

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE TO (1) CHANGE PARAGRAPH FIVE OF THE TEXT OF PROPOSED LOCAL LAW NO. 5 OF 2015 IDENTIFYING THE DEVELOPMENT PLAN IN LIGHT OF THE REVISED DEVELOPMENT PLAN FOR THE PROPOSED LAGO RESORT AND CASINO SUBMITTED TO THE TOWN BOARD, (2) REFER THE REVISED VERSION OF THE DEVELOPMENT PLAN AND THE REVISED VERSION OF PROPOSED LOCAL LAW NO. 5 OF 2015 TO THE SENECA COUNTY PLANNING BOARD AND THE TOWN OF TYRE PLANNING BOARD, (3) REFER THE REVISED VERSION OF PROPOSED LOCAL LAW NO. 5 OF 2015 TO THE TOWN OF TYRE ZONING BOARD OF APPEALS, and (4) CANCEL THE SEPTEMBER 3, 2015 SPECIAL MEETING AND SCHEDULE SPECIAL MEETINGS FOR SEPTEMBER 24, 2015 AND OCTOBER 1, 2015.

August 27, 2015

WHEREAS, on July 16, 2015, the Town Board for the Town of Tyre (the “Town Board”) received for review and approval from BME Associates, on behalf of Lago Resort & Casino, LLC (“Lago”), copies of the following documents relating to the proposed Lago Resort and Casino (formerly known as the Wilmot Casino and Resort) (the “Project”), which is a proposed development that has been under review by the Town Board since March 2014: a Planned Unit Development (“PUD”) District Application and a proposed Development Plan with minor modifications from the Development Plan initially submitted to and considered by the Town Board in 2014; a proposed Site Plan that reflects revisions to the initial Site Plan submitted to and considered by the Town Board in 2014; Part 1 of the Full Environmental Assessment Form (“FEAF”) that was originally submitted to the Town Board on March 20, 2014 together with an amended Part 1 of the FEAF dated July 16, 2015 reflecting the revisions to the Project since the initial Part 1 of the FEAF was submitted; and other Project documents identified in the July 16, 2015 transmittal letter from BME Associates (the “July 2015 Project Documents”); and

WHEREAS, the Town Board introduced and reviewed at its duly held meeting on July 16, 2015 proposed Local Law No. 5 of 2015, draft dated July 14, 2015, which local law would amend the Town of Tyre Zoning Law (“Town Zoning Law”) to: (i) add the term “Planned Unit Development” to the list of “Type of District” under Article II, Section 2.202, and add the designation “PUD” for such district; (ii) add a definition of Planned Unit Development District to Article XI, Section 11.1102; and (iii) amend the Town Zoning Map to show the Planned Unit Development District for the Lago Resort and Casino as the land within the Town of Tyre in the area east of New York State Route 414 and north of the New York State Thruway, consisting of approximately 84.95 acres of land (Tax Account No. 12.00-01-36), thereby changing the Agricultural use designation for that land to a Planned Unit Development District designation; and

WHEREAS, at its July 16, 2015 meeting, the Town Board resolved to refer for review and recommendation, as required under applicable law, the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015,

draft dated July 14, 2015, to the Seneca County Planning Board, the Town of Tyre Planning Board (“Town Planning Board”), and the Town of Tyre Zoning Board of Appeals (“Town ZBA”); and

WHEREAS, pursuant to applicable laws, the Town Board also resolved at its July 16, 2015 meeting to hold public hearings on August 27, 2015 on the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015, with the public hearings to be followed by a special meeting of the Town Board on the same date at the same location after the public hearings ended; and

WHEREAS, at its August 14, 2015 special meeting, the Town Board revised proposed Local Law No. 5 of 2014 to clarify the date of the Development Plan and approved a draft dated August 14, 2015; and

WHEREAS, at its August 14, 2015 special meeting, the Town Board resolved to schedule a special meeting of the Town Board for September 3, 2015; and

WHEREAS, the Town Board received a letter dated August 24, 2015, from the Town Engineer recommending that Lago submit a revised Development Plan for the Project to replace the one that was included in Lago’s July 16, 2015 PUD District Application, which recommendation was made after reviewing the public comments received about the Project and considering the best course to proceed with the Town Board’s review of the PUD District Application; and

WHEREAS, in light of this recommendation, the public hearings that the Town Board had scheduled for August 27, 2015 regarding the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015 were cancelled; and

WHEREAS, the Town Board has received at its August 27, 2015 special meeting a revised Development Plan that represents the current conditions and design of the Project, as reflected in the Site Plans submitted with the July 16, 2015 PUD District Application, which the Town Engineer understands to represent the current Project conditions and design;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Paragraph five of proposed Local Law No. 5 of 2015 shall be revised to read as follows:

