

**Mexico Zoning Board of Appeals
Minutes of the Regular Meeting
Held April 18, 2022 at McAuslan Hall
Commencing at 7:00 P.M.**

Present: Ned Waterbury, Chairman
Marty Trey, Counselor
Dan Yawman, Counselor
Allison Trudell, Planning Board Member

Absent: Lori Behling, Counselor
Ron Marsden, Code Enforcement Officer
Graham Seiter, Town Attorney

And 0 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 7:00pm.

Chairman Waterbury gave the board time to review the minutes from March 21. Waterbury asked for thoughts on the conditions section of the minutes. Waterbury reminded the board of the six recommendations from the Planning Board. Waterbury gave the councilors time to make suggestions for edits to the minutes. Yawman asked if the area variance runs with the land. Trey said he is not comfortable with conditional approval of the minutes.

A motion was made by Waterbury and seconded by Trey to approve the minutes of the regular ZBA March 21, 2022 meeting. The motion was adopted by a vote of 3 ayes: Waterbury, Trey, and Yawman, and 0 nays.

Old Business – none

New Business

Bait Shop/Sporting Goods Store- Special Use Permit Application

Waterbury said 6551 St. Rt. 3 in Mexico is the location of a possible bait shop and sporting goods store. Waterbury said the property was originally developed by the prior owner as a photography studio. Waterbury said the current owners are applying for a special use permit for a bait shop and sporting goods store. Waterbury said the board's job this evening is to determine if the application is complete before passing it along to the Planning Board for site plan review. Waterbury referenced section 340 and urged the board to examine the application, including the SEQRA. Waterbury said the survey map came with the purchase of the property. Yawman said the deed is missing. Yawman said the height of the building is not labeled. Waterbury said the survey map does encompass the complete parcel. Waterbury said the driveway is blacktop. Waterbury said the parking spaces may be marked but is not certain. Yawman said he does not see a location of outside lighting. Yawman asked if the applicant owns the property. Yawman asked if landscaping was part of the plan.

Waterbury expressed concern that the parking area does not seem to be sufficient enough to accommodate vehicles with trailers. Waterbury said the low point of the property is at the highway and the back border of the property is uphill. Waterbury said the board needs a rendering of the LED sign and the exact location of the sign. Waterbury said the visual impact of the community is important and the LED rooftop sign needs consideration. Trey said general sign provisions are stated in section 518. Waterbury said the front gravel area has to be evaluated. Yawman said the map indicates the gravel area being just over 7 feet. Waterbury said the open porch is 10 feet. Waterbury said the shoulder is owned by the state. Waterbury said photos are welcome but not required and encouraged the board members to look at the site.

Waterbury asked the board if they feel the application is complete. Yawman said he would like to table the matter until the questions that arose tonight can be answered. Trey said an administrative function in ensuring the completeness of the application does not seem the appropriate role for the ZBA. Waterbury explained that the Town Board originally requested the ZBA first review the application for completeness before passing it along to the Planning Board for a site plan review.

A motion was made by Yawman and seconded by Waterbury to table the matter until the following meeting so that Marsden can pass along the list of recommendations from the ZBA regarding completion of the application. The motion was adopted by a vote of 3 ayes: Waterbury, Trey, Yawman and 0 nays.

Other Business

Trey said there was conversation at the last meeting regarding special use permit and lot coverage. Trey said one of the considerations was that the law as written does not seem to consider state guidelines. Trey asked if the town needs to consider an amendment to the energy law. Waterbury said yes and that would fall under the purview of the Town Board. Waterbury said the RIC application process exposed the discrepancy between local and state law. Waterbury offered to add this to his next Town Board meeting report. Trey said they should deviate as little as possible from the written law. A motion was made by Trey and seconded by Yawman that Waterbury report to the Town Board that the town energy law requires an update specifically to section 505 paragraph 9 to be more consistent with state guidelines. The motion was adopted by a vote of 3 ayes: Waterbury, Trey, Yawman, and 0 nays.

Waterbury said the board has a new member, Lori Behling, who will be attending the May meeting.

Waterbury said Liz Dishaw thanked the board via note.

Waterbury reminded the board the April 19th training and noted a weather advisory in affect. Waterbury said, as an FYI to the trainees, the site does not require masks of participants anywhere in the training site; masks are optional.

The next ZBA meeting will be held May 16, 2022 at 7:00pm at McAuslan Hall.

A motion was made by Yawman and seconded by Waterbry to adjourn at 8:05pm. The motion as adopted by a vote of three ayes: Waterbury, Trey, and Yawman, and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk