

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF TYRE REGARDING
LOCAL LAW NO. 3 OF 2014 TO AMEND THE ZONING LAW AND MAP TO ADD A
PLANNED UNIT DISTRICT IN CONNECTION WITH THE APPLICATION OF
WHITETAILE 414, LLC FOR WILMOT CASINO AND RESORT**

June 12, 2014

WHEREAS, pursuant to section 2A.203 of Local Law No. 1 of 2014, on March 20, 2014, the Town Board for the Town of Tyre (the "Town Board") received an application (the "PUD District Application") from Whitetail 414, LLC (the "Applicant") for the creation of a Planned Unit Development ("PUD") District in the Town of Tyre (the "Town"), together with a proposed Development Plan, a proposed Site Plan and Part 1 of a Full Environmental Assessment Form ("EAF") under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Applicant is seeking the creation of a PUD district to further the construction and operation of the Wilmot Casino and Resort on approximately 84.9 acres of land (Tax Account No. 12.00-01-36) within the Town of Tyre in the area east of New York State Route 414 and north of the New York State Thruway, (the "Property"); and

WHEREAS, the creation of a PUD district in the Town, requires an amendment to the Town of Tyre Zoning Law ("Zoning Law"); and

WHEREAS, Local Law No. 3 of 2014 would amend the Town's Zoning Law and Map 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) change the Agricultural use designation for the Property to Planned Unit Development District for the Wilmot Casino and Resort on the Town Zoning Map; and

WHEREAS, the Town Board members received a copy of a proposed Local Law No. 3 of 2014 under cover of an April 11, 2014 letter from the Town's special counsel, Bond, Schoeneck & King, PLLC; and

WHEREAS, the Town Board considered the following reports and correspondence in regard to the creation of the PUD District:

- É SEQRA Documentation and Engineer's Report, dated March, 2014;
- É Appendices to Engineer's Report, dated March, 2014;
- É Proposed Development Plan dated March, 2014;
- É Proposed Site Plan dated April, 2014, last revised June 3, 2014; and

WHEREAS, at its duly noticed regular meeting on April 17, 2014, the Town Board referred proposed Local Law No. 3 of 2014 to the Seneca County Planning Board pursuant to Sections 239-l and 239-m of the General Municipal Law and to the Town of Tyre Planning Board and the Town of Tyre Zoning Board of Appeals pursuant to the Town's Zoning Law; and

WHEREAS, on May 8, 2014, the Seneca County Planning Agency issued its recommendation pursuant to General Municipal Law Sections 239-1 and 239-m, in which it recommended that the Town Board approve proposed Local Law No. 3 of 2014; and

WHEREAS, at a properly noticed meeting of the Town Planning Board on April 22, 2014, after discussion and consideration of two motions relating to proposed Local Law No. 3 of 2014, the voting members voted against both motions and, therefore, no action was taken by the Planning Board, and instead, the Planning Board adopted a resolution in which it took no position, but provided a message to the Town Board to undertake further review of the PUD Application before taking any action thereon; and

WHEREAS, at a properly noticed meeting of the Town Zoning Board of Appeals on April 22, 2014, the Town Zoning Board of Appeals considered proposed Local Law No. 3 of 2014 and recommended approval by the Town Board of the local law and requested that the Town Board give serious consideration to five comments concerning the project; and

WHEREAS, on May 1, 2014, the Town Board held a properly noticed public hearing with respect to proposed Local Law No. 3 of 2014 and heard public comments thereon; and

WHEREAS, proposed Local Law No. 3 of 2014 was posted on the Town's web site in advance of the May 1, 2014 public hearing; and

WHEREAS, the Town's consultants prepared a Response to Public Comments document based on comments received at the May 1, 2014 public hearing, a copy of which was provided to the Town Board members on June 9, 2014, and a copy posted to the Town's web site; and

WHEREAS, the Town Board conducted a properly noticed special meeting on June 12, 2014 to discuss and act on proposed Local Law No. 3 of 2014; and

WHEREAS, the Town Board considered all of the comments that were received during the public hearing and at meetings at which proposed Local Law No. 3 of 2014 was considered; and

WHEREAS, the Town Board considered the recommendations of the Seneca County Planning Board, the Town Planning Board and the Town Zoning Board of Appeals; and

WHEREAS, the Town Board is mindful of the criteria set forth in the Town's Zoning Law for the establishment of a PUD District; and

WHEREAS, proposed Local Law No. 3 of 2014 in its final form was mailed to the members of the Town Board at least 10 calendar days, exclusive of Sunday, before the Town Board's June 12, 2014 meeting where it will act on the proposed legislation; and

WHEREAS, during the June 12, 2014 meeting, the Town Board satisfied the requirements of SEQRA; and

WHEREAS, during the June 12, 2014 meeting, the Town Board adopted a resolution approving the Development Plan for the Wilmot Casino and Resort prepared by BME Associates and dated March, 2014.

CHECK ONE OF THE FOLLOWING:

 X NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board finds that the adoption of Local Law No. 3 of 2014 is consistent with the goals of the Town's Comprehensive Plan because it will allow the Town to maintain its rural character and promote the conservation of productive agricultural land while strengthening the Town's tax base through economic development in the areas of the NYS Thruway Exit 41 and the Routes 318 and 414 corridors.

IT IS HEREBY FURTHER RESOLVED, that the Town Board finds that Local Law No. 3 of 2014 further promotes the intent and purpose of the Town's Zoning Law to promote the health, safety, comfort, convenience, prosperity and planned development of the Town.

IT IS HEREBY FURTHER RESOLVED, that the Town Board, by roll call vote, adopts Local Law No. 3 of 2014.

IT IS HEREBY FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish a summary of and to file Local Law No. 3 of 2014 with the New York State Secretary of State and to maintain copies of Local Law No. 3 of 2014 in the Office of the Town Clerk in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.

OR

 NOW THEREFORE IT IS HEREBY RESOLVED that, based on the documents it has reviewed and the comments received and all other information considered in connection with proposed Local Law No. 3 of 2014, the Town Board does not approve and shall not adopt Local Law No. 3 of 2014.

IT IS HEREBY FURTHER RESOLVED, that the Town Board directs the Town Clerk to maintain a copy of this resolution in the Office of the Town Clerk in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.

The adoption of the foregoing Resolution was moved by Mr. Rogers, seconded by Mr. Aceto, 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.

Dated: June 12, 2014