

**Mexico Zoning Board of Appeals
Minutes of the Regular Meeting
Held May 17, 2023 at McAuslan Hall
Commencing at 7:00 P.M.**

Present: Ned Waterbury, Chairman
Lori Behling, Counselor
Dan Yawman, Counselor
Marty Trey, Counselor
Graham Seiter, Town Attorney
Absent: Ron Marsden, Code Enforcement Officer

And 4 in the audience.

Chairman Waterbury called the meeting to order with the Pledge of Allegiance at 7:05 pm. Trey entered the meeting at 7:06pm.

Old Business

Special Use Permit Application- Cartier Mini Storage Facility

Waterbury summarized the application and brought the board up to speed. Waterbury said the ZBA has not heard back from all agencies regarding the lead agency letters. Seiter said the board typically takes the option to ask for lead agency and give 30 days even as an unlisted action. Waterbury said he feels it appropriate to give agencies adequate time to respond. Seiter said 30 days is a good benchmark that is typically used. Waterbury addressed the board regarding giving 30 days. Seiter said the DOT's concern is related to the driveway ingress and egress. Lacelle said the DOT concerns have been addressed. Lacelle said there are minor adjustments to the site plan since the ZBA had seen it, namely moving the buildings farther from the wetlands. Lacelle said delineation occurred last Wednesday for the wetlands via the DEC. Seiter said County Planning would be the only agency taking issue with the project. Behling asked what the county might possibly have a problem with. Seiter said he doesn't anticipate any opposition. Seiter said approval could be conditional based on the county planning board's response. Part II SEQR SEAF review read by Seiter 1-no, 2-no, 3-no, 4-no, 5-no, 6-no, 7-no, 8-no, 9-no, 10-no, 11-no. Part III, Seiter recommends finding a negative declaration on this action.

A motion was made by Yawman, seconded by Behling, to name a negative declaration. The motion was approved by a vote of 4 ayes; Waterbury, Behling, Trey, Yawman, and 0 nays

Waterbury asked the board to consider additional conditions of the permit. Trey asked to review the Planning Board minutes to check for recommended conditions. Waterbury read the minutes and there were no recommended conditions from the Planning Board. Seiter said there have been no voiced concerns by neighbors. Lacelle said that part of the DOT permitting requirements determine the dimensions of the driveway. Waterbury said Marsden was identifying a category the application should follow; Marsden was using the term warehousing (p26 under section 345 re: screening) and screening was mentioned but not a concern due to natural screening on the Rt 11 side and distance on Rt 104 side. Waterbury said drainage and

erosion control are not a concern. Waterbury asked about lighting. Lacelle said the lights are dark sky compliant; shielded lights where the lens is not visible. Cartier said electricity will run underground. Waterbury said there are no historic resources of note. Waterbury said Marsden confirmed that there are no existing violations.

A motion was made by Trey, seconded by Behling, to approve the special use permit all ayes.

A motion was made by Trey, seconded by Yawman, to rescind the previous motion. The motion was approved by a vote of 4 ayes: Waterbury, Behling, Trey, Yawman, and 0 nays.

A motion was made by Trey and seconded by Behling to approve the following resolution. The motion was passed by a vote of 4 ayes: Waterbury, Behling, Trey, Yawman, and 0 nays.

Resolved, the Zoning Board of Appeals for the Town of Mexico approves the special use permit for Mr. Cartier's mini-storage facility on the condition that the county planning board provides no objections

New Business

Waterbury explained the process by which special use and variance permits are granted. Waterbury said a proposal is that the process be revamped so that the planning board handles the entire process; ZBA and Planning are asked to come together to look at the application process to streamline it. Seiter said the more common approach in Oswego County is that use variances go directly to ZBA and not the planning board; the planning board covers special use permits and area variances from beginning to end, including public hearings. Because the ZBA acts as an appellate review of the planning board's decisions, Seiter said he feels the process is far too long and drawn out for applicants. Yawman feels that he is more comfortable with the way that the process exists as is, citing the many eyes and minds looking over the applications.

Waterbury brought up the Rosato application as an example of how the process of involving both boards is beneficial. Seiter reiterated the point that a lack of appeals process is problematic for the town. Yawman added that the process is drawn out when applicants do not have complete applications. Seiter said challenges to the planning board's decisions would be heard by the ZBA. Seiter gave examples of different types of applications that may or may not need to be heard by both boards and said that there are pros and cons to both processes. Trey said that there may be some middle ground regarding involving the ZBA and suggested that certain applications may begin with Planning Board.

Waterbury asked Seiter if a neighbor would be able to request an appeal from the ZBA. Seiter said not necessarily; it would depend on what the law would say and whether or not it would be allowed within a certain amount of time; notification of neighbors; SEQR; public hearing, etc and the public would have a chance to influence the process. Waterbury said the completion of the comprehensive plan is being accelerated. Behling said we would need more sets of eyes.

Other Business

A motion was made by Waterbury and seconded by Behling to approve the April ZBA minutes. The motion was approved by a vote of 4 ayes: Waterbury, Behling, Trey, Yamwan and 0 nays.

A motion was made by Trey and seconded by Behling to move the June ZBA meeting to June 21st at 7:00 pm at the Mexico Town Hall to accommodate for the Juneteenth holiday. The motion was approved by a vote of 4 ayes: Waterbury, Behling, Trey, Yamwan and 0 nays.

A motion was made by Behling, seconded by Yawman to adjourn at 8:15pm. The motion was approved by a vote of 4 ayes: Waterbury, Behling, Trey, Yamwan and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk