

Town of Mexico

Zoning Board of Appeals Meeting

August 17, 2026

In attendance: Ned Waterbury, Chairperson
Lori Behling, ZBA Member
Marty Trey, ZBA Member
Mathew Bryant, ZBA Member
Dan Yawman, ZBA Member
10 persons in the audience

6:30 Chairman Waterbury opened the public hearing, he read the Public notice regarding the Daniel Hersberger application, he informed the public of the rules for the Public Hearing, asked if anyone would like to make a comment either for or against this application.

Mr. Joshua Smith, 296 St Rt 104, Mexico NY

In March he had made a legal complaint regarding a business being operated, hunting blinds being displayed, nothing has been done about it. Ron now says it is not a violation; Mr. Smith believes that setbacks still need to be met. States that is 2 violations.

Mentioned property code, traffic circulation problems, complaint about cats, horses lose, dogs coming over to his property, burning trash, still building sheds, tractor trailer blocking traffic.

There have been two watermain breaks, metal steak in the ground in the area of the breaks

Who enforces regulations? Talked about foil request, question how many inspections

Spoke about property at 2804 St Rt 104: code issued building permit – violation

4 times given examples of violations, people expand without coming back, inspection concerns, enforcement concerns

Chairman Waterbury: stopped comments and suggest that he go to the Town Board,
Chairman Waterbury suggested that comments be brought back to the issue of the
application dealing with 2799 St Rt 104

Smith: project not fitting with neighborhood

Chairman Waterbury: we appreciate your thoughts

Cheryl Gates, 2803 St Rt 104, Mexico NY she lives across from Dan Hershberger

Spoke of horses, asked if they go to the dump?

Member Dan Yawman asked Gates if she was saying she didn't have a problem, did not
hear response.

Donald Sade, 18 Emery Road, Mexico NY owns property that is back to back with
Hershberger, he is in favor of the permit, most of the property hasn't been used as
agricultural in a long time he is happy to see horses in the field, glad to see a family
industry

Dan Spicer, 2965 St Rt 104, Mexico NY property adjoins applicant's property, he has no
issues, as far as the traffic he said perhaps this would slow down the traffic, he spoke of car
speeding by that area. He is not against this usage, he hopes the board will issue the
permit

Toby Hershberger, 2977 St Rt 104, Mexico NY Said he lives at the property with his wife, a 2
years old, and son who is 6 mos, that is all the people living there, he only burns wood not
garbage, spoke of the tractor trailer the other day, he has built one shed since living there,
he was told by Weber that he could as long as it was built inside.

6:53 Chairman Waterbury ask the board to close the Public Hearing, all in favor, closed

Chairman Waterbury opened the regular meeting with the Pledge of Allegiance

Acceptance of minutes: discussion if everyone received them, a few minutes was taken to
review the minutes that Member Yawman stated were sent on 7/28 Member Behling stated
that they were Draft, there were no corrections, board approved, all in favor

Old Business:

Hershberger Application:

Chairman Waterbury explained the protocol that this is board discussion time and the
public may not participate unless a board member had a specific question for the
applicant.

Member Behling made a motion to continue the matter, Chairman Waterbury 2nded, all in favor

Member Yawman questioned the Local Law for Sawmills and the application to build

Chairman Waterbury said that that sawmill law was not relevant because the application is not for that use.

If not sawmill, what is it?

It was brought up that there are violations on the property: Retailing, merchandising blinds in inventory 32 other than the one that sold on 7/1, are the other ones for sale?

Hershberger stated that he is not selling any of them until everything is cleared up

Discussion :32 blinds waiting for sale

Chairman Waterbury asked Marcia DeLong to Speak

Marcia stated that she was asked to review the Comprehensive Plan from 2003 and Local Law No 5 of 2003 due to her knowledge of both documents. Marcia stated that she had reviewed both documents preparing a document that lists what she believes could be relevant sections. She informed the board that she has not seen the application; her review was based what seems like relevant sections on knowledge that she has gained thru discussions and meeting attendance. She read the document that she had prepared, there was some discussion as to which document she was referring and the difficult of following along particular in the comprehensive plan. Member Trey said that it would be very helpful if she could provide the document for their review. Marcia said that she will provide it.

