

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on September 9, 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
Brian Bender	Commissioner Planning & Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell and Paul Graves, Planning Board Members Mike Redhead, Fire Inspector.

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 Wisnowski made a motion to approve the minutes of the August 17, 2026 Regular Town Board Meeting. Motion was seconded by Councilor Capria.

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

CORRESPONDENCE:

Deputy Supervisor Bick said he did not have any correspondence to share.

REQUESTS for ADJOURNMENTS:

Deputy Supervisor Bick said that the first three items (NEXAMP, NEXAMP & CARSON POWER) would not be heard as they will be addressed on the additional agenda

Deputy Supervisor Bick asked if anyone wished to discuss anything not on the agenda.

Several residents were there to discuss the noise from Sharkey's and began by saying that the newly added doors are not helping. Deputy Supervisor Bick told them that they would have the opportunity to speak during the hearing for Local Law No. 8 of the Year 2026 (regarding noise).

REGULAR MEETING

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

(SEQR/FINDINGS/DECISION) For 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. **NOT HEARD**

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

(SEQR/FINDINGS/DECISION) For 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. **NOT HEARD**

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

(SEQR/FINDINGS/DECISION) For 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. **NOT HEARD**

SPECIAL PERMIT (PH) Town Board Case # 1259 – DELTA SONIC CAR WASH SYSTEMS, INC.:

A public hearing to consider the application of Town Board Case #1259: **DELTA SONIC CAR WASH SYSTEMS, INC.**, to allow for a Special Permit pursuant to Section 230-16C.(2)(e)[3] - Automobile car wash facility, to allow for outdoor vacuums on property located at **3720, 3728-3770 Brewerton Road, Tax Map No. 118.-01-15.0**, consisting of +/- 3.64 acres of land. The property is located in the RC-1 Regional Commercial District and was opened by the Deputy Supervisor.

Matthew Oates, Mike Yount and Milton Quandt were present on behalf of Delta Sonic.

Mr. Oats began by explaining that Delta Sonic purchased the parcel where the fish market, restaurant and consignment store were and plans to use it for outdoor vacuums for the car wash. The only access to the vacuums will be upon exiting the carwash line and instead of turning left to have the car dried and exit, cars will turn left to use the vacuums and can exit that way. The vacuum area will not be able to exit from the site onto South Bay Road but only a right-hand turn onto Route 11 heading north.

Councilor Young asked if the vacuums are exclusively for Delta Sonic. Mr. Oats said they are and can only be accessed when exiting the carwash line.

Councilor Capria said there are four driveways between the carwash and Julies Diner.

Councilor Gauthier asked how a customer would access the gasoline service or convenient store after using the vacuums. Mr. Oats said they would need to exit heading north on Route 11 and either turn around or turn onto South Bay Road and reenter the carwash. They could not access the gasoline service or store without leaving. She asked how they plan to enforce the traffic flow. The applicant said they will have staff directing the pattern.

Deputy Supervisor Bick said that he would refer this to the Planning Board (meeting date 9/30/2026).

Councilor Capria made a motion to **adjourn** the public hearing to **October 19, 2026**. Motion was seconded by Councilor Young.

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

LOCAL LAW NO. 8 OF THE YEAR 2026 (PH) – amending Section 230-16(A)(2):

A public hearing to consider **LOCAL LAW NO. 8 OF THE YEAR 2026**, for a proposed amendment to Section 230-16(A)(2) of the Town of Clay Zoning Ordinance to permit indoor & outdoor concerts as allowed uses within the Recreation (Rec-1) Zoning District and Limited Use District for Restaurants (LuC-2).

WHEREAS, the Town Board recognizes that periodically amending the Zoning Ordinance to address evolving community needs and recreational opportunities serves the public interest and promotes the appropriate use of land within the Town of Clay; and

WHEREAS, the purpose of the public hearing is to consider the appropriateness of permitting indoor & outdoor concerts as an allowed use within the **Recreation (Rec-1) Zoning District and Limited Use District for Restaurants (LuC-2)** through the addition of subsection (f) to Section 230-16(A)(2) of the Town of Clay Zoning Ordinance, was opened by the Deputy Supervisor.

Deputy Supervisor Bick began by stating this Local Law will address issues not only with Sharkey's but other businesses as well.

