

**Mexico Zoning Board of Appeals
Minutes of the Special Meeting
Held February 2, 2022 via Zoom
Commencing at 7:45 P.M.**

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

Absent: Ron Marsden, Code Enforcement Officer

And 4 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 7:48pm.

Seiter explained that, according to the Tug Hill Commission, the board cannot put conditions on a negative declaration on a type one action but said that the board could either (1) state a negative declaration and then request RIC amend their application to include the conditions the board requests or (2) state a negative declaration and then list mitigation conditions as part of the permit. Bliss (RIC) recommended against changing responses and agreed that RIC could amend their application or the board could place conditions on the permit.

Waterbury asked about sound pollution. Bliss (RIC) said construction noise will be the main noise of the project and that any operating noise will most likely come from the inverters, which produce about 60-65 decibels of sound at a close distance, which is about as much noise as a conversation between two people.

Weber joined the meeting at 8:04pm.

Bliss (RIC) said that the classification of “old field vegetation” means the land hasn’t been farmed recently so the project is not taking a farm out of production. Bliss (RIC) said the use of a solar field is not a permanent use so the land could still be available to use as farmland in the future; the land is being reserved for potential future farming; RIC has zero intention of using herbicides and can find that information in the RIC application paperwork.

Seiter advised the board to make a negative declaration on Part II of the SEQR and plan to place conditions on the permit. Seiter and Bliss (RIC) explained what an Environmental Impact Study (EIS) entails. Trey said the board should consider sound pollution parameters as conditions for the permit. Bliss (RIC) said he would find out how many transformers and inverters are included on the project. The board discussed that they are in compliance with Open Meetings Law.

A motion was made by Trey and seconded by Yawman to make a negative declaration on part II of the SEQR and to save conditions as part of the permit. The motion was adopted by a vote of four ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

DeLong suggest Section 301, Standards for Energy Systems, to be helpful to the board because part one says that complaints must be corrected within 60 days or the permit can be revoked.

A motion was made by Waterbury and seconded by DeLong to adjourn at 8:43pm. The motion as adopted by a vote of four ayes: Waterbury, DeLong, Trey, and Yawman, and 0 nays.

Respectfully submitted,

Nicole Wild
Deputy Town Clerk