

State Environmental Quality Review
Final Environmental Impact Statement
For the
Pinnacle Athletic Campus

Town of Victor, Ontario County, New York

(West of Phillips Road, South of Main Street Fishers, North of NYS Route 251)

Accepted by Lead Agency: January 28, 2014

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(FEIS)
Pinnacle Athletic Campus
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I		Transmittal To ACOE
J		Stream and Wetland Impact Figures
K	E	LaBella Assoc.; Memo regarding Landfill (September 10, 2013 and October 21, 2013)
L	F	Passero Assoc.; Engineering Report, Phase 1 (June 2013)
M	G	SJB Services, Inc.; Environmental Subsurface Investigation Report (August 8, 2013)
N	C	Passero Assoc.; Traffic Impact Study (March 2013)
O	H	NYS DOT; Letter regarding Pinnacle Athletic Campus (September 6, 2013)
P		Clark Patterson Lee E-mail dated December 17, 2013
Q		Archeology SPHINX Graphic
R		Fishers DEC Resource Mapper Graphic
S		USFWS Database Search
T		LaBella letter to Town of Victor dated November 21, 2013
U		Clark Patterson Lee Comments (March 7, 2013) on Traffic Impact Study (March 2013) and Passero Associates Response (March 14, 2013) to Clark Patterson Lee Comments

COMMONLY USED ACRONYMS AND ABBREVIATIONS

ADT	Average Daily Traffic
ACOE	Army Corps of Engineers
DEIS	Draft Environmental Impact Statement
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
GEIS	Generic Environmental Impact Statement
GRF	Growth Rate Factor
LOS	Level of Service
NYS DEC	New York State Department of Environmental Conservation
NYS DOT	New York State Department of Transportation
OPRHP	Office of Parks, Recreation and Historic Preservation (New York State)
REC	Recognized Environmental Condition
SEQR	State Environmental Quality Review
SEQRA	State Environmental Quality Review Act
SF or sf	Square Feet
SHPO	State Historic Preservation Office (New York State)
TDW	Traditionally Navigable Waterway
USFAWS	U.S. Fish and Wildlife Service

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REGULATORY BACKGROUND

The Pinnacle Athletic Campus Site Plan involves construction of a health and wellness themed project that will consist of indoor and outdoor multipurpose athletic facilities, as well as related health and wellness office/retail space. The project is anticipated to have multiple phases. The current site plan under review includes detailed Phase 1 plans, consisting of approximately 20-acres, as well as an overall site plan of the entire 94-acre project area. The improvements proposed as part of Phase 1 as well as those described in the overall site plan for the 94-acre project area are being reviewed under the State Environmental Quality Review Act (SEQRA).

The Pinnacle Athletic Campus Site Plan encompasses tax parcels 14.00-1-19.11, 14.00-1-19.12, and 14.00-1-19.13. These tax parcels are located on the south side of Main Street Fishers (Ontario County Route 42), and west side of Phillips Road. The Auburn Trail bisects the project area, as it runs along a northwest to southeast direction. Another trail, the Lehigh Valley Trail, is adjacent to the project site, and the trail borders the southern-most property line of the project area.

The property is currently vacant, and is the site of a sand and gravel mine with an active mining permit. The site is covered with field areas, brush land, and some forested area. The site contains one National Wetlands Inventory wetland near the southern lot line of the outdoor athletic fields, and a 100-year floodplain covers approximately 1/3 (one-third) of an acre on the northwest corner of the southern-most parcel. Two NYS DEC Classified Streams are also on the southern-most parcel.

A former landfill is located adjacent to the southern-most parcel, and the landfill site fronts onto Phillips Road. As part of the landfill's closure plan, there are two stormwater detention ponds on the adjoining project parcel, as well as several groundwater well / monitoring points.

Prior Approvals

In the initial stages of this project, the Victor Town Clerk received a rezoning application on September 26, 2012 from Passero Associates on behalf of Pinnacle Athletic Campus DBA. The applicant sought to rezone three parcels of land totaling about 94.1-acres from a Light Industrial zoning classification to a Planned Development District (PDD) zoning classification.

Establishment of a PDD requires a two-step process, including:

1. Amendment of the Zoning Code and the Zoning Map by the Town Board based upon a proposed preliminary development plan; and,
2. Site Plan Approval by the Planning Board for development within the Planned Development District.

A segmented SEQRA review was undertaken which considered the Town Board rezoning action separate from the Planning Board Site Plan Approval that would be required subsequently. The Town Board explicitly found that the segmented SEQR review would be no less protective of the environment since the Site Plan review would be subject to a new, and complete SEQR review prior to approval. Following adoption of a SEQR Negative Declaration of Environmental Significance, the Victor Town Board approved the preliminary development plan and rezoned the 94-acre project area to a Planned Development District (Pinnacle Athletic Campus Planned Development District) on April 8, 2013. The rezoning by the Town Board was approved in such a way that it will not become effective until approval of a Site Plan by the Planning Board. A formal site plan based upon the preliminary development plan incorporated in the rezoning was subsequently submitted to the Town of Victor Planning Board on May 21, 2013. Step 1 of the Planned Development District process concluded with the Town Board acting on the rezoning application, and the project is now proceeding through step 2 of the rezoning to Planned Development District Process.

This Review and Potential Impacts

The need for this SEQRA review arose out of the application for Phase 1 Site Plan Approval submitted to the Town Planning Board. However, this SEQRA review has not been limited to Phase 1 only and has included a review of development proposed for subsequent phases as well. The Town Planning Board adopted a Positive Declaration of Environmental Significance on October 28, 2013. The Positive Declaration identified the following potential environmental impacts to be of sufficient magnitude to require preparation of an Environmental Impact Statement:

1. Impacts to wet areas and water quality;
2. Effects upon human health related to the presence of the adjacent landfill;
3. Impact to the Town's sanitary sewer infrastructure relative to pump station capacities;
and,
4. Traffic impacts upon full build out.

Scoping pursuant to 6NYCRR Part 617 State Environmental Quality Review Section 617.8 was not completed.

A draft of the proposed DEIS was submitted to the Town Planning Board and accepted on November 12, 2013 as adequate with respect to its scope and content for the purpose of commencing public review.

A notice of completion of the Draft Environmental Impact Statement was prepared and filed on November 13, 2013. A Notice of Acceptance of Draft EIS and Public Hearing was subsequently published in the New York State Department of Environmental Conservation Environmental Notice Bulletin on November 20, 2013. The notice announced a public hearing to be held on December 3, 2013 and indicated that written comments on the Draft EIS would be accepted until December 13, 2013.

The noticed public hearing was conducted on December 3, 2013. Written comments were accepted through the close of the Public Comment Period on December 13, 2013.

Comments Received. Comments were provided by the following commenters:

Comments received at the December 3, 2013 Public Hearing:

- Gary Helming of Ratnik Industries,
- George Snyder

Written Comments submitted during the comment period:

- Farmington Water & Sewer Dept., on November 30, 2013
- Multiple comments citing need for and benefits of project, December 1, 2013 – December 14, 2013.
- Clark Patterson Lee, on December 5, 2013
- Town of Victor Conservation Board, on December 12, 2013
- Jimmy Smith, on December 12, 2013
- Marsha Senges, on December 12, 2013

- New York State Department of Environmental Conservation (NYSDEC), on December 13, 2013
- Environmental Design & Research (EDR), on December 13, 2013

Copies of the comments received are included in FEIS Appendix A.

This Document. This document concerns the proposed Pinnacle Athletic Campus Project and is a Final Environmental Impact Statement (“FEIS”) prepared pursuant to the Environmental Conservation Law of New York in compliance with the implementing State Environmental Quality Review (“SEQR”) regulations adopted and codified in 6NYCRR Part 617 (“the Regulations”). The Town of Victor Planning Board has been established as the lead agency in the review of this action. Section 211-30 of the Victor Town Code requires environmental reviews pursuant to 6NYCRR 617 (SEQR) or other applicable laws shall be completed prior to any project approvals.

With respect to procedure, this document is a *final* EIS (“FEIS”), published in compliance with the requirement that impact statements first be made available in draft form for public review and comment prior to finalization. The purpose of this FEIS is to provide a means for agencies, project sponsors and the public to systematically consider the significant adverse environmental impacts, alternatives and mitigation measures associated with the Pinnacle Athletic Campus Project in a manner that complies with the foregoing and other SEQR requirements.

Content and Organization. In general, this document repeats the narratives and information presented in the DEIS, followed by comments received on the DEIS and responses to those comments. The DEIS comments and their associated responses are included in the sections to which they pertain.

Section 1.0 which immediately follows these introductory paragraphs provides an Executive Summary of the FEIS. Section 2.0 then provides a detailed description of the project. Section 3.0 reviews the project’s purpose, need and benefits. The next following two sections describe the environmental settings (Section 4.0), and the potential impacts and mitigating measures (Section 5.0). The organizational framework of the two sections mirror one another. In other words, just as Subsection 4.1 describes the existing conditions and setting relevant to Streams and Wetlands, it is the corresponding Subsection 5.1 that describes any associated impacts or mitigation related to Streams and Wetlands. Sections 6.0 through 11.0 review a number of

general topics, including impacts that are unavoidable, the irreversible commitment of resources, cumulative impacts, growth inducement and others. Section 12.0, the final section, presents a description and evaluation of alternatives to the proposed action. Section 12.0 is followed by an appendix which includes a number of relevant studies and other important information.

The comment and response which follows did not appear in the DEIS.

Written Comment (Environmental Design & Research):

Has the NYSDEC been identified as an Involved Agency under SEQRA? As an Involved Agency, how can the NYSDEC issued their required Findings under SEQRA without the details of this stream crossing? Please also note that if the NYSDEC must issue a discretionary approval for the project (e.g., Article 15 Permit), then Section 14.09 of the State Historic Preservation Act must be satisfied through consultation with the State Historic Preservation Office (SHPO). Has the SHPO been identified as an Interested Agency under SEQRA?

Response:

Attached to their December 13, 2013 comment letter on the DEIS, the NYSDEC included a July 22, 2013 letter that was provided to the Town of Victor in response to the Town indicating the intent to serve as the SEQR lead agency for the review of the Pinnacle project. In their July 22, 2013 letter, the NYSDEC states they have "...no objection to the Town of Victor Planning Board being established as the SEQR lead agency for the environmental review of this action."

With respect to the SEQRA Findings issued by the NYSDEC in association with their discretionary approval under Article 15 of the ECL, please see response to related comments below.

The SHPO has not been identified as a SEQR Interested Agency.

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The Executive Summary which follows is the summary presented in the DEIS with minor modifications.

1. EXECUTIVE SUMMARY

The Pinnacle Athletic Campus Site Plan involves construction of a health and wellness themed project that will consist of indoor and outdoor multipurpose athletic facilities, as well as related health and wellness office/retail space. The project is anticipated to have multiple phases. The current site plan under review includes an overall site plan (see Figure 1), consisting of the entire 94-acre project area, as well as a detailed Site Plan for Phase 1 (see Figure 2), consisting of approximately 20-acres.

The site is located on the south side of Main Street Fishers (Ontario County Route 42), and west side of Phillips Road (see the Location Map on page 14). The Auburn Trail bisects the project area, as it runs along a northwest to southeast direction. Another trail, the Lehigh Valley Trail is adjacent to the project site, The property is currently vacant, and is the site of a sand and gravel mine with an active mining permit. The site is covered with field areas, brush land, and some forested area. The site contains one National Wetland Inventory wetland near the southern lot line of the outdoor athletic fields, a 100-year floodplain cover approximately 1/3 (one-third) of an acre on the northwest corner of the southern-most parcel, and two NYS DEC Classified Streams on the southern-most parcel.

A former landfill is located adjacent to the southern-most parcel and there are two associated stormwater detention ponds on the adjoining project parcel, as well as several groundwater well / monitoring points.

The overall site plan proposes: two indoor multi-sport athletic facility buildings not to exceed 160,000 square feet in total; up to five medical / commercial / retail flex space buildings not to exceed a combined total of 150,000 square-feet; up to two hotel buildings with a combined total of no more than 150 rooms; up to four athletic fields located on approximately 23.8-acres situated between the Auburn and Lehigh Trails; an alternative outdoor action sports area on approximately 15.4 acres; and, a new roadway that would be offered to dedication to the Town to provide access from Phillips Road in Phase 1 of the development and access to Main Street Fishers after full build out. Phase 1 proposes an indoor multi-sport athletic facility containing a total of 135,000 square-feet.

The applicant has indicated that a sports facility destination would accommodate local needs and regional needs, citing the benefits of proximity to the Interstate roadway network, restaurants, shopping, and tourism amenities. The Town of Victor and the Victor Central School District have expressed a need for new properly sized and located athletic fields. The 2007 Parks and Recreation Master Plan described the current and projected deficit in available sports facilities and identified the area as one within which athletic and recreational opportunities should be encouraged. Future park expansion was specifically cited as an appropriate and desirable goal for this area.

The applicant has opined that the hotel facilities are needed, stating that the 800 (approximately) existing hotel rooms within about 1-mile of the project site are filled to about 80% capacity in the summer months and that the proposed hotels would provide a consistent supply of hotel rooms as the year-round athletic facilities would be utilized by athletic leagues and their families from around the region. Medical, health and wellness office flex space is proposed to allow a full spectrum of facilities geared toward health, wellness, and athletics.

Multiple comments submitted in response to the DEIS referenced a need for the development and characterized it as a facility that would benefit the community. Several comments shared a different perspective, citing potential traffic, congestion and visual impacts as serious concerns. The comments are included in FEIS Appendix A.

Two New York State Department of Environmental Conservation Class C(t) streams are located within the vicinity of the southern-most project parcel, and are unnamed tributaries to Irondequoit Creek. A Wetland Delineation Report (see FEIS Appendix B), dated October 15, 2013 indicates that eighteen (18) of the twenty (20) wetland features do not have a connection to waters of the U.S., and would be considered non-jurisdictional. The two wetlands with a potential connection are Wetland W1, located within the extreme southeastern corner of the site immediately north of the Auburn Trail, adjacent to Phillips Road and beyond the boundary of proposed Phase 1, and Wetland W11, located immediately south of the Auburn Trail, along the eastern boundary of the site, coincident with the existing stream and also beyond the boundary of proposed Phase 1.

A former landfill is located adjacent to the project site (south side of project area along Phillips Road). The landfill closed in 1995 and was delisted from the New York State Department of Environmental Conservation's Inactive Hazardous Waste List in December 1992. Two

stormwater detention ponds are located immediately west of the landfill. The stormwater ponds are on the southern-most project parcel where outdoor athletic fields are proposed. The stormwater ponds are components of the landfill closure plan.

The site is within an existing sanitary sewer district and no extension is necessary. Pump Station 27 is located just west of Phillips Road in the vicinity of the proposed Phase 1 development (see Figure 7). The pump station also accepts flow from Pump Station 26 located to the southwest and from nearby industrial developments known as Lehigh Crossing and Lill Power. Waste water discharged from Pump Station 27 is then pumped successively by Pump Stations 28, 32, 17, 14 and 11 before reaching the Farmington Wastewater Treatment Plant. In an email related to the Pinnacle Athletic Campus project dated June 17, 2013, sewer district officials indicated concerns related to the overall capacity of the Victor sanitary sewer system and that they were investigating the capacity in an ongoing Infiltration and Inflow study.

Phase 1 of the project would be accessed via Phillips Road approximately 1,650 feet south of the intersection with Main Street Fishers (County Road 42). Subsequent phases would add a second interconnected point of access from Main Street Fishers (County Road 42) across from the existing intersection with Fishers Run, approximately 2,050 feet west of the intersection with Phillips Road. Two public trails abutt the project area: the Auburn Trail and the Lehigh Trail.

Phillips Road and Main Street Fishers (County Road 42) are among the roads potentially affected by the project. Phillips Road connects Main Street Fishers (County Road 42) to NYS Route 251. The posted speed limit is 50 mph and the Average Daily Traffic (ADT) is reported to be 7,150. Main Street Fishers (County Road 42), classified as an Urban Collector, is an east-west oriented County Road with a single lane in each direction and a posted speed limit of 45 mph. The segment of Main Street Fishers between NYS Route 96 and Phillips Road has a reported ADT of 12,600, whereas the segment between Wangum and Phillips Road has a reported ADT of only 3,592. Other roads in the area potentially affected by the project include NYS Route 96, NYS Route 251, and Wangum Road.

Intersections potentially affected include: Route 96 at Main Street Fishers, a four-way signalized intersection; Main Street Fishers at Phillips Road, a four-way signalized intersection; Main Street Fishers at Wangum Road, a three-way intersection with a stop sign at the northbound approach; Route 251 at Wangum Road, a three-way intersection with a stop sign at the

southbound approach; and, Route 251 at Phillips Road, a three-way intersection with a stop sign at the southbound approach.

