

**Planning Board of the Town of Mexico**  
**Minutes of the Regular Meeting**  
**Held February 1, 2021**  
**Via Zoom commencing at 7:00 P.M.**

Present: Nancy Weber, Chairman  
Steve Salatti, Board Member  
Gary Toth, Board Member  
Bonnie Loforte, Board Member  
Rebekah Prosachik, Attorney

Absent: Matthew Mason, Board Member  
Ron Marsden, CEO  
And 2 in the audience

Chairman Weber opened the meeting at 7:00 with the Pledge of Allegiance.

A motion was made by Board Member Toth and seconded by Board Member Salatti to approve the minutes of January 4, 2021. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

**Ruffos Area Variance**

The Ruffos want to build a 30' x 60' pole barn 8 feet from the south property line and 12 feet from the north side

Salatti asked who the neighbors are and what their opinions are. Ruffos said the neighbors are listed on the application. The neighbor closest to the pole barn hays the field and doesn't have a problem. Weber asked if there is a tree line. Ruffos said no.

. Weber said the board needs to review the criteria for site plans on page 20. The permit runs with the land.

1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. *No*

2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Loforte said she didn't understand the esthetic. Ruffos said he wants to line up the pole barn with the house. Weber said the septic is north of the pole barn. Salatti asked what he was doing with the shed. Ruffos said he was going to move it or give it away.*

3) Whether the requested area variance is substantial. *Weber asked how long the house has been there. Ruffos said the house was built in 1991 and they purchased it in 2008. Weber said on page 36 it states that in the AP zone 200 ft is needed for road frontage. Weber said the lot is narrower than is allowed. Twelve feet doesn't seem like much until you get at the edge of the property. There is a large garage on the front of the property that consumes the front. Ruffos said the garage is 23 feet from the property line. Weber said the garage isn't on the drawing. Prosachik said there is a second drawing that shows the garage that extends behind the house. Weber said the planning board*

*can't approve the site plan if they don't have all the documents. Loforte asked if the new pole barn is behind the garage. Ruffos said it is 83 feet back. Loforte asked why it is important to line up the buildings. Ruffos said there is a gravel driveway to the existing shed. Weber said the pole barn could be moved and still line up the driveway. She said she was concerned about the 8 feet in the back.*

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; *Loforte asked if there would be a drain, plumbing or electric. Ruffos said there would be electric. Loforte asked if there was a structure on Ellison's property. Ruffos said there is a shed on the other side of the house.*

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance. *Yes. Weber said the pole barn could be positioned so it is in compliance. It could still be at an angle and line up with the garage.*

Ruffos asked if it would be acceptable if it were 12 feet from the property line. Weber said if the back corner were 12 feet and the front 16 feet. Weber asked if the Ellison's have a house on the property. Prosachik said Ellison's house is set back at an angle with the road. Toth said squaring up the building is a positive. Weber asked where the leach field is. Ruffos said he didn't know. Weber asked how he would find out. Ruffos said probably dig. Weber said the board could approve the site plan with 12 feet at the back and 16 feet at the front but the final decision is the ZBA's. They may require 20 feet. Loforte said 12 feet is better than 8 feet. Eight feet is too close. Toth said squaring up would help. Would Ellison write a letter stating he is ok with the setback? Weber said the variance runs with the land. Salatti said it would help if the neighbor submitted a letter. Weber said if he can't attend the public hearing than a letter would be nice. The public hearing will be a Zoom meeting.

A motion was made by Loforte and seconded by Salatti to approve the site plan and make a recommendation to approve the area variance with the amendment to the application to change from 8 feet in the back to 12 feet and 12 feet in the front to 16 feet. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

#### Dishaw Special Permit/Use Variance

Weber said use variances are addressed on page 19. The planning board is responsible for the site plan approval and making a recommendation to the ZBA. The last question of the criteria is the problem with most applicants. Weber said she knows the figures are true and correct because she also crafts and knows how expensive the equipment is. Weber said Dishaw wants to create an area to share her knowledge with others. The way she is doing the expansion is good. Weber said Dishaw is using the existing barn. The local law doesn't address expanding home business. The special permit is address on page 23. There is no category for what she is proposing. She doesn't need both applications. Prosachik said Dishaw has an established home occupation. Prosachik said it was discussed at the ZBA to use the "other" category. The board needs to make a decision. Weber said the equipment will stay in the house. Weber said the committee will address home occupations in the Comprehensive Plan. Due to COVID people are looking for ways to work at home.

There is another application from someone to operate a wedding venue in a barn. Weber asked if the special permit would run with the land. Prosachik said no. The final decision is with the ZBA. Weber said it was up to the planning board to decide which application is the better option. Because Dishaw is part of the local government the board wants to make sure nothing could be said.

Weber suggested to have ingress and egress signs inside the barn and to comply with the local law pertaining to the outdoor signs. Weber asked the board to choose the category. Loforte said the applications are both very complete. Loforte said she didn't know which choice was best.

Everything is on the site plan. Prosachik said the reason for the "other" category is because home occupations are entirely within the home. Weber said this may incite the town to update the local law on home occupations. Weber said she was leaning towards the special permit over the use variance. Most of the things needed to start a business she has. Toth said it could go either way. Salatti agreed it could go either way. Salatti said he is comfortable with the way the application was created. Loforte asked if there is precedence in other towns. Prosachik said the zoning is more conducive in other towns. Loforte said it makes more sense to go with the special permit. Both applications are very complete. Weber agreed the special permit is the best option.

A motion was made by Toth and seconded by Salatti to approve the site plan as presented and to make a recommendation to approve the special permit to include exit signs in the building. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

The Rosato application will be on the agenda for next month.

Sexual Harassment and planning training should be started for this year.

A motion was made by Board Member Loforte and seconded by Board Member Salatti to adjourn at 9:11. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Respectfully submitted,

Elizabeth Dishaw  
Town Clerk