



**TOWN OF PEMBROKE  
PLANNING BOARD  
1145 Main Rd., Pembroke, NY 14036  
Minutes for the regular meeting held June 27, 2012**

**ATTENDANCE:**

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

**PUBLIC PRESENT:** Hernan Caraballo, Warren Clark, Joan Clark, Jim Garrett, Frank Powell, Robert Todd Jantzi, Michael Welsh, Augusta Welsh, Donna Elliott, John McCarmil, Chuck Lowder, Debra Stalker, Codes Administrator Shellye Dale-Hall and Supervisor Edwin Mileham.

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

**PUBLIC PARTICIPATION:** No comments were made.

A **MOTION to Approve** the Minutes for the March 28, 2012 Planning Board Meeting was made by Linda Rindell, second to motion was made by John Cima.  
ALL AYES--MOTION CARRIED.

**PUBLIC HEARING**

**Warren Clark**

998 Main Rd., Town of Pembroke

(Tax Map #19.-1-10.1)

Application #12.05.02

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 Chairman Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Mr. Clark is applying for a Special Use Permit and a Site Plan Review to convert a single family dwelling in to a double by adding an apartment in the basement.
- Mr. Clark was present at the meeting
- Zoning District is Commercial in the front and AG/R in the rear.

- A sketch of the project was presented as well as an Ariel photo of the property.
- Genesee County Planning recommended approval with modifications. County Planning would like a more detailed site plan as well as the total habitable floor area for both dwellings.
- Cheryl Wolbert, a neighboring property owner returned a letter stating she has no issues with the proposal.

**PUBLIC PARTICIPATION**—No questions were asked.

Board Member Linda Rindell inquired about fire exits and whether the apartment had more than one way to exit in the event of an emergency.

Mr. Clark responded that the dwelling would be constructed with four large windows that could be used as emergency exits.

Questions were also raised about the septic system. Mr. Clark intends to hook-up to the Town Sewage line when it becomes available along Main Rd.

On **MOTION** made by David Sabato, and seconded by David Knupfer, the Public Hearing was **TABLED** until the following concerns have been addressed.

1. The applicant will obtain certification from Genesee County Health Department stating that the septic system has sufficient capacity for two families.
2. A revised Site Plan is provided displaying the dimensions of both dwellings.
3. The driveway and parking for both dwellings are clearly displayed.

**ALL AYES**—**MOTION CARRIED**.

**High Point Community Church**  
1163 Main Rd., Town of Pembroke  
(Tax Map #15.-1-23.112)  
Application #12.05.03  
Request for a **SITE PLAN REVIEW**

- High Point will be installing a kitchen area to the building.
- A detailed Site Plan was provided as well as a detailed plan of the building.
- The property is zoned INT.
- Genesee County Planning recommended Approval at its June 14, 2012 meeting, stating that the addition of a kitchen would not impose significant impact.

**High Point** has submitted application #12.05.03 requesting a Site Plan Review for the addition of a new kitchen, for property located at 1163 Main Rd., Town of Pembroke and identified as Tax Map #15.-1-23.112.

Michael Herec questioned what the kitchen would be used for. The representative stated it would not be open to the public and its use is intended for church events only. He also stated that the construction would be commercial grade.

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, Chairman Kutter; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

### **RESOLUTION #12 of 2012-High Point Community Church/SITE PLAN REVIEW**

**WHEREAS** High Point Community Church has requested a Site Plan Review for property located at 1163 Main Rd., Town of Pembroke, TM#15.-1-23.112 for the purpose of adding a new kitchen; and

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

ALL AYES-MOTION CARRIED

### **RESOLUTION #13 of 2012—High Point Community Church/SITE PLAN REVIEW**

**WHEREAS** High Point Community has requested a Site Plan Review for property located at 1163 Main Rd., TM#15.-1-23.112 for the purpose of the adding a new kitchen area; 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, Chairman Kutter; AYE, Michael Herec; AYE, John Cima; AYE, David Knupfer; AYE.

ALL AYES-MOTION CARRIED

### **PUBLIC HEARING**

**Christopher Dollard**

715 Genesee St., Town of Pembroke

(Tax Map #22.-1-40)

Application #12.06.01

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

**PUBLIC HEARING** opened at 8:20 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 Kutter read the Affidavit of Posting and discussed the Notice to Adjoining Property Owners.

- Mr. Dollard is applying for a Special Use Permit and a Site Plan Review for the construction of a three (3) bay pole barn for storage of trucks and equipment relating to a concrete cutting business.
- Mr. Dollard will be acting as agent for Suzanne Cook, the current property owner, and has provided proper documentation.
- Zoning District is AG/R.
- A sketch of the project was presented as well as an Ariel photo of the property.
- Genesee County Planning recommended Disapproval stating a “contractor’s yard” is not a permitted use in an AG/R district and that the proposal may cause significant impact to the surrounding residential area.
- Mr. Dollard did not appear before the board.
- No neighboring letters were returned.

**PUBLIC PARTICIPATION**—Peter Sorgi, from Hopkins and Sorgi law firm appeared representing Hernan Caraballo, a neighboring property owner, stating that the requested use was not allowed in an AG/R district and does not seem to be consistent with the character of the area. An additional neighboring property owner spoke and expressed concerns about noise levels, increased dust and truck traffic.

On **MOTION** made by Linda Rindell, and seconded by David Knupfer, the Public Hearing was CLOSED at 8:30 pm.

