

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE REGARDING THE SITE PLAN IN CONNECTION WITH THE APPLICATION OF WHITETAIL 414, LLC FOR AN AMENDMENT TO THE ZONING LAW AND MAP TO ADD A PLANNED UNIT DISTRICT FOR THE 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 the Town Board received a proposed Site Plan on April 16, 2014, last revised on June 3, 2014; 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 Town Board referred the Site Plan to the Seneca County Planning Board pursuant to Sections 239-l and 239-m of the General Municipal Law; and

WHEREAS, on May 8, 2014, the Seneca County Planning Agency issued its recommendation pursuant to General Municipal Law Sections 239-l and 239-m, in which it recommended that the Town Board approve the application for Site Plan Review; and

WHEREAS, the Town Board has satisfied the requirements of SEQRA relative to the proposed Site Plan; and

WHEREAS, the Town Board is mindful of the criteria set forth in Section 2A.204 of the Town's Zoning Law for the issuance of Site Plan approval.

***CHECK ONE OF THE FOLLOWING:***

    X     NOW THEREFORE IT IS HEREBY RESOLVED, that the Site Plan satisfies the requirements set forth in Section 2A.204 of the Town's Zoning Law for the approval of the Site Plan; and, therefore, the proposed Site Plan for the Wilmot Casino and Resort prepared by BME Associates and dated April, 2014, last revised June 3, 2014, is approved on the conditions set forth below. The reasons supporting this determination are as follows:

- (1) The Site Plan is consistent with the Development Plan for the Wilmot Casino and Resort prepared by BME Associates and dated March, 2014;
- (2) The Site Plan is consistent with an appropriate development of the neighborhood and surrounding area and is not unreasonably detrimental to the existing structures or uses in the surrounding neighborhood;

- (3) The Site Plan provides for an appropriate and suitable development of the entire area as an integrated and harmonious unit considering the location, bulk and height of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity;
- (4) The Site Plan provides for adequate pedestrian circulation and open space;
- (5) The Site Plan provides for adequate traffic circulation features within the site, including the amount of, location of and access to automobile parking and terminal loading areas;
- (6) The Site Plan provides for adequately handling peak traffic volumes, including points of ingress and egress, sight distances and intersection design, and the nature and suitability of the highway system to absorb the anticipated changes;
- (7) The Site Plan makes adequate provisions for storm, sanitary and solid waste disposal, and other utilities for the property;
- (8) The proposed landscaping and signage is satisfactory; and
- (9) The physical design of the proposed project as set forth on the Site Plan makes adequate provision for service demands (water, sewer, fire, etc.) and provides for adequate traffic control.

IT IS HEREBY FURTHER RESOLVED, that the approval of the Site Plan for the Action is subject to the following conditions:

- (1) Final approval shall not be given until all legal, engineering, and professional review fees have been paid.
- (2) The comments in a letter entitled "Development Plan Phase Documents Review for Wilmot Casino and Resort", dated April 9, 2014, prepared by Barton & Loguidice, D.P.C. must be fully addressed.
- (3) The comments in a letter entitled "Preliminary Site Plan clarification requests and comments for Wilmot Casino and Resort", dated April 9, 2014, prepared by Barton & Loguidice, D.P.C. must be fully addressed.
- (4) The comments in a letter entitled "Site Plan Phase Documents Review for Wilmot Casino and Resort", dated May 16, 2014, prepared by Barton & Loguidice, D.P.C. must be fully addressed.
- (5) The exterior design of all structures shall be shown on the design plans and shall bear the seal of a New York State licensed and registered architect who created the designs, or had sufficient, direct knowledge of the requirements of this project and directed the design.
- (6) All plans shall bear the seal of a New York State licensed professional engineer or architect, as applicable.
- (7) The final site plan shall be reviewed and accepted by the Chief of the Magee Fire Department.
- (8) Any additional specialty signage not previously shown on plans submitted at either the Development Plan or the Site Plan Phases shall be presented to the Tyre Town Board and Town Code Enforcement Officer, or designated Enforcement Officer, for their approval prior to construction in accordance with Section 2A. 205(B)(1) of Local Law No. 1 of 2014.
- (9) All applicable permits and approvals must be obtained from New York State Electric & Gas for electricity and natural gas supply.

(10) All applicable permits and approvals must be obtained from the New York State Department of Transportation prior to the commencement of construction activities within the respective right-of-ways.

(11) All applicable permits and approvals must be obtained from the New York State Thruway Authority prior to the commencement of construction activities within the Thruway right-of-way boundaries.

(12) Applicable approvals from the Seneca County Department of Health for the water supply system and decommissioning of the existing well on the project site shall be obtained.

(13) Applicable approval, including a suitable out-of-district user agreement, from the Town of Seneca Falls for sewage treatment shall be obtained.

(14) Building design and finished construction must meet the requirements stated in the latest version of the Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code) and receive building permit approval and inspection from the Seneca County Department of Building and Fire Code Enforcement.

(15) A final Wetland Delineation Report and Jurisdictional Determination shall be completed and sent to the U.S. Army Corps of Engineers for approval.

(16) Applicant shall obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity and develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements in the General Permit for Stormwater Discharges from Construction Activity.

(17) At no time shall the activities, such as construction or operational, related to this project, hinder or disrupt the agricultural practices, including, but not limited to farm equipment roadway access, field farming operations, manure spreading, or pesticide application, conducted on adjacent or surrounding agricultural properties.

(18) The Applicant shall obtain any other necessary permits or approvals required by local, state or federal law.

(19) Applicant shall inform the Town Engineer of any proposed changes to the final site plan and if, in the opinion of the Town Engineer, the proposed changes constitute substantial modifications to the existing project footprint, site design features, or site development improvements, for example, modifications to the stormwater ponds or parking areas, the Applicant shall submit an application to the Town Board for an amended site plan.

***OR***

\_\_\_\_\_ NOW THEREFORE IT IS HEREBY RESOLVED, based on its review of all relevant information submitted by the Applicant and the Town's consultants, the Town Board finds that the proposed Site Plan does not satisfy the requirements set forth in Section 2A.204 of Town's Zoning Law, and, therefore, the proposed Site Plan for the Wilmot Casino and Resort prepared by BME Associates and dated April, 2014, last revised June 3, 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. Aceto, seconded by Mr. Rogers, 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