

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

Present: Ned Waterbury, Chairman
Lori Behling, Counselor
Marty Trey, Counselor
Dan Yawman, Counselor
Nicole Wild, Town Clerk

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

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 May.

A motion was made by Yawman and seconded by Waterbury to approve the minutes of the regular ZBA May 16, 2022 meeting. The motion was adopted by a vote of 3 ayes: Waterbury, Behling, and Yawman, 0 nays and 1 abstention: Trey.

Old Business

Bait Shop/Sporting Goods Store- Special Use Permit Application

Chairman Waterbury reviewed the application. Waterbury said Marsden has had no contact with the applicant since April. Waterbury said Marsden indicated he had reached out to the applicant and had not received a response; Waterbury said it appears no activity to be occurring at the site. Waterbury said the application was initially deemed incomplete due to missing items; as a result, the ZBA tabled the issue to give the applicants time to complete the application. Trey asked for clarification on the manner in which the applicant was contacted. Trey wants to ensure that the applicant is aware that they are missing parts of the application and is reluctant to close the application without a certified letter informing the applicant about why the application is incomplete. Behling agrees that the board needs to be clear about what contacts have taken place before closing the application. Trey suggested a certified letter be sent notifying the applicant about the board's expectations.

A motion was made by Trey and seconded by Yawman to contact the applicant via certified mail notifying them that their application is incomplete, listing missing artifacts, asking them to provide said artifacts within 30 days and relaying that a failure to respond will result in their application being dismissed and forfeiture of the application fee. The motion was adopted by a vote of 4 ayes: Waterbury, Behling, Trey, Yawman, and 0 nays.

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

New Business

Forms

Chariman Waterubry reviewed the impetus for designing a new application for a special use permit as well as a specialized checklist for sawmills based on the new sawmill zoning law. Waterbury said a newer version of the forms will be available soon and sent via email to the ZBA members to review. Yawman said the title is missing, "Application," and would like a stipulation added stating that projects need to meet requirements of the local laws. Trey suggested adding checkmarks on the form to indicate that the applicant/zoning officer confirms that those articles are attached. Trey suggested developing a sample application, investigating which types of special use permits are the most popular, and putting a sample application together based on past applications. Waterbury said the application is a working document. Waterbury said the board members can jot down ideas and communicate them as they occur.

Behling asked about fence laws regarding inground swimming pools. Trey said he thought it was a NYS building code law. Behling asked if the local code enforcement officer is required to enforce NYS building code law. Trey said yes. Trey said the village has a separate code enforcement officer. Trey said DEC enforces open burning. Trey will email pamphlet related to open burning to the board members.

Waterbury said a resident on LaCasse Road had a complaint about noise from her neighbor's wood splitter. Waterbury said that Marsden relayed that the town has no noise ordinance. Waterbury said Marsden said the wood is being processed to sell for firewood and that the houses are at considerable distance. Waterbury said the resident is using trees grown from his own property, so it is considered an agricultural enterprise.

Other Business

The next ZBA meeting will be held July 18, 2022 at 7:00pm at McAuslan Hall.

A motion was made by Yawman and seconded by Behling to adjourn at 7:41 pm. The motion as adopted by a vote of 4 ayes: Waterbury, Behling, Trey, Yawman, and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk