MICRON NEW YORK SEMICONDUCTOR MANUFACTURING FACILITY ZONING BOARD HEARING PRESENTATION

OCTOBER 13, 2025

Jacobs

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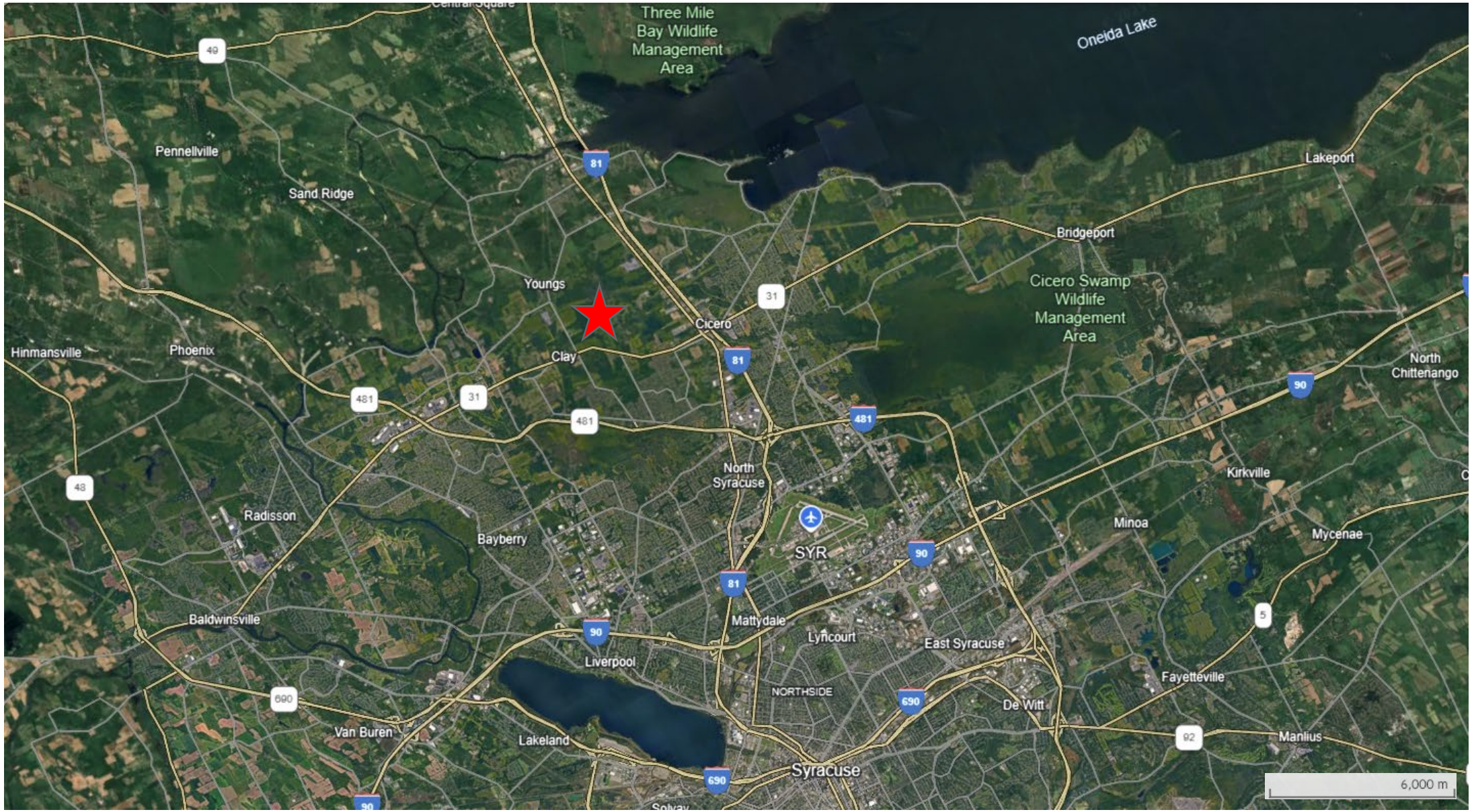
PROJECT SITE LOCATION

MICRON NEW YORK SEMICONDUCTOR MANUFACTURING SITE - CLAY, NEW YORK



ZBA STANDARD OF PROOF

ZBA STANDARD OF PROOF - CRITERIA FOR ASSESSING VARIANCE REQUESTS

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II

II. Standard of Proof

The ZBA is empowered to grant area variances in accordance with Town Law Section 267-b(3) and the Town of Clay Zoning Code (the "Zoning Code"). In deciding whether to grant an area variance, the ZBA must take into consideration "the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." Town L. § 267-b(3)(b). Further, "[i]n making such determination, the [ZBA] shall consider whether:

> (1) an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
>
> (2) the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, or other area variance;
>
> (3) the requested area variance is substantial;
>
> (4) the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
>
> (5) the alleged difficulty was self-created, which consideration shall be relevant to the decision of the [ZBA], but shall not necessarily preclude the granting of the area variance.

The five factors set forth above provide guidance for consideration of the issues that must be considered by the ZBA. Importantly, no one factor is dispositive, but rather the ZBA must balance these considerations to weigh the benefit of granting the variance against the detriment to the health, safety and welfare of the surrounding neighborhood or community that would result from such grant.

VARIANCE REQUESTS

(ZBA CASE #1988)

- NUMBER OF REQUIRED LOADING SPACES
- NUMBER OF REQUIRED PARKING SPACES
- FENCE HEIGHT RESTRICTIONS
- SITE SETBACK REQUIREMENTS
- ACCESSORY STRUCTURE REQUIREMENTS

VARIANCE REQUEST #1- RELIEF FROM NUMBER OF REQUIRED LOADING SPACES

TOWN OF CLAY ZONING CODE § 230-21(E)

E. **Required parking and loading spaces. The following parking and loading spaces shall be provided and satisfactorily maintained by the owner-occupant of the property for each land use on the property.**

Group Name	*Minimum Required Parking Spaces*	*Minimum Required Loading Spaces*
Production site (manufacturing)	4/1,000 sq. ft.	1/30,000 sq. ft.

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-A

The Zoning Code requires a minimum of 1 loading space per 30,000 sq. ft. [Zoning Code § 230-21 E.]. Because of the sheer size of Micron's proposed Fab and ancillary building, culminating in a total square footage of 1.2M sq. ft., Micron would be required to provide a minimum of 252 loading spaces per Fab. Micron's proposed site plan application[2] provides for 36 loading docks for the first Fab, which will meet its operation requirements.

