

**Zoning Board of the Town of Mexico**  
**Minutes of the Regular Meeting**  
**Held August 16, 2021**  
**At McAuslan Hall.**

Present: Ned Waterbury, Chairman  
Marty Trey, Board Member  
Marcia DeLong, Alternate Board Member  
Rebekah Prosachik, Attorney

Absent: Chuck Dimon, Board Member  
Ashley Smith, Board Member  
Ron Marsden, CEO  
And 6 in the audience.

Chairman Waterbury opened the meeting at 7:13 with The Pledge of Allegiance.

A motion was made by Trey and seconded by DeLong to approve the July 19, 2021 minutes as presented. The motion was adopted by a vote of 3 ayes; Waterbury, Trey, DeLong and 0 nays.

**Levi Miller Special Permit**

Waterbury told the board that Levi Miller is applying for a special permit to operate a saw mill, build sheds, and build furniture on LaCasse Road. Levi Miller was not in attendance. Waterbury passed out Levi Miller's response to section 340. Business hours would be 7:00 am to 8:00 pm; there will be no lighting, no electricity, no insurance, no employees, and no building. Levi Miller will be building pre-ordered sheds. DeLong asked if a building was a requirement for a saw mill. Marsden said no but it was suggested. Trey said it could be a condition moving forward. DeLong suggested having a worksheet or checklist to ensure consistency in permits. Trey said the building is for aesthetic purposes and would depend on the size of the saw mill. Levi Miller's saw mill is portable similar to any other piece of farm machinery.

A motion was made by DeLong and seconded by Waterbury to deem the application complete, to notify all applicable agencies, to notify neighbors 500 feet from the property line, and to schedule a public hearing for September 20, 2021 at McAuslan Hall, Main Street, Mexico, NY 13114. The motion was adopted by a vote of 3 ayes; Waterbury, Trey, DeLong, and 0 nays. The location of the public hearing is subject to change.

**Eli Miller Special Permit**

Waterbury told the board that Eli Miller is applying for a special permit to operate a saw mill, build sheds, and mill lumber at 60 Frazier Road. Waterbury passed out Eli Miller's response to section 340. Business hours would be 7:00 am to 7:00 pm; there will be no lighting, no electricity, no insurance, and no employees. Eli Miller said it is a portable saw mill. The mill will be portable for private use and stationary for commercial use as per the site plan.

A motion was made by DeLong and seconded by Trey to deem the application complete, to notify all applicable agencies, to notify neighbors 500 feet from the property line, and to schedule a public hearing for September 20, 2021 at McAuslan Hall, 3245 Main Street, Mexico, NY 13114.

The motion was adopted by a vote of 3 ayes; Waterbury, Trey, DeLong, and 0 nays. The location of the public hearing is subject to change.

There was a discussion about the location of the public hearings. Waterbury said the air filtration system is poor at McAuslan Hall. There were suggestions of different venues for the public hearings. Dishaw said she is researching various air filtration systems for McAuslan Hall and the Town Office.

#### Harvey Miller Variance

Waterbury said the state DOT responded with criteria for the driveway. Waterbury asked if the application would have to go back to the Planning Board. DeLong asked if Ladd had reached out to the DOT. Ladd said she sent emails to the DOT and Assemblyman Will Barclay's office. It is against Harvey Miller's religious beliefs to own pavement. The DOT has not replied. Assemblyman Barclay's office requested additional information. Prosachik said the board could approve the application with conditions. Trey asked if concrete was acceptable. Ladd suggested holding off until she receives a response from the DOT or Assemblyman Barclay's office. Waterbury said the board could not grant the permit if the DOT guidelines were not followed. DeLong suggested tabling the matter until there is a response from the DOT.

DeLong said if a response from the DOT is received prior to August 30, 2021, the application could be sent to the Planning Board for review if there are any major changes. Waterbury said the DOT is concerned about tracking debris into the road and damage to the shoulder of the road. Harvey Miller asked if there was other material that could be used. Harvey Miller asked what the difference is between his property and other properties located on state roads that have saw mills. Waterbury said he does not know if the DOT has the information pertaining to the size of the business. Trey suggested inviting Mr. Stevens to a ZBA meeting. It would be to everyone's benefit to observe the DOT's recommendations. Waterbury asked if it was a DOT recommendation or a requirement. Prosachik said the DOT has requirements for pulling a permit to work in the DOT right of way. The town cannot put the applicant in a position to be in violation with the DOT. Prosachik said we are negotiating the requirements. Prosachik said she would send an invitation to Mr. Stevens. It was suggested to offer a zoom meeting for the September ZBA meeting.

A motion was made by Waterbury and seconded by Trey to table the Harvey Miller application pending more information from the DOT and Assemblyman Barclay's office. The motion was adopted by a vote of 3 ayes; Waterbury, Trey, DeLong and 0 nays. Prosachik said she would reach out to other towns to see if they have had similar instances.

#### Steve DeGone Area Variance

Waterbury said it was determined at the interpretation that DeGone would need an area variance. Waterbury said the criteria for an area variance are located in section 320. The board would need to decide if the application is complete. Page 2 of the application was not completed. DeLong suggested tabling the application to give DeGone time to complete the paperwork and work with Marsden or Attorney Mowry. DeLong said if the board deems the application incomplete, DeGone would be responsible to pay another application fee.

A motion was made by Waterbury and seconded by Trey to table the DeGone application allowing the application to be completed. The motion was adopted by a vote of 3 ayes; Waterbury, Trey, DeLong and 0 nays. Prosachik said page 2 of the EAF states there are wetlands but the wetlands were not identified. Prosachik suggested DeGone use the DEC Mapper website to identify where the wetlands are located.

#### Other Business

There was a discussion about having Zoom meetings or canceling the September meeting if the board could not find a suitable meeting location.

Nancy Weber said she is concerned about not having saw mills located within a building. Weber said OSHA sets safety requirements for commercial enterprises. Saw mills are one of the most dangerous pieces of equipment. Weber said that all of the saw mill applications that have been approved were required to be in a building. DeLong questioned if it was a requirement. Weber said it was for safety reasons. DeLong suggested to have a checklist or a list of requirements for saw mills. Waterbury said there was a brief discussion at the Town Board meeting about passing a moratorium for saw mills until an ordinance can be prepared. Prosachik said there could be a local law on saw mills. DeLong said it is a lengthy process to write a local law.

A motion was made by Trey and seconded by DeLong to adjourn at 8:37 pm. The motion was unanimously adopted by a vote of 3 ayes; Waterbury, Trey, and DeLong, and 0 nays.

Respectfully submitted,

Elizabeth Dishaw, RMC  
Town Clerk