



**TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on July 27, 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: James Reinhardt, James Tuttle, Thomas Schneider, Shellye Dale-Hall, Adam Walters and Andrew Corsa.

MEETING called to order at 8:00 pm.

Chairman Kutter led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the June 29, 2011 Planning Board Meeting was made by Linda Rindell, second to motion was made by Michael Herec.

Voice Vote—All Ayes Motion to Approve Minutes.

PUBLIC HEARING

James Reinhardt

8783 South Lake Rd., Town of Pembroke

(Tax Map # 18.-2-24.11)

Application # 11.06.01

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.

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- Mr. Reinhardt is requesting that he may construct a pond. The property is located at 8783 South Lake Rd. Town of Pembroke Tax Map# 18.-2-24.11, currently owned by Jacob Reinhardt Sr. of 8757 South Lake Rd.
- There was one Neighboring Letter returned stating that they are in agreement with Mr. Reinhardt's request.
- James Reinhardt will be purchasing the property from parent Jacob Reinhardt in the near future.
- Genesee County approved the application.

PUBLIC PARTICIPATION—There was no Public Participation.

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

RESOLUTION #18 of 2011—JAMES REINHARDT/SPECIAL USE PERMIT

James Reinhardt has submitted application #11.06.01 requesting a Special Use Permit for the property located at 8783 South Lake Rd., Town of Pembroke and indentified as Tax Map #18.-2-24.11.

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 July 27, 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 Linda Rindell, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE, Linda Rindell ; AYE, David Sabato ; AYE, Michael Herec; AYE, David Knupfer; AYE.
ALL AYES-MOTION CARRIED

RESOLUTION #19 of 2011—REINHARDT JAMES/SPECIAL USE PERMIT

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

PUBLIC HEARING CLOSED AT 8:15 PM.

MICHAEL HEREC
482 Main Rd., Town of Pembroke
(Tax Map #18.-1-14.111)
Application #11.07.01
Request for a **LAND SEPARATION**

- Mr. Herec has submitted a request for a Land Separation of the property located at 482 Main Rd., Town of Pembroke, Tax Map #18.-1-14.111
- The Parcel will then be merged with Tax Map #18.-1-14.12 property located at 460 Main Rd., Town of Pembroke meeting the requirements.
- Mr. Herec submitted a Notarized Letter authorizing him to act as agent for Wayne Striewing, the current property owner.
- The Planning Board offered alternative suggestions for Mr. Herec's consideration.

NO QUESTIONS WERE ASKED

On **MOTION** made 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; **ABSTAIN**, David Knupfer; AYE. **ALL AYES-MOTION CARRIED.**

RESOLUTION #20 OF 2011 MICHAEL HEREC/LAND SEPARATION

WHEREAS Michael Herec has submitted application #11.07.01 for a Land Separation for property located on 482 Main Rd., Town of Pembroke and identified as Tax Map # 18.-1-14.111.

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at a meeting held on July 27, 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 Linda Rindell, and seconded by David Sabato, the following **RESOLUTION** was **ADOPTED** by roll call vote: Chairman Kutter; AYE; Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; **ABSTAIN**, David Knupfer; AYE.

ALL AYES—MOTION CARRIED.

RESOLUTION #21 OF 2011—MICHAEL HEREC/LAND SEPARATION

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

DISCUSSION:

Adam Walters is an Attorney representing the Genesee County Economic Development Center. This discussion will be a status update and an overview of what they are currently considering for a new Business Park on lands East of Route 77 and North of Route 5.

There will be more details to come as they move forward with the project. Attorney Walters was accompanied by Andrew **Corsa** from Clark **Patterson**. Mr. **Corsa** is providing the engineering services for GCEDC. The GCEDC over the last several months has been negotiating with some of the owners of the properties. They are looking at about three acres at the top of Vision Parkway as well as adjoining properties which cover an estimated 160 acres. GCEDC currently has options for all the properties for the project. They are now planning on going into a zoning process and SEQR process to get the property "Shovel Ready".

The GCEDC had in the past options for "Vision Parkway" but they have expired and were unable to renegotiate. Now they have put together an approximately 165 acre area and will bring in maps better displaying the parcels involved. The meeting held on July 27, 2011 is just an overview of what they are considering along with the recommendations Clark Patterson presented for this evening.