Member Yawman asked what this is defined as, could be defined as Sawmill, Enclosed Manufacturing, Construction or Well Drilling

There was discussion regarding definition of Construction business.

Town Atty Seiter: the board needs to determine what this application is for

Member Yawman: believes fits with Construction Business

Member Trey - believes Other

Member Yawman: discussion regarding Other, Enclosed Industry Manufacturing, very similar to, the Planning Board said Lt Industrial but that doesn't appear on the use chart

Member Trey: he feels should be Other and explained why

Member Yawman: Sawmill and spoke of the Zook application reading the motion for that application.

Atty Seiter: asked for the Lt Industrial Use definition, then stated either Other or Lt Industrial

Member Trey: made a motion to classify it as Enclosed Use Other

Member Yawman 2nded

Member Bryant asked a question of Marcia. Marcia responded that you cannot determine the site plan by the motion to approve and its requirement. If requirements appear on a site plan those stand and do not need to be specified in the resolution because they are on the site plan

Further discussion

Member Trey – Point of Order there is a motion on the table.

Chairman Waterbury asked for a vote: Yawman – y, Bryant – n, Trey – y, Behling – N, Waterbury – n, motion defeated, does not pass

Chairman Waterbury – Another question, setbacks

Discussion on why board is deciding what to call it.

Member Trey: set a precedence, Light Industrial as Other

Marcia responded to a question, Marcia deferred to Atty Seiter

Member Yawman: would like to hear from an actual Attorney, what legal opinion means

Member Trey: notes Atty opinion

Step 1 - what are we going to call it

Member Behling – Other – Light Industrial

Chairman Waterbury – the board needs to be careful; we need to be specific why we go with Other

Step 1 – Member Behling made a motion for Other (Light Industrial Use) need to provide rationale behind why Light Industrial category fights best.

Chairman Waterbury: include rationale

Member Trey 2nded

Member Bryant question setback requirements. Asked Marcia if the new Comp Plan addressed any of this. Marcia said that it did particular in the Agricultural and Farmland Protection Plan, that it addressed agr tourism, hunting, how all of this connected together,

but that none of that would be relevant to this application as it was started before the adoption of the Plans. Atty Seiter said that when actually approving the application the board can place whatever restrictions they feel appropriate at that time. He also said that the members of the board could take into consideration the new Plans when they are considering conditions.

Member Trey amend motion to make use of Sawmill setbacks

Yawman – y, Byrant - y, Trey – y, Behling – y, Waterbury – y, carried

Member Trey made a motion to table further discussion regarding this application now that it has been determined what the application is for allowing the members to consider requirements that should be discussed.

Atty Seiter suggested that the board think about the conditions for the next meeting

Member Trey thanked Marcia for her efforts.

Motion to table Lori

Waterbury – y, Trey – y, Behling – y, Bryant – y, Yawman – n

Chairman Waterbury asked if anyone needed a quick break before moving on to the next matter.

Chairman Waterbury: Christine Harris' application for an area variance, to sell land to McAuslan

Mr. McAuslan and Ron drew up a map to use as a site plan, he had Mrs. Harris' letter, and her deed (Marcia stepped away to make copies) Board looked over the map and discussions continued

There was a question in regard to the Rural Character, Comp Plan will give us the description.

Chairman Waterbury made a motion that the application be deemed complete and send it to Planning Board for a Site Plan review, a public hearing should be set for September 21st, at 6:30 PM

Member Bryant 2nded, all in favor

Discussion with Mr. McAuslan regarding the notification of neighbors within 500' of the property line, that notification must be made by return receipt (which needs to be given to the Town). Chairman Waterbury stressed the importance of this step.

There was some discussion regarding a property that is up for auction and notification

Discussion regarding the Planning Board Mtg on September 9th and he might want to attend

Member Trey: Point of order

Member Trey made a motion to adjourn at 8:21

Member Behling 2nded, all in favor, carried

Respectfully submitted

Marcia DeLong

DRAFT