



**TOWN OF PEMBROKE  
ZONING BOARD OF APPEALS  
Minutes for the regular meeting held on January 18<sup>th</sup> 2012**

**ATTENDANCE:**

- Chairman- Thomas Schneider
- Vice Chairman- Nathan Witkowski
- Ronald Kasinski
- Terrance Daniel—Absent
- Richard Doktor
- Doneen Pfalzer-ZBA Secretary

**PUBLIC PRESENT:** Peter Sformo, John Worth and Patrick Fiedler.

**MEETING** called to order at 7:30pm.

**A Motion to Approve** the Minutes for the December 21, 2011 Zoning Board Meeting was made by Nathan Witkowski second to motion made by Ronald Kasinski.

Voice Vote—ALL AYES—MOTION PASSED.

**PUBLIC HEARING  
CLEAN ENERGY**

8484 Allegheny Rd., Town of Pembroke  
(Tax Map #15.-1-24.2)  
Request for **AREA VARIANCE**

**PUBLIC HEARING** called to order at 7:40 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 Schneider read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Pilot Travel Centers LLC. Provided a Letter of Authorization stating Clean Energy may act as agent for the purpose of obtaining the necessary permits and approvals related to building projects at the property., 8484 Allegheny Rd. Town of Pembroke (TM # 15.-1-24.2).
- Patrick Fielder represented Clean Energy and was present at the meeting.
- Clean Energy is requesting a nine ft. area variance for the construction of two fuel storage tanks.
- Zoning district is INT the maximum allowed height is 35 ft.
- Ms. Julie Stone, a neighboring property owner returned a letter of no objection to the project with the stipulation Flying J moves an easement. She stated "The current plan calls for paving over our well easement." She is requesting an updated plan prior to approvals.
- The application was approved by Genesee County Planning at its January 12, 2012 meeting.

- A detailed Site plan was provided.

**PUBLIC PARTICIPATION**—There was no Public Participation.

The Following Concerns were addressed:

- The height of the tanks is a necessity as LNG is lighter than air and will vaporize as it rises and warms, the height therefore increases safe storage.
- Burying the tanks will constrict ventilation and could create an unnecessary risk.
- The tanks are specialized in design and a limited amount of companies to date have the capability to construct them.

The ZONING BOARD is considering what effect the additional nine feet in height will have on the environment and if the request is staying within the character of the existing properties.

The short form environmental assessment was deemed adequate in that the request is a commercial project and is less than ten acres of development.

**NO QUESTIONS ASKED**

On **MOTION** to CLOSE the Public Hearing made by Nathan Witkowski and seconded by Richard Doktor.  
Voice Vote—ALL AYES

**MOTION PASSED**

The Public Hearing closed at 8:31 pm.

**WHEREAS** The Town of Pembroke Zoning Board of Appeals has made a detailed review of the Environmental Assessment Form and has been accepted at this meeting held on January 18, 2012.

**NOW, THEREFORE, BE IT RESOVLED** the Town of Pembroke Zoning Board of Appeals 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 Nathan Witkowski, and seconded by Richard Doktor, the following was **ADOPTED** by roll call vote: Richard Doktor; AYE, Chairman Schneider ; AYE, Nathan Witkowski ; AYE, Ronald Kasinski; AYE.

**ALL AYES-MOTION CARRIED**

**WHERE AS**, the Interchange District was designed to blend commercial and light industrial uses; and

**WHERE AS**, Flying J Travel Centers currently operates a Truck Stop, as allowed for under **Section 408-B-8** of the Town Zoning Law, selling various grades of motor fuels; and

**WHERE AS**, Clean Energy, having partnered with Flying J Travel Centers, will offer alternative fuel, in the form of a LNG (Liquid Natural Gas) Fueling Station, to the over-the-road trucking community; and

**WHERE AS**, the Planning Board of the County of Genesee, of the State of New York has reviewed the variance application and recommended approval; and

**WHERE AS**, a determination has been made that no adverse environmental impacts exist from the storage tanks being 9-feet greater in height than is allowed under the Town Zoning Law; and

**WHERE AS**, the addition of said LNG storage tanks will not significantly alter the character of the Interchange District;

**NOW, THEREFORE**, Be It Resolved by the Zoning Board of Appeals of the Town of Pembroke, State of New York, that:

**Section 1:** A 9-foot height variance is granted to facilitate the construction of **two (2)** 44-foot tall LNG storage tanks at the Flying J Travel Plaza, 8484 Allegheny Road, Corfu, NY 14036.

**Section 2:** Said 9-foot height variance will only be in effect if an amended Special Use Permit, to allow for the operation of said LNG Fueling Station, is granted by the Planning Board of the Town of Pembroke, State of New York.

On **MOTION** made by Chairman Schneider, and seconded by Ronald Kasinski, **APPROVAL** of an area variance of nine (9) ft. based on the nature of the request and that it will not pose an impact to or change the character of the existing neighborhood.

**ROLL CALL VOTE:** Richard Doktor-Aye; Chairman Schneider-Aye; Nathan Witkowski-Aye; Ronald Kasinski-Aye.

**ALL AYES—MOTION PASSED.**

**Zoning Board Decision: APPROVAL WITH NO RESTRICTIONS.**

**Discussion:**

Yancey Fancey is considering a building expansion and has started some of the permit process. The storage tanks on site are over the height maximum of thirty-five feet. As they proceed with the project it will be recommended that the tanks be addressed and brought into compliance with the Town of Pembroke Zoning regulations.

**Old Business:**

**New Business:**

A **MOTION** to close the meeting was made by Nathan Witkowski, seconded by Ronald Kasinski.

Voice Vote—ALL AYES

**MOTION PASSED**

Meeting adjourned at 8:55 pm.

Respectfully Submitted,  
Doneen Pfalzer-ZBA Secretary

Thomas Schneider-ZBA Chairman

*These minutes are a draft only, subject to revision and/or change prior to approval by the Zoning Board of Appeals.*