

**APPROVED**

The Regular Meeting of the Planning Board of the Town of Clay, County of Onondaga held at Town Hall located at 4401 State Route 31, Clay, New York on the 11<sup>th</sup> day of February 2026. The meeting was called to order by Chairwoman Borton at 7:30 p.m. All joined in the Pledge of Allegiance and upon roll being called the following were:

<b><u>PRESENT:</u></b>	Michelle Borton	Chairwoman
	Russ Mitchell	Deputy Chair
	Karen Guinup	Member
	Hal Henty	Member
	Paul Graves	Member
	Jim Palumbo	Member
	Al McMahan	Member
	Marie Giannone	Secretary to Planning Board
<b><u>OTHER:</u></b>	Brian Bender	Commissioner of Planning & Development
	Kathleen Bennett	Planning Board Attorney
	Caitlin Choberka	C&S Engineer

Motion made by Mr. Graves to approve the minutes of the January 28, 2026 meeting. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**Public Hearings:**

**New Business:**

**#2025-065 – The Summit FCU Zone Change Referral rezone two parcels, 4955 West Taft Rd.**

**#2025-066 – The Summit FCU Special Permit Referral for drive thru, 4955 West Taft Rd.**

**#2025-067 - The Summit FCU Special Permit Referral for Bank/Credit Union, 4955 West Taft Rd.**

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant. Mr. Dave Harnish, The Summit FCU, is also present.

Mr. Harnish stated The Summit FCU is a not-for-profit financial cooperative member owned and has been in the community for decades. The lease at 5201 W. Taft Road expires at the end of June 2027 and the owner is not willing to extend the lease. The Summit FCU is under contract to purchase the parcel at 4955 West Taft Road for a new Summit Federal Credit Union.

Mr. Coyer stated the site is located at 4955 West Taft Road with additional frontage along Carriage Parkway. The site is across from Wegmans and is part of the Merrill Farms subdivision.

The site is comprised of two parcels – a vacant parcel and a building which will be demolished with a driveway to Carriage Parkway which will be a new 1.02-acre lot. Mr. Coyer said they are requesting a zone change from O-1 – Neighborhood Office District to allow for the credit union. The other zone change referral is for drive thru service. The existing building which consisted of a dentist and podiatrist will be demolished to allow construction of a 3,100 sq ft. credit union. The 3-lane drive thru location is at the rear of the building. Parking will be at the front of the building facing West Taft Road. Drawings were shown to the board.

Chairwoman Borton stated this is a public hearing and asked if there are any comments and/or questions. Hearing none Chairwoman Borton closed these three cases and polled the board.

Mr. Henty – great job

Ms. Guinup – fine with this

Mr. Graves – good use

Mr. McMahon – good use

Mr. Palumbo – good use

Mr. Mitchell - good fit for the neighborhood

Chairwoman Borton – also agreed and the drive thru is reasonable for that location

Chairwoman Borton asked for a motion on these three cases.

Motion made by Ms. Guinup: Mrs. Chairwoman, In connection with Planning Board Case No. 2025-065, The Summit FCU on the parcel at 4955 West Taft Road from O-1 to O-2 Office, I move we make a favorable referral to the Town Board including each Planning Board Members comments as expressed above. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

Motion made by Ms. Guinup: Mrs. Chairwoman, In connection with Planning Board Case No. 2025-066, The Summit FCU on the parcel at 4955 West Taft Road, Special Permit Referral to allow a drive-thru, I move to forward to the Town Board using standard form no. 60 noting the comments from all board members. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

Motion made by Ms. Guinup: Mrs. Chairwoman, In connection with Planning Board Case No. 2025-067, The Summit FCU on the parcel at 4955 West Taft Road, Special Permit Referral to allow a bank/credit union, I move to forward to the Town Board using standard form no. 60 noting the comments from all board members. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

Chairwoman Borton made the following statement:

“I want to disclose that I will be recusing myself from the next three cases on the agenda concerning battery energy storage systems. I own my own civil engineering practice (Borton engineering, P.C.) and do business with Nexamp. I’ve prepared numerous SWPPPs and stormwater designs for Nexamp solar arrays, including an active solar array project north of Utica. Due to this business relationship, I cannot ethically be involved in the reviews and Russ Mitchell will be leading the meeting for these three cases.”