ALL AYES—MOTION CARRIED.

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

ALL AYES-MOTION CARRIED

**RESOLUTION #14 of 2012—Christopher Dollard/SPECIAL USE PERMIT & SITE PLAN DENIAL**

**Christopher Dollard** has submitted application #12.06.01 requesting a Special Use Permit & Site Plan Review for the construction of a three (3) bay pole barn on property located 715 Genesee St., Town of Pembroke and identified as Tax Map #22.-1-40.

**WHEREAS** The Town of Pembroke Planning Board has agreed with Genesee County Planning Department and neighboring property owners and has accepted at this meeting held on June 27, 2012 at the Town of Pembroke Planning Board hereby determines that the request will impose significant negative impact to the surrounding area

**NOW, THEREFORE, BE IT RESOVLED** that Christopher Dollard’s request for a Special Use Permit and Site Plan Review be **DENIED** by the Town of Pembroke Planning Board as presented.

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

**Robert Jantzi**  
8777 Boyce Rd., Town of Pembroke  
(Tax Map # 20.-1-49.111)  
Application #12.06.05  
Request for LAND SEPARATION.

- **Robert Jantzi** will be acting as agent for property owner Frank Powell and has provided proper documentation.
- Robert Jantzi has submitted a request for a land separation for property located at 8777 Boyce Rd., Town of Pembroke, Tax Map #20.-1-49.111.
- The existing dwelling, garage, pole barn and approximately twenty-five (25) acres will be separated from a 153.9 acre parcel.
- Zoning District –AG/R.

NO QUESTIONS WERE ASKED.

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

ALL AYES-MOTION CARRIED.

**RESOLUTION #15 OF 2012 Robert Jantzi/LAND SEPERATION**

**WHEREAS** Robert Jantzi has submitted application #12.06.05 for a Land Separation for property located on 8777 Boyce Rd., Town of Pembroke and identified as Tax Map #20.-1-49.111.

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

ALL AYES-MOTION CARRIED.

**RESOLUTION #16 OF 2012-Robet Jantzi/Land Separation**

**RESOLVED** that land Separation is hereby **APPROVED** by the Town of Pembroke Planning Board.

**James C. Garrett**  
Cohocton Rd., Town of Pembroke  
(Tax Map # 22.-1-10.211)  
Application #12.06.06  
Request for LAND SEPARATION.

- **James Garrett** will be acting as agent for property owner Bruce Buyers and has provided proper documentation.
- James Garrett has submitted a request for a land separation for property located on Cohocton Rd., Town of Pembroke, Tax Map #22.-1-10.211.
- The applicant wishes to separate a 23'x150' piece of land from a twenty acre parcel and merge it with an existing parcel.
- Zoning District –AG/R.

NO QUESTIONS WERE ASKED.

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

ALL AYES-MOTION CARRIED.

**RESOLUTION #17 OF 2012 James Garrett/LAND SEPERATION**

**WHEREAS** James Garrett has submitted application #12.06.06 for a Land Separation for property located on Cohocton Rd., Town of Pembroke and identified as Tax Map #22.-1-10.211.

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

ALL AYES-MOTION CARRIED.

**RESOLUTION #18 OF 2012-Robet Jantzi/Land Separation**

**RESOLVED** that land Separation is hereby **APPROVED** by the Town of Pembroke Planning Board with the following Stipulations:

1. The split property will be merged with property owned by James Garrett.
2. The deed must state the piece will be merged.

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**DISCUSSION:** Jeffrey Humel/Site Plan Review & Special Use Permit for property located at 1633 Indian Falls Rd., Town of Pembroke, TM#12.-1-5.11. Mr. Humel and Chairman Kutter toured the site a few days prior to tonight's meeting.

- A "Holding Tank" has been installed below ground level in a pole barn. It is unclear if the tank is used to retain sewage from the port o johns.
- It is assumed that no permits or approvals were granted to construct the tank as the Town has no record pertaining to a "Holding Tank" in the submitted site plan.
- A building permit was issued in 2010 for the construction of a pole barn that was to be used as a storage unit only.
- Neighboring property owners are again expressing concerns about the dust, noise, traffic and the smell of diesel fuel prohibiting them from enjoying their properties.
- A discuss occurred about the Special Use Permit that was approved for the property. It is believed that said Permit was approved with stipulations that may limit the amount of activity at the site and whether or not they have been enforced properly.
- It appears that a building used in the past for nursery sales has been converted in to three apartments and has housed tenants for at least one year.
- The Town has no record of an application to convert the building and has no record pertaining to an approved septic system for a multi family dwelling.
- A Certificate of Occupancy should be issued before any dwelling becomes occupied to ensure the structure meets codes. The Town has no record of such a certificate.

Board members discussed the importance that the property owner or a representative for the property attend a meeting so issues can be addressed. No one appeared at the June meeting to represent the property. Chairman Kutter will send a letter to Mr. Humel requesting he or a representative appear at the next scheduled meeting. If a representative fails to appear at that time the matter will be turned over to the Town Attorney.

This discussion will continue at the July 18, 2012 meeting at which time a public hearing maybe requested.

**PUBLIC PARTICIPATION:** No further questions.

**NEW BUSINESS:**

**OLD BUSINESS:**

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

ALL AYES—MOTION CARRIED

Meeting Closed at 9:13 pm.

Respectfully Submitted,

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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.*