



SENECA COUNTY

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

August 14, 2015

**RE: TT 2015-5 / TT 12-1-36 B1, Zoning Map Amendment & Development Plan, Lago Resort
and Casino
TT 12-1-36 B2, Site Plan Review, Lago Resort and Casino
TT 15-1-33.2, Special Use Permit, Pathway Home of the Finger Lakes, Inc.**

Mrs. Elizabeth Sutterby, Clerk
Town of Tyre
636 Sutterby Road
Seneca Falls, NY 13148

Dear Mrs. Sutterby:

The Seneca County Planning Board has completed its reviews of the above-mentioned reports at the regular meeting held August 13, 2015. You will find enclosed the reports and resolutions. Our office should be advised of your final action within 30 days after the action.

If you have any questions regarding the reports and resolutions, please feel free to contact our office.

Sincerely,

Harriet A. Haynes
Planner

HAH/md

enclosures

xc w/enclosures: Mr. Ronald McGreevy, Supervisor, Town of Tyre
Mr. Robert Seem, Chairperson, Tyre Town Planning Board
Mr. David Page, Tyre Town Zon. & Code Enforcement Officer

ONE DIPRONIO DRIVE
WATERLOO, NEW YORK 13165-1681
315 539 1730
FAX 315 539 1838

WHEREAS, this request for Planned Unit Development (PUD) Application with Development Plan Review and for Local Law #5 of 2015, Zoning Amendments, was forwarded by the Town of Tyre for review under Section 239 of the General Municipal Law, and

WHEREAS, the Seneca County Department of Planning and Community Development did review said request and prepared a report dated August 12, 2015, and

WHEREAS, the Seneca County Planning Board did meet on August 13, 2015 to consider this request, the report of the Seneca County Department of Planning and Community Development, and other pertinent information, and

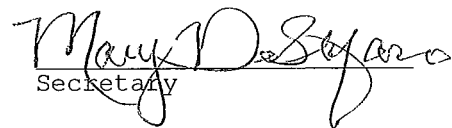
WHEREAS, the Seneca County Planning Board at its April 10, 2104 meeting found that the Application for PUD and Development Plan, while having the potential for significant impacts on the community character, was proposed so as to minimize the impacts on the natural environment and, thereby, offset any negative impacts with the benefits of economic growth, and recommend the Town of Tyre approve and accept the Application for Planned Unit Development and the proposed Development Plan, be it

RESOLVED, that the Seneca County Planning Board recommends the Town of Tyre accept and approve the Application for Planned Unit Development, and the proposed Development Plan for Development of a Resort and Casino on Town of Tyre Tax Parcel 12-1-36, and be it

FURTHER RESOLVED, that the Seneca County Planning Board recommends adoption of proposed Local Law #5 of 2015, that adds clarifying language to the Town of Tyre Zoning Law regarding Planned Unit Development, and Amends the Town of Tyre Zoning Map such that Tax Parcel 12-1-36 be Zoned Planned Unit Development (PUD) for the purposes of the development of a Resort and Casino, with the change recommended by the Town of Tyre Planning Board at its July 21, 2015 meeting, and be it

FURTHER RESOLVED that the Seneca County Department of Planning and Community Development be directed to forward word of this action to the Town of Tyre.

Motion	<u>Gordon Burgess</u>
Second	<u>Pam Kirk</u>
Ayes	<u>11</u>
Nays	<u>0</u>
Recuse	<u>0</u>


Secretary

TT 2015-5 / TT 12-1-36 B1
Zoning Map Amendment
Development Plan
Lago Resort and Casino
Town of Tyre

TO: Seneca County Planning Board
FROM: Seneca Co. Dept. of Plan. & Community Development
DATE: August 12, 2015

This request to review a Planned Unit Development (PUD) Application and Development Plan and Amendments of the Town of Tyre Zoning requires review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 414 and Agricultural District #6.

