

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on May 18th, 2026, at 7:30 P.M., there were:

PRESENT:

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:

Damian Ulatowski	Supervisor
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OTHERS PRESENT:

Russ Mitchell, Hal Henty and Paul Graves, Planning Board Members and Marie Giannone, Planning Board Secretary.

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

APPROVAL of MINUTES:

Councilor Young made a motion to approve the minutes of the May 5th, 2026 Regular Town Board Meeting. Motion was seconded by Councilor Russell.

Ayes – 6 and Noes – 0. *Motion carried.*

CORRESPONDENCE:

None

REQUESTS for ADJOURNMENTS:

Deputy Supervisor Bick said the three applications for the Battery Storage Systems (items numbered 13,14 and 15 on the agenda) will be adjourned because the wording for the Local Law titled **Town of Clay Battery Energy Storage System Law** has not yet been completed and approved.

REGULAR MEETING

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

Deputy Supervisor Bick moved the adoption of a resolution that the application of 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, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

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

Deputy Supervisor Bick moved the adoption of a resolution (approving/denying) 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. The subject lot is intended to be incorporated into a larger parcel assemblage to facilitate a redevelopment proposal for the adjacent property. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (SEQR) Town Board Case #1247 – COMMUNITY BANK/ERIK TURNER:

Councilor Capria moved the adoption of a resolution that the application of Town Board Case #1247: COMMUNITY BANK/ERIK TURNER for a Special Permit pursuant to Section 230-16(c)[2](e)[2] – Drive-in Service, to allow for construction of a bank with drive-thru services on land located at 4000 State Route 31, Tax Map No. 055.-01-03.1, consisting of +/- 14.9 acres of land, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Russell.

A roll count vote went as follows.

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

Ayes – 5 and Noes – 1. *Motion carried.*

SPECIAL PERMIT (A/D) Town Board Case #1247 – COMMUNITY BANK/ERIK TURNER:

Councilor Capria moved the adoption of a resolution (approving/denying) Town Board Case #1247: COMMUNITY BANK/ERIK TURNER for a Special Permit pursuant to Section 230-16(c)[2](e)[2] – Drive-in Service, to allow for construction of a bank with drive-thru services on land located at 4000 State Route 31, Tax Map No. 055.-01-03.1, consisting of +/- 14.9 acres of land. The subject site is located within the RC-1 Regional Commercial District and utilizes a designated pad in the eastern portion of the parking area within an existing retail plaza. Motion was seconded by Councilor Russell.

A roll count vote went as follows.

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

Ayes – 5 and Noes – 1. *Motion carried.*

LOCAL LAW No. 4 OF THE YEAR 2026 f/k/a Local Law No. 5 of the Year 2026 (SEQR) – amending Town of Clay Town Code Sections 230-11C and 230-16”:

Councilor Russell moved the adoption of a resolution that proposed LOCAL LAW NO. 4 OF THE YEAR 2026 (f/k/a Local Law No. 5 of the year 2026), is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Wisnowski.

Ayes – 6 and Noes – 0. *Motion carried.*

LOCAL LAW No. 4 OF THE YEAR 2026 f/k/a Local Law No. 5 of the Year 2026 (A) – amending Town of Clay Town Code Sections 230-11C and 230-16”:

Councilor moved the adoption of a resolution **approving** LOCAL LAW NO. 4 OF THE YEAR 2026 (f/k/a Local Law No. 5 of the year 2026), amending the Town of Clay Town Code Sections 230-11C-Terms Defined to add a new definitions for Smoke Shops to the Code, and by amending Section 230-16 Commercial Districts by adding the need to obtain a Special Permit from the Town Board to operate a Smoke Shop in the RC-1, HC-1 and NC-1 Commercial Zone Districts.

The new definition for a Smoke Shop to be added to Terms Defined shall be:
Smoke Shop: A retail establishment that specializes in the sale of smoking-related products and accessories, including but not limited to CBD products, vape devices and e-liquids, cigars, tobacco products, and smoking paraphernalia such as pipes, rolling papers, hookahs, and other consumables or accessories intended for inhalation or recreational use. Smoke shops may also provide products related to vaping and tobacco consumption, including replacement parts and related maintenance items.

The proposed amendment will also amend Section 230-16 Commercial Districts by adding the term “Smoke Shops” to the listed uses allowed upon the issuance of a Special Permit from Town Board by adding Smoke Shops for these classifications as follows:

HC-1- by adding a proposed item 230-16 (2)(e)(15) Smoke Shops

RC-1-by adding a proposed item (2)(e)(16) Smoke Shops

NC-1-by adding a proposed item (2)(e)(7) Smoke Shops

The purpose of the proposed amendments is to require proposed Smoke Shop uses in the Town to obtain a Special Permit from the Town Board prior to occupancy. The law will be effective upon filing with the Secretary of State.

The term “Smoke Shop” shall not include any cannabis dispensary or other retail establishment licensed by the State of New York to sell cannabis or cannabis products in accordance with state law.

Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

2027 Community Development Block Grant (CDBG)(A):

Councilor Wisnowski moved the adoption of a resolution (approving/denying) 2027 application of street repairs for Community Development Block Grant (CDBG) funding for Steelway Blvd. South. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH) TOWN Board Case # 1243 - NEXAMP, INC, d/b/a WETZEL ROAD STORAGE, LLC:

Councilor Russell moved the adoption of a resolution **adjourning** the public hearing to **June 15, 2026 at 7:35 PM**. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH) TOWN Board Case # 1244 - NEXAMP, INC, d/b/a LONG BRANCH STORAGE, LLC:

Councilor Russell moved the adoption of a resolution **adjourning** the public hearing to **June 15, 2026 at 7:38 PM**. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH) TOWN Board Case # 1245 - CARSON POWER, LLC:

Councilor Russell moved the adoption of a resolution **adjourning** the public hearing to **June 15, 2026 at 7:41 PM**. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

ZONE CHANGE (PH) – Town Board Case #1250 – LANDS of NELSON AMENDED:

A public hearing to consider the application of Town Board Case #1250: LANDS OF NELSON AMENDED for a Zone Change from NC-1 Neighborhood Commercial District to HC-1 Highway Commercial District to allow for expansion of an existing parking lot to serve additional vehicle inventory for West Herr on land located at 3687 State Route 31, Tax Map No. 020.-01-06.1, consisting of +/- .73 acres of land, was opened by the Deputy Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant. Mr. Coyer explained the applicant is requesting a zone change to a 7/10s of an acre parcel that abuts his current property. They want to change the zone to HC-1 to be consistent with the existing property and will absorb this parcel for additional parking.

Councilor Young asked what the difference is between NC-1 and HC-1. Commissioner Bender said NC-1 does not allow Car Dealerships.

Councilor Russell asked if another lot will be part of this expansion. Mr. Coyer said not at this time.

Deputy Supervisor Bick asked if West Herr purchased this from Mr. Donegan. They have.

Councilor Gauthier asked if they are proposing any changes to curb cuts and they are not.

There being no more questions or comments, Deputy Supervisor Bick **closed** the public hearing.

ZONE CHANGE (PH) – Town Board Case # 1251 – THE RESERVE at CLAY:

A public hearing to consider Town Board Case #1251: THE RESERVE AT CLAY for a Zone Change from RA-100 Residential Agricultural District to R-7.5 One-Family Residential to allow for future development of approximately 61 single-family residential lots on land located at 8201 Lawton Road and vacant lands Westerly, Tax Map Nos. 077.-26-01.1 and 077.-26-04, consisting of +/- 20.18 acres of land, was opened by the Deputy Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Tim Coyer was again present on behalf of the applicant. He began by explaining that the applicant is proposing 7.5 acre lots on a 20 acre parcel located on Lawton Road, south of Lawton Valley and north of Cherry Estates. He continued the zoning will be consistent with the surrounding zones. They will demolish the existing house at 8201 Lawton Road.

Mr. Coyer said they have completed a traffic-study and the results suggested there will be no significant impact to the traffic on Lawton Road. They will complete a full analysis of the overland drainage. Onondaga County has said there is enough capacity for sewer,

Many neighbors were present to ask questions and speak in opposition of this application, many concerned about the displacement of wildlife explaining there are many types in this area.

A man said he currently has drainage issues and fear this will only make it worse and wondered how the applicant would mitigate any issues flowing onto his property. Mr. Coyer explained by law, new development cannot add to neighbors' drainage problems. If anything, it will improve the drainage.

Deputy Supervisor Bick asked Mr. Coyer to send the traffic study so it can be put on the Town of Clay website (townofclayny.gov).

Another neighbor complained about the trash currently on Lawton Road and feels with the new development and additional traffic the problem will only worsen.

More residents voiced concerns about the wildlife such as Red Tail Hawks, and Blue Herons, to name a few. One resident was concerned with the loss of wildlife, saying there will be more rodents (surviving) and will infest homes. Another resident was concerned that construction vehicles will be parked on or near his lawn and damage the property. Deputy Supervisor explained there are no wetlands on this property.

Another resident asked if the property was developed as is (RA-100) how many lots could they have. Commissioner Bender said 8-10 lots for the parcel.

One resident wanted to know what say do they have in this and do they get a vote? Deputy Supervisor Bick explained they are getting the opportunity to be heard at these meetings. Once the questions and comments are addressed, the hearing will be closed, and each Board member will vote on it based on information gained at the public hearings. He surmised, you (residents) have say over your property and the owner/applicant has say over his. This allows the owner to apply for a Zone Change or Special Permit, and the Town Board (Planning Board or Zoning Board) are required by law to hear the request. *These are not applications that any of the boards suggests or solicits.*

The resident complained the Town should call or email residents about the meetings. Deputy Supervisor said they are advertised on the Town of Clay website and the Newspaper. She said, no one looks at the website and suggested robo-calls saying the Town needs better communication.

Dave Capria asked to clarify that RA-100 would allow 8-10 lots. Commissioner Bender concurred. Deputy Supervisor Bick said he would adjourn the public hearing and refer this to the Planning Board for recommendation.

