

**Mexico Zoning Board of Appeals
Minutes of the Regular Meeting
Held January 20, 2022 at McAuslan Hall 3245 Main St.
Commencing at 7:00 P.M.**

Present: Ned Waterbury, Chairman
Marcia DeLong, Counselor
Dan Yawman, Counselor
Marty Trey, Counselor
Graham Seiter, Town Attorney
Ron Marsden, Code Enforcement Officer
Nancy Weber, Planning Board Chairwoman

Absent:

And 3 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 7:01pm.

A motion to approve the meeting minutes from December with one correction was made by DeLong and seconded by Trey. The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, Yawman, and 0 nays.

New Business

Timothy Teifke- Residential Water District Request

DeLong introduced the survey as presented to the board and compared with Oswego County Real Property, stating that Mr. Teifke owns a large piece of land not represented on the site plan and that, based on that additional property, a variance may not be necessary. Seiter said an area variance is not necessary because the required amount of road frontage is possible. The board reviewed property maps and the subdivision request. Trey said the new divided lot has to be 300 feet in road frontage. Seiter explained the process of the ZBA and Planning Boards to grant a subdivision for a lot with 200 feet of road frontage. Trey explained that the least amount of variance has to be granted. Seiter suggested discussing his EDU charges with the town as opposed to subdividing. Teifke said he is discussing water supply with the village and town. Teifke requested to table the matter.

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

Old Business

Steve DeGone- Area Variance

DeGone said he contacted the LLC members and they feel a good compromise is a subdivision with 265' of road frontage. The board discussed options that were discussed in the

November and December meetings. Trey said those options being discussed was the attempt to make the request for the least variance possible. DeGone explained the request to change the boundary property line to 265' of road frontage and does not want to disturb the side yard of the property. DeGone said the LLC does not want to lose the side yard to a setback for the garage. DeLong read part of the zoning law as it relates to variances. Trey added that the minimum is open to interpretation and they need to know what the absolute minimum request is. DeLong said that the setbacks for a non-residential use is 50 feet. Waterbury said the commercial property would have a 50' setback on the south border. Weber shared with the board that her map with the board where the 50' setback for the building. Yawman, suggested that 265' is the minimum in order to maintain the characteristic of the property.

DeLong said she would like to figure out the minimum adjustment that we can make and revisit 265'. Waterbury said the 300' frontage enhances the value of the property. Yawman said the board's responsibilities include the maintenance of the aesthetic of the property and that, since it's been there for this length of time, a subdivision that's not aesthetically pleasing but conforms to the footage requirements may not be appropriate. Trey said that 265' leaves no side yard setback variance and it's a 35' variance (or 10%) and does not sound like a significant variance. Trey stated the comprehensive plan's intent of the mixed-use district and asked if Weber can speak to the intention of 300'. Weber said large open spaces are the intent but that existing businesses and their aesthetic are important. DeLong said the reasoning behind 300' was that it gives adequate space as businesses grow and the town wants to promote that type of use along main arteries. DeLong said that larger lots are going to draw more commercial uses. DeLong said 265' would take the line into the hedgerow. Seiter said the board needs to decide what is significant and what is tolerable as a variance. DeLong said the 594' to 595' left for the south lot is a good thing for future developments with a 265' frontage. Yawman said 250' approval would leave a full 600' for the south lot. DeLong said 265' gets even smaller variance, leaving 594' on the south lot and leaves potential for commercial lots in the future. Trey suggested splitting the difference, making the side yard 65' for each. DeLong said 280' on north lot leaves 65.8' for each side between AmeriGas and garage with the property line in the middle.

A motion was made by Trey and seconded by DeLong to table the matter in order to allow Mr. DeGone time to speak to the other members of the LLC. The motion was adopted by a vote of 4 ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

The board announced a 5-minute recess.

