory bird breeding habitat, but, that portion of the Site would not be disturbed by the Project. He further concluded that the proposed SWMFs will be too small to attract migratory birds.

- k) The Project proposes to preserve this eastern 10 acres as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on local nature parks, including the Seneca Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge
- l) EcoSciences concurred with McGowan's conclusions and further added that lighting from the Project will not impact migratory birds due to the Project's proximity to the NYS Thruway and other developments in the area.

2. Relevant Public Comment:

- a) Akin Gump has commented that the Town must take a hard look on the impacts of the Project on Montezuma National Wildlife Refuge, Montezuma Wetlands Complex and the Seneca Meadows Wetlands Preserve.
- b) Akin Gump stated that an assessment must be completed addressing potential impacts on threatened and endangered species as a result of the Project.
- c) Akin Gump expressed concern that the construction of the Project would increase the likelihood that Bald Eagles may be struck by automobiles.
- d) Akin Gump and others commented that the Site provided suitable habitat for the Indiana Bat and Northern Long-eared Bat.
- e) By letter dated August 11, 2015, the United States Department of the Interior, Fish and Wildlife Service, submitted comments encouraging the preservation of sensitive environmental areas, the use of natural stream design methods, the maintenance of green space, the implementation of a SWPPP, the use of appropriately sized culverts, and the use energy saving measures.

3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

B. Part 2, Section, 7, Item b – “The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.”

1. Relevant Project Information:
 - a) Predevelopment conditions at the Site consisted of active agricultural fields, hedgerows, wetlands and woods. The wetlands portions of the Site will not be disturbed by the Project.
 - b) No threatened or endangered species are known to exist at the Site according to the NYSDEC Environmental Resource mapper nor the Nature Explorer.
 - c) The U.S. Fish and Wildlife Service Information, Planning and Conservation Trust Resource Report identified the Indiana Bat (Endangered), Northern Long-eared Bat (Proposed Endangered), and Bog Turtle (Threatened) as natural resources of concern in the general area.
 - d) Neither of the above referenced government resources identified any critical habitats or refuges within the Site.

- e) The Town Engineer (Barton & Loguidice, D.P.C. personnel consisting of Adam Cummings and environmental biologist staff) has concluded that the necessary groundcover to support Bog Turtles is not present at the Site. EcoSciences provided a report dated August 27, 2015 which also concluded that there is no suitable Bog Turtle habitat at the Site.
- f) The nearest documented Bald Eagle nest is located at the Montezuma National Wildlife Refuge approximately 3 miles east of the Site.
- g) Kevin McGowan conducted an onsite investigation and submitted a report dated August 25, 2015, that concluded the Site is not suitable habitat for bald eagles because it has no features that would entice an eagle to visit or linger. Specifically, the Site contains no feeding sites or nesting sites attractive to eagles. He further concluded that conversion of the Site from agricultural will have no impact on the eagles' likelihood to visit the Site, and no impact on the likelihood of an eagle being killed by an automobile considering the already high traffic volumes present on the NYS Thruway.
- h) EcoSciences also prepared a report studying potential impacts on eagles dated August 27, 2015, and concluded at the Project would have a negligible or insignificant impact on eagles and their habitat. EcoSciences further concluded that the installation of onsite retention ponds represents a negligible change to the region when compared with the large quantity of far superior habitats for eagles. Thus, EcoSciences concluded that the Project will not change eagle distribution, movements, or local concentrations.
- i) McGowan concluded that wooded wetland area on the eastern portion of the Site could be used for migratory bird breeding habitat, but, that portion of the Site would not be disturbed by the Project. He

further concluded that the proposed SWMFs will be too small to attract migratory birds.

- j) EcoSciences concurred with McGowan's conclusions and further added that lighting from the Project will not impact migratory birds due to the Project's proximity to the NYS Thruway and other large developments.

2. Relevant Public Comment:

- a) Akin Gump has commented that the Town must take a hard look on the impacts of the Project on Montezuma National Wildlife Refuge, Montezuma Wetlands Complex and the Seneca Meadows Wetlands Preserve.
- b) Akin Gump stated that an assessment must be completed addressing potential impacts on threatened and endangered species as a result of the Project.
- c) Akin Gump expressed concern that the construction of the Project would increase the likelihood that Bald Eagles may be struck by automobiles.
- d) Akin Gump commented that the Site provided suitable habitat for the Indiana Bat and Northern Long-eared Bat.
- e) By letter dated August 11, 2015, the United States Department of the Interior, Fish and Wildlife Service, submitted comments encouraging the preservation of sensitive environmental areas, the use of natural stream design methods, the maintenance of green space, the implementation of a SWPPP, the use of appropriately sized culverts, and the use energy saving measures.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? ___ Yes ___ No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

C. Part 2, Section, 7, Item c – “The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.”

1. Relevant Project Information:
 - a) No species of special concern or conservation need other than those discussed above (migratory birds) have been identified.
 - b) McGowan concluded that wooded wetland area on the eastern portion of the Site could be used for migratory bird breeding habitat, but, that portion of the Site would not be disturbed by the Project. He further concluded that the proposed SWMFs will be too small to attract migratory birds.
 - c) The eastern 10 acres of the site will not be disturbed by the Project and will be preserved as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on local nature parks, including the Seneca Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge.
 - d) EcolSciences concurred with McGowan’s conclusions and further added that lighting from the Project will not impact migratory birds due to the Project’s proximity to the NYS Thruway and other large developments.

