

**RESOLUTION OF THE PLANNING BOARD FOR THE TOWN OF TYRE  
REGARDING RECOMMENDATION TO THE TYRE TOWN BOARD  
CONCERNING PROPOSED LOCAL LAW 3 OF 2014  
AMENDING THE TOWN'S ZONING LAW**

**April 22, 2014**

**WHEREAS**, the Planning Board for the Town of Tyre (the "Planning Board") properly noticed and held a public meeting on April 22, 2014 for purposes of providing a recommendation to the Town Board for the Town of Tyre (the "Town Board") pursuant to section 10.1013 of the Town's Zoning Law regarding the April 10, 2014 version of a proposed local law to amend the Town's Zoning Law (Local Law No. 3 of 2014) (the "Proposed Local Law"), a copy of which proposed law the members of the Planning Board received under cover of an April 17, 2014 letter from Ronald F. McGreevy, Town Supervisor; and

**WHEREAS**, the Town Board will not act on the Proposed Local Law unless it first approved the Development Plan submitted to the Town Board by Whitetail 414, LLC, as such plan may be amended to address any Town Board concerns, which approval the Town Board has not yet issued; and

**WHEREAS**, the Proposed 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 Wilmot Casino and Resort 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;

**WHEREAS**, the Planning Board has thoroughly reviewed and discussed the provisions of the Proposed Local Law;

**WHEREAS**, two motions on resolutions regarding a recommendation to the Town Board on the Proposed Local Law did not carry, and thus, the Planning Board took no action; and

**WHEREAS**, the Planning Board determined to provide a message to the Town Board regarding the proposed development of the Wilmot Casino and Resort;

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

1. The Planning Board directs the Chairman of the Planning Board to submit the following requests to the Town Board for its action:

- (a) Conduct a literature review of studies that have been conducted regarding “spinoff” development of both commercial and residential properties as a result of a large development before taking action on the proposed Development Plan for the Wilmot Casino and Resort;
- (b) Consider the effect of the development of the proposed Wilmot Casino and Resort on Town property values, both commercial and residential;
- (c) Examine the impact of the potential casino development on existing businesses in Tyre; and
- (d) Continue to address traffic concerns at Gravel Road and Route 318 and accident potential there.

The adoption of the foregoing Resolution was moved by Alan Smith, seconded by David Kain, 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	]	[	]	[	]	[	]
David Kain	[x	]	[	]	[	]	[	]
Neil Worden	[x	]	[	]	[	]	[	]

The Resolution was thereupon duly adopted.

April 22, 2014

**RESOLUTION OF THE ZONING BOARD OF APPEALS  
FOR THE TOWN OF TYRE  
REGARDING A RECOMMENDATION TO THE TYRE TOWN BOARD  
CONCERNING PROPOSED LOCAL LAW 3 OF 2014  
AMENDING THE TOWN'S ZONING LAW**

**April 22, 2014**

**WHEREAS**, the Zoning Board of Appeals for the Town of Tyre (the "ZBA") properly noticed and held a public meeting on April 22, 2014 for purposes of providing a recommendation to the Town Board for the Town of Tyre (the "Town Board") pursuant to section 10.1013 of the Town's Zoning Law regarding the April 10, 2014 version of a proposed local law to amend the Town's Zoning Law (Local Law No. 3 of 2014) (the "Proposed Local Law"), a copy of which proposed law the members of the ZBA received under cover of an April 17, 2014 letter from Ronald F. McGreevy, Town Supervisor; and

**WHEREAS**, the Town Board will not act on the Proposed Local Law unless it first approves the proposed Development Plan submitted to the Town Board by Whitetail 414, LLC, as such plan may be amended to address any Town Board concerns, which approval the Town Board has not yet issued; and

**WHEREAS**, the Proposed 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 Wilmot Casino and Resort 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**, the ZBA has thoroughly reviewed and discussed the provisions of the Proposed Local Law;

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

1. The ZBA finds that the amendments to the Town's Zoning Map to create a PUD district as proposed in the Proposed Local Law are consistent with Whitetail 414, LLC's proposed Development Plan and are necessary pursuant to the Town's Zoning Law if the Town Board approves the proposed Development Plan, and therefore, for these reasons, the ZBA recommends that the Proposed Local Law be adopted by the Town Board provided the Town Board first (i) approves the proposed Development Plan, as such plan may be amended to address any Town Board concerns, and (ii) gives serious consideration of the following comments of the ZBA:

- (a) The Town Board should request Whitetail 414, LLC to meet with the members of the Town Board and the Town Planning Board twice annually to discuss any Town issues of concern regarding the Wilmot Casino and Resort operation;
- (b) The Town Board shall request the Town's engineers (Barton & Loguidice) to review and advise the Town Board regarding the McFarland supplemental traffic assessment of the Whiskey Hill/Route 318 and Gravel Road/Route 318 intersections;
- (c) The Town Board shall evaluate the impact, if any, of the timbering that occurred on the project land on visual impact and landscaping;
- (d) The Town Board shall request information from Whitetail 414, LLC regarding the relocation of the burial site on the project land; and
- (e) The Town Board should assure that tax revenues from the project property will not decrease from current levels and that the Town will be paid real property taxes owed to it by the project before any other jurisdictions are paid.

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

	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Richard Damaske	[X ]	[ ]	[ ]	[ ]
Dagmar P. Nearpass	[ ]	[X ]	[ ]	[ ]
Beverly Smith	[X ]	[ ]	[ ]	[ ]
Kenyon Dickens	[X ]	[ ]	[ ]	[ ]
Eileen M. Franco	[ ]	[X ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

April 22, 2014