

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

July 29, 2015

WHEREAS, on July 16, 2015, the Town Board for the Town of Tyre (the “Town Board”) received from Lago Resort & Casino, LLC for review and approval copies of the following documents relating to the proposed Lago Resort and Casino (formerly the Wilmot Casino and Resort) (the “Project”): 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, which reflects the revisions proposed for the Project since the initial Part 1 of the FEAF was submitted in connection with a 2014 Project review by the Town Board; a Planned Unit Development (“PUD”) District Application and a proposed Development Plan with minor modifications to the initial Development Plan considered by the Town Board on June 12, 2014; a proposed Site Plan that reflects revisions to the initial Site Plan considered by the Town Board on June 12, 2014; and any other Project documents identified in the July 16, 2015 transmittal letter from the Project developer’s engineer, BME Associates (the “July 2015 Project Documents”); and

WHEREAS, if the Town Board approves the proposed Development Plan, which decision has not yet been made, pursuant to section 2A.203(H) of the Town Zoning Law, 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 of Tyre (“Town”) will require an amendment to the Town Zoning Law; and

WHEREAS, the Town Board considered and discussed proposed Local Law No. 5 of 2015, draft dated July 14, 2015 (the “Proposed Local Law”), which local law would amend the Town’s 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) show on the Town’s Zoning Map the Planned Unit Development District for the Lago Resort and Casino as all 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 84.9 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, pursuant section 10.1013 of the Town Zoning Law, the Town Board referred the Proposed Local Law to the Town ZBA for report and recommendation; and

WHEREAS, copies of the Proposed Local Law were sent to the Town ZBA members under cover of a July 17, 2015 letter from the Town Board to the Town ZBA members; and

WHEREAS, the Town ZBA properly noticed and held a public meeting on July 29, 2015, in part to discuss proposed Local Law No. 5 of 2015 and to provide a recommendation to the Town Board pursuant to Town Zoning Law § 10.1013; and

WHEREAS, the Town Board will not act on the Proposed Local Law 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 Town ZBA has thoroughly reviewed and discussed the provisions of the Proposed Local Law;

NOW, THEREFORE, BE IT RESOLVED, as follows:

CHECK ONE OF THE FOLLOWING:

 The Town ZBA recommends that the Town Board approve the adoption of proposed Local Law No. 5 of 2015.

OR

 The Town ZBA recommends that the Town Board disapprove proposed Local Law No. 5 of 2015.

OR

 X The Town ZBA makes the following recommendation to the Town Board: that the Town Board approve the adoption of Local Law No. 5 of 2015 provided that paragraph five of said Local Law No. 5 of 2015 be revised to reflect that the Development Plan is identified as "Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015."

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

The adoption of the foregoing Resolution was moved by Kenyon Dickens, seconded by Beverly Smith, and duly put to vote, which resulted as follows:

| | Yea | Nay | Abstain | Absent |
|-----------------|------------|------------|----------------|---------------|
| Richard Damaske | [x] | [] | [] | [] |
| Dagmar Nearpass | [] | [x] | [] | [] |
| Beverly Smith | [x] | [] | [] | [] |
| Kenyon Dickens | [x] | [] | [] | [] |
| Dan Brand | [x] | [] | [] | [] |

The Resolution was thereupon duly adopted.

July 29, 2015