

**Mexico Planning Board
Minutes of the Regular Meeting
Held February 3, 2025 at the Town Hall
Commencing at 6:30 P.M.**

Present: Nancy Weber, Chairwoman
Bonnie LoForte, Counselor
Karen Davies-Buckley, Counselor
Gary Toth, Counselor
Allison Trudell, Counselor
Ron Marsden, Code Enforcement Officer

Absent: Gary Toth, Counselor

And 2 in the audience.

Chairwoman Weber called the meeting to order with the Pledge of Allegiance at 6:31pm.

No minutes ready. No agenda for tonight.

Old Business- none

New Business

Cartier Motorsports Mini-Storage Expansion

Chairwoman Weber informed the board that they should have documents to review for this item; the existing buildings are closer to RT 11 and the new ones will go closer to the railroad side of the property; ZBA will review at their February meeting in order to determine if the application is complete before it comes to the planning board for site plan review; weather depending, Weber suggested visiting the site; she wants to know more about the wetlands involved and offers to invite the soil and water conservation people to come to the next meeting in lieu of a site plan visit so that they may look at the topographic map. Trudell asked if the new buildings encroach on the wetlands; Marsden said no.

Marcia DeLong entered at 6:36pm.

Weber said they needed to do some remediation and shuffle things around from their original plan in order to stay away from the wetlands. Marsden said the DEC mapping and wetland delineation has been increased. Seiter said he is unsure if the new delineation guidelines are in effect but would think that LaCelle would be prepared for this change. Seiter said the new delineation is extensive. Seiter said wetlands are now going to have a bigger footprint. Seiter said the new delineation went into effect January 1st 2025. Loforte said the maps are dated January and he has the new delineation on these maps so the project is compliant. Weber said the next ZBA meeting will determine whether or not the Planning Board revisits this item in March.

Dale Little - Subdivision

Weber said she is looking for guidance; there is a request for approval of a subdivision of a very large marina; she shows the group the original piece of property with the section that the applicant would like to divide; the problem is the pole barn being located on the piece of property; the county kicked it back to the town because we don't have allowances for properties to be configured in this way so there needs to be an attached residence to the property and because we don't have an application for a variance, we can only speculate about the use of the property, which is contrary to our local law.

Weber said she doesn't know if the property has yet been purchased or if the sale is contingent upon approval of subdivision; she said it appears that it could be set up to be a business based on the number of boat slips. Seiter said the subdivision is proposed and the map would need to be filed with the county but it cannot be filed without planning board approval to move forward; Seiter said Weber can sign it if the board agrees to allow the subdivision. Weber said the property is in the C-2 district but that zone does not absolve it from being subject to the local law that says a barn with no house is not allowed; Weber said they could attach, create, or build a residence on the property but could not put in a motorhome. Marsden said first, he has to own it. Weber noted it is a peculiar situation and asked if the sale is conditional upon approval. Trudell said intent is irrelevant. Seiter said the intent doesn't matter. Seiter said it is a commercial zone. Seiter said it's in C-2 and the barn is already there so it's not changing the landscape of the area; Seiter looked at the practical things he could do with the property in the current zone and listed: community center, indoor recreation, public utility substation, produce stand, business office, car wash, charter, boat launch, drive-in service, etc. Seiter asked who says he couldn't operate any of those businesses out of the pole barn?

Trudell asked about the intent. Seiter said the intent doesn't matter. Seiter said he can't put in an application without owning the property first. Seiter said that it's a commercial zone and this subdivision is not changing the landscape of the area. Little said it is currently being used to house campers and boats and it's probably what it will be for a while but there's nothing Glider Oil can do with it before they own it. Seiter said if he wanted to do any other business, an application would be required. Weber said the present owners are actually asking to parse it off and the present owners can't subdivide it. Seiter said he is approaching it from a practical standpoint and reiterated his point that the subdivision should be granted regardless of the new owner's intent.

Loforte said legally they can divide. Weber said the county told us we can't. Seiter clarified that the county just needs permission from the town to file the subdivision. Little said he sent the form from Marsden to the county and their reply was that they had to seek permission from the town before the county can approve a subdivision. Weber confirmed that subdivisions do fall under the purview of the planning board. Seiter said pole barns need to be considered in the local zoning law.

Loforte said the pole barn is already there. Seiter said it's important to draw a distinction that the pole barn is different from allowing someone to build a new pole barn on a

vacant piece of land in a residential area without it being a residence. DeLong asked what the subdivision does to the setbacks. Weber said it meets the setbacks on all sides. DeLong said she agrees that it's up to the board to determine if the division is appropriate. Seiter said the pole barn is already there so a new application for a pole barn wouldn't make sense. DeLong said it's an existing structure that is in compliance with setbacks. Weber said intent means everything and she believes there are homes across the street. Little said there is a short-term rental over there. DeLong said they can put in an application, submitted with the property owner's permission. Weber said the sale was contingent upon the approval from the boards. DeLong said she agrees with Weber. Weber said she does not want to discourage business; the family lives in the house on the main lot. Little said the entire marina and all property is up for sale but they want to sell this small section. Marsden said they could convert the entire building into a residence if they chose.

Little said the intent is for commercial property, storage for now, eventually renting out boat slips. Weber asked if the planning board could request an application for use. Little said they can file a storage application once they own it. Weber asked if they can request a letter of intent; once it's signed, it's done and if they back out, the subdivision still exists as fair game for anyone with any intention; she would like assurances that what they believe is happening is actually going to happen. Seiter said they cannot just start a business without applying. Seiter said once it's its own parcel, the owner would have to apply for a special permit. Loforte said this applicant would have to seek permission to make money as a business. Weber asked if there was fuel storage on the property and Little said no because there isn't enough space. Marsden noted some of the allowed uses in C-2. Seiter said he doesn't think this sets a precedent. Loforte said the failsafe is that the applicant would have to come back to apply for a permit for a business there. Weber said under general uses in C-2, a wharf is not permitted. Weber said that this is a very large piece of property and there is another pole barn with another bunch of docks that could be divided off so if this board approves it, it could follow the board forever. Loforte said the other pole barn is used for boat maintenance.

A motion was made by Trudell and seconded by Weber to grant the subdivision in question. The motion was approved by a vote of 3 ayes: Davies-Buckley, Loforte, Trudell, and one abstention: Weber.

Other Business

Weber said her and Trudell will be going to a NYPF conference in April.

A motion was made by Loforte, seconded by Trudell to adjourn at 7:30pm. The motion was approved by a vote of 4 ayes: Davies-Buckley, Loforte, Trudell, Weber, and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk