

## APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on May 4, 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                       |
| Brian Bender       | Commissioner Planning & Development |

### ABSENT:

|                  |               |
|------------------|---------------|
| Damian Ulatowski | Supervisor    |
| Ron DeTota       | Town Engineer |

### OTHERS PRESENT:

Russ Mitchell, Hal Henty & Paul Graves; Planning Board Members.

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 April 20, 2026, Regular Town Board Meeting. Motion was seconded by Councilor Wisnowski.

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

### CORRESPONDENCE:

Councilor Capria thanked the Highway Department for all the great work they do, adding that not all towns are fortunate enough to have such dedicated people working in their highway department.

Councilor Capria introduced Shannon Koss, a representative from Senator Ryans office. Ms. Koss explained that Senator Ryan will be hosting a meeting at the Town Hall on June 25, 2026 at 6:00 PM to provide information on the 529 Investment opportunity (college investment) from the NYS Comptroller's Office.

**REQUESTS for ADJOURNMENTS:**

None.

**REGULAR MEETING**

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

Councilor Wisnowski moved the adoption of a resolution that 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, 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 Capria.

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

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

Councilor Wisnowski moved the adoption of a resolution **approving** 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 Young.

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

**ZONE CHANGE (PH/Adj.) – 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. The subject lot is intended to be incorporated into a larger parcel assemblage to facilitate a redevelopment proposal for the adjacent property. (*Adjourned from the 04/06/2026 Town Board meeting*)

Deputy Supervisor Bick opened the public hearing. Neil Zinsmeyer from Naparella Consulting gave a brief overview and asked if there were any questions.

Councilor Young asked if the purpose of the application was to give driveway access from Wally Road. Mr. Zinsmeyer said it is.

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

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

A public hearing to consider 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. 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, was opened by the Deputy Supervisor.

Lisa Wennberg of Keplinger Freeman Associates and Erik Turner were present to speak on behalf of the application. Ms. Wennberg explained that the applicant is proposing a 2700 sf bank in the plaza near Raymour's furniture store. The application is for a Special Permit to construct a drive thru; the zoning allows for the construction of a bank. Councilor Young asked if they require any variances. Ms. Wennberg said they have obtained the variances for setback and landscape buffer from the ZBA already.

Councilor Russell asked about the parking on the right and how it will be accessed. Mr. Turner said it will be employee parking, with proper signage and they will enter through an employee only door. Councilor Young remarked that the traffic flow around the building looks a little tight. He also wondered if there would be enough parking for all of the tenants. Commissioner Bender said the Planning Board will make their own determination.

Councilor Gauthier asked if this branch will be replacing Route 57 branch or if it will be in addition. Mr. Turner said it will be in addition to the one on 57.

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

**LOCAL LAW No. 5 OF THE YEAR 2026 (CPH) – amending Town of Clay  
Town Code Sections 230-11C and 230-16”:**

A public hearing to consider proposed **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.

Deputy Supervisor Bick opened the public hearing and gave a brief overview explaining that currently the Town of Clay Code has no regulations or definition regarding “smoke shops”. In addition, there is no jurisdiction and locations are not known.

Councilor Young stated the proposed law includes a definition of Smoke Shops as places that sell "cannabis cigarettes" which can be viewed as giving Smoke Shops the right to sell cannabis cigarettes. Mr. Young suggested "cannabis cigarettes " be removed from the definition.

Leann Giles said that she did not want to see any smoke shops in the area.

Deborah Magaro-Dolan asked if the existing “smoke shops” would be grandfathered in and they would be. Will there be a limit on the number of shops allowed in the town and would they be limited on the proximity to schools, parks, etc. Who will enforce this? Deputy Supervisor Bick said the Codes Department requested this amendment as they are answering many complaints without clear wording.

Janet Rathburn asked if they are not in compliance will they be fined. The Deputy Supervisor said that the Local Law will better define the rules and possibly being the mechanism to close down establishments not in compliance.

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

Councilor Young said he would like to see regulation on drones. He said he had just read that Amazon will be using drones to deliver packages and feels as this technology is more widely used, regulations will need to be put in place. The Town needs to consider the size and noise in addition to the invasion of privacy. He said he would like to discuss this and regulate it before it becomes an issue.

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

A public hearing to consider the **2027** application of street repairs for **Community Development Block Grant (CDBG)** funding for Steelway Blvd. South, was opened by the Supervisor. He explained the Block Grant provides funding for road repairs in lower income areas. The money is taxpayer money collected by the State and County that is returned to the town for this purpose.

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

**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. 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 20<sup>th</sup> meeting. (*Adjourned from the 04/20/2026 Town Board meeting*) was opened by the

Deputy Supervisor. He began by explaining that this Local Law is only to add the new chapter to the Town Laws regarding Battery Storage. Deputy Supervisor Bick explained they have made change from the original draft of the Local Law incorporating changes, focusing on concerns from the previous hearing.

