APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on April 6th, 2026, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
David Capria	Councilor
Edward Wisnowski	Councilor
Ryan Russell	Councilor
Courtney Gauthier	Councilor
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer
Brian Bender	Commissioner Planning & Development

ABSENT:
None

OTHERS PRESENT:
Michelle Borton, Planning Board Chair; Russ Mitchell, Hal Henty and Paul Graves, Planning Board Members; Marie Giannone, Planning Board Secretary and Rob Bick, Town Assessor.

The meeting was called to order by Supervisor Ulatowski at 7:30 P.M. All present joined in the Pledge of Allegiance.

APPROVAL of MINUTES:

Councilor Bick made a motion to approve the minutes of the March 16th, 2026 Regular Town Board Meeting. Motion was seconded by Councilor Wisnowski.

Ayes – 7 and Noes – 0. *Motion carried.*

CORRESPONDENCE:

None

REQUESTS for ADJOURNMENTS:

NO ACTION: Item(s) #6 & 7 - the Town Board will not be deciding on Local Law No. 2 of the year 2026 (Prohibited Noises) at tonight's meeting.

REGULAR MEETING

LOCAL LAW No. 2 of the Year 2026 (SEQR) – (to amend) LOCAL LAW 3 of the Year 2025," Section ~~154~~-4 H correct to 152.4 H:

NO ACTION

LOCAL LAW No. 2 of the Year 2026 (A/D) – (to amend) LOCAL LAW 3 of the Year 2025," Section ~~154~~-4 H correct to 152.4 H:

NO ACTION

LOCAL LAW No. 2 f/k/a Local Law No. 3 of the Year 2026 (SEQR) – Section 230-16/230-27:

Councilor Young moved the adoption of a resolution that the application of **LOCAL LAW NO. 2 f/k/a/ Local Law No. 3 OF THE YEAR 2026**, to amend Town Code, Section 230-16 - Commercial Districts, B. HC-1 Highway Commercial (b)(2) Uses Allowed: item (6) Shopping Center, to add the requirement of the issuance of a Special Permit from the Town Board pursuant to Town Code Section 230-27 (Special Permit Review) for the following use within a Shopping Center: (e)[15] Gasoline Service Station, is a Type II Action for SEQRA compliance and therefore requires no further action. Motion was seconded by Councilor Capria; a roll count vote went as follows:

Councilor Gauthier	Aye	Councilor Wisnowski	Aye
Councilor Young	Aye	Supervisor Ulatowski	Aye
Councilor Bick	No	Councilor Capria	Aye
Councilor Russell	Aye		

Ayes – 6 and Noes – 1. *Motion carried.*

LOCAL LAW No. 2 f/k/a Local Law No. 3 of the Year 2026 (A) – Section 230-16/230-27:

Councilor Young moved the adoption of a resolution **approving LOCAL LAW NO. 2 f/k/a Local Law No. 3 OF THE YEAR 2026**, to amend Town Code, Section 230-16 - Commercial Districts, B. HC-1 Highway Commercial (b)(2) Uses Allowed: item (6) Shopping Center, to add the requirement of the issuance of a Special Permit from the Town Board pursuant to Town Code Section 230-27 (Special Permit Review) for the following use within a Shopping Center: (e)[15] Gasoline Service Station. Motion was seconded by Councilor Wisnowski; a roll count vote went as follows:

Councilor Gauthier	Aye	Councilor Wisnowski	Aye
Councilor Young	Aye	Supervisor Ulatowski	Aye
Councilor Bick	No	Councilor Capria	Aye
Councilor Russell	Aye		

Ayes – 6 and Noes – 1. *Motion carried.*

COMMUNITY DEVELOPMENT FUNDS, 2026 (A):

Supervisor Ulatowski moved the adoption of a resolution **approving** the use of funds by the Town of Clay with respect to the applications for funding and for the five (5) year plan, filed **with ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2026**. Supervisor Ulatowski gave a brief overview explaining that the Town receives money from Onondaga County for the purpose of projects in the lower income areas of the Town. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

