

LOCAL LAW NO. 5 OF 2015

A local law to amend the Town of Tyre Zoning Law in relation to amending Article II, Section 2.202 and Article XI, Section 11.1102, and enacting a new Article II, Section 2.202.2, Planned Unit Development District.

BE IT ENACTED by the Town Board of the Town of Tyre as follows:

1. Article II, Section 2.202 of the Town of Tyre Zoning Law shall be amended by adding to this section the term “Planned Unit Development” to the list of Type of District, and by adding the designation “PUD” for such district.
2. Article XI, Section 11.1102 of the Town of Tyre Zoning Law shall be amended by adding the following definition to this section:

Planned Unit Development District: a district created for development in accordance with a single development plan and associated site plan for the permitted uses authorized in Article II.A, Section 2A.202.B of this law and the placement of buildings which may not correspond to the bulk, yard, height and other regulations of this law.

3. Zoning Map Amendment for Planned Unit Development For Lago Resort and Casino (formerly known as the Wilmot Casino and Resort).

The Town Zoning Map shall be amended to show the Planned Unit Development for the Lago Resort and Casino as all 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, and being more particularly described in the legal description below, thereby changing the Agricultural use designation for such land as shown on the Town Zoning Map to Planned Unit Development District.

ALL THAT TRACT OR PARCEL OF LAND containing 84.957 acres more or less, situate in the Military Tract, Junius Township, Lot 45, Town of Tyre, County of Seneca, and State of New York, as shown on the drawing entitled “Lands of James R. & Jeanne C. Leonard,” prepared by BME Associates, having drawing number 2392-07, dated March, 2014, and revised March 27, 2014, being more particularly bounded and described as follows:

Beginning at the intersection of the easterly right-of-way line of State Route 414 (Right-of-Way width varies) with the northerly right-of-way line of The Governor Thomas E. Dewey Thruway (Right-of-Way width varies), said point having a Thruway baseline station 343+04.65 and offset 148.20 feet, said point also having a Route 414 baseline station 26+86.00 and offset 70.00 feet; thence

1. N 07°37'42" W, along said easterly right-of-way line, a distance of 265.99 feet to a point having Route 414 baseline station 29+50.00

and offset 70.00 feet; thence

2. N 13°51'23" W, continuing along said easterly right-of-way line, a distance of 402.30 feet to a point having Route 414 baseline station 33+50.00 and offset 27.00 feet; thence
3. N 07°58'55" W, continuing along said easterly right-of-way line, a distance of 657.17 feet to a point having Route 414 baseline station 40+07.16 and offset 24.00 feet; thence
4. N 85°42'49" E, along the southerly boundary line of lands now or formerly of John D. and Jane A. Morelli (T.A. No. 12.00-01-4.2), a distance of 304.66 feet to the southeast corner thereof, marked by a 2 foot tall 1" pipe; thence

The following five (5) courses are along the southerly boundary line of lands now or formerly of Lorraine H. Newcomb (T.A. No. 12.00-01-4.11)

5. N 87°56'08" E, a distance of 1268.14 feet to a point; thence
6. S 02°21'39" E, a distance of 639.75 feet to a point; thence
7. N 87°34'10" E, a distance of 895.00 feet to a point; thence
8. N 00°10'52" E, a distance of 492.27 feet to a point; thence
9. N 84°16'48" E, a distance of 409.87 feet to the southwest corner of lands now or formerly of Desiree Dawley (T.A. No. 12.00-01-4.12), marked by a 1" pipe; thence
10. N 87°24'40" E, along the southerly boundary line of said lands of Desiree Dawley (T.A. No. 12.00-01-4.12), a distance of 550.00 feet to a point on the westerly boundary line of lands now or formerly of James Nearpass (T.A. No. 12.00-01-5.11); thence
11. S 03°41'17" E, along said westerly boundary line and lands now or formerly of James Nearpass (T.A. No. 12.00-01-38.1), a distance of 1031.96 feet to a point on the aforementioned northerly right-of-way line of The Governor Thomas E. Dewey Thruway having baseline station 376+65.00 and offset 140.00 feet; thence
12. S 75°26'35" W, along said northerly right-of-way line, a distance of 464.83 feet to a concrete monument having Thruway baseline station 372+00.17 and offset 139.67 feet; thence

13. S 82°14'28" W, continuing along said northerly right-of-way line, a distance of 856.05 feet to a concrete monument having Thruway baseline station 363+01.46 and offset 175.23 feet; thence
  14. S 87°30'37" W, continuing along said northerly right-of-way line, a distance of 597.35 feet to a concrete monument having Thruway baseline station 357+04.26 and offset 161.52 feet; thence
  15. S 88°16'47" W, continuing along said northerly right-of-way line, a distance of 1399.68 feet to the Point of Beginning
4. The permitted uses within the Planned Unit Development District for the Lago Resort and Casino shall be casino complex and accessory uses, which accessory uses shall be limited to the accessory uses described in Article II.A, Section 2A.202.B(2) of the Town Zoning Law.
  5. All building locations and layout, bulk and area specifications, height restrictions, off-street parking layout, property ingress or egress, on-site roads and pedestrian ways, fire lanes, service drives, lighting, signage, open space, storm water management infrastructure, water and sewer infrastructure, and gas and electric utilities for this Planned Unit Development District shall be consistent with the Development Plan submitted to the Town Board pursuant to Article II.A, Section 2A.203 of the Town Zoning Law, which is identified as the Lago Resort and Casino Development Plan, prepared by BME Associates, which Development Plan was approved by the Town Board for the Town of Tyre on October 15, 2015, and a copy of which is maintained in the records of the Tyre Town Clerk.
  6. The applicant or its successors, assigns or grantees shall obtain all official reviews, approvals, licenses and permits required under applicable law, including site plan approval in accordance with Article II.A, Section 2A.204 of the Town Zoning Law.
  7. This local law will take effect immediately on filing in the office of the Secretary of State.