Because the number of loading spaces is directly tied to the square footage of Micron's buildings, Micron cannot achieve a reduction in the minimum loading space requirements without reducing the square footage of its buildings. The square footage of each of Micron's buildings is carefully designed to align with the production needs of the company, which allows it to maintain its market share in a highly competitive industry.

STANDARD OF PROOF CRITERIA COMPLIANCE

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties through granting this variance. Reducing the number of loading spaces allows the site to be designed to preserve as much green space as possible for its workers, visitors, and the community.

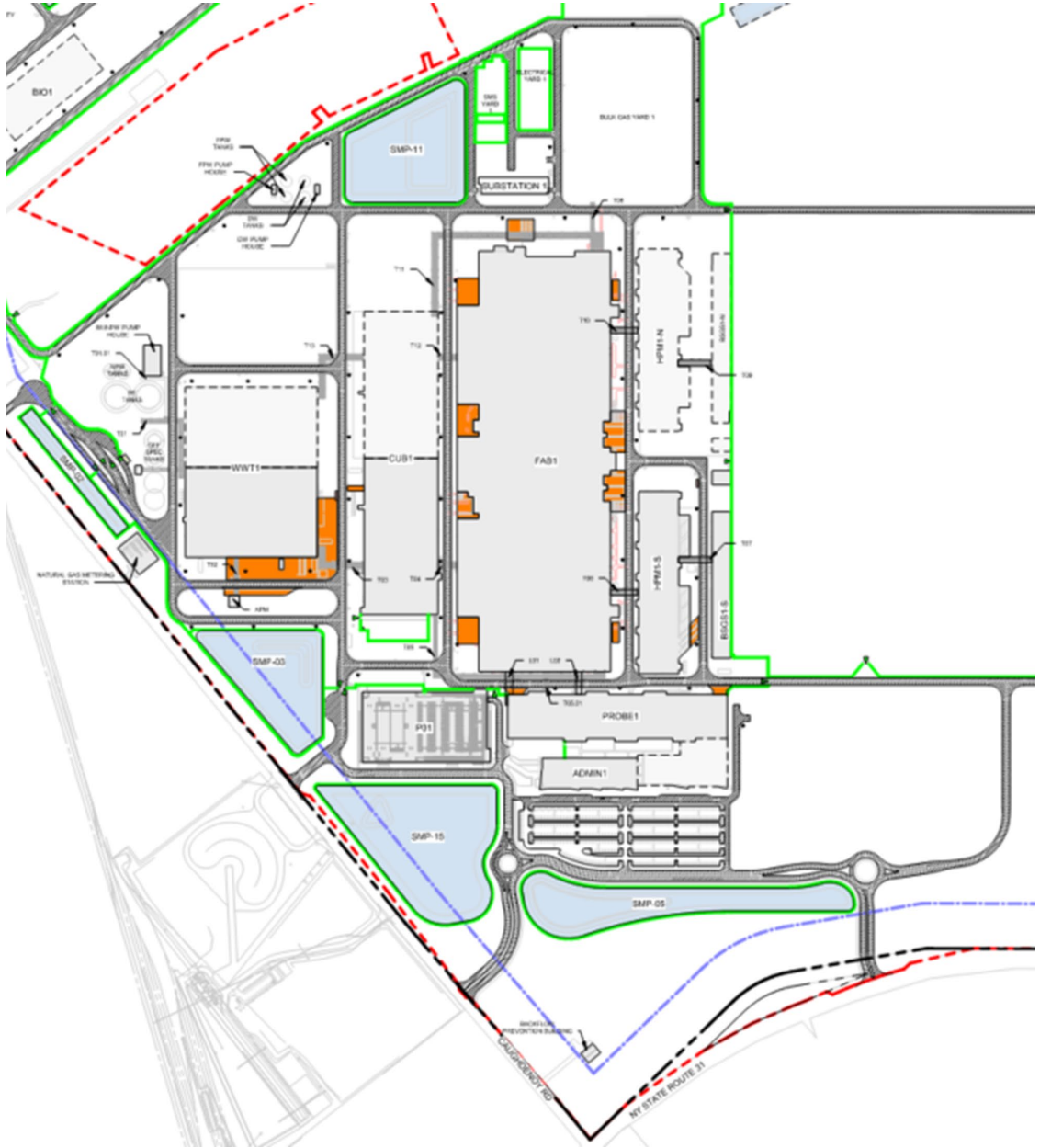
2. The number of loading spaces cannot be reduced without reducing the square footage of the buildings. The square footage of each of Micron's buildings cannot be feasibly changed because they are carefully designed to align with the production needs of the company.

3. The request is not substantial because it seeks to reduce the overall footprint of the site and align the number of loading spaces with the needs of the business, including its projected daily deliveries.

4. The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Reducing the number of loading spaces reduces the impervious surfaces on site and allows more efficient site utilization. This approach preserves more of the remaining wetlands and habitats on site.

5. The difficulty of meeting the minimum number of loading spaces was not self created. The square footage and footprint of Micron's Fabs and ancillary buildings are carefully aligned with its production goals to maintain a competitive position in a strategically important industry.

VARIANCE REQUEST #1- RELIEF FROM NUMBER OF REQUIRED LOADING SPACES



LOADING DOCK SUMMARY

	REQUIRED	PROVIDED
ADMIN/PROBE	32	9
FAB	130	19
CUB (MOD 1 & 2)	25	1
HPM1-S	8	3
BSGS1-S	2	0
HPM1-N	8	3
BSGS1-N	2	0
WWT (MOD 1 & 2)	45	1
TOTAL	**252**	**36**

LEGEND

- PROPOSED BUILDING FOOTPRINT
- BUILDING FOOTPRINT - FUTURE
- PROPOSED ENCLOSED TRESTLE
- PROPOSED TRUCK OFFLOADING AREA
- PROPOSED DETENTION AREA
- TEMPORARY DETENTION AREA
- PROPOSED ROAD
- LIMIT OF DISTURBANCE
- PROPERTY LINE
- SETBACK LINE
- PROPOSED FENCELINE
- SECURITY GATE

VARIANCE REQUEST #2- RELIEF FROM NUMBER OF REQUIRED PARKING SPACES

TOWN OF CLAY ZONING CODE § 230-21(E)

E. **Required parking and loading spaces. The following parking and loading spaces shall be provided and satisfactorily maintained by the owner-occupant of the property for each land use on the property.**

Group Name	*Minimum Required Parking Spaces*	*Minimum Required Loading Spaces*
Production site (manufacturing)	4/1,000 sq. ft.	1/30,000 sq. ft.