ZONE CHANGE (PH) – Town Board Case # 1246 – SWEETHEART CORNER REDEVELOPMENT:

A public hearing to consider Town Board Case #1246: **SWEETHEART CORNER REDEVELOPMENT** for a Zone Change from R-10 One-Family Residential District to RC-1 Regional Commercial District to allow for proposed construction of two commercial structures on property located at **102 ½ Wally Road, Tax Map No. 117.-10-26.0** consisting of +/- .35 acres of land was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Neil Zinsmeyer of Napierala Consulting and Anthony Gizzie, owner of the parcel, were present to speak on behalf of this application. They began by showing the parcel they are looking to rezone, explaining this will make the entire area consistent. The additional parcel will be used for additional parking behind the building and giving access to Wally Road, where there will be a curb cut. The building will house several businesses; a bank, commercial space and several restaurants are proposed.

Councilor Capria mentioned he lives near the parcel and is surprised by the amount of business the coffee shop does. Councilor Russell asked if the parcel owner also owns the coffee shop. He does. Councilor Capria asked if they were keeping the Sweetheart Corner sign. Mr. Gizzie said that they are; several people voiced their delight as this is a landmark.

There being no more questions or comments, the Supervisor referred this to the Planning Board for review and recommendation.

Councilor Bick moved the adoption of a resolution **adjourning** the public hearing to **My 4, 2026** at **7:35 PM.** Motion was seconded by Councilor Capria.

Ayes – 7 and Noes – 0. *Motion carried.*

LOCAL LAW NO. 3 f/k/a Local Law No. 4 of the YEAR 2026 (PH) – Temporary Moratorium (Battery Storage Systems):

A public hearing to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2026**, for the adoption of a Temporary Moratorium for all applications/approvals related to battery storage systems for solar projects in Clay pending a study on the subject and the potential adoption of a new Local Law governing related applications, was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining this Local Law will allow the Town to prepare and better understand the impact on the community battery storage systems will have. The Town has two applications and others are in the works. This also allows the Town to be consistent with other towns in researching this new wave of renewable energy. He concluded this will ensure the Board has the opportunity to research it fully by issuing a temporary moratorium.

Sera Yoon, with HodgsonRuss law firm, explained she is a Renewable Energy Lawyer speaking on behalf of Aurora Renewables. Ms. Yoon read the lengthy email submitted to the Supervisor and Town Board members. (attached).

Olivia Sproviero with NexAmp agreed with the presentation by Ms. Yoon. She asked to be allowed to continue; this allows for possibilities to provide energy that the Town will not pay for.

Erik Anderson of Carson Power explained they have developed a product to be used in the I-1 District, 1,000 feet away from residential homes. He asked the Board to consider exempting them due to the mature project.

Joanne Lane, a resident off Longbranch Road, said that she will be directly affected by this as it is literally in her back yard. She read a letter that she emailed the Supervisor/Board (attached) and asked the Town Board to take the time to really consider if this is best for the community.

Councilor Capria left the meeting.

Olivia Sproviero once again addressed the room, stating the best projects are in the industrial areas but they have the resources to make it work on Longbranch Road. Supervisor Ulatowski said that he was not going to revisit the application at this time. There being no more questions or comments, he **closed** the public hearing.

Special Permit (CPH) -Town Board Case # 1248 - STEVEN CALOCERINOS /4793 BUCKLEY ROAD:

Councilor Gauthier moved the adoption of a resolution calling a public hearing on **April 20, 2026**, commencing at **7:35 P.M.**, local time, to consider the application of Town Board Case #1248: **STEVEN CALOCERINOS/4793 BUCKLEY ROAD** for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] – Two-family dwelling, to allow for conversion of an existing single-family residence to a two-family dwelling for property located at **4793 Buckley Road, Tax Map No. 088.-01-13.1**, consisting of +/- 3.53 acres of land. The property is located in the RA-100 Residential Agricultural District. Motion was seconded by Councilor Wisnowski.