2. Relevant Public Comment:

- a) Akin Gump has commented that the Town must take a hard look on the impacts of the Project on Montezuma National Wildlife Refuge, Montezuma Wetlands Complex and the Seneca Meadows Wetlands Preserve.
- b) Akin Gump stated that an assessment must be completed addressing potential impacts on threatened and endangered species as a result of the Project.
- c) Audubon New York commented that bird friendly design elements should be incorporated into the Project's design.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

D. Part 2, Section, 7, Item d – “The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.”

1. Relevant Project Information:

- a) No species of special concern or conservation need other than those discussed above (migratory birds) have been identified.

- b) McGowan concluded that wooded wetland area on the eastern portion of the Site could be used for migratory bird breeding habitat, but, that portion of the Site would not be disturbed by the Project. He further concluded that the proposed SWMFs will be too small to attract migratory birds.
- c) The eastern 10 acres of the site will be preserved as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on local nature parks, including the Seneca Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge.
- d) EcoSciences concurred with McGowan's conclusions and further added that lighting from the Project will not impact migratory birds due to the Project's proximity to the NYS Thruway and other large developments.

2. Relevant Public Comment:

- a) Akin Gump has commented that the Town must take a hard look on the impacts of the Project on Montezuma National Wildlife Refuge, Montezuma Wetlands Complex and the Seneca Meadows Wetlands Preserve.
- b) Akin Gump stated that an assessment must be completed addressing potential impacts on threatened and endangered species as a result of the Project.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude

- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

E. Part 2, Section, 7, Item e – “The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.”

1. Relevant Project Information:

- a) The Site does not contain and is not contiguous with a National Natural Landmark. The nearest National Natural Landmark is the Montezuma Marshes, approximately 3 miles east of the Site.
- b) Kevin McGowan conducted an onsite investigation and submitted a report dated August 25, 2015, that concluded the Site is not an area of attraction to eagles nesting at the Montezuma Marshes because the Site has no features that would entice an eagle to visit or linger. Specifically, the Site contains no feeding sites or nesting sites attractive to eagles. He further concluded that conversion of the Site from agricultural will have no impact on the eagles' likelihood to visit the Site, and no impact on the likelihood of an eagle being killed by an automobile considering the already high traffic volumes present on the NYS Thruway which borders the southern boundary of the site.
- c) EcoSciences also prepared a report studying potential impacts on eagles nesting at the Montezuma Marshes dated August 27, 2015, and concluded at the Project would have a negligible or insignificant impact on eagles and their habitat. EcoSciences further concluded that the installation of onsite retention ponds represents a negligible change to the region when compared with the large quantity of far superior habitats for eagles. Thus,

EcolSciences concluded that the Project will not change eagle distribution, movements or local concentrations.

- d) The Montezuma Marshes are home to many migratory birds. McGowan concluded that wooded wetland area on the eastern portion of the Site could be used for migratory bird breeding habitat, but, that portion of the Site would not be disturbed by the Project. He further concluded that the proposed SWMFs will be too small to attract migratory birds.
- e) The eastern 10 acres of the site will be preserved as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on local nature parks, including the Seneca Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge
- f) EcolSciences concurred with McGowan's conclusions and further added that lighting from the Project will not impact migratory birds due to the Project's proximity to the NYS Thruway and other large developments.
- g) The Project will incorporate the use of bird friendly design criteria into its use of window glass on the portions of the improvements above the first floor.

2. Relevant Public Comment:

- a) Akin Gump has commented that the Town must take a hard look on the impacts of the Project on Montezuma National Wildlife Refuge, Montezuma Wetlands Complex and the Seneca Meadows Wetlands Preserve.
- b) Akin Gump expressed concern that the construction of the Project would increase the likelihood that Bald Eagles may be struck by automobiles.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

F. Part 2, Section, 7, Item f – “The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.”

1. Relevant Project Information:
 - a) Significant Natural Communities include rare or high-quality wetlands, forests, grasslands, ponds, streams, and other types of habitats, ecosystems, and ecological areas.
 - b) The Project will not disturb existing wetlands.
 - c) No other significant natural communities have been identified at the Site. Most of the land that will be disturbed consists of agricultural land and hedgerows.
2. Relevant Public Comment: None.
3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood

- d) Importance
- e) Key Question: Is the impact significant and adverse?

G. Part 2, Section, 7, Item g – “The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.”

1. Relevant Project Information:
 - a) The areas being disturbed by the Project do not contain the right conditions that make an area attractive for breeding and nesting of common species. Most of the land that will be disturbed consists of former agricultural land and hedgerows.
 - b) Common species at the Site include song birds, raccoons, chipmunks, field mice, white tail deer, red fox and squirrel.
 - c) Upon completion of the Project, 62% of the Site will be open/green space consisting of wooded areas, wetlands and green areas suitable for common species. Ten acres in the eastern portion of the site will be preserved as forever wild.
 - d) The Project will not disturb existing wetlands.
2. Relevant Public Comment: Multiple commenters stated that local animal populations may be affected during the construction phase of the Project.
3. Item identified as:
 - No impact
 - Potential small impact
 - Potential moderate to large impact
4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood

- d) Importance
- e) Key Question: Is the impact significant and adverse?

H. Part 2, Section, 7, Item h – “The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.”

1. Relevant Project Information:

- a) The Project will not require the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Much of the Project area is already excavated or was previously used as agricultural land.
- b) The Project will not disturb existing wetlands.
- c) Wooded areas on the east and west edges of the Site will be preserved.
- d) Ten acres on the eastern portion of the Site will be designated as forever wild.
- e) Relevant Public Comment: By letter dated August 11, 2015, the United States Department of the Interior, Fish and Wildlife Service, submitted comments encouraging the preservation of sensitive environmental areas, the use of natural stream design methods, the maintenance of green space, the implementation of a SWPPP, the use of appropriately sized culverts, and the use energy saving measures.

2. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

3. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood

- d) Importance
- e) Key Question: Is the impact significant and adverse?

I. Part 2, Section, 7, Item i – “Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.”

1. Relevant Project Information:

- a) The Project will utilize an Integrated Pest Management Plan, which will minimize pesticide and herbicide use and promotes use of natural pest management techniques, and which will significantly reduce any runoff of herbicides or pesticides.
- b) McGowan and EcolSciences concur that the applicant’s Integrated Pest Management Plan will have the net effect of reducing birds’ exposure to herbicides and pesticides when compared to previous conditions under an ordinary agricultural use.

2. Relevant Public Comment: None.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

J. Part 2, Section, 7, Item j – “Other Impacts”

V. Impact on Aesthetic Resources (page 6 of Part 2 of FEAF): The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

Officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide significance, scenic trails, and scenic rivers. Other designated areas may also include places or sites listed on the National or State Registers of Historic Places, State Parks, State Forest Preserve areas, State Game Refuges, National Natural Landmarks, and National Park Service Lands. Other areas may also be designated for scenic and aesthetic reasons at the local level such as designated scenic areas in county or local plans, and may include municipal parks and designated open spaces, local roads, or historic areas. Critical environmental areas may be designated for aesthetic reasons.

A. Part 2, Section, 9, Item a – “Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.”

1. Relevant Project Information:

- a) The Project site is not visible from any designated scenic byway, and neither the Town nor the County has officially designated any scenic or open spaces.
- b) The Project is approximately 3 miles from the Montezuma National Wildlife Refuge and the Project will not be visible from the refuge.
- c) The Project is approximately 4.5 miles from the Women’s Rights National Park and the Project will not be visible from the park.
- d) The Site is located in the Erie Canalway National Heritage Corridor, an area designation designed to highlight the legacy of the canal. The corridor stretches 524 miles across the full expanse of update New York, the Erie, Champlain, Oswego, and Cayuga-Seneca Canals, and it is not intended to restrict development or limit the aesthetic features of any particular project.

- e) Land uses between the Project and the above mentioned resources include agriculture, residential, commercial uses and the New York State Thruway.
- f) Seasonal variation will not change the fact that the Project is not visible from either the refuge or park.

2. Relevant Public Comment: None.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

B. Part 2, Section, 9, Item b – “The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.”

1. Relevant Project Information:

- a) The Project will not change the views from or to a scenic resource. The Project is approximately 3 miles from the Montezuma National Wildlife Refuge and will not be visible from the Refuge, nor is the Refuge visible from the Project. The Project is approximately 4.5 miles from the Women’s Rights National Park and will not be visible from the Park, nor is the Park visible from the Project.
- b) Land uses between the Project and the above mentioned resources include agriculture, residential and commercial uses.

- c) Seasonal variation will not change the fact that the Project is not visible from either the refuge or park nor that the Project will not obstruct or screen either of them.
- d) The Site is located in the Erie Canalway National Heritage Corridor, an area designation designed to highlight the legacy of the canal. The corridor stretches 524 miles across the full expanse of update New York, the Erie, Champlain, Oswego, and Cayuga-Seneca Canals, and it is not intended to restrict development or limit the aesthetic features of any particular project.
- e) The Project will not obstruct the public's view of any portion of the canal, Women's Right's park or the Montezuma refuge.

2. Relevant Public Comment: None.

3. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

4. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

C. Part 2, Section, 9, Item c – “The proposed action may be visible from publicly accessible vantage points: (i) Seasonally (e.g., screened by summer foliage, but visible during other seasons); (ii) Year round”.

Publicly accessible vantage points may be scenic viewing spots, identified road pull-offs and overlooks, parks and greens, road sections within a scenic byway, or other locally designated

spots. These are locations where one can view a scenic or aesthetic resource. Some vantage points may have year-round views of the scenic resource. Others may be important during the winter season when leaves are off the trees.

1. Relevant Project Information:
 - a) There are not scenic viewing spots, identified pull-offs or overlooks, parks or greens, scenic byways, or other locally designated spots on or near the Project site.
 - b) The Site will be visible from the NYS Thruway and NYS Route 414 regardless of the season.
 - c) In the short term, the Project will be visible from Chase Road only when foliage is absent from a row of existing trees that provide limited screening.
 - d) The Applicant will plant landscape screening in the form of a mixture of deciduous and coniferous (evergreen) trees on the property boundaries nearest to Chase Road in order to reduce the visibility of the Project. Once the planned screening has grown in, the Project will be screened from view from Chase Road.
 - e) During certain times of the year, portions of the NYS Thruway and the Petro facility are currently visible from Chase Road
2. Relevant Public Comment: Akin Gump alleges that the Project will adversely impact viewsheds from the direction of Chase Road.
3. Item identified as:
 No impact
 Potential small impact
 Potential moderate to large impact
4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration

- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

D. Part 2, Section, 9, Item d – “The situation or activity in which viewers are engaged while viewing the proposed action is: (i) Routine travel by residents, including travel to and from work; (ii) Recreational or tourism based activities”.