Phase 1 of the proposed development is removed from any of the streams found upon the site and no stream impacts are anticipated as a consequence of Phase 1 development.

Future phases include some potential for stream impacts due to potential encroachment on the stream or riparian areas within the following areas: immediately north of the Auburn Trail and west of Phillips Road in a southeastern corner of the site just north of the Auburn Trail where a Class C(t) tributary to Irondequoit Creek is found in association with a wetland identified as Wetland W1 as it courses to the northwest before crossing to the southern side of the trail; along the northerly boundary of the most southerly parcel immediately south of and adjacent to the Auburn Trail; and, along the westerly boundary of the most southerly parcel as it courses to the north and then to the northwest.

Access to the proposed outdoor athletic fields and associated parking is proposed in an area that will require crossing of the Auburn Trail as well as the adjacent stream corridor in a future phase. As this area of the site is completely separated from the balance of the site by one stream segment or another and as the southerly parcel has no frontage directly on Phillips Road, it would appear that a stream crossing cannot be avoided if vehicular access is to be provided to the outdoor athletic field site.

No NYS DEC Freshwater wetlands are found upon the site, however an EDR report (see FEIS Appendix C) completed prior to the delineation identified three general areas within which wetlands were present: 1) a riparian forested wetland located in the southern area designated for the development of outdoor athletic fields and associated parking; 2) one forested wetland located in the center of the site, north of the proposed hotel site and south of the sites proposed for the three most northerly medical flex buildings; and 3) smaller wetlands observed throughout the site including some within the area designated for development in Phase 1. With respect to the smaller wetlands observed throughout the site, EDR found the majority of these to be wetlands emerging throughout the disturbed portions of the study area. EDR also reported that, with the exception of the riparian corridor in the southerly portion of the site, the disturbed portions of the site provided little habitat for wildlife species.

With respect to Wetland W1 reported in the Wetland Delineation Report, the concept plan appears to confine the adjacent Building 1 and associated improvements to an area beyond the boundaries of the delineated wetland. The risk for an adverse impact to W1 appears low, particularly should the Planning Board retain the flexibility to refine the site plan for Building 1 further during Site Plan Review as necessary to protect W1. Potential for an adverse impact to delineated Wetland W11 appears to remain as the easterly extremes of the two proposed outdoor athletic fields appear to encroach upon the more westerly portions of W11. It is reasonable to assume that grading may be required as well as soil preparation and seeding and that these activities will impact the affected portions of the wetland negatively. No mitigation for this potential impact has been identified or proposed.

A number of comments to the DEIS raised issues relevant to potential wetland and stream impacts. The responses to those comments clarify a number of issues regarding potential impacts to wetlands and streams including a more detailed evaluation of these impacts. The responses note the submission of a jurisdictional determination to ACOE and also clarify that the limits of disturbance applicable under the present mining permit and that the permit does not specifically authorize wetland impacts.

Proximity to the adjacent landfill raised concerns regarding potential risks of public health that might result as a consequence of the construction and uses proposed on the Pinnacle Athletic Campus site. The review focused on the following three potential impacts related to the proposed project:

- The risk that contaminated substances associated with the presence of the former landfill would be encountered during the development process including excavation for foundations and for utilities. It was concluded that there is very little risk given the failure to detect volatile organic compounds in any of the soil samples submitted for laboratory analysis and the appearance that on-site soils at the locations tested do not appear to have been impacted by migration of volatile organic compounds from the former landfill;
- The risk that development of buildings in the location shown on the concept plan would lead to conditions where harmful substances would be trapped or concentrated and pose health or safety risks to building occupants. It was concluded that there is very little risk given the project sponsor's commitment to install subslab vapor mitigation systems during construction.

- The risk that the proposed approach to integrating new drainage improvements with the existing pond and/or other proposals to disturb that pond might lead to the presence of contaminated materials within on-site stormwater, within associated stormwater management facilities, within discharges from the site, within infiltration basins on the site, or be otherwise transported (picked up in one location, conveyed and then infiltrated in another location). It was concluded that there was a moderate risk given the original proposal to integrate new facilities with the existing pond. However, in the course of the review the project sponsor abandoned that proposal and the plan no longer calls for any disruption to the existing pond. Given the absence of any disturbance to the existing pond, this risk has now been eliminated.

Comments relative to potential impacts associated with the adjacent landfill revealed the need to address the potential for landfill gas migration to be affected by the installation of a “topsoil cap” during development of the proposed athletic fields.

Regarding sanitary sewer, reservations were initially expressed by sewer district officials regarding the capacity of Pump Station 27 to accept even the modest flows from Pinnacle Athletic Campus Phase 1, much less the much greater flows anticipated from Phase 2 or future buildings at Lehigh Crossing.

The Pinnacle Athletic Campus and Lehigh Crossing sanitary sewer hydraulic loading has been estimated as follows:

Pinnacle Athletic Campus - Phase 1:	4,200 gpd
Pinnacle Athletic Campus – Phase 2:	40,800 gpd
Lehigh Crossing – Section 1 (1 bldg under construction, 1 bldg in use):	23,510 gpd
Lehigh Crossing – Section 2 (preliminary approval received):	27,740 gpd

Translation of the foregoing hydraulic loads into equivalent runtimes at Pump Station 27 yields the following:

- Pinnacle Athletic Campus Phase 1 & Lehigh Crossing Section 1: 2.1 hours
- Pinnacle Athletic Campus Phase 2 & Lehigh Crossing Section 2: 5.1 hours
- Combined total for “approved” and proposed phases - 7.2 hours

A recent review of the Pump Station data from January through August of 2013 indicated that the station operated on average 4.3 hours per day during non-precipitation “dry” days and 4.9 hours per day during days with precipitation. However, the maximum station operation day was 15.8 hours. Maximum daily run times for each month were seen to typically occur during periods of wet weather indicating a high level of infiltration and inflow (I&I) on the system tributary to this station. The Farmington Sewer and Water District subsequently smoke tested the Town’s collection system and noted that many clean out covers were missing. The missing covers were linked to high inflow to the system and the covers were replaced in August. From September through October, the station was seen to operate on average 2.6 hours per day during non-precipitation “dry” days and 2.9 hours per day during days with precipitation. The maximum station operation day was 3.5 hours. While this most recent data is very encouraging, it is over a very limited period of time.

Regarding the combined additional flow from Pinnacle Athletic Campus Phases 1 & 2 and Lehigh Crossing Sections 1 and 2, the station’s run time should be expected to increase by approximately 2.1 hours in the near term and by approximately 7.2 hours as the subsequent phases are completed. However, modifications or replacement of the pump station will likely be required as flows from the future phases of these projects are realized. The build out of the remaining portions of these projects will likely not take place immediately, giving the Town some time to react to this development.

The pump running hours should be monitored in the future to further analyze the effect of the recent collection system improvements. Monitoring should continue, particularly in the spring, to determine if the recent trend is maintained over a longer period of time. The Town should also initiate planning efforts to modify PS 27 Phillips Road Station to safely accommodate the anticipated flows after the station’s performance is monitored through the spring of 2014. Modifications could involve as upgrading the electrical service and motors and sheaves replacements to increase the station’s capacity. Any modifications to the performance of this station should include an evaluation of the impact to downstream stations and station modifications should include emergency power generation.

With respect to traffic, a traffic impact study completed in March 2013 (see FEIS Appendix N) noted that the proposed facility could be expected to generate a maximum of 385 trips during the peak hour whereas a typical industrial facility on the same site could be expected to generate more than 1,000 such trips. The study analyzed the impact of the proposed

development on the local transportation system with respect to existing conditions, projected background traffic volumes, and both a Phased and Fully Developed Pinnacle Athletic Campus. Phase 1 traffic volumes were projected to the year 2014 utilizing a 2.5% growth rate factor (GRF) applied to existing conditions. The 2014 traffic volume projections included a 50% build out of Lehigh Crossing as well as the build out of Pinnacle Athletic Campus Phase 1. The 2018 traffic volume projections also relied upon a 2.5% GRF applied to existing conditions as well as the full build out of both Lehigh Crossing and Pinnacle Athletic Campus.

The study found:

- The Main Street Fishers at Phillips Road intersection operates at a LOS of C or better in all conditions analyzed and no improvements are recommended;
- The Main Street Fishers at Wangum Road intersection operates at a LOS of A in all conditions analyzed and no improvements are recommended;
- The Route 251 at Wangum Road intersection operates at a LOS of A or B in all conditions analyzed and no improvements are recommended; and,
- The Route 251 at Phillips Road intersection operates at a minimum ICU LOS of A in all conditions analyzed. However, in the 2018 fully developed conditions the southbound left turn LOS deteriorates to F. No improvements are recommended.

Comments submitted on this topic revealed some discrepancies between the development program included in the Traffic Impact Study and that presently proposed by the project sponsor. The responses to these comments include additional analysis evaluating effects upon the magnitude of potential traffic impacts.

The findings relative to the Main Street Fishers intersection at Route 96 are more troubling. The intersection currently operates at a level of service (LOS) of C during the PM peak hour and B during the Saturday peak hour. In both the 2014 background condition as well as the 2014 Phase 1 build out condition, the intersection is projected to operate at a LOS of C during both the PM peak hour and the Saturday peak hour. In both the 2018 background condition and the 2018 full build out condition, the intersection is projected to operate at a diminished D LOS or worse. Adding lanes to increase capacity is not feasible due to the I-90 overpass and demands associated with Route 96 traffic will not allow increasing green time for eastbound traffic.

Although signal timing adjustments are recommended, it should not be assumed that optimization of traffic signal operations at the Main Street Fishers intersection with Route 96 will offset traffic impacts or achieve acceptable LOS. Motorists will likely experience increased delays and longer queue lengths as development increases in this area and this will lead to the intersection operation approaching and exceeding capacity with limited mitigating measures available to reduce traffic impacts, resulting in failing LOS and excessive queues on and approaching Route 96.

As already indicated, signal timing adjustments are recommended at the intersection of Main Street Fishers and Route 96 as well as at the intersection of Main Street Fishers and Phillips Road. A two way left turn lane is also recommended to be striped in place of the existing southbound left turn lanes on Phillips Road north of the former railroad track and adjacent to the project entrance. It is also recommended that an update to the study be required in order to assess actual trips generated by Lehigh Crossing and the Pinnacle Athletic Campus Phase 1 facility so as to improve the future traffic volumes projected in the study. The update should assess those areas identified in this study as potentially requiring improvements taking into account the updated volume projections.

Comments submitted on this topic clarify many of the foregoing findings and an email that clarifies some of these findings relative to traffic impacts has also been included in FEIS Appendix P.

Unavoidable potential impacts all arise in future phases and include:

- The stream crossing relied upon to gain vehicular access to the site of the proposed outdoor athletic fields;
- The loss of non-jurisdictional wetlands distributed across the site and noted as providing little habitat value;
- Deterioration of the Route 251 at Phillips Road intersection the southbound left turn to a LOS F in the 2018 fully developed conditions with no recommended improvements; and,
- Deterioration of the Main Street Fishers intersection at Route 96 operation to a diminished D LOS or worse in both the 2018 background condition and the 2018 full build out condition. Adding lanes to increase capacity is not feasible due to the I-90 overpass and demands associated with Route 96 traffic will not allow increasing green time for eastbound traffic.

The deterioration of the Main Street Fishers intersection at Route 96 to a diminished D LOS or worse in both the 2018 background condition and the 2018 full build out condition indicates that it is a Cumulative Impact resulting from the combined effects of projected background growth as well as traffic generated by the fully built out Pinnacle Athletic Campus and Lehigh Crossing projects.

The No-Action alternative would avoid all of the potential impacts associated with the project including those identified above as otherwise unavoidable.

Alternatives that retained flexibility to further reconfigure the placement of Building 1 and of the outdoor athletic fields during Site Plan review could avoid the risk of potential encroachment upon wetlands W1 and W11.

An alternative that did not provide vehicular access to the outdoor athletic fields and associated parking could avoid the necessity for a stream crossing.

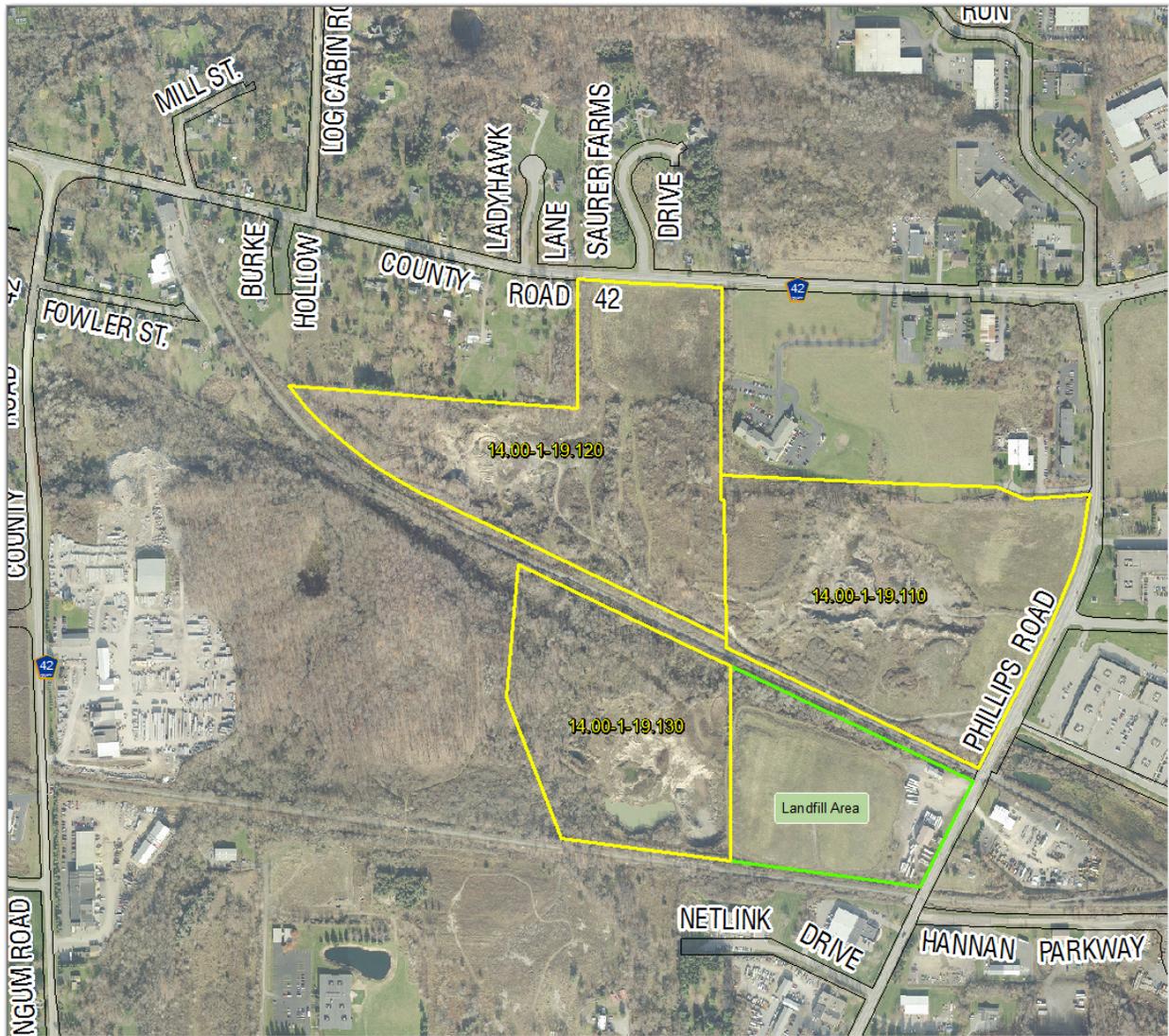
An alternative that required an update to the Traffic Study in advance of approval of future phases would reduce the risk of forecasts overlooking or underestimating traffic volumes.

An alternative that scaled the project back to include only the development in Phase 1 would preserve some of the jurisdictional wetlands that would otherwise be lost, would eliminate any potential risk to wetlands W1 and W11, and would avoid the anticipated stream crossing.

However, such an alternative would likely not provide the project benefits described below on page 18 and would also not avoid the deterioration in LOS at the intersection of Route 251 at Phillips Road or that of Main Street at Route 96 as it would occur in the same year nonetheless solely as a consequence of background growth and build out of Lehigh Crossing.

