



TOWN OF PEMBROKE PLANNING BOARD

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on February 29, 2012

ATTENDANCE:

- Chairman-Richard Kutter—Absent
- Vice Chairman-Michael Herec
- Michael Bakos
- Linda Rindell
- David Sabato
- John Cima
- David Knupfer
- Doneen Pfalzer-Acting Recording Secretary

PUBLIC PRESENT: Brian Bailey, Heather Bailey, Jamie Waff, Craig Blake, Brent Rosiek, Peter Sformo and Thomas Schneider.

MEETING called to order at 8:00 pm.
Vice Chairman Herec led the “Pledge of Allegiance”.

A MOTION to Approve the Minutes for the January 25, 2012 Planning Board Meeting was made by **John Cima**, second to motion was made by **Linda Rindell**.
ALL AYES--MOTION CARRIED.

PUBLIC HEARING Clean Energy

8484 Allegheny Rd., Town of Pembroke
(Tax Map #15.-1-24.2)
Application #12.01.01

Request for a **SPECIAL USE PERMIT/SITE PLAN REVIEW**

PUBLIC HEARING opened at 8:07 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 Vice Chairman Herec 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 located at 8484 Allegheny Rd. TM#15.-1-24.2.
- Patrick Fielder represented Clean Energy and was present at the meeting
- Clean Energy is requesting a Special Use Permit and a Site Plan review.
- Zoning District is INT.
- 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 approval.

- A revised Site Plan was provided.
- Genesee County Planning approved the application at its January 12, 2012 meeting with the stipulation the site plans be reviewed by the Pembroke Fire Department.

PUBLIC PARTICIPATION—The Town of Pembroke Buildings and Codes Administrator expressed concern that if the Site Plan encompassed an area greater than one acre of land it may require a Stormwater Prevention Pollution Plan that includes Water Quality and Quality Control components. The Applicant may be able to modify their plan to disturb less than one (1) acre and avoid the requirements.

On **MOTION** made by **David Sabato**, and seconded by **David Knupfer**, the Public Hearing was CLOSED at 8:18.

ALL AYES—MOTION CARRIED.

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

ALL AYES-MOTION CARRIED

RESOLUTION #3 of 2012—CLEAN ENERGY/SPECIAL USE PERMIT & SITE PLAN
Clean Energy has submitted application #12.01.01 requesting a Special Use Permit & Site Plan Review for the construction of a Liquefied Natural Gas Refueling station located at 8484 Allegheny Rd., Town of Pembroke and identified as Tax Map #15.-1-24.2.

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 February 29, 2012.

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 David Knupfer, the following **RESOLUTION** was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell ; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; 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 Special Use Permit and the Site Plan and recommended approval; and

WHERE AS, a determination has been made that no adverse environmental impacts exist from the Special Use Permit and the Site Plan; and

WHERE AS, the addition of said refueling stations will not significantly alter the character of the Interchange District;

NOW, THEREFORE, Be it resolved by the Planning Board of the Town of Pembroke, State of New York,

RESOLUTION #4 of 2012—Clean Energy/SPECIAL USE PERMIT & SITE PLAN REVIEW

RESOLVED that said Special Use Permit & Site Plan is hereby APPROVED by the Town of Pembroke Planning Board with the following stipulations.

1. A written document must be provided from the Pembroke Fire Department stating they have no concerns with the project.
2. The Town of Pembroke Engineering Consultant Clark Patterson provides a document stating they have reviewed the plans and has no concerns.
3. Julie Stone of Interchange Development LLC. and Flying J's have reached an agreement with the easement.

Yancey's Fancy, Inc.
857 Main Rd., Town of Pembroke
(Tax Map #14.-2-24.12)
Application #12.01.03
Request for a **SITE PLAN REVIEW**

- Mr. Brian Bailey is requesting expansions to a cheese processing facility located at 857 Main Rd., Town of Pembroke.
- A detailed Site Plan was provided.
- The property is zoned Commercial.

Brian Bailey has submitted application #12.01.03 requesting a Site Plan Review for the expansion of a cheese processing facility, for property located at 857 Main Rd., Town of Pembroke and identified as Tax Map #14.-2-24.21.

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

ALL AYES-MOTION CARRIED

RESOLUTION #5 of 2012-Yancey's Fancy/SITE PLAN REVIEW

WHEREAS Yancey's Fancy has requested a Site Plan Review for property located at 857 Main Rd., Town of Pembroke, TM#14.-2-24.21 for the purpose of expanding the cheese processing facility; and

WHEREAS The Pembroke Planning Board has made a detailed review of the Environmental Assessment Form and accepted same at this meeting held on February 29, 2012;

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 John Cima, seconded by Linda Rindell, the following **RESOLUTION** of Negative Finding was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

RESOLUTION #6 of 2012—Yancey's Fancy/SITE PLAN REVIEW

WHEREAS Yancey's Fancy has requested a Site Plan Review for property located at 857 Main Rd., TM#14.-2-24.21 for the purpose of the expansion of the cheese processing facility; and **NOW, THEREFORE, BE IT RESOLVED** that said Site Plan Review is hereby **APPROVED** by the Town of Pembroke Planning Board as presented.

RESOLUTION was **ADOPTED** by roll call vote: Michael Bakos; AYE, Linda Rindell; AYE, David Sabato; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

DISCUSSION:

NEW BUSINESS:

OLD BUSINESS:

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

ALL AYES—MOTION CARRIED

Meeting Closed at 9:00 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.