

RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE TO (1) CHANGE PARAGRAPH FIVE OF THE TEXT OF PROPOSED LOCAL LAW NO. 5 OF 2015 IDENTIFYING THE DEVELOPMENT PLAN IN LIGHT OF THE REVISED DEVELOPMENT PLAN FOR THE PROPOSED LAGO RESORT AND CASINO SUBMITTED TO THE TOWN BOARD, (2) REFER THE REVISED VERSION OF THE DEVELOPMENT PLAN AND THE REVISED VERSION OF PROPOSED LOCAL LAW NO. 5 OF 2015 TO THE SENECA COUNTY PLANNING BOARD AND THE TOWN OF TYRE PLANNING BOARD, (3) REFER THE REVISED VERSION OF PROPOSED LOCAL LAW NO. 5 OF 2015 TO THE TOWN OF TYRE ZONING BOARD OF APPEALS, and (4) CANCEL THE SEPTEMBER 3, 2015 SPECIAL MEETING AND SCHEDULE SPECIAL MEETINGS FOR SEPTEMBER 24, 2015 AND OCTOBER 1, 2015.

August 27, 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 15, 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, 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 of Tyre Zoning Law (“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 for review and recommendation, as required under applicable law, the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015,

draft dated July 14, 2015, to the Seneca County Planning Board, the Town of Tyre Planning Board (“Town Planning Board”), and the Town of Tyre Zoning Board of Appeals (“Town ZBA”); and

WHEREAS, pursuant to applicable laws, the Town Board also resolved at its July 16, 2015 meeting to hold public hearings on August 27, 2015 on the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015, with the public hearings to be followed by a special meeting of the Town Board on the same date at the same location after the public hearings ended; and

WHEREAS, at its August 14, 2015 special meeting, the Town Board revised proposed Local Law No. 5 of 2015 to clarify the date of the Development Plan and approved a draft dated August 14, 2015; and

WHEREAS, at its August 14, 2015 special meeting, the Town Board resolved to schedule a special meeting of the Town Board for September 3, 2015; and

WHEREAS, the Town Board received a letter dated August 24, 2015, from the Town Engineer recommending that Lago submit a revised Development Plan for the Project to replace the one that was included in Lago’s July 16, 2015 PUD District Application, which recommendation was made after reviewing the public comments received about the Project and considering the best course to proceed with the Town Board’s review of the PUD District Application; and

WHEREAS, in light of this recommendation, the public hearings that the Town Board had scheduled for August 27, 2015 regarding the PUD District Application, the proposed Development Plan, and proposed Local Law No. 5 of 2015 were cancelled; and

WHEREAS, the Town Board has received at its August 27, 2015 special meeting a revised Development Plan that represents the current conditions and design of the Project, as reflected in the Site Plans submitted with the July 16, 2015 PUD District Application, which the Town Engineer understands to represent the current Project conditions and design;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Paragraph five of proposed Local Law No. 5 of 2015 shall be revised to read as follows:

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 _____, 2015, and a copy of which is maintained in the records of the Tyre Town Clerk.

2. Proposed Local Law No. 5 of 2015 otherwise remains unchanged from the prior drafts dated July 14, 2015 and August 14, 2015; and
3. The revised version of proposed Local Law No. 5 of 2015 shall be a draft dated August 27, 2015; and
4. The Town Board hereby resolves to rescind its previously scheduled special meeting of September 3, 2015 that was to be held at 7:30 p.m. at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, and therefore, no special meeting of the Town Board will be held on that date; and
5. The Town Board hereby resolves to hold a special meeting of the Town Board on September 24, 2015, in the Town of Tyre at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, at 7:30 p.m. for the purpose of reviewing matters relating to the Project and any other matter that is properly brought before the Town Board; and
6. The Town Board hereby resolves to hold a special meeting of the Town Board on October 1, 2015, at 7:30 p.m. in the Town of Tyre at the Magee Volunteer Fire Department Building, 1807 NYS Route 318, Seneca Falls, NY 13148, for the purpose of reviewing matters relating to the Project and any other matter that is properly brought before the Town Board; and
7. The Town Board directs the Town Clerk for the Town of Tyre to publish notice of the special meetings of the Town Board on September 24 and October 1, 2015, and to the extent practicable, to post these notices on the Town of Tyre's website; and
8. The Town Board hereby directs the Town Clerk to (a) refer the PUD District Application, the version of the Development Plan which the Town Engineer hereafter determines satisfies Town Zoning Law § 2A.203(C)(1)-(2) and is complete for the Town Board's review, and proposed Local Law No. 5 of 2015 (draft dated August 27, 2015) to the Town Planning Board and to the Seneca County Planning Board for review and written recommendation, and (b) refer proposed Local Law No. 5 of 2015 to the Town ZBA for review and written recommendation; and

9. The Town Board shall make a copy of the version of the proposed Development Plan deemed complete by the Town's Engineer and a copy of proposed Local Law No. 5 of 2015, draft dated August 27, 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
10. This resolution takes effect immediately.

The adoption of the foregoing Resolution was moved by Councilman Aceto and seconded by Councilman Thomson, 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 27, 2015