2. DESCRIPTION OF THE PROPOSED ACTION

The Pinnacle Athletic Campus Site Plan involves construction of a health and wellness themed project that will consist of indoor and outdoor multipurpose athletic facilities, as well as related health and wellness office/retail space. As shown on the Location Map, the Pinnacle Athletic Campus Site Plan encompasses tax parcels 14.00-1-19.11, 14.00-1-19.12, and 14.00-1-19.13. These tax parcels are located on the south side of Main Street Fishers (Ontario County Route 42), and west side of Phillips Road. The Auburn Trail bisects the project area, as it runs along a northwest to southeast direction. Another trail, the Lehigh Valley Trail is adjacent to the project site, as the trail borders the southern-most property line of the project area.



Pinnacle Athletic Campus Site Location Map

The property is currently vacant, and is the site of a sand and gravel mine with an active mining permit. The site is covered with field areas, brush land, and some forested area. The site contains one mapped National Wetland Inventory wetland near the southern lot line of the outdoor athletic fields, and a 100-year floodplain cover approximately 1/3 (one-third) of an acre on the northwest corner of the southern-most parcel. Two NYS DEC Classified Streams are also on the southern-most parcel.

A former landfill is located adjacent to the southern-most parcel, and the landfill site fronts onto Phillips Road. As part of the landfill's closure plan, there are two stormwater detention ponds on the adjoining project parcel, as well as several groundwater well / monitoring points.

The project is anticipated to have multiple phases. The current site plan under review includes an overall site plan of the entire 94-acre project area (see Figure 1) as well as a detailed Phase 1 plan (see Figure 2), consisting of approximately 20-acres.

The overall site plan proposes the following:

- a) Two indoor multi-sport athletic facility buildings not to exceed 160,000 square feet in total, and no one building is to exceed 135,000 square-feet. Currently, Phase 1 of the project proposes Building 6 as an indoor multi-sport athletic facility containing a total of 135,000 square-feet including an attached office/lockers/meeting space building comprising 48,600 square-feet.
- b) Up to five medical / commercial / retail flex space buildings identified as Buildings 1, 2, 3, 4, and 5 where total square footage of all buildings would not exceed 150,000 square-feet. Any individual building would not vary in size by more than 20% of what is shown on the Preliminary Development Plan, and in no case would the total of all buildings exceed 150,000 square-feet. If Building 2 is used for an Athletic Facility, then the maximum number of commercial buildings would be 4, and the maximum total square footage of the four buildings would decrease to no more than 125,000 square-feet.
- c) Up to two hotel buildings where the total rooms for rent of both hotels exceed 150 rooms. No single hotel building would exceed 100 rooms for rent.

- d) Up to four athletic fields located on approximately 23.8-acres situated between the Auburn and Lehigh Trails.
- e) Alternative outdoor action sports area on approximately 15.4 acres.
- f) A new roadway that would be offered to dedication to the Town, which will allow access from Phillips Road in Phase 1 of the development, and access to Main Street Fishers after full build out.

The site consists of a mix of upland, riparian and wetland ecological communities on undulating terrain, with a large portion comprised of undeveloped old field/scrub located amongst disturbed land associated with a former sand/gravel quarry. Two (2) New York State Department of Environmental Conservations Class C(t) streams are located within the project area. The site generally drains to the northwest via the two tributaries. The natural topography of the site is gently sloping to steep. The uplands within the area consist of successional old field, successional shrubland, and successional northern hardwood communities. The wetland areas were found to consist of shrub-swamp and shallow emergent marsh communities.

The Wetland Delineation Report (see FEIS Appendix B) indicates eighteen (18) of the twenty (20) wetland features do not have a connection to waters of the U.S., and would likely be considered non-jurisdictional. The two wetlands that could qualify as jurisdictional wetlands are located: 1) within the extreme southeastern corner of the site immediately north of the Auburn Trail, adjacent to Phillips Road and beyond the boundary of proposed Phase 1; and, 2) immediately south of the Auburn Trail, along the eastern boundary of the site, coincident with the existing stream and also beyond the boundary of proposed Phase 1.

A former landfill is located adjacent to the project site (south side of project area along Phillips Road, see Figure 6). Historically, the landfill site was utilized as a sanitary and construction/demolition landfill prior to its closure in 1995. Two stormwater detention ponds are located immediately west of the landfill on the southern-most project parcel where outdoor athletic fields are proposed.

The site is within an existing sanitary sewer district and no extension is necessary. Wastewater from the site would discharge to Pump Station 27. Pump Station 27 also accepts flow from Pump Station 26 and discharges in turn to Pump Station 28. Flow from there to the Farmington Wastewater Treatment Plant is through a series of pump stations. Both the Lehigh Crossing

and Lill Power developments will also discharge to Pump Station 27. Sewer district officials have recently indicated concerns related to the overall capacity of the Victor sanitary sewer system.

Phase 1 of the project would be accessed via Phillips Road and subsequent phases would add a second interconnected point of access from Main Street Fishers (County Road 42). Phillips Road is Town Road with a single lane in each direction, a posted speed limit of 50 mph and an Average Daily Traffic (ADT) of 7,150. Main Street Fishers (County Road 42) is an Urban Collector with a single lane in each direction and a posted speed limit of 45 mph. The segment of Main Street Fishers between NYS Route 96 and Phillips Road has a reported ADT of 12,600, and has been identified as operating at or near capacity. Other roads in the area potentially affected by the project include NYS Route 96, NYS Route 251, and Wangum Road.

Intersections potentially affected include: Route 96 at Main Street Fishers; Main Street Fishers at Phillips Road; Main Street Fishers at Wangum Road; Route 251 at Wangum Road; and, Route 251 at Phillips Road.

The comment and response which follows did not appear in the DEIS.

Written Comment (Town of Victor Conservation Board):

The CB observed that DEIS Figure 1, Drawing No. C 101, does not agree with Drawing No. ENV-2 with respect to future development on the parcel between the Lehigh and Auburn Trails. Drawing No. ENV-2 is located in DEIS Appendix D and is part of the Engineering Report's Long EAF for the entire project. Both drawings are dated May 2013, the CB based their comments on Figure 1, Drawing No. C 101.

Response:

The discrepancy is noted. While Drawing No. ENV-2 found in the appendix is dated May 2013 with no revisions, the drawing relied upon by the Conservation Board (DEIS Figure 1, Drawing No. C 101, included in both the DEIS and FEIS as Figure 1) indicates revisions dated July 25, 2013 and August 18, 2013 and is therefore the more accurate depiction of the project sponsor's proposal.

3. PROJECT NEED AND BENEFIT

The applicant has indicated that a sports facility destination would accommodate local needs and regional needs. The applicant's consultant, Sports Facilities Advisory, has verified that the market demographics warrant a facility of this nature at this location, citing the benefits of proximity to the Interstate roadway network, restaurants, shopping, and tourism amenities. The Town of Victor and the Victor Central School District have expressed a need for new properly sized and located athletic fields. The 2007 Parks and Recreation Master Plan detailed the current and projected deficit in available sports facilities, and the plan identified the northwest quadrant of the Town as an area where expansion of athletic and recreational opportunities should be encouraged. In the Master Plan, future park expansion is specifically cited as an appropriate and desirable goal for this area.

The applicant has opined that the hotel facilities are needed, stating that the 800 (approximately) existing hotel rooms within about 1-mile of the project site are filled to about 80% capacity in the summer months. As the year-round athletic facilities would be utilized by athletic leagues and their families from around the region, the proposed hotels would provide a consistent supply of hotel rooms to supplement any shortage of rooms at nearby hotel facilities. Locating hotel facilities with varying price ranges for overnight stays offers convenient, on-site accommodations for tournament events.

Medical, health and wellness office flex space is proposed to allow a full spectrum of facilities geared toward health, wellness, and athletics. The applicant proposes a functional interrelationship between the athletic facilities and office space that would be geared toward sports medicine.

The project is likely to yield positive economic benefits. Firstly, the development would yield considerable real property tax revenue. Further, it would also support local business as well as yield sales tax revenue as the visitors to the Athletic Campus would have a need for gasoline, food, and sleeping quarters.

The comments and responses which follow immediately below did not appear in the DEIS.

Public Hearing Comment (George Snyder):

Mr. George Snyder from 304 High Street – I just came to say a couple of positive things. This is probably off from what you want to speak about but kids need a destination. All of us older people and the middle class people talk about a destination. Well the kids need a destination. This is it. This is a place for the kids to go. They are in need of something to get them off of the street. The other positive thing is, you're developing an old gravel pit. Look at the adjoining property, they ----- off the gravel pit there, fill it up with trash, call it a dump, it became a landfill and now you can't do anything with it. The developers are doing a great job. They are going to fill in that old gravel pit, level it off, build a nice sports complex there. I think it's all positive.

Response:

The comment is self-explanatory and no response is necessary. The commenter's citations of the proposed project's need and benefits and general support for the project is noted for consideration by the Lead and other Involved agencies.

Public Hearing Comment (Kevin Gallagher):

Mr. Kevin Gallagher from 1471 Fraser Way – As a father of a young child, two are involved in sports here in Victor and I'm sure you guys are aware, we ----- sports down here. Right now we travel to different destinations. We have to go to Greece, we go to Henrietta and we have to go everywhere else but our own backyard in search of a facility such as what Jim is proposing here. Knowing Jim for a couple of years, he's just an amazing guy with the kids, he's a great guy, an outstanding guy. There's a lot of people in this town that are supporting a project like this. I'm surprised that there aren't more people here quite frankly because I deal with the baseball community day in and day out and everybody is really for this.

Response:

The comment is self-explanatory and no response is necessary. The commenter's citations of the proposed project's need and benefits and general support for the project is noted for consideration by the Lead and other Involved agencies.

Written Comments (Multiple Individuals):

Beginning December 1, 2013 and ending on December 14, 2013, a number of comments were received from the public that cited the need for a facility like that being proposed, referenced the

benefits offered by the proposal and urged it's approval. Those submitting such comments identified themselves as follows:

Brianna Hutton, President, on behalf of Victor Farmington Volunteer Ambulance Corp. Inc.

Kristen Erwin

Jim Andre

Michael Mabbett

Dan and Brenda Callahan

Jim Dailey

Thomas Schmuhl

Christine Robbins

Becca Lind

Edward F. Hall, M.D., of Retina Associates of New York

Anthony Pezzimenti, President/Director Victor Youth Lacrosse

Jeff Saeger

David N. Slavny, Director, Business Development, Infinite Group, Inc.

Wendy Marshall

Laurie and Joe Cardillo

Bob Smith

Richard Gerger, CHFM, Thompson Health

Michael A. DeMarco

Shawn Marshall, LDR Spine

Jason LaBarge, LaBare Media

Christine Valway

Roxanne Bellamy-Campbell

Eric Meredith, Cooper Vision

Monia Harnischfeger

Lynn Humphreys

Paul B. Richards

Luanne M. Mansfield

David Smith

Response:

The comments are self-explanatory and no response is necessary. The commenters' citations of the proposed project's need and benefits and their general support for the project are noted for consideration by the Lead and other Involved agencies.

Written Comment (Jimmy Smith):

Restaurants & hotels in Victor are not full to begin with and Pinnacle is adding more unnecessarily.

Response:

The comment regarding demand for hospitality services in the area is noted.

Written Comment (Jimmy Smith):

The town is doing nothing to protect it's citizens against a project of this nature. There is a lot of whispering going on about "deals" being made. Can the Pinnacle board of directors be matched against ex-town board members?

Response:

Please see the responses to other comments submitted by the commenter relative to specific potential impacts. This specific comment is self-explanatory and no response is necessary. The commenter's opposition to the project is noted for consideration by the Lead and other Involved agencies.

Written Comment (Jimmy Smith):

All in all, this is a bad situation for Victor & possibly on the same scale as the Plume.

Response:

Please see the responses to other comments submitted by the commenter relative to specific potential impacts. This comment is self-explanatory and no response is necessary. The commenter's opposition to the project is noted for consideration by the Lead and other Involved agencies.

Written Comment (Marsha W. Senges):

Pinnacle will not be the solution to Victor's need/want for a Community Center. Their purpose is to host competitive events, car shows, events that otherwise might have gone to the Dome, or downtown.....it is not intended at all to provide a Rec Center for Victor's residents. And, Jim Ludwig has said this very thing, but I believe our Boards are only hearing what they want to hear. ...Victor will finally get a Community Center and it'll be paid for by a developer, not the Town or residents.

Response:

Please see the responses to other comments submitted by the commenter relative to specific potential impacts. This comment is self-explanatory and no response is necessary. The commenter's opposition to the project is noted for consideration by the Lead and other Involved agencies.

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4. EXISTING CONDITIONS AND ENVIRONMENTAL SETTING

General. The project area is in the northwest quadrant of the Town of Victor, south of the New York State Thruway and north of New York State Route 251. The site is along the west side of Phillips Road and the south side of Main Street Fishers (County Road 42). The project site has been used for a sand and gravel mining operation, and the property owner currently holds an active mining permit. As described in an Ecological Field Report by EDR Companies (see FEIS Appendix C), dated August 9, 2013:

The study area consists of a mix of upland, riparian and wetland ecological communities on undulating terrain, with a large portion comprised of undeveloped old field/scrub located amongst disturbed land associated with a former sand/gravel quarry.

The EDR report indicates existing cover types include the following: Successional Old Fields (20.5-acres), Successional Scrub Shrub (20.2-acres), Successional Upland Forest (18.1-acres), Riparian Forest Wetland (8.9-acres), other Wetlands (5.8-acres), and Developed/Disturbed areas (20.5-acres). The Vegetative communities can be seen within the attached EDR Report (see Figure 3), A figure produced by the design engineer, Passero Associates, superimposes the cover types mapped by EDR upon the concept site plan (see Figure 4).

Streams and Wetlands. Two (2) New York State Department of Environmental Conservation Class C(t) streams are located within the project area. These streams are located in the vicinity of the southern-most project parcel, and are unnamed tributaries to Irondequoit Creek. The site generally drains to the northwest via the two tributaries.

As described in the Wetland Delineation Report prepared by Earth Dimensions, Inc. (see FEIS Appendix B), for Pinnacle Athletic Campus dated October 15, 2013:

The natural topography of the Pinnacle Athletic Campus site is gently sloping to steep. The uplands within the investigation area consist of successional old field, successional shrubland, and successional northern hardwood communities. The wetland areas were found to consist of shrub-swamp and shallow emergent marsh communities.

The Wetland Delineation Report identified a total of twenty (20) wetlands totaling approximately 4.167-acres at the Pinnacle Athletic Campus site. The Wetland Delineation Report indicates that eighteen (18) of the twenty (20) wetland features do not have a connection to waters of the U.S., and would be considered non-jurisdictional. As identified in Figure 5, Wetland 1 and Wetland 11 would likely be considered jurisdictional, as they have a connection to a Traditionally Navigable Waterway (TDW). (A subsequent comment letter from EDR questioned the status of either of the Irondequoit Creek tributaries as a TDW.) Wetland W1 is located within the extreme southeastern corner of the site immediately north of the Auburn Trail, adjacent to Phillips Road and beyond the boundary of proposed Phase 1. Wetland W11 is located immediately south of the Auburn Trail, along the eastern boundary of the site, coincident with the existing stream and also beyond the boundary of proposed Phase 1.

Adjacent Landfill. A former landfill is located adjacent to the project site (south side of project area along Phillips Road). Historically, the landfill site was utilized as a sanitary and construction/demolition landfill beginning in 1965. The landfill closed in 1995 and was delisted from the New York State Department of Environmental Conservation's Inactive Hazardous Waste List in December 1992. Two stormwater detention ponds are located immediately west of the landfill. The stormwater ponds are on the southern-most project parcel where outdoor athletic fields are proposed. The stormwater ponds are long-term features that are intended to be retained as a part of the landfill closure plan.

Sanitary Sewer Infrastructure and Pump Stations. Pump Station 27 is located just west of Phillips Road in the vicinity of the proposed Phase 1 development (see Figure 7). The site is within an existing sanitary sewer district and no extension is necessary. In addition to wastewater flow from the Pinnacle Athletic Campus Site and surrounding area, Pump Station also accepts flow from Pump Station 26 located to the southwest. Pump Station 27 discharges in turn to Pump Station 28, located to the northeast, which also accepts flows from Pump Station 22. From Pump Station 28, wastewater pumped successively by Pump Stations 32, 17, 14 and 11 before reaching the Farmington Wastewater Treatment Plant.

The sewer district was extended in 2011 to include the proposed site of a new industrial development known as Lehigh Crossing¹ that is also tributary to Pump Station 27. The Lehigh

¹ Lehigh Crossing consists of an industrial subdivision of twelve lots granted preliminary subdivision approval. Six of the twelve lots, identified as Lehigh Crossing Phase 1, have also been granted final

Crossing site is located more than 4,500 feet west of Phillips Road, Pump Station 27 and the proposed Phase 1 entrance to Pinnacle Athletic Campus. A subsequent district extension also included a second newly proposed site adjacent to Lehigh Crossing known as Lill Power that is located more than 6,000 feet west of Phillips Road, Pump Station 27 and the entrance to Pinnacle Athletic Campus Development. Although both Lehigh Crossing and Lill Power will discharge to Pump Station 27, the extensions were approved without significant comment from the district.