Councilor Young moved the adoption of a resolution **adjourning** the public hearing to **June 15, 2026 at 7:47 PM**. Motion was seconded by Councilor Wisnowski.

Ayes – 6 and Noes – 0. *Motion carried.*

LOCAL LAW No. 5 OF THE YEAR 2026, f/k/a Local Law No. 4 of the Year 2026 (PH/Adj.) – Creating a New Town Code Chapter 209 entitled “Town of Clay Battery Energy Storage System Law”:

A public hearing to consider proposed LOCAL LAW NO. 5 OF THE YEAR 2026 (f/k/a Local Law No. 4 of the year 2026) creating a new Town Code, Chapter 209 to be titled the “Town of Clay Battery Energy 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 that 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. The Town Board will consider revisions discussed at the April 20th & May 4th meetings. (*Adjourned from the 04/20/2026 & 05/04/2026 Town Board meetings*) was opened by the Deputy Supervisor.

Deputy Supervisor Bick opened by saying this is the 4th revision of the original addition to the Town of Clay Town Code. The following changes were made to this version.

- The applicant would obtain only one Special Permit instead of the two in previous versions.
- The additional setbacks have been removed with the exception of property storage that abuts residential districts.
- BESS may be located with existing solar farms in Commercial Districts. (note: new solar must be in Industrial Districts)
- The height restriction is 16’.
- Wetlands, the applicant must coordinate with the DEC.
- Permits are valid for one year. Any extensions will be at the discretion of the Commissioner of Planning and Development.
- Response time has been changed from 1-hour to 2-hours.

Councilor Young said the Special Permit should be called a BESS Special Permit as the requirements will differ from a regular Special Use Permit.

Each of the three companies with current applications sent representatives to comment on the latest revision of the proposed new Code, “Town of Clay Battery Energy Storage System Law.”

John O’hern of NexAmp said he thought 2-hour response time was stringent when the State Fire Code states 4-hour. Deputy Supervisor Bick said they did consider it but the Town wants to be most stringent. He discussed noise and secondary containment.

Shelly Hotaling asked if they could require fire break walls and suggested a discussion about this with the fire department.

A representative from Carson Power commented on the Draft Law stating the security in cash is difficult for the decommission plan and suggested a security bond would be much easier. He continued they do not agree with the 2-hour emergency response time or noise and required medical. He stated it doesn’t fit with the fire code.

Sean Terry said they should stick with boundaries discussed at the previous meeting, adding the boundaries should be priority.

Sera Yoon of Aurora Renewables asked for clarification, the 50' additional setbacks are for residential only.

Janet Rathburn said she had been to the work session on Saturday, and no one is factoring in the input from residents. The Wetzel Road application is close proximity to several neighborhoods, parks and the YMCA. She asked for the law to be more restrictive, limit it to industrial, and if it goes well allow closer to residential zones.

Councilor Wisnowski moved the adoption of a resolution **adjourning** the public hearing to **June 1, 2026 at 7:38 PM**. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (CPH) – Town Board Case # 1257 – AT&T MOBILITY:

Councilor Gauthier moved the adoption of a resolution calling a public hearing on June 1, 2026, commencing at 7:35 P.M., local time, to consider the application of Town Board Case #1257: AT&T MOBILITY for a Utility Substation Special Permit pursuant to Section 230-27 I.(2)(e)[1][g] – Utility Substation; Communication towers, radio and television towers, relay stations, or transmitting or booster antennas, to allow for installation and operations of an antenna and associated equipment cabinets and generator for AT&T's telecommunications network on property located at 7200 Henry Clay Blvd, Tax Map No. 106.-04-07.2, consisting of +/- 3.61 acres of land. The property is located in the GOV-RA-100 District. Motion was seconded by Councilor Wisnowski.

Ayes – 6 and Noes – 0. *Motion carried.*

Contract Renewal (A) – ADULT CROSSING GUARDS FOR THE 2021-2022 SCHOOL YEAR:

Councilor Capria moved the adoption of a resolution approving and authorizing a contract renewal for an additional one (1) year period for Adult Crossing Guard Services with All City Management Services in the amount of \$34.80/hour, per guard, based upon 1,980 hours, not to exceed a price of \$68,904.00/year. The current hourly rate is \$33.59 per guard. Said period shall commence July 1, 2026, and terminate June 30, 2027. Motion was seconded by Councilor Russell.

Ayes – 6 and Noes – 0. *Motion carried.*

Sanitary Sewer Connection (A) – SCOTT MERLE BUILDERS:

Councilor Wisnowski moved the adoption of a resolution approving and authorizing a sanitary sewer connection, pursuant to the written request of Scott Merle Builders (developer), to the existing Elmcrest Road Sewer District, for servicing properties located at 4095 Elmcrest Road, Tax Map No. 093.-03-46.0 and 4101 Elmcrest Road, Tax Map No. 093.-03-45.0. The cost of construction will be at no cost to the Town of Clay. The developer agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. *(Check received on 05/08/2026 for engineering, legal and administrative fees from Merle Builders, as requested by C&S Engineers).* Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:51 P.M. upon motion by Councilor Young and seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*


Jill Hageman Clark RMC / Town Clerk