Many residents were present to complain about Sharky's and the noise from the concerts. One resident submitted a petition signed by residents opposing the passing of this local law and requiring Sharkey's to cease outdoor concerts. One person added they are having national acts and are often back-to-back. There was 22 hours of music over a weekend and 55 concerts between May and August. Another person said that other venues (outdoor) do not have concerts year-round. Someone suggested limiting the number of concerts in a week and/or the number of hours per weekend.

One man 'ordered' enforcement of the Code. He said they could hear the music 1/3 of a mile away, adding that he sent a video to the Towns of Clay and Salina. He then produced a sound meter to demonstrate the sound on August 17, 2026. He set it in front of the Deputy Supervisor and produced heavy metal music for the demonstration that read 56-62 decibels. He said the code allows 52. Deputy Supervisor Bick said that when the man spoke into the microphone it read 62.

The discussion about the noise from concerts at Sharkey's continued with several people weighing in about the lateness of the shows, the base reverberating in the house, the dilapidated boat next to the stage and the possible depreciation of home values.

One man suggested perhaps turning the stage towards the warehouse. Another said stop the concerts because the entertainment is not entertainment. One person complained about Code Enforcement saying two men came to the house threatening the resident to stop complaining and asked how complaints are handled.

Deputy Supervisor Bick said Codes has answered many calls regarding the noise. He continued they have responded after hours and improved the equipment to read sound by purchasing new meters. He concluded he will not continue to spend town resources on this.

Councilor Young said that he does not support this Local Law at all and the Town should set strict regulations.

Councilor Capria said the entertainment should be shut down by 9 PM and the Town must direct the Sheriffs to enforce.

All questions and comments having been heard, Deputy Supervisor Bick **closed** the hearing.

LOCAL LAW NO. 9 OF THE YEAR 2026 TO AMEND Town Code Section 197-3B:

Deputy Supervisor Bick began a public hearing to consider **LOCAL LAW NO. 9 OF THE YEAR 2026**, to amend Town Code Section 197-3 B., adding the word “snow blow,” and “roof rake” and removing the word “driveway,” and replacing it with the word “property.” Section shall read as follows:

“No person shall plow, **snow blow**, shovel, **roof rake** or pile snow from a private or public **property** in such a manner as to deposit the same in the public roadway or on a public right-of-way or sidewalk or across the street from said **property** or onto the property of another without that person's consent.”

Deputy Supervisor Bick said that this Local Law will serve to update the language in the Town Code to include wording consistent with changes to snow removal and maintenance.

There were no questions or comments, and the Deputy Supervisor **closed** the hearing.

FINANCIAL DISCLOSURE AUDIT 2026 (A):

Councilor Russell moved the adoption of a resolution accepting the **Financial Disclosure Audit** report completed and provided by the Town Clerk and Board of Ethics Committee for the year **2026**. Motion was seconded by Councilor Capria.

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

SPECIAL PERMIT (CPH) Town Board Case # 1264 – MATTHEWS AUTO GROUP:

Councilor Capria moved the adoption of a resolution calling a public hearing on **September 21, 2026**, commencing at **7:38 P.M.**, local time, to consider Town Board Case #1264: **MATTHEWS AUTO GROUP** for a Special Permit pursuant to Section 230-16 C.(2)(e)[4] – Motor Vehicle Service, to allow for service of motor vehicles on property located at **4155 State Route 31, Tax Map No. 028.-01-47.0**, consisting of +/- 5.82 acres of land. The property is located in the RC-1 Regional Commercial District. Motion was seconded by Councilor Russell.

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

LOCAL LAW NO. 10 OF THE YEAR 2026 (CPH) – amending Section 230-22©(1)(c)[1]:

Councilor Wisnowski moved the adoption of a resolution calling a public hearing on **September 21, 2026**, commencing at **7:41 P.M.**, local time, to consider **LOCAL LAW NO. 10 OF THE YEAR 2026**, for proposed amendments to **Section 230-22(C)(1)(c)[1] of the Town of Clay Zoning Ordinance**

WHEREAS, the Town Board recognizes that it is in the public interest to periodically review and amend the Zoning Ordinance to reflect contemporary community planning practices, address evolving community needs and priorities, and support the needs of businesses and commercial tenants by allowing modern and effective signage that appropriately identifies and promotes their operations, while maintaining appropriate standards to protect the character and quality of the community; and

