

# Town of Tyre

## State Environmental Quality Review Act Wilmot Casino and Resort Proposal

### Summary of Potential Moderate to Large Impacts Identified in Part 2 of the Full Environmental Assessment Form

#### Introduction

The Tyre Town Board (the "Board") must make a determination of significance upon the completion of Part 3 of the Environmental Assessment Form ("EAF"). The Board must decide whether the proposal to construct a casino and resort in the Town (the "Project") is likely to have a significant adverse impact upon the environment. If the Board finds one or more significant adverse environmental impacts, it must prepare 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.

The purpose of Part 3 of the EAF is to determine whether any of the moderate to large impacts identified in Part 2 are significant. The Board must discuss for each potential impact the magnitude, duration of impact, and importance of the impact in the context of the community.

- Magnitude assesses factors such as severity, size or extent of an impact.
- Duration measures how long the impact will 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.

## Example

The SEQR 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.+

## Summary of Moderate to Large Impacts Identified in Part 2 of the EAF

- I. Impact on Land (page 1 of EAF):
  - A. What does impact on the land mean? This question asks the Board to evaluate the potential impacts of the physical alteration of the land, including, grading, clearing, filling, excavation, and the construction of structures on the land.
  - B. Relevant Project Information:
    1. Duration of Construction: The Project will likely involve one phase of construction that lasts for approximately 24 months. The Site will be appropriately landscaped following the completion of construction activity.
    2. Scale of Disturbance: Approximately 60 acres of land will be disturbed. The Site consists of a total of approximately 85 acres. The site is bordered by I-90 to the south and mainly undeveloped or agricultural land to the north, east and west.
    3. Scale of Structures: The Project will include a 256,000 square foot hotel, 195,000 square foot casino and a six story parking garage. The largest structure will be approximately 80 feet in height, 630 feet in width and 930 feet in length.
    4. Condition of Land: The Site has no bedrock outcroppings. The predominant soils at the Site are muck, Ontario loam and Ovid silt loam. Currently, 79% of the site is moderately or well drained. There are no unique geological features at the Site.
    5. Key Questions:
      - a) Will a large number of people be impacted by the physical alteration of the land given its location near I-90 and Petro Waterloo?
      - b) Is the land that is being altered unique in the context of its surroundings?
  - C. Mitigation: Would the design features of the proposal that provide for stormwater management, wetland avoidance, screening and landscaping mitigate any of the impacts of the alteration of the land?

II. Impacts on Surface Water (page 2 of EAF):

A. What does impact on surface water mean? The Board must evaluate the potential impacts of the Project creating two new water bodies.

B. Relevant Project Information:

1. Purpose of the ponds: The purpose of the ponds is to mitigate, or eliminate, stormwater impacts that would otherwise result from the Project. The ponds are required pursuant to a stormwater pollution prevention plan prepared by the Applicant in compliance with all relevant DEC regulations and guidelines.
2. Description of the stormwater management facilities (%SMFs+): The development of the Site will include the installation of a collection system to direct stormwater runoff from the developed areas and convey it to the proposed SMFs. The SMFs include the two stormwater management ponds, which will detain runoff long enough to allow for sediment settling and pollutant removal. The net effect of the SMFs will be to control the rate of stormwater discharge from the Site so that it will be no greater post-development compared to present conditions.
3. Description of Ponds: The two ponds will be located in the northwest corner and eastern portion of the Site respectively. The ponds will hold 0.78 million gallons of water and have a surface area of 2.5 acres. The dimensions of the proposed impounding structures will be approximately 8 feet deep and 300 feet long. The ponds will include outlet structures designed to control the rate at which runoff is discharged from the Site. The ponds will have sufficient storage volume to mitigate a 100-year storm as required by DEC guidelines.
4. Key Question: Will the construction of the proposed ponds adversely impact the environment considering their intended purpose is to mitigate stormwater impacts that would otherwise result from the Project?

- C. Mitigation: Would the components of the stormwater management plan that include a comprehensive erosion control plan to control silt runoff during and after construction mitigate any impacts related to the construction of the ponds?

III. Impact on Plants and Animals (page 4 of EAF):

- A. What does impact on plants and animals mean? The Board must evaluate the potential impacts of the Project's proposed use of herbicides or pesticides.
- B. Relevant Project Information:
  - 1. Pesticides and herbicides will be applied to the lawn and landscaped areas around the Site to prevent weeds and insect damage.
  - 2. No rare, threatened or endangered plant or animal species are present at the Site. The Site is not near to any significant natural communities or critical environmental areas.
  - 3. Wetland areas have been identified at the Site but will be avoided by all development activities.
  - 4. Key Question: Considering the lack of rare plants and animals at the Site, and the common use of pesticides and herbicides in commercial development, is it likely that the use of pesticides and herbicides will result in an important impact of any natural resource?
- C. Mitigation: Does the Applicant's stormwater management plan mitigate the impact of the use of herbicides and pesticides by preventing them from spreading to neighboring properties?