Mr. Palumbo also stated to Mrs. Chairwoman that he is recusing himself for these three cases as he also has business relationships with Nexamp and cannot ethically be involved in the reviews.

Chairwoman Borton and Mr. Palumbo left the meeting room.

Deputy Chair Mitchell continued with the meeting.

Deputy Chair Mitchell said case nos, 2026-001, 2026-002 and 2026-004 will be handled separately giving the opportunity for anyone who would like to address a particular case. Whatever gets answered in this first case moves along with the other two cases – only different locations, so the information does not have to be repeated for the other two cases.

Deputy Chair Mitchell stated that a referral will be made at the next planning board meeting which will be sent to the town board. The town board makes the approval.

**Case #2026-001 – Nexamp Inc/ Wetzel Road Storage, 4664 Wetzel Road, Special Permit Referral.**

Ms. Olivia Sproviero, Nexamp, stated the Wetzel Road Storage will be located in an Industrial I-1 zone on .99 acre and will be a 5,000 Kwh system composed of 6 Tesla Megapack 2XLs. The BESS will be installed on a concrete pad with underground lines where the riser pole will be located. The nearest National Grid substation is located on Henry Clay Blvd. The closest residential parcel is approximately 200 ft away from this site.

Ms. Sproviero’s presentation included:

- Overall operations and history
- Shows size of containers and inside racks
- Connection to National Grid
- Batteries as Alternate Source
- Capturing power

## | About Us

**Nexamp:**  
 Olivia Sproviero  
 Manager, Business Development – NY

**Colliers Engineering and Design:**  
 Elyse Shapiro  
 Project Manager

**Energy Safety Response Group**  
 Eric Wood

- **About the Company**
  - Operating since 2007
  - Commercial and Community Solar Since 2015
  - Battery Energy Storage Since 2019
  - Full-Spectrum developer, owner, and operator of storage and solar
- **Experience**
  - Largest owner-operator of Community Solar assets in NYS with over 1.2 GW of capacity operating
  - 77 MW of Battery Energy Storage in Operation
  - Over 100 projects totaling more than 560 MWs permitted and financed in NYS



### What is a Battery Energy Storage System? (BESS)



- Tesla Megapack 2XL
- Pre fabricated containerized battery unit
- 25 year operational life
- Connect to the National Grid utility lines
- Charge and Discharge in response to electric grid supply and demand signals
- Balance intermittent resources

Table 25. Megapack Dimensions and Mass (Weight)

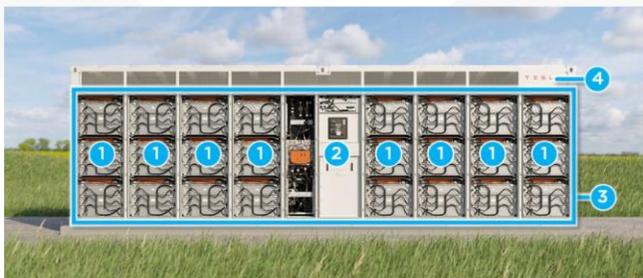
Width	Depth	Height	Max. Shipping Mass
8800 mm	1650 mm	2785 mm	38,100 kg
(346 ½ in)	(65 in)	(110 in)	(84,000 lb)



Deputy Chair Mitchell asked the board members if there are any questions at this point in the presentation.

Deputy Chair Mitchell asked about the containers and how batteries are stored inside. Ms. Sproviero explained showing the level of racks (as shown below). Each battery unit is 20 ft by 9 ft tall by 6 ft deep with an operational life of 25 years – possibly higher. There is ventilation on the top of the container mostly used during warm weather.

### Tesla Megapack 2XL Safety Features and Standards



1. Battery modules with active and passive fuses – externally serviceable
2. Touch-safe Customer Interface Bay
3. Non-walk-in IP66 enclosure and deflagration mitigation
4. Thermal roof with overpressure vents

- UL 1642 (cell-level certification)
- UL 1973 and IEC 62619 (battery module-level certification)
- UL 9540, IEC 62933-5-2, IEC 62109-1 (system-level certification)
- UL 1741, CSA C22.2 #107.1 (power electronics)
- UL 1998 and IEC 60730 Annex H (functional safety of software)
- IEC 61000-6-2, and EN 55011 (EMC)
- UN 38.3 (transportation, self-certified)
- IEEE 693 (seismic safety)
- UL 9540A (large-scale fire testing): Tested at the cell, module, and unit level
- And many more, including compliance to major market grid codes

Internal controls systems in place to prevent fire events occurring. Internal fire prevention in the form of a Sparker System paired with rooftop deflagration vents come integrated in the Megapack system

Tesla Megapack 2XL holds a current Certificate Of Approval (COA) for application within the City of New York, granted by the City of New York Fire Department Bureau of Fire Prevention

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Mr. Henty asked about the new fire codes that took effect January 2026. Ms. Sproviero is aware of the new fire codes and they meet these codes which include:

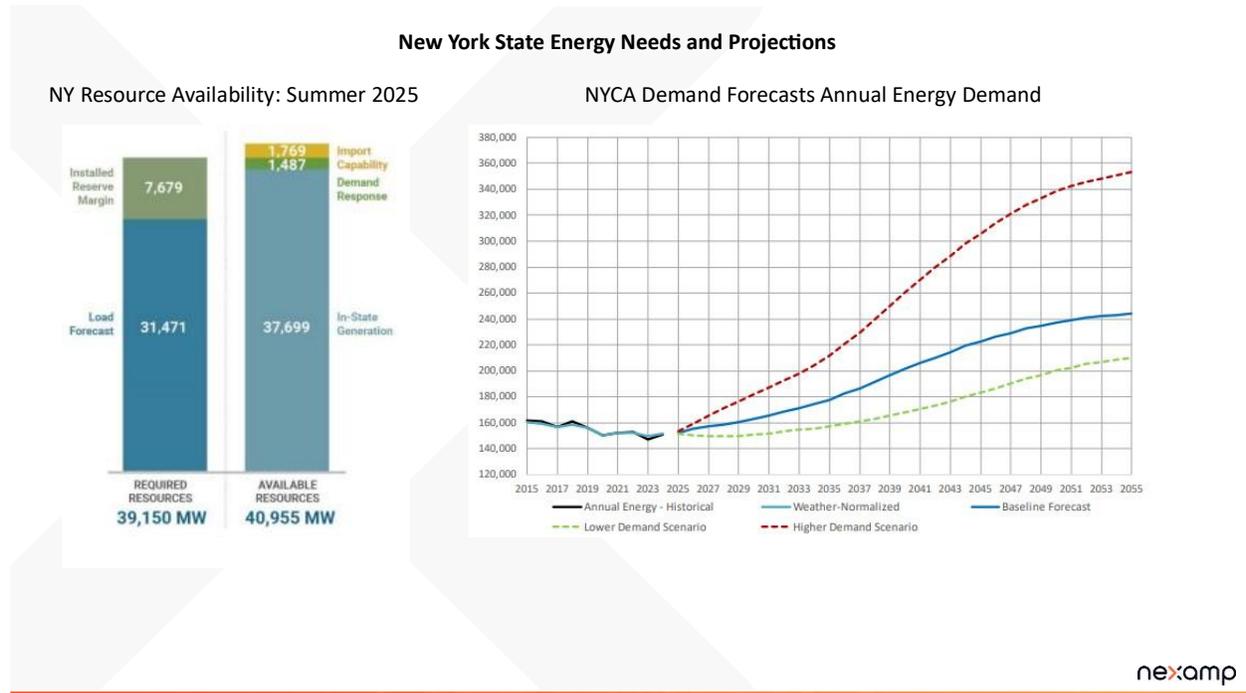
- ✓ Mandatory Peer Reviews to ensure safety and compliance
- ✓ Emergency Response Plan to enhance preparedness for emergencies
- ✓ Safety Signage Requirements including perimeter fences and security barriers
- ✓ Fire Code Exemption Removal – this exemption for BESS projects owned or operated by electrical utilities is removed to ensure compliance with the fire code.

