

October 8, 2015

A Special Meeting of the Tyre Town Board was held Thursday, October 8, 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 hear public comment on the Planned Unit Development ("PUD") District Application and the proposed Development Plan for the proposed Lago Resort and Casino (the "Project"); discussing 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; and hearing public comment on proposed Local Law No. 5 of 2015, a local law that amends the Town of Tyre Zoning Law ("Town Zoning Law").

Roll Call: Supv. Ronald McGreevy-here, Councilman Reginald Aceto-here, 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 7:30 P.M.

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

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

Public Hearing - PUD District Application and Development Plan

A Public Hearing was held Thursday, October 8, 2015, at 7:30 P.M. at the Magee Fire Department, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre, for the purpose of hearing public comment on the Planned Unit Development District Application and Proposed Development Plan submitted by Lago Resort & Casino, LLC to the Town Board pursuant to Article 11.A of the Town's Zoning Law.

Supv. McGreevy stated that a notice of public hearing was published in the Finger Lakes Times on September 21, 2015. The floor was open for a resolution to open the public hearing. Councilman Thomson moved to open the public hearing on the PUD District Application and Development Plan, seconded by Councilman Rogers, and all Councilmen voted in favor. Supv. McGreevy welcomed the public to the hearing and stated the purpose of the hearing was to hear public comment on the PUD District Application and Development Plan for the Lago project. He explained that the Town Zoning Law lists factors for the Town Board to consider when deciding whether to approve a development plan and copies of those factors from the Zoning Law were available at the back of the room. Those wishing to speak were asked to sign in and were informed that they would be called in that order. Supv. McGreevy handed to the Town Clerk a copy of the Board's September 17, 2015 resolution scheduling both public hearings and copies of the certified public notices published in the Finger Lakes Times on September 21, 2015 for both hearings.

Robert Hayssen - former chair of the Seneca County Board of supervisors. Supports the Lago project and most people in the County support it. No collusion with the developer has occurred. This is good for area and hopefully will lower taxes.

Don Earle - Town Supervisor for Seneca Falls and current chair of Seneca County Board of Supervisors. Continues to support the project. A project of this size has to go through a lot of steps and the Board has done an excellent job.

Mark Benjamin - Chair of Seneca County Chamber of Commerce. On behalf of hundreds of member businesses, repeats full support for the Lago project and previous resolutions in support by the Chamber.

Kathleen Bennett, Esq., Bond, Schoeneck & King, asked that all speakers state their name and address for the record and since there are two public hearings tonight, make any comments about this hearing, and then during the second hearing if you want the same comments to apply, come up again and state your name and address and say that you want your comments made during the first hearing to apply to the second hearing as well.

Lucille Povero - Center Street, Seneca Falls - Taxpayers will get stuck with this and concerned about Montezuma Refuge and destruction of habitat. There are too many casinos already.

Glen Silver - President of Concerned Citizens of Seneca County. Comments apply to this hearing and the second hearing. Project is inconsistent with the goals in the Comprehensive Plan about keeping Tyre rural. Most residents oppose the project.

Catherine Strong - Waterloo - had lived in Tyre for 56 years and is sad that a casino will be built where farming was going on. Gambling devastates communities. It will cost the Town.

Betty Smith - Route 414 Waterloo - spoke about disrespect to the Amish and Daniel Schwartz. The Schwartzes have events with a lot of people. Safety concerns from the project may force them to leave. He shouldn't have his words scrutinized by a public body.

Allison Stokes - Seneca Falls - Wilmot misinformation that only a few oppose the casino. Lots of people sent stubs from the Wilmot mailing to a P O Box address she gave in a newspaper article. Read comments received opposing the project. Unanimous support by all boards doesn't pass the smell test.

Linda Ochs - Homestead Drive Waterloo - there is nothing sustainable about the project. We need jobs that will stay and take care of families. This will change the culture and the character of the county forever. Look at the future. Amish and others moved here out of choice because it's a nice place to live.

Michael Davis - Turnpike Road, Clyde - lives 3.5 miles from project site and drives past it every day. The things the casino will bring is the ability for people to sleep in their own bed and go to kids' meetings and games and see kids grow up instead of living out of a suitcase and going to Albany to build things. Rural communities can have big structures like this and they coexist. Look at Farmington or Turning Stone.

Desiree Dawley - Chase Road, Tyre - SEQRA redo was flawed. Shocked and dismayed Board would make determination despite concerns they raised. After five meetings it would make sense to have a public hearing before deciding. Say no to Lago.

Tina Macdonald - Route 89, Savannah - proud to be from Tyre and proud of support for project. Project is needed for the future of Tyre. Wants Lago to happen.

Kathy Davis - Middle Black Brook Road, Seneca Falls - lived in Tyre for a long time and loves it. Loves living in the country and raising family there. Daughter was reminded of how peaceful it is when she moved back with them for a while. Casino will change people's lives in Tyre and change the community. Wilmot can't be trusted.

James Dawley III - Chase Road, Tyre - statement applies to local law 5 and PUD decision. Town's lawyers should not have been advising town on second round of project approvals. They continue to be involved in the litigation of the first negative declaration and argue it was proper.

James Nearpass - Chase Road, Tyre - casino north of Thruway breaks natural barrier, interrupts traffic flow, and the possibility of future commercialization of farmland north of Thruway. Board minimized effect of traffic on Amish and farm equipment. People will find alternate routes to avoid casino congestion. Comprehensive Plan is being ignored.

David Volt - Branchport - Yates County is one of smallest in the state and relies on agriculture and tourism for economy, limited jobs. Last worked in Yates County seven years ago. Has to travel to surrounding counties or out of state for work. Wants to be able to work closer to home. Supports Lago.

Chris Hollfelder - Noel Drive, Rochester - represents sheet metal workers of six counties and they support the project. Project will create thousands of top-quality, community supporting jobs. These are jobs with benefits, help workers and families live in a rural community. Everyone supports lower taxes. Strong commitment by Lago to use local businesses and products.

Bob Shipley - Seneca County Supervisor - thanked Board for service on behalf of 981 Tyre residents and more than 34,000 Seneca County residents who will benefit from the jobs and economic development of the project.

During the hearing, Supv. McGreevy called several names that were difficult to read from the sign in sheet and tried multiple pronunciations. The first, Eric or Ron with address beginning 664 was nearly illegible from the sign in sheet. The second two were Frank Avaro or Novaro with address beginning 711 and John Tanksley or Hansley with address at 1402 Lake Glen Drive. Another was Jeff Schuler, with address beginning 5206 in Honeye, NY. Supv. McGreevy paused for some time for each name called and no one came up to speak.

Supv. McGreevy asked if there was anyone else wishing to speak. There were none. Councilman DelPapa moved to close the public hearing at 8:45 P.M., seconded by Councilman Aceto, and all Councilmen voted in favor.

Public Hearing - Local Law #5 of 2015

A Public Hearing was held on Thursday, October 8, 2015 at 8:50 P.M. at the Magee Fire Department, 1807 St. Rt. 318, Tyre, NY, for the purpose of hearing public comment on the adoption of Proposed Local Law #5 of the year 2015 which would amend the Town Zoning Law to add a definition of "Planned Unit Development" and add the term to the list of "Type of District" in the Town and amend the Zoning Map to show the Planned Unit Development District for the Lago Resort and Casino.

Supv. McGreevy stated that notice of the public hearing was published in the Finger Lakes Times on September 21, 2015. The floor was open for a resolution to open the public hearing on Local Law #5 of 2015. Councilman Aceto moved to open the public hearing, seconded by Councilman Rogers, and all voted in favor.

Supv. McGreevy stated that the purpose of the hearing was to hear public comments related to proposed Local Law #5, which if passed, would add the term "Planned Unit Development" to the list of "Type of District" under Article 11, Section 2.202, and add the designation "PUD" for such district; add a definition of Planned Unit Development District to Article XI, Section 11.1102; and amend the Town Zoning Map to show the Planned Unit Development District for 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. Supv. McGreevy reminded those wishing to speak to sign in.

