

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the December 20, 2021 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Deborah Magaro Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Cody Kelly, Onondaga County Legislator.

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 Hess made a motion to approve the minutes of the December 6, 2021 Town Board meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

None

Correspondence:

There was no correspondence.

REGULAR MEETING:

Local Law No. 2 of the Year 2021(formerly Local Law No. 1 of the year 2021(adding a new chapter) SOLAR ENERGY SYSTEMS (PH):

A public hearing to consider **LOCAL LAW NO. 1** (formerly Local Law No. 2) of the year **2021**, enacting a new Town Code section titled Solar Energy Systems, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that this was formerly Local Law No. 2 of 2021, however, since (the former) Local Law No. 1 was rescinded, the Solar Energy Systems Local Law is now Local Law No. 1 of 2021. He continued that with the proliferation of solar initiatives in NYS, the Town Board decided to take a more comprehensive look at solar applications and the effect on the residents health and wellbeing with the rapid increase of solar applications by implementing a one year solar moratorium, that was extended an additional nine months.

Councilor Young, Chairman of the Solar Commission, explained that the Local Law is intended to restrict solar development to Industrial and Commercial zones without a zone change. They will require a Special Permit from the Town Board.

The Solar Commission have comprised a detailed plan outlining height, percentage of land, signage, letters of credit (substantial) to ensure a thoroughly detailed decommission plan, restoring the parcel to the pre-solar condition. He continued that solar will be separated into three tiers.

Tier One – Solar arrays attached to a home or a building for personal use (require a special permit from the Code Officer)

Tier Two - Arrays not attached to the structure (ground mounted) and to be reviewed and approved or denied by the Planning Board.

Tier Three – all other that tie into the grid (large size) selling power. Only allowed in an Industrial or Commercial zone. They require Town Board approval and referral from the Planning Board.

Supervisor Ulatowski asked about Battery Storage. Councilor Young explained that it is outlined on page 3, paragraph 4, that they must be contained in a secure container complying with the New York State Fire Prevention and Building Code, the New York State Energy Conservation Code and the Town Code.

Councilor Bick asked if only the proposal 1 is being considered as there were two options given to the Town Board to review. Councilor Young said yes, only proposal 1.

Councilor Bick continued by asking if Tier 3 solar was only available in Industrial or Commercial zones; Councilor Young concurred. Councilor Bick asked about Agricultural zones; Councilor Young said no. He asked if the transmission lines will be buried underground unless waived by the Town Board (outlined on page 10 (5)). Continuing, Councilor Bick asked about page 6 H. “No neighborhood in the Town

would be over-burdened by the placement of Tier 3 solar energy systems” and how overburdened is defined. Councilor Young explained that this was a term used as a general statement. Anyone may apply for a zone change to Industrial or Commercial to accommodate an application for solar.

There was a lengthy discussion about the decommission plan and posting of securities ensuring a return to pre solar condition. Fees will be determined by the Town of Clay Legal Counsel and the Town Engineer. Robert Germain (Town Attorney) gave a brief overview of how the securities will be calculated, including escalation over time, administrative fees, possible abandonment and others. Ron DeTota (Town Engineer) added that there will also be disposal and clean up fees.

Councilor Bick asked if storage of renewable energy is currently allowed in Agricultural districts; it is. He added that Agricultural is the least intense use and Industrial and Commercial are the most intense uses. He continued, that someone with an Agricultural parcel, regardless of size would still need to apply for a zone change to Industrial or Commercial to lease the property for solar use, adding that they would then need to apply for a Special Permit necessitating two applications for the same parcel.

Councilor Hess suggested that the NC-1 or Neighborhood Commercial zone should be excluded from the proposal. Councilor Bick asked if the Local Law is not adopted will the law stay as it is. Councilor Young explained that the reason to pass the law is to remove solar from the Code to replace it with Transmission Collection of Energy, a more specific law.

Councilor Meaker said that he is most concerned with the decommission plan and asked if the new guideline will match NYSEERDA. Mr. Germain stated that they are more stringent. There were several comments regarding the cleanup process and the burden not being on the taxpayers.

A resident asked if Proposal 2 will be released to the public. Councilor Young said that it will not; if Proposal 1 is not passed, the Solar Commission will start over from the beginning. The resident said that this is not feasible to submit a solar application in the appropriate zones as solar needs power nearby.

Don Gabor, landowner, said that he had tried to read the proposal and does not agree with the 12' height restrictions in the industrial zone (or the applicable zoning district). He continued that he thought that the Town of Clay was pro renewable energy, however, this option does not support that. Supervisor Ulatowski responded that he has been a proponent but researching further, the claims made regarding renewable energy are not supported by data. He continued, 1 sq. mile of nuclear power is 97% efficient whereas, it would require 57 sq. miles of solar or a footprint the size of the entire Town of Clay as well as a portion of the Town of Salina to be as efficient. The Town of Clay is a great steward of the land and therefore the Town Board is committed to staying focused on preserving the integrity of the town,

Mr. Gabor said that he is not in favor of this option, as it is too restrictive and would be unlikely to enable him to use 10 acres in Industrial for solar. Supervisor Ulatowski said that they would entertain every application.

All questions and comments having been heard, Supervisor Ulatowski said that he would **close** the public hearing. Councilor Bick said that he would like it to stay open.

There was a roll call vote to **Close** the Public Hearing; it went as follows:

Councilor Magaro-Dolan – Close	Councilor Meaker – Open
Councilor Young – Close	Supervisor Ulatowski – Close
Councilor Bick – Open	Councilor Hess – Close
Councilor Pleskach – Open.	

Close the Public Hearing – 4 and Keep the Public Hearing Open – 3. *Motion carried;* the public hearing was **closed**.

Authorization – Transfer of Appropriations:

Councilor Hess moved the adoption of a resolution authorizing transfer of appropriations and amending the 2021 Town of Clay Budget in various funds to provide monies for 2021 expenditures. Seconded by Councilor Bick.

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

Authorization – Transfer of Appropriations:

Councilor Meaker moved the adoption of a resolution approving an agreement between the **Superintendent of Highways** and the **Members of the Town Board** for the expenditure of highway monies in the Town of Clay for the fiscal year ending **December 31, 2021**. Seconded by Councilor Young.

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

Special Permit (SEQR) - Town Board Case # 1168 – CLAY QUAD WEST, LLC:

Councilor Pleskach moved the adoption of a resolution that the application of **CLAY QUAD WEST, LLC./KIA MATTHEWS, FOR A SPECIAL PERMIT** pursuant to Section 230-16C.(2)(e)[4]+[5] to allow for an expansion of existing special permit use of motor vehicle service and sales, located at **3885 STATE ROUTE 31, Tax Map No. 021.-01-03.1.**, 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. Seconded by Councilor Hess.

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

Special Permit (A) - Town Board Case # 1168 – CLAY QUAD WEST, LLC:

Councilor Pleskach moved the adoption of a resolution **approving** the application of **CLAY QUAD WEST, LLC./KIA MATTHEWS, FOR A SPECIAL PERMIT** pursuant to Section 230-16C.(2)(e)[4]+[5] to allow for an expansion of existing special permit use of motor vehicle service and sales, located at **3885 STATE ROUTE 31, Tax Map No. 021.-01-03.1**. Seconded by Hess.

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

Adjournment:

The meeting was adjourned at 8:54 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk