

Zoning Board of the Town of Mexico
Minutes of the Regular Meeting
Held January 18, 2021
Via Zoom commencing at 7:00 P.M.

Present: Ned Waterbury, Chairman
Chuck Dimon, Board Member
Marty Trey, Board Member
Ashley Smith, Board Member
Rebekah Prosachik, Attorney

Absent: Ron Marsden, CEO
And 5 in the audience

Chairman Waterbury opened the meeting at 7:07.

A motion was made by Board Member Dimon and seconded by Board Member Trey to approve the minutes of December 21, 2020. The motion was unanimously adopted by a vote of 3 ayes and 0 nays.

Yawman Special Permit

Waterbury said the special permit application was tabled last month giving Ag and Market time to respond. Waterbury asked if there were any comments from residents. Dishaw said no. Waterbury asked if the Yawmans were present. They were. Waterbury asked if the permit ran with the land. Prosachik said no the permit is specific with the Yawmans. Waterbury asked if the permit was revokable. Prosachik said if the conditions were not abided by the permit could be revoked. Trey suggested having an annual review or possibly a three-year review. Dimon said in the past the board did an annual review.

Ashley Smith entered at 7:17. Waterbury asked if the planning board minutes were sent out. Prosachik said yes. Trey asked if the resolution was sent out. Waterbury asked if the board wanted it read. Smith said yes. Waterbury read part of the resolution and Prosachik read the remainder. The conditions were the number of large animals. Trey suggested having the cows on the west side. Dimon asked how many acres were on the west side. Yawman said five acres on the west side and eleven acres total. Yawman said the rule of thumb was one acre per horse. They were planning on having five adult horses and the rest goats and cows. Trey asked to clarified one large animal per farmable acre. He said he was reviewing the resolution. Trey asked if he was intent on keeping the cows on the west side due to odor and manure removable. Prosachik said he was planning on rotating paddocks. Yawman said he was planning on having the cows on the west side. Prosachik said the resolution could be amended. The final decision could be made tonight. Waterbury said detailed notes are taken. Trey said language can be added to state cows are to be on the west side. He said he is trying to protect the dense population of the village. Trey said he was unclear on how the animals would be rotated. Yawman said he was ok with keeping the cows $\frac{3}{4}$ of the year on the west side and the remainder of the year on the east side. Trey said the first paragraph of the resolution is about large animals.

The second paragraph states there are to be no roosters. Fifty chickens are allowed and they are to be confined. Waterbury asked if there were any comments. Trey said farming not close to neighbors. The chickens are in tractors. Yawman said he would like a hen house and

the meat chickens in tractors. Weber said the hen house was not part of the site plan. Courtney Yawman said they would keep the hens in back of the house. Weber asked if there would be fencing behind the house with a roof so the hens could go outside. Dimon said they could not build another building. Prosachik said the chickens would have to be in the back of the house and the chicken tractors. Yawman said he would like to produce more chicken by breeding his own. Roosters play an important role in the flock. Trey said the board had to be concerned with the character of the district. Waterbury said since they are so close to the village they would have to compromise. Yawman asked if he could have one rooster. Waterbury said they need to respect both the neighborhood and the owner. Yawman said he could shut the chickens up at night and let them out at a reasonable time during the day. Weber said roosters crow all day they also fight. Dimon said he has a neighbor that has chicken and they crow all times of the day. Waterbury said given the location there will be no roosters. Trey said the resolution shall remain as written pertaining to roosters. They are slowed to have 50 chickens and no roosters.

There shall be no pigs. Everyone was in agreement.

There will be no electric fencing. The fence should be corral type, consistent with the Pemberton's fence. Everyone agreed.

The manure would be removed biweekly. Waterbury asked if the manure would be removed from the property or spread elsewhere on the property. Yawman said both, he would also be composting.

DOT is requiring that any work done in the right of way they would need to obtain a permit. They need to comply with all requirements specific to the application and conditions. They also need to comply with all state and local agency rules.

Trey said something should be in the conditions about companion animals. Companion animals should be added to paragraph two. Courtney Yawman said they would have either goats or sheep as companion animals. Waterbury said they are not large animals. Yawman said if there are one horses per acre then there should be one companion per acre. Weber asked if the companion animals would be confined to the paddocks or if they would be in a herd. Cows don't need companions. Yawman said there are five paddocks. Weber asked how many would be per paddock. Yawman said one companion per paddock. Dimon asked if he would have electric wire. Weber said he stated it would be welded wire. The fencing would be consistent with the neighborhood. Trey said the paragraph would need to state there are to be no more than five companion animals. Trey said they need to be confined at all times and not found on neighboring property. If he has any more than agreed on, he would have to return and amend the permit.

Trey said the board needs to address the annual review. Waterbury said the review needs to be done by the zoning officer. Dimon said annual reviews have been done on several applications. Trey said there needs to be parameters set for the review. Such as a report for annual reviews at future meetings. Prosachik said there should be a checklist so the reviews are consistent.

The conditions are:

- 1.) Remains as is
- 2.) Add no more the 5 companion animals, confined at all times and not to be found on neighboring property.
- 3.) There are to be no more than 50 chickens and no roosters. The chickens are to be confined to the back of the house and chicken tractors.

