

**RESOLUTION OF THE PLANNING BOARD
FOR THE TOWN OF TYRE
CONCERNING ITS RECOMMENDATION TO THE TOWN BOARD FOR THE TOWN
OF TYRE REGARDING THE APPLICATION AND THE DEVELOPMENT PLAN
RELATING TO THE CREATION OF A PLANNED UNIT DEVELOPMENT DISTRICT IN
THE TOWN FOR THE PROPOSED LAGO RESORT AND CASINO**

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, 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 the PUD District Application and the Development Plan; and

WHEREAS, the Planning Board adopted a resolution dated July 21, 2015 recommending that the Town Board approve the PUD District Application and Development Plan; 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, at its August 27, 2015 meeting, Lago submitted to the Town Board 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 the Town Board resolved to refer to the Planning Board the PUD

District Application and the version of the Development Plan which the Town Engineer determined satisfied Town Zoning Law § 2A.203(C)(1)-(2) and thus was complete for review; and

WHEREAS, the Town Engineer determined the Development Plan was complete by letter dated August 31, 2015; and

WHEREAS, under cover of a letter dated September 11, 2015, the Town Board did refer the PUD District Application and the Development Plan to the Planning Board for review and recommendation; and

WHEREAS, at its September 22, 2015 meeting, the Planning Board reviewed the PUD District Application and Development Plan with the Town Engineer and considered the factors under Town of Tyre Zoning Law § 2A.203(D)(1)(a)-(d) in evaluating the Development Plan and formulating its recommendations regarding the Development Plan to the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

CHECK ONE OF THE FOLLOWING:

 X The Planning Board recommends that the Town Board approve the PUD District Application and the Development Plan because there are no substantial changes from the previous versions that were reviewed and there is updated information explained to the Planning Board that allows the Board to more fully understand the Development Plan and based upon that information, it does meet town planning and zoning goals, does meet the intent and objectives of the PUD law (Article II.A), the plan was thoroughly vetted by the Town Engineer so it is conceptually sound and conforms to accepted design principles and provides adequate services and utilities.

OR

 The Planning Board recommends that the Town Board conditionally approve the PUD District Application and the Development Plan subject to the following modifications being made to the Development Plan: _____

OR

 The Planning Board recommends that the Town Board disapprove the PUD District Application and the Development Plan because _____

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

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

	Yea	Nay	Abstain	Absent
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