

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE REGARDING  
THE DEVELOPMENT PLAN SUBMITTED WITH THE APPLICATION OF  
WHITETAIL 414, LLC FOR AN AMENDMENT TO THE ZONING LAW AND MAP TO  
ADD A PLANNED UNIT DISTRICT FOR THE PROPOSED  
WILMOT CASINO AND RESORT**

**June 12, 2014**

WHEREAS, pursuant to section 2A.203 of Local Law No. 1 of 2014, on March 20, 2014, the Town Board for the Town of Tyre (the "Town Board") received an application (the "PUD District Application") from Whitetail 414, LLC (the "Applicant") for the creation of a Planned Unit Development ("PUD") District in the Town of Tyre (the "Town"), together with a proposed Development Plan and Part 1 of a Full Environmental Assessment Form ("EAF") under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Applicant is seeking the creation of a PUD District to construct and operate the Wilmot Casino and Resort on approximately 84.9 acres of land (Tax Account No. 12.00-01-36) within the Town of Tyre in the area east of New York State Route 414 and north of the New York State Thruway, (the "Property"); and

WHEREAS, the PUD District Application, the proposed Development Plan and the EAF are contained in a two-volume submission entitled "SEQRA Documentation and Engineer's Report," "Appendices to Engineer's Report," and a set of plan drawings, each dated March 2014; and

WHEREAS, the Town's engineer, Barton & Loguidice, DPC, determined that the PUD District Application and the proposed Development Plan contained the elements required by section 2A.203(C)(1) and (2) of the Town's Zoning Law, and that the EAF is complete and, therefore, that the PUD District Application and proposed Development Plan are complete for review; and

WHEREAS, among other information, the Town Board considered the April 9, 2014 comments of Barton & Loguidice on the Development Plan Phase Documents for Wilmot Casino and Resort and the April 25, 2014 responses of BME Associates to comments received on the Wilmot Casino and Resort Development Plan; and

WHEREAS, at its duly noticed regular meeting on March 20, 2014, the Town Board referred the PUD District Application and the proposed Development Plan for review and recommendation to the Seneca County Planning Board pursuant to Sections 239-l and 239-m of the General Municipal Law and Section 2A.203(D) of the Town's Zoning Law; and

WHEREAS, on April 10, 2014, the Seneca County Planning Board issued its recommendation pursuant to General Municipal Law Sections 239-l and 239-m, in which it recommended that the Town of Tyre approve the proposed Development Plan; and

WHEREAS, at its duly noticed regular meeting on March 20, 2014, the Town Board referred the PUD District Application and the proposed Development Plan to the Town of Tyre Planning Board pursuant to Section 2A.203(D) of the Town's Zoning Law; and

WHEREAS, at a properly noticed meeting of the Town Planning Board on April 15, 2014, after discussion and consideration of the factors set forth in Section 2A.203(D)(1)(a-d) of the Town's Zoning Law, the Town Planning Board voted to recommend to the Town Board that the PUD District Application and proposed Development Plan be approved with three conditions; and

WHEREAS, the Town Board held a properly noticed public hearing to discuss the PUD District Application and proposed Development Plan on April 17, 2014, for the purpose of hearing public comment on these documents and heard comments regarding potential environmental and land use and social issues associated with the PUD District Application and proposed Development Plan; and

WHEREAS, the Town Board held a properly noticed regular meeting on April 17, 2014, at which it considered the April 15, 2014 recommendation with conditions of the Town Planning Board with respect to the proposed Development Plan; and

WHEREAS, the Town Board has thoroughly reviewed the information provided in the SEQRA Documentation and Engineer's Report, as well as the other reports and correspondence submitted to the Board; and

WHEREAS, the Town Board considered all of the comments that were received during the public hearing and at the various other meetings at which this Action was considered; and

WHEREAS, the Town Board considered the recommendations of the Town Planning Board and the Seneca County Planning Board; and

WHEREAS, the Town Board considered the PUD District Application and proposed Development Plan during its properly noticed regular business meetings on March 20, 2014, April 17, 2014 and May 15, 2014; and

WHEREAS, the Town Board conducted properly noticed special meeting on May 1, 2014 and June 12, 2014 to discuss the PUD District Application and proposed Development Plan; and

WHEREAS, the Town Board has satisfied the requirements of SEQRA relative to the PUD District Application and the proposed Development Plan; and

WHEREAS, the Town Board is mindful of the criteria set forth in Section 2A.203 of the Town's Zoning Law for the approval of a PUD Development Plan.

**CHECK ONE OF THE FOLLOWING:**

    X     NOW THEREFORE IT IS HEREBY RESOLVED, that the proposed Development Plan satisfies the requirements set forth in Section 2A.203 of Town's Zoning Law, and, therefore, the proposed Development Plan for the Wilmot Casino and Resort prepared by BME Associates and dated March, 2014 is hereby approved. The reasons supporting this determination are as follows:

- (1) The Development Plan provides adequate traffic access and circulation including intersections, road widths, channelization structures and traffic controls;
- (2) The Development Plan provides adequate pedestrian access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience;
- (3) The Development Plan provides for adequate parking arrangements, including location, appearance and number of spaces;
- (4) The location, arrangement, size and design of buildings, lighting and signs is appropriate;
- (5) The relationship and scale of the various uses to one another is appropriate;
- (6) The Development Plan provides for adequate landscaping to provide both a visual and a noise deterring buffer between adjacent uses and adjoining lands;
- (7) The Development Plan provides for sufficient open space;
- (8) The Development Plan provides for adequate stormwater and sanitary waste disposal facilities;
- (9) The Plan has appropriately addressed roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion;
- (10) The Development Plan adequately provides for the protection of adjacent properties against noise, glare, unsightliness, or other objectionable features;
- (11) The Town Board has previously complied with SEQRA; and
- (12) The Development Plan conforms to other goals of the Town of Tyre which have been stated in the Town of Tyre Zoning Law or the Comprehensive Plan for the Town of Tyre.

IT IS HEREBY FURTHER RESOLVED that the approval of the Development Plan for the Wilmot Casino and Resort is subject to the following conditions:

- (1) The Applicant shall ensure that the exterior design of all structures be made by, or under the direction of, a registered architect whose seal shall be affixed to the plans.
- (2) The Applicant shall obtain all other necessary local, state and federal permits and approvals required for the proposed development.

**OR**

           NOW THEREFORE IT IS HEREBY RESOLVED, that the proposed Development Plan does not satisfy the requirements set forth in Section 2A.203 of Town's Zoning Law, and,

therefore, the proposed Development Plan for the Wilmot Casino and Resort prepared by BME Associates and dated March, 2014 is not approved.

IT IS HEREBY FURTHER RESOLVED, that this Resolution will be filed in the Office of the Town Clerk in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.

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

The adoption of the foregoing Resolution was moved by Mr. Thomson, seconded by Mr. Delpapa, and duly put to vote, which resulted as follows:

	Yea		Nay		Abstain		Absent	
Supervisor Ronald F. McGreevy	[X	]	[	]	[	]	[	]
Councilman Joseph Delpapa	[X	]	[	]	[	]	[	]
Councilman James Rogers	[X	]	[	]	[	]	[	]
Councilman Reginald Aceto	[X	]	[	]	[	]	[	]
Councilman Thomas Thomson	[X	]	[	]	[	]	[	]

The Resolution was thereupon duly adopted.

Dated: June 12, 2014