IV. Impact on Agricultural Resources (page 5 of the EAF):

A. What does impact on agricultural resources mean? Agricultural resources refer to the soil, land and on-farm buildings, equipment, manure processing and handling facilities and processing and handling facilities which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.

B. Relevant Project Information:

1. The owners of the Site have applied for it to be removed from Agricultural District #6. The Project may result in the excavation or compaction of the soil profile of agricultural land. Moreover, the Project may irreversibly convert agricultural land to non-agricultural uses.
2. A significant portion of the Town is utilized for agricultural purposes. However, the Site is located near to I-90 and Petro Waterloo, one of the areas of the Town that may be considered appropriate for large scale commercial development.
3. The Project may result, directly or indirectly, in increased development potential or pressure on farmland.
4. The Project is not consistent with the adopted Seneca County Agriculture and Protection Plan. However, the Site is proposed to be re-zoned as part of a Planned Unit Development Unit.
5. Key Question: In the context of the community and the abundance of suitable agricultural land in the area when compared to the size of the Site, would the Project cause an import adverse impact on agricultural resources?

C. Mitigation: Would the Host Community Agreement proposed by the Applicant mitigate the loss of farmland by providing \$600,000 over six years to be used to preserve agricultural resources in the Town?

V. Impact on Aesthetic Resources (page 6 of the EAF):

A. What does impact on aesthetic resources mean? This question explores consistency in land use between the Project and other land uses that may be seen from all or part of a scenic or aesthetic resource. It is oriented to those scenic and aesthetic resources that are officially designated and publicly accessible. 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.

B. Relevant Project Information:

1. The proposed use of land for the Project is different from current predominantly agricultural land use patterns in the area. The Project is located within 5 miles of the Montezuma National Wildlife Refuge and the Women's Rights National Park. In addition, The Wesleyan Methodist Church and Cobblestone Farmhouse at 1229 Birdsley Road, which are both listed on the National Register of Historic Places, are somewhat near to the Site.
2. On May 16, 2014, the New York State Office of Parks, Recreation and Historic Places issued its opinion that the Project would have no impact on the above mentioned cultural resources.
3. The proposed action may be visible from publicly accessible vantage points year round. The situation or activity in which viewers are engaged while viewing the proposed action is routine travel by residents, including travel to and from work, and recreational or tourism based activities.
4. There is a large commercial project (Petro Waterloo) visible within 0.13 miles of the proposed project.
5. Key Question: Given the Site's location at the intersection of I-90 and Route 414, and its proximity to

Petro Waterloo, one of the areas of the Town that may be considered most appropriate for large scale commercial development, would the Project result in an negative important impact on any aesthetic resource?

- C. Mitigation: Would the design features of the proposal that provide for screening, landscaping and aesthetically pleasing water features mitigate any of the visual impacts of the Project?

VI. Impact on Transportation (page 8 of the EAF):

A. What does impact on transportation mean? New development can generate or change traffic, or create a new demand for public transportation. Several potential impacts can result when traffic levels increase in a community. More traffic can lead to congestion, which in turn may have economic, environmental and safety impacts. Traffic congestion is not only annoying to motorists, but can increase economic costs because of extra fuel used, lost productivity, and time wasted. It can also result in higher air pollution emissions, increased traffic accident rates, decreased accessibility to economic centers, decreased road surface lifetimes, and increased vehicle maintenance costs.

B. Relevant Project Information:

1. The peak traffic to the Site is expected to be during evenings and weekends. The developer anticipated 22 additional truck trips per day. The Project includes 3,300 new parking spaces for vehicles. The Applicant anticipates that the Project will create 1208 additional vehicle trips during the Friday evening peak hour and 1115 during the Saturday evening peak hour. These trip calculations include vehicles both entering and exiting the Site.
2. The projected traffic increase may exceed capacity of the existing road network. The proposed action will degrade existing transit access. The proposed action will degrade existing pedestrian or bicycle accommodations. The proposed action may alter the present pattern of movement of people or goods.
3. The Project includes road widening, lane improvements, installation of traffic control signals and revisions to existing traffic signals. These recommendations were added to the Project following a traffic study completed by McFarland Johnson, Inc. that evaluated current and future traffic conditions.
4. 69% of vehicle trips will originate from the Thruway. 26% of vehicle trips will come from the south, and thus, will have minimal impact on the Town. Only 5% of vehicles will come through the Town from the North.