Mr. Graves asked if this container is just batteries or can it convert to AC/DC. Ms. Sproviero said there are some internal inverters on site.

Ms. Guinup questioned the life operation and asked what happens after the 25-year end. Ms. Sproviero said once the batteries are out of commission would be craned off site by Tesla,

possibly to be recycled. Ms. Guinup said this is a concern as compared to solar panels. Brief discussion followed.

Ms. Sproviero continued with the slide “NYS Energy Needs and Projections”. Ms. Sproviero said the demand is moving up and we have already reached our max demand.



Mr. Henty asked how many battery sites are operational. Ms. Sproviero said 10. Mr. Henty continued and asked why National Grid doesn't do this storage. Ms. Sproviero said these containers can be put on a small area and National Grid does not want to incur the cost which would go through the ratepayer. Mr. Henty asked what this can do for the town of Clay and would there be a tax exemption. This will be discussed at a later time.

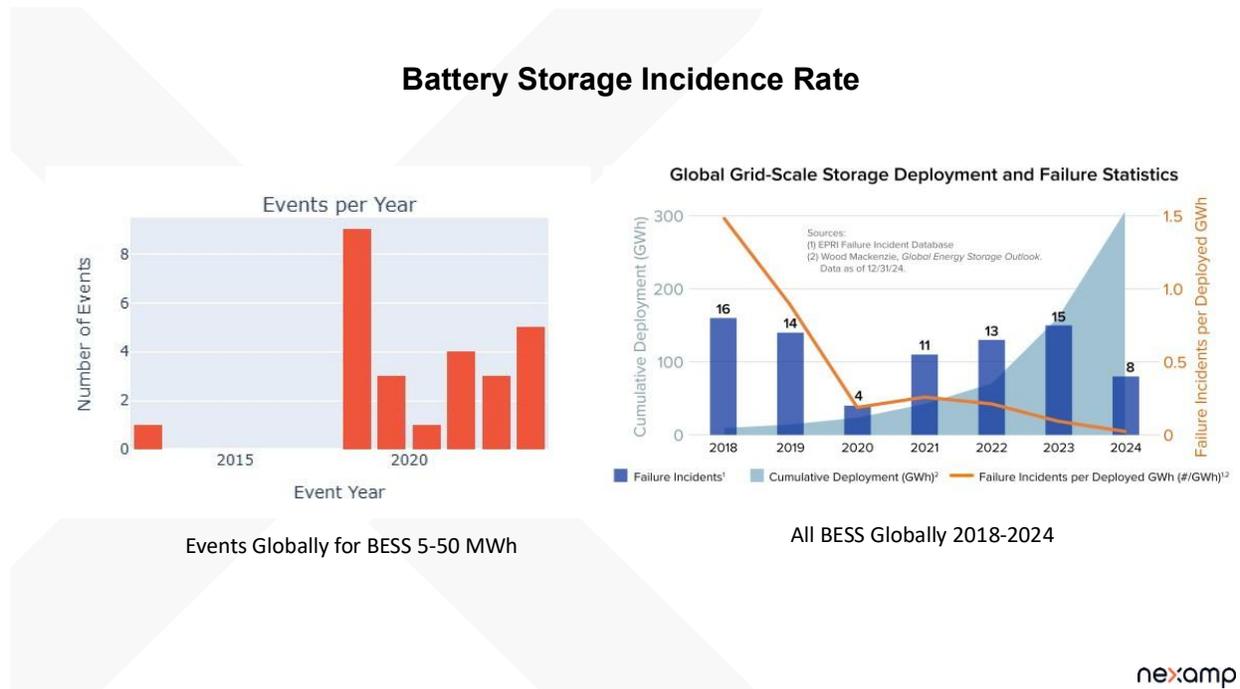
Deputy Chair Mitchell asked why the Wetzel Road site was selected. Ms. Sproviero said it is vacant, highly disturbed land and close to the National Grid Substation which would reduce the cost of an interconnection.

