

Town of Tyre

Responses of the following involved agencies regarding establishment of the Tyre Town Board as lead agency for purposes of environmental impact review for the Wilmot Casino and Resort development pursuant to the State Environmental Quality Review Act:

- 1) Seneca County Department of Health
- 2) Seneca County Industrial Development Agency
- 3) Village of Waterloo
- 4) Town of Seneca Falls
- 5) New York State Department of Environmental Conservation (with comments)
- 6) New York State Department of Transportation (with comments)
- 7) New York State Thruway Authority (with comments)

Seneca County Department of Health

Consent to Lead Agency

The Seneca County Department of Health consents to the Town of Tyre serving as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act with respect to the proposed project to create a Planned Unit Development ("PUD") District in the Town for the construction of the Wilmot Casino and Resort.



March 28, 2014

Dated

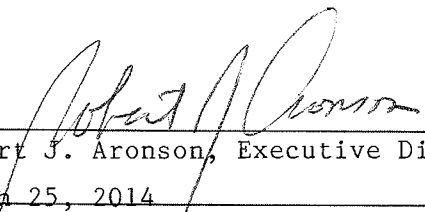
Please return to:

Virginia C. Robbins, Esq.
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202
Fax: 315-218-8100

Seneca County Industrial Development Agency

Consent to Lead Agency

The Seneca County Industrial Development Agency consents to the Town of Tyre serving as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act with respect to the proposed project to create a Planned Unit Development ("PUD") District in the Town for the construction of the Wilmot Casino and Resort.



Robert J. Aronson, Executive Director, Seneca County IDA

March 25, 2014
Dated

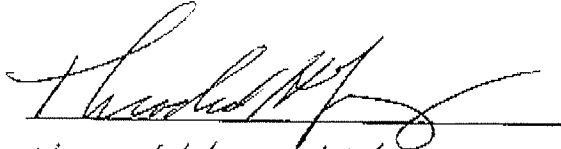
Please return to:

Virginia C. Robbins, Esq.
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202
Fax: 315-218-8100

Village of Waterloo

Consent to Lead Agency

The Village of Waterloo consents to the Town of Tyre serving as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act with respect to the proposed project to create a Planned Unit Development ("PUD") District in the Town for the construction of the Wilmot Casino and Resort.

A handwritten signature in black ink, appearing to be "Theresa M. King", written over a horizontal line.

4-14-14
Dated

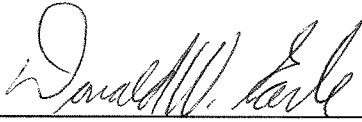
Please return to:

Virginia C. Robbins, Esq.
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202
Fax: 315-218-8100

Town of Seneca Falls

Consent to Lead Agency

The Town of Seneca Falls consents to the Town of Tyre serving as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act with respect to the proposed project to create a Planned Unit Development ("PUD") District in the Town for the construction of the Wilmot Casino and Resort.



4/1/14

Dated

Please return to:

Virginia C. Robbins, Esq.
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202
Fax: 315-218-8100

**New York State Department of
Environmental Conservation (with comments)**

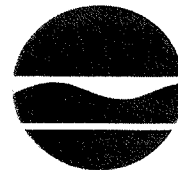
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-2466 • FAX: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 8, 2014

Bond, Schoeneck & King
Attn: Virginia C. Robbins
One Lincoln Center
Syracuse, NY 13202

RECEIVED

APR 10 2014

BOND, SCHOENECK & KING, PLLC

RE: Lead Agency Coordination Request
Proposed Wilmot Casino and Resort
Town of Tyre, Seneca County

Dear Ms. Robbins:

This letter responds to your March 24, 2014 communication, and subsequent information received on March 31, 2014, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The Department has the following interest in this project:

Name of Action: Wilmot Casino and Resort

DEC Permits (if any): 401 Water Quality Certification, and Phase II SPDES General Permit-Construction and possible Article 24 Freshwater Wetland Permit

DEC Contact Person: Thomas P. Haley

SEQR Classification: Type I Unlisted

DEC Position: Based on the information provided:

DEC has no objection to your agency assuming lead agency status for this action.