Ayes – 7 and Noes – 0. *Motion carried.*

AUTHORIZATION - Personnel Administrator (establish and clarify):

Councilor Capria moved the adoption of a resolution authorizing the Supervisor and the Town Board to establish and classify a Personnel Administrator position within the Supervisors Office at Clay Town Hall. This action is required in accordance with New York State Civil Service regulations to maintain the position on the Town's official roster of positions. Motion was seconded by Councilor Wisnowski.

Ayes – 7 and Noes – 0. *Motion carried.*

Contract/ Authorizing - LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:

Councilor Bick moved adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.,** for professional services to be rendered for the year **2026** in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM.** Said services not to exceed the sum of **$22,500.** Motion was seconded by Councilor Capria.

Ayes – 7 and Noes – 0. *Motion carried.*

LOCAL LAW NO. 3 f/k/a Local Law No. 4 of the YEAR 2026 (A) – Temporary Moratorium (Battery Storage Systems):

Councilor Bick moved the adoption of a resolution approving a **LOCAL LAW** titled **Town of Clay Local Law No. 3 f/k/a Local Law No. 4 of the year 2026** and known as the **"Temporary Moratorium"** prohibiting any zone change or special permit applications related to battery storage systems in the Town of Clay.

IT IS HEREBY ORDAINED AND ENACTED by the Town Board of the Town of Clay, Onondaga County, New York, as follows:

That Town of Clay **Local Law #3 of 2026** (f/k/a Local Law # 4 of the year 2026) titled **"Temporary Moratorium" is** hereby adopted to enact a six (6) month moratorium prohibiting the application or approval of any *~~new~~ zoning requests or special permits related to battery storage systems.

The purpose of said local law is to provide for a temporary moratorium against the consideration of any and all applications for zone changes, special permits, and other development related land use decisions related to battery storage systems in the Town to allow time for the Town Board to research and consider the adoption of new Town Code provisions related to battery storage systems. This temporary moratorium may be further amended, extended or terminated by the Town Board. Said local law reads as follows:

LOCAL LAW

"Town of Clay Local Law No. 3 f/k/a Local Law No. 4 of 2026, is hereby enacted, providing for a Temporary Moratorium, for a period of six (6) months after the date of filing of this Local Law.

SECTION 1 PURPOSE

The purpose of said local law provides for a Temporary Moratorium for six (6) months after the date of the filing of this Local Law.

SECTION 2. TIME PERIOD AND PROHIBITION

A. As of the effective date of this local law there will be a six (6) month moratorium on all Town Board land use decisions related to battery storage systems in Clay.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

SECTION 4. TERMINATION DATE

This local law shall become null and void six (6) months after filing, unless extended or terminated by the Town Board. The proposed moratorium may be extended, or terminated at any earlier period, by the Town Board.

*Councilor Young asked if the resolution should be amended to remove the word new in paragraph three. The board members agreed. Councilor Bick reread the third paragraph omitting "new". Councilor Young seconded the motion.

Ayes – 7 and Noes – 0. *Motion carried.*

LOCAL LAW No. 4 OF THE YEAR 2026 (CPH) – Creating a New Town Code Chapter 209 entitled "Town of Clay Battery Energy Storage System Law":

Councilor Young moved the adoption of resolution calling a public hearing on **April 20, 2026,** at **7:38 PM** local time to consider the to consider the adoption of Local Law No. 4, creating a new Town Code Chapter 209 to be titled the "Town of Clay Battery Storage System Law." The Town recognizes battery storage systems represent a reliable and renewable energy storage system but also recognizes the technology is new and we do not have a governing ordinance to address the use. The purpose of the new Chapter is to create guidelines to help the Town properly site battery energy storage systems and to balance protection of our environment and the health and safety of our residents with the promotion of safe battery energy system uses. Motion was seconded by Councilor Capria.

Ayes – 7 and Noes – 0. *Motion carried.*

Misc. Business:

Councilor Russell moved the adoption of a resolution establishing the following standard workdays for these titles and will report it to the New you State Retirement System based on their record of activities. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:26 P.M. upon motion by Councilor Young and seconded by Councilor Capria.

