

Zoning Board of the Town of Mexico
Minutes of the Regular Meeting
Held April 19, 2021
McAuslan Hall 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
Ron Marsden, CEO
And 4 in the audience

Waterbury opened the meeting at 7:54 with the Pledge of Allegiance.

Rosato Public Hearing

Waterbury reconvened the public hearing at 7:55. Waterbury said Rosato wants to open an events center on 108 Valley Rd. There were no comments from the public.

A motion was made by Waterbury and seconded by Dimon to close the public hearing at 7:58. The motion was unanimously adopted by a vote of 3 ayes and 0 nays.

Waterbury opened the regular meeting at 7:59. Trey entered at 8:00.

A motion was made by Dimon and seconded by Smith to approve the minutes of March 15, 2021. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

New Business:

Miller Variance

Waterbury explained that the permit was to operate a saw mill. Waterbury explained that the board must decide if the Miller application was complete. The saw mill is on the west side of State Route 3. Waterbury asked if everyone had the drawings. Waterbury asked the height of the building. Miller said over 15 feet. Waterbury said he needs to be more precise. Miller said it was 18 feet. Waterbury said there are 2 driveways, one near the barn and the other by the proposed site. Sue Ladd said the 2 driveways can be connected to form a horseshoe shape. Waterbury asked the material used for the driveway and parking lot. Miller said something that would keep the trucks from sinking. Waterbury asked the width of the driveway. Ladd said 20 feet. Dimon said it would need to be 30 feet because it is on a state highway. Waterbury said the state will make requirements for the driveway. Waterbury said if he could make the driveway wider. Miller said yes, it would be better if it were wider. Waterbury said how he would make the driveway a horseshoe shape. Miller said he would stay closer to the road. Waterbury said there are requirements of how the logs would be stacked.

Waterbury asked if the sawmill could be moved. Miller said no, it is anchored. Miller said the logs feed in on the east side. Ladd said the logs are parallel to the road. In order to move the saw mill the whole operation would have to be torn up. Poles could be put in to hold the logs back. Waterbury said the size of the logs should be on the drawing. Weber said the drawing should show the building as an attachment so the site plan isn't so confusing.

Waterbury asked how many vertical logs, the height and diameter. Miller said there would be four 16 inch trees 8 to 10 feet above ground and 4 feet in the ground. Dimon suggested 12 feet above the ground. Trey said that would be 16 feet total, do locust grow that tall. Dimon said at least 4 feet deep. Trey asked what the slope was from the road. Miller said about 2 feet from the road to the log pile. Trey asked how tall the log pile would be. Miller said not over 12 feet. Waterbury asked how long it would be. Miller said the logs are 16 feet. Waterbury asked the diameter. Miller said the diameter is between 12 to 16 inches. Waterbury asked how many feet the logs would be from the road. Miller said 20 to 25 feet from the road. Weber said all of this should be included in the application. Marsden said the logs are 32 feet from the road. Trey asked if there would be retail sales. Miller said there would be sheds. Trey said there is also a vegetable stand. He said he was concerned about the walkers. Ladd said everyone drives. Prosachik asked if the woodworking and repairs personal. Miller said yes. The woodworking is for sale.

Trey asked if National Grid has an easement. Prosachik said National Grid should be notified. She asked how the driveway would be made a horseshoe shape because of the location of the logs and lumber piles. Ladd said it would be closer to the road. Prosachik said there is 53 feet between the edge of the road and the corner of the building. The driveway is 30 feet leaving only 20 feet for both sides. Prosachik said the state would like to see the width of the drive and the width of the entrance. Ladd asked if she could get the specs. Dimon said if there are ditched he may need culverts Trey asked what the turn radius is. Dimon said maybe 40 or 50 feet. Ladd said they would be backing up to unload. Waterbury asked if the sawmill building is open or enclosed. Miller said it will be enclosed. Waterbury asked the hours of operation. Miller said dawn to dusk. Waterbury said they need a true start and end time. Waterbury said to use the hours of Moses Zook on Route 41 as a reference. Prosachik asked if there would be a sign. Miller said no.

Weber asked if she could see the site plan. Miller said yes. Waterbury asked if he would be displaying sheds. Miller said no the sheds would be custom built. Prosachik asked where the sheds would be stored prior to delivery. Miller said in the shed building area. Waterbury said if he decides to later to have a display area he will have to come back before the board. Prosachik asked if he was going to sell furniture or anything else. Miller said some gazebos and birdhouses on the other side of the road by the fruit stand. Waterbury asked about the sawdust. Weber asked about the size of the pile. Miller said out back on the westside of the mill. Waterbury said several items have to be on the drawing.

Trey asked if they could review the changes to the site plan. If the additions are made to the plan then they can move forward. Prosachik said the corrections have to be made so they can be included in the notifications to agencies. The documentation has to be included for the SEQRA process. Dimon asked if the corrections could be drawn up in a couple of days. Prosachik said the board can't hear the application next month anyway. Waterbury said everything has to be delivered to Marsden. Waterbury asked Marsden to research Zook's application for reference.

A motion was made by Trey and seconded by Dimon to deem the application complete providing the updated site plan is received no more than 10 days, to schedule the public hearing on June 21, 2021 at 7:00 at the McAuslan Hall. To send to DEC, SHIPO, DOT and any other agency. To notify neighbors on St Rt 3. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

RIC Interpretation

John Regan from RIC Renewable Investment Corp would like an interpretation of the energy law. He would like to put a solar farm on 124 County Route 58. The local law only allows 12 to 14 acres. His company wants to use more acreage. The largest that NYSERTA allows is 52 acres. He wants to use 24 acres. The local law states max is 20% or 14 acres whichever is the most. His company wants to purchase the property rather than leasing it. Waterbury said he didn't own the property yet, usually the applications come from the owners. He would start construction prior to closing. RIC paid National Grid to do a study. National Grid suggested the Mallory substation. RIC said the ZBA has the ability to waive requirements. Waterbury said the board's job is to determine if Marsden made the correct decision. Trey asked Regan if he agreed that the local law states that 20% of coverage. Regan said he would be designating some land as an environmental preservation. Waterbury said the board can only make a decision on the matter at hand. Trey said the board can waive any requirements. Prosachik said this would be a special permit.

A motion was made by Waterbury and seconded by Dimon to uphold Marsden's decision. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Rosato Variance

The SEQRA was not approved by DEC. Rosato paid a biologist to do a study. He also hired an engineer to do soil samples. Prosachik said there can be a mutual agreement to extend the 62 days. Waterbury said he will try to keep everyone updated on the progress. If Rosato wants a corn maze it needs to be on the site plan.

A motion was made by Dimon and seconded by Smith to adjourn at 10:13. The motion was unanimously adopted by a vote of 4 ayes and 0 nays.

Respectfully submitted,

Elizabeth Dishaw
Town Clerk