In an email related to the Pinnacle Athletic Campus project dated June 17, 2013, sewer district officials indicated concerns related to the overall capacity of the Victor sanitary sewer system. Officials indicated that they were investigating the capacity in an ongoing Infiltration and Inflow study.

Traffic. The site is bounded by Main Street Fishers (County Road 42) to the north, by Phillips Road to the east, and by both the Auburn Trail and the Lehigh Trail to the south. Phase 1 of the project would be accessed via Phillips Road approximately 1,650 feet south of the intersection with Main Street Fishers (County Road 42). Subsequent phases would add a second interconnected point of access from Main Street Fishers (County Road 42) across from the existing intersection with Fishers Run, approximately 2,050 feet west of the intersection with Phillips Road. Two public trails abutt the project area: the Auburn Trail and the Lehigh Trail.

Phillips Road is a north-south oriented Town Road with a single lane in each direction. Phillips Road connects Main Street Fishers (County Road 42) to NYS Route 251. The posted speed limit is 50 mph and the Average Daily Traffic (ADT) is reported to be 7,150.

Main Street Fishers (County Road 42), classified as an Urban Collector, is an east-west oriented County Road with a single lane in each direction and a posted speed limit of 45 mph. The segment of Main Street Fishers between NYS Route 96 and Phillips Road has a reported ADT of 12,600, whereas the segment between Wangum and Phillips Road has a reported ADT

subdivision approval. The six lots granted final subdivision approval may not exceed 130,000 sf combined. Two of the six Phase 1 lots have also been granted site plan approval whereas the others have not. The two lots granted site plan approval combined represent approximately 42,400 sf of development. The preliminary subdivision approval for the overall project limits the area of Phases 1 and 2 to no more than 535,000 sf combined.

of only 3,592. The draft Town and Village Comprehensive Plan identifies the segment between NYS Route 96 and Phillips Road as operating at or near capacity.

Other roads in the area potentially affected by the project include NYS Route 96, NYS Route 251, and Wangum Road. Intersections potentially affected include: Route 96 at Main Street Fishers, a four-way signalized intersection; Main Street Fishers at Phillips Road, a four-way signalized intersection; Main Street Fishers at Wangum Road, a three-way intersection with a stop sign at the northbound approach; Route 251 at Wangum Road, a three-way intersection with a stop sign at the southbound approach; and, Route 251 at Phillips Road, a three-way intersection with a stop sign at the southbound approach.

Multiple comments were submitted relative to various aspects of the setting, potential impacts and mitigation. These comments and the associated responses have been included in the following section on Potential Impacts and Mitigation.

5. POTENTIAL IMPACTS and MITIGATION

Streams and Wetlands. Phase 1 of the proposed development is removed from any of the streams found upon the site and no stream impacts are anticipated as a consequence of Phase 1 development.

Future phases include some potential for stream impacts in the following areas: immediately north of the Auburn Trail and west of Phillips Road in a southeastern corner of the site just north of the Auburn Trail where a Class C(t) tributary to Irondequoit Creek is found in association with a wetland identified as Wetland W1 as it courses to the northwest before crossing to the southern side of the trail; along the northerly boundary of the most southerly parcel immediately south of and adjacent to the Auburn Trail; and, along the westerly boundary of the most southerly parcel as it courses to the north and then to the northwest.

With respect to the stream north of the Auburn Trail, the overall site plan depicts two buildings and two parking lots in the vicinity. However, none appear to encroach upon the stream and the minimum stream setback called for in the Town of Victor Code appears to be accommodated. Therefore, no significant impact is anticipated with respect to the stream segment north of the Auburn Trail.

With respect to the stream segments south of the Auburn Trail, each segment flanks an area of approximately 23.8-acres located between the Auburn and Lehigh Trails that is designated for development of up to four athletic fields and associated parking. Although earlier site plan iterations revealed some potential for encroachment upon the streams and/or their associated riparian zones, the latest concept site plans have relocated these facilities further away from the stream segments a sufficient distance to accommodate the minimum stream setback called for in the Town of Victor Code. Therefore, only minimal impact is anticipated with respect to the two stream segments south of the Auburn Trail due to the proximity of the proposed outdoor athletic fields and associated parking. As the outdoor athletic fields are anticipated to retain surfaces with significant permeability, development of this type of open, passive recreational use would actually be preferred over an alternative form of development incorporating more impervious surfaces. Furthermore, the developer has indicated that plans for this area are still somewhat uncertain and that sufficient flexibility remains to relocate some of the proposed facilities further from the stream segments during final design and site plan approval should it prove necessary to do so.

Access to the proposed outdoor athletic fields and associated parking is proposed in an area that will require crossing of the Auburn Trail as well as the adjacent stream corridor in a future phase. As this area of the site is completely separated from the balance of the site by one stream segment or another and as the southerly parcel has no frontage directly on Phillips Road, it would appear that a stream crossing cannot be avoided so long as vehicular access is provided to the outdoor athletic field site. No mitigation for this potential impact has been identified or proposed.

Regarding wetlands, although no NYS DEC Freshwater Wetlands are found upon the site, the EDR report (see FEIS Appendix C) completed prior to the delineation identified three general areas within which wetlands were present: 1) a riparian forested wetland located in the southern area designated for the development of outdoor athletic fields and associated parking; 2) one forested wetland located in the center of the site, north of the proposed hotel site and south of the sites proposed for the three most northerly medical flex buildings; and 3) smaller wetlands observed throughout the site including some within the area designated for development in Phase 1. With respect to the smaller wetlands observed throughout the site, EDR found the majority of these to be wetlands emerging within the disturbed portions of the study area. It is worth noting that the project sponsor asserts that an existing mining permit applicable to the property would allow destruction of these emergent wetlands. EDR also reported that, with the exception of the riparian corridor in the southerly portion of the site, the disturbed portions of the site provided little habitat for wildlife species.

A report from Environmental Resources LLC (see FEIS Appendix D) submitted by the project sponsor indicated that many of the man-made excavated wetland areas appeared isolated with no surface connection or ecological continuum to navigable waterways. Finally, in an Earth Dimensions, Inc. wetland delineation report (FEIS Appendix B) submitted by the project sponsor, it was indicated that the site consisted primarily of gravel and sand pits and that only two of the twenty wetlands delineated appeared to have any potential connection to navigable waters that could render them jurisdictional: Wetland W1, located within the extreme southeastern corner of the site immediately north of the Auburn Trail, adjacent to Phillips Road and beyond the boundary of proposed Phase 1; and, Wetland W11, located immediately south of the Auburn Trail, along the eastern boundary of the site, coincident with the existing stream, in association with the riparian corridor referenced by EDR and also beyond the boundary of

proposed Phase 1. Wetland W11 appears to include some or all of the existing stormwater ponds constructed to manage runoff from the adjacent landfill site.

With respect to Wetland W1, the concept site plan appears to confine the adjacent Building 1 and associated improvements to an area beyond the boundaries of the delineated wetland. The risk for an adverse impact to W1 appears low, particularly should the Planning Board retain the flexibility to refine the site plan for Building 1 further during Site Plan Review as necessary to protect W1.

The potential for an adverse impact to delineated Wetland W11 appears to remain as the easterly extremes of the two proposed outdoor athletic fields appear to encroach upon the more easterly portions of W11. Although the proposed passive recreational use is relatively benign, it should be assumed that grading may be required as well as soil preparation and seeding and that these activities will impact the affected portions of the wetland negatively. No mitigation for this potential impact has been identified or proposed.

The comments and responses which follow immediately below did not appear in the DEIS.

Written Comment (Town of Victor Conservation Board):

EDR's comments to the October 15, 2013 Wetland Delineation Report prepared by Earth Dimensions, Inc. are not included in the Appendix of the DEIS. It does not appear that EDR's comments regarding the wetlands report have been addressed.

Response:

A copy of EDR's comments to the October 15, 2013 Wetland Delineation Report prepared by Earth Dimensions, Inc. is included as FEIS Appendix E. In addition, Earth Dimensions, Inc., the Applicant's wetland consultant, provided a written response (dated November 25, 2013) to EDR's comments, which is included as FEIS Appendix F of this FEIS.

Written Comment (Town of Victor Conservation Board):

Crossing the Class C(t) stream to provide vehicular access to the southern portion will necessitate the removal of the existing riparian forest. The DEIS does not assess how much of an impact the proposed project will have on the existing C(t) streams, buffer, and wetlands. The CB requests that efforts to minimize impacts be explored and mitigation measures to any unavoidable impacts be discussed.

Response:

On January 9, 2014, an EDR environmental analyst visited the proposed Pinnacle Athletic Campus site. The purpose of this site visit was to provide a general observation of the vegetation and stream characteristics present at the currently proposed stream crossing adjacent to the Auburn Trail, and evaluate project-related impacts at this location.

The vegetative community present in this area is successional forest with an overstory approximately 35 to 40 feet tall dominated by red maple (*Acer rubrum*) and green ash (*Fraxinus pennsylvanica*). The understory is dominated by honeysuckle (*Lonicera* sp.), silky dogwood (*Cornus amomum*), and saplings of the overstory species. Honeysuckle grows very densely along the banks of the stream. Goldenrods (*Solidago* sp.) are common in the herbaceous layer, but snow cover obscured most species in this stratum at the time of the site visit. The floodplain south of the stream at the proposed road crossing includes a forested riparian corridor approximately 100 to 150 feet wide, which abruptly transitions to a relatively steep slope. The Auburn Trail is north of the stream, and the area beyond the trail has experienced past disturbance. Representative photos are provided in FEIS Appendix G.

While not an ideal time of year for wetland identification, it should be noted that vegetation observed in the riparian area south of the stream indicates a forested wetland may be present in this area. No wetlands were described for this area in the Earth Dimensions, Inc. Wetland Delineation Report prepared for the Pinnacle project; however, the Ecological Field Report prepared by EDR in August 2013 notes the likely presence of a forested riparian wetland along this stream. As previously indicated, a request for jurisdictional determination has been forwarded to the ACOE and it is assumed an agency site visit will be conducted, and this forested riparian area will be reviewed.

The stream was frozen and covered in snow on January 9, 2014 but appeared to be approximately 10-feet wide at the proposed road crossing site. The stream width is fairly uniform adjacent to the Auburn Trail, though it appears to be impounded and much wider in the vicinity of the landfill located off Phillips Road. No alternatives for a narrower stream crossing were readily identifiable. Specific to this stream crossing, the project as currently proposed will result in approximately 0.01 acre (approximately 35 linear feet) of stream impact, and the clearing of successional riparian forest. This activity would require NYSDEC

authorization through issuance of an Article 15 permit in accordance with the Environmental Conservation Law (ECL).

If it is determined that wetlands exist south of the stream, there may be opportunities for minimizing impacts by moving the road crossing approximately 300 to 400 feet southeast, where the floodplain adjacent to the stream narrows substantially.

Written Comment (Town of Victor Conservation Board):

The DEIS does not include a copy of the existing mining permit in the Appendix. Does the existing mining permit allow the entire site to be disturbed? What are the acceptable limits of disturbance? Would the applicant be allowed to fill in wetlands without any legal ramifications?

Response:

A copy of the mining permit was provided by the Applicant, and is included as FEIS Appendix H. This mining permit (Permit ID 8-3248-00009/00002, Mined Land ID 80105, Expiration Date 2/21/2016) authorizes the mining of unconsolidated material from a 25.39-acre permit term area within a 62-acre Life of Mine. As indicated in the DEIS, the overall site plan includes a 94-acre project area. Therefore, the mining permit term area is not as extensive as the project area. The acceptable limits of disturbance are depicted on the Excavation Plan attached to the mining permit, which identifies four separate Permit Term Areas (PTA) summarized as follows:

- PTA #1 totals 7.01 acres and is generally associated with the following aspects of the Pinnacle project: a portion of Building #6 (Indoor Multi-Sport Athletic Facility) and associated parking, and a portion of the 60-room Hotel B and associated parking.
- PTA #2 totals 1.42 acres and is generally associated with the following aspects of the Pinnacle project: a portion of Building #2 (Offices) and associated parking, and a portion of the adjacent Active Recreation Area.
- PTA #3 totals 8.48 acres and is generally associated with the following aspects of the Pinnacle project: a portion of Pinnacle Drive and associated parking, a sled hill, stormwater management, a portion of the Alternative Outdoor Action Sports Facility, a portion of the Ropes Course and Professional Team Building Area/Alternate Athletic Field.
- PTA #4 totals 8.48 acres and is generally associated with the following aspects of the Pinnacle project: Athletic Fields.

With respect to wetland impacts, the mining permit does not specifically authorize such impacts. Rather, on Page 6 of 6 of the mining permit, under NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS, Item C (Permittee Responsible for Obtaining other Required Permits) states, "The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit." The project area does not contain any NYSDEC-regulated wetlands, and the four PTAs do not occur within or immediately adjacent to the NYSDEC-regulated stream. Therefore, it does not appear that activities associated with the mining permit would impact wetlands or streams regulated by the NYSDEC. However, the location and limits of wetlands regulated by the U.S. Army Corps of Engineers (ACOE) are ultimately determined by the ACOE. Prior to disturbing wetlands, a Jurisdictional Determination (JD) must first be issued by the ACOE and depending on the results of the JD, a permit issued by the ACOE may also be required.

Written Comment (Town of Victor Conservation Board):

The proposed development will impact numerous wetlands on the site that the applicant believes are isolated. The CB understands this item will require confirmation from the USACE. What mitigation measures are proposed if these wetlands are impacted? How will the applicant ensure USACE jurisdictional wetland W-1 and W-11 will not be impacted during development? What are the potential impacts to W-11?

Response:

On October 24, 2013, Earth Dimensions, Inc. submitted their Wetland Delineation Report for the Pinnacle project to the ACOE and requested a jurisdictional determination and wetland boundary confirmation (see FEIS Appendix I for a copy of the Transmittal Letter to the ACOE). It is anticipated that the ACOE will review the Wetland Delineation Report and then schedule a site visit (presumably in the spring of 2014) to review the project area, and ultimately issue a jurisdictional determination for all on-site wetlands.

The DEIS indicates that only two of the 18 wetlands delineated on-site will fall under the jurisdiction of the ACOE (wetlands W-1 and W-11). As currently proposed, approximately 0.43 acre of permanent impact will occur to wetland W-11 as a result of proposed athletic fields (based on digital project files provided by the Applicant). There are no impacts currently proposed to wetland W-1; however, this wetland is located approximately 15 feet from a proposed parking lot. Therefore, any shifts in the location of this parking lot and/or

permanent grading that may extend beyond the limits of the parking lot as currently identified may result in impact to wetland W-1. With respect to permanent impacts to wetlands, the worst-case scenario would be if the ACOE claimed jurisdiction over all wetlands delineated on-site. If this were the case, then permanent impacts to wetlands would total approximately 1.22 acres (based on digital project files provided by the Applicant). Please see associated impact figures provided in FEIS Appendix J.

Assuming either wetland impact scenario (0.43 acre of impact associated with wetland W-11 or 1.22 acres of impact associated with all wetlands), the Pinnacle project will require the issuance of a permit from the ACOE in accordance with Section 404 of the Clean Water Act (CWA). The type of permit issued by the ACOE depends on the total acreage of permanent impact, outlined as follows:

- Nationwide Permit: Up to 0.5 acre of permanent impact
- Letter of Permission: 0.5 to 1.0 acre of permanent impact
- Standard Individual Permit: greater than 1.0 acre of permanent impact

The level of detail required in the permit application, timeframe for regulatory review, public involvement, and issuance of the permit generally increases from the Nationwide Permit to the Standard Individual Permit. In addition, if the ACOE is required to provide authorization under Section 404 of the CWA, then the NYSDEC must also provide authorization under Section 401 of the CWA through issuance of a Water Quality Certification. The type of Water Quality Certification issued by the NYSDEC is dependent on the specific permit issued by the ACOE, and therefore cannot be definitively determined at this time.

With respect to temporary wetland impacts, the Applicant has not yet determined the limits of disturbance during construction, and therefore temporary impacts cannot be quantified at this time. However, temporary impacts must be specifically identified, quantified, and included in the wetland permit application submitted to the ACOE and NYSDEC. All permanent and temporary impacts to wetlands and streams must be based on detailed construction drawings prepared by the Applicant.

