



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on November 20, 2012**

ATTENDANCE:

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

PUBLIC PRESENT: Mr. & Mrs. Jeffrey Alexander, Mr. & Mrs. Manucha & Lawrence Owczarczak.
MEETING called to order at 7:30 pm.

A Motion to Approve the Minutes for the October 17, 2012 Zoning Board Meetings was made by Terrance Daniel, second to motion made by Thomas Schneider.
Voice Vote—**ALL AYES**—**MOTION PASSED.**

PUBLIC HEARING

Jeffrey Alexander

8371 North Lake Rd., Town of Pembroke

(Tax Map #14.-2-58)

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.

- Jeffrey Alexander is requesting an area variance to stable seven (7) goats on less than two (2) acres.
- A one (1) acre area variance in addition to the following variances would be needed to bring said property into compliance; an 62ft front lot, 20ft north side lot, and a 50ft rear lot line variance. Town Zoning law requires a 2-acre parcel and 100 ft. from all lot lines for the stabling of animals.
- Genesee County recommended disapproval based on the substantial variances and the request may pose significant impact.
- Two neighboring property owners replied, Pamela Thayer & Scott Fehr, stating they have "no problems" with the goats being stabled there.
- Seven neighboring property owners expressed disapproval of the application.
- Mr. & Mrs. Alexander were present to answer questions from the board.
- The Alexander's are not the property owners and did not provide a letter of authorization therefore the application could not be acted on at tonight's meeting.

PUBLIC PARTICIPATION— Mr. & Mrs. Manucha spoke and said they are not willing to sell any acreage to the Alexander's at this time.

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 7:42 pm.

Board Members spoke:

- Chairman Schneider said that zoning was written to encourage a large enough parcel to help alleviate some of the issues that stabling farm animals may present in an agricultural residential area.
- Maybe the Alexander's should consider buying additional acres so the request would be conforming.
- The board must consider whether an undesirable change would be produced, will the request be a detriment to the neighboring property and can the request be achieved by another feasible means.
- Relocating the shed and fence will only alleviate one of the lot line variances needed.
- If the application is approved it will set precedent for other variances of this magnitude.
- The board has legal obligations that they must follow.
- The county denied the request on two bases; the lack of proper acres and the lot line variances. Therefore the Town of Pembroke Zoning Board would need a super majority to grant approval.
- This is also a self-created hardship because zoning was in effect when the goats were placed on the property.
- It was also suggested that the number of goats be reduced. Terrance Daniel replied this would still leave multiple farm animals on less than two acres and this would set a precedent.
- Nathan Witkowski said the variances are substantial, one at 62 ft. another at 50 ft. The request is excessive.

On **MOTION** made by Nathan Witkowski and seconded by Richard Doktor, to **TABLE** the decision until a letter of authorization can be presented.

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.

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

- Indian Falls Property Mgt. is requesting a front yard area variance of 32 ft. for the location of a deck.
- Zoning district is MDR the required minimum is 50 ft. from the centerline of the road.
- The building was out of compliance when Zoning was instituted.
- The proposed deck doesn't encroach any farther than the restaurant, as it exists today.
- Genesee County recommended Approval.
- A detailed Site plan was provided.
- Lawrence Owczarczak appeared to present the application.

SEQR was discussed and a determination was made, that this would be a Type 2 action because the alterations were under 4000sqft. and the proposed use of the deck didn't change the nature of the business currently in operation.

On **MOTION** made by Terrance Daniel and seconded by Ronald Kasinski, **APPROVAL** of a front yard area variance of 32ft. based on Genesee County Planning's recommendation for Approval and the nature of the request will not pose significant impact to or change the character of the existing neighborhood or change the current use of the property.

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

ALL AYES—MOTION PASSED.

Zoning Board Decision: APPROVAL WITH NO RESTRICTIONS.

Discussion:

Old Business:

New Business: Chairman Schneider completed five hours of training and Ronald Kasinski completed 4.25 hours of training at the "Fall Local Government Workshop".

A **MOTION** to close the meeting was made by Thomas Schneider, seconded by Ronald Kasinski.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:35 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.