

Planning Board of the Town of Mexico
Minutes of the Regular Meeting
Held October 4, 2021
at 7:00 P.M. at McAuslan Hall

Present: Nancy Weber, Chairman
Bonnie Loforte, Board Member
Gary Toth, Board Member
Allison Trudell, Board Member
Graham Seiter, Attorney
Liz Dishaw, Town Clerk
Nicole Wild, Deputy Town Clerk

Absent: Ron Marsden, CEO

And 4 in the audience

Chairman Weber opened the public hearing at 7:03.

Weber explained the purpose for the public hearing. Mr. Carson would like to erect a six foot fence in the R2 area. Weber read the rules for speaking. Mr. Carson said he would like to build the fence on the line. It was asked what material the fence would be made of and the length of the fence. The neighbor expressed a concern for the obstruction of their view of the river. She would like to know the purpose for the fence. Weber asked if the purpose for the fence was due to current or future privacy concerns. Carson said for future concerns. A new survey was done to the neighboring property, which showed a discrepancy in the boundaries. The neighbor is putting in a new driveway that will eliminate the problem of a shared driveway. The neighbor said that the property is not for sale and they have no plans to sell. Toth asked what type of fence would be erected. Carson said a white vinyl fence that would extend the length of the house. Carson said the code enforcement officer told him that there were no setbacks for fences. Toth asked if the fence was being erected due to issues with neighbors. Carson said no but that he is concerned if the neighbors sell, new neighbors could infringe on his privacy. Weber closed the public hearing at 7:27.

Chairman Weber opened the regular meeting at 7:27 with the Pledge of Allegiance.

A motion was made by LoForte and seconded by Trudell to approve the minutes of September 8, 2021. The motion was adopted by a vote of 4 ayes and 0 nays.

Old Business: none

New Business:

Carson Site Plan Review

Weber said she received verbal testimony from the Broughtons. Weber said things often are hard when old friends move away and new neighbors move in. Carson's concern is that if the neighbors sell the property, he will lose his privacy. Weber said very rarely are permits given to build six foot fences in the R2 area. The purpose for people moving to the lake or river

is for the view. Fences usually obstruct views. Trudell asked what the space between the house and the shed was. Carson said the fence would go to the end of the house. Weber said the site plan should be updated to show where the fence would end. Weber recommended to plant fast-growing trees or shrubbery. Carson said that nothing will grow in that area due to the shade from nearby trees.

Weber said she has three recommendations:

1. Plant greenery
2. Wait until the property is sold.
3. To use blinds or blackout shades.

Weber said the best plan would be to wait for the property to sell. LoForte said in the past, they have recommended greenery. Zoning is to protect residents' views of the river for future generations. Greenery is not permanent. Toth said a fence would impede Carson's own view as well as the neighbor's view. Toth said the issue could be revisited if the property is sold. Weber said the area is a residential area and not a commercial area; property cannot be sold for commercial use. Charter businesses are not allowed. Weber asked if he was willing to withdraw his application. Carson said he was not; he paid for a determination. Weber said it was in his best interest to withdraw so that it could be revisited in the future if necessary. Seiter said it would be better to withdraw than to set precedence. Carson agreed to withdraw his application without prejudice. Weber suggested that Carson put up no trespassing signs.

DeGone Variance

Weber said that DeGone would like to subdivide his property on State Rt. 3 but the road frontage does not comply with the setbacks. DeGone said that the property was developed prior to zoning. Seiter asked why he couldn't meet the 300 foot road frontage requirement. DeGone said that the setback for the garage would not comply. AmeriGas has always been 250 feet as per lease. Niagara Mohawk has a high pressure gas line going through the middle of the property. Weber asked if the property would remain commercial. DeGone said yes. Weber said it would be better to have larger lots to develop for future use. DeGone said he had no intention to build homes on the property. Toth asked if AmeriGas was still leasing the property. DeGone said AmeriGas has been gone since July 1st, 2021. Weber said due to the gas line, the property would not be ideal to build houses on. DeGone said a house could be built on the south side of the garage. Weber asked if DeGone would consider moving the line to increase the property road frontage to 275 feet. Toth said the property would still not meet the required 300 feet of road frontage. Weber said that the need for the variance is self-created. DeGone said it was not self-created because the town created the problem by changing the zoning.

Toth asked if the state had responded to the SEQRA letter. Seiter said no. Toth asked if the state could still say no. Seiter said the state trumps the town. Weber said she would recommend recording the deed. Seiter said he thought that was a good idea. Toth said the state could still say no. Seiter said the board could approve with condition of state approval.

A motion was made by LoForte and seconded by Toth to table the DeGone application until the November meeting to obtain the state's recommendation. The motion was approved by a vote of 4 ayes and 0 nays.

RIC Variance

Weber sent an email to RIC to schedule a workshop via Zoom on October 11, 2021. Dishaw stated that October 11th was the same day as the Town Board meeting. Weber said she would contact RIC to see if there was another date that was more suitable.

A motion was made by LoForte and seconded by Toth to adjourn the meeting at 9:24. The motion was approved by a vote of 4 ayes and 0 nays.

Respectfully submitted,

Elizabeth Dishaw
Town Clerk, RMC