

**RESOLUTION #52 OF 2015**

**TOWN OF CLAYTON**

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF  
CLAYTON REGARDING THE REVIEW OF SAINT LAWRENCE  
SPIRITS, LLC'S APPLICATION PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT**

**November 18, 2015**

**WHEREAS**, on July 20, 2015, the Town Board for the Town of Clayton (the "Town Board") received an application (the "Application") from the Doreen A. Marks Irrevocable Realty Trust on behalf of Saint Lawrence Spirits, LLC (the "Applicant") requesting a zone change to Marine Development 2 ("MD2") District applicable to approximately 7.6 acres of land located at 38289 NYS Route 12E (Tax Map No. 19.20-1-32.2) within the Town of Clayton ("Town") in the area west of Village of Clayton and north of NYS Route 12E (the "Property") to allow the operation of a restaurant, bar, inn, and distillery (the "Project").

**WHEREAS**, on August 12, 2015, the Town Board reviewed the Application and referred the matter to the Clayton Joint Planning Board (the "Town Planning Board") for review and comment.

**WHEREAS**, on September 3, 2015, the Town Planning Board reviewed the Application and recommended approval of the zone change to the Town Board.

**WHEREAS**, on September 9, 2015, the Town Board adopted a motion receiving the recommendation of the Town Planning Board, accepting Part 1 of the Full Environmental Assessment Form ("FEAF"), and referring the Application for review by the Jefferson County Planning Board (the "County Planning Board"). On the same day, the Town Board adopted a resolution to set a Special Meeting and Public Hearing for October 14, 2015 at 7:00pm.

**WHEREAS**, on September 29, 2015, the County Planning Board adopted a motion that the Project does not pose any significant County-wide or inter-municipal issues and is of local concern only.

**WHEREAS**, on October 14, 2015, the Town Board received from the Applicant a preliminary site plan application and a preliminary special use permit application. On the same day, the Town Board also received an updated FEAF indicating that these preliminary applications were filed.

**WHEREAS**, on October 14, 2015, the Town Board held a properly noticed Special Meeting and Public Hearing regarding the Application at which 13 people spoke. A transcript of the public hearing is attached. The Town Board also received written comments from Bond, Schoeneck & King, PLLC and the Slye Law Offices, P.C.

**WHEREAS**, on October 14, 2015 and October 16, 2015, the Town Board sent letters to the Town Planning Board and the Clayton Joint Zoning Board of Appeals (the "Town Zoning Board"), respectively, requesting consent to serve as lead agency for the purpose of a coordinated review under the State Environmental Quality Review Act ("SEQRA") with respect to the Project. On October 19, 2015, both the Town Planning Board and Town Zoning Board consented to the Town Board serving as lead agency.

**WHEREAS**, the Town Board has considered all of the comments that were received during the public hearing as well as the recommendations received from the Town Planning Board and County Planning Board.

**WHEREAS**, on November 4, 2015, the Town Board reviewed Part 2 of the FEAF, including all potential environmental impacts of the Project and directed its attorney to prepare the required written elaboration, a copy of which is attached hereto.

**WHEREAS**, the Town Board is satisfied that the requirements of SEQRA with respect to the Project by adopting by resolution a negative declaration.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

(1) The Town finds that the Project constitutes a Type 1 Action (as the quoted term is defined in the Regulations).

(2) Based on review of the FEAF and the Town Board's knowledge of the area surrounding the Property and such further investigation of the Project as the Town Board has deemed appropriate, the Town Board has determined that it will not result in any significant adverse impact on the environment. A written elaboration of the Town Board's reasons for making this determination of significance is attached as **Exhibit A** and incorporated herein.

(3) The Town hereby directs that a Negative Declaration form be drafted that includes the following information:

- a) States that it has been prepared in accordance with Article 8 of the Environmental Conservation Law;
- b) Identifies the name, address and telephone number of a person who can provide additional information;
- c) Contains a brief description of the Project and the SEQRA determination of significance; and
- d) Identifies the location of the Project.

(4) The Town hereby directs that a copy of the Negative Declaration form, with respect to the Project be filed with:

- a) The Town Clerk;
- b) The chief executive officers of the political subdivisions in which the actions will be principally located; and
- c) Any person or entity that has requested a copy.

(5) The Board hereby directs that all SEQRA documents and notices, including but not limited to Environmental Assessment Forms and Negative Declarations, are to be maintained in files that are readily accessible to the public and made available on request, subject only to the limitations established by the Freedom of Information Law.

(6) The Board hereby directs that notices of the Negative Declaration be published in the Environmental Notice Bulletin (ENB) in a manner prescribed by the DEC. Such notice must be provided directly to Environmental Notice Bulletin, Room 538, 625 Broadway, Albany, New York 12233-1750 for publication in the ENB.

(7) This resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Councilwoman Mary Zovistoski, seconded by Councilman Robert W. Cantwell III, and duly put to vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Justin A. Taylor	[ X ]	[ ]	[ ]	[ ]
Councilman Chris Matthews	[ X ]	[ ]	[ ]	[ ]
Councilwoman Mary Zovistoski	[ X ]	[ ]	[ ]	[ ]
Councilman Lance Peterson	[ X ]	[ ]	[ ]	[ ]
Councilman Bob Cantwell, III	[ X ]	[ ]	[ ]	[ ]

The foregoing resolution was thereupon declared duly adopted.

**Dated: November 18, 2015**

**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 November 18, 2015 and it's on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

**(SEAL)**

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Kathleen E. LaClair, Town Clerk