

RESOLUTION NO. 31 OF 2011
TOWN OF CLAYTON
A RESOLUTION TO APPROVE SEQRA FOR AMENDMENT 32 TO THE TOWN
OF CLAYTON ZONING ORDINANCE – SPICER BAY AREA MARINE-
RESIDENTIAL TO MARINE DEVELOPMENT DISTRICT
MARCH 9, 2011

Title of Resolution: A resolution to approve SEQRA for Amendment 32 to the Town of Clayton Zoning Ordinance – Spicer Bay Area Marine-Development to Marine Development District.

At a regular meeting of the Town Board of the Town of Clayton, Jefferson County, New York held at the Town Offices, 405 Riverside Drive, Clayton, New York, on February 9, 2011, at 5:30 PM prevailing time:

The meeting was called to order by Supervisor Taylor and upon roll being called the following were:

Present: Justin A. Taylor, Supervisor
George E. Kittle, Councilman
Lance Peterson, Councilman
Robert W. Cantwell III, Councilman
Christopher D. Matthews, Councilman

The following resolution was offered by George Kittle, who moved its adoption, seconded by Chris Matthews, to wit:

WHEREAS, the Town Board of the Town of Clayton has been considering the enactment of an amendment to the Town Zoning Ordinance to re-designate a portion of the Town in the vicinity of Spicer Bay lying east and west of May Irwin Road and north of New York State Route 12 from its current zoning classification of Marine Residential to Marine Development (hereinafter referred to as the “Zoning Amendment” or the “Action”); and

WHEREAS, the Town Board has reviewed a long form or “full” Environmental Assessment Form as prepared by the Town Engineer for the purpose of assisting the Town Board in making a determination of significance with respect to the Zoning Amendment; that is, a determination of whether the enactment of the Zoning Amendment will have a significant adverse impact on the environment; and

WHEREAS, the Town Board has reviewed a draft Negative Declaration – Notice of Determination of Non-Significance prepared by counsel to the Town Board; and

WHEREAS, the Town Board has reviewed the criteria for determining significance of an action set forth at 6NYCRR§617.7(c); and

WHEREAS, having considered the action consisting of the adoption of the Zoning Amendment and the potential environmental impacts associated with such action;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clayton that the Town Board finds that the proposed action of enacting the Zoning Ordinance Amendment is subject to SEQRA; and

BE IT FURTHER RESOLVED, that the action constitutes a Type 1 action under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board is the only agency with jurisdiction by law to fund, approve or directly undertake this action; and therefore, coordinated review of the action under SEQRA is neither required nor necessary; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Clayton shall be the lead agency for the action under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board, as lead agency, adopts the findings, conclusions and rationale relating to the probable environmental impacts of the action contained within the attached environmental assessment form and Negative Declaration – Notice of Determination of Non-Significance, and authorizes the Town Supervisor to execute the EAF and file the Negative Declaration – Notice of Non Significance in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

A motion to adopt the foregoing Order was made by George Kittle, and seconded by Councilman Chris Matthews, and upon a roll call vote of the Board was duly adopted as follows:

Justin A. Taylor, Supervisor
George Kittle, Councilman

Yes X No ___
Yes X No ___

Lance Peterson, Councilman
Robert W. Cantwell III, Councilman
Christopher Matthews, Councilman

Yes X No ___
Yes X No ___
Yes X No ___

Yes 5 No 0 Absent 0

Dated: February 9, 2011

Certification

I, Kathleen E. LaClair, Town Clerk of the Town of Clayton, do hereby certify that the above resolution was adopted at a regular meeting of the Town Board of the Town of Clayton held on February 9, 2011 and it's on file and of record, and that said resolution had not been altered, amended or revoked and its in full force and effect.

(SEAL)

Kathleen E. LaClair, Town Clerk