

**Mexico Zoning Board of Appeals  
Minutes of the Regular Meeting  
Held Monday, April 21, 2025 at the Town Hall  
Commencing at 6:30 P.M.**

**Present:** Ned Waterbury, Chairman  
Lori Behling, Councilor  
Mathew Bryant, Councilor  
Marty Trey, Councilor  
Dan Yawman, Councilor  
Ron Marsden, Code Enforcement Officer  
Graham Seiter, Town Attorney

**Absent:**

And 1 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 6:39 pm.

**Old Business-**

Cartier Motorsports. Councilor Behling suggested visiting Salvetti's topic first. Chairman Waterbury agreed.

Square Rule Frames, LLC- Salvetti

Chairman Waterbury shared the recommendation letter from the County Planning Board. Attorney Seiter said a letter from the DOT had no objections but wanted to make sure that any ingress and egress is approved by DOT for a driveway. Salvetti said he spoke to the Syracuse office of DOT, and they sent him paperwork to submit directly to NYS DOT. Salvetti wanted to ask if he changed to making the driveway on Countryman Rd. rather than Rt 3, is it possible? Chairman Waterbury said it would need to go back to the Planning Board for review in May to re-visit a new site plan; the planning board has sole authority of site plans; the ZBA can fill in some gaps, but the Planning Board must first approve the site plan.

Attorney Seiter said the public hearing doesn't need to happen again, but the board has 60 days from today to make a determination. Applicant said a mulch place in Syracuse will take his scraps for dumping; applicant clarified that any and all lumber byproduct is included. Officer Marsden remarked that he received the mailing receipts.

Motion was made by Chairman Waterbury and seconded by Councilor Behling to table the matter until the Planning Board reviews the new site plan, The motion was adopted by a vote of 4 ayes: Waterbury, Behling, Bryant, Yawman, and 0 nays. Attorney Seiter confirmed that the 60-day rule can be extended if both parties agree. Attorney Seiter said the county Planning Board needs to receive a new site plan.

### Cartier Mini Storage (EDIT)

Chairman Waterbury said that NYS changed wetland regulations, which became effective the first of this year and some sections may be pertinent with this application. Councilor Trey entered the meeting at 6:53pm. Attorney Seiter said the buffer zone has changed but he believes the Planning Board determined that the buffer in the site plan is already sufficient. Chairman Waterbury said there are 11 elements that an applicant must review to make sure they are compliant. Officer Marsden said the engineer, LaCelle, followed the new guidelines. Chairman Waterbury said it mandates that there should be a DEC inspection/representative; that the board who approves it is held responsible in the future if there is a problem. Chairman Waterbury said the matter should go back to Planning Board for review of this matter before the ZBA can approve it. Officer Marsden said the new DEC wetland mapper is what they use to determine wetlands, and the buffer zone is now larger. Officer Marsden left the meeting at 7:03. Attorney Seiter said someone is probably designated for a region from the DEC. Attorney Seiter asked LaCelle via speakerphone; Attorney Seiter asked if LaCelle followed new law. LaCelle said new regulations don't change the location of the DEC wetland and new regulations say there a 100-foot buffer; there are new purple areas added- if you have one on your site, you are supposed to consult with Albany (get 90) days. LaCelle said the wetland in this parcel hasn't changed so his opinion is that the delineations for this project are still good. Attorney Seiter said the buffer on this project is over 100 feet.

Attorney Seiter said a response from the DEC has not been received. LaCelle said the DEC has not responded in 90 days, a certified letter is sent, ten days later, they are allowed to proceed with the project legally. Attorney Seiter thanked LaCelle and ended the phone call. Attorney Seiter said there are no purple spots on the property. Chairman Waterbury moved to send everything back to planning board for approval before they send it back. Councilor Behling and Attorney Seiter said it seemed unnecessary. No second was made and the motion failed. Attorney Seiter said the presentation regarding the matter matches what LaCelle said in the phone call.

Attorney Seiter said the site plan has not changed. Chairman Waterbury said they are the ones who decide, and they have not reviewed the site plan according to the new law. Councilor Trey said they have sole discretion. Councilor Trey said it was with a gap in knowledge through no fault of their own; is ignorance of the law needing consideration if nothing on the site plan has changed? Attorney Seiter said the Planning Board approved it, then attended a seminar where new information was received. Attorney Seiter said a wetland is already delineated and the new law doesn't apply because there are no purple (or newly established) wetlands. Attorney Seiter said LaCelle was preemptive with the 100-foot buffer and since no new wetlands have been added to the parcel, sending it back to planning is not necessary.

Attorney Seiter said the Planning Board addressed the 100-foot buffer issue, but they approved the site plan after addressing drainage. Councilor Trey asked for a project schedule and Councilor Behling and Councilor Yawman said ASAP.

Chairman Waterbury asked if the property is for sale and if the permits stay with the property. Attorney Seiter said it would run with the land, but they would have to stay within the same footprint. Attorney Seiter walked through SEQRA part II:

1-no

2-no

3-no  
4-no  
5-no  
6-no  
7-no  
8-no  
9-no  
10-no  
11-no

Attorney Seiter said his recommendation is for the board to pass a motion declaring a negative declaration for the SEQUR study, Councilor Yawman made the motion, seconded by Councilor Behling. The motion was adopted by a vote of 4 ayes, Behling, Bryant, Trey, Yawman, and 1 nay, Chairman Waterbury.

Councilor Yawman 345 section- read each point for the board to consider; Yawman said approval happened for previous project and applicant did not wait for approval before pouring footers and wants confirmation that the applicant has not yet begun construction, Officer Marsden confirmed.

Chairman Waterbury said the board can apply conditions. Attorney Seiter said any conditions previously determined for first permit will continue to include.

Based on planning board site plan approval, review of section 345, and negative SEQRA determination, motion to approve project, include any pre-existing special conditions for the previous project carryover to this expansion, but the board reserves the right to add conditions according to the Planning Board's recommendation from their April 2<sup>nd</sup> meeting, the motion was made by Councilor Behling, seconded by Councilor Yawman, Councilor Trey moved to amend the motion to include upon consultation of site engineer and town council that the wetland delineation has not changed from the Planning Board approved site plan. The motion was adopted by a vote of 3 ayes, Councilor Behling, Councilor Trey, and Councilor Yawman, 0 nays, Chairman Waterbury abstained.

#### **Other Business-**

Attorney Seiter asked about solar application. Chairman Waterbury said that the energy law requires 30 full days.

Officer Marsden said someone is interested in putting mini storage units in the A1 district and we have typically done a special use permit. Attorney Seiter suggested looking at the area and figuring out if it will negatively impact the area. Officer Marsden will advise the applicant to begin with a simple site plan and go from there based on what the boards say.

The motion was made by Councilor Yawman and seconded by Councilor Behling to adjourn at 7:48pm. The motion was approved by a unanimous vote.

Respectfully submitted,

Nicole Wild  
Town Clerk

FINAL