The noise level was discussed. Levels will increase and decrease during charging and discharging. 70 decibels are the highest level. Charging will be done in the evening where noise would be heard in the neighboring areas. Ms. Sproviero said acoustic barriers can be put up including 10 ft high fencing. A monitoring system will be done for the noise level.

Deputy Chair Mitchell asked when the six units are charging what is the decibel level. Ms. Sproviero said this is in the 70-decibel range but will be addressed further.

Mr. Graves asked about the ventilation and how this will affect Central New York weather patterns in the cold weather as snow and rain are different from ventilation controlling heat. Ms. Sproviero said this has been tested for these conditions and will provide that information to the board.

Slide – “Battery Storage Safety”.

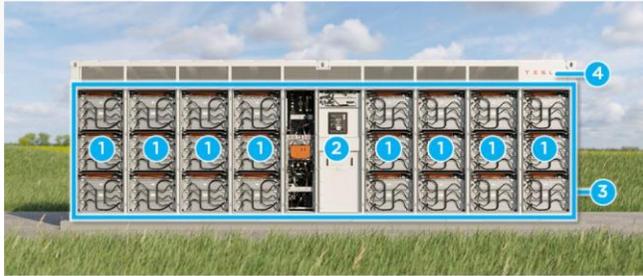


Mr. McMahon referred to the incidences shown on this slide and asked how many as is says 5. Mr. McMahon 5 out of how many? Ms. Sproviero said this will be provided to the board.

The last slide below shows what is inside the containers as numbered:

1. Battery Module with active passive fuses
2. Touch safe customer interface bay
3. Non walk in enclosure and deflagration mitigation
4. Thermal Roof with overpressure vents

### Tesla Megapack 2XL Safety Features and Standards



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Mr. Henty again questioned the battery safety and the response time as shown on the slide as it pertains to the Wetzels Road Site because of the proximity to residential areas. Ms. Sproviero said Mr. Wood will address this.

Questions on the testing were asked and Mr. Eric Wood, Sr. Consultant to Response Group, discussed the response time and safety of the enclosures. Mr. Wood explained in detail the testing that is done. He explained that this type of testing is done to increase safety.

## Battery Energy Storage Compliance Protocols and Documents

Our track record of operating safe and reliable renewable systems comes from our dedication to adopting the highest standards of compliance for our design, operation, and maintenance protocols. Nexamp adheres to the 2025 New York State Fire Code.

Nexamp is equipped with a robust internal operation and maintenance team trained to respond to the full range of required interventions from cleaning to emergency response. In addition, Nexamp can offer pre-operations and ongoing training to the local Fire Department through the life of the project. Typically, Nexamp recommends one virtual training focused on the ERP and HMA, an initial onsite walk through, and annual emergency response training.

Nexamp also utilizes a 24/7 operations center that manages dispatches nationwide and monitors all our systems across the country.

1. Storage Operation and Maintenance Plan
2. Equipment Specification Sheet
3. Storage Commissioning Plan
4. Fire Safety Compliance Plan
5. Emergency Response Plan
6. Hazard Mitigation Analysis (HMA)
7. Decommissioning Plan

