

**Planning Board of the Town of Mexico
Minutes of the Regular Meeting
Held November 1, 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
Nicole Wild, Deputy Town Clerk
Ron Marsden, CEO

Absent:

And 5 in the audience

Chairman Weber opened the regular meeting at 7:04 with the Pledge of Allegiance.

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

Old Business:

Solar Workshop

A zoom workshop is scheduled for 10/4/21 at 6:30pm, which is the same evening as the Town of Mexico Budget Hearing. Chairman Weber will try to move the workshop to 11/3/21. The purpose of the workshop is to ensure that the Planning Board receives the same information as the Zoning Board regarding the RIC solar project.

Harvey Miller- Sawmill

Chairman Weber announced that Mr. Miller has received a driveway permit from the state. Chairman Weber reminded the board that the DOT originally said that Mr. Miller needed an asphalt driveway but that Mr. Miller would not be able to install one of that material due to religious beliefs. Mr. Miller petitioned the state for an exemption and it was granted. Chairman Weber asked if there were any changes from the original site plan. Sue Ladd said that the building actually runs parallel to the road. Mr. Scott Whittaker added storage but that the parking area is on the original drawing. Chairman Weber noted that the position of the building is parallel to the road but the preference for safety purposes is perpendicular and that restraints would need to be placed on logs if stored parallel to the road. Chairman Weber asked Mr. Miller if the size of the building has changed. Mr. Miller said it is the same at 65'x20'x18'high and that the sawdust storage building would be 18'x25'x15'high. Chairman Weber asked if there would be a room attached for planing. Mr. Miller said yes, a 10'x10' room. Chairman Weber reminded Mr. Miller that changes in sizes later will void the building permit and that the driveway and parking areas cannot be filled with sheds. The driveway and parking areas need to be clear for in and out driving and that Mr. Miller could be cited if he fails to keep it clear. Chairman Weber asked if Mr. Miller knew how many trucks would be delivering to the property. Mr. Miller said it was hard to gauge. Chairman Weber asked for an approximation based on his

responses to the DOT inquiry. Sue Ladd said there was nothing about the number of loads requested by the DOT. Chairman Weber said that number of loads is usually requested to gauge traffic and hours of operation will be needed. Chairman Weber recommended operating during daylight hours and suggested stopping at 6pm or so during warmer months in order to give peace to neighbors regarding noise.

Chairman Weber asked if Mr. Miller's primary interest was in custom woodwork. Mr. Miller said he is not focused on building sheds but that any sheds will be made to order and not be on display. Chairman Weber asked about the source of logs citing environmental concerns regarding invasive species of insects and plants. Chairman Weber explained how damaging invasive species can be and urged Mr. Miller to know where his logs come from as well as to refuse logs with unknown origins. Mr. Miller said that he is not aware about the origin of the logs but believes they are transported from no further than 50 miles away. Mr. Miller is not aware if they come from outside of NYS. LoForte asked if Mr. Miller uses a log broker. Mr. Miller said he buys logs through Miller Lumber in Parish and that Miller Lumber buys from different people. Chairman Weber cautioned against invasive species causing harm if brought to local farms.

Chairman Weber said a letter can be drafted to the Zoning Board of Appeals recommending approval of the site plan as amended including the permit from the state DOT, a building covering the mill, and parking for customers be included as conditions of the permit. Chairman Weber acknowledges and appreciates Mr. Miller's time and patience with this process. A motion was made by LoForte and seconded by Toth to draft an approval letter to the ZBA. The motion was adopted by a vote of 4 ayes and 0 nays.

Chairman Weber reminded Mr. Miller that if he ever wanted to add any buildings or increase the size of his buildings, he would need a new building permit and/or special use permit.