5. Only one intersection (Rte. 414 and I-90) will be impacted to the degree that it could have an unacceptable level of service if not modified. The proposal includes a number of improvements to mitigate the impact of the increased traffic at this intersection, including the addition of a number of right and left turn lanes.
  6. Key Questions:
    - a) Considering the Project's proximity to existing infrastructure, the trip origination percentages and taking into account the improvements proposed by the Applicant, will the Project result in a significant change in traffic patterns in the Town?
    - b) After evaluating the traffic study already provided by the Applicant, would requiring another study be helpful?
- C. Mitigation: Would the design features of the proposal that provide for significant upgrades to the road infrastructure, which designs have been reviewed and modified to address the comments and concerns of the NYS Department of Transportation and the NYS Thruway Authority, mitigate any of the transportation impacts of the Project?

VII. Impact on Energy (page 8 of EAF):

- A. What does impact on energy mean? An increase in energy use means a need for more energy production either on-site or off-site, which in turn will mean an increase in pollution. It puts more strain on the energy supply system (the energy grid), sometimes to the point where upgrades to the production or delivery system are needed.
- B. Relevant Project Information:
1. New York State Gas and Electric (~~NYSEG~~) will provide service to the Site. There are currently overhead electric lines located on Route 414 adjacent to the Site and gas service on the east side of Route 414. The Applicant will work with NYSEG to determine what if any upgrades are required to serve the Project and will be responsible for all such upgrades.
  2. The proposed action may cause an increase in the use of energy. The proposed action will require the creation or extension of an energy transmission or supply system to serve a commercial use. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.
  3. Key Question: Given the limited additional infrastructure required for the Project, would it have an important impact on the energy resources of the community?
- C. Mitigation: Would the design features of the proposal that provide for upgrades to the electric and gas infrastructure mitigate any of the energy impacts of the Project?

VIII. Impact on Light (page 8 of EAF):

- A. What does impact on light mean? Sky-glow generated by lighting associated with a proposed project can sometimes be visible from adjacent or nearby properties. It can be generated during both construction and operation phases of a project and can create conditions which can affect the health and safety of both humans and wildlife. Sky-glow, rather than lighting that directly shines onto a neighboring property, is considered here because the lighting associated with the Project is not expected to shine directly onto any other Property by virtue of the design of the lighting fixtures that will narrowly focus the light onto the ground at the Site.
- B. Relevant Project Information:
1. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.
  2. Site lighting will include the use of a combination of full cut-off shoebox style fixtures, and full cut-off building mounted wall sconces. Lighting will be incorporated into the Site to provide illumination for pedestrian ways, parking areas and areas immediately adjacent to the proposed buildings. High mast full cut-off fixtures with mounting heights of between 30-40 feet will be used with the larger parking fields at the Site.
  3. Illumination levels will vary from 0.1 to 2.8 foot-candles.
  4. Petro Waterloo is located south of the Site and currently utilizes 120 foot tall exterior pole mounted lights in its parking lot. Petro Waterloo produces a significant amount of skyglow, potentially lessening the net impact of the Project.
  5. Key Question: Given the location of the Site in proximity to another commercial development producing sky-glow, is the Project likely to greatly increase sky-glow over current conditions?
- C. Mitigation: Would the design of the lighting fixtures proposed by the Applicant that are intended to limit the amount of light that escapes from the Site mitigate this impact?

IX. Consistency with Community Plans (page 10 of EAF):

- A. What does consistency with community plans mean? The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.
- B. Relevant Project Information:
1. The Comprehensive Plan for the Town was adopted on February 20, 2014. The Project is consistent with the Comprehensive Plan.
  2. The Project is consistent with the proposed Planned Unit Development where the Site is located.
  3. The revenues from the NYS gaming tax, and also from the developer pursuant to a Host Community Agreement with the Town, are anticipated to provide adequate resources for a variety of increased services within the Town.
  4. Key Question: Taking into account the zoning and planning aspects of the Project, would it result in an important negative impact on municipal planning that would greatly affect the residents of the Town?
- C. Mitigation: Will the funds provided by the gaming tax and Host Community Agreement offset any planning difficulties related to increased strain on Town resources related to increased development?

X. Consistency with Community Character (page 10 of EAF):

A. What does consistency with community character mean?

Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, and its visual landscape; but also includes the buildings and structures and their uses, the natural environment, activities, town services, and local policies that are in place. These combine to create a sense of place or character that defines the area. Changes to the type and intensity of land use, public services, aesthetic quality, and to the balance between residential and commercial uses can all change community character.

B. Relevant Project Information:

1. The proposed action may create a demand for additional community services.
2. The proposed action is inconsistent with the predominant architectural scale and character.
3. Proposed action is inconsistent with the character of the existing natural landscape.
4. The Site is located near to I-90 and Petro Waterloo, one of the areas of the Town that may be considered appropriate for large scale commercial development.
5. Key Question: Given the location of the Project, will it greatly affect the character of the Town as a whole?

C. Mitigation: Will the location (near the thruway and Petro Waterloo) and design of the Project, along with the funds provided by the gaming tax revenue and the Host Community Agreement, offset any new demand for community services and impacts on community character?