1. Relevant Project Information:

- a) The Site is not currently used by members of the community for recreation. The Site may have previously been suitable for hunting, however, that activity will not occur in the future on the site.
- b) The Project will generate tourism and new visitors will see the Project when travelling to it as a destination. The Project site is bounded on its southern by the NYS Thruway and on its western side by NYS Route 414, major existing travel corridors identified by the Town and County as appropriate for commercial development and for encouraging tourism.
- c) The Project will be visible from the NYS Thruway and NYS Route 414.

2. Relevant Public Comment: None.

3. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

4. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance

- e) Key Question: Is the impact significant and adverse?

E. Part 2, Section, 9, Item e – “The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.”

Officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide significance, scenic trails, and scenic rivers. Other designated areas may also include places or sites listed on the National or State Registers of Historic Places, State Parks, State Forest Preserve areas, State Game Refuges, National Natural Landmarks, and National Park Service Lands. Other areas may also be designated for scenic and aesthetic reasons at the local level.

1. Relevant Project Information:

- a) The Project is not visible from a designated aesthetic resource.
- b) The Site is not currently used by members of the community for recreation. The Site may have previously been suitable for hunting, however, that activity will not occur in the future on the site.
- c) The Project will generate tourism and new visitors will see the Project when travelling to it as a destination. The Project site is bounded on its southern by the NYS Thruway and on its western side by NYS Route 414, major existing travel corridors identified by the Town and County as appropriate for commercial development and for encouraging tourism
- d) The Project will be visible from the NYS Thruway and NYS Route 414.

2. Relevant Public Comment: A comment was received regarding the negative aesthetic impacts resulting from construction of the Project.

3. Item identified as:

- No impact
- Potential small impact

Potential moderate to large impact

4. Part 3 Analysis required? Yes No
 - a) Magnitude
 - b) Duration
 - c) Likelihood
 - d) Importance
 - e) Key Question: Is the impact significant and adverse?

F. Part 2, Section, 9, Item f – “There are similar projects visible within the following distance of the proposed project:”

1. Relevant Project Information:
 - a) The Project would consist of a casino, restaurant, recreational space, commercial space and retail.
 - b) The scale of the Project is dissimilar to some of the immediate surroundings. Surrounding uses include Petro Waterloo (commercial 24-hour truck stop on 32-acre site with 30,000 sq. ft. building area and 350 parking spaces, gas station for tractor-trailers and passenger vehicles, travel/convenience store, and 24-hour restaurant, with tall signs, outdoor lighting, and minimal landscaping), gas station, diner, single-family houses, and farms with related structures.
 - c) Visual simulations prepared by the Applicant indicate that the visual impact of the Project on neighbors will be minimal.
 - d) The Project’s lighting will not be detrimental to the area compared to the presence of the nearby Petro facility and NYS Thruway Exit 41 tollbooth and interchange.
2. Relevant Public Comment: None.
3. Item identified as:
 No impact
 Potential small impact

___ Potential moderate to large impact

4. Part 3 Analysis required? ___ Yes ___ No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

G. Part 2, Section, 7, Item g – “Other Impacts”

VI. Impacts on Open Space and Recreation (page 7 of Part 2 of EAF): The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

Open space resources are defined differently in different places. All open spaces are undeveloped areas, but these may range from, but not limited to, large forests, patches of woodland, and farm fields to village greens, public parks, state lands, wetlands, and rivers and river corridors. Municipalities can plan for their recreation and open space needs by developing and adopting a recreation plan, open space plan, or comprehensive plan.

A. Part 2, Section 11, Item a: “The proposed action may result in an impairment of natural functions, or ‘ecosystem services’, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.”

1. Relevant Project Information: Stormwater and surface water flows will not change as a result of the Project, nor will surface water bodies, wetlands or groundwater be affected. For example, stormwater management facilities will be installed to control stormwater and ensure that post-development conditions are the same as those predevelopment. The Project will implement an Integrated Pest Management Plan to minimize the use of pesticides. Ground vegetation and some hedgerow has already been cleared from the site, but there is no disturbance of significant habitats. Clearing was completed during appropriate timeframes for wildlife habitats and significant areas of trees remain. The eastern 10 acres of the site will remain forever wild and the wetlands will be preserved. Abundant natural resources exist in the Town and the vicinity with public access (e.g. Montezuma National Wildlife Refuge; Seneca Lake; Cayuga Lake) which will be undisturbed by the Project, while the site provides few resources (approximately 84.95 acres, containing approximately 45 acres previously used as farm fields) and is privately owned and has not been relied on by the community as a recreational area.

2. Item identified as:

- No impact
- Potential small impact

___ Potential moderate to large impact

3. Part 3 Analysis required? ___ Yes ___ No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

B. Part 2, Section 11, Item b: “The proposed action may result in the loss of a current or future recreational resource.”

1. Relevant Project Information:

a) The site has not been and is not currently used for public recreation, nor is there are community plan to rely on the site for recreation. Private hunting might have occurred on site in the past and, if so, that use will be eliminated by the Project.

b) The Town does not have a recreation plan or an open space plan. The Town’s Comprehensive Plan does recognize that open spaces are important to the residents as they allow access to the public waterways in the Finger Lakes and for hunting, fishing and access to trails for hiking and biking (Town Comp. Plan at pg. 38). The Comprehensive Plan also recognizes that the main attractions are the Montezuma National Wildlife Refuge, which provides hiking trails, hunting by permit, educational programs, and bird watching, and the Eire Canal and Cayuga-Seneca Canal system, access to which is mainly be water or on private land.

c) Significant natural resources and recreational opportunities exist in the Town and the surrounding area (i.e. Montezuma National Wildlife Refuge, Vince’s Park with swimming, picnicking and athletic fields, the Cayuga-Seneca Canal, the Finger Lakes, wineries and vineyards, camping, fishing, hunting, and other activities on public land). “Space set aside for recreational areas is not a necessity as there is plenty of access to lakes, rivers and public lands now.” (Town Comp. Plan at pg. 59). The

Project will not impact any of those surrounding recreational opportunities or open spaces.

2. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

3. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

C. Part 2, Section 11, Item c: “The proposed action may eliminate open space or recreational resource in an area with few such resources.”

1. Relevant Project Information:

a) The Town and County have an abundance of open spaces and recreational resources (i.e. Montezuma National Wildlife Refuge, Vince’s Park with swimming, picnicking and athletic fields, the Cayuga-Seneca Canal, the Finger Lakes, wineries and vineyards, camping, fishing, hunting, and other activities on public land) that will continue and remained unaffected by the Project. “Space set aside for recreational areas is not a necessity as there is plenty of access to lakes, rivers and public lands now.” (Town Comp. Plan at pg. 59). The Project will not impact any of those surrounding recreational opportunities or open spaces. The Project will promote the natural resources of the area. Moreover, 10 acres of the eastern portion of the site, containing wetlands and woodland, will be designated as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on the Erie Canal Corridor and local nature parks, including the Seneca

Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge.

- b) The site has not been and is not currently used for public recreation. Private hunting might have occurred on site in the past and, if so, that use will be eliminated by the Project. The site consists of 84.95 acres, only 45 of which was previously a farm field, representing 0.5% of the total 8,270 acres of farmland in the Town and 0.02% of the total 128,000 acres of farmland in Seneca County (County numbers as of 2008 based on the County Agriculture and Farmland Protection Plan). Upon completion of the construction, approximately 62% of the Project site will be open/green space consisting of wooded areas, wetlands and green spaces surrounding the buildings and parking fields. All regulated on-site wetlands areas will be preserved and undisturbed.
- c) The Town does not have a recreation plan or an open space plan. The Town's Comprehensive Plan does recognize that open spaces are important to the residents as they allow access to the public waterways in the Finger Lakes and for hunting, fishing and access to trails for hiking and biking (Town Comp. Plan at pg. 38). The Comprehensive Plan also recognizes that the main attractions are the Montezuma National Wildlife Refuge, which provides hiking trails, hunting by permit, educational programs, and bird watching, and the Eire Canal and Cayuga-Seneca Canal system, access to which is mainly be water or on private land.
- d) The Town and County have an abundance of open spaces and recreational resources (i.e. Montezuma National Wildlife Refuge, Vince's Park with swimming, picnicking and athletic fields, the Cayuga-Seneca Canal, the Finger Lakes, wineries and vineyards, camping, fishing, hunting, and other activities on public land) that will continue and remained unaffected by the Project. The Project will not impact any of those surrounding recreational opportunities or open spaces. The Project will promote the natural resources of the area. Moreover, 10 acres of the eastern portion of the site, containing wetlands and woodland, will

be designated as forever wild. The Project will include a kiosk display explaining the preservation of this area and its role within the overall ecosystem of the region. The applicant will also make available to visitors materials on the Erie Canal Corridor and local nature parks, including the Seneca Meadows Wetlands Preserve and the Montezuma National Wildlife Refuge.

2. Relevant Public Comment: Comment received stated that the Project should incorporated and maintain green space.

3. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

4. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

D. Part 2, Section 11, Item d: “The proposed action may result in loss of an area now used informally by the community as an open space resource.”

1. Relevant Project Information: A portion of the site was previously farmed by private individuals. Nothing about the site is unique. It was not used by the community as an open space resource formally or informally. Nonetheless, 10 acres of the eastern portion of the site, containing wetlands and woodland, will be designated as forever wild.

2. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

3. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

E. Part 2, Section 11, Item d: “Other impacts”

VII. Impact on Energy (page 8 of Part 2 of EAF): The proposed action may cause an increase in the use of any form of energy.

An increase in energy use means a need for more energy production, either on-site or off-site, which could necessitate upgrades to a delivery or generation system and result in environmental impacts. If the project includes some form of construction activity, a change to a more intensive land use, or a new or expanded building or structure, there will be an increase in the use of energy. When evaluating if there will be an impact from that use, consideration should be given to the use during and after construction, as well as to whether the proposed action incorporates energy efficient design features and technologies.

A. Part 2, Section 14, Item a: “The proposed action will require a new, or an upgrade to an existing, substation.”

1. Relevant Project Information:

- a. New York State Gas and Electric (“NYSEG”) will provide electricity and natural gas service to the Project. NYSEG has the ability to provide the necessary service to the site.
- b. The Project will not require a new substation or an upgrade to an existing substation, as confirmed by a letter from NYSEG dated July 31, 2015.
- c. Some infrastructure improvements to the delivery system will be required for both electricity and natural gas. There are currently overhead electric lines located on Route 414 adjacent to the site, which will be extended to the site. Natural gas infrastructure exists south of the NYS Thruway, on the east side of Route 414, so improvements will be needed to cross the Thruway to serve the site. The Applicant will pay for the costs of these improvements.

2. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

3. Part 3 Analysis required? Yes No

a. Magnitude

- b. Duration
- c. Likelihood
- d. Importance
- e. Key Question: Is the impact significant and adverse?

