

**Zoning Board of the Town of Mexico  
Minutes of the Regular Meeting  
Held December 20, 2021  
At McAuslan Hall.**

Present: Ned Waterbury, Chairman (by phone)  
Marcia DeLong, Alternate Board Member  
Marty Trey, Board Member  
Dan Yawman, Board Member  
Graham Seiter, Attorney  
Ron Marsden, Code Enforcement Officer  
Absent: Ashley Smith, Board Member

And 4 in the audience.

DeLong opened the regular meeting at 7:00 p.m. with The Pledge of Allegiance.

DeLong explained that, due to unforeseen circumstances, Chairman Waterbury is unable to attend tonight's meeting in person but will tune in via telephone.

A motion was made by Yawman and seconded by DeLong to approve the November ZBA minutes after two corrections. The motion was adopted by a vote of 2 ayes: DeLong, and Yawman, 1 abstain: Trey, and 0 nays.

Chairman Waterbury phoned in at 7:07pm.

Old Business

**Eli Miller – Sawmill Special Permit**

The board discussed the parking area. Waterbury said the site plans need to be stapled together because the original site plan and amended site plan both contain necessary information. DeLong asked about the overall height of the building and asked for the list of recommendations that the Planning Board made. Seiter said the Planning Board said the sawmill needed to be covered and there has been no call from the DEC regarding wetlands that are far away from the plan site. Chairman Waterbury read the memo from the Planning Board that approves the site plan stating a maximum building size of 24'x50'x18' with the addition of a 10'x10' dust room. DeLong said the same conditions should apply to this sawmill special permit. Seiter listed conditions of hours of operation from 8am to 5:30pm, log deliveries to occur during business hours, sheds build to order. Trey asked if a time limit should be placed on how long sheds can be stored on the property before being transported. Miller explained that only one shed will be on display and the holding area for completed sheds is located in the shed building area on the site plan. Seiter said the occasional sale of lumber was permitted. Trey expressed concern regarding the interpretation of occasional and/or infrequent in allowing the sale of lumber. Weber said the Planning Board was okay with "occasional." Seiter suggested "sale of lumber permitted" due to difficulty regarding enforcement. Waterbury said the community's concern was with traffic. The board discussed ways to quantify lumber sales. DeLong said limiting the delivery of logs to 4 truckloads per month would give Mr.

Miller room to grow his business. Trey asked if a traffic study was done. Seiter said it was never investigated and would take months. Weber pointed out that tractor trailers traverse the road daily to conduct business at the creamery. Trey suggested adding a traffic study to the list for future mills. Yawman said the creamery is not restricted to deliveries. Seiter said this is also an enforcement issue.

DeLong asked if the log pile had dimension restrictions. Yawman said the log pile in this site plan is far away. Seiter said that previously, boards said that any log pile should have proper restraints. Waterbury said there was a height restriction on log piles at one time. Seiter continued the list of conditions: yearly code inspection; permit does not run with the land; mill has to be covered; no burning of open fires but it is okay to use the slab for home heating. Mr. Miller said there will be no signage for the business. Waterbury added a previous condition that the physical elements of the site need to be clean, safe, and organized. The board discussed the storage of slab wood byproduct siting a concern for visual aesthetic. Mr. Miller described the property's visual barrier of trees as well as distance off the road and marked the slab wood pile on the aerial photo. Trey expressed satisfaction with the natural buffers. Seiter asked if Mr. Miller intended to have employees. Mr. Miller said no.

A motion was made by Waterbury, and seconded by Yawman to approve the saw mill permit application subject to the conditions listed as follows:

- Sheds will be built to order; sheds will not be on display
- Only one log pile will be allowed at a time
- Only one truckload of logs may be delivered at a time, not to exceed 30 logs
- The physical elements of the site should be clean, safe and organized
- The use for the sawmill will not run with the land; it is specific to Mr. Miller
- No open fire burning of sawmill waste materials will be allowed but scraps may be used for home heating purposes
- A yearly review and inspection by the code enforcement officer to ensure ongoing compliance is required
- Hours of saw mill operation will be 8:00 a.m. to 5:30 p.m.

The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

### **Steve DeGone- Area Variance**

Trey explained the zoning law requirement of 300' of road frontage and the ZBA's responsibility to seek as minimum a variance as possible. The board discussed options for moving the subdivision line, including setback requirements, in order to achieve a smaller variance. Waterbury said the application before the board is for one subdivision and future use is speculation. The board discussed the hardship requirement chart. DeLong said the Northern portion could be changed to 300' with an area variance of 3.3' on North side of the Southern lot for a side yard setback. DeGone asked if the ZBA would approve a variance in the future for a subdivision on the remaining 559.98'. DeLong said ZBA cannot comment on matters not before the board, explaining that the application before them is for a 2-lot subdivision and not a 3-lot subdivision. DeGone asked if a variance is needed if the LLC wanted to subdivide and create a 300' x 600' lot. DeLong said the LLC can amend and approve the application for lot A to be 300' x 600' and lot B 559.98' x 857.54' with a side yard setback variance. DeGone asked if a new map is required because there is a steel building 30' from the Northern boundary in a fenced-in area that was not included on the original map. Trey said the building is a pre-existing structure on the Northern line and is not subject to the action under consideration. DeGone asked if the matter can be tabled in order to consult with the

LLC. DeLong said the board will have passed the 62-day post-public hearing deadline. Seiter said his office will draft something for DeGone to sign that shows he requested the application be tabled.

A motion was made by Trey and seconded by Yawman to table the application at DeGone's request. The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

### New Business

#### **Race – Quarry Use Variance**

Marsden said that no official violations have been issued for the property and that the scrap metal pile can be used. DeLong said it would be helpful to know distances between buildings and to have buildings labeled with use and approximate dimensions as well as parking and/or truck loading zones to be indicated. The board discussed the volume of material being removed from the quarry. DeLong said the following is missing from the SEQRA: entrance and exit, location of outdoor storage, signage, any buffers, outdoor lighting. Yawman asked where the stop line for excavation would be, specifically regarding proximity to the river. DeLong also noted that any landscaping plans, hours of operation, number of employees, visual impact, and mining reclamation plans are all missing. The board discussed the location of the quarry in relation to the river. Yawman said the new material threshold should be defined.

A motion was made by Waterbury and seconded by DeLong to deem the application incomplete. The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

### Other Business

Yearly Training Reminder – Yawman asked about training available through the NYS Planning Federation and inquired about membership and log-in information. Wild will look into this.

Sawmill Moratorium – Weber relayed the Town Board's plan to create a temporary moratorium on sawmills in order to give the ZBA and Planning Boards time to create a checklist for sawmill use variance applications. Trey said the local zoning law needs to be updated to include a section on sawmills. Seiter said amendments can be made and that he will address the Town Board and suggest the drafting of a local law rather than a checklist.

Weber also noted that the Town Board asked the Planning Board and ZBA to review accessory and primary use zoning laws and report back to the Town Board as to the reasoning behind the law.

A motion was made by Yawman and seconded by Trey to adjourn at 9:14 pm. The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

Respectfully submitted,

Nicole Wild  
Deputy Town Clerk