

**RESOLUTION OF THE PLANNING BOARD FOR THE TOWN OF TYRE  
REGARDING RECOMMENDATION TO THE TYRE TOWN BOARD  
CONCERNING PROPOSED LOCAL LAW NO. 5 OF 2015  
AMENDING THE TOWN OF TYRE ZONING LAW**

**September 22, 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 15, 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**, if the Town Board approves the Development Plan, which decision has not yet been made, pursuant to Town of Tyre Zoning Law (“Town Zoning Law”) § 2A.203(H), within 10 days of plan approval, the Town Board must amend the Zoning Map of the Town of Tyre to establish and define the type and boundaries of the PUD district; and

**WHEREAS**, to amend the Zoning Map of the Town of Tyre to establish a PUD district in the Town will require an amendment to the Town Zoning Law; and

**WHEREAS**, the Town Board introduced and reviewed at its July 16, 2015 meeting 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**, by resolution at its July 16, 2015 meeting and subsequent letter dated July 17, 2015, the Town Board referred to the Planning Board for the Town of

Tyre (the "Planning Board") for review and recommendation proposed Local Law No. 5 of 2015; and

**WHEREAS**, the Planning Board adopted a resolution dated July 21, 2015 recommending that the Town Board approve the adoption of proposed Local Law No. 5 of 2015 provided that paragraph five of said Local Law was revised to include certain language clarifying the date of the Development Plan; and

**WHEREAS**, at its August 14, 2015 special meeting, the Town Board revised proposed Local Law No. 5 of 2015 to add the language recommended by the Planning Board clarifying the date of the Development Plan and approved a draft dated August 14, 2015, which left proposed Local Law No. 5 of 2015 otherwise unchanged; and

**WHEREAS**, the Town Board received a letter dated August 24, 2015, from the Town Engineer, Barton & Loguidice, D.P.C., recommending that Lago submit a revised Development Plan for the Project to replace the one that was included in the July 2015 Project Documents to be considered part of 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**, Lago submitted to the Town Board at its August 27, 2015 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, and in light of the submission, the Town Board resolved to revise paragraph five of proposed Local Law No. 5 of 2015 to identify the Development Plan as the "Lago Resort and Casino Development Plan," in a draft dated August 27, 2015, and to otherwise leave proposed Local Law No. 5 of 2015 unchanged from the prior drafts dated July 14, 2015 and August 14, 2015; and

**WHEREAS**, under cover of a letter dated September 11, 2015, the Town Board did refer proposed Local Law No. 5 of 2015, draft dated August 27, 2015, to the Planning Board for review and recommendation; and

**WHEREAS**, the Town Board will not act on the proposed Local Law No. 5 of 2015 unless it first approves the Development Plan, as such plan may be amended to address any Town Board concerns, which approval the Town Board has not yet issued; and

**WHEREAS**, the Planning Board reviewed and discussed the provisions of proposed Local Law No. 5 of 2015, draft dated August 27, 2015, at its duly held September 22, 2015 meeting;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

*CHECK ONE OF THE FOLLOWING:*

X The Planning Board recommends that the Town Board adopt proposed Local Law No. 5 of 2015 because the Planning Board's original concern about identifying the date of the Development Plan was satisfied, obtaining the revised Development Plan was logical and provided new information, and revising the proposed Local Law to reflect the title of that revised Development Plan was also logical.

**OR**

\_\_\_\_\_ The Planning Board recommends that the Town Board not adopt proposed Local Law No. 5 of 2015 because \_\_\_\_\_

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**OR**

\_\_\_\_\_ The Planning Board recommends: \_\_\_\_\_

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**IT IS HEREBY FURTHER RESOLVED** that this resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Henry Bickel, seconded by Larry Kesel, and duly put to vote, which resulted as follows:

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Robert C. Seem	[ X ]	[ ]	[ ]	[ ]
Alan Smith	[ X ]	[ ]	[ ]	[ ]
Larry Kesel	[ X ]	[ ]	[ ]	[ ]
Deborah J. Geary	[ X ]	[ ]	[ ]	[ ]
Kenneth L. Hauenstein	[ ]	[ ]	[ ]	[ X ]
Karen Thomson	[ X ]	[ ]	[ ]	[ ]
Henry Bickel	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

September 22, 2015