WHEREAS, the purpose of the public hearing is to consider an amendment to Section 230-22(C)(1)(c)[1][a][i] to allow for the placement of electronic message signs in the Industrial 1 (I-1) Zoning District, and add Section 230-22(C)(1)(c)[1][a][ix] containing the following language - Electronic message signs shall be designed and operated to minimize glare and light trespass onto adjoining properties and public rights-of-way. When an electronic message sign is located adjacent to a residential zoning district or residential use, the Town may require additional screening, shielding, reduced brightness, or other mitigation measures to prevent unreasonable impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clay shall hold a public hearing on **September 21, 2026**, at **7:41 P.M.**, local time, to receive public comment and consider proposed amendments to the Electronic Message Sign provision of the Town of Clay Zoning Ordinance. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried. (Councilor Capria had left the room)*

STANDARD WORKDAY REPORTING (revised):

Councilor Young moved the adoption of a resolution establishing the following **revised** standard workdays for these titles and will report it to the New York State Local Retirement System based on their record of activities as follows: Motion was seconded by Councilor Russell. (see attached)

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

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

Councilor Russell moved the adoption of a resolution that the application of **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] to allow a proposed battery energy storage system (BESS) on property located at **4664 Wetzel Road, Tax Map No. 087.-01-12.0** is an Unlisted Action for the purpose of SEQRA compliance. The applicant has filed a SEQRA long form with the Town that has been reviewed and requires no permit granting authority outside the Town. The proposed action **will** have a negative effect on the environment.

FINDINGS:

Based upon the Special Permit application and supporting materials, the recommendations of the Planning Board, the comments of the Onondaga County Planning Board, and the record before the Town Board, the Town Board makes the following findings:

1. **Need for a Comprehensive Regulatory Framework.** The Town Board finds that Battery Energy Storage Systems (BESS) represent a unique land use with specific siting, fire safety, emergency response, environmental, operational, and land use compatibility considerations. The Town's regulations should specifically address these considerations rather than relying upon existing provisions that were not developed specifically for BESS facilities.
2. **Need for Clear Definitions and Standards.** The Town Board finds that clear definitions and comprehensive standards are necessary to appropriately regulate BESS facilities, including standards addressing system size and classification, setbacks, siting, fire safety, emergency access, screening, security, and other operational considerations.
3. **Appropriate Siting.** The Town Board finds that the suitability of a BESS facility should be determined through established land use and siting criteria and should not be based solely upon the availability of a particular parcel. Consideration should be given to surrounding land uses, proximity to residential and commercial development, parcel characteristics, access, topography, infrastructure, emergency response capabilities, and existing and planned development.

4. Proximity to Residential and Commercial Uses. The Town Board finds that the proposed facility's proximity to residential and other commercial uses warrants additional consideration of land use compatibility, buffering, screening, separation distances, and potential impacts on surrounding properties.

5. Fire Safety and Emergency Response. The Town Board finds that BESS facilities present specialized fire safety and emergency response considerations. Appropriate regulations should address fire prevention and suppression, emergency access, incident response, notification procedures, and coordination with the applicable fire protection and emergency response agencies. The Town Board further finds that the training, equipment, and capabilities necessary for local emergency responders to address a BESS-related incident should be evaluated as part of establishing an appropriate regulatory framework.

6. Potential Public Safety and Environmental Impacts. The Town Board recognizes concerns associated with a potential battery-related incident, including fire, smoke, or the release of potentially hazardous substances. The Town Board finds that appropriate regulations should establish standards intended to minimize potential impacts to neighboring properties, residents, emergency personnel, and the environment.

7. Screening and Visual Impacts. The Town Board finds that BESS facilities should be subject to appropriate screening and buffering requirements to address visual and operational impacts. Such requirements may include landscaping, fencing, vegetative buffers, and other site design measures appropriate to the location and surrounding land uses.

8. Land Use Planning and Concentration of Facilities. The Town Board finds that the Town should consider whether BESS facilities are most appropriately located within specifically designated areas, including appropriate industrial or other non-residential districts, rather than allowing such facilities to be distributed throughout the Town based solely upon individual parcel availability. A comprehensive approach would allow the Town to better evaluate cumulative impacts and coordinate infrastructure, emergency response, and land use compatibility.

9. Planning Board Recommendation. The Town Board has considered the Planning Board's unfavorable recommendation issued at its February 25th meeting by a vote of seven to zero. The Planning Board identified concerns regarding the adequacy of the Town's existing regulations, the need for clear definitions and standards, appropriate siting, proximity to residential and commercial uses, fire safety and potential air contamination, screening, the potential designation of appropriate areas for BESS facilities, and the ability of local emergency responders to address a BESS-related emergency.