- 4.) The cows are to be on the west side of the property for $\frac{3}{4}$ of the year and on the east side for the remainder of the year.
- 5.) The fencing is to be consistent of the neighborhood, corral fencing or livestock fencing but no electric fencing.
- 6.) See paragraph #7
- 7.) Yearly review
- 8.) Will not run with the land.
- 9.) Comply with all agencies

A motion was made by Trey and seconded by Dimon to approve the Yawman special permit for a gentleman's farm with the above conditions. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Prosachik said she would send out the resolution for the boards review. Yawman said he has the shed row ordered and would like to know when he could get it delivered. Waterbury said after next week. He was reminder that he needs a building permit.

Ruffos Area Variance

A motion was made by Waterbury and seconded by Smith to table until the January meeting. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Dishaw Special Permit

Waterbury said Dishaw is in the A1 area and wants to extend her home business. Dishaw explained why she would like to extend her home business. She has operated a home business for 10 years. Dishaw said she produces her crafts in her home studio and sell them at craft shows. Dishaw said she had two barn sales this year since the craft shows have been canceled. She has outgrown her studio and would like to sell merchandise and have classes in the barn. The merchandise would still be produced in the house. Dishaw said she has met all the criteria in Section 556 except 566.1. Weber said you could classify Dishaw's business as a craft school. Prosachik said there is a similar craft school in Volney. Prosachik said she would research how it was put through. Prosachik said it could be classified as retail. Trey said Dishaw would like a home occupation that is not entirely in the home. Prosachik said could consider Section 566.9. Trey asked if it is a home occupation or a commercial use, a retail store. That isn't permitted. Trey said the law says what the law says.

Waterbury asked if it could go under accessory use. Trey said he was struggling with finding a loophole. Weber said it meets with the Comprehensive Plan. It is similar to the person who wants to have parties in his barn. Prosachik said it didn't fit under anything. Weber said Dishaw has a successful home business and needs to expand but doesn't have any room in her home. Trey said he supports the idea. If it is true for Dishaw then it would be true for anyone.

Weber said the committee is working on the Comprehensive Plan and would then start updating the zoning law. Trey said he hasn't worked on any local law. Prosachik said the zoning board would make recommendations for amendments. Like any other law the town board approves it. Trey asked why the law just couldn't be amended. Prosachik said the solar company wants to change the law but it is against the Comprehensive Plan. Weber said the ZBA makes exceptions to the rule as part of their job. It is within the ZBA's purview to waive

something, that is the definition of variance. To update the law by piece meal would be very hard. Weber agreed that Section 566 does have to be rewritten.

Waterbury said we are the gatekeepers. Waterbury said Dishaw has a great application. Prosachik said it is a combination of both a home occupation and other. Trey said you can't waive a section of the law. Trey said he doesn't want to give the appearance to give special favors. Trey asked if the decision was that it is a use variance. Weber said a use variance is impossible to get. Waterbury said use variances are on page 19. Waterbury said the answer to #5 would be no that it is not self-created. Weber said if she has classes it would fit under schools. Prosachik said you can't make a profit if it is a school. Prosachik said under other it states similar uses. Waterbury said he believes the best fit would be "other". Trey said it doesn't fit under any other category. If Dishaw didn't have a home occupation and wanted to open a craft store it would go under other.

Waterbury said he is interested in therapy for crafting. Waterbury said they should have a legitimate interpretation. Waterbury asked if it would be best to table and revisit in January. Smith said she thought they are interpreting correct.

Waterbury said he likes rules. He feels this would be an asset to the community. Weber said the board also doesn't want to be accused of being overly restraint because Dishaw is the town clerk. Waterbury said the board treats everyone fairly. Dimon said the board should be able to make decisions. Waterbury said there were some gray areas in the law when it was written. Dimon suggested that the application be tabled until next month. Trey agreed to table. Trey said there are two ways to interpret this, it isn't too complex. 1) other or 2) use variance. Use variance is about board not other. Prosachik said either one is an option. Prosachik said to table the application as written.

A motion was made by Board Member Dimon and seconded by Board Member Trey to table until January for time to deliberate and to resubmit under use variance.

Other Business:

Weber said the planning board is struggling with the number of sawmills in Mexico. Miller is one and the other is on Lacasse Road. Miller filed an application and it was deemed incomplete. He was told he needed a survey. She was told he had it. He is still conducting business. He is operating without a permit and it is a safety hazard. Some people get permits and others don't. It has been brought to the attention of the town board but still nothing gets done. Prosachik said she can send an email to Ron and the town board stating that an application must be filed or he gets shut down. If someone isn't following the law he should be shut down. Someone shouldn't be allowed to run rogue in the town. Trey said the ZBA has a job and enforcing isn't something it should be weighing in at. The town board is the overseer of the law. Trey asked why the Miller application went to the planning board when it was deemed incomplete. Weber said it was an application from one year ago. Weber said the word is out that applications are not needed. Trey said the current application is the correct application and any previous ones are nullified. Weber said Miller is knowingly breaking the law. Trey said that is up to the zoning officer and the town board. Weber said the zoning officer is an advocate to some. Trey said there should be something in place for guidance. It shouldn't be burdensome to applicants. Weber said it was getting to be a Hodge podge with people writing site plans on napkins. Trey said the town board should forge a new way to assist people with site plans.

Waterbury said he would like to get together after the new year with the ZBA and the planning board for a workshop. January 25th at 6:00 is the tentative day.

Waterbury reminded everyone that the end of the year is coming and training must be completed.

A motion was made by Dimon and seconded by Smith to adjourn at 9:54. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Respectfully submitted,

Elizabeth Dishaw
Town Clerk