GENERAL INFORMATION & ANALYSIS

The Town of Tyre received an application to have Tax Parcel 12-1-36 rezoned as a Planned Unit Development Zone, and a Development Plan, for development of the property as a Resort and Casino. This is substantially a resubmission of the application originally received in March of 2014. Under the PUD Local Law, the Town has 10 days from the acceptance of the Development Plan to amend the Zoning Map to reflect the parcel as being zoned PUD. Both the Development Plan and proposed Local Law #5 of 2015 are before the County Planning Board.

The Development Plan is substantially the same as submitted in March 2014 and reviewed by this Board at the April 10, 2014 meeting. This project as described in the Development Plan will be modified through the Site Plan to include:

- 1) a six-story, 208 room hotel with guest rooms, meeting rooms, a ballroom and a pool area,
- 2) a 210,640+/- square foot casino with support service areas, restaurants, and a theatre, and
- 3) a four-story parking garage for 790+/- vehicles, and surface parking for approximately 2,400 vehicles.

At the meeting on April 10, 2014, the Seneca County Planning Board found that "this application, while having the potential for significant impacts on the community character, has been proposed so as to minimize the impacts on the natural environment and, thereby, offset any negative impacts with the benefits of economic growth".

Local Law #5 of 2015 for the Town of Tyre will do the following:

- 1) Article II Section 2.202 of the Town Zoning Law will 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 placement of building 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: The Zoning Map will be amended to show the 84.957 Acre Parcel at the northeast corner of the intersection of the New York State Thruway and State Route 414, formerly owned by James and Jeanne Leonard, and which are described in the Law, as being zoned a Planned Unit Development District.
- 4) The permitted uses within the PUD shall be a casino complex and accessory uses.
- 5) The development shall be consistent with the Plans submitted and filed with the Tyre Town Clerk.

The Town of Tyre Planning Board has recommended that paragraph 5 of proposed Local Law be revised to reflect that the Development Plan is identified as "Wilmot Casino Development Plan dated March 2014, revised July 16, 2015".

The proposed Zoning Amendment to a "PUD" for the purposes of the development of the resort and casino is consistent with the Town of Tyre Comprehensive Plan which identifies the desire of maintaining the rural character of the Town and the need to balance that with the necessity of expanding the tax base and have growth along the major highways.

SEQR: Full EAF submitted was previously submitted and a new Part I reflecting current conditions have also been submitted. It is anticipated that the Town Board will serve as lead agency. In order to avoid segmentation of the project, the same EAF is being used for the PUD Application, Development Plan and the Town of Tyre Local Law #5-15.

RECOMMENDATION

The Seneca County Department of Planning and Community Development advises the Seneca County Planning Board to recommend acceptance and approval of the Planned Unit Development (PUD) Application and Development Plan, and to adopt the Zoning Amendments with the changes as recommended by the Tyre Town Planning Board.

DOCUMENTS AVAILABLE

PUD Application and Development Plan
Copy of Proposed Local Law #5
Letter Regarding Recommendation of Tyre Planning Board
Full EAF (Filed with Project Files)
GML Review Files for Town of Tyre Tax Parcel 12-1-36

WHEREAS, the request of Lago Resort and Casino for a Site Plan Review to develop a Casino and Resort was forwarded for review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 414, and Agricultural District #6, and

WHEREAS, the Seneca County Department of Planning and Community Development did review said request and prepared a report dated August 13, 2015, and

WHEREAS, the Seneca County Planning Board did meet on August 13, 2015 to consider this request, the report of the Seneca County Department of Planning and Community Development, and other pertinent information, be it therefore

RESOLVED, that the Seneca County Planning Board finds that this application, while having the potential for significant impacts on the community character, has been proposed so as to minimize the impacts on the natural environment and, thereby, offset any negative impacts with the benefits of economic growth, and be it

FURTHER RESOLVED, that the Seneca County Planning Board recommend that the Town of Tyre Board approve this application for Site Plan Review, and be it

FURTHER RESOLVED, that the Seneca County Department of Planning and Community Development be directed to forward word of this action to the Town of Tyre Clerk and Town Supervisor.

