



**TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on October 19, 2011

ATTENDANCE:

- Chairman-Richard Kutter
 - Vice Chairman-Michael Herec
 - Michael Bakos
 - Linda Rindell
 - David Sabato
 - John Cima—Absent
 - David Knupfer
- Doneen Pfalzer-Acting Recording Secretary

PUBLIC PRESENT: Mary & Monroe Sommers, Charles Kohorst, Frederick & Jeanette Coe, John Worth, Thomas Schneider, Josh Bailey, Glen Bailey, Ellen Pardoe, Jeff Reynolds and W. Ziehm.

MEETING called to order at 8:00 pm.
Chairman Kutter led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the September 28, 2011 Planning Board Meeting was made by Linda Rindell, second to motion was made by Michael Herec.
ALL AYES--MOTION CARRIED.

PUBLIC HEARING

Jeff Reynolds

9312 Colby Rd., Town of Pembroke

(Tax Map #24.-1-87)

Application # 11.08.02

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:05pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town’s bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Mr. Reynolds is requesting a Special Use Permit for the construction of a pond.
- The application was sent to Genesee County Planning granted approval with modifications.

- Genesee County Soil & Water granted approval.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by Linda Rindell, and seconded by David Knupfer, the Public Hearing closed at 8:10 pm.

ALL AYES—**MOTION CARRIED.**

On **MOTION** made by Michael Herec, and seconded by Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, David Knupfer; AYE. **ALL AYES-MOTION CARRIED.**

RESOLUTION #30 of 2011—JEFF REYNOLDS/SPECIAL USE PERMIT

Jeff Reynolds has submitted application #11.08.02 requesting a Special Use Permit for the construction of a pond for property located at 9312 Colby Rd., Town of Pembroke and identified as Tax Map #24.-1-87.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on October 19, 2011.

NOW, THEREFORE, BE IT RESOLVED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by David Sabato, and seconded by David Knupfer, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #31 of 2011—Jeff Reynolds/SPECIAL USE PERMIT

RESOLVED that said Special Use Permit is hereby approved by the Town of Pembroke Planning Board.

PUBLIC HEARING

Bailey Electric

2186 Main Rd., Town of Pembroke

(Tax Map #12.-1-1)

Application #11.10.02

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:22 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Mr. Bailey is requesting a Special Use Permit to open a business for the sales and service of Electro-Mechanical Equipment.
- Bailey Electric provided the Planning Board with a revised Site Plan displaying parking spaces, loading areas and driveways.
- Genesee County planning approved the application with modifications as follows:
 - a. A revised parking and loading plan be submitted to the Pembroke Planning Board.
 - b. Baileys obtain a driveway permit from NYS dept. of Transportation.
 - c. Baileys provide a revised site plan showing the boundaries of all State designated wetlands and buffers.
 - d. On Site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard to motorists.
 - e. Signage shall conform with the Town's Zoning regulations.
 - f. Storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable State and Federal laws.

PUBLIC PARTICIPATION—A resident expressed concern about the hours of operation and the increase of truck traffic. Their concerns were addressed by Mr. Bailey stating the business will close at 4:00 pm. on weekdays, Saturdays 9:00 am. To 12:00 pm. and will be closed on Sundays. The business will have Fed-Ex and UPS deliveries daily and Tractor trailer deliveries will be limited.

On **MOTION** made by Linda Rindell, and seconded by Michael Herec, the Public Hearing closed at 8:35 pm.
ALL AYES—MOTION CARRIED.

On **MOTION** made by David Knupfer, and seconded by Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED.

RESOLUTION #32 of 2011—BAILEYS ELECTRIC/SPECIAL USE PERMIT
Glen Bailey has submitted application #11.08.02 requesting a Special Use Permit for the property located at 2186 Main Rd., Town of Pembroke and indentified as Tax Map #21.-1-1.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on October 19, 2011.

NOW, THEREFORE, BE IT RESOVLED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by David Knupfer, and seconded by Michael Bakos, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #33 of 2011—Bailey Electric/SPECIAL USE PERMIT

RESOLVED that said Special Use Permit is hereby approved by the Town of Pembroke Planning Board with the following Stipulations.

1. On-site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists.
2. Signage shall be in conformance with the Town's zoning regulations.
3. Storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable State and Federal Laws.
4. All existing vehicles will be removed from the property and the property will be maintained in an esthetical state.

