

AGENDA
TOWN BOARD MEETING
TOWN OF CLAY
May 18, 2026

1. Call to Order.
2. Pledge of allegiance.
3. Approve the minutes of May 4, 2026, Regular Town Board Meeting.
4. Correspondence.
5. Cancellations and/or requested adjournments.
6. **(SEQR)** Move 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.
7. **(DECISION)** Move 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.
8. **(SEQR)** Move 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.

9. **(DECISION)** Move 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.

10. **(SEOR)** Move 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.

11. **(DECISION)** Move the adoption of a resolution (approving/denying) **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, cannabis cigarettes, 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.

12. **(DECISION)** Move the adoption of a resolution (approving/denying) **2027** application of street repairs for **Community Development Block Grant (CDBG)** funding for Steelway Blvd. South.

13. **(7:35 P.M.)** Public hearing to consider the application of Town Board Case #1243: **NEXAMP, INC, d/b/a WETZEL STORAGE, LLC.**, for a Utility Substation Special Permit pursuant to Section 230-27 I.(2)(e)[1][a] - Utility Substation and Section 230-27 I.(2)(e)[1][i] - Other public utility uses, to allow for a proposed battery energy storage system (BESS) utilizing Tesla Megapack batteries and an interconnection to the National Grid distribution system on property located at **4664 Wetzel Road, Tax Map No. 087.-01-12.0**, consisting of +/- .92 acres of land. The property is located in the I-1 Industrial 1 District. *(Adjourned from the 02/02/2026 Town Board Meeting and referred to the Planning Board; Adjourned from the 03/02/2026 Town Board meeting per applicant request; Adjourned from the 03/16/2026 Town Board meeting)*

14. **(7:38 P.M.)** Public hearing to consider the application of Town Board Case #1244: **NEXAMP, INC, d/b/a LONG BRANCH STORAGE, LLC.**, for a Utility Substation Special Permit pursuant to Section 230-27 I.(2)(e)[1][a] - Utility Substation and Section 230-27 I.(2)(e)[1][i] - Other public utility uses, to allow for a proposed battery energy storage system (BESS) utilizing Tesla Megapack batteries and an interconnection to the National Grid distribution system on property located on **Long Branch Road, Tax Map No. 104.-02-09.1**, consisting of +/- .78 acres of land. The property is located in the RC-1 Regional Commercial District. *(Adjourned from the 02/02/2026 Town Board Meeting and referred to the Planning Board; Adjourned from the 03/02/2026 Town Board meeting per applicant request; Adjourned from the 03/16/2026 Town Board meeting)*

15. **(7:41 P.M.)** Public hearing to consider the application of Town Board Case #1245: **CARSON POWER, LLC.**, for a Utility Substation Special Permit pursuant to Section 230-27 I.(2)(e)[1][a] - Utility Substation and Section 230-27 I.(2)(e)[1][i] - Other public utility uses, to allow for a proposed battery energy storage system (BESS) utilizing twelve (12) units on property located at 7846 & 7850 Goguen Drive, **Tax Map Nos. 087.-01-53.0 and 087.-01-08.2**, consisting of +/- .2.65 acres of land. The property is located in the I-1 Industrial 1 District. *(Adjourned from the 02/02/2026 Town Board Meeting and referred to the Planning Board; Adjourned from the 03/02/2026 Town Board meeting per applicant request; Adjourned from the 03/16/2026 Town Board meeting)*

16. (7:44 P.M.) 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.
17. (7:47 P.M.) 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.
18. (7:50 P.M.) 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*)
19. Move 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.
20. Move 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**.

21. Move 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).*