Councilor Young said they will revise (based on comments) and publish and discuss the final version when satisfied all parties have been heard and matters addressed. Afterwards it will come to a vote.

Councilor Capria stated the Town has been talking about this for awhile and when complete other Towns will likely follow our lead.

Deputy Supervisor Bick thanked Robert Germain, Legal Counsel for the Town of Clay for his diligence, adding, he continues to serve the Town well.

Two applicants with three different pending Special Permit applications for Battery Storage spoke out again stating the setbacks are too restrictive and the wetlands should basically not be factored in, but reviewed on case by case basis, primarily those not supporting habitat. They added that the restrictive setbacks will deny the growth of renewable resources. Commissioner Bender said that the original setbacks were 100' this revision reduces the set backs to 50'.

Sara Yoon with Aurora Renewables, a Solar and Battery storage company also spoke again, echoing the comments from the previous speakers, adding, this is overly restrictive.

Jim Hickey, said he is a landowner in the industrial zone and the proposed setbacks would prohibit him from being able to apply for this on his property.

Janet Rathburn, a resident, said she has not read the second revision of the proposed wording for the local law. She continued, unlike the first three speakers, she actually lives in the Town of Clay (close to one of the applications and close to a probable other application). She said she is concerned, and it is the Towns' responsibility to look out for the residents.

Councilor Young told her to wait and look at the new revision when it is available.

A resident corrected that this is technically not renewable resource but renewable storage.

Deputy Supervisor Bick said they will continue to meet and look at additional possible revisions and **adjourn** the public hearing. A motion was made by Councilor Young and seconded by Councilor Capria to adjourn the public hearing to **May 18, 2026, at 7:50 PM.**

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

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

Councilor Russell moved the adoption of a resolution calling a public hearing on **May 18, 2026**, commencing at **7:44 P.M.**, local time, to consider 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. Motion was seconded by Councilor Young.

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

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

Councilor Capria moved the adoption of a resolution calling a public hearing on **May 18, 2026**, commencing at **7:47 P.M.**, local time, 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. Motion was seconded by Councilor Bick.

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

**NEW YORK STATE RETIREMENT – STANDARD WORKDAY REPORTING:**

Councilor Russell moved the adoption of a resolution that the Town of Clay hereby establishes the standard work days for elected and appointed officials who choose to participate in the New York State Retirement System, and will report the days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the officials to the Town Clerk of the Town of Clay, all as shown on a resolution to be filed in the Town Clerk's Office and posted on the Town of Clay website and posted on the Official Board located at 4401 State Route 31, Clay NY 13041 for not less than 30 days after the adoption of such resolution, as required by the State Comptroller's Office. Motion was seconded by Councilor Capria.

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

The Standard Workday is as follows:

**Standard Work Day Reporting – Elected Officials**

| TITLE        | NAME         | Standard Day | Tier 1 | Record | Term            | Result |
|--------------|--------------|--------------|--------|--------|-----------------|--------|
| Town Clerk   | Jill Hageman | 7.5          | No     | Yes    | 1/1/26-12/31/26 | 21.05  |
| Tax Receiver | Brian Hall   | 7.5          | No     | Yes    | 1/1/26-12/31/27 | 20.89  |
| Bd Member    | Dave Capria  | 6            | No     | No     | 1/1/26-12/31/28 | X      |
| Bd Member    | Ryan Russell | 6            | No     | No     | 1/1/26-12/31/28 | X      |
|              |              |              |        |        |                 |        |
|              |              |              |        |        |                 |        |

**Standard Work Day Reporting – Appointed Officials**

| TITLE          | NAME             | Standard Day | Tier 1 | Record | Term            | Result |
|----------------|------------------|--------------|--------|--------|-----------------|--------|
| Comm P&D       | Brian Bender     | 7.5          | No     | No     | 1/1/26-12/31/26 | X      |
| Codes Comm     | Joe Grispino     | 7.5          | No     | Yes    | 1/1/26-12/31/26 | 20.45  |
| Highway Supr.  | Joseph Nicoletti | 8            | No     | Yes    | 1/1/26-12/31/26 | 22.75  |
| Comm. Rec      | James Muscatello | 7.5          | No     | Yes    | 1/1/26-12/31/26 | 20.59  |
| Water Super.   | Frank Mazzye     | 8            | No     | Yes    | 1/1/26-12/31/26 | 19.93  |
| Planning Board | Paul Graves      | 6            | No     | No     | 1/1/25-12/31/29 | X      |
| Zoning Board   | Ryan Frantzis    | 6            | No     | Yes    | 1/1/25-12/31/27 | .5     |

**Adjournment:**

The meeting was adjourned at 8:37 P.M. upon motion by Councilor Young and seconded by Deputy Supervisor Bick.

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

  
 Jill Hageman Clark RMC / Town Clerk