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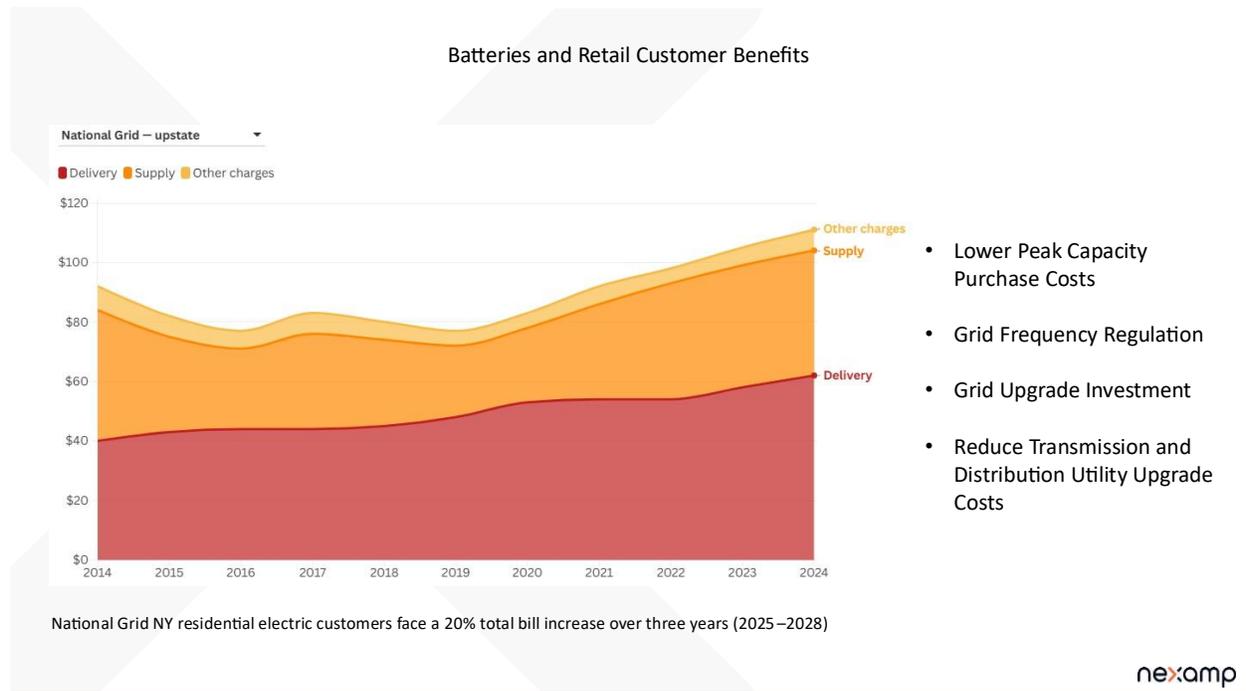
Ms. Sproviero said fires are more contained due to newer technology and the Mega Pack 2XL are considered the best.

Mr. Henty and Ms. Guinup both continued this discussion regarding the 4-hr response time and expressed concern watching the fire burn itself out. Mr. Wood referred to the NYS Fire Code as a fire expert has to be on site within the 4-hour time. Ms. Guinup said it is totally unacceptable to just watch the fire burn out for 4 hrs. Mr. Henty said good winds blow in this area. Mr. Wood said it does not go up 100 ft. Deputy Chair Mitchell said Moyers Corner Fire Department needs to be contacted for more discussion.

Mr. Graves asked about testing of cells. Mr. Wood gave a detailed explanation. Mr. McMahon asked how hot does the container get. Mr. Wood gave the explanation and it was understood by Mr. McMahon.

Ms. Guinup asked if they are regulated by PSC (Public Service Commission) or Federal Agency. Ms. Sproviero said PSC. Ms. Sproviero said they are privately, profit owned utility **not** publicly owned utility. Discussion on who gets the profit from this operation. Ms. Guinup ask Ms. Sproviero what are the benefits to the residents of Clay. Will Clay get any reimbursement and will there be any impact on utility bills. Ms. Sproviero said no impact on utility bills but it will balance out high peaks and demands (example during 100 degree days). Ms. Guinup said National Grid will benefit. Also Ms. Guinup referred to the slide below and said it is common knowledge we are paying for Micron upgrades which Ms. Sproviero agreed.

Mr. Henty asked about exemptions for the town of Clay. Ms. Sproviero said nothing on this yet but will be looking at tax exemptions, PILOT or Host Agreements at a later date. More discussion followed. Mr. Bender, Commissioner of Planning and Development, will explore the host agreement.