Kathleen Bennett, Esq., reminded those wishing to speak at this hearing that they can come up and say they want their prior comments from the first hearing to apply to this one and they don't need to repeat the whole statement for it to apply.

Glen Silver - not present any more. It was later noted that he previously said his first comments applied to both hearings.

Melissa Sutterby - Sutterby Road, Tyre - thanked Board for hard work. Many speakers don't live here or haven't attended meetings so how can people say something hasn't been researched or studied? Wants to preserve the town character but growth is needed, very poor county. Doesn't agree with gambling, but it is everywhere. Project will bring jobs and business. Casino is right off the Thruway, not going to make traffic any worse. Why don't the people opposed to the project stay for all parts of the meetings, not just the part about the casino, if they care about Tyre so much? Need to respect others.

Allison Stokes - Seneca Falls - project site is currently zoned agricultural. Wilmot application to IDA for assistance and Wilmot purchase price for the site shows you can't trust Wilmot's figures, or Mr. Wilmot at all. Read definition of the word corruption.

Michael Davis - Clyde - previous statement applies. Lower taxes, good jobs, and progress, that's what we're all after.

Desiree Dawley - Chase Road, Tyre - wants to address other comments made during the hearings. Mr. Hayssen is the former county supervisor and he doesn't live in Tyre, he doesn't know our wishes. He was the one who said nothing would go north of the Thruway but now this project will be north of the Thruway near homes. Mike Davis promotes commercial development everywhere and doesn't mind it. Those guys know they'll be traveling and it's not the job of the people of Tyre to provide his people with all of their jobs for the next two years. Cannot compare Tyre and this project to Farmington, different sizes. Better comparison is Foxwoods in Connecticut. Tina Macdonald is employed by Wilmorite so her comments don't count. Casino doesn't fit the community and is not good for our people. It will create extra expenses and higher taxes. Say no to the zone change.

Kathy Davis - Middle Black Brook Road, Seneca Falls - Mr. Wilmot has a beautiful home with open space and he wouldn't want anyone to live next to him. He left millions unpaid in Rochester. He harassed people about selling their properties. We should not be doing business with him.

Chris Hollfelder - represents workers in Seneca County and five other counties. We fight for good, solid, community supporting jobs and work closely with the organization that's looking to build. They've made substantial commitments to good jobs and family health care plans, pensions, and HRA. This is a build with long-term jobs. Supports the Board making the changes necessary to build the project and help their community get out from under the current heavy tax burden.

Susan DelPapa - East Tyre Road - Seneca Falls - wants to give some people facts. Mrs. Dawley complains about people not living in Tyre but she only came here a month ago, she lived in Waterloo. Tina Macdonald does not work for Wilmot. She works for Geneva General Hospital. The majority of the Town want the casino. Half of family are construction workers and they would like jobs closer to home.

Paul Porter - Route 318, Tyre - owns 200 acre farm for organic produce. Lived here two years, moved from England via Canada. Rents land to Daniel Schwartz. He has two driveways and uses both. They don't travel Route 318 safely now because it's so busy. People will reroute when traffic backs up. No one he's met wants the casino. Should promote Town through tourism and support local agriculture. Town will become a scab and industrial wasteland.

Robert Hayssen - here for the duration to support the Board.

Supv. McGreevy asked if there was anyone else wishing to speak. There were none. Councilman Thomson moved to close the public hearing at 9:45 P.M., seconded by Councilman DelPapa, and all Councilmen vote in favor.

Supv. McGreevy called for a 10 minute break.

Special Meeting - Opened

Councilman Aceto moved to open the Special Meeting at 10:00 P.M., seconded by Councilman Rogers, and all Councilmen voted in favor.