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-B

The Zoning Code requires a minimum of 4 parking spaces per 1,000 sq. ft. [Zoning Code § 230-21 E]. Because of the sheer size of Micron's proposed Fab and ancillary building, culminating in a total square footage of 1.2M sq. ft., Micron would be required to provide a minimum of 29,568 parking spaces per Fab. Micron's proposed site plan application provides for 500 surface parking spaces and 2,400 parking garage spaces for the first Fab. Therefore, Micron is seeking a variance to reduce the number of parking spaces required for its first Fab.

Micron values the importance of green space on its campuses and seeks to maintain as much as practicable for its employees, visitors, and neighbors. Allowing a reduction in parking spaces allows Micron to reduce the number of surface area parking lots in order to maintain this green space. Therefore, allowing Micron to reduce the number of required parking spaces does not result in an undesirable change to the character of the neighborhood or detriment to nearby properties, but rather allows the area to maintain some natural vegetation and green space.

STANDARD OF PROOF CRITERIA COMPLIANCE

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties through granting this variance. Reducing the number of parking spaces allows the area to maintain as much natural vegetation and green space as practicable for its workers, visitors, and neighbors.

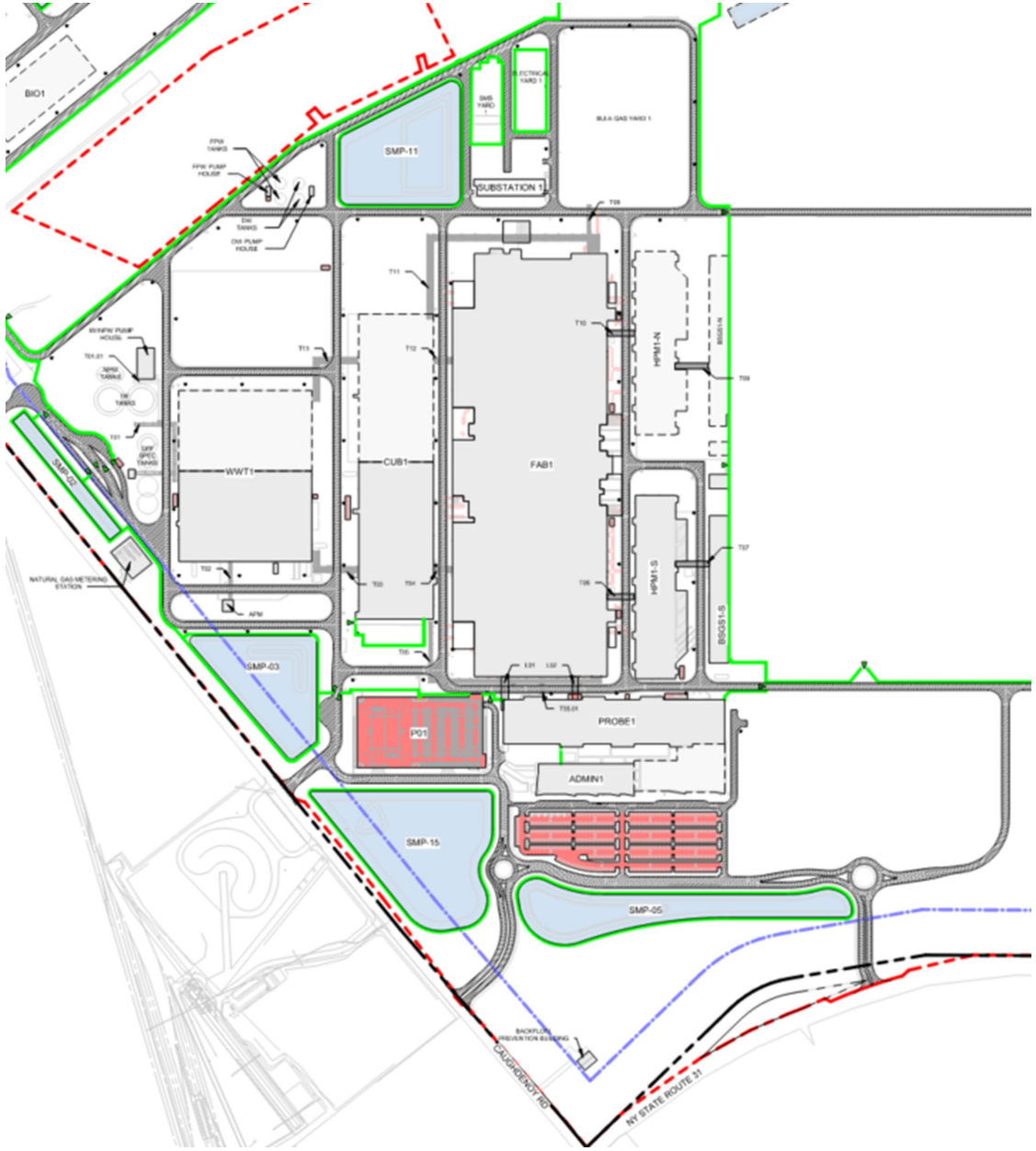
2. The number of parking spaces cannot be reduced without reducing the square footage of the buildings. The square footage of each of Micron's buildings cannot be feasibly changed because they are carefully designed to align with the production needs of the company.

3. The request is not substantial because it seeks to reduce the overall footprint of the site and align the number of loading spaces with the needs of the business, including its projected workforce and visitors.

4. The request will have beneficial effects rather than adverse effects or impact on the physical or environmental conditions in the neighborhood or district. The U.S. Army Corps. of Engineers and the NYS Department of Environmental Conservation have requested that Micron reduce the number of parking spaces to reduce impacts on wetlands and habitat areas. The number of parking spaces in the site plan reflects this request and preserves as much green space, wetland, and habitats as possible.

5. The difficulty of meeting the minimum number of loading spaces was not self created. The square footage and footprint of Micron's Fabs and ancillary buildings are carefully aligned with its production goals to maintain a competitive position in a strategically important industry.