Motion	<u>Sally Kenyon</u>
Second	<u>Betty Berger</u>
Ayes	<u>11</u>
Nays	<u>0</u>
Recuse	<u>0</u>


Secretary

TT 12-1-36 B2
Site Plan Review
Lago Resort and Casino
Town of Tyre

TO: Seneca County Planning Board
FROM: Seneca Co. Dept. of Planning & Community Development
DATE: August 13, 2015

This request for a Site Plan Review is located in the Town of Tyre and requires review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 414 and Agricultural District #6.

GENERAL INFORMATION

Applicant: Lago Resort and Casino
(Address) 1265 Scottsville Road
Rochester, NY 14624
Status of Applicant: Owners
Requested Action: Site Plan under Town of Tyre PUD Law
Current Zoning: Agriculture / Application for "PUD"
Location: East side of Route 414, immediately north of NYS Thruway
Size: 84.957 Acres
SEQR: Full EAF was previously submitted and a new Part I reflecting current conditions has also been submitted. It is anticipated that the Tyre Town Board will serve as lead agency. In order to avoid segmentation of the project, this is the same EAF as is being used for the Development Plan.

Surrounding Land Use and Zoning:

North:	Agricultural	Agriculture
South:	Thruway & Truck Stop	Commercial
East:	Agricultural	Agriculture
West:	Agricultural	Agriculture

Public Utilities and Services:

Water & Sewer	Private/None (Extension of Water District to serve this project and surrounding area is proposed, and Private Sewer line to connect with Municipal Sewer on south side of NYS Thruway is proposed.)
School District	Waterloo Central School District
Fire Dept.	Magee Fire Department

ANALYSIS

The proposed Site Plan for the Lago Resort and Casino is consistent with the Site Plan as reviewed by this Board May 8, 2014 and amendments reviewed on August 14, 2014 and July 9, 2015 each recommended for approval. Two items considered with the proposed amendment last month are not included at this time: 1) Dump Station for Buses or RV's which travel with entertainers at the facility, and 2) Removal of trees between site and NYS Thruway.

The adoption of the Site Plan and the subsequent amendment was vacated by the Courts due to an issue regarding action on SEQR. This has restarted the application and review process. The County Planning Board is not an involved agency regarding SEQR review.

The Site Plan as currently presented includes:

- 1) Six-Story Hotel with 208+/- guest rooms, meeting rooms, ballroom, and a pool area,
- 2) 210,640+/- Square Foot Casino with support services, restaurant, and theatre
- 3) Four-story Parking Garage for 790 +/- vehicles, and surface parking for approximately 2,400 vehicles,
- 4) A Child Care Facility,
- 5) Proposed Central Plant, and
- 6) Storm Water Management Structures.

The proposed signage section was included in the July 9, 2015 review.

The project is planned as a LEED Silver project utilizing solar panels, high efficiency energy star equipment and recycling of storm water for use with landscaping.

RECOMMENDATION

The Seneca County Department of Planning and Community Development advises the Seneca County Planning Board to find that while having the potential for significant impacts on the community character, has been proposed so as to minimize the impacts on the natural environment and, thereby, offset any negative impacts with the benefits of economic growth, and to recommend that the Town of Tyre Board approve this application for Site Plan Review.

DOCUMENTS AVAILABLE

Site Plan Review Files from 5/8/14, 8/14/14 and 7/9/15 meetings

Engineer's Reports

Site Plan Maps

Signage Plan

Correspondence from NYSDEC, Army Corp, SC Dept. of Health, NYS Thruway Auth.,

NYSDOT, NYSEG, Town of Seneca Falls, Village of Waterloo, NYSOPRHP,

Survey of Property