

Zoning Board of the Town of Mexico
Minutes of the Regular Meeting
Held June 30, 2021
At McAuslan Hall.

Present: Ned Waterbury, Chairman
Chuck Dimon, Board Member
Marty Trey, Board Member
Ashley Smith, Board Member
Marcia DeLong, Alternate Board Member
Ron Marsden, CEO

Absent: Rebekah Prosachik, Attorney
And 8 in the audience.

Chairman Waterbury opened the meeting at 7:06 with The Pledge of Allegiance.

Chairman Waterbury opened the public hearing at 7:06.

Waterbury read the notice in the paper and the rules to speak. There were no comments. A motion was made by Dimon and seconded by Trey to close the public hearing at 7:10. The motion was approved unanimously by a vote of 3 ayes; Waterbury, Dimon, and Trey, and 0 nays.

A motion was made by Dimon and seconded by Waterbury to approve the May 17, 2021 minutes as presented. The motion was adopted by a vote of 3 ayes; Waterbury, Dimon, and Trey, and 0 nays.

Miller Variance

Waterbury said Miller Sawmill is located on St. Rt. 3. Waterbury said the attorney usually notifies the board of responses from agencies. Ag and Market did not object. Parks and Recreation request permits for all state and federal grants. The DOT responded. Ladd asked if the decision could be tabled until the July 19th, 2021 meeting to allow time for her to confer with the DOT. A motion was made by Waterbury and seconded by Dimon to table the Miller application until July 19th, 2021 meeting. The motion was adopted by a vote of 3 ayes; Waterbury, Dimon, and Trey, and 0 nays.

DeGone Interpretation

Waterbury said DeGone would like to subdivide his property. The local law states that 300 foot of road frontage is required. DeGone said he has a survey from 2015. The property on 5964 St. Rt. 3 was previously leased. There is 250 foot of road frontage. More depth was added to the property to make the property 600 feet deep. DeGone's father built the body shop to code at that time. There is 859.89 feet of total road frontage. He would like to keep as is when he subdivides. He shares ownership with his brother and sister. The property has been on public water since 1967.

Ashley Smith entered at 7:24.

He would like to maintain the property as it was leased. The other property will not meet the setbacks if divided with 300 foot of road frontage. Waterbury said this is an interpretation. Waterbury asked if the leased property was the property that had the ice cream stand. DeGone said the property is established and it now becomes non-conforming. Waterbury said it is the

board's responsibility to determine if Marsden's opinion is correct. A motion was made by Waterbury and seconded by Smith to uphold Marsden's decision. The motion was unanimously adopted by a vote of 4 ayes; Waterbury, Dimon, Trey, and Smith, and 0 nays.

Shutts Interpretation

Waterbury said Shutts' property is on 384 St. Rt. 104B. Shutts is appealing Marsden's decision. Shutts would like to have a tasting room and retail sale for hard cider. There are vintage trees on the property that are rare. Marsden said he did not know where a tasting room would fit on the zoning chart. Waterbury said the state allows food to be available in areas that sell hard cider. Trey asked if he sells alcohol, why it is not considered a bar. Marsden said that this type of business is not allowed in the A3 area. Waterbury asked if this was an Ag District approved by the county. DeLong said on page 31 of the local law, it would be permitted if he has a county Ag District exemption. DeLong said on page 32 of the local law, it is allowed with a special permit under tavern. Trey said the board is missing valuable information. Trey suggested that Shutts apply for a special permit. A motion was made by Trey that the interpretation requested is a permitted use in A3 with a special permit under tavern. Marsden should follow up with the applicant. DeLong stated that cider tasting is similar to other uses permitted with special permit (same character). DeLong said that it could be beneficial in the future. Trey withdrew his motion.

Trey asked if the definition for a bar requires that it sell multiple liquors. Trey does not like to put everything under the "other" category. Dimon said that the board could put conditions on the sale of hard cider. Smith said that if the board cannot restrict what he sells, then why can it not go under tavern? Waterbury said this is the purpose for the applicant to be present to answer any questions. A motion was made by Waterbury and seconded by Trey to place the special permit under tavern or additional uses. The motion was adopted by 4 ayes; Waterbury, Dimon, Trey, and Smith, and 0 nays. Dimon stated that the board spends too much time guiding people on how to fill out their applications when they should be going to Marsden.

A motion was made by Smith and seconded by Dimon to adjourn at 8:08. The motion was unanimously adopted by a vote of 4 ayes; Waterbury, Dimon, Trey, and Smith, and 0 nays.

Respectfully submitted,

Elizabeth Dishaw
Town Clerk