Ayes – 7 and Noes – 0. *Motion carried.*

Jill Hageman-Clark RMC / Town Clerk

HodgsonRuss LLP ATTORNEYS

Henry A. Zomerfeld
Partner
Direct Dial: 716.848.1370
HZomerfe@hodgsonruss.com

April 1, 2026

Via E-Mail (supervisor@townofclayny.gov) and Federal Express Overnight

Town of Clay Town Board
c/o Supervisor Damian M. Ulatowski
4401 State Route 31
Clay, New York 13041

Re: Proposed Local Law No. 4 of 2026
Moratorium on Battery Storage Systems

Dear Supervisor Ulatowski and Members of the Town Board:

This firm represents renewable energy developer Aurora Renewables Inc. and its subsidiaries and affiliates ("Aurora"). Aurora has several battery energy storage system ("BESS") projects (the "Projects") with applications currently pending in the Town of Clay (the "Town"). We understand that the Town Board is considering adopting a moratorium on applications and approvals for BESS in the Town (the "Moratorium"), which will be the subject of a forthcoming public hearing on Monday, April 6, 2026. Aurora submits this letter for inclusion in the public hearing record and respectfully requests that the Moratorium exclude Aurora's Projects on the basis that completed applications for development have been submitted before the Moratorium's effective date. The Projects pending are all going to be sited on industrial- or commercially-zoned parcels. To this end, the Town should exempt all such projects on industrial- or commercially-zoned parcels as these are the best suited sites for such Projects.[1]

While the proposed text of the Moratorium has not been made available for Aurora's review, it seems from the public hearing notice that the Moratorium contains no exceptions for BESS that currently have active applications before the Planning Board or other Town municipal bodies. The Projects were the result of the Town's current regulatory framework. Aurora has expended significant resources towards development of the Projects in reliance of these standards, including initial landowner payments, substantial interconnection costs, extensive environmental studies, and other development costs. Aurora is invested in these Projects.

Additionally, Aurora's selection of the proposed Project sites was conducted in light of the substantial logistical constraints typical of siting BESS projects. Aurora sited these Projects with care as BESS sites must be located near existing utility infrastructure—namely,

[1] Including, but not limited to, I-2 and HC-1 districts.

transmission lines and a substation-to interconnect the project to the utility grid. The Projects be sited in areas that do not impede on setbacks and buffers, areas of steep slopes, wetlands and wetland buffers, protected lands and critical habitats, sensitive historic or archeological areas. The property must also have a willing landowner as BESS projects are often sited on leased land, and it is exceedingly challenging to find a property owner willing to lease all or a portion of their property for BESS development. Here, the Project sites were carefully selected to meet the needs of a BESS project while simultaneously minimizing potential impacts to the community. The Moratorium will needlessly delay Aurora's thoughtful and comprehensive development efforts, which were conducted in reliance on the Town' s existing regulatory scheme governing BESS .

As you may know, temporary moratoria adopted by New York State municipalities are subject to various requirements, including that such moratoria: (1) must be rationally related to, and formulated to advance a significant and valid public purpose; (2) cannot a,m_ount to a taking of property without just compensation; and (3) cannot interfere with vested dghts of affected property owners. We do not believe the Moratorium meets these requirements based on relevant case law, as well as the State' s treatment of BESS as essential public utility infrastructure. *See, e.g., Cellular Telephone Co. v. Vill. of Tarrytown* , 209 A.D.2d 57 (2d Dep' t
' 1995) (moratorium must be rationally related to a legitimate public purpose).

We therefore ask that the Town decline to adopt the Moratorium, or otherwise modify its text to exempt all BESS projects that have submitted complete applications on or before the Moratorium's effective date, including Aurora's Projects. These actions would be consistent with the Climate Leadership and Community Protection Act's ("CLCPA ' s") mandates regarding the State's deployment of BESS and support the State mandated deployment goal of 6,000 MW (or 6 GW) of energy storage by 2030. With only 19% progress, the State currently has 502 MW of operational energy storage and 632 MW in the pipeline.[2] A massive increase in energy storage deployment will be needed over the next few years to meet this critical mandate. The only way the State can reach its clean, renewable energy goals is if there is a significant increase in energy storage projects like those proposed here.