Regarding thresholds that would trigger mitigation requirements, compensatory mitigation is required for all permanent impacts to ACOE-regulated wetlands over 0.1 acre. Therefore, the ACOE will not issue a permit until mitigation requirements are satisfied. The ACOE will establish the mitigation ratio during the permitting process, which could range from 1:1

(mitigation to impact) to 2:1 or greater. Assuming a 2:1 ratio, if 0.43 acre of permanent impact occurs then 0.86 acre of mitigation would be required. If 1.22 acres of impact occur then 2.44 acres of mitigation would be required. The most likely mitigation scenario is that the Applicant will need to purchase mitigation credits from a ACOE-approved In-lieu-fee program, and Ducks Unlimited administers such a program. For impacts that occur within the Irondequoit – Nine Mile Creek Watershed, 1 acre of wetland mitigation requires a \$92,000 payment to the Ducks Unlimited In-Lieu-Fee program. Therefore, based on the mitigation scenarios above, the Applicant would be required to pay approximately \$79,120 for 0.86 acre of mitigation, or \$112,240 for 1.22 acres of mitigation. In addition, stream impacts within the Irondequoit – Nine Mile Creek Watershed require a \$410 per linear foot payment. As previously indicated, it is currently anticipated that approximately 35 linear feet of stream would be impacted, which would result in an additional \$14,350 payment to the Ducks Unlimited In-Lieu-Fee program. As a result of the Article 15 permit needed for stream impacts, the NYSDEC will also need to approve stream-related mitigation.

Written Comment (Town of Victor Conservation Board):

As modifications are made to the northern portion of the parcel (area adjacent to Phillips Road and Main Street Fishers), surface and ground water patterns will change which may result in impact to the wetlands, stream corridors and riparian buffers in the environmentally sensitive areas. Potential impacts and mitigation strategies should be included as part of the DEIS.

Response:

As indicated in the NYSDEC comment letter on the DEIS (dated December 13, 2013), the project will require a NYSDEC-approved State Pollution Discharge Elimination System (SPDES) stormwater permit for construction activities, which is anticipated to address and set forth measures to manage and mitigate water quantity/drainage impacts and siltation/sedimentation impacts, including preparation of a Storm Water Pollution Prevention Plan (SWPPP). The following Best Management Practices (BMPs) may be required by the SWPPP prepared for the Pinnacle project:

- Temporary swale
- Water bars
- Level spreader
- Pipe slope drain

- Silt fence
- Stabilized construction entrance
- Construction road stabilization
- Dust control
- Sump pit

Adhering to the requirements of the NYSDEC-issued SPDES permit and proper implementation of an associated SWPPP should effectively mitigate potential drainage impacts and siltation/sedimentation impacts.

Written Comment (Jimmy Smith):

Where will the run-off from the parking lot, buildings and fields go? Into the waterway/wetlands there currently? There is quite a large stream there and I have been told that its the beginnings of the Irondequoit Creek and winds its way to Irondequoit Bay. Do the other towns between Victor and the bay know this? Does the DEC know this?

Response:

Please see the related response to comments above, which indicate that project-related run-off/drainage impacts will be mitigated through a NYSDEC-issued SPDES permit. Per their December 13, 2013 comment letter, the NYSDEC is aware of this project.

Written Comment (Jimmy Smith):

What kind of bridge is going to span the walking trail? From what I understand the buildings are on 1 side and the fields will be located on the other. Looking at the topography, the trails are in a valley, along with the stream/wetlands. Something will need to go over the top.

Response:

Please see the response provided above to the Town of Victor Conservation Board comment regarding Crossing the Class C(t) stream to provide vehicular access to the southern portion and assessing how much of an impact the proposed project will have on the existing C(t) streams, buffer, and wetlands. The comment included a Conservation Board request that efforts to minimize impacts be explored and mitigation measures to any unavoidable impacts be discussed.

Written Comment (Jimmy Smith):

There are flags marking a "wetlands delineation". How much of the wetlands in [sic] going to be disturbed?

Response:

Please see response to related comments above. As currently proposed, the project could impact anywhere from 0.43 acre to 1.22 acres of ACOE-regulated wetlands (based on the delineation conducted by Earth Dimensions and digital project files provided by the Applicant).

Written Comment (New York State Department of Environmental Conservation):

Page 7, 24, Federal Wetlands: It is stated that a total of 18 federal wetlands have been located on the site, however only 2 of them are considered jurisdictional by the wetland consultant. An ACOE jurisdictional letter must be provided to confirm this statement. The Department may be required to provide a 401 Water Quality Certification depending on permits provided by the ACOE.

Response:

Please see response to related comments above. A jurisdictional determination has been requested from the ACOE (see FEIS Appendix I for a copy of the transmittal letter). In addition, based on the project as currently proposed it is anticipated that authorization from the ACOE under Section 404 of the CWA will be required and authorization from the NYSDEC under Section 401 of the CWA will also be required.

Written Comment (New York State Department of Environmental Conservation):

Page 6, Streams: Phase II of the project proposes the following three areas of impact to two unnamed tributaries to the Irondequoit Creek: site grading for building #1, road construction across the Auburn trail and the stream to access the outdoor sports facility and its associated parking lot. An Article 15 Protection of Waters permit, pursuant to 6 NYCRR Part 608, will be required for any disturbance of bed or banks of these tributaries. By copy of this letter, the applicant is urged to apply to the Department for the necessary permits to determine if mitigation or restrictive dates are required for certain aspects of the project. Typical restrictive dates are October 1 – June 15. Project redesign may be required and this should be accomplished early during project planning.

Response:

Please see response to related comments above, which indicates that approximately 0.01 acre (approximately 35 linear feet) of stream impact, and the clearing of successional riparian forest, is anticipated based on the project as currently proposed, and would require authorization under Article 15 of the ECL. Unlike the wetlands referenced in other responses, the stream adjacent to the Auburn Trail is protected by provisions administered by both the NYSDEC and the ACOE. The Applicant has indicated that the engineering necessary to support a wetland/stream permit application submitted to both the ACOE and NYSDEC would progress following conclusion of the SEQRA process and receipt of local discretionary approvals, which would provide the Applicant with the approvals necessary to have confidence that the project would move forward.

With respect to restrictive dates specifically in relation to stream disturbance, the Applicant has indicated that they will adhere to the dates required by the NYSDEC through issuance of an Article 15 permit.

Written Comment (New York State Department of Environmental Conservation):

Page 22, Riparian Stream Setback. The DEIS states that the minimum setback from the stream required by the Town of Victor will be accommodated. Please let us know what that setback is. In order for the Department to make Findings related to the Protection of Waters Permit, we request that the potential impacts to the stream be fully evaluated in the town's SEQR record.

Response:

With respect to the Town of Victor requirements, the proposed project is located within the Pinnacle Athletic Campus Planned Development District, a floating zone designation that was created in 2013 in response to the proposed project. As noted within §211-27.7 of the Code of the Town of Victor, "no lateral construction or impervious surfaces shall be permitted within 50 feet of the center line of any stream having year-round flow as delineated on a United States Geological Survey Map (excepting bridges for pedestrians, roads and utility crossings)."

With respect to stream impacts please see response to the related comment above, which indicates that approximately 0.01 acre (approximately 35 linear feet) of stream impact, and the clearing of successional riparian forest, is anticipated.

Written Comment (New York State Department of Environmental Conservation):

PLEASE NOTE: although the Department does not have permit jurisdiction for the phase I construction as planned, there will be Article 15 permit requirements for Phase II. **We recommend that the Article 15 Protection of Waters permit application be submitted and approved prior to any site work for Phase I or other phases so that the Department can fully consider all potential impacts and mitigation measures in our review process.** *No negative impacts to the stream should occur during the construction of Phase I, such as clearing of any vegetation within the riparian area of the stream.* (Emphasis included in original comment letter.)

Response:

As indicated above, the Applicant intends on initiating the engineering necessary to support a wetland/stream permit application following conclusion of the SEQRA process and receipt of local discretionary approvals. The Applicant does not intend on initiating any impacts that would fall under the jurisdiction of the ACOE or NYSDEC until the associated approvals are issued.

Written Comment (Environmental Design and Research):

DEIS Page 5, Paragraph 3 states, “...*eighteen (18) of the twenty (20) wetland features do not have a connection to waters of the U.S., and would be considered non-jurisdictional.*” Please note that the jurisdiction (or lack thereof) of wetland features can only be determined by the U.S. Army Corps of Engineers (Corps), and therefore it cannot be definitively stated that these wetlands would be considered non-jurisdictional. We also note through correspondence from Earth Dimensions, Inc. (EDI) dated November 25, 2013 that the wetland delineation report has been sent to the Corps along with a request for a jurisdictional determination. This information should be reflected in the SEQRA record.

Response:

Please see response to related comments above, and the transmittal letter to the ACOE provided in FEIS Appendix I.

Written Comment (Environmental Design and Research):

DEIS Page 7, Paragraph 2 states, *“Access to the proposed outdoor athletic facilities and associated parking...will require crossing of the Auburn Trail as well as the adjacent stream corridor...”* This stream is regulated by the NYS Department of Environmental Conservation (NYSDEC), and the activity described in the DEIS will likely require authorization under Article 15 of the Environmental Conservation Law (ECL). However, there is not enough detail in the DEIS to adequately understand potential impacts to this stream. Will a bridge be constructed or will a culvert be installed? How many linear feet of stream will be impacted? What time of year will the impacts take place? How much riparian vegetation must be cleared to accommodate construction and operation of the new access road?

Response:

Please see response to related comments above, which indicates that approximately 0.01 acre (approximately 35 linear feet) of stream impact, and the clearing of successional riparian forest, is anticipated based on the project as currently proposed, and would require authorization under Article 15 of the ECL.

With respect to the time of year, as discussed above the Applicant has indicated that they will adhere to the dates required by the NYSDEC through issuance of an Article 15 permit. With respect to the method of stream crossing (e.g., bridge, culvert), the Applicant has indicated that this has not yet been determined.

Written Comment (Environmental Design and Research):

DEIS Page 7, Paragraph 4 states, *“The risk for an adverse impact to W1 appears low, particularly should the Planning Board retain the flexibility to refine the site plan for Building 1 further during Site Plan Review as necessary to protect W1.”* Please note that if any temporary or permanent impacts to jurisdictional wetlands occur then the Applicant will be required to obtain a permit from the Corps under Section 404 of the Clean Water Act, independent of local Site Plan approval. However, because of the lack of detail provided in the DEIS it is not possible to determine the permitting mechanism likely to be used by the Corps. If permanent impacts to wetlands were under 0.5 acre then the Corps would likely issue a Nationwide Permit (NWP). If permanent impacts exceed 0.5 acre then the Corps would likely need to issue an Individual Permit, which is a more complicated and time consuming process. However, in the past the Corps has also included temporary impacts to forested wetlands when determining if a

project can be permitted using a NWP. Will the project result in temporary impacts to forested wetlands?

Response:

Please see response to related comments above. As currently proposed, the project could impact anywhere from 0.43 acre to 1.22 acres of ACOE-regulated wetlands (based on the delineation conducted by Earth Dimensions and the digital project files provided by the Applicant). The various permitting scenarios are also discussed in related responses above. With respect to forested wetland impacts, as indicated previously forested riparian wetlands may exist in the floodplain south of the stream, and therefore the project may result in impacts (temporary and/or permanent) to forested wetlands.

Written Comment (Environmental Design and Research):

DEIS Page 7, Paragraph 4: The DEIS should quantify both temporary and permanent impacts to all wetland and stream resources, based on the proposed project footprint and temporary disturbance associated with construction activities. Without such information, it will be difficult for the Lead Agency to demonstrate that potential adverse impacts to wetlands and streams have been adequately evaluated.

Response:

Please see response to related comments above. As currently proposed, the project could impact anywhere from 0.43 acre to 1.22 acres of ACOE-regulated wetlands (based on the delineation conducted by Earth Dimensions and the digital project files provided by the Applicant).

Written Comment (Environmental Design and Research):

DEIS Page 7 and 8, when discussing wetland W11, states, "It is reasonable to assume that grading may be required as well as soil preparation and seeding and that these activities will impact the affected portions of the wetland negatively. No mitigation for this potential impact has been identified or proposed." We have the following concerns with these statements:

- The DEIS does not provide enough information to allow the Lead Agency to determine if the project will result in adverse impacts to wetlands or streams. With respect to these resources, it is unclear how the Lead Agency can issue the required Findings under SEQRA without actual detail on the impact to such resources.

- The DEIS must address mitigation for impacts to wetlands and/or streams. At a minimum, the DEIS should explain how the project would adhere to Corps requirements for mitigation.

Response:

Please see response to related comments above. As currently proposed, the project could impact anywhere from 0.43 acre to 1.22 acres of ACOE-regulated wetlands (based on the delineation conducted by Earth Dimensions and the digital project files provided by the Applicant).

With respect to mitigation, please see response to related comments above. As indicated, compensatory mitigation is required for all permanent impacts to ACOE-regulated wetlands over 0.1 acre, and the ACOE will establish the mitigation ratio during the permitting process, which could range from 1:1 (mitigation to impact) to 2:1 or greater. Assuming a 2:1 ratio, if 0.43 acre of permanent impact occurs then 0.86 acre of mitigation would be required. If 1.22 acres of impact occur then 2.44 acres of mitigation would be required. The NYSDEC will also need to approve mitigation related to stream-related impacts.

Written Comment (Environmental Design and Research):

DEIS Page 22, Paragraph 2: This is a very confusing, indecipherable sentence. It is not clear if impacts to this portion of the NYSDEC Class C(t) stream will occur.

Response:

Please see response to related comments regarding stream impacts above.

Written Comment (Environmental Design and Research):

DEIS Page 22, Paragraph 3: Beyond the thresholds for impact set forth in the Town of Victor Code, the DEIS needs to be clear about exceeding thresholds for impact as set forth in Article 15 of the ECL. Stating “...*only minimal impact is anticipated with respect to the stream segment...*” does not allow the Lead Agency to understand the potential for adverse impacts, and does not allow the NYDSEC to fully understand their potential jurisdiction under Article 15.

Response:

Please see response to related comments regarding stream impacts above.

Written Comment (Environmental Design and Research):

DEIS Page 23, Paragraph 1 states, “...it would appear that a stream crossing cannot be avoided so long as vehicular access is provided to the outdoor athletic field site. No mitigation for this impact has been identified or proposed.” Similar to previous comments, it is not clear how the Lead Agency can make the necessary Findings under SEQRA if impacts to this stream are not quantified (temporary and permanent impacts) and mitigation is not proposed.

Response:

Please see response to similar comments above, which indicate that approximately 0.01 acre (approximately 35 linear feet) of stream impact, and the clearing of successional riparian forest, is anticipated.

Written Comment (Environmental Design and Research):

DEIS Page 23, Paragraph 2 states, “It is worth noting that the project sponsor asserts that an existing mining permit applicable to the property would allow destruction of these emergent wetlands.” A copy of this permit should be provided to the Lead Agency for their review. However, such a permit does not obviate the need to review potential adverse impacts to wetland resources during the SEQRA process. In addition, it is unclear how such a permit would relate to potential Corps and NYSDEC jurisdiction under Sections 404 and 401 of the Clean Water Act.

Response:

As indicated in a related response to comment above, the mining permit (see FEIS Appendix H) does not specifically authorize wetland impacts. Rather, on Page 6 of 6 of the mining permit, under NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS, Item C (Permittee Responsible for Obtaining other Required Permits) states, “The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.”

Human Health and Adjacent Landfill. Proximity to the adjacent landfill raised concerns regarding potential risks of public health that might result as a consequence of the construction and uses proposed on the Pinnacle Athletic Campus site. A LaBella letter dated September 10, 2013 (see FEIS Appendix K) summarizes some of the information reviewed including monitoring well results summarized in a Passero Associates Engineering Report date June 2013 (see FEIS Appendix L) as well as subsequent testing completed by SBJ Testing in the

Summer of 2013 on behalf of the project sponsor (see Passero Associates Letter and attachments dated August 22, 2013, FEIS Appendix M). The review initiated by LaBella Associates and supported by Passero Associates focused on the following three potential impacts related to the proposed project:

- The risk that contaminated substances associated with the presence of the former landfill would be encountered during the development process including excavation for foundations and for utilities;
- The risk that development of buildings in the location shown on the concept plan would lead to conditions where harmful substances would be trapped or concentrated and pose health or safety risks to building occupants; and,
- The risk that the proposed approach to integrating new drainage improvements with the existing pond and/or other proposals to disturb that pond might lead to the presence of contaminated materials within on-site stormwater, within associated stormwater management facilities, within discharges from the site, within infiltration basins on the site or elsewhere such that it could be transported (picked up in one location, conveyed and then discharged or infiltrated in another location).

Although the LaBella memo offered a limited assessment regarding the following risk, it was not a focus of the review as it is unaffected by the proposed development:

- Risk that there is an undetected flow of contaminants from the adjacent landfill beneath the surface across the Pinnacle site.

