

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 8, 2025

The Regular Meeting of the Zoning Board of Appeals of the Town of Clay, County of Onondaga, State of New York, was held at the Clay Town Hall, 4401 New York State Route 31, Clay, New York on December 8, 2025. Chairperson Mason called the meeting to order at 6:00 P.M. and upon the roll being called the following were:

PRESENT:	Vivian Mason	Chairperson
	Karen Liebi	Deputy Chairperson
	David Porter	Member
	Mary Lou DesRosier	Member
	Michael Becker	Alternate Member

ABSENT:	Ryan Frantzis	Member
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OTHERS

PRESENT:	Robert Germain	Zoning Board Attorney
	Chelsea Clark	Zoning Board Secretary
	Brian Bender	Planning & Development Commissioner

All present participated in the Pledge of Allegiance.

MOTION made by Mrs. DesRosier that the Minutes of the meeting of November 10, 2025, be accepted as submitted. Motion was seconded by Deputy Chairperson Liebi. *Unanimously carried.*

MOTION made by Chairperson Mason for the purpose of the New York State Environmental Quality Review (SEQR) all new actions tonight will be determined to be a Type II, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Deputy Chairperson Liebi. *Unanimously carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

The Zoning Board of Appeals (ZBA), at its October 13th meeting, heard Cases #1988 and #1989 requesting deviations from the Town of Clay Zoning Ordinance to facilitate development of the Micron Semiconductor Manufacturing campus at the White Pine Commerce Park. The requested deviations included: (1) §230-17 D.(4)(b)[1][a] – Front Yard Minimum; (2) §230-20 B.(2)(b) – Fences; (3) §230-19 A.(4)(b)[1] – Highway Overlay Zone District Requirements; and (4) §230-21 E. – Required Parking and Loading Spaces.

The Board granted the variances on two separate motions, each approved by a vote of five to zero. At the time of the Board's action, the Onondaga County Industrial Development Agency (OCIDA) had not yet approved Micron's Final Environmental Impact Statement (FEIS). OCIDA subsequently approved the FEIS on November 18th. With the FEIS now approved, the ZBA must affirm its October 13th decisions to grant the requested variances. Staff notes that the applicant has not altered the requests.

Chairperson Mason made a motion of a resolution of the Town of Clay Zoning Board of Appeals to certify state environmental quality review act findings and grant Area Variances for the **Micron New York Semiconductor Manufacturing, LLC** project at **5171 State Route 31; Tax Map No. 046.-02-05.2**

WHEREAS, the Town of Clay Zoning Board of Appeals (the "ZBA"), is the administrative body authorized to grant area variances within the Town of Clay, pursuant to the Town of Clay Zoning Code and the New York Town Law; and

WHEREAS, Micron New York Semiconductor Manufacturing LLC ("Micron") has submitted applications to agencies with discretionary approval authority to build two approximately 1.2 million square foot memory fabrication facilities ("Fabs") together with ancillary support facilities and certain utility and infrastructure (the "Proposed Micron Project" or the "Project"); and

WHEREAS, on or about July 20, 2023, the Onondaga County Industrial Development Agency ("OCIDA"), declared its intention to act as lead agency ("Lead Agency") for the conduct of a coordinated review of the Project under the State Environmental Quality Review Act ("SEQRA"), codified at Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder at 6 NYCRR Part 617, characterized the Project as Type I under SEQRA, and provided notification to all state and local agencies having discretionary approval of the Project of its intention to act as Lead Agency; and

WHEREAS, the ZBA is an agency with discretionary approval authority over the Proposed Micron Project, and together with and through consultation with other Town of Clay officials and administrative bodies, received and did not object to OCIDA's notice of its intention to act as Lead Agency for the Project; therefore, the ZBA is an involved agency ("Involved Agency") for the coordinated environmental review of the Proposed Micron Project for purposes of SEQRA; and

WHEREAS, the ZBA in communication with other Town of Clay officials has received and been made aware of subsequent communications, notices, and related filings from OCIDA with respect to SEQRA; and

WHEREAS, on or about September 14, 2023, OCIDA as Lead Agency determined that the Proposed Micron Project may result in one or more significant adverse environmental impacts and therefore, that an environmental impact statement ("EIS") must be prepared with respect to the Project; and

WHEREAS, following a full scoping process, on or about June 25, 2025, OCIDA determined that a Draft Environmental Impact Statement that had been prepared on its behalf was complete and adequate for public review, and public hearings and public comment periods were subsequently held; and

WHEREAS, on or about November 7, 2025, OCIDA determined that a Final EIS for the Proposed Micron Project was complete, and it filed a Notice of Completion with all Involved Agencies and other interested parties in accordance with SEQRA; and

WHEREAS, on or about November 18, 2025, OCIDA issued a detailed SEQRA Findings statement (“OCIDA’s SEQRA Findings Statement”) certifying that the requirements of SEQRA have been met; and

WHEREAS, Micron applied for the following area variances for the Proposed Micron Project for its site at 5171 State Route 31 in the Town of Clay (the “Site”): 1) Front Yard Minimum, for a reduction in the front yard setback from 200 feet to 125 feet to allow for the placement of a monument sign; 2) a reduction in the front yard setback from 200 feet to 61 feet to install security fencing; 3) a height increase of the perimeter fence from 2.5 feet to 8.5 feet in the required front yard; 4) a reduction in the lot frontage from two times minimum frontage to one time the minimum frontage within the Highway Overlay District; 5) a reduction from the required minimum of 29,568 parking spaces (per fab) to 2,900 spaces, with 2,400 of these to be contained within a parking garage; and 6) a reduction from the required minimum of 252 loading spaces (docks) per Fab to 36 loading spaces (collectively, the “Area Variances”); and

WHEREAS, on or about October 13, 2025, the ZBA: held a duly noticed public hearing, during which the Applicant answered questions posed by the ZBA and members of the public concerning the Project and the requested Area Variances; discussed the criteria for granting area variances as required by the Town of Clay Code and the New York Town Law; and made an initial determination that the Applicant had adequately demonstrated that it meets the criteria for granting the Area Variances in accordance with the state and local law; and

WHEREAS, since the ZBA’s October 13, 2025, meeting, OCIDA has issued its SEQRA Findings, thereby completing the SEQRA process with respect to the Proposed Micron Project, and the ZBA hereby intends to issue SEQRA Findings as an Involved Agency, and to ratify the findings made by ZBA members with respect to the Area Variances.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE TOWN OF CLAY:

1. The Town of Clay Zoning Board of Appeals, as a SEQRA Involved Agency for the Micron Semiconductor Manufacturing Project, having considered OCIDA’s DEIS, FEIS, and its SEQRA Findings for the Micron Semiconductor Project, and having weighed and balanced the relevant environmental impacts with social, economic, and other essential considerations as required in 6 NYCRR 617.11 with respect to this discretionary approval of granting the Area Variances, the ZBA hereby certifies that:

- a. The Area Variances will not create significant environmental effects beyond those that were assessed within the DEIS and FEIS, and such effects were adequately assessed in those documents;
 - b. The requirements of 6 NYCRR 617 have been met;
 - c. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed Action of issuing the Area Variances is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating conditions and those mitigation measures that were identified as practicable in the OCIDA Findings, and no additional measures or conditions are required by the ZBA for such Area Variances.
2. For these reasons and those identified in OCIDA's FEIS and Findings, which is adopted and incorporated by reference, and those reasons discussed during the ZBA's consideration of the Action, these Findings constitute the ZBA's written statement of facts and the environmental, social, economic and other facts and standards that form the basis of this decision, pursuant to Section 617.11 (d) of the SEQRA regulations.
3. The ZBA hereby ratifies the determination it made regarding the Area Variances during its October 13, 2025 public meeting and public hearing that the benefit to the applicant in granting the Area Variances, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant, based upon the information provided by the Applicant, comments by the public, and discussion by the ZBA during prior public meetings; and in addition, the ZBA ratifies the following findings with respect to such Area Variances:
 - a. The requested Area Variances will not create an undesirable change to the character of the neighborhood, which is zoned for such large industrial projects, on this large development site.
 - b. There is no feasible method of constructing the Project other than with the requested Area Variances.
 - c. The Variances are not substantial considering the size of the development parcel and the nature of the Industrial 2 zoning which encourages large, clean manufacturing facilities.
 - d. The Area Variances will not cause any adverse effect to the neighborhood.