10. Onondaga County Planning Board Review. The Town Board has also considered the January 28th review of the Onondaga County Planning Board. The County Planning Board encouraged the Town to ensure that adequate regulations are in place for buffering, screening, and fire safety given the proximity of residential uses. The County Planning Board further encouraged the Town to consider adopting

a comprehensive BESS ordinance addressing fire safety, siting, required separation from residential uses, screening, and definitions.

11. Site Access and Emergency Access. The Town Board has considered the County Planning Board's recommendation that, given the limited vehicular use and topography, the applicant and Town consider utilizing the adjacent plaza for access to the site. The Town Board finds that site access, circulation, and emergency access should be addressed through appropriate standards applicable to BESS facilities.

12. Need for Municipal Action. The Town Board finds that the Town would benefit from establishing a comprehensive regulatory framework for BESS facilities before further applications are considered. Such regulations will provide applicants, reviewing agencies, emergency responders, and the community with greater certainty regarding the appropriate location, design, operation, and emergency response requirements for these facilities.

13. Denial Without Prejudice. The Town Board finds that the concerns identified herein are capable of being addressed through future municipal action and/or through a revised application demonstrating compliance with applicable regulations. Accordingly, the denial of the Special Permit is without prejudice and is not intended to prevent the applicant from pursuing a future application.

14. Future Applications Under BESS Ordinance. The Town Board has adopted a specific Battery Energy Storage System (BESS) ordinance establishing regulations governing the siting, design, review, and operation of BESS facilities within the Town. The Town Board has also established a moratorium on the consideration and approval of BESS applications, which remains in effect through October 10, 2026. The Town Board finds that the moratorium provides an appropriate period to allow the newly adopted regulatory framework to take effect and be implemented.

Following expiration of the moratorium, applicants are encouraged to submit applications pursuant to the provisions and standards of the adopted BESS ordinance. Any future application will be evaluated based upon the requirements of the ordinance and the specific characteristics of the proposed facility and site.

DECISION:

Based upon the foregoing findings, the Town Board finds that the proposed Battery Energy Storage System, as presently presented, does not provide sufficient assurance that the use can be appropriately sited and regulated to address land use compatibility, fire safety, emergency response, screening, access, and potential impacts to surrounding properties. The Town Board therefore determines that the Special Permit application should be **denied without prejudice**. This determination recognizes the Town's need to establish a comprehensive regulatory framework for BESS facilities and does not preclude the applicant from submitting a future application under regulations subsequently adopted by the Town. Motion was seconded by Councilor Capria.

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

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

Councilor Russell moved the adoption of a resolution that the application of **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] to allow a proposed battery energy storage system (BESS) on property located at **Long Branch Road Tax Map Nu. 104.-02-09.1** is an Unlisted Action for the purpose of SEQRA compliance. The applicant has filed a SEQRA long form with the Town that has been reviewed and requires no permit granting authority outside the Town. The proposed action **will** have a negative effect on the environment.

FINDINGS:

Based upon the Special Permit application and supporting materials, the recommendations of the Planning Board, the comments of the Onondaga County Planning Board, and the record before the Town Board, the Town Board makes the following findings:

1. **Need for a Comprehensive Regulatory Framework.** The Town Board finds that Battery Energy Storage Systems (BESS) represent a unique land use with specific siting, fire safety, emergency response, environmental, operational, and land use compatibility considerations. The Town's regulations should specifically address these considerations rather than relying upon existing provisions that were not developed specifically for BESS facilities.
2. **Need for Clear Definitions and Standards.** The Town Board finds that clear definitions and comprehensive standards are necessary to appropriately regulate BESS facilities, including standards addressing system size and classification, setbacks, siting, fire safety, emergency access, screening, security, and other operational considerations.
3. **Appropriate Siting.** The Town Board finds that the suitability of a BESS facility should be determined through established land use and siting criteria and should not be based solely upon the availability of a particular parcel. Consideration should be given to surrounding land uses, proximity to residential and commercial development, parcel characteristics, access, topography, infrastructure, emergency response capabilities, and existing and planned development.
4. **Proximity to Residential and Commercial Uses.** The Town Board finds that the proposed facility's proximity to residential and other commercial uses warrants additional consideration of land use compatibility, buffering, screening, separation distances, and potential impacts on surrounding properties.
5. **Fire Safety and Emergency Response.** The Town Board finds that BESS facilities present specialized fire safety and emergency response considerations. Appropriate regulations should address fire prevention and suppression, emergency access, incident response, notification procedures, and coordination with the applicable fire protection and emergency response agencies. The Town Board further finds that the training, equipment, and capabilities necessary for local

emergency responders to address a BESS-related incident should be evaluated as part of establishing an appropriate regulatory framework.