VARIANCE REQUEST #2- RELIEF FROM NUMBER OF REQUIRED PARKING SPACES

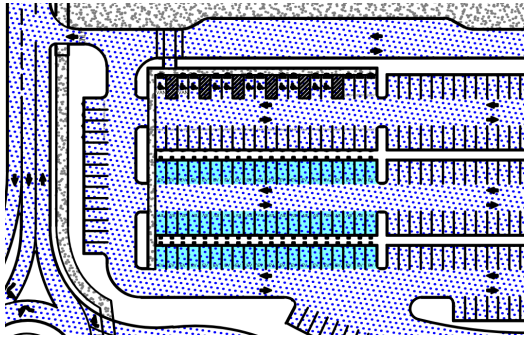


PARKING SUMMARY

	REQUIRED	PROVIDED
ADMIN/PROBE	3,852	
FAB	15,698	
CUB (MOD 1 & 2)	2,498	
HPM1-S	856	
BSGS1-S	208	
HPM1-N	856	
BSGS1-N	208	
WWT (MOD 1 & 2)	5,392	
TOTAL	**29,568**	**3,005 (19 MOTORCYCLE, 10 GOLF CART)**

EV PARKING SPACES

The project has 60 designated EV spots in the surface parking lot (shown in blue).



LEGEND

- PROPOSED BUILDING FOOTPRINT
- BUILDING FOOTPRINT - FUTURE
- PROPOSED ENCLOSED TRESTLE
- PROPOSED PARKING
- PROPOSED DETENTION AREA
- TEMPORARY DETENTION AREA
- PROPOSED ROAD
- LIMIT OF DISTURBANCE
- PROPERTY LINE
- SETBACK LINE
- PROPOSED FENCELINE
- SECURITY GATE

VARIANCE REQUEST #3- RELIEF FROM FENCE HEIGHT RESTRICTIONS

TOWN OF CLAY ZONING CODE § 230-17(D)(5)(c)(2)

[2] Any open storage of materials or waste shall be screened from view from all property lines with a seven-foot-high fence, hedge or similar opaque barrier. Such screening shall comply with applicable setbacks.

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-C

The Zoning Code requires 7-foot high fences [Zoning Code § 230-17(D)(5)]. Micron's site plan application provides an 8.5-foot-high perimeter fence which includes a 7-foot fence with 18 inches of barbed wire on top. Semiconductor manufacturing requires strict protocols for the security and safety of the site. Micron's top priority is the health and safety of its workforce, site visitors, and the general public. This requires robust security measures including limited site access, credential badging, and other measures to ensure that certain areas of the site, including areas like the bulk gas yards, the HPM buildings, and substations, are accessed only by those who are specialty trained to access these areas of the site. In addition to safety, Micron must also ensure security of its facilities and its products. The semiconductor industry is highly competitive and can often be a target of unauthorized removal of data or hardware. In order to protect its intellectual property, products, and its manufacturing process, Micron requires a multi-layered security protocol which includes perimeter barriers, 24/7 surveillance, security monitoring stations, badging and full-body metal detectors. An 8.5-foot fence is an integral part of this multi-layered security protocol.

STANDARD OF PROOF CRITERIA COMPLIANCE

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties because the property is located in an industrial zone, where similar security measures are common and expected. The fencing will be professionally installed and maintained to ensure visual compatibility with the area.

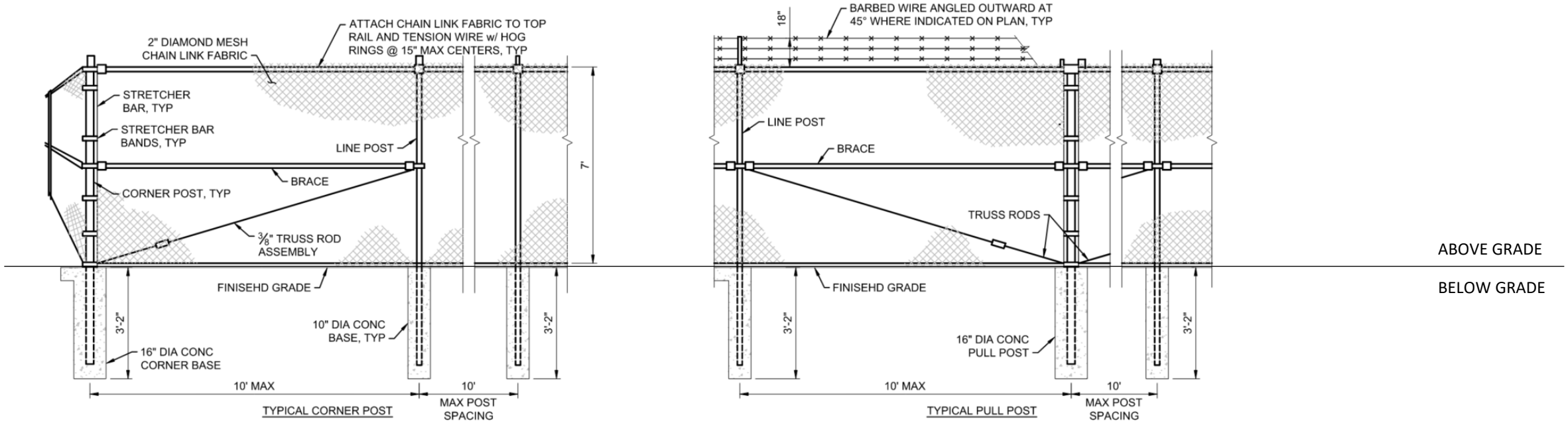
2. Micron's security standard cannot be met by other means because a shorter fence does not provide sufficient deterrence against unauthorized access to the site. A taller perimeter fence must be used in addition to other security measures as the first line of protection for Micron's workers, guests, and the public.

3. The request is not substantial within the I-2 zone, where it is common to have taller perimeter fencing, proportionate to the industrial use and operational security of manufacturing and other industrial businesses.

4. The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The fence will be professionally installed and will not impact drainage or other onsite environmental considerations such as wetlands.

5. The taller fence requirement is caused by the sensitivity and safety needs of Micron's operations but is consistent with other industrial manufacturing operations in the I-2 zone. This should not preclude the granting of this request because it does not negatively affect the surrounding area and provides safety benefits to Micron's workers, guests, and the public.

