

**MINUTES
SENECA COUNTY PLANNING BOARD
JULY 9, 2015**

**HEROES 9-11-01 CONFERENCE ROOM
COUNTY OFFICE BUILDING
WATERLOO, NEW YORK**

- MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Sally Kenyon, Pam Kirk and Michael Smith
- MEMBERS CALLED:** Edward Franzoni, Jack Freer, Michael Scaglione and John Swanson
- MEMBERS ABSENT:** Mark Lott and Tom Scoles
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** Michael Simon, P.E., of BME Associates

The meeting was called to order at 7:04 p.m. by Chairman William Dalrymple.

The Minutes of the June 11, 2015 meeting were approved by a motion of Gordon Burgess and seconded by Sally Kenyon. Carried 8 – 0.

PUBLIC COMMENTS:

Presentation – Lago Resort and Casino:

Mr. Michael Simon, P.E., of BME Associates, introduced himself and stated that he was representing Lago Resort & Casino, LLC and Wilmorite regarding proposed modifications being reviewed by the County Planning Board this evening. Mr. Simon stated that an amended Site Plan Review came before the County Planning Board in August of 2014 and was approved by both the County and Town of Tyre. In December of 2014, the announcement was made by New York State that the Lago Resort & Casino Project was awarded to be one of three casinos in New York State. Once the Project became a realization, the architects and engineers revisited the Site Plan and some modifications have been made. Mr. Simon referred to the Project rendering during his presentation.

The following items were addressed:

- A third lane has been added to a portion of the entrance road to create better flow into and around the site. This will allow delivery vehicles, buses, etc., to avoid the main traffic circle with regular vehicles and pedestrian traffic.
- A drive lane has been added to the main (western) parking field in front of the Casino. This will allow patrons and guests to avoid an indirect route to get to the parking areas on the south and east sides of the facility.
- The parking and drop off areas along the front of the building have been slightly modified for better circulation and ease for drop off and pick up. Sidewalks have been added along the west side of the main entrance drive along the entire length of the building.
- The parking garage is now at four stories instead of three; however, the footprint of the garage has been reduced by approximately 28,000 square feet.
- The Project engineers have been working with the US Army Corps of Engineers to delineate the Wetlands. A Jurisdictional Determination was made by the US Army Corps of Engineers, following a field walk by the Wetland Specialist, that the alleged Wetland area at the northerly parking garage entrance/exit is not a Wetland. This is a definite advantage to the Project. The entrance and exits have been modified to allow for better traffic flow.
- The courtyard area has been revised to now have the pool as an indoor pool so that the facility may be used year round.

- A central plant will be built to house HVAC and other power-related equipment, along with an attached maintenance storage building. This will be placed where the previous pergola bus drop off was located. The buses will now drop off directly at a redesigned entrance on the east side of the building.
- The child care facility is being moved approximately 150' to the east. It will be the same size and footprint; however, will be somewhat isolated from the central area. The child care facility will be offered to employees only.
- The Project has eliminated the need for the construction of approximately 8,500' of 6" sanitary force main along NYS Route 414 as well as an equalization tank on the Lago site. Originally, the determination of needing the construction of the 6" piping was based on a study report done in 2013, indicating there was 8" diameter PVC pipe. Upon further research and obtaining information from newer reports, it was learned that this section of gravity sewer main consists of 12" diameter PVC pipe and not 8" pipe as identified in the 2013 study. Mr. Simon stated that this has been substantiated by the Town Engineer, and that this is a very positive factor for the Project and developers.
- Clearing of the trees and brush is proposed along the south property line parallel to the Thruway. This would allow full visibility from the NYS Thruway, such as with the Petro Stopping Center and Premium Outlet Center. It is not planned to do anything further east. Mr. Simon stated that there are no endangered species of vegetation.
- A discharge manhole has been located adjacent to the bus parking at the very westerly end of the parking field. This will allow for pumping of waste to the on-site sanitary sewer system. The discharge manhole will be for limited use to touring buses and guests visiting the site for theatre shows.
- Modifications were made to subdivide the parcel into six sub-parcels. This idea has since been dropped.
- A signage package has been submitted. It includes all signage for exterior directional, parking garage and buildings. Caution traffic signs will be installed for bicyclists as well as horse and buggy.
- Mr. Simon stated that the review of Part 2 of the SEQR Full Environmental Assessment Form has been done. Changes were documented in how the modified plan should have less impact. The area of land disturbance associated with the Project has decreased with the elimination of the 8,500 linear feet of 6" force main along NYS Route 414. There will be less impact on land than with the previous plan. Secondly, the total area of Wetlands has been reduced by the US Army Corps of Engineers. The total area has been reduced from the approved plans and in particular the area west of the parking garage has been determined to be outside of the Army Corps' delineations which permit better on-site traffic flows and ingress to the parking garage.
- Mr. Simon stated that the casino has gone from 192,000 sq. ft. to 210,000 sq. ft.; resort from 33,000 sq. ft. to 34,000 sq. ft.; garage from 104,000 sq. ft. to 76,000 sq. ft.; covered bus entrance from 95,000 sq. ft. to 91,000 sq. ft. The child care facility remains the same size. Overall, there is approximately 8,600' in reduction of overall footprint.
- Mr. Simon stated that the retention ponds will be used for discharge storm water. Discharge patterns of the area are being followed according to NYS Department of Environmental Conservation (DEC) design standards.
- Recently, the Gaming Board has released the Regulations for the announced gaming facilities. There is now a 45-day (business days) comment period. Hopefully, the gaming license will be granted by the end of September or early October.
- Plans were submitted to NYS Department of Transportation (DOT) to have four lanes from the NYS Thruway Exit 41 to the Lago site. A traffic light is to be at the entrance to the site. Also, DOT improvements are proposed for the intersection at Route 318 and 89. It is anticipated that 80% of traffic visiting Lago will be coming off the NYS Thruway. The NYS DOT plans to have another toll booth added to the south of the existing one at the Exit 41 Interchange.
- Upon being questioned regarding Federal Wetlands and Wetlands regulated by NYS DEC, Mr. Simon explained that there are two different Wetlands on the site. The US Army Corps of Engineers regulates any Wetlands up to 12.6 acres. Anything greater than 12.6 acres, then becomes NYS DEC regulated Wetlands. He said that the Army Corps of Engineers looks at three main factors in determining Wetlands – hydrology, vegetation and soils. Mr. Simon stated that with NYS DEC Wetlands, there is a 100' buffer zone. Federal Wetlands has no buffer zone.
- The burial plot will remain at its existing location.
- Upon being questioned if the Project will be required to go back through the SEQRA process, Mr. Simon stated that the Tyre Town Board will make that determination.