Regarding the risk that contaminated substances associated with the presence of the former landfill would be encountered during the development process including excavation for foundations and for utilities, the LaBella memo concluded that there is very little risk given the failure to detect volatile organic compounds in any of the soil samples submitted for laboratory analysis and the appearance that on-site soils at the locations tested to not appear to have been impacted by migration of volatile organic compounds from the former landfill.

Regarding the risk that development of buildings in the location shown on the concept plan would lead to conditions where harmful substances would be trapped or concentrated and pose health or safety risks to building occupants, the LaBella memo concluded that there is very little

risk given the project sponsor's commitment to install subslab vapor mitigation systems during construction.

Regarding the risk that the proposed approach to integrating new drainage improvements with the existing pond and/or other proposals to disturb that pond might lead to the presence of contaminated materials within on-site stormwater, within associated stormwater management facilities, within discharges from the site, within infiltration basins on the site or be otherwise transported (picked up in one location, conveyed and then infiltrated in another location), the LaBella memo concluded that there was a moderate risk given the original proposal to integrate new facilities with the existing pond. However, in the course of the review the project sponsor abandoned that proposal and the plan no longer calls for any disruption to the existing pond. Given the absence of any disturbance to the existing pond, this risk has now been eliminated.

Although it is not relevant to the proposed project and this associated environmental review, the LaBella memo noted that the risk that there is an undetected flow of contaminants from the adjacent landfill beneath the surface across the Pinnacle site appears to be very low given the limited information available.

The comments and responses which follow immediately below did not appear in the DEIS.

Written Comment (Town of Victor Conservation Board):

The DEIS references two stormwater ponds that are components of the landfill closure plan. The CB requests that the location of these ponds be clearly labeled as such on the proposed plans. Furthermore, if these ponds are part of the landfill closure plans would the applicant be permitted to alter the ponds in any way?

Response:

The Conservation Board's request that the ponds be identified as components of the landfill closure plan are noted for consideration by the Town Planning Board. The project sponsor has not included any plans for disturbance or modification of the ponds as part of this project.

Written Comment (New York State Department of Environmental Conservation):

Page 5, DEIS Appendix E, F and G, Adjacent Landfill: Based on the Department staff's knowledge of the adjacent landfill site, the Environmental Subsurface Investigation dated August 8, 2013 in DEIS Appendix G is too limited in the scope and detail to all determination of

whether landfill gas is migrating from the landfill site to the proposed project site. Please explain how the Town plans to evaluate the potential for such gas migration and any potential resulting safety concern, and to require the project sponsor to avoid and minimize adverse impacts as required under SEQR.

Response:

The DEIS did not intend to determine whether landfill gas is migrating from the landfill site to the proposed project site as the review has not focused on the full range of potential impacts associated with the adjacent landfill. With respect to the landfill, the review has focused instead upon potential impacts to human health associated with this specific project given existing conditions. The memoranda included in DEIS Appendix E indicated that the primary risk associated with the potential presence of landfill gas was concentration of such gases within or beneath buildings proposed for construction on the site. The applicant has indicated the intent to install subslab vapor mitigation systems beneath all buildings during construction and the Town Planning Board will consider making installation of such systems a condition of approval.

Written Comment (New York State Department of Environmental Conservation):

Page 5, DEIS Appendix E, F and G, Adjacent Landfill: As the basis for that evaluation, DEC staff suggests that comprehensive soil gas investigation for the project site should be completed using 6 NYCRR Part 360-2.15 (a)(2) as the guideline for that investigation. The soil gas evaluation should address the entire stratigraphic section above the water table. The possibility of landfill gas migration should be thoroughly defined. Also, any design for a "topsoil cap" in the proposed adjacent athletic fields to the west of the landfill should address the effect that capping may have on the migration of landfill gas. With respect to potential migration of landfill gas, adequate design and construction of structures should be considered. Therefore, the Town should consider what can be required of the developer to avoid and mitigate any potential gas impacts resulting from locating any buildings adjacent to a landfill. For example, consideration might be given to installation of a permanent subsurface gas monitoring system for the PAC and pre-planned foundation venting systems.

Response:

With respect to the scope of the evaluation, structures, foundation venting systems and associated gas monitoring systems, please see the response to the preceding comment.

With respect to the potential for a “topsoil cap” on the adjacent athletic fields to affect migration of landfill gas, the need to address the potential for such effects is noted and consideration will be given to including appropriate requirements regarding this need as conditions in the approval. In response to the comment, the Town Planning Board will also consider imposing a condition that would require development of a gas monitoring system in selected locations.

Written Comment (New York State Department of Environmental Conservation):

Page 5, DEIS Appendix E, F and G, Adjacent Landfill: Additionally, Draft EIS maps and site diagrams are not prepared with a level of precision that shows whether any part of the adjacent landfill is actually located on any real property parcel comprising the project site. (As you are aware, previously the project site parcels had been part of the landfill site.) Is any part of the adjacent landfill located on the project site? At a minimum, the SEQR record should provide a detailed property map prepared and stamped by a NYS licensed surveyor showing at least the project parcels' property boundaries with the landfill site, the limits of the western portion of the closed landfill footprint and all landfill-related monitoring wells and stormwater retention ponds on the project site IPAC property. If such a survey map shows that the actual landfill does overlap onto the project site, please explain how the Town plans to evaluate the potential for any environmental concerns which might arise if the landfill proper is actually located on the project site, and to require the project sponsor to avoid and minimize adverse impacts as required under SEQR?

Response:

With respect to the potential for a “topsoil cap” to affect landfill gas migration, please see the response to the preceding comment. Regarding the potential for overlap of the actual landfill onto the project site, the Town has not identified other environmental concerns that would be affected by a discovery that some overlap existed. Development and construction proposed within areas where such overlap might be found is very limited.

Written Comment (New York State Department of Environmental Conservation):

Page 5, DEIS Appendix E, F and G, Adjacent Landfill: Further, access to the monitoring wells and stormwater retention ponds is needed for maintenance and monitoring of the landfill over time. Please explain how the Town will assure DEC and other appropriate parties are assured access to allow landfill maintenance and monitoring.

Response:

The Town does not intend to assure DEC and other appropriate parties access to allow landfill maintenance and monitoring and is hopeful that DEC and other parties requiring access for maintenance and monitoring have already secured the necessary property rights. The Town will consider exploring with the project sponsor how DEC and other parties now gain access and requiring relocation of any facilities that would appear to impede access significantly.

Sanitary Sewer Infrastructure and Pump Stations. Both Pinnacle Athletic Campus and Lehigh Crossing are developments tributary to the Phillips Road Pump Station 27 that was constructed in 1994 approximately 550 feet southeast of the intersection of Phillips Road and Omnitech Place. As an unpublished draft letter from LaBella Associates to Victor Supervisor Marren indicates, this pump station serves a portion of the western area of the Town's collection system including sewers from development along NYS Route 251, Phillips Road, Canning Parkway, Wangum Road, Strong Road and Old Dutch Road. Four town owned pump stations (PS 23 - Old Dutch Road PS 23, PS 25 - County Road 42, PS 26 - Victor Mendon Road, and PS 24 - Wangum Road) all feed to Pump Station 27. Pump Station 27 discharges to a gravity sewer that conveys flow to the Wendy's pump station (Pump Station 28) NYS Route 96.

The phased Pinnacle Athletic Campus sanitary sewer hydraulic loading has been estimated as follows:

Pinnacle Athletic Campus - Phase 1

Development: One 500 person athletic facility and one 17,000 s.f. office building

Average Daily Flow: 500 persons @ 5 gpcpd + 17,000 s.f @ 0.1 gpd/s.f. = 4,200 gpd

Pinnacle Athletic Campus – Phase 2

Based on the report provided by the developer, the exact development of the remaining parcel is not known at this time. The developer's engineer has provided an estimated future development loading rate of 40,800 gpd

Conveyance: Gravity flow to pump station

Total additional hydraulic loading from Phase 1 & 2: 45,000 gpd

The sanitary sewer hydraulic loading associated with approved elements of the Lehigh Crossing development has been estimated as follows:

Lehigh Crossing – Section 1 (1 bldg under construction, 1 bldg in use)
Development: Six office/flex space buildings with a total of 257,600 s.f.
(One building currently built and in use since winter 2013 @ 22,500 s.f.)
Average Daily Flow: 235,100 s.f. @ 0.1 gpd/s.f. = 23,510 gpd

Lehigh Crossing – Section 2 (preliminary approval received)
Development: Six office/flex space buildings with a total of 277,400 s.f.
Average Daily Flow: 277,400 s.f. @ 0.1 gpd/s.f. = 27,740 gpd
Conveyance: Gravity flow within the site to the Wangum Road pump station (PS 25) with a 6-inch force main. Force main to discharge to gravity system at Rae Blvd and Canning Pkwy. Flow is then passed via gravity and PS24 and PS26 to PS27.
Total additional hydraulic loading from approved bulidings: $23,510 + 27,740 = 51,250$ gpd

Translation of the foregoing hydraulic loads into equivalent runtimes at Pump Station 27 yields the following:

- Pinnacle Athletic Campus Phase 1 & Lehigh Crossing Section 1: 2.1 hours
- Pinnacle Athletic Campus Phase 2 & Lehigh Crossing Section 2: 5.1 hours
- Combined total for “approved” and proposed phases - 7.2 hours

Reservations were initially expressed by sewer district officials regarding the capacity of Pump Station 27 to accept additional flows based upon observations of long pump station run times. Long run times led to doubts regarding the capacity of the Pump Station 27 to accept even the modest flows from Pinnacle Athletic Campus Phase 1, much less the much greater flows from Phase 2 or future buildings at Lehigh Crossing. A June 3, 2013 email went on to indicate that the Pinnacle Athletic Campus would also greatly affect Pump Station 27 given that the station is obsolete and the electrical is not up current codes.

With respect to hydraulic capacity, LaBella’s recent review of the Pump Station data from January through August of 2013 indicated that the station operated on average 4.3 hours per day during non-precipitation “dry” days and 4.9 hours per day during days with precipitation. However, the maximum station operation day was 15.8 hours. Maximum daily run times for each month were seen to typically occur during periods of wet weather indicating a high level of infiltration and inflow (I&I) on the system tributary to this station. The Farmington Sewer and Water District subsequently smoke tested the Town’s collection system and noted that many clean out covers were missing. The missing covers were linked to high inflow to the system and the covers were replaced in August. From September through October, the station was seen to operate on average 2.6 hours per day during non-precipitation “dry” days and 2.9 hours per day during days with precipitation. The maximum station operation day was 3.5 hours. While this most recent data is very encouraging, it is over a very limited period of time. LaBella

consequently recommends a conservative evaluation of the pump station capacity using all of the data from January through August.

Regarding the combined additional flow from Pinnacle Athletic Campus Phases 1 & 2 and Lehigh Crossing Sections 1 and 2, the station's run time should be expected to increase by approximately 2.1 hours in the near term and by approximately 7.2 hours as the subsequent phases are completed. However, modifications or replacement of the pump station will likely be required as flows from the future phases of these projects are realized. The build out of the remaining portions of these projects will likely not take place immediately, giving the Town some time to react to this development.

Regarding mitigation, prior to the closing of many clean-outs in the collection system, pump run times for this station indicated a substantial increase in operation during wet weather periods. More recent data after the covers were installed indicate a substantial reduction in running hours. Nevertheless, the pump running hours should be monitored in the future to further analyze the effect of the recent collection system improvements. Monitoring should continue, particularly in the spring, to determine if the recent trend is maintained over a longer period of time.

To further mitigate the potential impact to Pump Station 27, the Town should initiate planning efforts to modify PS 27 Phillips Road Station to safely accommodate the anticipated flows after the station's performance is monitored through the spring of 2014. Depending on the performance, modifications could involve as upgrading the electrical service and motors to 25 HP and sheaves replacements to bring the station's capacity to 300 gpm. A recent LaBella estimate of recommended improvements to bring Pump Station 27 into closer conformance to code and current standards including a new transfer switch, pad, warning devices, wiring and miscellaneous other items that would allow use of a portable back-up generator amounted to approximately \$13,500. Any modifications to the performance of this station should include an evaluation of the impact to downstream stations. Station modifications should include emergency power generation.

Finally, given the hydraulic loads projected for future phases of both Pinnacle Athletic Campus and Lehigh Crossing, the Town should complete and follow up on a study commenced on the Town's behalf pursuant to an August 2, 2013 proposal regarding collection system capacity in the area and regarding several critical interconnected pump stations in particular.

The comments and responses which follow immediately below did not appear in the DEIS.

Written Comment (Farmington Water & Sewer Dept.):

In reference to PS-27 located at #700 Phillips Road, as a result of the recent smoke testing that we performed under our Infiltration and Inflow, (I & I) we were able to locate various 4" and 6" diameter sewer lateral caps that had been draining surface water from parking lots and various lawn areas. The results have been lower the run time at PS-27 and other affected pump stations such as PS-28 at NYS Route 96 Fishers..

Response:

The discovery related to conditions underlying the longer run time at PS-27 are noted. These findings are also summarized in the LaBella letter to the Town of Victor included as FEIS Appendix T.

Written Comment (Farmington Water & Sewer Dept.):

With the projected hydraulic loading for Phase 1 of this project being estimated to be around 4,200 gpd we are now comfortable with accepting the projected sewer flows from the Pinnacle Athletic Campus Phase I with necessary modifications to PS-27 to accommodate Phase 1.

The required modifications to PS-27 will need to include upgrades to the electrical service, motor and sheaves, and the requirement to include an emergency standby generator.

Response:

The comment is noted, both with regard to the sufficiency of the sanitary sewer system to accept flows from Phase 1 of the proposed project as well as the potential need for modifications to PS-27.

Written Comment (Farmington Water & Sewer Dept.):

With the projected hydraulic loading for Pinnacle Athletic Campus Phase 2 being estimated at 40,800 gpd, further modification or replacement of lift station PS-27 will be needed that will need to include newer efficient pumps housed inside a full sized Gorman Rupp walk-in enclosure with an inside Auto-Start generator and Control Panel.

Response:

The comment is noted, both with regard to the sufficiency of the sanitary sewer system to accept flows from Phase 2 of the proposed project as well as the potential need for further modifications to PS-27.

Written Comment (Farmington Water & Sewer Dept.):

We acknowledge that the remaining portions from future projects will not be realized immediately which will give us time to react to Phase 2. When this time does come, the Town will need to review the size of the force main as well as wastewater flow from the Pinnacle Athletic Campus Site and sounding areas that will need to include reviews of PS-26, PS-28, PS32, PS-17, PS-14 and PS-II before reaching our Farmington Wastewater Treatment Plant.

Response:

The comment is noted, in particular with regard to the need for additional exploration and studies prior to acceptance of flows from Phase 2 of the proposed project.

Written Comment (Jimmy Smith):

With no sewer system in place, where is sewage going? Into a holding tank to be pumped to Farmington during off-hours? What are off-hours? Who decides this?

Response:

The sanitary sewer system will be extended to discharge wastewater flows from the facility to Pump Station 27. Although there was past discussion of the potential need to consider temporary reliance on a holding tank, it has since been discovered that there is sufficient capacity to accept Phase 1 wastewater flows and temporary reliance on a holding tank is no longer being considered.

Written Comment (New York State Department of Environmental Conservation):

Page 6, Sewer: The site will be served by the Town of Victor sewer system. The FEIS should address if there is adequate capacity to serve the development.

Response:

Please see the foregoing narrative as well as the comments that follow, all of which indicate there is sufficient capacity to accept flows from Phase 1 and that some improvements may be required to ensure adequate capacity to accept flows from future phases.

Traffic. A traffic impact study was completed by Passero Associates in March 2013 (see FEIS Appendix N). Clark Patterson Lee provided comments relative to the report in March of 2013 and Passero Associates followed up with additional information in response to those comments (see FEIS Appendix U). The report noted that the proposed facility could be expected to generate a maximum of 385 trips during the peak hour whereas a typical industrial facility on the same site could be expected to generate more than 1,000 such trips.

The study analyzed the impact of the proposed development on the local transportation system with respect to existing conditions, projected background traffic volumes and both a Phased and Fully Developed Pinnacle Athletic Campus. Phase 1 traffic volumes were projected to the year 2014 utilizing a 2.5% GRF applied to existing conditions. The 2014 traffic volume projections included a 50% build out of Lehigh Crossing as well as the build out of Pinnacle Athletic Campus Phase 1. The 2018 traffic volume projections also relied upon a 2.5% GRF applied to existing conditions as well as full build outs of both Lehigh Crossing and Pinnacle Athletic Campus.

The Main Street Fishers at Phillips Road intersection operates at a level of service (LOS) of C or better in all conditions analyzed and no improvements are recommended.