VARIANCE REQUEST #3- RELIEF FROM FENCE HEIGHT RESTRICTIONS



13 CHAIN LINK FENCE

NTS

Visualization of fencing at campus perimeter

VARIANCE REQUEST #4- RELIEF FROM SETBACK REQUIREMENTS FOR CERTAIN STRUCTURES

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-D

The Zoning Code provides that in the I-2 zone, properties must have a minimum front yard setback of 200 feet from a state or county highway and 50 feet from a town or private highway. Additionally, the Zoning Code provides a minimum setback of 25 feet for side and rear yards [Zoning Code § 230-17 D(4)(b)].

The WPCP is located along NYS Route 31 between NYS Route 11 and Caughdenoy Road. Burnet Road runs north and south in the middle of the WPCP. The location of the WPCP along these roadways places the proposed project in a highway overlay district. The highway overlay district applies to lots adjacent to or abutting designated highways and imposes dimensional controls in addition to underlying zone district requirements [Zoning Code §230-19(A)(2)].

Therefore, additional considerations related to the standard setback requirements for the I-2 zone are required for the proposed project. Specifically, pursuant to the Zoning Code, Route 31 is considered a Type A highway requiring two times the minimum frontage. This would typically require a front yard setback of 400 feet. [Zoning Code §§230-19(3)(b) and (4)(b)(1)]. Additionally, Caughdenoy Road is listed as a Type C highway typically requiring 1.5 times the minimum frontage resulting in a front yard setback of 300 feet. [Zoning Code §§230-19(3)(b) and (4)(b)(1)]. However, the WPCP is considered a corner lot, and therefore pursuant to the highway overlay district corner lot requirements, the WPCP must have a 250-foot setback requirement along Route 31 and Caughdenoy Road, measured from the road's right-of-way edge [Zoning Code § 230-19(A)(6)(a)].

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-D

Request Summary

For the purposes of this application, which seeks variances for construction and operation of Micron's first Fab, Micron is seeking relief from the minimum setback requirements along Route 31 and Caughdenoy Road.[3] Additionally, Micron seeks relief from the 50-foot setback required for Burnet Road. Importantly, Micron's design and request for a variance to the setback requirements takes into consideration potential future expansions of Route 31 and Caughdenoy Road and maintains space for any future expansion of these roadways. [Zoning Code § 230-19(A)(1)]. Within the setback requirement, Micron will propose the following accessory structures:

PROPOSED ACCESSORY STRUCTURES WITHIN SETBACK

1. **Safety and Security Needs (Fencing, Lighting, Landscaping)**

   Micron is seeking relief from the setback requirements to allow for an 8.5-foot perimeter fence, landscaping, and lighting within the setback areas along Route 31, Caughdenoy Road and Burnet Road as well as relief to erect fences around the stormwater retention ponds that are within setbacks.

2. **Other Structures (Monument Sign and Rail Spur Conveyance Footings)**

   Micron anticipates a monument sign and structural foundations for the adjacent rail spur conveyance system will need to be located within the setback limitations. The monument sign is proposed to be located near the main entrance of the campus along Caughdenoy Road. Micron seeks relief to place structural foundations for the conveyance system associated with the adjacent rail spur site within the setback on Caughdenoy Road.

VARIANCE REQUEST #4- RELIEF FROM SETBACK REQUIREMENTS FOR CERTAIN STRUCTURES

STANDARD OF PROOF CRITERIA COMPLIANCE
Safety and Security Needs (Fencing, Lighting, Landscaping)

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties because the property is located in an industrial zone, where similar security measures are common and expected. The fencing, landscaping, and lighting would not impact traffic along Route 31 and Caughdenoy Road and would provide a natural visual barrier to the site.

2. Micron's security standard cannot be met by other means because a fence outside of the setback areas constrains the design of the critical buildings necessary for semiconductor manufacturing.

3. The request is not substantial within the I-2 zone, where it is common to have perimeter fencing, landscaping buffers, lighting, and fences around secure locations where the design is proportionate to the industrial use and operational security of manufacturing and industrial businesses.

4. The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The fences will be professionally installed and will not impact drainage or other onsite environmental considerations such as wetlands. Environmental impacts are minimized to stay within the "limits of disturbance" (LOD) as shown on the Site Master Plan.

5. The need for perimeter fencing, landscaping, lighting and stormwater pond fencing is caused by the sensitivity and safety needs of Micron's operations as well as Micron's desire to provide green space on its campuses for its employees, visitors, and neighbors. These features are consistent with other industrial manufacturing operations in the I-2 zone.

STANDARD OF PROOF CRITERIA COMPLIANCE
Other Structures (Monument Sign and Rail Spur Conveyance Footings)

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties by the proposed monument sign because it is typical for industrial businesses in the area. Additionally, the rail spur conveyance system footings specifically, which are the subject of this request, would not impact the character of the neighborhood.

2. The ability for Micron to designate its main entrance, especially for visitors who may be unfamiliar with the campus, cannot be achieved by other means outside of the setback area. The benefits of the rail spur cannot be achieved without the footings located within the setback because the alternative would be trucking aggregate materials from the rail spur across Caughdenoy Road during peak construction of the project and increase truck traffic, which would defeat the intention of the rail spur site.

3. The request to locate a monument sign at the main entrance is not substantial because it is typical for industrial facilities and assists the public in identifying the proper entrance to the site. While the rail spur system would be a change to the area, the footings specifically, which are the subject of this request, are not a substantial change to the area.

4. The placement of a monument sign will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district but would provide a benefit to drivers allowing quick identification of the campus entrance. Additionally, the rail spur footings would not create an undesirable change to the character of the neighborhood.

5. The need for a monument entrance sign is a hardship that is self-created but should not preclude the granting of a variance because it is not substantial, there is no alternative, and would not change the character of the neighborhood nor cause environmental impact. Similarly for the rail spur footings, the only alternative is to eliminate the rail spur site, which would increase the environmental impacts to the region and significantly delay the project.

VARIANCE REQUEST #4- RELIEF FROM SETBACK REQUIREMENTS FOR CERTAIN STRUCTURES

TOWN OF CLAY ZONING CODE § 230-17 D(4)(b)

(4) Industrial 2 lot and structure dimensional requirements. [Note: When a lot is surrounded on all sides (including across a highway ROW) by other industrial zones, the standards with the asterisk (*) apply.]

(b) Principal structures and attached accessory structures.