Trevor Race- Quarry Use Variance

Waterbury summarized the request for the property located on Rt 69 and Halliday Rd. DeLong said the DEC documents are part of the application process. Race said the DEC told him to wait until he receives the use variance permit. Race said the gravel bed is L shaped and the grade is 30' lower starting at the camp and will sweep toward Rt. 11. DeLong said everything needs to be represented in a site plan in order for the ZBA to deem it complete including distance between buildings, labeled buildings, loading zones, for examples, and said that section 340, 345, and 355, should be provided to the applicant. Marsden will make copies of

those sections of the local law. Trey asked for a reference for the reclamation plan in the law. DeLong said that section 558 discusses the reclamation plan, which is required. Race said that gravel has been being removed for 30 years. DeLong read section 558.2; the DEC plan is needed in order to pass the site plan along to the Planning Board. The board listed requirements for the site plan. Seiter said the feasibility study goes toward a use variance argument. Trey said section 315 needs to be provided to the applicant. DeLong said section 420 discusses allowed uses. Yawman said the feasibility study provides good reasons why the use should be permitted but it does not actually complete the application. Yawman said the application needs to be completed first and explained the decision-making process.

A motion was made by Waterbury and seconded by DeLong to table the matter in order to help the applicant work through the application. The motion was approved by a vote of 4 ayes: Waterbury, DeLong, Trey, Yawman, and 0 nays.

A motion was made by Trey and seconded by Waterbury to bring the matter of DeGone back to the floor for discussion. The motion was approved by a vote of 4 ayes; Waterbury, DeLong, Trey, Yawman, and 0 nays.

Steve DeGone- Area Variance

DeGone said the LLC is good with 280' of road frontage. Waterbury said lot A is 280' of road frontage on northern commercial lot, which gives side yard setback as 66.7'. Trey said to amend the application to a variance of 20' road frontage on northern lot and that the southern lot is within compliance. DeGone agreed to the amendment of a 20' road frontage variance on the northern lot.

A motion was made by Waterbury and seconded by Trey to approve the amended application requesting a 20' variance, making the northern lot 280' of road frontage. The motion was approved by a vote of 4 ayes; Waterbury, DeLong, Trey, Yawman, and 0 nays.

DeGone asks how to file the subdivision. Seiter said the county will record the subdivision. Seiter said the subdivision needs to be recorded with the county within a year. Seiter said the town will not object to the subdivision.

RIC Solar workshop

Seiter said RIC has submitted part I of the SEQR. He explained that the board has to go through part II, question by question in order to determine environmental impact. Waterbury began with item one and read aloud part II of the SEQR and each board member weighed in. Seiter read prepared responses from RIC.

Weber said that the surface water will be affected because changes to the land are being made and invited the ZBA to visit the property on Thursday, January 27th at noon. DeLong said a small portion of the property is in a check zone, according to the DEC. Seiter said an amendment can be made to the SEQR part II and responses to reflect a change in decision based on new information. Seiter said the determination of significance can be minimal or as complex as the board requires.

Trey said a contingency should be made that the surface water runoff mitigation efforts offered by RIC are required. Seiter said the SEQR website does a good job providing examples

of the scale of potential impacts. DeLong read a portion of the SEQR website regarding scale of environmental impacts. Trey said a contingency should be disallowing the use of herbicides or toxic chemicals given the proximity to the aquifer.

Weber explained state agricultural districts to the board as a choice by the landowner to apply for that standing, which has no bearing on the actual agricultural value of the land. Weber explained that Oswego County has uniquely smaller plots of farm fields and that this property is close to a transformer, making it valuable as a solar field.

Trey suggested considering a condition to mitigate noise. Weber said transformers on solar farms can make a loud humming noise. The board completed part II of the SEQR. Seiter said he would write up the determination of significance.

Waterbury said a public hearing is scheduled for February and would like to have a ZBA workshop to ensure the board is up to date on all information for the RIC Solar project. Board members agree it would be helpful. The public hearing is scheduled for February 21st at 7:00pm.

Other Business

The board would like to update the town website to include the RIC Solar Public Hearing and also host information pertaining to the project on the website. The board would like a copy of the information pertaining to the project to be available at the Mexico Public Library for residents to view.

The deputy town clerk notified the board of SEQR training updates for the January 26th virtual training and shared the mailer for the NYS Tug Hill Commission training opportunity on April 19th.

A motion was made by Waterbury and seconded by Yawman to adjourn at 10:43pm. The motion was approved by a vote of 4 ayes; Waterbury, DeLong, Trey, Yawman, and 0 nays.