PUBLIC HEARING

Monroe Sommers

8562 North Lake Rd., Town of Pembroke

(Tax Map #14.-1-37.1)

Application #11.08.03

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was called to order at 8:40 pm. The Notice of Public Hearing was printed in the Batavia Daily News as well as posted on the Town's bulletin board, and that Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Monroe Sommers is requesting a Special Use Permit to replace a house with a manufactured home.
- Genesee County Planning has scheduled the application for its November 3, 2011 meeting.
- Genesee County Health Dept. granted approval of the Septic System.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by Michael Bakos, and seconded by Michael Herec, the Public Hearing was CLOSED at 8:46.

ALL AYES—MOTION CARRIED.

On **MOTION** made by David Sabato, and seconded by Michael Herec, the following was resolved by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLVED--MONROE SOMMERS/SPECIAL USE PERMIT

Monroe Sommers has submitted application 11.10.01 requesting a Special Use Permit for the property located at 8562 North Lake Rd., Town of Pembroke and indentified as Tax Map #14.-1-37.1

SEQR will be reviewed at the upcoming Planning Board meeting scheduled in November, and the resolution will be determined.

RESOLVED that said Special Use Permit is hereby granted preliminary approval by the Town of Pembroke Planning Board for a single family home with a garage at 8256 N. Lake Rd., Town of Pembroke with the following stipulations:

1. The request must have Genesee County Planning Approval for a Special Use Permit and Area Variance.
2. The Zoning Board will recommend a one foot Area Variance on the North lot line.

Both Boards are in agreement that the Building and Codes Department can issue a Building Permit on this date, October 19, 2011.

SKETCH PLAN/REZONING

Genesee Gateway

Buffalo East Tech Park—North Campus

(TM#15.-1-1, 15.-1-21 & 15.-1-23)

Application #11.10.03

WHEREAS Genesee Gateway Local Development Corporation has submitted application #11.10.03 to the Town Planning Board for rezoning parcel Tax map numbers 15.-1-7, 15-1-21 and 15.-1-23.

NOW, THEREFORE, BE IT RESOVLED the Town of Pembroke Planning Board hereby recommends to the Town Board that these parcels be rezoned from AG/R to PUD per section 410 of the Town of Pembroke Zoning Law. The proposal is supported by the Town of Pembroke Comprehensive Plan as an area that can be developed as a commercial business park.

RESOLUTION was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos—ABSTAIN, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

WHEREAS Genesee Gateway Local Development Corporation has petitioned the Town of Pembroke Planning Board on application #11.10.03 to develop a proposed certified “Shovel Ready” Technology/Advanced Manufacturing Commercial and Light Industrial Business Park Subdivision.

The GGLDC has submitted a sketch plan for the project.

NOW, THEREFORE, BE IT RESOLVED the Town of Pembroke Planning Board hereby approves the Sketch Plan as submitted per the Town of Pembroke Land Subdivision Local Law No. 4 of 2003.

DISCUSSION:

OLD BUSINESS:

NEW BUSINESS:

ZONING CHANGE

Christine Collier

8464 South Lake Rd., Town of Pembroke

(Tax Map #18.-1-70)

Application # 11.09.02

- Mrs. Collier is requesting a zone change for her property from commercial to AG/R.
- Genesee County Planning approved the application.

WHEREAS The Town of Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on October 19, 2011.

NOW, THEREFORE, BE IT RESOVLED the Town of Pembroke Planning Board hereby determines that there will not be a significant impact on the environment and makes a Negative Finding of Non-Significance for the project.

On **MOTION** of a negative finding by Linda Rindell, and seconded by Michael Bakos, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

WHEREAS, Christine Collier has petitioned for a Zone change at 8964 South Lake Rd. on property identified as TM#18.-1-70 from Commercial to AG/R.

NOW, THEREFORE, BE IT RESOLVED the Town of Pembroke Planning Board recommends to the Town Board that they Rezone three parcels as follows TM#18.-1-70, 18.-1-71 and 18.-1-72. The proposal is supported by the Town Comprehensive Plan as Lake Road is mostly zoned as AG/R. There is no need to continue it as zoned Commercial as all three parcels have dwellings sited on the properties.

On **MOTION** by David Knupfer, and seconded by Michael Herec, the following **RESOLUTION** was **ADOPTED** by roll call vote; Chairman Kutter, AYE; Michael Bakos, AYE; Linda Rindell, AYE, David Sabato, AYE; Michael Herec, David Knupfer, AYE.
ALL AYES—MOTION CARRIED.

A MOTION to adjourn the meeting was made by Michael Bakos, and seconded by David Sabato.

ALL AYES—MOTION CARRIED

Meeting Closed at 9:45 pm.

Respectfully Submitted,

Doneen Pfalzer
Acting Recording Secretary

These minutes are a draft only, subject to revision and or change prior to approval by the Town of Pembroke Planning Board.