[1] Front yard minimum:	
[a] NYS or county highway:	200 feet.
[b] Town or private highway:	50 feet.
[2] Side yard minimum:	25 feet.
[3] Rear yard minimum:	25 feet.
[4] Maximum height:	n/a.
[5] Maximum gross floor area:	n/a.
[6] Maximum number of floors:	n/a.

TOWN OF CLAY ZONING CODE § 230-19 A(2)

(2) **Application.** The Highway Overlay Zone District applies to lots adjacent to or abutting designated highways. This overlay district imposes dimensional controls in addition to the conventional underlying zone district requirements. In the event that there is a difference or conflict with other sections of this code, then the more restrictive or largest minimum requirements shall apply.

TOWN OF CLAY ZONING CODE § 230-19 A(3)(b)

Type A	**Type B**	**Type C**
NYS Route 31	Morgan Road	Bear Road
	Route 11	Buckley Road
	Route 57 (Oswego Road)	Caughdenoy Road
	I-481	VerPlank Road
	South Bay Road	Vine Street
	East and West Taft Roads	Wetzel Road (Buckley Road
	Henry Clay Boulevard	to Route 57)
	(Route 31 to south Town line)	Henry Clay Boulevard (Route 31 north
		to Oak Orchard Road)

TOWN OF CLAY ZONING CODE § 230-19 A(4)(b)(1)

(b) Requirements.

[1] Schedule.

Lot Area and Frontage	**Lots with Access**	**Lots without Access**
Lot area, minimum		
Type A	2 times minimum area	Conventional zone district
Type B	1.75 times minimum area	Conventional zone district
Type C	1.5 times minimum area	Conventional zone district
Minor highway	1.25 times minimum area	Conventional zone district
Lot frontage, minimum		
Type A	2 times minimum frontage	Conventional zone district
Type B	1.75 times minimum frontage	Conventional zone district
Type C	1.5 times minimum frontage	Conventional zone district
Minor highway	1.25 times minimum frontage	

VARIANCE REQUEST #4- RELIEF FROM SETBACK REQUIREMENTS FOR CERTAIN STRUCTURES

TOWN OF CLAY ZONING CODE § 230-19 A(6)(a)

(6) **Highway Overlay District corner lot requirements.**

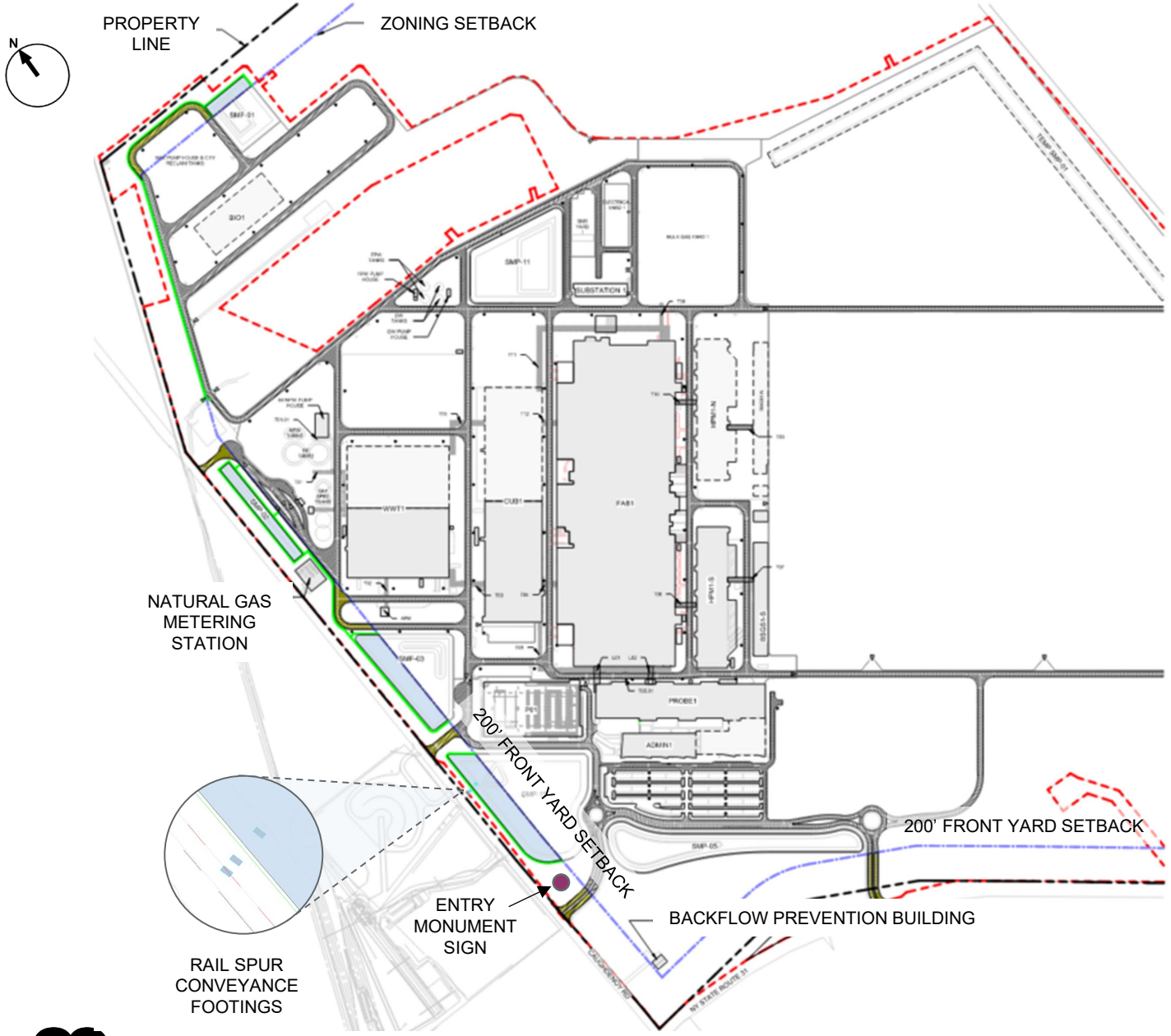
(a) Lots situated at the intersection of a Type A, B, or C highway and a minor highway or a nondesignated highway shall have a minimum depth, measured along the nondesignated ROW, of 250 feet from the Type A, B, or C highway right-of-way edge.