Comments: see attached none

If you do not concur with the DEC position indicated above, please contact this office to resolve designation of lead agency within the time allowable under Part 617.

Please feel free to contact this office for further information or discussion.

Sincerely,

Thomas P. Haley
Deputy Regional Permit Administrator

cc: Ronald F. McGreevy, Supervisor- Town of Tyre
File

NYS Regulated Freshwater Wetlands: The Department has not confirmed the delineated NYS wetland boundaries shown on the March 2014 dated plans drawn by BME Engineers. The Department will need to confirm these wetland boundaries prior to making a final Article 24 jurisdictional determination but based on the plans and delineated boundary it would appear that the proposed design fully avoids any direct impacts to the NYS regulated wetland and wetland adjacent area.

Federal Wetlands: If the applicant has not already done so, we would strongly encourage you to obtain a jurisdictional determination from the US Army Corps of Engineers confirming the location and size of the delineated federally jurisdictional wetlands. Depending on the level of impact to the federally regulated wetlands, the applicant may be required to obtain a 401 Water Quality Certification from the New York State Department of Environmental Conservation.

Stormwater: The proposed project will require coverage under the Department's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). If any other Uniform Procedures Act permits are required from the Department, a copy of the Stormwater Pollution Prevention Plan will likely be required as part of a complete UPA permit application.

Endangered & Threatened Species: No New York State listed species are known to utilize this parcel or immediate area. The Department recommends the applicant consult with the US Fish & Wildlife Service regarding potential impacts to federally protected species.

**New York State Department of Transportation
(with comments)**



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 3
333 EAST WASHINGTON STREET
SYRACUSE, NY 13202
www.dot.ny.gov

CARL F. FORD, P.E.
REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

April 23, 2014

Virginia C. Robbins, Esquire
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202

Dear Ms. Robbins:

RE: SEQR-LEAD AGENCY DESIGNATION
CREATION OF A PLANNED UNIT DEVELOPMENT
DISTRICT IN SUPPORT OF WILMOT CASINO AND
RESORT
TOWN OF TYRE, SENECA COUNTY

We have received material regarding the above-referenced proposal. The Region has no objections to the Town Board of the Town of Tyre assuming lead agency status for SEQR purposes.

In review of local zoning issues, the Region typically regards such matters as a home rule decision. However, the intensity of the use proposed will require the demonstration that sufficient highway facilities are available to serve the intended zoning. To determine the sufficiency, the developer has provided two bound materials entitled, *SEQR Documentation & Engineer's Report* and the *Appendices to Engineer's Report*, both prepared by BME Associates and dated March 2014.

In a telephone conversation between yourself and Mark Grainer of our staff, you stated the Town would not be returning to the Department for site plan review under a separate SEQR, so in review of this material, please accept the following comments and statements for both zoning and site plan comments. Accordingly, we find in the:

SEQR Full Environmental Assessment form

Section B. Government Approval, Subsection g. State Agencies

We concur with the requirement for New York State Department of Transportation (NYSDOT) approval for the proposed project. The applicant will be required to obtain a highway work permit from NYSDOT Region 3 for the mitigation required on the State Highway. We respectfully ask the Town to include the said permit as part of the approval requirements.

Appendices to Engineer's Report

Appendix A, Drainage

The report fails to incorporate a stormwater management design that is required for the proposed highway mitigation. The applicant will be required to acquire sufficient right-of-way to manage stormwater. As some of the mitigation occurs a distance from the proposed development parcel, the ability to acquire sufficient right of way needs to be explored and assured before the permit moves forward.

Ms. Virginia C. Robbins
April 23, 2014
Page 2

Appendix D. Traffic Impact Study (TIS)

We note that the study was auto centric. Discussion of pedestrians and transit should be included in the discussion and respective features incorporated into the project and highway work permit.

In reviewing of the TIS, overall we agree with the study recommendations but find additional mitigation necessary. The Region has listed the mitigation required as an attachment to this correspondence. We also take this opportunity to emphasize that all improvements must meet NYSDOT and/or NYS Thruway standards and that all property required to complete the attached mitigation will require land dedication to New York State.