All building locations and layout, bulk and area specifications, height restrictions, off-street parking layout, property ingress or egress, on-site roads and pedestrian ways, fire lanes, service drives, lighting, signage, open space, storm water management infrastructure, water and sewer infrastructure, and gas and electric utilities for this Planned Unit Development District shall be consistent with the Development Plan

submitted to the Town Board pursuant to Article II.A, Section 2A.203 of the Town Zoning Law, which is identified as the Lago Resort and Casino Development Plan, prepared by BME Associates, which Development Plan was approved by the Town Board for the Town of Tyre on _____, 2015, and a copy of which is maintained in the records of the Tyre Town Clerk.

2. Proposed Local Law No. 5 of 2015 otherwise remains unchanged from the prior drafts dated July 14, 2015 and August 14, 2015; and
3. The revised version of proposed Local Law No. 5 of 2015 shall be a draft dated August 27, 2015; and
4. The Town Board hereby resolves to rescind its previously scheduled special meeting of September 3, 2015 that was to be held at 7:30 p.m. at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, and therefore, no special meeting of the Town Board will be held on that date; and
5. The Town Board hereby resolves to hold a special meeting of the Town Board on September 24, 2015, in the Town of Tyre at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, at 7:30 p.m. for the purpose of reviewing matters relating to the Project and any other matter that is properly brought before the Town Board; and
6. The Town Board hereby resolves to hold a special meeting of the Town Board on October 1, 2015, at 7:30 p.m. in the Town of Tyre at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, for the purpose of reviewing matters relating to the Project and any other matter that is properly brought before the Town Board; and
7. The Town Board directs the Town Clerk for the Town of Tyre to publish notice of the special meetings of the Town Board on September 24 and October 1, 2015, and to the extent practicable, to post these notices on the Town of Tyre's website; and
8. The Town Board hereby directs the Town Clerk to (a) refer the PUD District Application, the version of the Development Plan which the Town Engineer hereafter determines satisfies Town Zoning Law § 2A.203(C)(1)-(2) and is complete for the Town Board's review, and proposed Local Law No. 5 of 2015 (draft dated August 27, 2015) to the Town Planning Board and to the Seneca County Planning Board for review and written recommendation, and (b) refer proposed Local Law No. 5 of 2015 to the Town ZBA for review and written recommendation; and

9. The Town Board shall make a copy of the proposed Local Law No. 5 of 2015, draft dated August 27, 2015, available for public review at the Seneca Falls Public Library and at the Town of Tyre Town Clerk's Office at 636 Sutterby Rd., Seneca Falls, NY 13148 during normal business hours, and to the extent practicable, post an electronic copy of the same on the Town of Tyre's website; and further
10. This resolution takes effect immediately.

The adoption of the foregoing Resolution was moved by Councilman _____ and seconded by Councilman _____, and duly put to vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Ronald F. McGreevy	[]	[]	[]	[]
Councilman Joseph Delpapa	[]	[]	[]	[]
Councilman James Rogers	[]	[]	[]	[]
Councilman Reginald Aceto	[]	[]	[]	[]
Councilman Thomas Thomson	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

August 27, 2015

LOCAL LAW NO. 5 OF 2015

A local law to amend the Town of Tyre Zoning Law in relation to amending Article II, Section 2.202 and Article XI, Section 11.1102, and enacting a new Article II, Section 2.202.2, Planned Unit Development District.

BE IT ENACTED by the Town Board of the Town of Tyre as follows:

1. Article II, Section 2.202 of the Town of Tyre Zoning Law shall be amended by adding to this section the term “Planned Unit Development” to the list of Type of District, and by adding the designation “PUD” for such district.
2. Article XI, Section 11.1102 of the Town of Tyre Zoning Law shall be amended by adding the following definition to this section:

Planned Unit Development District: a district created for development in accordance with a single development plan and associated site plan for the permitted uses authorized in Article II.A, Section 2A.202.B of this law and the placement of buildings which may not correspond to the bulk, yard, height and other regulations of this law.

3. Zoning Map Amendment for Planned Unit Development For Lago Resort and Casino (formerly known as the Wilmot Casino and Resort).

The Town Zoning Map shall be amended to show the Planned Unit Development for the Lago Resort and Casino as all land within the Town of Tyre in the area east of New York State Route 414 and north of the New York State Thruway, consisting of approximately 84.9 acres of land, and being more particularly described in the legal description below, thereby changing the Agricultural use designation for such land as shown on the Town Zoning Map to Planned Unit Development District.