TOWN OF CLAY ZONING CODE § 230-19 A(4)(b)(1)

A. **Highway Overlay Zone District.**

(1) *Intent. The purpose of this overlay district is to foster and maintain a balance between major highways or roads within the Town and private development on lands abutting these roads. These major routes are identified, from time to time, based on variety of factors. These factors include traffic volume, highway functional classification, portion and extent of the Town served by that route. The balance between road and development sought is to protect the proper function of the highway by minimizing adverse effects of development on highway safety or efficiency; to preserve the long-term ability for a highway to improve and expand; and to protect abutting development from adverse effects of the highway. This overlay district attempts to achieve this balance by superimposing on the conventional underlying zone districts additional standards upon vehicular access points, and lot width, depth and setbacks. This district will not alter the allowable land uses permitted within any district affected.*

VARIANCE REQUEST #4- RELIEF FROM SETBACK REQUIREMENTS FOR CERTAIN STRUCTURES



LEGEND

- PROPOSED BUILDING FOOTPRINT
- BUILDING FOOTPRINT - FUTURE
- PROPOSED ENCLOSED TRESTLE
- TEMPORARY DETENTION AREA
- PROPOSED ROAD
- PROPOSED ROAD LIGHTING OUTSIDE SETBACK
- PROPOSED DETENTION AREA OUTSIDE SETBACK
- RAIL SPUR FOUNDATIONS
- LIMIT OF DISTURBANCE
- PROPERTY LINE
- PROPERTY SETBACK
- PROPOSED FENCELINE
- SECURITY GATE
- PROPOSED FENCELINE WITHIN SETBACK
- SECURITY GATE WITHIN SETBACK
- PROPOSED SIGNAGE

VARIANCE REQUEST #5- ACCESSORY STRUCTURE REQUIREMENTS

EXCERPT FROM ZONING BOARD OF APPEALS NARRATIVE - SECTION II-E

As discussed above, the Zoning Code provides that in the I-2 zone with a highway overlay district, properties must have a minimum front yard setback of 250 feet from Route 31 and Caughdenoy Road. The Zoning Code I-2 district also requires a minimum setback of 25 feet for side and rear yards. [Zoning Code §230-17 D(4)(b)-(c)].[6] The Zoning Code's Supplemental Regulations further require accessory buildings to be located behind the principal building and comply with any applicable corner lot requirements. [Zoning Code §230-20(a)]. A principal structure is defined as "a building, structure or mechanical equipment designed, built, occupied, or used by the principal land use activity allowed on the lot." [Zoning Code §230-11]. In contrast, an accessory structure is defined as:

TOWN OF CLAY ZONING CODE § 230-11

STRUCTURE, ACCESSORY -- A building, structure or mechanical equipment or decorative device attached to or detached from a principal structure, located on the same lot or property and is subordinate and incidental to the use of the principal structure. The term includes improvements such as: mailboxes, fences, garages, storage sheds, waste disposal equipment, antennas, swimming pools, parking/loading areas and signs. **[Added 12-15-2014 by L.L. 1-2015]**

To comply with the Zoning Code, all of the indicated Accessory Structures would have to be to the rear (north) of the Bulk Gas Yard. Placing the accessory structures in this location would have significant impacts on the functionality and efficiency of manufacturing.

Note: For this project, Micron has delineated the principal and secondary structures, diagramed on slide 21. See sheet PMT_B000_A0_0303 for full size drawing.

STANDARD OF PROOF CRITERIA COMPLIANCE

1. No undesirable change will be produced in the character of the neighborhood, nor will a detriment be created to nearby properties. The accessory structures that can be seen from the roadways have been intentionally designed with appealing facades, landscaped entrances and courtyards, and screening of unsightly equipment.

2. The benefits sought by this request cannot be achieved by other methods. The needs of the fab and supporting structures have been engineered and designed in a highly technical manner that allows for the optimization of operations for this complex facility.

3. While the request may seem substantial, the alternate of placing the accessory structures behind the principal use causes other more substantial issues to the operational needs of the site, the impact to community character, and the environment. The site is constrained by wetland habitats to the north, making it virtually impossible to rearrange the buildings on the site.

4. The proposed placement of the accessory structures takes into consideration the least environmentally consequential locations and layout for the site as discussed with regulatory agencies USACE and NYSDEC throughout the permitting process.

5. The hardship is not self-created but is a result of the operational needs of the industry, the scale of the campus which impacts pedestrian walking distance considerations, and the site constraints that exist, including the federal and state-regulated wetlands in the north of the property which this site plan intentionally preserves.

VARIANCE REQUEST #5- ACCESSORY STRUCTURE REQUIREMENTS

TOWN OF CLAY ZONING CODE § 230-17 D(4)(b-c)

(4) Industrial 2 lot and structure dimensional requirements. [Note: When a lot is surrounded on all sides (including across a highway ROW) by other industrial zones, the standards with the asterisk (*) apply.]

(a) Lot.	
[1] Area, minimum:	n/a.
[2] Width, minimum:	n/a.
[3] Depth, minimum:	n/a.
[4] Coverage, maximum building:	60% ; *75%.
[5] Coverage, maximum total:	80%; *90%.
(b) Principal structures and attached accessory structures.	
[1] Front yard minimum:	
[a] NYS or county highway:	200 feet.
[b] Town or private highway:	50 feet.
[2] Side yard minimum:	25 feet.
[3] Rear yard minimum:	25 feet.
[4] Maximum height:	n/a.
[5] Maximum gross floor area:	n/a.
[6] Maximum number of floors:	n/a.
(c) Accessory structures, detached.	
[1] Front yard minimum:	existing principal structure rear line.
[2] Side yard setback:	25 feet.
[3] Rear yard setback:	25 feet.
[4] Maximum height:	same as principal structure.

VARIANCE REQUEST #5- ACCESSORY STRUCTURE REQUIREMENTS

Accessory Structure: A structure or mechanical equipment or decorative device attached or detached from the principal structure.