The Town and State's existing regulatory structure is robust, and more than sufficient to ensure that potential impacts posed by BESS to public health, safety, and welfare

are addressed. Chiefly, the Projects will b€ permitted by the appropriate Town boards which will

conduct a comprehensive environmental review pursuant to the State Environmental Quality Review Act ("SEQRA") and consider the Project applications and any related land use approvals. These boards retain the authority to condition their approvals to address any concerns associated with the Projects. The Projects will also be thoroughly reviewed by the New York State Energy Research and Development Authority ("NYSERDA"), which provides incentives for these Projects and mandates that BESS developers certify their projects meet minimum safety requirements by a Nationally Recognized Testing Laboratory; requires installation compliant with all manufacturers' installation requirements , applicable laws, regulations, codes, licensing, and permit requirements *(e.g.,* the International Building Code Series as amended by the New

[2] *See* New York ate Climate Act, https://climate.ny.g ov/Our-Impac t/Our-Progress/Energy-Storage .

York State Uniform Code Supplement, the National Electric Code, the New York State Standard Interconnection Requirements and the utility's interconnection agreement, the applicable fire code, and all applicable State, city, town, or local ordinances or permit requirements); and requires all lithium-ion BESS projects sited outside of New York City to complete NYSERDA's Peer Review process, which includes a multi-step technical design review of the proposed BESS design.[3] Further, the Projects will be an integral part of the electricity generation and transmission system, storing needed energy and distributing it to consumers through the electric grid-a utility in its own right, subject to significant public regulation. This multi-tiered system of regulation and safety review will ensure that the Projects are incorporated safely and mindfully into the Town of Clay.

Thank you for your consideration of this request. I ask that this letter be included in the public hearing record on the Moratorium and welcome the opportunity to discuss this matter further with the Town.

Very truly yours,

Henry A. Zomerfeld

HAZ/mnb

cc: Jill Hageman-Clark, Town Clerk *(via email: townclerk @townofclayny.gov)*

S ee NYSERDA' ulk Energy Storage Program, *Program Manual* (June 2025).

Addendum Anticipated

Projects

1. Steelway Boulevard
2. 4 Lumber Way
3. 5 Lumber Way
4. Buckley Road
5. Wetzel Road
6. 7175 Buckley Road* Application forthcoming

69137929v1

To: The Town Board Members
Date: 04/6/2026
Good Evening
I am speaking tonight as a concerned resident of the Town of Clay to formally express my apprehensions about the proposed Longbranch installation of a Battery Energy Storage System (BESS) located in close proximity to our residential neighborhood. The proposed installation is a stone's throw from our property lines in our backyards. While I understand the importance of advancing our community's energy infrastructure, this specific location proposed for this project raises several concerns that I urge the members to consider carefully.

Primary Concerns

• Health and Safety Risks: This BESS installation utilizing lithium-ion batteries has . been associated with dangerous events such as fire hazards, toxic emissions, and thermal runaway in various locations in New York and the United States. Placing such an installation near our residences and commercial businesses could pose unnecessary risks to our families, including potential evacuation.

• Noise and Disturbance: The operation and maintenance of BESS units involves mechanical noise. This can significantly disrupt the peace and quiet that my neighbors and I currently enjoy.

• Impact on Property Values: The visual impact of a BESS installation so close to our homes can negatively affect property values and the overall desirability of our neighborhood.

• Environmental Concern: The BESS installation with its risky potential effects to the environment is also troubling.

Request for Alternative Siting

I respectfully ask that the committee reconsider this current Longbranch proposed location for the BESS installation. There are more suitable sites zoned for Industrial use further from residential and businesses that would mitigate these concerns while still achieving the project's · goals.,

In closing I trust that you will consider these concerns and proceed with proper regard for our safety, the environment and quality of life in our neighborhood.

Thank you for your time and consideration.

Sincerely,
Joanne Lane
Ourted's Circle, Liverppol