6. Potential Public Safety and Environmental Impacts. The Town Board recognizes concerns associated with a potential battery-related incident, including fire, smoke, or the release of potentially hazardous substances. The Town Board finds that appropriate regulations should establish standards intended to minimize potential impacts to neighboring properties, residents, emergency personnel, and the environment.

7. Screening and Visual Impacts. The Town Board finds that BESS facilities should be subject to appropriate screening and buffering requirements to address visual and operational impacts. Such requirements may include landscaping, fencing, vegetative buffers, and other site design measures appropriate to the location and surrounding land uses.

8. Land Use Planning and Concentration of Facilities. The Town Board finds that the Town should consider whether BESS facilities are most appropriately located within specifically designated areas, including appropriate industrial or other non-residential districts, rather than allowing such facilities to be distributed throughout the Town based solely upon individual parcel availability. A comprehensive approach would allow the Town to better evaluate cumulative impacts and coordinate infrastructure, emergency response, and land use compatibility.

9. Planning Board Recommendation. The Town Board has considered the Planning Board's unfavorable recommendation issued at its February 25th meeting by a vote of seven to zero. The Planning Board identified concerns regarding the adequacy of the Town's existing regulations, the need for clear definitions and standards, appropriate siting, proximity to residential and commercial uses, fire safety and potential air contamination, screening, the potential designation of appropriate areas for BESS facilities, and the ability of local emergency responders to address a BESS-related emergency.

10. Onondaga County Planning Board Review. The Town Board has also considered the January 28th review of the Onondaga County Planning Board. The County Planning Board encouraged the Town to ensure that adequate regulations are in place for buffering, screening, and fire safety given the proximity of residential uses. The County Planning Board further encouraged the Town to consider adopting a comprehensive BESS ordinance addressing fire safety, siting, required separation from residential uses, screening, and definitions.

11. Site Access and Emergency Access. The Town Board has considered the County Planning Board's recommendation that, given the limited vehicular use and topography, the applicant and Town consider utilizing the adjacent plaza for access to the site. The Town Board finds that site access, circulation, and emergency access should be addressed through appropriate standards applicable to BESS facilities.

12. Need for Municipal Action. The Town Board finds that the Town would benefit from establishing a comprehensive regulatory framework for BESS facilities before further applications are considered. Such regulations will provide applicants, reviewing agencies, emergency responders, and the community with greater

certainty regarding the appropriate location, design, operation, and emergency response requirements for these facilities.

13. Denial Without Prejudice. The Town Board finds that the concerns identified herein are capable of being addressed through future municipal action and/or through a revised application demonstrating compliance with applicable regulations. Accordingly, the denial of the Special Permit is without prejudice and is not intended to prevent the applicant from pursuing a future application.

14. Future Applications Under BESS Ordinance. The Town Board has adopted a specific Battery Energy Storage System (BESS) ordinance establishing regulations governing the siting, design, review, and operation of BESS facilities within the Town. The Town Board has also established a moratorium on the consideration and approval of BESS applications, which remains in effect through October 10, 2026. The Town Board finds that the moratorium provides an appropriate period to allow the newly adopted regulatory framework to take effect and be implemented. Following expiration of the moratorium, applicants are encouraged to submit applications pursuant to the provisions and standards of the adopted BESS ordinance. Any future application will be evaluated based upon the requirements of the ordinance and the specific characteristics of the proposed facility and site.

DECISION:

Based upon the foregoing findings, the Town Board finds that the proposed Battery Energy Storage System, as presently presented, does not provide sufficient assurance that the use can be appropriately sited and regulated to address land use compatibility, fire safety, emergency response, screening, access, and potential impacts to surrounding properties. The Town Board therefore determines that the Special Permit application should be **denied without prejudice**. This determination recognizes the Town's need to establish a comprehensive regulatory framework for BESS facilities and does not preclude the applicant from submitting a future application under regulations subsequently adopted by the Town. Motion was seconded by Councilor Young.

