



**TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on December 28, 2011

ATTENDANCE:

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

PUBLIC PRESENT: No Public Present.

MEETING called to order at 8:00 pm.

Chairman Kutter led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the November 30, 2011 Planning Board Meeting was made by **Linda Rindell**, second to motion was made by **Michael Herec**.

ALL AYES--MOTION CARRIED.

PUBLIC HEARING

John Yancey

9000 Lake Rd., Town of Pembroke

(Tax Map #18.-1-73)

Application #11.10.04

Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING was continued from November 30, 2011 Planning Board Meeting at 8:04 pm.

- Mr. Yancey is requesting a Special Use Permit for the alternation of an existing dwelling.
- Genesee County Health Department has concerns with the Septic System at the location.

The Public Hearing will therefore be TABELED until the Genesee County Health Department concerns have been resolved.

On **MOTION** made by **John Cima**, and seconded by **David Sabato**, the Public Hearing was **TABLED** by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE.

ALL AYES-MOTION CARRIED.

PUBLIC HEARING
Jason Strasser
670 Cohocton Rd., Town of Pembroke
(Tax Map #22.-1-16.21)
Application #11.12.02
Request for a **SPECIAL USE PERMIT**

PUBLIC HEARING opened at 8:11 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.

- Christine Lamb, the property owner, is present at tonight's meeting. She has agreed to allow Jason Strasser to act as her agent.
- Jason Strasser is requesting a Special Use Permit for the construction of a pond.
- No Neighboring Letters were returned.
- Genesee County Soil & Water approved the application.
- The request is within property line regulations.

PUBLIC PARTICIPATION—There was no Public Participation.

On **MOTION** made by **David Sabato**, and seconded by **John Cima**, the Public Hearing was CLOSED at 8:16.

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, John Cima; AYE.
ALL AYES-MOTION CARRIED

RESOLUTION #36 of 2011—JASON STRASSER/SPECIAL USE PERMIT

Jason Strasser has submitted application #11.12.02 requesting a Special Use Permit for the construction of a pond for property located at 670 Cohocton Rd., Town of Pembroke and identified as Tax Map #22.-1-16.21.

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 December 28, 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 Sabato, and seconded by John Cima, the following **RESOLUTION** was ADOPTED by roll call vote: Chairman Kutter; AYE, Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #37 of 2011—Jason Strasser/SPECIAL USE PERMIT

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

Kaysi Gominiak
8900 Lovers Lane Rd., Town of Pembroke
(Tax Map #19.-1-49.11)
Application #11.12.01
Request for a **TEMPORARY SPECIAL USE PERMIT**

- Mr. Gominiak is requesting a Temporary Special Use Permit to live in an existing dwelling during the construction of a replacement single family dwelling.
- A Public Hearing was not required as the request is temporary in nature.
- A timeline will be setup and followed by the applicant.

On **MOTION** made by David Sabato, 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, John Cima; AYE. ALL AYES-MOTION CARRIED

RESOLUTION #38 of 2011—Kaysi Gominiak/SPECIAL USE PERMIT

Kaysi Gominiak has submitted application #11.12.01 requesting a Special Use Permit for the construction of a dwelling, while living in the existing dwelling, for property located at 8900 Lovers Lane Rd., Town of Pembroke and identified as Tax Map #19.-1-49.11

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 December 28, 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 Michael Bakos, 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; AYE, John Cima; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #39 of 2011—Monroe Sommers/SPECIAL USE PERMIT

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

1. The Special Use Permit is good for one year with a six months extension allowed if requested by the applicant.
2. The Special Use Permit is to commence on date the Building Permit is issued.
3. The pre-existing dwelling must be removed before a Certificate of Occupancy can be issued for the new house.

∴
SPECIAL USE PERMITS

Inactive Special Use Permits were reviewed:

The Planning Board has the authority to rescind a Special Use Permit that has been abandoned for more than one (1) year. The Zoning Administration will issue a Notice of Abandonment to the owner of record of the property. The following Special Use Permit Holders have returned Notices stating they are have abandoned the Permit.

1. Christiansen, Michaeli TM#9.-2-44.1—Home Day Care—12/18/1996
2. LaTurner, Paul TM#25.-1-10.2—Restore and Sell Antiques—06/27/1979
3. Lega, Steven TM#16.-1-6—Wind Powered Pond Aeration Systems--
4. Wood, Charles TM#17.-1-44.2—Repair TV's and Electronics—06/28/2006

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

RESOLUTION 40 of 2011 that whereas Section 708-11-D-7 of the Pembroke Zoning Law specifies that when a Special Use Permit is abandoned for more than one (1) year, the Planning Board has the authority to rescind a Special Use Permit.

WHEREAS, The Zoning Administration will issue a Notice of Abandonment to the owners of record of the properties, listed above, and that there is evidence that the Special Use Permit has been abandoned.

NOW, THEREFORE, BE IT RESOLVED, The Town of Pembroke Planning Board hereby has determined that the four (4) Named Special Use Permit holders listed are hereby **REVOKED** due to inactivity.

DISCUSSION:

The following Special Use Permit holders have not responded to 1st class mail letters nor to Certified Letters sent in March of 2011 and may have their Permits Revoked by the Planning Board at its February 29, 2012 Meeting.

1. Ruthanne Marble TM#13.-1-29—Massage Therapy
2. Lawrence Ditzel TM# 14.-2-38—Sports Shop
3. Jeffrey Humel TM#12.-1-5.11—Container Storage

4. Gregory Kelly TM#20.-1-21.1—Seasonal Day Camp, Horseback riding
5. Bonnie Swimline TM#19.-1-18.1—Craft Store
6. Mary Thorpe TM#24.-1-46.1—Used Car Sales
7. Scott Waite TM\$16.-1-26—Snowmobiles Sales, Trailers and accessories
8. VIV. LLC TM#14.-2-28.2—Storage for equipment and Landscape

OLD BUSINESS:

NEW BUSINESS:

A **MOTION** to adjourn the meeting was made by Michael Bakos, and seconded by Linda Rindell.

ALL AYES—MOTION CARRIED

Meeting Closed at 8:33 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.