Appendix G, Instrument Survey & Description

Course "1." contains an error. The NY414 baseline station should read 29+50.00.

Drawing #1 - Development Plan

The Region looks for further explanation of internal circulation for the area on the entrance drive towards the parking garage. Overall, we ask that the driveway provide a free flow situation for the vehicles entering the site so there will not be back-ups onto NY414. Further analysis may be necessary during the highway work permit stage to demonstrate this.

Drawing #6 - Development Plans Existing Conditions

Respectfully, we note the survey indicates a burial ground. We did not find any consideration of this in the reports nor is it indicated on the proposed site plan.

If you have any questions, please contact John Reichert of my staff at 315-428-4405.

Very truly yours,

MARK FRECHETTE, P.E.
Director, Planning & Program Management Group

By 

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

Attachment

cc: Ronald F. McGreevy, Town Supervisor, Town of Tyre 1907 West Tyre Rd. Seneca Falls, NY 13148-9730, w/attachment
Jeff Frank, NYSDOT Region 4 1530 Jefferson Road, Rochester, NY 14623, w/attachment
Jay D. Holbrook, Permit Coordinator New York State Thruway Authority, Syracuse Division
290 Elwood Davis Road Liverpool, NY 13088, w/attachment
Adam Cummings, Barton & Loguidice DPC, 11 Center Park, Suite 203 Rochester, NY 14614, w/attachment

Attachment to Correspondence
Mark Frechette To Virginia C. Robbins, Esq.
April 17, 2014
24

NYSDOT has determined, upon review of the Wilmot Casino and Resort Engineer's Report and our analysis, that the following mitigation is required for the proposed Wilmot Casino located on NY414 in the Town of Tyre. This may be in addition to what is proposed by the applicant's engineers in the project documentation. The Town should ensure the effects of this mitigation are included in the project study and the applicant be prepared to include the work in the required highway work permit from the respective agency.

NY414 at Site Driveway:

This entrance shall be signalized. The intersection will consist of a SB NY414 left turn lane, a WB dual left turn and exclusive right turn lane from the site driveway.

NB NY414 shall have an exclusive right turn lane, with enough ROW dedicated to allow for an additional lane to be constructed as necessary.

We ask that the driveway provide a free flow situation for the vehicles entering the site so there will not be back-ups onto NY414. Further analysis is necessary to demonstrate this.

NY 414 between I90 and Site:

NY414 shall be widened to a 4-lane section. The bridge shall be widened or replaced in accordance with NYSTA and NYSDOT standards. Multi-modal considerations and transit are required to be explored during design phase.

NY414 at I90:

Mitigation will include the construction of a second eastbound left turn lane, a second northbound through lane, a second westbound through lane at the Petro site, and dedicate the new SB NY414 travel lane as an exclusive right turn onto I90; a new signal system will most likely be required. Also, this signal shall be designed so EB (I90) & WB (Petro) will run concurrently. Ability to construct the improvement on the Petro site is incumbent upon the applicant.

NY414 between I90 and NY318:

Analysis of length of turn lanes shall be completed during design

NY414 at NY318:

Construct WB exclusive right turn lane on NY318. New traffic signal system is required, due to the current signal being at capacity.

US20/NY5 at NY89 and NY 318:

Install new traffic signal system at NY318 intersection and left turn lanes in both directions on Routes 5/20. Construction of NY89 EB and WB left turn lanes will be required at the Routes 5&20 intersection with NY89. This will also impact the Routes 5&20 at NY318 intersection due to the distance required to widen and develop a EB left turn lane in accordance with NYSDOT standards. Install new traffic signal equipment at NY89 intersection to allow coordination with NY318 signal.

**New York State Thruway Authority
(with comments)**



Howard P. Milstein
Chairman

New York State Thruway Authority
New York State Canal Corporation

6150 Tarbell Road
Syracuse, New York 13206
www.thruway.ny.gov



Thomas J. Madison, Jr.
Executive Director

April 24, 2014

Virginia C. Robbins, ESQ
Bond, Schoeneck and King
Once Lincoln Center
Syracuse, NY 13202-1355

Subject: SEQRA Review
Town of Tyre Planned Unit Development District Creation
Proposed Wilmot Casino and Resort

Dear Ms. Robbins:

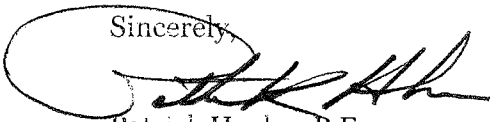
The New York State Thruway Authority (NYSTA) consents to Town of Tyre acting as lead agency for carrying out the subject SEQRA process.