- e. Although the difficulty resulting in the need for the Area Variances is self-created, such consideration, although relevant, does not preclude granting the variance.
4. The ZBA finds that the Area Variances granted are the minimum which are necessary and adequate, while still preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.
5. This Resolution shall take effect immediately.

Motion was seconded by Mr. Porter.

Roll Call:	Mr. Becker	- in favor	
	Mrs. DesRosier	- in favor	
	Mr. Porter	- in favor	
	Deputy Chairperson Liebi	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously Carried.</i>

Mr. Becker made a motion of a resolution of the Town of Clay Zoning Board of Appeals to certify State Environmental Quality Review Act findings and grant Area Variances for the **Micron New York Semiconductor Manufacturing, LLC/RailWorks Track Services, LLC, ancillary Rail Spur** project at **8625 Caughdenoy Road; Tax Map No. 046.-02-03.2 and 046.-01-19.1**

WHEREAS, the Town of Clay Zoning Board of Appeals (the “ZBA”), is the administrative body authorized to grant area variances within the Town of Clay, pursuant to the Town of Clay Zoning Code and the New York Town Law; and

WHEREAS, Micron New York Semiconductor Manufacturing LLC (“Micron”) has submitted applications to agencies with discretionary approval authority to build two approximately 1.2 million square foot memory fabrication facilities (“Fabs”) together with ancillary support facilities and certain utility and infrastructure (the “Proposed Micron Project” or the “Project”); and

WHEREAS, ancillary to the construction of the Proposed Micron Project is the construction of a rail spur facility operated by RailWorks Track Services, LLC (“RailWorks”), intended to serve the Proposed Micron Project, at 8625 Caughdenoy Road (the “Rail Spur Site”); and

WHEREAS, the Rail Spur Site will include the following components: rail siding connected to the adjacent CSX Transportation Inc. rail line; rail yards, an off-loading track and facility; an aggregate materials conveyance system; trailer; locomotive shed; paved access road and a parking area; paved storage areas; a backup aggregate stockpile area; stormwater management facilities; and lighting (collectively, the “Rail Spur Facility”); and

WHEREAS, the Rail Spur Facility is intended to import aggregate materials by the existing rail line, and convey them to the Micron Site, in order to significantly reduce truck traffic conveying materials for construction; and

WHEREAS, on or about July 20, 2023, the Onondaga County Industrial Development Agency (“OCIDA”), declared its intention to act as lead agency (“Lead Agency”) for the conduct of a coordinated review of the Proposed Micron Project under the State Environmental Quality Review Act (“SEQRA”), codified at Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder at 6 NYCRR Part 617, characterized the Project as Type I under SEQRA, and provided notification to all state and local agencies having discretionary approval of the Project of its intention to act as Lead Agency; and

WHEREAS, the ZBA is an agency with discretionary approval authority over the Rail Spur Project in the form of area variances for the Rail Spur Project, and together with and through consultation with other Town of Clay officials and administrative bodies, received and did not object to OCIDA’s notice of its intention to act as Lead Agency for the SEQRA review of the Project; and therefore, the ZBA is an involved agency (“Involved Agency”) for the coordinated environmental review of the Project for purposes of SEQRA; and

WHEREAS, the ZBA in communication with other Town of Clay officials has received and been made aware of subsequent communications, notices, and related filings from OCIDA with respect to SEQRA; and

WHEREAS, on or about September 14, 2023, OCIDA as Lead Agency determined that the Proposed Micron Project, including the ancillary Rail Spur Project may result in one or more significant adverse environmental impacts and therefore, that an environmental impact statement (“EIS”) must be prepared with respect to the Project; and

WHEREAS, following a full scoping process, on or about June 25, 2025, OCIDA determined that a Draft Environmental Impact Statement that had been prepared on its behalf was complete and adequate for public review, and public hearings and public comment periods were subsequently held; and

WHEREAS, on or about November 7, 2025, OCIDA determined that a Final EIS for the Proposed Micron Project was complete, and it filed a Notice of Completion with all Involved Agencies and other interested parties in accordance with SEQRA; and

WHEREAS, on or about November 18, 2025, OCIDA issued a detailed SEQRA Findings Statement (“OCIDA’s SEQRA Findings Statement”) certifying that the requirements of SEQRA have been met; and