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

SPECIAL PERMIT (SEQRA & DECISION) (D) TOWN Board Case # 1245 - CARSON POWER, LLC:

Councilor Capria moved the adoption of a resolution that the application of **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] to allow a proposed battery energy storage system (BESS) on property located at **7846 & 7850 Gougan Drive, Tax Map No. 087.-01-53,0 and 078.-01-08.2** is an Unlisted Action for the purpose of SEQRA compliance. The applicant has filed a SEQRA long form with the Town that has been reviewed and requires no permit granting authority outside the Town. The proposed action **will** have a negative effect on the environment.

FINDINGS:

Based upon the Special Permit application and supporting materials, the recommendations of the Planning Board, the comments of the Onondaga County Planning Board, and the record before the Town Board, the Town Board makes the following findings:

1. **Need for a Comprehensive Regulatory Framework.** The Town Board finds that Battery Energy Storage Systems (BESS) represent a unique land use with specific siting, fire safety, emergency response, environmental, operational, and land use compatibility considerations. The Town's regulations should specifically address these considerations rather than relying upon existing provisions that were not developed specifically for BESS facilities.
2. **Need for Clear Definitions and Standards.** The Town Board finds that clear definitions and comprehensive standards are necessary to appropriately regulate BESS facilities, including standards addressing system size and classification, setbacks, siting, fire safety, emergency access, screening, security, and other operational considerations.
3. **Appropriate Siting.** The Town Board finds that the suitability of a BESS facility should be determined through established land use and siting criteria and should not be based solely upon the availability of a particular parcel. Consideration should be given to surrounding land uses, proximity to residential and commercial development, parcel characteristics, access, topography, infrastructure, emergency response capabilities, and existing and planned development.
4. **Proximity to Residential and Commercial Uses.** The Town Board finds that the proposed facility's proximity to residential and other commercial uses warrants additional consideration of land use compatibility, buffering, screening, separation distances, and potential impacts on surrounding properties.
5. **Fire Safety and Emergency Response.** The Town Board finds that BESS facilities present specialized fire safety and emergency response considerations. Appropriate regulations should address fire prevention and suppression, emergency access, incident response, notification procedures, and coordination with the applicable fire protection and emergency response agencies. The Town Board further finds that the training, equipment, and capabilities necessary for local emergency responders to address a BESS-related incident should be evaluated as part of establishing an appropriate regulatory framework.
6. **Potential Public Safety and Environmental Impacts.** The Town Board recognizes concerns associated with a potential battery-related incident, including fire, smoke, or the release of potentially hazardous substances. The Town Board finds that appropriate regulations should establish standards intended to minimize potential impacts to neighboring properties, residents, emergency personnel, and the environment.
7. **Screening and Visual Impacts.** The Town Board finds that BESS facilities should be subject to appropriate screening and buffering requirements to address visual and operational impacts. Such requirements may include landscaping, fencing, vegetative buffers, and other site design measures appropriate to the location and surrounding land uses.

8. Land Use Planning and Concentration of Facilities. The Town Board finds that the Town should consider whether BESS facilities are most appropriately located within specifically designated areas, including appropriate industrial or other non-residential districts, rather than allowing such facilities to be distributed throughout the Town based solely upon individual parcel availability. A comprehensive approach would allow the Town to better evaluate cumulative impacts and coordinate infrastructure, emergency response, and land use compatibility.

9. Planning Board Recommendation. The Town Board has considered the Planning Board's unfavorable recommendation issued at its February 25th meeting by a vote of seven to zero. The Planning Board identified concerns regarding the adequacy of the Town's existing regulations, the need for clear definitions and standards, appropriate siting, proximity to residential and commercial uses, fire safety and potential air contamination, screening, the potential designation of appropriate areas for BESS facilities, and the ability of local emergency responders to address a BESS-related emergency.

10. Onondaga County Planning Board Review. The Town Board has also considered the January 28th review of the Onondaga County Planning Board. The County Planning Board encouraged the Town to ensure that adequate regulations are in place for buffering, screening, and fire safety given the proximity of residential uses. The County Planning Board further encouraged the Town to consider adopting a comprehensive BESS ordinance addressing fire safety, siting, required separation from residential uses, screening, and definitions.

