



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on October 17, 2012**

ATTENDANCE:

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

PUBLIC PRESENT:

MEETING called to order at 7:30 pm.

A Motion to Approve the Minutes for the September 19, 2012 Zoning Board Meetings was made by Terrance Daniel, second to motion made by Richard Doktor.

Voice Vote—**ALL AYES—MOTION PASSED.**

PUBLIC HEARING

Ho Hum Reality

7910 Gorton Rd., Town of Pembroke

(Tax Map #11.-1-3.1)

Request for **AREA VARIANCE**

PUBLIC HEARING called to order at 7:32 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.

- Ho Hum Reality is requesting a front yard area variance of 280 ft.
- Zoning District is AG the required minimum is 200 ft. for a residence and 300 ft. for farmland.
- A notarized letter of authorization was presented.
- The application did not require Genesee County recommendation.
- A survey of the property was provided.
- The parcel was separated once prior, Terrance Daniel replied that in a AG district parcels are only be divided so many time from the original, and there are restrictions on building houses in the AG district limiting lot sizes to 200x200, therefore the remaining parcel would become non-conforming and would have no use.
- Board members asked if there are any other options available to the applicant.
- Chairman Schneider spoke, he has reached the area and there are no lots in character or in nature that are similar to this request.

PUBLIC PARTICIPATION—Joseph & Marie Vaughn appeared, they are under contract with Ho Hum Reality for the right of first refusal and they wish to exercise their right to purchase the woods, this would eliminate the need for a variance.

On **MOTION** to CLOSE the Public Hearing made by Nathan Witkowski and seconded by Terrance Daniel.

Voice Vote—ALL AYES

MOTION PASSED

The Public Hearing closed at 7:52 pm.

On **MOTION** made by Nathan Witkowski and seconded by Terrance Daniel, of **DENIAL** of an area variance of two hundred eighty ft. based on the nature of the request will pose significant impact, that it is a substantial request at 280 ft. creating a flag lot and that there are feasible alternatives, also it is a self-created hardship, the property was divided in 2010.

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

ALL AYES—**MOTION CARRIED.**

Zoning Board Decision: DENIED.

PUBLIC HEARING
Indian Falls Property Mgt.
1227 Gilmore Rd., Town of Pembroke
(Tax Map #9.-1-43.2)
Request for **AREA VARIANCE**

PUBLIC HEARING called to order at 8:00 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.

- Indian Falls Property Mgt. is requesting a front yard area variance of 32 ½ ft. for the location of a deck.
- Zoning district is MDR the required minimum is 50 ft. from the centerline of the road.
- The request required Genesee County recommendation.
- A detailed Site plan was provided.
- The application had no representation.

PUBLIC PARTICIPATION—No one spoke.

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

MOTION PASSED

The Public Hearing closed at 8:07 pm.

- Board members discussed whether the application required Genesee County recommendation. They felt that because the property was within 500 ft. of a state highway and also borders a creek that it will be beneficial to table the decision until the County has made a review.

On **MOTION** made by Chairman Schneider, and seconded by Richard Doktor, the application was **TABLED** until Genesee County Planning can make a recommendation.

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

ALL AYES—**MOTION CARRIED.**

Zoning Board Decision: TABLED.

Discussion: Several of the board members are interested in attending the Local Government workshop and will be registered to do so.

Old Business:

New Business:

- The next scheduled ZBA meeting will be held on Tuesday November 20, 2012.

A **MOTION** to close the meeting was made by Terrance Daniel, seconded by Ronald Kasinski.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:30 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.