

**RESOLUTION NO. 39 OF 2011**  
**TOWN OF CLAYTON**  
**A RESOLUTION APPROVING AMENDMENT NO. 33 TO THE TOWN OF**  
**CLAYTON ZONING ORDINANCE**  
**MAY 11, 2011**

**Title:** A resolution approving Amendment No. 33 to the Town of Clayton Zoning Ordinance.

At a meeting of the Town Board of the Town of Clayton held at the Town Offices, 405 Riverside Drive, Clayton, New York 13624, on the 11<sup>th</sup> day of May, 2011, at 5:00 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 E. Matthews, Councilman

**WHEREAS**, at a meeting of the Town Board held on March 23<sup>rd</sup>, 2011 an Amendment to the Town Zoning Ordinance was proposed to amend the Zoning Ordinance to provide a multi-use district for the development of water dependent, commercially related used, marine manufacturing and other business opportunities in an ecologically sound manner, so as to afford maximum protection for the waterfront setting and environmental quality of the St. Lawrence River and its tributary waters, and by motion duly made, seconded and unanimously approved, this Board scheduled a public hearing to consider such Amendment for April 13, 2011, at 6:30 PM; and

**WHEREAS**, notice of the public hearing was duly published and posted as required by law and served upon all adjoining municipalities and other state and local agencies as required by Section 264 of the Town Law. The Public Hearing was opened at 6:30 PM on April 13, 2011 to consider the proposed Amendment, and all persons interested therein were provided an opportunity to be heard, and

**WHEREAS**, the Town Board of the Town of Clayton on April 13<sup>th</sup>, 2011 reviewed Parts I, II, & III SEQRA “full” assessment form, as prepared by the Town Attorney, reviewed and read a draft Negative Declaration – Notice of Determination of Non-Significance as prepared by counsel to the Town Board and reviewed the criteria for determining significance of an action set for the at 6NYCRR§617.7(c), and accepted all portions and duly adopted the Negative Declaration – Notice of Determination on Non-Significance, and

**WHEREAS**, the Town Board of the Town of Clayton had duly published in the April 27, 2011 Environmental Notice Bulletin (ENB) the Negative Declaration Notice of Determination of Non-Significance.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Clayton as follows:

1. The proposed Amendment was referred to the Jefferson County Planning Board following its introduction on April 12, 2011, pursuant to Section 239-m of the General Municipal Law.
2. The Jefferson County Planning Board conducted a review of the proposed Amendment at it’s regular monthly meeting held April 26, 2011, and has adopted a motion that the project does not have any significant County-wide or Intermunicipal issues and is of local concern only. The local board is free to make its final decision.
3. The Town Board has considered the comments from the public and the comment addressed by the Jefferson County Planning Department and hereby determines that the Amendment to the Zoning Ordinance is consistent with the Town’s Comprehensive Plan and is in the best interest of the Town of Clayton as it provides for creation of a floating MD-2 district which will provide a multi-use district for the development of water dependent, commercially related uses, marine manufacturing and other business opportunities in an ecologically sound manner, so as to afford maximum protection for the waterfront setting and environmental quality of the St. Lawrence River and its tributary waters.
4. Based upon the foregoing, the Amendment to the Zoning Ordinance is hereby adopted and approved. The Clerk is directed to publish a copy of the Amendment in the official newspaper of the Town, to post a copy thereof on the official sign board and to notify the County Planning Board of this action.

5. The Amendment to the Zoning Ordinance shall be effective ten (10) days following publication.

A motion to adopt the foregoing resolution was made by George Kittle, and seconded by Bob Cantwell III, and upon a roll call vote of the Board was duly adopted as follows:

|                                     |                            |
|-------------------------------------|----------------------------|
| Justin A. Taylor, Supervisor        | Yes <u>X</u> No <u>   </u> |
| George E. Kittle, Councilman        | Yes <u>X</u> No <u>   </u> |
| Robert W. Cantwell, III, Councilman | Yes <u>X</u> No <u>   </u> |
| Lance Peterson, Councilman          | Yes <u>X</u> No <u>   </u> |
| Christopher D. Matthews, Councilman | Yes <u>X</u> No <u>   </u> |

Yes   5   No   0   Abstain   0   Absent   0  

Dated: May 11, 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 May 11, 2011 and its on file and of record, and that said resolution has not been altered, amended or revoked and it's in full force and effect.

(SEAL)

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Kathleen E. LaClair, Town Clerk