Attorney Walters explained the current plans presented for development purposes. He presented the board with three different concepts and detailed drawings. The plans had a "loope around" off of route 77 and Vision Parkway. The first plan discussed offered a larger warehouse concept, the next being a medium to a small building model, and the final was the construction of longer buildings.

North of the old Peanut railroad tracks is a wetlands. It is approximately 65 acres which will stay wetlands and undeveloped. Storm water retention will have to be maintained separate and other acreage will be preserved for that. The GCEDC did have a wetland delineation which will include a drainage bed. Archeology investigations are underway and fields are being plowed for a surface collection. Approximately half of the fields have been plowed and there has been some surface and shovel testing performed. A traffic study is underway; information from the DOT has been gathered from the Buffalo East Projects. Six Borings are scheduled for possible July 28 or 29, 2011. The Borings will be roughly thirty feet deep depending on the conditions.

No property bordering Route 5 is included with this project. In the future there may be potential for expansion. They are looking at 160 acres, 65 which are wetlands, leaving roughly 95 for development. This will leave about one million to one and a half million square feet for development when fully built out.

They may create sub-division parcels which could be used as several smaller purposes. The third design would consist of longer buildings, but because of the slopes, bigger buildings may not work. They would like to avoid moving a lot of dirt and would like the parcels to fit into the elevation. The drainage would break up the parcels from front to back. There are small out-layers off to the side that will be used as smaller development parcels. It also has the possibility of warehouse and distribution because of its location next to the thruway.

Target acquired Zellers in Canada and is looking for a stop in the NY corridor for a new warehouse distribution facility so this site may be attractive to them. Office use is also a possibility but is really not the focus of the project.

The idea is flexibility, create a plan that can withstand the process, get the SEQR process complete and put behind all the potential environmental issues, have everything clean, tight, sewed up, and ready for the project.

They are looking for this site to be zoned as a PUD (Planned Unit Development). The object is to have the Planning Board work in conjunction with the Town Board to go thru the PUD process. It will come to the Planning Board first for a recommendation to the Town Board. The Town Board could rezone it to PUD which would present a flexible mix of uses to be allowed on the property. They will define the areas, setbacks and height of the buildings as all part of the application process. The goal is to have the Town Board act as lead agency for purposes to coordinate with everyone. The Town Board would get a PUD referral for recommendation from the Planning Board at the same time the County Planning Board would be asked to review it. Mr. Walter will return and present with more detail, once all the preliminary studies are complete. He will then make sure all the bases have been covered and any issues are discussed.

The property is now zoned AG/R so it will be required to be changed. The preference would be PUD. Attorney Walter would like to meet with the Town Board to collaborate and ensure everyone agrees with the concept. The preliminary environmental results could be back sometime in early August. They will then come in formerly with a PUD application. It could possibly be on the agenda for the August Planning Board meeting.

The Planning Board would like to have an educational workshop explaining in detail what is forthcoming. All parties agreed that it would be beneficial before any voting should take place. Clark Patterson will bring in some of the experts whom prepared some of the information so the board can ask questions of them as well.

GCEDC wishes to set the property up as PUD because it will resolve many of the issues created with several land separations. It would create a zoning district thru plan. It would require preceding preparation thus avoiding some of the unforeseen concerns

Topography has begun, including associated driveways and parking.

The new Storm weather requirements from the DEC effective March of 2011 will be followed. The requirements are extreme; as a result they will need to build many storm water ponds. They have preliminary drawings of such ponds. A very comprehensive SEQR review will be conducted. One of the things they do is to gather all of the studies to do a detailed report that will be presented to the Boards, so everyone is clear and if there are any concerns, discussions can occur.

Clark Patterson will try and deliver packets of information to Board members before the August meeting of the Planning Board, and they will return for informal discussion. An extra meeting may be scheduled in the middle of September to vote on the application.

The Zoning Board Chairman mentioned a land locked parcel that should be avoided. GCDEC will address that issue at the upcoming meetings.

County Smart Growth contains about half of the property considered for this project. Public Relations will be handled through processes of studies, several Public Hearings, and with contact with the County.

A list of adjoining property owners will be provided by Mr. Walters, he will also be notifying them with the intent.

OLD BUSINESS

Board Education: Mr. Kutter spoke with James Duvall of Genesee County he is setting up a program for board members and that will meet their obligations.

NEW BUSINESS

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

ALL AYES—MOTION CARRIED

Meeting Closed at 8:55 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.