ALL THAT TRACT OR PARCEL OF LAND containing 84.957 acres more or less, situate in the Military Tract, Junius Township, Lot 45, Town of Tyre, County of Seneca, and State of New York, as shown on the drawing entitled “Lands of James R. & Jeanne C. Leonard,” prepared by BME Associates, having drawing number 2392-07, dated March, 2014, and revised March 27, 2014, being more particularly bounded and described as follows:

Beginning at the intersection of the easterly right-of-way line of State Route 414 (Right-of-Way width varies) with the northerly right-of-way line of The Governor Thomas E. Dewey Thruway (Right-of-Way width varies), said point having a Thruway baseline station 343+04.65 and offset 148.20 feet, said point also having a Route 414 baseline station 26+86.00 and offset 70.00 feet; thence

1. N 07°37'42" W, along said easterly right-of-way line, a distance of 265.99 feet to a point having Route 414 baseline station 29+50.00

and offset 70.00 feet; thence

2. N 13°51'23" W, continuing along said easterly right-of-way line, a distance of 402.30 feet to a point having Route 414 baseline station 33+50.00 and offset 27.00 feet; thence
3. N 07°58'55" W, continuing along said easterly right-of-way line, a distance of 657.17 feet to a point having Route 414 baseline station 40+07.16 and offset 24.00 feet; thence
4. N 85°42'49" E, along the southerly boundary line of lands now or formerly of John D. and Jane A. Morelli (T.A. No. 12.00-01-4.2), a distance of 304.66 feet to the southeast corner thereof, marked by a 2 foot tall 1" pipe; thence

The following five (5) courses are along the southerly boundary line of lands now or formerly of Lorraine H. Newcomb (T.A. No. 12.00-01-4.11)

5. N 87°56'08" E, a distance of 1268.14 feet to a point; thence
6. S 02°21'39" E, a distance of 639.75 feet to a point; thence
7. N 87°34'10" E, a distance of 895.00 feet to a point; thence
8. N 00°10'52" E, a distance of 492.27 feet to a point; thence
9. N 84°16'48" E, a distance of 409.87 feet to the southwest corner of lands now or formerly of Desiree Dawley (T.A. No. 12.00-01-4.12), marked by a 1" pipe; thence
10. N 87°24'40" E, along the southerly boundary line of said lands of Desiree Dawley (T.A. No. 12.00-01-4.12), a distance of 550.00 feet to a point on the westerly boundary line of lands now or formerly of James Nearpass (T.A. No. 12.00-01-5.11); thence
11. S 03°41'17" E, along said westerly boundary line and lands now or formerly of James Nearpass (T.A. No. 12.00-01-38.1), a distance of 1031.96 feet to a point on the aforementioned northerly right-of-way line of The Governor Thomas E. Dewey Thruway having baseline station 376+65.00 and offset 140.00 feet; thence
12. S 75°26'35" W, along said northerly right-of-way line, a distance of 464.83 feet to a concrete monument having Thruway baseline station 372+00.17 and offset 139.67 feet; thence

13. S 82°14'28" W, continuing along said northerly right-of-way line, a distance of 856.05 feet to a concrete monument having Thruway baseline station 363+01.46 and offset 175.23 feet; thence
 14. S 87°30'37" W, continuing along said northerly right-of-way line, a distance of 597.35 feet to a concrete monument having Thruway baseline station 357+04.26 and offset 161.52 feet; thence
 15. S 88°16'47" W, continuing along said northerly right-of-way line, a distance of 1399.68 feet to the Point of Beginning
4. The permitted uses within the Planned Unit Development District for the Lago Resort and Casino shall be casino complex and accessory uses, which accessory uses shall be limited to the accessory uses described in Article II.A, Section 2A.202.B(2) of the Town Zoning Law.
 5. All building locations and layout, bulk and area specifications, height restrictions, off-street parking layout, property ingress or egress, on-site roads and pedestrian ways, fire lanes, service drives, lighting, signage, open space, storm water management infrastructure, water and sewer infrastructure, and gas and electric utilities for this Planned Unit Development District shall be consistent with the Development Plan submitted to the Town Board pursuant to Article II.A, Section 2A.203 of the Town Zoning Law, which is identified as the Lago Resort and Casino Development Plan, prepared by BME Associates, which Development Plan was approved by the Town Board for the Town of Tyre on _____, 2015, and a copy of which is maintained in the records of the Tyre Town Clerk.
 6. The applicant or its successors, assigns or grantees shall obtain all official reviews, approvals, licenses and permits required under applicable law, including site plan approval in accordance with Article II.A, Section 2A.204 of the Town Zoning Law.
 7. This local law will take effect immediately on filing in the office of the Secretary of State.