

October 1, 2015

A Special Meeting of the Tyre Town Board was held Thursday, October 1, 2015 at 7:30 P.M. at the Magee Volunteer Fire Department Bldg., 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre.

The purpose of the meeting was to discuss matters relating to the Planned Unit Development ("PUD") District Application, Development Plan and Site Plan and related project documents for the Lago Resort and Casino project submitted to the Town Board, and any other matters properly brought before the Town Board.

Pledge of Allegiance.

Roll Call: Supv. Ronald McGreevy-here, Councilman Reginald Aceto-absent, Councilman Joseph DelPapa-here, Councilman James Rogers-here, Councilman Thomas Thomson-here.

Supv. McGreevy - have had roll call - quorum present - meeting called to order at 7:32 P.M.

Supv. McGreevy introduced Attorneys and Engineers present: Virginia Robbins, Esq., Michelle Billington, Esq., Kathleen Bennett Esq., Brody Smith; Esq., Jennifer Ammerman, Stenographer - Bond, Schoeneck & King; Adam Cummings P.E. - Barton & Loguidice - representing Town of Tyre. John Mancuso, Esq., Alan Knauf, Esq.; Michael Simon P.E., Peter Vars, P.E.- BME Associates, Adam Frosino P.E. - McFarland Johnson - representing Lago.

Others present: PBM's Robert Seem, Henry Bickel.

Proposed Lago Resort and Casino Project

Virginia Robbins, Esq., Bond, Schoeneck & King, reviewed correspondence submitted to the Town Board about the Lago project: September 14, 2015 letter from Grever & Ward, Inc. to Lago Resort & Casino, LLC regarding the Weaver Farm Cemetery; September 25, 2015 letter from NYS Department of Environmental Conservation to Akin Gump LLP stating no enforcement action for alleged illegal discharges into waters of the U.S.; September 25, 2015 letter from Ithaca Neighborhood Housing Services to Tyre Town Planning Board regarding the relationship between Lago Resort and Casino and the Pine View Circle Apartments Project; September 29, 2015 letter from NYS Department of Transportation to Bond, Schoeneck & King, regarding approval of Traffic Impact Study supplemental information; two maps clarifying the location of Adler and Caroline Roads in the Town of Junius; October 1, 2015 Akin Gump Submission regarding traffic and Amish impacts; and email dated October 1, 2015 to counsel to the Project Applicant from Nancy Herter, New York State Office of Parks, Recreation and Historic Preservation.

Adam Cummings, P.E., Barton & Loguidice, reviewed the maps of Adler and Caroline Roads with the Town Board. All Board members confirmed their familiarity with the roads and the locations.

Kathleen Bennett, Esq., Bond, Schoeneck & King, and Adam Cummings discussed the October 1, 2015 Akin Gump submission, which included comments by GTS Consulting, about the traffic study for the Lago project. The Town Board members took time during the meeting before proceeding with the discussion to fully read the Akin Gump cover letter and the documents enclosed with it (including GTS letter and declarations previously submitted by Dan Schwartz and Jerry Wenger). The applicants consultant, Adam Frosino, P.E., McFarland Johnson, responded to the comments by GTS about the traffic study and analysis of traffic for the Lago project. The topics GTS raised were already reviewed by McFarland Johnson and discussed by the Town Board. The traffic study prepared for the Lago project contained very conservative estimates. Efficient traffic flow is critical to the project applicant so guests can get to the facility. Roadway improvements proposed as part of the Lago project even address traffic concerns that are not casino related. The seasonal considerations were appropriate. The area sees a lot of holiday shopping traffic in November and December because of the Waterloo Outlets, so taking numbers during that time is appropriate. Additional study was also done in March and April. The New York State Department of Transportation (DOT) and the Thruway Authority (TA) approved the factors and base volumes used. Adam Cummings, P.E., concurred. DOT, TA and Barton & Loguidice reviewed the directional distribution of traffic generated by the project and approved all of it too. There is a very low likelihood that people would take the routes identified by GTS. People will use GPS to get to the Lago site and the GPS will take them on the fastest route, which will utilize the NYS Thruway. Supv. McGreevy asked if there are any other agencies besides DOT and TA to review or approve the traffic study. Adam Frosino and Adam Cummings both confirmed that DOT and TA are the stakeholders on these roads being improved since they will be responsible for maintaining them, and they have the jurisdiction to approve designs and changes. There is no higher authority. Adam Frosino confirmed that there is more than enough space for queueing of cars turning left to the casino

