

**TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY. 14036**
Minutes for the regular meeting held on April 27, 2011

ATTENDANCE:

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

PUBLIC PRESENT: Eric Von Kramer and Glen T. Bailey

MEETING called to order at 8:03 pm.

Chairman Kutter led the “Pledge of Allegiance”.

Chairman Kutter asked for questions or any public participation, no questions were asked.

A Motion to Approve the minutes for the March 30th 2011 Planning Board Meeting was made by Ms. Rindell, second to motion was made by Mr. Knupfer. Mr. Cima abstained as he did not attend the March 30th meeting.

Voice Vote--Chairman Kutter; Aye, Michael Herec; Aye, Linda Rindell; Aye, David Sabato; Aye, John Cima; abstained, David Knupfer; Aye--Motion Passed.

BAILEY ELECTRIC MOTOR & PUMP SUPPLY

644 Main Road, Town of Pembroke

(Tax Map #18.-1-30)

Property Owner Roy Atwell

DISCUSSION: Bailey Electric wishes to continue operation at its present location at 644 Main Rd. as an Electric Motor Repair Shop. Mr. Bailey stated that he is in the process of purchasing a machine shop business located at 8964 Lake Rd. He

would like to continue this operation at the present Lake Rd. location on a smaller scale temporarily.

The property is listed for sale and when it is sold, Baileys will be given a sixty day notice to vacate the premises and move the machinery shop business to another location.

Property is zoned Commercial, therefore Special Use Permits are allowed. Zoning falls under light industrial which defines Baileys current operation.

The Planning Board suggested that the request was one of a temporary nature and would not be permanent. Being said that the property is up for sale and Baileys would have to vacate within sixty days of a sale.

Baileys are in the process now of removing equipment from the property and activity at the present location has decreased.

Mr. Bailey informed the Board that he will no longer repair electrical motors at the Lake Rd. site, as is primarily used as a machine shop.

If the new property owners want to rent the building to Baileys he would then be required to obtain a Special Use Permit. The current Use would not be grandfathered in. Baileys would be allowed to continue using the existing Use, if no changes are made to the business other than downsizing.

MOTION made by Mr. Knupfer and seconded by Ms. Rindell, that Baileys can continue the operation under the existing Use until the sale of the property. At that time a Special Use Permit will be required to continue operation.

ROLL CALL VOTE: All Ayes

MOTION Carried.

The new owners may apply for a Special Use Permit if they would like as long as it falls into the proper Zoning Codes. All potential buyers should inquire with the Zoning Administration before closing.

ERIC VON KRAMER
2323 Main Rd. Town of Pembroke
(Tax Map #17.-1-64)

DISCUSSION: Eric Von Kramer is requesting he be granted a site plan approval for a 300-400 ft. area of his building to be rented to A-1 Water Systems. The property has a Special Use Permit for the sale of Automobiles and is zoned Light Commercial in which retail sales are a permitted use. The building is approximately 1800 sq. ft.. One sixth of it would be rented to A-1.

A-1 is asking to have deliveries of water treatment supplies, pallet storage and an area designated for repair work.

No direct sales, retail sales, nor displays, will be conducted from the property by A-1 Water Systems. There may be residential pick-up of water treatment supplies. Traffic should not be an issue and as there is ample parking.

Their business is generated from trade shows, return customers, and possibly real estate agents.

A-1 Water Systems is a Father-Son operation and they will require a small workshop and storage area.

A site plan is required for the inside as well as the outside of the building. All site plans must be reviewed by the Genesee County Planning Board prior to consideration by the Town of Pembroke Planning Board.

Chairman Kutter spoke with Jim Duvall who deferred to the Town of Pembroke Attorney Mark Boylan for an opinion. According to Zoning, retail Sales is an allowed use at Von Kramer's property. The Attorney suggested that the use should not conflict with the original Special Use Permit. Attorney Mark Boylan recommended Mr. Von Kramer obtain a Site Plan for the building and parking that also shows delivery areas.

VOTING will occur at the next scheduled Planning Board Meeting.

DISCUSSION: Special Use Permit

A question has arisen as to the number of Special Use Permits that can be granted for one property. There cannot be multiple Special Use Permits with two exceptions. If a person has applied for a Special Use Permit to construct a farm pond or if a person obtains a Special Use Permit to build a house in a limited business zone. In these instances a property can have two Special Use Permits, providing they can be sited without interfering with the original permit. If an owner wants to change his Use from the original permits he needs to apply for an amendment to the existing Special Use Permit. If the amended use is compatible with the original use the Planning Board may consider an amendment.

The Town of Pembroke Building and Codes Administrator expressed some concerns about Mr. Von Kramer's building. It appears the second floor may be unsafe and there would be a need for an engineer to draw up plans so the building could be brought up to code. The building has been vacant for a number of years and may not meet New York State Building and Codes requirements for general business.

Conditions can be placed on the use of the second floor restricting use until Mr. Von Kramer has an engineering study completed stating the building is sound and up to code. Therefore the second floor cannot be used for any purpose unless it has been inspected by an engineer and Mr. Von Kramer has submitted construction drawings.

The Board also expressed concern about a couple of trailers that are parked on the property. Mr. Von Kramer assured the board that the trailers have been sold and will be removed from the property within a few days. He stated he had allowed Jeff Humel, whom owns the trailers, a "one-time favor" to park the trailers on the property in the expectation that they would sell. Mr. Von Kramer suggested that this will not occur again.

No more questions or concerns were addressed at this time.

DISCUSSION: Home Wind Energy Systems was tabled until Jill Babinski of Genesee County Planning can provide the Board with more information.

OLD BUSINESS

All Special Use Permit holders who have not responded to previous mailings must now be sent registered letters as proof of contact by the Town of Pembroke.

INDIAN FALLS SUBDIVISION

The issue with the 911 emergency system and house numbering was discussed. Proper procedures were followed by the Planning Board in that Chairman Kutter had consulted with Pembroke School and the Fire Department before making any decisions concerning the subdivision. The Planning Board and the Fire Department walked the site. A signed Letter of Approval from the Fire chief was received to the Town. The School District agreed in writing with the condition that the turnaround would be sufficient for the school buses.

All future subdivision projects shall be completed by the subdivision regulations.

EDUCATION: The Spring Local Government workshop held in Pittsford takes place Friday, May 13, 2011 and a portion of the board will attend to meet the required hours of education set for this year.

NEW BUSINESS: Kokots might open a business similar to “Berry Farms” on Marble Road. It may contain a Butterfly Conservatory, Earth Garden, and sell vegetables. There may be a concern with “Permitted Uses” in the area. Applicant needs to submit a detailed application.

AMOTION to adjourn the meeting was made by David Sabato, and seconded by Linda Rindell.

All Ayes—Motion Carried.

Meeting Closed at 9:00pm.

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.