Steve DeGone- Subdivision (variance)

Chairman Weber reminded the board that this matter was tabled last month. Chairman Weber asked Mr. DeGone if the property is for sale. Mr. DeGone said no, and LLC owns it but Mr. DeGone is the managing member. Chairman Weber reviewed the variance, stating that the subdivision would make the AmeriGas property short of the required 300' of road frontage by 50'. Because the property is located on a state road and the town has zoning laws, 300' of road frontage is required. Any variance granted will stay with the land and become part of the deed. The garage originally contained an apartment but no longer does. The property is solely commercial, close to the village line and has an airplane hangar with two grass runways. Chairman Weber asked Mr. DeGone if the LLC had given thought to a compromise of getting closer to the 300' requirement by moving the subdivision line. Mr. DeGone said the LLC has not changed its mind. There was discussion about road frontage requirements, when the town implemented zoning, and when the LLC was formed. Attorney Seiter relayed that the state has no thoughts on the matter. Mr. DeGone reminded the board that there were no objections at his public hearing and that one neighbor spoke in favor of his request.

Toth made a motion to advise the ZBA to grant the variance, seconded by LoForte. Chairman Weber asked if Mr. DeGone would sell either lot. Mr. DeGone said the lots are not for sale but that the LLC has limited funds available and would like to preserve and develop the remainder of the property. Grandchildren and great grandchildren may be interested in keeping the property in the family. The subdivision would allow them to have 2 legal lots of 300' in

order to potentially build homes upon. Covid caused a hardship when AmeriGas downsized and left the property.

Chairman Weber asked if the new tax rate as a commercial lot as opposed to a mixed use lot would cause a financial hardship. Attorney Seiter said that each lot would be taxed separately according to the town and that a commercial tax rate is higher than a mixed use tax rate. Chairman Weber cautioned Mr. DeGone that his tax rate could increase. Mr. DeGone said the buildings on both lots could be turned residential if needed but that the LLC wants to preserve some property for the family.

Trudell said she supports granting this variance. LoForte agreed stating that the variance doesn't harm anyone and that the property existed this way before zoning. Chairman Weber added that there have been no complaints from neighbors and that Mr. DeGone has been tested by this process. The motion to grant the variance was passed by a vote of 4 ayes and 0 nays.

Chairman Weber asked that a letter be drafted to the ZBA stating that the Planning Board urges them to grant the subdivision proposed by Mr. DeGone and the LLC.

Levi Miller – Sawmill

Chairman Weber relayed commentary from the ZBA's public hearing regarding Mr. Miller's sawmill application, which included concerns of increased traffic and logging trucks on roads. Chairman Weber asked if there was any new information back from the SEQRA? Attorney Seiter said no. Chairman Weber noted that the DEC may send information and that they are behind in their communications. LoForte asked when the SEQRA was sent. Attorney Seiter said August. Chairman Weber said that they normally get 30 days but it has been closer to 90 days and asked if Ned Waterbury would call the DEC to see how far behind they are. Mr. Waterbury said yes.

Chairman Weber reviewed the site design to see if changes needed to be made to the site plan. Mr. Miller said the log pile would be no closer than 200' to the road. Chairman Weber said that logs being stored parallel to the road are not a concern unless someone could be hurt by the rolling of the logs. Mr. Miller said the logs cannot be stored perpendicular but could be pushed far back from the roadway. Chairman Weber said that the portable mill needs to be enclosed in a building due to safety concerns with customers on the property. The mill needs to be enclosed when not in use in order to keep people away and to help with containing dust. Mr. Miller said having to build an enclosure will create a hardship. LoForte asked Mr. Miller to elaborate. Mr. Miller said he was unaware he needed to keep the portable mill in a building and that will cause extra expense. Chairman Weber said that the building does not need to be permanent and can move with the mill but that it needs to be closed when the mill is not in use because the mill presents a safety concern to the public.

Mr. Miller confirmed that the lumber stack on the site plan is slab wood, not pre-cut lumber, and that he will only take pre-orders for sheds. Mr. Miller confirmed that the field is used as pasture and that the 150' area is bigger than what he will actually need. Toth asked if the logs will be milled to make furniture or to sell lumber. Mr. Miller said logs will not be milled for furniture and he will not regularly sell lumber but may for neighbors who need a few boards. Toth said that the building over the mill provides protection for customers, protection for Mr. Miller, and protects his equipment from the elements as well as affords him the chance to work in bad weather. Mr. Miller said he would like to add furniture building to his permit just in case he decides to build furniture in the future. Chairman Weber cautioned Mr. Miller that lumber milling is permitted in agricultural zones but that selling furniture would need to be a home-