The presentation concluded and Deputy Chair Mitchell asked the public if there are any questions as this is a public hearing.

Ms. Janet Rathburn, 4760 Freestone Rd., questioned power outages, noise levels, manufacturing date of Tesla batteries, response team location, number of sub stations.

Mr. Ralph Turner, 4188 Rigel Course, questioned if there can be another sub station that is not close to residential and schools. Also, Ratepayers are residents. Residents are not going to get anything out of this. And as far as green energy goes, Nexamp is not a green energy supplier or provider but a storage so this should be kept in mind.

Deputy Chair Mitchell said a referral will be given at the next meeting.

Hearing no other questions, Deputy Chair Mitchell closed this case and asked for a motion.

Motion made by Mr. Henty to adjourn this case to February 25, 2026. Seconded by Ms. Guinup.

**Motion Carried: 5-0.**

#2026-002 – Nexamp/Longbranch Storage at Longbranch Rd., Special Permit Referral.

Deputy Chair Mitchell said two letters are on record received from residents in the Longbranch area in opposition. Everything that was heard in the previous case applies here except the location so there is no need to reiterate the same information.

This is for a proposed development of a 5 MW AC Battery Energy Storage System on .2-acre portion of a .78-acre lot located on Longbranch Road, including Tesla Megapack units, equipment pads, utility connection, landscaping screening fencing, emergency lock box, and a 20-foot access driveway.

Deputy Chair Mitchell said if this goes to site plan the entrance will be at the mall entrance and another curb cut cannot be put on Longbranch Road.

Deputy Chair Mitchell asked about sodium ion batteries

Sodium ion batteries are rechargeable batteries that use sodium ions as charge carriers, offering a cost effective and environmentally friendly alternative to lithium ion batteries. However, these are not manufactured in the US only in China. These batteries have slower charging time and lower energy density. Ongoing research and developments continue to enhance performance.

Deputy Chair asked if there are any questions from the board. None.

Mr. Bender, Commissioner of Planning and Development stated that one site is in an I-1 industrial district and the other is in an RC-1 residential commercial. The owners of the shopping mall, residents and staff say this is not ideal for the use in an RC-1 district.

Hearing no comments from the public, Deputy Chair Mitchell closed this case and asked for a motion.

Motion made by Mr. Henty to adjourn case #2026-002 to February 25, 2026. Seconded by Ms. Guinup.

**Motion Carried: 5-0.**

#2026-004 – **Carson Power, LLC/Wetzel BESS A&B** at 7846 & 7850 Goguen Drive, Special Permit Referral

Mr. Dan Murray, Ms. Emily Thomas, and Mr. Eric Anderson are present to address the board.

Mr. Anderson said the project is located at 7846 & 7850 Goguen Drive. They are proposing development of two 5 MW AC, 4-hour battery energy storage system on two parcels in an I-1 industrial district including equipment pads, security fencing electric trenching and seventeen utility poles for grid connection. This is located ½ mile from National Grid substation.

Comments have been responded back to the Onondaga County Planning Board. Conversation have been made with Fire Chief Brown of the Moyers Fire Department. Tesla batteries are 90% recyclable and also have submitted a decommissioning plan. They are hiring a specialist for the

noise level to meet the 65-decibel required at that location. They are regulated by the PSC as they are a public utility. This project has been approved by National Grid to be interconnected to the grid so long as permits approved by the town of Clay. A PILOT program is only for the improvements on the property.

Deputy Chair Mitchell asked how big is their operation. There are fourteen people on the team.

The utility poles have been reduced by three. Poles are replaced by risers.

Ms. Guinup asked if the response time is the same. Mr. Anderson said yes.

Mr. Bender, Commissioner of Planning & Development, said staff is working with the town board and supervisor's office. The town recognizes that it is not properly codified to deal with these activities and are moving forward with a specific ordinance to deal with these as they come forward as another application has come in to the Planning Department.

Ms. Janet Rathburn asked if there could be expansion on the site. Mr. Anderson said no expansion will be done on this site.

Mr. Russell asked if these two site can co exist within the scope of the project. Yes confirmation from National Grid said these projects are electrically viable and Mr. Anderson said if we choose to proceed a interconnection agreement would be signed.

There were no more questions from the board or public.

Deputy Chair Mitchell closed this case and asked for a motion.

Motion made by Mr. Henty to adjourn this case to February 25, 2026. Seconded by Mr. Graves.

**Motion Carried: 5-0.**

The meeting resumed with Chairwoman Borton and Mr. Palumbo returning to the meeting.

#2026-009 – **Donald Gabor**, 8150 Morgan Road, Preliminary Plat

No one was present on behalf of the applicant. Mr. Bender, Commissioner of Planning & Development, is working with the applicant on the issues to be able to move forward with this application.

Motion made by Mr. McMahon to adjourn this case to February 25, 2026. Seconded by Mr. Palumbo.

**Motion Carried: 7-0**

**Old Business:**

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#2025-041 – **Morgan Road Business Park**, located on Morgan Road (East Side) Site Plan. (Adj 3)

No one was present on behalf of the applicant. Chairwoman Borton closed this hearing and asked for a motion.

Motion made by Mr. Graves to deny case #2025-041 without prejudice. Seconded by Mr. McMahan.

Mr. Bender said a letter from the Planning Department will be sent to the applicant.

**Motion Carried: 7-0.**

#2025-044 – **Chad Mutter/7293 Buckley Road – EV Charging Stations** located at 7293 Buckley Road, Amended Site Plan (Adj. 3)

The applicant requested an adjournment to March 18, 2026.

Motion made by Mr. Graves to adjourn case #2025-044 to March 18, 2026. Seconded by Mr. McMahan.

**Motion Carried: 7-0**

#2025-050 – **Ironhorn Enterprises/Troy Bullock (7245 Warehouse)**, located at 7245 Henry Clay Blvd., Amended Site Plan, (Adj. 3)

Ms. Alex Samoray, Keplinger Freeman, is present to address the board on behalf of the applicant.

Ms. Samoray said the SEQR determination is needed. Ms. Samoray said this will be provided in a formal letter. Capacity insurance and parking agreement being worked on by the applicant.

This is a public hearing and asked the board if there are any questions/comments. None. There were no questions/comments from the public.

Motion made by Mr. Graves to adjourn case #2025-050 to February 25, 2026. Seconded by Mr. Palumbo.

**Motion Carried: 7-0**

#2025-052 **James Nichols/Lands of Nichols LD, LLC**, 7240 Oswego Rd, Zone Change Referral (Adj. 1)

This case has been tabled by the town board.

Motion made by Mr. Mitchell to adjourn this case to April 22, 2026. Seconded by Mr. Graves.

**Motion Carried: 7-0.**

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#2025-054 – **Cheryl D. White/Clay Equestrian Center**, 9605 Black Creek Road

Note: This was adjourned to **February 25, 2026** per the motion made at the January 28, 2026 meeting

#2025-056 – **Northside Baptist Church**, 7965 Oswego Road, Amended Site Plan (Adj. 1)

Ms. Alex Samoray, Keplinger Freeman, is present to address the board on behalf of the applicant.

Ms. Samoray said site plan have been updated. Also, working with engineering on SWPPP. Ms. Choberka is finalizing her review. Water service has been worked out with the water department. Received correspondence on the bats. This will be forwarded to the planning department.

No comments from board members or the public.

Motion made by Mr. Mitchell to adjourn case #2025-056 to February 25, 2026. Seconded by Mr. Graves.

**Motion Carried: 7-0.**

#2026-011 - **The Farmstead Section No. 8 Maple Road**, Final Plat.

Motion made by Mr. Graves to adjourn this case to March 18, 2026. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion made by Mr. Graves to adjourn this meeting at 10:38 p.m. Seconded by Mr. Palumbo.  
Next meeting is February 25, 2026.

**Motion Carried: 7-0.**

Respectfully Submitted,

*Marie Giannone*

Marie Giannone  
Planning Board Secretary