GML Reviews:

1) Town of Tyre, Site Plan Amendment Review, Lago Resort and Casino

Sally Kenyon moved and Betty Berger seconded adoption of Resolution 29-15. Ms. Haynes stated that the modifications proposed in this application were reviewed in Mr. Simon's presentation. Ms. Haynes stated that as originally proposed by Whitetail 414, LLC, in its May 2014 application, the applicant would maintain most of the existing perimeter tree lines. The current application proposes to clear the trees and brush along the property line to the south. Mr. Simon stated that the change is proposed as the applicant wants greater visibility from the NYS Thruway. The NYS Thruway Authority regulates signage along the Thruway; therefore, the idea of a marquee type sign has been eliminated. The Thruway Authority only allows a maximum of 35' in height and the sign can only identify the facility. It is recommended that approval for this Site Plan Review is conditional upon the Tyre Town Board establishing a maximum percentage of tree line to be removed along the south property line. Carried 8 – 0.

2) Town of Waterloo, Site Plan Review, McCormick, Edward

The applicant, Mr. Edward McCormick, owns property at 2962 Seeley Road, corner of Border City Road, in the Town of Waterloo. In 2008, Mr. McCormick proposed to open a second hand shop on Seeley Road but did not move forward with the plan. The applicant previously operated a second hand shop in Geneva. Mr. McCormick now wishes to convert a mobile home to a shop for the sale of second hand items including furniture. In addition to using the mobile home, he wishes to construct a 40' X 12' building. Ms. Haynes stated that according to part 401.1 of appendix E of the New York State Residential Code: Mobile Homes are limited in use to use as a single family unit. Therefore, the mobile home cannot be used for a "shop" / commercial use, unless a variance is obtained from the New York State Code Council.

After much discussion, it was determined that no action by the County Planning Board could be taken as there was no quorum of members present eligible to vote.

Ms. Haynes stated that the third item listed under "GML Reviews" on the Agenda was omitted as the location was not within 500' of any triggering facility or road to require review.

OLD BUSINESS:

None.

NEW BUSINESS:

Election of Officers:

Chairman Dalrymple asked for volunteers to serve on the Nominating Committee. Betty Berger and Pam Kirk were appointed to serve as the Nominating Committee. The Committee will give its recommendations for Chairman and Vice Chairman at next month's meeting.

Establishment of Dates and Times of Upcoming Meetings:

Ms. Haynes stated that the dates and time of County Planning Board meetings need to be established. The current schedule is for meetings to be held the second Thursday of each month at 7:00 p.m. It was the consensus to keep the schedule as is – second Thursday of the month at 7:00 p.m. in the Heroes Conference Room at the County Office Building unless otherwise indicated. Betty Berger made the motion for establishment of dates, time and location of upcoming meetings, and Donald Denman seconded. Carried 8 – 0.

The meeting adjourned at 8:08 p.m. by motion of Gordon Burgess.

Respectfully submitted,

Mary DeStefano, Secretary
Staff Resources Asst.