11. Site Access and Emergency Access. The Town Board has considered the County Planning Board's recommendation that, given the limited vehicular use and topography, the applicant and Town consider utilizing the adjacent plaza for access to the site. The Town Board finds that site access, circulation, and emergency access should be addressed through appropriate standards applicable to BESS facilities.

12. Need for Municipal Action. The Town Board finds that the Town would benefit from establishing a comprehensive regulatory framework for BESS facilities before further applications are considered. Such regulations will provide applicants, reviewing agencies, emergency responders, and the community with greater certainty regarding the appropriate location, design, operation, and emergency response requirements for these facilities.

13. Denial Without Prejudice. The Town Board finds that the concerns identified herein are capable of being addressed through future municipal action and/or through a revised application demonstrating compliance with applicable regulations. Accordingly, the denial of the Special Permit is without prejudice and is not intended to prevent the applicant from pursuing a future application.

14. Future Applications Under BESS Ordinance. The Town Board has adopted a specific Battery Energy Storage System (BESS) ordinance establishing regulations governing the siting, design, review, and operation of BESS facilities within the Town. The Town Board has also established a moratorium on the consideration and approval of BESS applications, which remains in effect through October 10, 2026. The Town Board finds that the moratorium provides an appropriate period to allow the newly adopted regulatory framework to take effect and be implemented.

Following expiration of the moratorium, applicants are encouraged to submit applications pursuant to the provisions and standards of the adopted BESS ordinance. Any future application will be evaluated based upon the requirements of the ordinance and the specific characteristics of the proposed facility and site.

DECISION:

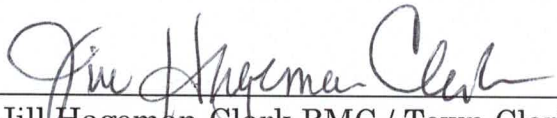
Based upon the foregoing findings, the Town Board finds that the proposed Battery Energy Storage System, as presently presented, does not provide sufficient assurance that the use can be appropriately sited and regulated to address land use compatibility, fire safety, emergency response, screening, access, and potential impacts to surrounding properties. The Town Board therefore determines that the Special Permit application should be **denied without prejudice**. This determination recognizes the Town's need to establish a comprehensive regulatory framework for BESS facilities and does not preclude the applicant from submitting a future application under regulations subsequently adopted by the Town. Motion was seconded by Councilor Wisnowski.

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

ADJOURNMENT

The meeting was adjourned at 9 07 P.M. upon motion by Councilor Young and seconded by Councilor Russell.

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


Jill Hageman-Clark RMC / Town Clerk

TOWN BOARD MEETING (Attachment)

TOWN OF CLAY

September 9, 2026

Name	Standard Work Day	Title	Tier 1	Current Term	Record of Activities Required	Result of Activities
Jill Hageman-Clark	7.5	Town Clerk	No	1/1/24-12/31/25	Yes	19.44/29.15
Brian Hall	7.5	Tax Receiver	No	1/1/24-12/31/27	Yes	19.29/28.93
Anthony Germano	6	Town Justice	No	1/1/24-12/31/27	Yes	X
Jeffrey Schiano	6	Town Justice	No	1/1/24-12/31/27	Yes	3.63/5.45
Eugene Young	6	Town Board	No	1/1/24-12/31/27	Yes	X
Ryan Pleskach	6	Town Board	No	1/1/22-12/31/25	Yes	2.79
David Capria	6	Town Board	No	1/1/25-12/31/25	Yes	X
Deborah Magaro-Dolan	6	Town Board	No	1/1/22-12/31/25	Yes	2.25
Rob Bick	7.5	Assessor	No	9/30/25-9/30/31	Yes	19.39/29.08
Joseph Nicoletti	8	Highway Superintendent	No	1/1/24-12/31/25	Yes	X
Joseph Grispino	7.5	Commissioner of Codes	No	1/14/25-12/31/25	Yes	18.88/28.32
James Muscatello	7.5	Commissioner Recreation	No	1/1/24-12/31/25	Yes	19.01/28.51
Frank Mazzye	8	Water Superintendent	No	1/1/24-12/31/25	Yes	18.40/27.60
Albert McMahon	6	Planning Board	No	11/17/21-12/31/27	Yes	3.47/5.20
Paul Graves	6	Planning Board	No	1/1/25-12/31/31	Yes	X
Ryan Frantzis	6	Zoning Board	No	1/125-12/31/27	Yes	.47/.70