based business in an agricultural zone so the showroom would have to be attached to the home. Chairman Weber informed Mr. Miller that Mexico zoning laws differ from surrounding towns. Toth asked if the building in the upper left corner that is already built could be used as a farm shop. Mr. Miller said there is nothing in that building now; it is used for fixing machinery but could be used for building furniture. Mr. Miller said he may need to move the mill back away from the driveway if a building is needed for cover. Chairman Weber asked if he could make a determination on the size of the building. Mr. Miller said 20'x40'x12' high. Chairman Weber said he could later decide to make the building smaller but could not increase the size of the building.

Chairman Weber said the log pile is fine because the logs are so far away. Mr. Miller said there would be about 5 feet between the building and the log pile so that he could roll the logs in to mill them and that the sawdust and slab piles can be moved back. Chairman Weber said there is a concern for parking and that cars should be kept away from logs, mill, slab, and sawdust piles because they can become attractive hazards to children. Chairman Weber shared an observation that sometimes work gets ahead of itself and sheds can accumulate but that the driveway cannot be used for storage of sheds or lumber, etc. She said that the permit will be issued according to the drawing and has to be followed. Mr. Miller said he has ample room for storage elsewhere and no employees. Chairman Weber said there may be information coming from DEC.

A motion was made by LoForte and seconded by Trudell to approve Mr. Miller's application pending no findings by jurisdictional agencies and the amendment of a building covering the sawmill. The motion was adopted by a vote of 4 ayes and 0 nays. Chairman Weber asked that a letter be drafted to the ZBA stating that the Planning Board approves Mr. Miller's application for a sawmill pending no findings by jurisdictional agencies and the amendment of a building covering the sawmill.

Eli Miller – Sawmill

Chairman Weber shared with the board that at the ZBA public hearing last month, concerns regarding Mr. Miller's sawmill included increased road traffic, general appearance, noise, changes to neighborhood, and dust from the mill. She reviewed that Mr. Miller plans to mill logs to build sheds and sell lumber. Mr. Miller clarified that he will only sell a few boards to neighbors. Chairman Weber said that he is located on a town road and the board has not received feedback from the SEQRA yet. LoForte asked if there could be DEC concern regarding endangered species in the wetland. Attorney Seiter said they have not yet received word from the DEC. Chairman Weber said the site plan is a good drawing.

There was discussion between Chairman Weber and Mr. Miller regarding the placement of the mill in order to have the least amount of disturbance to neighbors. Mr. Miller said he plans to leave as many trees as possible as a visual and sound barrier between himself and his neighbors. Chairman Weber asked about the saw sand/waste. Mr. Miller hopes that putting the mill in a building will curb dust floating to neighbors. Mr. Miller would like to have the opening of the mill building situated away from neighbors. Chairman Weber asked if there was fuel storage on site. Mr. Miller said there is a 15 gallon storage tank inside a building that he uses to fill smaller tanks to carry to the mill. Chairman Weber suggested Mr. Miller walk the property to finalize his site plan drawing because changes will not be permitted after it is approved. Mr. Miller agreed to finalize his drawings for the next Planning Board meeting on December 6th in anticipation to be sent to the ZBA's December meeting. Chairman Weber said the board will

have to wait to see if the DEC will take issue regarding the creek. She asked Attorney Seiter to call the DEC to check up on this matter. Mr. Miller said the building will be 20'x40'. A motion was made by Chairman Weber, seconded by LoForte to table Mr. Miller's application to the December 6th meeting. The motion was adopted by a vote of 4 ayes and 0 nays.

Chairman Weber expressed interest in communicating with other town regarding sawmills because the town is establishing precedence by granting permits. LoForte will follow up with the NYS Planning Federation.

New Business:

Training Reminder

Chairman Weber reminded the board that sexual harassment training and 4 hours of planning board training need to be completed and documented by December 31st.

A motion was made by Toth and seconded by LoForte to adjourn the meeting at 9:12pm. The motion was approved by a vote of 4 ayes and 0 nays.

Respectfully submitted,

Nicole Wild
Deputy Town Clerk