PRIMARY AND ACCESSORY STRUCTURES

PRIMARY STRUCTURES	ACCESSORY STRUCTURES	
FAB BUILDING	PARKING GARAGE	1
CUB BUILDING	SURFACE PARKING LOT	2
PROBE BUILDING	GUARD HOUSE	3
ADMIN BUILDING	ELECTRICAL YARD	4
WWT BUILDING	PUMP HOUSES	5
HMP BUILDING	TANK YARD	6
BSGS YARD	SUBSTATION	7
BULK GAS YARD	SECURITY FENCE	8
	MONUMENT SIGN	9
	RAIL SPUR FOUNDATIONS	10

LEGEND

- PROPOSED PRIMARY STRUCTURES
- PROPOSED ACCESSORY STRUCTURES
- PROPOSED DETENTION AREA
- TEMPORARY DETENTION AREA
- PROPOSED ROAD
- MONUMENT SIGN
- RAIL SPUR FOUNDATIONS
- LIMIT OF DISTURBANCE
- PROPERTY LINE
- SETBACK LINE
- PROPOSED FENCELINE BEHIND SETBACK LINE
- PROPOSED FENCELINE WITHIN SETBACK

PERMITTING DRAWING LIST

PERMITTING DRAWING LIST

- Full size Project Permitting Drawings are on file with the Town of Clay, New York.
- Issued for Permit – August 28th, 2025

DRAWING	DRAWING TITLE
Site Plan Application & Exist. Conditions	
SITE PLAN APPLICATION AND DISCLOSURE AFFIDAVIT	
REFERENCE SPREADSHEET - OUTLINES SPA SUBMITTAL REQUIREMENTS AND CORRESPONDING REFERENCE MATERIAL	
COPY OF CURRENT DEED WITH LEGAL DESCRIPTION	
EXISTING EASEMENT DOCUMENT - SITE SURVEY	
PMT_B000_A0_0100	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN EXISTING SITE AND SCOPE OF WORK

DRAWING	DRAWING TITLE
Site Master Plan	
PMT_B000_A0_0110	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN ALL PHASES
PMT_B000_A0_0111	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN ALL PHASES
PMT_B000_A0_0112	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN PHASE 1

DRAWING	DRAWING TITLE
Project Visualization	
PMT_B000_A0_0150	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL SITE VIEW
PMT_B000_A0_0151	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION OVERALL PLAN VIEW
PMT_B000_A0_0152	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION OVERALL LOOKING NORTHEAST
PMT_B000_A0_0153	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION OVERALL LOOKING SOUTHWEST
PMT_B000_A0_0154	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE FRONT OF HOUSE (OFFICE)
PMT_B000_A0_0155	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE GROUND VIEW OF WWT1 LOOKING NORTH
PMT_B000_A0_0156	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE GROUND VIEW OF FAB1 LOOKING SOUTH
PMT_B000_A0_0157	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE STREET VIEW FROM XX
PMT_B000_A0_0158	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE STREET VIEW FROM XX
PMT_B000_A0_0159	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE STREET VIEW FROM XX
PMT_B000_A0_0160	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE STREET VIEW FROM XX
PMT_B000_A0_0161	000 - SITE - ARCHITECTURAL PROJECT VISUALIZATION PERSPECTIVE STREET VIEW FROM XX

DRAWING	DRAWING TITLE
Site Plan and Project Elements	
PMT_B000_A0_0200	000 - SITE - ARCHITECTURE STORM DRAINAGE OVERALL PLAN EDINGER WETLANDS
PMT_B000_A0_0201	000 - SITE - ARCHITECTURE STORM DRAINAGE OVERALL PLAN COWARDIN WETLANDS
PMT_B000_A0_0202	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN UTILITY CORRIDORS
PMT_B000_A0_0203	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN CIRCULATION
PMT_B000_A0_0204	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN DUMPSTERS
PMT_B000_A0_0205	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN FIRE RESPONSE
PMT_B000_A0_0206	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN WATER MANAGEMENT
PMT_B000_A0_0207	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN LIGHTING
PMT_B000_A0_0208	000 - SITE - ARCHITECTURE SITE PLAN APPROVAL OVERALL PLAN CONSTRUCTION LOGISTICS
PMT_B000_A0_0250	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN SIGNAGE
PMT_B000_A0_0251	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL ELEVATIONS AND DETAILS SIGNAGE

DRAWING	DRAWING TITLE
Overall Building Elevs.	
111_B000_A0_7400	111 - FAB - ARCHITECTURAL EXTERIOR ELEVATIONS
111_B000_A0_7401	111 - FAB - ARCHITECTURAL EXTERIOR ELEVATIONS
111_B000_A0_7402	111 - FAB - ARCHITECTURAL EXTERIOR ELEVATIONS
121_B000_A0_7400	121 - CUB - ARCHITECTURAL ELEVATIONS
121_B000_A0_7401	121 - CUB - ARCHITECTURAL ELEVATIONS
131_B000_A0_7400	131 - HPM - ARCHITECTURAL OVERALL EXTERIOR ELEVATIONS
141_B000_A0_7401	141 - ADMIN - ARCHITECTURAL OVERALL EXTERIOR ELEVATIONS
151_B000_A0_7400	151 - PROBE - ARCHITECTURAL OVERALL EXTERIOR ELEVATIONS
161_B000_A0_7400	161 - WWT - ARCHITECTURAL OVERALL ELEVATIONS
161_B000_A0_7401	161 - WWT - ARCHITECTURAL OVERALL ELEVATIONS

DRAWING	DRAWING TITLE
Proposed Variances	
PMT_B000_A0_0300	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN VARIANCE - REQUIRED LOADING DOCKS
PMT_B000_A0_0301	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN VARIANCE - PARKING
PMT_B000_A0_0302	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN VARIANCE - SITE SETBACK
PMT_B000_A0_0303	000 - SITE - ARCHITECTURAL SITE PLAN APPROVAL OVERALL PLAN VARIANCE - PRIMARY AND ACCESSORY STRUCTURES

DRAWING	DRAWING TITLE
Landscape Concept and Elements	
PMT_B000_L0_0200	000 - SITE - LANDSCAPE SITE PLAN APPROVAL OVERALL LANDSCAPE PLAN
PMT_B000_L0_0201	000 - SITE - LANDSCAPE SITE PLAN APPROVAL ENLARGEMENT PLANS 1
PMT_B000_L0_0202	000 - SITE - LANDSCAPE SITE PLAN APPROVAL ENLARGEMENT PLANS 2
PMT_B000_L0_0203	000 - SITE - LANDSCAPE SITE PLAN APPROVAL ENLARGEMENT PLANS 3
PMT_B000_L0_0204	000 - SITE - LANDSCAPE SITE PLAN APPROVAL PLANTING DETAILS
PMT_B000_L0_0205	000 - SITE - LANDSCAPE SITE PLAN APPROVAL NOTES & SCHEDULES