The Main Street Fishers at Wangum Road intersection operates at a LOS of A in all conditions analyzed and no improvements are recommended.

The Route 251 at Wangum Road intersection operates at a LOS of A or B in all conditions analyzed and no improvements are recommended.

The Route 251 at Phillips Road intersection operates at a minimum ICU LOS of A in all conditions analyzed. However, in the 2018 fully developed conditions the southbound left turn LOS deteriorates to F. No improvements are recommended.

The Main Street Fishers intersection at Route 96 currently operates at a LOS of C during the PM peak hour and B during the Saturday peak hour. In both the 2014 background condition as well as the 2014 Phase 1 build out condition, the intersection is projected to operate at a LOS of C during both the PM peak hour and the Saturday peak hour. In both the 2018 background condition and the 2018 full build out condition, the intersection is projected to operate at a diminished D LOS or worse. Adding lanes to increase capacity is not feasible due to the I-90

overpass and demands associated with Route 96 traffic will not allow increasing green time for eastbound traffic.

Although signal timing adjustments are recommended, a September 6, 2013 letter from NYS DOT (see FEIS Appendix O) indicates that it should not be assumed that optimization of traffic signal operations at the Main Street Fishers intersection with Route 96 will offset traffic impacts or achieve acceptable LOS. NYS DOT stated that they anticipate motorists will experience increased delays and longer queue lengths as development increases in this area. NYS DOT indicated that this will lead to the intersection operation approaching and exceeding capacity with limited mitigating measures available to reduce traffic impacts, resulting in failing LOS and excessive queues on and approaching Route 96.

The Traffic Impact Report concludes that Phase 1 of the Pinnacle Athletic Campus will not generate traffic levels that are significantly above levels currently experienced in the area. However, the eventual build out of Lehigh Crossing and Pinnacle Athletic Campus will ultimately result in additional impact to current problem areas identified in previous studies.

Regarding mitigation, during the first Phase of the Pinnacle Athletic Facility, signal timing adjustments are recommended at the intersection of Main Street Fishers and Route 96 as well as at the intersection of Main Street Fishers and Phillips Road. A two way left turn lane is also recommended to be striped in place of the existing southbound left turn lanes on Phillips Road north of the former railroad track and adjacent to the project entrance.

It is also recommended that an update to the study be required in order to assess actual trips generated by Lehigh Crossing and the Pinnacle Athletic Campus Phase 1 facility so as to improve the future traffic volumes projected in the study. The update should assess those areas identified in this study as potentially requiring improvements taking into account the updated volume projections.

The comments and responses which follow immediately below did not appear in the DEIS.

Written Comment (Clark Patterson Lee):

Discrepancies with What is Proposed. There are three sources of information as to what is proposed to be constructed at the PAC site - the text within the DEIS, Figure 1 of the DEIS which was prepared by the Applicant, and the Traffic Impact Study (TIS) which was also prepared by the Applicant. The DEIS describes the proposed build out within Section 2 on

pages 14-15. This description and DEIS Figure 1 match each other. The TIS describes the build out in Section 5.0 on page 7. The values within the DEIS and TIS do not match. For reference, the proposed build out values found in the DEIS versus the TIS are shown in the table . . .

Proposed Build Out of PAC	
Phase I	
DEIS Text/DEIS Figure 1	TIS
135,000 SF building comprised of 86,400 SF fields/courts & 48,600 SF of office/lockers/meeting space (Building #6)	Only 90,000 SF of the full 135,000 SF facility identified as "recreational community center"
Full Build Out	
DEIS Text/DEIS Figure 1	TIS
25,000 office building (Building #2)	Completion of the 135,000 SF recreational community center
4 Athletic fields (on 23.8 acres) Alternative outdoor action sports area (on 15.4 acres)	Soccer Complex - 6 fields
75,000 medical flex buildings (Buildings #3-5 comprised of 25,000 SF each)	Medical Office - 75,000 SF
Hotel - 150 rooms (Hotel A is 90 rooms and Hotel B is 60 rooms)	Hotel- 140 rooms
50,000 office/commercial building (Building #1)	

This side-by-side comparison shows that the apparent current plan for the site includes 10 hotel rooms, 25,000 SF of office space, and 50,000 SF of office/commercial space that was not included in the TIS. Additionally, it appears that the Phase 1 of the TIS analyzed 90,000 SF of space, but 135,000 SF is actually proposed.

The issues raised within the DEIS relating to traffic are based upon impacts that are a direct result of the anticipated traffic volumes to be generated by Phase I and Full build out of PAC. These traffic volumes are derived from the size of the proposed development. If the space proposed exceeds the space analyzed in the TIS, then the impacts will be worse than what was identified in the TIS. Therefore:

- The discrepancies between what is shown in Figure 1 of the DEIS and what was analyzed in the TIS must be resolved.
- If Phase 1 exceeds the 90,000 SF building proposed in the TIS, the analysis must be redone to show the correct building footprint and use, and the recommendations reevaluated.
- If the full build out exceeds the buildings proposed in the TIS (i.e. the additional office space and additional hotel rooms), the analysis must be redone to show the correct building footprint and use, and the recommendations reevaluated.

Response:

The source and evolution of these apparent discrepancies has been explored and found to be as follows:

- The March 2013 Traffic Impact Study (TIS) submitted in support of the Rezoning SEQR included a site plan depicting the following development program:
 - Building 6 - 135,000 SF Multisport (77,000 SF + 13,000 SF + 45,000 SF)
 - Building 1 – 50,000 SF
 - Building 2 – 25,000 SF
 - Buildings 3, 4 & 5 - 25,000 SF each (southern location)
 - 140 Room Hotel Buildings (80 Room Hotel A + 60 Room Hotel B – northern location)

The TIS indicated that Phase 1 included a 90,000 SF portion of Bldg 6. The balance of Building 6 and all of the remaining buildings were allocated to future phases.

Although Buildings 1 and 2 were shown on the site plan, they appear to have been omitted from the full build-out assessment provided in the TIS.

- Prior to approval of the rezoning action, a revised drawing was submitted in April, 2013 that included the following modifications:
 - Buildings 3, 4 & 5 were relocated to a more northern location
 - The Hotel Buildings were relocated to a more southern location
 - The number of hotel rooms was increased from 140 rooms to 150 rooms

- At the time of re-zoning approval, the TIS did not appear to include Building 1, Building 2 and only included 140 rather than 150 hotel rooms, but these discrepancies appear to have gone undetected.
- In May of 2013, a site plan application was filed with the Town. The site plan accompanying the application depicted the following development program:
 - Building 6 - 135,000 SF Multisport (87,000 SF + 22,000 SF + 26,000 SF)
 - Building 1 – 50,000 SF
 - Building 2 – 25,000 SF
 - Buildings 3, 4 & 5 - 25,000 SF each (southern location)
 - 150 Room Hotel Buildings (90 Room Hotel A + 60 Room Hotel B - northern location)

The application indicated that Phase 1 now included a 109,000 SF portion of Bldg 6 – an increase of approximately 19,000 SF from the information supporting the rezoning approval.

- In June of 2013, a revised site plan application was filed with the Town. The revised site plan included the following modifications:
 - Building 6 – revised layout comprising a total of 135,000 SF
 - Phase 1 to include the total 135,000 SF shown in Building 6, a Phase 1 increase of an additional 26,000 SF
 - All other buildings remained in future phases.
- A second revised site plan was subsequently submitted in September 2013. This site plan reflected the same development program and configuration as that shown in the June 2013 drawings. The plan included as Figure 1 in both the DEIS and FEIS is one of those submitted in September, 2013.
- As of the November 12, 2013 acceptance of the DEIS, no updated TIS had been requested or provided and the following discrepancies between the TIS and the development proposal appear to remain undetected:
 - The TIS full-build out assessment did not appear to include Building 1 or Building 2;
 - The TIS full-build out assessment included 140 rather than 150 hotel rooms;
 - The TIS described Phase 1 as consisting of a 90,000 SF portion of Building 6 rather than the full 135,000 SF.

With respect to potential Phase I traffic impacts, subsequent analysis by Clark Patterson Lee has found the following:

- The total generated trips for Phase 1 (90,000 SF vs. 135,000 SF) are shown within the table that follows. When the entering/exiting trips are distributed through the network, the additional trips at each intersection do not represent a significant increase when comparing the 135,000 SF Phase 1 program to 90,000 SF.
- The recommendations in the TIS regarding the Phase 1 build out remain valid.
- There is no need to update the TIS for the 135,000 SF Phase 1 allocation.

Trip Generation: Phase 1 Comparison		
ITE Land Use	495	
Mixed Use Credit Adj.	None	
Size	90,000 SF	135,000 SF
PM Peak Hour Total	124	157
PM Peak Hour Exiting	31	39
PM Peak Hour Entering	93	118
SAT Peak Hour Total	96	144
SAT Peak Hour Exiting	44	66
SAT Peak Hour Entering	52	78

With respect to potential full build-out traffic impacts, subsequent analysis by Clark Patterson Lee has found the following:

- The additional 10 hotel rooms (150 rooms vs. the 140 included in the TIS) add only 3 additional generated trips in the PM peak and 4 additional trips in the SAT peak.
- The additional 75,000 SF of office space (Buildings 3, 4 & 5 omitted from the TIS) adds 98 trips during the PM peak and 19 additional in the SAT peak. Because of the volume of these trips and the fact that they will add to other full build-out trips already putting a demand on the system, determining the full impact of these trips will require running the data through the traffic analysis program (Synchro).

- It will be necessary to update the TIS to include the additional 75,000 SF of office space and 10 hotel rooms. However, future update of the TIS prior to subsequent phases has already been recommended. At this time, it will be difficult to determine the impacts of full build-out as the impacts from background growth, Lehigh Crossing and other unknown developments remain uncertain. If these other contributors generate less than expected, the impact of this project may be correspondingly less. The full build-out mitigation measures remain unclear and it has been recommended that these be finalized as things develop based upon an updated TIS to include updated assessments of traffic contributions from background growth, Lehigh Crossing and other unknown developments.

Trip Generation: Full build-out Comparison				
Hotels: ITE Land Use	310			
Mixed Use Credit Adj.	None (Base)		55%	
Size	140 Rooms	150 Rooms	140 Rooms	150 Rooms
PM Peak Hour Total	80	87	36	39
SAT Peak Hour Total	122	131	55	59
Office: ITE Land Use	710			
Mixed Use Credit Adj.	None (Base)		40%	
Size	0 SF		75,000 SF	
PM Peak Hour Total	0	0	163	98
SAT Peak Hour Total	0	0	32	19

Written Comment (Clark Patterson Lee):

Phillips Road Intersection with Route 251

- Within the text of the DEIS, it was stated that the southbound left turn level of service (LOS) deteriorates to F during the 2018 full developed conditions. The DEIS should be revised to indicate that this is only for the PM peak hour and not for the Saturday peak hour.

- Section 6 of the DEIS states that the deterioration of the LOS of the southbound left turn lane at this intersection is an unavoidable impact. It was noted that no recommended improvement was made within the TIS. The DEIS should be revised to indicate that the TIS did include a traffic signal warrant analysis at this location and it was found that it was not warranted. We also recommend that as subsequent phases are planned, this intersection be monitored to determine if it eventually meets the warrants for a traffic signal. This is also a recommendation made by NYSDOT.

Response:

The necessary revisions are noted here in the FEIS.

Written Comment (Clark Patterson Lee):

Main Street Fishers Intersection with Route 96

- Section 6 of the DEIS states that the deterioration of the LOS of this intersection is an unavoidable impact and Section 8 states that the deterioration is a result of the cumulative impact of background growth, PAC, and Lehigh Crossing. The TIS did not make any recommendations for improvements at this intersection other than signal timing adjustments. The TIS for Lehigh Crossing made the same recommendations. The PAC TIS states that *"due to the northbound lane restrictions associated with the 1-90 overpass, it is not feasible to install a third eastbound left turn lane. Additionally, the overall capacity of the intersection will not allow for the eastbound green time to be increased without having a detrimental impact on northbound and southbound traffic on Route 96."* NYSDOT was in agreement with this recommendation for both developments; however, within their letter relating to PAC, they noted that this area will continue to deteriorate and motorists will experience increased delays and longer queue length.
- The TIS did acknowledge a possible mitigation measure, but did not formally present it as a recommendation. Section 7.1 on page 12 of the TIS states that *"as observed in a SimTraffic simulation, during a 15 minute interval during the peak hour, the eastbound volume had a queue of over 700 feet which exceeded the dedicated left turn lane by 200 feet. As a result the queue extended into the single eastbound lane..."* In other words, if the storage length for left turning vehicles is extended, it could help to improve the LOS at this intersection, or at least limit the impacts to the eastbound through and right

turning vehicles. We recommend that as PAC is built out, the extension of the eastbound left turn lane, or even the addition of a full eastbound lane from Phillips Road to Route 96, be investigated as a mitigation measure.

- There is no mention of Phillips Road within the DEIS. Section 7.2 on page 13 of the TIS notes *"that commuters traveling eastbound use Phillips Road as somewhat of a bypass to travel from Route 251 to Route 96... The development of both Lehigh Crossing and the PAC will generate additional traffic volume on both Phillips Road and Main Street Fishers justifying a future review of potential mitigation measures."* We recommend that as PAC is built out, that Phillips Road is monitored for traffic impacts.

Response:

The necessary revisions are noted here in the FEIS.

Written Comment (Clark Patterson Lee):

Alternative Analyses

- Alternative D as described in the DEIS refers to an updated TIS in advance of approval of future phases. We concur with this recommendation. The analyses and recommendations laid out in the March 2013 TIS were based on assumed values for background growth and traffic generated by Lehigh Crossing. Updated version(s) of the TIS is (are) the only way to determine if the assumed values are accurate.

We recommend that the TIS updated in advance of all future phases of PAC and that at a minimum it should include:

- New traffic counts and analyses at all of the intersections analyzed in the March 2013 TIS utilizing the same means and methods as the original TIS.
- A traffic signal warrant analysis at the intersection of Phillips Road with Route 251.
- Investigations into the possible benefits of adding lane(s) to Main Street Fishers between Phillips Road and Route 96, as well as overall traffic impacts on Main Street Fishers.
- Investigations into traffic impacts on Phillips Road between Main Street Fishers and Route 251.

- Investigations into completion of the connection of the proposed internal dedicated roadway to Main Street Fishers from Phillips Road, rather than simply at 50% build out as stated in Section 8.0 of the TIS.

Response:

The clarifications as well as the recommendations regarding updates to the TIC in advance of future phases are noted here in the FEIS.

Written Comment (Clark Patterson Lee):

This concludes our review of the material submitted. In summary, the primary issue pertains to the impacts that will occur overtime as PAC and Lehigh Crossing are built out, relative to background traffic growth, and determining how much PAC is contribution to overall traffic impacts. Once this is known, appropriate mitigation measures specific to PAC can be determined.

Response:

The need for an updated TIS in advance of future phases and for the improved understanding of the increase in traffic volumes in the intervening period that an updated study will provide is noted.

Written Comment (Jimmy Smith):

Traffic on those roads is bad enough every morning, noon & night, without adding more cars.

Response:

Please see the above narrative, comments and responses relative to the significance of traffic impacts associated with Phase 1 and the need for an updated TIS, further study and potential identification of further mitigation measures prior to future phases.

Written Comment (Marsha W. Senges):

Over the years, there has not seemed to be enough resident support for the Town to get something like this approved. My concern this past year, having listened to comments from the TB and the PB and also comments in the "Daily Messenger" after TB and PB meetings, is that sadly, I think our Boards and toooo many Victor residents honestly believe, with the approval of the Pinnacle Athletic Complex, this will be the "White Knight" that's come into our Community and will provide what the Town has never been able to get approved.

This couldn't be further from the truth....and Jim Ludwig will state he has never said it would be the Town's Community Center. But, it certainly seems from Board members' reactions and comments to reporters, that's exactly what is expected with this proposed Complex.

I have Grandchildren who have competed in travel team competitions and competitive cheerleading events (going to 3-5 states competing!) and when we attend these events, parking is absolutely ridiculous. With the number of teams these 'Meets" bring in, oftentimes, we've had to park nearly a Y2 mile away and walk in the street to the actual Complex!! Looking at the projected parking for Pinnacle, I think the Town has NO CLUE what will happen to Main Street Fishers when there are huge events!!

Response:

Please see the above narrative, comments and responses relative to the significance of traffic impacts associated with Phase 1 and the need for an updated TIS, further study and potential identification of further mitigation measures prior to future phases. The commenter's reservations about traffic and related impacts upon the community are noted.

Written Comment (Marsha W. Senges):

I'm hopeful, since it is pretty obvious it is moving forward, close attention will be made to assuring residents, particularly those across the street on Sauer Farms Drive and those in nearby Fishers, a very serious traffic study will be completed, with restrictions put in place to not destroy the lovely Hamlet of Fishers.

