

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE TO REVISE PROPOSED LOCAL LAW NO. 5 OF 2015 WHICH LOCAL LAW WOULD AMEND THE TOWN OF TYRE ZONING LAW TO ADD “PLANNED UNIT DEVELOPMENT” TO THE LIST OF TYPES OF DISTRICTS IN THE TOWN OF TYRE AND ADD THE DESIGNATION “PUD” FOR SUCH DISTRICT, ADD A DEFINITION OF “PLANNED UNIT DEVELOPMENT DISTRICT,” AND AMEND THE TOWN OF TYRE ZONING MAP TO CREATE A PUD DISTRICT FOR THE LAGO RESORT AND CASINO

August 14, 2015

WHEREAS, on July 16, 2015, the Town Board for the Town of Tyre (the “Town Board”) received for review and approval from BME Associates, on behalf of Lago Resort & Casino, LLC (“Lago”), copies of the following documents relating to the proposed Lago Resort and Casino (formerly known as the Wilmot Casino and Resort) (the “Project”), which is a proposed development that has been under review by the Town Board since March 2014: a Planned Unit Development (“PUD”) District Application and a proposed Development Plan with minor modifications from the Development Plan initially submitted to and considered by the Town Board in 2014; a proposed Site Plan that reflects revisions to the initial Site Plan submitted to and considered by the Town Board in 2014; Part 1 of the Full Environmental Assessment Form (“FEAF”) that was originally submitted to the Town Board on March 20, 2014 together with an amended Part 1 of the FEAF dated July 16, 2015 reflecting the revisions to the Project since the initial Part 1 of the FEAF was submitted; and other Project documents identified in the July 16, 2015 transmittal letter from BME Associates (the “July 2015 Project Documents”); and

WHEREAS, if the Town Board approves the proposed Development Plan, which decision has not yet been made, section 2A.203(H) of the Town of Tyre Zoning Law (“Town Zoning Law”) requires that, within 10 days of plan approval, the Town Board amend the Zoning Map of the Town of Tyre (“Town Zoning Map”) to establish and define the type and boundaries of the PUD district; and

WHEREAS, to amend the Town Zoning Map to establish a PUD district in the Town of Tyre requires an amendment to the Town Zoning Law; and

WHEREAS, the Town Board introduced and reviewed at its duly held meeting on July 16, 2015 proposed Local Law No. 5 of 2015, draft dated July 14, 2015, which local law would amend the Town 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) amend the Town Zoning Map to show the Planned Unit Development District for the Lago Resort and Casino as 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 84.95 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, at its July 16, 2015 meeting, the Town Board resolved to refer proposed Local Law No. 5 of 2015 for review and recommendation to the Town of Tyre Planning Board (“Town Planning Board”) and to the Town of Tyre Zoning Board of Appeals (“Town ZBA”) pursuant to Town Zoning Law § 10.1013, and to refer it to the Seneca County Planning Board pursuant to New York State General Municipal Law § 239-m; and

WHEREAS, the Town Board did, in fact, refer proposed Local Law No. 5 of 2015 under cover of separate letters dated July 17, 2015 to, respectively, the Town Planning Board, Town ZBA, and Seneca County Planning Board, for review and recommendation; and

WHEREAS, at its July 16, 2015 meeting, the Town Board also resolved to hold a public hearing in the Town of Tyre on proposed Local Law No. 5 of 2015 at the Magee Volunteer Fire Department Building, having an address of 1807 NYS Route 318, Seneca Falls, NY 13148, on August 27, 2015, at 8:00 p.m., or at such time as the public hearing to be held on the same date at the same location at 7:30 p.m. on the PUD District Application and Development Plan for the Project has concluded, with the public hearings to be followed by a special meeting of the Town Board at 8:30 p.m., or when the public hearings have ended, on the same date at the same location, and directed the Town Clerk to publish notice of the public hearings; and

WHEREAS, at its duly held meeting on July 21, 2015, the Town Planning Board reviewed proposed Local Law No. 5 of 2015 and, in an effort to clarify the date of the Development Plan under review by the Town Board, adopted a resolution recommending that the Town Board approve the adoption of Local Law No. 5 of 2015 provided that paragraph five of said Local Law No. 5 of 2015 be revised to reflect that the Development Plan is identified as “Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015”; and

WHEREAS, under cover of a letter dated July 27, 2015, Town Supervisor Ronald F. McGreevy informed the Town ZBA and Seneca County Planning Board about the Town Planning Board’s recommendation concerning proposed Local Law No. 5 of 2015 and enclosed a copy of the Town Planning Board’s July 21, 2015 resolution concerning the same, so that the Town ZBA and Seneca County Planning Board could consider the Town Planning Board’s recommendation at their respective meetings to consider proposed Local Law No. 5 of 2015; and

WHEREAS, at its duly held meeting on July 29, 2015, the Town ZBA reviewed proposed Local Law No. 5 of 2015, reviewed the July 21, 2015 resolution of the Town Planning Board concerning the same, and ultimately adopted a resolution making the same recommendation to the Town Board: that the Town Board approve the adoption of Local Law No. 5 of 2015 provided that paragraph five of said Local Law No. 5 of 2015 be revised to reflect that the Development Plan is identified as “Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015”; and

WHEREAS, at its August 13, 2015 meeting, the Seneca County Planning Board reviewed proposed Local Law No. 5 of 2015 and the July 21, 2015 resolution of the Town Planning Board, and provided a recommendation about proposed Local Law No. 5 of 2015 to the Town Board;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Paragraph five of proposed Local Law No. 5 of 2015 shall be revised to identify the Development Plan as “Wilmot Casino Development Plan, dated March 2014, revised July 16, 2015”; and further
2. Proposed Local Law No. 5 of 2015 otherwise remains unchanged from the version dated July 14, 2015; and further
3. The revised version of proposed Local Law No. 5 of 2015 shall be a draft dated August 14, 2015; and further
4. The Town Board reaffirms that it will hold a public hearing on August 27, 2015 regarding the proposed Local Law No. 5 of 2015, draft dated August 14, 2015, in the Town of Tyre at the Magee Volunteer Fire Department Building, having an address of 1807 NYS Route 318, Seneca Falls, NY 13148, at 8:00 p.m., or at such time as the public hearing to be held on the same date at the same location at 7:30 p.m. on the PUD District Application and Development Plan for the Project has concluded; and further
5. The Town Board directs the Town Clerk for the Town of Tyre to publish public notice of the August 27, 2015 public hearing on proposed Local Law No. 5 of 2015, draft dated August 14, 2015, in the Finger Lakes Times, and to the extent practicable, to post the notice on the Town of Tyre’s website; and further
6. The Town Board believes it is in the public interest to hear from surrounding counties and municipalities with respect to the Project and, therefore, directs the Town Clerk for the Town of Tyre to provide notice of the pending Project applications, the August 27, 2015 public hearings on the PUD District Application, the Development Plan, and proposed Local Law No. 5 of 2015, and the August 27, 2015 special meeting of the Town Board to all municipalities and counties with adjoining boundaries; and further
7. The Town Board shall make a copy of the proposed Local Law No. 5 of 2015, draft dated August 14, 2015, available for public review at the Seneca Falls Public Library and at the Town of Tyre Town Clerk’s Office at 636 Sutterby Rd., Seneca Falls, NY 13148 during normal business hours, and to the extent practicable, post an electronic copy of the same on the Town of Tyre’s website; and further

8. This resolution takes effect immediately.

The adoption of the foregoing Resolution was moved by Councilman Thomson and seconded by Councilman 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.

August 14, 2015