B. Part 2, Section 14, Item b: “The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.”

1. Relevant Project Information:

- a. NYSEG will provide electricity and natural gas service to the Project. NYSEG has the capacity to provide the necessary service to the site.
- b. Electricity and natural gas service is currently provided by NYSEG in the Town and the vicinity of the site. Large commercial energy users, as well as residential users, already exist nearby. Some infrastructure improvements to the delivery system will be required for both electricity and natural gas to connect to the Project site. There are currently overhead electric lines located on Route 414 adjacent to the site, which will be extended to the site. Natural gas infrastructure exists south of the NYS Thruway, on the east side of Route 414, so improvements will be needed to cross the Thruway to serve the site. The Applicant will pay for the costs of these improvements.
- c. The Project is designed in accordance with the National Electric Code (NEC) and the NYS Energy Conservation Construction Code. The NEC states the installation requirements of electricity-related items (e.g. wiring, electrical equipment, raceways, conductors, fiber optics, etc.). The NEC is administered by the National Fire Protection Association (NFPA) and is the “benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards.” The NYS Energy Code is part of the NYS Building Code and it was created for Energy Conservation Measures and

Implementation for Construction projects for Commercial Buildings in NYS.

- d. The Applicant intends to implement numerous green energy initiatives and building design features:
- i. Lighting will utilize high efficiency technology (fluorescent and LED) and automatic lighting controls for compliance with energy conservation codes
 - ii. Use of alternate, renewable energies generating approximately 15% of the Project's annual electricity consumption:
 - On-site solar power: 350 KW Photovoltaic (PV, solar) system, requiring approximately 20,000 sq. ft. of area, will be mounted on the hotel roof. The PV system will convert sunlight into usable electricity, will be connected to the electrical system to help reduce the peak electrical loads, and will be metered. Coordination with the electrical utility company will prevent any back feeding into the utility lines. The PV system will generate approximately 10% of on-site energy.
 - Food waste recycling and methane power: Methane power will be purchased from an existing methane power plant located less than 20 miles from the site on the Lawnhurst Dairy Farm. The Applicant entered into a Memorandum of Understanding to purchase renewable energy from this Farm's existing Anaerobic Digester and agreed to dispose of the Project's food waste by dumping it into the digester, turning the food waste into power.

The process of Anaerobic Digestion works by mixing cow manure from the dairy farm and food waste from the Project and storing the mixture in an air tight vessel, during which time organisms convert the remaining volatile organic compounds into methane gas. The methane is

then captured and utilized to generate electricity in a biomethane engine generator. This renewable energy production system is now common in the U.S. and New York State has over 25 dairy farm based anaerobic digesters in operation. This process will generate enough power to offset 5-10% of the Project's annual energy cost.

Benefit of this process include: (1) support of the local dairy farm operation; (2) renewable electricity will be purchased from a local dairy farm; (3) Project food waste will be utilized in a sustainable and productive manner rather than being disposed in a landfill; (4) compost from the digester will be available for use on the Project site as mulch; (5) reduction of carbon footprint for both the Project and the dairy farm; (6) improved water quality through utilization of digesters to reduce phosphorous levels in manure; and (7) improved air quality through utilization of digester to reduce odors from manure.

iii. High efficiency HVAC systems served by a highly efficient Central Heating and Cooling Plant, located in a standalone building adjacent to the loading dock area:

- Chiller system:

- 3 high efficient chillers with variable speed chilled water pumps and variable speed condenser water pumps.
- Free cooling heat exchanger will utilize the cooling tower water to provide chilled water during off-peak seasons and save hours of operation on the chillers.
- Closed circuit fluid coolers serving ice machines, kitchen equipment, and data closet air conditioning requirements.

- 3 centrifugal chillers, each sized for 50% capacity, resulting in 1 redundant chiller and 3 cooling towers (each also sized for 50% capacity resulting in 1 redundant cooling tower)
- Heating System:
 - High efficient low NOx hot water boilers served by variable speed pumps to serve all heating requirements.
 - Heating system operating at a high temperature differential to minimize pumping energy and enable proper control.
 - 1 redundant boiler
- Ventilation System:
 - Gaming areas, hotel ventilation and restaurant spaces will be served by energy recovery ventilation units providing code-required ventilation in the most efficient manner.
 - The hotel served by 4 pipe fan coil units.
 - Gaming area served by 3 Energy Recovery Ventilation Units and 3 Rooftop Air Handling Units which will allow the space to be maintained comfortably in the event of 1 unit failure
 - All pumping systems will have 1 standby pump for redundancy
- iv. Project incorporates building design elements and measures that make it eligible for a Leadership in Energy and Environmental Design (LEED[®]) Silver certification under the United States Green Building Council's (USGBC) 2009 LEED[®] for New Construction & Major Renovations rating system:
 - Creation of bus stops at the site
 - Bicycle racks and showers/changing rooms

- Vegetated open space (62% of the Project site)
- Enhanced storm water design to control storm water runoff
- Use of a light roof
- Car charging stations
- Landscaping on the site using diverted storm water for irrigation
- Low-flow plumbing fixtures
- Optimizing energy performance through an enhanced building envelope, reduced interior and site lighting power, high-efficiency HVAC systems, and other features
- Use of alternate, renewable energies (on-site solar power and purchase of electricity generated by methane energy)
- Implementation of recycling program
- Construction Waste Management Plan to divert debris from disposal in landfills
- Materials used for the Project will have high amount of recycled content and be sourced regionally (e.g. concrete, steel, asphalt) and will be low-emitting (e.g. adhesives, sealants, paints, coatings, flooring systems)
- Monitoring outdoor air delivery of ventilation units
- Implementation of Construction IAQ Management Plan, minimizing the uses of pesticides and encouraging natural pest control mechanisms.
- Green cleaning policy
- Integrated Pest Management Plan

- v. Metering will be provided for the Project and the Applicant will share whole-project energy and water usage data for five years with the USGBC.

2. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

3. Part 3 Analysis required? Yes No

- a) Magnitude
- b) Duration
- c) Likelihood
- d) Importance
- e) Key Question: Is the impact significant and adverse?

C. Part 2, Section 14, Item c: “The proposed action may utilize more than 2,500 MWhrs per year of electricity.”

2. Relevant Project Information:

- a. NYSEG will provide electricity and natural gas service to the Project. NYSEG has the capacity to provide the necessary service to the site. Electricity and natural gas service is currently provided by NYSEG in the Town and the vicinity of the site. Large commercial energy users, as well as residential users, already exist nearby.
- b. NYSEG will provide electricity to the site via a high-voltage transmission line, which will be transformed down to 480V power and distributed throughout the facility to serve lighting and electrical loads.
- c. Two 1000kW generators will be provided for emergency power during the loss of normal power, which will serve legally required loads (egress lighting, exit signs, fire alarm system, smoke control system, etc.) along with owner optional loads (cage lighting, casino floor and equipment, select restaurants and kitchens, etc.). These generators will have sound attenuation enclosures. An

uninterruptible power system will be provided for slots, security system, and telecommunication systems.

- d. During operation, the annual average diversified electricity demand is estimated to be 4.422 MW and the estimated yearly usage will be approximately 20,800 MWhrs. Energy use during construction will be de minimis as most will be portable and self-powered.
- e. The Applicant intends to implement numerous green energy initiatives and building design features:
 - i. Lighting will utilize high efficiency technology (fluorescent and LED) and automatic lighting controls for compliance with energy conservation codes
 - ii. Use of alternate, renewable energies generating approximately 15% of the Project's annual electricity consumption:
 - On-site solar power: 350 KW Photovoltaic (PV, solar) system, requiring approximately 20,000 sq. ft. of area, will be mounted on the hotel roof. The PV system will convert sunlight into usable electricity, will be connected to the electrical system to help reduce the peak electrical loads, and will be metered. Coordination with the electrical utility company will prevent any back feeding into the utility lines. The PV system will generate approximately 10% of on-site energy.
 - Food waste recycling and methane power: Methane power will be purchased from an existing methane power plant located less than 20 miles from the site on the Lawnhurst Dairy Farm. The Applicant entered into a Memorandum of Understanding to purchase renewable energy from this Farm's existing Anaerobic Digester and agreed to dispose of the Project's food waste by dumping it into the digester, turning the food waste into power.

The process of Anaerobic Digestion works by mixing cow manure from the dairy farm and food waste from the Project and storing the mixture in an air tight vessel, during which time organisms convert the remaining volatile organic compounds into methane gas. The methane is then captured and utilized to generate electricity in a biomethane engine generator. This renewable energy production system is now common in the U.S. and New York State has over 25 dairy farm based anaerobic digesters in operation. This process will generate enough power to offset 5-10% of the Project's annual energy cost.

Benefit of this process include: (1) support of the local dairy farm operation; (2) renewable electricity will be purchased from a local dairy farm; (3) Project food waste will be utilized in a sustainable and productive manner rather than being disposed in a landfill; (4) compost from the digester will be available for use on the Project site as mulch; (5) reduction of carbon footprint for both the Project and the dairy farm; (6) improved water quality through utilization of digesters to reduce phosphorous levels in manure; and (7) improved air quality through utilization of digester to reduce odors from manure.

iii. High efficiency HVAC systems served by a highly efficient Central Heating and Cooling Plant, located in a standalone building adjacent to the loading dock area:

- Chiller system:

- 3 high efficient chillers with variable speed chilled water pumps and variable speed condenser water pumps.
- Free cooling heat exchanger will utilize the cooling tower water to provide chilled water

during off-peak seasons and save hours of operation on the chillers.

- Closed circuit fluid coolers serving ice machines, kitchen equipment, and data closet air conditioning requirements.
- 3 centrifugal chillers, each sized for 50% capacity, resulting in 1 redundant chiller and 3 cooling towers (each also sized for 50% capacity resulting in 1 redundant cooling tower)

- Heating System:

- High efficient low NOx hot water boilers served by variable speed pumps to serve all heating requirements.
- Heating system operating at a high temperature differential to minimize pumping energy and enable proper control.
- 1 redundant boiler

- Ventilation System:

- Gaming areas, hotel ventilation and restaurant spaces will be served by energy recovery ventilation units providing code-required ventilation in the most efficient manner.
- The hotel served by 4 pipe fan coil units.
- Gaming area served by 3 Energy Recovery Ventilation Units and 3 Rooftop Air Handling Units which will allow the space to be maintained comfortably in the event of 1 unit failure

- All pumping systems will have 1 standby pump for redundancy

- iv. Project incorporates building design elements and measures that make it eligible for a Leadership in Energy and Environmental Design (LEED®) Silver certification under the United States Green Building

Council's (USGBC) 2009 LEED® for New Construction & Major Renovations rating system:

- Creation of bus stops at the site
- Bicycle racks and showers/changing rooms
- Vegetated open space (62% of the Project site)
- Enhanced storm water design to control storm water runoff
- Use of a light roof
- Car charging stations
- Landscaping on the site using diverted storm water for irrigation
- Low-flow plumbing fixtures
- Optimizing energy performance through an enhanced building envelope, reduced interior and site lighting power, high-efficiency HVAC systems, and other features
- Use of alternate, renewable energies (on-site solar power and purchase of electricity generated by methane energy)
- Implementation of recycling program
- Construction Waste Management Plan to divert debris from disposal in landfills
- Materials used for the Project will have high amount of recycled content and be sourced regionally (e.g. concrete, steel, asphalt) and will be low-emitting (e.g. adhesives, sealants, paints, coatings, flooring systems)
- Monitoring outdoor air delivery of ventilation units
- Implementation of Construction IAQ Management Plan, minimizing the uses of

pesticides and encouraging natural pest control mechanisms.