Response:

Please see the above narrative, comments and responses relative to the significance of traffic impacts associated with Phase 1 and the need for an updated TIS, further study and potential identification of further mitigation measures prior to future phases.

Written Comment (New York State Department of Environmental Conservation):

Page 11, 12, 28, Traffic: For your information there is a proposed 100 acre Fishers Ridge project located northeast of Route 96 near Rowley Road. The sponsor may want to consider including the traffic impact from this development and also inform the Department if there is a potential for road reconstruction or expansion that may require permitting from our office.

Response:

The information is appreciated. The Town Planning Board is aware of the pending project. As suggested, the Planning Board will give serious consideration to requiring the potential impact of this project in any updates to the TIS.

The paragraph which follows immediately below regarding other impacts and the associated comments and responses did not appear in the DEIS.

Other Potential Impacts - Impacts Not Identified as Potential Significant Adverse Impacts in the Determination of Significance. A number of comments were received relative to potential impacts that were not identified in the Determination of Significance as Potential Significant Adverse Impacts and that were, therefore, not included in the DEIS.

Public Hearing Comment (Gary Helming of Ratnik Industries):

I'm representing Ratnik Industries which H Ronald Ratnik owns the two lots which abut to the property to the north and goes right across the property line. We sent out on October 1st which should have been in your October packet, a list of questions that we want briefly answered. We have not heard a response from the Planning Board in writing back. I guess our big question is, when we looked at this, we actually operate an industrial...we manufacture there. When you look at plan development aspects on your drawing that you have in front of you, it's not 109 ft, it's 130 something on the board. What seems to be an interest to us, there seems to be no barrier between industrial and the Planned Development that you folks have at this time. The only reason this concerns us is we're not against the project at all, what concerns us is #1 the water flow from the parking lot and the building pitch heading towards the property of the second lot and having some type of barrier distance between the manufacturing facility which would include having semi trucks pull in and back in, as you can see the one loading dock. And if we expand to the west on the property which is owned by Ron, what kind of impact would that have on kids getting out of cars, that type of thing. We've seen nothing by the developer to show any kind of barrier as in fencing or something to keep kids out of the property. I'm not against the whole project, we'd like to see safety first with the kids involved and safety first would mean some type of barrier between an industrial manufacturer and the park. I mean when kids come in, I had kids that played sports and when you get 4 hours of driving, sometimes they don't make it in to go to the bathroom, that type of thing. We would just like to see some type of protection put across.

Then the pitch of the building, from what we gathered from pictures, all of the drainage is heading towards the two lots. Then you're covering that parking lot which now is drainage. So there is a lot of water. The hills dips away as you probably have walked it at the open house and things. So it concerns us a lot. We're trying to keep public usage of the driveway, the facilities, the property if we store trailers, we have equipment outside and fenced areas. We're trying to keep all of that from being ---- on. We're also looking at trying to somehow, even if they were able to drop that building, I don't know what a 109 sf building looks, I'm looking at 135 up there but if they were to drop that down and create a barrier. I don't think it's asking too much when you look at it because with any of these Planned Developments if you look at other towns, they try to separate between the zonings with some type of buffer historically. It seems there's not much there, maybe 20 ft of buffer. But there is no call in the project for any type of fencing or protection to keep the kids from wandering across. I don't know if there is something in the planning of that.

Response:

The commenter's recommendation that a barrier between the proposed project and the adjacent Ratnik facility is noted for consideration by the Town Planning Board.

Written Comment (Town of Victor Conservation Board):

The Long EAF for the entire site that is included as part of the Engineer's Report indicates that approximately 92 acres of the 94 acre site will be disturbed as a result of the proposed project. It is unclear what percentage of the site is dedicated as open space or if any of the existing natural features will be preserved. The DEIS does not address potential mitigation measures for the natural resources being eliminated.

Response:

Elimination of natural resources as referenced in the comment was not identified in the Determination of Significance as a Potential Significant Adverse Impact. The Conservation Board's concern regarding loss of natural resources and reservation of open space is noted for consideration by the Town Planning Board.

Written Comment (Town of Victor Conservation Board):

The DEIS does not address potential impacts to environmentally sensitive areas. The CB requests that environmentally sensitive areas, e.g. the stream corridor and associated riparian buffers, be placed in a Natural Feature Conservation Easement. Existing vegetated buffers to

adjacent parcels and the Auburn Trail should be preserved to the greatest extent practicable and placed in either a Site Specific or Natural Feature Conservation Easement.

Response:

With the exception of those to wetlands and streams, the Determination of Significance did not identify impacts to other environmentally sensitive areas as Potential Significant Adverse Impacts. The Conservation Board request that environmentally sensitive areas, e.g. the stream corridor and associated riparian buffers, be placed in a Natural Feature Conservation Easement is noted for consideration by the Town Planning Board. The Conservation Board recommendation regarding preservation of existing vegetated buffers to adjacent parcels and the Auburn Trail is also noted for consideration by the Town Planning Board as is the recommendation that they be placed in either a Site Specific or Natural Feature Conservation Easement.

Written Comment (Town of Victor Conservation Board):

The DEIS does not assess how the project may impact Co-Occurrence IC-6 which is located on the adjacent parcel. This highly ranked Co-Occurrence (a possible 17/19 points) could be negatively impacted by the proposed project and should be shown on the project plans.

Response:

The Determination of Significance did not identify impacts to Co-Occurrence IC-6 as a Potential Significant Adverse Impact. Information and/or recommendations regarding avoiding impacts to this Co-Occurrence may be directed directly to the Planning Board nonetheless, the exclusion from the DEIS and FEIS notwithstanding.

Written Comment (Jimmy Smith):

Are the results conclusive that there are no "heavy metals" in the quarry?

Response:

The potential presence of "heavy metals" was not identified as a Potential Significant Adverse Impact and has not been studied exhaustively.

Written Comment (Jimmy Smith):

This monstrosity of a building is going to ruin the view from Saurer Farms

Response:

The commenter's reservations regarding the proposed project's visual impacts are noted for consideration by the Town Planning Board.

Written Comment (New York State Department of Environmental Conservation):

Page 3, DEIS Appendix F, Engineering Report, Floodplain: The area where a road to be constructed to cross the floodplain to access the playing fields may require a permit from the local municipality if any fill is brought into the floodplain. If fill is proposed, a complete review of and mitigation plan prepared for potential impacts to downstream areas with respect to potential exacerbated flooding should be included in the SEQR record.

Response:

The potential need for a permit should fill be brought into the floodplain is recognized as is the need in such an instance for review of a mitigation plan prepared for potential impacts to downstream areas.

Written Comment (Environmental Design & Research):

Prior to issuing a permit, the Corps must demonstrate that the project is in compliance with the Endangered Species Act (ESA) and the Historic Preservation Act (HPA). The DEIS does not address threatened/endangered species or historic resources. Is the project located in an archeologically sensitive area as identified on the SHPO's SPHINX database? Has the Natural Heritage Program (NHP) been contacted to determine if the project contains (or is proximate to) documented rare species or important habitat? Has the U.S. Fish and Wildlife Service (USFWS) online database been accessed to determine the presence of federally-listed threatened or endangered species? At a minimum, the DEIS should explain how the project would comply with the ESA and HPA.

Response:

The SPHINX database was accessed during the preparation of this FEIS to determine if the project is located within an area identified as archeologically sensitive. Based on this review, it appears that only the extreme northern portion of the project (immediately south of Fishers – Main Street) is considered archeologically sensitive (see associated graphic included in FEIS Appendix Q).

Information from the NHP has not been requested in regard to this project. Therefore, the NYSDEC's Environmental Resource Mapper website was accessed, which indicates that there are no state-listed threatened or endangered species within the project area. However, this resource does depict a "Natural Communities Nearby" hatched area adjacent to the project, north of Fishers – Main Street (see associated graphic included in FEIS Appendix R). In addition, the NYSDEC's July 22, 2013 lead agency letter indicates the potential presence of a listed species, and states, "The threatened plant Twin-leaf (*Jeffersonia diphylla*) may be present at the site. It is recommended that a professional (biologist, botanist, or landscape architect) familiar with the identification of this species undertake a survey of the literature and determine if the proposed project contains habitats which would favor this species. If favorable habitats exist, a field survey would be needed to determine if the species is actually present. If populations of endangered or threatened species are found to be in the project area project modifications should be considered to avoid or minimize impact..." An EDR botanist conducted a literature review and determined the following:

In New York State, twin-leaf typically occurs in ravines, near the bases of slopes that were created by a stream cutting down through calcareous bedrock. The plants are most often found near the toe of the slope, and could be present within the floodplain zone of these small streams. A few populations are known from more upland settings associated with calcareous soils, but these populations tend to be much smaller. Associated ecological communities include calcareous talus slope woodland, maple-basswood rich mesic forest, floodplain forest, limestone woodland, oak-tulip tree forest, and rich mesophytic forest. The State of New York protects twinleaf with a state status of threatened. There are 15 extant populations across the State, mostly in central and western New York. Because New York is near the edge of its range, twinleaf has likely always been rare within the State. However, a significant and immediate threat is the invasion of its habitat by garlic mustard. (NYNHP, 2013)

As indicated in response to comments above, there is a forested floodplain adjacent to a relatively steep slope south of the on-site stream. In addition, much of the project area contains calcareous soils. Therefore, it appears as if suitable habitat for this species may be present within the project area. As indicated by the NYSDEC, a field survey is needed to determine if this species is present. Regarding the appropriate survey period, EDR's

botanist determined that the blooming period for this species is mid-April to mid-May, fruit persists through July, and leaves are distinct but reportedly in poor condition by late summer. Therefore, the appropriate survey period appears to be April 15 through July 31.

In addition, the USFWS online database was accessed to determine the potential presence of federally-listed threatened or endangered species. This database indicated the potential presence of the threatened Bog turtle (*Glyptemys muhlenbergii*), and the northern long-eared bat (*Myotis septentrionalis*), which was recently proposed as a listed endangered species by the USFWS (see USFWS database search results in FEIS Appendix S). The bog turtle is found in the eastern United States scattered in disjunct colonies from New York and Massachusetts south to southern Tennessee and Georgia. This is a semi-aquatic species, preferring habitat with cool, shallow, slow-moving water, deep soft muck soils, and tussock-forming herbaceous vegetation. In New York, the bog turtle is generally found in open, early successional types of habitats such as wet meadows or open calcareous boggy areas generally dominated by sedges (*Carex* spp.) or sphagnum moss. Like other cold-blooded or ectothermic species, it requires habitats with a good deal of solar penetration for basking and nesting. (NYSDEC, 2013) None of the delineated wetlands on-site are anticipated to provide suitable habitat for bog turtle.

Northern long-eared bats spend winter hibernating in caves and mines (hibernacula). During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds. (USFWS, 2013) Possible summer roosting habitat (trees) is present on-site, and the project may be required to adhere to a seasonal tree clearing restriction, which would be determined during ACOE permitting, to assure that potential roosting habitat is removed while the bats are hibernating, and therefore harm to individuals would not occur.

During the Section 404 permitting process with the ACOE and the Article 15 permitting process with the NYSDEC, the Applicant will be required to work with these agencies to demonstrate that adverse impacts to cultural resources and threatened and endangered species do not occur.

6. UNAVOIDABLE IMPACTS

Unavoidable potential impacts all arise in future phases of the project and include:

- The stream crossing relied upon to gain vehicular access to the site of the proposed outdoor athletic fields;
- The loss of non-jurisdictional wetlands distributed across the site and noted as providing little habitat value;
- Deterioration of the Route 251 at Phillips Road intersection the southbound left turn to a LOS F in the 2018 fully developed conditions with no recommended improvements; and,
- Deterioration of the Main Street Fishers intersection at Route 96 operation to a diminished D LOS or worse in both the 2018 background condition and the 2018 full build out condition. Adding lanes to increase capacity is not feasible due to the I-90 overpass and demands associated with Route 96 traffic will not allow increasing green time for eastbound traffic.

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7. IRREVERSIBLE and IRRETRIEVABLE COMMITMENT OF RESOURCES

Resources on the site that would be committed in a manner that is irreversible or irretrievable include sand and gravel. As indicated above unavoidable impacts to as many as eighteen (18) emergent wetlands distributed across the site are anticipated. It is believed that the wetlands in question would be determined to be non-jurisdictional and that they would be lost entirely as a consequence of grading and related development activities.

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8. CUMULATIVE IMPACTS

The deterioration of the Main Street Fishers intersection at Route 96 to a diminished D LOS or worse in both the 2018 background condition and the 2018 full build out condition indicates that it is a Cumulative Impact resulting from the combined effects of projected background growth as well as traffic generated by the fully built out Pinnacle Athletic Campus and Lehigh Crossing projects.

Together with Lehigh Crossing and other new projects within the same basin or basins tributary to Pump Station 27, the Pinnacle Athletic Facility will incrementally reduce the remaining surplus capacity of Pump Station 27 and others downstream.

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9. GROWTH INDUCING IMPACTS

The project has some growth inducing impacts in that it is anticipated to draw patrons to the facility from elsewhere within the greater Rochester region and beyond. That being so, it would be reasonable to assume some related growth in other commercial activities that would service visitors to the facility. The associated impacts upon traffic have been described above beginning on page 56. No direct impacts upon residential growth are anticipated as a consequence of the project.

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10. USE and CONSERVATION OF ENERGY RESOURCES

Use and conservation of energy resources is anticipated to be in keeping with a typical facility of its size and nature. There are no unique aspects or features that would support an expectation for the facility to either use or conserve energy resources to any degree significantly different from the norm.

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11. SOLID WASTE MANAGEMENT IMPACTS

The facility is only anticipated to produce solid waste typical of recreational, office, medical office and hotel facilities. Contract services will be relied upon for collection and disposal of such solid wastes. To the extent medical offices generate waste requiring special handling and disposal, approved services with specialized expertise will be employed in the disposal of these wastes.

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12. ALTERNATIVES

No- Action. The No-Action alternative would avoid all of the potential impacts associated with the project including those identified above as otherwise unavoidable. These include impacts associated with a potential stream crossing, loss of a number of emergent wetlands believed to be non-jurisdictional and offering little habitat value, some risk of potential encroachment on wetlands W1 and W11 which will remain on the site, unavoidable contributions to cumulative impacts to traffic including those to the LOS at intersections of Route 251 at Phillips Road and Main Street Fishers at Route 96, and cumulative impacts that will incrementally reduce the remaining capacity of Pump Station 27 and others downstream. However, the no-action alternative would not accomplish the objectives or provide the benefits described above on page 18.

Alternative A. Alternatives that retain flexibility to further reconfigure the placement of Building 1 and of the outdoor athletic fields during Site Plan review could avoid even the minimal risk of potential encroachment upon wetlands W1 and W11.

Alternative B. Alternatives that would not provide vehicular access to the outdoor athletic fields and associated parking could avoid the necessity for a stream crossing.

Alternative C. An alternative that required confirmation of adequate capacity of Pump Station 27 and others downstream or the completion of Pump Station improvements sufficient to ensure adequate capacity in advance of approval of future phases would reduce the risks associated with the potential for the current analysis to overlook collection system limitations or overestimate available capacity within the segments of the system to which the facility is tributary.

Alternative D. An alternative that required an update to the Traffic Study in advance of approval of future phases would reduce the risks associated with the potential for the current forecasts to overlook or underestimate anticipated traffic volumes.

Alternative E. An alternative that scaled the project back to include only the development in Phase 1 would preserve some of the jurisdictional wetlands that would otherwise be lost, would eliminate any potential risk to wetlands W1 and W11, would avoid the anticipated stream

crossing, and would eliminate some of the incremental demands upon the sanitary sewer collection system. However, such an alternative would likely not provide the project benefits described below on page 17 and would also not avoid the deterioration in LOS at the intersection of Route 251 at Phillips Road or that of Main Street at Route 96 as it would occur in the same year nonetheless solely as a consequence of background growth and build out of Lehigh Crossing.

The references provided immediately below did not appear in the DEIS.

REFERENCES

New York Natural Heritage Program (NYNHP). 2013. *Online Conservation Guide for Jeffersonia diphylla*. Available at: <http://www.acris.nynhp.org/guide.php?id=8864> (Accessed January 2014).

New York State Department of Environmental Conservation (NYSDEC). 2013. *Bog Turtle Fact Sheet*. Available at: <http://www.dec.ny.gov/animals/7164.html> (Accessed January 2014).

United States Fish and Wildlife Service (USFWS). 2013. *Northern Long-Eared Bat Myotis septentrionalis*. Available at: <http://www.fws.gov/midwest/endangered/mammals/nlba/nlbaFactSheet.html> (Accessed January 2014).

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