WHEREAS, RailWorks Track Services LLC applied for the following area variances for the Proposed Rail Spur Project at the Rail Spur Site: 1) a reduction in the required front yard setback from the Caughdenoy Road right-of-way from 200 feet to 18 feet to allow installation of seven (7) structural supports for a raised conveyor; 2) a reduction in the front yard setback from the Caughdenoy Road right-of-way from 200 feet to 8 feet to enable installation of a chain-link perimeter fence; and 3) a height increase for the fence from 2.5 feet to 10 feet to accommodate the placement of a Rail Spur and supporting components (collectively, the “Area Variances”); and

WHEREAS, on or about October 13, 2025, the ZBA: held a duly noticed public hearing, during which the Applicant answered questions posed by the ZBA and members of the public concerning the Rail Spur Project and the requested Area Variances; discussed the criteria for granting area variances as required by the Town of Clay Code and the New York Town Law; and made an initial determination that the Applicant had adequately demonstrated that it meets the criteria for granting the Area Variances in accordance with the state and local law; and

WHEREAS, since the ZBA’s October 13, 2025, meeting, OCIDA has issued its SEQRA Findings, thereby completing the SEQRA process with respect to the Proposed Micron Project and the Rail Spur Project, and the ZBA hereby intends to issue SEQRA Findings as an Involved Agency, and to ratify the findings made by ZBA members with respect to the Area Variances.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE TOWN OF CLAY:

6. The Town of Clay Zoning Board of Appeals, as a SEQRA Involved Agency for the Micron Semiconductor Manufacturing Project, having considered OCIDA’s DEIS, FEIS, and its SEQRA Findings for the Micron Semiconductor Project, including construction of the ancillary Rail Spur Facility, and having weighed and balanced the relevant environmental impacts with social, economic, and other essential considerations as required in 6 NYCRR 617.11 with respect to this discretionary approval of granting the Area Variances, the ZBA hereby certifies that:
 - a. The Area Variances for the Rail Spur Facility will not create significant environmental effects beyond those that were assessed within the DEIS and FEIS, and such effects were adequately assessed in those documents;
 - b. The requirements of 6 NYCRR 617 have been met;
 - c. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed Action of issuing Area Variances is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating conditions and those mitigation measures that were identified as practicable in the OCIDA Findings, and no additional measures or conditions are required by the ZBA for such Area Variances.

7. For these reasons and those identified in OCIDA's FEIS and Findings, which is adopted and incorporated by reference, and those reasons discussed during the ZBA's consideration of the Action, these Findings constitute the ZBA's written statement of facts and the environmental, social, economic and other facts and standards that form the basis of this decision, pursuant to Section 617.11 (d) of the SEQRA regulations.
8. The ZBA hereby ratifies the determinations it made with respect to the Area Variances for the Rail Spur Facility during its October 13, 2025 public meeting and public hearing, that the benefit to the applicant in granting the Area Variances, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant, based upon the information provided by the Applicant, comments by the public during the public hearing, and the discussions between and among members of the ZBA during the October 13, 2025 public meeting and prior public meetings; and in addition, the ZBA ratifies the following findings with respect to such Area Variances:
 - a. The requested Area Variances will not create an undesirable change to the character of the neighborhood, as the Site is zoned Industrial 2, which contemplates such large industrial projects.
 - f. There is no feasible method of constructing the Rail Spur Project other than with the requested Area Variances.
 - g. The Variances are not substantial considering the size of the development parcel and the nature of the Industrial 2 zoning.
 - h. The Area Variances will not cause any adverse effect to the neighborhood.
 - i. Although the difficulty resulting in the need for the Area Variances for the Rail Spur Facility is self-created, such consideration, while relevant, does not preclude granting the variance.
9. The ZBA finds that the Area Variances granted for the Rail Spur Facility are the minimum which are necessary and adequate, while still preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.
10. This Resolution shall take effect immediately.

Motion was seconded by Deputy Chairperson Liebi.

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Roll Call:	Mr. Becker	- in favor	
	Mrs. DesRosier	- in favor	
	Mr. Porter	- in favor	
	Deputy Chairperson Liebi	- in favor	
	Chairperson Mason	- in favor	Unanimously Carried.

There being no further business, Chairperson Mason adjourned the meeting at 6:25 P.M.



Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay