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July 16, 2015

Supervisor McGreevy & Town Board
Town of Tyre
1907 West Tyre Road
Seneca Falls, NY 13148

**Re: Lago Resort & Casino
Amended and Restated Application**

2392A

Dear Supervisor McGreevy and Town Board Members:

On behalf of LAGO RESORT & CASINO, LLC, we have enclosed a Development plan, and an amended and restated Site Plan relative to the Lago Resort & Casino for your consideration. We have also provided you with the previously filed updated SEQRA Full Environmental Assessment Form (EAF) Part 1, together with an updated SEQR Full EAF Part 1 reflecting the current site conditions. For your convenience, we have highlighted all of the updated information in the Part 1 since the Full EAF was previously considered by the Town in June of 2014.

We respectfully request the following for the Town Board's consideration in connection with the application currently pending before the Board:

- Confirm that the Town intends on acting as SEQR Lead Agency for the project.
- Set a public hearing for the Development plan, and the re-zoning of the Lago parcel from the current designation of Agriculture to Planned Unit Development (PUD) and to amend the Town Zoning Map.
- Referral of the PUD application as a proposed amendment to the Town Zoning Law to the Seneca County Planning Board, Town Planning Board and Town Zoning Board of Appeals; referral of the PUD application under the PUD Law to the Seneca County Planning Board, Town Planning Board; and referral of the Site Plan to the Town Planning Board and County Planning Board.

The Development Plan is being submittal per Section 2A.203.C.1&2 of the PUD Law and the Site Plan is being submitted under Section 2A.204.A of the PUD code. The Development Plan is consistent with the goals of the Town of Tyre Comprehensive Plan. The project as proposed will be adjacent to and a part of the traditional areas identified for commercial development and is development at the targeted Route 414/NYS Thruway intersection. The Comprehensive Plan contemplates balancing the need for growth in the tax base with the desire to preserve the character of the community. Evidence of this includes the fact that the Lago Resort & Casino is proposing to make payments in lieu of taxes based on projected post development assessment of

over \$100mm while the assessable property in the Town in 2009 was only \$62mm (Note the Recommended Action under Tax Base and Economic Development section of the Comprehensive Plan). Additionally we further note that the same individuals voted as a Town Board to adopt the Comprehensive Plan and later to approve of the PUD for Lago Resort & Casino in June 2014 which underscores the fact that the proposal as now being resubmitted is consistent with the Comprehensive Plan. The need for some development of the Town, “especially around major roadways” is noted at page 27 of the Comprehensive Plan. The Comprehensive Plan recommended developing “a generic and composite Site Plan for the properties in the area of NYS Thruway Exit 41 and Routes 414 and 318. As a final note, the project is to be completed in one phase or stage and the applicant’s history of successful development in many areas clearly demonstrates both the technical and financial competence to carry out the plan.

Since June of 2014, Wilmorite, as the Construction Manager (“Wilmorite”), has been working diligently with the project architects, mechanical engineers and other partners to complete the design details of the Lago Resort & Casino buildings, and overall site layout. Below is a representative list of the proposed updated plan reflected in the amended and restated Site Plan:

- A third lane has been added to a portion of the entrance road to create better flow into and around the site.
- A drive lane has been added to the main (western) parking field in front of the building, this will allow patrons and guest to avoid a circuitous route to get to the parking areas on the south and east sides of the facility.
- The parking and drop off areas along the front of the building have been slightly modified for better circulation and ease for drop off and pick up, sidewalks have been added along the west side of the main entrance drive along the entire length of the building.
- The parking garage foot print has decreased by approximately 28,000 square feet.
- Based upon US Army Corps of Engineers Jurisdictional Determination (JD) dated December 9, 2014 the northerly parking garage entrance/exit has been modified to allow for better traffic flow.
- The courtyard area has been revised to enclose the pool so that this facility can be utilized on a year around basis.
- A central plant containing HVAC and other power related equipment along with an attached maintenance storage building has been placed where the previous bus pergola drop off was located. The buses will now drop off directly at a redesigned entrance on the east side of the building, some slight building modifications have been incorporated into this drop off area.
- The child care building has been moved approximately 150 feet to the east.
- The project has eliminated the need for the construction of approximately 8,500 feet of 6” sanitary force main along NYS Route 414 as well as an equalization tank on the Lago site. Per a memorandum from Adam Cummings, P.E., to Ron McGreevy dated November 1, 2014 there is capacity in the existing 12” gravity sanitary sewer along NYS Route 414 for the Lago project and therefore is no need for the 6” force main.

- A sign package has been prepared and was previously provide to the Town on June 12th, 2015, there are no changes to the sign package at this time.

We have taken the opportunity to review the previously considered Part 2 of the SEQR EAF and have documented below the updated information concerning potential impacts that should be considered in connection with the amended and restated plans:

1. Impact on Land – The area of land disturbance associated with the project has decreased with the updated plan. With the elimination of the 8,500± linear feet of 6” force main along NYS Route 414, there will less impact on land than with the plan previously considered by the Town in June of 2014.
2. Impact on Surface Water – There are no significant changes in this regard. An Army Corps of Engineers Jurisdictional Determination has been included with this submittal which outlines the areas that have been determined as regulated by the Corps. The total area has been reduced from the approved plans and in particular the area west of the parking garage has been determined to be outside the Army Corps jurisdiction which allows for improved traffic flows and ingress to the parking garage.

Also attached to this letter are a number of State, County and Local agency correspondences and permits relative to the current site activities. These include the following:

- NYS Department of Environmental Conservation 5 acre disturbance waiver and Notice of Intent acknowledgement letter for Coverage under SPDES General Permit for Storm Water Discharges from Construction Activity.
- Department of Army Jurisdictional Determination.
- NYS Thruway Authority Occupancy Permits for both Sanitary Sewer and Water Main.
- NYS Department of Transportation Highway Work Permit.
- Seneca County Department of Health Water Main Plans approval.
- Village of Waterloo ability to supply water.
- Town of Seneca Falls ability to accept and treat waste water.
- NYS Electric and Gas ability to serve both gas and electric.
- NYS Office of Parks, Recreation, and Historic Preservation “No Impact” letter.

With this submittal we have include 14 copies each of the following information:

- Copy of this Cover Letter.
- Development Plans.
- Amended and Restated Site Plans.
- NYS SEQRA Part 1 of the Full Environmental Assessment Form (March 17, 2014).
- NYS SEQRA Part 1 of the Full Environmental Assessment Form (July 15, 2015).
- Correspondences and Permits noted above.

- One (1) Sign Package (note – same package as the 14 copies delivered to Town on 6/12/15).

All of the previously submitted information to the Town throughout the approval processes should continue to be considered with this amended and restated application.

We will be present at the July 16th Town Board meeting to formally present this information for your acceptance.

Thank you.

Sincerely,
BME ASSOCIATES



Michael A. Simon

MAS

Enclosure

- c: Charles Shaffer, Esq.
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