Proposed Lago Resort and Casino Development Plan

Virginia Robbins, Esq., Bond, Schoeneck & King, stated that the Board received an October 7, 2015 memo containing two letters, from the US Fish and Wildlife Service and the NYS Office of Parks, Recreation and Historic Preservation. The Board also received a packet of the resolutions of local boards providing recommendations about the Lago project following referrals from the Town Board. Note in particular the September 22 resolutions of the Tyre Planning Board recommending on the PUD District Application and Development Plan and on proposed Local Law #5 of 2015; the September 21 resolution of the Tyre Zoning Board of Appeals recommending approval of Local Law #5 of 2015; and earlier that evening, the Seneca County Planning Board adopted a resolution dated October 8, 2015 reaffirming its prior recommendations for approval of the Application, Development Plan, and Local Law #5. Supv. McGreevy received a copy of this resolution when the meeting began.

Virginia Robbins, Esq., stated that there are twelve factors the Board needs consider in reviewing the development plan listed under Tyre Zoning Law section 2A.203 and that list is on a one-page document before the Board for use in its discussion of the Development Plan.

Adam Cummings, P.E., Barton & Loguidice, discussed each of the twelve development plan review factors from the Zoning Law. The plan shows the interior of the site, amenities, traffic circulation and DOT intersections with improvements, with turn arrows showing the directions. The traffic pattern allows a smooth flow and there are big enough turn radii for large vehicles. The plan shows the sidewalk areas which provide safety for vehicles and pedestrians. The plan shows the parking lots and the number of parking spaces. The plan includes a lighting sheet which shows the intensity and orientation of the lights and signs with the overall site layout. The plan depicts the relationship of the uses and shows a main connected building with patrons coming in and out of the front side, while mechanical operations are on the back side of the site. The plan includes landscaping details and shows the treelines and hedgerows and tree stands. The plan shows the site will be 62% open space. The plan shows stormwater and sanitary waste disposal systems. There will be no on-site treatment. The site is not in a floodplain or floodway. The grading plan shows the catch basins. Stormwater management facilities are included to manage stormwater. DEC reviewed and approved the SWPPP which was implemented on the site. The orientation of the buildings is conducive to reducing noise and glare. For instance the height of the parking garage walls is higher than a typical vehicle headlight height from the ground. The garage is oriented north to south instead of east to west to minimize visual impacts and keep vehicles further west for egress and ingress. The SEQRA review was completed and the consistency with the Comprehensive Plan was discussed during that process and found to be consistent. The Board had no questions but Councilman Rogers noted that one of the stands of trees being preserved is on the west side of the site, not just the eastern side.

Minutes

Councilman Thomson moved, seconded by Councilman Rogers and carried, to dispense with reading the minutes of September 17, 2015 and they be accepted as written. Vote: Yea-4,Nay-0,Absent-0.

Tyre Water District No. 1

Adam Cummings P.E. - Barton & Loguidice, is working on an updated map and report for the extension of Tyre Water District No. 1. Mr. Cummings provided a flow chart listing the required procedures to be followed in order to provide water service for Mr. VanArsdale.

Meeting Scheduled

Supv. McGreevy reminded everyone that the next Tyre Town Board meeting will be held here at the Magee Volunteer Fire Dept. Building on Thursday, October 15th, 2015 @ 7:30 P.M.

Public Hearing - Local Law No. 6 of 2015

Councilman Thomson moved, seconded by Councilman DelPapa and carried, that a Public Hearing be held Thursday, October 22, 2015 at 7:30 P.M. at the Magee Fire Dept. Building, 1807 St. Rt. 318, Seneca Falls, NY 13148, in the Town of Tyre, for the purpose of hearing public comments on proposed Local Law No. 6 of 2015, which law would allow the Town of Tyre to override the tax levy limit established in New York State General Municipal Law Section 3-C as it pertains to the Tyre Town Budget for the fiscal year commencing January 1, 2016. Vote: Yea-4,Nay-0,Absent-0.

Personnel - Administrative Assistant Position

Councilman Thomson spoke of the need to create an Administrative Assistant position for the town.

Adjournment

Councilman Thomson moved, seconded by Councilman Aceto and carried, that the meeting adjourn at 10:25 P.M.

Submitted by:

Elizabeth Sutterby
Town Clerk