and going straight into Petro from the toll plaza. The TA owns this section of the roadway too and approved it. GTS's comment about full build-out seems to be looking at a bubble diagram in the traffic study, which is just a visual aid to show how people would access the road network. All the parameters of the traffic study are accurate and up to date. The full build out is reflected in the plans currently before the Town Board that are part of the application. Regarding GTS's comments about levels of service and the example of a change to a village, Adam Cummings said that safety and levels of service were all examined as part of the project review and all are satisfactory. There is no village here and the area where the project is proposed is not similar to a village main street.

Kathleen Bennett, Esq., Bond, Schoeneck & King, noted that the GTS letter states the writer, Gordon Stansbury, believes there would be a significant and adverse impact from traffic. The Town Board was reminded of their prior conclusions about transportation and that although it found the impact to be significant, it concluded that in light of offsite improvements, the impact would not be adverse. Councilman Thomson noted that the GTS letter states it Mr. Stansbury's opinion that there will be a significant adverse impact, but everyone can form their own opinions, and they may not all be the same. Kathleen Bennett also noted Akin Gump's remark in the cover letter that the comments made by the Board about impacts on the Amish were "anecdotal." She noted that even Akin Gump's comments are anecdotal, and she restated that the lead agency using its knowledge about the area where a project is proposed is what SEQRA envisions. Supv. McGreevy stated that he had lived within ten miles of the project site for 60 years, and Councilmen Thomson and Rogers have lived in the Town their whole lives and Councilman DePapa moved to the Town around 1945. The Town Board members are well informed about its surroundings.

Regarding the declaration by Dan Schwartz, Supv. McGreevy noted (using a visual aid) in response to paragraph 2 that the casino entrance is not right across from Mr. Schwartz's driveway and instead his driveway is several hundred feet north of the casino entrance. In response to paragraph 10, Supv. McGreevy noted that many residents in the Town provide transportation by automobiles to members of the Amish community. In response to paragraph 12 about widening some roads, Supv. McGreevy noted that Route 414 will have the shoulders paved and widened to the maximum of 8 feet which was specifically included to accommodate slow moving vehicles, which is a benefit for those vehicles. In response to paragraph 28 that the Amish would be forced to move, Supv. McGreevy noted that this statement directly contradicts a statement Mr. Schwartz made to Councilman Rogers last year and that Mr. Schwartz had considered moving many years ago. Councilman Rogers confirmed that Mr. Schwartz said there is no rule that they would have to move. Adam Cummings reminded the Town Board of an April 19, 2014 letter by Mr. Schwartz himself where he states that there is no rule that he would have to move. The declaration by Jerry Wengerd was discussed too.

Kathleen Bennett asked the Town Board if anything contained in the October 1 Akin Gump submission changes the prior decisions made by the Town Board in Part 2 and part 3 of the EAF regarding transportation. The Town Board voted 4-0 that there was no change. Kathleen Bennett asked the Town Board if anything contained in the October 1 Akin Gump submission changes the prior decisions made by the Town Board in Part 2 and Part 3 of the EAF regarding the Amish. The Town Board voted 4-0 that there was no change.