The Authority's comments on the potential environmental impacts of the proposed Project, based on the information in the Environmental Assessment Form (EAF) dated March 2014, are as follows. The Authority has not identified any environmental concerns at this time. However, there may be potential for environmental impacts, such as motor vehicle generated emissions, should event related traffic backups occur. Therefore, the Authority reserves the option to provide additional comments in the future.

The Authority suggests additional government agencies, which would or may be involved in the approval process, be added to Section B of the Full EAF, Part 1 – Project and Setting. The following agencies have been identified to potentially be included: New York State Department of Environmental Conservation (NYSDEC), New York State Agriculture and Markets, New York's State Historic Preservation Office (SHPO), US Army Corps of Engineers (USACE), and US Fish and Wildlife Service (USFWS).

As a result of the potential development, the Rt. 414 bridge over the Thruway is proposed to be widened or replaced to accommodate future traffic volumes. Please be advised that any enhancements to the current bridge will need to be discussed in more detail with both the NYSTA and NYSDOT and responsibilities determined. Furthermore, any future changes to traffic operations in the vicinity of the NYSTA interchange that could impact toll operations and/or the Thruway system will need to be coordinated and approved by the NYSTA.

Sincerely,


Patrick Hoehn, P.E.

2392



Howard P. Milstein
Chairman

New York State Thruway Authority
New York State Canal Corporation

6150 Tarbell Road
Syracuse, New York 13206
www.thruway.ny.gov



Thomas J. Madison, Jr.
Executive Director

April 22, 2014

Mr. Adam Frosino, P.E.
McFarland Johnson
2525 SR 332, Box 6
Canandaigua, NY 14424

**Re: Revised Traffic Impact Study
Wilmot Casino**

Dear Mr. Frosino:

The New York State Thruway Authority has reviewed the March 11, 2014 Revised Traffic Impact Study for the proposed Wilmot Casino at the northeast corner of NYS Route 414 and the Thruway.

We find that all previous comments and concerns have been addressed by this revision and we have no further comments.

Thank you for the opportunity to review and provide comment to your study.

We look forward to working with you in the future to progress this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay D. Holbrook".

Jay D. Holbrook
Syracuse Division
NYS Thruway Authority



New York State Thruway Authority
New York State Canal Corporation



Howard P. Milstein
Chairman

Post Office Box 308
East Syracuse, New York 13057-0308
www.thruway.ny.gov

Thomas J. Madison, Jr.
Executive Director

BME Associates
10 Lift Bridge Lane East
Fairport, NY 14450
Attn: Mr. Michael A. Simon

April 2, 2014
RECEIVED

APR - 4 2014

BME ASSOCIATES

Re: Wilmot Casino & Resort Utility Crossing

Dear Mr. Simon:

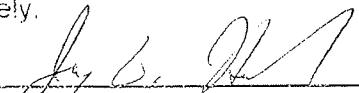
Thank you for the advance notice of the possible need for utility crossings under the Thruway for the proposed Wilmot Casino & Spa at the northeast corner of Route 414 and the Thruway in the Town of Tyre.

The Thruway Authority will require a Thruway Occupancy Permit for each utility crossing whether publically or privately owned. The Occupancy Permit application should be submitted as soon as possible after final design to allow time for review before construction commences. Also, for the actual installation work, the Thruway will require that all contractors and sub-contractors obtain Thruway Work Permits. The applications and instructions for these Permits may be obtained from me directly or downloaded from the Thruway Authority internet site at www.thruway.ny.gov.

I look forward to working with you in the future to help your project move as smoothly as possible through the Thruway permitting process.

If you have any questions or concerns, please give me a call.

Sincerely,


Jay D. Holbrook
Syracuse Division Permit Coordinator
(315) 438-2420