- Green cleaning policy
- Integrated Pest Management Plan

v. Metering will be provided for the Project and the Applicant will share whole-project energy and water usage data for five years with the USGBC.

3. Relevant Public Comment: Comment received stated that the Project should incorporate green design elements.

4. Item identified as:

- No impact
- Potential small impact
- Potential moderate to large impact

5. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

D. Part 2, Section 14, Item d: "The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed."

1. Relevant Project Information:

- The structures on the site will be heated with natural gas and cooled using heat transfer equipment powered by electricity.
- The Project consists of a six-story hotel, a 210,640+/- square foot casino (including support service areas, restaurants, and a theater), and a 4-story parking garage. The parking garage will not be heated or cooled. Approximately 428,390 square feet of building space will be heated and cooled.

c. The Project will be heated and cooled by high efficiency HVAC systems served by a highly efficient Central Heating and Cooling Plant, located in a standalone building adjacent to the loading dock area:

i. Chiller system:

- 3 high efficient chillers with variable speed chilled water pumps and variable speed condenser water pumps.
- Free cooling heat exchanger will utilize the cooling tower water to provide chilled water during off-peak seasons and save hours of operation on the chillers.
- Closed circuit fluid coolers serving ice machines, kitchen equipment, and data closet air conditioning requirements.
- 3 centrifugal chillers, each sized for 50% capacity, resulting in 1 redundant chiller and 3 cooling towers (each also sized for 50% capacity resulting in 1 redundant cooling tower)

ii. Heating System:

- High efficient low NOx hot water boilers served by variable speed pumps to serve all heating requirements.
- Heating system operating at a high temperature differential to minimize pumping energy and enable proper control.
- 1 redundant boiler

iii. Ventilation System:

- Gaming areas, hotel ventilation and restaurant spaces will be served by energy recovery ventilation units providing code-required ventilation in the most efficient manner.
- Hotel served by 4 pipe fan coil units.

- Gaming area served by 3 Energy Recovery Ventilation Units and 3 Rooftop Air Handling Units which will allow the space to be maintained comfortably in the event of 1 unit failure
 - All pumping systems will have 1 standby pump for redundancy
- d. The Applicant intends to implement numerous green energy initiatives and building design features:
- i. Use of alternate, renewable energies generating approximately 15% of the Project's annual electricity consumption:
 - On-site solar power: 350 KW Photovoltaic (PV, solar) system, requiring approximately 20,000 sq. ft. of area, will be mounted on the hotel roof. The PV system will convert sunlight into usable electricity, will be connected to the electrical system to help reduce the peak electrical loads, and will be metered. Coordination with the electrical utility company will prevent any back feeding into the utility lines. The PV system will generate approximately 10% of on-site energy.
 - Food waste recycling and methane power: Methane power will be purchased from an existing methane power plant located less than 20 miles from the site on the Lawnhurst Dairy Farm. The Applicant entered into a Memorandum of Understanding to purchase renewable energy from this Farm's existing Anaerobic Digester and agreed to dispose of the Project's food waste by dumping it into the digester, turning the food waste into power.

The process of Anaerobic Digestion works by mixing cow manure from the dairy farm and food waste from the Project and storing the mixture in an air tight vessel, during which time organisms convert the remaining volatile organic

compounds into methane gas. The methane is then captured and utilized to generate electricity in a biomethane engine generator. This renewable energy production system is now common in the U.S. and New York State has over 25 dairy farm based anaerobic digesters in operation. This process will generate enough power to offset 5-10% of the Project's annual energy cost.

Benefit of this process include: (1) support of the local dairy farm operation; (2) renewable electricity will be purchased from a local dairy farm; (3) Project food waste will be utilized in a sustainable and productive manner rather than being disposed in a landfill; (4) compost from the digester will be available for use on the Project site as mulch; (5) reduction of carbon footprint for both the Project and the dairy farm; (6) improved water quality through utilization of digesters to reduce phosphorous levels in manure; and (7) improved air quality through utilization of digester to reduce odors from manure.

- ii. Project incorporates building design elements and measures that make it eligible for a Leadership in Energy and Environmental Design (LEED[®]) Silver certification under the United States Green Building Council's (USGBC) 2009 LEED[®] for New Construction & Major Renovations rating system. Features relevant to heating and cooling systems and activities are:
 - Optimizing energy performance through an enhanced building envelope, reduced interior and site lighting power, high-efficiency HVAC systems, and other features
 - Use of alternate, renewable energies (on-site solar power and purchase of electricity generated by methane energy)

- Monitoring outdoor air delivery of ventilation units
- Metering will be provided for the Project and the Applicant will share whole-project energy and water usage data for five years with the USGBC.

2. Item identified as:

No impact

Potential small impact

Potential moderate to large impact

3. Part 3 Analysis required? Yes No

a) Magnitude

b) Duration

c) Likelihood

d) Importance

e) Key Question: Is the impact significant and adverse?

E. Part 2, Section 14, Item e: "Other Impacts"