

New York Gaming Facility Location Board
Response to Request for Applications to Develop and Operate a
Gaming Facility in New York State

TIOGA DOWNS RACETRACK, LLC

Exhibit IX.A.2.b.

Refer to Exhibit VIII.C.17.a. for independent studies prepared by Larson Design Group, Inc. in relation to the project water and wastewater impacts of the Tioga Downs Resort Casino. Both the water and wastewater are privately owned and operated infrastructure and therefore have no direct or indirect impact on the local and regional infrastructure. The privately owned public water system is regulated by the New York State Department of Health. The onsite wastewater collection and treatment system is regulated by New York State Department of Environmental Conservation.

Refer to VIII.C.17.a., VIII.C.17.b., and VIII.C.17.c. for analysis provided by Giovanetti Shulman Associates on the electricity demand and infrastructure capacity. In summary, the electric utility, New York State Electric and Gas (NYSEG), has confirmed the system capacity is available to supply the demand loads for the complete facility. There are no peak demand restrictions currently in place.

Refer to Exhibit VIII.C.17.d. for an independent traffic study prepared by Bergmann Associates, under the consultant of Larson Design Group, in April 2012 and later updated in August, 2012 for Phases 1 and 2 of the Tioga Downs Casino Resort. Phase 3 of the project is currently being evaluated for impacts on local and regional traffic and roadway infrastructure. Based on the approved August, 2012 traffic impact statement report, offsite improvements are required at two intersections. The existing level of service for each of the intersections will be exceeded and therefore modifications will be required. Tioga Downs is responsible for the construction costs associated with the improvements. Both intersections are on New York State Department of Transportation owned and maintained roadways. NYSDOT will be responsible for the future operation and maintenance of the constructed improvements. The Project Team has coordinated with NYSDOT on these improvements.

Refer to Exhibit VIII.C.17.e. for the Stormwater Pollution Prevention Plan (SWPPP), which includes the designed stormwater management systems for Phase 1 and Phase 2 of the Tioga Downs Casino Resort. Phase 3 will incorporate a similar stormwater quantity and quality management program. New York State Department of Conservation is responsible for the review of the stormwater management design and practices to be used during construction, and after construction. Tioga Downs is responsible for all pre-, during, and post-construction stormwater management. All quantity and quality measures will be employed on the Project Site and therefore have no local or regional impacts.

Phase 1 and 2 of the proposed Tioga Downs Casino Resort has undergone the New York State State Environmental Quality Review process. Phase 3 is currently being reviewed by the Town

of Nichols (Lead Agency) and involved agencies. No protected habitats or protected/endangered species will be impacted by the Tioga Downs Casino Resort. Light pollution is being designed to meet U.S. Building Council design standards for minimization of light trespass from the building and site. Both interior and exterior lighting will be reviewed to meet and comply with the aforementioned design standard.

The methodologies and analysis provided within the independent studies were performed by professional engineers with personal experience within each facet of the design. Refer to Exhibit VIII.C.18 for information on each of the referenced professionals.