

**TOWN OF PEMBROKE
PLANNING BOARD
1145 Main Rd., Pembroke, NY 14036**
Minutes for the regular meeting held on May 25, 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, Frank Dalfonso, Fred Large, Sandra R. Norkman-Miles, Ben Miles, Donna Schafer and Edward Wuif.

MEETING called to order at 8:00 pm.

Chairman Kutter led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the April 27, 2011 Planning Board Meeting was made by John Cima , second to motion was made by Linda Rindell.

Voice Vote—All Ayes Motion to Approve Minutes.

BAILEY ELECTRIC MOTOR & PUMP SUPPLY
8964 Lake Rd., Town of Pembroke
(Tax Map #18.-1-70)
Property Owner, Albert Collier

DISCUSSION:

At the April 27, 2011 Planning Board Meeting there was a discussion regarding the continued operation of Collier Machine Shop Service at its Lake Rd. location. If a New Property owner wanted to rent to Bailey he would not be required to obtain a new Special Use Permit, the current use would be grandfathered in. Bailey would be allowed to continue under the existing Non-Conforming Use as long as there are no changes in the business. This is based on an opinion by Town of Pembroke Attorney Mark Boylan in an e-mail to Chairman Kutter. The e-mail is appended to these minutes.

After discussion with the Town of Pembroke Attorney Mark Boylan: If a new owner is interested in continuing to rent the shop to the person who has taken over the machine shop service, it

would then continue as a non-conforming use. Per Section 304 of the Zoning Law the non conforming use continues regardless who operates the business as it runs with the land as long as it is not abandoned for more than a year.

The Property is Zoned Commercial.

ROLL CALL VOTE: ALL AYES

MOTION CARRIED.

**PUBLIC HEARING
BENJAMIN MILES
13923 Knapp Rd., Town of Pembroke
(Tax Map # 14.-1-4.11)
Application # 11.05.01
Request for a **SPECIAL USE PERMIT****

PUBLIC HEARING was called to order at 8:15pm. 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. Miles is requesting that an area of 250’x600’ of his property located at 13923 Knapp Rd. Town of Pembroke Tax Map# 14.-1-4.11 be used by R.C. Pulsars of WNY as a Radio Control Model Plane Site. The club will hold an occasional demonstration for the Boy Scouts of America. They are fully insured and abide by the National Safety Standards. In the future they plan to build a pavilion.
- There was one Neighboring Letter returned concerning the amount of noise. The resident lives on Remsen Road and wished to remain anonymous.
- The planes would not fly over the roads and are restricted by “Flight Lines”. The planes are also under club restrictions for noise omissions.
- There is ample parking.
- The field is bordered by a hedge row and a corn field.
- There may be three to four members flying during the weekdays and up to six or eight on a typical weekend.
- The Club will also hold “Family Picnics” which may gather from thirty to forty persons.
- Operation will be during daylight hours only for approximately three to four hours.

PUBLIC PARTICIPATION—There was no Public Participation.

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

RESOLUTION #12 of 2011—BENJAMIN MILES/Special USE PERMIT

WHEREAS Benjamin Miles has submitted application #11.05.01 requesting a Special Use Permit for the property located at 13923 Knapp Rd., Town of Pembroke and indentified as Tax Map #14.-1-4.11.

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 May 25, 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 Michael Herec, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #13 of 2011—MILES, BENJAMIN/SPECIAL USE PERMIT

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

PUBLIC HEARING CLOSED AT 8:25 PM.

ERIC VON KRAMER

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

- Mr. von Kramer is requesting to add a second use to an existing Special Use Permit for his property located at 2323 Main Rd., Town of Pembroke, Tax Map # 17.-1-64.
- The second use will be used by A-1 Water Systems. Primarily for storage of water treatment supplies, some repair work of water systems and occasional pick-up and deliveries.
- Approximately 300'-400' of the 1800' building will be needed by A-1.
- A Site Plan Review was performed by Genesee County Planning Board prior to consideration by the Town of Pembroke Planning Board. Genesee County Approved the plan with the restriction the Town Planning Board ensure that there is adequate onsite parking for both businesses, to avoid the need for parking in the right-of-way.
- Mr. Von Kramer assured the board that he will not be using the second floor.

NO QUESTIONS WERE ASKED.

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

RESOLUTION #14 OF 2011-ERIC, VON KRAMER/SPECIAL USE PERMIT APPROVAL

WHEREAS Eric Von Kramer has submitted application #11.04.02 requesting a second use be added to an existing Special Use Permit at his property located on 2323 Main Rd., Town of Pembroke and identified as Tax Map #17.-1-64.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at a meeting held on May 25, 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 Michael Herec, and seconded by John Cima, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED.

RESOLUTION #15 OF 2011-ERIC, VON KRAMER/SPECIAL USE PERMIT APPROVAL

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

DONNA SCHAFFER

1132 Sliker Rd., Town of Pembroke

(Tax Map # 9.-1-8.113)

Application #11.05.02

Request for LAND SEPARATION.

- **Mr. Schaffer** has submitted a request for a land separation of the property located at 1132 Sliker Rd., Town of Pembroke, Tax Map #9.-1-8.113.
- The parcel will then be merged with Tax Map # 9.-1-8.112 meeting the requirements.
- The LAND SEPARATION will not be APPROVED without the Merge.

NO QUESTIONS WERE ASKED.

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

ALL AYES-MOTION CARRIED.

RESOLUTION #16 OF 2011 DONNA SCHAFFER/LAND SEPERATION

WHEREAS Donna Schaffer has submitted application #11.05.02 for a Land Separation at her property located on 1132 Sliker Rd., Town of Pembroke and identified as Tax Map #9.-1-8.113.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at a meeting held on May 25, 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 Michael Herec, and seconded by John Cima, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED.

RESOLUTION #17 OF 2011-Donna, Schaffer/Land Separation

RESOLVED that land Separation is hereby approved by the Town of Pembroke Planning Board.

OLD BUSINESS:

Wind Energy, Non-Commercial System will be discussed in full at the next Town of Pembroke Planning Board Meeting tentatively set for June 29, 2011.

NEW BUSINESS:

There was discussion on setting up a Hamlet District in the Zoning Law. East Pembroke is considered a Hamlet. Therefore if a person was to look upon opening a mini-mart they would not be capable of doing so. If the Town Board would set up a Hamlet District they may be able to obtain a Permit if it is included as a Permitted Use. This is an idea that the Planning Board may consider for the future.

James Duvall and Chairman Kutter are looking into training for Board Members similar to the one held at the County Building.

County Line Stone is located in Erie County; they would like to expand their business into Pembroke. This would require a Zoning change and it would require the Town Board to do so. It may take up to ten years and could trigger much controversy, with possible loss of water and increased noise.

A **MOTION** to adjourn the meeting was made by John Cima, and seconded by David Sabato.

ALL AYES--MOTION CARRIED.

Meeting Closed at 9:04 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.*



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