Virginia Robbins noted that the Town Board received a copy of the fully completed EAF Part 2 in advance of the meeting so that they could confirm that the check marks accurately reflect their discussion over the course of the prior meetings. Virginia Robbins asked if the Town Board finds that the document accurately reflects the Board's discussions and conclusion. The Town Board voted 4-0 that it did.

Virginia Robbins noted that the Town Board had also received in advance of the meeting a copy of the EAF Part 3 and the accompanying written summary of the reasons supporting their determination. The reference to "see attached" on the first page of Part 3 refers to the 133 page document attached. Each Board member confirmed that they had reviewed this written summary. Supv. McGreevy reported that Councilman Aceto, who was out of town due to a prior commitment and absent from the meeting, reported via email that he too had read the written summary and completed Part 3 and approved of it. Virginia Robbins proposed the following changes be handwritten into each Board member's copy of the written summary:

- a) Page 45-revise the last sentence of the second full paragraph to read, "By email dated October 1, 2015, OPRHP concurred with these measures and had no additional information requests."
- b) Page 52-add the following paragraph after the fourth full paragraph on the page: "Review of the Project materials and consultation with the Town Engineer and relevant state agencies confirm that the TIS and McFarland Johnson's subsequent letters or memoranda providing additional analysis and clarification are sufficient to fully analyze the effects of the Project associated with transportation."
- c) Page 60-in the third full paragraph, correct the date "November 23, 2014" to "November 23, 2013" and in the fifth full paragraph add the number "4" to the percent sign so that it reads "4%".
- d) Page 133-add items P,Q and R: (P) 9/14/15 letter by Grever and Ward re: Weaver burial ground; (Q) 10/1/15 email from OPRHP to Applicant; (R) 10/1/15 Akin Gump submission.

The Town Board agreed to the proposal and the Town's attorneys took time during the meeting to hand write each proposed change into each Town Board member's copy of the written summary. The Town Board members then reviewed the handwritten changes. Virginia Robbins asked if the Town Board approves of the reasons supporting the determination of significance as in the written summary.

Councilman Thomson moved a resolution that the reasons supporting the determination of significance as prepared by counsel are accurate and reflect the Board's discussions and conclusions.

Councilman Rogers seconded this resolution and it was duly put to vote which resulted as follows:

	Yea	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.

Town attorneys from Bond, Schoeneck & King read a proposed resolution making a determination of significance under the State Environmental Quality Review Act relating to (a) the application of Lago Resort & Casino, LLC to create a Planned Unit Development district for the Lago Resort and Casino project ("Project"), (b) the proposed Development Plan for the Project, (c) proposed Local Law No. 5 of 2015 to amend the Town of Tyre Zoning Law, (d) the proposed Site Plan for the Project and (e) a proposed Community Mitigation Plan submitted by Lago Resort & Casino, LLC concerning the Project.

The Town Board members confirmed that they understood the resolution as written and read.

Councilman DelPapa moved the resolution making a determination of significance under the State Environmental Quality Review Act relating to (a) the application of Lago Resort & Casino, LLC to create a Planned Unit Development district for the Lago Resort and Casino project ("Project"), (b) the proposed Development Plan for the Project, (c) proposed Local Law No. 5 of 2015 to amend the Town of Tyre Zoning Law, (d) the proposed Site Plan for the Project, and (e) a proposed Community Mitigation Plan submitted by Lago Resort & Casino, LLC concerning the Project.

Councilman Rogers seconded this resolution and it was duly put to vote which resulted as follows:

	Yea	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.

Resolution follows.

Meeting Date

Supv. McGreevy reminded everyone that the next Tyre Town Board meeting will be held at the Magee Volunteer Fire Dept. Building on Thursday, October 8, 2015 at 7:30 P.M.

Adjournment

Councilman Thomson moved, seconded by Councilman DelPapa and carried, that the meeting adjourn at 10:55 P.M. Vote: Yea-3,Nay-0,Absent-1.

Submitted by:

Elizabeth Sutterby
Town Clerk